

Senate—Wednesday, May 19, 1993

(Legislative day of Monday, April 19, 1993)

The Senate met at 12 noon, on the expiration of recess, and was called to order by the Honorable RICHARD C. SHELBY, a Senator from the State of Alabama.

The PRESIDING OFFICER. Today's prayer will be offered by the guest chaplain, Rabbi Alex Goldman, Temple Beth El, Stamford, CT.

PRAYER

The guest chaplain, Rabbi Alex Goldman, of the Temple Beth El, Stamford, CT, offered the following prayer:

Let us pray:

In Your wisdom, Lord, You create every day anew, and give us daily fresh insight and vision. We enjoy, daily, the blessings of life, health, mind, and heart. Keep us ever mindful of Your many gifts; may we use them wisely, at all times.

As we meet this newly created morning, we pray You to help us understand this new opportunity to live and strive, in fellowship, friendship, and concern, with all people, whatever their persuasion, creed, or origin.

As a community in this blessed land, Your promised land of freedom and opportunity, we pray, Lord, that You bless with Your wisdom, inspiration, and guidance, the President of these United States, the Vice President, distinguished Members of this Senate, and all who exercise just and lawful authority and leadership. Touch them with Your sensitivities and spirit of devotion for all the inhabitants of our land.

Give us the wisdom and will, Lord, to draw, with open arms, into our community, all who work for freedom, all who strive for peace, all who labor for justice—the bases of our heritage and ideology.

With You filling our hearts and minds, Lord, we vow to exert our all, so that, soon in our day, we may fulfill Your plan and our constant hope for a world community in which all are blessed with freedom, serenity, contentment, and peace. 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, May 19, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable RICHARD C. SHELBY, a Senator from the State of Alabama, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 1 p.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

Mr. CRAIG addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Idaho.

RESTRAIN SPENDING AND REDUCE THE DEFICIT

Mr. CRAIG. Mr. President, I come to the floor of the Senate today to talk to the President of the United States.

This body, in the next few weeks, will be asked to debate and consider a massive tax increase and a budget reconciliation bill. I voted against the President's budget resolution and certainly do not see how I can support a tax and reconciliation package that implements that budget.

But I note a very ironic situation that is developing with the President and the other body at this very moment. According to press releases and conversations I have had with conservative Democrats from the other body, they are insisting that the tax and reconciliation package include 5 years of caps on entitlement spending, enforced by a reinvigorated sequester process.

Are they suggesting that entitlement spending be held below the President's budget? No; they are not suggesting that at all. They are suggesting that the President and they agree to hold spending at his levels.

Is it not strange that the response from the administration to an enforcement mechanism of his own budget would be, "No"? It was surprising to me yesterday to hear that in the press and then to have those conversations.

Well, the President has been out flying around the country, suggesting that people support his effort to restrain spending and reduce the deficit.

So what does he do when members of his own party suggest a mechanism to guarantee those targets be met? He opposes them.

Last week, the administration told the public that their proposed increase in taxes would be put in a trust fund and that that was an added layer of insurance that the deficit reduction targets would be met. And yet, when members of his own party yesterday came up with an insurance program—spending caps on entitlements to meet those targets—they said no.

Let me get this clear. The President is opposed to enforcing the very spending targets that he himself has proposed. He is opposed to guaranteeing the very level of deficit restraint that he is flying around the country trying to take credit for right now.

And what is the enforcement process being proposed? The exact same process for exactly the same kind of spending caps proposed by the Director of the Office of Management and Budget last year when he was chairman of the House Budget Committee. Under the then Chairman Panetta's plan, if entitlement spending in the next 5 years exceeded levels requested by the President, there would be an across-the-board sequester of all entitlement programs, including Social Security.

In addition, for every \$4 of spending sequestered, tax rates would have to be raised by enough to offset a dollar's worth of revenue.

There are only two things that would trigger this sequester process that appears to be worrying the President. And that, I guess, would be that the economy would fail to perform at the administration's projection, or the technical assumptions made in writing to the President's budget are wrong.

Well, that is the story. We have not heard the rest of the story yet. But it is awfully frustrating to those of us in this body and, I have to believe, Mr. President, it is awfully frustrating to the American people, when conservative Democrats of this President's own party step up with a mechanism to guarantee the President's budget, that he would walk away from it.

Well, I understand he is supposed to be up here on the Hill today, making amends and binding wounds.

Let me tell you, the American people, and a good many of us here in Congress, want to assure that spending is cut and, at the minimum, we want this President to guarantee that his budget numbers will be delivered.

Mr. President, you had better listen to a couple of those conservative Democrats. They are not all wrong.

Mr. GORTON addressed the Chair.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Washington is recognized for 10 minutes.

THE WASHINGTON STATE HEALTH CARE PLAN

Mr. GORTON. Mr. President, with Monday's enactment of the most radical statewide health care reform effort in the 50 States, Washington residents now contemplate their health care status with anticipation and apprehension. Rather than waiting for national health care reform, State legislators charged forward with a comprehensive health care reform plan and passed in a few months a wide-ranging proposal that will have a tremendous impact on how health care is delivered and paid for in Washington State.

Hailed by its proponents as the "toast of the nation," Washington's plan is expected to provide additional security in access and availability to health care. However, critics charge that the program leaves many questions unanswered, defers many of the most difficult questions to a State insurance commission, irresponsibly underestimates actual costs, and gives far too much power over health care decisions to new bureaucracies. Regardless of whether or not the program lives up to expectations, the process of its enactment and its substance offer many valuable lessons for the debate on national health care reform. Most importantly, as a potential model for national health care, it raises crucial issues that must be addressed if national health care reform is to succeed.

The centerpiece of the State plan is a new regulatory five-member commission, with a powerful commissioner, that will regulate health care as a utility. The commission will ensure that all residents enroll in a certified health plan, will establish a uniform benefits package, and will decree a community-rated maximum premium for the benefit package. The State requires that all employers, both large and small, offer at least three certified health plans and contribute at least half of the cost of the health insurance plan for their qualified employees. All individuals are required eventually to be covered by a State approved health plan.

The benefit package will include coverage for primary and specialty health services, inpatient and outpatient hospital services; prescription drugs and medications; reproductive services; chemical dependency services, mental health services, short-term skilled nursing care, and home health and hospice services. Long-term care services will be included in the uniform benefits package by 1999.

Four health insurance purchasing cooperatives will be established in four geographic regions of the State. These bodies must admit all individuals and make every certified health plan available for purchase. Also included in the package is financial assistance to small businesses that cannot afford the employer mandate. In addition, data collection and short-term health insurance are essential parts of this comprehensive plan.

The financing of the new health care system for Washington State is to be provided by significant additional taxes on tobacco and alcohol products and taxes on insurance premiums and hospitals all of which are expected to raise \$1 billion by the 1997-99 biennium. However, it is unclear exactly how much additional spending will be necessary to fulfill the lofty requirements of the plan.

There are invaluable lessons from Washington State's health care debate that can be applied to the national picture. First, it is clear that only with the unprecedented cooperation and support of the State medical and hospital associations was such radical reform possible. Unfortunately, that has not been the case at the Federal level where physician groups actually had to sue the administration to pressure it into listening to their legitimate concerns. Only late in the process were practicing physicians consulted by Mrs. Clinton's task force which consisted primarily of 500 congressional staffers from Democratic offices and Government employees.

Second, Washington State, as the entire Nation, is experiencing a budget crisis and health care crisis at the same time. In Washington State, the Governor and legislative leaders elected to pass health care reform first and then deal with the State's financial problems. However, here in the other Washington, the President has delayed introduction of his health care reform plan until his tax package is passed. This change in strategy was at the behest of his budget advisors who anticipate that national health care reform may cost more than \$100 billion a year in additional spending.

Third, in Washington State, the new Governor, like Bill Clinton, campaigned on a promise to bring radical change to the State's health care system. The Republican alternative plan did not receive serious consideration as the Democrats remained unified and determined to enact their version of health care reform. In the U.S. Congress, however, there are already many competing plans. For example, some Members in the Democratic Party already have introduced a single-payer plan that will compete with the administration's proposal. Others, like Congressman COOPER, a Democrat from Tennessee, propose a managed competition plan that is market-oriented

rather than the administration's apparently Government-oriented plan. Republicans in the Senate who have been meeting for nearly 2 years as the Republican health care task force will offer a plan of their own. Thus, rather than Members having the option only either to pass or to reject health care reform, we in the U.S. Congress will have several thoughtful comprehensive plans to consider.

An additional lesson to be learned is the absence of finality in the State plan. The plan's sponsors and supporters have admitted that the plan will be phased in piece by piece over 6 years and that corrections in the plan may be made in future legislative sessions. In fact, under pressure from protesting seasonal workers who were explicitly excluded from employer-mandated coverage, the Governor may make the first of many unforeseen corrections. Considering that national health care reform will drastically alter a \$900 billion industry, we at the national level must not pass incomplete legislation that is both radical and admittedly flawed. We have one chance, and we must do it right.

In addition, the financing of the State plan as well as other tax increases may be undermined by a growing statewide tax revolt. Finally, implementation of the State plan is contingent on the Federal Government granting waivers from existing Federal requirements. History indicates that getting all the waivers necessary will be difficult if not impossible.

The State's ambitious plan, despite its critics, will serve as an invaluable contribution to the national health care debate because its sponsors anticipated that Mrs. Clinton's proposal will be compatible with the Washington State plan. Indeed, Mrs. Clinton herself said yesterday that "[M]any of the elements (of the State plan) mirror essential elements of the national package." If that is the case, this Senator believes that the following questions must be answered publicly and candidly as soon as possible by the administration.

First, will Washingtonians pay additional taxes to finance national health care reform on top of those which are imposed at the State level? Will Americans pay more for health insurance while receiving fewer services with more bureaucracy? Can we be assured that the quality and value of our health care does not decline with additional Government involvement?

Second, does the administration anticipate that its scheme to create strong state regulatory agencies to purchase and administer health insurance will lead to a single-payer or Canadian-style health care system? What are the steps necessary to transform the administration's program into a solely Government-run health care system? If they are minimal, why not simply pursue the Canadian model?

Third, how will the administration's program impact job-growth in the struggling economy? Has the administration considered delaying health care until the economy is growing at 3 to 4 percent?

It is not this Senator's attempt to discourage Mrs. Clinton from pursuing bold reform. Indeed, he wishes to offer his assistance in addressing these questions so that we may reach meaningful and cost-effective health care reform. First, however, we must be willing to ask and answer the most difficult questions. This debate must not be relegated to the simplistic level of either being for or against health care reform.

I will end by sharing with my colleagues the real-life impact of some of the proposed payroll taxes and employer mandates to provide health insurance for employees. Yesterday two small business owners from Yakima visited my office to inform me that for the very first time they decided against hiring an additional employee for a mid-level position and are not likely to provide bonuses or additional benefits to their employees this year. These gentlemen had for years provided and paid for health insurance for their employees and their dependents in order to maintain their loyalty and security. They made their decision to not hire based solely on the new State health care employer mandates and anticipated increases in Federal taxes.

Tonight in central Washington someone is still looking for work in a struggling economy because State and Federal Governments are discouraging employers from hiring new people. Ultimately, the administration and Congress must realize that the two most important domestic issues, health care reform and economic growth, must be discussed together if we are to solve either problem. These decisions will have enormous and immediate impacts on the security and prosperity of individuals and families across the Nation—we must not forget that lesson.

Mr. President, seeing no one else seeking recognition, I ask unanimous consent to proceed on a separate subject.

The ACTING PRESIDENT pro tempore. The Senator from Washington, without objection, is recognized.

Mr. GORTON. I thank the Chair.

(The remarks of Mr. GORTON pertaining to the introduction of S. 985 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GRAMM addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized for 10 minutes.

THE CLINTON ECONOMIC PLAN

Mr. GRAMM. Mr. President, yesterday the debate about taxes was given a reality check by a man that most peo-

ple in America do not know, a man named Lorne Fleming. He stood up yesterday in San Diego, CA, and told the President that he did not have any more money to contribute to the Government. Mr. President, Lorne Fleming spoke not just for himself but for people all over America who do the work, pay the taxes, and pull the wagon in this country.

He then asked the President a question that we should ask ourselves every day as we consider the Clinton economic program. He asked if the President could name a single country in the history of the world which had ever taxed and spent its way to prosperity. And to his credit, the President said he could not. I do not believe that the United States of America, under the Clinton plan, will be the first country in history to do that.

Our President has a credibility problem because he continues not to level with the American people. Yesterday he went to great lengths to talk about his program and to talk about spending cuts in that program. He said that his program cut spending more than his predecessor's program. In fact, the budget summit agreement of 1990 cut mandatory and discretionary spending by \$219 billion, and relative to current law, the Clinton budget cuts spending by less than \$110 billion.

But the point is that nobody believed the statement that the President made about spending cuts. Let me tell you why they did not believe it. It is because, beginning in the campaign, through the State of the Union Address, through the release of the President's budget, and now in something we call reconciliation, where we change permanent law to implement the policy, we have had a constantly changing budget.

What I have tried to do here is represent the whole debate on one simple chart. I have plotted new taxes versus new spending. If you will recall, and everyone in America does recall, President Clinton in the campaign said that he was going to cut spending \$3 for every \$1 of new taxes. And then when Congressman Panetta, the OMB Director, was before the Senate for confirmation, he said the President's goal was \$2 in spending cuts for every \$1 of taxes. And then when President Clinton gave that great State of the Union Address, a speech that I could have given myself because it had almost nothing to do with the President's economic program, he said his program contained \$1 of spending cuts for every \$1 of taxes.

Then in the President's budget, which we finally have received and which has been adopted by both Houses of Congress, there are \$3 in new taxes for every \$1 in spending cuts. And now in reconciliation, as we change permanent law to raise taxes and cut spending, where we are actually changing

the law of the land to raise taxes and cut spending, there are \$5 in new taxes for every \$1 in spending cuts.

I would say this: When you promise \$3 in spending cuts for every \$1 of taxes and in 4 months you propose \$5 in taxes for every \$1 of spending cuts, you should not be surprised that people do not believe that you are leveling with them about your program.

Yesterday, the President was also asked about middle-class tax cuts, and he said that he was awakened to the fact that we had this big deficit problem after the election.

In fact, the whole country was aware of it, and the Congressional Budget Office, which the President has chosen as the judge and jury of honest budgeting, told the world in August that we had a deficit problem of roughly the magnitude we recognize today. And no less an authority than Leon Panetta, who at the time was the chairman of the House Budget Committee, said that the President's budget did not meet the reality test in the campaign.

What I would like to do now is to read some statements from the Congressional Budget Office about the Bill Clinton budget. I remind my colleagues, the President made a point in the State of the Union Address that we ought not to be arguing about numbers; we ought to be arguing about policy. And so in order to shift the debate from numbers to policy, he named the Congressional Budget Office the judge and the jury of what was in the budget, what taxes were, and what spending was.

I would like to report the findings of this judge and this jury on the Clinton budget. I want to remind my colleagues and those watching, this is not Phil Gramm talking; this is not BOB DOLE talking. This is the Congressional Budget Office, designated by the President as the judge and the jury. The Director of the Congressional Budget Office is chosen by the Democratic chairman of the House Budget Committee and the Democratic chairman of the Senate Budget Committee.

Let me read you four quotes from the CBO's "Analysis of the President's February Budgetary Proposals" that I think tell the whole story.

This is chapter 1, page 6:

Three-quarters of the \$355 billion in cumulative deficit reduction contained in the administration's program would stem from increases in revenues and only one-quarter from cuts in outlays.

Now, I ask my colleagues, how is it that every day the administration continues to claim they have a dollar in spending cuts for every dollar of taxes? Forget the fact that they promised \$3 in spending cuts for every dollar of taxes. How can they continue to claim \$1 for \$1 when, in fact, the judge and the jury they chose say that three-quarters of the President's deficit reduction comes from taxes and only a quarter from spending cuts.

Let me read a couple more statements from the Congressional Budget Office: "The spending increases would exceed the cuts through 1995."

In other words, in President Clinton's budget many of the new taxes are retroactive to January 1, 1993, but spending increases built into the budget exceed spending cuts promised in 1993, in 1994, and in 1995. In other words, for 3 years there are no net cuts in spending in the President's budget. Now maybe 4 years from now, or 5 years from now, there are great promises of things we will do in the "sweet by-and-by." But the Congressional Budget Office says, "The spending increases would exceed the cuts through 1995."

I have a couple of more statements from CBO. This is still chapter 1, page 11, "Within the discretionary spending category, the administration proposes continued real reductions in defense and real increases in most areas of domestic spending. Domestic discretionary budget authority," which is bureaucratic language for spending, "would grow from its current level of \$209 billion to \$262 billion, a real increase of 7 percent." That means, after inflation, the discretionary parts of the budget other than defense would grow by 7 percent.

Well, Mr. President, is it any wonder people do not believe that this massive tax increase is going for deficit reduction? Is it any wonder people do not believe when they have been consistently misled by this administration about what we are doing about spending, what we are doing about deficits? Is it any wonder people are feeling they have been betrayed?

I ask unanimous consent for 5 additional minutes.

The ACTING PRESIDENT pro tempore. Is there objection? Hearing none, the Senator from Texas is recognized for 5 more minutes.

Mr. GRAMM. Mr. President, last Friday on the front page of the Washington Post, we got a real insight into something the public feels, the public knows. I have to give the American people credit because, despite an incredible effort to continue a campaign 6 months after an election is over, to continue to present a picture that is at variance with the facts, the American people are getting the facts. The American people get it. Washington does not get it. And on the front page of the Washington Post, the President has a little quote about his tax program that I think says it all. He says, "I think it will help the economy, bring in more revenues, and permit us to spend more."

Now, Mr. President, the American people do not want to see their taxes raised to fund more spending. The American people want to cut spending first. Everywhere I go people run up to me and say, "Are you cutting spending first?"

Well, I ask the question, When the Congressional Budget Office says that for the next 3 years there are no net spending cuts in the President's budget, are we cutting spending first? Are these taxes we are talking about, taxes not on rich people, as promised in the campaign, but taxes on Social Security recipients, taxes on small businesses, taxes on every family in America, an energy tax that is going to cost families \$500 per year, is that money going to reduce the deficit or is that money being spent?

Well, let me tell you, I think the American people have broken the code. I think they broke the code on this so-called stimulus package. For 3 months, the President said we have to raise your taxes; we have to tax Social Security. We have to tax your family on energy consumption. We have to tax your business with an income tax to lower the deficit and help the economy.

At 11 o'clock in the morning, the President's budget was adopted, totally by Democrat votes. Then at 2 o'clock in the afternoon we took up a new bill, the stimulus package, and then the President says we have to raise the deficit and spend more money to help the economy.

Now, the President blames Republicans for defeating his stimulus package, but the reality is he lost that debate around the kitchen table because he could not convince the American people that by simply raising the deficit from \$300 billion to \$316 billion suddenly prosperity was going to come to America.

So I submit that the President is having increasing difficulty in convincing the American people that he has done what he promised them he would do.

We are not cutting spending first.

I would like to ask the President to come back to Congress and throw out a budget that now asks us in a single vote to raise taxes \$5 for every \$1 of spending cuts. Come back to Congress, and let us work on a bipartisan basis to cut spending first.

I think it is very interesting that when the administration was asked, last Thursday, in the Senate to make even the \$1 in spending cuts for every \$3 in taxes binding, the amendment I offered to make those spending cuts binding was rejected on a straight party line vote, save the vote of the junior Senator from Alabama and the Democratic Senator from Virginia. Every other Democrat rejected that amendment. And people wonder why the public does not believe the Government when the Government says we are going to take your tax money and we are going to use it to reduce the deficit. We are going to put it in a trust fund. If there has ever been a laughable idea presented on the American budget, that was it.

What do I think we need to do to gain credibility and to strengthen the econ-

omy? Very simply this. None of these spending cuts happen until October 1. It is not even June. Let us throw out this budget. Let us go back and start again. Let us go back to the President's campaign promise of \$3 in spending cuts for every \$1 of taxes. Let us go back to that program of the President's which put out in such great detail what he was going to do.

Let us craft it on a bipartisan basis. Let us write a real budget that cuts spending first. Then we will have credibility. Then we will have the support of the American people. But you cannot win the support of the American people by promising to do one thing, and then doing another. You cannot win the support of the American people by continually misleading people about what our Government is doing.

You cannot fool the American people. There have been many efforts to fool them in the past. They have heard all of our empty promises. They have seen proposal after proposal where we say give us your money and in the sweet by-and-by we will cut some spending. They saw it in the 1990 budget agreement. They gave us \$165 billion. All these promises were made just as President Clinton is promising now, even though he is promising only \$1 of spending cuts for every \$3 of new taxes. In 1990 people were promised \$2 of spending cuts for every \$1 of taxes. But the point is they did not materialize.

Let us cut spending first, and we will get credibility. We will get the support of the American people. The President is losing support on his economic program because it is not the program he was elected on. It is not the program he promised the American people. The President promised a Cadillac and he is delivering an Edsel. And he does not seem to understand that people are unhappy with the car, but they are very, very angry with the person who sold them the car because they were misled.

We can fix this by going back and doing it right. That is what I want to propose to the President today.

I thank the Chair for his indulgence.

I yield the floor.

Mr. BENNETT addressed the Chair.

THE PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Thank you, Mr. President.

CABINET-LEVEL NOMINATIONS

Mr. BENNETT. Mr. President, it is now the time when we are finally receiving nominees from the administration for the sub-Cabinet-level positions that have been vacant for so long. I want to thank the President and the administration for finally getting to this point. It has been a point of some concern of mine that this administration has taken longer to do this than any in recent memory.

If I might be personal for just a moment, I remember when I joined the

Nixon administration back in 1969. I went in the month of March and I was the last appointee at that level, every other position having been filled. We are now in the month of May and similar positions are still unfilled. I think one of the major reasons why this administration seems to be in such disarray is that the President and the Cabinet officers have taken so long to come up with the names for these particular positions.

Some of those who have come before the committees on which I sit have been nominees whose positions are either hostile or in some cases offensive to the people of the State of Utah. Frankly, the people who have been nominated have taken positions that have been either hostile or offensive to me and that I campaigned against during the campaign.

So a lot of people back in Utah are contacting me as these names finally begin to show up, and they are saying to me, Senator, surely you are going to vote against all of these people. Surely you are going to vote against the people who have taken positions or whose lifestyles are offensive, that are in a manner different from that of the people of the State of Utah.

I am rising on the floor today to explain why in all probability I shall not vote against most of the nominees for Assistant Secretary and Commissioner and Administrator—the sub-Cabinet officials whose names we are receiving now.

First, I well remember as an outsider watching the confirmation circus that went on as members of the party opposed to the President would take the confirmation opportunity to make their points and to beat up people who really did not deserve the kind of personal character assassination that went on.

If I criticized those kinds of confirmation circuses as a Republican, pointing the fingers at Democrats who were involved in it, I cannot with clean hands participate in the same kind of circus myself just because it is now a Democratic and Republicans who want to oppose it. But if I thought those activities were improper then, they are equally improper now even though the targets may represent points of view that I disagree with.

Second, I think we need to remember that an Assistant Secretary is not necessarily a policy position regardless of what some people may tell people when they are trying to woe them into an assistant secretaryship.

I conducted the responsibilities of the Assistant Secretary, and I know very quickly that an Assistant Secretary who takes a policy position different from the Secretary or from the President is very quickly an ex-Assistant Secretary.

Policy is set by the President of the United States, and his agency for en-

forcing that policy is the Office of Management and Budget. I have seen the experience firsthand of Cabinet officers being given their marching orders by people from the Office of Management and Budget who say, Mr. Secretary, you may feel that way, everybody in your department may feel that way, but here at the White House, we feel this way and this is the way it is going to be.

I think the last time we have seen a Cabinet officer resign over a disagreement in principle was Secretary Vance in the Carter administration who stepped down as Secretary of State because he was being told he had to do something that his conscience would not allow. If that is the enforcement procedure for a Cabinet officer, it is certainly the enforcement procedure in spades for an Assistant Secretary.

Thus, when people come before the committees on which I sit who have backgrounds on issues that I disagree with, I recognize that however much I might complain about that, my real complaint must lie with the President. I did not vote for the President. I did not support the President. I did not prevail. The President won the election and having won the election he is entitled to the assistants that he may wish.

If the President has the right to the assistants that he may wish, I cannot in good conscience once I have expressed my disagreement with them use my right as a Senator to harass them or otherwise disrupt them as they go about carrying out the President's duties.

A number of names have been raised of people that we should oppose in Utah. George Frampton, Jim Baca, Roberta Achtenberg, and others. As I said earlier, I disagree with them. They have said things with which I have vigorously disagreed but they are not going into a policy position where they can overturn the President. They are going into a managerial position where they are being required to carry out the President's program. And I find these people qualified on a managerial basis even as I may disagree with them on a policy basis.

I think it is time that we pay attention to manners and civility in public discourse. That is what I am trying to do as I make this statement. I fully expect that in my service as a Senator we shall see a return to a Republican administration and a Republican President.

I would hope when that time comes that that Republican President will be given the same kind of consideration in his choice for assistants that I am trying to give to these people for President Clinton.

My final comment, Mr. President: Had I been the President, I would not have appointed these people. I am happy to go on record in that fashion.

I am sure if I were the President, they would not want to serve in my administration because they hold different positions. But I think as a matter of conscience, I must respect their ability to hold different positions and not oppose their nominations just because I do disagree with the policy statements they have made in the past.

Thank you, Mr. President.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

SUPPORT OF PRESIDENT CLINTON

Mr. BUMPERS. Mr. President, I heard the distinguished senior Senator from Texas talking about my President and what he has promised and what he has not delivered. That is always a good way to get my attention.

The Senator from Utah has just said he does not support President Clinton. I certainly understand that. He is a Republican and I am sure he supported George Bush. I did not support Bill Clinton because he was the Governor of my State or because we have been good friends for all of these years. I supported him because I liked what he said and I thought nothing could be any worse than what we had. I will come back to that in just a moment.

In this morning's Post, there is an op-ed piece and the writer points out that in San Diego at a townhall meeting the night before last, the President was asked when have you ever known this Nation or any other nation to tax and spend its way into prosperity? That is a favorite ploy of my Republican brethren, and they have a right to talk that way if they want to.

The truth of the matter is, that is exactly what Franklin Roosevelt did. I am not suggesting it is a good idea for today. And as this author pointed out this morning, you cannot plow the same ground twice and expect the same results. But Franklin Roosevelt did precisely that. He raised taxes and he started spending, and he was the first President to ever pay any attention to the South.

I grew up in a small town of 851 people. I can remember how embarrassed we were because the population was on the city limit sign—851 people. Dirt streets, outdoor plumbing, no running water, malaria, typhoid—you name it, we had it all. We slept outside in the summertime because the heat was insufferable inside the house. Every time a car came by and we were sleeping in the yard, we choked to death on the dust. That is what some people call the "good old days." Not me. Do you know what Will Rogers said about the good old days? "They ain't what they used to be, and they never was."

They never were good. But Franklin Roosevelt inherited a 25-percent unemployment rate and when the Japanese bombed Pearl Harbor, the unemploy-

ment rate in this country was still 15 percent. Think about that.

But I will tell you something else, Mr. President. In this day and time, it may be a fair charge to say that you cannot tax and spend your way into prosperity. I am not positive of that. I do not think that is relevant anymore because the stimulus package has been killed and, in my opinion, a lot of proposed so-called investment and spending that the President wants to make will never see the light of day in this Chamber.

There are too many naysayers around here about anything that changes the way we do business. But I can tell you one thing. I watched the hurried instinct sweep across this body in 1981 when Reagan said the key to our eternal prosperity is to cut taxes and raise spending. You talk about an absurdity on its face. Yet, the U.S. Senate and the House of Representatives bought into it as though that was the greatest thing since night baseball.

As I have said on the floor before, the Arkansas Second Congressional District Congressman in the House, RAY THORNTON, told me that when Reagan was touring the county saying, "We are going to cut your taxes and raise defense spending, and we are going to balance the budget," his 84-year-old father-in-law said, "What a dynamite idea; I wonder why nobody ever thought of that before." I will tell you why. It was sheer lunacy.

What is the biggest problem facing the Nation today? Why, the Presiding Officer and every Member of the U.S. Senate knows it is the deficit. So when the President says: "I want to reduce the deficit over the next 5 years, \$500 billion, from what it would otherwise be if we do nothing," some of my friends on the other side of the aisle like to say that he is going to add a trillion dollars to the debt. And that is true. He has never made any bones about it. What he is saying is that we have to get the deficit headed south. That is precisely what he is proposing to do through taxes and spending cuts.

I do not know where these Republicans get those charts they keep bringing over here. Anybody can put graphs and bars up there and paint different colors and put figures behind them, but it does not make them accurate. The budget resolution called for \$205 billion in net spending cuts. Even if the President gets his way in spending—\$205 billion in net spending cuts will occur.

I think every single Republican voted against a budget resolution in the U.S. Senate to reduce the deficit by \$505 billion because it had a tax component. They say we need to do more in spending cuts. I tested that out last fall. Senator SASSER and I stood on the floor of the Senate until we almost dropped dead trying to eliminate the space station and the super collider.

Those are two big welfare projects for Texas. As the Senator from Maryland said, "They believe in welfare for Texas and free enterprise for the rest of us." We tried to kill the space station and super collider—\$220 billion—and our high watermark was five Republican votes.

We tried to kill SDI, which now the Secretary is about to do. I do not know why any of us ever try to kill a weapons system. I believe I can truthfully say that the U.S. Congress, on its own initiative, has never killed a weapons system—never. Unless the Secretary of Defense or the President says we no longer need B-2 bombers, you are not going to catch this crowd voting to kill a weapons system, particularly if there is a plant in their home State that has any component of that weapons system.

So they keep saying: You do not have enough spending cuts. We can do it with spending cuts.

Let us start with SDI, the super collider, the space station, the Trident II missile, and the intelligence budget.

"Oh, no; that is not what we had in mind," the Republicans will say.

Well, what did you have in mind?

"I thought we would put a cap on entitlements."

That means the elderly people of this country, who depend on Medicare for their health care, have to dig deeper in their own pockets to pay medical bills; and people on Medicaid, which is health care for the poorest of the poor, get no care. It means that 10 percent of the people in this country who get food stamps will get them cut.

I will tell you what the economic policies of the last 12 years have brought us, Mr. President. They have brought us to the point that food stamps applications are soaring through the roof, and we are still only covering half of the poor, pregnant women in this country trying to provide them with a free diet so they can have a healthy baby.

What is the solution on the other side? Cut them further. Do not tax me.

Senators make \$135,000 a year. Think about that. They were worried about somebody getting free health care because they are unemployed, or old, or because they are poor. You can call that liberalism, call it Ozark Mountain populism, anything you want to; but you can find it in the Bible, too. That is another book that everybody interprets however it suits them on any given day.

So, Mr. President, I have listened to those speeches for 12 years. I have listened to those speeches for 12 long years, as we went from a \$1 trillion debt to a \$4 trillion debt. And I have told the President: "You are not just the Nation's last best hope; you are the Nation's last hope."

I hate to be that apocalyptic about this Nation's future.

Mr. President, listen to this. We have the highest crime rate of any nation on Earth. We have 200 million guns in people's hands.

We have 35 million people with no health insurance. In math and science we are dead last among the 17 developed nations. In social studies we are 13th among developed nations. We probably have by far the highest debt per capita among all developed nations. Nobody is even in the same league with us on that.

We have doubled the population of the United States, and, incidentally, the population of the planet has gone up 150 percent in my lifetime and is going to double again in the next 45 years. Who in their right mind thinks we are better off because we have 250 million people here rather than the 130 million we had?

We have more people in jail as a percentage of our population than any nation on Earth. We have the lowest number of the eligible electorate voting of any nation on Earth. Even Colombia, the drug capital of the world, has a higher percentage of voters than we do in the United States.

And we have become so uncivilized that people do not even know how to say thank you, please, I am sorry, and pardon me.

I know I am old fashioned. You walk into a restaurant in a lot of places and every man in there has his hat on. That is a little thing. However, when I grew up that was unthinkable.

Mr. President, the good news is we are still the longest living democracy on Earth. What does that mean? That means the people ultimately will have the final say.

Betty Bumpers said, "Do you know what is wrong with you politicians?"

"No. What? I am anxious to hear." Lord knows, I hear plenty of it in my mail every day.

She said, "Politicians think when people see a 30-second spot they take leave of their senses."

The truth of the matter is people yearn for the unvarnished truth. And the thing that made Bill Clinton's State of the Union Address so memorial was he said: "Folks, we are in a heap of trouble, and I am going to raise our taxes, and we are going to cut spending and do our very best to salvage this great Nation."

Mr. President, our Constitution is still intact. So we have so much to be grateful for.

But what do people love most? What do the people of Alabama love most when they sit around the table in the evening? It is not that Mercedes in the driveway and it is not that split-level home they are sitting in and it is not that fancy office downtown. It is their children. That is what they love most. That is what they sacrifice most for. And it is tomorrow and the next generation that I think about every time I cast a vote.

So, yes, I am going to support the President. I am going to support his tax increases. I intend to pay my share, because I have two wonderful grandsons that I want to have a chance.

I yield the floor.

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

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

The bill clerk proceeded to call the roll.

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

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

Mr. LOTT. Mr. President, I rise to speak in morning business.

The PRESIDING OFFICER. The Senator is recognized.

Mr. LOTT. I thank the Chair.

(The remarks of Mr. LOTT pertaining to the introduction of S. 986 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. LOTT. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. DOLE. Mr. President, is leaders' time reserved?

The PRESIDING OFFICER. Leaders' time is reserved.

IS THERE A BOSNIA POLICY?

Mr. DOLE. Mr. President, after deciding on a course of action to address the war in Bosnia-Herzegovina nearly 3 weeks ago, the Clinton administration, instead of moving forward, now seems to be drifting, or even backing away.

At his press conference last week, the President claimed not to have changed his mind about next steps, namely the so-called lift and strike options—steps which I strongly support. But, the newspapers and journals are filled with reports that the President is now abandoning his efforts to build support among our allies for his decision and is deferring to them.

Yesterday, in testimony to the House, Secretary Christopher added to that speculation by suggesting that rather than trying to end the fighting in Bosnia, the Clinton administration is attempting to contain the conflict.

Indecision. Lack of clarity. Waffling. Shifting. These words and phrases have been used in recent days to describe President Clinton's Bosnia policy. Some even ask whether there is a Bosnia policy.

Frankly, I do not know if President Clinton has changed his mind. I do not think he has. The consultations with Congress begun 3 weeks ago have suddenly come to a halt. I have not been told by the President or his staff that U.S. goals or options have been altered in any way. So I am going to continue to believe the President in what he told us previously.

I do hope the President has not changed his mind. I hope he sticks to his original decision and uses the U.S. position as the traditional leader of NATO to bring our allies on board. The President also needs to let our allies know that support for NATO in the U.S. Congress depends on NATO's ability to come to grips with crises that threaten European stability.

Some ask, why not defer to the Europeans? The answer is simple: Our allies have failed miserably. From the beginning their approach has been fundamentally flawed: They have pursued policies which address only the symptoms of the war, not the causes.

The allies want to continue along with this failed approach—it is easier than taking tough action. They want to add more peacekeepers where there is no peace. They say they are saving lives by delivering food, yet the vast majority of Bosnians are not threatened by starvation, but by bullets. In short, the Europeans are ready to accept the status quo. Despite their denials, they are willing to write off Bosnia as a state. As such, they have no realistic plans for ending and containing this war.

I understand and support President Clinton's wish to get our NATO allies on board any decision. But, leading the alliance does not mean accepting the European's failed policies. Nor does it mean splitting the difference between their ideas and ours.

Leadership means deciding on the best course of action and actively persuading our NATO allies to join us.

This type of U.S. leadership has been the key to NATO's success since it came into being. This type of U.S. leadership is essential if NATO is going to continue into the future.

Mr. President, the United States cannot duck Bosnia, nor can it allow NATO to do so. The longer we wait, the more difficult the decisions will become. The future of stability in Europe and the future of the NATO alliance depend on the successful handling of this crisis. Success, in turn, depends on U.S. leadership.

REGARDING: MR. JULIO MAGALLANEZ

Mr. MCCAIN. Mr. President, I was delighted to read about an Arizonan, Mr. Julio Magallanez on the front page of the Washington Post. Mr. Magallanez went into business for himself after overcoming great personal hardship

and today is a successful bean broker. He was able to accomplish this modern day success story with the assistance of the Micro Industry Credit Rural Organization (PHDC/MICRO).

Mr. Magallanez's success is an outstanding achievement, one that he should be very proud of and one I believe the Senate should take note of. I would like to congratulate Mr. Magallanez on all that he has accomplished.

The PHDC/MICRO is also a great example of a nonprofit development company giving individuals such as Mr. Magallanez an opportunity to become successful entrepreneurs with extraordinary results. Mr. President, Julio's commitment to his company and his willingness to take a gamble sets a fine example and serves as an inspiration to all who are involved in the MICRO Program.

Again Mr. President, I would like to extend heartfelt congratulations on his outstanding achievement, and wish him every success in the future. Mr. Magallanez is an inspiration to us all.

Mr. President, I ask unanimous consent that the Washington Post article appear in the RECORD after my remarks.

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

[From the Washington Post, May 6, 1993]

HARVESTING A LIVING FROM SEEDS OF CREDIT
(By Guy Gugliotta)

NOGALES, AZ.—Three years ago Julio Magallanez almost died of a massive heart attack. Last year, heart disease again almost killed him and kept him in bed most of the time.

Sickness cost him his driver's license, and sickness means he will never get it back. "More than 20 years' driving a truck, and all of a sudden no job," said Magallanez, now 39.

So he went into business for himself. Today Magallanez is a "bean broker," using a lifetime of experience on both sides of the Mexican border to build a new career from his house trailer on a windswept stretch of desert a few miles from Nogales. Mexican clients contract for pinto beans, and Magallanez finds them in the United States and sees that they are delivered.

"It's a good business," Magallanez said, and he thinks it will get better. So does the Micro Industry Credit Rural Organization, a nonprofit development company that loaned Magallanez \$1,000 so he could buy a computer to keep his records.

MICRO, now beginning its seventh year, is one of the nation's leading practitioners of "microenterprise development," providing very small loans and, in most cases, business training, to low-income entrepreneurs who have little or no access to banks or other forms of credit.

Microenterprise, a tried-and-true Third World development technique for more than three decades, is perhaps the hottest anti-poverty strategy in the United States today.

Experts list about 150 microenterprise organizations nationwide, most of them less than three years old. The Small Business Administration last year authorized a \$15 million pilot program. Legislation to encourage microentrepreneurs is pending in Congress.

Secretary of Agriculture Mike Espy is a leading advocate, and President Clinton, as governor of Arkansas, actively encouraged a microloan program for rural areas of his state.

Using a variety of training programs and loan guarantee devices, the organizations have achieved extraordinary results. MICRO, based in Tucson and operating in rural and border areas of Arizona and eastern California, has made \$1.6 million in loans over the life of its program, and has a cumulative default rate of 2.89 percent.

Its clients include near-rookies like Magallanez and seasoned pros like Danny Renteria, a onetime "shade-tree mechanic" who has opened his own garage in Nogales with MICRO loans. MICRO also helps a man who buys Mexican charcoal for resale in the United States, a woman who grows squash and sells gourds to novelty shops, and a man who makes his own lace and grosses \$2,000 a week from amateur dressmakers and local milliners.

In Los Angeles, the Coalition for Women's Economic Development reports no defaults during almost four years of operations.***

By contrast, the Los Angeles coalition, a model among newer organizations, has 100 active borrowers. Interest received in 1992 was \$7,600, less than 1 percent of operating expenses. This is a typical percentage for microenterprise programs, all of which rely on grants for most of their working capital.

"It's one of the most adaptable anti-poverty strategies, and that's a reason it's proliferated," said Fred O'Regan, who studies microenterprise and other jobs strategies for the Aspen Institute. "But expectations in terms of scale and sustainability have been higher than most programs can meet."

Inflated hopes probably arose because of the spectacular success of the Third World's model microenterprise programs. The prototype Grameen Bank, of Bangladesh, has loaned more than \$400 million to more than 1 million clients since its founding in 1976. Indonesia's Bank Rakyat has 2 million borrowers and 8 million savers.

In Latin America, the Cambridge, Mass., based Accion International has set up microloan programs that have 147,000 borrowers in 14 countries. Seven of their programs are paying for themselves, and Banco Sol in Bolivia has evolved into a full-scale bank.

Only Accion, of the international giants, works in the United States. MICRO began as an Accion project, and a second Accion program has opened in Brooklyn with start-ups planned in Chicago, San Antonio and Albuquerque. Accion's technique is to target a borrower population, link up with local officials and tailor a program that—in a relatively short time—can operate independently.

Accion and other organizations have discovered basic differences between microenterprise in the Third World and the United States, chief among them the size and nature of the potential client base, the "informal sector" of self-employed people who are trying to earn a living on the fringes of the mainstream economy.

In the Third World, experts say, the sector easily can include more than one-third of the labor force, everything from street vendors to freelance plumbers and portrait painters. In the United States, by contrast, the sector is relatively tiny: "We don't have these massive informal sectors here," O'Regan said. "It's very unconventional to be poor and self-employed in the United States."

Also, Third World informal sectors include legions of highly motivated and trained peo-

ple whose only real need is credit. For them, a microenterprise program simply is a finance company with reasonable interest rates. "In Latin America you can break even with a portfolio of \$1 million, and you can put \$1 million out in two years," said Accion associate director Maria Otero. "You're giving people a lifeline and an opportunity."

It's different in the United States, where a highly developed social welfare program takes away the sense of urgency. Accion researcher Elisabeth Rhyne described the difference in a recent essay: "While America has been trying to perfect and expand its social safety net, developing countries have to create strategies that work without one."

And finally, Third World entrepreneurs usually know how to use a loan once they get it, but even without business basics they can succeed in an environment where regulations are mostly honored in the breach.

In the United States, by contrast, micro-entrepreneurs often need business training, both to learn how to handle money and to prepare for the intrusion of the real world. "Very soon you start to rub up against the formal economy," O'Regan said. "The competition is fierce everywhere; even poor neighborhoods have a 7-Eleven."

To build competitive skills, virtually all U.S. microenterprise organizations have a training regimen to complement banking activities.

Coalition executive director Foresce Hogan-Rowles, like many experts, accords training and banking equivalent priorities. Her borrowers, she said, are embarked on a long-term "development process," involving "60 percent training and 40 percent lending." Clients must attend four to 10 weeks of business instruction before they can get any money.

Most experts agree that microenterprise is not the "magic bullet" that will end national poverty, but, they add, it is as good, if not better, than any other current policy at bringing poor people into the work force and rewarding their creativity. And despite the impossibility of cloning the international models, the U.S. organizations have shown that many of the Third World concepts can work.

Chief among these is the idea that it is possible to loan money successfully at market rates to people who are excluded from the mainstream banking system. Most U.S. microentrepreneurs, as in the Third World, have little or no formal credit history, and virtually all of them want loans so small that banks cannot justify the costs of processing them.

MICRO operations director John Newsome, a former banker, said Arizona banks will not issue a business loan for less than \$25,000, also the minimum for a Small Business Administration-backed loan. At MICRO the average loan is \$1,600, at 13 percent interest.

MICRO, like many microenterprise organizations, would like to forge an alliance with mainstream banks—offering to run a microloan program using bank funds—and is exploring a statewide relationship with Arizona's Bank One.

"We think our program trains future bank customers," said MICRO executive director Frank Ballesteros. "There is an untapped market out there, and banks see the handwriting on the wall."

Maybe so, but a more likely inducement is the Community Reinvestment Act, requiring banks to use some of their resources to meet credit needs of disadvantaged neighborhoods. Clinton has spoken of passing a "more progressive" act, and microenterprise may

prove to be a useful way for banks to comply with the law.

"We could act as an intermediary between banks and borrowers, because we have the infrastructure to manage a small loans portfolio," said Accion's Otero, who has recently received several bank inquiries about the program's activities.

A large number of U.S. microenterprise programs, including the coalition, have adopted the Grameen Bank's "peer lending group" technique, in which a small number of borrowers (generally four or five) guarantee each other's loans and meet periodically to discuss business strategies and give each other pep talks. Zoila Perez's group, called "El Progreso de Bellas Ilusiones" ("The Progress of Beautiful Dreams"), includes one other clothing vendor, two custom clothing designer/seamstresses and a jewelry business. Each woman used a \$2,000 loan to buy inventory.

Peer group lending substitutes shared responsibility for the collateral that the borrowers do not have. It is, program supervisors agree, the main reason micro-entrepreneurs seldom default. "Besides the payments, they develop solidarity and learn about bookkeeping and planning," said Paula Sirola, El Progreso's supervisor. "Bit by bit they develop."

If they wish. For most microenterprise organizations, goals are fuzzy. Experts speak of bootstrapping first-time business people into the mainstream, of stabilizing fragile family incomes, of nurturing self-image, of encouraging asset building and weaning poor people from welfare.

At El Progreso, the women speak of stability, extra spending money and modest expansion, always within Los Angeles's Latino community. One key to the coalition's success is that it has encouraged its Latin borrowers to replicate the informal street economy most of them knew as youngsters in Mexico and Central America.

Perez would like to become a full-scale importer-exporter, carrying goods to and from El Salvador on a regular schedule.

MICRO's Magallanez, as a facilitator in the bean trade, is filling a market niche that nobody else has discovered. "I'm taking a very tough gamble here but I'm almost sure that it will work," he said.

Also running a gamble are Valerie Holton and Ava Jackson, partners in the coalition's "Five Star Unlimited" peer group. Holton runs "Black L.A. Tours" for visitors to Los Angeles ("They don't have to be black!") and is interested in negotiating a deal with Ramada Inns. Jackson has a maintenance company that has expanded from two to five employees. She is bidding large jobs, and needs only one long-term contract to hit the big time. "We are a phone call away," she said.

Already in the big time is MICRO's Danny Renteria, who used to fix cars on the street and now has a garage with two lifts and seven full-time employees wearing blue "Danny's Service Center" uniforms.

Renteria is a microenterprise "graduate" working on a \$10,000 loan, his fourth from MICRO and the biggest loan the program can provide. He is tired of paying rent on his garage (\$28,000 last year) and would like to buy it from his landlord along with the rest of the building.

He figures he will need at least \$300,000, and he will have to borrow it from a bank. No bank has ever granted Renteria a loan, but he thinks maybe this time will be different: "They couldn't find a better candidate than me," he said.

**PRINCIPLES FOR AID TO RUSSIA
AND THE NIS**

Mr. PRESSLER. Mr. President, last month I was pleased to join the distinguished Senator from Connecticut [Mr. LIEBERMAN] and former Housing Secretary Jack Kemp—the cochairmen of the Alexis de Tocqueville Institution—and a distinguished group of United States leaders in advancing a statement of principles on aid to Russia and the newly independent states [NIS].

In my opinion, this is an hour of maximum danger—and opportunity—for freedom, democracy, security, peace, and prosperity for Russia and the rest of the former Soviet Republics.

In this statement of principles, we called on the United States and our Western allies to adopt a more urgent and significant effort to assist Russia and the NIS in building a lasting democracy and a free market economy.

In my view, this effort is not about pumping large amounts of taxpayer-financed foreign aid into the Russian bureaucracy. We are seeking to provide the confidence necessary for the people of Russia and its trading partners to continue economic and political liberalization.

Clearly, the recent referendum demonstrates that the Russian people are committed to democracy and market-oriented economic reforms. In the coming weeks, it is essential for America to demonstrate its clear support for these reforms by developing a truly bipartisan foreign and economic policy to aid Russia and the NIS. The bipartisan group of leaders who came together to sign a statement of principles for Russian aid represents a sound starting point from which to build such a policy. I am pleased that along with the Senator from Connecticut and myself, my friends and colleagues from Indiana, Senator LUGAR, South Carolina, Senator THURMOND, and Alaska, Senator MURKOWSKI, also signed the statement. It was endorsed also by Representatives LEE HAMILTON, NEWT GINGRICH, ESTEBAN TORRES, former Secretaries of State Alexander Haig and Edmund Muskie, William Bennett, and Jeane Kirkpatrick, among others.

Mr. President, the statement of principles my colleagues and I signed is by no means exhaustive. Other factors also must be considered by the Senate when a Russian foreign aid plan comes to the floor. These principles reflect the general policy goals that should be achieved through foreign aid and other United States-Russian programs.

I ask unanimous consent that the statement of principles issued by the Alexis de Tocqueville Institution along with the undersigned names 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:

STATEMENT OF PRINCIPLES FOR AID TO RUSSIA

1. The West under the leadership of the United States should commit itself to a significantly larger and more urgent effort to help Russia and the other newly independent states (NIS) build a democracy and a market economy;

2. We should endeavor to seek the implementation of START I and II, and to make sure that all the NIS sign the nuclear non-proliferation treaty.

3. Our economic assistance program should be viewed as an investment in the future of the United States, as well as in the future of Russia and the NIS;

4. The overall aim of our aid program should be to do good and do well—helping build the markets of Russia and the NIS, while at the same time seeking new opportunities for U.S. firms doing business in these emerging nations;

5. Any investment and assistance program should reflect the special circumstances of Russia, should be developed in direct consultation with the government and people of Russia, should take into consideration the fact that Russia is building a democracy as well as a market economy, should make full use of all resources available to the United States and the West, including those of the international financial institutions, and should include restructuring of the debt owed by Russia to the West but amassed in part by the Soviet Union; and

6. We support the formation of a G-7 working group to coordinate assistance efforts and the regularization of the recent practice of including Russia at G-7 conferences.

Joseph I. Lieberman, U.S. Senator; Jack F. Kemp, Former Secretary of Housing and Urban Development; Richard Lugar, U.S. Senator, Senate Foreign Relations Committee; Lee Hamilton, Member of Congress, Chairman, House Foreign Affairs Committee; Newt Gingrich, Member of Congress, House Minority Whip; Edmund Muskie, Former Secretary of State, Former U.S. Senator; William Simon, Former Secretary of the Treasury; William Bennett, Former Secretary of Education; George Soros, President, Open Society Fund; Paul Nitze, Founder and Diplomat in Residence, Paul H. Nitze School of Advanced International Studies, Johns Hopkins University; Jeane J. Kirkpatrick, Former U.S. Ambassador to the United Nations; Strom Thurmond, U.S. Senator, Ranking Member, Senate Armed Services Committee; Barton M. Biggs, Chairman, Morgan Stanley Asset Management, Inc.

James A. Courter, Chairman, Defense Base Closure and Realignment Commission; Frank H. Murkowski, U.S. Senator, Senate Foreign Relations Committee; Vin Weber, Former Member of Congress; Robert W. Kasten, Jr., Former U.S. Senator; Michael Boskin, Former Chairman, Council of Economic Advisors; Harald Malmgren, Director, MGK Limited; Thomas H. Kean, Former Governor of New Jersey; Richard Rahn, President, Novecon Inc.; Judy Shelton, Senior Research Fellow, The Hoover Institution; Bruce Morrison, Former Member of Congress; Arthur B. Laffer, President, A.B. Laffer, V.A. Canto and Associates; Howard Berman, Member of Congress, House Foreign Affairs Committee; Manuel Johnson, Former Vice Chairman of the Federal Reserve Board.

Richard Gardner, Professor of Law and International Organizations, Columbia Law School, Former U.S. Ambassador to Italy; Shirley Williams, Professor of Politics, Kennedy School of Government, Harvard University; Larry Pressler, U.S. Senator; John Kenneth Galbraith, Professor of Economics, Harvard University; James Tobin, Professor of Economics, Yale University; Richard Leone, President, Twentieth Century Fund; Robert Torricelli, Member of Congress; Sir Frederick Catherwood, Member of the European Parliament; Helmut Sonnenfeldt, Guest Scholar, The Brookings Institution; David M. Abshire, President, Center for Strategic and International Studies; Esteban Torres, Member of Congress; John Lehman, Former Secretary of the Navy; Alexander Haig, Former Secretary of State.

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

Mr. HELMS. Mr. President, as anyone even remotely familiar with the U.S. Constitution knows, no President can spend a dime of Federal tax money that has not first been approved by Congress, both the House of Representatives and the U.S. Senate.

So when you hear a politician or an editor or a commentator declare that "Reagan ran up the Federal debt" or that "Bush ran it up," bear in mind that it was, and is, the constitutional duty of Congress to control Federal spending. Congress has failed miserably for about 50 years.

The fiscal irresponsibility of Congress has created a Federal debt which stood at \$4,282,840,338,892.20 as of the close of business on Monday, May 17. Averaged out, every man, woman, and child in America owes a share of this massive debt, and that per capita share is \$16,673.90.

IN SUPPORT OF THE CONFIRMATION OF BETSY RIEKE FOR ASSISTANT SECRETARY FOR WATER AND SCIENCE AT THE DEPARTMENT OF INTERIOR

Mr. DECONCINI. Mr. President, I rise today to congratulate my colleagues on their decision last night to confirm my good friend Betsy Rieke as Assistant Secretary for Water and Science at the Department of the Interior.

I have had the privilege of knowing Betsy for a long time on a professional level through her service to Arizona as the counsel for the State's department of water resources and, most recently, as the director of that agency, and I admire her. I have also known and respected her on a personal level for a number of years. Years ago, Betsy's family and mine were neighbors in Arizona. Our children grew up together, and our sons were friends. Betsy will be sorely missed in Arizona as she moves on to bigger and better things, but I am proud that the Senate has con-

firmed such a highly qualified candidate for the Assistant Secretary position.

Betsy Rieke has had a long history of involvement in Arizona's water issues and her background makes her uniquely qualified to serve as the Assistant Secretary for Water and Science. From 1982 to 1985, she served under then-Governor Babbitt as the deputy legal counsel for the Arizona department of water resources taking over as chief legal counsel for the department from 1985 to 1987. She left Arizona government service to join the law firm of Jennings, Strouss and Salmon eventually becoming a partner. She also taught water law at Arizona State University College of Law as an adjunct professor and has written and spoken extensively on water law issues.

Since April of 1991, Betsy has been the director of the department of water resources under Gov. Fife Symington. It is a testament to Betsy's ability and commitment to the issues that she has held positions of substantial responsibility under both Democratic and Republican Governors in the high profile area of water resources. And, it is a tribute to her skill and dedication that President Clinton has chosen her as a top advisor on water and science issues for the country.

Mr. President, I think that I can safely say that both Secretary Babbitt, during his tenure as Governor of Arizona, and Gov. Fife Symington have a high degree of respect and admiration for Betsy. She has the capacity to bring divergent interests together to work on common ground as evidenced by her success in settling numerous Indian water rights claims and implementing Arizona's ground water code, one of the most comprehensive pieces of water legislation in the West.

As director for the Arizona department of water resources, she has had the responsibility of not only dealing with ground water regulations and Indian water rights settlements, but also the highly charged issue of the central Arizona project [CAP]. Betsy has been a leader in trying to resolve some of the extremely complicated and contentious problems connected with the CAP. Water supplied by the CAP is vital to sustain Arizona's economy, and Betsy has been involved every step of the way in developing proposals to help the CAP maintain its financial viability.

Dealing with the CAP is no easy task and her efforts will be missed. However, the tenacity and creativity she has shown in addressing the CAP's difficulties will be a tremendous asset to her, to the Department of the Interior, and to the country in dealing with some of the tough issues the Department will face in the area of water and science.

President Clinton has made a wise choice in his selection of Betsy Rieke

for the Assistant Secretary of Water and Science, and last night's Senate confirmation reaffirms this wisdom. He could not have made a more responsible or appropriate choice. I am confident that Betsy will be an outstanding addition to the Department.

Mr. President, I yield the floor.

OLDER AMERICANS MONTH

Mr. COHEN. Mr. President, I am pleased once again to take this time to commemorate Older Americans Month.

We set aside this time to recognize the contributions made by millions of senior citizens to our great Nation. Without their willingness to sacrifice, their embrace of hard work, their endurance of poverty and hard times, and their moral strength, America would be a very different place indeed.

The celebration of Older Americans Month is one small but meaningful way of acknowledging the fundamental role seniors have played in the perpetuation and preservation of our democracy. It is a time to express a debt of gratitude to them as well as a time to assess our progress on enriching their lives.

At present, senior citizens over the age of 65 comprise about 12 percent of the population. While their annual income is slightly less than that of their younger counterparts, age 18 to 65, the rate of poverty for seniors has been reduced more than half since 1966. Life expectancy rates for seniors have increased significantly in this century. Retirement is a greater option for many more seniors than in the past, and it lasts longer as well.

These statistics paint a relatively sunny portrait of our senior population, and reflect the success of programs like Social Security, Medicare, the Older Americans Act, and others that have helped to improve the lives of our older population.

As we move into the 21st century, however, we must take heed of the coming changes in the statistical portrait of the elderly population if we are to avoid serious challenges to their health and well-being. In addition, we must continue to pay close attention to the needs of today's senior population so that we can tackle the problems they face in living their golden years.

What do these statistics show? In 1989, almost a third of those over the age of 65 lived alone. Among people over the age of 85, however, far more, in fact almost half, lived alone. The number of women in these age categories is daunting indeed; a full 82 percent are widowed. They face special problems. Because they worked in low-paying jobs or did not work at all, their Social Security checks are not generous. As a result, the rate of poverty for those over 85 living alone is far higher than for other segments of the population. They are more vulnerable

to criminal and fraudulent activities, they are more isolated, and they often escape the reach of even the most active aging network. We must do more to make the quality of life better for this segment of our elder population.

Let's also look more closely at statistics on the health of today's older Americans. While these seniors are living longer, they remain disproportionately dependent on health services in comparison to other segments of the population. They visit a physician eight times a year, compared with five visits by the general population. They are hospitalized over three times as often as the younger population, stay 50 percent longer, and use twice as many prescription drugs.

These figures demonstrate that as our overall health care costs continue to rise, the elderly will continue to shoulder a greater financial burden. At the same time, they are far more likely to be on a fixed income.

Finally, the projected growth of the aging population, while still several years away, raises important questions about our ability to serve them adequately. By the year 2030, the size of the population over 65 is expected to double to where it constitutes one-quarter of our Nation's population. During this time, the size of the population over the age of 85 is expected to triple.

If current trends in the lifestyle of our elders continue, we will be facing formidable challenges in caring for the frail elderly who don't require institutionalization, in making health care affordable for those on fixed incomes, and in ensuring that seniors continue to be involved in community life.

Both today's senior citizens and the aging baby boomers face serious problems that directly affect their well-being and that of our Nation as a whole. These include the potential insolvency of the Federal fund that guarantees private pensions, the health of the Social Security trust fund, ever-increasing costs of prescription drugs, the availability of affordable long-term care, and the potential elimination of retiree health benefits.

As I have traveled my State of Maine and listened to its senior citizens, it is evident that these concerns are very real. Maine's statistical portrait is generally similar to the national one. The proportion of elderly residents in Maine is slightly greater than the national average, and in the next 30 years, the number of individuals over the age of 65 is expected to more than double in size.

As in the Nation as a whole, today's problems are pressing indeed in my State. The number of seniors living in poverty in Maine exceeds the national average by 3 percentage points. In some counties in Maine, over half of those residents living alone are over the age of 65. The rural nature of the

State poses special challenges to those working to reach poor, isolated seniors and improve their quality of life. The task is an enormous one, but we must remain committed to it.

Unfortunately, senior citizens, who have contributed so much to this country over the years, are beginning to hear the cries and whispers of others who believe that they have received more than their fair share; that they are living well at the expense of the younger generation, and that they ought not to ask for any more from the rest of us.

Mr. President, in this Nation today we are on the verge of inter-generational warfare, as various groups compete for scarce Government funds brought on by our massive Federal deficit. It is widely believed that the new administration will place a special emphasis on issues affecting children, in part due to First Lady Hillary Rodham Clinton's involvement in the Children's Defense Fund.

While children's welfare is an important priority, we must resist the temptation to put generation against generation in dividing up the Government pie. Instead, we must work together to find the best solutions for our society as a whole, placing special emphasis on the needs of the most disadvantaged, regardless of age.

In my work on senior volunteer programs, I have been inspired by the enormous contributions made by seniors to their communities because of their commitment to serving others. Let us not turn our back on them. Let us work together to resolve common problems, and let us recognize how important it is to bind generations together rather than split them apart.

The problems that confront us will have enormous consequences for the future, especially for those citizens who will be reaching age 65 in the next 30 years. They are problems that must be handled now so that both today's senior citizens and those who will become seniors 40 years from now can live in security.

The recent elevation of the position of Administrator of the Administration on Aging to the Assistant Secretary level and the recognition of long-term care as a crucial component of comprehensive health care reform are encouraging early signals of this administration's attitude toward issues affecting senior citizens, and I urge its continued attention to these and other issues affecting the elderly.

As we take stock of how far we have come during this Older Americans Month celebration, let us also take stock of the vast amount of work that remains to be done to see that those reaching their older years can remain vibrant, independent, and involved citizens of this Nation.

I would like to state that the Senate Special Committee on Aging remains

dedicated to focusing on the special problems of this segment of our population.

Over the years, the committee has done an enormous amount of work not only on behalf of the elderly, but also of benefit to the Federal Treasury. It has uncovered fraud and inefficiencies in our Federal programs and proposed solutions that will save the taxpayers over \$6.5 billion in wasteful spending by 1997. The bulk of these savings, some \$6.3 billion, is the result of legislation developed by the committee that ensures that the Medicaid Program obtains the lowest price on prescription drugs.

Another \$200 million will be saved by a measure developed by the committee that stops fraudulent billings practices by medical equipment suppliers.

Additional work by the committee over the years has resulted in significant savings to the American consumer. For example, over 60,000 citizens have requested an Aging Committee report outlining how to receive free or low-cost prescription drugs from pharmaceutical manufacturers.

The committee has developed legislation and consumer information prints protecting the elderly against marketing abuses in the complicated private Medigap and long-term care insurance markets.

Legislation was developed by the committee that strengthened the law against misleading mailings designed to dupe seniors into believing they are officially sanctioned Social Security mailings.

The committee has also begun a series of hearings on several new types of consumer frauds perpetrated against the elderly.

In the first 5 months of this year, the Aging Committee's agenda has focused on the desperate need for more options and flexibility in long-term care services for senior citizens and their families who care for them; consumer rip-offs that have targeted or disproportionately hurt the elderly; health care fraud, which accounts for up to \$90 billion a year in our health care budget; skyrocketing prescription drug costs and their effect on senior citizens; grandparents who are raising their grandchildren due to drug abuse or violence affecting their own children; and health prevention strategies for seniors and how these measures can save billions of dollars in health care expenditures.

Since the start of the 103d Congress, the committee has also sponsored Senate-wide briefings and forums on a variety of issues, such as long-term care, prescription drugs, guardianship, health care fraud, violence against elderly women, transportation for the elderly, the appropriateness of cataract surgery, and health care reform for rural areas.

Suffice it to say that the committee continues to work on a wide variety of

problems facing the aging population and to propose meaningful solutions to them. In the long run, the work of the committee benefits not just a particular segment of our population but society as a whole.

It is my privilege as ranking minority member of the Special Committee on Aging to work with Senator DAVID PRYOR on these issues. Under his able and talented chairmanship, the committee has been in the forefront in addressing issues of concern to today's senior citizens, as well as the seniors of tomorrow.

The problem of the elderly are universal—we are all growing old. Many of us are lucky enough to still have our parents or grandparents in our lives. Their concerns are our concerns.

President John F. Kennedy once said, "It is not enough for a great nation merely to add new years to life—our objective must also be to add new life to those years." All the breakthroughs in medicine and health care that result in longer life are meaningless if those additional years are spent in poverty, isolation, or despair.

And so, the Senate Special Committee on Aging remains dedicated to breathing new life into our years, not just for today's senior population but also for their children and grandchildren. I look forward to its continued contribution to improving the quality of life for millions of seniors nationwide.

ON THE RETIREMENT OF CHARLIE SCALA, SENATE ENGINEER

Mr. HATFIELD. Mr. President, the U.S. Capitol will lose a precious resource this month when Mr. Charles Lawson Scala, one of the Capitol's most senior engineers, retires. "Charlie," as most of us know him, became a Senate engineer in 1965, long before most of my colleagues and I came to the Senate. While he certainly will be remembered for his long and dedicated service to the Senate, what might stand out most in our minds will be his diligent quest to find the elusive cornerstone of the U.S. Capitol.

Since 1983, Charlie has been upstairs in the library digging through books on this topic, and has been down underneath the building digging through passageways in his search for the cornerstone. With flashlight in hand, he has taken me below the Capitol and has shown me the caverns where he has spent countless hours in his patient pursuit. Charlie, one might say, is Congress' ultimate insider.

Charlie is not what the experts might call an expert on archeological explorations like this one. He has had no formal training in this area. Charlie came to Washington after 4 years in the electronics division of the Navy and began work in the Senate shortly thereafter.

His work to find the Capitol's cornerstone, however, demonstrates that learning is a lifelong process, most of which takes place outside of school. Following approximately ten years of research on this subject, Charlie has become one of the most knowledgeable people on the Hill on the architectural history of this building. It is possible that Charlie may know the rites of the Freemason's cornerstone ceremonies better than even certain Freemasons. It was not through formal schooling that Charlie attained this expertise, but through his own initiative and persistent research on this topic.

Henry Ford once said:

Anyone who stops learning is old, whether at twenty or eighty. Anyone who keeps learning stays young. The greatest thing in life is to keep your mind young.

Charlie Scala had indeed kept his mind young and has inspired us all to do the same. While the whereabouts of the cornerstone remains a mystery even to experts like Charlie, his diligent work will no doubt bring us closer to that end. His example is one for us to follow.

I would like to offer my heartfelt congratulations to Charlie on his retirement. I wish him all the best in the years ahead.

GEORGE FARRAR WILL BE MISSED

Mr. PELL. Mr. President, we recently lost George Farrar—a truly fine journalist who committed his considerable talents to local reporting for at the Call in Woonsocket, RI.

George Farrar, who retired in 1985 after 46 years at the Call, lost a battle he had been fighting with health problems over the last few years.

For nearly three decades, he served as the city hall and municipal affairs reporter. His encyclopedic knowledge and his unique perspective earned him the affectionate title of "Eighth Councilman."

I knew and liked George. He was focused, fair, and committed to his work. He also represented a relatively rare breed—individuals who are fortunate enough to devote their lives to the work they always wanted to do.

He was an excellent reporter, he loved his work and it showed. I would like to extend my condolences to his wife, Edith, and their children and grandchildren.

Mr. President, I ask unanimous consent that an editorial in the Call of May 11, 1993, be inserted into the RECORD as if read.

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

CONSUMMATE REPORTER GEORGE FARRAR
WILL BE MISSED

All of us who worked at The Call during George R. Farrar's distinguished career mourn his passing at the age of 75.

Farrar, who retired in 1985 after 46 years at this newspaper, was the consummate re-

porter. Although he may have worked eight hours a day, he was on the job for 24, always keeping his eyes and ears open for leads to stories.

Even after his retirement, Farrar would frequently call the city desk with news tips. We heard from him just a few months ago; when he was hospitalized at Landmark Medical Center, he learned of a story he thought we might be interested in.

It is safe to say that no one in the city knew government better than George Farrar. In his final 29 years at The Call, he served as the City Hall and municipal affairs reporter, outlasting many mayors and City Council members. The faces he covered might change, but Farrar was always there.

It was fitting when he retired that the council placed a plaque, which still remains on the Harris Hall press table in his honor. The title of "Eighth Councilman" was officially his, and it's safe to say no one else will ever be considered for that moniker.

His mind was like a steel trap for facts and figures regarding all aspects of city government, the charter and the Public Works Department. If we wanted to know when the water treatment plant was built and what was its capacity, we'd ask George. He didn't have to look it up. To the younger reporters, it was like having a walking record of city history in our newsroom.

Farrar was easy-going, liked to laugh and raise a little hell. But when it came time to write a tough story, Farrar didn't shy away from the task. He made his enemies in politics over the years because of his straightforward approach, but he had a great many more admirers and earned tremendous respect.

He was the epitome of a grizzled reporter, straight out of a 1940s movie like *The Front Page*. Before the days of computers and bans on smoking in the newsroom, he'd bang away at his typewriter with a cigarette dangling from his lips, racing to beat deadline with his latest scoop. And after the day was done, George would head off to the Cercle Laurier or the Lodge of Elks to sip a cool beer and relax a little . . . until the next big story occurred.

Besides government and the city in general, George had another area of deep interest and passion. He was a huge sports fan, especially of Woonsocket High School teams. He covered local sports before switching to news, and he could rattle off names and statistics from three or four decades ago as easily as he could discuss the latest plight of the Red Sox.

Though he loved all sports, he could play few because of a childhood bout with polio. This did not restrict him from being a coach, manager, umpire or referee of city youth leagues.

His legacy was his reporting skills. He capitalized his life well in a brief speech upon accepting one of the many awards he received. "My newspaper experience has been a pleasant road for me," he said back in 1980. "I've done what I've wanted to do all my life, be a reporter."

We'll miss George, who passed away Friday after struggling with health problems for the past several years. Our condolences are extended to Edith, his wife of 45 years, and their eight children and seven grandchildren, of whom he was always so proud.

An era in reporting at The Call ends with his passing.

PASTOR CARL BLOOMQUIST RETIRES AFTER 43 YEARS

Mr. PELL. Mr. President, after 43 years in the active ministry, the Rev-

erend Carl W. Bloomquist, pastor of the Pilgrim Lutheran Church in Warwick, RI, is retiring.

His retirement will end four decades of devoted service to Pilgrim's congregation—which grew, under his ministry, from about 150 members in a converted clubhouse in 1958 to more than 1,000 current members.

I have had the honor of visiting and speaking at Pilgrim over the years and I have been pleased to receive the pastor and his wife, Lorraine, at my home in Newport.

Pastor Bloomquist has captured many hearts with his inspiring sermons, sense of humor, and love of life and innovative approach to relating everyday events to the Gospel and our lives.

In many instances, Pastor Bloomquist can relate to five generations in a single family that he has ministered to by presiding at baptisms, confirmations, weddings, and funerals.

In addition to his religious duties, he has shown keen interest in the social and economic affairs of Rhode Island and, in particular, to its Swedish-American community.

Pastor Bloomquist recently was chairman of the Swedish Heritage Foundation and was instrumental in inviting the King and Queen of Sweden to be guests of the Swedish Heritage Festival in Rhode Island.

He has personally been pursuing family archival research with various contacts in Sweden. His interests are as varied as the seasons, including travel to many countries of the world.

He also enjoys the recreational activity of chopping wood, not only for his wood stove, but for fitness as well. He has built a long rock wall in the decorative landscaping of his home, "Sol-Fest," in Charlestown, RI.

I am sure that the many men, women, and children who have been touched by his ministry, both at Pilgrim and elsewhere, will join me in wishing him the very best and in thinking him for a job exceptionally well done.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The period for morning business is now closed.

Mr. LOTT. Mr. President, I understand it has been agreed we can proceed with the pending nomination at this time.

EXECUTIVE SESSION

The PRESIDING OFFICER. Under the previous order, the hour of 1 p.m. have arrived, the Senate will now go into executive session to consider the nomination of Alicia Haydock Munnell to be Assistant Secretary of the Treasury, which the clerk will report.

NOMINATION OF ALICIA HAYDOCK MUNNELL, OF MASSACHUSETTS, TO BE AN ASSISTANT SECRETARY OF THE TREASURY

The bill clerk read the nomination of Alicia Haydock Munnell, of Massachusetts, to be an Assistant Secretary of the Treasury.

The PRESIDING OFFICER. There will now be 1 hour of debate equally divided and controlled between the Senator from New York and distinguished Senator from Mississippi.

Mr. LOTT. Mr. President, I understand the distinguished Senator from New York will be coming over shortly, but he agreed we could go ahead and proceed with the discussion here since the time is equally divided. When he arrives, of course, I will be happy to yield to the distinguished chairman of the Finance Committee.

Mr. President, I do rise to express my reservations about the nomination of Alicia Munnell to be the Assistant Secretary of Economic Policy. I ask unanimous consent at this point to have a sampling of media articles and other communities of economic policy of media articles and other commentaries concerning the nomination of Ms. Munnell to this position printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered (See exhibit 1.)

Mr. LOTT. Mr. President, I have made it a point this year to pay close attention to the President's nominees to Cabinet positions and now to sub-Cabinet-level positions. I think the record will show that the Senate has been very anxious to work with the new administrative confirming their nominees. In fact, while there were some discussions and problems along the way, with at least one Justice Department nomination being withdrawn and with some questions being raised about potential conflicts with other nominees, the President's Cabinet was confirmed by the Senate in record time—with the one exception, of course. That was the Attorney General, which was delayed. But not because of any delay here in the Senate.

So we have cooperated with the administration. We have moved forward with their nominations. I have had a lot of reservations about some of the nominees, but I share the view of a lot of my colleagues that the President of the United States, having been duly elected, is entitled basically to select the people he wants to work with in his Cabinet unless there are serious reservations about that person's qualifications, ethical conflicts, or legal problems. Generally speaking, that has not been the case. Where there have been ethical questions I think a serious effort was made to clear them up. I have been pleased to work with the administration as they have moved forward.

But now we come to the second tier of nominations, the Assistant Secretaries, the Assistant Attorneys General, and other positions that are very important in how this administration will proceed and how they will work with the Members of Congress and what they will do to get the economy of this country moving forward more robustly.

It appears to me that a pattern is developing. More and more nominees are coming to the Senate that I feel represent very extremist positions. You are going to hear more of that this week and next week, I guess, with some of the nominees for the Justice Department, Agriculture, Interior, and now for Treasury. This is a very important position to be Assistant Secretary of the Treasury for Economic Policy.

I want to say up front that I am going to go along with this nomination, but it is reluctantly and with a lot of questions. And I think the American people need to know what this nominee has said in the past and what she has advocated in the past because I think it would be disastrous economic policy if she put it into effect.

Also, there seems to be a pattern of people being nominated to various Assistant Secretary positions that really have no background or experience in this area. In fact, let me quote the nominee's own statement with regard to her qualifications. She stated that the bread-and-butter aspect of her job is economic forecasting and she is "not an expert in this area." In most instances, that would be enough said. You would think to be Assistant Secretary of the Treasury for Economic Policy, you would want somebody who would be experienced in the field, if not an expert, at least experienced. I do not understand why she was selected for this position, but that is the President's choice. I know from past experience, a lot of us learn on the job in Washington, DC.

But here we go again with the nomination of Alicia Munnell for this very important position. I think it is another threat to the American taxpayer. The solution in Washington always seems to be, "Oh, let's raise taxes. Great. You want to spend more? Raise taxes. Don't worry about it, the American people can afford more taxes."

I do not know where my colleagues go when they go home, but this past weekend when I was in Ashland, MS; Baldwin, MS; Corinth, MS; Tupelo, MS, that is not what I heard. When I went into Barnett's Restaurant in Baldwin, MS, the people came up and talked to me—the farmers, the small business men and women. They were saying, "Our backs are about to break. Too many Government regulations, too many Government mandates, too many taxes." A young 25-year-old man, college educated, beginning to make a little money—he finally figured it out: "I am paying close to 50 percent of my in-

come in taxes." When you start adding it up—Federal, State, and local taxes, property taxes, taxes to die—great, let us find a new tax.

Here we have another idea where Ms. Munnell has been a tenacious proponent of taxing the pensions—taxing the pensions now—that millions of Americans rely on for financial independence upon retirement. Munnell's views are summarized in the following statement made in the last year's March issue of the New England Economic Review when he said:

The time has come for the current taxation of compensation received in the form of deferred pension benefits.

That is her quote in this article.

When she was questioned before the Finance Committee, she said, well, that was not really her plans and perhaps maybe she would not do that, but that is what she wrote last year in this article.

This policy threatens the retirement plans of millions of working Americans and represents a dramatic change from the policy of deferred taxation of pension benefits that this country has followed for decades.

As Director of Research for the Federal Reserve Bank of Boston, Munnell earned a reputation as "perhaps the most prolific and persistent proponent of pension taxation."

Munnell details her pension taxation proposal in this 1992 article that I referred to in the New England Economic Review. "The specific proposal," she writes, "is to levy a tax of 15 percent of annual contributions and pension earnings." She goes on to say that "The proposed system could be eased in by a one-time assessment of 15 percent of existing pension fund assets." This plan marks a dangerous turn, in my opinion, from our Nation's policy of deferring taxation on pensions until pension funds are assessed in retirement. This is a flawed policy and is only the first of what I think are some of the nominee's dangerous beliefs.

Alicia Munnell contends the taxing of pensions can be justified by an erroneous belief, in my opinion, that pensions increasingly benefit a privileged and wealthy minority of our population, while they increasingly abandon our middle class. This assumption is proven to be incorrect by information provided by the Employee Benefit Research Institute. The EBRI's statistics show the middle class depends heavily on pensions for security in retirement. The institute found that contrary to Munnell's statements, 51 percent of all people covered and 41.9 percent of all participants in pension plans earn less than \$25,000 annually. This group constitutes 65 million Americans.

The EBRI also found that the group that gained most from pension plans are families earning between \$30,000 to \$40,000 annually, a group that rep-

resents approximately 40 percent of all working families.

The EBRI proves that pensions do not only benefit what Munnell calls a privileged minority of our population, but they benefit the large middle class that was talked a lot about in the campaign of 1992 but which we do not hear a lot about in 1993. This will clearly hurt that group.

Munnell built a reputation not only for supporting pension taxation but also for backing up her declarations with what appears to me to be somewhat dubious information. After being confronted by Forbes magazine about the fact that her study claiming racial bias in mortgage lending provided no evidence for her conclusion, she admitted that she had no evidence of discrimination but justified her claims on the belief that discrimination occurs. What kind of information or factual basis is that?

The use of assumption over facts is a disturbing hallmark for a person going into such an important position at the Department of the Treasury.

In a New England Economic Review article published in a Brookings Institution book, Munnell declares the Pension Benefit Guarantee Corporation does not have enough money to insure many large pension plans. The assumptions are in stark contrast to the facts given by an employee who does studies and gives information on this thing at the Employee Benefit Research Institute. This person said that "Our work shows that most plans are highly funded. Some are even overfunded."

The EBRI also warns against the hazards of changing current taxation legislation of pensions. Dallas Salisbury, the president of EBRI, stated that "Unless legislative changes are made that cause employers to terminate well-funded defined benefit plans * * * denying PBGC a base of premium payers, a general taxpayers bailout should never be necessary." Munnell's statements on the PBGC are questionable as to the interpretation with regard to the overall pension activity during the 1980's.

At a symposium sponsored by the National Tax Association, she declared the number of workers covered by pension and savings plans declined during the 1990's. In their paper, "Death and Taxes: Can We Fund for Retirement Between Them" Gordon P. Goodfellow and Sylvester J. Schieber prove that from 1980 to 1990, full-time worker participants in pension plans increased by 20.3 million people. This is just another example of how the use of information very loosely by the nominee just does not jibe with the facts that are produced by the people or organizations actually involved.

The combination of the Munnell policy position on pension taxation and her loose statistics that she uses to back up her claims I think is a dangerous pairing for the workers of this

country who depend on pensions for security in retirement. The taxing of pension benefits is not the way to soak the rich, as she maintains, but it is an added tax on over 65 million Americans making less than \$25,000 a year who have already had the promise of a middle-class tax cut broken to them. These policies are dangerous. They should never happen, even though it was pointed out in one article that it would produce a windfall of money—I do not know—of \$450 billion perhaps in terms of money that could be gained from taxing these pension funds. But, Mr. President, this is not the way to go.

I assume that Congress would not consider such a policy. And I assume that she has already learned from the questions she was asked in the Finance Committee and what is being said in the Senate today this is an idea that should be rejected, should never be considered again. But it scares me that we have a nominee to this important position who would have even written and thought such things, because it would be unfair, it would be breaking a faith, and I think it would cause a lot of people who are now supporting these pension plans to bail out at the first opportunity.

So I urge my colleagues to look at this nominee very closely.

EXHIBIT 1

A SAMPLING OF MEDIA ARTICLES AND OTHER COMMENTARIES CONCERNING THE NOMINATION OF ALICIA H. MUNNELL AS ASSISTANT SECRETARY OF THE TREASURY FOR ECONOMIC POLICY

[From the San Mateo Times and Daily News Leader, Apr. 19, 1993]

ALICIA H. MUNNELL IS VERY BAD CHOICE FOR TREASURY POSITION

The Clinton administration has not shied away from making controversial nominations for important policy positions. But the growing hubbub surrounding the proposal that Alicia H. Munnell, senior vice president of the Federal Reserve Bank of Boston, should be handed the job of assistant secretary of the treasury for economic policy seems to have no parallel.

For good reason. A vociferous advocate of pension taxation, she has made no bones about the fact she would like to tap into the savings of millions of Americans to the tune of billions of additional dollars for the treasury.

Munnell has been pressing for a 15 percent tax on all pension plan assets, as well as a 15 percent tax on all subsequent plan contributions. Private pension plan benefits would have to be cut by 15 percent.

In her writing on the subject, Munnell apparently reveals in the prospect of "scooping up" (her words) a "pile" (again her word) of money. A \$450 billion tax on plan assets and a \$50 billion a year tax on plan contributions thereafter! A true ideologue, she says it's "intriguing" to think of what the treasury can do with that huge amount of money.

Pension plans encompassed by Munnell's sweeping proposal include: IRAs; 403(b) plans (usually referred to as tax sheltered annuities) that are used by virtually every teacher, professor, doctor, nurse and other employee of non-profit institutions; popular 401(k) plans; profit-sharing and thrift plans,

as well as ordinary company and union pension plans. State pension plans and military plans would also be included in her proposal.

As many readers are aware, all contributions to qualified retirement pensions and the earnings they generate are currently tax exempt until benefits are withdrawn. And they should stay that way.

As Boston University economist Laurence Kotlikoff points out, the lack of savings in this country is already a serious problem. Japan, for example, saves four times as much of its national income as the U.S. does, and thus provides a huge pool of investment funds for its growing industries.

"People will no longer trust the government," he says, "if you tell them to go save a lot, then all of a sudden you zap them. It's bad public policy."

And Washington economist Barry Bosworth of the Brookings Institution explains that the largest group of beneficiaries of pensions are union members and public employees—not exactly "rich people." Given the shortage of savings in this country, he adds, "sending the message that we will tax private pension savings is crazy."

Our sentiments exactly. President Clinton should find another nominee for this influential treasury position. Failing that, Congress should lose no time in rejecting Alicia H. Munnell for the job.

[From the Philadelphia Inquirer, Apr. 26, 1993]

UNCLE SAM THREATENS TO CHANGE THE PENSION RULES AGAIN

(By Dick Marlowe)

Every time I read something new about Social Security, individual retirement plans, savings incentive plans and pensions these days, I am reminded of the old story about the blind man and his guide dog.

As the story goes, the dog almost got his master killed by leading him into the path of a truck. Disaster was narrowly averted, and the man casually reached into his pocket, pulled out a dog bone and offered it to his faithful companion.

A witness to the incident crossed the street and said to the man, "It's really nice that you would reward your dog even though he made a big mistake." The blind man replied, "Reward him, hell. I'm just trying to locate his head so I can kick him in the rear."

With the various retirement plans being threatened in so many ways, it almost seems as if government can't make up its mind whether it wants people to save or spend. It may simply be trying to find out where the money is so it can kick us in the pocketbook when it wants to do so.

The deal has been changed several times in recent years for individual retirement accounts, 401(k) plans—even U.S. Savings Bonds. Those who are seeking "revenue enhancement" also are looking at higher taxes on Social Security as one possibility to raise money. The result is that those who want to ensure their own retirement do not know what to do because the rules keep changing for individual retirement vehicles as well as corporate pension plans.

Although savings incentive plans, including the popular 401(k), were designed as a way to help workers plan and save for their retirement, something has gone haywire. People are withdrawing the money early for all kinds of reasons—from buying cars to taking vacations.

Meanwhile, funds going into individual retirement plans declined significantly a few years ago when it was determined that the

annual contributions were no longer tax-deductible for those protected by qualified pension plans. And, for payroll-deduction savers, those old Series EE savings bonds have had the interest-rate floor lowered from 7.5 percent to 4 percent in recent years.

But all of the threats to Social Security, corporate pension plans, individual retirement plans and savings incentive plans are nothing more than minor annoyances compared with what might happen if Alicia Munnell gets her way. As President Clinton's nominee for assistant secretary of the Treasury for economic policy, Munnell thinks she knows the way to balance the budget.

According to a paper she once wrote, "Current Taxation of Qualified Pension Plans: Has the Time Come?" Munnell would levy a onetime, 15 percent tax on all existing U.S. private pension plans. The Munnell plan would include everything from your corporate pension plan to your individual retirement plan and your company-sponsored savings incentive plan.

The article also recommended taxing annual increases in the plans as ordinary income. Such a plan, of course, would not only destroy the advantages of compounding interest, it probably also would kill most of the voluntary retirement incentive plans altogether—and at a time when it is more important than ever for Americans to take charge of their own retirement and increase personal savings.

Although no one is taking Munnell's suggestion very seriously so far, it is yet another indication that when a lot of money is accumulated in any particular place for any particular reason, it attracts a lot of attention. Even the big spenders in Congress would probably agree that the \$3 trillion in U.S. pension assets is a lot of money.

Don't think it can't happen. Most of us also know that the money that is supposed to be in the Social Security pool is not really there. In its place are government IOUs.

The point is: If we don't establish better retirement guidelines and stick with them, more and more of us could be in for a reward just as surprising as the one the blind man gave his dog.

[From the Washington Times, May 19, 1993]

DON'T BANK ON ALICIA MUNNELL

From the man who promised tax cuts and delivered all manner of tax increases comes now Alicia Munnell. Chances are you have never heard of Ms. Munnell, but if she gets her way with economic policy as one of Mr. Clinton's top Treasury Department appointees, the country will know her all too well.

Ms. Munnell is the former director of research at the Federal Reserve Bank of Boston and is also a prominent member of the elite "Americans are undertaxed" school of economic thought. Last year she penned a startling paper for the New England Economic Review entitled, "Current Taxation of Qualified Pension Plans: Has the Time Come?" The short answer to her question was yes. The long answer was that the government shouldn't stop there.

Why? Among other things, the federal government needs the money. A one-time 15 percent tax on the existing \$3 trillion in pension assets, says Ms. Munnell, would generate a "large pile" of revenues for the feds of \$450 billion. Throw in an annual 15 percent tax on the yearly contributions and earnings of those pensions, and the government could rake in another \$55 billion a year or so.

The best part of the scheme is that cutting the feds in for a share of the take isn't really

stealing from workers. Not the way Ms. Munnell sees it. She repeatedly refers to pension savings, tax-free to workers until they withdraw the funds in retirement, as "tax expenditures," meaning that it costs the Treasury money when it allows the toiling masses to hold onto their earnings. The premise of this concept is that all income belongs to the government except that portion which it generously offers to workers. Thus, at one point, Ms. Munnell refers to those who don't want the feds jacking up taxes on their pensions as "advocates of government support for qualified plans." Get it? Low taxes are government handouts.

Eliminating these "handouts" also accords with her notions of social engineering. The current system "does not appear to be achieving major social goals," she writes, particularly because it allows those darn rich people to hold onto their money. Better let the government have it back.

There are any number of problems with this proposal beyond the eensy-weensy constitutional ones Ms. Munnell herself cites. Pensions represent an agreement—dare one say "contract"—with the government in which workers give up the use of part of their money now in exchange for using it in retirement later. The "trust deficit" that columnist David Broder said Mr. Clinton is suffering is likely to grow even larger if he breaks that contract by confiscating part of those pensions through a tax. The money workers expected on retirement wouldn't be there.

Her plan would only hurt this country's savings rate, which is low enough as it is. People like Ms. Munnell always think that tax rates have no effect on the Hillary Rodham Clintons of the world, that they will work and save and invest just as before. But Mrs. Clinton shuffled her law firm bonuses to avoid higher taxes, and if Ms. Munnell jacks up taxes on savings, Mrs. Clinton and others will find something else to do with their money. They will stop saving before they have to give it to people like Ms. Munnell. If you tax everything that moves, things tend to stop moving. That includes things like economies.

Just as worrisome is the fact that the scheme gives a rather sinister new meaning to the president's Family Economic Income standards. FEI treats the likes of employer-provided fringe benefits as income for income classification purposes. Adding benefits to worker incomes now allows Mr. Clinton to claim he is only imposing net tax increases on those making more than \$30,000, which is not a little deceptive since most people don't understand FEI or realize that it pushes those making less than \$30,000 well over that figure.

But worse than classifying people by FEI would be taxing them on it. Ms. Munnell cites, approvingly, a 50-year-old Supreme Court opinion that the tax code "is broad enough to include in taxable income any economic or financial benefit conferred on the employee as compensation, whatever the form or mode by which it is effected."

Ms. Munnell goes on to link pensions with other tax-exempt or tax-deferred activities she considers tax expenditures (read: government benefits that are implicit candidates for expropriation in whole or in part through higher taxes): exclusion from taxation of pension contributions and plan earnings, tax-deductible home mortgage interest, tax-exempt employer contributions for medical insurance premiums and medical care and much more. She expressly challenges the tax-deferred status of the popular individual retirement accounts (IRAs) and 401(k) plans.

There are more than a few ironies in all this. Treasury Secretary Lloyd Bentsen has long argued for expanded IRAs, which makes Ms. Munnell a rather strange choice, assuming the White House didn't make the choice for him. In addition, pension experts already are concerned that increasing federal regulation of pensions encourages companies to get out of the retirement plan business, leaving employees little to live on in retirement. If personnel is policy, Ms. Munnell's appointment is one more sign that the administration doesn't understand what is at risk here.

[From New York Magazine, Mar. 29, 1993]

ALICIA IN WONDERLAND: THE NOMINEE WHO'D TAX YOUR IRA

(By Christopher Byron)

Alicia Munnell is not a name most people have ever heard of. But if Republican members of the Senate Finance Committee have anything to say about it, that's likely to change in the coming days. Munnell is President Bill Clinton's nominee for the powerful post of assistant secretary of the Treasury for economic policy—and minority members of the Finance Committee are just waiting to start grilling her in confirmation hearings about her philosophy of economics.

Munnell has been functioning in her post unconfirmed and largely unnoticed as assistant-secretary designee since late January. There have been one or two articles about her—most notably by Paul Craig Roberts in the Washington Times a month or so ago. But last week Munnell finally cleared her FBI background check—no illegal aliens or unpaid Social Security taxes in this nominee's closet—and confirmation hearings for her are not likely by the end of the month.

Munnell is certainly professionally qualified to become Treasury Secretary Lloyd Bentsen's top aide for economic policy. A Harvard-trained economist who has worked at the Boston Federal Reserve Bank as chief of research since 1984, she has written a number of scholarly articles on such things as Social Security and other pension matters.

But it is one of those articles that now has committee Republicans salivating to get at her. In the March/April 1992 issue of The New England Economic Review, a publication of the Boston Fed, Munnell published a little-noticed but potentially explosive dissertation entitled "Current Taxation of Qualified Pension Plans: Has the Time Come?"

Were it not for the president's rapid about-face on tax policy—promising tax cuts in the campaign, then delivering an enormous tax increase within weeks of taking office—no one would be much interested in the tax philosophy of one of his Treasury subordinates. Yet having created what columnist David Broder has called a "trust deficit" for his presidency, Clinton now has to live with the prospect that his critics will see in the Munnell nomination all their darkest fears coming true—that Clinton's campaign promises were just lies and that he really planned to raise taxes all along.

The Munnell article gives them plenty to gnaw on. Behind its rather dull-sounding title is a controversial proposition indeed: that the U.S. government, faced as it is with overwhelming budget deficits, should deal with the red ink by, among other things, levying a onetime, 15 percent tax on all existing private pension-plan assets in the United States.

The targets? Everything from corporate and union-retirement plans to the IRAs, Keoghs, and SEPs of millions upon millions of ordinary Americans. Thereafter, according to Munnell's article, the IRS should tax

all annual increases in what's left in those plans as ordinary income, whether or not the money is—or even can be—withdrawn by the beneficiaries. (At retirement, the amount that remains could, presumably, be withdrawn tax-free. However, years—and even decades—of compounding on money that had annually been taxed away from the fund would be lost.)

So far as is known, there are only the personal views of Munnell, not those of the administration she has joined. For all the talk about Clinton being a president who relishes the challenge of immersing himself in even the most obscure and technical of policy details, there is reason to doubt whether he ever actually knew that Munnell held such beliefs at all.

Thus, a top official at the Federal Reserve Board in Washington speculates that Munnell's real backer for the job may actually have been not Clinton at all but his labor secretary, Robert Reich. In any event, a Treasury Department spokesman last week would say only that Munnell was introduced to Treasury Secretary Bentsen by someone in the administration. Bentsen was apparently impressed and agreed to bring her aboard as his assistant secretary for economic policy.

Too bad, for her ideas about taxing pension assets seem about as extreme as you can get. Pension assets constitute a \$3-trillion mountain of capital that underpins everything from the stock and bond markets to the demand for bank CDs. These investments aren't taxed for a simple and one would assume—altogether obvious reason: The government wants to encourage more such investment, not less. These pension assets are, in a word, the financial bedrock of the U.S. economy.

Unfortunately, that's the point Munnell seems to have missed. By her calculations, a onetime levy of 15 percent on this treasure—the retirement savings of the entire country—would yield \$450 billion, or what she described with considerable understatement as “a large pile” of cash for the Treasury. The article goes on to note that annual levies thereafter would yield the government somewhere around \$50 billion per year.

This money, in turn, could then be used to cut the deficit. Unfortunately, it couldn't be used to help pay for anyone's retirement—which was the whole point of saving it in the first place.

Munnell declined to be quoted for this story, stating that Treasury Department officials had asked her not to speak with the press until after her confirmation. Yet there's no doubt whatsoever that she continues to support the view set forth in her article. Said a Treasury spokesman in her behalf, “Economists differ on the issue of taxing savings, but there is solid agreement that Dr. Munnell has presented her views on the subject forcefully and brilliantly. We're fortunate enough to have someone of her intellect and ability at Treasury.”

In fact, for more than a decade there has been broad, bi-partisan agreement among economic policymakers in Washington that the nation needs to increase its savings rate, not lower it. Not even Munnell's old boss at the Boston Fed, Richard Syron, supports her ideas of taxing pension assets. “It seems to me a rather dramatic step to take,” says Syron, president and chief executive of the bank. “I can't conceive of anyone coming forward and actually proposing that, can you?”

Munnell's new boss, Bentsen, has been one of Washington's most outspoken advocates

of deferring taxes on private pensions. During his years as chairman of the Senate Finance Committee, he repeatedly championed the expansion of tax deductibility of IRAs as a way to boost the country's laggard savings rate.

Munnell's rationale for taxing pension assets is based on a controversial concept known as tax-expenditure analysis. The concept basically holds that since all income is theoretically taxable by the IRS, any income that for one reason or another isn't taxed represents a “tax expenditure” and thus a cost to the government.

In her paper, Munnell lists a number of these so-called tax expenditures and what they theoretically cost the Treasury in fiscal 1992. Among them: the deductibility of interest for home mortgages (\$40.5 billion); deductibility of state and local taxes (\$20.4 billion); deductibility of interest on municipal-bond income (\$14 billion).

Of course, such calculations amount to irrelevant academic exercises, since eliminating the tax-deductibility status of any of those categories would set off such convulsive consequences that the effort would be totally self-defeating. Removing the deductibility of home mortgages would almost certainly collapse the residential housing market; removing the deductibility of state and local taxes would cause a mass exodus of populations from high-tax states like New York.

It's the same thing with taxing pension assets. Munnell claims that economic studies show that taxing savings won't discourage people from saving. But studies like that are why people have trouble taking economists seriously. After all, if a previously untaxed asset is subjected to a 15 percent levy as well as taxation on all gains in the future, basic common sense says that people will do the obvious—simply stop putting money into pension plans at all.

That, in turn, would spell disaster for the whole U.S. financial system, which is critically dependent on the ability of institutions like banks and mutual funds to attract billions of dollars yearly from pension investors across the country.

“This entire idea is utterly illogical,” says Republican Senator Pete Domenici of New Mexico. “The proposals Ms. Munnell espouses would wreak havoc in pension plans everywhere, to say nothing of the stock and bond markets. These pools of pension money provide the capital for American business. Now we're going to start taxing them? This is ludicrous. I think Ms. Munnell ought to be questioned very closely about this.”

And that's exactly what Republican Senator Robert Packwood of Oregon, ranking minority member of the Finance Committee, intends to do. “I won't decide whether or not to support Alicia Munnell's nomination till I have an opportunity to hear from her in person,” says Packwood. “But I have serious concerns about her interest in taxing pension funds. This is just a midnight raid on the wallets of average Americans.”

Munnell is clearly to the far left wing of her own party on this matter, and apparent biases in her research have come under attack at least once before in the press. Last month, *Forbes* magazine published a withering assault by Peter Brimelow and Leslie Spencer on what plainly looks to have been a fatally flawed—and ideologically motivated—study she directed last year for the Boston Fed.

Munnell's study, which was released less than a month before the presidential election, alleged racial bias in mortgage lending

by banks. Yet as the *Forbes* story noted, when Munnell's study is corrected for apples-and-oranges errors in analysis, no racial bias in mortgage lending by banks can be detected at all. Add it all up, and it appears that public interest in this until recently obscure civil servant is only beginning.

[From the San Francisco Chronicle, Mar. 13, 1993]

CLINTON NOMINEE'S PLAN TO TAX PENSION FUNDS UNDER FIRE

(By Jonathan Marshall)

A top Clinton nominee's proposal that the federal government levy a \$450 billion tax on retirement pension funds is causing widespread controversy and raising questions about the direction of the administration's economic plans.

The author of the proposal, Alicia Munnell, has been nominated as assistant secretary of the Treasury for economic policy, one of the most powerful economic posts in Washington. Although no date has been set for her confirmation hearing, she has already attracted opposition from newspaper editorialists, columnists and pension lobbyists, setting the stage for a lively battle over her appointment.

Munnell, the outgoing director of research at the Federal Reserve Bank of Boston, is under attack for an article she wrote last year in the *New England Economic Review* called “Current Taxation of Qualified Pension Plans: Has the Time Come?”

END OF TAX EXEMPTION

Munnell argued that “in view of other pressing demands on the federal budget,” the tax exemption on contributions to pension plans should be lifted—and that all existing pension assets should be subject to a substantial tax as well.

“The one-time assessment,” she wrote, “would produce a large pile of revenues for the Treasury—15 percent of \$3 trillion is \$450 billion—and the implications are intriguing in terms of their impact on federal government finances.”

Critics see nothing at all intriguing about it.

“Munnell's nomination could well set in place the abhorrent momentum that will destroy our nation's excellent pension system,” charged W. Thomas Kelly, president of the Savers & Investors League, in a letter to Senate Finance Committee Chairman Patrick Moynihan. The league represents citizens interested in expanding individual retirement accounts and other savings vehicles.

“CALLOUS AND HYPOCRITICAL”

In recent newspaper column, Paul Craig Roberts, a Reagan administration Treasury official now with the Center for Strategic and International Studies in Washington, called her trial balloon “a callous and hypocritical proposal from Democrats who claim to be so concerned about declining family living standards and low saving rates.”

Munnell's proposal does not carry the endorsement of her former employer or of the Clinton administration. But some of her new colleagues may be sympathetic. Officials from Labor Secretary Robert Reich to Transportation Secretary Federico Pena have called for steering pension funds into “infrastructure” projects and other investments deemed socially desirable.

NOT THE NEEDY

“There are opportunities where pension funds can be accessed for the public good,” Pena said in his confirmation hearing.

All contributions to qualified retirement pensions and the earnings they generate are currently tax exempt until benefits are withdrawn, when they become subject to full taxation. Munnell, who declined to comment pending her confirmation, wrote last year that pensions do not deserve such favorable treatment because they serve "a steadily declining and decidedly non-poor proportion of the population, and they do not appear to have increased national saving."

The estimated loss to the Treasury from not taxing contributions was \$51 billion in fiscal 1992, she said. Yet only 52 percent of American workers, generally the better paid ones, are covered by pensions. Taxing their pensions would have little or no effect on their overall willingness to save, she maintained, concluding: "Thus, eliminating or reducing the tax concessions merits serious consideration."

DETERRENT EFFECT

Other economists who have studied the issue sharply criticize her approach.

"Given the shortage of savings in this country, sending the message that we will tax private pension savings is crazy," said Barry Bosworth, an economist at the Brookings Institution.

Bosworth said new research indicates that pension assets represent the only net source of savings in the entire household sector—all other individual savings are balanced out by borrowing. For people who spend every dime they make, pensions are a useful form of forced savings, supplementing what would otherwise be a meager retirement income from Social Security. Without pension, he said, national savings would diminish toward the vanishing point.

EXAMPLE OF JAPAN

Laurence Kotlikoff, an economist at Boston University, noted that Japan saves four times as much of its national income as the United States, providing a huge pool of investment funds for its growing industries.

"This is a critical problem," he said. "If the president wants our nation to invest more, he must focus on the saving behavior of the American public."

Changing the rules of the game by taking a big chunk out of pension assets will not advance that goal, he maintained. "People will no longer trust the government if you tell them to go save a lot, then all of a sudden you zap them. It's bad public policy."

Kotlikoff also said he doubts that Congress could keep its hands off the money. "It's a recipe for Congress to be less fiscally stringent now and make us worse off over time. That's the main reason it's dangerous."

Bosworth also challenged Munnell's claim that tax preferences for pensions are inequitable. Noting that the biggest beneficiaries of pensions are union members and public employees, he said, "These are not rich people."

[From the Washington Times, Feb. 16, 1993]

CLINTON AFTER YOUR PENSION

(By Paul Craig Roberts)

President Clinton is planning to grab \$450 billion of our accumulated private pension fund assets, thereby seriously reducing our retirement living standards. In addition, he is planning to make us pay income tax on both the annual contributions to our pensions and the earnings of the pension investments.

To carry off his scheme, he has nominated a vociferous advocate of pension taxation, Alicia Munnell, as assistant treasury secretary for economic policy. Miss Munnell be-

lieves the United States does not invest enough in public works projects and that part of our pensions should be confiscated to pay for more federal boondoggle.

According to Miss Munnell, "If these funds were used either to reduce the federal government deficit or to invest in infrastructure or education, they would increase the resources available for future generations."

Of course, if our pensions are used for government programs, they cannot support us in retirement. Mr. Clinton talked about "putting people first," but what he is doing is putting government first.

Miss Munnell argues that pension contributions have an undeserved "special tax treatment" because we are not taxed on the money until it is paid to us as retirement income. But that is the way it should be. One reason governments do not tax people on unrealized or future income is that without the income in hand there is no money with which to pay the tax.

Few people have the slack in their budgets to pay the tax on their retirement income in advance. The only other way to pay the tax would be to take it out of the pension contributions, which would dramatically reduce the retirement nest egg.

Since our pension contributions and the earnings they accumulate are not available to us as current income, it makes perfect sense that they not be taxed. Miss Munnell's argument that it is a tax break not to currently tax future income would apply so to unrealized capital gains in our homes and other assets and to any inheritance that might be coming our way.

Indeed, if Miss Munnell's logic were consistently applied, everyone would be taxed at birth on their expected life earnings. Otherwise, we will be benefiting from what she calls "an interest-free loan from the Treasury."

The proposal to subject future retirement income to current taxation is a callous and hypocritical proposal from Democrats who claim to be so concerned about declining family living standards and low saving rates. Americans cannot pay new taxes on their retirement funds, medical benefits, and energy use without experiencing precipitous drops in living standards.

Miss Munnell is not content with forcing us to pay current taxes on our future retirement income. She also wants the government to confiscate 15 percent of all pension fund accumulations. This is to make up, she says, for failing to tax the pension funds in the past.

The implications of this reasoning are extraordinary. Every time the government comes up with a new tax, it can demand a share of our wealth on the grounds that the item wasn't taxed in the past. If we apply Miss Munnell's argument, for example, to the new tax that Hillary plans for our medical benefits, it means the government is entitled to 15 percent of our savings accounts and home equity to make up for the previous "tax break" that resulted from not taxing medical benefits.

Ditto for the new tax on energy use that the Clinton team has in the works.

Miss Munnell comes to the Treasury from the Federal Reserve Bank of Boston, where she directed propagandistic "studies" that have destroyed the research reputation of that bank's staff. Her most infamous study was exposed by Forbes magazine. The study claimed to prove racial bias in mortgage lending because a higher percentage of minority applicants were rejected than whites. The study managed to produce this politi-

cally correct conclusion by failing to control for creditworthiness and default rates.

As Forbes noted, the study actually revealed that the mortgage market worked perfectly, allocating loans to individuals irrespective of race based on their creditworthiness. The proof lies in equal default rates among mortgage borrowers irrespective of race. Discrimination would require that black borrowers have lower default rates—which would indicate higher standards applied to black borrowers than to white.

When confronted by Forbes with the fact that her study provided no evidence for her conclusion, she admitted that she had no evidence of discrimination but justified herself on the basis of her belief that discrimination occurs. In other words, in the Boston Fed's research beliefs, not facts, drive the conclusions.

Munnell-watchers believe that the discrimination study had an ulterior motive. Miss Munnell fervently believes that the United States suffers from insufficient public investment. With entitlements growth eating up ever more of the budget and driving it deeper into the red, and taxes generally high, the only sources of funds are the assets of the private banking and pension systems.

If banks can be portrayed as discriminatory in their lending, political pressures can be put on them to make amends by making more of their assets available for government purposes. For example, there are schemes to have banks purchase a new kind of bond that would be issued by public authorities to finance inner city reconstruction and education projects.

Miss Munnell's goals suggest that the Clinton administration may harness economic policy to serve virulent left-wing ideology. For people like Miss Munnell, the private sector doesn't count. She believes that it is appropriate to subvert the purposes of private pensions and commercial banking and to place their assets at the disposal of government.

It is possible that Mr. Clinton doesn't know any more about the views of the woman he has nominated as assistant treasury secretary than he did about Zoe Baird's, Kimba Woods and Ron Brown's illegal alien problems. Once he learns of her extremism, perhaps he will quickly withdraw her nomination.

But don't count on it. Upon taking office, Mr. Clinton's message changed dramatically. His concerns about our living standards have given way to his plans for us to sacrifice. Alicia Munnell intends for this sacrifice to continue through our retirements to the last day of our lives. If she succeeds, Clinton will become a name that will be cursed forever.

[From the Florida Times-Union, Feb. 15, 1993]

FILL YOUR MATTRESS, QUICKLY

The people who spend all their waking hours seeking ways to take money from one group of people and give it to other people have stumbled upon a potential gold mine: the accumulated savings of older people.

Time magazine writes of an "enormous endowment" that the baby boom generation is to receive from the previous generation in due course.

That \$5.3 trillion equals, in Time parlance, "one of the largest transfers of wealth in American history."

Well, all right. One can make that argument. But only if the concept of family is totally abandoned first.

The family is the basic cell of a society. A perfectly workable argument can be made that the disintegration of the traditional family is a direct effect of government policy.

That huge fortune that the older generation has scrimped and saved belongs to their families.

What is being proposed has nothing to do with intercepting it en route from one individual to another unrelated individual, which apparently we are to assume is undeserving.

When the spenders look at it, they are licking their lips over the prospect of taking it from some families and giving it to others, who are deemed deserving because they don't have it.

That truly is a "transfer of wealth," as opposed to parents leaving their savings to their children.

The potential heirs of this wealth don't have any assurances. First, many may get little or none of the accumulated wealth of their fathers and mothers because people are living longer and longer. Also, the oldsters may have to spend most of what they saved on medical bills and other rising costs.

If the heirs ever do get any, some inevitably will redistribute what is left after inheritance taxes by unwise investments and the like.

Families that have managed, despite the government's best efforts, to have savings should be allowed to keep the bulk of those savings in the family. There is no inherent right for others to have it just because one member of the family dies (unless it is another newly discovered inherent right that has not yet come to our attention).

That this misdirected concept is not confined to the pages of Time magazine is confirmed by a commentary in The Los Angeles Times by the former deputy assistant to President George Bush, now the senior fellow at the John Locke Foundation in Raleigh, N.C., James P. Pinkerton.

Pinkerton says Bill Clinton's administration is primed to tap into pension fund assets for pork-barrel spending programs that will "enrich Clinton's Wall Street contributors, hire his unionized supporters and satisfy the big-spending industrial policy-makers."

That gold mine is \$3.4 trillion, which generates \$150 billion a year in benefits more than 75 million Americans count on for retirement checks.

The Washington Post reports that a new Clinton appointee has pension experts convinced the administration is going after new taxes on pension funds, as much as \$50 billion worth.

Alicia Munnell, named by Bill Clinton to be assistant treasury secretary for economic policy, has written a paper advocating such a tax, conceding that it would reduce pension benefits by about 15 percent, the Post said.

What a few people are advocating is putting at risk, or actually taking away, as much as possible of what some have spent a lifetime earning and saving—and at a time when the low savings rate is being deplored and middle income people are increasingly anxious about whether they will even be able to retire.

In tax policy, American government is beginning to resemble Robin Hood and his merry band, who—for all the romantic myth—were primarily thieves.

[From Forbes, Jan. 4, 1993]

THE HIDDEN CLUE

(By Peter Brimelow and Leslie Spencer)

"Definitive—changes the landscape."—Office of the Comptroller of the Currency.

"Comports with common sense, no more studies needed."—Richard F. Syron, president, Federal Reserve Bank of Boston.

These ecstatic press notices greeted the Boston Fed's recent study claiming to prove racial bias in mortgage lending—the social problem of the season, with coverage in the *Wall Street Journal* (five stories in eight weeks), regulatory rumbles from the Federal Reserve, legislative leers from Congress. The pressure is on mortgage lenders to change credit standards for minorities.

But the study's analysis makes an elementary error about a crucial question: minority default rates. Queried by Forbes, Alicia H. Munnell, Boston Fed senior vice president and research director, conceded that the study's handling of default rates was "definitely not an adequate look at all."

Minority mortgage applicants do tend to be rejected more than whites. A Federal Reserve Board survey of 6.6 million home mortgage applications in 1991 showed that 37.6% of black applicants and 26.6% of Hispanics were denied home loans, compared with only 17.3% of whites. This finding held across all income levels.

But was the difference the result of racism? Or of an objective, color-blind application of sound credit standards? The data on default suggest the latter is true. Mortgage lenders consider a range of criteria going far beyond income, such as net worth, age, education, probability of unemployment and credit history. Minorities frequently fare worse by such measures. Perhaps that's because society gives them fewer opportunities. But mortgage lenders would still be objective, not prejudiced in rejecting them.

The Boston Fed study did correct for standard credit criteria, based on a sample of Boston-area mortgage applications. It found that these criteria did explain about two-thirds of the difference between white and black/Hispanic rejection rates. But even after this correction, minorities seem to be rejected at a rate of 17%, as opposed to only 11% for whites. This difference, the Boston Fed claimed, must be caused by racism.

Oh, yeah? But what about those default rates?

"We were aware that people say, 'Oh, this may be rational discrimination, because minorities default more,'" the Boston Fed's Munnell told Forbes. But her study sample was too recent to check default rates directly. Instead, the Boston Fed compared default rates across census tracts. "And what we found was, there was no relationship between the racial composition of the tract and the default rate. So it wasn't true that tracts with large minority populations had higher default rates."

Think about this carefully. The Boston Fed authors apparently assumed that equal default rates meant all minority applications are an equal credit risk compared with whites. But they're wrong. These census tract mortgages had already passed through the loan approval process—which had presumably rejected a higher proportion of minority applicants on the way. So the fact that white and minority default rates finished up equal meant mortgage lenders knew what they were doing.

The market, in short, worked. The mortgage lenders somehow weeded out the extra credit risks among minorities, down to the point where white and minority defaults were at an equal, apparently acceptable, rate.

"[That] is a sophisticated point," says Munnell, questioned by Forbes. She agrees that discrimination against blacks should

show up in lower, not equal, default rates—discrimination would mean that good black applicants are being unfairly rejected. "You need that as a confirming piece of evidence. And we don't have it."

Forbes. Did you ever ask the question that if defaults appear to be more or less the same among blacks and whites, that points to mortgage lenders making rational decisions? Munnell. No.

Munnell does not want to repudiate her study. She tells Forbes, on reflection, that the census data are not good enough and could be "massaged" further: "I do believe that discrimination occurs."

Forbes: You have no evidence?

Munnell: I do not have evidence. . . . No one has evidence.

But if there is racial discrimination in lending, it means that mortgage lenders forgo profitable business because they are prejudiced. That's unlikely on the face of it and becomes more unlikely when one notices that Asian-American applicants are actually turned down less often (15% in the Fed survey) than whites.

Moreover, logically, it could be precisely those institutions marketing most vigorously to minorities that generate the most marginal applications—and therefore the highest rejection rates.

The Boston Fed study itself noted that denied minority applications on average had "poorer objective qualifications," suggesting "a systematic bias in mortgage lending is very difficult to document. . . ."

But in today's climate, any statistical disparity is viewed as discrimination—and an excuse for more social engineering.

[From the Arizona Republic, Mar. 29, 1993]

CLINTON'S NEXT STEP?

(By Ray Archer)

It doesn't yet hold the media appeal of the "nannygate" frenzy involving Zoë Baird, Kimba Woods and others. But the brewing controversy over President Clinton's nominee to a powerful Treasury Department post is likely to boil over across the country once retired and working Americans learn about her plans to tax away their pensions.

Alicia Munnell, former research director at Boston's Federal Reserve Bank, is on the job but awaiting Senate confirmation as assistant treasury secretary for economic policy. The job may be little known outside banking and investment circles, but that is likely to change once confirmation hearings begin, because her economic views are wildly extreme.

The Virginia-based Savers & Investors League characterizes Ms. Munnell's taxing recommendations as "so far off base that she's in a different world." Forbes magazine calls her proposal for taxing pension assets "about as extreme as you can get."

What Ms. Munnell wants to do is to begin taxing as current income the pension contributions of employers, workers and the self-employed. The idea is to tap into this huge pot of national savings to fund more "infrastructure" projects, i.e., Washington boondoggles that, despite ceaseless deficits and \$4 trillion of debt, have yet to be "properly" funded.

Corporate and union retirement plans, IRAs, Keoghs—all are included on Ms. Munnell's wish-list of new taxes. Even though taxes are fully paid when the funds are disbursed, she argues that pension contributions are undeserving of the "special tax treatment" they now receive. In her opinion, they shortchange the government, which only allows working Americans to

keep for themselves some portion of what they earn, and future generations as well.

Nor does she stop there. Since retirees and future pensioners have gotten away with the government's money all this time, Ms. Munnell also proposes a one-time 15 percent tax on all currently held pension funds. This would give Washington a \$450 billion windfall.

Never mind that her proposed expropriation of savings and investments would devastate financial markets, severely curtail private-sector economic growth and rob millions of Americans of comfortable retirement. The important consideration, she contends, is that too many hard-working Americans are not contributing enough to government.

Whether Mr. Clinton agrees with Ms. Munnell's views is unclear, but a Treasury Department spokesman told Forbes that the administration "was fortunate to have someone of her intellect and ability Other evidence, including "Financing the Future" (a recent congressional report calling for more pension fund "investment" in government programs), suggests that Ms. Munnell's proposals are not without support in Washington, if not at the White House.

Perhaps Mr. Clinton was unaware of Ms. Munnell's radical economic philosophy when he selected her for the policy-setting Treasury Department post. If so, he ought to withdraw her nomination now that her agenda has been flushed into the open, thus assuring millions of U.S. workers and pensioners that their retirement nest eggs are safe from Washington poachers.

[From the Journal of Commerce, Mar. 29, 1993]

BIG BROTHER AND PENSION FUNDS

(By Llewellyn Rockwell, Jr.)

Another government "insurance" program is in financial trouble.

In the sad tradition of deposit guarantees for savings and loan institutions, the Federal Pension Benefit Guaranty Corp. is running out of money, having made promises it cannot keep. The result could be a multibillion-dollar taxpayer bailout of a fund that covers 48% of American workers.

President Clinton has a task force working on the matter in hopes of forestalling trouble. But early indications (for example, the political appointees he's chosen) suggest that the "solution"-taxing pensions-will be worse than the problem.

Before the New Deal, Americans assumed responsibility for their own financial well-being. People saved so as to care for themselves in old age, and to leave bequests for their children and grandchildren. But with Social Security and the inheritance tax, people began to look to government to carry them through retirement.

The creation of pension funds was part of this change. When they first appeared in the late 19th century, they took care of workers injured on the job. Labor unions promoted them as a way of attracting new members. Yet even by the end of the 1920s, only 10% of workers expected to receive salaries after retirement. Since pensions were paid out of present wages, most people wanted to allocate their own money during their working years.

But the government-caused Great Depression led to the collapse of the railroad pension fund. Instead of forcing pensions to be paid out of company assets, the government bailed the fund out, thereby establishing a too-big-to-fail doctrine in private pensions.

An additional boost to pensions came from World War II's wage controls, which pre-

vented corporations from attracting new workers with higher salaries. So companies added tax-free fringe benefits. Workers in effect agreed to forgo present wages for postwar remuneration. Further union privileges and wage controls during the Korean War boosted pension participation.

Then in 1974, at the urging of Ralph Nader, Congress passed the Employee Retirement Income Security Act, which regulated pension programs and forced corporations to provide bigger and more comprehensive pensions than they otherwise would have done.

The law also created the Pension Benefit Guaranty Corp. Although this government corporation is supposed to be self-financed, it gives out more than it takes in, and has required periodic legislative help (1980, 1987, 1991) to prevent it from collapsing into a pyramid scheme of today's workers paying for today's retirees.

When private companies provide benefits, they have an incentive to match them to both revenues and financial risk. But politics propels government insurance programs to promise more than they can deliver—witness the savings and loan fiasco—and to pretend less uncertainty and risk than really exists. That's why government "insurance" and financial difficulties are inextricably tied.

That brings us to Mr. Clinton's political pension appointees. The Treasury Department's assistance secretary for economic affairs is Alicia Munnell, formerly vice president of the Boston Federal Reserve. In her 1982 book "Economics of Private Pensions," she argues the government should tax the accumulated value of private pensions as personal income. Under her plan, not only will workers pay heavy taxes on money they get today, they will also be taxes on money they won't get for up to 40 years.

The new head of the Pension Benefit Guaranty Corp., Martin Slate, is a career IRS employee and an expert in pension plans. This appointment suggests that Mr. Clinton wants to tax pensions as well.

Unfortunately, taxation is not all that Ms. Munnell has in mind, as her book makes clear. She wants to replace both private and public pensions with a government insurance program that would bring all retirement funds, including social security, under one umbrella. This "integration" would, in effect, nationalize the \$2.3 trillion in private pension funds.

Some workers are always happy to exchange freedom for the promise of state security, and corporate America will be pleased to throw off the uninvited burden of pension provision. Yet that does not make this a good idea.

Aside from questions of liberty and property, integration will only put off and therefore worsen the day of reckoning, when all such government promises will be fulfilled through the Federal Reserve's printing press. Holders of dollars will eventually pay through lower purchasing power.

And depending on how the government used the fund, it could disrupt the private stock and bond markets. By investing in one place or another, the fund could make or break any private company or even industry, and by buying a significant stock ownership, it could assume management control.

If that's where current trends are leading, what's a more sensible alternative? It lies in making Americans more responsible for their own financial well-being.

First, government pension insurance should be ended, to be replaced by private provision that has families to take responsibility for themselves. Second, mandates

and restrictions on private pension provision should be repealed. Third all taxes on savings and inheritance should be ended to increase the private pool of wealth available.

Philosophically, this would mean repudiating the idea that government—whether through Social Security or forced private pensions—can or should care for us from cradle to grave. But if we are to be a free society that is a change that we need.

Unfortunately, as in so many other areas, the Clinton administration here is taking exactly the wrong direction.

[From the Philadelphia Inquirer, May 3, 1993]

A CALL TO TAX PENSION BENEFITS

(By Craig Stock)

Income taxes are not levied each year on the money an employer contributes toward a person's pension plan. Neither are taxes levied each year on the individual's share of income earned by the pension fund.

Instead, federal income taxes are deferred on pension benefits until money is paid out during retirement, when most individuals are in lower tax brackets. In effect, this deferral amounts to an interest-free loan from the U.S. Treasury to the individuals covered by pensions.

The net effect of this interest-free loan is not trivial. The Treasury estimates the lost tax revenue at \$64.5 billion in this fiscal year.

It is time to begin taxing pension benefits as they are earned by employees, just the way salary is taxed, says Alicia H. Munnell, senior vice president and head of research at the Federal Reserve Bank of Boston.

There are only two justifications for the favored tax treatment of pensions, and neither is supported by the facts, Munnell argues in April's New England Economic Review.

The first justification, she says, would be if pension plans provided rank-and-file employees with retirement benefits they otherwise could not amass on their own. Second would be if the tax deferral raised the total savings of the pension recipients by enough to not only offset lost tax revenue but also to boost the nation's pool of savings, capital that can be invested to aid the economy.

WORKER COVERAGE DOWN

However, less than half of all privately employed workers are covered by a pension plan. The proportion of workers covered by pensions is declining, with coverage highest among higher-income workers.

Among persons 65 or older, the wealthiest 20 percent get 19 percent of their total retirement income from employers' pensions, while the poorest 20 percent get just 2.5 percent of their retirement income from pensions.

So higher-income individuals get a disproportionate benefit from the way pensions are taxed, Munnell says, but the tax revenue lost results in higher income tax and Social Security payroll taxes for all taxpayers.

The uneven benefits from the existing system might be tolerable, Munnell says, if tax deferral were sufficient incentive to cause a big increase in total savings.

SAVINGS REDUCED

This doesn't happen, Munnell says, because people typically reduce the amount they save for old age in anticipation of getting pension benefits. So some of the savings kept in pension fund is offset by a reduction in other savings. Munnell said the increase in savings that is due to the favorable tax treatment of pensions is largely offset by higher federal budget deficits that results from lost tax revenue.

Munnell proposes a new system under which pension benefits would not be taxed as they are received by individuals from their pension plans. Rather, pension funds would pay a tax of 15 percent on the annual amount contributed to the funds and on the income the funds earned.

For pension money that has already accumulated, and on which taxes have not been paid, Munnell proposes a one-time tax of 15 percent of fund assets. In turn, the funds would reduce by 15 percent the amount they would pay pensioners, who no longer would be taxed on their pension checks.

SURCHARGES AND REBATES

Retirees whose incomes are high enough to put them in the 28 percent marginal tax bracket could be assessed an additional surcharge of 13 percent of the pension income. Those whose incomes are so low that they owe no tax could get a rebate of the tax paid by their pension funds.

The one-time 15 percent tax of existing pension assets would produce at least \$450 billion in revenue. Most of that sum would have been paid in the future as taxes on pension income. Getting it upfront, Munnell said, could reduce the federal debt enough to cut the Treasury's interest payments by \$35 billion a year.

The 15 percent annual tax on pension-fund contributions and earnings would vary each year according to how much income is produced by the stocks, bonds and other holdings of pension funds. Munnell estimates that in 1990, the tax would have brought in about \$55 billion.

Of course, such a change would be a tough sell politically. Opponents would scream about the government's grabbing at their pensions. And change wouldn't do much good economically if the government just piddles away the extra tax dollars, as is too often the case.

However, the revenue gain could be used to make future generations better off if it were used solely to reduce the federal deficit or to invest in education or public works that boosts the productivity of the economy.

Mr. LOTT. At this time, Mr. President, I should like to yield 5 minutes to the distinguished Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. I thank the Chair.

Mr. President, I rise to support and echo the comments made by the distinguished Senator from Mississippi. The process of advice and consent, I believe, reaches beyond the mere qualifications, background, and capacity of the individual, and there should be no apologies given for the raising and airing of debate espoused by individuals who will hold high public trust. Therefore, I have grave concern about the nomination of Alicia Munnell as Secretary of the Treasury for Economic Policy.

I hear with more and more frequency a reinforcement, as espoused by Ms. Munnell, centered around a Government economy instead of belief in the longstanding results and benefits to this Nation as accrued from the private economy. I added very recently the effect of her proposal to tax pensions of individuals and families to the President's proposal of nearly \$300 billion in

new taxes. When we would add her proposed pension tax, one time and thereafter, over the course of this administration, we would produce a figure of almost \$900 billion. It is incredible to contemplate that sum of money being moved during such a short period of time from the private economy to the public and Government-driven economy.

I think it is important, when discussing this policy, that we reflect a moment on what it means to constantly be threatening to change the rules, particularly as they relate to longstanding plans of families. A family retirement is based on years of service and career work and dedication and commitment to prepare for an individual or family's later years. To suggest an arbitrary modification of what that family or individual would have expected in benefits, it is hard to contemplate how a person who would be suggested for Assistant Secretary of the Treasury for Economic Policy would be so disdainful of the impact on a family or individual who has spent an entire life preparing for their senior years. For the Government to just step in and arbitrarily say: We are going to confiscate 15 percent of what you set aside over your life's career; we are going to change the process by which you accumulated those moneys to prepare for later years; we are going to begin to tax it every year again another 15 percent, no wonder, no wonder the citizens of our country begin to lose confidence in their public servants when we step in in middle of the plan and drastically modify it.

At a time when we are thinking of rebuilding America and preparing for a world after the cold war, to disrupt the pension market, those vast sums that are used by the private sector to capitalize new businesses, project development, commercial real estate, and to put all those markets at risk by raising the specter of such a drastic tax does not bode well and does not demonstrate an understanding of the kind of confidence we have to build for those who are willing to save and for those who look at those vast savings as a source of capital for the construction and development of our country.

My concluding remark deals with the increasing reference to class warfare.

Mr. President, I ask the Senator from Mississippi for another minute.

Mr. LOTT. Mr. President, I yield the distinguished Senator from Georgia another minute.

Mr. COVERDELL. Mr. President, this nominee has suggested that pension benefits are an instrument of the wealthy. First of all, I take exception to continued efforts to divide our people by class. I think it not healthy nor useful to the welfare of the United States. But on top of that, it is patently misinformed to make such a suggestion. Fifty percent of the Amer-

ican people who are in pensions as participants make under \$25,000 a year—65 million Americans.

These are not wealthy people. These are hard-working, prudent Americans who have prepared for their future, and this is something that the U.S. Government ought to reinforce, not tear down.

Mr. President, I yield the floor.

Mr. LOTT. Mr. President, I see the chairman has arrived. But while he is getting prepared, I will go ahead and yield 5 minutes to the distinguished Senator from Florida, if that would be all right with the chairman.

Mr. MOYNIHAN. I wish the Senator would.

Mr. LOTT. I do so, Mr. President.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MACK. Thank you, Mr. President. I thank the chairman.

By now, everyone knows Bill Clinton's campaign pledge of tax breaks for the middle class has been the reality of tax hikes. Candidate Clinton believed that American families are overtaxed, but President Clinton thinks the Government is underfed. Americans want him to cut spending first, but he is not listening.

What was his reaction when the Ways and Means Committee in the House passed the largest tax increase in U.S. history last week? He was "pleased." According to the President, as reported by the Washington Post, this \$246 billion tax hike will "bring in more revenues and permit us to spend more."

He should know better. Bill Clinton's post-World War II generation has watched Government grow and grow and grow and fail and fail and fail. There is no relationship between more spending, more taxing, and a better way of life. If anyone should understand that, it is Bill Clinton. But he continues to believe that more spending and more taxing will lift America's economy. It has not happened yet, and it never will.

Yet the President's deficit reduction package is heavy on new taxes and fails to make serious spending cuts, and he continues to nominate people for high administration positions who think about higher taxes first and spending cuts not at all.

That is not what candidate Clinton promised and not what the American people hoped for. His nomination for Assistant Secretary of the Treasury for Economic Policy is another in a line of nominees who think that prosperity comes from a better Government. His nominee, Alicia Munnell, from the Federal Reserve Bank of Boston, has a long history of wanting to tax pensions and raise estate taxes. In a recent article of hers in the New England Economic Review, she said we ought to have a 15 percent annual tax on company contributions of private pensions. She said: "The United States has the

ability to tax pensions on a current basis and the time has come to do it."

Her specific proposal is to impose a 15-percent tax on annual contributions and pension earnings and then allow plan sponsors to pay out only 85 percent of the promised benefits. She has also talked about confiscating 15 percent of the assets of all private pension funds to make up for the past when no tax was in place. She says, and I quote again: "The one-time assessment will produce a large pile of revenues for the Treasury—15 percent of \$3 trillion is \$450 billion—and the implications are intriguing in terms of the impact on Federal Government finances."

This sounds very much like the recommendations of another of the President's chosen advisers, the Chair of the Council of Economic Advisers, Laura Tyson. She is on record as saying: "We could raise an additional \$400 billion to \$500 billion in Government revenue and miraculously cure our deficit problem." Another quote: "There is no relationship between the level of taxes a nation pays and its economic performance."

The President is rightly judged on the promises he makes, but also on the people he chooses to determine his policies. On both of these counts, Clinton is showing himself to be a major league taxer and spender.

President Clinton, just do what you promised and do not tax and spend the United States into poverty.

Mr. LOTT. Mr. President, I would like to ask the Senator, on his time, if he would yield.

Why would the Senator rise to raise any objections here today? This is the President's choice. So she wrote about this in the New England Economic Review. Why would the Senator from Florida be so concerned that he would rise and express the concern about her today?

Mr. MACK. I appreciate the question. The reason I rise today is because I sense a developing pattern here. The President is out around the country telling the American people that he wants to cut spending and he "understands their concerns." "We are not going to increase taxes until in fact there has been spending reduction." But yet we see his nominees are people who are constantly talking about raising taxes first. None of them talks about a cut in spending. Every one of them looks for a new area to raise "a pile of revenues." In the case of Dr. Munnell, that "pile" would be \$450 billion as a result of a 15-percent tax on pensions.

What we really see here is a group of people who are primarily interested in more taxes, more spending, and more government. That means the American people will have less freedom as a result. That is why I am here today talking about this.

Mr. LOTT. I thank the Senator.

Mr. MOYNIHAN addressed the Chair. The PRESIDING OFFICER. The Senator from New York is recognized.

A FORUM FOR NOBEL LAUREATES

Mr. MOYNIHAN. Mr. President, may I first express my appreciation for the courtesy of the Senator from Mississippi, the Senator from Florida, and others, who are very indulgent in regard to my not having been here on the previously understood time.

I was the host, if that is the term, for a meeting in the committee room of the Committee on Finance. We provided a room for a group of Nobel laureates, specifically Archbishop Tutu, of South Africa; Betty Williams, of Northern Ireland; and Kara Newell, of the American Friends Services Committee; led by the Honorable Edward Broadbent, our colleague from the House of Commons in Ottawa, one of the founders of the new Democratic Party. This distinguished group came to the Congress to report on their recent attempted visit to Burma, where they asked to see Aung San Suukyi, who is also a recipient of the Nobel Peace Prize. For 4 years, Aung San Suukyi has been under house arrest by an abominable regime in Burma at this time, the military government which, having lost national elections to a democratic coalition, canceled the elections and arrested or exiled leaders of those governments.

Archbishop Tutu and Ms. Williams will be meeting with the President, and it seemed appropriate to provide them a forum in the Senate to report on their activities.

This, of course, was completely bipartisan. Senator PELL, Senator SIMON, Senator BIDEN, myself, and others will introduce legislation later this week.

For the moment, Mr. President, as chairman of the Committee on Finance, I am asked to respond to objections to the nomination of Alicia Munnell, to be Assistant Secretary of the Treasury for Economic Policy.

Dr. Munnell, as we surely know, comes to us from the Federal Reserve Bank of Boston, where she is senior vice president and director of research, a position of eminence in the world of finance and in the world of economic analysis. She did not come to us from a staff position in the Senate or a faculty position, however eminent, or a business position, howsoever well rewarded. She comes to us, sir, as a leading economic authority from the Federal Reserve Bank of Boston, one of the eminent elements of our Federal Reserve system.

She is a scholar of prodigious achievement. I do not know that I should burden the Senate with the particulars. We might find ourselves forced to compare our own achievements with hers.

Let me just list some of the professional activities involved. She is a

member of the U.S. Army Corps of Engineers workshop to consider issues of Federal infrastructure investment, economic growth, and productivity. Two years ago it fell to me on this floor to manage the Intermodal Surface Transportation Efficiency Act of 1991, the first legislation on surface transportation to follow the era of the interstate highway program that began, depending on which date you choose, in 1944 or 1956.

I brought it to the floor with some insistence, as did my colleague Senator SYMMS that we begin to pay attention to productivity. We had asked the Chairman of the Council of Economic Advisers about productivity growth rates in transportation in recent years. Dr. Boskin wrote to us that in the judgment of the Council, productivity in transportation had been rising at the rate of 0.2 percent in the last 15 years. That, Mr. President, is a Medieval rate. It takes 350 years to double. The Army Corps of Engineers is very much involved with such matters. And it is a matter almost of routine that Alicia Munnell would be asked to join the Engineers in looking into a profound and complex problem.

She is a member of the advisory committee to study the old-age security arrangements of the World Bank, another organization that the Senate created. We created the Federal Reserve Board. We created what we call the World Bank.

She is a member of the economics visiting committee of the Massachusetts Institute of Technology where you cannot turn a corner without bumping into a Nobel laureate in economics.

The visiting committee looks into the department from time to time and sees how it is doing. That is what you ask of Alicia Munnell. How are the Nobel laureates doing? She is a member of the Committee on Health and Human Rights of the Institute of Medicine of the National Academy of Sciences. I might point out that the National Academy of Sciences too, is an organization created by this body at the behest of Abraham Lincoln in the Civil War.

She is a member of the Institute of Medicine of the National Academy of Sciences. I should think that Dr. Munnell is one of the few non-medical members of that institute.

She is a member of the International Institute of Public Finance and a co-founder of the National Academy of Social Insurance. I have to tell you that my most particular association with Dr. Munnell is in the area of Social Security, where she is an internationally recognized authority. She is a member of the National Academy of Public Administration, the Boston Economic Club, and the Pension Research Council of the Wharton School of Finance and Commerce. The International Mon-

etary Fund asked her to go to Armenia not long ago to be an assistant consultant on economic issues.

Mr. President, there are not many days that it falls to the U.S. Senate to confirm a person of such professional eminence. It is said that she has written an article on pensions; alas, Mr. President, too true. And in what incendiary *Journal* do you suppose the subversive remarks appeared, what lurking, leftist, undermining, confiscating subverting enterprise was this? Sir, it was the *New England Economic Review*, a *Journal* of the Federal Reserve Bank of Boston, scarcely the setting for such alarming views as we are told were presented. She appears on the cover with an article by Eric Rosengren and Katerina Simons, entitled "The Advantages of 'Transferable Puts' for Loans at Failed Banks." Richard Kopcke has also contributed to the *Journal*, "Profits and Stock Prices: The Importance of Being Earnest." And Katerina Simons, obviously a prolific young writer, contributes an article entitled "Mutual-to-Stock Conversions by New England Savings Banks: Where Has All the Money Gone?"

Dr. Munnell writes an article entitled "Current Taxation of Qualified Pension Plans: Has the Time Come?"

She asks the question. As an economist, as a scholar, as the vice president of the Federal Reserve Bank of New England, she asks the question. She makes the argument for, the argument against, and asks whether a change in the Internal Revenue Code ought to be made. Is she indeed the author of this inquiry? Yes. And of hundreds more articles. Well, I will not say hundreds, but of many. This is a scholar of international reputation.

Working from the suggestion by a British actuary, she explored this particular question in finance and in pension arrangements, of which she is a particular authority. She did it on her own, published it on her own, and it stands on its own.

If she is accused of being a scholar, then she is guilty. If it is said she has entertained unorthodox ideas, I fear that is true. If it is further surmised that she may be very intelligent and have something to offer in the field of economic policy to this administration, that clearly, sir, is the judgment of the President of the United States. It is also the judgment of the Secretary of the Treasury, who is so proud to have her in prospect. And, sir, a small detail, not, I hope, without some relevance to this Chamber: She is the unanimous choice of the Committee on Finance. She came before us; she was questioned about these matters, and she answered in a thoughtful, not remote, way.

I have no more to say. I do not think I ought to say more. It is astounding that I am asked to say anything in defense of her qualifications.

The one thing I have heard in the course of this debate, my very good friend from Mississippi has discovered an excerpt of Alicia Munnell's in which she allows that she is not an expert in economic forecasting.

Mr. President, may I offer the simple judgment that anyone who thinks he or she is such an expert should not be allowed near the U.S. Treasury.

I yield the floor.

The PRESIDING OFFICER (Mr. MATHEWS). Who yields time?

Mr. ROTH addressed the Chair.

Mr. LOTT. Mr. President, I yield 5 minutes to the distinguished Senator from Delaware.

Mr. ROTH. Mr. President, hardly a day goes by without the Clinton administration floating some new idea designed to increase the tax burden on the American people. Apparently unsatisfied by the largest tax increase in U.S. history, administration officials are constantly looking for something more. The American people are starting to get the idea that there is nothing new about the tax and spend addition of the Clinton Presidency.

We are today considering the nomination of a new Treasury official who is an unsurpassed advocate for new taxes.

Her name is Alicia Munnell, the former director of research at the Federal Reserve Bank of Boston. Ms. Munnell has distinguished herself over the years as a tireless advocate of taxes—such an advocate that even the Clinton administration has not yet considered publicly the influence she will have, both on policy as well as on the President's popularity.

In short, Ms. Munnell is of the opinion that Americans are undertaxed, not overtaxed, and Government is not big enough, its burdens too light.

Her solution? Ms. Munnell believes Government should begin taxing the retirement of hard-working, thrifty Americans. Last year, in an article of the *New England Economic Review*, Ms. Munnell advocated the taxing of pension plans.

Amidst a savings shortfall and growing anxiety about the ability of many to retire in decency, Munnell's position is simply mind-boggling. According to her, "the United States has the ability to tax pension on a current basis and the time has come to do it."

To ease the transition to this tax policy, Ms. Munnell has suggested the option of a wealth tax on pensions, noting that a "one-time assessment would produce a large pile of one-time revenues for the Treasury—15 percent of \$3 trillion is \$450 billion, and the implications are intriguing in terms of their impact on Federal Government finances."

However, intriguing Ms. Munnell may find this implications, the word that comes to most Americans is horrifying. Ms. Munnell is talking about

taxing the pension plans of men and women who are responsibly preparing for their futures; she is talking about Americans' family security, about their peace of mind, and preparation for tomorrow. Ms. Munnell is talking about taxing what amounts to one of the last refuges of self-reliance.

But as disastrous as this policy would be on a personal taxation level, the principle of even higher taxation of savings and investment is equally dangerous as a matter of public policy. Our Nation's future—our ability to compete in the emerging global economic community—comes down to capital formation, the incentives Americans have to work, save, and invest.

Mr. President, America cannot afford the policies Ms. Munnell espouses. Consequently, her nomination must be carefully considered. Likewise, this nomination must be considered in view of the Treasury's refusal to supply many Members of the Senate and House with the Clinton tax program evaluated in terms of adjusted gross income. The Treasury has failed to provide this information to the Congress and to the public, even though adjusted gross income is a standard measure used by Treasury routinely in tax data.

Though the administration argues that added components used in the measurement of family economic income do not determine tax liability, it is clearly a measurement the administration is using to determine where the tax burden falls. Additionally, AGI versus FEI could be critical if nominees such as Ms. Munnell have the opportunity to put their ideas into action. FEI could be viewed as a leading indicator of future tax increases in the Clinton administration. Maximal taxation of every conceivable form of income seems to be the direction of tax policy under this administration.

Mr. President, I ask unanimous consent that the editorial which appeared in this morning's *Washington Times* be printed in the RECORD.

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

DON'T BANK ON ALICIA MUNNELL

From the man who promised tax cuts and delivered all manner of tax increases comes now Alicia Munnell. Chances are you have never heard of Ms. Munnell, but if she gets her way with economic policy as one of Mr. Clinton's top Treasury Department appointees, the country will know her all too well.

Ms. Munnell is the former director of research at the Federal Reserve Bank of Boston and is also a prominent member of the elite "Americans are undertaxed" school of economic thought. Last year she penned a startling paper for the *New England Economic Review* entitled, "Current Taxation of Qualified Pension Plans: Has the Time Come?" The short answer to her question was yes. The long answer was that the government shouldn't stop there.

Why? Among other things, the federal government needs the money. A one-time 15 per-

cent tax on the existing \$3 trillion in pension assets, says Ms. Munnell, would generate a "large pile" of revenues for the fed of \$450 billion. Throw in an annual 15 percent tax on the yearly contributions and earnings of those pensions, and the government could rake in another \$55 billion a year or so.

The best part of the scheme is that cutting the feds in for a share of the take isn't really stealing from workers. Not the way Ms. Munnell sees it. She repeatedly refers to pension savings, tax-free to workers until they withdraw the funds in retirement, as "tax expenditures," meaning that it costs the Treasury money when it allows the toiling masses to hold onto their earnings. The premise of this concept is that all income belongs to the government except that portion which it generously offers to workers. Thus, at one point, Ms. Munnell refers to those who don't want the feds jacking up taxes on their pensions as "advocates of government support for qualified plans." Get it? Low taxes are government handouts.

Eliminating these "handouts" also accords with her notions of social engineering. The current system "does not appear to be achieving major social goals," she writes, particularly because it allows those darn rich people to hold onto their money. Better let the government have it back.

There are any number of problems with this proposal beyond the eensy-weensy constitutional one Ms. Munnell herself cites. Pensions represent an agreement—dare one say "contract"—with the government in which workers give the use of part of their money now in exchange for using it in retirement later. The "trust deficit" that columnist David Broder said Mr. Clinton is suffering is likely to grow even larger if he breaks that contract by confiscating part of those pensions through a tax. The money workers expected on retirement wouldn't be there.

Her plan would only hurt this country's savings rate, which is low enough as it is. People like Ms. Munnell always think that tax rates have no effect on the Hillary Rodham Clintons of the world, that they will work and save and invest just as before. But Mrs. Clinton shuffled her law firm bonuses to avoid higher taxes, and if Ms. Munnell jacks up taxes on savings, Mrs. Clinton and others will find something else to do with their money. They will stop saving before they have to give it to people like Ms. Munnell. If you tax everything that moves, things tend to stop moving. That includes things like economies.

Just as worrisome is the fact that the scheme gives a rather sinister new meaning to the president's Family Economic Income standards. FEI treats the likes of employer-provided fringe benefits as income for income classification purposes. Adding benefits to worker incomes now allows Mr. Clinton to claim he is only imposing net tax increases on those making more than \$30,000, which is not a little deceptive since most people don't understand FEI or realize that it pushes those making less than \$30,000 well over that figure.

But worse than classifying people by FEI would be taxing them on it. Ms. Munnell cites, approvingly, a 50-year-old Supreme Court opinion that the tax code "is broad enough to include in taxable income any economic or financial benefit conferred on the employee as compensation, whatever the form or mode by which it is effected."

Ms. Munnell goes on to link pensions with other tax-exempt or tax-deferred activities she considers tax expenditures (read: govern-

ment benefits that are implicit candidates for expropriation in whole or in part through higher taxes); exclusion from taxation of pension contributions and plan earnings, tax-deductible home mortgage interest, tax-exempt employer contributions for medical insurance premiums and medical care and much more. She expressly challenges the tax-deferred status of the popular individual retirement accounts (IRAs) and 401(k) plans.

There are more than a few ironies in all this. Treasury Secretary Lloyd Bentsen has long argued for expanded IRAs, which makes Ms. Munnell a rather strange choice, assuming the White House didn't make the choice for him. In addition, pension experts already are concerned that increasing federal regulation of pensions encourages companies to get out of the retirement plan business, leaving employees little to live on in retirement. If personnel is policy, Ms. Munnell's appointment is one more sign that the administration doesn't understand what is at risk here.

The PRESIDING OFFICER. Who yields time?

Mr. LOTT. Mr. President, I believe I have only 30 seconds remaining. My understanding is the chairman is prepared to yield back his time and proceed to a vote. In case he returns to the floor, we would be ready to proceed.

Let me just use my last few seconds saying again I think this is a dangerous, risky appointment. I think Ms. Munnell has in effect been indicted by her own words and writings, by things she suggested or even advocated.

But she is the President's choice. She does have some interesting background and experience. She does not have ethical or legal problems. So I will not further object to her appointment at this time. But I just wanted the American people and my colleagues here in the Senate to be on notice there are some problems with her background with her writings and statements.

The PRESIDING OFFICER. The time has expired.

The Senator from New York.

Mr. MOYNIHAN. Mr. President, I yield to the Senator from Massachusetts.

NOMINATION OF ALICIA MUNNELL

Mr. KENNEDY. Mr. President, I rise in strong support of the nomination of Dr. Alicia Munnell for the position of Assistant Secretary of the Treasury for Economic Policy. Dr. Munnell is a highly distinguished economist who will serve with great ability.

I am proud to note that Dr. Munnell's education and professional career have been in Massachusetts. She received her B.A. from Wellesley College, her M.A. from Boston University, and her Ph.D. in economics from Harvard University. Since 1973, she has served on the staff of the Federal Reserve Bank of Boston, rising to the position of senior vice president and director of research.

Her work at the Boston Fed has covered many important issues, including pensions and the future of the retire-

ment system, the importance of public capital investment in economic growth, and the economic performance and policies of Massachusetts.

She has given generously of her time to many vital public policy efforts at home and overseas, including the World Bank project on social security, the U.S. Army Corps of Engineers workshop on Federal infrastructure, the International Monetary Fund's assistance program for Armenia, and the Ford Foundation's project on social welfare and the American future.

Dr. Munnell's professional accomplishments and publications are extremely impressive. She is also the co-founder and president of the National Academy of Social Insurance, a director of the Pension Rights Center, and a member of the Institute of Medicine of the National Academy of Sciences, the National Academy of Public Administration, and the Advisory Council on Social Security.

The central theme of Dr. Munnell's entire professional career has been using her knowledge, skills, and talents in public service. She has worked brilliantly on many of the most complex social and economic problems we face, in a continuing effort to improve life for all Americans. President Clinton, the Treasury Department, and the American people are fortunate to have her service. She is one of the ablest economists of her generation, and I urge the Senate to approve her nomination.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent to have printed in the RECORD the excerpts from Dr. Munnell's testimony before the Committee on Finance.

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

FINANCE COMMITTEE, May 6, 1993

Dr. MUNNELL. I wrote an article that was published in the Federal Reserve Bank of Boston Research Review. It was an article that I had originally wrote in response to a request by the American Law Institute, the American Bar Association for a conference that they were having on pensions. I was given the title of, "Has the Time Come to Tax Pensions on a Current Basis," and that is the topic I explored within that article.

In that article I looked at the arguments for deferral and I looked at the arguments for taxation and came out at that time for taxing on a current basis. Unfortunately, in that article I also included as I went back and read the article last night, I said, "to crystallize the issue." I found more crystal than I had ever anticipated.

A transition proposal that was suggested by actually a British Actuary that would involve a one-time levy on pension fund assets. I did not support that particular levy in the article. I do not support that particular levy now.

In terms of whether pensions should be taxed currently or deferred, that is a topic that economists have debated for a long period of time. It is really whether you want to have an income tax or a consumption tax. It is a legitimate source of inquiry.

It does not fall within my purview at Treasury. It is not a priority for the tax people within Treasury of Secretary Bentsen for sure, for the Clinton Administration, nor for me. So I would be very surprised it would figure into my work at all during my tenure.

Mr. DURENBERGER. Mr. President, I think Secretary Bentsen has put together a superb team of advisers and administrators; probably the best team supporting any Cabinet secretary. Yesterday and today we are in a position to consider the nominations of key members of that team—people who will be advising him, dealing with Members of this body, and administering the Nation's tax laws.

I would hasten to add that the best intentions and the best qualifications don't necessarily lead to the best policies—and I have very serious problems with the thrust of the economic policies being put out by this administration. But we should encourage the President, and the Secretary, to elicit the help of the best possible people, and join our battles on the merits of the policies that are sent up.

Because one of the President's nominees—the one before us now—has attracted particular attention, I want to speak briefly to her qualifications and my high regard for her.

Alicia Munnell and I got to know one another about a decade ago during my work with Americans for Generational Equity. I called on her for advice on the economic status of the elderly, on intergenerational income transfers, and on income security policy more generally. During that time we disagreed on some issues—we may, in fact, have disagreed more than we agreed.

But I always found her to be honest, open, and straightforward in her dealings with me and with anyone else she dealt with.

I disagree with Alicia Munnell's academic writings on the taxation of pension funds. And I am agnostic on her findings with respect to racial discrimination by banks, which have attracted some vigorous methodological criticism.

But I don't think we have to worry that she will subvert the administration's decision processes to push her personal policy positions.

Alicia Munnell is an academic and public servant of integrity and ability, and should the Senate confirm her—and I am confident it will—we'd be acting in the Nation's best interest.

Mr. MOYNIHAN. Mr. President, I see my distinguished friend from Mississippi has concluded his remarks. I, therefore, yield back all the remainder of my time and urge the confirmation of the nomination.

The PRESIDING OFFICER. With the yielding back of the time, the question occurs on the confirmation of the nomination of Alicia Haydock Munnell, of Massachusetts, to be an Assistant Secretary of the Treasury.

The nomination was confirmed.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nomination.

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

Mr. MOYNIHAN. I do thank the Chair.

Mr. President, I believe there is another nomination forthcoming.

DEPARTMENT OF THE TREASURY

The PRESIDING OFFICER. Under the previous order the Senate will now proceed to the consideration of nomination of Michael Levy, of Texas, which the clerk will report.

The assistant legislative clerk read the nomination of Michael B. Levy, of Texas, to be a Deputy Under Secretary of the Treasury.

The PRESIDING OFFICER. Under this order there will be 10 minutes of debate equally divided between the Senator from New York and the Senator from Oregon.

Who yields time?

Mr. MOYNIHAN. Mr. President, there being no other Senator on the floor at this time, I am moved to make brief remarks, but it may be that none other is necessary.

The first thing to be said, and I speak now as chairman of the Committee on Finance, is that the nomination of Mr. Levy, who is nominated to be a Deputy Under Secretary of the Treasury, having been referred to the Committee on Finance, was sent to the floor by a unanimous vote.

The Committee on Finance, Republicans and Democrats, asked to recommend to the Senate that it approve this nomination of a hugely gifted, able, and I am happy to state still relatively young academic and public servant.

Dr. Levy was from 1978 to 1985 an associate professor of political science at Texas A&M University. Dr. Levy was from 1985 to 1987 an economist with the Joint Economic Committee, a bipartisan body in which we place great trust and properly so. He, thereafter, became a member of the staff of then Senator Bentsen. He was Senator Bentsen's administrative assistant from 1987 to 1993.

The President asks of us that we send to the Treasury Department Secretary Bentsen's former administrative assistant to help him in the administration of the Treasury Department.

We know and admire Dr. Levy from our work with him as a staff member of the Joint Economic Committee. We know and admire him from his work as administrative assistant to Senator Bentsen.

It is the elemental practice of this Chamber to enable a President to form his Cabinet and sub-Cabinet according to his desires and needs as he judges them to be.

And here we are, with this fine economist, experienced public servant, member of our family, the Senate family, being held up.

By whom? For what?

Mr. President, I do not wish to show any impatience, but I have been talking now for some time. No one has come to the floor even to explain the necessity for this discussion.

I see the distinguished Republican leader is here. Perhaps he has some remarks to make.

In any event, Mr. President, I yield the floor.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. Mr. President, at my request, the Senate has waited until today to confirm Michael Levy to become Deputy Under Secretary of the Treasury for Congressional Affairs.

Let me just outline the reasons for the delay because, sometimes, delays I think are justified. It really has not been much of a delay, 2, or 3, or 4 days.

The reason for the delay was to provide me time to obtain certain information on the hiring practices of the U.S. Customs Service in particular, and the Clinton Administration in general. Several press accounts have been written about my actions, most have been completely false—did not have any of the information right, which is not unusual—and I intend to discuss this matter and set the record straight.

Last January, during a reorganization of my offices, an employee of mine applied for, and was told she would receive, as a Ramspeck employee, a GS-14 position being advertised at the U.S. Customs Service's Office of Public Affairs. Knowing of concerns expressed by the chairman of the subcommittee of jurisdiction about so-called burrowing-in by political employees of the previous administration, my staff contacted Senator PRYOR's staff to ensure no political issues were at stake. My staff was assured by those with oversight over hiring practices of the executive branch that this was indeed a proper use of the Ramspeck statute.

In February, when a call was made to determine the status of the position, my office was informed that no action was being taken on the matter due to a letter which was sent to the Customs Service by the chairman of the Appropriations Subcommittee on Treasury, Postal Service, and General Government—Senator DECONCINI. Then, the applicant was informed the position would not be filled, but rather abolished.

At that time a member of my staff spoke with Mr. Levy about the position. Mr. Levy told him the position was originally created for the sole purpose of taking care of the member of my staff who had applied for it and that it might look bad if someone found out about it. Finally, Mr. Levy

stated even if such a position were to be created, it would be a much lower GS level.

Mr. President, that is absolutely untrue. The opening was advertised when the previous employee—A GS-14—left the Government. The job existed prior to the application of my employee.

Following that incident, on March 10, I sent a letter to Secretary Bentsen requesting a copy of the DeConcini letter, and to inform him that I expected the provisions of all laws—including Ramspeck—to be followed. I did indicate and continue to support the fact that the administration can determine whether to fill, create, or abolish positions, as long as the appropriate laws are followed.

Then, on March 18, the staff member who had applied for the GS-14 position applied for a GS-13 position in the same Customs Office of Public Affairs with the same job description. However, she was soon advised that position—a newly created position—would not be filled either.

Mr. President, at no point did I send a letter or otherwise communicate with the Customs Service in support of hiring this employee; never did one thing. Rather, the only information I had was that the employee had originally applied for the post as a Ramspeck employee, that the staff of the subcommittee said it was a proper action, and that the applicant had been advised she would be hired.

What actually occurred was that Customs advertised the GS-14 position, my staff member applied, and Customs decided not to fill the post. Then the Customs Service advertised for a GS-13 position, my employee applied and Customs decided not to fill the post.

All this time, my letter to Secretary Bentsen of March 11, went unanswered—I might say that this occurred through absolutely no fault of my good friend, the Secretary of the Treasury, Secretary Bentsen—he was unaware the letter existed and apologized later because the letter had not been responded to.

When the nominations of George Weise to be Commissioner of Customs and Michael Levy to be Deputy Under Secretary for Treasury were placed on the calendar, I informed the majority leader I could not clear the nominees until I received a response to my letter. That response was hand delivered to me by Secretary Bentsen. I then requested additional information and cleared Mr. Weise for confirmation.

That confirmation has been taken care of. In fact, I supported his nomination and wrote a letter to the President in support of his nomination several weeks or months ago.

Mr. President, whoever drafted the letters for Secretary Bentsen alleges the decision not to hire my employee was made following a decision that she failed to satisfy the qualification re-

quirements for the position. Yet, I can find no reason for such a decision in the qualification standards made available to me by the Department.

To the contrary, Mr. President, I do possess a copy of a memorandum written by the Acting Director of Congressional Relations at the U.S. Customs Service following a meeting with Mr. Levy. That memorandum suggests partisan politics was the reason the position was not filled—a position which is supposed to be nonpolitical. The memorandum also suggests Mr. Levy was aware of the nature of the decision and approved.

I asked Mr. Levy to respond to the memorandum and he assured me the memorandum was inaccurate.

Unfortunately, I remain without the truth. I can find no reason for a decision that the applicant was not qualified, yet I am told nothing political occurred in this supposedly nonpolitical matter. As I indicated earlier, I even cleared this matter with the Democratic subcommittee chairman so there would be no suggestion of political activities.

On another matter, Mr. President, let me also say I am concerned about reports that employees at the Treasury are using what amounts to strong-arm tactics to enlist support for the President's proposed tax increases.

I have been told by members of the Affordable Energy Alliance—a group with over 1,250 members organized to oppose the Btu tax—that employees of Treasury have called to ask whether they are members. When asked why Treasury wants to know, they were told "We want to know who our enemies are."

I hope the Department of the Treasury is not engaged in the creation of a new enemies list. I would also hope that, if Mr. Levy has anything to do with this matter, he will take this opportunity to take a little breath and reevaluate the approach.

Finally, Mr. President, let me say that I have agreed to allow the confirmation of Mr. Levy as a favor to my friend, Secretary Bentsen. Mr. Levy was the administrative assistant to the Secretary for several years when the Secretary was our colleague here in the Senate.

As I stated, I have concerns with this nominee and soon to be Deputy Under Secretary. I urge him to proceed with caution, acting under both the letter and spirit of law.

I would just point out one other factor that I think sometimes is lost on people who may not totally understand. We are the minority.

If we were in the majority, I could have a hearing on this matter and put people under oath and find out what the facts are. But we, obviously, are not going to have a hearing, because Republicans are in the minority and they are not going to be setting the

agenda. So we do not really have any real way to find the truth in this matter.

I would just say that we wanted to make the case, wanted to state it for the record. There is not much this Senator can do about it, except state that most of the press reports have been totally inaccurate. I hope those who have written the press accounts would now take a look at the facts and indicate that we did have a legitimate reason to make further inquiries in this case.

I think I could very legitimately hold this nomination for some time in an effort to find out the facts, but I am convinced Mr. Levy is not going to give me the facts. And, on that basis, for that reason, I see nothing to be gained by holding the nomination except I do want to accommodate my good friend, our former colleague, the Secretary of the Treasury, Secretary Bentsen.

Mr. MOYNIHAN. Mr. President, if I could speak?

Just a slight historical diversion. The Senator surely knows of the distinguished career of Roscoe Conkling, who was a leader of the Republican Party of New York State in the years following the Civil War.

In 1880, with the election of James Abram Garfield to the Presidency, Mr. Conkling, as was his presumed right, recommended a person to be collector of the Port of New York in the Customs Service. Most of the revenue of the Federal Government then came from those tariffs.

Mr. Garfield, who was a premature proponent of civil service reform, refused and nominated someone else. Senator Conkling, indignant at this affront to the Senate, resigned from the Senate in full confidence that the New York State Legislature would promptly reappoint him.

Unfortunately, Mr. Garfield was shot by a disappointed office-seeker, and because of such, his nomination suffered a setback. Whereupon Conkling was heard to observe that, when Dr. Johnson declared patriotism to be the last refuge of a scoundrel, he underestimated the potential of reform.

Here we are, a century later, dealing with the same matter.

I am sure we all accept the Republican leader's statement in the good faith in which it was offered. I certainly do. I have no questions in the matter whatever.

Mr. President, seeing no one else seeking recognition, I yield the remainder of my time.

Mr. DOLE. I yield back any time I have.

The PRESIDING OFFICER. All time has been yielded. The question occurs on the confirmation of the nomination of Michael Levy to be Deputy Under Secretary of the Treasury.

The nomination was confirmed.

Mr. MOYNIHAN. Mr. President, I ask the President be immediately informed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider will lie upon the table and the President will be immediately notified of the Senate's action.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistance legislative clerk proceeded to call the roll.

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

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

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Julia Ross, who is an intern in our office, be allowed to be on the floor while I preside from 3 p.m. to 4 p.m.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. GORTON. Mr. President, I ask unanimous consent to proceed for about 5 minutes as if in morning business.

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

(The remarks of Mr. GORTON pertaining to the introduction of S. 989 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. RIEGLE. Mr. President, let me address a parliamentary question to the Chair. I know we are waiting to take up the Achtenberg nomination, and there are discussions underway about that with respect to time agreements. So I will not proceed with the subject at this moment, although I am prepared to and want us to start as soon as we can on this matter.

But my question would be this: Pending that, I assume it is in order for me to ask unanimous consent to proceed for 5 minutes as if in morning business.

The PRESIDING OFFICER. Such a request to the Senate would be appropriate.

Mr. RIEGLE. I make such a request. I ask unanimous consent to proceed for 5 minutes as if in morning business.

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

Mr. RIEGLE. Mr. President, let me say again, I will suspend or return to the Achtenberg matter just as soon as there is some understanding between the leadership and the two parties.

DISTURBING TRADE STATISTICS

Mr. RIEGLE. Mr. President, what I want to raise now, however, are the very disturbing trade statistics that are now out today for the month of March. Our trade deficit figure jumped up over \$10 billion for 1 month. That means that our deficit in trade, the amount that other countries ship into the United States less a much smaller amount that we sold overseas, left a deficit in the favor of foreign countries of over \$10 billion just for the month of March. That means literally hundreds of thousands of American jobs are, in effect, being taken overseas by this terribly adverse trade balance.

If you look within that \$10 billion monthly figure, the nation of Japan had a trade surplus with us in their favor, and a deficit for us, a monthly deficit that reached a 5-year high of \$5.26 billion. So that meant, in the month of March, Japan, in the trade account, took out of the United States over \$5 billion.

When you think about taking \$5 billion out of our economy in the space of just over 4 weeks, or namely a 1-month period of time, that is a huge economic impact for our country. Of course, that is happening month after month after month after month. Then the Japanese tell us that they cannot really do anything about this. They have a million excuses as to why this huge trade imbalance persists and cannot be solved. But a lot of it, of course, is trade barriers that they have in Japan to keep our products out and a whole series of interlocking business relationships that enable them to operate in this country in a very forceful way that gives them access to our market, which they in turn prevent us from having in Japan. It is a terribly damaging pattern.

One of the reasons that the unemployment rate is so high in this country is because of this persistent trade deficit we have with Japan. Since 1980, Japan, in the trade account, has taken over \$500 billion out of the United States. Over \$500 billion has left the United States and gone to Japan in the trade account, and that is a figure in excess of 0.5 trillion. It is by far the worst trade problem that we have.

And I want to say that I appreciate the fact that the new Clinton administration has confronted this issue in a much more direct, head-on way than we ever saw with the last administration.

But these numbers are very damaging to the country of the United States of America. Something has to be done on an urgent basis by the Japanese, in conjunction with the leaders of our Government, to bring these deficits down.

The other day, the Japanese announced they are going to have a job stimulus program this year, and they are going to spend \$114 billion on their jobs stimulus program.

Why are they doing that? Because the unemployment rate in Japan is all the way up to 2.25 percent. The unemployment rate in America is over three times that. It is up to 7 percent.

President Clinton asked for a jobs stimulus program here of \$16.3 billion, a tiny fraction of what the Japanese will be spending, and Republicans, with a filibuster, prevented that from happening. So we have no jobs stimulus program going on here. Whereas, Japan is going to spend \$114 billion this year and half of it they are going to pay for with the trade surplus that they have with the United States. So American citizens are paying for the jobs stimulus program in Japan, paying for at least half of it, and we cannot get the money for a jobs stimulus program here in our own country.

It is an astonishing juxtaposition of facts here in terms of the damage that is being done to the American economy and why we are having such a weak job performance out there and why people with qualifications all across the spectrum cannot find jobs in today's job market.

So there is a major problem in the trade account. Japan persists in its tactics of trade cheating, well refined, and well developed over many years. It has to come to an end.

We cannot afford to have another \$10 billion drained out in a 1-month period in the trade account, and half of that, over \$5 billion, going to a single country, Japan, who maintains all these barriers to American products that we otherwise should be selling in Japan.

I might just finally say, we are able to sell American goods all around the world and we could sell them in Japan if there were not a whole series of barriers to entry of our products in Japan. They like one-way trade. We have to put an end to that. We have to insist on two-way trading relationships. We have to eliminate this trade deficit with Japan while we still have a job base left here in the United States.

ORDER OF PROCEDURE

Mr. RIEGLE. Mr. President, I am ready, as soon as we can get a response here, to proceed with the Achtenberg nomination. The committee has acted. We are ready to go. I hope that before too much more time passes we can have some understanding so we can get this nominee confirmed and on the job.

Mrs. BOXER addressed the Chair. The PRESIDING OFFICER. The Senator from California is recognized.

PRIVILEGES OF THE FLOOR

Mrs. BOXER. Mr. President, I ask unanimous consent that Karen Olick, Liz Tankersley, and Peter Teague of my staff, and Lisette Lopez, a fellow in my office, be granted privileges of the Senate floor during all debate and votes on and in relation to the Achtenberg nomination.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

MINORITY PARTY'S MEMBERSHIP ON CERTAIN COMMITTEES

Mr. DOLE. Mr. President, as in legislative session, I send a resolution to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 109) to constitute the minority party's membership on certain committees for the 103d Congress, or until their successors are chosen.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER (Mr. DORGAN). The question is on agreeing to the resolution.

The resolution (S. Res. 109) was agreed to, as follows:

S. RES. 109

Resolved, That the following shall constitute the minority party's membership on the following committee for the remainder of the 103d Congress, or until their successors are chosen:

Select Committee on Ethics: Mr. McConnell, Mr. Smith, and Mr. Craig.

SALUTE TO SENATOR STEVENS ON THE OCCASION OF HIS LEAVING THE ETHICS COMMITTEE

Mr. DOLE. Mr. President, Senator STEVENS is doing a very unusual thing today. He is voluntarily stepping down as a Republican member of a Senate committee, the Select Committee on Ethics.

Since he was sworn in on December 24, 1968, Senator STEVENS has been one of the most hard working Members of the Senate. He is now in his fifth term and the workload he has accumulated is impressive indeed.

He is a member of the Senate Appropriations Committee, as well as being on the Subcommittee on Defense, the

Subcommittee on the Interior, the Subcommittee on Labor, Health and Human Services, and Education, the Subcommittee on Military Construction and the Subcommittee on Commerce, Justice, State, and the Judiciary.

He is the ranking member of the Committee on Rules and Administration.

He is on the Senate Commerce, Science and Transportation Committee as well as the Subcommittee on Aviation, the Subcommittee on Communications, the Subcommittee on Merchant Marine, and the Subcommittee on National Ocean Policy Study.

He is on the Senate Governmental Affairs Committee, and the Subcommittee on Federal Services, Post Office, and Civil Service, the Subcommittee on General Services, Federalism, and the District of Columbia, and the Subcommittee on Oversight of Government Management.

He also serves on the Permanent Subcommittee on Investigations.

In addition to these assignments, Senator STEVENS serves on the Senate Select Committee on Intelligence. Moreover, he serves on the Joint Committee on the Organization of Congress, the Senate Ethics Reform Commission, the Bipartisan Task Force on Senate Coverage, the Joint Committee on the Library, and the Joint Committee on Printing, and is cochairman of the Western Senate Coalition.

He is on the Senate Arms Control Observer Group, and the Senate Rural Health Caucus.

We can only guess when he gets to see his lovely wife, Catherine, and his six children.

So we salute Senator STEVENS for his yeoman service to the Senate as he steps down from the Ethics Committee today.

I know the committee will miss the considerable judgment and experience that TED STEVENS has brought to its deliberations.

Mr. MITCHELL addressed the Chair. The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to consider Executive Calendar No. 96, the nomination of Roberta Achtenberg to be an Assistant Secretary of Housing and Urban Development.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

The PRESIDING OFFICER. The nomination will be stated.

The bill Clerk read the nomination of Roberta Achtenberg, of California, to be Assistant Secretary of Housing and Urban Development.

The Senate proceeded to consider the nomination.

Mr. RIEGLE addressed the Chair.

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

Mr. RIEGLE. Mr. President, I rise now as chairman of the Senate Banking, Housing, and Urban Affairs Committee to present to the Senate the nomination, reported favorably from our committee, of Roberta Achtenberg to be the Assistant Secretary for Fair Housing and Equal Opportunity at the Department of Housing and Urban Development.

The Assistant Secretary for Fair Housing and Equal Opportunity plays a critical role in eliminating discrimination in our Nation's housing markets.

On May 5, just a short time ago, the Banking Committee overwhelmingly reported the nomination of Roberta Achtenberg to this position of Assistant Secretary by a vote of 14 to 4. That is, obviously, a very strong bipartisan vote within our committee.

I believe she brings a wealth of professional experience as a civil rights attorney and local elected official which will significantly enhance the ability of HUD to combat housing discrimination and promote equal opportunity for all citizens, and I strongly support her nomination.

Among the responsibilities of the Assistant Secretary are to advise the Secretary of Housing and Urban Development on policies and issues affecting fair housing and equal opportunity in housing and community development and on matters relating to civil rights.

Specifically, this office administers fair housing laws and regulations prohibiting discrimination in public and private housing on the basis of race, color, religion, sex, national origin, handicap, or familial status; equal opportunity laws and regulations prohibiting discrimination in HUD-assisted housing and community development programs, again, on the basis of race, handicap, sex, age, or national origin; and, finally, equal employment opportunity laws and regulations prohibiting discrimination on the basis of race, color, religion, sex, national origin, handicap, or age.

Let me tell you a little about this nominee. I have seen a lot of nominees over the 17 years I have served in the Senate.

She graduated Phi Beta Kappa from the University of California at Berkeley in 1972. She received her law degree from the University of Utah School of Law in 1975 where she was elected to the Order of the Coif, which is a distinction. She was named the 1989 Management Volunteer of the Year by the United Way of the San Francisco Bay Area, and in March 1993 she was named Woman of the Year for the Third Senate District by the California State Senate.

Let me take just a bit more time to review some of her many accomplishments and her professional background.

She was elected in a citywide election to the San Francisco board of supervisors in November 1990. She serves as a member of the Economic Vitality and Social Policy Committee and has served as chair of the board's Housing and Land Use and City Services committees.

Some of her recent legislative accomplishments include the establishment of occupancy standards for San Francisco residential units to help prevent discrimination against families with children; enhancing protection for tenants against wrongful eviction; supporting construction of affordable housing for low-income families; guaranteeing small business participation in bidding for city contracts; encouraging enhanced compliance monitoring efforts by the city's Human Rights Commission, and helping speed the transition from welfare to permanent employment through augmentation of city-sponsored job training programs.

As a legislator, she also led the successful effort to enhance funding for community-based organizations providing domestic violence shelters through the Community Development Block Grant Program administered by HUD. She authored two ordinances which improve safety and access for persons with disabilities. She helped lead the legislative drive to put in place a children's budget for San Francisco, a fund that expends \$10 million annually to benefit children, youth, and their families.

She authored legislation amending San Francisco's landmark affordable child care fund which requires developers to build child care facilities or contribute to a child care fund for low-income parents. These amendments gave monthly child care subsidies to recent graduates of job training programs to help them get off the cycle of welfare and poverty and into the economic system.

Prior to her election to the board of supervisors, she worked for more than 15 years as a civil rights attorney, law professor, and law school dean. She was a teaching fellow at the Stanford Law School and directed the lawyer skills training programs at the New College of California School of Law where she later became the dean.

She has litigated in State and Federal courts on issues ranging from family law to law reform involving interpretation of the due process and equal protection clauses of the Federal and California constitutions. She has served as the executive director of the National Center for Lesbian Rights and as the directing attorney of the Lesbian Rights Project of Equal Rights Advocates, Inc.

She is also a member of the State Bar of California and is admitted to

practice before the Federal District Court in the northern and central districts of California as well as the U.S. Court of Appeals for the Ninth Circuit. She is also a member of the Bar Association of San Francisco, California Women Lawyers, San Francisco Women Lawyers Alliance, and the Bay Area Lawyers for Individual Freedom. She serves on the board of directors of United Way of the Bay Area which distributes more than \$40 million annually to community-based nonprofits that provide health and human services to the 70 million residents of the San Francisco Bay Area. She is a member of numerous organizations including the Jefferson Elementary School PTA and Congregation Sha'ar Zahav.

As I mentioned, the committee found her, by a vote of 14 to 4, to be extremely well qualified. Among the many highly respected groups that have endorsed her nomination are the National Fair Housing Alliance, the National Center for Youth Law, the National Association of Human Rights Workers, the San Francisco Bar Association, the Asian Law Caucus, the Leaders of the California State Assembly and State Government, and numerous business and community leaders from the bay area and fair housing and human rights organizations across the Nation just to name a few.

During the course of the debate on this nomination, I suspect that many issues will be raised. However, regarding the one issue that counts, and that is her qualification to serve in this job, let me make it absolutely clear that this nominee is superbly qualified to serve in the position as Assistant Secretary for Fair Housing and Equal Opportunity at the U.S. Department of Housing and Urban Development, and I urge my colleagues to support her nomination.

Earlier this week, Secretary Cisneros wrote that—

Miss Roberta Achtenberg is highly capable of serving the Nation in this important position. She has my unqualified support for this job. I'm hopeful that her nomination can move forward expeditiously.

That says it about as well as anything.

I will reserve for now any additional comments until others have spoken.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from California [Mrs. BOXER].

Mrs. BOXER. I thank the Chair very much.

I am extremely pleased to have the opportunity to add my voice on behalf of Roberta Achtenberg, someone I have known for many, many years, someone who has served her community brilliantly.

When you run for public office, that is the ultimate test, and she was elected to the board of supervisors in San Francisco. She has received many

awards from people across the political spectrum.

She is highly qualified for this position and I think it is important for President Clinton that his choice be respected, because he knows Roberta Achtenberg. And I will tell you this, Mr. President. I cannot think of anyone more highly qualified for this post.

During my 16-year tenure in public office, I have met a lot of elected officials. And I have met a lot of community leaders. Some of them lead and some of them follow, and some are content just to go along to get along. But Roberta Achtenberg has courage, foresight, she listens to people, and she leads.

Her background is impressive, as Chairman DON RIEGLE has explained here today. Her commitment is unquestioned. As a civil rights attorney, as a county supervisor elected by the people of San Francisco, and as a legal scholar, Roberta will bring a sense of mission and expertise to the Department of Housing and Urban Development.

After studying her record and reading the nomination hearing records—because Roberta Achtenberg got a resounding vote in the Banking Committee—I am confident that Senators will agree that she will be an outstanding Assistant Secretary for Fair Housing and Equal Opportunity.

I think that we need to consider the commitment we are asking this nominee to make. It is a commitment to fair housing and a commitment to equal opportunity. And to Roberta Achtenberg, these are much more than lofty ideals. We can say those words easily, but this is a woman who has given her life for these things. She tirelessly fought for equal rights, both as an attorney and as an elected county supervisor. These are ideals that she has dedicated her life to.

Whether she was litigating family law cases, representing the poor or the disabled, chairing the Housing Committee of the San Francisco Board of Supervisors, or drafting legislation to prevent housing discrimination, she has listened to diverse communities; she has always built coalitions between them. And she pursues policies that are designed to help all people, Mr. President.

Roberta Achtenberg is a healing person. She brings people together. She gets things done.

Recently, Supervisor Achtenberg drafted a bill to end housing discrimination directed against families with children. Mr. President, we know this is a problem in our country. It certainly was a problem in San Francisco. She knew it because as an attorney, she had represented the families and the poor, disabled, and minorities. She knew what it meant to be discriminated against, to be told that you were not wanted, that you were not the right type of tenant.

But she also knew that under California law, it was difficult to pass local antidiscrimination bills. So she went to work. She crafted legislation very carefully that was consistent with State law. She forged a coalition between the owners, the realtors, the tenants, and children's advocates. And we know, because we are in politics, how tough it is to bring all of those disparate groups together. Roberta Achtenberg did it, and with her skills, that bill was passed.

That bill, Mr. President, gives families with children a voice, and protection that they deserve. So Roberta Achtenberg already has been a champion for families with children.

I tell you about this legislative triumph of Roberta's because I believe it sheds light on her abilities, her abilities to bring people together, to solve problems, to build coalitions, to listen to all sides, and then to get the work done. I tell you about this legislative triumph because it is indicative of the leadership that I know she will bring to HUD.

So, my colleagues, as we confirm Roberta Achtenberg, which I trust and hope and believe that we will, we will be taking a real step forward because we will be saying that discrimination is unacceptable, and we will be saying that the promise of equal opportunity is alive and well in the Senate Chamber, Mr. President, and it is alive and well in this, the greatest Nation in the world.

I yield the floor.

Mr. LOTT addressed the Chair.

THE PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I rise in opposition to the nomination. Over the past few years, I cannot recall having voted against a nomination except for maybe one other occasion. I make it a general rule to give the President the benefit of the doubt on his nominations, but I do have a higher responsibility. There is a responsibility under the Constitution of the Senate to advise and consent. I have a responsibility to look at the record of nominees. I have a responsibility to look at the positions they advocate; their ethical conflicts, if they have any, and whether or not they have any legal problems.

But I have looked at this nominee. I feel very strongly that she is not the right person for this position at the Department of Housing and Urban Development.

It has already been stated that the President knows the nominee personally, and that is his choice. I understand. Earlier today, I spoke about my concerns about one of his nominees. But because there was not ethical or legal that I felt was serious enough to derail the nomination, I went along with it. This one I feel is a major problem. I will set out the reasons why.

But I also want to remind my colleagues in the Senate that our disposi-

tion this year has been to cooperate with the President, to cooperate with the administration, to move the nominations through the Senate in a reasonable and expeditious manner, after we have asked the questions and after we have satisfied ourselves that there was no major problem.

We, in fact, confirmed all of his Cabinet nominees but one in record time, even though I had major problems with a number of the Cabinet nominees. I raised some objections as we went forward. Other Senators did.

But we said: OK, Mr. President, we think this nominee or that nominee is a problem for our country and will be a problem for you. But if this is what you want, we will try to cooperate.

But there is a limit to how far I will go. And with this nominee, the limit has been reached. Roberta Achtenberg should not be confirmed as Assistant Secretary of Housing and Urban Development for Fair Housing and Equal Opportunity.

I am holding up here, Mr. President, today's copy of USA Today. The headline is "Scouts Can Keep 'Duty to God' in Oath."

It is pretty incredible, actually, that an appeals court would be making such a decision on an issue of that nature—but that they would even have to rule. It is so obvious on its face that Scouts—young boys, young girls, Americans—should be able to take an oath of duty to God in a voluntary organization. But here it is: Major appeals court decision, front page, USA Today.

The appeals court decision in Chicago affirmed the right of the Boy Scouts of America to keep "duty to God" in its oath. The court found that civil rights laws do not apply because the Boy Scouts is a "private, voluntary organization, not a place of public accommodation."

The majority opinion went on to say "single-parent families, gang activity, the availability of drugs and other factors have increased the need for support structures like the Scouts."

I could not agree more with this ruling and the court statements. They are so obvious on their face.

I also believe that the vast majority of Americans strongly agree and even applaud such a commonsense ruling. But the nominee before us certainly has disagreed with that right of the Boy Scouts. She has disagreed with that.

But before I go further, I would like first to put the Senate's responsibility here in proper context. The Senate faces the nomination of Roberta Achtenberg to be confirmed to this very important Assistant Secretary position at HUD. As is the case with any nominee, the Senate is responsible to look at the qualifications, temperament, and character of the individual.

The record is clear. This nominee is neither qualified nor temperamentally

fit for this position. I am going to explain why.

Her record is one of intolerance, discrimination, and vendetta against those who do not share her values or beliefs. Against those which hold convictions of conscience different from her own, she has used her public and private position to punish, extort, and wage economic war.

She has publicly sanctioned the activities of those who terrorize, disrupt, and intimidate those whose religious beliefs are different from her own. And according to the nominee's own words, she does not possess the experience to qualify her for the position to which she is nominated. That is her record. No amount of rhetoric here on the floor can cover up what she has said and done.

I want to reemphasize that the issue before us today is not one of sexual preference or orientation, it is whether the nominee is qualified and temperamentally fit for the position to which he or she may be nominated.

Let me talk about the qualification and experience issue first, because I think that is very important. I think there is a pattern developing here with the nominees. More and more of these second-tier nominees are not really qualified for the positions they are being given. More of them, it seems, at this level are representative of activist/extremist positions.

So the pattern seems to be developing here. So let us examine what the nominee says of her experience in fair housing law. She stated—and I did not say it; these were her own words—"I am not a fair housing expert by a long shot." She said herself that, "I am not a fair housing expert by a long shot. I've done public interest law, and in my capacity as county supervisor I've dealt with fair housing issues." That was in the Washington Times on February 6, 1993.

So what is the judgment of others who are experts in the field? John Relman, director of the Washington Lawyers Committee for Civil Rights Fair Housing Projects, states: "She doesn't have a lot of experience in fair housing, but her instincts are good."

Well, I am not sure whether her lack of experience or her instincts concern me most in this case.

"In a letter last month to HUD Secretary Henry Cisneros, about 40 civil rights groups urged him to appoint someone with extensive background in fair housing litigation, experience she admittedly lacks." Another quote from the Washington Times on February 6, 1993.

So even groups that would be directly involved with the decisions by a person in this very important position in the Department of Housing and Urban Development, 40 civil rights groups, urge that we have a person with an extensive background. She

says herself that she does not have that; she has limited experience in this particular area. Does she have the experience or qualifications for the position? The nominee answers for us. No.

The question of temperament. I think we should examine a nominee's temperament not just for a judicial position, but for other positions of key importance in the various departments of the Federal Government, the sub-Cabinet Secretary level.

Is she tolerant of the views of others? Can she administer her duties fairly and without bias? Or will she be a militant extremist promoting a narrow special interest agenda? What does her record say? This is not something that we are making up. We are talking about a long record that has been written about and talked about for years. This is not an unknown nominee.

In regard to the Boy Scouts—the Boy Scouts, which is not exactly a sinister organization; it is the kind of organization we need more of in America—these are her words: "Do we want children learning the values of an organization that * * * provides character building exclusively for straight, God-fearing, male children?"

Why not? It is a voluntary organization. I think there should be lots of organizations that have God-fearing people in them, with all kinds of opportunities to learn and study issues. What is the problem here? I cannot believe she would ask such a question. And this person is going to be in charge of fair housing and equal opportunity in the Department of Housing and Urban Development? These words are extremely disturbing to a lot of Americans. Even more disturbing are the actions taken by the nominee to force her values upon the Boy Scouts. Her words and deeds demonstrate an extreme intolerance of those who have differing values and belief systems, an intolerance which led to a campaign of punishment and extortion against the Boy Scouts, which I emphasize again is a private, voluntary organization.

Let me tell my colleagues here on the floor, believe me, your constituents are aware of this nomination. I was home this weekend and spent basically 3½ days there, and when you go to places like Ashland, MS, people come up on the street and say: What is this? You are all going to put this person that attacked the Boy Scouts in a high level position in the administration? What is going on in Washington?

As an elected San Francisco supervisor and board member of the United Way of the bay area, she led the effort to kick the Boy Scouts out of the public schools and to have the United Way and other corporate sponsors withhold funding from the Scouts. She conditioned continuing funding on the reversal of the Boy Scouts' policy of excluding homosexuals.

As a supervisor, she introduced a resolution "urging the Boy Scouts to

abolish its policy of barring lesbians, gays, and bisexuals from working with the youth group" and called on the city's congressional delegation and State legislators to amend the Scouts' congressional charter.

What more could she do to the Boy Scouts, as if this is some sort of subversive organization? Was that not enough? No. What the nominee did next disturbs me more than anything else. Roberta Achtenberg used her public position to threaten and extort any corporation that would have the audacity to support the Boy Scouts. As a supervisor, she introduced a resolution urging the city of San Francisco to sever its ties with the Bank of America because the Bank of America resumed its funding to the "dreaded" Boy Scouts.

A letter to the editor of the San Francisco Chronicle dated December 8, 1992, had the following to say about her:

The tantamount to extortion threats, led by supervisor Roberta Achtenberg, to transfer funds from the Bank of America because of its support of the Boy Scouts of America only confirms the twisted mind of those who can find no way other than by tearing down what is good and wholesome in others.

This is the person you want to have at the Department of Housing and Urban Development as the Assistant Secretary for Fair Housing and Equal Opportunity? The letter to the San Francisco Chronicle calls it a "twisted mind" that would try to tear down the Boy Scouts. Beware, Eagle Scouts, you are in danger.

I ask my colleagues to think about this, because this is a very important position. Will her pattern of extortion and intimidation continue, this time in a Federal Government high-level position? Will she use the power of her office to force cities and counties to enact special rights and affirmative action plans for homosexuals or have their Federal housing funds cut off? Gees, this is a great position for that threat and extortion. Will she force religiously motivated private landlords to rent to unmarried cohabitating couples, whether such couples are homosexual or heterosexual?

Yes. I would be willing to lay your odds of a sort that is exactly what she will do.

Her record, her pattern answers for us. The answer is, that the nominee would use the power of her office to discriminate and punish those which disagree with her.

Will she respect and tolerate the traditional values and convictions of others? The answer, in her words is an emphatic no. She states in a 1985 speech:

We are building our own tradition of family, for which we demand recognition and respect. We are entitled to love and protect our partners, to keep the children we have, to have the children we want, to teach and counsel the children of others.

I might want to know what they are going to teach and counsel the children

of others. Those are her words in the Advocate, May 1988, the 24th of that month.

Does she support the actions of groups which harass, disrupt, terrorize, and intimidate those which hold religious convictions different than her own? Again in her words, when asked about the group Act Up. "I love 'em. There is a very significant place both historically and in general political analysis for the nonviolent dramatic demonstrations. That's always been a part of the Gay and Lesbian Liberation Movement and they're the most recent manifestation of that tradition. They are very, very needed."

Act Up is the group which has disrupted religious services, harassed, intimidated, and terrorized priests and parishioners alike. They violate a period which the religious hold as holy and sacred.

Roberta Achtenberg, the nominee, endorses and supports the actions of Act Up. In her own words I would like to ask this administration if they support Act Up's harassment and terrorism of Catholics and other religious groups simply because they hold beliefs different than the radical and militant homosexual community that they represent? Do they share Roberta Achtenberg's enthusiasm for Act Up?

It strikes me as ironic that we in this body and we in this Government have done everything within our means to stop this type of terrorism and intimidation in the churches across our land.

Whether the intimidation was based upon race, or upon political or religious views, this Government did all it could to protect the sanctity of religious practice. Yet here we have a nominee who loves Act Up's methods and who supports their activities.

Moreover, Roberta Achtenberg has participated in events and parades where those with religious views were ridiculed and parodied. At a San Francisco parade where she was an honored guest and participant, there were graphic depictions of God sodomizing Uncle Sam while a Boy Scout looks on. And there are numerous other examples which I will not cite.

Would these offensive depictions be tolerated if they were against a minority group or even homosexuals? No—they would rightfully be condemned. The bigotry would not be tolerated. If another nominee came before this body with such a history of insensitivity and intolerance, the nominee would be rejected.

I ask my colleagues to apply a common standard to all nominees. I ask them to reject the double standards and hypocrisy of allowing some groups to actively discriminate, hate, and intimidate while holding others to a different standard. For the legitimacy and credibility of this body, I ask this body to apply a common standard and reject the nomination of Roberta

Achtenberg to be Assistant Secretary of HUD for the Office of Fair Housing and Equal Opportunity.

The nominee is neither qualified nor temperamentally fit to assume the post for which she is nominated. The record bears this out.

I urge my colleagues to reject the nominee because she does not represent the tradition of tolerance upon which this Nation was founded and upon which the health of our communities depends.

Mr. President, I also ask unanimous consent to print in the RECORD a number of editorials and articles in newspapers all across this country so that my colleagues can review this material.

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

**ROBERTA ACHTENBERG ON GAY BOY SCOUTS
ECONOMIC TERRORISM: THE PAST IS PROLOGUE**

Roberta Achtenberg was nominated by President Clinton to serve as assistant secretary for fair housing and equal opportunity in the Department of Housing and Urban Development. Achtenberg's hometown San Francisco Examiner has encouraged Congress to focus solely on her political agenda in determining whether or not she should be entrusted with this position.

"We've disagreed with Achtenberg on numerous issues, including her attempt to punish the Bank of America for its charitable donations to the Boy Scouts, but we think she should be judged on her politics, not her personal life." (Emphasis added.) (Editorial, The San Francisco Examiner, 5/9/93.)

During her nomination hearing before the Senate Banking, Housing and Urban Affairs Committee, Achtenberg denied having tried to expel the Boy Scouts from public buildings.

"Senator Faircloth. *Did you not support expelling the Boy Scouts from public buildings?*"

"Ms. Achtenberg. *No Senator, I did not. And with regard to the United Way funding issue, let me explain.*" (Emphasis added.) (Achtenberg Nomination Hearing, U.S. Senate, Committee on Banking, Housing and Urban Affairs, 4/29/93.)

Achtenberg then made no effort to expound on the many ways she tried to inflict economic pain on San Francisco's Boy Scouts and the Bank of America, which refused to abandon the Scouts. Instead, she focused on the "unanimous" efforts undertaken by the San Francisco United Way of the Bay Area board to curb funding for the Boy Scouts.

"I sit on the Board of Directors of the United Way of the Bay Area, which is a nine county-wide charity.

"Our charity has a governing rules of conduct, namely that anyone who receives our money, in order to provide health and human services to the public, has to agree to provide those services on a nondiscriminatory basis."

"We engaged with the Boy Scout Councils over a year long process to determine whether or not they were willing to adhere to our governing principles.

"After a year of investigation and negotiation, it was determined by our Board of Directors, by a unanimous vote of our Board of Directors, I might add, that those Boy Scout Councils did make a distinction between boys who were eligible for their services. Namely, that they would not provide services to boys who self-identified as gay or bisexual.

"And it was on that basis that the Board of Directors of the United Way, by unanimous vote, agreed to withdraw funding for the Boy Scout Councils unless and until they agreed to serve all boys with the funds that we provided them." (Emphasis added.) (Achtenberg Nomination Hearing, U.S. Senate, Committee on Banking, Housing and Urban Affairs, 4/29/93.)

Actually, Achtenberg's vendetta against the Boy Scouts began in 1988 when San Francisco's United Way of the Bay Area proposed an affirmative action policy. Not only did this policy prescribe the hiring of homosexual scout leaders, it called for "gay sensitivity" training sessions.

"Boy Scouts, YMCA's and scores of charities would be required to hire gay leaders and staff members under an affirmative action policy proposed by the San Francisco Bay Area's largest United Way.

"If the proposal is adopted, groups that defy the policy would lose their United Way funding."

"The proposal—which has caused some dismay among the United Way's 287 agencies—also calls for 'gay sensitivity' training sessions for the agencies, which provide a multitude of social and health services." (Emphasis added.) (Houston Chronicle, 8/19/88.)

Achtenberg reportedly worked on this affirmative action policy.

"The proposed affirmative action policy was written after 2 years of surveys and committee hearings on how to include gay people in United Way programs. The proposal sailed through a 'policy review committee' Tuesday without a dissenting voice and will be presented to the United Way Bay Area board of directors in September or October.

"Those who worked on the proposal said it has strong support from the United Way 'hierarchy' and is expected to be approved by the board.

"People believe it's about time the United Way agencies reflect the diversity of the Bay Area community," said lesbian activist Roberta Achtenberg, a former United Way board member and co-chair of the organization's task force on gay issues." (Emphasis added.) (Houston Chronicle, 8/19/88.)

When the Boy Scouts' Quentin Alexander protested the implications this decree would have on the organization's national policy, * * *

"Homosexuality is not an acceptable lifestyle for leaders, who must be role models," said Alexander, noting that gays are not allowed to be scout leaders or staff members."

"In an interview this week, Alexander of the Boy Scouts' Mt. Diablo Council pointed out that its anti-gay stance is the 'national policy' of the Boy Scouts." (Houston Chronicle, 8/19/88.)

* * * Achtenberg said "tough."

"That's just tough," responded Achtenberg." (Emphasis added.) (Houston Chronicle, 8/19/88.)

Achtenberg articulated her willingness to rely on economic terrorism to get her way.

"Basically, we would shake our fingers at them and say you've got to be more diverse," she said. "But we would make make [sic] it clear that is the policy. It's like holding the money in the left hand and wagging the finger with the right." (Emphasis added.) (Houston Chronicle, 8/19/88.)

Nearly 2 years later, the United Way of the Bay Area announced its intention to reconsider a grant application made by the Mount Diablo Council Boy Scouts. The United Way was ready to accept the Boy Scouts plan to establish a gay inclusive program called "Learning for Life."

"The United Way of the Bay Area, saying it is satisfied with the Boy Scouts of Ameri-

ca's plans for a separate national program that will include gays, announced yesterday that it will resume financing the organization.

"Scouts spokesman Blake Lewis said the organization will offer a 'subsidiary' program—called Learning for Life—that will be based in the public schools and provide activities similar to those of the Boy Scouts.

"We recognize that we need to reach a different population with different requirements," said Lewis. "In no way does the establishment of this program send the message that we are altering our traditional values in scouting."

"The Bay Area United Way, which provided about \$848,000 to six local scouting councils in the 1991 fiscal year, has challenged the Scouts' policy of barring gays. Several weeks ago, the Mount Diablo Council Boy Scouts lost a \$9,000 United Way grant because they refuse to admit gays as members or troop leaders.

"The Mount Diablo chapter will be able to reapply for the \$9,000 grant, United Way officials said." (The San Francisco Chronicle, 8/13/91.)

Although United Way's leadership applauded the Boy Scouts effort to compromise, * * *

"We're definitely applauding this move," said John Stafford, vice president of community affairs for the United Way of the Bay Area. "This is a sign that the Boy Scouts are not absolutely steadfast in hewing to their old line. But we are under no illusions that this meets United Way requirements." (Emphasis added.) (Chicago Tribune, 8/15/91.)

* * * Achtenberg was not satisfied.

"Movement in Learning for Life, in the Boy Scouts of America and in scouting leadership will be when they no longer discriminate against lesbians and gays. That would be enough," said Achtenberg, who is gay.

"Do we want children learning the values of an organization that provided the Learning for Life program but has another part that provides character-building exclusively for straight, God-fearing male children?" (The San Francisco Chronicle, 8/13/91.)

Achtenberg lectured the Boy Scouts on "the essence of scouting."

"The fact that they have created a second program that's school-based that have the Scout emblems attached to it and is open to girls or agnostics or atheists is nothing," said Roberta Achtenberg, a San Francisco supervisor and United Way board member. "This is clearly a second-class program. It doesn't capture the essence of scouting." (Emphasis added.) (Chicago Tribune, 8/15/91.)

Tom Ammann, a member of San Francisco's school board, announced his intention to ban the Boy Scouts from public schools.

"Angered by what he called 'separate but equal' programs, San Francisco School Board member Tom Ammann said he will call for a ban on Boy Scouts in district schools at today's school board meeting." (The San Francisco Chronicle, 8/13/91.)

In 1992, the United Way of the Bay Area's board, on which Achtenberg served, voted unanimously to withhold money from local Boy Scouts until they repudiated their national leadership.

"The board of United Way of the Bay Area voted unanimously Thursday to cut off funding for Boy Scout groups in five counties unless local troops repudiate a national Scouts policy excluding gays." (The Sacramento Bee, 2/21/92.)

The ransom was approximately \$1.2 million a year.

"At stake is about \$1.2 million per year, which makes United Way the Scout councils'

largest single donor." (The Sacramento Bee, 2/21/92.)

The United Way of the Bay Area based its decision on a report conducted by a task force it had instructed to study the issue of gays in scouting. The task force's chairman equated Boy Scout leadership to a laboratory which should be open to homosexuals.

"Boy Scout programs provide a laboratory for leadership," said Dave Wharton, a gay lawyer who cochaired a task force study of the issue. "The door should be open to everyone." (Emphasis added.) (The Sacramento Bee, 2/21/92.)

Achtenberg proclaimed the task force's report a "small masterpiece."

"San Francisco Supervisor Roberta Achtenberg, a lesbian who, like Wharton, sits on the United Way board, praised the task force report as 'a small masterpiece.'" (Emphasis added.) (The Sacramento Bee, 2/21/92.)

As a member of San Francisco's Board of Supervisors, Achtenberg used her power in an attempt to punish Bank of America for its decision to grant the Boy Scouts \$18,000. The bank had previously caved into pressure from homosexual groups who claimed the Boy Scouts discriminated against homosexuals.

"I have asked the treasurer to look into the extent and nature of the city's dealings with Bank America," Achtenberg said, "to see how cumbersome or complex or costly it would be to consider using the services of another bank."

"Achtenberg serves on the Board of Directors for the United Way of the Bay Area, the first major organization to cut donations to the Boy Scouts because of its anti-gay policy. She said that she was involved with discussions with Bank of America over its latest action.

"The Boy Scouts have not changed their policy—contrary to alleged assertions from Bank of America that they have," she said. "We want to reacquaint the bank with the facts, and hopefully they will reverse themselves again." (Emphasis added.) (The San Francisco Chronicle, 8/25/92.)

"The bank's claim there is no discrimination is 'without merit,' Achtenberg said. 'I am concerned that in the face of evidence showing continued institutionalized homophobia, the Bank of America continues to fund the Boy Scouts, and I feel the city and country is compelled to take action to show our strong disapproval.'" (The San Francisco Chronicle, 9/22/92.)

Achtenberg wanted to penalize the Bank of America \$6 million for making a charitable decision contrary to her wishes.

PUNISHING THE BANK

"Also yesterday, Supervisor Roberta Achtenberg introduced a resolution calling for the city to transfer \$6 million out of the Bank of America."

"The money would be removed from several revolving and lockbox accounts." (Emphasis added.) (The San Francisco Chronicle, 9/22/92.)

Achtenberg felt her \$6 million fine would return sensibility to Bank of America's officials.

"She had no specific reason for choosing \$6 million, other than it seemed to be an amount that would get Bank of America's attention and make a statement, she said.

"The transfer of \$6 million to \$7 million from the Bank of America will send a clear message that policies that foster and encourage discrimination will not be tolerated in our city," Achtenberg said." (The San Francisco Examiner, 9/22/92.)

Achtenberg's resolution passed the board of supervisors' finance committee 3-0.

"The resolution, passed by a unanimous 3-0 vote by the Finance Committee Wednesday, will return to the full board Dec. 14." (The San Francisco Examiner, 12/3/92.)

Achtenberg's resolution then passed on December 22, 1992.

"San Francisco's supervisors voted yesterday to urge the city to pull \$6 million from the Bank of America to protest the bank's decision to allow corporate donations to the Boy Scouts." (The San Francisco Chronicle, 12/22/92.)

San Francisco's Mayor Frank Jordan vetoed Achtenberg's measure which would have cost local taxpayers \$30,000 and ignored the bank's history of charitable giving.

"But Mayor Frank Jordan vetoed the resolution, which would have cost the city \$30,000 in bank penalties, calling it 'misdirected.' BofA, he said, 'has shown itself to be an outstanding corporate citizen that has a record of major gift-giving, including to gay and lesbian-interest groups.'" (Emphasis added.) (The Los Angeles Times, 12/30/92.)

Achtenberg vowed revenge.

"Supervisor Roberta Achtenberg, who sponsored the measure, said that she will seek to override the veto." (Emphasis added.) (The Associated Press, 12/24/92.)

Despite Achtenberg's desires, San Francisco's Board of Supervisors failed to override the mayor's veto of her resolution.

"In a close vote that outraged many members of San Francisco's gay community, the city's Board of Supervisors yesterday failed to override a mayoral veto of legislation to pull city money from the Bank of America because of its support of the Boy Scouts.

"The attempted override, which failed by one vote, would have set aside Mayor Frank Jordan's rejection of a measure withdrawing \$6 million from the bank. Supervisor Roberta Achtenberg sponsored the measure, which was approved by the board last month, after the Bank of America reversed an earlier decision and said it would continue to give money to the Scouts." (The San Francisco Chronicle, 1/5/93.)

Achtenberg was defiant to the end.

"It was important for this city to say that we don't want to do all of our business with entities that yield to right-wing pressure," Achtenberg said after the vote." (The San Francisco Examiner, 1/5/93.)

Interestingly, The San Francisco Examiner's City Hall reporter Jane Ganahl and KCBS Newsradio's City Hall bureau chief Barbara Taylor, suggested that Achtenberg merely used this entire issue to score political points with the gay and lesbian community, while trying to embarrass San Francisco's mayor.

"There was a lot of needless snorting and foot-stomping about Mayor Jordan's decision to keep \$6 million in city money in the Bank of America despite the money in the bank's contributions to the Boy Scouts, which won't allow gay members.

"Here's the story:

"By the time the Board of Supervisors resolved to withdraw the money, a vote the mayor vetoed on Christmas Eve, BofA had already quietly withdrawn its bid for the account.

"City Treasurer Mary Callanan says she put the account up for competitive bids in September after Supervisor Roberta Achtenberg came to her looking for fiscally responsible ways to send a message to BofA and the Boy Scouts."

"Says one City Hall Insider: 'Roberta knew it was going to happen (the bidding) so she thought why not go ahead and do it and force the mayor to choose between the gay and lesbian community and the business community.'

"I really think she thought she could strike a deal with BofA. In fact, she had a meeting with them and asked them to give up something that wouldn't hurt her or them but would look like she fixed it. But instead it became a divisive issue that did nothing for the lesbian and gay community.'" (Emphasis added.) (column, The San Francisco Examiner, 1/7/93.)

Although Achtenberg claims to have been representing her constituents, Rev. Lou Sheldon with the Traditional Families Coalition pointed out that, if confirmed, she would represent the entire country.

"San Francisco is not America. She'll now be serving all Americans, and there's a big difference between San Francisco and Macon, Ga., or Bowie, Md.'" (Emphasis added.) (The Baltimore Sun, 5/9/93.)

Mr. Sheldon stopped short of making an excellent point. It should also be noted that there's a big difference between San Francisco and Norfolk, Va.; Nashville, Tenn.; Tucson, Ariz.; Harrisburg, Pa.; Kalamazoo, Mich.; * * *

Mr. LOTT. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from California [Mrs. FEINSTEIN].

Mrs. FEINSTEIN. I thank you very much Mr. President.

Mr. President, I rise to join and associate myself with the comments of the chairman of the distinguished Banking Committee and my colleague, Senator BARBARA BOXER from California, all of us strongly supportive of Roberta Achtenberg's nomination for Assistant Secretary of Fair Housing for the Department of Housing and Urban Development.

Mr. President, as you know, I was mayor of San Francisco for 9 years. It is the city of my birth. I have lived there all my life. I have had the opportunity to know, observe, and watch Roberta Achtenberg as a supervisor and as a citizen, and I believe she is in fact qualified to serve in this position and that she will do well, with distinction and merit and provide the kind of services of which the people of this Nation will be proud.

Roberta Achtenberg has been a civil rights attorney, a teacher of law, a San Francisco County supervisor. She has been named by our President to become this Assistant Secretary. Through her dedicated service she has fought hard to make life better for families, for women seeking child care, for tenants wrongly evicted, for abused women in need of shelter. Today, we can confirm this nomination and say to those Americans who are victims of housing discrimination—and yes it does go on—we care, we know your concerns and we mean business.

Most of all, we want in this position an advocate and an expert who will speak out to ensure that our housing laws are fairly enforced. I believe Roberta Achtenberg is well suited for this assignment.

She fought hard on the boards of supervisors to pass legislation that would establish occupancy standards for San

Francisco residential units to prevent discrimination against families with children, as well as to protect tenants against wrongful eviction.

She authored legislation to construct affordable housing for low-income families and to guarantee small businesses participation in the bidding for city contracts.

She worked to see the community development block grant funding from HUD was used to support domestic violence shelters.

And she authored two ordinances to improve safety and access for persons with disabilities.

She led the legislative drive to put in place a children's budget for San Francisco, a fund that today spends \$10 million annually to benefit children, youth, and their families.

As an attorney, she has appeared in both State and Federal courts to argue cases ranging from family law to interpretations of the equal protection clauses of the U.S. Constitution. She is a member of the State bar in California. She is admitted to practice before the Federal district court in the northern and central districts of our State, and the U.S. Court of Appeals for the Ninth Circuit.

Her involvement in community affairs is extensive. She is a member of a number of organizations: The Bar Association of San Francisco, the California Women Lawyers Alliance, the Bay Area Women Lawyers Alliance, and Bay Area Lawyers for Individual Freedom.

She currently serves on the board of directors of the United Way of the Bay Area and Jefferson Elementary School Parents Teachers Association.

Mr. President, listening to the history that surrounded the Boy Scout issue in San Francisco, one would come to believe that Roberta Achtenberg alone on the United Way board changed the policy. And that is not the case. The United Way board of directors is 60 people. They range from chairmen of some of San Francisco's largest corporations: Chevron, PG&E, Shaklee, heads of educational institutions, and civic leaders. The 60-member board unanimously decided to discontinue support to five Boy Scout councils in the San Francisco area, because of its discriminatory membership policies.

The United Way has a policy of not funding organizations that discriminate on the basis of race, national origin, gender, age, disability, religion or sexual orientation. So protections against discrimination based on sexual orientation were part of the United Way's policy in 1986. Roberta Achtenberg did not become a member of that board until 1988. So what that board was doing was simply carrying out its own policy.

I want also to point out, Mr. President, that Roberta Achtenberg's nomination has received widespread sup-

port. It has been endorsed by the National Fair Housing Alliance and by housing organizations that range from Orange County, CA, to Oklahoma City, OK; from Buffalo, NY, to Detroit. Let me give you a few of them:

The Fair Housing Center of Metropolitan Detroit; the Fair Housing Congress of Southern California; the Fair Housing Contact Service of Akron, OH; the Fair Housing Council of Fox Valley, Appleton, WI; the Fair Housing Council of Louisville, KY; the Fair Housing Council of Orange County, CA; the Fair Housing Council of Oregon; the Fair Housing Council of Riverside, CA; Fair Housing Council of San Francisco; Fair Housing Council of Toledo, OH; the Housing Discrimination Project, Inc.; Housing Opportunities Made Equal for Buffalo; Housing Opportunities Made Equal for Greater Cincinnati; Housing Opportunities Made Equal for Richmond, VA; Housing Opportunities Made Equal for Northern Delaware.

Her support crosses this Nation. She is supported by African-American church leaders, including the Reverend Cecil Williams of Glide Memorial United Methodist Church, one of San Francisco's largest, with a membership of over 3,000 one of the most active churches in the area of housing; Father Jim Goode of St. Paul of the Shipwreck Catholic Church in San Francisco; the Chinese Community Housing Corp.; the National Center for Youth Law; and the San Francisco La Raza Lawyers Association. The list goes on and on.

Why? Because the answer is really simple. Roberta Achtenberg is a strong and positive person. She is not an extremist, as some would have us believe. She is a sound, stable person. To have a conversation with her, to know her personally is to know that.

She is an advocate for fair housing standards. That is what we want in this position. She is someone who will speak out to ensure that renters are not discriminated against because of another's prejudice or bigotry. So she has courage and we would want that also.

Mr. President, I submit to you that Roberta Achtenberg is the finest nominee we could hope to confirm for this position.

Her record is strong and consistent. She has earned the respect of her peers and—more importantly—the people she will serve, who, after all, are the faceless, nameless residents who look for housing; the young mothers, who cannot afford child care; the disabled American, unable to rent quality housing; young parents turned away from housing because of their ethnic heritage.

This is an important appointment to a community that has often felt excluded from the decisionmaking process.

As U.S. Senators, it is our responsibility to confirm those who are quali-

fied candidates for a President's administration. When we review the record, the quality and the credentials come across as being very positive, I believe, for Roberta Achtenberg.

This nomination was sent to us after careful review by the Senate Banking Committee. It enjoys bipartisan support.

It is my hope that the Senate will confirm this nomination quickly and reach the same bipartisan accord that is so richly deserved.

Roberta Achtenberg, I believe, has performed well in the past in local government and will perform well again and in the tradition of excellence. And, as she does, the doors of opportunity will open once again. Let us swing those doors open today, once and for all.

Thank you.

Mr. RIEGLE. Will the Senator yield? Mrs. FEINSTEIN. Yes, I will.

Mr. RIEGLE. I just want to make a reference, and I will be very brief because I know the Senator from North Carolina is waiting to speak.

The Senator from California made a reference to the endorsement of a major national organization called the National Fair Housing Alliance.

I will ask unanimous consent to put into the RECORD shortly the list of people who participate in that national organization. But allow me to just assert that it is the premier organization in the country that deals with the question of housing opportunities and fair housing.

They have written a letter to me, dated April 7 of this year, in support of this nomination.

If I may, I want to just read three or four lines from it. I will not read it all, but I think it is relevant to the observation made by the Senator from California. They express here their "unqualified support of Ms. Achtenberg based on our review of her career in civil rights enforcement and her commitment to equal opportunity."

But listen to this:

Members of the Executive Committee of NFHA and staff have had several meetings with Ms. Achtenberg. We have also spoken with fair housing advocates and her former colleagues in California and reviewed her career as an attorney, teacher, and public official. Her record is distinguished and impressive, and represents a life of personal commitment and professional expertise.

They go on to say:

President Clinton has nominated a highly qualified, competent and motivated person for Assistant Secretary of Fair Housing and Equal Opportunity.

They then go on to say that they have also "discussed with Secretary of Housing and Urban Development Henry Cisneros the qualifications we believe are essential."

And they say:

In our discussions with Ms. Achtenberg, we found her to be thoughtful about the law and its implications for our neighborhoods and

country; intelligent, revealed in the speed of her acquisition of knowledge of the acuity of her perception; sensitive to the needs of the victims of discrimination as well as the concerns of the housing industry; understanding of the role private fair housing organizations can and should play in the achievement of equal access to housing; creative and to the point in her approach to problem solving; and committed to the full enforcement of the fair housing laws.

And they conclude—I am omitting a paragraph or two, which will be included in the presentation of the letter in the RECORD—they conclude by saying:

We urge the Senate to expeditiously approve the nomination of Ms. Roberta Achtenberg.

I only take the time to say this in response to the Senator from Mississippi, because a question was raised as to qualifications.

I can say, in addition to the work done by the committee of jurisdiction here, which I am here representing, and the strong majority bipartisan vote within that committee, this organization, the National Fair Housing Alliance, I would say is probably the single most qualified outside body to assess the qualifications of this candidate. They have done so. They have given her a ringing endorsement, and I think properly so, based on her professional qualifications and readiness.

I hope that that would adequately respond to the questions raised in that area, because clearly this is an exceedingly well-qualified nomination.

I ask unanimous consent that the letter be printed in the RECORD.

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

NATIONAL FAIR HOUSING ALLIANCE,
Washington, DC, April 7, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing,
and Urban Affairs, Dirksen Senate Office
Building, Washington, DC.

DEAR SENATOR RIEGLE: At the quarterly meeting of the National Fair Housing Alliance on March 27, 1993, the Board of Directors voted unanimously and enthusiastically to support the nomination of Ms. Roberta Achtenberg as Assistant Secretary of Fair Housing and Equal Opportunity of the U.S. Department of Housing and Urban Development. This unqualified support of Ms. Achtenberg is based upon our review of her career in civil rights enforcement and her commitment to equal opportunity.

Members of the Executive Committee of NFHA and staff have had several meetings with Ms. Achtenberg. We have also spoken with fair housing advocates and her former colleagues in California and reviewed her career as an attorney, teacher, and public official. Her record is distinguished and impressive, and represents a life of personal commitment and professional expertise to the job because HUD has failed to effectively enforce the Fair Housing Amendments Act of 1988. As a result, there has been no decrease in segregation; and redlining and disinvestment by lending institutions and insurance companies has continued unabated in minority and integrated neighborhoods in the United States. President Clinton has nomi-

nated a highly qualified, competent and motivated person for Assistant Secretary of Fair Housing and Equal Opportunity to address these problems.

The National Fair Housing Alliance was founded in 1988 and represents private nonprofit fair housing agencies throughout the country. It is the only national organization whose concern is solely the elimination in the United States.

NFHA's constituent members, the private fair housing agencies, have compiled an impressive record of success in fair housing enforcement because they have combined vigorous representation of the victims of discrimination with equally vigorous advocacy for institutional change. Today these private fair housing organizations play an essential role in the education about and enforcement of the fair housing laws, effectively utilizing the system established by Congress and various states and localities, and complementing the work of the government enforcement agencies.

The members of the Alliance are dedicated to making all housing accessible regardless of race, color, religion, sex, familial status, disability or national origin.

In January, NFHA discussed with Secretary Henry Cisneros the qualifications we believe are essential in the Assistant Secretary for Fair Housing and Equal Opportunity. Secretary Cisneros expressed his complete confidence in Ms. Achtenberg's abilities to fill this position. Once we met with Ms. Achtenberg we agreed fully with the Secretary. In our discussions with Ms. Achtenberg, we found her to be thoughtful about the law and its implications for our neighborhoods and country; intelligent, revealed in the speed of her acquisition of knowledge and the acuity of her perception; sensitive to the needs of the victims of discrimination as well as the concerns of the housing industry; understanding of the role private fair housing organizations can and should play in the achievement of equal access to housing; creative and to the point in her approach to problem solving; and committed to the full enforcement of the fair housing laws.

The full enforcement of fair housing and fair lending laws is of crucial importance in this country. Discrimination affects not only individuals and families, but neighborhoods and communities. Lack of access to credit, racial steering practices, denial of homeowners insurance, concentration of subsidized housing in low income communities, and restrictive zoning laws have contributed significantly to the physical, economic, and social deterioration of our neighborhoods. We believe Ms. Achtenberg has an accurate perception of the complex nature of systemic discriminatory practices and will use the authority of the Office of Fair Housing and Equal Opportunity to promote the policy of the United States "to provide, within constitutional limitations, for fair housing throughout the United States." We firmly believe that under Ms. Achtenberg's direction there will be vigorous, positive and focused action to combat housing, lending and insurance discrimination.

We urge the Senate to expeditiously approve the nomination of Ms. Roberta Achtenberg as Assistant Secretary for Fair Housing and Equal Opportunity. If you have any questions or if we can provide additional information in support of Ms. Achtenberg's nomination, please feel free to contact us.

Sincerely,

WILLIAM R. TISDALE,
President.

Mrs. FEINSTEIN. Mr. President, before I yield the floor, I ask unanimous consent that a "Dear Colleague" letter sent by Senators RIEGLE, BOXER, LIEBERMAN, and myself be printed in the RECORD, with an attachment.

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

U.S. SENATE,

Washington, DC, May 18, 1993.

DEAR COLLEAGUE: We are writing to ask your support of Roberta Achtenberg, President Clinton's nominee for the position of Assistant Secretary for Fair Housing and Equal Opportunity at the U.S. Department of Housing and Urban Development. On May 5, 1993, the Committee on Banking, Housing, and Urban Affairs favorably reported her nomination by a vote of 14 to 4.

The Assistant Secretary of Fair Housing and Equal Opportunity is responsible for policies and programs affecting fair housing and equal opportunity in housing and matters relating to civil rights. The Assistant Secretary plays a critical role in eliminating discrimination in our nation's housing markets.

We believe Ms. Achtenberg brings with her a wealth of experience as a civil rights attorney, law school dean, and local elected official that will significantly enhance the ability of HUD to address problems of housing discrimination and lack of equal opportunity for all citizens. As an elected member of the San Francisco Board of Supervisors, Ms. Achtenberg has also been a strong advocate for the rights of families and children.

Among the many letters of support the Banking Committee has received from organizations and individuals that are familiar with Ms. Achtenberg's work and abilities, were letters from the National Fair Housing Alliance, the National Organization of Women, the National Center for Youth Law, and numerous fair housing groups from across the nation. Attached is a list of these organizations and individuals that endorse her nomination.

We strongly support Ms. Achtenberg's nomination as Assistant Secretary for Fair Housing and Equal Opportunity at the U.S. Department of Housing and Urban Development and we ask you to join us when her nomination comes before the full Senate.

Sincerely,

Barbara Boxer, Donald W. Riegle, Jr.,
Dianne Feinstein, Joseph I. Lieberman,
Carol Moseley-Braun, Paul S. Sarbanes,
Patty Murray, Paul Wellstone.

ROBERTA ACHTENBERG

Art Agnos, Former Mayor of San Francisco.

Asian Law Caucus, San Francisco, California.

Austin (Texas) Tenants' Council.

Bar Association of San Francisco.

Baltimore Neighborhoods, Inc.

Dr. Paul Brest, Professor of Law and Dean, Stanford Law School.

The Honorable Willie Lewis Brown, Speaker of the Assembly, California Legislature.

California A.D.A.P.T.

California State Association of Counties.

Central Labor Council of Contra Costa County, AFL-CIO, California.

Chinese Community Housing Corporation, San Francisco, California.

Chinese for Affirmative Action of San Francisco, California.

Coleman Advocates for Children and Youth, San Francisco, California.

Community Investment Corporation, Chicago, Illinois.
 Council for Concerned Citizens of Great Falls, Montana.
 The Honorable Gray Davis, Controller, State of California.
 East Palo Alto Community Law Project, California.
 Eden Council for Hope and Community, California.
 Equal Rights Advocates, San Francisco, California.
 Equal Opportunity Department, City of Grand Rapids, Michigan.
 Fair Housing Center of Metropolitan Detroit.
 Fair Housing Congress of Southern California.
 Fair Housing Contact Service of Akron, Ohio.
 Fair Housing Council of Fox Valley, Appleton, Wisconsin.
 Fair Housing Council of Louisville, Kentucky.
 Fair Housing Council of Orange County, California.
 Fair Housing Council of Oregon.
 Fair Housing Council of Riverside, California.
 Fair Housing Council of San Francisco, California.
 Fair Housing Council of Toledo, Ohio.
 Ms. Sarah Flanagan, Esq., San Francisco, California.
 Mr. Al From, Democratic Leadership Council.
 Dr. Peter Gabel, President, New College of California.
 Mr. Jim Gonzalez, FHP Health Care, Emeryville, California.
 Father Jim Goode, Church of St. Paul of the Shipwreck, San Francisco, California.
 F. Kinsey Haffner, San Francisco, California.
 Health Department of the County of Santa Clara, California.
 Mr. Robert Herr, Esq., Pillsburg, Madison, and Sutro, San Francisco, California.
 Mr. David Hopman, Esq., San Francisco, California.
 Housing Discrimination Project, Inc.
 Housing Opportunities Made Equal for Buffalo, New York.
 Housing Opportunities Made Equal of Greater Cincinnati, Inc.
 Housing Opportunities Made Equal for Richmond, Virginia.
 Housing Opportunities of Northern Delaware, Inc.
 Instituto Laboral De La Raza, San Francisco, California.
 International Association of Human Rights Agencies.
 Japanese American Citizens League.
 Mr. Michael A. Kahn, Esq., Folger and Levin, San Francisco, California.
 Mr. Leopold Korins, Chairman and CEO, The Pacific Stock Exchange, Inc., San Francisco, California.
 La Raza Centro Legal, Inc., San Francisco, California.
 Mr. B.N. Lastra, San Francisco, California.
 Lawyers' Committee for Civil Rights Under Law of the Boston Bar Association.
 Local 2 Hotel Employees and Restaurant Employees Union, San Francisco, California.
 Marin Housing Center, San Rafael, California.
 Ms. Shauna Marshall, San Francisco, California.
 The Honorable Leo McCarthy, Lieutenant Governor, State of California.
 Metro Denver Fair Housing Center.
 Metropolitan Fair Housing Council of Greater Oklahoma City.

Midpeninsula Citizens for Fair Housing, Palo Alto, California.
 Mission Community Legal Defense, Inc., San Francisco, California.
 Mr. Bob Mulholland, Political Director, California Democratic Party.
 National Association of Human Rights Workers.
 National Center for Youth Law.
 National Fair Housing Alliance.
 Northwest Indiana Open Housing Center.
 Pacific Gas and Electric Company, Oakland, California.
 Religious Action Center of Reform Judaism.
 Ms. Shelley Elvira Salieri, San Francisco, California.
 San Francisco City and County Human Rights Commission.
 San Francisco Black Fire Fighters.
 San Francisco Labor Council.
 San Francisco La Raza Lawyers Association.
 San Francisco Medical Society.
 San Francisco Physically Disabled Quorum.
 The Honorable Kurt Schmoke, Mayor, City of Baltimore.
 Seattle Human Rights Department.
 Mr. James Seff, Esq., San Francisco, California.
 Mr. Walter Shorenstein, The Shorenstein Company, San Francisco, California.
 South Suburban Housing Center, Homewood, Illinois.
 The Honorable Jackie Speier, Majority Whip, California Legislature.
 Ms. Roselyne C. Swig, San Francisco, California.
 Suburban Philadelphia Fair Housing Council.
 Texas Commission on Human Rights.
 United States House of Representatives, California Delegation, Democratic Members.
 United Way of the Bay Area, San Francisco, California.
 The Honorable Doris M. Ward, Assessor, City and County of San Francisco, California.
 Westside Fair Housing Council, Los Angeles, California.
 Rev. Cecil Williams, Glide Memorial United Methodist Church, San Francisco, California.
 Mr. HELMS addressed the Chair.
 The PRESIDING OFFICER. The Chair recognizes the Senator from North Carolina.
 Mr. HELMS. Mr. President, I wonder if the distinguished Senator from California would clear up a couple of things in my mind.
 She mentioned the resolution before the board of supervisors. Who offered the resolution?
 Mrs. FEINSTEIN. The resolution before the board of supervisors, I would hypothesize, but I will check it out, that Supervisor Achtenberg did.
 Mr. HELMS. That is correct.
 Now the second question, if the Senator would indulge me: Did the mayor veto that resolution that was passed by the board of supervisors?
 Mrs. FEINSTEIN. He may well have. I believe he did.
 Mr. HELMS. He did; of course he did. Was that veto upheld by the board of supervisors?
 Mrs. FEINSTEIN. That is correct.
 Mr. HELMS. I thank the Senator.

Now the truth of the matter is, Mr. President, that the board of supervisors, who yielded in the first place—they felt the heat and they saw the light, which is what happens a lot of times in the political arena.
 Let me say at the outset that we have had great difficulty answering the telephone calls coming to my office. As a matter of fact, in all three of my offices—two in North Carolina and one here, of course—we have had literally hundreds of calls, with fewer than 2 percent coming from supporters of the nominee.
 At least one-third of the calls, for the first 2 or 3 days last week when they really began to roll in came from San Francisco. They said, in effect, time and time again, "Tell old Jesse to hang in there."
 Well, it is not a matter of Jesse hanging in there. It is the American people hanging in there with their resentment of what is about to take place.
 And any Senator who assumes that this is not a national issue should be advised that it is. Not because it is just a nomination, but because we are crossing the threshold into the first time in the history of America that a homosexual, a lesbian, has been nominated by a President of the United States for a top job in the U.S. Government. That is what the issue is.
 If any Senator thinks, Mr. President, that the American people do not understand that issue, maybe one of his or her constituents will explain it.
 Mr. President, about 8 months ago the Senate unanimously passed on a voice vote an amendment that one of the Senators offered—modesty prevents my identifying the Senator—that was intended to remove from the Combined Federal Campaign (the Federal Government's charity drive among Federal employees) those charities that had demanded things of the Boy Scouts of America that should never have been demanded.
 And what were those demands? Senator LOTT stated it well. First, San Francisco Supervisor Achtenberg and other leaders in the San Francisco homosexual movement demanded that the Boy Scouts do two things in San Francisco: One, allow homosexuals to be Scoutmasters; and two, remove all this crazy business, as TRENT LOTT put it, about faith in God and country.
 Do you know what the Boy Scouts said? A great guy named Buford Hill—who was the Boy Scouts regional director in San Francisco when Miss Achtenberg was leading the charge against them—told the homosexuals and the local United Way, "The Boy Scouts' values are not for sale no matter what the price is."
 Hurrah for him.
 Then Blake Lewis, the Scout's national spokesman at their headquarters in Texas, put it this way: "The Boy Scouts' policy has always been the

same. We support traditional family values. We don't believe homosexuals provide a role model consistent with those family values. The Scout Oath and the Scout Law are not up for sale."

Mr. President, that is the issue here this afternoon. I do not know how the vote is going to come out when we vote, if we vote. But I do know that any Senator who assumes that this is just a ship passing in the night had better prepare a good explanation for when he goes home and confronts his constituents.

Sometime, maybe this week or the first part of next week, the Senate is going to vote whether to confirm the President's nominee to be the Assistant Secretary of the Department of Housing and Urban Development's Office of Fair Housing and Equal Opportunity.

My colleagues from California, Senator RIEGLE and others, talk a lot about fair housing. But of course, everybody believes in fairness. So, fairness is not the issue.

However, if fairness was the issue, then the Boy Scouts, and others whom this nominee has used her power of public office to discriminate against, are entitled to some fairness.

You cannot gloss over what the issue is. You cannot pass it by. It is there on the record and I am going to voice it.

The issue is that President Clinton has nominated for a powerful Government post a woman who led the efforts—I repeat, led the efforts—to intimidate San Francisco's Boy Scouts into discarding the principles for which the Boy Scouts of America have stood for the better part of a century.

The nominee is, of course, Roberta Achtenberg, who has, in my judgment, abused her responsibilities as a member of the San Francisco Board of Supervisors—which is San Francisco's equivalent to a city council.

Let me say again, the American people are watching this issue. They know what is going on. TRENT LOTT had it exactly right.

Mr. President, I was in North Carolina Saturday, and Sunday, and Monday, attending the graduation ceremonies of our oldest grandchild who received his diploma from Wake Forest University. I do not know how many people I talked with but this issue was the first thing they mentioned.

"Are you going to let that woman through?" I replied, "No, not with my vote. The Senate may decide otherwise. There are plenty of times when I am not on the winning side. But I am going to do the best I can."

It is like my father told me many years ago. He said, "Son, the Lord does not require you to win. But He expects you to try." And I am trying. And I may not be on the winning side and the liberal news media, predictably, will say, "Ha, ha, ha, Helms got beat again." But that does not bother me.

Mr. President, it is well known that I oppose this nomination. But my opposition is not merely because the nominee is a lesbian. It is because she has been a militant activist, demanding that society accept as normal—as normal—a lifestyle that most of the world's religions consider immoral and which the average American voter instinctively finds repulsive.

She has stated—I think boasted is the better word—that she considers the values of the Boy Scouts of America to be a threat to America's children. And, as TRENT LOTT said—I cannot believe she said it. But she said it—the Boy Scouts of America are a threat to America's children.

What is the Latin expression, *reductio ad absurdum*—yes, it is absurd. But she said it. It is a matter of public record. And as far as I know, she has not retreated 1 inch. She objects to the Boy Scouts because the Scouts pledge their allegiance to God. Oh, what a terrible crime. And because the Boy Scouts refuse to allow homosexuals to come in and take over. And God knows what else she finds objectionable about the Scouts' commitment to traditional values.

I believe Senator LOTT read the San Francisco Chronicle's quote from Miss Achtenberg, but it deserves to be quoted again—she asked this question: "Do we want children learning the values of an organization that * * * provides character-building exclusively for straight, God-fearing, male children?" That is the question that this nominee posed to the citizens of San Francisco.

Seriously. And JESSE HELMS is expected to vote for her? No. Bill Clinton, it will not happen. It will not happen. I will never vote for anybody who tears down the values of the Boy Scouts of America.

So, the specifics of this episode with the Boy Scouts deserve noting. As a local United Way board member, this nominee, Roberta Achtenberg, voted to deny the Boy Scouts any United Way assistance or contributions. In addition, as a city supervisor she introduced resolutions—and I am repeating all this for the purpose of emphasis—which called on the city of San Francisco to penalize an innocent third party in this matter, namely, the Bank of America. And what did the Bank of America do, that displeased this nominee so much? The Bank of America had the audacity to resume its private corporate funding and contributions to the Boy Scouts of America in San Francisco.

What a terrible sin. But that is what fueled the ire of this woman, who is now the nominee on which we must pass judgment.

Ms. Achtenberg introduced another resolution calling on the city's congressional delegation to unilaterally amend the Scouts' congressional charter. Boy, this woman meant business.

She was really after the Boy Scouts. She wanted to grind them under her feet unless they agreed to allow homosexuals to be Scoutmasters. And unless they banished the word "God" from their pledge, she was determined to bring them down.

And Bill Clinton sends this nomination up here and expects the Senate to confirm her. The Senate may in fact do that, but they will not do it with the vote of JESSE HELMS.

Finally, Mr. President, Miss Achtenberg—behind the scenes—urged the San Francisco School Board to kick the Scouts out of the public schools. They could not have any meetings there. Oh, boy, that sinister Boy Scout organization; it is such an evil, evil organization we must sweep everything clean according to this nominee, who the President has now nominated to a high-level post at the Department of Housing and Urban Development.

However, as Senator LOTT said, her all-out campaign against the Boy Scouts is just one example—just one example—of the kind of tactics she uses when she meets opposition to her lifestyle. Call it gay-bashing, if you want to. I do not call it that. I call it standing up for America's traditional family values.

It never mattered whether she was attacking the Scouts or whether she was energetically defending San Francisco's sex clubs—and she did that; it is a matter of record—or whether she was criticizing the mayor of San Francisco for having the temerity to veto her draconian resolution—the one about which I asked the Senator from California a minute ago. Her commitment to complete victory for her lifestyle was, and is, always unyielding and uncompromising.

Mr. President, this pattern throughout her career, this pattern of intolerant—dare I say self-righteous behavior; I do not know whether the word fits or not. But she is pushy, demeaning, demanding; she is a mean person, mean-spirited.

You should hear what the people from San Francisco say about her, who have called by the hundreds telling us to hang in there. And if anybody from San Francisco is looking or listening on C-SPAN, we are hanging in there. I do not know what the ultimate outcome will be, but we are doing the best we can. Maybe they ought to talk to their two Senators from California.

Mr. President, the single-minded narrowness of her career choices, limited almost exclusively to homosexual and lesbian activist positions, justifiably raises questions not only about her temperament, but whether she will come to HUD with a militant social agenda that she intends to push, with the help of the powers of her office. If this nominee is confirmed by this Senate, she is going to have a lot of power to decide who gets money from Uncle

Sugar and who does not. It may not bother any other Senator in this body, but it bothers me.

Mr. President, her singularly limited career also calls into question her qualifications for the job for which she has been nominated. For example, she has acknowledged publicly that she cannot be characterized as a fair housing lawyer despite what we have heard on this floor this afternoon. She herself essentially says, don't call me a fair housing lawyer, much less an expert. She told the Washington Times, "I'm not a fair housing expert by a long shot"—and that may be the understatement of the year.

Then she goes on to say: "I've done public-interest law, and in my capacity as a county supervisor, I've dealt with housing issues, but I'm not a fair housing lawyer."

But that did not prevent her from going to Bill Clinton after the election—after people who share her lifestyle, according to credible reports, had laid a million dollars in the campaign hands of the then-candidate and, the now-President of the United States. And she stipulated, Mr. President, she stipulated that she wanted this job—this specific job.

It is open to question, I suppose, whether she will bring an activist social agenda of her own into HUD. But it is disturbing, is it not that she personally lobbied for this specific position?

One of the newspapers had a quote back in February, I think it was, saying that Achtenberg "freely admits she lobbied Mr. Clinton for the post," meaning this one—not some other post, this particular one. And she said, "I told him of my interest in working for HUD because of my experience in working as a civil rights lawyer. I have to say that I'm thrilled and delighted." You bet she was, Mr. President, you bet she was thrilled. "It's perfectly consistent," she said, "with my interests as a legislator and as a civil rights lawyer."

Mr. President, I think she is telling us in advance what she is going to do once she is confirmed. She is prepared to use this position, entrusted to her by the President of the United States in the name of the American people, I might add, as a reminder to the President who made this mistake, in my judgment. This nominee is going to promote her civil rights agenda, an agenda which has targeted a private organization—the Boy Scouts of America, among others—for intimidation. This is not just something pulled out of the air. It is in the public record.

Mr. President, this country of ours is in for a lot of trouble down the road, and maybe not very far down the road, if this woman is confirmed and if her tenure at HUD is consistent with her past activities as a homosexual and lesbian rights lawyer and San Francisco

supervisor. Even a brief overview of her past should give us fair warning. Let us look at a little bit of her career.

Before being elected to the San Francisco Board of Supervisors—where she launched her campaign to force the Scouts to accept homosexuals, Ms. Achtenberg was a founder and the director of the National Center for Lesbian Rights. I did not hear the distinguished chairman of the committee mention that, and I do not blame him for not mentioning it.

Prior to that job, she was the directing attorney for the Lesbian Rights Project. And before that job she served as a staff attorney for the Bay Area Lawyers for Individual Freedom, which is another homosexual rights group.

Her one scholarly achievement, if you want to call it that, was serving as the editor of a voluminous legal textbook bearing the title, "Sexual Orientation and the Law," a rather comprehensive treatise on artificial insemination, homosexual child custody, adoption and foster parenthood issues, as well as ways to expand the definition of family to include homosexual couples in order to obtain health care and employment benefits for homosexuals and their so-called "domestic partners."

And let me put in parenthetically, she and her female partner—I do not think they are married—but her lesbian partner, whatever she calls her, is a judge in San Francisco, and she was artificially inseminated and gave birth to a little boy.

Mr. President, about a year ago, the two took the little boy for a ride in the so-called Gay Pride parade down through San Francisco. On the back of an open automobile sat Judge Morgan and Miss Achtenberg with their child in between them. At various points, they hugged each other and at one point, they embraced and kissed each other fervently—sending a message to the people watching the parade and to the people watching by way of television.

And the President wants this lady? We are crossing the threshold. I am not sure the Senate will be proud of what it has done after the fact.

Mr. President, I should also note that the Pacific Southwest region of the U.S. Forest Service is in the process of adopting almost the entire homosexual rights agenda set out by Achtenberg in her book. As I believe I have said, that agenda includes everything from redefining the family—see, she has a family, she is married, or committed to another woman, and they have a little boy—as I say, from redefining the family to include homosexual couples, to extending Government employee health insurance and housing benefits to the so-called domestic partners of homosexuals and lesbians.

It is noteworthy that the U.S. Forest Service's taxpayer funded report—de-

tailing how to implement Miss Achtenberg's agenda—specifically acknowledges the task force's indebtedness to Miss Achtenberg for her help in putting the Forest Service report together.

I think this is significant because in her position at HUD she will be charged with implementing and issuing regulations concerning the Fair Housing Act as well as parts of the Americans with Disabilities Act. The Disabilities Act, as has been pointed out in the past on this floor, illogically defines as "disabled" anybody who "might be perceived as HIV positive." Obviously, it is possible that Miss Achtenberg, as Assistant Secretary for Fair Housing and Equal Opportunity—which is HUD's civil rights office—can be expected to use that phrase to extend the special benefits of that law to the entire homosexual community. And nobody knows how much that will cost the American taxpayers.

So based on her history of militant activism in the cause of her movement, I for one cannot and will not vote to confirm this nominee to such a powerful position—where she can impose her agenda on the rest of the country and the American people.

(Mr. CONRAD assumed the chair.)

Mr. HELMS. Now, then, let me conclude with a few things that may be of interest. Some of them will be repetitious maybe, but we had these charts made for the purpose of emphasis.

Mr. President, as you can see from these charts, she abused her office as a San Francisco city supervisor to launch an attack on the Boy Scouts. She successfully denied the Boy Scouts of America the use of public schools. She demanded that the local United Way stop its financial assistance to the Boy Scouts, and she ordered the city of San Francisco to stop doing business with the Bank of America because the bank continued to support the Boy Scouts.

You recall I said that I could not believe what this lady said about the Scouts, nor can anybody else. Of course, she said it mockingly. Bear that in mind as you read along with me the words of this nominee: "Do we want children learning the values of an organization that provides character building exclusively for straight, God-fearing male children?" The San Francisco Chronicle carried that quote on August 13, 1991.

When the Boy Scouts' leadership protested that the policy demanded by the local United Way chapter violated longstanding national Scout policy, Achtenberg said, "That's just tough," and she boasted the advantages of economic terrorism. She said, "It's like holding money in the left hand and wagging the finger with the right." That was in the Houston Chronicle down in Texas on August 19, 1988.

So you see the pattern started a long time ago, and that is the reason I am showing these few items in conclusion.

Third, she said, "They (the Boy Scouts) are not entitled to enjoy the benefits of funding that is collected from us all. And they are not entitled to special treatment when it comes to access to public money, public schools, public buildings, and the like." That was on CNN.

Now, you know something, it was OK for the people who shared her lifestyle to use the public schools. She voted to approve that. But not those evil Boy Scouts, those dangerous Boy Scouts. We must not let them use the schools.

One more quote.

"The action"—meaning the San Francisco Board of Supervisors' approval of Achtenberg's resolution urging San Francisco to pull \$6 million from the Bank of America—because the Bank of America kept on sending a little money to the Boy Scouts—"will send a message to the youth of this city that this board will stand up for what is right."

The problem with that statement is it proved not to be so. Hooray for the mayor of San Francisco. He vetoed her little resolution, and the sycophants on the council who helped her pass it also could not overturn the Mayor's veto.

Mr. President, we used to have a fine gentleman down in North Carolina named Hubert Sewell, whose father was chief justice of our State. All of us called Mr. Sewell "Chubb" because he was a little bit chubby. He is said to have made three fortunes, and he gave two and a half of them away building churches in the sandhills of North Carolina. Chubb would always finish his religious sermon, speeches, or whatever—and when he got through, he said, "Call your next case." So I say in the words of the immortal "Chubb" Sewell, Mr. President, "Call your next case."

I yield the floor.

Mr. RIEGLE and Mr. WALLOP addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. RIEGLE. Mr. President, before the Senator leaves, may I just pose a question to him. There was a story in the Washington Times on May 6, and it attributes a quote to you and I just want to know whether it is an accurate quote or not. Here is how the paragraph directly from the paper reads.

Mr. HELMS. I anticipated that you would bring that up. Go right ahead.

Mr. RIEGLE. I just want to know if it is accurate or not.

Mr. HELMS. Let me give you the circumstance—

Mr. RIEGLE. If I may, let me just read this—

Mr. HELMS. Fine.

Mr. RIEGLE. So that people will know what we are talking about.

Mr. HELMS said he would try to block the nomination when the full Senate

brings it up, which could be as early as today, "Because she's a damn lesbian. I am not going to put a lesbian in a position like that. If you want to call me bigot, fine."

My question to you, is that an accurate quote?

Mr. HELMS. That is largely correct. I'm not sure about the "damn," but everything else I know is accurate. And I am surprised that the distinguished chairman welcomes this nominee without a word of wonderment about her career or about her lifestyle or anything. As a matter of fact, I was there. I thought you had the Queen of England before you.

As far as the word "damn" is concerned, I don't recall saying it.

Mr. RIEGLE. In any event—

Mr. HELMS. Just a minute. You asked me. Allow me to answer the question.

Mr. RIEGLE. Well, you have answered my question.

Mr. HELMS. No, I had not. The reporter stopped me when there were maybe 200 people waiting to get on the trolley downstairs in the Capitol. It was difficult to hear. I do not recall having said that. And if your research assistant did his job, he would give you the second comment which appeared the next day when I said "it does not sound like me, but I may have said it." But what I said about not wanting her to be confirmed to this position, you bet.

Mr. RIEGLE. Let me just ask you this. You have given me multiple answers. The first answer I heard you give is that you in fact say you did say this, maybe except with the use of the word "damned." Is that correct?

If you said that, I just want to know. It is here in quotes. If this is what you said, I want to know in fact you said it. If it is not, then let us correct the record. I want to be clear on it because I want to say something about it in a second, but I do not want to misquote you if you were misquoted. If you were misquoted let us correct the record now. If you are not—

Mr. HELMS. Did the Senator understand what I just said?

Mr. RIEGLE. I understand the first part.

Mr. HELMS. There were multiple answers as you call them.

Mr. RIEGLE. What I am asking you is this.

Mr. HELMS. What did I say that confused you?

Mr. RIEGLE. If I may have the floor, I am asking the question that if the quote attributed to you in the Washington Times is accurate, whether in fact you said this. I will repeat it to you again to see if it sounds like what you said.

You said that you were going to block the nomination "because she is a damned lesbian and I am not going to put a lesbian into a position like that. If you want to call me a bigot, fine."

End of quote.

Did you say that?

Mr. HELMS. All except—

Mr. WALLOP. Mr. President, point of order. I think it is the appropriate rule of the Senate that the questions are addressed through the Chair and not "you."

The PRESIDING OFFICER. The Senator is correct.

Mr. RIEGLE. Again, I pose the question through the Chair to the Senator from North Carolina as to whether or not that is an accurate quote. Did you say this? I would like just a simple yes or no.

Mr. HELMS. Mr. President, I will go ahead and answer it again and again and again. I do not know what the Senator is trying to prove. It is accurate, as I recall it, except for the use of the word "damn." I very well may have said that, Senator. Make what you will of that.

Mr. RIEGLE. Mr. President, the reason I did that, because I do not want the Senator to be misquoted if he was. He has made that clear. He was quoted accurately.

I think the quote says a great deal. What it says is that everything we have heard here is not about the Boy Scouts. It is about what we just heard right here off this quote in this Senator's opinion. Not about the Boy Scouts. The Boy Scouts is a diversion really in terms of this statement which came much earlier than the statements of today. And, frankly, I find it a very disturbing statement.

I find it is a very disturbing statement because I think any statement of this kind that in effect—I mean I am not inserting the word bigotry here. That comes out of the quote. I am concerned here that we evaluate people based on their qualifications.

I raised this issue in the committee. The Senator from North Carolina did come to the committee. I always welcome Members of the Senate to come and sit in the committee meetings. He was welcome that day to do so, and was there, as I recall, for most of the period of time that the witness was before the committee.

I said at one point in that proceeding—I want to just repeat it verbatim because I want this in the RECORD at this point. I was commenting about the fact of her exceptional professional qualifications for this job, which have been attested to by the National Fair Housing Alliance and some others around the country in the best position to make that evaluation.

I am on this strict solid professional qualification. I finished making that comment. I will not read all of that right now. But I will put that in the RECORD by saying that I supported her nomination. Then I made this comment. I want to repeat it today. I said to her, so it is in that tense:

In a sense you are crossing one of those invisible lines that we have in our society in

terms of this issue that is there raised by some with respect to sexual orientation. I think it has no part in the suitability of you to serve in this job. And I think that the days in which we screen people out for whatever reason—we have done it for a long time on the basis of gender, you know. I am very fortunate on this committee, as we all are, to now have three new members of this committee who are women Senators. I served in the Senate when we did not have any women Senators. I think we are a better Senate when we really represent the whole country, and where everybody has a fair chance and an equal chance to participate.

And that is just one illustration. Senator Carol Moseley-Braun, who is also a member of this committee, has been the first person in effect to cross the color line, which should not exist in our society but does, to come here as an African-American woman in the United States Senate, and I am just proud of the fact that I feel privileged to be here at a time when that happened.

And this country is for everybody. It is not just for some. And the duties and responsibility of citizenship, including service, fall to everybody not just to some.

And I realize though there may be people who will, for reasons of their own orientation or perspective or philosophy or whatever drum they may be beating, will want to take issue with you for reasons that are, I think, totally extraneous to your capacity to serve your country. And the fact that you are willing to serve off this background of experience that you bring, to me is an affirmation of what we are looking for in this country in terms of people who want to serve and who will serve and who have the capacity to serve.

So I think it is important that we separate what is important from what is not in terms of you here as a nominee, and the fact that you may be the first person to come and sit in a nomination seat in this situation such as you do. You won't be the last. You will be the first. And someone had to be the first, and I am glad it is you.

I will just continue by saying the Senator from North Carolina and I have served in the Congress now for a long period of years. This is my 27th year of service. I do not from memory know precisely what the length of the service of the Senator from North Carolina is.

I have seen many nominations come through here from seven different Presidents. And I have seen them with every manner of qualification. I have seen a lot of them with very little, in effect almost no relevant qualification. We saw a lot of those, I might say, over the last 12 years. Many of them ended up serving, regrettably, and some still serve, regrettably.

This nominee is highly qualified by any fair standard of judgment. This candidate is highly qualified for this job. The question here simply is she to be disqualified, disqualified on this one issue that is being raised?

You can study the documents of this country in terms of the Bill of Rights, the Constitution, all of our founding documents, and we do not make differentiations on the basis that I think is being suggested here today as to who can serve and who cannot serve, and

who is a full citizen and who is not a full citizen. If you are a citizen of this country, you have an obligation to serve. And if you are qualified and you step forward, you ought to be judged only on the basis of your qualification, not skin color, not ethnic background, not sexual orientation, or some other notion that a given Member of this body or some other place may have their own personal feeling about.

I do not like the quote in the Washington Times. I think it is distasteful. I think it reflects poorly on the U.S. Senate. It ought to be said.

I was hoping the Senator from North Carolina would have said, no, I did not say that. But he did say it. He has acknowledged saying it.

That is not the standard we ought to use around here. It is a better country than that. The standards that ought to apply to people in this country ought to be equal standards, and they ought to be fair standards, and they ought to be based on qualification.

And if somebody comes forward after years of hard work and professional accomplishment and is nominated by the President of the United States, and comes before a Senate committee and responds appropriately to the questions, and is highly regarded within the profession in which she serves, and comes out of the committee with a vote 14 to 4, on a very strong bipartisan basis, that says something. It says the kind of thinking that I quoted out of the Washington Times was not what was in operation, at least in terms of the vote that was finally cast in that committee, with the members of our committee.

There do have to be some standards. There have to be some standards of decency.

Mr. WALLOP. Mr. President, the Senator treads very close to the rule, and I make a point of order.

Mr. RIEGLE. Mr. President, I do not yield.

Mr. WALLOP. I am raising a point of order. The Senator is treading very close to the rule which prohibits personal attacks.

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

Mr. RIEGLE. I thank the Chair. I know where that line is, Senator.

So I just say to my colleagues that we have seen, I think, other occasions where people get targeted with tactics and insinuations and so forth to try to discredit them and somehow make them unworthy both in terms of how—

Mr. HELMS. Mr. President, I raise a point of order. The Senator is out of order, and I hope the Chair will rule. If the Senator wants to do that, I will go back to the Keating case.

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

Mr. HELMS. I resent what the Senator has said.

The PRESIDING OFFICER. The Senators will confine their remarks to the issue before the body.

The Senator from Michigan has the floor.

Mr. RIEGLE. Mr. President, I think there has to be one standard that we apply here, and it has to apply to all people in our society: The standard of their qualification to serve and whether they are prepared to serve, based on the work they have done, their presentation of their bona fide and professional background before the committees with which they come for assessment. That has been done here.

This is a solid, competent, highly qualified candidate. She has as much right to serve in this Government, based on qualification, as any other citizen in this country. It is just as simple as that. It is not about the Boy Scouts or anything else. It is about her qualifications and her readiness to serve. She meets that test.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Ms. MOSELEY-BRAUN. Mr. President, I rise in support of the nomination of Roberta Achtenberg for the position of Assistant Secretary of Fair Housing and Equal Opportunity at the Department of Housing and Urban Development. I was pleased to be able to vote for her at the Banking Committee, and I am proud that I will have an opportunity to cast a vote in favor of confirming her on the floor.

I might add, Mr. President, I stand here on the floor this afternoon with real pride for my chairman, the chairman of the Banking Committee, for his spirited defense of what I think is best in America, for his spirited defense of the fundamental values that undergird this democratic system.

Mr. President, when I voted on this nomination in the committee, I was proud to do so. I listened closely to the testimony of Ms. Achtenberg. I would like to quote something that she said in the committee testimony.

She said:

My parents came to this country believing if they worked hard enough, they would succeed. They sent their children to college, even though they never even went to high school. My parents endured discrimination so that their children might be free. The privileges I now enjoy by virtue of their hard work imposes upon me an obligation—not just to take care of myself and not just to provide for my loved ones and my child, but to contribute my skills and my energy to the well-being of the community.

I have been a public interest lawyer, a teacher of public interest lawyers, a civil rights advocate, a defender of the children of lesbian mothers and gay fathers, and an elected official. Should I be granted the opportunity to become an Assistant Secretary, I will do my best, with a deep sense of responsibility, to serve the Nation that gave my parents and my family such boundless opportunity. It would be a remarkable privilege.

Mr. President, Ms. Achtenberg and President Clinton know that we are a multicultural, pluralistic society. And they know that the American dream of opportunity is for all of us and not just some of us. We are African-Americans, Polish-Americans, Hispanic-Americans, Irish-Americans, Asian-Americans, Greek-Americans, and we are female as well as male; we are gay and lesbian as well as straight.

One reason for Bill Clinton's victory is that he recognizes that we are all Americans and he, therefore, campaigned to bring us together, rather than to drive us apart.

Mr. President, I am frightened this afternoon, because I sat on this floor and listened to the debate. I am frightened to hear the politics of fear and divisiveness and of hatred rear its ugly head on this Senate floor. I am frightened at what I thought was done with by this last election when the American people voted for change. They voted for an America that brought us together and made us a whole Nation, not one of separate parts in which one group is pitted against another. I hear it again this day on this floor with regard to this nomination.

Mr. President, it is really very frightening. There is a concept in mathematics called vector addition. What that concept essentially means is that you subtract forces working against each other; you add forces that are working together. I think that has real relevance to our body politic and the state of our Nation, because it means that if we come together, we can be a stronger Nation. If we tap the talents and resources and abilities of all of the American people and give people a chance to contribute, we will have an America that is as strong as it has ever been and strong enough to go into the 21st century and compete in this increasingly interdependent and international arena.

The President's campaign was a campaign designed to ask America to renew its commitment to its values and its ideals. That campaign, and the nomination by President Clinton of Roberta Achtenberg to be an Assistant Secretary of HUD, were based on the premise that we are stronger as a Nation and as a people if we can work together and utilize the talents of every one of our people, if we can put aside racism and sexism, and all of the "isms" that separate us one from the other.

In short, can we live up to the values we state so eloquently both in our Constitution and in our religious beliefs? It would seem self-evident, Mr. President, that the elimination of racism and sexism and these divisive "isms" that we have heard this afternoon benefits the entire community, not just those who are the victims of those evils. Unfortunately, not everyone does see what should be so self-evident, and

that is what makes this nomination even more important.

Roberta Achtenberg knows, as I know, that we are hurting every American if we do not foster the talents and abilities of all of us, if we do not tap the potential of those in disadvantaged neighborhoods and allow them the opportunity to make a contribution which we all know they want to make to our society and our country.

Roberta Achtenberg knows why it is so important to have a Government that looks like America. She knows that our diversity is our strength and that we need all of the talents of all of our people to succeed in this increasingly interdependent world.

Roberta Achtenberg has the qualifications to make a superb Assistant Secretary for Fair Housing and Equal Opportunity. She has the talent, the ability, the character, the good judgment, the commitment—in short, she has everything that the job requires.

Roberta Achtenberg is the right person to fill the position of Assistant Secretary for Fair Housing and Equal Opportunity. That job title is not just a phrase to her; it is a reflection of her basic beliefs, and it is one of the foundation stones of her life and her career. Roberta Achtenberg has spent her life trying to open up opportunities to all Americans. She well deserves the opportunity to help more Americans from this new post at the Department of Housing and Urban Development.

The credentials are not just part of the analysis of qualifications; it is also important to look at what is the job that is being applied for.

Given the conversation on this floor this afternoon, you would think she was trying to become the president and chief executive officer of the Boy Scouts or something. The fact of the matter is Roberta Achtenberg's nomination is to become the Assistant Secretary for Fair Housing and Equal Opportunity.

Mr. President, let me share with you what that job is. It has kind of gotten lost in all this debate about lifestyle and orientation.

The Assistant Secretary administers programs in five major areas under the civil rights laws and Executive orders. So you are talking about an administrator, someone who administers something that has already been set as a matter of policy and has already been set as a matter of law.

As the chief enforcer of title VIII of the Civil Rights Act of 1968—otherwise known as the Fair Housing Act Amendments of 1988—the Assistant Secretary is responsible for handling discrimination complaints and implementing initiatives designed to detect and eliminate unfair practices.

The Assistant Secretary is responsible for overseeing the implementation of statutes that bar discrimination for any activities—such as the

community development block grant projects—receiving Federal financial assistance.

The Assistant Secretary implements provisions designed to further job and other economic opportunities for low-income people which are created with Federal housing and community development funds.

The Assistant Secretary is also the Director of the Department's Equal Employment Opportunity Program and must ensure that fair employment practices are adhered to within HUD.

The Assistant Secretary is responsible for implementing initiatives geared toward institutionalizing equal housing opportunity procedures in the activities of real estate brokers, builders, rental property managers, appraisers, and others in the housing and real estate industry.

This is the official description of the job that Roberta Achtenberg has been nominated for.

Mr. President, it becomes very clear that the only reason for this beef is lifestyle and orientation. It has nothing to do with whether or not this woman is eligible, competent, and qualified for the job that I just described.

In that vein, I come back to the point that it really demeans our Nation to reduce this debate to a debate about lifestyle that has absolutely nothing to do with the point but instead reinforces prejudice and, quite frankly, it frightens me to have a Member of this body—and I do not know if I am treading on a line or not—take credit for being quoted as a bigot. That to me, Mr. President, demeans this body and demeans what our country is about.

"Our Nation is better than that," to quote DON RIEGLE, and I am proud to quote DON RIEGLE because I think he hit the nail on the head when he got up to make his statement earlier.

To conclude, Mr. President, Roberta Achtenberg is extraordinarily well qualified for this position. I will not again go into all of her teachings, all of her work, and all her community service except to say that it is very clear that she has the commitment, the talent, the skill, the record, and the experience to do the job she is nominated for.

I would hope that Members of this Senate would not allow themselves to be diverted by tactics that have to do with issues not pertaining to this nomination but really on another debate altogether. This is not a debate about lifestyle. This is a debate about whether or not this person has the competence and the character to fulfill this position, this job description.

I submit to you, Mr. President, that not only does Ms. Achtenberg have the competence and the character to fill this job description, she has it to the extent that she will do an extraordinarily good job for the Department of

Housing and Urban Development. She will help us implement the kind of change bringing our Nation together, tapping all of our talents, giving people a chance to serve that I believe our Nation wants to have at this point and deserves to have.

I must say to you, Mr. President, as a new Member to this body I have not seen the kind of demagoguery since I have been here as I have seen on this nomination. It makes me very sad to see, but I feel confident that the Members of this body will be level-headed enough, will be fair-minded enough, and will be open enough to understand that we do the right thing by confirming this superb nominee.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WALLOP. Mr. President, I do not quarrel with the statement that in this country lifestyle, however unconventional, is not a bar to office. It is not a bar to office. But intolerance and the pattern of the abuse of power should be.

One does not expect a nominee or an assistant secretary to agree with differing points of view. But neither should the public be intimidated from holding differing views nor especially should the public be coerced into embracing other views.

There is, I agree, room enough for a broad range of views in America, but there can be no room to understand an officeholder who abuses the public trust to enforce views that are neither constitutionally guaranteed nor provided for in law. A nation that is a nation of laws is entitled to believe that its laws not only control it but also protect it.

As the Senator from Michigan has just stated, this country is for everybody, not just for some, and the record of the nominee indicates that her view is that the country is just for some.

So I rise to express reservations and anxiety about the administration's nomination for Secretary for Fair Housing. There is every indication that Roberta Achtenberg would severely abuse the power of that important office to promote her personal values. She is entitled to those values, but where they are not provided for in law, nor guaranteed or instructed by the Constitution, there is room for other views as well. Tolerance and understanding have not been a part of her record.

Mr. President, this is not a question about gays or gay bashing. This is a question directly about performance in office that says that "If you do not agree with me, I will find means of denying you funding; I will coerce banks into withdrawing deposits; I will do all kinds of things until specific acceptance of my view is attained."

This is a country that is entitled to have faith in its laws, and this is a country which increasingly is fright-

ened of its government. The Government has pockets that are interminably deep and can take city housing councils, housing authorities, State governments, individuals, developers—anybody—through the ritual of court after court, appeal after appeal with bottomless pockets that they cannot afford.

So coercive acts in the past of the nominee are a very legitimate concern, and they are not acts of concern about lifestyle. They are acts of concern about enforcing acceptance of things that are not and have not been provided for in law.

If we are to remain a country of laws, then tolerance of the law as it exists is a very major portion of the competence to hold office.

There is evidence from her elected past that Ms. Achtenberg would use the office of Assistant Secretary for Fair Housing to impose her views upon individuals and organizations who do not agree with her viewpoints that are not related to fair housing as currently defined by law. In addition to the fact that she has little if any real experience in fair housing, there is every indication that she will use coercion and intimidation to enforce protections which are not found in our Constitution, nor have they been enacted by Congress, nor even established by judicial interpretations of the laws of Congress or the Constitution.

Mr. President, I believe that any U.S. President is entitled to choose relatively free those whom he wishes for Cabinet and sub-Cabinet posts and that a person's sexual orientation should not preclude that person from serving in Government. But I also believe that the public places an important trust in public service. Ms. Achtenberg would punish voters who do not subscribe to her personal social values. This act would betray the public's trust of that office. The public should not have to fear its Government. Employees in the Federal Government should come to Washington to serve the public not control the public.

If confirmed, I fear that Ms. Achtenberg would punish individuals or organizations who do not immediately establish special protections for homosexuals or for others. Her record speaks loudly to that end. As a San Francisco city supervisor, board member of the United Way of the bay area, she successfully prevented the Boy Scouts, as has been stated, from meeting in public schools and public facilities during school hours. This is not a court provided sanction.

This was a coercion to influence the United Way to withhold funding from the Boy Scouts. Again, the Boy Scouts, through court after court, have been judged to be within their rights to set standards for membership within that organization.

She compelled the city of San Francisco to reduce deposits in the Bank of

America because it made a modest contribution to the Boy Scouts of America.

Now, this is a vendetta, and it is a pattern of behavior which causes this Senator great reservations and anxiety about such a nomination, because the power she would have in the U.S. Government is significantly greater than the power she had as a city of San Francisco supervisor. The power to withhold money or to enforce the expenditure of money is not a power to be taken lightly, and ought not to be taken outside of the law simply because the Government of the United States has endless financial resources and time to ultimately control the small governments, the local governments, the State governments, and the individuals of this great country.

In November 1991, Ms. Achtenberg told CNN that the Boy Scouts "are not entitled to enjoy the benefits of funding that is collected from us all. And they are not entitled to special treatment when it comes to accessing public money, public schools, public buildings, and the like."

Now, the Senator from Michigan and others have stated that this is not a question about somebody being nominated to head the Boy Scouts. And, true enough, that is the case. But it is about somebody being nominated who has used the power of office and has displayed to arrogance of that power to take on a perfectly normal function of America's social life.

She told the Associated Press in August of 1991:

Do we want our children learning the values of an organization that * * * provides character building exclusively for straight, God-fearing male children?

This is a challenge, Mr. President, not to the Boy Scouts, but to Americans whose money and taxes and resources go into fair housing.

A person who would challenge the Boy Scouts' right to exist on the basis that they are God-fearing, straight Americans will challenge other elements of this country in the same kind of way. That, Mr. President, is the word. It is Ms. Achtenberg's arrogance that says: "My view is the view. Notwithstanding the law, notwithstanding the authority of my office, I will bully, I will intemperately push, I will do whatever is necessary to see to it that the view which I hold, which Congress has not enacted, which the Constitution does not provide, is the view which prevails."

Mr. President, it becomes a serious concern when the President of the United States nominates staff persons who will likely use coercion or threats or personal vendettas to circumvent the Constitution and Congress for personal reasons.

I have no doubt but she will be confirmed. But the fact of it is that Americans have legitimate cause for concern with this nomination.

And it is not a concern of lifestyle. It is not a concern of sexual preference. It is a concern specifically directed to those who would abuse the power of office to assert their view and their view alone.

Mr. President, before I conclude, I believe that the record will show, if it is not scrubbed, that rule XIX(2) was abused this afternoon. Rule XIX(2) says:

No Senator in debate shall, directly or indirectly, by any form of words, impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator.

Mr. President, I heard a Senator accused of bigotry this afternoon. My guess is that that is in violation of rule XIX(2). It is a pity. It is not what this debate is about.

This debate is about seriously held concerns to which people are entitled. The Senate is the arena in which differing views ought to be able to be spoken without personal assignation and characterization of those views.

I regret it, and I hope maybe, perhaps, for the record, that it will be scrubbed. Television, at least, will have shown it without being scrubbed.

Mr. President, I yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Thank you very much.

Mr. President, once in awhile you feel privileged to be in this body, to be able to stand up and tell the truth about someone you know and challenge those who would paint a picture that is a false, utterly false, picture.

I do not think the Senator from Wyoming knows Roberta Achtenberg, Mr. President. He calls her arrogant. He says she abused her power. This is not an arrogant woman. This is not a woman who has abused her power.

As a matter of fact, Mr. President, just this year, Roberta Achtenberg was named Woman of the Year for the Ninth District in California by the California State Senate. This is a woman who has earned the respect of everyone who has worked with her.

I am going to place some letters in the RECORD, and I ask unanimous consent that I may do so at this time.

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

LETTERS OF SUPPORT FOR ROBERTA
ACHTENBERG
NAME AND ORGANIZATION

Members, California Congressional Delegation.

Leopold Korins, Chairman and Chief Executive Officer, the Pacific Stock Exchange Inc., San Francisco.

Al From, President, Democratic Leadership Council, Washington, D.C.

Walter H. Shorenstein, Chairman of the Board, The Shorenstein Company, San Francisco.

Paul Brest, Dean, Stanford Law School, Stanford, California.

Kurt L. Schmoke, Mayor, City of Baltimore, Baltimore, Maryland.

Leo McCarthy, Lieutenant Governor, State of California.

Gray Davis, Controller, State of California. William R. Tisdale, President, National Fair Housing Alliance, Washington, D.C.

K. Jacqueline Speier, State Assemblywoman, Assembly, California Legislature, San Francisco & San Mateo Counties, Assembly Majority Whip.

Bob Mulholland, Political Director, California Democratic Party.

Willie L. Brown, Jr., Speaker of the Assembly, California Legislature.

Frank Thompson, Chairman, Texas Commission on Human Rights.

Peter Gabel, President, New College of California, San Francisco.

Father Jim Goode, OFM, Ph.D, Church of St. Paul of the Shipwreck, San Francisco.

Shauna I. Marshall, Executive Director, East Palo Alto Community Law Project, San Francisco.

Robert L. Demmons, Past President, San Francisco Black Firefighters.

Ervin Keith, Executive Director, Metropolitan Fair Housing Council of Greater Oklahoma City.

Lynn M. Clark, Executive Director, Fair Housing Contact Service, Akron, Ohio.

Rev. Cecil Williams, Minister & CEO, Glide Memorial United Methodist Church, Board of Trustees of the Glide Foundation, San Francisco.

Roselyne Swig, Roselyn Swig Art Source, San Francisco.

Doris M. Ward, Assessor, City and County of San Francisco.

Edwin M. Lee, Director, San Francisco Human Rights Commission.

David T. Quezada, Executive Director, Fair Housing Council of Orange County, Santa Ana, California.

Clifford C. Schrapp, Fair Housing Center of Metropolitan Detroit, Detroit, Michigan.

Gordon Chin, Executive Director, Chinese Community Housing Corporation, San Francisco.

Paul M. Igasaki, Executive Director, Asian Law Caucus, San Francisco.

Toni Austed, Director, Council for Concerned Citizens, Great Falls, Montana.

Scott W. Gehl, Executive Director, Housing Opportunities Made Equal, Buffalo, New York.

Henry Der, Executive Director, Chinese for Affirmative Action, San Francisco.

James B. Morales, Staff Attorney, National Center for Youth Law, San Francisco.

Mario Salgado, Executive Director, La Raza Centro Legal Inc., San Francisco.

Katherine Stark, Executive Director, Austin Tenants' Council, Austin, Texas.

Cynthia Ingebretson, Program Enforcement Coordinator, Fair Housing Council of Oregon, Portland, Oregon.

Mark Stivers, Fair Housing Counselor, Eden Council for Hope & Opportunity, Hayward, California.

Jose E. Medina, Executive Director, Instituto Laboral De La Raza, San Francisco.

Enrique Ramirez, President, San Francisco, La Raza Lawyers Association.

David J. Soffa, MD, President, San Francisco Medical Society.

James M. Seff, Partner, Pillsbury Madison & Sutro, San Francisco.

Michael A. Kahn, Senior Litigation Partner, Folger & Levin, San Francisco.

Barry N. Lastra, Board of Directors, The United Way of the Bay Area, San Francisco.

John Pritscher, Partner, Pillsbury Investment Corporation, Chicago.

Randolf J. Rice, Partner, Pillsbury Madison & Sutro, San Francisco.

Kathleen Groat, Executive Director, Fair Housing Council of the Fox Valley, Appleton, Wisconsin.

CONGRESS OF THE UNITED STATES,

HOUSE OF REPRESENTATIVES,

Washington, DC, April 28, 1993.

Senator DONALD W. RIEGLE, Jr.,

Chairman, Committee on Banking, Housing, and Urban Affairs, Dirksen Building, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE: We, the undersigned Members of the California Democratic Delegation, are writing to strongly urge your favorable consideration of the nomination of Roberta Achtenberg as Assistant Secretary for Fair Housing and Equal Opportunity in the Department of Housing and Urban Development.

As a Member of the San Francisco Board of Supervisors since 1990, and as the former Chair of that body's Housing and Land Use Committee, Ms. Achtenberg has clearly established herself as a leader in the area of housing policy. She has consistently and effectively fought for expanded housing opportunities for the city's residents, and has worked aggressively in the battle against housing discrimination in San Francisco and in the state of California.

In addition, she would bring to the Assistant Secretary's office a solid fifteen years as a civil rights attorney, law professor, and law school dean. Her success in advocacy, in academia, and in the legislative arena clearly make her an outstanding candidate. We applaud the President's decision to draw upon the skills of such a dedicated and principled public servant for this important post.

We urge you to report her nomination favorably to the full Senate, and thank you for your consideration.

Sincerely yours,

Nancy Pelosi; Norman Y. Mineta; Barbara Boxer; Ronald V. Dellums; Tom Lantos; Howard L. Berman; George Miller; Gary A. Condit; Lynn C. Woolsey; Bob Filner; Dan Hamburg; Robert T. Matsui; Maxine Waters; Don Edwards; Vic Fazio; George E. Brown, Jr.; Julian C. Dixon; Richard Lehman; Anna G. Eshoo; Lynn Schenk; Pete Stark; Matthew G. Martinez; Cal Dooley; Walter Tucker III.

THE PACIFIC STOCK EXCHANGE

INCORPORATED,

March 22, 1993.

Hon. DONALD W. RIEGLE, Jr.,

Chairman, Committee on Banking, Housing, and Urban Affairs,
U.S. Senate, Dirksen Senate Office Building,
Washington, DC.

DEAR MR. CHAIRMAN: I am writing this letter to endorse San Francisco Supervisor Roberta Achtenberg for the position of Undersecretary in the Department of Housing and Urban Development. She is more than qualified for this post, and I heartily recommend her for this assignment.

On paper, Roberta does not seem to be the kind of person likely to engender respect and admiration from the chairman of a major financial institution. The constituents she represents and the issues she's addressed are not those usually found at the top of a traditional, conservative businessman's agenda. To be honest, I was skeptical about meeting her when she came to the Exchange in 1990 seeking support for her campaign. My uncertainties were unfounded.

Roberta Achtenberg is among the most intelligent, capable individuals I have met. She is highly regarded for her willingness to reach out to San Francisco's business community—she has met on regular occasions with 24 local corporate CEOs—and has made many significant efforts to maintain and enhance our city's economic vitality. During the transition between her election and her induction to the Board of Supervisors, for example, Roberta helped craft a critical compromise to controversial legislation passed by the previous Board dealing with workplace safety. She is diligent, hard working, and open to new ideas, all contributing to an attitude and an approach to government the business community finds enlightened.

Roberta has become a personal friend, one whom I indeed admire and respect. I hope that you will give her the opportunity to serve in this capacity and to make the important contributions this country sorely needs.

Sincerely,

LEOPOLD KORINS.

DLC,
March 24, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR DON: I am writing to highly recommend Roberta Achtenberg, who is seeking the Assistant Secretary of Fair Housing and Equal Opportunity position at HUD. Roberta and I worked together on the drafting committee of the 1992 Democratic Party Platform where she distinguished herself as an innovative policy maker. Roberta was also national co-chair of the Clinton/Gore campaign and went on record as an early supporter of the President.

Currently, Roberta is a member of the City of San Francisco's Board of Supervisors and chairs the Housing and Land Use Committee. Roberta brings over 15 years of experience to the position and her expertise spans such issues as affordable housing for low income families to increasing small business participation in city contract bidding. Clearly, her track record of outstanding community and public service, as well as her creative policy programs, will be an asset to the President's team at HUD.

I hope you will give Roberta your most serious consideration. I will be happy to answer any questions you may have concerning her candidacy and can be reached at 202/546-0007. Thanks in advance for your consideration.

With best regards,

AL FROM,
President.

WALTER H. SHORENSTEIN,
San Francisco, CA, March 22, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR DON, I am writing on behalf of Roberta Achtenberg to endorse her nomination as Assistant Secretary of Fair Housing and Equal Opportunity in the Department of Housing and Urban Development.

I have personally known and worked with Roberta favorably over the years on a multitude of issues faced by the city of San Francisco. Given her academic, legal and public policy expertise as well as her ability to build bridges between diverse communities, I believe Roberta will serve as an excellent Assistant Secretary for the Department of Housing and Urban Development.

I highly recommend Roberta Achtenberg for this position and appreciate your serious consideration. I look forward to seeing you soon so that I may thank you in person. I will call you next time I am in Washington.

Sincerely,

WALTER H. SHORENSTEIN.

STANFORD LAW SCHOOL,
March 15, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR RIEGLE: I write enthusiastically to support Roberta Achtenberg's nomination as Assistant Secretary of Fair Housing and Equal Opportunity in the Department of Housing and Urban Development.

I have known Ms. Achtenberg since 1975, when she was my research assistant at Stanford Law School, and have stayed in close contact with her since then. In her work as dean of New College Law School she played a major role in the growth of an internally contentious and externally controversial school into a stable institution of good repute. Her work as an attorney and director of the Lesbian Rights Project and National Center for Lesbian Rights was highly regarded. Not being a resident of San Francisco, I am not a close follower of the City's politics; it is my clear impression, however, that she has been enormously successful in her role as a supervisor.

More important than any particular achievements are Ms. Achtenberg's qualities as a lawyer, administrator, and person. She has an absolutely first-rate mind, and is highly articulate both orally and in writing. She is well organized. She is a strong leader, who listens well to others' opinions and inspires the loyalty of those she works with, and, I believe, the trust and respect of her opponents on particular issues. She is a person of great integrity and conviction, and at the same time pragmatic, warm, and outgoing.

I am confident that Roberta Achtenberg will be a great asset to the nation in her role as Assistant Secretary.

Sincerely,

PAUL BREST.

CITY OF BALTIMORE,
OFFICE OF THE MAYOR,
March 29, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR RIEGLE: This is in support of the nomination of Roberta Achtenberg for the position of Assistant Secretary of Fair Housing and Equal Opportunity in the Department of Housing and Urban Development.

As you know, Ms. Achtenberg has served with distinction as a member of the Board of Supervisors in San Francisco. I am aware of the fact that numerous letters of recommendation were sent to the Clinton transition office urging the appointment of Ms. Achtenberg to a senior policy position within the new administration. Her outstanding career in public service warrants the strong support that she has received from around the country. I had the pleasure of serving with her as a member of the platform drafting committee for the Democratic Party. I was very impressed with her knowledge and sensitivity to the concerns of urban America. She will be an extremely effective advocate for fair housing and equal opportunity

policies in this very important agency of the federal government. I strongly urge you to support this nomination.

If I can provide additional information in support of Ms. Achtenberg, please do not hesitate to contact me.

Sincerely

KURT,
Mayor.

LEO MCCARTHY, STATE OF CALIFORNIA,
March 17, 1993.

Hon. PAUL S. SARBANES,
Chairman, Subcommittee on Housing and Urban Affairs Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Supervisor Roberta Achtenberg of San Francisco has been nominated by the President for the position of Assistant Secretary of Fair Housing and Equal Opportunity in the Department of Housing and Urban Development.

I respectfully urge your favorable support in the confirmation hearing you will soon conduct.

Roberta Achtenberg is one of the brightest and most sensible people in public life I have met during my twenty eight years in local and state government.

She has an approach to working with a wide range of personalities on policy matters that draws consensus from sharp differences.

In facing the range of seemingly intractable housing and other urban problems San Francisco and other cities encounter, she is a success story.

I respect her and urge her confirmation.

Warm regards,

LEO MCCARTHY.

GRAY DAVIS,
CONTROLLER, STATE OF CALIFORNIA,
March 11, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN RIEGLE: I am writing to lend my enthusiastic support for the nomination of Roberta Achtenberg as Assistant Secretary of Fair Housing and Equal Opportunity in the Department of Housing and Urban Affairs.

Supervisor Achtenberg has long personified the politics of "putting people first." Throughout her career Ms. Achtenberg has sought a level playing field for people who were disenfranchised, disadvantaged or over-matched by powerful interests.

She is motivated by the principle that each person, whatever their standing in life, is entitled to fairness, respect and dignity. As a practical problem-solver, Ms. Achtenberg has fashioned solutions that fit people, rather than forcing people to accommodate government-imposed programs.

Her political career, while short in years, has been long on impact in the lives she has touched in public life. As a member of the San Francisco Board of Supervisors Ms. Achtenberg has developed a reputation for uncompromising integrity, innovation and compassion.

Once you get to know her in Washington I am certain you will learn what we in California already know—that Roberta Achtenberg is precisely the kind of person we need in public life.

I strongly and respectfully urge her confirmation as Assistant Secretary of Fair Housing and Equal Opportunity at HUD.

Sincerely,

GRAY DAVIS.

NATIONAL FAIR HOUSING ALLIANCE,

Washington, DC, April 7, 1993.

Hon. DONALD W. RIEGLE, Jr.,

Chairman, Committee on Banking, Housing,
and Urban Affairs, Dirksen Senate Office
Building, Washington, DC.

DEAR SENATOR RIEGLE: At the quarterly meeting of the National Fair Housing Alliance on March 27, 1993, the Board of Directors voted unanimously and enthusiastically to support the nomination of Ms. Roberta Achtenberg as Assistant Secretary of Fair Housing and Equal Opportunity of the U.S. Department of Housing and Urban Development. This unqualified support of Ms. Achtenberg is based upon our review of her career in civil rights enforcement and her commitment to equal opportunity.

Members of the Executive Committee of NFHA and staff have had several meetings with Ms. Achtenberg. We have also spoken with fair housing advocates and her former colleagues in California and reviewing her career as an attorney, teacher, and public official. Her record is distinguished and impressive, and represents a life of personal commitment and professional expertise. It is of the utmost importance that the person who fills this position bring these qualities to the job because HUD has failed to effectively enforce the Fair Housing Amendments Act of 1988. As a result, there has been no decrease in segregation; and redlining and disinvestment by lending institutions and insurance companies has continued unabated in minority and integrated neighborhoods in the United States. President Clinton has nominated a highly qualified, competent and motivated person for Assistant Secretary of Fair Housing and Equal Opportunity to address these problems.

The National Fair Housing Alliance was founded in 1988 and represents private non-profit fair housing agencies throughout the country. It is the only national organization whose concern is solely the elimination of housing discrimination in the United States.

NFHA's constituent members, the private fair housing agencies, have compiled an impressive record of success in fair housing enforcement because they have combined vigorous representation of the victims of discrimination with equally vigorous advocacy for institutional change. Today these private fair housing organizations play an essential role in the education about and enforcement of the fair housing laws, effectively utilizing the system established by Congress and various states and localities, and complementing the work of the government enforcement agencies.

The members of the Alliance are dedicated to making all housing accessible regardless of race, color, religion, sex, familial status, disability or national origin.

In January, NFHA discussed with Secretary Henry Cisneros the qualifications we believe are essential in the Assistant Secretary for Fair Housing and Equal Opportunity. Secretary Cisneros expressed his complete confidence in Ms. Achtenberg's abilities to fill this position. Once we met with Ms. Achtenberg we agreed fully with the Secretary. In our discussions with Ms. Achtenberg, we found her to be thoughtful about the law and its implications for our neighborhoods and country; intelligent, revealed in the speed of her acquisition of knowledge and the acuity of her perception; sensitive to the needs of the victims of discrimination as well as the concerns of the housing industry; understanding of the role private fair housing organizations can and should play in the achievement of equal ac-

cess to housing; creative and to the point in her approach to problem solving; and committed to the full enforcement of the fair housing laws.

The full enforcement of fair housing and fair lending laws is of crucial importance in this country. Discrimination affects not only individuals and families, but neighborhoods and communities. Lack of access to credit, racial steering practices, denial of homeowners insurance, concentration of subsidized housing in low income communities, and restrictive zoning laws have contributed significantly to the physical, economic, and social deterioration of our neighborhoods. We believe Ms. Achtenberg has an accurate perception of the complex nature of systemic discriminatory practices and will use the authority of the Office of Fair Housing and Equal Opportunity to promote the policy of the United States "to provide, within constitutional limitations, for fair housing throughout the United States." We firmly believe that under Ms. Achtenberg's direction that there will be vigorous, positive and focused action to combat housing, lending and insurance discrimination.

We urge the Senate to expeditiously approve the nomination of Ms. Roberta Achtenberg as Assistant Secretary for Fair Housing and Equal Opportunity. If you have any questions or if we can provide additional information in support of Ms. Achtenberg's nomination, please feel free to contact us.

Sincerely,

WILLIAM R. TISDALE,
President.K. JACQUELINE SPEIER,
CALIFORNIA LEGISLATURE,
March 8, 1993.Hon. ALFONSE D'AMATO,
Committee on Banking, Housing, and Urban Affairs,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR D'AMATO: It is my pleasure to endorse the nomination of San Francisco Supervisor Roberta Achtenberg as Assistant Secretary of Fair Housing and Equal Opportunity in the Department of Housing and Urban Development.

Supervisor Achtenberg is well known in the Bay Area for her achievements as a civil rights attorney, as well as her contributions as a dean at the New College of California School of Law and a teaching fellow at the Stanford Law School.

As a San Francisco Supervisor, Roberta Achtenberg's legislative efforts included enhancing protection for tenants against wrongful eviction, supporting construction of affordable housing for low income families and helping speed the transition from welfare to permanent employment through city sponsored job training programs. I am particularly impressed with her policy making that guarantees small business, women and minorities participation in bidding for city contracts and enhanced compliance monitoring efforts by the City Human Rights Commission.

Supervisor Achtenberg serves on the board of directors of the United Way of the Bay Area and numerous other volunteer organizations, including the Jefferson Elementary School PTA and California Women Lawyers. She is a Phi Beta Kappa graduate of the University of California at Berkeley and received her law degree from the University of Utah School of Law, where she was elected to the Order of the Coif.

Roberta Achtenberg is clearly an outstanding candidate for this post, and I strongly encourage you to support her nomination.

All the best,

JACKIE SPEIER,
State Assemblywoman.CALIFORNIA DEMOCRATIC PARTY,
Sacramento, CA, March 15, 1993.Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing,
and Urban Affairs, Washington, DC.

DEAR CHAIRMAN RIEGLE: I am writing in support of San Francisco County Supervisor Roberta Achtenberg to be Assistant Secretary of Fair Housing and Equal Opportunity. Supervisor Achtenberg is one of California's finest leaders.

Her educational background along with both her private and public sector experiences make her an excellent choice, by President Clinton, for this position.

The Department of Housing and Urban Development and the American people will both be well served by her in this position.

San Francisco and California's loss will be America's gain.

Sincerely,

BOB MULHOLLAND,
Political Director,
California Democratic Party.ASSEMBLY, CALIFORNIA LEGISLATURE,
Sacramento, CA, March 18, 1993.Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing and
Urban Affairs, Washington, DC.

DEAR SENATOR RIEGLE: I am writing to offer my enthusiastic support of Roberta Achtenberg for the position of HUD Assistant Secretary for Fair Housing and Equal Opportunity.

Ms. Achtenberg has a wealth of experience in the area of tenants rights, job training, and affordable housing, in addition to numerous other areas of public policy that would be essential to the person who fills this position.

Currently, Ms. Achtenberg is a Supervisor to the City and County of San Francisco. In this capacity she has proven herself to be innovative, dedicated and extremely diligent. She provides the Board of Supervisors with a voice for those who are underrepresented and who often cannot speak for themselves. I have only the highest regard for Ms. Achtenberg and her courageous efforts.

I am confident that Ms. Achtenberg will be an asset to the Clinton Administration. I also believe she possesses the necessary professional experience to serve as Assistant Secretary for Fair Housing and Equal Opportunity.

Sincerely,

WILLIE L. BROWN, Jr.,
Speaker of the Assembly.NEW COLLEGE OF CALIFORNIA,
San Francisco, CA, March 15, 1993.Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing,
and Urban Affairs, Washington, DC.

DEAR CHAIRMAN RIEGLE: I am writing in support of President Clinton's nomination of Roberta Achtenberg to serve as Assistant Secretary of Fair Housing and Equal Opportunity in the Department of Housing and Urban Development.

I have known Supervisor Achtenberg well since she served as Professor of Law and, subsequently, Dean of the Law School here at New College of California in the late 1970's and early 1980's. In addition to having taught and served as an administrator at New Col-

lege, Supervisor Achtenberg has overseen the work of New College students who performed their required apprenticeship hours in her office when she was a full-time civil rights attorney after she retired as Dean. I have also worked with Supervisor Achtenberg in developing resolutions and legislation to be introduced before the San Francisco Board of Supervisors and am generally familiar with her professional work both as an attorney and as a Supervisor. Approximately a year ago, I asked her to become a Trustee of the College, which I am pleased she agreed to do.

Supervisor Achtenberg was an outstanding professor of law, demonstrating both mastery of the legal material that she taught and innovation in developing a Skills Training Program for law students that became a model for others across the country. She has a brilliant legal mind and is able to convey difficult ideas with clarity and with feeling. Perhaps even more important for a prospective Assistant Secretary, Supervisor Achtenberg was an excellent Dean, certainly the best we have ever had at New College. Our law school program has always contained an extremely diverse group of faculty, staff, and students with strong and often conflicting convictions. Supervisor Achtenberg was able to build consensus while respecting diversity, to administer projects that often involved significant technical complexity and to provide leadership that was respected throughout our institution.

With regard to her personal qualities, Supervisor Achtenberg is a woman of high moral character who is dedicated to the creation of a more just and humane society and who treats all those with whom she comes in contact with an evenness and a respect that is unusual among public figures. She is kind, caring, and genuinely thoughtful in her relations with those who work for her and in her way of dealing with issues of public importance. Supervisor Achtenberg is highly respected throughout San Francisco even among those who disagree with her on particular issues. She combines depth of insight, administrative competence, and a sustained capacity for caring in a way that we should all hope for in our public officials.

Supervisor Achtenberg merits the confidence that President Clinton has placed in her, and I hope your Committee will confirm her much-deserved appointment as Assistant Secretary.

Respectfully,

PETER GABEL,
President.

CHURCH OF ST. PAUL OF THE SHIPWRECK,
San Francisco, CA, March 25, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing,
and Urban Affairs, Dirksen Senate Office
Building, Washington, DC.

DEAR CHAIRMAN RIEGLE, Greetings and best wishes.

I am writing to support the nomination of Roberta Achtenberg, as Assistant Secretary of Fair Housing and Equal Opportunity.

Supervisor Achtenberg, is an outstanding member of the Board of Supervisors here in San Francisco. She serves as Chair of the Housing and Land Use Committee and is a member of the Economic Vitality and Social Policy Committee.

Before Supervisor Achtenberg was elected to the Board of Supervisors she worked for more than 15 years as a civil rights attorney, law professor and law school dean.

Her commitment to the people of this city and to the poor has been outstanding and she stands as a role model for those who wish to

give of the best of their service to the poor and those who have no one to speak for them.

I am certain that she will be an important addition to the Fair Housing and Equal Opportunity office in Washington, DC.

I am honored and proud to add my name to the list of those who are supporting the nomination of Roberta Achtenberg.

Sincerely,

FATHER JIM GOODE, OFM, Ph.D.

SAN FRANCISCO, CA.

April 13, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking and Urban
Affairs, Washington, DC.

DEAR SENATOR RIEGLE: I am writing to give my enthusiastic support for the nomination of Roberta Achtenberg as HUD's Assistant Secretary of Fair Housing and Equal Opportunity. I have known Ms. Achtenberg for approximately 10 years and can say, without hesitation, that she is a person of great integrity and that she will do an outstanding job in this post.

I worked as a civil rights attorney at Equal Rights Advocates during much of the period that Roberta Achtenberg served as Executive Director of the Lesbian Rights Project and the National Center for Lesbian Rights. My work focused primarily on the problems facing low income women and women of color in the workplace. During my tenure at Equal Rights Advocates, I could always count on Ms. Achtenberg's support and understanding of the issues facing my clientele. Additionally, Ms. Achtenberg lent her insight and counsel to my work.

As a member of the San Francisco Board of supervisors, Roberta Achtenberg distinguished herself as a person who was consistently accessible and took the time to investigate and understand issues facing the many communities which make up San Francisco.

I am presently the Executive Director of East Palo Alto Community Law Project. East Palo Alto is a community of 25,000 residents most of whom are low income, people of color. East Palo Alto is precisely the type of community that will benefit from a hard working and effective Assistant Secretary. I know Roberta Achtenberg will be that person.

If you have any questions or need additional information, please don't hesitate to give me a call. My number is (415) 853-1600.

Yours truly,

SHAUNA I. MARSHALL.

SAN FRANCISCO BLACK FIREFIGHTERS,
San Francisco, CA, April 16, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing,
and Urban Affairs, Dirksen Senate Office
Building, Washington, DC.

DEAR MR. RIEGLE: I am writing to express my strong support of Ms. Roberta Achtenberg in her nomination as Assistant Secretary of Fair Housing and Equal Opportunity in the Department of Housing and Urban Development.

My experience with Ms. Achtenberg rests with her experiences with Equal Rights Advocates [ERA]. ERA worked with the San Francisco Black Firefighters Association [BFA] in its struggle to integrate the San Francisco Fire Department to include more minorities and women. Historically the San Francisco Fire Department had been very homogeneous, made up of mainly white males. The first African American entered the Department in 1955. In 1972, the Depart-

ment had four (4) African Americans. Women were not allowed to even take the examination for the entry-level position of firefighter until 1976. The first women, to be employed as firefighters, entered the Department in 1987. A coalition was formed by the BFA, ERA, various organizations and community groups to work towards integration of the San Francisco Fire Department. The City of San Francisco attempted to break the coalition for political reasons. The reason the coalition remained steadfast and strong were due to the work of Roberta Achtenberg and others.

Though she led the group working with women's and lesbian's rights, Ms. Achtenberg did not limit her struggle to these groups, including African American, Hispanic and Asian. Today, through the effort of her and others, we are closer to having a fire department which mirrors the city it serves.

Because of her past and current efforts, as well as, a demonstrated commitment to all groups, I strongly recommend that Roberta Achtenberg be approved in her appointment as Assistant Secretary of Fair Housing and Equal Opportunity in the Department of Housing and Urban Development.

Sincerely,

ROBERT L. DEMMONS,
Past President.

METROPOLITAN FAIR HOUSING COUNCIL,
Oklahoma City, OK, April 20, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking and Housing,
and Urban Affairs, Dirksen Senate Office
Building, Washington, DC.

DEAR SENATOR RIEGLE: The Metropolitan Fair Housing Council of Greater Oklahoma City's Board of Directors and staff unanimously and prayerfully support the nomination of Ms. Roberta Achtenberg as Assistant Secretary of Fair Housing and Equal Opportunity of the U.S. Department of Housing and Urban Development. The Metropolitan Fair Housing Council [MFHC] of Greater Oklahoma City is a non-profit organization originated in 1979 to ensure equal housing opportunities for all persons in the metropolitan area. Our tragic experiences with fair housing officials over the past years make it of the utmost importance that the person who fills this position represents a life of personal commitment to civil rights and equal opportunity as the nominee has demonstrated.

It is the persistent pattern of racial segregation from a host of official actions of federal, state, and local governments and for the way low income citizens are held in disdain by these government officials that offer a compelling need for such a positive change.

We urgently request the expeditious Senate approval of the nomination of the extremely qualified nominee Ms. Roberta Achtenberg as Assistant Secretary for Fair Housing and Equal Opportunity.

Sincerely,

ERVIN KEITH,
Executive Director.

HOUSING DISCRIMINATION PROJECT, INC.,
Holyoke, MA, April 15, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing,
and Urban Affairs, Dirksen Senate Office
Building, Washington, DC.

Re: Support of the nomination of Roberta Achtenberg

DEAR SENATOR RIEGLE: I am writing on behalf of the Housing Discrimination Project to enthusiastically support the nomination

of Roberta Achtenberg as Assistant Secretary of Fair Housing and Equal Opportunity of the U.S. Department of Housing and Urban Development.

As an Attorney and the Director of a fair housing organization for the past three years, I know how important it is for the new Assistant Secretary to be an individual who will effectively manage HUD's fair housing enforcement responsibilities and provide leadership in promoting policies and administering programs to end housing discrimination. Our non-profit organization's sole purpose is to promote fair housing through testing, enforcement, education and outreach activities. We have experienced serious problems with HUD's investigation of housing discrimination complaints we have filed over the last three years.

I personally know Ms. Achtenberg from my contact with her when I lived in San Francisco and worked at the New College of California School of Law. She has an outstanding reputation in San Francisco as a skilled lawyer who has worked on civil rights issues for fifteen years and as the director of a non-profit organization committed to equal rights.

Ms. Achtenberg will be an excellent Assistant Secretary of Fair Housing and Equal Opportunity. I hope she will be quickly confirmed so that her work can begin.

Yours Truly,

PEGGY MAISEL,
Executive Director.

CALIFORNIA A.D.A.P.T.,
Berkeley, CA, April 2, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing,
and Urban Affairs, Dirksen Senate Office
Building, Washington, DC.

DEAR HONORABLE RIEGLE, Jr.: I am in full support of San Francisco Supervisor Roberta Achtenberg's nomination as Assistant Secretary of Fair Housing and Equal Opportunity in the Department of Housing and Urban Development. As a disability rights advocate in the San Francisco Bay region, I have had the opportunity to work with Supervisor Achtenberg to improve accessibility for persons with disabilities through legislation she authored over street ramp parking violation rules. She is exemplary in her ability to understand and address vital issues of all her constituents. She displays a keen willingness to tackle controversial issues by means of networking with various groups to bring change to fruition.

As Supervisor, she serves as the lead contact person on the Americans with Disabilities Act. She has a record of understanding the premise and application of these regulations as would be valuable as Assistant Secretary of Fair Housing and Equal Opportunity.

Roberta Achtenberg's political activism and record of inclusion and civil rights demonstrate her leadership talents. She has been active in improving access to affordable housing for low-income families, increasing minority business participation opportunities, and the creation of job transition and training programs. Additionally, she has assured accountability from the San Francisco Human Rights Commission. What I have noted here are just some of her more obvious accomplishments.

Because of Ms. Achtenberg's familial experience with a brother who was disabled, she has been sensitive to disability issues. She has authored legislation to keep pedestrian sidewalk crossing ramps free from barriers and blocked by parked cars. Having person-

ally been struck in a crosswalk in July 1992 while crossing the street in my motorized wheelchair with my service dog, I value her efforts to improve street crossing access for all pedestrians.

Roberta Achtenberg operates from a place of respect and dignity for all human beings, and I believe your committee should expedite her acceptance and appointment to the post of Assistant Secretary of Fair Housing and Equal Opportunity in the Department of Housing and Urban Development. She is a well-respected and dynamic individual who carries a resounding voice for common sense government. As such, please accept this letter as my highest recommendation on behalf of myself and others in the disability civil rights community from the Bay Area.

Sincerely,

CONNIE J. ARNOLD,
Organizer, California A.D.A.P.T.

FAIR HOUSING CONTACT SERVICE
Akron, OH, April 20, 1993.

Hon. PAUL S. SARBANES,
Chairman, Subcommittee on Housing and Urban
Affairs, Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR SARBANES: The Fair Housing Contact Service is supportive of the nomination of Roberta Achtenberg as the Assistant Secretary of Fair Housing and Equal Opportunity. The research that we have done on her education and experience leads us to believe that she would be very supportive of our mission. We need an Assistant Secretary that would be active and engaged in policy making and program issues. Ms. Achtenberg has the skills necessary to learn and understand the intricacies of the industry and of the discrimination that occurs therein. The effects of discrimination in housing are far-reaching. Full enforcement of the fair housing laws is crucial.

We believe that Roberta Achtenberg will bring to the position the leadership and enthusiasm that is needed to undertake the duties to combat the discrimination that affects all American citizens, whether it be directed against them or their neighborhoods.

We urge the Senate to expeditiously approve the nomination of Ms. Achtenberg as Assistant Secretary of Fair Housing and Equal Opportunity. If you have any questions, please contact me at 216-376-6191.

Sincerely,

LYNN M. CLARK,
Executive Director.

GLIDE,

San Francisco, CA, March 17, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing and
Urban Affairs, Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR RIEGLE: I am writing to express my full support of Roberta Achtenberg, nominated as Assistant Secretary of Fair Housing and Equal Opportunity in the Department of Housing and Urban Development.

As a civil rights attorney, law school professor and dean, and as a member of the San Francisco Board of Supervisors, Ms. Achtenberg has consistently demonstrated a strong commitment to effectively reach those who are homeless and poor, including the thousands who come to Glide Church for help every day. She has worked tirelessly to make sure that resources and facilities are properly funneled to where the human needs were greatest.

Ms. Achtenberg has also demonstrated a steadfast commitment toward minority

groups. Her record in working with people of different races and cultures is unparalleled.

Further, Ms. Achtenberg has not only been an effective advocate in the halls of government, but has worked in the trenches as well. Her combination of empathy, understanding and knowing how to get things done is rare to find among people who may be seen as wanting to engage in acts of good will. Her good will translates into good action, including the pursuit of justice and equity for all people.

Those of us who work with the homeless and poor in San Francisco and elsewhere strongly support her confirmation as Assistant Secretary.

Sincerely,

REV. CECIL WILLIAMS,
Minister and CEO.

MARCH 19, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing,
and Urban Affairs, Dirksen Senate Office
Building, Washington, DC.

DEAR DON: I am writing to encourage you to confirm the nomination of Supervisor Roberta Achtenberg as Assistant Secretary of Fair Housing and Equal Opportunity in the Department of Housing and Urban Development.

Supervisor Achtenberg is chair of the Mayor's Task Force on Family Policy and has chaired the Housing and Land Use Committee of the San Francisco Board of Supervisors. I have worked with her very closely on many issues and know her to be an outstanding public servant who possesses unflinching integrity and determination. She builds confidence in those with whom she works and has the much sought after facility of bringing people together on difficult issues and moving through roadblocks towards solutions. Supervisor Achtenberg's personal character, skills, and specific experience more than qualify her, in my view, for this important position and I know she would be an outstanding addition to the new Administration.

I hope that you and your colleagues on the Banking Committee will confirm without hesitation Supervisor Roberta Achtenberg's nomination as HUD Assistant Secretary for Fair Housing and Equal Opportunity.

Sincerely,

ROSELYNE SWIG.

CITY AND COUNTY OF SAN FRANCISCO,
March 14, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing,
and Urban Affairs, Dirksen Senate Office
Building, Washington, DC.

DEAR MR. RIEGLE, I urge your support for the nomination of Roberta Achtenberg to the position of Assistant Secretary of Fair Housing and Equal Opportunity in the Department of Housing and Urban Development.

Roberta was elected to the Board of Supervisors of the City and County of San Francisco in November, 1990, the same date I was elected president of that body. As a freshman supervisor she served admirably as vice chair of the Board's City Services Committee. She has since served as Chair of the Housing and Land Use Committee and is currently a member of the Economic Vitality and Social Policy Committee. She represents San Francisco as a director of the Bay Area Air Quality Management District, and is Chair of the Finance Committee of the San Francisco County Transportation Authority.

Ms. Achtenberg's collegiate background is equally impressive. She was graduated Phi

Beta Kappa from the University of California at Berkeley and earned her law degree from the University of Utah School of Law, where she was elected to the Order of the Coif.

Roberta was an early endorser of then Governor Bill Clinton and served as a national co-chair of the Clinton for President Campaign. Mr. Clinton appointed her to the drafting committee of the 1992 Democratic Party Platform where she delivered an address in support of the platform at the Democratic National Convention in New York.

I am certain that Roberta would do an outstanding job as Assistant Secretary of Fair Housing and Equal Opportunity in the Department of Housing and Urban Development. I would very much appreciate your support of her appointment.

Sincerely,

DORIS M. WARD,
Assessor.

CITY AND COUNTY OF SAN FRANCISCO,
March 15, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing,
and Urban Affairs, Dirksen Senate Office
Building, Washington, DC.

DEAR SENATOR RIEGLE: I am writing to you in your capacity as the Chairman of the Senate's Committee on Banking, Housing and Urban Affairs to contribute my utmost support and personal recommendation of Roberta Achtenberg as the Assistant Secretary of Fair Housing and Equal Opportunity in the Department of Housing and Urban Development (HUD). I have known Ms. Achtenberg for over ten years in our mutual capacities as civil right lawyers in the San Francisco Bay area and as community activists on behalf of the poor, disadvantaged and victims of discrimination.

I am now serving my third year as Executive Director of the Human Rights Commission for the City and County of San Francisco. Our City department is the official anti-discrimination agency for our local government, we enforce local civil rights ordinances covering housing, public accommodations, employment and neighborhood disputes. Prior to this, I served as the Affirmative Action Director for the Mayor of San Francisco and then eleven years as managing attorney for the Asian Law Caucus, Inc., a civil rights community law office serving the indigent Asian communities. My legal and advocacy experience has focused on private and public housing for the poor.

In my professional career, I have come to know many Bay Area persons who have dedicated their talent, commitment and personal time to improve the living standards of our poor. Roberta Achtenberg stands out as a leader whose dedication and smart, problem-solving approaches have earned her the admiration of many different communities. From her earlier years as an attorney to her present occupation as one of the most respected County Supervisors for San Francisco, Roberta has accomplished many legal, organizing and policy victories that have directly enhanced the lives of many people. Her tireless work on improving protection for tenants against wrongful evictions, her continued leadership and support in the construction of more affordable housing for economically struggling families, her leadership in legislative efforts to speed the transition from dependent welfare to permanent employment through innovative job training programs and her support for fostering minority and women business and employment opportunities are but to name a few of the

vast ideas and projects credited to her leadership.

One of the most outstanding attributes of Roberta's work is her commitment and ability to bring together the diverse communities of the Bay Area to resolve common problems. It is no exaggeration to express how important this attribute is to us who live and work in one of the most socially and economically diverse populations of our country. As a representative of the Asian communities, and now as Director of the Human Rights Commission which oversees all of our different communities, I can assure you and the Senate that Ms. Achtenberg embodies the dedication, commitment and tested professional experience to make all of us proud in her appointment to this very important position of our government.

I would like to note for your attention the recent action taken by the Board of Directors for the International Association of Official Human Rights Agencies (see attached letter of March 11, 1993). Their endorsement of Ms. Achtenberg's appointment is yet another clear indication of the diverse support she has earned. The diversity in our communities and of those embodied in all of the membership of IAHOA must signal the level of confidence we have in recommending Roberta Achtenberg to you.

Through your fine work as Senators of this great nation, I know you struggle with the challenges to increase hope and cooperation with our federal government. I recommend to you a person who will contribute distinctively and honorably in carrying out the mission of HUD. I gladly place before you one of "our best", deserving of the challenge and eager to meet the responsibilities as Assistant Secretary to the Department of Housing and Urban Development.

Most Sincerely,

EDWIN M. LEE,
Director,
San Francisco Human Rights Commission.

FAIR HOUSING COUNCIL OF
ORANGE COUNTY,
April 16, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing,
and Urban Affairs, Dirksen Senate Office
Building, Washington, DC.

Subject: Support nomination of Roberta Achtenberg as HUD Asst. Secretary, Fair Housing and Equal Opportunity

DEAR HONORABLE SENATOR RIEGLE: I seek your support of the nomination of Roberta Achtenberg as Assistant Secretary of the U.S. Department of Housing and Urban Development, Fair Housing and Equal Opportunity Development Division.

Ms. Achtenberg is eminently qualified to help lead this Nation toward the elimination verifiable housing and lending discrimination. Her track record of experience and education credentials instill a sense of renewed hope for those that directly further fair housing within our communities. We can truly make a historical difference in furthering open housing opportunities through this Nominee. Please give your support to Ms. Achtenberg, and thereby for the potential realization of American ideals of equality, which the people have so long professed and sought.

On the other hand, the fact that she is a person who so obviously can get this job done, means that those not yet having internal controls to reduce or eliminate discrimination will inherently fear and oppose her politically. I respectfully ask that you join potential opponents, and instead support

this exceptional Nominee. Thank you for your support.

Sincerely yours,

DAVID T. QUEZADA,
Executive Director.

FAIR HOUSING CENTER OF
METROPOLITAN DETROIT,
Detroit, MI, April 12, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing,
and Urban Affairs, Dirksen Senate Office
Building, Washington, DC.

Re: Appointment of Roberta Achtenberg as Assistant Secretary for Fair Housing and Equal Opportunity

DEAR SENATOR RIEGLE: I believe that you are in receipt of a letter, dated 4/7/93, from the National Fair Housing Alliance, extending that organization's support for the appointment of Roberta Achtenberg as the Assistant Secretary for Fair Housing and Equal Opportunity for the Department of Housing and Urban Development (HUD). The Fair Housing Center of Metropolitan Detroit is a member of NFHA and concurred in that recommendation.

Over the past three years the Fair Housing Center of Metropolitan Detroit, on behalf of itself and five other private, non-profit fair housing groups in Michigan, have received HUD Fair Housing Initiative/Private Enforcement Initiative (FHIP/PEI) contracts to assist in the investigation (through testing) of complaints of unlawful housing discrimination. We have been notified that we have been selected for a fourth round of funding under that same program. As we noted in our funding proposal, the FHIP/PEI program is working, and the Michigan FHCs have been one of the reasons it has been working.

It is our understanding that Ms. Achtenberg has indicated her support for the continuation and expansion of the FHIP/PEI program. It is also our understanding that Ms. Achtenberg is sensitive to the need for improved enforcement of our nation's fair housing laws. We trust, in your examination of Ms. Achtenberg's qualifications, you will confirm her commitment to these fair housing issues and will be able to quickly confirm her for the position of Assistant Secretary for Fair Housing and Equal Opportunity.

Sincerely,

CLIFFORD C. SCHRUPP,

CHINESE COMMUNITY HOUSING CORP.,
February 25, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing,
and Urban Affairs, Dirksen Senate Office
Building, Washington, DC.

DEAR SENATOR RIEGLE: I am writing to urge your confirmation of Roberta Achtenberg for the position of HUD Assistant Secretary for Fair Housing and Equal Opportunity. As someone involved in the fields of affordable housing and civil rights for over two decades, I have met very few individuals who exemplify these two areas with the breadth of experience and abilities which Roberta possesses.

Ms. Achtenberg has chaired the Housing and Land Use Committee of the San Francisco Board of Supervisors. She has been a leading advocate for the rights for tenants and the construction of affordable housing in our City. She is very familiar with the broad range of local, State, and federal programs serving the needs of families and children.

As chair of the Mayor's Task Force on Family Policy, Ms. Achtenberg was a leading advocate for sensitive and fair family leave

policies and programs. Leadership in such areas is a reflection of her unique experiences which can contribute to a heightened awareness of Fair Housing in this country.

I believe that we as Americans must begin to understand fair housing in a broader context than merely the enforcement of "equal opportunity." We must promote a public understanding of how fair housing access for all Americans is impacted by issues such as family leave policy, child care, exclusionary zoning, domestic violence, and community disinvestment.

Roberta Achtenberg is someone who can provide such a perspective, and I believe she will make an excellent Assistant Secretary for Fair Housing and Equal Opportunity.

Sincerely,

GORDON CHIN,
Executive Director.

ASIAN LAW CAUCUS,
March 4, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing,
and Urban Affairs, Dirksen Senate Office
Building, Washington, DC.

DEAR SENATOR RIEGLE: I am pleased to add my support and that of the Asian Law Caucus for the nomination of Roberta Achtenberg, San Francisco Supervisor, as Assistant Secretary of Fair Housing and Urban Development. We will sorely miss her presence and commitment to the rights of all San Franciscans on our Board of Supervisors, but we strongly believe that her talents and commitment to justice will serve her well in this critical new assignment.

The Asian Law Caucus is a civil rights and legal advocacy organization based in San Francisco. For twenty-one years we have represented the interests of low income and immigrant Asian Pacific Americans at the local, state and national level. We have a long history of fighting for the rights of Asian public housing tenants and low income and elderly Asian renters in general. In addition, we have addressed civil rights issues of all sorts affecting our community.

Often, we have carried our issues to Washington, D.C., where our community and its needs is often ignored. Supervisor Achtenberg, coming from a city in which the Asian population comprises a third of the population, is well familiar with our needs and issues. We are confident that her presence in the Assistant Secretary position at HUD will benefit not only us, but the increasingly diverse urban communities across the United States.

As a former civil rights advocate in Washington, D.C., I can attest to how rare it is to find federal officials that can relate to or understand the complex needs faced by particularly the low income segment of the Asian and Pacific community. More often than not, Asian interests are not even addressed on civil rights matters. We need people like Supervisor Achtenberg that can sensitize a government that is only beginning to recognize our community.

Supervisor Achtenberg hired qualified and diverse staff while representing us at San Francisco City Hall. More than any other Supervisor, we could count on her to fight for our needs. She will serve the nation and HUD with distinction.

We urge the committee and the Senate to act swiftly to confirm Supervisor Achtenberg's nomination. Please feel free to contact us for further information or input.

Thank you.

Sincerely,

PAUL M. IGASAKI,
Executive Director.

COUNCIL FOR CONCERNED CITIZENS.

Great Falls, MT, April 14, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing,
and Urban Affairs, Dirksen Senate Office
Building, Washington, DC.

DEAR SENATOR RIEGLE: We at the Council for Concerned Citizens wholeheartedly support the nomination of Ms. Roberta Achtenberg as Assistant Secretary of Fair Housing and Equal Opportunity of the U.S. Department of Housing and Urban Development.

We have based our decision to support her nomination on three factors. First, we have reviewed a vast amount of material outlining her eminent qualifications for the job. Secondly, we know that President Clinton has nominated Ms. Achtenberg for this position, and we have confidence in his reasoning for selecting her for the appointment. Finally, we are affiliated with the National Fair Housing Alliance and trust their judgment in the decision to support Ms. Achtenberg's nomination.

Private group enforcement of fair housing laws is vital to fair housing choice in rural states such as Montana. The Council for Concerned Citizens is such a group, and is the only private fair housing group in the United States that focuses on housing, lending, and insurance discrimination against Native Americans.

Our work has been greatly advanced by federal funding which is necessary and critical to implementing fair housing goals in large rural western states. Funding is one of the areas where Ms. Achtenberg has distinguished herself. Her work on appropriations increased Fair Housing Initiative Program (FHIP) monies from \$10.6 million to \$16.9 million for this year.

An increase in dollars aids existing groups such as NFHA and CCC in their efforts to develop private fair housing groups in locations where none currently exist. This increased funding will also go a long way toward capacity development of existing groups such as CCC, enabling us to investigate mortgage, lending, and insurance discrimination in Montana.

For Ms. Achtenberg's efforts to increase FHIP funding, we are very grateful and optimistic about the future of fair housing, not only in Big Sky Country, but throughout the nation as well. Therefore, we strongly urge the Senate to quickly approve Ms. Achtenberg's appointment. If you have any questions or would like us to comment further on this nomination, please feel free to contact us.

Respectfully,

TONI AUSTAD,
Director.

HOUSING OPPORTUNITIES
MADE EQUAL, INC.,
Buffalo, NY, April 14, 1993.

Hon. ALFONSE D'AMATO,
Ranking Minority Member, Senate Committee
on Banking, Housing, and Urban Affairs,
Dirksen Senate office Building, Washing-
ton, DC.

DEAR SENATOR D'AMATO: As you know, Housing Opportunities Made Equal is an organization with nearly 600 members which, since 1963, has led the struggle for fair and equal access to housing in Western New York. Today HOME operates under contract with 36 municipalities to provide a comprehensive program of fair housing services.

Although this agency has won enforcement funding for four consecutive years under the Fair Housing Initiatives Program, we are

sorry to report that we have not always been in agreement with the policies of our friends at HUD. You may have seen the June 1992 report on implementation of the Fair Housing Amendments Act issued by the New York State Advisory Committee to the U.S. Commission on Civil Rights which contained a number of criticisms by this agency directed at HUD practices which, at times, seemed designed to discourage victims of housing discrimination from pursuing those rights granted by Congress and President Reagan in 1988.

Thus we are pleased to write in support of the nomination of Roberta Achtenberg as HUD's assistant secretary for fair housing and equal opportunity. Although we have not yet had an opportunity to meet Ms. Achtenberg, we have had occasion to communicate with her office and were frankly impressed by the timely response. Ms. Achtenberg's resume is an impressive one which tells of a long history of commitment to civil rights. Our colleagues at the national Fair Housing Alliance have met with Ms. Achtenberg and come away positively impressed—and we place great faith in their judgment.

Thirty years after New York State adopted its first fair housing statute, housing discrimination remains a serious problem. In 1992 HOME recorded a 19 percent increase in reported incidents of bias and, in honesty, the first quarter of 1993 shows further growth. Even as HOME enters its fourth decade, it is apparent that the evil of discrimination is not yet beaten.

The Fair Housing Amendments Act of 1988 and the Fair Housing Initiatives Program combined to create a framework with which to effectively combat housing discrimination. We are hopeful that under the leadership of Secretary Cisneros and Assistant Secretary Achtenberg the federal government will at long last demonstrate the will to keep its 25 year-old promise of fair housing.

Thanking you for your consideration of these comments, I remain

Sincerely,

SCOTT W. GEHL,
Executive Director.

CHINESE FOR
AFFIRMATIVE ACTION,
April 13, 1993.

U.S. Senator DONALD W. RIEGLE, Jr.,
Chairman, U.S. Senate Committee on Banking,
Housing and Urban Affairs, Dirksen Senate
Office Building, Washington, DC.

Re: Assistant Secretary Nominee Roberta Achtenberg.

DEAR CHAIRMAN RIEGLE: I write to urge the U.S. Senate Committee on Banking, Housing and Urban Affairs to approve the nomination of San Francisco Supervisor Roberta Achtenberg to be the Assistant Secretary of Fair Housing and Equal Opportunity.

For the past twenty years, I have had the opportunity to work closely with numerous public officials, civil rights lawyers, and community leaders to solve a broad range of social and legal problems afflicting racially discriminated communities. Roberta stands out as a shining example of a gifted, compassionate public official and civil rights advocate who has developed strategies that have empowered the disadvantaged and coalesced persons of diverse backgrounds toward a common good. In addition to her effective opposition against all forms of discrimination, she has demonstrated strong leadership in promoting public policies that treat economically disadvantaged youths and families more humanely.

As a city supervisor, Roberta has had to mediate many numerous instances of conflicting interests and priorities. In every instance, her ability to identify practical solutions and persuade governmental agencies to be more responsive to the needs of common citizens has made her an exceedingly effective public official. Her public service work has always had focus and clear direction. There is no doubt in my mind that Roberta will be an outstanding leader to defend our nation's fair housing laws. Her professional training, personal commitment to equality for all, and successful track record of developing creative and innovative public policies all contribute to her being a superb nominee to be the next Assistant Secretary for Fair Housing.

I hope that you and U.S. Senate move with deliberate speed to approve the nomination of Roberta Achtenberg to be the Assistant Secretary for Fair Housing and Equal Opportunity. Thank you.

Sincerely yours,

HENRY DER,
Executive Director.

NATIONAL CENTER FOR
YOUTH LAW,
San Francisco, CA, March 8, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing,
and Urban Affairs, Dirksen Senate Office
Building, Washington, DC.

DEAR SENATOR RIEGLE: I am writing in support of Supervisor Roberta Achtenberg's appointment to the position of Assistant Secretary for Fair Housing and Equal Opportunity at the Department of Housing and Urban Development (HUD). I have known Supervisor Achtenberg for over ten years. She has demonstrated her qualifications for the HUD position in her work as a public official and civil rights attorney.

Since 1982, I have specialized in fair housing law for families with children. I have litigated cases, conducted trainings for other lawyers, and testified before Congressional Committees in support of the Fair Housing Amendments Act of 1988. E.g. Hearings before the Subcomm. on the Constitution of the Comm. on the Judiciary, U.S. Senate, One Hundredth Congress, First Session on S. 558, pp. 166-210. I have closely monitored HUD's enforcement of the 1988 Act, its certification of state laws, and its coordination of fair housing activities among the various HUD programs. Supervisor Achtenberg faces a daunting task in improving HUD's performance on these issues, but she has many valuable skills to bring to this task.

Supervisor Achtenberg combines a lawyer's substantive expertise on civil rights law with an elected official's ability to work with diverse groups. For many years, she was a practicing lawyer who focused on overcoming discrimination against gay men and lesbians. This experience, although it did not directly deal with fair housing matters, prepares her well for the Assistant Secretary position. To understand the harm, arbitrariness, and remedies associated with discrimination against one group is to understand many of the problems facing other victims of discrimination. Civil rights law has evolved over time and builds on fundamental principles that are used for all protected classes. Supervisor Achtenberg understands these principles and will be able to apply her legal expertise to the enforcement of the Fair Housing Act.

San Francisco has been described by some as "hyperpluralistic". Residents have a keen interest in the political process; community,

neighborhood, and other interest groups abound in the city. In many respects, the political milieu of the city replicates the highly-charged arena of Washington politics. Supervisor Achtenberg has succeeded in this environment.

She has been a rational and pragmatic voice for social and economic justice. She has worked well with divergent groups and forged meaningful compromises that solve urban problems. As a Latino community activist, I have worked with Supervisor Achtenberg on several issues, including fair housing and civil rights matters. She has also been an advocate for families, small businesses, and the reform of city government. Her experience as a local official indicates that she will work effectively and pragmatically in implementing fair housing law.

As a resident of San Francisco, I regret the departure of Supervisor Achtenberg from city government. As a fair housing lawyer representing low income families, I look forward to Supervisor Achtenberg's leadership at HUD in improving the federal government's enforcement of the Fair Housing Act. Sincerely,

JAMES B. MORALES,
Staff Attorney.

LA RAZA
CENTRO LEGAL, INC.,
San Francisco, CA, March 8, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing and
Urban Affairs, Dirksen Senate Office Building,
Washington, DC.

DEAR CHAIRMAN: I fully support Supervisor Roberta Achtenberg's nomination as Assistant Secretary of Fair Housing and Equal Opportunity. I have known Supervisor Achtenberg for five years and hold her in high regard.

As Supervisor, Ms. Achtenberg has been an advocate for San Francisco's low-income families and minorities. She has worked for protection of tenants against wrongful eviction and has supported construction of affordable housing for low-income families. Ms. Achtenberg has also worked for better monitoring efforts by the City of Human Rights Commission.

She has been an advocate for issues that effect San Francisco's diverse and growing Latino Community. As Executive Director of a non-profit community law agency that serves Latinos throughout the Bay Area, I will miss her presence on the Board of Supervisors and United Way of the Bay Area. She has been instrumental in addressing the needs of the Latino community as a public official and private citizen.

I believe Ms. Achtenberg's commitment to civil rights makes her an outstanding nominee for the position of Assistant Secretary of Fair Housing and Equal Opportunity. For low-income housing advocates, it is very heartening to know she will be in Washington continuing her work as an advocate for low-income housing.

I hope that the Banking Committee will confirm Supervisor Achtenberg as a new Assistant Secretary of Fair Housing and Equal Opportunity. If I can be of any further assistance please call me at 415/575-3500.

Sincerely,

MARIO SALGADO,
Executive Director.

AUSTIN TENANTS' COUNCIL,
Austin, TX, April 13, 1993.

TO WHOM IT MAY CONCERN: The Austin Tenants' Council wishes to add our voice to the chorus of individuals and organizations

supporting the nomination of Ms. Roberta Achtenberg for Assistant Secretary for Fair Housing and Equal Opportunity.

Her background is ideal for furthering the cause of full and fair housing for all. Ms. Achtenberg's commitment to civil rights enforcement and equal opportunity ensure her adherence to the mandate set forth under the Fair Housing Act.

With 20 years of service to our community, the Austin Tenants' Council has gained expertise as a catalyst in the struggle to uphold the rights and privileges of all persons to a safe and decent place to live. Ms. Achtenberg presents a background which is germane to the essence of this struggle and as such we feel she will do an outstanding job.

Respectfully submitted,

KATHERINE STARK,
Executive Director.

FAIR HOUSING COUNCIL OF OREGON,
Portland, OR, April 15, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing,
and Urban Affairs, Washington, DC.

DEAR SENATOR RIEGLE: The Fair Housing Council of Oregon supports the nomination of Ms. Roberta Achtenberg as Assistant Secretary of Fair Housing and Equal Opportunity of the U.S. Department of Housing and Urban Development.

Her accomplishments are substantial and substantive. She is an advocate for fairness and equality for all persons. Her career in public service and policy making as well as civil rights enhances her candidacy. We believe this position needs someone who will remain a voice for those who are underrepresented. We feel that a true advocate for fairness must have clarity of vision and a desire to facilitate change.

The Fair Housing Council of Oregon is a private non-profit corporation with a mission of promoting access to housing of choice for all persons. We receive and screen complaints of housing discrimination from the entire state of Oregon and whenever possible test allegations of fair housing violations. We have front line experience of the reality of housing discrimination and feel that a strong commitment to enforcement at the federal level is essential.

We feel that with Ms. Achtenberg's legal background and experience the U.S. Dept. of Housing of Urban Development and the people of the United States will have a true champion of fairness. We urge you to approve the nomination of Ms. Achtenberg for Assistant Secretary of Fair Housing and Equal Opportunity.

Sincerely,

CYNTHIA INGEBRETSON,
Program Enforcement Coordinator.

BALTIMORE NEIGHBORHOODS, INC.,
Baltimore, MD April 14, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing and
Urban Affairs, Washington, DC.

DEAR MR. CHAIRMAN: Baltimore Neighborhoods, Inc. (BNI) is a private fair housing organization which has been on the forefront of the battle against housing discrimination in the Baltimore metropolitan area since our founding in 1959. We strongly support the nomination of Roberta Achtenberg as Assistant Secretary for Fair Housing and Equal Opportunity. Ms. Achtenberg promises to bring to that office an awareness of the critical importance of housing for all American citizens and a commitment to ensuring that the availability of housing is not affected by

discriminatory beliefs and practices. We are persuaded that Ms. Achtenberg will be an aggressive, strong, compassionate and committed leader in a Department which has suffered during the last many years from leadership which has lacked those qualities.

Baltimore is among those American cities which have been characterized as hyper-segregated by recent studies. Throughout the 34 years BNI has been in the fair housing business, this characterization, unfortunately, has been an apt one, despite our determined efforts to enforce the fair housing laws. Much of the impetus for change comes from the level of commitment and enforcement set at the national level. The commitment of President Clinton and Secretary Cisneros to fair housing manifests itself in the nomination of this dedicated, capable woman to lead the nation's fair housing program. We are confident that your hearing on this nomination will confirm our high opinion of Ms. Achtenberg.

We urge your committee and the full Senate to act quickly in approving this important nomination.

Sincerely yours,

ROBERT L. PIERSON,
President.

EDEN COUNCIL FOR HOPE
& OPPORTUNITY,
Hayward, CA, April 14, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing and Urban Affairs, Washington, DC.

DEAR SENATOR RIEGLE: We are writing you to urge your support for the nomination of Roberta Achtenberg as Assistant Secretary for Fair Housing and Equal Opportunity in the Department of Housing and Urban Development. She is a person who will bring substantial leadership skills and an untiring commitment to a position within the Department that greatly needs it.

Fair housing agencies such as ours depend to a great extent on H.U.D. to make the federal government's goal of equal opportunity in housing a reality. We regularly refer clients who are victims of discrimination to H.U.D. in order to get a thorough investigation of the complaint and full enforcement of the laws. Until now, though, many of these cases have encountered road blocks in Washington, D.C. It has happened to a number of our clients that their cases left the regional office with a recommendation of reasonable cause, only to be dismissed in Washington. In some cases there have been glaring errors and omissions in the final determinations. In other cases, there was simply poor judgment and a lack of commitment.

A commitment to fair housing begins at the top. The Assistant Secretary for Fair Housing and Equal Opportunity needs to be someone who will not hamstring enforcement of the laws, but rather will strive to broaden the scope of the law and ensure that justice is served in each individual case. We believe that Roberta Achtenberg is such a person. Her record of public and community service clearly demonstrates a dedication to the guarantee of civil rights. And while Ms. Achtenberg may not have a wealth of direct experience with housing discrimination litigation, she has proven herself to be a very intelligent, perceptive and sensitive person who is able to develop a full understanding of the issues in a short amount of time.

Therefore, we urge you to support the nomination of Ms. Achtenberg and to push your colleagues to do likewise. A speedy con-

firmation is important to all those who believe in equal opportunity in housing.

Sincerely,

MARK STIVERS,
Fair Housing Counselor.

INSTITUTO LABORAL DE LA RAZA,
San Francisco, CA, March 19, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Washington, DC.

DEAR CHAIRMAN RIEGLE: Please accept my letter in support of Supervisor Roberta Achtenberg's nomination as Assistant Secretary of Fair Housing and Equal Opportunity in the Department of Housing and Urban Development.

Roberta has been an effective policy maker on the San Francisco Board of Supervisors. She has been particularly sensitive to the needs of our City's most vulnerable population—female single heads of household; youth and senior citizens. Roberta has consistently put forth innovative solutions to complex city problems such as her recent legislative efforts to help speed the transition from welfare to permanent employment through augmentation of city-sponsored job training programs.

Even prior to her election to the Board of Supervisors, Roberta had made a reputation for herself as an effective advocate for tenants' rights and for affordable housing. She has given generously of her time by serving on the board of directors of the United Way of the Bay Area and is a member of the Jefferson Elementary School PTA where her son is a student.

Roberta's first hand knowledge of fair housing issues coupled with her commitment to equal opportunity will enable her to make a most positive contribution in discharging her duties as Assistant Secretary of Fair Housing and Equal Opportunity.

Sincerely,

JOSE E. MEDINA,
Executive Director.

SAN FRANCISCO LA RAZA
LAWYERS ASSOCIATION,
San Francisco, CA, March 17, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Washington, DC.

HONORABLE CHAIRMAN: San Francisco La Raza Lawyers Association welcomes the opportunity to express its support for Supervisor Roberta Achtenberg to the position of Assistant Secretary of the United States Housing and Urban Development Department.

San Francisco La Raza Lawyers Association is a professional association representing more than five hundred members and supporters in the San Francisco Bay Area. Our primary responsibilities are to enhance opportunities for Latino attorneys in their respective areas of practice, provide educational forums to community members, and to facilitate the appointment of Latino attorneys to vacancies in the judicial branch. Currently, we are organizing the 1993 Hispanic National Bar Association Convention which will take place in San Francisco from September 23rd to the 26th. We would be honored to have you and other members of your committee present at this historic event.

It is this association's position that Supervisor Roberta Achtenberg has been a concerned and dedicated public servant throughout her tenure as supervisor. In her official capacity, she has shown sensitivity to the plight of the Latino community in San Francisco and has worked consistently in support

of programs and measures which have advanced the interests of our community. She's held this same commitment long before she was elected to the Board of Supervisors when she was working as Dean of New College of California School of Law. In her capacity as Dean, she made sure that minority law school applicants were fairly considered, admitted to, and retained in the law school. It is our belief and expectation that she, as Assistant Secretary to H.U.D., will continue to exercise good judgment and discretion with respect to her duties and in the developments of new methods for dealing with the myriad of problems facing this agency.

Thank you for allowing us the opportunity to express our support for Supervisor Achtenberg. We are available to provide any additional assistance and information regarding the candidate and/or our association. Please feel free to contact us.

Sincerely yours,

ENRIQUE RAMIREZ,
President.

SAN FRANCISCO/PHYSICALLY
DISABLED QUORUM,
San Francisco, CA, April 2, 1993.

Hon. MEMBERS,
Committee on Banking, Housing and Urban Affairs, Washington, DC.

DEAR SENATORS: We are writing to support the appointment of Roberta Achtenberg to the position of Assistant Secretary for Fair Housing and Equal Opportunity in The Department of Housing and Urban Development.

We are a local, independent organization of people with physical disabilities whose mission is to advocate for greater accessibility. We do not receive funding from anyone outside our membership.

People with disabilities have more problems with housing and are more in need of strong enforcement of fair housing laws than any other group. Many people who have become disabled have had to give up jobs only because they could not find a home which they could leave or enter independently. A home with a doorway too narrow for a person with a disability, a kitchen or bathroom unusable by a person with a disability, is just as much discrimination as a sign saying "No Women Allowed" or "No African-Americans Allowed".

Supervisor Achtenberg has been a leader in civil rights and fair housing in San Francisco. She led the fight to get stricter penalties for motorists blocking curb ramps, a difficult fight in this city with one of the worst parking problems in the country, and with some officials regarding this blockage as a driver's right. She is the rare official who is genuinely sensitive to disability issues, and not merely taking a proper political stance. Her brother was a quadriplegic who was killed in a street accident that would not have occurred if there had been better enforcement of disability rights.

We look forward to her developing policies for equal and fair housing.

Sincerely,

STANLEY PAUER,
Co-Chair.

ELLEN LIEBER,
Co-Chair.

LOCAL 2 HOTEL EMPLOYEES &
RESTAURANT EMPLOYEES UNION,
San Francisco, CA, March 31, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing and
Urban Affairs, Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR RIEGLE: On behalf of the 10,000 members of Local 2, I write seeking your support for the confirmation of Roberta Achtenberg as Assistant Secretary of Fair Housing and Equal Opportunity in the Department of Housing and Urban Development.

We in Local 2 have worked closely with Supervisor Achtenberg in San Francisco over a variety of different issues not only affecting our membership but the community at large.

Specifically, Supervisor Achtenberg was a key supporter of a piece of local legislation which our union succeeded in having adopted by the city which requires the Planning Commission to consider housing mitigation measures prior to the approval of any new hotel developments in San Francisco. Without her support we would not have been able to achieve this legislation which addresses the severe housing shortage in our city.

In addition Supervisor Achtenberg has built her career on championing civil rights and equal opportunity for woman and minorities in our community.

I strongly urge your support of her nomination as Assistant Secretary. Her dedication, commitment and hard work, which we have experienced first hand, will serve our nation well.

Sincerely,

SHERRI CHIESA,
President.

CENTRAL LABOR COUNCIL OF
CONTRA COSTA COUNTY, AFL-CIO,
Martinez, CA, March 29, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing and
Urban Affairs, Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR RIEGLE: I would like to strongly recommend Roberta Achtenberg's appointment as Assistant Secretary for Fair Housing and Equal Opportunity.

Roberta Achtenberg has had a brilliant career, and is recognized as a leader in the San Francisco Bay Area. I have been privileged to serve with her as a member of the Board of Directors of the United Way of the Bay Area.

Your committee's concurrence of her nomination would be in the best interests of this nation's goals.

Sincerely,

STEVEN A. ROBERTI,
Executive Secretary.

HOUSING OPPORTUNITIES MADE EQUAL,
Richmond, VA, April 12, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing and
Urban Affairs, Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR RIEGLE: The Board of Directors of Housing Opportunities Made Equal (HOME) voted unanimously at its most recent meeting to support the nomination of Roberta Achtenberg to be Assistant Secretary for Fair Housing and Equal Opportunity. Ms. Achtenberg's background in civil rights, policy development and administration, and law, as well as her personal commitment to equal housing, make her extremely well qualified to fill this position.

I have had the opportunity to discuss a variety of topics with Ms. Achtenberg, and

have been impressed with her immediate grasp of the complex issues surrounding equal housing and housing affordability, and her understanding of the role that can and should be played by the U.S. Department of Housing and Urban Development in ensuring equal access to housing throughout the United States. While firmly committed to equal rights, she also understands the importance of taking into consideration the concerns of the housing industry to ensure that the programs under her jurisdiction are administered in the most productive way possible.

HOME is a HUD-certified comprehensive housing counseling agency, which served 4,627 families in 1992, and which has provided fair housing services for the city of Richmond for almost twenty years. We assist victims of housing discrimination, provide all forms of housing counseling, and also administer various programs of financial assistance such as downpayment assistance for first time homebuyers. As a result, we are thoroughly familiar with the interrelationship of different housing programs, discrimination, and the barriers facing women, families, minorities, and those with limited incomes in their search for housing. We are convinced that Ms. Achtenberg will provide the leadership necessary to ensure that fair housing is a positive component of all of HUD's programs, and that she will work diligently to guarantee all residents of the United States the equal access to housing envisioned in the law.

Ms. Achtenberg has our full support. I hope you and the other members of the Committee on Banking, Housing and Urban Affairs will act quickly to confirm her nomination.

Sincerely,

CONSTANCE K. CHAMBERLIN,
Executive Director.

SAN FRANCISCO
LABOR COUNCIL AFL-CIO,
San Francisco, CA, March 30, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing,
and Urban Affairs, Dirksen Senate Office
Building, Washington, DC.

DEAR SENATOR RIEGLE: The purpose of this communication is to strongly recommend Roberta Achtenberg for the position of Assistant Secretary for Fair Housing and Equal Opportunity.

The aforementioned recommendation is based on my personal experience in working with Roberta over a period of years, both in her capacity as an elected official, and her involvement in community support activities. Roberta becomes involved because of the necessity for all citizens to have a voice within the community, and her deep dedication and commitment.

Roberta is always well informed and is qualified to deal with sensitive and complicated issues. Her broad cross section of experience will be a tremendous asset as she puts her time, talents and energy to work to help solve some of the more difficult and demanding problems that have developed into one of America's most serious and festering wounds.

I am supremely confident Roberta Achtenberg will fulfill all of the responsibilities inherent in the aforementioned position, thereby serving as a model for all who follow.

Please feel free to contact me if further information is required.

Thank you.

Sincerely,

WALTER L. JOHNSON,
Secretary-Treasurer.

THE BAR ASSOCIATION
OF SAN FRANCISCO,
March 9, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing,
and Urban Affairs, Dirksen Senate Office
Building, Washington, DC.

DEAR SENATOR RIEGLE: We understand that President Clinton's nomination of Supervisor Roberta Achtenberg as Assistant Secretary of Fair Housing and Equal Opportunity in HUD is currently under consideration by your Committee.

On behalf of the Bar Association of San Francisco, I enclose for your information a copy of the materials submitted by BASF in support of our nomination of Supervisor Achtenberg for the ABA's prestigious Margaret Brent Award. The nomination statement aptly expresses the enormously high regard in which Supervisor Achtenberg is held in the Association and in the legal community as a whole.

Thank you for the opportunity to call this to your attention.

Very truly yours,

DRUCILLA STENDER RAMEY,
Executive Director and General Counsel.

THE UNITED WAY,
San Francisco, CA, March 23, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing,
and Urban Affairs, Dirksen Senate Office
Building, Washington, DC.

DEAR SENATOR RIEGLE: Building a better community has always been Roberta Achtenberg's personal and professional goal. Over the years, I have come to learn that her great skill, knowledge and ability has been one of the key elements in the development of the Bay Area.

Serving others without expectation of return has been one of the hallmarks of a gifted leader. Clearly, Roberta has worked hard her entire career to improve the quality of life of our entire Bay Area community.

In an era when some of our best and brightest are not attracted to public service, it is truly an honor and pleasure to recommend a leader of national stature for the position of Assistant Secretary for Fair Housing and Equal Opportunity, without reservation.

Sincerely,

THOMAS A. RUPPANNER,
President.

RELIGIOUS ACTION CENTER,
OF REFORM JUDAISM,
March 25, 1993.

Hon. JIM SASSER,
Chair, Committee on Banking, Housing, and
Urban Affairs, Russell Senate Office Building,
Washington, DC.

DEAR SENATOR SASSER: As you may know, I represent the 1.5 million members of the Reform Jewish community throughout the United States. I am writing on behalf of a distinguished and respected member of one of our synagogues: Roberta Achtenberg.

She has been nominated by the Administration to be Assistant Secretary of Housing and Urban Development for Fair Housing and Equal Opportunity. Her background in public policy, including fair housing policy, is exemplary. I have the privilege to sit on the boards of several national civil rights organizations, and can attest to the high regard in which Roberta is held by a number of communities—including my own.

Roberta is deeply respected by the Jewish community in San Francisco and is greatly admired as an advocate for civil rights and for Jewish concerns. Her selection has at-

tracted much interest and support from the national Jewish community. Her confirmation will be considered by the Jewish community as a major contribution by the Clinton Administration.

Sincerely,

DAVID SAPERSTEIN.

SAN FRANCISCO MEDICAL SOCIETY,
San Francisco, CA, March 19, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing,
and Urban Affairs, Dirksen Senate Office
Building, Washington, DC.

Hon. PAUL S. SARBANES,
Chairman, Subcommittee on Housing and Urban
Affairs, Dirksen Senate Office Building,
Washington, DC.

Hon. ALFONSE D'AMATO,
Ranking Minority Member, Committee on Bank-
ing, Housing, and Urban Affairs, Dirksen
Senate Office Building, Washington, DC.

DEAR SENATORS RIEGLE, SARBANES, AND
D'AMATO: On behalf of the San Francisco
Medical Society, it is my pleasure to support
Roberta Achtenberg's nomination as As-
sistant Secretary of Fair Housing and Equal
Opportunity in the Department of Housing and
Urban Development.

While we will miss her presence in San
Francisco, we believe that she will be a wel-
come and productive addition to the federal
government. During her tenure as Super-
visor, we had numerous occasions to meet
and confer with Supervisor Achtenberg on
matters affecting health care in San Fran-
cisco. We found her to be well informed on
the issues and balanced in her approach. It
was a pleasure to interact with her and al-
ways felt that we got a fair hearing, even
when she disagreed with the positions we ad-
vocated. We found her to be a strong advo-
cate and a skillful builder of consensus on
difficult issues.

We urge you to confirm Ms. Achtenberg as
Assistant Secretary of Fair Housing and
Equal Opportunity. Please contact our Exec-
utive Director Susan Waters if we can pro-
vide additional information in support of her
nomination.

Sincerely,

DAVID J. SOFFA, M.D.,
President.

SAN FRANCISCO, CA,
April 7, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing,
and Urban Affairs, Dirksen Senate Office
Building, Washington, DC.

Hon. PAUL S. SARBANES,
Chairman, Subcommittee on Housing and Urban
Affairs, Dirksen Senate Office Building,
Washington, DC.

Hon. ALFONSE D'AMATO,
Ranking Minority Member, Committee on Bank-
ing, Housing, and Urban Affairs, Dirksen
Senate Office Building, Washington, DC.

DEAR SENATORS: I write with a strong rec-
ommendation of support for Roberta
Achtenberg as Assistant Secretary of Fair
Housing and Equal Opportunity in the De-
partment of Housing and Urban Develop-
ment.

As a partner in San Francisco's largest law
firm, Pillsbury Madison & Sutro, and as the
immediate past president of the Bar Associa-
tion of San Francisco, I have had occasion to
observe Supervisor Achtenberg on several
occasions, and with a sometimes critical eye.
Her background clearly qualifies her for the
job to which President Clinton has nomi-
nated her. She has, for her whole profes-
sional life, been a distinguished champion of

the downtrodden and the underclass. She
earned her distinction by creative policies
and vigorous action, and has been a cham-
pion of small businesses, affordable housing
for poor people, protection for tenants sub-
ject to wrongful eviction by rapacious land-
lords (but, and this is important, she is ra-
tional in her support and does not blindly
support people simply because of their sta-
tus), and other civil rights issues.

Roberta Achtenberg is a lesbian, and, as
such, would add an interesting and overdue
element of diversity to the administration.
But that is not why I support her. Rather, I
believe she is immensely qualified for the
job, fully professional, competent, reason-
able, smart and tough. In short, she is the
ideal candidate for this position at this time.

I would be pleased to supplement this let-
ter with additional information if requested.

Sincerely,

JAMES M. SEFF.

FOLGER & LEVIN,

San Francisco, CA, March 15, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing and
Urban Affairs, Dirksen Senate Office Build-
ing, Washington, DC.

DEAR CHAIRMAN RIEGLE: I am the senior
litigation partner of a fifty lawyer downtown
San Francisco law firm which typically rep-
resents large financial, commercial and in-
dustrial businesses in complex litigation. I
have practiced law for twenty years since
clerking for the Ninth Circuit Court of Ap-
peals, am a member of the America Law In-
stitute, the Northern District of California
Civil Justice Reform Act Panel and of many
other judicial and community public service
organizations and task forces. I am writing
you to urge you to confirm President Clin-
ton's nomination of Roberta Achtenberg as
Assistant Secretary of Fair Housing and
Equal Opportunity in the Department of
Housing and Urban Development.

In my business I have the blessing and bur-
den of working with numerous lawyers and
public officials. In my experience I have
rarely encountered as conscientious, com-
mitted and dedicated an individual as Ro-
berta Achtenberg. Roberta is hard working,
serious and thoughtful. She applies her
ample intelligence in a constructive, cre-
ative and productive manner. If you want to
get a job done right, you call on Roberta.

Roberta is neither an ideologue nor a
token. Her successes in life from her Phi
Beta Kappa key at the University of Califor-
nia to her Order of the Coif at the University
of Utah to her seat in the highest council of
power in San Francisco have been hard won
and deserved. Roberta is neither shrill nor
uncompromising, she measures her success
in terms of results, such as legislative
achievements, not in terms of headlines or
rhetoric.

The Housing and Urban Development De-
partment and the United States government
will be well served by Roberta Achtenberg's
addition to this administration. If I can con-
tribute anything further to your important
deliberations, please do not hesitate to call
upon me.

Very truly yours,

MICHAEL A. KAHN.

SAN FRANCISCO, CA,
March 30, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing and
Urban Affairs, Dirksen Senate Office Build-
ing, Washington, DC.

DEAR SENATOR RIEGLE: I understand Ro-
berta Achtenberg has been nominated as As-

sistant Secretary, Fair Housing and Equal
Opportunity in President Clinton's Adminis-
tration. I've known and worked with Roberta
on a number of community endeavors over
the past several years. She is intelligent,
sensitive to the needs of others, and is truly
professional.

Without reservation, I support her nomi-
nation and know that once approved she will do
an extraordinary job.

Sincerely,

BARRY LASTRA.

COMMUNITY INVESTMENT CORPORATION,
Chicago, IL, April 12, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing,
and Urban Affairs, Dirksen Senate Office
Building, Washington, DC.

Re Achtenberg Nomination for HUD Assist-
ant Secretary.

DEAR SENATOR RIEGLE: It is my pleasure to
write in support of Roberta Achtenberg's
nomination as Assistant Secretary of Fair
Housing and Equal Opportunity in the De-
partment of Housing and Urban Develop-
ment.

Times are changing as private-sector bank
dollars are becoming more readily available
to join with public programs to promote af-
fordable housing rehabilitation and neigh-
borhood job creation. Ms. Achtenberg's expe-
rience and her practical approach to promot-
ing neighborhood jobs and fair housing will
serve HUD's goals well.

Community Investment Corporation (CIC)
is an affordable-housing loan consortia of 43
banks and thrifts. CIC needs experienced and
pro-active partners in Washington to stream-
line programs and make them work. Ms.
Achtenberg would be such a partner to the
nation's affordable housing and banking
community.

I would be more than happy to help in any
way to support Ms. Achtenberg's nomi-
nation. As additional background to CIC, I am
enclosing a fact sheet describing our afford-
able housing efforts.

Sincerely,

JOHN PRITSCHER,
President.

SAN JOSE, CA,
April 20, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing,
and Urban Affairs, Dirksen Senate Office
Building, Washington, DC.

Re Supervisor Roberta Achtenberg.

DEAR MR. RIEGLE: I am writing to urge you
to support the confirmation of San Francisco
Supervisor Roberta Achtenberg as Assistant
Secretary of Fair Housing and Equal Oppor-
tunity.

I am a partner in the law firm of Pillsbury
Madison & Sutro. My work as an attorney
has brought me in direct contact with a
number of public officials. None of them
were more open, more receptive or more re-
sponsive than was Supervisor Achtenberg.
Her work in San Francisco on the Human
Rights Commission, as Chair of the Housing
and Land Use Committee and as a member of
the Economic Vitality and Social Policy
Committee, demonstrate the perception, expe-
rience and broad perspective she will bring
with her to the Department of Fair Housing
and Equal Opportunity.

Finally, Ms. Achtenberg's service as execu-
tive director of the National Center for Les-
bian Rights and her status as a leader of the
San Francisco gay and lesbian community
demonstrates her willingness to take strong
stands in favor of civil rights for all individ-

uals. Ms. Achtenberg's courage and leadership in the area of civil rights will further broaden the perspective she brings with her to the Department of Fair Housing and Equal Opportunity. I encourage you to confirm her nomination.

Very truly yours,

RANDOLF J. RICE.

FAIR HOUSING COUNCIL
OF THE FOX VALLEY,
Appleton, WI, April 16, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing,
and Urban Affairs, Dirksen Senate Office
Building, Washington, DC.

DEAR SENATOR RIEGLE: The Fair Housing Council of the Fox Valley strongly endorses Ms. Roberta Achtenberg as Assistant Secretary of Fair Housing and Equal Opportunity of the U.S. Department of Housing and Urban Development. As one of the few civil rights organizations in Northeastern Wisconsin, the Council is aware of the need to have the federal government show its concern for civil rights with strong advocates in HUD positions.

Ms. Achtenberg is the premier candidate for Assistant Secretary as she exemplifies the advocacy professionalism that is essential in this position. Her academic and professional career displays her intellectual range of knowledge. She has the political acumen necessary to promote the fair housing agenda and has the political contacts to make it all possible. Also, she has the experience in drafting and enacting policy changes.

As one of the front line organizations in the struggle for civil rights, this Council asks that you provide the leadership necessary for fair housing by confirming Ms. Achtenberg's nomination. Thank you.

Sincerely,

KATHLEEN GROAT,
Executive Director.

Mrs. BOXER. Mr. President, I would like to say this. I worked awfully hard to get to the U.S. Senate, as each of us has done. It is a great honor to be here.

I remember, when I was a child, my parents saying to me, "You know, in the United States Senate, they really have courage and they debate issues, and they really raise the level of the debate."

And I remember my parents saying, "In the House, it is really more of a feisty fight. But in the Senate, it is serious debate, and it is high-level debate."

I am happy to say that on most occasions that is really so.

But I have to say, listening to the Senator from North Carolina—and I do wish that he was here on the floor, because I sat through every word, every word, that he uttered about someone he does not know, Mr. President—I do not think that his statements are up to the level of this U.S. Senate.

He said of Roberta Achtenberg, and I quote, "She is pushy, demeaning, and demanding, and she is mean person."

Mr. President, Roberta Achtenberg is not a mean person and she is not pushy and she is not demeaning.

She is a good person. It does not mean I agree with her on every single thing, nor would you. No two people do. But one thing I know, she is not pushy

and she is not demeaning and she is not demanding and she is not mean. And I find it really strange that people who have been in politics for a long time would call someone they do not know names. Because we get it all the time, do we not, Mr. President, from people who do not know us who think they know us? And I am sure that the Senator from North Carolina himself might be surprised at how many people think he is mean. He may be surprised at that. So, to call someone else mean lowers this debate. I support every single Member of this body's opportunity, chance, and right to speak out against a nominee, but let us not demean the debate.

I would like to read from a few letters that were written in behalf of Roberta Achtenberg from people who know her, because I think that is important. A lot of people in the U.S. Senate are saying things about Roberta Achtenberg who do not know her. Maybe because they want to make political points? I do not know why they would do this. Is it because they do not approve of her private life? Well, that is their right. But say it. If that is the reason you object, say it. Do not say she is mean or abused her power. Tell the truth. We owe that to the people of this country.

So I want to read just quotes from these letters that I have put in the RECORD.

The first one, from Leopold Korins, who is the chairman and CEO of the Pacific Stock Exchange:

Roberta Achtenberg is among the most intelligent, capable individuals I have met. She is highly regarded for her willingness to reach out to San Francisco's business community—she has met on regular occasions with 24 local corporate CEOs—and has made many significant efforts to maintain and enhance our city's economic vitality. During the transition between her election and her induction to the Board of Supervisors, for example, Roberta helped craft a critical compromise to controversial legislation passed by the previous Board, dealing with workplace safety. She is diligent, hard working, and open to new ideas, all contributing to an attitude and approach to government the business community finds enlightened.

Now, I ask you, is this a mean person here? Is this a person who abuses power? This is a person praised by the corporate community.

Stanford Law School, Paul Brest, professor and dean. And I quote, about Roberta Achtenberg, who has been described here as mean and not qualified and someone who abuses power and is pushy. Listen to the words:

More important than any particular achievements are Ms. Achtenberg's qualities as a lawyer, administrator, and person. She has an absolutely first-rate mind, and is highly articulate, orally and in writing. She is well organized. She is a strong leader who listens well to others' opinions and inspires the loyalty of those she works with and, I believe, the trust and respect of her opponents on particular issues. She is a person of great

integrity and conviction, and at the same time pragmatic, warm, and outgoing.

I say to my colleagues, is this a mean person? Is this a demeaning person? Is this a pushy person? Not according to this professor and the CEO of the Pacific Stock Exchange.

We have a letter from the city of Baltimore, from the mayor, Kurt Schmoke.

Her outstanding career in public service warrants the strong support that she has received from around the country.

From the Lieutenant Governor of the State of California, the largest State in the Union, Leo McCarthy:

Roberta Achtenberg is one of the brightest and most sensible people in public life I have met during my twenty-eight years in local and state government.

He goes on:

In facing the range of seemingly intractable housing and other urban problems San Francisco and other cities encounter, she is a success story.

There have been implications that Roberta Achtenberg somehow does not love God. Roberta Achtenberg is an active member of a synagogue. She is absolutely praised by rabbis and priests. Here is one from Father Jim Goode, Church of St. Paul of the Shipwreck:

DEAR CHAIRMAN RIEGLE: I am writing to support the nomination of Roberta Achtenberg * * *

Before Supervisor Achtenberg was elected to the Board of Supervisors she worked for more than 15 years as a civil rights attorney, law professor and law school dean.

Her commitment to the people of this city and to the poor has been outstanding and she stands as a role model for those who wish to give of the best of their service to the poor and those who have no one to speak for them.

I am certain she will be an important addition to the Fair Housing and Equal Opportunity office in Washington, D.C.

I am honored and proud to add my name to the list of those who are supporting the nomination of Roberta Achtenberg.

Father JIM GOODE.

Mr. President, the Bar Association of San Francisco, signed by Drucilla Stender Ramey, executive director and general counsel:

On behalf of the Bar Association of San Francisco, I enclose for your information a copy of the materials (we sent) * * * in support of our nomination of Supervisor Achtenberg.

She had received, Mr. President, the ABA's prestigious Margaret Brent Award.

The nomination statement aptly expresses the enormously high regard in which Supervisor Achtenberg is held in the Association and in the legal community as a whole.

Mr. President, does this sounds like someone who is mean? Who is not qualified? Who does not work well? Who would abuse her office?

A letter from the United Way:

In an era when some of our best and brightest are not attracted to public service, it is truly an honor and pleasure to recommend a leader of national stature for the position of

Assistant Secretary for Fair Housing and Equal Opportunity, without reservation.

The Religious Action Center of Reform Judaism:

Roberta is deeply respected by the Jewish community in San Francisco and is greatly admired as an advocate for civil rights and for Jewish concerns.

The San Francisco Medical Society, signed by Dr. David Soffa:

On behalf of the San Francisco Medical Society, it is my pleasure to support Roberta Achtenberg's nomination * * *.

While we will miss her presence in San Francisco, we believe that she will be a welcome and productive addition to the federal government.

James Seff, attorney-at-law, a partner in San Francisco's largest law firm, Pillsbury Madison & Sutro, says:

I have had occasion to observe Supervisor Achtenberg on several occasions, and with a sometimes critical eye. Her background clearly qualifies her for the job to which President Clinton has nominated her. She has, for her whole professional life, been a distinguished champion of the downtrodden and the underclass. She earned her distinction by creative policies and vigorous action * * *.

And this is an interesting letter from Folger & Levin, Michael Kahn, who is a senior litigation partner of this 50-lawyer downtown San Francisco law firm:

Roberta is neither an ideologue nor a token. Her successes in life from her Phi Beta Kappa key at the University of California to her Order of the Coif at the University of Utah to her seat in the highest council of power in San Francisco have been hard won and deserved.

Listen to this, Mr. President, from someone who knows Roberta Achtenberg, not from someone who is making political points on this nomination—from someone who knows her:

Roberta is neither shrill nor uncompromising; she measures her success in terms of results, such as legislative achievements, not in terms of headlines or rhetoric.

Mr. President, I have all these letters of support. I have just read from but a few to make the point that character assassination will not hold, whether it is in the press or whether it is in this beautiful, beautiful hall. People who do not know a woman and people who admittedly do not like her private life, will try to destroy her reputation, destroy her qualifications, destroy her experience, call her names. That has no place in this beautiful hall, in this great institution.

If you are against the nominee, then you better come up with the truth because what we have heard today from the Senator from North Carolina saddens me deeply and, yes, I will add my voice to the Senator from Illinois, it frightens me as well. But somehow in this country when we get frightened, we reach inside us for the best in us, and we expand our Nation and we include people in our Nation's life.

And then, after we heard those voices, we heard the voice of the Senator from Michigan who, with courage,

stood tall in this Chamber and talked about how we are enriched as a Nation, not demeaned, but enriched when we reach out to those, yes, who maybe are different than we are.

Friendly? My own opinion is that Roberta Achtenberg will shine in this office. She is not being recommended for the Supreme Court. She is not being recommended for a Cabinet-level position. She is not, as she stated to the committee, going to recommend or make laws. We make the laws, so all the fear about Roberta Achtenberg somehow changing the laws around here all by herself, Mr. President, just does not add up. This is an Assistant Secretary for Fair Housing. That is what she will be doing.

I want to put to rest these charges about the Boy Scouts. I like the Boy Scouts. And I have to tell you that does not make them perfect either. Here are the facts about the Boy Scouts in the San Francisco Bay area.

United Way has a policy in the San Francisco Bay area—it is in writing—that if there is any discrimination on the part of an organization, United Way may not give them a grant. In the San Francisco Bay area, as they define "discrimination," it includes, in addition to race, color, creed, and gender, sexual orientation.

It was brought to the United Way's attention that the Boy Scouts in the Bay area had a discriminatory policy based on sexual orientation. The United Way appointed a task force. Roberta Achtenberg was not on that task force. I want to repeat that. The United Way in the San Francisco Bay area appointed a task force to look into the issue of whether or not it was true that the Boy Scouts discriminated on the basis of sexual orientation. The task force reported to the board of directors.

I ask unanimous consent to print in the RECORD a letter that I just received that is from an Elbert C. Hill, who was a member of the United Way Boy Scout Task Force.

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

SAN FRANCISCO, CA,
May 19, 1993.

Hon. Senator GEORGE J. MITCHELL,
Washington, DC.

DEAR SENATOR MITCHELL: As a former member of the United Way Boy Scout Task Force, I am perplexed that Roberta Achtenberg is taking the blame for the United Way's decision to de-fund the Boy Scout organizations in the Bay Area. Roberta, as one member of a fifty-nine member board of directors, acted on the recommendations of the Task Force and the United Way Executive Board.

The Task Force was established in November 1991, as the result of negotiations with the local Boy Scout Councils and members of the UW Executive Committee; the twenty-four members represented corporate/community/non-profit organizations, including the Boy Scouts and adult scouter volunteers. Professionals from the Boy Scout organiza-

tion, independent gay/lesbian activist organizations, and public office holders (including Roberta) were not represented, but did present information and testimony. As the result of four months of negotiations, the Task Force recommended continuation of funding for a five year period if the Boy Scouts would agree to work at finding a common position with the United Way. The BSA rejected this recommendation, leaving the Executive Committee little choice but de-funding.

The statements attributed in news reports to Senator Helms are factually incorrect.

It is important that Congress know that Ms. Achtenberg did not act unilaterally, regardless of her personal feelings on the subject. The Task Force agreed to its recommendations with a twenty-one vote affirmation. The Executive Committee voted to de-fund with a unanimous affirmation. The decision clearly followed a due process with fairness to all parties.

Sincerely,

ELBERT C. HILL,
Member,

United Way Boy Scout Task Force.

Mrs. BOXER. Mr. President, in this letter, it is clearly explained that Roberta Achtenberg was not on this task force, had nothing to do with the recommendations of the task force. I will read this to you in part, if I may:

As a former member of the United Way Boy Scout task force, I am perplexed that Roberta Achtenberg is taking the blame for the United Way's decision to defund the Boy Scout organizations in the Bay area. Roberta, as one member of a 59-member Board of Directors, acted on the recommendations of the task force. * * *

Which she was not on. This letter will explain that very clearly.

I want to point out, Mr. President, that this decision that was made by the United Way was made unanimously. There can be colleagues who do not agree with the charter of the United Way in San Francisco, and I respect them if they have a disagreement with that charter, but the charter was in place before Roberta Achtenberg came on the board of directors of the United Way.

So let us talk about what her action was.

She was one of 59 of the board of directors who got this recommendation from the task force to stop funding the Boy Scouts until they changed their discriminatory policy, vis-a-vis sexual orientation. Present at the meeting where the vote was taken were 34 members of the board of directors.

Mr. President, the vote was 34 to nothing in favor of defunding the Boy Scouts. Let me tell you who cast that vote: The president of United Way, Thomas Ruppner; George Keller, retired from the Chevron Corp.; the chairman-elect, David Chamberlain, chairman and CEO of Shaklee Corp.; James Cunha, partner, Arthur Andersen & Co., one of the Nation's largest accounting firms; Eleanor Williams, community program specialist in San Mateo; Joanna Ambrosio, treasurer of Oral-B Labs in Redwood City; Federico

Chaves, executive vice president of the United Way; and the list goes on.

I will name some others: Walter Johnson, the San Francisco Labor Council; Bruce Seaton, Belvedere; Stanley Skinner, president of Pacific Gas & Electric Co., Mr. President, voted, as did Roberta Achtenberg; Al Starosciak, manager, Chevron Shipping Co. voted with her; Terrence Murphy, real estate broker, TRI Realtors, voted with her.

The reason I wanted to read some of these names into the RECORD, Mr. President, is that I do not hear the Senator from North Carolina attacking Chevron Corp. I do not hear the Senator from Mississippi attacking Shaklee Corp. or Pacific Gas & Electric, or Toyota, New United Motors, who also voted, or Arthur Andersen, or Kaiser Permanente Medical Center, or Jones United Methodist Church.

Mr. President, this issue is a red herring because when you know the facts, you understand that the board of directors of the United Way were acting on behalf of their very own charter. The statements that were made by these CEO's were very clear that they had no choice and they hoped that in the bay area, the Boy Scouts would take a look at their charter and change it so there would be no discrimination.

So I want to bring us back to why it is so important—so important—to move this confirmation forward. We have to keep our eye on qualifications, on experience, on the kind of support that a nominee brings with her or him to the process. We have to keep our eyes on the fact that President Clinton has nominated Roberta Achtenberg and believes that she can do a good job.

I believe Mr. President, when we do these things, and when we act responsibly as Senators—and, Mr. President, I think we must look at these nominees carefully, and I encourage people to look at Roberta Achtenberg carefully and look at her academic record—highest honors, phi beta kappa at the University; highest honors in law school; Woman of the Year, California State Senate; Manager of the Year in 1989 for United Way, a woman who has letters from people of every political persuasion, letters which we have placed in the RECORD—I think when we do this, we will be very proud of our votes.

We will be saying to all of America that we do not expect to agree with every single thing a person does in his or her life. My goodness, of course not. But that when it comes to serving one's country and giving one's time and energy, that what is important are qualifications, experience, breadth of support, record. If we get diverted from that, God help us because the next thing we know, we will be demagoguing something else, and someone else, and this country will turn against itself.

What makes us great is that we are expansive. When we started out, only

white men with property could vote in this country. And in 1790 that was changed. If you were a white man and you did not have property, you could vote. And that was good. Then the franchise was extended to African-American men, then in 1920 to women, and then later the franchise was extended to young people, 18-year-olds. We said if they could go to war and die, they should be able to vote.

This country is great because we are expansive. We do not turn on each other. Just look at the world. Look what is happening in a far-away place that we never heard of called Bosnia. It is on the news every night. People there turn on each other because of religious differences. They kill each other; they rape the women; they kill the children, because they choose to concentrate on the differences, not the common ground.

We are all God's children. We are. And let us not judge each other based on our differences. Let us all put aside differences that do not matter. And in this nomination let us stand behind the chairman of the Banking Committee and the 14 members who stood tall and said: Roberta Achtenberg, you are one of the best witnesses to ever come before this committee. You answered every question. You have the skill. You have the qualifications, and you have our support.

Let us not be diverted from that. Let us be proud when we vote for Roberta Achtenberg. I know I will be.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. AKAKA). The Senator from California yields the floor.

The Senator from Michigan is recognized.

Mr. RIEGLE. Mr. President, before entering a quorum call, it is now 6:25. There are other Members who wish to be heard this evening. I do not know of any, as I stand here now, but I will say that if anybody wants to participate in this debate, the floor is open for that purpose. And if no Senators should indicate a desire to do so, I hope perhaps within a short time we could indicate and then lay this subject over for this evening, because I have been told there will not be a vote today, and then take it up again presumably tomorrow morning.

But I say, again, if there is any Senator who wishes to participate in this debate, the floor is open. This would be an appropriate time.

Also, I wish to thank the Senator from California for her comments, her kind personal comments, for her leadership in what she has said that I have been able to hear. I had to step away to meet with a group of communications workers, who are in from Michigan, to chat with them about some of the issues of concern in their lives. So I did not hear all of her statement, but I appreciate very much the fact she has ad-

dressed some of the issues raised earlier in the day and has set the record straight in that regard.

I thank her for her leadership.

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

The PRESIDING OFFICER. The Senator from Michigan [Mr. RIEGLE] suggests the absence of a quorum. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that if cloture is filed on the nomination of Roberta Achtenberg on Thursday, May 20, that the vote on the motion to invoke cloture occur on Friday, May 21, at a time to be determined by the majority leader, following consultation with the Republican leader, and that the mandatory live quorum be waived with respect to this cloture motion.

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

U.S. ARMY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the following nominations reported today by the Committee on Armed Services, and that the Senate proceed to their immediate consideration:

Lt. Gen. Wayne A. Downing, to be general, U.S. Army;

Maj. Gen. James T. Scott, to be lieutenant general, U.S. Army; and

Gen. Carl W. Stiner, to be general, U.S. Army.

I further ask unanimous consent that the nominees be confirmed, en bloc, that any statements appear in the RECORD as if read, that the motions to reconsider be laid upon the table, en bloc, that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

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

So the nominations were considered and confirmed en bloc as follows:

IN THE ARMY

To be general

Lt. Gen. Wayne A. Downing, XXXX-XX-XXXX
U.S. Army.

To be lieutenant general

Maj. Gen. James T. Scott, USA, to be lieutenant general.

To be general

Gen. Carl W. Stiner, USA, to be placed on the retired list in the grade of general.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Pursuant to the previous order, the Senate will return to legislative session.

MORNING BUSINESS

APPOINTMENT BY THE
REPUBLICAN LEADER

The PRESIDING OFFICER. The Chair, on behalf of the Republican leader, pursuant to Public Law 103-3, announces the appointment of the following individuals as members of the Commission on Leave:

The Senator from Idaho, Mr. CRAIG; Leland B. Cross, Jr., of Indiana; and Scottie Theresa Neese, of Oklahoma.

APPOINTMENT BY THE MAJORITY
LEADER

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, after consultation with the Republican leader, pursuant to Public Law 93-415, as amended by Public Law 102-586, announces the appointment of the following individuals to the Coordinating Council on Juvenile Justice and Delinquency Prevention:

John Cahill, of Nevada, for a 2-year term; and

Ronald Costigan, of Maine, for a 3-year term.

APPOINTMENT BY THE VICE
PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a-1928d, as amended, appoints the following Senators as members of the Senate delegation to the North Atlantic Assembly spring meeting during the 1st session of the 103d Congress, to be held in Berlin, Germany, May 20-24, 1993:

The Senator from Mississippi [Mr. COCHRAN];

The Senator from South Dakota [Mr. PRESSLER];

The Senator from Pennsylvania [Mr. SPECTER];

The Senator from Alaska [Mr. MURKOWSKI]; and

The Senator from Utah [Mr. BENNETT].

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations

which were referred to the appropriate committees.

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

MESSAGES FROM THE HOUSE

At 3:59 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1189. An act to entitle certain armored car crew members to lawfully carry a weapon in any State while protecting the security of valuable goods in interstate commerce in the service of an armored car company;

H.R. 1313. An act to amend the National Cooperative Research Act of 1984 with respect to joint ventures entered into for the purpose of producing a product, process, or service;

H.R. 1934. An act to authorize appropriations for fiscal year 1994 for the Federal Maritime Commission, and for other purposes; and

H.R. 2034. An act to amend title 38, United States Code, to revise and improve veterans' health programs, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 1189. An act to entitle certain armored car crew members to lawfully carry a weapon in any State while protecting the security of valuable goods in interstate commerce in the service of an armored car company; to the Committee on Commerce, Science, and Transportation.

H.R. 1313. An act to amend the National Cooperative Research Act of 1984 with respect to joint ventures entered into for the purpose of producing a product, process, or service; to the Committee on the Judiciary.

H.R. 1934. An act to authorize appropriations for fiscal year 1994 for the Federal Maritime Commission, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 2034. An act to amend title 38, United States Code, to revise and improve veterans' health programs, and for other purposes; to the Committee on Veterans' Affairs.

EXECUTIVE AND OTHER
COMMUNICATIONS

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

EC-833. A communication from the President of the United States, transmitting, pursuant to law, a report on Soviet treaty compliance with respect to the Strategic Arms Reduction Treaty; to the Committee on Foreign Relations.

EC-834. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a draft of proposed legislation to amend the Social Security Act to reallocate a portion of the social security

tax from the Federal Old-Age and Survivors Insurance Trust Fund to the Federal Disability Insurance Trust Fund; to the Committee on Finance.

EC-835. A communication from the Chief of Programs and Legislation Division (Office of Legislative Liaison) Department of the Air Force, transmitting, pursuant to law, a report relative to Cruise Missile development contracts; to the Committee on Armed Services.

EC-836. A communication from the Chairman of the Defense Base Closure and Realignment Commission, transmitting, pursuant to law, certain materials from the Commission; to the Committee on Armed Services.

EC-837. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the implementation of the Electric and Hybrid Research, Development, and Demonstration Act of 1976 for fiscal year 1992; to the Committee on Commerce, Science and Transportation.

EC-838. A communication from the Attorney General of the United States, transmitting, pursuant to law, a report relative to the private counsel debt collection project for fiscal year 1992.

EC-839. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report relative to unvouchered expenditures by the Executive Office of the President for fiscal year 1991; to the Committee on Governmental Affairs.

EC-840. A communication from the Chairman of the U.S. Merit Systems Protection Board, transmitting, pursuant to law, a draft of proposed legislation to authorize appropriations for the U.S. Merit Systems Protection Board; to the Committee on Governmental Affairs.

EC-841. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, a report relative to the Civil Service Retirement and Disability Fund for fiscal year 1992; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following report of committee was submitted:

By Mr. DeCONCINI, from the Committee on Intelligence:

Special report entitled "Intelligence and Security Implications of the Treaty on Open Skies" (Rept. No. 103-44).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, without amendment:

S. 775. A bill to modify the requirements applicable to locatable minerals on public lands, consistent with the principles of self-initiation of mining claims, and for other purposes (Rept. No. 103-45).

By Mr. THURMOND, from the Committee on Armed Services, without amendment and with a preamble:

S. Con. Res. 14. A concurrent resolution welcoming the XLVI Congress of the Interallied Confederation of Reserve Officers (CIOR), commending the Department of Defense and the Reserve Officers Association of the United States for hosting the XLVI Congress of the CIOR, and urging other departments and agencies of the Federal Government to cooperate with and assist the XLVI Congress of the CIOR to carry out its activities and programs.

EXECUTIVE REPORTS OF
COMMITTEES

The following executive reports of committees were submitted:

By Mr. JOHNSTON, from the Committee on the Energy and Natural Resources:

Daniel P. Beard, of Washington, to be Commissioner of Reclamation.

James John Hoecker, of Virginia, to be a Member of the Federal Energy Regulatory Commission.

William Lloyd Massey, of Arkansas, to be a Member of the Federal Energy Regulatory Commission.

William Lloyd Massey, of Arkansas, to be a Member of the Federal Energy Regulatory Commission. (Reappointment)

Donald Farley Santa, of Connecticut, to be a Member of the Federal Energy Regulatory Commission.

Vicky A. Bailey, of Indiana, to be a Member of the Federal Energy Regulatory Commission.

(The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. ROCKEFELLER, from the Committee on Veterans' Affairs:

Jerry W. Bowen, of Arkansas, to be Director of the National Cemetery System, Department of Veterans Affairs.

Mary Lou Keener, of Georgia, to be General Counsel, Department of Veterans Affairs.

Edward P. Scott, of New Jersey, to be an Assistant Secretary of Veterans Affairs (Congressional Affairs).

D. Mark Catlett, of Virginia, to be an Assistant Secretary of Veterans Affairs (Finance and Information Resources Management).

(The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. KENNEDY, from the Committee on Labor and Human Resources:

Thomas S. Williamson, Jr., of California, to be Solicitor for the Department of Labor.

Norma V. Cantu, of Texas, to be Assistant Secretary for Civil Rights, Department of Education.

Kay Casstevens, of Texas, to be Assistant Secretary for Legislation and Congressional Affairs, Department of Education.

Thomas P. Glynn, of Massachusetts, to be Deputy Secretary of Labor.

Gerri D. Palast, of California, to be an Assistant Secretary of Labor.

(The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. NUNN, from the Committee on Armed Services:

Thomas P. Grumbly, of Virginia, to be an Assistant Secretary of Energy (Environmental Restoration and Management).

The following-named officer for appointment to the grade of general while assigned to a position of importance and responsibility under title 10, United States Code, section 601(a):

To be general

Lt. Gen. Gary E. Luck, [redacted] U.S. Army.

The following-named officer for appointment to the grade of vice admiral while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. David E. Frost, U.S. Navy, 477-40-8820.

The following-named officer for appointment to the grade of general while assigned to a position of importance and responsibility under title 10, United States Code, section 601(a):

To be general

Lt. Gen. Wayne A. Downing, [redacted] U.S. Army.

Mr. NUNN. Mr. President, from the Committee on Armed Services, I report favorably the attached listing of nominations.

Those identified with a single asterisk (*) are to be placed on the Executive Calendar. Those identified with a double asterisk (**) are to lie on the Secretary's desk for the information of any Senator since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again.

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

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of January 5, February 16, March 25, March 29, April 5, April 19, April 21, and April 29, 1993, at the end of the Senate proceedings.)

**In the Army Reserve there are 47 promotions to the grade of colonel and below (list begins with Henry C. Chapman). (Reference No. 25).

**In the Army Reserve there are 670 promotions to the grade of colonel (list begins with Ronald W. Adams). (Reference No. 38).

*In the Air Force there are 38 appointments to the grade of brigadier general (list begins with Maxwell C. Bailey). (Reference No. 48-2).

*In the Air Force there are 17 appointments to the grade of major general (list begins with George T. Babbitt, Jr.). (Reference No. 57).

*In the Army Reserve there are 24 appointments to the grade of major general and below (list begins with Stephen C. Bisset). (Reference No. 59).

*In the Navy there are five promotions to the grade of rear admiral (lower half) (list begins with James Howard Black). (Reference No. 64).

**In the Air Force there are 2,430 promotions to the grade of major (list begins with John T. Abbott, Jr.). (Reference No. 90).

*In the Marine Corps there are 14 promotions to the grade of brigadier general (list begins with Thomas A. Braaten). (Reference No. 114).

*In the Navy there are four promotions to the grade of rear admiral (list begins with Philip James Coady, Jr.). (Reference No. 115).

*Rear Admiral (lower half) Edward Stillman McGinley II, USN to be rear admiral. (Reference No. 129).

**In the Air Force there are 20 promotions to the grade of colonel and below (list begins with Carl P. Dennis). (Reference No. 129).

**In the Air Force there are three promotions to the grade of lieutenant colonel (list begins with Michael S. Houser). (Reference No. 130).

**In the Army Reserve there are nine appointments to the grade of colonel and below (list begins with Frank S. Pettyjohn). (Reference No. 131).

**In the Army Reserve there are 47 promotions to the grade of colonel and below (list begins with Richard W. Averitt). (Reference No. 132).

**In the Army Reserve there are 26 promotions to the grade of colonel and below (list begins with James J. Dougherty). (Reference No. 133).

**In the Army Reserve there are 25 promotions to the grade of colonel (list begins with Lonnie B. Byrd). (Reference No. 134).

**In the Army Reserve there are 37 promotions to the grade of lieutenant colonel (list begins with James M. Brown). (Reference No. 135).

**In the Army there are 50 promotions to the grade of lieutenant colonel (list begins with John M. Babcock). (Reference No. 136).

**In the Army Reserve there are 1,466 promotions to the grade of lieutenant colonel (list begins with Michael L. Abels). (Reference No. 137).

**In the Navy and Naval Reserve there are 627 appointments to the grade of captain and below (list begins with John Gordon Asch). (Reference No. 138).

*Lt. Gen. Joseph S. Laposata, USA to be placed on the retired list in the grade of lieutenant general. (Reference No. 144).

*Maj. Gen. Marvin L. Covault, USA to be lieutenant general. (Reference No. 145).

*Maj. Gen. Richard F. Keller, USA to be lieutenant general. (Reference No. 146).

**In the Air Force there are five promotions to the grade of lieutenant colonel and below (list begins with Roosevelt Green). (Reference No. 148).

**In the Air Force there are nine appointments to the grade of second lieutenant (list begins with Lori L. Brown). (Reference No. 149).

**In the Army there are six promotions to the grade of colonel and below (list begins with Gary D. Davis). (Reference No. 150).

**In the Air Force there are 1,044 promotions to the grade of colonel and below (list begins with Alan M. Akers). (Reference No. 152).

*Maj. Gen. John S. Fairfield, USAF to be lieutenant general. (Reference No. 163).

*Maj. Gen. Dale W. Thompson, Jr., USAF to be lieutenant general. (Reference No. 165).

*In the Army Reserve there are eight appointments to the grade of major general and below (list begins with Walter E. Katuzny, Jr.). (Reference No. 167).

**In the Air Force Reserve there are 16 appointments to the grade of lieutenant colonel (list begins with Ronald W. Hanrote). (Reference No. 173).

**In the Army there are five promotions to the grade of lieutenant colonel and below (list begins with Steven G. Brooks). (Reference No. 174).

**In the Army there are five promotions to the grade of lieutenant colonel (list begins with Patrick M. Holder). (Reference No. 175).

**In the Army there are six promotions to the grade of major (list begins with Raymond L. Capps). (Reference No. 176).

*Maj. Gen. John E. Miller, USA to be lieutenant general. (Reference No. 212).

*Col. Paul G. Gebhardt, ARNG to be brigadier general. (Reference No. 215).

*Rear Admiral (lower half) John Michael McConnell, USN to be rear admiral. (Reference No. 216).

*Real Admiral (lower half) Roger Wayne Tritshausser, USNR to be rear admiral. (Reference No. 217).

**In the Air Force Reserve there are 21 promotions to the grade of lieutenant colonel (list begins with Dana L. Alexander). (Reference No. 220).

**In the Army there are 14 promotions to the grade of colonel (list begins with Buris C. Dale). (Reference No. 221).

**In the Army there is one promotion to the grade of lieutenant colonel (Ronald E. McConnell). (Reference No. 222).

**In the Army Reserve there are 41 promotions to the grade of colonel and below (list begins with Elzey J. Arledge, Jr.). (Reference No. 223).

**In the Navy there are four promotions to the grade of captain (list begins with Brian Murray Calhoun). (Reference No. 224).

**In the Navy there are three promotions to the grade of commander (list begins with Robert Andrew Olshaker). (Reference No. 225).

**In the Navy there are eight promotions to the grade of commander (list begins with Martin Robert Allard). (Reference No. 226).

**In the Navy there are 17 promotions to the grade of lieutenant commander (list begins with Charles Lee Aley III). (Reference No. 227).

**In the Navy there are three promotions to the grade of lieutenant commander (list begins with Richard D. Baertlein). (Reference No. 228).

**In the Air Force there are 528 appointments to the grade of captain (list begins with James S. Adamski). (Reference No. 229).

**In the Air Force there are 2,066 appointments to the grade of captain (list begins with Milla D. Abalateo). (Reference No. 230).

**In the Navy there are 47 appointments to the grade of lieutenant and below (list begins with Matthew A. Allison). (Reference No. 244).

**In the Navy and Naval Reserve there are 37 appointments to the grade of commander and below (list begins with Karl E. Eimers). (Reference No. 245).

**In the Navy and Naval Reserve there are 48 appointments to the grade of commander and below (list begins with Roger D. Allenbaugh). (Reference No. 246).

**In the Navy there are 48 appointments to the grade of lieutenant and below (list begins with Charles J. Baker). (Reference No. 247).

**In the Marine Corps there are 182 appointments to the grade of major and below (list begins with Erik M. Wolf). (Reference No. 248).

*Vice Ad. William A. Dougherty, Jr., USN to be placed on the retired list in the grade of vice admiral. (Reference No. 257).

*Lt. Gen. Matthew T. Cooper, USMC to be placed on the retired list in the grade of lieutenant general. (Reference No. 259).

*Lt. Gen. Trevor A. Hammond, USAF to be placed on the retired list in the grade of lieutenant general. (Reference No. 296).

*Maj. Gen. John M. Nowak, USAF to be lieutenant general. (Reference No. 297).

**In the Army there are two promotions to the grade of colonel and below (list begins with John P. Scovill). (Reference No. 301).

**In the Army there are 1,791 appointments to the grade of second lieutenant (list begins with Erik J. Aasterud). (Reference No. 302).

*Lt. Gen. Thomas R. Ferguson, Jr., USAF to be placed on the retired list in the grade of lieutenant general. (Reference No. 320).

*Maj. Gen. James A. Fain, Jr., to be lieutenant general. (Reference No. 321).

*Gen. Robert W. RisCassi, USA to be placed on the retired list in the grade of general. (Reference No. 322).

*Gen. Carl W. Stiner, USA to be placed on the retired list in the grade of general. (Reference No. 323).

*Lt. Gen. James H. Johnson, Jr., USA to be placed on the retired list in the grade of lieutenant general. (Reference No. 326).

*Maj. Gen. James T. Scott, USA to be lieutenant general. (Reference No. 328).

*Maj. Gen. Henry H. Shelton, USA to be lieutenant general. (Reference No. 329).

Total: 11,545.

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. JOHNSTON (for himself and Mr. KRUEGER):

S. 983. A bill to amend the National Trails System Act to direct the Secretary of the Interior to study the El Camino Real Para Los Texas for potential addition to the National Trails System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SIMON:

S. 984. A bill to prevent abuses of electronic monitoring in the workplace, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. INOUE (for himself, Mr. LUGAR, Mr. GORTON, Mr. GRAHAM, Mr. CAMPBELL, Mr. DORGAN, Mr. BOREN, Mr. MACK, Mr. CONRAD, Mr. SPECTER, Mr. COCHRAN, Mr. COATS, Mr. HATCH, Mr. CRAIG, Mr. HOLLINGS, Mr. MATHEWS, Mr. NICKLES, Mr. COHEN, Mr. HELMS, Mr. PACKWOOD, Mr. DOLE, Mr. GRASSLEY, Mr. MCCONNELL, Mr. BENNETT, Mrs. KASSEBAUM, Mr. HEFLIN, Mr. PRYOR, and Mr. DASCHLE):

S. 985. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act with respect to minor uses of pesticides, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LOTT:

S. 986. A bill to provide for an interpretive center at the Civil War Battlefield of Corinth, Mississippi, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DASCHLE:

S. 987. A bill to amend the Internal Revenue Code of 1986 with respect to discharge of indebtedness income from prepayment of loans under section 306B of the Rural Electrification Act of 1936; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. GORTON, and Mr. CHAFEE):

S. 988. A bill to amend the Internal Revenue Code of 1986 to clarify that conservation expenditures by electric and gas utilities are deductible for the year in which paid or incurred; to the Committee on Finance.

By Mr. GORTON (for himself, Mr. STEVENS, and Mr. PRESSLER):

S. 989. A bill to amend the Airport Noise and Capacity Act of 1990 to provide emergency relief to the United States airline industry by facilitating financing for investment in new aircraft and by encouraging the retirement of older, noisier, and less efficient aircraft; to the Committee on Commerce, Science, and Transportation.

By Mr. BREAUX (for himself, Ms. MIKULSKI, Mr. LOTT, Mr. MITCHELL, Mr. WARNER, Mrs. FEINSTEIN, Mr. COHEN, Mr. WOFFORD, Mr. ROCKEFELLER, Mr. LIEBERMAN, Mr. SARBANES, Mr. SPECTER, Mr. COCHRAN, Mr. ROBB, Mr. JOHNSTON, Mr. SIMON, Mr. RIEGLE, Mr. PELL, Mr. HEFLIN, and Mr. DODD):

S. 990. A bill to promote fair trade for the United States shipbuilding and repair industry; to the Committee on Finance.

By Mr. JOHNSTON (for himself, Mr. BUMPERS, Mr. FORD, and Mr. SHELBY):

S. 991. A bill to direct the Secretary of the Interior and the Secretary of Energy to undertake initiatives to address certain needs in the Lower Mississippi Delta Region, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN:

S. 992. A bill to amend title 10, United States Code, to revise the method for pricing tobacco products for sale in commissaries, exchanges, and ships' stores, and for other purposes; to the Committee on Armed Services.

By Mr. PELL (for himself, Mr. AKAKA, Mr. BIDEN, Mr. BOREN, Mr. COATS, Mr. COCHRAN, Mr. COHEN, Mr. DANFORTH, Mr. DECONCINI, Mr. DODD, Mr. DORGAN, Mrs. FEINSTEIN, Mr. FORD, Mr. GLENN, Mr. GRASSLEY, Mr. HATCH, Mr. INOUE, Mr. LIEBERMAN, Mr. MACK, Mr. MATHEWS, Mr. MITCHELL, Mrs. MURRAY, Mr. SARBANES, Mr. SIMON, Mr. STEVENS, and Mr. WARNER):

S.J. Res. 95. A joint resolution to designate October 1993 as "National Breast Cancer Awareness Month"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. DOLE:

S. Res. 109. A resolution to constitute the minority party's membership on certain committees for the 103d Congress, or until their successors are chosen; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JOHNSTON (for himself and Mr. KRUEGER):

S. 983. A bill to amend the National Trails System Act to direct the Secretary of the Interior to study the El Camino Real Para Los Texas for potential addition to the National Trails System, and for other purposes; to the Committee on Energy and Natural Resources.

EL CAMINO REAL PARA LOS TEXAS STUDY ACT OF 1993

● Mr. JOHNSTON. Mr. President, I am pleased to introduce legislation today to direct the Secretary of the Interior to study the El Camino Real Para Los Texas for potential addition to the National Trails System.

One of the most historic routes in this country, El Camino Real Para Los Texas is more accurately described as a series or network of routes composed of Indian trails, natural crossings, and exploration trails that composed the communications system of northern Mexico during the Spanish colonial era. Later these routes were the basis

for the conquest and colonization of the Republic of Texas and for commerce during the Civil War.

There is no precise date for the beginning of this fascinating route, although archeological data and ancient maps clearly indicate that parts of it were used by the pre-European Indian Confederacy which inhabited the area. Nationally important Caddoan mounds such as those located southwest of Alto, TX have been preserved and findings have established that the inhabitants constructed dwellings there with stone age tools.

In the 17th century, early Spanish explorers traveled along parts of the route during expeditions of the inland areas of what is now the southwestern United States. Aggressive French explorations into the territory these early Spaniards had traversed, such as that led by Rene Robert Cavalier, Sieur de La Salle, in 1685 into Lavaca Bay, and the short-lived, ill-fated French outpost established by Garcitias Creek, Fort St. Louis, prompted Spanish authorities to return to this area for the purpose of stemming the French and establishing permanent settlements, or fortifications, of their own.

In 1690, the first official Spanish settlement, the mission of San Francisco de los Tejas, was established in east Texas and a series of defensive communities or outposts soon followed, stretching from the Presidio del Rio Grande to Los Adaes, located approximately 20 miles west of what was then the western most French fort, Fort St. Jean Baptiste de Natchitoches, in Louisiana, and some 300 miles from the capital.

From a role in exploration, the focus of these routes shifted to maintaining the international balance of power among the major European powers, France, Spain, and Britain, and later Mexico and the United States, a role which continued until Texas obtained independence from Mexico in the mid-1800's. During this time, the area was also a zone of defense against Indian threats to the Spanish empire from the north, particularly the Apaches and the Comanches, and a second, related role emerged: Conversion of these tribes to halt alliances with the French and for saving their souls. Thus, a number of Catholic missions were established by Franciscan friars along these routes, including the Alamo, Mission San Jose, and others in the San Antonio area. The U.S. International Committee on Monuments and Sites [ICOMOS] considers these missions so significant that nominations have been prepared for these structures to accord them recognition on the World Heritage List.

In addition, this network also served as a major commercial trading route, much of which was unlicensed or illicit, between the French and Spanish and later, between the Americans and

Mexico. It was from such trade contacts that knowledge of the east Texas frontier improved, drawing American settlers to the Texas territory and the network served as a main immigration point into what is now the southwestern United States.

What had begun as a route designed for defensive purposes evolved into one of commercial cooperation, but later emerged as a conduit for resistance to Mexican domination as American settlements were established in east Texas along the routes. Many border clashes took place along these roads during the struggle for independence.

After independence, communications largely shifted to north-south routes in Texas as railroads developed and market systems expanded. However, during the Civil War portions of the older route, particularly the Camino Arriba, regained importance as a corridor for shipping cotton from east Texas and supplies and troops from San Antonio, Bastrop, Crockett, and Nacogdoches to Louisiana.

The changing history and roles of these routes are fascinating. My particular interest stems from the fact that many of the early struggles between the Spanish and the French as these European powers attempted to stretch their spheres of influence over the greatest possible area took place along portions of these routes in what is now Louisiana from the early 17th century to the end of the French and Indian War in 1763. Important outposts were established just 20 miles from each other in what is now Natchitoches Parish, with the Spanish establishing the Presidio Nuestra de Pilar de los Adaes as their eastern most defensive structure in 1721 in reaction to an attack on a small Spanish settlement, San Miguel de los Adaes, led by the French commandant of Fort St. Jean Baptiste de Natchitoches, a trading post and fort founded in 1714 to protect fur trade routes by France in what is now Natchitoches, LA. This fort served as the westernmost outpost of the French empire until France transferred its Louisiana territory to Spain in 1763 as part of the Treaty of Paris. During this era, Los Adaes and Fort St. Jean Baptiste became places of tacit cooperation and interchange among the Spanish and French empires and native Americans in the area, rather than confrontation, and Los Adaes was the hub of illicit trade among the three groups.

In the 18th century, segments of the Camino Real Para Los Texas, in what is now Louisiana, again became the focal point of the struggle for territory between rival international powers. By then, Louisiana had been purchased by the United States, and the United States inherited the unsettled French-Spanish dispute over what constituted the western boundary between Spanish and French holdings, a dispute which

was not settled until 1819 when the Sabine River was agreed to as the westernmost boundary in the Treaty of Washington.

Shortly thereafter, the American Government under the leadership of then Col. Zachary Taylor and Maj. Gen. Edward Gaines selected and established Fort Jesup in what is now Sabine Parish as a military stronghold to protect its western borders in 1822. More than 20 years later, Zachary Taylor returned to Fort Jesup as a brigadier general to take command of the Army of Observation, stationed at Fort Jesup, as tensions mounted with Mexico. Traveling to Fort Jesup along portions of the historic San Antonio Historic Trace from Grand Ecore, Gen. Taylor began preparations for the invasion of Mexico and the liberation of Texas. It was from Fort Jesup that American troops were dispensed on July 1, 1845.

There are many more fascinating chapters in the history of the various portions and routes of El Camino Real Para Los Texas. Today, many segments of the trail have evolved into segments of modern State and Federal Highway Systems and play important roles in transportation.

El Camino Real Para Los Texas was one of several corridors highlighted last year at a conference on historic transportation corridors sponsored jointly by the Department of the Interior, Northwestern State University, and US/ICOMOS in Natchitoches, LA. That conference began important work in developing criteria for the nomination of transportation corridors to the World Heritage list. I hope that one day the Camino Real Para Los Texas from Los Adaes to Mexico will be accorded that status.

The study authorized by this legislation will be an important step in documenting the full importance of this historic network, and I hope this bill will be enacted in this Congress to get it underway.

Mr. President, I ask unanimous consent that the full text of this bill be printed in the RECORD.

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

S. 983

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "El Camino Real Para Los Texas Study Act of 1993".

SEC. 2. FINDINGS.

The Congress finds—

(1) El Camino Real Para Los Texas was the Spanish road established to connect a series of missions and posts extending from Monclova, Mexico to the mission and later Presidio Nuestra de Pilar de los Adaes which served as the Spanish capital of the province of Texas from 1722 to 1772;

(2) El Camino Real, over time, comprised an approximately 1,000-mile corridor of

changing routes from Saltillo through Monclova and Guerrero, Mexico; San Antonio and Nacogdoches, Texas and then easterly to the vicinity of Los Adaes in present day Louisiana; and constituted the only major overland route from the Rio Grande to the Red River Valley during the Spanish Colonial Period;

(3) the seventeenth, eighteenth, and early nineteenth century rivalries among the European colonial powers of Spain, France, and England and after their independence, Mexico and the United States, for dominion over lands fronting the Gulf of Mexico were played out along the evolving travel routes across this immense area; and, as well, the future of several American Indian nations were tied to these larger forces and events;

(4) El Camino Real and the subsequent San Antonio Road witnessed a competition that helped determine the United States' southern and western boundaries;

(5) the San Antonio Road, like El Camino Real, was a series of routes established over the same corridor but was not necessarily the same as El Camino Real; and that from the 1830's, waves of American immigrants, many using the Natchez Trace, traveled west to Texas via the San Antonio Road, as did Native Americans attempting to relocate away from the pressures of European settlement.

SEC. 3. STUDY OF TRAIL.

Section 5(c) of the National Trail System Act (16 U.S.C. 1244(c)) is amended by adding the following new paragraph at the end thereof:

(36)(A) El Camino Real Para Los Texas, the approximate series of routes from Saltillo, Monclova, and Guerrero, Mexico across Texas through San Antonio and Nacogdoches, to the vicinity of Los Adaes, Louisiana, together with the evolving routes later known as the San Antonio Road.

(B) The study shall—

(i) examine the changing roads within the historic corridor;

(ii) examine the major connecting branch routes;

(iii) determine the individual or combined suitability and feasibility of routes for potential national historic trail designation;

(iv) consider the preservation heritage plan developed by the Texas Department of Transportation entitled "A Texas Legacy: The Old San Antonio Road and the Caminos Reales", dated January, 1991; and

(v) make recommendations concerning the suitability and feasibility of establishing an international historical park where the trail crosses the United States-Mexico border at Maverick County, Texas, and Guerrero, Mexico.

(C) The Secretary of the Interior is authorized to work in cooperation with the government of Mexico (including, but not limited to providing technical assistance) to determine the suitability and feasibility of establishing an international historic trail along the El Camino Real Para Los Texas.

(D) The study shall be undertaken in consultation with the Louisiana Department of Transportation and Development and the Texas Department of Transportation.

(E) The study shall consider alternative name designations for the trail.

(F) The study shall be completed no later than 2 years after the date funds are made available for the study."

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.●

By Mr. SIMON:

S. 984. A bill to prevent abuses of electronic monitoring in the workplace, and for other purposes; to the Committee on Labor and Human Resources.

PRIVACY FOR CONSUMERS AND WORKERS ACT

● Mr. SIMON. Mr. President, today I am introducing the Privacy for Consumers and Workers Act.

As technology advances, the Government has attempted to enact policy that protects the delicate balance between the demands for technological change and the need to protect an individual's right to privacy. As a Nation, we have supported laws that protect us from our neighbors and our Government spying on us and invading our privacy, everywhere but in the workplace. The United States stands alone with South Africa in failing to protect a workers' rights in this regard.

As I have said before, it is indeed a sad irony that while the Federal Bureau of Investigation is required by law to obtain a court order to wiretap a conversation, even in cases of national security, employers are permitted to spy at will on their employees and the public.

According to a 1987 U.S. Office of Technology Assessment report, a conservative estimate of 6 million employees were electronically monitored at that time. This figure, however, does not include professional, technical, and managerial workers, which would add approximately an additional 1 to 2 million electronically monitored employees. Moreover, as the workplace becomes more and more computerized and service oriented, the number of those electronically monitored is likely to increase. In fact, the National Institute for Occupational Safety and Health reports that as many as 26 million workers are monitored by computer surveillance in the United States.

In addition, current monitoring practices operate as a form of de facto discrimination. Women are disproportionately employed in the types of jobs that are subjected to electronic monitoring, such as clerical workers, telephone operators, and customer service representatives.

I would like to share with you and my colleagues some examples of why this legislation is needed.

CASE STUDIES

In 1987, female nurses at Holy Cross Hospital in Silver Spring, MD, discovered that a hidden video camera was broadcasting their locker room to an open in-house cable TV channel. A nurse discovered the broadcast when she turned on a television in the doctor's lounge next to the women's locker room during a dinner break. She saw the dressing area of the locker room being broadcast.

The camera was swiftly removed after the nurse and others complained. Hospital administrators told the nurses

that the transmission they viewed was a fluke transmission caused by atmospheric conditions. Administrators further explained that the activities recorded by the camera were only supposed to be viewed on a private monitor by a male security guard.

In a similar case last September, female nurses at Southside Regional Hospital in Richmond, VA, discovered a hidden video camera in their locker room. The nurses are considering possible legal action.

On February 11, 1993, Boston Hotel Workers Local 26 filed a lawsuit against Sheraton Boston Hotel for secretly videotaping the male employee's changing room. The union was sent a copy of a videotape, which shows at least two men in various stages of undress. The secret videotaping has since been stopped. One of the men who was caught changing into his uniform was Mr. Franklin Etienne, a room service steward. Mr. Etienne emigrated to the United States from Haiti in 1986. When he saw the videotape he said,

It was embarrassing. You think you are alone. Things like this used to happen in my country. My dream was to come to this country and be free to express myself. This is not the America I was thinking of.

Northern Telecom secretly bugged its employees for a 13-year period. The bugging was finally uncovered when an employee blew the whistle in 1990 by informing the Communication Workers of America [CWA]. Northern Telecom was bugging the phone calls made in the company's cafeteria, bugging the service center, and bugging employee's meetings held in the company's conference room. CWA brought a class action suit against Northern Telecom. Northern Telecom settled with CWA on February 27, 1992, and agreed to compensate workers and others who were subjected to the bugging.

Alana Shoars, former electronic mail [e-mail] administrator for the Epsom Computer Co. in California, lost her job because she refused to spy on her fellow employees. Ms. Shoars was responsible for installing an e-mail system and training 700 employees on its use. Ms. Shoars had been informed by the company that the messages sent on the e-mail system would be totally private, therefore she relayed that information to the 700 employees. Later Ms. Shoars discovered that the e-mail messages were being received, stored, copied, and read by her supervisor. When she complained, she was fired. Ms. Shoars took Epsom to court and filed a class action suit on behalf of the 700 employees whose e-mail had been read. The court dismissed both cases on the grounds that the State privacy statutes made no mention of either e-mail or the workplace, therefore lawmakers never intended the law to protect an employee's e-mail.

A telephone operator in New Jersey recently called 9to5, National Associa-

tion of Working Women's complaint hotline to tell her story and ask what protections she had against secret electronic monitoring. The employee had been out on sick leave after surgery. While on a break, a co-worker phoned her at home to inquire how she was doing. The employer was secretly monitoring the phone call and made the determination that if she was well enough to talk on the phone, she was well enough to come into work, and subsequently docked the pay of the woman on sick leave.

My colleagues on the Employment and Productivity Subcommittee may remember Renee Maurel, a reservationist with Northwest Airlines, testifying on this issue last Congress. Ms. Maurel has worked for Northwest Airlines for almost 30 years, and has been monitored at work every single day. She described how she was treated like a machine, something subhuman, by the increased use of electronic monitoring. She told the committee about the stress, anxiety, and the feeling that her privacy had been invaded. No thought or action was her own when she was on the job. Because of the focus of management on collecting statistics on key strokes, length of bathroom breaks, length of phone calls, and so on, the importance of selling airline tickets and the needs of the customer were secondary. When she thought she couldn't take it any more, the company was bought by Wings Holdings, Incorporated. At the hearing, Ms. Maurel testified that the new company reversed the abusive electronic monitoring practices, and employees were notified the day they were to be monitored. The company changed their focus from the strict monitoring of statistical data like how many bathroom breaks employees take and how long the breaks were, to more important considerations like employee productivity. It appeared as if things were improving.

The stress that these employees experience should not be overlooked. According to a report by the American Civil Liberties Union, workplace stress cost this country an estimated \$50 billion dollars per year in health costs and lost productivity. This is a cost we cannot afford.

Mr. President, these stories are not unique. I agree with Mr. Etienne, this is not the America I think of.

In many ways, electronic monitoring acts as an electronic whip that drives the fast pace of today's workplace in the growing service industry. Electronically monitored employees, whether in telephone conversations with the public or in producing work with computers, must carry out repetitive duties that require rigorous attention to detail, executed under the stress of constant supervision and the demand for a faster output. Unrestrained surveillance of workers has

turned many modern offices into electronic sweatshops.

Just over the horizon are more technology breakthroughs and refinements that we can't even envision today. Unless we begin now to define privacy—and in particular workplace privacy—as a value worth protecting, these new technologies will be upon us before we are ready for them. Weighing these issues will allow us to be the masters of the technology, instead of its slaves.

Mr. President, the legislation I am introducing today is basically a right-to-know bill. As you know, I have introduced similar bills since the 101st Congress, and today's legislation is the result of trying to find that delicate balance between the demand for technological change and the need to protect an individual's right to privacy.

My legislation does not say that electronic monitoring should never be used. What it does say is that electronic monitoring should not be abused. Employees should not be forced to give up their freedom, dignity, or sacrifice their health when they go to work.

In addition, consumers should not be forced to give up freedoms when calling a company or a Federal agency. Many consumers are not aware that the calls they think are private, are in fact secretly listened to by an intruder. Consumers are deprived of the right to make fundamental choices about what sensitive information they are willing to divulge.

Mr. President, the Privacy for Consumers and Workers Act is a step in the right direction toward ensuring the privacy rights of employees and consumers. I urge my colleagues to join me in supporting this legislation.

I ask unanimous consent that the text of the bill and its section-by-section analysis be printed in the RECORD.

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

S. 984

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 "Privacy for Consumers and Workers Act".

SEC. 2. DEFINITIONS.

As used in this Act:

(1) CONTINUOUS ELECTRONIC MONITORING.—The term "continuous electronic monitoring" includes activities in which electronic monitoring of employees occurs on a continuous basis and is not periodic or random in nature, and such term shall include the periodic inspection of continuous video monitoring from an off-site location, which is used to deter crime and to provide evidence to law enforcement personnel, as well as electronic identifiers or accessors such as electronic card or badge access systems.

(2) ELECTRONIC MONITORING.—

(A) IN GENERAL.—Except as provided in subparagraph (C), the term "electronic monitoring" means the collection, storage, anal-

ysis, or reporting of information concerning an individual's activities by means of a computer, electronic observation and supervision, telephone service observation, telephone call accounting, or other form of visual, auditory, or computer-based technology that is conducted by any method other than direct observation by another person, including the following methods: Transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature which are transmitted in whole or in part by a wire, radio, electromagnetic, photoelectric, or photo-optical system.

(B) TELEPHONE CALL ACCOUNTING.—The term "telephone call accounting" means the practice of recording the telephone numbers called by a specific telephone or group of telephones, including—

(i) the telephone number from which a call is being made,

(ii) the telephone number which is being called,

(iii) the time when the telephone call was connected,

(iv) the time when the telephone call was completed, and

(v) identification of the operator, if any, who assisted in placing the telephone call,

for the purpose of individual employee evaluations or the setting of production quotas or work performance expectations.

(C) EXCLUSION.—The term "electronic monitoring" does not include—

(i) the interception of wire, electronic, or oral communications as described in chapter 119 of title 18, United States Code; and

(ii) the electronic transfer of—

(I) payroll data,

(II) insurance and other benefit data,

(III) employee job application data, or

(IV) other personnel-related data that an employer may collect,

for administrative purposes only.

(3) EMPLOYEE.—The term "employee" means any current, former, or leased employee of an employer.

(4) EMPLOYER.—The term "employer" means any person who—

(A) is engaged in commerce, and

(B) who employs employees,

and includes any individual, corporation, partnership, labor organization, unincorporated association, or any other legal business, the Federal Government, any State (or political subdivision thereof), and any agent of the employer.

(5) PERSONAL DATA.—The term "personal data" means any information concerning an employee which, because of name, identifying number, mark, or description, can be readily associated with a particular individual, and such term includes information contained in printouts, forms, or written analyses or evaluations.

(6) PROSPECTIVE EMPLOYEE.—The term "prospective employee" means an individual who has applied for a position of employment with an employer.

(7) TELEPHONE SERVICE OBSERVATION.—The term "telephone service observation" means the practice of listening to or recording telephone calls being made by, or received by, an employee in order to monitor the quality of service provided by the employee.

(8) SECRETARY.—The term "Secretary" means the Secretary of Labor.

SEC. 3. GENERAL REQUIREMENTS.

(a) ENGAGING IN ELECTRONIC MONITORING.—An employer may engage in electronic monitoring of the employer's employees only so long as the employer complies with the provisions of this Act and other applicable law, including section 15.

(b) REVIEW AND USE.—An employer may review data obtained by the electronic monitoring of the employer's employees only if the employer meets the requirements of section 6, and may use such data only if the employer meets the requirements of section 8.

SEC. 4. NOTICE REQUIREMENTS.

(a) SECRETARY'S NOTICE.—

(1) IN GENERAL.—The Secretary shall prepare, have printed, and distribute to employers a notice that will inform employees—

(A) that an employer engages in or may engage in electronic monitoring of employees and specifies the circumstances (including the electronic monitoring and exception described in section 5) under which an employee is or is not entitled to additional notice under this section; and

(B) of the rights and protections provided to employees by this Act.

(2) POSTING OF NOTICE.—Each employer who engages in electronic monitoring shall post and maintain the notice required in paragraph (1) in conspicuous places on its premises where notices to employees are customarily posted.

(b) EMPLOYER'S SPECIFIC NOTICE.—Each employer shall provide to each employee who will be electronically monitored, and the exclusive bargaining representative, if any, prior written notice describing the following regarding the electronic monitoring of such employees:

(1) The forms of electronic monitoring to be used.

(2) The personal data to be collected.

(3) The hours and days per calendar week that electronic monitoring will occur.

(4) The use to be made of personal data collected.

(5) Interpretation of printouts of statistics or other records of information collected through electronic monitoring if the interpretation or records may affect one or more of the employer's employees.

(6) Existing production standards and work performance expectations.

(7) Methods for determining production standards and work performance expectations based on electronic monitoring statistics if the methods affect the employees.

(8) A description of the electronic monitoring.

(9) A description of the exception that is authorized under section 5(c)(1) to be undertaken without notice.

(c) EMPLOYER'S NOTICE TO PROSPECTIVE EMPLOYEES.—

(1) IN GENERAL.—Each employer shall notify a prospective employee at the first personal interview of existing forms of electronic monitoring conducted by the employer which may affect the prospective employee if such employee is hired by the employer.

(2) SPECIFIC NOTICE.—Each employer, upon request by a prospective employee or when the employer offers employment to a prospective employee, shall provide the prospective employee with the written notice described in subsection (b).

(d) CUSTOMER NOTICE.—Employers who engage in telephone service observation shall inform customers who may be subject to such telephone service observation of this practice in any recorded message or automated attendant used in connection with customer telephone calls. If the employer does not use such a recorded message or automated attendant, the employer shall place in each of its customer bills a statement that the employer is engaging in such observation.

(e) PUBLIC NOTICE.—If an employer engages in electronic monitoring of members of the

public who are not customers of the employer, the employer shall notify such individuals of such electronic monitoring. Such notice may take the form that is reasonably calculated to reach members of the public who may be affected.

(f) GOVERNMENT NOTICE.—If a Federal agency engages in telephone service observation, the agency shall provide the public, upon the public's telephone contact of the Federal agency, a reasonable opportunity to not be a part of or included in any such observation.

(g) RULE OF CONSTRUCTION.—Notice provided under this Act shall not be construed as constituting consent under chapter 119 of title 18, United States Code.

SEC. 5. PERIODIC OR RANDOM ELECTRONIC MONITORING.

(a) GENERAL RULE.—An employer may engage in electronic monitoring of any of the employer's employees on a periodic or random basis as authorized in subsection (b).

(b) AUTHORITY.—

(1) NEW EMPLOYEES.—An employer may engage in periodic or random electronic monitoring of an employer's employee if the cumulative total period of such employee's employment with the employer is not more than 60 working days.

(2) WORK GROUPS.—An employer may engage in electronic monitoring of a work group of employees on a periodic or random basis for not more than 2 hours in any calendar week. Except as otherwise provided in this subsection, the notice required under section 4(b) to each of the employees within such work group for such electronic monitoring shall be provided to each of the employees within the work group at least 24 hours but not more than 72 hours prior to engaging in such electronic monitoring. For purposes of this subsection, the term "work group" means a group of employees employed in a single facility and engaged in substantially similar work at a common time and in physical proximity to each other.

(3) OTHER EMPLOYEES.—An employer may not engage in periodic or random electronic monitoring of an employee with a cumulative employment period of at least 5 years with the employer.

(c) EXCEPTION TO NOTICE REQUIREMENT.—

(1) SPECIAL ELECTRONIC MONITORING.—Subject to paragraph (2), an employer, other than the Federal Government or State or political subdivision thereof, who has a reasonable suspicion that an employer's employee is engaged in or is about to engage in conduct which—

(A) violates criminal or civil law, or constitutes willful gross misconduct; and

(B) has a significant adverse effect involving economic loss or injury to the employer or the employer's employees,

the employer may engage, on the employer's worksite, in electronic monitoring of such employee or of an area in which the actions described in subparagraphs (A) and (B) occur without providing the notice required by section 4(b), 5(a) or 5(b), and without regard to sections 9, 10(a), and 11(2).

(2) STATEMENT.—Before engaging in the electronic monitoring described in paragraph (1), an employer shall execute a statement setting forth—

(A) with particularity the conduct that is being electronically monitored and the basis for the electronic monitoring;

(B) an identification of the specific economic loss or injury to the business of the employer or the employer's employees resulting from such conduct or the injury to the interests of such employer or employer's employees; and

(C) that the employer is in compliance with section 5(c)(1).

The employer shall sign the statement and retain it for 3 years from the date the electronic monitoring began or until judgment is rendered in an action brought under section 12(c) by an employee affected by such electronic monitoring, whichever is later.

SEC. 6. REVIEW OF CONTINUOUS ELECTRONIC MONITORING.

(a) REVIEW DURING ELECTRONIC MONITORING.—No employer may review data obtained by continuous electronic monitoring of the employer's employees on a periodic or random basis, unless the electronic data was obtained from the use of an electronic identifier or accessor, such as an electronic card or badge access system, telephone call accounting system, or the data is continuously monitored by an employer or appears simultaneously on multiple television screens or sequentially on a single screen.

(b) REVIEW AFTER ELECTRONIC MONITORING.—An employer may review data obtained by continuous electronic monitoring of the employer's employees after the electronic monitoring was completed only if review was limited to specific data that the employer has reason to believe contains information relevant to an employee's work.

SEC. 7. EMPLOYEE REVIEW OF RECORDS.

(a) IN GENERAL.—Except as provided in subsection (b), each employer shall provide the employer's employee (or the employee's authorized agent) and the exclusive bargaining representative, if any, with a reasonable opportunity to review and, upon request, a copy of all personal data obtained or maintained by electronic monitoring of the employee.

(b) EXCEPTION.—

(1) IN GENERAL.—Except as provided in paragraph (2), an employer is not required to provide the employer's employee (or the employee's authorized agent) or the exclusive bargaining representative, if any, a reasonable opportunity to review data that are obtained by electronic monitoring described in section 5(c)(1).

(2) REVIEW PERMITTED.—If—

(A) the investigation by an employer with respect to electronic monitoring described in section 5(c)(1) that was conducted on the employer's employee has been completed, or

(B) disciplinary action has been initiated by an employer against the employer's employee who was the subject of such electronic monitoring,

whichever occurs first, such employer shall promptly provide such employee (or the employee's authorized agent) and exclusive bargaining representative, if any, with a reasonable opportunity to review and, upon request, obtain a copy of, the personal data, and any interpretation of such data obtained from such electronic monitoring.

SEC. 8. USE OF DATA COLLECTED BY ELECTRONIC MONITORING.

(a) EMPLOYER ACTIONS.—An employer shall not take any action against an employee on the basis of personal data obtained by electronic monitoring of such employee unless the employer has complied with all the requirements of this Act.

(b) DATA SHALL NOT BE USED AS SOLE BASIS FOR EVALUATION OR PRODUCTION QUOTAS.—An employer shall not use quantitative data on an employee that is obtained by electronic monitoring and that records the amount of work performed by such employee within a specific time as the sole basis for—

(1) individual employee performance evaluation; or

(2) setting production quotas or work performance expectations,

unless an employee is not working at a facility of an employer and transmits the employee's work to the employer electronically, and such data is the only basis available to such employer for such purposes.

SEC. 9. ACCESS TO DATA.

(a) IN GENERAL.—When an employer has an immediate business need for specific data and if the employer's employee who maintains such data is not available, the employer may access such data if—

(1) the data is alphanumeric data and does not include data obtained by the aural or visual monitoring of the employer's employees or the interception of the employer's employee communications;

(2) the data will not be used for the purpose of discipline or performance evaluation; and

(3) the employer notifies the employee who maintains such data that the employer has accessed such data and provides such notice within a reasonable time after the access has occurred.

(b) DEFINITION.—As used in subsection (a), the term "alphanumeric data" means data consisting entirely of letters, numbers, and other symbols. Such term does not include visual images, audio impressions or data that can be used to create visual or auditory information.

SEC. 10. PRIVACY PROTECTIONS.

(a) WORK RELATED.—No employer may intentionally collect personal data about an employee through electronic monitoring if the data are not confined to the employee's work, unless the employee is a customer of the employer at the time of the electronic monitoring.

(b) PRIVATE AREAS.—No employer may engage in electronic monitoring in—

- (1) bathrooms;
- (2) locker rooms; or
- (3) dressing rooms.

(c) FIRST AMENDMENT RIGHTS.—

(1) IN GENERAL.—An employer shall not intentionally engage in electronic monitoring of an employee when the employee is exercising First Amendment rights, and an employer shall not intentionally use or disseminate personal data obtained by electronic monitoring of an employee when the employee is exercising First Amendment Rights.

(2) EXCEPTION.—Electronic monitoring by an employer whose purpose and principal effect is to collect data about the work of an employee of the employer is not prohibited by paragraph (1) because it collects some incidental data concerning the exercise of an employee's First Amendment rights.

(d) DISCLOSURE.—An employer shall not disclose personal data obtained by electronic monitoring to any person or other employer or business entity except to (or with the prior written consent of) the individual employee to whom the data pertain, unless the disclosure would be—

- (1) to officers and employees of the employer who have a legitimate need for the information in the performance of their duties;
- (2) to a law enforcement agency pursuant to a warrant issued under the Federal Rules of Criminal Procedure, an equivalent State warrant, a grand jury subpoena, or an administrative subpoena authorized by a Federal or State statute;
- (3) to the public if the data contain evidence of illegal conduct by a public official or have a direct and substantial effect on public health or safety; or
- (4) to the exclusive bargaining representative, if any.

(e) ISSUANCE OF COURT ORDER.—A court order for disclosure under subsection (b) or (c) shall issue only if the law enforcement agency demonstrates that there is reason to believe the contents of the data are relevant to a legitimate law enforcement inquiry. In the case of a State governmental authority, such a court order shall not issue if prohibited by the laws of such State. A court issuing an order pursuant to this section, on a motion made promptly by the service provider, may quash or modify such order, if the data requested are unusually voluminous in nature or compliance with such order would cause an undue burden on the employer.

(f) EXCEPTION.—Electronic monitoring, including security cameras, whose purpose and principal effect is to collect data permitted by this Act is not prohibited by subsection (a) because it collects some data that is not confined to such employee's work or because it collects some data concerning the exercise of an employee's First Amendment rights.

SEC. 11. PROHIBITIONS.

No employer may—

(1) violate any requirement of this Act,

(2) engage in video monitoring with a video camera that is not visible to the subject of the electronic monitoring, except in the case of electronic monitoring described in section 5(c)(1), 13(a), 13(b), or 13(c)(2),

(3) interfere with, or deny the exercise of any right provided by section 10(c), or

(4) discharge, discipline, or in any manner discriminate against an employee with respect to the employee's compensation or terms, conditions, or privileges of employment because the employee (or any person acting pursuant to a request of the employee) has—

(A) instituted any proceeding relating to a violation of this Act,

(B) has testified or is about to testify in any such proceedings, or

(C) disclosed information that the employee reasonably believes evidences a violation of this Act.

SEC. 12. ENFORCEMENT PROVISIONS.

(a) CIVIL PENALTIES.—

(1) IN GENERAL.—Subject to paragraph (2), any employer who violates any provision of this Act may be assessed a civil penalty of not more than \$10,000 for each such violation.

(2) CONSIDERATIONS.—In determining the amount of any penalty under paragraph (1), the Secretary shall take into account the previous record of the person in terms of compliance with this Act and the gravity of the violation.

(3) ASSESSMENT AND COLLECTION.—Any civil penalty under this subsection shall be assessed by the Secretary and shall be collected in the same manner as is required by subsections (b) through (e) of section 503 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1853) with respect to civil penalties assessed under subsection (a) of such section.

(b) ACTIONS BY THE SECRETARY.—The Secretary may bring an action under this section to restrain violations of this Act. The Solicitor of Labor may appear for and represent the Secretary in any litigation brought under this Act. In any action brought under this section, the district courts of the United States shall have jurisdiction, for cause shown, to issue temporary or permanent restraining orders and injunctions to require compliance with this Act, including such legal and equitable or declaratory relief incident thereto as may be appropriate, including employment, reinstatement, promotion, the payment of lost wages

and benefits, and reasonable attorney fees and other litigation costs reasonably incurred.

(c) PRIVATE CIVIL ACTIONS.—

(1) IN GENERAL.—An employer who violates this Act shall be liable to the employee or prospective employee affected, or any other person aggrieved, by such violation. Such employer shall be liable for such legal and equitable or declaratory relief as may be appropriate, including employment, reinstatement, promotion, and the payment of lost wages and benefits.

(2) JURISDICTION.—An action to recover the liability prescribed in paragraph (1) may be maintained against the employer in any Federal or State court of competent jurisdiction by any person for or on behalf of an employee, prospective employee or other aggrieved person.

(3) LIMITATION.—No such action may be commenced more than 3 years after the date—

(A) the employee, prospective employee, or other aggrieved person knew of, or

(B) the employee, prospective employee, or other aggrieved person could reasonably be expected to know of, the alleged violation.

(4) COSTS.—The court shall allow the prevailing party (other than the Federal Government) reasonable costs, including attorney's fees and expert witness fees.

(d) WAIVER OF RIGHTS PROHIBITED.—The rights and procedures provided by this Act may not be waived by contract or otherwise, unless such waiver is part of a written settlement agreed to and signed by the parties to a pending action or complaint under this Act.

SEC. 13. APPLICATION.

(a) LAW ENFORCEMENT.—This Act shall not apply to electronic monitoring administered by law enforcement agencies as may otherwise be lawfully permitted under criminal investigations.

(b) WORKMEN'S COMPENSATION.—This Act shall not apply to electronic monitoring conducted by employers in connection with the investigation of a workers compensation claim unless there is reasonable suspicion of fraud or the claim involves at least \$25,000.

(c) REQUIRED ELECTRONIC MONITORING.—This Act (other than sections 4(a), 4(b)(1), 4(b)(2), 4(b)(4), 7, 8, 9, and 10) shall not apply to electronic monitoring—

(1) conducted by an employer pursuant to Federal law (including regulations) governing public safety or security for public transportation;

(2) conducted by or for—

(A) the intelligence community, as defined in Executive Order 12333 (or successor order); or

(B) intelligence community contractors with respect to contracts that bear upon national security information, as defined by Executive Order 12356 (or successor order);

(3) conducted by an employer registered under section 6, 15, 15A, 15B, 15C, or 17A of the Securities Exchange Act of 1934 (15 U.S.C. 78 et seq.), section 8(a) of the Investment Company Act of 1940 (15 U.S.C. 80a-1(a)), or sections 202(a)(11) and 203(a) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2(a)(11) and 80b-3(a)), conducted by an employer or a person associated with an employer registered or exempt from such registration under section 4d, 4e, 4k, or 4m of the Commodity Exchange Act (7 U.S.C. 6d, 6e, 6k, or 6m), conducted by a self-regulatory organization or its affiliated clearinghouse designated, registered, or exempt from registration under section 6 or 17 of such Act (7

U.S.C. 8, 21), or conducted by an employer who provides an electronic trading system or other facilities for one or more self-regulatory organizations designated, registered, or exempt from registration under section 6 or 17 of such Act (7 U.S.C. 8, 21), as long as such monitoring is confined to management or professional employees with significant financial responsibility that involves the use of independent judgment;

(4) conducted by an employer that is a financial institution, as defined in section 20 of title 18, United States Code or subparagraph (A), (B), (C), (D), or (F) of section 5312(a)(2) of title 31, United States Code, as long as such monitoring is confined to management or professional employees with significant financial responsibility that involves the use of independent judgment; or

(5) conducted only to the extent necessary to ensure an employee provides the notices required by the Truth in Lending Act and the regulation under such Act designated Regulation Z, the Equal Credit Opportunity Act and the regulation under such Act designated Regulation B, the Fair Credit Reporting Act, the Fair Credit Billing Act, the Fair Debt Collection Practices Act, the rule of the Federal Trade Commission on credit practices, the regulations and consent orders of the Federal Trade Commission on unfair acts and practices, the Telephone Consumer Protection Act of 1991 and regulations under such Act, and all corresponding State laws and regulations.

(d) **THIRD PARTY.**—

(1) **MONITORING FOR ANOTHER PERSON.**—A person who engages in electronic monitoring may not perform electronic monitoring for another person unless the requirements of this Act are complied with.

(2) **USE OF DATA.**—A person who contracts with or otherwise obtains the services of a third party to electronically monitor the employees of such person may not use the data obtained from such monitoring unless the requirements of this Act are complied with.

SEC. 14. REGULATIONS.

The Secretary shall, within 6 months after the date of the enactment of this Act, issue regulations to carry out this Act.

SEC. 15. PREEMPTION.

This Act shall not be construed to restrict, limit, or eliminate a requirement of the Federal Government, or a State or political subdivision of a State or of a collective bargaining agreement relating to privacy or electronic monitoring that is more stringent than any requirement of this Act.

SEC. 16. COVERAGE OF EMPLOYEES OF THE HOUSE OF REPRESENTATIVES AND SENATE.

(a) **DEFINITIONS.**—For purposes of this section—

(1) the term "employee" means any current, prospective, or former employee of an employing authority or any leased employee;

(2) the term "employing authority"—

(A) has the meaning given it in the Fair Employment Practices Resolution, except that with respect to a position on the minority staff of a committee, such term means the ranking minority member of such committee; and

(B) includes Senate employees as defined in section 301(c)(1) of the Civil Rights Act of 1991; and

(3) the term "Fair Employment Practices Resolution" means—

(A) House Resolution 558 of the One Hundredth Congress, as adopted October 4, 1988, and incorporated into Rule LI of the Rules of the House of Representatives of the One Hundred Second Congress; or

(B) any other provision that continues in effect the provisions of such resolution.

(b) **APPLICATION.**—With the exception of section 12, this Act (including the substantive requirements of implementing regulations issued under section 14) shall apply to employees and to employing authorities.

(c) **ADMINISTRATION.**—

(1) **HOUSE OF REPRESENTATIVES.**—The remedies and procedures of the Fair Employment Practices Resolution shall apply with respect to a violation of this Act as it is made applicable by subsection (b) to employees of the employing authorities described in subsection (a)(2)(A). The Office of Fair Employment Practices may, in addition to those remedies available under the Fair Employment Practices Resolution, assess such an employing authority a civil penalty of not more than \$10,000 for each violation. In determining the amount, the Office shall take into account the previous record of the employing authority involved in terms of compliance with this section and the gravity of the violation. Any such penalty collected shall be paid into the Treasury of the United States.

(2) **SENATE.**—The remedies and procedures utilized by the Office of Senate Fair Employment Practices shall apply with respect to a violation of this Act as it is made applicable by subsection (b) to employees of the employing authorities described in subsection (a)(2)(B). The Office of Senate Fair Employment Practices may, in addition to those remedies otherwise available, assess such an employing authority a civil penalty of not more than \$10,000 for each violation. In determining the amount, the Office shall take into account the previous record of the employing authority involved in terms of compliance with this section and the gravity of the violation. Any such penalty collected shall be paid into the Treasury of the United States.

(d) **WAIVER OF RIGHTS PROHIBITED.**—The rights and procedures provided by this Act may not be waived by contract or otherwise, unless such waiver is part of a written settlement agreed to and signed by the parties to a pending action or complaint under this Act.

(e) **NOTICE.**—Each employing authority shall post and keep posted in conspicuous places on its premises a notice that shall be—

(1) with respect to the employing authorities described in subsection (a)(2)(A), prepared by the Office of Fair Employment Practices; and

(2) with respect to the employing authorities described in subsection (a)(2)(B), prepared by the Office of Senate Fair Employment Practices;

setting forth such information as each such Office considers to be appropriate to carry out this section. Such notice, at a minimum, shall provide the same information as that required under section 4(a).

(f) **RULEMAKING.**—Subsection (c) is enacted as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, with full recognition of the right of the House of Representatives and the Senate to change its rules in the same manner, and to the same extent, as in any other rule of the House of Representatives and the Senate.

(g) **ENFORCEMENT.**—Notwithstanding any other provision of this Act, no officer or employee of the executive branch of the Federal Government shall have authority to administer, interpret, or enforce this section.

SEC. 17. EFFECTIVE DATE.

This Act shall take effect on 6 months after the date of the enactment of this Act, except that an employer who is engaged in electronic monitoring on the expiration of such 6 months shall have 60 calendar days after such expiration to provide each affected employee with the notice required by this Act.

SECTION-BY-SECTION ANALYSIS

SECTION 1—SHORT TITLE

Designates this Act as the Privacy for Consumers and Workers Act.

SECTION 2—DEFINITIONS

Defines certain terms for purposes of the Act. Such terms include:

Continuous Electronic Monitoring—includes activities in which electronic monitoring of employees occurs on a continuous basis and is not periodic or random in nature, and such term includes the periodic inspection of continuous video monitoring from an off-site location, which is used to deter crime and to provide evidence to law enforcement personnel, as well as electronic identifiers or accessors such as electronic card or badge access systems.

Electronic Monitoring—the collection, storage, analysis, or reporting of information concerning an individual's activities by means of a computer, electronic observation and supervision, telephone service observation, telephone call accounting, or other form of visual, auditory, or computer-based technology that is conducted by any method other than direct observation by another person. For this Act, telephone call accounting means the practice of recording the telephone numbers called by a specific telephone or group of telephones for the purpose of individual employee evaluations or the setting of production quotas or work performance expectations. Electronic monitoring does not include the interception of wire, electronic, or oral communication as detailed in the Omnibus Crime Act or the electronic transfer of data concerning payrolls, insurance and other related benefits, employee job applications, or other personnel-related data for administrative purposes only.

Employee—any current, former, or leased employee of an employer.

Employer—any person who is engaged in commerce and who employs employees, including any individual, corporation, partnership, labor organization, unincorporated association, or any other legal business, Federal or State government and any agent of the employer.

Personal Data—any information concerning an employee which can be readily associated with a particular individual.

Prospective Employee—an individual who has applied for a position of employment with an employer.

Telephone Service Observation—the practice of listening to or recording telephone calls being made by, or received by, an employee in order to monitor the quality of service provided by the employee.

Secretary—the Secretary of Labor.

SECTION 3—GENERAL REQUIREMENTS

An employer may engage in electronic monitoring of the employer's employees only so long as the employer complies with the provisions of this Act and other applicable law; including Section 15 (Preemption) of this Act. An employer may review data obtained by electronic monitoring only if the employer meets the requirements of sections 6 (the Review of Continuous Electronic Monitoring) and 8 (Use of Data Collected by Electronic Monitoring) of this Act.

SECTION 4—NOTICE REQUIREMENTS

The Secretary

The Secretary of Labor will prepare and distribute to employers a notice that will inform employees that an employer engages in or may engage in electronic monitoring, of the circumstances under which an employee is or is not entitled to additional notice, including the monitoring and exception described in section 5 (Periodic or Random Electronic Monitoring), and of the rights provided to employees by this Act.

Employers

Each employer who engages in electronic monitoring is to post the Secretary's notice in conspicuous locations on its premises.

Employers who engage in electronic monitoring are to provide each employee who will be electronically monitored, and the exclusive bargaining representative, if any, with prior written notice describing the forms of electronic monitoring to be used, the personal data to be collected, the hours and days per calendar week that the electronic monitoring will occur, the use to be made of the personal data collected, the interpretation of the information collected if the interpretation or records may affect one or more of the employer's employees, existing production standards and work performance expectations, methods for determining production standards and work performance expectations based on electronic monitoring if the methods affect the employee, a description of the electronic monitoring, and a description of the exception authorized in section 5(c)(1) (Exception to Notice Requirement regarding reasonable suspicion of conduct that violates criminal or civil law, or constitutes willful gross misconduct and has a significant adverse effect involving economic loss or injury to the employer). Employers must provide this notice to prospective employees upon request or when an offer of employment is made. Employers must notify prospective employees of existing forms of electronic monitoring that may affect them if hired at the first personal interview.

Employers who engage in telephone service observation are to inform customers who may be subject to telephone service observation of this practice in any recorded message or automated attendant used in connection with customer telephone calls. If the employer does not use a recorded message or automated attendant, the employer shall place in each of its customer bills a statement that the employer is engaging in such observation.

If an employer engages in electronic monitoring of members of the public who are not customers of the employer, the employer must notify those individuals in a manner that is reasonably calculated to reach those affected.

If a Federal agency engages in telephone service observation, the agency shall provide the public, upon the public's telephone contact of the Federal agency, a reasonable opportunity to not be a part of or included in any such observation.

Notice under this Act shall not be considered to constitute consent under the Omnibus Crime Act.

SECTION 5—PERIODIC OR RANDOM ELECTRONIC MONITORING

Employer's employees who have been employed less than 60 working days may be electronically monitored periodically or randomly by their employers without notice or limitation. Employers may also engage in periodic or random electronic monitoring of a work group of employees for up to two

hours in any calendar week. Each employee must be notified of the time the electronic monitoring will occur at least 24 hours before the electronic monitoring begins, but not more than 72 hours in advance. A work group means a group of employees employed in a single facility and engaged in substantially similar work at a common time and in physical proximity to each other. Employers may not engage in periodic or random electronic monitoring of an employee who has been employed for a cumulative employment period of at least 5 years.

An employer, other than the federal government or state or political subdivision thereof, may engage in electronic monitoring without notice required by section 4(b) (Employer's Specific Notice), 5(a) (Periodic or Random Electronic Monitoring General Rule), 5(b) (Periodic or Random Electronic Monitoring Authority), and without regard to section 9 (Access to Data), 10(a) (Privacy Protections Work Related), and 11(2) (Prohibitions regarding video monitoring) when the employer has a reasonable suspicion that an employer's employee is engaged in or is about to engage in conduct that violates criminal or civil law, or constitutes willful gross misconduct; and has a significant adverse effect involving economic loss or injury to the employer or the employer's employees. Before doing so, the employer shall execute a statement containing the conduct that is being electronically monitored and the basis for the electronic monitoring, an identification of the specific economic loss or injury to the business of the employer or the employer's employees, and that the employer is in compliance with section 5(c)(1) (Exception to Notice Requirement regarding reasonable suspicion). This statement shall be signed and retained for three years from the date the electronic monitoring began or until judgment is rendered in an action brought under section 12(c) (Private Civil Action) by an employee affected by such electronic monitoring, whichever is later.

SECTION 6—REVIEW OF CONTINUOUS ELECTRONIC MONITORING

An employer may not review data obtained by continuous electronic monitoring on a periodic or random basis, unless the electronic data was obtained from the use of an electronic identifier, or accessor, such as an electronic card or badge access system, telephone call accounting system, or the data is continuously monitored by an employer or appears simultaneously on multiple television screens or sequentially on a single screen.

In addition, an employer may review such data if the review is limited to specific data that the employer has reason to believe contains information relevant to an employee's work.

SECTION 7—EMPLOYEE REVIEW OF RECORDS

Employer's employees (or their authorized agents) and the exclusive bargaining representative, if any, are entitled to a reasonable opportunity to review and upon request, a copy of, all personal data, and any interpretation of such data obtained by electronic monitoring of the employee, unless the electronic monitoring was conducted pursuant to a suspicion of illegal conduct by the employee. An employer's employee (or their authorized agent) and the exclusive bargaining representative, if any, may review such data only after an investigation as described in section 5(c)(1) (Exception to Notice Requirement regarding reasonable suspicion) has been completed or disciplinary action has been initiated against the employee.

SECTION 8—USE OF DATA COLLECTED BY ELECTRONIC MONITORING

An employer may take any action against an employee on the basis of personal data obtained through electronic monitoring, if the employer has complied with all the requirements of this Act.

An employer shall not use quantitative data obtained by electronic monitoring as the sole basis for individual employee performance evaluations or setting production quotas unless the employee is not working at a facility of the employer and this data is the only basis available to the employer.

SECTION 9—ACCESS TO DATA

When an employer has an immediate business need of specific data, in the absence of the employer's employee who maintains the data, the employer may access the data if it is restricted to alphanumeric data and does not include aural or visual monitoring of the employer's employees or the interception of the employer's employee communications; and the data obtained was not intended to be used for discipline or performance evaluation. The employer shall notify the employee of the monitoring within a reasonable amount of time after the monitoring has taken place.

The term alphanumeric means data consisting entirely of letters, numbers, and other symbols. It does not include visual images, audio impressions, or data that can be used to create auditory or visual information.

SECTION 10—PRIVACY PROTECTIONS

No employer may intentionally collect data about an employee through electronic monitoring if the data are not confined to the employee's work, unless the employee is a customer of the employer at the time of the electronic monitoring.

No employer may engage in electronic monitoring in bathrooms, locker rooms, or dressing rooms.

An employer shall not intentionally engage in electronic monitoring of an employee when the employee is exercising First Amendment Rights. In addition, an employer shall not intentionally use or disseminate personal data of employees gathered by electronic monitoring who are exercising First Amendment Rights. However, electronic monitoring whose principle effect and purpose is to collect data about an employee's work and that incidentally collects data concerning the exercise of an employee's First Amendment rights is not prohibited.

Employers are permitted to disclose personal data obtained by electronic monitoring to any person or other employer or business entity with the written consent of the employee. In addition, employers are permitted to disclose personal data without prior consent from the employee to officers and employees of the employer who have a legitimate job related need for the information; to law enforcement agencies pursuant to a warrant issued under the Federal Rules of Criminal Procedure, and equivalent State warrant, a grand jury subpoena, an administrative subpoena authorized by a Federal or State statute; to the public when the data contains evidence of illegal conduct by a public official or affects public safety; or to the exclusive bargaining representative, if any. In addition a court order for disclosure under subsection (b) or (c) of this section shall issue only if the law enforcement agency shows that there is reason to believe that contents of the data are relevant to a legitimate law enforcement inquiry and in the case of a state governmental authority such a court

order shall not issue if prohibited by the law of such state. A court issuing an order pursuant to this section on a motion made promptly by the service provider may quash or modify such order, if the data requested are unusually voluminous in nature or compliance with such order would cause an undue burden on the employer.

Electronic monitoring, including security cameras, whose purpose and principal effect is to collect work data or data on non-employees is not prohibited because it collects some non-work related data.

SECTION 11—PROHIBITIONS

Employers may not violate any requirements of this Act.

Employers may not use video cameras that are not visible to those being electronically monitored unless there is suspicion of illegal employee conduct or such electronic monitoring is legally required.

Employers may not interfere with any employee's exercise of rights under this Act or discriminate in any manner against an employee for initiating or testifying in a proceeding under this Act of disclosing information the employee reasonably believes evidences a violation of this Act.

SECTION 12—ENFORCEMENT PROVISIONS

An employer who violates any provision of the Act may be assessed a civil penalty of not more than \$10,000 for each violation. The Secretary shall take into account the previous record of the employer and the gravity of the violation. Civil penalties shall be assessed and collected in the same manner as under Section 503 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1953).

The Secretary may bring an action under this section to restrain violation of this Act. United States District Courts shall have jurisdiction, for cause shown, to issue temporary or permanent restraining orders and injunctions requiring compliance with the Act, including appropriate legal and equitable or declaratory relief.

Employees, prospective employees, or any person aggrieved by a violation of this Act may bring private civil actions against employers in Federal or State court within 3 years of the time when they knew or could reasonably be expected to know the violation occurred. The employer shall be liable for such legal and equitable or declaratory relief as may be appropriate, including employment, reinstatement, promotion, and payment of lost wages and benefits. The prevailing party in such cases shall be entitled to reasonable costs, including attorneys fees and expert witness fees.

Rights under this Act may be waived only as part of a written settlement of an action or complaint under this Act.

SECTION 13—APPLICATION

The Act does not apply to electronic monitoring administered by law enforcement agencies as may otherwise be lawfully permitted under criminal investigations.

The Act does not apply to electronic monitoring conducted by employers in connection with the investigation of workers compensation claims involving at least \$25,000.

Except for Section 4(a) (Secretary's notice), 4(b)(1) (Employer's Specific Notice regarding the forms of electronic monitoring to be used), 4(b)(2) (Employer's Specific Notice regarding the personal data to be collected), 4(b)(4) (Employer's Specific Notice regarding the use of the personal data collected), 7 (Employee Review of Records), 8 (Use of Data Collected by Electronic Monitoring), 9 (Access to Data), and 10 (Privacy

Protections), this Act shall not apply to electronic monitoring;

Conducted by an employer pursuant to Federal law governing public safety or security for public transportation.

Conducted by or for the intelligence community as defined in Executive Order 12333 or intelligence community contractors with respect to contracts that bear upon national security as defined by Executive order 12356.

Conducted by an employer registered under section 6, 15, 15A, 15B, 15C, or 17A of the Securities Exchange Act of 1934, section 8(a) of the Investment Company Act of 1940, or sections 202(a)(11) and 203(a) of the Investment Advisors Act of 1940, or the Commodity Exchange Act.

Conducted by an employer or a person associated with an employer registered or exempt from such registration under sections 4d, 4e, 4k, or 4m of the Commodity Exchange Act.

Conducted by a self-regulatory organization or its affiliated clearing house designated, registered, or exempt from registration under section 6 or 17 of the Commodity Exchange Act.

Conducted by an employer who provides an electronic trading system or other facilities for one or more self-regulatory organizations designated, registered, or exempt from registration under section 6 or 17 of the Commodity Exchange Act, as long as such monitoring is confined to management or professional employees with significant financial responsibility that involves the use of independent judgement, or

Conducted by an employer that is a financial institution, as defined in section 20 of title 18, United States Code or subparagraph (A), (B), (C), (D), or (F) of section 5312(a)(2) of title 31, United States Code, as long as such monitoring is confined to management or professional employees with significant financial responsibility that involves the use of independent judgment, or

Conducted only to the extent necessary to ensure an employee provides the required notices under the Truth in Lending Act and the regulation under such Act designated Regulation Z, the Equal Credit Opportunity Act and the regulation under such Act designated as Regulation B, the Fair Credit Reporting Act, the Fair Credit Billing Act, the Fair Debt Collection Practices Act, the rule of the Federal Trade Commission on credit practices, the regulations and consent orders of the Federal Trade Commission on unfair acts and practices, and the Telephone Consumer Protection Act of 1991 and regulations under such Act, and all corresponding State laws and regulations.

Persons who engage in monitoring for another person must comply with the notice requirements the Act, and employers who contract with third parties for monitoring may not use the data obtained unless the requirements of this Act are complied with.

SECTION 14—REGULATIONS

The Secretary shall issue regulations to carry out this Act within 6 months after the date it is enacted.

SECTION 15—PREEMPTION

The Act shall not restrict, limit, or eliminate a requirement of the Federal Government, or a state or political subdivision of a State, or of a collective bargaining agreement relating to privacy or electronic monitoring, which is more stringent than any requirement of this Act.

SECTION 16—COVERAGE OF HOUSE AND SENATE EMPLOYEES

House and Senate employees are covered under this Act.

SECTION 17—EFFECTIVE DATE

The Act shall take effect 6 months after it is enacted, except that an employer who is engaged in electronic monitoring at the expiration of 6 months shall have an additional 60 days to provide its employees with the required notices of electronic monitoring.●

By Mr. INOUE (for himself, Mr. LUGAR, Mr. GORTON, Mr. GRAHAM, Mr. CAMPBELL, Mr. DORGAN, Mr. BOREN, Mr. MACK, Mr. CONRAD, Mr. SPECTER, Mr. COCHRAN, Mr. COATS, Mr. HATCH, Mr. CRAIG, Mr. HOLLINGS, Mr. MATHEWS, Mr. NICKLES, Mr. COHEN, Mr. HELMS, Mr. PACKWOOD, Mr. DOLE, Mr. GRASSLEY, Mr. MCCONNELL, Mr. BENNETT, Mrs. KASSEBAUM, Mr. HEFLIN, Mr. PRYOR, and Mr. DASCHLE):

S. 985. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act with respect to minor uses of pesticides, and for other purposes.

MINOR CROP PESTICIDES ACT OF 1993

Mr. INOUE. Mr. President, I rise to amend the Federal Insecticide, Fungicide, and Rodenticide Act with respect to minor use of pesticides. This measure seeks to remedy a pest control problem, but unlike most pesticide issues, this problem does not relate to health and environmental safety; it is clearly an economic issue.

As you know, U.S. growers produce a wide variety of fruits, vegetables, and specialty crops which are critical to a healthy diet. The continued production of many of these minor crops will be jeopardized if steps are not taken to stop the loss of the many safe pesticides that are not being registered or reregistered for purely economic reasons.

Ironically, the high cost of pesticide registration is also having an adverse effect on integrated pest management programs. Producers are being penalized for using smaller amounts of pesticides by having those pesticides discontinued by manufacturers since reduced use makes registration or reregistration economically infeasible.

Major crops such as corn, wheat, soybeans, and cotton are normally not considered minor crops. Yet, these crops may also be impacted by the high cost of registration when certain pesticides are needed to manage pests only on a regional or local basis.

In my State of Hawaii, the latest agricultural statistics list over 35 crops that are produced commercially. These figures do not include the many niche market crops that are of limited acreage and not presented in published agricultural statistics. Included also on the list of 35 reported crops are sugar and pineapple. While these are grown on relatively large acreages, the amount of pesticides used often cannot justify the cost of registration or reregistration. Thus, all crops grown in Hawaii fall into the category of minor

crops. The problem is further exacerbated by the year-round growing season, which does not offer a break in the pest cycle.

My concern for minor crop protection is not new. I have long supported the inter-regional research project referred to as IR-4 and was an original sponsor of the measure in the 1990 farm bill to establish this project on a more permanent basis. This latter provision required the Secretary of Agriculture to establish an IR-4 Program to assist in the collection of residue and efficacy data in support of the registration or reregistration of minor use chemicals. The bill I introduce today builds on this concept and provides the resources needed to ensure a continuation of a safe and abundant food supply for American consumers.

I note that my bill offers support for chemical as well as nonchemical pest control methods. I have long supported integrated pest management approaches which include judicious use of chemicals in concert with management practices and biological controls. Not only are such measures kinder to the environment but effectively address the increasingly prevalent pesticide resistance of insects and other organisms.

This bill has undergone numerous changes to make it clearer that public health and safety are paramount. The EPA Administrator would be able to deny the use of any of the incentives provided by the bill should health and safety be compromised.

I urge my colleagues to support this bill.

Mr. President, I ask that the text of the bill be printed in the RECORD.

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

S. 985

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

SECTION 1. SHORT TITLE AND REFERENCE.

(a) SHORT TITLE.—This Act may be cited as the "Minor Crop Pesticides Act of 1993".

(b) REFERENCE.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.).

SEC. 2. MINOR USE OF PESTICIDES.

(a) DEFINITION.—Section 2 (7 U.S.C. 136) is amended by adding at the end the following new subsection:

"(hh) MINOR USE.—The term 'minor use' means the use of a pesticide on an animal, on a commercial agricultural crop or site, or for the protection of public health in any case in which—

"(1) the Administrator, in consultation with the Secretary of Agriculture, determines on the basis of information provided by an applicant, that the use does not provide sufficient economic incentive to support the initial registration or continued registration of a pesticide for the use; and

"(2) the Administrator has not determined on the basis of data available to the Admin-

istrator, that the use presents a risk of an unreasonable adverse effect on the environment."

(b) EXCLUSIVE DATA USE.—Section 3(c)(1)(F) (7 U.S.C. 136a(c)(1)(F)) is amended—

(1) by redesignating clause (iii) as clause (iv); and

(2) by inserting after clause (ii) the following new clause:

"(iii)(I) With respect to data submitted after the date of enactment of this clause by an applicant or registrant to—

"(aa) support an amendment adding a new use to a registration in existence at the time the data is submitted;

"(bb) support or maintain in effect a registration referred to in item (aa);

"(cc) support a new application for a registration; or

"(dd) support a reregistration, if the data relates solely to a minor use of a pesticide, the Administrator shall not, without the written permission of the person that initially submitted the data, consider the data to support an application for a minor use by another person during the 10-year period following the date of submission of the data.

"(II) If the minor use registration that is supported by data submitted pursuant to this subsection is voluntarily canceled or if the data are subsequently used to support a use that is not a minor use, the data shall—

"(aa) cease to be subject to the exclusive use provisions of this clause; and

"(bb) be considered by the Administrator in accordance with clause (i) or (ii)."

(c) TIME EXTENSIONS FOR DEVELOPMENT OF MINOR USE DATA.—

(1) DATA CALL-IN.—Section 3(c)(2)(B) (7 U.S.C. 136a(c)(2)(B)) is amended by adding at the end the following new clause:

"(vi)(I) On the request of a registrant, the Administrator shall, in the case of a minor use, extend the deadline for the production of residue chemistry data under this subsection for data required solely to support the minor use until the date that is 2 years after the final deadline for submission of data for the other uses of the pesticide if—

"(aa) the registrant provides data to support other uses of the pesticide;

"(bb) the registrant, in submitting a request for the extension, provides a schedule, including interim dates to measure progress, to ensure that the data production will be completed before the expiration of the extension period;

"(cc) the Administrator determines that the extension would not significantly delay the schedule of the Administrator for issuing a reregistration eligibility determination required under section 4; and

"(dd) the Administrator makes a written determination that, on the basis of data available to the Administrator, the extension would not significantly increase the risk of any unreasonable adverse effect on the environment.

"(II)(aa) If the Administrator grants an extension under this clause, the Administrator shall monitor the development of the data and shall ensure that the registrant meets the schedule for the production of the data.

"(bb) If the Administrator determines that the registrant has not met the schedule for the production of the data, the Administrator may proceed in accordance with clause (iv) concerning the continued registration of the minor use.

"(cc) The Administrator shall provide public notice of any action taken under this subsection.

"(III) If, during the extension period under this subparagraph, the registrant furnishes

the Administrator data that are sufficient for the Administrator to make a determination of an unreasonable adverse effect involving the minor use of the pesticide, the Administrator shall provide written notice to the registrant to revoke the extension for submission of data. The registrant shall be required to submit the data not later than 30 days after receipt of the notice.

"(IV) Nothing in this clause is intended to preclude the Administrator from proceeding in accordance with section 6."

(2) REREGISTRATION.—Subsections (d)(4)(B), (e)(2)(B), and (f)(2)(B) of section 4 (7 U.S.C. 136a-1) are each amended—

(A) by inserting "(i)" after "(B)"; and

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

"(ii) Notwithstanding clause (i), on the request of a registrant, the Administrator shall, in the case of a minor use, extend the deadline for the production of residue chemistry data under this subsection for data required solely to support the minor use for a period of 2 years after the expiration of the period prescribed for submission of data for the other uses of the pesticide if—

"(I) the registrant provides the data to support other uses;

"(II) in submitting a request for the extension, the registrant provides a schedule, including interim dates to measure progress, to ensure that the data production will be completed before the expiration of the extension period;

"(III) the Administrator determines that the extension would not significantly delay the schedule of the Administrator for issuing a reregistration eligibility determination required under this section; and

"(IV) the Administrator makes a written determination that, on the basis of data available to the Administrator, the extension would not significantly increase the risk of any unreasonable adverse effect on the environment.

"(iii) If the Administrator determines that the registrant has not met the schedule for the production of the data, the Administrator may proceed in accordance with section 3(c)(2)(B)(iv) regarding the continued registration of the minor use, and shall inform the public of the action to proceed.

"(iv) If, during the extension period for a minor use under this subparagraph, the registrant furnishes the Administrator data that are sufficient for the Administrator to make a determination of an unreasonable adverse effect involving the minor use of the pesticide, the Administrator shall provide written notice to the registrant that the Administrator has revoked the extension for submission of data. The registrant shall be required to submit the data not later than 30 days after receipt of the notice.

"(v) Nothing in this subparagraph is intended to preclude the Administrator from proceeding in accordance with section 6."

(d) MINOR USE WAIVER.—Section 3(c)(2) (7 U.S.C. 136a(c)(2)) is amended—

(1) in subparagraph (A), by inserting "IN GENERAL.—" after "(A)";

(2) in subparagraph (B), by inserting "ADDITIONAL DATA.—" after "(B)";

(3) in subparagraph (C), by inserting "SIMPLIFIED PROCEDURES.—" after "(C)"; and

(4) by adding at the end the following new subparagraph:

"(E) MINOR USE WAIVER.—With respect to a registration of a pesticide for a minor use, the Administrator may waive a data requirement that would otherwise apply if the Administrator determines that the waiver of the data requirement will not prevent the Administrator from determining—

"(i) any incremental risk presented by the minor use of the pesticide; and

"(ii) that the risk, if any, would not constitute an unreasonable adverse effect on the environment."

(e) EXPEDITING MINOR USE REGISTRATIONS.—Section 3(c)(3) (7 U.S.C. 136a(c)(3)) is amended—

(1) in subparagraph (A), by inserting "IN GENERAL.—" after "(A)";

(2) in subparagraph (B), by inserting "IDENTICAL OR SUBSTANTIALLY SIMILAR.—" after "(B)"; and

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

"(C) MINOR USE REGISTRATION.—(i) Not later than 180 days after the date of submission of the application, the Administrator shall complete a review and evaluation of all data submitted with an application, to the greatest extent practicable, and act on any application—

"(I) that proposes the initial registration of an active ingredient of a pesticide if the active ingredient is proposed to be registered solely for—

"(aa) a minor use;

"(bb) a use that is not a minor use and at least 3 minor uses; or

"(cc) a significant minor use; or

"(II) for an amendment to the registration that proposes a new minor use for a pesticide that has been registered for other uses.

"(ii) As used in this subparagraph, the term 'significant minor use' means a minor use that the Administrator determines would—

"(I) serve as a replacement for any use that has been canceled in the 5-year period preceding the receipt of the application; or

"(II) obviate the need for the reissuance of an emergency exemption under section 18 for the minor use.

(D) ADEQUATE TIME FOR SUBMISSION OF MINOR USE DATA.—If—

"(i) a registrant makes a good faith request for a minor use waiver regarding data required by the Administrator pursuant to paragraph (2)(B); and

"(ii) the Administrator denies in whole or in part the request for the waiver referred to in clause (i),

the Administrator shall extend the period of time specified for submitting the data for a period equal to the initial period. The Administrator may not extend the time period if the Administrator determines that the registrant did not make a good faith request for the waiver. The Administrator shall provide written notice of any determination by the Administrator that a request for the waiver was not submitted in good faith. The Administrator shall provide a copy of the written determination to the registrant. The determination shall be subject to judicial review under the procedures prescribed by section 16(b)."

(f) CONDITIONAL REGISTRATION FOR MINOR USES.—Section 3(c)(7) (7 U.S.C. 136a(c)(7)) is amended—

(1) in subparagraph (A), by inserting "IN GENERAL.—" after "(A)";

(2) in subparagraph (B), by inserting "CONDITIONAL AMENDMENT.—" after "(B)";

(3) in subparagraph (C), by inserting "CONDITIONAL REGISTRATION.—" after "(C)"; and

(4) by adding at the end the following new subparagraph:

"(D) ADDITIONAL MINOR USES.—(i) The Administrator shall conditionally amend the registration of a pesticide to permit additional minor uses of the pesticide without regard to whether data concerning the pesticide are insufficient to support a registra-

tion amendment that is unconditional, if the Administrator determines that—

"(I) the applicant has submitted satisfactory data pertaining to the proposed additional minor use; and

"(II) amending the registration in the manner proposed by the applicant would not significantly increase the risk of any unreasonable adverse effect on the environment.

"(ii) Notwithstanding clause (i), no registration of a pesticide may be amended to permit an additional minor use of the pesticide if—

"(I) the Administrator has issued a notice stating that the pesticide, or any ingredient of the pesticide, meets or exceeds risk criteria associated in whole or in part with human dietary exposure as described in regulations issued under this Act; and

"(II) during the pendency of any risk-benefit evaluation initiated by the notice, at least 1 of the conditions described to in clause (iii) are met.

"(iii) The conditions described in this clause are as follows:

"(I) The additional minor use of the pesticide referred to in clause (ii) involves a major food or feed crop.

"(II) The additional minor use of the pesticide referred to in clause (ii) involves a minor food or feed crop and the Administrator determines, with the concurrence of the Secretary of Agriculture, that an effective alternative pesticide that does not meet or exceed the risk criteria is available.

"(iv) An applicant seeking an amendment to a registration under this subparagraph shall submit the data that would be required to be submitted to obtain a registration for a similar pesticide under paragraph (5). If the applicant is unable to submit an item of data (other than an item of data pertaining to the proposed additional minor use) because the item of data has not been generated, the Administrator shall amend the registration on the condition that the item of data will be submitted not later than the date the item of data is required to be submitted with respect to similar pesticides registered under this Act. The Administrator shall provide written notice of each determination under this clause to the registrant. The determination shall be subject to judicial review under the procedures prescribed by section 16(b)."

(g) EXPEDITED CONDITIONAL REGISTRATION TO REPLACE PREVIOUSLY CANCELED REGISTRATIONS OR DELETED USES ON A ONE-TIME BASIS.—Section 3(c)(7) (7 U.S.C. 136a(c)(7)), as amended by subsection (f), is further amended by adding at the end the following new subparagraph:

"(E) CONDITIONAL MINOR USE REGISTRATION.—(i) The Administrator may conditionally register or amend the registration of a pesticide for a minor use if the registrant establishes to the satisfaction of the Administrator that—

"(I) the active ingredient has been listed by the Administrator for reregistration, as required by section 4;

"(II) the minor use proposed for registration is a registered use of a product that, after December 24, 1988, has been canceled, proposed for cancellation, or deleted as a use under section 4 or 6; and

"(III) the use directly requires only data concerning residue chemistry for reregistration.

"(ii) The Administrator may not grant a conditional registration or amendment referred to in clause (i) unless the Administrator makes a determination that—

"(I) approval by the Administrator of the registration or amendment in the manner

proposed by the applicant would not significantly increase the risk of an unreasonable adverse effect on the environment; and

"(II) there is a tolerance for the use at the time of the determination.

"(iii) In making the application, the applicant shall either—

"(I) make assurances that the applicant will submit the data required for reregistration of the pesticide or use by the final deadline, established by the Administrator, for the submission of all data to support registration of the active ingredient of the pesticide on the date of the approval of the application by the Administrator; or

"(II) agree to cease distribution and sale of the pesticide by the date specified in subclause (I).

"(iv) If the registrant provides assurances for the submission of data pursuant to clause (iii), the Administrator may extend the expiration date for the conditional registration to the date that is 6 months after the scheduled date for submission of the data (determined in accordance with the schedule established by the Administrator) to allow time for the Administrator to review the application.

"(v) Distribution and sale by the registrant of pesticides registered for the use that is the subject of the conditional registration referred to in clause (iv) shall cease on the date of termination of the extension referred to in clause (iv).

"(vi) The Administrator shall provide expedited review of each application under this section in accordance with paragraph (3).

"(vii) The Administrator may take action at any time prior to the date established under clause (iv) to order the deletion of a use approved under this subsection, if—

"(I) no registrant is fulfilling commitments for other uses; or

"(II) the Administrator determines that the delay may result in a risk of an unreasonable adverse effect on the environment.

"(viii) If the registrant does not voluntarily comply with an order requesting the deletion of use, the Administrator may cancel each registration of the registrant that includes the use by order without a hearing. Each application for a conditional registration or amendment under this subparagraph shall be submitted to the Administrator not later than 1 year after the date of enactment of this subparagraph."

(h) TEMPORARY EXTENSION OF REGISTRATION FOR UNSUPPORTED MINOR USES.—

(1) REREGISTRATION.—

(A) IN GENERAL.—Subsections (d)(6) and (f)(3) of section 4 (7 U.S.C. 136a-1) are each amended by adding at the end the following new sentences: "If the registrant does not support a specific minor use of the pesticide, but supports, and provides data in a timely fashion to support, other food uses, at the written request of the registrant, the Administrator shall not take any action pursuant to this paragraph with regard to the unsupported minor use until the date specified for the submission of data for the supported uses under this paragraph. On receipt of the request from the registrant, the Administrator shall publish in the Federal Register a notice of the receipt of the request and the date by which the uses that the registrant does not support shall be voluntarily deleted from the registration. Notwithstanding the preceding sentences in this paragraph, the Administrator may cancel or suspend the minor use pursuant to section 6, if the Administrator determines that the continuation of the minor use may cause an unreasonable adverse effect on the environment."

(B) REQUEST FOR DELAY.—Section 4(e)(3)(A) (7 U.S.C. 136a-1(e)(3)(A)) is amended by adding at the end the following new sentences: "If the registrant does not support a specific minor use of the pesticide, but supports and provides data in a timely fashion to support other uses, at the written request of the registrant, the Administrator shall not take any action pursuant to this subparagraph with regard to the unsupported minor use until the date specified for the submission of data for the supported uses under this subparagraph. On receipt of the request from the registrant, the Administrator shall publish in the Federal Register a notice of the receipt of the request and the date by which the uses that the registrant does not support shall be voluntarily deleted from the registration. Notwithstanding the preceding sentences of this subparagraph, the Administrator may cancel or suspend the minor use, pursuant to section 6, if the Administrator determines that the continuation of the minor use may cause an unreasonable adverse effect on the environment."

(2) DATA.—Section 3(c)(2)(B) (7 U.S.C. 136a(c)(2)(B)), as amended by subsection (c)(1), is further amended by adding at the end the following new clause:

"(vii) If the registrant does not support a specific minor use of the pesticide, but supports and provides data in a timely fashion to support other uses, at the written request of the registrant, the Administrator shall not take any action pursuant to this subparagraph with regard to the unsupported minor use until the date specified for the submission of data for the supported uses under this paragraph. On receipt of the request from the registrant, the Administrator shall publish in the Federal Register a notice of the receipt of the request and the date by which the uses that the registrant does not support shall be voluntarily deleted from the registration. Notwithstanding the preceding sentences of this subparagraph, the Administrator may cancel or suspend such minor use, pursuant to section 6, if the Administrator determines that the continuation of the minor use would violate the criteria described in section 6."

(i) UTILIZATION OF DATA FOR VOLUNTARILY CANCELED CHEMICALS.—Section 6(f) (7 U.S.C. 136d(f)) is amended by adding at the end the following new paragraph:

"(4) UTILIZATION OF DATA FOR VOLUNTARILY CANCELED CHEMICALS.—

"(A) Except as provided in subparagraph (B), if a registrant files an application with the Administrator for the registration of a pesticide for a minor use not later than 2 years after another registrant voluntarily cancels the registration for an identical or substantially similar pesticide for an identical or substantially similar use, the Administrator shall, for the purposes of using the data from the registrant that canceled a registration, process, review, and evaluate the pending application as if the voluntary cancellation had not yet taken place.

"(B) If the Administrator determines, on the basis of evidence available to the Administrator, that the minor use referred to in subparagraph (A) poses a risk of an unreasonable adverse effect on the environment, the Administrator may not apply subparagraph (A) with respect to an application for a registration."

(j) MINOR USE PROGRAMS OF THE ENVIRONMENTAL PROTECTION AGENCY AND THE DEPARTMENT OF AGRICULTURE.—

(1) REDESIGNATION.—The Act is amended by redesignating sections 30 and 31 as sections 32 and 33, respectively.

(2) MINOR USE PROGRAMS.—The Act is amended by inserting after section 29 the following new sections:

"SEC. 30. ENVIRONMENTAL PROTECTION AGENCY MINOR USE PROGRAM.

"(a) IN GENERAL.—The Administrator shall establish a minor use program within the Office of Pesticide Programs (referred to in this section as the 'Office') to ensure the coordination of minor use issues.

"(b) DUTIES OF THE DIRECTOR.—The Director of the Office shall be responsible for coordinating the development of minor use programs and policies, consulting with growers regarding minor use issues and registrations, and tracking and expediting minor use registrations and amendments that are submitted to the Administrator.

"SEC. 31. DEPARTMENT OF AGRICULTURE MINOR USE PROGRAM.

"(a) IN GENERAL.—The Secretary of Agriculture (referred to in this section as the 'Secretary') shall ensure the coordination of the responsibilities of the Department of Agriculture related to minor uses of pesticides, including—

"(1) carrying out the Inter-Region Project Number 4 (IR-4) as described in section 2(e) of the Act entitled "An Act to facilitate the work of the Department of Agriculture, and for other purposes" (7 U.S.C. 450i(e)) and the national pesticide resistance monitoring program established under section 1651 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5882);

"(2) supporting integrated pest management research;

"(3) consulting with growers to develop data for minor uses; and

"(4) providing assistance for minor use registrations, tolerances, and reregistrations with the Environmental Protection Agency.

"(b) MATCHING FUND PROGRAM.—

"(1) ESTABLISHMENT.—The Secretary shall establish a minor use grant program to provide financial assistance to any person or entity that submits an application that is approved by the Secretary.

"(2) GRANTS.—The Secretary may award a grant pursuant to this subsection to ensure the continued availability of a minor use crop protection chemical. The grant shall be awarded to provide assistance for the development of data to support the registration or reregistration of a pesticide for a minor use.

"(3) PRIORITY FOR GRANT AWARDS.—In awarding grants under this subsection, the Secretary shall give priority to applicants that do not directly receive funds from the sale of products that are specified in the registration for a minor use.

"(4) CONDITIONS FOR GRANTS.—A grant under this subsection may be awarded only on the following conditions:

"(A) The grant recipient shall match, on a dollar for dollar basis, from non-Federal sources, the amount of the grant award.

"(B) Both the grant recipient and the Department of Agriculture shall share a property interest in the data generated pursuant to the grant.

"(5) USE OF DATA.—The data referred to in paragraph (4)(B) may be used by another person or entity that applies for a registration if the person or entity receives written permission from the Secretary and the grant recipient.

"(6) FEES.—The Secretary may assess a fee for the use of the data referred to in paragraph (5).

"(7) REVOLVING FUND.—The Secretary shall establish a revolving fund. The revolving fund shall consist of—

"(A) the amounts appropriated for deposit to the fund pursuant to the authorization under paragraph (8); and

"(B) the amounts received as fees under paragraph (6).

"(8) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Agriculture for deposit in the revolving fund referred in paragraph (7) an amount not to exceed \$10,000,000 for fiscal year 1994, and each fiscal year thereafter."

(k) CONFORMING AMENDMENTS TO FIFRA TABLE OF CONTENTS.—The table of contents in section 1(b) (7 U.S.C. prec. 121) is amended—

(1) by adding at the end of the items relating to section 2 the following new item:

"(hh) Minor use.;"

(2) by adding at the end of the items relating to section 6(f) the following new item:

"(4) Utilization of data for voluntarily canceled chemicals.;"

(3) in the item relating to section 30, by striking "30" and inserting "32";

(4) in the item relating to section 31, by striking "31" and inserting "33"; and

(5) by inserting after the item relating to section 29 the following new items:

"Sec. 30. Environmental Protection Agency minor use program.

"(a) In general.

"(b) Duties of the director.

"Sec. 31. Department of Agriculture minor use program.

"(a) In general.

"(b) Matching fund program.

"(1) Establishment.

"(2) Grants.

"(3) Priority for grant awards.

"(4) Conditions for grants.

"(5) Use of data.

"(6) Fees.

"(7) Revolving fund.

"(8) Authorization of appropriations."

Mr. LUGAR. Mr. President, I am pleased to join Senator INOUE today in introducing the Minor Crop Pesticides Act.

Americans have been favored with an abundance and a wide variety of food, and, as a consequence, the productivity of American agriculture is generally taken for granted. Part of the success of the American food production system stems from the natural fertility of the soils and from the ingenuity of the American farmer. But even the most fertile soil must be protected from erosion and in time must be replenished with nutrients. Mechanized farming depends upon abundant and economical sources of energy. Farming efficiency has increased with size and specialization. But concentrated and continuous production of a single crop increases the potential for outbreaks of insects, weeds, disease organisms, and other pests. To support crop production and marketing activities, a strong agribusiness is necessary to provide equipment, seeds, fertilizer, pesticides, fuel, markets, and transportation.

Production of crops and forest products is but one example of the interdependency among the several sectors of the American economy. Actions that

affect one small segment often may have an impact on the whole of American society. Thus, while pesticides constitute only a small fraction of the total agricultural and forest products enterprise, disruption of the supply of these agents without suitable replacements would severely impact on the total supply of agricultural and forest products, and even more so on the stability of the outputs.

Stability of production is a quality that is often overlooked. The security and welfare of all nations is heavily dependent upon the assurance of a steady, reliable source of food. Threats of pests and diseases constitute one of the most destabilizing influences on crop production worldwide. Pest control practices, including pesticides, are very important for the assurance of year-to-year stability of production.

Vegetables, fruits, nuts, herbs, ornamental, and turfgrass are often referred to as minor crops because the acreage and volume of production are much below that of corn, soybean, wheat, or any of the other major field crops. Minor crops, like major crops, must be protected from insects, weeds, and diseases. Pesticides developed for use on minor crops are referred to as minor use pesticides.

Historically, there has always been a problem with the availability of pesticides for minor uses. The chemical industry has traditionally sought the major markets for their products justified on the basis of economic returns. The significant time and expense required to develop the data needed to support registration of a new pesticide or to defend existing uses have left fewer resources for registration of minor uses.

This situation was intensified with enactment of the 1988 amendment to the Federal Insecticide, Fungicide, and Rodenticide Act [FIFRA], which required that all pesticides, and their uses, registered before November 1984, be reregistered. Experts estimate that about 25 percent of existing uses on crops will not be supported by manufacturers of pesticides.

Estimates indicate a decline of approximately 30 percent in yields with an attendant increase in food costs of approximately 50 percent without the use of pesticides. Growers who are denied appropriate pest control will not be competitive in domestic or foreign markets. Under these circumstances, consumers, too, would suffer. The average American family spends on 10 percent of their disposable income on food. For these families, a substantial increase in the costs of fruits and vegetables would not be popular, but could be absorbed without great hardship. However, some 30 million of the U.S. population spend at least 60 percent of their disposable income on food. For those of limited means, a substantial increase in the price of fruits and vege-

tables would impose a further serious economic burden. As fruits and vegetables become less affordable, this segment of the population would consume less at a time when health experts recommend an increased consumption of fresh fruits and vegetables.

Finally, the loss of minor use pesticides could have serious adverse environmental impacts. Ironically, pesticide usage may actually increase as more products disappear from the marketplace due to the need to apply less effective materials more frequently and at higher dosages to control pests. As the number of products dwindles, the likelihood for pest resistance to the remaining pesticides used on these commodities also increases. Studies clearly indicate that resistance is best managed through a program that uses a variety of pest control methods and incorporates a number of chemicals that differ in way they act on pests.

The bill we are introducing today is designed to help circumvent such consequences without impacting food safety or adversely affecting the environment. This bill simply offers several incentives to manufacturers to maintain and develop new safe and effective pest control agents for minor uses.

Mr. President, I urge my colleagues to lend their support of this important legislation.

Mr. GORTON. Mr. President, during the last few years there has been a great deal of discussion and publicity about reducing the use of agricultural chemicals. This movement is rooted in the misconception that all agricultural chemicals are detrimental to our health and have harmful effects on the environment. The unfounded allegations leveled at apple growers and their use of alar in 1989 illustrates this movement. Alar, a chemical important to apple production, was unnecessarily lost to producers. In this case, as in so many others, emotion rather than science determined policy and farmers lost an important production tool.

Since the enactment of a series of amendments to the Federal Insecticide, Fungicide, and Rodenticide Act in 1988, farmers have been losing safe, vital chemicals for another reason: economics. The 1988 FIFRA amendments required the Environmental Protection Agency to initiate a process to update the registration of pesticides that had been registered before November 1, 1984. For a chemical to remain on the market, a manufacturer had to resubmit new data, often supplemented by additional testing, by 1997.

This requirement sounded reasonable until one considered the costs of performing the tests needed to collect the required data. Developing and registering pesticides for crop protection is expensive. A comprehensive study that includes such information as the safety of the product, its potential effect on consumers and workers health, as well

as its impact on the environment, can cost millions of dollars. The cost of residue data alone for a crop can run into the hundreds of thousands of dollars.

When the cost of developing this new data is measured against the potential profits from the sale of a product, some manufacturers have decided voluntarily to cancel a pesticide registration rather than seek renewal. In each such case the farmer lost another vital production tool.

While all of agriculture is impacted by the FIFRA '88 amendments, those producers who are hardest hit are minor crop farmers whose markets for pesticides are limited. Minor crops are fruits, vegetables, and other crops which are produced on less than 300,000 acres each year. Though these crops account for approximately 2 percent of all the acreage planted each year in this country, their collective value surpasses \$35 billion; 5 billion dollars' worth of minor crops are exported each year.

As important to our Nation's economy as minor crops are, they are an equally significant part of our diets. The food pyramid guide released by the Department of Agriculture encourages Americans to eat from the five major food groups. Two of these major food groups are fruits and vegetables—minor crops. As such they are an essential and vital part of a healthy, balanced diet.

Many of the chemicals being lost have environmental benefits. Often overlooked is the fact that minor crop pesticides are critical components of many integrated pest management [IPM] systems. These programs control agricultural pests in an environmentally prudent manner. For example, phosphamidon, an insecticide used on apples, was used for the control of aphids. In addition, though, it provided the collateral benefit of controlling apple rust mite because it was not toxic to the apple rust mite's primary predator, predaceous mites. No suitable alternative to phosphamidon exists for controlling aphids and mites, and, therefore, several chemicals must be used simultaneously to render the same effect.

Finally, other important societal benefits are derived from the use of pest control products. Agencies at the Federal, State, and local level depend on the continued availability of pesticides to protect the public from over 50 human diseases, diseases which are transmitted by insects and other disease carrying organisms. The effective control of these pests helps to alleviate human suffering. Direct economic benefits are derived, such as a reduction in medical costs and absences from work.

To ensure the continued availability of crop protection chemicals for minor use crops, the Minor Crop Farmer Alliance was organized in 1991. The alliance's efforts led to the development of

the Minor Crop Protection Act of 1992, which I have the pleasure of reintroducing today on behalf of Senators INOUE and LUGAR. I strongly support this legislation.

This proposal is designed to provide a number of options to the Environmental Protection Agency for registering existing pesticides and promoting new minor use registrations. These mechanisms would not be permitted if the EPA determined that the pesticide in question posed an unreasonable adverse risk to human health or the environment, or where the missing data were considered essential for making such a determination.

This legislation establishes a reasonable process for reregistering minor use pesticides that safeguard the environment and peoples' health, but does not remove essential and safe pesticides from the market. It is an important first step, but more can be done. For example, increased funding for IR-4 would greatly complement this legislation.

Mr. President, like many occupations, farming looks easy until you try it. Far more goes into agricultural production than simply planting and harvesting.

There are many intangibles with which a farmer must deal, weather being foremost. To the extent possible, and while continuing to guarantee the safety of the consumer and the health of the environment, government should make farming easier. This bill does that and ensures that the environment, the consumer and the farmer benefit. I commend Senators LUGAR and INOUE and the Minor Crop Farmer Alliance for developing this legislation and encourage my colleagues to grant it their support.

By Mr. LOTT:

S. 986. A bill to provide for an interpretive center at the Civil War Battlefield of Corinth, MS, and for other purposes; to the Committee on Energy and Natural Resources.

CORINTH, MISSISSIPPI, BATTLEFIELD ACT OF 1993

Mr. LOTT. Mr. President, I rise today to offer legislation which will ensure the preservation of a special and historical site in my home State of Mississippi which was the scene of one of the greatest campaigns during the War Between the States. Corinth, Mississippi was the location of the Battle of Corinth which was the largest battle to take place in my State and the Siege of Corinth was, in terms of aggregate numbers of troops involved, one of the largest in the history of the Western Hemisphere.

Possession of Corinth was the key to victory during the war because of the railroads. Corinth was the Confederacy's only east-west link; the Memphis & Charleston Railroad crossed the critical Mobile & Ohio Railway. These were the two longest

railroads in the South. This junction was referred to as the vertebrae of the Confederacy and eventually acquired the nickname "crossroads of the Confederacy." It is interesting to note that the famous Battle of Shiloh was fought solely for the possession of Corinth. A national military park is located at Shiloh in commemoration of this battle.

The strategical value of Corinth was tremendous. With Corinth in Union hands, the roads to Vicksburg and Atlanta were open for Federal armies. The Confederacy certainly realized the importance of Corinth.

Possession of Corinth was critical enough for the Confederacy to sacrifice New Orleans, the South's largest city and the coastal region from Mobile to Charleston. The Confederacy abandoned these cities in order to send the needed troops to protect the small village in northeast Mississippi, known as Corinth.

Of all the major Civil War crusades, the Battle of Corinth and the Corinth Siege are indisputably the least known and definitely the least recognized. The Battle of Corinth is deserving of long-overdue national recognition. The site at Corinth has already received national historic landmark designation. However, I am convinced that we must go one step further to ensure these notable sites' place in American history; therefore my reason for introducing relevant legislation.

Both of these sites at Corinth are ideal and appropriate for including in this proposed interpretive center. If we act expeditiously we may easily preserve many battle and siege sites which are still vacant tracts of land. Corinth's urban setting is advantageous for the purpose of cost minimization in development and maintenance. Furthermore, the proximity of the Shiloh National Military Park offers the possibility of a combined administration.

Corinth and the Corinth Siege were the only sites in my State of Mississippi included on former Secretary of the Interior Manuel LuJuan's list of priority Civil War Battlefields and 2 of only 25 nationwide. My proposal is also consistent with the Secretary of the Interior's American Battlefield Protection Program established in July 1990.

We must safeguard our national heritage and protect this significant battlefield upon which our ancestors lost life and limb in pursuit of their most fundamental ideals. I believe Corinth is a natural location for an interpretive center. The closeness of the Shiloh National Military Park, which is just 20 miles from Corinth, would be especially beneficial. The connection between the two battles, not to mention the convenience of location, convince me that construction of a center at Corinth is needed for proper interpretation of this important chapter in American history.

Mr. President, I ask my colleagues to support this important legislation and ask unanimous consent that the full text of this bill be printed in the RECORD.

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

S. 986

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 "Corinth, Mississippi, Battlefield Act of 1993".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—
 (1) the 14 sites located in the vicinity of Corinth, Mississippi, that were designated as a National Historic Landmark by the Secretary of the Interior in 1991 represent nationally significant events in the Siege and Battle of Corinth during the Civil War, and
 (2) the Landmark sites should be preserved and interpreted for the benefit, inspiration, and education of the people of the United States.

(b) PURPOSE.—It is the purpose of this Act to provide for a center for the interpretation of the Siege and Battle of Corinth and other Civil War actions in the region and to enhance public understanding of the significance of the Corinth Campaign in the Civil War relative to the Western theater of operations, in cooperation with State or local governmental entities and private organizations and individuals.

SEC. 3. ACQUISITION OF PROPERTY AT CORINTH, MISSISSIPPI.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this Act as the "Secretary") shall acquire by donation, purchase with donated or appropriated funds, or exchange, such lands and interests in lands in the vicinity of the Corinth Battlefield, in the State of Mississippi, as the Secretary determines to be necessary for the construction of an interpretive center to commemorate and interpret the 1862 Civil War Siege and Battle of Corinth.

(b) PUBLICLY OWNED LANDS.—Lands and interests in lands owned by the State of Mississippi or a political subdivision of the State of Mississippi may be acquired only by donation.

SEC. 4. INTERPRETIVE CENTER AND MARKING.

(a) GENERAL AUTHORITY.—

(1) CONSTRUCTION OF CENTER.—The Secretary shall construct, operate, and maintain on the property acquired under section 3 a center for the interpretation of the Siege and Battle of Corinth and associated historical events for the benefit of the public.

(2) DESCRIPTION.—The center shall contain approximately 5,300 square feet, and include interpretive exhibits, an auditorium, a parking area, and other features appropriate to public appreciation and understanding of the site.

(b) MARKING.—The Secretary may mark sites associated with the Siege and Battle of Corinth National Historic Landmark, as designated on May 6, 1991, if such sites are determined by the Secretary to be protected by State or local governmental agencies.

(c) ADMINISTRATION.—The lands and interests in lands acquired, and the facilities constructed and maintained pursuant to this Act shall be administered by the Secretary as a part of Shiloh National Military Park, subject to the appropriate laws and regulations applicable to the park, the Act of Au-

gust 25, 1916 (39 Stat. 535, chapter 408; 16 U.S.C. 1 et seq.), and the Act of August 21, 1935 (49 Stat. 666, chapter 593; 16 U.S.C. 461 et seq.).

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Subject to subsection (b), there are authorized to be appropriated such sums as are necessary to carry out this Act.

(b) CONSTRUCTION.—Of the amounts made available to carry out this Act, not more than \$6,000,000 may be used to carry out section 4(a).

By Mr. DASCHLE:

S. 987. A bill to amend the Internal Revenue Code of 1986 with respect to discharge of indebtedness income from prepayment of loans under section 306B of the Rural Electrification Act of 1936.

TAX TREATMENT OF REA LOAN PREPAYMENT

• Mr. DASCHLE. Mr. President, today I am introducing legislation that clarifies the tax treatment of prepayment of Rural Electrification Administration [REA] loans authorized last year in the Rural Electrification Administration Improvement Act of 1992.

Congress has always recognized that rural electric cooperatives are the cornerstone upon which community and economic development services are built and extended. As a result, Congress has consistently supported the partnership between the rural electric systems and REA, which provides loans to rural electric cooperatives so that they may continue bringing power, light, and jobs to rural America.

In 1992, Congress reauthorized the ability of rural electric distribution systems to prepay their outstanding debt with the Rural Electrification Administration [REA] at a discount based on the Government's current cost of money. In 1986, Congress had granted limited opportunity to buy back REA loans, but that provision expired in 1987. Pursuant to Internal Revenue Code section 61(a)(62), the interest rate reduction constitutes cancellation of indebtedness income and, as such, must be included in gross income. Thus, this entire buy-back scheme results in no loss to the Federal Treasury.

Unfortunately, the Internal Revenue Service's position regarding the tax treatment of this discount severely limits the benefit gained under the 1992 act.

Under I.R.C. section 501(c)(12), a rural electric cooperative qualifies for tax exemption only if at least 85 percent of its gross income consists of amounts collected from members for the sole purpose of meeting losses and expenses. Thus, the bulk of the cooperative's revenues must be related to providing services needed by members of the cooperative, that is, rural consumers. If nonmember income, such as investment income or property rentals, exceeds 15 percent of gross income, the cooperative loses its tax exempt status for the year. Under the IRS's interpretation of this formula, the income from a discount on an REA loan buyback is

considered nonmember income, potentially causing many cooperatives to fail the test for tax exemption should they participate in the buyback program.

In 1988, Congress responded to this concern by approving legislation allowing electric cooperatives to exclude the REA loan buyback discount from the so-called "85-15" test. The Internal Revenue Service, however, has recently concluded that this provision was in effect only until January 1, 1990, and therefore does not apply to prepayment of REA loans pursuant to the most recent congressional authorization.

The legislation I am introducing today would merely reinstate the 1988 tax legislation and, thereby, clarify that prepayments accomplished under the 1992 act should be treated identically to those buybacks accomplished in 1986 and 1987. Congress did not intend to inadvertently damage the tax status of cooperatives when it passed the 1992 act. In fact, the intent of the rural electric prepayment legislation is precisely to allow cooperatives that are financially strong enough to prepay their REA loans and turn to private capital markets for long-term financing needs.

A similar measure was passed in the 102d Congress as part of H.R. 11 the Revenue Act of 1992. However, that legislation subsequently was vetoed by then-President Bush.

The intent of Congress was clear when prepayment of REA loans was authorized, both in 1986 and in 1992. Congress took the additional step in 1988 and clarified that income received from the prepayment of an REA loan would not be included in the "85-15" test. We should not allow the REA loan prepayment benefit granted to rural electric cooperatives to be eroded simply because the 1988 tax clarification has not been extended.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 987

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

SECTION 1. DISCHARGE OF INDEBTEDNESS INCOME FROM PREPAYMENT OF REA LOANS.

Subparagraph (C) of section 501(c)(12) of the Internal Revenue Code of 1986 is amended—

- (1) by striking "or" at the end of clause (i),
- (2) by striking "306B," in clause (ii),
- (3) by striking the period at the end of clause (ii) and inserting "or", and
- (4) by adding at the end the following new clause:

“(iii) from the prepayment of a loan under section 306B of the Rural Electrification Act of 1936 (as in effect on January 1, 1993).”•

By Mr. DASCHLE (for himself,
Mr. GORTON, and Mr. CHAFEE):

S. 988. A bill to amend the Internal Revenue Code of 1986 to clarify that conservation expenditures by electric and gas utilities are deductible for the year in which paid or incurred; to the Committee on Finance.

ENERGY EFFICIENCY AND CONSERVATION ACT OF 1993

• Mr. DASCHLE. Mr. President, since the 1960's, energy conservation and efficiency have become top national priorities for the United States. Across the country, energy conservation is a critical means of obtaining new energy resources and slowing down the depletion of the available energy supply.

Many utility companies, in an effort to promote this policy, have established energy conservation programs, which invest in products and services to enable their customers to reduce energy use. Examples of these conservation expenditures include: energy efficiency audits, education, and marketing programs to promote conservation and efficient use of energy; insulation and weatherization materials; and subsidies and rebates for the installation of efficient lighting and appliances, and other efficiency-related products.

Until recently, the tax law was clear that utilities could deduct the full cost of energy conservation expenditures as an ordinary and necessary cost of doing business. In fact, a 1991 technical advisory memorandum specifically addressed the tax treatment of these expenditures and concluded that the utilities were allowed to expense and recover the cost of energy expenditures in the year incurred.

Recently, however, certain Internal Revenue Service auditors, in a stretched interpretation of case law involving entirely different matters, are directing utilities to spread out their deductions for conservation expenditures over a period of years. This new interpretation directly contradicts the longstanding industry practice of taking these deductions in the year incurred.

If the IRS's current practice remains unchanged, the effect will be to dramatically increase the aftertax cost to utilities of their conservation programs, resulting in a substantial reduction in the resources allocated to these programs. It is estimated that utilities will reduce expenditures for conservation programs up to 10 percent. The net effect of the IRS's policy will be to discourage conservation at a time when environmental, energy, and cost considerations all argue for maximizing conservation.

I am introducing today legislation that would clarify that electric and gas utilities may deduct the full cost of conservation expenditures in the year in which they are incurred. I want to emphasize that this legislation does nothing more than reaffirm longstanding policy and does not change current industry practice. It reaffirms the in-

tent of Congress since the 1960's when these programs were first established to promote energy efficiency and conservation.

I am pleased that my distinguished colleagues Senators GORTON and CHAFFEE are joining me in introducing this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

S. 988

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 "Energy Efficiency and Conservation Act of 1993".

SEC. 2. ENERGY CONSERVATION EXPENDITURES BY ELECTRIC AND GAS UTILITIES.

(a) IN GENERAL.—Part VI of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to itemized deductions for individuals and corporations) is amended by inserting after section 196 the following new section:

"SEC. 197. ENERGY CONSERVATION EXPENDITURES BY ELECTRIC AND GAS UTILITIES.

"(a) GENERAL RULE.—In the case of an electric or gas utility, there shall be allowed as a deduction for the taxable year an amount equal to the energy conservation expenditures paid or incurred by the taxpayer during such taxable year.

"(b) ENERGY CONSERVATION EXPENDITURES.—For purposes of this section, the term 'energy conservation expenditures' means expenditures for—

"(1) subsidies provided directly or indirectly to customers for the purchase, installation, or modification of—

"(A) any device or service primarily designed to reduce consumption of electricity, natural gas, or steam or to improve the management of energy demand, or

"(B) any specially designed energy property (as defined in section 136(c)(2)(A)),

"(2) energy use consulting and audits of commercial, residential, and industrial properties, or

"(3) administrative, promotional, and other costs associated with expenditures described in paragraph (1) or (2).

Such term shall not include any expenditure taken into account in determining the basis of any tangible property which is owned by the taxpayer and which is of a character subject to the allowance for depreciation.

"(c) ELECTRIC OR GAS UTILITY.—For purposes of this section, the term 'electric or gas utility' means any corporation engaged in the furnishing or sale of electric energy, natural gas, or steam if the rates for such furnishing or sale have been established or approved by a State or political subdivision thereof, by any agency or instrumentality of the United States, or by a public utility or public service commission or other similar body of any State or political subdivision thereof or of the District of Columbia."

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 263(a) of such Code is amended by striking "; or" at the end of subparagraph (F) and inserting a comma, by striking the period at the end of subparagraph (G) and inserting ", or", and by adding at the end thereof the following new subparagraph:

"(H) expenditures for which a deduction is allowed under section 197."

(2) The table of sections for part VI of subchapter B of chapter 1 of such Code is amend-

ed by adding at the end thereof the following new item:

"Sec. 197. Energy conservation expenditures by electric and gas utilities."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures paid or incurred in taxable years beginning after December 31, 1980.●

● Mr. GORTON. Mr. President, I am pleased to join today with my distinguished colleague from South Dakota, Senator DASCHLE, to introduce an important piece of tax legislation. Our bill will preserve a valuable tax incentive for energy conservation and allow power utilities throughout the country to continue to provide conservation assistance to businesses and residential customers.

The legislation prevents the Internal Revenue Service from changing its rules to require that the costs of conservation programs be capitalized and deducted. Currently, utilities are able to write off the program's entire cost for the year in which the expenditures are paid or incurred.

For the utility, the costs of these programs primarily consist of: The wages it pays its employees for the energy-saving consultations with its customers; the costs of installing more efficient lighting, windows, and appliances; and the costs of weatherizing older homes. Many utilities throughout the country provide a service which analyzes its customers' usage of power. The utility then can make cost-effective suggestions to the business or residential user which will reduce demand for the energy provided by the utility. Utilities often provide grants and offer low-cost loans to its customers to implement these changes.

Without our legislation, a change in the IRS rules will increase the after-tax cost of these conservation programs. If they cost the utilities more, then there will obviously be fewer instances where a utility will undertake valuable and needed conservation measures.

A change in the IRS rules to require the depreciation of these costs will effectively set up a situation wherein tax policy is completely at odds with sound environmental policy. On the one hand are the energy utilities, who are undertaking programs which promote energy conservation—a worthwhile environmental goal. On the other hand is the IRS, punishing the utility for providing these vital measures.

Mr. President, in this debate I come down squarely on the side of energy conservation.

Energy conservation by utilities is beneficial in many ways. First, conservation helps the environment by reducing overall power usage and cutting down the pollution created during power generation. Second, in the long run, the energy conservation measures reduce the number of new powerplants necessary to meet the needs of the en-

ergy users. And third, this legislation reinforces the trend of utility regulators toward rate setting for utilities which encourages them to assist their customers in reducing power needs.

These are all activities which the Federal Government must encourage—not punish. We must stand strong beside our commitment to energy conservation. The legislation introduced today is a small step in that direction.

Mr. President, I first learned about this problem in the last Congress from Puget Sound Power & Light Co., a utility in Washington State, and joined in crafting a bill similar to the one introduced today. Unfortunately, the Finance Committee took no action on the measure before Congress adjourned.

This Congress, I hope the Finance Committee will seriously consider this legislation. I urge my colleagues in the Senate to join us in cosponsoring this important environmentally sound and energy-saving legislation.●

By Mr. GORTON (for himself, Mr. STEVENS, and Mr. PRESSLER):

S. 989. A bill to amend the Airport Noise and Capacity Act of 1990 to provide emergency relief to the United States airline industry by facilitating financing for investment in new aircraft and by encouraging the retirement of older, noisier, and less efficient aircraft; to the Committee on Commerce, Science, and Transportation.

AVIATION INDUSTRY REVITALIZATION ACT

● Mr. GORTON. Mr. President, Several months ago, the Boeing Co. sent tremors across Washington State when it announced major cutbacks in the production of all four of its commercial jet airplane programs—737, 747, 757, and 767. The inevitable related job losses were later revealed and 28,000 people, 19,000 in Washington alone, learned that they would be laid off. Thousands more knew that their companies, too, would be impacted by Puget Sound's largest employer's announcement. My heart goes out to the families in Everett, in Renton, and all those who work at Boeing plants, as well as all the other people who will lose their jobs because of the impact on Boeing.

Boeing's announcement was directly attributable to the prolonged financial problems of many of the world's airlines. In our country, 3 years of record losses have taken a huge toll on all of our airlines. This has resulted in huge layoffs of airline personnel and the postponement of capital projects, including the acquisition of aircraft. Airline orders have been converted to options, and options have been stretched out over the remainder of the decade.

The bill that I am introducing today, with Senators PRESSLER and STEVENS the Aviation Industry Revitalization Act or the AIR Act will reverse this recent trend in the airline industry and will give these companies a strong in-

centive to accelerate the purchase of new, quieter, more fuel efficient, stage 3 aircraft. This legislation will provide federal loan guarantees for the purchase of new stage 3 aircraft. Not only will this greatly improve the airlines' ability to access capital, but it will decrease the cost of capital at virtually no risk to the Federal Government.

The bill will provide a Federal guarantee to lenders which make loans to airlines or airline leasing companies for up to 85 percent of the price of an aircraft. Under this plan, there is little financial risk to the Federal Government. In the unlikely event that the airline defaults on the loan, the aircraft will provide sufficient collateral and can readily be resold on the open market. The measure also envisions very little cost to the Government because after an initial appropriation to cover administrative costs is made, which will be paid back after 2 years, the participating airlines will pay fees sufficient to cover the annual costs of the program. These fees will vary depending upon the level of risk associated with the financial health of each airline.

Both passenger air carriers and cargo companies are eligible to participate in this program providing they agree to certain conditions regarding the modification or removal of aging aircraft or stage 2 aircraft from service. Based upon the number of stage 2 and aircraft more than 15 years old that the passenger carriers now have in their fleet, nearly 800 new aircraft could be purchased under this program. More will be purchased by cargo carriers.

This legislation gives the airlines the financial incentive to meet the 100 percent stage 3 requirements by the end of the century. It also tightens the Airport Noise and Capacity Act of 1990 by prohibiting any airline participating in interstate commerce which takes advantage of the program from receiving any waiver of the stage 3 noise rules after December 31, 1999.

The Aviation Industry Revitalization Act gives our U.S. carriers the boost they need right now to purchase new aircraft. It recognizes that American carriers need similar assistance to that which is currently available to foreign carriers which utilize federal loan guarantees under the Export-Import Bank.

I sought the advice and suggestions of many members of the aviation industry in writing this legislation. I believe it is an excellent proposal which will help greatly both the airlines and the aerospace manufacturers.

I am introducing the AIR Act at this time, not because of any expectation that the Congress will consider this exact bill, but because the National Commission to Ensure a Competitive Airline Industry begins its meetings on Monday. As a member of the commission, I plan personally to take the bill

to the commission and present it, not as a final product, but as a talking paper. This bill may not be perfect, and it is far from a complete solution to the industry's troubles, but I believe it has great potential. I hope the commission will deem the concept of loan guarantees worthy for inclusion in its final report. I hope that Congress will then embrace the commission's recommendations, that a new bipartisan bill will be introduced, and that the new legislation will be enacted by the Congress.

When I speak to the commission, I will stress the following points:

The industry's severe financial troubles puts in doubt its ability to meet the requirements to have an all stage 3 fleet by December 31, 1999.

Congress needs to give U.S. carriers similar financial assistance as we give some foreign carriers which participate in the Export Import Bank's loan guarantee program for the purchase of aircraft. We can do so at minimal cost and risk to the Federal Government under this program.

While impossible to quantify precisely, this legislation will lessen the enormous employment loss expected at U.S. aircraft and engine manufacturing companies.

This legislation will greatly decrease noise in communities located near airports. It will also result in the use of less fuel which is not only good financially for the airlines, but also an environmental goal which we want to promote in all modes of transportation.

I believe the AIR Act has great potential and I plan to vigorously seek support for Federal loan guarantees both at the commission and in the Congress.●

By Mr. BREAUX (for himself, Ms. MIKULSKI, Mr. LOTT, Mr. MITCHELL, Mr. WARNER, Mrs. FEINSTEIN, Mr. COHEN, Mr. WOFFORD, Mr. ROCKEFELLER, Mr. LIEBERMAN, Mr. SARBANES, Mr. SPECTER, Mr. COCHRAN, Mr. ROBB, Mr. JOHNSTON, Mr. SIMON, Mr. RIEGLE, Mr. PELL, Mr. HEFLIN, and Mr. DODD):

S. 990. A bill to promote fair trade for the U.S. shipbuilding and repair industry; to the Committee on Finance.

SHIPBUILDING TRADE REFORM ACT OF 1993

Mr. BREAUX. Mr. President, the bill I am introducing today on behalf of my distinguished colleagues, Ms. MIKULSKI, Mr. LOTT, Mr. MITCHELL, Mr. WARNER, Mrs. FEINSTEIN, Mr. COHEN, Mr. WOFFORD, Mr. ROCKEFELLER, Mr. LIEBERMAN, Mr. SARBANES, Mr. SPECTER, Mr. COCHRAN, Mr. ROBB, Mr. JOHNSTON, Mr. SIMON, Mr. RIEGLE, Mr. PELL, Mr. DODD, and Mr. HEFLIN is intended to address the serious problem that foreign shipbuilding subsidies present for American shipbuilders. It is my hope that introduction of this bill will mark the beginning of the revitalization of

our shipbuilding base in this country. And what better day could there be to initiate a revitalization of our maritime industry than today—National Maritime Day.

The U.S. shipbuilding industry is under a siege of unfair trading practices worldwide—a siege which threatens the very fiber of U.S. military and economic security. As chairman of the Merchant Marine Subcommittee, I have committed myself to working with the new administration and my colleagues in the House in pursuit of this effort to revitalize our maritime industry which lies at the very heart of our industrial and military base.

This bill is intended to address the precipitous decline in the U.S. shipbuilding and repair industry caused directly by the policies of foreign governments that provide massive subsidies to their shipbuilding and repair industries. These policies are designed by foreign governments to carve out a specific portion of the world shipbuilding market in order to secure an industrial base for their nation and guarantee jobs for their citizens. Essentially, these countries are using subsidies to purchase jobs from the United States. It is a blatant and egregious violation of the fundamental principles of free and fair trade.

Unfortunately, the United States has no specific policy to effectively address this violation. In 1981, the Reagan administration unilaterally terminated all direct assistance to the U.S. shipbuilding industry and in doing so essentially wrote off the U.S. shipbuilding industry. No U.S. policy has ever been adopted to replace that assistance or to specifically counter the anti-competitive policies of foreign governments that subsidize their shipbuilding industries. For 3 years the U.S. Trade Representative [USTR] diligently attempted to negotiate a resolution of the problem, but the negotiations were ultimately unsuccessful.

As a result, the last 10 or 12 years have been a veritable free-for-all for foreign governments to capture virtually the entire U.S. share of the commercial shipbuilding market. It has only been the substantial investment by the Department of Defense [DOD] during the 1980's which has kept at least a portion of the U.S. shipbuilding industry alive. But, the toll has been staggering. Since 1981, we have lost 40 shipyards and over 120,000 shipyard jobs to foreign nations which subsidize their shipbuilding industries. Also, because Navy construction programs have dwindled, the U.S. shipbuilding industry is left without access to a single significant market in which to compete. We are now facing the very real possibility of losing our entire U.S. shipbuilding and repair base forever.

While we wrestle with the many issues associated with how we can stimulate the U.S. economy, the U.S. ship-

building industry merely seeks the opportunity to invest and compete in a free and fair commercial shipbuilding market on its own. Not surprisingly, without access to a market in which to compete, private capital investment in shipbuilding technology and equipment has been stifled. In the business world, the only real incentive to private capital investment is the opportunity for profit, and that door has been effectively closed tight by foreign shipbuilding subsidies. The legislation I am introducing today will enable us to open that door for the U.S. shipbuilding industry, to provide a basis for investment in technological competitiveness, and to provide the opportunity to recapture our share of the international commercial shipbuilding market.

This bill represents a slightly modified version of the compromise legislation which I introduced at the end of the last Congress. Like that bill, this legislation would set the stage for resumption and successful conclusion of multilateral trade negotiations concerning the elimination of shipbuilding subsidies worldwide.

I believe the legislation is a fair approach to addressing the problem that, while still penalizing vesselowners, only penalizes a vesselowner that is either a citizen of a country that subsidizes shipbuilding or that owns a vessel that is registered in an offending country.

I think this approach hits the right target and provides the most effective means to bring those nations to the table and into agreement. And, if an agreement fails, we will not end up shooting ourselves in the foot by imposing penalties on every vessel that was ever built with a subsidy regardless of who owns and operates them today.

While the legislation correctly preserves the authority of USTR to pursue multilateral negotiations, it also creates new authority for the Secretary of Commerce: to investigate and identify which nations are providing subsidies; to monitor the compliance of nations with any agreements that are reached; and to impose penalties in the event that foreign governments continue to subsidize shipbuilding and fail to enter into an agreement within a reasonable timeframe.

Like any responsible trade legislation, the intent of the penalty provisions in this bill is to provide a credible enough threat to bring other nations to the table and into an agreement, while preserving a necessary degree of flexibility and discretion for our negotiators so they can achieve the desired result.

In this regard, the bill sets two standards for the imposition of penalties in the event a foreign government fails to enter into an agreement for the elimination of shipbuilding sub-

sidies. For vessels already in existence, or for which their construction contracts were in existence prior to enactment, the bill would require a finding by the Secretary of Commerce that the foreign subsidies create conditions unfavorable to the ability of any U.S. shipbuilder to engage in the construction of vessels for international commerce. In other words, we must first make a clear finding that the foreign subsidies have actually contributed to the inability of U.S. shipyards to compete in the commercial vessel construction market before we can impose any penalties on an existing ship.

In contrast, vessels constructed after enactment are not subject to an injury test. The important distinction is that by enacting this legislation we are putting all nations on notice that, if they choose to continue to subsidize shipbuilding, we will move swiftly to impose penalties on vessels flying its flag or owned by its citizens.

The legislation also provides discretion to the Secretary of Commerce as to which penalty will be imposed in any given case. For existing vessels, if the Secretary makes the injury finding as described above, the Secretary can choose either to limit sailings of affected vessels to U.S. ports, or he can impose a monetary penalty of up to \$1 million but not less than \$500,000 per voyage. For new vessels, the Secretary has additional penalties to choose from. These penalties include both the limitation of sailings, and the imposition of monetary fines as for existing vessels, however, the Secretary may additionally either direct the Customs Service to refuse clearance of those vessels into the United States or direct the U.S. Coast Guard to deny entry of those vessels into any U.S. port. In any case, the Secretary must choose at least one of the penalties cited in the bill.

The bill contains provisions which provide protection for U.S. ports. In developing this legislation last year, several port authorities in the United States expressed concern that the legislation might result in the diversion of cargo destined for United States ports to ports in Canada or even Mexico. There the cargo would be off-loaded and transhipped by truck or rail to their final U.S. destinations. The concern—and I think it is a legitimate one—is that this cargo diversion would be pursued by foreign ship operators as a means of avoiding the penalties imposed by the bill. In this circumstance, of course, U.S. ports could be unfairly disadvantaged. The legislation addresses this potential problem by giving the Secretary of Commerce authority to direct the U.S. Customs Service to deny entry to the United States of any of such diverted cargo.

Finally, the bill contains extensive provisions ensuring a fair and open administrative procedure in identifying which countries are providing sub-

sidies, in conducting negotiations with foreign governments, and in applying penalties against foreign ships. Furthermore, the bill sets firm, yet realistic, timeframes for all secretarial actions and negotiations in order to avoid the delays and postponements frequently encountered under trade law. Additionally, the bill provides protection through specific procedures for judicial review of determinations made under this legislation.

I am anxious to hold hearings and to receive testimony on this legislation—from the administration and from all affected segments of the maritime community. Additionally, I would like to commend my colleagues in the Senate who are original cosponsors of this important legislation for their leadership and recognition of the need to take action on this critical issue. I look forward to working with them and our colleagues in the House to see this legislation through to enactment.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 990

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 "Shipbuilding Trade Reform Act of 1993".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) in 1981, the United States Government terminated funding for the construction-differential subsidy program, thereby ending direct subsidization of commercial shipbuilding in the United States;

(2) since 1981, the international market for ship construction has been distorted by a wide array of subsidies and other anti-competitive practices by foreign countries, including but not limited to the member countries of Working Party 6 of the Organization for Economic Cooperation and Development;

(3) such subsidies and anti-competitive practices include, but are not limited to, direct grants, preferential financing, equity infusions, research and development assistance, restructuring aid, special tax concessions, debt forgiveness, and other forms of direct and indirect assistance;

(4) foreign countries that directly or indirectly provide subsidies or other forms of anti-competitive assistance for the construction or repair of vessels are engaging in unjustifiable, unreasonable, and discriminatory trade practices which—

(A) burden and restrict United States commerce;

(B) materially injure the United States ship construction and repair industry; and

(C) create general or special conditions unfavorable to the ability of United States shipbuilders to engage in the construction of vessels for international commerce;

(5) foreign shipbuilding subsidies have caused, and threaten to cause, material injury to the United States shipbuilding and ship repair industry, as evidenced by—

(A) the closure of more than 40 major shipyards and the loss of over 120,000 jobs in shipyards and their supplier base since 1981;

(B) the potential loss of another 180,000 jobs by 1998 if foreign subsidies are not eliminated;

(C) the decline in the United States share of the international commercial vessel construction market from 7.9 percent in 1979 to less than 1 percent in 1991;

(E) the substantial reduction in shipyard profitability and the industry's difficulty in raising capital;

(F) the dramatic decline in the capacity utilization of United States shipyards and the lost opportunities for technological advancement; and

(G) the significant price underselling by foreign shipyards;

(6) existing United States trade laws and trade agreements provide limited redress to domestic producers of ships for the trade-distorting subsidies and dumping practices of foreign shipbuilders;

(7) a strong, effective multilateral agreement among shipbuilding nations to eliminate trade-distorting practices in the ship construction industry is the best means of providing for fair international competition; however, absent such an agreement, greater redress under United States law against unfair and unreasonable foreign trade practices in commercial ship construction is necessary;

(8) a viable United States ship construction and repair industry is necessary to achieve the national defense and economic security interests of the United States; and

(9) United States shipyards, which have become almost exclusive defense contractors, are positioning themselves to make those investments in commercial facilities, ship designs, manufacturing process, and structural reorganization that are necessary for their conversion to compete in the international commercial ship construction and repair market and thereby ensure a viable United States industry which can respond to the Nation's future national security requirements; however, this conversion to the commercial market cannot be achieved unless the massive subsidies provided by foreign governments for the construction and repair of commercial ships are eliminated.

(b) **PURPOSE.**—It is the purpose of this Act to ensure fair trade in the commercial shipbuilding and repair industry by providing for additional trade remedies against unfair foreign competition.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) the term "conditions unfavorable to the ability of any United States shipbuilder to engage in the construction or repair of vessels for international commerce" includes, but is not limited to, any conditions available to, and favorable for, foreign shipbuilders which are not reciprocally available to and favorable for United States shipbuilding and which—

(A) provide any disincentive to investment in facilities, equipment, and technology for the construction or repair of vessels in the United States;

(B) contribute to any reduction in the competitiveness of any United States shipbuilder to engage in the construction or repair of vessels for international commerce; or

(C) otherwise contribute to any distortion of the international market for the construction or repair of vessels.

(2) The term "construction" includes reconstruction.

(3) The "interested party" means—

(A) a person that engages in the construction or repair of vessels in the United States;

(B) a certified union or recognized union or group of workers which is representative of

workers in an industry that engages in the construction or repair of vessels in the United States;

(C) a trade or business association whose members include firms, partnerships, or other entities, which engage in the construction or repair of vessels in the United States; and

(D) an association, a majority of whose members is composed of interested parties described in subparagraphs (A), (B), and (C) that, respectively, engage in vessel construction, represent workers in an industry that engages in vessel construction, and have members that engage in vessel construction.

(4) The term "Secretary" means the Secretary of Commerce.

(5) The term "subsidizing country list" and "list" mean the list established under section 4(a).

(6) The term "subsidy" includes, but is not limited to, any of the following:

(A) Officially supported export credits and development assistance.

(B) Direct official operating support to the vessel construction and repair industry, or to a related entity that favors the operation of vessel construction and repair, including—

(i) grants;

(ii) loans and loan guarantees other than those available on the commercial market;

(iii) forgiveness of debt;

(iv) equity infusions on terms inconsistent with commercially reasonable investment practices;

(v) preferential provision of goods and services; and

(vi) public sector ownership of commercial shipyards on terms inconsistent with commercially reasonable investment practices.

(C) Direct official support for investment in the vessel construction and repair industry, or to a related entity that favors the operation of vessel construction and repair, including the kinds of support listed in clauses (i) through (v) of subparagraph (B), and any restructuring support, except public support for social purposes directly and effectively linked to shipyard closures.

(D) Assistance in the form of grants, preferential loans, preferential tax treatment, or otherwise, that benefits or is directly related to vessel construction and repair for purposes of research and development that is not equally open to domestic and foreign enterprises.

(E) Tax policies and practices that favor the vessel construction and repair industry, directly or indirectly, such as tax credits, deductions, exemptions, and preferences, including accelerated depreciation, if the benefits are not generally available to persons or firms not engaged in vessel construction or repair.

(F) Any official regulation or practice that authorizes or encourages persons or firms engaged in vessel construction or repair to enter into anticompetitive arrangements.

(G) Any indirect support directly related, in law or in fact, to vessel construction and repair at national yards, including any public assistance favoring vessel owners with an indirect effect on vessel construction or repair activities, and any assistance provided to suppliers of significant inputs to vessel construction, which results in benefits to domestic shipbuilders.

(H) Any export subsidy identified in the Illustrative List of Export Subsidies in the Annex to the Agreement on Interpretation and Application of Articles VI, XVI, and XXIII of the General Agreement on Tariffs and Trade or any other export subsidy that may be prohibited as a result of the Uruguay Round of trade negotiations.

(7) The term "vessel" means any self-propelled, seagoing vessel—

(A) of not less than 100 gross tons, as measured under the International Convention on Tonnage Measurement of Ships, 1969; and

(B) not exempt from entry under section 441 of the Tariff Act of 1930 (19 U.S.C. 1441).

SEC. 4. LISTING OF SUBSIDIZING COUNTRIES.

(a) **ESTABLISHMENT OF LIST.**—The Secretary shall establish and maintain a subsidizing country list that shall contain the name of each foreign country that is placed on the list under subsection (b), subsection (d), or subsection (e) of this section, under section 5(a), or under section 6(c). The Secretary shall revise the list on the basis of the requirements of this Act and shall, on at least a biannual basis, publish in the Federal Register the most current list.

(b) **STATUTORY LISTING.**—

(1) **IN GENERAL.**—Unless the Secretary determines, based on clear and convincing evidence, that a foreign country that was a party to negotiating a multilateral agreement for the elimination of shipbuilding subsidies in Working Party 6 of the Organization for Economic Cooperation and Development on October 16, 1991, does not provide, directly or indirectly, any subsidy for the construction or repair of vessels, the Secretary shall, on the date of enactment of this Act—

(A) place the foreign country on the subsidizing country list;

(B) notify the foreign country of its inclusion on the list; and

(C) publish notice of the listing in the Federal Register.

(2) **DURATION OF LISTING.**—Each foreign country listed under subsection (a) as a result of this subsection shall remain on the subsidizing country list until such time as the foreign country signs a trade agreement with the United States that provides for the immediate elimination of subsidies for the construction and repair of vessels (including the elimination of continuing benefits from prior subsidy programs).

(c) **INVESTIGATIONS.**—

(1) **INITIATION OF INVESTIGATIONS.**—The Secretary shall initiate an investigation into the practices of any foreign country (other than a country listed under subsection (b)) within 20 days after receipt of a petition for such an investigation from an interested party or whenever the Secretary has reasonable cause to believe that such country provides, directly or indirectly, any subsidy for the construction or repair of vessels.

(2) **ADMINISTRATIVE PROCEDURE FOR INVESTIGATIONS; PRELIMINARY DETERMINATIONS.**—

(A) **NOTICE.**—Within 7 days after initiating an investigation under paragraph (1), the Secretary shall publish in the Federal Register a notice of such investigation, together with a request for public comments.

(B) **PUBLIC COMMENTS.**—The Secretary shall—

(i) receive public comments during the 30-day period that begins on the date on which notice is published under subparagraph (A); and

(ii) subject to section 7(a), make such comments available to the general public upon request.

(C) **PRELIMINARY DETERMINATION.**—Within 30 days after the close of the public comment period referred to in subparagraph (B), the Secretary, on the basis of the information contained in the record, shall make a preliminary determination regarding whether the foreign country provides, directly or indirectly, any subsidy for the construction or repair of vessels.

(D) NOTICE OF PRELIMINARY DETERMINATION.—Within 7 days after the date on which a preliminary determination is made under subparagraph (C), the Secretary shall publish in the Federal Register a notice of the preliminary determination, together with—

(i) an explanation of the determination, including the nature and extent of any subsidy identified as the basis for the preliminary determination; and

(ii) a request for public comment regarding the preliminary determination.

(E) PUBLIC COMMENTS ON PRELIMINARY DETERMINATION.—The Secretary shall—

(i) receive public comments on such preliminary determination, during the 30-day period that begins on the date on which notice is published under subparagraph (D); and

(ii) subject to section 7(a), make such comments available to the general public upon request.

(d) EMERGENCY LISTING.—If at any time the Secretary determines that information provided by any interested party presents a prima facie case that a foreign country is providing any subsidy for the construction or repair of vessels, the Secretary shall, within 7 days after receiving such evidence, place that country on the subsidizing country list. Within 7 days after making an emergency listing under this subsection, the Secretary shall—

(1) notify the affected foreign country thereof;

(2) publish in the Federal Register a notice of the determination and the emergency listing, together with a request for public comment and a schedule for an investigation into the alleged subsidy; and

(3) initiate an investigation into the alleged subsidy. An investigation initiated under paragraph (3) shall be concluded by the Secretary within 60 days after the date of initiation. Upon completion of the investigation, the Secretary shall make a final determination under subsection (e).

(e) FINAL DETERMINATION.—

(1) IN GENERAL.—Within—

(A) 30 days after the close of the public comment period referred to in subsection (c)(2)(E)(i), in case of an investigation initiated under subsection (c)(1); or

(B) 30 days after the completion of an investigation regarding an emergency listing under subsection (d);

the Secretary shall make a final determination regarding whether a foreign country provides, directly or indirectly, any subsidy for the construction or repair of vessels. Any determination made by the Secretary under this subsection shall be based solely upon information contained in the record, including that information which is otherwise treated as proprietary under section 7(a).

(2) NOTIFICATION AND PUBLICATION OF LISTING.—If the Secretary determines under paragraph (1) that a foreign country provides, directly or indirectly, any subsidy for the construction or repair of vessels, the Secretary shall, within 7 days after the date of the determination—

(A) place the foreign country on the subsidizing country list;

(B) notify the foreign country of its inclusion on the list; and

(C) publish in the Federal Register a notice of the determination and listing, together with a full explanation of the determination, including the nature and extent of any subsidy identified as the basis for the determination.

(f) RECONSIDERATION AND REMOVAL OF LISTINGS.—

(1) RECONSIDERATION.—A final determination under subsection (e) that results in the

placement of a foreign country on the subsidizing country list may be reconsidered by the Secretary if—

(A) after receiving an application for reconsideration from such foreign country, the application alleges material error in the determination or alleges changed circumstances concerning the elimination by the foreign country of its subsidy practices and the Secretary considers the allegations sufficient to warrant a reconsideration; or

(B) the Secretary receives information concerning the signing of an agreement between the United States Government and such foreign country that provides for the immediate elimination by such country of construction and repair subsidies for vessels.

(2) RESTRICTION ON RECONSIDERATION.—A foreign country may not make more than one application for reconsideration under this subsection in any calendar year.

(3) BURDEN OF PERSUASION.—In any reconsideration under paragraph (1)(A), the burden of persuasion is on the applicant, regarding whether material error exists or whether there are changed circumstances sufficient to warrant a determination that the foreign country should be removed from the list.

(4) REMOVAL FROM LIST.—The Secretary may remove a foreign country from the list only if the Secretary determines—

(A) based solely on the information contained in the record, including that information which is otherwise treated as proprietary under section 7(a), that the foreign country does not provide any subsidy, directly or indirectly, for the construction or repair of vessels (including any continuing benefit from any prior subsidy program); or

(B) that there is a signed agreement between the United States Government and the foreign country that provides for the immediate elimination of subsidies for the construction and repair of vessels.

(5) ADMINISTRATIVE PROCEDURES FOR RECONSIDERATION.—

(A) NOTICE AND COMMENT.—After receiving an application for reconsideration under paragraph (1) from a foreign country, the Secretary shall—

(i) within 7 days publish in the Federal Register the text of the application, together with a request for public comments; and

(ii) receive comments from the public for a period of 60 days after the date of publication and, subject to section 7(a), make such comments available to the general public upon request.

(B) REVIEW AND DETERMINATION.—Within 90 days after receiving an application for reconsideration under paragraph (1), the Secretary shall—

(i) review the comments received under subparagraph (A) and issue a final affirmative or negative determination regarding the removal of the foreign country from the list; and

(ii) publish notice in the Federal Register of the determination, together with a full explanation thereof.

(g) JUDICIAL REVIEW.—

(1) REVIEW OF DETERMINATION.—Within 30 days after the date of publication in the Federal Register of a final determination of the Secretary made under subsection (e) or (f)(5)(B), any interested party may commence an action in the United States Court of International Trade by filing concurrently a summons and complaint, each with the content and in the form, manner and style prescribed by the rules of that court, contesting any factual findings or legal conclusions upon which the determination is based.

(2) PROCEDURES AND FEES.—The procedures and fees set forth in chapter 169 of title 28,

United States Code, apply to an action under this subsection.

(3) STANDARD OF REVIEW.—The court shall hold unlawful any determination, finding, or conclusion found to be unsupported by substantial evidence on the record, or otherwise not in accordance with law.

(4) RECORD OF REVIEW.—The record for review shall consist of a copy of all information presented to or obtained by the Secretary during the course of the administrative proceeding, including all governmental memoranda pertaining to the case and the record of ex parte meetings, as well as a copy of the determination, all transcripts or records of conferences and hearings, and all notices published in the Federal Register.

(5) STANDING.—Any person who was a party to the administrative proceedings described in this section shall have the right to appear and be heard as a party in interest before the United States Court of International Trade under this subsection. The party filing the action shall notify all such persons of the filing of an action under this section, in the form and manner, and within the time, prescribed by the rules of the court.

(6) CONFORMING AMENDMENT.—Section 1581 of title 28, United States Code, is amended by adding the following subsection:

“(k) The Court of International Trade shall have exclusive jurisdiction of any civil action commenced under section 4(g) of the Shipbuilding Trade Reform Act of 1993.”

SEC. 5. PENALTIES.

(a) PENALTY FOR FALSE INFORMATION AND RENEWAL OF SUBSIDIES.—

(1) IN GENERAL.—The Secretary shall place a foreign country on the subsidizing country list for a period of not less than 5 years if the Secretary—

(A) determines that a foreign country provided the Secretary with false or misleading information during any investigation or reconsideration under section 4; or

(B) after making a final determination under section 4(e) or 4(f) that the foreign country is not providing a subsidy, determines that the foreign country provides, directly or indirectly, any new construction or repair subsidy (including the reinstatement of any benefit under any prior subsidy program).

A listing required by this subsection shall be made within 30 days after the date of the determination under subparagraph (A) or (B).

(2) TIME LIMITS FOR DETERMINATIONS.—The Secretary shall complete action on a determination under subparagraph (A) or (B) of paragraph (1) within 30 days after the date on which the Secretary receives information indicating a likelihood that the foreign country concerned acted in the manner described in that subparagraph.

(b) PENALTIES FOR FAILURE TO ELIMINATE SUBSIDIES.—

(1) BASIS FOR IMPOSITION OF PENALTIES.—The Secretary shall take action under paragraphs (2), (3), and (4) with respect to a foreign country if—

(A) the Secretary determines that the foreign country has been notified of its inclusion on the subsidizing country list and has failed, within 180 days after that notification, to eliminate subsidies for the construction and repair of vessels, or to enter into an agreement that requires the immediate elimination of such subsidies; or

(B) the Secretary places the foreign country on the subsidizing country list in accordance with section 6(c).

(2) PENALTIES FOR NEW AFFECTED VESSELS.—The Secretary shall take one or more of the following actions with respect to any new affected vessel of such foreign country:

(A) Limit the sailings of the vessel to or from the United States, or the amount of cargo carried, by the vessel to not less than 50 percent of the number of sailings, or the amount of cargo carried, by the vessel during the immediately preceding full calendar year.

(B) Impose on the vessel a fee of not less than \$500,000 and not more than \$1,000,000 per voyage.

(C) Direct the appropriate customs officer at any port or place of destination in the United States to refuse the clearance required by section 4197 of the Revised Statutes (46 App. U.S.C. 91) to the vessel.

(D) Direct the Secretary of the department in which the Coast Guard is operating to deny entry for purposes of oceanborne trade of the vessel to any port or place in the United States or the navigable waters of the United States.

(3) PENALTIES FOR EXISTING AFFECTED VESSELS.—The Secretary shall take either or both of the actions described in subparagraphs (A) and (B) of paragraph (2) with respect to an existing affected vessel of such foreign country, if the Secretary finds the existence of conditions unfavorable to the ability of any United States shipbuilder to engage in the construction or repair of vessels for international commerce which arise out of, or result from, a subsidy provided by such country.

(4) CARGO DIVERSION.—The Secretary shall direct the appropriate customs officer to deny entry of cargo into the United States that has been transported on an affected vessel of such foreign country, if that cargo has been transported to a port or place in the United States through a foreign port or place in a country contiguous to the United States.

(5) DURATION OF PENALTIES.—Any penalty imposed on a foreign country under the subsection shall remain in effect until such country is removed from the subsidizing country list in accordance with section 4(f).

(6) DEFINITIONS.—As used in this subsection—

(A) The term "affected vessel" means a vessel—

(i) that is documented under the laws of the foreign country concerned; or

(ii) the controlling interest in which is held by a citizen or national of, or a legal entity existing under the laws of, such foreign country, regardless of whether the vessel is documented under the laws of that country.

(B) The term "existing affected vessel" means an affected vessel that is not a new affected vessel.

(C) The term "new affected vessel" means an affected vessel that was constructed after the date of enactment of this Act, unless such construction was completed within 30 months after such date of enactment under a contract entered into before such date of enactment.

SEC. 6. TRADE AGREEMENTS.

(a) IN GENERAL.—Any negotiation, to which the United States is a party, for the elimination for the construction or repair of vessels by foreign countries shall be conducted by the United States Government in full consideration with the affected industries in the United States.

(b) MONITORING.—The Secretary shall monitor the compliance of each foreign country with any agreement, to which the United States and such country are parties, requiring the elimination of subsidies for the construction or repair of vessels. The Secretary shall publish annually in the Federal Register the findings made by the Secretary

under this subsection, together with a request for public comments.

(c) PENALTY FOR NONCOMPLIANCE.—If, based on the findings made and the public comments received under subsection (b), the Secretary determines (within 90 days after the date of publication of the findings under subsection (b)) that a foreign country is not in compliance with the agreement being monitored, the Secretary shall, within 7 days after making such determination, place such foreign country on the subsidizing country list.

SEC. 7. GENERAL ADMINISTRATION PROVISIONS.

(A) PROPRIETARY INFORMATION.—The procedures set forth in section 777 of the Tariff Act of 1930 (19 U.S.C. 1677f) shall govern the rights of access to information obtained by the Secretary during the course of any investigation conducted under section 4.

(b) INFORMATION USED IN MAKING DETERMINATIONS.—The Secretary shall, before making any final determination under section 4, 5, or 6, verify all information that will be relied upon in making that determination. If the Secretary is unable to verify any information submitted, the Secretary shall use the best information available as the basis for action. Whenever a party refuses or is unable to produce the information requested in a timely manner and in the form provided, the Secretary shall use the best information otherwise available. All information presented to or obtained by the Secretary shall be part of the record of the proceeding.

(c) PUBLIC AVAILABILITY OF DETERMINATIONS.—The Secretary shall make available for public inspection the text of all determinations made under section 4, 5, or 6.

Ms. MIKULSKI. Mr. President, I, along with Senator BREAU and Senator LOTT and 12 other Members of the Senate, am pleased to introduce the shipbuilding Trade Reform Act of 1993. This legislation will accomplish what 4 years of trade negotiations have failed to achieve—the elimination of foreign government subsidy practices in the construction and repair of commercial ships.

This bill helps the Department of Commerce identify and list countries that subsidize ship construction and repair. These listed countries that subsidize will have 180 days either to sign a trade agreement with the United States to end their subsidies and make a fair and level playing field for U.S. shipbuilders—or they will face sanctions.

The American shipyard worker is the only worker in America not protected by current trade laws to counter foreign subsidy and dumping practices. Cars, airplanes, trucks, steel, and other manufactured goods are covered. Only ships are not covered. Because of this loophole, American shipyards and their employees have no means—other than this legislation—to fight the subsidies that have rendered them noncompetitive in the commercial market.

American shipyard labor rates rank seventh in the world. The shipyards in Japan, Germany, France, Italy, Norway, Denmark, and the Netherlands all pay their workers more than the American shipyard can pay. Why? The ship-

yards in these foreign countries can afford to pay their workers more and still be competitive for one reason—and one reason only—because their governments subsidize their operations.

American companies can compete with foreign shipyards—but they cannot compete with foreign governments.

Two years ago, Senator LOTT and I introduced a similar bill that was co-sponsored by 28 Members of this body. I introduced that legislation to send a very clear signal to foreign governments that if they were not prepared to willingly negotiate an end to their shipyard subsidy practices, then the American Congress was prepared to act.

Unfortunately, the Europeans and Asians did not heed that warning. In April of last year, they walked away from the negotiations. Those negotiations were started 4 years ago.

While foreign governments have given 4 years of lip service to an international shipbuilding and repair trade agreement, they continue to use massive subsidies to steal jobs away from American workers. During the negotiations, the governments of Japan, Korea, and Germany have budgeted, proposed, or disbursed \$4.5 billion in subsidies to their shipyards and shipyard clients.

No one can question that American shipyards have been injured. No one can question why American shipyards cannot compete against such odds. And, so, no one can reasonably question that something stronger than mere talk is now needed.

It is time to say that enough is enough. It is time to stand up for American jobs. This Nation cannot afford to lose its capability to build and repair ships. This legislation will give our trade negotiators what they need to bring home a fair and good trade agreement. A fair and good trade agreement is essential if American shipyards are to have a commercial market where they can compete.

I urge my colleagues to join me, and the other Senators sponsoring this bill today, in recognizing the threat that foreign shipbuilding subsidies pose to this vital industry—and her workers—and to move quickly to enact the Shipbuilding Trade Reform Act of 1993.

Mr. LOTT. Mr. President, I rise today to join with Senator BREAU to introduce the Shipbuilding Trade Reform Act of 1993. The purpose of this legislation is to end the pervasive subsidy practices of foreign governments in the commercial shipbuilding and repair market.

This issue is very important to me and to my constituents. My hometown is Pascagoula, MI—home of the finest private shipyards in the United States. I grew up within earshot of the shipyards that built the ships that made the United States the great economic

and military power it is today. My father was one of the shipyard workers. He was a pipefitter in that yard where all those great ships were built.

But, more importantly, this is an issue of vital importance to the Nation. The United States simply cannot afford to allow this industry to die because of unfair foreign competition through subsidies. An adequate shipbuilding base is absolutely essential to our national security and our future. In addition, these are exactly the types of jobs the United States needs to preserve and create, good-paying, high-skilled jobs that contribute to the economic prosperity of the Nation. Other nations are anxious to get these jobs. That should tell us something.

In the next few years, I understand there are going to be multibillions of dollars of shipbuilding contracts available for commercial ships around the world. United States shipyards need to be able to compete in that market but, because of unfair government subsidies, it is going to be very hard for our private yards to meet that competition.

An adequate shipbuilding base is necessary if we are going to have that commercial competition, but also if we are going to have the ships we need for our own national security.

We found during Desert Storm that we had to rely on foreign ships to carry some of the material and supplies we needed to get to our troops. So this is important to our Nation in terms of jobs and in terms of commercial contracts, but also in terms of our own national defense.

The need for this legislation is clear. Four years of international trade negotiations under the auspices of the Organization for Economic Cooperation and Development have failed to produce an agreement disciplining foreign subsidy practices. These foreign subsidy practices have inflicted serious injury on unsubsidized American shipyards. During the 1980's, these unfair trade practices led to the closure of over 40 American shipyards and the export of 120,000 American jobs. We must impress on foreign governments that it is in their best interest to compete fairly in the international market.

This legislation will provide our negotiators with the leverage they need. The bill is designed to break the gridlock in the negotiations by providing the Secretary of Commerce with the authority to select from a menu of sanctions which shall be imposed against those governments which continue to subsidize their industry to the detriment of American shipyards. The bill requires the Secretary to Commerce to investigate and identify those countries which continue to subsidize ship construction and repair after the date of enactment. Once offending countries have been identified, there will be a 180-day grace period before

any sanction is imposed on the offending country. This grace period is provided so that subsidizing countries can reexamine their unfair trade practices, and sign an international agreement with the United States to eliminate them. If these governments refuse to negotiate an agreement during this time period, the Secretary of Commerce will be required to impose one of several sanctions. These sanctions include: a financial penalty of up to \$1 million per vessel per voyage to the United States; a reduction in U.S. port calls by affected vessels, or; closure of U.S. ports to those vessels. An affected vessel is a ship which is owned or controlled by a citizen of the subsidizing country. For those countries which agree to enter a trade agreement with the United States, of course, no sanction will be levied against the ships of their citizens.

These are strong actions, but they do provide a menu of things that can be considered. We have been trying, as I have pointed out, for years to get serious negotiations. They have not worked. We are going to have to have the threat or the actual imposition of some sanctions to get results.

American shipyards can convert from being producers of the world's finest naval ships to producers of both naval and commercial vessels. The shipyard labor rate in the United States is well below that of our European competitors and on par with Japan. Increased demand for commercial ships is expected to rise dramatically in the later part of this decade and into the next. The increased demand for new ships is expected to exceed \$356 billion by the year 2000. If American yards are allowed to participate in this market, we can stop the export of thousands of skilled shipyard jobs, reduce the Nation's trade and budget deficits, and lay the groundwork for sustained long-term economic growth in the shipyard and supply industry. Also, when the Nation once again needs to build up its naval fleet, the United States will have a shipyard industrial base to meet our future national security requirements.

This conversion to the commercial market, however, will not occur if privately-owned American shipyards are forced to compete against subsidies of foreign governments. To fully appreciate the magnitude of foreign subsidies, I want to point out some recent ship contracts.

In 1989, the Italian Government offered a 58-percent subsidy to Carnival Cruise Lines for the construction of three cruise ships to serve the United States passenger market—provided the ships were built in Italy's Government-owned Fincantieri shipyard and flagged Italian. The announced price for these ships was \$800 million—which means that the Italian Government was willing to provide a subsidy of \$464 million.

Just this month, a shipyard in my State lost a contract to the same Gov-

ernment-owned shipyard of Italy for the sale of an oceanographic research ship to the Government of Taiwan. Although there was only a \$500,000 difference between the American shipyard's bid and that of Fincantieri, the contract went to the Italian Government yard because it was willing to assure the risk of only receiving 60 percent the payment for the ship upon its delivery to Taiwan. In other words, the Italian Government has assumed a \$20 million risk for its shipyard, if Taiwan fails to make the final payment. The American yard could not afford such terms and conditions, and thus, lost a commercial export opportunity.

In 1990, the French Government provided a 40-percent subsidy equalling \$175.7 million on a \$440 million two-ship contract for Kloster Cruise Lines. These ships are being built in the French Chantiers d'Atlantique shipyard.

In the case of Germany, in October 1991, the Government agreed to provide a 25.3-percent subsidy for the construction of three container ships for the Chinese Government-owned China Ocean Shipping Line [COSCO]. These ships are under construction in Germany's Bremer Vulkan and Mathias-Thesau yards at a stated contract price of \$360 million.

In response to the German subsidy to COSCO, the Japanese Government announced last year that it would also provide a 25-percent subsidy—or \$94.4 million—on a \$375 million contract with COSCO for three container ships.

In August 1989, the Government of South Korea announced a \$747 million bailout package from 1990 through 1995 for its Daewoo shipyard. This bailout provides for interest-free loans, debt moratoriums, tax exemptions, and other special benefits to keep the yard afloat while it continues to sell ships at below their cost of production.

I stress these examples because all but the most recent subsidy packages were granted while the U.S. trade negotiators were at the negotiating table with these countries. It is clear that they have no intentions of willingly abandoning their subsidies.

Privately owned U.S. shipyards can not compete against such overwhelming advantages provided to their foreign competitors. Unless the Senate acts quickly to pass this legislation, shipyard after shipyard in the United States will close its gates while foreign governments give our trade negotiators lip service to their willingness to change their ways. We cannot afford to export any more manufacturing jobs, and I strongly believe that the Nation cannot afford to lose its ability to build and repair ships for its commerce and security.

I urge my colleagues to join me and the other sponsors of this bill in quickly passing the Shipbuilding Trade Reform Act of 1993.

Mr. MITCHELL. Mr. President, today, I join Senator BREAUX in introducing the Shipbuilding Trade Reform Act of 1993. This legislation is an important step to curb foreign government subsidies to their commercial shipbuilding and repair industries and bring fair competition to the international shipbuilding market.

Most of the world's shipbuilding nations subsidize their shipyards, including Japan, South Korea, Germany, Netherlands, Italy, and France to name a few. But the United States does not. In 1981, the U.S. Government terminated the construction differential subsidy program, ending direct subsidization of commercial ship construction in this country. As the other shipbuilding countries continued their wide array of subsidies, foreign shipyards reduced prices on their vessels to below cost levels. The domestic commercial shipbuilding industry collapsed, and thousands of U.S. shipbuilding jobs were lost.

Unable to compete fairly in the international shipbuilding market, domestic shipyards now depend on building military ships for the U.S. Government. With the end of the cold war and the downturn in demand for military vessels, the domestic industry is losing its principal customer. If these unfair trade practices are not stopped so U.S. shipyards can reenter commercial shipbuilding, this Nation risks losing its capability to build ships.

The United States has attempted unsuccessfully to eliminate government subsidies to foreign shipyards. In June 1989, the U.S. shipbuilding industry filed a section 301 petition to fight these unfair trade practices. In response to that petition, the Office of the U.S. Trade Representative entered into multilateral negotiations with the Organization for Economic Cooperation and Development [OECD]. After 3 years of negotiations, these talks collapsed last spring when the 13 countries involved, including Japan, European nations, and Korea refused to eliminate subsidies to their shipbuilding and ship repair industries.

The Shipbuilding Trade Reform Act is designed to provide our trade negotiators with the leverage to conclude a fair multilateral agreement. At this time, the domestic industry has no recourse under the U.S. countervailing duty or dumping trade laws because ships are not included within the definition of merchandise under these laws. This legislation establishes a procedure to redress these unfair trade practices.

The legislation requires the Department of Commerce to investigate and identify those countries which subsidize their shipbuilding and ship repair industries. If the subsidizing country fails to sign a trade agreement with the United States, new vessels owned or controlled by citizens of the subsi-

dizing government will face sanctions. Those sanctions include a financial penalty of up to \$1 million for each voyage to the United States, a reduction in the number of times a vessel may enter U.S. ports, or closure of U.S. ports to a vessel.

The ability of U.S. shipyards to convert to commercial shipbuilding depends upon a free and fair international market for commercial ships. As the world markets expand, the demand for commercial ships is increasing. But no U.S. shipyard can compete in a market disrupted by government intervention.

In a fair market, however, U.S. shipyards can compete. In its 109-year history, a Maine shipyard, Bath Iron Works, has built over 200 merchant vessels and over 200 naval vessels. But the shipyard delivered its last commercial vessel in 1984 when foreign government subsidies to their shipbuilding industries were escalating. Restoring free and fair trade to commercial shipbuilding will give our domestic shipyards an opportunity to build merchant vessels again.

I urge my colleagues to support the enactment of the Shipbuilding Trade Reform Act of 1993. Free and fair trade in the international commercial shipbuilding market is important to the survival of U.S. shipyards and thousands of shipbuilding jobs.

By Mr. JOHNSTON (for himself, Mr. BUMPERS, Mr. FORD, and Mr. SHELBY):

S. 991. A bill to direct the Secretary of the Interior and the Secretary of Energy to undertake initiatives to address certain needs in the Lower Mississippi Delta Region, and for other purposes; to the Committee on Energy and Natural Resources.

LOWER MISSISSIPPI DELTA INITIATIVES ACT OF
1993

Mr. JOHNSTON. Mr. President, in 1988, I was privileged to join the distinguished senior Senator from Arkansas [Mr. BUMPERS] in introducing legislation which he authored, S. 2246, which created the Lower Mississippi Delta Development Commission. The legislation, signed into law as part of Public Law 100-460, in October 1988, established this Commission to assess the economic development, infrastructure, employment, transportation, resource development, education, health care, housing, and recreation needs of the Lower Mississippi Delta. On the basis of the assessment, the Commission was directed to develop a 10-year plan for the region, which stretches roughly from southern Illinois south, along southeastern Missouri, western Kentucky, eastern Arkansas, western Tennessee, and through Mississippi and Louisiana to the Gulf of Mexico. The plan was required to contain specific recommendations to address the problems and take advantage of the opportunities of the area.

The legislation was developed in part as a response to a report issued by the Congressional Research Service [CRS] in February 1988 entitled "The Economic Health of the Lower Mississippi River Valley." In that report, CRS found that despite many efforts to alleviate poverty in this seven State region, the area has a larger percentage of families, households and individuals living in poverty than any other region of the Nation. Only 3 of the counties in the area were not well below the national average according to major, measurable indicators of poverty: Per capita income, unemployment, and the number of poor counties.

Statistical tables issued by the Commission further substantiated these findings. In 1980, the poverty rate for this area was 20.9 percent, compared to the U.S. average rate of 12.4 percent and the average rate of the Appalachian Regional Commission's target counties of 17 percent. For families the poverty rate for the Lower Mississippi Delta was 16.4 percent, compared to the U.S. average of 9.5 percent and the ARC's target counties' average of 13.7 percent.

Per capita personal income for the delta region has consistently lagged behind that of the Nation. In 1980, the delta region has a per capita personal income—1982 dollars—of \$9,152, compared to the national average of \$11,452. In 1988, the delta region's per capita personal income was \$10,192; the Nation's average was \$13,577.

Unemployment rates have been persistently high in too many areas of the delta, averaging 8 percent in the delta region in 1988 compared to the national average of 5.5 percent in that same year. In my own State, the average unemployment rate in the delta parishes was almost triple the national average—13.57 percent. Only 6 of the 14 parishes examined by the Commission had rates below 10 percent; every single parish had an unemployment rate above the national average. A similar story is told of other delta region counties in the Commission's analysis.

Paradoxically, the delta region is blessed with a wealth of natural and physical resources: Fertile soil and a long growing season; an abundance of mineral and timber resources; available and accessible water; significant archeological and historical sites and structures; rich cultural traditions; an abundance of wildlife; and many outstanding recreational areas. These blessings provide a solid basis for believing the economic future of this area can be strong if we can tap our resources wisely and use them productively.

To do so, we must provide skills and tools to the over 8.3 million Americans living in this area, many of whom lack the basics and thus have been and will continue to be left out. Since 1900, Louisiana and Mississippi have consist-

ently ranked at the top of the list in percent of illiteracy prevalent in their respective populations. Arkansas has persistently been in the top 10. High school drop out rates are far above the national average, above 25 percent for the delta region in 1980 compared to 20.6 percent for the Nation. Just over half of those between the ages of 25 and 64 graduated from high school, compared to the national county high school graduation rate of 65 percent. In almost one-fourth of the parishes analyzed in Louisiana fewer than half of the residents between the ages of 25 and 64 graduated from high school.

The Lower Mississippi Development Commission spent almost a year and a half studying and analyzing the economic needs, problems, and opportunities of the area. Public hearings were held in every State of the delta area from southern Illinois to Louisiana. Testimony was received from literally hundreds of citizens from the region who attended the hearings. Volumes of statistical data were compiled and analyzed, and over 30 research contracts were awarded for special studies on specific subjects of interest to the Commission and the people in the area.

On the basis of this impressive record, the Commission made over 400 specific recommendations to help meet the 68 stated goals for the area, developed to help all the people in the region become, in the words of the Commission Chairman, "full partners in America's exciting future, full participants in the changing global economy." These recommendations were set forth in the Commission's final report, "The Delta Initiatives: Realizing the Dream . . . Fulfilling the Potential," issued in May 1990.

Some of these recommendations require actions by State and local governments, some can only be implemented by the private sector. Other recommendations call for specific Federal actions. The strength of this package lies in the recognition that no one sector alone can solve the many problems facing this area. The difficulty is in seeking a coordinated strategy for implementing action by many different actors with different authorities and interests.

Some of the Federal recommendations have been implemented. Many have not. The legislation I am proposing today sets forth statutory language necessary to implement those recommendations which fall under the jurisdiction of the Committee on Energy and Natural Resources and which have not yet moved forward.

Specifically, title I contains a number of initiatives which will be implemented by the Department of the Interior. Section 102 authorizes and directs the Secretary of the Interior to undertake new programs in the fields of natural resources, the environment, science, and other technical areas to

further education and training opportunities for children, college students, and adults in the region, consistent with the Commission's overall recommendations for basic skills and job opportunities in the delta. This section also directs the Secretary of the Interior to develop new partnerships with minority colleges and universities, including historically black colleges and universities, which have played and continue to play an important role in educating youth in the delta, particularly at risk minority students.

Sections 103 and 104 propose new studies and programs to preserve the rich historical, cultural, and natural heritage of the delta. Another directive requires the Secretary of the Interior to undertake a comprehensive survey to document and identify regional folklife and to develop a plan to help preserve these traditions and help the States of the delta region develop a regional marketing approach for crafts and folklife programs. These resources can and should provide the basis for growth of cultural tourism to this area, creating new jobs and opportunities as the Commission recommended.

Title II contains a number of initiatives the Department of Energy will administer. Section 204 proposes a number of important energy related education initiatives, particularly for minority colleges and universities, including historically black colleges and universities, in the fields of mathematics, science and engineering. This section also contains important precollege enrichment activities in energy-related scientific, mathematical, engineering and technical disciplines for students in the Lower Mississippi Delta region. All these are consistent with the Commission's recommendations for helping develop human capital, and enabling the youth from the area obtain the skills necessary to participate and compete in the global economy.

Section 202 will establish a Delta Energy Technology and Business Development Center, to provide technical assistance to emerging small businesses throughout the region in key energy technology sectors. Other important energy development initiatives related to conservation and biomass are contained in sections 203, 205, and 206. These provisions will help the people of the delta diversify their heavily agricultural and extractive economy by developing new job opportunities and facilitating business participation in trade opportunities overseas. All these initiatives draw heavily on recommendations the Commission proposed for strengthening the delta's private sector, and are consistent with the recognition that private enterprise must and will play a strong role in the economy of the area if they are given the tools and technical assistance necessary to enter fully into the global

economy and the market opportunities that offers.

The legislation I am introducing is not a comprehensive plan, nor does it offer a quick or easy fix. It does recommend some specific, coordinated actions which will take important steps in bringing tools to those who are locked out, and will help us make sure that all the people of the delta join the vanguard as our Nation enters the next century.

The chairman of the Commission put it well in his letter submitting the Delta Initiatives to the President in May 1980. He stated:

If we do not implement a single recommendation made in this report, a lot of Americans who live in the Delta are going to do fine in the 1990's: Those who are well-educated, on the cutting edge of change, and able to take advantage of the emerging global economy. But millions of people will be left behind, and the region as a whole, including its successful residents, will not achieve its potential.

I submit that we cannot and should not turn away from those who are being left behind, many of whom are children under the age of 19. People in the delta can and want to contribute, but they need to be given a chance. Our country cannot afford to leave untapped the human and natural assets of the delta region as we confront the global challenges that lie ahead.

This is a jobs bill, a bill to help people help themselves. Enacting this legislation will be another step towards making the delta region self-sufficient. To not take action today could mean ever-increasing Federal expenditures in the region, rather than creating a productive region contributing to the national well-being.

I look forward to working with my colleagues and the administration in refining these proposals and seeking approval of them. I also sincerely hope this package will only be the first of several, and that further packages falling under the jurisdiction of other departments, agencies and committees will be proposed, developed and passed during this Congress.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 991

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That this Act may be referred to as the "Lower Mississippi Delta Initiatives Act of 1993".

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SEC. 2. FINDINGS.—(a) The Congress finds that—

(1) in 1988 Congress enacted Public Law 100-460, which established the Lower Mississippi Delta Development Commission to assess the needs, problems, and opportunities of people living in the Lower Mississippi Delta Region which includes 219 counties and parishes within the States of Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee;

(2) the Commission conducted a thorough investigation to assess these needs, problems, and opportunities, and held several public hearings throughout the Lower Mississippi Delta Region;

(3) on the basis of these investigations, the Commission issued the Delta Initiatives Report, which included recommendations on natural resource protection, historic preservation, and enhancing educational and other opportunities in the areas of math and science and technology for Delta residents;

(4) the Delta Initiatives Report recommended the implementation of pre-college enrichment programs in math and science as well as other initiatives to enhance the educational technical capabilities of the Delta Region's workforce;

(5) the Delta Initiatives Report recommended that States and local school systems seek ways of expanding the pool of qualified educators in math and sciences;

(6) the Delta Initiatives Report recommended that institutions of higher education in the Lower Mississippi Delta Region should work with local school districts to promote math and science education;

(7) the Delta Initiatives Report recommended that all Federal grant making agencies target more research and development monies in selected areas to institutions of higher education, including Historically Black Colleges and Universities, in the Lower Mississippi Delta Region;

(8) the Delta Initiatives Report recommended that institutions of higher education establish a regional consortium to provide technical assistance and training to increase international trade between businesses in the Delta Region and other countries;

(9) the Commission included recommendations for designation of the Great River Road as a scenic byway, and for the designation of other hiking and motorized trails throughout the Lower Mississippi Delta Region;

(10) the Delta Initiatives Report recommended that the Federal Government identify sites of historic and prehistoric importance throughout the Lower Mississippi Delta Region;

(11) the Delta Initiatives Report recommended the further study of potential

new units of the National Park System within the Lower Mississippi Delta Region;

(12) the Delta Initiatives Report recommended that the Federal Government should create economic incentives to encourage the location of value-added facilities for processing agricultural products within the Lower Mississippi Delta Region; and

(13) the Delta Initiatives Report recommended that Congress provide practical incentives to encourage the construction of alternative fuel production facilities in the region.

SEC. 3. DEFINITIONS.—As used in this Act, the term—

(1) "Commission" means the Lower Mississippi Delta Development Commission established pursuant to Public Law 100-460;

(2) "Delta Initiatives Report" means the Final Report of the Commission entitled "The Delta Initiatives: Realizing the Dream *** Fulfilling the Potential" and dated May 14, 1990;

(3) "Delta Region" means the Lower Mississippi Delta Region including 219 counties and parishes within the States of Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee, as defined in the "Final Report The Delta Initiatives: A Report by the Lower Mississippi Delta Development Commission" dated May 14, 1990, except that, for any State for which the Delta Region as defined in such report comprises more than half of the geographic area of such State, the entire State shall be considered as part of the Delta Region for purposes of this Act;

(4) "disadvantaged" has the same meaning as that term has in section 8(a)(5) and (6) of the Small Business Act (15 U.S.C. 637(a)(5) and (6));

(5) "Historically Black College or University" means a college or university that would be considered a "part B institution" by section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)); and

(6) "minority college or university" means a historically black college or university that would be considered a "part B institution" by section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)) or any other institution of higher education where enrollment includes a substantial percentage of students who are disadvantaged.

TITLE I—INITIATIVES WITHIN THE DEPARTMENT OF THE INTERIOR

SEC. 101. DEFINITIONS.—As used in this title, the term—

(1) "Department" means the United States Department of the Interior, unless otherwise specifically stated; and

(2) "Secretary" means the Secretary of the Interior, unless otherwise specifically stated.

SEC. 102. NATURAL RESOURCES AND ENVIRONMENTAL EDUCATION INITIATIVES.—(a) MINORITY COLLEGES OR UNIVERSITY INITIATIVE.—(1) Within one year after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit to the Committee on Energy and Natural Resources of the United States Senate and to the United States House of Representatives a report addressing opportunities for minority colleges and universities to participate in programs and activities carried out by the Department. The Secretary shall consult with representatives of minority colleges or universities in preparing the report. Such report shall—

(A) describe current education and training programs carried out by the Department with respect to, or in conjunction with, minority colleges or universities in the areas of natural resources, the environment, the

sciences, cultural resource management, historic preservation, archeology, and related subjects;

(B) describe current research, development or demonstration programs involving the Department and minority colleges or universities;

(C) describe funding levels for the programs referred to in subparagraphs (A) and (B);

(D) identify ways for the Department to assist minority colleges or universities in providing education and training in the fields of natural resources, the environment, the sciences, cultural resource management, historic preservation, archeology, and related subjects;

(E) make specific proposals and recommendations for providing assistance to minority colleges and universities to enter into memoranda of understanding and other appropriate forms of agreement with the Department in order to plan and develop programs to foster greater involvement of these schools in the contract, research, education, training, and recruitment activities of the Department;

(F) address the need for, and potential role of, the Department in providing minority colleges or universities with:

(i) increased research opportunities for faculty and students;

(ii) assistance in faculty development and recruitment;

(iii) curriculum enhancement and development; and

(iv) improved laboratory instrumentation and equipment, through purchase, loan, or other transfer mechanisms;

(G) address the need for and potential role of the Department in providing financial and technical assistance for the development of infrastructure, including buildings and laboratory facilities, at minority colleges and universities;

(H) make specific proposals and recommendations, together with estimates of necessary funding levels, for initiatives to be carried out by the Department in order to assist minority colleges and universities in providing education and training in the areas of natural resources, the environment, the sciences, cultural resource management, historic preservation, archeology, and related subjects, and in order to enter into memoranda of understanding and other appropriate forms of agreement with the Department as referred to in subparagraph (E).

(2) The Secretary shall encourage memoranda of understanding and other appropriate forms of agreement between the Department and minority colleges and universities directed at jointly planning and developing programs to foster greater involvement of minority colleges and universities in research, education, training, and recruitment activities of the Department.

(b) SCHOLARSHIP PROGRAM.—The Secretary shall establish a scholarship program for students pursuing degrees in natural resource and environmental related fields, including but not limited to: biology, wildlife biology, forestry, botany, horticulture, historic preservation, cultural resource management, archeology, anthropology, geology, petroleum engineering, the environment, the sciences, and ecology, at colleges and universities in the Delta Region. The scholarship program shall include tuition assistance. Recipients of such scholarships shall be students deemed by the Secretary to have demonstrated (1) a need for financial assistance and (2) academic potential in the particular area of study.

(C) **PRE-COLLEGE ENRICHMENT.**—The Secretary shall undertake activities to encourage pre-college enrichment programs in subjects relating to natural resources, the environment, the sciences, cultural resource management, historic preservation, archeology, and related subjects, for students in the Delta Region. Such activities shall include, but not be limited to the following:

(1) cooperation with, and assistance to, State departments of education and local school districts in the Delta Region to develop and carry out after school and summer enrichment programs for elementary, middle, and secondary school students in subjects relating to natural resources, the environment, the sciences, cultural resource management, historic preservation, archeology, and related subjects;

(2) cooperation with, and assistance to, institutions of higher education in the Delta Region to develop and carry out pre-college enrichment programs in subjects relating to natural resources, the environment, the sciences, cultural resource management, historic preservation, archeology, and related subjects, for middle and secondary students;

(3) cooperation with, and assistance to, State departments of education and local school districts in the Delta Region in the development and use of curriculum and educational materials in subjects relating to natural resources, the environment, the sciences, cultural resource management, historic preservation, archeology, and related subjects; and

(4) the establishment of enrichment programs in subjects relating to natural resources, the environment, the sciences, cultural resource management, historic preservation, archeology, and related subjects, for elementary, middle, and secondary school teachers in the Delta Region at research facilities of the Department.

(d) **VOLUNTEER PROGRAM.**—The Secretary shall establish and carry out a program to encourage the involvement on a voluntary basis of qualified employees of the Department in education enrichment programs relating to natural resources, the environment, the sciences, cultural resource management, historic preservation, archeology, and related subjects, in cooperation with State departments of education and local school districts in the Delta Region.

(e) **WOMEN AND MINORITIES IN THE SCIENCES.**—The Secretary shall establish and carry out a program to encourage women and minority students in the Delta Region to study and pursue careers in the sciences.

(f) **COORDINATION WITH OTHER FEDERAL AGENCIES.**—The Secretary shall ensure that the programs authorized in this section are coordinated with, and complimentary to, education assistance programs administered by other federal agencies in the Delta Region. These agencies include, but are not limited to, the Department of Energy, the Department of Agriculture, the Department of Education, the National Science Foundation, and the National Aeronautics and Space Administration.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—(1) There is hereby authorized to be appropriated such sums as may be necessary to carry out the purpose of this section.

(2) There is hereby authorized to be appropriated for the purposes of carrying out the memoranda of understanding and other appropriate forms of agreement referred to in paragraph (a)(2) of section 102 and for related facilities and equipment, such sums as may be necessary.

SEC. 103. LOWER MISSISSIPPI DELTA REGION HERITAGE STUDY.—(a) **IN GENERAL.**—The Sec-

retary is directed to prepare and transmit to the Congress a study of significant natural, recreational, historical or prehistorical, and cultural lands, waters, and structures located within the Delta Region.

(b) **TRANSPORTATION ROUTES.**—(1) The study shall include recommendations on appropriate designation and interpretation of historically significant roads, trails, byways, waterways, or other routes within the Delta Region.

(2) In order to provide for public appreciation, education, understanding, interpretation, and enjoyment of the nationally significant sites identified pursuant to subsection (a), which are accessible by public roads, the Secretary shall recommend in the study vehicular tour routes along existing public roads linking such sites within the Delta Region.

(3) Such recommendations shall include an analysis of designating the Great River Road (as depicted on the map entitled "Proposed Delta Transportation Network" on pages 102-103 of the Delta Initiatives Report) and other sections of the River Road between Baton Rouge and New Orleans, Louisiana, and an analysis of designating that portion of El Camino Real which extends along Highway 84 from Vidalia, Louisiana, to Clarence, Louisiana, and Louisiana Highway 6 from Clarence, Louisiana, to the Toledo Bend Reservoir as a National Scenic Byway, or as a component of the National Trails System, or such other designation as the Secretary deems appropriate.

(4) The Secretary shall also recommend in the study an appropriate route along existing public roads to commemorate the importance of timber production and trade to the economic development of the region in the early twentieth century, including an analysis of designating that portion of US 165 which extends from Alexandria, Louisiana, to Monroe, Louisiana, as a National Scenic Byway, or as a component of the National Trails System, or such other designation as the Secretary deems appropriate.

(5) The Secretary shall also develop a comprehensive recreation, interpretive, and visitor use plan for the routes described in the above paragraphs, including bicycle and hiking paths, and make specific recommendations for the acquisition and construction of related interpretive and visitor information facilities at selected sites along such routes.

(6)(A) In furtherance of the purposes of this subsection, the Secretary is authorized to make grants to States for work necessary to stabilize, maintain, and widen such public roads to allow for adequate access to the nationally significant sites identified by the study, to allow for proper utilization of the vehicular tour route, trails, byways, or other public roads within the Lower Mississippi Delta Region and to implement the comprehensive recreation, interpretive, and visitor use plan required in paragraph (5).

(B) For the purposes of this paragraph, the term "Secretary" shall mean the Secretary of the Interior acting through the Secretary of Transportation.

(c) **LISTING.**—On the basis of the study, the Secretary shall prepare a list of the most appropriate sites, including an analysis of the suitability and feasibility of their inclusion in the National Park System, or for designation as a National Historic Landmark, or such other designation, as the Secretary deems appropriate.

(d) **COMPLETION DATE.**—The study shall be completed not later than three years after the date funds are made available for the study.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There is hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

SEC. 104. DELTA HERITAGE TRAILS AND CULTURAL CENTERS.—(a) **FINDINGS.**—The Congress finds that—

(1) in 1990, the Congress authorized the Institute of Museum Services to prepare a report assessing the needs of small, emerging, minority, and rural museums in order to identify the resources such museums needed to meet their educational mission, to identify the areas of museum operation in which the needs were greatest, and to make recommendations on how these needs could best be met;

(2) the Institute of Museum Services undertook a comprehensive eighteen-month study of such needs with the assistance of two advisory groups, surveyed 524 museums from throughout the Nation, held discussion groups in which representatives of 25 museum groups participated, and conducted case studies of 12 museum facilities around the Nation;

(3) on the basis of this assessment, the Institute of Museum Services issued a report entitled "National Needs Assessment of Small, Emerging, Minority and Rural Museums in the United States" in September, 1992, which found that small, emerging, minority, and rural museums provide valuable educational and cultural resources for their communities and contain a reservoir of the Nation's material, cultural, and scientific heritage, but due to inadequate resources are unable to meet their full potential or the demands of the surrounding communities;

(4) the needs of these institutions are not being met through existing Federal programs;

(5) fewer than half of the participants in the survey had applied for Federal assistance in the past two years and that many believe existing Federal programs do not meet their needs;

(6) based on the National Needs Assessment, that funding agencies should increase support available to small, emerging, minority, and rural museums and make specific recommendations for increasing technical assistance in order to identify such institutions and provide assistance to facilitate their participation in Federal programs;

(7) the May 1990 Delta Initiatives Report made specific recommendations for the creation and development of centers for the preservation of the cultural, historical, scientific and literary heritage of the Delta area, including recommendations for the establishment of a Native American Cultural Center and a Delta African American Cultural museum with additional satellite museums linked throughout the Delta; and

(8) the Delta Initiatives Report stated that new ways of coordinating, preserving, and promoting the Delta Region's literature, art, and music should be established including the creation of a network to promote the region's literary, artistic, and musical heritage.

(b) **GENERAL.**—(1) The Secretary is directed to prepare and transmit to the Congress, in consultation with the States of the Delta Region, a study outlining specific recommendations, including recommendations for necessary funding, for the establishment of a Native American Heritage Route and a Delta African American Heritage Trail in the Delta Region as identified on pages 148 and 149 of the Delta Initiative Report.

(2) The Secretary, in consultation with the Chairman of the National endowment for the

Arts, is further directed to prepare and transmit to the Congress a report outlining specific recommendations, including recommendations for necessary funding, for the establishment of a Native American Heritage Cultural Center, a Delta African American Heritage and Cultural Center with a network of satellite or cooperative units, and an appropriate arrangement to serve as a clearinghouse for providing incremental financial and technical assistance to small, emerging, rural or minority institutions seeking to preserve the Delta Region's literary, artistic, and musical heritage.

(c) NATIVE AMERICAN ROUTE AND CENTER.—(1) The study referred to in subsection (b) of this section shall include recommendations for establishing a network of archeological parks and museums in the Delta Region, including a master plan and ten year development strategy for such network.

(2) Such study shall include specific proposals for the development of a Native American Heritage and Cultural Center in the Delta Region, along with recommendations for the appropriate Federal role in such a center including matching grants, technical and interpretive assistance.

(3) Such study shall be conducted in consultation with tribal leaders.

(4) Such study shall also include specific proposals for educational and training assistance for Native Americans to carry out the recommendations provided in the study.

(d) DELTA REGION AFRICAN AMERICAN HERITAGE TRAIL AND CULTURAL CENTER.—(1) The study referred to in subsection (b) of this section shall include recommendations for establishing a heritage corridor or trail system, consisting of one or two major north-south routes and several east-west-spur loops to preserve, interpret and commemorate the rich African American heritage and culture in the Delta Region during all significant historical periods.

(2) Such study shall make specific recommendations for representing all forms of expressive culture including the musical, folklife, literary, artistic, scientific, historical, educational, and political contributions and accomplishments of African Americans in the Delta Region.

(3) Such study shall also include specific recommendations for providing assistance to strengthen existing institutions as well as the inclusion of sites of historical and cultural importance on the campuses of Historically Black Colleges and Universities in the Delta.

(4) Such study shall make specific recommendations for implementing the findings of the Delta Initiatives Report with respect to establishing an African American Heritage and Cultural Center and related satellite museums in the Delta Region, together with specific funding levels necessary to carry out these recommendations and shall also include recommendations for improving access of small, emerging, minority or rural museums to technical, incremental financial assistance.

(5) Such study shall be conducted in consultation with institutions of higher education in the Delta Region with expertise in African American studies, Southern studies, anthropology, history and other relevant fields.

(6) Such study shall make specific recommendations for improving educational programs offered by existing cultural facilities and museums as well as establishing new outreach programs for elementary, middle and secondary schools, including summer programs for youth in the Delta Region.

(7) Such study shall also include specific recommendations, together with specific funding levels necessary to implement such recommendations, for training museum professionals at small, emerging, minority, and rural museums, for upgrading exhibitions, and for any other steps necessary to assure the integrity of collections in these facilities.

(e) COMPREHENSIVE FOLKLIFE SURVEY.—(1) IN GENERAL.—The Secretary, in consultation with the Chairman of the National Endowment of the Arts and the States of the Delta Region, shall undertake a comprehensive regional survey to document and identify regional folklife within the Delta Region.

(2) Such survey shall include an assessment of existing marketing programs for folklife and crafts in the region as well as recommendations for developing an improved, regional approach to marketing crafts and folklife programs, including the development of a common logo for signs and materials as recommended in the Delta Initiatives Report.

(f) COMPLETION DATE.—The study, report, and survey authorized in subsections (b), (d), and (e) shall be completed not later than three years after the date funds are made available for such study, report, and survey.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

SEC. 105. HISTORIC AND PREHISTORIC STRUCTURES SURVEY.—(a) The Secretary shall provide technical and incremental financial assistance to Historically Black Colleges and Universities to undertake a comprehensive survey of historic and prehistoric structures located on their campuses, including recommendations as to the inclusion of appropriate structures on the National Register of Historic Places, designation as National Historic Landmarks, or other appropriate designation as determined by the Secretary. The Secretary shall further make specific proposals and recommendations, together with estimates of necessary funding levels, for a Comprehensive Plan to be carried out by the Department to assist Historically Black Colleges and Universities in the preservation and interpretation of such structures.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

TITLE II—INITIATIVES WITHIN THE DEPARTMENT OF ENERGY

SEC. 201. DEFINITIONS.—As used in this title, the term—

(1) "Center" means the Delta Energy Technology and Business Development Center;

(2) "Department" means the United States Department of Energy, unless otherwise specifically stated;

(3) "departmental laboratory" means a facility operated by or on behalf of the Department of Energy that would be considered a laboratory as that term is defined in section 12 of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3710(d)(2)) or other laboratory or facility the Secretary designates;

(4) "partnership" means an arrangement under which the Secretary or one or more departmental laboratories undertakes research, development, demonstration, commercial application activities, or technical assistance for the mutual benefit of the partners in cooperation with one or more participants of which one or more is a non-Federal partner from among the following: an edu-

cational institution, private sector entity, or State or local governmental entity;

(5) "persons in the Delta Region" means an entity primarily located in the Delta Region, the controlling interest (as defined by the Secretary) of which is held by persons of the United States, including:

(1) a for-profit business;

(2) a private foundation;

(3) a non-profit organization such as a university;

(4) a trade or professional society;

(5) a tribal government; or

(6) a unit of State or local government; and

(6) "Secretary" means the Secretary of Energy, unless otherwise specifically stated.

SEC. 202. DELTA ENERGY TECHNOLOGY AND BUSINESS DEVELOPMENT CENTER.—(a) ESTABLISHMENT.—The Secretary shall establish at Louisiana State University in partnership with Southern University in Baton Rouge, Louisiana, and other institutions of higher education in the Delta Region, the Delta Energy Technology and Business Development Center.

(b) PURPOSE.—The purpose of the Center shall be to:

(1) retain and create energy manufacturing and related energy service jobs in the Delta Region;

(2) encourage the export of energy resources and technologies, including services related thereto, from the Delta Region;

(3) develop markets for energy resources and technologies from the Delta Region to be used in meeting the energy resource and technology needs of foreign countries;

(4) ensure the successful, long-term market penetration of energy resources and technologies from the Delta Region into foreign countries;

(5) better ensure that United States participation in energy-related projects in foreign countries includes the participation of persons in the Delta Region as well as the utilization of energy resources and technologies that have been developed, demonstrated, and manufactured in the Delta Region; and

(6) assist persons in the Delta Region to obtain opportunities to transfer energy technologies to, or undertake projects in, foreign countries.

(c) GENERAL.—The Center shall—

(1) identify and establish flexible manufacturing networks in consultation with the States of the Delta Region to promote the development of energy resources and technologies that have the potential to expand technology development, manufacturing, and exports in the Delta Region;

(2) provide technical, business, training, marketing, and other assistance to persons in the Delta Region;

(3) develop a comprehensive database and information dissemination system, that will provide information on the specific energy resources and technologies of the Delta Region, as well as opportunities for Delta Region firms in the domestic and international markets;

(4) establish a network of business and technology incubators to promote the design, manufacture, and sale of energy resources and technologies; and

(5) enter into contracts and cooperative agreements with persons in the Delta Region to carry out these objectives.

(d) ASSISTANCE FROM THE SECRETARY.—The Secretary is authorized to provide the Center assistance in obtaining such personnel, equipment, and facilities as may be needed by the Center to carry out its activities.

(e) GRANTS.—The Secretary is authorized to make grants to the Center to support the

creation of flexible manufacturing networks as identified in subsection (c) and to develop the comprehensive database described in paragraph (c)(3) in order to electronically link the Center with other institutions of higher education in the Delta Region, and to support the training, marketing, and other related activities of the Center.

(f) GENERAL PROVISIONS.—

(1) ACCEPTANCE OF GRANTS AND TRANSFERS.—The Center may accept—

(A) grants and donations from private individuals, groups, organizations, corporations, foundations, State and local governments, and other entities; and

(B) transfers of funds from other Federal agencies.

(2) CONTRACTS AND COOPERATIVE AGREEMENTS.—Subject to appropriations, the Center may enter into contracts and cooperative agreements with the Federal government or persons in the Delta Region to carry out the Center's responsibilities.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for the establishment, operation, construction, and maintenance of the Center.

SEC. 203. INSTITUTIONAL CONSERVATION PROGRAM FOR THE LOWER MISSISSIPPI DELTA REGION.—(a) IN GENERAL.—Title III of the Energy Policy and Conservation Act (P.L. 94-163 as amended) is amended—

(1) by adding a new section 400K as follows:

“INSTITUTIONAL CONSERVATION PROGRAM FOR THE LOWER MISSISSIPPI DELTA REGION

“SEC. 400K. (a) PURPOSE.—The purpose of this section is to encourage energy conservation measures in the schools and hospitals in the Lower Mississippi Delta Region.

“(b) GRANTS FOR ESTABLISHMENT OF PROGRAM.—Not later than 12 months after the date of the enactment of the Lower Mississippi Delta Initiatives Act of 1993, the Secretary shall make grants to schools or hospitals, or to consortiums consisting of a school or hospital and one or more of the following: State or local government; local education agency; State hospital facilities agency; or State schools facility agency; for purposes of conducting innovative energy conservation projects and providing supplemental Federal financing for energy conservation projects at schools and hospitals in the Lower Mississippi Delta Region.

“(c) APPLICATIONS.—(1) Applications of schools or hospitals for grants for energy conservation projects under this section shall be made not more than once for any fiscal year. Such applications shall be submitted to the State energy agency, in consultation with the Planning and Development Districts in the Lower Mississippi Delta Region, and the State energy agency shall make a single submittal to the Secretary containing all applications which comply with subsection (e).

“(2) Applications for grants for energy conservation projects shall contain, or be accompanied by, such information as the Secretary may reasonably require.

“(d) SELECTION OF PROPOSALS.—(1) Not later than one year after the date of the enactment of the Lower Mississippi Delta Initiatives Act of 1993, the Secretary shall select at least seven, but not more than 21, proposals from States to receive grants under subsection (b).

“(2) The Secretary may select more than 21 proposals under this subsection, if the Secretary determines that the total amount of available funds is not likely to be otherwise utilized.

“(3) No one State shall receive less than one, or more than four, grants under subsection (b).

“(4) Such grants shall be in addition to such grants as would otherwise be provided under Part G of this Act.

“(5) No one grant proposal under this section shall receive a consideration greater than \$2,000,000.

“(e) SELECTION CRITERIA.—The Secretary shall select recipients of grants under this section on the basis of the following criteria:

“(1) the location of the grant recipient in the States of the Lower Mississippi Delta Region;

“(2) the demonstrated or potential resources available to the grant recipient for carrying out the purposes of this section; and

“(3) the demonstrated or potential ability of the grant recipient to improve energy efficiency in the designated school or hospital.

“(f) DEFINITION.—For purposes of this section, the term “Lower Mississippi Delta Region” means that region consisting of the 219 counties and parishes within the States of Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee, as defined in the “Final Report The Delta Initiatives: A Report by the Lower Mississippi Delta Development Commission” dated May 14, 1990, except that, for any State for which the Delta Region as defined in such report comprises more than half of the geographic area of such State, the entire State shall be considered as part of the Delta Region for purposes of this Act.

“(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for purposes of carrying out this section, to remain available until expended, not more than \$20,000,000 for each of fiscal years 1994, 1995, and 1996.”

SEC. 204. ENERGY RELATED EDUCATION INITIATIVES.—(a) MINORITY COLLEGE AND UNIVERSITY REPORT.—Within one year after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to the Committee on Energy and Natural Resources of the United States Senate and to the United States House of Representatives a report addressing opportunities for minority colleges and universities to participate in programs and activities being carried out by the Department or the departmental laboratories. The Secretary shall consult with representatives of minority colleges and universities in preparing the report. Such report shall—

(1) describe current education and training programs being carried out by the Department or the departmental laboratories with respect to or in conjunction with minority colleges and universities in the areas of mathematics, science, and engineering;

(2) describe current research, development or demonstration programs involving the Department or the departmental laboratories and minority colleges and universities;

(3) describe funding levels for the programs referred to in paragraphs (1) and (2);

(4) identify ways for the Department or the departmental laboratories to assist minority colleges and universities in providing education and training in the fields of math, science, and engineering;

(5) identify ways for the Department or the departmental laboratories to assist minority colleges and universities in entering into partnerships;

(6) address the need for and potential role of the Department or the departmental laboratories in providing minority colleges and universities;

(A) increased research opportunities for faculty and students;

(B) assistance in faculty development and recruitment and curriculum enhancement and development; and

(C) laboratory instrumentation and equipment, including computer equipment, through purchase, loan, or other transfer;

(7) address the need for and potential role of the Department or departmental laboratories in providing funding and technical assistance for the development of infrastructure facilities, including buildings and laboratory facilities at minority colleges and universities; and

(8) make specific proposals and recommendations, together with estimates of necessary funding levels, for initiatives to be carried out by the Department or the departmental laboratories to assist minority colleges and universities in providing education and training in the areas of mathematics, science, and engineering, and in entering into partnerships with the Department or departmental laboratories.

(b) PARTNERSHIPS.—The Secretary shall encourage partnerships that involve minority colleges or universities or private sector entities owned or controlled by disadvantaged individuals.

(c) SCHOLARSHIP PROGRAMS.—(1) MINORITY COLLEGES OR UNIVERSITIES.—The Secretary shall establish a scholarship program for students attending minority colleges or universities and pursuing a degree in energy-related scientific, mathematical, engineering, and technical disciplines. The program shall include tuition assistance. The program shall provide an opportunity for the scholarship recipient to participate in an applied work experience in a departmental laboratory. Recipients of such scholarships shall be students deemed by the Secretary to have demonstrated (1) a need for financial assistance and (2) academic potential in the particular area of study.

(2) DELTA REGION.—The Secretary shall establish a scholarship program for students pursuing degrees in energy-related scientific, mathematical, engineering, and technical disciplines at colleges and universities in the Delta Region. The scholarship program shall include tuition assistance. Recipients of such scholarships shall be students deemed by the Secretary to have demonstrated (1) a need for financial assistance and (2) potential in the particular area of study.

(d) PRE-COLLEGE ENRICHMENT.—The Secretary shall undertake activities to encourage pre-college enrichment programs in energy-related scientific, mathematical, engineering, and technical disciplines for students in the Delta Region. Such activities shall include, but not be limited to the following:

(1) cooperation with, and assistance to, State departments of education and local school districts in the Delta Region to develop and carry out after school and summer enrichment programs for elementary, middle, and secondary school students in energy-related scientific, mathematical, engineering, and technical disciplines;

(2) cooperation with, and assistance to, institutions of higher education in the Delta Region to develop and carry out pre-college enrichment programs in energy related scientific, mathematical, engineering, and technical disciplines for middle and secondary students;

(3) cooperation with, and assistance to, State departments of education and local school districts in the Delta Region in the development and use of curriculum and educational materials in energy-related scientific, mathematical, engineering, and technical disciplines for middle and secondary students; and

(4) the establishment of enrichment programs in subjects relating to energy-related

scientific, mathematical, engineering, and technical disciplines for elementary, middle, and secondary school teachers in the Delta Region at research facilities of the Department of Energy.

(e) VOLUNTEER PROGRAM.—The Secretary shall establish and carry out a program to encourage the involvement on a voluntary basis of qualified employees of the Department in education enrichment programs relating to energy-related scientific, mathematical, engineering, and technical disciplines, in cooperation with State departments of education and local school districts in the Delta Region.

(f) WOMEN AND MINORITIES IN THE SCIENCES.—The Secretary shall establish and carry out a program to encourage women and minority students in the Delta Region to study and pursue careers in the sciences, mathematics, engineering and technical disciplines.

(g) COORDINATION WITH OTHER FEDERAL AGENCIES.—The Secretary shall ensure that the programs authorized in this section are coordinated with, and complimentary to, education assistance programs administered by other Federal agencies in the Delta Region. These agencies include, but are not limited to, the Department of the Interior, the Department of Agriculture, the Department of Education, the National Science Foundation, and the National Aeronautics and Space Administration.

(h) AUTHORIZATION OF APPROPRIATIONS.—(1) There is hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

(2) There is hereby authorized to be appropriated for the purposes of carrying out the partnerships referred to in paragraph (b) and for related facilities and equipment, such sums as may be necessary.

SEC. 205. INTEGRATED BIOMASS ENERGY SYSTEMS.—(a) PROGRAM DIRECTION.—The Secretary, in consultation with the Secretary of Agriculture, shall conduct a research and demonstration program to determine the economic viability of integrated biomass energy systems within the Delta Region.

(b) PROGRAM PLAN.—Not later than six months after the date of enactment of this Act, the Secretary shall prepare and submit to the Congress a program plan to guide the activities under this section.

(c) SOLICITATION OF PROPOSALS.—Not later than one year after the date of enactment of this Act, the Secretary shall solicit proposals for conducting activities consistent with the program plan. Such activities shall include at least three demonstrations of integrated biomass energy systems that:

(1) shall involve the production of dedicated energy crops of not less than 25,000 acres per demonstration;

(2) shall include one demonstration of predominantly herbaceous energy crops and one demonstration of predominantly short-rotation woody crops;

(3) shall demonstrate cost-effective methods for growing, harvesting, storing, transporting, and preparing energy crops for conversion to electricity or transportation fuel; and

(4) shall result in the conversion of such crops to electricity or transportation fuel by a non-Federal energy producer or the Tennessee Valley Authority.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for purposes of carrying out this section, to remain available until expended, not more than \$10,000,000 for each of fiscal years 1994, 1995, and 1996.

SEC. 206. WEATHERIZATION ASSISTANCE PROGRAM FOR THE LOWER MISSISSIPPI DELTA REGION.—Title IV of the Energy Conservation and Production Act (P.L. 94-385 as amended) is further amended by adding a new section 423 as follows:

“WEATHERIZATION ASSISTANCE PROGRAM FOR THE LOWER MISSISSIPPI DELTA REGION

“SEC. 423. (a) PURPOSE.—The purpose of this section is to encourage the weatherization of low-income dwelling units in the Lower Mississippi Delta Region.

“(b) GRANTS FOR ESTABLISHMENT OF PROGRAM.—Not later than 12 months after the date of the enactment of the Lower Mississippi Delta Initiatives Act of 1993, the Secretary shall make grants to (1) States, and (2) in accordance with the provisions of subsection (413)(d), to Indian tribal organizations to serve Native Americans in the Lower Mississippi Delta Region. Such grants shall be made for the purposes of providing financial assistance for weatherization of low-income dwelling units.

“(c) APPLICATIONS.—(1) Applications of States or Indian tribal organizations for grants under this section shall be made not more than once for any fiscal year. Such applications shall be submitted to the State energy agency, in consultation with Community Action Agencies and Planning and Development Districts in the Lower Mississippi Delta Region, and the State energy agency shall make a single submittal to the Secretary containing all applications which comply with subsection (e).

“(2) Applications for grants for energy conservation projects shall contain, or be accompanied by, such information as the Secretary may reasonably require.

“(d) SELECTION OF PROPOSALS.—(1) The Secretary shall select proposals from States to receive grants under subsection (b).

“(2) Such grants shall be in addition to such grants as would otherwise be provided under section 414 of this Act.

“(3) No one grant proposal under this section shall receive a consideration greater than \$2,000,000.

“(e) SELECTION CRITERIA.—The Secretary shall select recipients of grants under this section in accordance with the requirements of sections 414(b) and 415 of this Act, and on the basis of the following criteria:

“(1) the location of the grant recipient in the States of the Lower Mississippi Delta Region;

“(2) the demonstrated or potential resources available to the grant recipient for carrying out the purposes of this section; and

“(3) the demonstrated or potential ability of the grant recipient to improve energy efficiency in low-income dwelling units.

“(f) DEFINITION.—For purposes of this section, the term “Lower Mississippi Delta Region” means that region consisting of the 219 counties and parishes within the State of Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee, as defined in the “Final Report The Delta Initiatives: A Report by the Lower Mississippi Delta Development Commission” dated May 14, 1990, except that, for any State for which the Delta Region as defined in such report comprises more than half of the geographic area of such State, the entire State shall be considered as part of the Delta Region for purposes of this Act.

“(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for purposes of carrying out this section, to remain available until expended, not more than \$20,000,000 for each of fiscal years 1994, 1995, and 1996.”

Mr. BUMPERS. Mr. President, I am pleased to join Senator JOHNSTON as an original cosponsor of the Lower Mississippi Delta Initiatives Act of 1993. I believe that the bill represents a significant step in the economic development of the least advantaged region in the entire United States, the Lower Mississippi Valley.

Located along one of the great rivers of the world, and including some of its finest farmland, this region has long surpassed every region of the country in terms of measurable poverty—numbers of poor counties, low per capita income, and unemployment. In short, Mr. President, there is more economic misery in the Mississippi Delta than any other region of the country.

The Lower Mississippi Delta Initiatives Act of 1993 will not, by itself, put an end to these conditions. However, this legislation will help the residents of the Delta region begin the long climb from poverty. The bill contains a number of provisions which emanate from recommendations made by the Lower Mississippi Delta Development Commission, which was chaired by President Clinton when he was the Governor of Arkansas.

I am particularly pleased that the Lower Mississippi Delta Initiatives Act of 1993 would substantially increase educational opportunities in the region. Education may be the most important factor that could help the residents in the area improve their lives as well as the lives of their children and grandchildren. Moreover, the bill would expand the Department of Energy's activities to promote energy efficiency in the Delta. People living in poverty can hardly afford to pay large energy bills because they live in dwellings that lack any semblance on insulation. DOE's weatherization program can play an important role in sharply reducing gas and electric costs in the area.

Mr. President, I look forward to working with Senator JOHNSTON, the distinguished chairman of the Energy and Natural Resources Committee, in getting this legislation enacted into law.

By Mr. BINGAMAN:

S. 992. A bill to amend title, United States, to revise the method for pricing tobacco products for sale in commissaries, exchanges, and ships' stores, and for other purposes; to the Committee on Armed Services.

MILITARY TOBACCO SALES ACT

• Mr. BINGAMAN. Mr. President, I rise today to reintroduce legislation aimed at ending the Department of Defense practice of underpricing cigarette sales in military commissaries, post exchanges, and ships' stores. This legislation is similar to measures I have sponsored with my good friend and distinguished colleague, Senator BOREN, in three previous Congresses. During the

several years we have worked on this issue, we have often felt the loneliness of the long-distance runner. But we are running a new race today, and for the first time in years, our goal is within reach.

The bill I am introducing today is very familiar to a number of my colleagues. This legislation states that tobacco products sold in military commissaries, post exchanges, and ships' stores are to be sold at prices competitive with the local marketplace. Overseas, tobacco products are to be sold at prices equal to the U.S. average price.

When this measure was last discussed on the Senate floor in 1991, it was in the form of an amendment, which Senator BOREN and I offered, to the fiscal years 1992 and 1993 Defense Authorization Act. Our amendment was tabled by a vote of 55-43. Since that time, however, two important changes have occurred.

First, the American people elected a President determined to achieve positive changes in our health care system. President Clinton, ably assisted by the First Lady, is committed to national health care reform, health promotion, and disease prevention. The President knows the tremendous costs cigarettes and chewing tobacco impose on our health care system and work force, and he understands the need to eliminate incentives to begin, and continue, smoking.

Second, our Nation, like our President, has become more aware of the hazards of tobacco use. We have become more sensitive to the slick tactics employed by the tobacco industry to entice minorities, women, and young people into the addictive habits of smoking and chewing tobacco. In the past, these tactics were largely focused on advertising; more recently, the tobacco industry has turned toward pricing.

These tactics are well known. They involve cleverly named and marketed products, such as Dakota, a cigarette intended to appeal to young women in the Western States; Uptown, a cigarette intended for young black men in northeastern cities; and perhaps most reprehensible, the widespread use of the cartoon figure Old Joe to market Camel cigarettes. A few weeks ago, the industry recently unveiled its latest tactic: lower prices on particular name brands. Whatever the strategy or tactic, the goal is the same: to attract and retain smokers in a declining market.

The military is one market in which the tobacco industry has met with longstanding success. Undoubtedly, many factors have contributed to this success and to the prevalence of smoking in the military. But a very important factor is the price differential that military personnel see when they purchase cigarettes in commissaries and exchanges. In the United States, cigarettes are approximately 35 percent

cheaper in commissaries and up to 20 percent cheaper in exchanges than they are in civilian stores. Overseas, tobacco products have been found to be 40 to 60 percent cheaper than the average U.S. price. During Operation Desert Storm, for example, a carton of cigarettes cost \$8.50 overseas, compared to an average U.S. price of \$14.65.

It is time to equalize these prices. The costs of failing to take this step are high, and they will grow higher if, as many anticipate, national health care reform includes an increase in the Federal tax on cigarettes. If the price disparity grows between cigarettes sold off-base versus on-base, we could be inadvertently encouraging a black market for cigarette sales similar to the market that exists today in Canada. Canadian officials have acknowledged that the price difference between Canadian and United States cigarettes, several dollars per pack, has led to a tremendous growth in the illegal trafficking of cigarettes. Not only does this black market encourage smoking, but it deprives their nation of a significant amount of tax revenue.

Aside from the issues related to comprehensive health care reform, there are other compelling reasons to change current policy. The costs of the status quo, in terms of lost lives, lost productivity, and burden to the health care system, are tremendous. Tobacco use costs approximately \$72 billion annually, based on 1990 data, in direct costs to the health care system and lost productivity. Last year, tobacco use killed more than 434,000 people. This year, at least one in six deaths in the country will be caused by tobacco.

More specific to the Department of Defense and my proposal to equalize the price of the tobacco products is the cost of smoking within the military. According to Department estimates, smoking in the military costs taxpayers at least \$210 million annually in direct health care costs. In truth, this figure represents a significant underestimate because it does not include three key costs: First, the costs associated with morbidity; second, the indirect health care costs of family members; and third, the long-range costs incurred by CHAMPUS, the Veterans' Administration, and the Medicare Program due to tobacco use.

Mr. President, I believe the Department of Defense realizes these costs and understands the burden tobacco use places on our troops and their families. In 1986, then Deputy Secretary of Defense William H. Taft signed Directive 1010.10, which stated a goal of the Department was to "encourage military personnel, retirees, their families, and civilian employees to live healthy lives and * * * to create an environment that enhances the development of healthful lifestyles and high unit performance."

This legislation simply encourages the Department to enforce its direc-

tive. It does not ban the sale of tobacco products. Commissaries, exchanges, and ships' stores are free to continue selling cigarettes, if that is their wish. The bill does not rob veterans of a benefit guaranteed to them. Veterans can still buy cigarettes; they will just pay a price closer to the price paid by every other U.S. taxpayer. And as former U.S. Surgeon General C. Everett Koop has said, how can a lifetime of poor health and premature death be regarded as a benefit anyway?

This bill does not set a precedent for the removal of any product from commissary shelves, despite rumors to the contrary. I say this was confidence because in 1982—at the direction of the Secretary of Defense—the price of most alcoholic beverages sold in commissaries was increased to the prevailing local price minus 10 percent. Over the past 11 years, no product has been removed from commissary shelves because of the Secretary's action on alcohol pricing, and none will be removed as a result of this legislation.

Finally, Mr. President, this bill will not adversely impact the military commissary system, and it will not create a bookkeeping nightmare as some of my colleagues have argued in the past. Several years ago, most Navy commissaries stopped selling tobacco products, and they continue to survive. For the commissaries that do sell tobacco products, no separate accounting will be required because this measure does not require the Department to use the revenue generated for any particular program. The bill encourages the Department to invest the increased revenues in programs promoting health and fitness, but it does not make this a requirement.

Some of my colleagues will argue that legislation is unnecessary because of the great success of the Department's 7-year antismoking education campaign. To my colleagues, I must say that my bill is entirely consistent with the Department's anti-smoking campaign. I applaud the Department for its efforts, and I was one of the first to acknowledge the success of ongoing education efforts. Between 1986 and 1991, for example, commissary tobacco sales fell and the smoking rate in the military dropped a little more than 5 percent. That is good. The Department is to be congratulated. But a 5.3-percent reduction—from 46.2 to 40.9—was still more than 11 percent higher than the national average. It was—and continues to be—far too high.

Despite the Department's best efforts to discourage smoking through education, I am convinced that the military smoking rate will not be lowered significantly until the tobacco pricing policy is changed. And until that policy changes, tobacco products will remain among the top selling items at commissaries and post exchanges. In 1989, for example, tobacco sales ranked

fourth, surpassed only by sales of electronic, snack food, and uniforms. In 1990, tobacco sales at military exchanges and commissaries exceeded \$700 million.

Mr. President, I must say: this is ludicrous. It is simply ludicrous for the Department of Defense, on one hand, to launch an aggressive antismoking education campaign and, on the other hand, to encourage smoking through a pricing policy that is the lowest in the county. Yet, this inconsistent and costly policy continues today.

As the administration finalizes its health care reform proposal and the Congress begins debating its merits, I urge the President and my colleagues to keep in mind the health and fiscal benefits of discouraging tobacco use. Cigarettes are our Nation's most powerful public health enemy. They are the No. 1 health enemy of the military. It simply does not make sense for the Federal Government—and the American taxpayers—to continue to subsidize their use. Instead of supporting the tobacco industry, we should be focusing our efforts on promoting positive, life-long lifestyle changes. That is the message this legislation sends to the Department of Defense.

I ask that the full text of this legislation be placed in the RECORD following my remarks.

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

S. 992

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

SECTION 1. SALE OF TOBACCO PRODUCTS IN COMMISSARIES, EXCHANGES, AND SHIPS' STORES.

(a) IN GENERAL.—Chapter 147 of title 10, United States Code, is amended by adding at the end thereof the following new section:

§2486. Sale of tobacco products in commissaries, exchanges, and ships' stores; use of proceeds

“(a) Tobacco products may be sold in commissary stores, military exchanges, or ships' stores subject to the requirements prescribed in subsections (b) and (c).

“(b)(1) In the case of a commissary store, military exchange, or ship's store located in the United States, the price charged for any tobacco product shall be the prevailing price charged by private commercial businesses for the retail sale of such tobacco product in the retail market area in which the commissary store, military exchange, or ship's store is located.

“(2) In the case of a commissary store, military exchange, or ship's store located outside the United States, the price charged for any tobacco product shall be the average amount charged by private commercial businesses for the retail sale of such product in the United States.

“(3)(A) In determining the prevailing price charged or the average price charged by a commercial business, applicable Federal, State and local taxes shall be included.

“(B) The prevailing price or the average price may be determined under an appropriate sampling procedure.

“(c)(1) The Secretary of a military department may use the profits from the sale of to-

bacco products by commissary stores, military exchanges, or ships' stores under the Secretary's jurisdiction to promote the health and fitness of members of the armed forces and their dependents.

“(2) Amounts made available under paragraph (1) shall remain available for obligation without fiscal year limitation.

“(d) The Secretary of Defense shall prescribe regulations to carry out this section.

“(f) In this section:

“(1) The term 'profits' means the amount which represents the difference between the price charged by commissary stores for the sale of tobacco products and the cost incurred by such commissary stores for the purchase and sale of such products (including appropriate amounts for overhead).

“(2) The term 'tobacco product' includes cigarettes, cigars, tobacco processed for cigarette or pipe smoking, and tobacco processed for oral use.

“(3) The term 'United States' includes the Commonwealth of Puerto Rico and the territories and possessions of the United States.”.

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new section:

“2486. Sale of tobacco products in commissaries, exchanges, and ships' stores; use of proceeds.”.

SEC. 2. EFFECTIVE DATE.

The amendments made by section 1 shall take effect on October 1, 1993.●

By Mr. PELL (for himself, Mr. AKAKA, Mr. BIDEN, Mr. BOREN, Mr. COATS, Mr. COCHRAN, Mr. COHEN, Mr. DANFORTH, Mr. DECONCINI, Mr. DODD, Mr. DORGAN, Mrs. FEINSTEIN, Mr. FORD, Mr. GLENN, Mr. GRASSLEY, Mr. HATCH, Mr. INOUE, Mr. LIEBERMAN, Mr. MACK, Mr. MATHEWS, Mr. MITCHELL, Mrs. MURRAY, Mr. SARBANES, Mr. SIMON, Mr. STEVENS, and Mr. WARNER):

S.J. Res. 95. A joint resolution to designate October 1993 as “National Breast Cancer Awareness Month”; to the Committee on the Judiciary.

NATIONAL BREAST CANCER AWARENESS MONTH

Mr. PELL. Mr. President, I am today introducing a joint resolution to designate October 1993 as National Breast Cancer Awareness Month. I am very pleased that 25 of our colleagues have joined as original cosponsors of this important resolution.

This is the fourth year I have introduced this joint resolution, which has received the strong support of the Senate. And I believe it has helped to highlight the alarming statistics on breast cancer mortality, as well as the causes for hope.

The numbers are all too familiar: Breast cancer will strike an estimated 182,000 women and kill about 46,000 women in 1993. It is the second leading cause of cancer death among women, and is likely to increase further as the population ages, since a woman's risk of developing breast cancer increases as she ages.

Breast cancer is a disease that also strikes men. About 1,000 men will de-

velop breast cancer in 1993; and 300 men will die from the disease. Male breast cancer, while largely a hidden disease, is very real and very tragic for those men and their families.

Mr. President, there has been much discussion about the accuracy of various statistics describing a woman's lifetime risk of developing breast cancer. But I believe it is not so important whether a woman's chances of developing breast cancer are 1 in 9, or 1 in 10, or less. What is important is that breast cancer is on the rise, that we do not know its cause, and that we don't know how to prevent it. And because of this, we are all at risk. Because we all have a spouse, mother, sister, daughter, or friend who is at risk, and we all know that when breast cancer touches someone we love, it isn't the statistics that matter.

Mr. President, in the past year, I think we have made some significant advances in the fight against breast cancer. Congress is close to giving its final approval to the NIH reauthorization bill (S. 1), which authorizes a \$325 million increase in spending on breast cancer research. And last year, Congress appropriated more than \$500 million for breast cancer research for fiscal year 1993.

Another reason for optimism is the increasing activism of the many breast cancer survivors and health providers who are calling greater attention to the disease. They are teaching us that we can significantly reduce breast cancer mortality through early detection, including self-examination, clinical examination by a qualified health care provider, and screening mammography. In fact, 50 years ago, the 5-year survival rate for localized breast cancer was only 78 percent; now it is over 90 percent. And the American Cancer Society estimates that the use of a combination of early detection procedures can boost the 5-year survival rate for localized breast cancer to nearly 100 percent.

In this connection, I am pleased to note that a coalition of health groups, including the American Cancer Society, the American Academy of Family Physicians, the American College of Radiology, the American Medical Women's Association, the American Society of Clinical Oncology, Cancer Care Inc., the National Alliance of Breast Cancer Organizations, the Susan G. Komen Foundation, the American College of Obstetricians and Gynecologists, Y-ME, and the Zeneca Pharmaceuticals Group, together with the National Cancer Institute and the Centers for Disease Control and Prevention, are designating Tuesday, October 19, 1993, as National Mammography Day. This day will be devoted to encouraging women to receive or sign up for a mammogram, and to otherwise increase awareness about the importance of early detection. I applaud

their initiative and hope that a successful National Breast Cancer Awareness Month will enhance their efforts on that important day.

Mr. President, despite the proven success of early detection and intervention, there remain many barriers to early care. Many women do not know how to self-examine, and some are afraid to do so. Some women do not seek a screening mammogram because they are afraid, either of the procedure itself, or of the diagnosis it might reveal. Still others do not seek a screening mammogram because of lack of access or cost, or because they simply don't know its vital importance.

National Breast Cancer Awareness Month will help educate women about early detection, address concerns about self-examination and mammography, and teach both women and their families how to live with and after breast cancer. But most importantly, it will help communicate the simple but crucial message that, while breast cancer can kill, it can also be conquered.

For the last 3 years, I have had the privilege of introducing similar joint resolutions which have become law. I hope that this year all of my colleagues will recognize and support the efforts of health advocates across the Nation to reduce breast cancer mortality by joining with us to designate October 1993 as National Breast Cancer Awareness Month. I ask unanimous consent that the joint resolution be printed in the RECORD.

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

S. J. RES. 95

Whereas breast cancer will strike an estimated 182,000 women and 1,000 men in the United States in 1993;

Whereas the risk of developing breast cancer increases as a woman grows older;

Whereas breast cancer is the second leading cause of cancer death in women, and will kill an estimated 46,000 women and 300 men in 1993;

Whereas the 5-year survival rate for localized breast cancer has risen from 78 percent in the 1940's to over 90 percent today;

Whereas most breast cancers are detected by the woman herself;

Whereas educating both the public and health care providers about the importance of early detection will result in reducing breast cancer mortality;

Whereas appropriate use of screening mammography, in conjunction with clinical examination and breast self-examination, can result in the detection of many breast cancers early in their development and increase the survival rate to nearly 100 percent;

Whereas data from controlled trials clearly demonstrate that deaths from breast cancer are significantly reduced in women who have been screened by mammography;

Whereas many women are reluctant to have screening mammograms for a variety of reasons, such as the cost of testing, lack of information, or fear;

Whereas access to screening mammography is directly related to socioeconomic status;

Whereas increased awareness about the importance of screening mammography will result in the procedure being regularly requested by the patient and recommended by the health care provider; and

Whereas it is projected that more women will use this lifesaving test as it becomes increasingly available and affordable: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 1993 is designated as "National Breast Cancer Awareness Month" and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the month with appropriate programs and activities.

ADDITIONAL COSPONSORS

S. 21

At the request of Mrs. FEINSTEIN, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 21, a bill to designate certain lands in the California Desert as wilderness to establish Death Valley, Joshua Tree, and Mojave National Parks, and for other purposes.

S. 27

At the request of Mr. SARBANES, the name of the Senator from Missouri [Mr. DANFORTH] was added as a cosponsor of S. 27, a bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia.

S. 176

At the request of Mr. DASCHLE, his name was added as a cosponsor of S. 176, a bill to amend title XVIII of the Social Security Act with respect to essential access community hospitals, the rural transition grant program, regional referral centers, medicare-dependent small rural hospitals, interpretation of electrocardiograms, payment for new physicians and practitioners, prohibitions on carrier forum shopping, treatment of nebulizers and aspirators, and rural hospital demonstrations.

S. 412

At the request of Mr. EXON, the names of the Senator from Idaho [Mr. CRAIG], and the Senator from Oklahoma [Mr. BOREN] were added as cosponsors of S. 412, a bill to amend title 49, United States Code, regarding the collection of certain payments for shipments via motor common carriers of property and nonhousehold goods freight forwarders, and for other purposes.

S. 421

At the request of Mr. DASCHLE, the names of the Senator from Nevada [Mr. BRYAN], the Senator from Alabama [Mr. HEFLIN], and the Senator from Louisiana [Mr. JOHNSTON] were added as cosponsors of S. 421, a bill to amend title XVIII of the Social Security Act to provide coverage under such title for certain chiropractic services authorized to be performed under State law, and for other purposes.

S. 477

At the request of Mr. FEINGOLD, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 477, a bill to eliminate the price support program for wool and mohair, and for other purposes.

S. 575

At the request of Mr. KENNEDY, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 575, a bill to amend the Occupational Safety and Health Act of 1970 to improve the provisions of such Act with respect to the health and safety of employees, and for other purposes.

S. 618

At the request of Mr. RIEGLE, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 618, a bill to amend the Immigration and Nationality Act to permit the admission to the United States of non-immigrant students and visitors who are the spouses and children of United States permanent resident aliens, and for other purposes.

S. 678

At the request of Mr. D'AMATO, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 678, a bill to amend the Internal Revenue Code of 1986 to make permanent the exclusion for amounts received under qualified group legal services plans.

S. 868

At the request of Mrs. MURRAY, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 868, a bill to amend the Internal Revenue Code of 1986 to increase the tax on handguns and assault weapons, to increase the license application fee for gun dealers, and to use the proceeds from those increases to pay for medical care for gunshot victims.

S. 916

At the request of Mr. CRAIG, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of S. 916, a bill to amend the Davis-Bacon Act and the Copeland Act to provide new job opportunities, effect significant cost savings by increasing efficiency and economy in Federal procurement, promote small and minority business participation in Federal contracting, increase competition for Federal construction contracts, reduce unnecessary paperwork and reporting requirements, clarify the definition of prevailing wage, and for other purposes.

S. 931

At the request of Mr. HATCH, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 931, a bill to amend the Harmonized Tariff Schedule of the United States to clarify the treatment of certain sports clothing.

S. 947

At the request of Mr. PRESSLER, the names of the Senator from Indiana [Mr. LUGAR], the Senator from New Hampshire [Mr. SMITH], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of S. 947, a bill to amend the Internal Revenue Code of 1986 to limit the tax rate for certain small businesses, and for other purposes.

SENATE JOINT RESOLUTION 73

At the request of Mr. CHAFEE, the names of the Senator from Wyoming [Mr. SIMPSON], the Senator from Alaska [Mr. MURKOWSKI], the Senator from New Mexico [Mr. DOMENICI], the Senator from Florida [Mr. MACK], the Senator from Virginia [Mr. WARNER], the Senator from Delaware [Mr. ROTH], the Senator from Vermont [Mr. JEFFORDS], and the Senator from Indiana [Mr. COATS] were added as cosponsors of Senate Joint Resolution 73, a joint resolution to designate July 5, 1993, through July 12, 1993, as "National Awareness Week for Life-Saving Techniques."

At the request of Mr. RIEGLE, the names of the Senator from Alabama [Mr. SHELBY], the Senator from North Dakota [Mr. CONRAD], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Ohio [Mr. GLENN], the Senator from Illinois [Mr. SIMON], and the Senator from Connecticut [Mr. DODD] were added as cosponsors of Senate Joint Resolution 73, supra.

SENATE JOINT RESOLUTION 83

At the request of Mr. DECONCINI, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of Senate Joint Resolution 83, a joint resolution designating the week beginning February 6, 1994, as "Lincoln Legacy Week."

SENATE RESOLUTION 35

At the request of Mr. LAUTENBERG, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of Senate Resolution 35, a resolution expressing the sense of the Senate concerning systematic rape in the conflict in the former Socialist Federal Republic of Yugoslavia.

SENATE RESOLUTION 79

At the request of Mr. LAUTENBERG, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of Senate Resolution 79, a resolution expressing the sense of the Senate concerning the United Nations' arms embargo against Bosnia-Herzegovina, a nation's right to self-defense, and peace negotiations.

SENATE RESOLUTION 109—RELATING TO MINORITY MEMBERSHIP ON THE SELECT COMMITTEE ON ETHICS

Mr. DOLE submitted the following resolution; which was considered and agreed to:

S. RES. 109

Resolved, That the following shall constitute the minority party's membership on the following committee for the remainder of the 103d Congress, or until their successors are chosen:

Select Committee on Ethics: Mr. McConnell, Mr. Smith, and Mr. Craig.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for my colleagues and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The purpose of the hearing is to receive testimony on the Lower Mississippi Delta Initiative of 1993.

The hearing will take place on Thursday, May 27, 1993, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building, First and C Streets NE, Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510, Attention: Patricia Temple.

For further information, please contact Leslie Black Cordes or Lisa Vehmas of the committee's majority staff, or Gary Ellsworth of the committee's minority staff, at (202) 224-4971.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate Wednesday, May 19, 1993, at 10 a.m. to conduct a hearing on S. 924, the Homeownership and Equity Protection Act of 1993.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, May 19, 1993, at 10 a.m. on S. 419 on competitiveness of the aerospace industry.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, May 19, beginning at 10 a.m.

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

SUBCOMMITTEE ON FINANCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet on May 19, 1993, at 9:30 a.m. to hear testimony from nominees to positions in the Office of the U.S. Trade Representative, the Department of Health and Human Services, and the Department of the Treasury.

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

COMMITTEE ON THE JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, May 19, 1993, to hold a hearing on the nomination of Philip B. Heyman, to be Deputy Attorney General for the United States, Webster L. Hubbell, to be Associate Attorney General for the United States and Drew S. Days III, to be Solicitor General for the United States.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. MITCHELL. The Committee on Veteran's Affairs would like to request unanimous consent to hold a markup on Department of Veterans Affairs' nominations and other pending business, followed immediately by a hearing on the roles of the Department of Veterans Affairs in geriatrics and long-term care. The markup and the hearing will be held in room 418 of the Russell Senate Office Building at 9 a.m. on Wednesday, May 19, 1993.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, May 19, 1993 at 2:30 p.m. to hold a closed hearing on intelligence matters.

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

SUBCOMMITTEE ON INTERNATIONAL ECONOMIC POLICY, TRADE, OCEANS AND ENVIRONMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on International Economic Policy, Trade, Oceans and Environment of the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Wednesday, May 19, 1993, at 2 p.m. to hold a hearing on the fiscal year 1994 foreign assistance authorization: "The Role and Experience of PVO's and NGO's."

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

ADDITIONAL STATEMENTS

COMMENDING THE BLACK BEAR CONSERVATION COMMITTEE FOR RECEIVING THE CHEVRON CONSERVATION AWARD

• Mr. JOHNSTON. Mr. President, I rise today to praise an organization in Louisiana, the Black Bear Conservation Committee, or BBCC, that has done outstanding service in initiating and coordinating efforts to manage and restore the Louisiana black bear to suitable habitats in its historic range of Louisiana, Mississippi, and east Texas. The BBCC has been selected to receive the 1993 Chevron Conservation Award, and this is only the most recent of many such accolades, including the 1993 Group Achievement Award given by the Wildlife Society. I believe the BBCC provides a model for effective and realistic wildlife protection and restoration, and is precisely the kind of wildlife management initiative that Congress should be encouraging and supporting.

The Louisiana black bear is an imposing but shy animal that can grow to reach 6 feet from nose to tail and weigh over 400 pounds. The bottomland hardwood forests that are the bear's favored habitat once covered 24 million acres of the Lower Mississippi Valley, but have been reduced to only 5 million acres today. This habitat destruction, along with illegal hunting and other human disturbances, has reduced the number of Louisiana black bear to an estimated 350. In 1992, the bear was listed as threatened by the U.S. Fish and Wildlife Service.

Two years earlier, in 1990, the Black Bear Conservation Committee was formed to head off the conflicts that typically develop between developers and conservationists in the wake of such U.S. Fish and Wildlife listings. The bitter dispute over the fate of the spotted owl is the most recent example of such a controversy, and that case illustrates the strong emotional appeals that can divide communities which feel they must make an either/or decision between the environment and the local economy.

The timber and agricultural interests, conservation organizations, State and Federal agencies and academic experts who came together to form the BBCC were surprised at the common goals they shared, and they have been successful in building a foundation of working relationships upon which to develop their efforts at habitat restoration. By preempting the controversy and focusing on cooperation and compromise rather than confrontation, the Black Bear Conservation Committee has provided a blueprint for future wildlife and habitat restoration efforts. I commend them for their accomplishments, and congratulate them for their richly deserved recognition.●

(At the request of Mr. MITCHELL, the following statement was ordered to be printed in the RECORD at this point:)

HISTORY RECORDS ALABAMIAN'S VOTE

• Mr. HEFLIN. Mr. President, as with all Members of Congress, literally hundreds of requests pass through my office on a weekly basis. But recently, one was of particular interest. Charles Mauldin of Birmingham wrote that his mother, Mrs. Ardies Mauldin of Selma, was the first person registered to vote under the provisions of the 1965 Voting Rights Act. Charles was in the process of researching his family history and needed assistance with information regarding his mother's historical role in the civil rights movement.

As history records, Martin Luther King, Jr., traveled to Selma in 1965 to assist blacks seeking the right to vote. King led a march from Selma to Montgomery and demanded that blacks be given the right to vote without unjust restriction.

Largely as a result of the activities in Selma, Congress passed the Voting Rights Act of 1965. This banned the use of a poll tax as a requirement to vote and prevented changes in voting laws without approval of the Department of Justice. Also, this act provided Federal officials to supervise voter registration wherever the right to vote had been unjustly denied.

News articles report that Mrs. Mauldin, encouraged by her children, filled out the paperwork to register in a couple of minutes and was unaware that she was the first person to sign up to vote under the act until questioned by reporters.

In December of 1968, Supreme Court Justice Thurgood Marshall and other black Presidential appointees presented President Lyndon B. Johnson with a desk set fitted with a gold replica of Mrs. Mauldin's voter registration certificate. The honor was in recognition of President Johnson's work toward the passage of the Voting Rights Act. This item is now on display at the Lyndon Baines Johnson Library in Austin, TX.

Mrs. Mauldin, now 81 years old, had expressed an interest to her son Charles in getting information about these items. Charles contacted my office and we were able to have photos and a detailed description of the LBJ desk set forwarded to his mother. The voting certificate is now the property of the U.S. Civil Service Commission, but Mrs. Mauldin will receive a copy of the document.

Ardies Mauldin, mother of seven children and a former nurse, captured a place in history by registering to vote 28 years ago. I commend her for her individual courage and for the active role she took as a citizen.●

BUDGET SCOREKEEPING REPORT

• Mr. SASSER. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the budget through May 14, 1993. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the concurrent resolution on the budget (H. Con. Res. 287), show that current level spending is below the budget resolution by \$2.1 billion in budget authority and \$0.5 billion in outlays. Current level is \$0.5 billion above the revenue floor in 1993 and above by \$1.4 billion over the 5 years, 1993-97. The current estimate of the deficit for purposes of calculating the maximum deficit amount is \$392.4 billion, \$28.4 billion below the maximum deficit amount for 1993 of \$420.8 billion.

There has been no action that affects the current level of budget authority, outlays, or revenues since the last report, dated May 11, 1993.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 18, 1993.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1993 and is current through May 14, 1993. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the Concurrent Resolution on the Budget (H. Con. Res. 287). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated May 11, 1993, there has been no action that affects the current level of budget authority, outlays, or revenues.

Sincerely,

ROBERT D. REISCHAUER,
Director.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE,
103D CONG., 1ST SESS. AS OF MAY 14, 1993
(In billions of dollars)

	Budget resolution (H. Con. Res. 287)	Current level ¹	Current level +/- resolution
On-Budget:			
Budget Authority	1,250.0	1,247.9	-2.1
Outlays	1,242.3	1,241.8	-0.5
Revenues:			
1993	848.9	849.4	+0.5
1993-97	4,818.6	4,820.0	+1.4
Maximum deficit amount	420.8	392.4	-28.4
Debt subject to limit	4,461.2	4,151.1	-310.1
Off-budget:			
Social Security outlays:			
1993	260.0	260.0

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE,
103D CONG., 1ST SESS. AS OF MAY 14, 1993—Continued

(In billions of dollars)

	Budget resolution (H. Con. Res. 287)	Current level ¹	Current level +/- resolution
1993-97	1,415.0	1,415.0	
Social Security revenues:			
1993	328.1	328.1	(?)
1993-97	1,865.0	1,865.0	(?)

¹ Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

² Less than \$50,000,000.

Note.—Detail may not add due to rounding.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONG., 1ST SESS., SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1993 AS OF CLOSE OF BUSINESS MAY 14, 1993

(In millions of dollars)

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			849,425
Permanents and other spending legislation	764,283	737,413	
Appropriation legislation	732,061	743,943	
Offsetting receipts	(240,524)	(240,524)	
Total previously enacted	1,255,820	1,240,833	849,425
ENACTED THIS SESSION			
Entitlements and Mandatories			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	(7,928)	962	
Total current level ¹	1,247,892	1,241,794	849,425
Total budget resolution ²	1,249,990	1,242,290	848,890
Amount remaining:			
Under budget resolution	2,098	496	
Over budget resolution			535

¹ In accordance with the Budget Enforcement Act, budget authority and outlay totals do not include the following in emergency funding:

(In millions of dollars)

	Budget authority	Outlays
Public Law		
102-229		712
102-266		33
102-302		380
102-368	960	5,873
102-381	218	13
102-6	3,322	3,322
102-24	4,000	4,000
Offsetting receipts	(4,000)	(4,000)
Total	4,500	10,333

² Includes revision under section 9 of the concurrent resolution on the budget.

Note.—Amounts in parentheses are negative. Detail may not add due to rounding.

A WALK FOR A GREAT CAUSE

• Mr. D'AMATO. Mr. President, I rise today to honor a great American. Ron James exemplifies all things patriotic. He will walk for a great cause, to protect and defend the American flag. Ron intends to walk from New York City to the State capital in Albany, starting on Memorial Day, Sunday, May 30, 1993. He will do this as a symbolic gesture for the protection of the American flag. He will walk on the side of the road beginning in New York City up Route 9 carrying an American flag in support of the passage of a law in the

New York State Assembly protecting our flag from desecration.

Ron James, a Marine veteran and resident of the Bronx, has the support of the American Legion. Many members of the New York State American Legion will accompany him on his walk. He will also be joined by many disabled veterans who will walk along with him over sections of the route.

Ron and his entourage will arrive in Albany at noon on June 14, 1993, Flag Day, in a tribute to those who have given their lives for this Nation. This tribute will include soldiers, law enforcement personnel, firefighters, and other heroes who have given their lives to keep America a free and safe place to live.

I congratulate Ron James and everyone who is involved in this truly historic event. The advancement of patriotism and respect for the flag of this great Nation are truly noble causes. I commend Ron James for his selfless dedication to the United States and its citizens.

A HEALTH CARE REFORM PROPOSAL BY RANDOLPH M. FERLIC, M.D.

• Mr. DASCHLE. Mr. President, I would like to bring to your attention today a thoughtful proposal for health care reform authored by Dr. Randolph Ferlic, from Omaha, NE.

Dr. Ferlic is a well-known practicing thoracic and cardiovascular surgeon whose achievements reflect his love of medicine and his genuine concern for our health care system. While I cannot do justice to his many successes, I can tell you a few highlights.

Dr. Ferlic is president of the Surgical Services of the Great Plains, as well as professor of surgery at the University of Nebraska Medical Center, and a State commissioner for Nebraska post-secondary education. Dr. Ferlic is also an entrepreneur and businessman—he currently serves as a director and general partner of the Apache Corp., a major oil and gas company listed on the New York Stock Exchange, as well as the Key Petroleum Production Co. In the late 1960's, Dr. Ferlic served honorably in the U.S. Navy as a thoracic and general surgeon.

Aside from his numerous achievements in medicine and in business, Dr. Ferlic has taken the time to take a serious look at our health care system and consider some workable solutions. I believe all Senators interested in health care reform would benefit from the insights contained in Dr. Ferlic's proposal entitled, "A Responsible Health Care Plan," and I commend it to my colleagues' attention. Mr. President, I ask that his proposal be printed in the RECORD.

The proposal follows:

A RESPONSIBLE HEALTH CARE PLAN

(By Randolph M. Ferlic)

The single greatest advance for the provision of cost effective medical care would be a pop-up indicator for the near end of life—similar to the turkey indicators found at Thanksgiving. Almost all people desire humanitarian, efficacious, efficient, economical, and available care. There is a paradox growing in America about what is expressed as desirable and what is in reality needed. In essence, we desire a maternal, loving, empathic, intellectual, effective and generalist approach to our illnesses. However, we want the specialist and expert of our particular malady to reside next door. The best technology and facilities will be proximate to our time of need. Finally, no personal expenditures will be involved in our care. Everything will be available twenty-four hours of every day. All research would yield significant results that would rid the world of all debilitating problems, especially those that interfere with any person's preferential life style. The paradox is further amplified by the axiom that all advances known to mankind have been accomplished by focused activity—a specialization in the systems or mechanisms involved, and the application of solutions refined by these specialists. Judgments as to the efficacy of these machinations belong to the generalists. Now, that I have created the heat for this subject, I propose to shed light. No statement made should be interpreted personally or be construed as an insult or unappreciative utterance. However, polarization is sometimes necessary for an intellectual compass.

A major difficulty that conflicts with a suitable health plan is agreed upon definitions. What is basic coverage? Political motives often cloud the directions of definition and expenditures. Intense lobbies evolve and shape treatment and research directions without regard for demographics of our populations. How much should be spent upon "care?" Currently fourteen per cent of our gross domestic product goes for so-called "care." An equivalent of 40% of net corporate profits go to health "care."

There are those that believe magic instantaneous solutions exist in such systems that reside in Canada, Germany, Britain, Veteran's Administration, but any analysis would find similar costs with implicit rationing techniques that cannot compete with the technological edge available in our current U.S. system. For example, the Canadian System applied in a state such as California would reveal the inherent cost inefficiency and access, delivery, and quality problems immediately. We must develop an entirely new system built upon our strengths and destroy our weaknesses. The wastes within the current system would more than pay for basic "care" and guarantee access. Stop needless duplication of facilities and technologies, rid the system of advertising, employ horizontal management techniques, operate the system seven days a week, force construction competition, employ uniform fees, recognize transportation realities, utilizing drug and treatment protocols with elasticity for innovation and experimentations and ban political-economic credentialing are but a few of the areas that would generate massive savings immediately.

Current efforts to reduce specialization are incongruent with all known pursuits of truth and efficiency. Creativity emanates from random events within activity in a body of knowledge. Discovery comes from honed focus on the basic factors and mechanisms

involved in the event. Too much faith in the current state of knowledge has led to an unconscious comfort with our present health care system.

Health care delivery needs a drastic structural reformation and restoration. The reformation must include a reality that balances economic, societal, and health needs. The restoration requires a return to professional behavior and charity. Finally, research must be enhanced with a concentration on creative solutions generated by molecular biology.

Reformation must begin with a revolution in primary care as we know it today. Primary care must be refined into a new specialty. The new primary care specialist will function as a chief operating officer. They will supervise the triage of patients and their problems to specialists. Their education will not only include general knowledge of medicine but will focus on the statistical and economic consequences of diagnosis and therapy. They will be the arbitrators between patients and the specialists in the application of medical, surgical and psychiatric therapies.

All initial evaluation of clinical problems will be performed by nurse practitioners and/or physician assistants who will refer patients to appropriate specialists. Supervision of groups of the nurse practitioners and/or physician assistants (P.A.s) will be by primary care physicians. Nurses, P.A.s and their supervising physicians would not be able to order diagnostic tests. They, along with pharmacists, would be able to order drugs that relieve mild distress, promote general well-being, vaccinations, and preventative health measures. Under this scenario there would be a marked reduction in the number of primary care physicians. Cost saving and efficiency would be achieved by utilization of lower priced personnel in initial medical encounters. The downstream saving would come from more uniform and intelligent application of diagnostic testing by specialists refined in the various genetic, developmental, traumatic, pathologic, psychiatric, infectious, and oncological challenges presented by patients. Monitoring of the therapeutic modalities employed by the specialists would be governed by primary care specialists who would measure outcomes and compare them to the resources utilized. They would provide us with practice patterns and help establish hierarchies of diagnostic paths and therapies. Fees would be uniform throughout the system and capped for individual encounters but not in a way that hinders productivity and intensity of effort. Malpractice and maloccurrence problems would be handled with a worker's compensation type insurance.

Capital expenditures would always have to inure to the benefit of patients and not to institution's bureaucracies. The current duplication of facilities and technologies is a national disgrace and robs our citizenry of current care at a lower cost and steals funds necessary for future research. Facilities must be open to all qualified specialists and not governed by the political-economic anti-trust measures employed by some physicians and institutions.

The Oregon Plan must lead the debate and refinement of priorities with limited resources available for health care. General health measures must be separated from acute and chronic care measures to ensure a strict accounting of resources employed in each setting. This means that general health would include clean water, adequate shelter, good nutrition, safety practices, educational

support, public health measures, and vaccinations. Acute and chronic care measures are those that occur after injury, pathologic, infectious, developmental, and/or genetic processes.

Finally, administrative control should remain a partnership between health care workers and local political systems functioning within general national guidelines to assure the merits that govern our democratic processes are preserved in the delivery of health care. The administration on health care is simply too important to be left solely in the hands of physicians, nurses, health care workers, hospitals and insurance companies.●

ORDER OF BUSINESS

The PRESIDING OFFICER. The majority leader is recognized.

NATIONAL OBSERVANCE OF THE 50TH ANNIVERSARY OF WORLD WAR II

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Joint Resolution 84, designating a week for the National Observance of the 50th Anniversary of World War II, and that the Senate then proceed to its immediate consideration; that the joint resolution be deemed read three times and passed, the preamble laid upon the table; that any statements relating thereto appear in the RECORD at the appropriate place.

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

So the joint resolution (S.J. Res. 84) was deemed read three times and passed, as follows:

S.J. RES. 84

Whereas the brave men and women of the United States made tremendous sacrifices during World War II to save the world from tyranny and aggression;

Whereas the winds of freedom and democracy sweeping the globe today spring from the principles for which over four hundred thousand Americans gave their lives in World War II;

Whereas World War II and the events that led up to that war must be understood in order that we may better understand our own times, and more fully appreciate the reasons why eternal vigilance against any form of tyranny is so important;

Whereas the World War II era, as reflected in its family life, industry, and entertainment, was a unique period in American history, and epitomized our Nation's philosophy of hard work, courage, and tenacity in the face of adversity;

Whereas, between 1991 and 1995, over nine million United States veterans of World War II will be holding reunions and conferences and otherwise commemorating the fiftieth anniversary of various events relating to World War II; and

Whereas June 4, 1993, marks the anniversary of the beginning of the Battle of Midway, and June 6, 1993, marks the anniversary of D-Day; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of June 1,

1993, through June 7, 1993, is designated as a "Week for the National Observance of the Fiftieth Anniversary of World War II", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe the week with appropriate ceremonies and activities.

ORDERS FOR TOMORROW

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 10 a.m., Thursday, May 20; that following the prayer, the Journal of proceedings be approved to date, and the time for the two leaders reserved for their use later in the day; that there then be a period for morning business, not to extend beyond 11:15 a.m., with Senators permitted to speak therein for up to 5 minutes each, with the following Senators recognized with the time limits specified: Senators GRAMM of Texas, REID, and GORTON for up to 10 minutes; Senator KEMPTHORNE for up to 30 minutes, and Senator CAMPBELL for up to 5 minutes; and that, at 11:15 a.m., the Senate return to executive session to resume consideration of the nomination of Roberta Achtenberg.

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

RECESS UNTIL 10 A.M. TOMORROW

Mr. MITCHELL. Mr. President, if there is no further business to come before the Senate today, I ask unanimous consent that the Senate stand in recess, as previously ordered.

There being no objection, the Senate, at 6:55 p.m., recessed until Thursday, May 20, 1993, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate May 19, 1993:

DEPARTMENT OF STATE

JOHN FRANCIS MAISTO, OF PENNSYLVANIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF NICARAGUA.

DEPARTMENT OF DEFENSE

DEBORAH ROCHE LEE, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE STEPHEN M. DUNCAN, RESIGNED.

EMMETT PAIGE, JR., OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE DUANE PERRY ANDREWS, RESIGNED.

WALTER BECKER SLOCOMBE, OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY UNDER SECRETARY OF DEFENSE FOR POLICY, VICE I. LEWIS LIBBY, JR., RESIGNED.

CONFIRMATIONS

Executive Nominations Confirmed by the Senate May 19, 1993:

DEPARTMENT OF THE TREASURY

ALICIA HAYDOCK MUNNELL, OF MASSACHUSETTS, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

MICHAEL B. LEVY, OF TEXAS, TO BE A DEPUTY UNDER SECRETARY OF THE TREASURY.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE ARMY

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER

THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

SITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

SIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be general

GEN. CARL W. STINER, [redacted] UNITED STATES ARMY. THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL WHILE ASSIGNED TO A PO-

To be general

LT. GEN. WAYNE A. DOWNING, [redacted] UNITED STATES ARMY. THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE AS-

To be lieutenant general

MAJ. GEN. JAMES T. SCOTT, [redacted] UNITED STATES ARMY.

...the following named officer for appointment to the grade of general while assigned to a position of importance and responsibility under title 10, United States Code, section 601(a):

...the following named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, section 601(a):

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