

SENATE—Wednesday, April 7, 1993

(Legislative day of Wednesday, March 3, 1993)

The Senate met at 1:30 p.m., on the expiration of the recess, and was called to order by the Honorable DANIEL K. AKAKA, a Senator from the State of Hawaii.

PRAYER

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

Let us pray:
The King shall joy in thy strength, O Lord; and in thy salvation how greatly shall he rejoice!—Psalm 21:1.

Eternal God, Lord of history, Ruler of nations, help the leadership of our Nation to discover the strength of the Lord as many ancient kings did, that they may labor in that strength and in the pleasure of His might.

Gracious Father, these have been difficult days, filled with frustration and emotion. As the Senators disperse for the spring recess, go with each in blessing and strength. May the futility that has been felt be dissolved, and may the recess be a time of healing and restoration. Bless the Senators with their families that their time together may be profitable and that they may return prepared for the hard work ahead.

We pray in His name who is Lord of the nations. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 7, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DANIEL K. AKAKA, a Senator from the State of Hawaii, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. There will now be a period for the transaction of morning business, with Senators permitted to speak therein for not to exceed 10 minutes each.

The Senator from Hawaii is recognized.

CONDITIONAL RECESS OR ADJOURNMENT OF THE SENATE AND HOUSE

Mr. INOUE. Mr. President, on behalf of the majority leader I send a concurrent resolution to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report the concurrent resolution.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 23) providing for a conditional recess or adjournment of the Senate on Wednesday, April 7, 1993 until Monday, April 19, 1993, and a conditional adjournment of the House on Wednesday, April 7, or Thursday, April 8, 1993, until Monday, April 19, 1993.

The ACTING PRESIDENT pro tempore. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the concurrent resolution (S. Con. Res. 23) was considered and agreed to as follows:

S. CON. RES. 23

Resolved by the Senate (the House of Representatives concurring). That when the Senate recesses or adjourns on Wednesday, April 7, 1993, pursuant to a motion made by the majority leader, or his designee, in accordance with this resolution, it stand recessed or adjourned until 2 p.m. on Monday, April 19, 1993, or until 12 noon on the second day after Members are notified to reassemble pursuant to section 2 of this resolution, whichever occurs first; and that when the House of Representatives adjourns on Wednesday, April 7, 1993, pursuant to a motion made by the majority leader, or his designee, in accordance with this resolution, it stand adjourned until 12 noon on Monday, April 19, 1993, or until 12 noon on the second day after Members are notified to reassemble pursuant to section 2 of this resolution, whichever occurs first.

SEC. 2. The majority leader of the Senate and the Speaker of the House, acting jointly after consultation with the minority leader of the Senate and the minority leader of the House, shall notify the Members of the Senate and the House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

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

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

The motion to lay on the table was agreed to.

NATIONAL ORGAN AND TISSUE DONOR AWARENESS WEEK

Mr. INOUE. Mr. President, on behalf of the majority leader I ask unanimous consent that the Judiciary Com-

mittee be discharged from further consideration of Senate Joint Resolution 66, National Organ and Tissue Donor Awareness Week, that the Senate proceed to its immediate consideration, that the resolution be deemed read a third time, passed, that the preamble be agreed to and the motion to reconsider be laid upon the table.

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

The joint resolution (S.J. Res. 66) was deemed read the third time and passed.

The preamble was agreed to.

The joint resolution, with its preamble, is as follows:

S.J. RES. 66

Whereas a new patient is added to the national patient waiting list for an organ transplant every 20 minutes;

Whereas thousands of lives are saved or significantly improved annually by organ and tissue transplantation; and

Whereas increasing the number of transplantable organs and tissues would save American taxpayers millions of dollars: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That weeks beginning April 18, 1993, and April 17, 1994, are each designated "National Organ and Tissue Donor Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such weeks with appropriate programs, ceremonies, and activities.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi.

ECONOMIC EXPANSION

Mr. COCHRAN. Mr. President, the discussion of economic stimulus and growth and expansion of our economy have dominated Senate debate over the last several weeks.

I read two articles in the Christian Science Monitor which I thought were appropriate to the debate. One is in connection with the North American Free-Trade Agreement which was negotiated in the administration of and actually signed by President Bush. During the campaign, then-candidate—now President—Clinton, expressed support for the agreement but suggested that certain modifications in the form of side agreements needed to be considered. Those have been discussed now.

This article makes the point that it would be a very important step toward economic expansion for the United States if this agreement could go forward and be implemented as it has been negotiated.

One provision of this article says:

Every credible study has concluded that NAFTA will be a decisive economic plus for the U.S., creating good jobs for American workers and making the U.S. economy stronger.

Elsewhere in the article the author has this to say:

Latin America spent some \$60 billion on U.S. exports last year, more than either Japan or Germany.

The size of this economy is expanding. The importance of a free trade relationship between the two countries is obviously very important to future economic growth for the United States, and so a part of any economic stimulus plan should be the carrying forward of our commitments to a North American Free-Trade Agreement.

The other article I mention, Mr. President, is entitled "Economy on Upward Path." This article points out that the economy here in the United States is expected to expand—in terms of the gross domestic product—by 3.5 percent this year. There is concern, however, over some of the proposals made by the President in his economic plan of so-called recovery for America. A recent survey, this article says, of the board of the National Association of Manufacturers, found that 83 percent did not think the President's plan would stimulate the economy, 70 percent said it would not create new jobs, and 93 percent doubted it would increase private investment.

Mr. President, I ask unanimous consent that both articles I referred to in the Christian Science Monitor be printed in the RECORD.

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

[From the Christian Science Monitor, Apr. 1, 1993]

NAFTA AGREEMENT IS GOOD U.S. ECONOMICS
(By Peter Hakim)

The Greeks have a saying: "Milk turns sour when shaken too much."

That is what may be in store for the North American Free Trade Agreement (NAFTA) unless the Clinton administration moves forward quickly to nail down the details of this accord and presses hard to gain its approval in Congress.

Throughout his presidential campaign, Bill Clinton consistently supported NAFTA and its goal of eliminating trade barriers between the United States, Mexico, and Canada.

A month before the election, he devoted an entire speech to endorsing the 2,000-page NAFTA pact negotiated and subsequently signed by then-president George Bush—although signaling his intention to seek supplemental accords on a few issues like the environment and labor rights that were not adequately addressed.

Since taking office, however, the Clinton administration has done little to build public and Congressional backing for the agreement.

The president's few statements on NAFTA, although supportive, have been brief and lacking in enthusiasm. US Trade Representative Mickey Kantor has been energetically promoting the agreement, but swelling criticism has put him on the defensive.

If the president wants a NAFTA agreement, he and his advisers must now take the initiative. They need to communicate a clear and comprehensive rationale for proceeding, linking NAFTA to the administration's strategy for revitalizing the American economy. Until that is done, NAFTA's critics will have the field to themselves. They have been effective in galvanizing the opposition, so much so that doubts are emerging on whether NAFTA can gain approval.

In contrast, the president's allies on the issue remain on the sidelines, finding it difficult to join the debate without direction from the White House.

The president has to make a convincing case for NAFTA, not by responding to its critics, but by fully explaining how this agreement serves US interests. Time is running short. Here are the key arguments that should be advanced:

Every credible study has concluded that NAFTA will be a decisive economic plus for the US, creating good jobs for American workers and making the US economy stronger.

Exports to Mexico will expand significantly in response both to lowered trade barriers and increased Mexican buying power, as that economy prospers. Every dollar Mexico spends on imports, more than 70 cents ends up in the US. Nowhere else do we enjoy that advantage. In the last five years, as Mexico has emerged from its economic slump, its purchases from the US have soared by nearly 150 percent to almost \$40 billion in 1992 and could eclipse our sales to Japan.

The promise of closer economic cooperation has already contributed to a sharp decline in the suspicion and distrust that traditionally characterized Mexican attitudes toward the US, and is opening the way for more effective cooperation on such other vital issues as drugs, immigration, and the environment.

NAFTA will produce improvements in environmental conditions within Mexico and along the US border. Mainstream environmental groups acknowledge that NAFTA already includes sound ecological provisions.

These should be further strengthened by the proposed supplemental accords.

Although NAFTA will lead to a net gain in US employment, it will also put some American workers out of jobs. The administration has to make clear that it will address the needs of displaced workers through improvements in US labor legislation.

The administration should recognize it is concluding an economic pact with a nation that is not genuinely democratic, and commit itself to pressing Mexico to open its politics, keep elections honest, and end human rights abuses.

Finally, NAFTA should be promoted as a crucial first step toward building a hemisphere-wide free trade area. Although struggling to shake off a prolonged economic depression, Latin America spent some \$60 billion on US exports last year, more than either Japan or Germany. In recent years, the region has been our fastest growing export market.

By boosting Latin America's economic prospects and opening further its markets, free trade arrangements would spark new demands for US goods and services.

Every 1 percent of added growth in Latin America increases US exports by about \$5 billion, compared with only \$1 billion for the same rise in Japan's growth rate. And, as in the case of Mexico, stronger US-Latin American economic relations are the essential basis for stronger political ties and expanded cooperation on many shared problems.

NAFTA is good trade policy, good economic policy, and good Latin American policy.

[From the Christian Science Monitor, Apr. 1, 1993]

ECONOMY ON UPWARD PATH, BUT NOT AT ROUSING PACE

(By Ron Scherer)

Moderate economic growth may be on the books for the second half of the year.

At least that's how economists are interpreting a 0.5 rise in the February index of leading economic indicators, released yesterday. The largest positive contributors to the report were manufacturers' unfilled orders—which will keep factories busy in the future as they fill the orders—and contract orders for plant and equipment. The numbers indicate "moderate growth," according to Merrill Lynch & Co.

However, the economic indicators do not point toward the kind of robust economy desired by the White House. "This is not a full-blown rousing recovery; there is just enough increase to ward off the wolves," says Bob Dederick, chief economist at Northern Trust Company in Chicago.

"The Clinton administration will not be doing handstands with these economic numbers," Mr. Dederick says.

The new numbers are not likely to change economists' views that growth will accelerate modestly in the second half, after growing by 3 to 3.5 percent in the first half. In a forecast released yesterday, the University of California at Los Angeles predicts the nation's gross domestic product, the sum of all products and services, will grow by 3.5 percent this year.

Despite the better economic numbers, some economists are not impressed. "The real forward-looking indicators in the financial markets are soft. * * * The dollar is softening up, which is a real bet the US economy is not going to be leading in growth," says Lincoln Anderson, the economist at Fidelity Investments in Boston.

Even though the economy is continuing to grow, economists are not convinced the pace can be maintained without some growth in employment. On Friday, the government releases the March unemployment rate, which is expected to remain at the 7 percent level. "It is important that we start to get some better employment data. In the last analysis, people with jobs and income spend. Those who don't won't," says Donald Straszheim, chief economist at Merrill Lynch.

He says economists should not draw too many conclusions from the March data because of the impact of the snowy winter.

There is no question the adverse weather had an impact on business. For example, William Toal, chief economist at the Portland Cement Association, reports cement shipments dropped 10.6 percent in January. He expects shipments were down in February and March as well. Despite these drops, he expects 1993 to be a very good year since the industry is running at 86 percent of capacity.

"We are already getting calls from people wondering where they can source cement," says Mr. Toal.

The end of winter should start to benefit a lot of businesses. "We may see a boost in the April housing starts numbers," predicts Michael Carliner, an economist at the National Association of Home Builders in Washington.

Yet Mr. Carliner does not expect any large increase in home building this year even though mortgage rates are at their lowest point in 20 years.

"The weakness in employment and consumer confidence will restrain builders," he says. On Tuesday, the Conference Board reported its index of consumer confidence fell for the third month in a row.

Home builders are also concerned about the soaring price of lumber, which has more than doubled in the last six months. This has added \$5,000 to the price of a new home. Carliner is hopeful President Clinton's forest conference tomorrow will help resolve the probe since the price rise stems partly from restrictions on the sale of timber from government lands.

"If the president says he is going to ease up, the market will respond quickly," predicts Carliner.

Although President Clinton can help reduce the price of a house in the future, some business leaders are doubtful his economic plan will stimulate the economy or increase private investment.

In a survey of its board of directors to be released today, the National Association of Manufacturers (NAM) found 83 percent did not think the plan would stimulate the economy, 70 percent said it would not create new jobs, and 93 percent doubted it would increase private investment. The NAM plans to meet with Treasury Secretary Lloyd Bentsen today to critique the Clinton economic plan.

Despite the views of NAM directors, there is still no sign that business is losing confidence. In a recent survey of 5,000 firms, Dun & Bradstreet found 44 percent of all firms expect to increase outlays during 1993, while only 17 percent expect lower expenditures.

Economists expect this optimism to be reflected in the April 8 government report on plant and equipment spending for the third quarter of last year. Early indications are it will rise 5 percent.

"There are signs industry is doing better, which we expect will be reflected, in business capital spending," says Richard Rippe, chief economist at Prudential Securities Inc.

The ACTING PRESIDENT pro tempore. The Senator from Idaho is recognized, Mr. KEMPTHORNE.

THE REPUBLIC OF BOSNIA AND HERZEGOVINA

Mr. KEMPTHORNE. Mr. President, I rise today in support of Senate Resolution 79, introduced by the distinguished junior Senator from Wisconsin [Mr. FEINGOLD].

Mr. President, I feel compelled to speak out on the current situation in the Republic of Bosnia and Herzegovina.

This area of the world has been filled with atrocities for hundreds of years. While the Serbs are currently the aggressors, for centuries they were the victims. The Serbs may consider this justice, or retribution, as they seek to unite all Serbians into a greater Serbian State.

But while I can be aware of and sympathetic to the history of the Serbs being the victims, I cannot simply watch the current atrocities being directed at the Bosnian Moslems and sit by dispassionately.

I have read with horror the atrocities of the Jewish Holocaust in World War II. This Nation was appalled and repulsed when it learned of what had

taken place. A vow was made that has been invoked repeatedly and that vow is "Never again, never again."

But it is happening again. We are being desensitized to such horror by the phrase "ethnic cleanings." In another era we called it murder. We called it genocide. We called it a holocaust.

We said, "Never again." For me personally, if I choose not to speak out because it may be controversial, then I cannot in good conscience or good faith use that emotional phrase simply at times when it is politically convenient. I must be outspoken when I believe that atrocities and genocide are happening. And they are happening in Bosnia.

Let me read you the definition of genocide according to Webster's dictionary.

Genocide: The use of deliberate systematic measures (as killing, bodily or mental injury, unlivable conditions, prevention of births) calculated to bring about the extermination of a racial, political or cultural group or to destroy the language, religion, or culture of a group.

Genocide is taking place today; it is taking place in Bosnia and Herzegovina.

So who is right? Atrocities have taken place in this region for centuries. And for most of those centuries, including through World War II, the Serbs were the victims. It is deplorable and tragic what was done to the Serbs. But we cannot atone for such a bloody past, and we cannot condone such a bloody revenge. We must deal with the present.

So what do I advocate be done? Do I advocate the use of United States ground forces in Bosnia? Absolutely not. We do not seek strategic advantage in the Balkans. My reason for this action is based solely on humanitarian concerns.

Do I believe that the European nations should play a greater role in leading the parties to peace? Absolutely.

Then what can the United States do differently at this time that it is not already doing? I advocate that the current U.N. arms embargo be lifted as to Bosnia and Herzegovina.

One concept that Americans certainly understand is self-defense. Now it may seem extremely inconsistent that to advocate peace in the region I advocate that weapons be allowed. However, the fact is that as long as one side is so clearly dominant in firepower, as the Serbs are with the arsenal of the former Yugoslavian Army, there is no impetus to go to the peace table.

Lifting the arms embargo will, at best, allow some balance to this dire situation so that all sides will seek peace. At worst, it may allow some form of self-defense that may curb some of these atrocities.

All must be reminded that this action would not be necessary if the

Serbs would agree to a cease-fire and end the horror that has become Bosnia and Herzegovina.

I also advocate a concept first suggested by Senators DANFORTH, KASSEBAUM, and LAUTENBERG that rape should be regarded as a war crime. Rape is a brutal crime in any situation. It is being deliberately used as a means to defile Bosnian women because in their religion and in their culture, rape makes them unwanted and unsuitable for marriage or for childbearing, and thus, another means to ending a race.

I ask my colleagues to join in these efforts so that the phrase "Never again" is one which we honor and not just simply mouth.

It is a pledge that civilization made to the Holocaust victims. We owe it to them. We owe it to ourselves. And we owe it to the children, all of our children whether they are Serbs, Moslems, Croats, or any other nation of this world.

Mr. President, I ask unanimous consent that my name be added to Senate Resolution 79 as a cosponsor, and I yield the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Idaho yields the floor.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

TRIBUTE TO FRED SCHWENGEL

Mr. SIMPSON. Mr. President, I think many of us were very saddened to learn of the recent passing of former Congressman Fred Schwengel. He was a very special man, a very kind, gentle individual, a man deeply engaged in his two great passions: history and politics.

Fred served in the House while my father served in the U.S. Senate. I recall very well that my father just arrived on the political scene in Washington in the early sixties as Fred was putting together the beginnings of what was to become his magnificent obsession, which was the U.S. Capitol Historical Society. Magnificent is just what he made it. He was the Historical Society's founding president and its driving force. It was through his work with that marvelous organization that I came to know him and hold him in such high regard. Without Fred's dedicated labors, we would not have our knowledge of the splendid artifacts and the works of art that make this wonderful building a place where history is

made and has been made and history is revered and recorded in infinite detail.

This building belongs to the people of the United States. That was Fred's view of it. We were just temporary occupants of it. I shall not enumerate all of Fred's accomplishments over the years because he did so much in a lifetime of public service. Perhaps his greatest achievement is the fact that under his superb leadership, the Historical Society acquired over a million dollars' worth of art and artifacts and historical documents that are viewed by Americans from every State as they come to watch their Government in action.

Fred had a true passion for this institution, and this building was an integral part of his spirit. His spirit will occupy it forever, and his warm genuine feelings for this Capitol and his excitement about it were very infectious. I hope many Members have been able to, as I did, take some of those guided tours with Fred Schwengel. Today, this very day in the Capitol, the building is filled with people touring. How he loved to do that with them.

Over the years, I came to know Fred through a long list of common activities: reading, our enjoyment of commemorative coins—interest and hobbies we both found very consuming and rewarding. The unique paths that led us both to this remarkable arena were marked by a great many of the same signposts and stops along the way in which we both thoroughly enjoyed those experiences.

He also had a great love of sports. We enjoyed talking about our days, earlier days in college athletics. He was a remarkable track star at Northeast Missouri State Teachers College, probably could jump a little higher than at least I could in those days when I weighed 260 and had hair and thought beer was food.

Nevertheless, we both shared a great love for the games of our youth, and we would reminisce about them from time to time.

In college, it was there Fred began to focus on two of the three great loves of his life: history and politics. He was fascinated, immediately so, and identified with one of the major figures of our Nation's past: Abraham Lincoln.

I, too, have always admired Lincoln's abilities and his courage in the face of great hardship, and I, too, found great inspiration in his life.

Then soon after college, Fred discovered the remaining and the most important part perhaps of his life's plan, for it was after college that he married his beloved Ethel, and their life together became a truly remarkable success and love story. With Ethel at his side, he moved on to newer things and bigger things, and he made his political dreams a reality then. He became active in local Republican politics, and when he felt the time was right he ran

for and won election to the U.S. House of Representatives. He served ably and well there for eight terms before he retired in 1993. He left an impressive mark on this institution which we love and deeply respect.

He was a very wonderful, down-to-earth person, easily understood philosophies of Government, understood history and how to make it work, and he understood politics. He understood partisan politics and how you could make that work, too.

As a devoted student of Lincoln, Truman, and other great leaders of our country, Fred crafted his own political philosophy of moderation in all things. He had no ability to take much patience with extremists in his own party. He held very firm to the belief that moderation is a virtue and that extremism a divisive device. For Fred, moderation was the key element that recognizes the common fate and aspirations of all human beings; it alone understands the influences that drive people to extremes; and moderation alone respects the sacredness of humanity.

Fred, too, had a great love of Masonry, in the Freemasonry of the world, for he was a very active Mason, attaining the highest degree, the 33d degree from that special fraternity. He was very honored to receive the Grand Cross of Honor from the Scottish Rite of Freemasonry, an honor which I have also been proud to receive.

Still, all of his success would not have been possible nor held the same meaning for him without his life's partner Ethel. That is something else we have in common. We are both blessed by the presence of special spouses, talented, intelligent women who saw us through all of the high peaks and low valleys that life and politics have to offer, and through it all Ethel shared 61 years of a very special life with this man. They were not only richer for that themselves, we all are and were.

And so now the Senate and the Members of the House who served with Fred, and all of the staff and all of those who knew him and loved him, reach out to Ethel and their wonderful family to offer comfort and support at this time of sorrow. May God bless them. They will be in our thoughts and prayers.

Through his work in the Historical Society, and also a most extraordinary writing that he was so proud of, he prepared and sought publication of a book entitled "The Republican Party, Its Heritage and Its History." It is more a history of moderation within the Republican Party, which has made people gravitate toward that party, a very remarkable document, and that will be part of a remarkable heritage.

And so, through his work in the Historical Society, by his service in Congress, and because he was an inspired and inspiring man, Fred has left behind

an incredible legacy. His was a life fully and well lived. While we all shall deeply miss him, may we all find solace in the knowledge that Fred's love for and dedicated service to the history of this remarkable building will never be diminished. His presence will be here through the decades.

I thank the Chair.

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

The ACTING PRESIDENT pro tempore. The Senator from Wyoming [Mr. SIMPSON] suggests the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

APPOINTMENT BY THE MAJORITY LEADER

Mr. INOUE. Mr. President, on behalf of the majority leader, pursuant to Public Law 103-3, I announce the appointment of the following individuals as members of the Commission on Leave:

The Senator from Connecticut [Mr. DODD];

Lenore Miller, of New Jersey; and
Donna Lenhoff, of the District of Columbia.

TRIBUTE TO BERT BLYLEVEN

Mr. DURENBERGER. Mr. President, last Thursday baseball lost one of its truly great competitors with the retirement of pitcher Bert Blyleven. Known throughout the game for his biting curveball and good humor, I can safely say that he will be missed by baseball fans both young and old.

Bert began his major league career in 1970 with the Minnesota Twins and during a career which spanned three decades he played on two world championship teams and amassed 287 victories. His longevity also produced 3,701 strikeouts as well as 60 shutout victories.

But his contributions to baseball have gone far beyond the playing field. Bert Blyleven is also known throughout baseball for his leadership in the clubhouse and his influence on young players. He has served as a teacher to many players and although he has left the game his influence will remain.

Bert ended his career in the same way he had played the game: with class. Perhaps he said it best when he stated:

I've heard that the Florida Marlins are interested. Well, there are kids there who have the dream of pitching in the majors, and why should some 42-year-old guy who hasn't been in camp with them come in and take their

spot? Baseball is a great game and everybody should have the opportunity to fulfill their dreams. I have. Now it's time to let some other kid do it.

Mr. President, in my view that statement exemplifies the true spirit of what baseball is all about.

I congratulate Bert Blyleven on his many accomplishments on and off the field and I thank him for allowing the fans of Minnesota to be a part of his marvelous career.

SOUTH DAKOTA: STATE OF OPPORTUNITY

Mr. PRESSLER. Mr. President, during these past few weeks, the majority of the Senate's debate has focused on an allegedly struggling economy and whether legislative action—namely additional deficit spending—will remedy our Nation's ails. Indeed, the No. 1 concern facing America today is the growing national debt—which is now over \$4 trillion. I do not believe increasing this astronomical Federal debt through what has been designated emergency spending is the answer. Indeed, such a practice is the long-term problem, not the long-term solution.

While the national debt is our most serious domestic problem, I am here to remind my colleagues not to lose sight of our Nation's strengths. The 103d Congress will face many tough challenges and issues throughout the next 2 years. During this time, let's not have it be said that we "could not see the forest for the trees." With that, I encourage my colleagues to reflect on the successes of their home States—such as balanced budgets and health care reform initiatives. Indeed, much is right with our country—particularly in my home State of South Dakota.

Mr. President, last fall I had the privilege to report to my colleagues that Sioux Falls, SD, was recognized as the best place to live in America in the September 1992 issue of *Money* magazine. Such an acknowledgment is well deserved and I congratulate the citizens of Sioux Falls for their continuous efforts to ensure the city maintains its number one rating.

I am pleased to report once again that South Dakota has received national recognition. In the April 4, 1993, *Parade* magazine, South Dakota was highlighted in the article, "The Best Places in the U.S." The *Parade* article listed seven categories as those people consider the most important aspects of their living environment. These categories include:

- Best for getting a job;
- Best for young families;
- Best for entrepreneurs;
- Best for retirement;
- Best for college students;
- Best for finding a mate; and
- Best for diversity.

Two South Dakota cities—Rapid City and Sioux Falls—were included among

cities in six States in the "Best for getting a job" category. Rapid City and Sioux Falls were recognized because of their low rates of unemployment, as reported by the U.S. Department of Labor. In fact, South Dakota consistently ranks among the States with the lowest unemployment rates in the Nation. I ask unanimous consent that a chart provided by the South Dakota Department of Labor, depicting the State's employment growth by industry from 1988 through 1992, be printed in the *RECORD* at this point.

South Dakota also was noted by *Parade* in the "Best for young families" category. This recognition was given for the State's college preparedness—with South Dakota having the third highest college entrance test scores in the Nation.

Mr. President, South Dakotans should be proud for being recognized in two of the more important categories. *Parade's* acknowledgment should not be taken lightly. South Dakotans work hard to maintain a safe and friendly atmosphere in which to raise their families, while at the same time, support efforts to further the State's economic development.

What makes South Dakota such a great place to live? A variety of factors. Low crime rates, a diverse economy, and excellent health care facilities are just a few. Time after time, South Dakota is recognized in news articles and surveys for its many exceptional attributes. I would like to share with my colleagues a few of the noteworthy successes of my home State.

South Dakota recently established a statewide information superhighway—the South Dakota Rural Development Telecommunications [RDT] Network. This state-of-the-art two-way audio and video network currently connects eight cities and every public university in South Dakota with fiber optic cable. Before long, at least 19 sites will be linked.

By using satellite communications, every high school in the State—nearly 200 locations—eventually will be connected to the network. After only a few months in operation, the RDT Network already has been used to teach 20 university courses; hold government personnel training meetings; examine county health nutrition guidelines; discuss private business marketing strategies; and take depositions. The RDT Network can provide substantial cost savings by substituting telecommunications for travel. As the RDT Network evolves, it promises to improve the day-to-day lives of many South Dakotans.

Mr. President, to continue on the subject of South Dakota's technology, I am pleased to report that for 20 years the EROS Data Center outside Sioux Falls has been the Nation's primary center for managing and distributing land remote sensing data. EROS holds

over 7 million aerial photographs, 3 million satellite photographs, and more than 1 million satellite images in digital format. Its excellent track record for making this information available has made EROS famous among scientists throughout the world. Last year, Congress recognized the value of the EROS data library when it adopted the Land Remote Sensing Policy Act of 1992. I am proud to have authored this law, which designates EROS as the National Satellite Land Remote Sensing Data Archive.

Mr. President, I also want to report on South Dakota's highly regarded transportation infrastructure—the fundamental framework upon which our State's economic and commercial interests are built. A study conducted by the University of North Carolina ranked South Dakota's highway system as the second best in the Nation. South Dakota was among the States with the best overall highway and bridge conditions, minimal traffic congestion and low-cost highway repair practices.

A sound and efficient transportation network is necessary to meet the needs of South Dakotans and those who travel through my home State. The Heartland Expressway and the Dakota Expressway are two South Dakota highway projects I am supporting—two projects that will enhance South Dakota's superb highway system.

Mr. President, earlier I mentioned South Dakota's excellent health care services. I should point out that according to a survey by the American Hospital Association, a day's hospital stay in South Dakota costs less than in any other State. In fact, South Dakota has held this distinction during 8 of the last 10 years. In addition, South Dakota has been noted in a survey for being among the top 10 healthiest States in the Nation. As Congress addresses health care reform initiatives, we should focus on what is working in the industry as we work to improve upon its problems.

Another important and successful industry in South Dakota is banking. In fact, the profitability of the State's banks in the first quarter of 1992 was the best among all States in the Ninth Federal Reserve District. The return on South Dakota's banks' assets averaged 1.58 percent while the nationwide average was 0.88 percent.

Mr. President, I have touched only on a limited number of South Dakota's numerous merits. The unique attributes of my home State are great and I am proud to sing its praises. In short, South Dakota offers something for everyone—from agriculture to tourism, from Indian reservations to cities—we are a State of cultural diver-

sity and unlimited opportunity. I ask unanimous consent that a copy of the Parade magazine article, "The Best

Place in the U.S." be printed in the RECORD immediately following my remarks.

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

NONFARM WAGE AND SALARIED EMPLOYMENT 1988-92 ANNUAL AVERAGE

	1988	1989	1990	1991	1992 ¹	Percent change 1988-92
South Dakota industry:						
Total, all industries	266,100	276,000	288,700	296,400	307,000	15.4
Mining and construction	12,200	12,900	14,300	14,300	15,300	25.4
Manufacturing	31,600	32,300	34,400	35,000	36,900	16.8
Transportation and utilities	13,500	13,500	13,300	13,600	14,500	7.4
Wholesale and retail trade	69,800	72,500	76,200	78,500	79,800	14.3
Finance, insurance and real estate	14,600	15,700	16,300	16,700	17,100	17.1
Services	64,500	67,500	71,700	74,700	78,000	20.9
Government	60,100	61,600	62,700	643,400	65,300	8.7

¹ Preliminary data and subject to revision.

Source: South Dakota Department of Labor, Labor Market Information Center.

[From Parade Magazine, Apr. 4, 1993]

THE BEST PLACES IN THE UNITED STATES

(By John Tepper Marlin)

Is there one "best city" in the U.S.? In the 1980s, a widely publicized report rated Pittsburgh as the No. 1 place to live. People were amazed, but they apparently weren't convinced. More than 54,000 moved out of Pittsburgh during the decade. How could a city have been ranked so high yet have people voting by the thousands with their feet to leave? Despite its many advantages, the city was not generating jobs!

Is there one best city in the country? No. Is there a best city for you? Yes, but it depends on what you want most. Are you most interested in a better job or a place to retire? Are you seeking the best place to raise a family, or are you most interested in finding a mate? Want the best city to start a business, or is cultural diversity most important to you?

Here are our top choices in these categories:

Best for getting a job. How long is your career view? U.S. Department of Labor unemployment data show that right now metropolitan areas in six states are hungriest for workers: Honolulu, Hawaii; Iowa City and Sioux City, Iowa; Lincoln and Omaha, Neb.; Grand Forks, N.D.; Sioux Falls and Rapid City, S.D.; and Green Bay and Madison, Wis.

But looking ahead to 2010, NPA Data Services projects that the most new jobs will be created in these 10 metropolitan areas: Los Angeles, Anaheim, Phoenix, San Diego, Houston, Dallas, Seattle, Washington, D.C. (including Fairfax County, Va.), San Jose and Fort Lauderdale.

Taking an even longer view—to 2015—Woods & Poole Economics projects that four of the five fastest-growing areas will be in Florida: Fort Myers, Naples, Orlando and Bradenton (the fifth is Laredo, Tex.).

If you want to join the competition for making the most money possible, consider that half of the 4 million highest income earners in America work in metropolitan New York City. Best for young families.

For many young couples, finding affordable housing and good schools are top priorities. Of 40 metropolitan areas with comparable data, Oklahoma City has the least-expensive housing (costing 3.2 years average income). Tulsa housing prices are nearly as low. Other areas with less-expensive housing, in part because of recent job losses (be sure you have a job lined up), are Louisville, Detroit, Houston, Kansas City, St. Louis, Indianapolis, Tampa, Rochester, N.Y., and Jacksonville, Fla.

Primary and secondary schools vary in teaching quality among cities in a state and among neighborhoods within a city. But

some states do a better job of getting youngsters ready for college, judging by average college-entrance test scores (SAT and ACT tests). Those with the best test scores are Iowa, Massachusetts, South Dakota, Connecticut, Vermont, Wisconsin, Oregon, Maryland, Minnesota and Nebraska.

Best for entrepreneurs. Want to start a business? Central cities always have been hospitable to entrepreneurs, because they provide easy access to buyers and producers. But, in the 1990s, hotbeds of entrepreneurial activity also may be found away from central cities.

The metropolitan area with the greatest international business presence, according to the business-location specialists Moran, Stahl & Boyer, is New York, followed by Chicago, Houston and San Francisco. Others rated highly as places to do business in 1992 were Seattle, Atlanta, Raleigh-Durham, N.C., Boston, Denver and Orlando. Of these 10, Raleigh-Durham is rated highest for manufacturing, followed by Orlando.

The 10 metropolitan areas rated most highly for their "pro-business" attitude are Charlotte, N.C.; Nashville; Fort Worth; Dallas; Salt Lake City; Columbus, Ohio; Atlanta; Indianapolis; Houston; and Raleigh-Durham.

Consider growth cities, where services are badly needed. Seven of the 10 fastest-growing areas of the 1980s were in Florida: Naples, Fort Pierce, Fort Myers, Ocala, Orlando, West Palm Beach and Melbourne. Others on the fastest-growing list were Riverside, Calif., Las Vegas and Austin, Tex.

Best for retirement. Strictly from a physical and economic point of view, the best bet for retirement living is a place with lots of sunshine and a low cost of living.

By taking 26 large metropolitan areas and dividing the number of days of sunshine by the cost of living, we get the following top 10: Los Angeles, Kansas City, San Francisco, Honolulu, San Diego, St. Louis, Cincinnati, New York (Surprise! Lots of clear days, and the metropolitan area cost of living isn't so high), Portland, Ore., and Dallas.

If health is a factor, consider that people appear to live longest (average age taken into account) in Honolulu, Anchorage, Denver, Charlotte, Bridgeport (its metropolitan area is much of southern Connecticut), Washington, D.C., Salt Lake City, Seattle, Miami and Sacramento.

But studies have shown that elderly people prefer to live 10 to 15 minutes away from at least one of their adult children, in what is called "intimacy at a distance." For many retirees, that means the smartest move may be to stay near the kids.

Best for college students. For students, the best city may be one with lots of other young people and things to do. During this exciting period of life, young men and

women seek out cities that have public places where they can find one another. The 10 metropolitan areas with the largest number of students are New York, Los Angeles, Chicago, Boston, Philadelphia, Washington, D.C., Anaheim, Nassau County, N.Y., Detroit and Newark, N.J. The student populations in Detroit and Newark are predominantly outside the central cities—in Wayne County, Mich., and New Brunswick, N.J., for example.

Best for finding a mate. To find a partner, look for a city where there is lots to do and where there are many other people of your age group. The urban areas with the most working-age singles are Manhattan (36%), Washington, D.C. (Alexandria city and Arlington County, and the District of Columbia), Denver, San Francisco, Travis County, Tex. (Austin), Suffolk County, Mass. (Boston), Richmond, Va., and St. Louis.

Since singles may be reluctant to put down roots, they should know that the 10 urban areas with the greatest availability of rental living space are Manhattan (more than 80%, but expensive), Brooklyn, Honolulu, Arlington County (and Alexandria city), Va.; and five California counties: San Francisco, Monterey, Alameda (Oakland), Santa Barbara and Los Angeles.

The single male-to-female ratio is highest in San Diego, because of its large naval base. The single female-to-male ratio is highest in New York City.

Best for diversity. Where are different ethnic and racial groups close neighbors? For someone looking for a diverse city, four of the 10 urban areas with the most diverse populations (evenly balanced between non-Hispanic whites, non-Hispanic blacks, Hispanics and non-Hispanic other races) are in New York City: the boroughs of Manhattan, Queens, Brooklyn and the Bronx. Three are in California: Los Angeles, San Francisco and Oakland. The other three are Jersey City and Houston's Fort Bend and Harris counties.

You also may want to consider the range of incomes within a city, which indicates a diverse population. The 10 cities with the widest-ranging incomes are Atlanta, Miami, Dallas, Los Angeles, Washington, D.C., Cincinnati, Houston, New York (although Manhattan, taken by itself, would top the list), Detroit and Denver.

ENSURING NUCLEAR SAFETY WITHIN THE ENERGY DEPARTMENT

Mr. COHEN. Mr. President, this morning's Washington Post was a source of both great irony and great concern.

On the international page we read of yesterday's accident at the Russian Tomsk-7 nuclear facility in which a storage tank containing high-level waste exploded, spewing radioactivity over the surrounding countryside. On the Federal page, we read that the Director of the Department of Energy's Office of Nuclear Safety has resigned in protest because the new Energy Secretary has announced plans to eliminate that office.

As too few Americans, and perhaps too few administration officials, are aware, the type of accident that happened in Russia could very well occur here. DOE's Hanford site near Richland, WA, has numerous storage tanks containing high-level nuclear waste mixed with other toxic and explosive chemicals. Experts believe that there is an appreciable chance that Hanford's single-shell tanks could explode, contaminating the surrounding area.

Mr. President, I would urge Secretary of Energy Hazel R. O'Leary not to act on her announcement unless and until she announces an alternative management structure to ensure safety that is at least as effective as the existing structure. The current approach to nuclear safety, initiated by former Energy Secretary James D. Watkins, a retired admiral who had previously served as Chief of Naval Operations, is modeled on that used by the Navy's nuclear propulsion program. While the Navy's management approach to nuclear safety is cumbersome, I would point out that the Navy has an extraordinary nuclear safety record. Until we can come up with a better approach to safety and a credible plan for implementing it, we should not tamper with a good thing—especially when the stakes are so high.

Requiring the Department of Energy [DOE] to have the most stringent approach to safety is particularly important given dismal safety record of the nuclear weapon complex over the past five decades. Nuclear safety has traditionally ranked low in DOE priorities. I am afraid this proposed action sends precisely the wrong signal to a DOE culture that does not think safety.

Secretary O'Leary has proposed merging the Office of Nuclear Safety with DOE's Office of Environmental Safety and Health. While the Environmental Office has helped to improve DOE's safety-related practices, the proposed merger could result in greater danger of a catastrophic accident.

The Environmental Office focuses on matters of worker safety and environmental compliance. I am concerned that the proposed merger could result in DOE giving short shrift to nuclear safety concerns needed to prevent a major accident. I would also point out that just last month the Congressional Office of Technology Assessment reported that the Environmental Office tended to be "reactive * * * to problems that might have been avoided."

I believe the merger should be canceled unless the Environmental Office is given the tools and mandate to act aggressively to prevent accidents.

I am impressed with Secretary O'Leary's experience in the civilian energy industry and want to give her the benefit of the doubt. But I cannot condone hasty action to eliminate DOE's most effective mechanism for protecting the lives and health of thousands of Americans. A well-thought-out plan is required before any changes are made.

Mr. President, given the gravity of this matter, I intend to request the General Accounting Office to review the existing DOE nuclear safety management structure and compare it with Secretary O'Leary's ideas for changing it. To ensure that this issue receives the objective, bipartisan attention it deserves, I intend to consult with Democratic Senators who serve with me on the Armed Services and Governmental Affairs Committees, which oversee the DOE nuclear weapon complex. In particular, I intend to consult with Senator GLENN, the chairman of the Governmental Affairs Committee, who has long been a leader on DOE safety issues.

Mr. President, I ask unanimous consent that the two articles from the Washington Post be inserted in the RECORD.

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

[From the Washington Post, Apr. 7, 1993]

BLOWING A FUSE AT ENERGY
(By Thomas W. Lippman)

Steven M. Blush has done what every government employee has probably thought of doing at one time or another: quit, firing off a scorched-earth blast at the boss on the way out.

On Friday, Energy Secretary Hazel R. O'Leary announced a plan to abolish the Office of Nuclear Safety, which Blush has directed since 1990, as part of her departmental reorganization. Its functions are to be absorbed by the assistant secretary for environment, safety and health.

That afternoon, Blush delivered the kind of letter management experts always advise bruised staffers to put in a drawer overnight until the writer cools off.

Addressing himself to "Secretary Hazel R. O'Leary"—no "Dear"—Blush said he "cannot abide by" the decision.

"These past two months have been intolerable," he wrote. "I urged you to issue a statement of your personal safety philosophy so that the momentum for change that had been initiated by the previous administration would continue, even offering to draft it for you. But I received no reply."

He said he had "repeatedly requested to see you" to discuss safety issues at the department's troubled nuclear weapons plants but "nothing has come of it."

He said O'Leary had belittled his office in staff meetings and "neglected even to mention the issue of safety" when listing the department's priorities.

He attached letters from outside experts, including antinuclear watchdogs, attesting to the need for an independent safety office and praising his stewardship of it.

If his intention was to persuade O'Leary to change her mind, it didn't work. O'Leary not only accepted his resignation but authorized a department official to describe Blush to a reporter as "petulant" and his resignation letter as "melodramatic" and a "tantrum," as well as factually inaccurate.

"That is not the way to get things done with Hazel O'Leary," the official said.

Rumors that Blush was in trouble circulated last week after he objected on safety grounds to a procedural memorandum to department contractors, and asked for an investigation by an independent panel appointed by Congress.

When asked in an interview on Thursday if Blush was still director, O'Leary replied, "Of course he is," calling the rumors "the damndest thing I ever heard of."

But then she signaled what was to come, adding, "In my mind, there shouldn't be an office of Environmental Safety and Health and a [separate] Nuclear Safety office. Those offices should be working together," to ensure that all department employees put safety at the top of their list of concerns.

"In areas where we have little talent, so few people, someone needs to persuade me that these two offices should be separate."

Blush's department was set up by O'Leary's predecessor, James D. Watkins, to be an independent safety disciplinarian for a department that had neglected safety.

But O'Leary said, "We need to have one coalesced group of people doing that work, not a series of people checking each other. . . . My style of management is, we need to be each other's junkyard dogs" on safety issues.

[From the Washington Post, Apr. 7, 1993]

NUCLEAR WASTE TANK EXPLODES IN RUSSIA

MOSCOW, April 6.—A tank of radioactive waste exploded today at a nuclear fuel plant in the Siberian city of Tomsk-7, spewing radioactivity into the air, Russian officials said.

Initial reports of the seriousness of the radiation release were contradictory. The independent Interfax news agency said about 2,500 acres had been contaminated and the Associated Press quoted Vitaly Nasonov, an official of the Nuclear Energy Ministry, as saying some firefighters had been exposed to dangerous levels of radiation.

Reuter quoted another official of the ministry, Sergei Yermakov, as saying that radiation had spread over several hundred square yards around the building where the explosion occurred, but have failed to reach residential areas and even some parts of the large nuclear facility at Tomsk-7.

Yermakov said no people were in the vicinity of the explosion. "We were told there were no casualties," he said.

No efforts to evacuate the region were reported. Yermakov said cleanup operations would include washing down of irradiated areas and removal of contaminated snow.

The explosion happened in a stainless steel tank holding a solution of uranium waste products that was buried underground within a building, according to Russian officials quoted by news agencies. The international environmental organization Greenpeace said the explosion came after nitric acid had been added to the tank.

All accounts said the explosion blew a reinforced concrete cover off the tank, which Yermakov said punched through the building's roof. The explosion damaged wiring in the building that started a fire, which was extinguished, accounts said.

Greenpeace described the site of the explosion as a plutonium separation factory, part

of a secret nuclear weapons complex in Tomsk-7, the Associated Press reported. Greenpeace said the explosion apparently did not involve plutonium, which is fatal if inhaled in even microscopic amounts. It said its information came from a Russian group member, whom it did not name, who had spoken with Nuclear Energy Minister Viktor Mikhailov.

Tomsk-7 is believed to be about 12 miles outside Tomsk, a city of 500,000 people about 1,700 miles east of Moscow. But because Tomsk-7 is secret, it does not appear on ordinary maps. During the Soviet era, secret cities were set up across Russia to work on military projects, including Soviet nuclear weapons.

Interfax said the maximum dose among the firefighters was 0.6 roentgens, a dosage that Roland Finston, a health physicist at Stanford University, said "would not cause any clinically detectable illness," the AP reported. The average acceptable dose for nuclear workers is 2.0 roentgens per year according to the International Commission on Radiological Protection.

In 1990, the Tomsk-7 complex was blamed for contaminating the nearby Tom River with nuclear waste. At least 38 people were hospitalized in that incident.

The press center of the State Committee for Emergency Situations told Interfax that six mobile units of civil defense troops had set up temporary headquarters at the plant.

RECORD TO REMAIN OPEN UNTIL 3 P.M.

Mr. INOUE. Mr. President, I ask unanimous consent that the RECORD remain open until 3 p.m. for statements, and the introduction of legislation.

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

MESSAGES FROM THE PRESIDENT RECEIVED DURING RECESS

Under the authority of the other of the Senate of January 5, 1993, the Secretary of the Senate on April 7, 1993, received a message from the President of the United States submitted sundry nominations, which were referred to the appropriate committees.

The nominations received on April 7, 1993, are shown in today's RECORD at the end of the Senate proceedings.

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-719. A communication from the Chairman of the Defense Base Closure and Realignment Commission, transmitting, pursuant to law, notice of documentation of certified material; to the Committee on Armed Services.

EC-720. A communication from the Acting Comptroller of the Department of Defense, transmitting, pursuant to law, notice of a report on military-to-military contacts pursuant to agreements with states of the former

Soviet Union; to the Committee on Armed Services.

EC-721. A communication from the Acting Comptroller of the Department of Defense, transmitting, pursuant to law, notice of a report on agreements between the United States Department of Defense and a Ministry of the Russian Federation; to the Committee on Armed Services.

EC-722. A communication from the Director of the Office of Congressional Affairs, United States Nuclear Regulatory Commission, transmitting, pursuant to law, notice of corrective pages to accompany a report on highly enriched uranium; to the Committee on Foreign Relations.

EC-723. A communication from the Special Counsel, U.S. Office of Special Counsel, transmitting, a draft of proposed legislation; to the Committee on Governmental Affairs.

EC-724. A communication from the Office of the Attorney General, transmitting, pursuant to law, notice of an appeal from a district court's decision; to the Committee on the Judiciary.

EC-725. A communication from the Acting Vice President and General Counsel, Overseas Private Investment Corporation, transmitting, pursuant to law, the annual report for calendar year 1992; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-61. A resolution adopted by the Senate of the Legislature of the State of Kansas relative to federal mandates; to the Committee on the Judiciary.

"SENATE RESOLUTION No. 1835

"Whereas, the most rapidly growing category of expenses facing state and local units of government is that mandated by the federal government; and

"Whereas, mandated expenses are taking up an increasing share of state and local government budgets, and result in higher and higher taxes; and

"Whereas, every mandate imposed by the federal government contains hidden costs to state and local government. Such costs include the cost of recordkeeping, the cost of new employees and employee benefits, the cost of time of current officers and employees and the cost of training and retraining employees; and

"Whereas, in a 1990 report by the EPA it was estimated that in 1987, the EPA, states and municipalities spent about \$40 billion for environmental protection mandates and it is expected that \$61 billion will be spent annually by the year 2000; and

"Whereas, the EPA estimates that by the year 2000 the local share of funding federal environmental mandates is expected to reach 87% compared to 76% in 1981; and

"Whereas, the EPA estimates that in small communities the expenditure from household income to pay for environmental mandates is expected to increase from 2.8% in 1987 to 5.6% by the year 2000; and

"Whereas, the federal government has imposed costly mandates upon the states and local units of governments therein through many other laws, including the Fair Labor Standards Act and the Americans with Disabilities Acts as well as authorizing the adoption of rules and regulations through agencies such as the Occupational Safety and Health Administration; and

"Whereas, in 1990, at least 20 additional mandates with an estimated cost over \$15 billion were imposed upon states and local units of government therein; and

"Whereas, it is often difficult, if not impossible, to calculate the exact total cost of mandates to the states and local units of government therein; and

"Whereas, if the United States Congress enacts a Balanced Budget Amendment without a strict prohibition against unfunded mandates, the unfunded mandates problem can be expected to worsen: Now, therefore, be it

Resolved by the Senate of the State of Kansas, That the Senate urges the United States Congress not to enact any laws or authorize the adoption of rules and regulations which would impose mandates upon states and local units of government therein without providing full funding for such mandates; and be it further

Resolved, That the Senate urges the United States Congress to include in any Balanced Budget Amendment to the United States Constitution it may adopt, a prohibition against the imposition of unfunded mandates upon states and local units of government therein; and be it further

Resolved, That the Secretary of State be directed to transmit copies of this resolution to the Clerk of the United States House of Representatives, The Secretary of The United States Senate and each member of the Kansas delegation in the United States Congress."

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. COHEN:

S. 776. A bill to provide for consistency in National Aeronautics and Space Administration budgeting; to the Committee on Governmental Affairs.

By Mr. ROTH (for himself and Mr. LIEBERMAN):

S. 777. A bill to establish the United States-Japan Joint Antitrust Consultative Commission for intensive examination of antitrust activities in Japan and the United States; to the Committee on Foreign Relations.

By Mr. BOREN:

S. 778. A bill to amend the Watermelon Research and Promotion Act to expand operation of the Act to the entire United States, to authorize the revocation of the refund provision of the Act, to modify the referendum procedures of the Act, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

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

S. 779. A bill to continue the authorization of appropriations for the East Court of the National Museum of Natural History, and for other purposes; to the Committee on Rules and Administration.

By Mr. LAUTENBERG:

S. 780. A bill to prohibit expenditure of appropriated funds on the Superconducting Super Collider, the Advances Solid Rocket Motor, or the Space Station; to the Committee on Appropriations.

S. 781. A bill to require the Secretary of Energy to raise rates for Federal hydroelectric power to speed debt repayment for power projects, to increase domestic live-

stock grazing fees, to require a royalty for the production of locatable minerals from Federal lands, and for other purposes; to the Committee on Energy and Natural Resources.

S. 782. A bill to reduce spending for agricultural programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BRYAN (for himself, Mr. BOND, and Mr. RIEGLE):

S. 783. A bill to amend the Fair Credit Reporting Act, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HATCH (for himself, Mr. REID, and Mr. MURKOWSKI):

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; to the Committee on Labor and Human Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. INOUE (for Mr. MITCHELL):

S. Con. Res. 23. A concurrent resolution providing for a conditional recess or adjournment of the Senate on Wednesday, April 7, 1993, until Monday, April 19, 1993, and a conditional adjournment of the House on Wednesday, April 7, 1993, until Monday, April 19, 1993; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. COHEN:

S. 776. A bill to provide for consistency in National Aeronautics and Space Administration budgeting; to the Committee on Governmental Affairs.

NASA CONSISTENCY IN BUDGETING ACT

• Mr. COHEN. Mr. President, over the past month as the Senate has considered the budget resolution and the supplemental spending bill, a major focus has been the great ill affecting the American economy, which is of course the Federal deficit.

I am proposing legislation today that is intended to be preventative medicine to ensure that the illness does not get worse. And here, as is usually the case, prevention is far cheaper and less painful than seeking treatment after the illness spreads.

This bill addresses a matter the General Accounting Office has labeled a high risk problem with the budget of the National Aeronautics and Space Administration.

NASA's current 5-year program plan was built on the assumption that its funding would continue to grow at the rapid pace it did in the late 1980's, when the NASA budget grew by more than 50 percent in 3 years.

When the Bush administration decided to flatten NASA's long-term budget, NASA should have scaled back its buying plans accordingly. It didn't. Instead, it acted as if nothing had

changed and, as a result, a huge gap developed between its long-term buying plans and its long-term budget.

While the new Clinton budget would increase NASA funding above the levels proposed by the Bush administration, it would still limit NASA funding growth to less than the rate of inflation. Moreover, the Clinton budget proposes \$2 billion in new NASA initiatives that apparently are not included in the current NASA program plan.

The result, as illustrated on this chart, is an \$18 billion gap between NASA's 5-year program plan and its 5-year funding profile.

And I would point out, Mr. President, that just 2 weeks ago the Senate unanimously adopted an amendment I offered to the budget resolution clearly stating that NASA would not receive funding beyond that proposed by the President. That provision was included in the budget resolution conference report given final approval last week.

This huge gap between NASA's 5-year program plan and its 5-year budget has several consequences:

NASA is committing itself to more programs than it can possibly pay for. As a result, downpayments are made on programs that later must be canceled, wasting billions of taxpayers' dollars.

In an effort to avoid cancellation, some programs will be stretched out, reducing their cost in any given year but increasing their total cost, again wasting taxpayers' money.

Rational planning is rendered impossible for both NASA and its contractors, and the stable, predictable environment needed to manage NASA's complex development and acquisition programs is destroyed.

NASA experts abdicate their responsibility to set priorities among NASA programs, leaving Congress to substitute its judgment—which is often based on factors other than what is best for the Nation as a whole.

And the ever-present threat of stretch-outs or terminations undermines morale at both NASA and its contractors.

In December, the General Accounting Office released its High-Risk Series of reports on areas of Government management facing grave dangers of waste, abuse, and mismanagement. Not surprisingly, NASA contract management was the focus of one of these high-risk reports. According to GAO, the foremost problem is that:

NASA's planning was not realistic; it was based on a much higher level of funding than was likely to be made available. For example, NASA's program plans for fiscal years 1993 through 1997 called for up to about \$20 billion more than was likely to be provided. To adjust plans to actual budgets, NASA's projects and programs often have to be slowed down, thereby extending schedules and increasing total contract costs.

The GAO high risk report went on to state:

An overarching concern that can ultimately affect NASA's ability to manage its contracts is the agency's failure to plan realistically for the budgetary resources that are likely to be available to fund its programs. Unless strategic and program plans are reasonably consistent with likely budgets, there is an increased risk of significant adverse impact on NASA's programs.

NASA is currently overcommitted, with its program planning estimates for 1993 through 1997 up to about \$20 billion higher than the amounts likely to be appropriated under current federal budget constraints.

Unplanned program cost increases would, of course, further exacerbate potential funding shortfalls. In addition, there are several support areas in which further funding demands may emerge, including hazardous waste cleanup and maintenance of facilities. NASA's overcommitment, plus potential additional funding demands, mean the agency's programs may not be able to proceed as planned. However, NASA does not clearly differentiate between the programs it "must do" and the programs it "should do." For example, NASA's first agencywide strategic plan, Vision 21, failed to recognize the budget-planning mismatch and to set relative priorities should the agency be forced to stretch out or cancel programs because of lower-than-planned funding. Without a set of priorities or contingency plans, NASA will have no orderly method of choosing between or among programs should be faced with making such decisions. Unless it starts to plan realistically, NASA will continue to perpetuate resource shortages that limit its ability to effectively manage contracts by subjecting its programs to a recurring annual cycle of cutbacks, restructurings, schedule extensions, and potential terminations.

Mr. President, we have seen this all before. During the 1980's, the Pentagon created for itself an identical bow-wave problem, making small downpayments on more programs than it could possibly pay for once the full bills came due.

Congress dealt with the defense bow-wave problem by adopting legislation to require the Pentagon to live within its means. Specifically, we passed a law requiring the Pentagon's 5-year defense plan to be consistent with the President's 5-year defense budget.

It worked. While we still have disputes over whether Pentagon accountants have estimated the cost of programs properly, the bow-wave problem was essentially resolved, even though we have slashed defense procurement by more than half since 1987.

This legislation would simply impose on NASA the same discipline: NASA's 5-year program plan would have to be consistent with the 5-year budget proposed by the President for NASA.

Mr. President, it is simply good sense and good government to require agencies to base their long-term plans on the President's budget submissions. This is especially important for agencies such as the Pentagon and NASA that engage in large-scale procurements that spend out over many years and, thus, are at special risk to procurement bow-waves.

I am pleased that the new administration seems to be beginning to recog-

nize the problem. Last month, the White House Science Adviser John Gibbons said that the Clinton administration ordered the space station to be redesigned after it found out that cost overruns on the station threatened all of NASA's other space and aeronautics programs. According to Gibbons, the space station has become "like a Pacman * * * it was going to eat everything NASA had."

What the administration needs to realize, however, is that the problem extends well beyond the space station. Even before the space station cost overruns came to light, NASA had committed itself to programs it could not possibly afford.

This was precisely the warning given to us 2 years ago by the House Appropriations Committee when it voted to kill the station, judging it to be less important than other NASA programs.

The problem goes well beyond the space station to a culture of denial at NASA that has failed to come to grips with budget realities. Since assuming his post last year, NASA Administrator Daniel Goldin has begun to deal with these realities, but the extent of the problem and its institutional nature, transcending administrations and administrators, requires us to act legislatively.

Mr. President, I want to emphasize that the bill I am introducing is policy neutral. It does not prejudice how we will close this gap between NASA's 5-year program plan and its budget.

I personally believe that the space station should be sacrificed to save other NASA programs that I view as more valuable, including aeronautics R&D, environmental and climate monitoring programs, and space science research. Others will disagree and will place higher priority on the space station.

But we can all agree that NASA cannot continue to deny reality by trying to implement a program plan that far exceeds the President's proposed budget for NASA.

And regardless of what priorities are established, bringing NASA's plans in line with its budget is essential if NASA is to have rational, stable, and ultimately successful programs.

So I hope that Senators, whether they support or oppose the space station, will join with me in cosponsoring this legislation.

Mr. President, I ask unanimous consent to insert in the RECORD testimony provided by the General Accounting Office in March 1993, describing this problem as it stood at that time, as well as an excerpt from the GAO's High-Risk Series report, NASA Contract Management (GAO/HR-93-11).

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

[U.S. General Accounting Office]

NASA BUDGET: POTENTIAL SHORTFALLS IN FUNDING NASA'S 5-YEAR PLAN

(Statement of Neal P. Curtin, Director of Planning and Reporting, National Security and International Affairs Division)

(Testimony Before the Subcommittee on Science, Technology, and Space, Committee on Commerce, Science, and Transportation, U.S. Senate)

Mr. Chairman and Members of the Subcommittee: I appreciate the opportunity to testify before the Subcommittee today on the National Aeronautics and Space Administration's (NASA) 5-year program. Our review of NASA's 5-year plan is continuing and our analysis is not complete at this time. We have not yet reviewed cost estimates for individual development programs within the plan. But I would be pleased to share with you our preliminary observations.

NASA's annual budget has grown steadily in current dollars from fiscal year 1988 when it was \$9 billion, to \$14 billion in fiscal year 1991. There was a good deal of optimism during this period that NASA would continue growing at this rate. For example, in the summer of 1990, in preparation for the fiscal year 1992 budget submission, NASA proposed a 5-year program in which its annual appropriation would reach nearly \$25 billion by fiscal year 1995. Some large projects were beginning to grow and new programs were being initiated.

However, the Budget Enforcement Act of 1990 set limits on discretionary spending that have severely constrained the funding allocations for discretionary programs including NASA. For fiscal year 1992, Congress was able to provide NASA only a modest increase of about 3 percent, about equal to inflation. The Senate, in its appropriations report last year, advised NASA to expect roughly a 3 to 5 percent increase for fiscal year 1993 and directed the agency to submit a strategic plan that anticipates more modest budget growth through fiscal year 1995. While NASA's fiscal year 1993 budget submission of about \$15 billion (about a 4.5 percent increase) is within the congressional guidance, we are concerned that a bow wave of planned but unfunded program requirements is being pushed to the out-years.

NASA's current 5-year plan estimates ongoing programs and schedules will require \$90.4 billion through fiscal year 1997. This excludes approximately \$2 billion for development of the Advanced Solid Rocket Motor (ASRM) and the Comet Rendezvous Asteroid Flyby (CRAF) which are proposed for termination in the President's budget and which NASA assumes will not be appropriated. For purposes of our analysis today, we have retained these programs in NASA's 5-year planning line for a total of \$92.4 billion. We do this for two reasons. First, there are indications that some in Congress oppose terminating the ASRM, which accounts for most of the \$2 billion, and NASA has taken no action to slowdown, defer, or terminate the program. Secondly, even if the ASRM were terminated, there would be near-term costs associated with its termination.

For NASA to realize \$92.4 billion in budget authority from fiscal year 1993 through 1997, as its current plan reflects, its budgets would have to increase significantly each year to an appropriation of over \$21 billion by fiscal year 1997. Moreover, this includes no leeway for the unanticipated cost growth that commonly occurs in large research and development projects such as those in the NASA program.

While no one can predict the future with certainty, we feel NASA's planning is overly optimistic given the President's budget proposal and the fiscal constraints established on discretionary spending by the Budget Enforcement Act. Although the "wall" between defense and other discretionary spending will come down in fiscal year 1994, this will not change the overall seriousness of the fiscal situation. While the Congress will have more flexibility to determine the distribution of spending, Congress will be faced with difficult choices between deficit reduction and helping to meet a wide variety of important national needs.

The mismatch between NASA's currently estimated program funding requirements and the President's budget is illustrated in the chart in attachment I and detailed in the table in attachment II. Besides the President's fiscal year 1993 budget proposal of \$15 billion annually, the chart shows two other funding paths: a straight-line extension of the \$14.3 billion fiscal year 1992 appropriation, and the Congressional Budget Office (CBO) baseline projections which include increases for inflation. All three alternatives involve significant shortfalls and raise concerns about NASA's 5-year program planning.

The President has proposed level funding for NASA of about \$15 billion for fiscal years 1993-97. This would provide a 5-year total of about \$75 billion, requiring reductions in NASA programs of approximately \$17.4 billion through fiscal year 1997 (\$92.4 billion - \$75 billion). The proposed termination of ASRM and CRAF, if approved, would provide up to \$2 billion of the needed savings but that would still leave a gap of \$15.4 billion to come from other sources, as yet unidentified.

A simple extension of NASA's fiscal year 1992 appropriated level of about \$14.3 billion would provide a 5-year funding total of about \$71.5 billion for NASA programs, leaving a shortfall of about \$21 billion (\$92.4 billion - \$71.5 billion).

The CBO baseline on the chart includes full inflation adjustments for discretionary programs—that is, it would preserve the current (fiscal year 1992) appropriation in real dollars but provides no increase (or loss) in buying power in future years. This path for NASA spending would provide approximately \$79.5 billion over the next 5 years, leaving a shortfall against current planned programs of about \$13 billion (\$92.4 billion - \$79.5 billion).

In summary, there appears to be a serious mismatch between NASA's program plans and the budget resources that seem likely to be available. NASA's recently prepared strategic plan does not address this mismatch. Without a meaningful strategic plan, NASA will be forced to make significant adjustments to its spending plan each year to make up for lower than expected funding. This can lead to program cutbacks, terminations and stretchouts as costs are pushed into the future.

The impact of this type of mismatch between planning and funding can be seen in the situation in the Department of Defense during that 1980s. A similar "bow wave" of programs developed there as many new programs were started when it looked as if defense budgets might be growing indefinitely. When a funding slow-down occurred in the mid 1980s, a funding gap similar to what NASA faces became apparent. Our work during this period showed that too many development and acquisition programs were underway—more than could be funded at the future funding levels being proposed by the

President. Weapons systems programs have had to be stretched out, restructured, or in some cases terminated to accommodate the lower funding. The earlier such a gap is recognized and plans adjusted, the more stable and efficient development and acquisition programs can be.

This concludes my prepared statement. I would be pleased to respond to your questions.

[From the U.S. General Accounting Office's "High-Risk Series"]

NASA CONTRACT MANAGEMENT
LACK OF REALISM IN PLANNING

An overarching concern that can ultimately affect NASA's ability to manage its contracts is the agency's failure to plan realistically for the budgetary resources that are likely to be available to fund its programs. Unless strategic and program plans are reasonably consistent with likely budgets, there is an increased risk of significant adverse impact on NASA's programs. When planning expectations are followed by substantially lower funding levels, NASA is forced to make program changes, including adjustments to the planned content and pace of work. Since most of NASA's work is done by contractors, such program adjustments can contribute to contract cost increases and schedule delays.

From the late 1980s through the early 1990s, NASA received large increases in its budget. However, NASA's budget for fiscal year 1993 is essentially unchanged from the previous year, and Congress has told the agency that its future budget growth may be severely limited. Unfortunately, NASA is currently overcommitted, with its program planning estimates for 1993 through 1997 up to about \$20 billion higher than the amounts likely to be appropriated under current federal budget constraints, as shown in figure 1.

In addition, NASA's largest programs, if carried out as currently planned, will consume an increasing share of NASA's future budgets. For example, if NASA received about \$15 billion for each of the next 5 years, as anticipated in the President's fiscal year 1993 budget submission, NASA's 11 largest programs in that submission would have required over 75 percent of the 5-year funding total in the President's budget. Figure 2 shows each year's increasing share of NASA's likely funding that these large programs would have required.

Unplanned program cost increases would, of course, further exacerbate potential funding shortfalls. In addition, there are several support areas in which future funding demands may emerge, including hazardous waste cleanup and maintenance of facilities.

NASA's overcommitment, plus potential additional funding demands, mean the agency's programs may not be able to proceed as planned. However, NASA does not clearly differentiate between the programs it "must do" and the programs it "should do." For example, NASA's first agencywide strategic plan, "Vision 21," failed to recognize the budget/planning mismatch and to set relative priorities should the agency be forced to stretch out or cancel programs because of lower-than-planned funding. Without a set of priorities or contingency plans, NASA will have no orderly method of choosing between or among programs should it be faced with making such decisions. Unless it starts to plan realistically, NASA will continue to perpetuate resource shortages that limit its ability to effectively manage contracts by subjecting its programs to a recurring annual cycle of cutbacks, restructurings, schedule extensions, and potential terminations. •

By Mr. ROTH (for himself and Mr. LIEBERMAN):

S. 777. A bill to establish the United States-Japan Joint Antitrust Consultative Commission for intensive examination of antitrust activities in Japan and the United States; to the Committee on Foreign Relations.

JOINT ANTITRUST CONSULTATIVE COMMISSION
ACT

• Mr. ROTH. Mr. President, I introduce a bill designed to address one of the fundamental obstacles to American companies seeking to do business in Japan—the reluctance of that country to put a stop to illegal collusive business practices. What this bill proposes is the creation of a bilateral organization—the United States-Japan Antitrust Consultative Commission—that will work to ensure that Japan better enforces its antimonopoly law [AML], thereby permitting American companies a greater opportunity to penetrate the dense web of relationships that make it so difficult for newcomers to enter the Japanese market. The Joint Commission will be attached to the agency responsible for the enforcement of the Japanese antimonopoly law, the Japan Fair Trade Commission [JFTC], as well as to our own antitrust agencies, the Department of Justice and the Federal Trade Commission.

The Joint Commission will be composed of representatives of the key agencies, departments, and ministries involved in antitrust matters and the bilateral trade relationship. Just as important, the chairman and ranking member of the relevant committees from the United States Congress and the Japanese Diet will participate as well. As representatives of the individuals and businesses who have attempted to scale the walls of exclusionary Japanese business practices, Members of the Senate and House have a very important role to play in such a forum. Although not on the Joint Commission itself, business people will be offered an opportunity to express their views at the Commission's meetings.

The Joint Commission will convene annually, alternating between Washington and Tokyo. The American delegation will be led by the Department of Justice which oversees international antitrust matters. The members will discuss and make recommendations on long-term structural differences in antitrust policy and short-term antitrust disputes between the United States and Japan. The Joint Commission will also serve as an open forum to promote more coherent enforcement of antitrust laws in the two countries.

The Joint Commission, of course, can only be formed with Japanese participation. As a bilateral body, moreover, the Joint Commission will address antitrust issues not only in Japan but also in the United States.

While this bill is no silver bullet capable of completely opening Japan's

market, I believe the Joint Commission has a very substantial chance of generating enough interest and pressure to push Japan toward significant liberalization. The Joint Commission, of course, does not preclude any of our many other efforts aimed at opening Japan's markets. Indeed, it is meant to complement what we have been doing and will continue to do through other means.

Trade problems remain the single greatest irritant in the bilateral relationship. The obstacles to American and other foreign companies entering the Japanese market remain pervasive. In its just-released white paper on United States-Japan trade, The American Chamber of Commerce in Japan—an organization composed of United States companies who know the Japanese market best because they deal with it every day—outlines 34 areas of particular concern in doing business in Japan, covering product and service sectors as well as generic problems that cut across sectors. In addition, the ACCJ identified a number of recurrent issues that represent the "major obstacles to fair access to the Japanese market * * *." The first two recurrent issues they cite are: First, lack of access due to keiretsu and other exclusionary business relationships; and second, Japan's failure to enforce the existing antimonopoly laws and regulations and to impose sufficient penalties for violations of the law.

Clearly, better enforcement of Japan's antimonopoly law would address the second recurrent issue. On the first issue, keiretsu, per se, do not violate Japan's antitrust laws. According to experts, moreover, if they existed in the United States, keiretsu generally would not violate our own antitrust laws. However, keiretsu can and often do violate the AML through their actions. Thus, better enforcement of Japan's antimonopoly law by the Japan Fair Trade Commission would go a long way toward assisting American businesses in overcoming the two key obstacles they face in seeking access to the Japanese market.

The problem, however, is that the JFTC, which has responsibility for enforcement of the AML, remains one of the weaker bureaucracies in Japan. It is understaffed, underbudgeted and does not have the clout necessary to challenge abuses of monopoly power. In part, it lacks clout because the Ministry of Finance and the Ministry of International Trade and Industry can exercise special influence over the JFTC; the chairman of the JFTC usually comes from the Ministry of Finance and MITI generally has a representative there. Cartels not only benefit member companies, but also the politicians in the zoku or "tribes" which care for and in return receive political contributions from the industries with which they are affiliated. In

addition, the ministries in charge of particular industries recognize that cartels are more easily influenced and directed than are open markets. Thus, when the relatively weak JFTC challenges a cartel, it confronts not only the powerful companies who are members of the cartel, but also the politicians and bureaucrats who stand to benefit from a cartelized industry.

Given the powerful interests opposing a more assertive JFTC, how then can we encourage Japan to more strongly enforce the antimonopoly laws that are already on its books? One of the topics of discussion in the structural impediments initiative [SII] was the status of the JFTC and its lax enforcement of the AML. While SII has often been criticized for its failure to produce results—and a good deal of that criticism is justifiable—the JFTC was a direct beneficiary of the talks. Its profile was raised; the maximum penalty for criminal violations of the AML was increased twentyfold; employment in the JFTC's investigations division increased from 129 in Japan's fiscal year 1989 to 178 in fiscal year 1992; the JFTC signed an agreement with the Justice Ministry to allow public prosecutors to inform the JFTC when they discover practices that violate the AML; in fiscal year 1992, the JFTC issued five times as many administrative orders—designed to persuade firms to take corrective measures or face possible criminal charges—as 5 years before; and the JFTC has twice actually filed such criminal charges against Japanese companies since 1990—only one other criminal charge was filed previously in the entire post-war period. Thus, American pressure has had an impact. But with the end of the SII, the momentum is being lost, and the powers aligned against a more aggressive JFTC will likely carry the day unless further pressure is applied.

The United States-Japan Joint Antitrust Consultative Commission bill will permit the United States to apply just such pressure. The Joint Commission will be focused on a very specific area, and its effectiveness will be measurable. Indeed, after 2 years, the bill mandates an assessment of the Joint Commission to gauge its usefulness. Moreover, it includes Members of Congress in addition to officials of the executive so that all the players in the antitrust field are seated at the same table.

I believe the potential rewards American companies may derive from the creation of the Joint Commission are substantial and I urge my colleagues in this body to give the United States-Japan Joint Antitrust Consultative Commission Act their support.

I ask unanimous consent that the text of the bill be placed in the RECORD at the end of my statement.

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

S. 777

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 "Joint Antitrust Consultative Commission Act".

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) Antitrust laws are an important legal tool for opening markets to international competition and defusing trade tension.

(2) All nations should make it a priority to enact and vigorously enforce strong competition laws to benefit consumers, encourage international competition and foster growth in jobs, productivity, and investment.

(3) Japanese antimonopoly law is similar to United States antitrust law, partly as a result of its formulation during America's post-World War II occupation of Japan. However, there are observable differences in the respective antitrust enforcement environments of Japan and the United States.

(4) In Japan—

(A) the lenient interpretation and enforcement of the antimonopoly law is insufficient to prevent business practices which result in significant barriers to foreign entry into the Japanese market;

(B) private antitrust lawsuits are very difficult to file and virtually impossible to win in Japan because of strict requirements stipulating proof of damages;

(C) due to political and bureaucratic pressures, criminal prosecution of antitrust violations rarely occurs in Japan;

(D) many cartels are exempted and legal under the antimonopoly law in Japan. The large number of exempted and legal cartels contributes to an environment in which illegal cartels become less subject to criticism and scrutiny; and

(E) the Japan Fair Trade Commission's capacity to enforce antimonopoly law is limited by the small size of its staff and the status of the Commission in the hierarchy of Japanese bureaucracies.

(5) In the United States—

(A) corporations may be apprehensive about participating in certain business activities such as joint ventures or exclusive distributorship arrangements due to uncertainties concerning the enforcement of antitrust law; and

(B) the cost of antitrust litigation, including the risk of treble damages, may have a negative impact on U.S. corporate competitiveness.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to encourage a review of the antitrust policies of Japan and the United States in the context of a changing global economy and to foster ways of improving competition in both countries;

(2) to encourage the Japan Fair Trade Commission and the United States Department of Justice and United States Federal Trade Commission toward more comparable levels of enforcement activity;

(3) to ensure that the Japan Fair Trade Commission increasingly enforces the antimonopoly law based upon antitrust principles of protecting competition;

(4) to encourage Japan to end unfair business practices that result in market foreclosure to foreign competition;

(5) to increase awareness of criminal antitrust enforcement as a means of addressing anticompetitive business behavior in Japan;

(6) to encourage the government of Japan to increase the investigative power of the Japan Fair Trade Commission; and

(7) to encourage the government of Japan to reduce the number of cartels exempted from the antimonopoly law.

SEC. 4. DEFINITIONS.

In this Act—

"antimonopoly law" means codes enforced by the Japan Fair Trade Commission to promote fair and free competition by prohibiting private monopolization, unreasonable restraint of trade, and unfair business practices.

"antitrust policy" means the general principles by which government is guided in maintaining competition in commercial activities.

"antitrust law" means the body of statutes, court decisions, and other law designed to ensure the existence of competition in commercial activities. Antitrust law in the United States protects trade and commerce from unlawful restraints such as price fixing, exclusive dealings, and monopolies.

"Commission" means the United States-Japan Joint Antitrust Consultative Commission established by section 5.

SEC. 5. JOINT ANTITRUST CONSULTATIVE COMMISSION.

(a) **ESTABLISHMENT.**—There is established the "United States-Japan Joint Antitrust Consultative Commission".

(b) **AMERICAN DELEGATION.**—

(1) **MEMBERSHIP.**—The American delegation to the Commission shall be composed of the following members:

(A) Members of Congress:

(i) The chairman of the Committee on Finance of the Senate, or the chairman's designee.

(ii) The ranking minority member of the Committee on Finance of the Senate, or the ranking minority member's designee.

(iii) The chairman of the Committee on Ways and Means of the House of Representatives, or the chairman's designee.

(iv) The ranking minority member of the Committee on Ways and Means of the House of Representatives, or the ranking minority member's designee.

(v) The chairman of the Committee on the Judiciary of the Senate, or the chairman's designee.

(vi) The ranking minority member of the Committee on the Judiciary of the Senate, or the ranking minority member's designee.

(vii) The chairman of the Committee on the Judiciary of the House of Representatives, or the chairman's designee.

(viii) The ranking minority member of Committee on the Judiciary of the House of Representatives, or the ranking minority member's designee.

(ix) The chairman of the Committee on Commerce, Science, and Transportation of the Senate, or the chairman's designee.

(x) The ranking minority member of the Committee on Commerce, Science, and Transportation of the Senate, or the ranking minority member's designee.

(xi) The chairman of the Committee on Energy and Commerce of the House of Representatives, or the chairman's designee.

(xii) The ranking minority member of the Committee on Energy and Commerce of the House of Representatives, or the ranking minority member's designee.

(B) Executive officers:

(i) The Attorney General, or the Attorney General's designee.

(ii) The chairman of the Federal Trade Commission, or the chairman's designee.

(iii) The Secretary of State, or the Secretary's designee.

(iv) The Secretary of the Treasury, or the Secretary's designee.

(v) The Secretary of Commerce, or the Secretary's designee.

(vi) The United States Trade Representative, or the Trade Representative's designee.

(2) LEAD REPRESENTATIVE.—(A) The Attorney General, or the Attorney General's designee, shall be the American delegation's lead representative.

(B) The lead representative shall—
(i) contact the Japanese lead representative to—

(I) set an agenda for the Commission's meetings; and

(II) set mutually convenient annual meeting dates;

(ii) supervise the establishment, procedures, and structure of the Commission with the Japanese lead representative, except such procedures shall allow representatives of industries discussed at such meetings an opportunity to present their views;

(iii) assemble and maintain the reports, records, and other papers of the Commission for use by the American delegation and the public; and

(iv) institute the comprehensive review required by section 8.

(c) JAPANESE DELEGATION.—

(1) CONTINGENCY ON COMMENCEMENT OF ACTIVITIES.—The commencement of activities under this Act by the American delegation to the Commission is contingent on the creation by the appropriate Japanese officials of a Japanese delegation with representation from an appropriate range of institutions and interests that participate in antitrust activities in Japan, as determined by the lead representative of the American delegation.

(2) MEMBERSHIP.—It is the sense of Congress that the Japanese delegation should have the same number of members as the American delegation and be composed of representatives of public, private, and other organizations involved in antitrust activities in Japan. It is the sense of the Congress that such a delegation should at a minimum include the following members:

(A) Members of the Diet:

(i) The chairman of the Budget Committee of the House of Representatives, or the chairman's designee.

(ii) The ranking member of the main opposition party of the Budget Committee of the House of Representatives, or the ranking member's designee.

(iii) The Budget Committee chairman of the House of Councillors, or the chairman's designee.

(iv) The ranking member of the main opposition party of the Budget Committee of the House of Councillors, or the ranking member's designee.

(v) The chairman of the Commerce Committee of the House of Representatives, or the chairman's designee.

(vi) The ranking member of the main opposition party of the Commerce Committee of the House of Representatives, or the ranking member's designee.

(vii) The chairman of the Commerce Committee of the House of Councillors, or the chairman's designee.

(viii) The ranking member of the main opposition party of the Commerce Committee of the House of Councillors, or the ranking member's designee.

(ix) The chairman of the Judiciary Committee of the House of Representatives, or the chairman's designee.

(x) The ranking member of the main opposition party of the Judiciary Committee of the House of Representatives, or the ranking member's designee.

(xi) The chairman of the Judiciary Committee of the House of Councillors, or the chairman's designee.

(xii) The ranking member of the main opposition party of the Judiciary Committee of the House of Councillors, or the ranking member's designee.

(B) Executive officers:

(i) The chairman of the Japan Fair Trade Commission, or the chairman's designee, and 1 additional commissioner of the chairman's choice, or that commissioner's designee.

(ii) The Minister of Finance, or the Minister's designee.

(iii) The Minister of International Trade and Industry, or the Minister's designee.

(iv) The Minister of Foreign Affairs, or the Minister's designee.

(v) The Minister of Justice, or the Minister's designee.

(3) LEAD REPRESENTATIVE.—It is the sense of Congress that the Prime Minister, or the Prime Minister's designee, should appoint 1 of the members of the Japanese delegation as a lead representative to contact the United States lead representative to—

(A) set an agenda for the Commission's meetings;

(B) set mutually convenient annual meeting dates; and

(C) perform such other duties as may be assigned to the lead representative.

(d) MEETINGS.—The Commission shall convene annually, with the first meeting to take place in Washington, D.C., in 1994 and the site of the meeting to alternate thereafter between the United States and Japan.

(e) FEDERAL ADVISORY COMMITTEE ACT.—The Commission shall not be considered to be an advisory committee under the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 6. COMMISSION FUNCTIONS.

The Commission shall—

(1) discuss and make recommendations on long-term structural differences in antitrust policy and short-term antitrust disputes; and

(2) serve as an open forum to promote more coherent enforcement of antitrust law in Japan and the United States.

SEC. 7. REPORT.

The recommendations and findings of the Commission, reflecting the major views expressed during the deliberations of the Commission, shall be completed and made public through issuance of a report in English by the agency from which the lead representative of the American delegation is selected, not more than 90 days after the Commission holds its annual meeting. It is the sense of Congress that the Japanese delegation should issue a Japanese language version of the report at the same time as the English language report is issued.

SEC. 8. COMPREHENSIVE REVIEW.

The lead representative of the American delegation shall institute a comprehensive review of the activities and responsibilities of the Commission not later than 180 days after the second annual meeting of the Commission to determine—

(1) whether the Commission is carrying out its purpose;

(2) whether consistent with the purposes of this Act, responsibilities assigned to the Commission should be revised; and

(3) whether the existence of the Commission should be continued.

SEC. 9. COMPENSATION.

Members of the American delegation to the Commission shall not be paid compensation for services performed on the Commission.

SEC. 10. PAYMENT OF EXPENSES.

The expenses of departments and agencies of the executive branch and of members and

committees of the Senate and of the House of Representatives in carrying out this Act, including travel expenses and expenses relating to preparation of the report under section 7, shall be paid out of general funds that are available and not specifically appropriated for other purposes.●

By Mr. BOREN:

S. 778. A bill to amend the Watermelon Research and Promotion Act to expand operation of the Act to the entire United States, to authorize the revocation of the refund provision of the Act, to modify the referendum procedures of the Act, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

WATERMELON RESEARCH AND IMPROVEMENT ACT OF 1993

● Mr. BOREN. Mr. President, I introduce a bill to make technical corrections to the Watermelon Research and Promotion Act.

This bill would allow watermelon producers across the United States to assess themselves on their commodity in order to promote and increase watermelon sales.

These technical amendments would change the referendum procedures by calling for a majority vote for approval of the promotion plan. It would also apply the act to every State and the District of Columbia, while more clearly defining producers and handlers.

Watermelons that are imported into this country that benefit from watermelon promotion plans would also be assessed for their participation.

Mr. President, I ask unanimous consent to have the text of the bill inserted in the RECORD following this statement.

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

S. 778

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

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Watermelon Research and Promotion Improvement Act of 1993".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title and table of contents.
- Sec. 2. Change to majority vote in referendum procedures.
- Sec. 3. Expansion of watermelon plans to entire United States.
- Sec. 4. Clarification of differences between producers and handlers.
- Sec. 5. Clarification of collection of assessments by the Board.
- Sec. 6. Changes to assessment rate not subject to formal rulemaking.
- Sec. 7. Elimination of watermelon assessment refund.
- Sec. 8. Equitable treatment of watermelon plans.
- Sec. 9. Separate consideration of watermelon plan amendments.

SEC. 2. CHANGE TO MAJORITY VOTE IN REFERENDUM PROCEDURES.

Section 1653 of the Watermelon Research and Promotion Act (7 U.S.C. 4912) is amended—

(1) by inserting "(a)" after "SEC. 1653."; (2) by striking the third sentence; and (3) inserting at the end the following new subsection:

"(b) A plan issued under this subtitle shall not take effect unless the Secretary determines that the issuance of the plan is approved or favored by a majority of the producers and handlers (and importers if subject to the plan) voting in the referendum."

SEC. 3. EXPANSION OF WATERMELON PLANS TO ENTIRE UNITED STATES.

(a) DEFINITIONS.—Section 1643 of the Watermelon Research and Promotion Act (7 U.S.C. 4902) is amended—

(1) in paragraph (3), by striking "the forty-eight contiguous States of"; and

(2) by adding at the end the following new paragraph:

"(10) The term 'United States' means each of the several States and the District of Columbia."

(b) ISSUANCE OF PLANS.—The last sentence of section 1644 of such Act (7 U.S.C. 4903) is amended by striking "the forty-eight contiguous States of".

SEC. 4. CLARIFICATION OF DIFFERENCES BETWEEN PRODUCERS AND HANDLERS.

Section 1647(c) of the Watermelon Research and Promotion Act (7 U.S.C. 4906(c)) is amended—

(1) by inserting "(1)" after "(c)"; and

(2) by adding at the end the following new paragraph:

"(2) If a producer purchases watermelons from other producers in a combined total volume that is equal to 25 percent or more of the producer's own production, the producer shall be eligible to serve on the Board only as a representative of handlers and not as a representative of producers."

SEC. 5. CLARIFICATION OF COLLECTION OF ASSESSMENTS BY THE BOARD.

Section 1647 of the Watermelon Research and Promotion Act (7 U.S.C. 4906) is amended—

(1) in subsection (f), by striking "collection of the assessments by the Board" and inserting "payment of the assessments to the Board"; and

(2) in paragraphs (1) and (3) of subsection (g), by striking "collected" each place it appears and inserting "received".

SEC. 6. CHANGES TO ASSESSMENT RATE NOT SUBJECT TO FORMAL RULEMAKING.

Section 1647(f) of the Watermelon Research and Promotion Act (7 U.S.C. 4906(f)), as amended by section 5(1), is further amended by adding at the end the following new sentences: "In fixing or changing the rate of assessment pursuant to the plan, the Secretary shall comply with the notice and comment procedures established under section 553 of title 5, United States Code. Sections 556 and 557 of such title shall not apply with respect to fixing or changing the rate of assessment."

SEC. 7. ELIMINATION OF WATERMELON ASSESSMENT REFUND.

Section 1647(h) of the Watermelon Research and Promotion Act (7 U.S.C. 4906(h)) is amended—

(1) by inserting "(1) Except as provided in paragraph (2)" after "(h)"; and

(2) by adding at the end the following new paragraph:

"(2) If approved in the referendum required by section 1655(b) relating to the elimination of the assessment refund under paragraph (1), the Secretary shall amend the plan that is in effect on the day before the date of the enactment of the Watermelon Research and Promotion Improvement Act of 1993 to eliminate the refund provision."

SEC. 8. EQUITABLE TREATMENT OF WATERMELON PLANS.

(a) DEFINITIONS.—Section 1643 of the Watermelon Research and Promotion Act (7 U.S.C. 4902), as amended by section 3(a), is further amended—

(1) in paragraph (3), by striking the semicolon at the end and inserting the following: "or imported into the United States.";

(2) by redesignating paragraphs (6) and (7) as paragraphs (8) and (9), respectively; and

(3) by inserting after paragraph (5) the following new paragraphs:

"(6) The term 'importer' means any person who imports watermelons into the United States.

"(7) The term 'plan' means an order issued by the Secretary under this subtitle."

(b) ISSUANCE OF PLANS.—Section 1644 of such Act (7 U.S.C. 4903), as amended by section 3(b), is further amended—

(1) in the first sentence, by striking "and handlers" and inserting ", handlers, and importers";

(2) by striking the second sentence; and

(3) in the last sentence, by inserting "or imported into the United States" before the period.

(c) NOTICE AND HEARINGS.—Section 1645(a) of such Act (7 U.S.C. 4904(a)) is amended—

(1) in the first sentence, by striking "and handlers" and inserting ", handlers, and importers"; and

(2) in the last sentence, by striking "or handlers" and inserting ", handlers, or importers".

(d) MEMBERSHIP OF BOARD.—Section 1647(c) of such Act (7 U.S.C. 4906(c)), as amended by section 4, is further amended—

(1) in the second sentence of paragraph (1), by striking "producer and handler members" and inserting "other members"; and

(2) by adding at the end the following new paragraph:

"(3) If importers are subject to the plan, the Board shall also include a single representative of importers, who shall be appointed by the Secretary from nominations submitted by importers in such manner as may be prescribed by the Secretary. If the importers that are subject to the plan fail to select a nominee for appointment to the Board, the Secretary may appoint any importer as the representative of importers."

(e) ASSESSMENTS.—Section 1647(g) of such Act (7 U.S.C. 4906(g)), as amended by section 5(2), is further amended—

(1) in paragraph (4)—

(A) by striking "(4) assessments" and inserting "(4) Assessments"; and

(B) by inserting "in the case of producers and handlers" after "such assessments"; and

(2) by adding at the end the following new paragraph:

"(5) If importers are subject to the plan, an assessment shall also be made on watermelons imported into the United States by the importers. The rate of assessment for importers (if subject to the plan) shall be equal to the combined rate for producers and handlers."

(f) REFUNDS.—Section 1647(h) of such Act (7 U.S.C. 4906(h)), as amended by section 7, is further amended—

(1) by inserting after "or handler" the first two places it appears the following: "(or importer if subject to the plan)"; and

(2) by striking "or handler" the last place it appears and inserting ", handler, or importer".

(g) ASSESSMENT PROCEDURES.—Section 1649 of such Act (7 U.S.C. 4908) is amended—

(1) in subsection (a)—

(A) by inserting "(1)" after "(a)"; and

(B) by adding at the end the following new paragraph:

"(2) If importers are subject to the plan, each importer required to pay assessments under the plan shall be responsible for payment of the assessment to the Board, as the Board may direct. The assessment on imported watermelons shall be equal to the combined rate for domestic producers and handlers and shall be paid by the importer to the Board at the time of the entry of the watermelons into the United States. Each such importer shall maintain a separate record including the total quantity of watermelons imported into the United States that are included under the terms of the plan, as well as those that are exempt under the plan, and shall indicate such other information as may be prescribed by the Board. No more than one assessment shall be made on any imported watermelons."

(2) in subsection (b), by inserting "and importers" after "Handlers"; and

(3) in subsection (c)(1), by inserting "or importers" after "handlers".

(h) INVESTIGATIONS.—Section 1652(a) of such Act (7 U.S.C. 4911(a)) is amended—

(1) in the first sentence, by striking "a handler or any other person" by inserting "a person";

(2) in the fourth sentence, by inserting "(or an importer if subject to the plan)" after "a handler"; and

(3) in the last sentence, by striking "the handler or other person" and inserting "the person".

(i) REFERENDUM.—Section 1653(a) of such Act, as amended by section 2, is further amended—

(1) in the first sentence—

(A) by striking "and handlers" both places it appears and inserting ", handlers, and importers"; and

(B) by striking "or handling" and inserting ", handling, or importing"; and

(2) in the fourth sentence—

(A) by striking "or handler" and inserting "handler, or importer"; and

(B) by striking "or handled" and inserting "handled, or imported".

(j) TERMINATION OF PLANS.—Section 1654(b) of such Act (7 U.S.C. 4913(b)) is amended—

(1) in the first sentence—

(A) by striking "10 per centum or more" and inserting "at least 10 percent of the combined total"; and

(B) by striking "and handlers" both places it appears and inserting ", handlers, and importers"; and

(2) in the second sentence—

(A) by striking "or handle" and inserting "handle, or import";

(B) by striking "50 per centum" and inserting "50 percent of the combined total".

(C) by striking "or handled by the handlers" and inserting ", handled by the handlers, and imported by the importers".

(k) CONFORMING AND TECHNICAL AMENDMENTS.—Such Act is further amended—

(1) in section 1642(a)(5) (7 U.S.C. 4901(a)(5)), by striking "and handling" and inserting "handling, and importing";

(2) in the first sentence of section 1642(b) (7 U.S.C. 4901(b))—

(A) by inserting ", or imported into the United States," after "harvested in the United States"; and

(B) by striking "produced in the United States";

(3) in section 1643 (7 U.S.C. 4902), as amended by subsection (a) and section 3—

(A) by striking "subtitle—" and inserting "subtitle";

(B) in paragraphs (1), (2), (3), (4), and (5), by striking "the term" each place it appears and inserting "The term";

(C) in paragraphs (1), (2), (4), and (5), by striking the semicolon at the end and inserting a period;

(D) in paragraph (8), as redesignated by subsection (a)(2)—

(i) by striking "the term" and inserting "The term"; and

(ii) by striking "; and" and inserting a period; and

(E) in paragraph (9), as redesignated by subsection (a)(2)—

(i) by striking "the term" and inserting "The term"; and

(ii) by striking "1644" and inserting "1647"; and

(4) in section 1647(g) (7 U.S.C. 4906(g)), as amended by subsection (e) and section 5(2)—

(A) by striking "that—" and inserting "the following:";

(B) in paragraph (1)—

(i) by striking "(1) funds" and inserting "(1) Funds"; and

(ii) by striking the semicolon at the end and inserting a period;

(C) in paragraph (2)—

(i) by striking "(2) no" and inserting "(2) No"; and

(ii) by striking the semicolon at the end and inserting a period; and

(D) in paragraph (3)—

(i) by striking "(3) no" and inserting "(3) No"; and

(ii) by striking "; and" and inserting a period.

SEC. 9. SEPARATE CONSIDERATION OF WATERMELON PLAN AMENDMENTS.

Section 1655 of the Watermelon Research and Promotion Act (7 U.S.C. 4914) is amended—

(1) by inserting "(a)" before "The provisions"; and

(2) by adding at the end the following new subsections:

"(b) The amendments described in subsection (c) that are required to be made by the Secretary to a plan as a result of the amendments made by the Watermelon Research and Promotion Improvement Act of 1993 shall be subject to separate line item voting and approval in a referendum conducted pursuant to section 1653 before the Secretary alters the plan as in effect on the day before the date of the enactment of such Act.

"(c) The amendments referred to in subsection (b) are those amendments required under—

"(1) section 7 of the Watermelon Research and Promotion Improvement Act of 1993 relating to the elimination of the assessment refund; and

"(2) section 8 of such Act relating to subjecting importers to the terms and conditions of the plan.

"(d) When conducting the referendum relating to subjecting importers to the terms and conditions of a plan, the Secretary shall include as eligible voters in the referendum producers, handlers, and importers who would be subject to the plan if the amendments are approved."•

By Mr. LAUTENBERG:

S. 780. A bill to prohibit expenditure of appropriated funds on the superconducting super collider, the advances solid rocket motor, or the space station; to the Committee on Appropriations.

S. 781. A bill to require the Secretary of Energy to raise rates for Federal hydroelectric power to speed debt repayment for power projects, to increase

domestic livestock grazing fees, to require a royalty for the production of locatable minerals from Federal lands, and for other purposes; to the Committee on Energy and Natural Resources.

S. 782. A bill to reduce spending for agricultural programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

BUDGET CUT LEGISLATION

• Mr. LAUTENBERG. Mr. President, with the passage of a budget resolution, the Congress has just completed the first step in what is likely to be a year-long debate on the future of our economy, the budget, and the steps we should be taking to get our economy back on track and move toward a better future for our kids.

Since 1980, we've had skyrocketing deficits, phony numbers and trick accounting. These evasions have misled the American people about the real scope of our problems and the need for hard decisions. Mr. President, the economic policies of the last 12 years have failed. Those policies, boiled down to their essence, were based on giving tax breaks to the wealthiest among us, spending substantial sums on the military, and, largely as a result of the first two, running huge budget deficits.

This year, Mr. President, our deficit is running at about \$300 billion. And that's a conservative estimate. In fact, if you exclude the Social Security trust funds, which ought to be considered separately, the actual deficit is approaching \$360 billion.

Many economists believe that this level of Federal borrowing—year in and year out—saps our already low-level of private savings, keeping capital out of the hands of entrepreneurs who would use it to invest in creating new businesses and new jobs.

Mr. President, Government borrowing on this scale is also placing a huge burden on our children and grandchildren. It is an obligation on future generations that they have had no say in approving. That's not fair, especially considering that much of the borrowing is being used in ways that will provide no benefits for future generations.

Mr. President, even worse, this borrowing is not being used to invest in things that will produce long-term economic benefits, like education, research, or infrastructure. It is being used to consume for today. And far too much is being wasted on low-priority programs that just cannot be justified. It is an unwise and unfair burden on taxpayers and prevents us from making the kinds of change, the kinds of investments that will put us on track for a better future.

We simply cannot go on like this, Mr. President. The status quo is a recipe for disaster. We've got to change.

As we move to cut the deficit, however, we must be mindful that the so-called recovery is fragile at best. So, as we move to reduce the deficit, we also

need some targeted investments to create jobs. We should focus on key areas for investment—education, job training, infrastructure, national service, and technology development, to name a few. Those are real investments in our future. And, by putting people back to work, we will also reduce the deficit in the short term.

Mr. President, when the economy slows, Americans pay fewer taxes and use more Government programs, like unemployment insurance. As a result, the deficit goes up, even if Congress doesn't adopt a single new law. For every one point that the unemployment rate is reduced, the annual deficit is reduced by \$50 billion. So, by creating jobs in the short term, we can make substantial inroads on the deficit.

Beyond strengthening our economy, another key to reducing our budget deficit is reforming our health care system. Over the past few years, health care costs have skyrocketed out of control. And the future promises even more dramatic increases.

I am encouraged that President Clinton is committed to health care reform, and I look forward to working with the administration to see such reform enacted as soon as possible. It is essential for our people. It's essential for the economy. And it's essential if we're ever to bring our deficit under control.

Having said all that, Mr. President, to reduce the deficit we need to do more than strengthen the economy and control health care costs. We need to make deeper spending cuts.

That means scrapping unnecessary programs, scaling back the bureaucracy, and cutting wasteful subsidies.

Look at the private sector, Mr. President. Most of America's largest companies are downsizing. In the face of competition literally from around the world, these companies are cutting back, getting leaner, working smarter.

Why can't the Federal Government do the same?

Mr. President, the Congress has approved a budget blueprint designed to achieve substantial deficit reduction. Unfortunately, the budget plan was approved mostly on a party line vote. I had hoped that we would have bipartisan cooperation in moving forward with an economic plan. However, at least we have taken the first steps to break the pattern of conflict, deadlock, gimmicks, and drift and we are moving forward.

In supporting this blueprint for the 1994 budget, I did not agree with every provision or recommendation in the President's proposal. But, I wanted to move the proposal forward, reserving the right to propose or support changes to it.

During consideration of the President's proposed budget outline, the Budget Committee, on which I serve,

took steps to reduce the deficit substantially more than President Clinton had first proposed, a step which I supported. In doing so, we approved a budget plan that will save nearly \$500 billion, or almost \$100 billion more than the President had initially recommended.

However, the budget resolution is a framework only, and does not include proposals to cut specific programs. Now that we have one, we must get down to the hard work of making specific cuts in order to get the deficit under control.

That is why, Mr. President, I am introducing several bills today to begin to identify specific spending cuts that I would like to see enacted to meet the targets of the budget resolution and to go beyond the proposed spending cuts if possible.

Mr. President, in recent years many politicians have talked a good game when it comes to deficit reduction, but when you ask for specifics you get nowhere. You get rhetoric. You get gimmicks. And you get simplistic and unrealistic formulas, like mandatory caps, that allow advocates to issue press releases proclaiming their fiscal conservatism, without offending anyone or accomplishing anything. The American people want specifics.

The proposals I am making today and others that I hope to put forward can make real, concrete spending cuts. These are not gimmicks or temporary freezes in spending. They are specific proposals to cut spending, that together would have a dramatic impact on the deficit without in any way harming Social Security or Medicare beneficiaries.

Mr. President, let me point out a few examples of where I'd place the budget knife.

First, massive, unnecessary science programs. Science and technology are vital to building our economy, but as in all areas we must invest with good sense. NASA's space station, however, sends good sense into orbit. The Pentagon has told us the space station serves virtually no national security purpose. And any civilian purposes can be accomplished better and cheaper in a smaller program.

NASA is also developing a new advanced solid rocket motor to use in the space shuttle. But the only things that will really take off are costs. Even NASA itself says other investments will make the shuttle safer than this billion dollar rocket.

And, finally, who can ignore the Energy Department's superconducting super collider? This 54-mile proton accelerator will absorb about 6 percent of Federal basic science spending, yet produce little in return.

I propose not trimming or snipping, but canceling all three programs, which would save taxpayers some \$16 billion over the next 5 years.

Another place to save is by eliminating subsidies for those who use our public lands. By subsidizing those who use our lands for grazing and mining, we not only cheat the taxpayer but also encourage harmful environmental practices. By ending these and other natural resource subsidies, I propose to save the taxpayer almost \$1.8 billion over 5 years.

A third place I call for cuts is agriculture. America's farms are a wonder worldwide. But in too many instances, the Federal budget has turned agribusinesses into pigs at an open trough, filled with our tax dollars.

Some examples illustrate my point. Last year Uncle Sam paid mohair producers some \$48 million because wool supposedly had some strategic purpose. Beekeepers benefit from Federal taxpayer subsidies, too. The Federal Government subsidizes producers of honey at a 5-year cost to the Treasury of about \$60 million.

We also continue to pay for a Rural Electrification Administration to provide low cost loans to rural co-ops even though the original mission of this agency has already been accomplished.

We must ensure that any aid we offer is targeted to the family farm and not the pockets of agribusinessmen. Through a combination of common-sense reforms, my proposal could save more than \$19.5 billion over the next 5 years.

Mr. President, I hope my colleagues will take a look at some of my proposals and support them. And I also would challenge them to identify the other areas where we can achieve savings. It's a challenge on behalf of our children and grandchildren.

Mr. President, last November's election results reflected the deep concerns most Americans feel about the state of our economy. Those concerns remain strong and deep in my State.

According to a recent poll by the Eagleton Institute at Rutgers University, 72 percent of New Jerseyans say that our State is still in bad economic times. In the course of the past year, more than 1 in 3 New Jersey households has been touched by unemployment.

One in three households. That's a lot of families. And that doesn't include many families where parents can find only part-time work, or who are struggling to get by in low-wage jobs. Despite talk of recovery, New Jersey's unemployment rate went up last month to 8.3 percent.

Mr. President, I hope that as the Senate gets to work to implement the economic plan, partisan wrangling will be kept to a minimum. We need to get on with the job of investing in our future even as we reduce the deficit; we need to create jobs while getting our fiscal house in order. It's past time to get started on the changes many of us have been supporting for years. ●

By Mr. BRYAN (for himself, Mr. BOND, and Mr. RIEGLE):

S. 783. A bill to amend the Fair Credit Reporting Act, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

CONSUMER REPORTING REFORM ACT

● Mr. BRYAN. Mr. President, today I am introducing legislation to amend the Fair Credit Reporting Act with my colleague Senator BOND. When the act was passed 20 years ago, it provided a number of important consumer protections. In the intervening 20 years, the credit reporting industry has undergone drastic changes—from keeping consumer information on handwritten file cards to computer tapes that are updated with billions of entries every month. The time has come to update the law.

The legislation Senator BOND and I are introducing today will make the credit reporting system perform more effectively and will reduce the frustration tens of thousands of Americans experience when their credit reports contain inaccurate information. I can attest to this frustration first hand. My report contained information about credit cards from stores I had never heard of and, for all I know, this faulty information may still be in my file.

There are two provisions in our bill which are especially important to fix the gaps in the current system. First, the bill creates a consumer-friendly re-investigation process. With billions of entries every month, credit reporting agencies are bound to make mistakes. The real issue is how these mistakes are corrected.

Anyone who has tried to correct a mistake on their credit report knows first hand the immense frustration it causes. The consumer has to prove that the information on his report is erroneous. This can often be difficult, time consuming, and costly. As one witness testified at a field hearing in Las Vegas, how does she prove that she is not married to someone in Alabama? How does someone provide documentation that a judgment against someone else with a similar name is not theirs?

In many cases, proving one's innocence can take months—including countless hours on the phone and writing letters. Innocent consumers should not be burdened with these costs and frustrations.

This legislation changes the burden of proof and puts the onus on the credit reporting agency to verify that its information is correct, and it has to do it within 30 days.

Another recurring problem is that mistakes keep reappearing on a person's report even after the individual has brought the inaccuracy to the credit reporting agency's attention. Our bill would require the agency to notify the individual before reinserting data which had previously been removed. Individuals would also be able to request a free copy of their report for 1 year afterward to ensure the mistake had not crept back in.

The second critical feature of this bill deals with those companies that furnish information to the credit bureaus. There are three legs of the credit information stool—consumers, credit bureaus and those that furnish and buy information from credit bureaus. This third leg—consisting of banks, department stores, and other such companies—has until now not fallen under the purview of the Fair Credit Reporting Act.

While many of the inaccuracies found in credit reports are caused by credit bureaus mistaking two similar names, not all are the fault of the credit bureaus—but are instead caused by erroneous information supplied by credit card companies or department stores. In a vitally important step, this legislation would make these furnishers of information liable if they continue to supply inaccurate data after they have been notified.

While I do not want to discourage companies from supplying information, it is important to hold the furnishers of information accountable for the accuracy of the data they supply. This legislation will provide companies the necessary incentive to improve their reporting and, thus, result in far fewer credit reporting mistakes.

This legislation builds on our experience of last year. Attempts to craft compromises on the issues of free reports and uniform Federal standards proved fruitless. I believe a bill adding more protections for the consumer is possible if an agreement could be reached on the issue of Federal uniformity. I hope that further discussions can occur to see if a compromise is possible.

The credit reporting industry has recently initiated a number of steps that are aimed at the issues of accuracy, privacy, and consumer relations. I applaud these steps and believe they signal a cooperative relationship in crafting legislation.

I am very enthusiastic about our chances of enacting a fair credit reporting bill into law. This legislation will not fix all the problems but should make a significant difference for the tens of thousands of Americans who find themselves the victim of inaccurate credit reports.

I want to say what a pleasure it has been to work with Senator BOND on this issue. Interested parties have very strong feelings on this legislation, and Senator BOND and I have spent countless hours trying to bridge these differences. I appreciate his persistence and determination in working toward getting this legislation enacted. My only regret is that his exceptional subcommittee staff director, Kris Siglin, will be leaving us. I wish her well in her new endeavors.

I ask unanimous consent that the full text of the bill be printed following my statement.

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

S. 783

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the "Consumer Reporting Reform Act of 1993".

(b) **TABLE OF CONTENTS.**—The following is a table of contents for this Act:

Sec. 1. Short title; table of contents.

TITLE I—AMENDMENTS TO THE FAIR CREDIT REPORTING ACT

Sec. 101. Definitions.

Sec. 102. Furnishing and using reports; use of information obtained from reports.

Sec. 103. Amendments relating to prescreening of consumer reports.

Sec. 104. Amendments relating to obsolete information and information contained in consumer reports.

Sec. 105. Amendments relating to compliance procedures.

Sec. 106. Amendments relating to consumer disclosures.

Sec. 107. Amendments relating to procedures in case of the disputed accuracy of any information in a consumer's file.

Sec. 108. Amendment relating to charges for disclosure.

Sec. 109. Amendments relating to duties of users of consumer reports.

Sec. 110. Amendments relating to civil liability.

Sec. 111. Amendments relating to responsibilities of persons who furnish information to consumer reporting agencies.

Sec. 112. State action to enforce Act.

Sec. 113. Administrative enforcement.

Sec. 114. Establishment of toll-free telephone number.

Sec. 115. Action by FTC.

Sec. 116. Effective dates.

TITLE II—CREDIT REPAIR ORGANIZATIONS

Sec. 201. Regulation of credit repair organizations.

TITLE I—AMENDMENTS TO THE FAIR CREDIT REPORTING ACT

SEC. 101. DEFINITIONS.

(a) **ADVERSE ACTION.**—Section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a) is amended by adding at the end the following new subsection:

"(j) The term 'adverse action', when used in connection with any action based in whole or in part on any information contained in a consumer report, means any action which is adverse or less favorable to the interest of the consumer who is the report subject. Without limiting the general applicability of the foregoing, the following constitute adverse actions:

"(1) **CREDIT.**—Any denial or revocation of credit, any increase in the charge for credit, any change in the terms of an existing credit arrangement, or any refusal to grant credit in substantially the amount or on substantially the terms requested. Attempts to collect debts owed or allegedly owed shall not be considered 'adverse actions'.

"(2) **EMPLOYMENT.**—Any denial of employment or other adverse or less favorable decision relating to employment purposes.

"(3) **INSURANCE.**—Any denial or cancellation of, any increase in any charge for, or reduction or other adverse or unfavorable change in the terms of coverage or amount of, any insurance, existing or applied for, in connection with the underwriting of insurance.

"(4) **LICENSE OR BENEFIT.**—Any denial or cancellation of, or any increase in any charge for, or any other adverse or unfavorable change in the terms of, any license or benefit described in section 604(3)(D).

"(5) **CONSUMER INITIATED BUSINESS TRANSACTION.**—Any denial or cancellation of, or any other adverse or unfavorable change in the terms of, any business transaction which the consumer has initiated or sought to initiate."

(b) **DEFINITION OF CONSUMER REPORT.**—Section 603(d) of the Fair Credit Reporting Act (15 U.S.C. 1681a(d)) is amended in the second sentence—

(1) by inserting before the semicolon at the end of clause (A) "or any communication of that information or information (1) from a credit application by a consumer, provided that it is clearly and conspicuously disclosed with the application that the information may be provided to such entities and the consumer consents to such disclosure, or (ii) among the person making the report, an entity related by common ownership to that person, and an entity affiliated by corporate control with that person";

(2) in clause (B), by striking "or" after the semicolon at the end; and

(3) by inserting before the period the following: " (D) any communication of information about a consumer between persons who are affiliated by common ownership or common corporate control and in connection with a credit or insurance transaction which is not initiated by the consumer, if either of those persons has complied with section 615(d)(2)(B) with respect to a consumer report from which the information is taken and the consumer has consented to use of the report for the transaction in accordance with section 615(d)(2)(C); or (E) any report furnished for use in connection with a transaction which consists of an extension of credit to be used for a commercial purpose".

(c) **FIRM OFFER OF CREDIT.**—Section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a) is amended by adding at the end the following new subsection:

"(k) The term 'firm offer of credit' means any offer of credit to a consumer that will be honored if, based on information in a consumer report on the consumer and other information bearing on the creditworthiness of the consumer, the consumer is determined to meet the criteria used to select the consumer for the offer."

(d) **CREDIT OR INSURANCE TRANSACTION WHICH IS NOT INITIATED BY THE CONSUMER.**—Section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a) is amended by adding at the end the following new subsection:

"(1) The term 'credit or insurance transaction which is not initiated by the consumer' does not include the use of a consumer report by a person with which the consumer has an account, for purposes of—

"(1) reviewing the account; or

"(2) collecting the account."

SEC. 102. FURNISHING AND USING REPORTS; USE OF INFORMATION OBTAINED FROM REPORTS.

(a) **USE OF REPORTS FOR EMPLOYMENT AND BUSINESS PURPOSES.**—Section 604 of the Fair Credit Reporting Act (15 U.S.C. 1681b) is amended—

(1) by striking "A consumer reporting agency may furnish" and inserting "(a) In

GENERAL.—A consumer reporting agency may furnish”;

(2) in subsection (a)(3) (as designated by paragraph (1)), by amending subparagraph (E) to read as follows:

“(E) otherwise has a legitimate business need for the information in connection with a business transaction that—

“(i) is initiated by the consumer; or
“(ii) is a direct marketing transaction for which the furnishing of a consumer report by the agency is not prohibited under subsection (e).”; and

(3) by adding at the end the following new subsection:

“(b) CONDITIONS FOR FURNISHING AND USING CONSUMER REPORTS FOR EMPLOYMENT PURPOSES.—

“(1) CERTIFICATION FROM USER.—A consumer reporting agency may furnish a consumer report for employment purposes only—

“(A) if the person who obtains such report from the agency certifies to the agency that—

“(i) the disclosure required under paragraph (2) or (3), as the case may be, with respect to such consumer report has been made; and

“(ii) information from the consumer report will not be used in violation of any applicable Federal or State equal employment opportunity law or regulation; and

“(B) if the consumer reporting agency provides with the report a summary of the consumer's rights under this title, as prescribed by the Federal Trade Commission under section 609(c)(3).

“(2) DISCLOSURES TO PROSPECTIVE AND CURRENT EMPLOYEES.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), a person may not procure a consumer report, or cause a consumer report to be procured, for employment purposes with respect to any prospective or current employee unless—

“(i) the prospective or current employee has received, before the report is procured, a clear and conspicuous disclosure made in writing that consumer reports may be used for employment purposes; and

“(ii) the prospective or current employee has provided a general or specific written authorization for the procurement of the report prior to such procurement.

“(B) WRITTEN MATERIAL CONSTITUTING NOTICE.—A written statement that consumer reports may be used for employment purposes which is contained in employee guidelines or manuals available to employees and prospective employees or included in written materials provided to such persons shall constitute a written disclosure for purposes of subparagraph (A).

“(3) CONDITIONS ON USE FOR ADVERSE ACTIONS.—Before taking any adverse action based on a consumer report used for employment purposes, a person shall provide to the consumer to whom the report relates—

“(A) a copy of the report;

“(B) a description of the consumer's rights under this title, as prescribed by the Federal Trade Commission under section 609(c)(3); and

“(C) a reasonable opportunity to respond to any information in the report that is disputed by the consumer, except that if the person has a reasonable belief that the consumer has engaged in fraudulent or criminal activity, no such opportunity to respond shall be required.”

(b) USE OF INFORMATION OBTAINED FROM REPORTS.—Section 604 of the Fair Credit Reporting Act (15 U.S.C. 1681b) is further

amended by adding at the end the following new subsection:

“(c) CERTAIN USE OR OBTAINING OF INFORMATION PROHIBITED.—A person shall not use or obtain information from a consumer report for any purpose unless—

“(1) it is obtained for a purpose for which the consumer report is authorized to be furnished under subsection (a); and

“(2) the purpose is certified in accordance with section 607 by a prospective user of the report.”

(c) DISCLOSURE OF CONSUMER REPORTS BY USERS.—Section 607 of the Fair Credit Reporting Act (15 U.S.C. 1681e) is amended by adding at the end the following new subsection:

“(c) DISCLOSURE OF CONSUMER REPORTS BY USERS ALLOWED.—A consumer reporting agency may not prohibit a user of a consumer report furnished by the agency on a consumer from disclosing the contents of the report to the consumer if adverse action against the consumer has been taken or is contemplated by the user, based in whole or in part on the report.”

SEC. 103. AMENDMENTS RELATING TO PRESCREENING OF CONSUMER REPORTS.

(a) IN GENERAL.—Section 604 of the Fair Credit Reporting Act (15 U.S.C. 1681b), as amended by section 102, is further amended—

(1) in subsection (a), by striking “A consumer reporting agency” and inserting “Subject to subsection (d), any consumer reporting agency”; and

(2) by adding at the end the following new subsection:

“(d) LIMITATIONS ON REPORTS RELATING TO CREDIT OR INSURANCE TRANSACTIONS NOT INITIATED BY THE CONSUMER.—

“(1) IN GENERAL.—A consumer reporting agency may furnish a consumer report relating to any consumer pursuant to subsection (a)(3)(A) to any person referred to in such subsection in connection with any solicitation for credit or insurance that is not initiated by the consumer only if—

“(A) the consumer authorizes the agency to provide such report to such person; or

“(B)(i) the transaction consists of a firm offer of credit or insurance;

“(ii) the consumer reporting agency has complied with subsection (f); and

“(iii) the consumer has not elected in accordance with subsection (f)(1) to have the consumer's name and address excluded from lists provided by the agency pursuant to paragraph (1)(B).

“(2) LIMITS ON INFORMATION RECEIVED UNDER PARAGRAPH (1)(B).—A person may receive pursuant to paragraph (1)(B) only—

“(A) the name and address of a consumer; and

“(B) information pertaining to a consumer that is not identified or identifiable with the consumer.

“(3) INFORMATION REGARDING INQUIRIES.—Except as provided in section 609(a)(4), a consumer reporting agency shall not furnish to any person a record of inquiries resulting from credit or insurance transactions which are not initiated by a consumer.”

(b) FURNISHING CONSUMER REPORTS FOR DIRECT MARKETING TRANSACTIONS.—Section 604 of the Fair Credit Reporting Act (15 U.S.C. 1681b) is further amended by adding at the end the following new subsections:

“(e) FURNISHING CONSUMER REPORTS FOR DIRECT MARKETING TRANSACTIONS NOT INITIATED BY CONSUMER.—

“(1) FURNISHING REPORTS PROHIBITED.—A consumer reporting agency may not furnish a consumer report for use for a direct mar-

keting transaction that is not initiated by the consumer to whom the report relates, if—

“(A) the consumer notifies the agency that the consumer does not consent to that use;

“(B) the report includes any information other than the name and address of the consumer; or

“(C) furnishing the information would disclose the credit payment history, credit limit, credit balance, or any negative information pertaining to the consumer.

“(2) NOTIFICATION.—A consumer may notify a consumer reporting agency for purposes of paragraph (1)(A) either—

“(A) in writing; or

“(B) in the case of an agency which compiles and maintains files on consumers on a nationwide basis, by calling the toll-free telephone number established pursuant to subsection (f)(3).

“(f) ELECTION OF CONSUMER TO BE EXCLUDED FROM LISTS.—

“(1) IN GENERAL.—A consumer may elect to have his or her name and address excluded from any list provided by a consumer reporting agency pursuant to subsection (e)(2), by—

“(A) notifying the agency, through the notification system maintained by the agency under paragraph (3), that the consumer does not consent to any use of consumer reports relating to the consumer in connection with any credit or insurance transaction which is not initiated by the consumer; or

“(B) returning to the agency a signed written notice of the election, if provided by the agency in accordance with paragraph (2).

“(2) PROVISION OF WRITTEN NOTICE TO CONSUMER.—A consumer reporting agency shall mail to a consumer a written notice for purposes of paragraph (1)(B), not later than 5 business days after being notified of the election of the consumer in accordance with paragraph (1)(A).

“(3) NOTIFICATION SYSTEM.—Each consumer reporting agency which furnishes a consumer report pursuant to subsection (a)(3)(A) in connection with any credit or insurance transaction which is not initiated by a consumer shall establish and maintain a notification system, including a toll-free telephone number, which permits any consumer whose consumer report is maintained by the agency to notify the agency, with appropriate identification, of the consumer's election to have the consumer's name and address excluded from any list of names and addresses provided by the agency pursuant to subsection (d)(1)(B). Establishment and maintenance of a nationwide notification system and publication by a consumer reporting agency on a nationwide basis in accordance with this paragraph shall be considered to be in compliance with this paragraph by each affiliate of the agency.

“(4) AGENCIES WHICH OPERATE NATIONWIDE.—Each consumer reporting agency which compiles and maintains files on consumers on a nationwide basis shall establish and maintain a notification system under paragraph (3) jointly with other such consumer reporting agencies.

“(5) EFFECTIVENESS OF ELECTION.—An election of a consumer under paragraph (1)—

“(A) shall be effective with respect to a consumer reporting agency beginning on the date on which the consumer notifies the agency in accordance with paragraph (1)(A);

“(B) shall be effective—

“(i) for a period of 2 years after that effective date; or

“(ii) permanently, as may be specified by the consumer in his or her notification of

election under paragraph (1)(B), except that the consumer may notify the agency at any time of a change of election in accordance with paragraph (1); and

"(C) shall be effective with respect to each affiliate of the agency."

(c) **FIRST NOTIFICATIONS BY CONSUMERS.**—A consumer may notify a consumer reporting agency through a notification system established and maintained by the agency under section 604(f) of the Fair Credit Reporting Act on or after the date which is 1 year after the date of enactment of this Act.

SEC. 104. AMENDMENTS RELATING TO OBSOLETE INFORMATION AND INFORMATION CONTAINED IN CONSUMER REPORTS.

(a) **REPEAL OF EXEMPTION PROVISIONS.**—Section 605(a) of the Fair Credit Reporting Act (15 U.S.C. 1681c(a)) is amended in subsection (a), by striking "(a) Except as authorized under subsection (b) of this section, no" and inserting "(a) OBSOLETE INFORMATION.—Except as otherwise specifically authorized, no".

(b) **ADDITIONAL INFORMATION ON BANKRUPTCY FILINGS REQUIRED.**—Section 605(b) of the Fair Credit Reporting Act (15 U.S.C. 1681c(b)) is amended to read as follows:

"(b) **INFORMATION REQUIRED TO BE DISCLOSED.**—Any consumer reporting agency that furnishes a consumer report that contains information regarding any case involving the consumer which arises under title 11, United States Code, shall include in the report an identification of the chapter of such title 11 under which such case arises if provided by the source of the information. If any case arising or filed under title 11, United States Code, is withdrawn by the consumer prior to a final judgment, the consumer reporting agency shall include in the report that such case or filing was withdrawn upon receipt of documentation certifying such withdrawal."

(c) **CLARIFICATION OF REPORTING PERIOD.**—Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c) is further amended by adding at the end the following new subsection:

"(c) **RUNNING OF REPORTING PERIOD.**—The 7-year period referred to in paragraphs (4) and (6) of subsection (a) shall begin, with respect to any delinquent account which is placed for collection (internally or by referral to a third party, whichever is earlier), charged to profit and loss, or subjected to any similar action, upon the expiration of the 180-day period beginning on the date of the commencement of the delinquency which immediately preceded the collection activity, charge to profit and loss, or similar action."

(d) **DISCLOSURE OF PERSONAL INFORMATION.**—Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c) is further amended by adding at the end the following new subsection:

"(d) **DISCLOSURE OF PERSONAL INFORMATION.**—A person who prepares any credit report which includes personal credit information on any consumer shall not include in the report any adverse item of information on the consumer with respect to transactions which antedate the report by more than 10 years or which could not be included in any consumer report on the consumer in accordance with this section."

(e) **INDICATION OF CLOSURE OF ACCOUNT.**—Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c) is further amended by adding at the end the following new subsection:

"(e) **INDICATION OF CLOSURE OF ACCOUNT BY CONSUMER.**—If a consumer reporting agency is notified pursuant to section 622(a)(4) that a credit account of a consumer was volun-

tarily closed by the consumer, the agency shall indicate that fact in any consumer report that includes information related to the account."

(f) **POSITIVE INFORMATION.**—Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c) is further amended by adding at the end the following new subsection:

"(f) **ACCEPTANCE OF CERTAIN INFORMATION.**—A consumer reporting agency shall accept from a consumer and include in the consumer's file relevant and timely information that is not in computerized form if the information—

"(1) would have a positive impact on a determination of creditworthiness of the consumer; and

"(2) is submitted in a form and manner that complies with regulations of the Federal Trade Commission."

(g) **CLERICAL AMENDMENTS.**—

(1) **SECTION HEADING.**—The heading for section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c) is amended by striking "**OBSOLETE INFORMATION**" and inserting "**REQUIREMENTS RELATING TO INFORMATION CONTAINED IN CONSUMER REPORTS**".

(2) **TABLE OF SECTIONS.**—The table of sections at the beginning of the Fair Credit Reporting Act (15 U.S.C. 1681a et seq.) is amended by striking the item relating to section 605 and inserting the following:

"605. Requirements relating to information contained in consumer reports."

SEC. 105. AMENDMENTS RELATING TO COMPLIANCE PROCEDURES.

(a) **NOTICE TO USERS AND PROVIDERS OF INFORMATION TO ENSURE COMPLIANCE.**—

(1) **IN GENERAL.**—Section 607 of the Fair Credit Reporting Act (15 U.S.C. 1681e), as amended by section 102, is amended by adding at the end the following new subsection:

"(d) **NOTICE TO USERS AND FURNISHERS OF INFORMATION.**—A consumer reporting agency shall provide a notice to any person—

"(1) who regularly and in the ordinary course of business furnishes information to the agency with respect to any consumer; or

"(2) to whom a consumer report is provided by the agency;

of such person's responsibilities under this title."

(2) **CONTENT OF NOTICE.**—The Federal Trade Commission shall prescribe the content of notices under section 607(d) of the Fair Credit Reporting Act by not later than 1 year after the date of enactment of this Act.

(b) **RECORD OF IDENTITY OF USERS AND PURPOSES CERTIFIED BY USERS OF REPORTS.**—Section 607 of the Fair Credit Reporting Act (15 U.S.C. 1681e) is further amended by adding at the end the following new subsection:

"(e) **PROCUREMENT OF CONSUMER REPORT FOR RESALE.**—

"(1) **DISCLOSURE.**—A person may not procure a consumer report for purposes of reselling the report (or the information contained in the report) unless the person discloses to the consumer reporting agency which originally furnished the report—

"(A) the identity of the ultimate end-user of the report (or the information), and

"(B) each permissible purpose under section 604 for which the report is furnished to the ultimate end-user of the report (or the information).

"(2) **RESPONSIBILITIES OF PROCURERS FOR RESALE.**—A person who procures a consumer report for purposes of reselling the report (or the information contained in the report) shall—

"(A) establish and comply with reasonable procedures designed to ensure that the re-

port (or the information) is resold by the person only for a purpose for which the report may be furnished under section 604, including by ensuring that the person—

"(i) identifies each prospective user of the resold report (or the information);

"(ii) certifies each purpose for which the report (or the information) will be used; and

"(iii) certifies that the report (or the information) will be used for no other purpose; and

"(B) before reselling the report, make reasonable efforts to verify the identifications and certifications made under subparagraph (A)."

SEC. 106. AMENDMENTS RELATING TO CONSUMER DISCLOSURES.

(a) **ALL INFORMATION IN CONSUMER'S FILE REQUIRED TO BE DISCLOSED.**—Section 609(a)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681g(a)(1)) is amended to read as follows:

"(1) All information in the consumer's file at the time of the request."

(b) **MORE INFORMATION CONCERNING RECIPIENTS OF REPORTS REQUIRED.**—Section 609(a)(3) of the Fair Credit Reporting Act (15 U.S.C. 1681g(a)(3)) is amended to read as follows:

"(3)(A) Identification of each person who procured a consumer report—

"(i) for employment purposes within the 2-year period preceding the request; and

"(ii) for any other purpose within the 1-year period preceding the request.

"(B) An identification of a person under subparagraph (A) shall include—

"(i) the name of the person or, if applicable, the trade name (written in full) under which such person conducts business; and

"(ii) upon request of the consumer, the address and telephone number of the person."

(c) **INFORMATION REGARDING INQUIRIES.**—Section 609(a) of the Fair Credit Reporting Act (15 U.S.C. 1681g(a)) is further amended by adding at the end the following new paragraph:

"(4) A record of all inquiries received by the agency in the 1-year period preceding the request that identified the consumer in connection with a credit or insurance transaction which is not initiated by the consumer."

(d) **SUMMARY OF RIGHTS REQUIRED TO BE INCLUDED WITH DISCLOSURE.**—

(1) **IN GENERAL.**—Section 609 of the Fair Credit Reporting Act (15 U.S.C. 1681g) is amended by adding at the end the following new subsection:

"(c) **SUMMARY OF RIGHTS REQUIRED TO BE INCLUDED WITH DISCLOSURE.**—

"(1) **SUMMARY OF RIGHTS.**—A consumer reporting agency shall provide to a consumer, on or with each written disclosure by the agency to the consumer under this section—

"(A) a written summary of all rights the consumer has under this title; and

"(B) in the case of a consumer reporting agency which compiles and maintains consumer reports on a nationwide basis, a toll-free telephone number which the consumer can use to communicate with the agency.

"(2) **SPECIFIC ITEMS REQUIRED TO BE INCLUDED.**—The summary of rights required under paragraph (1) shall include—

"(A) a brief description of this title and all rights of consumers under this title;

"(B) an explanation of how the consumer may exercise the rights of the consumer under this title;

"(C) a list of all Federal agencies responsible for enforcing any provision of this title and the address and any appropriate tele-

phone number of each such agency, in a form that will assist the consumer in selecting the appropriate agency; and

"(D) a statement that a consumer reporting agency is not required to remove accurate derogatory information from a consumer's file, unless the information is outdated under section 605 or cannot be verified.

"(3) FORM OF SUMMARY OF RIGHTS.—For purposes of this subsection and any disclosure by a consumer reporting agency required under this title with respect to consumers' rights, the Federal Trade Commission (after consultation with each Federal agency referred to in section 621(b)) shall prescribe the form and content of any disclosure of the rights of consumers required under this title."

(2) TECHNICAL AMENDMENT.—Section 606(a)(1)(B) of the Fair Credit Reporting Act (15 U.S.C. 1681d(a)(1)(B)) is amended by inserting "and the written summary of the rights of the consumer prepared pursuant to section 609(c)" before the semicolon.

(e) FORM OF DISCLOSURES.—

(1) IN GENERAL.—Subsections (a) and (b) of section 610 of the Fair Credit Reporting Act (15 U.S.C. 1681h) are amended to read as follows:

"(a) WRITTEN DISCLOSURE.—The disclosures required to be made under section 609 shall be provided to a consumer in writing.

"(b) OTHER FORMS OF DISCLOSURE.—

"(1) IN GENERAL.—In addition to the written disclosures required by subsection (a), a consumer reporting agency may make the disclosures required under section 609 other than in written form if—

"(A) the consumer authorizes the disclosure;

"(B) the consumer furnishes proper identification to the consumer reporting agency;

"(C) the consumer specifies the form of disclosure; and

"(D) such form of disclosure is available from the agency.

"(2) FORM.—A consumer may specify pursuant to paragraph (1) that disclosures under section 609 shall be made—

"(A) in person, upon the appearance of the consumer at the place of business of the consumer reporting agency where disclosures are regularly provided, during normal business hours, and on reasonable notice;

"(B) by telephone, if the consumer has made a written request for disclosure by telephone that includes the proper identification of the consumer, as required by paragraph (1)(B);

"(C) by electronic means, if available from the agency; or

"(D) by any other reasonable means that is available from the agency."

(2) SIMPLIFIED DISCLOSURE.—Not later than 90 days after the effective date of this Act, each consumer reporting agency shall develop a form on which such consumer reporting agency shall make the disclosures required under section 609(a) of the Fair Credit Reporting Act, for the purpose of maximizing the comprehensibility and standardization of such disclosures. The Federal Trade Commission shall take appropriate action to assure that the goals of comprehensibility and standardization are achieved.

(3) CONFORMING AMENDMENTS.—

(A) SECTION HEADING.—Section 610 of the Fair Credit Reporting Act (15 U.S.C. 1681h) is amended in the heading for the section by inserting "AND FORM" after "CONDITIONS".

(B) TABLE OF SECTIONS.—The table of sections at the beginning of the Fair Credit Reporting Act (15 U.S.C. 1681a et seq.) is amended in the item relating to section 610 by inserting "and form" after "Conditions".

SEC. 107. AMENDMENTS RELATING TO PROCEDURES IN CASE OF THE DISPUTED ACCURACY OF ANY INFORMATION IN A CONSUMER'S FILE.

(a) IN GENERAL.—Section 611(a) of the Fair Credit Reporting Act (15 U.S.C. 1681i(a)) is amended to read as follows:

"(a) REINVESTIGATION OF DISPUTED INFORMATION.—

"(1) IN GENERAL.—If the completeness or accuracy of any item of information contained in any consumer's file at any consumer reporting agency is disputed by the consumer and the consumer notifies the agency directly of such dispute, the agency shall reinvestigate free of charge and record the current status of the disputed information before the end of the 30-day period beginning on the date the agency receives the notice of the dispute from the consumer.

"(2) PROMPT NOTICE OF DISPUTE TO FURNISHER OF INFORMATION.—Not later than 5 business days after the date on which a consumer reporting agency receives notice of a dispute from any consumer in accordance with paragraph (1), the agency shall notify any person who provided any item of information in dispute at the address and in the manner established with the person.

"(3) DETERMINATION THAT DISPUTE IS FRIVOLOUS OR IRRELEVANT.—

"(A) IN GENERAL.—Notwithstanding paragraph (1), a consumer reporting agency may terminate a reinvestigation of information disputed by a consumer under that paragraph if the agency reasonably determines that dispute by the consumer is frivolous or irrelevant, including by reason of a failure by a consumer to provide sufficient information to investigate the dispute.

"(B) NOTICE OF DETERMINATION.—Not later than 5 business days after making any determination in accordance with subparagraph (A) that a dispute is frivolous or irrelevant, a consumer reporting agency shall mail to the consumer a written notification of such determination (including the reasons for the determination), and, if authorized by the consumer for that purpose, by any other means available to the agency.

"(4) CONSIDERATION OF CONSUMER INFORMATION.—In conducting any reinvestigation under paragraph (1) with respect to disputed information in the file of any consumer, the consumer reporting agency shall review and consider all relevant information submitted by the consumer in the period described in paragraph (1) with respect to such disputed information.

"(5) DELETION OF INACCURATE OR UNVERIFIABLE INFORMATION.—

"(A) IN GENERAL.—If, in the course of any reinvestigation under paragraph (1) of any information disputed by a consumer, an item of the information is found to be inaccurate or cannot be verified, the consumer reporting agency shall promptly delete that item of information from the consumer's file.

"(B) REQUIREMENTS RELATING TO REINSERTION OF PREVIOUSLY DELETED MATERIAL.—

"(1) CERTIFICATION OF ACCURACY OF INFORMATION.—If any information is deleted from a consumer's file pursuant to subparagraph (A), the information may not be reinserted in the file after the deletion unless the person who furnishes the information certifies that the information is complete and accurate.

"(ii) NOTICE TO CONSUMER.—If any information which has been deleted from a consumer's file pursuant to subparagraph (A) is reinserted in the file in accordance with clause (i), the consumer reporting agency shall, not later than 5 business days after such deletion, mail to the consumer written notification

of the reinsertion, and, if authorized by the consumer for that purpose, by any other means available to the agency.

"(C) PROCEDURES TO PREVENT REAPPEARANCE.—A consumer reporting agency shall maintain reasonable procedures designed to prevent the reappearance in a consumer's file, and in consumer reports on the consumer, of information that is deleted pursuant to this paragraph (other than information that is reinserted in accordance with subparagraph (B)(i)).

"(6) NOTICE OF RESULTS OF REINVESTIGATION.—

"(A) IN GENERAL.—A consumer reporting agency shall mail to the consumer written notification of the results of a reinvestigation under this subsection not later than 5 business days after the completion of the reinvestigation, and, if authorized by the consumer for that purpose, by other means available to the agency.

"(B) CONTENTS.—As part of or in addition to the notice under subparagraph (A), a consumer reporting agency shall provide to a consumer in writing within the 5-business-day period referred to in subparagraph (A)—

"(i) a statement that the reinvestigation is completed;

"(ii) a consumer report that is based upon the consumer's file as that file is revised as a result of the reinvestigation;

"(iii) a description or indication of any changes made in the consumer report as a result of those revisions to the consumer's file;

"(iv) a notice to the consumer that, if requested by the consumer, a description of the procedure used to determine the accuracy and completeness of the information shall be provided to the consumer by the agency, including the name, business address, and telephone number of any furnisher of information contacted in connection with such information;

"(v) a notification that the consumer has the right to add a statement to the consumer's file disputing the accuracy or completeness of the information; and

"(vi) a clear and conspicuous notification of the right of the consumer to request under subsection (d) that the consumer reporting agency furnish notifications under that subsection.

"(7) DESCRIPTION OF REINVESTIGATION PROCEDURE.—A consumer reporting agency shall provide to a consumer a description referred to in paragraph (6)(B)(iv) by not later than 15 days after receiving a request from the consumer for that description."

(b) CONFORMING AMENDMENT.—Section 611(d) of the Fair Credit Reporting Act (15 U.S.C. 1681i(d)) is amended by striking "The consumer reporting agency shall clearly" and all that follows through the end of the subsection.

SEC. 108. AMENDMENT RELATING TO CHARGES FOR DISCLOSURE.

Section 612 of the Fair Credit Reporting Act (15 U.S.C. 1681j) is amended to read as follows:

"§612. Charges for disclosures and certain notices prohibited

"(a) FREE CONSUMER REPORTS.—Each consumer reporting agency that maintains a file on a consumer shall make all disclosures pursuant to section 609 without charge to the consumer—

"(1) if the consumer makes a request under section 609, not later than 60 days after receipt by such consumer of a notification pursuant to section 615 or of a notification from a debt collection agency affiliated with that consumer reporting agency stating that the consumer's credit rating may be or has been adversely affected; and

"(2) upon written request by the consumer not later than 1 year after the consumer receives a notification under subsection (b)(2).

"(b) CHARGE FOR CERTAIN NOTICES PROHIBITED.—A consumer reporting agency shall not impose any charge for—

"(1) providing a notice required under section 611(a)(6); or

"(2) notifying a person pursuant to section 611(d) of the deletion of information which is found to be inaccurate or which can no longer be verified, if the consumer designates that person to the agency before the end of the 30-day period beginning on the date of the notification of the consumer under section 611(a)(6)."

SEC. 109. AMENDMENTS RELATING TO DUTIES OF USERS OF CONSUMER REPORTS.

(a) DUTIES OF USERS TAKING ADVERSE ACTIONS.—Section 615(a) of the Fair Credit Reporting Act (15 U.S.C. 1681m(a)) is amended to read as follows:

"(a) DUTIES OF USERS TAKING ADVERSE ACTIONS ON THE BASIS OF INFORMATION CONTAINED IN CONSUMER REPORTS.—If any person takes any adverse action with respect to any consumer in connection with credit, employment purposes, insurance underwriting, any license or benefit described in section 604(3)(D), or any business transaction involving the consumer which is based, in whole or in part, on any information contained in a consumer report, the person shall—

"(1) provide written notice of the adverse action to the consumer;

"(2) provide the consumer—

"(A) the name, address, and telephone number of the consumer reporting agency which furnished the report to the person; and

"(B) a statement that the consumer reporting agency did not make the decision to take the adverse action;

"(3) provide to the consumer a written notice of the consumer's right—

"(A) to obtain, under section 612, a free copy of a consumer report on the consumer, from the consumer reporting agency referred to in paragraph (2) and from any other consumer reporting agency which compiles and maintains files on consumers on a nationwide basis; and

"(B) to dispute, under section 611, with a consumer reporting agency the accuracy or completeness of any information in a consumer report furnished by the agency; and

"(4) in the case of an adverse action based in whole or in part on a credit score or other credit rating system, provide to the consumer—

"(A) notice that the credit scoring system was used; and

"(B) the principal reasons for that credit score, if those reasons are required to be disclosed by the person for purposes of compliance with section 701(d)(3) of the Equal Credit Opportunity Act."

(b) DUTIES OF USERS WHO MAKE CERTAIN SOLICITATIONS.—Section 615 of the Fair Credit Reporting Act (15 U.S.C. 1681m) is further amended by adding at the end the following new subsection:

"(d) DUTIES OF USERS WHO MAKE WRITTEN CREDIT OR INSURANCE SOLICITATIONS ON THE BASIS OF INFORMATION CONTAINED IN CONSUMER FILES.—

"(1) IN GENERAL.—Any person who uses a consumer report of any consumer in connection with any credit or insurance transaction which is not initiated by the consumer and which consists of a firm offer of credit or insurance shall provide on or with any written solicitation made to the consumer regarding the transaction a clear and conspicuous statement that—

"(A) information contained in the consumer's consumer report was used in connection with the transaction;

"(B) the consumer received the offer of credit or insurance because the consumer satisfied the criteria for creditworthiness under which the consumer was selected for the offer;

"(C) if applicable, the credit or insurance may not be extended if, after the consumer responds to the offer, the consumer does not meet the original criteria used to select the consumer for the offer;

"(D) no new criteria for creditworthiness will be imposed on the consumer other than the original criteria used to select the consumer for the offer;

"(E) the consumer has a right to prohibit information contained in the consumer's file with any consumer reporting agency to be used in connection with any credit or insurance transaction that is not initiated by the consumer; and

"(F) the consumer may exercise the right referred to in subparagraph (E) by using the joint notification system established under section 604(e)(4).

(2) LIMITATION ON APPLICATION.—Paragraph (1) does not apply to the use of a consumer report by a person if—

"(A) the person is affiliated by common ownership or by common corporate control with the person who procured the report;

"(B) the person who procured the report clearly and conspicuously disclosed to the consumer to whom the report relates, before the report is provided to the person who will use the report, that the report might be provided to and used by other persons who are affiliated in the manner described in subparagraph (A) to the person who procured the report; and

"(C) that provision and use of the report is consented to by the consumer in writing.

(3) FALSE AND MISLEADING STATEMENTS.—No statement accompanying a credit or insurance transaction that is not initiated by the consumer shall contain any false or misleading information concerning any condition or criteria for the extension of credit (or offer therefore) to the consumer.

(4) MAINTAINING CRITERIA ON FILE.—A person who makes an offer of credit or insurance to a consumer under a credit or insurance transaction described in paragraph (1) shall maintain on file the criteria used to select the consumer to receive the offer, until the end of the 3-year period beginning on the date on which the offer is made to the consumer."

(c) DUTIES OF USERS FOR DIRECT MARKETING TRANSACTIONS NOT INITIATED BY CONSUMERS.—Section 615 of the Fair Credit Reporting Act (15 U.S.C. 1681m) is further amended by adding at the end the following new subsection:

"(e) DUTIES OF USERS FOR DIRECT MARKETING TRANSACTIONS NOT INITIATED BY CONSUMERS.—Any person who, in connection with a direct marketing transaction that is not initiated by a consumer, uses information concerning the consumer that is provided by a consumer reporting agency shall provide to the consumer with each communication regarding the transaction made to the consumer a clear and conspicuous written statement—

"(1) that information concerning the consumer that was provided by a consumer reporting agency was used in connection with the transaction;

"(2) that the consumer has the right under section 604(e) to prohibit any information concerning the consumer from being pro-

vided by the consumer reporting agency for use in connection with any direct marketing transaction that is not initiated by the consumer;

"(3) that the consumer may exercise the right referred to in paragraph (2) by notifying the consumer reporting agency in writing or, in the case of a consumer reporting agency required to establish a toll-free telephone number pursuant to section 604(d)(4), by calling that number; and

"(4) disclosing the name, address, and, in the case of a consumer reporting agency required to establish a toll-free telephone number pursuant to section 604(d)(4), the toll-free telephone number at which the agency may be notified."

SEC. 110. AMENDMENTS RELATING TO CIVIL LIABILITY.

(a) WILLFUL FAILURE TO COMPLY.—Section 616 of the Fair Credit Reporting Act (15 U.S.C. 1681n) is amended to read as follows:

"SEC. 616. CIVIL LIABILITY FOR WILLFUL NON-COMPLIANCE.

"(a) IN GENERAL.—Any person who willfully fails to comply with any requirement imposed under this title with respect to any consumer is liable to that consumer in an amount prescribed under subsection (c).

"(b) EXCEPTION.—A person has no liability to a consumer under this section for a violation of section 622(a)(1).

"(c) DAMAGES.—Liability for a willful failure to comply described in subsection (a) shall be in an amount equal to the sum of—

"(1) any actual damages sustained by the consumer as a result of the failure;

"(2) an amount not less than \$300 nor greater than \$1,000;

"(3) such punitive damages as the court may allow; and

"(4) in the case of any successful action to enforce any liability under this section—

"(A) the costs of the action; and

"(B) reasonable attorney's fees, as determined by the court."

(b) NEGLIGENCE FAILURE TO COMPLY.—Section 617 of the Fair Credit Reporting Act (15 U.S.C. 1681o) is amended to read as follows:

"SEC. 617. CIVIL LIABILITY FOR NEGLIGENCE FAILURE TO COMPLY.

"(a) IN GENERAL.—Any person who is negligent in failing to comply with any requirement of this title with respect to a consumer shall be liable to that consumer in an amount prescribed in subsection (c).

"(b) EXCEPTION.—A person has no liability to a consumer under this section for a violation of section 622(a)(1).

"(c) DAMAGES.—Liability for a negligent failure to comply described in subsection (a) shall be in an amount equal to the sum of—

"(1) any actual damage sustained by a consumer as a result of the failure; and

"(2) in the case of any successful action to enforce liability under this section—

"(A) the costs of the action; and

"(B) reasonable attorney's fees, as determined by the court."

SEC. 111. AMENDMENTS RELATING TO RESPONSIBILITIES OF PERSONS WHO FURNISH INFORMATION TO CONSUMER REPORTING AGENCIES.

(a) IN GENERAL.—The Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended—

(1) by redesignating sections 622 and 623 as sections 623 and 624; and

(2) by inserting after section 621 the following new section:

"SEC. 622. RESPONSIBILITIES OF FURNISHERS OF INFORMATION TO CONSUMER REPORTING AGENCIES.

"(a) DUTY OF FURNISHERS OF INFORMATION TO PROVIDE COMPLETE AND ACCURATE INFORMATION.—

"(1) IN GENERAL.—A person shall not furnish any information to any consumer reporting agency if the person knows or should know the information is incomplete or inaccurate.

"(2) DUTY TO CORRECT AND UPDATE INFORMATION.—A person who—

"(A) in the ordinary course of business, regularly and on a routine basis furnishes information to one or more consumer reporting agencies about their own transactions or experiences with a consumer; and

"(B) furnishes information to a consumer reporting agency, that the person determines is not complete or accurate;

shall promptly notify the consumer reporting agency of that determination and provide to the agency any corrections to that information, or any additional information, that is necessary to make the information provided by the person to the agency complete and accurate.

"(3) DUTY TO PROVIDE NOTICE OF CONTINUING DISPUTE.—If the completeness or accuracy of any information furnished by any person to any consumer reporting agency continues to be disputed to such person, the person may not furnish the information to any consumer reporting agency without notice that such information is disputed by the consumer.

"(4) DUTY TO PROVIDE NOTICE OF CLOSED ACCOUNTS.—A person who regularly furnishes information to a consumer reporting agency regarding a consumer who has a credit account with that person shall notify the agency of the closure of that account by the consumer in information regularly furnished for the period in which the account is closed.

"(5) DUTY TO PROVIDE NOTICE OF DELINQUENCY OF ACCOUNTS.—A person who furnishes information to a consumer reporting agency regarding a delinquent account being placed for collection, charged to profit or loss, or subjected to any similar action shall notify the agency of the commencement of the delinquency immediately preceding that action, by not later than 90 days after the date of that commencement.

"(b) NOTICE TO CONSUMERS OF INFORMATION FURNISHED TO CONSUMER REPORTING AGENCIES.—

"(1) NOTICE REQUIRED.—A person who in the ordinary course of business regularly and on a routine basis furnishes information about that person's transactions or experiences with any consumer to any consumer reporting agency, shall give notice of that fact in writing to the consumer before first providing any information about the consumer to any consumer reporting agency.

"(2) CONTENTS OF NOTICE.—Written notice provided to a consumer by a person pursuant to paragraph (1) shall contain—

"(A) a brief description of the type of information that may be furnished regularly to any consumer reporting agency; and

"(B) a brief description of the frequency with which or the circumstances under which information is furnished to any consumer reporting agency.

"(3) NOTICE BY CERTAIN PERSONS.—A person who furnishes information about consumers who have written checks with insufficient funds may give notice for purposes of paragraph (1) by posting the notice in a conspicuous manner at each location where checks are accepted by the person.

"(c) DUTIES OF FURNISHERS OF INFORMATION UPON NOTICE OF DISPUTE.—Upon receiving notice pursuant to section 611(a)(2) of a dispute with regard to the completeness or accuracy of any information provided by a person to a consumer reporting agency, the person shall—

"(1) complete an investigation with respect to the disputed information and report to the consumer reporting agency the results of that investigation before the end of the 20-day period beginning on the date the agency receives notices of a dispute from the consumer in accordance with section 611(a)(1); and

"(2) review relevant information submitted to the consumer reporting agency by the consumer in accordance with section 611(a)(4).

"(d) LIMITATIONS.—

"(1) CIVIL LIABILITY.—Sections 616 and 617 shall not apply to any failure to comply with subsection (a).

"(2) ENFORCEMENT.—Subsection (a) shall be enforced exclusively under section 621 by the agencies identified in that section.

"(3) INJUNCTIVE RELIEF.—In an action alleging a violation of subsection (a)(1), the court shall have jurisdiction to enjoin the violation only where the action is brought by the Federal Trade Commission or the attorney general of a State."

(b) CLERICAL AMENDMENT.—The table of sections for title VI of the Consumer Credit Protection Act is amended by redesignating the item relating to sections 622 and 623 as sections 623 and 624, and inserting after the item relating to section 621 the following new item:

"622. Responsibilities of furnishers of information to consumer reporting agencies."

SEC. 112. STATE ACTION TO ENFORCE ACT.

Section 621 of the Fair Credit Reporting Act (15 U.S.C. 1681s) is amended by adding at the end the following new subsection:

"(d) STATE ACTION TO ENFORCE ACT.—If any person violates any requirement imposed under this title, the chief law enforcement officer of the State in which such violation occurred (or an official or agency designated by that State) may bring an action—

"(1) to restrain such violation;

"(2) to recover amounts for which such person is liable under this title to each person on whose behalf the action is brought;

"(3) to seek such remedies as are allowed under the law of such State; or

"(4) to collect a civil penalty of not more than \$1,000 for each such violation."

SEC. 113. ADMINISTRATIVE ENFORCEMENT.

(a) IN GENERAL.—Section 621(a) of the Fair Credit Reporting Act (15 U.S.C. 1681s(a)) is amended in the second sentence—

(1) by striking "Act and shall be subject to enforcement by the Federal Trade Commission under section 5(b) thereof with respect to any consumer reporting agency or person subject to enforcement by the Federal Trade Commission pursuant to this subsection, irrespective" and inserting "Act. All functions and powers of the Federal Trade Commission under the Federal Trade Commission Act shall be available to the Federal Trade Commission to enforce compliance with this title by any person subject to enforcement by the Federal Trade Commission pursuant to this subsection, irrespective"; and

(2) by inserting before the period "including the power to enforce the provisions of this title in the same manner as if the violation had been a violation of any Federal Trade Commission trade regulation rule".

(b) FEDERAL RESERVE BOARD INTERPRETIVE AUTHORITY.—Section 621 of the Fair Credit Reporting Act (15 U.S.C. 1681s) is amended by adding at the end the following new subsection:

"(e) INTERPRETIVE AUTHORITY.—The Board of Governors of the Federal Reserve System may issue an interpretation of any provision

of this title as it may apply to any person identified in paragraph (1), (2), or (3) of subsection (b), and the holding companies and affiliates of such person, in consultation with the Federal agencies identified in paragraph (1), (2), or (3) of subsection (b)."

SEC. 114. ESTABLISHMENT OF TOLL-FREE TELEPHONE NUMBER.

Each consumer reporting agency which compiles and maintains consumer reports on a nationwide basis shall establish (and thereafter maintain) a toll-free telephone number pursuant to section 609(c)(1)(B) of the Fair Credit Reporting Act, as amended by section 106(d), not later than 1 year after the date of enactment of this Act.

SEC. 115. ACTION BY FTC.

The Federal Trade Commission shall prescribe all matters required by this title (including the amendments made by this title) to be prescribed by the Federal Trade Commission not later than 270 days after the date of enactment of this Act.

SEC. 116. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this title shall become effective 1 year after the date of enactment of this Act.

(b) EXCEPTIONS.—Notwithstanding the provisions of subsection (a), the Federal Trade Commission may prescribe regulations, as required by this title and the amendments made by this title.

TITLE II—CREDIT REPAIR ORGANIZATIONS

SEC. 201. REGULATION OF CREDIT REPAIR ORGANIZATIONS.

Title IV of the Consumer Credit Protection Act is amended to read as follows:

"TITLE IV—CREDIT REPAIR ORGANIZATIONS

"Sec.

"401. Short title.

"402. Findings and purposes.

"403. Definitions.

"404. Prohibited practices by credit repair organizations.

"405. Disclosures.

"406. Credit repair organizations contracts.

"407. Right to cancel contract.

"408. Noncompliance with this title.

"409. Civil liability.

"410. Administrative enforcement.

"SEC. 401. SHORT TITLE.

"This title may be cited as the 'Credit Repair Organizations Act'.

"SEC. 402. FINDINGS AND PURPOSES.

"(a) FINDINGS.—The Congress finds—

"(1) consumers have a vital interest in establishing and maintaining their creditworthiness and credit standing in order to obtain and use credit. As a result, consumers who have experienced credit problems may seek assistance from credit repair organizations which offer to improve the credit standing of such consumers; and

"(2) certain advertising and business practices of some companies engaged in the business of credit repair services have worked a financial hardship upon consumers, particularly those of limited economic means and who are inexperienced in credit matters.

"(b) PURPOSES.—The purposes of this title are—

"(1) to ensure that prospective buyers of the services of credit repair organizations are provided with the information necessary to make an informed decision regarding the purchase of such services; and

"(2) to protect the public from unfair or deceptive advertising and business practices by credit repair organizations.

"SEC. 403. DEFINITIONS.

"For purposes of this title:
 "(1) CONSUMER.—The term 'consumer' means an individual.
 "(2) CONSUMER CREDIT TRANSACTION.—The term 'consumer credit transaction' means any transaction in which credit is offered or extended to an individual for personal, family, or household purposes.
 "(3) CREDIT REPAIR ORGANIZATION.—The term 'credit repair organization'—
 "(A) means any person who uses any instrumentality of interstate commerce or the mails to sell, provide, or perform (or represent that such person can or will sell, provide, or perform) any service, in return for the payment of money or other valuable consideration, for the express or implied purpose of—
 "(i) improving any consumer's credit record, credit history, or credit rating;
 "(ii) removing adverse credit information that is accurate and not obsolete from the consumer's record, history, or rating;
 "(iii) altering the consumer's identification to prevent the display of the consumer's credit record, history, or rating for the purpose of concealing adverse credit information that is accurate and not obsolete; or
 "(iv) providing advice or assistance to any consumer with regard to any activity or service described in clause (i), (ii), or (iii); and
 "(B) does not include—
 "(i) any nonprofit organization which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986; or
 "(ii) any attorney at law who is a member of the bar of the highest court of any State or otherwise licensed under the laws of any State, with respect to services rendered that are within the scope of regulations applicable to members of such bar or such licensees.
 "(4) CREDIT.—The term 'credit' has the same meaning as in section 103(e).

"SEC. 404. PROHIBITED PRACTICES BY CREDIT REPAIR ORGANIZATIONS.

"No credit repair organization, and no officer, employee, agent, or other person participating in the conduct of the affairs of any credit repair organization, may—
 "(1) charge or receive any money or other valuable consideration for the performance of any service that the credit repair organization has agreed to perform for any consumer before such service is fully performed;
 "(2) make any statement, or counsel or advise any consumer to make any statement, which is untrue or misleading (or which, upon the exercise of reasonable care, should be known by the credit repair organization, officer, employee, agent, or other person to be untrue or misleading) with respect to any consumer's creditworthiness, credit standing, or credit capacity to—
 "(A) any consumer reporting agency (as defined in section 603(f)); or
 "(B) any person—
 "(i) who has extended credit to the consumer; or
 "(ii) to whom the consumer has applied or is applying for an extension of credit;
 "(3) make any statement, or counsel or advise any consumer to make any statement, the intended effect of which is to alter the consumer's identification to prevent the display of the consumer's credit record, history, or rating for the purpose of concealing adverse credit information that is accurate and not obsolete to—
 "(A) any consumer reporting agency; or
 "(B) any person—
 "(i) who has extended credit to the consumer; or

"(ii) to whom the consumer has applied or is applying for an extension of credit;
 "(4) make or use any untrue or misleading representation of the services of the credit repair organization; or
 "(5) engage, directly or indirectly, in any act, practice, or course of business that constitutes or results in the commission of, or an attempt to commit, a fraud or deception on any person in connection with the offer or sale of the services of the credit repair organization.

"SEC. 405. DISCLOSURES.

"(a) DISCLOSURE REQUIRED.—Before any contract or agreement between a consumer and a credit repair organization is executed, the credit repair organization shall provide the consumer with the following written statement:
"Consumer Credit File Rights Under State and Federal Law
 "You have a right to dispute inaccurate information in your credit report by contacting the credit bureau directly. However, neither you nor any "credit repair" company or credit repair organization has the right to have accurate, current, and verifiable information removed from your credit report. The credit bureau must remove accurate, negative information from your report only if it is over 7 years old. Bankruptcy information can be reported for 10 years.
 "You have a right to obtain a copy of your credit report from a credit bureau. You may be charged a reasonable fee. There is no fee, however, if you have been turned down for credit, employment, insurance, or a rental dwelling because of information in your credit report within the preceding 60 days. The credit bureau must provide someone to help you interpret the information in your credit file. A credit report is available annually at no charge.
 "You have a right to sue a credit repair company that violates the Credit Repair Organization Act. This law prohibits deceptive practices by credit repair companies.
 "You have the right to cancel your contract with any credit repair organization for any reason within 3 business days from the date you signed it.
 "Credit bureaus are required to follow reasonable procedures to ensure that creditors report information accurately. However, mistakes may occur.
 "You may, on your own, notify a credit bureau in writing that you dispute the accuracy of information in your credit file. The credit bureau must then reinvestigate and modify or remove inaccurate information. The credit bureau may not charge any fee for this service. Any pertinent information and copies of all documents you have concerning an error should be given to the credit bureau.
 "If reinvestigation does not resolve the dispute to your satisfaction, you may send a brief statement to the credit bureau, to be kept in your file, explaining why you think the record is inaccurate. The credit bureau must include your statement about disputed information with any report it issues about you.
 "The Federal Trade Commission regulates credit bureaus and credit repair organizations. For more information contact:
 "Public Reference Branch
 Federal Trade Commission
 Washington, D.C. 20580."
 "(b) SEPARATE STATEMENT REQUIREMENT.—The written statement required under this section shall be provided as a document which is separate from any written contract

or other agreement between the credit repair organization and the consumer or any other written material provided to the consumer.

"(c) RETENTION OF COMPLIANCE RECORDS.—

"(1) IN GENERAL.—The credit repair organization shall maintain a copy of the statement signed by the consumer acknowledging receipt of the statement.
 "(2) MAINTENANCE FOR 2 YEARS.—The copy of any consumer's statement shall be maintained in the organization's files for 2 years after the date on which the statement is provided to the consumer.

"SEC. 406. CREDIT REPAIR ORGANIZATIONS CONTRACTS.

"(a) WRITTEN CONTRACTS REQUIRED.—A credit repair organization may not provide services for any consumer unless a written and dated contract (for the purchase of such services) which meets the requirements of subsection (b) has been signed by the consumer.
 "(b) TERMS AND CONDITIONS OF CONTRACT.—No contract referred to in subsection (a) meets the requirements of this subsection unless such contract includes the following information (in writing):
 "(1) The terms and conditions of payment, including the total amount of all payments to be made by the consumer to the credit repair organization or to any other person.
 "(2) A full and detailed description of the services to be performed by the credit repair organization for the consumer, including—
 "(A) all guarantees and all promises of full or partial refunds; and
 "(B) an estimate of—
 "(i) the date by which the performance of the services (to be performed by the credit repair organization or any other person) will be complete; or
 "(ii) the length of the period necessary to perform such services.
 "(3) The credit repair organization's name and principal business address.
 "(4) A conspicuous statement in boldface type, in immediate proximity to the space reserved for the consumer's signature on the contract, which reads as follows: 'You may cancel this contract without penalty or obligation at any time before midnight of the third business day after the date on which you signed the contract. See the attached notice of cancellation form for an explanation of this right.'

"SEC. 407. RIGHT TO CANCEL CONTRACT.

"(a) IN GENERAL.—Any consumer may cancel any contract with any credit repair organization without penalty or obligation by notifying the credit repair organization of the consumer's intention to do so at any time before midnight of the third business day which begins on the date on which the contract or agreement between the consumer and the credit repair organization is executed or would, but for this subsection, become enforceable against the parties.
 "(b) CANCELLATION FORM AND OTHER INFORMATION.—Each contract shall be accompanied by a form, in duplicate, which has the heading 'Notice of Cancellation' and contains in boldface type the following statement:
 "You may cancel this contract, without any penalty or obligation, at any time before midnight of the third business day which begins after the date the contract is signed by you.
 "If you cancel, any payment you made under this contract will be returned before the end of the 10-day period beginning on the date the seller receives your cancellation notice.
 "To cancel this contract, mail or deliver a signed, dated copy of this cancellation no-

tice, or any other written notice to [insert name of credit repair organization] at [insert address of credit repair organization] before midnight on [insert date].

"I hereby cancel this transaction.

"_____(purchaser's signature)

"_____(date)".

"(c) CONSUMER COPY OF CONTRACT REQUIRED.—Any consumer who enters into any contract with any credit repair organization shall be given, by the organization—

"(1) a copy of the completed contract and the disclosure statement required under section 405; and

"(2) a copy of any other document the credit repair organization requires the consumer to sign,

at the time the contract or the other document is signed.

"SEC. 408. NONCOMPLIANCE WITH THIS TITLE.

"(a) CONSUMER WAIVERS INVALID.—Any waiver by any consumer of any protection provided by or any right of the consumer under this title—

"(1) shall be treated as void; and

"(2) may not be enforced by any Federal or State court or any other person.

"(b) ATTEMPT TO OBTAIN WAIVER.—Any attempt by any credit repair organization to obtain a waiver from any consumer of any protection provided by or any right of the consumer under this title shall be treated as a violation of this title.

"(c) CONTRACTS NOT IN COMPLIANCE.—Any contract for services which does not comply with the applicable provisions of this title—

"(1) shall be treated as void; and

"(2) may not be enforced by any Federal or State court or any other person.

"SEC. 409. CIVIL LIABILITY.

"(a) LIABILITY ESTABLISHED.—Any credit repair organization which fails to comply with any provision of this title with respect to any person shall be liable to such person in an amount equal to the sum of the amounts determined under each of the following paragraphs:

"(1) ACTUAL DAMAGES.—The greater of—

"(A) the amount of any actual damage sustained by such person as a result of such failure; or

"(B) any amount paid by the person to the credit repair organization.

"(2) PUNITIVE DAMAGES.—

"(A) INDIVIDUAL ACTIONS.—In the case of any action by an individual, such additional amount as the court may allow.

"(B) CLASS ACTIONS.—In the case of a class action, the sum of—

"(i) the aggregate of the amount which the court may allow for each named plaintiff; and

"(ii) the aggregate of the amount which the court may allow for each other class member, without regard to any minimum individual recovery.

"(3) ATTORNEYS' FEES.—In the case of any successful action to enforce any liability under paragraph (1) or (2), the costs of the action, together with reasonable attorneys' fees.

"(b) FACTORS TO BE CONSIDERED IN AWARDING PUNITIVE DAMAGES.—In determining the amount of any liability of any credit repair organization under subsection (a)(2), the court shall consider, among other relevant factors—

"(1) the frequency and persistence of non-compliance by the credit repair organization;

"(2) the nature of the noncompliance;

"(3) the extent to which such noncompliance was intentional; and

"(4) in the case of any class action, the number of consumers adversely affected.

"(c) JURISDICTION.—Any action under this section may be brought in any United States district court, or in any other court of competent jurisdiction, before the later of—

"(1) the end of the 2-year period beginning on the date of the occurrence of the violation involved; or

"(2) in any case in which any credit repair organization has materially and willfully misrepresented any information which—

"(A) the credit repair organization is required, by any provision of this title, to disclose to any consumer; and

"(B) is material to the establishment of the credit repair organization's liability to the consumer under this section, the end of the 2-year period beginning on the date of the discovery by the consumer of the misrepresentation.

"SEC. 410. ADMINISTRATIVE ENFORCEMENT.

"(a) IN GENERAL.—Compliance with the requirements imposed under this title with respect to credit repair organizations shall be enforced under the Federal Trade Commission Act by the Federal Trade Commission.

"(b) VIOLATIONS OF THIS TITLE TREATED AS VIOLATIONS OF FEDERAL TRADE COMMISSION ACT.—

"(1) IN GENERAL.—For the purpose of the exercise by the Federal Trade Commission of the Federal Trade Commission's functions and powers under the Federal Trade Commission Act, any violation of any requirement or prohibition imposed under this title with respect to credit repair organizations shall constitute an unfair or deceptive act or practice in commerce in violation of section 5(a) of the Federal Trade Commission Act.

"(2) ENFORCEMENT AUTHORITY UNDER OTHER LAW.—All functions and powers of the Federal Trade Commission under the Federal Trade Commission Act shall be available to the Federal Trade Commission to enforce compliance with this title by any person subject to enforcement by the Federal Trade Commission pursuant to this subsection, including the power to enforce the provisions of this title in the same manner as if the violation had been a violation of any Federal Trade Commission trade regulation rule, without regard to whether the credit repair organization—

"(A) is engaged in commerce; or

"(B) meets any other jurisdictional tests in the Federal Trade Commission Act.

"(c) STATE ENFORCEMENT OF TITLE.—

"(1) IN GENERAL.—The attorney general of any State, or an official or agency designated under the law of any State, may enforce the provisions of this title in Federal or State court.

"(2) CIVIL ENFORCEMENT ACTIONS.—Any State may bring a civil action in any Federal or State court to enjoin any violation of this title and to recover damages under this title for consumers who reside in such State."•

• Mr. RIEGLE. Mr. President, I am pleased to join Senators BRYAN and BOND as an original cosponsor of the Fair Credit Reporting Act of 1993. This legislation is designed to correct abuses involving consumer credit reports.

Credit bureaus compile information on the credit histories of consumers and furnish reports for a fee to credit providers who are considering advancing credit to consumers. The bill would impose new duties on credit bureaus, users of credit reports, and those who furnish information to credit bureaus for inclusion in credit reports.

I commend Senator BRYAN and Senator BOND for their outstanding leadership in addressing the serious problems that afflict the current credit reporting system. The Senators worked hard on legislation last year and have built on that legislation in crafting the bill we introduce today. Without their leadership, we would still be at the drawing board trying to figure out how to correct abuses that daily result in the denial of credit to deserving consumers.

Since its passage in 1970, the Fair Credit Reporting Act has been left behind by computerization and changing business practices. As a result, consumers have been denied jobs, credit, and housing—even the right to cash a check—because of errors in their credit reports. Businesses can often look at consumers' credit reports without their permission, and consumers do not have free access to their reports even if they have been denied credit because of errors in those reports.

The legislation we introduce today differs from the legislation offered by Senators BRYAN and BOND in the last Congress in two notable respects. Both these changes respond to concerns that we raised in debate on that measure. First, the bill would no longer preempt State laws that are more protective of consumers. Second, the bill would no longer require credit bureaus to furnish consumers with free reports every other year.

Credit bureaus, credit providers, and consumers will most likely have additional changes that they would like to see before the bill becomes law. But the legislation we are introducing offers a sound foundation for enactment of changes in the law that are long overdue and that will guarantee that consumers can buy homes and borrow money based on a fair and accurate assessment of their credit histories. I look forward to working with Senators BRYAN and BOND, with other concerned Senators, as well as with organizations representing the interests of those affected by the legislation, to refine the bill and to move it to final passage. •

• Mr. BOND. Mr. President, I introduce with my colleague, Senator BRYAN of Nevada, legislation to reform the Fair Credit Reporting Act. Reform in this area is long overdue and I think that it would be a shame for the Congress to adjourn this year without reforming this statute to protect consumers. We introduced a version of this legislation last Congress but it was derailed in the House of Representatives and thus not considered in the Senate.

There are two major reasons to reform FCRA: To improve the accuracy of the information that is kept on consumers in credit bureau files and to protect consumers' financial privacy. This statute was enacted over 20 years ago, and there have been immense changes in computer technology since then which have greatly increased the

amount of information that can be kept on individuals. The statute was written for an age of filing cabinets and folders rather than computers.

The deficiencies in the filing cabinet statute now on the books were dramatically described at Banking Committee hearings in the fall of 1991 when we heard from consumers who had been the victims of erroneous information in their credit files. The current law simply does not do the job. Consumers who are the victims of mistaken identity or fraud do not have the rights under current law to remedy the situation quickly. This means that consumers are denied mortgages, student loans, car loans, and credit cards because of information that is wrong. In far too many cases, consumers are unable to get the credit bureaus or the creditors that made the mistake to correct it. Mistaken and false information in consumers' credit history can destroy their finances and ruin their dreams.

I would like to draw my colleagues' attention to two provisions in the bill which should help consumers fix their credit files. The first is expanded re-investigation provisions which require the credit bureaus to investigate disputed information within 30 days, delete erroneous information, and notify consumers of the result of their investigation. The bill expands the disclosure provisions in current law so that consumers will be sure to be informed of their rights.

The legislation also gives consumers the right to a free copy of their credit report after they have been turned down on the basis of a credit report, and a free report to verify that an error has been corrected. In this way, consumers will know what is in their files and will be able to correct any mistakes. In this age of computerization and rapid information transfer, consumers need help when they confront the confusing credit bureaucracy about their files. Basic access to their files and more rights to challenge that information will help protect consumers from credit abuses and mistakes.

There is broad agreement about most of the provisions in this bill, but last year there was a loud and contentious debate about whether State laws on this subject should be preempted by a new Federal statute. This debate over Federal preemption ended up causing the bill to be defeated on the House floor last fall. I believe that we should apply a uniform Federal standard to govern credit reporting, which is why the bill which Senator BRYAN and I introduced last year preempted State laws. Nevertheless, in an effort to move urgently needed legislation this year, Senator BRYAN and I have agreed to drop the Federal preemption provisions and the section allowing consumers a free credit report every other year.

These two sections of the bill drew the most criticism last year, so we are

willing to modify our bill in the hope of moving legislation this year. I prefer a bill with Federal preemption and a free report provision, but I'm willing to try stripping controversial provisions out of the bill in the interest of compromise. I hope that the warring factions will look carefully at our suggested compromise and will suggest ways it can be improved rather than letting FCRA reform slip away again this year.●

By Mr. HATCH (for himself, Mr. REID, and Mr. MURKOWSKI):

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; to the Committee on Labor and Human Resources.

DIETARY SUPPLEMENT HEALTH AND EDUCATION
ACT OF 1993

● Mr. HATCH. Mr. President, the purpose of this legislation is straight forward: To bring some much needed sanity and order to the regulation of the dietary supplement industry. We need to establish a regulatory structure that will encourage good health through the use of nutritional supplements while, at the same time, protecting consumers from unsafe products.

In the United States, more than 100 million Americans purchase and use, either regularly or occasionally, vitamins, minerals, herbs, amino acids, and other nutritional substances to supplement their diet and improve their health. These supplements include vitamin C tablets, multivitamin and multimineral supplements, capsules that contain herbs and fish oil, and herbal teas.

Many Americans understand that dietary supplements can help promote health and prevent certain diseases, a fact substantiated by an ever-growing body of scientific studies and other evidence. They understand that at a time when America spends over \$2 billion a day on health care, prevention is the best and most effective form of cost control.

In my own home State of Utah, healthy lifestyles, coupled with common use of dietary supplements, have made a real difference. Our State is one of the healthiest in the Nation, and we enjoy one of the lowest incidence rates for cancer and heart disease. In Utah, the use of herbs is a well-accepted practice that has passed from generation to generation.

In our free market society, consumers should be able to purchase dietary supplements and companies should be able to sell these products so long as the labeling and advertising are truthful, nonmisleading, and there exists a reasonable scientific basis for product claims.

Unfortunately, not everyone in our Federal Government shares these views. There are some, especially at

the U.S. Food and Drug Administration [FDA], who disagree. For more than three decades, FDA has tried to restrict severely the ability of the dietary supplement industry to sell and market its products and, consequently, the ability of consumers to buy them. The agency has repeatedly attempted to impose unnecessarily stringent standards that would leave many if not most supplement companies with no practical choice but to close their doors.

This institutional animosity never made sense, but it is even less logical today in light of the growing body of scientific evidence regarding the disease prevention powers of nutrients. Unfortunately, the effect of the FDA's heavyhanded policy is that consumers are left uninformed and the Nation pays millions of dollars for health care that could have been saved through disease prevention.

The FDA's disagreements are not limited to the dietary supplement industry; the agency has also battled with consumers, respected scientists, and even other Federal agencies.

It is true that, like any industry, there have been problems with a few dietary supplements and claims. We need to make sure that such problems are prevented in the future. Any proposed legislation must provide adequate and effective powers to the Federal Government to ensure the safety of dietary supplements. But, we do not have to eliminate the industry or restrict consumer choices in the process.

In August 1973, FDA published final regulations that attempted to classify many popular vitamins and minerals as drugs. Vitamins A and D would have been subjected to prescription drug regulation. Combinations of vitamins and minerals would have been prohibited, except under the limited circumstances. The public reaction was so intense that in 1976 Congress amended the Food, Drug, and Cosmetic Act to make clear that safe vitamin and mineral products should not be regulated as if they were dangerous drugs.

During the 1980's, FDA's efforts to regulate dietary supplements resulted in the creation of an inexplicable double standard. FDA specifically rejected the concept that dietary supplements could have approved health messages. Consequently, a corner fruit vendor selling oranges could make claims asserting the health benefits of vitamin C, but a dietary supplement of vitamin C could not make the same claim.

In sum, over the last 30 years, FDA has tried to prevent consumer education regarding the disease prevention properties of vitamin A, vitamin C, vitamin E, and other dietary supplements and, at times, has attempted to assert that many of these products were unsafe. At the same time, the agency has readily allowed people to

eat conventional food products that are high in saturated fat, cholesterol, caffeine, and calories, or that have few important vitamins and minerals.

Today, FDA is even fighting with the other Federal agencies. For example, the U.S. Centers for Disease Control and Prevention and the U.S. Public Health Service recently concluded that folic acid supplements, when taken very early in pregnancy, can be important in the prevention of neural tube defects. They have recommended the use of folic acid by women of childbearing age. The Texas State Department of Health is now providing folic acid supplements to women of childbearing age, due to the high incidence of spinal birth defects among children born along the Rio Grande.

The FDA, however, has specifically rejected this health claim and currently bans food companies from making any claim about the proven ability of folic acid to prevent spinal birth defects. In fact, under FDA regulations, if dietary supplement manufacturers gave potential customers a copy of the CDC's findings, it could be found by FDA to be in violation of the law and prosecuted.

In 1990, Congress passed the Nutrition Labeling and Education Act, which, among other things, directed the FDA to promulgate a scientific standard and procedure for the evaluation of health claims for dietary supplements. The statute allowed FDA the option to craft a more lenient standard for dietary supplements than the standard to be used for foods. Not surprisingly, FDA ignored the option.

Under the proposed and final regulation, the FDA would not approve a health claim for most dietary supplement products, and the regulations also appeared to prevent herbal products from making any health claims. Consumer reaction to the FDA proposal was extremely negative. Many Americans felt that the FDA's position prevented consumers from receiving useful information and making informed decisions about how to maintain or improve their health, and they let their Senators and Representatives know of their concerns. I know of few congressional offices that were not deluged with mail on this topic.

Last year, I offered an amendment during consideration of the Labor-Health and Human Services appropriations bill to provide a moratorium on the implementation of these regulations through December 31, 1993. The amendment passed this Chamber by the overwhelming vote of 94 to 1. Subsequently, the House of Representatives and the Senate passed the Dietary Supplement Act of 1992, and it was signed into law by President Bush. The legislation also called for the Office of Technology Assessment and the General Accounting Office to issue reports to Congress on the regulation of die-

tary supplements so that a more complete analysis of these problems could be presented and understood. Unfortunately, the moratorium will probably expire before these studies can be completed.

Mr. President, the legislation I am offering today will provide the necessary basis to reform the regulation of dietary supplements and, at the same time, provide greater protection to American consumers.

This legislation empowers consumers to make choices about their personal preventive health care regimens based on accurate health benefits related to particular dietary supplements. These claims will be based on either an FDA-approved claim or on a claim that accurately reflects the current state of scientific evidence concerning a dietary supplement's health benefits. The FDA will continue to have the responsibility and power to ban a supplement found to present a substantial risk to consumers.

This legislation provides consumers with needed information about dietary supplements and provides the FDA and the dietary supplement industry with clear direction for a much needed overhaul of the current regulatory approach. The legislation provides for more and accurate information on labels than is currently found on dietary supplement labeling and contains additional consumer safety provisions.

This legislation has the support of the Utah Natural Products Alliance, the National Nutritional Foods Association, the Nutritional Health Alliance, the Council for Responsible Nutrition, Citizens for Health, and the National Council for Improved Health. These organizations represent 100 million Americans who use dietary supplements.

Mr. President, I hope my colleagues will join me in supporting the Dietary Supplement Health and Education Act of 1993, and I ask unanimous consent the bill be printed in its entirety.

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

S. 784

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 "Dietary Supplement Health and Education Act of 1993".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) improving the health status of United States citizens ranks at the top of the national priorities of the Federal Government;

(2) the importance of nutrition and the benefits of dietary supplements to health promotion and disease prevention have been documented increasingly in scientific studies;

(3)(A) there is a definitive link between the ingestion of certain nutrients or dietary supplements and the prevention of chronic diseases such as cancer, heart disease, and osteoporosis; and

(B) clinical research has shown that several chronic diseases can be prevented simply with a healthful diet, such as a diet that is low in fat, saturated fat, cholesterol, and sodium, with a high proportion of plant-based foods;

(4) healthful diets may mitigate the need for expensive medical procedures, such as coronary bypass surgery or angioplasty;

(5) preventive health measures, including education, good nutrition, and appropriate use of safe nutritional supplements will limit the incidence of chronic diseases, and reduce long-term health care expenditures;

(6)(A) promotion of good health and healthy lifestyles improves and extends lives while reducing health care expenditures; and

(B) reduction in health care expenditures is of paramount importance to the future of the country and the economic well-being of the country;

(7) there is a growing need for emphasis on the dissemination of information linking nutrition and long-term good health;

(8) consumers should be empowered to make choices about preventive health care programs based on data from scientific studies of health benefits related to particular dietary supplements;

(9)(A) recent national surveys have revealed that almost 50 percent of the 260,000,000 Americans regularly consume dietary supplements of vitamins, minerals, or herbs as a means of improving their nutrition; and

(B) nearly all consumers indicate that dietary supplements should not be regulated as drugs;

(10) studies indicate that consumers are placing increased reliance on the use of non-traditional health care providers to avoid the excessive costs of traditional medical services and to obtain more holistic treatment of patients;

(11) the United States will spend over \$900,000,000,000 on health care in 1993, which is about 12 percent of the Gross National Product of the United States, and this amount and percent will continue to increase unless significant efforts are undertaken to reverse the increase;

(12)(A) the nutritional supplement industry is an integral part of the economy of the United States;

(B) the industry consistently projects a positive trade balance; and

(C) the estimated 600 dietary supplement manufacturers in the United States produce approximately 3,400 products, with total annual sales of such products alone reaching \$4,000,000,000;

(13) although the Federal Government should take swift action against products that are unsafe or adulterated, the Federal Government should not take any actions to impose regulatory barriers limiting or slowing the flow of safe products and needed information to the marketplace and consumers;

(14) dietary supplements are safe within a broad range of intake, and safety problems with the supplements are relatively rare; and

(15)(A) legislative action that protects the right of access of consumers to safe dietary supplements is necessary in order to promote wellness; and

(B) a rational Federal framework must be established to supersede the current ad hoc, patchwork regulatory policy on dietary supplements.

(b) PURPOSE.—It is the purpose of this Act to—

(1) improve the health status of the people of the United States and help constrain run-

away health care spending by ensuring that the Federal Government erects no regulatory barriers that impede the ability of consumers to improve their nutrition through the free choice of safe dietary supplements;

(2) clarify that—

(A) dietary supplements are not drugs or food additives;

(B) dietary supplements should not be regulated as drugs; and

(C) regulations relating to food additives should only be applied to dietary supplement ingredients used for food additive purposes, such as stabilizers, processing agents or preservatives;

(3) establish a new definition of a dietary supplement that differentiates dietary supplements from conventional foods, while recognizing the broad range of food ingredients used to supplement the diet;

(4) strengthen the current enforcement authority of the Food and Drug Administration by providing to the Administration additional mechanisms to take enforcement action against unsafe or fraudulent products;

(5) establish a series of labeling requirements that will provide consumers with greater information and assurance about the quality and content of dietary supplements, while at the same time assuring the consumers the freedom to use the supplements of their choice;

(6) establish dietary intake standards based on the amount of nutrients needed to prevent disease;

(7) provide new administrative and judicial review procedures to affected parties if the Administration takes certain actions to enforce dietary supplement requirements;

(8) specify the standards applicable to disease and other health-related claims for dietary supplements;

(9) reaffirm that dietary supplement labeling may bear information, other than health claims, about the vitamin, mineral, or other dietary properties of the supplement; and

(10) establish a new Office of Dietary Supplements within the National Institutes of Health to initiate and coordinate research on dietary supplements and advise the Secretary and other officials of the Department of Health and Human Services on dietary supplement issues.

SEC. 3. DEFINITIONS.

(a) **DEFINITION OF CERTAIN FOODS AS DIETARY SUPPLEMENTS.**—Section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) is amended by adding at the end the following:

“(gg) The term ‘dietary supplement’ means a food for special dietary use, as defined in section 411(c)(3), that—

“(1) includes—

“(A) a vitamin;

“(B) a mineral;

“(C) an herb;

“(D) an amino acid;

“(E) another ingredient for use by man to supplement the diet by increasing the total dietary intake; or

“(F) a concentrate or extract of any ingredient described in clause (A), (B), (C), (D), or (E); and

“(2)(A) is intended for ingestion in a form described in section 411(c)(1)(B)(i); or

“(B) complies with section 411(c)(1)(B)(ii).”.

(b) **EXCLUSION FROM DEFINITION OF DRUG.**—Section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(g)) is amended by adding at the end the following new sentence: “The term ‘drug’ does not include a dietary supplement or an ingredient de-

scribed in clause (A), (B), (C), (D), (E), or (F) of paragraph (gg)(1) in, or intended for use in, a dietary supplement.”.

(c) **EXCLUSION FROM DEFINITION OF FOOD ADDITIVE.**—Section 201(s) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(s)) is amended—

(1) by striking “or” at the end of subparagraph (4);

(2) by striking the period at the end of subparagraph (5) and inserting “; or”; and

(3) by adding at the end the following:

“(6) an ingredient described in clause (A), (B), (C), (D), (E), or (F) of paragraph (gg)(1) in, or intended for use in, a dietary supplement.”.

(d) **FORM OF INGESTION.**—Section 411(c)(1)(B) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350(c)(1)(B)) is amended—

(1) in clause (i), by inserting “powder, softgel,” after “capsule.”; and

(2) in clause (ii), by striking “does not simulate and”.

SEC. 4. SAFETY OF DIETARY SUPPLEMENTS.

Section 402 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342) is amended by adding at the end the following:

“(f) If it is a dietary supplement that contains an ingredient that is intended to be consumed for its dietary properties and—

“(1) the Secretary finds, after rulemaking, that the ingredient presents a substantial and unreasonable risk of illness or injury; or

“(2) no manufacturer of the supplement, or manufacturer of the raw material comprising the ingredient, has adequately substantiated the safety of the ingredient—

“(A) through evidence of a history of safe use of the ingredient (as part of any intended use prior to the use of the ingredient in such dietary supplement), and through the absence of substantial information that brings the safety of the ingredient into question;

“(B) by well-designed scientific studies conducted in a manner that is consistent with generally recognized scientific procedures and principles; or

“(C) by other appropriate means,

unless—

“(i) the Secretary has established, in consultation with the Director of the Centers for Disease Control and Prevention, the Director of the National Institutes of Health, and the National Academy of Sciences, a recommended dietary allowance, or an estimated safe and adequate dietary intake level, with respect to the ingredient;

“(ii) the Secretary has determined, prior to the date of enactment of this paragraph, that the ingredient has been generally recognized as safe; or

“(iii) the ingredient is used in conformity with a regulation relating to food additives that is described in section 409(a)(2) and is issued prior to the date of enactment of this paragraph.”.

SEC. 5. REPORT ON IMPACT OF SIGNIFICANT CHANGES IN MANUFACTURING PRACTICES.

(a) **STUDY.**—The Director of the Office of Dietary Supplements shall conduct a study relating to significant changes in the manufacturing practices of manufacturers of raw materials utilized in dietary supplements. In conducting the study, the Director shall analyze the extent to which such changes pose a risk to public safety.

(b) **REPORT.**—Not later than 3 years after the date of enactment of this Act, the Director of the Office of Dietary Supplements shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on

Labor and Human Resources of the Senate a report containing—

(1) the results of the study described in subsection (a); and

(2) any recommendations for legislative reform.

SEC. 6. DIETARY INTAKE STANDARDS.

(a) **NUTRITION INFORMATION.**—Section 403(q)(1) (21 U.S.C. 343(q)(1)) is amended—

(1) by striking the period at the end of clause (E) and inserting “, or”; and

(2) by adding after clause (E) the following: “(F) a declaration of the percent of a daily reference amount for each nutrient specified in clauses (D) and (E), stated as a ‘Percent Daily Value’ provided by a serving of the food.”.

(b) **REGULATIONS.**—

(1) **IN GENERAL.**—

(A) **DAILY VALUE.**—Subject to subparagraph (B), the Secretary of Health and Human Services shall, by regulation, determine, based on the dietary guidance provided by the Department of Agriculture, the Department of Health and Human Services, the Centers for Disease Control and Prevention, the National Institutes of Health, and other authoritative public health organizations, a daily value for each nutrient specified in clauses (D) and (E) of section 403(q)(1) of the Federal Food, Drug, and Cosmetic Act. The daily value shall reflect the daily intake of each such nutrient that will promote optimal health and minimize the risk of disease or other health-related conditions.

(B) **LIMITATION.**—The daily value determined by the Secretary under subparagraph (A) shall, in every appropriate case, be no less than the United States Recommended Daily Allowances established by the Food and Nutrition Board of the National Academy of Sciences for the age and sex group most at risk of nutritional deficiencies of any particular nutrient.

(2) **TIMING.**—Except as provided in paragraph (4), the Secretary of Health and Human Services shall issue proposed regulations under paragraph (1) no later than 12 months after the date of the enactment of this Act and shall issue final regulations no later than 24 months after such date.

(3) **PENDING DAILY VALUES.**—Pending the issuance of final regulations under paragraph (1), the daily values for the nutrients declared under section 403(q)(1)(F) of the Federal Food, Drug, and Cosmetic Act shall be the values specified in sections 101.9(c)(8) and 101.9(c)(9) of title 21, Code of Federal Regulations, as in effect on the date of the enactment of this Act.

(4) **ASSISTANCE.**—

(A) **REVIEW AND STUDIES.**—To assist the Secretary of Health and Human Services in issuing regulations under paragraph (1), the Director of the Congressional Research Service, in consultation with the Director of the Office of Technology Assessment, shall review existing scientific data and conduct any necessary studies.

(B) **PURPOSE.**—Such review and studies shall determine the amount of each nutrient specified in clauses (D) and (E) of section 403(q)(1) of the Federal Food, Drug, and Cosmetic Act that would be provided by the diets recommended by the Department of Agriculture, the Department of Health and Human Services, the Centers for Disease Control and Prevention, the National Institutes of Health, and other authoritative public health organizations, to minimize the risk of disease and other health-related conditions and to promote optimal health.

(C) **TIMING.**—Such review and studies shall be completed no later than 9 months after

the date of the enactment of this Act. If the Congressional Research Service does not complete such review and studies within 9 months after the date of enactment of this Act, the time prescribed by paragraph (2) for the issuance of proposed and final regulations shall be extended by a period equal to the additional time required by such Office to complete such review and studies.

SEC. 7. DIETARY SUPPLEMENT CLAIMS.

Section 403(r) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343(r)) is amended by striking subparagraph (5)(D) and inserting the following:

“(D) A subparagraph (1)(B) claim made with respect to a dietary supplement shall not be subject to subparagraph (3).

“(6)(A) A claim made in the label or labeling of a dietary supplement may characterize the relationship between the supplement and a disease or other health-related condition if—

“(i)(I) the Secretary has authorized, under subparagraph (3)(B), a claim of the type described in subparagraph (1)(B) for any nutrient contained in the supplement, with respect to the disease or other health-related condition;

“(II) such characterization is consistent with the claim authorized by the Secretary; and

“(III) the Secretary has not determined, after rulemaking based on the totality of scientific evidence (including evidence from well-designed studies conducted in a manner consistent with generally recognized scientific principles), that consumption of the nutrient in a dietary supplement would not tend to reduce the risk of the disease or other health-related condition in a similar manner as would consumption of the nutrient in conventional foods; or

“(ii) such characterization accurately represents the state of scientific evidence, as of the date of the evaluation of the claim, concerning the relationship between the supplement or ingredient of the supplement and the disease or other health-related condition, taking into account the totality of scientific evidence (including evidence from well-designed studies conducted in a manner consistent with generally recognized scientific principles).

“(B) Nothing in this subparagraph shall—

“(i) prohibit the inclusion, in the label or labeling of a dietary supplement, of truthful and nonmisleading information concerning the vitamin, mineral, or other dietary properties of the supplement (including nutritional information about the manner in which the dietary properties affect processes of the body, or prevent or repair damage caused by diet or other environmental factors); or

“(ii) permit the Secretary to establish any requirement that such a claim made in the label or labeling of a dietary supplement be approved by the Secretary before the claim may be used.”

SEC. 8. REPORT ON NOTIFICATION REGARDING NEW CLAIMS.

(a) STUDY.—

(1) IN GENERAL.—The Director of the Office of Dietary Supplements shall conduct a study regarding the desirability of a notification requirement relating to new claims about dietary supplements.

(2) CONTENT.—Such study shall examine—

(A) the need for a requirement that a person responsible for marketing a dietary supplement provide notification to the Secretary of Health and Human Services before making such a claim;

(B) the feasibility of such a requirement;

(C) the effect of such a requirement on the marketing of dietary supplements and on the ability of consumers to purchase dietary supplements; and

(D) such other issues related to the desirability of such a requirement as the Director of the Office of Dietary Supplements may determine to be appropriate.

(b) REPORT.—Not later than 3 years after the date of enactment of this Act, the Director of the Office of Dietary Supplements shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report containing—

(1) the results of the study described in subsection (a); and

(2) any recommendations for legislative reform.

SEC. 9. DIETARY SUPPLEMENT LABELING.

Section 403 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343) is amended by adding at the end the following:

“(s) If—

“(1) it is a dietary supplement; and

“(2)(A) the label or labeling of the supplement fails to list—

“(i) the name of each ingredient of the supplement that is described in clause (A), (B), (C), (D), (E), or (F) of section 201(gg)(1); and

“(ii)(I) the quantity of each such ingredient; or

“(II) with respect to a proprietary blend of such ingredients, the total quantity of all ingredients in the blend;

“(B) the label or labeling of the supplement fails to identify the product by using the term ‘supplement’, which term may be modified with—

“(i) the name of such an ingredient; or

“(ii) by a general term such as the term ‘dietary’;

“(C) the supplement contains an ingredient described in section 201(gg)(1)(C), and the label or labeling of the supplement fails to identify any part of the plant from which the ingredient is derived;

“(D) the supplement—

“(i) is covered by the specifications of an official compendium;

“(ii) is represented as conforming to the specifications of an official compendium; and

“(iii) fails to so conform; or

“(E) the supplement—

“(i) is not covered by the specifications of an official compendium; and

“(ii)(I) fails to have the identity and strength that the supplement is represented to have; or

“(II) fails to meet the quality (including tablet or capsule disintegration), purity, or compositional specifications, based on validated assay or other appropriate methods, that the supplement is represented to meet.”

SEC. 10. PROHIBITION ON CERTAIN REGULATORY ACTIONS.

Section 411 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350) is amended—

(1) in the title, by striking “VITAMINS AND MINERALS” and inserting “VITAMINS, MINERALS, AND DIETARY SUPPLEMENTS”; and

(2) by adding at the end the following:

“(d)(1) Except as provided in paragraph (2)—

“(A) the Secretary may not establish, under section 201(n), 401, or 403, maximum limits on the potency of any dietary supplement, or any ingredient that is described in clause (A), (B), (C), (D), (E), or (F) of section 201(gg)(1) within such a supplement;

“(B) the Secretary may not classify any dietary supplement or any such ingredient as a drug; and

“(C) the Secretary may not limit, under section 201(n), 401, or 403, the combination or number of such ingredients within a dietary supplement.

“(2)(A) Subparagraphs (A) and (C) of paragraph (1) shall not apply in the case of such a dietary supplement or such an ingredient that is represented for use by—

“(i) individuals in the treatment or management of specific diseases or disorders;

“(ii) children; or

“(iii) pregnant or lactating women.

“(B) For purposes of this paragraph, the term ‘children’ means individuals who are under the age of 12 years.”

SEC. 11. ADMINISTRATIVE AND JUDICIAL REVIEW.

The Federal Food, Drug, and Cosmetic Act is amended by adding at the end of chapter III (21 U.S.C. 331 et seq.) the following:

“SEC. 311. ADMINISTRATIVE AND JUDICIAL REVIEW.

“(a) DEFINITION.—As used in this subsection, the term ‘affected party’ means a manufacturer, processor, packer, distributor, or retailer, of a dietary supplement, or another appropriate person.

“(b) REVIEW OF VIOLATIONS.—

“(1) DETERMINATION OF VIOLATION.—

“(A) INFORMAL HEARING.—If the Secretary determines that an affected party has violated a provision of this Act with respect to a dietary supplement, whether the Secretary makes the determination in a warning letter issued by an officer or employee of the Department or in connection with another action to enforce a provision of this Act, the Secretary shall provide notice to the affected party of the opportunity to obtain a determination on the record after opportunity for an agency hearing regarding the alleged violation. The affected party may request such a hearing not later than 60 days after receiving the notice.

“(B) NOTIFICATION.—Not later than 30 days after the date on which the hearing is held, the Secretary shall notify the affected party whether the determination of the violation has been affirmed, modified, or revoked. Such notification shall constitute final agency action.

“(C) PROHIBITION ON ACTION.—The United States may not bring an action in any Federal court relating to the matter that is the subject of the determination until 60 days after the Secretary provides notification under subparagraph (B), unless the Secretary demonstrates that the dietary supplement involved in the matter poses an imminent hazard to health.

“(D) RIGHT OF ACTION.—Not later than 60 days after receipt of the notification under subparagraph (B), an affected party who receives notification of an adverse decision under subparagraph (B) may—

“(i) bring an action in a district court of the United States in any appropriate judicial district under section 1391 of title 28, United States Code, seeking de novo review of the final agency action regarding the validity of the determination; or

“(ii) bring any other action authorized by law seeking judicial review of the final agency action.

“(E) INFERENCE.—The absence of any request for a hearing under subparagraph (A), or of an action described in subparagraph (D), with respect to such a determination shall not establish any inference that the determination is valid.

“(2) SEIZURES.—

“(A) INSTITUTION OF LABEL OF INFORMATION.—The institution by the United States of a label of information for condemnation of

a dietary supplement, on the basis of a determination that an affected party has violated a provision of this Act with respect to the supplement, shall constitute final agency action by the Secretary or the delegate of the Secretary.

“(B) RIGHT OF ACTION.—Not later than 60 days after the United States institutes such a label of information with respect to a dietary supplement, the affected party may—

“(i) bring an action described in paragraph (1)(D)(i) seeking de novo review of the final agency action regarding the validity of the determination; or

“(ii) obtain any other means authorized by law of judicial review of the final agency action.”

SEC. 12. OFFICE OF DIETARY SUPPLEMENTS.

(a) IN GENERAL.—Title IV of the Public Health Service Act is amended by inserting after section 486 (42 U.S.C. 287c-3) the following:

“Subpart 4—Office of Dietary Supplements

“SEC. 486E. DIETARY SUPPLEMENTS.

“(a) ESTABLISHMENT.—The Secretary shall establish an Office of Dietary Supplements within the National Institutes of Health.

“(b) PURPOSE.—The purposes of the Office are—

“(1) to explore more fully the potential role of dietary supplements as a significant part of the efforts of the United States to improve health care; and

“(2) to promote scientific study of the benefits of dietary supplements in maintaining health and preventing chronic disease and other health-related conditions.

“(c) DUTIES.—The Director of the Office of Dietary Supplements shall—

“(1) conduct and coordinate scientific research within the National Institutes of Health relating to dietary supplements and the extent to which the use of dietary supplements can limit or reduce the risk of diseases such as heart disease, cancer, birth defects, osteoporosis, cataracts, or prostatism;

“(2) collect and compile the results of scientific research relating to dietary supplements, including scientific data from foreign sources or the Office of Alternative Medical Practice;

“(3) serve as the principal advisor to the Secretary and to the Assistant Secretary for Health, and to provide advice to the Director of the National Institutes of Health, the Director of the Centers for Disease Control and Prevention, and the Commissioner of Food and Drugs, on issues relating to dietary supplements including—

“(A) dietary intake regulations;

“(B) the safety of dietary supplements;

“(C) claims characterizing the relationship between—

“(i) dietary supplements; and

“(ii)(I) prevention of disease or other health-related conditions; and

“(II) maintenance of health; and

“(D) scientific issues arising in connection with the labeling and composition of dietary supplements;

“(4) compile a database of scientific research on dietary supplements and individual nutrients; and

“(5) coordinate funding relating to dietary supplements for the National Institutes of Health.

“(d) DEFINITION.—As used in this section, the term ‘dietary supplement’ has the meaning given the term in section 201(gg) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(gg)).

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$5,000,000 for fiscal

year 1994 and such sums as may be necessary for each subsequent fiscal year.”

(b) CONFORMING AMENDMENT.—Section 401(b)(2) of the Public Health Service Act (42 U.S.C. 281(b)(2)) is amended by adding at the end the following:

“(E) The Office of Dietary Supplements.”

• Mr. MURKOWSKI. Mr. President, I am pleased to be an original cosponsor of the measure being introduced today by the senior Senator from Utah [Mr. HATCH], the Dietary Supplement Health and Education Act of 1993.

Over the past year, Mr. President, I have received hundreds of complaints and comments from Alaskans about the effects of the Nutrition Labeling and Education Act [NLEA] and regulations promulgated under the act by the Food and Drug Administration. I share my constituents’ concerns about Government policy on vitamins, minerals, dietary nutrients, and supplements. Despite the best of intentions by those who authored the NLEA, Mr. President, bureaucrats are attempting to use this good legislation to overreach and become involved in the private decisions of individuals. In this case we are dealing with Americans who simply want to live healthy lives and to enhance their health status by consuming certain safe and legal vitamins, minerals, and herbal and other nutrients. Who in this body is prepared to take away those rights? I for one am not willing to restrict the rights of people to be healthy, and the purpose of the measure now introduced is intended to help guarantee those rights.

Mr. President, Alaska is a unique land. People from all walks of life have settled in the last frontier, including a number of Alaskans who believe that alternatives to the traditional health and medical-care interventions offer them the best chance for long life and good health. I believe that the U.S. Congress has a responsibility to protect the rights of these individuals to make such free choices—particularly when they harm no one and may even be in their own best interest. The Food and Drug Administration—perhaps with all good intention, Mr. President—is moving to restrict peoples’ ability to use these alternative health remedies—substances that are safe, economical and consumed freely by individuals interested only in promoting and protecting their own health.

I for one, Mr. President, will not accept the premise that there is only one way to skin a cat. We do not know today why some diseases occur, or what substance prevents or cures illness. We do not know why some drugs work as they do, and, critically, we do not know whether vitamins, nutrients, food supplements and herbal mixtures help people become more healthy. We do know, however, that these supplements probably cause no harm. Until and if science answers many of these questions, Mr. President, I believe that there is absolutely no basis for Govern-

ment to take away the rights of individuals to consume nutrients and other legal substances. The measure introduced today guarantees these rights to the people, and helps channel the Food and Drug Administration’s interests where its expertise lies—in areas of regulating quality, safety and purity of these dietary supplements.

Mr. President, this measure, if enacted into law, will create a new office—the Office of Dietary Supplements—in the National Institutes of Health. The new office will be given a special mission of coordination and research in the area of dietary supplement-related issues. I support this concept of a specialty office for the straightforward reason that its establishment will give us the technical means to examine Government policy in the sunshine, where everyone can see it, rather than continue to permit the FDA to move in an unsupervised way to prevent people from doing what they think is best for them and their families—in this case, to consume safe and legal natural substances in search of improved health.

The act has several other positive provisions, Mr. President. For example, it would require FDA to make rules that determine the safety of specific dietary supplement ingredients. The bill would also place a burden on manufacturers of dietary supplements to establish the safety of these products. And the bill would give FDA appropriate enforcement authority to carry out this proper Federal regulatory role.

Mr. President, I thank my colleague from Utah for his leadership, wisdom and foresight in addressing a real need in the area of alternative health care. I urge all my colleagues to support this measure, which, indeed, brings some long overdue sanity to the debate on dietary supplements. •

ADDITIONAL COSPONSORS

S. 70

At the request of Mr. COCHRAN, the names of the Senator from South Carolina [Mr. THURMOND], and the Senator from Maryland [Mr. SARBANES] were added as cosponsors of S. 70, a bill to reauthorize the National Writing Project, and for other purposes.

S. 484

At the request of Mr. DASCHLE, the names of the Senator from Massachusetts [Mr. KERRY], the Senator from Illinois [Ms. MOSELEY-BRAUN], and the Senator from Nevada [Mr. REID] were added as cosponsors of S. 484, a bill to amend title XIX of the Social Security Act to provide for coverage of alcoholism and drug dependency residential treatment services for pregnant women and certain family members under the Medicaid program, and for other purposes.

S. 540

At the request of Mr. GRASSLEY, the name of the Senator from South Da-

kota [Mr. PRESSLER] was added as a cosponsor of S. 540, a bill to improve the administration of the bankruptcy system, address certain commercial issues and consumer issues in bankruptcy, and establish a commission to study and make recommendations on problems with the bankruptcy system, and for other purposes.

S. 600

At the request of Mr. BOREN, the name of the Senator from Indiana [Mr. COATS] 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. 739

At the request of Mr. BUMPERS, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 739, a bill to amend the Internal Revenue Code of 1986 to simplify the limitation on using last year's taxes to calculate an individual's estimated tax payments.

SENATE JOINT RESOLUTION 59

At the request of Mr. WELLSTONE, the name of the Senator from Tennessee [Mr. MATHEWS] was added as a cosponsor of Senate Joint Resolution 59, a joint resolution to express the sense of Congress that the Federal Energy Regulatory Commission should refrain from further processing of restructuring proceedings pursuant to Order No. 636 until 60 days after the submission to Congress of the study of the General Accounting Office of the economic impact of the order on residential, commercial, and other end-users of natural gas, and for other purposes.

SENATE JOINT RESOLUTION 66

At the request of Mr. THURMOND, the names of the Senator from Virginia [Mr. WARNER], the Senator from Maine [Mr. MITCHELL], and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of Senate Joint Resolution 66, a joint resolution to designate the weeks beginning April 18, 1993, and April 17, 1994, each as "National Organ and Tissue Donor Awareness Week."

SENATE RESOLUTION 79

At the request of Mr. KEMPTHORNE, his name was added as a cosponsor of Senate Resolution 79, a resolution expressing the Sense of the Senate concerning the United Nation's arms embargo against Bosnia and Herzegovina, a nation's right to self-defense, and peace negotiations.

SENATE CONCURRENT RESOLUTION 23—RELATIVE TO AN ADJOURNMENT OF THE SENATE

Mr. INOUE (for Mr. MITCHELL) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 23

Resolved by the Senate (the House of Representatives concurring). That when the Senate recesses or adjourns on Wednesday, April

7, 1993, pursuant to a motion made by the majority leader, or his designee, in accordance with this resolution, it stand recessed or adjourned until 2 p.m. on Monday, April 19, 1993, or until 12 noon on the second day after Members are notified to reassemble pursuant to section 2 of this resolution, whichever occurs first; and that when the House of Representatives adjourns on Wednesday, April 7, 1993, pursuant to a motion made by the majority leader, or his designee, in accordance with this resolution, it stand adjourned until 12 noon on Monday, April 19, 1993, or until 12 noon on the second day after Members are notified to reassemble pursuant to section 2 of this resolution, whichever occurs first.

SEC. 2. The majority leader of the Senate and the Speaker of the House, acting jointly after consultation with the minority leader of the Senate and the minority leader of the House, shall notify the Members of the Senate and the House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

AMENDMENTS SUBMITTED

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

COHEN AMENDMENT NO. 297

(Ordered to lie on the table.)

Mr. COHEN submitted an amendment to intended to be proposed by him to amendment No. 283 proposed by Mr. BYRD to the bill (H.R. 1335) making emergency supplemental appropriations for the fiscal year year ending September 30, 1993, and for other purposes, as follows:

At the end of the Committee amendment, add the following:

TITLE III—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION BUDGET

SEC. 301. SHORT TITLE.

This title may be cited as the "National Aeronautics and Space Administration Consistency in Budgeting Act of 1993".

SEC. 302. FIVE-YEAR PROGRAM PLAN.

The National Aeronautics and Space Act of 1958 (42 U.S.C. 2451 et seq.) is amended by inserting immediately after section 206 the following new section:

"SEC. 206A. CONSISTENCY IN BUDGETING; THE FIVE-YEAR PROGRAM PLAN.

"(a) IN GENERAL.—The Administration shall submit to Congress each year, not later than 30 days after the date on which the President's budget is submitted to Congress (in accordance with the provisions of section 1105(a) of title 31, United States Code), a 5-year program plan reflecting the expenditures and proposed appropriations included in President's budget.

"(b) CONSISTENCY OF AMOUNTS.—

"(1) IN GENERAL.—The Administrator shall ensure that the amounts described in paragraph (2)(A) for any fiscal year are consistent with amounts described in paragraph (2)(B) for that fiscal year.

"(2) AMOUNTS DESCRIBED.—The amounts referred to in paragraph (1) are—

"(A) the amounts specified in program and budget information submitted to Congress by the Administrator in support of expenditure estimates and proposed appropriations in the President's budget (submitted in ac-

cordance with the provisions of 1105(a) of title 31, United States Code) for any fiscal year, as shown in the 5-year program plan submitted pursuant to subsection (a); and

"(B) the total amounts of estimated expenditures and proposed appropriations necessary to support the programs, projects, and activities of the Administration, included pursuant to section 1105(a)(5) of title 31, United States Code, in the President's budget submitted to Congress under that section for any fiscal year."

ADDITIONAL STATEMENTS

NCAA BASKETBALL

● Mr. FORD. Mr. President, if there is one thing most citizens of my State enjoy during March and early April, it is NCAA basketball. This year's tournament was a treat for fans to watch and there were many heartening stories of teams exceeding most people's expectations and displaying teamwork, dedication, and hustle on the hardwood.

I could not be more proud of three schools from my State—Western Kentucky University, the University of Louisville, and the University of Kentucky—who played so well in this tournament and represented the Commonwealth with class, dignity, and sportsmanship. I congratulate coaches Ralph Willard, Denny Crum, and Rick Pitino and the many members of their teams, their assistant coaching staffs, and support personnel for jobs well done.

As further proof of the strength of college basketball in the Bluegrass, the women's NCAA tournament had a very strong Kentucky presence as well. The University of Louisville Lady Cards, with coach Bud Childers and the Western Kentucky Lady Hilltoppers, coached by Paul Sanderford, brought excitement and pride from their fans supporting them on the tournament trail. We are justifiably proud of everyone associated with their teams.

In short, it was a great tournament and a great win for North Carolina and coach Dean Smith. I know I speak for many when I say we look forward to November and another exciting year of men's and women's NCAA college basketball. ●

HONORING DR. ALBERT J. SIMONE, PRESIDENT, ROCHESTER INSTITUTE OF TECHNOLOGY

● Mr. D'AMATO. Mr. President, Dr. Albert J. Simone became president of Rochester Institute of Technology September 1, 1992. He is the eighth president in the university's 163-year history. He was formerly president of the University of Hawaii system and chancellor of the University of Hawaii at Manoa for 7 years.

At Hawaii, the 56-year-old Boston native was responsible for a system of 10 campuses enrolling 86,000 students in

degree and nondegree programs. He joined the University of Hawaii in 1983 as vice president for academic affairs and was named acting president in 1984.

During his tenure at the University of Hawaii, the university established new schools in ocean and Earth science and technology, and in Hawaiian, Asian, and Pacific studies, as well as 40 new degree programs including doctoral degrees in English, music, mechanical engineering, and communication and information science.

Dr. Simone has been active in many professional and community organizations. He has worked diligently to make a difference in the lives of many. He and his wife Carolie have four grown children.

Dr. Simone is now the president of the 17th largest university in the Nation. Rochester Institute of Technology has been consistently recognized by such publications as U.S. News & World Report, Barron's, and the New York Times Selective Guide to Colleges, as one of the Nation's leading comprehensive universities.

RIT's cooperative education program is one of the oldest and most extensive in the Nation. RIT offers more than 260 professional and career-oriented programs to its 13,000 students. Dr. Simone, with his vast experience, will be an asset of immeasurable value to the Rochester Institute of Technology. I know that Hawaii's loss is now New York's gain.

I commend Dr. Albert J. Simone.●

TRIBUTE TO THE SIOUX FALLS DEVELOPMENT FOUNDATION

● Mr. DASCHLE. Mr. President, today I want to commend the Sioux Falls Development Foundation for its outstanding contributions to the Earth Resources Observation Systems [EROS] Data Center located near Sioux Falls, SD.

The U.S. Geological Survey's [USGS] EROS Data Center was built in 1973 to

receive, process, archive, and distribute data obtained from the Landsat satellite system. During the past 20 years, the EROS Data Center has acquired the world's largest collection of images of the Earth, including more than 3 million images acquired from Landsat, meteorological, and foreign satellites. Today, the EROS Data Center employs approximately 350 scientists, engineers, and technicians who are involved in data management, systems development, and research in support of Earth science investigations.

The great success experienced by the EROS Data Center might not have been possible, however, without the leadership provided by the Sioux Falls Development Foundation. The Sioux Falls Development Foundation built the facility under a 20-year lease-purchase agreement. The Sioux Falls Development Foundation and Roger Hainje, its president, have provided excellent management and maintenance services, as well as extraordinary community support, ever since. The lease-purchase agreement is scheduled to expire on May 31, 1993, when USGS will gain full ownership of the facility.

USGS is currently working with NASA to develop the Earth Observing Systems [EOS]. The EROS Data Center is expected to play a significant role in the EOS Program and will be responsible for final processing, archiving, and distribution of all land-related data obtained from EOS space platforms. Since the present facility in Sioux Falls lacks adequate space to handle the vast amounts of data processing and archiving associated with the EOS Program, USGS and NASA have proposed the construction of a building addition to the EROS Data Center.

The Clinton administration recently announced that funding for this project will be included in the President's fiscal year 1994 budget request. This is truly great news for the EROS Data Center and for the Sioux Falls commu-

nity. Roger Hainje and the Sioux Falls Development Foundation, working with Don Lauer, chief of the EROS Data Center, fought hard to get funding for the building addition at EROS, and they deserve to be congratulated.

Although the formal financial arrangement that existed between the Sioux Falls Development Foundation and the EROS Data Center for the past 20 years is coming to an end, I am confident that the cooperative and supportive relationship between Roger Hainje and the Sioux Falls Development Foundation and the people at EROS, NASA, and USGS will continue to enhance the EROS Data Center's important mission. I look forward to working with the Foundation and EROS to further our mutual goals of economic development and service to the Nation.●

HONORING DR. WON PARK

● Mr. D'AMATO. Mr. President, I rise today to honor a fine man upon his retirement. Dr. Won Park, a general surgeon, has retired from an active surgical practice after more than 33 years of dedicated service to the State of New York and the communities of Orange County.

Dr. Park was born in Korea. He graduated from Seoul University in 1958 and, in 1960, came to the United States and settled in the Newburgh area of New York where he specialized in general surgery. He distinguished himself as a very skilled surgeon, a compassionate person, and a dedicated physician to all of his patients. He is highly respected by his colleagues and is a fine example of what a skilled and gentle physician should be.

Dr. Park's dedication to the betterment of the community is an inspiration to all. His continued activities will continue to help the communities of east Orange County, NY.

I commend him.●

FOREIGN CURRENCY REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following report(s) of standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1992

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Lynnett Wagner:									
Switzerland	Franc	1,592.95	1,135.00	126	89.78			1,718.95	1,224.78
France	Franc	5,713.80	1,068.00					5,713.80	1,068.00
United States	Dollar				3,050.00				3,050.00
Total			2,203.00		3,139.78				5,342.78

PATRICK J. LEAHY,
Chairman, Committee on Agriculture, Nutrition and Forestry,
Feb. 19, 1992.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS, FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1992

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Mark O. Hatfield:									
Taiwan	Dollar		1,620.00						1,620.00
Japan	Dollar				1,018.00				1,018.00
Rand H. Fishbein:									
Belgium	Franc		476.00						476.00
Germany	Deutsche mark		614.00						614.00
United States	Dollar				3,048.00				3,048.00
Scott B. Gudes:									
Germany	Deutsche mark	287.75	189.40	62.00	39.44			349.75	228.84
Total			2,899.40		4,105.44				7,004.84

ROBERT C. BYRD,
Chairman, Committee on Appropriations, Feb. 19, 1993.

AMENDED CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1992

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Steven J. Cortese:									
Belgium	Franc	14,050	466.00					14,050	466.00
Italy	Lira	966,176	872.00					966,176	872.00
Germany	Mark	478.50	330.00					478.50	330.00
Germany	Dollar		334.50						334.50
United States	Dollar				3,444.10				3,444.10
James W. Morhard:									
Belgium	Franc	14,050	466.00					14,050	466.00
Italy	Lira	966,176	872.00					966,176	872.00
Germany	Mark	478.50	330.00					478.50	330.00
Germany	Dollar		334.50						334.50
United States	Dollar				3,444.10				3,444.10
Senator Mark O. Hatfield:									
Norway	Dollar		375.00						375.00
Austria	Dollar				688.00				688.00
W. Proctor Jones:									
Sweden	Krona	6,189	1,164.00					6,189	1,164.00
Switzerland	Franc	607.95	472.00					607.95	472.00
France	Franc	2,763.32	556.00					2,763.32	556.00
United States	Dollar				5,470.10				5,470.10
Total			6,572.00		13,046.30				19,618.30

ROBERT C. BYRD,
Chairman, Committee on Appropriations, Jan. 25, 1993.

AMENDED CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1991

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator J. Robert Kerrey:									
Israel	Dollar		1,820.00						1,820.00
United States	Dollars				2,253.45				2,253.45
Total			1,820.00		2,253.45				4,073.45

ROBERT C. BYRD,
Chairman, Committee on Appropriations, Jan. 25, 1993.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1992

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Earl W. Comstock:									
Scotland	Dollar		2,200.00						2,200.00
United States	Dollar				1,530.00				1,530.00
Total			2,200.00		1,530.00				3,730.00

ERNEST F. HOLLINGS,
Chairman, Committee on Commerce, Science and Transportation,
Feb. 11, 1993.

AMENDED CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1992

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Max Baucus:									
Taiwan	Dollar		648.00						648.00
Hong Kong	Dollar		624.00				103.10		727.10
Malaysia	Ringgit		193.00						193.00
Singapore	Dollar		714.00						714.00
United States	Dollar				3,456.10				3,456.10
Michael W. Punke:									
Taiwan	Dollar		648.00						648.00
Hong Kong	Dollar		624.00				103.09		727.09
Malaysia	Ringgit		193.00						193.00
Singapore	Dollar		714.00						714.00
United States	Dollar				2,990.00				2,990.00
Total			4,358.00		6,446.10		206.19		11,010.29

PATRICK J. MOYNIHAN,
Committee on Finance, Feb. 8, 1993.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS, FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1992

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Richard G. Lugar:									
Russia	Dollar		147.28				330.00		477.28
Kazakhstan	Dollar		147.28						147.28
Ukraine	Dollar		147.28						147.28
Kyrgyzstan	Dollar		147.28						147.28
Estonia	Dollar		147.28						147.28
Latvia	Dollar		147.32						147.32
Senator Daniel P. Moynihan:									
India	Rupee	48,359	1,710.00					48,359	1,710.00
Croatia	Dollar		680.00						680.00
United States	Dollar				5,765.50				5,765.50
Senator Frank Murkowski:									
Japan	Yen	131,208	1,056.00	5,780	46.52			136,988	1,102.52
Hong Kong	Dollar	3,434	442.90	1,950	252.23			5,384	695.13
Taiwan	Dollar	18,223	717.17	770	30.31			18,993	747.48
United States	Dollar				5,249.00				5,249.00
Senator Claiborne Pell:									
Russia	Dollar		170.00						170.00
China	Yuan	4,381.20	795.53					4,381.20	795.53
India	Rupee	13,164.50	465.00					13,164.50	465.00
Israel	Dollar		492.00						492.00
Syria	Dollar		223.00						223.00
Kenya	Shilling	13,700	274.00					13,700	274.00
Senator Paul Simon:									
Philippines	Dollar		126.10						126.10
Singapore	Dollar		345.94						345.94
India	Dollar		227.70						227.70
George W. Ashworth:									
Switzerland	Franc	327.95	243.00					327.95	243.00
Ukraine	Dollar		606.50		91.50				698.00
Austria	Dollar		202.50		32.50				235.00
United States	Dollar				3,545.20				3,545.20
Kristin Brady:									
Guyana	Dollar		644.00						644.00
United States	Dollar				1,178.00				1,178.00
Jennifer Brick:									
Japan	Yen	131,208	1,056.00	6,280	50.54			137,488	1,106.54
Hong Kong	Dollar	6,898.10	892.26	1,705	220.54			8,603.10	1,112.80
Taiwan	Dollar	17,222	677.76	680	26.78			17,902	704.54
United States	Dollar				5,332.00				5,332.00
Geryld Christianson:									
United Kingdom	Pound	332.10	511.30	40	61.60			372.10	572.90
United States	Dollar				3,966.00				3,966.00
Nancy Chen:									
Italy	Dollar		263.00						263.00
Pakistan	Dollar		356.00						356.00
Philippines	Dollar		182.00						182.00
India	Dollar		342.00						342.00
Singapore	Dollar		376.00						376.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS, FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1992—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Janice H. Demers:									
Russia	Dollar		170.00						170.00
China	Yuan	5,666.84	974.18					5,666.84	974.18
India	Rupee	13,164.15	465.00					13,164.15	465.00
Pakistan	Rupee	4,555	178.00					4,555	178.00
Israel	Dollar		492.00						492.00
Syria	Dollar		223.00						223.00
Kenya	Shilling	13,700	274.00					13,700	274.00
Peter Galbraith:									
India	Rupee	48,359	1,710.00					48,359	1,710.00
Croatia	Dollar		680.00						680.00
United States	Dollar				5,765.50				5,765.50
Croatia	Dollar		1,935.00						1,935.00
Greece	Drachma	89,496	452.00					89,496	452.00
Romania	Leu	21,500	1,040.00					21,500	1,040.00
Bulgaria	Dollar		535.00						535.00
United States	Dollar				3,553.40				3,553.40
Edwin K. Hall:									
Switzerland	Franc	655.85	485.99					655.85	485.99
Ukraine	Dollar		732.00						732.00
Austria	Dollar		235.00						235.00
United States	Dollar				3,545.20				3,545.20
Richard Kessler:									
Russia	Dollar		170.00						170.00
China	Yuan	5,703.80	992.00					5,703.80	992.00
India	Rupee	13,164.15	465.00					13,164.15	465.00
Pakistan	Rupee	4,555	178.00					4,555	178.00
Israel	Dollar		492.00						492.00
Syria	Dollar		223.00						223.00
Kenya	Shilling	13,700	274.00					13,700	274.00
Elizabeth Lambird:									
Australia	Dollar	1,458	1,055.00					1,458	1,055.00
Japan	Yen	166,328	1,360.00					166,328	1,360.00
Singapore	Dollar	1,145.97	714.00					1,145.97	714.00
Malaysia	Ringgit	3,867.72	772.00					3,867.72	772.00
United States	Dollar				5,179.00				5,179.00
Adwoa Dunn-Mouton:									
United Kingdom	Pound	186.05	286.00					186.05	286.00
Kenya	Shilling	47,140	1,000.00					47,140	1,000.00
Ghana	Cedis	443,500	590.00					443,500	590.00
United States	Dollar				4,903.00				4,903.00
Michelle Maynard:									
Croatia	Dollar		1,390.00						1,390.00
Greece	Drachma	89,496	452.00					89,496	452.00
Romania	Leu	21,500	1,040.00					21,500	1,040.00
Bulgaria	Dollar		535.00						535.00
United States	Dollar				3,553.40				3,553.40
Kenneth A. Myers:									
Russia	Dollar		147.28				360.00		507.28
Kazakhstan	Dollar		147.28						147.28
Ukraine	Dollar		147.28						147.28
Kyrgyzstan	Dollar		147.28						147.28
Estonia	Dollar		147.28						147.28
Latvia	Dollar		147.32						147.32
George A. Pickart:									
Algeria	Dollar		672.00						672.00
Tunisia	Dollar	383,460	420.00					383,460	420.00
Egypt	Pound	1,712.91	513.00					1,712.91	513.00
Jordan	Dollar	407,405	591.00					407,405	591.00
Syria	Dollar		223.00						223.00
Israel	Dollar		492.00						492.00
Kenya	Shilling	13,700	274.00					13,700	274.00
Danielle Pletak:									
India	Rupee	29,036	1,026.00					29,036	1,026.00
Pakistan	Rupee	34,070.36	1,334.00					34,070.36	1,334.00
United States	Dollar				1,984.80				1,984.80
John B. Ritch:									
Belgium	Dollar		1,492.00						1,492.00
United States	Dollar				2,986.00				2,986.00
James P. Rubin:									
Switzerland	Dollar		350.00						350.00
Yugoslavia	Dollar		1,390.00						1,390.00
United States	Dollar				3,309.10				3,309.10
Jonathan Stein:									
Italy	Dollar		263.00						263.00
Pakistan	Dollar		356.00						356.00
Philippines	Dollar		182.00						182.00
India	Dollar		342.00						342.00
Singapore	Dollar		376.00						376.00
William C. Triplett:									
Australia	Dollar	1,458	1,055.00					1,458	1,055.00
Japan	Yen	166,328	1,360.00					166,328	1,360.00
Singapore	Dollar	1,145.97	714.00					1,145.97	714.00
Malaysia	Ringgit	3,867.72	772.00					3,867.72	772.00
United States	Dollar				5,179.00				5,179.00
Total			52,611.27		65,806.62		690.00		119,107.89

CLAIBORNE PELL
Chairman, Committee on Foreign Relations, Feb. 15, 1993.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON THE JUDICIARY, FOR TRAVEL FROM OCT. 1, TO DEC. 31, 1992

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Janis C. Long:									
Switzerland	Franc	2,094	1,458.00					2,094	1,458.00
United States	Dollar				3,050.00				3,050.00
Total			1,458.00		3,050.00				4,508.00

JOSEPH R. BIDEN, JR.,
Chairman, Committee on the Judiciary, Jan. 27, 1993.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), SELECT COMMITTEE ON INTELLIGENCE, FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1992

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Christopher Straub			739.00		914.00				1,653.00
Christopher Mellon			739.00		914.00				1,653.00
Senator David L. Boren			2,390.40						2,390.40
Zachariah Messitte			2,444.00						2,444.00
Dan Webber			2,689.00						2,689.00
Christopher Straub			2,279.00						2,279.00
Michael Hathaway			1,097.00						1,097.00
Total			12,377.40		1,828.00				14,205.40

DAVID BOREN,
Chairman, Select Committee on Intelligence, Dec. 31, 1992.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMISSION ON SECURITY AND COOPERATION IN EUROPE, FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1992

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Dennis DeConcini:					5,271.00				5,271.00
United States	Dollar								
Hungary	Dollar		215.00						215.00
Yugoslavia	Dollar		178.00						178.00
Croatia	Dollar		240.00						240.00
Germany	Dollar		268.00						268.00
Jane Fisher:					3,048.00				3,048.00
United States	Dollar								
Hungary	Dollar		215.00						215.00
Yugoslavia	Dollar		178.00						178.00
Croatia	Dollar		240.00						240.00
Germany	Dollar		268.00						268.00
Robert Hand:					3,048.00				3,048.00
United States	Dollar								
Hungary	Dollar		215.00						215.00
Yugoslavia	Dollar		178.00						178.00
Croatia	Dollar		360.00						360.00
Germany	Dollar		268.00						268.00
Victoria Showalter:					3,144.00				3,144.00
United States	Dollar								
Hungary	Dollar		430.00						430.00
Poland	Dollar		1,148.00						1,148.00
Samuel Wise:					3,051.70				3,051.70
United States	Dollar								
Hungary	Dollar		215.00						215.00
Yugoslavia	Dollar		178.00						178.00
Poland	Dollar		169.17						169.17
Total			4,963.17		17,562.70				22,525.87

DENNIS DeCONCINI,
Chairman, Commission on Security and Cooperation in Europe,
Jan. 27, 1993.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), SELECT COMMITTEE ON POW/MIA AFFAIRS, FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1992

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator John Kerry:									
Hong Kong	Dollar	1,998.70	258.00					1,998.70	258.00
Vietnam	Dollar		192.00						192.00
United States	Dollar				4,871.00				4,871.00
Frances Zwenig:									
Hong Kong	Dollar	3,997.50	516.00					3,997.50	516.00
Vietnam	Dollar		192.00						192.00
United States	Dollar				5,572.00				5,572.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), SELECT COMMITTEE ON POW/MIA AFFAIRS, FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1992—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
William Codinha:									
Thailand	Baht	5,405.94	213.00					5,405.94	213.00
Indonesia	Rupiah	1,886,045	916.00					1,886,045	916.00
Singapore	Dollar		238.00						238.00
United States	Dollar				4,290.00				4,290.00
Robert Taylor:									
Thailand	Baht	5,405.94	213.00					5,405.94	213.00
Indonesia	Rupiah	1,886,045	916.00					1,886,045	916.00
Singapore	Dollar		238.00						238.00
United States	Dollar				4,290.00				4,290.00
Senator John McCain:									
Vietnam	Dollar		753.00		810.00				1,563.00
Albert Graham:									
Russia	Dollar		18,152.78						18,152.78
United States	Dollar		8,648.00		1,640.10				10,288.10
Russia	Dollar		4,570.46		60.00				4,630.46
United States	Dollar		2,604.00		1,635.00				4,239.00
John McCreary:									
Czechoslovakia	Dollar		172.20						172.20
Ukraine	Dollar		205.18						205.18
Russia	Dollar		564.75		1,308.00				1,872.75
People's Republic of China	Dollar		231.27		2,237.00				2,468.27
United States	Yuan			1,493	283.84			1,493	283.84
Senator Robert Smith:									
Hong Kong	Dollar	3,997.50	516.00					3,997.50	516.00
Vietnam	Dollar		192.00						192.00
People's Republic of China	Yuan			1,493	283.84			1,493	283.84
United States	Dollar		135.00						135.00
United States	Dollar				5,575.00				5,575.00
Dino Carluccio:									
Hong Kong	Dollar	3,997.50	516.00					3,997.50	516.00
Vietnam	Dollar		192.00						192.00
People's Republic of China	Yuan			1,493	283.84			1,493	283.84
United States	Dollar		135.00						135.00
United States	Dollar				4,884.00				4,884.00
Total			41,479.64		38,023.62				79,503.26

GEORGE J. MITCHELL, Majority Leader,
ROBERT J. DOLE, Republican Leader,
Feb. 22, 1993.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), SELECT COMMITTEE ON POW/MIA AFFAIRS, FOR TRAVEL, NOV. 12-22, 1992

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator John F. Kerry:									
Thailand	Baht	5,400	213.00					5,400	213.00
Vietnam	Dollar		960.00						960.00
Hong Kong	Dollar	1,944.60	258.00					1,944.60	258.00
Senator Thomas A. Daschle:									
Thailand	Baht	5,400	213.00					5,400	213.00
Vietnam	Dollar		960.00						960.00
Hong Kong	Dollar	1,944.60	258.00					1,944.60	258.00
Senator Hank Brown:									
Thailand	Baht	5,400	213.00					5,400	213.00
Vietnam	Dollar		384.00						384.00
Hong Kong	Dollar	1,944.60	258.00					1,944.60	258.00
United States	Dollar				1,700.00				1,700.00
Frances Zwenig:									
Thailand	Baht	5,400	213.00					5,400	213.00
Vietnam	Dollar		960.00						960.00
Hong Kong	Dollar	1,944.60	258.00					1,944.60	258.00
Deborah DeYoung:									
Thailand	Baht	5,400	213.00					5,400	213.00
Vietnam	Dollar		960.00						960.00
Hong Kong	Dollar	1,944.60	258.00					1,944.60	258.00
Neal Kravitz:									
Thailand	Baht	5,400	213.00					5,400	213.00
Vietnam	Dollar		960.00						960.00
Hong Kong	Dollar	1,944.60	258.00					1,944.60	258.00
Sally Walsh:									
Thailand	Baht	5,400	213.00					5,400	213.00
Vietnam	Dollar		960.00						960.00
Hong Kong	Dollar	1,944.60	258.00					1,944.60	258.00
William E. LeGro:									
Thailand	Baht	5,400	213.00					5,400	213.00
Vietnam	Dollar		1,920.00		2,651.00				4,571.00
Andre Sauvageot:									
Vietnam	Dollar		960.00						960.00
Delegation expenses:									
Thailand	Dollar					3,275.99			3,275.99
Vietnam	Dollar					23,029.41			23,029.41
Hong Kong	Dollar					4,646.44			4,646.44
Total			12,534.00		4,351.00		30,951.84		47,836.84

¹ Delegation expenses include direct payments and reimbursements to State Department and to the Defense Department under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95-384, and S. Res. 179, agreed to May 25, 1977.

GEORGE MITCHELL, Majority Leader,
ROBERT J. DOLE, Republican Leader,
JOHN F. KERRY
Mar. 5, 1993.

AMENDED CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), SELECT COMMITTEE ON POW/MIA AFFAIRS, FOR TRAVEL FROM JULY 1, TO SEPT. 30, 1992

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Albert Graham:									
Russia	Dollar		15,427.48						15,427.48
United States	Dollar		6,700.00		1,629.30				8,329.30
Total			22,127.48		1,629.30				23,756.78

GEORGE J. MITCHELL, Majority Leader,
ROBERT J. DOLE, Republican Leader,
Feb. 22, 1993.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE MAJORITY LEADER, AUG. 18-25, 1992

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator George J. Mitchell:									
Czechoslovakia	Koruna	20,998.62	774.00					20,998.62	774.00
Austria	Schilling	6,990.50	684.00					6,990.50	684.00
Croatia	Dinar	46,173.70	170.00					46,173.70	170.00
Senator Claiborne Pell:									
Czechoslovakia	Koruna	20,998.62	774.00					20,998.62	774.00
Austria	Schilling	6,990.50	684.00					6,990.50	684.00
Croatia	Dinar	35,309.30	130.00					35,309.30	130.00
Senator James R. Sasser:									
Czechoslovakia	Koruna	20,998.62	774.00					20,998.62	774.00
Austria	Schilling	4,660.32	456.00					4,660.32	456.00
Croatia	Dinar	46,173.70	170.00					46,173.70	170.00
Senator Warren Rudman:									
Czechoslovakia	Koruna	18,285.62	674.00					18,285.62	674.00
Austria	Schilling	6,786.08	664.00					6,786.08	664.00
Croatia	Dinar	24,444.09	90.00					24,444.09	90.00
Senator Frank R. Lautenberg:									
Austria	Schilling	4,660.32	456.00					4,660.32	456.00
Croatia	Dinar	46,173.70	170.00					46,173.70	170.00
United States	Dollar				2,653.00				2,653.00
Senator James M. Jeffords:									
Czechoslovakia	Koruna	20,998.62	774.00					20,998.62	774.00
Austria	Schilling	4,660.32	456.00					4,660.32	456.00
Croatia	Dinar	46,173.70	170.00					46,173.70	170.00
Walter J. Stewart:									
Czechoslovakia	Koruna	20,998.62	774.00					20,998.62	774.00
Austria	Schilling	6,990.50	684.00					6,990.50	684.00
Croatia	Dinar	46,173.70	170.00					46,173.70	170.00
Martha S. Pope:									
Czechoslovakia	Koruna	17,091.90	630.00					17,091.90	630.00
Austria	Schilling	6,929.16	678.00					6,929.16	678.00
Croatia	Dinar	21,728.80	80.00					21,728.80	80.00
Geryd B. Christianson:									
Czechoslovakia	Koruna	13,022.40	774.00					13,022.40	774.00
Austria	Schilling	6,990.50	684.00					6,990.50	684.00
Croatia	Dinar	27,161.00	100.00					27,161.00	100.00
Diane Dewhirst:									
Czechoslovakia	Koruna	19,425.08	716.00					19,425.08	716.00
Austria	Schilling	6,479.46	634.00					6,479.46	634.00
Croatia	Dinar	21,728.80	80.00					21,728.80	80.00
Arthur Grant:									
Czechoslovakia	Koruna	15,979.57	589.00					15,979.57	589.00
Austria	Schilling	6,734.98	659.00					6,734.98	659.00
Croatia	Dinar	24,173.29	89.00					24,173.29	89.00
Jan Paulk:									
Czechoslovakia	Koruna	18,767.18	691.75					18,767.18	691.75
Austria	Schilling	6,990.50	684.00					6,990.50	684.00
Croatia	Dinar	24,444.9	90.00					24,444.09	90.00
Sarah Sewall:									
Czechoslovakia	Koruna	20,258.78	746.73					20,258.78	746.73
Austria	Schilling	6,711.68	656.72					6,711.68	656.72
Croatia	Dinar	21,728.80	80.00					21,728.80	80.00
Robert M. Walker:									
Czechoslovakia	Koruna	20,998.62	774.00					20,998.62	774.00
Austria	Schilling	6,990.50	684.00					6,990.50	684.00
Croatia	Dinar	28,519.05	105.00					28,519.05	105.00
Germany	Deutsche mark	126.15	87.00	2,638	1,819.31			2,764.15	1,906.31
Delegation expenses: ¹									
Czechoslovakia							4,617.92		4,617.92
Austria							7,855.53		7,855.53
Croatia							5,088.69		5,088.69
Total			20,010.20		4,472.31		17,562.14		42,044.65

¹ Delegation expenses include direct payments and reimbursements to the Department of State and to the Department of Defense under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95-384, and S. Res. 179, agreed to May 25, 1977.

GEORGE J. MITCHELL, Majority Leader,
Mar. 3, 1993.

HONORING THE 9TH DEFENSE
BATTALION ASSOCIATION, U.S.
MARINE CORPS, WORLD WAR II

• Mr. D'AMATO. Mr. President, I rise today to pay tribute to the 9th Defense Battalion Association, U.S. Marine Corps, of World War II. The 9th Defense Battalion Association of World War II is made up of the surviving members of the 9th Battalion of World War II, who continue to honor those who gave their lives in the defense of this great Nation. They are also actively involved in community services. They make the difference in many lives through the many activities and programs they make available to others. The members are commemorating their 50th year by honoring Pvt. John J. Wantuck, a true hero who gave his life to save others. Pvt. John J. Wantuck volunteered for a dangerous mission on July 17, 1943. He was briefed on the seriousness of the conditions that existed on this mission. He was killed in that action on Zanana Beach on the Island of New Georgia in the Solomon Islands Group. He was credited with having thwarted an enemy assault which would have inflicted serious consequences on the Marines and Army personnel in the nearby positions and would have facilitated the capture of a supply dump and command post by the enemy. Pvt. John J. Wantuck was awarded the Navy Cross for Bravery.

John was not the only brave and heroic member of the Wantuck family. He had four other brothers who served in World War II: Joseph was wounded in the Philippines and died in a prison camp in 1944; Michael served in the Navy and was awarded the Bronze Star and Purple Heart; Frank joined the Navy in 1942 and served a 7-month tour on the U.S.S. *Wantuck* APD 125; and Stanley, who joined the Army in 1941, served in the European theater. All of the Wantuck family are now deceased, but their bravery and patriotism will be remembered by all who live free because of their sacrifices. We commend the bravery of all who have served and defended their Nation so others can live in freedom.●

(At the request of Mr. INOUE, the following statement was ordered to be printed at this point in the RECORD:)

THE MCCORMICK RAILROAD PARK

• Mr. DECONCINI. Mr. President, I rise today to offer my praise of the McCormick Railroad Park in Scottsdale, AZ. The McCormick Railroad Park was established when Mr. and Mrs. Fowler Stillman donated land to the city of Scottsdale in 1967 to showcase memorabilia from a bygone era of American history. The park serves as a museum, exhibiting railway equipment and artifacts from the social and political heritage of the industrial age. The collection includes boxcars, steam engines,

depots, and the pullman car used by Presidents Hoover, Roosevelt, Truman, and Eisenhower, reflecting an era when campaigning was a more personal and direct appeal to the public.

The McCormick Railroad Park combines these historic and educational centerpieces with a rustic setting to produce a casual atmosphere for family gatherings. This 30-acre park features an arboretum created from trees, cacti, and shrubs indigenous to the area and includes picnic facilities and playgrounds. Kids of all ages enjoy riding on the miniature train pulled by a steam engine that chugs past recreated scenes of western life. In the past 2 years, more than 100,000 people from all over the world have taken advantage of the legacy endowed by Mr. and Mrs. Stillman, and many more are expected this year.

Mr. President, it gives me great pleasure to praise the virtues of this park and to thank the family that made it possible. I would like to praise Guy Stillman, the son of Mr. and Mrs. Fowler Stillman, for dedicating himself to the continuation of the McCormick Railroad Park. The people of Arizona, and indeed, people from across the Nation and the globe, are fortunate to be able to share the legacy created by the generosity of the Stillman family.●

REGARDING THE LINE-ITEM VETO

• Mr. MCCAIN. Mr. President, a major portion of the debate over the administration's so-called stimulus package has focused on the amount of pork contained in the measure. Senators from both sides of the aisle have sought to ensure that the taxpayers' dollars are not spent on wasteful pork barrel projects. I commend my colleagues for their efforts.

However, Mr. President, one solution to this problem continues to be ignored by both the White House and my Democratic colleagues—the line-item veto. Now is the time to give the President the line-item veto.

President Clinton has stated publicly that it is his hope that none of the Federal funding contained in the stimulus package will be spent on nonessential products. A line-item veto could be used by President Clinton to ensure that the taxpayers' money is not wasted on golf courses, graffiti abatement, and swimming pools.

But, Mr. President, the best interests of the American public are being brushed aside in a disturbing trend toward hypocrisy. Two weeks ago, 73 of my colleagues voted for a sense-of-the-Senate to give the President the line-item veto. I sincerely hope that as many will vote for the real thing.

Let me remind my colleagues, especially those who serve in the other body, that the public correctly understands a veto to require a two-thirds

vote of the Senate and the House to be overridden. However, some of the line-item veto bills being talked about in the House and the Senate are not real vetoes, but are in fact measures that only require a simple majority vote to be enacted. Mr. President, referring to these measures as line-item veto bills is a misnomer that is not worthy of this Senate and it should be stopped. Senators and Congressmen should not be attempting to fool the public in this manner.

Additionally, the President made his support for the line-item veto one of the basic tenets of his campaign. Disturbingly, however, his support for this important budget cutting tool appears to now be either hushed or extremely limited.

In early March, I wrote to President Clinton requesting a letter in strong support of the line-item veto. The President had during campaign speeches, in his book "Putting People First," and at a luncheon with Republicans, stated his unwavering support for the line-item veto. Thus, I expected an equally strong letter from the President trumpeting his support for this crucial moneysaving tool.

Mr. President, I was extremely disappointed with the President's response. The letter I received expressed only limited support for the line-item veto. Further, the letter stated that the President believes the line-item veto must be considered only as free standing legislation.

Mr. President, I ask that a letter from President Clinton to me and my response that I am sending to him today appear in the RECORD at this point.

Mr. President, I do not mean to imply anything negative by these comments. To the contrary, I would hope that this statement would serve as a reminder to my colleagues of the importance of the line-item veto and as a thank you for their future support.

The letters follow:

U.S. SENATE,
Washington, DC, April 6, 1993.

Hon. BILL CLINTON,
President, The White House,
Washington, DC.

DEAR PRESIDENT CLINTON: Thank you for your letter of support for the line item veto. I am delighted that we agree on the necessity of enacting this vitally important legislation.

I am frankly surprised and concerned, however, by the rather limited nature of your support, particularly your statement that the "line item [veto] must be addressed in Congress as free standing legislation and not as an amendment." I have researched your previous public statements on this issue, and have been unable to find any instance where you qualified your support for the line item veto in this way.

As you know, I have introduced the line item veto as free standing legislation in each of the past three Congresses, but the Democratic leadership has precluded consideration of these measures in the Senate. Furthermore, given the current disposition of the

Democratic leadership, I know you are keenly aware that support for the line item veto only as free standing legislation is no support at all.

You have previously indicated your support for the line item veto on several different occasions. I sincerely hope that you will abide by your earlier statements and support prompt Senate action on the line item veto without any qualifications.

Furthermore, in view of your statement regarding free standing legislation, I assume that you fully support S. 9, the "Legislative Line Item Veto Act of 1993." I would appreciate written confirmation of your position on this legislation.

I look forward to working with you on passage of the line item veto to enable you to eliminate unnecessary and wasteful pork barrel spending.

Sincerely,

JOHN MCCAIN,
U.S. Senator.

THE WHITE HOUSE,
Washington, March 27, 1993.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: Thank you for your letter regarding the line item veto. I appreciate learning of your strong support for this measure.

I fully support the line item veto and believe this issue needs to be addressed by Congress. However, I stand committed to my position that the line item must be addressed in Congress as free standing legislation and not as an amendment.

I look forward to working with you to develop a policy which properly addresses issue of line item veto.

With best wishes.

Sincerely,

WILLIAM J. CLINTON.●

PROGRAM

Mr. INOUE. Mr. President, in behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 2 p.m., Monday, April 19; that when the Senate reconvenes on that day, the Journal of proceedings be deemed to have been approved to date, that the call of the calendar be waived, that no motions or resolutions come over under the rule, and the morning hour be deemed to have expired; I further ask unanimous consent that the time for the two leaders be reserved for their use later in the day; that following the prayer, the Senate resume consideration of H.R. 1335, the supplemental appropriations bill under the provisions of the previous unanimous consent agreement.

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

ADJOURNMENT UNTIL MONDAY,
APRIL 19, 1993

Mr. INOUE. Mr. President, if no Senator is seeking recognition, and I understand that the acting Republican

leader has no further business, I ask unanimous consent in behalf of the majority leader that the Senate stand adjourned under the provisions of Senate Concurrent Resolution 23.

There being no objection, the Senate, at 2:09 p.m., adjourned until Monday, April 19, 1993, at 2 p.m.

NOMINATIONS

Executive nominations received by the Secretary of the Senate April 7, 1993, under authority of the order of the Senate of January 3, 1993:

DEPARTMENT OF JUSTICE

WEBSTER L. HUBBELL, OF ARKANSAS, TO BE ASSOCIATE ATTORNEY GENERAL, VICE WAYNE A. BUDD, RESIGNED.

DREW S. DAYS III, OF CONNECTICUT, TO BE SOLICITOR GENERAL OF THE UNITED STATES, VICE KENNETH WINSTON STARR.

DEPARTMENT OF STATE

MARSHALL FLETCHER MCCALLIE, OF TENNESSEE, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF NAMIBIA.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HARRIET S. RABB, OF NEW YORK, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, VICE MICHAEL J. ASTRUE, RESIGNED.

DEPARTMENT OF THE INTERIOR

ROBERT ARMSTRONG, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR, VICE DAVID COURTLAND O'NEAL, RESIGNED.

BONNIE R. COHEN, OF MASSACHUSETTS, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR, VICE JOHN SCHROTS, RESIGNED.