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PROCEEDINGS AND DEBATES OF THE 103d CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES—*Thursday, May 20, 1993*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

In our prayers, O God, we express our petitions for a better world, for lasting peace, for understanding between peoples, for a casting away of all prejudice and selfishness, for an attitude between every person that expresses respect and honor. We admit, O God, that we too often follow our own way and do not see the needs of friends or neighbors, that we take the easy road and miss the joy that comes with a commitment to others. Open our eyes, our hearts, our hands, our minds, gracious God, so we truly see the needs of others. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Minnesota [Mr. RAMSTAD] come forward and lead the House in the Pledge of Allegiance.

Mr. RAMSTAD led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S.J. Res. 84. Joint resolution designating the week of June 1, 1993, through June 7, 1993, as a "Week for the National Observance of the Fiftieth Anniversary of World War II".

The message also announced that pursuant to Public Law 93–415, as amended by Public Law 102–586, the Chair, on behalf of the majority leader after consultation with the Republican leader, announces the appointment of John Cahill of Nevada, for a 2-year term, and Ronald Costigan of Maine, for a 3-year term, to the Coordinating Council on Juvenile Justice and Delinquency Prevention.

The message also announced that pursuant to Public Law 103–3, the Chair, on behalf of the Republican Leader, announces the appointment of Mr. CRAIG, Leland B. Cross, Jr., of Indiana, and Scottie Theresa Neese of Oklahoma, as members of the Commission on Leave.

The message also announced that pursuant to sections 1928a–1928d, of title 22, United States Code, the Chair, on behalf of the Vice President, appoints Mr. COCHRAN, Mr. PRESSLER, Mr. SPECTER, Mr. MURKOWSKI, and Mr. BENNETT, as members of the Senate Delegation to the North Atlantic Assembly spring meeting during the first session of the 103d Congress, to be held in Berlin, Germany, May 20–24, 1993.

PROUD OF PRESIDENT'S ECONOMIC PLAN

(Mr. VISCLOSKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VISCLOSKY. Mr. Speaker, I am proud of the economic package President Clinton has proposed. For the first time in 12 years, a President's economic plan comes to grips with the real world, investing in America and reducing the deficit; but the real pride of this plan is that the President and the committee of this House have made some very tough choices and some very real cuts.

President Clinton's plan contains $100 billion in entitlement cuts. There will be over 150,000 less people in the Federal work force when the President's plan is fully implemented. Those still working for the Federal Government will have had their cost-of-living adjustments cut or postponed.

In the reconciliation package, we have cut billions of dollars from Federal programs, including military and veterans' programs that were thought to be untouchable.

Mr. Speaker, we can be proud. After 12 years of empty rhetoric, a Democrat in the White House has given the American real people spending cuts, including cuts in entitlements, real deficit reduction, and real investment in our Nation's future.

PRESIDENT BILL CAME UP THE HILL

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, President Bill came up the Hill to fetch a pail a taxes.

But Bill fell down and broke his crown.

When he failed to use any spending axes.

Yes, Mr. Speaker, the President came to the Hill yesterday to ask for support in his own party for the largest tax increase in history.

But, responsible Democrats are shying away from this huge tax increase. Why? Because they know we don't need it.

We need to cut spending, not burden the middle class with an energy tax.

We need to cut spending, not handicap our seniors with a Social Security tax.

We need to cut spending, Mr. Speaker. We do not need more taxes.

I applaud our Democratic colleagues who are sending the President our message for us. Cut spending first.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Let the Chair say that we welcome all our guests in the Gallery, but the House rules prohibit any visitors from expressing approval or disapproval of any statements, speeches, or other actions on the floor of the House. We will be appreciative if that rule is observed.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

A $10 BILLION TRADE DEFICIT

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute an to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, $10 billion, Members, billions, $10 billion, a one-time monthly high over the last 4 years of trade deficits, and while we are all laughing, Americans are losing their jobs hand over fist, and imports hit an all-time high.

You do not have to be a rocket scientist to figure it out. We have a billion dollar budget deficit every day and America imports 1.6 billion dollars' worth of toasters and televisions and cars every day.

They are telling us over at Commerce it is because our economy is so good.

I say we have a massive trade deficit because Congress is a bunch of wimps that have given away our jobs and our freedom.

I cannot believe that we would tolerate the most protectionist nation in the world, Japan, to rape our jobs and let them get away with it.

IN OPPOSITION TO THE BTU

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of Wyoming. Mr. Speaker, one of the previous Members who came to the floor was talking about what the Democrat in the White House has given us. Let me tell you what he has given us.

Next week the House will consider the President's proposal to levy the largest tax increase in history. Included in that proposal will be a middle-class energy tax, known as the Btu tax.

I oppose the Btu tax, Mr. Speaker, and I urge the Democrat leadership to give us an opportunity to strike this provision.

I oppose the Btu tax because it will destroy jobs, hurt competitiveness, that we just talked about here now, and puts unfair burdens on the middle class. In my State of Wyoming it is projected that the cost per family will be between $960 and $1,100.

According to the National Association of Manufacturers, the Btu tax will cost up to 600,000 jobs. I thought the President wanted to create jobs, not kill them.

The Btu tax will also impede our efforts to compete in the global markets, hurting our exports and encouraging more imports that will hurt American businesses.

Finally, the Btu tax will hit the middle class the hardest, not the rich.

Mr. Speaker, we need an opportunity to kill this tax. Please give us a chance in the rule next week.

PUTTING OUR FISCAL HOUSE IN ORDER

(Mr. PRICE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE. Mr. Speaker, next week the House will have an opportunity to put teeth in the budget resolution that we passed on March 31 and to enact many of the spending cuts that resolution calls for. This broad-gauged reconciliation bill is the cornerstone of the President's economic plan and we must pass it.

This plan contains 200 cuts in both discretionary spending and entitlements, and it writes enforceable spending caps and pay-as-you-go rules into the law. It is balanced and fair in its revenue provisions, with 75 percent of the tax increases coming from those who earn more than $100,000 a year. It also contains tax cuts to encourage investment in small businesses and to free up their cash flow.

The plan will reduce the deficit by $496 billion over the next 5 years, including $50 billion in spending cuts beyond those proposed by the President. Yet it also leaves room for the new investments—in education and training, research and development, communications and transportation infrastructure—critical to our economic future.

This is exactly the kind of bold and comprehensive economic plan we need, ensuring that we will both reduce and redirect spending, freeing up private investment, and enabling our economy to grow and our standard of living once again to rise.

Now, Mr. Speaker, the naysayers are out in force, trying to perpetuate gridlock and stand in the way of change. To hear them tell it, this is just one big bundle of taxes and they would like nothing better than to pick it apart.

I invite them actually to read the plan and then to take the long view, for this economic plan represents the last best chance we are going to have for a long time to reverse the borrow-and-spend policies of the 1980's, to get our fiscal house in order, to cut through the political posturing and to secure our economic future.

COMPETING WITH THE BTU

(Ms. DUNN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DUNN. Mr. Speaker, yesterday we finally finished consideration of the competitiveness bill. If this Chamber is really concerned about American competitiveness, we should take a hard and an honest look at the President's energy tax.

This is a middle-class energy tax and it will have a devastating impact on our Nation's competitiveness.

According to the National Association of Manufacturers:

> The Btu tax would unilaterally increase the cost of United States-produced goods relative to foreign-produced goods, thereby impairing U.S. competitiveness in both domestic and overseas markets.

In other words, inflation and unemployment.

It seems to me, Mr. Speaker, that we should all touch base with the President. If we are truly concerned about how our Nation competes, the best thing to do is to convince President Clinton to drop his middle-class energy tax.

□ 1010

INTRODUCTION OF LEGISLATION TO PROVIDE AFFORDABLE PUBLIC HOUSING

(Mr. BILBRAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILBRAY. Mr. Speaker, in these tumultuous economic times, there has never been a greater need for adequate, affordable public housing.

Many Americans, especially our Nation's seniors, would be unable to live independent lives without the assistance of federally funded housing programs.

We have at hand a means to eliminate needless layers of bureaucracy associated with uncoordinated policies.

The bill I introduce today presents an innovative use of resources already at hand.

It amends the Federal Land Policy and Management Act, making public lands available to local housing authorities at a reduced rate for the express purpose of creating low-cost housing.

Long waiting lists of Americans in need of affordable housing demand a better coordination of Federal efforts with local needs.

I recently assisted the Las Vegas Jaycees obtain a small piece of Federal land to build a low-cost senior mobile home park.

After the Jaycees spent a decade working with Federal agencies, an act of Congress was required to transfer a small parcel of land.

This initiative would eliminate the need for such elaborate measures. This legislation is not meant to rob or drain the Nation of our public lands. These local projects are small in scale.

It is my hope that this initiative will enable local housing authorities and local governments to further stretch their already strained Federal dollars and make life more enjoyable for those who so desperately need our assistance.

THE MIDDLE CLASS CAN'T TAKE A TAX HIT

(Ms. SNOWE asked and was given permission to address the House for 1

minute and to revise and extend her remarks.)

Ms. SNOWE. Mr. Speaker, as everyone is aware, the Endangered Species Act is likely to come up for reauthorization this year. Unfortunately, this reauthorization will be too late for some. In the past 6 months, yet another species has gone extinct. That species is the Clinton middle-class tax cut.

While I was distressed to see this species disappear, the administration did not blink, for it has another species specially engineered to take its place. It is called the Btu tax, and it eats the hard-earned income of working Americans. So now, the Clinton administration is giving the middle class a tax hike instead of a tax break, and this tax increase would cost the average American family $440 a year.

Well, where I come from, that is a lot of money. In the Second District of Maine, the average per capita income is just over $11,000 per year. This $440 is too big a tax bite from the new and improved Clinton tax species for working Americans to have to survive, and have to buy food and clothes, pay rent, and keep warm during the long cold winter months in Maine. The Clinton administration is asking the American people to ante up more of their income while exempting industries like aluminum and chlorine.

I agree with the President that we need to reduce the deficit, reduce oil imports, and reduce the environmental impact of our energy use. But the answer to these problems is not to further reduce the modest income of working Americans. We in this body can afford to explore a wide range of alternatives like reducing Federal spending, but middle- and working-class people cannot afford another tax hit.

THE PRESIDENT'S BUDGET PLAN RESTORES TAX FAIRNESS

(Mr. FAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FAZIO. Mr. Speaker, while the official start to summer is just a week away, it is pretty steamy under the Capitol. In the steam of the host rhetoric lie the facts.

Changing the Nation's spending priorities is a difficult task, but we must make it happen.

The President's budget plan restores tax fairness. Those who earn over $100,000 a year, the richest 5 percent in our country, will shoulder 75 percent of the new taxes.

A family that makes less than $20,000 a year will actually have their taxes cut by $2 a month.

The budget that we passed cuts the deficit by nearly $500 billion. We achieve this deficit reduction by cutting $100 billion in annual spending.

In addition, we have included another $100 billion in entitlement cuts, half of which are in the medical area.

The reality is that we have made the tough choices in our budget plan, and now we must finish what we have started and make permanent these changes in our spending priorities.

COST OF GOVERNMENT DAY

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, we are all familiar with Tax Freedom Day, the symbolic day in May when the overburdened American taxpayer is through paying for big government. However, in a little while, Members of Congress will hold a press conference to announce a day that represents the true cost of big government—the Cost of Government Day.

Americans for Tax Reform has calculated that the Cost of Government Day this year falls on July 13—later than ever before. In other words, Government is costing taxpayers and businesses more than ever before.

In fact, Americans for Tax Reform calculates that the true cost of Government, which includes spending regulation and litigation, takes 53 percent of our net national product. That's 53 percent of our economy that the private sector can't invest to create growth and new jobs.

Mr. Speaker, American entrepreneurs and American taxpayers need relief. We need to reduce the cost of the Government and commit to an agenda of lower spending, lower taxes, and deregulation.

BIENNIAL BUDGET LEGISLATION

(Mr. HUTTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUTTO. Mr. Speaker, I am introducing legislation today to establish a biennial budget process. The gentleman from Alabama [Mr. CALLAHAN] has joined with me in this bipartisan effort to reform our budgetary system.

It is no secret that Government spending is out of control—we have the annual deficit and national debt to prove it. I strongly believe that we need more oversight of Government programs. In theory, each year Congress evaluates ongoing programs for efficiency. In practice, previously funded programs live on. This pattern must be broken.

Congress must exercise more spending restraint. I believe that funding Government programs for 2 years would allow more time for evaluating which programs are really working for America and determining where cuts should be made. A biennial budget cycle would provide more long-range fiscal planning and reduce Government spending. At the very least, a biennial budget cycle would discourage agencies from spending down funding in order to obtain the same annual appropriation.

Mr. Speaker, our present annual budget cycle does not encourage the frugal use of Government funds. It is time for a change.

MIDDLE AMERICANS TO PAY FOR THE LARGEST TAX INCREASE IN HISTORY

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, during the campaign, candidate Clinton promised that he would only raise taxes on the wealthy. He defined "wealthy" as "those who make more than $200,000."

Well, Mr. Speaker, something has happened since the election. Since then Mr. Clinton has proposed increasing income taxes on all those who make more than $100,000. He has proposed increasing the Social Security tax on all those who make more than $25,000. And he has proposed an energy tax on all those who make more than $20,000. That energy tax will also cost Americans 600,000 jobs.

Well, Mr. Speaker, as we predicted and as we expected, middle America is going to pay the price, and middle America is going to pay for this tax bill. We should say congratulations to all those Americans who make more than $20,000. Mr. Clinton now thinks they are wealthy. So middle Americans are going to pay for this largest tax increase in history.

IT'S CALLED GOVERNING

(Mrs. MEEK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MEEK. Mr. Speaker, I served the last 12 years in the Florida Senate, and many years we had to cut spending and on occasions raise taxes. I did not enjoy it, but I did not hide from my duty. But we did not balance the budget on the backs of the elderly and the poor.

This week is not a pleasant task for me, but I was elected to make hard sensitive choices. I compliment the committees of the House on their efforts.

There are, however, the proponents of gridlock who are unwilling to make choices. They have the vain hope that the President and this Congress will fail. Their desire for failure is based upon a misplaced assumption that the American people will not see through the fog of rhetoric so that they will win back the White House.

They cry for deficit reduction by spending cuts, but they oppose a package of spending cuts and revenue increases totaling $500 billion over 5 years.

Many people in the Congress long for the good old days of President Reagan, but his best record was in 1981 when he got everything he asked for. And, what was that record? Forty-nine billion dollars of insensitive spending cuts offset by $282 billion in lost revenues and tax cuts for the rich and powerful. The naysayers best record was to increase the deficit by $233 billion to benefit their rich and powerful friends.

And who paid the price for their rich and powerful friends? The middle class, the working people, and the powerless. They trashed the economy, and now the bill has come due from their spending on the national credit card.

This is a balanced package, not a perfect package, if one exists.

To the naysayers, I say what more will you cut? Education, transportation, Social Security?

It is one thing to cry crocodile tears, it is another to make the tough choice.

The President made tough but sensitive proposals. A majority of the members of our committees have done their job by addressing the proposals and made adjustments where appropriate but with their eye on the bottom line. This is the process the Constitution contemplates.

I do not enjoy making these votes, but I was not sent here to just say no. I was sent here to help govern. I accept that privilege. Join me, make the tough decision, vote yes on this package.

Let us govern America.

□ 1020

THE 328 NAMES ADDED TO POLICE MEMORIAL

(Mr. RAMSTAD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAMSTAD. Mr. Speaker, the National Law Enforcement Officers Memorial added 328 names this year—names of brave cops like Minneapolis police officer Jerry Haaf who died in the line of duty.

As 13,256 candles flickered last Thursday night, representing all the police officers killed in the United States, I was haunted by thoughts of Jerry and another friend, J.W. Anderson, of the Wayzata Police Department, killed in 1982.

I was haunted by thoughts of all my cop friends who put their lives on the line every day. I hope and pray that none of their names are unveiled on the wall next spring.

I also hope every person who visits our Nation's Capital will visit the Police Officers' Memorial at Judiciary Square. Seeing the wall will help people realize what cops and their families endure every day they put on the badge.

Mr. Speaker, we honor the dead like Jerry Haaf and J.W. Anderson by respecting the living.

That is why we need to show our brave cops we care, by passing a crime bill that gives them the protection they need.

That is why we need to pass a crime bill that includes the death penalty for cop killers.

Mr. Speaker, we need a crime bill now.

MORE AMERICAN JOBS THREATENED BY NAFTA, TRADE WITH CHINA

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute.)

Mr. APPLEGATE. Mr. Speaker, everybody who gets up here usually has a plan on how to resolve the country's economic problems. It gets down to trade.

Do you want the North American Free-Trade Agreement? Do you want to balance the budget? Well, I say to my friends that you cannot have both. You can raise taxes, or you can keep the good jobs that are being sent out of the country to all these other countries of the world. That is why we have the debt we have. You cannot tax minimum- and low-wage jobs. You cannot tax pensions. You cannot tax benefits and expect to balance the budget. I say to my friends, "It just ain't going to work."

If you want more debt, than pass the North American Free-Trade Agreement, then open up more of our markets to China, and then open up still more of our markets to Vietnam, because that is exactly what is going to happen.

Do you want to balance the budget? Then bring back American jobs and put Americans back to work.

BTU TAX

(Mr. GOODLATTE asked and was given permission to address the House for 1 minute.)

Mr. GOODLATTE. Mr. Speaker, the President was out in California this week trying to convince struggling American families and businesses that they are really undertaxed, and what they really need are brand new tax increases, and brand new useless, expensive, Government programs that will create new jobs alright—for the bureaucrats in Washington, DC.

In fact, a man in my district told me that one of President Clinton's many tax increase proposals, the Btu tax, really stands for big time unemployment, because that's exactly what it's going to cause.

The Btu tax, or energy tax as it is better known, will cost at least 600,000 jobs across our Nation and over 10,000 jobs in my State of Virginia. It will increase taxes on just about anything that moves in America.

I urge my fellow Members to vote against the President's $360 billion in new taxes. I have said this before, but it's important enough to say again, the problem is not that the American people are taxed too little. The problem is that the Federal Government simply spends too much.

REMOVE SOCIAL SECURITY TAX FROM BUDGET

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today to voice my extreme concern with the proposal to increase taxes on Social Security. When Social Security was created, it was designed to be a supplement to other retirement income. Now we are about to increase taxes on people who saved their money, invested wisely, and who now have a retirement income to supplement.

We have already made the commitment to our senior citizens and we should not change the rules in the middle of the game. Social Security recipients represent the segment of our society who is least responsible for our current debt and least able to pay to bail us out.

While I wholeheartedly support the President's efforts to reduce the deficit, it is important for us not to attempt to do so on the backs of senior citizens. I strongly urge my colleagues to consider this provision in the tax bill and look for more equitable ways to raise the revenue we need.

INTRODUCTION OF BIENNIAL BUDGET LEGISLATION

(Mr. CALLAHAN asked and was given permission to address the House for 1 minute.)

Mr. CALLAHAN. Mr. Speaker, I am pleased to join today with my colleague from Florida, Mr. HUTTO, in sponsoring the Biennial Budgeting Act of 1993.

As its name implies, this bill would establish a 2-year budget and alter the overall budget process accordingly. A 2-year budget alone will not resolve our budget problems, but I am convinced that it will greatly help.

Under a 2-year budget plan, the budget itself would be finalized during the first session of every Congress. Budget-related activities in the second session would be limited to oversight and authorization of new budget authority for the next Congress.

This schedule is more efficient than the current process which seems to

consume a good portion of both years of a Congress. A 2-year budget frees up Congress to focus on other important issues and act with more certainty that budget guidelines will be in place for 2 years. Departments and agencies will be able to operate programs with the assurance of stability for 2 years and they can plan better for future priorities.

Mr. Speaker, we have promoted this legislation in the past and I believe the concept has broad support. However, the deficit and debt have not diminished. Now is the time to seriously consider a biennial budget, and I urge my colleagues to join with Mr. HUTTO and me in this effort.

PRESIDENT'S BUDGET PLAN DESERVES A CHANCE

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, we are elected to Congress, not just to cast the easy votes in which we have great preponderate agreement. We are elected to Congress to cast the tough votes, the difficult ones, and the vexing ones. Next week we will be doing that because we have coming before us three separate measures that will be tough votes. Two of them deal with the appropriations supplemental, one for investment and one for emergency spending, including the peacekeeping operation in Somalia. But the big event, of course, will be the reconciliation bill.

I was here in 1981, when President Reagan took over, and I remember these statements mainly made from the well: that "we are not quite sure the plan is going to work, but it is a plan, and let's give this President a chance."

Mr. Speaker, I think the very same refrain can be used this time. We are not sure, and no one is sure, that the plan the President has advanced will work, but he advanced it from this well on February 17. It is a plan, and I believe this President also should be given a chance.

NEPOTISM AND CRONYISM IN THE WHITE HOUSE

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr Speaker, the question I want answered today is this: When will Bill Clinton run out of unemployed cousins, wives, golfing buddies, drinking buddies, classmates, and fellow Vietnam war protestors?

We read in the newspaper today that he has just fired seven long-term, nonpartisan White House employees so that he can hire his 25-year-old cousin.

We already have his wife rebuilding the health care system, his golfing buddy, Webster Hubbell, moving into the Justice Department, and more Clinton classmates in high-level Government jobs than I ever thought attended Yale Law School.

I have often wondered what Washington, DC, would have been like had Huey Long not been assassinated and had actually become President, as he almost did. Now we know. Nepotism and cronyism is quickly becoming the main accomplishment of this administration.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The Chair will remind all persons in the gallery that they are here as guests of the House and any manifestation of approval or disapproval of these proceedings is a violation of the House rules.

THE CLINTON SPENDING CUTS

(Mr. SLATTERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SLATTERY. Mr. Speaker, some have tried to leave the impression that the President's budget proposal does not contain any spending cuts, and I just want to correct that misperception.

Think of these: $110 billion in cuts in the industrial-military complex over the next 5 years; $50 billion in Medicare cuts; $3 billion in agriculture cuts; $2.6 billion in Veterans' Administration cuts; and 100,000 Federal employees will lose their jobs through attrition and other layoffs. In addition to that, there will be a freeze for 5 years on all discretionary spending of the Federal Government, and also, all pay for Federal workers, both military and civilian, and retirees, will be frozen for 1 year. The line-item veto has already been passed through the House, and hopefully the other body will act very soon on that.

Mr. Speaker, I say to my colleagues that it is absolutely inaccurate to suggest that this budget plan does not contain some tough spending reductions, and I think it is very important for us to be honest with the American public about that fundamental fact.

□ 1030

INTRODUCTION OF HIGHWAY CONSTRUCTION PRIVATE INVESTMENT ACT

(Mr. KIM asked and was given permission to address the House for 1 minute.)

Mr. KIM. Mr. Speaker, today I will introduce the Highway Construction Private Investment Act.

The goal of this legislation is to encourage private investment in public infrastructure improvements.

The result of this innovative legislation would be more roads and bridges without costing the taxpayer one penny more.

The private sector is always looking for sound investments. The public sector is always looking for more projects.

This private-public partnership I am proposing beneficially addresses both needs. It's a win-win concept.

I strongly believe that infrastructure investment is the most cost effective form of economic stimulus and job creation.

Modern infrastructure is the key to keeping American goods and services competitive.

This measure will provide the kind of change and economic stimulus the public wants, without new taxes and spending.

I encourage nonpartisan cosponsorship of the private investment bill by my colleagues.

TRIBUTE TO JOHN WILSON

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, hometown Washington is mourning today. Our council president, John Wilson, at 49 is dead. The personal tragedy for his family is compounded by the tragic dimensions of the loss to this city.

Bluntly honest and brilliantly knowledgeable about the finances and everything else important in the District, John was a uniquely valuable public citizen. The extraordinary success of his service makes his death especially difficult for his city to accept.

To countless Washingtonians, it is difficult to know which is greater, the loss of John Wilson as friend, or the loss of John as the municipal wizard. John was a truth teller and the District's municipal repairman, when no one else had the answers.

Beyond words, I will miss the man who first became my buddy when we were kids in the civil rights movement, and has been an indispensable colleague in the search for answers to the District's many dilemmas.

MARITIME INDUSTRY BETRAYED BY CLINTON ADMINISTRATION

(Mr. MACHTLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MACHTLEY. Mr. Speaker, the Clinton administration has betrayed the American people and the American maritime worker. Last week, the Department of Transportation announced that its long-awaited legislative package to save our U.S.-flag merchant marine would not be forthcoming. We have historically been a maritime nation. We are today a maritime nation.

To turn our backs on this industry is not only unfair, but a critical mistake.

In last year's campaign, candidate Clinton talked about retaining and creating skilled jobs, claiming that the Bush administration and Republicans did not care about the American worker. Last week the administration did not say to our maritime workers "anchors aweigh." They shouted: "Scuttle your ships."

Mr. Speaker, let us set the record straight. Today an American industry is struggling to compete in the international shipping arena against foreign vessels which receive enormous assistance, tax breaks, and subsidies from their flag nations.

To try to level the playing field and keep Americans working, the Bush administration sent a comprehensive maritime policy initiative to Congress.

The Clinton administration's response: "Drop dead, we will bury you at sea." Out of sight, out of mind.

The administration must tell the men and women of our merchant marine that their jobs are also important.

This loss of a shipping industry threatens the future security of our Nation by turning the responsibility for supplying our troops overseas in the next conflict to foreign crews.

It is not too late for the Clinton administration to do the right thing. I urge the administration to work with Congress to put in place a maritime policy that increases employment opportunities for U.S. maritime workers.

PASS DEFICIT REDUCTION RECONCILIATION BILL

(Mr. LEVIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVIN. Mr. Speaker, the package we are going to vote on next week, reconciliation, is a deficit reduction package. There are $250 billion in cuts. To the extent there are revenues, 70 percent or more would fall on the very wealthy.

It is said, "Let there be more cuts." Where we can find them, we should institute them. But I recently looked at the Republican program that was presented here some months ago. It had $119 billion in more cuts, totally unspecified. A sham. A sham.

The President's budget proposal is real. It is so much easier to throw stones, and much harder to build something.

This President has had the courage to lead. This House next week, I am confident, will rise to the occasion and pass the deficit reduction reconciliation bill.

CLINTON ECONOMIC PLAN WILL STIMULATE GROWTH

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, Bill Clinton came before this body and the Nation earlier this year and pledged himself to significant deficit reduction by specifying spending cuts and tax increases based upon tax fairness, so those among the wealthiest in this Nation who escaped taxation during the 1980's would help repay the debt they created as we spent 12 years borrowing money to live beyond our means.

Next week the House of Representatives will have a chance to put in place Mr. Clinton's economic program. When we do so, we will engage in the largest package of spending cuts, real spending cuts, that this Congress has faced.

We will have to stare in the face of every special interest who has hired every lobbyist ever heard of to tell us not to do it, to go along with regular order. We will have to look to wealthy people in this Nation and tell them that they have to pay their fair share.

But when we do that, we will have a continuation of economic growth and low interest rates so first-time home buyers and homeowners today can refinance their housing and pay less on their debt and the economy can continue to grow.

COMPREHENSIVE CRIME LEGISLATION NEEDED NOW

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, while the debate of the moment is that on new taxes and new spending, the American public has not forgotten its chief worry, crime in the streets, violence in their neighborhoods, and murder and mayhem in their homes.

For 10 years we have been struggling in different ways, many of us, to put through this Congress a comprehensive crime bill which will address the habeas corpus situation by which people remain on death row after having been convicted and sentenced to death for terrible murder crimes, and who day after day, year after year, decade after decade, flaunt the system by filing appeal after appeal.

We want to address that. We want to address the exclusionary rule which allows a convicted, caught-red-handed criminal, to be able to walk out of court on a technicality because the judge has no choice but to toss the case out because of a misplaced comma on a warrant.

We need the death penalty for violent killers and other remedies which are in our comprehensive crime bill on which, after 10 years, we are still struggling, but which we are going to try again this year.

□ 1040

THE GREAT AMERICAN TAX SHOW

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks).

Mr. BILIRAKIS. Mr. Speaker, now that the President has taken his great American tax show on the road, we are finding out that maybe he is not a tax-and-spend Democrat after all.

No, it is more like tax and spin: That is s-p-i-n. In fact, the latest from the spin doctors in the White House is that if we just swallow these taxes up front, we will eventually get to the cuts down the road. In other words, we are on the pay now, buy later plan.

Part of that tax package the President wants to inflict on Americans is, of course, the Btu—or energy—tax. Now this tax undeniably falls heaviest on middle- and low-income Americans. It particularly plays havoc with the limited resources of retirees living on fixed incomes.

In the past few days, I have received hundreds of letters from my constituents opposed to this Btu tax, principally because they fear it will increase their electric utility rates.

They already pay more than 20 percent of their electric bill in taxes and by some estimates the Btu levy would increase utility bills by $500 more per year.

Mr. Speaker, we need to short circuit this terribly regressive Btu tax right here and now.

SAME OLD STUFF CROWD

(Mr. OBEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OBEY. Mr. Speaker, once again, in the remarks we have just heard on the Btu tax, we are hearing from the crowd who quadrupled budget deficits in the eighties, the same old stuff that we heard through the 1980's.

We are continuing to hear from them that somehow the President who, after 12 years, is finally taking on the deficit, the first time we have had a President do that we are again hearing from this side of the aisle, "Oh, the package isn't perfect; Oh, the mix isn't right; isn't it terrible that it provides a Btu tax."

The fact is, the Btu tax is far less harmful to the average taxpayer than the continued climb in Federal budget deficits, which is largely going to be extracted from everybody in this population in order to give the benefit of that borrowing to a few very wealthy bondholders, who can afford to buy those things on the markets.

The fact is, that if we want to save the average taxpayers thousands and thousands of dollars, what we will do is pass the President's package, bring

those interest rates down so that all families can buy homes, send their kids to school and have a reasonable adjustment in their cost of living.

LIEUTENANT FLYNN, AIMING HIGH

(Mr. CUNNINGHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CUNNINGHAM. Mr. Speaker, these are landmark days for the U.S. Air Force. Over the deserts of Holloman Air Force Base 2d Lt. Jeannie Flynn has become the first woman every to begin Air Force combat fighter training. Women that have a special tender of steel are being given that opportunity.

As a former Navy squadron commander, and I repeat, Navy squadron commander, I have long held that if a woman can meet the test in mind and in physical strength and has the rare skills required for combat, skills that are rare in men and women alike, and if that woman is prepared to fight for and die for her country, then she should be allowed to do so. Lieutenant Flynn said it best, in fact, she said it like a fighter pilot, when she said, and I quote: "What really matters is if you fly well."

She deserves our congratulations for meeting this test. I wish Lt. Flynn the best of success in combat training in the U.S. Air Force—the second most elite air power in the world. Second, of course, to the U.S. Navy.

BUYING JUNK AND SELLING ANTIQUES

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, as I hear our colleagues on the Republican side of the aisle criticize the President's jobs proposal and talk about their plans, what we have been living through for the past 12 years, proposals which have gotten us where we are today, it reminds me of a sign on the way from San Francisco to Santa Rosa. Perhaps some of my colleagues have been there and seen it.

It says, "We buy junk; we sell antiques."

That reminds me of what the Republicans are trying to do. They are taking a piece of junk, which are the trickle-down economics of the last 12 years, and they are trying to say, with the passage of time, that some value has been added to this.

It never had any worth. The passage of time has not enhanced the value of their ideas. American people are suffering greatly. It is time for us to vote and to support the President's package, to put people to work, to invest in America and make the future brighter for our children.

THE NORTH AMERICAN FREE-TRADE AGREEMENT

(Mr. KOLBE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOLBE. Mr. Speaker, today is the second day of important negotiations in Ottawa on the labor and environmental supplemental agreements to the North American Free-Trade Agreement.

I fear the new administration is about to make a major mistake on this vital trade agreement. Like the strategy on the budget resolution, the fiscal stimulus package, and the tax bill, the administration is pursuing a side agreement strategy based on appeasing interest groups while sacrificing broad support of the agreement.

If adopted, the President's side agreement position would infringe on U.S. sovereignty and created a large supranational bureaucracy with broad investigatory powers.

I say to my colleagues, if you believe in preserving U.S. sovereignty, State/local sovereignty, and the important balance in our Federal system, you will disagree with the President's position.

If you believe the United States does not need a large, unaccountable, faceless bureaucracy, additional regulation, and needless duplication of Federal, State, and local investigatory authorities, then you would disagree with the administration's position.

Mr. Speaker, if we are to have strong and bipartisan support of NAFTA, President Clinton must carefully consider the United States position on these important side agreements. As it is the direction we are going will only lose NAFTA votes and gain none from the other side.

IN SUPPORT OF PRESIDENT CLINTON'S DEFICIT REDUCTION AND ECONOMIC RECOVERY PLAN

(Mr. JEFFERSON asked and was given permission to address the House for 1 minute.)

Mr. JEFFERSON. Mr. Speaker, it is simple to critize President Clinton's deficit reduction and economic recovery plan. Even I am not happy with all of it, but it is a genuine start on the long road back toward reclaiming our economic future.

What astonishes me, however, are the long faced speeches of our Republican friends who would have us believe that they deplore deficit spending. If this is true, then they deplore the work of their own hands.

After all, Republican Presidents were the architects of borrow-and-spend policies that built our current budget woes. Therefore, the call for public nostalgia and Reaganomics should rightly go unheeded. The public is clear headed about the future and are demanding change. The truth is, it is hard to get misty eyed about the demise of Republican policies that managed to quadruple our national debt to $4 trillion.

We need a new direction, one that chips away at the mountain of public debt piled up by Republican Presidents. President Clinton's plan won't end deficit spending all at once. It will reduce it $50 billion over the next 4 years—an incredibly good start.

It is time for all of us, Republicans and Democrats to join the American people, adopt President Clinton's plan and that of our Ways and Means Committee, and turn this important page of our Nation's economic and fiscal history together.

OLD IDEAS FROM A NEW DEMOCRAT

(Mr. GRAMS asked and was given permission to address the House for 1 minute.)

Mr. GRAMS. Mr. Speaker, Bill Clinton was the candidate who called himself a new Democrat. He vowed to put people first.

Guess what? Somewhere along the way, President Clinton changed his tune. Now, he is sounding remarkably like an old-style tax and spend Democrat. Now, he wants to put Government first.

First, he turned thumbs down to a Republican proposal that would reduce the deficit by $430 billion over 5 years without raising taxes. Then he proposed to pay for his own deficit spending package by proposing the largest tax increase in American history.

Mr. Speaker, it is the same old, tired tune we have heard so often in the past. The American people ask for smaller Government, less spending, fewer taxes. The Democrats in the White House and in the Congress insist on more Government, more spending, higher taxes.

No, Bill Clinton did not turn out to be a new Democrat after all. The idea of putting people first has been scrapped. The new Clinton theme is really an old Democrat theme—putting Government first and making the people pay for it.

KEEPING OUR EYES ON THE BALL

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, I get a big kick out of my Democrat colleagues trying to defend $402 billion in new taxes and new fees on everybody in this country.

They come down here, and they start talking about history and to revise history.

The fact of the matter is, let us keep our eye on the ball, $402 billion in new taxes and fees that they are going to load on the backs of the American peo-

ple, more than double the largest tax increase in history, and that does not include Hillary's health care plan that is going to cost another $150 billion.

□ 1050

They are going to take this country right down the economic tube, and what is Bill Clinton doing about it? Last week he kept Air Force One waiting for 45 minutes while he spent $200 to get a haircut from Hilary's beautician. That is Bill Clinton. He is really concerned about the middle class. He spent thousands of tax dollars waiting to get a haircut for $200 from Hilary's hairdresser. He ought to be more concerned about trimming the deficit than his own hair.

RESOLUTION AUTHORIZING THE USE OF UNITED STATES ARMED FORCES IN SOMALIA

Mr. WHEAT. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 173 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 173

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the joint resolution (S.J. Res. 45) authorizing the use of United States Armed Forces in Somalia. The first reading of the joint resolution shall be dispensed with. General debate shall be confined to the joint resolution and the amendments made in order by this resolution and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs. After general debate the joint resolution shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original text for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Foreign Affairs now printed in the joint resolution. The committee amendment in the nature of a substitute shall be considered as read. Points of order against the committee amendment in the nature of a substitute for failure to comply with clause 7 of rule XVI are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed, may be offered only by the named proponent or a designee, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment (except that pro forma amendments for the purpose of debate may be offered by the chairman or ranking minority member of the Committee on Foreign Affairs), and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. At the conclusion of consideration of the joint resolution for amendment the Committee shall rise and report the joint resolution to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the joint resolution or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The gentleman from Missouri [Mr. WHEAT] is recognized for 1 hour.

Mr. WHEAT. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from New York [Mr. SOLOMON], the ranking member of the Committee on Rules, pending which I yield myself such time as I may consume. During consideration of this resolution, Mr. Speaker, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 173 provides for the consideration of Senate Joint Resolution 45, authorizing the use of United States Armed Forces in Somalia.

The resolution itself provides for 1 hour of general debate, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs.

The rule makes in order as original text for the purpose of amendment the Foreign Affairs Committee amendment printed in the joint resolution and waives clause 7 of rule XVI against the amendment, prohibiting nongermane amendments.

Those amendments printed in the report accompanying this rule will be made in order, to be debated as specified in the report.

The rule also makes in order pro forma amendments for the purpose of debate when offered by the chairman or ranking member of the Foreign Affairs Committee.

House Resolution 173 structures floor consideration of Senate Joint Resolution 45 to allow a full, fair, and orderly debate of the issues.

And I want the Members to be aware of this, all the amendments of which the committee was aware, which were those amendments requested by Mr. GILMAN, ranking minority member of the Foreign. Affairs Committee, are made in order by this rule.

Finally, Mr. Speaker, the rule provides for one motion to recommit with or without instructions.

Obviously, Mr. Speaker, this is a very important subject brought to the floor today.

Who can forget the scenes in Somalia less than a year ago? Hundreds of thousands lay victim to war and starvation. Hundreds, if not thousands, more were dying on a daily basis.

One-quarter of the children under 5 years of age dead. Millions displaced. An entire nation was gripped by starvation and lost in anarchy.

From the time that the potentially devastating magnitude of this crisis became apparent, the Select Committee on Hunger—of which I was proud to be an active member—sought to focus public attention and to build a coalition for greater action on Somalia.

We held hearings. We sent letters. We had private meetings with top administration officials. We met with humanitarian workers who were fighting against all odds and risking their lives to help the people of Somalia.

By November of last year, after over a year's worth of diligent work by the select committee, it finally became apparent to the entire policymaking community that without leadership and concrete action, hundreds of thousands would die.

It also became clear that only our Nation had the global reach and the diplomatic influence to mobilize an unprecedented relief action.

In what I believe, was perhaps President Bush's finest hour and under his leadership, we stepped in and we acted, and American servicemen and women saved, quite literally, hundreds of thousands from an otherwise certain and grim fate. While the mission in Somalia has not been trouble free, and conditions on the ground today cannot be described as entirely tranquil, Operation Restore Hope did, in large measure, live up to its name.

U.S. troops, in tandem with forces from across the world, helped stabilize the areas in most dire need and ensured the safe delivery of critical relief supplies.

Now continuing these same policies under President Clinton's leadership, and having fulfilled their primary objective, 80 percent of United States troops in Somalia earlier this year have already returned home. Many more are expected to return in the coming weeks and months.

And as a result of their work, U.N. efforts have advanced to their next logical stage—from immediate famine relief to tackling the root causes of last year's catastrophe by stressing essential long-term issues such as reconstruction and national reconciliation.

As this effort continues, the United Stated can and should remain an important contributing player. But under the terms of the U.N.-authorized UNOSOM II, we will be a leaner, much less costly force in a much larger multinational operation where foreign troops vastly outnumber our own.

Today's legislation fulfills our congressional obligation under the War Powers Act. It recognizes that while the situation in Somalia has markedly improved, the threat of hostility remains.

But it will also ensure continued U.S. involvement in the global effort to extend a hand to the Somali people as

they strive to pick up the pieces in their broken land.

Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a modified structured rule providing for the consideration of Senate Joint Resolution 45, which does authorize the use of American Armed Forces in Somalia.

Mr. Speaker, while we did offer and vote for an open rule in the Committee on Rules for this measure, I do not intend to ask for a recorded vote in opposition to this more restrictive rule today.

I take that position because the chairman of the Foreign Affairs Committee, the gentleman from Indiana [Mr. HAMILTON], in consultation and cooperation with his Republican counterpart, the gentleman from New York [Mr. GILMAN], and our Republican leadership, has agreed to allow the offering of all the Republican amendments that were requested in the Committee on Rules, which includes, as I understand it, all Republican amendments offered during full committee markup that were voted down.

These include a substitute to be offered by the ranking Republican member of the Foreign Affairs Committee, the gentleman from New York [Mr. GILMAN], debatable for 1 hour.

It includes three other Republican amendments offered in the Foreign Affairs Committee, subject to 30 minutes of debate each; and an amendment I offered in the Rules Committee commending American troops on their humanitarian and military service in Somalia, is debatable for 30 minutes as well.

Moreover, this rule protects the minority's traditional right to offer a motion to recommit, with or without instructions.

Mr. Speaker, I think this range of amendments covers the various controversies and issues involved in this legislation which the majority believes is necessary under the War Powers Resolution. And that is where the minority has a basic disagreement since we have consistently argued that the War Powers Resolution is unconstitutional. And there is no question in my mind but what it is. Half of it has already been found unconstitutional.

So, Mr. Speaker, one of the things the Republican substitute does is to omit the language from the Democrat resolution which grants statutory authorization under the War Powers Resolution.

And, Mr. Speaker, another basic difference between the Democrat and Republican approaches, is the duration of the United States commitment in Somalia. The Democrats would authorize the troops to remain in that country for up to 12 more months; the Republican substitute for just 6 months.

And while the Democrat majority resolution contains language which, at least as I read it, intimates a congressional willingness to extend our commitment beyond a year if found necessary, the Republican substitute has no such language.

Mr. Speaker, the debate on this Somalia resolution marks a very important turning point in American foreign policy, because it concerns the use of American forces under U.N. command. And, Mr. Speaker, the use of U.N. peacekeeping forces in this post-cold-war era is becoming more and more frequent as new international instabilities arise around the world.

Mr. Speaker, while the United States has a continuing role as a world leader in this new era, I think we owe it to ourselves in this body and the American people, to consider very carefully this new use of American forces under U.N. command and what it may portend for the future, both for those troops, and for the larger American security interests.

In Somalia we have played a very valuable role, pursuant to U.N. Security Council Resolution 794, to provide a secure environment for humanitarian relief operations. But I would point out, those 20,000 American troops operated under U.S. military command, and this is terribly important, operated under U.S. military command.

Now, however, the remaining U.S. troops will be operating under a U.N. command and under a new and broader U.N. mandate as contained in Security Council Resolution 814. And I would suggest that all Members read that resolution. As the Republican substitute notes in its findings, Mr. Speaker, this new operation, called UNOSOM II is much broader and more open ended than the mission originally outlined by President Bush.

It goes beyond the original mandate of providing a secure environment for humanitarian relief efforts which we all have supported on this floor and the American people support. In Resolution 814 the United Nations is committing itself to the more daunting tasks of establishing a democracy, an infrastructure, and of disarming warring factions. That is a big difference.

Mr. Speaker, the Republican views on this joint resolution correctly state that the Congress should be involved in any decisions regarding the deployment of any U.S. forces abroad, and a resolution is an appropriate mechanism for such involvement.

But the Republican views go on to warn that the Congress should not feel bound, and I quote, "to provide a blank check to the executive branch and even more importantly, a blank check to the United Nations for an open-ended commitment of U.S. Armed Forces to that country." That is wrong.

And yet, Mr. Speaker, that is exactly what we are being asked to do today by the Democrat resolution. Section 2, paragraph (11) of the resolution says, and I quote:

> The Congress should authorize any use of United States Armed Forces to implement United Nations Security Council Resolutions 794 and 814.

Mr. Speaker, that comes about as close to being a blank check as you can get. That authorization, combined with the language in paragraph (13) of section 2 does not bode well for an expeditious withdrawal of American forces, which is what I am concerned about.

Mr. Speaker, if the United States is going to get into the business of providing security cover for every country that may need it while it attempts to develop its political institutions and its infrastructure, we could end up bogged down in many far corners of the world for indefinite periods. And that is what we are so concerned about because it questions American lives.

Mr. Speaker, this is all being done at the same time that we are undergoing a significant down-sizing in our military establishment, for deeper than I think is prudent and far deeper than would allow us to carry out these kinds of missions in so many different places around the world.

Mr. Speaker, we must step back now and ask ourselves just what our vital security interests are and just how much we can and should be doing in situations like this. This resolution is not the way to go about such a reassessment of our military role and our military capabilities in this new era. Unless the Republican substitute is adopted, I would strongly urge the defeat of Senate Joint Resolution 45.

Mr. Speaker, at this time I will not take the time of the body, but we have a delegation leaving this afternoon at 5 to attend the North Atlantic Assembly Conference, which is the political arm of NATO, so I include for the RECORD a speech that I would make at that plenary session dealing with the Bosnian situation which speaks to this resolution and the problems we have, as follows:

REMARKS BY CONGRESSMAN GERALD B. SOLOMON AT THE PLENARY SESSION OF THE NORTH ATLANTIC ASSEMBLY MAY 24, 1993

Ladies and Gentlemen, today, we in NATO are faced with an incredibly complex challenge in the Balkans. It seems amazing, but the place where World War I began continues to be a cauldron of ethnic strife and intractable problems. Seventy-nine years ago, violence in the Balkans sucked the European empires and America into a savage war which killed millions.

Today, to our great credit, we have managed to avoid this terrible fate. Today, instead of empires lining up behind one or the other side in the former Yugoslavia, the violence, and the main perpetrators of it, the Serbs, have been met with universal condemnation. Even our old adversaries, the Russians, have joined us in our efforts to stop this bloodletting.

The reasons for this difference between now and 1914 are clear: The democratization

of Western Europe after World War II and the Russian Revolution of 1991 have brought America, Europe and Russia closer together and now we are all travelling down the same, civilized path, together. Let us hope that this will always be.

And what organization has played a more pivotal role in ensuring democracy in Western Europe and in brining about the end of the Cold War than NATO? And what better reason is there than our unified voice regarding the Balkans to keep this tremendous organization together? NATO can and will continue to play a stabilizing and democratizing role in Europe.

But we clearly need to refine our mission. And each country need to rethink its role in the alliance. For while we have spoken in unison regarding the Balkans, we have been unable to come up with a coherent, effective policy. We have clearly failed to stabilize the situation in the former Yugoslavia. Our efforts have been half-hearted, untimely, and have lacked integration.

It is lamentable that it took us nearly a year to impose even partial sanctions on Serbia, and even more so that it was only last month that we put some teeth into them. It is embarrassing that the foreign minister of Bosnia has requested that UN troops leave his country, saying, in effect, that they are in the way. And it is inexcusable, in my view, that we maintain an arms embargo against an outmanned, outgunned people who have been subject to merciless attack.

Now, there is no way, in my view, that we can impose a military solution on this crisis. I have been and will continue to be against the use of direct American military involvement in the Balkans, either to impose a solution or enforce Bosnia's division into ethnic cantons. We are not going to solve centuries-old problems in this manner. We have only to remember that Hitler could not tame this region with forty-three divisions in order to realize the potential for a quagmire in the Balkans.

But it seems to me that the debate has been allowed to be dominated by those who advocate an all-or-nothing approach. Between the chorus of calls for direct military intervention on the one hand, and bland calls for more dialogue and humanitarian aid on the other, the middle view has been drowned out.

We Republicans in the U.S. House of Representatives have drafted a plan that pursues just this middle course. It is based upon a strategy that has proven its mettle in the past, in numerous different situations. In America, we call it the Reagan Doctrine. It is a relatively simple approach that rests upon the idea of letting other freedom-loving peoples have the means to fight their own battles.

This policy jettisoned the Soviets from Afghanistan, forced democratic elections in Nicaragua and prevented a communist takeover of El Salvador, without the loss of a single American life.

We should let the Bosnians, who have shown their love of country and their valiance, fight their own battle. But they need the means to do it. Let's give them the means by lifting the arms embargo. Let's keep the tightest possible sanctions on Serbia and make clear to the Croatians that they face the same if they don't clean up their act. We can also take other steps such as establishing contact with the democratic opposition in Serbia, like we did in Poland after martial law, to stir up opposition to the Milosevic dictatorship, which is clearly a large part of the problem.

This strategy is not guaranteed to be effective, and will certainly lead to an upsurge in the violence in the short run. But it is certainly a better idea than stuffing the Balkans full of Western troops, who would be subject to a Beirut or Vietnam-type situation. And it certainly is better than leaving in place an unconscionable arms embargo, which is depriving a helpless people of the ability to fight for their lives.

I would hope that NATO could agree on this strategy, for if we cannot even agree on this small step to counter the Serbs, I fear for how we will deal with potentially bigger problems in the future.

OPEN VERSUS RESTRICTIVE RULES: 95TH–103D CONG.

Congress (years)	Total rules granted [1]	Open rules		Restrictive rules	
		Number	Percent [2]	Number	Percent [3]
95th (1977–78)	211	179	85%	32	15%
96th (1979–80)	214	161	75%	53	25%
97th (1981–82)	120	90	75%	30	25%
98th (1983–84)	155	105	68%	50	32%
99th (1985–86)	115	65	57%	50	43%
100th (1987–88)	123	66	54%	57	46%
101st (1989–90)	104	47	45%	57	55%
102d (1991–92)	109	37	34%	72	66%
103d (1993–94)	14	3	21%	11	79%

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources: "Rules Committee Calendars & Surveys of Activities," 95th–102d Cong.; "Notices of Action Taken," Committee on Rules, 103d Cong., through May 18, 1993.

OPEN V. RESTRICTIVE RULES: 103D CONG.

Rule number, date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H.Res. 58 Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D–5; R–25)	3 (D–0; R–3)	PQ: 246–176. A: 259–164. (Feb. 3, 1993).
H.Res. 59 Feb. 3, 1993	MC	H.R. 2: National Voter Registration Act	19 (D–1; R–18)	1 (D–0, R–1)	PQ: 248–171. A: 249–170. (Feb. 4, 1993).
H.Res. 103 Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D–2; R–5)	0 (D–0; R–0)	PQ: 243–172. A: 237–178. (Feb. 24, 1993).
H.Res. 106 Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D–1; R–8)	3 (D–0; R–3)	PQ: 248–166. A: 249–163. (Mar. 3, 1993).
H.Res. 119 Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (D–4; R–9)	8 (D–3; R–5)	PQ: 247–170. A: 248–170. (Mar. 10, 1993).
H.Res. 132 Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental appropriations	37 (D–8; R–29)	1 (not submitted) (D–1; R–0).	A: 240–185). (Mar. 18, 1993).
H.Res. 133 Mar. 17, 1993	MC	H.Con. Res. 64: Budget resolution	14 (D–2; R–12)	4 (1-D not submitted) (D–2; R–2).	PQ: 250–172. A: 251–172. (Mar. 18, 1993).
H.Res. 138 Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D–8; R–12)	9 (D–4; R–5)	PQ: 252–164. A: 247–169. (Mar. 24, 1993).
H.Res. 147 Mar. 31, 1993	C	H.R. 1430: Increase public debt limit	6 (D–1; R–5)	0 (D–0; R–0)	PQ: 244–168. A: 242–170. (Apr. 1, 1993).
H.Res. 149 Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993	8 (D–1; R–7)	3 (D–1; R–2)	A: 212–208. (Apr. 28, 1993).
H.Res. 164 May 4, 1993	0	H.R. 820: National Competitiveness Act	NA	NA	A: Voice vote. (May 5, 1993).
H.Res. 171 May 18, 1993	0	H.R. 873: Gallatin Range Act of 1993	NA	NA	
H.Res. 172 May 18, 1993	0	H.R. 1159: Passenger Vessel Safety Act	NA	NA	
H.Res. 173 May 18, 1993	MC	S.J.Res. 45: United States forces in Somalia	6 (D–1; R–5)	6 (D–1; R–5)	

Note.—Code: C-Modified closed; MO-Modified open; D-Democrat; R-Republican; PQ: Previous question; A-Adopted; F-Failed.

Mr. WHEAT. Mr. Speaker, I have no additional speakers at this time.

Mr. SOLOMON. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from New York [Mr. GILMAN], the ranking Republican on the Committee on Foreign Affairs, a gentleman I had the privilege of serving with on that committee for many, many years.

Mr. GILMAN. Mr. Speaker, I am pleased to associate myself with the remarks of Mr. SOLOMON, the distinguished ranking Republican member of the Rules Committee and I thank the Rules Committee for its support in providing sufficient time for the consideration of this important issue.

As will become apparent during general debate on this measure and when I offer my substitute amendment, I have serious concerns about Senate Joint Resolution 45 as reported by the Committee on Foreign Affairs. I believe it is time to bring American troops home from Somalia now that they have, in an exemplary manner, accomplished the mission originally outlined for them of creating secure conditions for the delivery of food and humanitarian supplies. Unfortunately, Senate Joint Resolution 45 looks not to the prompt withdrawal of United States forces, but rather sets the stage for long-term United States military involvement in Somalia.

No one should be misled by recent press coverage of events in Somalia. While the United Nations has assumed formal command of the peacekeeping force in Somalia, almost 4,000 United States military personnel still remain in that country today. We have not withdrawn from Somalia. To the contrary, the State Department informed me in a letter dated March 22, 1993, that the current plan is for United States military personnel to remain in Somalia in support of UNOSOM II for another 17 months. Furthermore, State Department representatives have declined repeated requests to assure the Congress that all U.S. forces will be withdrawn at the end of their 17-month plan.

Unfortunately, Mr. Speaker, Senate Joint Resolution 45 as reported by the Committee on Foreign Affairs does not draw the line on continued United States military involvement in Somalia. It authorizes 12 more months of

military involvement, and goes on to commit Congress to "give strong consideration to extending" even further the initial 12-month authorization.

What this means, Mr. Speaker, is that Senate Joint Resolution 45 writes a blank check to the executive branch to deploy United States Armed Forces to Somalia for as long as the United Nations wants to keep us there.

Mr. Speaker, I intend to offer a substitute amendment that will bring Senate Joint Resolution 45 more into line with the thinking of the American people on the question of further United States military involvement in Somalia.

In the meantime, Mr. Speaker, I join Mr. SOLOMON in stating that I would have preferred an open rule for Senate Joint Resolution 45. However, that is not what the Rules Committee has proposed, and I am satisfied that the rule will permit adequate amendment and debate on the measure.

Accordingly, Mr. Speaker, I have no objection to adoption of the rule.

□ 1110

Mr. SOLOMON. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Florida [Mr. GOSS], a member of the Committee on Rules.

Mr. GOSS. Mr. Speaker, today we embark on a very serious subject—involving the lives of young American men and women in the military who are in harms' way in Somalia.

The fact that the House is today debating whether and with what constraints we will authorize the continued use of United States Armed Forces in Somalia may take some Americans by surprise—true, Somalia is no longer on the front pages of the newspapers. In fact the deployment of United States troops for a humanitarian mission in Somalia began 6 months ago, with the participation of the United Nations.

I know most Americans are relieved that we are now winding down our participation, bringing most of those troops home as the operation is transferred to U.N. command. But there remain the questions of how long any United States troops will stay in Somalia, what their mission will be, and what limits will be placed on the cost and risks of any ongoing operation.

Because this subject is so serious, it would have been in the best interests of all Americans for the debate to have come under an open rule—with the greatest opportunity for the broadest participation by the most Members. After all, American lives are at stake. Although the chairman of the Foreign Affairs Committee did not request an open rule, I wish to commend him, the ranking member, and the Rules Committee for ensuring that those amendments brought forward to the committee will be allowed consideration.

My own view on this subject is that our job as originally defined in Somalia is virtually complete and I oppose the 12-month, open-ended, and blank check authorization of United States forces. I certainly am deeply troubled by the expanded mission outlined in this measure.

I know many of my colleagues come to this debate with equally strong opinions and we are going to hear these, as we should. I urge my colleagues to join me in listening carefully to all the points of view presented during today's debate. After all, that is our purpose—to air differing views and arrive at the best and most-informed conclusion and that is the way open rules generally serve the process of deliberative democracy best.

Mr. Speaker, after all, that debate today is what our purpose is here as legislators and managers of oversight for the people we represent.

What could be more important than the lives of our men and women in the military?

I think that we are going to get differing views aired, and I hope and I pray that we arrive at the best, most informed conclusion as we complete our process. That is why I think that open rules generally serve the deliberative democracy process best, and while I do not object to this rule today, I do not want to suggest that an open rule would not have been better.

Mr. SOLOMON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. WHEAT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to join my colleagues from the other side of the aisle in enthusiastically commending the chairman, the gentleman from Indiana [Mr. HAMILTON] and ranking member, the gentleman from New York [Mr. GILMAN], of the Foreign Affairs Committee for their diligent work on this issue and for their leadership in bringing the bill to the floor in a spirit that allows the House to focus freely, fairly and debate all the key issues.

Mr. Speaker, I strongly urge passage of House Resolution 173 and the underlying bill.

Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 173 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the Senate joint resolution, Senate Joint Resolution 45.

□ 1115

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the Senate joint resolution, Senate Joint Resolution 45 authorizing the use of United States Armed Forces in Somalia, with Mr. DARDEN in the chair.

The Clerk read the title of the Senate joint resolution.

The CHAIRMAN. Pursuant to the rule, the Senate joint resolution is considered as having been read the first time.

Under the rule, the gentleman from Indiana [Mr. HAMILTON] will be recognized for 30 minutes, and the gentleman from New York [Mr. GILMAN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Indiana [Mr. HAMILTON].

Mr. HAMILTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman and Members of the House, let us begin with an explanation of what Senate Joint Resolution 45 does.

This resolution authorizes the use of United States forces to provide logistic support for the new United Nations-led force in Somalia. That force is referred to commonly as UNOSOM II, and it also authorizes the quick reaction force to respond to requests for emergency assistance from the UNOSOM II commander.

It authorizes, after the fact, for the U.S.-led operation that was previously known as Operation Restore Hope, and that is the operation that President Bush initiated last December.

The authorization expires 12 months from the date of enactment of Senate Joint Resolution 45 or upon termination of the mandate for UNOSOM II, whichever occurs first.

The costs incurred by the United States and the number of Americans serving in Somalia will be reduced dramatically through the transition from a United States-led to a United Nations-led operation, and this resolution endorses the reduction in costs and the reduction in personnel.

Now, I think it is also important to point out what the resolution before us does not do. It does not provide an open-ended authorization. The authorization of this resolution says very specifically that it shall expire either 12 months from the date of its enactment or at the expiration of the UNOSOM II mandate, whichever first occurs.

There have already been suggestions in the debate with respect to the rule suggesting that this is an open-ended resolution. It is not. The Congress must take specific action to extend the authorization of any period beyond the 12-month time.

This resolution does not write a blank check, nor does it endorse long-term involvement in Somalia. It is limited to the 12-month period.

The next question to address is why this resolution is necessary. The reso-

lution is necessary simply to complete the task to which President Bush committed the United States in December.

□ 1120

We want to ensure a smooth transition to the U.N.-led operation, and that is what this resolution is all about.

Our mission in Somalia is not accomplished until it is clear that the environment in Somalia will remain secure for the continued delivery of humanitarian assistance so that the broader United Nations mission can be built on a firm foundation.

Comments were made a moment ago about how broad the U.N. mandate is, UNOSOM II, and it is correct that that mandate is broad, but it is also important to note the U.S. role in UNOSOM II is far more limited than was the U.S. role in Operation Restore Hope.

UNOSOM II includes 28,000 foreign troops. The United States supplies 3,000 of that 28,000, and those 3,000 are there for a single purpose. That purpose is logistics.

The United States will also supply in addition 1,300 troops to act as a quick reaction force to respond to requests for emergency assistance. The point, however, is that the UNOSOM II role for the United States is far more limited and restricted than was the role of the United States under Operation Restore Hope.

We want to do the full job there. Congress must assume its responsibility as a partner with the President in making the decision to commit U.S. troops to this kind of an operation.

Now, I hope Members will appreciate the significance of this resolution. I think often in the past the Congress of the United States has not measured up to its responsibility on the very tough issue of when you commit foreign troops abroad. It is my view that in the months and years ahead the United States will repeatedly be confronted with the question of when and whether and how to intervene abroad for humanitarian and other reasons.

By approving this resolution, the Congress shows that we are willing to step up to our responsibilities, I might say our constitutional responsibilities, and assume the proper role as a partner with the President in making the decision to commit U.S. troops abroad.

Members should appreciate that UNOSOM II sets a precedent, and the Congress shares responsibility for the new arrangements under that precedent.

The U.S. logistic support contingent to which I referred a moment ago, 3,000 troops, will be under the operational control of the UNOSOM II commander, that is Turkish General Cevic Bir. This will be the first time that U.S. forces will be under foreign command in the context of a U.N. peace enforcement operation. The deputy UNOSOM II commander, however, is Lieutenant General Thomas Montgomery.

The U.S. quick reaction force, that is the 1,300 troops I referred to a moment ago, will remain under U.S. operational control, although they may receive tactical orders in the field from a U.N. sectional commander.

In both instances, the logistic troops and the quick reaction force, the U.S. command line will remain intact. Additional guidance for U.S. troops will always be available through communication of the U.S. chain of command.

Now, we do invoke in this resolution the War Powers Resolution. Senate Joint Resolution 45 provides a War Powers authorization to the extent that U.S. Forces are or become involved in hostilities or imminent hostilities. It thereby provides efficient authority should the U.S. quick reaction force, the sole purpose of which is to engage in combat in support of UNOSOM II, should that force face a hostile situation.

Congress here must play its constitutional role. Congress in my view should authorize whenever U.S. Forces are sent abroad for potential use in combat. Such authorization is required by the Constitution. It is required by the War Powers Resolution, and it is required by the basic principles of sound policymaking.

Now, I know that Members have different attitudes toward the constitutionality of the War Powers Resolution, but it is not our responsibility to make judgments about the constitutionality of the War Powers Resolution. It is in fact the law and the law should be followed, and that is why we invoke it in this instance.

It is also true that the administration has not sought a War Powers authorization, and in taking that position the administration is adopting the traditional position of the executive branch with respect to the commitment of troops abroad, even as it reviews its position on the War Powers Resolution.

So what you have here is a President of the United States defending his prerogatives under the Constitution, but the Congress must defend its prerogatives and stake out its constitutional responsibilities. Congress has concurrent authority with the President in decisions with respect to deploying U.S. forces abroad for potential use in combat.

Now, this resolution provides for a 12-month authorization. We believe that that is a time sufficiently long to show the U.S. commitment to the UNOSOM II mission, we think it is sufficiently limited to make clear that Congress is not endorsing an open-ended involvement.

As I have suggested, the authorization expires 12 months from the date of enactment or upon termination of the mandate of the United Nations-led force in Somalia, whichever occurs first.

The UNOSOM II mandate, and this will come up in the course of the debate, must be reauthorized by the Security Council by October 31, 1993, this year.

The argument will be made that because the U.N. authorized UNOSOM II is for a shorter period, we should not authorize it for 12 months; but the fact is that the United Nations and the United States Congress, the U.N. Security Council, are very, very different bodies.

The United Nations routinely reauthorizes every 6 months. This Congress does not, and if we were to try to reauthorize in October or September right at the time when the legislative agenda here is extraordinarily full, it would not be easy to do.

The United States has worked actively with the United Nations to seek troop commitments to UNOSOM II from other nations.

The success of UNOSOM II is premised on sufficient troop commitments, both with respect to number and length of stay, from a number of other countries.

If the United States is authorized to participate only through October of this year, we will not be able to convince other countries to participate in UNOSOM II beyond that time.

The UNOSOM II mission then would not get off the ground and our past accomplishments in Somalia would be severely eroded if we fail to show sufficient commitment to participate.

We believe that a 12-month authorization provides the necessary commitment and is not open-ended.

Finally, Mr. Chairman, let me just observe a word about the costs. The important thing to note here is how sharply the costs to the U.S. Government are going down. If you look at fiscal year 1993, the total cost as best we can estimate it of the Somalia operation is $1.3 billion. That includes about $750 million for Operation Restore Hope.

□ 1130

For fiscal year 1994, Mr. Chairman, the estimated cost is $477 million.

The United States will be reimbursed at the standard United Nation rate for our troop contribution to UNOSOM II. All costs borne by the United States to support Operation Restore Hope and UNITAF troops from countries unable to pay their own troop costs will be reimbursed to the United States through the U.N. trust fund for Somalia. Pledges to that trust fund currently stand at approximately $120 million, and it is estimated that the United States will receive about 85 percent of the trust fund total. Senate Joint Resolution 45 also urges the President to seek reimbursement from the United Nations, or other member states, for incremental costs of the U.S. participation in Operation Restore Hope and UNOSOM II.

In conclusion, Mr. Chairman, let me simply say that we are taking this action today with this resolution, or whenever we vote on it, because Congress has a responsibility to authorize the deployment of U.S. forces when those forces have the potential for combat abroad.

In addition, the UNOSOM II mission sets a precedent for multilateral involvement in humanitarian intervention efforts, and the U.S. role in UNOSOM II is precedent setting. It is a new role that the Congress should authorize in this instance, and in my view it should at least authorize in the future similar instances.

The foreign policy process of the United States works best when the President consults effectively with the Congress prior to making effective, significant decisions, when the Congress makes sure that it is well informed on the foreign policy decisions that the United States faces and when both branches of Government respect the shared powers under the Constitution on foreign policy.

So, Mr. Chairman, I would urge my colleagues to support this legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. GILMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to commend the distinguished chairman of the Committee on Foreign Affairs, the gentleman from Indiana [Mr. HAMILTON] for his leading role in bringing this important foreign policy initiative to the House floor. This resolution would enable the Congress to consider the authorization of our Armed Forces in the current U.N. peacekeeping operation in Somalia.

While I disagree with our distinguished committee chairman, my good friend from Indiana, Mr. HAMILTON, regarding the role of our Armed Forces in this operation, I agree with his observation that all too often in the past Congress has abdicated its responsibility on the issue of foreign military intervention.

But our long overdue consideration of this legislation today should make us look carefully at the proper limits of our military commitments around the world. I don't think that I have to remind my colleagues that the specter of United States military intervention in Bosnia is an imminent possibility. The arguments against an open-ended commitment in the Balkan crisis are no less compelling than those confronting us today in regard to Somalia.

As currently written, Senate Joint Resolution 45 would provide a blank check to the executive branch and to the United Nations for a commitment of our Armed Forces in Somalia that could extend into the next century.

In our consideration of this legislation today, we are creating a precedent for future U.S. participation in humanitarian crises overseas—and the use of American military forces under a U.N. command. That is why this measure, however we resolve it, will serve as a model for such actions in the future.

Following adoption of a resolution by the U.N. Security Council last December, President Bush sent American troops to Somalia for a specific purpose—to create a secure environment for the delivery of humanitarian supplies.

Our troops were to be withdrawn and the mission handed back to the United Nations as soon as that goal was achieved. However, the resolution under which the United Nations has taken over from the United States provides for a much different operation.

U.N. Security Council Resolution 814—which the Clinton administration moved through the Security Council without any formal input from Congress—commits the United States to a far broader, more expensive, and potentially more dangerous mission than the limited operation President Bush initiated in December.

For the first time, U.S. Armed Forces will be placed under the command of a U.N. officer from a foreign country. Is this the kind of precedent we want to set for a future United States military role in Bosnia? Is this the kind of role that bests suits the capabilities and unique characteristics of our military?

If your answer is a no on either account, then you should vote against this resolution and for a substitute amendment that I will offer that sets the same 6-month timetable for our troops in Somalia that the United Nations set for its overall mission in that country. The United Nations is not precluded from renewing this mandate. Neither is the Congress prevented from extending the authorization if it chooses to do so.

The U.N. resolution also calls for the establishment of a viable and representative national government, revival of the economy, and repatriation of refugees who have fled the famine and the civil war. In short, it is a costly, nation-building blueprint for the reconstruction of Somalia.

Operation Restore Hope has already cost the U.S. taxpayer at least $800 million, and it is estimated that the 3-year price tag for our overall commitments to Somalia will reach $1.8 billion by the end of the next fiscal year.

The administration and the United Nations have not done enough to enlist the financial and material support from other donor nations, such as Saudi Arabia and Germany, for the Somalia trust fund, and have yet to explain why the UNOSOM II peacekeeping operation should not be allowed to utilize the moneys in this fund once all reimbursement requests are in.

The United States has done more than its fair share in Somalia. It is time for our units to leave and for those of other nations to take over. Some may favor a long-term United States military commitment in Somalia, but I believe we should withdraw our troops as soon as possible to take them out of harm's way, and my resolution provides for an additional 6 months stay from the date of the adoption of this measure to do whatever cleanup we have to do so that we can have an ordinary departure.

Mr. Chairman, I understand that there are about 3,800 United States military personnel presently remaining in Somalia. It is gratifying that most of our forces have come home, but the administration has not yet indicated when and under what circumstances the remaining United States forces will depart Somalia. Without a clear, convincing withdrawal timetable, Mr. Chairman, I say we owe it to our men and women in the field and to the American people here at home to set a short, reasonable, but sufficient, authorization period, and I invite my colleagues to support my substitute amendment which will put our policy on Somalia back on a clear course, fully consistent with the original objectives laid out by President Bush in Operation Restore Hope.

□ 1140

In closing, Mr. Chairman, I would quote from an editorial of May 4 that appeared in the New York Times entitled "A Big Second Step in Somalia:"

> The Clinton administration needs to make clear when and under what circumstances U.S. forces will depart. Americans have no wish or reason to wear out their welcome in Somalia as Somalia finds a home-grown remedy for its grievous wounds.

Mr. Chairman, I reserve the balance of my time.

Mr. HAMILTON. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from California [Mr. DELLUMS], chairman of the Committee on Armed Services.

Mr. DELLUMS. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise this morning in support of Senate Joint Resolution 45 and would like to use this opportunity to make a few broader points of great importance to the Congress of the United States.

Mr. Chairman, with the end of the cold war, we have become far less preoccupied with the threat of global war. Other threats no doubt will call us to this Chamber to make decisions on prospective military deployments that would place at risk our Nation's blood and treasure. We must, therefore, Mr. Chairman, be diligent in crafting the mechanisms we need for thorough consultation with the executive branch and thorough deliberation in the legislative branch. We must bring resolve to the task of providing the means of exercising our constitutional responsibil-

ities in matters of war and peace if we are to bring any wisdom to the task of executing these extraordinary responsibilities.

Mr. Chairman, the Constitution establishes the President as the Commander in Chief of the armed services, but I would remind my colleagues that it assigns to the Congress the responsibilities and powers to provide for the Nation's defense and to indeed exercise, when necessary, the prerogatives of declaring war.

I do not believe, Mr. Chairman, there is another issue that the executive or legislative branch takes more seriously than that of sending the young men and women of our country into harm's way. Such a serious step should never be taken without the fullest consideration by the executive branch, and I would underscore this, and the fullest deliberation possible by this, the legislative branch.

Mr. Chairman, this kind of partnership between the branches of government in matters of war and peace is founded in the Constitution, is required by law, and is reflective of fundamental political reality. The decision to commit U.S. forces abroad cannot be sustained without consensus, consensus that is built through a process of public debate and congressional deliberation and approval that gives legitimacy and strength to policies shaped by the executive in consultation with the Congress.

Mr. Chairman, further, the War Powers Resolution that has been alluded to and will continue to be alluded to during the course of this debate is, in the humble opinion of this gentleman, at best, an imperfect mechanism for implementing this partnership in its serious responsibilities. I would point out, Mr. Chairman, that it does not ensure the necessary degree of consultation between the two branches of government. It does not reliably provide for the requisite degree of deliberation by the Congress, and it does not adequately address the complex of committee jurisdictions involved in reaching decisions about committing our armed forces to battle.

Mr. Chairman, this Member feels very strongly about exercising in full the constitutional responsibilities of the Congress regarding the use of military force. We must ensure that the executive branch fully consult with the Congress in making decisions in these matters, and that we have all that is required for the fullest deliberation possible before deciding whether to approve such decision. I look forward to working closely with my colleagues in developing the mechanisms that we need in this area.

I appreciate the opportunity of using this moment to make these broader statements, and I would conclude, Mr. Chairman, by stating that in the past I supported the initial deployment of U.S. military personnel in our humanitarian efforts in Somalia, and I rise this morning in support of Senate Joint Resolution 45 and its continuation of these efforts.

I would conclude by simply saying that this is retrospectively authorizing the deployment of our troops, and I would suggest to my colleagues that, though imperfect, this is the only mechanism we have for making the statement on the part of this Nation that we approve our humanitarian efforts and we approve playing a significant role as the international community comes together to continue to help this impoverished and beleaguered nation.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Pennsylvania [Mr. GOODLING], a senior member of our Committee on Foreign Affairs.

Mr. GOODLING. Mr. Chairman, I would like to emphasize to every Member the significance of the resolution we are considering on the floor today. For the first time in the history of this Nation, we are authorizing the deployment of U.S. troops under foreign command. This in itself is a monumental event, unparalleled in our history. However, it is also for other reasons that I stand in opposition to the resolution before the House today.

I do not believe that the events which transpired in the House Committee on Foreign Affairs during the consideration of this resolution received proper attention. I think people across this land would be interested to know exactly what differences there are on this issue. Amendments were offered to shorten the period of deployment, eliminate the language authorizing the use of troops in hostilities—the so-called War Powers Resolution—and eliminate the language that "gives strong consideration to extending" the period of deployment. All were defeated.

I would like every American to know that this resolution is signing the death certificates of American troops—again, under foreign command—if hostilities break out for any reason in war-torn Somalia. I also do not understand why we are authorizing troops for 12 months, when the United Nations' authorization is only for 6.

I heard the chairman's explanation, and I love the chairman of the committee, but I did not find the explanation very convincing.

Finally, the resolution sets a bad precedent for U.S. involvement globally. Indefinite U.S involvement in civil wars around the world is increasingly codified when we take actions such as this.

Mr. Chairman, the United States is not the world's policeman. We are not the solution to all of the world's ills. We took the initiative in Somalia when no other nation or body could, and I supported that action. Now it is time for U.S. troops to come home, not succumb to foreign command for at least 1 year, particularly with strong consideration given to keeping them in Somalia longer. I urge Members to think of the precedent, the consequences, and the costs of this resolution.

Mr. Chairman, I was really troubled during the debate in the committee when I kept hearing people say over and over again, "We are the only superpower." Well, we have trillions of dollars in debt now. At the end of 5 years, if everything goes well, we will increase that debate by $1 trillion, $91 billion.

We have decreased defense spending dramatically in the last 3 years. We talk about decreasing it another $189 billion over the next 5 years, and I guess the question I ask after all that is that I am not sure how "super" the power will be.

Mr. HAMILTON. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from California [Mr. LANTOS], a subcommittee chairman of the Committee on Foreign Affairs.

Mr. LANTOS. Mr. Chairman, I want to thank my friend and colleague for yielding this time to me.

Mr. Chairman, I first want to commend the very distinguished chairman of the Committee on Foreign Affairs, the gentleman from Indiana [Mr. HAMILTON], and the staff of the Committee on Foreign Affairs for their efforts in putting together this resolution. I also want to commend my good friend and distinguished colleague, the gentleman from Florida [Mr. JOHNSTON], chairman of the Subcommittee on Africa, for his major efforts on behalf of this joint resolution.

□ 1150

Mr. Chairman, humanitarian assistance to the people of Somalia is clearly one of the finest and most unselfish actions of the Government of the United States. It is important, however, on this issue of United States participation in support of the United Nations peacekeeping efforts in Somalia that the voice of the Congress be heard.

It is a constitutional and legal responsibility of the Congress to participate in decisions that commit our military forces. This resolution reflects a balanced approach to this issue, and I strongly support its adoption.

Mr. Chairman, let me say that this action was commenced by a Republican President and it was continued by a Democratic President. It is supported by Republicans and Democrats in this body. We are always at our best when our foreign policy is bipartisan, and I think it is extremely important to do our utmost to keep partisanship out of this debate.

I firmly believe that if in fact we adopt this resolution, the goals that we seek of having other members of the

United Nations assume the greatest possible share of participation in this effort will be successful.

At the height of our commitment in Somalia we had 25,000 American troops there. That number today is 3,800. We would all like to see every single one of those 3,800 American service men and women come home today, but reality does not allow that.

If we do not want to see our historic achievement unravel, we must make a reasonable commitment to continue to be a minority partner in a major international effort.

With the collapse of the Soviet empire, the international problems we will face in the security arena will be all over the place, and it is in our best interest to have as many other countries participate, physically and financially, as possible. That will not be achieved by establishing a wholly unrealistic 6-month time limit on our commitment.

There is not a Member in this body who believes that the Somalia effort will be finished in 6 months. If we want to minimize U.S. participation, if we want to minimize the cost to the American taxpayer, it is in our best interest to allow the U.N. peacekeeping operation to make some long-term plans and pull in other countries to obtain additional physical contributions and financial contributions. Any attempt to cut this period short will be counterproductive and result in larger American troop commitments and heavier American taxpayer expenditures.

Mr. Chairman, I strongly urge my colleagues to adopt the resolution.

The CHAIRMAN. The Chair would announce that the gentleman from Indiana [Mr. HAMILTON] has 6 minutes remaining, and the gentleman from New York [Mr. GILMAN] has 21 minutes remaining.

Mr. GILMAN. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana [Mr. BURTON], a senior member of the committee and the ranking Republican on the Subcommittee on Africa.

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, we are all concerned about the starving masses and people being persecuted around the world, and Somalia is no exception. I supported sending our troops in there to get food to the starving people, to keep those gangs, those marauding gangs, from going around the country stealing food that was going in to feed the starving masses of people over there. I thought that was the right thing to do.

Do people in this country recall, Mr. Chairman, that President Bush said we would be out of Somalia by Inauguration Day. That was last January. Here we are almost in June and we are talking about open-ended legislation that will lead to an indefinite period during which our troops will be there.

Mr. Chairman, I do not know if many Americans remember back when we put 237 marines in Beirut to help stabilize the situation there, and some madman with a truckload of dynamite came in and blew them all to kingdom come. Everybody in this country mourned because we had 237 marines and their families suffering because of that decision.

I remember when President Reagan asked for my vote to send them there, and I gave it. I said after that tragedy occurred that I would never vote to send American troops into harm's way unless we had a stated mission, a goal, and knew when we were going to get them in and when we were going to get them out.

Now here we are, we have 3,800 troops still there, and we are talking about keeping them there indefinitely.

Mr. Chairman, I know they have said on the other side we are going to have them out in a relatively short period of time, that this is not open ended. Let me read to you what this legislation says:

> The Congress will give strong consideration to extending the authorization for use of United States Armed Forces to implement Resolution 814 should such continued use be necessary to ensure the success of the United Nations-led forces in Somalia.

The administration experts have come to our offices and told us that it is going to take into the next century to achieve the goals. This legislation says, again quoting:

> We will give strong consideration to extending the authorization if necessary for the United Nations to accomplish its mission.

Mr. Chairman, that means we are probably going to have U.S. military people sitting there in harm's way for the next 7 or 8 years. I submit to you that that is a mistake. They had a mission; they achieved that mission. Let us turn it over to the United Nations.

In addition, we are talking about putting our troops under foreign command for the first time in history. I want our generals to control our troops, General Schwarzkopf and people we have great confidence in. Not some U.N. commissioner or general from some other country.

Mr. Chairman, the Gilman amendment says we will have our troops out in 6 months. I prefer to get them out quicker than that. The gentleman from Wisconsin [Mr. ROTH] has an amendment to get them out in 30 days. That is not logistically possible. But we could get them out in 60 or 90 days. But 6 months is certainly a reasonable period within which we can get our troops out and make sure they come home safely after having held their heads high and accomplished the mission of feeding the starving masses of Somalia.

If we keep them there, mark my words, a lot of them are going to be killed, and we are going to say why did we leave them there?

Remember Beirut; 237 marines sitting there, having lunch or dinner, and some crazy comes in there and blows them all to kingdom come. There are a lot of weapons around that countryside. I think that now our mission has been accomplished, we should bring them home.

Also I would like to go back in history and say to the chairman and members of the committee, do you remember the Gulf of Tonkin resolution that we gave to Lyndon Johnson, which led to the escalation in Vietnam? This is analogous to that. It is analogous to that.

Let me read it to you one more time:

> The Congress will give strong consideration to extending the authorization for the use of U.S. Armed Forces to implement this resolution should continued use be necessary to ensure the success of the United Nations-led forces.

What is the success? Our intelligence tell us that means into the next century.

I would like to end by quoting what the chairman of the committee said not long ago, the gentleman from Indiana [Mr. HAMILTON]. He said:

> Operation Restore Hope must end soon. This requires that the mission of U.S. forces remain clear, constant, and limited in scope. It also requires that a strong U.N. force be ready to replace U.S. troops within several months.

The gentleman said this last December.

Finally, the gentleman from Indiana [Mr. HAMILTON] said, "We must work to ensure that Operation Restore Hope concludes safely, successfully, and soon."

Mr. Chairman, this is open-ended, it is a step in the wrong direction, and I submit we should defeat the Hamilton resolution and substitute that of the gentleman from New York [Mr. GILMAN]. That will bring our kids home, our young men and women, in 6 months, safely, with their heads held high.

Mr. HAMILTON. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri [Mr. GEPHARDT], the distinguished majority leader.

□ 1200

Mr. GEPHARDT. Mr. Chairman, I want to commend the gentleman from Indiana, Chairman HAMILTON and the members of the Committee on Foreign Affairs for the work on this very important resolution.

I want to say that I think all of us feel that President Bush did the right thing when he decided that this effort should be undertaken. I think it enjoyed the support of a large bipartisan majority in the Congress and among the American people, and we should be very proud of the service of our military people in Somalia which, as my colleagues know, at one time got to 25,000 people.

At the time President Bush called for this action, he told us and he told the American people that he hoped we could be out before the inauguration of the President, but he did not know. Well, a lot of what he said has come true.

We went from 25,000 to 4,000. And most importantly, and I think what is very important about this resolution, is that we are trying to comply with our own War Powers Act, but we are also recognizing the handoff from the U.S.-led Operation Restore Hope to the U.N.-led operation. And I think that is a genuine watershed for our country and for the world.

I strongly support the committee's resolution. It is not open-ended. It is 12 months. That is the limit that has been put on. It has been put on for good reason.

The military tells us that with the 4,000 people we have got there and with the other U.N. forces, they believe that this situation can be stabilized within 12 months. Hopefully, it will be sooner, they feel that is as good an estimate as they can give at this time of how long it will take.

So I think we ought to support this effort, and I want to, again, reemphasize the genuine historic nature of what we are doing. For the first time, the United Nations is providing the leadership and structure for an aggressive, multilateral humanitarian intervention operation, equipped for strong peace enforcement. And for the first time, American forces are serving under a new United Nations command structure.

Both events are vivid reminders that the cold war way of doing business is over. We are in a new world, and the day of genuine multilateralism has dawned. And we must be a part, a constructive partner in that effort.

Just as Desert Storm became the model of how to go to war in the right way, it is my hope that this legislation becomes the example of how to intervene in humanitarian crises the right way, with the United Nations, with an appropriate American force and with an appropriate time limit in which that force can be effective.

I congratulate the committee. I urge Members to support the committee position.

Mr. GILMAN. Mr. Chairman, I yield 3 minutes to the senior member of our Committee on Foreign Affairs, the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, this is an example, the Somalia adventure, of how easy it is to get into something and how difficult it is to get out.

When Congress provides the President with authorization to send our troops, our Armed Forces into hostilities, it is a very serious matter. But when we take such action in the absence of hostilities, in the absence of imminent threat to hostilities and in the absence of even so much as a request from the President for this authority, then, to put as euphemistic a phrase on it as I can, it loses its cogency.

The fact that the United States military forces in Somalia have fulfilled the mission that was given to them by President Bush means our troops ought to come home. They have restored order. They have permitted food to reach people in dire need. They have done so brilliantly and in the proud tradition of Americans responding to humanitarian tragedy.

But President Bush made a commitment to withdraw our troops, when the mission was completed, and to return the operation to the United Nation. Now they are not coming home.

Instead, President Clinton has committed, for an indefinite period of time, nearly 3,800 United States military personnel to this peacekeeping operation in Somalia, commanded by a foreign national.

Now, of great interest, it ought to be to us, is the fact that when the President strives to cut the Pentagon budget by $127 billion over the next 5 years, he has given our military forces a new mission that has traditionally been carried out by other nations, contributing forces to U.N. peacekeeping services.

The status of the military forces is interesting. Botswana is committed to provide 200 to this peacekeeping force; Egypt, 615; Nigeria, 562; Uganda, 300; Zamiba, 500; and Zimbabwe nearly goes over the top with 912.

That seems to me not quite the contribution Africa ought to make to an African problem. But India is negotiating to provide 4,000 troops. That is not certain yet.

In fact, it is listed as uncertain. Should India come through with 4,000, and they are a lot closer, I guess, than we are, then I do not really see the need for our 3,800 troops there.

But what this is is a continuation of the affection of the gentleman from Indiana [Mr. HAMILTON] for the War Powers Act, and I revere the gentleman from Indiana [Mr. HAMILTON]. And it is providing authority where it has not been asked for, legitimizing War Powers Act that some of us have doubts over its constitutionality. But it is saying, "Mr. President, you have not asked for it, but here it is anyway."

I suggest it divests Congress of any power, as situations change, to withdraw authority for our troops being in harm's way. We are giving a credit card for 12 months, no matter what happens. And we are saying, we are going to look very kindly on another extension beyond this one.

I do not think that was President Bush's intention. I do not think it is in our interest, and I respectfully hope that this resolution is defeated.

Mr. GILMAN. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. LEVY], a member of our committee.

Mr. LEVY. Mr. Chairman, I rise in opposition to the resolution which is before us today.

Like many of my Republican colleagues, I applaud the chairman of the Committee on Foreign Affairs, the gentleman from Indiana [Mr. HAMILTON], for his leadership in addressing the Somalia issue.

Congress should be involved in decisions concerning the deployment of our troops abroad, and a resolution authorizing such a deployment is indeed proper.

But I join the ranking member of our committee, the gentleman from New York [Mr. GILMAN], in opposing this resolution in its current form.

I am especially concerned that the resolution does not set a clear timetable for the withdrawal of United States troops from Somalia but, rather, presents the opportunity for long-term United States involvement in the region.

In short, the resolution authorizes American involvement in Somalia for another year at least and contains language enabling Congress to consider extending that commitment even longer.

Mr. Chairman, this resolution is not a detailed plan for resolving the situation in Somalia but, rather, a blueprint for a longer term commitment than most Americans are prepared to support at this time.

Mr. Chairman, I also join my colleagues, like the gentleman from Illinois [Mr. HYDE], who opposes those provisions of the resolution relating to the War Powers Act.

Senate Joint Resolution 45 effectively eliminates Congress' ability to insist that the President return for further congressional authorization, should our troops venture into harm's way at any time during the next 12 months.

I am sure that many of my colleagues would agree that we should not volunteer to omit Congress from deliberations regarding American involvement in hostilities when even the President has not asked us to do so.

I believe a long-term authorization in Somalia is a mistake. I ask all of my colleagues to support the Gilman substitute and to oppose the resolution in its current form.

Mr. GILMAN. Mr. Chairman, I thank the gentleman from New York for his remarks in support of the resolution.

Mr. Chairman, I yield 2 minutes to a member of the Committee on Armed Services, the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, I would like to speak in favor of the Gilman resolution, that I agree with the senior majority leader, the gentleman from Missouri [Mr. GEPHARDT], that during the Bush administration, many

of us supported the efforts that are going forward in Somalia.

□ 1210

We saw children that were starving in a depressed country and that we could help when Africa did not help itself in that area. We also looked and thought that maybe we could be out of that by the inauguration itself. That has not come to pass.

I want to let the Members know that my position, whether President Bush would have been in power or President Clinton today, is that it is time that we get out. Let me tell the Members a few reasons why.

I would support the amendment of the gentleman from Indiana [Mr. HAMILTON] or the resolution if our economy was solvent; if we were not being asked, the American people, to be taxed at the highest rate they have ever been taxed at; if we didn't have a $4 trillion deficit, and an increasing deficit under the upcoming budget that President Clinton is recommending.

On the other side, they say that health care is of No. 1 importance, education is of No. 1 importance, but yet we are giving billions of dollars to Russia. The RTC is going to ask us for nearly $50 billion in the upcoming weeks to solve the RTC resolutions, but yet we still cut defense $127 billion.

In an All-Volunteer Force, retention is the No. 1 issue. The No. 1 issue within that retention factor is family separation. Our people are being asked to go from Desert Storm to Somalia and even the potential of Bosnia in the future. Those families need to come back home. All 4,000 of our people, men and women, have families back here. They need to attend to those things.

Recently in the State of California two Democratic Members of the other body stood up and said, "Don't close any of the bases in California. It is not economically sound." Yet those same two Members stand up and say, on the Committee on the Budget, "Cut defense an additional $127 billion," but yet we are still asking our people to do more and more and more. The future does not look good for them, Mr. Speaker.

I would ask that we support the gentleman from New York [Mr. GILMAN], and I understand and respect the gentleman from Indiana [Mr. HAMILTON] for what he is trying to do in Somalia, but I feel, Mr. Speaker, that this is a time past. We need to attend to our economy here and do the things we need for our people back here.

Mr. GILMAN. Mr. Chairman, I thank the gentleman from California for his arguments in support of the resolution.

Mr. Chairman, I am pleased to yield 2½ minutes to the gentleman from Pennsylvania [Mr. WELDON], a member of the Committee on Armed Services.

Mr. WELDON. Mr. Speaker, I want to thank my colleague for yielding time to me.

I rise in support of the Gilman substitute. I want to talk for a moment about what we have done in terms of Somalia.

As a member of the Committee on Armed Services, I try to focus as much of my time as possible on where we send our troops and under what conditions. I was over in Desert Storm and was down in Homestead, and we had them down in the Florida relief effort. I was over in Somalia in January with the gentleman from Pennsylvania [Mr. MURTHA] for several days, in Mogadishu and Baidoa. I can tell the Members I was absolutely impressed with the effort that was being put forth by our military. Their commitment and dedication always amazes me, as these young people respond to ever changing situations.

I am supportive of the role that we have played in Somalia. I wish we could have gotten our active duty troops out quicker than we did. I was very dismayed that the United Nations was in fact not in place in January to allow us to begin the process of changing the command from General Johnston to a command officer of the United Nations.

However, while I was in Somalia the one thing that I heard repeatedly from our troops that this body has got to keep in mind came from the mouths of the young marines in Mogadishu, who said, "Congressman, three of the last four Christmases I have been deployed. I have been away from my family." This included Desert Storm, it included military exercises that were a required part of training, it included Panama, and now it included Somalia.

What this body has got to understand is that we cannot keep sending our troops all over the world while at the same time we are cutting back military expenditures in such a draconian fashion.

This President and this administration has got to understand that as well. We cannot commit our troops to Bosnia and to Haiti and to Somalia and other places unless we are going to provide the funds to allow these troops to be replaced, to be properly trained, to have the resupply equipment brought in to allow them to meet their obligations.

The Marines did not even have the resupply capabilities necessary for Somalia because they have been continually deployed. That is because of a lack of funding for the Marines to keep adequate preparations for these kinds of missions. We cannot keep committing our troops in a vacuum.

While I support the effort in this case, and think it was well thought out and we did play a vital role, I would just say to my colleagues, as we debate defense authorization levels, we cannot do that in a vacuum, because the cuts we make have a direct impact not just on the Pentagon but on the men and women who serve us in the military, out there putting their lives on the line, even if it is in a peacekeeping mode.

Mr. GILMAN. Mr. Chairman, I thank the gentleman from Pennsylvania for his supporting remarks.

Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Wisconsin [Mr. ROTH], our ranking member of the Subcommittee on Economic Policy, Trade and Environment of the Committee on Foreign Affairs.

Mr. ROTH. Mr. Speaker, I thank my friend, the gentleman from New York, for yielding time to me.

Mr. Speaker, I want to compliment the chairman of our Committee on Foreign Affairs. I know he is addressing the Somalia issue in the way that he feels is appropriate.

The history of what has happened in Somalia has been well documented in debate here this morning. The American people saw the starving children in Somalia. We acted, both the old administration and the new administration, hand in hand. We were told that our troops were going to be out by January 20, Inauguration Day. Then Inauguration Day came and went and we were still in Somalia.

Then we were told that our troops would be out by the spring. Now we are well into the spring, and we are told our troops will stay there for an additional year. A year from now, I predict, as I predicted in January, our troops will be in Somalia for many more years, unless we say no.

If we do not have a date certain when our troops will come out, they will be there at the turn of the century. What concerns me is that we are being bled to death by operations like Somalia. We already have spent nearly $1 billion in Somalia. We have been told that the United Nations has taken over. If the United Nations has taken over, why are we still there? If we remain in this Somalia operation, we will spend another half billion dollars over the next year alone in Somalia.

We have deficits of $400 billion. The majority in this House want to tax our Social Security recipients. We are cutting back on our domestic programs. However, Secretary Christopher was before our Committee on Foreign Affairs and said, "We have to have more money for foreign aid." Where is it all going to stop?

I am very concerned about what is happening in our country today. We are being totally overextended.

In our Committee on Foreign Affairs the other day, one of the leading thinkers in the Democrat Party told us that we have to be involved everywhere in the world. I asked this gentleman: "To be involved everywhere in the world?" And he said, "Yes, we have to be involved everywhere in the world, and I mean everywhere in the world." I appreciate his candor, but my friends,

can we be involved everywhere in the world? We are being bled to death. We cannot continue on this track. We just cannot. That is why a date certain on this Somalia operation is so important.

Mr. GILMAN. Mr. Chairman, we thank the gentleman from Wisconsin for his remarks.

Mr. Chairman I yield myself such time as I may consume.

The CHAIRMAN. The gentleman from New York [Mr. GILMAN] has 5 minutes remaining.

Mr. GILMAN. Mr. Chairman, in considering this measure, I urge the Members to consider the following. You should be aware of the following critical facts regarding Somalia:

First, contrary to the impression left by recent press accounts, approximately 4,000 United States military personnel remain in Somalia today; second, the State Department currently plans for United States military personnel to remain in Somalia for 17 more months, with no assurance that they will all be withdrawn at the end of that time; and third, the United States has already spent at least $800 million on military operations in Somalia, and the total military cost will rise to $1.4 billion by the end of next year.

I would like to emphasize that the U.N. Security Council in Resolution 814 established UNOSOM II "for an initial period through 31 October 1993, unless previously renewed by the Security Council." Because the U.N. force took over on May 4, this equates to a 6-month authorization.

I have yet to hear a persuasive explanation as to why Congress needs to authorize U.S. participation in UNOSOM II for 12 months when the Security Council has only authorized that force for 6 months, and why we need to promise to extend our authorization when the Security Council hasn't promised to extend its authorization.

It is plain to me that the Security Council wanted to make sure that it would have an opportunity to review the Somalia operation and make any necessary changes to UNOSOM II's mandate after 6 months; the U.S. Congress should insist on no less.

My substitute amendment which we expect to consider next Tuesday, will ask Congress to choose between long-term, open-ended United States military involvement in Somalia and a prompt withdrawal of United States forces from that country.

Senate Joint Resolution 45 as reported by the Committee on Foreign Affairs authorizes the President to keep United States forces in Somalia for 12 months after the date of enactment, and goes on to commit the Congress to give strong consideration to extending the initial 12-month period. My substitute will reduce the authorization period from 12 months to 6, and provides that all U.S. forces should be withdrawn at the end of that period rather than promising to extend it.

In addition, my substitute will eliminate the authorization provided by Senate Joint Resolution 45 for the President to engage in hostilities in Somalia. The administration has not asked for such authority, and indeed has stated that it considers such authority unnecessary. Granting this authority now serves only to ensure that no one in Congress can insist that the President return to Congress for additional authorization under the War Powers Resolution to keep United States forces in Somalia if hostilities break out there in the future.

If you believe, as I do, that it is time to bring United States forces home from Somalia now that they have accomplished the mission originally outlined for them, I urge you to support my substitute amendment to Senate Joint Resolution 45.

□ 1220

Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Illinois [Mr. MANZULLO], a member of our committee.

Mr. MANZULLO. Mr. Chairman, I think we should take a look at why we are in Somalia. Our troops were sent there not as part of a military incursion, but for humanitarian purposes, and the United States has declared that those humanitarian purposes have been accomplished. Mission accomplished. And the issue becomes why are we still there.

We have spent nearly $1 billion on this operation. Food is reaching the people of Somalia. Then why are we still there? Why does the President need an additional 1 year authority for our troops in Somalia? They should not be there in excess of 6 months, if that long.

The resolution before us can keep our troops there fore another 2 years. The CIA estimates that the Somalian operation will last until the end of the decade. The mission of the U.N. forces in Somalia has changed from securing humanitarian aid and delivery of that to rebuilding the ravaged country. That is not why we sent our brave personnel over to Somalia.

So unless the U.S. Congress is willing to change the nature of the purpose of our troops in Somalia, then the debate here has to center on a shift in policy from humanitarian aid to rebuilding the country, and then perhaps entering into hostilities. And that is why the 1- to 2-year period is dangerous.

Therefore, Mr. Chairman, I would suggest and strongly urge that my colleagues would consider the fact that American troops should be withdrawn in a period of time not to exceed 6 months.

Mr. GILMAN. Mr. Chairman, I yield back the balance of our time.

The CHAIRMAN. The gentleman from Indiana [Mr. HAMILTON] has 3 minutes remaining.

Mr. HAMILTON. Mr. Chairman, I yield the balance of our time to the distinguished gentleman from Florida [Mr. JOHNSTON], chairman of the Subcommittee on Africa. I want to say to him and to the gentleman from California [Mr. LANTOS], chairman of the other subcommittee, how much I appreciate their work on this resolution. That work has been superbly done.

Mr. JOHNSON of Florida. Mr. Chairman, the gentleman from Illinois [Mr. HYDE] said that the chairman of the committee [Mr. HAMILTON], had a great affection for the War Powers Act. It is my contention that the gentleman from Indiana [Mr. HAMILTON], has a great affection for this body, and a great affection for Congress, and a great affection for the separation of powers and the relevancy of the U.S. Congress when it comes to going to war or putting troops anywhere.

Did we have the opportunity to vote on the invasion of Grenada, unilaterally done by President Reagan? Did we have the opportunity to vote on the invasion of Panama, unilaterally done by President Bush? No, we did not.

I feel that some Members are not grasping the situation when the gentleman from Indiana [Mr. BURTON] gets up and says that we were to be out of there by Inauguration Day. Who was the President? It was Mr. Bush. On Inauguration Day Mr. Bush had 25,000 troops there and nothing was being done to remove them; 120 days later, 4 months to the date of the inauguration, we now have less than 4,000 troops there.

But the War Powers Act is the law of the land regardless of whether you like it or you do not like it. And I think for all of us to be involved in this, for us to have any relevancy at all in committing our troops, then I think we have to give dignity to this act and vote on it.

The gentleman from Indian [Mr. BURTON] says that he wants General Schwarzkopf to be there. Under the Gilman amendment they will still be there under the Turkish commander, and so I think he has misrepresented the fact here that the Gilman amendment will still allow troops to be under the presence of, American troops under the presence of a Turkish general. We will have Reserve forces out there in the Red Sea under command of the United States.

I would say to the gentleman from Illinois [Mr. HYDE] our mission is not completed. If our mission had been completed, then President Bush should have gotten the troops out of there on January 20. We cannot allow the clans to sit there with AK-47's and completely destroy anything we have done in the last 6 months since we have had troops there. If we do nothing, if we do nothing the administration can continue there indefinitely. The administration does not like this, because no

administration likes the War Powers Act. But what we have done is limited it to 1 year at the most, and if we inject the War Powers Act, we can pull our troops out of there at any time by congressional declaration. But to say that they are for 2 years, for 17 months, for an indefinite period of time is misrepresenting what this resolution says.

I am saying that this is a compromise between the Republican resolution for 6 months and the administration resolution which says they can stay there indefinitely to come in in 1 year. Everything Members have read requires the Congress to come back and act again, and I strongly request that this body adopt this amendment to make Congress relevant to the War Powers Act and to committing troops anywhere in the world.

Mr. SPENCE. Mr. Chairman, I rise in opposition to the resolution before the House.

I commend the gentleman from Indiana [Mr. HAMILTON] for pushing legislation through the Foreign Affairs Committee that provides the House with the opportunity to debate the question of continued U.S. military involvement in Somalia.

To Mr. HAMILTON's credit, his legislation addresses many critical issues that the Senate version of Senate Joint Resolution 45 ignored in its granting to the administration a virtual blank check in Somalia.

But, having said this, this bill is still too little, too late.

Too little because it provides the administration with too much authority to conduct operations beyond the stated peacekeeping mission and for a time period that extends beyond that authorized by even the U.N. Security Council.

Too late because we are debating a legislative barn door long after the horse has escaped.

We are considering a resolution authorizing a military operation that began over 6 months ago, involved at its peak up to 28,000 troops, and entered a new critical phase over 3 weeks ago.

This House, therefore, is in the untenable position of debating the authorization for a military operation after the operation has commenced.

Mr. Chairman, as the House considers this resolution and, by extension, the policy that led to the deployment of U.S. troops in Somalia, I want to comment on three important issues from my vantage point as the ranking Republican member on the Armed Services Committee—control of U.S. forces, impact on military readiness, and the operational implications for the future.

COMMAND AND CONTROL

The first issue involves the important question of who retains control of U.S. forces participating in multilateral peacekeeping operations.

The operation authorized by this resolution will place, for the first time, a significant number of U.S. troops under the direct operational control of a foreign U.N. commander.

This is the same United Nations that was responsible for UNOSOM I, the peacekeeping operation that allowed security in Somalia to deteriorate to the point of anarchy by permitting bands of technicals and irregulars to terrorize a starving population.

The same United Nations that is apparently and unfortunately an object of derision among the Somali population for its history of intervention in Somalia.

And the same United Nations that has no experience in conducting large-scale military operations nor empowers its forces with the authority and rules of engagement necessary to execute such operations consistent with U.S. military doctrine.

Mr. Chairman, based on my concern over placing the fate of a large number of young Americans in the hands of an unaccountable foreign national, I have repeatedly attempted to extract from the Pentagon basic information on the details of the command and control arrangement for UNOSOM II in Somalia.

In February and then again on March 10, I wrote Secretary of Defense Aspin requesting legitimate information based on numerous questions associated with the proposal to subordinate the command of American forces to a foreign national.

To this day, I have received no response, no acknowledgment, no information.

While the Pentagon has briefed the Congress on the broad outlines of the UNOSOM II operation, these briefings have not answered many important questions that Congress should already have considered in order to assess the wisdom of taking this unprecedented step. They include:

Questions over the assigned role and mission of the 2,600 Americans left behind to serve as U.N. blue-helmeted troops.

Questions over who will be responsible for the day-to-day security of these largely logistics and support forces.

Questions over the competence and capability of non-U.S. forces responsible for the day-to-day security of the U.S. support contingent.

Questions over the ability of the UNOSOM II headquarters staff to conduct basic military planning and respond to operational requirements as the operation expands into northern Somalia.

Questions over who retains the authority to withdraw or deploy U.S. forces in the face of a deterioration in the security situation and how quickly such authority can be exercised.

Questions over the rules of engagement supplied to U.S. support forces and to the U.S. Quick Reaction Force.

Questions over the precise nature of the memorandum of understanding between the United States and the United Nations detailing how and under what conditions the American Quick Reaction Force would be used and commanded.

Like these, there are many more questions that remain unanswered about the operation in Somalia either because there are no answers or because the administration is refusing to provide the Congress with information we are entitled to in order to carry out our constitutional responsibilities.

READINESS

The second area of concern I want to address briefly is the impact that Operation Restore Hope and our continued participation in UNOSOM II is having on the day-to-day readiness of U.S. forces.

In terms of dollars, the Department of Defense estimated the cost to the American taxpayer for Operation Restore Hope to be approximately $750 million. However, according to the GAO, the total cost for U.S. involvement in Somalia, factoring in all other past and current operations, is estimated at $1.5 billion through the end of this fiscal year.

Neither estimate takes into account the many other fiscal and human costs to readiness.

First, the Pentagon's $750 million reflects only what the Secretary of Defense approved to be counted as costs.

When you look at what the military services claim they are actually spending out of pocket to fund operations in Somalia, you find that almost $400 million in costs are not included in the Pentagon's official figures.

This means that, even if Congress ends up providing the Pentagon with the full $750 million requested, the services will still have to find approximately $400 million in incremental and unanticipated costs for Somali operations—funds that will almost inevitably come straight out of the readiness accounts.

Second, because of the unplanned nature of the Somali operation and the delay in getting Congress to consider paying the bill, some of the services have had to absorb huge spending cuts in their operating budgets while they wait to be reimbursed.

For example, the Navy and Marine Corps have both been canceling training exercises in the Pacific during most of the year because the funds budgeted for these purposes were instead used to pay for operations in Somalia.

The situation facing the Marines is so bad that GAO estimates they will start running out of critical operations and maintenance funds sometime next month unless immediate reimbursement is received for the cost of operations in Somalia.

Third, many Marine units were sent to Somalia last year on the heels of arriving home from an extended deployment in the Persian Gulf for Desert Storm.

This pattern of back-to-back deployments imposes a high human cost on thousands of young Marines and their families that is impossible to quantify and can only lead to a higher than normal separation rate when quality soldiers decide that the costs of reenlisting to them and their families are too high.

Operation Restore Hope has also exacerbated a debilitating readiness problem relative to equipment that did not have time to go through the normal depot maintenance process necessary to keep it at the appropriate combat readiness levels following Desert Storm.

This means, for instance, that a large portion of our Marine Corps units have equipment in desperate need of maintenance overhaul that will not be back to combat ready standards for many months, perhaps years to come.

In fact, most of the funds necessary to fix this kind of maintenance backlog were specifically excluded by the Pentagon from the calculation of costs incurred by operations in Somalia, further underestimating the true readiness impact of Operation Restore Hope.

IMPLICATIONS FOR THE FUTURE

While most of the American public and political attention has shifted from Somalia to the

turmoil in the Balkans, I believe that we must take the time to consider what lessons our involvement in Somalia provide for the future.

In many respects, the Somalia operation could prove to be the model for peacekeeping/peacemaking operations of the future.

While the specifics may vary, generally speaking, the situation in Somalia is not much different than what historically has occurred and will continue to occur in Third World countries around the globe—situations where internal political strife has led to a breakdown of civil order with high loss of human life and decimated local economies.

Time and time again, the United Nations and the international community has proven that the standard response of deploying modest peacekeeping forces with little or no meaningful mandate has not worked or made much of a difference.

A quick review of the United Nations inability to act effectively in Cambodia bears this out.

What is apt to work more successfully is the injection of credible and capable military forces with an international mandate to use force when and if necessary to stabilize internal conflicts.

Whether we like it or not, the United States remains the sole Nation with the necessary military resources, expertise, reputation, and political will to initiate and sustain such operations with or without allied participation.

Our European friends are great followers, but have shown great hesitation to lead in such matters, even when the conflict is in their own front yard.

This means that every time that the collective global conscience is sufficiently aroused by poignant television images coming from one internal conflict or another, it remains likely that U.S. political and military leadership will remain the solution of choice for many.

You do not have to read beyond the daily headlines to recognize that this is not a theoretical scenario, it happened yesterday in Somalia, it is happening today in Bosnia and will certainly happen again somewhere else tomorrow.

I raise these matters because, as a member of the Armed Services Committee, I have a responsibility to examine the lessons of Somalia and pay careful attention to the impacts such operations have on our ability to maintain an effective military capability to, first and foremost, protect U.S. national interests regardless of global humanitarian interests and pressures.

While the U.S. military presence in Somalia has indeed declined, the fact remains that the follow-on U.N. operation is dependent on U.S. security provided by our quick reaction force, U.S. operational support in the form of intelligence, communications, and other vital services, and U.S. logistical support which keeps the multinational military forces fed, equipped and armed in a nation with virtually no transportation infrastructure.

In fact, the tactical Quick Reaction Force from the 10th Mountain Division that is supposed to be transitioning out of Somalia was just deployed to Kismayu this past weekend to assist Belgian forces responsible for securing the town.

The point, Mr. Chairman, is that the burdens of being the sole remaining superpower will likely place increasing pressures on the United States to use its preeminent military capabilities for the good of the global order.

These increasing commitments occur against a backdrop of severe defense budget cuts and reductions in force structure mandated by the Clinton budget plan.

At some point, something must give. And I am very concerned that the give will come in the form of reduced readiness, the emergence of hollow forces and, most importantly, a steadily diminished capability to have forces available and ready to engage in those instances when vital American interests are directly at stake.

In closing, I want to again commend the Foreign Affairs Committee for bringing this measure to the floor.

I would say to the gentleman from Indiana [Mr. HAMILTON] that he has taken the legislation adopted by the other body and greatly improved it. But, in my estimation, the bill before us still falls short of what Congress ought to be doing on this issue and I will have to oppose it.

Instead, it is my intention to support my colleague BEN GILMAN's substitute amendment when it is offered as a stronger, more meaningful expression of congressional direction to the administration that our objectives in Somalia have been met, and we should take every step to expedite the complete withdrawal of all U.S. forces within the specified period of 6 months.

I commend Mr. GILMAN for offering his amendment and urge all of my colleagues to support it.

Mr. PENNY. Mr. Chairman, today the House of Representatives considers Senate Joint Resolution 45, a resolution authorizing Operation Restore Hope in Somalia for the past 6 months, and to authorize the involvement of U.S. troops in a U.N. peacekeeping mission in Somalia for up to 1 additional year. The resolution includes language providing advance authorization for United States forces to engage in combat under the 1973 War Powers Act.

Mr. Chairman, while I strongly support this resolution, I am deeply troubled by the fact that we are just now taking up this important resolution. At the height of Operation Restore Hope, the United States had deployed some 25,000 soldiers in Somalia. This military involvement should have required a congressional vote soon after the initial deployment.

It was my understanding in December of last year that Congress would take up this resolution in early January of this year—some 5 months ago. Although I did not believe—and still do not believe—that the President needed prior congressional approval to intervene in Somalia for humanitarian purposes, I do feel that such interventions should be debated by Congress as soon after the deployment of U.S. troops in such situations as is possible. Congress has the constitutional responsibility to weigh in on these matters.

Unfortunately, in recent years, there has not been a clear and consistent pattern of legislative and executive branch cooperation in security and international matters. I would urge the Congress hold hearings in the near future on the issue of war powers to look at ways in which the War Power Act of 1973 could be reformed to reflect the post-cold-war era. Specifically, we need to look at ways in which Congress is required to vote in a timely manner on all overseas deployments of U.S. troops—whether in defensive military situations, peacekeeping operations, enforcement of no-fly zones, humanitarian interventions, or any other uses of American troops in hostile or potentially hostile situations overseas.

In any event, I am very pleased that Congress will have the opportunity to vote on United States involvement in the U.N. peacekeeping mission which began on May 1, 1993, in Somalia. It is, to my knowledge, the first time that a large U.S. force has been directly involved in any U.N. peacekeeping mission under the direction of a foreign commander. The United States has an important leadership role to play in the post-cold-war era, and I applaud the decision of the Foreign Affairs Committee in recognizing this vital role.

The CHAIRMAN. All time has expired.

Mr. HAMILTON. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose and the Speaker pro tempore (Mr. SKAGGS) having assumed the chair, Mr. DARDEN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the Senate joint resolution (S.J. Res. 45) authorizing the use of U.S. Armed Forces in Somalia, had come to no resolution thereon.

CONFERENCE REPORT ON S. 1, NATIONAL INSTITUTES OF HEALTH REVITALIZATION ACT OF 1993

Mr. WYDEN submitted the following conference report and statement on the Senate bill (S. 1) to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purposes.

CONFERENCE REPORT (H. REPT. 103-100)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1) to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Institutes of Health Revitalization Act of 1993".

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

Sec. 1. Short title; table of contents.

TITLE I—GENERAL PROVISIONS REGARDING TITLE IV OF PUBLIC HEALTH SERVICE ACT

Subtitle A—Research Freedom

PART I—REVIEW OF PROPOSALS FOR BIOMEDICAL AND BEHAVIORAL RESEARCH

Sec. 101. Establishment of certain provisions regarding research conducted or supported by National Institutes of Health.

PART II—RESEARCH ON TRANSPLANTATION OF FETAL TISSUE

Sec. 111. Establishment of authorities.
Sec. 112. Purchase of human fetal tissue; solicitation or acceptance of tissue as directed donation for use in transplantation.
Sec. 113. Nullification of moratorium.
Sec. 114. Report by General Accounting Office on adequacy of requirements.

PART III—MISCELLANEOUS REPEALS

Sec. 121. Repeals.

Subtitle B—Clinical Research Equity Regarding Women and Minorities

PART I—WOMEN AND MINORITIES AS SUBJECTS IN CLINICAL RESEARCH

Sec. 131. Requirement of inclusion in research.
Sec. 132. Peer review.
Sec. 133. Inapplicability to current projects.

PART II—OFFICE OF RESEARCH ON WOMEN'S HEALTH

Sec. 141. Establishment.

PART III—OFFICE OF RESEARCH ON MINORITY HEALTH

Sec. 151. Establishment.

Subtitle C—Research Integrity

Sec. 161. Establishment of Office of Research Integrity.
Sec. 162. Commission on Research Integrity.
Sec. 163. Protection of whistleblowers.
Sec. 164. Requirement of regulations regarding protection against financial conflicts of interest in certain projects of research.
Sec. 165. Regulations; applicability.

TITLE II—NATIONAL INSTITUTES OF HEALTH IN GENERAL

Sec. 201. Health promotion research dissemination.
Sec. 202. Programs for increased support regarding certain States and researchers.
Sec. 203. Establishment of Office of Behavioral and Social Sciences Research.
Sec. 204. Children's vaccine initiative.
Sec. 205. Plan for use of animals in research.
Sec. 206. Increased participation of women and disadvantaged individuals in fields of biomedical and behavioral research.
Sec. 207. Requirements regarding surveys of sexual behavior.
Sec. 208. Discretionary fund of Director of National Institutes of Health.
Sec. 209. Establishment of Office of Alternative Medicine.
Sec. 210. Miscellaneous provisions.

TITLE III—GENERAL PROVISIONS RESPECTING NATIONAL RESEARCH INSTITUTES

Sec. 301. Appointment and authority of Directors of national research institutes.
Sec. 302. Program of research on osteoporosis, Paget's disease, and related disorders.
Sec. 303. Establishment of interagency program for trauma research.

TITLE IV—NATIONAL CANCER INSTITUTE

Sec. 401. Expansion and intensification of activities regarding breast cancer.
Sec. 402. Expansion and intensification of activities regarding prostate cancer.
Sec. 403. Authorization of appropriations.

TITLE V—NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

Sec. 501. Education and training.
Sec. 502. Centers for the study of pediatric cardiovascular diseases.
Sec. 503. National Center on Sleep Disorders Research.
Sec. 504. Authorization of appropriations.
Sec. 505. Prevention and control programs.

TITLE VI—NATIONAL INSTITUTE ON DIABETES AND DIGESTIVE AND KIDNEY DISEASES

Sec. 601. Provisions regarding nutritional disorders.

TITLE VII—NATIONAL INSTITUTE ON ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

Sec. 701. Juvenile arthritis.

TITLE VIII—NATIONAL INSTITUTE ON AGING

Sec. 801. Alzheimer's disease registry.
Sec. 802. Aging processes regarding women.
Sec. 803. Authorization of appropriations.
Sec. 804. Conforming amendment.

TITLE IX—NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

Sec. 901. Tropical diseases.
Sec. 902. Chronic fatigue syndrome.

TITLE X—NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

Subtitle A—Research Centers With Respect to Contraception and Research Centers With Respect to Infertility

Sec. 1001. Grants and contracts for research centers.
Sec. 1002. Loan repayment program for research with respect to contraception and infertility.

Subtitle B—Program Regarding Obstetrics and Gynecology

Sec. 1011. Establishment of program.

Subtitle C—Child Health Research Centers

Sec. 1021. Establishment of centers.

Subtitle D—Study Regarding Adolescent Health

Sec. 1031. Prospective longitudinal study.

TITLE XI—NATIONAL EYE INSTITUTE

Sec. 1101. Clinical and health services research on eye care and diabetes.

TITLE XII—NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

Sec. 1201. Research on multiple sclerosis.

TITLE XIII—NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

Sec. 1301. Applied Toxicological Research and Testing Program.

TITLE XIV—NATIONAL LIBRARY OF MEDICINE

Subtitle A—General Provisions

Sec. 1401. Additional authorities.
Sec. 1402. Authorization of appropriations.

Subtitle B—Financial Assistance

Sec. 1411. Establishment of program of grants for development of education technologies.

Subtitle C—National Information Center on Health Services Research and Health Care Technology

Sec. 1421. Establishment of Center.
Sec. 1422. Conforming provisions.

TITLE XV—OTHER AGENCIES OF NATIONAL INSTITUTES OF HEALTH

Subtitle A—Division of Research Resources

Sec. 1501. Redesignation of Division as National Center for Research Resources.
Sec. 1502. Biomedical and behavioral research facilities.
Sec. 1503. Construction program for national primate research center.

Subtitle B—National Center for Nursing Research

Sec. 1511. Redesignation of National Center for Nursing Research as National Institute of Nursing Research.
Sec. 1512. Study on adequacy of number of nurses.

Subtitle C—National Center for Human Genome Research

Sec. 1521. Purpose of Center.

TITLE XVI—AWARDS AND TRAINING

Subtitle A—National Research Service Awards

Sec. 1601. Requirement regarding women and individuals from disadvantaged backgrounds.
Sec. 1602. Service payback requirements.

Subtitle B—Acquired Immune Deficiency Syndrome

Sec. 1611. Loan repayment program.

Subtitle C—Loan Repayment for Research Generally

Sec. 1621. Establishment of program.

Subtitle D—Scholarship and Loan Repayment Programs Regarding Professional Skills Needed by National Institutes of Health

Sec. 1631. Establishment of programs.
Sec. 1632. Funding.

Subtitle E—Funding for Awards and Training Generally

Sec. 1641. Authorization of appropriations.

TITLE XVII—NATIONAL FOUNDATION FOR BIOMEDICAL RESEARCH

Sec. 1701. National Foundation for Biomedical Research.

TITLE XVIII—RESEARCH WITH RESPECT TO ACQUIRED IMMUNE DEFICIENCY SYNDROME

Subtitle A—Office of AIDS Research

Sec. 1801. Establishment of Office.
Sec. 1802. Establishment of emergency discretionary fund.
Sec. 1803. General provisions.

Subtitle B—Certain Programs

Sec. 1811. Revision and extension of certain programs.

TITLE XIX—STUDIES

Sec. 1901. Life-threatening illnesses.
Sec. 1902. Malnutrition in the elderly.
Sec. 1903. Research activities on chronic fatigue syndrome.
Sec. 1904. Report on medical uses of biological agents in development of defenses against biological warfare.
Sec. 1905. Personnel study of recruitment, retention and turnover.
Sec. 1906. Procurement.
Sec. 1907. Chronic pain conditions.
Sec. 1908. Relationship between the consumption of legal and illegal drugs.
Sec. 1909. Reducing administrative health care costs.
Sec. 1910. Sentinel disease concept study.
Sec. 1911. Study of potential environmental and other risks contributing to incidence of breast cancer.
Sec. 1912. Support for bioengineering research.
Sec. 1913. Cost of care in last 6 months of life.

TITLE XX—MISCELLANEOUS PROVISIONS

Sec. 2001. Designation of Senior Biomedical Research Service in honor of Silvio O. Conte; limitation on number of members.
Sec. 2002. Master plan for physical infrastructure for research.

Sec. 2003. Certain authorization of appropriations.
Sec. 2004. Buy-American provisions.
Sec. 2005. Prohibition against further funding of Project Aries.
Sec. 2006. Loan repayment program.
Sec. 2007. Exclusion of aliens infected with the agent for acquired immune deficiency syndrome.
Sec. 2008. Technical corrections.
Sec. 2009. Biennial report on carcinogens.
Sec. 2010. Transfer of provisions of title XXVII.
Sec. 2011. Authorization of appropriations.
Sec. 2012. Vaccine injury compensation program.
Sec. 2013. Technical corrections with respect to the Agency for Health Care Policy and Research.
Sec. 2014. Technical corrections with respect to the Health Professions Education Extension Amendments of 1992.
Sec. 2015. Restrictions regarding SHARP adult sex survey and the American teenage sex survey.
Sec. 2016. Health services research.
Sec. 2017. Childhood mental health.
Sec. 2018. Expenditures from certain account.

TITLE XXI—EFFECTIVE DATES

Sec. 2101. Effective dates.

TITLE I—GENERAL PROVISIONS REGARDING TITLE IV OF PUBLIC HEALTH SERVICE ACT

Subtitle A—Research Freedom

PART I—REVIEW OF PROPOSALS FOR BIOMEDICAL AND BEHAVIORAL RESEARCH

SEC. 101. ESTABLISHMENT OF CERTAIN PROVISIONS REGARDING RESEARCH CONDUCTED OR SUPPORTED BY NATIONAL INSTITUTES OF HEALTH.

Part G of title IV of the Public Health Service Act (42 U.S.C. 289 et seq.) is amended by inserting after section 492 the following section:

"CERTAIN PROVISIONS REGARDING REVIEW AND APPROVAL OF PROPOSALS FOR RESEARCH

"SEC. 492A. (a) REVIEW AS PRECONDITION TO RESEARCH.—

"(1) PROTECTION OF HUMAN RESEARCH SUBJECTS.—

"(A) In the case of any application submitted to the Secretary for financial assistance to conduct research, the Secretary may not approve or fund any application that is subject to review under section 491(a) by an Institutional Review Board unless the application has undergone review in accordance with such section and has been recommended for approval by a majority of the members of the Board conducting such review.

"(B) In the case of research that is subject to review under procedures established by the Secretary for the protection of human subjects in clinical research conducted by the National Institutes of Health, the Secretary may not authorize the conduct of the research unless the research has, pursuant to such procedures, been recommended for approval.

"(2) PEER REVIEW.—In the case of any proposal for the National Institutes of Health to conduct or support research, the Secretary may not approve or fund any proposal that is subject to technical and scientific peer review under section 492 unless the proposal has undergone such review in accordance with such section and has been recommended for approval by a majority of the members of the entity conducting such review.

"(b) ETHICAL REVIEW OF RESEARCH.—

"(1) PROCEDURES REGARDING WITHHOLDING OF FUNDS.—If research has been recommended for approval for purposes of subsection (a), the Secretary may not withhold funds for the research because of ethical considerations unless—

"(A) the Secretary convenes an advisory board in accordance with paragraph (5) to study such considerations; and

"(B)(i) the majority of the advisory board recommends that, because of such considerations, the Secretary withhold funds for the research; or

(ii) the majority of such board recommends that the Secretary not withhold funds for the research because of such considerations, but the Secretary finds, on the basis of the report submitted under paragraph (5)(B)(ii), that the recommendation is arbitrary and capricious.

"(2) RULES OF CONSTRUCTION.—Paragraph (1) may not be construed as prohibiting the Secretary from withholding funds for research on the basis of—

"(A) the inadequacy of the qualifications of the entities that would be involved with the conduct of the research (including the entity that would directly receive the funds from the Secretary), subject to the condition that, with respect to the process of review through which the research was recommended for approval for purposes of subsection (a), all findings regarding such qualifications made in such process are conclusive; or

"(B) the priorities established by the Secretary for the allocation of funds among projects of research that have been so recommended.

"(3) APPLICABILITY.—The limitation established in paragraph (1) regarding the authority to withhold funds because of ethical considerations shall apply without regard to whether the withholding of funds on such basis is characterized as a disapproval, a moratorium, a prohibition, or other characterization.

"(4) PRELIMINARY MATTERS REGARDING USE OF PROCEDURES.—

"(A) If the Secretary makes a determination that an advisory board should be convened for purposes of paragraph (1), the Secretary shall, through a statement published in the Federal Register, announce the intention of the Secretary to convene such a board.

"(B) A statement issued under subparagraph (A) shall include a request that interested individuals submit to the Secretary recommendations specifying the particular individuals who should be appointed to the advisory board involved. The Secretary shall consider such recommendations in making appointments to the board.

"(C) The Secretary may not make appointments to an advisory board under paragraph (1) until the expiration of the 30-day period beginning on the date on which the statement required in subparagraph (A) is made with respect to the board.

"(5) ETHICS ADVISORY BOARDS.—

"(A) Any advisory board convened for purposes of paragraph (1) shall be known as an ethics advisory board (in this paragraph referred to as an 'ethics board').

"(B)(i) An ethics board shall advise, consult with, and make recommendations to the Secretary regarding the ethics of the project of biomedical or behavioral research with respect to which the board has been convened.

"(ii) Not later than 180 days after the date on which the statement required in paragraph (4)(A) is made with respect to an ethics board, the board shall submit to the Secretary, and to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate, a report describing the findings of the board regarding the project of research involved and making a recommendation under clause (i) of whether the Secretary should or should not withhold funds for the project. The report shall include the information considered in making the findings.

"(C) An ethics board shall be composed of no fewer than 14, and no more than 20, individuals who are not officers or employees of the United States. The Secretary shall make appointments to the board from among individuals with special qualifications and competence to provide advice and recommendations regarding ethical matters in biomedical and behavioral research. Of the members of the board—

"(i) no fewer than 1 shall be an attorney;

"(ii) no fewer than 1 shall be an ethicist;

"(iii) no fewer than 1 shall be a practicing physician;

"(iv) no fewer than 1 shall be a theologian; and

"(v) no fewer than one-third, and no more than one-half, shall be scientists with substantial accomplishments in biomedical or behavioral research.

"(D) The term of service as a member of an ethics board shall be for the life of the board. If such a member does not serve the full term of such service, the individual appointed to fill the resulting vacancy shall be appointed for the remainder of the term of the predecessor of the individual.

"(E) A member of an ethics board shall be subject to removal from the board by the Secretary for neglect of duty or malfeasance or for other good cause shown.

"(F) The Secretary shall designate an individual from among the members of an ethics board to serve as the chair of the board.

"(G) In carrying out subparagraph (B)(i) with respect to a project of research, an ethics board shall conduct inquiries and hold public hearings.

"(H) In carrying out subparagraph (B)(i) with respect to a project of research, an ethics board shall have access to all relevant information possessed by the Department of Health and Human Services, or available to the Secretary from other agencies.

"(I) Members of an ethics board shall receive compensation for each day engaged in carrying out the duties of the board, including time engaged in traveling for purposes of such duties. Such compensation may not be provided in an amount in excess of the maximum rate of basic pay payable for GS-18 of the General Schedule.

"(J) The Secretary, acting through the Director of the National Institutes of Health, shall provide to each ethics board reasonable staff and assistance to carry out the duties of the board.

"(K) An ethics board shall terminate 30 days after the date on which the report required in subparagraph (B)(ii) is submitted to the Secretary and the congressional committees specified in such subparagraph.

"(6) DEFINITION.—For purposes of this subsection, the term 'ethical considerations' means considerations as to whether the nature of the research involved is such that it is unethical to conduct or support the research.".

PART II—RESEARCH ON TRANSPLANTATION OF FETAL TISSUE

SEC. 111. ESTABLISHMENT OF AUTHORITIES.

Part G of title IV of the Public Health Service Act (42 U.S.C. 289 et seq.) is amended by inserting after section 498 the following section:

"RESEARCH ON TRANSPLANTATION OF FETAL TISSUE

"SEC. 498A. (a) ESTABLISHMENT OF PROGRAM.—

"(1) IN GENERAL.—The Secretary may conduct or support research on the transplantation of human fetal tissue for therapeutic purposes.

"(2) SOURCE OF TISSUE.—Human fetal tissue may be used in research carried out under paragraph (1) regardless of whether the tissue is obtained pursuant to a spontaneous or induced abortion or pursuant to a stillbirth.

"(b) INFORMED CONSENT OF DONOR.—

"(1) IN GENERAL.—In research carried out under subsection (a), human fetal tissue may be used only if the woman providing the tissue makes a statement, made in writing and signed by the woman, declaring that—

"(A) the woman donates the fetal tissue for use in research described in subsection (a);

"(B) the donation is made without any restriction regarding the identity of individuals who may be the recipients of transplantations of the tissue; and

"(C) the woman has not been informed of the identity of any such individuals.

"(2) ADDITIONAL STATEMENT.—In research carried out under subsection (a), human fetal tissue may be used only if the attending physician with respect to obtaining the tissue from the woman involved makes a statement, made in writing and signed by the physician, declaring that—

"(A) in the case of tissue obtained pursuant to an induced abortion—

"(i) the consent of the woman for the abortion was obtained prior to requesting or obtaining consent for a donation of the tissue for use in such research;

"(ii) no alteration of the timing, method, or procedures used to terminate the pregnancy was made solely for the purposes of obtaining the tissue; and

"(iii) the abortion was performed in accordance with applicable State law;

"(B) the tissue has been donated by the woman in accordance with paragraph (1); and

"(C) full disclosure has been provided to the woman with regard to—

"(i) such physician's interest, if any, in the research to be conducted with the tissue; and

"(ii) any known medical risks to the woman or risks to her privacy that might be associated with the donation of the tissue and that are in addition to risks of such type that are associated with the woman's medical care.

"(c) INFORMED CONSENT OF RESEARCHER AND DONEE.—In research carried out under subsection (a), human fetal tissue may be used only if the individual with the principal responsibility for conducting the research involved makes a statement, made in writing and signed by the individual, declaring that the individual—

"(1) is aware that—

"(A) the tissue is human fetal tissue;

"(B) the tissue may have been obtained pursuant to a spontaneous or induced abortion or pursuant to a stillbirth; and

"(C) the tissue was donated for research purposes;

"(2) has provided such information to other individuals with responsibilities regarding the research;

"(3) will require, prior to obtaining the consent of an individual to be a recipient of a transplantation of the tissue, written acknowledgment of receipt of such information by such recipient; and

"(4) has had no part in any decisions as to the timing, method, or procedures used to terminate the pregnancy made solely for the purposes of the research.

"(d) AVAILABILITY OF STATEMENTS FOR AUDIT.—

"(1) IN GENERAL.—In research carried out under subsection (a), human fetal tissue may be used only if the head of the agency or other entity conducting the research involved certifies to the Secretary that the statements required under subsections (b) (2) and (c) will be available for audit by the Secretary.

"(2) CONFIDENTIALITY OF AUDIT.—Any audit conducted by the Secretary pursuant to paragraph (1) shall be conducted in a confidential manner to protect the privacy rights of the individuals and entities involved in such research, including such individuals and entities involved in the donation, transfer, receipt, or transplantation of human fetal tissue. With respect to any material or information obtained pursuant to such audit, the Secretary shall—

"(A) use such material or information only for the purposes of verifying compliance with the requirements of this section;

"(B) not disclose or publish such material or information, except where required by Federal law, in which case such material or information shall be coded in a manner such that the identities of such individuals and entities are protected; and

"(C) not maintain such material or information after completion of such audit, except where necessary for the purposes of such audit.

"(e) APPLICABILITY OF STATE AND LOCAL LAW.—

"(1) RESEARCH CONDUCTED BY RECIPIENTS OF ASSISTANCE.—The Secretary may not provide support for research under subsection (a) unless the applicant for the financial assistance involved agrees to conduct the research in accordance with applicable State law.

"(2) RESEARCH CONDUCTED BY SECRETARY.—The Secretary may conduct research under subsection (a) only in accordance with applicable State and local law.

"(f) REPORT.—The Secretary shall annually submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the activities carried out under this section during the preceding fiscal year, including a description of whether and to what extent research under subsection (a) has been conducted in accordance with this section.

"(g) DEFINITION.—For purposes of this section, the term 'human fetal tissue' means tissue or cells obtained from a dead human embryo or fetus after a spontaneous or induced abortion, or after a stillbirth.".

SEC. 112. PURCHASE OF HUMAN FETAL TISSUE; SOLICITATION OR ACCEPTANCE OF TISSUE AS DIRECTED DONATION FOR USE IN TRANSPLANTATION.

Part G of title IV of the Public Health Service Act, as amended by section 111 of this Act, is amended by inserting after section 498A the following section:

"PROHIBITIONS REGARDING HUMAN FETAL TISSUE

"SEC. 498B. (a) PURCHASE OF TISSUE.—It shall be unlawful for any person to knowingly acquire, receive, or otherwise transfer any human fetal tissue for valuable consideration if the transfer affects interstate commerce.

"(b) SOLICITATION OR ACCEPTANCE OF TISSUE AS DIRECTED DONATION FOR USE IN TRANSPLANTATION.—It shall be unlawful for any person to solicit or knowingly acquire, receive, or accept a donation of human fetal tissue for the purpose of transplantation of such tissue into another person if the donation affects interstate commerce, the tissue will be or is obtained pursuant to an induced abortion, and—

"(1) the donation will be or is made pursuant to a promise to the donating individual that the donated tissue will be transplanted into a recipient specified by such individual;

"(2) the donated tissue will be transplanted into a relative of the donating individual; or

"(3) the person who solicits or knowingly acquires, receives, or accepts the donation has provided valuable consideration for the costs associated with such abortion.

"(c) CRIMINAL PENALTIES FOR VIOLATIONS.—

"(1) IN GENERAL.—Any person who violates subsection (a) or (b) shall be fined in accordance with title 18, United States Code, subject to paragraph (2), or imprisoned for not more than 10 years, or both.

"(2) PENALTIES APPLICABLE TO PERSONS RECEIVING CONSIDERATION.—With respect to the imposition of a fine under paragraph (1), if the person involved violates subsection (a) or (b)(3), a fine shall be imposed in an amount not less than twice the amount of the valuable consideration received.

"(d) DEFINITIONS.—For purposes of this section:

"(1) The term 'human fetal tissue' has the meaning given such term in section 498A(f).

"(2) The term 'interstate commerce' has the meaning given such term in section 201(b) of the Federal Food, Drug, and Cosmetic Act.

"(3) The term 'valuable consideration' does not include reasonable payments associated with the transportation, implantation, processing, preservation, quality control, or storage of human fetal tissue.".

SEC. 113. NULLIFICATION OF MORATORIUM.

(a) IN GENERAL.—Except as provided in subsection (c), no official of the executive branch may impose a policy that the Department of Health and Human Services is prohibited from conducting or supporting any research on the transplantation of human fetal tissue for therapeutic purposes. Such research shall be carried out in accordance with section 498A of the Public Health Service Act (as added by section 111 of this Act), without regard to any such policy that may have been in effect prior to the date of the enactment of this Act.

(b) PROHIBITION AGAINST WITHHOLDING OF FUNDS IN CASES OF TECHNICAL AND SCIENTIFIC MERIT.—

(1) IN GENERAL.—Subject to subsection (b)(2) of section 492A of the Public Health Service Act (as added by section 101 of this Act), in the case of any proposal for research on the transplantation of human fetal tissue for therapeutic purposes, the Secretary of Health and Human Services may not withhold funds for the research if—

(A) the research has been approved for purposes of subsection (a) of such section 492A;

(B) the research will be carried out in accordance with section 498A of such Act (as added by section 111 of this Act); and

(C) there are reasonable assurances that the research will not utilize any human fetal tissue that has been obtained in violation of section 498B(a) of such Act (as added by section 112 of this Act).

(2) STANDING APPROVAL REGARDING ETHICAL STATUS.—In the case of any proposal for research on the transplantation of human fetal tissue for therapeutic purposes, the issuance in December 1988 of the Report of the Human Fetal Tissue Transplantation Research Panel shall be deemed to be a report—

(A) issued by an ethics advisory board pursuant to section 492A(b)(5)(B)(ii) of the Public Health Service Act (as added by section 101 of this Act); and

(B) finding, on a basis that is neither arbitrary nor capricious, that the nature of the research is such that it is not unethical to conduct or support the research.

(c) AUTHORITY FOR WITHHOLDING FUNDS FROM RESEARCH.—In the case of any research on the transplantation of human fetal tissue for therapeutic purposes, the Secretary of Health and Human Services may withhold funds for the research if any of the conditions specified in any of subparagraphs (A) through (C) of subsection (b)(1) are not met with respect to the research.

(d) DEFINITION.—For purposes of this section, the term "human fetal tissue" has the meaning given such term in section 498A(f) of the Public Health Service Act (as added by section 111 of this Act).

SEC. 114. REPORT BY GENERAL ACCOUNTING OFFICE ON ADEQUACY OF REQUIREMENTS.

(a) IN GENERAL.—With respect to research on the transplantation of human fetal tissue for therapeutic purposes, the Comptroller General of the United States shall conduct an audit for the purpose of determining—

(1) whether and to what extent such research conducted or supported by the Secretary of Health and Human Services has been conducted

in accordance with section 498A of the Public Health Service Act (as added by section 111 of this Act); and

(2) whether and to what extent there have been violations of section 498B of such Act (as added by section 112 of this Act).

(b) REPORT.—Not later than May 19, 1995, the Comptroller General of the United States shall complete the audit required in subsection (a) and submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the findings made pursuant to the audit.

PART III—MISCELLANEOUS REPEALS

SEC. 121. REPEALS.

(a) CERTAIN BIOMEDICAL ETHICS BOARD.—Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by striking part J.

(b) OTHER REPEALS.—Part G of title IV of the Public Health Service Act (42 U.S.C. 289 et seq.) is amended—

(1) in section 498, by striking subsection (c); and

(2) by striking section 499; and

(3) by redesignating section 499A as section 499.

(c) NULLIFICATION OF CERTAIN PROVISIONS.—The provisions of Executive Order 12806 (57 Fed. Reg. 21589 (May 21, 1992)) shall not have any legal effect. The provisions of section 204(d) of part 46 of title 45 of the Code of Federal Regulations (45 CFR 46.204(d)) shall not have any legal effect.

Subtitle B—Clinical Research Equity Regarding Women and Minorities

PART I—WOMEN AND MINORITIES AS SUBJECTS IN CLINICAL RESEARCH

SEC. 131. REQUIREMENT OF INCLUSION IN RESEARCH.

Part G of title IV of the Public Health Service Act, as amended by section 101 of this Act, is amended by inserting after section 492A the following section:

"INCLUSION OF WOMEN AND MINORITIES IN CLINICAL RESEARCH

"SEC. 492B. (a) REQUIREMENT OF INCLUSION.—

"(1) IN GENERAL.—In conducting or supporting clinical research for purposes of this title, the Director of NIH shall, subject to subsection (b), ensure that—

"(A) women are included as subjects in each project of such research; and

"(B) members of minority groups are included as subjects in such research.

"(2) OUTREACH REGARDING PARTICIPATION AS SUBJECTS.—The Director of NIH, in consultation with the Director of the Office of Research on Women's Health and the Director of the Office of Research on Minority Health, shall conduct or support outreach programs for the recruitment of women and members of minority groups as subjects in projects of clinical research.

"(b) INAPPLICABILITY OF REQUIREMENT.—The requirement established in subsection (a) regarding women and members of minority groups shall not apply to a project of clinical research if the inclusion, as subjects in the project, of women and members of minority groups, respectively—

"(1) is inappropriate with respect to the health of the subjects;

"(2) is inappropriate with respect to the purpose of the research; or

"(3) is inappropriate under such other circumstances as the Director of NIH may designate.

"(c) DESIGN OF CLINICAL TRIALS.—In the case of any clinical trial in which women or members of minority groups will under subsection (a) be included as subjects, the Director of NIH shall ensure that the trial is designed and carried out in a manner sufficient to provide for a valid analysis of whether the variables being studied in the trial affect women or members of minority groups, as the case may be, differently than other subjects in the trial.

"(d) GUIDELINES.—

"(1) IN GENERAL.—Subject to paragraph (2), the Director of NIH, in consultation with the Director of the Office of Research on Women's Health and the Director of the Office of Research on Minority Health, shall establish guidelines regarding the requirements of this section. The guidelines shall include guidelines regarding—

"(A) the circumstances under which the inclusion of women and minorities as subjects in projects of clinical research is inappropriate for purposes of subsection (b);

"(B) the manner in which clinical trials are required to be designed and carried out for purposes of subsection (c); and

"(C) the operation of outreach programs under subsection (a).

"(2) CERTAIN PROVISIONS.—With respect to the circumstances under which the inclusion of women or members of minority groups (as the case may be) as subjects in a project of clinical research is inappropriate for purposes of subsection (b), the following applies to guidelines under paragraph (1):

"(A)(i) In the case of a clinical trial, the guidelines shall provide that the costs of such inclusion in the trial is not a permissible consideration in determining whether such inclusion is inappropriate.

"(ii) In the case of other projects of clinical research, the guidelines shall provide that the costs of such inclusion in the project is not a permissible consideration in determining whether such inclusion is inappropriate unless the data regarding women or members of minority groups, respectively, that would be obtained in such project (in the event that such inclusion were required) have been or are being obtained through other means that provide data of comparable quality.

"(B) In the case of a clinical trial, the guidelines may provide that such inclusion in the trial is not required if there is substantial scientific data demonstrating that there is no significant difference between—

"(i) the effects that the variables to be studied in the trial have on women or members of minority groups, respectively; and

"(ii) the effects that the variables have on the individuals who would serve as subjects in the trial in the event that such inclusion were not required.

"(e) DATE CERTAIN FOR GUIDELINES; APPLICABILITY.—

"(1) DATE CERTAIN.—The guidelines required in subsection (d) shall be established and published in the Federal Register not later than 180 days after the date of the enactment of the National Institutes of Health Revitalization Act of 1993.

"(2) APPLICABILITY.—For fiscal year 1995 and subsequent fiscal years, the Director of NIH may not approve any proposal of clinical research to be conducted or supported by any agency of the National Institutes of Health unless the proposal specifies the manner in which the research will comply with this section.

"(f) REPORTS BY ADVISORY COUNCILS.—The advisory council of each national research institute shall prepare biennial reports describing the manner in which the institute has complied with this section. Each such report shall be submitted to the Director of the institute involved for inclusion in the biennial report under section 403.

"(g) DEFINITIONS.—For purposes of this section:

"(1) The term 'project of clinical research' includes a clinical trial.

"(2) The term 'minority group' includes subpopulations of minority groups. The Director of NIH shall, through the guidelines established under subsection (d), define the terms 'minority group' and 'subpopulation' for purposes of the preceding sentence.".

SEC. 132. PEER REVIEW.

Section 492 of the Public Health Service Act (42 U.S.C. 289a) is amended by adding at the end the following subsection:

"(c)(1) In technical and scientific peer review under this section of proposals for clinical research, the consideration of any such proposal (including the initial consideration) shall, except as provided in paragraph (2), include an evaluation of the technical and scientific merit of the proposal regarding compliance with section 492B.

"(2) Paragraph (1) shall not apply to any proposal for clinical research that, pursuant to subsection (b) of section 492B, is not subject to the requirement of subsection (a) of such section regarding the inclusion of women and members of minority groups as subjects in clinical research.".

SEC. 133. INAPPLICABILITY TO CURRENT PROJECTS.

Section 492B of the Public Health Service Act, as added by section 131 of this Act, shall not apply with respect to projects of clinical research for which initial funding was provided prior to the date of the enactment of this Act. With respect to the inclusion of women and minorities as subjects in clinical research conducted or supported by the National Institutes of Health, any policies of the Secretary of Health and Human Services regarding such inclusion that are in effect on the day before the date of the enactment of this Act shall continue to apply to the projects referred to in the preceding sentence.

PART II—OFFICE OF RESEARCH ON WOMEN'S HEALTH

SEC. 141. ESTABLISHMENT.

(a) IN GENERAL.—Title IV of the Public Health Service Act, as amended by the preceding provisions of this title, is amended—

(1) by redesignating section 486 as section 485A;

(2) by redesignating parts F through H as parts G through I, respectively; and

(3) by inserting after part E the following part:

"PART F—RESEARCH ON WOMEN'S HEALTH

"SEC. 486. OFFICE OF RESEARCH ON WOMEN'S HEALTH.

"(a) ESTABLISHMENT.—There is established within the Office of the Director of NIH an office to be known as the Office of Research on Women's Health (in this part referred to as the 'Office'). The Office shall be headed by a director, who shall be appointed by the Director of NIH.

"(b) PURPOSE.—The Director of the Office shall—

"(1) identify projects of research on women's health that should be conducted or supported by the national research institutes;

"(2) identify multidisciplinary research relating to research on women's health that should be so conducted or supported;

"(3) carry out paragraphs (1) and (2) with respect to the aging process in women, with priority given to menopause;

"(4) promote coordination and collaboration among entities conducting research identified under any of paragraphs (1) through (3);

"(5) encourage the conduct of such research by entities receiving funds from the national research institutes;

"(6) recommend an agenda for conducting and supporting such research;

"(7) promote the sufficient allocation of the resources of the national research institutes for conducting and supporting such research;

"(8) assist in the administration of section 492B with respect to the inclusion of women as subjects in clinical research; and

"(9) prepare the report required in section 486B.

"(c) COORDINATING COMMITTEE.—

"(1) In carrying out subsection (b), the Director of the Office shall establish a committee to be known as the Coordinating Committee on Research on Women's Health (in this subsection referred to as the 'Coordinating Committee').

"(2) The Coordinating Committee shall be composed of the Directors of the national research institutes (or the designees of the Directors).

"(3) The Director of the Office shall serve as the chair of the Coordinating Committee.

"(4) With respect to research on women's health, the Coordinating Committee shall assist the Director of the Office in—

"(A) identifying the need for such research, and making an estimate each fiscal year of the funds needed to adequately support the research;

"(B) identifying needs regarding the coordination of research activities, including intramural and extramural multidisciplinary activities;

"(C) supporting the development of methodologies to determine the circumstances in which obtaining data specific to women (including data relating to the age of women and the membership of women in ethnic or racial groups) is an appropriate function of clinical trials of treatments and therapies;

"(D) supporting the development and expansion of clinical trials of treatments and therapies for which obtaining such data has been determined to be an appropriate function; and

"(E) encouraging the national research institutes to conduct and support such research, including such clinical trials.

"(d) ADVISORY COMMITTEE.—

"(1) In carrying out subsection (b), the Director of the Office shall establish an advisory committee to be known as the Advisory Committee on Research on Women's Health (in this subsection referred to as the 'Advisory Committee').

"(2) The Advisory Committee shall be composed of no fewer than 12, and not more than 18 individuals, who are not officers or employees of the Federal Government. The Director of the Office shall make appointments to the Advisory Committee from among physicians, practitioners, scientists, and other health professionals, whose clinical practice, research specialization, or professional expertise includes a significant focus on research on women's health. A majority of the members of the Advisory Committee shall be women.

"(3) The Director of the Office shall serve as the chair of the Advisory Committee.

"(4) The Advisory Committee shall—

"(A) advise the Director of the Office on appropriate research activities to be undertaken by the national research institutes with respect to—

"(i) research on women's health;

"(ii) research on gender differences in clinical drug trials, including responses to pharmacological drugs;

"(iii) research on gender differences in disease etiology, course, and treatment;

"(iv) research on obstetrical and gynecological health conditions, diseases, and treatments; and

"(v) research on women's health conditions which require a multidisciplinary approach;

"(B) report to the Director of the Office on such research;

"(C) provide recommendations to such Director regarding activities of the Office (including recommendations on the development of the methodologies described in subsection (c)(4)(C) and recommendations on priorities in carrying out research described in subparagraph (A)); and

"(D) assist in monitoring compliance with section 492B regarding the inclusion of women in clinical research.

"(5)(A) The Advisory Committee shall prepare a biennial report describing the activities of the Committee, including findings made by the Committee regarding—

"(i) compliance with section 492B;

"(ii) the extent of expenditures made for research on women's health by the agencies of the National Institutes of Health; and

"(iii) the level of funding needed for such research.

"(B) The report required in subparagraph (A) shall be submitted to the Director of NIH for inclusion in the report required in section 403.

"(e) REPRESENTATION OF WOMEN AMONG RESEARCHERS.—The Secretary, acting through the Assistant Secretary for Personnel and in collaboration with the Director of the Office, shall determine the extent to which women are represented among senior physicians and scientists of the national research institutes and among physicians and scientists conducting research with funds provided by such institutes, and as appropriate, carry out activities to increase the extent of such representation.

"(f) DEFINITIONS.—For purposes of this part:

"(1) The term 'women's health conditions', with respect to women of all age, ethnic, and racial groups, means all diseases, disorders, and conditions (including with respect to mental health)—

"(A) unique to, more serious, or more prevalent in women;

"(B) for which the factors of medical risk or types of medical intervention are different for women, or for which it is unknown whether such factors or types are different for women; or

"(C) with respect to which there has been insufficient clinical research involving women as subjects or insufficient clinical data on women.

"(2) The term 'research on women's health' means research on women's health conditions, including research on preventing such conditions.

"SEC. 486A. NATIONAL DATA SYSTEM AND CLEARINGHOUSE ON RESEARCH ON WOMEN'S HEALTH.

"(a) DATA SYSTEM.—

"(1) The Director of NIH, in consultation with the Director of the Office and the Director of the National Library of Medicine, shall establish a data system for the collection, storage, analysis, retrieval, and dissemination of information regarding research on women's health that is conducted or supported by the national research institutes. Information from the data system shall be available through information systems available to health care professionals and providers, researchers, and members of the public.

"(2) The data system established under paragraph (1) shall include a registry of clinical trials of experimental treatments that have been developed for research on women's health. Such registry shall include information on subject eligibility criteria, sex, age, ethnicity or race, and the location of the trial site or sites. Principal investigators of such clinical trials shall provide this information to the registry within 30 days after it is available. Once a trial has been completed, the principal investigator shall provide the registry with information pertaining to the results, including potential toxicities or adverse effects associated with the experimental treatment or treatments evaluated.

"(b) CLEARINGHOUSE.—The Director of NIH, in consultation with the Director of the Office and with the National Library of Medicine, shall establish, maintain, and operate a program to provide information on research and prevention activities of the national research institutes that relate to research on women's health.

"SEC. 486B. BIENNIAL REPORT.

"(a) IN GENERAL.—With respect to research on women's health, the Director of the Office shall, not later than February 1, 1994, and biennially thereafter, prepare a report—

"(1) describing and evaluating the progress made during the preceding 2 fiscal years in research and treatment conducted or supported by the National Institutes of Health;

"(2) describing and analyzing the professional status of women physicians and scientists of such Institutes, including the identification of problems and barriers regarding advancements;

"(3) summarizing and analyzing expenditures made by the agencies of such Institutes (and by such Office) during the preceding 2 fiscal years; and

"(4) making such recommendations for legislative and administrative initiatives as the Director of the Office determines to be appropriate.

"(b) INCLUSION IN BIENNIAL REPORT OF DIRECTOR OF NIH.—The Director of the Office shall submit each report prepared under subsection (a) to the Director of NIH for inclusion in the report submitted to the President and the Congress under section 403.".

(b) REQUIREMENT OF SUFFICIENT ALLOCATION OF RESOURCES OF INSTITUTES.—Section 402(b) of the Public Health Service Act (42 U.S.C. 282(b)) is amended—

(1) in paragraph (10), by striking "and" after the semicolon at the end;

(2) in paragraph (11), by striking the period at the end and inserting "; and"; and

(3) by inserting after paragraph (11) the following paragraph:

"(12) after consultation with the Director of the Office of Research on Women's Health, shall ensure that resources of the National Institutes of Health are sufficiently allocated for projects of research on women's health that are identified under section 486(b).".

PART III—OFFICE OF RESEARCH ON MINORITY HEALTH

SEC. 151. ESTABLISHMENT.

Part A of title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended by adding at the end the following section:

"OFFICE OF RESEARCH ON MINORITY HEALTH

"SEC. 404. (a) ESTABLISHMENT.—There is established within the Office of the Director of NIH an office to be known as the Office of Research on Minority Health (in this section referred to as the 'Office'). The Office shall be headed by a director, who shall be appointed by the Director of NIH.

"(b) PURPOSE.—The Director of the Office shall—

"(1) identify projects of research on minority health that should be conducted or supported by the national research institutes;

"(2) identify multidisciplinary research relating to research on minority health that should be so conducted or supported;

"(3) promote coordination and collaboration among entities conducting research identified under paragraph (1) or (2);

"(4) encourage the conduct of such research by entities receiving funds from the national research institutes;

"(5) recommend an agenda for conducting and supporting such research;

"(6) promote the sufficient allocation of the resources of the national research institutes for conducting and supporting such research; and

"(7) assist in the administration of section 492B with respect to the inclusion of members of minority groups as subjects in clinical research.".

Subtitle C—Research Integrity

SEC. 161. ESTABLISHMENT OF OFFICE OF RESEARCH INTEGRITY.

Section 493 of the Public Health Service Act (42 U.S.C. 289b) is amended to read as follows:

"OFFICE OF RESEARCH INTEGRITY

"SEC. 493. (a) IN GENERAL.—

"(1) ESTABLISHMENT OF OFFICE.—Not later than 90 days after the date of enactment of this section, the Secretary shall establish an office to be known as the Office of Research Integrity (referred to in this section as the 'Office'), which shall be established as an independent entity in the Department of Health and Human Services.

"(2) APPOINTMENT OF DIRECTOR.—The Office shall be headed by a Director, who shall be appointed by the Secretary, be experienced and specially trained in the conduct of research, and have experience in the conduct of investigations of research misconduct. The Secretary shall carry out this section acting through the Director of the Office. The Director shall report to the Secretary.

"(3) DEFINITIONS.—

"(A) The Secretary shall by regulation establish a definition for the term 'research misconduct' for purposes of this section.

"(B) For purposes of this section, the term 'financial assistance' means a grant, contract, or cooperative agreement.

"(b) EXISTENCE OF ADMINISTRATIVE PROCESSES AS CONDITION OF FUNDING FOR RESEARCH.—The Secretary shall by regulation require that each entity that applies for financial assistance under this Act for any project or program that involves the conduct of biomedical or behavioral research submit in or with its application for such assistance —

"(1) assurances satisfactory to the Secretary that such entity has established and has in effect (in accordance with regulations which the Secretary shall prescribe) an administrative process to review reports of research misconduct in connection with biomedical and behavioral research conducted at or sponsored by such entity;

"(2) an agreement that the entity will report to the Director any investigation of alleged research misconduct in connection with projects for which funds have been made available under this Act that appears substantial; and

"(3) an agreement that the entity will comply with regulations issued under this section.

"(c) PROCESS FOR RESPONSE OF DIRECTOR.—The Secretary shall by regulation establish a process to be followed by the Director for the prompt and appropriate—

"(1) response to information provided to the Director respecting research misconduct in connection with projects for which funds have been made available under this Act;

"(2) receipt of reports by the Director of such information from recipients of funds under this Act;

"(3) conduct of investigations, when appropriate; and

"(4) taking of other actions, including appropriate remedies, with respect to such misconduct.

"(d) MONITORING BY DIRECTOR.—The Secretary shall by regulation establish procedures for the Director to monitor administrative processes and investigations that have been established or carried out under this section.".

SEC. 162. COMMISSION ON RESEARCH INTEGRITY.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall establish a commission to be known as the Commission on Research Integrity (in this section referred to as the "Commission").

(b) DUTIES.—The Commission shall develop recommendations for the Secretary of Health and Human Services on the administration of section 493 of the Public Health Service Act (as amended and added by section 161 of this Act).

(c) COMPOSITION.—The Commission shall be composed of 12 members to be appointed by the Secretary of Health and Human Services. Not more than 3 members of the Commission may be officers or employees of the United States. Of the members of the Commission—

(1) three shall be scientists with substantial accomplishments in biomedical or behavioral research;

(2) three shall be individuals with experience in investigating allegations of misconduct with respect to research;

(3) three shall be representatives of institutions of higher education at which biomedical or behavioral research is conducted; and

(4) three shall be individuals who are not described in paragraph (1), (2), or (3), at least one of whom shall be an attorney and at least one of whom shall be an ethicist.

(d) COMPENSATION.—Members of the Commission may not receive compensation for service on the Commission. Members may be reimbursed for travel, subsistence, and other necessary expenses incurred in carrying out the duties of the Commission.

(e) REPORT.—Not later than 120 days after the date on which the Commission is established under subsection (a), the Commission shall prepare and submit to the Secretary of Health and Human Services, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate, a report containing the recommendations developed under subsection (b).

SEC. 163. PROTECTION OF WHISTLEBLOWERS.

Section 493 of the Public Health Service Act, as amended by section 161 of this Act, is amended by adding at the end the following subsection:

"(e) PROTECTION OF WHISTLEBLOWERS.—

"(1) IN GENERAL.—In the case of any entity required to establish administrative processes under subsection (b), the Secretary shall by regulation establish standards for preventing, and for responding to the occurrence of retaliation by such entity, its officials or agents, against an employee in the terms and conditions of employment in response to the employee having in good faith—

"(A) made an allegation that the entity, its officials or agents, has engaged in or failed to adequately respond to an allegation of research misconduct; or

"(B) cooperated with an investigation of such an allegation.

"(2) MONITORING BY SECRETARY.—The Secretary shall by regulation establish procedures for the Director to monitor the implementation of the standards established by an entity under paragraph (1) for the purpose of determining whether the procedures have been established, and are being utilized, in accordance with the standards established under such paragraph.

"(3) NONCOMPLIANCE.—The Secretary shall by regulation establish remedies for noncompliance by an entity, its officials or agents, which has engaged in retaliation in violation of the standards established under paragraph (1). Such remedies may include termination of funding provided by the Secretary for such project or recovery of funding being provided by the Secretary for such project, or other actions as appropriate.".

SEC. 164. REQUIREMENT OF REGULATIONS REGARDING PROTECTION AGAINST FINANCIAL CONFLICTS OF INTEREST IN CERTAIN PROJECTS OF RESEARCH.

Part H of title IV of the Public Health Service Act, as redesignated by section 141(a)(2) of this Act, is amended by inserting after section 493 the following new section:

"PROTECTION AGAINST FINANCIAL CONFLICTS OF INTEREST IN CERTAIN PROJECTS OF RESEARCH

"SEC. 493A. (a) ISSUANCE OF REGULATIONS.—The Secretary shall by regulation define the specific circumstances that constitute the existence of a financial interest in a project on the part of an entity or individual that will, or may be reasonably expected to, create a bias in favor of obtaining results in such project that are consistent with such financial interest. Such definition shall apply uniformly to each entity or individual conducting a research project under this Act. In the case of any entity or individual receiving assistance from the Secretary for a project of research described in subsection (b), the Secretary shall by regulation establish standards for responding to, including managing, reducing, or eliminating, the existence of such a financial interest. The entity may adopt individualized procedures for implementing the standards.

"(b) RELEVANT PROJECTS.—A project of research referred to in subsection (a) is a project of clinical research whose purpose is to evaluate the safety or effectiveness of a drug, medical device, or treatment and for which such entity is receiving assistance from the Secretary.

"(c) IDENTIFYING AND REPORTING TO SECRETARY.—The Secretary shall by regulation require that each entity described in subsection (a) that applies for assistance under this Act for any project described in subsection (b) submit in or with its application for such assistance—

"(1) assurances satisfactory to the Secretary that such entity has established and has in effect an administrative process under subsection (a) to identify financial interests (as defined under subsection (a)) that exist regarding the project; and

"(2) an agreement that the entity will report to the Secretary such interests identified by the entity and how any such interests identified by the entity will be managed or eliminated in order that the project in question will be protected from bias that may stem from such interests; and

"(3) an agreement that the entity will comply with regulations issued under this section.

"(d) MONITORING OF PROCESS.—The Secretary shall monitor the establishment and conduct of the administrative process established by an entity pursuant to subsection (a).

"(e) RESPONSE.—In any case in which the Secretary determines that an entity has failed to comply with subsection (c) regarding a project of research described in subsection (b), the Secretary—

"(1) shall require that, as a condition of receiving assistance, the entity disclose the existence of a financial interest (as defined under subsection (a)) in each public presentation of the results of such project; and

"(2) may take such other actions as the Secretary determines to be appropriate.

"(f) DEFINITIONS.—For purposes of this section:

"(1) The term 'financial interest' includes the receipt of consulting fees or honoraria and the ownership of stock or equity.

"(2) The term 'assistance', with respect to conducting a project of research, means a grant, contract, or cooperative agreement.".

SEC. 165. REGULATIONS.

(a) ISSUANCE OF FINAL RULES.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall, subject to paragraph (2), issue the final rule for each regulation required in section 493 or 493A of the Public Health Service Act.

(2) DEFINITION OF RESEARCH MISCONDUCT.—Not later than 90 days after the date on which the report required in section 162(e) is submitted to the Secretary, the Secretary shall issue the final rule for the regulations required in section

493 of the Public Health Service Act with respect to the definition of the term "research misconduct".

(b) APPLICABILITY TO ONGOING INVESTIGATIONS.—The final rule issued pursuant to subsection (a) for investigations under section 493 of the Public Health Service Act does not apply to investigations commenced before the date of the enactment of this Act under authority of such section as in effect before such date.

(c) DEFINITIONS.—For purposes of this section:

(1) The term "section 493 of the Public Health Service Act" means such section as amended by sections 161 and 163 of this Act, except as indicated otherwise in subsection (b)(2).

(2) The term "section 493A of the Public Health Service Act" means such section as added by section 164 of this Act.

(3) The term "Secretary" means the Secretary of Health and Human Services.

TITLE II—NATIONAL INSTITUTES OF HEALTH IN GENERAL

SEC. 201. HEALTH PROMOTION RESEARCH DISSEMINATION.

Section 402(f) of the Public Health Service Act (42 U.S.C. 282(f)) is amended by striking "other public and private entities." and all that follows through the end and inserting "other public and private entities, including elementary, secondary, and post-secondary schools. The Associate Director shall—

"(1) annually review the efficacy of existing policies and techniques used by the national research institutes to disseminate the results of disease prevention and behavioral research programs;

"(2) recommend, coordinate, and oversee the modification or reconstruction of such policies and techniques to ensure maximum dissemination, using advanced technologies to the maximum extent practicable, of research results to such entities; and

"(3) annually prepare and submit to the Director of NIH a report concerning the prevention and dissemination activities undertaken by the Associate Director, including—

"(A) a summary of the Associate Director's review of existing dissemination policies and techniques together with a detailed statement concerning any modification or restructuring, or recommendations for modification or restructuring, of such policies and techniques; and

"(B) a detailed statement of the expenditures made for the prevention and dissemination activities reported on and the personnel used in connection with such activities.".

SEC. 202. PROGRAMS FOR INCREASED SUPPORT REGARDING CERTAIN STATES AND RESEARCHERS.

Section 402 of the Public Health Service Act (42 U.S.C. 282) is amended by adding at the end the following subsection:

"(g)(1)(A) In the case of entities described in subparagraph (B), the Director of NIH, acting through the Director of the National Center for Research Resources, shall establish a program to enhance the competitiveness of such entities in obtaining funds from the national research institutes for conducting biomedical and behavioral research.

"(B) The entities referred to in subparagraph (A) are entities that conduct biomedical and behavioral research and are located in a State in which the aggregate success rate for applications to the national research institutes for assistance for such research by the entities in the State has historically constituted a low success rate of obtaining such funds, relative to such aggregate rate for such entities in other States.

"(C) With respect to enhancing competitiveness for purposes of subparagraph (A), the Director of NIH, in carrying out the program established under such subparagraph, may—

"(i) provide technical assistance to the entities involved, including technical assistance in the preparation of applications for obtaining funds from the national research institutes;

"(ii) assist the entities in developing a plan for biomedical or behavioral research proposals; and

"(iii) assist the entities in implementing such plan.

"(2) The Director of NIH shall establish a program of supporting projects of biomedical or behavioral research whose principal researchers are individuals who have not previously served as the principal researchers of such projects supported by the Director.".

SEC. 203. ESTABLISHMENT OF OFFICE OF BEHAVIORAL AND SOCIAL SCIENCES RESEARCH.

(a) IN GENERAL.—Part A of title IV of the Public Health Service Act, as amended by section 151 of this Act, is amended by adding at the end the following section:

"OFFICE OF BEHAVIORAL AND SOCIAL SCIENCES RESEARCH

"SEC. 404A. (a) There is established within the Office of the Director of NIH an office to be known as the Office of Behavioral and Social Sciences Research (in this section referred to as the 'Office'). The Office shall be headed by a director, who shall be appointed by the Director of NIH.

"(b)(1) With respect to research on the relationship between human behavior and the development, treatment, and prevention of medical conditions, the Director of the Office shall—

"(A) coordinate research conducted or supported by the agencies of the National Institutes of Health; and

"(B) identify projects of behavioral and social sciences research that should be conducted or supported by the national research institutes, and develop such projects in cooperation with such institutes.

"(2) Research authorized under paragraph (1) includes research on teen pregnancy, infant mortality, violent behavior, suicide, and homelessness. Such research does not include neurobiological research, or research in which the behavior of an organism is observed for the purpose of determining activity at the cellular or molecular level.".

(b) REPORT.—Not later than February 1, 1994, the Director of the Office of Behavioral and Social Sciences Research (established in section 404A of the Public Health Service Act, as added by subsection (a) of this section) shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the extent to which the national research institutes of the National Institutes of Health conduct and support behavioral research and social sciences research. In preparing the report, such Director shall (subject to subsection (b)(2) of such section 404A) state the definitions used in the report for the terms "behavioral research" and "social sciences research", and shall apply the definitions uniformly to such institutes for purposes of the report.

(c) EFFECTIVE DATES.—The amendment described in subsection (a) is made upon the date of the enactment of this Act and takes effect July 1, 1993. Subsection (b) takes effect on such date.

SEC. 204. CHILDREN'S VACCINE INITIATIVE.

Part A of title IV of the Public Health Service Act, as amended by section 203 of this Act, is amended by adding at the end the following section:

"CHILDREN'S VACCINE INITIATIVE

"SEC. 404B. (a) DEVELOPMENT OF NEW VACCINES.—The Secretary, in consultation with the Director of the National Vaccine Program under title XXI and acting through the Directors of the National Institute for Allergy and Infectious Diseases, the National Institute for Child Health and Human Development, the National Institute for Aging, and other public and private programs, shall carry out activities, which shall be consistent with the global Children's Vaccine Initiative, to develop affordable new and improved vaccines to be used in the United States and in the developing world that will increase the efficacy and efficiency of the prevention of infectious diseases. In carrying out such activities, the Secretary shall, to the extent practicable, develop and make available vaccines that require fewer contacts to deliver, that can be given early in life, that provide long lasting protection, that obviate refrigeration, needles and syringes, and that protect against a larger number of diseases.

"(b) REPORT.—In the report required in section 2104, the Secretary, acting through the Director of the National Vaccine Program under title XXI, shall include information with respect to activities and the progress made in implementing the provisions of this section and achieving its goals.

"(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other amounts authorized to be appropriated for activities of the type described in this section, there are authorized to be appropriated to carry out this section $20,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".

SEC. 205. PLAN FOR USE OF ANIMALS IN RESEARCH.

(a) IN GENERAL.—Part A of title IV of the Public Health Service Act, as amended by section 204 of this Act, is amended by adding at the end the following section:

"PLAN FOR USE OF ANIMALS IN RESEARCH

"SEC. 404C. (a) The Director of NIH, after consultation with the committee established under subsection (e), shall prepare a plan—

"(1) for the National Institutes of Health to conduct or support research into—

"(A) methods of biomedical research and experimentation that do not require the use of animals;

"(B) methods of such research and experimentation that reduce the number of animals used in such research;

"(C) methods of such research and experimentation that produce less pain and distress in such animals; and

"(D) methods of such research and experimentation that involve the use of marine life (other than marine mammals);

"(2) for establishing the validity and reliability of the methods described in paragraph (1);

"(3) for encouraging the acceptance by the scientific community of such methods that have been found to be valid and reliable; and

"(4) for training scientists in the use of such methods that have been found to be valid and reliable.

"(b) Not later than October 1, 1993, the Director of NIH shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, the plan required in subsection (a) and shall begin implementation of the plan.

"(c) The Director of NIH shall periodically review, and as appropriate, make revisions in the plan required under subsection (a). A description of any revision made in the plan shall be included in the first biennial report under section 403 that is submitted after the revision is made.

"(d) The Director of NIH shall take such actions as may be appropriate to convey to scientists and others who use animals in biomedical or behavioral research or experimentation information respecting the methods found to be valid and reliable under subsection (a)(2).

"(e)(1) The Director of NIH shall establish within the National Institutes of Health a committee to be known as the Interagency Coordinating Committee on the Use of Animals in Research (in this subsection referred to as the 'Committee').

"(2) The Committee shall provide advice to the Director of NIH on the preparation of the plan required in subsection (a).

"(3) The Committee shall be composed of—

"(A) the Directors of each of the national research institutes and the Director of the Center for Research Resources (or the designees of such Directors); and

"(B) representatives of the Environmental Protection Agency, the Food and Drug Administration, the Consumer Product Safety Commission, the National Science Foundation, and such additional agencies as the Director of NIH determines to be appropriate, which representatives shall include not less than one veterinarian with expertise in laboratory-animal medicine.".

(b) CONFORMING AMENDMENT.—Section 4 of the Health Research Extension Act of 1985 (Public Law 99–158; 99 Stat. 880) is repealed.

SEC. 206. INCREASED PARTICIPATION OF WOMEN AND DISADVANTAGED INDIVIDUALS IN FIELDS OF BIOMEDICAL AND BEHAVIORAL RESEARCH.

Section 402 of the Public Health Service Act, as amended by section 202 of this Act, is amended by adding at the end the following subsection:

"(h) The Secretary, acting through the Director of NIH and the Directors of the agencies of the National Institutes of Health, shall, in conducting and supporting programs for research, research training, recruitment, and other activities, provide for an increase in the number of women and individuals from disadvantaged backgrounds (including racial and ethnic minorities) in the fields of biomedical and behavioral research.".

SEC. 207. REQUIREMENTS REGARDING SURVEYS OF SEXUAL BEHAVIOR.

Part A of title IV of the Public Health Service Act, as amended by section 205 of this Act, is amended by adding at the end the following section:

"REQUIREMENTS REGARDING SURVEYS OF SEXUAL BEHAVIOR

"SEC. 404D. With respect to any survey of human sexual behavior proposed to be conducted or supported through the National Institutes of Health, the survey may not be carried out unless—

"(1) the proposal has undergone review in accordance with any applicable requirements of sections 491 and 492; and

"(2) the Secretary, in accordance with section 492A, makes a determination that the information expected to be obtained through the survey will assist—

"(A) in reducing the incidence of sexually transmitted diseases, the incidence of infection with the human immunodeficiency virus, or the incidence of any other infectious disease; or

"(B) in improving reproductive health or other conditions of health.".

SEC. 208. DISCRETIONARY FUND OF DIRECTOR OF NATIONAL INSTITUTES OF HEALTH.

Section 402 of the Public Health Service Act, as amended by section 206 of this Act, is amended by adding at the end the following subsection:

"(i)(1) There is established a fund, consisting of amounts appropriated under paragraph (3) and made available for the fund, for use by the Director of NIH to carry out the activities authorized in this Act for the National Institutes of Health. The purposes for which such fund may be expended include—

"(A) providing for research on matters that have not received significant funding relative to other matters, responding to new issues and scientific emergencies, and acting on research opportunities of high priority;

"(B) supporting research that is not exclusively within the authority of any single agency of such Institutes; and

"(C) purchasing or renting equipment and quarters for activities of such Institutes.

"(2) Not later than February 10 of each fiscal year, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the activities undertaken and expenditures made under this section during the preceding fiscal year. The report may contain such comments of the Secretary regarding this section as the Secretary determines to be appropriate.

"(3) For the purpose of carrying out this subsection, there are authorized to be appropriated $25,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".

SEC. 209. ESTABLISHMENT OF OFFICE OF ALTERNATIVE MEDICINE.

Part A of title IV of the Public Health Service Act, as amended by section 207 of this Act, is amended by adding at the end the following section:

"OFFICE OF ALTERNATIVE MEDICINE

"SEC. 404E. (a) There is established within the Office of the Director of NIH an office to be known as the Office of Alternative Medicine (in this section referred to as the 'Office'), which shall be headed by a director appointed by the Director of NIH.

"(b) The purpose of the Office is to facilitate the evaluation of alternative medical treatment modalities, including acupuncture and Oriental medicine, homeopathic medicine, and physical manipulation therapies.

"(c) The Secretary shall establish an advisory council for the purpose of providing advice to the Director of the Office on carrying out this section. Section 222 applies to such council to the same extent and in the same manner as such section applies to committees or councils established under such section.

"(d) In carrying out subsection (b), the Director of the Office shall—

"(1) establish an information clearinghouse to exchange information with the public about alternative medicine;

"(2) support research training—

"(A) for which fellowship support is not provided under section 487; and

"(B) that is not residency training of physicians or other health professionals; and

"(3)(A) prepare biennial reports on the activities carried out or to be carried out by the Office; and

"(B) submit each such report to the Director of NIH for inclusion in the biennial report under section 403.".

SEC. 210. MISCELLANEOUS PROVISIONS.

(a) TERM OF OFFICE FOR MEMBERS OF ADVISORY COUNCILS.—Section 406(c) of the Public Health Service Act (42 U.S.C. 284a(c)) is amended in the second sentence by striking "until a successor has taken office" and inserting the following: "for 180 days after the date of such expiration".

(b) LITERACY REQUIREMENTS.—Section 402(e) of the Public Health Service Act (42 U.S.C. 282(e)) is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) in paragraph (4), by striking the period and inserting "; and"; and±

(3) by adding at the end the following paragraph:

"(5) ensure that, after January 1, 1994, all new or revised health education and promotion materials developed or funded by the National Institutes of Health and intended for the general public are in a form that does not exceed a level of functional literacy, as defined in the National Literacy Act of 1991 (Public Law 102–73).".

(c) DAY CARE REGARDING CHILDREN OF EMPLOYEES.—Section 402 of the Public Health Service Act, as amended by section 208 of this Act, is amended by adding at the end the following subsection:

"(j)(1) The Director of NIH may establish a program to provide day care services for the employees of the National Institutes of Health similar to those services provided by other Federal agencies (including the availability of day care service on a 24-hour-a-day basis).

"(2) Any day care provider at the National Institutes of Health shall establish a sliding scale of fees that takes into consideration the income and needs of the employee.

"(3) For purposes regarding the provision of day care services, the Director of NIH may enter into rental or lease purchase agreements.".

TITLE III—GENERAL PROVISIONS RESPECTING NATIONAL RESEARCH INSTITUTES

SEC. 301. APPOINTMENT AND AUTHORITY OF DIRECTORS OF NATIONAL RESEARCH INSTITUTES.

(a) ESTABLISHMENT OF GENERAL AUTHORITY REGARDING DIRECT FUNDING.—

(1) IN GENERAL.—Section 405(b)(2) of the Public Health Service Act (42 U.S.C. 284(b)(2)) is amended—

(A) in subparagraph (A), by striking "and" after the semicolon at the end;

(B) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following subparagraph:

"(C) shall, subject to section 2353(d)(2), receive from the President and the Office of Management and Budget directly all funds appropriated by the Congress for obligation and expenditure by the Institute.".

(2) CONFORMING AMENDMENT.—Section 413(b)(9) of the Public Health Service Act (42 U.S.C. 285a–2(b)(9)) is amended—

(A) by striking "(A)" after "(9)"; and

(B) by striking "advisory council;" and all that follows and inserting "advisory council.".

(b) APPOINTMENT AND DURATION OF TECHNICAL AND SCIENTIFIC PEER REVIEW GROUPS.—Section 405(c) of the Public Health Service Act (42 U.S.C. 284(c)) is amended—

(1) by amending paragraph (3) to read as follows:

"(3) may, in consultation with the advisory council for the Institute and with the approval of the Director of NIH—

"(A) establish technical and scientific peer review groups in addition to those appointed under section 402(b)(6); and

"(B) appoint the members of peer review groups established under subparagraph (A); and"; and

(2) by adding after and below paragraph (4) the following:

"The Federal Advisory Committee Act shall not apply to the duration of a peer review group appointed under paragraph (3).".

SEC. 302. PROGRAM OF RESEARCH ON OSTEOPOROSIS, PAGET'S DISEASE, AND RELATED BONE DISORDERS.

Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.), as amended by section 121(b) of Public Law 102–321 (106 Stat. 358), is amended by adding at the end the following section:

"RESEARCH ON OSTEOPOROSIS, PAGET'S DISEASE, AND RELATED BONE DISORDERS

"SEC. 409A. (a) ESTABLISHMENT.—The Directors of the National Institute of Arthritis and

Musculoskeletal and Skin Diseases, the National Institute on Aging, the National Institute of Dental Research, and the National Institute of Diabetes and Digestive and Kidney Diseases, shall expand and intensify the programs of such Institutes with respect to research and related activities concerning osteoporosis, Paget's disease, and related bone disorders.

"(b) COORDINATION.—The Directors referred to in subsection (a) shall jointly coordinate the programs referred to in such subsection and consult with the Arthritis and Musculoskeletal Diseases Interagency Coordinating Committee and the Interagency Task Force on Aging Research.

"(c) INFORMATION CLEARINGHOUSE.—

"(1) IN GENERAL.—In order to assist in carrying out the purpose described in subsection (a), the Director of NIH shall provide for the establishment of an information clearinghouse on osteoporosis and related bone disorders to facilitate and enhance knowledge and understanding on the part of health professionals, patients, and the public through the effective dissemination of information.

"(2) ESTABLISHMENT THROUGH GRANT OR CONTRACT.—For the purpose of carrying out paragraph (1), the Director of NIH shall enter into a grant, cooperative agreement, or contract with a nonprofit private entity involved in activities regarding the prevention and control of osteoporosis and related bone disorders.

"(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $40,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".

SEC. 303. ESTABLISHMENT OF INTERAGENCY PROGRAM FOR TRAUMA RESEARCH.

(a) IN GENERAL.—Title XII of the Public Health Service Act (42 U.S.C. 300d et seq.), as amended by title VI of Public Law 102-321 (106 Stat. 433) and section 304 of Public Law 102-408 (106 Stat. 2084), is amended by adding at the end the following part:

"PART F—INTERAGENCY PROGRAM FOR TRAUMA RESEARCH

"SEC. 1261. ESTABLISHMENT OF PROGRAM.

"(a) IN GENERAL.—The Secretary, acting through the Director of the National Institutes of Health (in this section referred to as the 'Director'), shall establish a comprehensive program of conducting basic and clinical research on trauma (in this section referred to as the 'Program'). The Program shall include research regarding the diagnosis, treatment, rehabilitation, and general management of trauma.

"(b) PLAN FOR PROGRAM.—

"(1) IN GENERAL.—The Director, in consultation with the Trauma Research Interagency Coordinating Committee established under subsection (g), shall establish and implement a plan for carrying out the activities of the Program, including the activities described in subsection (d). All such activities shall be carried out in accordance with the plan. The plan shall be periodically reviewed, and revised as appropriate.

"(2) SUBMISSION TO CONGRESS.—Not later than December 1, 1993, the Director shall submit the plan required in paragraph (1) to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, together with an estimate of the funds needed for each of the fiscal years 1994 through 1996 to implement the plan.

"(c) PARTICIPATING AGENCIES; COORDINATION AND COLLABORATION.—The Director—

"(1) shall provide for the conduct of activities under the Program by the Directors of the agencies of the National Institutes of Health involved in research with respect to trauma;

"(2) shall ensure that the activities of the Program are coordinated among such agencies; and

"(3) shall, as appropriate, provide for collaboration among such agencies in carrying out such activities.

"(d) CERTAIN ACTIVITIES OF PROGRAM.—The Program shall include—

"(1) studies with respect to all phases of trauma care, including prehospital, resuscitation, surgical intervention, critical care, infection control, wound healing, nutritional care and support, and medical rehabilitation care;

"(2) basic and clinical research regarding the response of the body to trauma and the acute treatment and medical rehabilitation of individuals who are the victims of trauma; and

"(3) basic and clinical research regarding trauma care for pediatric and geriatric patients.

"(e) MECHANISMS OF SUPPORT.—In carrying out the Program, the Director, acting through the Directors of the agencies referred to in subsection (c)(1), may make grants to public and nonprofit entities, including designated trauma centers.

"(f) RESOURCES.—The Director shall assure the availability of appropriate resources to carry out the Program, including the plan established under subsection (b) (including the activities described in subsection (d)).

"(g) COORDINATING COMMITTEE.—

"(1) IN GENERAL.—There shall be established a Trauma Research Interagency Coordinating Committee (in this section referred to as the 'Coordinating Committee').

"(2) DUTIES.—The Coordinating Committee shall make recommendations regarding—

"(A) the activities of the Program to be carried out by each of the agencies represented on the Committee and the amount of funds needed by each of the agencies for such activities; and

"(B) effective collaboration among the agencies in carrying out the activities.

"(3) COMPOSITION.—The Coordinating Committee shall be composed of the Directors of each of the agencies that, under subsection (c), have responsibilities under the Program, and any other individuals who are practitioners in the trauma field as designated by the Director of the National Institutes of Health.

"(h) DEFINITIONS.—For purposes of this section:

"(1) The term 'designated trauma center' has the meaning given such term in section 1231(1).

"(2) The term 'Director' means the Director of the National Institutes of Health.

"(3) The term 'trauma' means any serious injury that could result in loss of life or in significant disability and that would meet pre-hospital triage criteria for transport to a designated trauma center.".

(b) CONFORMING AMENDMENT.—Section 402 of the Public Health Service Act, as amended by section 210(c) of this Act, is amended by adding at the end the following subsection:

"(k) The Director of NIH shall carry out the program established in part F of title XII (relating to interagency research on trauma).".

TITLE IV—NATIONAL CANCER INSTITUTE

SEC. 401. EXPANSION AND INTENSIFICATION OF ACTIVITIES REGARDING BREAST CANCER.

Subpart 1 of part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by adding at the end the following section:

"BREAST AND GYNECOLOGICAL CANCERS

"SEC. 417. (a) EXPANSION AND COORDINATION OF ACTIVITIES.—The Director of the Institute, in consultation with the National Cancer Advisory Board, shall expand, intensify, and coordinate the activities of the Institute with respect to research on breast cancer, ovarian cancer, and other cancers of the reproductive system of women.

"(b) COORDINATION WITH OTHER INSTITUTES.—The Director of the Institute shall coordinate the activities of the Director under subsection (a) with similar activities conducted by other national research institutes and agencies of the National Institutes of Health to the extent that such Institutes and agencies have responsibilities that are related to breast cancer and other cancers of the reproductive system of women.

"(c) PROGRAMS FOR BREAST CANCER.—

"(1) IN GENERAL.—In carrying out subsection (a), the Director of the Institute shall conduct or support research to expand the understanding of the cause of, and to find a cure for, breast cancer. Activities under such subsection shall provide for an expansion and intensification of the conduct and support of—

"(A) basic research concerning the etiology and causes of breast cancer;

"(B) clinical research and related activities concerning the causes, prevention, detection and treatment of breast cancer;

"(C) control programs with respect to breast cancer in accordance with section 412, including community-based programs designed to assist women who are members of medically underserved populations, low-income populations, or minority groups;

"(D) information and education programs with respect to breast cancer in accordance with section 413; and

"(E) research and demonstration centers with respect to breast cancer in accordance with section 414, including the development and operation of centers for breast cancer research to bring together basic and clinical, biomedical and behavioral scientists to conduct basic, clinical, epidemiological, psychosocial, prevention and treatment research and related activities on breast cancer.

Not less than six centers shall be operated under subparagraph (E). Activities of such centers should include supporting new and innovative research and training programs for new researchers. Such centers shall give priority to expediting the transfer of research advances to clinical applications.

"(2) IMPLEMENTATION OF PLAN FOR PROGRAMS.—

"(A) The Director of the Institute shall ensure that the research programs described in paragraph (1) are implemented in accordance with a plan for the programs. Such plan shall include comments and recommendations that the Director of the Institute considers appropriate, with due consideration provided to the professional judgment needs of the Institute as expressed in the annual budget estimate prepared in accordance with section 413(9). The Director of the Institute, in consultation with the National Cancer Advisory Board, shall periodically review and revise such plan.

"(B) Not later than October 1, 1993, the Director of the Institute shall submit a copy of the plan to the President's Cancer Panel, the Secretary and the Director of NIH.

"(C) The Director of the Institute shall submit any revisions of the plan to the President's Cancer Panel, the Secretary, and the Director of NIH.

"(D) The Secretary shall provide a copy of the plan submitted under subparagraph (A), and any revisions submitted under subparagraph (C), to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

"(d) OTHER CANCERS.—In carrying out subsection (a), the Director of the Institute shall conduct or support research on ovarian cancer and other cancers of the reproductive system of women. Activities under such subsection shall provide for the conduct and support of—

"(1) basic research concerning the etiology and causes of ovarian cancer and other cancers of the reproductive system of women;

"(2) clinical research and related activities into the causes, prevention, detection and treatment of ovarian cancer and other cancers of the reproductive system of women;

"(3) control programs with respect to ovarian cancer and other cancers of the reproductive system of women in accordance with section 412;

"(4) information and education programs with respect to ovarian cancer and other cancers of the reproductive system of women in accordance with section 413; and

"(5) research and demonstration centers with respect to ovarian cancer and cancers of the reproductive system in accordance with section 414.

"(e) REPORT.—The Director of the Institute shall prepare, for inclusion in the biennial report submitted under section 407, a report that describes the activities of the National Cancer Institute under the research programs referred to in subsection (a), that shall include—

"(1) a description of the research plan with respect to breast cancer prepared under subsection (c);

"(2) an assessment of the development, revision, and implementation of such plan;

"(3) a description and evaluation of the progress made, during the period for which such report is prepared, in the research programs on breast cancer and cancers of the reproductive system of women;

"(4) a summary and analysis of expenditures made, during the period for which such report is made, for activities with respect to breast cancer and cancers of the reproductive system of women conducted and supported by the National Institutes of Health; and

"(5) such comments and recommendations as the Director considers appropriate.".

SEC. 402. EXPANSION AND INTENSIFICATION OF ACTIVITIES REGARDING PROSTATE CANCER.

Subpart 1 of part C of title IV of the Public Health Service Act, as amended by section 401 of this Act, is amended by adding at the end the following section:

"PROSTATE CANCER

"SEC. 417A. (a) EXPANSION AND COORDINATION OF ACTIVITIES.—The Director of the Institute, in consultation with the National Cancer Advisory Board, shall expand, intensify, and coordinate the activities of the Institute with respect to research on prostate cancer.

"(b) COORDINATION WITH OTHER INSTITUTES.—The Director of the Institute shall coordinate the activities of the Director under subsection (a) with similar activities conducted by other national research institutes and agencies of the National Institutes of Health to the extent that such Institutes and agencies have responsibilities that are related to prostate cancer.

"(c) PROGRAMS.—

"(1) IN GENERAL.—In carrying out subsection (a), the Director of the Institute shall conduct or support research to expand the understanding of the cause of, and to find a cure for, prostate cancer. Activities under such subsection shall provide for an expansion and intensification of the conduct and support of—

"(A) basic research concerning the etiology and causes of prostate cancer;

"(B) clinical research and related activities concerning the causes, prevention, detection and treatment of prostate cancer;

"(C) prevention and control and early detection programs with respect to prostate cancer in accordance with section 412, particularly as it relates to intensifying research on the role of prostate specific antigen for the screening and early detection of prostate cancer;

"(D) an Inter-Institute Task Force, under the direction of the Director of the Institute, to provide coordination between relevant National Institutes of Health components of research efforts on prostate cancer;

"(E) control programs with respect to prostate cancer in accordance with section 412;

"(F) information and education programs with respect to prostate cancer in accordance with section 413; and

"(G) research and demonstration centers with respect to prostate cancer in accordance with section 414, including the development and operation of centers for prostate cancer research to bring together basic and clinical, biomedical and behavioral scientists to conduct basic, clinical, epidemiological, psychosocial, prevention and control, treatment, research, and related activities on prostate cancer.

Not less than six centers shall be operated under subparagraph (G). Activities of such centers should include supporting new and innovative research and training programs for new researchers. Such centers shall give priority to expediting the transfer of research advances to clinical applications.

"(2) IMPLEMENTATION OF PLAN FOR PROGRAMS.—

"(A) The Director of the Institute shall ensure that the research programs described in paragraph (1) are implemented in accordance with a plan for the programs. Such plan shall include comments and recommendations that the Director of the Institute considers appropriate, with due consideration provided to the professional judgment needs of the Institute as expressed in the annual budget estimate prepared in accordance with section 413(9). The Director of the Institute, in consultation with the National Cancer Advisory Board, shall periodically review and revise such plan.

"(B) Not later than October 1, 1993, the Director of the Institute shall submit a copy of the plan to the President's Cancer Panel, the Secretary, and the Director of NIH.

"(C) The Director of the Institute shall submit any revisions of the plan to the President's Cancer Panel, the Secretary, and the Director of NIH.

"(D) The Secretary shall provide a copy of the plan submitted under subparagraph (A), and any revisions submitted under subparagraph (C), to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate.".

SEC. 403. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Subpart 1 of part C of title IV of the Public Health Service Act, as amended by section 402 of this Act, is amended by adding at the end the following section:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 417B. (a) ACTIVITIES GENERALLY.—For the purpose of carrying out this subpart, there are authorized to be appropriated $2,728,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.

"(b) BREAST CANCER AND GYNECOLOGICAL CANCERS.—

"(1) BREAST CANCER.—

"(A) For the purpose of carrying out subparagraph (A) of section 417(c)(1), there are authorized to be appropriated $225,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996. Such authorizations of appropriations are in addition to the authorizations of appropriations established in subsection (a) with respect to such purpose.

"(B) For the purpose of carrying out subparagraphs (B) through (E) of section 417(c)(1), there are authorized to be appropriated $100,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996. Such authorizations of appropriations are in addition to the authorizations of appropriations established in subsection (a) with respect to such purpose.

"(2) OTHER CANCERS.—For the purpose of carrying out subsection (d) of section 417, there are authorized to be appropriated $75,000,000 for fiscal year 1994, and such sums as are necessary for each of the fiscal years 1995 and 1996. Such authorizations of appropriations are in addition to the authorizations of appropriations established in subsection (a) with respect to such purpose.

"(c) PROSTATE CANCER.—For the purpose of carrying out section 417A, there are authorized to be appropriated $72,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996. Such authorizations of appropriations are in addition to the authorizations of appropriations established in subsection (a) with respect to such purpose.

"(d) ALLOCATION REGARDING CANCER CONTROL.—

"(1) IN GENERAL.—Of the amounts appropriated for the National Cancer Institute for a fiscal year, the Director of the Institute shall make available not less than the applicable percentage specified in paragraph (2) for carrying out the cancer control activities authorized in section 412 and for which budget estimates are made under section 413(b)(9) for the fiscal year.

"(2) APPLICABLE PERCENTAGE.—The percentage referred to in paragraph (1) is—

"(A) 7 percent, in the case of fiscal year 1994;

"(B) 9 percent, in the case of fiscal year 1995; and

"(C) 10 percent, in the case of fiscal year 1996 and each subsequent fiscal year.".

(b) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 408 of the Public Health Service Act (42 U.S.C. 284c) is amended—

(A) by striking subsection (a);

(B) by redesignating subsection (b) as subsection (a);

(C) by redesignating paragraph (5) of subsection (a) (as so redesignated) as subsection (b); and

(D) by amending the heading for the section to read as follows:

"CERTAIN USES OF FUNDS".

(2) CROSS-REFERENCE.—Section 464F of the Public Health Service Act (42 U.S.C. 285m-6) is amended by striking "section 408(b)(1)" and inserting "section 408(a)(1)".

TITLE V—NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

SEC. 501. EDUCATION AND TRAINING.

Section 421(b) of the Public Health Service Act (42 U.S.C. 285b-3(b)) is amended—

(1) in paragraph (3), by striking "and" after the semicolon at the end;

(2) in paragraph (4), by striking the period at the end and inserting "; and"; and

(3) by inserting after paragraph (4) the following paragraph:

"(5) shall, in consultation with the advisory council for the Institute, conduct appropriate intramural training and education programs, including continuing education and laboratory and clinical research training programs.".

SEC. 502. CENTERS FOR THE STUDY OF PEDIATRIC CARDIOVASCULAR DISEASES.

Section 422(a)(1) of the Public Health Service Act (42 U.S.C. 285b-4(a)(1)) is amended—

(1) in subparagraph (B), by striking "and" at the end;

(2) in subparagraph (C), by striking the period and inserting "; and"; and

(3) by adding at the end the following subparagraph:

"(D) three centers for basic and clinical research into, training in, and demonstration of, advanced diagnostic, prevention, and treatment (including genetic studies, intrauterine environment studies, postnatal studies, heart arrhythmias, and acquired heart disease and preventive cardiology) for cardiovascular diseases in children.".

SEC. 503. NATIONAL CENTER ON SLEEP DISORDERS RESEARCH.

Subpart 2 of part C of title IV of the Public Health Service Act (42 U.S.C. 285b et seq.) is amended by adding at the end the following section:

"NATIONAL CENTER ON SLEEP DISORDERS RESEARCH

"SEC. 424. (a) Not later than 1 year after the date of the enactment of the National Institutes of Health Revitalization Act of 1993, the Director of the Institute shall establish the National Center on Sleep Disorders Research (in this section referred to as the 'Center'). The Center shall be headed by a director, who shall be appointed by the Director of the Institute.

"(b) The general purpose of the Center is—

"(1) the conduct and support of research, training, health information dissemination, and other activities with respect to sleep disorders, including biological and circadian rhythm research, basic understanding of sleep, chronobiological and other sleep related research; and

"(2) to coordinate the activities of the Center with similar activities of other Federal agencies, including the other agencies of the National Institutes of Health, and similar activities of other public entities and nonprofit entities.

"(c)(1) The Director of the National Institutes of Health shall establish a board to be known as the Sleep Disorders Research Advisory Board (in this section referred to as the 'Advisory Board').

"(2) The Advisory Board shall advise, assist, consult with, and make recommendations to the Director of the National Institutes of Health, through the Director of the Institute, and the Director of the Center concerning matters relating to the scientific activities carried out by and through the Center and the policies respecting such activities, including recommendations with respect to the plan required in subsection (c).

"(3)(A) The Director of the National Institutes of Health shall appoint to the Advisory Board 12 appropriately qualified representatives of the public who are not officers or employees of the Federal Government. Of such members, eight shall be representatives of health and scientific disciplines with respect to sleep disorders and four shall be individuals representing the interests of individuals with or undergoing treatment for sleep disorders.

"(B) The following officials shall serve as ex officio members of the Advisory Board:

"(i) The Director of the National Institutes of Health.

"(ii) The Director of the Center.

"(iii) The Director of the National Heart, Lung and Blood Institute.

"(iv) The Director of the National Institute of Mental Health.

"(v) The Director of the National Institute on Aging.

"(vi) The Director of the National Institute of Child Health and Human Development.

"(vii) The Director of the National Institute of Neurological Disorders and Stroke.

"(viii) The Assistant Secretary for Health.

"(ix) The Assistant Secretary of Defense (Health Affairs).

"(x) The Chief Medical Director of the Veterans' Administration.

"(4) The members of the Advisory Board shall, from among the members of the Advisory Board, designate an individual to serve as the chair of the Advisory Board.

"(5) Except as inconsistent with, or inapplicable to, this section, the provisions of section 406 shall apply to the advisory board established under this section in the same manner as such provisions apply to any advisory council established under such section.

"(d)(1) After consultation with the Director of the Center and the advisory board established under subsection (c), the Director of the National Institutes of Health shall develop a comprehensive plan for the conduct and support of sleep disorders research.

"(2) The plan developed under paragraph (1) shall identify priorities with respect to such research and shall provide for the coordination of such research conducted or supported by the agencies of the National Institutes of Health.

"(3) The Director of the National Institutes of Health (after consultation with the Director of the Center and the advisory board established under subsection (c)) shall revise the plan developed under paragraph (1) as appropriate.

"(e) The Director of the Center, in cooperation with the Centers for Disease Control and Prevention, is authorized to coordinate activities with the Department of Transportation, the Department of Defense, the Department of Education, the Department of Labor, and the Department of Commerce to collect data, conduct studies, and disseminate public information concerning the impact of sleep disorders and sleep deprivation.".

SEC. 504. AUTHORIZATION OF APPROPRIATIONS.

Subpart 2 of part C of title IV of the Public Health Service Act, as amended by section 503 of this Act, is amended by adding at the end the following section:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 425. For the purpose of carrying out this subpart, there are authorized to be appropriated $1,500,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".

SEC. 505. PREVENTION AND CONTROL PROGRAMS.

Section 419 of the Public Health Service Act (42 U.S.C. 285b–1) is amended by striking "The Director of the Institute" and all that follows and inserting the following: "(a) The Director of the Institute shall conduct and support programs for the prevention and control of heart, blood vessel, lung, and blood diseases. Such programs shall include community-based and population-based programs carried out in cooperation with other Federal agencies, with public health agencies of State or local governments, with nonprofit private entities that are community-based health agencies, or with other appropriate public or nonprofit private entities.

"(b) In carrying out programs under subsection (a), the Director of the Institute shall give special consideration to the prevention and control of heart, blood vessel, lung, and blood diseases in children, and in populations that are at increased risk with respect to such diseases.".

TITLE VI—NATIONAL INSTITUTE ON DIABETES AND DIGESTIVE AND KIDNEY DISEASES

SEC. 601. PROVISIONS REGARDING NUTRITIONAL DISORDERS.

Subpart 3 of part C of title IV of the Public Health Service Act (42 U.S.C. 285c et seq.) is amended by adding at the end the following section:

"NUTRITIONAL DISORDERS PROGRAM

"SEC. 434. (a) The Director of the Institute, in consultation with the Director of NIH, shall establish a program of conducting and supporting research, training, health information dissemination, and other activities with respect to nutritional disorders, including obesity.

"(b) In carrying out the program established under subsection (a), the Director of the Institute shall conduct and support each of the activities described in such subsection.

"(c) In carrying out the program established under subsection (a), the Director of the Institute shall carry out activities to facilitate and enhance knowledge and understanding of nutritional disorders, including obesity, on the part of health professionals, patients, and the public through the effective dissemination of information.".

(b) DEVELOPMENT AND EXPANSION OF RESEARCH AND TRAINING CENTERS.—Section 431 of the Public Health Service Act (42 U.S.C. 285c–5) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following subsection:

"(d)(1) The Director of the Institute shall, subject to the extent of amounts made available in appropriations Acts, provide for the development or substantial expansion of centers for research and training regarding nutritional disorders, including obesity.

"(2) The Director of the Institute shall carry out paragraph (1) in collaboration with the Director of the National Cancer Institute and with the Directors of such other agencies of the National Institutes of Health as the Director of NIH determines to be appropriate.

"(3) Each center developed or expanded under paragraph (1) shall—

"(A) utilize the facilities of a single institution, or be formed from a consortium of cooperating institutions, meeting such research and training qualifications as may be prescribed by the Director;

"(B) conduct basic and clinical research into the cause, diagnosis, early detection, prevention, control and treatment of nutritional disorders, including obesity and the impact of nutrition and diet on child development;

"(C) conduct training programs for physicians and allied health professionals in current methods of diagnosis and treatment of such diseases and complications, and in research in such disorders; and

"(D) conduct information programs for physicians and allied health professionals who provide primary care for patients with such disorders or complications.".

TITLE VII—NATIONAL INSTITUTE ON ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

SEC. 701. JUVENILE ARTHRITIS.

(a) PURPOSE.—Section 435 of the Public Health Service Act (42 U.S.C. 285d) is amended by striking "and other programs" and all that follows and inserting the following: "and other programs with respect to arthritis and musculoskeletal and skin diseases (including sports-related disorders), with particular attention to the effect of these diseases on children.".

(b) PROGRAMS.—Section 436 (42 U.S.C. 285d–1) is amended—

(1) in subsection (a), by inserting after the second sentence, the following: "The plan shall place particular emphasis upon expanding research into better understanding the causes and the development of effective treatments for arthritis affecting children."; and

(2) in subsection (b)—

(A) by striking "and" at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting "; and"; and

(C) by adding at the end the following paragraph:

"(5) research into the causes of arthritis affecting children and the development, trial, and evaluation of techniques, drugs and devices used in the diagnosis, treatment (including medical rehabilitation), and prevention of arthritis in children.".

(c) CENTERS.—Section 441 of the Public Health Service Act (42 U.S.C. 286d–6) is amended by adding at the end the following subsection:

"(f) Not later than October 1, 1993, the Director shall establish a multipurpose arthritis and musculoskeletal disease center for the purpose of expanding the level of research into the cause, diagnosis, early detection, prevention, control,

and treatment of, and rehabilitation of children with arthritis and musculoskeletal diseases.".

(d) ADVISORY BOARD.—

(1) TITLE.—Section 442(a) of the Public Health Service Act (42 U.S.C. 285d–7(a)) is amended by inserting after "Arthritis" the following: "and Musculoskeletal and Skin Diseases".

(2) COMPOSITION.—Section 442(b) of the Public Health Service Act (42 U.S.C. 285d–7(b)) is amended—

(A) in the matter preceding paragraph (1), by striking "eighteen" and inserting "twenty"; and

(B) in paragraph (1)(B)—

(i) by striking "six" and inserting "eight"; and

(ii) by striking "including" and all that follows and inserting the following: "including one member who is a person who has such a disease, one person who is the parent of an adult with such a disease, and two members who are parents of children with arthritis.".

(3) ANNUAL REPORT.—Section 442(j) of the Public Health Service Act (42 U.S.C. 285d–7(j)) is amended—

(1) by striking "and" at the end of para graph (3);

(2) by striking the period at the end of paragraph (4) and inserting "; and"; and

(3) by adding at the end the following paragraph:

"(5) contains recommendations for expanding the Institute's funding of research directly applicable to the cause, diagnosis, early detection, prevention, control, and treatment of, and rehabilitation of children with arthritis and musculoskeletal diseases.".

TITLE VIII—NATIONAL INSTITUTE ON AGING

SEC. 801. ALZHEIMER'S DISEASE REGISTRY.

(a) IN GENERAL.—Section 12 of Public Law 99–158 (99 Stat. 885) is—

(1) transferred to subpart 5 of part C of title IV of the Public Health Service Act (42 U.S.C. 285e et seq.);

(2) redesignated as section 445G; and

(3) inserted after section 445F of such Act.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 445G of the Public Health Service Act, as transferred and inserted by subsection (a) of this section, is amended—

(1) by striking the section heading and all that follows through "may make a grant" in subsection (a) and inserting the following:

"ALZHEIMER'S DISEASE REGISTRY

"SEC. 445G. (a) IN GENERAL.—The Director of the Institute may make a grant"; and

(2) by striking subsection (c).

SEC. 802. AGING PROCESSES REGARDING WOMEN.

Subpart 5 of part C of title IV of the Public Health Service Act, as amended by section 801 of this Act, is amended by adding at the end the following section:

"AGING PROCESSES REGARDING WOMEN

"SEC. 445H. The Director of the Institute, in addition to other special functions specified in section 444 and in cooperation with the Directors of the other national research institutes and agencies of the National Institutes of Health, shall conduct research into the aging processes of women, with particular emphasis given to the effects of menopause and the physiological and behavioral changes occurring during the transition from pre- to post-menopause, and into the diagnosis, disorders, and complications related to aging and loss of ovarian hormones in women.".

SEC. 803. AUTHORIZATION OF APPROPRIATIONS.

Subpart 5 of part C of title IV of the Public Health Service Act, as amended by section 802 of this Act, is amended by adding at the end the following section:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 445I. For the purpose of carrying out this subpart, there are authorized to be appropriated $500,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".

SEC. 804. CONFORMING AMENDMENT.

Section 445C of the Public Health Service Act (42 U.S.C. 285e–5), as amended by section 9 of Public Law 102–507 (106 Stat. 3287), is amended—

(1) in subsection (b)(1), in the first sentence, by inserting after "Council" the following: "on Alzheimer's Disease (in this section referred to as the 'Council')"; and

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

"(e) For purposes of this section, the term 'Council on Alzheimer's Disease' means the council established in section 911(a) of Public Law 99–660.".

TITLE IX—NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

SEC. 901. TROPICAL DISEASES.

Section 446 of the Public Health Service Act (42 U.S.C. 285f) is amended by inserting before the period the following: ", including tropical diseases".

SEC. 902. CHRONIC FATIGUE SYNDROME.

(a) RESEARCH CENTERS.—Subpart 6 of part C of title IV of the Public Health Service Act (42 U.S.C. 285f) is amended by adding at the end the following section:

"RESEARCH CENTERS REGARDING CHRONIC FATIGUE SYNDROME

"SEC. 447. (a) The Director of the Institute, after consultation with the advisory council for the Institute, may make grants to, or enter into contracts with, public or nonprofit private entities for the development and operation of centers to conduct basic and clinical research on chronic fatigue syndrome.

"(b) Each center assisted under this section shall use the facilities of a single institution, or be formed from a consortium of cooperating institutions, meeting such requirements as may be prescribed by the Director of the Institute.".

(b) EXTRAMURAL STUDY SECTION.—Not later than 6 months after the date of enactment of this Act, the Secretary of Health and Human Services shall establish an extramural study section for chronic fatigue syndrome research.

(c) REPRESENTATIVES.—The Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, shall ensure that appropriate individuals with expertise in chronic fatigue syndrome or neuromuscular diseases and representative of a variety of disciplines and fields within the research community are appointed to appropriate National Institutes of Health advisory committees and boards.

TITLE X—NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

Subtitle A—Research Centers With Respect to Contraception and Research Centers With Respect to Infertility

SEC. 1001. GRANTS AND CONTRACTS FOR RESEARCH CENTERS.

Subpart 7 of part C of title IV of the Public Health Service Act, as amended by section 3 of Public Law 101–613, is amended by adding at the end the following section:

"RESEARCH CENTERS WITH RESPECT TO CONTRACEPTION AND INFERTILITY

"SEC. 452A. (a) The Director of the Institute, after consultation with the advisory council for the Institute, shall make grants to, or enter into contracts with, public or nonprofit private entities for the development and operation of centers to conduct activities for the purpose of improving methods of contraception and centers to conduct activities for the purpose of improving methods of diagnosis and treatment of infertility.

"(b) In carrying out subsection (a), the Director of the Institute shall, subject to the extent of amounts made available in appropriations Acts, provide for the establishment of three centers with respect to contraception and for two centers with respect to infertility.

"(c)(1) Each center assisted under this section shall, in carrying out the purpose of the center involved—

"(A) conduct clinical and other applied research, including—

"(i) for centers with respect to contraception, clinical trials of new or improved drugs and devices for use by males and females (including barrier methods); and

"(ii) for centers with respect to infertility, clinical trials of new or improved drugs and devices for the diagnosis and treatment of infertility in males and females;

"(B) develop protocols for training physicians, scientists, nurses, and other health and allied health professionals;

"(C) conduct training programs for such individuals;

"(D) develop model continuing education programs for such professionals; and

"(E) disseminate information to such professionals and the public.

"(2) A center may use funds provided under subsection (a) to provide stipends for health and allied health professionals enrolled in programs described in subparagraph (C) of paragraph (1), and to provide fees to individuals serving as subjects in clinical trials conducted under such paragraph.

"(d) The Director of the Institute shall, as appropriate, provide for the coordination of information among the centers assisted under this section.

"(e) Each center assisted under subsection (a) shall use the facilities of a single institution, or be formed from a consortium of cooperating institutions, meeting such requirements as may be prescribed by the Director of the Institute.

"(f) Support of a center under subsection (a) may be for a period not exceeding 5 years. Such period may be extended for one or more additional periods not exceeding 5 years if the operations of such center have been reviewed by an appropriate technical and scientific peer review group established by the Director and if such group has recommended to the Director that such period should be extended.

"(g) For the purpose of carrying out this section, there are authorized to be appropriated $30,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".

SEC. 1002. LOAN REPAYMENT PROGRAM FOR RESEARCH WITH RESPECT TO CONTRACEPTION AND INFERTILITY.

Part G of title IV of the Public Health Service Act, as redesignated by section 141(a)(2) of this Act, is amended by inserting after section 487A the following section:

"LOAN REPAYMENT PROGRAM FOR RESEARCH WITH RESPECT TO CONTRACEPTION AND INFERTILITY

"SEC. 487B. (a) The Secretary, in consultation with the Director of the National Institute of Child Health and Human Development, shall establish a program of entering into contracts with qualified health professionals (including graduate students) under which such health professionals agree to conduct research with respect to contraception, or with respect to infertility, in consideration of the Federal Government agreeing to repay, for each year of such service, not more than $20,000 of the principal and interest of the educational loans of such health professionals.

"(b) The provisions of sections 338B, 338C, and 338E shall, except as inconsistent with subsection (a) of this section, apply to the program

established in subsection (a) to the same extent and in the same manner as such provisions apply to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III.

"(c) Amounts available for carrying out this section shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which the amounts were made available.".

Subtitle B—Program Regarding Obstetrics and Gynecology

SEC. 1011. ESTABLISHMENT OF PROGRAM.

Subpart 7 of part C of title IV of the Public Health Service Act, as amended by section 1001 of this Act, is amended by adding at the end the following section:

"PROGRAM REGARDING OBSTETRICS AND GYNECOLOGY

"SEC. 452B. The Director of the Institute shall establish and maintain within the Institute an intramural laboratory and clinical research program in obstetrics and gynecology.".

Subtitle C—Child Health Research Centers

SEC. 1021. ESTABLISHMENT OF CENTERS.

Subpart 7 of part C of title IV of the Public Health Service Act, as amended by section 1011 of this Act, is amended by adding at the end the following section:

"CHILD HEALTH RESEARCH CENTERS

"SEC. 452C. The Director of the Institute shall develop and support centers for conducting research with respect to child health. Such centers shall give priority to the expeditious transfer of advances from basic science to clinical applications and improving the care of infants and children.".

Subtitle D—Study Regarding Adolescent Health

SEC. 1031. PROSPECTIVE LONGITUDINAL STUDY.

Subpart 7 of part C of title IV of the Public Health Service Act, as amended by section 1021 of this Act, is amended by adding at the end the following section:

"PROSPECTIVE LONGITUDINAL STUDY ON ADOLESCENT HEALTH

"SEC. 452D. (a) IN GENERAL.—Not later than October 1, 1993, the Director of the Institute shall commence a study for the purpose of providing information on the general health and well-being of adolescents in the United States, including, with respect to such adolescents, information on—

"(1) the behaviors that promote health and the behaviors that are detrimental to health; and

"(2) the influence on health of factors particular to the communities in which the adolescents reside.

"(b) DESIGN OF STUDY.—

"(1) IN GENERAL.—The study required in subsection (a) shall be a longitudinal study in which a substantial number of adolescents participate as subjects. With respect to the purpose described in such subsection, the study shall monitor the subjects throughout the period of the study to determine the health status of the subjects and any change in such status over time.

"(2) POPULATION-SPECIFIC ANALYSES.—The study required in subsection (a) shall be conducted with respect to the population of adolescents who are female, the population of adolescents who are male, various socioeconomic populations of adolescents, and various racial and ethnic populations of adolescents. The study shall be designed and conducted in a manner sufficient to provide for a valid analysis of whether there are significant differences among such populations in health status and whether and to what extent any such differences are due to factors particular to the populations involved.

"(c) COORDINATION WITH WOMEN'S HEALTH INITIATIVE.—With respect to the national study of women being conducted by the Secretary and known as the Women's Health Initiative, the Secretary shall ensure that such study is coordinated with the component of the study required in subsection (a) that concerns adolescent females, including coordination in the design of the 2 studies.".

TITLE XI—NATIONAL EYE INSTITUTE

SEC. 1101. CLINICAL AND HEALTH SERVICES RESEARCH ON EYE CARE AND DIABETES.

(a) IN GENERAL.—Subpart 9 of part C of title IV of the Public Health Service Act (42 U.S.C. 285i) is amended by adding at the end the following section:

"CLINICAL RESEARCH ON EYE CARE AND DIABETES

"SEC. 456. (a) PROGRAM OF GRANTS.—The Director of the Institute, in consultation with the advisory council for the Institute, may award research grants to one or more Diabetes Eye Research Institutions for the support of programs in clinical or health services aimed at—

"(1) providing comprehensive eye care services for people with diabetes, including a full complement of preventive, diagnostic and treatment procedures;

"(2) developing new and improved techniques of patient care through basic and clinical research;

"(3) assisting in translation of the latest research advances into clinical practice; and

"(4) expanding the knowledge of the eye and diabetes through further research.

"(b) USE OF FUNDS.—Amounts received under a grant awarded under this section shall be used for the following:

"(1) Establishing the biochemical, cellular, and genetic mechanisms associated with diabetic eye disease and the earlier detection of pending eye abnormalities. The focus of work under this paragraph shall require that ophthalmologists have training in the most up-to-date molecular and cell biological methods.

"(2) Establishing new frontiers in technology, such as video-based diagnostic and research resources, to—

"(A) provide improved patient care;

"(B) provide for the evaluation of retinal physiology and its affect on diabetes; and

"(C) provide for the assessment of risks for the development and progression of diabetic eye disease and a more immediate evaluation of various therapies aimed at preventing diabetic eye disease.

Such technologies shall be designed to permit evaluations to be performed both in humans and in animal models.

"(3) The translation of the results of vision research into the improved care of patients with diabetic eye disease. Such translation shall require the application of institutional resources that encompass patient care, clinical research and basic laboratory research.

"(4) The conduct of research concerning the outcomes of eye care treatments and eye health education programs as they relate to patients with diabetic eye disease, including the evaluation of regional approaches to such research.

"(c) AUTHORIZED EXPENDITURES.—The purposes for which a grant under subsection (a) may be expended include equipment for the research described in such subsection.".

(b) CONFORMING AMENDMENT.—Section 455 of the Public Health Service Act (42 U.S.C. 285i) is amended in the second sentence by striking "The Director" and inserting "Subject to section 456, the Director".

TITLE XII—NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

SEC. 1201. RESEARCH ON MULTIPLE SCLEROSIS.

Subpart 10 of part C of title IV of the Public Health Service Act (42 U.S.C. 285j et seq.) is amended by adding at the end the following section:

"RESEARCH ON MULTIPLE SCLEROSIS

"SEC. 460. The Director of the Institute shall conduct and support research on multiple sclerosis, especially research on effects of genetics and hormonal changes on the progress of the disease.".

TITLE XIII—NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

SEC. 1301. APPLIED TOXICOLOGICAL RESEARCH AND TESTING PROGRAM.

(a) IN GENERAL.—Subpart 12 of part C of title IV of the Public Health Service Act (42 U.S.C. 285l) is amended by adding at the end the following section:

"APPLIED TOXICOLOGICAL RESEARCH AND TESTING PROGRAM

"SEC. 463A. (a) There is established within the Institute a program for conducting applied research and testing regarding toxicology, which program shall be known as the Applied Toxicological Research and Testing Program.

"(b) In carrying out the program established under subsection (a), the Director of the Institute shall, with respect to toxicology, carry out activities—

"(1) to expand knowledge of the health effects of environmental agents;

"(2) to broaden the spectrum of toxicology information that is obtained on selected chemicals;

"(3) to develop and validate assays and protocols, including alternative methods that can reduce or eliminate the use of animals in acute or chronic safety testing;

"(4) to establish criteria for the validation and regulatory acceptance of alternative testing and to recommend a process through which scientifically validated alternative methods can be accepted for regulatory use;

"(5) to communicate the results of research to government agencies, to medical, scientific, and regulatory communities, and to the public; and

"(6) to integrate related activities of the Department of Health and Human Services.".

(b) TECHNICAL AMENDMENT.—Section 463 of the Public Health Service Act (42 U.S.C. 285l) is amended by inserting after "Sciences" the following: "(in this subpart referred to as the 'Institute')".

TITLE XIV—NATIONAL LIBRARY OF MEDICINE

Subtitle A—General Provisions

SEC. 1401. ADDITIONAL AUTHORITIES.

(a) IN GENERAL.—Section 465(b) of the Public Health Service Act (42 U.S.C. 286(b)) is amended—

(1) by striking "and" after the semicolon at the end of paragraph (5);

(2) by redesignating paragraph (6) as paragraph (8); and

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

"(6) publicize the availability from the Library of the products and services described in any of paragraphs (1) through (5);

"(7) promote the use of computers and telecommunications by health professionals (including health professionals in rural areas) for the purpose of improving access to biomedical information for health care delivery and medical research; and".

(b) LIMITATION REGARDING GRANTS.—Section 474(b)(2) of the Public Health Service Act (42 U.S.C. 286b–S(b)(2)) is amended by striking "$750,000" and inserting "$1,000,000".

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) REPEAL OF CERTAIN AUTHORITY.—Section 215 of the Department of Health and Human Services Appropriations Act, 1988, as contained in section 101(h) of Public Law 100–202 (101 Stat. 1329–275), is repealed.

(2) APPLICABILITY OF CERTAIN NEW AUTHORITY.—With respect to the authority established for the National Library of Medicine in section 465(b)(6) of the Public Health Service Act, as added by subsection (a) of this section, such authority shall be effective as if the authority had been established on December 22, 1987.

SEC. 1402. AUTHORIZATION OF APPROPRIATIONS.

(a) ESTABLISHMENT OF SINGLE AUTHORIZATION.—Subpart 1 of part D of title IV of the Public Health Service Act (42 U.S.C. 286 et seq.) is amended by adding at the end the following section:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 468. (a) For the purpose of carrying out this part, there are authorized to be appropriated $150,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.

"(b) Amounts appropriated under subsection (a) and made available for grants or contracts under any of sections 472 through 476 shall remain available until the end of the fiscal year following the fiscal year for which the amounts were appropriated.".

(b) CONFORMING AMENDMENTS.—Part D of title IV of the Public Health Service Act (42 U.S.C. 286 et seq.) is amended by striking section 469 and section 478(c).

Subtitle B—Financial Assistance

SEC. 1411. ESTABLISHMENT OF PROGRAM OF GRANTS FOR DEVELOPMENT OF EDUCATION TECHNOLOGIES.

Section 473 of the Public Health Service Act (42 U.S.C. 286b–4) is amended by adding at the end the following subsection:

"(c)(1) The Secretary shall make grants to public or nonprofit private institutions for the purpose of carrying out projects of research on, and development and demonstration of, new education technologies.

"(2) The purposes for which a grant under paragraph (1) may be made include projects concerning—

"(A) computer-assisted teaching and testing of clinical competence at health professions and research institutions;

"(B) the effective transfer of new information from research laboratories to appropriate clinical applications;

"(C) the expansion of the laboratory and clinical uses of computer-stored research databases; and

"(D) the testing of new technologies for training health care professionals.

"(3) The Secretary may not make a grant under paragraph (1) unless the applicant for the grant agrees to make the projects available with respect to—

"(A) assisting in the training of health professions students; and

"(B) enhancing and improving the capabilities of health professionals regarding research and teaching.".

Subtitle C—National Information Center on Health Services Research and Health Care Technology

SEC. 1421. ESTABLISHMENT OF CENTER.

Part D of title IV of the Public Health Service Act (42 U.S.C. 286 et seq.) is amended by adding at the end the following subpart:

"Subpart 4—National Information Center on Health Services Research and Health Care Technology

"NATIONAL INFORMATION CENTER

"SEC. 478A. (a) There is established within the Library an entity to be known as the National Information Center on Health Services Research and Health Care Technology (in this section referred to as the 'Center').

"(b) The purpose of the Center is the collection, storage, analysis, retrieval, and dissemination of information on health services research, clinical practice guidelines, and on health care technology, including the assessment of such technology. Such purpose includes developing and maintaining data bases and developing and implementing methods of carrying out such purpose.

"(c) The Director of the Center shall ensure that information under subsection (b) concerning clinical practice guidelines is collected and maintained electronically and in a convenient format. Such Director shall develop and publish criteria for the inclusion of practice guidelines and technology assessments in the information center database.

"(d) The Secretary, acting through the Center, shall coordinate the activities carried out under this section through the Center with related activities of the Administrator for Health Care Policy and Research.".

SEC. 1422. CONFORMING PROVISIONS.

(a) IN GENERAL.—Section 903 of the Public Health Service Act, as amended by section 3 of Public Law 102–410 (106 Stat. 2094), is amended by amending subsection (e) to read as follows:

"(e) REQUIRED INTERAGENCY AGREEMENT.—The Administrator and the Director of the National Library of Medicine shall enter into an agreement providing for the implementation of section 478A.".

(b) RULE OF CONSTRUCTION.—The amendments made by section 3 of Public Law 102–410 (106 Stat. 2094), by section 1421 of this Act, and by subsection (a) of this section may not be construed as terminating the information center on health care technologies and health care technology assessment established under section 904 of the Public Health Service Act, as in effect on the day before the date of the enactment of Public Law 102–410. Such center shall be considered to be the center established in section 478A of the Public Health Service Act, as added by section 1421 of this Act, and shall be subject to the provisions of such section 478A.

TITLE XV—OTHER AGENCIES OF NATIONAL INSTITUTES OF HEALTH

Subtitle A—Division of Research Resources

SEC. 1501. REDESIGNATION OF DIVISION AS NATIONAL CENTER FOR RESEARCH RESOURCES.

Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended—

(1) in section 401(b)(2)(B), by amending such subparagraph to read as follows:

"(B) The National Center for Research Resources."; and

(2) in part E—

(A) in the heading for subpart 1, by striking "Division of" and inserting "National Center for";

(B) in section 479, by striking "the Division of Research Resources" and inserting the following: "the National Center for Research Resources (in this subpart referred to as the 'Center')";

(C) in sections 480 and 481, by striking "the Division of Research Resources" each place such term appears and inserting "the Center"; and

(D) in sections 480 and 481, as amended by subparagraph (C), by striking "the Division" each place such term appears and inserting "the Center".

SEC. 1502. BIOMEDICAL AND BEHAVIORAL RESEARCH FACILITIES.

Subpart 1 of part E of title IV of the Public Health Service Act (42 U.S.C. 287 et seq.) is amended by adding at the end the following section:

"BIOMEDICAL AND BEHAVIORAL RESEARCH FACILITIES

"SEC. 481A. (a) MODERNIZATION AND CONSTRUCTION OF FACILITIES.—

"(1) IN GENERAL.—The Director of NIH, acting through the Director of the Center, may make grants to public and nonprofit private entities to expand, remodel, renovate, or alter existing research facilities or construct new research facilities, subject to the provisions of this section.

"(2) CONSTRUCTION AND COST OF CONSTRUCTION.—For purposes of this section, the terms 'construction' and 'cost of construction' include the construction of new buildings and the expansion, renovation, remodeling, and alteration of existing buildings, including architects' fees, but do not include the cost of acquisition of land or off-site improvements.

"(b) SCIENTIFIC AND TECHNICAL REVIEW BOARDS FOR MERIT-BASED REVIEW OF PROPOSALS.—

"(1) IN GENERAL; APPROVAL AS PRECONDITION TO GRANTS.—

"(A) There is established within the Center a Scientific and Technical Review Board on Biomedical and Behavioral Research Facilities (referred to in this section as the 'Board').

"(B) The Director of the Center may approve an application for a grant under subsection (a) only if the Board has under paragraph (2) recommended the application for approval.

"(2) DUTIES.—

"(A) The Board shall provide advice to the Director of the Center and the advisory council established under section 480 (in this section referred to as the 'Advisory Council') on carrying out this section.

"(B) In carrying out subparagraph (A), the Board shall make a determination of the merit of each application submitted for a grant under subsection (a), after consideration of the requirements established in subsection (c), and shall report the results of the determination to the Director of the Center and the Advisory Council. Such determinations shall be conducted in a manner consistent with procedures established under section 492.

"(C) In carrying out subparagraph (A), the Board shall, in the case of applications recommended for approval, make recommendations to the Director and the Advisory Council on the amount that should be provided in the grant.

"(D) In carrying out subparagraph (A), the Board shall prepare an annual report for the Director of the Center and the Advisory Council describing the activities of the Board in the fiscal year for which the report is made. Each such report shall be available to the public, and shall—

"(i) summarize and analyze expenditures made under this section;

"(ii) provide a summary of the types, numbers, and amounts of applications that were recommended for grants under subsection (a) but that were not approved by the Director of the Center; and

"(iii) contain the recommendations of the Board for any changes in the administration of this section.

"(3) MEMBERSHIP.—

"(A) Subject to subparagraph (B), the Board shall be composed of 9 appointed members, and such ex officio members as the Director of the Center determines to be appropriate.

"(B) Not more than 3 individuals who are officers or employees of the Federal Government may serve as members of the Board.

"(4) CERTAIN REQUIREMENTS REGARDING MEMBERSHIP.—In selecting individuals for membership on the Board, the Director of the Center shall ensure that the members are individuals who, by virtue of their training or experience, are eminently qualified to perform peer review functions. In selecting such individuals for such membership, the Director of the Center shall ensure that the members of the Board collectively—

"(A) are experienced in the planning, construction, financing, and administration of enti-

ties that conduct biomedical or behavioral research sciences;

"(B) are knowledgeable in making determinations of the need of entities for biomedical or behavioral research facilities, including such facilities for the dentistry, nursing, pharmacy, and allied health professions;

"(C) are knowledgeable in evaluating the relative priorities for applications for grants under subsection (a) in view of the overall research needs of the United States; and

"(D) are experienced with emerging centers of excellence, as described in subsection (c)(3).

"(5) CERTAIN AUTHORITIES.—

"(A) In carrying out paragraph (2), the Board may convene workshops and conferences, and collect data as the Board considers appropriate.

"(B) In carrying out paragraph (2), the Board may establish subcommittees within the Board. Such subcommittees may hold meetings as determined necessary to enable the subcommittee to carry out its duties.

"(6) TERMS.—

"(A) Except as provided in subparagraph (B), each appointed member of the Board shall hold office for a term of 4 years. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which such member's predecessor was appointed shall be appointed for the remainder of the term of the predecessor.

"(B) Of the initial members appointed to the Board (as specified by the Director of the Center when making the appointments)—

"(i) 3 shall hold office for a term of 3 years;

"(ii) 3 shall hold office for a term of 2 years; and

"(iii) 3 shall hold office for a term of 1 year.

"(C) No member is eligible for reappointment to the Board until 1 year has elapsed after the end of the most recent term of the member.

"(7) COMPENSATION.—Members of the Board who are not officers or employees of the United States shall receive for each day the members are engaged in the performance of the functions of the Board compensation at the same rate received by members of other national advisory councils established under this title.

"(c) REQUIREMENTS FOR GRANTS.—

"(1) IN GENERAL.—The Director of the Center may make a grant under subsection (a) only if the applicant for the grant meets the following conditions:

"(A) The applicant is determined by such Director to be competent to engage in the type of research for which the proposed facility is to be constructed.

"(B) The applicant provides assurances satisfactory to the Director that—

"(i) for not less than 20 years after completion of the construction, the facility will be used for the purposes of research for which it is to be constructed;

"(ii) sufficient funds will be available to meet the non-Federal share of the cost of constructing the facility;

"(iii) sufficient funds will be available, when construction is completed, for the effective use of the facility for the research for which it is being constructed; and

"(iv) the proposed construction will expand the applicant's capacity for research, or is necessary to improve or maintain the quality of the applicant's research.

"(C) The applicant meets reasonable qualifications established by the Director with respect to—

"(i) the relative scientific and technical merit of the applications, and the relative effectiveness of the proposed facilities, in expanding the capacity for biomedical or behavioral research and in improving the quality of such research;

"(ii) the quality of the research or training, or both, to be carried out in the facilities involved;

"(iii) the need of the applicant for such facilities in order to maintain or expand the applicant's research and training mission;

"(iv) the congruence of the research activities to be carried out within the facility with the research and investigator manpower needs of the United States; and

"(v) the age and condition of existing research facilities and equipment.

"(D) The applicant has demonstrated a commitment to enhancing and expanding the research productivity of the applicant.

"(2) CONSIDERATION OF CERTAIN FACTORS.—In making grants under subsection (a), the Director of the Center may, in addition to the requirements established in paragraph (1), consider the following factors:

"(A) To what extent the applicant has the capacity to broaden the scope of research and research training programs of the applicant by promoting—

"(i) interdisciplinary research;

"(ii) research on emerging technologies, including those involving novel analytical techniques or computational methods; or

"(iii) other novel research mechanisms or programs.

"(B) To what extent the applicant has broadened the scope of research and research training programs of qualified institutions by promoting genomic research with an emphasis on interdisciplinary research, including research related to pediatric investigations.

"(3) INSTITUTIONS OF EMERGING EXCELLENCE.—Of the amounts appropriated under subsection (h) for a fiscal year, the Director of the Center shall make available 25 percent for grants under subsection (a) to applicants that, in addition to meeting the requirements established in paragraph (1), have demonstrated emerging excellence in biomedical or behavioral research, as follows:

"(A) The applicant has a plan for research or training advancement and possesses the ability to carry out the plan.

"(B) The applicant carries out research and research training programs that have a special relevance to a problem, concern, or unmet health need of the United States.

"(C) The applicant has been productive in research or research development and training.

"(D) The applicant—

"(i) has been designated as a center of excellence under section 739;

"(ii) is located in a geographic area whose population includes a significant number of individuals with a health-status deficit, and the applicant provides health services to such individuals; or

"(iii) is located in a geographic area in which a deficit in health care technology, services, or research resources may adversely affect health status of the population of the area in the future, and the applicant is carrying out activities with respect to protecting the health status of such population.

"(d) REQUIREMENT OF APPLICATION.—The Director of the Center may make a grant under subsection (a) only if an application for the grant is submitted to the Director and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Director determines to be necessary to carry out this section.

"(e) AMOUNT OF GRANT; PAYMENTS.—

"(1) AMOUNT.—The amount of any grant awarded under subsection (a) shall be determined by the Director of the Center, except that such amount shall not exceed—

"(A) 50 percent of the necessary cost of the construction of a proposed facility as determined by the Director; or

"(B) in the case of a multipurpose facility, 40 percent of that part of the necessary cost of construction that the Director determines to be proportionate to the contemplated use of the facility.

"(2) RESERVATION OF AMOUNTS.—On approval of any application for a grant under subsection (a), the Director of the Center shall reserve, from any appropriation available therefore, the amount of such grant, and shall pay such amount, in advance or by way of reimbursement, and in such installments consistent with the construction progress, as the Director may determine appropriate. The reservation of the Director of any amount by the Director under this paragraph may be amended by the Director, either on the approval of an amendment of the application or on the revision of the estimated cost of construction of the facility.

"(3) EXCLUSION OF CERTAIN COSTS.—In determining the amount of any grant under this subsection (a), there shall be excluded from the cost of construction an amount equal to the sum of—

"(A) the amount of any other Federal grant that the applicant has obtained, or is assured of obtaining, with respect to construction that is to be financed in part by a grant authorized under this section; and

"(B) the amount of any non-Federal funds required to be expended as a condition of such other Federal grant.

"(4) WAIVER OF LIMITATIONS.—The limitations imposed by paragraph (1) may be waived at the discretion of the Director for applicants meeting the conditions described in paragraphs (1) and (2) of subsection (c).

"(f) RECAPTURE OF PAYMENTS.—If, not later than 20 years after the completion of construction for which a grant has been awarded under subsection (a)—

"(1) the applicant or other owner of the facility shall cease to be a public or nonprofit private entity; or

"(2) the facility shall cease to be used for the research purposes for which it was constructed (unless the Director determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from obligation to do so);

the United States shall be entitled to recover from the applicant or other owner of the facility the amount bearing the same ratio to the current value (as determined by an agreement between the parties or by action brought in the United States District Court for the district in which such facility is situated) of the facility as the amount of the Federal participation bore to the cost of the construction of such facility.

"(g) GUIDELINES.—Not later than 6 months after the date of the enactment of this section, the Director of the Center, after consultation with the Advisory Council, shall issue guidelines with respect to grants under subsection (a).

"(h) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $150,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".

SEC. 1503. CONSTRUCTION PROGRAM FOR NATIONAL PRIMATE RESEARCH CENTER.

Subpart 1 of part E of title IV of the Public Health Service Act, as amended by section 1502 of this Act, is amended by adding at the end the following section:

"CONSTRUCTION OF REGIONAL CENTERS FOR RESEARCH ON PRIMATES

"SEC. 481B. (a) With respect to activities carried out by the National Center for Research Resources to support regional centers for research on primates, the Director of NIH shall, for each of the fiscal years 1994 through 1996, reserve from the amounts appropriated under section 481A(h) $5,000,000 for the purpose of making awards of grants and contracts to public or nonprofit private entities to construct, renovate, or otherwise improve such regional centers. The reservation of such amounts for any fiscal year

is subject to the availability of qualified applicants for such awards.

"(b) The Director of NIH may not make a grant or enter into a contract under subsection (a) unless the applicant for such assistance agrees, with respect to the costs to be incurred by the applicant in carrying out the purpose described in such subsection, to make available (directly or through donations from public or private entities) non-Federal contributions in cash toward such costs in an amount equal to not less than $1 for each $4 of Federal funds provided in such assistance.".

Subtitle B—National Center for Nursing Research

SEC. 1511. REDESIGNATION OF NATIONAL CENTER FOR NURSING RESEARCH AS NATIONAL INSTITUTE OF NURSING RESEARCH.

(a) IN GENERAL.—Subpart 3 of part E of title IV of the Public Health Service Act (42 U.S.C. 287c et seq.) is amended—

(1) in section 483—

(A) in the heading for the section, by striking "CENTER" and inserting "INSTITUTE"; and

(B) by striking "The general purpose" and all that follows through "is" and inserting the following: "The general purpose of the National Institute of Nursing Research (in this subpart referred to as the 'Institute') is";

(2) in section 484, by striking "Center" each place such term appears and inserting "Institute";

(3) in section 485—

(A) in subsection (a), in each of paragraphs (1) through (3), by striking "Center" each place such term appears and inserting "Institute";

(B) in subsection (b)—

(i) in paragraph (2)(A), by striking "Center" and inserting "Institute"; and

(ii) in paragraph (3)(A), in the first sentence, by striking "Center" and inserting "Institute"; and

(C) in subsections (d) through (g), by striking "Center" each place such term appears and inserting "Institute"; and

(4) in section 485A (as redesignated by section 141(a)(1) of this Act), by striking "Center" each place such term appears and inserting "Institute".

(b) CONFORMING AMENDMENTS.—

(1) ORGANIZATION OF NATIONAL INSTITUTES OF HEALTH.—Section 401(b) of the Public Health Service Act (42 U.S.C. 281(b)) is amended—

(A) in paragraph (1), by adding at the end the following subparagraph:

"(Q) The National Institute of Nursing Research."; and

(B) in paragraph (2), by striking subparagraph (D).

(2) TRANSFER OF STATUTORY PROVISIONS.—The Public Health Service Act, as amended by subsection (a) of this section and by section 124 of Public Law 102-321 (106 Stat. 364), is amended—

(A) by transferring sections 483 through 485A to part C of title IV;

(B) by redesignating such sections as sections 464V through 464Y of such part; and

(C) by adding such sections, in the appropriate sequence, at the end of such part.

(3) HEADING FOR NEW SUBPART.—Title IV of the Public Health Service Act, as amended by the preceding provisions of this section, is amended—

(A) in part C, by inserting before section 464V the following:

"Subpart 17—National Institute of Nursing Research";

and

(B) by striking the subpart designation and heading for subpart 3 of part E.

(4) CROSS-REFERENCES.—Title IV of the Public Health Service Act, as amended by the preceding provisions of this section, is amended in subpart 17 of part C—

(A) in section 464W, by striking "section 483" and inserting "section 464V";

(B) in section 464X(g), by striking "section 486" and inserting "section 464Y"; and

(C) in section 464Y, in the last sentence, by striking "section 485(g)" and inserting "section 464X(g)".

SEC. 1512. STUDY ON ADEQUACY OF NUMBER OF NURSES.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Director of the National Institute of Nursing Research, shall enter into a contract with a public or nonprofit private entity to conduct a study for the purpose of determining whether and to what extent there is a need for an increase in the number of nurses in hospitals and nursing homes in order to promote the quality of patient care and reduce the incidence among nurses of work-related injuries and stress.

(b) NATIONAL ACADEMY OF SCIENCES.—The Secretary shall request the Institute of Medicine of the National Academy of Sciences to enter into the contract under subsection (a) to conduct the study described in such subsection. If such Institute declines to conduct the study, the Secretary shall carry out such subsection through another public or nonprofit private entity.

(c) DEFINITIONS.—For purposes of this section:

(1) The term "nurse" means a registered nurse, a licensed practical nurse, a licensed vocational nurse, and a nurse assistant.

(2) The term "Secretary" means the Secretary of Health and Human Services.

(d) REPORT.—The Secretary shall ensure that, not later than 18 months after the date of the enactment of this Act, the study required in subsection (a) is completed and a report describing the findings made as a result of the study is submitted to the Committee on Energy and Commerce of the House of Representatives and to the Committee on Labor and Human Resources of the Senate.

Subtitle C—National Center for Human Genome Research

SEC. 1521. PURPOSE OF CENTER.

Title IV of the Public Health Service Act, as amended by section 141(a)(1) of this Act and by paragraphs (1)(B) and (3)(B) of section 1511(b) of this Act, is amended—

(1) in section 401(b)(2), by adding at the end the following subparagraph:

"(D) The National Center for Human Genome Research."; and

(2) in part E, by adding at the end the following subpart:

"Subpart 3—National Center for Human Genome Research

"PURPOSE OF THE CENTER

"SEC. 485B. (a) The general purpose of the National Center for Human Genome Research (in this subpart referred to as the 'Center') is to characterize the structure and function of the human genome, including the mapping and sequencing of individual genes. Such purpose includes—

"(1) planning and coordinating the research goal of the genome project;

"(2) reviewing and funding research proposals;

"(3) developing training programs;

"(4) coordinating international genome research;

"(5) communicating advances in genome science to the public; and

"(6) reviewing and funding proposals to address the ethical and legal issues associated with the genome project (including legal issues regarding patents).

"(b) The Director of the Center may conduct and support research training—

"(1) for which fellowship support is not provided under section 487; and

"(2) that is not residency training of physicians or other health professionals.

"(c)(1) Except as provided in paragraph (2), of the amounts appropriated to carry out subsection (a) for a fiscal year, the Director of the Center shall make available not less than 5 percent for carrying out paragraph (6) of such subsection.

"(2) With respect to providing funds under subsection (a)(6) for proposals to address the ethical issues associated with the genome project, paragraph (1) shall not apply for a fiscal year if the Director of the Center certifies to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, that the Director has determined that an insufficient number of such proposals meet the applicable requirements of sections 491 and 492.".

TITLE XVI—AWARDS AND TRAINING

Subtitle A—National Research Service Awards

SEC. 1601. REQUIREMENT REGARDING WOMEN AND INDIVIDUALS FROM DISADVANTAGED BACKGROUNDS.

Section 487(a) of the Public Health Service Act (42 U.S.C. 288(a)(4)) is amended by adding at the end the following paragraph:

"(4) The Secretary shall carry out paragraph (1) in a manner that will result in the recruitment of women, and individuals from disadvantaged backgrounds (including racial and ethnic minorities), into fields of biomedical or behavioral research and in the provision of research training to women and such individuals.".

SEC. 1602. SERVICE PAYBACK REQUIREMENTS.

Section 487(c) of the Public Health Service Act (42 U.S.C. 288(c)) is amended by striking paragraphs (1) and (2) and inserting the following:

"(1) Each individual who is awarded a National Research Service Award for postdoctoral research training shall, in accordance with paragraph (3), engage in research training, research, or teaching that is health-related (or any combination thereof) for the period specified in paragraph (2). Such period shall be served in accordance with the usual patterns of scientific employment.

"(2)(A) The period referred to in paragraph (1) is 12 months, or one month for each month for which the individual involved receives a National Research Service Award for postdoctoral research training, whichever is less.

"(B) With respect to postdoctoral research training, in any case in which an individual receives a National Research Service Award for more than 12 months, the 13th month and each subsequent month of performing activities under the Award shall be considered to be activities engaged in toward satisfaction of the requirement established in paragraph (1) regarding a period of service.".

Subtitle B—Acquired Immune Deficiency Syndrome

SEC. 1611. LOAN REPAYMENT PROGRAM.

(a) IN GENERAL.—Section 487A of the Public Health Service Act (42 U.S.C. 288-1) is amended to read as follows:

"LOAN REPAYMENT PROGRAM FOR RESEARCH WITH RESPECT TO ACQUIRED IMMUNE DEFICIENCY SYNDROME

"SEC. 487A. (a) IN GENERAL.—The Secretary shall carry out a program of entering into agreements with appropriately qualified health professionals under which such health professionals agree to conduct, as employees of the National Institutes of Health, research with respect to acquired immune deficiency syndrome in consideration of the Federal Government agreeing to repay, for each year of such service, not more than $20,000 of the principal and interest of the educational loans of such health professionals.

"(b) APPLICABILITY OF CERTAIN PROVISIONS.—With respect to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III, the provisions of such subpart shall, except as inconsistent with subsection (a) of this section, apply to the program established in such subsection (a) in the same manner and to the same extent as such provisions apply to the National Health Service Corps Loan Repayment Program established in such subpart.

"(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1994 through 1996.".

(b) APPLICABILITY.—The amendment made by subsection (a) does not apply to any agreement entered into under section 487A of the Public Health Service Act before the date of the enactment of this Act. Each such agreement continues to be subject to the terms of the agreement in effect on the day before such date.

Subtitle C—Loan Repayment for Research Generally

SEC. 1621. ESTABLISHMENT OF PROGRAM.

Part G of title IV of the Public Health Service Act, as redesignated by section 141(a)(2) of this Act and as amended by section 1002 of this Act, is amended by inserting after section 487B the following section:

"LOAN REPAYMENT PROGRAM FOR RESEARCH GENERALLY

"SEC. 487C. (a) IN GENERAL.—

"(1) AUTHORITY FOR PROGRAM.—Subject to paragraph (2), the Secretary shall carry out a program of entering into contracts with appropriately qualified health professionals under which such health professionals agree to conduct research, as employees of the National Institutes of Health, in consideration of the Federal Government agreeing to repay, for each year of such service, not more than $20,000 of the principal and interest of the educational loans of such health professionals.

"(2) LIMITATION.—The Secretary may not enter into an agreement with a health professional pursuant to paragraph (1) unless such professional—

"(A) has a substantial amount of educational loans relative to income; and

"(B) agrees to serve as an employee of the National Institutes of Health for purposes of paragraph (1) for a period of not less than 3 years.

"(b) APPLICABILITY OF CERTAIN PROVISIONS.—With respect to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III, the provisions of such subpart shall, except as inconsistent with subsection (a) of this section, apply to the program established in such subsection (a) in the same manner and to the same extent as such provisions apply to the National Health Service Corps Loan Repayment Program established in such subpart.".

Subtitle D—Scholarship and Loan Repayment Programs Regarding Professional Skills Needed by Certain Agencies

SEC. 1631. ESTABLISHMENT OF PROGRAMS FOR NATIONAL INSTITUTES OF HEALTH.

Part G of title IV of the Public Health Service Act, as redesignated by section 141(a)(2) of this Act and as amended by section 1621 of this Act, is amended by inserting after section 487C the following sections:

"UNDERGRADUATE SCHOLARSHIP PROGRAM REGARDING PROFESSIONS NEEDED BY NATIONAL RESEARCH INSTITUTES

"SEC. 487D. (a) ESTABLISHMENT OF PROGRAM.—

"(1) IN GENERAL.—Subject to section 487(a)(1)(C), the Secretary, acting through the Director of NIH, may carry out a program of entering into contracts with individuals described in paragraph (2) under which—

"(A) the Director of NIH agrees to provide to the individuals scholarships for pursuing, as undergraduates at accredited institutions of higher education, academic programs appropriate for careers in professions needed by the National Institutes of Health; and

"(B) the individuals agree to serve as employees of the National Institutes of Health, for the period described in subsection (c), in positions that are needed by the National Institutes of Health and for which the individuals are qualified.

"(2) INDIVIDUALS FROM DISADVANTAGED BACKGROUNDS.—The individuals referred to in paragraph (1) are individuals who—

"(A) are enrolled or accepted for enrollment as full-time undergraduates at accredited institutions of higher education; and

"(B) are from disadvantaged backgrounds.

"(b) FACILITATION OF INTEREST OF STUDENTS IN CAREERS AT NATIONAL INSTITUTES OF HEALTH.—In providing employment to individuals pursuant to contracts under subsection (a)(1), the Director of NIH shall carry out activities to facilitate the interest of the individuals in pursuing careers as employees of the National Institutes of Health.

"(c) PERIOD OF OBLIGATED SERVICE.—

"(1) DURATION OF SERVICE.—For purposes of subparagraph (B) of subsection (a)(1), the period of service for which an individual is obligated to serve as an employee of the National Institutes of Health is, subject to paragraph (2)(A), 12 months for each academic year for which the scholarship under such subsection is provided.

"(2) SCHEDULE FOR SERVICE.—

"(A) Subject to subparagraph (B), the Director of NIH may not provide a scholarship under subsection (a) unless the individual applying for the scholarship agrees that—

"(i) the individual will serve as an employee of the National Institutes of Health full-time for not less than 10 consecutive weeks of each year during which the individual is attending the educational institution involved and receiving such a scholarship;

"(ii) the period of service as such an employee that the individual is obligated to provide under clause (i) is in addition to the period of service as such an employee that the individual is obligated to provide under subsection (a)(1)(B); and

"(iii) not later than 60 days after obtaining the educational degree involved, the individual will begin serving full-time as such an employee in satisfaction of the period of service that the individual is obligated to provide under subsection (a)(1)(B).

"(B) The Director of NIH may defer the obligation of an individual to provide a period of service under subsection (a)(1)(B), if the Director determines that such a deferral is appropriate.

"(3) APPLICABILITY OF CERTAIN PROVISIONS RELATING TO APPOINTMENT AND COMPENSATION.—For any period in which an individual provides service as an employee of the National Institutes of Health in satisfaction of the obligation of the individual under subsection (a)(1)(B) or paragraph (2)(A)(i), the individual may be appointed as such an employee without regard to the provisions of title 5, United States Code, relating to appointment and compensation.

"(d) PROVISIONS REGARDING SCHOLARSHIP.—

"(1) APPROVAL OF ACADEMIC PROGRAM.—The Director of NIH may not provide a scholarship under subsection (a) for an academic year unless—

"(A) the individual applying for the scholarship has submitted to the Director a proposed academic program for the year and the Director has approved the program; and

"(B) the individual agrees that the program will not be altered without the approval of the Director.

"(2) ACADEMIC STANDING.—The Director of NIH may not provide a scholarship under subsection (a) for an academic year unless the individual applying for the scholarship agrees to maintain an acceptable level of academic standing, as determined by the educational institution involved in accordance with regulations issued by the Secretary.

"(3) LIMITATION ON AMOUNT.—The Director of NIH may not provide a scholarship under subsection (a) for an academic year in an amount exceeding $20,000.

"(4) AUTHORIZED USES.—A scholarship provided under subsection (a) may be expended only for tuition expenses, other reasonable educational expenses, and reasonable living expenses incurred in attending the school involved.

"(5) CONTRACT REGARDING DIRECT PAYMENTS TO INSTITUTION.—In the case of an institution of higher education with respect to which a scholarship under subsection (a) is provided, the Director of NIH may enter into a contract with the institution under which the amounts provided in the scholarship for tuition and other educational expenses are paid directly to the institution.

"(e) PENALTIES FOR BREACH OF SCHOLARSHIP CONTRACT.—The provisions of section 338E shall apply to the program established in subsection (a) to the same extent and in the same manner as such provisions apply to the National Health Service Corps Loan Repayment Program established in section 338B.

"(f) REQUIREMENT OF APPLICATION.—The Director of NIH may not provide a scholarship under subsection (a) unless an application for the scholarship is submitted to the Director and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Director determines to be necessary to carry out this section.

"(g) AVAILABILITY OF AUTHORIZATION OF APPROPRIATIONS.—Amounts appropriated for a fiscal year for scholarships under this section shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which the amounts were appropriated.

"LOAN REPAYMENT PROGRAM REGARDING CLINICAL RESEARCHERS FROM DISADVANTAGED BACKGROUNDS

"SEC. 487E. (a) IMPLEMENTATION OF PROGRAM.—

"(1) IN GENERAL.—Subject to section 487(a)(1)(C), the Secretary, acting through the Director of NIH may, subject to paragraph (2), carry out a program of entering into contracts with appropriately qualified health professionals who are from disadvantaged backgrounds under which such health professionals agree to conduct clinical research as employees of the National Institutes of Health in consideration of the Federal Government agreeing to pay, for each year of such service, not more than $20,000 of the principal and interest of the educational loans of the health professionals.

"(2) LIMITATION.—The Director of NIH may not enter into a contract with a health professional pursuant to paragraph (1) unless such professional has a substantial amount of education loans relative to income.

"(3) APPLICABILITY OF CERTAIN PROVISIONS REGARDING OBLIGATED SERVICE.—Except to the extent inconsistent with this section, the provisions of sections 338C and 338E shall apply to the program established in paragraph (1) to the same extent and in the same manner as such provisions apply to the National Health Service Corps Loan Repayment Program established in section 338B.

"(b) AVAILABILITY OF AUTHORIZATION OF APPROPRIATIONS.—Amounts appropriated for a fis-

cal year for contracts under subsection (a) shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which the amounts were appropriated.".

SEC. 1632. FUNDING.

Section 487(a)(1) of the Public Health Service Act (42 U.S.C. 288(a)(1)) is amended—

(1) in subparagraph (A), by striking "and" after the semicolon at the end;

(2) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(3) by inserting after subparagraph (B) the following subparagraph:

"(C) provide contracts for scholarships and loan repayments in accordance with sections 487D and 487E, subject to providing not more than an aggregate 50 such contracts during the fiscal years 1994 through 1996.".

Subtitle E—Funding

SEC. 1641. AUTHORIZATION OF APPROPRIATIONS.

Section 487(d) of the Public Health Service Act (42 U.S.C. 288(d)) is amended—

(1) in the first sentence, by amending the sentence to read as follows: "For the purpose of carrying out this section, there are authorized to be appropriated $400,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996."; and

(2) in paragraph (3)—

(A) by striking "one-half of one percent" each place such term appears and inserting "1 percent"; and

(B) by striking "780, 784, or 786," and inserting "747, 748, or 749,".

TITLE XVII—NATIONAL FOUNDATION FOR BIOMEDICAL RESEARCH

SEC. 1701. NATIONAL FOUNDATION FOR BIOMEDICAL RESEARCH.

Section 499 of the Public Health Service Act, as redesignated by section 121(b)(3) of this Act, is amended—

(1) in subsection (a)—

(A) by inserting ", acting through the Director of NIH," after "Secretary shall"; and

(B) by striking ", except for" and all that follows through "Transfer Act,";

(2) by redesignating subsections (c), (d), (e), (f), (g), (h), and (i) as subsections (d), (f), (g), (h), (i), (j), and (m), respectively;

(3) by striking subsection (b) and inserting the following subsections:

"(b) PURPOSE OF FOUNDATION.—The purpose of the Foundation shall be to support the National Institutes of Health in its mission, and to advance collaboration with biomedical researchers from universities, industry, and nonprofit organizations.

"(c) CERTAIN ACTIVITIES OF FOUNDATION.—

"(1) IN GENERAL.—In carrying out subsection (b), the Foundation may solicit and accept gifts, grants, and other donations, establish accounts, and invest and expend funds in support of the following activities with respect to the purpose described in such subsection:

"(A) A program to provide and administer endowed positions that are associated with the research program of the National Institutes of Health. Such endowments may be expended for the compensation of individuals holding the positions, for staff, equipment, quarters, travel, and other expenditures that are appropriate in supporting the endowed positions.

"(B) A program to provide and administer fellowships and grants to research personnel in order to work and study in association with the National Institutes of Health. Such fellowships and grants may include stipends, travel, health insurance benefits and other appropriate expenses. The recipients of fellowships shall be selected by the donors and the Foundation upon the recommendation of the National Institutes of Health employees in the laboratory where the fellow would serve, and shall be subject to the agreement of the Director of the National Institutes of Health and the Executive Director of the Foundation.

"(C) Supplementary programs to provide for—

"(i) scientists of other countries to serve in research capacities in the United States in association with the National Institutes of Health or elsewhere, or opportunities for employees of the National Institutes of Health or other public health officials in the United States to serve in such capacities in other countries, or both;

"(ii) the conduct and support of studies, projects, and research, which may include stipends, travel and other support for personnel in collaboration with national and international non-profit and for-profit organizations;

"(iii) the conduct and support of forums, meetings, conferences, courses, and training workshops that may include undergraduate, graduate, post-graduate, and post-doctoral accredited courses and the maintenance of accreditation of such courses by the Foundation at the State and national level for college or continuing education credits or for degrees;

"(iv) programs to support and encourage teachers and students of science at all levels of education and programs for the general public which promote the understanding of science;

"(v) programs for writing, editing, printing, publishing, and vending of books and other materials; and

"(vi) the conduct of other activities to carry out and support the purpose described in subsection (b).

"(2) FEES.—The Foundation may assess fees for the provision of professional, administrative and management services by the Foundation in amounts determined reasonable and appropriate by the Executive Director.

"(3) AUTHORITY OF FOUNDATION.—The Foundation shall be the sole entity responsible for carrying out the activities described in this subsection.";

(4) in subsection (d) (as so redesignated)—

(A) in paragraph (1)—

(i) by striking "members of the Foundation" in subparagraph (A) and inserting "appointed members of the Board";

(ii) by striking "Council" in subparagraph (B) and inserting "Board";

(iii) by striking "Council" in subparagraph (C) and inserting "Board"; and

(iv) by adding at the end the following subparagraphs:

"(D)(i) Not later than 30 days after the date of the enactment of the National Institutes of Health Revitalization Act of 1993, the Director of the National Institutes of Health shall convene a meeting of the ex officio members of the Board to—

"(I) incorporate the Foundation and establish the general policies of the Foundation for carrying out the purposes of subsection (b), including the establishment of the bylaws of the Foundation; and

"(II) appoint the members of the Board in accordance with subparagraph (C).

"(ii) Upon the appointment of the members of the Board under clause (i)(II), the terms of service of the ex officio members of the Board as members of the Board shall terminate.

"(E) The agreement of not less than three-fifths of the members of the ex officio members of the Board shall be required for the appointment of each member to the initial Board.

"(F) No employee of the National Institutes of Health shall be appointed as a member of the Board.

"(G) The Board may, through amendments to the bylaws of the Foundation, provide that the number of members of the Board shall be greater than the number specified in subparagraph (C).";

(B) in paragraph (2)—

(i) by striking "The ex officio" and inserting the following:

"(A) The ex officio";

(ii) by striking "an appointed member of the Board to serve as the Chair" and inserting "an individual to serve as the initial Chair"; and

(iii) by adding at the end the following subparagraph:

"(B) Upon the termination of the term of service of the initial Chair of the Board, the appointed members of the Board shall elect a member of the Board to serve as the Chair of the Board.";

(C) in paragraph (3)(A), by striking "(2)(C)" and inserting "(1)(C)"; and

(D) by adding at the end the following paragraphs:

"(5) MEETINGS AND QUORUM.—A majority of the members of the Board shall constitute a quorum for purposes of conducting the business of the Board.

"(6) CERTAIN BYLAWS.—

"(A) In establishing bylaws under this subsection, the Board shall ensure that the following are provided for:

"(i) Policies for the selection of the officers, employees, agents, and contractors of the Foundation.

"(ii) Policies, including ethical standards, for the acceptance, solicitation, and disposition of donations and grants to the Foundation and for the disposition of the assets of the Foundation. Policies with respect to ethical standards shall ensure that officers, employees and agents of the Foundation (including members of the Board) avoid encumbrances that would result in a conflict of interest, including a financial conflict of interest or a divided allegiance. Such policies shall include requirements for the provision of information concerning any ownership or controlling interest in entities related to the activities of the Foundation by such officers, employees and agents and their spouses and relatives.

"(iii) Policies for the conduct of the general operations of the Foundation.

"(iv) Policies for writing, editing, printing, publishing, and vending of books and other materials.

"(B) In establishing bylaws under this subsection, the Board shall ensure that such bylaws (and activities carried out under the bylaws) do not—

"(i) reflect unfavorably upon the ability of the Foundation or the National Institutes of Health to carry out its responsibilities or official duties in a fair and objective manner; or

"(ii) compromise, or appear to compromise, the integrity of any governmental agency or program, or any officer or employee involved in such program.";

(5) in subsection (i) (as so redesignated)—

(A) in paragraph (4), by inserting ", and define the duties of the officers and employees" before the semicolon at the end;

(B) by striking paragraph (5);

(C) by redesignating paragraphs (6) through (14), as paragraphs (5) through (13), respectively;

(D) in paragraph (7) (as so redesignated), by striking "this subtitle" and inserting "this part";

(E) by striking paragraph (8) (as so redesignated), and inserting the following paragraph:

"(8) establish a process for the selection of candidates for positions under subsection (c);"

(F) by inserting "solicit" after the paragraph designation in paragraph (11) (as so redesignated);

(G) by striking "and" at the end of paragraph (13) (as so redesignated);

(H) by inserting after paragraph (13) (as so redesignated), the following paragraph:

"(14) enter into such other contracts, leases, cooperative agreements, and other transactions

as the Executive Director considers appropriate to conduct the activities of the Foundation; and"; and

(I) in paragraph (15), by striking "this subtitle" and inserting "this part";

(6) by inserting after subsection (j) (as so redesignated), the following subsections:

"(k) GENERAL PROVISIONS.—

"(1) FOUNDATION INTEGRITY.—The members of the Board shall be accountable for the integrity of the operations of the Foundation and shall ensure such integrity through the development and enforcement of criteria and procedures relating to standards of conduct (including those developed under subsection (d)(2)(B)(i)(II)), financial disclosure statements, conflict of interest rules, recusal and waiver rules, audits and other matter determined appropriate by the Board.

"(2) FINANCIAL CONFLICTS OF INTEREST.—Any individual who is an officer, employee, or member of the Board of the Foundation may not (in accordance with policies and requirements developed under subsection (d)(2)(B)(i)(II)) personally or substantially participate in the consideration or determination by the Foundation of any matter that would directly or predictably affect any financial interest of the individual or a relative (as such term is defined in section 109(16) of the Ethics in Government Act of 1978) of the individual, of any business organization or other entity, or of which the individual is an officer or employee, or is negotiating for employment, or in which the individual has any other financial interest.

"(3) AUDITS; AVAILABILITY OF RECORDS.—The Foundation shall—

"(A) provide for annual audits of the financial condition of the Foundation; and

"(B) make such audits, and all other records, documents, and other papers of the Foundation, available to the Secretary and the Comptroller General of the United States for examination or audit.

"(4) REPORTS.—

"(A) Not later than 5 months following the end of each fiscal year, the Foundation shall publish a report describing the activities of the Foundation during the preceding fiscal year. Each such report shall include for the fiscal year involved a comprehensive statement of the operations, activities, financial condition, and accomplishments of the Foundation.

"(B) With respect to the financial condition of the Foundation, each report under subparagraph (A) shall include the source, and a description of, all gifts or grants to the Foundation of real or personal property, and the source and amount of all gifts or grants to the Foundation of money. Each such report shall include a specification of any restrictions on the purposes for which gifts or grants to the Foundation may be used.

"(C) The Foundation shall make copies of each report submitted under subparagraph (A) available for public inspection, and shall upon request provide a copy of the report to any individual for a charge not exceeding the cost of providing the copy.

"(D) The Board shall annually hold a public meeting to summarize the activities of the Foundation and distribute written reports concerning such activities and the scientific results derived from such activities.

"(5) SERVICE OF FEDERAL EMPLOYEES.—Federal employees may serve on committees advisory to the Foundation and otherwise cooperate with and assist the Foundation in carrying out its function, so long as the employees do not direct or control Foundation activities.

"(6) RELATIONSHIP WITH EXISTING ENTITIES.—The Foundation may, pursuant to appropriate agreements, merge with, acquire, or use the resources of existing nonprofit private corporations with missions similar to the purposes of the Foundation, such as the Foundation for Advanced Education in the Sciences.

"(7) INTELLECTUAL PROPERTY RIGHTS.—The Board shall adopt written standards with respect to the ownership of any intellectual property rights derived from the collaborative efforts of the Foundation prior to the commencement of such efforts.

"(8) NATIONAL INSTITUTES OF HEALTH AMENDMENTS OF 1990.—The activities conducted in support of the National Institutes of Health Amendments of 1990 (Public Law 101-613), and the amendments made by such Act, shall not be nullified by the enactment of this section.

"(9) LIMITATION OF ACTIVITIES.—The Foundation shall exist solely as an entity to work in collaboration with the research programs of the National Institutes of Health. The Foundation may not undertake activities (such as the operation of independent laboratories or competing for Federal research funds) that are independent of those of the National Institutes of Health research programs.

"(10) TRANSFER OF FUNDS.—The Foundation may not transfer funds to the National Institutes of Health.

"(l) DUTIES OF THE DIRECTOR.—

"(1) APPLICABILITY OF CERTAIN STANDARDS TO NON-FEDERAL EMPLOYEES.—In the case of any individual who is not an employee of the Federal Government and who serves in association with the National Institutes of Health, with respect to financial assistance received from the Foundation, the Foundation may not provide the assistance of, or otherwise permit the work at the National Institutes of Health to begin until a memorandum of understanding between the individual and the Director of the National Institutes of Health, or the designee of such Director, has been executed specifying that the individual shall be subject to such ethical and procedural standards of conduct relating to duties performed at the National Institutes of Health, as the Director of the National Institutes of Health determines is appropriate.

"(2) SUPPORT SERVICES.—The Director of the National Institutes of Health may provide facilities, utilities and support services to the Foundation if it is determined by the Director to be advantageous to the research programs of the National Institutes of Health.";

(7) in subsection (m) (as so redesignated), by amending the subsection to read as follows:

"(m) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this part, there is authorized to be appropriated an aggregate $200,000 for the fiscal years 1994 and 1995.

"(2) LIMITATION REGARDING OTHER FUNDS.—Amounts appropriated under any provision of law other than paragraph (1) may not be expended to establish or operate the Foundation."; and

(8) by adding at the end the following subsection:

"(n) REPORT ON ADEQUACY OF COMPLIANCE.—

"(1) IN GENERAL.—With respect to the mission and function of the Foundation, the Comptroller General of the United States shall conduct an audit to determine—

"(A) whether the Foundation is in compliance with the guidelines established under this section; and

"(B) whether the procedures utilized under this section are adequate to prevent conflicts of interest involving the Foundation, the employees of the Foundation or members of the Board of the Foundation.

"(2) REPORT.—Not later than 18 months after the date on which the Foundation is incorporated, the Comptroller General of the United States shall complete the audit required under paragraph (1) and prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate, a report describing the findings made with respect to such audit.".

TITLE XVIII—RESEARCH WITH RESPECT TO ACQUIRED IMMUNE DEFICIENCY SYNDROME

Subtitle A—Office of AIDS Research

SEC. 1801. ESTABLISHMENT OF OFFICE.

(a) IN GENERAL.—Part D of title XXIII of the Public Health Service Act (42 U.S.C. 300cc-41 et seq.) is amended—

(1) by striking the part designation and the heading for the part;

(2) by redesignating section 2351 as section 2354; and

(3) by inserting before section 2354 (as so redesignated) the following:

"PART D—OFFICE OF AIDS RESEARCH

"Subpart I—Interagency Coordination of Activities

"SEC. 2351. ESTABLISHMENT OF OFFICE.

"(a) IN GENERAL.—There is established within the National Institutes of Health an office to be known as the Office of AIDS Research. The Office shall be headed by a director, who shall be appointed by the Secretary.

"(b) DUTIES.—

"(1) INTERAGENCY COORDINATION OF AIDS ACTIVITIES.—With respect to acquired immune deficiency syndrome, the Director of the Office shall plan, coordinate, and evaluate research and other activities conducted or supported by the agencies of the National Institutes of Health. In carrying out the preceding sentence, the Director of the Office shall evaluate the AIDS activities of each of such agencies and shall provide for the periodic reevaluation of such activities.

"(2) CONSULTATIONS.—The Director of the Office shall carry out this subpart (including developing and revising the plan required in section 2353) in consultation with the heads of the agencies of the National Institutes of Health, with the advisory councils of the agencies, and with the advisory council established under section 2352.

"(3) COORDINATION.—The Director of the Office shall act as the primary Federal official with responsibility for overseeing all AIDS research conducted or supported by the National Institutes of Health, and

"(A) shall serve to represent the National Institutes of Health AIDS Research Program at all relevant Executive branch task forces and committees; and

"(B) shall maintain communications with all relevant Public Health Service agencies and with various other departments of the Federal Government, to ensure the timely transmission of information concerning advances in AIDS research and the clinical treatment of acquired immune deficiency syndrome and its related conditions, between these various agencies for dissemination to affected communities and health care providers.

"SEC. 2352. ADVISORY COUNCIL; COORDINATING COMMITTEES.

"(a) ADVISORY COUNCIL.—

"(1) IN GENERAL.—The Secretary shall establish an advisory council for the purpose of providing advice to the Director of the Office on carrying out this part. (Such council is referred to in this subsection as the 'Advisory Council'.)

"(2) COMPOSITION, COMPENSATION, TERMS, CHAIR, ETC.—Subsections (b) through (g) of section 406 apply to the Advisory Council to the same extent and in the same manner as such subsections apply to advisory councils for the national research institutes, except that—

"(A) in addition to the ex officio members specified in section 406(b)(2), there shall serve as such members of the Advisory Council a rep-

resentative from the advisory council of each of the National Cancer Institute and the National Institute on Allergy and Infectious Diseases; and

"(B) with respect to the other national research institutes, there shall serve as ex officio members of such Council, in addition to such members specified in subparagraph (A), a representative from the advisory council of each of the 2 institutes that receive the greatest funding for AIDS activities.

"(b) INDIVIDUAL COORDINATING COMMITTEES REGARDING RESEARCH DISCIPLINES.—

"(1) IN GENERAL.—The Director of the Office shall establish, for each research discipline in which any activity under the plan required in section 2353 is carried out, a committee for the purpose of providing advice to the Director of the Office on carrying out this part with respect to such discipline. (Each such committee is referred to in this subsection as a 'coordinating committee'.)

"(2) COMPOSITION.—Each coordinating committee shall be composed of representatives of the agencies of the National Institutes of Health with significant responsibilities regarding the research discipline involved.

"SEC. 2353. COMPREHENSIVE PLAN FOR EXPENDITURE OF APPROPRIATIONS.

"(a) IN GENERAL.—Subject to the provisions of this section and other applicable law, the Director of the Office, in carrying out section 2351, shall—

"(1) establish a comprehensive plan for the conduct and support of all AIDS activities of the agencies of the National Institutes of Health (which plan shall be first established under this paragraph not later than 12 months after the date of the enactment of the National Institutes of Health Revitalization Act of 1993);

"(2) ensure that the Plan establishes priorities among the AIDS activities that such agencies are authorized to carry out;

"(3) ensure that the Plan establishes objectives regarding such activities, describes the means for achieving the objectives, and designates the date by which the objectives are expected to be achieved;

"(4) ensure that all amounts appropriated for such activities are expended in accordance with the Plan;

"(5) review the Plan not less than annually, and revise the Plan as appropriate; and

"(6) ensure that the Plan serves as a broad, binding statement of policies regarding AIDS activities of the agencies, but does not remove the responsibility of the heads of the agencies for the approval of specific programs or projects, or for other details of the daily administration of such activities, in accordance with the Plan.

"(b) CERTAIN COMPONENTS OF PLAN.—With respect to AIDS activities of the agencies of the National Institutes of Health, the Director of the Office shall ensure that the Plan—

"(1) provides for basic research;

"(2) provides for applied research;

"(3) provides for research that is conducted by the agencies;

"(4) provides for research that is supported by the agencies;

"(5) provides for proposals developed pursuant to solicitations by the agencies and for proposals developed independently of such solicitations; and

"(6) provides for behavioral research and social sciences research.

"(c) BUDGET ESTIMATES.—

"(1) FULL-FUNDING BUDGET.—

"(A) With respect to a fiscal year, the Director of the Office shall prepare and submit directly to the President, for review and transmittal to the Congress, a budget estimate for carrying out the Plan for the fiscal year, after reasonable opportunity for comment (but without change) by the Secretary, the Director of the National Institutes of Health, and the advisory council established under section 2352. The budget estimate shall include an estimate of the number and type of personnel needs for the Office.

"(B) The budget estimate submitted under subparagraph (A) shall estimate the amounts necessary for the agencies of the National Institutes of Health to carry out all AIDS activities determined by the Director of the Office to be appropriate, without regard to the probability that such amounts will be appropriated.

"(2) ALTERNATIVE BUDGETS.—

"(A) With respect to a fiscal year, the Director of the Office shall prepare and submit to the Secretary and the Director of the National Institutes of Health the budget estimates described in subparagraph (B) for carrying out the Plan for the fiscal year. The Secretary and such Director shall consider each of such estimates in making recommendations to the President regarding a budget for the Plan for such year.

"(B) With respect to the fiscal year involved, the budget estimates referred to in subparagraph (A) for the Plan are as follows:

"(i) The budget estimate submitted under paragraph (1).

"(ii) A budget estimate developed on the assumption that the amounts appropriated will be sufficient only for—

"(I) continuing the conduct by the agencies of the National Institutes of Health of existing AIDS activities (if approved for continuation), and continuing the support of such activities by the agencies in the case of projects or programs for which the agencies have made a commitment of continued support; and

"(II) carrying out, of activities that are in addition to activities specified in subclause (I), only such activities for which the Director determines there is the most substantial need.

"(iii) Such other budget estimates as the Director of the Office determines to be appropriate.

"(d) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out AIDS activities under the Plan, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1994 through 1996.

"(2) RECEIPT OF FUNDS.—For the first fiscal year beginning after the date on which the Plan first established under section 2353(a)(1) has been in effect for 12 months, and for each subsequent fiscal year, the Director of the Office shall receive directly from the President and the Director of the Office of Management and Budget all funds available for AIDS activities of the National Institutes of Health.

"(3) ALLOCATIONS FOR AGENCIES.—

"(A) Each fiscal year the Director of the Office shall, from the amounts received under paragraph (2) for the fiscal year, allocate to the agencies of the National Institutes of Health (in accordance with the Plan) all amounts available for such year for carrying out the AIDS activities specified in subsection (c)(2)(B)(ii)(I) for such year. Such allocation shall, to the extent practicable, be made not later than 15 days after the date on which the Director receives amounts under paragraph (2).

"(B) Each fiscal year the Director of the Office shall, from the amounts received under paragraph (2) for the fiscal year, allocate to the agencies of the National Institutes of Health (in accordance with the Plan) all amounts available for such year for carrying out AIDS activities that are not referred to in subparagraph (A). Such allocation shall, to the extent practicable, be made not later than 30 days after the date on which the Director receives amounts under paragraph (2).".

(b) CONFORMING AMENDMENTS.—Section 2354 of the Public Health Service Act, as redesignated by subsection (a)(2) of this section, is amended—

*(1) in the heading for the section, by striking **"ESTABLISHMENT OF"** and inserting **"ADDITIONAL"**;*

(2) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "In carrying out" and all that follows and inserting the following: "In carrying out AIDS research, the Director of the Office—";

(B) by striking paragraphs (1) and (2) and redesignating paragraphs (3) through (8) as paragraphs (1) through (6);

(C) in paragraph (3) (as so redesignated), by striking "may" and all that follows in the matter preceding subparagraph (A) and inserting the following: "may support—";

(D) in paragraph (5) (as so redesignated)—

(i) in subparagraph (A)—

"(I) by striking "may" and all that follows through "acquire," and inserting "may acquire,"; and

"(II) by striking "Director" and all that follows through "determines" and inserting "Director of the Office determines";

(ii) in subparagraph (B), by striking "may" and all that follows through "make grants" and inserting "may make grants"; and

(iii) in subparagraph (C), by striking "may" and all that follows through "acquire," and inserting "may acquire,"; and

(E) in each of paragraphs (2), (3)(A), and (4) (as so redesignated), by striking "research relating to acquired immune deficiency syndrome" and inserting "AIDS research";

(3) in subsection (b), in the matter preceding paragraph (1), by striking "The Director" and all that follows through "shall" and inserting "The Director of the Office shall"; and

(4) in subsection (c), by striking "the Director" and all that follows through "shall" and inserting "the Director of the Office shall".

SEC. 1802. ESTABLISHMENT OF EMERGENCY DISCRETIONARY FUND.

Part D of title XXIII of the Public Health Service Act, as amended by section 1801 of this Act, is amended by adding at the end the following subpart:

"Subpart II—Emergency Discretionary Fund

"SEC. 2356. EMERGENCY DISCRETIONARY FUND.

"(a) IN GENERAL.—

"(1) ESTABLISHMENT.—There is established a fund consisting of such amounts as may be appropriated under subsection (g). Subject to the provisions of this section, the Director of the Office, after consultation with the advisory council established under section 2352, may expend amounts in the Fund for the purpose of conducting and supporting such AIDS activities, including projects of AIDS research, as may be authorized in this Act for the National Institutes of Health.

"(2) PRECONDITIONS TO USE OF FUND.—Amounts in the Fund may be expended only if—

"(A) the Director identifies the particular set of AIDS activities for which such amounts are to be expended;

"(B) the set of activities so identified constitutes either a new project or additional AIDS activities for an existing project;

"(C) the Director of the Office has made a determination that there is a significant need for such set of activities; and

"(D) as of June 30 of the fiscal year preceding the fiscal year in which the determination is made, such need was not provided for in any appropriations Act passed by the House of Representatives to make appropriations for the Departments of Labor, Health and Human Services (including the National Institutes of Health), Education, and related agencies for the fiscal year in which the determination is made.

"(3) TWO-YEAR USE OF FUND FOR PROJECT INVOLVED.—In the case of an identified set of AIDS activities, obligations of amounts in the Fund may not be made for such set of activities

after the expiration of the 2-year period beginning on the date on which the initial obligation of such amounts is made for such set.

"(b) PEER REVIEW.—With respect to an identified set of AIDS activities carried out with amounts in the Fund, this section may not be construed as waiving applicable requirements for peer review.

"(c) LIMITATIONS ON USE OF FUND.—

"(1) CONSTRUCTION OF FACILITIES.—Amounts in the Fund may not be used for the construction, renovation, or relocation of facilities, or for the acquisition of land.

"(2) CONGRESSIONAL DISAPPROVAL OF PROJECTS.—

"(A) Amounts in the Fund may not be expended for the fiscal year involved for an identified set of AIDS activities, or a category of AIDS activities, for which—

"(i)(I) amounts were made available in an appropriations Act for the preceding fiscal year; and

"(II) amounts are not made available in any appropriations Act for the fiscal year in volved; or

"(ii) amounts are by law prohibited from being expended.

"(B) A determination under subparagraph (A)(i) of whether amounts have been made available in appropriations Acts for a fiscal year shall be made without regard to whether such Acts make available amounts for the Fund.

"(3) INVESTMENT OF FUND AMOUNTS.—Amounts in the Fund may not be invested.

"(d) APPLICABILITY OF LIMITATION REGARDING NUMBER OF EMPLOYEES.—The purposes for which amounts in the Fund may be expended include the employment of individuals necessary to carry out identified sets of AIDS activities approved under subsection (a). Any individual employed under the preceding sentence may not be included in any determination of the number of full-time equivalent employees for the Department of Health and Human Services for the purpose of any limitation on the number of such employees established by law prior to, on, or after the date of the enactment of the National Institutes of Health Revitalization Act of 1993.

"(e) REPORT TO CONGRESS.—Not later than February 1 of each fiscal year, the Director of the Office shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report on the identified sets of AIDS activities carried out during the preceding fiscal year with amounts in the Fund. The report shall provide a description of each such set of activities and an explanation of the reasons underlying the use of the Fund for the set.

"(f) DEFINITIONS.—For purposes of this section:

"(1) The term 'Fund' means the fund established in subsection (a).

"(2) The term 'identified set of AIDS activities' means a particular set of AIDS activities identified under subsection (a)(2)(A).

"(g) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of providing amounts for the Fund, there is authorized to be appropriated $100,000,000 for each of the fiscal years 1994 through 1996.

"(2) AVAILABILITY.—Amounts appropriated for the Fund are available until expended.".

SEC. 1803. GENERAL PROVISIONS.

Part D of title XXIII of the Public Health Service Act, as amended by section 1802 of this Act, is amended by adding at the end the following subpart:

"Subpart III—General Provisions

"SEC. 2359. GENERAL PROVISIONS REGARDING THE OFFICE.

"(a) ADMINISTRATIVE SUPPORT FOR OFFICE.—The Secretary, acting through the Director of the National Institutes of Health, shall provide administrative support and support services to the Director of the Office and shall ensure that such support takes maximum advantage of existing administrative structures at the agencies of the National Institutes of Health.

"(b) EVALUATION AND REPORT.—

"(1) EVALUATION.—Not later than 5 years after the date of the enactment of National Institutes of Health Revitalization Act of 1993, the Secretary shall conduct an evaluation to—

"(A) determine the effect of this section on the planning and coordination of the AIDS research programs at the institutes, centers and divisions of the National Institutes of Health;

"(B) evaluate the extent to which this part has eliminated the duplication of administrative resources among such Institutes, centers and divisions; and

"(C) provide recommendations concerning future alterations with respect to this part.

"(2) REPORT.—Not later than 1 year after the date on which the evaluation is commenced under paragraph (1), the Secretary shall prepare and submit to the Committee on Labor and Human Resources of the Senate, and the Committee on Energy and Commerce of the House of Representatives, a report concerning the results of such evaluation.

"(c) DEFINITIONS.—For purposes of this part:

"(1) The term 'AIDS activities' means AIDS research and other activities that relate to acquired immune deficiency syndrome.

"(2) The term 'AIDS research' means research with respect to acquired immune deficiency syndrome.

"(3) The term 'Office' means the Office of AIDS Research.

"(4) The term 'Plan' means the plan required in section 2353(a)(1).".

Subtitle B—Certain Programs

SEC. 1811. REVISION AND EXTENSION OF CERTAIN PROGRAMS.

Title XXIII of the Public Health Service Act (42 U.S.C. 300cc et seq.) is amended—

(1) in section 2304(c)(1)—

(A) in the matter preceding subparagraph (A), by inserting after "Director of such Institute" the following: "(and may provide advice to the Directors of other agencies of the National Institutes of Health, as appropriate)"; and

(B) in subparagraph (A), by inserting before the semicolon the following: ", including recommendations on the projects of research with respect to diagnosing immune deficiency and with respect to predicting, diagnosing, preventing, and treating opportunistic cancers and infectious diseases";

(2) in section 2311(a)(1), by inserting before the semicolon the following: ", including evaluations of methods of diagnosing immune deficiency and evaluations of methods of predicting, diagnosing, preventing, and treating opportunistic cancers and infectious diseases";

(3) in section 2315—

(A) in subsection (a)(2), by striking "international research" and all that follows and inserting "international research and training concerning the natural history and pathogenesis of the human immunodeficiency virus and the development and evaluation of vaccines and treatments for acquired immune deficiency syndrome and opportunistic infections."; and

(B) in subsection (f), by striking "there are authorized" and all that follows and inserting "there are authorized to be appropriated such sums as may be necessary for each fiscal year.";

(4) in section 2318—

(A) in subsection (a)(1)—

(i) by inserting after "The Secretary" the following: ", acting through the Director of the National Institutes of Health and after consultation with the Administrator for Health Care Policy and Research,"; and

(ii) by striking "syndrome" and inserting "syndrome, including treatment and prevention of HIV infection and related conditions among women"; and

(B) in subsection (e), by striking "1991." and inserting the following: "1991, and such sums as may be necessary for each of the fiscal years 1994 through 1996.";

(5) in section 2320(b)(1)(A), by striking "syndrome" and inserting "syndrome and the natural history of such infection";

(6) in section 2320(e)(1), by striking "there are authorized" and all that follows and inserting "there are authorized to be appropriated such sums as may be necessary for each fiscal year.";

(7) in section 2341(d), by striking "there are authorized" and all that follows and inserting "there are authorized to be appropriated such sums as may be necessary for each fiscal year."; and

(8) in section 2361, by striking "For purposes" and all that follows and inserting the following: "For purposes of this title:

"(1) The term 'infection', with respect to the etiologic agent for acquired immune deficiency syndrome, includes opportunistic cancers and infectious diseases and any other conditions arising from infection with such etiologic agent.

"(2) The term 'treatment', with respect to the etiologic agent for acquired immune deficiency syndrome, includes primary and secondary prophylaxis.".

TITLE XIX—STUDIES

SEC. 1901. LIFE-THREATENING ILLNESSES.

(a) THIRD-PARTY PAYMENTS REGARDING CERTAIN CLINICAL TRIALS AND CERTAIN LIFE-THREATENING ILLNESSES.—The Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, shall conduct a study for the purpose of—

(1) determining the policies of third-party payors regarding the payment of the costs of appropriate health services that are provided incident to the participation of individuals as subjects in clinical trials conducted in the development of drugs with respect to acquired immune deficiency syndrome, cancer, and other life-threatening illnesses; and

(2) developing recommendations regarding such policies.

(b) VACCINES FOR HUMAN IMMUNODEFICIENCY VIRUS.—

(1) IN GENERAL.—The Secretary of Health and Human Services, acting through the National Institutes of Health, shall develop a plan for the appropriate inclusion of HIV-infected women, including pregnant women, HIV-infected infants, and HIV-infected children in studies conducted by or through the National Institutes of Health concerning the safety and efficacy of HIV vaccines for the treatment and prevention of HIV infection. Such plan shall ensure the full participation of other Federal agencies currently conducting HIV vaccine studies and require that such studies conform fully to the requirements of part 46 of title 45, Code of Federal Regulations.

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate, a report concerning the plan developed under paragraph (1).

(3) IMPLEMENTATION.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall implement the plan developed under paragraph (1), including measures for the full participation of other Federal agencies currently conducting HIV vaccine studies.

(4) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection,

there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1994 through 1996.

SEC. 1902. MALNUTRITION IN THE ELDERLY.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the "Secretary"), acting through the National Institute on Aging, coordinating with the Agency for Health Care Policy and Research and, to the degree possible, in consultation with the head of the National Nutrition Monitoring and Related Research Program established by section 5311(a) of Public Law 101-445 (7 U.S.C. 5301 et seq.), shall conduct a 3-year nutrition screening and intervention activities study of the elderly.

(2) EFFICACY AND COST-EFFECTIVENESS OF NUTRITION SCREENING AND INTERVENTION ACTIVITIES.—In conducting the study, the Secretary shall determine the efficacy and cost-effectiveness of nutrition screening and intervention activities conducted in the elderly health and long-term care continuum, and of a program that would institutionalize nutrition screening and intervention activities. In evaluating such a program, the Secretary shall determine—

(A) if health or quality of life is measurably improved for elderly individuals who receive routine nutritional screening and treatment;

(B) if federally subsidized home or institutional care is reduced because of increased independence of elderly individuals resulting from improved nutritional status;

(C) if a multidisciplinary approach to nutritional care is effective in addressing the nutritional needs of elderly individuals; and

(D) if reimbursement for nutrition screening and intervention activities is a cost-effective approach to improving the health status of elderly individuals.

(3) POPULATIONS.—The populations of elderly individuals in which the study will be conducted shall include populations of elderly individuals who are—

(A) living independently, including—

(i) individuals who receive home and community-based services or family support;

(ii) individuals who do not receive additional services and support;

(iii) individuals with low incomes; and

(iv) individuals who are minorities;

(B) hospitalized, including individuals admitted from home and from institutions; and

(C) institutionalized in residential facilities such as nursing homes and adult homes.

(b) MALNUTRITION STUDY.—The Secretary, acting through the National Institute on Aging, shall conduct a 3-year study to determine the extent of malnutrition in elderly individuals in hospitals and long-term care facilities and in elderly individuals who are living independently.

(c) REPORT.—The Secretary shall submit a report to the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives containing the findings resulting from the studies described in subsections (a) and (b), including a determination regarding whether a program that would institutionalize nutrition screening and intervention activities should be adopted, and the rationale for the determination.

(d) ADVISORY PANEL.—

(1) ESTABLISHMENT.—The Secretary, acting through the Director of the National Institute on Aging, shall establish an advisory panel that shall oversee the design, implementation, and evaluation of the studies described in subsections (a) and (b).

(2) COMPOSITION.—The advisory panel shall include representatives appointed for the life of the panel by the Secretary from the Health Care Financing Administration, the Social Security Administration, the National Center for Health Statistics, the Administration on Aging, the National Council on the Aging, the American Dietetic Association, the American Academy of Family Physicians, and such other agencies or organizations as the Secretary determines to be appropriate.

(3) COMPENSATION AND EXPENSES.—

(A) COMPENSATION.—Each member of the advisory panel who is not an employee of the Federal Government shall receive compensation for each day engaged in carrying out the duties of the panel, including time engaged in traveling for purposes of such duties. Such compensation may not be provided in an amount in excess of the maximum rate of basic pay payable for GS-18 of the General Schedule.

(B) TRAVEL EXPENSES.—Each member of the advisory panel shall receive travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member.

(4) DETAIL OF FEDERAL EMPLOYEES.—On the request of the advisory panel, the head of any Federal agency shall detail, without reimbursement, any of the personnel of the agency to the advisory panel to assist the advisory panel in carrying out its duties. Any detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(5) TECHNICAL ASSISTANCE.—On the request of the advisory panel, the head of a Federal agency shall provide such technical assistance to the advisory panel as the advisory panel determines to be necessary to carry out its duties.

(6) TERMINATION.—Notwithstanding section 15 of the Federal Advisory Committee Act (5 U.S.C. App.), the advisory panel shall terminate 3 years after the date of enactment of this Act.

SEC. 1903. RESEARCH ACTIVITIES ON CHRONIC FATIGUE SYNDROME.

The Secretary of Health and Human Services shall, not later than October 1, 1993, and annually thereafter for the next 3 years, prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate, a report that summarizes the research activities conducted or supported by the National Institutes of Health concerning chronic fatigue syndrome. Such report should include information concerning grants made, cooperative agreements or contracts entered into, intramural activities, research priorities and needs, and a plan to address such priorities and needs.

SEC. 1904. REPORT ON MEDICAL USES OF BIOLOGICAL AGENTS IN DEVELOPMENT OF DEFENSES AGAINST BIOLOGICAL WARFARE.

The Secretary of Health and Human Services, in consultation with the Secretary of Defense and with the heads of other appropriate executive agencies, shall report to the House Energy and Commerce Committee and the Senate Labor and Human Resources Committee on the appropriateness and impact of the National Institutes of Health assuming responsibility for the conduct of all Federal research, development, testing, and evaluation functions relating to medical countermeasures against biowarfare threat agents. In preparing the report, the Secretary of Health and Human Services shall identify the extent to which such activities are carried out by agencies other than the National Institutes of Health, and assess the impact (positive and negative) of the National Institutes of Health assuming responsibility for such activities, including the impact under the Budget Enforcement Act and the Omnibus Budget Reconciliation Act of 1990 on existing National Institutes of Health research programs as well as other programs within the category of domestic discretionary spending. Such Secretary shall submit the report not later than 12 months after the date of the enactment of this Act. The Secretary shall provide a copy of the report to the House and Senate Committees on Armed Services.

SEC. 1905. PERSONNEL STUDY OF RECRUITMENT, RETENTION AND TURNOVER.

(a) STUDY OF PERSONNEL SYSTEM.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, shall conduct a study to review the retention, recruitment, vacancy and turnover rates of support staff, including firefighters, law enforcement, procurement officers, technicians, nurses and clerical employees, to ensure that the National Institutes of Health is adequately supporting the conduct of efficient, effective and high quality research for the American public. The Director of NIH shall work in conjunction with appropriate employee organizations and representatives in developing such a study.

(b) SUBMISSION TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report containing the study conducted under subsection (a) together with the recommendations of the Secretary concerning the enactment of legislation to implement the results of such study.

SEC. 1906. PROCUREMENT.

(a) IN GENERAL.—The Director of the National Institutes of Health and the Administrator of the General Services Administration shall jointly conduct a study to develop a streamlined procurement system for the National Institutes of Health that complies with the requirements of Federal law.

(b) REPORT.—Not later than March 1, 1994, the officials specified in subsection (a) shall complete the study required in such subsection and shall submit to the Committee on Energy and Commerce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate, a report describing the findings made as a result of the study.

SEC. 1907. CHRONIC PAIN CONDITIONS.

(a) IN GENERAL.—The Director of the National Institutes of Health (in this section referred to as the 'Director'), acting through the Director of the National Institute of Dental Research and as appropriate through the heads of other agencies of such Institutes, shall conduct a study for the purpose of determining the incidence in the United States of cases of chronic pain (including chronic pain resulting from back injuries) and the effect of such cases on the costs of health care in the United States.

(b) CERTAIN ELEMENTS OF STUDY.—The cases of chronic pain with respect to which the study required in subsection (a) is conducted shall include reflex sympathetic dystrophy syndrome, temporomandibular joint disorder, post-herpetic neuropathy, painful diabetic neuropathy, phantom pain, and post-stroke pain.

(c) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Director shall complete the study required in subsection (a) and submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the findings made as a result of the study.

SEC. 1908. RELATIONSHIP BETWEEN THE CONSUMPTION OF LEGAL AND ILLEGAL DRUGS.

(a) IN GENERAL.—The Secretary of Health and Human Services shall review and consider all existing relevant data and research concerning

whether there is a relationship between an individual's receptivity to use or consume legal drugs and the consumption or abuse by the individual of illegal drugs. On the basis of such review, the Secretary shall determine whether additional research is necessary. If the Secretary determines additional research is required, the Secretary shall conduct a study of those subjects where the Secretary's review indicates additional research is needed, including, if necessary, a review of—

(1) the effect of advertising and marketing campaigns that promote the use of legal drugs on the public;

(2) the correlation of legal drug abuse with illegal drug abuse; and

(3) other matters that the Secretary determines appropriate.

(b) REPORT.—Not later than 12 months after the date of enactment of this Act, the Secretary shall prepare and submit, to the Committee on Energy and Commerce of the House of Representatives and Committee on Labor and Human Resources of the Senate, a report containing the results of the review conducted under subsection (b). If the Secretary determines additional research is required, no later than 2 years after the date of enactment of this Act, the Secretary shall prepare and submit, to the Committee on Energy and Commerce of the House of Representatives and Committee on Labor and Human Resources of the Senate, a report containing the results of the additional research conducted under subsection (b).

SEC. 1909. REDUCING ADMINISTRATIVE HEALTH CARE COSTS.

The Secretary of Health and Human Services, acting through the Agency for Health Care Policy and Research and, to the extent possible, in consultation with the Health Care Financing Administration, may fund research to develop a text-based standardized billing process, through the utilization of text-based information retrieval and natural language processing techniques applied to automatic coding and analysis of textual patient discharge summaries and other text-based electronic medical records, within a parallel general purpose (shared memory) high performance computing environment. The Secretary shall determine whether such a standardized approach to medical billing, through the utilization of the text-based hospital discharge summary as well as electronic patient records can reduce the administrative billing costs of health care delivery.

SEC. 1910. SENTINEL DISEASE CONCEPT STUDY.

(a) IN GENERAL.—The Secretary of Health and Human Services, in cooperation with the Agency for Toxic Substances and Disease Registry and the Centers for Disease Control and Prevention, shall design and implement a pilot sentinel disease surveillance system, and as appropriate, a follow-up system.

(b) PURPOSE.—The purpose of the study conducted under subsection (a) shall be to determine the applicability of and the difficulties associated with the implementation of the sentinel disease concept for identifying the relationship between the occupation of household members and the incidence of subsequent conditions or diseases in other members of the household.

(c) REPORT.—Not later than 4 years after the date of enactment of this Act, the Director of the National Institutes of Health shall prepare and submit to the appropriate committees of Congress, a report concerning the results of the study conducted under subsection (a).

SEC. 1911. POTENTIAL ENVIRONMENTAL AND OTHER RISKS CONTRIBUTING TO INCIDENCE OF BREAST CANCER.

(a) REQUIREMENT OF STUDY.—

(1) IN GENERAL.—The Director of the National Cancer Institute (in this section referred to as the "Director"), in collaboration with the Director of the National Institute of Environmental Health Sciences, shall conduct a case-control study to assess biological markers of environmental and other potential risk factors contributing to the incidence of breast cancer in—

(A) the Counties of Nassau and Suffolk, in the State of New York; and

(B) the 2 counties in the northeastern United States that, as identified in the report specified in paragraph (2), had the highest age-adjusted mortality rate of such cancer that reflected not less than 30 deaths during the 5-year period for which findings are made in the report.

(2) RELEVANT REPORT.—The report referred to in paragraph (1)(B) is the report of the findings made in the study entitled "Survival, Epidemiology, and End Results", relating to cases of cancer during the years 1983 through 1987.

(b) CERTAIN ELEMENTS OF STUDY.—Activities of the Director in carrying out the study under subsection (a) shall include the use of a geographic system to evaluate the current and past exposure of individuals, including direct monitoring and cumulative estimates of exposure, to—

(1) contaminated drinking water;

(2) sources of indoor and ambient air pollution, including emissions from aircraft;

(3) electromagnetic fields;

(4) pesticides and other toxic chemicals;

(5) hazardous and municipal waste; and

(6) such other factors as the Director determines to be appropriate.

(c) REPORT.—Not later than 30 months after the date of the enactment of this Act, the Director shall complete the study required in subsection (a) and submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the findings made as a result of the study.

(d) FUNDING.—Of the amounts appropriated for fiscal years 1994 and 1995 for the National Institute of Environmental Health Sciences and the National Cancer Institute, the Director of the National Institutes of Health shall make available amounts for carrying out the study required in subsection (a).

SEC. 1912. SUPPORT FOR BIOENGINEERING RESEARCH.

(a) STUDY.—The Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, shall conduct a study for the purpose of—

(1) determining the sources and amounts of public and private funding devoted to basic research in bioengineering, including biomaterials sciences, cellular bioprocessing, tissue and rehabilitation engineering;

(2) evaluating whether that commitment is sufficient to maintain the innovative edge that the United States has in these technologies;

(3) evaluating the role of the National Institutes of Health or any other Federal agency to achieve a greater commitment to innovation in bioengineering; and

(4) evaluating the need for better coordination and collaboration among Federal agencies and between the public and private sectors.

In conducting such study, the Director shall work in conjunction with appropriate organizations and representatives including academics, industry leaders, bioengineering societies, and public agencies.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall prepare and submit to the Committee on Labor and Human Resources of the Senate, and the Committee on Energy and Commerce of the House of Representatives, a report containing the findings of the study conducted under subsection (a) together with recommendations concerning the enactment of legislation to implement the results of such study.

SEC. 1913. COST OF CARE IN LAST 6 MONTHS OF LIFE.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the "Secretary"), acting through the Agency for Health Care Policy and Research and, to the degree possible, in consultation with the Health Care Financing Administration, shall conduct a study, using the most recent National Medical Expenditure Survey database, to estimate the average amount of health care expenditures incurred during the last 6 months of life by—

(A) the population of individuals who are 65 years of age and older; and

(B) the total population, broken down based on noninstitutionalized and institutionalized populations.

(2) ELEMENTS OF STUDY.—The study conducted under paragraph (1) shall—

(A) be designed in a manner that will produce estimates of health care costs expended for health care provided to individuals during the last 6 months of life;

(B) be designed to produce estimates of such costs for the populations identified in subparagraphs (A) and (B) of paragraph (1);

(C) include a calculation of the estimated amount of total health care expenditures during such periods of time; and

(D) include a calculation of the estimate described in subparagraph (C)—

(i) as a percentage of the total national health care expenditures; and

(ii) for those age 65 years and over, as a percentage of the total Medicare expenditures for those age 65 years and over.

(b) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall prepare and submit to the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report containing the findings resulting from the study described in subsection (a).

(c) 1996 NATIONAL MEDICAL EXPENDITURE SURVEY.—

(1) IN GENERAL.—The Secretary, acting through the Agency for Health Care Policy and Research, shall ensure that the 1996 National Medical Expenditure Survey is designed in a manner that will produce an estimate of the amount expended for health care provided to individuals during the last 6 months of life.

(2) POPULATIONS.—In designing the Survey under paragraph (1), the Secretary shall ensure that such Survey produces the data required under such paragraph for the population of individuals who are 65 years of age or older, broken down based on noninstitutionalized and institutionalized populations.

TITLE XX—MISCELLANEOUS PROVISIONS

SEC. 2001. DESIGNATION OF SENIOR BIOMEDICAL RESEARCH SERVICE IN HONOR OF SILVIO O. CONTE; LIMITATION ON NUMBER OF MEMBERS.

(a) IN GENERAL.—Section 228(a) of the Public Health Service Act (42 U.S.C. 237(a)), as added by section 304 of Public Law 101-509, is amended to read as follows:

"(a)(1) There shall be in the Public Health Service a Silvio O. Conte Senior Biomedical Research Service, not to exceed 500 members.

"(2) The authority established in paragraph (1) regarding the number of members in the Silvio O. Conte Senior Biomedical Research Service is in addition to any authority established regarding the number of members in the commissioned Regular Corps, in the Reserve Corps, and in the Senior Executive Service. Such paragraph may not be construed to require that the number of members in the commissioned

Regular Corps, in the Reserve Corps, or in the Senior Executive Service be reduced to offset the number of members serving in the Silvio O. Conte Senior Biomedical Research Service (in this section referred to as the 'Service').".

(b) CONFORMING AMENDMENT.—Section 228 of the Public Health Service Act (42 U.S.C. 237), as added by section 304 of Public Law 101-509, is amended in the heading for the section by amending the heading to read as follows:

"SILVIO O. CONTE SENIOR BIOMEDICAL RESEARCH SERVICE".

SEC. 2002. MASTER PLAN FOR PHYSICAL INFRASTRUCTURE FOR RESEARCH.

Not later than June 1, 1994, the Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, shall present to the Congress a master plan to provide for the replacement or refurbishment of less than adequate buildings, utility equipment and distribution systems (including the resources that provide electrical and other utilities, chilled water, air handling, and other services that the Secretary, acting through the Director, deems necessary), roads, walkways, parking areas, and grounds that underpin the laboratory and clinical facilities of the National Institutes of Health. Such plan may make recommendations for the undertaking of new projects that are consistent with the objectives of this section, such as encircling the National Institutes of Health Federal enclave with an adequate chilled water conduit.

SEC. 2003. CERTAIN AUTHORIZATION OF APPROPRIATIONS.

Section 399L(a) of the Public Health Service Act (42 U.S.C. 280e-4(a)), as added by Public Law 102-515 (106 Stat. 3376), is amended—

(1) in the first sentence, by striking "the Secretary" and all that follows and inserting the following: "there are authorized to be appropriated $30,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1996."; and

(2) in the second sentence, by striking "Out of any amounts used" and inserting "Of the amounts appropriated under the preceding sentence".

SEC. 2004. BUY-AMERICAN PROVISIONS.

(a) COMPLIANCE WITH BUY AMERICAN ACT.—No funds appropriated pursuant to this Act for any of the fiscal years 1994 through 1996 may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the "Buy American Act").

(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided pursuant to this Act for any of the fiscal years 1994 through 1996, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance pursuant to this Act, the Secretary of Health and Human Services shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

SEC. 2005. PROHIBITION AGAINST FURTHER FUNDING FOR PROJECT ARIES.

For fiscal year 1994 and each subsequent fiscal year, the project administered by the University of Washington at Seattle and known as Project Aries may not receive any funding from any agency of the National Institutes of Health (other than payments under awards made for fiscal year 1993 or prior fiscal years) unless—

(1) the proposal for funding for the project has undergone review in accordance with the applicable requirements of section 491 of the Public Health Service Act on restrictions regarding institutional review boards and ethics guidance;

(2) the proposal for funding for the project has undergone review in accordance with the applicable requirements of section 492 of such Act on restrictions regarding peer review;

(3) the Secretary of Health and Human Services, in accordance with section 492A of such Act (as added by section 101 of this Act), makes a determination that the project will assist—

(A) in reducing the incidence of infection with the human immunodeficiency virus;

(B) in reducing the incidence of sexually transmitted diseases; or

(C) in reducing the incidence of tuberculosis; and

(4) the data to be collected through the project cannot be obtained in any other manner.

SEC. 2006. LOAN REPAYMENT PROGRAM.

Chapter IX of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 391 et seq.), as amended by Public Law 101-635, is amended—

(1) by redesignating the second section 903 as section 904; and

(2) by adding at the end the following section:

"SEC. 905. LOAN REPAYMENT PROGRAM.

"(a) IN GENERAL.—

"(1) AUTHORITY FOR PROGRAM.—Subject to paragraph (2), the Secretary shall carry out a program of entering into contracts with appropriately qualified health professionals under which such health professionals agree to conduct research, as employees of the Food and Drug Administration, in consideration of the Federal Government agreeing to repay, for each year of such service, not more than $20,000 of the principal and interest of the educational loans of such health professionals.

"(2) LIMITATION.—The Secretary may not enter into an agreement with a health professional pursuant to paragraph (1) unless such professional—

"(A) has a substantial amount of educational loans relative to income; and

"(B) agrees to serve as an employee of the Food and Drug Administration for purposes of paragraph (1) for a period of not less than 3 years.

"(b) APPLICABILITY OF CERTAIN PROVISIONS.—With respect to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III of the Public Health Service Act, the provisions of such subpart shall, except as inconsistent with subsection (a) of this section, apply to the program established in such subsection in the same manner and to the same extent as such provisions apply to the National Health Service Corps Loan Repayment Program.

"(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1994 through 1996.".

SEC. 2007. EXCLUSION OF ALIENS INFECTED WITH THE AGENT FOR ACQUIRED IMMUNE DEFICIENCY SYNDROME.

(a) EXCLUSION OF ALIENS ON HEALTH-RELATED GROUNDS.—Section 212(a)(1)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(1)(A)(i)) is amended by adding at the end the following: "which shall include infection with the etiologic agent for acquired immune deficiency syndrome,".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 30 days after the date of the enactment of this Act.

SEC. 2008. TECHNICAL CORRECTIONS.

(a) TITLE III.—Section 316 of the Public Health Service Act (42 U.S.C. 247a(c)) is amended by striking subsection (c).

(b) TITLE IV.—Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended—

(1) in section 406—

(A) in subsection (b)(2)(A), by striking "Veterans' Administration" each place such term appears and inserting "Department of Veterans Affairs"; and

(B) in subsection (h)(2)(A)(v), by striking "Veterans' Administration" and inserting "Department of Veterans Affairs";

(2) in section 408, in subsection (b) (as redesignated by section 501(c)(1)(C) of this Act), by striking "Veterans' Administration" and inserting "Department of Veterans Affairs";

(3) in section 421(b)(1), by inserting a comma after "may";

(4) in section 428(b), in the matter preceding paragraph (1), by striking "the the" and inserting "the";

(5) in section 430(b)(2)(A)(i), by striking "Veterans' Administration" and inserting "Department of Veterans Affairs";

(6) in section 439(b), by striking "Veterans' Administration" and inserting "Department of Veterans Affairs";

(7) in section 442(b)(2)(A), by striking "Veterans' Administration" and inserting "Department of Veterans Affairs";

(8) in section 464D(b)(2)(A), by striking "Veterans' Administration" and inserting "Department of Veterans Affairs";

(9) in section 464E—

(A) in subsection (d), in the first sentence, by inserting "Coordinating" before "Committee"; and

(B) in subsection (e), by inserting "Coordinating" before "Committee" the first place such term appears;

(10) in section 464P(b)(6) (as added by section 123 of Public Law 102-321 (106 Stat. 362)), by striking "Administration" and inserting "Institute";

(11) in section 466(a)(1)(B), by striking "Veterans' Administration" and inserting "Department of Veterans Affairs";

(12) in section 480(b)(2)(A), by striking "Veterans' Administration" and inserting "Department of Veterans Affairs";

(13) in section 485(b)(2)(A), by striking "Veterans' Administration" and inserting "Department of Veterans Affairs";

(14) in section 487(d)(3), by striking "section 304(a)(3)" and inserting "section 304(a)"; and

(15) in section 496(a), by striking "Such appropriations," and inserting the following: "Appropriations to carry out the purposes of this title,".

(c) TITLE XV.—

(1) LIMITED AUTHORITY REGARDING FOR-PROFIT ENTITIES.—Section 1501(b) of the Public Health Service Act (42 U.S.C. 300k(b)) is amended—

(A) by striking "STATES.—A State" and all that follows through "may expend" and inserting the following: "STATES.—

"(1) IN GENERAL.—A State receiving a grant under subsection (a) may, subject to paragraph (2), expend"; and

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

"(2) LIMITED AUTHORITY REGARDING OTHER ENTITIES.—In addition to the authority established in paragraph (1) for a State with respect to grants and contracts, the State may provide for screenings under subsection (a)(1) through entering into contracts with private entities. The amount paid by a State to a private entity under the preceding sentence for a screening procedure may not exceed the amount that would be paid under part B of title XVIII of the Social Security Act if payment were made under such part for furnishing the procedure to a woman enrolled under such part.".

(2) CONFORMING AMENDMENT.—Section 1505(3) of the Public Health Service Act (42 U.S.C. 300n-1(3)) is amended by inserting before the semi-

colon the following: "(and additionally, in the case of services and activities under section 1501(a)(1), with any similar services or activities of private entities)".

(d) TITLE XXIII.—Part A of title XXIII of the Public Health Service Act (42 U.S.C. 300cc et seq.) is amended—

(1) in section 2304—

(A) in the heading for the section, by striking "**CLINICAL RESEARCH REVIEW COMMITTEE**" and inserting "**RESEARCH ADVISORY COMMITTEE**"; and

(B) in subsection (a), by striking "AIDS Clinical Research Review Committee" and inserting "AIDS Research Advisory Committee";

(2) in section 2312(a)(2)(A), by striking "AIDS Clinical Research Review Committee" and inserting "AIDS Research Advisory Committee";

(3) in section 2314(a)(1), in the matter preceding subparagraph (A), by striking "Clinical Research Review Committee" and inserting "AIDS Research Advisory Committee";

(4) in section 2317(d)(1), by striking "Clinical Research Review Committee" and inserting "AIDS Research Advisory Committee established under section 2304"; and

(5) in section 2318(b)(3), by striking "Clinical Research Review Committee" and inserting "AIDS Research Advisory Committee".

(e) SECRETARY.—Section 2(c) of the Public Health Service Act (42 U.S.C. 201(c)) is amended by striking "Health, Education, and Welfare" and inserting "Health and Human Services".

(f) DEPARTMENT.—Section 201 of the Public Health Service Act (42 U.S.C. 202) is amended—

(1) by striking "Health, Education, and Welfare" and inserting "Health and Human Services"; and

(2) by striking "Surgeon General" and inserting "Assistant Secretary for Health".

(g) DEPARTMENT.—Section 202 of the Public Health Service Act (42 U.S.C. 203) is amended—

(1) by striking "Surgeon General" the second and subsequent times that such term appears and inserting "Secretary"; and

(2) by inserting ", and the Agency for Health Care Policy and Research" before the first period.

(h) VOLUNTEER SERVICES.—Section 223 of the Public Health Service Act (42 U.S.C. 217b) is amended by striking "Health, Education, and Welfare" and inserting "Health and Human Services".

(i) MISCELLANEOUS.—

(1) AMENDATORY INSTRUCTIONS.—

(A) Section 602(a) of Public Law 102-585 (106 Stat. 4967) is amended by striking "by adding the following subpart" and inserting "by adding at the end the following subpart".

(B) Public Law 102-531 is amended—

(i) in section 303(b) (106 Stat. 3488)—

(I) by striking "Part A of title III" and inserting "Part B of title III"; and

(II) by striking "241 et seq." and inserting "243 et seq.";

(ii) in section 304 (106 Stat. 3490)—

(I) by striking "Part A of title III" and inserting "Part B of title III"; and

(II) by striking "241 et seq." and inserting "243 et seq.";

(iii) in section 306 (106 Stat. 3494), by striking "Part A of title III" and inserting "Part B of title III"; and

(iv) in section 308 (106 Stat. 3495), by striking "Part A of title III" and inserting "Part B of title III";

(2) TITLE III OF PUBLIC HEALTH SERVICE ACT.—Title III of the Public Health Service Act (42 U.S.C. 241 et seq.), as amended by Public Law 102-321, Public Law 102-515, Public Law 102-531, and Public Law 102-585, by section 121(a) of this Act, and by paragraph (1) of this subsection, is amended—

(A) in part D—

(i) by transferring subpart VIII from the current placement of the subpart and inserting the subpart after subpart VII; and

(ii) by redesignating section 340B of subpart VIII as section 340C; and

(B)(i) by redesignating parts K and L as parts J and K, respectively; and

(ii) by redesignating the part M added by Public Law 102-321 as part L.

(3) TITLE VII OF PUBLIC HEALTH SERVICE ACT.—Section 746(i)(1) of the Public Health Service Act (42 U.S.C. 293j(i)(1)), as added by section 102 of Public Law 102-408 (106 Stat. 1994) and amended by section 313(a)(2)(B) of Public Law 102-531 (106 Stat. 3507), is amended to read as if the amendment made by such section 313(a)(2)(B) had not been enacted.

SEC. 2009. BIENNIAL REPORT ON CARCINOGENS.

Section 301(b)(4) of the Public Health Service Act (42 U.S.C. 241(b)(4)) is amended by striking "an annual" and inserting "a biennial".

SEC. 2010. TRANSFER OF PROVISIONS OF TITLE XXVII.

(a) IN GENERAL.—The Public Health Service Act (42 U.S.C. 201 et seq.), as amended by section 101 of Public Law 101-381 and section 304 of Public Law 101-509, is amended—

(1) by transferring sections 2701 through 2714 to title II;

(2) by redesignating such sections as sections 231 through 244, respectively;

(3) by inserting such sections, in the appropriate sequence, after section 228;

(4) by inserting before section 201 the following heading:

"PART A—ADMINISTRATION"; and

(5) by inserting before section 231 (as redesignated by paragraph (2) of this subsection) the following heading:

"Part B—Miscellaneous Provisions".

(b) CONFORMING AMENDMENTS.—The Public Health Service Act (42 U.S.C. 201 et seq.) is amended—

(1) in the heading for title II, by inserting "AND MISCELLANEOUS PROVISIONS" after "ADMINISTRATION";

(2) in section 406(a)(2), by striking "2701" and inserting "231";

(3) in section 465(f), by striking "2701" and inserting "231";

(4) in section 480(a)(2), by striking "2701" and inserting "231";

(5) in section 485(a)(2), by striking "2701" and inserting "231";

(6) in section 497, by striking "2701" and inserting "231";

(7) in section 505(a)(2), by striking "2701" and inserting "231";

(8) in section 926(b), by striking "2711" each place such term appears and inserting "241"; and

(9) in title XXVII, by striking the heading for such title.

SEC. 2011. AUTHORIZATION OF APPROPRIATIONS.

Section 2602 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621) is amended—

(1) in the first sentence of subsection (b), by striking "1993 and 1994" and inserting "1993, 1994, and 1995"; and

(2) in subsection (d), by striking "in each of the fiscal years 1993 and 1994" and inserting "for each of the fiscal years 1993, 1994, and 1995".

SEC. 2012. VACCINE INJURY COMPENSATION PROGRAM.

Section 2111(a) of the Public Health Service Act (42 U.S.C. 300aa-11(a)) is amended by adding at the end the following paragraph:

"(10) The Clerk of the United States Claims Court is authorized to continue to receive, and forward, petitions for compensation for a vaccine-related injury or death associated with the administration of a vaccine on or after October 1, 1992.".

SEC. 2013. TECHNICAL CORRECTIONS WITH RESPECT TO THE AGENCY FOR HEALTH CARE POLICY AND RESEARCH.

Title IX of the Public Health Service Act is amended—

(1) in section 904(d) (42 U.S.C. 299a-2(d))—

(A) by striking "IN GENERAL" in paragraph (1) and inserting "ADDITIONAL ASSESSMENTS";

(B) by redesignating paragraphs (1) and (2) as paragraphs (3) and (4), respectively;

(C) by inserting after the subsection designation the following paragraphs:

"(1) RECOMMENDATIONS WITH RESPECT TO HEALTH CARE TECHNOLOGY.—The Administrator shall make recommendations to the Secretary with respect to whether specific health care technologies should be reimbursable under federally financed health programs, including recommendations with respect to any conditions and requirements under which any such reimbursements should be made.

"(2) CONSIDERATIONS OF CERTAIN FACTORS.—In making recommendations respecting health care technologies, the Administrator shall consider the safety, efficacy, and effectiveness, and, as appropriate, the appropriate uses of such technologies. The Administrator shall also consider the cost effectiveness of such technologies where cost information is available and reliable."; and

(D) by adding at the end the following paragraph:

"(5) CONSULTATIONS.—In carrying out this subsection, the Administrator shall cooperate and consult with the Director of the National Institutes of Health, the Commissioner of Food and Drugs, and the heads of any other interested Federal department or agency."; and

(2) in section 914(a)(2)(C), by striking "904(c)(2)" and inserting "904(d)(2)".

SEC. 2014. TECHNICAL CORRECTIONS WITH RESPECT TO THE HEALTH PROFESSIONS EDUCATION EXTENSION AMENDMENTS OF 1992.

(a) INSURED HEALTH EDUCATION ASSISTANCE LOANS TO GRADUATE STUDENTS.—Subpart I of part A of title VII of the Public Health Service Act (42 U.S.C. 292 et seq.), as added by section 102 of Public Law 102-408 (106 Stat. 1994), is amended—

(1) in section 705(a)(2)—

(A) in subparagraph (G), by inserting "and" after the semicolon at the end;

(B) by striking subparagraph (H); and

(C) by redesignating subparagraph (I) as subparagraph (H); and

(2) in section 707—

(A) in subsection (g), by amending paragraph (1) to read as follows:

"(1) after the expiration of the seven-year period beginning on the first date when repayment of such loan is required, exclusive of any period after such date in which the obligation to pay installments on the loan is suspended;"; and

(B) by adding at the end the following subsection:

"(j) SCHOOL COLLECTION ASSISTANCE.—An institution or postgraduate training program attended by a borrower may assist in the collection of any loan of that borrower made under this subpart which becomes delinquent, including providing information concerning the borrower to the Secretary and to past and present lenders and holders of the borrower's loans, contacting the borrower in order to encourage repayment, and withholding services in accordance with regulations issued by the Secretary under section 715(a)(7). The institution or postgraduate training program shall not be subject to section 809 of the Fair Debt Collection Practices Act for purposes of carrying out activities authorized by this section.".

(b) LOAN PROVISIONS.—Section 722 of the Public Health Service Act (42 U.S.C. 292r), as added

by section 102 of Public Law 102-408 (106 Stat. 1994), is amended—

(1) in subsection (a), by amending the subsection to read as follows:

"(a) AMOUNT OF LOAN.—

"(1) IN GENERAL.—Loans from a student loan fund (established under an agreement with a school under section 721) may not, subject to paragraph (2), exceed for any student for a school year (or its equivalent) the sum of—

"(A) the cost of tuition for such year at such school, and

"(B) $2,500.

"(2) THIRD AND FOURTH YEARS OF MEDICAL SCHOOL.—For purposes of paragraph (1), the amount $2,500 may, in the case of the third or fourth year of a student at school of medicine or osteopathic medicine, be increased to the extent necessary (including such $2,500) to pay the balances of loans that, from sources other than the student loan fund under section 721, were made to the individual for attendance at the school. The authority to make such an increase is subject to the school and the student agreeing that such amount (as increased) will be expended to pay such balances."; and

(2) in subsection (b)—

(A) in paragraph (1), by adding "and" after the semicolon at the end;

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2).

(c) MEDICAL SCHOOLS AND PRIMARY HEALTH CARE.—

(1) REQUIREMENTS FOR STUDENTS.—Section 723(a) of the Public Health Service Act (42 U.S.C. 292s(a)), as added by section 102 of Public Law 102-408 (106 Stat. 1994), is amended by adding at the end the following paragraph:

"(4) WAIVERS.—

"(A) With respect to the obligation of an individual under an agreement made under paragraph (1) as a student, the Secretary shall provide for the partial or total waiver or suspension of the obligation whenever compliance by the individual is impossible, or would involve extreme hardship to the individual, and if enforcement of the obligation with respect to the individual would be unconscionable.

"(B) For purposes of subparagraph (A), the obligation of an individual shall be waived if—

"(i) the status of the individual as a student of the school involved is terminated before graduation from the school, whether voluntarily or involuntarily; and

"(ii) the individual does not, after such termination, resume attendance at the school or begin attendance at any other school of medicine or osteopathic medicine.

"(C) If an individual resumes or begins attendance for purposes of subparagraph (B), the obligation of the individual under the agreement under paragraph (1) shall be considered to have been suspended for the period in which the individual was not in attendance.

"(D) This paragraph may not be construed as authorizing the waiver or suspension of the obligation of a student to repay, in accordance with section 722, loans from student loan funds under section 721.".

(2) REQUIREMENTS FOR SCHOOLS.—Section 723(b) of the Public Health Service Act (42 U.S.C. 292s(b)), as added by section 102 of Public Law 102-408 (106 Stat. 1994), is amended—

(A) in paragraph (1)—

(i) by striking "1994," and inserting "1997;"; and

(ii) by striking "4 years before" and inserting "3 years before";

(B) in paragraph (2)(B), by striking "15 percent" and inserting "25 percent"; and

(C) in paragraph (4)(B)—

(i) in clause (i), by striking "1994," and inserting "1997,"; and

(ii) in clause (ii), by striking "1995," and inserting "1998,".

(d) AUTHORIZATION OF APPROPRIATIONS REGARDING MEDICAL SCHOOLS.—Section 735 of the Public Health Service Act (42 U.S.C. 292y), as added by section 102 of Public Law 102-408 (106 Stat. 1994), is amended by adding at the end the following subsection:

"(f) FUNDING FOR CERTAIN MEDICAL SCHOOLS.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of making Federal capital contributions to student loan funds established under section 721 by schools of medicine or osteopathic medicine, there is authorized to be appropriated $10,000,000 for each of the fiscal years 1994 through 1996.

"(2) MINIMUM REQUIREMENTS.—

"(A) Subject to subparagraph (B), the Secretary may make a Federal capital contribution pursuant to paragraph (1) only if the school of medicine or osteopathic medicine involved meets the conditions described in subparagraph (A) of section 723(b)(2) or the conditions described in subparagraph (C) of such section.

"(B) For purposes of subparagraph (A), the conditions referred to in such subparagraph shall be applied with respect to graduates of the school involved whose date of graduation occurred approximately 3 years before June 30 of the fiscal year preceding the fiscal year for which the Federal capital contribution involved is made.

(g) PUBLIC HEALTH TRAINEESHIPS.—Section 761(b)(3) of the Public Health Service Act (42 U.S.C. 294(b)(3)), as added by section 102 of Public Law 102-408 (106 Stat. 1994), is amended by striking "and nutrition" and inserting "nutrition, and maternal and child health".

(h) TRAINEESHIPS FOR ADVANCED NURSE EDUCATION.—Section 830(a) of the Public Health Service Act, as added by section 206 of Public Law 102-408 (106 Stat. 2073), is amended—

(1) by striking "meet the cost of traineeships for individuals" and inserting the following: "meet the costs of—

"(1) traineeships for individuals";

(2) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following paragraph:

"(2) traineeships for participation in certificate nurse midwifery programs that conform to guidelines established by the Secretary under section 822(b).".

(i) CERTAIN GENERALLY APPLICABLE PROVISIONS.—Section 860(d) of the Public Health Service Act (42 U.S.C. 298b-7(d)), as added by section 209 of Public Law 102-408 (106 State 2075), is amended in the first sentence by striking "821, 822, 830, and 831" and inserting "821, 822, and 827".

SEC. 2015. PROHIBITION AGAINST SHARP ADULT SEX SURVEY AND THE AMERICAN TEENAGE SEX SURVEY.

The Secretary of Health and Human Services may not during fiscal year 1993 or any subsequent fiscal year conduct or support the SHARP survey of adult sexual behavior or the American Teenage Study of adolescent sexual behavior. This section becomes effective on the date of the enactment of this Act.

SEC. 2016. HEALTH SERVICES RESEARCH.

(a) DEFINITION.—Section 409 of the Public Health Service Act (42 U.S.C. 284d), as added by section 121(b) of Public Law 102-321 (106 Stat. 358), is amended by adding at the end the following sentence: "Such term does not include research on the efficacy of services to prevent, diagnose, or treat medical conditions.".

(b) REQUIRED ALLOCATIONS.—

(1) IN GENERAL.—With respect to the allocation for health services research required in each of the provisions of law specified in paragraph (2), the term "15 percent" appearing in each of such provisions is, in the case of allocations for fiscal year 1993, deemed to be 12 percent.

(2) RELEVANT PROVISIONS OF LAW.—The provisions of law referred to in paragraph (1) are—

(A) section 464H(d)(2) of the Public Health Service Act, as added by section 122 of Public Law 102-321 (106 Stat. 358);

(B) section 464L(d)(2) of the Public Health Service Act, as added by section 123 of Public Law 102-321 (106 Stat. 360); and

(C) section 464R(f)(2) of the Public Health Service Act, as added by section 124 of Public Law 102-321 (106 Stat. 364).

(c) REPORT.—Section 494A(b) of the Public Health Service Act (42 U.S.C. 289c-1(b)), as added by section 125 of Public Law 102-321 (106 Stat. 366), is amended by striking "May 3, 1993," and inserting "September 30, 1993,".

SEC. 2017. CHILDHOOD MENTAL HEALTH.

Part E of title V of the Public Health Service Act (42 U.S.C. 290ff et seq.), as added by section 119 of Public Law 102-321 (106 Stat. 349), is amended—

(1) in section 561—

(A) in subsection (a)(2), by striking "this subpart" and inserting "this part"; and

(B) in subsection (b)(1), by striking "is receiving such payments" each place such term appears and inserting "is such a grantee"; and

(2) in section 565—

(A) in subsection (c)(1), by striking "this subpart" and inserting "this part";

(B) in subsection (d), by striking "this subpart" and inserting "this part"; and

(C) in subsection (f)—

(i) in paragraph (1), by striking "this subpart" and inserting "this part"; and

(ii) by amending paragraph (2) to read as follows:

"(2) LIMITATION REGARDING TECHNICAL ASSISTANCE.—Not more than 10 percent of the amounts appropriated under paragraph (1) for a fiscal year may be expended for carrying out subsection (b).".

SEC. 2018. EXPENDITURES FROM CERTAIN ACCOUNT.

With respect to amounts appropriated in title II of Public Law 102-394 for buildings and facilities of the National Institutes of Health, the purposes for which such amounts may be expended include repairing, improving, or constructing (or any combination thereof) roads on non-Federal property in close proximity to the main campus of the National Institutes of Health in Bethesda, Maryland, subject to the agreement of the appropriate officials of Montgomery County, Maryland, or the appropriate officials of the State of Maryland, or both, as the case may be. None of such amounts may be used for the non-Federal share of the cost of any project or activity under title 23, United States Code, the Intermodal Surface Transportation Efficiency Act of 1991, or any law amended by such Act.

TITLE XXI—EFFECTIVE DATES

SEC. 2101. EFFECTIVE DATES.

Subject to section 203(c), this Act and the amendments made by this Act take effect upon the date of the enactment of this Act.

And the House agree to the same.

From the Committee on Energy and Commerce, for consideration of the Senate bill, and the House amendment, and modifications committed to conference:

JOHN D. DINGELL,
HENRY A. WAXMAN,
RON WYDEN,

As additional conferees from the Committee on Education and Labor, for consideration of section 2013 of the Senate bill, and modifications committed to conference:

WILLIAM D. FORD,
MATTHEW G. MARTINEZ,

As additional conferees from the Committee on the Judiciary, for consideration of section 2011 of the Senate bill, and modifications committed to conference:

JACK BROOKS,
R. MAZZOLI,
BILL MCCOLLUM,
Managers on the Part of the House.

EDWARD M. KENNEDY,
PAUL SIMON,
HOWARD M. METZENBAUM,
JIM JEFFORDS,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1) to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment struck all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment that is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clerical changes.

RESEARCH FREEDOM

The Senate recedes to the House provisions, with an amendment. The Conference substitute clarifies the limitations established on the Secretary's authority to withhold funds for research projects that have been reviewed and recommended for approval by institutional review board and peer review groups. The Conferees intend that this limitation be imposed only when the Secretary's reasons for withholding funds are based on ethical considerations regarding the project.

The Conferees do not intend that this limitation affect the general authority of the Secretary to review approved grant projects for such non-ethical matters as the qualifications of the entity approved for funding (other than those already studied by peer review and IRB review); thus, if the Secretary determines that an approved project is to be conducted by a researcher who has been suspended from his institution for research fraud or at an institution of uncertain financial solvency, the Secretary may withhold funds without constituting an ethics advisory board. Nor do the Conferees intend that this limitation affect the general authority of the Secretary to set research priorities for the NIH; thus, if the Secretary determines that the board priorities of the NIH leave insufficient funds for every approved project in a field to be funded, the Secretary may withhold funds without constituting an ethics advisory board.

The Conferees have explicitly stated limitations on the ethics review process in order to be certain that the Secretary retains his or her authority to review and govern the overall research priorities of NIH. In doing so, the Conferees are mindful of the difficulties of defining abuse of discretion in the matter of ethics: one Secretary's ethical objections may easily be mischaracterized as another Secretary's broad policy objectives. The Conferees encourage the Secretary to be extremely sparing in the interruption of approved projects for any but the most obvious reasons of accountability. If, however, the Secretary finds that an approved project presents ethical problems so serious as to merit suspension of funding, the Conferees expect the Secretary to state this problem directly and to follow the process laid out in the legislation. But in general, the Conferees remain convinced that the best process for separating research from daily politics—to the benefit of all Americans—is for peer review and scientific freedom to govern the decisions of support and conduct of research.

The Senate recedes to the House amendment which provides additional protections against abuse of fetal tissue transplantation research. These protections include a requirement that tissue from elective abortions be obtained only from abortions performed in accordance with applicable State law, as well as a requirement that the Secretary submit an annual report to the Congress on the conduct of such research.

CLINICAL RESEARCH EQUITY REGARDING WOMEN AND MINORITIES

The Senate recedes to the House amendment with minor clarifying changes. The Senate bill and the House amendment contained similar provisions regarding the inclusion of women and minorities in clinical research. The conference agreement follows the approach in the House amendment. The conferees underscore their expectation that the NIH Director and the NIH Office of Research on Women's Health will, in accordance with the discretion provided to the NIH Director under Section 492B(b), take into account the special circumstances of the Department of Veterans Affairs (VA).

The Conferees have required that the Advisory Council of each National research institute prepare biennial reports describing the manner in which the institute has complied with Section 492B. The Conferees intend that such report include information regarding each institute's compliance with the requirements of Section 492B, as well as data on the inclusion of women and minorities in NIH-supported research. The Conferees recognize that NIH now requires individual investigators to state affirmatively in their research applications how women and minorities, where appropriate, are to be included in their research projects. Similarly, such investigators are required to include such statements in their annual progress reports on the research. The Conferees intend that the report required under Section 492B include an analysis of the information obtained from both the applications of researchers and their annual progress reports.

RESEARCH INTEGRITY

The Senate bill and the House amendment contained similar provisions regarding establishment of an Office of Research Integrity, and the implementation of policies to deter research misconduct, conflicts of interest, and retaliation against whistleblowers in connection with research supported by the NIH. The conference agreement generally follows the House amendment with the exception of necessary technical amendments. Research conducted by the National Institutes of Health enjoys enormous support from Congress and the American people. The Conferees recognize that continued support is dependent upon confidence in the integrity of the scientific process, in individual researchers, and in institutions which accept Federal funds. To maintain this confidence, Federal standards governing research integrity, conflicts of interest, and retaliation against whistleblowers must be established no later than the deadlines specified in the law, and abuses or deviations from these standards must be uncovered and promptly dealt with in a serious and credible manner. Sections 161 to 165 are designed to address these concerns.

Section 161 specifies that the new Office of Research Integrity will report directly to the Secretary of Health and Human Services in order to maximize the independence of the Office and to avoid problems and pressures previously experienced in dealing with matters of research misconduct. The Conferees note, however, that a system to monitor potential financial conflicts of interest, which includes reporting concerning a grantee's or contractor's financial affiliations, is different from a system that monitors and investigates allegations or reports of research misconduct. Requesting that an individual supply financial information is not a presumption that an individual has or will have a conflict of interest. Nor does it presume that an individual will allow financial interest to affect the outcome or reporting of research findings. Thus, the Conferees intend that the Secretary have the discretion in locating the system for collecting financial information and monitoring potential financial conflicts of interest. The Conferees do not intend, however, for this function to be located in the funding institutes or in the investigations division of the Office of Research Integrity. Regardless of the organizational location of the function, the Conferees intend that the function be fully and properly staffed and managed.

The Secretary shall establish a mechanism for the review and adjudication of allegations of retaliation against whistleblowers associated with cases of alleged or suspected scientific misconduct. The burden of proof to be applied in cases of alleged retaliation shall *not* be the antiquated standards associated with the *Mount Healthy* case. Rather, the burden shall be allocated in accordance with the standards more recently enunciated in the Whistleblower Protection Act of 1989. The Conferees intend that the Department of Health and Human Services (HHS) shall be accountable for the enforcement of the law and regulations pertaining to the protection of whistleblowers. The Conferees believe that any regulations issued in fulfillment of HHS's obligations should, where the whistleblower consents, allow for the possible adjudication of disputes through an arbitration proceeding conducted under the auspices of the American Arbitration Association.

PLAN FOR THE USE OF ANIMALS IN RESEARCH

The Senate bill and the House amendment contained similar provisions requiring the NIH Director to annually prepare a plan for the development of alternatives to the use of animals in biomedical and behavioral research. The Senate recedes with an amendment requiring that at least one member of the Interagency Coordinating Committee on the Use of Animals in Research be a veterinarian with expertise in laboratory animal medicine. The Conferees note the promise held by development of research and experimentation that involve the use of marine life, other than marine mammals. Research in the basic developmental, cellular, and molecular aspects of non-mammalian marine

species have provided important insights into fundamental biological and physiological processes. New discoveries using simple marine model systems can provide additional information about the molecular basis of disease mechanisms and pathogenesis in humans. The Conferees urge the Director to support the rapid development of this technology.

NASSAU AND SUFFOLK COUNTY BREAST CANCER STUDY

The House amendment but not the Senate bill contained a provision requiring a study to assess environmental and other potential factors contributing to the incidence of breast cancer in the counties of Nassau and Suffolk, in the state of New York, as well as in the two counties of the Northeast having the highest breast cancer mortality rates as identified by the Surveillance, Epidemiology, End Results program of the National Cancer Institute (NCI). The Senate recedes with an amendment extending the deadline for completion of the study. The study is to be conducted by the Director of the NCI in collaboration with the Director of the National Institute of Environmental Health Sciences (NIEHS). The study is to be funded jointly from among annual appropriations available to the two national research institutes. The Conferees have identified NIEHS to participate in the planning and funding of this study because of the agency's contributions to research on the adverse health effects of environmental pollutants. The expertise will be of invaluable assistance in identifying and evaluating environmental risk factors associated with elevated incidence and mortality of breast cancer. The Conferees expect NIEHS to work closely with NCI in the design of this study and in the division of funding and programmatic responsibility between the institutes.

NATIONAL FOUNDATION FOR BIOMEDICAL RESEARCH

The Senate bill and the House amendment contained amendments affecting the National Foundation for Biomedical Research. The House recedes with technical and clarifying amendments. The Conferees believe that the National Foundation for Biomedical Research should be incorporated promptly so that activities may begin in a timely manner. Concern for the avoidance of conflict of interest and of division of allegiance prompted explicit separation of the Foundation from the National Institutes of Health. The Conferees intend that no more than 50 percent of the operating funds for the Foundation may come from contracts or grants sponsored by the NIH. Within 18 months of enactment, the Conferees expect a report from the Comptroller General on the Foundation's compliance with the provisions of the law. It is expected that the Foundation will be a source for educational courses and related material for the NIH.

OFFICE OF BEHAVIORAL AND SOCIAL SCIENCE RESEARCH

The House amendment, but not the Senate bill, contained a provision establishing an Office of Behavioral Research within the NIH. The Senate recedes with an amendment revising the title and jurisdiction of the office to include social science research and clarifying the responsibilities of the Office. The initial responsibility of the new Office will be the preparation of a special report to the Congress identifying those specific activities within the national research institutes which represent the NIH's behavioral and social science research portfolio. The report will encompass both intramural and extramural research projects supported in fiscal year 1993. In preparing this report, the Conferees have directed that a standardized definition of "behavioral and social science research" be established and applied uniformly to the research portfolios of each national research institute. In the development of this definition, the Director of the Office is expected to consult with professional research organizations with expertise in behavioral and social science research. The conference agreement includes a provision prohibiting the inclusion of neurobiological research or research that uses behavior merely as a measure to determine activity at cellular or molecular levels. In the past, efforts to include such research within the framework of behavioral and social science research have artificially inflated the resource commitment to this research discipline within NIH.

Numerous reports have documented the enormous impact of behavior on health. The Conferees are concerned that NIH has not, relative to the biological sciences, accorded sufficient priority to the support of behavioral research. Behavioral research at NIH should span the gamut from basic to applied science. Too often behavioral science is thought about only at the stage of intervention. "How do we get people to stop smoking?", "How do we get people to take their medications?", or "How do we convince parents to bring their kids in for vaccinations?". These are important research questions that NIH should answer, but we also need information such as: "How does individual maturity interact with a more general level of emotional development?", or "What are the basic social principles behind peer pressure?" These questions can and should be addressed by NIH behavioral scientists, especially at the NICHD and NIMH.

TRAUMA RESEARCH

The Senate bill and House amendment contained similar provisions establishing a comprehensive, interagency program of basic and clinical research on trauma. The Conferees intend that the NIH Director establish a comprehensive program to study all phases of trauma care from prehospital, resuscitation, surgical intervention, critical care, infection control, wound healing, nutritional support and medical rehabilitation. Through the support of basic science and clinical research, it is the intent of the Conferees to promote the development of new and innovative models of trauma care which might prevent death or permanent disability.

NUTRITIONAL DISORDERS

The Senate bill and the House amendment contained similar provisions for establishment of a program of research, training, health information, dissemination and other activities with respect to nutritional disorders, including obesity. The conference agreement generally follows the Senate bill except for a technical amendment.

LITERACY REQUIREMENTS

The Senate Bill and the House amendment contained similar provisions requiring that all new or revised NIH health education materials be prepared in a form that does not exceed a level of functional literacy. This applies to all health education materials if those materials are intended for the general public.

NATIONAL HEART, LUNG AND BLOOD INSTITUTE (NHLBI)

The Senate bill and the House amendment contained similar provisions reauthorizing appropriations for the NHLBI research programs. The conference agreement consolidates the previously separate authorization of appropriations for NHLBI prevention and control programs with the general research authority. In addition, the conference agreement strengthens the statutory authority for prevention and control activities to enhance the Institute's overall research program. The Conferees believe that prevention and control programs, like the National Asthma Education Program, Child and Adolescent Trial for Cardiovascular Health, Smoking Cessation Strategies for Minorities, Coronary Heart Disease in Women, and Sickle Cell Disease Prevention Program are a vital part of the Institute's mission to prevent disease and promote healthy life styles. The Conferees strongly urge NHLBI to continue and expand its research program on the effectiveness of various cardiopulmonary disease prevention and control activities including clinical intervention trails, epidemiologic studies, demonstration and education projects. Moreover, the results of this research should be disseminated rapidly to health professionals, health educators, and the general public. In addition, the NHLBI should share its research results with the Centers for Disease Control and Prevention (CDC) and coordinate prevention activities with the CDC to assure the greatest possible efficiency and effectiveness of efforts in this important area, particularly against diseases in children.

NATIONAL CENTER FOR SLEEP DISORDERS RESEARCH

The Senate bill and the House amendment contained similar provisions establishing a National Center for Sleep Disorders Research within the NHLBI. The House recedes with an amendment deleting the Senate requirement that a Sleep Disorders Coordinating Committee be established. The Conferees believe that a National Center for Sleep Disorders Research will support basis, clinical, epidemiological and prevention research on sleeping disorders, develop new research programs and educational and training initiatives, and will ensure coordination, cooperation, and collaboration among federal agencies on sleep disorders.

NATIONAL INSTITUTE ON ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

The Senate bill and the House amendment contained similar provisions requiring the expansion of research resources committed to juvenile arthritis. The conference agreement generally follows the House amendment with the exception that the date for establishing a multipurpose arthritis center to study juvenile arthritis is moved from October 1994 to October 1993. The Conferees are disappointed at the pace at which the Institute has expanded its research commitment to projects involving children. The Conferees expect that the Institute will take immediate steps to shift priorities within its current budget to make sufficient funding available to support establishment and operation of at least one multipurpose arthritis and musculoskeletal disease research center to conduct research into the cause, diagnosis, early detection, prevention, control, treatment of, and rehabilitation of children suffering from arthritis and musculoskeletal diseases.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

Both the Senate bill and the House amendment proposed to create new programs to strengthen the activities of the Institute. The conference agreement provides specific authorization for the establishment of five

applied research centers under the National Institute of Child Health and Human Development, three for research into new and improved methods of contraception, and two devoted to new treatments of infertility. The additional authorization of $30 million for FY 1994 is intended to encourage an additional, targeted appropriation above the conventional "such funds as may be necessary" which historically applied to Institute programs. A new loan repayment program is established to train scientists desiring to specialize in the areas of contraception and infertility. The agreement includes the requirement that NICHHD establish and maintain an intramural laboratory and clinical research program in obstetrics and gynecology. The Conferees believe the absence of an intramural research program in obstetrics and gynecology has limited the NIH's ability to conduct research and limited access for women to clinical trials such as new drug treatments for ovarian cancer.

NATIONAL INSTITUTE ON AGING

The Senate bill and the House amendment contained identical provisions authorizing appropriations for the vital research activities carried on by the National Institute on Aging. By providing this specific authorization, the Conferees highlight the importance of aging research and their desire that the Institute be given special consideration in the annual appropriations process in the allocation of additional funding. In carrying out this important research agenda, the Conferees intend the Institute to increase its commitment to better understanding the effects of menopause. Under the agreement, funding for NIA research is authorized at $500 million in fiscal year 1994 and such funds as may be necessary in FY 1995–1996.

STUDENT LOAN REPAYMENT FOR SCIENTISTS AT NIH AND FDA

The Senate bill and the House amendment contained similar provisions establishing a loan repayment program for researchers at the NIH. In addition, the Senate bill contained a provision granting limited loan repayment authority to the Commissioner of the Food and Drug Administration (FDA). The conference agreement includes a general loan repayment authority for both the NIH and the FDA. Loan repayment is intended for the purpose of attracting talented researchers, particularly physicians, to public service as career employees of the NIH. In order to receive loan repayment, individuals must commit to at least three years of employment. The Conferees do not intend this new authority to be used for the routine training of fellows intending to conduct research at institutions other than the NIH. The conference agreement does authorize limited loan repayment which is suitable for general fellowship programs in the areas of AIDS and contraception/infertility research. This distinction is intended to focus what limited Federal funds are available for loan repayment on training scientists in fields deemed in special need. The Conferees are most concerned about the ability of the NIH to recruit and retain scientists. Recent postdoctoral graduates are deciding against pursuing careers in biomedical, behavioral or clinical research because of their educational loan burdens. The Conferees believe that a loan repayment program for scientists will help remove a major barrier to attracting outstanding scientists to the NIH and FDA.

NATIONAL RESEARCH SERVICE AWARDS (NRSA)

The Senate bill and the House amendment contained identical provisions increasing from 1 percent to 2 percent the required set-aside of NRSA appropriations for awards administered by the Health Resources and Service Administration and the Agency for Health Care Policy and Research. The conference agreement also extends the authorization of appropriations for NRSAs through fiscal year 1996. The Conferees urge that the Director of the National Institute of General Medical Sciences establish a program in predoctoral research training in neuroscience. The conference agreement also revises the payback requirements which apply to the NRSA program to encourage the participation and retention of physician researchers.

EXTRAMURAL CONSTRUCTION OF RESEARCH FACILITIES

The Senate bill and the House amendment contained similar provisions authorizing a new program for the construction of biomedical and behavioral research facilities. The conference agreement generally follows the Senate bill with technical amendments. The Conferees believe a new program of construction grants is necessary to replace outmoded facilities, relieve overcrowding, and accommodate changing research requirements. The conference agreement provides that in any fiscal year, the first $5 million in appropriations available under this new authority will be made available for the purpose of making construction grants for improvements at the national primate research centers. Of the remaining funds 25% will be reserved for making grants to "research centers of emerging excellence." The Conferees intend that these provisions assist in making more universities competitive in obtaining research funding from the NIH. Historically black colleges and universities and other centers of emerging excellence can make important contributions to progress in biomedical and behavioral research if infrastructure deficiencies can be corrected. In this respect, centers of emerging excellence can be looked upon by the NIH as centers of opportunity. The conference agreement requires that all proposals for assistance be subject to review by an independent board and that the fundamental principle of NIH awards—scientific and technical merit—will be strictly observed. The Conferees believe appropriations made available for this purpose should be in addition to appropriations that would otherwise be made available to support individual investigator grants, particularly grants to first-time investigators.

NATIONAL CANCER INSTITUTE (NCI)

Both the Senate and the House amendment extend the authorization of appropriations for the national cancer program. The Senate recedes with an amendment reducing the authorization of appropriations for fiscal year 1993 to $2.728 billion and such sums as may be necessary for fiscal year 1994–1996. The authorization of appropriations reflects the Conferee's endorsement of the FY 1994 recommendation contained in the Institute's Bypass Budget which is annually submitted to the Congress. In advocating a significant and overdue increase in funding for the NCI, the Conferees note serious concern about the growing epidemic of breast and prostate cancer in the United States and expect the NCI to make prevention of breast and prostate cancer its top priorities.

CANCER CONTROL

The Senate bill and the House amendment provided a statutory set-aside of annual NCI appropriations for cancer control activities carried out by the Division of Cancer Prevention and Control (DCPC). The conference agreement follows the House amendment which provided for a three-year, incremental increase in the set-aside for cancer control activities.

In carrying out this authority, the Conferees expect the Director of NCI to assure that the Division of Cancer Prevention and Control is concentrating its limited resources on preventing the development of cancer or reducing the incidence of cancer by modifying risk factors through changes in behavior.

The Conferees are particularly interested in seeing DCPC fund initiatives such as (1) large scale community intervention trials to study methods of reducing the risk and mortality of cancer; (2) community and physician education programs to determine effective methods of encouraging screening; (3) psychosocial interventions to improve quality of life and increase treatment compliance. Particular attention should be given to underserved populations, including racial/ethic minorities, inner-city and rural populations, elderly, and low-literacy.

The Conferees expect the NCI, acting through the DCPC, to assume increasing leadership in the demonstration, implementation and operation of programs to reduce or control the incidence of cancer. The rising incidence of cancer is of great concern to the Congress. NCI is also expected to work with the Centers for Disease Control and Prevention in implementing projects to reduce the behaviors that put citizens at risk. The Conferees expect that increased funding available for control activities through the Division of Cancer Prevention and Control in FY 1994 will be used to fully fund each of the existing 17 ASSIST states and support related programs in each of the 33 States without ASSIST programs. Full funding and nationwide implementation of ASSIST can be achieved under the conference agreement. Such commitment of resources will play an important role in reducing the incidence of cancer throughout the United States. In addition, the Conferees encourage the NCI to intensify and expand support for cancer control programs that target special high-risk populations which experience excessive cancer rates and are underserved in terms of cancer control programs such as NCI's Minority-based Community Clinical Oncology Program, cancer leadership initiatives and the Community Clinical Oncology Program. Findings from programs such as ASSIST, the SEER registries, and special populations studies are important for the continued improvement of the Nation's cancer control efforts. The Conferees also expect NCI to expand its commitment of resources to prevention research to accelerate the understanding of such issues as the role of dietary fat in various cancers, identifying improved methods of early detection of breast and other cancers, and increasing the knowledge of preventable risk factors for breast and other cancers.

The Conferees have also agreed to provisions to strengthen existing cancer control directives in Section 412 by authorizing NCI to give priority to breast cancer programs using community-based initiatives designed specifically to assist women who are medically underserved, low-income, or members of minority groups. Such programs include public health system models involving hospitals and community health centers to emphasize prevention, detection, and efforts to guide patients through referral and treatment processes.

RESEARCH WITH RESPECT TO AIDS

The House recedes to the Senate bill with an amendment. The House amendment clari-

fies that the Advisory Council to the Director of the Office of AIDS Research (OAR) is to be administered in the same manner as are the advisory councils to institute directors and that a representative of each of the advisory councils for the NCI, the NIAID, and the two other institutes that receive the greatest AIDS funding also sit on the Advisory Council. The Conferees also anticipate that the coordinating committees in this provision will provide the Director of the OAR with a mechanism to coordinate AIDS activities across NIH according to research discipline, without the sometimes artificial distinctions of the current organizational structure of the NIH. In doing so, these committees may use qualified, non-government scientists, as appropriate. The Conferees intend that the organization of the committees will be at the OAR Director's discretion. Other natural divisions could include basic research, natural history and epidemiology, vaccine research, and clinical research and drug development. The Conferees believe that the Federal government has traditionally underfunded behavioral and social science research as it relates to AIDS and that the OAR should seek to reverse this trend.

In the provisions regarding the emergency discretionary fund, the Conferees recognize the particularly dynamic nature of AIDS research and the importance of responding rapidly to new developments. Accordingly, the Conferees have provided for the establishment of this fund to meet emerging opportunities for new or enhanced funding of research (including approved but unfunded projects whose increase importance becomes clear during the year). While it is expected that the Director of the OAR will respond to pressing needs as they arise, the Conferees intend that if no such needs arise during a fiscal year that the OAR will, in accordance with the statutory limitations on the use of the fund, devote the balance of the fund for that year to priorities established by the plan that were unfunded solely because of financial constraints.

STUDY OF LIFE-THREATENING DISEASES

The House recedes to the Senate with an amendment. The Conferees have enlarged the scope of the study of third-party payment regarding clinical trials to include cancer and other life-threatening illnesses. The Conferees are concerned that much of the framework for the financing of clinical research is threatened by recent efforts to limit third-party payment for medical and hospital costs. This problem, which has progressed from the exclusion of payment for costs necessitated by the research to the exclusion of payment for any costs if research is conducted, has occurred not just with research on AIDS, but also with research on cancer and other life-threatening illnesses. The Conferees intend that this study review historic, current, and potential practices of private and public payment systems and report back to the Congress on the implications for research and health financing.

STUDY OF MALNUTRITION IN THE ELDERLY

The Senate bill and the House amendment contained similar provisions. The Conferees intend that these studies be initiated as soon as possible and do not intend that the requirement to establish the advisory panel delay this important work. While the Conferees expect that the Secretary will name the advisory panel expeditiously, the studies may begin prior to its establishment.

SENTINEL DISEASE STUDY

This provision authorizes the Secretary of HHS to study the use of the sentinel disease concept as a means of determining if illness in family members can be linked to the occupation of other family members. Health experts believe this approach may provide a cost-effective means to identify such health risks. The Director is to design and implement a sentinel disease study and report to Congress on the results of this study within 4 years. The Centers for Disease Control and Prevention, the Agency for Toxic Substances and Disease Registry, and NIH have all conducted activities in this area. This provision allows the Secretary to select the most appropriate HHS agency to conduct the study.

HEALTH PROFESSIONALS AMENDMENTS

The Senate bill, but not the House amendment, contains a series of technical amendments to various health professions programs authorized in title VII of the Public Health Service Act. The conference agreement generally follows the Senate with the exception of the Senate amendment affecting the Centers of Excellence program and inclusion of additional technical amendments. The Conferees note that authorization of appropriations for the Centers for Excellence Program expires at the end of FY 1993. Legislation extending the program will be considered by the Congress shortly. The Conferees believe that substantive amendments to the program's authority should be considered as part of the traditional reauthorization process and that changes affecting the allocation of funds in the middle of fiscal year 1993 would be disruptive.

Additionally, the conference agreement includes amendments to make necessary clarifying, technical and conforming amendments to health professions programs. These amendments would:

Tighten standards under which students defaulting on Federally insured HEAL loans may discharge those debts in bankruptcy;

Clarify the authority and obligation of schools to assist in the collection of delinquent HEAL loans;

Authorize an increase in the ceiling for primary care HPSL loans for students in their third and fourth years of study;

Require that the Secretary waive the service obligation of a student receiving a primary care HPSL in the event such student does not complete their medical education;

Defer from 1993 to 1997 the HPSL capital contribution penalty applying to schools of medicine or osteopathic medicine which fail to graduate sufficient percentages of students selecting primary care residencies; and

Provide an authorization of appropriations of $10 million in each of fiscal years 1994 and 1995 for the purpose of making HPSL capital contributions loans to schools of medicine or osteopathic medicine. The agreement provides that preference in the award of new funds shall be given to those schools which have demonstrated the greatest success in graduating students practicing primary care. In view of the fiscal limitations, the legislation provides that such funds may not be provided to schools in the lower 50% of all medical and osteopathic medicine schools in the percentage of graduates pursing a primary care career.

HEALTH SERVICES RESEARCH

The conference agreement contains three clarifying amendments necessary to assure that the National Institute of Mental Health (NIMH), the National Institute on Drug Abuse (NIDA) and the National Institute on Alcohol Abuse and Alcoholism (NIAAA) will meet the requirement of current law that they obligate 15% of their annual appropriations for health services research. The conferees have been informed by the Department that the Institutes may not be capable of meeting these requirements in FY 1993 but will be in full compliance by FY 1994. The agreement reduces the health services research obligation requirement from 15% in FY 1993 to 12%. The 15% requirement will remain in effect for FY 1994 and succeeding fiscal years. In addition, the agreement extends from May 1993 to September 1993 the deadline for submitting a report on the obligation of health services research funds by the NIMH, NIAAA and NIDA. The additional extension of time will permit a more comprehensive analysis of Institute priorities and should include a plan for the expenditure of health services research funds in Fiscal Year 1994. Finally the agreement clarifies the definition of health services research that was included in Public Law 92-321, the "ADAMHA Reorganization Act." The conference agreement makes clear that in determining the range of research projects eligible for assistance, such projects may not include research on the efficacy of services to prevent, diagnose, or treat medical conditions.

OFFICE OF ALTERNATIVE MEDICINE (OAM)

The Conferees are aware that in June, 1992, an ad hoc Advisory Panel was convened to identify the alternative medicine community and the relevant issues pertaining to alternative medicine and that the OAM is formulating a plan for future research activities at the NIH. The Conferees expect that when the plan is completed a copy will be forwarded to appropriate authorizing and appropriating committees of the Congress.

In preparing a research plan the Conferees urge the OAM to coordinate their efforts with those of other countries and to pay particular attention to activities which emphasize ethnomedicine. The Conferees expect that OAM to develop databases which would support both research and information transfer functions.

The Conferees expect that efforts will be made in fostering training in the area of alternative medicine. It is expected that fellows authorized under this legislation will have the opportunity to engage in program and policy analysis as well as perform clinical research in alternative medicine. In addition, the OAM should promote dissemination of its research findings through conferences and other forms of professional communication.

STUDY OF THE LAST 6 MONTHS OF LIFE

The Senate bill, but not the House amendment, provided for a study on health care costs during the last 6 months of life. The House recedes with an amendment. The Conferees are concerned about the inadequacy of definitive data on the costs of medical care during the last six months of life. Such information may prove useful for policymakers and health care providers in evaluating the effectiveness of treatment and services. One example where such information could be helpful is an examination of the cost of conventional care as compared to alternatives such as hospice care during a patient's last six months of life. Accordingly, the Conferees have adopted the Senate language requiring the Secretary, acting through the Agency for Health Care Policy and Research, to conduct a study to estimate the average amount of health care expenditures incurred during the last six months of life. The Committee intends that this study be developed, to the degree possible, in consultation with the Health Care Financing Administration, using the most recent National Medical Expenditure Survey database.

IMMIGRATION

The Conferees have adopted provisions regarding the Immigration and Nationality Act and persons infected with HIV. The Conferees intend these provisions to be a codification of current administrative practice.

From the Committee on Energy and Commerce, for consideration of the Senate bill, and the House amendment, and modifications committed to conference:

JOHN D. DINGELL,
HENRY A. WAXMAN,
RON WYDEN,

As additional conferees from the Committee on Education and Labor, for consideration of section 2013 of the Senate bill, and modifications committed to conference:

WILLIAM D. FORD,
MATTHEW G. MARTINEZ,

As additional conferees from the Committee on the Judiciary, for consideration of section 2011 of the Senate bill, and modifications committed to conference:

JACK BROOKS,
R. MAZZOLI,
BILL MCCOLLUM,
Managers on the Part of the House.

EDWARD M. KENNEDY,
PAUL SIMON,
HOWARD M. METZENBAUM,
JIM JEFFORDS,
Managers on the Part of the Senate.

□ 1230

GALLATIN RANGE CONSOLIDATION AND PROTECTION ACT OF 1993

Mr. GORDON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 171 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 171

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 873) entitled the "Gallatin Range Consolidation and Protection Act of 1993". The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. Points of order against the committee amendment in the nature of a substitute for failure to comply with clause 7 of rule XVI are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. SKAGGS). The gentleman from Tennessee [Mr. GORDON] is recognized for 1 hour.

Mr. GORDON. Mr. Speaker, during consideration of this resolution, all time yielded is for the purpose of debate only. I yield the customary 30 minutes for the purpose of debate only to the gentleman from Florida, [Mr. GOSS], pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 171 is an open rule which provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Natural Resources Committee.

The resolution makes in order as an original bill for purposes of amendment the Natural Resources Committee substitute now printed in the bill. Clause 7 of rule 16 is waived against the committee substitute.

Finally, the rule provides for one motion to recommit with or without instructions.

H.R. 873 is the product of hard work by Chairman MILLER, Chairman VENTO, and ranking Republicans DON YOUNG and JAMES HANSEN. The bill's sponsor, PAT WILLIAMS, should also be commended for his determination to get this legislation signed into law.

I encourage my colleagues to support this rule so that the substance of this legislation can be discussed.

Mr. Speaker, I reserve the balance of my time.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I congratulate Chairman MILLER and Mr. VENTO, the subcommittee chairman, for requesting our third open rule of the year. The gentleman from Martinez, CA, appeared before the Joint Committee on the Organization of Congress on April 22 in support of the open rules process. He has been true to his word, and we appreciate the chairman's continued support for a process that insures adequate deliberation and accountability.

Mr. VENTO and the author of the Gallatin Range bill, Mr. WILLIAMS, made a strong case of the legislation Tuesday in the Rules Committee.

They argue that this is not pork barrel spending; that the cost of land acquisition will be very small; that the nature conservancy is playing a significant roll in the negotiating and acquisition process; and that movement toward completing this land acquisition and exchange legislation is needed very soon to keep the agreement intact. A number of Republican amendments may be offered to strengthen the bill in these areas, and I hope my colleagues on the other side will be able to support them.

I urge support of the rule, Mr. Speaker.

Mr. Speaker, I yield 1 minute to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, I will just take a minute, and I appreciate the Committee on Rules making this an open rule.

My only concern is that this piece of legislation was defeated last week under suspension, and here we are bringing it back again this week because they could not get the necessary two-thirds vote that they wanted last week.

I think it is unfortunate that they bring a bill like this up under suspension, and when they cannot get what they want, they come back and bring it up 1 week later under an open rule.

So I think it is good that we have an open rule, but I am disappointed that we are discussing this issue again, because you feel like you can maybe get a majority but you cannot get the two-thirds under suspension.

So with that, I thank the gentleman for yielding.

Mr. GORDON. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, I thank my colleagues, and particularly the Committee on Rules, for the haste with which you have agreed to bring this bill back to the full House for consideration.

As will be discussed later during general debate, either this bill passes the House and Senate and is signed into law this spring or vital land north of Yellowstone National Park, America's first national park, will be harvested, subdivided, and developed against the wishes of both the public and the private sector.

This legislation, as I will explain later, is necessary to achieve that.

The gentleman who just spoke is correct, the bill did not receive the two-thirds necessary to pass under suspension, but it received a significant and considerable majority, and so in order for the majority to indeed rule here, we bring the bill back in a way in which a simple majority will pass this vital legislation.

I asked that the rule be open. I am glad the Committee on Rules did that, because this legislation can withstand any amount of scrutiny and discussion.

The arguments that were made during the suspension debate were, frankly, inaccurate, and close consideration would have discredited them.

Mr. GORDON. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I want to, first of all, thank the Committee on Rules for the prompt response to this legislation.

It is necessary that we show some movement in order to deal with the specific problems of land purchase option.

But on the question of process which was raised very often, I am confident and hopeful that at the end of the day when the final vote comes on this that we will be able to receive nearly unanimous support for this bill from this body based on a deliberation of the content of the bill and the importance of it.

I think there was some misunderstanding last week. We were not aware of the concerns until the floor debate. This measure is a noncontroversial measure. I hope that it will remain that way today.

I think it has good support from all the constituencies involved, and certainly it has had bipartisan support in the past. I hope that is the case today.

□ 1240

It is necessary to move on this, and I hope that we could do so in an expedited manner under the open rule that is being offered today and which I urge my colleagues to support.

Mr. GOSS. Mr. Speaker, the purpose of this process is to discuss the rule. It seems we are in agreement on it. I have no further requests for time. I think we are going to have a good debate under this open rule.

Mr. Speaker, I yield back the balance of my time.

Mr. GORDON. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore [Mr. DARDEN]. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 171 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 873.

The Chair appoints the gentleman from Colorado [Mr. SKAGGS] to preside over the Committee of the Whole, and requests the gentlewoman from California, Ms. SCHENK, to assume the chair temporarily.

□ 1241

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 873) entitled the "Gallatin Range Consolidation and Protection Act of 1993" with Ms. SCHENK (Chairman pro tempore) in the chair.

The clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as read the first time.

Under the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 30 minutes, and the gentleman from Utah [Mr. HANSEN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, H.R. 873, the Gallatin Range Consolidation Act, was introduced by my friend and colleague on the Natural Resources Committee, Mr. WILLIAMS. This bill would block up checkerboard land ownership in the Gallatin Range of the Gallatin National Forest in Montana. Through a series of exchanges between the Big Sky Lumber Co. and the Forest Service, approximately 80,000 acres would be added to the national forest. These lands are of great ecological importance. They, along with the rest of the Gallatin Range, are part of the greater Yellowstone ecosystem and include the endangered grizzly bear; one of the largest elk herds in the Nation; pristine watersheds, such as Eight Mile Creek, Big Creek, Porcupine Creek, and Taylor Fork; trout fisheries; and spectacular scenery.

Although these Gallatin Range lands are currently privately owned, they have remained unroaded and wild. However, if this legislation is not enacted, it is quite likely that the Big Sky Lumber Co., will road, log, and develop their Gallatin holdings. Adding to the urgency is the fact that options to purchase some of the lands for the Forest Service expire on June 1, therefore it is imperative that we move expeditiously on this legislation.

H.R. 873 is very similar to language that we passed in the House as part of the Montana Wilderness bill in the 100th Congress and again in the 102d Congress. There is also widespread support for the measure. Big Sky Lumber Co., an extensive landowner, the administration and the environmental community all testified in favor of the bill at the hearing on March 23, 1993. A significant majority of House Members voted in favor of the measure just last week. Unfortunately, by just six votes H.R. 873 failed to receive the two-thirds necessary for passage under the suspension of the rules.

The only opposition to the bill is based on misconceptions about the bill's cost. The claim that was made last week that the bill would cost $20 million in fiscal year 1994 is exaggerated. The CBO estimates that the total cost over 5 years is only potentially $12 to $20 million and that cost would occur only if some of the lands are acquired by purchase instead of exchange. In actuality, most, if not all of the lands acquired would probably be through exchange with very little cost to the Treasury.

Furthermore, this bill promotes more efficient government and ultimately could and should save the taxpayer money. It blocks up a checkerboard ownership pattern that has been hampering land managers since the turn of the century. It is in the economic interest of both the adjacent private landowner and the Federal Government to consolidate the land ownership so that the land can be managed properly. The bill also authorizes a severed minerals exchange. Currently, the Federal Government owns the subsurface rights, but not the surface rights on some lands and the surface rights, but not the subsurface on other lands. This situation greatly complicates land management. The bill corrects this inefficiency by consolidating Federal ownership so that the Federal Government owns both the surface and subsurface. If we do not pass this legislation, the difficulties involved in managing the checkerboard land ownership and the severed minerals will continue to be a drain on the Treasury.

I urge my colleagues to support this measure and help bring resolution to an issue that the Congress and the Forest Service have been trying to resolve since the 1920's.

Mr. BURTON of Indiana. Madam Chairman, will the gentleman yield?

Mr. VENTO. Madam Chairman, I yield to the gentleman from Indiana, Mr. BURTON, for a question.

Mr. BURTON of Indiana. I thank the gentleman for yielding.

Madam Chairman, I ask the question of the gentleman from Minnesota: In his statement he says that any or all of this land may be acquired or can be acquired by exchange during this 5-year period. Does he think there is a good possibility that that will occur?

Mr. VENTO. Reclaiming my time, there is a possibility, but we need the cash equalization provision. Seldom is there an acre-for-acre exchange developed. Very often landowners, of course, would prefer cash. But you need the cash equalization provisions that are authorized in this law. So that is the basis for keeping them in the law. The Forest Service has been granted this general authority, and it would be, I think, an error to take away that in this specific instance.

Madam Chairman, I reserve the balance of my time.

Mr. HANSEN. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I support the intent of H.R. 873 which is to consolidate the onerous checkerboard land ownership in the Gallatin National Forest. This body previously considered this legislation on suspension where it was defeated for lack of a two-thirds majority. I believe the reason H.R. 873 received the opposition it did was because of the $20 million price tag and the large increase in Federal land ownership.

Coming from a State where the Federal Government owns two-thirds of our land, I believe we should make every effort to acquire lands through equal value exchanges which result in

no net gains in Federal ownership and are of little cost to taxpayers.

Section 3 of H.R. 873 is largely based on an equal value land exchange between the Forest Service and the Big Sky Lumber Co. I, along with several of my colleagues, would prefer that the entire exchange be for equal value; however, I appreciate the difficulties Mr. WILLIAMS faces in orchestrating this large exchange and I do not oppose H.R. 873.

Madam Chairman, I reserve the balance of my time.

Mr. VENTO. Madam Chairman, I yield such time as he may consume to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. I thank the gentleman for yielding this time to me.

My colleagues, I want to urge you to join me today in recommending this legislation, H.R. 873, the Gallatin Range Consolidation and Protection Act. This legislation, as has been said, consolidates lands north of Yellowstone National Park. That is to say, there are both private and public lands north of Yellowstone, which has created management problems and other problems, including access by the public to their own land, which they cannot get to because it is behind private land. So we have for many, many years, many decades, in fact, in Montana tried to develop some consolidation patterns for these lands near Yellowstone. This bill was presented under suspension of the rules last week, and although it received significant support by this body, a majority of support, it failed by only a few votes to receive the necessary two-thirds.

□ 1250

I argued that the legislation should come here today under an open rule, which it has, as I said during the limited debate on the rule. This legislation can stand any amount of scrutiny and any discussion.

Once the options, the history, and the risks are fully considered, virtually everyone who has considered this legislation and this action agrees with this approach and my goals.

This is not surprising, because the values we are dealing with are world-renowned; Yellowstone National Park, the only intact geyser basin left on Earth, this Nation's largest elk herd, endangered species, headwaters of the only and longest free flowing river in America.

And what else is at stake? There is an important Government policy and consideration that has been attempted ever since 1925.

The support for this legislation is bipartisan and is overwhelming. It includes myself as well as both our Senators, one Republican and one Democrat. It includes the Governor of Montana, a Republican. It includes the current White House, the administration, the Secretary of the Interior, unanimously the county commissioners in the county that is affected, the mayor of the closest large city, the city of Bozeman, the Montana Fish, Wildlife and Parks Agency. In this House it includes the House Natural Resources Committee and the Agriculture Committee, both of whom recommended this legislation with no opposition, and I want to stress not a single negative vote.

I could not list because time would not permit all the conservation organizations that support this legislation, but let me tell my colleagues that the list includes the Nature Conservancy, the Wilderness Society, the Greater Yellowstone Coalition, the Wildlife Federation, the Elk Foundation, and many others. The local snowmobile and motorcycle groups are in agreement, as are the local mills, timber mills, and the other local landowners are all in support of this legislation.

The private sector is in full support, and that includes both timber companies as well as real estate developers, as well as local merchants and local landowners.

Now, the reason they support this legislation is because it is the only solution to a very real public lands disaster that is looming if this legislation is not adopted and adopted by this Spring. Let me explain.

Just north of Yellowstone National Park the Gallatin Range connects to the other mountains of the Yellowstone ecosystem like the spokes in a wheel. This range was not protected when the park was set aside because every other section of that area was granted to the railroad as payment for the trans-America construction. This range's importance to the integrity of Yellowstone has never been questioned, however, and because of that this range essentially has remained wilderness ever since, even those portions privately held. This range is the home of the largest elk herd in America along with countless other species including the endangered grizzly bear. The range also is the headwaters of some of America's most pristine streams and rivers anywhere in this country.

The first attempt to consolidate these lands happened in 1925 and since then there have been many attempts to bring the Gallatin Range into public ownership. The Federal Government has invested to acquire the Elk Winter Range and the House of Representatives has many hours of hearings on the importance of these lands.

These lands north of Yellowstone are checker boarded into public and private ownership. As I say, that was due to the granting of public lands to the railroads in this Nation's earlier days.

Now, since then the railroad has sold its land to a private timber company. They did that, by the way, to avoid a hostile takeover, and that company has since again sold the lands to several new owners who are interested in timber and development. Part of the new sale arrangement requires that timber be provided off the private lands, and so now we face a very serious problem if we do not solve these intermingled land problems by the time the contractual timber harvest becomes necessary.

So it is clear now after a hundred years, the days of generous corporate neighborliness in and around Yellowstone Park are about to end, and increasingly these critical lands, wildlife and recreational lands, are going to be clearcut, harvested and developed, posted off limits or sold for private hunting rights.

If this legislation is not signed, I say again, a public lands disaster on Yellowstone National Park's northern border will occur.

As this body knows, this type of legislation is difficult to negotiate and even more difficult to pass through Congress. As custodians of our Federal land, Congress must be very careful that any trade we consider must meet the most stringent requirements of fairness, and value. The trade must clearly be in the public's interest and must fulfill public policy goals. I take this responsibility very seriously and have never considered any public land trade without clearly knowing that these goals be met. Montana has been aggressive in consolidating lands and we have never had a problem to date, not one, and that is only because we have assured that any consideration would meet good public policy goals. If my colleagues are concerned about placing a high threshold on these trades they should look to this process we used in Montana as the best model for this Nation.

These trades north of Yellowstone meet all policy requirements, and the 14 years that I have been involved in the discussion which brings us here this afternoon have shaped these trades to assure that they are absolutely in the public interest. Any changes in these trades or consideration of other trades anywhere in the country should meet the conditions we applied to these trades. The taxpayer and the public will be better off for it.

This legislation, by the way, does not represent the end of the Federal Government's interest in the Gallatin, the area north of Yellowstone. This legislation is just the continuation of an historic concern and this legislation I believe will set a clear process to identify and assure the continued protection of our national treasures in the greater Yellowstone area.

Madam Chairman, I strongly encourage the Members of this House to do what you did last week, and that is vote in significant majority for this legislation so that we can get on with consolidating the public lands where it is in the best interest of the public.

I doubt that there is anyone in this Chamber who believes that jeopardizing Yellowstone National Park is not in the best interest of the public.

Mr. VENTO. Madam Chairman, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman from Minnesota.

Mr. VENTO. Madam Chairman, I just want to commend the gentleman for his statement. Of course, I concur in it, and for the 6 years of work he has put in. I think it is a very, very good work product, one that represents both a bipartisan and should receive the strong endorsement of this House. I hope that it will. I commend the gentleman for his good work on the committee.

Mr. WILLIAMS. Madam Chairman, I appreciate the kindness of the subcommittee chairman.

I want to thank the gentleman and members of the subcommittee on both sides of the aisle.

I want to thank my friend and colleague and helpmate on this matter, the gentleman from Utah [Mr. HANSEN] who not only has been a good friend, but on this matter has been an ally.

Mr. HANSEN. Madam Chairman, I yield 5 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Madam Chairman, I thank the gentleman for yielding this time to me.

Do you have any idea how big Yellowstone National Park is? It is three times the size of Rhode Island. It is 2.2 million acres, and yet they want to buy another 70,000 acres to protect some lumber up there and keep that area from being developed.

Well, when you have development, if it is done in a proper way, you provide houses, you provide jobs, you provide economic expansion, and yet they want to spend up to $20 million to buy 70,000 more acres, when there is already 2.2 million acres in Yellowstone National Park.

Now, my question is, if this land is so valuable to the lumber industry, why does the Big Sky Lumber Co. want to sell it? Why do they want to exchange it? Could it be maybe there is some more valuable land someplace else they want to buy? And yet they want to spend $20 million at least to buy more land.

Do you know how much land is owned by the Federal Government? One-third of the United States of America.

We do not need all that land. We do not need to be spending taxpayer dollars to buy more land. We cannot afford it. The national debt is $4.35 trillion. The national debt each year increases by almost $400 billion.

□ 1300

Madam Chairman, we are not going to be able to survive if we keep blowing money, and this, I submit to my colleagues, is a quasi-pork barrel project.

Now I am very concerned about this because we do not need to be buying this land. If it is so important, if it is so important, why do we not have a land trade? The gentleman from Minnesota [Mr. VENTO] said that they were going to have an attempt to make sure this is done in a trade mode, and yet they still say that it could cost $20 million.

Now the gentleman from Texas [Mr. DELAY] is going to be proposing in a short period of time a recommittal motion which will say in effect that it has to be done by a land trade, that this bill will not appropriate or authorize any money to buy this land.

Now I say to my colleagues when they come over here to vote that we must make hard choices on spending the taxpayers' money. We are talking about—Mr. Clinton is talking about—a tax and fee increase of $402 billion, the largest tax increase in U.S. history. All the spending cuts he is talking about are in the third, fourth, and fifth year, after the next election. But the tax increases are going to take place now.

So, what the American people want, I believe, is to have spending cut in Washington, to take a meat cleaver to wasteful programs, to not come up with more ways to spend their money, cut spending first, and then, if we cannot balance the budget, then start talking about taxes, but not taxes on the front end.

And yet bill after bill we have had coming before this body this year has spent more money without funding them, digging us deeper into the debt, and here we have today, instead of a land exchange, we have a bill that is going to cost $20 million that will add 70,000 acres to the Yellowstone National Park when there is already 2.2 million acres in there, three times the size of Rhode Island. We do not need it, we must make hard choices, and we must cut waste and pork out of Government spending.

And last week we defeated this turkey. We defeated it on this floor under suspension, and so, because we could not get the two-thirds vote here, they come back 1 week later and say, "Oh, my gosh, we have got to get this passed because the whole world is going to come to an end if we don't buy this 70,000 acres. We're going to have an ecological catastrophe up around Yellowstone."

That is baloney, that is baloney, and so I just say to my colleagues when you come over here to vote or when you start thinking about this, think about our constituents back home who are going to be paying for this.

Twenty million dollars, Madam Chairman; well, that is not a lot of money when we are talking about trillions, but Everett Dirksen once said, "A billion here, a billion there, and pretty soon you're talking about real money."

Madam Chairman, I just want to say to my colleagues, "Let's prioritize spending. Let's really take a close look at this. Let's support Congressman DELAY'S recommittal motion to have this be a real land trade instead of spending $20 million of the taxpayers' money that we don't have for this additional land."

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Minnesota.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. BURTON] has expired.

Mr. HANSEN. Mr. Chairman, I yield 2 additional minutes to the gentleman from Indiana [Mr. BURTON].

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, is the gentleman from Indiana aware of the estimate that CBO provided; that is, between 12 and 20? It only talks about in the absence of land trades and equalization payments.

Is the gentleman aware of that?

Mr. BURTON of Indiana. I understand that.

Mr. VENTO. And that is the agreements that exist. Has the gentleman reviewed the agreements that exist that would, of course, greatly reduce this number so that the Forest Service in essence is really, I think, accomplishing this without the expenditure of a great deal of money, at least the minimal? But the CBO insists upon these very conservative estimates, and I think they should, but I think it does—I think there is a misunderstanding about the fact that no $20 million would be expended in this case.

Mr. BURTON of Indiana. If I might just respond, I would just like to say that according to CBO it could cost $13 to $20 million. I do not want to spend that. I do not want there to be any risk of $13 to $20 million. I want it to be done on a strictly land trade basis.

Mr. VENTO. Is the gentleman aware that very often that acre for acre it may not be worth the same, and so we run into a problem where we need to equalize using dollars that were not in the barter system——

Mr. BURTON of Indiana. Well, I think I have made my point, and I understand the gentleman's position.

Mr. VENTO. Mr. Chairman, I yield 4 minutes to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, I thank the gentleman from Minnesota [Mr. VENTO] for yielding this time to me. I just want my colleagues here in the Chamber and those watching this debate from their offices on closed circuit to understand that what the gentleman from Indiana [Mr. BURTON] has just said is, in my judgment, a potential possible; that is, misrepresenta-

tion. Now, Mr. Chairman, I do not accuse him of purposefully doing that. I just want to be sure that my colleagues understand that the gentleman from Indiana spoke about the size of America's first national park, Yellowstone, as if to indicate, perhaps not by intentional misrepresentation, but as if to indicate that this legislation was somehow going to expand the size of Yellowstone Park. That is not at all what this legislation is about.

Mr. Chairman, the gentleman further indicates in what I think is a misrepresentation, although probably not intentional, that this bill is going to cause the taxpayers to spend upwards of $20 million. That is not so. Our good colleague, former colleague, Morris Udall, used to have a number of laws that he would recite, and I recall Udall Law No. 37, which was: "When in doubt, as a last resort try reading the bill." This bill authorizes $3.4 million, and only $3.4 million, to be used in case we cannot do an acre-for-acre trade. Now some further trading is envisioned in the future, and it may be that, if we have to buy that land because we are unable to trade any of it, CBO says the cost could go as high as $20 million. We have already traded approximately 60 percent acre-for-acre, so we have already ensured that the cost would be nowhere near $20 million, and we are under this bill not appropriating a penny. We are only authorizing $3.4 million for a good, excellent, worthwhile, bipartisanly supported exchange and potential buyout of land north of Yellowstone National Park.

My colleagues, let me conclude these 4 minutes by saying this: If a year from now, which may happen if this bill doesn't pass, you wake up and look at one of the investigative news programs, hour-long news programs, with helicopter footage north of Yellowstone Park of subdivisions, roading, clearcuts, siltation in the pristine Yellowstone River, denial of habitat to the endangered grizzly bear, ruination of the elk calving grounds of America's largest elk herd, then my colleagues and the public are going to undergo a storm of public protest. That's what the gentleman from Indiana would lead you to. But a clear and significant majority on both the Republican and Democrat side on the Committee on Agriculture, the Committee on Natural Resources and in this House last week would prefer to avoid that by keeping this land for the public, by keeping this land and placing it in Federal ownership, by protecting America's first national park, Yellowstone.

Mr. HANSEN. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, the gentleman from Montana [Mr. WILLIAMS] would have us believe that the elk, and the bears and the wildlife are all going to be dying if we do not buy this 70,000 acres. I would like to remind my colleagues that they have got 2.2 million acres in Yellowstone National Park. Now, if this is developed up there into housing and there is some commercial development, what is wrong with that? What provides jobs for America? What provides new housing for America?

For crying out loud, they got 2.2 million acres, and, if my colleagues think the bears, and elk and everybody else is going to die because of 70,000 acres, there is something wrong.

Now with regard to whether or not this is going to be a part of Yellowstone National Park, the gentleman did say it is going to be public lands, I believe. Maybe it is not a part of Yellowstone, but it is still owned by the Federal Government at taxpayers' expense, and it is not necessary.

□ 1310

The gentleman said well, this money will not be appropriated. We may just do it all by land transfer.

If that is the case, why in the bill does it say in three different places that they are going to appropriate such sums as are necessary to acquire this land? Why do you not put a fixed figure in there?

The fact of the matter is the world is not going to come to an end if the Government does not buy another 70,000 acres, when they already own one-third of the Nation, and it is not going to come to an end if they develop that and put some housing up there, if it is done in a responsible and ecologically well-thought-out way, and that can be done.

There are 2.2 million acres in Yellowstone. If this cannot be done in a land transfer way, in my opinion, then we should not be buying this land.

Finally, I did not hear the answer: why does Big Sky Lumber Co. want to divest itself of the 70,000 acres, if it is such a good deal?

Mr. Chairman, I yield 2 minutes to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, in answer to the gentleman from Indiana [Mr. BURTON], the reason the private sector, including timber companies and real estate developers who have the opportunity to develop this land and choose not to, unlike the gentleman from Indiana, who would force them to go ahead and develop it anyhow, the reason they do not want to do so is because they recognize the fragile nature of this area and they want their development, they want their timber harvest, but they recognize they should do it in other places, which we will provide for them. We will take Federal land in other places and turn it into private land so they can develop it.

The gentleman from Indiana [Mr. BURTON] is absolutely wrong. The private sector does not agree with him, the developers do not agree with him, the people that want these jobs do not agree with him. The gentleman stands virtually alone in trying to force this development north of Yellowstone.

One other point: apparently the gentleman from Indiana [Mr. BURTON] does not understand that there are places in America that represent the brow of America's last hill.

There is one, one, free-flowing major river left in this country, undeveloped and undammed. One. The Yellowstone River.

Some people believe that almost nothing has been developed in America. Apparently the gentleman from Indiana is one of them, and he would develop every last inch, all in the beloved name of jobs, even though you can create that many and more jobs by developing in other areas that can sustain and absorb that development.

Montana and Yellowstone represent, in our own way, the brow of America's last hill. Montana's slogan is "The last best place." We do not say that with pride, quite often we say it with sadness.

There are a few Americans left that still do not understand it, and apparently the gentleman from Indiana [Mr. BURTON] is, tragically, one of them.

Mr. VENTO. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona [Mr. COPPERSMITH].

Mr. COPPERSMITH. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, my colleague, the gentleman from Montana [Mr. WILLIAMS], quoted Mo Udall, and I would like to do so as well, of representing part of his old district. Everything I think has been said, but not everyone has said it. I would like to add my contribution.

I think two facts need repeating. The first is that Yellowstone is first and I think possibly the greatest national park in the world. The checkerboard pattern of land ownership in the West are prevalent here. We need to solidify those ownerships. This bill represents the last best opportunity to do that.

Failure to act not only hurts the future of the park and fragile ecosystem, but also prevents privately owned ownership from doing what they would with property that they have because of conflicts with the park and the pressures that they undergo.

I would suggest to the gentleman from Indiana [Mr. BURTON] that if he could persuade the elk to move, that that might be a better use of his time. But you have to deal with the ecosystem as it is there. The political pattern of land ownership does not recognize the natural realities. This bill is the last best opportunity to straighten that out.

The second point is that I think the gentleman from the other side is absolutely correct, we should only spend money when it is absolutely necessary. But I think this bill meets that test.

First, the bill anticipates trading for most of the land. Not all of it is going to be money. Money is only there to the extent you cannot find possible trades or the trades do not balance out.

It is also again the last chance because the rights involved will expire and open the area up to timbering.

Finally, this is an authorization bill. Every year we will have the opportunity to take the pencil to the appropriation under this authorization.

I was last in Yellowstone Park about 6 months ago. I have ridden a horse through clearcut areas of the Gallatin Range north of the park. I was last in Yellowstone before that with my two kids, my daughter Sara and my son Ben. My youngest son had not been born then.

I think while we want a return to our country and make sure that we have spent the money wisely, one of the reasons why I am here is to protect our country's national heritage. And I want to make sure that the Yellowstone ecosystem is protected so that I can take my son Lou, who has never had a chance to see Yellowstone, there, and that the elk will be there and the ecosystem will be protected.

I think about my constituents as well, and I think my children and my constituents deserve to have the park protected.

I would also like to thank my colleague, the gentleman from Montana [Mr. WILLIAMS], as well as the Greater Yellowstone Coalition for their work on this bill.

Mr. HANSEN. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. POMBO], a member of the Subcommittee on Natural Resources.

Mr. POMBO. Mr. Chairman, I rise in opposition to this bill. I originally decided that I was just going to vote against it and that there was no need to debate it, until I heard some of the comments that came on this bill earlier.

Mr. Chairman, as was previously stated, the Federal Government owns about one-third of the United States right now and about half of the State I come from, California. I have no opposition to protecting this land from development, if it is worked out among the people of Montana and it is important to the people of Montana that this land be protected. But I do believe that in the tight budgetary times that we have, that we should not risk even spending as little as $3 million, as was stated, on purchasing more land.

I believe that before we add any new land to the Federal Government's large stockholdings that they already have, that what we do have should be traded away or sold, and the money from those sales used to purchase more. That a trust fund should be set up to hold the money to purchase the land, if that is what we have to do.

From my reading on this issue, I understand that they have been trying to purchase this land or trade for this land since the 1920's, and even since that time this land has been in eminent danger of being developed or logged.

I keep hearing the same argument since I got to Congress, for the last 4 months. Every time we go to purchase more land it is in eminent danger of being developed or in eminent danger of being logged or in eminent danger of a road being put across it, and we continue to buy more and more land all the time.

If we do determine that it is in the public good to put aside some land, then what we should do is try to trade for it first. If that does not work, then we should sell some other land and take that money to purchase that land.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. POMBO. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I appreciate my colleague's comments and concern. I would say that each year the BLM does regularly publish a book entitled "Public Land Statistics" that indicates that from 1979 to 1989 total land ownership dropped from about 32.4 percent to about 29.1 percent of the ownership. In Montana specifically it went down from 29.7 percent to 27.7 percent, so it dropped nearly 2 percentage points.

Furthermore, I would suggest to my colleague that the pattern that the gentleman has asked for is exactly what has been followed here. To proceed with trading acre for acre, and the moneys are used for capitalization. They have been working on this now more intensely for the last 6 years.

So the agreements are in place, and what we are really trying to do is there is a crisis here. That is why we are here.

Many times the proposals come before us because there is a crisis and there is a need for legislative action to deal with it. So we are not bringing these up arbitrarily or simply on the basis of using that, but it is because there are that many problems and Congress has demanded to stay involved.

I include for the RECORD the remaining statistics on land ownership decreases from 1979 to 1989:

THE MYTH OF INCREASING FEDERAL LAND OWNERSHIP

The Bureau of Land Management (BLM) regularly publishes a book entitled "Public Land Statistics" which includes a table entitled "Comparison of federally owned land with total acreage of States".

Data from this source shows that there not only has been no significant increase in the total amount of land owned by the national government, but that in fact this total has decreased in recent years.

The BLM data show that—

in fiscal 1979 the national government owned about 737.655 million acres, or about 32.48 per cent of the land in the United States;

in fiscal 1989 (the most recent year for which data are available) that had gone down—to about 662.158 million acres, or 29.15 per cent.

In other words—between fiscal 1979 and fiscal 1989, Federal land holdings decreased by more than 75 million acres.

The data for some individual States show similar decreases. For example, between fiscal 1979 and fiscal 1989:

Alaska went down from over 89% federal ownership to 67.8%;

Nevada went down from a little over 86% to just over 82%;

Idaho went down from about 63.8% to about 62.6%;

Oregon went down from about 52.46% to about 48.16%;

Colorado went down from about 35.5% to just over 34%; and

Montana went down from about 29.7% to about 27.7%.

Mr. POMBO. Mr. Chairman, reclaiming my time, just to follow up with what the gentleman from Minnesota [Mr. VENTO] said, if that is truly the intent, then the motion to recommit that the gentleman from Texas [Mr. DELAY] is going to present in a few minutes should be agreeable to the gentleman and his colleagues on that side, in that what we really want to do is trade or sell other land and use that money. So there really should be no problem with doing that. Then I believe we should come to some kind of agreement on our side on doing that.

□ 1320

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. POMBO. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, I just want to set the record straight. I do believe in the ecology and a safe environment. And I kind of resent my colleagues from the other side, because I want to stop this expenditure of money or potential expenditure of money, I kind of resent them saying that I am for destroying a large part of our national heritage. That could not be further from the truth.

I just want to make sure that we are not wasting taxpayers' money in the process.

I think in this particular case we may be doing that.

Mr. VENTO. Mr. Chairman, I yield myself 2 minutes.

I appreciate the comments of the gentleman from Indiana concerning his concern about the environment and the area. But notwithstanding that, the gentleman did suggest that this area was not essential to Yellowstone Park.

What I want to point out, and what the gentleman from Montana tried to point out, is there are four key watersheds that are covered by this area that flow into Yellowstone River.

This map, I guess, is not adequate to demonstrate that. But they occur in the southern area here in the Porcupine Area, Eight Mile Creek, Big Creek, and there is an additional one in there, which I cannot see, but what we

are facing here, and what I am trying to point out, is those watersheds flow into there. And if we do not deal with them, they directly flow into Yellowstone Park.

Yes, this is a big park, three times or four times the size of Rhode Island, but that means it is also very important.

This is a key issue. They had the foresight to make this one of our first parks and protect this 2.3, 2.4-million-acre area.

I think that that was great foresight in the 19th century.

What I am asking my colleagues today, with all of our wisdom and knowledge about the environment, is to take additional steps so that we can consolidate land in the Forest Service.

The Forest Service, actually, in managing these lands, faces a lot of expenses.

If we look at this land pattern, it does not take, I do not think, a rocket scientist to realize that it costs a lot more to manage a pattern of land like that that is going to be developed.

We are going to have roads cut through areas on public lands. We have to give access to them, under the rights that we recognize for property owners. And that is really what we are after, is to eliminate this and to trade out a lot of it.

But when we trade it, we cannot force a land owner, a property owner to say, "You must take some land that is in public ownership over here in eastern Montana or in some other part of Montana." Once in a while we are going to have to come back on an equal value basis. We cannot accomplish that. We have to have the cash equalization.

They have the agreements. They are in place. But we are going to have to spend some money. We cannot do it. This thing does not fit. We cannot fit a round peg into a square hole in this instance, and that is what the gentleman, of course, is attempting to do.

So I would hope that we could defeat the motion to recommit and recognize the common sense of this proposal.

Mr. HANSEN. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, I would just like to say that with the vast holdings of the U.S. Government, as far as lands are concerned, it seems to me inconceivable that the Big Sky Lumber Co. or any privately owned corporation that owns land in or around Yellowstone National Park could not find other land that they would like to have in lieu of that land.

In essence what I am saying is, we have got plenty of land. There could be a land transfer. We can get land from any part of the country, if that is required, to replace this land, if this land should not be developed.

But for the taxpayer to spend up to $20 million for additional land at a time when we do not have the resources seems to me irresponsible.

Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. VENTO. Mr. Chairman, I yield 1 minute to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, I thank the gentleman for yielding time to me.

I do not want to see vast increases in Federal holdings of land in the United States, and maybe we ought to just take a minute to look at the facts, rather than listen to the rhetoric.

During the last decade the amount of land that the Federal Government holds has been decreasing, not increasing.

In 1979, the public, the Federal public owned 737 million acres of land. Ten years later, it was not 737 million acres; it was 652 million acres.

One can argue that that is bad or good, but the point is that the other side, at least one gentleman on the other side, would have us believe that the Federal Government was just consuming additional millions of acres of land.

I am not supportive of that. Most Members, I believe, would not be supportive of that. And that, in fact, is not what is happening.

However, there are some parcels of land to which the public deserves access, and it is in the public good to protect it. And that is what we are trying to do here.

Mr. VENTO. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I point out that in that decade that we were recording here, the statistics are available to everyone. That is 75 million acres less in land.

This is not a quantitative gain; it is a qualitative gain, in terms of what those resources are, how they affect special areas like Yellowstone and other areas.

We just want the Forest Service to have the opportunity to manage this.

Incidentally, I might point out that these natural resource land managers actually bring in revenue to the National Government in terms of the work that they do.

I think that that is important to recognize, as well, that these lands are not static. They are very much a key part of production of income and of this Nation.

Mr. HANSEN. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Chairman, I do not want to belabor a point, but it just seems to me that facts are not being thrown out here. They are being twisted.

The reason the Federal lands have been going down in numbers of acres is the Alaska Statehood Act that turned tens of millions of acres back to private ownership and to tribal lands.

It was not that people were giving up Federal lands. It is that Alaska became a State, and that is why the numbers of acres have been decreasing.

The net is an increase. The net is an increase. And besides that fact, the gentleman stated that 60 percent of this Gallatin National Forest is being dealt with through land exchange agreements.

I only know of one agreement that has even been signed. Are all the other agreements signed agreements? The gentleman acts as if it is all a done deal. Are these agreement actually signed agreements and done deals? No, they are not.

So this is not a done deal, and we are exposing the Federal Government to expenditures of millions of dollars in buying these lands.

Mr. VENTO. Mr. Chairman, I yield myself 1 minute.

I want to call the gentleman's attention to the fact that he makes a point in terms of Alaska having an impact in terms of that 75 million acres. But specifically, the public ownership in Montana went down. The public ownership of land in Colorado went down, significantly. The public ownership in Nevada went down by 4 percent. Public ownership in Idaho went down.

So those are the facts that the gentleman has to reconcile with his view, which I understand is, he needs to do his homework in terms of this issue.

The fact is that there are agreements, the Big Sky Lumber Co. There is an option on that land. That is substantially the bulk of what we are talking about in terms of surface ownership. But there are agreements outstanding with regard to Burlington Northern in terms of the severed mineral rights. So that is another signed agreement.

We can go through this. We did go through this in the subcommittee. The committee did a fine job on this. This bill deserves support.

I do not think that there has been a credible reason here offered, other than the fact that the gentleman has got sort of a stubborness in terms of responding that he is going to have it this way and that. The gentleman is entitled to his own opinions. He is not entitled to his own facts.

I would point out to the gentleman that the facts are not supportive of his assumptions.

Mr. ORTON. Mr. Chairman, in this time of a severe budget crisis, the Federal Government simply should not be engaging in the luxury of purchasing 70,000 acres of land for $20 million. This purchase is especially ludicrous in light of the fact that the Forest Service is already overburdened and is unable to care for its existing lands.

I favor true land exchanges. My own State of Utah is facing a similar problem and would benefit greatly from a true land exchange. In a true land exchange, the Federal Government would trade lands to private landowners

in exchange for a transfer of private lands to the Forest Service. That is land exchange, H.R. 873 is not. The DELAY motion would instruct the committee to bring back H.R. 873 with lands acquired through equal value land exchange.

A vast majority of my State is owned by the Federal Government. There are ample Federal lands in my State, in Montana and other States, to offer in true exchange with private landowners. Only through such a true exchange can we achieve the worthy goals of H.R. 873 without spending $20 million, eroding local tax bases, and overburdening our Forest Service.

I urge my colleagues to vote in favor of the motion to recommit.

Mr. HANSEN. Mr. Chairman, I yield back the balance of my time.

Mr. VENTO. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill, shall be considered as an original bill for purpose of amendment and each section is considered as read.

The Clerk will designate section 1.

The text of section 1 is as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Gallatin Range Consolidation and Protection Act of 1993".

The CHAIRMAN. Are there any amendments to section 1?

□ 1330

If not, the Clerk will designate section 2.

Mr. VENTO. Mr. Chairman, I ask unanimous consent that the remainder of the committee amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The text of the remainder of the committee amendment in the nature of a substitute is as follows:

SEC. 2. FINDINGS.

The Congress finds that:

(1) It has been the clear policy of the Federal Government since 1925 to consolidate the checkerboard lands along the Gallatin Range north of Yellowstone National Park.

(2) These lands north of Yellowstone possess outstanding natural characteristics and wildlife habitat which give them high value as lands added to the National Forest System.

(3) Although these lands have historically remained pristine up to now, failure to consolidate at this time will in the near future lead to fragmentation and development.

(4) The Federal Government has already invested a great deal in keeping the land along the Gallatin Range protected from excess development.

SEC. 3. PLUM CREEK LAND EXCHANGE—GALLATIN AREA

(a) IN GENERAL.—The Secretary of Agriculture (hereinafter in this Act referred to as the "Secretary") shall, subject to the provisions of sections 4(a) and 5(a) and notwithstanding any other provision of law, acquire by exchange and cash equalization in the amount of $3,400,000, certain lands and interests in land of the Plum Creek Timber, L.P. (hereinafter in this section referred to as the "company"), in and adjacent to the Hyalit-Porcupine-Buffalo Horn Wilderness Study Area, the Scapegoat Wilderness Area, and other land in the Gallatin National Forest in accordance with this section.

(b) DESCRIPTION OF LANDS.—(1) If the company offers to the United States the fee title, including mineral interests, to approximately 37,752 and 15/100 acres of land owned by the company which is available for exchange to the United States as depicted on a map entitled "Plum Creek Timber and Forest Service Proposed Gallatin Land Exchange", dated May 20, 1988, the Secretary shall accept a warranty deed to such land and, in exchange therefor, and subject to valid existing rights, upon such acceptance the Secretary of the Interior shall convey, subject to valid existing rights, by patent fee title to approximately 12,414 and 6/100 acres of National Forest System lands available for exchange to the company as depicted on such map, subject to—

(A) the reservation of ditches and canals required by the Act entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-one, and for other purposes", approved August 30, 1890 (26 Stat. 391; 43 U.S.C. 945);

(B) the reservation of rights under Federal Oil and Lease numbers 49739, 55610, 40389, 53670, 40215, 33385, 53736, and 38684; and

(C) such other terms, conditions, reservations, and exceptions as may be agreed upon by the Secretary and the company.

(2) On termination or relinquishment of the leases referred to in paragraph (1), all the rights and interests in land granted therein shall immediately vest in the company, its successors and assigns, and the Secretary shall give notice of that event by a document suitable for recording in the county wherein the leased lands are situated.

(c) EASEMENTS.—Reciprocal easements shall be exchanged at closing on the conveyances authorized by this section—

(1) in consideration of the easements conveyed by the company as provided in paragraph (2) of this subsection, the Secretary shall, under authority of the Act of October 13, 1964 (16 U.S.C. 532 et seq.; commonly referred to as the "National Forest Roads and Trails Act"), or the Federal Land Policy and Management Act of 1976, execute and deliver to the company such easements or other rights-of-way authorizations over federally owned lands included in this exchange as may be agreed to by the Secretary and the company in an exchange agreement; and

(2) in consideration of the easements conveyed by the United States as provided in paragraph (1), the company shall execute and deliver to the United States such easements or other rights-of-way authorizations across company-owned lands included in this exchange as may be agreed to by the Secretary and the company in an exchange agreement.

(d) TIMING OF TRANSACTION.—Subject to the provisions of sections 4(a) and 5(a) of this Act, it is the intent of Congress that the conveyances authorized by this section be completed within 90 days after the date of enactment of an Act making the appropriation authorized by subsection (e).

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section the sum of $3,400,000, which amount the Secretary shall, when appropriated, pay to the company to equalize the value of the exchange of land authorized by this section.

(f) QUALITY OF TITLE.—Title to the properties referenced in this section to be offered to the United States by Big Sky Lumber Company, its assignees or successors in interest, shall include both the entire surface and subsurface estates without reservation or exception. The owner shall be required to acquire any outstanding interest in mineral or mineral rights, timber or timber rights, water or water rights, or any other outstanding interest in the property, except reservations by the United States or the State of Montana by patent, in order to assure that title to the property is transferred as described in this section and sections 4, 5, and 6. Title to land to be conveyed to the United States shall be acceptable to the Secretary and shall otherwise be in conformity with title standards for Federal land acquisitions.

(g) REFERENCES.—The reference and authorities of this section referring to Plum Creek Timber Company, L.P., shall also refer to its successors and assigns.

SEC. 4. LAND CONSOLIDATION; PORCUPINE AREA.

(a) IN GENERAL.—The exchange described in section 2 of this Act shall not be consummated by the Secretary until the Secretary or a not-for-profit corporation (hereinafter in this section referred to as the "conservation entity") exempt from Federal taxation under section 501(c)(3) of the Internal Revenue Code of 1986 acting for later dispositions to the United States, shall have acquired, by purchase or option to acquire, or exchange, all of the Porcupine property for its fair market value, determined at the time of acquisition in accordance with appraisal standards acceptable to the Secretary by an appraiser acceptable to the Secretary and the owner. And further that, if said acquisition or option to acquire has been consummated by a conservation entity, said entity shall have notified the Secretary that the quality of title in fact secured meets applicable Forest Service standards with respect to surface and subsurface estates or is otherwise acceptable to the Secretary.

(b) AUTHORIZATION OF ACQUISITION.—The Secretary is authorized and directed to acquire by purchase or exchange the lands and interests therein as depicted on a map entitled "Porcupine Area", dated September, 1992.

(c) LAND ACQUISITION AUTHORITIES.—Acquisitions pursuant to this section shall be under existing authorities available to the Secretary.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out the purposes of this section. Funds necessary for land acquisition are authorized to be appropriated from the Land and Water Conservation Fund.

(e) REFERENCES.—The reference and authorities of this section referring to the owner shall mean the Big Sky Lumber Company, and its successors and assigns.

SEC. 5. LAND CONSOLIDATION—TAYLOR FORK AREA.

(a) IN GENERAL.—The exchange described in section 3 of this Act shall not be consummated by the Secretary until the Secretary or a not-for-profit corporation (hereinafter in this section referred to as the "conservation entity") exempt from Federal taxation under section 501(c)(3) of the Inter-

nal Revenue Code of 1986 acting for later disposition to the United States, shall have acquired, by purchase or option to acquire, or exchange, all of the Taylor Fork property for its fair market value, determined at the time of acquisition in accordance with appraisal standards acceptable to the Secretary by an appraiser acceptable to the Secretary and the owner. And further that, if said acquisition or option to acquire has been consummated by a conservation entity, said entity shall have notified the Secretary that the quality of title in fact secured meets applicable Forest Service standards with respect to surface and subsurface estates or is otherwise acceptable to the Secretary.

(b) AUTHORIZATION FOR ACQUISITION.—The Secretary is authorized and directed to acquire by purchase or exchange the lands and interests therein as depicted on a map entitled "Taylor Fork Area", dated September, 1992.

(c) LAND ACQUISITION AUTHORITIES.—Acquisition pursuant to this section shall be under existing authorities available to the Secretary, except that notwithstanding any other provision of law, exchanges authorized in this section shall not be restricted within the same State.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out the purposes of this section. Funds necessary for land acquisition are authorized to be appropriated from the Land and Water Conservation Fund.

(e) REFERENCES.—The reference and authorities of this section referring to the owner shall mean the Big Sky Lumber Company, and its successors and assigns.

(f) REPORTS TO CONGRESS.—For a period of 2 years from the date of enactment of this Act, the Secretary shall report annually to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, on the status of the negotiations with the company or its successors in interest to effect the land consolidation authorized by this section.

SEC. 6. LAND CONSOLIDATION—GALLATIN AREA.

(a) IN GENERAL.—It is the policy of the Congress that the Secretary shall attempt to acquire by purchase or exchange all lands within what is generally known as the Gallatin Range owned by Big Sky Lumber Company, its assignees or successors in interest, not otherwise acquired, purchased, or exchanged pursuant to sections 3 and 4 of this Act.

(b) AUTHORIZATION FOR ACQUISITION.—The Secretary is authorized and directed to acquire by purchase or exchange the lands and interests therein as depicted on a map entitled "Gallatin Area", dated September 1992.

(c) LAND ACQUISITION AUTHORITIES.—Acquisitions pursuant to this section shall be under existing authorities available to the Secretary, except that notwithstanding any other law, exchanges authorized in this section shall not be restricted within the same State.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out the purposes of this section. Funds necessary for land acquisition are authorized to be appropriated from the Land and Water Conservation Fund.

(e) QUALITY OF TITLE.—The quality of title to the properties references in this section in fact secured shall meet applicable Forest Service standards with respect to surface and subsurface estates or shall otherwise be acceptable to the Forest Service.

(f) REFERENCES.—The references and authorities of this section referring to the Big Sky Lumber Company, shall also refer to its successors and assigns.

(g) REPORTS TO CONGRESS.—For a period of 3 years from the date of enactment of this Act, the Secretary shall report annually to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate on the status of the negotiations with the company or its successors in interest to effect the land consolidation authorized by this section.

SEC. 7. SEVERED MINERALS EXCHANGE.

(a) FINDINGS.—The Congress finds that—

(1) underlying certain areas in Montana described in subsection (b) are mineral rights owned by subsidiaries of Burlington Resources, Incorporated, its successors and assigns (referred to in this section as the "company");

(2) there are federally-owned minerals underlying lands of the company lying outside those areas;

(3) the company has agreed in principle with the Department of Agriculture to an exchange of mineral rights to consolidate surface and subsurface ownerships and to avoid potential conflicts with the surface management of such areas; and

(4) it is desirable that an exchange be completed within 2 years after the date of enactment of this Act.

(b) DESCRIPTION OF MINERAL INTERESTS.—(1) Pursuant to an exchange agreement between the Secretary and the company, the Secretary may acquire mineral interests owned by the company or an affiliate of the company thereof underlying surface lands owned by the United States located in the areas depicted on the maps entitled "Severed Minerals Exchange, Clearwater-Monture Area", dated September 1988 and "Severed Minerals Exchanges, Gallatin Area", dated September 1988, or in fractional sections adjacent to those areas.

(2) In exchange for the minerals interests conveyed to the Secretary pursuant to paragraph (1), the Secretary of the Interior shall convey, subject to valid existing rights, such federally owned mineral interests as the Secretary and the company may agree upon.

(c) EQUAL VALUE.—(1) The value of mineral interests exchanged pursuant to this section shall be approximately equal based on available information.

(2) To ensure that the wilderness or other natural values of the areas are not affected, a formal appraisal based upon drilling or other surface disturbing activities shall not be required for any mineral interest proposed for exchange, but the Secretary and the company shall fully share all available information on the quality and quantity of mineral interests proposed for exchange.

(3) In the absence of adequate information regarding values of minerals proposed for exchange, the Secretary and the company may agree to an exchange on the basis of mineral interests of similar development potential, geologic character, and similar factors.

(d) IDENTIFICATION OF FEDERALLY OWNED MINERAL INTERESTS.—(1) Subject to paragraph (2), mineral interests conveyed by the United States pursuant to this section shall underlie lands the surface of which are owned by the company.

(2) If there are not sufficient federally owned mineral interests of approximately equal value underlying lands, the Secretary and the Secretary of the Interior may identify for exchange any other federally owned mineral interest in land in the State of Montana of which the surface estate is in private ownership.

(e) CONSULTATION WITH THE DEPARTMENT OF THE INTERIOR.—(1) The Secretary shall consult with the Secretary of the Interior in the negotiation of the exchange agreement authorized by subsection (b), particularly with respect to the inclusion in such an agreement of a provision calling for the exchange of federally owned mineral interests lying outside the boundaries of units of the National Forest System.

(2) Notwithstanding any other law, the Secretary of the Interior shall convey the federally owned mineral interests identified in a final exchange agreement between the Secretary of Agriculture and the company and its affiliates.

(f) DEFINITION.—For purposes of this section, the term "mineral interests" includes all locatable and leasable minerals, including oil and gas, geothermal resources, and all other subsurface rights.

SEC. 8. GENERAL PROVISIONS.

(a) MAPS.—The maps referred to in sections 3, 4, 5, 6 and 7 are subject to such minor corrections as may be agreed upon by the Secretary and the company. The Secretary shall notify the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives of any corrections made pursuant to the subsection. The maps shall be on file and available for public inspection in the office of Chief, Forest Service, United States Department of Agriculture.

(b) TITLE OF LANDS CONVEYED TO THE UNITED STATES.—the rights, title and interests to any lands conveyed to the United States in furtherance of section 4 in the Porcupine Area, section 5 in the Taylor Fork Area, and section 6 in the Gallatin Area shall, at a minimum, consist of the surface estate and all the subsurface rights except that the Secretary may accept title subject to outstanding or reserved oil and gas and geothermal rights, except that there shall be no surface occupancy permitted on such Federal lands for any access to reserved or outstanding rights or any exploration or development thereof. Notwithstanding any provision of State law, section 1323(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3210(a)), or similar law pertaining to access over federally owned land, no portion of lands acquired by the United States in furtherance of this Act shall be available for access to, or exploration or development of, any reserved or outstanding oil, gas, geothermal or other non-Federal property interest.

(c) NATIONAL FOREST LANDS.—All lands conveyed to the United States in furtherance of this Act shall be added to and administered as part of the National Forest system lands by the Secretary in accordance with the laws and regulations pertaining to the National Forest System. Until Congress determines otherwise, lands acquired within the Hyalite-Porcupine-Buffalo Horn Wilderness Study Area shall be managed so as to maintain the present wilderness character and potential for inclusion in the National Wilderness Preservation System in accordance with Public Law 95–150. Other lands acquired shall be subject to the Gallatin National Forest planning process under the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1601 et seq.).

The CHAIRMAN. Are there any amendments?

If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose, and the Speaker pro tempore (Mr. MONTGOMERY) having assumed the chair, Mr. SKAGGS, chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 873) entitled the "Gallatin Range Consolidation and Protection Act of 1993," pursuant to House Resolution 173, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. DELAY

Mr. DELAY. Mr. Speaker, I offer a motion to recommit with instructions.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. DELAY. I am opposed to the bill in its present form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. DELAY moves to recommit the bill H.R. 873 to the Committee on Natural Resources with instructions to reconsider the same and to report back promptly.

The SPEAKER pro tempore. The gentleman from Texas [Mr. DELAY] is recognized for 5 minutes in support of his motion to recommit.

Mr. DELAY. Mr. Speaker, I find myself in substantial agreement with the legislative intent for H.R. 873 of the gentleman from Montana [Mr. WILLIAMS] believe it or not, which is to consolidate the present unworkable checkerboard land ownership pattern in the Gallatin National Forest. It certainly makes sense to try to make the management of land easier and more cost efficient.

However, I believe this bill can be improved even further. Currently H.R. 873 allows for the Federal acquisition of land owned by Big Sky Lumber through purchases or exchange. I am offering a motion to recommit this bill with instructions requiring that the lands in this bill be acquired only through equal value land exchanges, both saving taxpayers money and preserving scarce Federal land management resources.

H.R. 873 would add 70,000 acres of tax generating private property to Federal ownership under the Forest Service at a time when resources are already scarce for existing Federal lands. Furthermore, acquiring more land is harmful to local economies, which lose tax revenue as a result. It is also fiscally irresponsible at this time when we are trying to cut costs and reduce our debt. The Federal Government already owns and manages 30 percent of the land in the United States, and over 60 percent of the land in the 13 western States. We do not need nor can we afford, more land.

The Congressional Budget Office estimates that purchase of these lands would cost a minimum of $12 million and up to $20 million in the next 5 years. CBO states that acquisition costs could be even higher since some of the land has yet to be appraised.

The proposed fiscal year 1994 budget for land acquisition is almost $64 million. The cost of acquiring the land authorized by H.R. 873 would exhaust one-third of the U.S. Forest Service's entire land acquisition budget at once. Mr. Speaker, I don't think this is wise.

Three years ago—so you can imagine how much it's worth now—land managers for the nine Forest Service regions identified $1 billion worth of private property adjacent to national forests that was considered to be threatened by development, giving it high priority status to be acquired by the Forest Service. How are we supposed to give so-called "high priority lands" the attention they require if we continue to purchase lands that are not absolutely necessary?

I realize that H.R. 873 already allows for the acquisition of this land through exchange. However, everyone knows that unless it is required, it will not happen because it is much easier just to shell out the money and buy the land.

This is a win-win situation—for the taxpayers, the environment, and the cherished institution of private property.

I would also like to point out that I have received letters of support for this motion to recommit from several large grassroots organizations for fiscal responsibility, including the National Taxpayers' Union, Americans for a Balanced Budget, and Americans for tax reform.

In sum, by acquiring this land through equal value land exchanges: First, consolidation of the Gallatin Range lands will take place for greater efficiency and their proper protection; second, there will be virtually no cost to the taxpayer; and third, no Federal land will be added to the current backlog.

How can we lose?

I urge my colleagues to vote for this motion to recommit with instructions.

Let me just say, Mr. Speaker, I think it is unfortunate that when the facts are not on one's side and one wants to oppose a motion, avoiding the issue, that the intentions of Members are impugned. It just seems to me that this is a win-win situation where we are exchanging land instead of buying the land. I think that is the most cost-efficient way to go.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The gentleman from Minnesota [Mr. VENTO] is recognized for 5 minutes.

Mr. VENTO. Mr. Speaker, I rise in opposition to the motion to recommit, in strong opposition.

Mr. Speaker, there is no need for the Natural Resources Committee to revisit this legislation. The committee has been working on this proposal for 6 years and has reported it out of committee twice before, once in the 100th Congress and again in the 102d Congress as part of more comprehensive Montana land policy proposals. The language has been analyzed and debated thoroughly. In this instance recommitting this bill would be without rhyme or reason but would cause a needless delay which would jeopardize the agreement with Big Sky Lumber, the affected private landowner. The option to purchase some of these lands expires in June. In reality, delay could be fatal to this measure and seal the fate of this key land acquisition. Frankly we should not restrict the Forest Service's authority to purchase lands in general and specifically not in this instance. The Forest Service has such authority now without this legislation and we should not take away its flexibility to acquire environmentally sensitive lands by whatever means—exchange or purchase is most appropriate for the given circumstance. We have a $900 million Land and Water Conservation Fund [LWCF] for the purpose of purchasing such lands and property rights. Acquiring such ecologically sensitive lands as occur in the Gallatin Range is exactly why Congress established the LWCF.

Furthermore, we anticipate that most of the lands will be acquired through exchange rather than purchase. However, acre for acre land exchanges are nearly impossible to achieve and the Forest Service needs the ability to make cash equalization payments, necessary in order to balance values, as well as to acquire important lands for which an exchange is not feasible. We can not and should not dictate to property owners what they must do. Some prefer payment in cash not different tracts of land. Congress doesn't dictate to property owners rather we are responding to reality of the market place and the seller options.

Mr. Speaker, this motion is plainly an effort to delay and therefore undermine the land exchanges authorized by the bill, and in the end junking 6 years

of intense effort to consolidate national forest lands, a 70-year goal affecting the Yellowstone ecosystem. I strongly urge the House to reject this effort and defeat the motion to recommit.

Mr. Speaker, I yield the balance of my time to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, I cannot impress upon the Members enough about the importance of the moment. We are facing a land disaster just north of Yellowstone Park unless we can consummate a trade that has taken 14 years of intense work and 7 years of consideration to consummate. We either pass this bill through the House and Senate and have it signed into law by late spring, or the bulldozers will start, the land will be roaded, the land will be harvested, including clearcuts, the land will be developed and lost forever as a pristine area north of Yellowstone Park, lost forever as a critical migratory route for some of the Nation's great large land animals, lost forever as a headwaters and a great fishery for some of this Nation's most pristine waterways: streams, creeks, and rivers.

The House is now at a moment where we are about to culminate in this body 7 years of negotiations and work. The private sector is at the table, including timber companies and real estate developers. Local merchants want this done. The Federal Government wants it done. I urge this House to vote no on the motion to recommit and yes on this legislation.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. DELAY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 128, nays 287, not voting 17, as follows:

[Roll No. 174]

YEAS—128

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Coble
Collins (GA)
Combest
Cox
Crane
Cunningham
DeLay
Diaz-Balart
Doolittle
Dornan
Dreier
Duncan
Dunn
Everett
Ewing
Fawell
Fields (TX)
Fowler
Franks (NJ)
Gallegly
Gekas
Goodlatte
Goodling
Goss
Grams
Hancock
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson, Sam
Kasich
Kim
King
Kingston
Knollenberg
Kyl
Lazio
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Manzullo
McCandless
McCrery
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Moorhead
Nussle
Orton
Oxley
Packard
Paxon
Pombo
Pryce (OH)
Quillen
Quinn
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Santorum
Saxton
Schaefer
Sensenbrenner
Shaw
Shuster
Smith (MI)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Vucanovich
Walker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—287

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barcia
Barlow
Barrett (WI)
Bellenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Blute
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dickey
Dicks
Dingell
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallo
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Gordon
Grandy
Green
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hansen
Harman
Hastert
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hunter
Hutto
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Klug
Kolbe
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCollum
McCurdy
McDade
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pomeroy
Porter
Portman
Poshard
Price (NC)
Rahall
Ramstad
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sangmeister
Sarpalius
Sawyer
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shays
Shepherd
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Snowe
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Tanner
Tauzin
Taylor (MS)
Tejeda
Thornton
Thurman
Torkildsen
Torres
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Walsh
Washington
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—17

Becerra
Crapo
de la Garza
Dixon
English (OK)
Furse
Gutierrez
Henry
Leach
Livingston
Menendez
Rangel
Sanders
Synar
Thompson
Torricelli
Waters

□ 1400

The Clerk announced the following pair:

On this vote:

Mr. Crapo for, with Mr. Rangel against.

Mr. WHEAT and Mr. RIDGE changed their vote from "yea" to "nay."

Ms. DUNN and Mr. DORNAN changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. VENTO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 317, nays 101, not voting 14, as follows:

[Roll No. 175]

YEAS—317

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Bacchus (FL)
Baesler
Barcia
Barlow
Barrett (WI)
Bateman
Becerra
Bellenson
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Blute
Boehlert
Bonior
Borski
Boucher
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Canady
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer

Cunningham
Danner
Darden
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dooley
Dornan
Dreier
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Frost
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Gordon
Grandy
Green
Greenwood
Gunderson
Hall (OH)
Hamburg
Hamilton
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoke
Holden
Horn
Hoyer
Huffington
Hughes
Hunter
Hutto
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kingston
Kleczka
Klein
Klink
Klug
Kolbe
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Meyers
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Owens
Packard
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Rahall
Ramstad
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (IA)
Smith (NJ)
Smith (TX)
Snowe
Spence
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Talent
Tanner
Tauzin
Taylor (MS)
Tejeda
Thomas (WY)
Thornton
Thurman
Torkildsen
Torres
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Young (AK)
Zimmer

NAYS—101

Allard
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bentley
Bliley
Boehner
Bonilla
Brewster
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Castle
Coble
Collins (GA)
Combest
Condit
Crane
DeLay
Diaz-Balart
Dickey
Doolittle
Duncan
Dunn
Everett
Ewing
Fawell
Fields (TX)
Franks (NJ)
Gallegly
Goodlatte
Goodling
Goss
Grams
Hall (TX)
Hancock
Herger
Hoekstra
Houghton
Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson, Sam
Kasich
Kim
King
Knollenberg
Kyl
Lazio
Levy
Lewis (FL)
Lightfoot
Linder
Manzullo
McCandless
McHugh
McInnis
McKeon
McMillan
Mica
Michel
Miller (FL)
Moorhead
Nussle
Orton
Oxley
Paxon
Penny
Pombo
Quillen
Quinn
Rogers
Rohrabacher
Royce
Schaefer
Sensenbrenner
Slattery
Smith (MI)
Smith (OR)
Solomon
Stearns
Stenholm
Stump
Sundquist
Taylor (NC)
Thomas (CA)
Vucanovich
Walker
Wolf
Young (FL)
Zeliff

NOT VOTING—14

Crapo
de la Garza
Dixon
English (OK)
Furse
Gutierrez
Henry
Leach
Livingston
Menendez
Rangel
Synar
Thompson
Torricelli

□ 1410

The Clerk announced the following pair:

On this vote:

Mr. Rangel for; with Mr. Crapo against.

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to provide for the consolidation and protection of the Gallatin Range.".

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 873, the bill just passed.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from Minnesota?

There was no objection.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT AND AGAINST CONSIDERATION OF CONFERENCE REPORT ON S. 1, NATIONAL INSTITUTES OF HEALTH REVITALIZATION ACT OF 1993

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103-101) on the resolution (H. Res. 179) waiving points of order against the conference report to accompany the bill (S. 1) to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purposes, and against consideration of such conference report which was referred to the House Calendar and ordered to be printed.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I have asked for this time to inquire of the distinguished majority leader the program for next week.

Mr. Speaker, I yield to the gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman for yielding to me.

Obviously, business is finished for today. There will not be votes tomorrow.

On Monday, May 24, the House will meet at 3 p.m. to take up four bills on suspensions. The votes I would estimate would begin about 4 o'clock in the afternoon.

The bills are as follows:

1. H.R. 996—Veterans' Education Outreach Program.
2. H.R. 1723—CIA Voluntary Separation Pay Act.
3. H.R. 1779—to Designate the Jerry L. Litton Post Office Building.
4. H.R. 588—to Designate the Abe Murdock Post Office Building.

H.R. 1159—Passenger Vessel Safety Act (rule and general debate only).

□ 1420

On Tuesday, May 25; Wednesday, May 26; Thursday, May 27, and possibly Friday, the House will meet at noon on Tuesday, meet at 10 a.m. on Wednesday and Thursday, to take up Senate Joint Resolution 45 to authorize U.S. Forces in Somalia; S. 1, NIH Revitalization Act of 1993, conference report subject to a rule; H.R. 1159, the Passenger Vessel Safety Act, complete consideration; H.R. 2118, the fiscal year 1993 General Supplemental Appropriations, and then a House Resolution on the Second Supplemental Appropriations Bill/Preinvestment Program, subject to a rule, and the Omnibus Budget Reconciliation Act of 1993, again subject to a rule.

We do not necessarily anticipate votes on Friday, but one never knows in this kind of a week whether or not there will be votes on Friday, but we hope there will not be.

Mr. MICHEL. Might I inquire if there is going to be any attempt to marry up those two appropriation bills, or will they be definitely considered separately, the real legitimate supplemental, and then, as I understand it, there is some move afoot to do something with respect to jobs as a result of the earlier measure going down. But is there any effort to put those two together? Will they just be each standing on their own?

Mr. GEPHARDT. I am not entirely sure, first of all, as to whether or not the second bill can be put together and what will be in it in terms of ways to pay for the spending parts of the bill, and I am not certain at this point whether or not it will be one bill. At this point the plan is to have two bills.

Mr. MICHEL. And if the gentleman says the reconciliation measure will come up subject to a rule, is there any indication at all that that rule will be anything other than a closed rule on reconciliation?

Mr. GEPHARDT. I think we can assume that it may not be as open as the rule was on the competitiveness bill. But what it will be I am not sure at this point. I am certain that the minority will be afforded the ability, at the minimum, to have an alternative proposal to reconciliation, if there is a desire to do that.

Mr. MICHEL. Might I inquire that, if there were real trouble on that particular rule, would there be more inclination to reconsider that again after we came back from our Memorial Day recess as distinguished from running into Friday? Is there any sense on that?

As the gentleman knows, at one time, I think in my conversations informally with the gentleman, and the Speaker and the chairman of the Committee on Ways and Means, they definitely wanted to have reconciliation out before we broke for the recess, and I guess that is what I am asking. Is that an absolute imperative?

Mr. GEPHARDT. It is our intense desire to get this bill finished before the Memorial Day break, and we hope to be able to complete it by the end of business on Thursday. But obviously, if for some reason we cannot get it done on Thursday, but could get it done on Friday, we will want to stay Friday and do that.

Mr. MICHEL. Mr. Speaker, I thank the gentleman from Missouri [Mr. GEPHARDT].

Mr. GINGRICH. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Georgia.

Mr. GINGRICH. Mr. Speaker, I thank the gentleman from Illinois [Mr. MICHEL], the minority leader, for yielding to me. I want to ask the distinguished majority leader something.

I noticed a couple of hours ago that Senators BOREN and DANFORTH apparently introduced, or proposed, a new budget bill, which seems to have the majority on the Senate Finance Committee, which would eliminate the energy tax, eliminate the increase in inland waterways fuel tax, eliminate the retroactivity back to January 1 on the income taxes, and index capital gains, and I was curious whether there would be a rule which would specifically permit an amendment on four items: the energy tax, the senior citizens tax, retroactivity and the restaurant tax increase.

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The reason I ask that is the majority leader knows it is possible to design the rule in such a way that, while we have the appearance of being allowed to offer an alternative, the effect of the rule is to block us. We would far prefer, for example, to have a simple, clean, honest amendment on the energy tax or a simple, clean, direct amendment on the senior citizens tax, and I wonder if the majority leader might have any thoughts on whether something like the Boren-Danforth elimination of the energy tax which might occur in the other body creates the opportunity for us to eliminate it here first rather than allowing them to get all the credit.

Mr. GEPHARDT. Mr. Speaker, if the gentleman would yield, we obviously will consider seriously any proposal that the minority or others want to make with regard to the rule.

I also noted that the Boren-Danforth amendment cut out Social Security COLA's, and obviously some may want to bring that up as well as a result of wanting to have a full alternative in front of the Members. But we will certainly entertain all serious suggestions and try to construct a rule that fairly presents alternatives.

Mr. MICHEL. Mr. Speaker, before yielding one more time to the distinguished gentleman from Georgia [Mr. GINGRICH], am I not correct that testimony would be take before the Committee on Rules then on Wednesday on the rule for reconciliation?

Mr. GEPHARDT. We have not definitely scheduled it, but the idea at this point is to have that on Wednesday.

Mr. MICHEL. I thank the gentleman from Missouri [Mr. GEPHARDT].

Mr. GINGRICH. Mr. Speaker, I just want to make one other observation which the majority leader made and I am yet to be aware of. Apparently about an hour ago the Committee on Government Operations rose without considering how to write the so-called trust funding legislation the President suggested. There is a rumor on the floor that the rule might become self-enacting in such a way that the Members would never actually have seen, no committee would have looked at this very complicated and new idea of a trust fund, and I would hope that we would have some freestanding opportunity, either in the Committee on Government Operations or, if necessary, on the floor, but that we would not be faced with a self-enacting rule on an idea which no Members would have yet have heard about, and I do not know if the majority leader might be able to reassure us of that or not.

Mr. GEPHARDT. I am aware that the committee rose.

As the gentleman knows, the Committee on Rules also has jurisdiction over budget procedure. I am sure that, if it is brought up, it will be considered there, and we will try to have appropriate consideration of it on the floor.

Mr. GINGRICH. Mr. Speaker, I thank the gentleman from Missouri [Mr. GEPHARDT].

Mr. MICHEL. Mr. Speaker, I thank the distinguished majority leader.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday Rule be dispensed with on Wednesday next.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from Missouri?

There was no objection.

HOUR OF MEETING ON MONDAY, MAY 24, 1993

Mr. GEPHARDT. Mr. speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 3 p.m. on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. RES. 19, H. RES. 20, H. RES. 23 AND H. RES. 30

Mr. MEEHAN. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor from the following resolutions: H. Res. 19, H. Res. 20, H. Res. 23 and H. Res. 30.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

VACATION OF SPECIAL ORDER AND REINSTATEMENT OF SPECIAL ORDER

Mr. PASTOR. Mr. Speaker, I ask unanimous consent to change the 60-minute special order on May 20, 1993, for the gentleman from Florida [Mr. BACCHUS] to a 5-minute special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

CUTS IN THE MILITARY AND MISUSE OF HOUSE LEGAL COUNSEL

(Mr. DORNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN. Mr. Speaker, a little arithmetic about my good colleague from flyover middle heartland America [Mr. SLATTERY], all the cuts the gentleman talked about a few moments

ago, if you add them up it comes to $165.6 billion. That is about half of next year's and the next year's deficit. I did a little arithmetic. Almost 70 percent is gutting the U.S. military, what our colleague from Rhode Island [Mr. MACHTLEY] was talking about.

Mr. Speaker, I do not mean to be like Mort Sahl here, but in this morning's paper, the Washington Times, the Inside the Beltway section, is a letter to you, Mr. Speaker, by me. It is called "Hillary Hill." That is their title.

It appears that at least one member of our House legislative counsel staff is neglecting his duties while working instead for Hillary Rodham Clinton.

It says in a letter sent by BOB DORNAN to House Speaker TOM FOLEY:

I point out over the last few weeks that we haven't had our own legislative counsel work done in a timely manner. Who is paying for these people? Did this ever happen during the Bush-Reagan years? Are there any other people secunded to the Executive Branch at our expense?

I submit for the RECORD, Mr. Speaker, the entire Washington Times news background column.

I also submit for the RECORD another key health care column by David Gergen on Clinton's runaway pro-abortion plans for America.

HILLARY HILL

It appears at least one member of the House Legislative Counsel's staff is neglecting his duties while working instead for Hillary Rodham Clinton.

In a letter sent yesterday to House Speaker Thomas S. Foley, Rep. Bob Dornan, California Republican, points out that over the last few weeks, many members of the House, Republicans and Democrats alike, have been working with the Legislative Counsel's Office to draft health care bills in anticipation of Mrs. Clinton's Health Care Task Force Report. And many of the congressmen, he complains, are encountering "excessive delays" in drafting their bills.

"I noticed that, unlike past experience, the office was not working in a very timely manner," Mr. Dornan told Mr. Foley. "Our further inquiry, I was told that at least one of the senior staff members (who is responsible for health care and immigration legislation) was working for the Clintons' Health Care Task Force.

"While I understand the enthusiasm that many members of the House feel for the new administration, I don't think that it is appropriate for staff members * * * to be working for the administration."

Mr. Dornan told Mr. Foley he would like to know how many House staffers are currently working for the executive branch, who authorized the work, how many hours a week they are working for Mrs. Clinton, whether they are being paid with House funds while working for the administration, whether any staffers in the past conducted work for either the Reagan or Bush administrations, and what action is being taken to correct the situation and discipline those responsible.

[From the U.S. News & World Report, April 19, 1993]

CLINTON'S ABORTION PROBLEM

(By David Gergen)

As candidate, Bill Clinton repeatedly promised that if he was elected, abortions in the United States would be "safe and legal but rare." As president, he seems intent on keeping the first two thirds of that promise. He is in serious danger, however, of breaking the last third.

In the past few weeks, the administration has announced it will work with Congress to lift the ban on federal funding of abortions under Medicaid. It has said health insurance policies for federal workers will henceforth cover abortion. And Health and Human Services Secretary Donna Shalala has suggested that health system reform should include universal insurance coverage for abortion. Apparently abortion is to be treated as a routine medical procedure easily available to all—no questions, no costs, no issues of morality or personal responsibility. This will make abortions "rare"?

In its eagerness to please the absolutists of its own party and defeat those on the other side, the administration threatens to ride roughshod over the sensibilities of most Americans struggling somewhere in between. Polls in recent years have shown that a majority have slowly reached an uneasy consensus on abortion: They don't like it, but they are willing to accept it—grudgingly. Three quarters have told Gallup pollsters, for example, that they disapprove of abortion; a third consider it murder, but most also think it should be legal.

Where most Americans have drawn the line is on paying for other people's abortions, especially abortions on demand. In an ABC-Washington Post survey last year 69 percent of those polled said the federal government should not pay "for an abortion for any woman who wants it and cannot afford to pay." Strikingly, a 1992 survey for Reader's Digest by Richard Wirthlin found that poorer Americans are the most opposed to federal funding: Among those earning less than $15,000 a year, opposition ran 63 to 32 percent against funding, while those making over $60,000 favored it by 57 to 41 percent! Is Clinton listening to the people he wants to help?

The Hyde Amendment barring federal funds for most abortions first became effective in 1977 with the support of a president whose commitment to human rights is beyond question. Jimmy Carter (Like this writer) was pro-choice but had deep reservations about the government financing abortions. He thought the government should stay out of a woman's decision, not blocking her but not encouraging her, either. By paying, the government sends the wrong moral message.

There is a real possibility that if Clinton prevails, the number of abortions will soar again. The Alan Guttmacher Institute records that in 1972, a year before the Supreme Court issued the Roe v. Wade decision and Washington began to pay for abortions, only 12.9 percent of pregnancies in America ended in abortion. By 1976, that percentage had doubled to 23.1. The federal government by then was paying for a third of all abortions. Since the Hyde amendment took effect, the percentage of abortions has stabilized at roughly 25 percent of pregnancies.

Those who want to reverse course say the Hyde Amendment makes abortion unavailable to poor women. That is not really true: Guttmacher finds that poor woman are three times more likely to have an abortion than are others. Yet, the question of fairness is pertinent and indeed makes the issue so horribly difficult. There is no doubt that many poor women, especially unwed pregnant teenagers, carry burdens that are intolerably heavy. But in moving to help them, as we must, we must also act wisely.

Far better than opening the floodgates to universal abortion on demand, funded by taxpayers, we should work to ensure that every child who comes into the world is wanted and has a decent chance in life. We should start by taking more aggressive action to prevent undesired pregnancies. Sweden has embraced strong sex education and birth control programs, for example, and has seen its abortion rate decline sharply. Wrongheadedly, America under the past two administrations slashed federal funds for contraceptive services. In addition—and here Clinton deserves credit for moving in the right direction—the country should provide stronger medical and child support for women who bring children to term. What we need, then, are policies that show compassion toward women as well as a high ethical regard toward unborn children. We stand in danger of having neither.

□ 1430

The SPEAKER pro tempore (Miss COLLINS of Michigan). Under a previous order of the House, the gentleman from Maryland [Mr. BARTLETT] is recognized for 5 minutes.

[Mr. BARTLETT of Maryland addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois [Mrs. COLLINS] is recognized for 5 minutes.

[Mrs. COLLINS of Illinois addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

HIGHWAY CONSTRUCTION PRIVATE INVESTMENT ACT OF 1993

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. KIM] is recognized for 5 minutes.

Mr. KIM. Mr. Speaker, today I introduced the Highway Construction Private Investment Act of 1993. The goal of this legislation is to encourage private investment in public infrastructure improvements. The result of this innovative legislation will be more roads and bridges for America without costing the taxpayer one penny more.

I believe the time has come for this innovative approach to create more jobs without tax increases. First, public works projects have traditionally been financed only by the Government. But these projects truly are capital investment, so why not allow private investment opportunities?

The private sector is always looking for a sound investment. Public projects, such as new highways, bridges, and tunnels with a guaranteed rate of return will attract these private sector investments.

Second, the public sector is always looking for more projects. While this year alone the Federal Government has

authorized more than $26 billion for roadway construction, there are simply more needs than available funds. This private-public partnership I am proposing today addresses both needs. It is a win-win situation.

Third, investment in infrastructure is the most cost-effective economic stimulus. It creates thousands of quality jobs and improves the lives of every American.

Without modern transportation systems, we will be less competitive in international markets. Through improved competitiveness and economic growth, investment in infrastructure can help create millions of jobs and restore genuine prosperity to many American families. Clearly this is a worthwhile initiative.

Essentially my bill shall encourage the State highway departments to attract private investment for up to 25 percent of their projects. That means that citizens of States actually get up to 125 percent of their roadbuilding needs satisfied.

These privately funded projects would actually be owned and maintained for a mutually agreed to amount of time by the private investors. Tolls and other revenue generators would be allowed to provide the necessary return of their investment.

I believe many in the private sector would see this as a golden investment opportunity. Unlike worthless junk bonds or stock that may lose value in a matter of minutes, transportation infrastructure is truly a solid investment with guaranteed returns. It is a safe place to invest pension funds, private savings, and the like.

The public directly benefits, too. Capital invested in junk bonds, foreign currency, gold, and even ordinary savings accounts, provides far less economic stimulus and real job creation than investment in infrastructure.

Mr. Speaker, I hope that the American public, in learning about this cost-effective job-creating legislation which I introduced today, will contact their own Congressmen, urging cosponsorship of my bill. This highway construction private investment bill proves that real jobs, real economic stimulus, and maximum infrastructure development, can happen without more taxes spent.

If we are creative and use business common sense, just as my bill does, we can accomplish much needed infrastructure without costing our taxpayer one penny more.

This is the kind of change the American public wants to see in Congress, new ideas that provide great benefit without new cost. While my bill targets only certain transportation projects, I believe it can serve as a positive model for private-public partnerships in many other traditionally Government-only programs.

Mr. Speaker, I strongly believe that the more we run Government like a business, the greater the chance we have of eliminating the deficit and balancing the budget without new tax increases. I envision this legislation as an important first step in this direction. It is a refreshing, much needed change.

CONGRESSIONAL MANUFACTURING TASK FORCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. MEEHAN] is recognized for 5 minutes.

Mr. MEEHAN. Madam Speaker, this week I joined with the gentleman from New Jersey [Mr. FRANKS], a Republican freshman, to form a manufacturing task force for the Congress of the United States to deal with the problems of manufacturing that have plagued the Midwest and Northeast sections of this country.

In Massachusetts in the late eighties we have lost 230,000 manufacturing jobs. The time has come to develop a policy within the Congress, within the Senate and the House, and within the Government in Washington, to have a policy that makes sense with regard to manufacturing.

It does not make much sense if by the year 2000 25 percent of the dollars that we spend in the Federal Government will go to interest on the national debt. We have seen our manufacturing base erode. In 1970 26 percent of the jobs in the United States were manufacturing. Today that figure is 17 percent, while the Germans and the Japanese have been dominating. Thirty-three percent of the companies in Japan are manufacturing companies and 30 percent of the companies in Germany are manufacturing companies.

Madam Speaker, as a new Member of Congress, I think it is time to put aside partisan politics and work to solve some of the difficult problems that we face. We will look at issues such as the tax structure and the implications of a tax cut, a capital gains tax cut, targeted toward long-term investment, investment tax credits for small companies, and, finally, a policy to encourage savings.

Eighty percent of a company's capital comes from the savings that company is able to generate. We do not have to look very far but look at the inability of the United States to encourage people to save to find out why companies cannot get loans from banks in order to start new companies in the emerging technology business.

Madam Speaker, I would ask my colleagues in the House to join with the gentleman from New Jersey [Mr. FRANKS] and me to form this manufacturing caucus and finally put America back to work.

□ 1440

THE BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wyoming [Mr. THOMAS] is recognized for 5 minutes.

Mr. THOMAS of Wyoming. Madam Speaker, I want to talk a little bit about the budget. That, of course, is what is on all of our minds these days and, indeed, should be. And we will be dealing with it starting next week on through the summer.

Talking about how do you do something about the deficit, how do you do something about the size of Government, how do you do something about the economy. Not a new problem, but one that gets increasingly worse.

Let me just give you a very simple number that shows how important it is that we finally do something about the deficit. All of us paid our taxes on the 15th of April this year. Fifty-seven cents, fifty-seven cents out of every income tax dollar you and I sent in last month as personal income tax will go to pay debt service on the national debt. That is a pretty scary figure.

Let me read you something out of the Reader's Digest. It says, "We Must Control Federal Spending." That is the title.

The first line of the story reads:

> Today we, as the United States, face exceedingly serious fiscal problems with both domestic and international implications. All of us must come to grips with the crucial question, can we put limitations on federal spending? I believe the answer must be yes, if we are to keep our economy strong. I also know, from long experience, the task will be difficult. The broad variety of demands that hit the Congress one day last winter is indicative of the problem confronting us.

Sound fairly fairly familiar? It came from the Reader's Digest of July 1968. A lady, a friend of mine in Saratoga, WY, said she retired this year and was going back through back copies of Reader's Digest. She had quite a few. And this was Wilbur Mills, the former chairman of the Committee on Ways and Means, struggling with the idea of how do you do something about spending.

Let me read you another quotation. This is from the now-Director of the OMB. He says:

> We thought somehow that we could have it all, that we could cut taxes, we could raise spending. We could increase benefits, and no one would have to pay. The bill would never come due. The bill has come due and we've got to pay it. Tonight is the night we take that step. To the credit of the President, he is willing to take the step and provide the leadership, provide the leadership to raise taxes.

That is from the CONGRESSIONAL RECORD of 1990, when Leon Panetta was talking about the 1990 deal.

We did raise taxes. We did not do anything about the deficit.

The fact is, there is only two ways to do something about the deficit. One, of

course, is to raise taxes and dedicate that to it. The other is to cut spending.

Now, we have tried raising taxes. I do not know of anyone who has had any experience in any country with creating prosperity by raising taxes.

It seems to me, and particularly in this instance where the taxes that are going to be raised are going to be used for additional spending, we have to cut spending.

I talked to my son the other day about what was going on here. He lives in Wyoming also, and he said:

I think people really want some honesty in what is going on in government. They want some honest talk. They are kind of tired of talking about investments, which means spending; tired of talking about sacrifice, which means taxes, and that leaders in this country ought to be able to just lay it out there.

We are always talking about what the American people want. Nobody knows what they want, but I know what I want, and I am an American people.

I want to balance the budget here. I want to reduce the deficit here. And the kinds of things we are doing now have no meaning, honestly, on that way.

The way you measure whether you are going anything or not is you measure the debt. The proposal that is going to be before us next week increases the debt $1 trillion in the next 4 years. That is exactly what has happened in the last 4 years.

We are not being honest. We talk about cuts. What we mean, when we talk about cuts, is cutting from the increase that is already built in. Not cuts.

Most of us, when we talk about cuts, we think we are talking about spending less next year than we spend last year. That is not Washingtonese.

We need to be honest about it. It seems to me it is fairly clear that what we need to do is encourage the business community.

We need jobs. Small business creates jobs. No one has created jobs by raising taxes.

You create jobs by encouraging the private sector, by having an environment in which the private sector can function, by reducing regulation. We have an overburden of regulation and mandates that has made it so expensive for a small businessman to seek to create a job that you can see the result.

It is more overtime. It is more part-time, because it is too expensive, too expensive because of congressional actions to create a job.

My colleagues, we need to deal with this issue, and we can do it if we do it honestly. I think all of us are willing to do what is necessary, but we somehow know that new taxes are not going to be used to reduce the deficit. They are going to be used to have more Government.

We need less Government, rather than more. We need to be honest with ourselves about the deficit, and we need to start next week.

CUBAN INDEPENDENCE DAY ADDRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. MENENDEZ] is recognized for 60 minutes.

Mr. MENENDEZ. Madam Speaker, today I stand in solidarity with Cubans throughout the entire world, and especially with my fellow Cuban-Americans to commemorate May 20, Cuban Independence Day. I am honored to address you today as a member of the U.S. House of Representatives. I would like my first words, like those of Cuban patriot Jose Marti, to be for Cuba, a nation which suffers.

I speak to you today with a feeling of immense pride in the heritage we share: In the spirit of Cuban independence heroes Jose Marti, Antonio Maceo, Felix Varela, Ignacio Agramonte, and many more great Cubans who, like their American Revolutionary counterparts, struggled and sacrificed—and even died—so that their dream of freedom could become a reality. Thanks to them it happened on May 20, 1902, but only after much blood was spilled on Cuban soil.

A REPUBLIC IS BORN

Exactly 91 years ago today, the Cuban Republic was born. It emerged after many years of struggle in which Cuba's patriots, like thousands of Cuban-American families today, found refuge and solidarity in the United States.

On May 20, 1902, United States forces withdrew from Cuba and an American military governor turned over the Government of Cuba to the first elected President of Cuba.

The aspirations for independence of both Cuba and the United States have been intertwined for years. United States Forces played a role in the final withdrawal of Spanish forces from Cuba; the Cuban people played a not insignificant role in support of General Washington in the American Revolutionary War, providing material assistance to the Americans at a critical time in 1781. It was this kind of assistance from through the world that enabled the American Revolutionary Army to advance to victory.

Cuban independence was long in coming. Cuba was the last country in Latin America to win its independence from the Spanish Empire. Cubans of the 19th century wanted to join their independent Latin American neighbors from Mexico in the north to Argentina in the south. The first Cuban war of independence began in 1868, but it would take 34 years for Cubans to secure their independence from Spain.

Mr. Speaker, it has now been 34 years since Cuba has been held hostage by dictator Fidel Castro. Once again, Cuban Independence has been long in coming. Yet I say to you today that it will not be much longer before a new era of independence dawns in Cuba.

I speak today to unveil the truth about Fidel Castro's unspeakable Horrors, the political prisoners, the firing squads, the torture, the beatings, the human deprivation, the intentional starving of a people, and the threat of nuclear proliferation only 90 miles from our country.

By speaking out against these injustices and revealing the truth of Cuba under Castro, I hope to set the record straight, dispel the myths and strip him of the romantic mask he has assumed, exposing him for the ruthless tyrant he is.

COMMUNIST CUBA ISOLATED AND EXPOSED

For the first time in its history Castro's revolution stands not only isolated but also exposed. Due to a severe reduction in trade and subsidies from the former eastern bloc, Cuba's Communist system has been left to stand on its own two feet. And Castro has little to show for it. Left to its own resources that Communist economy may not be able to survive. It already seems that the Cuban revolution will go down in history as a typical Marxist-Leninist failure.

In the economic sphere alone, the last 3 years have been nothing but disastrous for Castro. The Cuban economy has shrunk 45 percent. Compare that to a 1-percent decrease in the United States economy during our last recession, which had all of us climbing up a wall, and one begins to understand how desperate the Cuban people really are.

Cuban imports are down by an incredible 73 percent, according to a recent study using Cuban Government statistics and figures from Cuba's trading partners. Cuban officials actually say the figure is 75 percent. Food imports, which the Cuban Government, perhaps fearing potential unrest from the Cuban people is very sensitive about, are down 41 percent. Imports of oil are down by two-thirds and imports of machinery and equipment are down by 86 percent. I for one do not think that the Cuban people will put up with this privation for long.

A SINKING BATTLESHIP

It is becoming evident that Communist Cuba, left to its own resources, is a sinking ship—a sinking battleship at that, with the largest military per capita in Latin America.

Cuba, as former United States Ambassador to Haiti Ernest Preeg states in a new publication, "Cuba and the New Caribbean Economic Order," is in a process of progressive crumbling or desmoronamiento, as one says in Spanish.

In 1986, Castro initiated an Orwellian campaign to rectify errors and nega-

tive tendencies. This was actually a counter-reform effort that put a swift and decisive end to any hope that the Cuban people had for substantive reform leading to democracy or a market-oriented economy.

To Gorbachev's declarations of perestroika and glasnost, Castro Responded with cries of socialismo o muerte! "socialism or death" Moves by Russia and Eastern Europe toward decentralization and liberalization were matched by recentralization and increased repression in Cuba.

As the emerging democracies of the former Soviet Bloc continued to embrace the language of freedom and political renaissance, Castro persisted in using the language of apocalypse. Angrily he declared that:

If fate were to decree that one day we would be among the last defenders of socialism [on Earth], we would defend this bulwark to the last drop of our blood.

It is 1993, and Castro is no longer able to brandish the alleged accomplishments of the Cuban revolution, for they were made possible only by massive Soviet subsidies. Fearing a loosening of his absolute grip on power, Fidel Castro now rules with an even firmer hand over the Cuban people.

HUMAN RIGHTS ABUSES

The Castro dictatorship uses a security apparatus under the direction of the Cuban Ministry of the Interior to impose a draconian rule capable of monitoring—at the neighborhood level—every aspect of a person's life, in all realms of activity: Economic, political, social, and cultural. This has been the reality in Cuba since 1959.

In every village and every hamlet, in every street of every city in Cuba, a Communist party member heads the local Committee for the Defense of the Revolution. Their only job in Castro's Cuba is to spy on their neighbors. These local spies check and inquire about ordinary Cubans: Did they go to work today? Who visited them? Did they say anything against the government? Were they acting suspiciously?

These Committees for the Defense of the Revolution are Castro's eyes and ears in every Cuban neighborhood. They are a vast and fearsome security network. The mere accusation of a CDR member can land you in jail. Impossible, you might say. No one is thrown in jail for simply speaking his mind or criticizing the government—as we are able to do in the United States. Can this really be true?

Well, let me read a passage from a book by a remarkable man, Armando Valladares, entitled "Against All Hope." His true story opens with a gripping account of his own arrest one night:

My eyes flew open. The cold muzzle of a machine gun held to my temple had shocked me awake. I was confused and frightened. Three armed men were standing around my bed, and one of them was shoving my head into the pillow with his machine gun.

Where's the pistol?

As the man with the machine gun kept my head immobile, another slid his hand under it to check for that purely imaginary pistol I was supposed to be armed with. The oldest of them, a thin man with graying hair, spoke to me again. He brusquely told me to get dressed, I had to go with them.

These were agents of Castro's political police.

They began the search of his home as his mother and sister looked on. He began to think about what could have put him in this predicament.

When Communists took over the leadership of the Postal Savings Bank he worked at, they fired his friend because of anti-Marxist statements. Valladares personally spoke out against the dismissal. He called it an abuse of authority and a violation of freedom of expression, which he thought had been one of the basic tenets for which Castro's revolution had supposedly been fought.

When asked by Communist party members where he worked, "Do you have anything against Castro?" Valladares answered, "If he is a Communist, I do." It wasn't surprising that he had been marked an anti-Communist:

The search finally ended, and no weapons or explosives or propaganda or lists had turned up. Nothing, absolutely nothing. They had to leave empty-handed. Or almost empty-handed—they took me with them. Although they hadn't found anything, there were some routine questions I had to answer. My mother argued with them. She said I hadn't done anything, there was no reason to take me away. They told her not to worry, I'd be right back. They'd bring me back home themselves.

The return would take more than twenty years.

We are caught unsuspecting by Valladares' eloquent but shocking testimony about the outrages committed by the Communist Cuban Government against its own people. As he awaited the inevitable sentence in his prison cell, Valladares bore witness to the young revolution's incessant brutality.

With his transfer to the infamous Isla de Pinos prison, Valladares began to experience the endless violence and harassment, putrid food and squalid living conditions, illness and forced labor, solitary confinement, and the indifference of outside humanitarian agencies.

Following are passages which detail Valladares' ordeals.

This particular one was set at Castro's infamous La Cabana prison:

At nine o'clock we were in the habit of gathering into groups and praying in all the *galeras*—faith in difficult times. The sound of a motor was heard. Total silence fell. It was the truck carrying the coffin for the corpse. Then we heard the motor of a jeep that was carrying the prisoner, and some voices. There was a long stairway leading down into the moat. A few yards from the wall stood the wooden stake to which the prisoner was tied. Before they tied him up, Julio Antonio shook hands with each one of the soldiers on the firing squad and told them that he forgave them.

Firing squad, attention.

Ready, aim, fire.

Down with Commun—.

Julio Antonio's cry was never finished:

Then there came the dry crack of the coup de grace behind the ear. I will never forget that mortal sound.

Within the prison the silence was dense and charged with suspense, until it was broken by the sound of the hammers nailing the lid on the rough pine box. From our *galera* there was nothing to be seen, but we could hear everything. I imagined the scene: The prisoner tied to the stake, the marksmen, then the fall of the dying body, it's breast ripped by the bullets.

This terrifying passage in Valladares' book was a daily occurrence in Castro's prisons:

In the Isla de Pinos prison—more savagery—

The next morning, Lieutenant Julio Tarrau, the prison director, came in at the head of the garrison. Wielding his Russian Makarov pistol, which no one had ever seen him shoot but which he thought gave him more authority, and which certainly gave him more courage, he screamed at us, "I'll kill any SOB who moves. Stand in front of your cells, at attention!"

The Garrison, which amounted to some two hundred soldiers for that search, filled the prison yard. The first wave entered without firearms, carrying only bayonets and truncheons. Behind them came the guards armed with rifles and fixed bayonets.

"OKAY!" Tarrau began speaking again. "Everybody strip! Everybody take off your clothes and stand there in front of your cells!"

Carrion and I stripped. In the next cell, ex-Captain Tapanes, from the city of Cardenas, and his cellmate Chavez followed suit.

There was someone on the fourth floor who did not take off his underwear. Lieutenant Tarrau screamed at him to come downstairs. The atmosphere grew even more tense, more frightened and expectant. Thousands of eyes were fixed on that man slowly walking down the stairs. In everyone's mind was the same question—and it was almost like a plea there was no longer enough time for: Why didn't you take off your underwear like everybody else?

When the man came to the prison yard, Tarrau himself shoved him, and a group of guards fell on him. The prisoner struggled, but only for a few seconds. The hail of blows flattened him, and staggering, almost unable to walk, he was dragged and shoved out toward the punishment cells, while they ripped his underwear from him in shreds. He had not even reached the main gate before he was naked.

A murmur of protest and indignation arose throughout the circular. Tarrau shot his pistol into the air, and the guards cocked their rifles. You could hear the bolts of the machine guns click too, as the guards in the tower cocked them and took aim at the prisoners before the cells. The rifles' power of persuasion silenced us.

The spectacle in the jail beggared description. All you could do at the moment was stare—there were hundreds of completely naked men formed into a surrealistic legion, standing at attention in perfect formation.

There is nothing more humiliating or more degrading than forced nakedness before your oppressors—you feel especially vulnerable.

The authorities knew that, and they used our nakedness against us, another in their arsenal of psychological weapons. The interrogators from the political police never failed to keep prisoners, both men and women, naked. They took the women in naked for interrogations by groups of officers. If for a man it's embarrassing to be forced to stand there completely stripped before a phalanx of interrogators, for a woman it is much more terrible, and many of the suicides and attempted suicides among the women were triggered precisely by that humiliation. Even today the government still employs this practice with women political prisoners. When they are confined to solitary, they are completely undressed and then officers from the jail, prison headquarters, and the political police stop by to see them.

And here is another passage:

"There are certain things one never thinks about when one reads or hears about a prisoner confined in a cell under the conditions we were kept in; there are things that are simply inconceivable outside a jail. And among those things are a man's bodily functions. We had to relieve ourselves there, in that hole in the ground in a corner of the cell. But when we were done, there was absolutely nothing to clean ourselves with, no water or soap or paper or even a piece of cloth.

"They continued slopping the pails of urine and excrement over us. In the cold winter mornings, they would also throw freezing water at us. That was unpleasant, but at least it cleaned some of the excrement off the cell floor. Little by little, the latrine, without water to flush out the fecal matter, grew full. As soon as night fell, cockroaches took over the walls and floors and crawled all over my body, and their ticklish creeping often made me jump awake.

"Finally, after international outcrys and dramatic physical therapy performed by Castro's doctors so that he would be presentable to the world—it was time to be set free.

Listen to this ending:

"The hour of my departure arrived. The procession of several cars headed down Rancho Boyeros Avenue toward Jose Marti International Airport. The plane was scheduled for seven in the evening. The setting sun dyed the afternoon pomegranate-red. My heart sent up a hymn of thanks to God, and I prayed for my family, who hadn't been allowed to come to say goodbye, and for my friends remaining behind in the eternal night of the Cuban political prisons.

"As the cars sped along, a flood of memories rushed over me. Twenty-two years in jail. I recalled the two sergeants, Porfirio and Matanzas, plunging their bayonets into Ernesto Diaz Madruga's body; Robert Lopez Chavez dying in a cell, calling for water, the guards urinating over his face and in his gasping mouth; Boitel, denied water too, after more than fifty days on hunger strike, because Castro wanted him dead; Clara, Boitel's poor mother, beaten by Lieutenant Abad in a political police station just because she wanted to find out where her son was buried. I remembered Carrion, shot in the leg, telling Jaguey not to shoot, and Jaguey mercilessly, heartlessly, shooting him in the back; the officers who threatened family members if they cried at a funeral.

I remembered Estebita and Piri dying in blackout cells, the victims of biological experimentation; Diosdado Aquit, Chino Tan, Eddy Molina, and so many others murdered in the forced-labor fields, quarries, and camps. A legion of specters, naked, crippled, hobbling and crawling through my mind, and the hundreds of men wounded and mutilated in the horrifying searches. Dynamite. Drawer cells. Eduardo Capote's fingers chopped off by a machete. Concentration camps, tortures, women beaten, soldiers pushing prisoners' heads into a lake of [FECES], the beatings of Eloy and Izaguirre. Martin Perez with his testicles destroyed by bullets. Robertico weeping for his mother.

In his introduction, which I use as an epilogue, Armando Valladares writes:

This book is my personal account of the twenty-two years I spent in the political prisons of Cuba, solely for having espoused and expressed principles distinct from those of the regime of Fidel Castro.

In my country there is a fact which not even the most fervent defenders of the Cuban revolution can deny—a dictators hip has existed there for more than a quarter of a century. And no dictators hip can remain in power for so long without violating human rights, without persecutions, without political prisoners, without political prisons.

Someday, when the history of all of them is known in detail, mankind will feel the revulsion it felt when the crimes of Stalin were brought to light.

Yet, on July 28, 1983, the year after Armando Valladares was set free, Fidel Castro had the audacity to say to French and American journalists this statement:

From our point of view, we have no human-rights problem—there have been no disappeareds' here, there have been no tortures here, there have been no murders here. In twenty-five years of revolution, in spite of the difficulties and dangers we have passed through, torture has never been committed, a crime has never been committed.

But lying is not new to Castro. Just a little over a month ago, in an interview with Diane Sawyer on ABC's "Prime Time," Fidel Castro said, and I paraphrase:

Political prisoners? What political prisoners? There may be a few, but after all, what are political prisoners—people who committed crimes against the state.

Just a few Mr. Castro? Well for the first time, I will now produce a partial list, given to me by a European Government official of political prisoners in Cuba. This partial list was brought out of Cuba by this official and it lists not a few but 607 political prisoners—580 men and 27 women. Mr. Speaker, I ask permission to have this list included in the RECORD.

This partial list, compiled by Aida M. Valdes Santana, a human rights activist inside Cuba, has the following introduction:

On December 10, 1948, the U.N. General assembly approved the Universal Declaration of Human Rights, the guiding document for international agencies, organizations and governments in guaranteeing the individual rights of the citizens of the world.

The celebration of this date in 1992, in our country, became one more day of struggle, since a repressive escalation took place against human rights activists.

On this day there was harassment at residences of activists, who were held for several days, with neither relatives or friends being able to help those besieged; beatings; affronts; summons by police agencies; threats and arrests.

In this way Cuba celebrated International Human Rights Day.

We consider it necessary, as a tribute to our incarcerated brothers and the true defenders of human rights, to release an approximate list of the current political prisoners in Cuba, data obtained with difficulty, since it reached us through relatives, close friends and lists sent by the prisoners themselves.

This modest work of homage serves all the true strugglers in the world for the noble cause of human rights.

And finally this summary:

Just a short comment to point out the increases in the charges of enemy propaganda, contempt and unlawful association, which shows the growing need for the people to express themselves freely, their feelings and their deep desires for change in search of the sacred right to live in a world where individuality and freedom of opinion and expression are respected, as established in Article 19 of the Universal Declaration of Human Rights.

Mr. Speaker, more than half of Cuba's political prisoners are charged with enemy propaganda. The Universal Declaration of Human Rights, the document to which Cuba is a signatory, is the same document that the United Nations commission on human rights determined Cuba was violating. Here is what the U.S. Commission on Human Rights said:

Deeply concerned at arbitrary arrests, beatings, imprisonment, harassment and government organized mob attacks on human rights defenders and other who are engaged in the peaceful exercise of their rights, and noting with particular concern that Cuba increased its repression against leaders of several human rights groups in Cuba on United Nations Human Rights Day, 10 December 1992.

Profoundly concerned at continued violations in Cuba of fundamental human rights and individual liberties enumerated in the Universal Declaration of Human Rights, such as the freedoms of movement, thought, religion and conscience, opinion and expression, assembly and association, and rights associated with the administration of justice.

Expresses particular concern that the government of Cuba has failed to carry out its commitment, common to all member states, to cooperate with the commission on human rights, in conformity with Articles 55 and 56 of the Charter of the United Nations.

Regrets profoundly the numerous unanswered reports of violations of basic human rights and fundamental freedoms that are described in the report of the special rapporteur, and expresses particular concern at mounting intolerance for freedom of speech and assembly in Cuba.

There are still those people who say they do not believe there are political prisoners. Today in the gallery sits at least 10 or 12 of them who suffered in the same way in Castro's jails who are living testament to the fact that the question of political prisoners is unfortunately a real and abiding problem in Cuba.

The SPEAKER pro tempore (Miss COLLINS of Michigan). The gentleman

should not address the people in the gallery, please.

Mr. MENENDEZ. Freedom House, an independent, nonprofit, nonpartisan, human rights group, called Cuba among the 10 worst violators of human rights in the world.

In a 1993 special report to the 49th session of the U.N. Commission on Human Rights entitled "Tyranny and Repression Unbound, the Most Repressive Regime of 1992," Freedom House wrote:

Cubans are unable to change their Government democratically. All political and civic organization outside the PCC is illegal. Political dissent, spoken or written, is a punishable offense. With the possible exception of South Africa, Indonesia and China, Cuba under Castro has had more political prisoners per capita for a longer period than any other country. The educational system, the judicial system, labor unions, professional organizations, cultural groups and all media are tightly controlled by the State. Outside of the Catholic Church, whose scope remains limited by the Government there is no semblance of independent civil society.

Since 1989, Cuba's small community of human rights activists and political dissenters has been subject to regular and severe crackdowns. Hundreds of human rights activists and dissenters have been jailed or placed under house arrest. Others have been assaulted in the streets and in their homes by plainclothes police and the 'Rapid Action Brigades,' mobs organized by State security or the Committee for the Defense of the Revolution [CDRs] or separately.

There are continued allegations of torture in the prisons and in psychiatric institutions, where a number of the dissidents arrested in recent years have been incarcerated. Since 1990, the International Committee of the Red Cross has been denied access to prisoners. According to Cuban rights activists, more than one hundred prisons and prison camps hold between 60,000 and 100,000 prisoners of all categories.

Freedom of movement and freedom to choose one's residence, education or job are restricted.

Official discrimination against religious believers was lifted by constitutional revision in mid-1992. The measure was welcomed by the Catholic church, which has seen an increase in membership in recent years. However, by the end of the year, there was little evidence that discrimination had ended in practice. Moreover, there were at least two incidents in which suspected dissents were dragged out of church services by State security agents, one during a Mass presided over the Archbishop of Havana.

As was evident during the 1989 show trials of officers charged with drug-trafficking, and during the trials of human rights activists and other dissidents, due process is alien to the Cuban judicial system. The job of defense attorneys accepted by the courts is to guide defendants in their confessions.

The Government has continued restricting the ability of foreign media to operate in Cuba. Journalist visas are required and reporters whom the Government considers hostile are not allowed entry. Foreign journalists interviewing dissidents risk being detained and expelled, and in a few cases reporters have been beaten up. A Mexican television news service closed it's office in Cuba in 1992, claiming it was being denied the freedom to operate effectively.

DRUG TRAFFICKING

"Castro's Final Hour," a book written by the Miami Herald's Pulitzer Prize-winning correspondent Andres Oppenheimer, Opens with the 1989 firing-squad execution of Cuba's most decorated army general, Armando Ochoa, a hero of the Cuban revolution. It was the first sign of a rift in Castro's ranks as glasnost and perestroika burst onto the world stage. Oppenheimer reveals the drug scandals that plagued the upper reaches of Castro's regime, and proves that there were blatantly political motivations behind subsequent executions of Fidel Castro's top military aides.

In November 1982, a United States district attorney in Miami indicted four top Cuban officials on charges of smuggling cocaine through Cuba to the United States. The operation was almost identical to that proposed to Col. Tony de la Guardia by Reinaldo Ruiz years later.

Jaime Guillot-Lara, a Colombian drug lord, shipped drugs to Cuba at the time and had south Florida boaters pick up the cargo at sea. Between 1977 and 1981, Guillot-Lara shipped at least 2.5 million pounds of marijuana, 25 million methaqualone tablets, and 80 pounds of cocaine, much of it through Cuba.

Witnesses at the Miami trial testified that the Cuban Ambassador to Colombia, Fernando Ravelo Renedo, requested—and obtained—Havana's official green light for every shipment to Cuba. The Colombian smuggler's boats used the code word "viviana" to alert the Cuban Navy that the cocaine-laden boats should be allowed to cross Cuban waters.

In addition to Ambassador Ravelo, the indictment named Cuban Navy Vice Adm. Aldo Santamaria Cuadrado, who was charged with supervising the protection and resupplying of the drug ships from Colombia, and Rene Rodriguez Cruz, an official of the Cuban Directorate General of Intelligence [DGI]. None of them was ever prosecuted in Cuba. Castro maintained that the U.S. charges were nothing but imperialist lies. Within Cuba, the United States indictment produced only a temporary scare, and a warning to Cuban officials not to allow drugs onto Cuban soil.

Fidel Castro and Colombia's drug barons had a long association, largely based on political expedience. The Cuban leader first ordered his intelligence services to penetrate the Colombian drug-trafficking rings in the 1970's, to have a hand in what was rapidly becoming one of Latin America's most powerful economic and political forces. It was a card he would later decide how to play.

In the early 1980's, Castro used his Medellin Cartel contacts to fly weapons to Colombia's M-19 guerrillas. The planes would fly over Cuban airspace with no questions asked, and pick up the weapons on improvised runways in various Caribbean islands, and occasionally in Cuba itself. Carlos Lehder, one of the Medellin Cartel's top leaders, would testify years later in a United States court that he had met twice with Raul Castro in Cuba to clear these flights.

The Cuban regime used its ties with the Colombian drug traffickers to help solve a $4.6 million dispute between Panama's military chief, General Noriega and the Medellin Cartel in 1984. When the Medellin Cartel threatened to kill Noriega unless he returned the money they had paid for protection of a huge western Panama cocaine laboratory that had been destroyed in a DEA-led raid, Cuba persuaded the Panamanians to come to terms with the Colombians.

There is a virtual consensus in Cuba's interior ministry intelligence circles that the official story of the Ochoa-de le Guardia affair was ludicrous: Castro could not possibly have been shocked to find out that his top aides had been engaged in cocaine smuggling.

In reality, Castro had long-condoned occasional drug-trafficking deals when he considered them justified on national security grounds, such as in the case of the drug-for-weapons shipments to Colombia's M-19 guerrillas. What happened this time was only a matter of degree: The MC department's large-scale drug smuggling had gone beyond the limits set by Fidel.

When it became clear that the United States Government was about to uncover Cuba's role in drug smuggling, Castro moved swiftly to preempt. Castro used the opportunity to crack down on disaffected revolutionary armed forces and Ministry of the Interior officers who might become a major threat to Castro's leadership. Castro believed that Ochoa and the de la Guardia brothers were the vanguard of a reform-minded movement that was gaining strength within Cuba's military. At the same time, Ochoa and the de la Guardia brothers were accumulating enormous economic power. If they weren't stopped immediately, they would start making demands. Their grumbling would turn into defection or outright rebellion. A preemptive strike was needed.

By executing Ochoa and his friends, and by purging all disaffected officers from the Government, Castro sent a strong warning to the armed forces, the Cuban people, and the outside world. Cuba would not tolerate the new thinking that had brought about the fall of Poland, and that was threatening to shake East Germany, Hungary, and the rest of the Soviet bloc. Orthodox Marxism and military discipline would be preserved in Cuba at any cost.

The executions made it clear that there would be no independent think-

ing—let alone dissent—permitted on Castro's island. Nobody, not even Fidel's top aides, was above suspicion, as the Cuban leader and his brother had repeatedly reminded Cubans at the trial.

In times of crisis, one had to prove oneself stronger than ever, Castro told his aides. With the Socialist bloc crumbling, Cuba could not afford to show any sign of weakness.

His strategy to survive the collapse of worldwide communism was brutally simple. He summed it up in three words, which he shouted defiantly in every speech over the months that followed the Ochoa case: "Resistir! Resistir! Resistir! (Resist! Resist! Resist!)."

Castro's hands are far from clean. Not only in drug trafficking but also in other crimes.

In a recent Miami Herald article, a former Cuban agent confirmed long-held assertions by United States officials that Cuba's Marxist regime helped execute one of the biggest bank robberies in United States history.

Jorge Masetti, an Argentine-born, Cuban-raised former revolutionary who sought refuge in France in 1990, says the Cuban Communist Party's Department of the Americas provided a $50,000 loan to Puerto Rico's Macheteros guerrillas, to perform the 1983 robbery of $7.2 million from a Wells Fargo armored truck in Connecticut.

The Cuban Embassy in Mexico also provided logistical support to get part of the money out of the United States, and to spirit at least one of the Puerto Rican bank robbers into Cuba, according to Masetti in a telephone interview from Paris:

> I know, because I was part of the operation. I was the one who prepared the bag with the $50,000 for the Macheteros, and I was the one who prepared the fake passports to get the bank robbers from Mexico to Cuba after.
>
> Instructions came from Havana that we should support Latin American (guerrilla) groups operating in Mexico. From bank robberies to jewelry-store holdups. The official in charge in Cuba was Armando Campos, first deputy chief of the Americas Department.
>
> Thanks to these operations, Cuba could reduce its financial aid to revolutionary groups, and—in its capacity as administrator of the proceeds of these operations—could dispose of more money to support the revolutionary movement and the trips of Americas Department employees.

"On some occasions, Cuba would lend assistance to urban guerrilla groups by smuggling small weapons to Mexico through diplomatic pouches," Masetti said. "With time, the Cuban role in these operations grew, and the Cuban Embassy began to supply intelligence to Latin American guerrillas so they could carry out special operations more efficiently," he said.

"The Americas Department was helping in holdups and bank robberies throughout Latin America," Masetti said. "We, at the Mexican Embassy Office, offered financial and logistical support. The Americas Department was headed by Manuel Pineiro, one of Cuban leader Fidel Castro's closest aides."

THE CONTROVERSY OVER THE EMBARGO

During the time that Cuba was subsidized to the tune of $6 billion annually by the Soviet Union, Castro loudly insisted that the United States embargo on Cuba was irrelevant. He stated ad nauseam that Cuba's economic prosperity would enable her to sidestep the United Stated embargo. In the meantime, United States critics of the embargo denounced it as ineffectual and merely an irritant in relations with Cuba.

Yet now, we see what a little sunshine can do. The Soviet subsidies are gone. Trade with Russia and the countries of the former Eastern bloc are conducted strictly on commercial terms. Castro's Cuba stands isolated and exposed.

With the cushion of Soviet subsidies gone, Castro is now saying precisely the opposite of what he said for so many years. He now claims that the embargo is the reason for the misery in Cuba. Not surprisingly, there are people in this country who suddenly agree with Castro. They suggest that we should lift the embargo unilaterally, no questions asked.

They would have us forget about human rights, although the President has just asked the U.N. Secretary-General to appoint a high commissioner for human rights to give human rights a higher profile in U.S. foreign policy.

They would have us forget the hundreds of innocent Cuban political prisoners languishing in jail.

They would have us forget the atrocities of the Cuban KGB.

They would have us forget the dissidents who reach out to us.

Just lift the embargo. That's what they want the United States to do. They say that if we lift the embargo all will be well in Cuba. Mr. Speaker, here are the facts:

The fact is, lifting the embargo won't create hard currency to buy the goods Cuba needs.

The fact is, the food and medicine and other products Cuba might need are available from other countries throughout the world, but they won't sell to Cuba because it can't pay.

The fact is, Castro will not allow a free-market system to develop in Cuba and insists on keeping his centrally planned economy—which has failed.

The fact is, at the height of Soviet aid to Cuba, which amounted to nearly $6 billion a year, Castro still rationed the Cuban people—instead of using that money to provide for their needs.

The fact is, Castro took the money provided by the Soviets and used it to export revolution around the world instead of feeding the Cuban people.

Consider the list of military missions that former General Ochoa conducted, as described in "Castro's Final Hour" by Andres Oppenheimer:

> His resume read like a catalogue of Cuba's military interventions abroad: in the early 1960's, at the time when Ernesto "Che" Guevara was heading a Cuban-led revolutionary campaign in Bolivia, Ochoa was heading a Cuban guerrilla cell in Venezuela. From there, he was sent to Brazzaville, in the Congo, where he led about one thousand Cuban troops that helped defend the country's leftist regime, and trained Marxist guerrillas from Namibia, Mozambique, and South Africa.
>
> After a brief stint as commander of the Army in Havana in 1971, Ochoa was reassigned abroad. By 1972, he was leading a 500-man Cuban contingent training the army of Sierra Leone. During the 1973 Arab-Israeli war, he trained Syrian forces in the Golan Heights. In 1975, he led 37,000 Cuban troops in Zaire. By 1976, he was a senior commander of the Cuban forces in Angola. That year, he organized a popular militia in Addis Ababa, and led 9,000 Cuban troops in the Ethiopian fight against Somalia during the Ogaden war.
>
> By December 1977, Ochoa was a division general, and a top commander of the joint Ethiopian, Cuban, Soviet, Polish, Hungarian, and East German troops in Angola. Over the next few years, he would set up the armed forces of Grenada for Prime Minister Maurice Bishop, and would provide military training to the armies of South Yemen, Syria, Vietnam, Libya, Afghanistan, Iraq, and Laos. In 1983, he was dispatched to Nicaragua for a two-year assignment as the top military adviser to the Sandinista regime, which was seeking urgent Cuban help to repel the U.S.-financed counterrevolutionary contra guerrillas.

The fact is, repealing the embargo will not make Castro change—we know that from the simple fact that even when he was still receiving $6 billion a year from the former Soviet Union, Fidel Castro bit the hand that fed him and said no to perestroika and no to glasnost.

Those are the facts on the embargo.

Until the Cuban Democracy Act became law, there was no meaningful embargo for the 30 years that preceded it—just some discomfort for United States corporations who had to do some legal somersaults to trade with Cuba through their foreign subsidiaries.

Many of those who propose that we lift the embargo have irreconcilable positions. An embargo, after all, is an economic sanction. Many of those opposed to this embargo support economic sanctions against South Africa such as divestiture. Likewise, have we not seen efforts to restore the democratically elected government of President Aristide in Haiti through the use of economic sanctions?

Why are these sanctions acceptable to obtain legitimate goals in South Africa and Haiti—but not in Cuba?

Finally, much aid has been sent to the Cuban people by the over 1 million friends and family members here in the United States—but much of their aid

does not reach their loved ones. Instead, the Castro government rifles through the packages and the goods intended for the Cuban people end up in the so-called diplo-tiendas. These diplo-tiendas are exclusive stores for foreign visitors and diplomats which raise hard cash for Castro. This provides little solace for the Cubans who count on those packages from loved ones.

NO SIGNS OF CHANGE

This is what our fellow Latin American neighbors are telling us about Cuba. The Inter-American Commission on Human Rights of the Organization of American States in its 1993 annual report on Cuba states.

Conditions in Cuba have become worse. As a result, the state's control over the population is tightening, with the consequent erosion in the human rights situation. The response had been to tighten state security controls, make it easier for people to emigrate to the United States and find economic alternatives that compensate for the shortages that Cuba is now experiencing. Hence, social conditions are eroding and the government is resorting increasingly to repressive methods, all of which points to the fact that the existing problems will likely become worse.

Unfortunately, there are no signs of any impending change.

Castro's primary concern—his primary obsession—is perpetuating his own power. He understands power well. He calls himself the maximum leader; he is the President of the Council of State, President of the Council of Ministers, First Secretary of the Cuban Communist Party, Commander-in-Chief of the Revolutionary Armed Forces, which in turn are run by his brother Raul.

He knows that neither a Communist political system nor a command economy can be reformed; as the unraveling of the former Soviet bloc has demonstrated, they can only be replaced. Castro knows that his regime and his power base of 34 years is so dependent upon dictatorial rule and absolute central control that any meaningful reform will undermine it, just as it undermined every communist system that attempted real reform.

This has serious implications for a transition from Castro's rule in Cuba. The following statement in the Americas society publication, "Cuba at a Turning Point" sums it up well:

"For the leader like Castro, determined to maintain his Communist revolutionary credentials, the only way out, at least in the short run, seems to be the route he has chosen: To avoid allowing reforms that would weaken his political and economic control and that would make it difficult, if not impossible to use force when he deemed it necessary to do so.

INFLEXIBLE ALTERNATIVES: THE "ZERO OPTION"

In this context, then, we understand why Castro has presented only inflexible alternatives to the Cuban people. One such alternative was presented to the Cuban people when it became clear that the cushion of Soviet subsidies would be removed by Mikhail Gorbachev. Castro called it the zero option. This was Castro's way of telling the Cuban people how their notoriously inefficient and unproductive economy would have to adapt to the loss of the Soviet free ride: Basically, not at all.

The Human Rights Group Freedom House claims that the zero option represents "in effect the devolution into a preindustrial society cut off from the rest of the world.

Ambassador Preeg aptly describes the domestic component of the zero option as follows:

By all comparable standards, this economic program is one of undevelopment. Cuba has become an undeveloping country. Bicycles are replacing automobiles. Horsedrawn carts are replacing delivery trucks. Oxen are replacing tractors. Factories are shut down and urban industrial workers resettled in rural areas to engage in labor-intensive agriculture. Food consumption is shifting from meat and processed products to potatoes, bananas, and other staples.

Over the last 30 years, the Castro regime has been characterized by the systematic dismantling of the economic and social base of the Cuban nation. In 1959, the average Cuban enjoyed living standards among the highest in the Western Hemisphere. According to the United Nations, in 1959, the average Cuban ate as well as the average Austrian. In 1959, the average Cuban was better educated than most citizens in Latin America, and than the citizens of many industrialized countries. In 1959, Cubans lived longer than residents of the United States and Cuban infant mortality nearly equaled that of the United States.

Politically, it is true that Batista was a dictator. However, Cubans enjoyed a political space which Castro has completely shut down. Castro claims that living standards can only be improved by a repressive regime. In 1959, the average Cuban freely expressed his views, read uncensored newspapers, and listened to independent radio and television.

Castro in effect is condoning a gradual diminution of the standard of living of the average Cuban. In the modern world, living standards sometimes do decline, but it is almost unheard of for them to do so as a matter of deliberate government policy.

EXILE PLEAS IGNORED

For too long, the repeated protests of hundreds of thousands of Cubans from all walks of life who have fled Cuba—rich and poor, black, white, and mulatto—have been largely dismissed not only by the international community at large, but also by many sympathizers of the Castro regime here in the United States.

It is about time that those who have formulated opinions about the Castro regime based on unsophisticated cold war ideological considerations, enduring romantic notices about Cuba under Fidel Castro, limited or superficial knowledge about the accomplishments of Castro's Cuba, or similar considerations, really learned more about Castro's Cuba. I would hope that this includes all of those who seriously enter into the policy debate regarding Cuba.

WHY THE UNITED STATES SHOULD CARE ABOUT UNITED STATES-CUBA POLICY

The United States has many reasons to be concerned about its Cuba neighbor—90 miles from our shore.

In addition to permitting its territory to be used as a transshipment point for narcotics, Cuba now wants to become a nuclear power.

Cuba has been building a Soviet type nuclear power reactor in Juragua, Cienfuegos, Cuba since 1983—a reactor temporarily halted because of economic difficulties.

Serious concerns have been expressed by the United States Government, numerous international and United States-based organizations which monitor nuclear energy, and some of my colleagues in Congress, with respect to the operational safety of this plant. These would be important implications for both Cuba and the United States should an accident occur at this plant.

In a September 1992 report to Congress, Concerns About the Nuclear Power Reactors in Cuba, the General Accounting Office [GAO] laid out the concerns within the nuclear energy community about the deficiencies in the Cienfuegos plant. Following are some of the concerns expressed, which I share:

First, a lack in Cuba of a nuclear regulatory structure;

Second, the absence of an adequate industrial infrastructure in Cuba to ensure the plant's safe operation and maintenance;

Third, inadequate training of plant operators;

Fourth, reports by a former Cuban technician who examined with X-rays weld sites (believed to be part of the auxiliary plumbing system) who found that 10 to 15 percent of those were defective, as well as concerns about other welds;

Fifth, exposure to the elements, including corrosive salt water vapor, of the primary reactor components; and,

Sixth, a question as to the adequacy of the upper portion of the reactors' containment domes retention capability of 7 pounds of pressure per square inch.

An accident at the Cienfuegos plant could cause obvious damage not only to Cuba and its people, but also to the United States and its people. The GAO report estimates that in only 4 days, summer winds could carry radioactive pollutants over all of Florida, parts of the Gulf States, and travel as far as Texas.

Fortunately, for the moment, construction of the Cienfuegos facility has stopped due to Cuba's inability to pay for needed materials and equipment. However, I am concerned by a December 1992 report (Frank Gaffney, Jr., the

Washington Times) that the Yeltsin government—already deep in debt and seeking United States financial assistance—has decided to extend to Cuba supplier credits so that it may complete this project. I am further concerned about news stories this week that reported that high Russian officials visited the Jurugua plant to discuss the completion of construction. Mr. Speaker, the United States doesn't need a Chernobyl 90 miles from its shores.

Cuba continues to be used for Russian intelligence operations aimed at the United States.

The Russian communications intelligence facility at Lourdes is the largest such non-American installation in the Western Hemisphere. The facility is operated by about 2,000 Russian personnel and, in addition to the Russian headquarters, consists of an antenna field; satellite receiver; and about 50 buildings that contain the monitoring, processing, and analysis equipment. The facility targets the Eastern United States and intercepts civilian and military United States communications, including transatlantic telephone calls as well as communications to and from Cape Canaveral, especially as they relate to shuttle and military space missions.

For all the following reasons the United States has a major stake in democratic reform in Cuba: Human rights abuses, Cuban support for narcotrafficking, support of criminal activities in the United States, spying, and the threat of nuclear power.

Clearly, this gives the United States a major stake in democratic reform in Cuba.

REACHING OUT TO THE CUBAN PEOPLE THE FREE AND INDEPENDENT CUBA ACT OF 1993

As a sign of our solidarity with the Cuban people, all 10.5 million who are enslaved on the island, and as a sign of our solidarity with the dissidents and human rights activists within Cuba, I am today announcing a new initiative that will send a clear message to the Cuban people that we are willing to help them in their struggle.

Within the next 2 weeks I intend to introduce in the House of Representatives the Free and Independent Cuba Assistance Act of 1993. My proposed legislation would be the first to deal comprehensively with United States policy and assistance in a post-Castro Cuba. It would be United States policy to help a post-Castro transition government and ultimately a duly elected government under international supervision, as follows:

First, to develop and communicate to the Cuban people a plan that outlines clearly of what this assistance will consist;

Second, to provide humanitarian and developmental assistance;

Third, to provide, or facilitate the provision by other entities such as international financial institutions, long-term relief to Cuba, including loans, credits, debt forgiveness, guarantees, grants, and other assistance; and

Fourth, to work cooperatively with the appropriate international financial institutions to coordinate an international effort to assist Cuba using the resources of these institutions.

We will also send a message to the Cuban Army that in a democracy there is a role for a military that is answerable to an elected civilian government, as we have here in the United States and other elected civilian governments have throughout the world. The United States would assist a post-Castro Cuban Government with the military adjustment that takes place under a change to an elected civilian government.

The message to the Cuban military would be the following: "We are not your enemy and we are willing to help once you help yourselves. Remember this when your brothers and sisters in Cuba seek through civil means to change from the dictatorship to a democracy that permits self-determination. When you are called by Fidel and Raul Castro and the security forces to turn your rifles against your fellow Cubans, refuse to do so."

The Free and Independent Cuba Assistance Act of 1993 will send a beacon of hope to the Cuban people. It will say to them: The possibility of a free, independent, and sovereign Cuba is in your hands.

Castro may be in his final hours of oppression, but the Cuban people stand at the threshold of a new century that can promise to be their finest hour.

Cuba's time has come.

CUBAN HUMAN RIGHTS COMMITTEE ANNUAL REPORT ON POLITICAL PRISONERS IN CUBA 1992

(By Aida M. Valdés Santana)

On December 10, 1948, the U.N. General Assembly approved the Universal Declaration of Human Rights, the guiding document for international agencies, organizations and governments in guaranteeing the individual rights of the citizens of the world.

The celebration of this date in 1992, in our country, became one more day of struggle, since a repressive escalation took place against human rights activists.

On this day there was harrassment at residences of activists, who were held for several days, with neither relatives or friends being able to help those besieged; beatings, affronts; summons by police agencies; threats and arrests.

In this way Cuba celebrated International Human Rights Day.

We consider it necessary, as a tribute to our incarcerated brothers and the true defenders of human rights, to release an approximate list of the current political prisoners in Cuba, data obtained with difficulty, since it reached us through relatives, close friends and lists sent by the prisoners themselves.

This modest work of homage serves all true strugglers in the world for the noble cause of human rights.

Last names, first name	Arrest	Charges	Sentence
Abad Flamand, Marcos A		Enemy propaganda and disobedience	15 years.
Abreu Ascuy, Roger	5/7/83	Infiltration	30 years.
Abedano Conejo, Roberto		Disobedience	
Abren Hernandez, Manuel F		IDC (Illeg. departure fm. country)	
Acevedo Blanco, Arnaldo	1/22/92	Enemy propaganda	3 years.
Acosta Dorga, Humberto		IDC and disobedience	3 years.
Agrego Blanco, Roberto			3 years.
Aguila Chacon, Alberto		Common w. incident and unlawful association	3 years.
Aguilera Estrada, Rene		Terrorism	30 years.
Aguilera Guevara, Alberto	3/24/91	Enemy propaganda	3 years.
Aguilera ..., Raymundo		Unlawful meeting/conspiracy	
Aguilar Lopez, Eliecer A			
Alarcon Martinez, Julian		Enemy propaganda	
Alba Castellon, Aurelio		IDC	4 years.
Aleman Almeida, Angel L		Enemy propaganda	10 years.
Alfonso Gonzalez, Gustavo		Enemy propaganda	6 yrs., 6 mos.
Alfonso Molina, Manuel		Disobedience	1 yr., 6 mos.
Alfonso Rubio, Hermes	1/22/92	Enemy propaganda	
Alfonso Aguilar, Jorge H	7/16/92	Enemy propaganda	
Almaguer, Rodriguez, Alis		Enemy propaganda, terrorism and theft	10 years.
Almeida Barrera, Alba J	4/06/92	Theft	7 years.
Almendares Perez, Rey		Sabotage and enemy propaganda	
Alpizar San Martin, Regino M		Other acts agst. state sec	1 yr., 6 mos.
Alvarez Blanco, Alfredo			
Alvarez Leiva, Alfredo		Enemy propaganda	
Alvarez Lopez, Juan C		Enemy propaganda	3 years.
Alvarez Lopez, Julio C	4/19/92	Revel of secrets of Min. of Inter	17 years.
Alvarez Martinez, Pedro J	11/15/89	Enemy propaganda	3 years.
Alvarez Montes de Oca, Carlos A		IDC and disobedience	
Alvarez Pedroso, Pedro		Acts against state security	
Alvarez Salcegarra, Hector		Enemy propaganda	
Alvarez Trisna, Juan	11/04/90		
Alvarez . . ., Freddy			
Alvarez Prieda, Felix	4/15/90		4 years.

Last names, first name	Arrest	Charges	Sentence
Alvarino Perez, Jose T	12/12/90	Rebellion	
Ampido Herrera, Pedro E	4/02/89	Enemy propaganda & sabotage	5 years.
Ampidio Perez, Pedro		Sabotage	5 years.
Angulo Fleitas, Albeno		Enemy propaganda	
Angulo Fleitas, Luis		Enemy propaganda	
Anido Padilla, Miguel V		IDC	
Antunez Mora, Luminado	5/30/89	Theft	15 years.
Aparicio Rodriguez, Maria E	2/19/92	Unlawful association	8 years.
Arcos Bergnes, Sebastian	1/15/92	Enemy propaganda	4 yrs., 8 mos.
Aranda Rodriguez, Manuel	6/31/91	Acts against state security	8 years.
Arana Rosaine, Dr. Julian F		Terrorism	8 years.
Arias Iglesias, Carmen J	07/10/92	Revelation of secrets, rebellion	7 years.
Arias . . ., Roberto			
Ariszala, Arozco, Ramiro		IDC	
Ayarde Herrera, Raul	12/17/90	Espionage, terrorism	10 years.
Bacallao Gonzalez, Raul		Sabotage, enemy propaganda	8 years.
Bagur Bello, Vladmimir	06/13/91	Acts against state security	4 years.
Bacs Viamonte, Juan C		Enemy propaganda	
Balmaseda Martell, Jose R		Disobedience	
Banegas Barroso, Yunier A		Enemy propaganda	
Barra Tejeda, Alexis	12/01/90	Enemy propaganda	3 years.
Barreras Rivero, Rafael	01/19/91	IDC	
Barrosa Enrique, Roberto		IDC, disobedience	
Baster Avila, Rolando R		Enemy ppropaganda/espionage	
Basulto Pimentel, Alexander		Sabotage	
Bedra Hernandez, Manuel		Enemy propaganda	
Bellos Diaz, Francisco		Sabotage	
Benitez . . ., Jose R	01/22/92	Disobedience	
Benitez Hernandez, Manual	11/29/90	Enemy propaganda	6 years.
Benitez Jorge, Damian R	04/27/90	Terrorism	9 years.
Bergel Hernandez, Eulogio		IDC	
Betancourt . . ., Reynaldo	10/09/91	Illicit clandestine association	3 years.
Betancourt Escalona, Julian		Enemy propaganda	3 years.
Betancourt Montenegro, Orfilio	06/13/91	Acts against state security	6 years.
Betancourt Sanchez, Angel		Enemy propaganda	
Biamonte Leon, Carlos J		Sabotage	10 years.
Bientz Saab, Dr. Julio Z		Terrorism	13 years.
Bisel Samboneel, Angel		Enemy propaganda	
Blanco Gonzalez, Martha		Enemy propaganda	
Boguie Smith, Nelson		Enemy propaganda	
Both . . ., Ther		Disob. Chief Comm	
Brage Borges, Rogelio	09/11/90	Sabotage	5 years.
Bren Iznaga, Pedro A		IDC	
Brocart Calas, Hernes		Enemy propaganda	8 years.
Bruno Vazquez, Juan		Enemy propaganda	4 years.
Bonilla Fonseca, Ernesto	04/04/90	Subversive oral propaganda	3 years.
Caballero Gonzalez, Raul	04/21/90	Espionage	
Cabrera Alvarez, Elpidio		Enemy propaganda	
Cabrera Cruz, Alejandro		Enemy propaganda	8 years.
Cabrera Gonzalez, Joel		Enemy propaganda	8 years.
Cabrera Martin, Benigno		Enemy propaganda	
Calzada Valle, Lazaro		Enemy propaganda	
Campos Marquez, Lazaro		Enemy propaganda	
Camejo Moeliro, Ivelise	01/06/90	Terrorism	15 years.
Camper Lugones, Humberto		Terrorism	6 years.
Campos Muniz, Guillermo	01/03/90	Terrorism	8 years.
Cantero . . ., Silvio		Sabotage	18 years.
Cancio Vazco, Pedro R		Disobedience	
Cardo Leonardo, Osvaldo		Workers' strike	6 years.
Cardo Hernandez, Daniel	08/25/80	Rebellion	30 years.
Caldoso Companioni, Ivan		IDC	
Carmen Arias, Luis		Enemy propaganda	
Carrasco . . ., Angel		Enemy propaganda	7 years.
Carrazana Varela, Ideliso	05/31/89	Theft	10 years.
Casanova Ponce, Miledys		Theft	15 years.
Caraballo Vazquez, Norge			
Carsilles Ibarra, Rigoberto		Enemy propaganda	5 years.
Castaneda Munoz, Antonio M		Disobedience	
Castaneda Munoz, Julio C		Disob. comm. in chief	
Castillo Espino, Raul	03/24/91	Enemy propaganda, attack	9 years.
Castillo . . ., Loesvani		IDC	
Castillo Ferrer, Pedro A	08/27/92	Enemy propaganda	5 years.
Casto Hechevarria, Oscar E	08/14/89	Sabotage, propaganda, theft	6 years.
Cespedes Chavez, Oscar	05/25/87	Espionage and enemy propaganda	14 years.
Cisneros Silva, Nivardo		Sabotage	
Cisneros Silva, Orlando		Sabotage	
Collazo Peregrino, Ernesto		Sabotage	
Concepcion Granada, Rene		Enemy propaganda	
Contreras Hilan, Jesus	01/22/90	Enemy propaganda	6 years.
Cordova Garcia Lenin		Theft	15 years.
Cordovi . . ., Norma		Enemy propaganda	
Corona Lopez, Enriquez		Enemy propaganda	
Corzo . . ., Ulises		IDC	
Corzo Rodriquez, Alexis	01/11/90	Enemy propaganda	8 years.
Curra Lusson, Ielana	07/16/92	Enemy propaganda	
Curra . . ., Ivan	07/16/92	Enemy propaganda	
Cuetra Mustelier, Angel		Sabotage	
Cucalo Santana, Bienvenida		Enemy propaganda	3 years.
Crespo Diaz, Jorge A		Enemy propaganda/disobed	15 years.
Cruz Martinez, Anibal	10/09/91	Clandest, unlawful association	2 yrs., 3 mos.
Cruz Delgado, Alibal	10/09/91	Clandest, unlawful assn	3 years.
Cruz Reyes, Angel L		IDC	
Cruz Varela, Maria E		Unlawful association	2 years.
Chinea Fajo, Marcial		Sabotage	
Chamber Ramirez, Jesus		Enemy propaganda	10 years.
Chapelle Rojas, Francisco		Enemy propaganda	
Chavez Gonzalez, Gonzalo		Enemy propaganda	
Delgado Cruz, Alberto F		Act against state security	1 yr., 6 mos.
Delgado . . ., Julio C	09/92	Enemy propaganda	
Diaz Aguero, Jesus		Acts against state security	
Diaz Caberra, Manuel	11/09/80	Infiltration	30 years.
Diaz Echemendia, Francisco	08/09/90	Enemy propaganda/sabotage	20 years.
Diaz Estrada, Barbaro		Enemy propaganda	
Diaz, Gomez, Hector	0/01/89	Theft	12 years.
Diaz, Gonzalez, Miguel A		IDC	
Diaz Leiva, Azael C	06/13/90	Enemy propaganda	3 years.
Diaz Rodriguez, Ramon	02/06/82	Sabotage	30 years.
Diaz Romero, Jose L	06/02/82	Sabotage	30 years.
Diaz Rodriguez, Lazaro	08/02/90	Enemy propaganda	2 years.
Diaz Rodriguez, Ezequiel	02/10/92	Sabotage	30 years.

Last names, first name	Arrest	Charges	Sentence
Diaz Simon, Alfredo V		Disobedience	
Diaz Villalon, Guillermo		Enemy propaganda	
Diaz Villamar, Felix	01/07/89	Espionage	15 years.
Diaz Trujillo, Recardo B	12/82	Treason and espionage	20 years.
Diaz Villamor, Felix	08/22/88	Espionage	15 years.
Dobao Aragon, Orestes	01/24/90	Enemy propaganda	5 years.
Dominguez de la Coba, Orlando	04/15/83	Sedition	30 years.
Dominguez Sardinas, Julio		Enemy propaganda	
Duenas Martinez, Joel	12/31/91	Enemy propaganda	3 years
Duran . . ., Adolfo	09/21/92	Enemy propaganda	
Duarte Morio, Osmani		Disobed., Comm. in Chief	
Durga Acosta, Israel		IDC	
Echenique Gonzalez, Orlando	01/13/90	Sabotage, enemy propaganda	10 years.
Echevarria Marrero, Miguel		Enemy propaganda	4 years.
Echevarria Revafleche, Hector		Enemy propaganda	
E. . . . Figueredo, Jose		Enemy propaganda	4 years
Enriquez Hernandez, Rafael		Disobedience	
Enrique Espinosa, Luis		Enemy propaganda	5 years.
Enrique Garcia, Juan		Enemy Propaganda	8 years.
Escobar . . . Dr. Vladimir			
Espinosa Perez, Juan E		Theft	10 years.
Esporsa Procard, Fernando		Enemy propaganda	8 years.
Estrada Leiva, Ezequiel		Arson	
Estrada Rivero, Luis		Enemy propaganda	
Felipe Pino, Ewer	03/13/90	Enemy propaganda	2 yrs., 6 mos.
Felix Garcia, Angel		Sabotage	
Fernandez . . ., Juan F		Unlawful assoc/failure of duty to report	
Fernandez Adier, Jorge	04/26/90	Terrorism and propaganda	7 years.
Fernandez Crespo, Miguel A		Terrorism	15 years.
Fernandez Diaz-Silvera, Jorge	04/92	Enemy propaganda	
Fernandez Mapule, Julio	12/91		
Fernandez Perez, Santiago E		Disobed. Comm. in Chief	
Fernandez Saliey, Alfredo		IDC	
Feria Cao, Aurea	01/22/90	Enemy propaganda	5 years.
Ferrer Venegas, Pedro C		Enemy propaganda	
Angulo Fleites, Luis			
Figueroa Castro, Raul		Theft	4 years
Fones Perez, Frank		IDC	
Fonseca Garcia, Jose		Destruction fm. fire	
Fonseca Reyes, Enriquez		Enemy propaganda	
Fuentes Valdes, Jorge L		Enemy propaganda	
Fumero Carrado, Angel		IDC	
Galanea Galvez, Carlos E		IDC, enemy propaganda	
Galvey Contreras, Tomas	01/90	Enemy propaganda	3 years.
Garay Callejas, Jose		Enemy propaganda	3 years.
Garcia . . ., Jorge W	08/02/90	Sabotage	5 years.
Garcia . . ., Caridad	02/92	Enemy propaganda	3 years.
Garcia Alosca, Rigoberto		Enemy propaganda	10 years.
Garcia Aguilera, Juan		Enemy propaganda	8 years.
Garcia Bello, Maria C		Sabotage	18 years.
Garcia Bello, Maria del C	11/13/88	Sabotage	13 years.
Garcia Ramos, Lazaro E	02/92	Enemy propaganda	6 years.
Garcia Cruz, Juan E		Enemy propaganda	1 yr., 6 mos.
Garcia Diaz, Carlos	04/29/82	Sabotage	30 years.
Garcia Perez, Idalberto		IDC	
Garcia Jimenez, Eduardo		Espionage	15 years.
Garcia Figueredo, Luis E	01/19/91	IDC	
Garcia Garcia, Miguel		Enemy propaganda	5 years.
Garcia Hernandez, Gladys		Espionage	8 years.
Garcia Mejias, Guillermo		Enemy propaganda, sabotage	
Garcia Moreno, Jose A			
Garcia Navarro, Nestor		Espionage	8 yrs.
Garcia Perez, Idalberto		Espionage	
Garcia Ortiz, Ramon A		Enemy propaganda	
Garcia Perez, Luis J		Enemy propaganda	8 yrs. 7 mos.
Garcia Perez, Jorge L		Enemy propaganda	5 years.
Garcia Valdes, Maria M		Terrorism	8 years.
Garcia Saldivar, Jadae		Enemy propaganda	5 years.
Gavilan Garcia, Jorge	08/02/90	Sabotage	
Gil Olmas, Ruben		Dif. heroes and martyrs	
Gomez . . ., Rodolfo		Enemy propaganda	6 years.
Gonzalez Ogra, Luis		Enemy propaganda	
Gomez Cruz, Napoleon		Enemy propaganda	5 years.
Gomez Delgado, Aguedo	12/19/89	Sabotage	
Gomez Estevez, Alexix	07/16/92	Sabotage	
Gomez Gonzalez, Fray		Enemy propaganda	2 yrs. 7 mos.
Gomez Macias, Ibalde		Enemy propaganda	
Gomez Dias, Ibraim	10/28/90	Sabotage	7 years.
Gonzalez . . ., Juan		Theft	15 years.
Gonzalez Aleman, Genovevo		Sabotage	
Gonzalez Bello, Maria del C		Sabotage	18 years.
Gonzalez Seguei, Jennie A		Enemy propaganda	
Gonzalez Laffita, Rosalina	03/10/87	Theft	30 years.
Gonzalez Valazquez, Agustin		Enemy propaganda	4 years.
Gonzalez Legro, Luis E		Enemy propaganda	
Gonzalez Leiva, Israel		Enemy propaganda	10 years.
Gonzalez Lopez, Rolando		Sabotage	3 years.
Gonzalez Marichal, Jose	08/17/89	Sabotage/enemy propaganda	5 years.
Gonzalez Mateo, Emilio E		Enemy propaganda	
Gonzalez Perez, Yaamani		IDC	
Gonzalez Specks, Lino	09/01/82	Sabotage	30 years.
Gonzalez Vasquez, Agustin		Enemy propaganda	
Gonzalez Veguero, Nicolas		Enemy propaganda	
Gonzalez Valencia, Marcos	04/09/91		
Gomez . . ., Maria			
Gorrin Verdecia, Ricardo		Enemy propaganda	
Grave de Peralta, Roberto		Enemy propaganda	
Grave de Peralta, Murrelli L	02/13/92	Rebellion	13 years.
Graveran Piloto, Juan		Enemy propaganda	
Graveran Piloto, Thomas		Enemy propaganda	
Guerra Blanco, Jesus			
Guero Rosales, Senen		Enemy propaganda	
Guerra Jimenez, Eduardo	06/11/79	Espionage	15 years.
Guerrero Garcia, Emigdio		IDC and acts rep. sabotage	5 years.
Guerrero Martinez, Faustino		Sabotage	
Guerrero Scheweyer, Alfredo	03/08/87	Espionage	12 years.
Guillen Zalduva, Jose		Sabotage	1 year.
Golobo Quinones, Ricardo		Sabotage	
Gutierrez . . ., Angel M		Theft	3 years.
Gutierrez Martinez, Giullermo A		IDC	

Last names, first name	Arrest	Charges	Sentence
Gutierres Ramos, Rodolfo		Rebellion	
Gutierres Sosa, Jose L		Disobedience	
Granda Oveido, Alain			
Hernandez Reyes, Sanvel	12/09/80	Attempted asylum	25 years.
Hernandez Tesis, Orlando		Enemy propaganda	5 years.
Hernandez . . ., Eduardo		Enemy propaganda	5 years.
Hernandez Gonzalez, Alcides		Enemy propaganda	
Hernandez Garcia, Marcos A		Espionage, sabotage, Enemy propaganda	20 years.
Hernandez Hernandez, Juan		Enemy propaganda	
Hernandez Morales, Yosvani		Theft	3 years.
Hernandez Luaces, Omar		Enemy propaganda	
Herrera Macuran, Pastor			
Hernandez Oviedo, Alain	10/19/90	Sabotage	5 years.
Hernandez Toledo, Gelacio			
Hernandez Viera, Alberto		Theft	
Hidalgo Gato, Armando		Enemy propaganda	2 years.
Herrera Macuran, Pastor		Enemy propaganda	
Herrera Ramirez, Ibrahin		Enemy propaganda	
Hidalgo Labrada, Rigoberto		Enemy propaganda	
Hoyo Ruiz, Ruben		Enemy propaganda	6 years.
Huerre Peraza, Carlos		Enemy propaganda	3 years.
Ibanez, Sanchez, Pablo		Enemy propaganda	
Ibarra Tejeda, Elexis		Enemy propaganda	
Infante Estrada, Victor R		Revelation secrets Min. Int	8 years.
Isaac Nunez, Francisco		Enemy propaganda	
Izquierdo Carmona, Esteban		Espionage	15 years.
Jimenez Leon, Rafael		Enemy propaganda	5 years.
Jimenez Ramos, David	12/09/80	Attempted asylum	
Jimenez Ramos, Gerardo A	12/09/80	Attempted asylum	25 years.
Jimenez Rivero, Francisco	07/03/90	Espionage	10 years.
Jimenez Trujillo, Enerido		Disobedience	2 years.
Jorrin Verdecia, Ricardo	09/09/90	Enemy propaganda	3 years.
Kerr Michel, Jorge			
Licourt Medina, Barbaro			
Labrada . . ., Rafael		Sabotage	
Ledesma Quijano, Isidro	11/02/89	Rebellion	3 years.
Lamothe Teras, Emilio		Enemy propaganda	
Lazaro Dominguez, Manuel		Enemy propaganda	8 years.
Lazo Martinez, Andees		Enemy propaganda	
Leon Aleman, Rene	12/12/90	Rebellion	
Leon Leon, Luis		Theft	4 years.
Leon de la Rosa, Abrahan		Acts against state secur	
Levia . . ., Eduardo		IDC, enemy propaganda	
Leiva Trista, Osmani G		Enemy propaganda	5 years.
Leiva Balado, Lilliana		Enemy propaganda	
Leiva Leiva, Croniel		Enemy propaganda	3 years.
Leiva Miguel, Orlando		Sabotage	
Licour Medina, Barbaro		Enemy propaganda, sabotage	
Linancero Martinez, Luis E	01/10/90	Terrorism	15 yeas.
Lino Cardoso, Hector		Sedition	30 years.
Lopez Beltran, Martin	03/23/79	Ex-milit.	25 years.
Lopez Contreras, Leopoldo		IDC, enemy propaganda, worker strike	6 years.
Lopez Contreras, Ramon L		Transportation strike	6 years.
Lopez Estevez, Carlos		Enemy propaganda	
Lopez Estevez, Valeriano		IDC	
Lopez Jimenes, Leonardo		Sabotage	15 years.
Lopez Lopez, Ruben		Enemy propaganda	
Lopez Martin, Manuel		Enemy Propaganda	
Lopez Miranda, Diego	07/23/92	Enemy propaganda	
Lopez Novegil, Nelson	12/90	Rebellion	
Lopez Quinta, Jose		Enemy propaganda	8 years.
Lopez Rodriguez, Luis J		Enemy propaganda	6 years.
Lopez de la Rosa, Andres		IDC	
Lopez Torres, Luis A		Sabotage, enemy propaganda	
Lopez Torres, Luis A	12/12/90	Sabotage	
Lopez Gonzalez, Gilberto		IDC, enemy propaganda	
Lucio Rodriguez, Ernesto	11/21/90		
Llanes Marquez, Wilfredo		Enemy propaganda	
Llyh Ojeda, Raul		Rebellion	
Matos Sanchez, Huber L		Unlawful and clandestine association, printing	1 yr., 4 mos.
Maestre Saborit, Alexis	06/18/90	Enemy propaganda	12 years.
Magdalena Morales, Jorge D		Disobedience	
Manasa Elijah, Ham		Disobedience, comm. in chief	
Maragoto Martin, Justo		Enemy propaganda	
Marichal, Orillana, Waldo M		Attack, disobedience	
Marin Ramirez, Victor O		Disobedience, comm. in chief	
Marlote Triana, Felix		Theft, rebellion	3 yrs., 9 mos.
Marquez Medina, Rolando		Other acts	
Marrero Martinez, Lic. Jorge	01/14/85	Espionage	15 years.
Marti Callejas, Roman	09/18/90	Espionage	12 years.
Marti Rivas, Roman	09/18/90	Espionage	8 years.
Martin Callejas, Ruperto R		Sabotage	12 years.
Martin Roca, Pedro S		Enemy propaganda	
Martin Roca, Pedro	12/22/90	Enemy propaganda	3 years.
Martin Roca, Aurelio		Enemy propaganda	
Martin Terras, Gabriel			10 years.
Martinez Alonso, Pablo		Enemy propaganda	
Martinez Benavides, Reinaldo		Enemy propaganda	
Martinez . . ., Francisco R			
Martinez Bustamante, Bienvenido			
Martinez Garcia, Angel D	02/06/92	Sabotage	
Martinez Garcia, Angel D		Enemy propaganda	20 years.
Martinez Gomez, Luis M		Theft	
Martinez Machado, Jesus		IDC, disobedience	
Martinez Martin, Maria T		Enemy propaganda	
Martinez Martinez, Luis E	03/23/90	Enemy propaganda	3 years.
Martinez Vidal, Jose L		Terrorism	15 years.
Matiendo Borroto, Jose A		Enemy propaganda	
Matos Colombie, Rodolfo	02/07/91	Enemy propaganda	5 years.
Matos Sanchez, Hubert L			
Maure Justiz, Roberto		Enemy propaganda, assault	
Mayo Mendez, Juan	01/90	Enemy propaganda	4 years.
Mayo Gomez, Rafael		Sabotage	2 years.
Mena Perez, Adan		Sabotage	10 years.
Medina Corzo, Santiago	06/27/92		4 years.
Mendez Rafful, Juan P		Enemy propaganda	20 years.
Mendez Montesinos, Rene		Enemy propaganda	
Mendez Fernando, Juan		Enemy propaganda	6 years.
Mendez Kenol, Manuel		Disobedience, comm. in chief	
Mendoz Veloz, Anibal		IDC	

Last names, first name	Arrest	Charges	Sentence
Mendoza Marrero, Maria	02/20/92	Theft	10 years.
Merino Guerra, Luciano		Enemy propaganda	
Mesa Hernandez, Mario	01/07/90	Enemy propaganda	5 years.
Miero Diaz, Jorge R		IDC	
Mojena Anjeris, Jose M	01/19/91	IDC	
Monjer Quintana, Eduardo		Sabotage	
Montes Prendes, Reinaldo		Economic espionage	
Montes de Oca . . ., Rene		Disobedience	
Montes de Oca Cancio, Ronaldo de la C		IDC	
Monteagudo Rodriguez, Luis		Attempt Span. Embas. asylum	4 years.
Montero Hernandez, Alfredo		IDC	
Montesinos Arguelles, Sara		Theft	
Montoya Gonzalez, Jesus		Sabotage	10 years.
Morales Viort, Lazaro L	02/03/90	Enemy propaganda	4 years.
Martinez Hernandez, Mario		Disobedience	
Moral Veliz, Martin		IDC, disobedience	
Morales Beltran, Omar		Possible sabotage	
Morales Cantero, Silvio A		Sabotage	18 years.
Morales . . ., Pedro J		Enemy propaganda	
Morales Gerrero, Ariel		Sabotage	
Morales Rodriguez, Pablo		Unlawful assoc. group	
Morales Trujillo, Fredy		Sabotage	20 years.
Moreno Reyes, Juan J	11/21/92	Enemy propaganda	
Morejon, Rodriguez, Felipe A	11/21/89	Enemy propaganda	
Moreno Tapia, Juan P		Disobedience	3 years.
Murez Justiz, Roberto	03/24/91	Enemy propaganda, assault, disobedience	6 years.
Munoz Lopez, Pedro R		Disobedience, comm. in chief	
Munoz Rodriguez, Guillermo		IDC	2 years.
Napoles Fernandez, Raidel		Enemy propaganda	2 years.
Naranjo Ramirez, Eladio		Disobedience, defamation of heroes and martyrs	
Naranjo Fonseca, Jose M		Probable sabotage	
Nasco Marrero, Ares	01/13/90	Terrorism	8 years.
Nogueras Napoles, Julio	01/19/92	IDC	
Noto Barrios, Agustin			
Nunez Lopez, Pastor		Sabotage	
Nunez Nunez, Martin		IDC	
Nunez Cos, Ariel A		Enemy propaganda	
Nunez Villegas, Alcides		Disobedience	1 yr., 6 mos.
O'Farrill Victor, Felix		Sabotage	2 years.
Orme Caballero, Carlos C		Rebellion	7 years.
Ortega Hunt, Leandro A		Disobedience, comm. in chief	
Orunda Montejo, Fernando		Enemy propaganda	5 years.
Osorio Pupo, Merquiades		Sabotage	
Osorio Sierra, Ramon		Sabotage	
Oviedo Hermida, Ala	10/15/90	Sabotage	
Pairal Diaz, Omar		Sabotage	3 years
Pantoja Flores, Fidel		Enemy propaganda	
Pacheco Victoria, Luis		Enemy propaganda	
Pantoja Rodriguez, Antonio		Enemy propaganda	
Pasarin Siro, Roman		Enemy propaganda, sabotage	
Pascual Bello, Rodolfo		Sabotage	5 years.
Pages Navarro, Rolando C		Unlawful association	1 year.
Pelegrin Campbell, Osmani	12/20/89	Sabotage and propaganda	
Pelegrin Ramirez, Raymundo		Sabotage	
Pena Ruiz, Mario		Acts against state security	
Peraza . . ., Carlos		Enemy propaganda	5 years.
Peraza Cabrera, Eduardo	10/21/88	Sabotage	15 years.
Perdomo Feria, Rafael		Sabotage	
Perez . . ., Omar		Enemy propaganda	2 years.
Perez de Agreda Gomez, Ricardo L		Disobedience, comm. in chief	
Perez Parrera, Pedro		Enemy propaganda	2 years.
Perez Batista, Fidel			
Perez Cardoso, Osvaldo		Enemy propaganda	3 years.
Perez Fuentes, Nerida		Falsific. documents	8 years.
Perez Hernnandez, Jorge O		IDC	
Perez Manso, Benito S		IDC	
Perez Martin, Juan	02/09/90	Enemy propaganda	
Perez Martinez Justo		Sabotage	
Perez Martinez, Manual F		Disob., commander in chief	
Perez Miranda, Ariel O		Disobedience	
Perez Morales, Omar	03/22/90	Enemy propaganda	2 years.
Perez Pulido, Osvaldo		Enemy propaganda	2 yrs., 6 mos.
Perez Rodriguez, Victor L		IDC	
Perez Smith, Angel M		Other acts against st. sec	5 years.
Perez Trueba, Carlos		Enemy propaganda	5 years.
Perez Vidal, Lazaro			
Pino Gonzalez, Ramon I		Sabotage	2 yrs., 6 mos.
Pintado Vitier, Armando		Enemy propaganda	
Pita Santos, Luis A	05/01/90	Unlawful assn/disobedience	5 years.
Piris Piyd, Fernando	03/24/91	Assault	6 years.
Placencia . . ., Gonzalo		Disobedience	2 yrs., 6 mos.
Poinet Hernandez, Omar		Enemy propaganda	
Poll Ramos, Jorga	01/24/90	Enemy propaganda	8 years.
Pulido Valdivia, Juana M		Disobed., Comm. in chief	
Polanco Vazquez, Reynaldo	12/10/89	Sabotage/enemy propaganda	
Pomar . . ., Jorge		Unlawful association	2 years.
Portal Artiles, Armijail		Disobedience	2 yrs., 6 mos.
Portuondo Rodriguez, Rafael		Enemy propaganda	
Poso Marrero, Dr. Omar		Revelation secrets Min. of Int	15 years.
Pomar Montalvo, Jorge A			
Prendes Montes, A. Jaime		Economic espionage	
Pridas . . ., Eduardo		Sabotage	15 years.
Prio Ayala, Rafael A		Enemy propaganda	3 years.
Prieto Mendez, Angel	12/26/91	Disobedience	
Puig Valdes, Rolando		Other acts agnst. state secur	
Pujol Irizar, Jose L	02/92	Enemy propaganda	3 years.
Puentes Valdez, Jorge L		Enemy propaganda	
Pruno Isaac, Alberto		Enemy propaganda	
Quesada Fernandez, Carlos		IDC	
Quesada Fernandez, Juan P		IDC	
Quesada Garcia, Roberto		Bearing firearms	
Quiala Parra, Vismark		Sabotage	
Quiala Parra, Jorge S		Sabotage	
Quinta Lopez, Jose		Enemy propaganda	
Quintana Silva, Jorge		Alleged disobedience	
Quinones . . ., Raul			4 years.
Quinones Estrada, Luis E	01/19/91	IDC	
Quiriello Echevarria, Mirian	07/23/87	Enemy propaganda	
Ramirez Perez, Eduardo		Theft	15 years.
Ramirez Terrero, Frank	08/24/87	Asylum attempt	4 years.

Last names, first name	Arrest	Charges	Sentence
Ramirez . . ., Mario			
Ramos Andreu, Pedro R		Enemy propaganda	3 years.
Ramos Carrateala, Lazaro	07/10/92	Sabotage	
Ramos Lechuga, Aroelio	02/18/72	Ex-military	36 years.
Ramon Llorens, Juan		Enemy propaganda	1 yr., 6 mos.
Ramos Martinez, Donato	03/18/87	Theft	13 years.
Ramos Rodriguez, Tomas		Terrorism and rebellion	20 years.
Ramos Rojas, Domingo			
Restano Diaz, Rolando		Rebellion	10 years.
Reyes Martinez, Pablo		Enemy propaganda	
Reyes Lopez, Ricardo			
Reyes Sanchez, Jesus A	05/15/90	Assault	20 years.
Risco Herrera, Ramon	01/19/91	IDC	
Rivas Hernandez, Celestino			
Rivera Gutierrez, Jose		Enemy propaganda	
Rivero Betancourt, Martha L	04/06/91	Theft	3 yrs., 6 mos.
Rivero Rodriguez, Pablo		Enemy propaganda	6 yrs., 10 mos.
Ricardo . . ., Aurelio			
Rodriguez Abreu, Oar	01/05/90	Sabotage/enemy propaganda	5 years.
Rodriguez . . ., Tomas		IDC	
Rodriguez Alonso, Cecilio		Enemy porpaganda	
Rodriguez Benitez, Jose R		Enemy propaganda	
Rodriguez Carrillo, Juan		IDC	
Rodriguez Campos, Jacinto		Sabotage	10 years.
Rodriguez Castillo, Carlos M	11/22/89	Theft	8 yrs., 6 mos.
Rodriguez Castillo, Manuel C		Theft	7 yrs., 7 mos.
Rodriguez Hernandez, Arnaldo P		Enemy propaganda	
Rodriguez Herrada, Jose		Hijacking	12 years
Rodriguez Leon, Luis		Enemy propaganda	
Rodriguez Fuentes, Humberto			
Rodriguez Leiva, Robier		Rebellion	
Rodriguez Martinez, Israel C		Disob. Comm. in chief	
Rodriguez Martinez, Jose A	12/05/91		
Rodriguez Perez, Alne		Enemy propaganda/sabotage	9 years.
Rodriguez Placencia, Wlater	08/90	Theft	3 years.
Rodriguez Pupo, Ramon		Sabotage	30 years.
Rodriguez Ramirez, Jaquin F		Enemy propaganda	4 yrs., 6 mos.
Rodriguez Rangel, Ramiro	04/15/83	Sedition	30 years.
Rodriguez Rivero, Librado		Disob. comm in chief	
Rodriquez Rodriquez, Armando	03/21/91	Enemy propaganda	4 years.
Rodriquez Rodriquez, Bernardo		Espionage	14 years.
Rodriquez Rodriquez, Orelvis		Theft	15 years.
Rodriquez Rodriquez, Raudel	01/25/80	Rebellion	30 years.
Rodriquez Roque, Alexis		Enemy propaganda	2 years.
Rodriquez Simon, Jorge		Disobed. comm in chief	
Rodriquez Sosa, Gustavo	01/11/91	Rebellion	18 years.
Rodriquez Villavicencio, Julio		IDC	
Rodriquez Cala, Alberto		Theft	
Rodriquez Fonseca, Alberto L		Theft	
Romero Fernandez, Carlos		IDC	
Roman Pasarin, Gabriel	03/24/91	Enemy propaganda/assault	4 years.
Roman Pasarin, Ciro	03/24/91	Enemy propaganda/assault	11 years.
De la Rosa, Garcia, Nelson		Theft	17 years.
Rosa Mendoza, Juan A		IDC	
Rosado Torres, Francisco	01/06/90	Terrorism	10 years.
Rosario Carballo, Damian			
Royo Estrada, Carlos	02/92	Enemy propaganda	
Ruiz Columbie, Arquimides		Rebellion	10 years.
Ruiz Diaz, Rafael		Enemy propaganda	
Ruiz Matosos, Maximo O		Disobed., IDC, desertion	20 years.
Ruiz Echevarria, Jorge		Sabotage	
Ruiz Varela, Antonio		IDC	
Ruiz Varela, Daniel		IDC	
Ruiz Vincent, Maurilio		Sabotage	20 years.
Saez Alvarez, Gregorio			
Sainz Castro, Roberto		Disobedience	
Salvia Ricardo, Ismael		Grouping	
Sanchez, Alexis		Enemy propaganda	1 year.
Sanchez Echevarria, Julio		Sabotage	
Sanchez Figueredo, Pedro	01/12/90	Enemy propaganda	
Sanchez Olivares, Luis		Enemy propaganda	
Santana Luis, Jose		Enemy propaganda	
Santos Davila, Guillermo	01/04/90	Other acts agnst. state secur	3 years.
Sarmientos Hernandez, Jose	03/31/81 or 09/18/80	Ex-military Batista	30 years.
Santovenia Fernandez, Daniel		Other acts agnst. state secur	
Seibanes Padron, Luis	04/28/90	Terrorism and propaganda	13 years.
Sierra Guerra, Albetto L		IDC	
Sierra Perez, J. Carlos		Terrorism	15 years.
Simon Poll, Sergio			2 years.
Sixto Lopez, Alberto		Enemy propaganda	9 years.
Socarras Lopez, Alberto T	12/12/90	Sabotage	
Soto Morell, Marco A			
Sotolongo Rodriquez, Ramon	03/90	Enemy propaganda	3 years.
Speck Gonzalez, Lino	09/07/92	Sabotage	30 years.
Stenenso Betancourt, Arturo		Enemy propaganda	
Suarez Cao, Wilder		Enemy propaganda	
Suarez Fernandez, Julio	06/08/90		5 years.
Suarez Perez, Felipe	12/24/90	Sabotage	
Suarez Taboada, Jose			8 years.
Suarez Ramos, Arturo	05/10/87	Theft	30 years.
Tamayo Mojena, Luis L		Sabotage	
Tapanes Tapanes, Regla	03/14/92	Enemy propaganda	
Tejeda Rodriguez, Angel		Sabotage	
Tenrreiro . . ., Abelardo		Enemy propaganda	2 yrs., 6 mos.
Tobal Sanchez, Roberto		Disob., comm. in chief	
Toledo Lugo, Timoteo		Rebellion	30 years.
Toledano Rodriguez, Jaime A	11/22/90	Enemy propaganda	3 years.
Torres . . ., Juan G.		IDC	4 years.
De la Torre Calero, Reidel	03/06/92	Possible sabotage	
Torre Jimenez, Lorenzo	04/28/90	Terrorism/enemy propaganda	7 years.
Torres Llourdano, Bislan	83	Sabotage	30 years.
Torres Santana, Adhil		Sabotage	7 years.
Trujillo Cervantes, Rafael		Disobedience	3 years.
Trujillo Graberon, Jose		Enemy propaganda	3 years.
Valenzuela Tabon, Luis		Disob., comm. in chief	
Valenzuela Tabon, Pedro F		Disob., comm. in chief	
Valdez Baro, Fidel		Enemy propaganda	
Valdes Medina, Antonio		Disob., IDC	
Valdes Semanat, Ismael		Sabotage	
Varona Betancourt, Virgilio		Other acts agnst. state sec	

Last names, first name	Arrest	Charges	Sentence
Valladares Efigenio, Jose		Other acts agnst. st. sec/enemy propaganda	

SUMMARY

Total number of political prisoners (approximate), 607.

Men, 580.

Women, 27.

Broken down according to cases:

Enemy propaganda, 275.

Sabotage, 89.

Illegal departure from country (with enemy propaganda), 58.

Theft**, 32.

Disobedience, 43.

Terrorism, 19.

Espionage, 20.

Acts against state security, 16.

Rebellion, 15.

Unlawful association, 14.

Attempted asylum, 5.

Revelation of secrets, 4.

Ex-military, 4.

Sedition, 4.

Assault, 3.

Infiltration, 2.

Worker strike, 2.

Treason, 1.

Defamation of heroes and martyrs, 1.

Just a short comment to point out the increases in the charges of enemy propaganda, contempt and unlawful association, which shows the growing need for the people to express themselves freely, their feelings and their deep desires for change in search of the sacred right to live in a world where individuality and freedom of opinion and expression are respected, as established in article 19 of the universal declaration of Human Rights.

**Translator's note: The term "piratería" can be translated as theft or piracy. When combined with "aérea" it means hijacking. The translation theft is used here, but the word could refer to one of the other crimes.

□ 1530

Mr. DIAZ-BALART. Madam Speaker, will the gentleman yield?

Mr. MENENDEZ. I yield to the gentleman from Florida.

Mr. DIAZ-BALART. Madam Speaker, I would like to commend the gentleman from New Jersey [Mr. MENENDEZ] for a superb survey of the current and recent past of the Cuban people and commend the gentleman for his fundamental initiative that he has announced today which will play a very important role in accelerating the liberation of Cuba, and, of course, the reconstruction of Cuba.

I would like to read for the RECORD at this time an editorial of just a few days ago in the Portland, ME Sunday Telegram, written by an editor, Mr. George Neavoll. He accompanies his editorial with a photograph of a poetess in Cuba. Her name is Maria Elena Cruz Varela. He entitles his editorial, "This woman is a dangerous poet."

[From the Maine Sunday Telegram, May 2, 1993]

BEWARE, THIS WOMAN IS A DANGEROUS POET

Look on the face of this young woman. She scares Fidel Castro to death. That's why he's had her beaten, robbed, assaulted, humiliated, and why she now spends her days in one of the Cuban dictator's political prisons.

The visage of Maria Elena Cruz Varela peered out at me from a recent mailing by Freedom House. This is the human rights organization formed 52 years ago to resist the evil of Nazism then sweeping Europe. In the way of human rights groups, this is no Johnny-come-lately.

You'll have to forgive the quality of the photograph. It's the only one we have, and it was smuggled out of Cuba.

Castro has good reason to be afraid of Maria Elena, actually. She is a poet, and no one knows better the power of the written word than the aging Cuban Mussolini-with-hair.

In 1989, a collection of her poems, "Hija de Eva" ("Daughter of Eve"), was given a national poetry award.

In 1991, however, she also was the author of the "Declaration of Cuban Intellectuals." The open letter advocated a broad national debate, direct elections and freedom for political prisoners.

She and fellow intellectuals formed the Alternative Criterion, a small, non-violent human rights group.

Even more than her activism, though, it was Maria Elena's words that worried Castro and his toadies. Words such as these, published by the New York Times after she was dragged off to prison, scared Castro.

"How terrible is the mirror image of a man looking himself in the face and discovering his fear. Dramatic plastic surgery is needed on the Cuban nationality to restore its looks!

"Years will go by before many realize the quality of the byproduct they've become.

"But me, I exist. I speak up. I write. I oppose. I shall not stop shouting: I oppose the system you represent; I oppose the barbarism being imposed on us; I oppose you because your irresponsible leadership may give excuses to others to intervene and to be the ones to 'resolve' our problems. I am not the CIA. I don't represent their interests; I'm not interested in them, or interested in the Insecurity of the State and the psychological terror you've patiently inflicted on us for 32 years like a brutal, deadly inoculation.

". . . Not only do I exist; we are many, so many, that our existence is imperiously denied; we are opponents and we are not exactly in the U.S. We are here, a few steps away from you, and you know it."

Maria Elena's letter to Castro was written on Sept. 27, 1991. On Nov. 19, state-controlled mobs swarmed around her apartment in East Havana, chanting slogans such as "Down with worms!" and firing shots into the air.

Finally, some of the goons burst into her apartment and dragged her by the hair down four flights of stairs and into the street. There, she and her daughter were beaten. This typical "act of repudiation," as the government likes to call it, was capped off by the goons stuffing some of her writings in her mouth.

Maria Elena's husband, daughter and son then were hauled off to the police station with her for the night. While they were away, their house was ransacked, and Maria Elena's poems and other writings were confiscated.

Two days later, she was arrested. On Nov. 27, 1991, she was tried, convicted and sentenced to two years in prison for "disrespect of state institutions" and "illegal association."

Maria Elena has almost seven months remaining on her prison term, unless it is lengthened in the meantime.

By the way, that is an all-too common occurrence in Cuba today.

The editorial continues:

One can't be too careful with dangerous poets, after all.

The Cuban people, however, are serving a life sentence under the brutish regime that has stripped them of their freedom, thrown their best thinkers, writers and poets in prison and returned the country to the economic dark ages.

Against it all, Maria Elena Cruz Varela stands unmoved, a voice of saneness and courage amid the din of Communist orthodoxy and street justice.

"Here I leave my scent," Maria Elena wrote in one of her poems. "The scent of the persecuted, of the animal chased by every pack of hounds from hell."

The chase isn't over yet, however, and the hunter can become the hunted overnight.

Madam Speaker, despite the arrogance of indifference in an all-too indifferent world and the indifference of the arrogant, there will be no retreat on our policy toward the Castro dictatorship. The heroism of the Cuban people, such as the heroism of this woman, will be supported by the United States of America and the only change in our policy will be our insistence that the international community join us in caring about the Cuban people.

As I stated last night in a special order of my dear friend and colleague, the gentlewoman from Florida [Ms. ROS-LEHTINEN], our intense efforts are dedicated to accelerate the arrival of the day that the Cuban nightmare of today will be but a dreadful remembrance of the past.

□ 1540

Madam Speaker, this last weekend a classroom full of small children in France that had been kidnaped by a crazed gunman was freed by the French police. It impressed me upon hearing that the French Security Minister addressed his countrymen on television with the following words.

Mr. MENENDEZ. Would the gentleman yield for moment?

Mr. DIAZ-BALART. Yes, I do.

Mr. MENENDEZ. Madam Speaker, I just wanted to call to the gentleman's attention that I think we have 4 minutes or so, 5 minutes, left, and I know that the gentlewoman from Florida [Ms. ROS-LEHTINEN] wants to speak.

Mr. DIAZ-BALART. Madam Speaker, I appreciate the fact of the time, and I am glad, of course, to listen to our colleague.

The French minister ended his statement on television by saying:

"The nightmare is over. The madman is dead."

We look forward to the time, very soon, when those days will be applicable to the Cuban people.

Mr. MENENDEZ. I thank the gentleman from Florida [Mr. DIAZ-

BALART] very much for his intervention here with us today and his eloquent statement on the continuing situation in Cuba, and I would be happy to yield, Madam Speaker, to the distinguished gentlewoman from Florida [Ms. ROS-LEHTINEN].

Ms. ROS-LEHTINEN. Madam Speaker, I say to the gentleman, "Thank you so much, Congressman MENENDEZ. What a welcome addition you are to this distinguished body."

Certainly this is a very important moment, Madam Speaker, because I think it shows very dramatically that the issue of Cuba is a bipartisan issue. The solutions that we seek are not partisan solutions, and the gentleman on one side of the aisle and us on this side of the aisle, we can work together very carefully and systematically to make sure that we can enlighten the other Members of this body as to the realities of the situation in Cuba and who was really responsible for the harsh conditions in our native homeland.

Last night, as my esteemed colleague, the gentleman from Florida [Mr. DIAZ-BALART] pointed out, we had a special order, and we are so thankful that we are continuing this today through the guidance of the gentleman from New Jersey [Mr. MENENDEZ], and we discussed the violation of human rights, and I talked about too many pages in report after report talking about the direct violations of human rights in Cuba. We talked about the plight of Cuban political prisoners, the plantados, those who do not subject themselves to the whims of their jailors and who stand up, and for their principled stand they suffer harsh treatment, even harsher than the normal treatment of political prisoners in Cuba, and I am so glad that the gentleman from Florida [Mr. DIAZ-BALART] brought up the plight of Maria Elena Cruz Varela along with other women Members of this body. We signed a letter to the leadership of Freedom House asking more attention be paid to the plight of this human rights activist, and I was glad to have the cooperation of women who perhaps may not agree totally with certain positions that I take regarding the embargo, but, when it comes to human rights violations, they understand the plight of women, especially in Cuba, and I had the support of the gentlewoman from California [Ms. PELOSI], and the gentlewoman from Colorado [Mrs. SCHROEDER], and so many women who signed that letter with me, and I am glad for their support.

And we discussed also last night the plight of the balseros, the human living tragedy that we experienced in south Florida all too often, and we devoted that special order last night to the memory of Raiza Santana and so many other women who are sacrificing—women and men are sacrificing their lives, and sometimes the lives of their families, to seek freedom in our generous shores of this democratic land, and we must talk about organizations such as Brothers to the Rescue, Hermanos Al Rescate, and the president, Jose Basulto, and the brothers, the Blados brothers. One of them was paralyzed, semiparalyzed, is now walking with great difficulty with a walker, and we hope he will get the full use of his limbs shortly—a pilot of Brothers to the Rescue, volunteer pilots not paid, who navigate through the skies of south Florida linking through to Cuba while looking out for rafters and trying to save them. One of the brothers, as I say, is semiparalyzed. Another brother just this week had a Cuban Mig fighter plane buzz by him in an act of aggression, and these are two brothers who are not even Cuban, and yet they are there showing great solidarity with the Cuban people, and we should talk on another occasion, and I know our time is up, about the monkey trials and about Castro's insistence that no human rights groups examine the prison conditions and the rapid response brigades, and I will just finish in 10 seconds saying that one of the favorite people that I have to quote is Dr. Jeane Kirkpatick who always says that we should not go along with the blame-America-first crowd. The problem of Cuba is related to the policies of Fidel Castro and not to the policies of the United States.

Madam Speaker, I thank the gentleman from New Jersey [Mr. MENENDEZ] for having yielding to me.

Mr. MENENDEZ. Madam Speaker, I thank the gentlewoman for participating today. Hopefully we have unveiled the true Cuba and stripped away the mask of Fidel.

GENERAL LEAVE

Mr. MENENDEZ. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on Senate Joint Resolution 45.

The SPEAKER pro tempore. (Miss COLLINS of Michigan). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

THE NECESSITY FOR AN ACTIVE, VIABLE U.S. MERCHANT MARINE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Madam Speaker, National Maritime Day traditionally is observed in the United States on May 22 in recognition of the crossing of the Atlantic Ocean by the Nation's first steamship, the S.S. *Savannah*, in the year 1819. This year, on its birthday, the U.S. maritime industry receives an unwelcome birthday present because the Clinton administration, strongly influenced by the Department of Defense and others, last week announced that it will not be offering maritime reform legislation.

Everyone in this Chamber painfully is aware of the divergent views within the industry as to what is the best course of action to place U.S. maritime industries on a level playing field in a global economy where virtually every other merchant fleet is subsidized.

But, Madam Speaker, what I particularly find egregious is the fact that the Department of Defense is of the opinion that we—as a Nation—have no future need for a privately-owned merchant fleet.

Why, you may ask, would our military take such a hard-line position, given the fact that it relies heavily on merchant shipping in times of war or national emergency. During every major foreign military engagement in our Nation's history, at least 95 percent of all ordnance, equipment, and supplies needed by our military and by our allies, was carried by ship. The recent Persian Gulf war was no exception.

That requirement—ocean transportation—has not changed, Madam Speaker. The most efficient and effective way of transporting the enormous volume of military equipment and supplies is by ocean transport. Quite simply, there is no equal.

What has changed is our military's philosophy or policy governing ocean transportation.

The military, particularly the Navy, has developed its own fleet of sealift ships, some Government-owned, some Government-chartered and controlled—some even carrying Government cargoes that ought to be carried by our privately owned commercial fleet. Still others are held in the reserve fleet

In short, Madam Speaker, the Navy has created a second merchant fleet by using, in my opinion, vessel utilization strategies and creative interpretations of existing laws that favors its own, captive Government fleet—all at the expense of our active commercial merchant marine.

As I mentioned, Mr. Speaker, one component of the Government's fleet is the National Defense Reserve Force [NDRF] and its subcomponent, the Ready Reserve Force [RRF].

Like many of my colleagues in the House and Senate, I supported the NDRF and the creation of the RRF, because I saw it as a critical source from which we quickly could supplement our active fleet in times of national emergency or war.

What the Congress failed to foresee was the Navy's intention—specifically the Military Sealift Command's intention—to expand its mission to become the Nation's largest ship operator and largest deepsea employer.

Madam Speaker, DOD is nationalizing our merchant fleet.

This must not be allowed to stand.

Maritime reform legislation died, critics say, because it was framed around subsidies that the Federal Government could no longer afford. My response, Mr. Speaker, is that we cannot afford not to pay vessel operating subsidies or some other form of operating fiscal support.

It is ironic that the Congress and the administration can find billions upon billion of dollars for agricultural subsidies, educational subsidies, welfare subsidies, or for study after study on a wide range of subjects and issues that often borders on the ridiculous, yet is more than willing to write off an industry that plays a crucial role in the defense and the economy of this great Nation.

The figure we are talking about is approximately $350 million a year, or less, to keep more than 100 modern U.S. flagships operating in our foreign trades. And remember, of this $250 million, nearly one-half will be returned the same year in personal and corporate taxes. It is money put to work in our economy that generates jobs and a defense capability and helps our balance trade.

Military planners were unwilling to support maritime reform because they say it is too expensive—that our merchant ships in the international trades are not necessary for a military surge deployment or to sustain that mission.

What our military planners are saying is that foreign flag ships are readily available, such as was the case in the Persian Gulf when more than 140 foreign-owned ships were chartered.

Military planners, with an eye on the bottom line, are selling one of the most important components of our national defense down the drain, but we, as a nation, will not see the results of this misguided policy until it is too late—after all of our ships have been reflagged, crewed with foreigners, and they are no longer available to assist our military.

Opponents of continued assistance to our merchant fleet will say that foreign flag shipowners will not let the United States down, that they will make their ships available. They may be right, to a degree. The ships will be available—for a price, a very high price; but, what about the crews. Will they be available? There is no clear, definitive answer to that question.

Our military quickly points to the successes of Operations Desert Shield and Desert Storm, when foreign flag vessels were used extensively.

Madam Speaker, I believe our military establishment is making a serious mistake by assuming that in all future engagements the United States will have the same cooperation from foreign governments as it enjoyed in the Persian Gulf conflict. They also do not tell you about the foreign-flag vessels that refused to carry gulf war cargoes and the foreign crews that refused to sail when we needed them.

But after all, these men and same planners who testified before the Subcommittee on Merchant Marine a few years ago and asserted, during a paper exercise conducted at the U.S. Transportation Command, that all 96 vessels in the Ready Reserve Force were broken out successfully within the allotted time frame.

Such an assumption was not based on reality. At that same hearing, I questioned another witness, Vice Adm. Paul Butcher, the then-commander of the Military Sealift Command, about the probability of repeating in the real world the successes gained during the "paper".

The admiral, to his credit, agreed with me that getting any vessel out of the reserve fleet would be extremely difficult, unless it is given great attention and strictly maintained.

My views on that subject, which were supported by Admiral Butcher, proved to be correct during the breakout of RRF vessels during Operation Desert Shield.

U.S. shipyards and other companies engaged to breakout RRF vessels found it extremely difficult to meet their target dates. I am convinced the same serious miscalculations are being made in this case, when the military assumes cooperation between the U.S. Government and foreign governments will give us unlimited access to foreign flag vessels and foreign crews.

If we are to learn from history, we must look back to other U.S. military involvements, such as Korea, Vietnam, and, yes, the Persian Gulf war.

Foreign seamen, whether they work for U.S. or foreign vessel owners, have no loyalty or allegiance to U.S. flag or to U.S. objectives—objectives to which we may commit our young men and women to combat.

We have witnessed time and time again how foreign crews have refused to man vessels destined to carry supplies and equipment into U.S. military theaters of operation. The only reliable seamen, who will answer the call, support the objectives of the United States and support the U.S. military, are U.S. seamen.

Madam Speaker, if we proceed down this foolish path on which the administration is leading us, and U.S. vessels now engaged in the international liner trade eventually are reflagged, where will we obtain the trained, skilled seamen that will be needed to man vessels broken out of the RRF?

Precipitous reductions in U.S. deepsea jobs will create a void that will be impossible to fill. We only have to look at the experiences we endured during Operation Desert Shield when there was a critical shortage of U.S. radiomen and other crafts needed to man reserve vessels. Vessels were delayed until men could be recalled from retirement and placed back on active duty.

Madam Speaker, officials of the Office of Management and Budget during their deliberations concerning maritime reform legislation with other Federal agencies said that maritime reform was too expensive, that the Federal Government could not afford to underwrite operating subsidies for U.S. liner vessels competing with cheaper foreign vessels.

Madam Speaker, given the importance of a strong merchant marine for commercial and national defense, the question must be asked: How can we afford not to keep this industry afloat?

Consider, if you will, the fact that U.S. taxpayers spent $17 billion this year to support American agricultural interests—many of them multi-national conglomerates, and some of them even foreign owned.

Part of that effort was the expenditure of U.S. taxpayer dollars to help promote U.S. agricultural products in foreign nations. The administration has included in its fiscal year 1994 budget $147 million for this program.

While the program may assist in the promotion and export of U.S. commodities—and there is no proof that it does even that—I question the wisdom of using taxpayers dollars to support companies like Sunkist Growers, which received $66.9 million between fiscal years 1986 and 1992; Blue Diamond, $35.7 million; Sunsweet Growers, $19.1 million; and Dole Foods, $14.9 million.

These companies should be using their own advertising dollars to promote their product line, not tax dollars.

According to a recent article in the Washington Post, Dole Foods, which received nearly $15 million in Federal aid for supermarket promotions in Japan and magazine ads in Europe, reported $570 million profits during the same period it was receiving Federal aid.

Supporters of this program argue that promoting U.S. exports creates U.S. jobs. How can anyone argue with that?

Yet, that is precisely the same argument—in part—for continuation of the U.S. operating differential subsidy or some other form of fiscal support for the merchant marine.

Madam Speaker, many years ago when I was taking typing classes, there was an exercise we use to employ to improve our typing skills. It consisted of typing over and over again the following sentence: Now is the time for all great men to come to the aid of their country.

This is no classroom. This is the U.S. Congress. And this is no typing class exercise. Now is the time for all great men—and women—to come to the aid of the U.S. merchant marine.

Without an active, viable U.S. merchant marine, without our fourth arm

of defense, without a manpower pool of skilled, highly trained seamen, this Nation will be weakened greatly—both economically and militarily.

I want to urge all of my colleagues to join me in supporting maritime reform legislation introduced this week by the distinguished bipartisan leadership of the Merchant Marine and Fisheries Committee.

Madam Speaker, if we are to continue to have a strong, independent Nation, then this legislation must prevail—the U.S. merchant marine must prevail.

Let's have a happier birthday next year.

Madam Speaker, for the RECORD I include the following articles.

[From the Journal of Commerce, May 18, 1993]

SHIPPERS, SHIPYARDS PRESS AHEAD WITH REFORM PLANS DESPITE SETBACK

(By Tim Sansburg and Tim Shorrock)

WASHINGTON.—The wreckage of the Clinton administration's maritime reform plan won't deter shippers and shipbuilders from seeking changes that appeared headed to Congress as part of a package designed primarily to preserve the U.S. merchant fleet.

The administration last week scrapped the centerpiece of the omnibus maritime bill it worked on for nearly three months, saying budgetary constraints prevent it from making federal funds available for new subsidies for U.S.-flag ocean shipping lines.

Loss of the primary legislative vehicle, however, won't ground efforts by U.S. importers and exporters reliant on ocean transportation to reform the 1984 Shipping Act, or by shipbuilders to revitalize their industry, chief lobbyists for the groups said.

Meanwhile, more details emerged about the Clinton administration's decision not to pursue legislation to extend the maritime subsidy program beyond 1997.

The decision, industry and government sources said, was made primarily by the National Economic Council and the Office of Management and Budget. Those White House agencies rejected a recommendation from the Department of Transportation to proceed with a scaled-down subsidy program.

Several studies quoted by the OMB concluded a maritime subsidy program would cost $100,000 a job. The OMB decided it would be better to spend that money to create 10 jobs in a more competitive industry than shipping, one source said.

The Defense Department played a key role in the debate. The Pentagon's representatives to the interagency working group argued that a subsidized U.S.-flag containership fleet was not as important to long-term defense needs as the 20 roll-on, roll-off vessels the Pentagon will shortly order from U.S. shipyards, sources said.

Those large, medium-speed vessels will be used to supply U.S. forces in the initial "surge" of a conflict. In the longer, sustainment period of a future conflict, the Pentagon is likely to use the same combination of U.S. and foreign-flag ships it used during the Persian Gulf war, the sources said.

"Most people don't think we'll need a pipeline of containers," one official said.

But one industry source said part of the blame belongs to the Clinton administration for not having its senior people in place to make a difference.

The "central failure" is with the Transportation Department, the source said. He explained that relations with industry groups were handled smartly by Mr. Pena but the "interagency process" leading up to the final decision by top administration officials was ignored.

Sen. Ernest Hollings, D-S.C., used the confirmation hearing Monday of three DOT nominees to send the message that he doesn't think the issue of maritime reform is closed. He told Mortimer Downey, the deputy-secretary-designate, that the administration should find money to pay for reform.

He said he considers the administration's announcement last week as a "holding tactic" and that the Department of Defense should help fund the program. "If DOD can find a billion dollars for commercial conversion programs, it can find some money for U.S. bottoms," he said.

A committee aide said the panel would be considering maritime reform this summer and said Pentagon officials would be asked to testify.

Peter Gatti, director of policy development for the National Industrial Transportation League, said shippers will continue to press the administration for support and to have legislative reform proposals introduced in both houses of Congress. NIT League members account for 80% of the commodities the nation transports by sea, land, and air.

Shippers want to reform U.S. shipping law to limit carriers' anti-trust immunity and to allow for individual, confidential contracting for ocean transportation rates and services. Shipper-backed reforms aren't linked to subsidies, don't cost the taxpayers any money and are needed to keep U.S. exporting and importing companies competitive in the world marketplace, Mr. Gatti noted.

The benefits of antitrust immunity for carriers seem to diminish if they all switch to foreign flags, Mr. Gatti added. He was referring to U.S. carriers' pledge to reflag their vessels in the absence of government subsidies. Foreign vessels aren't crewed by U.S. labor.

The administration's consideration of shipbuilding issues will go forward under an interagency task force created by the National Defense Authorization Act, said John Stocker, president of the Shipbuilders Council of America.

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KEY CONGRESSMEN UNVEIL $1.9 BILLION SHIP SUBSIDY PLAN

(By William DiBenedetto)

WASHINGTON.—House maritime leaders Wednesday sought to revive the campaign for maritime subsidy reform that the Clinton administration abandoned last week, but they face the same funding problems that stymied both the Clinton and Bush administrations.

One of the bills in the maritime revitalization package that was unveiled by key House members calls for a new 10-year, $1.9 billion subsidy, beginning in fiscal 1996, covering 90 U.S.-flag vessels in a so-called maritime security fleet.

That is slightly more than the Bush administration unsuccessfully sought last year but much less than the 15-year, $4 billion plan urged by U.S. shipping lines earlier this year as necessary to keep their vessels under the U.S. flag.

A second bill would change maritime tax policies, including revising and expanding the Capital Construction Fund, a tax-deferred account that U.S. operators use to amass funds to build ships in U.S. shipyards.

Chairman Gerry Studds, D-Mass., and other members of the House Merchant Marine and Fisheries Committee, described the two measures at a news briefing Wednesday, National Maritime Day, and indicated there will be more to come.

Future initiatives will include a promotional program for U.S. shipyards and a funding mechanism to pay for the new subsidy program. The shipyard program, likely a package of tax breaks and funding for research and development, will be unveiled in two weeks. Hearings on the committee's reform program begin on Tuesday.

Rep. Studds noted that last week the Clinton administration—constrained by budget concerns and the lack of Pentagon support for maintaining a strong U.S.-flag fleet—announced it would let Congress take the lead on maritime reform. "It's our intention to do precisely that. It's now or never," Rep. Studds said.

The congressman said it is "unthinkable this nation could find itself without a U.S.-flag fleet and unable to build a fleet, it won't happen on our watch if we can help it." Rep. Studds was referring to repeated threats by the two largest U.S. carriers, Sea-Land Service Inc. and American President Lines Ltd., to switch to foreign registries if maritime reform is not forthcoming.

"We're going to move as far as we can and as fast as we can," said Rep. Studds. "We hope the administration can support us later this summer or in the fall."

Rep. William O. Lipinski, D-Ill., said he has spoken to Transportation Secretary Federico Pena about the new initiatives. "The administration position is one of neutrality at the present time," he said.

The top official of a shipboard engineers union Wednesday said he welcomed the proposed legislation's stress on economic security.

The nation's five key maritime unions welcomed the legislation. In a joint statement, they said that "like the congressmen who introduced the bill, we are hopeful the administration will join in the effort to put in place a maritime program that will have beneficial effects on the nation's economy and its defense capability."

An APL statement said the company appreciated the committee's attention, but added, "Unfortunately, the administration's clear statement of its position last week requires us to plan for the future without the expectation of timely or satisfactory maritime reform."

CSX Corp., the parent company of Sea-Land Service Inc., released a statement praising Rep. Studds and Rep. Lipinski for introducing the legislation.

But one industry source said, "There's not a snowball's chance in hell this will pass. Without strong administration support it's going to die."

The legislation does not address how the new subsidies will be financed. Rep. Lipinski has suggested a big increase in the tax on cruise vessel passengers, but Rep. Studds has skirted any endorsement of that proposal.

"It's an interesting question; we will have to come up with $189 million a year," said Rep. Studds. One consideration is whether to continue appropriating money for a reserve fleet of defense sealift ships, or whether some of that money could go to subsidies for commercial operators, he said.

Elements of the two bills include:

Depreciation of U.S.-flag ships over three years, rather 10 years.

Use of CCF money to build vessels for U.S. domestic trades and to acquire ships by lease.

Maintenance of a maritime security fleet by paying operators $2.3 million a vessel in fiscal 1996 and $2.1 million a vessel each year after that. (U.S. operators have insisted they need a minimum of $2.5 million a vessel throughout the life of any subsidy program; many operators currently receive $3 million to $4 million a vessel.)

Availability of subsidy to liner and bulk operators, with permission to build vessels in foreign shipyards that receive no construction subsidies.

Elimination of the three-year waiting period for eligibility of reflagged vessels to carry U.S. preference cargoes.

□ 1600

MORE ON FAMILY VALUES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 60 minutes.

Mr. DORNAN. Madam Speaker, I will not take anywhere near my full hour, because I assume those that have signed up for a special order will probably not avail themselves of that wonderful opportunity and that this will be the last remarks on the House floor. And we can let our hardworking staff catch their breath.

Let me use this opportunity, again, as I like to do, at least every other couple of months, to thank all these patriotic men and women who serve us here in the Chamber, some of them with far more seniority than most of us have, who serve us so well with such good nature and dedication to duty.

Madam Speaker, it is always my desire at the beginning of one of these special orders to point out something very important about the outreach of this House, as though it is one large townhall meeting, reaching out to America through the wonderful communication abilities we have with television and cable systems. And it is just being enhanced at a supersonic speed with fiber optics.

But there are about a million, the gentlewoman from Maryland [Mrs. BENTLEY], who is still on the floor argues with me, gently pointing out that it may be as high as 3 million American citizens, from Alaska to Hawaii to all 48 continental States, watching the proceedings of this Chamber as we speak here, even after the legislative duties are over, and we are speaking with these special orders.

They are just like the 1-minute speeches at the beginning of the day. Our fellow American citizens, particularly taxpayers, are watching the proceedings of this House, not only when we are discussing bills but also during these special orders.

If there are a million or 3 million people watching and 59 million American households are wired, and all of the cable systems across America pool their services and created C–SPAN 1 to bring the proceedings of this Chamber all across America and out to Hawaii, and then a couple of years later the Senate amended their rules. It was inevitable, and C–SPAN 2 was created to broadcast the proceedings of the Senate.

And I will register again, Madam Speaker, a complaint to our current Speaker, who did not set this into policy, and I know he does not like it, but panning this Chamber with the six cameras paid for by the taxpayers to convey the impression, as even bright reporters deliberately lie in print when they put down, "DORNAN, BENTLEY, GONZALEZ speaking to an empty Chamber."

The Chamber is not empty. There is a Member on the floor. There are dozens of people up in the gallery and millions of people across the country. Why do we pan this Chamber? To convey the impression that I am speaking to what the United Nations was once described as, a cave of winds.

It is a demeaning thing. It was put into place by a man who is now sorry, the longest run any Speaker has ever had in consecutive years, 10 years for Tip O'Neill, a great Irish-American. He did it in a fit of pique, if not anger, to get at my colleague, the gentleman from Georgia, NEWT GINGRICH, who was hammering away on this House floor against—it was probably NEWT's first 2 years—against President Jimmy Carter's economic policies that were weak. Those policies look solid now compared to the Bubba policies that are coming down at an ever-increasing rate from down at the White House up here to the Hill.

I would like to say, please, my colleagues, both sides of the aisle, I remember a former fine Member and friend from the other side, Steve Solarz, and I signed a letter. We got the majority whip, the minority whip, BOB MICHEL signed on board. I took it to TOM FOLEY, our great Speaker, last year and said, "Stop this panning of the Chamber. It demeans the whole House."

You want to know, I am telling my fellow Americans this, Madam Speaker, when there is a tribute to a dead Member who is a sitting Member, who died in service in this Chamber, or we are paying tribute to a Senator who died in office or a former Member who has died that earned great respect here, when we have one of those colleagues tributes, and there are maybe six or seven Members only on the floor and at the leadership table, the mikes and down at the two lecterns, guess what, somebody, Madam Speaker, is able to give a sensible order not to insult the memorial tribute to a former or sitting Member who has gone to his eternal reward. And the darn cameras do not pan then.

I feel like going downstairs, after I am through, and asking the Communications Room downstairs, who are only following orders, show me the written order that says you do not pan the Chamber when we are doing a tribute to a former Member. So stop. I give an order right now, as a sitting U.S. Congressman, stop panning this Chamber.

Let us see if my order, which I sincerely give right now, is more powerful than no written order, a vocal order of the commander, a vocal, let us see if some amorphous order out there from TOM FOLEY that is not in writing supersedes what I am telling the men downstairs right now.

Do you hear me, ladies and gentleman? Stop panning the empty Chamber. A million people are watching.

Now, why did I get up today: to continue speaking about the onslaught on family values by the man who is now in the White House.

Today, for people of my Christian denomination, actually for all Christians, it is Ascension Thursday. This is the day 40 days after Easter that the Son of God rose to Heaven to return again and judge the living and the dead.

□ 1610

For my faith it is a holy day of obligation, which means go to church or you are not in good standing. I went to church today over here at St. Peter's. Senators are going over to St. Joseph's on the other side. It is pretty nice that we have a church two blocks away.

In church I started thinking about where our country is headed. I think a lot about the abortion issue in church, because this administration has unleashed an abortion on demand for any reason or no reason, paid with U.S. tax dollars, that is going to send the abortion rate in this country skyrocketing again.

Candidate Clinton said that he wanted abortion to be safe. It is never safe for the baby, whose body is crushed and its life stamped out, its heartbeat snuffed out, its brain waves zeroed out, and that heartbeat starts at day 18, the brain waves start at day 40.

The youngest of my Sally and my five, our Kathleen, is about 8 months pregnant. She thinks she is going to deliver early, any day now. She is as big as two Kathleens. I am watching that baby. It has to be a young fighter pilot in there, male or female, because it is doing slow rolls in there.

When you go after that baby, and there are, let's say, 3 percent of the abortions of this country are in the last 3 months, what the Supreme Court coined this word, trimester. They are in the last 3 months.

What is 3 percent of a daily 4,500 abortions, a yearly 1,600,000? What 3 percent is of 1,600,000, it is more people than we lost in combat in the entire 10 years of Vietnam, and then some.

When a so-called doctor, and no OB doctors perform abortions in the second, third, and fourth month, the defi-

nition of an OB doctor being a doctor that occasionally delivers live children, that does not try to kill every child the minute he puts that woman on a delivery table and puts her in that birth position, an OB/GYN doctor may do abortions, and that is tragic that they do, but nobody in the military who is a military doctor does abortions, and have told the White House, "We aren't going to do them, even though you are telling us we should."

I will say there are thousands of OB/GYN doctors that do perform occasional abortions, and if he wants to hang up an OB shingle I will bet you most of them do not kill more than they try to save lives. A so-called doctor who only does abortions to this Member is the virtual scum of the Earth, a demon turned loose. Those doctors who only do abortions, when they look at a pregnant woman or a pregnant young girl and see that she is 7, 8 months, or in her ninth month of pregnancy, and go after that child to kill it, which is serious surgery, either caesarean or mutilation of that child in the womb, with this latest technique that we have all learned about, the evacuation of the brain tissue while the child is in the birth canal so they do not run what they themselves call the horrible circumstance of having the child they are trying to kill delivered live, and then they have to make a decision, which is clearly infanticide, to strangle it, suffocate it, or let it starve to death.

When that happens, out of 1,600,000, you can imagine that happens occasionally, but any doctor who is going after a woman carrying a child at the end of her term, 6, 7, 8, 9 months, that is murder.

When I sat in my home, in my daughter's home, and looked across the room, I could see the movement of the child through her dress. When you go to kill something like that, you are not just killing, which takes place when you smash a mosquito, you are killing something, we kill germs, you are killing from the embryonic stage.

When does it become murder? That should be the great debate of our time on this House floor, and it is not. When you go after a child that could live outside the womb, and we are killing tens of thousands of them, even if it is only, quote-unquote, 3 percent, when you do that you are committing first-degree murder. Every abortionist who has performed that death-dealing process beyond the first few months, they know they are a first degree murderer.

Just as the left wing of this House, Members in both parties, say to the National Rifle Association that they are unyielding, that they are always using lines about "We don't even want to talk about automatic weapons, AK 47's being banned, because it is the crack in the door, it is the camel's nose under the tent, it is the beginning of the end, it is a slippery slope," I say to my friends over here who give me this phony, let us call it, Catholics in the Senate, phony line about 'I am personally opposed to abortion, but,'" when they give me that stuff, that "I am pro-choice but I am personally opposed," why is it there is not legislation generated from those pro-choicers personally opposed to do something about waiting periods, late term abortions, parental, not just parental notification but parental consent? Where is that legislation?

I say to them, Don't give me your garbage about all these cliches applied to the gun lobby in this country, because the pro-abortionists over here say "That is a crack in the dike, that is the camel's nose under the tent, that is the slippery slope, there is no ending."

No, I have decided most people in this country who claim they are pro-choice, they won't give us the Democrat Governor Bob Casey Pennsylvania rules of some sense about late-term abortions, clean abortion mills, hospitals being involved, parents being involved, with all the provisions that if you have psycho parents, abusing parents, an incestuous father who has brought about this pregnancy, of course you want court protections.

As a matter of fact, the Pennsylvania law says only one parent has to be informed, and that parent obviously has to be stable, and there are court protections.

All that is coming out of the White House is abortion on demand for all 9 months, the ninth month included, for any reason, and I have picked up three little words just in the last week, even after debating here for 15 years, simple words, "or no reason." All 9 months for any reason, or no reason.

Overwhelmingly, 80 percent of Americans, particularly in the lower economic levels, do not want to pay for abortion on demand as back-up birth control. Overwhelmingly, we don't want that, and the Clinton team, Donna Shalala, his arrogant appointee to be Surgeon General, all the friends of Hilary and the FOBs that are touching social policy, are telling us that within a few weeks we are going to be debating the biggest health plan in the health care system overall, in the history of civilization for any country, and included is going to be abortion on demand for all 9 months for any reason or no reason at all.

They are going to make every Orthodox Jewish person who practices faith pay for it with their dollars, every ecumenical Christian, fundamentalist Christian, charismatic Christian, loyal, practicing Catholic, and I don't care about the Judas Iscariot Catholics, every loyal, practicing Catholic, every hospital that is Catholic or Lutheran or any other denomination, every other institution, every businessman or business woman who owns a company in this Nation is going to be told, "You will participate in a health care system where the abortions will be paid for."

The White House wants every Federal worker to have abortion on demand at taxpayer expense. I repeat, they are trying to force our military, Navy, Air Force, and Army doctors, the Marine Corps doctors who are all Navy, to offer abortion on demand at taxpayer expense.

We are in for a moral rough ride in this country that is beyond belief. Do you think this White House has the bully pulpit to tell kids not to smoke marijuana, when every kid I know laughs about not inhaling, because those that do put that cannibis to their lips do inhale?

Does anybody here really think that the inspiration from the White House now is going to cause SAT scores to go up? I doubt it. Just think, just answer in your own head what I mentioned here yesterday about the following words. Have you got a pencil, Madam Speaker, or any of my colleagues listening or anybody else listening?

Do you have a pencil? Just write down these letters in a column, and if you can't remember the words, go back to your Economics 101 book, you know, where you first learned about supply and demand and free markets and free economies and tariffs.

Just write down the letters, and you won't remember all of them, but you will eventually as you discuss economics with your friends. I will give you a little acronym for the first one, tsar, because usually only tsars put this kind of a revenue on their people, and it is usually a tyranny.

□ 1620

T-S-A-R, TSAR. The "A is for and," taxes, spending and regulations, TSAR. Taxes are going up, that is a given. Spending is going up big-time around here. That is a given. Do not believe all of this stuff about spending cuts. Spending will be bigger next year than this year, and I do not think it is just adjusted for inflation.

Regulations, going up. Ask my colleague and truly my friend, and I served with him 8 years, AL GORE, ask him if regulations are going up, not just in protecting the environment where I am open to any adjustments and help there and regulation to go up. But I do not want to destroy jobs wholesale, and I do not want to tell loggers that you are stupid, ugly and evil, and you do not know what you are talking about, we are not even listening to you. That is what we are doing with the health care. If you are a nurse, if you are an anesthesiologist, if you are a medical aide, if you are a helicopter pilot that flies a hospital helicopter ship, if you own a hospital, if you have invested in a hospital, if you are a hospital administrator, do not

dare ask to get on Ms. Hillary's task force, and do not ask to be allowed to play a part in the Rodham-Clinton force. And I leave out doctors deliberately, because if you are a doctor, male or female of any age or ethnic background, do not show your face around here. You provide health care. You used to take a Hippocratic oath that says I will do no harm, I will do everything to maintain life. But we do not want to hear from anybody that has an M.D. or any other medical letters after their names. Get out of here. Only bureaucrats need apply.

As I said in a 1-minute this morning, I found out only in the last few days that the legislative counsel, that means the people that write our ideas into possible law with all of the whereases and the wherefores and diplomatic, yes, diplomatic and legalistic language, and they are terrific. I have worked with them since 1977. I have put in some bills today on term limits. These are good men and women. Guess what? One of their senior boss's counselors has been secunded, lent, borrowed by Hillary Clinton for months to work on health care things.

Does that mean if I put a health care bill into the hopper and introduce legislation, and it goes downstairs to the Cannon Building to the legislative counsel, one of the senior guys can pick it up and take it over to the Clinton team, either as an intelligence foray to say here is what the Republicans are up to, or to borrow an observably good idea and integrate it into their plans that they are slaving over? No. I wrote a letter to the Speaker. I want to know how much that person is paid per year, who is paying for that. Does it come out of our legislative appropriations bill for this House, and are there any other people on Federal payrolls, because I understand that of 489 of the people on the 500-person task force—11 people still a mystery—but 489 of 500 I repeat, for emphasis, no doctors or health care people at all, that the 489 are bureaucrats from Health and Human Services under Hillary's best friend, Donna Shalala, or out of the offices here on the Democrat side, always of the liberal persuasion. That is what is coming up with this health care plan, and the abortion part of it is the cancer in the middle, to use a good medical word, that is going to rot this whole thing.

TOM BLILEY of Virginia told me that he said to the President's face, and BOB MICHEL said it was one of only two notes he took that day a few weeks ago going along in a meeting, the first meeting with Republican Members, and TOM BLILEY, Congressman of Virginia, said, "Mr. President, if you put abortion-on-demand in that health care package, you start off down 140 votes."

Well, I think it starts down with 140 of just Republican votes. I know 50 good Democrats, liberal labor Democrats like my friend, DALE KILDEE, and the whip himself, Mr. BONIOR of Michigan. I know 50 people over there that in spite of the way the Democrat Convention conducted itself in the Big Apple, my home of birth, shutting down the Honorable Bob Casey, Governor of Pennsylvania; besides the fact that the party of my parents' early years, the great Democratic Party, founded by Thomas Jefferson has become the party of abortion-on-demand for any reason or no reason for all 9 months, in spite of that, 50 people over there, I am sure I can count on them, to say I do not vote for any health package with that death, killing, in spite of his executive execution orders, five of them, as I and 100,000 other pro-lifers were actually on our feet marching up Jenkins Hill on Constitution, and while we were doing that he signed five executive execution orders, abortions in the military at your taxpayers' expense being one of them.

That kind of in-your-face approach to the killing of American babies in their mothers' wombs, and then I think back to the statement, "safe, legal, and rare." That is going to make abortion rare?

David Gergen, a columnist for U.S. News & World Report, or maybe Newsweek, I think it's U.S. News, who was one of President Reagan's communications directors, Gergen who is a conservative, very bright, articulate, moderate Republican, and he says I am prochoice here, and that is his sentence, and this is going to make abortion rare. And it goes out to point out that every poll ever taken in the last two decades since Roe versus Wade points out that Americans have come to a very peculiar understanding on abortion. Most Americans want it legal, but a third of Americans say it is murder, murder. Remember, Mosaic law says that thou shalt not kill. I always thought that that commandment should be translated to thou shalt not murder. You are allowed to kill if you are being attacked, or your wife is being raped and murdered, and if you don't use lethal force on an assailant you are what we call today a gutless wimp, unworthy of the name of father or husband. You are allowed to kill an enemy if your country is at war, and God hope it is a moral war, a defensive war, and even when you are on offense it starts from defense.

If you are allowed to kill in certain circumstances, what you are never allowed to do is in your head make an analysis that this is a grievous offense. Obviously every killing is, but then give sufficient reflection and full consent of your free willpower to murder. That you can never do. And a third of our Nation says it is clearcut m-u-r-d-e-r. And some of them flop over to create a majority that will tolerate it. I do not understand that reasoning, never will. But that is what it is.

But an overwhelming majority of Americans, 70 percent, 75 percent, 80 percent, 85 percent say parents have a role to play if they are good, loving parents. You know, what was sweet, beautiful Chelsea, trying to have a normal life in that goldfish bowl, what did she say to one of the people that wanted to give her an aspirin, I believe, that we have to have permission now to give her an aspirin, we have to have permission, and it became a national story because she said, "Well, call my dad because my mother is very busy." And she was not being funny. Her mother had just taken on the overwhelming burden of the health care task force.

But the power in that story is you cannot give the President's daughter a pill. By the way, I wonder if abortion providers at an abortuary could abort, God forbid, some President in the past who might have had a daughter of age, could abort a First Lady's child without the First Lady's knowledge? That is notification or permission. That is what we call consent. I mean, what kind of a mad, dark alley have we driven ourselves into without as much as we discussed this on the floor. Where is a debate from lectern to lectern, rooted in theology, rooted in Grecian ethics with a little Socrates, passed on to Plato, passed on to Aristotelian philosophy, and where is Thomas Aquinas discussed, and Augustine, and the great Protestant and Catholic theologians still alive? Where is the debate over this issue instead of this Bubba approach that I want it rare and here, and I will sign five executive execution orders? And let us go, and I will put it into the health bill, and the devil take the hind-most; let us see what happens?

No, this is the most peculiar period in American history for me. I know a lot of Jewish friends get upset when you use the Holocaust. The Holocaust was a horrendous 6 million murdered brutally of the world's 14 million living Jews that most demographers say existed at the beginning of World War II.

□ 1630

Hitler's ausstreichen, his final plan to rip them out by the roots and destroy all of European Jewry, and with his dying breath in his bunker he bragged that that was his greatest accomplishment. Tell me that Satan was not waiting to embrace this madman. We are not supposed to prejudge people's deaths, but there are certain things you want to put on the line in Las Vegas, that this was a sure thing where this madman was headed along with Stalin and Tojo.

Well, where is the debate on this floor that does not involve 6 million murdered, or 14 million that we are already bumping up against the 30 million death toll, just since Roe-Wade, just in the last 20 years? Where is it? Why are we not allowed to say holocaust when we kill 1.6 million?

Madam Speaker, now, listen, and my fellow Americans, listen to these statistics: America was suffering, among pregnant women, about 12.5-percent abortion when Roe versus Wade was signed by the Supreme Court. They said that might limit abortions because it would make it safe, free, and take it out of the back alleys. Wrong. It doubled to 23 percent of all pregnancies terminated brutally within 3 years, every heart-beat snuffed out, every brain wave zeroed out.

And then HENRY HYDE came along, the year I was campaigning for the first time, our bicentennial year. I win, and that same year HENRY gets the Hyde amendment through. I come, my first year of 1977, Hyde law takes effect and kicks in.

Did it diminish the abortions? No. The evil dice had been rolled. We went up 2 percent to 25, but God bless my colleague and his supporters in 1976, before I got here, because he created a ceiling. We hit 25, and we pretty much stayed at that ghastly death toll for 20 years; 25 percent of all pregnancies are terminated voluntarily and violently in our country today.

That is where you get that 1.6 million.

If the Hyde law that Wild Bill has targeted, that the White House has targeted, if the Hyde amendment goes down, I think we will see, and HENRY HYDE believes this, that 25 percent figure double as the 12.5 went up to 23 and then was ceilinged by HYDE at 25 percent; it is going to double.

What happened to candidate Clinton's line about rare, safe, legal? That is all the NOW standard blue signs, the same ones you saw in the lesbian parade, lesbian rights now, safe and legal now, same printing house, some NOW little logo down at the bottom, and I do not care what the parade is. The unholy alliance of sodomy and abortion works together in this country, and even though only 1 percent of the country is homosexual, three-quarters of that is in private, and they use the ugly term "in the closet," but in private. Privacy is what I call the way you should say in the closet.

That means that less than a tenth of a percent is activist, in your face, groaning and chanting, "We're queer, we're here, get used to it," and that group, making an unholy alliance because they think that the tissue of aborted, killed babies is going to get them a cure for AIDS, if you ever wondered about the nexus, the connection of the unholy alliance. That handful of people at NARAL and at NOW, producing both the sodomy and proabortion stickers at the same time, these people know that the 1.6 million is not going to go down. If it is free, it goes up.

I do not care whether it is a lunch or whether it is arms given to a country, if you create free anything and you get more of it and you get instant usage. That is what happened after Roe versus Wade when the 12 went up to 23. That is why we are at 25 now, because there are a lot of charity abortions around this country where Planned Parenthood inflames people without ever discussing the facts, without ever looking at the photographs.

There is one word I would like to mention at this point. I think I would have thought we would have won the debate on this one word: "sonogram."

Do you know that proabortion people do not want any woman, whether she is 13 or a miracle pregnancy at 43, they do not want them to see a sonogram? Because when you see a sonogram, and I have seen this with the last two of our grandchildren, No. 9 in the hangar and No. 8 of our nine, not available to me or Sally with our five, but when you look at that sonogram, it is phenomenal. You see the baby sucking its thumb, see it rolling, and I mean in the early stages when it cannot live outside the womb on its own, you see hands, fingers, feet, toes, you see a baby, and those sonograms that some cold-hearted abortionist use during the abortion so they do not have complications leaving any of the body parts behind as they rip apart this human being, those abortionists who use a sonogram turn the screen away to avert it from the mother's eyes, because you can see that little infant, that preborn American pulling back in pain, whether it is ingesting the saline solution which they are trying to get away from, to go to brain tissue evacuation, when you see that child recoiling in pain, the month opening, and that is where those of us who are prolife get the term "silent scream," when you see that, believe me, I would love to take that film to the Oval Office or to the family chambers and show it to Bill. I know I could break him down. The hard-hearted one who gives the orders there, I think, is the person who owns him and made his victory responsible by singing like Tammy Wynette, "I will stand by my man in spite of any protestations otherwise."

Here we are going to fight. I will be back to the well on this subject when the health care bill comes up. This is one fight that I want on my gravestone, win or lose, "He fought the good fight for the sanctity of human life in 1993." I want that there whenever God calls me, and on Ascension Thursday, I make that vow to Stephanopoulos, to Dee Dee Myers.

I was in New Hampshire this weekend, and they know I am back in their face. I gave them 6 months before I came to this well with this kind of passion and fervor.

Hey, Dee Dee, hey, Stephie, tell them, please, Madam Speaker, I am in your face, and I am in your face to stay. If you win this one, our country is in decline, and I do not know of any Republican President who can ever reverse when the Great Democratic Party, the party that was on the wrong side during abolition of slavery, when that party sold its soul out for a few measly votes to enhance this death toll of 1.6 million American children, preborn in their mother's womb; when this fight starts, it is going to be for the very soul and the existence of our country, not as a Christian nation, because we are multiplural and multicultural, but a moral nation, a nation adhering to the Western civilized standards from Greece and Rome, and through the Son of God, Jesus Christ, right down to now, the very roots of our law from Moses up there, the great Jewish law, the refiner of the 11th century, Maimonides, Pope Innocent to Pope Gregory to St. Louis, to St. Edward the Confessor, all of these great lawgivers up here, and even Napoleon, the despot, understood that abortion was the killing of a human life, and he did not have modern science and a sonogram or brain waves or heart noises to show this.

This is the battle of our lifetime.

But guess what, folks, I really did not get up to speak about this today. Every time I just happened to think it was Ascension Thursday, May 20.

There are a lot of nice things I would like to have talked about: 1927, Charles Lindbergh took off for Paris all by himself, the Lone Eagle, made it in 33 hours and 29 minutes. What an inspiration in the Age of Innocence, 1927.

That is when Babe Ruth hit 60 home runs.

I wanted to get up today to talk about one of my colleagues I just saw who I am pulling for to be Ambassador to Rome. Do you know what he told me that drove me out here? That the White House today under Mr. Clinton chose sides in the struggle in Angola. Mr. Clinton has sided with the Communist murderers, the MPLA of Luanda in Angola.

Jonas Savimbi is no saint, the founder and leader of UNITA. When Jonas Savimbi lost that election, and it was rigged by the Communists, and he was not the best loser in the world, but he came into town, or he sent his advanced guard in. Twenty of his senior officers who had survived years of combat in the jungle against Cuban troops, Russian arms, Russian brigadier generals, Russian pilots in Migs, Russians commanding tank units, and these thug Communists in Luanda, these 20 leaders of UNITA, Jonas Savimbi's people, and I have met with them 3 times on this Hill, he sent his 20 advanced people into Luanda to talk about fraud in the election, and they were brutally murdered and machinegunned to death in their hotel.

So Jonas Savimbi said, "To hell with the election, I am avenging my murdered generals, colonels, majors, and lieutenants." They are all really gut sergeants fighting in the jungle.

The fight was on again. They lost more people in the last year than maybe the last 4 years of the war, and Jonas Savimbi has taken 70 percent of the country. And there is no Soviet Evil Empire to help the Communists, Dos Santos and his gang in Luanda, there are no Cuban troops there, because they were negotiated out and went home to economic decay, and the serial killer, Fidel Castro, in his decaying, palm-covered prison.

But what did Clinton and company do today? They sided with the Communists in Luanda without any preparation of the diplomatic battlefield, with no rationale whatsoever, telling Jonas Savimbi, who controls 70 percent of the country, "Get lost," the same Communists that ordered the murder by firing squad of Daniel Gearhart on July 10, 1976.

I do not have to reach hard for that date. I did not look it up today. I was campaigning, and at a press conference in my freshman campaign, a month after I won the primary, because the Pope himself, and that would have been Pope Paul VI, then begged for mercy to this former Portuguese Catholic country, Angola, "Do not kill Danny Gearhart."

□ 1640

He was down on his luck, a Vietnam vet, married, three kids, and he went over on a CIA contract, after answering an ad out of his Sacramento newspaper. He was sent there, in other words, by Henry Kissinger, Secretary of State, and by George Bush, our fine CIA chief at the time, and they captured Danny. Who captured him? The Communist troops, Cuban troops over there to help the Communists that Clinton recognized today, weighing in for no reason on the wrong side. And they stood Danny Gearhart up, his wife pouring out her heart, sending letters. Three children writing on the letters, "Please don't kill our daddy," the Pope saying, "Don't do it," and they killed him. And guess what? They turned around and told our diplomat—Henry was being forced to contract in those days, Mr. Kissinger—in fact, in those days we had a cave-in mentality here in the House because Saigon had fallen the year before, with a no-win politically manipulated war that was lost in the Halls of Congress, we lost our guts, and Kissinger said we are a second-rate power and his is going to negotiate the best deal for the United States. It was Reagan and Bush that built us back, the world's only nuclear power with unlimited technocracy to dominate and the technology to dominate the military scene. In fact, that's why Bosnia is such a tough call, because there are lots of things we could do but whether we should do it or not and get Americans killed when it is a European problem, that is why this thing should be debated in this Chamber the way Somalia was currently debated today.

What happened to Danny Gearhart? Kissinger, then Secretary of State, George Bush, then the director of the CIA, they asked for his body back. Do you know what these Communist thugs did that Clinton has recognized today? They demanded $5,000 for his corpse. Daniel Gearhart's corpse. And then they sent this proud Vietnam vet with a Bronze Star back in a wooden casket. I guess it arrived at Dover, like all men and women killed overseas trying to help other suffering people. They counted over 70 bullets in his body. What kind of a firing squad is that? He was buried out here in a little Catholic Church ceremony with a requiem mass, with his wife and kids crying in the front row. That was July of 1976.

One of the reasons I wanted to be a Congressman. Do you think for a minute I ever thought that 17 years later that the President of the United States, who had been a draft-, not just a draft-dodger, he was drafted. You do not know that in America. Time, Newsweek, U.S. News, New York Times, L.A. Times particularly, even the Wall Street Journal which bailed out halfway through the story that broke, NBC, ABC, CBS, even CNN, which was supposed to give us a fourth way to go. I do not know about C-SPAN. But all of the major 22 network and print outlets in this country did not tell you, deliberately. He did not just avoid the draft three times; he avoided it, evaded it, though inducted twice, and sent other men off in his place. But on the third time, in the spring, April 1969, William Jefferson Blythe Clinton III was drafted, that is "e-d" at the end, the verb, past tense; with a short notice to be inducted into the U.S. Army as a buck private, July 24, 1969.

He came home and through a Republican Governor's office, Winthrop Rockefeller, with connections there, through his wealthy dealer uncle, through the Democratic offices of the chairman of the Senate Foreign Relations Committee, he suppressed, crushed, reversed an induction short notice. I never heard of that in my life, ever, not once. If it has ever happened, it was with severe political clout and some young man from the Hot Springs, AR, quota went off to Vietnam and only God knows if the particular person died or is home here in a wheelchair or lost a young marriage because of separation. We do not know what happened because of that separation. But this young man, talk about sending air crewmen, including women now, into combat into a three-way war between Muslim, Orthodox Christians, and Catholic Christians, to send it into that 700-year-old mess and then to recognize Communists in Angola and then to hire his cousin today, 25-year-old, to run the airline ticket office, and then to let a 747 wait for an hour while he gets a $200 haircut from one of these hairdressers with one name. In this case the name is Christophe. And let's face it, I am glad it is the hair; I think Saturday Night Live, with that girl on there going, "And his hair, what is that all about?"

I am glad he got a haircut. He ought to come over and get one of our $10 jobs here at the House or over on the Senate side, since we take all of this nutty criticism that it is not a free-enterprise operation. I get a $6 job back in Garden Grove, CA.

You know, it is like hammer blows, some silly, like the haircut, some ugly, like recognizing the Communist killers in Rwanda. I am telling you we are in for one heck of a ride, as I said the other day up in New Hampshire, quoting Bette Davis from one of her classic films, "Americans, fasten your seat belts, we are in for a bumpy ride."

Madam Speaker, I close on this: Are you ready with your pencil? I give you plenty of time to get them. I only give you the first three: taxes up; spending up; regulations up; deficit up; debt, both national and personal, up;' interest rates up; inflation up; capital flight up. That means no Europeans or Asians are going to invest in this country when we are in this economic mess. Unemployment up, productivity down, crime up, SAT scores down, investment down. You raise taxes, and investment goes down, that is Econ 101, Mr. Leader in the White House.

How about job creation? Down. That is Jack Kemp's favorite subject. That is how he got elected, "It is the economy, Stupid." Down. That is his quote, by the way, you should not call the President that name. That is what James Carville called him and AL GORE any time they got off message, off focus on the bus rides.

All of this that is going up and down, the last one, and I already said, "Crime, up; cannabis use with inhaling up; crack cocaine, inner cities, up; wife abuse, up; violence, up; child abuse, up." All of that begins and ends with killing children in the womb. How do you tell a parent, "Well, you had three abortions and you let two be born and now you are beating them. Gee, is something wrong with you?" No. All the ups and downs in this society, a bumpy ride.

Madam Speaker, how much time do I have left?

The SPEAKER pro tempore (Miss COLLINS of Michigan). The gentleman from California has 12 minutes remaining.

Mr. DORNAN. Madam Speaker, it is Thursday, not Friday, but this is our getaway Thursday, I yield back because I know Dee Dee and Stephie are watching, and I do not want to torment them. They have enough problem with Rush Limbaugh using common sense like a sledgehammer. To show them that I can be generous and I can accommodate, I yield the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SYNAR (at the request of Mr. GEPHARDT) for today, on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCKEON) to revise and extend their remarks and include extraneous material:)

Mr. ISTOOK, for 5 minutes each day, on May 24 and 25.

Mr. FAWELL, for 60 minutes each day, on June 8, 9, 15, and 16.

(The following Members (at the request of Mr. PASTOR) and to include extraneous matter:)

Mr. MEEHAN, for 5 minutes, today.

Mr. GONZALEZ, for 60 minutes, on May 20, 24, and 27.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MCKEON) and to include extraneous matter:)

Mr. SOLOMON.
Mr. DUNCAN.
Mr. GALLO.
Ms. SNOWE.
Mr. GEKAS.
Mr. CLINGER.
Mrs. BENTLEY in five instances.

(The following Members (at the request of Mr. PASTOR) and to include extraneous matter:)

Mr. SERRANO.
Mr. DINGELL.
Mr. LIPINSKI.
Mr. HAMILTON.
Mr. CYLBURN.
Mr. BROWN of California.
Mr. HUGHES.
Mrs. SCHROEDER.
Mr. VENTO.
Mr. LAUGHLIN.
Mr. ORTIZ.
Mr. KREIDLER.
Mr. LANTOS.
Mr. MARTINEZ.
Mr. HOLDEN.
Mr. BROWN of Ohio.

(The following Members (at the request of Mrs. BENTLEY) and to include extraneous matter:)

Miss COLLINS of Michigan.
Mr. DOOLEY.
Mr. STUDDS.
Mr. LEWIS of Georgia.
Mr. TRAFICANT.
Mrs. ROUKEMA.
Mr. HORN.
Mr. SHAYS.
Mr. JACOBS.
Mr. MILLER of California.
Mr. PETRI.
Mrs. JOHNSON of Connecticut.
Mr. GALLO.
Mr. FISH.
Mr. DREIER.

(The following Members (at the request of Mr. DORNAN) and to include extraneous matter:)

Mr. COSTELLO.
Mr. KENNEDY of Massachusetts.
Mr. STARK.
Mr. SOLOMON.
Mr. DREIER.
Mr. MICHEL.
Mr. GOODLING.

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 84. Joint resolution designating the week of June 1, 1993, through June 7, 1993, as a "Week for the National Observance of the Fiftieth Anniversary of World War II"; to the Committee on House Administration.

ENROLLED BILL SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1378. An act to amend title 10, United States Code, to revise the applicability of qualification requirements for certain acquisition work force positions in the Department of Defense, to make necessary technical corrections in that title and certain other defense-related laws, and to facilitate real property repairs at military installations and minor military construction during fiscal year 1993.

ADJOURNMENT

Mr. DORNAN. Madam Speaker, I move the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 49 minutes p.m.), under its previous order, the House adjourned until Monday, May 24, 1993, at 3 o'clock p.m.

EXECUTIVE COMMUNICATIONS, ETC.

1258. Under clause 2 of rule XXIV, a letter from the Acting Assistant Administrator for Legislative Affairs, Agency for International Development, transmitting a report on economic conditions prevailing in Portugal that may affect its ability to meet its international debt obligations and to stabilize its economy, pursuant to 22 U.S.C. 2346 note, was taken from the Speaker's table and referred to the Committee on Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL: Committee of Conference. Conference report on S. 1. An act to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purpose (Rept. 103-100). Ordered to be printed.

Ms. SLAUGHTER: Committee on Rules. House Resolution 179. Resolution waiving points of order against the conference report to accompany the bill (S. 1) to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purposes, and against consideration of such conference report (Rept. 103-101). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HUGHES:

H.R. 2198. A bill to amend the Federal Election Campaign Act of 1971 and the Internal Revenue Code of 1986 to clarify such provisions with respect to Federal elections, to reduce costs in House of Representatives elections, and for other purposes; jointly, to the Committees on House Administration and Ways and Means.

By Mr. STUDDS (for himself, Ms. FURSE, Ms. SCHENK, Mr. HAMBURG, Mr. HOCHBRUECKNER, Mr. KENNEDY, and Mr. FRANK of Massachusetts):

H.R. 2199. A bill to amend the Federal Water Pollution Control Act to reauthorize and modify the State water pollution control revolving loan program, and for other purposes; jointly, to the Committees on Public Works and Transportation, Merchant Marine and Fisheries, and Ways and Means.

By Mr. BROWN of California (for himself, Mr. HALL of Texas, Mr. VOLKMER, Mr. TRAFICANT, Mr. BACCHUS of Florida, Mr. CRAMER, Ms. ESHOO, Mr. MCCURDY, and Mr. PETE GEREN):

H.R. 2200. A bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control, and data communications, construction of facilities, research and program management, and inspector general, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. KREIDLER (for himself, Mr. WAXMAN, Mr. MOORHEAD, Mr. TOWNS, Mr. GREENWOOD, Mr. MCDERMOTT, and Mrs. MORELLA):

H.R. 2201. A bill to amend the Public Health Service Act to revise and extend programs relating to the prevention and control of injuries; to the Committee on Energy and Commerce.

By Mr. WAXMAN (for himself, Mr. BLILEY, Mr. DINGELL, Mr. MOORHEAD, Mr. HALL of Texas, Mr. ROWLAND, Mr. TOWNS, Mr. STUDDS, Mr. KREIDLER, Mr. BILIRAKIS, Mr. MCMILLAN, and Mr. GREENWOOD):

H.R. 2202. A bill to amend the Public Health Service Act to revise and extend the program of grants relating to preventive health measures with respect to breast and cervical cancer; to the Committee on Energy and Commerce.

By Mr. WAXMAN (for himself and Mr. TOWNS):

H.R. 2203. A bill to amend the Public Health Service Act to extend the program of grants regarding the prevention and control of sexually transmitted diseases; to the Committee on Energy and Commerce.

By Mr. WAXMAN (for himself, Mr. MOORHEAD, Mr. TOWNS, and Mr. STUDDS):

H.R. 2204. A bill to amend the Public Health Service Act to establish a program for the prevention of disabilities, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WAXMAN (for himself, Mr. MOORHEAD, Mr. HALL of Texas, Mr. TOWNS, Mr. BROWN of Ohio, Mr. BILIRAKIS, Mr. MCMILLAN, and Mr. GREENWOOD):

H.R. 2205. A bill to amend the Public Health Service Act to revise and extend programs relating to trauma care; to the Committee on Energy and Commerce.

By Mr. BILBRAY:

H.R. 2206. A bill to authorize the Secretary of the Interior to transfer public lands for the purposes of providing affordable housing; to the Committee on Natural Resources.

By Mr. BREWSTER (for himself, Mr. YOUNG of Alaska, Mrs. VUCANOVICH, Mr. BARCIA, Mr. EMERSON, and Mr. WALSH):

H.R. 2207. A bill to amend the Endangered Species Act of 1973 with common sense amendments to strengthen the act, enhance wildlife conservation and management, augment funding, and protect fishing, hunting, and trapping; to the Committee on Merchant Marine and Fisheries.

By Mr. BROWDER:

H.R. 2208. A bill to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and benefits for House of Representatives election campaigns, and for other purposes; jointly, to the Committees on House Administration, Ways and Means, Energy and Commerce, and Post Office and Civil Service.

By Mr. CLINGER (for himself and Mr. HOLDEN):

H.R. 2209. A bill to amend subtitle C of the Solid Waste Disposal Act to establish safety zones around Federal prisons in which certain facilities may not be permitted; to the Committee on Energy and Commerce.

By Miss COLLINS of Michigan (for herself, Mrs. CLAYTON, Ms. NORTON, Mr. PETERSON of Minnesota, Mr. MCHUGH, Mr. THOMPSON, Mr. MYERS of Indiana, Mr. ACKERMAN, Mrs. VUCANOVICH, Ms. ROYBAL-ALLARD, Ms. DANNER, Mr. LIPINSKI, Mrs. MINK, Ms. SCHENK, Mr. RANGEL, Mrs. COLLINS of Illinois, Ms. EDDIE BERNICE JOHNSON, Ms. ROS-LEHTINEN, Mr. KING, Mr. BARRETT of Wisconsin, Mrs. LLOYD, and Mr. EVANS):

H.R. 2210. A bill to amend the Internal Revenue Code of 1986 to provide an employer a credit against income tax for the cost of providing mammography screening for his employees; to the Committee on Ways and Means.

By Mr. DOOLEY (for himself and Mr. POMBO):

H.R. 2211. A bill to amend the Consolidated Farm and Rural Development Act to provide greater access to credit for family farmers who grow specialty crops or operate in high land cost areas, and for other purposes; to the Committee on Agriculture.

By Mr. DUNCAN:

H.R. 2212. A bill to amend the Federal Water Pollution Control Act to provide medium-sized cities 2 additional years for submitting applications for stormwater permits and to extend the date for issuance of stormwater permits to medium-sized cities correspondingly; to the Committee on Public Works and Transportation.

By Mr. FRANKS of Connecticut:

H.R. 2213. A bill to provide that excess amounts from official allowances of Members of the House of Representatives be returned to the Treasury for deficit reduction or for the purpose of making the amounts available for small business loans and investments; to the Committee on House Administration.

H.R. 2214. A bill to amend the Federal Election Campaign Act of 1971 to require that candidates for the House of Representatives receive at least half of their campaign contributions from individuals; to the Committee on House Administration.

H.R. 2215. A bill to amend title 18, United States Code, to provide a death penalty for the murder of Federal law enforcement officers; to the Committee on the Judiciary.

H.R. 2216. A bill to provide that a State may not take into account income from sources outside the State in determining the amount of tax imposed on the income of nonresidents; to the Committee on the Judiciary.

By Mr. GEKAS:

H.R. 2217. A bill to control and prevent crime; to the Committee on the Judiciary.

By Mr. GOODLING (for himself, Mr. FORD of Michigan, Mr. KILDEE, and Mr. GUNDERSON):

H.R. 2218. A bill to amend the Elementary and Secondary Education Act of 1965 to ensure that students are counted by using data from local educational agencies when available; to the Committee on Education and Labor.

By Mr. GORDON (for himself and Mr. GOODLING):

H.R. 2219. A bill to amend the Higher Education Act of 1965 to achieve savings in the operation of the student loan programs under part B of title IV of that act, and for other purposes; to the Committee on Education and Labor.

By Mr. HEFLEY:

H.R. 2220. A bill to amend the Education Amendments of 1972 to ensure that students attending institutions of higher education that receive Federal funds are able to exercise the right to freedom of speech, and for other purposes; to the Committee on Education and Labor.

By Mr. HUTTO:

H.R. 2221. A bill to amend the Congressional Budget Act of 1974 to provide for a 2-year (biennial) budgeting cycle, and for other purposes; jointly, to the Committees on Government Operations and Rules.

By Mrs. JOHNSON of Connecticut (for herself and Mr. MACHTLEY):

H.R. 2222. A bill to amend the Foreign Trade Zones Act to allow foreign trade zones to be established where a regional commission involving more than one State will coordinate zone activities; to the Committee on Ways and Means.

By Ms. EDDIE BERNICE JOHNSON:

H.R. 2223. A bill to designate the Federal building located at 525 Griffin Street in Dallas, TX, as the "A. Maceo Smith Federal Building"; to the Committee on Public Works and Transportation.

By Mr. KENNEDY:

H.R. 2224. A bill to establish the Office of National Environmental Technologies, and for other purposes; jointly, to the Committees on Science, Space, and Technology, Banking, Finance and Urban Affairs, and the Judiciary.

By Mr. KIM:

H.R. 2225. A bill to amend title 23, United States Code, to require States to enter into contracts with private persons to finance construction of toll facilities, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. LEWIS of Florida (for himself, Mr. DOOLITTLE, Mr. TOWNS, and Mr. WALSH):

H.R. 2226. A bill to amend the Internal Revenue Code of 1986 to restore the pre-1986 exclusion for scholarships for degree candidates; to the Committee on Ways and Means.

By Mr. MORAN:

H.R. 2227. A bill to amend the Internal Revenue Code of 1986 to provide that married couples may file a combined return under which each spouse is taxed using the rates applicable to unmarried individuals; to the Committee on Ways and Means.

By Mr. PETRI (for himself, Mr. MURPHY, Mr. BALLENGER, Mr. PENNY, Mr. GUNDERSON, Mr. GOODLING, and Mr. FAWELL):

H.R. 2228. A bill to amend the Internal Revenue Code of 1986 to increase the amount of the earned income tax credit for taxpayers with school age or preschool age children, to repeal the health insurance credit thereunder, and for other purposes; to the Committee on Ways and Means.

By Mr. RANGEL:

H.R. 2229. A bill to lift the trade embargo on Cuba, and for other purposes; jointly, to the Committees on Foreign Affairs, Ways and Means, Energy and Commerce, and Post Office and Civil Service.

By Mrs. SCHROEDER (for herself, Mr. DURBIN, Mrs. COLLINS of Illinois, Mr. LANCASTER, Ms. NORTON, and Mr. DIXON):

H.R. 2230. A bill to amend section 520 of the Cranston-Gonzalez National Affordable Housing Act to authorize the Secretary of Housing and Urban Development to make grants to establish midnight basketball league training and partnership programs incorporating employment counseling, job training and other educational activities for residents of public housing and federally assisted housing and other low-income families; to the Committee on Banking, Finance and Urban Affairs.

By Ms. SNOWE (for herself and Mr. BERMAN):

H.R. 2231. A bill concerning international women's human rights; to the Committee on Foreign Affairs.

H.R. 2232. A bill to establish standards and guidelines for providing overseas assistance to refugees and displaced persons; to the Committee on Foreign Affairs.

By Mr. STARK (for himself, Ms. PELOSI, and Mr. SABO):

H.R. 2233. A bill to deny, under certain conditions, most-favored-nation treatment to the products of countries that engage in nuclear explosive device testing; to the Committee on Ways and Means.

By Mr. STARK:

H.R. 2234. A bill to amend the Internal Revenue Code of 1986 to make S corporations eligible for the rules applicable to real property subdivided for sale by noncorporate taxpayers; to the Committee on Ways and Means.

By Mr. VENTO (for himself, Mr. NEAL of North Carolina, and Mr. MCCOLLUM):

H.R. 2235. A bill to amend the Bank Holding Company Act of 1956, the Revised Stat-

utes of the United States, and the Federal Deposit Insurance Act to provide for interstate banking and branching; to the Committee on Banking, Finance and Urban Affairs.

By Mr. WILSON:

H.R. 2236. A bill to extend Federal restrictions on the export of unprocessed timber to timber harvested in the State of Texas; jointly, to the Committees on Agriculture and Foreign Affairs.

By Mr. KREIDLER (for himself, Mr. COOPER, Mr. THOMAS of Wyoming, Mr. MURTHA, Mr. MINETA, Mr. DEUTSCH, Mr. PETERSON of Florida, Mr. COSTELLO, Mr. LAFALCE, Mr. BARCIA, Mr. FROST, Mr. DOOLITTLE, Mr. COLEMAN, Mr. EVANS, and Mr. GALLEGLY):

H.J. Res. 199. Joint resolution to recognize the achievements of radio amateurs, and to establish support for such amateurs as national policy; to the Committee on Energy and Commerce.

By Mr. DORNAN:

H.J. Res. 200. Joint resolution proposing an amendment to the Constitution of the United States limiting the number of consecutive terms Members of the U.S. Senate and House of Representatives may serve; to the Committee on the Judiciary.

By Mr. THORNTON (for himself, Mr. YOUNG of Alaska, Ms. LAMBERT, Mr. DICKEY, and Mr. HUTCHINSON):

H.J. Res. 201. Joint resolution designating the beach at 53 degrees 53 minutes 51 seconds north, 166 degrees 34 minutes 15 seconds west to 53 degrees 53 minutes 48 seconds north, 166 degrees 34 minutes 21 seconds west on Hog Island, which lies in the Northeast Bay of Unalaska, AK, as "Arkansas Beach" in commemoration of the 206th regiment of the National Guard, who served during the Japanese attack on Dutch Harbor, Unalaska, on June 3 and 4, 1942; to the Committee on Natural Resources.

By Mr. SANTORUM:

H. Con. Res. 104. Concurrent resolution expressing the sense of the Congress that the President of the United States should not proceed toward the normalization of diplomatic and economic relations with Socialist Republic of Vietnam until the Vietnamese Government has furnished a complete accounting of missing American servicemen in southeast Asia and opened its archives to inspection; to the Committee on Foreign Affairs.

By Mr. DORNAN:

H. Res. 180. Resolution amending the Rules of the House of Representatives to provide certain qualifications pertaining to service as a Member, and for other purposes; to the Committee on Rules.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 6: Mrs. UNSOELD, Ms. BYRNE, Mr. GUTIERREZ, Mr. DICKEY, Mr. GENE GREEN, Mr. TRAFICANT, Mr. CLAY, Mr. MARTINEZ, Mr. JEFFERSON, Mr. SCOTT, Mr. ROMERO-BARCELÓ, Mr. PETERSON of Minnesota, Mr. DURBIN, Mr. PENNY, Mr. TOWNS, Ms. MALONEY, Mr. KLINK, Mrs. CLAYTON, Mr. LAFALCE, Mr. MINETA, Mr. RANGEL, Mr. FROST, Mr. FILNER, Mr. HASTINGS, Mr. MILLER of California, Mr. PARKER, Mr. PAYNE of New Jersey, Miss COLLINS of Michigan, Mr. BLACKWELL, Mr. FAZIO, Mr. HUGHES, Mr. INSLEE, and Mr. STUPAK.

H.R. 58: Mr. CARDIN.

H.R. 173: Mr. BATEMAN.

H.R. 300: Mr. PARKER, Mr. BEVILL, and Mr. SHUSTER.

H.R. 324: Mr. BUNNING and Mr. PAXON.

H.R. 357: Mr. CLINGER.

H.R. 388: Mr. ARMEY.

H.R. 431: Ms. MARGOLIES-MEZVINSKY.

H.R. 462: Mr. GOODLATTE, Mr. BOEHLERT, Mr. LANCASTER, Mr. STRICKLAND, Mr. COBLE, Mr. BATEMAN: Mr. BISHOP, Mr. ENGEL, Mr. ROWLAND, Ms. MARGOLIES-MEZVINSKY, Ms. ROS-LEHTINEN, Mr. SCHAEFER, Mr. COLLINS of Georgia, Mr. MANZULLO, and Ms. EDDIE BERNICE JOHNSON.

H.R. 549: Mr. PACKARD.

H.R. 550: Mr. TRAFICANT and Mr. HOLDEN.

H.R. 567: Mr. BUNNING.

H.R. 736: Mr. TAUZIN.

H.R. 739: Mr. POMBO and Ms. FOWLER.

H.R. 826: Ms. THURMAN and Ms. EDDIE BERNICE JOHNSON.

H.R. 840: Mr. DEFAZIO.

H.R. 899: Mr. MCCRERY.

H.R. 901: Mr. SHAW, Mr. PORTER, and Mr. ARMEY.

H.R. 961: Mr. ALLARD, Mr. DOOLEY, Mr. EVANS, Ms. FURSE, Mrs. SCHROEDER, and Mr. MURPHY.

H.R. 999: Mr. ANDREWS of New Jersey and Mr. BOEHNER.

H.R. 1048: Mr. PRICE of North Carolina and Mr. FAWELL.

H.R. 1078: Mr. HANSEN and Mr. SAXTON.

H.R. 1079: Mr. HANSEN and Mr. SAXTON.

H.R. 1080: Mr. HANSEN.

H.R. 1081: Mr. HANSEN.

H.R. 1082: Mr. HANSEN.

H.R. 1083: Mr. HANSEN.

H.R. 1097: Mr. FAWELL, Mr. DIAZ-BALART, Mr. HANCOCK, Mr. BAKER of Louisiana, Ms. FOWLER, Mr. INGLIS, Mr. LIGHTFOOT, Mr. ZELIFF, Mr. HUNTER, MR. GILLMOR, Mr. KYL, Ms. DUNN, Mr. UPTON, Mr. KOLBE, Mr. PORTER, Mr. MOORHEAD, Mr. HOBSON, Mr. SENSENBRENNER, Mr. EMERSON, Mr. BILIRAKIS, and Mr. FISH.

H.R. 1120: Mr. BUNNING and Mr. ARMEY.

H.R. 1123: Mr. BAKER of California.

H.R. 1124: Mr. BAKER of California.

H.R. 1126: Mr. KLUG and Mr. BAKER of California.

H.R. 1127: Mr. KLUG and Mr. BAKER of California.

H.R. 1128: Mr. BAKER of California.

H.R. 1129: Mr. KLUG and Mr. BAKER of California.

H.R. 1130: Mr. KING and Mr. BAKER of California.

H.R. 1151: Mr. DURBIN, Mr. BOEHLERT, Mr. TRAFICANT, and Mr. TORRICELLI.

H.R. 1275: Mr. BAKER of Louisiana, Mr. SENSENBRENNER, and Mr. BARTLETT.

H.R. 1276: Mr. DORNAN, Mr. CRAPO, and Mr. ARMEY.

H.R. 1277: Mr. SPENCE.

H.R. 1293: Mrs. LLOYD.

H.R. 1295: Mrs. VUCANOVICH, Mr. GEKAS, Mr. BALLENGER, Mr. ROTH, Mr. RAMSTAD, Mr. BOEHNER, Mr. MCKEON, Mr. DREIER, Mr. GUNDERSON, Mr. DUNCAN, Mr. PAXON, Mr. QUILLEN, Ms. MOLINARI, Mr. SUNDQUIST, Mr. GALLEGLY, and Mr. SAXTON.

H.R. 1322: Mr. CLYBURN, Mr. BARCIA, Mr. VALENTINE, Mr. TRAFICANT, Mr. PALLONE, Mr. HERGER, Mr. LINDER, and Mr. BROWN of Ohio.

H.R. 1349: Mr. BARRETT of Wisconsin.

H.R. 1360: Mr. PETE GEREN.

H.R. 1399: Mr. SHAYS, Mr. PORTER, Mr. PACKARD, Mr. BAKER of Louisiana, Mr. MCKEON, and Mr. LIVINGSTON.

H.R. 1406: Ms. NORTON, Mr. GEJDENSON, Mr. MCCLOSKEY, Mr. GOODLATTE, Mr. MYERS of Indiana, and Miss COLLINS of Michigan.

H.R. 1419: Mr. STUPAK.

H.R. 1452: Mrs. LLOYD, Mr. SMITH of Oregon, and Mr. SHAYS.

H.R. 1489: Ms. ESHOO.

H.R. 1492: Ms. ROYBAL-ALLARD.

H.R. 1493: Mr. HANCOCK.

H.R. 1494: Ms. MALONEY, Ms. EDDIE BERNICE JOHNSON, Mrs. CLAYTON, and Ms. FURSE.

H.R. 1527: Mrs. JOHNSON of Connecticut.

H.R. 1543: Mr. KOPETSKI.

H.R. 1544: Mr. KLINK, Mr. MOLLOHAN, Mr. STRICKLAND, and Mr. SISISKY.

H.R. 1551: Ms. SHEPHERD, Mr. ZELIFF, Mr. FISH, Mr. JACOBS, and Mr. SENSENBRENNER.

H.R. 1565: Mr. ARMEY.

H.R. 1630: Mr. WALSH.

H.R. 1682: Mr. ROBERTS.

H.R. 1718: Mr. SCOTT, Mr. FALEOMAVAEGA, Mr. MARTINEZ, Ms. FURSE, Mr. CLYBURN, and Mr. HILLIARD.

H.R. 1733: Ms. MALONEY, Mr. SCHUMER, Mr. LIPINSKI, Mrs. COLLINS of Illinois, Mr. RUSH, Ms. ROYBAL-ALLARD, Mr. FROST, Mr. FOGLIETTA, Mr. VENTO, Mr. REYNOLDS, Ms. FURSE, and Mr. FISH.

H.R. 1759: Mr. SCOTT, Mr. PAYNE of Virginia, and Mr. CASTLE.

H.R. 1788: Mr. FROST and Mr. SENSENBRENNER.

H.R. 1804: Mr. WILLIAMS, Mr. ANDREWS of New Jersey, Mr. TOWNS, Mr. KLINK, Mrs. CLAYTON, Mr. MAZZOLI, Mr. FROST, Mr. RANGEL, Mr. BLACKWELL, Mr. GORDON, Mr. BARLOW, Ms. ENGLISH of Arizona, Mr. PASTOR, Ms. FURSE, Mr. HUGHES, Mr. PARKER, Mr. MCCURDY, Mr. OLVER, Mr. FALEOMAVAEGA, and Mr. EVANS.

H.R. 1813: Mr. HANCOCK.

H.R. 1814: Mr. WYNN, Mr. DEFAZIO, and Mr. DEUTSCH.

H.R. 1815: Mr. SOLOMON, Mr. ZELIFF, and Mr. HANCOCK.

H.R. 1816: Mr. PETE GEREN, Mr. POSHARD, Mr. HALL of Texas, Mr. HOUGHTON, Mr. COLEMAN, and Mr. WILLIAMS.

H.R. 1873: Ms. LOWEY, Mr. FINGERHUT, Mr. SKAGGS, Mr. WILSON, Mr. ENGEL, Mr. TORRICELLI, and Ms. MARGOLIES-MEZVINSKY.

H.R. 1885: Mr. HOBSON, Mr. MCHUGH, Mr. BARTLETT, Mr. KYL, Mr. WALSH, Mr. LIVINGSTON, and Mr. SENSENBRENNER.

H.R. 1901: Mr. PARKER.

H.R. 1902: Mr. PETERSON of Minnesota, Mr. TOWNS, Mr. FROST, Mr. FILNER, Mr. LIPINSKI, Mrs. CLAYTON, and Mr. EVANS.

H.R. 1917: Mr. STRICKLAND and Mr. OXLEY.

H.R. 1930: Mr. FRANK of Massachusetts.

H.R. 1966: Mr. TORRES and Ms. PELOSI.

H.R. 1967: Mr. HUGHES.

H.R. 1970: Mr. HUGHES.

H.R. 1980: Mr. BOEHLERT and Mr. BARLOW.

H.R. 1986: Mr. DEFAZIO and Mr. HANCOCK.

H.R. 1996: Mr. LANCASTER and Mr. GENE GREEN.

H.R. 2048: Mr. PETRI.

H.R. 2070: Mr. FRANK of Massachusetts, Mrs. COLLINS of Illinois, and Mr. THOMPSON.

H.R. 2136: Mr. ZIMMER.

H.J. Res. 44: Mr. ARMEY.

H.J. Res. 92: Mr. RIDGE, Mr. SANDERS, Mr. SANGMEISTER, Mr. SAWYER, Mr. SISISKY, Ms. SLAUGHTER, Mr. SOLOMON, Mr. STENHOLM, Mr. SWIFT, Mr. WELDON, Mr. YATES, Mr. ANDREWS of Texas, Mr. BLACKWELL, Mr. BROWN of California, Mr. BRYANT, Ms. CANTWELL, Mr. CARR, Mr. COSTELLO, Mr. DEUTSCH, Mr. DOOLEY, Mr. FINGERHUT, Mr. FORD of Tennessee, Ms. FURSE, Mr. GLICKMAN, Mr. HAMILTON, Mr. KLECZKA, Mr. KLEIN, Ms. LAMBERT, Mr. LAROCCO, Mr. LEVIN, Mr. MCHALE, Ms. MALONEY, Mr. MENENDEZ, Mr. ORTON, Mr. PASTOR, Mr. STARK, Mr. TEJEDA, Mr. UNDERWOOD, Mr. VALENTINE, Mr. WHEAT, Mr. TAYLOR of Mississippi, Mr. FRANKS of New

Jersey, Mrs. KENNELLY, Mr. ENGEL, Mr. BEILENSON, Mr. BROWDER, Mr. BUNNING, Mr. CHAPMAN, Mr. CONYERS, Mr. COOPER, Mr. DEFAZIO, Mr. DICKS, Mr. DORNAN, Mr. DREIER, Mr. EDWARDS of Texas, Mr. FAZIO, Mr. FOGLIETTA, Mr. FRANK of Massachusetts, Mr. PETE GEREN, Mr. GRANDY, Mr. HAYES of Louisiana, Mr. HUTTO, Mr. JEFFERSON, Mr. JOHNSON of South Dakota, Mr. KANJORSKI, Ms. KAPTUR, Mr. LEWIS of Georgia, Mr. MARKEY, Mr. MILLER of California, Mr. MINETA, Mrs. MINK, Mr. MOLLOHAN, Mr. NATCHER, Mr. OLVER, Mr. ORTIZ, Mr. PAYNE of New Jersey, Mr. POSHARD, Mr. RAHALL, Mr. RICHARDSON, Mr. WYDEN, Mr. BURTON of Indiana, Mr. CASTLE, Mr. GALLEGLY, Ms. MOLINARI, Mr. TORRICELLI, Mr. GEPHARDT, Mr. HEFNER, Mr. LAUGHLIN, Mr. MEEHAN, Mr. NADLER, Mr. HANSEN, Mr. INHOFE, Mrs. BENTLEY, Mr. BREWSTER, Mr. HOYER, Mr. KENNEDY, Mr. MCHUGH, Mr. PRICE of North Carolina, Mr. STUMP, and Mr. QUINN.

H.J. Res. 122: Ms. SNOWE, Mr. FILNER, Mr. CLINGER, Mr. BORSKI, Mr. LEWIS of Georgia, Mr. SKEEN, and Mr. FIELDS of Texas.

H.J. Res. 135: Mr. LEWIS of Florida, Mr. WYNN, Mr. STARK, Mr. GEKAS, Mr. MFUME, Mr. SARPALIUS, Mr. DELLUMS, Mr. LEWIS of California, Mr. PACKARD, Mr. MARTINEZ, Mr. PALLONE, Mr. HOCHBRUECKNER, Mr. SCHIFF, Mr. MILLER of California, Mr. GORDON, Mr. SAWYER, Mr. ENGEL, Mr. ABERCROMBIE, Ms. BYRNE, Mr. MORAN, Mr. KENNEDY, Mr. BILBRAY, Mrs. CLAYTON, Mr. CRAMER, Mr. NADLER, Mr. HAMBURG, Mr. VALENTINE, Mr. HORN, Mr. FIELDS of Louisiana, Mr. GILMAN, Ms. MOLINARI, Mr. POSHARD, Ms. CANTWELL, Mr. EMERSON, Mr. ROSE, Ms. FURSE, Mr. VOLKMER, Mr. COLLINS of Georgia, Mr. HANSEN, and Mr. CONYERS.

H.J. Res. 139: Mr. SAXTON and Mr. FALEOMAVAEGA.

H.J. Res. 149: Mr. FORD of Michigan, Mr. SPRATT, Mr. HUNTER, Mr. KASICH, Mr. FISH, Mr. DEFAZIO, Mr. BALLENGER, and Mr. WILSON.

H.J. Res. 179: Mr. ARCHER, Mr. BEVILL, Mr. CALLAHAN, Mr. CARDIN, Mr. EDWARDS of Texas, Mr. EMERSON, Mr. EVERETT, Mr. PETE GEREN, Mr. HALL of Texas, Mr. HUTCHINSON, Mrs. MEYERS of Kansas, Mr. MOORHEAD, Mr. PICKLE, Mr. RAMSTAD, Ms. ROYBAL-ALLARD, Mr. SMITH of New Jersey, Mr. THOMAS of Wyoming, Mr. VALENTINE, and Mr. YOUNG of Alaska.

H.J. Res. 190: Mr. BURTON of Indiana, Mrs. CLAYTON, Mr. DEUTSCH, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FILNER, Mr. FISH, Mr. HUTTO, Mr. MARTINEZ, Mr. PARKER, Mr. SPENCE, Ms. THURMAN, Ms. PELOSI, and Mr. SOLOMON.

H.J. Res. 194: Mr. PICKETT, Mr. FROST, Mr. THOMPSON, and Mr. MONTGOMERY.

H. Con. Res. 61: Mr. TORRICELLI.

H. Con. Res. 74: Mr. CLINGER and Mr. GILLMOR.

H. Con. Res. 80: Mr. MILLER of California, Mr. MCCURDY, and Mr. ENGEL.

H. Con. Res. 83: Mr. MACHTLEY and Mr. KYL.

H. Con. Res. 84: Mr. FILNER and Mr. WISE.

H. Con. Res. 91: Mr. PETERSON of Minnesota, Mr. GILMAN, Mr. GEKAS, Mr. FROST, Mr. DEFAZIO, and Ms. NORTON.

H. Res. 53: Mr. BOEHNER and Mr. CASTLE.

H. Res. 97: Ms. MARGOLIES-MEZVINSKY.

H. Res. 127: Mr. QUINN.

SENATE—*Thursday, May 20, 1993*

(Legislative day of Monday, April 19, 1993)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable BYRON L. DORGAN, a Senator from the State of North Dakota.

PRAYER

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

Let us pray:

If any of you lack wisdom, let him ask of God, that giveth to all men liberally, and upbraideth not; and it shall be given him.—James 1:5.

Gracious God, we pray today for wisdom and humility as the Senate exercises its great power. As pressure from interest groups builds, protect the Senators, their families, and staffs against the forces that would exploit them. Strengthen their courage and integrity when seductive influences probe for vulnerability and weaknesses.

Almighty God, arm the leadership of this Nation with resolve to follow through on commitments made in political campaigns. Encourage them when futility and frustration taunt their efforts. Let Thy manifold blessings crown their faithfulness as they seek to know and do God's will.

We ask this in the name of Him whose name is above every name and whose Kingdom is without end. 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 20, 1993.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Chair recognizes the majority leader.

SCHEDULE

Mr. MITCHELL. Mr. President, there will be a period for morning business until 11:15 a.m. today during which Senators will be permitted to speak. At 11:15, the Senate will return to consideration of the nomination of Roberta Achtenberg. Debate will continue on that matter today.

VISIT TO THE SENATE BY THE PRIME MINISTER OF SLOVAKIA, VLADIMIR MECIAR

Mr. MITCHELL. Mr. President, I am pleased, in behalf of all of the Members of the Senate, to welcome to the U.S. Capitol, and now to the Senate Chamber, the Prime Minister of Slovakia, the Honorable Vladimir Meciar.

I have had the good fortune of talking with the Prime Minister and with others of his colleagues. I think it is important that the American people take note of events in the current Republics that formerly made up Czechoslovakia.

With all of the attention focused on the difficult and violent breakup of the former Yugoslavia, we tend to overlook the fact that other nations are being formed in a peaceful manner. Whatever one feels about the decision of the peoples of the former Czechoslovakia to divide into two separate, sovereign Republics, we all join in commending them for their doing so in a peaceful manner, and in a manner which is intended to promote the well-being of the people of both of those countries.

Both are located at the center of Europe. Both have been the scene of violent conflict in the past, primarily from outside forces. And both are now seeking to establish new and sovereign nations with democratic institutions to the benefit of the peoples of both Republics.

So I welcome Prime Minister Vladimir Meciar of Slovakia to the Senate Chamber in behalf of all Senators and all Americans.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. The majority leader yields the floor. 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 11:15 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

Mr. PRESSLER. Mr. President, I ask unanimous consent to speak for 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, the Senator from South Dakota [Mr. PRESSLER] is recognized for 5 minutes.

A TRIBUTE TO SENATOR KERRY

Mr. PRESSLER. Mr. President, I want to pay tribute to Senator KERRY of Massachusetts for his outstanding work on this prisoner of war issue. I was in Boston this weekend, attending my daughter's graduation from BU, and I picked up a Boston paper and I read that Senator KERRY was in Vietnam again, giving up another weekend on an arduous trip to try to resolve the questions surrounding prisoners of war.

I served in the Army in Vietnam and have also worked on this subject, and I followed it for a number of years. It is a tough one because I am sure Senator KERRY picks up a lot of criticism from some of these groups that really do not want to see the matter resolved.

I am proud to say, as a Republican, I have really been impressed by his leadership and tenacity and willingness to travel over there, to get this issue behind us.

SAFETY FIRST; BUREAUCRACY LAST

Mr. PRESSLER. Mr. President yesterday I gave testimony at the House of Representatives Employment, Housing, and Aviation Subcommittee hearing. This hearing involved issues surrounding the crash of a small aircraft carrying South Dakota Gov. George Mickelson and seven other well-respected South Dakota citizens. I believe the FAA was sloppy, and did poor work in issuing warnings about the Mitsubishi MU-2 aircraft that carried these eight South Dakotans. As ranking member of the Senate Aviation Subcommittee, I requested a subcommittee hearing next week. The House hearing I attended on this issue yesterday was chaired by COLLIN PETERSON, the Representative from Minnesota. I commend him for his excellent work on the hearing.

We need to be sure the NTSB and the FAA have not gotten sloppy in their work. These agencies are middle-level

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

agencies. When they are not in the public spotlight, they send memoranda back and forth, and sometimes do not take necessary safety actions. I am not pointing the finger of blame at any one person, but I think we suffer from bureaucratic slowness at the FAA. The FAA must put safety first and bureaucracy last.

Mr. President, I ask unanimous consent that a copy of my testimony from the House Employment, Housing, and Aviation Subcommittee hearing, along with the two recent articles from the Sioux Falls, SD, Argus Leader and one article from the Rapid City Journal be printed in the RECORD at this point.

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

TESTIMONY OF SENATOR LARRY PRESSLER, HOUSE SUBCOMMITTEE ON HOUSING, EMPLOYMENT AND AVIATION, MAY 19, 1993

Mr. Chairman, I thank you and the members of the Subcommittee for holding this hearing. As you know, my home State of South Dakota suffered a great loss last month when our Governor and seven other well-respected business leaders were killed when their small aircraft crashed. Not long after I first voiced my concern about the Federal Aviation Administration (FAA) investigatory procedures following the April 19th plane crash, I have heard from many individuals who are worried the FAA may no longer put public safety first. I am appalled by the sloppy, lazy, bureacratic work the FAA has done on this matter!

From the moment I heard about the tragic crash in Dubuque, Iowa, one question has haunted me: Could this accident have been prevented? Initial investigations of this particular crash and its similarities to a previous incident in Utica, New York, indicate that may be the case. On at least two separate occasions, the latest being in March, the National Transportation Safety Board (NTSB) recommended that the FAA conduct a full-fleet inspection of the HC-B4 propeller assembly on all Mitsubishi MU-2 aircraft. In March, NTSB Chairman Carl Vogt warned that the failure of the propeller assembly "could result in a catastrophic accident." Still, however, the FAA concluded that a special investigation was not warranted.

Today, we hear a different story. The FAA did not take action until the Governor of my State and his fellow passengers and pilots lost their lives. There is nothing we can do to bring them back. But there is much we can do as public officials to prevent additional tragedies. My investigation so far reveals that the pattern of behavior displayed by the FAA on such serious safety matters has been going on for decades. Frankly, I am shocked at what I have learned so far.

The situation that has occurred unquestionably must be demoralizing to the many loyal and dedicated employees of the FAA and the aviation industry. I am speaking of those who are genuinely planning and striving to make aviation as safe as it should be. Nevertheless, my fellow South Dakotans and I are very disturbed about the tragedy that occurred. I am here not to point a finger of blame. I hope that the purpose of this hearing is not to vent our anger. It is my hope that through this hearing, we can get to the core of this serious safety problem. As public officials, we have a duty to all citizens in this country who are reliant on our air transportation system and believe that the federal government—in this case the FAA—is performing its duties.

The bottom line is clear: We have two agencies charged with the safety of small aircraft and its passengers. When these two agencies disagree over a safety issue a dangerous form of gridlock occurs. While this disagreement languishes unresolved, those potentially affected are still flying potentially dangerous aircraft. This gridlock may have claimed the lives of eight South Dakotans. Before additional fatalities occur, let's look at the process between these two agencies. Let's change this process for the better. Let's use this hearing to construct a process that will properly attend to the public safety interest and speak the same safety language as the rest of us.

Doing it any other way is not in the interest of our nation's aviation industry, nor the American people. Furthermore, I believe Congress shares a view that our country should be known for the highest standards of aviation safety. To be known for these standards, our nation must be ready and willing to enforce them. To enforce these standards, we must strive for a government that has the will, the desire, and the ability to enforce effectively our nation's basic safety laws. That should be our goal.

[From the Sioux Falls (SD) Argus Leader, May 19, 1993]

PRESSLER BLAMES FAA FOR CRASH

(By Carson Walker)

An airplane crash that killed Gov. George Mickelson and seven other men could have been avoided had the Federal Aviation Administration followed its own recommendations, Sen. Larry Pressler charged Tuesday.

"In my opinion, the crash was unnecessary," Pressler said. He said two FAA memos that the agency "does sloppy work."

One of the memos states that the FAA should follow a National Transportation Safety Board recommendation that all propeller hubs on Mitsubishi MU-2 aircraft be inspected. The memo was written in March before the state-owned Mitsubishi crashed April 19 near Dubuque, Iowa.

The NTSB recommended the inspections after a MU-2 landed safely in September 1991 near Utica, N.Y., after a propeller blade separated from the hub and tore into the cabin. Investigators suspect that is what happened in the Mickelson crash.

The order for mandatory inspections did not occur until after the Mickelson crash because the FAA had said one accident did not warrant a full-scale inspection.

The other internal FAA memo states that the agency should order the inspection of MU-2 propeller hubs because of the "rough political climate" following the accident. It was written three days after the April 19 crash.

"That upsets me very greatly," Pressler said.

Bob Buckhorn, an FAA spokesman in Washington, D.C., declined comment other than to say that Anthony Broderick, FAA associate administrator for regulation and certification, will testify today at a House subcommittee hearing on the relationship between the FAA and NTSB.

Pressler said he also will testify.

"I'm going to say the FAA is a sloppy, second-rate bureaucracy and has to be shaped up. I think this crash would not have happened had they done their job," he said.

Pressler said the inspection involves, using ultrasound on the propeller hubs and most likely would have caught any crack in the hub on the South Dakota plane.

Hartzell Propeller Inc. of Piqua, Ohio, manufacturers the hubs.

[From the Sioux Falls (SD) Argus Leader, May 20, 1993]

FAA TAKES COMMITTEE HEAT

WASHINGTON.—The Federal Aviation Administration came under heavy fire from lawmakers here Wednesday as a sloppy, superficial, negligent and bureaucratic agency that has become too cozy with the industry it is supposed to regulate.

The attacks came during a sometimes lively House Government Operations subcommittee hearing called by Rep. Collin Peterson, D-Minn., to look into the April 19 crash of a plane near Dubuque, Iowa, killing South Dakota Gov. George Mickelson and seven others.

Preliminary National Transportation Safety Board findings are that a propeller flew off the Mitsubishi aircraft, sending it out of control. A similar incident was reported in another Mitsubishi in 1991 near Utica, N.Y. The FAA had ignored NTSB recommendations that propellers of the type on the South Dakota plane be inspected nationwide.

After the crash of the South Dakota plane, the FAA on April 28 ordered inspections, and a suspicious crack has been found in at least one other propeller hub assembly, made by Hartzell Propeller Co., of Piqua, Ohio. FAA officials said Wednesday they may expand the inspection order to other planes after they complete further tests.

"I can only describe the FAA's response as superficial and negligent," Peterson charged. "Every 90 days, there was a letter from the FAA stating that it didn't think an inspection was necessary. But the keeping of regulatory schedules by bureaucrats does not and cannot—in and of itself—protect human life."

In a highly unusual move by Capitol Hill standards, Sen. Larry Pressler, R-S.D., testified before the House panel and then sat in the audience and listened to its deliberations throughout the morning. Senators rarely testify before House committees, and usually leave after they speak.

"I am appalled by the sloppy, lazy, bureaucratic work the FAA has done on this matter," Pressler testified. "The bottom line is clear: We have two agencies charged with the safety of small aircraft and its passengers. When these two agencies disagree over a safety issue, a dangerous form of gridlock occurs. While this disagreement languishes unresolved, those potentially affected are still flying potentially dangerous aircraft. This gridlock may have claimed the lives of eight South Dakotans."

Also testifying Wednesday were NTSB aviation safety director Timothy Forte, and Anthony Broderick, FAA associate administrator for regulation and certification.

"Although the (NTSB) must consider the real-world impact of its recommendations, lest the recommendations be ignored, safety is our primary statutory mandate," Forte said.

The FAA's Broderick said, "I wish, in retrospect that one of us had made the arbitrary decision to put out an emergency airworthiness directive exactly like we did on April 28. But it would have been just that, arbitrary."

Peterson also produced a letter from South Dakota Chief Deputy Attorney General Lawrence Long that said the state transportation department never received any information about a propeller hub problem from the NTSB, FAA or Hartzell prior to the crash.

[From the Rapid City (SD) Journal, May 20, 1993]

FAA "LAZY, SLOPPY" IN PROBE

(By Philip Brasher)

WASHINGTON.—Lawmakers on Wednesday accused the Federal Aviation Administration of "sloppy, lazy, bureaucratic work," saying a faster response to safety warnings might have prevented the death of South Dakota's governor.

"I can only describe the FAA's response as superficial and negligent," said Rep. Collin Peterson, D-Minn., chairman of a House aviation subcommittee.

The National Transportation Safety Board started pressing the FAA last August to order mass inspections of a propeller hub suspected in the April 19 crash that killed Gov. George Mickelson and seven other people.

The FAA didn't order the inspections and also ignored a suggestion from the manufacturer last fall to alert aircraft owners to a possible problem with similar propellers, according to testimony Wednesday.

After the accident, the FAA ordered more limited inspections than the safety board recommended. Even then, documents indicate that FAA officials were acting only grudgingly.

"From the moment I heard about the tragic crash . . . one question has haunted me: Could this accident have been prevented? Initial investigations . . . indicate that may be the case," said Sen. Larry Pressler, R-S.D.

Anthony Broderick, associate FAA administrator for regulation and certification, told the committee, "I wish in retrospect" that the inspections had been ordered sooner.

He said the inspections could be expanded to cover thousands of other similar propellers as the safety board recommended.

So far, it applies only to 116 Mitsubishi MU-2s like the South Dakota state plane.

Forty percent of those planes have been inspected, and one of them had a cracked propeller hub.

The NTSB began pushing for the inspections after an incident in New York state where a propeller fell off of a plane in flight. That plane landed safety.

Last September, the propeller's manufacturer, Hartzell Propeller Inc. of Piqua, Ohio, suggested FAA issue a service bulletin that would have notified aircraft owners of the problem, Peterson said. Mass inspections were unwarranted and too expensive, the manufacturer said.

Broderick said there was no basis for ordering inspections or alerting pilots last fall, as there had been only one reported failure of the hubs.

"The lackadaisical manner with which the FAA chose to respond to the NTSB continued until eight individuals lost their lives," Peterson said.

Pressler, the ranking Republican on the Senate aviation subcommittee, told the House panel he was "appalled by the sloppy, lazy, bureaucratic work the FAA has done on this matter."

Rep. Tim Johnson, D.S.D. told Broderick it appeared FAA was more interested in protecting aircraft manufacturers than the public.

ALCOHOL PROBLEMS FACING NATIVE AMERICANS

Mr. PRESSLER. Mr. President, in recent years, alcoholism has received a great deal of publicity. Books, talk shows, and radio programs have focused on this problem. TV movies have brought the problems of alcohol abuse into our living rooms. Schools, day care centers, and other youth-related organizations have added programs to deal specifically with the problems associated with excessive consumption of alcohol. There are so many statistics, studies, and theories regarding alcoholism that it is easy to forget this basic fact—alcohol abuse is destroying lives. In addition, it is costing society billions of dollars in additional medical bills, insurance premiums, legal fees, costs for incarcerating individuals who commit alcohol-related crimes, and other expenses. Alcohol abuse is a major social and economic problem.

An estimated 20 million Americans suffer from alcohol-related disorders. An estimated 100,000 individuals die in the United States each year because of an alcohol-related illness or accident. Nearly 50 percent of the prison population is chemically dependent at the time of incarceration. Alcohol is one of the most common reasons cited for divorce. Simply put, alcohol abuse increases crime, increases divorce rates, increases juvenile delinquency, and creates many health problems. Alcohol abuse affects all ages and all colors. Ten million American students drink. Of these young drinkers, half a million binge at least once a week. Junior and senior high school students drink 35 percent of all wine coolers sold in the United States and 1.1 billion cans or bottles of beer each year.

Unfortunately, the rate of alcoholism is disproportionately high among the native American population. Studies reveal a host of possible reasons for the high rate of alcohol abuse among Indians.

Compared with the population as a whole, Indians suffer from over 5 times the rate of alcohol-related accidental deaths, double the rate of alcohol-related homicidal deaths, nearly double the rate of suicides, and up to 20 times the rate of fetal alcohol syndrome. Alcohol abuse is a major factor in 5 of the 10 leading causes of death among Indians. The rate of alcoholism is 5.5 times higher among Indians than the general population. It is estimated that nearly 20 percent of all Indians have an alcohol-related problem. Alcohol is a factor in 75 to 80 percent of all Indian suicides and 90 percent of all homicides.

American Indians tend to begin abusing alcohol and other substances at a younger age than individuals of other races. White youth begin to drink less alcohol at about age 22. This is not happening with the Indian population.

A recent study conducted at Fort Collins, CO, indicates that one of the primary reasons Indians drink is boredom. The study also identified a link between an Indian's income and the amount of alcohol consumed. Specifically, the Fort Collins study revealed that alcohol consumption was reduced by some 0.297 liters for every additional $1,000 of income. This is an indication of the need to improve the economic and general living conditions of Indians.

Individuals with alcohol-related problems seek assistance from various sources. Some seek help from the clergy, others enter counseling programs, and some choose to enter a treatment center. Each of these approaches has merit.

In 1992, alcohol abuse cost Americans an estimated $100 billion in additional insurance premiums, medical costs, accident costs, lost wages, and other injuries. The Department of Veterans Affairs and the Indian Health Service spend hundreds of million of dollars on alcohol treatment programs. Ironically, individuals enrolled in the IHS and VA programs suffer a higher relapse rate than those taking part in other treatment programs. Individuals seeking help through the VA or IHS have a relapse rate of 30 percent. Those seeking help from other programs experience a relapse rate of about 21 percent.

Indians and non-Indians who seek treatment for an alcohol problem at a private treatment center may pay $10,000 to $20,000 for a 30-day treatment program. Many insurance policies do not cover these costs.

I am not suggesting that the IHS or VA alcohol treatment programs are ineffective or that they are not needed. Nor am I suggesting that every insurance plan cover all alcohol treatment programs. Rather, these treatment options should be coupled with economic development on reservations, more activities for Indian youth, better treatment for the medical consequences of alcohol abuse, community-based education programs on alcohol abuse, and more alcohol treatment programs at the community level.

Recently, I had an interesting conversation with Dr. Enoch Gordis, Director, National Institute on Alcohol Abuse and Alcoholism. Recent scientific findings seem to reveal that genetics play a significant role in chemical dependency. Certainly, environment and other social conditions are major factors. Genetic engineering in time may make it possible to prevent or treat genetic disorders, but at this time, we cannot change a genetic disorder. However, we can control environmental, educational, and social factors that contribute to alcoholism. These are the elements we must focus on to reduce alcohol abuse.

Generally, an Indian seeking alcohol treatment may find help at an IHS facility. I believe we need more community-based treatment programs, such as Alcoholics Anonymous, Rational Recovery, and Red Road to Recovery. Each of these programs is run by volunteers. This reduces cost and allows

an individual to remain with family and friends during treatment.

Alcoholics Anonymous is a fellowship of men and women who have had a drinking problem. They share their experiences, strengths, and hopes. They attempt to help each other conquer drinking problems. This method of treatment relies on 12 basic principles. Belief in a higher power is central to this approach.

Rational Recovery is similar to AA. However, this approach to recovery rejects the need for a higher power to conquer a drinking problem. Rather, it relies on inner strength and the support of other people.

In my State of South Dakota, many tribes are using a new treatment called Red Road to Recovery. In this program, an individual goes into a sweat lodge to pray and turn thoughts inward. This is a spiritual experience, and it relies on belief in a higher power to conquer the drinking problem.

As I indicated earlier, I recently had an interesting conversation with Dr. Enoch Gordis, Director of the National Institute on Alcohol Abuse. He is a leading expert on the problems of alcohol abuse. Mr. President, I ask unanimous consent to have printed in the RECORD a transcript of our conversation.

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

SENATOR LARRY PRESSLER'S INTERVIEW WITH DR. ENOCH GORDIS, DIRECTOR, NATIONAL INSTITUTES ON ALCOHOL ABUSE AND ALCOHOLISM, OF THE NATIONAL INSTITUTES OF HEALTH, ON APRIL 21, 1993

Senator PRESSLER. Dr. Gordis, how big a problem is alcoholism in our society?

Dr. GORDIS. Alcoholism and alcohol abuse is a very large problem in American society. We estimate that about 15% of the adult population has some sort of problem with alcohol, and of course, the effect of this spills over on many others, in their families and among their co-workers and friends. The cost of alcoholism to the country, both in health care costs and in all the social costs involved in trauma and destitute families, is estimated at about $98 billion a year. Among the larger urban hospitals in the country, about a quarter to a third of all the beds are occupied by adults, are occupied by the consequence of drinking.

Senator PRESSLER. A third of all the beds?

Dr. GORDIS. A little under that in general. It's more like a quarter. But, in some of the hospitals, it's even closer to half. The extent of the impact of alcohol is tremendous, both on costs and as far as human suffering.

Senator PRESSLER. We hear a lot of anti-smoking campaigns and anti-cholesterol campaigns. I guess there are anti-drinking campaigns, but it seems as though that there's a certain level of acceptance of social drinking, which leads to alcoholism.

Dr. GORDIS. I don't think that any of us, at least at our institute, have any problem with the appropriate use of alcohol. It differs from illegal drugs. It is a substance which has long been accommodated to in society, it has its legitimate pleasures as well as some benefits probably. It's misuse, which is the problem. Of course, one of our goals is to understand what is it about that minority of people who drink who go on to having troubles with it that distinguishes them from those who never have any trouble. And that, of course, is one of our main research goals.

Senator PRESSLER. We have a great problem with alcohol on and near the Indian reservations in South Dakota. We have a lot of problems elsewhere. I guess that a large percentage of all the car accidents that happen in the country are related to alcoholism. So, even if one doesn't drink, you might be affected by a car accident or some other thing. But what about the differences in treatment? What is the most successful way to treat alcoholism?

Dr. GORDIS. There is no detailed answer which we can give you right now, and I'm going to tell you why that's true. Much of the research now is devoted to finding out what is the most efficient kind of treatment for different kinds of patients. In general, we can make some statements, however, which I think are helpful. First of all, somehow or another the person who's in trouble with drinking must be made aware of the fact that drinking is having an impact on his life, and that the troubles arise from the drinking. Sometimes, that's called confrontation. But, it doesn't have to be that severe. Somebody who cares about this person has to help that person become aware that drinking is a problem. The next thing, of course, is to assess this patient to see what is the extent of his drinking problems and what aspects of his life or her life has been affected by drinking. And finally, one has to do some sort of intervention—that is, teach the patient, inspire the patient, guide the patient through a variety of techniques, and they vary from one treatment program to another—to do something about the drinking. This is not an easy task because once one is an alcoholic—that is, one is addicted to this substance—the urge to drink becomes overwhelming. In fact this urge, sometimes we call it craving, so dominates life that all other priorities in life are set aside in order to obtain and have alcohol. So, we're fighting against a very difficult enemy. Much of our research is exactly to answer the question you, Senator, have just asked. What is the best kind of treatment? To accomplish that, our research really has two kinds of goals. The first is to apply current methods of treatment outcome analysis to distinguish what is the best of the treatments that we do for which kind of a patient. That's sometimes called treatment matching. We have a very large study now going on in nine centers which is investigating that very question. Another aspect of our research draws upon the fruits of neuroscience, that is, the study of the effects of substance like alcohol on the brain. With this kind of a science, we are better able to develop new medications which we hope will interfere with the hunger for alcohol which is the underlying root of the person's relapse to drinking and which leads him to do all the things that an alcoholic does—that is, to give up everything in life that is meaningful in order to drink.

Senator PRESSLER. As I understand it, there is treatment available at very low cost or no cost through Alcoholics Anonymous which uses a 12-step program. I understand there's the Rational Recovery Program, which doesn't use twelve steps, but uses a discussion method. On the Indian reservation, there's a Red Road to Recovery Program. What if a person has a problem with alcohol, and they want to go to Alcoholics Anonymous, how do they go about it?

Dr. GORDIS. Going to Alcoholics Anonymous usually isn't a problem at all. There are meetings of Alcoholic Anonymous in all parts of the country in rural and urban areas. Some of the groups tend to attract certain people from different walks of life, which makes it more congenial for them. But the Alcoholics Anonymous message is the same. There is no problem finding out where the programs are. One way is to look in the newspaper because they are often listed there. Another way is to call one of the nearer towns where there may be an Alcoholics Anonymous intergroup office, where it's possible to find out where the meetings are. Very often, an alcoholic who is still somewhat resistant to the idea of modifying his drinking or her drinking will be helped to their first Alcoholics Anonymous meeting by one of the AA members whose only goal really is to keep himself sober and help others accomplish the same goal.

Senator PRESSLER. What is happening at the National Institutes of Health on alcoholism? Are you doing genetic studies? Could this be hereditary? Some people are more susceptible than others. Some have contended that those living on or near Indian reservations tend to have a higher rate of alcohol abuse. Maybe this is the cause of problems that exist there or maybe it's a genetic. What's happening at the National Institutes of Health?

Dr. GORDIS. Our institute, the National Institute on Alcohol Abuse and Alcoholism, is one of the 17 research institutes at the National Institutes of Health. Our mandate is to answer the very kind of questions you just asked about—that is, to provide the scientific basis by which we can understand first the vulnerability to alcohol, why is it that some people get into trouble and not others, and second of all, how we can better prevent alcohol problems, or if we fail that, how to treat them better. So all these questions are part of our mandate, and we have research going on in every aspect. You asked whether there's any evidence that there's a genetic side to alcoholic. The evidence now is overwhelming that at least a portion of the vulnerability to becoming an alcoholic upon exposure to alcohol is inherited. But, this varies among different people, it varies among alcoholics, and in no case does anybody maintain that this is the whole story for anyone. The proportion of influence of genetics on one hand against various kinds of environmental and cultural pressures to drink on the other will vary from one family to another, from one arena to another, from one culture to another. One of the things that we are studying now is what is the mix of genes and environment that leads to problems with alcohol.

Senator PRESSLER. The National Institutes of Health out at Bethesda covers a lot of different subjects. How many people are employed at the National Institute on Alcohol and Alcoholism and what all do you do?

Dr. GORDIS. All the institutes at the National Institutes of Health are research institutes. Their main function is to support research done outside of the Washington area, in universities mostly but not only, across the country in various domains of health. They are essentially research granting organizations. The way the monies are given out is on the basis of applications received from people who would like to have grant support for their research. Then, by the process of peer review, which is the fairest way we know how to evaluate the merit of different grant applications, and this review, in almost all institutes, is done largely by people who are not in the federal workforce, although federal staff will participate in it

also. So, for example, if we have grants that come from elsewhere on genetics or treatments or epidemiology or adolescent alcohol misuse, these grants will be reviewed on the so-called peer review system. The committee that does these reviews and scores these applications is made up of people who are expert in those disciplines. With some exceptions, not too many, the grants are usually paid out in the order of their scores on the review process and until the money runs out.

Senator PRESSLER. I understand that the Indian Health Service and the Veterans Administration have alcohol treatment programs. Have those been successful?

Dr. GORDIS. The Veterans Administration for many years has had a very successful research program and alcohol has been one of their topics and not surprisingly so, since the alcohol problem in the veterans population is a severe one. Unfortunately, there have been cutbacks in the research of the Veterans Administration. I think I can say that because I'm not part of it, so I'm looking at it as an outsider. But, they've done some excellent work. Some of our best scientists have been supported both by the Veterans Administration and by various NIH institutes. The Indian Health Service, I believe—I'm not an expert on it—largely is involved in supporting treatment and prevention programs. The amount of research they support is on a much smaller scale, if at all. The major responsibility for conducting research on almost all the ailments that confront mankind seems to be now in the National Institutes of Health.

Senator PRESSLER. The old debate has always been—is alcoholism a disease. This can be a real catch-22. Our first inclination is to say yes, let's treat it as a disease. If we say it's a disease, then someone perhaps who commits a crime under the influence of alcohol can say, "Well, I merely had a disease and therefore I'm not responsible for that car accident." So, we get into a legal technicality, I suppose. How do we deal with that? Should alcoholism be classified as a disease?

Dr. GORDIS. Well, opinions are different on that, but I have no doubts that it is. It has all the earmarks of a disease. It has a recognized clinical picture, it has a progression if left untreated which is fairly well recognized and not so surprising anymore. The danger of not treating it is that patient often goes on from one catastrophe to another. It has a uniform set of diagnostic standards which has very good reliability, which is a fancy word of saying that two or three people looking at this patient and using the same diagnostic scheme will generally come out with the same answer. It has a predictable clinical cost, good reliability and unfortunately, if left untreated, people often go on to bigger troubles or die. Furthermore, we now know there are neurochemical and genetic aspects of this which are being worked out. There are animal models which reproduce a portion of it. In all these respects, I see no difference in alcoholism from any other diseases which have problems in their definition.

Senator PRESSLER. What's a good rate of success in these treatments? I'm told that roughly 21% of those treated at a private clinic begin drinking at a later time in life. Many of the government-run programs have a higher rate of about 30%, I'm told.

Dr. GORDIS. We have lots to do about improving treatment in alcoholism. I think your question implies that quite correctly, Senator. I'd say only a minority of patients, whether it's a top-notch private program or a government program, do very well—that is, remain indefinitely abstinent. A large fraction of people sort of bounce around from periods of sobriety to periods of drinking again. And in many programs, more than half of the people may actually either start drinking or disappear from treatment within the first few months of their contact with the treatment program. Some of these people, of course, with repeated contact will ultimately get their act together and get well. But this is not surprising because if you look at many other illnesses in medicine which are chronic in relapsing, like rheumatoid arthritis or coronary artery disease or peptic ulcer or chronic pulmonary disease, we find the same thing. There are good and bad periods in people's lives. When people relapse we don't necessarily blame them for this. We try to improve our treatment so that periods of well-being will exceed the periods of relapse. And that's exactly what our goal is. It's important to realize that with any chronic relapsing illness such as alcoholism or rheumatoid arthritis or peptic ulcer, that partial success is not failure. After all, a person who's well for nine or ten months out of the year from either arthritis or alcoholism is suffering less himself or herself, causing less suffering to the family, and certainly causing a heck of a lot of damage in financial terms to society. This is not an absolute either/or, if you start drinking, you're a failure. In any branch of medicine which deals with chronic relapsing illness and as our population in America ages, chronic relapsing illness is going to be the usual thing, not the exception. We have to understand that partial success is not failure. Our goal, of course, is to improve the fraction of time that patients do well.

Senator PRESSLER. There has been some information floating around that a couple of drinks a day are good for you. They say it lowers your cholesterol level and relaxes you. What does alcohol do to your body?

Dr. GORDIS. Well, it does many things, because it enters into all the places in the body where you have water, because alcohol dissolves so easily in water—we know that from the mixed drink. Therefore, every cell in the body is touched by alcohol as soon as you drink. So, it's not surprising that it has widespread effects. It has some good ones. Used in excess, it has many bad ones. When people drink in moderation, which for the sake of discussion may be no more than two drinks a day for a man, or one for a woman, or in the case of the elderly, probably no more than one drink a day for the elderly either, there are usually no problems from alcohol. You raised the issue of whether it has any protective effect on heart disease. There is some evidence that, indeed, it does at that dosage. And, of course, it has the usual relaxing and social effect which is the primary reason why people, who don't get into trouble with alcohol, drink on occasion. That is not the issue. The question is what happens when more of it is consumed. When more of it is consumed, you then risk all the problems that are related to alcohol. Even a few more drinks given once on a single occasion set you up for a highway accident. In the case of an elderly person, this person might, for example, be taking a prescription or an over-the-counter drug, have alcohol along with it, and have terribly deleterious effects from this combination, in fact, may suffer a fall or a period of delirium. As the drinking gets more severe, then you have the whole litany of problems that alcohol causes—bleeding from the guts, cirrhosis of the liver, problems with memory and other aspects of cognition, problems with peripheral nerves so you begin to lose feeling and have pain in the extremities, problems with the pancreas, problems with the heart muscle. One can go on and on because as the drinking increases, both in amount and in frequency, the risk of all these other problems increase likewise.

Senator PRESSLER. Sounds to me you made the case for abstinence from alcohol.

Dr. GORDIS. No, I haven't. There are people who probably should be abstinent. Certainly, people who have had a problem with alcohol should be abstinent. Pregnant women should not be drinking any time during their pregnancy at all in my view, although people may differ on that. But, most of us feel that absolute abstinence in pregnancy is the safest recommendation one can make. If one already has a strong family history of alcoholism or has had the beginning troubles, one might consider whether abstinence might be the safer route for that person, even though they may not be a full-blown alcoholic. But otherwise, in no sense does the science or our individual scientific positions recommend prohibition of any sort because alcohol, in its proper use, gives pleasure to most people without trouble. So, therefore, we're not at all looking for any kind of prohibition, but we are looking to avoid the problems that alcohol causes.

Senator PRESSLER. We're having so many babies born on our Indian reservations in South Dakota with fetal alcohol syndrome. The inner cities of Washington, D.C. and elsewhere are experiencing similar problems. What sort of damage are these babies going to experience in their lifetime? And, this all results from the mother drinking during the pregnancy?

Dr. GORDIS. That's right.

Senator PRESSLER. Drinking to excess or drinking a substantial amount.

Dr. GORDIS. Right. The full-blown fetal alcohol syndrome is seen in people who drink a substantial amount. Sometimes the question is raised, "Is there any limit below which drinking is safe during pregnancy?" And, since we don't know the answer to that, that's one of the reasons why I mentioned before that I believe abstinence in pregnancy is the most reasonable recommendation one can make. What happens with the fetal alcohol syndrome is that the babies are born with a variety of physical malformations in their face, in their brain and body size, and often in their joints and heart as well. This leads to not only this physical malformation, bit it leads to a whole bunch of developmental problems—intellectual development, motor development, physical development over the next few years. A handful of these original children have now been studies since the condition was first described around 1970, give or take a couple of years in either direction. Some of them are in their teens now and early twenties, and although some of the excessive look has been somewhat ameliorated, they generally remain with socially significant impairments of intellect and social skills. For every one of these children who is born with the so-called fetal alcohol syndrome, there's probably a larger number of kids who have what we call loosely fetal alcohol effects. They may not have the gross physical malformations which are part of the syndrome itself, but they have subtler and long-ranging defects of intellectual and emotional development, which may persist into adolescence as well. It's a very serious problem indeed.

Senator PRESSLER. What about the area of memory and the use of alcohol? Is it damaging?

Dr. GORDIS. There are two aspects to it. There's the so-called blackout that occurs

during any individual episode of drinking where the person may have a problem the next day, when sober, recalling the events during the time he or she was intoxicated. This is a blackout, and in itself, does not mean permanent damage. But, over many years of drinking, 10, 15, 20 years of chronic drinking, then alcohol begins to have serious and often permanent effects on the brain, including memory problems of a very severe nature.

Senator PRESSLER. Dr. Enoch Gordis, I thank you very much. This has been very useful.

Mr. PRESSLER. Mr. President, recently, I had the opportunity to visit with Mark Kleiman, professor of public policy, John F. Kennedy School of Government, Harvard University, regarding the alcohol abuse problem in our society. I wish to submit the transcript of this visit for the RECORD.

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

Senator PRESSLER. Thank you, Mr. Chairman.

Mr. Kleiman, in your written testimony on page 3, you say, "Finally, alcohol and tobacco, the two drugs not covered by the laws nor dealt with in the national drug control strategies, continue to account for more drug abuse, more addiction, more deaths, more disease, more injuries, more accidents, more lost productivity" and so forth. I want to focus on alcohol—because I think there is more of an anti-smoking campaign. All Senators were just sent a book indicating that limited use of alcohol is good for you. I think this is an unproved theory. However, this is the sort of the thing that is being passed around. They say alcohol is supposed to reduce your cholesterol, which is based on a "60 Minutes" report.

Let's talk a little bit about alcohol. I know that is not the purpose of this hearing, but we do talk about illicit drug abuse and damage. I am told that among young people the rate of use of alcohol is on the increase, and according to your statement, it is more damaging than the drugs that are in use.

What are you trying to say there?

Mr. KLEIMAN. Thank you, Senator. Let me try to make a distinction between something being damaging or harmfulness as a rate of damage against a population that uses something. So if 50 percent of the people who use Drug X get into bad trouble with it and 10 percent of the people use Drug Y, you would say X was the more damaging drug. And the harm reduction advocates say let's work on those percentages. Let's try and get the harmfulness of these things down by teaching people safe-use techniques or whatever. That is half the equation.

The other half of the equation is the number who are exposed. So I don't know of any study that shows what the harmfulness in that sense of alcohol is compared to something else. But we know grossly that there are 100-and-something million Americans who use alcohol from time to time. And as far as we can tell, most of them take no particular amount of damage from it.

In fact, the studies you have cited, which, of course, are being hyped by the alcohol industry, probably have some validity to them. It is probably true that very occasional use of alcohol—

Senator PRESSLER. Very what?

Mr. Kleiman. Very occasional use of alcohol, it is almost certainly true it is not bad for you, and it is probably true that it is good for you. But very occasional.

The worry of having that number out there is that the four-drink-a-day drinker will say, "Ah, this stuff isn't bad for me, the Government proved it."

The reason alcohol and tobacco do so much damage is not so much that they are so harmful—I mean, nicotine has this special characteristic that almost everybody who uses it in the form of cigarettes uses it heavily and compulsively. But it is not that they are so harmful; it is that they are so widely used. That is the price we paid for not prohibiting them. We got a lower rate of harmfulness, but a higher rate of consumption.

Now, there are a number of things we could do to reduce the rate of consumption. And I think you are right, Senator. The tobacco message is out there in the policy community. I think we are going to see tobacco taxes proposed as part of the health care package. Alcohol much less so. The country has defined alcoholism as a problem. It has defined drunken driving as a problem. And to some extent, it has defined alcohol use by children as a problem.

But drunkenness is not defined as a problem. It is not defined as a bad thing. In fact, it is regarded more or less as normal.

The Tailhook convention report that has just come out was, of course, completely dominated by sex, as was appropriate. But what was clearer as you read the report itself was the extent to which this was an alcohol problem. Every single instance of misconduct that I know about at the Tailhook convention was undertaken drunk. About 90 percent of all the campus hate crimes are committed drunk. Date rape—or even forget rape, unplanned and unprotected sexual intercourse.

Larry Kessler of the National AIDS Commission has said—and I think he is probably correct, though it would be hard to come up with the numbers—that the drug that accounted for the most HIV transmissions last year was not heroin, it was alcohol. Alcohol as part of seduction and unplanned sex, but also sexual assault.

So the last administration did brilliant work in denormalizing drug use, illicit drug use. We need a comparable campaign to denormalize drunkenness. I am not saying nobody should ever get drunk. People should be aware that being drunk is a dangerous activity and ought to be carefully planned and that it is not something to brag about the next day.

So there is work to be done there if you look at the level of public awareness. The high school survey numbers that just came out suggest that high school students do not regard being drunk as a dangerous activity. They are much more likely to regard any use of any illicit drug as being dangerous. That is something that could be worked on.

We can also work on adults. There is a public education campaign that was done about smoking and was done about illicit drugs. It simply has not been done about alcohol. So that is one approach.

Taxation, of course, is an excellent approach to reducing particularly heavy use among kids, because kids don't in general have a lot of money. The fact that cheap beer—you know, every city has its own cheep beer. When I was growing up in Baltimore, it was American Beer, and the ad was the beer that real beer drinkers preferred, where they defined "real beer drinkers" as people who drank a case or more of beer a week.

The cheap beer in every town is cheaper at the supermarket than brand name soft drinks. That is not a sensible situation. Current tax on a drink is about a dime. I roughly compute the average social cost of a drink at about a dollar. So there is a lot of room there.

If we had a campaign of denormalization of drunkenness, if people got to be aware of alcohol as a problem, then you might think a decade from now about getting more aggressive. And I propose this not as something that is feasible now. You might ask why drinking is not a licensed activity as driving is. If somebody drinks and drives right now, we take away his driving license—normally his, occasionally her. But we leave his drinking license. You get a drinking license when you are 21, and it is irrevocable. No matter how badly you have behaved under the influence of alcohol, your right to buy a drink cannot be challenged.

Well, that is strange. There is no reason why some people, as a result of criminal activity under the influence of alcohol, shouldn't be told "You may no longer buy a drink" and require the alcohol industry, the bars and the package goods stores to enforce that.

That is way beyond anything the American people would support now because they have not had the sort of campaign. Dr. Kleber mentioned the Partnership for a Drug-Free America, which has done, you know, some very powerful work. Sometimes I have had my doubts about the factual basis for all the claims, but it has done some very powerful work in convincing people that drug use is bad. But if you watch TV, you can cut immediately from a media Partnership ad about the dangers of drug abuse to a beer commercial, to the pictures of the winning football team pouring champagne over one another in their locker room. Nobody thinks that alcohol is a drug.

So I think there are some public policies that we could do now to change consciousness and to change the economics of drinking.

Senator PRESSLER. I think we should. I think you very eloquently stated the problem. I am just amazed. Intellectually and logically, we are just not meeting our responsibilities regarding alcohol.

Mr. KLEIMAN. Right. And let me say there is one thing that this committee could do. In the 1988 Act that established the Office of National Drug Control Policy and required a national drug strategy, alcohol and tobacco were excluded. I was told privately by one staff member—I believe it was on the other side of the Capitol—that the wine interests from New York had really made that sort of part of the price of getting that bill through.

The CHAIRMAN. Well, they may have, but just so you know what it was. The reason was that I was, to be very blunt about it, fearful that what we would do is not focus at all on the drug problem, which everyone wanted to avoid. The FBI wanted to avoid it, and everybody wants to avoid it. And that was the reason.

And I might add—excuse the interruption, Senator—you know what I found fascinating? Going back and reading the stated goals and the statistics in the aftermath of the constitutional amendment that was passed, ironically it worked. It wasn't socially acceptable; it didn't work. But alcohol-related deaths did drop off. Liver conditions, did, in fact, you know—I mean, when I say "work," it did—if you just set as standards that you were going to—originally it started, the whole rationale for it started because of wife beating. That was when it all started back in—seriously. All those things, while this was going on, did, in fact, drop—I am not suggesting we return to such an amendment, but it was amazing to me.

Dr. KLEBER. It is very interesting, though. I think we need to distinguish between tobacco and alcohol. We have about 55 million people who smoke tobacco or are addicted to it. The vast majority are addicted. If you do polls, you find 80 to 90 percent of them want to stop. They can't. And we as a medical profession have to come up with better ways to help them to do it. I haven't heard anyone saying that smoking is good for you.

The difference between smoking and alcohol is that we have 110 million Americans who drink, we have about 15 to 18 million individuals who are alcohol abusers or alcoholics, which means the majority of Americans who drink don't get into trouble with it. And that is why alcohol is legal, and should be, for that group of individuals.

What we need to do is a much better job—and I think the alcohol companies deserve a lot of censure here—in keeping it away from adolescents, in keeping their ads that make it so glamorous to adolescents, and in getting off the market those kinds of beverages like Malt 40, or whatever the name is, that in one bottle contains as much alcohol as five glasses of 5-ounce wine; you know, roughly a six-pack of beer in one bottle. That is targeted to our minority communities, and I think it is disgraceful that that is on the market.

But for the majority of adults, moderate use is not an issue.

The CHAIRMAN. Thank you, Senator.

Senator PRESSLER. Let me just make one concluding remark. I want to commend you for your concluding paragraph in your testimony in which you say, "The effort to control drug abuse is not a Desert Storm; it is what President Kennedy called 'a long, twilight struggle.' It calls for patience rather than enthusiasm, endurance rather than animation, stamina rather than speed." I think that is true of a lot of public policy questions.

Do you have anything to add to that? I just think that is an excellent analysis of what we have to do on a lot of these questions, and it is really not very glamorous. We just have to work away at it. Is that what you are trying to say?

Mr. KLEIMAN. Yes, sir.

Dr. KLEBER. Unfortunately, Senator, that is something the Government and the people are worst at.

Senator PRESSLER. That is right, unless we have some crisis or a Desert Storm or we want to have a czar or we want to have this or that. We don't settle just with ordinary public administration going along doing its job, or something like that.

Dr. KLEBER. And I took issue with a recent op-ed that my colleague Peter Reuter had in the Washington Post and wrote an answer to it, where in a sense he suggested a kind of benign neglect of the drug issue. My fear is that if we do that, the resources necessary for the treatment of the individuals that are driving a lot of social pathology will just not occur.

The American people have so many other pressing issues. If you, in a sense, provide that kind of benign neglect, you are going to not get the resources you need for the treatment, for the prevention, for whatever. And that is why I was delighted that you held this hearing. I think we can't afford this kind of quiet twilight thing. That is not the psychology of the American people or the American Government.

The CHAIRMAN. My worry is that we will accept it being a twilight problem if the twilight settles in the minority community, if it settles in the inner city, if it settles in places where the majority of Americans believe they are held harmless if they avoid it. That, I must tell you, is my single biggest fear of the outcome of a policy.

REFORM THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

Mr. PRESSLER. Mr. President, I want to take a moment to share with the Senate my concerns regarding the highly questionable administrative practices of the European Bank for Reconstruction and Development [EBRD].

As my colleagues know, the EBRD was created 2 years ago to fill a real need: to foster private sector development in Central Europe and the former Soviet Union. With communism crumbling from the Danube to the Volga, it was essential that free enterprise rise from the rubble. This meant taking risks—risks that commercial banks in Europe and America would be reluctant to take.

Government leaders from 54 countries, including the United States, believed that risks had to be taken if capitalism was to truly flourish in this region. That was why these countries banded together with $12 billion in capital to create the EBRD.

The EBRD's mandate is simple: to take chances on entrepreneurs in Central Europe and the former Soviet Union. As Americans, we can appreciate that strategy. In fact, we have a number of Government programs in this country—such as the Small Business Administration 7(a) Loan Program and the Microloan Program—that give American entrepreneurs a chance when others will not. As my colleagues know, these programs work. Taking chances is the essence of capitalism. It is a strategy worth taking in the former Soviet Union.

In fact, one method I have advocated in the past is to bring together American entrepreneurs and send them to Central Europe and the former Soviet bloc. Any foreign aid to these counties should be investment not just in dollars but also in the know-how to make that money work. Starting a business, hiring employees, and marketing products are new concepts to citizens in former Communist countries. Without guidance, we literally would be throwing money away. There are entrepreneurs in Eastern Europe and Russia. They have ideas. But experienced American innovators can provide them with the know-how to turn those business ideas into business opportunities. The EBRD was created to foster that kind of activity.

After more than 1 full year in operation, the EBRD has taken risks. However, some are risks of the wrong kind. They are risking their reputation by engaging in practices that should be categorized under the heading "Lifestyles of the Rich and Shameless."

Since its creation, the EBRD has distributed $157 million in loans to its 25 client countries. However, the EBRD has spent double that amount—$312 million—on itself. Besides the usual costs for salaries and administrative overhead, what does one do with $312 million? I have found out that the EBRD has done quite a bit. For example:

The EBRD spent $1.2 million to replace the marble in its lobby. The old marble—called travertine—was seen as inappropriate by EBRD officials. So they junked it in favor of the more polished, more refined, and more expensive Italian carrara marble.

Six hundred thousand dollars were spent to purchase 1,000 custom-designed Italian desks for EBRD staff.

The bank has a custom-designed bar with chairs that represent different European design periods—a veritable history of European furniture fashion.

The bank is outfitted with nine custom-designed dining rooms, each with a different theme.

An auditorium at the bank currently is being constructed at a cost of $1.5 million.

The cumulative total of EBRD spending to create this ugly example of corporate excess in the heart of London's financial district is $87.4 million.

But wait, there is more:

The EBRD spent $900,000 to rent private planes for Mr. Attali. And not just any planes. No sir, Mr. President, Mr. Attali must travel in style—in British Aerospace 125's or Learjets, the Rolls Royce and Mercedes of private aircraft.

Seventy-eight thousand dollars were spent on a lavish Christmas party in London's largest banquet room in the prestigious Grosvenor House Hotel.

Mr. President, the EBRD was created to take chances. It was created to spur economic development. However, marble lobbies, exotic desks, thematic dining rooms, and fancy parties are not the kinds of economic development the American people had in mind.

Fortunately, the exploits of the EBRD and Mr. Attali have not gone unnoticed. The Financial Times of London has run a series of articles detailing the abuses of the EBRD. I ask unanimous consent that a number of these articles be printed in the RECORD immediately following the conclusion of my remarks.

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

(See exhibit 1.)

Mr. PRESSLER. Mr. President, also, leading financial officials in Central Europe have stepped forward with constructive criticisms that extend beyond office decor. Specifically, these officials have questioned the investment and loan decisions of the EBRD. Though mandated to allocate 60 percent of its funds to private enterprise, EBRD has financed projects for large,

state-owned firms. Further, the EBRD has been accused of being conservative in its financing decisions, even though its actual mission is to take risks.

In response to these and other charges, Mr. Attali responded by saying: "It is not fair to judge a new airplane by its altitude just after takeoff." That may be true, but the EBRD airplane's altitude would be much higher if it wasn't loaded down with Italian marble, designer furniture, champagne and caviar.

Mr. President, as my colleagues well know, providing billions of dollars in foreign aid year after year is always difficult to justify to the American people. This is true regardless of how worthy or well-intentioned our aid may be. Our current economic and fiscal conditions alone make the case for foreign aid an even harder sell with our constituents. Given the current practices of the EBRD, I would have a hard time justifying sending that organization another taxpayer dime.

In its budget for fiscal year 1994, the administration has requested $70 million for the EBRD. If this amount is for fostering economic development in the former Soviet bloc, then it is worth considering. However, if this is to support the construction of hot-tubs for the EBRD washroom, I'm sure the Senate can think of other, more useful ways to spend or save taxpayer dollars.

Mr. President, we can no longer afford to commit millions of dollars to good intentions gone bad. The EBRD was founded with the best of intentions: to lift Central and Eastern Europe from the depths of communism. This remains a goal worth pursuing. However, we must invest in sound commitments, not good intentions.

Before Congress even considers providing another dime, we should insist that the EBRD demonstrate a real commitment to its mission. Effective oversight of its management and loan practices is needed. A full-scale purge of its free-spending leadership may be necessary. The United States should continue to work with other nations to promote capitalism and individual initiative around the globe, with or without the EBRD.

EXHIBIT 1

[From the Wall Street Journal, April 27, 1993]

SHAREHOLDERS FAULT EBRD'S SPENDING, BUT DON'T CALL FOR OUSTER OF PRESIDENT

(By Janet Guyon)

LONDON.—Shareholders of the European Bank for Reconstruction & Development rebuked the bank for appearing to spend extravagantly, but stopped short of calling for the resignation of its creator and president, Jacques Attali.

Governors who represent the 54 countries that own bank said they would closely watch an inquiry into the £55.5 million ($87.4 million) cost of fitting out the EBRD's luxurious headquarters here. But at the two-day annual meeting, which began yesterday, they said that despite its faults the bank's mission to aid Eastern Europe is a legitimate one.

Following a closed session of the governors, Theo Waigel, the German finance minister who is chairman of the EBRD board, told reporters there was no discussion about reorganizing top management of the bank nor of creating a new post of chief executive. Some bank directors have suggested that Mr. Attali cede some of his control of the bank. Others, while angry about the spending continue to support Mr. Attali because of his energy and ideas. The Frenchman has created, in just two years, an institution with promised capital of 10 billion ECUs ($12.33 billion) out of his vision of a big, happy Europe that unites East and West.

SPENDING HABITS CRITICIZED

The bank has been under fire from the British press for its spending habits and those of Mr. Attali, who has gained renown for his trips by private jet. In its two years of operation, the bank has spent twice as much on its building, staff and overhead as it has disbursed to its 25 client countries. Bank officials have said that rapid change in the region, among other things, is responsible for the relative slowness of disbursements. Building spending came in under budget, they have said.

The U.S. temporary governor, Deputy Treasury Secretary Roger Altman, declined to voice direct support for Mr. Attali. But he said the governors will await Mr. Attali's own plan for tightening spending controls and for reorganization. "We hope they will be forthcoming quickly so the necessary confidence in the bank will be restored," he said. The U.S. still backs the bank, particularly its mandate to support private business, he said.

The U.S., which owns 10% of the bank, is also discussing giving it more time to meet its mandate that at least 60% of its investments be in private projects. Roughly speaking, Mr. Altman said about 50% of the bank's projects are private.

ATTALI CONCEDES MISTAKES

Mr. Attali last week conceded that the bank made some spending mistakes.

Meanwhile, the Russian governor complained about the "paltry" amount the bank has spent in Russia. And the Estonian governor griped that the bank hasn't put enough people in that region.

Mr. Waigel and Mr. Attali said shareholders have asked the bank to create a network of joint-venture banks in its client countries that would fund small and medium-sized business. Such a network would amount to a decentralization of this role of the bank, Mr. Attali said.

The EBRD also has gotten a mandate from the seven major industrial countries to aid small and medium-sized Russian businesses by investing in their equity. The bank is setting up a $300 million fund for Russia with half the money coming from the Group of Seven countries and half of it coming from the bank.

[From the Financial Times, Apr. 23, 1993]

ATTALI BOWS TO CRITICISM OVER BANK SPENDING

(By Robert Peston)

Mr. Jacques Attali, president of the European Bank for Reconstruction and Development, said yesterday that he had "much to learn" from criticism that controls of expenditure at the bank had not been tight enough.

However, he added: "I am not planning to resign". Mr. Attali said that "more than two or three" of the bank's governors, who are finance ministers or top officials from the 56 countries and agencies which own the bank, had telephoned him to offer support, following criticisms of his stewardship of the bank.

He said that the "most important question which needs to be answered is whether this bank needs to exist or not". The importance of the bank, which provides loans and investments to encourage the growth of market economies in eastern Europe and the former Soviet Union, is that "it is part of the international response to the urgent need of central and eastern Europe".

Mr. Attali was speaking as the bank published its annual report for 1992. The report says that the board approved 54 investment projects in the year with a total EBRD contribution of Ecu1.2bn ($1.46bn). However, just Ecu126m was disbursed, consisting of Ecu75.8m of loans and Ecu50m of equity injections.

He said it was "entirely legitimate for the press to raise questions about the way in which we conduct our affairs". He justified the lavish furnishings of the bank's new headquarters, in London's Broadgate complex, by saying that work on fitting out the building was proceeding "within the approved budget". He did not comment on the issue of whether the budget itself was excessive.

"With the benefit of hindsight, it is clear that we should have done certain things differently," he said. The replacement of the building's existing marble with new marble, at a cost of at least £750,000, fell "into this category".

He said the bank's "overriding concern now is to learn from this experience". In order to tighten control over spending, Mr. Attali said he was dividing the responsibilities currently held by Mr. Pissaloux, who is both director of Mr. Attali's cabinet and director of the budget.

He said there would now be "a full-time director" with budgetary responsibilities and a separate cabinet director. He refused to say who would occupy these posts. Mr. Pissaloux would not comment on whether he would hold one or other of these posts.

Mr. Attali also said there would be a "further deepening and strengthening of the board committees on budgetary matters, both in preparing and monitoring the budget" and "further improvements will be made in the information supplied to the board about the budget".

He also confirmed that the board's audit committee was undertaking a review of the "costs incurred and the specific procedures followed in the fitting out of the bank's headquarters".

[From the Financial Times, Apr. 23, 1993]

OVERSPENDING AT BANK PUT AT 20 PERCENT

(By David Marsh and Andrew Jack)

The European Bank for Reconstruction and Development's accounts show spending on * * * last year exceeded its budget by 20 percent in terms of European Currency Units.

The bank insists that its costs— most of which are paid out in the British currency—were in fact less than budgeted when measured in sterling.

Overhead expenses net of government grants came to Ecu50.7m, compared with the budgeted Ecu42.1m, up from only Ecu12.2m in the bank's start-up year in 1991.

At the Ecu exchange rate at the beginning of 1992, the budgeted figure for last year was the equivalent of £30.1m. At the Ecu rate at the end of 1992, the actual amount spent was the equivalent of £40.4m.

Despite this, EBRD officials said yesterday that, compared with the original sterling figures forecast for 1992, spending showed a slight fall.

EBRD officials said yesterday that the difference between the sterling and Ecu calculations partly reflected the impact of procedures for depreciation of capital spending. It said the discrepancy was also due to transactions carried out at the start of each year to translate the bank's income—denominated in Ecus, and accruing in a variety of currencies—into sterling for spending during the year.

This practice of "hedging" its Ecu income is meant to avoid exposing the bank to foreign exchange risks. In fact, it meant that the EBRD failed to benefit, as it would otherwise have done, from sterling's sharp fall against European currencies towards the end of the year.

The bank's overall administrative costs, including personnel costs, totalled Ecu96.2m last year, slightly higher than the budgeted Ecu95.2m

The relatively small overshoot reflected the impact of lower-than-budgeted personnel costs, which amounted to Ecu45.5m compared with the budgeted Ecu45.5m—a fall which was presumably due to the decline of sterling during the year.

Mr. Jacques Manardo, the principal accountant responsible for EBRD's audit, yesterday said he was fully satisfied with the internal controls operated by the EBRD. "It's a small, well managed operation. I don't perceive any lack of transparency," he said.

Deloitt Touche Tohmatsu won the audit for the EBRD after a competitive tender among the leading international accountancy firms.

The audit is co-ordinated from London, although the audit report is signed from Paris because that is Mr. Manardo's base.

The lead partner on the audit is Mr. Brian Smouha, liquidator of the collapsed Bank of Credit and Commerce International and a banking partner with Toucher Ross, the DTT affiliate in the UK.

There are another four auditors in London, and about six more overseas, with auditing of loans and operations in eastern Europe coordinated by an accountant in DTT's Budapest office.

The accounts are prepared in accordance with international auditing and accounting standards, modified to meet the structure of the bank and certain EC regulations.

[From the Financial Times, Apr. 16, 1993]

WAIGEL TO QUESTION ATTALI ON EBRD SPENDING ALLEGATIONS

(By Charles Leadbeater in Tokyo)

Mr. Theo Waigel, the German finance minister, who is chairman of the European Bank for Reconstruction and Development, will question Mr. Jacques Attali, the bank's president, in the next few days over allegations of excessive spending at the bank.

Mr. Waigel will raise the concerns over the bank's expenditure during a meeting with Mr. Attali in Bonn before next week's annual meeting of the bank's governors.

The controversy over the bank follows the disclosure that it has spent more than £200m ($310m) in the past two years on fitting out its London offices, travel for executives, entertainment and other running costs. During that period the bank has disbursed loans worth about £125m.

Mr. Waigel, referring to questions about the bank's spending, said: "These may be points we will discuss at next week's meeting. I will do my duty as chairman of the bank to test the validity of these allegations."

Mr. Waigel, who is in Tokyo for the emergency meeting of the Group of Seven foreign and finance ministers, said he had asked the bank for a report on allegations of excessive spending on private jets to take Mr. Attali around Europe, the fitting out of the bank's London headquarters and its Christmas party in the ballroom of a London hotel.

Mr. Waigel said: "If we find any unjustified expenditure we will draw the appropriate consequences."

The EBRD last night gave a breakdown of the money it spent on its previous headquarters in Leadenhall Street, London, which it occupied for 20 months until last December. Of £18m, £11.4m was paid in rent and £6.6m on fitting out the offices. It said half the £6.6m was spent on furniture and equipment, which it is now using at its new headquarters in Broadgate in the City of London. It added that 1,200 people attended its Christmas party, which cost £52,000, so the cost per head was £40.

It is understood Britain, the U.S. and Canada have led criticism of Mr. Attali's management of the bank. The U.S. has criticised in particular the slow rate at which the bank has extended loans.

Mr. Norman Lamont, British chancellor of the exchequer and EBRD board member, reiterated his view that the bank should answer legitimate questions about how it had been run.

However, he stressed the British government had no regrets about the assistance it had given the bank to set up its headquarters in London.

The G7 meeting in Tokyo has given the EBRD a central role in developing small and medium sized businesses. The bank is to run a $300m small business development fund which will include paving the way for the creation of a Russian bank for small businesses.

[From the Financial Times, Apr. 15, 1993]

ATTALI DEFENDS EBRD SPENDING ON AIRCRAFT

(By Robert Peston and Daniel Green)

Mr. Jacques Attali, President of the European Bank for Reconstruction and Development, has rejected claims that the London-based bank had spent excessive sums on hiring executive jets.

Mr. Attali, who is facing mounting criticism over internal spending at the bank, said it would be impossible for him to do his job without the use of private jets.

"I am sorry, I cannot do without it", he said in a recent interview. Such aircraft were needed, he claimed, for trips which were incompatible with commercial airline schedules.

He gave an example of his schedule from 25 March to 29 March, when he flew from a meeting with the Prince of Wales, who was inaugurating the bank's head office, to Bucharest in Romania, for an environmental meeting. Then he went to Paris and from there to Hamburg. Finally he flew to Moscow where he had breakfast on the 29th with Mr. Boris Federov, the Russian Deputy Prime Minister.

Mr. Pierre Pissaloux, budget director at the EBRD, said that he is careful to keep the cost of renting jets under control. Each time Mr. Attali needs an aircraft, three charter companies are asked to submit bids.

The bank recognises that expenditure on the aircraft is a sensitive issue. So each three months, Mr. Pissaloux, tells the chairman of the bank's audit committee how much Mr. Attali has spent on jets and other items in the previous quarter.

"We desire to be entirely transparent," Mr. Pissaloux says.

Chartering a private jet is an expensive business—the EBRD spent £600,000 on renting private aircraft last year and is budgeting to spend up to £400,000 this year..

Even a small Learjet, seating three or four people comfortably, would cost around £2,000 an hour to charter.

The bank recently called for tender offers for a chartered Learjet from at least one London area air charterer.

It also wanted details on the British Aerospace 125 jet, which can carry six or seven people in luxury but costs about £3,000 an hour to charter.

One air broker yesterday described the BAe 125 as "the Rolls-Royce of private aircraft" and the Learjet as "the Mercedes".

Private jet charter is a business that thrives on secrecy as much as economics. Corporate dealmakers like to own or charter private jets to conceal their movements from potential rivals who may monitor the public areas of airports.

Mr. Brian Wigham of consultancy, International Bureau of Aviation, says that private charterers buy "convenience and security".

Air charter brokers justify the costs of chartering by calculating the hourly worth of a top executive to an employer. Against a deal worth millions, the cost of a charter is small.

British Airways uses similar arguments on the price of a ticket on Concorde. At more than £5,000 for a return flight between London and New York, it is more than twice the price of a first class ticket.

BRITAIN WILL CALL FOR CURBS ON EBRD SPENDING

(By Charles Leadbeater in Tokyo, Robert Peston in London, and Andrew Hill in Brussels)

The British government will next week press for tighter controls of spending by the European Bank for Reconstruction and Development following the disclosure that it had spent more than £200m ($302m) on overheads and equipping its building in the past two years.

Mr. Norman Lamont, UK chancellor of the exchequer (finance minister), said yesterday he had become so concerned at the level of spending by the EBRD that the government had frequently called for greater efficiency and economy in the way the bank was run.

The call for tighter budgetary controls will come at the EBRD's annual meeting next week and follows disclosures in the Financial Times that the EBRD has spent £55.5m equipping its London headquarters, £600,000 hiring private jets and £52,000 on a Christmas party.

Mr. Lamont, who represents Britain on the board of governors and is in Tokyo for the emergency meeting of G7 finance and foreign ministers on aid to Russia, said he would make sure the government's concerns about efficiency would be fully considered at next week's annual meeting of governors.

The EBRD governors are typically the finance ministers of the banks' shareholders, who are the 53 western and East European countries, the European Community and the European Investment Bank.

Mr. Lament said several of the bank's 23 governors, meeting informally, have voiced concerns about the EBRD's spending in the two years since it was set up.

He indicated the concerns were mainly about salary levels as well as issues such as

the use of private jets to ferry Mr. Jacques Attali, the bank's president and founder, to meetings.

Mr. Pierre Pissaloux, the bank's executive director in charge of the budget, said the bank had become aware that spending on the jets was "sensitive". He introduced a new system for hiring jets "a few months ago" by which the bank asks for tenders from three charter companies.

All executives except Mr. Attali and the senior vice-president Mr. Ron Freemah were also told a month ago they had to fly economy class.

It also emerged that the bank's 23 directors, who are civil servant representatives of the shareholders, are pressing for greater control over the bank's budget-making process. "There is a lack of transparency and accountability," a UK official said. "A specific budget committee should perhaps be set up."

Mr. Pissaloux said: "We are very anxious to respond to requests for any additional information [from directors]".

Founder European Community shareholders of the EBRD are also expected to use next week's annual meeting of the bank to quiz Mr. Attali about its spending record.

But officials from the European Commission and European Investment Bank, which together hold 6 per cent of the EBRD's shares, said yesterday they were sympathetic to the difficulties of funding projects in the economic chaos of the old communist eastern bloc.

Mr. Lamont said: "Britain is at the forefront of those calling for economy and efficiency. Sometimes we are in a minority. But we will continue to make those calls and we will make sure those points are considered next week."

EBRD DENIES EXCESSIVE SPENDING

The European Bank for Reconstruction and Development (EBRD) said expenditure on its headquarters was "value for money" in spite of revelations that it spent £55.5m on fitting out its new offices and £18m on its previous office, of which £40m had been provided by the British government.

"The bank needed a headquarters building that was suitable to its needs as an international public institution with 23 resident directorships representing 56 members," it said in a statement yesterday. The UK Treasury said the control of expenditure at the was "a matter for the bank itself and its board of directors".

Mr. Gordon Brown, the opposition Labour party finance spokesman, is pressing Mr. Norman Lamont, chancellor of the exchequer, for an explanation of why the London-based bank had spent so much on the new offices.

[From the Financial Times, Apr. 13, 1993]

THE BANK THAT LIKES TO SAY YES TO ITSELF

The European Bank for Reconstruction and Development was set up in 1991 to help eastern Europe build on the ruins of Communism with private investment.

Two years later, as delegates attending next week's annual meeting in London will learn, the main beneficiaries of its largesse have been its staff, consultants, building contractors and aircraft leasing companies.

It has provided considerably less in loans and investments to the former Soviet Union and eastern Europe than it has consumed on fitting out its London offices, paying salaries and meeting other overheads.

Here are the facts:

From April 15, 1991 to the end of last year its total running costs, mainly salaries, travel costs and general overheads, have been £128m. Its budget for 1993, which is denominated in European Currency Units, is Ecu136m (£109m).

It spent £18m of UK government funds on equipping its previous office, which it occupied for just under two years before moving to its new office block at Number One Exchange Square in the City last December. It is in the process of spending a further £55.5m on fitting out this building.

By the end of last year it had disbursed only Ecu126m (£101m) in loans and investments to eastern Europe and the former Soviet Union. This is just half what it allocated to its buildings and its running costs in the same period.

Some disparity between the costs of running the bank and the initial provision of finance to the region was inevitable. Start-up costs for any new institution are big and it was explicitly modelled on the World Bank, whose running costs are substantial.

But the bank's intellectually dynamic founder and president Mr. Jacques Attali, who for much of the 1980s was the special adviser to the French President, Mr. Francois Mitterrand, admits that "disbursement [of loans and investments] is amazingly slow in terms of our [original] forecast."

He adds, however: "I would say it is a good thing, because it demonstrates that we are very cautious." He says he would be facing considerable criticism from his shareholders—the leading industrial countries together with those of the former Eastern bloc—if the bank were being reckless in its investment policy.

The bank also points out that it has stayed within its administrative and building budgets, which have all been approved by these shareholders, including Mr Norman Lamont, the chancellor of the exchequer, who is one of the bank's governors.

Mr Attali's talents for designing grand schemes for the regeneration of eastern Europe and the former Soviet Union are not in doubt. But he is not by nature a financial controller or a chief executive. Two questions therefore suggest themselves concerning the execution of the bank's mission:

Should the investment policy of the bank be loosened to facilitate a more rapid disbursement of funds?

Does the budget-making process put enough pressure on the bank to keep its expenditure in check?

Mr Attali appears to have inherited from Mr Mitterrand a passion for monumental architecture—the slabs of Carrara marble which frame the lifts in the lofty mirrored entrance may have been expensive, but the bank says they have great symbolic significance.

A different kind of marble, Travertine, was originally installed. According to Mr Pierre Pissaloux, a former high-flying French civil servant who is the bank's budget director, this marble was inappropriate. So it was replaced by Carrara statuary slabs in various stages of polish, at a cost of £750,000.

The point of the exercise, said Mr Pissaloux, was that the new marble represented what the EBRD was trying to do for people in Eastern Europe—"changing them from something rough into something polished".

Mr Attali said he was not embarrassed by the EBRD's opulent offices. He said he had a "duty to provide them [employees] with a very good environment", as compensation for the reduced pay they earn at the bank compared to what they could receive in the private sector.

He also set a condition that the building cost should be "below the average cost" of comparable projects in the City. Both arguments in favour of the building area questionable.

Some of Mr Attali's colleagues came from the private sector, but most say they were lured by the challenge and excitement of changing the face of eastern Europe.

They could probably earn more if they returned. However, the average EBRD salary—including secretaries and lower grade staff—is Ecu58,300, high compared with most public-sector organisation but not by World Bank standards.

EBRD employees do not pay UK taxes, thanks to the founding charter signed by the government. But the bank itself levies an "income tax" averaging about 10 per cent which it uses to help finance its operations. The average salary is equivalent therefore to a UK gross salary of more than £65,000.

Mr. Attali is the highest paid employee, with a 1992 salary of £150,000 after deduction of the internal tax.

Were he to pay UK taxes, this would be the equivalent of a gross salary of more than £240,000—£75,000 more than the governor of the Bank of England received last year, £163,000 more than the prime minister and £40,000 less than the basic salary of the chairman of National Westminster Bank.

Mr. Attali has said he wants to waive the EBRD'S general pay rise of 5.5 per cent for the current year.

The question of whether the £55.5m fitting out cost is reasonable by City standards is more complicated. The UK government was desperate to attract the EBRD to London—it is the only major international institution of its kind in the British capital—and provided £40m towards the costs of its offices. The bank spent £18m of this on its offices in Leadenhall Street—which it occupied for 20 months—and the balance of £22m is being spent on the new headquarters. The bank received an additional £250,000 grant from the Corporation of London.

The building covers 403,000 square feet in total. The cost of fitting out that space per square foot is £138. Only 320,000 square feet of that space is usable, however, which pushes the cost up to £173 per square foot. Building consultants say that both figures are at the top end of normal fitting out costs.

Mr. Pissaloux disputed that judgment. The EBRD, he pointed out, had special needs, such as translation facilities for its annual meeting and conferences. If these special factors were excluded, he said, the cost per square foot was £108. "That is at the lower end of City fit out costs." he said. "I am at ease with that."

Gleeds, the quantity surveyors, said that fitting out costs for a large merchant bank's office would typically be about £70 per square foot for gross space in a shell and core building (a building containing neither furnishings or mechanical and electrical equipment).

Mr. Pissaloux also said that part of the building's cost had been met from saving rent due on the Leadenhall offices and by striking an advantageous deal with the building developer, Rosehaugh Stanhope Developments.

By finishing work on its Exchange Square building ahead of schedule the EBRD was able to save six months rental payments for Leadenhall. That rent saving was worth £6m, Mr. Pissaloux said. In addition Rosehaugh Stanhope Developments, the building's developer gave £9.5m towards the fitting out costs, plus a rent-free period of two years and five months, which is worth £38m.

Property agents said, however, that the deal with Rosehaugh was in line with market conditions at the time. "When the EBRD was looking, the market was dead," said a surveyor. "Property companies were falling over themselves to deal with it."

The EBRD is paying £39.5 per square foot, which is well below the peak rents paid for space in adjacent buildings in the later 1980s but well above today's prices for top quality City space, which range between £25 and £35. Mr. Pissaloux insisted: "We got the best price at the time."

Mr. Pissaloux also pointed out that there was a break in the lease after 15 years, allowing the bank either to move out or seek more attractive terms then.

He was also proud of having secured a warranty which meant that the landlord had to pay for any structural defects which might emerge in the building over the next 12 years—which agents say is unusual.

Staff moved to the new building just before Christmas and the move was celebrated with a party held at London's Grosvenor House Hotel. Mr. Attali said the party's cost was "very low". In fact, it amounted to £52,000, £80 for each of the 650 employees or consultants who attended.

The EBRD also argued that Mr. Attali's regular use of rented private airplanes was value for money. Mr. Attali said he used private jets on two sorts of occasions only: when he had to fit in large number of meetings over a short period in many different countries (as happened quite frequently) or if his destination was not served by regular international flights (which was the case in many parts of the former Soviet Union).

He spent £600,000 last year on private jets. Mr. Pissaloux said that he had earmarked between £350,000 and £400,000 in this year's budget for between 15 and 18 trips by private jet—this comes to around £22,000 per flight.

Mr. Pissaloux stresses that all expenses were overseen by the EBRD's board of directors, who are government officials representing the 53 countries which are the bank's shareholders. Even the building costs had stayed within the special capital budget approved at the end of 1991.

The main responsibilities of these directors is to approve loans, investments and spending. A series of board committees scrutinize salaries (the remuneration committee), the annual budgets (the finance committee) and the annual accounts (the audit committee).

One director insisted that they were a tough independent force, whose aim was to ensure that the EBRD did not waste money. But, in the matter of their own remuneration, they were not independent from the EBRD. As Mr. Attali said: "It's a very strange system—we pay for them but they are representing their governments."

The directors, who are typically secondees from the shareholders' civil services, receive EBRD salaries and EBRD tax breaks. "It's enormous pay compared to a normal civil servant," said Mr. Atalli.

In 1992 the 23 directors, their 23 alternates and 23 secretaries, who occupy two floors of the EBRD's head office, were paid an average salary before the 10 percent tax of Ecu87,000 each—equivalent to a UK gross salary of £100,000. It is arguable that if directors were paid directly by their governments they might exert tougher financial disciplines on the bank.

The experience of private-sector companies also suggests that any board as big as the EBRD's will rarely have the cohesion to put significant pressure on executives.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Washington [Mr. GORTON].

NOT THE MESSENGER WE NEED TO CHANGE—IT IS THE MESSAGE

Mr. GORTON. Mr. President, it is no secret to any Member of this Chamber that the President's economic program is in deep trouble. Deep trouble not just with Republicans in the House and the Senate, but with a large number of members of his own party in both Houses of Congress and, more significantly, across the United States as a whole.

This new President is a gracious, a hardworking, likable individual. He still has a great reservoir of popularity in the country. All Americans wish him well because, if he does well, the country itself will be well. The President and many of his advisers are concerned that his message is losing its punch because of the lack of focus. They are now attempting to focus the President more sharply on his economic program and on the economy of the country.

That concern I believe, Mr. President, is entirely misplaced. It is not the messenger with whom the people of the United States are concerned, it is the message. The economic program is in trouble not because it is misunderstood by the people of the United States. It is in trouble because it is becoming to be understood far too well across this country.

Yesterday, the distinguished senior Senator from Texas utilized this chart to show how far the message of the President has varied from that which won him election in November. During the campaign, the President promised $3 in spending cuts for every $1 in tax increases. At the time of the confirmation of his Office of Management and Budget Director, it was $2 in spending cuts for $1 in tax increases. In the State of the Union Address, it was dollar for dollar. In the budget submitted to us, it turned out to be $3 in tax increases for $1 in spending cuts. And now, with the reconciliation bill before the House of Representatives, it is $5 to $1.

The day before yesterday, a courageous citizen in San Diego, Lauren Fleming, a self-employed businessman, asked the President at one of his town meetings point blank:

> Can you tell me of any time in history when higher taxes and greater Government spending led to prosperity?

The President, somewhat discomfited by the question, nevertheless answered it honestly by saying that he knew of no such example. He went on to say that this was not, however, his program.

The problem, Mr. President, is that it is his program. The program before us is very heavy on tax increases; it is very light on spending cuts. The American people have told us to cut spending first.

What is needed in this administration is not more focus on the part of the President. It is not trips out of Washington, DC, to sell a flawed program, it is a revised program which lives up to the promises which he made during the course of his campaign.

If the President will trust the people to spend their own money, if he will trust the people to build the economy, if he will not rely so greatly on huge additions in Government spending, there will be no question about his focus. There will be renewed popularity not only of the President but of the President's program. There will then be bipartisan support for the President's plan and economic success for this country.

It is not the messenger we need to change, Mr. President, it is the message.

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

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

The assistant legislative clerk proceed to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Chair recognizes the Senator from Nevada [Mr. REID].

TEENS FACING TOUGH TIMES

Mr. REID. Mr. President, the action of this body 5 or 6 weeks ago where the so-called stimulus package was killed is something that I think about often, perhaps, though, not often enough.

The Senate, as we know, failed to pass the so-called stimulus program. In reflecting on this, this should have been more than Democrats versus Republicans; it should have been more than rank politics, but it was not. You see, this stimulus package affected Democrats and it affected Republicans.

I, Mr. President, was forced to think more about this issue a couple of days ago when in the Reno Gazette Journal on the front page of the paper there appeared an article, "Teens Face Tough Time Seeking Work." And on the front page of that paper was a picture of a 16-year-old girl by the name of Norma Chacon. Norma was looking for a job, and the picture shows her on the sidewalk looking at want ads.

The article said, among other things, that—

> Chacon isn't looking for work because she wants extra spending money. Like more and more teenagers, she needs the cash to help support her family.* * *
>
> "With the economic times like they are, entry-level positions are not filled with youth; they are filled with more experienced workers," said Sandy Trojan, coordinator for Job Opportunities in Nevada.* * *

Reed High School counselor Arlen Fark has also noticed the trend: More parents out of work and more students who need a job to help out.

Mr. President, I ask unanimous consent that this article be printed in the RECORD. Of course, I understand the rules that the picture will not be a part of the RECORD.

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

[From the Reno Gazette Journal, Mar. 18, 1993]

TEENS FACE TOUGH TIME SEEKING WORK

(By Veda Morgan)

Finding a job is a full-time occupation for Washoe High student Norma Chacon.

Between classes, the 16-year-old searches newspaper ads, calls area businesses and hits the streets.

Chacon isn't looking for work because she wants extra spending money. Like more and more teenagers, she needs the cash to help support her family.

The competition for jobs is tough. In Washoe County, the jobless rate is at 6.5 percent, and there are 400 more adults unemployed than last year.

"With the economic times like they are, entry-level positions are not filled with youth; they are filled with more experienced workers," said Sandy Trojan, coordinator for Job Opportunities in Nevada (JOIN).

But an area labor economist says he's expecting hiring to improve this summer.

"We have (employers) adding staff because their business is picking up," said George Anastassatos, labor economist for Nevada Employment Security.

JOIN's summer employment program, which serves more than 200 area youths ages 14 to 21, filled up in three days. About 200 young people are on the waiting list, Trojan said, "A day doesn't go by where I don't get four or five phone calls trying to get students work."

Reed High School counselor Arlen Fark has also noticed the trend: More parents out of work and more students who need a job to help out.

Fast food jobs are about all that's open to younger teens. Other employers generally won't take them because of federal child labor laws that limit the hours that minors under 16 can work, he said.

Mr. REID. Mr. President, this is more than just someone out looking for a job, as I indicated, to have money to buy a car. This young lady, as millions of other young people across this country this summer, will not have the opportunity to have a job.

As indicated in the Reno newspaper, the jobs that these young people would have gotten are being filled by adults. Reno is a small community, less than half as large as Las Vegas. And then you have Los Angeles and Pittsburgh and Baltimore and New York where we have millions of youths this summer without jobs.

Why is it important? It is important because these young people learn how to get a job; they learn how to apply for a job; they learn how to dress for a job. Working is more than the money, Mr. President, although that is extremely important. It exposes them to a culture outside their environment. If they do not get these skills, they will not be productive taxpayers. They will become, much of the time, negative and not positive.

We hear a lot and we will hear more in the future on this floor about crime bills. Well, Mr. President, as far as I am concerned, this stimulus package as it related to young people was a crime bill because it would prevent crime. The percentage among unemployed teenage children is extremely high and it should not be. Without something to do, many youth get in trouble. So I think this was more than a jobs bill. I think it was a crime bill. I think it was a crime we did not pass it.

There are hundreds of people in Reno, this article indicates, who are unemployed. It indicates there are hundreds more unemployed this year than last year. I think it is too bad that the money we would have spent creating these summer jobs will not have been spent. It would have been money well spent because it would have created taxpayers. It would have created jobs for people who would not only work this summer but would have created a work habit for them in the years to come. I ask my friends on the other side of the aisle, Mr. President, to reflect on what they did and perhaps what they did not do.

I would like them to consider writing to Norma and telling her why she is not going to have a job this summer and why millions of other youngsters throughout this country are not going to have jobs this summer.

I would like them to tell her why they voted against the jobs for summer youth. I do not know if she is a Democrat or Republican; I do not know if her parents are Democrats or Republicans, and my friends on the other side of the aisle may have scored a point against Bill Clinton, President of this country, but they did not score a point for Norma and the millions of other youth who are similarly situated.

If you watched the interviews of my friends from across the aisle after the stimulus package was killed, there was not a one of them who said they did not like the individual programs, but they just did not like the way the bill was set up. I think they had an obligation to Norma and others to come up with a better program.

But, but, but, they did not.

You cannot do nothing, and that is what has been done. It is too late now to come up with the Summer Jobs Program. As I and others during the debate spoke about, it takes time to come up with good jobs programs for these youngsters, and we now are going to be pressed to do it. We are not going to be able to do it.

I think it would be easy to say, well, we should have done it and we did not. But the fact is we did not do it. And we need to understand that these are real jobs that have been lost, not make-do jobs. I really think it is too bad.

Not passing the stimulus, though, Mr. President, goes beyond just the 16-year-old youth in Reno, NV. It goes beyond that. Yesterday, I met with the State director of transportation from the State of Nevada and he talked about what we are not going to be able to do because we did not pass the stimulus package. In the State of Nevada, it would have meant $20 million. That might not sound like much for States like New York, Texas, and Florida, but for Nevada $20 million that would be put into roads is a lot of money.

Mr. President, I suggest that that money would have created jobs, and lots of good jobs, in developing a road we have needed between Reno and Carson City for two decades. That was on the drawing board. We would have been able to extend that to the Mountain Coast Highway. The Springmountain interchange in the fastest growing city in America, Las Vegas, would have received additional funding. It would have done a lot of things we are not going to be able do. Infrastructure improvement is something this country needs. Everywhere, whether it is in a State like North Dakota or a State like Nevada or a State like New York, we need infrastructure development. It is deteriorating. By killing the stimulus package, we killed that for the foreseeable future.

Mr. President, something we also did not talk much about during consideration of the legislation that was called the stimulus package is what we proposed in that legislation for native Americans. We, in that bill, did some really good things for native Americans. It is dead, killed.

Last week, I had the opportunity to chair an appropriations hearing as it related to the Bureau of Indian Affairs. The Bureau of Indian Affairs told us how badly they were hurt as a result of the bill we did not pass. It would have provided $102 million to the Bureau of Indian Affairs. The money would have gone to needy programs. For example, $23 million would have gone for Indian reservation road maintenance projects providing jobs and improved access to schools and medical facilities.

Mr. President, the Indian reservations in the State of Nevada need this, and it would have created good jobs, jobs that we need, not make-do jobs. The roads in Indian country in Nevada need improving. These would have been real jobs. Nine million dollars for improvement of dangerous and substandard Indian law enforcement, education and youth services. Most importantly, $49 million to cover shortfalls for the upcoming school year for operation of Indian schools. Is it not important we spend money in these Indian schools?

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

The ACTING PRESIDENT pro tempore. Is there objection?

The Chair hears none, and the Senator is recognized for 5 additional minutes.

Mr. REID. These youngsters need education facilities, and they have not had them. They badly need them.

During the hearing, they gave a long litany of how they are going to cut back on some of these services. Closing schools early is one of the possibilities.

Why are these jobs that I have talked about important? People go to work; they pay taxes. People are no longer relying on welfare and unemployment. People regain their self-respect by being able to provide for their families.

What did my friends on the other side really do by defeating the stimulus package? I repeat, perhaps they embarrassed President Bill Clinton, but most of all, as time will tell, they have embarrassed themselves and the American public because what has happened is not good for this country.

Very soon, this body will be debating the President's budget plan, a plan that some, if not most, on the other side of the aisle will say is nothing more than tax and spend. Well, we, the Democrats, were not in the White House the last 12 years when the debt went from $1 to $4 trillion. I think it is important to recognize that we have to start working together to not become masters of gridlock but masters of moving this country along so that people like Norma can have a job not only this summer but in the summers to come.

The Washington Post yesterday brought to light something I have been telling my constituents for a long time. I quote:

> Nothing did more to end the Great Depression and the enormous amount of money the Federal Government spent in the war years. Taxes went up, spending soared, the economy boomed. A good Republican, Dwight D. Eisenhower, did a lot to prime the economy by launching the Interstate Highway System in the 1950's.

We all know, Mr. President, that we need to cut spending, but we have to cut spending where it will do some good. We have to increase spending where that will do some good. I think that we had better stop trying to embarrass Bill Clinton, as some in this body do, and try to do things that will uplift this country so that young ladies like the girl in Reno sitting on the sidewalk looking at want ads will not look at us and say, "Why did they do this to me?"

So I think we should start being positive and not negative, and in the hope of this I extend my hand of cooperation and friendship to my friends on the other side of the aisle, hoping that we can move this country down the road to improvement.

Mr. MURKOWSKI addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Alaska [Mr. MURKOWSKI].

Mr. MURKOWSKI. Mr. President, I rise to speak during morning business, and ask to be recognized for 6 minutes.

The ACTING PRESIDENT pro tempore. The Senator is correct. We are in morning business. Without objection, the Senator is recognized for 6 minutes.

THE PRESIDENT'S STIMULUS PACKAGE

Mr. MURKOWSKI. Mr. President, we have been talking in this body at length about the defeat of the President's stimulus package. We are about to embark on the proposal for the budget for this Nation. I think that the record needs to be specifically examined from the standpoint of what that stimulus package meant. First of all, I would remind my colleagues on the other side, we can point fingers at one another with regard to the responsibility for the country's fiscal plight.

But the facts are that the other party, the Democrats, have been in the majority 50 of the last 60 years in the Senate, and 56 of the last 60 years in the House of Representatives. Or one might say that Democratic Party has been in the majority 32 of the last 38 years in the Senate, and 38 out of the last 38 years in the House.

As we address the stimulus package in retrospect, let us recognize a reality. The President asked and appealed to Americans to invest in America, to make a sacrifice. The only one who has not held to that requirement was government because the stimulus package was a $16-billion package. What did it do? It added to the deficit.

It is like having a checking account, not having enough money in your checking account. So you write an overdraft. You write a check for funds you do not have. Is that responsible on behalf of the President and the administration? Clearly not. We are looking at $300 billion deficit. We have a $4.2-trillion accumulated debt. And the President proposes to simply write a check without funds for another $16 billion. That is not fiscally responsible. That is why the President's stimulus package did not pass.

I think we have to recognize that we have a responsibility in this body to address the fiscal necessity of keeping our house in order.

Where are we today? We are looking at the President's budget which proposes an increase in taxes of $273 billion or thereabouts, $10 billion in user fees, and at the same time it addresses the necessity of creating jobs in this country. We are all aware of the effect of taxes on the economy. Taxes do not increase an environment for investment or for jobs. It takes away that incentive that is necessary to create an economic environment for investment and jobs.

We have an energy tax proposal that most economists simply concede will make us noncompetitive in our exports because we are adding, if you will, an additional tax to the production of U.S. exports. We go out and compete in the international marketplace and the only way we can be competitive is to reduce the profit margin because we are carrying a tax load that other countries are not in their production.

So it acts to limit our international competitiveness which reduces the number of jobs and creates a climate that clearly is not conducive to investment for the creation of jobs.

There was a report given to a small group that meets weekly on the economy predicting that U.S. corporate profits next year would be cut in half. And the explanation was very simple. Increasing corporate taxes, increasing the regulatory requirements, increase in health care costs, increase right now as a consequence of the additional cost of Government.

The problem, Mr. President, is simply no cuts are being made in Government spending. This President's proposal, and the American people are beginning to understand it, simply adds to the accumulated debt in this country over the next 5 years. Today, we have $4.2 trillion of accumulated debt. In 5 years, that number will go up to $5.3 trillion. We have increased our accumulated debt by over $1 trillion. Currently, one-seventh of our budget is interest on our debt. That is like having a horse that eats while you sleep. It is going on. It is compounding. And there is no effort to reduce it because what is it going to be in 5 years? It is going to be more, substantially more.

The only thing we have going for us is we are funding this debt currently at a very, very low interest rate. But inflation can change that. That interest rate can go up and the consequences, Mr. President, are obvious. We are headed down the slippery slope that can only be turned around by one of two alternatives: Increasing revenue, which means more taxes, which is the President's path; or reducing spending, which is clearly the path of the Republican party and most Americans.

Mr. President, it is time to simply move away the cloud of partisanship and understand that you address this problem by either cutting Government spending or increasing revenues and that higher revenues means taking money out of the public pocket through taxes.

THE NOMINATION OF ROBERTA ACHTENBERG

Mr. MURKOWSKI. Mr. President, I would like to take this opportunity to state my position with regard to the issue pending before this body last

night, which we will turn to again at the end of morning business, and that is the nomination of Roberta Achtenberg for the position of Assistant Secretary for Fair Housing and Equal Opportunity at the Department of Housing and Urban Development.

Mr. President, when assessing any nominee, including this one, we first look at her professional qualifications. I am willing to concede that her professional qualifications are adequate for the position to which she has been nominated. Ordinarily that would be enough for me to support her nomination, and questions of personal life or lifestyle would not be at issue.

However the nominee goes beyond the point of just choosing a lifestyle, but, in fact, advocates her lifestyle forcefully, as an activist.

What disturbs me is that she promotes that lifestyle and suggests it represents family values. And I think that was forcefully, publicly displayed in the San Francisco parade.

I may be a bit old fashioned, Mr. President. But I think that we all have an obligation to some degree for conformity within bounds. Many of the people who work here wear a necktie to work every day. Wearing a tie does not make a person any smarter, any better or more qualified. It is a matter of conformity. If we are too out of conformity, if we wonder around imposing our views on others in an offensive way, somebody is going to say, hey, you are a little out of line. If it is a member of my staff, I might say, hey, maybe we ought to get rid of this person.

That's the situation in the case of this nominee. There are certain bounds within which we should be expected to conform. And I guess it is up to each of us to determine what those bounds might be for those seeking public office. Clearly, any public office, such as the office under consideration have, carries with it the responsibility of leadership. I believe the office imposes an obligation as a role model. And as a consequence, I think after examining this nominee and her particular activist commitments in promoting her lifestyle, I feel her activism is inappropriate in light of her potential responsibilities and therefore I feel it is necessary that I vote against the nominee.

Mr. President, I thank the Chair.

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

Mr. GRAMM addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Texas [Mr. GRAMM] is recognized for 10 minutes.

CUT SPENDING FIRST

Mr. GRAMM. Mr. President, we were all treated to an interesting spectacle yesterday. The President came to Capitol Hill to plead with his own party not to cut spending first. It was an interesting spectacle because everything we hear from the American public is: Cut spending first. Gain control of spending. Reorder priorities. Deal with the deficit by cutting spending.

Now, what is happening, Mr. President, is that members of the President's own party are alarmed at the President's budget because that budget does not conform to what the public was promised. And they have every reason to be alarmed.

In running for office, then Gov. Bill Clinton said that he wanted to reinvent Government; that he wanted to terminate agencies; that he wanted to cut spending $3 for every dollar of new taxes. And then, when Congressman Panetta was before the Senate for confirmation for OMB Director, he said our goal is $2 of spending cuts for every dollar of taxes. And in the State of the Union Address, the President said $1 of spending cuts for every dollar of taxes.

And then, in the President's budget, according to the Congressional Budget Office, which the President held up as the judge and jury of what is in a budget and what is honest budgeting, the President's budget will raise taxes $3.23 for every dollar of taxes. And now that we are in the process of adopting what we call reconciliation, which is permanent law changes that derive from the budget, that bill now is $5 in taxes for every dollar of spending cuts.

So, Mr. President, what has happened is that Democrats in the House and Senate are now alarmed that the public has discovered that the President did not level with them as a candidate and has not leveled with them as President about what his economic program will do.

I think that people have come to realize that we have a very real problem in that spending-cut promises decline every day, and taxes go up every day. In the Congress, members of the President's own party have suggested two things they believe would make the President's budget more acceptable to the public and, therefore, more acceptable to them. One is making the President's spending levels for discretionary spending binding, making it illegal to spend beyond the limits the President promises over 5 years, and setting up a mechanism to enforce it by saying if we spend beyond the limits we promised in the budget, there are offsetting spending cuts just the way we did in the 1990 budget summit agreement.

The President has come out very strongly against making his own budget binding. In fact, the Senate last Thursday voted on exactly that proposal. And save two votes in the Senate, that proposal to make the President's budget binding was defeated on a straight party-line vote and was opposed by the President.

Why do members of the President's own party want to make the President's budget binding? Why are they concerned that maybe the President is not going to live up to this budget? Well, let me remind my colleagues that this final budget that was adopted, with $3.23 of taxes for every dollar in spending cuts, has one more unusual feature. Through the end of 1995, there are no spending cuts. So all these taxes which are retroactive to January 1 are going to go into effect. Taxes on Social Security are going up; taxes on energy for every working family in the country; income taxes go up for small businesses and family farms; but through fiscal years 1993, 1994, and 1995, spending grows faster than spending cuts, so there are no spending cuts.

Eighty percent of the spending cuts promised to get the dollar in spending cuts for every $3.23 in taxes are not even promised until 1997 and 1998, two years in which we might have a new President. So what the members of the President's own party are saying is basically this: Let us set out in law that we have to live up to these numbers, and let us have an enforcement mechanism.

What does the President say? No. In fact, the President has spent most of this year trying to get around exactly the same enforcement mechanism that is now the law of the land. This $16.3 billion stimulus package, funding alpine slides in Puerto Rico and ice-skating rink warming huts in Connecticut, was designated an emergency so that it got around the law, so that it did not count as spending or count as deficit, and therefore did not violate the law.

The second proposal that has been made in the House is to try to limit the growth of entitlements by, in essence, saying that no other entitlement can grow faster than Social Security; that we will set out a target of inflation multiplied times the number of people who qualify, and if the entitlement grows faster than that, which would be faster than the budget of the average working family, then we have to do something about it.

The President says no; he is adamantly opposed to that. So what the President is doing is asking members of his party, who started out with a budget that promised $3 in spending cuts for every dollar of taxes—now that we are down to the enforcement mechanism of that budget called reconciliation, we have $5 in taxes for every dollar of spending cuts. The President is saying: I will not make the spending cuts binding; I will not have an enforcement mechanism that forces my administration to live up to these cuts. Second, I am not willing to lock in a procedure to control entitlement spending.

I believe that in the Senate we have an excellent opportunity to defeat the President's Btu tax. It is a job-killing tax. The National Association of Manufacturers estimates 610,000 jobs would be lost in American manufacturing. I

believe that any look at agriculture, where the farmer and rancher will not be able to pass this tax on to the consumer, would indicate maybe another 100,000 jobs lost in agriculture. I hope that on a bipartisan basis, we can kill this Btu tax and substitute real spending cuts for that tax.

I want to make it clear, however, that there are some people who are saying: Well, let us tax; but let us just not use the Btu tax. Let us use a value-added tax, or let us tax gasoline.

I want to make it clear, at least as far as this Senator is concerned, that the idea of simply transferring the tax to somebody else is a nonstarter. The way to get rid of the Btu tax is to cut spending first. That is what the American people want; that is what they demand.

If the working men and women of this country could vote on this bill, there is no doubt about the fact that, when given the alternative of freezing spending versus raising the price of gasoline by 10 cents a gallon, raising the utility bills of every working family, putting hundreds of thousands of Americans out of work in industry and agriculture, they would choose to cut spending first. I propose that we make the same choice that the American people would make.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Idaho [Mr. KEMPTHORNE] is recognized under the previous order of morning business to speak for up to 30 minutes.

The Chair recognizes the Senator from Idaho.

Mr. KEMPTHORNE. I thank the Chair.

(The remarks of Mr. KEMPTHORNE pertaining to the introduction of S. 993 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

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

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. BOXER). Without objection, it is so ordered.

Mr. DORGAN. Madam President, I ask unanimous consent to speak for 8 minutes in morning business.

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

THE CONTINUING ATTACK ON PRESIDENT CLINTON

Mr. DORGAN. Madam President, I have sat and listened in recent days to the continuing attack on President Clinton in this Chamber, other parts of this town, and other parts of the country by Republicans, by some Democrats, by many interest groups.

As I listen to it I wonder: What is the fuss? Why is all this happening?

Well, it is pretty simple. This President has decided to try to change something. This President has decided to fight for fundamental economic change. And there are a whole lot of folks and a whole lot of interest groups threatened by change. They like the status quo. They like what they have carved out for themselves. And anyone that tries to interfere with that is going to bear the brunt of this criticism. They slice, they dice, they chop, they grind, they puree these proposals. They decide that what we have to do is obliterate this President's leadership capability even before it starts.

I am not the biggest fan of all of this President's proposals. Some I think I could improve upon. I have made some suggestions. The President has modified some of his proposals, altered others. But I am a believer in the notion that this President is trying to change the economic direction of this country, and that is very important for this country.

Where are we? What has this President inherited?

We are a country that is deep in debt—over a $4 trillion debt with $300 to $400 billion annual deficits—high unemployment, and slow economic growth. And virtually everyone in this country has a nagging feeling deep in their guts that this country is losing—losing jobs, losing opportunity, and losing part of its future.

We just came through the 1980's. This President inherits an economy that comes from the 1980's, in which the rich got richer, the poor got poorer, the lexicon was junk bonds, hostile takeovers, an unprecedented era of greed. Some of this country's best known investment bankers were sent to jail. That is in the private sector. The S&L collapse, the biggest financial scandal in the history of this country, in the private sector.

In the public sector, we loaded debt on top of debt on top of debt, saddling our kids and grandkids with obligations they should not have to assume.

So President Clinton assumes office, inherits this condition. He inherits a country in which 10 million people, at least, are out of work today, 25 million people are on food stamps, and 35 to 40 million people have no health insurance. We have a mess in this country. A lot of folks are out of hope.

It was not more than a couple of months ago, late one night, blocks from this building, a woman in her early sixties—homeless, hopeless, helpless—crawled into the front seat of an abandoned car to go to sleep and never woke up—died of exposure, just another nameless, faceless person. Her name was Myrna.

But Myrna was not just a nameless, faceless person. She was someone's wife years ago. She was a mother. She was an American. And she died on the streets of our Capital from exposure, because she was without hope.

Lask week, I was told of union workers whose company was about to go out of business because they could not afford the health care costs of $400 per workers.

Do you know what workers said? The workers were pleading that perhaps they should suggest the health care coverage be dropped by their employer so the employer could stay in business. They said, if the employer goes broke, we are out of work and out of health care anyway. Better we are out of health care and still have a job.

It that not an awful choice for workers to have to make in this country in this kind of an economy?

There was a young Indian boy in North Dakota who went to further his education in food service work at the United Tribes Technical College. Then he had to walk 2 miles a day, sometimes in the snow in the winter, every day, looking for work, and after 3 months never found it and returned to the reservation dejected.

That is what we face in this country and that is what we have to fix in this country. That is what this President is trying to do. He says: Let us change the economic direction so that we give everyone in this country an opportunity, everyone some hope that the future might be better for them, their families, and their children.

Is the President's plan perfect? I do not think so. I have trouble with a number of parts of the President's plan. I have made that known to him and his advisers. I would like to adjust it and fix it if we can. But most of all, I want a plan of the type proposed by this President calling for fundamental economic change to move forward, to change what is happening in this country. We cannot stand another decade like we have just had. We cannot stand the status quo. We must have some fundamental economic change.

There was a story a while ago I read of a fellow who walked past a building site. They were building a building. He asked the superintendent—he said, "Would you hire the same kinds of people if you were to tear down a building as you do to build this building?" The superintendent said, "Oh, Heavens no." He said, "To tear down a building I hire a crew without skills." You do not need skills to tear a building down. You need creative skills to build one."

I watch what is happening in this Chamber and around this town and I see people who obviously understand it does not take great skills to tear things down. And I see a President standing in the face of an enormous onslaught, incessant criticism, a President who is saying, "We need change in this country."

I just hope all of us start deciding that notwithstanding the disagree-

ments here or there, notwithstanding a few details, that we are all on the same team, and this country has not been winning. the only way we are going to see this country has an opportunity to win in the future, to create new jobs, economic expansion, new hope and new opportunity, is if we start working together. We all wear the same jersey. We are all on the same team. But we cannot possibly win the economic fight for a better future if we spend all of our time fighting each other.

I lamented during the 1980's, especially the late eighties, when the message from President Bush seemed to be: We have nowhere to go. This President says: Here is the road map; here is where we need to be. To get there we need to do certain things. We need to raise some taxes—and nobody likes it. We need to cut some spending—nobody likes it. A couple of the speakers this morning lamented we did not have enough spending cuts. I have heard those same people on this floor criticizing the spending cuts offered by the President. You cannot have it both ways.

What we have to start to do is to work together and behave once again as a group of people who care about the direction of this country. And decide we cannot all be signal-callers in this huddle. We elected a leader. He is trying to lead. He has charted a course of change that I think will benefit this country. I hope all of us in the coming weeks and months will decide this is a plan—with some adjustments, yes—but this is a plan that will give this country hope and opportunity, and will give this President some support rather than incessant criticism.

I yield the floor.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Was leaders' time reserved?

The PRESIDING OFFICER. Yes.

THE NOMINATION OF LANI GUINIER

Mr. DOLE. Mr. President, if President Clinton is looking for some interesting bedtime reading, he should look no further than the Law Review articles of Lani Guinier, his nominee to head the Justice Department's Civil Rights Division.

These articles are an eye-opener, and I find it hard to believe that a new Democrat like President Clinton would have nominated Ms. Guinier if he had known about her far left views.

If nothing else, Ms. Guinier has been consistent in her writings—consistently hostile to the principle of one person-one vote, consistently hostile to majority rule, and a consistent supporter not only of quotas, but of vote-rigging schemes that make quotas look mild.

If Ms. Guinier were simply an academic, writing for academic journals, I would not be concerned. But President Clinton has nominated Ms. Guinier to be the top Federal official in charge of enforcing our Nation's civil rights laws, including the Voting Rights Act. Her views will count.

I have a longstanding interest in the Voting Rights Act, having helped broker the compromise in 1982 that led to the act's extension. I was specifically responsible for the so-called Dole proviso, which states that section 2 of the act does not "establish a right to have members of a protected class elected in number equal to their proportion in the population."

The purpose of the Voting Rights Act was then, as it is today, to guarantee nondiscriminatory access to the political process for everyone, regardless of racial or ethnic background. The key concept has always been access, not proportionality. And certainly not quotas.

Apparently, this is not good enough for Ms. Guinier, who argues that civil rights enforcement must be, "A result-oriented inquiry in which roughly equal outcomes, not merely an apparently fair process, are the goal." She insists, "That simple-minded notions of majority rule or winner-take-all procedures * * * make statutorily protected groups legislative losers," thus failing to "Fulfill the Voting Rights Act promise for a fairer distribution of political power." To get around these so-called—she calls them "simple-minded" notions, Ms. Guinier advocates mind-bending cumulative-voting schemes and even giving minorities a legislative veto over crucial minority issues.

These are prescriptions not for equal opportunity, but for equal results and guaranteed legislative outcomes—the very principles rejected by the original drafters of the Voting Rights Act and by those, like myself, who fought hard for the act's reauthorization.

Perhaps most troubling is Ms. Guinier's views on who is, and who is not, properly black. In one of her articles, she makes the point that black legislators are authentic representatives of their race only if they are politically, psychologically, and culturally black. Although I cannot say I fully understand what Ms. Guinier meant by these words, I suspect that black conservatives like Supreme Court Justice Clarence Thomas, probably Armstrong Williams, the radio commentator on Washington, and Congressman GARY FRANKS would flunk the Guinier authenticity test.

Mr. President, I have never met, nor have I ever spoken to, Ms. Guinier. We have never exchanged correspondence. I have every reason to believe she is a fine person, and perhaps even a good teacher.

But Ms. Guinier's views, if I understand them properly, redefine the meaning of the term "out-of-the-mainstream." In fact, her views are not only out of the American mainstream, but out of the mainstream of the Democrat Party.

I never thought I would see the day when a nominee for the top civil rights post at Justice would argue, not that quotas go too far, but rather that they do not go far enough.

Mr. President, I will try to keep an open mind on Ms. Guinier's nomination, but if she intended to be provocative with her academic writings, she has succeeded.

A POLITICAL ACTION COMMITTEE BAN

Mr. DOLE. Madam President, on another matter I noted this morning in the Washington Post, and I think USA Today, stories about campaign finance reform. I noted with some interest that Democrats are now willing to have a political action committee [PAC] ban, an idea that Republicans have been suggesting for a number of years. I do not think that has yet appeared in the Washington Post of USA Today. So I am pleased that my Democratic colleagues are coming around to that position, that we should ban political action committees, and PAC contributions. There may be a constitutional argument. But I am pleased the distinguished Senator from Oklahoma [Mr. BOREN] has now gone on record.

I would say another thing. I hope if we do have campaign finance reform—and many of us hope we will, and many of us hope it will be bipartisan so it does not favor one party over the other—that we have the same rules apply to the House as apply to the Senate. I can think of nothing more ludicrous than to have one Senate rule, one PAC ban limit for the Senate, and a different PAC ban contribution rule for the House. It does not make any sense to this Senator and I think it is going to be very hard to explain to the American people.

I would hope, since the Rules Committee has now had a chance to have a hearing on President Clinton's campaign finance reform measure, that there would be an opportunity for Republicans and Democrats to see if we can come together on basic issues. With respect to those we cannot come together on, maybe we could agree not to agree, but to bring those up for a vote. That is going to take some time to do.

This is important enough that, it seems to me, this is one area we should not rush. The act does not become effective until 1995, so there is no real big rush to try to do it next week or the next week or the next week. Give us some time to see if we can work out our difference. If not, then let us bring it to the floor.

Finally, in response to the distinguished Senator from North Dakota, I

always find my colleagues on the other side, when they talk about the eighties, they never seem to tell the American people who was in charge of Congress in the eighties. Democrats have been in charge of the House for over 40 years, 40 years of one-party rule. And we only had six brief periods of Republican control in the Senate between 1980 and 1992.

So, if all those things were so bad, as the Senator from North Dakota pointed out, then certainly I would want to recognize the contributions made by my Democratic colleagues in the House and the Senate, where they had big majorities in the House, and did a lot of spending that neither President Bush nor President Reagan asked for. They helped to increase the deficit, and they now stand back and say, "Blame President Bush and President Reagan." Some of my colleagues on the other side are still blaming President Hoover, but now they have moved on, I guess, from Hoover to Reagan and Bush.

Keep in mind, if you are out there in America, ask who is in charge of Congress? The President of the United States cannot spend one dime that is not appropriated by the Congress of the United States, whether he or she be a Democrat or Republican. So I hope we will focus on that.

When it comes to everybody getting behind President Clinton's tax bill—and it is a tax bill, very little spending cuts, lots of taxes. If you like taxes, you are going to love the President's economic plan, because in the early years of the package, if it passes, it is $10 to $12 in taxes for every $1 in spending cuts. What little spending cuts there are, most do not take effect until after the 1996 election. So the American people understand this. They tell us to cut spending first, starting with Government before we ask them for more spending cuts. They do not want more taxes.

In the President's package, even I think the most generous numbers are $280 billion in additional taxes over 5 years, maybe $60 billion or $70 billion in spending cuts, most of that from defense, which is going to adversely impact on big States like California and others where they are going to take the sharpest blow. Maybe they are prepared for it. I think we ought to slow down the defense cuts, as suggested by the Joint Chiefs of Staff in another news story this morning.

Finally, Madam President, I want to indicate—I think as I speak, Senators BOREN and DANFORTH and maybe others are in the Press Gallery having a press conference on a new package that they hope to introduce in the Senate Finance Committee—both are members of the Senate Finance Committee, one Democrat, one Republican—where they are beginning to understand—where they do understand—we have to cut spending more and raise taxes less. I have not looked at the package in detail. I visited with Senator DANFORTH about it briefly last evening.

It may be a step in the right direction. Maybe something will catch on in this Chamber and, if so, we can still save the American economy by cutting spending more and if we have to raise taxes at all, keep them at a minimum. That I think the American people would understand.

So I have not seen the details of the Boren-Danforth package, but I think it is an indication that we do have, in this case, men of good will of both parties looking at some way to get away from all these taxes that President Clinton has proposed. Keep in mind, Senator BOREN is a member of President Clinton's party and Senator DANFORTH is Republican. So there is not gridlock here. There is an effort to try to come together on a better package. It will be better for the President, better for the American people, and certainly much better for the economy.

I reserve the remainder of my time and yield the floor.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Madam President, may I inquire, are we back on the Executive Calendar?

The PRESIDING OFFICER. The Senate is still in morning business and is about to go to the Executive Calendar.

Mr. BOND. Madam President, I am prepared to speak on the matter on the Executive Calendar.

CUBAN INDEPENDENCE DAY

Mr. MITCHELL. Mr. President, on this date 91 years ago the appointed United States Governor, Dr. Leonard Wood, officially turned over the Government of Cuba to the first elected Cuban President, Tomas Estrada Palma, and Cuba became a free nation.

This historic event, which came 3 years after the Treaty of Paris ended the Spanish-American War, marked the culmination of the Cuban people's half-century struggle for independence.

It is appropriate today to honor the proud, freedom-loving people of Cuba, who must celebrate another anniversary of their independence while suffering under the authoritarian rule of one of the last remaining Communist dictators of this century.

It is equally important to pause for a moment on this historic occasion and reflect on the nature of our relationship with the people of Cuba and how this long-standing relationship is likely to change over the coming years.

We have recently observed that once begun, the course of change for a nation can be difficult to predict. What has occurred in Eastern Europe and what is happening in the former Soviet Union and Yugoslavia are instructive illustrations of both peaceful and violent responses to political change.

I believe the United States must consider the nature of our relationship with a Cuba without Fidel Castro—a Cuba Libre once again. For the past 33 years the Cuban people have been denied the fundamental democratic freedoms which all Americans cherish and enjoy.

As the consequence of a failed revolution, the people of Cuba have no individual rights. They are not free to dissent from an enforced one-party political order, or peacefully assemble to express their grievances. Their Communist government does not permit freedom of the press or media, and so they have no indigenous source of accurate information.

A recent article in the Miami Herald indicated that as a result of severe food shortages, malnutrition is rampant in Cuba and thousands of Cubans are suffering from an epidemic of eye disease caused by vitamin and diet deficiencies. There have also been recurring reports of officially sponsored violence against human rights and opposition groups.

Cuban citizens, such as the renowned poet Maria Elena Varela, are jailed and beaten for expressing their thoughts about what is occurring in Cuba. Many, such as the courageous Armando Valladares, languished for years in Castro's prisons under brutal conditions. The Cuban Government should begin adhering to its commitments under the provisions of the U.N. Universal Declaration of Human Rights. Systematic official violation of individual human rights is no more acceptable in Cuba than in China or South Africa.

Cuba's transition to democracy is inevitable. The United States must be prepared to assist in helping to ensure that this transition is a peaceful one, while not seeking to dominate the development of a new relationship with the Cuban people. The rebirth of representative democracy in Cuba must be in accord with the freely expressed desires of the Cuban people.

It is in the glorious spirit of Carlos Manuel de Cespedes, the father of their country, and Jose Marti, the martyr of Cuban independence, that the people of Cuba today continue to persevere in their long quest for democratic self-determination and liberty.

On this important anniversary I wish to express my profound admiration and concern for their historic struggle for independence and democratic freedom. We all pray that they will soon be free again.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, for more than a year on every day that the Senate has been in session, I have made a little brief report about the irrespon-

sibility of the Congress of the United States.

I hear constantly, among the big-spending politicians, and I read constantly, in the pages of the leftwing newspapers in America, that the Federal debt was run up by the Bush administration and the Reagan administration.

And it was part and parcel of that syndrome that the American people were misled into believing a candidate last year who promised everything. In fact, he was one of the most promising politicians I ever heard in my life. He was going to solve all the problems of the world, particularly of the United States, in those 100 days. Now we know better, but it is too late.

But anybody, Mr. President, who knows anything about the U.S. Constitution knows that no President can spend a dime that has not first been authorized and appropriated by both Houses of Congress, beginning with the House of Representatives, in terms of the appropriation procedure. So the dead cat of the debt of the Federal Government lies on the doorstep of the Congress.

The U.S. Senate, if it had had the courage and maybe the integrity, could have prevented the excessive spending, but it was not done. As a matter of fact, if you will look at the record, everybody was rushing to put more slop in the trough so that the hogs could get to it.

And so, these young people before me—the pages of the U.S. Senate—and young people like them around the country are going to have to pay the piper.

Mr. President, the Federal debt stood at $4,284,319,830,220.98 as of the close of business on Tuesday, May 18, which was a couple of days ago.

This is the official report. It takes about 2 days to add up all of the things. So if anybody gives you a quicker report than I have been giving to the Senate, it is an estimate.

Now, averaged out—and I will say this to the young pages who are listening and to the young people all around the country who may be listening, that the monkey has been placed on their backs by the U.S. Senate and the U.S. House of Representatives—averaged out, every man, woman, and child in America owes a part of the massive debt that I just reported, and that per capita share for every man, every woman, and every child is $16,679.66.

Somebody said: No wonder babies come into the world crying, because they owe that much money and they did not have a thing to do with it.

I yield the floor.

DEATH OF DR. OTIS L. FLOYD, JR.

Mr. MATHEWS. Mr. President, I rise today to mourn the loss of one of Tennessee's foremost educators, Dr. Otis L. Floyd, Jr., who died suddenly yesterday morning in Nashville.

When Dr. Floyd was named chancellor of the board of regents in 1990, he was the first black chancellor ever to head a university system in Tennessee. In the years since, he has been a tremendous asset to the higher education institutions in my State.

After receiving his bachelor's degree in social science from Lane College in Jackson, Dr. Floyd began his career in education as a teacher in a one-room school house in Purdy, TN. In the years that followed, he completed his master's degree in education from Tennessee State University and a doctorate in education from Memphis State University.

With an abiding faith in the educational process, Dr. Floyd distinguished himself serving as a principal, then deputy commissioner and acting commissioner of education for the Tennessee Department of Education. He continued to excel, sharing his knowledge and commitment along the way, by becoming a vice president at Middle Tennessee State University and then president of Tennessee State University.

Dr. Floyd would never forget his rural roots, working in many professional and civic organizations, always striving to make the world a better place for future generations. In 1991, President George Bush appointed him to the newly created President's Council on Rural America, where he had the opportunity to work for renewal and growth in depressed rural areas.

I am truly saddened by this sudden loss of a dedicated teacher, a friend with concern for all, and a shining example and inspiration for generations to come. Dr. Otis Floyd will be missed by all.

HONORING EMPLOYEES OF THE UNIVERSITY OF TENNESSEE MEDICAL CENTER AT KNOXVILLE

Mr. SASSER. Mr. President, I rise today to honor and thank the hundreds of employees at the University of Tennessee Medical Center at Knoxville for their overwhelming commitment and concern for patients and families during the storm of the century, that struck east Tennessee this past March.

On Saturday, March 13, 1993, 1 to 3 feet of snow and bitter cold weather struck during the night, virtually paralyzing the region. Interstate highways were closed and power was cut to tens of thousands. Travel was extremely dangerous, yet numerous employees bravely drove to work. Other hardy souls walked miles through knee-high drifts so they could care for the 460 patients and family members housed at the institution that weekend. Other employees, already working when the storm hit, continued to work shift after shift to ensure continuity of care over the critical 3-day period. This loyalty was exhibited throughout the medical center—from physicians and nurses to those in food services, laundry, the laboratories, and other key areas.

Mr. President, in recognition of this special effort exhibited under such adverse conditions, I would like to submit for the RECORD, the names of these selfless individuals, in hopes that their commitment and perseverance shall not be forgotten.

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

Pharmacists: Charles Greens, Sheila Griffin, Steve Hauk, Stephanie King, Mike Stanz, David Striping, Susie Watkins, Carmela White.

Technicians: Lisa Duncan, Mary Gross, Vicky Hodges, Kim Huff, Neil Lawley, John Mayhew, Marc Starrett, Jennifer Tatum, Shelly Ballinger, Dot Sherwood, Don Dziurzynski, Jery Maples, Virginia Chesney, Margaret Hancock, Barbee McClure, Mike Watkins.

Material Services: Harrell Coppock, Jr., Pamela Cutwright, Sandra Deiderick, Betty L. Dishman, Linda Freeman, Ashley Gaylor, Lester Goins, Richard Gorman, Lester Goins, Susan English, Helen Hodges, Larry Lucas, Patrick McMillan, Patrick Millington, Teresa Thompson, Kaye Whitehead, Mark Worsham.

Nutrition and Food Service Employees: Reanee Boozer, Allen Bradby, Ernie Brown, Kevin Brown, Maybell Byus, Pat Chudley, Minnie Cobb, Debbie Cummings, Douglas Frazier, James Gaillard, Juanita Harris, Don Mullins, Darryl Pendergrass, Peter Russo, Debbie Stair, Raymond Stephenson, Steve Whitaker, Joyce Adams, Debra Byrd, Deirdre Carter, Marcelle Cates, Carolyn Clark, Ralph Clark, Darrell Dexter, Shane Hall, Alfred Hansard, Carol Oglesby, Christine Smith, Shelby Thomas, Mary Bowman.

Garden Terrace Employees: Susan Whitaker, Alvin Chesney, Eddie Pilkey, June Harrell, Corey Hedrick, Lois Howard, Sharon Mitchell, Jane Varner, Dot Whaley, Teresa Jones, Jody Morgan, John Dawson, Nancy Lowe, Norma Mills, Don Walker, Betty Walker, Dorothy Bohanan, Janice Longmire, Peggy Crockett, Barbara Harris, Susan Householder, Evelyn Humphrey, Mary Thatcher, Birdie Waycaster, Lillie White, Sharon Taylor, Bobbie Gault, Jo Johnson, Mary Shultz, Mary Vance, Johnnie Sweet.

Laundry Services: Kevin Ammons, Michael W. Hall, Sheila A. Truhan, Anna Mae Stallings, Mitchell O. Davis, George W. Hutchins, Charles Redden, Theresa G. Spears, Dale Jones, Dorothy Crain, Hubert Murrell.

X-Ray Techs: Sarah Shiflett, Ken Short, Charles Perelman, Richard Easterday, Maggie LaConca, Marty Gregory, Jim Ivens, Les Evans, Darlyene Anstaett, Jim D'Alessandro, Linda Hartwig, Neil Davis.

File Room: Erica "Rickie" Duncan, Claudine Rikker.

Special Procedures: Joe Shokooh, Bryan Branch.

CT Techs: Karen Wysor, Susan Laws.

Radiologists: Edward Buonocore, James LePage.

Residents: Karl Ritch, Scott Vermillion.

Transporters: Chuck Hutchens, Chuck Bush, Jack Hill.

Transcriptionists: Susan Murphy, Sheree Lonas.

Others: Ron Russell, Sherry Hatcher, Bob Christensen, Geraldine Johnson, Reolla Davis, Chris Jenkins, Bobbie Young, Mike Shope, Linda Baldwin, Kayla Carruth.

Lifestar: Wayne Britt, Garry West.

Maintenance/Grounds Crew: Doug Ogle, Rick Trentham, Lee Stokes, Derek Heffron, Neil Norton, Greg Brogden, Randy Mathis, Gaines Radcliff, Artie Scott, Jim Ward, Barbara Burkhart.

Facilities Planning: Mike Williams.

Environmental Services: Martha Ward.

Security Department: Mike Adams, Gary Brewer, Tony Faulkner, Robin Greene, Brian Hitch, Dicky Hogan, Ernie Hucklebee, Charles Johnson, Eddie Jones, Ricky Mapes, Curtis Moore, Leticia Mouthrie, Kelley Gilliland, Joseph D. High.

Laboratory Services: Jackie Christie, Lisa Folk, Kim Dison, Herman Shewmake, Joan Davis, Pam Davis, James Norman, Linda Tabor, Mary Trivett, Renea Grimes, Kent Phillips.

WELCOMING THE DELANCEY STREET FOUNDATION

Mrs. FEINSTEIN. Mr. President, on behalf of Senator BOXER and myself I would like to take this opportunity to welcome the Delancey Street Foundation to the city of Los Angeles.

The Delancey Street Foundation takes its name from a street on the Lower East Side of New York, where, at the turn of the century, immigrants from every ethnic and racial groups came together to form a close community of struggle and support. Here, through unrelenting determination and cooperative help, they acclimated themselves to mainstream American culture.

Twenty-three years ago, the Delancey Street Foundation formed in San Francisco to offer the same opportunities to former felons, substance abusers, and the homeless who want to build a new life. At no cost to the taxpayer or client, and without help of outside staff, residents of all ages, races and backgrounds help and teach each other the skills and values needed to live not just drug-free, but legitimately and successfully in society.

Despite the residents' backgrounds, there has never been an arrest or incident of violence. Ten thousand graduates and the concepts of self-reliance, commitment, and hard work have earned Delancey Street its reputation as an international model for change. Doctor Karl Menninger, founder of the Menninger Clinic stated that "Delancey Street is an incredible mixture of hard practicality and idealism. It is the best and most successful rehabilitation program I have studied in the world."

Today, Delancey Street is starting its community of last resort in Los Angeles. Here Delancey Street will open its doors to hundreds of people who have hit bottom, enabling them to come together as an extended family and build new lives through struggle and support. Together they will develop their skills and self-respect, their values and responsibilities, their home and their hope.

For 20 years I have watched the Delancey program grow and succeed without a dime of taxpayer dollars. While mayor of San Francisco, my administration made available land adjacent to the port on which Delancey has built a state of the art live/work community. It is model for all to see which I hope can be replicated one day in major cities throughout America. The area is safe, and the rehabilitation program is the finest I know.

As the U.S. Senators from California, we are pleased and proud to welcome this extraordinary organization to Los Angeles. Congratulations to our close friend, Mimi Silbert, and to our extended family at Delancey Street for your arrival in Los Angeles. Senator BOXER and I hope to see the day when Delancey Street and models of its work flourish throughout our country.

CUBAN INDEPENDENCE DAY

Mr. GRAHAM. Mr. President, 91 years ago today the Cuban flag was raised for the first time over an independent Cuban nation. Today, as we celebrate Cuban Independence Day, we must redouble our efforts to help the Cuban nation regain that liberty and freedom, which they have since lost.

A century ago, the people of Cuba struggled for more than 25 years to gain their freedom. Today, they are valiantly repeating that struggle for the freedom they once had.

The Cubans have lost the right of self-expression. Yet, they continue to speak out for democracy.

Many Cubans have lost their lives and their homes in an effort to win back their country. But they have not lost their yearning for liberty.

Some have spent most of their lives imprisoned and tortured for their political beliefs. Still, their hopes for freedom remain unshackled.

Fidel Castro has tried to crush the Cuban dream of freedom. He has torn apart families, and he has invaded our democratic hemisphere with violence and totalitarian precepts.

Mr. President, I am convinced that this tragic state of affairs is about to change.

With the collapse of the Soviet bloc, Cuba has been forced by a changing world into political transition.

We in the United States face two critical questions.

Will Fidel Castro survive, perhaps with a revamped political system and economy, but still effectively in control?

If not, what are the prospects for democracy?

I am convinced that Castro will not survive politically. He is a political dinosaur. The spread of democracy over this hemisphere will make him extinct.

But a peaceful democratic outcome in Cuba is far from certain, and it will depend in no small part on the policies we adopt today.

Our policy is clear. We support democratic government in Cuba. The issue is what steps we will take to assure that outcome.

Cuban history has taught us that the battle for independence is but a first step on the difficult road toward democratic independence.

Today, true independence and democracy hang in the balance. Tipping it in the right direction is a shared responsibility. Cubans must be responsible for defining their own democratic future. We, however, must support their efforts.

It will not be easy. According to some Cuban observers, Castro has learned several lessons of survival from the collapse of the Soviet bloc.

He has learned to avoid political reforms, to get rid of deadwood in the party, to deal harshly with potential disloyalty, and to thwart any formal opposition before it organizes.

He can point to Eastern Europe and try to frighten Cubans with examples of painful and uncertain transitions to democracy.

Our challenge is to define tangibly what democracy would mean to the Cuban people.

Last year we took the first steps by approving the Cuban Democracy Act, which provides incentives in support of a democratic transition in Cuba. Those incentives include diplomatic recognition, an end to the embargo, emergency relief, cancellation of Cuban debt, and negotiation for trade agreement.

But these provisions comprise a mere outline of what must be a comprehensive policy of support. Our principal objective was to spark a top-to-bottom policy review by our Government.

We must learn from our experience with the former Communist bloc.

Three years have passed since democratic reform swept through the former Soviet Union. Three years and we still lack an effective policy of support.

We must not repeat this mistake in Cuba. Planning must begin and resources must be targeted.

Mr. President, today's celebration is a day of regret and a day of hope. As we celebrate Cuban Independence Day, we regret that the Cuban people still find themselves struggling for the basic rights of freedom and democracy.

But on this day, we are also filled with hope. Hope that the Cuban people will one day soon taste the liberty and freedom they deserve.

Jose Marti, the martyred Cuban poet and patriot put it better than I ever could. In his words, "Like bones to the human body, the axle to the wheel, the wing to the bird, and the air to the wing, so is liberty the essence of life. Whatever is done without it is imperfect."

The American people share Jose Marti's vision of independence and freedom.

On this day of independence, we must recommit ourselves toward that vision—the vision of a hemisphere steeped in mutual respect, understanding, liberty, and freedom.

IN MEMORY OF GEORGE O. BERRY

Mr. DURENBERGER. Mr. President, a month ago the city of St. Paul, MN, was saddened by the death of one of their outstanding public figures, Mr. George O. Berry. George was born in St. Paul in 1913, and spent a majority of his time making many long-term contributions to the quality of life there. He had many notable accomplishments, but perhaps, his most remembered will be as St. Paul's first elected black official.

George served with distinction from 1966 to 1973 as St. Paul's first black school board member. George paved the way for other minority members on the school board and other public offices. Since he left the board in 1973, there has always been at least one black member on the board.

"George was a great man to open the door, for blacks," said his friend and former St. Paul School Board Member, James Griffin. "He had a lot of self-control, served quietly and was not a radical. As the only minority on the board, he was under a lot of pressure. Many people in the community thought he should solve all the problems overnight. That couldn't be done. But there was no question, he was one of the pushers for the board to start hiring more black teachers."

As a leader in education, George was a strong advocate of magnet schools. In Minnesota, he helped advance the idea of centers for excellence in the arts, science, mathematics, and languages.

George excelled in his professional career as well, and he served as a veterinarian for the U.S. Agriculture Department. In fact, he resigned from the school board because of his growing duties and territory. As supervisor of the meat and poultry inspection division his expertise was demanded around Minnesota, North and South Dakota. Even in retirement, George maintained a schedule devoted to community service through his work on the St. Paul Civil Service Commission and the St. Paul Human Rights Commission for 7 years.

With his wife of 42 years, Rozelle and George shared their good will in the community. It is especially emulated through the lives of their children, Camille Simpson, Jill Bell, and Dr. Steven Berry, and through his eight grandchildren. I am sure his family is proud of the place that George holds in Minnesota history.

George had a deep sense of responsibility to his community and he became a natural leader for the citizens of St. Paul. George was an inspiration, and Minnesotans are fortunate to have had George lead the way through his professional career in civil service and through his career in civic affairs.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session to resume consideration of the nomination of Roberta Achtenberg, of California, to be Assistant Secretary of Housing and Urban Development. 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 resumed consideration of the nomination.

Mr. BOND. Madam President, I think it is important, in my role as ranking member of the Banking Subcommittee on Housing and Urban Affairs, that I share my thoughts and concerns with my colleagues in this body regarding the nomination by President Clinton of Roberta Achtenberg for the position of Assistant Secretary for Fair Housing and Equal Opportunity.

President Clinton has continued to emphasize his confidence in Ms. Achtenberg's abilities and qualifications for this position. The Banking Committee, after hearings and questions submitted to the committee, reported out her nomination 14 to 4. I was one of those who voted for reporting her nomination to the full Senate. It is now the responsibility of this body to determine whether Ms. Achtenberg is qualified for the position of Assistant Secretary for Fair Housing and Equal Opportunity and capable of fairly carrying out the duties of this office.

I take this responsibility very seriously and will utilize this opportunity to describe briefly for my colleagues, first, the responsibilities that are inherent in the position of the Assistant Secretary for FHEO.

This Assistant Secretary position is primarily responsible for implementing and enforcing compliance under HUD programs with civil rights laws, including the Fair Housing Act and title VIII of the Civil Rights Act of 1968. The Office of FHEO administers two programs to ensure compliance with fair housing laws: The Fair Housing Initiatives Program and the Fair Housing Assistance Program. Both programs are essentially designed to fund public and private entities to carry out programs to prevent or eliminate discriminatory housing practices.

Ms. Achtenberg has indicated that she will use her position as Assistant Secretary for FHEO aggressively to combat housing discrimination. In addition, the President, in his fiscal year 1994 budget, has made fair housing a high priority by requesting $21.4 million for activities under this office. This would be a 43-percent, or $6.4 million, increase over fiscal year 1993 funding.

Moreover, on May 18, 1993, HUD and the Office of the Comptroller of the Currency announced a plan under which HUD, through the Fair Housing Initiatives Program, will pay $1 million to the National Fair Housing Alliance to use testers, or people posing as loan applicants, to attack discrimination and to identify it in the preapplication process for home loans. Ms. Achtenberg has also indicated an interest in looking at ways to address insurance redlining.

I believe that Ms. Achtenberg is qualified for the position of Assistant Secretary for Fair Housing and Equal Opportunity. I say this with some misgivings, however. Ms. Achtenberg has a strong legal background, including experience as a civil rights attorney, law professor, and law school dean. Unfortunately, Ms. Achtenberg has little depth of experience with regard to civil rights as they pertain to housing. I find this an unfortunate and significant weakness to her overall qualifications for the position of Assistant Secretary.

I also have one grave concern that may even override her professional qualifications in some of the minds of my colleagues; namely, Ms. Achtenberg has a tendency to let her passions and ideological inclinations overshadow her judgment. In particular, I am very much troubled and concerned over her use of her position as a member of the San Francisco Board of Supervisors to attempt to force the Boy Scouts of America to broaden its policy toward gays. As I understand it, Ms. Achtenberg introduced a nonbinding resolution directing the city's financial officers to explore ways to sever ties with the Bank of America because the Bank of America had reversed an earlier decision to cut off funding of the Scouts over the gay issue. I also understand that, at her urging, the San Francisco School Board recently voted to prohibit the Boy Scouts of America from using school facilities. Finally, in 1991, Ms. Achtenberg, as a member of the Bay Area United Way, engineered a cutoff of United Way funding to the Boy Scouts. Previously, in 1991, the United Way gave $848,000 to six Scouting councils in the bay area. This represents a very significant source of funding for the Boy Scouts, and its loss is likely to be very damaging to the

ability of the Boy Scouts to carry out its programs.

Let me be clear. I disagree with these actions and believe they are not in keeping with the standards of good judgment that I believe we should expect from high Federal officials. The Boy Scouts of America is an organization that I very much admire and support and would strongly urge others to do so as well. As a private organization, the Boy Scouts of America should be free from outside political pressure of interference in determining its organizational policies and procedures. I find Ms. Achtenberg's behavior with regard to the Boy Scouts unwarranted, objectionable, and reprehensible.

There are some who say that President Clinton, with this nomination, is making a statement of social policy. If this, in fact, is so, I disagree with his policy. I have found from many people in my State that there is strong disagreement with that policy. Nevertheless, we must judge Ms. Achtenberg by her ability to carry out the duties of the position to which she has been nominated.

During this confirmation process, Ms. Achtenberg assured me and the other members of the Banking Committee that she would not use her position to expand or create new protections for any group not currently covered by existing law. I believe Ms. Achtenberg made it clear that she would not use this position to encourage or cultivate test cases in order to expand or create various new protections for the gay community.

I shall read into the RECORD relevant questions that I posed to her as part of the confirmation process and her answers to those questions. Because there were a number of other questions being addressed at that same time, it is somewhat confusing, and I am not submitting the entire testimony, but I have it available. I think I can provide a clear picture of what she said by reading these excerpts from it.

I asked the following question:

I would also like to address for the record if the witness would address the question, the concern of those critics who are concerned that she might use this position to encourage or cultivate test cases that expand protections of the gay community and whether she would seek to include sexual orientation in the list of prohibited discriminations.

Ms. Achtenberg replied:

With regard to the last question, let me say that I believe it is the job of the Assistant Secretary for Fair Housing and Equal Opportunity to exceedingly effectively administer the Title VIII law.

Title VIII does not currently provide for any more protected classes than it currently provides for. You saw fit to add additional protected classes in 1988, and I'd like to commend you for having done so.

The statistics that I cite I think quite clearly demonstrate that persons with disabilities and persons with large families are discriminated against in the housing market.

Should you see fit to amend the statute further, it will be my job to enforce those amendments.

Should the President choose to seek your concurrence in adding additional classes for protection, and should you adopt those recommendations in law, it will be my job to enforce that law.

I don't view my job as advocating inclusion of additional protected classes. I'm going to have enough work to do, Senator, trying to make the current protections that are supposed to be guaranteed under Title VIII a reality for all Americans.

Now, Madam President, I also submitted a question in writing to her, and since I had the opportunity to draft the question, it was perhaps a bit more articulate than the oral question I presented at the hearing. That written question is as follows:

While you have rightfully indicated that enforcing the current law—not advocacy—is what you believe your job to be, there are those critics who believe you will use your position to encourage or cultivate test cases in order to expand or create various new protections for the gay community. While these efforts may be short of expanding Title VIII to include sexual orientation, your critics would argue that this type of action would fall into the area of advocacy—not enforcement. Would you please provide for the Committee any assurances you can that these fears are overblown.

Ms Achtenberg replied in writing, and I quote;

As I outlined in my opening and in my oral and written responses to the Committee questions, I believe that instituting an effective program of vigorous enforcement of the existing civil rights law is the job of the Assistant Secretary for Fair Housing and Equal Opportunity. Let me assure the Committee that I have no intentions of using my position to encourage or cultivate test cases in order to expand or create new protections for any group not currently covered by existing law.

Madam President, as I have already noted, it is President Clinton's prerogative to nominate Ms. Achtenberg to the position of Assistant Secretary for Fair Housing and Equal Opportunity. It is this body's responsibility to determine whether Ms. Achtenberg is qualified for and capable of carrying out the duties of this position. I believe that Ms. Achtenberg, while not an outstanding nominee for this position, is a qualified nominee. She brings great intelligence and commitment to this cause. And, based on her responses to the very tough questions we asked her at her confirmation hearing, I am satisfied that she will not abuse the powers of her office to promote a social agenda outside the parameters of current law.

In conclusion, I take Ms. Achtenberg at her word that she will not use the position of Assistant Secretary for Fair Housing and Equal Opportunity to expand or create new protections for any group, including gays, not currently covered by existing fair housing and nondiscrimination laws. I remind Ms. Achtenberg that I take her assurances very seriously. I plan to monitor closely her performance in the policy direction of the Office of Fair Housing and Equal Opportunity to satisfy myself that FHEO is operating under its legal mandate and is not attempting to blaze new legal directions or standards not clearly delineated by law.

Madam President, while this may not be the person I would have chosen as the ranking member of the Housing Subcommittee, as a result of my inquiries into her motivations, her background, her commitment, and her intentions, I am satisfied she can and will carry out the job of the Assistant Secretary in this very important post. I will vote for her confirmation. I urge my colleagues to do so as well.

I yield the floor.

Mr. RIEGLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. RIEGLE. Let me say a couple things, Mr. President. First of all, I wish to say to the Senator from Missouri that I very much appreciated the statement he has just made and the leadership he gives all the time, not just with respect to the position he has laid out and which has several aspects to it, but also generally on the issue of housing policy and other important matters that come before the Senate Banking, Housing, and Urban Affairs Committee. It is a pleasure to serve with the Senator from Missouri.

I am of the view that as one Member who served on both sides of the aisle in my tenure, in the House and Senate, it is important in every instance where we can, and it ought to be in most instances, that we work on a bipartisan or even nonpartisan basis on issues that come before us for disposition. I think we have tried in every way in the Senate Banking Committee, during the time I have served as chairman, which has been since the beginning of 1989, to try to operate in that manner. I feel very strongly about it. I feel very strongly about the rights of the minority, and that they be respected and fully protected in every way. I think, as the Senator knows, I try to practice that just in terms of the operational conduct of the committee.

But I appreciate his statement today, and I appreciate the points he raised in the confirmation hearing, because there were issues outstanding, and the Senator from Missouri put the questions so that the nominee might have an opportunity to respond. It was important that the questions be put, and that the answers be on the record, precisely for the availability of Members here in this Chamber today.

I wish to say, too, I appreciate the support of this nomination that the Senator expresses, given the position he has laid out in some detail this morning.

Let me also take this occasion at the outset of the discussion today to say a

number of things were said in debate yesterday which were just not accurate, and those kinds of things tend to happen in the heat of debate, and also because we are all looking for information that may buttress our position that may come in to us on short notice, that may or may not be accurate; there may not always be the time to go back and check it out.

We have done that, and I have asked the staff to do that with respect to several points which were raised yesterday. I wish to read a few into the RECORD in terms of some of the things that were said, and what our research has found the facts to be in those instances. So let me just go down through some of them, just so the RECORD can have this material in it.

Yesterday, at some point in the discussions, reference was made to a San Francisco Chronicle editorial with a quotation to the effect that the supervisor, when she was supervisor, Ms. Achtenberg, the editorial had asserted, had a twisted mind and had a goal of tearing down what is good and wholesome in others.

In fact, in an editorial dated May 20, this year, the San Francisco Chronicle states that no such editorial was ever published and, in fact, they have strongly endorsed Supervisor Achtenberg's nomination to be Assistant Secretary for Fair Housing and Equal Opportunity.

In fact, I ask unanimous consent that the editorial be made a part of the RECORD.

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

[From the San Francisco Chronicle, May 20, 1993]

AFFIRMATIVE VOTE FOR ACHTENBERG

The Senate debate over Roberta Achtenberg's nomination to a top housing post has been nasty, pointless and vulgar. Senator Trent Lott, R-Miss., went so far yesterday as to claim that The Chronicle ran an editorial saying that Achtenberg had "a twisted mind."

The Chronicle did no such thing. Indeed, it is The Chronicle's view that President Clinton made an excellent choice when he nominated Achtenberg as assistant secretary for housing and equal opportunity. She should prove a useful addition to the Department of Housing and Urban Development, a government agency in need of fresh talent.

Much of the Senate hearing into her nomination has not involved her qualifications to serve, but her sexual orientation.

The Senate has the obligation to base its decision on Achtenberg's professional qualifications rather than let her fall victim to the smarmy tactics of Senator Jesse Helms and his cohorts. In Lott's case, a press spokesman acknowledged that the senator had not seen a copy of the nonexistent Chronicle editorial, but had relied on research by members of his staff for the information.

If they had been more accurate, the staff researchers would have found the only reference to "a twisted mind" that appeared in The Chronicle was in a letter to the editor reflecting one reader's view of Achtenberg and other members of the Board of Supervisors. The Chronicle differs from time to time with members of the board, but it has not said that they, or even Senator Lott, have twisted minds.

Mr. RIEGLE. Apparently, what happened—and this can happen in the speed with which these things are done—that apparently was a quote from a letter to the editor. In other words, from some person in the community that may have had that view and obviously did, and expressed in a letter to the editor. But it clearly was not an editorial and in fact the paper has editorialized in her behalf and in her favor.

It was also suggested somewhere in the debate yesterday that Secretary of Housing and Urban Development Cisneros had received a letter from 40 civil rights groups last month. This is a citation that it was last month—that, of course, would be after Supervisor Achtenberg's nomination, that he had received the letter presumably after the nomination urging the Secretary to appoint someone with more extensive fair housing experience.

In fact, the letter that was referred to was sent in January, which was several weeks before this candidate was nominated. Since this candidate has been nominated, the same organizations have enthusiastically endorsed this nominee for the position.

There was another point in the discussion yesterday where it was said—implied if not said directly—that she had in effect bought her nomination by having laid $1 million in the campaign hands of the President—referring to campaign fundraising activities.

In researching that, what we find to be the case is that she did cohost a fundraiser on behalf of the President. Many, many people in the country did, and like thousands of Americans across the country, she made a $1,000 contribution to the campaign. But the facts are that she neither raised, nor did she donate, $1 million to the campaign.

It was also said along the way yesterday in the discussion, that Supervisor Achtenberg does not have the temperament for the job and has a record—and I again quote from yesterday's debate—of "intolerance, discrimination, and vendetta against those who do not share her values, or beliefs."

When you study the record, what you find instead, is that far from being intolerant of different beliefs, she has among her strongest supporters the leaders that she has worked with in the Catholic, Jewish, and Protestant communities, as well as a wide range of corporate executives, judges, doctors, and lawyers. Among the hundreds of letters that have been received in support of the Achtenberg nomination, dozens were from corporate leaders who may not agree with her on each and every issue—I doubt that any of us here would. I do not assert that I do myself. But all of whom in writing to us have testified to her effectiveness and her tolerance of difference views.

It was also stated that she would use her position at HUD to "extort and intimidate" State and local governments to carry out her agenda; to force cities to adopt affirmative action plans for homosexuals; and to force the private landlords to rent to unmarried couples.

There is just no basis for this charge. I think Senator BOND a minute ago in his remarks—and the RECORD will reflect he posed some of these very questions to her in the confirmation hearing and got back from her, under oath, very clear answers which he has read into the RECORD today. In that testimony, the RECORD will show that she stated—and I quote:

I believe that instituting an effective program of vigorous enforcement of the existing civil rights law is the job of the Assistant Secretary for Fair Housing and Equal Opportunity. Let me assure the committee that I have no intentions of using my position to encourage or cultivate test cases in order to expand or create new protections for any group not currently covered by existing law."

That was in direct response to a question properly put to her by Senator BOND because others have raised that issue, and that was her answer to the committee. So there is a very clear record there, and that, in my view, was another false charge leveled yesterday.

It was also said that she had aided the U.S. Forest Service in preparing a report on adoption of the entire homosexual rights agenda.

The fact is, that as we go back and go through this in minute detail she has never contributed to the research for, or the preparation of, any Forest Service or, for that matter, any Department of Agriculture report.

Then there was another point in the debate where it was said—words were attributed to her, where it was indicated that she had stated—this is in quotation from the debate yesterday—that she "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."

In checking with her, she has never made any such statement. So maybe that was meant as a characterization of her views. But in any event, it should be clear on the record that no such statement was ever made by her.

There are others in this category. I will not at this particular time take the occasion to mention them all, but I will in the course of the day as we go on, go through it.

Let me, as long as I have the floor, keep all of this in context.

I am going to continue to address these issues that were raised, and where assertions were made, and where the facts are to the contrary.

It was stated, also yesterday, that as the supervisor on the San Francisco

board at the time she "led the effort to kick the Boy Scouts out to the public schools." That was a quotation yesterday.

The facts are that the San Francisco Board of Supervisors on which she, as a member, has no jurisdiction over the use of school property. In fact, that jurisdiction is exclusively reserved to the San Francisco Board of Education. At no time did Ms. Achtenberg take any action to deny the Scouts access to the school property. The statements that she "led the effort" or acted "behind the scenes" just have no basis in fact.

Next, according to her opponents, Ms. Achtenberg—I again quote: "led the effort"—then I am summarizing the quote to make the point of it—to have the United Way withhold funding from the Scouts. There are a few additional words in here. But that is taken from the quote.

The response, in fact, is that the board of directors of the United Way in the Bay Area voted 34 to zero, 34 members here had a vote, all 34 voted to suspend funding under that particular circumstance to the Boy Scouts at that time, until it altered what the board, at that time, in a unanimous judgment, found to be an explicitly discriminatory policy. The directors at the time had acted on the findings of a study conducted by an internal task force of which Ms. Achtenberg was not even a member.

In addition to Ms. Achtenberg, those voting were current and former chief executives of the following companies. I just want to give you an idea who some of the other 34 were that voted as she did. The other current or former chief executives were of the Chevron Corp., Pacific Gas & Electric, the Shaklee Corp., the Arthur Andersen Accounting Co., the General Motors/Toyota joint venture which is NUMMI, Kaiser Permanente Medical Center, and Jones United Methodist Church.

That is just some.

So the effort to, in effect, sort of take and paint with a brush, sort of paint that matter as something coming from her, as opposed to a unanimous vote of this very broad spectrum board, again I think was misleading and quite unfair.

It was also said yesterday that in the course of the debate, Supervisor Achtenberg had used her official position to threaten and extort private companies that funded the Boy Scouts of America.

In fact, acting without any knowledge by Ms. Achtenberg, the Bank of America and Wells Fargo Bank and Levi-Strauss all announced their intent to suspend funding to the Boy Scouts of America—in this situation under discussion here—until it altered its explicitly discriminatory policy. So that was an action coming from them without any connection, as such, to her.

It was also stated that, as a supervisor, she used her authority to force the city of San Francisco to sever its ties with the Bank of America. What, in fact, happened was this: She introduced a resolution in the board of supervisors asking the city attorney to look into the feasibility of taking approximately 1 percent of the city's deposits out of the Bank of America. In other words, they had a very vast amount of money, I think it was in the millions. She was asking that 1 percent of that be put in a special fund and then put out to competitive bid to other institutions, and that the remaining 99 percent of the deposits would remain in the Bank of America. But that is not how it was portrayed yesterday here in the heat of the debate. It was portrayed quite differently than that, but those are what the facts are in this case.

It was also stated that this nominee disagrees with the right of the Boy Scouts to do what it wants as a private organization. Based on what we have been able to find—and we have scoured this—that is a completely baseless accusation. She certainly recognizes the legal right of private organizations and individuals to direct their own affairs, without interference from Government.

It was said that she has used her public position to wage a war of religious intolerance against the Boy Scouts, because the oath expresses a belief in God. Checking that out, Ms. Achtenberg has never expressed an objection to the use of the word "God" in the Boy Scout oath, or in any oath. She is a Jewish woman, a respected member of her synagogue. She freely professes her own belief in God. While she herself has been the object of anti-Semitism and religious discrimination herself, as many in this country have felt and have had that directed against them, she absolutely, firmly believes in religious freedom as a tenet upon which this country was founded and is so firmly founded. And as a lawyer and officer of the court, and as a public officeholder as well, she has taken oaths on numerous occasions to uphold the Constitution of the United States, which includes the right to be free of Government intrusion in the practice of one's religion.

So I say again that that is just a false issue. It is a red herring being used to, in a sense, craft a portrait, a false portrait of this particular nominee.

It was argued, also, that she is unqualified, based on statements that she herself has made. I mean, that is kind of the ultimate sort of debating tactic and not one that we are unfamiliar with here. But as I think I made clear yesterday, this is an exceedingly well-qualified candidate with respect to the kinds of professional credentials you would expect over many years for someone to take this position.

But the fact that she is so well qualified has been borne out by the resounding endorsements she has received now by over 100 national fair housing and civil rights organizations, local and State government officials, and Members of Congress. There has been an outpouring of support based on her professional ability, and the fact that she is exceedingly well qualified for this position.

So you sort of ask yourself then, where did the accusation come from if the accusation is not accurate? What does it stem from? It appears to be based on a single quote taken out of context in an interview in which it was made. In that interview was the comment that apparently was a reference to—she had said in an interview then published: "I am not a fair housing expert by a long shot." But that was made in response to a question about her experience as a fair housing litigator. In other words, a very specialized question was asked with respect to her experience as a litigator. For people that do not know that much about the law, that means going into court and actually practicing in a courtroom on one side of an issue to try to, as we say in the legal term, litigate or to undertake the legal process to get to a decision in a given case.

And she said, in the context of the fair housing question, as to her background as a litigator in court, she did not consider herself to be an expert by a long shot. But that is really extraneous to the question in the representation that was made yesterday that somehow or another she was conceding a lack of preparation for the job itself. Clearly, that is not what she was asked; it is not what she said. It is a distortion, clearly, of what was asked and what was said. It does not line up with the facts with respect to what we know about her personal background. It is obviously inconsistent with the very strong support that she is getting from fair housing groups all across the country, who know her, have studied her record, and feel she will be able to perform exceedingly well in this particular assignment.

So it is clear that, given her vast legal experience—let me refer to a couple of things I cited yesterday. She served as a law school dean, as the dean of a law school. She served as a professor of law. She served as a civil rights advocate. She served as a legislator. I do not know how you get to be better qualified than having that set of background experiences, all performed to a very high level of quality and skill, so that you do each of those things—and you have to be good at those things anyway, or you will not get to be a law school dean. You get there by virtue of strong performance and a rise to the top of that ladder. And this is also true in the other areas in which she served.

So I think, in fairness, the attack on her qualifications is really not properly founded. I think that is really, in many respects, a diversion. There are other issues that people may find themselves troubled about with respect to the nominee, and that they want to challenge, whether it is on her sexual orientation, or whether it is some other position here or there that she has taken along the line. But with respect to the assault of her qualifications, that is really a diversion, because it is not accurate, as I have laid out here in terms of just yesterday's statements, and it is not properly grounded.

It is an attempt to discredit the nominee for other reasons unrelated to the basic facts of the experience, the know-how, and the professionalism that she represents.

So, having said that, I think it is important that those items be in the RECORD, and, if there are others that I think need correcting or rebuttal information, I will provide those in the course of the day.

I yield the floor.

The PRESIDING OFFICER (Mr. FEINGOLD). The Chair recognizes the Senator from Mississippi.

Mr. LOTT. Mr. President, I did speak on this matter yesterday for several minutes. But I think that points are being raised here this morning that must be responded to.

First, with regard to her qualifications, I think there is sometimes an attitude around here that, if you are a lawyer, you are qualified for anything and everything. I do not think the American people believe that. I used to be one. I say that because I have not practiced law in a long time but also because sometimes I do not want to admit it. Just because you have been a lawyer or you have been dean of a law school or you have been a civil rights advocate lawyer does not mean you are eminently qualified to do anything and everything you want to do.

By her own words, she has acknowledged that she does not have experience to a great degree or really to much degree at all other than a county supervisor who worked with housing occasionally, but she did say she did not have experience in the fair housing area. So, when it is made light of what she says about herself or when they want to say that her quotes are not really relevant now, there is a well-known saying, which applies—"By your own words and deeds you shall be known."

She is not particularly qualified. I do not think the fact that she does not have a wealth of experience in fair housing litigation is the disqualification by itself. We have been voting already this year to confirm a number of people that really are not particularly qualified or not qualified for the position for which they are nominated. But the President makes these choices, and if he really feels strongly that he wants this person to be Secretary of Commerce or that person to be Secretary of the Interior or some other person to be Assistant Secretary of Agriculture, I am going to give him a lot of leeway.

But after I have considered a number of factors about this nominee I have come to the conclusion—and this is the first instance—that the President's nominee for this position should not be confirmed. She does not have much experience in the area that she is going in. That is No. 1.

No. 2, she has not been just a passive lawyer, defending civil rights cases. She has been an aggressive activist in representing a lot of extremist positions. A lot of American people are just not satisfied and comfortable with the fact that she has been a very overt activist in the extreme in a number of areas.

Let me again quote some of her own words. Yesterday I indicated on the floor of the Senate that I was quoting from an editorial. It turned out it was a letter to the editor. We made that correction. But generally speaking these are quotes from newspapers, respected newspapers in Washington and in San Francisco newspapers and quotes from appearances on CNN, the Crier Show. These are her own words. I am not trying to take them out of context, but there is a long record.

Let me just put in the record here again some of the quotes that I referred to yesterday and some that I did not, but I think people need to be aware of this.

Here is a quote from the Washington Times, February 6, 1993:

> The 42-year-old lawyer is known primarily for her advocacy of alternative families, especially lesbian parenthood, concern for women's rights, and her opposition to the Boy Scouts of America.

It was said here earlier that she never had been critical of the Boy Scouts having an oath that included duty to God. But her own words are this, and this is from a quote from the San Francisco Chronicle in 1991, I guess it would have been August:

> Do we want children learning the values of an organization that provides character building exclusively for straight, God-fearing male children?

Maybe she did not attack the Boy Scout oath as such, but that is a pretty alarming quote here. Since when did the Boy Scouts get to be an extremist organization? Is there any doubt from the record that she spent a lot of time doing a lot of things aggressively and actively to undermine and to be critical of the Boy Scouts and get money taken away from them? I do not think the record leaves any doubt on that at all.

Again, I think maybe I better continue with some other quotes, things she actually has been doing.

I am worried about economic terrorism. This position at HUD is one that can be used to put undue pressure on landowners to comply with an agenda of one sort or another. It is a powerful position. It is a dangerous position if it is abused.

Also, I think that she has a record that shows intolerance of differing views. Let me give you some of the quotes.

When the Boy Scouts leadership protested that the policy demanded by United Way violated longstanding national Scout policy regarding homosexual Scoutmasters and members, Ms. Achtenberg said—in quotes which appeared in the San Francisco Chronicle, August 13, 1991, and Associated Press, August 14, 1991, and again, these are her words—"That is just tough," she went on to boast of the advantages of economic terrorism with this quote in the San Francisco Chronicle, August 13, 1991, and Associated Press, August 14, 1991:

> It is like holding money in the left hand and wagging the finger with the right.

Concerning Boy Scout access to public schools, Ms. Achtenberg on CNN, Crier and Company, November 1991, "They"—meaning 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."

My distinguished colleague, the Senator from Michigan, who just seemed to indicate—I thought I heard him say, well, she really had not been involved in trying to get the Boy Scouts out of the schools. Here is what she said:

> They are not entitled to special treatment when it comes to access to public money, public schools, public buildings, and the like. I do not think they ought to have special treatment.

I agree with that. But I think they ought to have equal treatment. If the schools are used for meetings for a variety of groups, Boy Scouts are not generally known to destroy buildings and sell drugs on school premises. We are talking about the Boy Scouts here. This lady is not attacking some extremist group, for heaven's sake. She is going after the Boy Scouts. She might as well be going after motherhood. So this is not some nice middle-of-the-road, pleasant well-educated, well-trained, well-qualified person that has never shown any indication of intolerance or extremism. The record is very clear.

Now, the action of the San Francisco Board of Supervisors' concerning the approval of the Achtenberg resolution. This is not some strange resolution that just appeared before the San Francisco Board of Supervisors. It was the Achtenberg-sponsored resolution, and it urged San Francisco to pull $6 million from the Bank of America because they contributed to the Boy Scouts. Great. Let us take money away from

this bank that supports this subversive group, the Boy Scouts. And the action was said—this is the quote—"It will send the message to the youth of this city that this Board will stand up for what is right."

I do not understand what the problem is. What is right? We want to take away from the Boy Scouts?

Another quote, and you know I am going over all these just to, again, make the record clear to rebut what was being indicated earlier here today. These are her own words. This is not something we cooked up or are skewing or taking out of context. They speak very clearly. Here is one again from the San Francisco Examiner, January 5, 1993. This is what she was saying about this resolution:

> It was important for this city to say that we do not want to do all our business with entities that yield to rightwing pressure.

That is what she had to say after the actual vote.

The Boy Scouts? That is a rightwing organization? I never had that impression. But this is some subversive, rightwing organization, the Boy Scouts; let us get them.

And we want to make this person Assistant Secretary of Housing and Urban Development for Fair Housing and Equal Opportunity?

How about a little equal opportunity for Boy Scouts?

And in the San Francisco Chronicle, December 25, 1992: "Achtenberg called [Mayor] Jordan's veto [of the resolution]"—the resolution which would seek to punish the Bank of America for contributing to the Boy Scouts—"condescending and outrageous."

When the mayor has the courage to stand up and veto a ridiculous resolution, he is described by the person we would put as Assistant Secretary of HUD as "condescending and outrageous."

Here is another article from the San Francisco Examiner, January 7, 1993, which addresses this whole resolution scenario—trying to take money away from the Bank of America because they would not take money away from the Boy Scouts.

> By the time the Board of Supervisors resolved to withdraw the money [from Bank of America], B and A had already quietly withdrawn its bid for the account. City Treasurer Mary Callahan says she put the account up for bid in September after Supervisor Roberta Achtenberg came to her looking for ways to send a message to B of A and the Boy Scouts. B of A was not among the bidders. 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." [SF Examiner 1/7/93]

This is not some unidentified person. Roberta Achtenberg came to the city treasurer looking for ways to send a message to the Bank of America and to the Boy Scouts.

It is just a continuation of a pattern of clearly trying to go after the Boy Scouts of America.

So, Mr. President, my problem is not just with her lifestyle. I think that she can do this job or anybody can do a job regardless of a lot of things in their private lives.

No, that is not my problem. My problem is the extreme manner of this nominee, the way she has been an aggressive advocate. Representing people that were patrons of gay houses, she got into a disagreement with the then mayor and now Senator from California over whether or not they should keep these gay houses or bath houses open.

I mean, she was not just a member of the council or board of supervisors. She was very, very active in trying to promote this lifestyle.

And the thing that scares me, is of all the groups to attack—the Boy Scouts; and it is not just the Boy Scouts, there is a pattern here of trying to push an agenda. I think the fact that she apparently—and she admits this again in her own words—lobbied for this position tells me something.

She says that she does not have a lot of experience in fair housing, but this is the position she wants. This is the position she has been promised by the President.

No, there is too much at stake here; there is too much of a record of aggressive advocacy that involves punishment, retribution, intimidation and, in my opinion, intolerance of different views.

The Boy Scouts of America. That is a group she chose to attack. And now we want to make her Assistant Secretary of Housing and Urban Development for Fair Housing and Equal Opportunity?

No, I fear that she has an agenda that she wants to aggressively promote and push, as she had as a member of the board of supervisors in San Francisco.

So, Mr. President, again, I urge my colleagues to look at the record, look at the quotes, and judge very carefully how they vote on this nominee.

I yield the floor.

Mrs. BOXER addressed the Chair.

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

Mrs. BOXER. I thank the Chair.

I do see a pattern here. The Senator from Mississippi says there is a pattern here. There is. The pattern here on this floor of the U.S. Senate by several of my colleagues on the other side of the aisle—and not all; and I am proud of those who have taken this floor to support this nomination—the pattern is one of mispresentation. The pattern is one that ought to be broken here today.

And I am going to start off by reading to my colleagues, and in particular to my good friend, the Senator from Mississippi, and the Senator from North Carolina, who happens not to be on the floor at this time, a letter that I received—it is actually a press release, from Mayor Frank Jordan of San Francisco.

The Senator from North Carolina and the Senator from Mississippi have made it look as if there is a divide between this nominee and the mayor of San Francisco. Yes, they disagreed respectfully. That is what our system is all about. But there is respect and there is support for Roberta Achtenberg.

He says that she is "supremely qualified" for the position for which she has been nominated. He says that "I fully endorse and support Roberta Achtenberg."

So, Mr. President, I think these comments from Mayor Frank Jordan, who knows Roberta Achtenberg, should put to rest—should put to rest—this campaign against her by people who do not know her.

The Senator from Mississippi says this woman is "not just a passive lawyer."

Now, I ask you: When you want a lawyer in your life to help you through a problem, do you want a passive lawyer; who is the most passive lawyer I know to help me?

Mr. HELMS. Mr. President, a point of order.

Mrs. BOXER. Do you look it up in the yellow pages?

Mr. HELMS. I ask the Parliamentarian if the lady is not violating rule XIX.

Mrs. BOXER. Do you look it up, Mr. President, under "passive lawyer?" I do not think so.

The PRESIDING OFFICER. The Senator from North Carolina has made a rule XIX point of order. The Senator from California will suspend.

Will the Senator from North Carolina please restate his point of order?

Mr. HELMS. Well, it is an attack. She is doing it second-hand, but it is a virtual attack on another Senator.

I know she does not agree with me on this. She made a statement through the San Francisco mayor, and that is all right. I am a big boy, and I can take it.

But just pay attention to what the Parliamentarian is saying.

The PRESIDING OFFICER. The Chair will quote from rule XIX, paragraph 2.

> 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. HELMS. Exactly. I thank the Chair.

The PRESIDING OFFICER. The Chair will encourage all Senators to proceed in accordance with the rule.

Mrs. BOXER. Mr. President, I was quoting a letter, a press release. I attributed it to Mayor Frank Jordan.

This was not an attack on any Senator. I was reading and quoting very carefully, and making part of the RECORD a very, very relevant piece of information as this debate continues.

I do not believe, as the Senator from Mississippi suggests, that what we need in this position, Assistant Secretary of Housing for Fair Housing, is a passive lawyer. We need a fighter. We need somebody who is going to stand up for the people who do not have a voice.

And, Mr. President, Roberta Achtenberg has done that throughout her career.

One of the first things she did as a San Francisco supervisor was to pull people together, pull them all together from landlords to tenants, and say "How can we make sure that we have a law in place that will stop discrimination against families with children?"

Roberta Achtenberg is a fighter for families with children, and she put together a law which is a model, and which has been praised by Republicans and Democrats alike.

I think it is important that as we look at those who favor this nomination, those who want someone who is going to be tough in fair housing, we have some of the following organizations:

Fair Housing Center of Metropolitan Detroit; Fair Housing Congress of Southern California; Fair Housing Contact Service of Akron, OH; Fair Housing Council of Fox Valley, Appleton, WI; Fair Housing Council of Louisville, KY; Fair Housing Council of Orange County, CA; Fair Housing Council of Oregon; Fair Housing Council of Riverside, CA. And it goes on and on, Mr. President.

Mr. President, I will have this list printed in the RECORD, this list of those who need a fair housing advocate and know what it takes to have one. I ask unanimous consent those letters of support be printed in the RECORD at this time.

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

ROBERTA ACHTENBERG SUPPORT LETTERS

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 Opportunity, 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.

SAN FRANCISCO, CA,
May 18, 1993.

Hon. GEORGE MITCHELL,
Majority Leader, U.S. Senate Office Building, Washington, DC.

DEAR SENATOR MITCHELL: I would like to provide you with some additional information on the outstanding public service that Roberta Achtenberg has provided the people of San Francisco.

As Mayor of San Francisco, I appointed Ms. Achtenberg to chair my Family Policy Task Force in 1989 to review city laws and regulations affecting families and make appropriate recommendations. She led a Task Force that represented the full diversity of our city, including business, labor, ethnic and minority communities, the professions and city workers.

The report she issued remains the most comprehensive review of San Franciso policies toward families—the extended families of immigrant newcomers, the intergenerational families important to the African American community, caretakers for the disabled, and lesbian and gay families.

Ms. Achtenberg conducted public hearings marked by their fairness and openness, with individuals representing every point of view accorded respect and serious attention. It was this leadership that contributed greatly

to the consensus that she helped forge on issues which are sometimes emotional and divisive.

The recommendations received wide endorsements from the city's religious leaders, labor unions, minority and ethnic community leaders, business leaders, and newspapers. It represented a genuine consensus in our City. I also received requests from across the nation from other cities, businesses and associations which viewed Ms. Achtenberg's landmark work as a model.

As a result of Ms. Achtenberg's work, San Francisco now has in place policies which led the nation in creating a Family Leave policy that allows parents to take leave to care for an ill parent, spouse, or child, sensitive to foster child issues of race and ethnicity, and which recognizes the special family needs of the disabled with caretakers.

In appointing Ms. Achtenberg, I recognized that public policy issues affecting families are both vital to civic life and yet elicit strongly-held views. I knew Ms. Achtenberg to have the wisdom and temperament that would engender the highest trust and confidence of our citizenry. San Francisco had seen divisive battles before over one or these issues, the city's policy toward lesbian and gay families, and it was important that her work heal those divisions. Her work succeeded in that goal.

It is ironic, in view of the criticism raised by some of her opponents for confirmation, that the sharpest opposition to her work came from a small sector of the lesbian and gay community. They accused Ms. Achtenberg of failing to subscribe to a single-issue approach that advanced only their own narrow agenda and which would have ignored the needs of other families. It is consistent with the integrity that characterized Roberta Achtenberg that she withstood such criticism and strongly maintained a commitment to all families.

I respectfully submit to you and your colleagues my highest recommendation and fullest support for the confirmation of Roberta Achtenberg as Assistant Secretary of the Department of Housing and Urban Development. She will make the U.S. Senate proud of its vote of confirmation.

Sincerely,

ART AGNOS.

ASIAN LAW CAUCUS,
San Francisco, CA, March 4, 1993.

Hon. DONALD W. RIEGLE, Jr.
Chairman, Committee on Banking, Housing, and Urban Affairs, 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.

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 Tenant's 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.

THE BAR ASSOCIATION
OF SAN FRANCISCO,
San Francisco, CA, 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.

BALTIMORE NEIGHBORHOODS, INC.,
Baltimore, MD, April 14, 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: Baltimore Neighorhoods, 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 commited 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.

STANFORD LAW SCHOOL,
Stanford, CA, 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 successfuly in her role as a supervisor.

More important than any particular achievement 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.

ASSEMBLY,
CALIFORNIA LEGISLATURE,
Sacramento, CA, March 18, 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 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.

CALIFORNIA A.D.A.P.T., (AMERICAN DISABLED FOR ATTENDANT PROGRAMS TODAY),
San Rafael, 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 personally 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.

CALIFORNIA STATE
ASSOCIATION OF COUNTIES,
Sacramento, CA, 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: The Executive Committee of the California State Association of Counties has endorsed the nomination of Supervisor Roberta Achtenberg as Assistant Secretary of Fair Housing and Equal Opportunity, with the U.S. Department of Housing and Urban Development.

Supervisor Achtenberg has considerable experience in the areas of housing and urban development, both as a member of the San Francisco Board of Supervisors, and as Chair of the Housing and Land Use Committee. She is also a member of the Economic Vitality and Social Policy Committee, and chairs the Finance Committee of the San Francisco County Transportation Authority .

Thank you for your consideration.

Sincerely,

LEON WILLIAMS,
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 yours,

STEVEN A. ROBERTI,
Executive Secretary.

CHINESE COMMUNITY
HOUSING CORPORATION,
San Francisco, CA, February 25, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Commitee 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 of 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.

CHINESE FOR
AFFIRMATIVE ACTION,
San Francisco, CA, April 13, 1993.

Hon. 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 government 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.

Sincerely yours,

HENRY DER,
Executive Director.

COLEMAN ADVOCATES
FOR CHILDREN & YOUTH,
San Francisco, CA, May 17, 1993.

Re: the nomination of Roberta Achtenberg as Assistant Secretary of Fair Housing and Equal Opportunity.

Hon. DONALD W. RIEGLE, Jr.,
Hon. PAUL S. SARBANES,
Hon. ALFONSE D'AMATO,
Senate Banking Committee.

DEAR MEMBERS OF THE UNITED STATES SENATE: Coleman Advocates for Children and Youth in San Francisco is the leading local child advocacy organization in the nation. We are writing to strongly recommend the nomination of Roberta Achtenberg. We know her as an extremely reasonable, and cautious member of our Board of Supervisors who hears all sides of a question before taking a position. She is supported by a broad coalition in San Francisco for her efforts for children and families, innovative urban planning and air housing. We know her as a concerned parent who has made children one of her highest priorities.

She has a broad agenda. Supervisor Achtenberg is not a single-issue candidate and she is known for her ability to convene various viewpoints to seek a collaborative solution to problems.

We are very disturbed by the divisive tactics to discredit her nomination. Roberta Achtenberg is an extremely capable candidate who we support without reservation.

Sincerely,

MARGARET BRODKIN,
Executive Director.

COMMUNITY INVESTMENT CORP.,
Chicago, IL., 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: It is my pleasure to write in support of Roberta Achtenberg's nomination as Assistant Secretary of Fair Housing and Equal Opportunity in the Department of Housing and Urban Development.

Times are changing as private-sector bank dollars are becoming more readily available to join with public programs to promote affordable housing rehabilitation and neighborhood job creation. Ms. Achtenberg's experience and her practical approach to promoting neighborhood jobs and fair housing will serve HUD's goal 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 streamline 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 nomination. As additional background to CIC. I am enclosing a fact sheet describing our affordable housing efforts.

Sincerely,

JOHN PRITSCHER,
President.

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.

CONTROLLER OF THE
STATE OF CALIFORNIA,
Sacramento, CA, March 11, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, 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 overmatched 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.

EDEN COUNCIL FOR
HOPE & OPPORTUNITY,
Hayward, CA, 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 are writing you to urge your support for the 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 depends 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 to you to support the nomination of Ms. Achtenberg and to push your colleagues do do likewise. A speedy confirmation is important to all those who believe in equal opportunity in housing.

Sincerely,

MARK STIVERS,
Fair Housing Counselor.

EQUAL RIGHTS ADVOCATES,
San Francisco, CA, April 27, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR RIEGLE: It is with great pleasure that I write on behalf of Equal Rights Advocates (ERA) in support of the nomination of Roberta Achtenberg as Assistant Secretary of Fair Housing and Equal Opportunity in the Department of Housing and Urban Development. Founded in 1974 as a nonprofit public interest law firm, Equal Rights Advocates is dedicated to the empowerment of women through the establishment of their economic, social, and political equality. We have known and worked with Roberta for well over 15 years and, based on that experience and our knowledge of others' who have worked with her, urge you to recommend to the Senate that her nomination be confirmed.

As you may know, Roberta was our colleague for several years, first as staff and then directing attorney of the Lesbian Rights Project of Equal Rights Advocates. Under her leadership and guidance, the Project became an independent nonprofit organization, the National Center for Lesbian Rights, and Roberta served as its first executive director. Thereafter Roberta ran for and won a seat on the San Francisco Board of Supervisors. Her nomination to be Assistant Secretary is enthusiastically supported by the civil rights community of the Bay Area, which is an especially significant tribute to Roberta, who has distinguished herself as an elected official capable of both leading and forging consensus among a tremendously diverse constituency. Her recent efforts as a maker of policy include supporting construction of affordable housing for low-income families; enhancing city-sponsored job training programs to speed the transition from welfare to permanent employment; and guaranteeing small business participation in bidding for city contracts.

In this time of rapidly eroding confidence in government, Roberta stands out as the quintessential public servant. She is accessible, fair-minded, and deeply committed to equality of rights under the law. She is a superb lawyer, an innovative policy maker, and a dynamic leader. In short, she will serve the people of the United States of America with distinction. We recommend her to you without qualification.

Thank you for your consideration.

Sincerely,

NANCY L. DAVIS,
Executive Director.

EQUAL OPPORTUNITY DEPARTMENT,
Grand Rapids, MI, March 23, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing and Urban Affairs U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing in support of President Clinton's nomination of Ms. Roberta Achtenberg to the position of Assistant Secretary of Fair Housing and Equal Opportunity for the U.S. Department of Housing & Urban Development.

I feel that Ms. Achtenberg has gained significant experience throughout her career in dealing with housing related issues and civil rights laws. She has pledged her support—if confirmed—to vigorously enforce federal fair housing laws.

One of the major responsibilities of the City of Grand Rapids Equal Opportunity Department is to affirmatively further fair housing locally. Our fair housing staff investigates complaints of housing discrimination, monitors sub grantees to ensure that they comply with fair housing mandates, and works cooperatively with housing related agencies and organizations throughout the City to accomplish fair housing objectives. Ms. Achtenberg's confirmation will support/benefit our local fair housing effort. I encourage you to support her confirmation.

Sincerely,

INGRID SCOTT-WEEKLEY,
Director.

FAIR HOUSING CENTER OF
METROPOLITAN DETROIT,
Detroit, MI, April 12, 1993.

RE: Appointment of Roberta Achtenberg as Assistant Secretary for Fair Housing and Equal Opportunity

Honorable DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

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 PHCs 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. SCHRAPP.

FAIR HOUSING CONGRESS
OF SOUTHERN CALIFORNIA,
Los Angeles, CA, April 28, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR RIEGLE: As the Executive Director of the Fair Housing Congress of Southern California and the Legislative Chair of the National Fair Housing Alliance, I have had the great pleasure of working with Roberta Achtenberg and her staff. At all times, she has been a forthright and unwavering advocate of fair housing opportunities.

She quickly allayed initial concerns that, as a civil rights attorney who specialized in employment, she would be unable to "hit the ground running" on fair housing issues. She has devoted herself to studying every current fair housing issue. She is conversant on concerns as diverse as sexual harassment in housing, substantial equivalency requirements and public housing segregation issues. My agency could not ask for a more equitable and competent spokesperson.

Ms. Achtenberg has made it plain that her door will be open equally to fair housing advocates, the real estate industry, for profit and non profit developers, homeseekers, managers and state agencies, thereby permitting HUD to develop and pursue fair and reasonable policies. She has also indicated that she takes HUD's mandate to affirmatively further fair housing very seriously and will seek the requisite human and other resources to fulfill this goal. She is a strong, articulate and responsible advocate of fair housing, whose commitment is only exceeded by her intelligent pragmatism.

The Congress takes great pleasure in supporting Ms. Achtenberg's nomination. The Congress and the Alliance look forward to working cooperatively with her and the real estate, banking and insurance industries in ushering in the new era of fair housing/lending enforcement which her nomination and appointment signal.

Sincerely,

MICHELLE C. WHITE.

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.

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.

FAIR HOUSING COUNCIL
Louisville, KY, April 23, 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 Louisville, Kentucky, completely 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.

We are convinced that she brings a deep commitment and great experience to the problem of segregation in federally assisted housing. We believe that she, along with Secretary Cisneros will provide strong leadership to reverse the catastrophic backward steps toward housing segregation demanded under Justice Secretary Ed Meece and Assistant Secretary Brad Reynolds.

HUD and this country needs leadership with an understanding of the problem of institutionalized systemic racism in housing, and a commitment to affirmative action to end these governmental practices. We believe Roberta Achtenberg's legal training and her experience demonstrate that she has that understanding and commitment.

Your Committee and the U.S. Senate should try to understand the plain, hard truth that the U.S. Department of Housing and Urban Development has long been the chief segregator for the whole country. HUD has a good fair housing program administered by the Assistant Secretary. But the overwhelming impact of the totality of all HUD programs is to create, reinforce and perpetuate segregation. This pattern is well documented in the new book Segregation and the Making of the Underclass, by Massey and Denton, Harvard University Press. It shows that in most cities public housing is much more segregated than private housing.

To overcome this past and present segregation pattern in this country HUD must be forced to adopt a comprehensive plan for desegregation of all public and assisted housing based on several plans which the courts have recently ordered to end government enforced segregation in segregated communities.

Foremost among these examples is the decision in NAACP v. Boston, which established an affirmative action goal and required cooperation for dispersal of assisted housing in 137 cities and towns. Another example is the $80 million settlement negotiated to end segregation in public and assisted housing in Los Angeles. Last week we learned of another order by a federal judge in Kansas City, Missouri, requiring an affirmative action marketing plan for desegregation and dispersal of public and subsidized housing.

The comprehensive plan must address the typical national situation in which HUD's Section 8 program is overwhelming white and HUD's regular public housing is overwhelming Black. HUD must tell our city officials to develop a plan for a central agency to receive applications for all assisted housing and provide affirmative leadership which could result in desegregation of both programs.

This country most needs a return to the policies in support of desegregation which were initiated during the Presidency of John F. Kennedy, but imperfectly implemented. We desperately need to reverse the civil rights regression under Ed Meese and Brad Reynolds and their followers during the past two administrations. The reversal of their atrocious undermining of affirmative action is the greatest challenge for the Department of Housing and Urban Development and the Department of Justice.

To meet all of these needs we are optimistic that Ms. Roberta Achtenberg will be confirmed and will provide, along with Secretary Cisneros, strong and determined leadership in ending HUD's support for continuing segregation. We hope that she will succeed where so many others in the last 40 years, have talked about ending federal aid to segregation but have failed to make much real difference. This is not a challenge for the timid, or the faint of heart, or the weak. Her record shows that she is none of those things. Please confirm her as a part of a plan to end government maintained segregation.

Sincerely,

GALEN MARTIN,
Executive Director.

FAIR HOUSING COUNCIL
OF ORANGE COUNTY,
Santa Ana, CA, April 16, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

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 of verifiable housing and lending discrimination. Her track record of experience and educational 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 not join potential opponents, and instead support this exceptional Nominee. Thank you for your support.

Sincerely yours,

DAVID T. QUEZADA,
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, Dirksen Senate Office Building, 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 under-represented. 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.

FAIR HOUSING PROGRAM
OF THE COUNTY OF RIVERSIDE,
Riverside, CA, April 26, 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 Riverside enthusiastically supports the nomination of Ms. Roberta Achtenberg as Assistant Secretary of Fair Housing and Equal Opportunity. We sincerely believe that Ms. Achtenberg's distinguished service as a policy maker, her advocacy for human rights and her demonstrated commitment to the concepts of equality qualifies her to serve in this capacity.

These are very crucial times for the causes of fair housing. The person who heads this

vital enforcement (of fair housing laws) function should be energetic, committed and proactive. We believe that Ms. Achtenberg will serve effectively. We therefore urge your support of her confirmation.

Sincerely,

MARY SCOTT KNOLL,
Executive Director.

FAIR HOUSING CENTER
OF TOLEDO,
Toledo, OH, April 20, 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 Center of Toledo is very pleased 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.

Our office has been investigating housing and lending discrimination complaints since 1975. While we are very proud of the successes the Center and our clients have experienced in redressing discrimination, we also recognize that discrimination has proven to be a persistent element in American society. It is essential for the federal government to provide strong leadership at HUD in fair housing.

We believe that Ms. Achtenberg has the commitment, intelligence and capability to effectively enforce the Fair Housing laws. We think she would make an excellent choice as Assistant Secretary of Fair Housing and we urge the Senate to approve her nomination.

Sincerely,

LISA RICE,
Executive Director.

SARAH G. FLANAGAN,
ATTORNEY AT LAW,
San Francisco, CA, April 28, 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 President Clinton's nomination of Roberta Achtenberg to become Assistant Secretary of Fair Housing and Equal Opportunity in the Department of Housing and Urban Development. I do not know Ms. Achtenberg on a personal level, but I am qualified to recommend her because of my familiarity with the good work that she has been doing in the San Francisco Bay Area. I was born and raised in San Francisco and have made my career here as a partner in Pillsbury Madison & Sutro. I have a strong interest in seeing individuals who have both a progressive vision for the City and the realism of a problem-solver emerge as leaders. Ms. Achtenberg is such an individual.

Ms. Achtenberg is probably best known as a civil rights attorney who has labored effectively for gay and lesbian rights. However, her contribution has been much broader than that. She has brought a sense of fairness and creativity to numerous community problems such as unemployment, wrongful eviction and inadequate housing, occupying numerous leadership positions with respect to these issues, most recently as the San Francisco Supervisor serving as Chair of the Housing and Land Use Committee. This has given Ms. Achtenberg valuable experience with the challenges she will confront as Assistant Secretary of Fair Housing and Equal Opportunity.

As part of our firm's community service program, I work with a low-income senior citizen residence that receives funds from HUD. I am deeply concerned about the problems facing my particular residence, as well as such projects in general. We need strong, fair and creative leadership in HUD to work with us to meet these challenges. I believe that Ms. Achtenberg can provide such leadership in HUD, just as she has done in San Francisco. I wholeheartedly support her nomination and respectfully request that you act favorably upon it.

Very truly yours,

SARAH G. FLANAGAN.

Washington, DC, 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.

NEW COLLEGE OF CALIFORNIA,
San Francisco, CA, March 15, 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 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 College, 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.

FHP HEALTH CARE,
Emeryville, 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: I am writing this letter as a former San Francisco elected official who worked closely with Roberta Achtenberg. I have known Supervisor Roberta Achtenberg for almost three years. I first became acquainted with her during her campaign for the California State Assembly in 1989.

During this period, she impressed me as a person with great integrity who was very concerned about the erosion of civil rights in our society. In her campaign for State Assembly, she proved herself to be an exceptional candidate who possessed an excellent working knowledge and substantive proposals on the issue of housing discrimination.

When she was elected to the San Francisco Board of Supervisors in 1990, and she became my colleague, she quickly proved to be a hard working public servant who would make the time to meet with constituents on evenings and weekends and be accessible to City Hall department staff at every level.

Supervisor Achtenberg on many occasions, would use her legal background to defend those people coming before the Board that were virtually powerless. Her arguments were well-reasoned, grounded in the law, and exhibited a great deal of compassion and integrity.

I was most pleased to hear that President Clinton has nominated Supervisor

Achtenberg for the position of Assistant Secretary within the Housing and Urban Development Department. She is the ideal person to take the civil rights section of that department and rebuild it after many years of neglect. In her new role, Supervisor Achtenberg will lead a team of over 80 competent lawyers like herself. I think that she will be an excellent representative of the Administration, respond efficiently to Congress and be an excellent legal coach for a staff that has great responsibilities. She will rebuild the fair housing unit, she will make it a hard fighting group to defend the constitutional rights of all Americans.

Roberta Achtenberg is a unique individual who realizes the profound suffering caused by discrimination in housing. She will defend the rights of women, minorities and all of the myriad of families that depend on the federal government for justice in housing. As a legislator, Supervisor Achtenberg was truly exceptional, not only could I count on her word for crucial votes on difficult pieces of legislation but most important, I could count on her creative thinking to find the necessary compromises and the ultimate fairness on very complex issues. Roberta Achtenberg listens, she reflects, she is courageous in her actions and her word is gold. I thank the Committee for the opportunity to express my highest recommendation for Roberta Achtenberg, and my constant admiration and my respect for her. I urge you to provide her a speedy, resounding, and unanimous confirmation so that her outstanding record of national service in behalf of the people of America can begin. Thank you.

Sincerely,

JIM GONZALEZ,
San Francisco County Supervisor, 1986–1992, Chairman of Finance Committee, 1990–1992.

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, D.C.

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,
May 3, 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 join those urging you to support the confirmation of San Francisco Supervisor Roberta Achtenberg as Assistant Secretary of Fair Housing and Equal Opportunity.

Supervisor Achtenberg is particularly qualified as a public servant—she is an innovative and effective policy maker who understands the needs and constraints of legislative and administrative processes and, at the same time, is open, receptive and responsive to those she serves and represents. Her exemplary record and career in San Francisco demonstrates unquestionably the high quality and the breadth and depth of perception, experience and perspective she would bring to the Department of Fair Housing and Equal Opportunity.

I would like to emphasize, in particular, Ms. Achtenberg's service as executive director of the National Center for Lesbian Rights and her leadership in the San Francisco gay and lesbian community. Her dedication, courage and leadership, and her strong stands, in the important area of civil rights for all individuals is an example and a benefit to everyone.

As a partner in the law firm of Pillsbury Madison & Sutro, I have worked directly with and observed a number of public officials. I cannot imagine a better candidate for Assistant Secretary of Fair Housing and Equal Opportunity than Supervisor Achtenberg. I encourage you to confirm her nomination.

Very truly yours,

F. KINSEY HAFFNER.

COUNTY OF SANTA CLARA,
San Jose, 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: I have worked with Roberta Achtenberg for several years on community projects and I am duly impressed with her knowledge, skills, ability and compassion as a community leader. Roberta's hard work to improve the quality of life within the community has been recognized. Throughout her career, Roberta has distinguished herself as an innovative policy maker, leader, and valuable team member.

As a San Francisco resident for many years, I can attest that San Francisco County has certainly benefited from Roberta's talents and skills as a member of the Board of Supervisors, especially at a time when tough decisions needed to be made. Roberta's appointment will be a great asset to the Clinton Administration and to this nation. Without reservation, it is an honor and pleasure to recommend Roberta for the position of Assistant Secretary for Fair Housing and Equal Opportunity.

Sincerely,

CHRIS SANDOVAL,
Manager, Men's and Women's Health Section.

PILLSBURY, MADISON & SUTRO,
San Francisco, CA, April 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 Banking, Housing, and Urban Affairs Dirksen Senate Office Building, Washington, DC.

DEAR SENATORS: I would like to express my strong support for Roberta Achtenberg as Assistant Secretary of Fair Housing and Equal Opportunity in the Department of Housing and Urban Development.

I am a partner at Pillsbury, Madison & Sutro, one of the largest law firms in the country, and have for over 25 years practiced law in the commercial, real estate and land use areas. I first became acquainted with Ms. Achtenberg when she was elected to the San Francisco Board of Supervisors in November 1990. Since many of my clients are actively involved in San Francisco business, land use or real estate development matters, I have had frequent occasion during the last three years to discuss with Supervisor Achtenberg matters coming before the Board of Supervisors relevant to my clients' interests. I found her, both publicly and privately, to be an extremely able public servant, intelligent, quick-witted and fundamentally fair in her approach to issues. Certainly, she is a champion of small business, affordable housing for poor people, protection for tenants subject to wrongful eviction and other liberal causes and civil rights issues, to which she and her constituency are deeply committed. While doing so, however, she does not lose her sense of perspective or her sense of humor and I can think of no finer candidate for the important position to which President Clinton has nominated her.

I would be happy to provide additional information to you or the Committee on Banking Housing and Urban Affairs if requested.

Very truly yours,

ROBERT C. HERR.

SAN FRANCISCO, CA,
April 30, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN RIEGLE: This is to support the nomination of Roberta Achtenberg as Assistant Secretary of Fair Housing and Equal Opportunity in the Department of Housing and Urban Development.

I have followed Roberta's career closely during my 21 years in San Francisco, and have personally worked with her on a number of legal matters. I am a partner in the law firm of Pillsbury Madison & Sutro. I know Roberta to be a person of great intelligence, poise and integrity. I believe she is extremely well-qualified for the HUD post for which she has been nominated. I urge most strongly that you exercise your leadership to see that she is confirmed.

Very truly yours,

DAVID E. HOPMANN.

HOUSING OPPORTUNITIES MADE EQUAL, INC.,
Buffalo, NY, April 14, 1993.

Hon. ALFONSE D'AMATO,
Ranking Minority member, Senate Committee on Banking, Housing & Urban Affairs, Dirksen Senate Office Building, Washington, 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 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 judgement.

Thirty years after New York State adopted it 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 Initiative 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.

HOUSING OPPORTUNITIES MADE EQUAL OF GREATER CINCINNATI, INC.,
Cincinnati, OH, April 22, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR RIEGLE: I urge you to support the nomination of Roberta Achtenberg to be HUD's Assistant Secretary for Fair Housing and Equal Opportunity.

As a non-profit private fair housing agency, HOME spends every day of its existence assisting victims of illegal discrimination while at the same time attempting to prevent future discriminatory activities. We work with and are often dependent on HUD to accomplish these tasks.

You can readily understand how important it is to our work to have as the Assistant Secretary for Fair Housing at HUD a person who is both committed to the ideal of fair housing for all and competent to effectively work towards that ideal.

We believe that Ms. Achtenberg is such a person. While we have not met her personally, several of our colleagues have and are convinced that she is intelligent and deeply concerned about equal housing opportunity and that she will be an effective force in this regard.

Her long and diverse background in various areas of civil rights also indicates to us that, although lacking specific fair housing experience, she will be a force for implementing the national fair housing laws.

I hope that as a backer of these same laws, you will argue for and support Ms. Achtenberg's nomination.

Sincerely,

KARLA IRVINE,
Executive Director.

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 down payment 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.

HOUSING OPPORTUNITIES OF NORTHERN DELAWARE, INC.,
Wilmington, DE, April 28, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR RIEGLE: We urge you to approve the nomination of Ms. Roberta Achtenberg for Assistant Secretary for Fair Housing and Equal Opportunity. Her career in civil rights enforcement and commitment to equal opportunity qualify her for this position.

As a member agency of the National Fair Housing Alliance, we cannot emphasize enough, the importance of Ms. Achtenberg's appointment. She will be a real asset to the fight against illegal housing discrimination.

The full enforcement of fair housing and fair lending laws is of crucial importance to this country. Ms. Roberta Achtenberg has the skills and qualifications to address fair housing needs. Thank you.

Sincerely,

CURTIS H. JOHNSON, Jr.,
Executive Director.

INSTITUTO LABORAL DE LA RAZA,
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.

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 F. MEDINA,
Executive Director.

INTERNATIONAL ASSOCIATION OF OFFICIAL HUMAN RIGHTS AGENCIES,
Washington, DC, March 11, 1993.

Hon. BARBARA BOXER,
U.S. Senate, Washington, DC.

DEAR SENATOR BOXER: The International Association of Official Human Rights Agen-

cies (IAOHRA) is a non-profit professional association of statutory human rights and human relations agencies primarily in the United States and Canada. The United States members are responsible for enforcing state and local civil rights laws in their respective jurisdictions and have historically shared responsibility with the Department of Housing and Urban Development (HUD) for enforcing fair housing laws. These agencies are funded by their state and local governments but many have also qualified to receive additional funding from HUD to investigate complaints of housing discrimination filed under Federal as well as state and local laws.

The leadership of IAOHRA and its member agencies believe that access to decent, affordable housing is a fundamental right for all persons and that vigorous enforcement of fair housing laws is essential to both a democratic society and a strong economy. Housing patterns have a direct impact upon school systems and employment. Segregated housing leads to segregated schools and fewer and less well paying job opportunities.

We have had the opportunity to have informal discussions with Ms. Roberta Achtenberg, whom President Clinton has designated as Department of Housing and Urban Development Assistant Secretary for Fair Housing and Equal Opportunity. We are impressed with her commitment to the vigorous enforcement of Federal fair housing laws. Based upon this commitment and a review of her experience, we are convinced that she will make an outstanding Assistant Secretary.

The Board of Directors of our association endorses Ms. Achtenberg for the position of Assistant Secretary. We know that you will make every effort to ensure her confirmation.

Sincerely yours,

CLAUDE R. ROGERS,
President.

JAPANESE AMERICAN CITIZENS LEAGUE,
San Francisco, CA, April 27, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

SENATOR RIEGLE: I am writing in support of Roberta Achtenberg's nomination to be Assistant Secretary of Fair Housing and Equal Opportunity in the Department of Housing and Urban Development. Last year, I had the privilege of serving with Ms. Achtenberg as a member of the California Commission on the Prevention of Hate Violence and have been personally acquainted with her for a number of years when she worked as a public interest attorney here in San Francisco.

I can say unequivocally that Ms. Achtenberg has not only been a close professional colleague, but an inspiration to me personally. She is an individual whose judgements are grounded in integrity and honesty. Her commitment to combatting all forms of illegal discrimination cannot be questioned. In addition, I have long been impressed with Ms. Achtenberg's ability to work with others to develop practical solutions to a wide range of political problems.

In light of these facts, I cannot think of anyone more suited for the position for which she is nominated and urge her swift confirmation.

Sincerely,

DENNIS HAYASHI,
National Director.

FOLGER & LEVIN,
San Francisco, CA, March 15, 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 the senior litigation partner of a fifty lawyer downtown San Francisco law firm which typically represents large financial, commercial and industrial businesses in complex litigation. I have practiced law for twenty years since clerking for the Ninth Circuit Court of Appeals, am a member of the American Law Institute, 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 Clinton'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 burden of working with numerous lawyers and public officials. In my experience I have rarely encountered as conscientious, committed and dedicated an individual as Roberta Achtenberg. Roberta is hard working, serious and thoughtful. She applies her ample intelligence in a constructive, creative 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 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. 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 Department and the United States government will be well served by Roberta Achtenberg's addition to this administration. If I can contribute anything further to your important deliberations, please do not hesitate to call upon me.

Very truly yours,

MICHAEL A. KAHN.

THE PACIFIC STOCK EXCHANGE INC.,
San Francisco, CA, 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 the 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.

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 regards.

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 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 the 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.

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: I understand Roberta Achtenberg has been nominated as Assistant Secretary, Fair Housing and Equal Opportunity in President Clinton's Administration. 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 nomination and know that once approved she will do an extraordinary job.

Sincerely,

BARRY LASTRA.

LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW OF THE BOSTON BAR ASSOCIATION,

Boston, MA, April 30, 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 to enthusiastically support the nomination of Roberta Achtenberg as Assistant Secretary for Fair Housing and Equal Opportunity of the U.S. Department of Housing and Urban Development. I write in my personal capacity currently as a fair housing attorney in Boston and previously as Executive Director of Housing Opportunities Made Equal (HOME) in Richmond, Virginia.

Ms. Achtenberg has impressive credentials as a civil rights attorney, law professor, administrator, and public official in California. She has distinguished herself as an innovative policy maker and problem solver. Having had the pleasure of seeing her conduct meetings at HUD, I am impressed by the way she quickly cuts to the essence of difficult issues and creatively activates HUD personnel to get the needed job done. Many career employees, who for years grumbled about bureaucratic barriers which kept them from effectively furthering fair housing, now come to work each day energized by Ms. Achtenberg's demonstrated grasp of fair housing laws, her sensitivity to the needs of victims of discrimination as well as the concerns of the housing industry, and her creative commitment to HUD's full implementation of the fair housing laws. These employees now believe that HUD will call on their best talents to do their jobs.

Similary, for those of us in the private sector who are advocates of fair housing and who have often in our work seen HUD as a part of the problem, it will be a pleasure to work with a HUD fair housing team which, under Ms. Achtenberg's leadership, can vigorously promote the policy of the United States "to provide, within constitutional limitations, for fair housing throughout the United States."

I therefore urge your committee to approve the nomination of Roberta Achtenberg as Assistant Secretary of Fair Housing and Equal Opportunity.

Sincerely,

BARBARA WURTZEL RABIN,
Staff Counsel.

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 in our city.

In addition Supervisor Achtenberg has built her career on championing civil rights and equal opportunity for women 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.

FAIR HOUSING PROGRAM,

San Rafael, CA, February 9, 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 support of Roberta Achtenberg's nomination for Assistant Secretary for Fair Housing and Equal Opportunity in the Department of Housing and Urban Development. I recommend her swift confirmation by your Committee and the Senate as a whole.

Ms. Achtenberg has distinguished herself in the San Francisco area as a prominent civil rights attorney and throughout her career has exhibited a sensitivity to the needs of minorities and the discrimination they meet. This legal and moral background will be of great service in a position which requires both a firm grasp of litigation issues and an understanding for the struggle of minorities in our country. Furthermore, Ms. Achtenberg has served on the San Francisco Board of Supervisors and has been one of the Board's most active and respected members.

It is of the utmost importance that a person of these qualities act as Assistant Secretary of Fair Housing and Equal Opportunity to address the issues of segregated housing, redlining and disinvestment by lending institutions and insurance companies.

In short, I recommend Ms. Achtenberg as a highly qualified candidate for the position of Assistant Secretary of FHEO. Her experiences, integrity and sensitivity to the needs of minorities make her a superior candidate. Thank you for your consideration.

Sincerely,

NANCY KENYON,
Program Director, Board Member,
National Fair Housing Alliance.

SAN FRANCISCO, CA,
April 13, 1993.

Hon. DONALD W. RIEGLE, Jr.,

Chairman, Committee on Banking and Urban Affairs, Dirksen Senate Office Building, 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.

STATE OF CALIFORNIA,

Sacramento, CA, March 17, 1993.

Hon. DONALD W. RIEGLE, Jr.,

Chairman, Committee on Banking, 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,
Lieutenant Governor.

HOUSING FOR ALL,

Denver, CO, April 21, 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 monthly directors meeting of HOUSING FOR ALL, The Metro Denver Fair Housing Center on April 14, 1993, the board voted unanimously 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 support is based on Ms. Achtenberg's strong record of civil rights enforcement and commitment to equal opportunity for all.

HOUSING FOR ALL was founded in 1987 with a mission to eliminate housing discrimination, increase choices in housing and encourage the integration of housing and schools throughout the metropolitan Denver

area. We are the only private non-profit fair housing center in the State of Colorado.

In our brief history we have participated in national studies of housing discrimination, filed administrative complaints of rental and sale housing and mortgage lending discrimination utilizing the system established by Congress and our state and local government. We offer extensive consumer education programs and believe that our work complements the work of government enforcement agencies. We are dedicated to making all housing accessible regardless of race, color, religion, sex, familial status, disability or national origin.

Full enforcement of fair housing and fair lending laws is crucial for the health of our country. Discrimination affects our neighborhoods in Denver as well as the individuals and families who are direct victims. Racial steering practices, concentration of subsidized housing in low income communities, and denial of access to credit currently contribute to the physical, economic, and social problems of Denver. 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." Under the direction of Ms. Achtenberg 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 of Fair Housing and Equal Opportunity. If you have any questions or would like more information about our organization, please feel free to contact us.

Sincerely,

KATHIE CHEEVER,
President.

METROPOLITAN FAIR HOUSING COUNCIL OF GREATER OKLAHOMA CITY,
April 20, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, 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 nonprofit 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.

MIDPENINSULA CITIZENS FOR FAIR HOUSING,
Palo Alto, CA, April 26, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR RIEGLE: Midpeninsula Citizens for Fair Housing is a private nonprofit organization with over 400 members committed to equal access to housing for all people. We would like to extend our support to Roberta Achtenberg as the nominee for Assistant Secretary for Fair Housing and Equal Opportunity. We are very impressed with Ms. Achtenberg's strong background in civil rights and her work as a San Francisco Supervisor. We feel she is an excellent candidate for this position and urge you to approve her nomination.

Sincerely,

BEVERLY LAWRENCE,
Executive Director.

MISSION COMMUNITY LEGAL DEFENSE INC.,
San Francisco, CA, April 27, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR RIEGLE: Roberta Achtenberg is an excellent choice to fill the job of Assistant Secretary of Fair Housing and Equal Opportunity. She deserves unanimous Senate confirmation because she is exceedingly qualified to do the job.

I have worked with Roberta on different issues affecting the diverse population of San Francisco since 1985. I can personally attest to her qualifications and to the conscientious way in which she does her job. She always comes prepared.

Roberta's legal background and experience will be a definite plus. Over the last fifteen (15) years she has served as a civil rights attorney, law professor and law school dean. She will understand the importance of legislative history when it comes time to interpret and enforce H.U.D. rules and regulations. There is no doubt in my mind that she will also establish high professional standards for herself and her staff as she carries out the responsibilities of assistant secretary.

Roberta Achtenberg is uniquely qualified to be Assistant Secretary of Fair Housing and Economic Opportunity. As a member of the San Francisco Board of Supervisors, she serves as Chair of the Housing and Land Use Committee. She is also a member of the Economic Vitality and Social Policy Committee. Her involvement in these crucial committees has given Roberta an acute understanding of the housing and economic issues that she will no doubt face in her new job.

In San Francisco Roberta is highly regarded as a leader and innovative policy maker. Her legislative efforts have supported job training, tenant protections against wrongful eviction, construction of affordable housing, small business participation and strict contract compliance monitored by the city's Human Rights Commission.

I have known Roberta Achtenberg for eight (8) years now and have come to appreciate and admire her collaborative style of getting things done. She is fair, honest and very talented. I strongly urge your Senate committee to confirm her appointment.

Sincerely Yours,

ALFREDO M. RODRIGUEZ,
Director.

CALIFORNIA DEMOCRATIC PARTY,
Sacramento, CA, March 15, 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 in support of San Francisco County Supervisor Roberta Achtenberg to be Assistant Secretary of Fair Housing and Equal Opportunity. Supervisor Achenberg 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.

NATIONAL ASSOCIATION OF HUMAN RIGHTS WORKERS,
Cleveland, OH, March 23, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, DC

DEAR MR. CHAIRMAN: On behalf of the entire membership of the National Association of Human Rights Workers (NAHRW), I would like to pledge our support for the candidacy of Ms. Roberta Achtenberg for the position of Assistant Secretary for Fair Housing and Equal Opportunity, U.S. Department of Housing and Urban Development.

Since 1947, NAHRW has served as the nation's only professional human rights association, comprised to directors and staff members engaged in human rights and community relations positions at the federal, state and local government levels. Our members serve as Affirmative Action and Equal Employment Opportunity officers for both public and private institutions. Many of our members are involved in enforcement of the federal fair housing law.

Some of our members have had informal discussions with Ms. Achtenberg regarding her commitment to the vigorous enforcement of federal fair housing laws. We were quite impressed and encouraged by her positions on the key issues.

I will close by saying that the Executive Board of the National Association of Human Rights Workers and the membership of NAHRW, solidly support President Bill Clinton's designation of Roberta Achtenberg for Assistant Secretary for Housing and Equal Opportunity, U.S. Department of Housing and Urban Development.

Sincerely yours,

SAM THOMAS III,
President, National Association of Human Rights Workers.

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 ap-

pointment 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 "hyper-pluralistic". 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.

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. 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 nonprofit 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 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 that there will be vigorous, positive and focused action to combat housing, lending and insurance discrimination.

We urge the Senate to expeditiously approved 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.

NORTHWEST INDIANA
OPEN HOUSING CENTER,
Gary, IN, April 16, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN RIEGLE: The Northwest Indiana Open Housing Center is the only private nonprofit fair housing agency in the state of Indiana. We are located in a region that studies for over twenty years consistently find to be among the most intensely segregated metropolitan areas in the U.S.—this despite our hard work since 1978. We are therefore in a position to understand the scope and difficulty of the job facing HUD's Assistant Secretary for Fair Housing and Equal Opportunity.

We firmly support Roberta Achtenberg's nomination to that post.

We are very favorably impressed by her credentials.

Those of us who dedicate ourselves professionally and personally to fair housing know that the work of the Assistant Secretary for Fair Housing and Equal Opportunity will have a massive, long-term, daily effect on our lives—and more important, on the lives of those we serve. We therefore need to know something of a candidate for that position beyond the resumé.

When Ms. Achtenberg's name surfaced as a contender, we contacted several trusted friends in California and their networks. All of them are now working or have been involved in advocacy for human rights. We learned the following things of Ms. Achtenberg, and they are what convinces us that she should hold the position of Assistant Secretary for FH & EO:

(1) Ms. Achtenberg's concern for human rights spans a full range. Each of the persons with whom we spoke tended to concentrate in one or two areas of civil rights, but all of them referred to her work on rights issues in addition to their own interests. There was complete agreement that Ms. Achtenberg is not identified with single-interest groups, and the term "broad agenda" was repeatedly used to describe her attitude towards promoting civil rights.

(2) Ms. Achtenberg's concern for equal opportunity is not displayed only when she is

addressing those issues specifically, but is an underlying principle guiding all her work.

(3) Ms. Achtenberg's high intelligence and educational achievements do not incline her to concentrate on abstractions, but constitute a base for effective and efficient action informed by theoretical knowledge and grounded by common sense.

Those are the qualities needed at HUD, to enable Secretary Cisneros, this administration, and our country as a whole to move closer to the promise of fairness and equal opportunity for all.

Sincerely,

MAHLON J. PLUMB,
President.
CONSTANCE KAY MACKWARD,
Executive Director.

PACIFIC GAS AND ELECTRIC CO.,
Oakland, CA, April 28, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR RIEGLE: This letter is to offer my support for Supervisor Roberta Achtenberg of San Francisco for the position of Assistant Secretary of Fair Housing and Equal Opportunity in the U.S. Department of Housing and Urban Development. I have had the opportunity to work with Supervisor Achtenberg on numerous issues and occasions.

She has exhibited fine leadership skills on many critical issues impacting San Francisco. On all occasions I have found her to be an official one can work with. Supervisor Achtenberg has given a great deal of time and energy to the City of San Francisco.

I join with other San Franciscans in looking forward to the leadership Supervisor Achtenberg will provide from Washington, DC.

Best regards,

———.

RELIGIOUS ACTION CENTER OF REFORM JUDAISM,
March 25, 1993.

Hon. JIM SASSER,
Chair, Committee of 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 attracted much interest and support from the national Jewish community. Her confirmation will be considered by the Jewish community a major contribution by the Clinton Administration.

Sincerely,

DAVID SAPERSTEIN.

SHELLEY ELVIRA SALIERI,
San Francisco, CA, March 12, 1993.

Senator DONALD W. RIEGLE,
U.S. Senate, Washington, DC.

DEAR SENATOR RIEGLE: This letter is in support of the confirmation of Roberta Achtenberg of California for the office of Assistant Secretary of Housing and Urban Development.

I have known Ms. Achtenberg for some time and I have keenly observed her in her elected position of Member of the Board of Supervisors of the City and County of San Francisco.

During her tenure as a Supervisor she has exhibited the highest degree of ability and integrity. She has executed the duties and responsibilities of office in a most exemplary manner.

Supervisor Achtenberg is an attorney of great knowledge and ability, especially in civil rights law. With this knowledge and experience she is the best qualified person to carry out the function of the position that President Clinton could have selected.

Roberta Achtenberg is a most gracious person. She accepts both criticism and praise with grace, poise and honesty. I have worked with her on several legislative matters and can personally attest to these qualities.

Roberta Achtenberg is vitally concerned with the problems of housing families. As a parent she is acutely aware of the need for quality family housing so that our children can grow in safe, secure and nurturing surroundings. Illustrative of that concern is a public hearing that she has been holding in San Francisco to assess the accessibility to housing for families. This is in her capacity of Chair of the Housing and Land Use Committee of the Board of Supervisors of the City and County of San Francisco.

She will be fair and firm in her management of the programs of her office and will be an exemplary government official.

I urge you to vote to report her nomination to the full Senate with the recommendation for confirmation.

Very truly yours,

SHELLEY ELVIRA SALIERI.

CITY AND COUNTY OF SAN FRANCISCO, HUMAN RIGHTS COMMISSION, OFFICE OF MINORITY/WOMEN BUSINESS ENTERPRISE, OFFICE OF CONTRACT COMPLIANCE, OFFICE OF DISPUTE RESOLUTION,
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 rights 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 must 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 IAOHRA 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 challenge 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.

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 experience 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 Department 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.

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.

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, Dirksen Senate Office Building, 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 associations' 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 MEDICAL SOCIETY,
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 Banking, 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 Assistant 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 welcome and productive addition to the federal government. During her tenure as Supervisor, we had numerous occasions to meet and confer with Supervisor Achtenberg on matters affecting health care in San Francisco. We found her to be well informed on the issues and balanced in her approach. It was a pleasure to interact with her and always felt that we got a fair hearing, even when she disagreed with the positions we advocated. We found her to be a strong advocate 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 Executive Director Susan Waters if we can provide additional information in support for her nomination.

Sincerely,

DAVID J. SOFFA, MD,
President.

SAN FRANCISCO
PHYSICALLY DISABLED QUORUM,
April 2, 1993.

HONORABLE MEMBERS,
Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, 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 any 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.

CITY OF BALTIMORE,
OFFICE OF THE MAYOR,
Baltimore, MD, 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 L. SCHMOKE,
Mayor.

YOUR SEATTLE HUMAN
RIGHTS DEPARTMENT,
March 19, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chair, Committee on Banking, Housing, and Urban Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR RIEGLE: The Seattle Human Rights Department is the agency charged with enforcing the fair employment and open housing ordinances for the City of Seattle. We have had a long-standing relationship with the Department of Housing and Urban Development (HUD) to jointly investigate charges of housing discrimination that fall within the jurisdiction of both agencies.

Seattle is fortunate in having a local ordinance that provides strong antidiscrimination protection for people seeking affordable housing. In many parts of the country, however, the federal fair housing laws provide the only protection. Therefore, it is vitally important that those laws be vigorously enforced.

I am writing to support the nomination of Roberta Achtenberg as HUD's Assistant Secretary for Fair Housing and Equal Opportunity. I am familiar with Ms. Achtenberg's long-standing commitment to civil rights. I believe that she is an excellent candidate and will be a strong advocate for the right to fair and affordable housing.

Sincerely,

BILL W. HILLIARD,
Director.

JAMES M. SEFF,
ATTORNEY AT LAW,
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 Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR SENATORS: I write with a strong recommendation of support for Roberta Achtenberg as Assistant Secretary of Fair Housing and Equal Opportunity in the Department of Housing and Urban Development.

As a partner in San Francisco's largest law firm, Pillsbury Madison & Sutro, and as the immediate past president of the Bar Association 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 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 has been a champion of small businesses, affordable housing for poor people, protection for tenants subject to wrongful eviction by rapacious landlords (but, and this is important, she is rational in her support and does not blindly support people simply because of their status), 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, reasonable, smart and tough. In short, she is the ideal candidate for this position at this time.

I would be pleased to supplement this letter with additional information if requested.

Sincerely,

JAMES M. SEFF.

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.

SOUTH SUBURBAN HOUSING CENTER,
Homewood, IL.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR RIEGLE: We are a small, not-for-profit fair housing agency located in the southern suburbs of Chicago. During our seventeen years in business we have achieved many success stories in our fight against housing discrimination. However, we have much work to do and the logical, most intelligent way to continue our efforts is with the nomination of Ms. Roberta Achtenberg.

Ms. Roberta Achtenberg has a proven track record in civil rights and has the full support of the South Suburban Housing Center. We are confident she will lead the Office of Fair Housing and Equal Opportunity into the 21st century with determination and perseverance.

We urge your expeditious nomination of Ms. Roberta Achtenberg as Assistant Secretary for Fair Housing and Equal Opportunity. With her at the helm we are poised for progress.

Yours in fair housing,

GEORGE COLE,
Executive Director.

ASSEMBLY CALIFORNIA LEGISLATURE,
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: 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.

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 unfailing 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 C. SWIG.

FAIR HOUSING COUNCIL,
Upper Darby, PA, April 15, 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 Suburban Philadelphia, founded in 1956, is one of the oldest fair housing groups in the United States. The Council has been at the forefront of working to end discrimination in housing in Southeastern Pennsylvania.

The Fair Housing Council of Suburban Philadelphia wishes to go on record as supporting 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. Ms. Atchenberg has a very impressive and distinguished background. The Council believes that Ms. Atchenberg has the commitment it will take to effectively enforce the Fair Housing Amendments Act of 1988.

Sincerely,

KATHLEEN HENDERSON,
Chairperson, Board of Directors.

TEXAS COMMISSION ON HUMAN RIGHTS,
Austin, TX, March 16, 1993.

Hon. PHIL GRAMM,
U.S. Senate, Member, Committee on Banking, Housing and Urban Affairs, Russell Office Building, Washington DC.

DEAR SENATOR GRAMM: As Chairman of the Texas Commission on Human Rights I am pleased to support the nomination of Roberta Achtenberg for the position of Assistant Secretary, Fair Housing and Equal Opportunity, U.S. Department of Housing and Urban Development. I urge that you act affirmatively on her confirmation.

Ms. Achtenberg graduated Phi Beta Kappa from the University of California at Berkeley. She received her law degree from the University of Utah School of Law, where she was elected to the Order of Coif. Ms. Achtenberg has an outstanding reputation as a civil rights attorney, law professor and dean at the New College of California School of Law. Also, Ms. Achtenberg has been a creditable reputation as an elected public official in San Francisco and Bay Area.

The Texas Commission on Human Rights enforces the Texas Fair Housing Act. This Act was the first fair housing law in the country to be certified as substantially equivalent to the Federal fair housing law, the Civil Rights Act of 1968, as amended in 1988. Therefore, the Commission has an essential interest in the person to be nominated and confirmed as the Assistant Secretary for Fair Housing and Equal Opportunity, U.S. Department of Housing and Urban Development. From my vantage point Ms. Achtenberg possess all of the necessary credentials to do an outstanding job in this capacity.

Your attention to this matter is greatly appreciated.

Sincerely,

FRANK THOMPSON,
Chairman.

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, Noman 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 Eshoo, Lynn Schenk, Pete Stark, Matthew S. Martinez, Cal Dooley, Walter R. Tucker III

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.

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 collegate 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.

WESTSIDE FAIR HOUSING COUNCIL,
Los Angeles, CA, April 20, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chair, Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR RIEGLE: On behalf of the Board of Directors of the Westside Fair Housing Council, I urge the Senate to approve the nomination of Roberta Achtenberg as Assistant Secretary of Fair Housing and Equal Opportunity of the U.S. Department of Housing and Urban Development.

Westside Fair Housing Council is a nonprofit community-based organization which celebrated its 25th anniversary this past February as a major fair housing service provider in Los Angeles County. Our community organization has come to understand the great need for fair housing enforcement to ensure the success and smooth operation of our fair housing work.

We have reviewed Roberta Achtenberg's career in civil rights enforcement and recognize her commitment to equal opportunity. Therefore, WFHC strongly supports Roberta Achtenberg's nomination.

Sincerely,

STEPHANIE KNAPIK,
Executive Director.

GLIDE MEMORIAL UNITED METHODIST CHURCH,
San Francisco, CA, March 17, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chair, 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 or 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.

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.

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 Opportunity.

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 responsive 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, experience and broad perspective she will bring with her to the Department of Fair Housing and Equal Opportunity.

Finally, Ms. Achtenberg's service as executive director of the National Center for Lesbian Rights and her status as a leader of the San Francisco gay and lesbian community demonstrates her willingness to take strong stands in favor or civil rights for all individuals. 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.

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.

DEAR MR. 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 nonprofit 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.

Mrs. BOXER. So we have heard a lot on this floor yesterday, and the same things have been repeated today. I will read from today's editorial in the San Francisco Chronicle.

The Senator from Mississippi yesterday—and he to his credit said today he was in error yesterday—when he said that an editorial written by the San Francisco Chronicle attacked Roberta Achtenberg. The fact is, no such editorial ever appeared.

So why do I not, at this time, read from the editorial that has appeared today? This, by the way, is a newspaper that endorsed George Bush for President. This is a newspaper that did not endorse this Senator. I want to read from this editorial today. "Affirmative Vote For Achtenberg" is the headline.

Indeed, it is The Chronicle's view that President Clinton made an excellent choice when he nominated Achtenberg as assistant secretary for housing and equal opportunity. She should prove a useful addition to the Department of Housing and Urban Development, a government agency in need of fresh talent.

Much of the Senate hearing into her nomination has not involved her qualifications to serve, but her sexual orientation.

The Senate has the obligation to base its decision on Achtenberg's professional qualifications * * * the only reference to "a twisted mind" that appeared in The Chronicle was in a letter to the editor reflecting one reader's view of Achtenberg and other members of the Board of Supervisors.

Mr. President, I know this debate is heated. I do not feel very good about that. Because I do not think it is necessary to go through hour after hour after hour of answering charges which are noncharges. And I believe that the chairman of the Banking Committee refuted those, point by point.

The Senator from Mississippi has mentioned the word Boy Scouts about 50 times in the last 2 days. He is a fan of the Boy Scouts. I am a fan of the Boy Scouts. But it does not change the facts. The facts are that the United Way, Bay Area, in California, has a rule, and the rule states that if an organization discriminates the United Way cannot give that organization funding. And it includes in the definition—unlike many other areas of the country, I admit that is true—it includes in the definition of discrimination, sexual orientation.

So the United Way set up a task force. I discussed this at length yesterday. I will summarize it today. The task force had a number of community leaders on it. Roberta Achtenberg was not on it. The task force reported to the board of directors of the United Way and said, indeed, sadly it was true, that the Boy Scouts did in fact discriminate on the basis of sexual orientation. And they, the task force, believed that the United Way had no choice but to defund the Boy Scouts.

There was a vote on the board of directors of the United Way; 34 people were there. I read some of those people to you yesterday. I am going to read them to you again today. These are the people who voted with Roberta Achtenberg because they felt that the Boy Scouts should change their rules.

The president and CEO of the Shaklee Corp.; the president and CEO of Pacific Gas & Electric; the former CEO of Chevron Corp.; the CEO of NUMMI Motors; James McCray, of Jones United Methodist Church; Arnold Perkins of the San Francisco Foundation; Walter Johnson of the San Francisco labor Council; Terrence Murphy of TRI Realtors; Stephen Gramm, of Kaiser Permanente, Katherine Shen, publisher of the Marin Independent Journal; James Cunha, of Arthur Andersen &

Co.; Lois Callahan, chancellor, superintendent of the San Mateo Community College District.

So, Roberta Achtenberg was 1 of 32 people who voted that unless the Boy Scouts changed their charter in this bay area region, they could not receive funds from the United Way.

Agree or disagree, this is not a subversive thing. These are people from corporate America who are trying to make progress, trying to wake people up to understand that, although we bar discrimination on the basis of race, on the basis of ethnicity, on the basis of gender, on the basis of age, on the basis of disability, we still do not bar discrimination, all too often, on the basis of sexual orientation. And they felt they had to stand behind their own charter.

These are Republicans; these are Democrats; these are Americans. This is not subversive. This is contentious. It is an argument. And I say that my colleagues have every right to disagree with Roberta Achtenberg when she cast that vote along with 31 others.

But I do not see the opposition attacking Chevron or NUMMI Motors or these churches or synagogues that were with Roberta Achtenberg on this vote. So let us keep our eye on the prize. What does that mean? It means what is important. Keep our eye on what is important: The hundreds of people and groups from all over this country who support this nominee because of her qualifications; the fact that she won awards in college, Phi Beta Kappa, the highest honors in law school, the fact that she was elected and given responsibility in San Francisco.

This is a woman of character. This is a woman of qualification. And this President would like to see this appointment made.

So I urge my colleagues, please, please cut through this dialog and keep your eye on the prize and then I think we will be proud when we vote for this woman.

I yield back the floor.

Mr. HARKIN addressed the Chair.

Mr. LOTT. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Mississippi will state his inquiry.

Mr. LOTT. Mr. President, how did the Chair rule on the invocation of rule 19.2?

The PRESIDING OFFICER. The Chair advised all Senators to proceed in accordance with rule 19.2.

Mr. LOTT. The rule 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 of a Senator.

Before I ask for the Chair's reaction to this particular point, I want to make the point that I am always very careful not to directly or indirectly impugn the integrity of my colleagues in the Senate. Maybe that is something I brought over with me from the House. I may disagree vigorously but I have the utmost respect for my colleagues in the Senate on both sides of the aisle.

So while I may not agree with this nominee at all, and do not want her to be confirmed, I fully understand why the Senator from California would defend her and advocate her case. She has known her; she is from the same city. No problem. I am not going to question her motives.

But it seems to me, over the last 2 days—and I have noticed it off and on over the last few years—there gets to be a process where certain Senators, particularly the Senator from North Carolina, is directly or indirectly accused of being a bigot or a racist when he may be questioning the qualifications of a nominee based on that person's record. I do not think we need it. I think it demeans the Senate if we do that directly or indirectly.

I urge my colleagues on both sides of the aisle not to use those kinds of words when describing other Senators in this body.

Mrs. BOXER. Will the Senator yield?

Mr. LOTT. I will be glad to yield.

Mrs. BOXER. Because I feel very bad about this debate, and I wish it was not necessary that I had to read into the RECORD Mayor Jordan's comments or, for that matter, the comments of the Chronicle.

But the fact is, I came here to fight for what I think is right, as the Senator has done and the Senator is doing.

The Senator from North Carolina made his point yesterday. He said, "My daddy said, 'Even if I don't win, I'm going to try.'" I respect that. But I do not believe, and I have to say this with all due respect, that reading into the RECORD an editorial or a response from Mayor Frank Jordan, whose name was mentioned on this floor, is improper. I think that the Chair has not ruled directly on that point, but I believe that I never raised the issue about Mayor Jordan. That was not something I raised. and I think if I am fighting for a point here, I greatly respect the two Senators who have taken the lead against this nomination because they are fighters for their point and I have to be a fighter for my point.

Mr. LOTT. I understand your point, and we have known each other for many years. I have the utmost respect for your assertive manner and your capabilities. I know that you would not make any sort of critical comment on my integrity or would not impugn my integrity. Even when it is done indirectly, I think it demeans the debate. I understand, I accept what you say, but I just hope as we go forward the rest of today and later on that we all be extra careful not to make these comments.

I would like for the Chair to rule on the question of indirectly imputing to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator.

The PRESIDING OFFICER. The Chair refers back to the rule which does state, sub 2:

> 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. LOTT. I think that is pretty clear.

Mr. President, in view of that, I ask unanimous consent that both Mayor Jordan's letter and the San Francisco Chronicle article be stricken from the RECORD.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DOLE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Kansas has suggested the absence of a quorum. The clerk will call the roll.

Mr. LOTT. 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. LOTT. Mr. President, I would like to renew my request that the letter from Mayor Jordan and the San Francisco Chronicle article be stricken from the RECORD.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object, just for a moment, I wish to say to my colleague, he and I have known each other for many years, and we do not always agree. Sometimes we do, and we surprise people. Because he feels that it is in the best interest of the Senate not to include these two items in the RECORD, I will not object, but I urge my colleagues on both sides of the aisle to please read these materials. They are quite relevant, I believe, to the debate.

Mr. LOTT. I thank the distinguished Senator from California for her attitude in this matter. I think the Members certainly are entitled to have access to all material that is relevant, including these letters. But when it is putting into the public record a letter or an article that seems to impugn our integrity, I would prefer that practice not be allowed to go forward, and so I renew my request.

The PRESIDING OFFICER. Without objection, the materials will be stricken.

Mr. HARKIN addressed the Chair.

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

Mr. HARKIN. I thank the Chair.

Mr. President, we sometimes wonder why the American people think that

Washington is out of touch. Well, we have seen a pretty good demonstration of why in the last couple of days. We have 9 million Americans out of work. We have a $4 trillion deficit. We have a health care crisis in this country. We have crime rampant in the streets. And the Senate has nothing better to do than to spend 2 days fighting a filibuster, talking about a nominee who has proven that she is eminently qualified for the job she is nominated to by the President of the United States.

Again, we should not be surprised that the American people think we are out of touch. And we should not be surprised if the American people feel that gridlock is alive and well in Washington.

Two days we have spent fighting a filibuster.

Mr. President, I know the Senator from North Carolina well. I have served with him in this body on the Agriculture Committee. He is an individual of very strong beliefs, strong feelings. I understand that. He has the right to raise questions about the nominee's ability, background, and things like that, but let us vote on this. Why filibuster it? Why hold up the Senate for 2 days? If we want to be talking about something, Mr. President, let us talk about the 9 million Americans who are out of work in this country. Let us talk about the health care crisis that plagues us day after day, that drives a lot of people into bankruptcy.

People do not have health care coverage for their kids. That is what we ought to be talking about, not this kind of nonsense. That is why I refer to it as just nonsense we are talking about here. We ought to have a good, healthy debate, but let us have the vote and move on and let us not have this ridiculous filibuster.

Mr. President, when I look at Roberta Achtenberg's career, I see an individual who spent her life working to help families, who has written ordinances to help prevent discrimination against families with children, who worked to protect tenants against wrongful eviction, who has supported construction of affordable housing for low-income families, a person who amended law to help parents get child care so they could work, who led the fight to provide domestic violence shelters to help troubled families, and who helped families move from welfare to work.

I thought that is what we wanted to do, move people from welfare into jobs, and that is what Roberta Achtenberg has done in her career. I see an individual dedicated to helping children, who led a drive to establish a children's budget in her city dedicated to helping children, youth, and their families. I see a person who has written laws to help improve the safety and access for people with disabilities.

Mr. President, for no other reason, that is why I would support this nominee, because I think she has shown a concern for those who lack the power to speak out, to fight for themselves many times.

Mr. President, I do not know if this story has been told on the Senate floor, but it ought to be told. Roberta Achtenberg's brother was disabled. He used a wheelchair. One day, in order to get across a street in San Francisco, he had to go around some parked cars because the cars were parked in the crosswalk, in the cuts where the wheelchairs go, and so he had to go around behind some other parked cars to get across the street. Because he had to come out from between those parked cars, there was little warning for the car coming down the street, the driver of which did not see him and hit him in his wheelchair and killed him.

Because of that, Roberta Achtenberg went to work to do two things: To get an ordinance passed to stiffen the penalties for cars that park in these cuts, that park in these crosswalks. But not content just to use the stick approach, she used the carrot approach. She began an energetic campaign in San Francisco to educate people as to why it was wrong for them to park their cars and block the access disabled people have to get across the streets in the crosswalks. She used her brother's own death as one of the purest examples of why we ought to be obeying those laws.

And so she did, I think, what is in the finest tradition of American public service, to take a situation that cries out for change, that needs to be rectified and modified, in this case people disregarding the law in San Francisco, parking their cars where they are not supposed to, which forced her brother to take his wheelchair in a different direction and led to his death.

But then, again, in the finest tradition of American public service, she embarked upon a campaign of educating the public as to what this meant and why it was so important for them to obey this law, not just because the fines were stiffer but because of the action of people parking their cars so that disabled people could not have freedom of movement, who were fearful of their lives.

Mr. President, I tell that story, again, to indicate the kind of true public servant she has been and the kind of sensitivity she has to people who, as I said, do not pull the levers of power, people with disabilities, and others.

So, Mr. President, when I look at Roberta Achtenberg, I see a person who has dedicated her life to the law, to affordable housing, who has been recognized time and time again for her outstanding community service and her work in making this country a better place for all to live.

Are these not the qualities we want in a person overseeing fair housing and equal opportunity in America? After all the trouble we have had at HUD the past 12 years, this is the kind of integrity and commitment we need at HUD.

Mr. President, this is one Senator who believes there is more to housing than just closets. I have always believed that people should be judged on the basis of their abilities, not upon the basis of fear or prejudice, unfounded accusations or centuries-held beliefs that we now find should not be held any longer.

We are supposed to be leaders in this country, we Senators who are honored to serve here. We are supposed to be setting an example for the rest of America to follow. If we, the chosen 100 of this country, the 100 people that represent the 250 million Americans out there, in this body, this Senate, if we cannot see beyond the differences and the unfounded fears and prejudice to judge people on the basis of their abilities, how can we expect the rest of America to do so?

Mr. President, we have already spent too much time talking about this. I am sorry that I had to spend time talking about this. This nominee is dedicated. She is qualified. She has proven she can do the job. And I intend to vote for her.

The committee voted for her by a vote of 14 to 4. It was a bipartisan vote. Obviously, the FBI did its background check, found nothing wrong, and gave her the green light. She came up before the committee. She responded to questions. She answered the questions, whatever questions were put to her, and the committee voted 14 to 4, as I said, in a bipartisan vote.

So again, I return to where I started. We are always amazed when we wonder why the American people think we are out of touch here. Spending 2 days in a filibuster on this nominee? Talking about wasting taxpayers' money. Talk about wasting the time of the Senate. We are wasting electricity even having the lights on in here today responding to this filibuster.

So, like I say, I respect the Senator from North Carolina, and those others who do not want to vote for this nominee, but let us vote. We ought to be voting now. We ought to vote at 1 o'clock and move on. If we want to have a debate, if we want to take the time of the Senate and the taxpayers' money, let us debate the issue of 9 million Americans out of work. Let us debate the health care crisis in America. Let us debate those issues that the American people want us to debate, and not this kind of a debate on a filibuster.

So, once again, gridlock has reared its head in the Senate. Mr. President, as I said, I just hope those who are opposed to the nomination will have their say, like we have had our say, and let us vote on this. I am sure she will be approved. The committee vote was bipartisan and strong. Let us move on and let us debate the real issues that confront the American people.

I yield the floor.

Mrs. FEINSTEIN addressed the Chair.

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

Mrs. FEINSTEIN. Thank you, very much, Mr. President. Mr. President, I want to associate my comments with those of the Senator, Senator HARKIN. I could not agree more.

Mr. President, I have watched this debate beginning yesterday afternoon. I listened very carefully to it. I must say I find it very disturbing.

I have heard words like strident, extremist, terrorist, activist, twisted mind. And, Mr. President, I must say this: It is my belief that this nominee has the votes in the U.S. Senate. So enough is enough. What is the purpose of this? There is only one purpose; that is, to divide and polarize.

Another purpose is only to destroy her before she begins her work by destroying her integrity and her credibility by this kind of slurring innuendo.

Mr. President, as my colleague and friend from California, Senator BOXER, pointed out, the San Francisco Chronicle's editorial policy is conservative. Yet, the lead editorial this morning said that Roberta Achtenberg's nomination to the housing post has been "nasty, pointless, and vulgar."

Mr. President, it is time to say enough is enough. I agree with the Senator from Ohio. Why are we not debating? In California, there are 1.5 million people out of work. Let us debate that. In California, the crime rate is burgeoning. Let us debate that.

Mr. President, what purpose does the debate serve when the nominee has the votes before this body? Simply to destroy her on the basis of falsity? That is wrong. That is also something I never thought I would hear before the U.S. Senate.

The rules of the Senate prevent a nominee from coming to the floor and defending themselves against unfair and untrue accusations.

Believe me, Mr. President, I know that Roberta Achtenberg would like to be here herself to put a lie to many of the accusations that have been made today.

But the people of this country expect the U.S. Senate to consider the qualifications of the candidate nominated by our President in a meaningful way. I think we have gone beyond that in the discussion today.

President Clinton in his campaign spoke about the politics of inclusiveness, not the politics of slur, not the politics of division, not the politics of dividing us even more than we are already in what is a very stressful world.

I believe that this debate has not been a constructive one because, you see, Senator BOXER and I both know Roberta Achtenberg. We know her as a moderate. We know her as a sensitive individual, a caring individual. We also know her as a rather quite individual. She lives her lifestyle, yes. But in this country, one is entitled to live one's lifestyle. That is one of the basic principles that we stand for.

What President Clinton is trying to do in this nomination is say: Here is Roberta Achtenberg, a woman who has earned her spurs. She has done her apprenticeship. She has been a superb local elected public official. Now is the time when I want to make her an Assistant Secretary in charge of Fair Housing. She has been an articulate advocate for fair housing causes. She is endorsed by fair housing organizations across this great land. Yet, because Roberta Achtenberg is a lesbian, she is being subjected on the floor of the Senate to a barrage of unseemly, nasty, and untrue allegations.

Mr. President, enough is enough. This woman is going to be confirmed. Let us not destroy her opportunity to be an effective and credible Assistant Secretary of Housing.

Throughout this country's history, there have been periods, bleak periods of prejudice and bigotry, when African-Americans and Caucasians could not ride on the same bus, when Asian-Americans were incarcerated in internment camps during World War II because of wide fear. Let us not today create another ugly chapter in this country's history.

The debate, when it moves away from the central issues of Roberta Achtenberg's qualifications, does not do justice to the U.S. Senate, and it does not do justice to this Assistant Secretary for Housing and Urban Development.

Let me just once again stress what are the qualifications that matter. Roberta Achtenberg was elected to the San Francisco Board of Supervisors in 1990. She has served as chairperson of the housing and land use committee of this board. Their achievements include enhancing protections for tenants against wrongful eviction, being proponents for the construction of affordable housing for low-income families, authoring legislation establishing occupancy standards for residential units to prevent discrimination against families with children, strengthening small business participation in the bidding for city contracts, enhancing compliance by the city human rights commission, and enhancing a city-sponsored job training program to speed the transition from welfare to permanent employment of low-income people.

She has served as past chairman of the city services committee. She has worked for funding for community-based organizations to provide domestic violence shelters through CDBG, block grant programs; she has authored legislation to improve safety and access to persons with disabilities; she has led the establishment of a children's budget in San Francisco; and she has authored legislation requiring developers to build child-care facilities or contributing to a child-care fund for low-income families, something that I signed into law while I was mayor of San Francisco.

Yes, she served on the board of directors of the United Way of the bay area; she has represented San Francisco as a director of the Bay Air Quality Management District.

She served as chairperson of the finance committee of the San Francisco County Transportation Authority. She possesses 15 years experience as a civil rights attorney, a law professor, and a law school dean. These are the qualifications that should be considered on the floor of the Senate. No, they do not use words like strident; they do not use words like terrorist; they do not use words like twisted mind, or like extremist and activist. These are the qualifications that are relevent to the success of an Assistant Secretary of Housing and Urban Development.

Mr. President, I say to you that enough is enough. This land is astir with problems, real problems, big problems. How can we spend these hours in this kind of debate that only demeans a person falsely, only accuses her unjustly, and can only serve one purpose: to ruin her integrity as an Assistant Secretary for Housing and Urban Development.

I ask, very respectfully, that we not continue with this kind of debate, that we get on with it, that we cast our votes, and that we confirm Roberta Achtenberg as Assistant Secretary for Housing and Urban Development.

I yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The junior Senator from California is recognized.

Mrs. BOXER. I thank the Chair.

Before the senior Senator leaves the floor, I want to thank her so much. Her common sense is always so evident. As she uses the words "enough is enough," I think she makes her point brilliantly.

Where is the opposition, I ask, to this nominee? We have heard from two or three Senators. Today, the chairman of the Banking Committee and other colleagues have refuted their points. So, I agree with my colleague from California, who I respect so much, who says "enough is enough" and asks "what is the purpose?"

I will soon yield the floor, and I do not see anyone on the other side with anything more of substance to say. If they come here to speak, I will listen with great interest. But I ask my colleagues on both sides of the aisle that we not drag this on unnecessarily anymore. The words have been spoken—sometimes with great passion—on both sides of the aisle here. But it is now time to focus on the qualifications Ms. Achtenberg brings to the table and to

focus on the fact that this President would like to give her opportunity to put her talents to good use. Let us get on with the vote, Mr. President.

I yield the floor.

The PRESIDING OFFICER (Mr. SIMON). Is there further discussion?

If not, the Chair suggests the absence of a quorum.

The clerk will call the roll.

The assistant 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, could I inquire how long the quorum call has been in place?

The PRESIDING OFFICER. Six minutes.

Mr. RIEGLE. Can I inquire as to the last hour—how much time has been used in debate in the last hour?

The PRESIDING OFFICER. The Chair does not maintain that record.

Mr. RIEGLE. All right.

Let me just say I think this would be an opportune time for anyone who wants to speak on the nomination to come to the floor and do so. We have a quorum call in place, and Senators have spoken for and against the nomination. But I think in order to move things along, if there is anyone who wants to be heard, this would be a good time. So I would use this as an occasion to invite Members to come to the floor and state whatever views they wish.

I do not see anyone seeking recognition at the present time. I will shortly suggest the absence of a quorum. But I hope that we have had a good debate that started yesterday. We spent a good bit of time on it yesterday. We debated it again today. There is a very full record now in terms of the Senate floor record. There is a very extensive record in terms of the committee record, which was the basis for a 14-to-4 affirmative vote. The nominee carried a majority of the members of both parties in the Senate Banking, Housing, and Urban Affairs Committee. That is what brings the nomination to the floor.

So I hope that in due course perhaps we could complete this debate. I think everybody that wants to be heard should be heard, but if we are going to have any long lapse of time with no one seeking to be heard on the nomination, I hope that we can move it to conclusion and vote one way or the other. My hope, of course, is to vote in the affirmative, and I expect that will be the case at the time we finally do have a vote.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. 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. LEAHY. Mr. President, a number of Senators have spoken today on behalf of the nominee for Secretary for Fair Housing and Equal Opportunity at the U.S. Department of Housing and Urban Development, Roberta Achtenberg.

I would not add to the debate of those who have spoken on her behalf, because I agree so much with them.

I would note a statement made earlier on the floor while I was here by my good friend and distinguished colleague, the Senator from Iowa [Mr. HARKIN]. He said that if people disagree with her and do not want her to be there, then let them vote against her, but let us not add to this gridlock, that the American people said they want to get rid of, by endlessly discussing a nomination. Every single Member of this body, Democrat and Republican, knows exactly how they are going to vote. I daresay there is not 1 of the 100 Senators who does not know today how he or she is going to vote and did not know yesterday how they are going to vote or, if this debate went on for 3 more days, would not know how they were going to vote. If that is the case, let us vote, vote for or vote against her—I intend to vote for her, because I think she is eminently well qualified—and get on with the business at hand.

We certainly do not impress the rest of the Nation and we do little for the good of the Senate by having needless minifilibusters on something where every Senator knows how he or she would vote. Frankly, I would like to see us debating on issues where we can really have an effect and where there are differences of opinion and where votes might well take place.

MORNING BUSINESS

Mr. METZENBAUM. Mr. President, I ask unanimous consent that we go into morning business for a period not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senate is in morning business.

Mr. METZENBAUM. I thank the Chair.

(The remarks of Mr. METZENBAUM pertaining to the introduction of S. 996 are located in today's RECORD under Statements on Introduced Bills and Joint Resolutions.)

REFORMING FOREIGN AID

Mr. LEAHY. Mr. President, today I would like to make my fourth statement this year on reforming foreign aid, focusing on how the Agency for International Development [AID] might be restructured and reoriented to be more responsive to today's foreign aid challenges.

Mr. J. Brian Atwood has been confirmed as the new Administrator of the Agency for International Development.

We have a good Administrator. I hope that the White House understands how good a leader of the Agency they have and will let him put together his management team rapidly.

As I have told Mr. Atwood, he will have no stronger supporter or steadfast friend in the Senate as he takes up the reins of AID. His success or failure in reviving AID will have a lasting impact on the future of the U.S. foreign aid program. It could also be decisive in determining whether that Agency itself has a future. I want to do all that I can to help him in his critically important task.

It is widely accepted that AID has been loaded with too many objectives, too many earmarks, too many programs.

And it is frustrating, because there are so many good men and women at the Department. But I think it has lost direction, lost morale, lost focus, and does not reflect either the needs of the United States or what we invest in it.

For the Agency to function effectively, and to be held accountable for progress toward practical objectives, clearly its mandate must be simplified and clarified. Congress and the executive branch must decide what mission they want AID to carry out, and agree upon a set of measurable objectives for the Agency to pursue. Greater unity of purpose should enable the Agency to overcome the centrifugal tendencies of the last several years which have led to conflicting agendas among different parts of the bureaucracy, turf wars, and confusion as to what AID is all about.

From the discussions within the foreign assistance community over the last year, certain things appear to be emerging as the basis of a renewed Agency for International Development:

First, the Agency should be given a few broad objectives, centering around sustainable development, global issues such as population and environment, democratic institution building, and human rights, and humanitarian aid and disaster assistance.

Second, in keeping with a broader, global focus, the functional side of the Agency should be strengthened, though the geographic bureaus should be retained.

Third, the Agency's structure should be streamlined and made directly responsive to the policy and program direction of the Administrator and his management team.

Fourth, there should be a searching review of the Agency's overseas presence, elimination of low priority missions, and a concentration of resources on countries which show a real commitment to development and to democracy.

Fifth, the management capabilities and practices of the Agency should be thoroughly upgraded and modernized, including in the area of personnel recruitment, training, and promotion.

A NEW STRUCTURE

The Foreign Assistance Act provides the Administrator of AID with unusual flexibility in determining the structure and organization of the Agency. Essentially, the Administrator can unilaterally decide what organization best suits his or her style of management without the need for legislation. However, Congress has an interest in the organization of AID as well, since the decisions Mr. Atwood makes in this area will tend to signal the priorities he assigns to objectives and programs. Therefore, while recognizing the special authority of the Administrator in organizational structure, I venture to offer some thoughts that Mr. Atwood might wish to consider.

I believe most knowledgeable observers agree that the layered management structure adopted by the former Administrator has not worked well. The creation of a new level of management between the Administrator and the Assistant Administrators, the three Associate Administrators, has not facilitated decisionmaking nor has it freed the Administrator to focus more on broad policy issues. Instead, it has tended to isolate the Administrator from the Assistant Administrators and the bureaus where core budget and policy issues are framed and decided. Denuding the Policy Directorate of the budgetary responsibility has seriously weakened the link between policy development and implementation and budget allocations.

Moreover, clumping the budget, administration and personnel functions into a single pyramid has overwhelmed the Associate Administrator for Finance and Administration, reinforced the separation of budget allocation decisions from policy development and implementation, and placed too great a distance between the Administrator and the personnel function, the life blood of any agency. Rather than containing the centrifugal tendencies of the bureaucracy and ending the fiefdoms which developed among the different bureaus, the Associate Administrator structure has inadvertently accentuated the problem of conflicting agendas by removing the bureaus too far from the control of the Administrator.

I would urge Mr. Atwood to give careful consideration to elimination of the Associate Administrator structure, and return to the system of each Assistant Administrator reporting directly to him or the Deputy Administrator.

ACHIEVING POLICY COHERENCE

In my work with AID over the years it has become clear that there is little policy coherence. That is due to a number of factors, including the plethora of goals and objectives set forth in the Foreign Assistance Act of 1961, excessive earmarking and micromanagement, the influence of constituency groups, and weak leadership at the top in the Agency. It is also a result of individual offices and bureaus flowing into the vacuum of leadership and pursuing their own separate agendas or ideological hobby horses. By far the most important measures in restoring coherence and consistency in the policy and programs of the Agency are a redefined mission, with clear objectives, and strong, decisive leadership at the top. For this reason, I applaud the President's appointment of Mr. Atwood as Administrator. I urge the White House to act quickly to fill in the next levels down at AID with people who have a strong professional profile of competence.

However, from many discussions with experts over the last several months, I also believe the re-creation of a bureau to coordinate and integrate policy and resource allocations could be an important measure. Years ago, the Bureau of Policy and Program Coordination [PPC], which had this role, was the policy powerhouse of AID. A renewed policy and resource coordination unit along the lines of the old PPC, with responsibility for defining policy issues for decision by the Administrator, for monitoring implementation of Agency policies, and for enforcing adherence to those policies through exercise of the budget allocation function, could become the strong right arm of the Administrator and Deputy Administrator. PPC once fulfilled this function effectively, before it was emasculated and finally abolished under the previous administration, and it could once again.

A STRENGTHENED FUNCTIONAL CAPABILITY

In discussions with me some have argued that AID should drop its regional or geographic bureaus altogether and reorganize itself entirely on a functional basis. I do not agree with this approach. Most of AID's development programs are country-focused, and reflect the Agency's unique on-the-ground experience in developing nations. A geographic orientation continues to be important. However, in recent years Congress has made clear that it wishes AID to play a significant role in responding to global problems, including population, environment, health, child survival and others. Now, with the Clinton administration, the executive branch openly shares that desire. It is incumbent upon AID, as an instrument of national foreign aid policy, to strengthen its capacities to address these global or transnational problems. That is what Congress wants, and manifestly, with the forthcoming creation of a new Under Secretary of State for Global Affairs, to be headed by our former colleague, Tim Wirth, that is what the White House and the State Department want.

Mr. Atwood will respond to this desire in the way he feels best accomplishes the goals. My own view, which I have already expressed to him, is that a structure should be established in AID which can marshall the capabilities of the Agency and can coordinate with the Under Secretary for Global Affairs as the administrator develops AID policies, programs and resource allocation to respond to global issues. A new functional bureau dealing with global issues, with strong population and environment offices, would make good sense. Such a bureau could have the technical skills to design and manage programs, implemented through international organizations, the private sector, private voluntary organizations, nongovernmental organizations, and AID missions, to pursue global population and environmental objectives.

The President's fiscal 1994 budget request zeros most of the programs managed by the Private Enterprise Bureau, implying its termination. Frankly, I never understood the argument for a separate bureau to promote the development of private enterprise. Few would argue any more that governments run economies or businesses as efficiently as the private sector, and worldwide the trend is to privatize as much as possible. Advancement of private enterprise and market economies should be objectives which infuse the entire development program of AID.

However, if the Private Enterprise Bureau is to be eliminated, there are certain programs which are housed in it which need to be retained and placed in a new home, chief among them the microenterprise program. This program focuses on providing credit and assistance to very poor people in the developing world to help them enter into the money economy. It has proven very successful in many areas and needs to be given strong support within the Agency.

THE GEOGRAPHIC BUREAUS

Recreation of a new policy and resources coordination bureau and creation of a bureau of global programs would raise questions about the role of the geographic bureaus. Earlier I stated that I thought AID should retain a geographic structure even as it strengthens the functional side. The geographic bureaus are needed to provide technical backup and support to the field missions and to assist in the design of programs. They can serve as repositories of area expertise and contribute significantly to assistance policy development and implementation.

However, with centralization of policy and budget coordination and with the emergence of a strong global issues focus, the geographic bureaus ought, logically, to contract in size and range of responsibilities. Many in the bureaucracy will resist such changes, since it would disturb their normal

patterns of behavior. Nevertheless, AID must adjust its structure and ways of doing business as well as its concepts and programs to the new challenges. We cannot do everything everywhere. We must have more focus on an Agency-wide agenda, particularly on global issues, and not allow the Agency to be driven primarily by the specialized agendas of geographic bureaus and the field missions.

As part of the structural reform, I would urge Mr. Atwood to give serious consideration to combining the present Bureau for Europe, which deals primarily with Eastern Europe, and the task force for the New Independent States [NIS], which deals with the former Soviet Union. In the Europe Bureau and the NIS task force we have parallel bureaucracies dealing with essentially the same challenges—the transition of post-Communist societies to democracy and market economies. Many of the programs are similar, many of the needed skills are identical, many of the contractors are the same, many of the lessons of Eastern Europe apply to the NIS.

Combining these operations could bring greater policy coherence and perhaps also reduce administrative overheads and staffing needs. I realize that the State Department maintains two separate coordinators to respond to Eastern Europe and the NIS, although both are supported by the same European Affairs Bureau. Of course an argument could be made that for bureaucratic parallelism, AID should have a similar structure. Also, there is the inevitable problem of the signal that could be sent by combining the two that one or the other is being downgraded. However, I think the case for uniting the European Bureau and the NIS task force is strong, and I hope Mr. Atwood will take a hard look at it.

OVERSEAS PRESENCE

AID now operates some 82 bilateral missions or offices in countries around the world, and probably another two dozen establishments of one kind or another abroad. AID maintains about 1,200 direct hire American employees overseas. Each costs over $200,000 a year to maintain. There are thousands more local employees, consultants and contractors. There is a vast administrative and logistical support apparatus. The cost of operating AID has risen to over half a billion dollars a year, with well over $300 million going to support the overseas presence. And this does not count the use of local currencies for administrative expenses, including salaries of local employees, and some program funds.

I cannot believe that there is one person in this Congress or one person in the administration who can argue with a straight face that all 82 of those missions are needed, and that all of those 1,200 employees are absolutely essential to the foreign policy and security and the goals of the United States, especially at $200,000 a year to maintain each one of them.

Obviously some were put over there because of policy decisions, considered or otherwise, of past administrations, and some because of policy considerations, considered or otherwise, of Members of Congress. I do not believe our overseas staffing patterns reflect the best use of our people.

I realize that part of AID's unique development capability is its overseas presence, the on-the-ground development official who knows local conditions and who can develop tailored programs sensitive to circumstances not known or understood in Washington. No other international development agency or organization has anything approaching this overseas presence. Other bilateral donors and international agencies often come to AID to take advantage of the special capabilities its overseas presence afford. That must not be lost.

At the same time, in my judgment, neither Congress nor the President are going to agree to any further increases in AID's operating budget until we see major reforms in its management practices, its personnel structure, and program accomplishments. That means for at least the next 2 years, AID is probably going to have to operate at no more than the current budget level at best. Given intense budget pressures, there may even be reductions. Obviously, that means there must be economies and efficiencies in its operations to maintain programs. I believe one of the ripest areas for such economies is precisely in AID's overseas presence. It has far too many overseas establishments, with nearly 50 full-scale mini-AID missions, and dozens of field offices and other kinds of establishments abroad. The total of all AID entities overseas exceeds 100. A substantial consolidation of operations abroad is going to be necessary.

In his confirmation statement, Mr. Atwood promised to review the entire structure of AID and to seek innovative new ways of carrying out programs. I heartily endorse this promise, which I assume applies to overseas missions as well as Washington, and am anxious to work with Mr. Atwood to find these innovations. I encourage him to be tough and to be bold in seeking economies and efficiencies. He will have my support in experimenting with smaller missions, with more regional missions, with centralized administrative and logistical support, with field representatives, with circuit rider officials, and details from Washington to oversee programs carried out through private voluntary organizations and other nongovernmental organizations, and with greater use of foreign national employees to do the more routine work, and other steps.

I do believe not until Congress sees serious changes in the way AID does business will there be any willingness to consider additional operating expense appropriations. That is the price of many years of waste, mismanagement, scandals, lack of positive results, and evasion of responsibility. Trust and confidence will have to be restored through concrete actions.

THE WASHINGTON PRESENCE

AID has over 2,300 direct hire Americans in Washington to manage the annual $6.5 billion bilateral economic assistance program, and associated $10 billion pipeline. The number of U.S. contractors and consultants runs into the many thousands. Because of the high cost of maintaining direct hires overseas, as operating budget growth has slowed in recent years AID has increasingly shifted personnel from abroad to Washington. To employ one American direct hire in Washington costs a fraction of the cost of keeping one American employee abroad.

Obviously, the growth in the percentage of AID's work force in Washington is more a function of tight operating expenses budgets than of conscious decisions about how to manage the program more effectively. Therefore, we have to scrutinize the Washington staffing patterns just as closely as the overseas presence. I would like to see a toughminded, independent analysis of AID's Washington personnel structure by highly qualified management specialists.

If they find that part of the problem is the Congress giving conflicting signals, then we will take care of that. If part of the problem is right there at headquarters, the new administrator can and should take care of it.

I venture to predict that analysis would find major distortions in staffing patterns, and very likely excess staff overall if appropriate modern management techniques and practices, including linking administrative costs to program results, were introduced. If, as many advocate, AID surrenders to other agencies a number of functions not directly related to development, or for which it is clearly not suited, that should translate into fewer staff, fewer offices, less bureaucracy.

There is enormous inertia in the AID bureaucracy. I told Brian Atwood I did not know whether to offer him congratulations or condolences when he was appointed. Frankly, he has inherited a mess with AID. He has yet to be given all the tools he needs to clean up the mess, a mess not of the Clinton administration's making. It will, of course, be theirs if they simply condone it. I believe they will not. I urge them to give Mr. Atwood strong support, as I will, because there is going to be a powerful bureaucratic impulse to engage in endless reviews, studies, and analyses and then reviews, studies, and analyses of the reviews, studies, and analyses, and to avoid disruptive decisions which tend to shake up com-

fortable or known routines, or very comfortable little kingdoms that build up in AID.

So I think we have a chance for real reform of AID. Frankly, it is the last chance. I do not intend to bring foreign aid bills to the floor of the Senate and ask Senators to vote for them if I know part of that foreign aid program is going to be run by an agency unable to carry it out in an effective manner. I am encouraged by the fact that there are so many good men and women in the agency. I think it can be rebuilt.

Frankly, Mr. President, I had originally considered introducing legislation to do away with AID and to replace it with a new agency. And when for several months the administration could not get its act together to appoint an Administrator, I was giving that thought more and more consideration. Now that they have appointed, I think, one of the finest people possible as the Administrator, I will withhold on that idea.

But I would point out that the Clinton administration, which inherited a badly managed, poorly organized Agency for International Development, does have the responsibility, if they want us to continue to fund it, to build it back up to where it should be. The past administration did not. Unfortunately it is a problem this administration has inherited. I think, with strong leadership in Congress and the executive branch, AID can be saved. But, if they do not, then I will move to get rid of it and to replace it with a different kind of foreign aid agency.

Fortunately, I believe Mr. Atwood is committed to real change at AID, and I think he understands that this Agency will not long survive his tenure in its present form unless he does restore its credibility in Congress.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent to speak for 10 minutes as in morning business.

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

ON MFN STATUS FOR CHINA

Mr. BAUCUS. Mr. President, I rise today to discuss the pending decision on renewal of most-favored-nation trade status for the People's Republic of China.

PROPOSED POLICY ON CHINA

On May 5, I and six other Democratic Senators wrote to President Clinton to suggest a policy he might adopt toward China. We urged the President to set a list of firm but fair benchmarks to target each of our problems with China.

He would keep lines of trade and communication open by renewing China's MFN status this year. And we asked him to avoid statutory or other rigid new conditions on the renewal of China's MFN status for next year.

This strategy would avoid an immediate and dramatic break with China. At the same time, it would allow the President to use all the tools at his disposal—including achievable, administratively imposed conditions on China's MFN status—to promote the changes we want to see in China.

WHAT CHANGES IN CHINA?

What do we want from China? The answer is simple.

First, we want China to meet international standards of human rights. Eliminate arbitrary arrest and torture. Give the Red Cross and international human rights organizations access to prisons. Guarantee religious freedom. Release political prisoners.

Second, we want China to live up to its international political responsibilities and its signature to the Non-Proliferation Treaty and the missile technology control regime.

Third, we want China to be a fair trader. China's market remains largely closed. It ran a $12 billion trade surplus with the United States in 1991 and an $18 billion trade surplus with the United States in 1992. Only intense pressure, backed by the clear threat of retaliation, brought agreements on market access and intellectual property. Serious questions remain about the implementation of both these agreements. Equally serious questions exist about China's commitment to abide by our laws against exports of prison labor products and its evasion of our textile quota.

POLICY INSTRUMENTS AVAILABLE

That is what we want from China. It is simple. But how do we get China to respect international standards of human rights, weapons policies, and trade practices?

The answer is not legislation. The bill we passed last year imposed 17 detailed conditions on China's MFN status. China might have met any one, or any three of its conditions. But it would not have made significant progress on all of them in a single year. The bill would inevitably have led to a cutoff of China's MFN status.

That would not bring reform. History shows that unilateral economic sanctions rarely work. Furthermore, they usually hurt Americans. Countries which refuse to impose sanctions simply replace our exports. We lose markets, money, and jobs. The grain embargo on the Soviet Union in 1979 is an example.

There is no prospect that the international community, or China's Asian neighbors in particular, would support broad-based sanctions on China like a cutoff of MFN. No country other than the United States is considering such a step.

It is dangerous to use MFN as a weapon. The jobs of about 157,000 Americans depend on exports to China. They are Kansas and Montana wheat farmers; Seattle aircraft engineers; workers in Louisiana fertilizer factories; California manufacturing workers, and tens of thousands more around the country. As we consider using MFN as a weapon, we must think of it as a two-edged sword.

CAREFUL USE OF CONDITIONS ON MFN

However, this administration needs a China policy that gets results. China exported 25 billion dollars' worth of products and ran an $18 billion trade surplus with us last year. They will not throw this market away lightly. Thus, I will support a careful use of administrative conditions on MFN.

If the President chooses to impose such conditions, I would hope that he does so with great care.

I hope that he sets broad, achievable conditions rather than rigid, detailed conditions that impose humiliating tests.

I hope that conditions on MFN do not become the policy around which every issue in United States-China relations revolves. They should not replace other foreign policy tools.

Finally, I hope that he makes clear to the Chinese that he wants both progress and a continuing progress, not a solution to every problem overnight.

We have common interests with China. We must work with, not against China if we hope to make progress on global warming; if we hope to use the U.N. Security Council effectively; if we hope for peace and development in Asia.

We also have real problems with China. And we should use the means we have at hand to solve them. I will support the President as he carefully uses these tools, including achievable administrative conditions on MFN. I hope other Members of Congress will do the same.

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

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

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

NOMINATION OF ROBERTA ACHTENBERG

The Senate continued with the consideration of the nomination.

Mr. HELMS. Mr. President, we are being deluged with calls in our Washington office, our Raleigh office, and our Hickory office. We have two in North Carolina and one here, of course.

I find out I have a few friends. They are quite upset with some of the things that have been said on this floor. I

have told them and sent word to them and I tell them now that the attacks by the press and others have not bothered me a bit—except for the clear violations of the Senate rules. I do take exception to that, because I have been in the Senate the better part of 21 years.

And even prior to that, in the early fifties, I served here 2 or 3 years as administrative assistant to two Senators. In the interim, between my time here in the 1950's and 1972, when I was elected to the Senate—being, by the way, the first Republican ever elected by the people of North Carolina to the U.S. Senate—a lot of things happened.

I have been called a lot of things by a lot of people. I am thickskinned, and mostly I am amused by it, particularly when it falls under the category of being called ugly by a frog. That is what a lot of this that has been said on this floor amounts to.

I am very much interested, I might say, at the litany of things which have been read this morning as proof that TRENT LOTT, for example did not tell the truth in his speech, and other Senators—mainly the Senator from North Carolina—did not, and so forth.

The truth of the matter is that it is worse than TRENT LOTT said, and it is worse than JESSE HELMS said, so let me just document a few things.

Now, I am going to read a little resolution. It says:

Whereas the City and County of San Francisco used various financial institutions to conduct the banking and investment operations of the city and county on an ongoing basis; and whereas the Bank of America has recently reinstated its corporate donations to the Boy Scouts of America, stating that the Boy Scouts no longer discriminate on the basis of sexual orientation when there exists a contrary public record of actions and statements by the Boy Scouts and their representatives that, in fact, the Boy Scouts of America discriminate against Scouts and counselors on the basis of sexual orientation; and whereas the City and County of San Francisco has a longstanding policy of nondiscrimination on the basis of race, religion, color, ancestry, age, sex, sexual orientation, disability, or place of birth; and whereas the recent action of the Bank of America in providing financial support for the Boy Scouts of America is inconsistent with the city's nondiscrimination policy; and whereas the City and County of San Francisco has a longstanding policy of not condoning policies which foster and encourage discrimination against any individual of the City of San Francisco—

Et cetera. That is the resolution I was talking about.

I may be wrong, but I just assumed that inasmuch as it says here that Supervisor Achtenberg offered this resolution, that that must be the same individual who is now nominated by the President of the United States for a job over in HUD.

But point by point, the facts are so much worse than I even imagined. Here is a copy of the Washington Blade, for example. I think this is the second time I have even seen one of these newspapers. But this one is dated November 13, 1992. Here is Roberta Achtenberg, if the camera can catch that; here is the President-elect as of that time; and here is David Mixner. It says, headline: "We Are in a Place We Have Never Been."

This is stuff that the proponents of this nomination are trying to hide. They do not want this to be discussed. It is off limits. Well, the heck it is. That is what it is all about. "We [meaning the homosexual community] are in a place we have never been," these three say. Then, the subhead: "Adviser David Mixner says Clinton Will Appoint Gays to Important Positions."

And then it says "David Mixner, the openly Democratic activist who became one of the top advisers to Arkansas Governor Bill Clinton's campaign for the White House, was in Washington, DC, last weekend." Then following is an interview with them conducted by Blade reporter Lou Chabaro, Jr., on Tuesday, November 10.

That is what they do not want to talk about. That is what the press does not want to talk about. They want to talk about whether JESSE HELMS said "damn" to a newspaper reporter. I do not remember whether I did or not. I am perfectly capable of it. But I will tell you this much, Mr. President. The Senator who made such an issue of it, I have heard him take the Lord's name in vain, and just cuss up one side and down the other; and then sanctimoniously raise a question about what I said on the run to a reporter.

This second paper is the Washington Blade of November 6, 1992, with a headline declaring "Gays Now Part of the Governing Coalition. Leaders are Confident that Clinton Will Remember His Promises to Gays."

You had better believe he will.

There are one or two things I need to admit that I did make an error about. I believe I heard the Senator from Michigan say this Senator from North Carolina said or implied in this Chamber yesterday that Ms. Achtenberg gave $1 million to Clinton's campaign. Then the Senator from Michigan this morning went on at some length to prove that the statement was false. Well, what was false about it was his statement about what my statement was. And if you people up there in the news media are interested, look on page S 6100 of the CONGRESSIONAL RECORD, and you will see that I made no such claim.

You are not going to put it in the newspapers. You are not going to broadcast it over the television. You are going to report what they say—without any rebuttal.

But, here is what I said, verbatim, I quote from the RECORD:

But that did not prevent her from going to Bill Clinton after the election—after people who share her life-style, according to credible reports, had laid $1 million 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.

That is what I said yesterday. It is there in the RECORD. So there is a little bit of difference between that and what the distinguished Senator from Michigan said that I said. And this is just one example of how he is misrepresenting things.

But the RECORD shows that I said it was people who share her lifestyle who gave then-candidate Bill Clinton $1 million. I did not say Ms. Achtenberg did.

But I was wrong about one thing. I am contrite. I apologize for it. That $1 million? I was wrong about that. Even the Washington Post—who was the comedian television—Red Foxx? He said "Elizabeth, this is the big one." When I read this in the Washington Post in February, I felt like Red Foxx.

Because the Post said that in "the last election the gay lobby ran a political machine as well-oiled as any pressure group. More than $5 million"—so I apologize for saying $1 million—$5 million "was collected for Clinton through direct mail solicitation and fundraising events among the homosexual community." "The Human Rights Campaign Fund fielded 10,000 gay and lesbian members to canvass for Clinton nationwide." What I am saying is, the hoopla you are hearing just is not so.

I do not know the mayor of San Francisco. I am sure he is a nice man. I am sure that if he has a family, it is a nice family. I have no quarrel with him. But I want him to talk about what the bathhouse situation was. Who was it in the early 1980's that said: We better stop these bathhouse and sex club operations because they are helping to spread AIDS. And more importantly, who was one of the lawyers who objected to stopping the bathhouse operations? I will let you guess.

As for the Boy Scouts of America, I am not going to retreat one inch on that. I resent any action taken against that organization. I was a Boy Scout, and I made it only to Life Scout. I wish I had advanced more, but I did not. But my only son made Eagle, and I have never known of an Eagle Scout who was bad, and my son has not gone bad, and he feels just as strongly about the Boy Scouts as I do.

I say to you, Mr. President, that the American taxpayers are unwilling to support any organization, any individual, in blackmailing the Boy Scouts of America into accepting homosexuals and atheists within the ranks of the Boy Scouts. I said that yesterday, I said it last year. I said it 3 years ago, and I say it today. The Federal Government has no business supporting, directly or indirectly, those arrogant people who try to reshape the Boy Scouts to fit their lifestyles. And I am

putting the best light on it that I can. It is a sad day that Congress even has to consider an issue like this.

Who would have thought, even 5 years ago, that the President of the United States would nominate a homosexual person for a high-ranking Federal job, a person who helped orchestrate an action against the Boy Scouts because the Scouts refused to lower their moral and spiritual standards.

Some are trying to say she did not do it. The heck she did not. I understand why they do not want to talk about it. I understand why they do not want it a matter of record. But the facts are the facts. That is precisely what happened.

Just for the RECORD, perhaps we ought to review just a little bit of the facts. On February 20, 1991, several radical homosexual groups, such as the one called Queer Nation, launched a national boycott of the United Way demanding funding be withdrawn from the Boy Scouts because the Scouts forbade homosexuals from becoming Scoutmasters.

The next day—and it was reported in all of the media—the local board of the United Way of the Bay Area in San Francisco, on which Ms. Achtenberg was serving as a member, voted unanimously to deliver an ultimatum to the Boy Scouts of America that the national office of the Boy Scouts must allow homosexuals and atheists to become Scoutmasters; otherwise, the United Way chapter in San Francisco must withdraw almost $1 million in funding which had previously been allocated each year to the San Francisco area Scout Council.

Fact? You bet. But in the face of this arrogant threat, the Scout's regional director, Buford Hill—and I quoted him yesterday, and I will quote him today, because I admire him so much. He said, "Our values are not for sale, no matter what the price is."

Fact. Ignore it if you want to. Then Blake Lewis, the Scout's national spokesman, said, "The Scout's policy has always been the same. We support traditional family values. We do not believe homosexuals provide a role model consistent with these family values. The Scout oath and the Scout law are not up for sale."

Fact. God bless Mr. Lewis. He laid it on the line against an insane assault on family values. He is a credit not only to the Boy Scouts and to Scouting, but to the entire Nation. With courageous leaders like him, it is small wonder that almost half of the American boys between 7 and 10 join the Cub Scouts, and that 20 percent of them go on to join the Boy Scouts, for ages 11 through 18. The Scouts, founded in 1910, have about 4.3 million members and 1.2 million adult volunteers nationwide.

Now, then, as for the absurd charge of discrimination—the allegations that the Boy Scouts were discriminating against somebody—the Scouts say that they will admit any boy who agrees to abide by the Scout oath and the Scout law. But that is not good enough. Oh, no. The Scout's opponents insist that the Scouts must allow homosexuals in as Scoutmasters, and they have to tear up the oath and the Scout law because that has something to say about God.

The Scout law states: "A Scout is Trustworthy, Loyal, Helpful, Friendly, Courteous, Kind, Obedient, Cheerful, Thrifty, Brave, Clean, and Reverent."

The Scout oath says "On my honor as a Scout, I will do my best to do my duty to God and my country and to obey the Scout law; to help other people at all times; to keep myself physically strong, mentally awake, and morally straight."

How many times have I said that at a Scout meeting? I had to read it today. But I knew it by heart back then.

These are the values that were—and still are—under assault out in San Francisco. And there is no question about who was one of the leaders, if not the leader. They tried to cover it up. They give you all of this stuff about, well, "TRENT LOTT did not tell the truth," or "that was misleading." Oh, no. Senator LOTT did not mislead anybody, except in one instance, and that was accidental. He was informed that a statement published in the San Francisco paper was an editorial when, in fact, it was a letter to the editor. Oh, what a terrible mistake that was.

I was present when this lady was before the Banking Committee, and I listened when she was asked about the Scouts. She essentially said, "I do not remember." Anybody who believes that, I want to sell them a little swampland down in eastern North Carolina. "I may have done that," she said. Well, of course, she did.

Of course, she did. And hardly any Senators were at the Banking Committee meeting at that time. And they did not have the stomach to question her further, except for Senator FAIRCLOTH from North Carolina who did ask her a question or two about the Scouts.

It was a love-in. I wish you could read the statement that the chairman made just like it was a time for celebration that the President of the United States has crossed a line and has nominated a lesbian for high Government office. Sure he did. He received all the money from them.

Mr. President, I think the world of Bill Murchison down in Texas. He is a great newspaper man. He writes well. He is the kind of fellow that writes so well that I say, "Gee, I wish I could write like that." He wrote "What is strange and frightening is that critics of the Scouts should try to ram their ideals down someone else's throat." And that is it, that is the meat of the coconut. The homosexual community is trying to ram their way of life down someone else's throat.

"The Scouts are not seeking to transform their critics," Mr. Murchison says, "but nevertheless their critics want to remake the Scouts through lawsuits and funding cutoffs."

Bill Murchison is right on target in pointing out the real bigots in this situation. The people who are so sanctimonious who say: "Look at that bigot over there. He is standing up for the Boy Scouts." You are cotton-picking right. As long as I live I will stand up for the Scouts and the values they stand for in turn.

I will make one observation and I will yield the floor, because I see at least two Senators who want to speak and I will be back. But I am thinking about having a closed session of the Senate, and any Senator can request it, as the distinguished occupant of the Chair knows, and I want Senators to see a little piece of film that was taken about a year ago in San Francisco when the Gay Pride Week Parade rolled through the streets of San Francisco. That is what this issue is. It is not about all this stuff—she is a law professor or has been a law dean or whatever—but how has she acted in public.

How has she conducted herself in public office? It does not matter how many letters of recommendation she has that have been read into the RECORD with great gusto this morning. Heck, I could go out and get 500 letters of recommendation myself this afternoon from people I do not even know. And that may be exactly what happened in her case.

Mr. President, thank you. I yield the floor.

Mrs. BOXER and Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I would like to take this time to thank President Clinton and to say that I am pleased to be here again on behalf of his nominee.

I want to clear the record on something that was just said by my colleague from North Carolina when he said that there were violations of the Senate rules here today. I want to make it clear that there was absolutely no violation of Senate rules here today.

What happened today is that I read into the RECORD a response from Mayor Frank Jordan to some statements that were made on the floor which hinted that Mayor Jordan did not support Roberta Achtenberg. Mayor Jordan cleared the air. He sent out a very strong press release filled with indignation. He did not agree with Roberta Achtenberg on everything she has ever done. No two people agree on everything. But he wants his position clearly understood.

So I asked that we place his statement into the RECORD. Then I read into the RECORD, word-for-word, an edi-

torial by the San Francisco Chronicle, because it was implied here yesterday that the Chronicle opposed Roberta Achtenberg for this Assistant Secretary position. That simply was not true.

Yesterday, a statement was read that made it look like the Chronicle editorialized against Roberta Achtenberg. That was not true. So that newspaper—which has a Republican editorial board and endorsed George Bush, and did not endorse this particular Senator—came out very strongly today for Roberta Achtenberg.

At that point, my friend, the Senator from Mississippi, suggested that those documents not be placed in the RECORD. I objected to that. We had a conversation. But in the interest of comity in the U.S. Senate, I agreed. I agreed, and those documents were removed from the RECORD. But I do hope everyone will read them because they are very fitting and very proper to this debate.

So let us be clear. There was no violation of the Senate rules here today.

Senators may disagree on this nominee, but let us not put into the RECORD a statement that there was a violation of the rules by any Senator, because there was not any such violation.

Mr. NICKLES. Mr. President, will the Senator yield?

Mrs. BOXER. I am happy to yield.

Mr. NICKLES. I inquire for time purposes, does the Senator know how long she will be talking?

Mrs. BOXER. I would say about 10 minutes or so.

Mr. NICKLES. I thank the Senator.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, the Senator from North Carolina held up a newspaper and read a couple of the headlines. But I would say, what does that have to do with the qualifications of Roberta Achtenberg for this position?

The Senator has invited people to see a film. I asked some of my colleagues who saw that film, did the film have anything to do with Roberta Achtenberg and her qualifications for this position? And they said "no."

So you can hold up a newspaper. You can invite people to see a film. But tell us why you believe this woman is not qualified.

And when you cut through it, there appears to me to be only one reason. There are Senators who do not approve of her private life, and that is the issue here.

I think it is important for us to focus on qualifications, to focus on the fact that this is a woman who graduated from college with honors, from law school with honors, was a dean of a law school, and a civil rights attorney.

My friend, the Senator from Mississippi, said this morning that she is not a passive attorney. I agree. I do not think you want a passive attorney in this kind of a job. I do not think you ever want a passive attorney if you want someone to fight for you and win your case and make your point, especially in the area of housing discrimination.

So you can hold up a newspaper and make innuendoes about a film. But the issue is what are her qualifications?

There was an innuendo made here today that somehow Roberta Achtenberg was not concerned about the spread of AIDS, and I would like to read into the RECORD at this time a letter from Dr. David Soffa, who is the president of the San Francisco Medical Society.

Mr. President, this is not innuendo. This is not gossip. This is not private life. This is about Roberta Achtenberg, a public official, and this is what Doctor Soffa says.

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 Assistant 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 welcome and productive addition to the federal government. During her tenure as Supervisor, we had numerous occasions to meet and confer with Supervisor Achtenberg on matters affecting health care in San Francisco. We found her to be well informed on the issues and balanced in her approach. It was a pleasure to interact with her and always felt that we got a fair hearing, even when she disagreed with the positions we advocated. We found her to be a strong advocate 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 Executive Director Susan Waters if we can provide additional information in support of her nomination.

The Senator from North Carolina can say that this kind of a letter means nothing. He can demean the support that she has earned hour after hour after hour. He can say people wrote letters just because they were asked and they did not know her.

And I will say to the Senator that that is unfair, that the most precious thing we can give to a person is our endorsement.

Now, maybe the Senator knows people who will sign letters but not care, but to the people I know it is a symbol of who they are. When they sign a letter it means something.

So to demean not only Roberta Achtenberg but also the people who wrote letters on her behalf is really not proper in my view in this Chamber.

And the reason I mention them again and again is because I am making the point that Roberta Achtenberg is supported by the mainstream. This is not someone who had dedicated her life to the fringes of our society.

This is a respected individual who happens to have a lifestyle that may be different from other peoples' lifestyle, but in her public life, Mr. President, she is mainstream.

We have letters from the California congressional delegation; from the Pacific Stock Exchange chairman; from the Democratic Leadership Council; from the Shorenstein Co.; Stanford Law School; city of Baltimore, State of California; National Fair Housing Alliance; members of the California Legislature; Texas Commission on Human Rights; New College of California, San Francisco; Church of St. Paul of the Shipwreck; East Palo Alto community law project; Fair Housing Council of Greater Oklahoma; Fair Housing Contact Service of Akron, OH; Glide Memorial United Methodist Church in San Francisco; San Francisco Human Rights Commission; Fair Housing Council of Orange County; the San Francisco lawyers; California Americans With Disabilities; Baltimore Neighborhoods Incorporated; Hotel Employees and Restaurant Workers; Housing Opportunities Made Equal; the Bar Association of San Francisco; the United Way of San Francisco; Religious Action Center of Reform Judaism, Washington, DC.

As I said before, the San Francisco Medical Society, from the president; from partners in very respected and large law firms, Pillsbury, Madison & Sutro; Folger & Levin; and from the president of the Community Investment Corp.

I do not think it is right to demean this nominee and the people who put their names on the line for her. You may disagree with a person, you may disagree with her views, you may challenge her qualifications. I think that is all fair.

But to say that the people who wrote letters for her do not really care, or to imply that they do not really care, is absolutely outrageous.

Now, I want to talk about the Boy Scouts again, because this is a red herring that keeps coming back. And I want to put the facts our here.

The United Way of the Bay Area, of which Ms. Achtenberg is a member of the board of directors, has an antidiscrimination policy whereby funding is made available only to organizations that do not discriminate on the basis of a number of factors, one of which is sexual orientation. That antidiscrimination policy was in place before Ms. Achtenberg joined the board of directors.

Roberta Achtenberg did not somehow induce the board of directors of the United Way of the Bay Area to suspend funding to the Boy Scouts of America. After a study taken over several months' time, a task force of the United Way's board of directors, which Ms. Achtenberg did not participate in, determined that the Boy Scouts were in violation of the United Way's antidiscriminatory policy. On Feb-

ruary 20, 1992, by way of a unanimous, 34–0, vote the board of directors suspended funding for the local chapters of the Boy Scouts due to their explicit discriminatory policy. Ms. Achtenberg voted "yes," as did David M. Chamberlain, chairman, president, and CEO of Shaklee Corp.; Stanley T. Skinner, president and CEO of Pacific Gas & Electric Co.; George M. Keller, former CEO of Chevron Corp.; Lois Callahan, chancellor-superintendent of the San Mateo County Community College District; Osamu Kimura, CEO of New United Motor Manufacturing, Inc. [NUMMI]; James McCray of Jones United Methodist Church; Catherine Shen, associate publisher of the Marin Independent-Journal; James M. Cunha of Arthur Andersen & Co.; Arnold X.C. Perkins of the San Francisco Foundation; Walter L. Johnson of the San Francisco Labor Council; Terrence J. Murphy of TRI Realtors; Stephen Graham of Kaiser Permanente Medical Center; among others.

Roberta Achtenberg did not somehow induce three of the Bay Area's largest corporations to suspend funding to the Boy Scouts. Acting without Achtenberg's knowledge, let alone at her direction, the Bank of America, Wells Fargo Bank, and Levi Strauss Corp. all announced their intent to suspend funding to the Boy Scouts until it altered its explicit discriminatory policy. The action was taken because the organizations believed they were doing the right thing, not because one San Francisco supervisor twisted their arms.

And I might say, Members of this body might very well disagree with these corporate leaders, with these executives, with Supervisor Roberta Achtenberg, and that is fine. But to say that Supervisor Achtenberg forced these very intelligent, powerful corporate leaders to vote a certain way simply makes no sense at all.

They took the action because they believed it was the right thing to do. And I would read into the RECORD what Bank of America did say when it took this action.

> Bank of America adheres to the principle that all persons shall have equal opportunity and access to its facilities, activities, and employment without regard to race, color, religion, sex, age, national origin, handicap, marital status or sexual orientation.
>
> Based on this policy, we believe it is inappropriate for Bank of America to make charitable contributions to any organization that discriminates.
>
> The bank has been a long-time supporter of the Boy Scouts and admires the vital role the organization plays in our communities. However, the bank's long-standing non-discrimination policy precludes us from continuing charitable contributions to any organization that discriminates against a class of people based on sexual preference, rather than personal conduct.

Now what happened was the Bank of America reversed its stand when they were sure the Boy Scouts had changed their policy. And that is when the controversy deepened, because the Boy Scouts then said, "No, Bank of America is wrong. We did not change our policy."

So, the issue here is one that people could feel differently about. Some people think it is OK to discriminate on the basis of sexual orientation; others do not.

The United Way of the bay area does not think that is appropriate and states this in its charter. The board of directors voted 34 to 0 and Roberta Achtenberg was included. So to say that this was her idea and her impetus and she was the one behind all of this simply is either saying that she is a super woman or that you do not believe that these very powerful men and women in the community on this board of directors have a mind of their own. And, believe me, I come from that community. We are involved in our community and we have minds of our own.

So let us keep our eye on this prize, which is this: Is this woman qualified? Does this President have a right to nominate a qualified woman, whatever her personal life may be?

Mr. President, I think that this Senate understands the issue. That is why, with all this publicity and waving around newspapers and the rest, I do not see too many Senators involved in this debate.

I think this U.S. Senate is ready to vote on this nomination. We have many other things we need to do. We have other nominations we need to pay attention to. We have campaign finance reform. We have an economy, Mr. President, that needs our attention.

So I agree with the senior Senator from California who said it so beautifully today: Enough is enough. All we are doing now is tearing down a good woman, a woman who is highly qualified. This does not help our country.

So I hope we will get on with this vote, confirm Roberta Achtenberg, and get to the business at hand.

I yield the floor.

Mr. NICKLES. Mr. President, first, I would just like to make a comment concerning the rules of the Senate. Rule XIX states:

> 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 of a Senator.

Mr. President, I have listened to some of this debate. And I will tell you, in my opinion, this Senator's opinion, this rule has been violated.

I am not going to ask for a ruling of the Chair, but one can review the transcript, if it is not altered, I think it is clear that rule XIX has been violated this morning.

I have a couple of comments about the nominee, Roberta Achtenberg. But first, I might mention that this Senator is concerned not just about Roberta Achtenberg, but also about President Clinton's fulfilling certain campaign promises to individuals who are very active in the homosexual community. Because I think that is the genesis of what we are debating today. Whether we are talking about actions dealing with gays in the military, or change in immigration policy which would allow HIV-positive people to come into this country, I think this body should be aware that these issues were campaign promises made by President Clinton. These are important issues. They are sensitive issues. They are difficult issues that we have to grapple and wrestle with as a country.

On the subject of HIV-positive immigrants, the Senate and the House have acted and now are in the process of acting in conference on the National Institutes of Health reauthorization bill that will continue the ban. It will continue classifying HIV-positive people as we have in the past.

President Clinton made promises to these groups—an example is gays in the military. My guess is Congress will act on that and probably restrict the President from fulfilling that campaign promise. He also promised he would like to have a number of active people in the homosexual community high level positions in his administration. I guess that is where we are at today, when we see the nomination of Roberta Achtenberg for this high position in the Department of Housing and Urban Development.

I have a couple of comments on her nomination. Is she qualified? I have heard people state on the floor she is very well qualified. I have heard others say she is minimally well qualified. I would like to note, that there are those who feel she is not qualified. According to a February 6, 1993 article in the Washington Times, a letter was sent to HUD Secretary Cisneros in which 40 civil rights groups urged him to appoint someone with an extensive background in fair housing litigation experience. Ms. Achtenberg admittedly lacks that experience. I will read this quote from that same article by Ms. Achtenberg.

"I am not a fair housing expert by a long shot," said Ms. Achtenberg, a founder of the National Center for Lesbian Rights. "I have done public interest law, and in my capacity as a county supervisor I have dealt with housing issues, but I am not a fair housing lawyer."

There are other problems with Ms. Achtenberg's nomination which concern me. Let us look at some of those problems.

Mrs. BOXER. Will the Senator yield to me on that?

Mr. NICKLES. No, I will not yield. I have waited for about 20 minutes to speak and I would like to complete my remarks.

Mrs. BOXER. I yielded to the Senator when he asked.

Mr. NICKLES. I will conclude my comments, and then I will be happy to yield.

Mrs. BOXER. OK.

Mr. NICKLES. Mr. President, the problem I have is one of tolerance. I have heard people state we should show tolerance, and I do not disagree with that statement. But I am looking at several of the things that Ms. Achtenberg has done, and I see a pattern of intolerance. This intolerance has appeared in her efforts to be a very strong advocate for her lifestyle and trying to influence other groups to share her beliefs. The Boy Scouts have come up in the debate today. I have listened to my friend and colleague from California, but I am not sure the whole story was stated on the Boy Scouts issue, or Ms. Achtenberg's role to defund the Boy Scouts, both in the United Way, and then as a city council member by putting pressure on corporations that did fund the Boy Scouts.

As a supervisor, Roberta Achtenberg sponsored a resolution which was passed and then vetoed by the mayor that called upon the city of San Francisco to withdraw $6 million in municipal deposits from the Bank of America because the bank gave money to the Boy Scouts. The Bank of America had originally decided not to fund the Boy Scouts. A lot of people spoke out and indicated to the bank that they should. The bank changed their policy.

At that point, Supervisor Achtenberg sponsored a resolution that was later vetoed by the mayor which would withdraw the city's deposits from the Bank of America because they wanted to fund the Boy Scouts.

I see that as a radical position, trying to mandate her intolerant beliefs on an organization I believe has done a lot of good throughout this country of ours, the Boy Scouts. So she was not just 1 of 33. She was not just a board member, just trying to comply with United Way rules. As a supervisor, she said, "Let us use the power of the purse of the city of San Francisco, or the county, to punish a group which others have chosen to support."

I support the Boy Scouts. I imagine many people in this room do, as well. I do not think we should try to mandate that the Boy Scouts change their policies. I think the Boy Scouts have good policies. They want to have good role models. Is it really right for leaders—and as a supervisor, Roberta Achtenberg is a leader—for her to try to mandate this change of policies by major corporations, by the city or county of San Francisco? I think not.

There is the issue of being forthright. I happened to read part of the transcripts before the Housing Committee. Let me just say, her responses to questions that were asked by Senator FAIRCLOTH and others were certainly not the whole story. That bothers this Senator. Maybe it does not bother other people.

There is the issue of temperament and judgment. An example of this is Ms. Achtenberg's involvement in the homosexual bathhouses. In 1984 and 1985, Mayor FEINSTEIN, now our distinguished colleague from California and other city health official's wanted to close the homosexual bathhouses because they were incubators for AIDS. They were killing people.

Roberta Achtenberg took it as a civil rights cause and said we should not close these bathhouses. I am afraid the net result was lost lives.

There is an article in today's Washington Times entitled "Safe-sex campaign fails to slow HIV infections." It talks about San Francisco.

I ask unanimous consent to have this printed in the RECORD.

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

[From the Washington Times, May 20, 1993]

SAFE-SEX CAMPAIGN FAILS TO SLOW HIV INFECTIONS

(By Valerie Richardson)

SAN FRANCISCO—Aggressive AIDS-education campaigns have failed to reduce the number of young homosexual men who contract the disease and engage in risky sexual practices, according to a study released yesterday.

An extensive report by the San Francisco Department of Public Health found that the HIV-infection rate among homosexual men ages 17 to 22 has not budged in three years. In the survey of 474 young men in the Bay area from 1992-93, 12 percent were found to be infected with the human immunodeficiency virus, which causes AIDS.

In the department's 1990-91 study, the figure was virtually the same—12.1 percent.

The 1993 survey also found that 33 percent of those who tested HIV positive said they had engaged in unprotected anal sex in the last six months, about the same percentage as in the earlier study.

After hearing the findings, the San Francisco Health Commission voted to target more education and prevention funds to programs that focus on youth.

"They are pretty alarming results that really demand us to rethink how we are attacking this situation," said San Francisco Health Commissioner Paul Resentiel. "Whatever we're doing is obviously not stopping infection."

Critics of traditional AIDS-education efforts, which emphasize the dangers of unprotected sex and advocate the use of condoms, said the study underlines what they have been saying for years: There is no such thing as "safe sex" and the only way to avoid becoming infected is abstinence.

"The results don't surprise me, sadly," said Shepherd Smith, president of Americans for a Sound AIDS-HIV Policy in Herndon. "We're now a decade into the epidemic, and what we've learned is that AIDS education creates great awareness but very little behavioral change."

Critics said the survey also shows the dangers posed by the revival of the city's group-sex parlors, once known as "bathhouses" and now referred to as "safe-sex clubs." Since being outlawed by the city in the mid-1980s, the clubs have reappeared but with a twist—they now come with monitors who are supposed to check to make sure everyone is wearing condoms.

Even so, the clubs have been criticized as breeding grounds for sexually transmitted diseases. But Tom Reynolds, an organizer of the San Francisco chapter of AIDS Coalition to Unleash Power (ACT-UP), disputed that theory.

"The goal in bringing those back was that people realized that in any behavior there's the potential for relapse," said Mr. Reynolds. "The goal was to have sex in a controlled environment, where they could get people to use condoms."

The study released yesterday found that young black homosexual men had the highest rate of infection at 21.2 percent. Hispanics were next at 9.5 percent, American Indians at 8.3 percent, whites at 8.1 percent and Asians as 4.2 percent.

"The high rates of HIV infection especially among African-American youth, and the high rate of sex behaviors among young men having sex with men in all ethnic groups indicates that the department needs increased prevention campaign and outreach specifically focused on youth," said Dr. Mitchell Katz, director of the Public Health Department's AIDS office.

Mr. NICKLES. Basically, Mr. President, it says: The facts are, these bathhouses, now referred to as safe-sex clubs—

Since being outlawed by the city in the mid-1980's, the clubs have reappeared but with a twist—they now come with monitors who are supposed to check to make sure everyone is wearing condoms.

Even so, the clubs have been criticized as breeding grounds for sexually-transmitted diseases.

I could go on. I will not.

My point, is, health officials, leaders, people in the political community, and others said we should close those homosexual bathouses as a matter of good health policy. Yet, Roberta Achtenberg was leading the fight against the closure. Even when it was in the best interest of the homosexual community to close the bathhouses to save lives in San Francisco, Ms. Achtenberg continued to push her radical agenda. I will just read this:

Roberta Achtenberg, an attorney for bathhouse patrons, sought to prevent the court-ordered closing of the bathhouses. She argues: "For those who are still secretly homosexual, the baths are a sex-positive environment where they felt like human beings instead of being in the bushes. They are institutions of tremendous symbolic significance to a sexual minority."

That was quoted from the Seattle Times, February 18, 1985.

Another more recent incident which is indicative of Ms. Achtenberg's judgment, was her appearance in the gay pride parade in San Francisco. I saw part of the tape my colleague from North Carolina mentioned earlier. Supervisor Achtenberg participated in the parade. On the car, she had "Celebrating Our Family Values." She was with her partner and their 7-year-old son participating in the gay pride parade. This was reported in a February 5, 1993, article in the Washington Blade.

The Washington Post says: Many scenes of the parade are not for the squeamish.

A lot of strange things were happening in that parade. There was a group called the North American Men-Boy Love Association, a group that promotes sex with underage children and youths. What kind of environment is that to be showing a 7-year-old?

I just question maybe some of the decisions that have been made by Ms. Achtenberg. Obviously, she is committed. She is a committed gay-lesbian activist who has been very, very active in trying to promote her viewpoint.

My concern is that her adamant positions are so strong in this area that they are intolerant of other positions, such as the Boy Scouts', such as corporations that wish to fund the Boy Scouts, such as cities that wish to make public policy to save lives, like closing bathhouses. She has been so adamant in her belief and her activism that her judgment and impartiality are clouded.

And so, Mr. President, it is not with pleasure that I speak against the nomination. I do this very seldom. I cannot even remember the last time I made a statement against a President's nominee. But I think in this case, regretfully, I will oppose the nomination and the confirmation of Roberta Achtenberg, and I hope that my colleagues will do the same.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Oklahoma have items he wished to have entered in the RECORD?

Mr. NICKLES. No.

The PRESIDING OFFICER. Who seeks time?

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. Mr. President, I would like to proceed on a somewhat different note this afternoon. Frankly, I think the debate, as long as it has been, has been necessary. There are views which are very strongly held on this side, obviously, and are equally strong on the other side.

I made a speech a few days ago on the Senate floor talking about the need for a recovery of confidence; that the people in this country were desperate, certainly for help, but also for hope, and that the level of cynicism that we continue to witness is increasing. There is a so-called credibility gap, a trust deficit, as far as the President is concerned; promises made, promises broken; allegations about no new taxes that hit President Bush when he became President and then adopted taxes; and with President Clinton promising a tax cut for the middle class and then proposing a tax increase for the middle class.

So we see that there is continued cynicism about public officials; a feeling that we have not leveled with them, we have not told them the truth; that we shade the truth; that we use language which is subject to interpretation from two or three or four different sides. That, I think, contributes a great deal to the loss of confidence and the lack of hope on the part of a great many people in this country.

I mentioned that I wanted to approach this problem in a slightly different way. I want to go back to the Anita Hill hearings for a moment, and I will explain why I wish to review this particular hearing. There is a book out, apparently—I have not read it—but it now talks about the real story. I am not really interested in reviewing that entire episode, but rather I was struck by a number of things that occurred during that proceeding, controversial as it was and remains today. I remember listening to testimony that was taken during the course of the hearing and then going back and reviewing the transcript, because I was not sure that what I witnessed or heard was exactly what had taken place.

Mr. President, I am looking at page 299 of the print of the hearings before the Judiciary Committee in 1991 on the confirmation hearings of Justice Clarence Thomas. There was a colloquy, an exchange, between our colleague, Senator SIMPSON, and Judge Hoerchner, who was one of the witnesses who came before the committee.

What struck me about the testimony was that it was not forthright; it was not candid. It was, in fact, I think, designed to, if not deceive, at least to confuse, to be less than candid.

Senator SIMPSON asked that witness:

Have you ever brought a claim of sexual harassment?

Listen closely to the answer that was given:

There was an incident—

There was an incident—

of sexual harassment where I now work, and the main victim of this contained it through the internal system—

The voice in which this is presented is passive: There was, over there, an incident of sexual harassment and the main victim of this contained it through an internal system. So it is as if she is talking about somebody else over there;

and an investigation was done.

Again, a passive type of voice.

I spoke to the investigator and I wrote a statement which was not sent to the decisionmaker in that instance, because the perpetrator and his attorneys had worked out a settlement, the terms of which are secret.

Senator SIMPSON. But you were involved in that in some way?

Judge HOERCHNER. I was involved in a very minor way.

Senator SIMPSON. Well, I am not trying to be sinister. I was just thinking if you were involved in it or you were helping someone else with a sexual harassment charge, either as a counsel or friend, I am wondering why you didn't help your closest friend, Anita Hill, when she was faced with the same information, and why you didn't give her that same counsel, and that is, "Do something."

Judge HOERCHNER. You are making an unwarranted assumption.

Senator SIMPSON. I am not trying to; I am just asking.

Judge HOERCHNER. In this more recent situation——

The one Senator SIMPSON is asking about——

I did not counsel the person and, as I said, I did try to help Anita.

And it goes on.

If you listen to that testimony or if you review that transcript, it sounds as if this person was talking about someone over there, not in any way involved herself in the discussion of this particular incident of sexual harassment.

And they you turn the page and go over to page 307, which is an afternoon session, and Senator SIMPSON was somewhat, I think, concerned about the testimony, and he came back that afternoon.

Mr. President, he said:

Judge Hoerchner, I asked you if you had ever filed a charge of sexual harassment. I don't think you indicated to me that you had.

Judge HOERCHNER. That's correct.

Senator SIMPSON. I have a record from California, in Norwalk County or Norfolk County, California, that you did file a claim against a fellow judge, a man named Judge Foster. Is that correct?

Judge HOERCHNER. I was not sure how far in the proceedings that went. It was my understanding that he had negotiated a settlement. I was told that my statement was never taken up to the home office of our board, so——

Senator SIMPSON. But you did file a claim of sexual harassment against a fellow judge within your own system?

Judge HOERCHNER. I cannot say that I didn't. I did not fill out any papers. It's possible that the result of my having spoken to the investigator was taken as filing a claim within our system, and in that case it would be correct.

Senator SIMPSON. But he did eventually resign and the process of his resignation and the activities around that were rather widely publicized within that county, weren't they?

Judge HOERCHNER. The term of the settlement * * * were supposed to be secret. I am not aware of the full extent of them.

I read that and I thought, she is not being honest with the committee. She is being disingenuous with the committee, at that time. Obviously, the judge was just a witness and she was not before the committee for confirmation. I might have had an entirely different opinion had she come before the committee to be confirmed for something else. I found that kind of testimony to be really quite outrageous because it was misleading, it was not forthcoming, it was not candid, it was designed to mislead, if not deceive. That was my interpretation of that colloquy.

How does this relate to the nominee before the body today? Good question.

As I watched some of the hearings and looked at the record, there was one

section that troubled me. It has been referred to by others here, and I am sure the Senator from California will clarify it for me. I think she has before.

Let me say that I am not opposed to the nominee because she is an announced lesbian. That is of no consideration to me. Her sexual orientation is not a factor, in my judgment, and I would not impose that as a criterion.

What I am concerned about is on page 93 of the confirmation hearing record—let me just read it. I am sure it can be clarified, but let me just explain my concern because it struck a chord within me that sent me going back to the confirmation hearings of Clarence Thomas.

Senator FAIRCLOTH asked a question:

You're not sure what?

Ms. ACHTENBERG. I'm not sure what the question is.

Senator FAIROLOTH. The question is, did you vote, urge the San Francisco School Board to prohibit the Boy Scouts from using school facilities?

Did you urge the San Francisco School Board to prohibit the Boy Scouts from using school facilities?

Ms. ACHTENBERG. I may have.

Senator FAIRCLOTH. You may have?

Ms. ACHTENBERG. I'm not, I'm not, I am not currently recalling the precise incident that you are describing. It does not sound like something I would not have done, but I don't recall having voted specifically for that measure.

But it's quite possible I did.

I think a fair observation would be that you could read that two ways. No. 1, why would she not be familiar with that particular incident? After all, if you are going to deny the Boy Scouts access to public school facilities, that is something that fairly controversial, something you would not easily forget especially since, in this case, it occurred as recently as 1991. For those of us who have served in public office at the local level, be it on a city council, on school boards, or as county supervisors or prosecutors, we are very, very familiar with controversial issues, and they are not easy to forget.

So you could say, is it being quite candid with the committee if you cannot recall an incident in which you would have voted to deny the Boy Scouts having access to the public school system? But Ms. Achtenberg said, "I don't recall." And it may very well have been she could not recall the precise incident.

Mrs. BOXER. Will the Senator yield on that point.

Mr. COHEN. She said: "It's quite possible I did."

Mrs. BOXER. Because I think I can clear up this matter.

Mr. COHEN. I think the Senator can. Let me finish. She said: "But it's quite possible that I did."

In that sense, she said I do not know. I may have. It is quite possible I did.

Senator FAIRCLOTH. Well, Ms. Achtenberg, if you don't know, who should I ask?

Ms. ACHTENBERG. Again, on the basis of the ambiguous characterization that is, that you've just read from, that I am hesitating.

If there had been such a measure before the board, which I do not currently recall that there was, but had there been such a measure it's quite conceivable that I would have voted for it, Senator.

There she is saying she does not recall, it might have been, and it is quite conceivable that she might have voted for it.

Fair enough. You can come out on that point and add, "OK, that's being quite candid."

What troubles me is her statement, on the one hand, that she does not recall, does not remember that incident, but at the bottom of page 94 she says:

I believe the question that was at issue there was whether or not they would be given access to the classroom during school time.

So, on the one hand, she indicated she was not quite familiar with the issue, does not recall it. About three or four or five paragraphs later she knows precisely what the incident was. So she did recall it. And that is what caused me to raise some questions because she goes on to describe it in some detail:

A whole host of people have the opportunity to use school buildings after school. The issue there was whether or not they were entitled to use the school building and to teach in the classes, given that they are an organization that has avowed principles of discrimination, is what I believe what was at issue there, Senator.

It goes on. I was troubled by the fact that initially she did not seem to recall what the incident was, and she may have voted for it and it certainly would be consistent with her pattern of voting, but then moments later recalled it specifically.

Now, the clarification from the Senator from California, I believe, is this, that she did not vote for it, because she was not on the council, or the board, at that particular time. That is my understanding. So, in fact, what she was saying is that she was not familiar with the incident, although she described with some particularity what the incident was, and does not recall having voted for it because, my understanding is now, she could not have voted for it because she was not on the board at that time. is that correct?

Mrs. BOXER. Not exactly, I say to the Senator, if I may explain it.

Mr. COHEN. Will the Senator clarify it?

Mrs. BOXER. Senator, in California there is a different situation where the board of supervisors has no legislative control over the school board. The school board and the board of supervisors are completely separate bodies. In other words, the school board has its own board members. Roberta Achtenberg was not on the school board. And I think if you read the transcript carefully—and I was there, and I watched her as she struggled with her answer. And the reason she struggled was because she was being honest with the Senators and realized that maybe there was a resolution asking the school board to consider this.

As it turned out, when she searched the board of supervisors record after the hearing, there never was any such resolution. But I would say to my friend, my good friend—and I absolutely respect his being here today, and I absolutely believe him when he says he is very interested in the credibility of this person—that if Roberta Achtenberg really wanted to duck this whole thing, she would not have gone on. But her memory was jogged by the issue, and she then recalled the fact that perhaps the school board was considering it at the time.

But she, not being on the school board, had absolutely no control over the use of those facilities. And the only connection there could have been was if the board had made a resolution asking the school board to consider it, which she thought was possible. She then checked and found out that the board of supervisors never had any such resolution.

So I would say to my friend, that as she recalled the issue and she went on, she was not disingenuous on her part. The issue was recalled. She gave the best answer she possibly could. Then after the hearing—and I have to tell you, and I am very proud of this, the committee voted 14 to 4 and we had many Republicans vote for Roberta Achtenberg—she checked and found out that in fact she was not involved in that issue.

Mr. COHEN. Let me say to my friend from California I do not approach this on a partisan basis.

Mrs. BOXER. I know.

Mr. COHEN. I have indicated before that the fact that she has a sexual orientation that is not followed by a majority of people in this country would not, in my opinion, be a disqualifying characteristic. I have ordinarily deferred to any President even though I might personally object to an individual being nominated for a particular position. I almost always have deferred—and I cannot think of any exception offhand where I have not—to a President who is entitled to his or her nominee, provided they possess the qualifications and the character to serve in that position.

As I have indicated before, the fact of one's sexual orientation should not be a disqualifying factor. I do have some concerns about the vigor with which she appears to have pursued the Boy Scouts in terms of their policy of not allowing announced or avowed homosexuals to serve as Scoutmasters. That is something that is troublesome to me. But nonetheless, I have not yet reached the point where I think that will be a disqualifying factor since she will not be occupying a position that would allow her, in my judgment, to become an active advocate for her own ideological purposes. And ultimately,

of course, if she were to do so, we would hold the President fully accountable. If a majority of the American people feel that she has engaged in activities that are unworthy of the office or contravene their principles as such, then I think we would simply hold the President of the United States accountable at both the next congressional election and also at the next Presidential election.

So I thank the Senator for clarifying that issue.

Mrs. BOXER. If I might just say to the Senator how much I appreciate that he remains openminded on this nomination. And on his last point, it is an issue of great importance to all of us that we do not confirm people for the position of Assistant Secretary, or as Cabinet members, if they have a special agenda and they are going to push that agenda. Their responsibility is to uphold the law, not to make new law. That is our responsibility, and the President's.

So, I must inform the Senator that Supervisor Achtenberg, when questioned by Senator BOND on this very point—and he was thorough and asked the question very well—responded that she was there to enforce fair housing laws, not to push any envelopes.

Mr. COHEN. As the Senator knows, we may pass laws but the regulators are the ones who really do, in fact, enforce them, many times in a way that is completely inconsistent with the intent and scope of the laws that are passed. So it is something that we will have to watch very closely. And I think all of us, whether the nominee is confirmed or rejected—and I assume that she will be confirmed—will hold the President fully accountable for any actions that his nominees take.

I thank the Chair.

Mrs. BOXER. I thank the Senator.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER (Mrs. MURRAY). The Chair recognizes the Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair.

Madam President, I rise to speak in favor of the nomination of Roberta Achtenberg to be the Assistant Secretary of Fair Housing and Equal Opportunity.

Madam President, this nomination has obviously engendered an awful lot of emotion and strong feelings, and, I suppose, though at times it is regrettable, it is understandable in this case. Because of that I wish to step back just briefly and make a statement about the perspective which I bring to this nomination.

I think it is always important to indicate how we interpret the power of the Senate under the advice-and-consent clause. I think it is critically important to say here, as I said several times during the last administration when I voted for nominees of President Bush, that the question is not whether each Member of the Senate would themselves make this nomination, because, after all, that is not our function. That is the responsibility and in a sense the opportunity of the President. That is why the President was elected.

It seems to me that our responsibility under the advice-and-consent clause is to determine whether the nominee is acceptable, suitable for the position for which nominated. Clearly, on that test, on that standard, which I believe is the appropriate one, just as I did, as I say, at several times during the Bush administration, I believe Roberta Achtenberg is more than qualified for the position of Assistant Secretary of Fair Housing and Equal Opportunity.

Madam President, I do understand some of the emotion, although again I say it is regrettable, that has been engendered by this nomination because it does touch, as so many nominations and issues here do, values, both national values and in this case I think personal moral values, if I can put it that way, political values.

In that sense, I think it is important to say that I come at this nomination from the perspective which I believe deeply to be the first principles of our Nation, some of the values that motivated those who came here to create America. I think none is more fundamental than the notion of the Framers of the Constitution, the Founders of this country, who were God-fearing people, in fact, many of them feeling quite sincerely and deeply that they were doing God's work by coming here to what many of them referred to as a new promised land. And, based on that belief that is critical to the government they were forming, was the value of the individual as a creation of the Almighty and deriving from those principles a fundamental belief in equality, but not just equality, equality of opportunity. And implicit in that and fundamental to what it has meant to be an American over the couple 100 years plus since then, is tolerance of differences, not imposing official religions or official forms of life, if you will, so long as they are not contrary to law.

It is obvious, as you look back over the history of our country, that the values that were inherent in its founding, noble as they were, embracing the spirit of the enlightenment that was brought over from Europe, nonetheless were not fully realized at the outset of the country. In some measure the history of our country is a history of trying to realize in law and in practice the great principles of tolerance, of equality, and equality of opportunity.

Obviously, at the outset of our Government, racial minorities were excluded from participation in anything approaching citizenship. Women were excluded for most of our history, in fact, on something as fundamental as the franchise. So, over time, we have attempted to do better at realizing those first principles of our Government.

In our time, we have done that with regard to nationalities; we have done it with regard more recently to AIDS when it comes to discriminating against people because of AIDS when there is no real basis for discrimination.

In our time, the question that those of us in Government and our society generally are being confronted with is dealing with the question of discrimination based on sexual orientation and determining the extent to which these first principles of our Government, the founding principles of equality, of equality of opportunity, of nondiscrimination should apply in the case of sexual orientation.

That is not explicitly on the line in this nomination but it is, in my opinion, implicitly on the line. This question of discrimination based on sexual orientation is in some ways like the earlier questions of discrimination based on race or gender, but in some ways they are quite different because they do involve some fundamental views of one's person, some fundamental values, traditional family values. In fact, in one sense, in a personal sense, I might say, they go back to the Bible. They go back to Leviticus. It is what makes this not only a difficult and, at times, heated discussion, but a very important one to try to resolve appropriately and consistent with the values that underlie our Constitution. All of that which I have discussed is present explicitly and implicitly in this debate on the nomination of Roberta Achtenberg.

I think it is very important as we decide, each of us, how to vote that we make clear what this is, what this nomination and confirmation process is, and what it is not. It is not, in my opinion, a vote on whether we approve of homosexuality or we take the homosexual lifestyle to be the equal of the heterosexual lifestyle. It is not a vote of whether we approve of everything that Roberta Achtenberg has ever said or done in her career unless we can make a link between the things she has said and done and the qualifications necessary to fill this particular position for which she is nominated, Assistant Secretary for Fair Housing and Equal Opportunity.

No, Madam President. This vote is a vote on whether Roberta Achtenberg can do this job.

In another sense, it is a challenge to us as to whether we will let her do this job for which she has been nominated regardless of her sexual orientation. In one sense, this nomination raises the question of whether a person who is otherwise qualified to fill a job should be denied that job because of her sexual orientation.

I answer that strongly in the negative. She should not be denied that opportunity.

I also say that it would be inconsistent with the kinds of fundamental American values and principles that I have talked about to deny a person a job for which she is qualified because of her sexual orientation, which is essentially a matter of privacy and certainly does not affect her ability to perform the responsibilities of the position for which she has been nominated.

Madam President, I say again, this is not a vote on whether a Senator accepts homosexuality, approves of it, accepts it as the equal of a heterosexual lifestyle. I do not. It is not a vote on whether I agree with everything Roberta Achtenberg has ever said or done. I do not. But it is a vote on whether I find her to be qualified to fill this position, and I most assuredly do.

Madam President, Roberta Achtenberg has a distinguished history of government service. She is very well prepared for the responsibilities of this position. And as she stated at her confirmation hearing, she fully understands that her responsibility as the Assistant Secretary for Fair Housing and Equal Opportunity is to ensure that existing laws are properly executed, not to make new laws.

Madam President, I had the honor of meeting Roberta Achtenberg about a year ago when we both served as members of the drafting committee for the Democratic Party platform. In that experience I was extremely impressed with her obvious intelligence and her commitment to principle. I was particularly impressed with her ability to find common ground. That is a quality that some people would, in listening to some of this debate, be surprised to find in Ms. Achtenberg.

She is a coalition builder. She is not only bright and principled, she is practical. She wants to make the Government work. She has had an extraordinary career in public service and extensive experience in both the areas of housing and civil rights, which are the specific jurisdiction of the position for which she is nominated. She is a very able lawyer, who understands what is involved in litigating discrimination issues. She brings a wealth of experience to this job, as well as a passionate commitment to justice and equal opportunity, which I say, again, are the hallmarks of this country of ours and, in many ways, are what is on the line in this vote on her nomination. And that is why, Madam President, I will vote to confirm Roberta Achtenberg to serve as the Assistant Secretary for Fair Housing and Equal Opportunity.

I yield the floor.

Ms. MOSELEY-BRAUN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Ms. MOSELEY-BRAUN. Madam President, I would like very much to respond, first, to some specific allegations and statements that have been made regarding this nomination, and then also, to raise what I believe is really the quintessential issue that has given rise to all of this debate.

In the first instance, one of the most recurring questions that has been talked about on this floor has to do with Ms. Achtenberg's response to the Boy Scouts. There has been conversation and misinformation and debate surrounding the Boy Scouts to the point that I think the casual observer would almost think she was running for the presidency of the Boy Scouts. The fact of the matter is, this has to do with the nomination of Roberta Achtenberg to be an Assistant Secretary of the Department of Housing and Urban Development, and the Boy Scout incident relates to a single act taken in her official capacity when she served as a member of the board of directors of the United Way in California.

So in that regard, I think probably the single most telling refutation of this whole Boy Scout business is a letter from Mr. Elbert Hill, a member of the United Way Boy Scout Task Force. I would like to read this entire letter, because I think it is significant, and I think it really puts a light on a lot of the histrionics and misinformation we have heard about this issue.

This was sent to George Mitchell, dated May 19, 1993:

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 organization, 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 defunding.

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.

Madam President, I think following Senator LIEBERMAN and his reasoned remarks, and this letter, which comes from a person who was there, who was involved—I would like to share my own experience with this nomination. As a member of the Banking, Housing and Urban Affairs Committee, that was the committee that the nomination originally came through, I had an opportunity to listen to Ms. Achtenberg, to be a part of that initial hearing that considered this nomination and recommended it to the entire body.

In response to one of my other colleagues, who I know has, in my experience, always taken a reasoned position on these kinds of issues and nominations and confirmations, I can say, without equivocation, that I found Ms. Achtenberg to be very, very credible. I found her answers direct. Questions were raised that, quite frankly, anybody would have trouble just remembering after a long period of time. But she answered the questions. The transcript will show that she answered the questions, and where she answered the questions and there was a discrepancy—I think there was one instance that I would like to refer to—it was clarified later.

There was, in fact, specifically the question on the Boy Scouts. Here we go again. You would think she was running for presidency of the Boy Scouts. In committee, she was asked: "Did you not support expelling the Boy Scouts from public buildings? Her response: "No, Senator, I did not." In fact, she never did. The San Francisco Board of Education, which is an independently elected governing body, were unified on the vote on the Boy Scouts using their facilities during school hours.

So the point is, the record was checked; if as a member, of the San Francisco Board of Supervisors, she had ever voted to throw Boy Scouts out. After a thorough search, it was found that the San Francisco Board of Supervisors never voted on any such issue.

So here is a woman who, in a difficult hearing and setting, and in spite of all of the accusations being thrown at her, has answered questions to the best of her ability. I found the answers credible. The members of the committee found her credible and, in fact, she was voted with a 14–4 vote to confirm her nomination.

I want to go one step further, and take a look at others who have found her credible. I am going to read into the RECORD not all of the letters, but some of the names of the organizations and individuals who have enthusiastically supported Roberta Achtenberg's nomination:

Members of the California congressional delegation; chairman and chief executive officer of the Pacific Stock Exchange Co.; president of the Democratic Leadership Council; the chairman of the board of the Shorenstein Co.; the dean of Stanford Law School; the mayor of the city of Baltimore; the Lieutenant Governor of the State of California; the Controller of the State of California; the president of the National Fair Housing Alliance; State Assemblywoman from the California Legislature, and Assembly majority whip; political director of the California Democratic Party; Speaker of the Assembly, California Legislature; chairman of the Texas Commission on Human Rights; president of the New College of California in San Francisco; a priest of the Church of St. Paul of the Shipwreck in San Francisco; executive director of the East Palo Alto Community Law Project; past president of the San Francisco Black Firefighters; executive director of the Metropolitan Fair Housing; Council of Greater Oklahoma City; executive director of the Fair Housing Contract Service of Akron, OH; minister and CEO of Glide Memorial United Methodist Church; Roselyn Swig Art Source in San Francisco; assessor of the city and county of San Francisco; the director of the San Francisco Human Rights Commission; the executive director of the Fair Housing Council of Orange County; a member of the Fair Housing Center of Metropolitan Detroit; executive director of the Chinese Community Housing Corporation; executive director of the Asian Law Caucus; director of the Council for Concerned Citizens; executive director of the Housing Opportunities Made Equal in Buffalo, NY; executive director of the Chinese for Affirmative Action; staff attorney, National Center for Youth Law; executive director La Raza Centro Legal, Inc. executive director, Austin Tenants' Council; program enforcement coordinator, Fair Housing Council of Portland, OR; fair housing counselor of the Eden Council for Hope and Opportunity in Hayward, CA; executive director of the Instituto Laboral De La Raza in San Francisco; president of the San Francisco La Raza Lawyers Association; executive director of the Housing Discrimination Project, Inc., Holyoke, MA; organizer, California American Disabled for Attendant Programs today; president, Baltimore Neighborhoods, Inc. in Baltimore MD; cochairs of the San Francisco Physically Disabled Quorum; president of the Hotel Employees and Restaurant Employees Union, Local 2, San Francisco; executive secretary, Central Labor Council of Contra Costa County; executive director, Housing Opportunities Made Equal in Richmond, VA; secretary-treasurer, San Francisco Labor Council—AFL-CIO; executive director and general counsel, the Bar Association of San Francisco; president of the United Way of the Bay Area, San Francisco; director and counsel, Religious Action Center of Reform Judaism, Washington, DC; president of the San Francisco Medical Society; partner, Pillsbury Madison & Sutro in San Francisco; senior litigation partner, another firm, Folger & Levin; member of the board of directors of United Way of the Bay Area, San Francisco; president, Community Investment Corp. in Chicago; partner, Pillsbury Madison & Sutro, a firm in San Francisco; and an executive director of the Fair Housing Council of the Fox Valley in Appleton, WI.

Madam President, I have taken the time to read this list because I think it is very important to focus in on the breadth, the degree, and the extent to which this nominee has support. Precisely because she has been credible in her dealings with the public in her years in public life; precisely because she has been forthcoming, straightforward, honest, and direct about her positions on issues and who she is as a person.

Indeed, Madam President, it might be argued that if anything, it is her credibility, her forthcoming, and her directness that has given rise to all that.

We can always ask the question, What if? What if her sexual orientation had never been disclosed? Would we be going through all this wrath and rancor? I daresay I doubt it. I daresay, based on this woman's credentials, qualifications, and record she would have been confirmed by unanimous, if not voice, vote of this body, and we would not have all of this folderol around this nomination.

Let me tell you why I think we are having all these problems. I think the reason for all this controversy reflects on the most important endorser of Roberta Achtenberg, and that is the President of these United States.

The bigger question that we are facing here is Bill Clinton and his judgment, his selection, and his choice to head up this department.

He has, certainly in the minds of many of us who support this nomination, I think done a yeoman's job and heroic thing even in picking Ms. Achtenberg. Giving the Members of this body, the opportunity to debate this question.

So this is a nomination that is heroic, that certainly goes to the elements of her job description. We talked about the job description yesterday. This is not a policy-making position. This is an administrative position, given authority to administer several very important fair housing programs in the Department of Housing and Urban Development.

But I submit to you, Madam President, that the reason we are going through all of this has little to do—some but not a whole lot—with Roberta Achtenberg. It has to do with Bill Clinton and the guardians of the gridlock, the people who would stand, that are with Katie-bar-the-door. The day for change has not come in America. We have not gotten to new day in America in which all Americans can participate based on their credentials and qualifications and what they have to offer to our total community.

What we have is a debate around the election that continues—the voices of fear, the politics of fear, and divisiveness, raising its ugly head in regard to this nomination on this Senate floor.

Even more to the point, Madam President, it is no mistake to any of us who are here. I have been here now all of 4 months. I guess I am number 93 in seniority, and I daresay I think the Chair is one step below me or ahead of me in seniority in this august body. But we came here full of enthusiasm; thinking that with a new President elected we were going to have an opportunity to put this country on course, to have the kind of change that would restore our country, give our country the ability to move forward in greatness, living up to the promise of what America was all about.

And when we got here what we found is that the forces of the past are not prepared to give Bill Clinton a chance to govern. That is why this nomination is so important, because it really is a challenge. And we have seen the challenge on his economic program, as we have seen the challenge every step of the way. This man has been frustrated in his attempt to act as President of the United States. He has gotten a cold shoulder reception. He has gotten obfuscation. President Clinton has faced obstruction at every turn—in the programs he has put forward and the nominees he has put forward.

One wonders why it is that 4 months after the fact, 4 months after the inauguration, we have not concluded all of this. We have not finished with the nominations. We have not staffed up the Government. We have not gotten the economic program going and heading down the road that this President will ultimately be held accountable for. There is no question. There is no question that this President will be held accountable for his decisions, for his nominations, for his judgments, and for the direction that he puts this country.

And yet what we find is all of this energy, all of this energy being expended around fighting this battle and that battle. There is a fire over here. There is a debate over there. There is an argument where there would not have been an argument beforehand.

I submit, Madam President, that the election and giving President Clinton a chance to govern, is really at the base of all of this controversy about this nomination. I submit to you that if the question is one around lifestyles generally, the forum and the place to do

that—and I relate also back to Senator LIEBERMAN's comment—that picking a nomination is not the place to do that—that there are other forums for that.

The question is, Can this person do the job? Is this person qualified? Is this person competent? Is this person ready to serve in a position in this Government?

Madam President, I say to you that I do not need to read any further—and I see my colleague, Senator WELLSTONE has joined us on the floor, and I am going to defer to him for a moment.

But, Madam President, in closing, let me say this: Senator LIEBERMAN is exactly right. Our role here is not to constitute ourselves as 100 individual Presidents. Our role here is to act in the capacity the Constitution of these United States gives us, and that is to advise and consent.

This Senator, having reviewed the testimony, having sat through the testimony in the Banking Committee, having reviewed the record, having participated in this debate, unexpectedly having participated in this debate, feels strongly that this is a competent, qualified nominee who will serve the citizens of these United States very well as the Assistant Secretary of the Department of Housing and Urban Development.

Thank you.

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

Mr. WELLSTONE. Madam President, I will be very brief.

Much has been said and, as a matter of fact, I do not understand why we are not voting. It seems to me, we should vote on this nomination and we should go on with our work.

Madam President, I just want to read one quote—and I want to be very brief.

I quote Gary Davis, the comptroller of the State of California.

> 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 overmatched 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.

I was at a bill signing ceremony today on the motor-voter bill, the National Voter Registration Act, and President Clinton said again there are no people that we can waste in this country.

Roberta Achtenberg is among the best and the brightest. We have had Senator after Senator after Senator talk about how highly qualified she is. We have had really powerful testimony about a long and distinguished record of public service. We should just simply vote in the affirmative for this nomination.

I have taken approximately 4 minutes on the floor of the U.S. Senate because I want to say this to people in Minnesota, because we should all be accountable. There are some people around the country that are cranking up the phones and some of the calls are coming in.

But I have always believed, and I think people in Minnesota believe this—and I say to Senator MOSELEY-BRAUN, I know the people in Illinois and, I would say to the Chair, in Washington, and I hope throughout the country believe this—that leadership is not appealing to the fears of people. Leadership is not dividing people. Leadership is not presenting any kind of political discrimination or hatred. Leadership is calling on people to be their own best selves.

There is no reason in the world why the U.S. Senate should not confirm this nomination. I hope we will vote soon. I am sure we will vote in the affirmative. And I think when we do that, this body can be proud. As long as this debate goes on, I do not think this body can be all that proud.

I yield the floor.

Mr. SMITH. Madam President, my philosophy on nominations is that the person whom the American people have elected president should generally be able to appoint anyone he pleases to positions within the administration. Though I had serious policy disagreements with some of President Clinton's cabinet nominees, I supported all of them with one exception, and I expect to be able to support most of the President's upcoming nominations with few exceptions.

The nomination of Roberta Achtenberg to head the Department of Housing and Urban Development's Office of Fair Housing and Equal Opportunity is one such exception. I feel after reviewing her record that she is not fit to serve in this position.

I am sure that most of my colleagues are by now familiar with Ms. Achtenberg's efforts to destroy the Boy Scout troops in the San Francisco Bay area. As a member of the San Francisco county board of supervisors, she led a successful effort to kick the Scouts out of the public schools. As a member of the board of directors of the United Way of the Bay Area, she helped cut off $850,000 in United Way funding for the Scouts. And finally, she authorized a resolution passed by the board of supervisors urging the city to pull accounts with the Bank of America in retaliation for the bank's decision to reinstate grants to the Scouts. Clearly, Roberta Achtenberg disapproves of the Boy Scouts.

What does she approve of? Well, as a lawyer for the Bay Area Lawyers for Individual Freedom in 1984, Ms. Achtenberg fought hard to keep several sex clubs open that my distinguished colleague, Dianne Feinstein, who was then the mayor of San Francisco, tried to close down at the advice of the city health director. These clubs were found to promote multiple anonymous sexual contacts along with rampant spread of the AIDS virus. Despite their prominent role in the spread of AIDS, Achtenberg defended the clubs as coming "from a very understandable tradition of trying to create a very safe place for homoerotic love." Safe? To the contrary, these clubs promoted a deadly game of sexual Russian roulette that has tragically claimed the lives of thousands.

So, in the twisted value system of Roberta Achtenberg, the Boy Scout tradition is a menace to society that needs to be quashed, and the sex club tradition is one which is beneficial and deserving of our protection and encouragement. I couldn't disagree with this more.

I approve of the role that the Boy Scouts play in our society. I was a Boy Scout. My two sons are Boy Scouts. Thousands of my constituents are or have been Boy Scouts. Many of my colleagues were Boy Scouts, and I'm sure most would credit the Scouts with fostering traits that helped them to succeed later in life. The Scouts teach young men to value important things, such as honor, integrity, honesty, duty, God, country, and family. These are not things that should be casually dismissed.

I do not approve of the role that sex clubs play. Sex clubs encourage anonymous sex, promiscuity, unsafe sex and the spread of AIDS. These, too, are things that should not be casually dismissed.

All this might be irrelevant, were it not clear that Ms. Achtenberg intends to use this post as a platform from which to push her radical agenda. She herself admits that she has absolutely no experience or expertise with housing law. She wanted the post, she says, because of her "experience in working as a civil rights lawyer". Well, we have seen what she has done as a civil rights lawyer. The thought of this—I am going to coin a new word here, "Scoutophobe" running amok at the HUD Office of Fair Housing and Equal Opportunity hacking away at the values held by Boy Scouts while championing the cause of sex clubs has given me great pause. It should give my colleagues, and indeed all Americans, great pause.

For values are important, despite the sneers and snickers of radical liberals. Without common agreement about what is wrong and what is right, what is acceptable behavior and what is not, we become a society cast off from our moral underpinnings and set adrift. When moral relativism sets in and standards are thrown out the window, society loses the stability that allows for peace and prosperity.

Government cannot solve all of our problems alone. It cannot by itself prevent violence, child abuse, homelessness, drug abuse, poverty or any other social malaise. It takes a stable society with strong values to counteract these problems. I urge those that may doubt me to glance through Bill Bennett's "Index of Leading Cultural Indicators." With the steady erosion of values and the disintegration of families that has occurred since the early sixties has come an explosion in social pathologies. While divorces have quadrupled, violent crime has increased 560 percent. While illegitimate births have gone up 400 percent, the percentage of children dependent on AFDC has tripled. While the percentage of children living in a single-parent household has tripled, there has been an explosion in the number of unmarried pregnant teenagers, abortions, and sexually transmitted diseases. A five-fold increase in Government social spending has not been enough to counteract our society's crippling loss of values.

So I take notice when President Clinton, who campaigned as a moderate, shifts gears and appoints a radical liberal who is hostile to the values held by the Boy Scouts yet would fiercely defend promiscuous, dangerous sex. Clinton pledged to make his administration "look like America." How many Americans could state with a straight face that they believe that the Boy Scouts are an insidious group bent on undermining society while sex clubs are a valuable institution that provides important cultural stability? I will bet the President found the only one.

In closing, Madam President, let me urge my colleagues to vote against confirming Roberta Achtenberg. I ask my colleagues to ask themselves whether they think it is appropriate that judgments regarding discrimination in housing should be made by one who, if she had her way, would shut down all the Boy Scout troops in America and replace them with sex clubs festering with disease. I ask my colleagues to ask themselves whether they could look a constituent straight in the eye and explain their reasons for supporting a nominee who, by her own admission, is not only unqualified, but clings to a value structure inimical to that held by the vast majority of Americans.

Mr. AKAKA. Madam President, I rise today in support of Roberta Achtenberg to be Assistant Secretary for Fair Housing and Equal Opportunity in the Department of Housing and Urban Development.

Ms. Achtenberg, a member of the San Francisco Board of Supervisors since 1990, has had a distinguished career as a civil rights attorney, law professor, and law school dean. As a supervisor, and former chair of the Housing Committee of the San Francisco Board of Supervisors, she has led efforts to prevent housing discrimination; protect tenants from illegal evictions; support expanded construction of affordable housing and guarantee small business participation in bidding for city contracts.

A graduate of the University of Utah School of Law and a Phi Beta Kappa undergraduate of the University of California at Berkeley, Ms. Achtenberg has a long record of achievement as a civil rights attorney and has litigated cases in State and Federal courts. It is this broad-based professional experience that Supervisor Achtenberg would bring to the Department of Housing and Urban Development.

Although her nomination was recently approved by the Senate Banking, Housing, and Urban Affairs Committee by a nonpartisan vote of 14–4, a few Senators oppose Ms. Achtenberg's confirmation because of issues unrelated to her professional ability.

Last summer, President Clinton said, "We don't have a person to waste," responding to those who sought to exclude rather than foster America's diversity. It would be wrong to deny Ms. Achtenberg the opportunity to serve her country because some may oppose her sexual orientation.

Most importantly, Ms. Achtenberg is prepared to enforce Federal laws, not to serve as an advocate of radical change. Discrimination on the basis of race, national origin, religion, disability, family status, and gender continues to exist. Ending such discrimination in housing will be Ms. Achtenberg's challenge, and I believe she possesses the professional experience and personal fortitude to tackle the job.

Mr. DURENBERGER. Madam President, I rise today to offer my support for the President's nominee to be Assistant Secretary for Fair Housing and Equal Opportunity in the Department of Housing and Urban Development.

I support the nomination of Roberta Achtenberg for three principal reasons.

No. 1, she is the choice of President Clinton and Secretary Cisneros and I believe that there is a strong presumption that Presidents ought to get the people they want to help them.

No. 2, she has strong qualifications—a resume that bespeaks a deep knowledge of and commitment to policies that will ensure fair housing for Americans.

No. 3, the Senate Committee on Banking, Housing, and Urban Affairs—led by Senators RIEGLE and D'AMATO—has made a thorough study of her fitness for that position. And they have recommended that she be confirmed.

Faced with these considerations—a presumption in favor of confirmation, a qualified nominee, and a committee endorsement—I have to ask myself if there is a substantial reason to vote "no" on the nomination.

Put another way: When the Senate considers a Presidential nominee, are we undertaking the task of moral policemen—endorsing or condemning the private conduct of nominees?

Or are we—rather—here to make sure that the President staffs his administration with competent people who will help him create the policies he was elected to pursue?

Madam President, it is my hope that my colleagues will join me in the opinion that the latter course is wiser and more constitutionally founded.

The one legitimate question that is raised in this debate today is the tolerance of the nominee toward views that differ from her own. This is an important matter. But the incident that gives rise to this question, her vote on the United Way board in San Francisco, is not evidence of intolerance, in my view, as much as evidence of a wrong-headed view of the role of charity in our society. This failing on her part does not disqualify her from the post to which she is nominated.

I do not approve or disapprove of Roberta Achtenberg as a person. And it is not up to me to judge her private behavior, on the board of the United Way or anywhere else. But I can judge her qualifications for this job, based on the record. And on that basis I will vote to confirm this nomination.

Mr. McCAIN. Madam President, I rise today to voice my concern about the nomination of Roberta Achtenberg to serve in the post of Assistant Secretary for Fair Housing and Equal Opportunity for the U.S. Department of Housing and Urban Development.

There have been few times in my Senate career when I have voted against a Presidential nomination, but this is one occasion on which I cannot give the President the benefit of the doubt. Given the facts, to do so would be an abdication of my responsibilities. The Constitution entrusts the Senate with responsibility of advice and consent for a reason—to review nominations and determine whether there is anything in the individual's background that might make them unfit for public service at high levels in the Federal Government. This is one of those few instances where I believe the Senate ought to exercise its authority and ask the administration to put forth another individual for this position. I simply to not believe that this nominee is the appropriate person to hold this particular position within the Department of Housing and Urban Development.

Some might respond that I am opposing this particular nominee because of her sexual preferences. That is not the case. It would be wrong for me to use one's personal sexual preferences or lifestyle as a litmus test. No, the issue here is one of qualifications and temperament.

Based on this nominee's record, I believe there is strong reason to be concerned that, if confirmed, this individ-

ual would abuse the privilege and authority of this important office to promote her personal values. Our Constitution, which all of us in the Federal Government are sworn to uphold and defend, permits a wide range of views and lifestyles. In fact, this enlightened protection is one of the great strengths of America.

I am concerned, however, that this individual will, if confirmed, punish individuals and organizations for their political or personal values; values which differ from hers. Mr. President, as a San Francisco city supervisor and board member of the bay area United Way, she worked to successfully prevent the Boy Scouts from meeting in public schools and public facilities during school hours.

Madam President, she worked to influence the United Way to withhold funding from the Boy Scouts.

And, Madam President, this nominee compelled the city of San Francisco to reduce deposits made to the Bank of America because the Bank of America made a modest contribution to the Boy Scouts.

All of these incidents are related to the fact that Ms. Achtenberg thought that the Boy Scouts should be compelled to appoint homosexuals to their leadership ranks.

Madam President, this background is one of intolerance, discrimination, and abuse of power in attempting to carry out a vendetta against those who do not share her values or beliefs. This is the kind of track record that is inconsistent, in my view, with the type of individual that ought to be entrusted with the power and authority of the position to which she has been nominated. What's more, Ms. Achtenberg has admitted that she is not an expert in fair housing law—the very focus of the responsibilities of the office to which she has been nominated.

Madam President, in light of the facts, I cannot in good faith support the nomination of this individual to serve in the important post of Assistant Secretary for Fair Housing and Equal Opportunity for the U.S. Department of Housing and Urban Development.

Mr. BROWN. Madam President, I rise today to express my concern about the nomination of Roberta Achtenberg to serve as Assistant Secretary for Fair Housing and Equal Opportunity of the Department of Housing and Urban Development [HUD].

The Assistant Secretary for Fair Housing and Equal Opportunity is of crucial importance to HUD and the Nation, and plays a critical role in enforcing our Nation's antidiscrimination laws in public and private housing. My concern over this nominee is grounded upon my belief, and the beliefs of over 40 major national civil rights organizations, and housing organizations representing millions of Americans, that the person appointed to serve as Assistant Secretary for Fair Housing and Equal Opportunity must be someone possessing a background and substantial experience in fair housing policy and enforcement.

Roberta Achtenberg: First, has little or no experience or background in fair housing policy and enforcement; second, has little or no experience in advocating the interests and concerns of individuals and groups protected by the Nation's antidiscrimination laws; and third, by her own admission is not a fair housing expert by a long shot.

In January this year, some 40 national civil rights organizations and housing organizations, including the National Association for the Advancement of Colored People, the NAACP Legal Defense Fund, the Mexican-American Legal Defense Fund, the National Council of La Raza, the National Urban League, the National Low Income Housing Coalition, and the Asian Law Caucus, sent a letter to Secretary Cisneros strongly urging him to appoint someone to the Assistant Secretary for Fair Housing and Equal Opportunity position with an extensive background in fair-housing litigation and with an extensive background in civil rights concerns. In this letter, these groups stated:

> Immediate and dramatic changes are needed in HUD's fair housing enforcement policies and systems. The first step toward attaining those changes is the appointment of persons committed and experienced in fair housing enforcement. In particular, the positions of General Counsel and Assistant Secretary for Fair Housing and Equal Opportunity (FHEO) are of crucial importance. * * * Both the General Counsel and the Assistant Secretary for FHEO must be persons with substantial experience in fair housing policy and enforcement and a real commitment to ending the discrimination and segregation that characterize housing markets in the United States.

I ask unanimous consent that a copy of this letter from these groups to Secretary Cisneros dated January 11, 1993, be printed in the RECORD at the end of my statement.

These groups expressed these legitimate and serious concerns before the President even nominated Achtenberg. According to a Washington Times article dated January 28, 1993, and a January 22, 1993, article appearing in the Washington Blade, a gay and lesbian oriented newspaper, after several of these groups heard that Roberta Achtenberg had been selected for the position, at least six group members voiced concern about what they said was Achtenberg's lack of experience in fair housing law.

In this context, it makes no sense to fill the No. 1 position that deals with the enforcement of fair housing and equal opportunity laws with a person who lacks the expertise and background in the enforcement of these laws.

Roberta Achtenberg is not qualified for the Assistant Secretary position and I shall oppose her nomination.

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

JANUARY 11, 1993.

Hon. HENRY CISNEROS,
Secretary of Housing and Urban Development-Designate, c/o Clinton/Gore Transition, Washington, DC.

DEAR MR. SECRETARY—DESIGNATE: Congratulations on your nomination. We the undersigned civil rights, fair housing and housing organizations look forward to working with you. We write to urge you to make fair housing enforcement an immediate, top priority of the Department of Housing and Urban Development. The urgent need for vigorous enforcement of the Constitution, the Fair Housing Act and other federal statutes which prohibit housing discrimination and segregation cannot be overstated.

Fair housing enforcement is not just a matter of equality and justice, although those values are obviously of great importance in and of themselves. Fair housing opportunity is an essential building block in any effort to reinvigorate the domestic economy and to bring poor and disadvantaged citizens into the economic mainstream.

Housing patterns in this country remain severely segregated on the basis of race and national origin. Millions of African Americans, Latinos and other minorities are locked into segregated neighborhoods which afford few good jobs, inferior schools, and inferior public services. This residence-based denial of educational and employment opportunities drains talent out of the domestic work force and results in increased costs to the social welfare and criminal justice systems.

Segregation does not occur by chance, income or private choice alone. Persistent patterns of racial segregation have resulted from a host of official actions of federal, state, and local governments and of discriminatory and segregative policies followed by housing, lending and insuring industries. Our segregated and racially-isolated central cities are largely the result of governmental and industry policies.[1]

The Rodney King trial produced a great deal of discussion in the past year; but one issue is quite clear. It is unlikely that the Rodney King verdict and subsequent uprising in Los Angeles would have occurred if housing in that metropolitan area were not segregated. In a desegregated community, the jury probably would have included African Americans who could have explained the realities of police brutality and racial discrimination to their colleagues. In a desegregated community, there would not have been a racially isolated and oppressed south central neighborhood which suffered the effects of disinvestment of financial institutions and insurance companies.

Recognizing the tremendous scope of housing discrimination and its pernicious effects,

[1] HUD repeatedly has been held liable for segregation and discrimination in the administration of its own programs. In addition, numerous HUD studies reveal massive discrimination in private housing markets. For example, a 1991 HUD Report of undercover audits of 3800 homes and apartments in 25 U.S. cities showed that African Americans encountered discrimination 59 percent of the time when they tried to buy a house and 56 percent of the time when they sought rental housing. Latinos suffered discrimination 56 percent of the time they tried to purchase housing and 50 percent of the time they tried to rent.

Congress in 1988 enacted broad amendments to the Fair Housing Act. The 1988 amendments established the most comprehensive governmental enforcement system ever included in a federal civil rights law. These amendments also extended the Act's coverage to discrimination against families with children and persons with disabilities.

Despite the existence of a model law on paper, HUD's enforcement of the Fair Housing Act and other anti-discrimination statutes applicable to the housing industry has been largely a sham during the past years. Some HUD fair housing officials have exhibited blatant hostility toward the victims of discrimination and have set up systems that emphasize quick closing of complaints over attainment of appropriate remedies for discriminatory conduct. The prior record of fair housing enforcement under HUD's General Counsel, Frank Keating, became a major issue during confirmation hearings on his nomination for a seat on the U.S. Court of Appeals for the Tenth Circuit. Subsequently, Mr. Keating was not confirmed.

It is extremely important that fair housing receive the highest priority and attention during the first days of your new Administration. It is crucial that HUD exercise leadership on fair housing enforcement and policy.

Immediate and dramatic changes are needed in HUD's fair housing enforcement policies and systems. The first step toward attaining those changes is the appointment of persons who are committed to and experienced in fair housing enforcement. In particular, the positions of General Counsel and Assistant Secretary for Fair Housing and Equal Opportunity (FHEO) are of crucial importance. The General Counsel and his/her office are responsible for all administrative litigation of fair housing complaints. During the Bush Administration, the General Counsel's office also has played a major role in the development of Departmental policy on fair housing enforcement. Both the General Counsel and the Assistant Secretary for FHEO must be persons with substantial experience in fair housing policy and enforcement and a real commitment to ending the discrimination and segregation that characterize housing markets in the United States. The undersigned organizations would be pleased to assist you in any manner you believe to be helpful in identifying persons who possess these qualifications.

We would very much like to meet with you at your earliest convenience to discuss these important issues in more detail. In the meantime, we have enclosed background documents that set out both the problems with fair housing enforcement and proposed solutions.

Very truly yours,

National Association for the Advancement of Colored People, Wade Henderson, Director, Washington Bureau, Beverly Cole, Director of Housing Program, 202/638-2269.

National Fair Housing Alliance, Shanna Smith, Director of Programs, 202/898-1661.

Mexican American Legal Defense and Educational Fund, G. Mario Moreno, Associate Counsel, 202/628-4074.

Puerto Rican Legal Defense and Education Fund, Kenneth Kimerling, Acting President/General Counsel, 212/219-3360.

Washington Lawyers' Committee for Civil Rights and Urban Affairs, John P. Relman, Director, Fair Housing Project, 202/682-5900.

Texas Lawyers' Committee for Civil Rights Under Law, Elizabeth K. Julian, Acting Director, 214/939-9230.

Center for Community Change, Andrew Mott, 202/342-0519.

National Urban League, Robert McAlpine, Director, Policy and Government Relations, 202/898-1604.

Lawyers' Committee for Civil Rights Under Law of the Boston Bar Association, Ozell Hudson, Jr., Executive Director, Nadine Cohen, Fair Housing Project Director, 617/482-1145.

NAACP Legal Defense and Educational Fund, Inc., Penda D. Hair, Director, Fair Housing Program, 202/682-1300.

National Housing Law Project, Florence Wagman Roisman, Attorney, 202/783-5140.

National Council of La Raza, Charles Kamasaki, Vice President for Research, Advocacy, and Legislation, 202/289-1380.

Fair Housing Congress of So. CA, Michelle C. White, Executive Director, 213/365-7184.

Fair Housing Council of San Gabriel Valley, Sandra Romero, Executive Director, 818/791-0211.

Hollywood-Mid L.A. Fair Housing Council, Debbie Rodriguez, Executive Director, 213/464-1141.

Marin Housing Center Fair Housing Programs, Nancy B. Kenyon, Fair Housing Director, 415/457-5025.

Project Sentinel, Stanford, CA, Ann Marquart, Director, 415/468-7464.

HOPE, Inc., Miami, FL, William Thompson, Jr., Executive Director, 305/375-5715.

Metro Fair Housing Services, Inc., Atlanta, GA, Robert Shifalo, Executive Director, 404/221-0874.

National Low Income Housing Coalition, Barry Zigas, President, 202/662-1530.

Metropolitan Phoenix Fair Housing Center, Henry Cabirac, Jr, Executive Director, 602/375-5106.

Kentucky Fair Housing Council, Galen Martin, Executive Director, 502/583-3247.

Fair Housing Center of Metropolitan Detroit, C. Schrupp, 313/963-1274.

Concerned Citizens Coalition, Great Falls, MT, Toni Austad, 406/727-9136.

Cuyahoga Plan of Ohio, Inc., Eleanore Dees, Executive Director, 216/621-4525.

Fair Housing Center of Toledo, OH, Lisa Rice, Interim Director, 419/243-6163.

Housing Opportunities Made Equal, Greater Cincinnati, Karla Irvine, Executive Director, 513/721-4663.

Metropolitan Fair Housing Council, Greater Oklahoma City, Ervin Keith, Executive Director, 405/232-3247.

Housing Council of York, Inc., York, PA, Cynthia Jones, 717/854-1541.

Housing Opportunities Corporation, Memphis, TN, Carol Gish, 901/526-2217.

HOPE, Inc., Lombard, IL, Bernard Kliena, 708/495-4846.

Leadership Council for Metropolitan Open Communities, Chicago, IL, Aurie Pennick, Executive Director, 312/341-5678.

Housing Opportunities Made Equal, Richmond, VA, Constance Chamberlin, Executive Director, 804/354-0641.

Metropolitan Milwaukee Fair Housing, Council, Inc, William R. Tisdale, Executive Director, 414/278-1240.

Open Housing Center, Inc., New York, NY, Sylvia Kramer, Executive Director, 212/431-7428.

Long Island Housing Services, Inc., David Berenbaum, Executive Director, 516/582-2727.

Westchester Residential Opportunities, Ann Seligshon, Fair Housing Director, 914/428-4507.

Fair Housing Council of Central New York, Sharon Sherman, 315/425-1032.

Asian Law Caucus, Gen Fujioka, 415/391-1655.

National Coalition for the Homeless, Joan Alker, 202/775-1322.

National Rural Housing Coalition, Robert Rapoza, 202/393-5225.

Ms. MOSELEY-BRAUN. Madam President, I suggest the absence of a quorum.

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

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

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

Mr. THURMOND. Mr. President, I rise today in opposition to the nomination of Roberta Achtenberg as Assistant Secretary of Housing and Urban Development for Fair Housing and Equal Opportunity.

I would like to note that my opposition to Ms. Achtenberg's nomination lies not with her personal lifestyle but with her radical activism in pursuing her own political agenda. I believe that a public servant's duty is to serve the people to the best of his or her ability, and I am not convinced that Ms. Achtenberg has the good of the American people at heart.

Mr. President, her attack on the Boy Scouts of America was at best misguided and at worst showed a tragic lack of appreciation for an institution that has benefited thousands of young people in this Nation. In her position as San Francisco city supervisor and a board member of the United Way of the Bay Area, she was one of the leaders of the opposition that was ultimately successful in preventing the Boy Scouts of America from meeting in public schools and public facilities. And she also convinced the United Way to withhold funding from the Boy Scouts. As a San Francisco city supervisor, Ms. Achtenberg introduced a resolution to the San Francisco Board of Supervisors urging 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.

Mr. President, I also have concerns regarding the qualifications of this nominee to address the complexities of housing law. Ms. Achtenberg has been quoted in the Washington Times on February 6, 1993, as saying:

> I am not a fair housing expert by a long shot. I've done public interest law, and in my capacity as a county supervisor I've dealt with housing issues. * * * But I am not a fair housing lawyer.

Mr. President, I would argue that in these times of tremendous housing distress, this country needs a fair housing expert. We as public servants would be committing an extreme disservice to the American people by not providing them with a nominee who possesses such expert experience.

In my opinion, Ms. Achtenberg's questionable actions in public office and her lack of relevant housing experience illustrate her failure to meet

the qualifications necessary for this important position.

I thank the Chair.

Mrs. BOXER. Mr. President, I believe that Senator Thurmond has just reiterated in a brief format many of the things which have been stated and refuted on this Senate floor.

I just want to state for the record, because I do not want these statements to go unanswered, that bringing up the Boy Scouts again means that I have to reiterate the truth one more time, so that Senators can hear this and know the facts: The United Way of the Bay Area had in its charter a provision that they could not fund any organization which discriminated, and in the category of discrimination, they included sexual orientation.

Therefore, the United Way of the Bay Area had a prohibition against funding any organization that engaged in discriminatory practices based on race, gender, ethnicity, religion, disability, age, and sexual orientation—which may make it different than other United Way affiliates. And the task force that was set up by the bay area United Way did not have Roberta Achtenberg on it. It was a group of citizens—from corporate America, and from across the political spectrum. And it was they, in fact, who recommended to the board of directors of the United Way that because their charter prohibits funding an organization engaged in discriminatory practices, the Boy Scouts should not receive funding unless they changed their discriminatory policy.

The board of directors, 32 of them present, voted, along with Roberta Achtenberg, that they had no other option. Even if they loved the Boy Scouts, even if their kids were Boy Scouts or Eagle Scouts or Cub Scouts—and many of these directors I know themselves were Boy Scouts at one time—they had no choice and they hoped that this pressure would mean the Boy Scouts would take another look at their policies and change them.

Now, I think it is fair to debate that issue, whether or not organizations like the United Way, or whether the Federal Government as an example, should pass a statute that says there will be no discrimination on the basis of sexual orientation. I may have one view, other Senators may have another view, and that is fair. But to say that this nominee was the only person in San Francisco who felt the United Way should withhold funding is incorrect. I respect the comments of the Senator from South Carolina, but once more I need to try to refute his comments in that regard.

He also says that this nominee is not qualified. Again and again we hear those comments. Also, we have heard Senator NICKLES mention, and now other Senators, that 40 civil rights organizations sent a letter to Secretary Cisneros in January saying they wanted someone with extensive fair housing experience and that Roberta Achtenberg does not have that experience.

Mr. President, that is false. We already had Chairman DON RIEGLE on the floor this morning explaining that, in fact, the letter which was sent to Henry Cisneros was sent before Roberta Achtenberg's name was placed in nomination. And since that time we have a tremendous number of fair housing organizations that have voted to endorse Roberta Achtenberg. At this time I would like to read the names of those organizations into the RECORD:

The National Fair Housing Alliance; the Fair Housing Council of Orange County; the Metropolitan Fair Housing Council of Greater Oklahoma City; the Fair Housing Contact Service of Akron, OH; the Fair Housing Center of Metropolitan Detroit; the Chinese Community Housing Corp. in San Francisco; the Council for Concerned Citizens of Montana, Housing Opportunities Made Equal of Buffalo, NY; Austin Tenants' Council; the Fair Housing Council of Oregon; Eden Council for Hope and Opportunity of California; the Housing Discrimination Project of Massachusetts; Baltimore Neighborhoods, Inc.; Housing Opportunities Made Equal of Virginia; African-American church leaders, including Rev. Cecil Williams of Glide Memorial United Methodist Church and Father Jim Goode of St. Paul of the Shipwreck Catholic Church; Ed Lee of the San Francisco Human Rights Commission; Gordon Chin of the Chinese Community Housing Corp; Paul Iqasaki of the Asian Law Caucus; Henry Der of Chinese for Affirmative Action; Jim Morales of the National Center for Youth Law; Mario Salgado of La Raza Centro Legal; Jose Medina of Instituto Laboral de la Raza; Enrique Ramirez of San Francisco La Raza Lawyers Association; Rabbi David Saperstein of the Religious Action Center of Reform Judaism, and many others who care, Mr. President, about fair housing and want a strong voice.

Mr. President, we have debated this nomination since yesterday. We have been on it for 24 hours. I say it is time to get on with this vote. The opposition has made its voice crystal clear. They have made some statements that many of our side have been able to refute, one of them an egregious statement that the San Francisco Chronicle had editorialized against Roberta Achtenberg.

Mr. President, this Republican newspaper, the San Francisco Chronicle, which endorsed George Bush, just this morning reiterated their support for Roberta Achtenberg.

So, Mr. President, I think it is time to get on with it, and I certainly hope that we will do that.

I yield the floor.

Mr. MITCHELL. 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. BYRD. Mr. President, I ask unanimous consent that the order for the quorum called be rescinded.

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

The Senator from West Virginia is recognized to speak as in morning business.

Mr. BYRD. Mr. President, I thank the Chair.

WILLIAM F. "BILL" FARMER, JR.

Mr. BYRD. Mr. President, back in December, at the close of the 102d Congress, a man of exceptional dedication, William F. "Bill" Farmer, Jr., retired from U.S. Senate service.

All told, Bill Farmer compiled 32 years in Federal service—4 years in the U.S. Marine Corps, with active duty during the Korean war and 28 years in several capacities here in the Senate.

A native of Kentucky with a B.S. degree in accounting from the University of Kentucky, Bill Farmer began working for the Senate in December 1964, and he served this institution continuously until last December in a variety of positions until he rose to become chief legislative clerk in 1980.

Mr. President, those of us who serve in elective roles in the Senate are, appropriately, the focus of celebrity and attention—as well as criticism—in this institution.

But the men and women who serve at our sides; who stand behind us in research and administrative positions; who maintain and tend this grand edifice; who faithfully and accurately record and print each day's proceedings; who provide us with copies of laws and resolutions; who transcribe our correspondence and keep our schedules in order; who answer communications from our constituents and help them find solutions to their problems—Mr. President, all of these men and women, too, are integral elements of this, the greatest deliberative body in the world—the premier and foremost upper body in the world today—and, like Bill Farmer, enjoy my unflagging admiration and gratitude for the outstanding contributions that they make daily to us, to the Senate, and to our country.

Though my recognition of him is unintentionally belated, I hope that Bill Farmer will remember our appreciation for the many duties that he performed for us so well and so long, and that he will enjoy the fruitful retirement that he so justly earned through his services in the Senate of the United States.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. FEINSTEIN). Without objection, it is so ordered.

NOMINATION OF ROBERTA ACHTENBERG, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT

The Senate continued with the consideration of the nomination.

Mr. KENNEDY. Madam President, I give my strong support to the nomination of Roberta Achtenberg to be the Assistant Secretary of Fair Housing and Equal Opportunity at the Department of Housing and Urban Development.

Few high Federal positions need revitalization more than the Office of Fair Housing at HUD.

A quarter century ago, in the wake of the assassination of Martin Luther King, Congress passed the Fair Housing Act of 1968. Our purpose was noble, but our means were flawed.

In our desire to respond to one of the most insidious forms of discrimination, we provided an empty promise—acknowledging an essential right without providing an effective remedy. As a result, the senseless discrimination continued.

In many important respects, housing discrimination strikes at the core of the American experience. It isolates racial and ethnic minorities. It perpetuates ignorance and bigotry. It impairs progress in school desegregation and undermines equal access to employment opportunities.

In 1988, I was proud to be the principal sponsor of bipartisan legislation to put our remedies where our rhetoric is, and guarantee fair housing opportunities for all those who continue to be locked out by prejudice.

The Fair Housing Amendments Act of 1988 put teeth into our fair housing laws. We gave HUD real enforcement authority.

We also expanded the reach of the 1968 legislation to protect people with disabilities and families with children from discrimination in housing. That legislation passed the Senate by a vote of 94–3 and is now the law of the land.

As we all know, the struggle for fair housing is far from over.

According to an Urban Institute study commissioned by HUD, blacks and Latinos continue to experience discrimination in 50 to 60 percent of housing transactions. A similar study by the Federal Reserve Bank of Boston found that blacks and Latinos are 60 percent more likely to be rejected when applying for home mortgages than are whites in similar circumstances.

In addition, unacceptable discrimination continues against children and the disabled. Two of every five claims filed at HUD challenge instances of discrimination based on family status or disability.

HUD anticipates more than 10,000 claims of discrimination this year.

These Americans deserve prompt and fair action. And with Roberta Achtenberg as the Assistant Secretary of Fair Housing—these citizens will get what they deserve—nothing more, but also nothing less.

It is for this reason that the National Fair Housing Alliance unanimously and actively supports the nomination of Roberta Achtenberg. Housing advocates across this country know that she will do an outstanding job at HUD on an issue that has seen too little action and too little justice for too long.

I commend Senator RIEGLE, the chairman of the Banking Committee, the Senators from California, and the other members of the Banking Committee for hearing the facts, speaking the truth, and voting to confirm her.

Roberta Achtenberg is intelligent, professional, articulate, and talented.

She has years of experience in demonstrating leadership, building consensus, and improving the lives of the neediest Americans.

She is an able lawyer who is deeply committed to civil rights. As a member of the San Francisco Board of Supervisors, she chaired the committee on housing.

She has championed enhanced protection for tenants against wrongful eviction. She has supported the construction of affordable housing for low-income families. She has increased opportunities for small business to participate in city contracting.

She has an extraordinary record of community and public service, and she has been recognized nationally and locally for her efforts.

But the most convincing support for her nomination comes from those on the frontlines working tirelessly to eliminate housing discrimination in the United States.

The alliance of private fair housing agencies across this country has this to say about Roberta Achtenberg:

> Her record is distinguished and impressive, and represents a life of personal commitment and professional expertise.
>
> We have 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.

That is what they said.

Those who have dedicated their lives to fighting discrimination in housing have put their faith in Roberta Achtenberg. They believe that she can and will bring skill and commitment to her appointment—and I urge my colleagues to support it.

We have heard considerable discussion about the fact that Roberta is a lesbian. I admire her willingness to be open about who she is. But it is her skills and not her sexual orientation that is at issue here.

She is superbly qualified for the job to which she has been appointed, and bigotry should not disqualify her.

I urge my colleagues to end this filibuster and vote to make Roberta Achtenberg our next Assistant Secretary for Fair Housing by the broadest bipartisan majority we can give her.

Madam President, I suggest the absence of a quorum. I withhold the request.

The PRESIDING OFFICER. The request is withdrawn. The Senator from California is recognized.

Mrs. BOXER. Madam President, I just wanted to say to the Senator from Massachusetts, before he leaves the floor, how much I appreciate his coming over here to keep our eye on the ball, which is Roberta Achtenberg's qualifications and her experience. This is a very able woman, and her private life has nothing to do with this nomination.

I just wanted to thank the Senator from the bottom of my heart for coming over here. I know he has a busy and hectic schedule.

Mr. KENNEDY. All Senators appreciate the Senator's leadership and Senator FEINSTEIN's leadership on this issue. As the Senator understands, this has been a long, continuing process to deal with the problems of bigotry and discrimination in our society. We made some progress in the early sixties on race, in the Voting Rights Act, in the public accommodations provisions. Later, in the late sixties, we attempted to do so in housing. We did not, as I mentioned earlier, provide for the effective remedies.

Then we addressed this issue again in 1980, just after the election, in the full session of 1980. We were three votes short of getting cloture at that particular time for developing effective remedies. The question at that time came. Should we compromise further on the issue of remedies? It was the judgment of those activists who were involved in this issue that we should not. We waited 7½ years to be able to try and develop the public support for developing strong remedies to make sure that we are going to attempt to root out discrimination in housing and, as I mentioned, add protections against the disabled, as well as children.

This has been a long, continuing process. What we have seen in the most recent times since the passage of that act is failure really to use the full range of enforcement remedies that were in the legislation.

We need someone who has the superb qualification that Roberta Achtenberg has. This is a matter of enormous importance for a whole range of reasons that we have outlined earlier in terms of the quality of life of so many of our fellow citizens being freed from the lash of discrimination in our society.

Our candidate is just superbly qualified, for all the reasons that the Senators from California have mentioned during the course of this debate. I welcome adding my voice in support in urging that all of our colleagues on both sides of the aisle support this nomination. We would never have been able to gain the Fair Housing Act if we did not have Republican as well as Democratic support. If we are really committed to carrying that measure to full fruition, we need the kind of effective, articulate spokesperson whom we have in this nominee.

I hope that all of our colleagues on both sides of the aisle who are really committed to trying to root out the discrimination in housing would give this nominee the wholehearted support that she deserves.

I thank the Senator for her kind remarks, and I look forward to, hopefully, an overwhelming vote in the body.

Mrs. BOXER. Madam President, I agree with the Senator, and I hope it will be an overwhelming vote soon, because we have been on this nomination since yesterday at 4 p.m. As you see, there are not too many Senators on the other side right now, and we are wasting precious moments to get this nominee in place, and get her to work. She is ready, willing, and able to work. We have many other issues, as you know, coming right behind this one.

So, again, my deepest thanks to the Senator. I yield the floor.

Mr. KENNEDY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. GRAMM. Madam President, the Senate has before it the nomination of Roberta Achtenberg. I opposed her nomination in the Banking Committee, and I intend to vote against her when the vote is taken either today, tomorrow, Monday, or Tuesday.

What I would like to do is to simply outline why I oppose her nomination, and I would like to talk about why I believe that she should not be confirmed as Assistant Secretary for Fair Housing and Equal Opportunity in the Department of HUD.

Madam President, I have long believed that elections have consequences; that when we hold elections and people cast a vote, that that ought to mean something. In fact, I have observed now, in the 8 years that I have been in the Senate, that there are some people who try to win on the Senate floor what they cannot win at the ballot box.

So I have tried since we have had a Democratic President to try to give the President the benefit of the doubt. I have voted for the President's nominees not because I agreed with them, but because I thought they were in line with the President's thinking.

I have thought that when the American people voted, that they voted knowing—or at least, in casting their vote, they should have known—that Bill Clinton, if elected, was going to appoint liberals who believed in activist Government, who would expand Government regulation, and who would pursue an activist agenda in expanding the power of the Federal Government; and in doing so, intrude into the private sector of the economy. While not everybody may have understood that, Madam President, they should have.

So I have made it a point not to vote against people simply because I disagreed with them. We had an election, and while the President got only 43 percent of the vote, he won. So on that basis, I have cast my vote for the President's nominees to this point.

I believe, however, that when the Founding Fathers wrote the advise and consent clause of the Constitution, that while they did not intend the party out of power to try to win in the Senate what they could not win at the ballot box, that clearly they intended that certain parameters be set. One of those parameters is competence. One of those parameters is credibility. One of those parameters is temperament.

It seems to me that there is much about Roberta Achtenberg that one could admire. She is tough; she is smart; she is committed. Those are all things that I place a very high value on. After giving a lot of prayerful consideration, I decided to cast a vote against her because I doubt her temperament to serve in this very important and very sensitive office.

I could go into a lot of detail, but I want to talk about her temperament as it relates to one specific event, and that is a 4-year vendetta that she carried out against the Boy Scouts of America.

First, as a member of the board of the United Way, Roberta Achtenberg provided the leadership to deny the Boy Scouts of America $848,000 of United Way funds because she disagreed with their policy of not taking scoutmasters who were avowed gays.

Then, as a member of the board of supervisors, she was a leader in an effort to intimidate the Bank of America and stop it from giving the Boy Scouts of America $18,000. In fact, she went so far as to introduce a resolution to withdraw city funds from the Bank of America where the penalty would have been $30,000 a year, almost twice what they were giving to the Boy Scouts of America.

Finally, Roberta Achtenberg used her power and her influence to get the school board to exclude the Boy Scouts of America from using school property for their meetings.

I would like to read a quote from Roberta Achtenberg, and then I would like to discuss each one of these points in light of this quote. This is a quote from the San Francisco Chronicle:

> Do we want children learning the values of an organization that provides character building exclusively for straight, God-fearing male children?

Now, Madam President, I do not believe that every organization in America ought to be structured in such a way that it limits character-building instruction just to God-fearing male children who are nongay.

I believe in the pluralism that we all know and love in America. I have always believed in a live-and-let-live policy in our great country. But I wonder, Madam President, in a country like our country, built on pluralism, if there is not room for at least one organization, not a government organization, a volunteer organization, a private organization, the Boy Scouts of America, an organization that many who serve in this body are proud to say that they were once members of, is there not room in America for one organization that provides character building exclusively for straight, God-fearing male children?

I remind my colleagues that there is a sister organization, the Girl Scouts of America, that provides exactly the same leadership training, the same character building to female children.

It seems to me, Madam President, that I have to be concerned about somebody who believes that because this one organization does not conform to the world as she would like it to be, then she has the right and, in fact, the obligation, to conduct a vendetta against them to first get United Way to deny them $848,000.

I simply remind my colleagues this is not a case of the United Way not funding any groups that Roberta Achtenberg supported. They were clearly funding a lot of groups she was supportive of, but her objection was the fact that they were providing funding to one volunteer, private organization that provided character building exclusively for, in her words, "straight, God-fearing male children."

Then as a member of the board of supervisors, Roberta Achtenberg introduced a resolution to try to take city funds, $6 million, out of the Bank of America, not because the Bank of America did not fund organizations that Roberta Achtenberg supported, not because the Bank of America dis-

criminated against groups based on sexual preference. In fact, the Bank of America had a long history of providing funds to organizations that Ms. Achtenberg was supportive of. But what she objected to was the fact that the Bank of America, while providing funds to all of these causes that she was supportive of, also provided $18,000 to the Boy Scouts of America.

On the basis of that donation she instituted a vendetta against the Bank of America, to try to punish them economically by removing city funds even though the removal of those funds would have cost the taxpayers almost twice as much as the Bank of America was giving to the Boy Scouts of America.

Finally, as I said earlier, she used her influence and her leadership to try to exclude the Boy Scouts of America from being able to use school property.

I would like to give one more quote that I think comes very close to defining my real concern here. Then I will conclude.

This is a quote in a report that Ms. Achtenberg was very actively involved in in an advisory role. I am not saying that she wrote this statement, but I am saying I think it gets very close to my concern. This is in a report entitled "Sexual Orientation: An Issue of Work Force Diversity." This is a segment of the epilogue. It says:

> The challenge now is to take this report and provide the kind of leadership and support it will require to make the Forest Service the 'Employer of Choice'. Throughout this report, we had been talking about something more than tolerance and acceptance. Tolerance is not enough.

"Throughout this report we have been talking about something more than tolerance and acceptance. Tolerance is not enough."

Madam President, I believe tolerance is very important. I think one of the things that we love about America is that we try to tolerate our differences. It seems to me in the epilogue of this work on trying to change the functioning of the Forest Service that we get down to the real issue about Roberta Achtenberg; that is, that what she has tried to promote in this vendetta against the Boy Scouts is the position that it is not enough that the United Way funds many different groups that serve many different people, it is not enough that the Bank of America provides charitable contributions to many different groups that serve many different people, it is not enough that the school board allows school property to be used by many charitable organizations that serve many people. The fact that the Boy Scouts of America was not willing to have avowed gays as Scoutmasters meant that Roberta Achtenberg was not tolerant enough to allow this organization, serving a targeted group, to receive assistance just as did many of the organizations she supported, also serving targeted groups.

I believe that that kind of behavior, a convenient vendetta against a group, not that every group in America should be like the Boy Scouts, not that every group in America should provide character building only to God-fearing children who are male and who are straight in her words, but I wonder if in America there is not still room for one such organization. I wonder, Madam President, about the temperament of someone who engages in a vendetta against that organization—and I am especially concerned because as Secretary for Fair Housing what we are looking for is not just an advocate, not just a zealot, but we are looking for someone who is going to fairly and impartially administer the law, someone who is going to carry out regulations.

So I have no doubt about Ms. Achtenberg's ability. I have no doubt about her commitment and her dedication. But I question her temperament for this important and sensitive job. I am very concerned about people who engage in vendettas against anybody. I can honestly say that no matter what their philosophy, no matter what their views, I would be very concerned about supporting anybody nominated by a Democratic President or a Republican President who had a long history of engaging in vendettas against people with whom they disagreed.

That, I think, is a real concern. I think it should give us pause. And for that reason, I intend to vote against this nomination.

I yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Thank you, Madam President.

I appreciate the opinions of my colleague, the Senator from Texas. I want to rebut some of the things that he has said.

He basically says he is opposing Roberta Achtenberg because of her temperament. And I think it important that I read into the RECORD at this time a letter from former mayor of San Francisco Agnos who knows Roberta Achtenberg and knows her temperament. Here is what he says—dated May 18, 1993. I will quote it in part and then ask unanimous consent for it to be included in the RECORD.

Roberta Achtenberg "led a Task Force that represented the full diversity of our city, including business, labor, ethnic and minority communities, the professions and city workers."

> The report she issued remains the most comprehensive review of San Francisco's policies toward families.
>
> Ms. Achtenberg conducted public hearings and they were marked by fairness and openness.
>
> The recommendations received wide endorsements from the city's religious leaders, labor unions, minority and ethnic community leaders, business leaders, and newspapers. It represented a genuine consensus in our city.

He says "I knew Ms. Achtenberg to have the wisdom and temperament that would engender the highest trust and confidence of our citizenry."

Then he says:

> It is ironic, in view of the criticism raised by some of her opponents for confirmation, that the sharpest opposition to her work came from a small sector of the lesbian and gay community.

That is interesting.

> They accused Ms. Achtenberg of failing to subscribe to a single-issue approach that advanced only their own narrow agenda and which would have ignored the needs of other families. It is consistent with the integrity that characterized Roberta Achtenberg that she withstood such criticism and strongly maintained a commitment to all families.

So here is a situation where a mayor is saying that Roberta Achtenberg—to her own political detriment, I would suggest—did not listen to the narrow agenda of one group, even a group that she belongs to, but rather acted on behalf of all families. This completely contradicts the kind of picture that many members on the other side of the aisle, or at least about six or seven, have tried to paint of Supervisor Roberta Achtenberg.

We also know that today we received a rousing endorsement of her by the current mayor, Mayor Frank Jordan. Frank Jordan and Art Agnos do not agree on much, Madam President, as you and I well know, but they agree that Roberta Achtenberg is a very good choice for this position for which she has been nominated.

So the Senator says Roberta Achtenberg does not have the temperament and that she has engaged in vendettas. I would say as someone who has been engaged in politics for a long time, as has the Senator from Texas, that there is a difference between vendettas and politics. When we have opinions that we believe in, we are going to work hard for our case.

And again, on the Boy Scouts—it keeps coming back, we must have heard the term 60 times. I say again, I like the Boy Scouts. I do not happen to agree that they should have a discriminatory policy. And the fact is that the task force is the United Way—and Roberta Achtenberg was not on that task force—recommended that the United Way could not continue to fund the Boy Scouts until they changed their discriminatory charter. It was as simple as that. Roberta Achtenberg was 1 of 32 people who eventually voted in favor of the task force. And to make it sound like she was the only person who found this particular issue disturbing is not true. It is simply not true.

Let us again look at the issue of temperament. I want to quote from Controller Gray Davis who sent us this letter.

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 are disenfranchised, disadvantaged or overmatched by powerful interests.

She is motivated by the principle that each person, whatever their standing in life, is entitled to fairness, respect and dignity.

She is a "problem-solver," he goes on.

The reason I continue to quote from these letters, Madam President, is that it is frustrating to hear people on this beautiful Senate floor paint a picture of someone other than Roberta Achtenberg, and then say it is Roberta Achtenberg. This is a woman of great skill and quality and her personal life should have nothing to do with this nomination.

I want to read a letter from Henry Der, executive director of Chinese for Affirmative Action. He says:

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.

And Henry Der goes on:

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.

Signed Henry Der, Executive Director.

You and I know this person, Madam President. Henry Der is a wonderful family person, a leader in the Chinese-American community in San Francisco who knows Roberta Achtenberg and is proud to put his signature on this letter in her behalf.

Madam President, the Senator from Texas announced that he is going to vote against Roberta Achtenberg. This is no surprise. He was one of only four people in the Banking Committee to vote against her at that time. The vote was 14 to 4.

I take great heart in that vote. It was quite bipartisan. As a matter of fact, we had two distinguished Republican members of that committee take to the floor and state their support of this nominee. I think that this Senate can provide tremendous leadership for the country in this nomination by putting aside so many of the red herrings that were raised here today. We know what this is all about. I have to give some credit to some of the opposition who have basically stated what it is all about. It is not about qualifications. It is not about tolerance. It is not about demeanor. It is not about those things. It is about a private lifestyle that some feel disqualifies this woman.

I say America is better than that. We need to take everyone who is willing to serve, as long as they have the qualifications and skills and the record. Madam President, Roberta Achtenberg is a legal scholar, a civil rights attorney, former dean of a law school, who received highest honors in college and highest honors in law school. This is a woman that we need. One of my colleagues said, "Well, she is not a passive lawyer." This is true. We want someone who is a strong lawyer. We want someone who is a strong leader, and Roberta Achtenberg is all of that.

Madam President, about 2 hours ago, the Chair took to the floor, and in her very straightforward way said, "Enough is enough." What are we gaining by this prolonged discussion? All it does is make this nominee sit there and wonder what are people saying about her next? What is the next issue someone who does not know her is going to bring up? What good does it do our Government? As the occupant of the chair has pointed out, we in California know how much we have to do. Our President just visited our State, and he understands the challenges we all face there—unemployment, base closures, conversion from a military-based economy to a civilian-based economy. Our children are in need of a decent education.

So we wait in this Chamber for more Members to come and debate—and they are just not coming. There is no point to this. I find myself repeating the same arguments to rebut the same arguments, quoting more letters. I am happy to do it, and I will stand here as long as it takes, if it is 2 in the morning or 3 in the morning. I know, Madam President, you feel as I do. We will stay as long as necessary. But it is not necessary. We should get on with this vote.

I yield the floor.

Mr. D'AMATO. Mr. President, I intend to vote for the confirmation of Roberta Achtenberg to be Assistant Secretary of Housing and Urban Development, but I do so with the following admonition to her. As one who has been the victim of intolerance in her life, she has a special obligation not to be intolerant of others. Clearly, she has failed to meet that obligation. Her efforts to cut off funding for the Boy Scouts were absolutely inappropriate. Without funding, individual Scouts who had done nothing wrong, might have been deprived of the opportunity for a positive childhood experience. That would have been a serious injustice. Her actions were born of the same intolerance which Ms. Achtenberg has struggled against herself, and I am deeply disappointed that she failed to recognize that. Nevertheless, I do not intend to compound that act of intolerance with one of my own by voting against her. I would hope that she now understands the significance of my advice that she treat others in the future as she would like to be treated herself.

The PRESIDING OFFICER. The Chair, in her capacity as a Senator from California, suggests the absence of a quorum.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. DOMENICI. Madam President, I ask unanimous consent that I be permitted to speak for 8 minutes as if in morning business.

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

The Senator from New Mexico is recognized.

FISCAL AND TAX POLICY

Mr. DOMENICI. Madam President, I rise to talk a little bit about the proposal that Senators BOREN and DANFORTH have offered and have now made public with reference to fiscal policy and tax policy of the country and, in a real sense, what they have said as compared with the President's plan to reduce the deficit.

First, everyone knows I have been a staunch advocate of the proposal that you will never get the Federal budget under control if the only thing you attack are the discretionary accounts of this Government. And unless and until you get the mandatory expenditures and the growth in entitlements, led by Medicare, Medicaid, and other health programs under control, you just literally cannot tax the American people enough to get the deficit under control.

Having said that, I do not support the proposal that they have made. It varies greatly from ideas that I have put forth and I have suggested to the Senate and Presidents in the past, and last year, even before we had President Clinton in office.

But I think there is a real message in this package, and I think it is perhaps to the leadership on both sides, and without any question it is a message to the President.

The President knows full well that his so-called economic recovery deficit reduction plan is in serious trouble. It gets in serious trouble not only when Senators in large numbers question its authenticity as a deficit reduction plan and when it is doubted that there are sufficient cuts to justify the kind of taxes that he is asking for, and last but not least when the cuts in expenditures are not credible and dependable over time and not expected to be made before you ask for taxes.

It becomes very obvious that the American people in large numbers are

finding out about this. At first they thought it was just another plan, and that it was a big plan, and that it was a new President's plan. But I believe they are clearly understanding that it is principally a tax increase plan, and for the most part, they are beginning to understand that there are not sufficient cuts in Federal expenditures before they are being asked to pay so many taxes.

So, having said that, obviously I must praise the original sponsors of this approach to get to the problem of the entitlements and the mandatory expenditures. As I said, I have recommended something like it, although much different. I have not recommended that you include Social Security, because it is capped on its own. It is capped by COLA's, and it is capped by demographics, and it has a trust fund.

But the real point of today's activities is when Senator JOHNSTON, a cosponsor, says unequivocally the energy tax is dead and here is another bipartisan approach, that should be a message to the President of the United States that his plan is in big trouble, that it may not pass at all. In fact, if I were predicting today, I would predict that it will not pass. I would predict today that the tax plan will not pass the Senate, and that should send the signal that there is something basically wrong with it. And it is clear what is basically wrong with it.

First, you have to be very careful, imposing such large taxes on a fragile economy, because you will cost jobs instead of letting business create jobs.

Second, you do not have reliable credible cuts. In fact, you leave in place programs that are growing faster than the taxes could ever come in. So the people are beginning to understand that this is a first installment on something. But they are not quite sure they like a first installment which is principally taxes, because they wonder what the second installment will look like, especially when there is no solution to the universal health care reform currently being advocated by the White House with support from many, many people in the country.

What I am saying is, the public is very worried that there will be another big dose of taxes for that and the result is economic drag, instead of economic growth. Businesses are frightened to death. Small businesses are making no movement in a positive direction. They are fearful of the marginal tax increases, of health care taxes that are going to be imposed. We are not moving forward. We are moving backward.

And for those who are looking anxiously for new jobs in the economy, just pass the package—the President's package. At least you will get rid of those who are wondering what is going to happen.

But I assure you, the economic news in three quarters from now is not going to be good. It is going to be worse. Small businesses are not going to hire more people with this kind of economic plan and unsolved entitlement growth, including health care, that they do not know how to pay for today.

So, on the one hand, I praise those who are putting the plan forth, who have put it forth and who are advocating it. They are sending some good signals.

The content is so serious that I say, not to Madam President in the Chair, but to Mr. President in the White House: We cannot pass this kind of entitlement plan without you, Mr. President. You, White House Mr. President, you have to get behind this kind of plan with Democrats and Republicans and you have to assure the American people that, before taxes are put on, there will be irrevocable in law cuts of the magnitude suggested in the Boren-Danforth approach.

Now, we are not going to get there because, obviously, if I am reading it right, Vice President GORE and President Clinton do not favor going after the mandatory expenditures with caps and reductions that are significant over time. Perhaps they wait for a reform package on health care.

But I am suggesting that you are putting the cart before the horse by asking for $274 billion in new taxes, including the energy tax, when the American people are onto the fact that will not fix the deficit.

You have to have a package, a piece, a component that is something in the nature of the Domenici-Nunn of last year or Nunn-Domenici of this year that was offered on the floor or some components that are in the Boren-Danforth, or you cannot get the deficit under control. And you should not be imposing taxes of significant magnitude on the public if that is the case.

So I rise in a sense to say, "Good work," to those who were courageous enough to put forth this idea; and, on the other hand, I rise to warn those who think we are going to get the deficit under control with the President's plan that there are two problems with it.

First, it may not ever become a reality; and that is growing. And anybody that has not seen that develop here in this body and the other body has to be blind and have some of those things you wear when you get in a helicopter plugged in your ears. That is one.

The other is that you cannot fix the American economy and cause jobs to be brought on board by the private sector of the United States with a plan for the kind of energy taxes and marginal rate taxes the President has in mind. It will not work. And most of any tax that should be put on under any plan should be deferred for a long period of time until the cuts are in place. And you better be very careful that small business America does not get another dose of taxes, because they are not adding jobs right now and they are going to add less if you tax them more.

I yield the floor.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). Without objection, it is so ordered.

The Republican leader.

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

The PRESIDING OFFICER. The Parliamentarian advises we are in executive session.

Mr. DOLE. I ask unanimous consent that I may proceed as in morning business for 5 minutes.

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

HONORING HESSTON POLICE DEPARTMENT

Mr. DOLE. Madam President, Chief Mickey H. Dehook of the Hesston Police Department came to my office recently during National Police Week. I had the pleasure of meeting with him as he was here in Washington to accept an award on behalf of the police department of the city of Hesston in my home State of Kansas.

The Hesston Police Department received the 1992 Chief's Challenge Award presented by the International Association of Police Chiefs and the National Highway Traffic Safety Administration. The Chief's Challenge Program was developed by the Department of Transportation as part of Operation Buckle Down, a major campaign by all levels of government, law enforcement agencies, and safety groups to achieve 70-percent safety belt use nationally by the end of 1992.

Chief Dehook, and the men and women who serve with him in the Hesston Police Department, were honored by their peers—fellow officers and professionals who have answered the call of duty to protect and serve the citizens of our country. And they chose the Hesston Police Department as first prize winner in the National Chief's Challenge in promoting safety belts and child safety seats. Today, I would like to join these professionals in recognizing and honoring the entire Hesston Police Department in their efforts.

There are only five full-time police officers in the Hesston Police Department and they serve a city of 3,000. But in the past 5 years, these men and women have been honored many times for their outstanding efforts, both at

the State level and at the national level. They have received two national awards and five State awards including the 70-percent-plus safety belt award sponsored by the National Highway Traffic Safety Administration. They have also gained recognition from the American Coalition of Traffic Safety for their traffic safety video. Though few in number, this department has been instrumental in promoting and educating safety belt use not only in Hesston, but throughout Kansas and the United States.

Chief Dehook pointed out to me that the success of his department's achievements in promoting the safety belt program go to not only the members of his force, but the entire Hesston community, the Kansas Safety Belt Education Office, the National Highway and Traffic Safety Administration, and the Kansas Department of Transportation. I commend these organizations, Chief Dehook, his department, and the citizens of Hesston, and I would like the RECORD to reflect my heartfelt thanks to them in providing us with an invaluable and yet too often downplayed service. The Hesston Police Department serves as an excellent role model for our Nation's law enforcement community.

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

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

MEASURE PLACED ON CALENDAR

Mr. DOLE. Madam President, I ask unanimous consent that S. 1002, the Breast and Cervical Cancer Information Act of 1993, introduced earlier today by Senators HATCH, KENNEDY, and others, be placed on the calendar. I would advise this has been cleared by the majority leader.

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

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

EXECUTIVE CALENDAR

Mr. MITCHELL. Madam President, I ask unanimous consent that the Senate proceed to the following nominations: calender items numbered 124 through 132, Nos. 136 through 138, Nos, 140 through 156, Nos. 161 through 169, and all nominations placed on the Secretary's desk in the Air Force, Army, Marine Corps, and Navy.

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 actions; and that the Senate return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF ENERGY

James John Hoecker, of Virginia, to be a Member of the Federal Energy Regulatory Commission for the remainder of the term expiring June 30, 1995.

William Lloyd Massey, of Arkansas, to be a Member of the Federal Energy Regulatory Commission for the remainder of the term expiring October 20, 1993.

William Lloyd Massey, of Arkansas, to be a Member of the Federal Energy Regulatory Commission for the term expiring June 30, 1998.

Donald Farley Santa, of Connecticut, to be a Member of the Federal Energy Regulatory Commission for the term expiring June 30, 1997.

Vicky A. Bailey, of Indiana, to be a Member of the Federal Energy Regulatory Commission for the term expiring June 30, 1997.

DEPARTMENT OF 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).

DEPARTMENT OF EDUCATION

Kay Casstevens, of Texas, to be Assistant Secretary for Legislation and Congressional Affairs, Department of Education.

Norma V. Cantu, of Texas, to be Assistant Secretary of Civil Rights, Department of Education.

DEPARTMENT OF ENERGY

Thomas P. Grumbly, of Virginia, to be an Assistant Secretary of Energy (Environmental Restoration and Management).

IN THE NAVY

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 [redacted].

IN THE ARMY

The following-named [redacted]ficer for appointment to the grade of general while assigned to a position of important and responsibility under title 10, United States Code, Section 601(a):

To be general

Lt. Gen. Gary E. Luc[redacted], U.S. Army.

IN THE AIR FORCE

The following-named officers for appointment in the United States Air Force to the grade of brigadier general under the provisions of title 10, United States Code, Section 624:

To be brigadier general

Col. Maxwell C. Bailey[redacted] Regular Air Force.

Col. Robert P. Belihar[redacted] Regular Air Force.

Col. Frank B. Campbel[redacted], Regular Air Force.

Col. Thomas R. Case[redacted] Regular Air Force.

Col. Donald G. Cook[redacted] Regular Air Force.

Col. Charles H. Coolidge, Jr[redacted], Regular Air Force.

Col. Richard L. Engel[redacted] Regular Air Force.

Col. Robert E. Gatliff[redacted] Regular Air Force.

Col. Michael V. Hayden[redacted] Regular Air Force.

Col. Charles R. Henderson[redacted], Regular Air Force.

Col. William R. Hodges[redacted] Regular Air Force.

Col. Robert A. Hoffmann[redacted] Regular Air Force.

Col. Raymond P. Huot[redacted] Regular Air Force.

Col. Howard J. Ingersoll[redacted] Regular Air Force.

Col. James A. Jaeger[redacted] Regular Air Force.

Col. Ronald T. Kadish[redacted] Regular Air Force.

Col. Thomas J. Keck[redacted] Regular Air Force.

Col. Orest L. Kohut[redacted] Regular Air Force.

Col. George P. Lampe[redacted] Regular Air Force.

Col. James D. Latham[redacted] Regular Air Force.

Col. Ronald C. Marcotte[redacted] Regular Air Force.

Col. Richard C. Marr[redacted] Regular Air Force.

Col. Gregory S. Martin[redacted] Regular Air Force.

Col. David J. McCloud[redacted] Regular Air Force.

Col. John F. Miller, Jr[redacted], Regular Air Force.

Col. Michael A. Moffitt[redacted], Regular Air Force.

Col. William F. Moore[redacted] Regular Air Force.

Col. Thomas H. Neary[redacted] Regular Air Force.

Col. Charles H. Perez[redacted] Regular Air Force.

Col. Jeffrey S. Pilkington[redacted], Regular Air Force.

Col. Stephen B. Plummer[redacted], Regular Air Force.

Col. Karen S. Rankin[redacted] Regular Air Force.

Col. Thomas J. Scanlan, Jr[redacted], Regular Air Force.

Col. George T. Stringer[redacted] Regular Air Force.

Col. Arthur S. Thomas[redacted] Regular Air Force.

Col. Lansford E. Trapp, Jr[redacted], Regular Air Force.

Col. Gary A. Voellger[redacted] Regular Air Force.

Col. Buford R. Witt [redacted] Regular Air Force.

The following-named officers for appointment to the grade of major general under the provisions of title 10, United States Code, section 624:

To be major general

Brig. Gen. George T. Babbitt, Jr. [redacted] Regular Air Force.

Brig. Gen. Richard C. Bethurem [redacted] Regular Air Force.

Brig. Gen. William B. Davitt [redacted], Regular Air Force.

Brig. Gen. Lee A. Downer [redacted], Regular Air Force.

Brig. Gen. Ralph E. Eberhar [redacted], Regular Air Force.

Brig. Gen. Richard N. Goddard [redacted], Regular Air Force.

Brig. Gen. Eldon W. Joers [redacted], Regular Air Force.

Brig. Gen. Lester L. Lyles [redacted], Regular Air Force.

Brig. Gen. David W. McIlvoy [redacted], Regular Air Force.

Brig. Gen. Kenneth A. Minihan [redacted], Regular Air Force.

Brig. Gen. Lloyd W. Newton [redacted], Regular Air Force.

Brig. Gen. Tad J. Oelstron [redacted], Regular Air Force.

Brig. Gen. Charles T. Robertson, Jr. [redacted] Regular Air Force.

Brig. Gen. Eugene D. Santarelli [redacted] Regular Air Force.

Brig. Gen. Richard T. Swop [redacted], Regular Air Force.

Brig. Gen. Arnold R. Thomas, Jr. [redacted] Regular Air Force.

Brig. Gen. W. Thomas Wes [redacted], Regular Air Force.

The following-named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. John S. Fairfiel [redacted], U.S. Air Force.

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:

Maj. Gen. Dale W. Thompson, Jr. [redacted] U.S. Air Force.

The following-named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

Lt. Gen. Trevor A. Hammond [redacted], U.S. Air Force.

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:

Maj. Gen. John M. Nowak [redacted], U.S. Air Force.

The following-named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

Lt. Gen. Thomas R. Ferguson, Jr. [redacted] U.S. Air Force.

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:

Maj. Gen. James A. Fain, J [redacted], U.S. Air Force.

IN THE ARMY

The U.S. Army Reserve officers named herein for appointment in the Reserve of the Army of the United States in the grades indicated below, under the provisions of title 10. United States Code, sections 593(a), 3371 and 3384:

To be major general

Brig. Gen. Stephen C. Bisse [redacted].

Brig. Gen. Edward M. Crowley [redacted].

Brig. Gen. Ralph O. Dought [redacted].

Brig. Gen. Robert A. Lam [redacted].

Brig. Gen. Ronald L. Lowe [redacted].

Brig. Gen. James A. Pococ [redacted].

Brig. Gen. Larry L. Scheuchze [redacted].

Brig. Gen. Michael D. Strong, III [redacted]

To be brigadier general

Col. Robert A. Lucas [redacted].

Col. William F. O'Brie [redacted].

Col. Wesley A. Beal [redacted].

Col. Clark C. Watt [redacted].

Col. David J. Kaucheck [redacted].

Col. Vincent E. Stah [redacted].

Col. Jerald N. Albrech [redacted].

Col. Kenneth D. Strong [redacted].

Col. Craig Bambrough [redacted].

Col. Thomas J. Matthew [redacted].

Col. Thomas A. Deas [redacted].

Col. James P. Culle [redacted].

Col. William F. Alle [redacted].

Col. Eddi Z. Zyko [redacted].

Col. Mark R. Bailey [redacted].

Col. Anthony F. Caruana [redacted].

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, Section 1370:

To be lieutenant general

Lt. Gen. Joseph S. Laposat [redacted], U.S. Army.

The following-named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, Section 601(a):

Maj. Gen. Marvin L. Covaul [redacted], U.S. Army.

The following-named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, Section 601(a):

Maj. Gen. Richard F. Kelle [redacted], U.S. Army.

The U.S. Army Reserve officers named herein for appointment in the Reserve of the Army of the United States in the grades indicated below, under the provisions of title 10, United States Code, sections 593(a), 3371 and 3384:

To be major general

Brig. Gen. Walter E. Katuzny, Jr. [redacted].

Brig. Gen. Thomas W. Sab [redacted].

To be brigadier general

Col. James M. Aubuchon [redacted].

Col. James W. Darder [redacted].

Col. Robert H. McInvale, Jr [redacted].

Col. Joel G. Blanchett [redacted].

Col. Jack H. Kotte [redacted].

Col. Michael T. Gaw [redacted].

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):

To be lieutenant general

Maj. Gen. John E. Mille [redacted], United States Army.

The United States Army National Guard officer named herein for appointment in the Reserve of the Army of the United States in the grade indicated below, under the provisions of title 10, United States Code, sections 593(a), 3385, and 3392:

To be brigadier general

Col. Paul G. Gebhard [redacted].

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):

To be lieutenant general

Maj. Gen. Henry H. Shelto [redacted], U.S. Army.

IN THE NAVY

The following-named captains in the staff corps of the U.S. Navy for promotion to the permanent grade of rear admiral (lower half), pursuant to title 10, United States Code, section 624, subject to qualifications therefor as provided by law:

MEDICAL CORPS

To be rear admiral (lower half)

Capt. James Howard Blac [redacted], U.S. Navy.

Capt. Noel Kennedy Dysart, Jr. [redacted] U.S. Navy.

SUPPLY CORPS

To be rear admiral (lower half)

Capt. Edward Robert Chamberlin [redacted] U.S. Navy.

Capt. John Turner Scud [redacted] U.S. Navy.

CIVIL ENGINEER CORPS

To be rear admiral (lower half)

Capt. David Julian Nash [redacted] U.S. Navy.

The following-named rear admirals (lower half) in the line of the Navy for promotion to the permanent grade of rear admiral, pursuant to title 10, United States Code, section 624, subject to qualifications therefor as provided by law:

UNRESTRICTED LINE OFFICER

To be rear admiral

Rear Adm. (lh) Philip James Coady, Jr., [redacted] U.S. Navy.

Rear Adm. (lh) Philip Alphonse Dur [redacted] U.S. Navy.

Rear Adm. (lh) Robert Johnson Spane [redacted] U.S. Navy.

Rear Adm. (lh) Richard Alexand Wilson, [redacted] U.S. Navy.

The following-named rear admiral (lower half) in the competitive category of engineering duty officer of the Navy for promotion to the permanent grade of rear admiral, pursuant to title 10, United States Code, section 624, subject to qualifications therefor as provided by law:

ENGINEERING DUTY OFFICER

To be rear admiral

Rear Adm. (lh) Edward Stillman McGinley II, [redacted] U.S. Navy.

The following-named officer, currently holding the permanent grade of rear admiral (lower half), in the competitive category of Special Duty Officer (Intelligence) of the Navy for promotion to the permanent grade of rear admiral, pursuant to title 10, United States Code, section 624, subject to qualifications therefor to as provided by law:

SPECIAL DUTY OFFICER (INTELLIGENCE)

To be rear admiral

Rear Adm. (lh) John Michael McConnell, [redacted] U.S. Navy.

The following-named rear admiral (lower half) of the Reserve of the U.S. Navy for permanent promotion to the grade of rear admiral in the staff corps, as indicated, pursuant

to the provision of title 10, United States Code, section 5912:

DENTAL CORPS OFFICER

To be rear admiral

Rear Adm. (lh) Roger Wayne Triftshauser, [redacted] U.S. Naval Reserve.

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

To be vice admiral

Vice Adm. William A. Dougherty, Jr., U.S. Navy [redacted].

IN THE MARINE CORPS

The following-named colonels of the U.S. Marine Corps for promotion to the permanent grade of brigadier general, under the provisions of title 10, United States Code, section 624:

To be brigadier general

Col. Thomas A. Braate[redacted].
Col. Martin R. Steel[redacted].
Col. Frederick McCorkl[redacted].
Col. Michael D. Ryan[redacted].
Col. Patrick G. Howar[redacted].
Col. Wayne E. Rolling[redacted].
Col. George M. Karamarkovic[redacted].
Col. Michael P. DeLon[redacted].
Col. Edwin C. Kelley, Jr[redacted].
Col. Richard F. Vercauteren[redacted].
Col. Edward Hanlon, Jr[redacted].
Col. Geoffrey B. Higginbothan[redacted].
Col. Jack W. Klimp[redacted].
Col. Ronald G. Richar[redacted].

The following-named officer to be placed on the retired list under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Matthew T. Coope[redacted], USMC.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE AIR FORCE, ARMY, MARINE CORPS, NAVY

Air Force nominations beginning John T. Abbott, Jr, and ending Scott R. Williamson, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 16, 1993.

Air Force nominations beginning *Carl P. Dennis, and ending Sally J. Petty, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 25, 1993.

Air Force nominations beginning Michael S. Houser, and ending John A Arrigo, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 25, 1993.

Air Force nominations beginning Roosevelt Green, and ending Gardner G Basset, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 29, 1993.

Air Force nominations beginning Lori L. Brown, and ending Amit Y. Yoran, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 29, 1993.

Air Force nominations beginning Alan M Akers, and ending Mary L. Zozulin, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 29, 1993.

Air Force nominations beginning Ronald W. Hanrote, and ending Alan R. Westrom, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of April 5, 1993.

Air Force nominations beginning Major Dana L. Alexander [redacted] and ending Major Kevin G. Hoffer[redacted] which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of April 19, 1993.

Air Force nominations beginning James S. Adamski, and ending Michael F. Zupan, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of April 19, 1993.

Air Force nominations beginning Mila D. Abalateo, and ending Daniel R. Zayac, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of April 19, 1993.

Army nominations beginning Henry C. Chapman, and ending Richard W. Krempasky, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 5, 1993.

Army nominations beginning Ronald W. Adams, and ending Jack R. Younger, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 5, 1993.

Army nominations beginning Frank S. Pettyjohn, and ending Christopher F. Sirridge, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 25, 1993.

Army nominations beginning Richard W. Averitt, and ending Sandra J. Bary, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 25, 1993.

Army nominations beginning James J. Dougherty, and ending Charlotte G. Dufford, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 25, 1993.

Army nominations beginning Lonnie B. Byrd, and ending David Zalis, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 25, 1993.

Army nominations beginning James M. Brown, and ending Wayne R. Whitelock, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 25, 1993.

Army nominations beginning John M Babcock, and ending James W. Winn, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 25, 1993.

Army nominations beginning Michael L Abels, and ending Bruce E Zukauskas, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 25, 1993.

Army nominations beginning *Gary D. Davis, and ending *Donald W. Gilmore, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 29, 1993.

Army nominations beginning Steven G. Brooks and ending *Michael J. Kalil, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of April 5, 1993.

Army nominations beginning Patrick M. Holder, and ending *Victoria J. Ransom, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of April 5, 1993.

Army nominations beginning Raymond L. Capps, and ending Clem D. Mcduffie, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of April 5, 1993.

Army nominations beginning Buris C. Dale, and ending Terry E. Thomason, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of April 19, 1993.

Army nominations beginning Ronald E. McConnell, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of April 19, 1993.

Army nominations beginning Elzey J. Arledge, Jr., and ending Mary M. Lackey, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of April 19, 1993.

Army nominations beginning John P. Scovill, and ending Lang K. Coleman, which nominations were received by the Senate on April 28, 1993, and appeared in the CONGRESSIONAL RECORD of April 29, 1993.

Army nominations beginning Erik J Aasterud, and ending Strider Sulley, which nominations were received by the Senate on April 28, 1993, and appeared in the CONGRESSIONAL RECORD of April, 29, 1993.

Marine Corps nominations beginning Erik M Wolf, and ending Mark A Mcquire, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of April 21, 1993.

Navy nominations beginning Gordon Asch, and ending Kenneth W Parnell, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 25, 1993.

Navy nominations beginning Murray Calhoun, and ending Patrick James Tilley, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of April 19, 1993.

Navy nominations beginning Robert Andrew Olshaker, and ending James A Mcginnis, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of April 19, 1993.

Navy nominations beginning Martin Robert Allard, and ending Victor C See, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of April 19, 1993.

Navy nominations beginning Charles Lee Aley, III, and ending Alden Gray Moore, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of April 19, 1993.

Navy nominations beginning Richard D Baertlein, and ending Doreen Esther Tate, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of April 19, 1993.

Navy nominations beginning Matthew A. Allison, and ending Cameron P. Ratkovic, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of April 21, 1993.

Navy nominations beginning Karl E. Eimers, and ending Mark W. Biolo, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of April 21, 1993.

Navy nominations beginning Roger D. Allenbaugh, and ending Roy E. Weymouth, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of April 21, 1993.

Navy nominations beginning Charles J. Baker, and ending Paul E. Matthews, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of April 21, 1993.

STATEMENT ON NOMINATIONS TO POSITIONS IN THE DEPARTMENT OF VETERANS AFFAIRS

Mr. ROCKEFELLER. Madam President, as chairman of the Committee on Veterans' Affairs, I am delighted to recommend to the Senate the confirmation of four individuals to key positions in the Department of Veterans Affairs. The four individuals, and the positions to which they have been nominated, are:

Jerry W. Bowen to be Director of the National Cemetery System;

D. Mark Catlett to be Assistant Secretary for Finance and Information Resources Management;

Mary Lou Keener to be general counsel; and

Edward P. Scott to be Assistant Secretary for Congressional Affairs.

These are four first-rate individuals and I am satisfied that each will play a key role, along with Secretary of Veterans Affairs, Jesse Brown, and Deputy Secretary, Hershel Gober, in providing leadership to the Department of Veterans Affairs so that it can better serve the needs of the veterans of West Virginia and the entire Nation.

The committee held a hearing on May 12, 1993, at which each of the nominees responded openly and forthrightly to questions from committee members. Each also responded to pre- and post-hearing questions and completed the committee's questionnaire. After reviewing all these materials as well as the FBI reports on each, I am satisfied that each is well suited for the position for which he or she has been nominated. On Wednesday, May 19, our committee met to consider these nominations and voted unanimously to recommend their confirmation to the full Senate.

Madam President, I will speak briefly regarding each of the nominees.

Jerry Bowen, like his friend and colleague, Deputy Secretary Gobel, is from Arkansas and is retired from a career in the military. In Jerry's case, he retired as an Army colonel in 1989 after serving two tours in Vietnam and later holding several senior positions in the Pentagon. Following his retirement, he returned to his native State where he owns a rice and soybean farm near Newport, AR. He also serves as the chairman of a family business, JESTCO Fitness, Inc., in Jonesboro, AR. Jerry impressed me during my meeting with him and then during the confirmation hearing as a very capable, steady performer who is just the right sort of person to run the National Cemetery System.

Madam President, Mark Catlett is a West Virginia native—I keep being pleased by how many West Virginians are involved with veterans matters. Mark was born in Martinsburg and grew up in Hedgesville. He attended West Virginia University where he played basketball.

Mark is a career VA employee and his nomination to the position of Assistant Secretary for Finance and Information Resources Management—one of the most important positions at VA—is a very positive message for career employees throughout VA. He does not have an easy job, but I am convinced that he is ready to tackle it and that he will succeed.

Mary Lou Keener is a Vietnam veteran who has been very active in veterans matters, such as agent orange, while maintaining an active law practice in Atlanta, GA.

Born in Flint, MI, Mary Lou served on the hospital ship U.S.S. *Repose* in Vietnam after receiving her nursing degree. She later joined the Air Force Reserves where she is now a colonel. She was called to active duty during Operation Desert Storm.

I note for my colleagues that Mary Lou has some experience with the Congress, having once worked for then-Representative, now-Senator DON RIEGLE.

Mary Lou's background as both a health professional and a lawyer should serve her and the VA well as she assumes the role of general counsel. I am confident that she will be highly effective in that position.

Madam President, it is hard to know where to begin with Ed Scott. I guess I should note that Ed served in the Air Force in the mid-1960's and also had impressive service with the Peace Corps, including a stint as the Peace Corps director in Korea. I also note that he was with the Mental Health Law Project in the mid-1970's.

Ed, of course, is best known to many in the Senate for his 16 years of service on the staff of the Veterans' Affairs Committee—as general counsel, minority general counsel, then general counsel again, and finally as chief counsel and staff director. He has a splendid grasp of veterans affairs matters, knows the Congress as only a long time staff member can, has a keen wit and probing mind, and will undoubtedly be an excellent Assistant Secretary for Congressional Affairs.

Madam President, in closing, I again note my satisfaction that these four nominees are well suited to the positions for which they have been nominated and I urge my colleagues to give them their unanimous support.

STATEMENT ON NOMINATION OF EDWARD SCOTT

Mr. AKAKA. Madam President, I rise to express my strong support for Edward Scott, who has been nominated by President Clinton to be the Assistant Secretary for Congressional Affairs in the Department of Veterans Affairs. I know that I express the sentiment of all in this Chamber who know this wonderful and talented man when I say that he richly deserves this important post.

Ed has had a long and varied career. After graduating cum laude from the University of Pennsylvania Law School in 1963, where he was Law Review editor, he clerked for New Jersey Supreme Court Associate Justice Nathan Jacobs. He then joined the Air Force for 3 years, where he worked as an assistant staff judge advocate at Keesler Air Force Base, before retiring in the rank of captain. Soon after, he joined the Peace Corps, serving as deputy director and, later, as country director in Korea. Returning to the United States, he signed on as a staff attorney to the Mental Health Law Project, here, in Washington. In 1977, he joined the staff of the Senate Veterans' Affairs Committee, thus embarking on a long and distinguished career in the veterans arena. In the 16 years he served on the committee, he alternately served as majority and minority general counsel and, ultimately, staff director/chief counsel.

On a substantial level, few have contributed more to improving benefits and services for the Nation's 27 million veterans and their families. Ed helped guide the former chairman of the Veteran's Affairs Committee, Senator Cranston, and all those who have served on the committee over the years, through countless hearings, floor debates, and policy battles.

He played a key role in creating the Vet Center Program, establishing the Montgomery GI bill, elevating VA to Cabinet rank, and forming the U.S. Court of Veterans Appeals. In the last 2 years alone, perhaps the most productive legislative period in the committee's history, he was the staffer most responsible for revamping VA physician pay, for improving homeless veterans programs, for creating a fairer system of compensation for survivors of disabled veterans, for bringing educational benefits in line with inflation, for heightening concern for minority veterans, and for establishing a program to help treat women who were sexually abused in the military. And, following the leadership of my distinguished colleagues, Senator DASCHLE and Senator ROCKEFELLER, respectively, he helped resolve such controversial matters as agent orange and VA drug pricing.

Mr. President, the full list of Ed's accomplishments is too lengthy for me to recite here, on the Senate floor. But what is most remarkable to me is not so much the extent of his achievements, but the grace and sense of balance he brought to his work on the committee. In dealing with many organizations and personalities, each with a different agenda, often on extremely contentious issues, he managed to calm every storm, to soothe every ruffled feather. His willingness to consider every side to an issue, his ability to rise above partisan and personal concerns, truly elevated the level of debate on veterans issues. By his example, he constantly reminded us of our primary obligation, which is to promote the welfare of veterans.

In this respect, Ed Scott is perfectly suited for the Congressional Affairs position. He is universally appreciated and respected by Members of Congress, the veterans community, and his new co-workers at VA. We will miss his luminous presence here, but the legislature's loss is certainly the executive branch's gain.

Thank you, Mr. President. In the expectation that the Senate will vote

unanimously to approve Ed's nomination, let me be among the first to congratulate him and his fine family, including Jane, his wife, and his children, Young Joon, Edward, Jr., Lauren, and Tracey. They should be justly proud of their husband and father.

STATEMENT ON NOMINATION OF KAY CASSTEVENS

Mr. SIMON. Madam President, I want to commend President Clinton on his marvelous choice for Assistant Secretary of Education for Legislation and Congressional Affairs.

Kay Casstevens has worked with several friends and colleagues of mine, including George McGovern, and more recently, TOM HARKIN. In her two decades on Capitol Hill, she has demonstrated true commitment to improving education. I know she will make a real contribution in this area as Assistant Secretary.

Working with Kay has been a real pleasure for me and my staff. I look forward to continuing to work with her, and the many other dedicated and talented people the President has selected to lead our Nation's effort at improving educational opportunity for all Americans.

STATEMENT ON NOMINATION OF KAY CASSTEVENS MAY 20, 1993

Mr. HARKIN. Madam President, I am proud to be here today to speak on behalf of one of the best things to come out of Texas since chili, cowboy boots, and Lone Star Beer.

Kay Casstevens is President Clinton's nominee to be the Assistant Secretary for Legislation and Congressional Affairs at the Department of Education. And I want to commend the President on his decision, because I do not think he could have picked a more dedicated, hard-working, and loyal person if he tried.

I have been friends with Kay for over 7 years. As most members of this committee know, Kay was a member of my staff, serving for 5 years as my legislative director before being promoted to chief of staff in 1991. I think the fact that she was with me for 7 years speaks volumes about her patience, although I hope it dose not lead you to question her judgment.

But I have come to know Kay as a person of character and integrity who will always go the extra mile to get the job done. And I think she is ideally suited for this job for four main reasons:

First, Kay knows education like the back of her hand. As chairman of the Appropriations Subcommittee on Labor, Health and Human Services, Education and Related Agencies, I worked closely with Kay on education issues and came to rely on her expertise and judgment. She is an innovative thinker and skilled tactician who understands these issues at a gut level. She is also familiar with nearly every piece of education legislation that has come before the Labor Committee the past 7 years, and I think that experience will serve the administration and the country well over the next 4 years.

Second, Kay knows her way around Washington. She is one of that select group of people in this city who have held leadership roles on both sides of the Hill. Before joining my staff, Kay spent 4 years as a legislative aide to Senator George McGovern and 9 years as the legislative director for Representative John Siberling. She knows how to make the system work, and that is a quality that is going to come in handy as head of Congressional Affairs at the Department of Education.

Third, Kay understands the value of education and hard work as well as anybody. She is quite an inspiration. If you take a look at Kay's reume, you will notice she began her career 20 years ago as a secretary. She has had to clear a lot of hurdles— including 4 years of night law school while holding a full-time job—but thanks to a lot of hard work and perseverance, she is a different kind of secretary now. As Assistant Secretary of Education, I think Kay will bring a first-hand, down-to-earth appreciation of the value of education to ensure that all Americans are given the same opportunities that she had.

Lastly, I believe Kay has distinguished herself as a model public servant over the past 20 years. She has dedicated her life to helping others and making Government work, and I believe that commitment will continue at the Department of Education.

Madam President, I highly recommend Kay Casstevens as Assistant Secretary for Legislation and Congressional Affairs at the Department of Education. I intend to vote for her, and I urge my colleagues to do the same.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

MORNING BUSINESS

Mr. MITCHELL. Madam President, I ask unanimous consent that there now be a period for morning business.

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

RUSSIAN FOREIGN MINISTER URGES UNITED ACTION ON BOSNIA

Mr. PELL. Mr. President, today, the Foreign Relations Committee hosted a working luncheon with Russian Foreign Minister Kozyrev. Just a couple of weeks ago, I met with Foreign Minister Kozyrev when I traveled to Moscow as part of an arms control delegation. At our Moscow meeting, we discussed the status of the START II Treaty, and gained some valuable insight into how the treaty is likely to fare in the Russian Parliament.

Then, as today, however, much of our discussion with the Foreign Minister focused on Bosnia. In fact, the Foreign Minister is in Washington following a European tour to shore up international support for a Russian initiative on Bosnia.

We had an excellent discussion with the Foreign Minister. We were able to learn more about Russian views on Bosnia, to hear about the minister's recent trip to the region, and to discuss our two countries' approach to this very difficult issue. Mr. Kozyrev sees the Vance-Owen plan as the framework to a solution in Bosnia, and he called for "progressive implementation" of the plan. He made the case that an ad hoc approach would be dangerous, and that the Vance-Owen plan provides some orientation for a solution.

I, for one, have argued that the United States needs to ask some tough questions before committing ourselves to military involvement: Why should we intervene in Bosnia? Why is Bosnia different from the other places of conflict in the world? What are American interests in Bosnia? I am pleased that the Clinton administration is taking a long, hard look at them before taking further action.

The Russians are posing similar questions from their own perspective. I do believe we had at least a limited meeting of minds today. It is clear that we share an objective: peace in Bosnia. We also agreed that all the options remain on the table, and that the challenge is to find the most workable solution; as the Foreign Minister said, there is no magic wand that will bring a solution to the terrible situation in Bosnia.

I found the meeting extremely interesting, and believe that it was useful for the Foreign Minister to hear some of the voices in the U.S. Congress on this issue. If the United States and Russia hope to forge a partnership on global issues, this type of candid exchange will be absolutely crucial.

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 and a treaty which were referred to the appropriate committees.

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

REPORT ON THE CORPORATION FOR PUBLIC BROADCASTING FOR FISCAL YEAR 1992 AND THE INVENTORY OF THE FEDERAL FUNDS DISTRIBUTED TO PUBLIC TELECOMMUNICATIONS ENTITIES BY FEDERAL DEPARTMENTS AND AGENCIES: FISCAL YEAR 1992—MESSAGE FROM THE PRESIDENT—PM 22

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science and Transportation.

To the Congress of the United States:

In accordance with the Communications Act of 1934, as amended (47 U.S.C. 396(i)), I transmit herewith the Annual Report of the Corporation for Public Broadcasting for Fiscal Year 1992 and the Inventory of the Federal Funds Distributed to Public Telecommunications Entities by Federal Departments and Agencies: Fiscal Year 1992.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 20, 1993.*

MESSAGE FROM THE HOUSE

At 12:07 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of it's reading clerks, announced that the Speaker signed the following enrolled bill:

H.R. 1378. An Act to amend title 10, United States Code, to revise the applicability of qualification requirements for certain acquisition work force positions in the Department of Defense, to make necessary technical corrections in that title and certain other defense-related laws, and to facilitate real property repairs at military installations and minor military construction during fiscal year 1993.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

At 3:53 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of it's reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 80. A joint resolution designating June 1, 1993, through June 7, 1993, as a "Week for the National Observance of the Fiftieth Anniversary of World War II."

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-842. A communication from the Director of Central Intelligence, transmitting, a draft of proposed legislation entitled "Intelligence Authorization Act of Fiscal Year 1994"; to the Select Committee on Intelligence.

EC-843. A communication from the Chairman of the Federal Election Commission, transmitting, a report entitled "Polling Place Accessibility in the 1992 General Election"; to the Committee on Rules and Administration.

PETITIONS AND MEMORIALS

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

POM-74. A resolution adopted by the Town Council of Newmarket, New Hampshire relative to the Portsmouth Naval Shipyard; to the Committee on Armed Services.

POM-75. A resolution adopted by the Senate of the Legislature of the State of New York; to the Committee on Armed Services.

"SENATE NO. 876

"Whereas, Naval Station New York is the first United States Navy surface ship home port built since World War II; and

"Whereas, The Homeport at Stapleton, Staten Island, opened four years ago and now provides facilities for six ships—the cruiser USS Normandy and five reserve training frigates—and has about 2,200 regular Navy personnel and 400 civilians on its $30 million a year payroll; and

"Whereas, Naval Station New York was on the initial list of 30 Military installation closures unveiled by the Defense Department on March 12th, with the Base Realignment and Closure Commission to make its final recommendations to President Clinton by July 1; and

"Whereas, While the closing of the Homeport at Stapleton would deal serious economic harm to the entire New York City metropolitan area, there are even more compelling, military, reasons for keeping the facility in operation; and

"Whereas, As the newest of the homeports, Naval Station New York is a state-of-the-art naval base and therefore less likely to require substantive outlays for maintenance of pier, docks and related facilities; and

"Whereas, More importantly, the base at Stapleton is a vitally important strategic asset, with its deep water channels, necessary for the dimensions of Navy warships, and its modern pier, completed in 1989, which is 1,410 feet long and 90 feet wide, supported by concrete piles; and

"Whereas, This state-of-the-art pier is equipped for the environmentally safe removal of a ship's oily waste and waste water, and it provides all the steam and electric power to enable ships to conserve their own energy while in port; and

"Whereas, The pier is capable of berthing up to 12 ships, and it is supplemented by a $33.5 million maintenance facility which provides upkeep for the Navy ships between overhauls in shipyards; and

"Whereas, The Homeport, located in the premier port in the Western world, is of immeasurable strategic value and it affords the Navy greater access to the North Atlantic, Europe and the mid-East than any other naval location; it is this very access to trouble spots that gives the United States the military flexibility it needs in times of military tension or outright hostilities; and

"Whereas, At a time when the former Soviet Union and Balkan states are experiencing unrest and political and physical conflict, it is crucial that the U.S. Sixth Fleet be on the scene; while the world hopes for a lessening of tensions and an end to civil war in the former Yugoslavia, perhaps within a span of 5 to 10 years, it would be folly to relax military guard amid current conditions; and

"Whereas, As the former Soviet Union experiences domestic turmoil, it is important to remember that the Russian state still has 10,000 nuclear missiles and most of its huge submarine fleet ready for use; and

"Whereas, When General Dwight Eisenhower headed the North Atlantic Treaty Organization, the alliance had as its motto: "Eternal Vigilance is the Price of Freedom"; that was 40 years ago and nothing has happened to warrant abandoning that watch word; and

"Whereas, The Homeport is an integral part of the American defense establishment, which helps provide the "eternal vigilance" our nation requires; and

"Whereas, This Legislative Body recognizes the economic and financial motives affecting the reduction of the American military, and desires that the President and Congress carry out that mission of downsizing the American government's budget in a manner consistent with protection of the national interest; now, therefore, be it

"*Resolved*, That this Legislative Body appeal to the President and the Congress of the United States to preserve Naval Station New York, at Stapleton, for military reasons and in the national interest; and be it further

"*Resolved*, That copies of this Resolution, suitably engrossed, be conveyed to the President of the United States and to the Majority Leader of the United States Senate and to the Speaker of the United States House of Representatives."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. FORD, from the Committee on Rules and Administration, without amendment:

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 (Rept. No. 103-46).

S. 685. A bill to authorize appropriations for the American Folklife Center for fiscal years 1994, 1995, 1996, and 1997 (Rept. No. 103-47).

By Mr. FORD, from the Committee on Rules and Administration, without amendment:

S. Res. 110. An original resolution relating to the purchase of calendars.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. MOYNIHAN, from the Committee on Finance:

Rufus Hawkins Yerxa, of the District of Columbia, to be a Deputy United States Trade Representative, with the rank of Ambassador.

Charlene Barshefsky, of the District of Columbia, to be a Deputy United States Trade Representative, with the rank of Ambassador.

Jean E. Hanson, of New York, to be General Counsel for the Department of the Treasury.

Bruce C. Vladeck, of New York, to be Administrator of the Health Care Financing Administration.

Kenneth S. Apfel, of Maryland, to be an Assistant Secretary of Health and Human Services.

Harriet S. Rabb, of New York, to be General Counsel of the Department of Health and Human Services.

Jerry D. Klepner, of Virginia, to be an Assistant Secretary of Health and Human Services.

David T. Ellwood, of Massachusetts, to be an Assistant Secretary of Health and Human Services.

Walter D. Broadnax, of New York, to be Deputy Secretary of Health and Human Services; and

Avis LaVelle, of Illinois, to be an Assistant Secretary of Health and Human Services.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. PELL, from the Committee on Foreign Relations:

Joseph D. Duffey, of West Virginia, to be Director of the United States Information Agency.

Karl Frederick Inderfurth, of North Carolina, to be the Alternate Representative of the United States of America for Special Political Affairs in the United Nations, with the rank of Ambassador.

Douglas Joseph Bennet, Jr., of Connecticut, to be an Assistant Secretary of State.

Elinor G. Constable, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs.

Ruth R. Harkin, of Iowa, to be President of the Overseas Private Investment Corporation; and

Marshall Fletcher McCallie, of Tennessee, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Namibia.

Nominee: Marshall Fletcher McCallie.

Post: United States Ambassador to Namibia.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: None.

3. Children and spouses names: Grady S. McCallie, None; Sumner D. McCallie, none.

4. Parents names: M/M SJ. McCallie, Jr., none; Mrs. JE. Grady (deceased), Mr. JE. Grady (Father in law), $15.00, March 1988, $15.00, February 1989, $22.00, April 1990, $22.00, March 1991, $22.00, October 1991, $22.00, March 1992, $22.00, May 1992, $25.00, January 1993, $25.00, February 1993, to the Republican National Committee.

5. Grandparents names; Dr./M. Franklin Scanlon (deceased); Pr/M SJ. McCallie, Sr. (deceased); M/M Fr. Weaver (deceased; M/M CE. Grady (deceased).

6. Brothers and spouses names: M/M SJ. McCallie III, none; M/M FS. McCallie, none.

7. Sisters and spouses names: Ms. Helen McCallie, none.

Mark Johnson, of Montana, 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 Senegal.

Nominee: Mark Johnson.

Post: Ambassador, Senegal.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: Mark Johnson, $500.00, December 1991, Fred Thomas, Republican Candidate—State Auditor Montana.

2. Spouse: Sally J. Cummins, none.

3. Children and spouses names: Christopher, Mark, Jessica, none.

4. Parents names: Bette C. Ian (deceased), none.

5. Grandparents names: Clarence Schroder (deceased); Katherine Schroder (deceased).

6. Brothers and spouses names: None.

7. Sisters and spouses names: None.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. KEMPTHORNE (for himself, Mr. COVERDELL, Mr. GREGG, and Mr. CRAIG):

S. 993. A bill to end the practice of imposing unfunded Federal mandates on States and local governments and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations; to the Committee on Governmental Affairs.

By Mr. PRYOR (for himself, Mr. HEFLIN, Mr. COCHRAN, and Mr. MCCONNELL):

S. 994. A bill to authorize the establishment of a fresh cut flowers and fresh cut greens promotion and consumer information program for the benefit of the floricultural industry and other persons, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. MIKULSKI (for herself, Mr. AKAKA, Mrs. BOXER, Mrs. FEINSTEIN, Mr. GLENN, Mr. GRAHAM, Mr. HATFIELD, Mr. INOUYE, Mr. KERREY, and Mr. LEAHY):

S. 995. A bill to improve the ability of the Federal Government to prepare for and respond to major disasters, and for other purposes; to the Committee on Governmental Affairs.

By Mr. METZENBAUM (for himself, Mr. DOLE, Mr. DODD, and Mr. REID):

S. 996. A bill to require that educational organizations that offer educational programs to minors for a fee disclose certain information; to the Committee on Labor and Human Resources.

By Mr. LAUTENBERG (for himself, Mr. BRADLEY, Mrs. BOXER, and Mrs. FEINSTEIN):

S. 997. A bill to amend the Federal Water Pollution Act of 1972 to improve the quality of coastal recreation waters, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BINGAMAN (for himself and Mr. MOYNIHAN):

S. 998. A bill to promote social, cultural, and historic awareness of communities that are homes to Federal buildings, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CHAFEE:

S. 999. A bill to amend the Foreign Trade Zones Act to allow foreign trade zones to be established where a regional commission involving more than 1 State will coordinate zone activities; to the Committee on Finance.

By Mr. ROCKEFELLER:

S. 1000. A bill to extend the temporary suspension of duty on anthraquinone; to the Committee on Finance.

By Mr. LIEBERMAN:

S. 1001. A bill to strengthen United States laws to enforce economic embargoes against foreign countries pursuant to a declaration of national emergency or United Nations Security Council measures, and for other purposes; to the Committee on Foreign Relations.

By Mr. HATCH (for himself, Mr. KENNEDY, Mr. CHAFEE, Mr. BINGAMAN, Mr. JEFFORDS, Mr. THURMOND, Mrs. KASSEBAUM, Ms. MIKULSKI, Mr. SIMON, Mr. DODD, Mr. WALLOP, Mr. DOMENICI, Mr. DANFORTH, Mr. DURENBERGER, and Mr. HARKIN):

S. 1002. A bill to require each recipient of a grant or contract under section 1001 of the Public Health Service Act to provide information concerning breast and cervical cancer; placed on the calendar.

By Mr. MOYNIHAN (for himself, Mr. PACKWOOD, Mr. ROCKEFELLER, and Mr. CHAFEE):

S. 1003. A bill to provide authority for the President to enter into trade agreements to conclude the Uraguay Round of multilateral trade negotiations under the auspices of the General Agreement on Tariffs and Trade, to extend tariff proclamation authority to carry out such agreements, and to apply Congressional "fast track" procedures to a bill implementing such agreements; to the Committee on Finance.

By Mr. BROWN (for himself, Mr. CRAIG, Mr. D'AMATO, Mr. GRASSLEY, Mr. GREGG, Mr. NICKLES, Mr. LUGAR, and Mr. LOTT):

S. 1004. A bill to limit amounts expended by certain government entities for overhead expenses; to the Committee on Governmental Affairs.

By Ms. MOSELEY-BRAUN (for herself, Mr. BRADLEY, and Mr. SIMON):

S. 1005. A bill to amend section 520 of the Cranston-Gonzalez National Affordable Housing Act to authorize the Secretary of Housing and Urban Development to make grants to establish midnight basketball league training and partnership programs incorporating employment counseling, job-training, and other educational activities for residents of public housing and federally assisted housing and other low-income families; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HOLLINGS:

S. 1006. A bill to authorize a certificate of documentation for the vessel Arbitrage II; to the Committee on Commerce, Science, and Transportation.

By Mr. ROTH:

S.J. Res. 96. A joint resolution proposing an amendment to the Constitution of the

United States relative to campaign expenditures; 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. FORD:

S. Res. 110. An original resolution relating to the purchase of calendars; from the Committee on Rules and Administration; placed on the calendar.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KEMPTHORNE (for himself, Mr. COVERDELL, Mr. GREGG, and Mr. CRAIG):

S. 993. A bill to end the practice of imposing unfunded Federal mandates on States and local governments and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations; to the Committee on Governmental Affairs.

COMMUNITY REGULATORY RELIEF ACT

Mr. KEMPTHORNE. Mr. President, among the tall pines in the mountains of northern Idaho, at the confluence of the St. Joe and St. Maries Rivers, lies a small community called St. Maries, ID. Those two rivers drain the wild and primitive Bitterroot Range as they roll toward beautiful lake Coeur D'Alene. The town of St. Maries is a quiet, peaceful community of 2,500 people.

But the tranquillity of this tiny town is being threatened; threatened—without reason—by the U.S. Government.

This Government—our Government—says that St. Maries violates the Federal surface water treatment rule, even though the city's water supply has come from the same crystal clear source since the 1930's without any adverse impact to the health of residents for generations. St. Maries violation is solely the result of changing governmental water quality standards and not because of any health threat to any of the citizens.

This city has already spent more than $870,000 on past compliance on Federal guidelines. They are still servicing that debt. Remember, this is a town of 2,500 people.

The city estimates that it will cost $3 to $5 million to fully comply with the new standards of the surface water treatment rule. But, because of their experience dealing with past Federal mandates, the city leaders of St. Maries are understandably hesitant to spend $3 million or more until the target of Federal mandates stops moving. Imagine placing a debt of between $2,500 and $4,000 on the backs of water users in this city of crystal clear waters, all this for a multimillion-dollar treatment plant that in a few years may become obsolete or insufficient for its planned purpose due to constantly changing Federal standards.

The city of St. Maries wants to take whatever steps are necessary to ensure the continued good health of their citizens. However, in the words of their city engineer, "It is difficult to speak to the risk of waterborne diseases to a community that has consumed water from a specific source their entire lives with no measurable adverse impact to their health or livelihood."

That is from the city engineer.

But, I say to my colleagues, St. Maries is not alone.

Thousands of cities, large and small, are struggling with how to comply with mandates imposed by Congress and the Federal Government. The problem has become so serious that Arizona Governor, Fife Symington, says that "mandates from the Federal Government have stripped us of our fiscal sovereignty and have stripped the people of their right to representative government at the state level."

Listen to what others are saying about this problem of unfunded Federal mandates.

Chicago's Mayor Rich Daley is so angry with unfunded Federal mandates that he is challenging Washington bureaucrats to "put your money where your mouth is." In 1992 Chicago was socked with a $160 million bill for programs the Federal Government mandated but refused to fund. That was reported as more than three times greater than the proposed property tax increase for the current year in the city of Chicago. Mayor Daley called unfunded mandates "hidden Federal taxes, bleeding our limited resources and cutting into direct services."

Richard "Moose" Conner, mayor of Streator, IL, population 15,000, says that roughly 40 percent of the Streator budget goes toward funding Federal mandates.

The National Conference of State Legislatures has estimated that mandates passed in the 101st Congress would cost State governments $15 billion over the next 5 years. Most States and localities are required to have balanced budgets, and the cost of compliance with new mandates means they must find more revenue. In too many cases, the source of this new revenue is in the form of new taxes.

The Arizona Republic reports that recent studies indicate that as much as 60 percent of some State budgets is spent on joint Federal-State programs.

In any given day all across this country of ours, you can pick up your daily paper and read headlines of what other officials are saying, what the newspapers are printing. These are just a few excerpts from some of the newspapers that are talking about this fiscally vert important issue:

"Mayor Daley urges U.S. to cut costly mandates"—Chicago Sun-Times 11/20/92.

"Let Congress Be A Partner, Not A Dictator"—The Washington Post 8/12/92.

"Stop Sending the Feds To Do the States' Jobs"—The Washington Post 6/14/92.

"Washington's Whims Become States' Burden"—The Detroit News 2/21/93.

And from the Evening News in Harrisburg, PA, "Report Hits Federal-level Mandates, Finds Them Drain on Cash, Priorities."

This intrusion into the rights of local governments must stop. The citizens of communities all across America elect local officials to direct the future of their cities and towns based on the priorities established by those closest to the problems and challenges. To have Federal bureaucrats thousands of miles away in Washington, DC, mandate expensive programs that deprive cities of additional police officers or firemen is simply not right.

I know firsthand the frustration city leaders face. Before coming to the Senate, I served 7 years as mayor of Boise, ID. Every day I was mayor I struggled with complying with Federal mandates.

That is why the first bill I have chosen to introduce as a U.S. Senator will be the Community Regulatory Relief Act of 1993.

The bill is very simple. The bill requires that any Federal law that creates a Federal mandate shall only apply to a State or local government if the Federal Government pays all of the compliance costs with that mandate.

It is a simple solution. But it is a solution that will work.

This bill will reduce the continuing drain that the Federal Government has placed on the States and local governments.

This Congress must end the practice of imposing unfunded mandates on our State and local governments and our businesses.

I say this Congress must end the practice because previous Congresses have known the problem but failed to act. Thirteen years ago then New York City Mayor Ed Koch complained that the cost of implementing the requirements of section 504 of the Rehabilitation Act of 1973 would cost his city $1.3 billion and still not address the problem of handicapped access to New York's transit system. Mayor Koch estimated that this averaged out to a cost of $38 per trip for each physically challenged New Yorker who used the system. He stated it would be less expensive to pay cab fare for these people than to comply with this Federal mandate.

If Congress in 1973 had been required to pay State and local costs of rules it imposed, I am sure it would have found a less expensive and more efficient solution to this problem.

That is precisely the intent of my legislation. My bill requires govern-

ment at all levels to find the most cost effective solutions to the problems they face.

My bill will force Congress to change the way it thinks and acts. Mayor Koch said it best when he described the golden rules that mandate mandarins live by.

First, mandates will solve problems, particularly those in which you are not involved.

Second, mandates need not be tempered by the lessons of local experience.

Third, mandates will spontaneously generate the technology required to achieve them.

Fourth, the price tag of the lofty aspiration to be served by a mandate should never deter its imposition on others.

My bill forces Congress to change the way it thinks. It forces Congress to live in the real world. And the real world in St. Maries, ID, and in Columbus, OH, is balancing budgets, providing services as efficiently as possible, and being fiscally responsible, and making tough decisions among competing priorities.

I began this talk with the experiences of St. Maries, ID in complying with the Safe Drinking Water Act. Let me give you the real world experiences of Columbus, OH and its metropolitan population of 1 million people. Columbus thoroughly analyzed the potential costs of meeting the new Federal water standards. That city found that the combined costs of complying with the Clean Water and Safe Drinking Water Acts will approach $1 billion—approximately $770 million for clean water and $105 million for safe drinking water. The Columbus Health Commission estimates that compliance will cost each metropolitan household an additional $685 per year throughout the 1990's.

What impact will these costs have on cities? In careful, almost diplomatic language, an extensive analysis by the respected Standard & Poor concluded that "* * * communities may have limited financial resources and many demands on these resources to provide services." And, "Should a city fail to meet Clean Water Act requirements, regulators could ban additional sewer connections, stymieing a community's economic development, or impose stiff fines, potentially depleting cash reserves."

That is what we are doing to local communities.

Mr. President, this is the real world that this Congress must adjust to. Right now, it appears that the problem will get worse before it gets better. Consider these facts;

In 1990, 1,200 new Federal rules were added that have not yet been fully implemented.

The October 1991 Unified Agenda of Federal Regulation listed nearly 500 new regulations likely to affect local governments.

Mr. President, Congress must stop imposing unfunded mandates. With the help of State and local officials across America, I intend to press this issue until Congress gets in touch with the real world. We must address this compelling need of the people of America.

Mr. President, I ask unanimous consent to have printed in the RECORD following my remarks two important studies on this issue: "Paying for Federal Mandates: A Looming Crisis for Cities and Counties" and "How Washington Boosts State and Local Budget Deficits."

Mr. President, my concluding remark is this: If Congress deems it necessary to impose a Federal mandate, it must simply pay for it. It is that plain and simple.

And so, Mr. President, I am proud to send to the desk this bill which is entitled the Community Regulatory Relief Act of 1993, and ask for appropriate action.

Mr. President, I ask unanimous consent that the text of the bill and additional material be printed in the RECORD.

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

S. 993

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 "Community Regulatory Relief Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds and declares that—

(1) unfunded Federal mandates imposed on State and local governments have become increasingly extensive in recent years;

(2) such mandates have, in many instances, added to the growing deficits in State and local government budgets and have resulted in the need for State and local governments to increase revenue or curtail sometimes essential services; and

(3) such excessive fiscal burdens on State and local governments have undermined, in many instances, the ability of State and local governments to achieve their responsibilities under State and local law.

(b) PURPOSE.—The purpose of this Act is to require that the Federal Government pays the total amount of direct costs incurred by State and local governments in complying with certain Federal mandates which take effect on or after the date of the enactment of this Act under a Federal statute or regulation.

SEC. 3. DEFINITIONS.

For the purposes of this Act—

(1) the term "direct costs" means the amount of costs incurred by a State or local government dedicated to compliance with a Federal statute or regulation or that is in excess of the amount that the State or local government would incur in carrying out that activity in the absence of the regulation, but does not include any amount that a State or local government is required or permitted by law to contribute as a non-Federal share under a Federal assistance program.

(2) the term "Director" shall mean the Director of the Congressional Budget office or his or her designee;

(3) the term "Federal mandates" means a statute or regulation that requires a State or local government to—

(A) take certain actions (including a requirement that a government meet national standards in providing a service); or

(B) comply with certain specified conditions in order to receive or continue to receive Federal assistance and which requires the termination or reduction of such assistance if such government fails to comply with such conditions;

(4) the term "local government" has the same meaning as in section 6501(6) of title 31, United States Code; and

(5) the term "State" has the same meaning as in section 6501(8) of title 31, United States Code.

SEC. 4. FEDERAL FUNDING REQUIREMENT.

(a) IN GENERAL.—Nowithstanding any other provision of law, any requirement under a Federal statute or regulation that creates a Federal mandate shall apply to the State or local government only if all funds necessary to pay the direct costs incurred by the State or local government in conducting the activity are provided by the Federal Government for the fiscal year in which the direct cost is incurred.

(b) APPLICATION.—This section shall apply only to requirements which take effect on or after the date of the enactment of this Act.

SEC. 5. DUTIES OF THE DIRECTOR.

(a) FISCAL NOTE.—The Director shall prepare, to accompany each bill, resolution or conference report reported by any committee of the House of Representatives or the Senate or considered on the floor of either House, and economic analysis of the effects of such bill or resolution by each State government and by each local government within each State in complying with the federal mandate. The analysis prepared by the Director shall be included in the report accompanying such bill or resolution if timely submitted to such committee before such report is filed.

(b) REPORT OF THE DIRECTOR.—For each fiscal year in which a Federal mandate will be in effect, the Director, in consultation with representatives of State and local governments, shall prepare and submit to the President and the Congress, with the President's budget in January preceding the beginning of a fiscal year, a report that contains an estimate, for that fiscal year and the following fiscal year, of the total amount of direct costs that have been incurred or will be incurred by each State government and by each local government within each State in complying with the Federal mandate.

SEC. 6. EFFECT OF SUBSEQUENT ENACTMENTS.

No statute enacted after the date of enactment of this Act shall supersede this Act unless the statute does so in specific terms, referring to this Act, and declares that that statute supersedes this Act.

[From the Heritage Foundation Backgrounder, July 31, 1992]

HOW WASHINGTON BOOSTS STATE AND LOCAL BUDGET DEFICITS

INTRODUCTION

While Americans for many years have been accustomed to reading stories in the press about huge federal budget deficits, more recently they have seen news stories lamenting record state budget deficits as well. In 1991, the combined deficits of 31 states totaled over $30 billion.[1] New York and California alone accounted for $19 billion of that

Footnotes at end of article.

amount. Local governments are suffering similar budget problems. Nearly 40 percent of all counties with populations over 100,000 faced budget shortfalls in 1991.[2] Cities also were affected. Bridgeport, Connecticut almost filed for bankruptcy, and Philadelphia, Pennsylvania, found its credit rating lowered to junk bond levels. While some state budgets show improvements this year, the underlying problems remain.

Some analysts claim that these record deficits occur because state taxes are too low. Yet three of the five states with monster deficits, New York, California, and Connecticut, are also among the top ten states in per capita taxes.[3] Other analysts point to a high rate of spending as the cause of deficits, and this indeed seems to be significant. Eight of the ten biggest spending states in the 1980s faced deficits in 1991.[4]

Harming States. This year, many states used accounting gimmicks, higher taxes, and some spending restraint to trim their deficits. But budget cut debates often have focused on police, teachers, and essential services. And in the long run, higher taxes will reduce the productivity of businesses in these states, and the purchasing power of consumers, which will make local economies worse and reduce tax revenues.

States therefore must find ways to restrain or cut spending in non-essential areas. But one important obstacle to spending restraint largely has been overlooked: Federal government grants-in-aid and mandates essentially force state and local governments to spend much more than necessary on everything from medical care to welfare to road building. A complex web of federal programs binds together the treasuries of federal, state, and local governments. As much as 25 percent of state budgets now comes from the federal government, and up to 60 percent of some state budgets is spent on joint federal-state programs. Among the most important joint programs are Medicaid, which will cost the states $44 billion in 1992, and various federal welfare mandates, which will add $15 billion to state budgets.

Most state and local officials welcome this financial assistance from Washington—even though the money comes from the very same people who pay state and local taxes. But the problem is that the money comes with strings attached. To obtain it, the states and local governments must also spend funds, and abide by costly federal rules, that also push up spending.

Federal government assistance leads to higher budget costs on the states and local governments through two principal mechanisms: grants-in-aid and direct mandates.

Grants-in-aid provide funds to the states to achieve certain federal ends. The states themselves must contribute a certain amount of their own funds for the project in question and abide by federal guidelines and regulations. So-called block grants, which combine money for several specific programs within one large, more flexible grant, impose looser constraints on the states. For example, the Social Services Block Grant requires states to use funds to help prevent child abuse and to support emergency food and shelter programs, but does not prescribe exactly how the state must do this. Other grants, such as federal Medicaid funds or drug treatment grants, place very strict requirements on how the states must spend the funds.

There are currently over 500 grants-in-aid programs to states and localities. The total cost of these programs to the federal government has grown from $10.9 billion in 1963 to $171 billion this year. Estimates for total state costs run as high as $75 billion.[5] The cost of the state and federal governments combined of Medicaid mandates alone has grown from $5 billion in 1970 to a probable $104 billion this year, with spending for 1995 projected at $200 billion.

Grants-in-aid boost state spending in a number of ways:

States accepting money for a construction project, for example, a subway, usually will be left to cover the project's huge operating costs;

States are induced to spend more money than they otherwise would, often driving up local as well as state taxes;

When the federal government pays for a program administered by the states, the states have little incentive to run the program efficiently;

States are induced to spend money on projects or programs that do not best serve the local interest.

Federal mandates simply require the state to provide certain services or programs. Unlike grants-in-aid, they do not help the states meet the expenses. These mandates include:

"Crosscutting" requirements that are used to promote various federal policies through requirements on federal grants. For example, any construction project receiving federal funds must pay union-scale wages because the Davis-Bacon Act requires "prevailing" wages to be paid even if less expensive labor is available, thereby driving up the cost;

"Crossover" requirements that force states to implement federal policy in one area or risk losing funds, usually in a related area. For example, states that fail to meet federal standards in licensing and testing school bus drivers could lose 5 percent to 10 percent of major federal highway grants;

Direct orders that simply require states to conform with federal policy whether federal funds are involved or not. The Americans with Disabilities Act of 1990, for example, requires local governments to make all public transit accessible to the handicapped even when less costly alternatives are available that better serve the needs of the handicapped. In another example, the costs to the state and localities of complying with the federal Clean Water Act in the 1990s could reach $200 billion;

Partial preemptions that allow the federal government to override existing state regulations. Some federal health and safety standards fall into this category.

The best way to cut the waste and the misallocation of resources caused by federal grants-in-aid and mandates is to return to the states the responsibilities that are best served by local governments. What is needed is a clear delineation of responsibilities, with the federal government handling national matters, such as defense and foreign relations, while state and local governments provide police protection, local infrastructure, and welfare. As important, state and local governments should not rely on the federal government for their funds for exclusively local functions. Rather, the federal government, in turning over responsibility for certain functions to the states, also must cut taxes by a corresponding amount. This will allow the states to raise taxes only enough to meet local needs, while cutting out the wasteful spending and inefficiency that come with federal government mandates.

To lift the current costly burden of federal mandates from the shoulders of the states, as well as to reduce federal spending and deficits:

1) Congress should limit itself to legislating on national issues. Programs aimed at state and local problems should be returned to those levels of government.

2) Congress should cut federal taxes by an amount equal to the cost of programs it returns to the state and local governments, thereby enlarging the tax base of those governments so they can pay for the programs.

3) Federal mandates should be fully funded and administered by the federal government.

4) U.S. Senators should be invited by their state's legislatures to explain the costs of newly proposed or enacted federal mandates to a special state joint legislative committee at the beginning and end of each session of the U.S. Congress.

The United States began as a federal system with state and federal governments sharing powers and responsibilities. The division of responsibilities was clear and rational. The shift in the past three decades toward federal involvement in nearly all areas of public policy has not been good federalism nor has it led in most instances to better results. Greater federal involvement has not raised education standards, held down health care costs, reduced traffic jams, or cut crime. States and cities are experimenting with new ways to provide education, welfare, infrastructure and other public services. Federal policy makers can help states and local governments to undertake innovative approaches by reducing federal red tape that raises their budget costs.

HOW GRANTS-IN-AID HAVE MUSHROOMED

The federal government's practice of giving money to the states to coax them into spending resources on federal policies began with the 1862 Morrill Act. This act authorized the transfer of federal land to the states which would then sell the tracts if they used the proceeds to fund colleges and universities.[6]

Federal grants grew significantly when Congress in 1916 authorized large-scale federal aid for state highway construction. This was followed by the Vocational Rehabilitation Act of 1920, designed to help disabled veterans, and the Sheppard-Towner (Maternity) Act of 1921, aimed at reducing maternal and infant mortality rates.

Franklin Roosevelt's administration greatly expanded the use of grants during the Great Depression. For example, the federal government spent billions of dollars on "emergency relief" programs, helping states to build highways, roads, and bridges. The Social Security Act of 1935 established numerous grant programs the continue today. These include old age assistance and aid to the blind and disabled, which are now completely funded by the federal Supplemental Security Income. In addition, the 1935 Act instituted aid to dependent children, as well as maternal health, child health, crippled children, and child welfare programs. These are now funded through the federal-state Aid to Families with Dependent Children partnership and related programs.[7]

After World War II, the primary focus of federal grants turned to urban issues. The federal government helped fund airport construction, urban renewal, urban planning, and the interstate highway system.[8] With the passage of the Great Society programs in the 1960s, the federal grant system exploded. The most important and far reaching of these programs was the 1965 addition of Medicaid to the Social Security Act. Medicaid is a program funded jointly by the states and the federal government. It provides medical aid to welfare families, the poor elderly, blind, and disabled. This one grant-in-aid

program, which in 1970 cost a total of $5 billion, this year will cost the states $44 billion and the federal government $60 billion, for $104 billion in total spending.[9]

Reversing the Trend. From 1965 through 1980, the number of grant-in-aid programs quickly expanded to 538. During that period, the cost to the federal government grew from $10.9 billion to $91.5 billion. Hundreds of programs helped fund everything from nutrition for rural school children to housing for the urban elderly. Then, beginning in 1981, Ronald Reagan reversed this trend. As a start, under his Administration 57 individual grant programs were folded into seven block grants. The concept behind the block grant is to give more responsibility and flexibility to the states. Example: Instead of thirteen programs, each dealing with an aspect of education and each mandating precise uses for the money, under a block grant all of these programs would be rolled into one, and the states would be told, generally, to assess their local requirements and educate children in the way they thought best.

Block grants cut red tape and give states more flexibility. However, they also have a disadvantage. The most popular programs in Congress are those that allow a Congressman to take credit for solving a specific problem. With block grants, Congress raises taxes so that state and local officials can claim credit for programs.

How this undermines the block grant concept is illustrated by two sets of legislation which were meant to help the homeless. In 1981 the Community Services Block Grant provided money to assist low-income individuals with housing and emergency aid. Additionally, the Social Services Block Grant provided money for emergency food and shelter programs. When, in 1987, homelessness emerged as a significant issue, Congress could have increased the block grants and let states deal with homelessness in their own way. Instead, Congress passed the multi-billion dollar Stewart B. McKinney Homelessness Assistance Act and created redundant and more expensive programs.

Symbolic Programs. Today, there are some 500 grant-in-aid programs. Most cost less than $10 million per year. These smaller programs were created more to symbolize the desire of Washington lawmakers to "do something" about certain problems, than to have any significant impact. Example: In-home Services for Frail Older Individuals, created in 1988, is meant "To provide grants to States for in-home services for . . . victims of Alzheimer disease and related disorders. . . ."[10] But the budget obligation for fiscal 1992 is only $6.8 million, or an average of $136,000 for each state—hardly enough to be of any real help.

HOW GRANTS-IN-AID WASTE MONEY

Grant-in-aid programs created incentives that lead to wasteful spending at all levels of government. The federal government wastes money because the states' contribution to each program reduces the explicit cost of a program to Congress. This is in spite of the fact that taxpayers must pay for the entire cost at one level of government or another. Because Congress does not pay the full cost of the program, a grant-in-aid program appears a better value for the money than if the program were paid for entirely out of federal funds. This in turn means that Congress creates many programs requiring a state contribution that federal lawmakers would consider uneconomic or wasteful if Washington were responsible for all of the funds.

The lure of federal funds also encourages states and localities to support and participate in capital projects they never would undertake if they had to rely on their own money.

This causes four problems:

1) States or localities accept money to build a project, such as a subway, but are left on their own to pay operating expenses after the project is completed.

2) Federal matching formulae give the impression of a "buy one, get one free" sale. States are encouraged to spend more money than they otherwise would, driving up the cost for their citizens and the federal taxpayer.

3) States have little incentive to administer effectively a program paid for by the federal government when little of its won money is at risk.

4) The promise of federal dollars induces states to spend money on projects that do not serve local needs as well as alternatives might.

Various grant-in-aid programs illustrate the perverse nature of these spending and management incentives.

Example: Mass Transit Systems. Consider the Miami light rail system, known as Metromover. It opened in 1984, and was funded mainly through a grant under the Urban Mass Transportation Act. Planners bragged that 100,000 people would ride Metromover each day; they claimed the daily ridership would top 200,000 by 1985. When ridership proved to be only around 10,000 people a day, President Reagan remarked that "it would have been a lot cheaper to buy everyone a limousine."[11] History is repeating itself today as Los Angeles builds a subway system, largely funded by the federal government. The estimated cost is $1 billion a mile. The system eventually will open in downtown Los Angeles, but does not extend to the suburbs, where the bulk of Los Angelinos live. Thus it will have a minimal effect on the traffic problems.[12]

Cities like Miami and Los Angeles press for such systems in large part because they do not pay the full cost. Thus, from a narrow, local point of view, wasting billions of dollars on a huge project can make good economic and political sense if someone else is picking up a large share of the bill. Writes George Peterson, Director of the Urban Institute's Public Finance Center, ". . . if forced to become reliant on their own resources, states would select very different budget priorities than those coaxed from them by federal aid."[13] In fact, one survey of municipal projects receiving partial federal and state assistance found that 51 percent of the projects would not have been undertaken without federal aid.[14]

Example: Welfare. Aid to Families with Dependent Children (AFDC) and Medicaid for the non-elderly poor are two of the most expensive components of America's welfare smorgasbord, costing about $130 billion in 1992. States share these costs with the federal government according to congressionally determined formulae. States pay as much as half of AFDC and almost 45 percent of Medicaid.

These programs suffer from the "buy one, get one free" temptation that induces some states to provide broader coverage than they would if they were spending only their own taxpayers' money. States are largely free to set different levels for AFDC payments. Example: In Mississippi the maximum annual grant for a family of three is $1,440 a year, while in California the maximum payment is almost $8,000.[15] The federal aid to Mississippi is much less than that given to California. Nevertheless, in their federal tax payment frugal Mississippians must help fund California's "generosity."

Similarly, with Medicaid states have the option of providing non-essential services and sharing the costs with the federal government. Forty-seven states pay for dental coverage, 28 for occupational therapy, and 29 for chiropractor's services. More services cost more money, which comes from both state and federal taxpayers. In addition, for a variety of reasons including efficiency, cost of living, and types of patients served, the average recipient cost varies widely. New York costs are $5,099 per recipient while the costs in West Virginia are only $1,443. If all states delivered Medicaid as cheaply as West Virginia, the nation's Medicaid bill would be cut by 53 percent or some $38 billion per year.[16]

Example: Job Training Partnership Act. When one level of government pays and the other spends, there is little incentive for the spending party to spend wisely. This is documented in a General Accounting Office report on the Job Training Partnership Act (JTPA). JTPA is a $4 billion a year block grant program where a "block" of money is sent to each state with general guidelines on how to spend it, rather than precise regulations.

The goal of JTPA is to train and find jobs for poor people and dislocated workers. Yet the GAO report found a number of problems with the program's effectiveness. Among them: contrary to law, too much money goes to retrain the most employable workers instead of those most in need; in some instances only 60 percent of the placed workers kept their job for more than four months; as much as 30 percent of the cost of the program goes to overhead; some of the money was used improperly to lure corporations into locating in particular states; and, some of the money was used to purchase expensive equipment rather than to train people for jobs.[17]

THE MOST COSTLY EXAMPLE OF GRANTS-IN-AID: MEDICAID

Medicaid is by far the most expensive of the grant-in-aid programs. Created in 1965 to assure health care to the poor, Medicaid cost $5 billion in 1970. This year Medicaid will cost $104 billion, with $44 billion paid by the states and $60 billion by the federal government. It is estimated by the National Association of State Budget Officers (NASBO) that Medicaid will cost almost $200 billion by 1996.[18] Medicaid consumes 14 percent of state spending.[19]

This huge and unanticipated rise in Medicaid's cost is due to the structure of the program itself, and particularly the feature that allows Congress to set many requirements that the states must fund.

When Lyndon Johnson signed Medicaid into law in 1965 as part of the Social Security Act, states received federal funds if they provided Medicaid services to poor children and their mothers, specifically, to recipients of federal Aid to Families with Dependent Children and to poor aged, blind, and disabled individuals, now generally recipients of Supplemental Security Income. States were allowed to expand the categories of eligibility beyond federal dictates, and they received matching funds for these additional recipients. Predictably, many states did so because they paid only part of the additional cost. This, of course, meant higher bills for federal taxpayers.

Outlays also went up because Congress could enact new mandates on states without the federal government being responsible for the full cost. In the 1980s, for example, Con-

gress concluded that there were unacceptable disparities in eligibility criteria among the states, and decided to narrow them. Rather than side with the frugal states and restrict coverage, Congress repeatedly ordered broader coverage.

The most recent federally mandated expansion of Medicaid occurred in 1990. Among other things, Congress forced states to cover all children under the age of nineteen in families below the poverty level.[20] The previous year, Congress forced the states to provide Medicaid to pregnant women and children up to the age of six in all families below 133 percent of the official level of poverty.[21] These changes have proved very costly to the states.

Example: In Missouri, 80 cents of every new state dollar invested in the Missouri Department of Social Services over the last eight years has gone into Medicaid.[22] The latest federal mandates made the situation even worse, forcing Missouri to cut all state agencies 5 percent across the board, and put the savings into Medicaid.[23]

Example: California officials calculate that in order to comply with federal paperwork requirements mandated by the federal Nursing Home Reform Law of 1987, the state will have to increase Medicaid spending by between $400 million and $800 million.[24] John Rodriguez, deputy director of medical services at California's Department of Health Services, complains that "the new federal paperwork [will] . . . add nothing to the quality of patient care."[25] The state claims that its Medi-Cal payment system for nursing homes already substantially complies with the Nursing Home Reform Law. The major difference is that the federal paperwork is overwhelming. According to California health officials, one new federal form is 200 pages long compared to 40 pages for the equivalent state form.

HOW FEDERAL MANDATES INCREASE STATE SPENDING

In addition to the strings attached through grants-in-aid, the federal government uses regulation to exercise direct control over the states, usually by threatening to withhold money unless the states acquiesce to federal wishes. Often the money to be withheld has no direct connection with the federal mandate to be imposed. This type of coercion comes in four forms:

(1) Crosscutting Requirements aim to achieve a social or economic goal and apply to all federally funded programs or projects. Example: The 1931 Davis-Bacon Act requires that locally "prevailing wages," in practice the union scale, be paid to construction workers on federally assisted construction projects—hospitals, highways, and housing. This increases the costs of federal projects by some $1.5 billion per year.

(2) Crossover Requirements compel states to comply with requirements in one program or lose funding in a different program, but usually in a related area. Example: The Highway Beautification Act of 1965 required states to remove billboards from the nation's major highways or risk losing 10 percent of their highway funds.

When states and localities complain about the costs of crosscutting and crossover regulations, some critics respond that they can avoid the costs by simply refusing the federal money. But this is does not tell the full story. If a state or locality were to reject federal regulation such as Davis-Bacon, and lose federal money for construction contracts, the loss to the state or locality would extend beyond the amount withheld by the government. The citizens would still have to pay their share of the federal taxes that fund Davis-Bacon projects in other jurisdictions. Federal spending and federal taxes have shrunk the tax base of states and localities to such an extent that they must go along with the federal regulation, because they lack the resources to raise enough funds on their own.

(3) Direct Orders must be complied with under threat of criminal or civil penalties. Example: the Fair Labor and Standards Act that forces states to pay their workers the federally established minimum wage.

(4) Partial Preemptions are where the federal government partially overrides a state's authority in the areas of health and safety. A program such as the Occupational Safety and Health Act is considered a "partial preemption" because the federal government sets minimum health and safety standards, but allows states or localities to administer and enforce the federal criteria.

THE MOST COSTLY EXAMPLE OF REGULATION: CLEAN AND SAFE WATER

The 1987 amendments to the Clean Water Act are among the most expensive examples of federal regulations. The Clean Water Act mandates that wastewater be cleaned at treatment plants before discharge into lakes and streams. The Environmental Protection Agency estimates it will cost $83.5 billion to bring all municipal wastewater treatment facilities into compliance with new national standards, and billions of dollars more to operate, manage, and maintain the plants. During the 1990s, state and local governments will spend over $200 billion to comply with current federal wastewater mandates.[26] The cost is so high that some cities, especially the poorer ones, may have to cut services like police, fire, and education to fund the federal mandates.

Local citizens and authorities might decide that their lakes and rivers, while not as clean as they would like, pose no serious health hazard. They might believe that the additional huge expense at a particular time is not worth the small improvement in water quality if this also means reduced police protection or lower teaching standards. Federal mandates, however, preclude local authorities from making those decisions.

Another expensive federal mandate emanates from the Safe Drinking Water Act Amendments of 1986, which promulgated new procedures and timetables for setting national drinking water standards. Standard & Poor's, the credit rating agency, predicts enormous costs stemming from the Clean and Safe Water Acts. It says the EPA has hinted that residential water bills could double to as much as two percent of median family income, that is, to $550 a year. History shows that Clean Water Act regulations, when added to Safe Drinking Water laws, are very expensive, Example: The federally mandated cleanup of Boston Harbor, largely to meet clean and safe water regulations, will result in an increase in the average Boston area residential water bill from the current $337 a year to $1,300 by the end of the 1990s.[26] Example: It might cost New York City between $4 billion and $5 billion to comply with only the Safe Drinking Water Act, over $500 per resident.[27]

Approaching $1 billion. Few jurisdictions have thoroughly analyzed the potential costs of clean, safe water. One that has is Columbus, Ohio, a city of 633,000 with a metropolitan area population of over 1 million. That city found that the combined costs of complying with the Clean Water and Safe Drinking Water Acts will approach $1 billion—approximately $770 million for Clean Water and $105 million for Safe Drinking Water. The Columbus Health Commission estimates that compliance will cost each metropolitan area household an additional $685 per year throughout the 1990s.[28]

What impact will these costs have on cities? In its careful, almost diplomatic language, Standard & Poor's says, ". . . communities may have limited financial resources and many demands on these resources to provide services."[29] And, "The credit quality of [cities] . . . could be threatened, particularly where wealth indicators are weaker than average."[30] Should a city fail to meet Clean Water Act requirements, "regulators could ban additional sewer connections, stymieing a community's economic development, or impose stiff fines, potentially depleting cash reserves."[31] In other words, the poor will suffer because only the wealthy will be able to pay their water bills and also afford other services like garbage collection.

Although everyone favors clean and safe water, too few have asked whether the congressionally imposed standards are needlessly strict, driving up the cost on state and local taxpayers. Congress seems to care little about such an outcome because Congress does not have to raise the money to accomplish its goal. The question arises whether Congress would have found a cheaper or more efficient way to clean the nation's water if it had to spend federal tax dollars.

ANOTHER EXPENSIVE REGULATION: ACCESS TO PUBLIC TRANSIT FOR THE DISABLED

While Mayor of New York City, Ed Koch wrote a widely read article for *The Public Interest* magazine explaining the effect of federal regulation on state and local government. Reacting to mandates from Washington, Koch listed four maxims that appeared to guide the "mandate mandarins":

(1) Mandates solve problems, particularly those in which you are not involved.

(2) Mandates need not be tempered by the lessons of local experience.

(3) Mandates will spontaneously generate the technology required to achieve them.

(4) The price tag of the lofty aspiration to be served by a mandate should never deter its imposition on others.[32]

As an example of these maxims in practice, Koch discussed the crosscutting requirements of Section 504 of the Rehabilitation Act of 1973. He complained that the law mandates "total accessibility for the handicapped to transit *systems*, instead of dealing with the *function* of transportation: mobility."[33] That is, rather than work with New York to devise means for moving the handicapped around the city, federal regulations ordered the city to make public buses, subways, and subway stations accessible to the handicapped.

The regulations make little sense for two reasons: 1) they impose widely disparate burdens on different communities, and 2) handicapped people have different needs depending on their location and disability.

Enormous Transit System. New York City is unlike any other city in America. Its public transit system serves 5 million riders on a weekday. Most of them take the subway, which was designed and built around the turn of the century, but approximately 1.5 million people ride the buses. This is compared to a modern suburban jurisdiction with 100,000 public transit passengers a day served mainly by a small fleet of buses. The difference in size, age of the system, and type of system would argue for flexibility rather than the rigidity of Section 504.

The handicapped are not particularly well served either. Four million people work in

the southern half of Manhattan, crowding the streets and making it difficult for wheelchairs to maneuver towards a bus or subway stop. In other parts of New York, long distances separate subway stops or bus stops, making them inconvenient for the handicapped, particularly in bad weather. The handicapped might have been better served if the city, rather than retrofitting the subways and buying new buses, instead used vans to provide door-to-door service.

Able-bodied commuters also suffer because of federal mandates meant to help the handicapped. If a handicapped person takes a bus, the driver has to get out to operate an expensive wheelchair lift in a process that takes about five minutes. If a handicapped person were waiting at each bus stop, this would turn a twenty minute ride into an hour-and-a-half ordeal for the other passengers.

Equally impractical rules apply to subway access. New York City's system was built in the early 1900s and riders enter almost exclusively by stairway. Federal mandates force costly retrofitting with elevators to accommodate the handicapped, forcing the city to spend money that could be better used elsewhere. In 1980, Koch estimated the cost of converting the system to conform to federal mandates at $1.3 billion over 30 years, plus at least $50 million in operating expenses.

Everyone Loses. To provide access for 22,800 people in wheelchairs and 110,000 semi-ambulatory people, section 504 left New York City with the choice of either spending $1.3 billion to fix its transportation system, in a way unlikely to address the problem meant to be solved, or lose all its federal mass transit funding. In fact, everybody lost: The city unnecessarily will pay $1.3 billion. The handicapped will have access only to the regular mass transit system, which may not properly serve their needs. The people who commute by bus face long and unpredictable delays depending on the number of handicapped needing service. And, the federal mass transit funds buy less than they might have because they are paying for impractical transportation.

Mayor Koch estimated a cost of $38 per trip for each wheelchair user or severely handicapped person. Although it would have been cheaper to put them in taxicabs, the real point is that for substantially less money an alternative system, such as a van service, could have been instituted but for the mandates from Washington.

WHAT IS TO BE DONE?

Starting in earnest during the Great Depression, and continuing for about 35 years through the Great Society, Congress created a huge conglomeration of federal grant-in-aid programs administered by the states. In the last two decades, Congress increasingly has used its leverage to order states to fulfill national goals. Congress was helped in this effort by favorable Supreme Court decisions allowing Washington greater control over almost every aspect of state government. The result: The federal budget drives priorities and determines policies for all levels of government, while all levels of government face periodic budget crisis.

The decline of federalism not only has been financially expensive, but also costly in ways difficult to measure. Government programs aimed at helping people too often have reflected a "one size fits all" mentality, ignoring both the differences among states and the benefits of experimentation.

To restore a balanced federal system, to preserve budgeting security, and to ensure that government programs are tailored to the needs of the people they serve. Congress must be removed from the state and local decision-making process.

FOOTNOTES

[1] "The Sad State of the States," *Business Week*, April 22, 1992, p. 24. Also see "State-Local Finance: Rethinking Service Delivery at Taxing Authority," *The Fiscal Newsletter*, March/April 1992, p. 1.

[2] National Association of Counties, *Country Government Budget Shortfall Report*, August 1991, p. 3.

[3] Advisory Commission on Intergovernmental Relations, *Significant Features of Federalism Vol.* 2. 1991, pp. 164-165; *Business Week, op. cit.*

[4] Stephen Moore, "State Spending Splurge: *The Real Story* Behind the Fiscal Crisis in State Government," Cato Institute *Policy Report*, May 23, 1992, p. 9.

[5] This includes the states' contribution to Medicaid and Aid to Families with Dependent Children, as well as other health, income security, and other social services programs. It also includes transportation, agriculture, land management, conservation, environment, education, criminal justice, and occupational safety and health programs.

[6] Victor J. Miller, *A History of Federal Grants-In Aid to State and Local Governments* (Washington, D.C.: Federal Funds Information for States, June 24, 1988), p. 2.

[7] * * *

[8] Miller, *op. cit.*, p. 3.

[9] House of Representatives, Committee on Ways and Means, *Overview of Entitlement Programs, 1991 Green Book*, p. 1416.

[10] CFDA 93.641, Special Programs for the Aging—Title III, Part D—In-home services for Frail Older Individuals.

[11] Doug Bandow, "How Federal Aid Raises State and Local Spending," Cato Institute *Policy Report*, November/December 1989. p. 10.

[12] *Ibid.*

[13] George Peterson, "Federalism and the States," in John Palmer and Isabel V. Sawhill, eds. *The Reagan Record* (Washington, D.C.: Urban Institute, 1984), p. 244.

[14] Catherine H. Lovell, et al, *Federal and State Mandating on Local Governments: An Exploration of Issues and Impacts* (Riverside, California: University of California, Riverside, 1979).

[15] House of Representatives, Committee on Ways and Means, *Overview of Entitlement Programs*, 1992. p. 636.

[16] House of Representatives, Committee on Ways and Means, *Overview of Entitlement Programs*, 1990. p. 1302.

[17] "Job Training and Partnership Act: Inadequate Oversight Leaves Program Vulnerable to Waste, Abuse and Mismanagement," General Accounting Office, July 1991.

[18] National Association of State Budget Officers, "Total Medicaid Spending," February 1992.

[19] Statement by the National Governors Association, "Short Term Medicaid Policy," March 1991.

[20] Omnibus Budget Reconciliation Act of 1990, P.L. 101-508.

[21] Omnibus Budget Reconciliation Act of 1989, P.L. 101-239.

[22] *States Health Notes*, February 1991.

[23] *Ibid.*

[24] Part of the Omnibus Budget Reconciliation Act of 1987.

[25] "The Medicaid Budget Bust," *State Legislatives*, June 1991, p. 13.

[26] "The Price of Clean, Safe Water," Standard & Poor's *Credit Comment*, July 1990.

[27] *Ibid.*

[28] Environmental Legislation: The Increasing Costs of Regulatory Compliance to the City of Columbus," Report of the Environmental Law Review Committee, City of Columbus (Ohio), May 13, 1991.

[29] Standard & Poor's, *op. cit.*

[30] "New Clean Water Costs Uncertain," Standard & Poor's *Credit Comment*, March 1991.

[31] *Ibid.*

[32] Edward I. Koch, "The Mandate Millstone," *The Public Interest*, Fall 1980, p. 44.

[33] *Ibid.*

MUNICIPALITY OF ANCHORAGE,
OFFICE OF THE MAYOR,
Anchorage, AK, January 15, 1993.

DEAR MEMBER OF CONGRESS: The enclosed study is about the costs of unfunded environmental mandates to cities and counties. In the past seven years, both the number and costs of these mandates have mushroomed. Tomorrow their costs may be intolerable.

Mayors from forty-nine states have signed this letter because we need your help. Something must be done early in the 103rd Congress to assure that environmental protection investments are made where they accomplish the greatest good. Although many members of Congress are aware of our concerns, the prevailing view still seems to be that "we just can't spend too much on the environment." This approach is short-sighted.

There is an urgent need for intelligent discourse about what will work and what won't. Not only do we sometimes pay too much to solve environmental problems, we've been known to confront the wrong problems for the wrong reasons with the wrong technology.

We urge you to rely on the experience and expertise we have gained from implementing the vast majority of federal environmental mandates in our communities. We want to be part of the solution and offer our assistance.

Enclosure: "Paying for Federal Environmental Mandates: A Looming Crisis for Cities and Counties".

Tom Fink, Anchorage, AK; S. Chris Jones, Suffolk, VA; Julio J. Martinez, Miami, FL; Carolyn Robinson, Pine Bluff, AR; W. R. "Bob" Holcomb, Mayor, San Bernardino, CA; ——, Frank D. Wise, Honolulu, HI; Stephen M. Rice, Sterling Heights, MI; Gregory S. Lashutka, Columbus, OH; ——, Gary L. Drewes, Mayor, Pierre, SD; R.G. Anderson-Wyckoff, Salem, OR; Sebastian J. Garafalo, Middletown, CT; Tom Autry, Mayor, Watonga, OK; Paul Holasko, ——, Fort Wayne, IN; Hazel Beard, Shreveport, LA.

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[Enclosure]

PAYING FOR FEDERAL ENVIRONMENTAL MANDATES: A LOOMING CRISIS FOR CITIES AND COUNTIES

(Compiled for the United States Congress by the Municipality of Anchorage, Alaska, Tom Fink, Mayor, September, 1992)

FOREWORD

Congress imposes a variety of unfunded mandates on states and localities. However, this paper limits discussion to environmental mandates passed to cities and counties. This limitation was elected because, of all the Congressional mandates, environmental mandates are most likely implemented at the local, rather than state, level. they are also the most costly to the entity providing the service.

It is difficult to address the subject of environmental mandates without being depicted by certain groups as "anti-environment." Mayors may disagree with intolerable costs of a rule, with the necessity for regulating when risks are negligible, with the regulatory process itself, or because the science is lacking, or a particular mandate lacks flexibility. None of these positions means they are anti-environment.

To the contrary, many mayors contend the laws and regulations should be more stringent than they are today. Regardless of where they stand on the issue of environmental protection, very few are optimistic that they, and the populations they serve, will be able to finance an ever-growing list of unfunded national environmental imperatives.

The information contained in Parts I through VI of this paper was compiled from countless conversations with city and county officials over a two-year period. Research on the subject was facilitated by industry and government associations and prominent public policy organizations, and through consultations with congressional and administration officials.

Part VII reviews the costs of federally-mandated programs within the Municipality of Anchorage. Each general government department and municipal utility participated in the data collection. Ms. Anne Williams, legislative officer for the Municipality of Anchorage, supervised the cost study and collated the date.

The position paper and cost study were done under the mayor's direction, assisted by Municipal Manager Larry D. Crawford and Enterprise Activities Manager Will Gay.

INTRODUCTION

If recent private-sector and government forecasts are reliable indicators, today's environmental programs will not be affordable tomorrow.

Add to today's costs the potential billions of dollars needed for pending and proposed laws and regulations, and the nation's communities could well face irreversible ruin.

The elected leaders of America's cities and counties wonder where it will all end. Some members of Congress agree the problem is serious and say they, too, are concerned. Yet the unfunded environmental mandates keep coming.

The United States Congress has created the problem. It is up to the Congress to fix it.

Over the past two decades environmental problems have been addressed in a vacuum, without carefully examining their impacts on personal incomes, private property rights, the economy, productivity or national competitiveness.

Costly solutions are proposed and enacted into law before they are scientifically justified. Sometimes they respond to perceived—rather than real—risks to humans or the environment. There are no standards for evaluating costs and benefits, nor are there acceptable guidelines for setting national priorities.

At the same time communities search for ways to generate new wealth to pay for environmental mandates, Congress forecloses more options. Hundreds of millions of acres of valuable land are taken out of production and placed off limits, off local tax rolls. There is unreasonable bias against exploring for natural resources and producing the materials needed by society.

Communities find it increasingly difficult to obtain federal approvals to provide essential public services. Both nationally and locally, no mechanism exists for sensibly balancing the needs of people with important environmental concerns.

"Paying for Federal Environmental Mandates" calls urgent attention to the fiscal crisis communities face. It gives examples and helps frame the issues mayors want debated. It does not presume to give answers, but it does express the desire and willingness of the nation's mayors to be part of the solution.

The guiding principle that "we just can't spend too much on the environment" must be reexamined. "Paying for Federal Environmental Mandates" tells why.

I. FEDERAL ENVIRONMENTAL MANDATES: A LOOMING CRISIS FOR CITIES AND COUNTIES

For the past two years, news headlines have reported the plight of America's cities and counties: Services Gutted, Tax Hikes Set Record; Cities Beset by Budget Shortfalls; More Cities Enter Death Spiral; Seven of Every 10 Cities Can't Handle Financial Needs; City's Bond Rating Drops; Bridgeport Bankruptcy Sets Unwanted Precedent; Economic Woes Hammer Counties.

This paper addresses a major contributor to community financial woes: the growing number of unfunded environmental mandates passed by Congress to political entities that provide direct services to their residents. It is written to focus attention on the problem and to urge Congress to solve it.

While mandates are no laughing matter to local elected officials, City and State columnist Joe Winski provides a tongue-in-cheek definition of the term. In the context of government, he says, mandate is French for "Let's stick it to the suckers." Mandate is itself an outgrowth of the new federalism of the Reagan administration, which Winski defines as "Washington passes the buck."

The columnist reminds us that during the 1980s, Congress began passing the buck to the states by greatly reducing revenue sharing, at the same time keeping the programs it formerly funded, and adding ever more costly new programs. "The states, no dummies, quickly learned to pass the buck to jurisdictions even lower on the government food chain, cities and towns."[1] Last on the food chain are the taxpayers and consuming population who ultimately pay the bills, while also paying interest on all levels of government borrowings. Yet one seldom hears a Congress member announce that the legislation the member just supported would be financed by local tax increases on his or her constituents.

A. Why Mayors are Concerned

Whether it be budgets for hazardous waste handling, asbestos abatement, clean water and air programs, land acquisitions for endangered species habitat, removal of underground storage tanks, or mitigation for wetlands development, municipalities are charged with financing and implementing scores of additional mandates yearly. To meet these needs mayors say they have to "rob Peter to pay Paul" to avoid going in the red. At the same time, Congress lacks this bottom-line restraint.

One of the more frustrating aspects of the environmental mandate crisis for mayors and other local officials—aside from the fiscal impact—is the loss of control over their budgets and decisionmaking powers as ever more mandates are arbitrarily imposed under a one-size-fits-all mentality. It's "Do it, whether or not the environment will benefit." Or, "Do it if you want your highway funds."

Mayors complain that higher levels of government now set the priorities, making decisions, without consulting local officials, that have monumental impacts on municipal budgets and private-sector economic opportunities.

Of equal concern is the growing tendency for the Environmental Protection Agency to make or override local land-use planning decisions. While communities are convinced

Footnotes at end of article.

Congress never intended federal agencies to make zoning decisions, it is happening today by way of environmental regulation.

B. Mayors are Too Busy Minding the Store

Few mayors are able to monitor, consistently and effectively, the onrush of congressional and administration proposals that affect them. For example, a recent solid waste rule released for public comment, with significant budget implications to municipalities, brought responses from just ten of them. Other reasons they hesitate to respond:

1. Mayors are too busy with municipal responsibilities to devote precious time to long-range federal policies that might affect their communities.

2. Mayors might not be aware that other communities are having the same problems they are experiencing, e.g., delays in obtaining Section 404 wetlands permits. Since they feel their problems are isolated or unique, they assume members of Congress won't be moved to address them.

3. Because environmental mandates are "unknowns" buried in municipal budgets or regulatory processes, it has been difficult to get a handle on their magnitude. Administrators have found there is no easy way to isolate their costs.

4. Mayors seldom have adequate budgets for congressional liaison activities. Many lack staff with the broad range of expertise needed to monitor legislative issues or respond to action alerts by municipal organizations, trade groups or other mayors.

5. They lack public support for such liaison and activism.

C. Mandate Mania

Unquestionably, the federal mandate situation has become a much higher priority to cities and counties as the costs of new programs become more clearly identified. These costs can be enormous and incalculable, making budgeting and long-range planning impossible.

Tom Arrandale, environment columnist for *Governing* magazine acknowledges, ". . . state and local pollution-control officials suspect that they're wasting precious time and resources—while jeopardizing precarious public support—because federal mandates based on inconclusive or inaccurate studies force them to focus on the wrong environmental problems."[2]

And, there is the problem of uncoordinated restrictions, redundant regulations and contradictory requirements of different agencies. The EPA says build a landfill. The Army Corps won't let it be put anywhere. A solution to one environmental problem creates a worse one. Mayors find it virtually impossible to obtain approvals to site facilities such as incinerators, sewerage treatment plants, reservoirs, dams, and power plants.

Equally disheartening to local officials is the federal administration's and Congress's proclivity for underestimating, by the billions, the costs of "clean" to America's cities. Local officials see a compelling need to draw the line, for Congress to differentiate between environmental necessities and environmental luxuries, and to address the more serious priorities first.

The especially dislike federal agencies' (namely the Environmental Protection Agency's) arbitrarily vetoing projects deemed necessary by a community's residents and their duly-elected political leaders—Colorado's Two Forks and Virginia's Ware Creek dams and reservoirs are just two examples.

These arbitrary actions by unelected, unaccountable federal officials disregard the millions of dollars communities have invested in projects that must then be recovered from tax and ratepayers. Equally distressing, the vetoing agency is not required to propose a feasible alternative it *would* approve.

Finally, majors complain their concerns are not perceived as high priorities on the congressional issue agenda. Baltimore Mayor Kurt Schmoke eloquently expressed these views during the Mayors' March on Washington last fall:

"In ordinary times . . . we wouldn't have to remind our national leaders that cities are still the financial, cultural and intellectual centers of our country, and without cities, we are a land without a soul, and a nation without a purpose.

"These are times that cities are having to make Draconian budget cuts . . . that mayors are having to choose between school textbooks and hiring additional police; between freezing teacher salaries and laying off sanitation workers; between sheltering the homeless and abating lead paint; between treating crack babies and treating rape victims.[3]

When an area's chief elected official is on the hot seat over budgets for escalating crime rates, crumbling infrastructure, rampant drug abuse or sheltering the homeless, the likelihood of spending money to create wetlands or undertake asbestos abatement becomes very slim.

While this paper addresses only federal environmental requirements, local governments are also concerned about overlapping mandates by *state* governments. However, until local government's costs are quantifiable and constituents relate the costs of mandated programs to their own pocketbooks, state legislators will continue to respond to demands for open-ended environmental requirements.

Public awareness may be the most underestimated mandate of all. Mayors are beginning to recognize the need for their constituents to better understand the costs and purposes of existing environmental mandates before new ones are proposed. Without this understanding, mayors fear there will be a major backlash against any new environmental program, regardless of its importance.

D. Champagne Tastes and Beer Pocketbooks

As the list of cities with budget deficits grows, it becomes apparent that a major roadblock to solvency is the "champagne tastes and beer pocketbooks" of all levels of government and the taxpayers themselves. There is not enough money for existing programs, let alone new ones, mayors say, a situation exacerbated by the widespread recession.

Drastic cuts in state and federal aid and lost revenues from business failures, property devaluations and a shrinking employment base have caused urban governments to sharply curtail or eliminate entire programs.

On the matter of financing for environmental infrastructure, Max Whitman, President of the American Public Works Association, reminded members of the U.S. Advisory Commission on Intergovernmental Relations on December 6, 1991, that:

". . . state and local governments do not have inexhaustible funds and must be prepared to budget for environment protection on the front end of the project. Generally we must by law balance our budgets and raise funds through taxes and bond issues. We cannot afford local environmental protection that does not make economic sense."

The Nationwide Public Projects Coalition, which was formed by state and local elected and career officials principally to seek affordable balances in the nation's environmental protection processes, pointed out in a recent newsletter that:

"U.S. senators and representatives increasingly regard local governments as just another special interest group when they protest the fiscal impacts of unfunded federal mandates. There seems to be a growing attitude that mayors and city council members should just shut up and raise taxes. It is almost as though they believe constituents of cities and counties are different people from those who make up congressional constituencies."

Every city has its horror stories, and elected leaders face increasing frustration dealing with angry taxpayers as revenues decline and government costs escalate.

Although northeastern and southern cities may have suffered the most budget shocks in recent years, geography has spared few the impacts of job losses, spiraling crime rates, declining populations, growing social and welfare needs and, of course, more federal mandates.

At the same time the EPA projects environmental protection costs will climb to nearly three percent of Gross National Product by the year 2000, there has been a stunning decline in general community infrastructure investment. No new airports have been built since the early 1970s. Spending to rebuild dangerous bridges, crumbling roads and highways has plummeted from 2.4% of GNP in 1963 to one percent in 1991.

It would add credence to the debate over costs if mayors had an inkling of their costs to comply with, say, the Safe Drinking Water Act regulations. However, according to Thomas D. Hopkins, only sketchy information on the numbers and costs of mandates to the delivering level of government is available. The FY 1992 Budget of the United States reported that 1200 new rules were added in 1990 alone. The October 1991 Unified Agenda of Federal Regulation listed nearly 500 new regulations likely to affect local governments. Not even a cursory study has been done to project the commulative costs of these new regulations and when they will take effect.[4]

In the past, water pollution control programs mandated primarily by the Clean Water and Safe Drinking Water Acts have been responsible for about half of municipalities' compliance costs, according to the Environmental Protection Agency.

The agency estimates another third of compliance costs results from mandates of the Clean Air Act. The remainder is attributed to a variety of land pollution programs mandated by the Resource Conservation and Recovery Act (RCRA), the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and the Toxic Substance Control Act, (TSCA). Also included in the final category are the Emergency Planning and Community Right to Know Act (EPCRA) enacted with the Superfund Amendments and Reauthorization Act of 1986 (SARA), and the Occupational Safety and Health Act of 1970 (OSHA).[5]

EPA's breakdown does not reflect the compliance costs cities incur preparing environmental impact statements required by the National Environmental Policy Act (NEPA), the increasing restrictions on land and natural resource uses, which affect local and state revenues, or the enormous costs of litigation made possible by the Act.

There are other indirect costs not reflected in summaries of environmental costs. No-

where is there an analysis of the reduction in private-sector investments directly related to environmental constraints. Undoubtedly, plant closings, delayed expansions, dampened innovation and workforce reductions adversely affect a community's ability to pay for environmental or other desirable improvements.

As noted earlier, until the mid-1980s, mandates to build big-ticket anti-pollution facilities carried congressional appropriations to offset most of the costs, but times have changed. Now community governments, their businesses and their residents pay nearly all of the costs.

Anchorage's Mayor Tom Fink says "residents don't understand that virtually everything we do, every service we provide, every bond we sell, and every employee's salary and benefits are paid for by the people who live here, through taxes and user fees." Or, as Dr. Ralph d'Arge points out,

"There's no disembodied entity called industry that you can either tax or save money for without that trickling down to some individual somewhere."[6]

It is only fair that Americans writing the checks know what they're getting for their governmental protection dollars today and what they can expect in the future.

II. REPORT CARD ON THE ENVIRONMENT

A. Success Stories—The Nation's Best-kept Secret

By several accounts, Americans have invested some $1.4 *trillion* (in 1990 dollars) in environmental protection programs since the early '70s. After decades of neglect, there was much to clean up.

More than a hundred major environmental laws were implemented during this time. Kenneth Chilton, Deputy Director, Center for the Study of American Business at Washington University in St. Louis, notes the significant progress that has been made. Hazardous and toxic-waste dumps are being cleaned up in every state. Air quality programs targeting specific pollutants show well-documented improvements. Thousands of water bodies once badly polluted are now fishable, swimmable and support abundant aquatic life.[7]

In addition to the benefits Chilton cites, numerous other improvements are well-known. Recycling programs have mushroomed throughout the country. Vast improvements have been achieved in drinking water quality. Health risks from living near landfills and incinerators have been virtually eliminated. Coastal and wetlands areas receive greater protection, and wilderness designations have been applied to millions of acres of high-value federal lands.

EPA Administrator Reilly, commenting that the country has been enormously successful in addressing environmental problems, noted it was remarkable that this progress had been made in the last 20 years, but "nevertheless it remains politically incorrect to acknowledge that we really have made progress."

To further emphasize the measure of progress in environmental protection during this period, it occurred while the United States' population grew 22 percent and the economy an astonishing 75 percent, according to the White House Council on Environmental Quality. Americans have much to be proud of in this regard, as do members of Congress.

B. The Scramble For More Protection

Despite this notable progress in improving the nation's environment, Congress and federal agencies continue to impose more restrictive burdens on Americans. Instead of giving the laws on the books a chance to prove their effectiveness, lawmakers remain convinced more are needed.

Why is this? Few media watchers can escape the relentless warnings of the latest cancer-causing substance, the "chemical of the week," or doomsday scenario. These scary scenarios about this or that impending threat seldom include the comforting information that laws and regulations are already in place to address it. Instead, they prey on peoples' anxieties.

When other studies conclude a reported threat was exaggerated or misrepresented, that information—if published at all—is likely to appear on page 30 in the newspaper or following the weather forecast on the airwaves. Routinely, the "threat" is first reported without challenge of opposing scientific viewpoints; but, when it is later challenged, the "threat" is often emphasized again and the challenge disputed or disregarded.

"Politics is the management of expectations," said former Colorado Governor Richard Lamm. Fear of the unknown is a major force behind any number of environmental laws and regulations. Few of us would dispute that most environmental concerns move higher on the priority list not from scientific justification but from the public's fear of the unknown.

The Environmental Protection Agency admits that its priorities are seldom based on actual need, but rather on public perceptions of potential risk. Regardless how they become environmental priorities, the perceptions do reflect peoples' fears, and fearful people seem quite willing to trade personal freedom for protection from all manner of risks.

The adage that we should be careful what we wish for because it might come true applies to environmental mandates. People want clean air, clean water and a pristine environment. They *say* they will pay whatever it costs to get them. They don't know they might go broke trying.

People also want a strong economy, protection from crime, a good lifestyle and well-functioning community infrastructure, and these have deteriorated remarkably as competing demands for dollars deplete local resources.

Environmental groups pressing Congress and federal regulators for more punitive and intrusive controls on industry, more enforcement, more fines, more environmental monitoring, and relentless land-use restrictions have paid little attention to their higher costs or who pays them.

As Jessica Landman, senior attorney with the National Resources Defense Council (NRDC) stated in *Governing* Magazine, financing issues have historically "not been on our agenda." Landman cited a local survey indicating the costs of municipal stormwater runoff controls were lower than cable television rates. "I happen to think," she said, "that preventing water pollution is at least as important as getting cable television."[8]

For many Americans, the choice is not between paying for cleaner wastewater or getting cable television. It may be a choice between paying for cleaner wastewater or filling school lunch boxes. Commenting on the disastrous financial crisis of Clarksburg, Massachusetts, homeowner Butch Prenguber said, in an *Associated Press* story on August 11, 1992, "When the money is not available, I don't care what issue you put out there. The most important thing is to put food on the table, clothes on the kids."

C. The Challenges Facing Regulators

It is important to acknowledge that Congress and the Federal administration are working to implement sound environmental policy, but the task is not simple. Legislation has been introduced to correct a number of problem areas. As shown earlier, mayors fully recognize and appreciate that significant progress has occurred as a direct result of environmental expenditures. Mayors also comprehend the magnitude of the federal administration's responsibilities and the inherent conflicts associated with them.

A case in point is the Environmental Protection Agency which manages well over 9,000 regulations and is answerable to some 90 congressional committees and subcommittees. Twenty years ago it reported to just 15.[9]

Critics complain that, in spite of enormous resources given the agency, EPA staff still is not qualified to handle the scientific and technical aspects of regulations. As a local official put it, "EPA has college graduates on staff who are smart as a whip, but they have no comprehension whatsoever about the practical application of regulations to utility operations."

Murray Weidenbaum, former chairman of the Council of Economic Advisors, has observed: "even if EPA were staffed entirely with Newtons and Einsteins, it could not meet its present statutory obligations, much less the additional workload that Congress is anxious to impose on it."[10]

EPA Administrator William Reilly agrees his agency can't do it all and must better address the need for setting priorities. In speaking engagements throughout the country, he affirms this need and commends the work of his Science Advisory Board that has helped focus on the areas needing the most attention.

The Science Advisory Board's well-received report noted:

". . . an increased capacity for comparing kinds of risks more systematically would help determine which problems are most serious and deserving of the most urgent attention.

"An improved ability to compare risks in common terms would have another value as well: it would help society choose more wisely among the range of policy options available for reducing risks.

"There are heavy costs involved if society fails to set environmental priorities based on risk. If finite resources are expended on lower-priority problems at the expense of higher-priority risks, then society will face needlessly high risks. If priorities are established based on the greatest opportunities to reduce risk, total risk will be reduced in a more efficient way, lessening threats to both public health and local and global ecosystems.[11]

Weidenbaum's observation that heavy costs are incurred if society fails to set priorities based on risk is well worth emphasizing here, although the subject of comparing risks is addressed in more detail in Part V. The nation must come to grips with the question of how to get a better return for its environmental investments, and that can't be answered unless risks are examined objectively.

D. Federal Environmental Policy: Cleaning Up the Last Five Percent

Mayors are responsible environmental stewards. They recognize the necessity for developing, maintaining and upgrading environmental systems that contribute to residents' quality of life and economic well-being. They care about where they live.

But they can be placed in awkward positions when 95% of an environmental problem is solved and there is pressure to address the remaining 5%. In far too many instances resources would be more efficiently applied to other environmental improvements.

However, if mayors (or other elected officials) say it is not cost effective to clean up "the remaining 5%" off stream pollution, for example, they are perceived as favoring dirty water.

Unfortunately, in such debates the public rarely understands, or is even aware of, the benefits already achieved by cleaning up the first 95%, or that addressing the last 5% will bring no noticeable benefits. More than one mayor admits to doing a poor job of educating the public in this regard.

Local officials respect the need for an umbrella of environmental regulations that responds to careless acts of the past and prevents them in the future. What they don't respect or need are edicts by distant bureaucracies to clean up the final "nth" degree of a pollutant, regardless of its cost. Without a doubt they are more qualified to prioritize community environmental needs than is Congress, the federal administration, or organized environmental groups.

Today local officials want more say in determining their own environmental priorities. Some are recommending that they no longer accept the generic solutions imposed on them.

Dr. Edward Krug, Director of Environmental Projects for the Committee for a Constructive Tomorrow in Washington, D.C., warns that amendments to RCRA legislation (S. 976), Resource Conservation and Recovery Act) now before Congress will strip even more powers from local government. Krug says RCRA's new amendments would give Washington far-reaching controls never before seen.

EPA Administrator Reilly himself testified that many of the provisions in the bill (S. 976) do not provide for targeting significant risks. They also establish "command and control" approaches that are "in some cases technically infeasible, inefficient, or administratively unworkable." He warned that the nation's resources for environmental protection were too scarce to waste on attempting the unnecessary and impossible.[12]

Other mayors take exception to paying for nonexistent problems. A Florida mayor (where the water table in his city is within a few feet of the surface) says costly controls for protecting groundwater in his community are worth every cent. But he argues other cities shouldn't necessarily have to abide by the same rules. As he says, if "the water table is a thousand feet down, it's dumb to waste money on groundwater." Another official asked: "Why should we pay to test for pesticides that aren't even used here?"

When mayors talk this way they want it understood that they aren't seeking to overthrow environmental laws. They just don't like to waste money. When they are forced to implement unfunded environmental mandates that will, at best, have a negligible effect on health, they get angry. They expect common sense in the policy arena, and they expect a balance between needs of people and needs of the physical environment. Without balance, a regulatory backlash will be inevitable.

More and more, local officials say, if environmental policies don't reflect community needs, they have no alternative but to oppose them.

III. AMERICA'S CITIES ARE GOING BROKE

A. Cities Face New Challenges in the 1990s

The economic challenges facing America's cities in the 1990s are as varied as the communities themselves. Whether it be foreign competition, poor quality education or health services, deteriorating infrastructure, racial tension, the exodus of manufacturing and energy industries, increased unemployment, reduced revenues, crime and drug abuse, homeless people, general wage deterioration or skyrocketing demands for social services . . . cities are in trouble. Finding money in local budgets for new environmental priorities is incredibly difficult. Finding money to fund competing *non*-environmental programs is just as tough. There is no mechanism in the public policy arena for balancing education—or other needs—with environmental programs. Some examples point out the problem:

In 1990, California's Richmond School District, after three years of budget deficits and $60 million in the red, filed bankruptcy and closed its schools six weeks early. Appeals to the state for emergency funds were rejected because of California's then $13-billion deficit. Responding to a class action lawsuit by parents in this low-income area, a judge ordered schools to remain open, regardless of the fiscal problem.

This example raises the question of where the buck stops, and what happens when entities are forced into deficit spending.

Members of Congress are becoming more aware of the predicament as local officials speak out. Before U.S. House and Senate subcommittees last summer, two spokesmen summarized the political realities. Minneapolis councilman Steve Cramer said:

"No local official can tell citizens of his or her community that there will no longer be a police force or fire department because those resources will now be spent [to comply with federal mandates to measure for] contaminants in the drinking water supply. Those are not acceptable tradeoffs at the local level."[13]

John Bullard, Mayor of New Bedford, Massachusetts in 1991, complained about the nearly total transfer of cleanup responsibilities to local government. He cited his city's severe economic and fiscal distress and questioned the legitimacy of requiring 80,000 people to pay $500,000,000 for a new wastewater treatment plant. He said numerous other cities were cutting back on vital services, "including trauma centers and police protection, just to make ends meet."[14]

Recent events in Los Angeles and Chicago highlight the far-reaching effects of excessive attention to general environmental concerns in lieu of more directly people-related socioeconomic concerns.

According to Philip K. Verleger, Jr.,[15] closed factories and lost jobs have been cited as a primary cause of the despair and disorder in Los Angeles. Verleger warns the situation will not improve until there is a reversal of California's pervasive and oppressive regulation, and particularly its environmental regulation. He reports:

"Two recent surveys of manufacturers' decisions to move out of Southern California have found that the region's onerous air quality regulations were important motives. In the first study, commissioned by Southern California Edison, 63% of the companies that moved to Las Vegas from Los Angeles said their moves were motivated in part by "government and/or environmental regulations."

"In the second, done for a consortium of California's largest utilities, 56% of the respondents stated that environmental laws and regulations were a significant factor in their decisions to relocate or site new factories elsewhere. (One such firm is McDonnell Douglas which employs 33,000 workers to manufacture civilian aircraft.)"

Chicago's tunnel disaster, in which the basements of the city's central business district were flooded, underscores another point that frustrated mayors are making in Washington—maintenance can no longer take a back seat to limitless expansion of federal environmental programs.

These examples are not intended to refute the need for a particular environmental program, but rather to emphasize that there are critical, competing needs for municipal resources.

B. Congress Passes the Buck

Mayors speaking at the June 1992 U.S. Conference of Mayors in Houston, Texas, were far more vocal this year than last over the ever-growing costs of unfunded federally-mandated programs. They contended Washington could no longer ignore the fact that the nation's cities were in dire financial straits, and unfunded mandates—particularly the high-cost environmental variety—have become intolerable.

But Congress, with its own budget—deficit quandary, says it has no choice as to who funds its priority programs. The mayors countered that, if the environment is such a high national priority, Congress ought to back up its commitment with the necessary funding or, at the very least, help pay for it. To reinforce that position, a strongly-worded position statement opposing unfunded federal mandates was adopted at the Houston conference.

Knoxville, Tennessee Mayor Victor Ashe, who chaired a workshop on unfunded mandates in Houston, made these comments during the well-attended session:

"The financial burdens imposed by federal regulations have been increasing faster than the growth of federal aid since 1986. The reason is clear. The government is broke. Whether you want to blame 40 years of Democratic control or 12 years of Republican presidents, the federal government is broke.

"Congress does not have the money to fund . . . the types of programs that get members re-elected. As a result, more and more mandates have been passed with less funding or no funding at all.

"It is wrong for Congress to create programs it is unwilling to fund . . . and to force local tax increases on Americans and expect someone else—mayors, for instance—to take the blame. It is a back-door tax increase that will sap from our cities the ability to make our own decisions and solve them with our own resources. If members of Congress want to be city councilmen, then they should run for city council."

C. Proposals Carry Fallacious Cost Projections

Not only are the numbers of mandates growing, but some members of Congress say the costs of implementing them should not be a consideration where the environment is concerned. Local officials disagree and say limits are needed. They also believe Congress has a responsibility to evaluate legislation based on accurate cost projections, and that few proposals carry realistic price tags.

Often cited in discussions over inaccurate forecasts of regulatory impacts on communities is the escalating furor over the costs of municipal stormwater permits under the Clean Water Act's National Pollution Discharge Elimination System (NPDES) section.

Anchorage Municipal Engineer Ross B. Dunfee contends "EPA deserves a public flogging for its extraordinarily bad estimating in determining the cost to file the municipal stormwater application." Anchorage is spending an unexpected $1.5 million to file its Part I application, not the less-than-$50,000 projected by EPA; "only" a thirty-fold miscalculation.

Other stormwater permit coordinators report similar high costs. They speculate EPA deliberately underestimated the permit costs so it would not be subject to the national threshold limits established by Executive order 12291, which requires a more thorough cost analysis. Had that analysis been performed, the legislative outcome might have been more responsible.

Water officials also point out that the application process is just the tip of the iceberg—it does not grant a permit. They are unable to project annual review costs or the additional operations, maintenance and capital costs they will have to fund from uncertain future revenues.

One projection of local government costs to implement the EPA stormwater program has been completed by the Southern California Chapter, American Public Works Association. More than 100 local governments with populations over 100,000 were surveyed.[16]

The study estimated that additional capital costs would range from $2 to $8,800 per capita, and operating costs would range from $24 a year to $11,500 a year per capita.

In addition, cities attempting to comply with EPA's complex stormwater management regulations fear they won't be able to achieve numeric effluent limits, no matter how much they spend.

According to the American Public Works Association's Stormwater Quality Task Force, recent research and program experience indicate that:

". . . currently available stormwater management practices or technologies cannot achieve numeric water quality objectives. Without appropriate legislative clarification in the Clean Water Act, stormwater agencies will be held to a standard of performance that is not achievable."

Task Force Chairman Doug Harrison, General Manager of the Fresno Metropolitan Flood Control District, warned Association members that "Unless the unique limitations associated with the management of stormwater quality are recognized through amendments to the . . . Clean Water Act, local municipalities will be overwhelmed by the cost of pursuing an impossible standard."

In addition, municipal officials are deeply concerned over the statute's penalties for noncompliance—fines of up to $50,000 a day and prison terms for responsible officials. Communities have legitimate concerns with the cavalier attitudes of federal regulators in the stormwater management debate. They hoped for a balanced regime that recognized the range of climate, geology and biologic diversity, along with the needs of people who are integral parts of their communities' environment. What they'll get is something they can't live with, unless Congress changes the law.

Another study, done by the Association of Metropolitan Sewerage Agencies (AMS), mirrors the American Public Works Association's concerns over costs.

In its 1990 member survey of capital needs, AMSA reported that annual household user fees for capital investments in wastewater treatment facilities now double every six years. As local governments pay a greater percentage of capital costs, the survey concluded, they will rise at even higher rates in the future. Operation and maintenance costs, 100% of which are paid for locally, will double every eight years, with increases of 9% and 11% per year.[17]

D. Unknown Local Costs Hinder Decisionmaking

In the last five years government and policy institutions have undertaken ambitious studies to pin down the costs of specific national environmental protection programs. Virtually all conclude it is an impossible task.

Not only is there a dearth of reliable data on public and private sector costs, the studies acknowledge that accurate estimates of future obligations are nonexistent as well. Part of the problem results from a lack of agreement as to which regulations should be termed "environmental."

Some researchers tabulate their data under the term "social regulation," to include health and safety costs along with typical environmental expenditures. For example, asbestos abatement could fall in either category—health/safety or environmental regulation—or both.

There are, of course, wide variations in the way records are maintained. Researchers find it difficult to determine if expenditures are being double counted or missed altogether.

Also, research covers different time periods and numbers of laws and regulations. One study might include the Clean Air Act regulations up to the 1987 amendments, others beyond. Some include mandates imposed by state governments. Most are state-level comparisons that omit local government costs altogether.

Federal estimates of national environmental costs purport to include expenditures by local governments; yet no study—public or private—appears to have gone directly to local government for the information. Publishers of two 50-state surveys confirmed they excluded municipal costs. Because of this, national estimates are unrealistic. One estimate says American consumers pay about $4,000 per household for all regulatory costs, excluding government's cost to administer them. Another puts the costs considerably higher. The President's 1992 budget message to Congress said Americans now pay about $1,700 per household for environmental regulations, excluding the latest mandates associated with recent Clean Air and Clean Water Act amendments, and other lesser-known laws.

Without knowing what the nation's current obligations are, congress can't very well know how much is too much for the nation's cities and consumers to bear.

E. Cities Fight Back: Proving Their Case

While numerous local officials acknowledge the cost issue, they have difficulty convincing members of Congress and federal agencies of the magnitude of environmental program costs. In addition, mayors tend to avoid controversies of this nature, often because they choose not to perceived as "anti-environment." Without substantive data to back their positions, they could be, and usually are, battered by the media.

However, one city decided to fight back, not for the purpose of opposing environmentally programs, but for the ability to apply scarce municipal resources to its most serious environmental problems.

First to address the cost issue was the City of Columbus, Ohio. The city conducted an interdepartmental study of federal and state environmental mandates[18] for which it was responsible. The effort was borne in response to estimates that cleanup of a hazardous waste site, mandated by the Resource Conservation and Recovery Act (RCRA), would cost the city some $63 million more than its original estimate. City administrators were alarmed and concerned over their ability to fund the clean up plus other mandated programs and community priorities. The fourth-month study concluded that for existing requirements between 1991 and 2000, environmental projects and programs would cost $1.6 billion, a more staggering figure than city officials could have imagined. They described the $1.6 billion figure, inflation-adjusted at 7% (the accepted rate for environmental projects), as conservative. Some 600 regulatory rules being developed and other mandates under consideration by Congress were not included in the forecasts.

A Columbus Dispatch editorial about the study on May 25, 1992 concluded: "For the federal government to dictate environmental regulations of questionable merit that tax the American people beyond their capability to pay is irresponsible. Columbus officials are to be commended for trying to show the feds the error of their ways."

Little did city officials know their study would be called a "national milestone" and become instrumental in framing the current debate over regulatory costs and benefits. For the first time, a community collected the date is needed to identify how much of its municipal budget was being spent for state and federal environmental compliance. From nearly 11% of its budget in 1991, the figure jumped to 18% by 1995 and 23% in the years beyond.

The Columbus report also criticized Congress's tendency to overcompensate for suspected dangers of pollutants by forcing agencies to go too far with regulations. It charged that the legislative process was oriented more to public pressure and special interest groups than to a risk or science-based system.

In a speech to the National League of Cities in December 1991, Michael J. Pompili, the Columbus official who coordinated the study, cited Columbus's concern over the standard for atrazine levels in drinking water supplies. He said $16 million in capital costs initially, and $2.4 million in annual operating costs would be required to bring atrazine levels down to the required 3 parts per billion, an amount equal to dissolving half an aspirin tablet in a 16,000-gallon railroad tank car. yet there is no substantiation that low levels of atrazine cause health problems.

Encouraged that Columbus had been able to isolate its environmental costs, the Municipality of Anchorage subsequently undertook its own mandate study. Other communities are following suit. It is hoped this documentation will enable Congress and the administration to consider more carefully the costs of protection programs as they relate to potential benefits and communities' abilities to pay for them.

IV. THE HIDDEN COSTS OF ENVIRONMENTAL MANDATES

A. Litigation, Litigation, Litigation

Communities have learned the hard way that inadequate revenues to fund federal mandates are no excuse for letting legally-mandated deadlines slip. Costly lawsuits by their own residents and federally-imposed fines are the predictable outcome from non-action.

Some mayors call it litigation mania, or government-by-lawsuit. The federal govern-

ment is a big player in the litigation game. "We're using taxpayer dollars to sue each other; does this make sense?" asks a frustrated mayor who was sued by the EPA. This effective hammer—enforcement deadlines and the threat of lawsuits—gives communities no alternatives; they must cut back or eliminate their own higher-priority programs to meet the letter of the law.

Lawsuits over interpretations of environmental laws and regulations have skyrocketed during the last decade, as have legal costs to government agencies attempting to administer them. The issue of government restricting the use of private property, which can constitute a "taking," has prompted significant litigation. The Constitution's Fifth Amendment prohibits the taking of property without compensation, and recent court decisions are upholding the rights of property owners. One judgment alone will cost the U.S. Department of the Interior more than $120 million.

B. When Regulations Hurt Local Economies

Money the business community spends for environmental regulation is diverted from other investment needs. Budgets for research, wages, product testing, facility expansion, new equipment, health care and pension plans, marketing, etc., are all affected when corporate dollars are reallocated to national environmental priorities, regardless of their merits.

Non-regulatory actions have their effects on corporate profits and on local government revenues as well. Well-publicized warnings of cancer threats from coffee, dioxin, microwave ovens, showering, apples, hair dye, or the "chemical of the week" can force a company to undertake emergency recalls, pull advertising, make costly equipment and production modifications, resort to less-effective substitutes or, worse, go out of business altogether.

While most agree to the necessity for environmental protection, they may not agree that expenditures for mandatory compliance address the right problems. Justified or not, a large percentage of investment dollars diverted to environmental mandates causes productivity reductions, job reallocations, job losses and reduced profits; or, in the case of government, increased taxes and service fees. Certainly, technological requirements, materials recycling and plant modifications can favorably influence the balance sheet over the long run, but more often than not, the opposite occurs. While entire industries have sprung up in the environmental protection field, e.g., waste management or the multi-billion-dollar asbestos abatement industry, the new jobs created are not likely to equal the jobs and wages lost from other sectors. In thousands of cases, regulatory requirements have meant the business is no longer cost-effective and must retrench, close or relocate.

An Alaska battery manufacturer was recently forced into that situation. After a long-running battle with the Environmental Protection Agency over cleanup of illegally-stored batteries, the firm faced bankruptcy. The company failed to convince the bureaucracy that lead-contaminated soil could be recycled by a then-innovative process, rather than "carted away at enormous cost."[19] EPA hopes to recoup the $3.2 million it spent in the cleanup operation, by billing outlets selling the firm's batteries who had no part in the improper disposal. Disillusioned with a government that "punishes retroactively," the company's owner now manufactures batteries in Russia where, he says, the government wants his business. Still, he wonders why the people who created the demand for his product and who will continue to do so should not bear some responsibility and cost for disposal. That question has never been answered. The economy lost an employer and local tax revenues.

C. International Competitiveness at Stake

The United States spends more on the environment than any other nation, and its communities and industries have made extraordinary improvements in environmental protection, albeit at significant cost. The fact remains that companies can become competitively disadvantaged in the international marketplace by these expenditures. As Wayne Gray has observed,[20] "30 percent of the U.S. decline in manufacturing productivity that began in the 1970s was due to EPA and OSHA regulation."

Gray also stresses the significance of the productivity slowdown to the economy. It translates directly into lower output growth rates and a lower standard of living, plus, it makes U.S. products and wages less competitive in the international marketplace. As U.S. firms must compete with offshore firms not bound by stringent environmental regulations, they become significantly disadvantaged. The response of many companies and even entire industries has been to shut down or move offshore.

Just as serious a concern are the constraints to getting new projects off the ground—the mining venture delayed by lawsuits, or endless demands by government agencies in the environmental impact statement process. A notable case is the world-class molybdenum deposit in Southeastern Alaska.

U.S. Borax spent 18 years on environmental and feasibility studies before obtaining all major permits for the project. The final dispute was over the resting place for mine tailings. The difference in impacts indicated between two proposed deepwater sites was the potential annual damage to $2,500 worth of fish. EPA concluded the company should spend $60 million on a tunnel to carry tailings to site EPA preferred.

Years of debate and lawsuits later, EPA was on record supporting the environmental impact statement which agreed that $60 million was too much to pay for extending the lives of $2,500 worth of fish. Later, with nothing changed (except the position of EPA administrator), the agency suddenly decided that, even though it supported the sponsor's preferred tailings site, it would not grant the permit for putting the tailings there. The federal agency's action thus necessitated that molybdenum prices be significantly higher before the project can proceed. It may never do so. In the Borax case a single federal official decided that the costs to the environment overshadowed the benefits. This arbitrary process, by which one individual can decide the fate of multi-billion-dollar projects, is incomprehensible public policy. The company's stockholders, out more than one hundred million dollars, would surely agree.

Little imagination is needed to see how this example, repeated thousands of times throughout the country, has contributed to the devastation of American jobs and economic opportunities. Imagination is exactly what is needed, however, to ascertain the enormity of the costs to communities when responsible development is smothered by regulatory caprice. There are no known studies of the "hidden environmental costs" associated with these lost opportunities. The subject deserves investigation.

D. Housing Costs Hit the Roof

The impacts of specific environmental regulations on housing costs are more easily identified than are the costs of unrealized economic growth to communities. For example, the increased costs of wood products for housing associated with the northern spotted owl habitat set-asides have been estimated—in some areas up to $5,000 per home. So too have the costs of protecting endangered species such as the Stevens kangaroo rat in California's Riverside County. There, a system of preserves (which will become tax-exempt) on 30 square miles of private land, is being funded by "rat taxes" of $1,950 per acre on other county homesites.

The costs of testing for indoor radon could run from $5,000 to $12,000 per dwelling, as could fees for removing underground storage tanks, removing lead, etc. These costs are not insignificant and, added to a sizable list of regulatory requirements. That can comprise 25 to 50% of a new home's costs, make home ownership out of reach for many Americans.

According to an Associated Press story on August 16, 1991, 64% of the overall population could not afford the Great American Dream, that of home ownership.[21] As Secretary of Housing and Urban Development Jack Kemp has written, government rules and red tapes are regulating the dream out of existence.

Few would dispute that the unrealized tax benefits to local and state governments from expanded home ownership would be enormous, not to mention direct benefits to the construction and real estate industries, and the community's quality of life. People want to own homes; they want the respectability, security and dignity that home ownership affords.

A presidential commission, which addressed barriers to affordable housing, recommended that prior to promulgating major rules or regulations, a "housing impact analysis" be performed.[22] It would be more helpful if such an analysis were performed during debate on any congressional bill affecting housing costs.

E. Problems with Tax-Exempt Land

In the western United States, including Alaska, relatively small amounts of land contribute to local tax bases. In the Municipality of Anchorage, for instance, just 6% of the land base is taxable. More than 86% of municipal land is exempt from property taxes as open space, BLM lands, municipal and state parks, wetlands, national forests and military bases. Statewide the percentage is less than one-half of one percent.

As communities struggle to expand their tax bases, pending and proposed environmental laws would remove yet more land from human uses. Consider again the Endangered Species Act. With more than 3,000 species awaiting listing, it is likely that millions of acres of public and private land will become tax-exempt enclaves for designated species unless Congress changes the law.

Congressional wetlands protection proposals, with overly-broad definitions of "wetlands," would remove additional lands from the tax base; yet no nationwide calculations have been undertaken to determine the economic costs of such proposals. Several eastern counties have done such estimates, however, and concluded negative impacts to their economies alone would total more than $100 billion.[23]

This disregard for considering the economic costs of land withdrawals, both to the directly-affected communities and the nation as a whole, is best exemplified by a bill introduced by Rep. Peter Kostmayer of

Pennsylvania. Named the Northern Rockies Ecosystem Protection Act, it would designate some 14 million acres of western Forest Service land as new wilderness areas, national parks, and wild and scenic rivers. Timber harvesting, mining and other traditional uses would be prohibited on the designated lands in five western states: Montana, Idaho, Oregon, Washington and Wyoming. (Rep. Kostmayer understands the political backlash that would erupt were he to propose such land withdraws in the back yards of his own constituents.)

V. THE BASIS FOR ENVIRONMENTAL REGULATIONS: THE USE AND ABUSE OF RISK ANALYSIS

A. Ruling by Risk Analysis

We take risks of all kinds every day, whether it be climbing Mt. McKinley, entering the latest million-dollar sweepstakes, riding a bicycle, eating particular foods, fixing the roof or undergoing surgery. Most of the time we don't worry much about the risk—we just do it. However, we make the choice; we can decide if the benefit (whatever it is) is worth the risk. Other times the decision is made for us. Without going into the more technical debate over how risks and benefits are measured, it is useful to consider where risk/benefit analysis fits in the pollution prevention arena and why it is important to local governments and local economies. When a risk assessment reveals a possibility that one person in a million could get cancer from a lifetime of involuntary exposure to a particular chemical, sooner or later the Environmental Protection Agency (or OSHA or the FDA or some other agency) will regulate it.

The argument lies with how seriously a particular risk might affect health or the environment, whether the risk is "real," and how much money should be spent to remediate it. There has long been a need, well-recognized by federal policymakers, to make environmental protection decisions according to the most serious threats to human health and the environment. EPA Administrator Reilly and his Science Advisory Board routinely attest to the need for doing a better job of ranking environmental problems. Once the priorities were set, they said, resources could be allocated where they would do the most good. Such a process relies on scientific evaluation of risks, and therein lies the rub.

B. One In a Million: The Mysterious Risk Criterion

One criterion for measuring risk that defines allowable exposure to environmental contaminants is a "one-in-a-million" chance of developing cancer in a lifetime. It is also known as the 10(−6) criterion. This criterion is more than 30 years old. Just where did it originate? Dr. Kathryn Kelly of Environmental Toxicology, Inc., Seattle, Washington, decided that this was a reasonable question, so she set out to answer it. Her research brought interesting results.

Dr. Kelly's conclusion was that there is no sound scientific, social, economic or other basis for selecting the one-in-a-million criterion as a cleanup goal for hazardous waste sites, an acceptable level of stack emissions or the amount of Alar to allow on apples.[24]

10(−6) means different things to different regulators. Dr. Kelly says "What the FDA intended to be a lower regulatory level of 'zero risk' below which no consideration would be given as to risk to human health, many federal and state agency decisions somehow came to consider a maximum or target level of 'acceptable risk.'"[24]

While the concept of "one in a million" was originally an arbitrary number, used as a screening level, its purpose was to be a guideline for assaying carcinogenic animal drugs "which may be administered to food-producing animals, but for which no residue is permitted in human food" under the Delaney Clause of 1958.

To her surprise, an exhaustive literature search and contacts with government agencies indicated no official knowledge or readily available documentation that described the origin of 10(−6). Despite widespread use of the criterion, she said, none of the agencies could cite its source. Responses to inquiries ranged from: "My mind is a complete blank" to "You really shouldn't be asking these questions."

Dr. Kelly's research is carefully documented. She traced the original concept to Nathan Mantel, a biostatistician at the National Cancer Institute, who had proposed defining the parameters of safety testing. To do that, a one in 100,000,000 assumption of developing cancer was chosen. Asked how he came up with that number, Mantel replied, "We just pulled it out of a hat."

While these attributions give short shrift to a complex subject, scientists who have addressed it in depth conclude that the "one-in-a-million" concept is a remarkably inaccurate portrayal of risk. Yet, based on that criterion, government and industry have spent—wasted—billions of dollars on excessive regulation to eliminate perceived risks from the environment. This "shoot-first, aim-later, safety-at-any-price" mentality has caused a massive misallocation of tax dollars with little reward.

Tom Arrandale acknowledges this is an editorial on "junk science":

"State and local officials play no role in setting EPA's research agenda, but they're the ones who wind up administering standards that they know are based on flawed or out-of-date studies. Federal directives based on questionable cancer-risk tests on laboratory animals are forcing municipal sewage treatment plant operators to spend millions of dollars to control relatively insignificant contaminants that officials say pose only small threats to humans.[25]"

C. Better Safe Than Sorry?

It is a given that considerable uncertainty exists in the "science" of risk analysis, so "assumptions" or "uncertainty factors" are thrown in for additional protection. Today the federal government's approach for dealing with the uncertainty factor can be described as "better safe than sorry."

Two recent examples of high-ticket regulations that explicitly employ such assumptions and uncertainty factors are EPA's standards for 23 potential drinking water contaminants and its proposed numeric toxics criteria for water quality standards in 22 states. Some would solve the "assumption" problem by demanding better science. Others say that's not the answer because, after all the test data have been examined, the simple truth is that no one knows whether a particular level of pollution or contamination is really harmful. this is especially true regarding exposure at very low levels to substances shown to cause adverse effects in humans or animals at much higher levels. The controversy arises over what to do in the face of this uncertainty.

Bill Kelly[26] of the Institute for Regulatory Policy has observed that such well-meant bias might not really be in the public interest:

"In many cases, the net result of this approach to uncertainty is that the less is actually known about the effects of an exposure, the more strictly it is regulated. Of course this is not communicated to the public, or even to the decision makers, and therefore the media will often describe something as a "carcinogen" or "causing cancer" when, at the levels likely to be experienced, it is really only *assumed* to cause cancer or "assumed" to increase the risk of cancer.

"This gives rise to the question of whether such assumptions are really prudent if the expenditures involved could better be devoted to health programs that could give a more certain return for the money. To put it another way, should not the scientists be admitting they don't known when they don't know, rather than compelling billions of dollars in expenditures on the basis of assumptions or uncertainty factors that *they* believe are "prudent" for protecting the public?"

Under the policy of "better safe than sorry," we may end up "sorry" for being too "safe."

D. The Credibility of Animal Test Data

More and more, the reliance on animal test data in analyzing risks is being questioned by the scientific community, and this should bode well for future environmental policy.

Philip H. Abelson, Deputy Editor, Engineering and Applied Sciences, *Science* Magazine, wrote in December 1990 that:

"The questionable cornerstone of EPA policy is its dependence on studies involving administration of huge levels of chemicals to rodents and highly conservative modes of extrapolations to low doses in humans with the further assumption that at trivial doses a carcinogenic effect exists. The current guidelines select the most cancer-sensitive species as the yardstick despite the fact that it is known that biochemical and other processes often differ greatly between animal species and humans."[27]

Support for Abelson's position is impressive. Results of a national survey of 1300 health scientists, the most extensive study of its kind commissioned by The Institute for Regulatory Policy,[28] were recently made public. Response to one question revealed that 87 percent of the scientists surveyed said *it was impossible to calculate human cancer deaths accurately based solely on extrapolations from animal data.* [Emphasis added.]

Philip Abelson again called upon Congress and the EPA to rethink the issue of relying on animal test data:

"Results of the animal studies raise questions about the validity of federal regulations that are based on ad lib-fed, [meaning food was always available] inbred strains of rodents. Are humans to be regarded as behaving biochemically like huge, obese, inbred cancer-prone rodents? Sooner or later Congress must recognize a new flood of scientific information that renders suspect the Delaney clause and procedures for determining carcinogenicity of substances."[29]

Former U.S. Surgeon General Dr. C. Everett Koop, speaking to the Northwest Food Processors Association in 1991, criticized restricting chemicals; usage based on excessive doses to laboratory animals. He cited the Food and Drug Administration's ban on cyclamate in 1969 after eight rats developed bladder cancer. "To get the same dosage as the rats did, I would have had to drink four bathtubs of Fresca [his favorite soda pop] daily for over eight years."

Joining the ranks of other scientists in recent years, Dr. Koop reiterated there is no evidence that one person has died of pesticide poisoning. Yet the dire warnings persist.

Michael Woods, Science Editor of the Block News Alliance, explained the dilemma over risk assessments in Chemecology, (May/June 1991).

"On one side are scientists and advocacy groups who believe that the public must be protected against additional health risks, even small risks that can be eliminated only at high cost. On the other are scientists who insist that society's preoccupation with theoretical risks in diverting public attention and money from real risks that kill hundreds of thousands of people.

"Trapped in the cross fire are millions of people who don't know what to believe. But they know what they are afraid of: chemicals.

"Americans refuse to believe they are healthier and live longer, so they demand more and more regulatory protection from low-probability risks. It would be comforting to know that rules and regulations promulgated by federal agencies (that cost state and local governments, industry and consumers hundreds of billions of dollars) were based on good science and that they actually offered protection from environmental risks. Unfortunately, they seldom do."

Congressional committees and EPA are coming to agreement on the need for better science in the regulatory arena, as well as for defining an acceptable process to get there. Tom Arrandale's point that "state and local regulators need to speak up now to make sure . . . researchers are studying the critical real-world problems they deal with" is well taken.

E. Trading Lives for Lives

Another element in risk analysis debate is the thorny question of whether "my risk is more important than your risk."

Ranking environmental priorities is no simple matter. It routinely places lawmakers in the position of "trading lives for lives," although no one likes to admit it. A case in point was a controversial provision of the national energy bill, that proposed saving energy by requiring auto manufacturers to significantly improve fuel efficiency.

Known as the CAFE standards, for corporate average fuel economy, they would result in the manufacture of significantly smaller cars. Certainly, energy would be saved with the standards in place, but the unfortunate outcome of such a policy is that thousands more deaths and injuries would result from small-car accidents.

On the one hand laws are passed that require enormous expenditures to protect people from a hypothetical one-in-a-million chance of cancer exposure, and on the other, a law is passed that is guaranteed to kill them. An observer of the CAFE standard debate noted, perhaps cynically, that it was politically correct to die from automobile accidents but not from cancer.

F. Asking the Right Questions

Too few policymakers considering the advisability of a particular regulation ask how their costs will affect the individuals who pay for them. What are the increased rates of accidents, illness, premature death and social upheaval—to name likely outcomes—from diet deficiencies, inadequate child care, substandard housing and lack of health insurance when scare family resources go instead to pay for this regulation?

A case in point: Boston's water and sewer bills rose 39 percent over the past two years to pay for cleaning up Boston Harbor. According to David Stipp,[30] water shutoffs tripled during that period and, in 1991, 1,200 shutoffs occurred. Officials say that was only the beginning, that more than 100,000 households are having trouble paying their utility bills, forcing them to cut back on food, clothing and medical care.

The National Consumer Law Center, a Boston consumer advocacy group, said the city's annual household water and sewer bills will rise to about $1,600 from the 1991 average of $500. The Center's director warned "people are going to start questioning the value of environmental projects" related to water "if the poor are pushed into the abyss" by water bills.

One reason given as to why impacts on consumers are given little consideration is that it has been virtually impossible to predict costs on a per capita or per household basis. Congress needs this information when debating the costs versus benefits of environmental proposals.

G. Regulations Discriminate Against the Poor

A sizeable body of research in the past fifteen years supports the contention that higher-income people live longer than poor people. The reasons are obvious: They have access to better nutrition, better health care, safer occupations, better sanitation, better education, etc. A poor person is more likely to forego preventive medical care, healthful activities, prenatal health care, attending a clinic to stop smoking or purchasing a home fire alarm.

Aaron Wildavsky of the University of California, Berkeley, is the foremost proponent of the "richer is safer" concept.[31] At a Cato Institute forum in May of this year Wildavsky said his great concern was that we would spend money making people sicker and poorer while claiming to help under the guise of reducing risks. He contends EPA regulates "400,000 times above any danger known to man or beast." [32]

Increasing numbers of regulatory experts have the same worries and agree the time is ripe for change.

In Ralph Keeney's paper on the subject,[33] he says the richer-is-safer concept relies on a fact and a premise:

"The fact is that expenditures are always borne by individuals. Intermediaries such as the government and companies have no options that do not pass on expenditures to individuals. Thus, at least temporarily, individuals are poorer in the sense that they have less disposable income for other purposes. The premise is that individuals use, on average, additional disposable income in manners that reduce their health and safety risks and therefore reduce fatalities.

"If expenditures are initially borne by government, increased taxes must be used to pay the bill. Perhaps taxes aren't increased immediately, so expenditures are financed through increased borrowing. This simply increases the interest that must be paid on the . . . debt by taxpayers in the future."

Or, Keeney says, a company may raise its product prices. Just as likely, it absorbs the costs, which means less money to shareholders, less money for employees, or being forced out of business. This has obvious direct impacts on the shareholders and employees.

Wildavsky contends further that improved living standards favorably influence the structure of society. He says a wealthier society leads to such amenities as a better, more diverse medical research establishment, large markets to stimulate creation of safer products, and an infrastructure of health clubs.[34] Some advantages are not readily apparent, i.e., improving living standards and longevity by becoming better educated, getting a car's brakes repaired, detecting disease with a physical checkup or adding years to a life from attending a stop-smoking clinic.

Responding to an outcry of opposition to costly new Clean Air and Clean Water rules, such as the national toxics, lead and radon rules, the White House Office of Management and Budget (OMB) proposed transforming the "richer-is-safer" concept into national policy and refers to it as "risk-risk" analysis.

According to Inside EPA, John Morrall of OMB discussed the proposal at the May 1992 Cato Institute forum mentioned earlier. The OMB official said data indicated each $7.25 million in regulatory costs aimed at reducing risk could cause one death because those dollars would be diverted from other risk-reducing expenditures. Therefore, if $150 billion a year were spent on health, safety and environmental regulations, 20,000 deaths a year could be forecast. Whether or not these considerations are adopted as policy remains to be seen.

As millions of Americans find themselves suffering the dire effects of recession, it is crucial that policymakers fully consider the economic and life-threatening consequences of their decisions. The public health risks of economic devastation may be difficult to quantify, but they are no less significant than the public health risks of pollution.

H. Environmental Risks: Are They Real or Perceived?

Much could be written about regulating on the basis of real-versus-perceived risks. A utility official summed up the frustration he felt over current regulations being imposed on water utilities. He concluded it was senseless public policy to embark on a very costly capital expenditure program to comply with regulations based on perceptions of risk and "suspect data produced by an overly conservative, theoretical, most-exposed-individual model."

Like it or not, it is true that regulations are often based on the public's perception of a crisis.

Dwight Lee, Ramsey Professor of Economics at the University of Georgia,[35] explains that sometimes other agendas become involved: "Crisis can be exploited by organized groups to justify government action which serves to promote hidden agendas. If a real crisis is not available, an artificial crisis created by distortions and misinformation will serve just as well."

He pulls no punches in identifying people who hold themselves up as "environmental experts" with this tactic and lets them explain how they do it:

"According to Richard Benedick of the U.S. State Department, while on assignment with the Conservation Foundation, A global climate treaty must be implemented even if there is no scientific evidence to back the greenhouse effect.

"Stephen Schneider, a highly publicized environmental activist, states, We have to offer up scary scenarios, make simplified, dramatic statements, and make little mention of any doubts we may have. Each of us has to decide what the right balance is between being effective and being honest.

"Senator Tim Wirth of Colorado has said, We've got to ride the global warming issue. Even if the theory of global warming is wrong, we will be doing the right thing anyway, in terms of economic policy and environmental policy.

"From Paul Erlich, a Stanford University biologist and highly publicized prophet of doom, We've already had too much economic growth in the United States. Economic growth in rich countries like ours is the disease, not the cure.

"From Ecotage, an offshoot of Earth First, people are told: We must first make this an insecure and uninhabitable place for capitalists and their projects. This is the best con-

tribution we can make towards protecting the earth and struggling for a liberating society."

Admittedly these are radical statements that the moderate environmental community would vigorously oppose. Radical or not, there are exemplary cases in which public policy was urged on perceived rather than real risks. The following examples have been widely debated recently and help focus on the problem.

Asbestos

Among the most contentious environmental disputes has been that of the safety of asbestos. The late Warren Brookes reviewed Michael Bennett's investigative book, "The Asbestos Racket," in his syndicated column last year.[36]

Bennett, writing for the Detroit News in 1985, first exposed the lack of scientific documentation to justify the ban on asbestos manufacture, use and importation. The series was subsequently nominated for a Pulitzer Prize. He also publicized Morton Thiokol engineer Roger Boisjoly's repeated warnings of problems with asbestos substitutes used in the Challenger Space Shuttle. Boisjoly charged the non-asbestos substitute putty lacked the insulating powers of the original, making the seals vulnerable to cracking in abnormally cold weather.

Bennett's book asserts the Challenger disaster was the direct result of withdrawing asbestos from the market, an assertion that has not been disputed.

Subsequent to the asbestos ban in 1989, papers presented at a Harvard University symposium and in scientific publications debunked the myth of dangers from asbestos exposure. Brookes quoted Michael Bennett's strongly-worded indictment:

"The EPA cleanup was being driven by an organized asbestos-removal industry with a collective self-interest in removal of $150 billion to $200 billion by the turn of the century. A devil's bargain had been struck among environmentalists, advocacy lawyers, scientists, news reporters and members of Congress . . . (who created) a fictitious epidemic of 'asbestos poisoning'. . . The real epidemic was fear by scientific ignorance, bureaucratic bungling, political posturing, and the greedy buck."

The Bennett book said the result was the expenditure of nearly $200 billion to protect people from "dangers as remote as being struck by lightning while arguing whether 33 million Americans subject to all human illnesses . . . should be provided basic medical coverage. Our sense of proportion has been lost."

Radon

California Congressmen Richard Lehman and Ron Packard, responding to pleas for regulatory relief by the Association of California Water Agencies (ACWA), have led an effort to block EPA's rule on removing radon from drinking water. Later a bipartisan group of 27 members of Congress asked President Bush to intervene in the matter. Cause for the alarm was a widely-publicized study commissioned by 400 California water agencies. The study concluded their costs, ultimately to be borne by water users, would exceed $3.7 billion in capital expenditures and more than $540 million in annual operating expenses. Equally shocking was EPA's original estimate that its radon rule bore capital costs nationally of $41.6 billion and annual operating cost of $180 million.[37]

ACWA's comments on the radon rule asked EPA to reconsider the cost-per-cancer-case averted if the rule were effected. "The annual cost [of the proposed radon rule] to avert each California cancer case not associate with smoking ranges from $433 million to $592 million. ACWA's analysis suggests it may not be cost-effective to spend billions of dollars removing radon at this low level when the primary cause of lung cancer, smoking, remains." In addition, the water system modifications needed would address no more than 1% of radon exposure, as most radon enters buildings from soil gas, not drinking water.

Dixy Lee Ray, addressing radon exposure in "Trashing the Planet,"[38] asks,

"Where are the government-issued warnings about radon in energy-efficient homes? Our government has actively promoted energy-efficient homes with everything from do-it-yourself literature to tax breaks for insulating your home. Where has the press been? Aiding and abetting the government.

"Perhaps the time has come to let in some fresh air, to improve home ventilation by opening up the window, even at the cost of higher energy consumption. Perhaps it's not too much to expect that the cause of common sense and public health could be served by a truly free press—freed from the silly notion that energy conservation is a good that transcends all and freed from the mindless assumption that radon trapped in a sealed house won't hurt you while radon seeping from uranium mine tailings (where nobody lives) will. It's all the same radiation. We should open the windows and let the fresh air in—and the radon out.

"Or, better yet, let's stop building airtight homes and buildings that not only develop radon accumulation problems but also suffer from another very modern phenomenon, indoor air pollution."

Acid Rain

Scientists with the National Acid Precipitation Assessment Program (NAPAP), charged by Congress a decade ago with researching the credibility of claims that acid rain was destroying thousands of lakes in the northeastern U.S., were given a monumental task. It was completed ten years later.

After spending hundreds of millions of dollars to perform an analysis of the region's lakes, the results were startling. The public perception that the lakes were dead or dying was false. Dr. Edward Krug, a soils scientist, specializes in research on manmade influences on watersheds. As a NAPAP scientist, Dr. Krug cited the project's major findings:[39]

1. There are only 240 critically acidic lakes out of over 7,000 northeastern lakes; not the thousands claimed.

2. The average lake is as acidic as it was prior to the Industrial Era (some more, some less acidic over time); not a hundred times more acidic as claimed.

3. In terms of acreage, only 35,000 of 200,000 acres of eastern lakes are critically acidic.

4. Most of this acidic water is in Florida. Yet the rain in Florida is among the least acidic rain in the eastern U.S.—three times less acidic than in the Adirondacks.

5. The amount of acidic water is not changing with time; thousands of additional lakes are not becoming acidic as claimed.

6. The old Clean Air Act is working: SO_2 (the principal pollutant that creates acid rain) has been halved—20 million tons rather than 40 million tons per year. The new revisions (1990 Clean Air Act Amendments) will make no difference in the amount of acid rain 30–40 years from now.

7. All of the acidic lakes in the northeastern U.S. can be limed for $500,000 a year compared to billions of dollars for an elaborate government acid rain program.

The NAPAP study found the following effects on forests:

1. Forest decline is extensive in many unpolluted areas of the world, whereas trees in highly polluted areas (i.e., metropolitan areas) are largely unaffected.

2. The nitrogen in acid rain is fertilizing 300,000,000 acres of eastern forest. Such fertilization may have negative effect for about 0.1 percent of the forest [causing enhanced growth and thereby increasing winter damage to trees at certain altitudes].

Robert Crandall[40] notes that, even though Congress had copies of NAPAP's preliminary report which showed: the lakes were not going to die, acidity could not necessarily be traced to power-plant emissions, and damage to plants, trees and other materials simply couldn't be documented or quantified, it still passed the costly clean air amendments.

In short, Crandall said, a $540 million study found little justification for a program that could cost $4 billion or more a year and perhaps $7 billion or more if implemented through mandatory stack-gas scrubbing.

Speaking on the NAPAP results at a Wise Use Conference in Reno, Nevada,[41] media monitor Reed Irvine of Accuracy in Media expressed outrage that more than half a billion dollars were spent on a national study and only one news outlet in the nation reported on it, although press releases were widely circulated. Irvine said CBS Television's coverage was brief and concluded with the comment that "other" scientists disputed the study.

In mid-1992, long after the fact, the NAPAP study results were being publicly acknowledged. One can only wonder if they will have the slightest effect on national acid rain policy.

The Alar Scare

Dr. Dixy Le Ray, in Trashing the Planet,[42] addressed the infamous apple crisis and credited the Natural Resources Defense Council (NRDC) for leading the movement to ban agricultural chemicals in general and Alar specifically. Was the Alar attack justified? Dr. Ray reported:

"Extensive studies carried out with scrupulous attention to scientific protocol have failed to find any credible evidence that Alar causes cancer. Extrapolating to humans from the NRDC mouse tests, a person would have to eat 28,000 pounds of apples every day for 70 years to produce tumors similar to those suffered by mice exposed to megadoses of Alar. What the NRDC did not include in its well publicized attack on Alar was that mice fed half the maximum amount—which would equal a man's eating 14,000 pound of apples a day for 70 years—produced no tumors at all."

The California Department of Food and Agriculture illuminated the threat differently. It said Alar might cause three and one-half cancer cases per one trillion apple eaters.

The Alar "crisis mongering" occurred in 1989 via a television news broadcast. "A is for Apple" was the title of the segment on 60 Minutes, which displayed an apple covered over with a skull and crossbones. The segment publicized the NRDC claim that Alar, a widely used chemical for maintaining the freshness of apples, was "the most potent cancer-causing agent in our food supply" and that "as many as 5,300 children may contract cancer from their preschool exposure" to Alar.

Naturally panic resulted. According to Dr. Ray, EPA reluctantly succumbed to pressure

and decertified Alar, but "not because of any scientific data;" its manufacturer was forced to remove the product from the market.

Ray said Dr. John A. Moore, the acting EPA Administrator at the time, later called the NRDC report "gravely misleading." "In the Alar case," he said, "the public was very prone to give credence to the selective and inappropriate use of data regarding consumer risks and to believe 'the worst,' despite a counter-statement by the EPA."

Unjustified as it was, Dr. Ray concluded, the attack on Alar was sophisticated, carried out with maximum publicity, and successful. The apple-growing industry lost more than $200 million because of it.

Since then, a grassroots effort has emerged to help the apple growers, many of whom were mom-and-pop operations that suffered grave financial losses. A legal defense fund has been established and a lawsuit filed against NRDC, Fenton Communications, CBS News and others seeking $300 million in damages. The case is pending.

VI. CONCLUSION

Finding Solutions

The United States Congress has, over time and with good intentions, contributed to the problems referenced in this paper. It is up to Congress to find solutions to them. If they are to be workable solutions, however, the elected leaders of America's communities must be involved in the problem solving process.

Fortunately, Congress and the administration, encouraged by EPA Administrator Reilly, now recognize the role that better risk assessment methodologies can play in setting environmental priorities. Both appear to be devoting more resources toward establishing a more rational, risk-based regulatory framework. From local government's perspective, the outcome can occur none too soon.

Private organizations devoted to policy analysis, such as the Center for the Study of American Business, the Institute for Regulatory Policy, the National Chamber Foundation, Harvard's Center for Risk Analysis, the National Research Council's Committee on Risk Assessment Methodology and others have made significant contributions to the debate. So have a sizable group of scientists, medical professionals, attorneys and industry leaders who have studied and published their findings.

Of particular note are the research and policy recommendations of the Institute for Regulatory Policy which has crafted a presidential executive order, being widely endorsed, as a workable approach for making risk assessments and risk management decisions more objective, more understandable, and more consistent among all federal agencies.

However, before a more responsible, cost-effective environmental policy can be crafted, national leaders must find answers to these questions:

(1) How much environmental protection are communities already obligated to fund? What measures can be used to determine if they can afford additional requirements?

(2) What recourse should communities have when congressional or administrative projections of local implementation costs are drastically understated? Should Congress set dollar limits at which it must reconsider inaccurately-costed measures?

(3) Do all communities face the same environmental problems? If the answer is clearly "no," how can fairness and flexibility be built into the regulatory process?

(4) Is Congress encouraging communities the flexibility to address their most important environmental priorities? If not, why not?

(5) Should Congress force communities to "throw good money after bad" when new science disproves or renders obsolete a legally-mandated rule or procedure? How can bad rules be undone?

(6) If the cost-per-predicted-premature-death of a measure is excessive, what criteria can Congress use to decide whether compliance should be required? Who should decide the threshold limits of "excessive"?

(7) Substantial progress has occurred in developing techniques for measuring the costs of environmental regulations. What efforts should be undertaken to more effectively measure the benefits of regulations?

(8) How can risk analysis be applied to formulate new direction for environmental policy in the 1990s? What actions are needed to accelerate current efforts to set environmental priorities based on sound risk analysis policy?

(9) If 95% of a problem has been solved, should large amounts be spent on the remaining 5%? Or, should those dollars be redirected to where they will be more cost effective?

(10) How will Congress resolve the growing conflict between humans and species, e.g., habitat protection vs. jobs, or protection of the ethereal ideal of biodiversity vs. clearing land for housing?

(11) Assuming the "takings" provision of the U.S. Constitution is to be upheld, what mechanisms can Congress establish to both protect private and local government property rights and acquire property for environmental purposes?

(12) And, finally, should Congress impose a moratorium on new mandates until a national environmental policy is crafted, with input and review by the governing entities responsible for implementing it?

VII. COSTS OF FEDERAL ENVIRONMENTAL MANDATES

A. Scope of Study, Municipality of Anchorage: 1991–2000

In 1992, the Municipality of Anchorage reviewed the major federal environmental programs it administers to determine their long-range impacts on the municipal budget. The study was prompted by two events: (1) the municipality's dismay over projected costs of municipal stormwater permits, wherein the city experienced a thirty-fold increase over EPA's projected costs, and (2) a 1991 study by the City of Columbus, Ohio on its environmental mandate costs.

In the same timeframe, the city faced a depleted snow removal budget from the winter's unusually heavy snowfall. Officials agreed, from a common-sense, human safety standpoint, snow removal was a significantly higher priority than testing stormwater runoff. That view was reinforced when the permit consultant's testing revealed the only "significant" pollutant in the stormwater system was soapsuds from residential car washing. Regardless, officials lacked authority to appropriate funds in accordance with their best judgment; the stormwater permit was an enforceable mandate.

The Municipality still does not know the requirements it may face for groundwater runoff remediation. In response to concern for the future costs of this program, plus numerous others not yet at the costing stage, the study was launched.

Conclusions from the data are not intended to reflect a position for or against environmental protection mandates, or to suggest the municipality is paying too much or too little for these programs. To date, a cost/benefit analysis has not been undertaken to address such questions, primarily because of the lack of expertise to do so, and cost considerations.

The Anchorage study, while intended to be far less detailed, was patterned after that done by the City of Columbus, Ohio, which provided assistance and a suggested format. Communities wishing to isolate their own environmental program costs may contact the City of Columbus for guidance. They will find the format, text and tables Columbus provided very useful, as have numerous other communities.

The Columbus study addressed both state and federal environmental mandates, while the Anchorage study covers only federal mandates. Following are the major environmental laws and abbreviations used in the Anchorage study.

Budget Categories: Budget categories included were personnel, supplies, other services, equipment and capital expense for each utility and municipal department. State or federally-funded projects and personnel were not included, although municipal matching funds for those projects were.

Under its present accounting system, the municipality's environmental programs are not differentiated from other programs. Budget officials are considering ways to classify them in the future, however.

Study Observations: While Anchorage's costs are significant, they should not be viewed as representative of other cities or counties for several reasons.

(1) Anchorage is a non-industrial community (approximately 2% of its economy consists of manufacturing), with a medium-sized (240,000 residents), affluent population. Stresses to its environmental system were negligible compared to those in commercial/industrial localities.

(2) Anchorage is a relatively young municipality. Less than 80 years old, its major growth occurred in the last two decades, when national and state environmental laws were well established. It was not burdened with a maze of antiquated systems requiring reconstruction, retrofitting or replacement as older cities have been. In some instances, it was possible to build new state-of-the-art systems when regulations required them. Whenever possible the systems were also designed to accommodate additional population growth.

(3) The municipality also maintained an advantage with regard to its sources of funding for environmental mandates. Tax and royalty revenues from Alaska's oil production made it possible for state government to finance local facilities and programs normally funded by communities themselves.

However, the general economic climate and declines in petroleum exploration and production have significantly reduced the availabilty of these funds for future public uses. Petroleum industry interest in Alaska continues to wane, largely due to excessive cost and regulatory burdens, and lack of congressional approvals to explore the most promising prospects. New federal oil spill liability legislation will likely cost the owner companies of the Trans-Alaska Oil Pipeline more than $50 million annually. These costs will reduce petroleum revenues paid to the State of Alaska each year, funds that could have been dedicated to statewide environmental programs.

Study Results: Estimated costs of federal environmental regulations to the Municipality total $429,936,737 for the 1991–2000 period, inflation-adjusted at the prevailing 7% rate for environmental projects. In general, the

figures represent costs of complying with existing regulations. If reliable cost estimates were available for regulations not yet in place, those figures were included. However, virtually all department heads were reluctant to include estimates they could not reasonably substantiate.

Clean Water Act compliance is the most expensive program, accounting for 36% of real and projected costs. In second and third place are Clean Air at 34% and Resource Conservation and Recovery Act costs at 21%.

The Environmental Protection Agency reports that land-related compliance costs to local governments are projected to increase in future years at higher rates than for clean air and water programs. However, it is difficult to make such comparison for Alaska. For example, the hundreds of air quality rules yet to be promulgated may require sophisticated laboratory, fabrication and consultant services that may not be available within the state.

While the EPA anticipates local government costs will increase by 60% to 120% in the 1990s, it is not clear whether these percentages relate to the costs of doing business in Alaska. Nor is it clear which laws and regulations are included in the projected increases.

APPENDIXES

A1. Major Environmental Laws

(1) CLEAN AIR ACT (CAA) 1963, Amended 1965, 1967, 1970, 1977, 1990; State Implementation Plan (SIP); Ambient Air Monitoring; Fuel Additives, Gasoline Reformulations; Motor Vehicle I/M Controls.

(2) RESOURCE CONSERVATION AND RECOVERY ACT (RCRA), 1976; (Amended to cover Hazardous and Solid Wastes, HSWA), 1984; Used Oil; Underground Storage Tanks; Solid Waste/Medical Waste.

(3) NATIONAL ENVIRONMENTAL POLICY ACT (NEPA), 1969; Environmental Impact Statements.

(4) NOISE CONTROL ACT, 1970, 1972, (Amended by Quiet Communities Act, 1978).

(5) COASTAL ZONE MANAGEMENT ACT, 1972, 1990.

(6) WATER POLLUTION CONTROL ACT, 1972, 1977 (renamed Clean Water Act and regulated filling of wetlands), 1981, 1987 (renamed the Water Quality Act); NPDES Permit Program; Sec. 404 Wetlands; Water Quality Planning, Management; Pretreatment Regulations.

(7) ENDANGERED SPECIES ACT, 1973, (preceded by Fish and Wildlife Coordination Act of 1934).

(8) SAFE DRINKING WATER ACT, 1974; Drinking Water Standards.

(9) TOXIC SUBSTANCES CONTROL ACT (TSCA), 1976, (Amended by Asbestos Hazard Emergency Response Act, AHERA, 1986); PCBs; Asbestos.

(10) COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY ACT (CERCLA, or SUPERFUND ACT), 1980, (Superfund Amendments and Reauthorization Act (SARA), 1986 (amended to evoke Title III Community Right-to-Know Act); National Priorities List Sites; Non-NPL Sites; Remediation Costs, Studies; Spill Reporting; Hazardous & Toxic Chemical Reporting.

Abbreviations

Federal Environmental Laws

CAA: Clean Air Act.

CERCLA: Comprehensive Environmental Response, Compensation and Liability Act.

CWA: Clean Water Act/Water Quality Act.

CZMA: Coastal Zone Management Act.

ESA: Endangered Species Act.

NEPA: National Environmental Policy Act.

RCRA: Resource Conservation and Recovery Act.

SDWA: Safe Drinking Water Act.

TSCA: Toxic Substances Control Act.

Municipal Departments

ATU: Anchorage Telephone Utility.*

AWW: Anchorage Water and Wastewater Utility.

C&RA: Cultural and Recreation Services.

ED&P: Economic Development and Planning Department.

ER: Employee Relations.

ERC: Equal Rights Commission.

FIN: Finance Department.

H&HS: Health & Human Services.

MISD: Management Information Systems Department.

MYR: Mayor's Office.

MNR: Municipal Manager's Office.

MF: Merrill Field Airport.

MA: Municipal Attorney.

ML&P: Municipal Light & Power.

OMB: Office of Management and Budget (OMB costs included in Manager line item).

PA: Port of Anchorage.

P&FM: Department of Property & Facility Management.

PW: Public Works Department.

PD: Purchasing Department.

SWS: Solid Waste Services.

TD: Transit Department.

*Since October 1, 1991 the Anchorage Telephone Utility is operated by an independent board of directors.

FOOTNOTES

[1] "Mayor on Non-funded Mandates: 'Stuff it:'" *City and State*, (May 6, 1991).

[2] Tom Arrandale, 'Junk Science' and Environmental Regulation, *Governing* Magazine, (June 1992), p. 82.

[3] *Nation's Cities Weekly*, (October 21, 1991).

[4] Thomas B. Hopkins, *The Costs of Federal Legislation:* (The National Chamber Foundation: 1992). Hopkins is Gosnell Professor of Economics at Rochester Institute of Technology, Rochester, New York, and served as deputy administrator of the Office of Management and Budget's Office of Information and Regulatory Affairs.

[5] *Environmental Investments: The Cost of a Clean Environment*, (U.S. Environmental Protection Agency, December 1990).

[6] Dr. Ralph d'Arge, John S. Bugas Distinguished Professor, Dept. of Economics, University of Wyoming, in a speech entitled "Evaluating Aesthetic Effects of Air Pollution," August 25, 1982.

[7] Kenneth Chilton, "Environmental Dialogue: Setting Priorities for Environmental Protection," Center for the Study of American Business, (Policy Study Number 108, October 1991).

[8] The Cost of Clean: Why Washington Won't Pay, *Governing*, (January 1992), p. 45.

[9] Kenneth Chilton, "Environmental Dialogue: Setting Priorities for Environmental Protection," Center for the Study of American Business, (Policy Study Number 108, October 1991).

[10] Id.

[11] *Reducing Risk: Setting Priorities and Strategies for Environmental Protection, recommendations of EPA's Science Advisory Board (SAB-EC-90-021, September 1990).*

[12] Clyde Wayne Crews, Jr., "The Economic and Safety Hazards of Toxics Use Reduction," *Journal of Regulation and Social Costs*, (Summer 1992).

[13] "The Cost of Clean: Why Washington Won't Pay," *Governing*, January 1992.

[14] Id., p. 45.

[15] Philip K. Verleger, Jr., "Clean Air Regulation and the L.A. Riots," *Wall Street Journal*, May 19, 1992. Verleger is a visiting fellow at the Institute for International Economics in Washington, D.C.

[16] Carol Kocheisen, "Study Puts Stormwater Management Costs at $1 Trillion," *Nation's Cities Weekly*, (June 22, 1992), p. 9. The study may be ordered from National League of Cities, Center for Policy and Federal Regulations, Washington, D.C., for $5.00.

[17] "The Cost of Clean: A National Survey of Municipal Wastewater Management Needs," The Association of Metropolitan Sewerage Agencies, (June 1992).

[18] *Environmental Legislation: The Increasing Costs of Regulatory Compliance to the City of Columbus (Ohio), complied by the Environmental Law Review Committee, (May 13, 1991).*

[19] "Russia Energizes Battery Venture: EPA Drives Company to Less Restrictive Society," *Alaska Journal of Commerce*, May 11, 1992, p. 3.

[20] Wayne B. Gray, "The Cost of Regulation: OSHA, EPA and the Productivity Slowdown," *American Economic Review*, (December 1987).

[21] "Who Can Afford to Buy a House?" By Howard Savage, a Census Bureau statistician, with Peter Fronczek. Using 1988 data, they found 77% of black families and 74% of hispanic families could not afford a medium-priced home (with a 30-year fixed mortgage). Nor could 75% of single and 87% of single women with children.

[22] "*Not in My Back Yard*," Report to President Bush and Secretary Kemp, Advisory Commission on Regulatory Barriers to Affordable Housing, Washington: 1991.

[23] Paula Easley, "*Wetlands of the United States: Considerations for Public Policy Development*," Municipality of Anchorage, (September 1991).

[24a] Dr. Kathryn E. Kelly, "The Myth of 10(-6) as Definition of Acceptable Risk," Paper presented at the 84th Annual Meeting of the Air and Waste Management Association, Vancouver, B.C., June 1991.

[24b] Id.

[25] Arrandale, Op cit.

[26] From an August 24, 1992 memorandum to the author.

[27] Abelson, Phillip H., "Incorporation of New Science into Risk Assessment," *Science*, (14 December 1990, Volume 250, Number 4987).

[28] The Health Scientist Survey: Identifying Consensus on Assessing Human Health Risk, Health & Environmental Services Group, Ltd., Washington, D.C. (March 1992), published in *Environmental International* (Vol. 18).

[29] Philip H. Abelson, "Diet and Cancer in Humans and Rodents," *Science*, (10 January 1992, Volume 255, Number 5041).

[30] David Stipp, column on environment, Wall Street Journal, (January 15, 1992, p. B1).

[31] Aaron Wildavsky, "Richer is Safer," The Public Interest 60, 23–39 (1979), and "No Risk is the Highest Risk of All," American Scientist 67, 32–37 (1979), "Searching for Safety," (Transaction Books, New Brunswick, New Jersey, 1988).

[32] Inside EPA, (May 15, 1992).

[33] Ralph L. Keeney, "Mortality Risks Induced by Economic Expenditures," *Risk Analysis, (Vol. 10, No. 1, 1990).*

[34] Wildavsky, supra.

[35] Dwight Lee, "The Perpetual Assault on Progress," published by the Center for the Study of American Business, where he is an adjunct fellow. (Contemporary Issues Series 42, May 1991.)

[36] Bennett's interest in the asbestos issue stemmed from his position as deputy public information director in the U.S. Department of Labor, Occupational Safety and Health Administration.

[37] California last November became the first state to tell EPA it could not implement the upcoming lead-in-drinking water rule, saying it was the "most resource intensive rule ever adopted by EPA for drinking water," with costs ranging from $1.8 million the first year to $5.6 million in year four of compliance.

[38] Dr. Dixy Lee Ray, *Trashing the Planet*, (Harper Perennial: 1990), pp. 78–83.

[39] Dr. Edward C. Krug, "Save the Planet, Sacrifice the People: The Environmental Party's Bid for Power," *Imprimis*, Hillsdale College, (Volume 20, No. 7, July 1991).

[40] Robert Crandall, "Why is the Cost of Environmental Regulation So High?" Center for the Study of American Business, (Policy Study No. 110, February 1992).

[41] June 6, 1992, Conference hosted by the Center for the Defense of Free Enterprise, Bellevue, Washington.

[42] Dr. Dixy Lee Ray, Op. Cit.

LAND AREAS OF THE MUNICIPALITY OF ANCHORAGE 1990

	Acres	Square miles	Percent total area	July 1, 1990 population
Ancorage Bowl [2]	80,757	126.2	6.4	190,090
Eagle River-Chugiak [2]	41,446	64.8	3.3	24,852
Turnagain Arm communities [3]	7,780	12.2	.6	1,410
Chugach State Park [1]	495,000	773.4	39.5	0

LAND AREAS OF THE MUNICIPALITY OF ANCHORAGE 1990—Continued

	Acres	Square miles	Percent total area	July 1, 1990 population
Chugach National Forest [1]	275,00	429.7	21.9	0
Other U.S. Government lands (Lake George area) [1]	241,940	378.0	19.3	0
Elmendorf Air Force Base	13,440	23.0	1.2	6,830
Ft. Richardson Military Reservation	61,880	96.7	4.9	7,003

LAND AREAS OF THE MUNICIPALITY OF ANCHORAGE 1990—Continued

	Acres	Square miles	Percent total area	July 1, 1990 population
Fire Island	4,480	7.0	.4	0
Tide Lands [4]	29,917	46.7	2.4	0
Total municipality	1,251,640	1,957.7	100.0	230,185

[1] Including tidelands.

[2] Excluding state and federal land.

[3] Includes Indian, Bird Creek, Rainbow, Gridwood and Portage.

[4] Remaining tidelands not included in Chugach State Park and Chugach National Forest.

Note.—Total tidelands = 139,520 acres or 218 square miles.

ESTIMATION OF COSTS OF FEDERAL ENVIRONMENTAL MANDATES TO THE MUNICIPALITY OF ANCHORAGE, 1991–2000

[Amounts in dollars]

	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	Total
CLEAN WATER ACT/WATER QUALITY ACT (CWA)											
P&FM	0	108,000	116,523	0	0	0	0	0	0	0	224,523
PW	1,115,000	1,340,000	1,853,240	8,054,100	8,552,280	9,971,200	11,493,900	19,194,140	20,144,800	21,097,440	102,816,100
C&RS	150,000	225,000	321,000	342,000	363,000	384,000	405,000	426,000	447,000	468,000	3,531,000
ATU	0	10,000	3,210	102,600	7,260	1,280	1,350	1,420	1,490	1,560	130,170
AWW	785,000	795,000	1,706,650	1,704,300	1,808,950	1,913,600	10,118,250	2,122,900	2,376,550	2,332,200	25,663,400
ML&P	22,210	46,000	57,159	144,522	95,794	109,684	124,953	141,969	161,255	181,890	1,085,438
SWS	13,000	41,300	14,231	15,162	16,093	17,024	17,955	18,886	19,817	20,748	194,216
PA	59,000	29,760	221,641	255,032	292,347	334,001	564,677	432,188	489,773	553,805	3,232,223
H&HS	0	61,050	70,620	81,282	279,510	319,360	363,690	413,078	468,158	529,464	2,586,212
MF	13,900	76,500	5,072	5,836	6,690	7,643	8,706	9,890	11,208	12,673	158,118
Total	2,158,110	2,732,610	4,369,346	10,704,834	11,421,924	13,057,792	23,098,481	22,760,471	24,120,051	25,197,780	139,621,400
CLEAN AIR ACT (CAA)											
ML&P	113,534	515,000	603,234	703,845	809,889	925,716	1,054,497	1,301,755	1,355,489	1,532,861	8,915,821
C&RS	250,000	1,000,000	1,070,000	1,140,000	1,210,000	1,280,000	1,350,000	1,420,000	1,490,000	1,560,000	11,770,000
H&HS	1,534,616	1,647,300	1,913,019	2,184,263	2,623,725	2,975,771	3,364,994	6,516,827	7,325,475	8,216,386	38,302,375
ATU	0	36,000	166,920	177,840	188,760	403,200	357,750	248,500	260,750	273,000	2,112,720
TD [1]	125,000	0	0	0	0	0	0	0	0	0	125,000
AWW	0	0	0	0	41,200,500	5,184,000	5,467,500	5,751,000	6,034,500	6,318,000	69,955,500
SW	0	0	53,500	57,000	60,500	64,000	67,500	71,000	74,500	78,000	526,000
PA	63,500	71,240	94,095	108,272	124,112	141,796	161,515	183,481	207,928	235,111	1,391,049
MF	2,050	2,214	2,558	2,943	3,375	3,855	4,392	4,988	5,653	6,393	38,422
Total	2,088,700	3,271,754	3,903,326	4,374,163	46,220,861	10,978,339	11,828,148	15,497,552	16,754,295	18,219,750	133,136,887
RESOURCE CONSERVATION & RECOVERY ACT (RCRA)											
P&FM	150,000	354,000	1,555,780	1,265,400	1,355,200	1,100,800	1,161,000	0	0	0	6,942,180
ML&P	542,089	329,000	379,080	436,818	377,032	430,656	490,833	557,577	631,730	714,519	4,889,335
PW	330,000	330,000	353,100	376,200	399,300	422,400	445,500	468,600	491,700	514,800	4,131,600
ATU	0	163,000	11,770	12,540	13,310	14,080	16,200	17,040	32,780	18,720	299,440
AWW	0	570,000	839,950	535,800	1,040,600	1,081,600	654,750	667,400	722,650	733,200	7,845,950
SW	2,390,900	9,111,900	4,567,295	2,504,694	7,851,569	2,828,416	2,994,975	16,825,580	3,324,637	5,475,912	57,875,878
PA	33,500	62,640	72,387	83,292	95,479	109,083	124,253	141,151	159,957	180,870	1,062,610
MF	49,100	64,428	12,457	14,333	16,431	18,774	21,381	24,291	27,528	31,127	279,849
Total	3,495,589	10,984,968	7,791,818	5,229,077	11,148,921	6,005,809	5,908,892	18,701,639	5,390,982	7,669,147	82,326,842
COASTAL ZONE MANAGEMENT ACT (CZMA)											
PW	40,000	40,000	42,800	45,600	48,400	51,200	54,000	56,800	59,600	62,400	500,800
PA	33,000	35,640	41,185	47,390	54,324	62,065	70,695	80,310	91,011	102,909	618,528
Total	73,000	75,640	83,985	92,990	102,724	113,265	124,695	137,110	150,611	165,309	1,119,328
ENDANGERED SPECIES ACT (ESA)											
PA	31,000	33,480	38,689	44,518	51,032	58,303	66,411	75,443	85,495	96,672	581,042
Total	31,000	33,480	38,689	44,518	51,032	58,303	66,411	75,443	85,495	96,672	581,042
SAFE DRINKING WATER ACT (SDWA)											
C&RS	1,200	1,200	1,926	2,052	2,178	2,304	2,430	2,556	2,682	2,808	21,336
AWW	510,000	500,000	631,300	672,600	713,900	755,200	796,500	837,800	879,100	920,400	7,216,800
Total	511,200	501,200	633,226	674,652	716,078	757,504	798,930	840,356	881,782	923,208	7,238,136
TOXIC SUBSTANCES CONTROL ACT (TSCA)											
ML&P	443,616	564,090	651,919	750,170	859,916	982,394	1,119,088	1,271,181	1,440,986	1,629,397	9,712,756
P&FM	0	0	459,030	489,060	519,090	0	0	0	0	0	1,467,180
SWS	45,700	47,600	52,323	55,746	60,379	62,592	66,015	70,858	72,861	76,284	610,358
PW	70,849	69,779	75,145	80,597	86,142	91,784	97,529	103,387	109,363	115,459	900,034
Total	560,165	681,469	1,238,417	1,375,573	1,525,527	1,136,769	1,282,632	1,445,427	1,623,210	1,821,139	12,690,329
COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION & LIABILITY ACT (CERCLA)											
ML&P	81,833	225,000	262,193	301,662	345,846	395,005	449,971	511,325	579,679	655,537	3,808,051
C&RS	16,500	17,500	18,725	19,950	21,175	22,400	23,625	24,850	26,075	27,300	218,100
OEM	92,125	33,985	36,364	91,183	96,782	102,381	107,980	113,579	119,178	124,777	918,332
SWS	7,200	7,200	7,704	8,208	8,712	9,216	9,720	10,224	10,728	11,232	90,144
PA	103,000	111,240	128,549	147,915	169,557	193,716	220,655	250,664	284,063	321,199	1,930,558
PW	410,000	445,000	476,150	507,300	538,450	569,600	600,750	631,900	663,050	694,200	5,536,400
NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)											
PA	55,000	59,400	68,643	78,984	90,541	103,441	117,825	133,849	151,683	171,514	1,030,880
PW	112,000	112,000	119,840	127,680	135,520	143,360	151,200	159,040	166,880	174,720	1,402,240
Total	167,000	171,400	188,483	206,664	226,061	246,801	269,025	292,889	318,563	346,234	2,433,120

ESTIMATION OF COSTS OF FEDERAL ENVIRONMENTAL MANDATES TO THE MUNICIPALITY OF ANCHORAGE, 1991–2000—Continued

[Amounts in dollars]

	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	Total
SUMMARY OF ADMINISTRATIVE DEPARTMENTS											
MA	237,402	282,146	301,896	321,646	341,397	361,147	380,897	400,647	420,398	440,148	3,487,724
FIN	662,320	753,155	805,876	858,597	911,318	964,038	1,016,759	1,069,480	1,122,201	1,174,922	9,338,666
MISD	1,127,903	1,128,888	1,207,910	1,286,932	1,365,954	1,444,977	1,523,999	1,603,021	1,682,043	1,761,065	14,132,693
ED&P	192,171	192,116	205,564	219,012	232,460	245,908	259,357	272,805	286,253	299,701	2,405,347
PD	79,188	98,796	105,712	112,627	119,543	126,459	133,375	140,290	147,206	154,122	1,217,318
MYR	74,668	74,965	80,213	85,460	90,708	95,955	101,203	106,450	111,698	116,945	938,265
MNR	224,029	199,395	213,353	227,310	241,268	255,226	269,183	283,141	297,099	311,056	2,521,059
ER	320,376	288,862	309,082	329,303	349,523	369,743	389,964	410,184	430,404	450,625	3,648,066
ERC	41,304	48,405	51,793	55,182	58,570	61,958	65,347	68,735	72,123	75,512	598,930
Total	2,959,361	3,066,728	3,281,399	3,496,070	3,710,741	3,925,412	4,140,083	4,354,754	4,569,425	4,784,096	38,288,068
Grand total	12,754,783	22,359,174	22,458,373	27,274,759	76,304,391	37,572,311	48,929,998	65,648,182	55,577,186	61,057,579	429,936,737

[1] The Transit Department is currently in litigation with the Trustees for Alaska over the Municipality's 1982 SIP (State Implementation Plan). If the Court awards the judgment in favor of Trustees for Alaska, the increased costs to Transit could be between $9.5 to $32.5 million in 1993.

Note.—All amounts have been rounded off to the nearest dollar.

CUMULATIVE COST OF FEDERAL ENVIRONMENTAL MANDATES PER HOUSEHOLD 1991–2000

Year	Estimated households	Costs
1991	84,000	$153
1992	85,000	264
1993	88,000	256
1994	89,000	307
1995	91,000	840
1996	92,000	409
1997	93,000	527
1998	95,000	692
1999	96,000	580
2000	97,000	631
Total		4,659

Cost of selected regulations

[In millions, 1990]

Regulation	*Cost per premature death averted*
Unvented Space Heater Ban	$0.1
Aircraft Cabin Fire Protection Standard	.1
Auto Passive Restraint/Seat Belt Standards	.1
Steering Column Protection Standard	.1
Underground Construction Standards	.1
Trihalomethane Drinking Water Standards	.2
Aircraft Seat Cushion Flammability Standard	.4
Alcohol and Drug Control Standards	.4
Auto Fuel-System Integrity Standard	.4
Standards for Servicing Auto Wheel Rims	.4
Aircraft Floor Emergency Lighting Standard	.6
Concrete and Masonry Construction Standards	.6
Crane Suspended Personnel Platform Standard	.7
Passive Restraints for Trucks and Buses (proposed)	.7
Side-Impact Standards for Autos (dynamic)	.8
Children's Sleepwear Flammability Ban	.8
Auto Side Door Support Standards	.8
Low-Altitude Windshear Equipment and Training Standards	1.3
Electrical Equipment Standards (Metal Mines)	1.4
Trenching and Excavation Standards	1.5
Traffic Alert and Collision Avoidance (TCAS) Systems	1.5
Hazard Communication Standard	1.6
Side-Impact Standards for Trucks, Buses, and MPVs (proposed)	2.2
Grain Dust Explosion Prevention Standards	2.8
Rear Lap/Shoulder Belts for Autos	3.2
Standards for Radionuclides in Uranium Mines	3.4
Benzene NESHAP (Original: Fugitive Emissions)	3.4
Ethylene Debromide Drinking Water Standard	5.7
Benzene NESHAP (Revised: Coke By-Products)	6.1
Asbestos Occupational Exposure Limit	8.3
Benzene Occupational Exposure Limit	8.9
Electrical Equipment Standards (Coal Mines)	9.2
Arsenic Emission Standards for Glass Plants	13.5
Ethylene Oxide Occupational Exposure Limit	20.5
Arsenic/Copper NESHAP	23.0
Hazardous Waste Listing for Petroleum Refining Sludge	27.6
Cover/Move Uranium Mill Tailings (Inactive Sites)	31.7
Benzene NESHAP (Revised: Transfer Operations)	32.9
Cover/Move Uranium Mill Tailings (Active Sites)	45.0
Acrylonitrile Occupational Exposure Limit	51.5
Coke Ovens Occupational Exposure Limit	63.5
Lockout/Tagout	70.9
Asbestos Occupational Exposure Limit	74.9
Arsenic Occupational Exposure Limit	106.9
Asbestos Ban	110.7
Diethylstilbestrol (DES) Cattlefeed Ban	124.8
Benzene NESHAP (Revised: Waste Operations)	168.2
1,2-Dichloropropane Drinking Water Standard	653.0
Hazardous Waste Land Disposal Ban (1st 3rd)	4,190.4
Municipal Solid Waste Landfill Standards (Proposed)	19,107.0
Formaldehyde Occupational Exposure Limit	82,201.8
Atrazine/Alachlor Drinking Water Standard	92,069.7
Hazardous Waste Listing for Wood Preserving Chemicals	5,700,000.0

Source: The Budget of the United States Government, FY 1992, Office of Management and Budget, Washington, D.C., 1991.

By Mr. PRYOR (for himself, Mr. HEFLIN, Mr. COCHRAN, and Mr. MCCONNELL):

S. 994. A bill to authorize the establishment of a fresh cut flowers and fresh cut greens promotion and consumer information program for the benefit of the floricultural industry and other persons, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

FRESH CUT FLOWERS AND FRESH CUT GREENS PROMOTION AND INFORMATION ACT OF 1993

• Mr. PRYOR. Mr. President, I wish to introduce the Fresh Cut Flowers and Fresh Cut Greens Promotion and Information Act of 1993, on behalf of myself and Senators HEFLIN, COCHRAN, and MCCONNELL. This statute will provide the floral industry with the structure necessary to broaden market opportunities and expand product sales. Importantly, this is an industry-funded program which makes no financial demands on the Federal Government.

By pulling together and combining their resources, the floral industry can make an investment in its future that will greatly enhance the likelihood for success. The plan helps the industry compete on a national scale where it might have difficulty otherwise because of so many small, independent businesses.

By having handlers of cut flowers and greens pay an assessment of one-half of 1 percent of gross sales of these products, an estimated $10 million will be raised by the industry. These funds will be used to conduct a national promotion program designed to increase consumer awareness and consumption of fresh cut flowers and fresh cut greens.

U.S. consumers appreciate and enjoy flowers in the current marketplace. However, we have historically purchased flowers for special occasions or other observances, rather than as an

ordinary day-to-day practice. In other nations, flowers play a stronger role in consumers' choices, with everyday use not an uncommon occurrence. With the proper promotion, flowers in the United States can also enjoy a more regular pattern of consumption.

The key element of this and other commodity promotion programs is the fact that they do not cost the Government a single penny. They are, in fact, one of the best examples of how, with a little government cooperation, private industry can enhance itself. These programs have proven themselves time and time again.

The floral industry has demonstrated its support for such a program, with an industrywide survey indicating a support rate of nearly 80 percent. Furthermore, every sector of the industry—from wholesalers and retailers to florists and importers—are in support of the program. I ask my colleagues to join me in moving this measure through the Senate this year.

Mr. President, I ask unanimous consent to print in the Record a copy of the press release on the industry survey results, a list of floral industry organizations supporting the program, a short explanation of the legislation and a section-by-section analysis.

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

S. 994

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Fresh Cut Flowers and Fresh Cut Greens Promotion and Information Act of 1993".

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings and declaration of policy.
Sec. 3. Definitions.
Sec. 4. Issuance of orders.
Sec. 5. Required terms in orders.
Sec. 6. Exclusion; determinations.
Sec. 7. Referenda.
Sec. 8. Petition and review.
Sec. 9. Enforcement.
Sec. 10. Investigations and power to subpoena.
Sec. 11. Confidentiality.
Sec. 12. Authority for Secretary to suspend or terminate order.
Sec. 13. Construction.
Sec. 14. Regulations.
Sec. 15. Authorization of appropriations.

SEC. 2. FINDINGS AND DECLARATION OF POLICY.

(a) FINDINGS.—Congress finds that—

(1) fresh cut flowers and fresh cut greens are an integral part of life in the United States, are consumed by millions of persons every year for a multitude of special purposes (especially important personal events), and contribute a natural and beautiful element to what is increasingly a man-made, artificial environment;

(2) cut flowers and cut greens are produced by many producers throughout the United States as well as in other countries, and are handled and marketed by thousands of small-sized and medium-sized businesses;

(3) the production, handling, and marketing of cut flowers and cut greens constitute a key segment of the United States horticultural industry and thus a significant part of the overall agricultural economy of the United States;

(4) handlers play a vital role in the marketing of cut flowers and cut greens in that handlers purchase most of the cut flowers and cut greens marketed by producers, prepare the cut flowers and cut greens for retail consumption, serve as an intermediary between the source of the product and the retailer, otherwise facilitate the entry of cut flowers and cut greens into the current of domestic commerce, and add efficiencies to the market process that ensure the availability of a much greater variety of the product and substantial price savings to retailers and consumers;

(5) it is widely recognized that it is in the public interest and important to the agricultural economy of the United States to provide an adequate, steady supply of cut flowers and cut greens at reasonable prices to the consumers of the United States;

(6) cut flowers and cut greens move in interstate and foreign commerce, and cut flowers and cut greens that do not move in interstate or foreign channels of commerce but only in intrastate commerce directly affect interstate commerce in these products;

(7) the maintenance and expansion of markets and the development of new or improved markets or uses for cut flowers and cut greens are needed to preserve and strengthen the economic viability of the domestic cut flowers and cut greens industry for the benefit of producers, handlers, retailers, and the entire floral industry;

(8) generic programs of promotion and consumer information can be effective in maintaining and developing markets for cut flowers and cut greens, and have the advantage of equally enhancing the market position for all cut flowers and cut greens;

(9) because cut flowers and cut greens producers are primarily agriculture-oriented rather than promotion-oriented, and because the floral marketing industry within the United States is comprised mainly of small-sized and medium-sized businesses, the development and implementation of an adequate and coordinated national program of generic promotion and consumer information necessary for the maintenance of existing markets and the development of new markets for cut flowers and cut greens have been prevented;

(10) there exist established State and commodity-specific producer-funded programs of promotion and research that are valuable efforts to expand markets for domestic producers of cut flowers and cut greens and that will benefit from the promotion and consumer information program authorized by this Act by enhancing their market development efforts for domestic producers;

(11) an effective and coordinated method for ensuring cooperative and collective action in providing for and financing a nationwide program of generic promotion and consumer information is needed to ensure that the cut flowers and cut greens industry will be able to provide, obtain, and implement programs of promotion and consumer information necessary to maintain, expand, and develop markets for these products; and

(12) the most efficient method of financing such a nationwide program is to assess cut flowers and cut greens at the point cut flowers and cut greens are sold by handlers into the retail market.

(b) POLICY AND PURPOSE.—It is the purpose of this Act to authorize the establishment, through the exercise of the powers provided in this Act, of an orderly procedure for the development and financing (through an adequate assessment on cut flowers and cut greens sold by handlers to retailers and related entities in the United States) of an effective and coordinated program of generic promotion, consumer information, and related research designed to strengthen the position of cut flowers and cut greens in the marketplace and to maintain, develop, and expand markets for cut flowers and cut greens.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) CONSUMER INFORMATION.—The term "consumer information" means any action or program that provides information to consumers and other persons on appropriate uses under varied circumstances, and on the care and handling, of cut flowers or cut greens.

(2) CUT FLOWERS AND CUT GREENS.—

(A) IN GENERAL.—

(i) CUT FLOWERS.—The term "cut flowers" includes all flowers cut from growing plants that are used as fresh-cut flowers, produced either under cover or in field operations.

(ii) CUT GREENS.—The term "cut greens" includes all cultivated or noncultivated decorative foliage cut from growing plants that are used as fresh-cut decorative foliage (except Christmas trees) produced either under cover or in field operations.

(iii) EXCLUSIONS.—The terms "cut flowers" and "cut greens" do not include a foliage plant, floral supply, or flowering plant.

(B) SUBSTANTIAL PORTION.—In any case in which a handler packages cut flowers or cut greens with hard goods in an article (such as a gift basket or similar presentation) for sale to a retailer, the PromoFlor Council may determine, under procedures specified in the order, that the cut flowers or cut greens in the article do not constitute a substantial portion of the value of the article and that, based on the determination, the article shall not be treated as an article of cut flowers or cut greens subject to assessment under the order.

(3) GROSS SALES PRICE.—The term "gross sales price" means the total amount of the transaction derived from the sale of cut flowers or cut greens from a handler to a retailer.

(4) HANDLERS.—

(A) QUALIFIED HANDLER.—

(i) IN GENERAL.—The term "qualified handler" means a person (including a cooperative) operating in the cut flowers or cut greens marketing system that sells domestic or imported cut flowers or cut greens to retailers and exempt handlers and whose annual sales of cut flowers and cut greens to retailers and exempt handlers are $750,000 or more.

(ii) INCLUSIONS AND EXCLUSIONS.—The term "qualified handler" includes—

(I) a bouquet manufacturer (subject to paragraph (2)(B));

(II) an auction house that clears the sale of cut flowers and cut greens to retailers and exempt handlers through a central clearinghouse; and

(III) a distribution center that is owned or controlled by a retailer—

(aa) if the predominant retail business activity of the retailer is floral sales; or

(bb) when a majority of the cut flowers and cut greens sales or transfers from the center are to entities other than entities owned or controlled by the retailer.

(iii) TRANSFERS.—For purposes of determining sales of cut flowers and cut greens to

a retailer from a distribution center under clause (ii)(III), each non-sale transfer to a retailer shall be treated as a sale in an amount calculated as provided in subparagraph (C).

(iv) TRANSPORTATION OR DELIVERY.—The term "qualified handler" does not include a person who merely physically transports or delivers cut flowers or cut greens without more.

(v) CONSTRUCTION.—

(I) IN GENERAL.—The term "qualified handler" includes an importer or producer that sells cut flowers or cut greens the importer or producer has imported into the United States or produced, respectively, and sells the articles directly to consumers and whose sales of the articles (as calculated under subparagraph (C)), together with sales of cut flowers and cut greens to retailers or exempt handlers, annually are $750,000 or more.

(II) SALES.—Each direct sale to a consumer by a qualified handler described in subclause (I) shall be treated as a sale to a retailer or exempt handler in an amount calculated as provided in subparagraph (C).

(III) DEFINITIONS.—For purposes of this clause:

(aa) IMPORTER.—The term "importer" has the same meaning as that provided for the term in section 5(b)(2)(B)(iii)(I).

(bb) PRODUCER.—The term "producer" has the same meaning as that provided for the term in section 5(b)(2)(B)(ii)(I).

(B) EXEMPT HANDLER.—The term "exempt handler" means a person that would otherwise be considered to be a qualified handler, except that the annual sales by the person of cut flowers and cut greens to retailers and other exempt handlers are less than $750,000.

(C) ANNUAL SALES DETERMINED.—

(i) IN GENERAL.—Except as provided in clause (ii), for purposes of determining the amount of annual sales of cut flowers and cut greens under subparagraphs (A) and (B), the amount of a sale shall be determined on the basis of the gross sales price of a product sold.

(ii) TRANSFERS.—In the case of the non-sale transfer of cut flowers or cut greens from a distribution center (as described in subparagraph (A)(ii)(III)) and a direct sale to a consumer (as described in subparagraph (A)(v)), the amount of the sale shall be the price paid by the distribution center, or importer, respectively, to acquire the cut flowers or cut greens plus—

(I) an amount determined by multiplying the acquisition price by a uniform percentage established by the PromoFlor Council to represent the mark-up of a wholesale handler on a sale to a retailer; or

(II) in the case of a direct sale to a consumer by a producer, an amount determined by applying to the price paid by the consumer a uniform percentage established by the PromoFlor Council to represent the cost of producing the article and the mark-up of a wholesale handler on a sale to a retailer.

(5) PERSON.—The term "person" means an individual, group of individuals, firm, partnership, corporation, joint stock company, association, society, cooperative, or other legal entity.

(6) PROMOFLOR COUNCIL.—The term "PromoFlor Council" means the Fresh Cut Flowers and Fresh Cut Greens Promotion Council established under section 5(b).

(7) PROMOTION.—The term "promotion" means any action determined by the Secretary to advance the image, desirability, or marketability of cut flowers or cut greens, including paid advertising.

(8) RESEARCH.—The term "research" means market research and studies limited to the support of advertising, market development, and other promotion efforts and consumer information efforts relating to cut flowers or cut greens, including educational activities.

(9) RETAILER.—

(A) IN GENERAL.—The term "retailer" means a person (such as a retail florist, supermarket, mass market retail outlet, or other end-use seller, as described in an order issued under this Act) that sells cut flowers or cut greens to consumers.

(B) DISTRIBUTION CENTERS.—The term "retailer" includes a distribution center owned or controlled by a person described in subparagraph (A) only if—

(i) the predominant retail business activity of the retailer is not floral sales; and

(ii) the majority of the cut flowers and cut greens sales or transfers from the center are to entities owned or controlled by the person.

(10) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(11) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau (until such time as the Compact of Free Association is ratified).

(12) UNITED STATES.—The term "United States" means the States collectively.

SEC. 4. ISSUANCE OF ORDERS.

(a) IN GENERAL.—

(1) ISSUANCE.—To effectuate the purpose of this Act, the Secretary, subject to the procedures provided in subsection (b), shall issue orders under this Act applicable to qualified handlers of cut flowers and cut greens.

(2) SCOPE.—Any order issued under this Act shall be national in scope.

(3) ONE ORDER.—Not more than one order shall be in effect under this Act at any time.

(b) PROCEDURES.—

(1) PROPOSAL FOR AN ORDER.—

(A) SECRETARY.—The Secretary may propose the issuance of an order under this Act.

(B) INDUSTRY GROUP.—An industry group of long standing that represents a substantial number of the industry members who are to be assessed under the order (as determined by the Secretary) may request the issuance of, and submit a proposal for, an order under this Act.

(2) PUBLICATION OF PROPOSAL.—The Secretary shall publish a proposed order and give notice and opportunity for public comment on the proposed order not later than 60 days after the earlier of—

(A) the date on which the Secretary proposes an order, as provided in paragraph (1)(A); or

(A) the date of the receipt by the Secretary of a proposal for an order from an industry group, as provided in paragraph (1)(B).

(3) ISSUANCE OF ORDER.—

(A) IN GENERAL.—After notice and opportunity for public comment are provided in accordance with paragraph (2), the Secretary shall issue the order, taking into consideration the comments received and including in the order provisions necessary to ensure that the order is in conformity with the requirements of this Act.

(B) EFFECTIVE DATE.—The order shall be issued and become effective not later than 150 days following publication of the proposed order.

(c) AMENDMENTS.—The Secretary, from time to time, may amend an order issued under this Act. The provisions of this Act applicable to an order shall be applicable to amendments to the order.

SEC. 5. REQUIRED TERMS IN ORDERS.

(a) IN GENERAL.—An order issued under this Act shall contain the terms and provisions prescribed in this section.

(b) PROMOFLOR COUNCIL.—

(1) ESTABLISHMENT AND MEMBERSHIP.—

(A) ESTABLISHMENT.—The order shall provide for the establishment of a Fresh Cut Flowers and Fresh Cut Greens Promotion Council, consisting of 21 members, to administer the order.

(B) MEMBERSHIP.—The order shall provide that members of the PromoFlor Council shall be appointed by the Secretary from nominations submitted by qualified wholesale handlers, producers and importers that are qualified handlers, and retailers, as provided in paragraphs (2) and (3).

(2) DISTRIBUTION OF APPOINTMENTS.—

(A) IN GENERAL.—The order shall provide that the membership of the PromoFlor Council shall be made up of—

(i) 14 members representing qualified wholesale handlers of domestic or imported cut flowers and cut greens;

(ii) 3 members representing producers that are qualified handlers of cut flowers and cut greens;

(iii) 3 members representing importers that are qualified handlers of cut flowers and cut greens; and

(iv) 1 member representing cut flowers and cut greens retailers.

(B) DEFINITIONS.—As used in this subsection:

(i) QUALIFIED WHOLESALE HANDLERS.—

(I) IN GENERAL.—The term "qualified wholesale handler" means a person in business as a floral wholesale jobber or floral supplier that is subject to assessments as a qualified handler under the order.

(II) DEFINITIONS.—As used in this clause:

(aa) FLORAL WHOLESALE JOBBER.—The term "floral wholesale jobber" means a person that conducts a commission or other wholesale business in buying and selling cut flowers or cut greens.

(bb) FLORAL SUPPLIER.—The term "floral supplier" means a person engaged in acquiring cut flowers or cut greens to be manufactured into floral articles or otherwise processed for resale.

(ii) PRODUCER THAT IS A QUALIFIED HANDLER.—The term "producer that is a qualified handler" means an entity that—

(I) is engaged—

(aa) in the domestic production, for sale in commerce, of cut flowers or cut greens and that owns or shares in the ownership and risk of loss of the cut flowers or cut greens; or

(bb) as a first processor of noncultivated cut greens, in receiving the cut greens from the persons that gather the cut greens for handling; and

(II) that is subject to assessments as a qualified handler under the order.

(iii) IMPORTER THAT IS A QUALIFIED HANDLER.—The term "importer that is a qualified handler" means an entity—

(I) whose principal activity is the importation of cut flowers or cut greens into the United States (either directly or as an agent, broker, or consignee of any person or nation that produces or handles cut flowers or cut greens outside the United States for sale in the United States); and

(II) that is subject to assessments as a qualified handler under the order.

(C) DISTRIBUTION OF QUALIFIED WHOLESALE HANDLER APPOINTMENTS.—The order shall provide that the qualified wholesale handler

appointments made by the Secretary to the PromoFlor Council shall take into account the geographical distribution of cut flowers and cut greens markets in the United States.

(3) NOMINATION PROCESS.—The order shall provide that—

(A) 2 nominees be submitted for each appointment to the PromoFlor Council;

(B) nominations for each appointment of a qualified wholesale handler, producer that is a qualified handler, or importer that is a qualified handler to the PromoFlor Council shall be made by qualified wholesale handlers, producers that are qualified handlers, or importers that are qualified handlers, respectively, through an election process under regulations prescribed by the Secretary;

(C) nominations for the retailer appointment shall be made by the American Floral Marketing Council or a successor entity; and

(D) in any case in which qualified wholesale handlers, producers that are qualified handlers, importers that are qualified handlers, or retailers fail to nominate individuals for an appointment to the PromoFlor Council, the Secretary may appoint a person to fill the vacancy on a basis provided in the order or other regulations of the Secretary.

(4) ALTERNATES.—The order shall provide for the selection of alternate members of the PromoFlor Council by the Secretary under procedures specified in the order.

(5) TERMS; COMPENSATION.—The order shall provide that—

(A) each term of appointment to the PromoFlor Council shall be for 3 years, except that, of the initial appointments, ⅓ of the terms shall be for 2-year terms, ⅓ of the terms shall be for 3-year terms, and ⅓ of the terms shall be for 4-year terms;

(B) no member of the PromoFlor Council may serve more than 2 consecutive terms of 3 years, except that any member serving an initial term of 4 years may serve an additional term of 3 years; and

(C) PromoFlor Council members shall serve without compensation, but shall be reimbursed for the expenses of the members incurred in performing duties as members of the PromoFlor Council.

(6) EXECUTIVE COMMITTEE.—

(A) ESTABLISHMENT.—

(i) IN GENERAL.—The order shall authorize the PromoFlor Council to appoint from among the members of the Council an executive committee composed of not more than 9 members.

(ii) INITIAL MEMBERSHIP.—The membership of the executive committee initially shall be composed of—

(I) 4 members representing qualified wholesale handlers;

(II) 2 members representing producers that are qualified handlers;

(III) 2 members representing importers that are qualified handlers; and

(IV) 1 member representing retailers.

(iii) SUBSEQUENT MEMBERSHIP.—After the initial appointments, appointments to the executive committee shall be made so as to ensure that the committee reflects, to the maximum extent practicable, the membership composition of the PromoFlor Council as a whole.

(iv) TERMS.—An initial appointment to the executive committee shall be for a term of 2 years. After the initial appointments, an appointment to the executive committee shall be for a term of 1 year.

(B) AUTHORITY.—The PromoFlor Council may delegate to the executive committee the authority of the Council under the order to hire and manage staff and conduct the routine business of the PromoFlor Council consistent with the policies determined by the PromoFlor Council.

(c) GENERAL RESPONSIBILITIES OF THE PROMOFLOR COUNCIL.—The order shall define the general responsibilities of the PromoFlor Council, which shall include the responsibility to—

(1) administer the order in accordance with the terms and provisions of the order;

(2) make rules and regulations to effectuate the terms and provisions of the order;

(3) appoint members of the PromoFlor Council to serve on an executive committee;

(4) employ such persons as the PromoFlor Council determines are necessary, and set the compensation and define the duties of the persons;

(5)(A) develop budgets for the implementation of the order and submit the budgets to the Secretary for approval under subsection (d); and

(B) propose and develop (or receive and evaluate), approve, and submit to the Secretary for approval under subsection (d) plans and projects for cut flowers or cut greens promotion, consumer information, or related research;

(6)(A) implement plans and projects for cut flowers or cut greens promotion, consumer information, or related research, as provided in subsection (d); or

(B) contract or enter into agreements with appropriate persons to implement the plans and projects, as provided in subsection (e), and pay the costs of the implementation, or contracts and agreements, with funds received under the order;

(7) evaluate on-going and completed plans and projects for cut flowers or cut greens promotion, consumer information, or related research;

(8) receive, investigate, and report to the Secretary complaints of violations of the order;

(9) recommend to the Secretary amendments to the order;

(10) invest, pending disbursement under a plan or project, funds collected through assessments authorized under this Act only in—

(A) obligations of the United States or any agency of the United States;

(B) general obligations of any State or any political subdivision of a State;

(C) any interest-bearing account or certificate of deposit of a bank that is a member of the Federal Reserve System; or

(D) obligations fully guaranteed as to principal and interest by the United States,

except that income from any such invested funds may only be used for a purpose for which the invested funds may be used; and

(11) furnish the Secretary with such information as the Secretary may require.

(d) BUDGETS; PLANS AND PROJECTS.—

(1) SUBMISSION OF BUDGETS.—The order shall require the PromoFlor Council to submit to the Secretary for approval budgets on a fiscal year basis of the anticipated expenses and disbursements of the PromoFlor Council in the implementation of the order, including projected costs of cut flowers and cut greens promotion, consumer information, and related research plans and projects.

(2) PLANS OR PROJECTS.—

(A) PROMOTION AND CONSUMER INFORMATION.—The order shall provide—

(i) for the establishment, implementation, administration, and evaluation of appropriate plans and projects for advertising, sales promotion, other promotion, and consumer information with respect to cut flowers and cut greens, and for the disbursement of necessary funds for the purposes described in this clause;

(ii) that any plan or project shall be directed toward increasing the general demand for cut flowers or cut greens and may not make reference to a private brand or trade name, point of origin, or source of supply, except that this clause shall not preclude the PromoFlor Council from offering the plans and projects of the PromoFlor Council for use by commercial parties, under terms and conditions prescribed by the PromoFlor Council and approved by the Secretary; and

(iii) that no plan or project may make use of unfair or deceptive acts or practices with respect to quality or value.

(B) RESEARCH.—The order shall provide for—

(i) the establishment, implementation, administration, and evaluation of plans and projects for market development research, research with respect to the sale, distribution, marketing, or use of cut flowers or cut greens, and other research with respect to cut flowers or cut greens marketing, promotion, or consumer information;

(ii) the dissemination of the information gained by the activities; and

(iii) the disbursement of necessary funds to carry out this subparagraph.

(C) SUBMISSION TO SECRETARY.—The order shall provide that the PromoFlor Council shall submit to the Secretary for approval a proposed plan or project for cut flowers or cut greens promotion, consumer information, or related research, as described in subparagraphs (A) and (B).

(3) APPROVAL BY SECRETARY.—No budget, or plan or project for cut flowers or cut greens promotion, consumer information, or related research, shall be implemented prior to the approval of the budget, plan, or project by the Secretary.

(e) CONTRACTS AND AGREEMENTS.—

(1) PROMOTION, CONSUMER INFORMATION, AND RELATED RESEARCH PLANS AND PROJECTS.—

(A) IN GENERAL.—To ensure efficient use of funds, the order shall provide that the PromoFlor Council, with the approval of the Secretary, may enter into a contract or agreement for the implementation of a plan or project for promotion, consumer information, or related research with respect to cut flowers or cut greens, and for the payment of the cost of the implementation of the plan or project with funds received by the PromoFlor Council under the order.

(B) REQUIREMENTS.—The order shall provide that any contract or agreement entered into under this paragraph shall provide that—

(i) the contracting or agreeing party shall develop and submit to the PromoFlor Council a plan or project, together with a budget that shall show estimated costs to be incurred for the plan or project;

(ii) the plan or project shall become effective on the approval of the Secretary; and

(iii) the contracting or agreeing party shall keep accurate records of all of the transactions of the party, account for funds received and expended, make periodic reports to the PromoFlor Council of activities conducted, and make such other reports as the PromoFlor Council or the Secretary may require.

(2) OTHER CONTRACTS AND AGREEMENTS.—The order shall provide that the PromoFlor Council may enter into a contract or agreement for administrative services. Any contract or agreement entered into under this paragraph shall include provisions comparable to those described in paragraph (1)(B).

(f) BOOKS AND RECORDS OF THE PROMOFLOR COUNCIL.—

(1) IN GENERAL.—The order shall require the PromoFlor Council to—

(A) maintain such books and records (which shall be available to the Secretary for inspection and audit) as the Secretary may prescribe;

(B) prepare and submit to the Secretary, from time to time, such reports as the Secretary may prescribe; and

(C) account for the receipt and disbursement of all funds entrusted to the PromoFlor Council.

(2) AUDITS.—The PromoFlor Council shall cause the books and records of the PromoFlor Council to be audited by an independent auditor at the end of each fiscal year. A report of each audit shall be submitted to the Secretary.

(g) CONTROL OF ADMINISTRATIVE COSTS.—The order shall provide that the PromoFlor Council shall, as soon as practicable after the order becomes effective and after consultation with the Secretary and other appropriate persons, implement a system of cost controls based on normally accepted business practices that will ensure that the annual budgets of the PromoFlor Council only include amounts for administrative expenses that cover the minimum administrative activities and personnel needed to properly administer and enforce the order and conduct, supervise, and evaluate plans and projects under the order.

(h) ASSESSMENTS.—

(1) AUTHORITY.—

(A) IN GENERAL.—The order shall provide that each qualified handler shall pay to the PromoFlor Council, in the manner prescribed by the order, an assessment on each sale of cut flowers or cut greens to a retailer or an exempt handler (including each transaction described in subparagraph (C)(ii)), except to the extent the sale is excluded from assessments under section 6(a).

(B) PUBLISHED LISTS.—To facilitate the payment of assessments under this paragraph, the PromoFlor Council shall publish lists of qualified handlers required to pay assessments under the order and exempt handlers.

(C) MAKING DETERMINATIONS.—

(i) QUALIFIED HANDLER STATUS.—The order shall contain provisions regarding the determination of the status of a person as a qualified handler or exempt handler that include the rules and requirements specified in sections 3(4) and 6(b).

(ii) COVERED TRANSACTIONS.—

(I) IN GENERAL.—The order shall provide that each non-sale transfer of cut flowers or cut greens to a retailer from a qualified handler that is a distribution center (as described in section 3(4)(A)(ii)(III)), and each direct sale of cut flowers or cut greens to a consumer by a qualified handler that is an importer or producer (as described in section 3(4)(A)(v)), shall be treated as a sale of cut flowers or cut greens to a retailer subject to assessments under this subsection.

(II) AMOUNT.—The amount of the assessment under this clause shall equal—

(aa) the price paid by the distribution center or importer, respectively, to acquire the cut flowers or cut greens; and

(bb) an amount determined by multiplying the acquisition price by a uniform percentage established by the PromoFlor Council to represent the mark-up of a wholesale handler on a sale to a retailer (or in the case of a direct sale to a consumer by a producer, an amount determined by applying to the price paid by the consumer a uniform percentage established by the PromoFlor Council to represent the cost of producing the article and the mark-up of a wholesale handler on a sale to a retailer).

(2) ASSESSMENT RATES.—The order shall contain the following terms:

(A) INITIAL RATE.—During the first 3 years the order is in effect, the rate of assessment on each sale or transfer of cut flowers or cut greens shall be ½ of 1 percent of the gross sales price of a product sold or (in the case of transactions described in paragraph (1)(C)(ii)) of the amount of each transaction calculated as provided in paragraph (1)(C)(ii).

(B) CHANGES IN THE RATE.—

(i) IN GENERAL.—After the first 3 years the order is in effect, the uniform assessment rate may be increased or decreased annually by not more than .25 percent of the gross sales price of a product sold or (in the case of transactions described in paragraph (1)(C)(ii)) of the amount of each transaction calculated as provided in paragraph (1)(C)(ii), except that the assessment rate may in no case exceed 1 percent of the gross sales price or transaction amount.

(ii) REQUIREMENTS.—Any change in the rate of assessment under this subparagraph—

(I) may be made only if adopted by the PromoFlor Council by a ⅔ majority vote and approved by the Secretary as necessary to achieve the objectives of this Act;

(II) shall be announced by the PromoFlor Council at least 30 days prior to going into effect; and

(III) shall not be subject to a vote in a referendum under section 7.

(3) TIMING OF SUBMITTING ASSESSMENTS.—The order shall provide that each person required to pay assessments under this subsection shall remit, to the PromoFlor Council, the assessment due from each sale by the person of cut flowers or cut greens that is subject to an assessment within such time period after the sale (not to exceed 60 days from the end of the month in which the sale took place) as is specified in the order.

(4) REFUNDS FROM ESCROW ACCOUNT.—

(A) ESTABLISHMENT OF ESCROW ACCOUNT.—The order shall provide that the PromoFlor Council shall—

(i) establish an escrow account to be used for assessment refunds, as needed; and

(ii) place into the account an amount equal to 10 percent of the total amount of assessments collected during the period beginning on the date the order goes into effect, as provided in section 4(b)(3), and ending on the date the initial referendum on the order provided for in section 7(a) is completed.

(B) RIGHT TO RECEIVE REFUND.—

(i) IN GENERAL.—The order shall provide that, subject to subparagraph (C) and the conditions specified in clause (ii), any qualified handler shall have the right to demand and receive from the PromoFlor Council out of the escrow account a one-time refund of any assessments paid by or on behalf of the qualified handler during the time period specified in subparagraph (A)(ii), if—

(I) the qualified handler is required to pay the assessments;

(II) the qualified handler does not support the program established under this Act;

(III) the qualified handler demands the refund prior to the conduct of the referendum on the order under section 7(a); and

(IV) the order is not approved by qualified handlers in the referendum.

(ii) CONDITIONS.—The right of a qualified handler to receive a refund under clause (i) shall be subject to the following conditions:

(I) The demand shall be made in accordance with regulations, on a form, and within a time period prescribed by the PromoFlor Council.

(II) The refund shall be made only on submission of proof satisfactory to the Board that the qualified handler paid the assessment for which refund is demanded.

(III) If the amount in the escrow account required under subparagraph (A) is not sufficient to refund the total amount of assessments demanded by all qualified handlers determined eligible for refunds and the order is not approved in the referendum on the order under section 7(a), the PromoFlor Council shall prorate the amount of all such refunds among all eligible qualified handlers that demand the refund.

(C) PROGRAM APPROVED.—The order shall provide that, if the order is approved in the referendum under section 7(a), there shall be no refunds made and all funds in the escrow account shall be returned to the PromoFlor Council for use by the PromoFlor Council in accordance with the other provisions of the order.

(5) USE OF ASSESSMENT FUNDS.—The order shall provide that assessment funds (less any refunds paid out under the terms of the order required under paragraph (4)) shall be used for payment of costs incurred in implementing and administering the order, with provision for a reasonable reserve, and to cover those administrative costs incurred by the Secretary in implementing and administering this Act, except for the salaries of Federal Government employees incurred in conducting referenda.

(i) PROHIBITION.—The order shall prohibit the use of any funds received by the PromoFlor Council in any manner for the purpose of influencing legislation or government action or policy, except that the funds may be used by the PromoFlor Council for the development and recommendation to the Secretary of amendments to the order.

(j) BOOKS AND RECORDS; REPORTS.—

(1) IN GENERAL.—The order shall provide that each qualified handler shall maintain, and make available for inspection, such books and records as may be required by the order and file reports at the time, in the manner, and having the content prescribed by the order, to the end that information is made available to the Secretary and the PromoFlor Council as is appropriate for the administration or enforcement of this Act, the order, or any regulation issued under this Act.

(2) CONFIDENTIALITY REQUIRED.—

(A) IN GENERAL.—Information obtained from books, records, or reports under the authority provided in paragraph (1), or from reports required under section 6(b)(3), shall be kept confidential by all officers and employees of the Department of Agriculture and by the staff and agents of the PromoFlor Council.

(B) SUITS AND HEARINGS.—Information described in subparagraph (A) may be disclosed to the public only—

(i) in a suit or administrative hearing brought at the request of the Secretary, or to which the Secretary or any officer of the United States is a party, involving the order; and

(ii) to the extent the Secretary considers the information relevant to the suit or hearing.

(C) GENERAL STATEMENTS AND PUBLICATION.—Nothing in this paragraph may be construed to prohibit—

(i) the issuance of general statements, based on the reports, of the number of persons subject to the order or statistical data collected from the reports, which statements do not identify the information furnished by any person; or

(ii) the publication, by direction of the Secretary, of the name of any person violating the order, together with a statement of the particular provisions of the order violated by the person.

(3) LISTS OF IMPORTERS.—

(A) REVIEW.—The order shall provide that the staff of the PromoFlor Council periodically shall review lists of importers of cut flowers and cut greens to determine whether persons on the lists are subject to the order.

(B) CUSTOMS SERVICE.—On the request of the PromoFlor Council, the United States Customs Service shall provide to the PromoFlor Council lists of importers of cut flowers and cut greens.

(k) CONSULTATIONS WITH INDUSTRY EXPERTS.—

(1) IN GENERAL.—The order shall provide that the PromoFlor Council, from time to time, may seek advice from and consult with experts from the production, import, wholesale, and retail segments of the cut flowers and cut greens industry to assist in the development of promotion, consumer information, and related research plans and projects.

(2) SPECIAL COMMITTEES.—

(A) IN GENERAL.—For the purposes described in paragraph (1), the order shall authorize the appointment of special committees composed of persons other than PromoFlor Council members.

(B) CONSULTATION.—A committee appointed under subparagraph (A)—

(i) may not provide advice or recommendations to an agency or officer of the Federal Government; and

(ii) shall consult directly with the PromoFlor Council.

(l) OTHER TERMS OF THE ORDER.—The order shall contain such other terms and provisions, consistent with this Act, as are necessary to carry out this Act (including provision for the assessment of a charge for each late payment of assessments under subsection (h) and for carrying out section 6).

SEC. 6. EXCLUSION; DETERMINATIONS.

(a) EXCLUSION.—An order issued under this Act shall exclude from assessments under the order any sale of cut flowers or cut greens for export from the United States.

(b) MAKING DETERMINATIONS.—

(1) IN GENERAL.—For purposes of applying the $750,000 annual sales limitation to a person to determine the status of the person as a qualified handler or an exempt handler under section 3(4), or to a specific facility in order to determine the status of the facility as an eligible separate facility under section 7(b)(2), an order issued under this Act shall provide that—

(A) a determination of the annual sales volume of a person or facility shall be based on the sales of cut flowers and cut greens by the person or facility during the most recently-completed calendar year, except as provided in subparagraph (B); and

(B) in the case of a new business or other operation for which complete data on sales during all or part of the most recently-completed calendar year are not available to the PromoFlor Council, the determination may be made using an alternative time period or other alternative procedures specified in the order.

(2) RULE OF ATTRIBUTION.—

(A) IN GENERAL.—For purposes of determining the annual sales volume of a person or a separate facility of a person, sales attributable to a person shall include—

(i) in the case of an individual, sales attributable to the spouse, children, grandchildren, parents, and grandparents of the individual;

(ii) in the case of a partnership or member of a partnership, sales attributable to the partnership and other partners of the partnership;

(iii) in the case of an individual and partnership, sales attributable to any corporation or other entity in which the individual or partnership owns more than 50 percent of the stock or (if the entity is not a corporation) that the individual or partnership controls; and

(iv) in the case of a corporation, sales attributable to any corporate subsidiary or other corporation or entity in which the corporation owns more than 50 percent of the stock or (if the entity is not a corporation) that the corporation controls.

(B) STOCK AND OWNERSHIP INTEREST.—For purposes of this paragraph, stock or an ownership interest in an entity that is owned by the spouse, children, grandchildren, parents, grandparents, or partners of an individual, or by a partnership in which a person is a partner, or by a corporation more than 50 percent of the stock of which is owned by a person, shall be treated as owned by the individual or person.

(3) REPORTS.—For purposes of this subsection, the order may require a person that sells cut flowers or cut greens to retailers to submit reports to the PromoFlor Council on annual sales by the person. The reports shall be subject to the confidentiality requirements of section 5(j)(2).

SEC. 7. REFERENDA.

(a) REQUIREMENT FOR INITIAL REFERENDUM.—

(1) CONDUCT.—Not later than 3 years after the issuance of an order under section 4(b)(3), the Secretary shall conduct a referendum among qualified handlers required to pay assessments under the order, as provided in section 5(h)(1), subject to the voting requirements of subsection (b), to ascertain whether or not the order then in effect shall be continued.

(2) APPROVAL OF ORDER NEEDED.—The order shall be continued only if the Secretary determines that the order has been approved by a simple majority of all votes cast in the referendum. If the order is not approved, the Secretary shall terminate the order as provided in subsection (d).

(b) VOTES PERMITTED.—

(1) IN GENERAL.—Each qualified handler eligible to vote in a referendum under this section shall be entitled to cast 1 vote for each separate facility of the person that is an eligible separate facility, as defined in paragraph (2).

(2) ELIGIBLE SEPARATE FACILITY.—For purposes of paragraph (1):

(A) SEPARATE FACILITY.—A handling or marketing facility of a qualified handler shall be considered a separate facility if the facility is physically located away from other facilities of the qualified handler or the business function of the facility is substantially different than the functions of other facilities owned or operated by the qualified handler.

(B) ELIGIBILITY.—A separate facility of a qualified handler shall be considered an eligible separate facility if the annual sales of cut flowers and cut greens to retailers and exempt handlers from the facility are $750,000 or more.

(C) ANNUAL SALES DETERMINED.—For purposes of determining the amount of annual sales of cut flowers and cut greens under subparagraph (B), the requirements of subparagraphs (A) and (C) of section 3(4) shall apply.

(c) SUSPENSION OR TERMINATION REFERENDA.—Effective beginning on the date that is 3 years after an order issued under this Act is approved in a referendum conducted under subsection (a), the Secretary—

(1) at the discretion of the Secretary, may conduct at any time a referendum of qualified handlers required to pay assessments under the order, as provided in section 5(h)(1), subject to the voting requirements of subsection (b), to ascertain whether or not qualified handlers favor suspension or termination of the order; and

(2) whenever requested by the PromoFlor Council or by a representative group comprising 30 percent or more of all qualified handlers required to pay assessments under the order, as provided in section 5(h)(1), shall conduct a referendum of all qualified handlers required to pay assessments under the order, as provided in section 5(h)(1), subject to the voting requirements of subsection (b), to ascertain whether or not qualified handlers favor suspension or termination of the order.

(d) SUSPENSION OR TERMINATION.—If, as a result of the referendum conducted under subsection (a)(2), the Secretary determines that the order has not been approved by a simple majority of all votes cast in the referendum, or as a result of a referendum conducted under subsection (c), the Secretary determines that suspension or termination of the order is favored by a simple majority of all votes cast in the referendum, the Secretary shall—

(1) within 180 days after the referendum, suspend or terminate, as appropriate, collection of assessments under the order; and

(2) suspend or terminate, as appropriate, activities under the order in an orderly manner as soon as practicable.

(e) MANNER OF CONDUCTING REFERENDA.—Referenda under this section shall be conducted in such manner as is determined appropriate by the Secretary.

SEC. 8. PETITION AND REVIEW.

(a) PETITION AND HEARING.—

(1) PETITION.—A person subject to an order issued under this Act may file with the Secretary a petition—

(A) stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law; and

(B) requesting a modification of the order or an exemption from the order.

(2) HEARING.—The petitioner shall be given the opportunity for a hearing on a petition filed under paragraph (1), in accordance with regulations issued by the Secretary. Any such hearing shall be conducted in accordance with section 10(b)(2) and shall be held within the United States judicial district in which the residence or principal place of business of the person is located.

(3) RULING.—After a hearing under paragraph (2), the Secretary shall make a ruling on the petition, which shall be final if made in accordance with law.

(b) REVIEW.—

(1) COMMENCEMENT OF ACTION.—The district courts of the United States in any district in which a person that is a petitioner under subsection (a) resides or carries on business shall have jurisdiction to review the ruling of the Secretary on the petition of the person, if a complaint requesting the review is filed within 20 days after the date of the entry of the ruling by the Secretary.

(2) PROCESS.—Service of process in proceedings under this subsection shall be conducted in accordance with the Federal Rules of Civil Procedure.

(3) REMAND.—If the court in a proceeding under this subsection determines that the

ruling of the Secretary on the petition of the person is not in accordance with law, the court shall remand the matter to the Secretary with directions—

(A) to make such ruling as the court shall determine to be in accordance with law; or

(B) to take such further action as, in the opinion of the court, the law requires.

(c) ENFORCEMENT UNDER SECTION 9.—The pendency of proceedings instituted under this section shall not impede, hinder, or delay the Attorney General or the Secretary from obtaining relief under section 9.

SEC. 9. ENFORCEMENT.

(a) JURISDICTION.—A district court of the United States shall have jurisdiction to enforce, and to prevent and restrain any person from violating, this Act or an order or regulation made or issued by the Secretary under this Act.

(b) REFERRAL TO ATTORNEY GENERAL.—A civil action brought under subsection (a) shall be referred to the Attorney General for appropriate action, except that the Secretary is not required to refer to the Attorney General a violation of this Act, or a violation of an order or regulation issued under this Act, if the Secretary believes that the administration and enforcement of this Act would be adequately served by administrative action under subsection (c) or suitable written notice or warning to the person who committed or is committing the violation.

(c) CIVIL PENALTIES AND ORDERS.—

(1) CIVIL PENALTIES.—

(A) IN GENERAL.—A person that violates a provision of this Act, or an order or regulation issued by the Secretary under this Act, or who fails or refuses to pay, collect, or remit any assessment or fee required of the person under an order or regulation issued under this Act, may be assessed by the Secretary—

(i) a civil penalty of not less than $500 nor more than $5,000 for each violation; and

(ii) in the case of a willful failure to remit an assessment as required by an order or regulation, an additional penalty equal to the amount of the assessment.

(B) SEPARATE OFFENSES.—Each violation shall be a separate offense.

(2) CEASE AND DESIST ORDERS.—In addition to or in lieu of a civil penalty under paragraph (1), the Secretary may issue an order requiring a person to cease and desist from continuing a violation of this Act, order, or regulation described in paragraph (1)(A).

(3) NOTICE AND HEARING.—No penalty shall be assessed or cease and desist order issued by the Secretary under this subsection unless the Secretary gives the person against whom the penalty is assessed or the order is issued notice and opportunity for a hearing before the Secretary with respect to the violation. Any such hearing shall be conducted in accordance with section 10(b)(2) and shall be held within the United States judicial district in which the residence or principal place of business of the person against whom the penalty is assessed or the order is issued is located.

(4) FINALITY.—The penalty assessed or cease and desist order issued under this subsection shall be final and conclusive unless the person against whom the penalty is assessed or the order is issued files an appeal with the appropriate district court of the United States in accordance with subsection (d).

(d) REVIEW BY DISTRICT COURT.—

(1) COMMENCEMENT OF ACTION.—

(A) IN GENERAL.—Any person against whom a violation is found and a civil penalty is assessed or cease and desist order is issued under subsection (c) may obtain review of the penalty or order by—

(i) filing, within the 30-day period beginning on the date the penalty is assessed or order is issued, a notice of appeal in the district court of the United States for the district in which the person resides or has a principal place of business, or in the United States district court for the District of Columbia; and

(ii) simultaneously sending a copy of the notice by certified mail to the Secretary.

(B) COPY OF RECORD.—The Secretary shall promptly file in the court a certified copy of the record on which the Secretary found that the person had committed a violation.

(2) STANDARD OF REVIEW.—A finding of the Secretary shall be set aside under this subsection only if the finding is found to be unsupported by substantial evidence.

(e) FAILURE TO OBEY AN ORDER.—

(1) IN GENERAL.—A person that fails to obey a cease and desist order issued under subsection (c) after the order has become final and unappealable, or after the appropriate United States district court has entered a final judgment in favor of the Secretary, shall be subject to a civil penalty assessed by the Secretary of not more than $5,000 for each offense, after opportunity for a hearing and for judicial review under the procedures specified in subsections (c) and (d).

(2) SEPARATE VIOLATIONS.—Each day during which the person fails to obey an order shall be considered as a separate violation of the order.

(f) FAILURE TO PAY A PENALTY.—

(1) IN GENERAL.—If a person fails to pay a civil penalty assessed under subsection (c) or (e) after the penalty has become final and unappealable, or after the appropriate United States district court has entered final judgment in favor of the Secretary, the Secretary shall refer the matter to the Attorney General for recovery of the amount assessed in any United States district court in which the person resides or has a principal place of business.

(2) SCOPE OF REVIEW.—In the action, the validity and appropriateness of the civil penalty shall not be subject to review.

(g) ADDITIONAL REMEDIES.—The remedies provided in this Act shall be in addition to, and not exclusive of, other remedies that may be available.

SEC. 10. INVESTIGATIONS AND POWER TO SUBPOENA.

(a) INVESTIGATIONS.—The Secretary may make such investigations as the Secretary considers necessary for the effective administration of this Act, or to determine whether any person has engaged or is engaging in any act that constitutes a violation of this Act or an order or regulation issued under this Act.

(b) SUBPOENAS, OATHS, AND AFFIRMATIONS.—

(1) IN GENERAL.—For the purpose of conducting an investigation under subsection (a), the Secretary may administer oaths and affirmations, and issue subpoenas to require the production of any records that are relevant to the inquiry. The production of any records may be required from any place in the United States.

(2) ADMINISTRATIVE HEARINGS.—For the purpose of an administrative hearing held under section 8(a)(2) or 9(c)(3), the presiding officer may administer oaths and affirmations, subpoena witnesses, compel the attendance of witnesses, take evidence, and require the production of any records that are relevant to the inquiry. The attendance of witnesses and the production of any records may be required from any place in the United States.

(c) AID OF COURTS.—

(1) IN GENERAL.—In the case of contumacy by, or refusal to obey a subpoena issued to, any person, the Secretary may invoke the aid of any court of the United States within the jurisdiction of which the investigation or proceeding is carried on, or where the person resides or carries on business, in order to enforce a subpoena issued under subsection (b).

(2) ORDER.—The court may issue an order requiring the person to comply with such a subpoena.

(3) FAILURE TO OBEY.—Any failure to obey the order of the court may be punished by the court as a contempt of the order.

(4) PROCESS.—Process in any proceeding under this subsection may be served in the United States judicial district in which the person being proceeded against resides or carries on business or wherever the person may be found.

SEC. 11. CONFIDENTIALITY.

(a) PROHIBITION.—No information on how a person voted in a referendum conducted under this Act shall be made public.

(b) PENALTY.—Any person who knowingly violates subsection (a) or the confidentiality terms of an order, as described in section 5(j)(2), shall be subject to a fine of not less than $1,000 nor more than $10,000 or to imprisonment for not more than 1 year, or both, and, if an officer or employee of the Department of Agriculture or the PromoFlor Council, shall be removed from office.

(c) ADDITIONAL PROHIBITION.—No information obtained under this Act may be made available to any agency or officer of the Federal Government for any purpose other than the implementation of this Act or an investigatory or enforcement action necessary for the implementation of this Act.

(d) WITHHOLDING INFORMATION FROM CONGRESS PROHIBITED.—Nothing in this Act shall be construed to authorize the withholding of information from Congress.

SEC. 12. AUTHORITY FOR SECRETARY TO SUSPEND OR TERMINATE ORDER.

Whenever the Secretary finds that an order issued under this Act, or any provision of the order, obstructs or does not tend to effectuate the declared policy of this Act, the Secretary shall terminate or suspend the operation of the order or provision under such terms as the Secretary determines appropriate.

SEC. 13. CONSTRUCTION.

(a) TERMINATION OR SUSPENSION NOT AN ORDER.—The termination or suspension of an order, or any provision of an order, shall not be considered an order within the meaning of this Act.

(b) PRODUCER RIGHTS.—This Act—

(1) may not be construed to provide for control of production or otherwise limit the right of individual cut flowers and cut greens producers to produce cut flowers and cut greens; and

(2) shall be construed to treat all persons producing cut flowers and cut greens fairly and to implement any order established under this Act in an equitable manner.

(c) OTHER PROGRAMS.—Nothing in this Act may be construed to preempt or supersede any other program relating to cut flowers or cut greens promotion and consumer information organized and operated under the laws of the United States or a State.

SEC. 14. REGULATIONS.

The Secretary may issue such regulations as are necessary to carry out this Act and the powers vested in the Secretary by this

Act, including regulations relating to the assessment of late payment charges.

SEC. 15. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated for each fiscal year such sums as are necessary to carry out this Act.

(b) ADMINISTRATIVE EXPENSES.—Funds appropriated under subsection (a) may not be used for payment of the expenses or expenditures of the PromoFlor Council in administering any provision of an order issued under this Act.

SECTION-BY-SECTION ANALYSIS

SECTION 1—SHORT TITLE

Section 1 provides that the bill may be cited as the "Fresh Cut Flowers and Fresh Cut Greens Promotion and Information Act of 1993".

SECTION 2—FINDINGS AND DECLARATION OF POLICY

Subsection (a) of section 2 contains findings of Congress regarding the need for the fresh cut flowers and fresh cut greens promotion and information order authorized under the bill (hereinafter referred to as the "cut flowers and cut greens order").

Specifically, the findings are that—

(1) fresh cut flowers and fresh cut greens are an integral part of life in the United States, are consumed by millions of persons every year for a multitude of special purposes (especially important personal events), and contribute a natural and beautiful element to what is increasingly a man-made, artificial environment;

(2) cut flowers and cut greens are produced by many individual producers throughout the United States, as well as in other countries, and are handled and marketed by thousands of small-sized and medium-sized businesses, and such production, handling, and marketing constitute a key segment of the United States horticultural industry and thus a significant part of the Nation's overall agricultural economy;

(3) handlers play a vital role in the marketing of cut flowers and cut greens in that they purchase most of the cut flowers and cut greens marketed by producers, prepare the cut flowers and cut greens for retail consumption, serve as intermediary between source of product and retailer, otherwise facilitate the entry of cut flowers and cut greens into the current of domestic commerce, and add efficiencies to the market process that ensure the availability of a much greater variety of product to retailers and consumers and that result in substantial price savings to retailers and consumers;

(4) it is widely recognized that it is in the public interest and important to the Nation's agricultural economy to provide an adequate, steady supply of cut flowers and cut greens at reasonable prices to the consumers of the Nation;

(5) cut flowers and cut greens move in interstate and foreign commerce, and cut flowers and cut greens that do not move in such channels of commerce but only in intrastate commerce directly affect interstate commerce in these articles;

(6) the maintenance and expansion of existing markets and the development of new or improved markets or uses for cut flowers and cut greens are needed to preserve and strengthen the economic viability of the domestic cut flowers and cut greens industry for the benefit of producers, handlers, retailers, and the entire floral industry;

(7) generic programs of promotion and consumer information can be effective in maintaining and developing markets for cut flowers and cut greens, and have the advantage of equally enhancing the market position for all cut flowers and cut greens marketed;

(8) because cut flowers and cut greens producers are primarily agriculture-oriented rather than promotion-oriented, and because the floral marketing industry within the United States is comprised mainly of small-sized and medium-sized businesses, the development and implementation of an adequate and coordinated national program of generic promotion and consumer information necessary for the maintenance of existing markets and the development of new markets for cut flowers and cut greens have been prevented;

(9) there exist established State and commodity-specific producer-funded programs of promotion and research that are valuable efforts to expand markets for domestic producers of cut flowers and cut greens and that will be able to take advantage of the promotion and consumer information program authorized by this Act to enhance their market development efforts for domestic producers;

(10) an effective and coordinated method for ensuring cooperative and collective action in providing for and financing a nationwide program of generic promotion and consumer information is needed to ensure that the cut flowers and cut greens industry will be able to provide, obtain, and implement programs of promotion and consumer information necessary to maintain, expand, and develop markets for these articles; and

(11) the most efficient method of financing such a nationwide program is to assess cut flowers and cut greens at the point they are sold by handlers into the retail market.

Subsection (b) of section 2 expresses the policy of Congress and the purpose of the legislation, as follows: That it is in the public interest and the purpose of the bill to authorize the establishment, through the exercise of the powers provided in the bill, of an orderly procedure for the development and financing (through an adequate assessment on cut flowers and cut greens sold by handlers to retailers and related entities in the United States) of an effective and coordinated program of generic promotion, consumer information, and related research designed to strengthen the cut flowers and cut greens industry's position in the marketplace and to maintain, develop, and expand markets for cut flowers and cut greens.

SEC. 3—DEFINITIONS

Section 3 contains definitions of 13 terms used in the bill.

I. PROGRAM ACTIVITIES

The definitions in paragraphs (1), (7), and (8) describe the types of program activities to be covered by the cut flowers and cut greens order, that is, consumer information, promotion, and research.

Paragraph (1) defines the term "consumer information" to mean any action or program to provide information to consumers and other persons on appropriate uses under varied circumstances, and on the care and handling, of cut flowers or cut greens.

Paragraph (7) defines the term "promotion" to mean any action determined by the Secretary of Agriculture to advance the image, desirability, or marketability of cut flowers or cut greens, and specifically includes paid advertising in the definition.

Paragraph (8) defines the term "research" to mean market research and studies limited to the support of advertising, market development, and other promotion efforts and consumer information efforts relating to cut flowers or cut greens, including educational activities.

II. CUT FLOWERS AND CUT GREENS

This section defines the terms "cut flowers" and "cut greens" as used in the bill, and in doing so sets out a special *substantial portion* rule. The definitions and special rule are in paragraph (2) of the section.

The definitions are as follows: The term "cut flowers" will include all flowers cut from growing plants and used as fresh-cut flowers, produced either under cover or in field operations; and the term "cut greens" will include all cultivated or noncultivated decorative foliage cut from growing plants and used as fresh-cut decorative foliage (except Christmas trees) produced either under cover or in field operations. Neither term will include foliage plants, floral supplies, or flowering plants.

The substantial portion rule is that, in any case in which a handler packages cut flowers or cut greens with hard goods in an article such as a gift basket or similar presentation for sale to retailers, the PromoFlor Council may determine, under procedures set out in the cut flowers and cut greens order, that the cut flowers or cut greens in the article do not constitute a substantial portion of the value of the article and that, based on such determination, such article shall not be treated as an article of cut flowers or cut greens subject to assessment under such order.

III. TYPES OF ENTITIES

Section 3 also provides definitions for the various types of entities that will be affected by the establishment of the cut flowers and cut greens order: Qualified handlers, exempt handlers, and retailers. In brief, under the bill, qualified handlers, who as a general rule are those that sell cut flowers or cut greens to retailers, will be assessed on such sales, except that certain smaller handlers will be exempt handlers and not required to pay assessments. Exempt handlers could be required to submit reports to the PromoFlor Council under the order, and certain distribution operations of retailers could be considered qualified handler operations subject to assessment.

Paragraph (4), in subparagraph (A), defines the term "qualified handler" to mean a person (including a cooperative) operating in the cut flowers or cut greens marketing system that sells domestic or imported cut flowers or cut greens to retailers and exempt handlers and whose annual sales of such articles to retailers and exempt handlers are $750,000 or more. Subparagraph (A) also provides that the term will include—

(1) bouquet manufacturers (subject to the "substantial portion" rule under paragraph (2) of this section and described above);

(2) auction houses that clear sales of cut flowers and cut greens to retailers and exempt handlers through a central clearinghouse; and

(3) any distribution center operated at the wholesale level that is owned or controlled by a retailer (A) if the predominant retail business activity of the retailer is floral sales, or (B) when a majority of the cut flowers and cut greens sales or transfers from such center are to entities other than entities owned or controlled by the retailer. Note that the obverse definitional terms are contained in the definition of "retailer" in paragraph (9) of section 3, which is described below. Also, since at least some of the distribution center transactions with retailers

Footnotes at end of article.

are not sales but only transfers, as described below, this provision also states that, for purposes of determining sales to retailers from any such distribution center, each non-sale transfer to a retailer is to be treated as a sale in an amount calculated as provided later in subparagraph (C) of paragraph (4). The later provision provides for calculating the value of transfers as the price paid by the distribution center for the flowers plus a uniform percentage of that price to represent the wholesale mark-up.

Further, the term will not include a person who merely physically transports or delivers cut flowers or cut greens without more.

Subparagraph (A) also contains a rule of construction as follows: The term "qualified handler" will be deemed to include a person that is an importer of cut flowers or cut greens into the United States or that is a producer of cut flowers or cut greens within the United States and sells the articles that he imports or produces directly to consumers and whose sales of such articles (as calculated under subparagraph (c) of paragraph (4)), along with other sales of cut flowers and cut greens to retailers and exempt handlers, annually are $750,000 or more.

For purposes of this rule, subparagraph (A) also states that the terms "producer" and "importer" have the same meaning as that given in the provisions of subsection (b) of section 5 of the bill defining the terms "importer that is a qualified handler" and "producer that is a qualified handler".

In the situation covered by this rule of construction, the importer or producer is also performing the functions of the handler and the retailer, so that without the rule, there would be no sale from the importer/handler or producer/handler to the retailer to be assessed under the order. Similar rules of construction commonly are used in other programs of the Department of Agriculture, such as the dairy programs (in which producers that sell their milk directly into the retail market, without using a milk handler as an intermediary, have been considered "producer-handlers" and made subject to some rules otherwise applicable to handlers). However, in order to equalize calculations of annual sales as between handlers that sell to retailers and direct-seller importers or producers, subparagraph (C), as described below, provides for calculating the value of direct sales to consumers as the price paid by the importer to acquire the flowers, or the cost to the producer of producing the article, plus a uniform percentage of that price to represent the wholesale mark-up.

This rule of construction also provides that each direct sale to consumers by this type of "handler" will be treated as a sale to a retailer or exempt handler in an amount calculated as provided in subparagraph (C). This part of the rule of construction will be applied in determining annual sales for purposes of the "exempt handler" definition in subparagraph (B) and the "eligible separate facility" determination under section 7(b) of the bill.[1]

Paragraph (4), in subparagraph (B), defines the term "exempt handler" to mean a person that would otherwise be considered to be a qualified handler, except that the person's annual sales of cut flowers and cut greens to retailers and other exempt handlers are less than $750,000.

Subparagraph (C) of paragraph (4), in connection with the definitions in subparagraphs (A) and (B) of the paragraph, provides that, for purposes of determining the amount of annual sales of cut flowers and cut greens, the amount of a sale shall be determined on the basis of the gross sales price (as that term is defined in paragraph (3) of section 3, which definition is described below) of product sold, with certain exceptions.

With respect to non-sale transfers of cut flowers or cut greens from a distribution center or direct sales to consumers by importers or producers, as described in subparagraph (A), the amount of the sale will be the price paid by the distribution center or importer, respectively, to acquire the cut flowers or cut greens plus an amount determined by multiplying such acquisition price by a uniform percentage established by the PromoFlor Council to represent a wholesale handler's mark-up on a sale to a retailer (or in the case of direct sales to consumers by producers, an amount determined by applying to the price paid by the consumer a uniform percentage established by the PromoFlor Council to represent the cost of producing the article and a wholesale handler's mark-up on a sale to a retailer). These rules for pricing sales are repeated in subsection (h) of section 5 relating to assessments of such types of sales of cut flowers and cut greens by qualified handlers.

Paragraph (9) of section 3 defines the term "retailer" to mean a person, such as a retail florist, supermarket, mass market retail outlet, or other end-use seller, as described in a cut flowers and cut greens order, that sells cut flowers or cut greens to consumers, and will include any distribution center operated at the wholesale level that's owned or controlled by such person only if—(1) the predominant retail business activity of the retailer is not floral sales; *and*

(2) the majority of the cut flowers and cut greens sales or transfers from such center are to entities owned or controlled by such person.

Note the obverse of these definitional terms contained in the definition of "qualified handler" in paragraph (4)(A) of section 3, which is described above.

IV. MISCELLANEOUS

Paragraph (3) of section 3 defines the term "gross sales price" to mean the total amount of the transaction in a sale of cut flowers or cut greens. This term is used in determining the amount of each cut flowers or cut greens sales transaction to be assessed under the cut flowers and cut greens order under section 5(h) of the bill and in determining annual sales for the purpose of the $750,000 limitations under the definition of "qualified handler" and "exempt handler" in paragraph (4) of section 3 and in the rules regarding additional votes for eligible separate facilities under section 7(b)(2) of the bill.

Paragraph (5) defines the term "person" to mean any individual, group of individuals, firm, partnership, corporation, joint stock company, association, society, cooperative, or other legal entity.

Paragraph (6) defines the term "PromoFlor Council" to mean the Fresh Cut Flowers and Fresh Cut Greens Promotion Council established under section 5(b) of the bill.

Paragraph (10) defines the term "Secretary" to mean the Secretary of Agriculture.

Paragraph (11) defines the terms "United States" and "State" to include the 50 States of the United States, the District of Columbia, and all the territories and possessions of the United States. Thus, the terms (and the scope of coverage of the bill) would extend to Puerto Rico along with other territories and possessions of the United States.

The terms "person", "Promoflor Council", "Secretary", "United States", and "State" are used throughout the bill.

SEC. 4. ISSUANCE OF ORDERS

Subsection (a) of section 4 generally requires the issuance of a cut flowers and cut greens order under the bill. It states that, to effectuate the declared policy of section 2(b), the Secretary of Agriculture, subject to the procedures provided in subsection (b) of section 4, must issue orders under the bill applicable to qualified handlers of cut flowers and cut greens. Any such order will be national in scope, and not more than one such order can be in effect under the bill at any one time.

Subsection (b) of section 4 spells out the procedures for the issuance of a cut flowers and cut greens order, in three stages: the proposal, Department of Agriculture consideration of the proposal, and issuance of a final order.

The Proposal: Subsection (b) provides that the Secretary can propose the issuance of a cut flowers and cut greens order, or an industry group of long standing that represents a substantial number of the industry members who are to be assessed under the order may request the issuance of, and submit a proposal for, such an order.

Consideration of the Proposal: Subsection (b) provides that not later than 60 days after the earlier of—

(1) the receipt by the Secretary of a proposal for an order from an industry group, or

(2) the determination of the Secretary to propose an order,

the Secretary must publish the proposed order and give due notice and opportunity for public comment on it. Then, as described in the next paragraph, it is envisioned that the Department of Agriculture staff will review and evaluate the public comments and take due care to ensure that the order is revised as necessary to ensure that the order conforms with the requirements of the bill.

Issuance of the Order: Subsection (b) also provides that, after notice and opportunity for public comment are given, the Secretary must issue the order, taking into consideration the comments received and including in the order provisions necessary to ensure that the order is in conformity with the requirements of the bill. The order is to be issued and become effective not later than 150 days following publication of the proposed order. (Parenthetically, it should be noted that, not later than 3 years after issuance of the order by the Secretary, qualified handlers must decide whether the order should remain in effect. In the interim, they will be eligible for refunds of assessment paid.)

Subsection (c) of section 4 will authorize the Secretary, at any time, to amend a cut flowers and cut greens order then in effect. The provisions of the bill applicable to an order will be applicable to amendments to the order.

SEC. 5. REQUIRED TERMS IN ORDERS

Section 5 of the longest of the 16 sections in the bill, making up over one-third of the text. It is lengthy because it sets out most of the terms and provisions that must be included in a cut flowers and cut greens order.[2]

For that reason, this analysis will discuss each subsection of section 5 separately.

Also, while section 5 technically just itemizes certain terms and provisions that must appear in an order, in doing so it effectively sketches out the parameters of the cut flowers and cut greens promotion and consumer information *program* to be established under the order. So, this analysis will consider the substantive program elements embodied in the required terms and provisions, as well as just list them.

SUBSECTION (a)—IN GENERAL

Subsection (a) of section 5 merely will establish, as a general rule, that a cut flowers and cut greens order must contain the terms and provisions prescribed in the section.

SUBSECTION (b)—ESTABLISHMENT OF THE PROMOFLOR COUNCIL AND APPOINTMENT OF MEMBERS

Subsection (b) of section 5 states that the cut flowers and cut greens order must provide for the establishment of a Fresh Cut Flowers and Fresh Cut Greens Promotion Council (referred to in the bill as the "PromoFlor Council"[3]), consisting of 21 members, to administer the order. It then goes on to state the specific rules regarding the PromoFlor Council that must be made part of the order, as follows:

Members of the PromoFlor Council are to be qualified handlers (that is, those persons, as defined in section 3(4)) required to pay assessments under the order, along with a member that represents retailers, appointed by the Secretary of Agriculture from nominations submitted by qualified wholesale handlers, producers and importers that are qualified handlers, and retailers.

The 21 seats on the PromoFlor Council will be allocated as follows:

(1) 14 members will represent qualified wholesale handlers of domestic or imported cut flowers and cut greens;

(2) 3 members will represent producers that are qualified handlers of cut flowers and cut greens;

(3) 3 members will represent importers that are qualified handlers of cut flowers and cut greens; and

(4) 1 member will represent cut flowers and cut greens retailers.

It will be very important to the success of the program under the order that producers and importers be represented on the PromoFlor Council and provide input to the PromoFlor Council from their perspectives. However, neither producers or importers of cut flowers and cut greens will be directly assessed under the order; rather all assessments will come from handlers. Thus, producers and importers will serve on the PromoFlor Council only to the extent they also are qualified handlers paying assessments under the order.

For purposes of subsection (b):

The term "qualified wholesale handler" means a person in business as a floral wholesale jobber or floral supplier and that is subject to assessments as a qualified handler under the order. Further, as used in this subsection, the term "floral wholesale jobber" means a person that conducts a commission or other wholesale business in buying and selling cut flowers or cut greens, and the term "floral supplier" means a person engaged in acquiring cut flowers or cut greens to be manufactured into floral articles or otherwise processed for resale.

The term "producer that is a qualified handler" means an entity that—

(1) is engaged—

(A) in the domestic production, for sale in commerce, of cut flowers or cut greens and that owns or shares in the ownership and risk of loss of such cut flowers or cut greens; or

(B) as a first processor of noncultivated cut greens, in receiving such cut greens from the persons that gather them for handling; and

(2) is subject to assessment as a qualified handler under the order.

The term "importer that is a qualified handler" means an entity—

(1) whose principal activity is the importation of cut flowers or cut greens into the United States (either directly or as an agent, broker, or consignee of any person or nation that produces or handles cut flowers or cut greens outside the United States for sale in the United States); and

(2) that is subject to assessments as a qualified handler under the order.

The qualified wholesale handler appointments made by the Secretary to the PromoFlor Council must take into account the geographical distribution of cut flowers and cut greens markets in the United States.

Two nominees are to be submitted for each appointment to the PromoFlor Council. Nominations for each appointment of a qualified wholesale handler, producer that is a qualified handler, or importer that is a qualified handler to the PromoFlor Council will be made by qualified wholesale handlers, producers that are qualified handlers, or imports that are qualified handlers, respectively, through an election process under regulations prescribed by the Secretary. Nominations for the retailer appointment will be made by the American Floral Marketing Council (or any successor entity to the Council).

However, in any case in which qualified wholesale handlers, producers that are qualified handlers, importers that are qualified handlers, or retailers fail to nominate individuals for an appointment to the PromoFlor Council, the Secretary could appoint a person to fill the vacancy on a basis provided in the order or other regulations of the Secretary.

The order is to provide for the selection of alternate members of the PromoFlor Council by the Secretary under procedures specified in the order.

Each term of appointment to the PromoFlor Council will be for 3 years, except that of the initial appointments one-third shall be for 2-year terms, one-third for 3-year terms, and one-third for 4-year terms.

No member of the PromoFlor Council could serve more than two consecutive terms of 3 years, except that any member serving an initial term of 4 years may serve an additional term of 3 years.

PromoFlor Council members will serve without compensation, but will be reimbursed for their expenses incurred in performing their duties as members of the PromoFlor Council.

The PromoFlor Council will have the authority to appoint from among its members an executive committee of not more than 9 members. The membership of the executive committee initially will be composed of 4 members representing qualified wholesale handlers, 2 members representing producers that are qualified handlers, 2 members representing importers that are qualified handlers, and 1 member representing retailers. Thereafter, appointments to the executive committee will be made so as to ensure that the committee reflects, to the maximum extent practicable, the membership composition of the PromoFlor Council as a whole.

The initial appointments to the executive committee each will be for a term of 2 years. Thereafter, appointments to the executive committee each will be for a term of 1 year.

The PromoFlor Council will be authorized to delegate to the executive committee its authority under the order to hire and manage staff and conduct routine business within the policies the PromoFlor Council sets.

SUBSECTION (C)—GENERAL RESPONSIBILITIES OF THE PROMOFLOR COUNCIL

Subsection (c) of section 5 would require the cut flowers and cut greens order to define the general responsibilities of the PromoFlor Council. It also lists a number of such responsibilities to be included in the order. As follows:

(1) to administer the order in accordance with its terms and provisions;

(2) to make rules and regulations to effectuate the terms and provisions of the order;

(3) to appoint members of the PromoFlor Council to serve on the executive committee[4];

(4) to employ such staff personnel as determined necessary, and set their compensation and define their duties;

(5) to develop budgets for the implementation of the order and submit them to the Secretary of Agriculture for approval under subsection (d) of section 5;

(6) to propose and develop (or receive and evaluate), approve, and submit to the Secretary for approval under subsection (d) of section 5 plans and projects for cut flowers or cut greens promotion, consumer information, or related research;

(7) to implement such plans and projects, as provided in subsection (d) of section 5, or contract or enter into agreements with appropriate persons to implement such plans and projects, as provided in subsection (e) of section 5, and pay the costs of such implementation, or contracts and agreements, with funds received under the order;

(8) to evaluate on-going and completed plans and projects;

(9) to receive, investigate, and report to the Secretary complaints of violations of the order;

(10) to recommend to the Secretary amendments to the order;

(11) to invest funds collected through assessments under the order, pending their disbursement for a plan or project. However, funds could only be invested in—

(a) obligations of the United States or any agency of the United States;

(b) general obligations of any State or any political subdivision of a State;

(c) any interest-bearing account or certificate of deposit of a bank that is a member of the Federal Reserve System; or

(d) obligations fully guaranteed as to principal and interest by the United States,

and income from any such invested funds could only be used for a purpose for which the invested funds may be used. The language of the bill in regards to investing funds is the same as that used in other commodity promotion and research statutes. The language of this provision listing the types of investments that could be made under the order is not intended to conflict with informal Agricultural Marketing Service investment policies. This broad listing of investments here could be narrowed in the order or other regulations as determined necessary to facilitate implementation of appropriate AMS investment policies; and

(12) to furnish the Secretary with such information as the Secretary may require.

SUBSECTION (D)—PROMOFLOR COUNCIL BUDGETS, AND PLANS AND PROJECTS

Subsection (d) of section 5 will require the cut flowers and cut greens order to contain provisions providing for the PromoFlor Council to submit its budgets to the Secretary of Agriculture for approval.

The budgets, which will be submitted on a fiscal year basis, will cover the PromoFlor Council's anticipated expenses and disbursements in the implementation of the order, including projected costs of cut flowers and cut greens promotion, consumer information, and related research plans and projects.

The cut flowers and cut greens order also must provide—

(1) for the establishment, implementation, administration, and evaluation of appropriate plans and projects for advertising, sales promotion, other promotion, and consumer information with respect to cut flowers and cut greens, and for the disbursement of necessary funds for such purposes;

(2) that any such plan or project shall be directed toward increasing the general demand for cut flowers or cut greens and can make no reference to a private brand or trade name, point of origin, or source of supply (except that these limitations shall not preclude the PromoFlor Council from offering its plans and projects for use by commercial parties, under terms and conditions prescribed by the PromoFlor Council and approved by the Secretary); and

(3) that no such plan or project may make use of unfair or deceptive acts or practices with respect to quality or value.

Similarly, the order is to provide for the establishment, implementation, administration, and evaluation of plans and projects for market development research, research with respect to the sale, distribution, marketing, or use of cut flowers or cut greens, and other research with respect to cut flowers or cut greens marketing, promotion, or consumer information; for the dissemination of the information gained by such activities; and for the disbursement of necessary funds for such purposes.

Under the order, the PromoFlor Council will be required to submit to the Secretary for approval any such proposed plan or project for cut flowers or cut greens promotion, consumer information, or related research. And, no budget, or plan or project for cut flowers or cut greens promotion, consumer information, or related research, could be implemented prior to its approval by the Secretary.

SUBSECTION (E)—CONTRACTS AND AGREEMENTS TO IMPLEMENT THE ORDER

Subsection (e) of section 5 provides that, to ensure efficient use of funds, the cut flowers and cut greens order must contain provisions relating to contracting and agreements as follows:

(1) The PromoFlor Council, with the approval of the Secretary of Agriculture, is to be provided authority to enter into contracts or agreements for the implementation of any plan or project for promotion, consumer information, or related research with respect to cut flowers or cut greens.

(2) The PromoFlor Council is to be authorized to pay the cost of implementing plans and projects covered by contracts or agreements with funds received by the PromoFlor Council under the order.

Each contract or agreement must provide that—

(1) the contracting or agreeing party is to develop and submit to the PromoFlor Council a plan or project together with a budget or budgets that shall show estimated costs to be incurred for the plan or project;

(2) the plan or project will become effective on the approval of the Secretary; and

(3) the contracting or agreeing party is to keep accurate records of all of its transactions, account for funds received and expended, make periodic reports to the PromoFlor Council of activities conducted, and make such other reports as the PromoFlor Council or the Secretary might require.

The PromoFlor Council also will be authorized to enter into contracts or agreements for administrative services. Each such contract or agreement must include provisions for budgeting, secretarial approval, and recordkeeping and reporting duties comparable to those required in contracts or agreements for implementation of plans or projects, as described in the preceding paragraph.

SUBSECTION (F)—BOOKS AND RECORDS OF THE PROMOFLOR COUNCIL

Subsection (f) of section 5 spells out certain bookkeeping and auditing requirements applicable to the PromoFlor Council[5] that have to be included in the cut flowers and cut greens order. Specifically, the order must require the PromoFlor Council to—

(1) maintain such books and record as the Secretary of Agriculture prescribes;

(2) prepare and submit to the Secretary, from time to time, such reports as the Secretary prescribes; and

(3) account for the receipt and disbursement of all funds entrusted to the PromoFlor Council.

Further, the PromoFlor Council's books and records are to be available to the Secretary for inspection and audit by Department of Agriculture employees.

Also, under the order, the PromoFlor Council must have its books and records audited by an independent auditor at the end of each fiscal year. A report of each such audit will be submitted to the Secretary.

SUBSECTION (G)—CONTROL OF ADMINISTRATIVE COSTS UNDER THE ORDER

Subsection (g) of section 5 contains a provision to ensure that administrative costs under the cut flowers and cut greens order are held to the bare minimum needed.

It should be noted that, while a number of provisions of the bill are similar to the language in other commodity and promotion and research statutes, this provision was drafted specially for this bill. It reflects the industry's determination to maximize the effective use of assessment funds collected under the order for product promotion and consumer information to achieve the purpose of the bill.[6]

Subsection (g) states that the order is to contain a provision requiring the PromoFlor Council, as soon as practicable after the order becomes effective and after consultation with the Department of Agriculture and other appropriate persons, to implement a system of cost controls focused on administrative expenses. The system would be based on normally accepted business practices and designed to ensure that the PromoFlor Council's annual budgets only include amounts for administrative expenses that cover the minimum administrative activities and personnel needed to properly administer and enforce the order and conduct, supervise, and evaluate plans and projects under the order.

SUBSECTION (H)—ASSESSMENTS UNDER THE ORDER

Subsection (h) of section 5 sets out the required terms of the cut flowers and cut greens order relating to assessments: who and what is assessed, the assessment rate, when assessments must be paid, possible refunds if the order is not approved, and what uses can be made of assessment funds.

Who and What Is Assessed: Subsection (h) states that the order must provide as follows: Each qualified handler[7] is to pay to the PromoFlor Council, in the manner prescribed by the order, an assessment on each sale of cut flowers or cut greens to a retailer or an exempt handler[8] (including certain transactions treated as sales to a retailer described in the next paragraph), except to the extent such sale is excluded from assessments under section 6(a) (which exempts export transactions from assessments).

To facilitate the payment of assessments, the PromoFlor Council is to publish lists of qualified handlers required to pay assessments under the order and exempt handlers. This will enable companies in the wholesale industry to know in advance which sales to other wholesale companies are subject to assessment (i.e., those sales to companies that are exempt handlers).

As a technical aid in implementing the assessment program under the order, under subsection (h), the order will have to contain provisions regarding the making of determinations to determine status as a qualified handler or exempt handler that include the rules and requirements set out in section 3(4) (definitions of "qualified handler" and "exempt handler") and section 6(b) (specifying rules for calculating annual sales volume for purposes of applying the $750,000 cut-off point separating "qualified handlers" from "exempt handlers" under the definitions).

Also, the order will provide that each nonsale transfer of cut flowers or cut greens to a retailer from a handler that is a distribution center, and each direct sale of cut flowers or cut greens to a consumer by a qualified handler that is an importer or producer, is to be treated as a sale of cut flowers or cut greens to a retailer subject to assessments, in an amount equal to the price paid by the distribution center or importer, respectively, to acquire the cut flowers or cut greens plus an amount determined by multiplying such acquisition price by a uniform percentage established by the PromoFlor Council to represent a wholesale handler's mark-up on a sale to a retailer (or in the case of direct sales to consumers by producers, an amount determined by applying to the price paid by the consumer a uniform percentage established by the PromoFlor Council to represent the cost of producing the article and a wholesale handler's mark-up on a sale to a retailer). It should be noted that the language of this rule tracks the language of the rule for calculating the amount of sales in similar situations under paragraph (4) of section 3, which defines the terms "qualified handler" and "exempt handler".

Assessment Rates: The order must include provisions on assessment rates as follows:

(1) *Initial Rate.* The rate of assessment on sales of cut flowers or cut greens, for the first three years the order is in effect, will be one-half of 1 percent of the gross sales price of product sold, uniformly applied to each sale assessed, or (in the case of transactions of distribution centers and direct sales to consumers by importers and producers) of the amount of each such transaction calculated as described above in the preceding paragraph.

(2) *Changes in the Rate.* After the first three years the order is in effect, the uniform assessment rate could be increased or decreased annually by not more than .25 percent of gross sales price of product sold or of transaction amount, except that the assessment rate in no case could exceed 1 percent of gross sales price of product sold or transaction amount. Any such change in the rate of assessment—

(a) could be made only if (i) adopted by the PromoFlor Council by a two-thirds majority vote and (ii) approved by the Secretary of Agriculture as necessary to achieve the objectives of the bill;

(b) would have to be announced by the PromoFlor Council at least 30 days prior to going into effect; and

(c) would not be subject to a vote in a referendum under section 7 of the bill.

When Assessments Must Be Paid: Subsection (h) states that the order must provide for

each person that is required to pay assessments to remit, to the PromoFlor Council, the assessment due from each sale by that person of cut flowers or cut greens that is subject to an assessment within such time period after the sale (not to exceed 60 days from the end of the month in which the sale took place) as specified in the order.

Refunds: Subsection (h) states that the order must provide for the deposit into an escrow account of 10 percent of assessments collected prior to the initial referendum on the order, and the use of such escrowed moneys for refunds if the order is defeated in the referendum.

The specific terms to be included in the order are as follows: The PromoFlor Council must establish an escrow account to be used for assessment refunds as needed, and place into it an amount equal to 10 percent of the total amount of assessments collected during the period beginning on the date the order goes into effect, as provided in section 4(b) of the bill, and ending on the date the conduct of the initial referendum on the order provided for in section 7(a) of the bill is completed.

Then, subject to certain conditions, any qualified handler will have the right to demand and receive (retroactively) from the PromoFlor Board out of the escrow account a one-time refund of any assessments paid by or on behalf of such qualified handler during the time period prior to the referendum, if—

(1) the qualified handler is required to pay such assessments;

(2) the qualified handler does not support the program established under the bill;

(3) the qualified handler demands the refund prior to the conduct of the referendum on the order under section 7(a); and

(4) the order is not approved by qualified handlers in the referendum.

The right of any qualified handler to receive funds would be subject to the following conditions:

(1) Demand for a refund must be made by the qualified handler in accordance with regulations, on a form, and within the time period prescribed by the PromoFlor Council.

(2) The refund would be made only if the qualified handler submits proof satisfactory to the PromoFlor Council that such handler paid the assessment for which refund is demanded.

(3) If the amount in the escrow account is not sufficient to refund the total amount of assessments demanded by all qualified handlers determined eligible for refunds and the order is not approved in the referendum on the order under section 7(a), the PromoFlor Council is to prorate the amount of all such refunds among all eligible qualified handlers that demand a refund.

If the order is approved in the referendum under section 7(a), there will be no refunds made and all funds in the escrow account shall be returned to the PromoFlor Council for use by the PromoFlor Council in accordance with the other provisions of the order.

Permissible Uses of Assessment Funds: Subsection (h) states that the order must contain a provision that assessment funds (net of any refunds paid out under the terms of the order) will be used—

(1) for payment of costs incurred in implementing and administering the order, with provision for a reasonable reserve; and

(2) to cover those administrative costs incurred by the Secretary in implementing and administering the bill, except for the salaries of Government employees incurred in conducting referenda.[9]

SUBSECTION (I) PROHIBITION AGAINST LOBBYING

Subsection (i) of section 5 describes a required provision of the cut flowers and cut greens order that, conversely to subsection (h) (which states what assessment funds can be used for), prohibits the use of assessment funds, along with any other funds received by the PromoFlor Council, in any manner for the purpose of influencing legislation or government action or policy.

There would, however, be an exemption from this prohibition—use of the funds for the development and recommendation to the Secretary of Agriculture of amendments to the order. The legislation envisions the PromoFlor Council, which will oversee the promotion and consumer information program under the order on behalf of the Secretary, as being in the best position to provide sound advice to the Secretary on any needed changes in the order.

SUBSECTION (J)—RECORDKEEPING AND REPORTING REQUIREMENTS FOR QUALIFIED HANDLERS UNDER THE ORDER

Subsection (j) of section 5 specifies several required provisions of the cut flowers and cut greens order relating to recordkeeping and reporting requirements for qualified handlers under the order.[10] Under subsection (j), the order must require each qualified handler to—

(1) maintain, and make available for inspection, those books and records required by the order; and

(2) file reports at the time, in the manner, and having the content prescribed by the order,

to the end that information is made available to the Secretary of Agriculture and the PromoFlor Council appropriate for the administration or enforcement of the bill, the order, or any regulation issued under the bill.

Also, regarding the confidential treatment of information acquired from qualified handlers and other persons filing reports under the order, subsection (j) provides that information obtained from—

(1) the books, records, or reports of qualified handlers; and

(2) reports filed under section 6(b) of the bill by persons selling cut flowers or cut greens to retailers,

must be kept confidential by all officers and employees of the Department of Agriculture and by the staff and agents of the PromoFlor Council. Such information could be disclosed to the public only if it is relevant evidence in a suit or administrative hearing brought at the request of the Secretary, or to which the Secretary or any officer of the United States is a party, and involving the order; and it could only be discussed in such suit or hearing.

However, subsection (j) also provides that these confidentiality rules are not to be construed to prohibit—

(1) the issuance of general statements, based on the reports made under subsection (j), of the number of persons subject to the order or statistical data collected from the reports, which statements do not identify the information furnished by the person; or

(2) the publication, by direction of the Secretary, of the name of any person violating the order, together with a statement of the particular provisions of the order violated by such person.

Subsection (j) also will require the order to provide for the staff of the PromoFlor Council periodically to review lists of importers of cut flowers and cut greens to determine whether persons listed therein are subject to the order. In that regard, the United States Customs Service will be required to provide such lists at the request of the PromoFlor Council.

SUBSECTION (K)—CONSULTATIONS WITH INDUSTRY EXPERTS

Subsection (k) of section 5 states a required provision of the cut flowers and cut greens order relating to consultations with industry experts. Under this term of the order, the PromoFlor Council would be authorized from time to time to seek advice from and consult with experts from the production, import, wholesale, and retail segments of the cut flowers and cut greens industry to assist in the development of promotion, consumer information, and related research plans and projects. For such purpose, the order also will authorize the appointment of special committees composed of persons other than PromoFlor Council members.

Subsection (k) further provides that no such committee could provide advice or recommendations to an agency or officer of the Federal Government, but shall consult directly with the PromoFlor Council. As a result, these committees would not be Federal advisory committees.

SUBSECTION (L)—OTHER TERMS OF THE ORDER

Subsection (l) of section 5 provides that the cut flowers and cut greens order is to contain such other terms and provisions, not inconsistent with the bill, as are necessary to effectuate the bill and as provided in section 6 (which also requires that the order include provisions on exports, determining annual sales volume, and reports on sales to retailers).

Further, such other terms and provisions could include a provision for the assessment of a charge for each late payment of assessments under subsection (h) of section 5.

SECTION 6—EXCLUSION; DETERMINATIONS

Subsection (a) of section 6 states that any cut flowers and cut greens order issued under the bill must exclude from assessments under the order any sale of cut flowers or cut greens for export from the United States.

Subsection (b) of section 6, which is entitled "Making Determinations", provides (1) time period rules for measuring annual sales, (2) rules of attribution to be included in the cut flowers and cut greens order, and (3) authority for certain reporting requirements to facilitate use of the rules in making determinations. These provisions are designed to facilitate determinations of who will be subject to the cut flowers and cut greens order.

The time period rules are to be used in applying the $750,000 annual sales limitation to—

(1) specific persons in order to determine status as a qualified handler or an exempt handler under section 3(4), or

(2) specific facilities in order to determine status as an eligible separate facility under section 7(b).

The rules are as follows: A determination of a person's or facility's annual sales volume is to be based on the sales of cut flowers and cut greens by such person or facility during the most recently-completed calendar year, with the following exception: with respect to new businesses and other operations for which complete data on sales during all or part of the most recently-completed calendar year are not available to the PromoFlor Council, the determination could be made using an alternative time period or other alternative procedures specified in the order.

The rules of attribution set out in subsection (b) are as follows: For purposes of determining the annual sales volume of a person or a separate facility of a person, sales attributable to a person are to include—

(1) in those cases in which the person is an individual, sales attributable to such person's spouse, children, grandchildren, parents, and grandparents;

(2) in those cases in which the person is a partnership or member of a partnership, sales attributable to the partnership and other partners of the partnership;

(3) for both individuals and partnerships, sales attributable to any corporation or other entity in which the person owns more than 50 percent of the stock or (if the entity is not a corporation) that the person controls; and

(4) in those cases in which the person is a corporation, sales attributable to any corporate subsidiary or other corporation or entity in which the corporation owns more than 50 percent of the stock or (if the entity is not a corporation) that the corporation controls.

Further, stock or an ownership interest in an entity that is owned by the spouse, children, grandchildren, parents, grandparents, or partners of an individual, or by a partnership in which a person is a partner, or by a corporation more than 50 percent of the stock of which is owned by a person, shall be treated as owned by the individual or person.

The reporting requirement that could be included in the order under subsection (b) to provide information needed to facilitate the making of determinations under the order and the use of the rules contained in the subsection is as follows: The order could require each person that sells cut flowers or cut greens to retailers to submit reports to the PromoFlor Council on annual sales by such person.

Reports submitted under this requirement would be subject to the confidentiality requirements provided in section 5(j) (and this subsection is cross-referenced specifically in section 5(j)—see the analysis of it above).

SECTION 7—REFERENDA

Subsection (a) of section 7 establishes the requirements for the initial referendum of qualified handlers on a cut flowers and cut greens order issued under section 4. This initial referendum would be a delayed referendum.

Subsection (a) provides that the referendum would have to occur not later than 36 months after the issuance of the order under section 4(b), and would be conducted by the Secretary of Agriculture. The persons voting in the referendum would be qualified handlers required to pay assessments under the order, and they would vote on whether they support continuation of the order then in effect.

The order could be continued only if the Secretary determines that the order is approved by a simple majority of all votes cast in the referendum. (See also the analysis of subsection (b) in the following paragraph regarding the number of votes a person can cast.) If the order is not approved, the Secretary must terminate the order as provided in subsection (d) of section 7.

Subsection (b) of section 7 will authorize qualified handlers voting in the initial referendum on the order under subsection (a) or in any other referendum on the order, as provided for in subsection (c) of section 7, to cast separate votes for each eligible separate facility it has.

Under subsection (b), a handling or marketing facility of a qualified handler would be considered a separate facility if it is physically located away from other facilities of the qualified handler or its business function is substantially different than the functions of other facilities owned or operated by the qualified handler. Further, a separate facility of a qualified handler would be considered an eligible separate facility if the annual sales of cut flowers and cut greens to retailers and exempt handlers from such facility are $750,000 or more.

Subsection (b) also provides that, for purpose of determining the amount of such annual sales, the rules set out in subparagraph (A) (who is a "qualified handler") and subparagraph (C) (how are "annual sales" determined) or paragraph (4) of section 3 would be applied here.

Subsection (c) of section 7 provides for the conduct of reconfirmation referenda to determine whether qualified handlers required to pay assessments favor suspension or termination of the order. The authority for these referenda will go into effect beginning three years after the order is approved in a referendum conducted under subsection (a) of section 7.

Subsection (c) provides for the conduct of reconfirmation referenda in one of two circumstances:

(1) At the Secretary's discretion.

(2) Whenever requested by the PromoFlor Council or by a representative group comprising 30 percent or more of all qualified handlers required to pay assessments under the order.

Subsection (d) of section 7 provides that, if—

(1) as a result of the referendum conducted under subsection (a), the Secretary determines that the order has not been approved by a simple majority of all votes cast in the referendum, or

(2) as a result of a referendum conducted under subsection (c), the Secretary determines that suspension or termination of the order is favored by a simple majority of all votes cast in the referendum[11],

the Secretary must, within 6 months after the referendum suspend or terminate (whichever the qualified handlers were voting on in the referendum) collection of assessments under the order and then suspend or terminate (whichever the qualified handlers were voting on in the referendum) activities under the order in an orderly manner as soon as practicable.

Subsection (e) of section 7 provides that referenda are to be conducted in such manner as is determined appropriate by the Secretary.

SECTION 8—PETITION AND REVIEW

Section 8, along with sections 9 and 10, contain administrative provisions that commonly are found in standard form in commodity promotion and research bills.

Subsection (a) of section 8 will authorize any person subject to a cut flowers and cut greens order issued under the bill to file with the Secretary of Agriculture a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law, and requesting a modification of, or an exemption from, the order.

Under subsection (a), the petitioner will be given the opportunity for a hearing on the petition in accordance with regulations issued by the Secretary. Any such hearing is to be—

(1) conducted in accordance with section 10(b), which gives the presiding officer at a hearing certain powers to facilitate the receipt of evidence at the hearing; and

(2) held within the United States judicial district in which the person's residence or principal place of business is located.

After a hearing, the Secretary must make a ruling on the petition, which shall be final if in accordance with law.

Subsection (b) of section 8 provides for judicial review of the Secretary's decision on a petition under subsection (a). It states that the district courts of the United States in any district in which a person that is a petitioner under subsection (a) resides or carries on business will be vested with jurisdiction to review the Secretary's ruling on the petition, if a complaint for that purpose is filed within 20 days after the date of the entry of such ruling by the Secretary. Service of process in such proceedings is to be conducted in accordance with the Federal Rules of Civil Procedure.

Under subsection (b), if the reviewing court determines that the Secretary's ruling on the person's petition is not in accordance with law, the court must remand the matter to the Secretary with directions either to—

(1) make such ruling as the court determines to be in accordance with law; or

(2) take such further action as, in the opinion of the court, the law requires.

Subsection (c) of section 8 provides that the pendency of proceedings instituted under section 8 will not impede, hinder, or delay the Attorney General or the Secretary from obtaining relief under the enforcement authorities provided by section 9 of the bill.

SECTION 9—ENFORCEMENT

Subsection (a) and (b) of section 9 will authorize court action by the Government to enforce the provisions of the bill.

Subsection (a) states that the several district courts of the United States will be vested with jurisdiction specifically to enforce, and to prevent and restrain any person from violating, the bill or an order or regulation made or issued by the Secretary of Agriculture under the bill.

Subsection (b) provides that a civil action brought under subsection (a) must be referred to the Attorney General for appropriate action. It also provides that the Secretary will not be required to refer every violation of the bill, or an order or regulation issued under the bill, to the Attorney General for the filing of such a civil action, if the Secretary believes that the administration and enforcement of the bill would be adequately served by—

(1) administrative action under subsection (c) of section 9; or

(2) suitable written notice or warning to the person who committed or is committing the violation.

Subsections (c), (d), (e), and (f) of section 9 will provide authority for the Secretary to seek civil penalties and cease and desist orders for violations under the bill, and rules governing such actions by the Secretary.

Subsection (c) will make violators subject to civil penalties as follows: A person that violates a provision of the bill, or an order or regulation issued by the Secretary under the bill, or who fails or refuses to pay, collect, or remit any assessment or fee duly required of the person under an order or regulation issued under the bill, could be assessed by the Secretary—

(1) a civil penalty of not less than $500 nor more than $5,000 for each such violation; and

(2) in the case of a willful failure to remit an assessment as required by an order or regulation, an additional penalty equal to the amount of such assessment.

And, each violation would be a separate offense. Further, in addition to or in lieu of the civil penalty, the Secretary could issue an order requiring a person to cease and desist from continuing the violation.

Subsection (c) also provides that no penalty could be assessed or cease and desist order issued by the Secretary unless the Sec-

retary gives the person against whom the penalty is assessed or the order is issued notice and opportunity for a hearing before the Secretary with respect to such violation. Any such hearing would have to be—

(1) conducted in accordance with section 10(b), which gives the presiding officer at a hearing certain powers to facilitate the receipt of evidence at the hearing; and

(2) held within the United States judicial district in which the person's residence or principal place of business is located.

The penalty assessed or cease and desist order issued under subsection (c) would be final and conclusive unless the person against whom the penalty is assessed or the order is issued files an appeal with the appropriate district court of the United States in accordance with subsection (d) of section 9.

Subsection (d) of section 9 provides for U.S. district court review of actions taken by the Secretary under subsection (c). It states that any person against whom a violation is found and a civil penalty assessed or cease and desist order issued under subsection (c) could obtain review of the penalty or order by—

(1) filing, within the 30-day period beginning on the date such penalty is assessed or order issued, a notice of appeal in the district court of the United States for the district in which such person resides or carries on business, or in the United States district court for the District of Columbia; and

(2) simultaneously sending a copy of the notice by certified mail to the Secretary.

Further, the Secretary promptly is to file in the reviewing court a certified copy of the record on which the Secretary found that the person had committed a violation.

Subsection (d) also states that a finding of the Secretary could be set aside under it only if the finding is found to be unsupported by substantial evidence.

Subsection (e) of section 9 states that a person that fails to obey a cease and desist order issued under subsection (c) after the order has become final and unappealable, or after the appropriate United States district court has entered a final judgment in favor of the Secretary, will be subject to a civil penalty assessed by the Secretary of not more than $5,000 for each offense, after opportunity for a hearing and for judicial review under the procedures specified in subsections (c) and (d). Each day during which such failure continues will be considered as a separate violation of such order.

Subsection (f) provides that, if a person fails to pay a civil penalty assessed under subsection (c) or (c) after the penalty has become final and unappealable, or after the appropriate United States district court has entered final judgment in favor of the Secretary, the Secretary is to refer the matter to the Attorney General for recovery of the amount assessed in any United States district court in which the person resides or carries on business. In such action, the validity and appropriateness of the civil penalty will not be subject to review.

Subsection (g) of section 9 states that the remedies provided in the bill are to be in addition to, and not exclusive of, other remedies that might be available. In other words, these enforcement provisions of the bill are not meant to replace any other authority the Secretary, the Attorney General, or the courts already have to ensure compliance with the laws.

SECTION 10—INVESTIGATIONS AND POWER TO SUBPOENA

Subsection (a) of section 10 addresses the investigatory powers of the Secretary of Agriculture under the bill. It states that the Secretary could make such investigations as the Secretary considers necessary for the effective administration of the bill, or to determine whether any person has engaged or is engaging in any act that constitutes a violation of the bill, or any order or regulation issued under it.

Subsection (b) of section 10 provides both the Secretary and certain hearing officers necessary powers to facilitate the gathering of evidence.

Subsection (b) provides that, for the purpose of an investigation under subsection (a), the Secretary could administer oaths and affirmations, and issue subpoenas to require the production of any records that are relevant to the inquiry. The production of any such records could be required from any place in the United States.

Subsection (b) also provides that, for the purpose of administrative hearings held under section 8(a) (on petitions for relief from the provisions of the bill) or section 9(c) (on enforcement actions brought by the Secretary), the presiding officer at the hearing could administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any records that are relevant to the inquiry. Such attendance of witnesses and the production of any such records could be required from any place in the United States.

Subsection (c) of section 9 provides for the aid of the courts in enforcing subpoenas under subsection (b). It states that, in the case of contumacy by, or refusal to obey a subpoena issued to, any person, the Secretary could invoke the aid of any court of the United States within the jurisdiction of where such investigation or proceeding is carried on, or where such person resides or carries on business, in order to enforce a subpoena issued under subsection (b). In turn, the court could issue an order requiring such person to comply with such a subpoena, and any failure to obey such order of the court could be punished by such court as contempt.

Subsection (c) also provides that process in any proceedings under it could be served in the United States judicial district in which the person being proceeded against resides or carries on business or wherever such person might be found.

SECTION 11—CONFIDENTIALITY

Subsection (a) of section 11 states that no information on how a person voted in a referendum conducted under the bill [12] could be made public.

Subsection (b) of section 11 provides penalties for violations of the confidentiality provisions of subsection (a) or of section 5(j) of the bill (protecting information provided by qualified handlers and others required to submit information under a cut flowers and cut greens order, as provided in section 5(j) or 6(b) of the bill). It states that any person knowingly violating these confidentiality provisions, on conviction, will be subject to a fine of not less than $1,000 nor more than $10,000 or to imprisonment for not more than one year, or both. Further, if the violator is an officer or employee of the Department of Agriculture or the PromoFlor Council, the person would be removed from office.

Subsection (c) of section 11 contains a further prohibition on the release of information under the bill. It states that no information obtained under the bill could be made available to any agency or officer of the Federal Government for any purpose other than the implementation of the bill and any investigatory or enforcement actions necessary for the implementation of the bill.

Subsection (d) of section 11 states that nothing in the bill is to be construed to authorize the withholding of information from Congress.

SECTION 12—AUTHORITY FOR SECRETARY TO SUSPEND OR TERMINATE ORDER

Section 12 provides that, whenever the Secretary of Agriculture finds that a cut flowers or cut greens order issued under the bill, or any provision of the order, obstructs or does not tend to effectuate the declared policy of the bill, the Secretary must terminate or suspend the operation of such order or provision under such terms as the Secretary determines appropriate.

SECTION 13—CONSTRUCTION

Section 13 provides several rules of construction to aid in the implementation of the bill.

Subsection (a) of section 13 states that the termination or suspension of a cut flowers and cut greens order, or any provision of the order, is not to be considered an order under the meaning of the bill. Among other things, this rule means that the act of suspending or terminating the order (whether based on a referendum vote or under section 12) will not be subject to the rulemaking requirements of section 4 or to an additional referendum.

Subsection (b) of section 13 states that nothing in the bill is to be construed to provide for control of production or otherwise limit the right of individual producers to produce cut flowers and cut greens. It also states that the bill seeks to treat all persons producing cut flowers and cut greens fairly and to implement any cut flowers and cut greens order equitably in every respect.

Subsection (c) of section 13 states that nothing in the bill is to be construed to preempt or supersede any other program relating to cut flowers or cut greens promotion and consumer information organized and operated under the laws of the United States or any State.

SECTION 14—REGULATIONS

Section 14 will authorize the Secretary of Agriculture to issue such regulations as are necessary to carry out the bill and the powers vested in the Secretary by the bill, including regulations relating to the assessment of late payment charges.

SECTION 15—AUTHORIZATION OF APPROPRIATIONS

Subsection (a) of section 15 will authorize to be appropriated for each fiscal year such sums as are necessary to carry out the bill.

Subsection (b) of section 15 provides, however, that no funds appropriated under subsection (a) could be used for payment of the expenses or expenditures of the PromoFlor Council in administering any provision of a cut flowers and cut greens order.

SECTION 16—SEPARABILITY

Section 16 states that, if any provision of the bill or the application of the bill to any person or circumstances is held invalid, the validity of the remainder of the bill and of the application of such provision to other persons and circumstances will not be affected.

APRIL 1, 1993.

FOOTNOTES

[1] Subsection (h) of section 5 contains a similar rule. There, direct sales to consumers by qualified handlers required to pay assessment under the cut flowers and cut greens order will be treated as a sale to a retailer for purposes of assessments; and the sale will be valued for purposes of assessing it using the same rules as those provided in subparagraph (C) here.

[2]However, it does not contain all the terms and provisions to be included in an order. Section 6 contains—(1) several rules for determining annual sales volume; (2) a rule regarding exports; and (3) an optional rule regarding reports, that also would have to appear in the order. See also the analysis of section 6 that follows.

[3]See also the description of paragraph (6) of section 3 on page 8 above.

[4]Also see the description of subsection (b) of section 5 regarding the establishment of the executive committee.

[5]The recordkeeping and reporting requirements applicable to industry members covered by the order (i.e., the qualified handlers) are set out in subsection (j) of pectin 5, which is analyzed below.

[6]The purpose for the legislation is spelled out section 2(b) described above.

[7]The term "qualified handler" is defined, for purposes of the bill (including these assessment provisions), in section 3(4)(A). See the analysis of that section above.

[8]Similarly, the terms "retailer" and "exempt handler" are defined in sections 3(9) and 3(4)(B), and are analyzed above.

[9]Referenda on the cut flowers and cut greens order under the bill are provided for in section 7 of the bill, analyzed below.

[10]The bookkeeping and reporting requirements applicable to the PromoFlor Council itself are set out in subsection (f) of section 5, which is analyzed above.

[11]See above the analysis of subsection (b) regarding the number of votes each person may cast in a referendum.

[12]See the analysis of section 7 above.

INDEPENDENT SURVEY SHOWS INDUSTRY OVERWHELMINGLY SUPPORTS PROMOFLOR

Over 78% of those responding to a survey of handlers support PromoFlor. This group reported sales of nearly $1.2 Billion in fresh cut flowers and cut greens.

An independent study was conducted by the accounting firm of Ernst & Young, at the request of the PromoFlor Organizing Group.

The PromoFlor Organizing Group painstakingly compiled a list of more than 1,400 potential handlers. Questionnaires were sent to all 1,400 potential handlers in effort to see if they qualified for PromoFlor. Of the handlers responding, 642 said they qualify.

Only those eligible to pay the assessment were included in the survey. Each of the 500 plus handlers who responded to the survey have sales of cut flowers and cut greens greater than $750,000. Ernst & Young received a 79% response rate to their survey.

PromoFlor is a grassroots, industry-supported initiative to develop a national promotion program for fresh cut flowers and cut greens.

"Based on support demonstrated by this survey, the support from all major floral organizations, and hundreds of firms who have signed up as "Friends of PromoFlor," we have a clear directive from the industry to take PromoFlor to the U.S. Congress," said Bob Wilkins and Chip Wright, Co-chairmen of the PromoFlor Organizing Group, Inc.

The following organizations are "Friends of PromoFlor."

They are in support of the passage and implementation of PromoFlor as a national promotion order for fresh cut flowers and greens.

American Floral Marketing Council.
American Floral Service, Inc.
American Institute of Floral Designers.
Association of Floral Importers of Florida.
California Cut Flower Commission.
California State Floral Association.
Colombia Flower Council.
Colorado Greenhouse Growers Association.
Florafax International.
Floral Marketing Association.
Florida Fern Growers Association.
Florists' Transworld Delivery Association.
Flower Council of Holland.
Hawaii Tropical Flower Council.
Michigan Floral Association.
Missouri State Florists' Association.
Nebraska Florists Society.
Northern California Flower Growers & Shippers Association.
Pennsylvania Florist Association.
Pennsylvania Flower Growers.
Redbook Florist Services.
Roses Inc.
Santa Barbara County Flower & Nursery Growers Association.
Society of American Florists.
Teleflora.
Texas Floral Endowment.
Texas State Florists' Association.
West Texas New Mexico Florist Association, Inc.
Wholesale Florists & Florist Supplies of America.
Wholesale Florists of Colorado.

SHORT SUMMARY

The Fresh Cut Flowers and Fresh Cut Greens Promotion and Information Act (the PromoFlor Act) will provide for a nationwide program of consumer-oriented commodity promotion, funded by handlers, to maintain and expand markets for fresh cut flowers and fresh cut greens. The legislation will be patterned after other statutes establishing successful commodity promotion and research programs, and the program itself will be implemented through a U.S. Department of Agriculture promotion "order", as under other statutes.

Scope of program: The promotion order under the PromoFlor Act will cover both domestically-grown and imported cut flowers and cut greens. Included under the program will be all flowers and foliage used as fresh cut flowers or fresh cut decorative foliage (except Christmas trees), produced either under cover or in field operations. Industry-funded activities under the program will consist of promotion, consumer information, and research.

PromoFlor Council: The promotion activities and the administration of PromoFlor order will be handled by the PromoFlor Council, a 21-member supervisory body appointed by the Secretary of Agriculture from nominations submitted by the industry. The Council would be made up of 14 wholesale handlers of cut flowers or cut greens, 3 producers who are handlers, 3 importers who are handlers, and 1 member representing retail.

Assessments: Activities under the order will be paid for by assessments uniformly applied throughout the industry on sales of cut flowers and cut greens by non-exempt handlers to retailers. Small handlers will be exempted from paying assessments, as would products that are exported. The small company exemption would cover any handler whose total sales of cut flowers and cut greens to retailers or other exempt handlers are less than $750,000 annually. No refunds of assessments would be allowed.

Assessment Rate: The initial assessment rate would be ½ of 1 percent of the gross sales price. The PromoFlor Council would be authorized to increase or decrease the assessment by as much as ¼ of 1 percent annually, with the maximum assessment level being 1 percent of gross sales price. Any such increase or decrease could be made only with the approval of the Secretary and as necessary to achieve the objectives of the PromoFlor Act.

Referenda: The PromoFlor order will not be continued unless it is approved by assessment-paying handlers in a referendum conducted within 3 years after the order is issued. Referendum approval must be by a simple majority of all votes cast. And, in all referendum votes, each handler will be entitled to cast one vote for each separate facility with gross sales of cut flowers and cut greens to retailers or exempt wholesalers annually of $750,000 or more.•

By Ms. MIKULSKI (for herself, Mr. AKAKA, Mrs. BOXER, Mrs. FEINSTEIN, Mr. GLENN, Mr. GRAHAM, Mr. HATFIELD, Mr. INOUYE, Mr. KERREY, and Mr. LEAHY):

S. 995. A bill to improve the ability of the Federal Government to prepare for and respond to major disasters, and for other purposes; to the Committee on Governmental Affairs.

FEDERAL DISASTER PREPAREDNESS AND RESPONSE ACT OF 1993

• Ms. MIKULSKI. Mr. President, I rise today to introduce legislation called the Federal Disaster Preparedness and Response Act.

No story hurts the American people more than when this country struggles with a disaster. Whether it is a terrible storm, like Hurricane Andrew, or an earthquake in California or a nuclear accident, like Three Mile Island, people want their Federal Government to have a rapid deployment capability.

They want their government to be able to respond to a 911 not only around the world, but within this country as well. They want our Federal Emergency Management Agency to be as fit for duty as the U.S. military. And I think the time has come to make this happen.

I know that for the people of Maryland, we are more likely to be hit by a hurricane in Ocean City than we are to see fleets of Russians coming up the Chesapeake Bay. When we talk about disasters in Maryland, we think of the nuclear power plant have in the State or of a devastating oil spill that could cripple the delicate ecosystem of the bay, or even of the tremendous amount of hazardous and toxic waste that travels our highways.

That is why today I am introducing legislation to reform the Federal Emergency Management Agency [FEMA], the Federal Disaster Preparedness and Response Act of 1993. My framework will reorganize FEMA so that it is fit for duty and ready to save lives, save jobs, and save communities.

My framework will create a risk-based strategy for response to Federal disasters based on an all hazards approach. It will bring down those fire walls between civil defense and natural disaster activities. It will professionalize the agency by drastically reducing the number of political appointees. And it will give this country an agency that is ready to deal with a disaster. That responds when a disaster occurs. And which will be ready to go to work when we really need to rebuild.

Here is how the bill would do this. First, we build in incentives to get FEMA and State governments to ap-

proach disasters with a risk-based flexible response.

Second, my bill tears down the fire wall in FEMA between civil defense and natural disaster activities.

Third, my plan moves emergency management into the White House so that when we anticipate a disaster like a hurricane hitting, that knowledge will trigger a White House watch. The domestic disaster unit in the White House would be headed by the Vice President and would include the Director of FEMA and other cabinet level officials depending on the level of disaster involved.

When Andrew hit, the State was in shock. Governor Chiles was trying to sort out what happened. But there was no immediate response from the Federal Government.

Under the Mikulski plan, with the White House watch, the President would be on the phone to a governor and say, "Would you want us to stand ready to give you a damage assessment that may be beyond your capability?"

Fourth, we would reduce political appointees from 34, as there were under the Bush administration, to five.

Fifth, I am calling for a complete overhaul of the Federal Response Plan within the next 6 months. That overhaul will clarify the chain of command while it respects the principle of federalism.

Sixth, the bill requires States to adopt the same all-hazards approach that we are demanding of FEMA. Federal disaster training funds will be given to States in single block grants. States could use their funds based on regional risk. But they would also be held accountable. This way, we would pool our money and administer at the local level so the Federal Government could get in quickly and just move it.

Finally, the bill moves the National Disaster Medical System from HHS to FEMA. So that all our pieces are in one place for a quicker response.

This bill is a navigational chart. I know the ideas are controversial, especially in Washington. But these ideas are also practical, useful solutions to what are often life threatening problems.

I believe the American people deserve the kind of peace of mind that a good disaster management system can give them. And I believe that they are ready to make the kind of changes they need to get an agency that is truly fit for duty.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

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

S. 995

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Federal Disaster Preparedness and Response Act of 1993".

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

Sec. 1. Short title; table of contents.
Sec. 2. Declaration of purpose.
Sec. 3. Definitions.
Sec. 4. Sense of Congress.
Sec. 5. Presidential response plan.
Sec. 6. Predeclaration authority.
Sec. 7. Domestic crisis monitoring unit.
Sec. 8. Damage and needs assessment.
Sec. 9. Catastrophic disasters.
Sec. 10. Targeted emergency grants.
Sec. 11. Reorganization of FEMA.
Sec. 12. National Academy for Fire and All Hazards Training.
Sec. 13. Research center.
Sec. 14. Repeal of Civil Defense Act.

SEC. 2. DECLARATION OF PURPOSE.

The purpose of this Act is to—

(1) improve Government preparedness for and response to catastrophic disasters;

(2) shift the emphasis of the Federal Emergency Management Agency (referred to in this Act as "FEMA") from nuclear attack-related activities to an all hazards approach;

(3) redirect the mission of FEMA to mitigation, preparedness, response, and recovery for all hazards; and

(4) ensure that FEMA adopts a risk-based strategy to improve preparedness for all hazards.

SEC. 3. DEFINITIONS.

Section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) is amended—

(1) by striking paragraph (2) and inserting the following new paragraph (2):

"(2) MAJOR DISASTER.—'Major disaster' means any occasion or instance that, as determined by the President, causes damage of sufficient severity and magnitude to warrant major disaster assistance under this Act to supplement the efforts and available resources of State and local governments, and disaster relief organizations in alleviating the damage, loss, and hardship caused by the disaster. Major disasters include disasters resulting from all hazards."; and

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

"(10) CATASTROPHIC DISASTER.—The term 'catastrophic disaster' means a major disaster that immediately overwhelms the ability of State, local, and volunteer agencies to adequately provide victims of the disaster with services necessary to sustain life.

"(11) ALL HAZARDS.—The term 'all hazards' means emergencies and disasters resulting from natural accidental or man-caused events, including, without limitation, civil disturbances and attack-related disasters.

"(12) DIRECTOR.—The term 'Director' means the Director of the Federal Emergency Management Agency.".

SEC. 4. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the Federal government should give immediate attention to developing a broad risk-based strategy for improving Federal readiness and response to major disasters;

(2) the all hazards approach is the best way to prepare the United States for all threats, including terrorism and foreign attacks;

(3) all reasonable actions should be taken to mitigate the effects of disasters;

(4) the American Red Cross and other volunteer organizations have made, and will continue to make, valuable contributions in responding to disasters nationwide by providing channels for the generous sharing of time and resources with those in need;

(5) initial response to emergencies and disasters is made by State and local agencies, whose capabilities must therefore be strengthened and maintained;

(6) private nonprofit organizations play an important role in disaster relief operations, and are an essential element of disaster preparedness, response, and recovery efforts; and

(7) hazard mitigation is an important preventive measure and is a vital element in disaster preparedness and recovery.

SEC. 5. PRESIDENTIAL RESPONSE PLAN.

Section 201 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131) is amended—

(1) by striking subsections (c), and (d);

(2) by redesignating subsection (b) as subsection (d); and

(3) by inserting after subsection (a) the following new subsections:

"(b) PRESIDENTIAL RESPONSE PLAN.—

"(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of the Federal Disaster Preparedness and Response Act of 1993, the President, acting through the Director, shall develop a Presidential Response Plan to provide Federal assistance, when requested, to States impacted by a major disaster, catastrophic disaster, or emergency, in coordination with appropriate Federal and non-Federal agencies, as determined by the President.

"(2) TRAINING EXERCISES.—The plan shall include provisions for annual training exercises to be performed by designated participants in the plan and State and local entities and private relief agencies.

"(3) OPERATIONAL PLANS.—The Director shall prepare operational plans to accompany the Presidential Response Plan, not later than 1 year after the date of enactment of the Federal Disaster Preparedness and Response Act of 1993, that shall—

"(A) describe the chains of command;

"(B) describe the specific duties of all Federal agencies involved; and

"(C) describe the relationship between, and the respective duties of, Federal, State, and local governments, and private relief agencies; and

"(D) the operational plans described in this paragraph shall be prepared for specific geographic regions designated by the Director and shall—

"(i) be based on a comprehensive risk assessment of the United States, undertaken by the Director, which assesses the probability, frequency, and severity of natural or man-made disasters occurring and having a severe impact on public health, safety, and property within various regions;

"(ii) take into account the emergency operations plans of the State and local governments in the region; and

"(iii) support the development of mutual aid agreements between and among the States and local governments.

"(c) NATIONAL DISASTER MEDICAL SYSTEM.—

"(1) TRANSFER OF FUNCTIONS.—The functions, personnel, facilities, and equipment of the National Disaster Medical System (referred to in this section as the 'System') are transferred from the Department of Health and Human Services to a new directorate established within FEMA.

"(2) MISSION OF SYSTEM.—It shall be the mission of the System to prepare for and respond to major disasters, catastrophic disasters, and emergencies that require medical assistance in excess of the medical service

capabilities of the affected States. The system shall provide for—

"(A) medical assistance to a disaster area through disaster medical assistance teams;

"(B) evacuation of patients that cannot be cared for locally; and

"(C) hospitalization through a national network of medical care facilities that agree to provide medical care to disaster victims.

"(3) LOCAL RESOURCES.—The services of the System shall supplement and not supplant State and local medical resources.

"(4) COORDINATION OF SERVICES.—The Director and the Secretary of Defense shall establish procedures, roles, and responsibilities for the provision of medical care in the event of a catastrophic disaster to ensure coordination between the System and the Department of Defense.

"(5) MILITARY CASUALTIES.—The System shall be made available to care for military casualties evacuated to the United States in the event that the medical care capabilities of the Department of Defense and the Department of Veterans Affairs are exceeded.

"(6) EVALUATION.—Not later than 180 days after the date of enactment of this subsection, the Director shall evaluate the performance of the System and the degree to which the System fulfills the intended mission of the System, and make recommendations to the President and Congress regarding potential improvements in the operations of the System.

"(7) DISASTER MEDICAL ASSISTANCE TEAMS.—

"(A) ESTABLISHMENT.—Not later than 1 year after the date of enactment of the Federal Disaster Preparedness and Response Act of 1993, the Director shall take steps necessary to ensure that not fewer than 20 disaster medical assistance teams are established and are made operational. The Director shall develop standards and guidelines for equipment, staffing, operations, and regular training of the disaster medical assistance teams not later than 1 year after the date of enactment of the Federal Disaster Preparedness and Response Act of 1993.

"(B) EMPLOYMENT SECURITY.—A volunteer who leaves a position (other than a temporary position) in the service of an employer to perform services in conjunction with a disaster medical assistance team, and makes application for reemployment within 90 days after the completion of service or release from hospitalization continuing after completion of service for a period of not more than 1 year shall—

"(i) if still qualified to perform the duties of the position or able to become requalified with reasonable efforts by the employer, be restored to the position or to a position of like seniority, status, and pay; or

"(ii) if not qualified to perform the duties of the position or able to become requalified with reasonable efforts by the employer, by reason of disability sustained during service, but qualified to perform the duties of any other position in the employ of the employer, be offered employment and, if the person so requests, be employed in such other position the duties of which the person is qualified to perform as will provide the person like seniority, status, and pay, or the nearest approximation of seniority, status, and pay, consistent with the circumstances of the case, unless the circumstances of the employer have so changed as to make it impossible or unreasonable to do so.

"(C) CONSTRUCTION WITH OTHER LAWS.—Nothing in this subsection shall excuse noncompliance with any law of a State or political subdivision establishing greater or additional rights or protections than the rights and protections established under this subsection.

"(8) AUTHORIZATION OF APPROPRIATIONS.—Beginning with fiscal year 1994, there are authorized to be appropriated to the National Disaster Medical System $20,000,000 for each fiscal year, including $5,000,000 for the Disaster Medical Assistance Teams.

"(d) ROLE OF NATIONAL GUARD.—

"(1) REVIEW.—The Secretary of Defense, in cooperation with the Director, shall direct the Chief, National Guard Bureau, to review the role of the National Guard in responding to major disasters and emergencies and make recommendations to the President. The recommendations shall address—

"(A) how the National Guard could better prepare for and respond to major disasters and emergencies;

"(B) how the force structure of the National Guard could be adjusted to provide Governors with improved immediate access to critical assets during an emergency;

"(C) how the National Guard should be integrated with the Presidential Response Plan;

"(D) how the National Guard should coordinate with the Disaster Medical Assistance Teams in preparing for and responding to disasters and emergencies;

"(E) the development by the Chief, National Guard Bureau, of a format for an interstate compact that, when subscribed to by the States, facilitates the mutual use of National Guard assets across State borders during national disasters and domestic emergencies; and

"(F) a study by the National Academy of Public Administration, to determine the feasibility of recommending to the Governors that the Adjutant General of the State be identified as the State Coordinating Official in all dealings with Federal agencies during natural disasters and domestic emergencies.

"(2) REPORT.—Not later than 1 year after the date of enactment of this section, the Secretary of Defense shall report to the President and Congress on the results of the review.

"(3) ALL HAZARDS RESPONSE TRAINING.—The Chief, National Guard Bureau, shall require National Guard units or members to participate in specialized training and exercises designed to enhance the readiness of the National Guard to respond to all hazards. Up to 5 percent of the funds appropriated for the military pay and operations and maintenance of the Army and Air National Guard may be used to fund the training and exercises.

"(4) INTERSTATE MUTUAL ASSISTANCE COMPACT.—The States are encouraged to enter into a nationwide compact for the mutual use of National Guard assets across State borders during domestic disasters and emergencies.

"(5) RESPONSE TO DISASTERS AND REIMBURSEMENT FOR AUTHORIZED ACTIVITIES.—To assure more effective and rapid responses by National Guard units to natural disasters and domestic emergencies, the Chief, National Guard Bureau, is authorized to approve reimbursement to a State or States for all or any part of expenses incurred as a result of the use of the National Guard in any natural disaster or domestic emergency at the onset of the disaster or domestic emergency in any instance in which, in the judgment of the Governor of the affected State, it is probable that the occurrence will result in a declaration of a national emergency.

"(A) ELIGIBILITY.—For a State to be eligible for reimbursement under this subsection for deployment of its National Guard units in support of a natural disaster and domestic emergency, the National Guard units must be deployed in a State active duty status.

"(B) SOURCE OF FUNDS.—Funds available for disbursement to the States under this subsection shall come from the funds appropriated to the disaster relief fund.

"(C) APPROVAL.—A request by a Governor for reimbursement for use of the National Guard of the State shall be submitted to the Director, and the Director, upon validation of eligible activities, shall issue the necessary funding documents to effect reimbursement to the State.

"(D) CONSISTENCE WITH ACT.—In instances of natural disasters and domestic emergencies that result in a Federal declaration of a disaster or emergency by the President, the Director shall ensure that all funding reimbursement is in accordance with this Act, at a Federal share rate determined for that occurrence.

"(6) TRAINING AND COORDINATION WITH STATE ENTITIES.—

"(A) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 to the National Guard through FEMA to conduct disaster and emergency training exercises in conjunction with appropriate State and local entities.

"(B) ALLOCATION.—The Director shall allocate the funds made available under subparagraph (A) to the States.

"(C) USE OF FUNDS.—

"(i) IN GENERAL.—Funds made available under this paragraph shall be used to enhance the preparedness of States for disasters and emergencies.

"(ii) MINIMUM TRAINING.—The National Guard shall be required to conduct at least 2 disaster preparedness training exercises annually in every State, in conjunction with appropriate State and local entities.

"(e) DISASTER RESOURCE INVENTORY.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Federal Disaster Preparedness and Response Act of 1993, the Director shall complete an inventory of resources that are available to the Federal Government, including medical assets and foreign language communication, through public or private entities, for use or deployment, or both, in disaster relief or search and rescue operations following a major disaster, catastrophic disaster, or emergency. Each item in the inventory shall include the information necessary for prompt access to the resource.

"(2) ORGANIZATION.—The inventory shall be organized to facilitate the dispatch of resources on a regional basis. This paragraph shall not be construed to preclude the dispatch of specialized equipment or scarce resources from outside the geographic proximity of the disaster or emergency.

"(3) AVAILABILITY.—The Director shall ensure that the inventory is made available to the Governor of each State for the purposes of formulating a request for the declaration of a major disaster, catastrophic disaster, or emergency.

"(4) MAINTENANCE.—The Director shall ensure that information contained in the inventory is current and accurate.

"(5) STATE PARTICIPATION.—

"(A) IN GENERAL.—Not later than 90 days after the establishment of the inventory, the Director shall request each Governor of a State to identify the State Coordinating Officer and other public safety officials who are responsible for coordinating or overseeing State and local response to disasters and emergencies in the State.

"(B) ACCESS.—A public safety official designated under subparagraph (A) shall have direct and immediate access to the information contained in the inventory to expedite State and local responses to disasters and emergencies not declared by the President.

"(f) VOLUNTEERS.—Not later than 180 days after the date of enactment of the Federal Disaster Preparedness and Response Act of 1993, the Director shall—

"(1) establish a system that is coordinated with systems of private relief agencies to manage and utilize spontaneous disaster volunteers to carry out priority disaster response services; and

"(2) report to Congress on the system.

"(g) DONATED GOODS.—Not later than 180 days after the date of enactment of the Federal Disaster Preparedness and Response Act of 1993, the Director shall—

"(1) establish a system for the management of goods donated to the Federal Government to support disaster victims; and

"(2) report to Congress on the system.".

SEC. 6. PREDECLARATION AUTHORITY.

Title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) is amended by adding at the end the following new section:

"SEC. 203. PREDECLARATION AUTHORITY.

"(a) AUTHORITY.—When, in the determination of the Director, events indicate that an emergency, major disaster or catastrophic disaster is likely to be declared, a Federal agency, in consultation with the Director, may take such actions as the agency considers necessary to prepare to provide Federal assistance to State and local governments and to disaster victims.

"(b) REIMBURSEMENT.—The Federal agency shall be reimbursed by the disaster relief fund for the cost of actions taken in accordance with this section.".

SEC. 7. DOMESTIC CRISIS MONITORING UNIT.

(a) ESTABLISHMENT.—Not later than 30 days of the date after the enactment of this section, the President shall establish a unit within the White House to be known as the "Domestic Crisis Monitoring Unit".

(b) HEAD.—The Domestic Crisis Preparedness and Monitoring Unit shall be headed by the Vice President.

(c) OTHER PARTICIPANTS.—The Cabinet Secretary, or a designee of the Secretary, and the Director, or a designee of the Director, shall be detailed to the unit upon activation.

(d) RESPONSIBILITIES.—The head of the Domestic Crisis Monitoring Unit shall—

(1) monitor potential and pending disasters and emergencies;

(2) notify the President and Federal agencies of impending disasters and emergencies as soon as practicable; and

(3) ensure effective, coordinated, and rapid Federal agency response in the immediate aftermath of a catastrophic disaster or emergency.

(e) COORDINATION OF ACTIVITIES.—The head of the Domestic Crisis Monitoring Unit shall coordinate with the Director and the Governors of States affected by a catastrophic disaster or emergency or in which a catastrophic disaster or emergency is likely to be declared.

(f) ACTIVATION.—The President shall activate the Domestic Crisis Monitoring Unit during the warning stages of a major or catastrophic disaster, or immediately following a catastrophic disaster when there is no warning, and shall remain activated until the President determines that continued activation is unwarranted.

(g) ROLE OF FEDERAL COORDINATING OFFICER.—

(1) CHIEF OF PRESIDENTIAL RESPONSE PLAN.—After activation of the Domestic Crisis Monitoring Unit, the Federal Coordinating Officer shall retain authority as the chief administrator of the Presidential Response Plan.

(2) COORDINATION OF PLAN PARTICIPANTS.—The Federal Coordinating Officer shall coordinate the activities of the participants of the Plan, including consulting with participating agencies to determine disaster response priorities and directing participating agencies to carry out assignments as needed.

SEC. 8. DAMAGE AND NEEDS ASSESSMENT.

Title III of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5141 et seq.) is amended by adding at the end the following new section:

"SEC. 322. DISASTER STRIKE TEAMS.

"(a) IN GENERAL.—Not later than 6 months after the date of enactment of this section, the Director shall establish disaster strike teams to be deployed at the discretion of the Director to an area where a major disaster, catastrophic disaster, or emergency is likely to be declared. The Director or other FEMA official designated by the Director shall lead each such strike team, which shall have the purpose of assessing damage and resulting needs.

"(b) COMPOSITION.—The Director shall designate experts and officials from appropriate Federal agencies, including FEMA and the Department of Defense, supported by representatives of State and local agencies, and private relief agencies, to serve on the disaster strike teams.

"(c) DETAIL OF GOVERNMENT EMPLOYEES.—Upon the request of the Director, the head of any Federal agency shall detail to temporary duty with a strike team on a nonreimbursable basis, such personnel within the administrative jurisdiction of the head of the Federal agency as the Director may need or believe to be useful for carrying out the functions of the strike team. Each such detail shall be without loss of seniority, pay, or other employee status.

"(d) EXERCISES.—The strike teams shall conduct practice exercises at least annually, including officials from appropriate Federal, State, and local agencies.

"(e) DAMAGE AND NEEDS ASSESSMENT.—

"(1) IN GENERAL.—Not later than 3 hours after the onset of a potential or actual catastrophic disaster, the Director shall deploy a strike team established under subsection (a) to evaluate the extent of the damage and the resulting needs for authorized Federal disaster relief assistance.

"(2) RECOMMENDATIONS.—As soon as possible after deployment, a strike team shall make recommendations to the Director, the President, and the Governors of the affected States regarding the damage and the resources needed to provide life support to the affected areas. The recommendation shall classify the disaster and the anticipated level of response according to a graduated scale developed by the Director as part of the Presidential Response Plan.

"(3) COORDINATION WITH STATE AND LOCAL OFFICIALS.—The damage and needs assessments shall be conducted in coordination with the State and local officials of the affected area.".

SEC. 9. CATASTROPHIC DISASTERS.

Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.) is amended by adding at the end the following new section:

"SEC. 425. CATASTROPHIC DISASTERS.

"(a) DECLARATION.—

"(1) RECOMMENDATION BY DISASTER STRIKE TEAMS.—At the onset of a disaster in which the disaster strike teams established under section 322(a) have been deployed, or immediately thereafter, the disaster strike teams shall make concurrent recommendations to the Director, the President, and the Governors of the affected States, the Director, and the President as to whether the disaster should be declared a catastrophic disaster.

"(2) REQUEST FOR DECLARATION.—Requests for a declaration by the President that a catastrophic disaster exists shall be made by the Governors of the affected States. A request for a major disaster declaration complying with the requirements of section 401 may accompany the request for a declaration of a catastrophic disaster.

"(3) FINAL DETERMINATION.—Based on a request or requests under paragraph (2), the President may declare that a catastrophic disaster, a major disaster, or an emergency exists. A determination by the President that a catastrophic disaster or an emergency exists shall be final.

"(b) EFFECT OF DETERMINATION.—

"(1) FEDERAL SHARE.—Notwithstanding section 403 (b) and (c)(4), the Federal share of the eligible cost of essential direct Federal assistance necessary to sustain life or to protect property following a catastrophic disaster declaration shall be—

"(A) for the first 72 hours (and for up to an additional 96 hours, at the discretion of the President) 100 percent; and

"(B) after the assistance provided under subparagraph (A), not less than 75 percent.

"(2) DISASTER RESPONSE AND MASS CARE.—Upon the declaration of a catastrophic disaster, the Federal Coordinating Officer shall assume an active role in determining whether ancillary resources, such as the resources of the Department of Defense, are required to support any disaster response function. Upon the determination that ancillary resources are required for mass care, the Federal Coordinating Officer will actively assist the American Red Cross in obtaining the resources of the Federal agencies.

"(3) RESPONSIBILITY OF THE DEPARTMENT OF DEFENSE.—

"(A) IN GENERAL.—Following the declaration of a catastrophic disaster, the Secretary of Defense shall, when requested by the President and with the concurrence of the Governor of the affected State, provide to persons adversely affected by the disaster, disaster response services not otherwise available from State, local, or volunteer agencies, including—

"(i) food, water, and shelter;

"(ii) communications;

"(iii) debris removal;

"(iv) medical assistance; and

"(v) any other services necessary to sustain human life or to promote recovery.

"(B) REIMBURSEMENT.—The Secretary of Defense shall be reimbursed by the disaster relief fund for the provision of disaster response services described in subpara-graph (A).

"(C) DIRECTION OF ACTIVITIES.—The provision of disaster response services under subparagraph (A) and the administration of relief by consenting State, local, and volunteer agencies shall be directed by the Federal Coordinating Officer in consultation with the Vice President in coordination with the Governors of the affected States or a designee of the Governors. After a declaration of a catastrophic disaster, specific requests by the Governors for the individual disaster response services described in subparagraph (A) shall not be necessary.

"(D) TRAINING.—The Secretary of Defense shall undertake necessary training and exercises to ensure preparedness for this humanitarian mission.

"(E) CONTINGENCY PLAN.—The Director shall develop a contingency plan for the provision of disaster response services described in subparagraph (A) in the event that sufficient disaster response services are unavailable under subparagraph (A).

"(4) ADDITIONAL ASSISTANCE.—

"(A) IN GENERAL.—Subject to subparagraph (B), the assistance provided in this subsection shall supplement and not supplant the major disaster assistance programs provided in titles IV and V.

"(B) EXCEPTION.—Sections 302 and 303 shall not apply to catastrophic disasters for the period described in paragraph (1)(A).".

SEC. 10. TARGETED EMERGENCY GRANTS.

(a) IN GENERAL.—Title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as amended by section 6 of this Act) is further amended by adding at the end the following new section:

"SEC. 204. TARGETED EMERGENCY GRANTS.

"(a) IN GENERAL.—The Director shall establish a grant program for the purposes of enabling States to prepare for, respond to, and recover from major disasters or emergencies, including evaluations of hazards in the State. Applications for a grant shall be reviewed by the Director, and grant awards shall be based on the degree of risk of major disasters or emergencies involved. Grants shall be provided only upon compliance by the applicant State with the performance standards established under subsection (b).

"(b) PERFORMANCE STANDARDS.—

"(1) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this section, the Director shall establish performance standards to determine eligibility and application procedures for a grant award under this section.

"(2) CRITERIA.—The performance standards shall be based on the relative severity of risk to public health, safety, and property at risk in the State, and shall include provisions for—

"(A) updating emergency operations plans annually;

"(B) ensuring interoperability between Federal, State, and local emergency operations plans;

"(C) conducting training and annual exercises with all appropriate entities including the National Guard; and

"(D) requiring appropriate hazard mitigation activities.

"(3) PERFORMANCE REVIEW.—The Director shall conduct annual performance reviews of State emergency operations plans based on the criteria described in paragraph (2).

"(4) NOTIFICATION.—The Director shall notify a State that does not meet the performance standards within 60 days of review. In the notice, the Director shall direct the State as to the steps that must be taken to meet the performance standards.

"(5) OPPORTUNITY TO COMPLY.—A State that does not meet the performance standards shall be given an additional 60 days to comply.

"(c) FEDERAL SHARE OF GRANT.—The Federal share of a grant under this section shall be 50 percent of the cost of updating the emergency preparedness activities of a State.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $200,000,000 for each of fiscal years 1994 through 1998.".

(b) FEDERAL SHARE OF ASSISTANCE.—Title VI of such Act (42 U.S.C. 5201 et seq.) is amended by adding at the end the following new section:

"SEC. 604. COMPLIANCE WITH PERFORMANCE STANDARDS.

"(a) IN GENERAL.—Notwithstanding any other provision of this Act, the Director shall establish a sliding scale, in accordance with subsection (c), setting forth the Federal share of the cost of eligible assistance to be provided under this section during the long-term recovery period following a disaster or emergency for a State that is not in compliance with the performance standards established under section 204.

"(b) LONG-TERM RECOVERY DEFINED.—For the purposes of this section, the term 'long-term recovery' means the results of activities undertaken to restore an affected area to the original condition of the area and that are not necessary to protect human health and public safety in the immediate aftermath of a disaster.

"(c) SLIDING SCALE.—On the sliding scale established under subsection (a), the Federal share shall not exceed 70 percent of the cost of long-term recovery for each year the State remains out of compliance with the performance standards. States that are not in compliance with performance standards shall pay a greater share of Federal assistance.".

(c) CONFORMING AMENDMENTS.—

(1) Section 201 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131) is amended by striking subsection (d).

(2) Section 404 of such Act (42 U.S.C. 5170c) is repealed.

(3) Section 106(c) of the Housing and Community Development Act of 1974 (42 U.S.C. 5306(c)) is amended by striking paragraph (4).

(4) Section 5(b)(2)(A) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7704(b)(2)(A)) is amended—

(A) by striking clause (iv); and

(B) by redesignating clauses (v) and (vi) as clauses (iv) and (v), respectively.

SEC. 11. REORGANIZATION OF FEMA.

(a) IN GENERAL.—The Director shall restructure FEMA to—

(1) implement an all hazards approach to disaster management that includes activities and measures designed or undertaken to—

(A) minimize the effects of natural disasters, civil disturbances, or attack-related emergencies and disasters;

(B) respond to the immediate emergency conditions that are created by the disasters; and

(C) effectuate emergency repairs to, or the emergency restoration of, vital utilities and facilities destroyed or damaged by a disaster, subject to reimbursement by private utilities;

(2) utilize resources dedicated to defense-related programs on the date of enactment of this Act to respond to major disasters, catastrophic disasters, and emergencies;

(3) redefine the relationship between the Director and FEMA headquarters and regional offices to ensure effective disaster planning and response; and

(4) reduce the number of regional offices and locate the offices in areas the Director identifies as high risk.

(b) REDESIGNATION OF EMPLOYEE POSITIONS.—Not later than December 31, 1995, the following employee positions within FEMA shall be classified as career reserved positions within the meaning of section 3132(a)(8) of title 5, United States Code:

(1) The position of Executive Director of FEMA/Chief of Staff of FEMA.

(2) The position of Federal Insurance Administrator.

(3) The position of Administrator of the United States Fire Administration.

(4) The position of Superintendent of the National Academy for Fire Prevention and Control.

(5) The positions of Regional Director of FEMA, which shall be reduced in number.

(6) The position of General Counsel of FEMA.

(7) The position of Senior Advisor to the State and Local Programs and Support Directorate.

(8) Positions of a confidential or policy-determining character described in schedule C of subpart C of part 213 of title 5, Code of Federal Regulations.

(c) CONFORMING AMENDMENTS.—

(1) Section 5(b) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2204(b)) is amended by striking "appointed by the President, by and with the advice and consent of the Senate, and shall be".

(2) Section 7(b) of such Act (15 U.S.C. 2206(b)) is amended by striking ", who shall be appointed by the Secretary".

SEC. 12. NATIONAL ACADEMY FOR FIRE AND ALL HAZARDS TRAINING.

(a) ESTABLISHMENT.—The National Academy for Fire Prevention and Control and the Emergency Management Institute operated by FEMA are abolished and merged into the National Academy for Fire and All Hazards Training. The National Academy for Fire and All Hazards Training shall provide appropriate education for fire prevention and control of all hazards emergency management.

(b) REDESIGNATION OF TRAINING ACADEMY.—Section 7 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2206) is amended—

(1) in subsection (a), by striking "National Academy for Fire Prevention and Control" and inserting "National Academy for Fire and All Hazards Training"; and

(2) in subsection (d)—

(A) by striking "and" at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting "; and"; and

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

"(6) train employees of the Federal Emergency Management Agency and State and local officials in all hazards, as defined in section 102(11) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(11)).".

(c) CONFORMING AMENDMENT.—Section 4 of such Act (15 U.S.C. 2203) is amended by striking "National Academy for Fire Prevention and Control" and inserting "National Academy for Fire and All Hazards Training".

(d) TRANSFER OF FUNCTIONS AND RESOURCES.—The Director of the Federal Emergency Management Agency shall transfer the functions, personnel, facilities, and equipment of the Emergency Management Institute existing on the date of enactment of this Act to the National Academy for Fire and All Hazards Training.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 17 of such Act (15 U.S.C. 2216) is amended by adding at the end the following new subsection:

"(h) There are authorized to be appropriated for the National Academy for Fire and All Hazards Training $80,000,000 for each of fiscal years 1994 through 1998.".

SEC. 13. RESEARCH CENTER.

Title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as

amended by sections 6 and 10(a) of this Act) is further amended by adding at the end the following new section:

"SEC. 205. RESEARCH CENTER.

"(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this section, the Director shall establish a university-based research center to—

"(1) conduct research on disaster management methods, technologies, mitigation and response systems;

"(2) develop a curriculum for disaster management and related fields curriculum; and

"(3) provide education and training to the emergency response community.

"(b) COMPOSITION.—The university or universities shall be selected by the Director following a competitive selection process.

"(c) REPORT.—The center shall report annually to the President and Congress on the activities of the consortium.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 1994 and 1995.".

SEC. 14. REPEAL OF CIVIL DEFENSE ACT.-

(a) REPEAL.—The Federal Civil Defense Act of 1950 (50 U.S.C. App. 2251 et seq.) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 813(d)(2) of the Agricultural Act of 1970 (7 U.S.C. 1427a(d)(2)) is amended by striking "as proclaimed" and all that follows through the period and inserting a period.

(2) Section 310 of title 23, United States Code, is amended by striking "Federal Civil Defense Administrator" and inserting "Director of the Federal Emergency Management Agency".

(3) Section 202 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5132) is amended—

(A) by striking subsection (c); and

(B) by redesignating subsection (d) as subsection (c).●

By Mr. METZENBAUM (for himself, Mr. DOLE, Mr. DODD, and Mr. REID):

S. 996, a bill to require that educational organizations that offer educational programs to minors for a fee disclose certain information; to the Committee on Labor and Human Resources.

EDUCATIONAL ORGANIZATIONS DISCLOSURE ACT OF 1993

Mr. METZENBAUM. Mr. President, my esteemed colleague, minority leader DOLE, wrote the Members of this body in November 1992 about the questionable recruiting practices of the Congressional Youth Leadership Council [CYLC], a nonprofit, tax-exempt educational organization. Senator DOLE urged those Senators who were listed as members of CYLC's honorary board of advisers to formally disassociate themselves from the group.

Although I am not an honorary board adviser to CYLC, I was somewhat familiar with the group, as many youngsters from Ohio travel to Washington to participate in the CYLC's seminars. Each week, some 20–30 unchaperoned teens visit my Senate office as part of the CYLC program that accommodates about 350 students from around the Nation some 24 times a year.

Prompted by Senator DOLE's letter, I examined the organization's structure and am equally troubled by what I have learned.

Since 1985 CYLC has been organizing Week-in-Washington youth seminars, directed at high school juniors and seniors.

Senator DOLE raised concerns about misleading language in the CYLC's solicitation to students which suggests that recruitment is extremely selective and that all participants are part of an exclusive educational event. Indeed, students receive an invitation printed on heavy stock with their names written in calligraphy which arrives in their homes by certified mail. They are congratulated on their "nomination" to represent their State. The parents of these 15- and 16-year-olds are led to believe that their child is one of "fewer than 2 percent of all secondary school students nationwide who are eligible to participate. And understandably, these parents read the nomination, and there is a great sense of pride that comes to them.

However, nowhere in the CYLC's informational brochure, recruitment letters, or correspondence to teachers and parents does it advise that students names are rented from a mailing list vendor with whom CYLC has an exclusive contract. Indeed, the CYLC paid $91,000 for mailing list rentals last year alone, suggesting an overwhelming reliance on direct mail for recruitment.

Furthermore, the CYLC does not absorb the cost to provide facilities for physically challenged youngsters. The students and their families pay full tuition plus any extra cost resulting from such services as deaf interpreters or wheelchair lifts. Yet the program expenses are relatively low to CYLC. Students stay four-to-a-room at low-cost dorms and participate in many free events, such as visiting the floor of the House of Representatives. There are no scholarships and efforts to insure racial and economic diversity are limited to providing the youths a self-published booklet, entitled "You Can Do It," which gives tips on community-based fund raising to gain their tuition.

CYLC was founded by a former Senate staff member and a former teacher. They have both been members of the board of directors and are president and vice president of the nonprofit corporation. One or both have been members of CYLC's board at all times since its incorporation.

These same two individuals are also the sole officers and directors of a for-profit company, National Capital Resources [Capital Resources]. This company provides CYLC services such as management and marketing, and for these services Capital Resources is compensated handsomely. They recently founded a second nonprofit, tax-exempt (501(c)(3)) educational organization, the National Youth Leadership Forum [The Forum]. The Forum also solicits high school students to participate in week-long programs concentrating on career options.

Capital Resources, in turn, has contracts with the Forum for operations and program management that appear to assign virtually all of the Forum's revenue to Capital Resources.

Each of the 9,000 youngsters registered in the CYLC's program last year paid the so-called educational organization $730, not including air fare. Total revenues from the seminars were over $6 million. I understand that CYLC is now offering a 10-day summer program for $1,200, not including air fare.

Capital Resources, which was incorporated in February 1990, had been paid 20 percent of the tax exempt CYLC's revenue, over $3 million, during a period of less than 3 years. It appears Capital Resources also receives over 90 percent of each student's full enrollment fee from the career-oriented Forum's programs on top of a $7,000 a month management fee from that tax-exempt nonprofit organization.

The National Charities Information Bureau [NCIB] has reviewed certain tax returns, financial statements, and management contracts of the two nonprofit organizations and concluded that "because of the financial relationship between Capital Resources and CYLC and the relationships of its officers to both entities, we see a clear conflict of interest". The NCIB also raises the question of whether CYLC is really a charity or merely a promotional device for Capital Resources.

Two March 7, 1993, articles appearing in the Californian, a Bakersfield paper, quoted the principal of Bakersfield High School who said "at best average students at his school were being selected as congressional scholars with a whirlwind tour, but they had to pay a significant fee and arrange their own transportation." He went on to say in the articles "my first feeling is this is a rip-off." The stories also pointed out that "at least two D-average students and one expelled gang member" in his district have received letters nominating them to "Represent California as a congressional scholar." The article calls these types of enterprises "honors scams" that "prey on the good intentions of parents who are naturally proud of their children."

Mr. President, I am sending to the desk a bill cosponsored by Senator DOLE, who first brought the practice to our attention, and by Senator DODD, distinguished chairman of the Subcommittee on Children and Families, who has devoted so much of his attention to protecting those most affected by honors scams, the children.

The bill will require organizations that offer such programs to minors for a fee to honestly disclose how the young people were selected and what their money will go for. It protects par-

ticipants from discrimination due to disabilities or race or financial hardship. I urge my colleagues to support this measure.

I ask unanimous consent that the bill be written into the RECORD at this time. I also ask unanimous consent that the news articles referred to in my statement be included in the RECORD.

I also ask unanimous consent that Senator REID be added as a cosponsor.

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

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

S. 996

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

SECTION 1. DEFINITIONS.

As used in this Act:

(1) DISABILITY.—The term "disability" has the same meaning given to such term by section 3(2) of the Americans with Disabilities Act of 1990.

(2) EDUCATIONAL ORGANIZATION.—The term "educational organization" means any organization or entity that is engaged in the business of providing educational programs to minors for a fee. Such term does not include a local educational agency, an elementary school, a secondary school, an organization sponsored by an elementary or secondary school, a recreational organization, or a social club.

(3) ELEMENTARY SCHOOL.—The term "elementary school" has the same meaning given to such term by section 1471(8) of the Elementary and Secondary Education Act of 1965.

(4) EDUCATIONAL PROGRAM.—The term "educational program" means a program, service, activity or seminar which has as its primary function the presentation of formal instruction, is offered away from a student's regular place of school attendance, includes at least one supervised night away from home, and is intended to enhance a student's regular course of study. Such term does not include a recreational program, or a social or religious activity.

(5) LOCAL EDUCATIONAL AGENCY.—The term "local educational agency" has the same meaning given to such term by section 1471(12) of the Elementary and Secondary Education Act of 1965.

(6) MINOR.—The term "minor" means an individual who has not attained the age of 18.

(7) PARENT.—The term "parent" includes a legal guardian or other person standing in loco parentis.

(8) SECONDARY SCHOOL.—The term "secondary school" has the same meaning given to such term by section 1471(21) of the Elementary and Secondary Education Act of 1965.

(9) MEMBERSHIP ORGANIZATION.—The term "membership organization" includes any organization that maintains a membership list or collects dues or membership fees from its members.

(10) RECREATIONAL ORGANIZATION.—The term "recreational organization" includes any organization or entity that has as its primary function pleasure, amusement, or sports activities.

(11) RECREATIONAL PROGRAMS.—The term "recreational programs" includes any activity or service that is intended as an entertainment pastime.

SEC. 2. DISCLOSURE REQUIREMENTS.

Each educational organization, prior to accepting funds for the cost of a minor's participation in an educational program operated by such organization, shall disclose the following information in written form to the minor or the minor's parent:

(1) METHOD OF SOLICITATION AND SELECTION.—The method of solicitation and selection of participants in the educational program, including—

(A) the origin of any mailing list used for such solicitation and selection;

(B) any recruitment through teacher or school personnel, including any enticements offered to such teacher or personnel for the recommendation of a minor for participation in the educational program;

(C) any open enrollment activity, including the method of outreach; and

(D) any cooperation with, or sponsorship by, a membership organization, including a description of the cooperation or sponsorship and the name of each such organization.

(2) COSTS AND FEES.—Information regarding the cost of the educational program and information regarding the distribution of any enrollment fee, including—

(A) the amount paid for, and the percentage of the total educational program cost of, each feature of the educational program, including—

(i) food;

(ii) lodging;

(iii) transportation;

(iv) program staffing;

(v) textbooks, syllabi, or other scholastic educational program materials;

(vi) speaker fees; and

(vii) administrative expenses, including expenses related to—

(I) the preparation of non-scholastic educational program materials;

(II) the provision of financial assistance;

(III) mailing list rental or other recruitment activity; and

(IV) administrative salaries and consulting fees;

(B) the identity of the organization or business providing each of the features described in clauses (i) through (vii) of subparagraph (A); and

(C) the nature of any relationship of any board member, officer, or employee of the educational organization to any organization or business described in subparagraph (B), including the salary or other compensation paid by such organization or business to such Board member, officer, or employee.

SEC. 3. NONDISCRIMINATORY ENROLLMENT AND SERVICE POLICY.

(a) IN GENERAL.—Each educational organization shall include a verifiable statement on all enrollment or recruitment material that the educational organization does not—

(1) fail or refuse to hire, or discharge, any individual, or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment; or

(2) exclude any student from participation in an educational program, discriminate against any student in providing the benefits associated with such program (including any scholarship or financial assistance, and use of any facility), or subject the student to discrimination under such program,

on the basis of race, disability, or residence in a low-income area.

(b) CONSTRUCTION.—Nothing in this section shall be construed to entitle a student to—

(1) participation in an educational program or any benefit associated with such program; or

(2) a waiver of any fee charged for such participation or benefit.

SEC. 4. ENFORCEMENT.

(a) IN GENERAL.—The Secretary of Education shall monitor compliance with the provisions of this Act.

(b) CIVIL PENALTY.—If an educational organization knowingly violates any provision of this Act, the Secretary of Education, after notice and opportunity for hearing, may impose on such organization a civil fine of not more than $1,000 for each such violation.

[From The Bakersfield Californian, Mar. 7, 1993]

MARKETERS PEDDLE "HONORS"

(By Roberta Westerfield)

The state calls it "Honors Scam," congratulatory letters that are thinly veiled marketing schemes targeted at high school students.

The letters, sent by impressive-sounding associations or companies, typically confer their congratulations and honors by asking parents to cough up some cash for trips, albums, books and certificates.

"It is clear that parents are being scammed," said Bill Rukeyser, a state Department of Education spokesman. "That's not to imply illegality, but the taking advantage of people who may not be real sophisticated about what's worth an investment and what's not."

State and local educators urge parents to read between the lines when official-looking mail is dropped at the students' doorstep.

If it costs money, it's usually not an honor, they say.

Parents should question the value of offers that ask for payment to attend conferences, obtain "honors" or to get their student's biography published in a directory of outstanding high school students.

Beware, too, they say, of any promise to improve student's chances of being admitted to a particular college or university.

"What we emphasize over and over again is the most valuable thing your child is going to get is a diploma," Rukeyser said. "Our advice is take the kid out to dinner or put the money toward a portable typewriter."

Kern County educators said spring is prime season for mailers—local high schools and students' homes can be inundated with offers asking parents to spend anywhere from about $40 for a book containing their child's biography to $1,500 for tuition, transportation and other expenses for "academic" conferences.

Bill Bruce, principal of Bakersfield High School, said he sees it all the time.

For example, the Congressional Youth Leadership Council in Washington, D.C., has direct-mailed nomination letters to "at-best average" students at BHS, the principal said.

"They were being selected as a congressional scholar with a whirlwind tour, but they had to pay a significant fee and arrange their own transportation," Bruce said. "My first feeling is this is a rip-off—they're sending out tens of thousands of these and if they get a few hundred responses . . . they arrange a tour and make a lot of money."

The Leadership Council is among several Washington-based non-profit organizations that bring high school students to the nation's capital for lessons in civics.

It purports to "identify and honor a select group of exceptional high school students and allow them the opportunity to witness history in the making," according to the "nominating" letter it sends to students.

At least two D-average students and one expelled gang-member in the Kern High

School District have received letters nominating them to "represent California as a Congressional Scholar."

"Parents need to be cautious and even suspicious at these particular 'honors,' especially if their kid's grades don't warrant it," Bruce said. "They have to question what generated the nomination—we don't nominate to something they have to pay for.

"Who is it and what does it represent and what is the honor?" he said. "I'm suggesting the parents check with the school."

Highland High School principal Anne Scott minces no words about "special offers" to students. Congratulatory letters are a common marketing ploy, she said.

"There's tons of them," she said. "I tell my staff to deep six them."

The offer is likely legitimate, Scott said, if the school is aware of the honor, if it's competitive and if there is no or little cost to the student.

"A lot of students will bite and a lot of parents will bite on who's who in American schools," the principal said. "Letters go out to students from these organizations—from you don't know where—I say unless they pay all of your expenses, then it's not an honor.

"If your school knows nothing about it, then it's probably a scam."

Warner Brooks, assistant superintendent of instruction for the Kern High School District, agrees with Scott.

"The bottom line is, some of them, as much as people like to say they're a nonprofit agency * * * they are probably trying to make money off the kids," he said. "(The honor is) really nice for the ego of some parents, but the parents must read the fine print."

Brooks said from the district's point of view, if the activity makes any reference to cost and no mention of the school, throw it away. Parents should be suspicious about any letter that mentions scholarship.

"I would never commit directly to anybody without conferring with the scholarship person or with the guidance director," Brooks said. "It's buyer beware, and especially when it gets close to graduation time, don't let someone flim-flam you."

Most unfortunate, he said, is many of the companies prey on the good intentions of parents who are naturally proud of their children.

The California education department's Rukeyser said a 1988 state investigation uncovered several of the marketing schemes targeted at high school students and their families.

One Louisville, Ky., company, for instance, was found to have about a dozen subsidiaries under "prestigious, official" names like the United States Achievement Academy.

"Honors Scam is this pattern of private companies that make themselves appear to be other than what they are—the overt promises that somehow enhance the kids' academic future," he said. "The cast seems to change from year to year but the script doesn't."

The state's investigation included inquiries to about 80 public and private California universities' and colleges' admissions directors. They overwhelmingly responded that students' admissions applications did not improve if they attended conferences or had their names in a who's who among American high school students, the spokesman said.

Parents must investigate if the first time they have heard of the organization is through the mail. It is easy, Rukeyser said, for scam artists to print impressive stationery.

"Parents ought to be aware that there are any number of companies out there and for most people they simply aren't worth the bucks," Rukeyser said. "If they're wealthy and have money to burn, it's harmless, but for most of us who live in the real world, we have to spend our money carefully."

[From the Californian, Mar. 7, 1993]

SLICK MARKETING LETTER PROMISES "SCHOLAR" STATUS

(By Roberta Westerfield)

Arvin High School students Robert Stout and Bobby Decker each raised $1,500 last year to pay for a civics program in Washington, DC.

They washed cars, sent letters to family and friends, asked service clubs for donations, and held fund-raisers in a furious 2½-month effort to scrape up the cash.

Each of them received in the mail, like other Kern County high school students, an impressive-sounding nomination to attend a four-day civics lesson operated by the Congressional Youth Leadership Council.

"I wasn't really hot on the idea of going, but my parents said, 'Go, or else'," Decker said in an interview at his high school. "I was thinking, it's $750 (for tuition) and I don't want to be a congressman or anything and we didn't have that much money."

Decker and Stout are good students, so when the certified-mail nomination papers arrived, their parents were honored, they said. But they knew a gang-member buddy they grew up with, who had been expelled, also received a nomination.

"If this conference is supposed to be so prestigious and for the highest caliber—he's not one," Decker said. "I was (wondering) how he even got a letter—our counselor certainly wouldn't have recommended him."

What parent wouldn't swell with pride after learning their child had been nominated to represent California as a "Congressional Scholar?"

That important-sounding designation is part of the opening paragraph of a five-page certified letter sent to prospective high school participants.

What parents don't know is the "council" usually doesn't go through school authorities to find students; it direct mails from lists purchased through marketing research companies, according to the council's executive director John M. Hines.

He refuses to name the marketing research companies.

"The National Association of Secondary Principals is not keen on the fact that I contact students directly," he said.

Hines said even though the council offers an excellent government leadership program to the nation's "most exceptional" students, the schools have not been too cooperative about promoting the program, so direct mail is the most effective way to reach students.

The council is among several private, nonprofit organizations based in the greater Washington, D.C., area that offer civics programs to junior and senior high school students. However, it is the only one among the four most well-known—Close Up Foundation, Presidential Classroom and Washington Workshop—that solicits directly to homes.

It is also the most recently founded. Close Up, for example, began in 1971. The other two are older.

"The goal of the National Young Leaders Conference is to educate this select group of young people who show all the signs of being future young leaders," Hines said. "We're not expecting all these young people to be members of Congress, but they are going to be leaders in their community, their business, their church."

Asked to define a "Congressional Scholar," he said it was any student who attended his program.

Hines said the leadership council operates 24 sessions a year, each with 320 students. The students pay a $750 registration fee that includes housing at a University of Maryland dormitory and two daily meals. Lodging also is provided at the National 4-H headquarters. Transportation to and from Washington is not included.

University of Maryland, at College Park, spokesman Thomas Flynn said the university charges $24 per person for dorm facilities. The suites accommodate four to seven occupants, he said.

For a Bakersfield student, the cost of attending the Congressional Youth Leadership Council session can easily climb to $1,500.

Arvin High's Stout said he needed $750 for tuition, $350 for the airline ticket, $200 for clothes—he was required to wear a jacket, slacks, shirt and tie every day—and $200 for spending money.

"My parents both work, but it's the economic point we're in," the boy said. "They don't have a lot of extra spending money. They didn't pay for anything. I fund-raised; I sent out letters and organizations gave me money."

The council's 1991 tax forms show it grossed more than $6.3 million, the lion's share of the funds coming from tuition. Students contributed 98.7 percent of the council's revenue. Interest on savings was 1.3 percent of the revenues and public donations accounted for 0.4 percent.

Because the council is a non-profit organization, its tax forms are public documents. The Californian obtained the organization's 1987 to 1991 IRS form 990s, required of nonprofit organizations.

"It's a decent program, but what it boils down to is: who can afford it, can send their kids," said Jay Ericsson, a Bakersfield stock broker and Panama-Buena Vista School District board president.

His son Stein, who earned an appointment to West Point and is in his first year, took part in a council conference in the fall of 1991.

When Stein received the company's pitch, Ericsson said he was skeptical of the nomination, thinking it was somewhat fabricated.

"I'm sure this is a very profitable venture for these people—they write a heck of a letter," he said. "But * * * it imparts something that doesn't exist.

"Granted, it wasn't an amazing honor," Ericsson added. "It's not a scam; it's a marketing ploy, but my wife and I are very glad my son got to go."

Anne Scott, Highland High School principal, said he has seen students with D grade averages receive nominations to such conferences.

"It would be sad, very sad, for parents to be cutting out money that should be saved for college or future vocational training," Scott said. "The program may be worthwhile, but it's not essential."

Hines said the idea behind his organization began 12 years ago when Connecticut educator Barbara Harris took high school students to Washington to see the presidential inaugural.

She and the council's past vice president, Richard Rossi, have since formed the private National Capital Resources Corp., which provides employees and marketing services to the Congressional Youth Leadership Council. The 1991 tax return indicates the council

paid nearly $1.2 million to National Capital Resources.

The council is not required to provide the IRS details on how that $1.2 million is spent, claiming it has no employees, but "leases" employees through Harris and Rossi.

The IRS requires non-profit organizations to list their five highest-paid employees whose compensation exceeds $30,000. The council provided this information to the IRS for the first time in 1991, but made it clear that the five highest-paid employees are employed by National Capital Resources.

North High School principal Bill Bimat said his students have attended the council's conference. "It's a money-making proposition for that company and we want to make sure our parents know that," he said. "How much are they making? The more students involved, the more money you make.

"That's maybe where the dishonesty comes in—when they purport it's an honor when it's kind of a slick marketing scheme."

North High parent William Ivers said he was glad his daughter Tammy attended the conference, even though the family had a hard time coming up with $1,400 she needed to go to Washington in 1991. The parent said he had been laid off from work and had a broken down car that he decided not to repair so his daughter could attend.

"Personally, I still think it was a good deal," he said. "I think she learned a lot—it's just I had a bad feeling about what an honor it was, because we're footing the bill for it and that to me seems backwards."

By Mr. LAUTENBERG (for himself, Mr. BRADLEY, Mrs. BOXER, and Mrs. FEINSTEIN):

S. 997. A bill to amend the Federal Water Pollution Act of 1972 to improve the quality of coastal recreation waters, and for other purposes; to the Committee on Environment and Public Works.

BEACHES ENVIRONMENTAL ASSESSMENT, CLOSURE, AND HEALTH ACT OF 1993

• Mr. LAUTENBERG. Mr. President, I introduce the Beaches Environmental Assessment, Closure, and Health [BEACH] Act of 1993. I am pleased to be joined in introducing this measure by my colleagues, Senator BRADLEY and Senator BOXER.

Coastal tourism generates billions of dollars every year for local communities nationwide. Moreover, our coastal areas provide immeasurable benefits for millions of Americans who want to build sand castles, cool off in the water, take a walk with that special someone, or just relax.

New Jersey boasts an $18 billion tourism sector, which is the second largest revenue-producing industry in the State. Without a doubt, the lure of our beaches generates most of this revenue. In 1991, 8.8 million people stayed overnight at the shore and an additional 59 million made day trips to New Jersey's beaches. Furthermore, 353,000 people serviced these visitors in some capacity, making the tourism industry the No. 1 employer in the State.

Mr. President, alarmingly, this heavily used natural resource can actually pose a threat to human health if it is not properly managed. Studies conducted during the past two decades show a definite relationship between the amount of indicator bacteria in coastal waters and the incidence of swimming-associated illnesses.

Viruses are believed to be the major cause of swimming-associated diseases—gastroenteritis and hepatitis being the most common ones worldwide. And because an individual afflicted with these diseases is contagious to others in his or her household, the risk of sewage-borne illness does not end with the bather.

Additional diseases that can be contracted by swimmers include an infection caused by the toxigenic bacteria E. Coli—the bacteria found in Jack-in-the-Box hamburgers which caused an outbreak of illnesses some months ago.

Yet, many current EPA-approved techniques to measure marine water quality appear to underestimate the true number of viable pathogens that are entering the marine environment. When States use the existing EPA guidelines, they decide whether their beach waters are safe for swimming based on monthly averages. Waters may appear safe in the long term, but short-term violations of the public health standard go unrecognized.

The existing EPA guidelines are not useful for decisionmakers who need to decide whether they should allow people to swim at the beach tomorrow or during the coming weekend. Using monthly water quality averages to determine if the beach is safe for swimming is like taking a patient's temperature average over a week to see if she is sick. Her average temperature could be just about normal. But in the meantime, she could be dead. EPA must develop new standards because existing EPA guidelines simply fall short.

While some States use these inadequate EPA guidelines, others have no water quality monitoring or notification program at all. Survey results published in the July 1992 report by the Natural Resources Defense Council [NRDC] indicate that of 22 Coastal States, only 4 have statewide water quality monitoring programs, and a mere 3 States consistently close beaches or post advisories every time bacteria water quality standards are violated. Additionally, NRDC found that a high bacteria level can cause a beach closure in one State while in another State people may be allowed to swim in the water despite equal health risks. This discrepancy among Coastal States threatens public health.

The NRDC report contains other important findings:

High levels of bacteria in coastal waters—primarily from raw human sewage—are responsible for the overwhelming majority of beach closures and advisories in the United States.

In 1991, there were over 2,000 beach closures and advisories issued against swimming, and this data includes only those Coastal States that monitor beach water quality.

The EPA-recommended guidelines for waters considered safe would result in 19 out of every 1,000 swimmers becoming sick with gastroenteritis.

New Jersey has been aggressive when it comes to protecting public health at the beach. New Jersey is the only State to mandate, by law, a bacteria standard, a monitoring program, and beach closures when the standard is exceeded. The program is designed to address water quality from both a health and an environmental perspective. Beaches are closed when bacteria levels exceed the standard regardless of the pollution source. Other States have not acted as swiftly or as honestly.

Ironically, New Jersey suffers because it does more to protect public health. In some years, annual losses from beach closures in New Jersey have ranged from $800 million to $1 billion.

The bill that I am introducing today will ensure the safety and beauty of coastal beaches across the country by establishing uniform testing and monitoring procedures for pathogens and floatables in marine recreation waters. This bill also requires EPA to establish a nationwide public health standard for determining when States should notify the public of health risks due to pathogen contaminated waters.

Is it clear that we need nationwide beach water quality standards to protect public health from pathogen-contaminated waters at beaches. This bill will make sure that need is met.

This bill requires the EPA to establish procedures to monitor coastal waters to detect short-term increases in pathogenicity and to set minimum standards to protect the public from pathogen-contaminated beach waters. And it will assure that the public is notified when beach waters exceed the standards. Under my bill, when a standard is violated, States are required to notify local officials and post signs at beaches to inform the public of the violation and any associated health risks.

Whether they're in the Carolinas or in California, in New Jersey or New York, people across the country have a right to know when the water is and is not safe to swim in. Beachgoers should be able to wade or swim in the surf without the fear of getting sick. Going to the beach should be a healthy and rejuvenating experience. A day at the beach shouldn't be followed by a day at the doctors.

Mr. President, I urge my colleagues to join me in recognizing the importance of protecting public health at our Nation's beaches by cosponsoring this legislation.

I ask unanimous consent that a copy 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. 997

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 "Beaches Environmental Assessment, Closure, and Health Act of 1993".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the Nation's beaches are a valuable public resource used for recreation by millions of people annually;

(2) the beaches of coastal States are hosts to many out-of-State and international visitors;

(3) tourism in the coastal zone generates billions of dollars annually;

(4) increased population has contributed to the decline in the environmental quality of coastal waters;

(5) pollution in coastal waters is not restricted by State and other political boundaries;

(6) each coastal State has its own method of testing the quality of its coastal recreation waters, providing varying degrees of protection to the public; and

(7) the adoption of standards by coastal States for monitoring the quality of coastal recreation waters, and the posting of signs at beaches notifying the public during periods when the standards are exceeded, would enhance public health and safety.

(b) PURPOSE.—The purpose of this Act is to require uniform procedures for beach testing and monitoring to protect public safety and improve the environmental quality of coastal recreation waters.

SEC. 3. WATER QUALITY CRITERIA AND STANDARDS.

(a) ISSUANCE OF CRITERIA.—Section 304(a) of the Federal Water Pollution Control Act (33 U.S.C. 1314(a)) is amended by adding at the end the following:

"(9) COASTAL RECREATION WATERS.—(A) The Administrator, after consultation with appropriate Federal and State agencies and other interested persons, shall issue within 18 months after the effective date of this paragraph (and review and revise from time to time thereafter) water quality criteria for pathogens in coastal recreation waters. Such criteria shall—

"(i) be based on the best available scientific information;

"(ii) be sufficient to protect public health and safety in case of any reasonably anticipated exposure to pollutants as a result of swimming, bathing, or other body contact activities; and

"(iii) include specific numeric criteria calculated to reflect public health risks from short-term increases in pathogens in coastal recreation waters resulting from rainfall, malfunctions of wastewater treatment works, and other causes.

"(B) For purposes of this paragraph, the term 'coastal recreation waters' means Great Lakes and marine coastal waters commonly used by the public for swimming, bathing, or other similar primary contact purposes.".

(b) STANDARDS.—

(1) ADOPTION BY STATES.—A State shall adopt water quality standards for coastal recreation waters which, at a minimum, are consistent with the criteria published by the Administrator under section 304(a)(9) of the Federal Water Pollution Control Act (33 U.S.C. 1314(a)(9)), as amended by this Act, not later than 3 years following the date of such publication. Such water quality standards shall be developed in accordance with the requirements of section 303(c) of the Federal Water Pollution Control Act (33 U.S.C. 1313(c)). A State shall incorporate such standards into all appropriate programs into which such State would incorporate water quality standards adopted under section 303(c) of the Federal Water Pollution Control Act (33 U.S.C. 1313(c)).

(2) FAILURE OF STATES TO ADOPT.—If a State has not complied with paragraph (1) by the last day of the 3-year period beginning on the date of publication of criteria under section 304(a)(9) of the Federal Water Pollution Control Act (33 U.S.C. 1314(a)(9)), as amended by this Act, the Administrator shall promulgate water quality standards for coastal recreation waters for the State under applicable provisions of section 303 of the Federal Water Pollution Control Act (33 U.S.C. 1313). The water quality standards for coastal recreation waters shall be consistent with the criteria published by the Administrator under section 304(a)(9) of the Federal Water Pollution Control Act (33 U.S.C. 1314(a)(9)), as amended by this Act. The State shall use the standards issued by the Administrator in implementing all programs for which water quality standards for coastal recreation waters are used.

SEC. 4. COASTAL BEACH WATER QUALITY MONITORING.

Title IV of the Federal Water Pollution Control Act (33 U.S.C. 1341-1345) is amended by adding at the end thereof the following new section:

"SEC. 406. COASTAL BEACH WATER QUALITY MONITORING.

"(a) MONITORING.—Not later than 9 months after the date on which the Administrator publishes revised water quality criteria for coastal recreation waters under section 304(a)(9), the Administrator shall publish regulations specifying methods to be used by States to monitor coastal recreation waters, during periods of use by the public, for compliance with applicable water quality standards for those waters and protection of the public safety. Monitoring requirements established pursuant to this subsection shall, at a minimum—

"(1) specify the frequency of monitoring based on the periods of recreational use of such waters;

"(2) specify the frequency of monitoring based on the extent and degree of use during such periods;

"(3) specify the frequency of monitoring based on the proximity of coastal recreation waters to pollution sources;

"(4) specify methods for detecting short-term increases in pathogens in coastal recreation waters; and

"(5) specify the conditions and procedures under which discrete areas of coastal recreation waters may be exempted by the Administrator from the monitoring requirements of this subsection, if the Administrator determines that an exemption will not impair—

"(A) compliance with the applicable water quality standards for those waters; and

"(B) protection of the public safety.

"(b) NOTIFICATION REQUIREMENTS.—Regulations published pursuant to subsection (a) shall require States to notify local governments and the public of violations of applicable water quality standards for State coastal recreation waters. Notification pursuant to this subsection shall include, at a minimum—

"(1) prompt communication of the occurrence, nature, and extent of such a violation, to a designated official of a local government having jurisdiction over land adjoining the coastal recreation waters for which a violation is identified; and

"(2) posting of signs, for the period during which the violation continues, sufficient to give notice to the public of a violation of an applicable water quality standard for such waters and the potential risks associated with body contact recreation in such waters.

"(c) FLOATABLE MATERIALS MONITORING PROCEDURES.—The Administrator shall—

"(1) issue guidance on uniform assessment and monitoring procedures for floatable materials in coastal recreation waters; and

"(2) specify the conditions under which the presence of floatable material shall constitute a threat to public health and safety.

"(d) DELEGATION OF RESPONSIBILITY.—A State may delegate responsibility for monitoring and posting of coastal recreation waters pursuant to this section to local government authorities.

"(e) REVIEW AND REVISION OF REGULATIONS.—The Administrator shall review and revise regulations published pursuant to this section periodically.

"(f) DEFINITIONS.—For the purposes of this section—

"(1) the term 'coastal recreation waters' means Great Lakes and marine coastal waters commonly used by the public for swimming, bathing, or other similar body contact purposes; and

"(2) the term 'floatable materials' means any matter that may float or remain suspended in the water column and includes plastic, aluminum cans, wood, bottles, and paper products.".

SEC. 5. STUDY TO IDENTIFY INDICATORS OF HUMAN-SPECIFIC PATHOGENS IN COASTAL RECREATION WATERS.

(a) STUDY.—The Administrator, in cooperation with the Under Secretary of Commerce for Oceans and Atmosphere, shall conduct an ongoing study to provide additional information to the current base of knowledge for use for developing better indicators for directly detecting in coastal recreation waters the presence of bacteria and viruses which are harmful to human health.

(b) REPORT.—Not later than 4 years after the date of the enactment of this Act, and periodically thereafter, the Administrator shall submit to the Congress a report describing the findings of the study under this section, including—

(1) recommendations concerning the need for additional numerical limits or conditions and other actions needed to improve the quality of coastal recreation waters;

(2) a description of the amounts and types of floatable materials in coastal waters and on coastal beaches and of recent trends in the amounts and types of such floatable materials; and

(3) an evaluation of State efforts to implement this Act, including the amendments made by this Act.

SEC. 6. GRANTS TO STATES.

(a) GRANTS.—The Administrator may make grants to States for use in fulfilling requirements established pursuant to section 3 and 4.

(b) COST SHARING.—The total amount of grants to a State under this section for a fiscal year shall not exceed 50 percent of the cost to the State of implementing requirements established pursuant to section 3 and 4.

SEC. 7. DEFINITIONS.

In this Act—

(1) the term "Administrator" means the Administrator of the Environmental Protection Agency;

(2) the term "coastal recreation waters" means Great Lakes and marine coastal wa-

ters commonly used by the public for swimming, bathing, or other similar body contact purposes; and

(3) the term "floatable materials" means any matter that may float or remain suspended in the water column and includes plastic, aluminum cans, wood, bottles, and paper products.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Administrator—

(1) for use in making grants to States under section 6 not more than $3,000,000 for each of the fiscal years 1994 and 1995; and

(2) for carrying out the other provisions of this Act not more than $1,000,000 for each of the fiscal years 1994 and 1995.●

By Mr. BINGAMAN (for himself and Mr. MOYNIHAN):

S. 998. A bill to promote social, cultural, and historic awareness of communities that are homes to Federal buildings, and for other purposes; to the Committee on Environment and Public Works.

ART-IN-ARCHITECTURE ACT OF 1993

● Mr. BINGAMAN. Mr. President, I rise today to introduce legislation that will enhance the use of public artwork in Federal buildings.

Mr. President, for 30 years the General Services Administration has set aside ½ of 1 percent of the cost of Federal building development for the acquisition of art. Since this program, called Art-in-Architecture, began in 1963, it has been operating at the discretion of the GSA Administrator, without formal congressional authority. On the program's 30th anniversary it is fitting that Congress formally authorize this program. In addition to providing permanent authorization, my legislation also incorporates some of the lessons learned in the operation of the program.

Community involvement, for example, is imperative for the success of the program. Over the years, a system has developed that gives a voice to local communities through the use of art selection panels. Composed of lay people and art professionals, these panels meet early in the development of Federal buildings, review the work of living American artists, and recommended an artist for the project to the GSA. The legislation I am offering today will strengthen this process by giving formal authority for community participation in the selection of artists, and by lessening the likelihood that their recommendations will be overruled for capricious reasons.

This legislation also significantly reduces the barriers faced by the GSA in commissioning art. Currently, the Art-in-Architecture Program is technically bound by standard Federal procurement law. The standard procurement process is designed to ensure that the Government gets the best goods at the best price, and incorporates a competitive bidding process. Unfortunately, procedures that use cost as a primary determining factor are not very practical in the procurement of art. While cost is not an irrelevant factor, artistic merit must be the primary factor in art procurement. My legislation provides for a selection process that allows this to occur.

Mr. President, the Federal buildings in communities throughout the Nation should reflect and be a true part of those communities. The Art-in-Architecture Program provides a means to achieving those goals through the common bond of art chosen with the input of the community. I feel it is only right that Congress recognize the importance of creating this bond and enhance the process through which it takes place.●

By Mr. CHAFEE:

S. 999. A bill to amend the Foreign Trade Zones Act to allow foreign trade zones to be established where a regional commission involving more than one State will coordinate zone activities; to the Committee on Finance.

FOREIGN TRADE ZONE ACT AMENDMENTS OF 1993

● Mr. CHAFEE. Mr. President, today I am offering legislation to amend the Foreign Trade Zone Act of 1934 for a modest but important purpose: to endow regional entities with special powers to apply for multiple foreign trade zones and subzones within their jurisdiction. I am making this proposal on behalf of small States, such as Rhode Island and Connecticut, whose economic fortunes are inextricably linked. In my view, allowing regional groups to coordinate the special development efforts involved with foreign trade zones would improve the program's performance and contribute to well-planned, sustainable regional economic growth.

Let me state at the outset, Mr. President, that the foreign trade zones program has been a success. For those who are not familiar with the program, here are a few details. Since 1934, the Federal Government has allowed private and public corporations to establish well-defined areas within or near ports of entry that are, for U.S. Customs purposes, outside the territory of the United States. Inventories maintained in these zones are granted special treatment, including deferment of duties, which is enjoyed until the goods are actually moved into U.S. Customs territory. Special permission may be granted to zone operators to conduct certain kinds of manufacturing within zones as well. Manufacturers are able to use zone benefits to defer duties on components from abroad, thus reducing their costs of production, especially on items intended for export.

Economic activity within foreign trade zones has increased from about $15 billion in fiscal year 1984 to nearly $85 billion in fiscal year 1991. In the latter year, 2,220 businesses took advantage of zone status, employing nearly 238,900 people in the process. Clearly, Mr. President, this program has been a boon to some of our most competitive businesses, and a strong support for the full utilization of our port facilities. I would like to compliment the Foreign Trade Zone Board and its executive director for their fine management of their responsibilities.

Why, then, might we want to amend this arrangement? In smaller States, such as Rhode Island, Connecticut, and Massachusetts, the paperwork, staffing, and marketing efforts needed to apply successfully for and utilize zones are unnecessarily redundant. Furthermore, economic events in Connecticut, for example, inevitably affect the Rhode Island economy. Farsighted leaders in the export sector frequently conduct meetings on a regional level, and view our region, not our separate States, as the best planning unit for export enhancement. The same factors may well be present all along the eastern seaboard, where business and transportation linkages cross the borders of one or more States.

Currently, however, applications for zones are limited to public and private corporations within individual States. Two States sharing one port of entry must each apply for a zone on their own. The same is true when two highly complementary ports of entry, well connected by overland transportation linkages, are more distant from one another. What my proposal does, Mr. President, is to enable regional bodies, authorized by the State legislatures of all the States involved, to present the Foreign Trade Zone Board with a regional foreign trade zone plan. If the Board approves this plan, according to some of the same criteria already present in zone regulations, the regional body would then be able to apply for multiple zones and subzones in accordance with the plan. As far as zone operation is concerned, all existing regulations would apply. That is to say, each zone would have to have its own administrator, and would collect fees from participating businesses as under the existing regulatory framework.

The benefits of making the minor change I propose would be significant for the areas that are able to take advantage of them. All of the zones within the region could be marketed jointly by the States involved. Potential applicants in one State that wish to be linked to activities in another State would not have to try to convince their own local economic development authorities of the wisdom of such an arrangement; regional entities would look for opportunities that extend across State lines. Finally, regional entities would be able to incorporate both business and government interests into one applying authority, increasing business-government cooperation for the good of those who work and reside in areas near zones.

In conclusion, Mr. President, I believe my suggestion involves no more than a modest improvement upon a system that is working well. I have an open mind toward other suggestions by my colleagues for improvement of program performance, and where possible am interested in cooperating in joint, bipartisan legislation to make those improvements. I look forward to the adoption of this legislation.●

By Mr. LIEBERMAN:

S. 1001. A bill to strengthen United States laws to enforce economic embargoes against foreign countries pursuant to a declaration of national emergency or U.N. Security Council measures, and for other purposes; to the Committee on Foreign relations.

INTERNATIONAL SANCTIONS ENFORCEMENT ACT OF 1993

Mr. LIEBERMAN. Mr. President, today I would like to introduce legislation that would toughen penalties against persons and companies who violate the U.N. Security Council sanctions imposed against Libya for its involvement in the destruction of Pan Am flight 103. I am glad to say that this legislation is fully supported by the State Department and the Treasury Department.

This legislation is needed because foreign companies continue to do business with Libya in violation of the U.N. embargo. According to executive branch sources, perhaps a dozen foreign companies in Europe and elsewhere continue to supply parts or otherwise do business with Libya in violation of the U.N. sanctions. Congress should, therefore, enact legislation that would impose economic penalties. My legislation would prohibit these firms from obtaining exports or services from the United States and prevent them from selling goods or services to us.

A related provision, section 7, would increase by tenfold, to $100,000, the civil penalties for Americans who violate the existing U.S. trade sanctions under IEAPA, the International Emergency Economic Powers Act. Stiff criminal penalties already exist, but the increase in civil penalties would be a useful additional step.

Another provision is aimed at Americans who continue to work in Libya despite government warnings and prohibitions. The State Department estimates there are about 500 Americans still working in Libya, mainly in the oil industry. Many of them apparently slip into Libya through neighboring countries. It is time to increase the penalties against them and promote more vigorous law enforcement efforts. Section 4 would increase civil penalties for misuse of U.S. passports from $2,000 to $50,000.

Two other provisions are designed to add to the existing sanctions against Libya.

One would authorize banning air service to the United States of airlines controlled by any country violating sanctions, section 5. It is similar to legislation first used in the 1986 Comprehensive Anti-Apartheid Act of 1986 and also in the CBW sanctions of the State Department Authorization Act for 1992–93.

Another provision would ban the shipment of technical publications to Libya, section 6. This is intended to curtail "how to do it" manuals and other technical data that might help Libya's economy. It has nothing to do with the free exchange of political ideas.

And finally the bill includes a provision that would help protect foreign individuals who provided information that either prevented terrorist attacks or assisted in apprehending and prosecuting terrorists. Section 3 would facilitate relocating to the U.S. participants in the State Department's counterterrorism rewards program. In the course of preparations for a hearing I conducted last year for the Governmental Affairs Committee, we learned that, during the Iraqi war, there were difficulties using existing immigration or other legislation to quickly relocate to the United States, persons who needed protection as a result of their helping to prevent terrorist attacks against U.S. targets.

Mr. President, I believe it is extremely important that the U.S. Congress do what it can to help back up and support the U.N. sanctions. I consulted with administration officials in drafting this legislation and believe it will help strengthen our mutual efforts to enforce the sanctions and deter future terrorist acts.

By way of reference, this legislation seeks to support U.N. Security Council Resolution 748, which was adopted in March 1992. These mandated sanctions have:

Interrupted air service to or from Libya. This means that all but specially approved humanitarian flights have been banned into or out of Libya.

Prohibited the sale of aircraft, spare parts, and related services, and prevent the operation of all Libyan Arab Airlines offices.

Imposed an arms embargo and prohibit any foreign military advisers from working in Libya.

Reduced the number and level of staff at Libyan diplomatic missions.

The sanctions will remain in effect until the Security Council determines that Libya has complied fully with the requests made by the U.N. Security Council in Resolution 731, which was adopted in January 1992. These require Libya to:

Surrender the two Libyans indicted for bombing Pan Am flight 103 for trial in the United States or United Kingdom, and accept responsibility for their actions.

Disclose all relevant information about the crime.

Pay appropriate compensation.

Cease all terrorist actions and support of terrorist groups, which it must prove by concrete actions.

Mr. President, this bill will serve to further isolate Libya. If terrorist states, such as Libya, are completely isolated by the international community, they will be relegated to being parish states—a status that they deserve. Such a status will discourage other states, who are tempted to follow Libya's example, from doing so. The families who lost loved ones in the destruction of Pan Am 103 have suffered an irreparable tragedy. We must learn from this calamity and ensure that it never happens again. I believe that the passage of this bill advances that goal.

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. 1001

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 "International Sanctions Enforcement Act of 1993".

SEC. 2. IMPOSITION OF SANCTIONS.

(a) DETERMINATION BY THE PRESIDENT.—

(1) IN GENERAL.—If the President determines that a foreign person, on or after the date of the enactment of this section, has knowingly violated United Nations Security Council Resolution 748 imposing sanctions against Libya, he is authorized to impose the sanctions described in subsection (c).

(2) PERSONS AGAINST WHICH SANCTIONS ARE TO BE IMPOSED.—Sanctions may be imposed pursuant to paragraph (1) on—

(A) the foreign person with respect to which the President makes the determination described in that paragraph;

(B) any successor entity to that foreign person;

(C) any foreign person that is a parent, subsidiary, or co-venture of that person if that parent, subsidiary, or co-venture knowingly and materially assisted in the activities which were the basis of that determination; and

(D) any foreign person that is an affiliate of that person if that affiliate knowingly and materially assisted in the activities which were the basis of that determination and if that affiliate is controlled in fact by that foreign person.

(3) OTHER SANCTIONS AVAILABLE.—The sanctions which may be imposed for activities described in this subsection are in addition to any other sanction which may be imposed for the same activities under any other provision of law.

(b) CONSULTATION WITH AND ACTIONS BY FOREIGN GOVERNMENT OF JURISDICTION.—

(1) CONSULTATIONS.—If the President makes a determination described in subsection (a)(1) with respect to a foreign person, the Congress urges the President to initiate consultations immediately with the government with primary jurisdiction over that foreign person with respect to the imposition of sanctions pursuant to this section.

(2) ACTIONS BY GOVERNMENT OF JURISDICTION.—In order to pursue such consultations

with that government, the President may delay imposition of a sanction pursuant to this section for up to 90 days. Following these consultations, the President shall impose a sanction unless the President determines and certifies to the Congress that that government has taken specific and effective actions, including appropriate penalties, to terminate the involvement of the foreign person in the activities described in subsection (a)(1). The President may delay the imposition of a sanction for up to an additional 90 days if the President determines and certifies to the Congress that that government is in the process of taking the actions described in the previous sentence.

(3) REPORT TO CONGRESS.—Not later than 90 days after making a determination under subsection (a)(1), the President shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on the status of consultations with the appropriate government under this subsection, and the basis for any determination under paragraph (2) of this subsection that such government has taken specific corrective actions.

(c) SANCTIONS.—The sanctions to be imposed pursuant to subsection (a)(1) are, except as provided in subsection (d), that no United States person shall, either directly or indirectly, procure, import, sell, export, or otherwise provide or enter into any contract to procure, import, sell, export, or otherwise provide any goods, technology, or services to or from any person described in subsection (a)(2).

(d) EXCEPTIONS.—(1) The sanctions of subsection (c) shall not apply—

(A) in the case of procurement by the United States Government of vital defense articles or defense services which cannot readily and reasonably be acquired in sufficient quantities from other nonsanctioned foreign persons and which are essential to satisfy current United States operational military needs; or

(B) with respect to medical or other humanitarian items.

(2) Whenever the President makes a determination under this subsection to exempt certain goods, technology, or services from the sanctions of subsection (c), the President shall submit a report to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate stating the reasons for such exemption.

(e) TERMINATION OF SANCTIONS.—Sanctions imposed pursuant to this section shall apply for a period of at least 12 months following the imposition of the sanctions and shall cease to apply thereafter only if the President determines and certifies to the Congress that—

(1) reliable information indicates that the foreign person with respect to which the determination was made under subsection (a)(1) has ceased to violate United Nations Security Council Resolution 748 with respect to Libya; and

(2) the President has received reliable assurances from the foreign person that such person will not, in the future, violate United Nations Security Council Resolution 748 with respect to Libya.

(f) WAIVER.—

(1) CRITERION FOR WAIVER.—The President may waive the application of any sanction imposed on any person pursuant to this section, after the end of the 12-month period beginning on the date on which that sanction was imposed on that person, if the President determines and certifies to the Congress that the continued imposition of the sanction would have a serious adverse effect on vital United States interests.

(2) NOTIFICATION OF AND REPORT TO CONGRESS.—If the President decides to exercise the waiver authority provided in paragraph (1), the President shall so notify the Congress not less than 20 days before the waiver takes effect. Such notification shall include a report fully articulating the rationale and circumstances which led the President to exercise the waiver authority.

(g) ADMINISTRATION AND ENFORCEMENT.—(1) The President may delegate his authority under this section to the Secretary of the Treasury.

(2) Consistent with the provisions of this section, the authorities of the International Emergency Economic Powers Act which relate to the administration and enforcement of that Act shall apply to the administration and enforcement of sanctions imposed under this section.

(3) Section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705), relating to civil and criminal penalties, shall apply to violations of sanctions imposed under this section to the same extent and in the same manner as such penalties apply to violations of licenses, orders, or regulations under that Act.

(h) DEFINITIONS.—For the purposes of this section—

(1) the term "foreign person" includes—

(A) any individual who is neither a citizen of the United States nor an alien lawfully admitted for permanent residence to the United States;

(B) any corporation, partnership, association, organization or other entity which is created or organized under the laws of a foreign country or which has its principal place of business outside the United States; or

(C) any agency or instrumentality of a foreign government; and

(2) the term "United States person" means—

(A) any United States citizen or permanent resident alien;

(B) juridical person organized under the laws of the United States or any jurisdiction within the United States, including any foreign branch;

(C) any person in the United States; or

(D) the United States Government or any agency or instrumentality thereof.

SEC. 3. PROTECTION OF PARTICIPANTS IN THE REWARDS PROGRAM.

Subsection 36(e) of the State Department Basic Authorities Act (22 U.S.C. 2708) is amended by inserting "(1)" immediately following "(e)" and adding the following new paragraph:

"(2)(A) Whenever the information which would justify a reward under subsection (a) is furnished by an alien and the Secretary of State and the Attorney General jointly determine that the protection of such alien or the alien's immediate family requires the admission of such alien or aliens to the United States, then such alien, and the alien's immediate relatives, if necessary, may be issued visas and admitted to the United States for permanent residence, without regard to the requirements of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

"(B) The total number of aliens admitted to the United States under subparagraph (A) shall not exceed 25 in any one fiscal year.

"(C) For purposes of this paragraph, the term 'immediate relative' has the same meaning given to such term in section 201(b)(2) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)).".

SEC. 4. INCREASE IN CRIMINAL PENALTIES FOR THE MISUSE OF PASSPORTS.

Section 1544 of title 18, United States Code, is amended—

(1) by striking "$2,000" and inserting in lieu thereof "$50,000"; and

(2) by striking "five years" and inserting in lieu thereof "ten years".

SEC. 5. SANCTION ON FOREIGN AIR TRANSPORTATION.

(a) DETERMINATION.—Whenever the President determines that a country is not complying with United Nations Security Council Resolution 748 with respect to Libya, he shall so certify to the Congress.

(b) NOTIFICATION OF FOREIGN GOVERNMENT.—(1) The President is authorized to notify the government of a country with respect to which the President has made a determination pursuant to subsection (a) of his intention to suspend the authority of foreign air carriers owned or controlled by the government of that country to engage in foreign air transportation to or from the United States.

(2) Within 10 days after the date of notification of a government under paragraph (1), the Secretary of Transportation shall take all steps necessary to suspend at the earliest possible date the authority of any foreign air carrier owned or controlled, directly or indirectly, by that government to engage in foreign air transportation to or from the United States, notwithstanding any agreement relating to air services.

(c) TERMINATION OF AIR SERVICE AGREEMENTS.—(1) The President may direct the Secretary of State to terminate any air service agreement between the United States and a country with respect to which the President has made a determination pursuant to subsection (a), in accordance with the provisions of that agreement.

(2) Upon termination of an agreement under this subsection, the Secretary of Transportation shall take such steps as may be necessary to revoke at the earliest possible date the right of any foreign air carrier owned, or controlled, directly or indirectly, by the government of that country to engage in foreign air transportation to or from the United States.

(d) EXCEPTIONS.—The Secretary of Transportation may provide for such exceptions from subsections (b) and (c) as the Secretary considers necessary to provide for emergencies in which the safety of an aircraft or its crew or passengers is threatened.

(e) DEFINITIONS.—For purposes of this section, the terms "air transportation", "air carrier", "foreign air carrier", and "foreign air transportation" have the meanings such terms have under section 101 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1301).

SEC. 6. LIMITATION ON TRANSFERS OF INFORMATIONAL MATERIALS.

(a) AMENDMENT TO THE INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.—Section 203(b)(3) of the International Emergency Economic Powers Act (50 U.S.C. 1702(b)(3)) is amended by inserting before the period at the end thereof the following: ", except that informational materials do not include materials containing technical or commercial data of value to the economy of a foreign country whose transactions are otherwise regulated or prohibited under this section".

(b) AMENDMENT TO THE TRADING WITH THE ENEMY ACT.—Section 5(b)(4) of the Trading With the Enemy Act (50 U.S.C. App. 5(b)(4)) is amended by inserting before the period at the end thereof the following: ", except that informational materials do not include materials containing technical or commercial

data of value to the economy of a foreign country whose transactions are otherwise regulated or prohibited under this section".

SEC. 7. INCREASE IN CIVIL PENALTIES.

Section 206(a) of the International Emergency Economic Powers Act (50 U.S.C. 1705(a)) is amended by striking out "$10,000" and inserting in lieu thereof "$100,000".

SEC. 8. STATEMENT OF CONSTRUCTION.

Nothing in this Act restricts or limits any authority contained in or actions taken pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701-1706) the Trading with the Enemy Act (50 U.S.C. App. 5(b)), or any other authority under which economic sanctions have been or may be imposed and enforced.

By Mr. HATCH (for himself, Mr. KENNEDY, Mr. CHAFEE, Mr. BINGAMAN, Mr. JEFFORDS, Mr. THURMOND, Mrs. KASSEBAUM, Ms. MIKULSKI, Mr. SIMON, Mr. DODD, Mr. WALLOP, Mr. DOMENICI, Mr. DANFORTH, Mr. DURENBERGER, and Mr. HARKIN):

S. 1002. A bill to require each recipient of a grant or contract under section 1001 of the Public Health Service Act to provide information concerning breast and cervical cancer; placed on the calendar.

THE BREAST AND CERVICAL CANCER INFORMATION ACT

Mr. HATCH. Mr. President, 2 weeks ago we had a poignant reminder about the importance of breast cancer prevention and treatment. The National Breast Cancer Coalition exhibited a compelling photographic essay, "The Faces of Breast Cancer," in the Russell Building Rotunda.

Photographs of women with breast cancer were displayed from all 50 States. They included a photo of a very brave Utahn, Judy Carlson, whose unsuccessful struggle against breast cancer motivates us all to continue to fight to eradicate this disease.

The Breast Cancer Coalition recognized in its outstanding photo essay that this year 46,000 American women are expected to die from breast cancer. When I joined the Labor and Human Resources Committee in 1977, 1 out of each 13 women in the United States was diagnosed with breast cancer each year. Last year, we were all shocked to learn that the rate had risen to 1 in 9.

We've simply got to devote more attention to this at the national level. I agree with the Breast Cancer Coalition's conclusion that the eradication of breast cancer needs to become a national priority. That is the motivation for the Breast and Cervical Cancer Information Act, which I am introducing today with the support of my good friend and colleague, the chairman of the committee, Senator KENNEDY, and with the cosponsorship of Senators CHAFEE, BINGAMAN, and JEFFORDS.

Mr. President, in February, we worked diligently to ensure speedy passage of S. 1, the National Institutes of Health reauthorization. One of the highlights of that landmark legislation is its commitment to furthering women's health, which for all too long has taken a back seat in our Government's health research and services delivery programs.

It is in the spirit of that Federal recognition for and commitment to women's health needs that Senator KENNEDY and I have drafted the Breast and Cervical Cancer Information Act. The philosophy that motivated the Congress to provide increased funds for breast and cervical cancer research and other women's health research at NIH should be extended where appropriate to all of our Public Health Service programs, including title X.

Our legislation is simple. Title X grantees will be mandated to provide information to clients about breast and cervical cancer. They will provide women with information on the need for breast self-exams, help teach them the skills for self-examination, and, when appropriate, refer for screening and treatment.

Let me clarify that it is not my intent that title X provide mammograms or treatment, or that other costly burdens be imposed upon clinics. But clinics certainly can play a role in information and referral. Title X clinics offer an excellent opportunity to provide women who may not otherwise have ready access information with knowledge on how breast and cervical cancer can be detected.

I think this bill is consistent with the goal of title X, which is to encourage development of strong families.

It behooves us to send a signal at the Federal level that we will do all we can to help prevent, detect, and treat breast and cervical cancer. I intend to work with the committee to ensure that similar provisions are made effective for all of the Public Health Service delivery programs.

I am gratified by the support and advice of my colleague from Massachusetts, Senator KENNEDY, in drafting this bill and moving it forward. This is not a controversial bill. It is supported on the House side. I hope that my colleagues will join with me in giving the Breast and Cervical Cancer Information Act swift approval, S. 1002.

Mr. KENNEDY. Mr. President, I am pleased to be an original cosponsor of Senator HATCH's bill to ensure that women receiving publicly funded family planning services receive needed information about breast and cervical cancer.

Originally this proposal was to have been offered as an amendment to the title X reauthorization that the Labor Committee favorably reported at our last markup, but my friend from Utah agreed with me that we should report that House-passed bill without amendment, and that we should move this proposal as a free-standing bill.

Each year, a network of 4,000 family planning clinics around the country provides medical and educational services to over 5 million low-income women and teenagers.

In addition to the family planning services which are at the heart of the title X program, these clinics are often the only place where many women, particularly those under the age of 35, receive needed medical care and information about breast and cervical cancer. This is an important component of the work of these clinics, and it is part of the comprehensive reproductive health care for which these clinics are noted.

This bill ensures that at a minimum, each grant recipient will offer to its clients appropriate information about these diseases, and appropriate referrals for treatment and other services.

It is not our intent that this bill limit the services that clinics already provide. For example, many clinics already provide screening for breast and cervical cancer, and we want to encourage such preventive health care. The fact that this bill requires one particular service—namely the provision of information about certain diseases—should not be construed to limit the legal or medical obligation of the clinics to provide other services such as appropriate screenings.

This blll highlights one important service, and I commend the Senator from Utah for bringing this important matter before the committee.

Mr. THURMOND. Mr. President, I rise as an original cosponsor of the Breast Cancer Information Act. This legislation will require recipients of a grant or contract under title X of the Public Health Service Act to provide information concerning breast and cervical cancer.

Mr. President, breast cancer is the second leading cause of cancer mortality behind lung cancer, among women. One in nine women will contract breast cancer at some point in her lifetime. Since the early 1970's, the incidence of breast cancer has increased between 1 and 2 percent per year.

The American Cancer Society estimates that in 1993, 46,000 women will die of breast cancer and 182,000 new cases will be diagnosed. In my home State of South Carolina, last year, there were 7,000 deaths related to cancer; 550 of those 7,000 deaths were due to breast cancer.

Mr. President, studies have shown that screening with mammography and early detection dramatically reduces the mortality rate. I believe this legislation will help increase the awareness of breast cancer and cervical cancer among women, and hopefully reduce the amount of preventable deaths caused by breast cancer.

By Mr. MOYNIHAN (for himself, Mr. PACKWOOD, Mr. ROCKEFELLER, and Mr. CHAFEE):

S. 1003. A bill to provide authority for the President to enter into trade

agreements to conclude the Uruguay round of multilateral trade negotiations under the auspices of the General Agreement on Tariffs and Trade, to extend tariff proclamation authority to carry out such agreements, and to apply congressional fast-track procedures to a bill implementing such agreements; to the Committee on Finance.

FAST TRACK AUTHORIZATION RENEWAL FOR THE URUGUAY ROUND

• Mr. MOYNIHAN. Mr. President, I am pleased to join with the distinguished ranking member of the Finance Committee, Senator PACKWOOD, and with Senators ROCKEFELLER and CHAFEE in introducing legislation requested by the President, to renew fast track procedures for a trade agreement under the Uruguay round of GATT negotiations.

Fast-track procedures, for which current authority expires on May 31, assure consideration of trade agreements without amendment, providing our trading partners assurance that the Congress will implement in full, or not at all, trade agreements negotiated by our Government. At the same time, these procedures also assure that the administration consult with Congress before entering into such agreements, as they have done quite effectively thus far through the Uruguay round negotiations.

Ambassador Mickey Kantor, the U.S. Trade Representative, requested of the Finance Committee this morning that we in Congress consider and approve legislation renewing fast-track procedures, without amendment, prior to the next G–7 economic summit early July.

The bill we are introducing today would renew fast-track procedures for any Uruguay round agreements entered into by April 15, 1994. The bill also requires that the President notify the Congress by December 15 of this year of his intent to enter into any such agreements. This extends the period of advance congressional notification to 120 days, instead of the 90 days' notification required by the current fast-track authority.

As I said to Ambassador Kantor this morning, it is high time that we conclude the Uruguay round, and begin to enjoy the benefits of our negotiators' prolonged labors, now ongoing for 7 years. I hope that my colleagues will join me in granting this fast-track renewal, without amendment, in order to allow for the conclusion of the Uruguay round. 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. 1003

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

SECTION. 1. EXTENSION OF URUGUAY ROUND TRADE AGREEMENT NEGOTIATING AND PROCLAMATION AUTHORITY AND OF "FAST TRACK" PROCEDURES TO IMPLEMENTING LEGISLATION.

Section 1102 of the Omnibus Trade and Competitiveness Act of 1988 (19 U.S.C. 2902) is amended by inserting at the end the following new subsection:

"(e) SPECIAL PROVISIONS REGARDING URUGUAY ROUND TRADE NEGOTIATIONS.—

"(1) IN GENERAL.—Notwithstanding the time limitations in subsections (a) and (b), if the Uruguay Round of multilateral trade negotiations under the auspices of the General Agreement on Tariffs and Trade has not resulted in trade agreements by May 31, 1993, the President may, during the period after May 31, 1993, and before April 16, 1994, enter into, under subsections (a) and (b), trade agreements resulting from such negotiations.

"(2) APPLICATION OF TARIFF PROCLAMATION AUTHORITY.—No proclamation under subsection (a) to carry out the provisions regarding tariff barriers of a trade agreement that is entered into pursuant to paragraph (1) may take effect before the effective date of a bill that implements the provisions regarding nontariff barriers of a trade agreement that is entered into under such paragraph.

"(3) APPLICATION OF IMPLEMENTING AND 'FAST TRACK' PROCEDURES.—Section 1103 applies to any trade agreement negotiated under subsection (b) pursuant to paragraph (1), except that—

"(A) in applying subsection (a)(1)(A) of section 1103 to any such agreement, the phrase 'at least 120 calendar days before the day on which he enters into the trade agreement (but not later than December 15, 1993),' shall be substituted for the phrase 'at least 90 calendar days before the day on which he enters into the trade agreement'; and

"(B) no provision of subsection (b) of section 1103 other than paragraph (1)(A) applies to any such agreement and in applying such paragraph, 'April 16, 1994;' shall be substituted for 'June 1, 1991;'.

"(4) ADVISORY COMMITTEE REPORTS.—The report required under section 135(e)(1) of the Trade Act of 1974 regarding any trade agreement provided for under paragraph (1) shall be provided to the President, the Congress, and the United States Trade Representative not later than 30 days after the date on which the President notifies the Congress under section 1103(a)(1)(A) of his intention to enter into the agreement (but before January 15, 1994).".•

• Mr. PACKWOOD. Mr. President, as the ranking member of the Finance Committee, I join Senator MOYNIHAN in introducing renewal of the President's fast-track negotiating authority to give him the opportunity to conclude the Uruguay round GATT negotiations. Quite frankly, I cannot think of a more important trade tool a U.S. President has than his fast-track negotiating authority. This authority allows the President to sit down with our trading partners and negotiate trade deals. All the time confident that the deal cut, will be the deal voted on by Congress—up or down, no amendments, within a fixed time period. In my view, any President, Republican or Democrat should have this authority. President Clinton is no exception. This is an essential tool to his trade policy agenda.

President Clinton has asked for a 10½-month extension of his fast-track authority to conclude Uruguay round GATT negotiations. Congress needs to approve the President's request. If approved, the GATT negotiations will have to be completed by December 15, 1993—which is 4 months before the new authority expires, April 16, 1994. The negotiating authority will only be used for the GATT discussions. If the President wants to pursue other bilateral trade negotiations—and I hope and strongly encourage him to soon initiate free trade agreement negotiations with Chile—he will need new, separate authority from the Congress.

Fast-track negotiating authority reflects a successful partnership between Congress and the President which began almost two decades ago. In exchange for a commitment by the administration for full congressional consultation, Congress grants the President the authority to negotiate multilateral and bilateral trade agreements and submit the final agreements to Congress on a time-limited, no amendment basis. Despite the name, the fast-track procedure is anything but fast and does not confine Congress' role in the negotiations or in implementing the final agreement.

By providing fast-track authority, the Congress is simply giving the President the same bargaining power possessed by our trading partners who operate under parliamentary systems—the ability to ensure that the agreement reached internationally would be the agreement voted on at home. Without fast-track the President cannot assure our negotiating partners that the deal they strike is the deal that will be voted on by Congress. After all, what trading partner would give its bottom line knowing that the bargain could be reopened by Congress?

Each of us has pressed USTR to work to eliminate foreign barriers worldwide. What we must understand is that a successful conclusion to the Uruguay round gives the United States its best opportunity to eliminate a wide variety of foreign trade barriers to a whole array of U.S. goods and services.

For example, the Uruguay round negotiations give us our greatest chance to: Press the Europeans and Japanese to dismantle the web of agriculture protection and subsidies they have provided their inefficient farmers for years—often to the detriment of United States farmers and other efficient agriculture exporting nations; break down tariff and nontariff barriers to U.S. manufactured products and other goods, which could increase U.S. output by over $1 trillion over the next 10 years; mandate the creation and enforcement of international rules to protect the intellectual property of U.S. entrepreneurs, who have been ripped off by up to $60 billion annually through the theft and counterfeiting of

their ideas; and open new markets for U.S. service firms, which export $115 billion annually and generate 90 percent of new U.S. jobs.

Of course no one can guarantee that the Uruguay round will end successfully. What is certain is that failure to extend fast-track authority will immediately end the negotiations, completely destroy any and all prospects for world economic growth and cooperation, and increase worldwide pressure to raise new trade and investment barriers to some of our best exports.

In conclusion, Mr. President, I strongly urge that we give the President a clean extension of his fast-track authority so he can work to conclude the Uruguay round. I think we should pass it soon, and we should pass it without amendment.•

By Mr. BROWN (for himself, Mr. CRAIG, Mr. D'AMATO, Mr. GRASSLEY, Mr. GREGG, Mr. NICKLES, Mr. LUGAR, and Mr. LOTT):

S. 1004. A bill to limit amounts expended by certain governments entities for overhead expenses; to the Committee on Governmental Affairs.

DEFICIT REDUCTION LEGISLATION

• Mr. BROWN. Mr. President, the taxpayers of this country are demanding that we reduce the deficit. Some support higher taxes, others are willing to accept fewer benefits and services. But whatever their preference, all taxpayers agree wasteful Government spending should be cut before any additional burden is placed on the working men and women of the country.

The challenge literally is to find the fat, to cut out areas where we can trim and reduce the deficit without endangering the solid, good programs that help the people of our country.

The legislation I am introducing today trims $26.6 billion from the growth of administrative and overhead costs of the Federal Government. Our legislation will freeze administrative costs in fiscal years 1994–95, and limit future increases to the rate of inflation through 1998. This proposal was supported by 48 Senators during consideration of the budget resolution this year.

The President has pledged to cut 100,000 employees from the Federal work force. This bill would similarly control the overhead that supports those people. Do we need to spend more than $2.4 billion on travel for fewer Government officials? Our bill will hold this spending steady for 2 years.

In these tight budget times, OMB estimates the Government will spend over $15.4 billion on new building construction and improvements this year. There is no justification for increasing this spending next year.

Administrative costs are identified as OMB object classes 20 and 30 listed in Circular No. A–11. These areas include travel and transportation, rental payments, printing, materials and supplies, equipment, and real estate acquisitions. Our legislation does not include Department of Defense because Congress will consider comprehensive changes to its entire budget, nor does it include the Postal Service because it is accounted for off-budget.

This proposal is not draconian, it does not cut vital programs, but simply places needed controls on spending. The Government spending areas identified in this proposal increased more than 11.2 percent in fiscal year 1992. CBO estimates this legislation will save $26.6 billion through fiscal year 1998.

Every business in America, when they come upon difficult times, look to overhead expenses as an area to save money and improve the financial standing of the company. If we cannot save on overhead, we cannot save anywhere.•

By Ms. MOSELEY-BRAUN (for herself, Mr. BRADLEY and Mr. SIMON):

S. 1005. A bill to amend section 520 of the Cranston-Gonzalez National Affordable Housing Act to authorize the Secretary of Housing and Urban Development to make grants to establish midnight basketball league training and partnership programs incorporating employment counseling, job training, and other educational activities for residents of public housing and federally assisted housing and other low-income families; to the Committee on Banking, Housing, and Urban Affairs.

THE MIDNIGHT BASKETBALL LEAGUE TRAINING AND PARTNERSHIP ACT OF 1993

• Ms. MOSELEY-BRAUN. Mr. President, on spring and summer days around our Nation, you can go to literally thousands of parks and see young Americans playing little league basketball. In 41 communities, however, something a bit less traditional is going on. At 10 p.m. and later in these 41 communities, you can see what is known as midnight basketball.

Midnight basketball is something like a basketball version of little league for somewhat older American youths living in disadvantaged neighborhoods, but it is much more than that. Midnight basketball leagues promote youth development by forming public/private partnerships with local companies. In Chicago, private sponsors have not only contributed funds to help finance the leagues and the teams, they have also helped midnight basketball leagues design educational and job-related workshops which league players are required to attend after each game. Consequently, these partnerships have provided adolescents with important adult mentors and role models.

Midnight basketball leagues also help prevent crime by providing unemployed adolescents opportunities to play basketball during the hours when most crimes are committed—10 p.m. to 2 a.m. In Chicago, midnight basketball leagues have successfully assigned rival gang members to the same teams—effecting truces both on and off the court.

Mr. President, midnight basketball has been a real success in Chicago and in the other communities where leagues have been formed. I am proud to be able to say that many midnight basketball league players in Chicago have recently completed their GED requirements and that none of them were in trouble with the law during the 3 years that their program was evaluated.

In fact, this program has been so successful in serving the needs of male adolescents over the years that I have already begun working with the National Association of Midnight Basketball Leagues in order to ensure the participation of more women.

In order to build on the already significant success of the midnight basketball league now operating, and to give more communities and more of our young people an opportunity to participate in midnight basketball, I am today introducing the Midnight Basketball League Training and Partnership Act of 1993.

Mr. President, this legislation authorizes the Secretary of Housing and Urban Development, in consultation with a seven-member advisory committee, to make grants to assist both new and existing midnight basketball leagues which serve economically and socially disadvantaged communities. In fact, this legislation specifically targets youth and young adults who live in communities which are being torn apart by illegal drugs, crime, AIDS, teenage pregnancy, and unemployment.

Under this legislation, midnight basketball leagues would be eligible for grants ranging from $55,000 to $130,000—spread out over 5-year periods. Leagues would have to provide 35 percent in matching non-Federal funds for the first 2 years, and 50 percent in matching funds thereafter. Leagues that serve more than 80 players would be eligible for somewhat larger grants.

In Chicago, midnight basketball leagues have been able to serve 80 youngsters a year at a cost of about $85,000. It costs about that much to incarcerate one juvenile for 2 years. If midnight basketball helps keep even one of the participating young people out of our criminal justice system, this program will have served the taxpayers very well.

Mr. President, I urge my colleagues to look at this bill carefully, and to join me in working to bring the benefits of midnight basketball to young residents of disadvantaged communities. Having the opportunity to play

basketball at 10:00 p.m. may seem like a small thing, but it can make a real difference in the lives of the young people who get that opportunity.

Midnight basketball will make a real difference to young men and women who have the potential to make significant contributions to our society. Through midnight basketball, we can provide hundreds of young people with the educational and job-related skills that they need in order to change their lives for the better.

The cost of this legislation is less than $6 million, however, the benefits are much, much larger. I urge prompt enactment of this bill. It will help our children; it will help our communities, and it will help create opportunity for those who really need some opportunity.

Mr. President, I ask unanimous consent that the text and a summary of the bill be printed in the RECORD.

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

S. 1005

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 "Midnight Basketball League Training and Partnership Act".

SEC. 2. GRANTS FOR MIDNIGHT BASKETBALL LEAGUE TRAINING AND PARTNERSHIP PROGRAMS.

Section 520 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 11903a) is amended—

(1) in the section heading by inserting "AND ASSISTED" after "PUBLIC";

(2) in the subsection heading for subsection (a), by inserting "PUBLIC HOUSING" before "YOUTH"; and

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

"(l) MIDNIGHT BASKETBALL LEAGUE TRAINING AND PARTNERSHIP PROGRAMS.—

"(1) AUTHORITY.—The Secretary of Housing and Urban Development shall make grants, to the extent that amounts are approved in appropriations Acts under paragraph (13), to—

"(A) eligible entities to assist such entities in carrying out midnight basketball league programs meeting the requirements of paragraph (4); and

"(B) eligible advisory entities to provide technical assistance to eligible entities in establishing and operating such midnight basketball league programs.

"(2) ELIGIBLE ENTITIES.—

"(A) IN GENERAL.—Subject to subparagraph (B), grants under paragraph (1)(A) may be made only to the following eligible entities:

"(i) Entities eligible under subsection (b) for a grant under subsection (a).

"(ii) Nonprofit organizations providing employment counseling, job training, or other educational services.

"(iii) Nonprofit organizations providing federally assisted low-income housing.

"(B) PROHIBITION ON SECOND GRANTS.—A grant under paragraph (1)(A) may not be made to an eligible entity if the entity has previously received a grant under such paragraph, except that the Secretary may exempt an eligible advisory entity from the prohibition under this subparagraph in extraordinary circumstances.

"(3) USE OF GRANT AMOUNTS.—Any eligible entity that receives a grant under paragraph (1)(A) may use such amounts only—

"(A) to establish or carry out a midnight basketball league program under para-graph (4);

"(B) for salaries for administrators and staff of the program;

"(C) for other administrative costs of the program, except that not more than 5 percent of the grant amount may be used for such administrative costs; and

"(D) for costs of training and assistance provided under paragraph (4)(I).

"(4) PROGRAM REQUIREMENTS.—Each eligible entity receiving a grant under paragraph (1)(A) shall establish a midnight basketball league program as follows:

"(A) The program shall establish a basketball league of not less than 8 teams having 10 players each.

"(B) Not less than 50 percent of the players in the basketball league shall be residents of federally assisted low-income housing or members of low-income families (as such term is defined in section 3(b) of the United States Housing Act of 1937).

"(C) The program shall be designed to serve primarily youths and young adults from a neighborhood or community whose population has not less than 2 of the following characteristics (in comparison with national averages):

"(i) A substantial problem regarding use or sale of illegal drugs.

"(ii) A high incidence of crimes committed by youths or young adults.

"(iii) A high incidence of persons infected with the human immunodeficiency virus or sexually transmitted diseases.

"(iv) A high incidence of pregnancy or a high birth rate, among adolescents.

"(v) A high unemployment rate for youths and young adults.

"(vi) A high rate of high school drop-outs.

"(D) The program shall require each player in the league to attend employment counseling, job training, and other educational classes provided under the program, which shall be held immediately following the conclusion of league basketball games at or near the site of the games and at other specified times.

"(E) The program shall serve only youths and young adults who demonstrate a need for such counseling, training, and education provided by the program, in accordance with criteria for demonstrating need, which shall be established by the Secretary, in consultation with the Advisory Committee.

"(F) The majority of the basketball games of the league shall be held between the hours of 10:00 p.m. and 2:00 a.m. at a location in the neighborhood or community served by the program.

"(G) The program shall obtain sponsors for each team in the basketball league. Sponsors shall be private individuals or businesses in the neighborhood or community served by the program who make financial contributions to the program and participate in or supplement the employment, job training, and educational services provided to the players under the program with additional training or educational opportunities.

"(H) The program shall comply with any criteria established by the Secretary, in consultation with the Advisory Committee established under paragraph (9).

"(I) Administrators or organizers of the program shall receive training and technical assistance provided by eligible advisory entities receiving grants under paragraph (8).

"(5) GRANT AMOUNT LIMITATIONS.—

"(A) PRIVATE CONTRIBUTIONS.—The Secretary may not make a grant under paragraph (1)(A) to an eligible entity that applies for a grant under paragraph (6) unless the applicant entity certifies to the Secretary that the entity will supplement the grant amounts with amounts of funds from non-Federal sources, as follows:

"(i) In each of the first 2 years that amounts from the grant are disbursed (under subparagraph (E)), an amount sufficient to provide not less than 35 percent of the cost of carrying out the midnight basketball league program.

"(ii) In each of the last 3 years that amounts from the grant are disbursed, an amount sufficient to provide not less than 50 percent of the cost of carrying out the midnight basketball league program.

"(B) NON-FEDERAL FUNDS.—For purposes of this paragraph, the term 'funds from non-Federal sources' includes amounts from nonprofit organizations, public housing agencies, States, units of general local government, and Indian housing authorities, private contributions, any salary paid to staff (other than from grant amounts under paragraph (1)(A)) to carry out the program of the eligible entity, in-kind contributions to carry out the program (as determined by the Secretary after consultation with the Advisory Committee), the value of any donated material, equipment, or building, the value of any lease on a building, the value of any utilities provided, and the value of any time and services contributed by volunteers to carry out the program of the eligible entity.

"(C) PROHIBITION ON SUBSTITUTION OF FUNDS.—Grant amounts under paragraph (1)(A) and amounts provided by States and units of general local government to supplement grant amounts may not be used to replace other public funds previously used, or designated for use, under this section.

"(D) MAXIMUM AND MINIMUM GRANT AMOUNTS.—

"(i) IN GENERAL.—The Secretary may not make a grant under paragraph (1)(A) to any single eligible entity in an amount less than $55,000 or exceeding $130,000, except as provided in clause (ii).

"(ii) EXCEPTION FOR LARGE LEAGUES.—In the case of a league having more than 80 players, a grant under paragraph (1)(A) may exceed $130,000, but may not exceed the amount equal to 35 percent of the cost of carrying out the midnight basketball league program.

"(E) DISBURSEMENT.—Amounts provided under a grant under paragraph (1)(A) shall be disbursed to the eligible entity receiving the grant over the 5-year period beginning on the date that the entity is selected to receive the grant, as follows:

"(i) In each of the first 2 years of such 5-year period, 23 percent of the total grant amount shall be disbursed to the entity.

"(ii) In each of the last 3 years of such 5-year period, 18 percent of the total grant amount shall be disbursed to the entity.

"(6) APPLICATIONS.—To be eligible to receive a grant under paragraph (1)(A), an eligible entity shall submit to the Secretary an application in the form and manner required by the Secretary (after consultation with the Advisory Committee), which shall include—

"(A) a description of the midnight basketball league program to be carried out by the entity, including a description of the employment counseling, job training, and other educational services to be provided;

"(B) letters of agreement from service providers to provide training and counseling

services required under paragraph (4) and a description of such service providers;

"(C) letters of agreement providing for facilities for basketball games and counseling, training, and educational services required under paragraph (4) and a description of the facilities;

"(D) a list of persons and businesses from the community served by the program who have expressed interest in sponsoring, or have made commitments to sponsor, a team in the midnight basketball league; and

"(E) evidence that the neighborhood or community served by the program meets the requirements of paragraph (4)(C).

"(7) SELECTION.—The Secretary, in consultation with the Advisory Committee, shall select eligible entities that have submitted applications under paragraph (6) to receive grants under paragraph (1)(A). The Secretary, in consultation with the Advisory Committee, shall establish criteria for selection of applicants to receive such grants. The criteria shall include a preference for selection of eligible entities carrying out midnight basketball league programs in suburban and rural areas.

"(8) TECHNICAL ASSISTANCE GRANTS.—Technical assistance grants under paragraph (1)(B) shall be made as follows:

"(A) ELIGIBLE ADVISORY ENTITIES.—Technical assistance grants may be made only to entities that—

"(i) are experienced and have expertise in establishing, operating, or administering successful and effective programs for midnight basketball and employment, job training, and educational services similar to the programs under paragraph (4); and

"(ii) have provided technical assistance to other entities regarding establishment and operation of such programs.

"(B) USE.—Amounts received under technical assistance grants shall be used to establish centers for providing technical assistance to entities receiving grants under paragraph (1)(A) of this subsection and subsection (a) regarding establishment, operation, and administration of effective and successful midnight basketball league programs under this subsection and subsection (c)(3).

"(C) NUMBER AND AMOUNT.—To the extent that amounts are provided in appropriations Acts under paragraph (13)(B) in each fiscal year, the Secretary shall make technical assistance grants under paragraph (1)(B). In each fiscal year that such amounts are available the Secretary shall make 4 such grants, as follows:

"(i) 2 grants shall be made to eligible advisory entities for development of midnight basketball league programs in public housing projects.

"(ii) 2 grants shall be made to eligible advisory entities for development of midnight basketball league programs in suburban or rural areas.

Each grant shall be in an amount not exceeding $25,000.

"(9) ADVISORY COMMITTEE.—The Secretary of Housing and Urban Development shall appoint an Advisory Committee to assist the Secretary in providing grants under this subsection. The Advisory Committee shall be composed of not more than 7 members, as follows:

"(A) Not less than 2 individuals who are involved in managing or administering midnight basketball programs that the Secretary determines have been successful and effective. Such individuals may not be involved in a program assisted under this subsection or a member or employee of an eligible advisory entity that receives a technical assistance grant under paragraph (1)(B).

"(B) A representative of the Center for Substance Abuse Prevention of the Public Health Service, Department of Health and Human Services, who is involved in administering the grant program for prevention, treatment, and rehabilitation model projects for high risk youth under section 509A of the Public Health Service Act (42 U.S.C. 290aa-8), who shall be selected by the Secretary of Health and Human Services.

"(C) A representative of the Department of Education, who shall be selected by the Secretary of Education.

"(D) A representative of the Department of Health and Human Services, who shall be selected by the Secretary of Health and Human Services from among officers and employees of the Department involved in issues relating to high-risk youth.

"(10) REPORTS.—The Secretary shall require each eligible entity receiving a grant under paragraph (1)(A) and each eligible advisory entity receiving a grant under paragraph (1)(B) to submit to the Secretary, for each year in which grant amounts are received by the entity, a report describing the activities carried out with such amounts.

"(11) STUDY.—To the extent amounts are provided under appropriation Acts pursuant to paragraph (13)(C), the Secretary shall make a grant to one entity qualified to carry out a study under this paragraph. The entity shall use such grant amounts to carry out a scientific study of the effectiveness of midnight basketball league programs under paragraph (4) of eligible entities receiving grants under paragraph (1)(A). The Secretary shall require such entity to submit a report describing the study and any conclusions and recommendations resulting from the study to the Congress and the Secretary not later than the expiration of the 2-year period beginning on the date that the grant under this paragraph is made.

"(12) DEFINITIONS.—For purposes of this subsection:

"(A) The term 'Advisory Committee' means the Advisory Committee established under paragraph (9).

"(B) The term 'eligible advisory entity' means an entity meeting the requirements under paragraph (8)(A).

"(C) The term 'eligible entity' means an entity described under paragraph (2)(A).

"(D) The term 'federally assisted low-income housing' has the meaning given the term in section 5126 of the Public and Assisted Housing Drug Elimination Act of 1990.

"(13) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

"(A) for grants under paragraph (1)(A), $2,650,000 in each of fiscal years 1994 and 1995;

"(B) for technical assistance grants under paragraph (1)(B), $100,000 in each of fiscal years 1994 and 1995; and

"(C) for a study grant under paragraph (11), $250,000 in fiscal year 1994.".

SEC. 3. PUBLIC HOUSING MIDNIGHT BASKETBALL LEAGUE PROGRAMS.

Section 520(c) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C 11903a(c)) is amended by adding at the end the following new paragraph:

"(3) MIDNIGHT BASKETBALL LEAGUE PROGRAMS.—Notwithstanding any other provision of this subsection and subsection (d), a grant under this section may be used to carry out any youth sports program that meets the requirements of a midnight basketball league program under subsection (1)(4) (not including subparagraph (B) of such subsection) if the program serves primarily youths and young adults from the public housing project in which the program assisted by the grant is operated.".

SUMMARY OF THE PROVISIONS IN THE MIDNIGHT BASKETBALL LEAGUE TRAINING AND PARTNERSHIP ACT OF 1993

MIDNIGHT BASKETBALL LEAGUES

Midnight Basketball Leagues specifically target unemployed adolescents who live in economically and socially disadvantaged communities. They are required to hold a majority of their games between 10 p.m. and 2 a.m. After these games, players are required to attend educational and job related workshops.

THE MIDNIGHT BASKETBALL LEAGUE TRAINING AND PARTNERSHIP ACT

This bill authorizes the Secretary of HUD, in consultation with a 7 member advisory committee, to grant $5.75 million in FY's 94 and 95 for the development of new and existing Midnight Basketball Leagues.

1. League grants: $2.65 million in FY 94 and 95.

These grants which range from $55,000 to $130,000 are awarded to Leagues over five year periods. Leagues must provide 35% in matching non-federal funds for the first two years and 50% in matching funds thereafter.

These grants can fund 25 Leagues at the maximum amount.

2. Technical assistance grants: $100,000 in FY 94 and 95.

This legislation authorizes four $25,000 grants for the development of existing Leagues.

3. Study grant: $250,000 in FY 94.

This grant is for a study of all Leagues receiving funding.●

By Mr. HOLLINGS:

S. 1006. A bill to authorize a certificate of documentation for the vessel *Arbitrage II*; to the Committee on Commerce, Science, and Transportation.

DOCUMENTATION OF VESSEL "ARBITRAGE II"

● Mr. HOLLINGS. Mr. President, I am introducing a bill today to direct that the vessel *Arbitrage II*, official number 962861, be accorded coastwise trading privileges and be issued a coastwise endorsement under title 46, United States Code, section 12106.

The *Arbitrage II* was constructed in Canada in 1988 as a recreational vessel. It is 56 feet in length, 13.8 feet in breadth, has a depth of 3.9 feet, and is self-propelled.

The vessel was purchased on October 31, 1990, by Lousie Price Parsons [LPP], Inc. of Pawleys Island, SC. LPP, Inc. is the developer of Litchfield Plantation in Georgetown County, SC. The vessel's owners purchased it with the intention of taking sales prospects on short tours of Litchfield Plantation and for occasional special events associated with the development. When the owners purchased the boat, they were unaware of the coastwise trade and fisheries restrictions of the Jones Act. They assumed that there were no restrictions on engaging the vessel in such a limited operation. However, due to the fact that the vessel was foreign built and had previously been foreign owned, it did not meet the requirements for a coastwise license endorsement in the

United States. Such documentation is mandatory to enable the owners to use the vessel for its intended purposes.

The owners of the *Arbitrage II* are thus seeking a waiver of the existing law because they wish to use the vessel for the promotion and sale of their development. Their desired intentions for the vessel's use will not adversely affect the coastwise trade in U.S. waters. If they are granted this waiver, it is their intention to comply fully with U.S. documentation and safety requirements. The purpose of the legislation I am introducing is to allow the *Arbitrage II* to engage in the coastwise trade and fisheries of the United States.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

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

S. 1006

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation for the vessel ARBITRAGE II, United States official number 962861.●

By Mr. ROTH:

S.J. Res. 96. A joint resolution proposing an amendment to the Constitution of the United States relative to campaign expenditures; to the Committee on the Judiciary.

CAMPAIGN FINANCE REFORM CONSTITUTIONAL AMENDMENT

● Mr. ROTH. Mr. President, I am today introducing a constitutional amendment to limit campaign expenditures. This is now the fourth consecutive Congress in which I have introduced my proposal.

Unfortunately, we continue to be confronted with the basic dilemma of campaign finance reform: the clash between competing constitutional values of free speech and electoral integrity. According to the U.S. Supreme Court in *Buckley* v. *Valeo*, 425 U.S. 1 (1976), campaign contributions and expenditures must be viewed in the context of the first amendment. But excessive spending undermines the very process of democracy that free speech is designed to preserve. Thus, we face the paradox that free speech, which is necessary to promote a competition of ideas, may actually impede such competition by those who cannot afford the high cost of free speech.

Like many of my colleagues in Congress, I have given the subject of campaign finance reform considerable thought over the years. I am sure we can all agree that it is most important to restore a sense of fairness and the appearance of honesty to campaigns for public office. The present way of doing things is not satisfactory. Campaign costs continue to explode, and the demands those costs place on individual candidates contribute to the mounting criticism we are hearing from our constituents. In my view, it does not have to be this way. Lowering the overall costs of campaigns, reducing the need for astronomical war chests, and shortening campaigns can and should be done.

Again, we can all agree on the problem. We differ, however, on the best way to fix that problem. Numerous statutory proposals for reform have been forwarded in the 103d Congress. The substantial majority of these would impose restraints on some aspects of political money. This year, I have cosponsored comprehensive legislation that attacks campaign finance reform on many fronts, including PAC's, bundling of contributions, and soft money. I have also reintroduced legislation that would require broadcasters to provide free television time to Senate candidates, thereby sharply reducing campaign costs.

While not categorical, Republican proposals may be characterized as generally favoring limits on campaign contributions. We want to reduce the influence of special interest PAC's and ban the use of soft money in a very direct fashion—what I might term "supply side" campaign reform.

Democratic proposals, on the other hand, may be characterized as generally aiming to limit campaign expenditures. By setting certain limits on the amount of money a candidate can spend in an election year, Democratic proposals purport to reduce the demand for special interest money. The problem with this approach is that the Supreme Court in its 1976 Buckley decision made quite clear that Congress could not constitutionally limit the amount of money a candidate spends on his or her election. To do so, according to the Court, would violate that candidate's freedom of speech.

Mr. President, as you know, Congress made a good faith effort to address the campaign finance problem nearly 20 years ago, by passing the Federal Election Campaign Act of 1974. In FECA, we attempted to establish limits on campaign contributions and expenditures and to require certain disclosures. These limitations, along with other regulations provided in that law, we believed, would protect against corruption and restore equity to the political process. Some of these limitations, however, were held to be unconstitutional by the Supreme Court in Buckley v. Valeo.

While the Court upheld the contribution and disclosure provisions as permissible incursions on first amendment rights on the grounds that such provisions protected against corruption and the appearance of corruption in the political process, it struck down the expenditure limitations. Congress' stated intention to protect against corruption or the appearance of corruption was found to be insufficient to justify such direct limitations on political expression. Likewise, the Court's analysis specifically rejected as insufficient any congressional purpose to equalize political opportunity or to curb escalating campaign costs.

It is because of the Court's ruling in Buckley that legislative solutions will not fully suffice. While Congress remains free to limit campaign contributions, we cannot, under Buckley, limit the amount of personal money that a candidate, wealth or otherwise, spends on his or her campaign. The Court determined that to do so would be unconstitutional, striking at the first amendment's guarantee of freedom of speech. The same logic dictated that individuals independent of a candidate also have a constitutional right to spend any amount of money to support or criticize the candidate or party of their choice. The effect of the decision was to exacerbate the difference between the wealthy and not so wealthy that Congress wished to eliminate.

Consequently, the present system makes it relatively difficult for a candidate of average means, who has to run a campaign on statutorily limited contributions, to compete with a wealthy candidate, who need not rely on contributions at all. But perhaps the most nettlesome component of the Buckley Court's ruling, at least to this Senator, is the connection many have made between spending limits and taxpayer financing.

It is difficult to understand how Congress can seriously consider spending taxpayer money on a reform measure, which even if it were to work as promised, would not fix the problem. Indeed, it is clear that a voluntary spending-limit approach could not affect constitutional rights of wealthy candidates and independent parties to spend without limitation. Why would a wealthy candidate agree to abide by prearranged spending limits when he or she can otherwise outspend the less fortunate candidate? A constitutional amendment will allow Congress to skip the carrot of public funding, which would save money and avoid antagonizing the taxpayer, and it would work.

Proponents of public financing often argue that the cost to the taxpayer is well worth it. In making this claim proponents tend to overlook certain points: First, they tend to exaggerate the corruption in our system. They hypothesize corruption by identifying Government programs that benefit someone else. They believe that they themselves have no special interests and that whatever benefit is given to someone else in society must be the result of some unfairness.

Second, the public financing proposal, as stated before, cannot solve

the problem of the wealthy candidate spending his own resources and the problem of independent expenditures.

Third, the general public dislikes have taxpayer funds flowing to candidates to whom they would otherwise never contribute. I suspect many find it hard enough to give to candidates they favor, let alone to those they dislike.

Fourth, the general public does not believe that incumbents deserve another perk, the equivalent of food stamps for politicians. They believe the costs of running for Congress are too high and should not be further increased.

Fifth, whatever the current cost estimates there are today, they are too low. I have never seen a government program whose initial costs estimates weren't too low. Here, the object of proponents is to establish a public financing beachhead and then, having established that, advance over time to full public financing. Many of the proponents do not espouse public financing to achieve an end, such as expenditure limits, but as an end in itself, to eliminate all private contributions from the system. Once established, public financing is sure to grow.

In contrast, my constitutional amendment would accomplish everything that the public financing proposal could, and more, but without, of course, cost to the taxpayer.

Mr. President, the purpose of my amendment is to overturn certain parts of the Supreme Court's decision in Buckley versus Valeo wherein the Court struck down several Federal election campaign regulations of the Congress. While some of my colleagues may view a constitutional amendment as too drastic, I must respectfully disagree. Since the ratification of the Constitution and the bill of rights, we have regularly had to adopt constitutional amendments to overturn Supreme Court decisions thought to be bad public policy. The 11th amendment preserving State immunity was adopted to overturn Chisolm versus Georgia. The 13th, 14th, and 15th amendments—the Civil War amendments—overturned the infamous Dred Scott decision. The 16th amendment, providing for the Federal income tax, overturned Pollock versus Farmers Loan and Trust Company. The 19th amendment, providing womens' suffrage, overturned Minor versus Happersett. The 24th amendment, prohibiting the poll tax, overturned Breedlove versus Suttels. Finally, the 26th amendment, reducing voting age qualifications, overturned Oregon versus Mitchell.

I recount this history to underscore that 8 of the 17 amendments ratified since the Bill of Rights were in response to Supreme Court decisions thought to be bad policy. Of course, not every issue is of such importance to merit a constitutional amendment. But campaign financing, I submit, easily meets that threshold. It is not ephemeral. It is a matter of electoral integrity. And while Congress has a continuing responsibility to protect free speech, it must also remain faithful to its obligation to protect the integrity of the electoral system.

Mr. President, I would like to elaborate in a more technical manner on the constitutional amendment I am introducing today. As you may know, for the past four Congresses, Senator HOLLINGS and I have introduced proposals to amend the Constitution to achieve the goal of complete reform. However, our proposals, while similar in purpose, have differed in form. While the language differences were once significant, they are now relatively minor.

Senate Joint Resolution 37, the Hollings proposal, refers to elections for Federal office while my proposal refers to the "Office of President, Vice President, Senator, Representative, or any other office within its jurisdiction." I prefer my language because it more clearly embraces the Office of Mayor of the District of Columbia, which most people view as a local office. But the Hollings proposal gives local office jurisdiction to the States. What State would set the rules for the District of Columbia? My view is that whether the office is Federal or local, it is, by virtue of article 1, section 8, clause 17, within the jurisdiction of the Federal Government. My language is the more appropriate form of reference to the District of Columbia.

Moreover, the reference to local office in the Hollings proposal would mark the first time, if it were ratified, that the Constitution made reference to local office or local government. The Constitution divides powers between the Federal Government and the State governments but leaves to the States how to treat local governments within their jurisdiction. I see no reason to deviate from that tradition here.

Finally, the Hollings proposal focuses on expenditures by, in support of, or in opposition to candidates. My proposal treats with expenditures with respect to candidates. In view of my earlier discussion of truly independent expenditures, I find the Hollings language a little too narrow. I do not believe that it is intended to exclude independent expenditures from congressional limitations, but it could have that effect.

Independent expenditures cannot be by a candidate. That is by definition. Beyond that, I can easily imagine independent expenditures that are not "in support of or in opposition to" a candidate. Does the proposal look to the purpose of the independent expenditure or to its effect? I am not sure what the Hollings proposal means on this score but I believe that the fine-tuning intended is best left for Congress to decide when, after ratification, it must legislate reasonable limitations. My proposal would allow for such flexibility.

In stating these differences with Senate Joint Resolution 37, I do not intend to obscure our fundamental agreement that the impediments of Buckley versus Valeo must be set aside. I have cosponsored Senator HOLLINGS' proposal in the past Congress as he has mine. Indeed, I look forward to working with all of the Senators who support constitutional reform.

In conclusion, it is my hope that those interested in campaign finance reform will overcome the ill-founded notion that one must choose between constitutional and statutory reform proposals. I find some irony in the fact that we in Congress debate campaign reform without end, yet proponents of reform oppose constitutional amendments because they take too long to put in place. It has been 6 years since I first introduced this proposal. That first proposal could easily have been ratified by now. If proponents of reform would also become proponents of a constitutional amendment, this change would allow Congress to act expeditiously.

In the final analysis, if we do not adopt a constitutional amendment, we will be left to suffer the problem with statutory solutions that are not fully satisfactory. We will be left to try to get candidates to waive their rights to unlimited spending in return for public funding. Any attempt to place a restraint here or there will inevitably create pressure for political money to flow elsewhere. As we look to the need for campaign finance reform in the 103d Congress, I believe that the only true reform can be found in a constitutional amendment. I urge my colleagues to reflect on my proposal.

Mr. President, I ask unanimous consent that the joint resolution I introduce today 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. 96

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, that the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes and part of the Constitution if ratified by the legislatures of three-fourths of the several States within the seven-year period following the date of submission to the States for ratification:

"ARTICLE —

"Congress may by law establish reasonable limitations on campaign expenditures made by any person with respect to the candidacy of any person for the Office of President, Vice President, Senator, Representative, or any other office within its jurisdiction. The several States may by law establish reasonable limitations on campaign expenditures made by any person with respect to the candidacy of any person for any other office within their respective jurisdictions."●

ADDITIONAL COSPONSORS

S. 1

At the request of Mr. KENNEDY, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 1, a bill to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purposes.

S. 265

At the request of Mr. SHELBY, the names of the Senator from Idaho [Mr. CRAIG] and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of S. 265, a bill to increase the amount of credit available to fuel local, regional, and national economic growth by reducing the regulatory burden imposed upon financial institutions, and for other purposes.

S. 465

At the request of Mr. DASCHLE, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 465, a bill to amend the Internal Revenue Code of 1986 to encourage the production of biodiesel and certain ethanol fuels, and for other purposes.

S. 469

At the request of Mr. WARNER, the names of the Senator from Arizona [Mr. DECONCINI] and the Senator from New Hampshire [Mr. SMITH] were added as cosponsors of S. 469, a bill to require the Secretary of the Treasury to mint coins in commemoration of the Vietnam Women's Memorial.

S. 483

At the request of Mr. SHELBY, the names of the Senator from North Dakota [Mr. DORGAN], the Senator from Nebraska [Mr. EXON], the Senator from South Carolina [Mr. THURMOND], the Senator from Texas [Mr. KRUEGER], the Senator from Nebraska [Mr. KERREY], the Senator from Arkansas [Mr. BUMPERS], and the Senator from Georgia [Mr. NUNN] were added as cosponsors of S. 483, a bill to provide for the minting of coins in commemoration of Americans who have been prisoners of war, and for other purposes.

S. 545

At the request of Mr. DOLE, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S. 545, a bill to amend the Internal Revenue Code of 1986 to allow farmers' cooperatives to elect to include gains or losses from certain dispositions in the determination of net earnings, and for other purposes.

At the request of Mr. BOREN, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 545, supra.

S. 549

At the request of Mr. DOMENICI, the names of the Senator from Colorado [Mr. BROWN], the Senator from Colorado [Mr. CAMPBELL], and the Senator from Wisconsin [Mr. FEINGOLD] were added as cosponsors of S. 549, a bill to provide for the minting and circulation of one-dollar coins.

S. 578

At the request of Mr. KENNEDY, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 578, a bill to protect the free exercise of religion.

S. 600

At the request of Mr. BOREN, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 600, a bill to amend the Internal Revenue Code of 1986 to extend and modify the targeted jobs credit.

S. 613

At the request of Mr. HARKIN, the name of the Senator from Pennsylvania [Mr. WOFFORD] was added as a cosponsor of S. 613, a bill to prohibit the importation of goods produced abroad with child labor, and for other purposes.

S. 633

At the request of Mr. AKAKA, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of S. 633, a bill to amend the Foreign Trade Zones Act to clarify that crude oil consumed in refining operations is not subject to duty under the Harmonized Tariff Schedule of the United States.

S. 833

At the request of Mr. GRASSLEY, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 833, a bill to amend title XVIII of the Social Security Act to provide for increased medicare reimbursement for nurse practitioners, clinical nurse specialists, and certified nurse midwives, to increase the delivery of health services in health professional shortage areas, and for other purposes.

S. 834

At the request of Mr. GRASSLEY, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 834, a bill to amend title XVIII of the Social Security Act to provide for increased medicare reimbursement for physician assistants, to increase the delivery of health services in health professional shortage areas, and for other purposes.

S. 874

At the request of Mr. PRESSLER, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 874, a bill to reauthorize Public Law 81-874 (Impact Aid), and for other purposes.

S. 881

At the request of Mr. DODD, the names of the Senator from Mississippi [Mr. LOTT], the Senator from Tennessee [Mr. SASSER], and the Senator from Nevada [Mr. REID] were added as cosponsors of S. 881, a bill to amend the Elementary and Secondary Education Act of 1965 to reauthorize and make certain technical corrections in the Civic Education Program, and for other purposes.

S. 979

At the request of Mr. LAUTENBERG, the name of the Senator from Pennsylvania [Mr. WOFFORD] was added as a cosponsor of S. 979, a bill to require the Administrator of the Environmental Protection Agency to establish an environmental export program, and for other purposes.

SENATE JOINT RESOLUTION 14

At the request of Mr. THURMOND, the names of the Senator from Colorado [Mr. BROWN], the Senator from New York [Mr. D'AMATO], the Senator from Montana [Mr. BURNS], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of Senate Joint Resolution 14, a joint resolution to designate the month of May 1993, as "National Foster Care Month."

SENATE JOINT RESOLUTION 40

At the request of Mr. KENNEDY, the name of the Senator from Texas [Mr. KRUEGER] was added as a cosponsor of Senate Joint Resolution 40, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for women and men.

SENATE JOINT RESOLUTION 55

At the request of Mr. HATCH, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of Senate Joint Resolution 55, a joint resolution to designate the periods commencing on November 28, 1993, and ending on December 4, 1993, and commencing on November 27, 1994, and ending on December 3, 1994, as "National Home Care Week."

SENATE JOINT RESOLUTION 77

At the request of Mr. HATCH, the names of the Senator from Colorado [Mr. BROWN], the Senator from Mississippi [Mr. COCHRAN], and the Senator from Maine [Mr. COHEN] were added as cosponsors of Senate Joint Resolution 77, a joint resolution to designate the week of April 18, 1993, through April 24, 1993, as "International Student Awareness Week."

SENATE JOINT RESOLUTION 79

At the request of Mr. LAUTENBERG, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of Senate Joint Resolution 79, a joint resolution to designate June 19, 1993, as "National Baseball Day."

SENATE JOINT RESOLUTION 81

At the request of Mr. LAUTENBERG, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of Senate Joint Resolution 81, a joint resolution designating the oak as the national arboreal emblem.

SENATE JOINT RESOLUTION 83

At the request of Mr. DECONCINI, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of Senate Joint Resolution 83, a joint res-

olution designating the week beginning February 6, 1994, as "Lincoln Legacy Week."

SENATE CONCURRENT RESOLUTION 16

At the request of Mr. SHELBY, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of Senate Concurrent Resolution 16, a concurrent resolution expressing the sense of Congress that equitable mental health care benefits must be included in any health care reform legislation passed by Congress.

SENATE RESOLUTION 107

At the request of Mr. WELLSTONE, the names of the Senator from Ohio [Mr. METZENBAUM] and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of Senate Resolution 107, a resolution to express the sense of the Senate that comprehensive and equitable mental health and substance abuse benefits should be included in any comprehensive health care bill passed by Congress.

SENATE RESOLUTION 110—ORIGINAL RESOLUTION REPORTED RELATING TO THE PURCHASE OF CALENDARS

Mr. FORD, from the Committee on Rules and Administration, reported the following original resolution; which was placed on the calendar:

S. RES. 110

Resolved, That the Committee on Rules and Administration is authorized to expend from the contingent fund of the Senate, upon vouchers approved by the chairman of that committee, not to exceed $76,960 for the purchase of one hundred and four thousand 1994 "We The People" calendars. The calendars shall be distributed as prescribed by the committee.

NOTICES OF HEARINGS

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. BUMPERS. Mr. President, I would like to announce for the public that the hearing scheduled before the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources for May 25, 1993, at 2:30 p.m., has been canceled. I hope to reschedule the hearing in the near future. I regret any inconvenience this may have caused.

For further information, please contact David Brooks of the Subcommittee staff at (202) 224-7145.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet on May 20, 1993, at 9:30 a.m. to hear testimony from Ambassador Kantor and other witnesses on the subject of the administration's proposals to extend fast-track authority and the Generalized System of Preferences Program.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Thursday, May 20, 1993, at 10:30 a.m. to hold a business meeting.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, May 20, 1993, beginning at 2 p.m., in 485 Russell Senate Office Building, on the National Indian Policy Center.

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

COMMITTEE ON THE JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, May 20, 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 LABOR AND HUMAN RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on "Comprehensive Health Care: The Need for Action," during the session of the Senate on Thursday, May 20, 1993, at 10 a.m.

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

SUBCOMMITTEE ON MILITARY READINESS AND DEFENSE INFRASTRUCTURE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Military Readiness and Defense Infrastructure of the Committee on Armed Services be authorized to meet on Thursday, May 20, 1993, at 2 p.m., in open session, to receive testimony on policy matters concerning the Department of Defense facility infrastructure; the fiscal year 1994 military construction budget request; the implementation of military base closures and the Defense authorization request for fiscal year 1994 and the future years defense program.

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 Thursday, May 20, 1993, at 4:30 p.m., to hold a closed hearing on intelligence matters.

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

SUBCOMMITTEE ON SECURITIES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Securities of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate Thursday, May 20, 1993, at 10 a.m., to conduct a hearing on major legislative and oversight issues in the securities market and the related banking and futures markets.

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

SUBCOMMITTEE ON SURFACE TRANSPORTATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Surface Transportation of the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, May 20, 1993, at 1 p.m., on S. 839 and current initiatives in high-speed ground transportation.

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

ADDITIONAL STATEMENTS

CONCERNING CHIEF U.S. PROBATION OFFICER FOR THE DISTRICT OF ARIZONA, DR. ROBERT THOMAS

• Mr. DECONCINI. Mr. President, tonight in San Francisco the U.S. Probation Office will honor Dr. Robert Thomas for outstanding service upon his retirement as chief U.S. probation officer for the district of Arizona. Dr. Thomas has served the court and the community on the national and local level for all of his professional life. It is with great pleasure that I take a moment of my colleagues' time to share some of his work.

Dr. Thomas' service to the U.S. district court has spanned 28 years of dedication, and his contributions have been numerous. Among his many career accomplishments was the preparation and implementation of an agency budget under U.S. courts budget decentralization project, only one of four probation automated programs in the Federal judiciary. He also planned, designed, and initiated departmental operations necessary in implementing provisions of the 1984 Comprehensive Crime Control Act and the U.S. Sentencing Commission Guidelines.

He was instrumental in expanding Federal probation community services through the establishment of seven branch offices in select communities in Arizona. He constructed and implemented a firearms safety training program for all officers requesting the use of weapons. Also, he established a stu-

dent intern program between Arizona State University Center for Criminal Justice and the U.S. Probation Office at Phoenix so that others may learn, first-hand, the importance and skills necessary in guiding people back into society.

These are just a few examples of the extraordinary leadership that Dr. Thomas has given to the U.S. Probation Office. In addition, he published many articles on the criminal justice system and the role of Federal probation and actively participated in groups and committees to help better assimilate the community into this system.

Mr. President, I ask that my colleagues join me in a word of thanks to Dr. Thomas for his commitment and courage and in wishing him the best in all his future endeavors.•

ANNUAL NATIONAL CONVENTION—AMERICAN SEPHARDI FEDERATION

• Mr. D'AMATO. Mr. President, I rise in recognition of the Annual National Convention of the American Sephardi Federation, to be held in New York City from May 30 through June 1, 1993.

Last year marked the 500th anniversary of the beginnings of Sephardic Jewry. In 1492, King Ferdinand and Queen Isabella signed a decree which effectively expelled the Jews from Spain, unless they denounced their faith. There was much suffering for those who refused, but others secretly kept their faith or left for new lands to establish new communities. Wherever they went, the host societies benefited greatly from their contributions.

As the American Sephardi Federation notes, Sephardim were the first Jews to arrive on America's shores. The oldest Jewish congregation in the United States is the Spanish and Portuguese Synagogue in New York City and the oldest synagogue building in the United States is the Touro Synagogue in Newport, Rhode Island. Indeed, America was one of the Nations that welcomed the dispersed Jews of Spain and to this day, as Sephardic Jewry begins its sixth century, we celebrate the innumerable contributions of Sephardic culture to both Jewish history and the world at-large.

The New York City area is home to over 200,000 Sephardic—Mediterranean and Middle Eastern—Jews. The Jewish people originating from Syria, Egypt, Lebanon, Turkey, Iraq, and a host of other countries are among America's most successful immigrants. More importantly, their tradition of self-help and public-spiritedness serves as an example for our Nation's citizens. The American Sephardi Federation has done much to encourage the tradition of Sephardic unity.

Sephardic Jews and indeed, all Jews and all people of good will, remember that 1400 Syrian Jews remain hostages in the Syria of Hafez Assad, several Lebanese Jews remain kidnapped by Hezbollah terrorists and several Israeli MIA's remain held or unaccounted for. Furthermore, the State of Israel, beloved to all Jews, remains under great pressure during peace talks, even by her friends, in deference to untrustworthy dictators like Syria's Assad. The unity of Sephardic Jewry on issues of concern is an example for all Jewry.

But let us take this opportunity to recognize this tremendous convention, recalling the commitment of President George Washington to religious liberty made to the Jews of Newport in 1790. Let us stand in praise of the preservation of the varied cultures and heritage of Sephardic Jews, who have been among the greatest contributors to betterment of these United States. Let us honor the world's Sephardic Jewish communities who have given so much to their fellow man.•

KEVIN McHALE

• Mr. KERRY. Mr. President, when Boston Celtics fans speak of the Big Three, the names Larry Bird, Kevin McHale, and Robert Parish immediately come to mind.

As the 1992-93 basketball season drew to an end it became apparent that basketball great Kevin McHale would, after 13 seasons as a member of the Boston Celtics, join his friend Larry Bird in retiring from professional basketball.

Although, the Celtics' season-ending playoff loss to the Charlotte Hornets surely was not what Kevin McHale envisioned as his last NBA moment, his heroic final games as a member of the Celtics will long be appreciated by Boston fans. Despite a bad back and nagging injuries, he averaged 19 points during the series with an unforgettable 30-point performance in game 2 double overtime loss.

Like Kevin McHale, we Celtics fans surely would have preferred to see his career end on a wining note. Yet Kevin McHale and his teammates always will be remembered for what they have accomplished on the parquet.

Indeed, the Big Three helped lead a legendary franchise to three world championships in the 1980's, a decade in which NBA basketball reached new heights in popularity.

And although he eschewed personal accomplishment, the 1980's certainly were a special time for Kevin McHale as well. Seven all-star games, six all-defensive teams, the NBA's top sixth man in 1984 and 1985—Kevin McHale was simply the most dominant power forward of his time. His focus was on contributing all of his talent to his team's effort to win. As he said on May 6 of this year, "I'm a dinosaur. Today guys would rather average 25 points a game and play for teams that don't win. How moronic is that? The thing I thought about was winning the game."

Basketball analysts speak of the sport's transition, and it most certainly can be said that the Celtics are in transition. Robert Parish is the last of the Big Three to remain active in professional basketball; hopefully he will remain a member of the Celtics next season.

Whatever the future holds for the Boston Celtics, their fans undoubtably will recall the great moments and great players who brought such exciting basketball and team spirit to Boston over the past decade and a half.

Doubtlessly it is true that no finer gentleman contributed to that greatness than Kevin McHale.•

TRIBUTE TO OXFORD, NEW YORK

• Mr. D'AMATO. Mr. President. I rise today to honor the town of Oxford, NY, which is celebrating its bicentennial.

Oxford, NY is rich in history. Gen. Benjamin Hovey, a native of Oxford, MA, who gave Oxford its name, moved his family into a log house near the present Behe Funeral Home in November 1791. General Hovey had the contract to build a road from the Unadilla River to Cayuga Lake. With the road completed, many Revolutionary soldiers and others took advantage of the opportunity to acquire land and move west.

The town of Oxford was formed from Jericho and Union, Broome County, January 19, 1793. The first town meeting was held on June 17, 1793, with Benjamin Hovey elected supervisor. The village of Oxford was incorporated in 1808.

Oxford became a center of learning. When Oxford Academy was chartered in 1794, it was one of four academies west of the Hudson River. Its students came from all sections of the country and its graduates held many important positions in government and the professions. Plans are being made for the celebration of the academy's bicentennial in 1994.

Oxford was also a center of commerce located at the intersection of the east-west Ithaca-Catskill Turnpike and the north-south Utica-Binghamton Road. The opening of the Chenango Canal brought in grain, coal, and other commodities and took away products of the valley: butter, cheese, and hops. The Midland, later the Ontario & Western, and the Delaware Lackawanna and Western railroads came through Oxford in 1870, making it possible to transport goods more quickly and contributing to the closing of the Chenango Canal in 1878.

One of the most frequent users of the railroads was the F.G. Clarke Blue Stone Co., operators of the two largest blue stone quarries in the United States which shipped stone for curbing

and sidewalks throughout the Northeast and beyond, as well as stone for buildings, cut and dressed, ready to set in place.

A residential and agricultural community, Oxford has many residents who have found employment in neighboring towns. A wide variety of civic, religious, and social organizations are available for those who wish to become involved.

Recent improvements in the village are a waste water treatment system completed in 1990, and the restoration of the downtown area with the addition of new sidewalks, lighting, and trees.

Oxford remains a village of beautiful century-old homes and churches, and well-kept parks. Many builders have left a rich legacy in the many homes, which are outstanding examples of 19th-century architecture and which contribute greatly to Oxford's historic district.

Oxford will be marking its bicentennial year by holding many special celebrations. This is a town rich in history, and it has played a crucial role in the development of the great State of New York. I salute the members of the town board, the founding fathers, and the citizens of Oxford.•

MIDDLE EAST PEACE

• Mr. COCHRAN. Mr. President, Israeli Ambassador Itamar Rabinovich has written an interesting article for the May 18 edition of the New York Times in which he discusses recent developments in the Syrian-Israeli peace talks. The overall Arab-Israeli peace process hinges on genuine progress in peace negotiations.

In recent weeks, Syrian President Hafez Assad has made statements to the effect that Arab delegations should negotiate with Israel over particular issues and local problems in the region. Syria has also offered the idea of full peace for full withdrawal, based on the withdrawal by Israel from the Golan Heights.

These overtures may represent a new attitude toward Israel, but they leave some important questions unanswered: Would Syria extend full diplomatic recognition to Israel? Would the Assad government engage in public diplomacy with Israel to convey this new message of peace to Israeli and Syrian populations?

Positive responses to these questions would signal a real breakthrough in the peace process.

I ask that a copy of the Ambassador's article be printed in the RECORD.

The article follows:

SMILE WHEN YOU SAY PEACE

(By Itamar Rabinovich)

WASHINGTON.—It is a curious and telling fact that the publication of an interview with Syria's President Hafez, al-Assad on this page last week became one of the most important developments of the round of the Arab-Israeli peace talks that ended last Thursday. Mr. Assad's positive but partial response to some of Israel's fundamental concerns may point to the prospect of a breakthrough in these negotiations in the coming months, but offers the lingering threat of a stalemate.

Last summer the Israeli-Syrian negotiations were transformed by the dramatic introduction of new positions by the newly elected Israeli Government. Unlike its predecessors, the Rabin Government is willing to accept the principle of withdrawal as part and parcel of a genuine peace with Syria. This new policy was communicated to the Syrian delegation to the Washington talks. The Syrians were also told that in order to get Israel to elaborate on the extent of withdrawal, they would have to address three principal Israeli concerns by:

Spelling out the nature of the peace they were willing to make with Israel. They were specifically asked to state that such a peace would include normalization—the establishment of full diplomatic relations, open borders and the like. They were likewise asked to indicate that the prospective Syrian-Israeli peace treaty would "stand on its own two feet"—namely, that while forming part of a larger quest for a comprehensive Arab-Israeli settlement, it would not be encumbered by linkage to the other negotiating tracks.

Agreeing to extensive security arrangements predicated upon mutuality and reciprocity, and redressing any decline in Israel's security caused by territorial concessions.

Engaging in public diplomacy and communicating that a change has occurred in Syria's attitude toward Israel, in order to convey the message of peace to both the Syrian and Israeli publics. This is the only way to create the constituency that is indispensable for peace in this region. In this context, it is significant that to date Mr. Assad's interview has not been published in Syria.

Syria began to respond to this Israeli initiative, but it did so in a slow and incremental fashion. While the two delegations began work on a joint "statement of principles," the prelude to an actual agreement, they were soon bogged down by Syrian insistence that Israel commit itself to full withdrawal from the Golan Heights as a precondition to any further progress. And while Syrian leaders and spokesmen—headed by Mr. Assad himself—began to speak positively about peace, their endorsement of peace tended to be brief and unenthusiastic.

Upon the resumption of peace talks last month, the Syrian delegation came equipped with a five-word formula—"full peace for full withdrawal." We explained to our interlocutors that although this was positive, it was hardly useful.

It is, of course, significant and encouraging to hear that Syria wants "full peace" with Israel, but this is not enough for Israel; it is crucial to understand what this term actually stands for. It is absolutely clear what a "full withdrawal" from the Golan Heights would be, but does "full peace" signify normalization, or is it merely a glorified nonbelligerency?

It is against this background that the significance of President Assad's interview should be assessed. It was, in the first place, the single most impressive act yet of public diplomacy performed by Syria's President in the context of the peace talks with Israel. He spoke at length, in great detail and positively about peace with Israel and about the urgency of the negotiations. Though this is still a far cry from Anwar Sadat's spectacular public diplomacy, it is considerably more impressive than earlier Syrian acts and statements.

It also does much to meet Israel's concern regarding the relationship between the Syrian-Israeli negotiations and the three other bilateral tracks. Mr. Assad stated that "when the Arab delegations negotiate over particular issues and local problems, each will eventually reach a bilateral agreement with Israel . . . In the end there will be a number of bilateral agreements, but this will not affect the traditional heritage of the parties concerned." This comes quite close to some of the formulations tabled by Israel during the negotiations. However, it still retains some of the ambiguity that has been so characteristic of Syria's peace rhetoric.

Here and elsewhere Syria's President does not say forcefully that the conflict with Israel is or should be over, and that Syria has made an unequivocal choice of peace. His public message is conveyed almost grudgingly and indirectly: "Accepting U.N. resolutions means that the Arabs have agreed de facto that both the Israelis and the Arabs have their place in Palestine."

On the nature of the peace, not a word has been heard. Syria's President sets forth the formula "full peace for full withdrawal" and argues that these two "put the ball in the Israeli court."

Clearly, the ball is not in our court. More importantly, we do not feel that we are performing in front of an audience or an umpire that has to be impressed. Rather we, Israelis and Arabs, must impress and convince each other that we want to move these negotiations forward as quickly as possible. Small but significant progress was finally made in the Israeli-Palestinian negotiations during these past rounds. But greater potential for swift progress that would galvanize the whole Arab-Israeli peace process is in the Israeli-Syrian talks. When the negotiations resume in early June, we will be attentive to any change in Syria's position in order to respond to it—and finally effect a breakthrough.

TRIBUTE TO ERIC FORTNER

• Mr. BOND. Mr. President, I rise today to urge my colleagues in the U.S. Senate to join me in recognizing the heroism of a young man from my home State and the community that united to honor him.

On August 26, 1992, 15-year-old Eric Fortner and his friends went to the banks of the River Des Peres in University City, MO, to watch the water rise. Due to heavy rains, this normally placid creek became swelled with water. After saving two friends from the rushing water, Eric jumped in the creek to try to pull out a third. What followed was a 3-mile journey through the underground maze of sewer pipelines.

Minutes into this wild ride, Eric grabbed something in the underground sewer system that turned out to be ladder to a manhole. He was underground for hours, literally hanging on for dear life, until a man walking his dog in Forest Park heard the calls and summoned emergency help.

On April 27, 1993, in St. Louis, Eric Fortner was awarded the Boy Scouts of

America's highest award for heroism, the Order of Crossed Palms. This rarely awarded medal is reserved for Scouts who demonstrate both unusual heroism and extraordinary skill or resourcefulness in saving or attempting to save life at extreme risk to self. Eric is a member of troop 268 which is chartered to the Union Memorial United Methodist Church.

Winston Churchill said, "Courage is rightly esteemed the first of human qualities * * * because it is the quality which guarantees all others." For the rest of Eric's life, he will know that he courageously faced death and danger, choosing love for his friend over his own safety.

Recently, Gov. Mel Carnahan and I nominated Eric for the Young American Medal for Bravery. This award recognizes young men and women 18 years of age or younger who exhibit exceptional courage, extraordinary decisionmaking, presence of mind, and unusual swiftness of action, regardless of their own personal safety, in an effort to save a person whose life was in actual imminent danger. Eric's actions on August 26 reflected all of these qualities and make him a viable candidate for this honor.

Mr. President, Eric Fortner is a true hero, and I am honored to have the opportunity to recognize his heroism. Our nation has been blessed because of people like Eric. I would like to extend my best wishes to him and hopes for continued success in the future.•

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, REGARDING EDUCATIONAL TRAVEL

• Mr. BRYAN. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee received notification under rule 35 for Senator PELL and staff members Janice Demers and Richard Kessler; Senator LEVIN and staff member Rick Fieldhouse; and Senator BOREN and staff members Zachariah Messittee, Christopher Straub and Dan Webber, to participate in a program in China sponsored by the Chinese Government during December 1992.

The committee determined that no Federal statute or Senate rule would prohibit participation by Senators PELL, LEVIN, BOREN, and staff members Janice Demers, Richard Kessler, Zachariah Messittee, Christopher Straub, and Dan Webber in this program.

The select committee received notification under rule 35 for Laurie Schultz Heim, a member of the staff of Senator JEFFORDS, to participate in a program in Russia sponsored by the American Foreign Policy Council and the Russian Parliament, from May 21–June 13, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Heim in this program.

The select committee received notification under rule 35 for Dr. Robert McArthur, a member of the staff of Senator COCHRAN, to participate in a program in Chile, sponsored by the Chilean-American Chamber of Commerce, from May 31–June 3, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Dr. McArthur in this program.

The select committee received notification under rule 35 for Senator PELL and staff members Janice Demers and Richard Kessler; Senator LEVIN and staff member Rick Fieldhouse; Senator BOREN and staff members Zachariah Messittee, Christopher Straub, and Dan Webber; to accept travel in China in December 1992.

The committee determined that acceptance of travel at the expense of the Chinese Government, was in the interest of the Senate and the United States.

The select committee received notification under rule 35 for Amy Dunathan, a member of the staff of Senator CHAFEE, to participate in a program in Mexico, sponsored by the Mexican Business Coordinating Council, Consejo Coordinador Empresarial [CCE], from January 12–15, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Dunathan in this program.•

POLLUTION PREVENTION AND RECYCLING

• Mr. LIEBERMAN. Mr. President, earlier this week, I introduced the Hazardous Pollution Prevention Planning Act of 1993, S. 980, a bill that encourages businesses to develop their own individual ways to improve the environment while improving their bottom line through pollution prevention. Individual corporate responsibility is stressed as the bill calls on companies to develop plans for pollution prevention based on the way they do business. A targeted Federal role is also stressed. EPA will help businesses evaluate their options for preventing pollution by providing technical assistance, conducting research through grants, contracts, and cooperative agreements, and reporting on the program's progress. Each does what it does best—business running its own operations, responsibility, and Government working with centers of higher learning and the States to generate and disseminate the information needed to help business work better and cleaner.

I'd like to highlight the research, development, and demonstration portion of the bill, section 7, which was proposed by my very able colleague, the distinguished senior Senator from New York [Mr. MOYNIHAN]. The language was originally offered and accepted as an amendment to the Environment and Public Works Committee markup of the Resource Conservation and Recovery Act last June. I was impressed by the amendments and asked Senator MOYNIHAN if he would agree to have the language included as part of my pollution prevention bill. I am glad he agreed to do so, because I think it is an important addition to my bill. An efficient infrastructure for pollution prevention, recycling, and reuse simply does not exist. These provisions help us build this infrastructure now and maintain it in the future.

Section 7 encourages EPA to conduct a pollution prevention research program. It requires EPA to work with other Federal agencies involved in pollution prevention and with the States. EPA is required to provide such grants, contracts, and cooperative agreements to colleges and universities to ensure they play a principal role in carrying out the program. This is an important national capacity building effort, and much needed if we are to create the flexibility needed to address regional and local problems and to make best use of our Nation's expertise in preventing pollution.

Research on the identification and evaluation of environmentally safe product substitutes is called for to promote and facilitate the design, development, and production of environmentally preferable product alternatives for use by the private sector.

Research to assess the effects of manufacturing processes on pollution is authorized to develop, evaluate, demonstrate, and promote the use of pollution prevention and waste minimization process technologies by the private sector.

Research to develop methods is called for to allow assessment of the degree of reduction in pollution resulting from changes in key manufacturing processes. These research efforts will provide information needed over time to show us the best ways to prevent pollution and to evaluate the success of pollution prevention efforts.

Because recycling and reuse programs are in their early stages of development, section 7 authorizes a recycling and reuse research program to identify, evaluate, and demonstrate economic and environmentally safe product recovery, reuse, and recycling methods. Section 7 encourages identification of innovative uses of and markets for recycled products.

A number of financial, political, and technological issues have hindered pollution prevention efforts. It is likely this will continue into the future. Perhaps the most important part of section 7 is Senator MOYNIHAN's forward looking language authorizing socioeconomic and institutional research efforts to identify barriers and incentives to recycling and reuse in order to stimulate the development and implementation of acceptable waste minimization and pollution prevention technologies.

As technology evolves, new processes and products will enter commerce. Section 7 authorizes EPA to conduct an anticipatory program to identify emerging environmental problems and to develop ways to avoid them. It also authorizes EPA to develop ways to monitor the effectiveness of pollution prevention technology.●

HONORING KATHRYN DUDEK

●Mr. D'AMATO. Mr. President, I rise today to honor the memory of a fine woman, Kathryn Dudek. Kathryn Dudek was a gifted photographer who was fatally struck by a car on May 21, 1992. She was 38 years old.

Kathryn was a sports photographer who specialized in horseracing and tennis, but did not limit herself to those subjects. Kathryn also photographed human-interest subjects, countless celebrities, and events of local and national significance. She photographed my grandchildren and took pictures at my daughter's wedding.

Kathryn's enormous talent was accompanied by a go-get-it attitude. She approached assignments with enthusiasm and always could be counted on to get the job done on time, even on tight deadlines. Kathryn was a familiar sight at the New York Racing Association tracks and was usually seen with no fewer than three cameras strapped around her neck. She threw herself into her work and it was apparent that she loved her job.

In an effort to keep her memory alive, many organizations have honored her. The New York Road Runners Club honored her by dedicating their 1992 NYC Marathon Program cover to her work, displaying 11 of her photos. There has also been a Belmont Park memorial race named after her which will be run each year. The race is aptly named "The Memories of Kathryn."

Kathryn Dudek was a bright star whose memory will live on. She will be missed by her family, friends, and the many to whom she brought joy. I salute her wonderful life, and am saddened by her passing.●

REMOVAL OF INJUNCTION OF SECRECY

Mr. MITCHELL. Madam President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the Tax Convention with Mexico (Treaty Doc. No. 103–7), transmitted to the Senate by the President today, and ask that the treaty be considered as having been read the first time; that it be referred with accompanying papers to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

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

The President's message is as follows:

To the Senate of the United States:

I transmit herewith for Senate advice and consent to ratification the Convention Between the Government of the United States of America and the Government of the United Mexican States for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, together with a related Protocol, signed at Washington on September 18, 1992. Also transmitted for the information of the Senate is the report of the Department of State with respect to the Convention.

The income tax Convention, the first between the two countries, is intended to reduce the distortions (double taxation or excessive taxation) that can arise when two countries tax the same income, thereby enabling United States firms to compete on a more equitable basis in Mexico and enhancing the attractiveness of the United States to Mexican investors. The Convention is generally based on the Model Treaty of the Organization for Economic Cooperation and Development and recent income tax conventions of both parties.

I recommend that the Senate give early and favorably consideration to the Convention and related Protocol and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 20, 1993.*

ORDER TO CHANGE MORNING BUSINESS

Mr. MITCHELL. Madam President, I ask unanimous consent that the previous order for morning business be changed to reflect the time allotted to Senator GRAMM of Texas be instead allotted to Senator CONRAD.

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

ORDERS FOR FRIDAY, MAY 21, AND MONDAY, MAY 24

Mr. MITCHELL. Madam President, I ask unanimous consent that on Monday, May 24, at 3:30 p.m., the Senate go into executive session to consider the nomination of Roberta Achtenberg to be Assistant Secretary of Housing and Urban Development, that there be 1 hour for debate equally divided in the usual form on the nomination, and that at 4:30 p.m. on Monday, the Senate, without any intervening action or debate, vote on confirmation of the nomination; that upon the disposition of the nomination, the President be immediately notified of the Senate's action, and the Senate return to legislative session; that when the Senate completes its business today, it stand in recess until 10 a.m. on Friday, May 21; that following the prayer, the Journal of proceedings be deemed approved to date; the time for the two leaders be reserved for their use later in the day; there be a period for morning business not to extend beyond 10:20 a.m., with Senators GRAMM of Texas and GRASSLEY permitted to speak therein for up to 10 minutes each; and that at 10:20 a.m., the Senate turn to consideration of Calendar No. 60, S. 3, the campaign finance reform bill, and that the bill be considered for debate only on Friday, May 21.

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

PROGRAM

Mr. MITCHELL. Madam President, agreement having been reached, there will be no rollcall votes this evening, nor will there be any rollcall votes on tomorrow, Friday.

On Monday, there will be a rollcall vote at 4:30 p.m, on the nomination of Roberta Achtenberg to be Assistant Secretary of Housing and Urban Development. Since it is my intention to continue consideration of the campaign finance reform bill on Monday prior to the debate and vote on the Achtenberg nomination, votes are possible on the campaign finance reform bill on Monday as well. However, that will not be decided until such time as we get into the bill. Under the agreement, the bill will be considered for debate only tomorrow, and then we will be on the bill itself on Monday.

RECESS UNTIL 10 A.M. TOMORROW

Mr. MITCHELL. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess until 10 a.m. tomorrow, as under the previous order.

There being no objection, the Senate, at 6:40 p.m., recessed until Friday, May 21, 1993, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate May 20, 1993:

DEPARTMENT OF STATE

WILLIAM CHRISTIE RAMSAY, OF MICHIGAN, 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 THE CONGO.

DEPARTMENT OF EDUCATION

SHARON PORTER ROBINSON, OF KENTUCKY, TO BE ASSISTANT SECRETARY FOR EDUCATIONAL RESEARCH AND IMPROVEMENT, DEPARTMENT OF EDUCATION, VICE DIANE S. RAVITCH, RESIGNED.

JUDITH A. WINSTON, OF THE DISTRICT OF COLUMBIA, TO BE GENERAL COUNSEL, DEPARTMENT OF EDUCATION, VICE JEFFREY C. MARTIN, RESIGNED.

EXECUTIVE OFFICE OF THE PRESIDENT

LIONEL SKIPWITH JOHNS, OF VIRGINIA, TO BE AN ASSOCIATE DIRECTOR OF THE OFFICE OF SCIENCE AND TECHNOLOGY POLICY.

DEPARTMENT OF DEFENSE

CHAS. W. FREEMAN, OF RHODE ISLAND, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE JAMES RODERICK LILLEY, RESIGNED.

DEPARTMENT OF LABOR

OLENA BERG, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF LABOR, VICE DAVID GEORGE BALL, RESIGNED.

JOHN D. DONAHUE, OF INDIANA, TO BE AN ASSISTANT SECRETARY OF LABOR, VICE NANCY RISQUE ROHRBACH, RESIGNED.

EXECUTIVE OFFICE OF THE PRESIDENT

LEE PATRICK BROWN, OF TEXAS, TO BE DIRECTOR OF NATIONAL DRUG CONTROL POLICY, VICE BOB MARTINEZ.

DEPARTMENT OF TRANSPORTATION

ALBERT J. HERBERGER, OF NEW YORK, TO BE ADMINISTRATOR OF THE MARITIME ADMINISTRATION, VICE WARREN G. LEBACK, RESIGNED.

CONFIRMATIONS

Executive Nominations Confirmed by the Senate May 20, 1993:

DEPARTMENT OF EDUCATION

KAY CASSTEVENS, OF TEXAS, TO BE ASSISTANT SECRETARY FOR LEGISLATION AND CONGRESSIONAL AFFAIRS, DEPARTMENT OF EDUCATION.

NORMA V. CANTU, OF TEXAS, TO BE ASSISTANT SECRETARY FOR CIVIL RIGHTS, DEPARTMENT OF EDUCATION.

DEPARTMENT OF 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).

DEPARTMENT OF ENERGY

THOMAS P. GRUMBLY, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF ENERGY (ENVIRONMENTAL RESTORATION AND MANAGEMENT).

JAMES JOHN HOECKER, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JUNE 30, 1995.

WILLIAM LLOYD MASSEY, OF ARKANSAS, TO BE MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING OCTOBER 20, 1993.

WILLIAM LLOYD MASSEY, OF ARKANSAS, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE TERM EXPIRING JUNE 30, 1998.

WILLIAM FARLEY SANTA, OF CONNECTICUT, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE TERM EXPIRING JUNE 30, 1997.

VICKY A. BAILEY, OF INDIANA, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE TERM EXPIRING JUNE 30, 1996.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMIT TEE OF THE SENATE.

IN THE NAVY

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 [redacted]

IN THE 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):

To be general

LT. GEN. GARY E. LUCK [redacted] U.S. ARMY.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE U.S. AIR FORCE TO THE GRADE OF BRIGADIER GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 624:

To be brigadier general

COL. MAXWELL C. BAILEY, [redacted] REGULAR AIR FORCE.
COL. ROBERT P. BELIHAR [redacted] REGULAR AIR FORCE.
COL. FRANK B. CAMPBELL, [redacted] REGULAR AIR FORCE.
COL. THOMAS R. CASE, [redacted] REGULAR AIR FORCE.
COL. DONALD G. COOK, [redacted] REGULAR AIR FORCE.
COL. CHARLES H. COOLIDGE, JR. [redacted] REGULAR AIR FORCE.
COL. RICHARD L. ENGEL, [redacted] REGULAR AIR FORCE.
COL. ROBERT E. GATLIFF [redacted] REGULAR AIR FORCE.
COL. MICHAEL V. HAYDEN, [redacted] REGULAR AIR FORCE.
COL. CHARLES R. HENDERSON [redacted] REGULAR AIR FORCE.
COL. WILLIAM R. HODGES, [redacted] REGULAR AIR FORCE.
COL. ROBERT A. HOFFMANN [redacted] REGULAR AIR FORCE.
COL. RAYMOND P. HUOT [redacted] REGULAR AIR FORCE.
COL. HOWARD J. INGERSOLL, [redacted] REGULAR AIR FORCE.
COL. JAMES A. JAEGER [redacted] REGULAR AIR FORCE.
COL. RONALD T. KADISH [redacted] REGULAR AIR FORCE.
COL. THOMAS J. KECK [redacted] REGULAR AIR FORCE.
COL. OREST L. KOHUT, [redacted] REGULAR AIR FORCE.
COL. GEORGE P. LAMPE [redacted] REGULAR AIR FORCE.
COL. JAMES D. LATHAM [redacted] REGULAR AIR FORCE.
COL. RONALD C. MARCOTTE, [redacted] REGULAR AIR FORCE.
COL. RICHARD C. MARR, [redacted] REGULAR AIR FORCE.
COL. GREGORY S. MARTIN, [redacted] REGULAR AIR FORCE.
COL. DAVID J. MCCLOUD, [redacted] REGULAR AIR FORCE.
COL. JOHN F. MILLER, JR [redacted] REGULAR AIR FORCE.
COL. MICHAEL A. MOFFITT, [redacted] REGULAR AIR FORCE.
COL. WILLIAM F. MOORE, [redacted] REGULAR AIR FORCE.
COL. THOMAS H. NEARY, [redacted] REGULAR AIR FORCE.
COL. CHARLES H. PEREZ [redacted] REGULAR AIR FORCE.
COL. JEFFREY S. PILKINGTON [redacted] REGULAR AIR FORCE.
COL. STEPHEN B. PLUMMER [redacted] REGULAR AIR FORCE.
COL. KAREN S. RANKIN, [redacted] REGULAR AIR FORCE.
COL. THOMAS J. SCANLAN, JR. [redacted] REGULAR AIR FORCE.
COL. GEORGE T. STRINGER [redacted] REGULAR AIR FORCE.
COL. ARTHUR S. THOMAS, [redacted] REGULAR AIR FORCE.
COL. LANSFORD E. TRAPP, JR [redacted] REGULAR AIR FORCE.
COL. GARY A. VOELLGER, [redacted] REGULAR AIR FORCE.
COL. BUFORD R. WITT [redacted] REGULAR AIR FORCE.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE OF MAJOR GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 624:

To be major general

BRIG. GEN. GEORGE T. BABBITT, JR. [redacted] REGULAR AIR FORCE.
BRIG. GEN. RICHARD C. BETHUREM [redacted] REGULAR AIR FORCE.
BRIG. GEN. WILLIAM B. DAVITT [redacted] REGULAR AIR FORCE.
BRIG. GEN. LEE A. DOWNER [redacted] REGULAR AIR FORCE.
BRIG. GEN. RALPH E. EBERHART [redacted] REGULAR AIR FORCE.
BRIG. GEN. RICHARD N. GODDARD [redacted] REGULAR AIR FORCE.
BRIG. GEN. ELDON W. JOERSZ [redacted] REGULAR AIR FORCE.
BRIG. GEN. LESTER L. LYLES [redacted] REGULAR AIR FORCE.
BRIG. GEN. DAVID W. MCILVOY [redacted] REGULAR AIR FORCE.
BRIG. GEN. KENNETH A. MINIHAN [redacted] REGULAR AIR FORCE.
BRIG. GEN. LLOYD W. NEWTON [redacted] REGULAR AIR FORCE.
BRIG. GEN. TAD J. OELSTROM [redacted] REGULAR AIR FORCE.
BRIG. GEN. CHARLES T. ROBERTSON, JR [redacted] REGULAR AIR FORCE.
BRIG. GEN. EUGENE D. SANTARELLI [redacted] REGULAR AIR FORCE.
BRIG. GEN. RICHARD T. SWOPE [redacted] REGULAR AIR FORCE.
BRIG. GEN. ARNOLD R. THOMAS, JR. [redacted] REGULAR AIR FORCE.
BRIG. GEN. W. THOMAS WEST [redacted] REGULAR AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN S. FAIRFIELD [redacted] U.S. AIR FORCE.

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:

MAJ. GEN. DALE W. THOMPSON, JR. [redacted] U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. TREVOR A. HAMMOND, [redacted] U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN M. NOWAK, [redacted] U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. THOMAS R. FERGUSON, JR. [redacted] U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. JAMES A. FAIN, JR [redacted] U.S. AIR FORCE.

IN THE ARMY

THE UNITED STATES ARMY RESERVE OFFICERS NAMED HEREIN FOR APPOINTMENT IN THE RESERVE OF THE ARMY OF THE UNITED STATES IN THE GRADES INDICATED BELOW, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593(A), 3371 AND 3384:

To be major general

BRIG. GEN. STEPHEN C. BISSET [redacted]
BRIG. GEN. EDWARD M. CROWLEY [redacted]
BRIG. GEN. RALPH O. DOUGHTY [redacted]
BRIG. GEN. ROBERT A. LAME [redacted]
BRIG. GEN. RONALD L. LOWE [redacted]
BRIG. GEN. JAMES A. POCOCK [redacted]
BRIG. GEN. LARRY L. SCHEUCHZER [redacted]
BRIG. GEN. MICHAEL D. STRONG, II [redacted]

To be brigadier general

COL. ROBERT A. LUCAS [redacted]
COL. WILLIAM F. O'BRIEN [redacted]
COL. WESLEY A. BEAL [redacted]
COL. CLARK C. WATTS [redacted]
COL. DAVID J. KAUCHECK [redacted]
COL. VINCENT E. STAHL [redacted]
COL. JERALD N. ALBRECHT [redacted]
COL. KENNETH D. STRONG [redacted]
COL. CRAIG BAMBROUGH [redacted]
COL. THOMAS J. MATTHEWS [redacted]
COL. THOMAS A. DEAS [redacted]
COL. JAMES P. CULLEN [redacted]
COL. WILLIAM F. ALLEN [redacted]
COL. EDDI Z. ZYKO [redacted]
COL. MARK R. BAILEY [redacted]
COL. ANTHONY F. CARUANA [redacted]

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. JOSEPH S. LAPOSATA [redacted] U.S. ARMY.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. MARVIN L. COVAULT [redacted] U.S. ARMY.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. RICHARD F. KELLER [redacted] U.S. ARMY.

THE U.S. ARMY RESERVE OFFICERS NAMED HEREIN FOR APPOINTMENT IN THE RESERVE OF THE ARMY OF THE UNITED STATES IN THE GRADES INDICATED BELOW, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593(A), 3371 AND 3384:

To be major general

BRIG. GEN. WALTER E. KATUZNY, JR. [redacted]
BRIG. GEN. THOMAS W. SABO [redacted]

To be brigadier general

COL. JAMES M. AUBUCHON [redacted]
COL. JAMES W. DARDEN [redacted]
COL. ROBERT H. MCINVALE, JR. [redacted]
COL. JOEL G. BLANCHETTE [redacted]
COL. JACK H. KOTTER [redacted]
COL. MICHAEL T. GAW [redacted]

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):

To be lieutenant general

MAJ. GEN. JOHN E. MILLER [redacted] U.S. ARMY.

THE U.S. ARMY NATIONAL GUARD OFFICER NAMED HEREIN FOR APPOINTMENT IN THE RESERVE OF THE ARMY OF THE UNITED STATES IN THE GRADE INDICATED BELOW, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593(A), 3385, AND 3392:

To be brigadier general

COL. PAUL G. GEBHARDT [redacted]

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):

To be lieutenant general

MAJ. GEN. HENRY H. SHELTON [redacted] U.S. ARMY.

IN THE NAVY

THE FOLLOWING-NAMED CAPTAINS IN THE STAFF CORPS OF THE U.S. NAVY FOR PROMOTION TO THE PERMANENT GRADE OF REAR ADMIRAL (LOWER HALF), PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

MEDICAL CORPS

To be rear admiral (lower half)

CAPT. JAMES HOWARD BLACK [redacted] U.S. NAVY.
CAPT. NOEL KENNEDY DYSART, JR. [redacted] U.S. NAVY.

SUPPLY CORPS

To be rear admiral (lower half)

CAPT. EDWARD ROBERT CHAMBERLIN, [redacted] U.S. NAVY.
CAPT. JOHN TURNER SCUDI [redacted] U.S. NAVY.

CIVIL ENGINEER CORPS

To be rear admiral (lower half)

CAPT. DAVID JULIAN NASH [redacted] U.S. NAVY.

THE FOLLOWING-NAMED REAR ADMIRALS (LOWER HALF) IN THE LINE OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF REAR ADMIRAL, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICER

To be rear admiral

REAR ADM. (LH) PHILIP JAMES COADY, JR. [redacted] U.S. NAVY.
REAR ADM. (LH) PHILIP ALPHONSE DUR [redacted] U.S. NAVY.
REAR ADM. (LH) ROBERT JOHNSON SPANE [redacted] U.S. NAVY.
REAR ADM. (LH) RICHARD ALEXAND WILSON [redacted] U.S. NAVY.

THE FOLLOWING-NAMED REAR ADMIRAL (LOWER HALF) IN THE COMPETITIVE CATEGORY OF ENGINEERING DUTY OFFICER OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF REAR ADMIRAL, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

ENGINEERING DUTY OFFICER

To be rear admiral

REAR ADM. (LH) EDWARD STILLMAN MCGINLEY, II, 192–30–9494, U.S. NAVY.

THE FOLLOWING-NAMED OFFICER, CURRENTLY HOLDING THE PERMANENT GRADE OF REAR ADMIRAL (LOWER HALF), IN THE COMPETITIVE CATEGORY OF SPECIAL DUTY OFFICER (INTELLIGENCE) OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF REAR ADMIRAL, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR TO AS PROVIDED BY LAW:

SPECIAL DUTY OFFICER (INTELLIGENCE)

To be rear admiral

REAR ADM. (LH) JOHN MICHAEL MCCONNELL [redacted] U.S. NAVY.

THE FOLLOWING-NAMED REAR ADMIRAL (LOWER HALF) OF THE RESERVE OF THE U.S. NAVY FOR PERMANENT PROMOTION TO THE GRADE OF REAR ADMIRAL IN THE STAFF CORPS, AS INDICATED, PURSUANT TO THE PROVISION OF TITLE 10, UNITED STATES CODE, SECTION 5912:

DENTAL CORPS OFFICER

To be rear admiral

REAR ADM. (LH) ROGER WAYNE TRIFTSHAUSER, 101–30–5084/2205, U.S. NAVAL RESERVE.

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be vice admiral

VICE ADM. WILLIAM A. DOUGHERTY, JR., U.S. NAVY, 191–28–6102.

MARINE CORPS

THE FOLLOWING-NAMED COLONELS OF THE U.S. MARINE CORPS FOR PROMOTION TO THE PERMANENT GRADE OF BRIGADIER GENERAL, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 624:

To be brigadier general

COL. THOMAS A. BRAATEN [redacted]
COL. MARTIN R. STEELE [redacted]
COL. FREDERICK MCCORKLE [redacted]
COL. MICHAEL D. RYAN [redacted]
COL. PATRICK G. HOWARD [redacted]
COL. WAYNE E. ROLLINGS [redacted]
COL. GEORGE M. KARAMARKOVICH [redacted]
COL. MICHAEL P. DELONG [redacted]
COL. EDWIN C. KELLEY, JR. [redacted]
COL. RICHARD F. VERCAUTEREN [redacted]
COL. EDWARD HANLON, JR. [redacted]
COL. GEOFFREY B. HIGGINBOTHAM [redacted]
COL. JACK W. KLIMP [redacted]
COL. RONALD G. RICHARD [redacted]

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. MATTHEW T. COOPER [redacted] USMC.

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING JOHN T. ABBOTT, JR., AND ENDING SCOTT R. WILLIAMSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 16, 1993.

AIR FORCE NOMINATIONS BEGINNING *CARL P. DENNIS, AND ENDING SALLY J. PETTY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 25, 1993.

AIR FORCE NOMINATIONS BEGINNING MICHAEL S. HOUSER, AND ENDING JOHN A. ARRIGO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 25, 1993.

AIR FORCE NOMINATIONS BEGINNING ROOSEVELT GREEN, AND ENDING GARDNER G. BASSETT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 29, 1993.

AIR FORCE NOMINATIONS BEGINNING LORI L. BROWN, AND ENDING AMIT Y. YORAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 29, 1993.

AIR FORCE NOMINATIONS BEGINNING ALAN M. AKERS, AND ENDING MARY L. ZOZULIN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 29, 1993.

AIR FORCE NOMINATIONS BEGINNING RONALD W. HANROTE, AND ENDING ALAN R. WESTROM, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 5, 1993.

AIR FORCE NOMINATIONS BEGINNING MAJ. DANA L. ALEXANDER, [redacted] AND ENDING MAJ. KEVIN G. HOFFERT, [redacted] WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 19, 1993.

AIR FORCE NOMINATIONS BEGINNING JAMES S. ADAMSKI, AND ENDING MICHAEL F. ZUPAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 19, 1993.

AIR FORCE NOMINATIONS BEGINNING MILA D. ABALATEO, AND ENDING DANIEL R. ZAYAC, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 19, 1993.

IN THE ARMY

ARMY NOMINATIONS BEGINNING HENRY C. CHAPMAN, AND ENDING RICHARD W. KREMPASKY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRFSSIONAL RECORD OF JANUARY 5, 1993.

ARMY NOMINATIONS BEGINNING RONALD W. ADAMS, AND ENDING JACK R. YOUNGER, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 5, 1993.

ARMY NOMINATIONS BEGINNING FRANK S. PETTYJOHN, AND ENDING CHRISTOPHER F. SIRRIDGE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 25, 1993.

ARMY NOMINATIONS BEGINNING RICHARD W. AVERITT, AND ENDING SANDRA J. BARY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 25, 1993.

ARMY NOMINATIONS BEGINNING JAMES J. DOUGHERTY, AND ENDING CHARLOTTE G. DUFFORD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 25, 1993.

ARMY NOMINATIONS BEGINNING LONNIE B. BYRD, AND ENDING DAVID ZALIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 25, 1993.

ARMY NOMINATIONS BEGINNING JAMES M. BROWN, AND ENDING WAYNE R. WHITELOCK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 25, 1993.

ARMY NOMINATIONS BEGINNING JOHN M. BABCOCK, AND ENDING JAMES W. WINN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 25, 1993.

ARMY NOMINATIONS BEGINNING MICHAEL L. ABELS, AND ENDING BRUCE E. ZUKAUSKAS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 25, 1993.

ARMY NOMINATIONS BEGINNING *GARY D. DAVIS, AND ENDING *DONALD W. GILMORE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN CONGRESSIONAL RECORD OF MARCH 29, 1993.

ARMY NOMINATIONS BEGINNING STEVEN G. BROOKS, AND ENDING *MICHAEL J. KALIL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 5, 1993.

ARMY NOMINATIONS BEGINNING PATRICK M. HOLDER, AND ENDING *VICTORIA J. RANSOM, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 5, 1993.

ARMY NOMINATIONS BEGINNING RAYMOND L. CAPPS. AND ENDING CLEM D. MCDUFFIE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 5, 1993.

ARMY NOMINATIONS BEGINNING BURIS C. DALE, AND ENDING TERRY E. THOMASON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 19, 1993.

ARMY NOMINATIONS BEGINNING RONALD E. MCCONNELL, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN CONGRESSIONAL RECORD OF APRIL 19, 1993.

ARMY NOMINATIONS BEGINNING ELZEY J. ARLEDGE, JR., AND ENDING MARY M. LACKEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 19, 1993.

ARMY NOMINATIONS BEGINNING JOHN P. SCOVILL, AND ENDING LANG K. COLEMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE ON APRIL 28, 1993, AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 29, 1993.

ARMY NOMINATIONS BEGINNING ERIK J. AASTERUD, AND ENDING STRIDER SULLEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE ON APRIL 28, 1993, AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 29, 1993.

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING ERIK M. WOLF, AND ENDING MARK A. MCGUIRE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 21, 1993.

IN THE NAVY

NAVY NOMINATIONS BEGINNING JOHN GORDON ASCH, AND ENDING KENNETH W. PARNELL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 25, 1993.

NAVY NOMINATIONS BEGINNING BRIAN MURRAY CALHOUN, AND ENDING PATRICK JAMES TILLEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 19, 1993.

NAVY NOMINATIONS BEGINNING ROBERT ANDREW OLSHAKER, AND ENDING JAMES A. MCGINNIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 19, 1993.

NAVY NOMINATIONS BEGINNING MARTIN ROBERT ALLARD, AND ENDING VICTOR C. SEE, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 19, 1993.

NAVY NOMINATIONS BEGINNING CHARLES LEE ALEY, ILL, AND ENDING ALDEN GRAY MOORE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 19, 1993.

NAVY NOMINATIONS BEGINNING RICHARD D. BAERTLEIN, AND ENDING DOREEN ESTHER TATE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 19, 1993.

NAVY NOMINATIONS BEGINNING MATTHEW A. ALLISON, AND ENDING CAMERON P. RATKOVIC, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 21, 1993.

NAVY NOMINATIONS BEGINNING KARL E. EIMERS, AND ENDING MARK W. BIOLO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 21, 1993.

NAVY NOMINATIONS BEGINNING ROGER D. ALLENBAUGH, AND ENDING ROY E. WEYMOUTH, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 21, 1993.

NAVY NOMINATIONS BEGINNING CHARLES J. BAKER, AND ENDING PAUL E. MATTHEWS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 21, 1993.

EXTENSIONS OF REMARKS

THE FAMILY LIVING WAGE ACT

HON. THOMAS E. PETRI
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1993

Mr. PETRI. Mr. Speaker, today I am introducing the Family Living Wage Act. This bill would increase the current earned income tax credit [EITC] and vary it more by family size. Its objectives are to provide tax relief for middle-income families with children; to supplement wages according to need, as determined by family size; to help people support families by working rather than on welfare; and to help with the costs of child care, which are heaviest for preschool children.

The most recent reform of the EITC, contained in the Omnibus Budget Reconciliation Act of 1990 [OBRA], did increase the basic credit and adjust in slightly for families with a second child. In 1993, the EITC will allow a maximum credit of $1,434 for a one child family and $1,511 for a family with two children. In addition, OBRA added a separate credit for children under the age of one and another credit for health insurance expenses.

Starting in 1994, the Family Living Wage Act would provide workers at or near the minimum wage a base credit of $1,600 and add an additional $800 for each preschool child and $400 for each school-age child, for up to four children. The maximum credit for a family with four preschool children would be $4,800 per year which is equivalent to an extra hourly wage, before any deductions, of $2.60. A low-wage worker with two preschoolers would receive $3,200, equivalent to an extra wage of $1.73. Moreover, these supplements are indexed to inflation and workers can receive them in their paychecks.

As family income rises above $10,000 per year, the credit phases down gradually until a minimum credit of $400 per preschooler and $200 per school-age child is reached at incomes in the mid-twenties, depending on family configuration. This minimum benefit would apply to all middle-class families with incomes up to $50,000, after which it phases out by $61,000.

The Family Living Wage Act repeals the separate credit for children under one, the health insurance credit, and the dependent care credit [DCC]—collapsing four credits into one and radically simplifying credits for low-income people.

Although the bill repeals the current dependent care credit, its minimum EITC benefits provide more total help than the DCC does for middle-class families in the relevant income range. Moreover, the EITC spreads the money fairly across all these families, rather than giving all of it to the minority of families that pay others for child care. Since the dependent care credit unfairly discriminates against people who forgo work to take care of their children and is highly regressive—most of its benefits go to the highest income families—it is far better policy to eliminate it and fold its cost into the EITC as is doing by the Family Living Wage Act.

This legislation is designed both to provide tax relief for middle-class families with children, and to help low-skilled people support families by working rather than through welfare. Although most people want to work, many find that their skills do not enable them to earn as much as they could receive on welfare. Many of these people work anyway, hoping to improve their earnings over time, but they face great hardship in the meantime. Others remain caught in a welfare trap, facing financial penalties for trying to escape. Still others can earn slightly more than welfare would give them but not enough to pull them close to the poverty line. The basic problem is that economic need and, consequently, welfare payments vary by family size, but wages do not.

By directly supplementing the wages of low-income workers with children, the Family Living Wage Act achieves the broader objective of providing general help to these families based on economic need as determined by family size. It thereby achieves the same objective as an increase in the minimum wage but does it in a far better and more targeted way, while avoiding the job losses and inflation associated with minimum wage increases.

I urge my colleagues to join me in extending greater, more permanent benefits to family heads through the Family Living Wage Act.

A copy of the bill and a summary follows:

SUMMARY OF FAMILY LIVING WAGE ACT (FLWA)

Restructure existing earned income tax credit (EITC) as follows:

In taxable year 1994, provide refundable credit for families with children against up to $8,000 of annual earned income at percentage rates differentiated by family size as follows: base credit, 20 percent ($1,600 maximum base); each preschool child (age 0–5), extra 10 percent (extra $800 maximum); and each school-age child (6–15) extra 5 percent (extra $400 maximum).

Four child limit; maximum benefit for family with 4 preschool children is $4,800 ($1,600 base plus $800 for each child).

Reduce credit by 12 percent (for lowest credit level) to 20 percent (for highest credit level) of the amount of total income that exceeds $10,000.

Minimum credit of $400 per preschool child and $200 per school-age child extends from mid-twenties up to $50,000 income, then phases out at 15 percent, ending (in highest case) at $60,667 income.

Repeal current dependent care credit (DCC), which is highly regressive and unfair to people who forgo outside income in order to work in the home, "wee tot" credit and health insurance credit—collapsing four credits into one and radically simplifying credits for low income people.

Index phase-in percentages and phase-out starting point for inflation.

People whose only children are over 15 receive only base credit.

COST

$6 billion starting in fiscal year 1995.

Under the current DCC, the maximum benefit for middle-income families is $480 per child for 2 children if the parents spend $2,400 per child on child care. The FLWA provides $400 per preschool child and $200 per school age child, for up to four children, to all middle-income families, with no requirement for paid child care.

PURPOSES

Provide tax relief for middle-income families with children.

Increase work incentives for welfare families according to the need for incentives, as determined by family size and welfare payment size.

Achieve the same objective as minimum wage increases (to help low-skilled workers support families) directly and efficiently, targeting help to those who need it in proportion to their need, including millions already earning more than the $4.25 minimum wage, without the inflation and job losses associated with minimum wage hikes.

In particular, help families with the costs of child care (heaviest for preschool children), independently of whether others are paid to provide care or one family member forgoes income in order to provide care, and concentrating that help at the lowest income levels.

H.R.—

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 "Family Living Wage Act".

SEC. 2. INCREASE IN EARNED INCOME TAX CREDIT.

(a) GENERAL RULE.—Subsections (a) and (b) of section 32 of the Internal Revenue Code of 1986 (relating to earned income tax credit) are amended to read as follows:

"(a) ALLOWANCE OF CREDIT.—

"(1) IN GENERAL.—In the case of an eligible individual, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the credit percentage of so much of the earned income for the taxable year as does not exceed $8,000.

"(2) LIMITATION.—The amount of the credit allowable to a taxpayer under this subsection for any taxable year shall not exceed the excess (if any) of—

"(A) the credit percentage of $8,000, over

"(B) the phaseout percentage of so much of the adjusted gross income (or, if greater, the earned income) of the taxpayer for the taxable year as exceeds $10,000.

"(b) PERCENTAGES.—For purposes of subsection (a)—

"(1) CREDIT PERCENTAGE.—

"(A) IN GENERAL.—The credit percentage is the percentage equal to the sum of—

"(i) 20 percent,

"(ii) 5 percent for each school age qualifying child, plus

"(iii) 10 percent for each preschool age qualifying child.

"(B) NOT MORE THAN 4 CHILDREN TAKEN INTO ACCOUNT.—Not more than 4 children shall be taken into account under subparagraph (A), and preschool age qualifying children shall be taken into account before any other children are taken into account.

"(2) PHASEOUT PERCENTAGE.—

"(A) PHASEDOWN TO MINIMUM BENEFIT.—

"(i) IN GENERAL.—The phaseout percentage is the percentage determined in accordance with the following table:

"If the combination of qualifying children taken into account under paragraph (1) is—	The phaseout percentage is—
1 S	13
2 S, or 1 P	14
3 S, or 1 S and 1 P	15
4 S, or 2 S and 1 P, or 2 P	16
3 S and 1 P, or 1 S and 2 P	17
2 S and 2 P, or 3 P	18
1 S and 3 P	19
4 P	20.

"(ii) SYMBOLS USED IN TABLE.—For purposes of clause (i)—

"(I) S means school age qualifying child, and

"(II) P means preschool age qualifying child.

"(B) MINIMUM BENEFIT FOR TAXPAYERS WITH INCOMES BELOW $50,000.—Except as provided in subparagraph (C), subparagraph (A) shall not apply so as to reduce the credit allowed by this section to a taxpayer to less than the minimum benefit determined in accordance with the following table:

"If the phaseout percentage applicable to the taxpayer is—	The minimum benefit is—
13	$200
14	400
15	600
16	800
17	1,000
18	1,200
19	1,400
20	1,600.

"(C) PHASEOUT OF MINIMUM BENEFIT.—If the adjusted gross income (or, if greater, the earned income) of the taxpayer for the taxable year exceeds $50,000, the minimum benefit determined under subparagraph (B) shall be reduced by 15 percent of such excess.

"(3) SPECIAL RULES FOR INDIVIDUAL WHOSE ONLY CHILDREN HAVE ATTAINED AGE 16.—For purposes of this section, in the case of an individual who is an eligible individual solely by reason of children each of whom has attained age 16 as of the close of the taxable year—

"(A) the credit percentage shall be 20 percent,

"(B) the phaseout percentage shall be 12 percent, and

"(C) subparagraphs (B) and (C) of paragraph (2) shall not apply."

(b) PRESCHOOL AGE AND SCHOOL AGE QUALIFYING CHILDREN DEFINED.—Subsection (c) of section 32 of such Code is amended by adding at the end the following new paragraph:

"(4) PRESCHOOL AGE AND SCHOOL AGE QUALIFYING CHILDREN.—

"(A) PRESCHOOL AGE QUALIFYING CHILD.—The term 'preschool age qualifying child' means any qualifying child who has not attained age 6 as of the close of the taxable year.

"(B) SCHOOL AGE QUALIFYING CHILD.—The term 'school age qualifying child' means any qualifying child who has attained age 6 but not age 16 as of the close of the taxable year."

(c) ADVANCE PAYMENT PROVISIONS.—

(1) Subsection (b) of section 3507 of such Code is amended by striking "and" at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting ", and", and by inserting after paragraph (3) the following new paragraph:

"(4) states the number and ages of qualifying children (as defined in section 32(c)) of the employee for the taxable year."

(2) Paragraph (2) of section 3507(c) of such Code is amended—

(A) in subparagraph (B)(i), by striking "(without regard to subparagraph (D)" and by striking "section 32(a)(1)" and inserting "section 32(a)",

(B) in subparagraph (B)(ii), by striking "section 32(b)(1)(B)(ii)" and inserting "section 32(a)(2)" and by striking "section 32(a)(1)" and inserting "section 32(a)", and

(C) by adding at the end the following new sentence:

"For purposes of this paragraph, the credit percentage shall be determined under section 32(b) on the basis of the number and ages of qualifying children specified in the earned income eligibility certificate and the determination of the amounts referred to in subparagraph (B)(ii) shall be made on the basis of the number and ages of qualifying children so specified."

(3) Clause (i) of section 3507(e)(3)(A) of such Code is amended by inserting before ", or" the following: "(or changing the percentages applicable to the employee under section 32(b) for the taxable year)".

(d) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 32(f) of such Code is amended—

(A) by striking "subsection (b)" each place it appears in subparagraphs (A) and (B) and inserting "subsection (a)(2)", and

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

"Separate tables shall be prescribed for each of the phaseout percentages specified in the table contained in subsection (b)(2)(A)(i)."

(2) Paragraphs (1) and (2) of section 32(i) of such Code are amended to read as follows:

"(1) IN GENERAL.—In the case of any taxable year beginning after 1995, each amount referred to in paragraph (2) shall be increased by an amount equal to—

"(A) such amount, multiplied by

"(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins by substituting '1994' for '1989' in subparagraph (B) thereof.

"(2) AMOUNTS.—The amounts referred to in this paragraph are—

"(A) the credit percentages used for purposes of subsection (a),

"(B) the $10,000 amount contained in subsection (a)(2)(B), and

"(C) the $50,000 amount contained in subsection (b)(2)(C)."

(3) Section 213 of such Code (relating to medical, dental, etc., expenses) is amended by striking subsection (f).

(4) Paragraph (3) of section 162(l) of such Code is amended to read as follows:

"(3) COORDINATION WITH MEDICAL DEDUCTION.—Any amount paid by a taxpayer for insurance to which paragraph (1) applies shall not be taken into account in computing the amount allowable to the taxpayer as a deduction under section 213(a)."

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1993; except that the amendments made by subsection (c) shall take effect on January 1, 1994.

SEC. 3. DEPENDENT CARE CREDIT LIMITED TO HANDICAPPED DEPENDENTS AND SPOUSES.

(a) IN GENERAL.—Paragraph (1) of section 21(b) of the Internal Revenue Code of 1986 (defining qualifying individual and employment-related expenses) is amended by striking subparagraph (A), by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively, and by adding at the end the following new sentence:

"In the case of an individual described in subparagraph (A) who has not attained age 16 as of the close of the taxable year, such individual may be treated as a qualifying individual for purposes of this section only if the taxpayer elects not to treat such individual as a qualifying child under section 32 for such year."

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (B) of section 21(b)(2) of such Code is amended by striking "care of—" and all that follows and inserting "care of a qualifying individual who regularly spends at least 8 hours each day in the taxpayer's household."

(2) Paragraph (2) of section 21(d) of such Code is amended by striking "subsection (b)(1)(C)" and inserting "subsection (b)(1)(B)".

(3) Paragraph (5) of section 21(e) of such Code is amended—

(A) by striking "is under the age of 13 or" in subparagraph (B), and

(B) by striking "subparagraph (A) or (B) of subsection (b)(1) (whichever is appropriate)" and inserting "subsection (b)(1)(A)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1993.

SEC. 4. ELIMINATION OF PROPOSED CHANGES IN TREATMENT OF EARNED INCOME CREDIT IN DETERMINING CERTAIN WELFARE BENEFITS.

Paragraphs (1) and (2)(A) of section 402(c) of the Family Support Act of 1988 are repealed.

LOGAN ELEMENTARY SCHOOL CELEBRATES 25TH ANNIVERSARY

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1993

Mrs. BENTLEY. Mr. Speaker, I feel confident in stating that there is another institution besides the U.S. Congress in which we have all labored and learned, an institution without which none of us would be here. I speak of the American elementary school.

On April 25, 1993, Logan Elementary School in Dundalk, MD, celebrated its 25th anniversary. In 1968, it was opened as a primary school on the cutting edge of education; nongraded, and architecturally designed with open space to facilitate a teaming approach to instruction. But it also was designed with a traditional brick and mortar exterior. Over the years, the school has come to resemble the architecture of its building, combining its progressive qualities with a solid, traditional relationship to the community it serves.

This close relationship was most evident at the April 25 gala. Many members of the community participated actively in the festivities, contributing to the warm, nurturing atmosphere that showed through in the celebration. Stu-

dents responded by sharing with the visitors both the traditional Logan School song and the modern "Conflict Resolution Rap."

That same sharing in an atmosphere of warmth and diversity prevails in the school every day, and helps the staff to fulfill what it calls "The Logan Commitment," which I take the liberty of citing here:

We, the staff of Logan Elementary, are committed to providing a safe, orderly learning environment for all students. In order to maintain such an educational environment, we strive to instill in our students a respect for self, for others, and for property, a sense of responsibility for every action, and a desire to solve problems using conflict resolution strategies. It is the goal of every staff member to teach and model behaviors which result in students learning self-discipline, cooperation, respect, responsibility, and problem solving skills.

In closing, I congratulate the Logan School on its 25th anniversary, and on the many successes it has had in that era. I am sure it will have many more in the future, and hope that it may serve as a model for elementary schools across this land.

HAZARDOUS WASTE SAFETY ZONE LEGISLATION INTRODUCED

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1993

Mr. CLINGER. Mr. Speaker, 2 days ago EPA announced some major changes in its operations to address public concerns about hazardous waste incineration. The EPA is taking steps to ensure that Federally permitted hazardous waste facilities are more heavily regulated to protect the public. This is a positive step, but unfortunately, this policy appears to impact only those facilities that are permitted directly by EPA.

Consistent with EPA's announcement, today I am introducing related legislation, along with my colleague Congressman TIM HOLDEN, to address a very serious public safety concern. Under the current RCRA Hazardous Waste Program, in which EPA has delegated permitting authority to the States, hazardous waste facilities, such as commercial incinerators, can be built and operated literally next door to Federal prisons. This raises very troubling and frightening public health and safety issues for surrounding communities, Federal prison staff, and prisoners given the potential for an accidental release or spill of hazardous waste.

This legislation provides a buffer or safety zone of a 2-mile radius around Federal prisons within which no hazardous waste facility can be built which could require the evacuation of prisoners or other nearby residents. The intent of this safety zone is to provide a reasonable distance so that in case of an emergency, should one arise, it can be handled in a safe and orderly manner. In drafting this legislation, several State and local officials, the EPA, public interest groups, and other members were consulted and their suggestions incorporated.

This legislation is prompted by a situation in my own district near Allenwood Prison in Union County, PA. Based upon a model prepared by Union County planning officials, 2 miles is the minimum distance that should be provided for a safety zone between a Federal prison and the facility. The proposed Union County incinerator site, now under review for a permit, is located less than one-half mile from the Allenwood Prison. This prison is currently undergoing expansion and once the expansion is completed the prison will house approximately 3,000 prisoners, including maximum security prisoners, and employ 700 prison officials. However, I understand that this same situation may be occurring in other parts of the country.

The crux of the problem is simple. In the case of an accidental emergency situation, such as a hazardous waste spill or incinerator malfunction, there is no possibility of evacuating the prison in a timely or safe fashion. In a letter sent to me on October 8, 1992, by the Assistant Attorney General, W. Lee Rawls, concerning the Allenwood Prison situation he stated "Given the number of prisoners who will be housed near the proposed facility, a wider buffer zone would be more desirable in the event of a large scale emergency."

In a separate letter sent to Senator SPECTER last September the Federal Bureau of Prisons indicated:

If a complete evacuation of the prison complex were required as a result of a large scale emergency, it could not be accomplished in a short period of time. In our recent experience at the Metropolitan Correctional Center in Miami, Florida, after Hurricane Andrew, evacuation took over 2 days. One similarity between the Miami situation and that of the complex is the composition of the inmate population. Although Miami housed only 1,300 inmates, as compared to the 3,000 inmates projected to be at Allenwood, Miami inmates were also of various security levels, including higher security levels. It seems likely, that more than 2 days would be required if evacuation of the Allenwood complex were necessary.

Clearly, this is neither a realistic nor acceptable situation.

The safety concern raised is not without merit. There are several reported accidents with hazardous waste incinerators and I suspect that likely a lot more go unreported. Examples include a midnight incinerator explosion in Chicago that occurred in February 1991 which was attributable to the mixing of toxic waste chemicals. In December 1990, at another hazardous waste incinerator in El Dorado, AR, a fire necessitated evacuation of about 40 people from nearby homes.

In addition, there are serious questions about hazardous waste incinerators' compliance with current Federal health and safety regulations. A joint EPA–OSHA report released in May 1991, based on unannounced inspections at 29 commercial hazardous waste incinerators, found substantial problems ranging from inadequate worker safety training to compliance with contingency plans and emergency response requirements. OSHA found a total of 320 violations of its standards with two-thirds of the violations cited as serious, meaning those likely to cause death or physical harm. EPA identified a total of 75 violations of its standards, 52 of which were classified as serious, including violations of testing emergency equipment systems. EPA also noted significant use of incinerator emergency backup systems at some facilities and indicated that such frequent use may be a result of operational problems.

Due to these safety concerns, some States have adopted their own hazardous waste regulations providing safety zones around certain types of facilities. Under the RCRA subtitle C program, States have considerable latitude in establishing their own facility siting guidelines. Approximately 22 States have adopted siting standards which provide for a safety zone around certain populations and residences, such as schools, churches, hospitals, and prisons. These safety zones range from 500 feet to 8 miles and the application varies from State to State. However, given that Federal prisons are now involved with the siting of hazardous waste facilities, this issue becomes a Federal concern and serves as the basis for the legislation. A uniform and consistent standard should be enacted so that all citizens are protected in the same manner in every State from a potentially dangerous situation.

This also raises a larger, more generic issue which needs to be addressed. EPA's mission is to protect human health and the environment. However, there is nothing included in current Federal regulations about safety zones and setback distances. In fact, EPA only provides very minimum guidance to States regarding siting criteria. I urge EPA during its review of its hazardous waste policies to look closely at establishing some uniform guidelines for siting hazardous waste facilities so that we can be assured that public safety is protected, including proximity to certain types of populations and environmentally sensitive areas.

I ask my colleagues to consider this legislation as an appropriate starting place. Without the proper precautions in place we could be endangering the lives of Federal prison employees, prisoners, and the community. I urge adoption of this legislation as a way to prevent a catastrophe from occurring before rather than after the fact.

H.R. —

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

SECTION 1. PERMITS FOR TSD FACILITIES NEAR FEDERAL PRISONS.

Section 3005 of the Solid Waste Disposal Act is amended by adding the following new subsection at the end thereof:

"(k) FACILITIES WITHIN NEAR FEDERAL PRISONS.—(1) After the date of the enactment of this subsection, no permit may be issued under this section for the operation of any new off site hazardous waste incinerator, or any other new off site hazardous waste treatment, storage, or disposal facility if—

"(A) such incinerator or other facility is located within a 2-mile radius of the facility boundary of any Federal prison, and

"(B) an accident, such as a spill, explosion, or accidental release of hazardous substances, at such incinerator or other facility could require evacuation of prisoners or other nearby residents.

"(2) As used in this subsection, the terms 'new off site hazardous waste incinerator' and 'new off site hazardous waste treatment, storage, or disposal facility' mean an incinerator or hazardous waste treatment, storage, or disposal facility—

"(A) which accepts hazardous waste that is not generated at the site at which such incinerator or other facility is located, and

"(B) for which a permit under this section is issued after the date of enactment of this subsection.

Such terms shall not include any facility existing on such date of enactment.".

HAZARDOUS WASTE SAFETY ZONE LEGISLATION INTRODUCED

HON. TIM HOLDEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1993

Mr. HOLDEN. Mr. Speaker, today, Congressman BILL CLINGER and I are introducing legislation to set standards for the siting of hazardous waste incinerators near Federal prisons. This bill will create a 2-mile buffer zone around Federal prisons, and prohibit the siting of hazardous waste incinerators and other hazardous waste facilities within this radius.

In Union County, PA, 1 miles from my district's border in Northumberland County, a company is proposing to build a large hazardous waste incinerator across the street from the Allenwood Federal Prison. It is clear to me that the location of this incinerator poses a disastrous threat to the people who live in this area.

I am deeply concerned with the health and safety of citizens, the prison guards, and the prisoners, who would be at risk if a hazardous waste spill or other catastrophe occurred. The proximity of this incinerator to the prison, and the sheer size of the prison makes a timely evacuation impossible. Bureau of Prison officials have testified that they could not evacuate everyone in a safe and swift manner. Their inability to accomplish a timely evacuation is understandable under the circumstances, since Allenwood prison has a capacity of 3,000 inmates, and it will be the largest prison in the country once it is fully occupied, housing high, medium and low-security inmates.

The people of Northumberland County, State and local officials and I have expressed my opposition to this proposed incinerator to the Pennsylvania Department of Environmental Resources [DER]. This environmental agency has the responsibility for permitting the incinerator. Now that this incinerator application has passed phase I of the permitting process, the safety issues and the need for a realistic evacuation plan have to be addressed by DER in phase II.

My work on this incinerator problem and my dealings with the Department of Environmental Resources have indicated to me that more investigation needs to be done in the area of siting requirements for hazardous waste incinerators. In my State, there is no specific prohibition on building an incinerator near a prison, and clearly, a hazardous waste incinerator does not make a good neighbor to any prison. Information from other States indicate the same lack of solid standards and rational as to why as incinerator can be built near a prison. It would be my suggestion that we start to look at a Federal role in dealing with the siting of hazardous waste incinerators.

Congressman CLINGER and I have been working on this legislation for the past several months. With this bill, we hope to send a signal that a thorough analysis of siting requirements needs to be done by the Environmental Protection Agency and the Congress. We hope to work with EPA and other interested Members who see similar problems with the siting of hazardous waste incinerators. We welcome cosponsors to this legislation.

ST. PATRICK'S PARISH CELEBRATES 175TH ANNIVERSARY

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1993

Mr. COSTELLO. Mr. Speaker, I rise today to commemorate the 175th anniversary of St. Patrick's Parish of Ruma, IL. St. Patrick's is the oldest English-speaking parish in the State of Illinois.

St. Patrick's Parish was established in 1818 in an area of southwestern Illinois known then as the O'Hara Settlement. The area's pioneer settlers built a log cabin church there, and when the O'Hara patriarch died in 1826, he bequeathed 100 acres of land for a church and parish grounds; the new church was built in 1827. Five years after the establishment of the village of Ruma in 1849, the present brick church was erected about a mile from town.

The parish has a legacy of involvement in education. A one-room school was built in the church's sacristy in 1875, and a room was added in 1912. A new brick school was built in 1965. Additionally, a two-story brick building was built in 1865 which was intended originally as an academy for young ladies, but which opened as a college for men.

I ask my colleagues to join me in recognition of the rich heritage of St. Patrick's Parish of Ruma, IL.

INTERSTATE BANKING EFFICIENCY ACT OF 1993

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1993

Mr. VENTO. Mr. Speaker, today, I, along with Congressman STEVE NEAL and Congressman BILL MCCOLLUM, am introducing the Interstate Banking Efficiency Act of 1993. This bill establishes a rational framework to modernize our banking system while maintaining strong consumer and community protections and providing a positive role for the States.

The bill, which we have introduced, is the outgrowth of a bipartisan consensus amendment considered during the 102d Congress. That amendment was adopted by the full House by a vote of 366–4. Unfortunately, the entire legislation package was not enacted into law.

The Interstate Banking Efficiency Act of 1993 provides an "opt-out" approach to interstate branching. Under that approach, States have 3 years to opt-out of an interstate branching network. As an additional protection for States' rights, the legislation protects State deposit caps and requires State approval for acquisitions that result in an excessive concentration of deposits. Our bipartisan bill also provides for nationwide banking on July 1, 1994 and establishes a procedure for expedited consolidation.

In addition to the opt-out provisions, the proposed measure includes important provisions to insure that interstate banking and branching does not jeopardize the insurance fund or weaken investment in local markets. Under this policy, only adequately capitalized institutions will be able to branch and specific provisions on the applicability of the Community Reinvestment Act are included.

An important focus of the administration has been the President's initiatives to increase lending in local communities. Clearly there is a need to stimulate local markets and to encourage banks to make sound loans. I applaud the administration's initiative for community development banks and urge the Department of Treasury to consider the potential community benefits and opportunity that interstate banking and branching will create. In particular, I would like to point out that the Interstate Banking Efficiency Act specifically ties consolidation to meeting local credit needs.

Mr. Speaker, some have urged delay in consideration of interstate banking and branching. Critics of this legislation have pointed to the health of the banking industry as a rationale for inaction, others voiced concern that this measure not be enacted in the past when banks faced potential problems. I would respond that if we listened to the critics Congress would never act. The profitability and marketplace is stable today and congressional action on the issue of interstate banking and branching is appropriate today. Enactment of this legislation will be a clear signal to banks, other financial institutions, communities and consumers that, in fact, the banking community is healthy and that Congress intends that banks continue to play a major role in our financial marketplace.

The financial world is changing. Congress and the administration must recognize that, in order to compete, banks must be able to grow to survive. Passage of interstate banking and branching give banks that opportunity without undermining the insurance fund.

Mr. Speaker, the time has come for Congress to give the banks the go ahead to branch nationwide. Action on this bipartisan initiative will benefit local communities, consumers, and banks without undue risk. Congress has enacted significant safeguards to protect the insurance fund and to insure that banks do not engage in risky activities. Local communities and consumers need the increased lending capacity competition that nationwide banking and branching could encourage. Finally, banks could utilize existing technology and expertise to realize savings and to compete into the next century.

I urge my colleagues support for this legislation.

OFFICE OF NATIONAL ENVIRONMENTAL TECHNOLOGIES ACT INTRODUCED

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1993

Mr. KENNEDY. Mr. Speaker, today I am introducing the Office of National Environmental Technologies Act, legislation which I first sponsored in the 102d Congress to promote the development and commercialization of environmental technologies. This bill will help coordinate our Nation's efforts in one of most rapidly expanding industries—environmental technologies.

The new Office of National Environmental Technologies called for in my bill will be located in the U.S. Environmental Protection Agency. The office will coordinate efforts among all Federal agencies for environmental technologies R&D. The office will be charged with identifying gaps in product-oriented research for environmental problems. It will then administer grants and loans to private industry, universities, and nonprofit research centers to develop environmentally benign and energy efficient technologies to address needy environmental concerns. The bill provides the necessary follow-through to encourage our ultimate goal of commercializing these technologies—converting them to off-the-shelf products and equipment in the marketplace.

However, we do not need new buildings nor new bureaucracies. This approach will build upon current Federal programs and strengths to provide a timely, cost-effective means of energizing our innovative forces in this area.

The Office of National Environmental Technologies will fund a half billion dollars' worth of investments over 3 years. It is my hope that these funds will be shifted from defense research, where fewer resources are needed.

The prospects for this bill and green technologies are enormous. It will enable ambitious advances in such environmentally critical areas as solar energy, and waste recycling and reduction. It will help us to clean our Nation's air and harbors and promote environmentally sustainable development in developing countries. In addition to new technologies to protect and clean our environment, new advancements will unveil the technologies needed to prevent pollution and conserve energy at the outset, rather than the traditional end-of-the-pipe approach to environmental management.

Ultimately, these are technologies that will be good for the environment and the pocketbook. The global market for environmental technologies is now $200 billion per year and is expected to reach $300 billion in the next decade. Our ability to compete in this marketplace will translate into thousands of jobs for Americans.

Increasingly, our Nation will rely on its innovations in this area to spur our international competitiveness. The United States remains a world leader in the development of environmental technologies. This bill will catalyze continuing and significant strides in developments in this promising area.

We will have to compete vigorously for a leading share of the green market. For example, Japan is pursuing environmental technology development at the rate of $4 billion per year. Germany currently spends 23 percent of its national R&D budget on environmentally critical technologies. Our challenge is great, and our international competition is fierce.

I know we are up to this challenge. The new administration presents a refreshing change in the political climate for giving environmental technologies the priority they warrant. The Clinton administration has incorporated environmental components into its technology strategy which can be implemented as early as 1994.

Mr. Speaker, it is time that we recognize that environmental technology policy is part and parcel to our Nation's industrial policy and economic well-being. This legislation will help create the framework to promote the development of environmental technologies—the technologies of the future—to create jobs and to create a higher quality of life.

POT SPRING ELEMENTARY SCHOOL CREATES AWARD WINNING FILM

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1993

Mrs. BENTLEY. Mr. Speaker, fellow Members of Congress, I come before you today to celebrate the achievements of some of my youngest constituents, the third graders of Pot Spring Elementary School.

This extraordinary class, under the guidance of teachers Kitty Huebler and Fred Balmages, created a super 8 animated film entitled "Touring Baltimore with a Dinosaur." The project entailed many months of work, beginning with a field trip to downtown Baltimore to view some of the most famous sites of Charm City. The students then made detailed drawings of landmarks including the Maryland Science Center, the National Aquarium and world famous Oriole Park at Camden Yards, and created their own clay characters to visit these sites through the magic of animation.

Once this phase of the project was completed, they began to photograph their animated film. Each second of film required 18 pictures differing minutely from one another. This painstaking task required great forethought and discipline from the 8- and 9-year olds, but their work paid rich rewards. After being on display at the Maryland Science Center for 3 months, "Touring Baltimore with a Dinosaur" was chosen to represent Maryland at the International Media Festival in New Orleans, where it was awarded first place in the mixed media category.

My warmest congratulations are extended to the creative and diligent students involved in this project: Andrew Borowiecki, Chris Chen, William Cromwell, Lindsay Cuprzynski, Brian Fanshaw, Nicholas Graham, Jessica Hand, Jennifer Karp, Daniel Kim, Ross Marchant, Michele Martin, Bradley McGinty, Jennifer Musika, Emily Naughten, Hunter Peddicord, Elizabeth Reid, Andrew Rinehart, Sharah Rose, James Ryan, Sarolta Serto-Radics, Jesse Tidmore, Brian Voris, Molly Winston, and Joseph Zumbo.

In closing, I would like to congratulate the principal of Pot Spring Elementary, Sandra Fitzell. Many exciting and worthwhile projects have been completed at the school under her inspirational leadership. In addition to "Touring Baltimore with a Dinosaur," these projects have included a recent fundraiser at the school which resulted in a $27,000 donation to the American Heart Association—the largest ever from a Maryland school.

Mr. Speaker, fellow Members of Congress, I feel fortunate indeed to have such an excellent active educational institution in my community.

INTRODUCTION OF LEGISLATION REGARDING MAMMOGRAPHY SCREENING

HON. BARBARA-ROSE COLLINS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1993

Miss COLLINS of Michigan. Mr. Speaker, breast cancer is the second leading cause of cancer death among women, affecting one in every eight.

Ironically, this deadly disease is treatable. Studies show that early detection through mammography screening offers a reasonable chance for treatment and recovery.

Through mammograms, it is estimated that death rates could be reduced by nearly 30 percent. Yet tragically, few utilize this procedure because they simply cannot afford it.

Today, I am introducing legislation that will amend the 1986 Internal Revenue Code to provide an employer a tax credit for the cost of providing mammography screening for employees.

This incentive will encourage more employers to promote quality health care for their female employees.

I urge my colleagues to cosponsor this legislation which better arms the working women of America in their fight against breast cancer.

TRIBUTE TO THE NINTH TROOP OF THE GREENWICH COUNCIL OF THE BOY SCOUTS OF AMERICA

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1993

Mr. SHAYS. Mr. Speaker, today I am pleased to congratulate the ninth troop of the Greenwich Council of the Boy Scouts of America, who celebrated their 75th anniversary with a court of honor and reception on Friday, April 23, 1993. The troop has been sponsored by the Second Congregational Church in Greenwich, CT, since 1918.

On this momentous occasion, three fine young men were presented with Scouting's highest rank, the Eagle. Each of them completed a project of community service in order to receive this rank, which stands as an outward sign of the dedication they have demonstrated to their community.

John Tracy, for his project, organized a group to restore and maintain historic and veterans' markers in St. Mary's cemetery. Luke Henry developed a reading program and library facilities for underprivileged children. David Martineau composed and published an "Emergency Services Handbook" under the authority of the town of Greenwich for distribution to residents.

These individuals have demonstrated dedication and strength of purpose in Scouting. Let us wish them continued leadership and service.

ST. ANDREW'S CATHOLIC CHURCH CELEBRATES 125TH ANNIVERSARY

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1993

Mr. COSTELLO. Mr. Speaker, I rise today to commemorate the 125th anniversary of St. Andrew's Catholic Church of Murphysboro, IL. For generations, this parish has played an important role in the lives of the families and the community of Murphysboro.

The parish of St. Andrew's first mass was celebrated on Ascension Thursday, May 20, 1868, in the home of Meder Lucier by the Right Reverend Bishop Damaien Junker. The first St. Andrew's Church was constructed on the site of the current church in 1869. This building was destroyed by fire in 1888, and the current church was built on the same site 1 year later. From 1887 to 1965, the parish was served by two pastors: Reverend Kasper Schauerte and Reverend Joseph Taggart.

Bishop James Keleher celebrated the 125th Anniversary Mass, which was held on the evening of May 15, 1993. Historic memorabilia from the church was displayed, and after the mass all parishioners in attendance over the age of 85—at least 23 confirmed they would attend—were honored.

I ask my colleagues to join me in recognition of the rich heritage of St. Andrew's Catholic Church of Murphysboro, IL.

GEORGIAN NATIONAL VOLUNTEER OF THE YEAR

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1993

Mr. LEWIS of Georgia. Mr. Speaker, I am pleased today to pay tribute to one of my constituents, Mrs. Geraldine Bell. Mrs. Bell has been selected as the recipient of the Joint Action in Community Service 1993 National Volunteer of the Year Award.

Volunteers provide an important asset to our communities in giving of their time and energy to provide support to their fellow man. Over the past 16 years, Mrs. Bell has directly or indirectly provided exemplary support services to approximately 9,600 former Job Corps students. These services include counseling, job planning, educational referrals, housing assistance as well as legal and/or medical referrals.

Additionally, as a regional volunteer coordinator covering the Southeastern States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee, Mrs. Bell has recruited 400 other volunteers in the rural and sparsely populated areas of the region. These volunteers also provide support services and assistance to former Job Corps students returning home after training in Job Corps.

President Bill Clinton, recently acknowledging Mrs. Bell's contributions, wrote in a special greeting:

> In honoring Geraldine, we celebrate the spirit of generosity and volunteerism that makes our country great. Geraldine has devoted her time and energy to helping young people face the difficult transition from Job Corps training to working in the community. Her work has helped young people strive for a better life, and her care has touched the lives of many American families. She has also encouraged other volunteers to join her efforts in many States.
>
> With the help of volunteers like Geraldine, our country can make great progress toward improving our communities and expanding opportunity for all people. We must all take more responsibility for ourselves, our families, our communities and our country. Working together, we can make our neighborhoods safer, our schools better and our people more hopeful for the future.

Mr. Speaker, I had the pleasure to meet Mrs. Bell recently in Atlanta during a special program to honor her. Last month during National Volunteer week, I again had the opportunity to visit with her in the Capitol Building. As President Clinton said, Mrs. Bell has indeed taken responsibility for herself, her family and her community.

I ask my colleagues to join me in congratulating Mrs. Bell on this most deserved award. To gain back the compassion this great Nation once had, we need more citizens like Geraldine Bell. I commend Mrs. Bell for her shining example and her outstanding efforts.

FOREIGN TRADE ZONE ACT AMENDMENT OF 1993

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1993

Mrs. JOHNSON of Connecticut. Mr. Speaker, today I am introducing a bill which amends the Foreign Trade Zone [FTZ] Act of 1934 to allow States to cooperate in the planning of trade zone applications and trade zone operations. A similar bill has been introduced in the Senate by our colleague, Senator JOHN CHAFEE, of Rhode Island.

Foreign trade zones are federally recognized geographic areas which allow businesses to defer the payment of duties on goods and inventory within the trade zones because they are considered to be outside the United States for the purposes of U.S. Customs. These trade zones provide businesses located within zone boundaries competitive advantages and are considered, by most observers, to be engines for economic growth. Together, these zones employ about 250,000 people nationally.

I am introducing this bill to assist small States, whose economies are regional, pool their public and private resources to maximize the benefits which accrue to the export sectors of those States. Connecticut and Rhode Island, in particular, are facing severe defense cutbacks and joint efforts to develop our seaports for expanding trade could create the jobs we so desperately need as defense related layoffs accelerate.

The changes I propose are noncontroversial and I believe they will provide measurable advantages to Connecticut, Rhode Island, Massachusetts, and other States that have regional economic interests which cross-state boundaries. By forming regional government and business partnerships, States can effectively plan long-term, regional trade strategies which are mutually beneficial.

Specifically this bill allows regional commissions to apply for, and obtain, the privilege of establishing and maintaining a foreign-trade zone located in two or more States, provided: that the State legislatures of each State within the proposed zones approve; that the overall commercial interests of the United States are served; and the economic conditions of the region justify establishing such a zone. The bill also maintains the safeguards currently in the FTZ law. It does not change the current application procedures or the regulatory procedures under which the zone operators must comply. Moreover, this bill has no budgetary impact.

This bill provides a simple and straightforward change to allow States to pursue regional solutions to regional problems and I urge all of my colleagues to support it.

NORRISVILLE ELEMENTARY SCHOOL CELEBRATES 25TH ANNIVERSARY

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1993

Mrs. BENTLEY. Mr. Speaker, fellow Members of Congress, I rise today to salute Norrisville Elementary School on its 25th Anniversary.

The students are fortunate indeed, for in the history of their small community of Norrisville, they can find a living history of the settlement and development of our Nation. As elsewhere, native Americans were present for many centuries before European settlement, using the land as part of a large hunting ground along the Susquehanna River. As settlement developed along the river in the 18th and 19th centuries, Germans, Quakers, Scotch-Irish and others came to dwell in this rich and fertile area. Later, with the tensions between slavery and freedom rising in our country, Norrisville, whose northern border is the Mason-Dixon line, became important as a last stop in the Underground Railroad.

At approximately the same time, formal education in the community began its start in a wooden, one-room school house across from the Methodist Church. During the Reconstruction era, it was expanded to two rooms. It continued to serve until 1948.

For 20 years, young Norrisville residents had to be bussed to distant parts of the county. But 25 years ago, the present-day Norrisville Elementary School opened. This modern building was a far cry from its early predecessor, with full cafeteria and auditorium facilities, educational advances such as "formula phonics," and a large brick building with animals in bas-relief on the side.

Today, Norrisville's students are active in the community, having participated in many projects including the recent adoption of a jaguar at the Baltimore Zoo. They show an intelligence and dedication beyond their years. In fact, much of the information about the community and school of Norrisville contained in this speech was gathered by the 8- and 9-year-olds of Norrisville Elementary's third grade.

Mr. Speaker, fellow Members of Congress, it is communities like Norrisville, with the formal and informal education they provide, that have established this Nation as the strong, diverse, and free society we enjoy today.

NEED FOR MARITIME REVITALIZATION LEGISLATION

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1993

Mr. SOLOMON. Mr. Speaker, I rise not only to remind my colleagues that yesterday we observed National Maritime Day but to warn my colleagues that unless we enact maritime revitalization legislation, this will likely be the last National Martime Day in the United States.

I am extremely shocked that the Clinton Administration has chosen to ignore the lessons learned in every major conflict, including Operation Desert Storm, that our nation needs a strong, active commercial United States-flag merchant fleet to provide surge and sustainment capability to our armed forces. Theodore Roosevelt told Congress that "A great and prosperous merchant marine is indispensible to the spread of our trade in peace and the defense of our Flag." Dwight Eisenhower said after World War II about the merchant marine and American merchant mariners that "they have never failed us yet and in all the struggles yet to come we know they will never be deterred by danger, hardships or privation."

And yet, Mr. Speaker, the Clinton Administration has chosen to thank the men and women of our merchant marine for their service to our country by placing them on the road to unemployment. The Commander of the Military Sealift Command told Congress in 1991 that "U.S. merchant mariners have always responded to their country's call. Their response to Operation Desert Storm has been no exception. We have seen mariners come out of retirement, others forego shore leave, and make other personal sacrifices to operate our ships."

On Saturday, May 15, 1993, former President Ronald Reagan told the graduating class at The Citadel that "if the administration in Washington thinks we are no longer at risk, they need to open their eyes and take a long, hard look at the world." Mr. Speaker, I agree with President Reagan. I believe it is enormously dangerous for the future security of our nation to declare today, as the Clinton Administration has done, that our United States-flag merchant fleet and our United States citizen crews have somehow outlived their usefulness. It is folly to believe, as the Clinton Administration obviously believes, that the next time we have to prepare to defend ourselves or any ally—and we will—that foreign ships with foreign crews will rally to our cause as if they were American.

I urge the Administration to reconsider its decision and to live up to its commitment to send a maritime revitalization initiative to Congress for enactment this year.

TRIBUTE TO "CANTINFLAS"

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1993

Mr. SERRANO. Mr. Speaker, I rise today as chairman of the congressional Hispanic caucus to pay tribute to Mr. Mario Moreno Reyes, a man known and loved by the Spanish-speaking world as "Cantinflas," who died of lung cancer this past April 20, at the age of 81.

For over 50 years Cantinflas overcame the barriers of age, social status, and language to bring comedy to homes across this hemisphere. His talent was such that the great Charlie Chaplin bowed to it and called Mario Moreno, "the greatest comedian alive."

Mr. Speaker, the truly great achievement of Cantinflas was not simply that he entertained so effectively, but that with the hard luck characters he created, Cantinflas became a hero for the downtrodden who raised the consciousness and sensitivity of more comfortable audiences to their plight. Cantinflas was a hilarious figure with a grace and charm that all could appreciate and embrace.

Born in Mexico City on August 12, 1911, Mario Moreno was among the youngest of 15 children in a working-class family. He was still a teenager when he joined the world of traveling tent shows and first gave life to Cantinflas, a character that he described as, "A blabbermouth trying to stay afloat in a flood of words." Cantinflas made his greatest mark on American cinema playing opposite David Niven as the loyal servant Passepartout in the 1956 film "Around the World in Eighty Days."

Mr. Speaker, Mario Moreno brought the energy and brilliance of his portrayals of Cantinflas to his work as a philanthropist and activist for social equality and world peace. As chairman of the Congressional Hispanic caucus, I salute and thank this master of comedy for all of his talents and gifts.

Thank you, Cantinflas. We will always remember and appreciate all of the laughter and love you have given us.

TRIBUTE TO DEAN LESHER

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1993

Mr. MILLER of California. Mr. Speaker, I rise today to pay tribute to Dean S. Lesher, a man who built one of the most important suburban newspaper chains in the United States and, more than almost any other individual, shaped the county in which I have lived my entire life, Contra Costa.

When Dean Lesher died at the age of 90 last week, he was the publisher and founder of the Contra Costa Times and Lesher Communications Inc., which includes 27 newspapers—6 dailies, 11 weeklies, and 10 shoppers. He was one of the last of the publishing barons, a man whose sharp eye and strong beliefs shaped his business and the community in which he lived.

I knew Dean Lesher for nearly my whole life. Throughout the years, we consulted, talked, and fought about almost every significant issue of our time, from local development policies to relations with the Soviet Union. Occasionally we agreed; often, we did not. But in every case, I have no doubt that Dean enjoyed our conversations and our confrontations every bit as much as I did.

Dean Lesher was a man of strong beliefs who respected those who held their own beliefs strongly, and weren't afraid to engage in spirited and substantive debate. When he disagreed with a politician, he rarely minced words, or column inches, to tell you so. So I take it as a mark of great pride that long ago, after one particularly acrimonious exchange, he told me I had a great career ahead as a public official.

Dean always maintained that professional separation between good reporting and polemics, and he used his newspapers not merely to advance his views, but to enrich the communities that were growing around him. He and his papers were stalwart supporters of our efforts to protect the Sacramento-San Joaquin Delta and San Francisco Bay, and he educated two generations of bay area residents about the intricacies and importance of the water battle. As often as Dean lectured me about defense and foreign policy, he more often sought to work together on behalf of better schools, of expanding the availability of higher education, of supporting programs to improve children's health and to assist the victims of family violence.

His philanthropy underwrote the construction of the Concord satellite campus of the California State University, Hayward, and the Regional Center for the Arts in Walnut Creek. He supported battered women's organizations and contributed mightily to educational scholarships. And not incidentally, his businesses and contributions provided employment to thousands of my constituents and other bay area residents.

But perhaps his greatest talent was his ability to look out on a few small towns, walnut trees and open land, and envision a community in which hundreds of thousands of people lived, worked, raised their families and enjoyed life. Dean Lesher did not make Contra

Costa County or the East Bay flourish, but he, perhaps more than any other individual, influenced the manner in which it grew and helped, through his newspapers and his civic contributions, to bind the community together and give it a common identity.

We will all miss Dean Lesher. We will always appreciate his tremendous contributions to our community and to the entire East Bay. To his wife Margaret, the rest of his family, and all the members of the extended Lesher Communications family, I express my deepest condolences, and once again note the great enjoyment I had in knowing Dean Lesher.

BEST WISHES TO THE REPUBLIC OF CHINA

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1993

Mr. CLYBURN. Mr. Speaker, I would like to extend my best wishes to President Lee Teng-hui on the occasion of his third anniversary in office on May 20, 1993.

Taiwan has a world-class leadership team. President Lee and Premier Lien Chan have made Taiwan a major economic power in the world and an active partner in world affairs. With a per capita income in excess of $10,000 and a foreign reserve of $83 billion, Taiwan has a prosperous citizenry. To meet its responsibilities as a member of the global community, Taiwan has extended financial assistance to a number of foreign countries in the Far East and the Americas.

Taiwan is a strong ally of the United States. It is our sixth largest trading partner. In recent years it has significantly reduced its trade surplus with us and cooperated with our Government on many trade matters.

My best wishes also go to Ambassador Mou-shih Ding, Taiwan's Representative in Washington. He has worked hard for his country, and I appreciate his leadership.

CONCENTRATION GRANT TARGETING AND IMPROVEMENTS ACT INTRODUCED

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1993

Mr. GOODLING. Mr. Speaker, today I along with Mr. FORD, chairman of the Committee on Education and Labor, Mr. KILDEE, chairman of the Elementary, Secondary, and Vocational Education Subcommittee, and Mr. GUNDERSON are introducing the Concentration Grant Targeting and Improvements Act that will change the method in which Concentration Grant funds are distributed under the Chapter 1 program of the Elementary and Secondary Education Act so as to ensure that our most disadvantaged children have access to quality education under the Chapter I program. Currently, the law requires that 10 percent of appropriations under the Chapter I program be allocated using a concentration grant formula under which only local education agencies in counties where Chapter 1 eligible children equal either 6,500 or 15 percent of the total population aged 5–17 are eligible to receive grants. Many school districts in this country which are located in relatively wealthy counties are ineligible to receive concentration grant money even though the school district itself meets the threshold requirements and would receive assistance if funds were allocated directly to school districts based on district level poverty data.

For example, the school district of the city of York in Pennsylvania has a school-aged child poverty rate of 29.6 percent and would qualify for concentration grant money if the formula were calculated based on numbers or percentages of children in poverty in the district rather than the county level. However, since the county of York does not meet the threshold qualifications under the concentration grant formula, York city school district receives no money under the current formula. This problem is, however, not unique to the city of York. Other cities also find themselves ineligible to directly receive concentration grant funds even though their city poverty rates exceed the requirements under the concentration grant formula. These include cities such as: Kalamazoo, MI, with a city poverty rate of 31 percent for children ages 5–17; North Chicago, IL, with a 19.1 percent rate; Racine, WI, with a 23.0 percent city poverty rate; Kenosha, WI, with a 20.5 percent city poverty rate; Ypsilanti; MI, with a 29.3 percent city poverty rate; Port Huron, MI, with a 25.7 percent poverty rate; Springfield, MI, with a 18 percent city poverty rate; and South Bend, IN, with a 21 percent city poverty rate.

Our legislation would correct this problem by changing the concentration grant formula so that the Chapter 1 funding for concentration grants will be awarded on the population density of low-income students within each district instead of the county. The effective date of our bill will be July 1, 1994, of next year, the beginning of the period when 1994–95 school and program year grants are made. School districts such as the York city school district and many other districts similar to this one across the country will no longer be penalized under the law. This legislation would better target Federal Chapter 1 money on those areas that truly need the money the most and will enable them to receive their fair share of the Chapter 1 money.

Mr. Speaker, I encourage my colleagues to join me, Mr. FORD, Mr. KILDEE, and Mr. GUNDERSON as cosponsors of this important legislation.

EARLEIGH HEIGHTS VOLUNTEER FIRE COMPANY CELEBRATES 75TH ANNIVERSARY

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1993

Mrs. BENTLEY. Mr. Speaker, I rise today to recognize the accomplishments of my constituents who comprise the Earleigh Heights Volunteer Five Company.

On April 18, 1918, civic-minded residents of Earleigh Heights gathered in the home of Joseph Urban to establish a volunteer fire company. When the company was founded, it had 14 members, no equipment, no station, and funds totaling $2.50 in its treasury.

Today, Joseph Urban and his companions could look with pride at the dedicated company that is celebrating its 75th anniversary. The company has grown to a size of 140 members, plus a 40-member ladies auxiliary. In addition to losing sleep and time from work to put their lives on the line for their neighbors, these amazing people have raised sufficient funds to equip their station without one dime of taxpayer money.

From its humble beginnings, the Earleigh Heights Volunteer Fire Company has evolved into a modern company with 12 pieces of equipment, a centralized alarm system, and up-to-date training, not only in fire suppression, but in rescue and emergency medical services. The pride of their outfit is a $600,000 heavy squad truck, which is called upon throughout the region to assist with auto wrecks, plane crashes, building collapses, and situations involving hazardous materials.

In 1992, the company responded to over 3,400 calls for help from its neighbors. For saving lives, property, and taxpayer money, they are most deserving of our special recognition as they celebrate their 75th year of service.

DREIER TESTIMONY BEFORE JCOC

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1993

Mr. SOLOMON. Mr. Speaker, today our Rules Committee colleague, the gentleman from California [Mr. DREIER], who is also the vice-chairman of the Joint Committee on the Organization of Congress, testified before the joint committee on his perspectives on House floor proceedings and scheduling. His statement contains a number of very perceptive observations and constructive suggestions for improving this institution, particularly in the area of making this once again the deliberative body it was intended to be.

I include the full text of his statement and commend it to the reading of my colleagues.

STATEMENT OF THE HON. DAVID DREIER

Mr. Chairman, my colleagues on the committee, thank you for allowing me to address the Joint Committee in this rather unorthodox manner. It only underscores the seriousness with which I consider the matter of floor procedures and deliberation.

I am now serving in my second term on the House Rules Committee but, given the atmosphere of frustration this past year with restrictive rules, it seems more like my second decade. Let me say, however, that I thoroughly enjoy working on the committee and commend the leadership of my friend from New York, Mr. Solomon, the ranking Republican, and Chairman Joe Moakley, who I consider to be the best Chairman in the Congress.

The Chairman's testimony this morning was extremely helpful. He commands a great deal of respect both on and off the Rules

Committee because of his fairness, decency and genuine desire to be as accommodating as possible. But Chairman Moakley's best efforts notwithstanding, words like fairness, decency, and accommodating don't describe how the Republicans—and even many Democrats who are also disenfranchised by the Rules Committee—are treated in the legislative process.

Since Chairman Moakley used a baseball analogy in his statement, I would like to use another. Imagine yourself as the manager of a baseball team that must play all of its games on the road, and the home team can change the rules with each game. Suppose your line-up is loaded with home-run hitters and the home team could simply move the fences back; or it's your ace pitcher's turn in the rotation and the home team can just declare him ineligible to play. Then your complaints are dismissed by the home team as "obstructionist" in an effort to embarrass you.

These are the rules that Republicans in the House of Representatives must play by every day. Mr. Solomon, who testified earlier on the subject of committee reform, described this treatment as "the decline of deliberative democracy." And I would like to repeat a quote that Mr. Solomon used from Former Speaker Sam Rayburn who, during a radio address on the Texas Forum of the Air on November 1, 1942, said:

"Not all the measures which emerge from Congress are perfect, not by any means, but there are few which are not improved as a result of discussion, debate and amendment. There are very few that do not gain widespread support as a result of being subject to the scrutiny of the democratic process."

Mr. Chairman, improving legislation through democratic scrutiny is, in my view, the principle that should guide this Joint Committee in its efforts to reform the operations of Congress. In fact, we would be hard pressed to find any one of our colleagues, Democrat or Republican, who would dispute Sam Rayburn's statement. That being the case, there should be no controversy. But there is! If you were to ask me in one word to describe what has gone wrong with the process and what is needed to restore public confidence in this institution, the word I would use is "accountability."

Many features of the present structure, organization and procedures of Congress allow House Members to avoid public accountability on many controversial and important issues. These include a large and seemingly "permanent" staff bureaucracy, 266 committees and subcommittees with overlapping and contradictory jurisdictions, proxy voting, and a bewildering budget process. However, the most overt tools used to obscure and avoid political accountability is the use of restrictive floor procedures and rules abuses.

Ironically, this very same issue was at the heart of the 1974 freshman revolt that opened up the process by weakening the seniority system and expanding access to floor voting and participation. But slowly, as those reformers gained seniority and leadership positions, progress toward openness has degenerated.

Consequently, deliberation, accountability, and representation are no longer the distinguishing characteristics of the House of Representatives. Instead, the situation is reminiscent of the big city political machines that flourished earlier in this century. We have constructed a patronage system on a massive scale. It doles out favors to influential interest groups, promises utopia to the masses without acknowledging tradeoffs, and punishes those who have a difference of opinion with the machine's agenda.

What this machine doesn't do is produce thoughtful legislation that commands widespread public support. In fact, I don't think it's a mere coincidence that the growing prevalence of restrictive floor procedures has coincided with the decline in public support for Congress as an institution. We have all heard the numbers, but they bear repeating. In the 95th Congress, 85 percent of the legislation that passed through the Rules Committee were open to germane amendments on the floor. In other words, any Member could stand up at any time and offer a germane amendment that he or she thought could improve the bill. In the 102nd Congress, the Rules Committee permitted open debate just 34 percent of the time.

What does the ability to offer an amendment have to do with accountability? If a member has the power to offer an amendment, he can no longer claim to support one thing, but then say that he was blocked in his effort to make a change in the law. In addition, with more floor votes on more clear issues, members will be forced to take clear positions with their votes. That is exactly what the American people want—fewer excuses, and more elected officials who actually stand for something.

We are all familiar with what has happened this year with restrictive rules, and I want to take a moment to commend Speaker Foley for his April 22 statement in which he said there will be open rules on major legislation. But let me also preface that by saying that placing non-controversial bills, like the Passenger Vessel Safety Act, on the regular calendar to pad the "open rules" numbers is not a good faith effort to address this problem. I hope that the Speaker will continue to work with the Republican leadership on a reasonable accommodation.

There are two excuses for restrictive rules that I find particularly frustrating, and I want to dispel them. First, some have made the contention that restrictive rules are necessary to prevent Republicans from offering amendments intended simply to embarrass Democrats. I will acknowledge that Republicans have, on occasion, offered amendments to embarrass Democrats.

But a simple analysis of the amendments that have been denied by the Rules Committee show this argument is very weak. Many are substantive, such as: an amendment by Mr. Grandy to the family leave bill to provide tax incentives to small firms that offer leave benefits; an amendment by Mr. Livingston to the Motor Voter bill to allow states to remove the name of a person from the registered voters list if the person has not voted during the previous 10 years; an amendment by Mr. Shaw to the unemployment extension bill to provide additional weeks of benefits to people in federally declared natural disaster areas; and amendments by Mr. Wolf to the Hatch Act reform bill to protect federal workers from excessive political coercion.

Second, some defend closed rules by claiming that they prevent obstructionist tactics, and are needed to speed legislation through the process. It only takes a moment to look at the House schedule over the first five months of this year, with weeks going by with little or no floor activity, and see continued use of completely closed rules to see that scheduling needs do not drive the restrictive rules. If anything, creative scheduling and the imposition of phony deadlines become a weak excuse for limiting the rights of the vast majority of House members.

Along with restricting the ability to amend legislation on the floor, there are other procedural abuses that allow Congress to evade accountability. Examples include:

Motions to instruct conferees—These are used more frequently because Members are often prohibited from offering amendments to relevant legislation. Unfortunately, because these motions are not binding, Members can vote for the "popular" position on a bill without the threat of that position becoming law. Recent examples include the elimination of franked mass mailings in 1989 and a prohibition on HIV infected immigrants coming into this country.

Self-executing rules—These are increasingly used to avoid direct floor votes on substantive issues, and cloak them in the shroud of "procedural" votes. Once again, the goal is simple, avoid accountability by making a vote as difficult to follow as possible. The most recent example that comes to mind involves is the Family Medical Leave Act. The rule on the conference report contained self-executing language that made the vote on the rule the vote on the Senate amendments. Those amendments included a resolution affirming the President's interim policy on gays in the military. The Senate debated the resolution for three hours, but not a peep was uttered in the House. Worse, since legislative language was not available for Members to read, many were not aware of the provision until they were asked to come to the House floor to vote.

King-of-the-Hill rules—These rules, in which the last amendment to pass is the one that is adopted, are typically used to frame the debate over broad policy issues. The biggest criticism is that the last amendment has the advantage. This is the least of my concerns. More disturbing is how this procedure can be used as a "bait-and-switch" maneuver. It was used on President Bush's rescission package last year. Intentionally or not, it allowed Members to be on record voting to cut spending on such items as animal manure studies and prickly pear research even though the funds would be restored on the next vote.

Waiving the 3-day layover rule—Under the rules of the House, Members must be given three days to read and review a bill before it can be considered on the House floor. This is especially important today because, over the past 20 years, the average bill has quadrupled in size. Tax and budget bills tend to be hundreds, if not thousands, of pages long. This year, the 3-day layover rule was revoked on 77 percent of the legislation that passed through the Rules Committee, up from 8 percent in 1976-77. Increasingly, Members are forced to vote on complicated legislation they have never seen. The details are known only to a handful of non-elected committee staff people who are not held accountable to the voters. This is a fear I have with the upcoming reconciliation bill. Members may not have a chance to read the biggest tax bill in American history because Congress will be under pressure to meet a recess deadline.

These are just a few commonly used procedures that, intentionally or not, weaken the legislative process and undermine accountability. Others include the prohibition on revenue-neutral en bloc amendments to appropriations bills and the practice of legislating in appropriations bills. I am also constantly amazed by the degree of sophistication and ingenuity that goes in to new ways of avoiding deliberation and accountability. Most recently on the debt limit extension bill, the House, by declaring the measure as "reconciliation" legislation, essentially im-

posed a gag rule on the Senate, prohibiting debate on balanced budget and line-item veto amendments.

I can certainly understand the views of the majority. They were elected to control the agenda and the schedule, and they have an obligation to put forth clear and concise legislation that represents their vision of government. I also acknowledge that restrictive rules—not closed rules—are useful and necessary on occasion when the leadership of both parties agree, such as when we consider major tax bills and the DOD authorization bill. Nobody in the minority disputes those contentions, and we are not out to change the principle of "majority rule." What I and my Republican colleagues are trying to change is a process that does not give the American public clear and concise legislation.

Voters are getting vague, confusing, contradictory information. Procedural abuses create a breeding ground for special interest groups to take control over the legislative process. In the end, we end up with what Milton Friedman calls "the phenomenon of concentrated benefits and dispersed costs." It explains why government programs continue to grow and proliferate after they have been clearly identified as failures.

Complete information is an essential ingredient to a functioning market. It works in the markets for goods and services, and it will work in the market for ideas. What I am asking for is the equivalent of a consumer protection act for legislation. If groups like Common Cause, Public Citizen and Congress Watch are serious about competitive politics and reducing the influence of special interest groups in the legislative process, they would be as vocal against restrictive and abusive procedures as I am today.

The question, then, is how do we find the proper balance between openness and efficiency? A number of recommendations relating to floor procedures and scheduling are contained in H.Res. 36, which was introduced by our Minority Leader Bob Michel. A summary of those recommendations is attached to my prepared statement.

A recommendation I strongly support is the concept of a super-majority vote, whether it be two-thirds or three-fifths, to waive points of order against legislation. At the beginning of each session, the majority puts forth a package of changes to the House rules that outline the procedures they deem necessary to control the agenda and the floor schedule. Once the rules are made, we should have to play by them unless extraordinary circumstances warrant otherwise.

This, in my view, is the single best reform. Congress has come under substantial public criticism for the perception that it does not have to comply with many of the laws it imposes on society. Imagine how much greater that criticism would be if the public knew that Congress—at least, in this instance, the House of Representatives—does not comply with the laws it imposes on itself.

To address minority concerns about restrictive rules that block important amendments, I recommend that the minority be permitted to offer one amendment to a restrictive rule before the previous question is ordered. The amendment could come in the form of an open rule substitute, or it could identify one or two specific amendments to the bill to be made in order. In this case, the majority could still preclude amendments it deems trivial or disruptive, but a majority would have to vote in support of that position. Members would no longer be sheltered from controversial votes by the Rules Committee.

Mr. Chairman, this committee should rightfully be cautious about altering House rules governing floor procedures, which the majority needs to control the public policy agenda. In fact, my complaints are not necessarily directed at these rules per se. They are directed at the chronic failure of the majority leadership to abide by them, and at the way these rules are distorted and manipulated to evade accountability. That is a situation that the Joint Committee can, and I hope will, address when we begin developing a comprehensive package of reforms.

I hope we can have a constructive dialogue on this issue because we all want this institution to work, and to have the broad support of the American people.

PROVISIONS RELATING TO FLOOR PROCEDURES AND SCHEDULING CONTAINED IN H. RES. 36, "A MANDATE FOR CHANGE IN THE PEOPLE'S HOUSE"

(Introduced by Representative Robert H. Michel, January 21, 1993)

A section-by-section summary of the relevant provisions. The Rules of the House of the 103d Congress would be amended as follows:

Section number and provision:

101. Presentment of Bills to the President: The Speaker would be required to submit to the President any bill originating in the House not later than ten calendar days after it has been finally agreed to by both Houses.

102. Veto Messages: Immediately after the reading of a veto message from the President, the Speaker would be required to put the question on reconsideration of the vetoed bill, without intervening motion (except to postpone consideration for not more than 10-legislative days), in order to prevent avoidance of a vote by indefinite referral to a committee.

103. Broadcast Coverage: The Speaker would be required to provide for uniform visual broadcast coverage of House proceedings throughout the day, which could include periodic views of the entire Chamber providing they do not detract from the person speaking.

104. House Scheduling: At the beginning of each session of the House, the Speaker shall announce a legislative program for the session which shall include target dates for the consideration of major legislation, weeks in which the House would be in session (with five-day work weeks assumed unless otherwise indicated), dates for district work periods, and the target adjournment date.

119. Same Day Consideration of Rules Committee Reports: An order of business resolution ("special rule") reported from the Committee on Rules shall not be considered on the same calendar day as reported or on a subsequent calendar day of the same legislative day, except by a two-thirds vote of the House.

120. Affirming Minority's Right on Motions to Recommit: The Rules Committee could not report a special rule denying the minority the right to offer amendatory instructions in a motion to recommit.

121. Restrictive Rule Limitation: The Rules Committee could not report a special rule limiting the right of Members to offer floor amendments unless the chairman has announced to the House at least four days in advance of a meeting on the measure that such a rule may be reported.

122. Limitation on Self-Executing Rules: The Rules Committee could not report a special rule providing for the automatic adoption of an amendment, bill, joint resolution, conference report, or other motion or matter, unless the House, by a two-thirds vote agrees to the consideration of such a rule.

123. Budget Waiver Limitation: The report on any special rule waiving any provision of the Budget Act would be required to carry an explanation and justification of the waiver as well as a summary or text of any comments on the waiver received from the Budget Committee. A separate vote could be demanded in the House on any such waiver contained in a rule.

125. Commemorative Calendar: A House Commemorative Calendar would be established on which unreported commemorative legislation could be placed upon the written request of the chairman and ranking minority member of the Post Office Committee. The Calendar would be called twice a month and any two objections would cause a commemorative to be removed from the Calendar.

126. Accuracy of Congressional Record: The Congressional Record would be a verbatim account of proceedings, subject only to technical, grammatical and typographical corrections by the Member speaking. Unparliamentary remarks may be deleted only by unanimous consent or order of the House.

127. Automatic Roll Call Votes: Automatic roll call votes would be required on final passage of appropriations, tax and pay raise bills and conference reports, and on final adoption of budget resolutions and conference reports containing debt limit increases.

131. Pledge of Allegiance: The Pledge of Allegiance would be required in the House as the third order of business each day.

132. Suspension of the Rules: Measures could not be considered under a suspension of the rules except by direction of the committees of jurisdiction or on the request of the chairman and ranking minority member of the committees. No measure could be considered under suspension which authorizes or appropriates more than $50-million for any fiscal year. Notice of any suspension must be placed in the Congressional Record at least one day in advance of its consideration together with the text of any amendment to be offered to it. No constitutional amendment could be considered under suspension.

133. Discharge Motions: The Clerk of the House would be required to publish in the Congressional Record the names of those Members signing a discharge petition once a threshold of 100 signatures has been reached, and to publish an updated list of names at the end of each succeeding week.

134. Inclusion of Views in Conference Reports: Members of conference committees would be permitted three calendar days after a majority of signatures had been secured in support of the conference report, in which to file supplemental, minority, or additional views to be published with the report.

148. Repeal of Certain Amendments to Rules: The following amendments to House Rules adopted on January 5, 1993 (H. Res. 5, 103d Congress) would be repealed: (a) permitting two-day delays of consideration of questions of House privileges; (b) permitting committees to sit while the House is amending legislation; and (c) allowing non-Member delegates to vote in and preside over the Committee of the Whole.

TRIBUTE TO LUIS A. CARTAGENA

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1993

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Mr. Luis A. Cartagena, a pioneering Hispanic educator who will be retiring this spring after 21 years as principal of Public School 25 in the Bronx.

Mr. Cartagena's career is marked by numerous firsts. He was the founder and first president of the Hispanic Educators Association; he organized and chaired the first New York City Curriculum and Adaptation Conference for the Effective Education of the Puerto Rican Child; and he was a member of the first New York City Bilingual Commission.

A native of Caguas, PR, Luis Cartagena has always been sensitive to the difficulties faced by non-English-speaking Hispanics and the importance of accommodating their special needs. Mr. Cartagena joined P.S. 25 soon after arriving in the Bronx from Puerto Rico in 1968 and became the school's first assistant director of title VII Federal programs. He also served as director of the Northeast Regional Curriculum Center of the Curriculum Adaptation Network for Bilingual Bicultural Education [CANBBE].

Mr. Cartagena has spoken frequently at the annual conferences of the National Association of Bilingual Education [NABE] and Teachers of English to Speakers of Other Languages [TESOL] on such topics as the education of the Puerto Rican child, the open classroom teacher training, and teaching English as a second language [ESL] to adults.

Mr. Speaker, Luis Cartagena's expertise on bilingual education issues has been sought by numerous colleges in the New York metropolitan area, and his many contributions to this field and to society have been recognized by educational associations, the borough of the Bronx, and the city of New York.

On the occasion of his retirement from P.S. 25, I hope my colleagues will join me in paying tribute to this outstanding educator, Mr. Luis A. Cartagena.

BAY AREA OBSERVES NATIONAL MISSING CHILDREN'S DAY

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1993

Mr. STARK. Mr. Speaker, I want to remind my colleagues that each year in the United States, more than 369,000 children are reported missing. Tragically, between 20,000 and 50,000 of those children remain missing for more than 1 year. I need not share with my colleagues the unspeakable pain and sorrow experienced by the families of these children, but as a parent, I can understand the horror that must overcome those who must somehow cope with a missing child.

In 1990, Child Quest International, Inc., a nonprofit group, was formed to protect and recover missing, abused, and exploited children and reunite them with their families. Its headquarters in San Jose, CA, serves the Greater Bay Area, which includes the district I represent. This group collaborates with other such organizations nationwide and helps to recover some of the 77,000 children who are reported missing each year just in my home State.

Child Quest International is observing Missing Children's Day on May 25, and asking Americans to keep their porch lights on all day and all night. We should all be aware of the potential threat of child abduction and emphasize to our children and grandchildren the importance of knowing their own full names, addresses, and telephone numbers. Finally we should educate them to avoid situations that can lead to abduction.

Mr. Speaker, I am asking my colleagues to join my constituents and thousands of parents nationwide in this solemn, but hopeful, observance. We must never forget those thousands of children who are far from their own homes each night; Child Quest International needs our help to bring them all home.

U.S. POLICY TOWARD ASIA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1993

Mr. HAMILTON. Mr. Speaker, on May 16, 1993, the Washington Post published an article by Don Oberdorfer entitled "Adrift in Asia: Clinton's Other Crises." Mr. Oberdorfer is one of this country's premier foreign-policy journalists. He has a clear appreciation of America's interests in Asia. I commend Mr. Oberdorfer's insights to our colleagues.

[From the Washington Post, May 16, 1993]

ADRIFT IN ASIA: CLINTON'S OTHER CRISES

(By Don Oberdorfer)

SINGAPORE.—The Clinton administration, responding to a series of accidental deadlines, is facing rapid-fire decisions in the coming weeks that will shape U.S. relations with key Asian nations for years to come. In contrast to its preoccupation with Bosnia, where there is much less U.S. national interest, the administration is dealing almost casually with its massive stakes in this part of the world.

Here across the Pacific, where America's most important trading partners live and much of the future will be shaped, there is growing worry that the new administration may blunder into historic mistakes through miscalculation or, equally inexcusably, lack of calculation.

"We are waiting to hear a clear Asia policy from President Clinton. The first 100 days have passed, and we still haven't heard it," said Chan Heng Chee, director of Singapore's Institute of Southeast Asian Studies and former ambassador to the United Nations, voicing a sentiment that is widely shared. "What is clear to us is his concern for trade and human rights, but we are concerned that Clinton be able to see America's long-term interests as a global power in an Asia that is changing very fast."

Clinton's immediate schedule for making and implementing major Asia-related decisions, all of which depend heavily on persuading others to go along, is daunting:

Under a 1974 law, Clinton must notify Congress by June 3, less than three weeks from now, how he proposes to handle the extension of most-favored-nation (MFN) trade status for China, now the fastest growing economic power in the highest growth area of the world. Whatever his decision, it will be controversial on Capitol Hill and probably difficult for Beijing to accept as stated.

Before June 12, the United States, China and other members of the U.N. Security Council are trying to convince North Korea to reverse its startling decision, announced March 12, to withdraw from the Nuclear Non-Proliferation Treaty (NPT) rather than permit additional inspections of its nuclear program. The June deadline was set because Pyongyang is required to give three months' notice of withdrawal from the treaty. U.S. and Asian diplomats are hopeful that North Korea can be persuaded through diplomatic means to reverse its stand, thus averting an international crisis. But the looming deadline is a serious impediment to diplomacy.

By mid-July, a date set by Clinton and Prime Minister Kiichi Miyazawa in their meeting last month, the United States and Japan are committed to creating a new framework for negotiating the troubling trade issues between them. However, there is fundamental disagreement between Washington and Tokyo on the terms for the future negotiations. The chances are strong for a serious clash unless extensive and time-consuming discussions can head it off.

The administration urgently needs to find ways to ease some of these deadlines. After two weeks of talks with official and unofficial experts in China, Hong Kong and Singapore—and recent discussions in the United States with North and South Korean diplomats, Japanese leaders and U.S. officials—it seemed clear to me that preparations are inadequate to deal effectively with these important issues, even one by one. It is likewise clear that Washington and its partners are nowhere near ready to deal with them all at once, despite the visit to the region last week by Assistant Secretary of State Winston Lord to explore solutions.

The threat to remove most-favored-nation treatment from Chinese goods entering the United States is a wasting asset. It was born in 1990, in congressional frustration with the stand-pat position of President Bush following the 1989 Tiananmen crackdown. But in the past three years, China has been changing very rapidly, and in ways that make withdrawal of MFN less useful even as a bargaining chip—and impractical as a potential U.S. action.

The most dramatic impression arising from a recent trip to China, my eighth since 1974, was extensive, rapid change. China is returning to its historic role as a regional superpower, but this time with economics as the foundation of its strength.

China's sizzling GNP growth—nearly 13 percent last year—has changed the face of Beijing in only a few years into a city of mushrooming skyscrapers, glossy new restaurants and streets choked with yellow-painted taxis and private cars. Even more startling was a visit to Shenzhen, the special economic zone near Hong Kong, which has grown in a dozen years from a sleepy crossroads to a booming metropolis with 3.2 million people drawn from all parts of China. There, 30,000 enterprises produce 3,500 different products. With encouragement from senior leader Deng Xiaoping, China has joined East Asia's postwar economic boom.

Chinese attitudes have changed as well. Since my previous two trips in 1991, Chinese

academics I've known for years have become much bolder about expressing views on touchy subjects, such as China's future after the death of Deng. Independent sources of information have increased sharply, with literally thousands of new publications of every type. Television satellite transmissions from outside the country are available to millions of people with little or no government supervision.

China certainly has not become a bastion of individual human rights, but "there is more personal freedom today than at any time since the founding of the [communist] regime in 1949," says Burt Levin, director of the Asia Society's Hong Kong Center and a veteran of nearly four decades as a Foreign Service China watcher. "There is much greater geographical and economic mobility. The only area now out-of-bounds for Chinese citizens is open criticism of the leadership or of the ideology, or organization of opposition, which is not tolerated."

Along with their greater self-confidence, Chinese officials seem far less worried about withdrawal of MFN than they were in 1991. The U.S. market and U.S. technology continue to be important to China, but with Hong Kong, Taiwan, Japan, Europe and Southeast Asia all deeply engaged with China economically—and unwilling to sacrifice their fast-growing stakes at U.S. request—Beijing is less inclined than before to accommodate Washington.

The most troublesome sign of China's new attitude is its apparent decision late last year to supply M-11 ballistic missile technology or hardware to Pakistan. This seems to be a major breach of its commitment to abide by the "parameters and guidelines" of the U.S.-designed Missile Technology Control Regime, which seeks to stem the flow of sophisticated missiles to the Third World. If the sale is confirmed, the United States will be required by law to apply sanctions on China.

Chinese officials would not talk frankly about the Pakistan missile issue, but there were hints that the decision was taken in part to retaliate for the U.S. sale last fall of sophisticated F-16 jet fighters to Taiwan, in what seemed to be a clear violation of the 1982 U.S. pledge to restrain and reduce its arms sales to Taiwan. Another complication, though, is the U.S. failure to keep China briefed in detail on changes in the international ballistic missile sales rules, as it agreed to do when Beijing signed up for the missile control regime.

Since the 1949 revolution, U.S. attitudes about the world's most populous country have shifted from fear in the 1950s and '60s to admiring fascination in the '70s to shock and disillusionment following the Tiananmen crackdown. Now, as University of Michigan China scholar Kenneth Lieberthal has suggested, the election of Bill Clinton should bring an end to the stalemate between a Democratic Congress that would not permit U.S. relations with China to improve and a Republican president who refused to let them become much worse. If the administration and Congress work together to advance MFN arrangements the Chinese can accept, relations can improve again. They can also deteriorate sharply if the United States overplays its hand. The weeks ahead may be the most important period for Sino-American relations since the Nixon opening to Beijing in the early '70s.

In regard to the North Korean nuclear issue, the attitudes and actions of China, Pyongyang's only remaining ally, are crucial. Like the rest of Asia, China is appalled by the prospect of nuclear arms in North Korea, which could lead to a nuclear buildup in South Korea and Japan. After some initial hesitation, Beijing has begun working actively behind the scenes to head this off.

Talks with a North Korean diplomat at the United Nations suggest that Pyongyang is willing to reverse its decision to withdraw from the NPT if it can obtain face-saving concessions, especially greater assurances of security against what it insists is a U.S. nuclear threat. While in Washington recently, the new South Korean foreign minister, Han Sung Joo, reflected the much greater willingness of the Seoul government to accommodate the North in face-saving solutions, if the threat of a North Korean bomb program can be averted.

What to do has been a controversial matter within the Clinton administration, but I found no disposition in the White House, State Department or Pentagon to favor military solutions. Key officials understand that Washington will have to take its cues from Seoul, and with South Korea's encouragement, the stage is being set for a high level U.S.-North Korea meeting. All this suggests the makings of a diplomatic solution, if Pyongyang is indeed amenable to returning to international inspections.

However, it seems unlikely that such sensitive accords can be reached from a standing start in less than four weeks. Some action by the United States, Seoul and their allies to ease the June 12 deadline or, better yet, a North Korean decision to stop the clock by revoking or suspending its March 12 withdrawal from the NPT would be a major contribution to solving a problem of great international importance.

The third Asia issue on a short timetable—new economic arrangements and understandings with Japan—is also complicated by a lack of consensus within the administration. Faced with conflicting advice and the pressure of other decisions, Clinton chose his direction only the day before the Japanese prime minister arrived at the White House. The resulting U.S. posture was a blunt challenge to Japan, but it did not reflect a well-developed plan.

Clinton spoke publicly during the Miyazawa visit of the extraordinary importance of the relationship between the United States and Japan, which together account for 40 percent of global economic output. The alliance, which is now under strain, has been crucial to security arrangements in Asia since World War II.

It is clear to nearly everybody, including the Japanese, that a large and growing Japanese trade imbalance with the United States and the world at large is unacceptable and unsustainable. It is much less clear how to deal with it, especially when the U.S.-proposed shift—to negotiated deals with quantifiable results—implies major reversals of economic policy.

The Japanese have a word for the task of preparing the ground for important initiatives so that they can be made acceptable to those whose agreement must be won. The word is nema-washi. Up to this point, nema-washi has been conspicuously absent as the Clinton administration takes up the job of dealing with Asia.

JOINT RESOLUTION INTRODUCED RECOGNIZING AMATEUR RADIO OPERATORS

HON. MIKE KREIDLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1993

Mr. KREIDLER. Mr. Speaker, I am introducing, along with my colleague, Representative JIM COOPER of Tennessee, a joint resolution to recognize the achievements of amateur radio operators and to declare that regulatory support for these radio operators should be national policy. This resolution is fully supported by the American Radio Relay League, the principal representative of amateur radio operators who provided invaluable assistance in the development of this joint resolution.

I am introducing this resolution because I feel that the amateur radio service must be recognized for the important role it plays when disasters strike. Their role was brought to my attention in January of this year, when a severe windstorm struck western Washington causing damage to trees, buildings, and telephone lines, making public safety and other necessary communications nearly impossible. Fortunately, a group of radio amateurs stepped in to handle important messages for the authorities and public until communications were back to normal. This was not an isolated incident. In disasters like Hurricanes Hugo and Andrew, Typhoon Iniki, the Loma Prieta earthquake, and the Mt. St. Helens eruption, ham operators have been there to help.

Amateur radio operators have also provided an important service internationally, in the face of other types of disasters. I was pleased, although not surprised, to see that many recent reports from war-torn Bosnia have been transmitted by amateur radio operators. They have played a crucial role in keeping the lines of communications open—literally—for citizens of the former Yugoslavia.

I have recently discovered that the help offered by amateur radio operators in these emergencies is not the walkie-talkie communications you may think of when you hear the term "ham" radio operators. In fact, the technologies they use are highly sophisticated. For example, they've been very active in the development and use of low earth orbit satellite technology.

It is about time for the Congress to recognize these achievements. With about 600,000 licensed amateur radio operators licensed in the United States alone, I'm sure that every Member of the House has had similarly favorable experiences with the amateur community and will support this joint resolution.

H.J. RES.—

Whereas Congress has expressed its determination in section 1 of the Communications Act of 1934 (47 U.S.C. 151) to promote safety of life and property through the use of radio communication;

Whereas Congress, in section 7 of the Communications Act of 1934 (47 U.S.C. 157), established a policy to encourage the provision of new technologies and services;

Whereas Congress, in section 3 of the Communications Act of 1934, defined radio stations to include amateur stations operated by persons interested in radio technique without pecuniary interest;

Whereas the Federal Communications Commission has created an effective regulatory framework through which the amateur radio service has been able to achieve the goals of the service;

Whereas these regulations, set forth in part 97 of title 47 of the Code of Federal Regulations clarify and extend the purposes of the amateur radio service as a—

(1) voluntary noncommercial communication service, particularly with respect to providing emergency communications;

(2) contributing service to the advancement of the telecommunications infrastructure;

(3) service which encourages improvement of an individual's technical and operating skills;

(4) service providing a national reservoir of trained operators, technicians and electronics experts; and

(5) service enhancing international good will;

Whereas Congress finds that members of the amateur radio service community has provided invaluable emergency communications services following such disasters as Hurricanes Hugo, Andrew, and Iniki, the Mt. St. Helens eruption, the Loma Prieta earthquake, tornadoes, floods, wild fires, and industrial accidents in great number and variety across the Nation; and

Whereas Congress finds that the amateur radio service has made a contribution to our Nation's communications by its crafting, in 1961, of the first Earth satellite licensed by the Federal Communications Commission, by its proof-of-concept for search and rescue satellites, by its continued exploration of the low Earth orbit in particular pointing the way to commercial use thereof in the 1990s, by its pioneering of communications using reflections from meteor trails, a technique now used for certain government and commercial communications, and by its leading role in development of low-cost, practical data transmission by radio which increasingly is being put to extensive use in, for instance, the land mobile service: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS AND DECLARATIONS OF CONGRESS.

Congress finds and declares that—

(1) radio amateurs are hereby commended for their contributions to technical progress in electronics, and for their emergency radio communications in times of disaster;

(2) the Federal Communications Commission is urged to continue and enhance the development of the amateur radio service as a public benefit by adopting rules and regulations which encourage the use of new technologies within the amateur radio service; and

(3) reasonable accommodation should be made for the effective operation of amateur radio from residences, private vehicles and public areas, and that regulation at all levels of government should facilitate and encourage amateur radio operation as a public benefit.

TRIBUTE TO ELSIE BURRELL

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1993

Mr. DUNCAN. Mr. Speaker, Miss Elsie Burrell, a constituent of mine from Maryville, TN, will be recognized in July by the National Education Association [NEA] for being one of the Nation's top volunteers, and will receive the 1993 award of Great Leadership in Human Rights.

Her years of service as a teacher for the Volunteer in the Park [VIP] Program in the Great Smoky Mountains National Park, and also her volunteer work with churches and hospitals should serve as an inspiration to all, and I want to call this article from The Daily Times to the attention of my colleagues and readers of the RECORD.

MISS BURRELL HONORED FOR DOING WHAT COMES NATURALLY FOR HER

No one goes out of the way less to receive an honor and few win more than "Miss Elsie" Burrell, 89, who will receive a national award from the National Education Association (NEA) July 3 in San Francisco, Calif.

One of the nation's top volunteers, Miss Elsie is scheduled to receive the 1993 Award of Great Leadership in Human Rights.

Nominated by the Blount County Education Association, she won the state award from the Tennessee Education Association last year and the entry was sent to the national competition this year.

The award recognizes an individual or group who has built respect and appreciation among diverse populations. Miss Elsie is also being recognized for her "inspiring courage."

During the past year she was selected by Blount County for the Volunteer of the Year Award as part of the Pride of Tennessee celebration to mark the state's 200th birthday in 1996.

A Volunteer in the Park (VIP), Miss Elsie received the outstanding service award from the park last year. Since she retired in 1969 after spending 27 years as a school supervisor in Blount County, she spends many hours each year as a VIP, teaching spelling the old-fashioned way to park visitors at Little Greenbrier School in Great Smoky Mountains National Park.

A native of Middle Tennessee, she began teaching on 1925, coming to the Blount County system in 1942.

Of all things she accomplished in her career as an educator, Burrell said she is most proud of two things: "Improving schools and helping provide libraries and instructional material that was sorely needed and encouraging teachers to improve themselves."

As a volunteer since her retirement she has amassed more than 10,000 hours of work at Blount Memorial Hospital and 4,000 hours working for Contact Teleministry, not to mention many hours at her church and in other organizations.

It is always a tribute to this community when a resident wins a national honor and it is especially so when it is Miss Elsie. She is so unselfish and does so much for so many others.

THE PROTECTION OF WOMEN WORLDWIDE

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1993

Ms. SNOWE. Mr. Speaker, as cochair of the congressional caucus for women's issues and ranking Republican on the Foreign Affairs Subcommittee on International Operations, I am introducing two very important bills pertaining to the protection of women worldwide. My first bill addresses women's human rights, while the second focuses on the special needs of refugee women and children.

Until recently, both within the foreign policy establishment and the private nonprofit sector, the human rights community has failed to recognize the extent to which human rights abuses are targeted at women worldwide. Too often, such abuses are excused as social or cultural problems not directly attributable to States and therefore, not relevant to the conduct of State-to-State relations.

However, recent research and documentation indicate otherwise. Violence against women and sex discrimination that is sponsored or condoned by States have reached epidemic proportions around the world. Abuses may take gender-specific forms such as rape, may be motivated by the gender of the victim such as the murder of women's rights activists, or may happen to women when they are rendered vulnerable by surrounding circumstances such as refugee women. Whether considered from the point of view of numbers of victims or the severity of abuses, violations of women's human rights should be a major concern of U.S. foreign policy. Yet women's human rights continue to be marginalized in the development and implementation of U.S. foreign policy, even within the specific context of U.S. human rights policy.

In order to ensure that abuses against women receive the necessary visibility and women are adequately protected, I am introducing legislation today calling on the State Department to designate a senior level official who would promote the issue of international women's human rights within the United States' overall human rights policy.

My bill, the Women's Human Rights Protection Act of 1993, identifies the responsibilities of such a women's human rights advocate. These duties would include pressuring governments that engage in violence against women or systematic discrimination, raising visibility of gender-based persecution and violence in multilateral forums, and seeking to assure that U.S. trade representatives conduct inquiries and take steps to prevent countries from receiving trade benefits where governments fail to address human rights abuses against women. The advocate would also work to secure funding for programs to meet the needs of women victims of human rights abuses, and work to assure ratification of the Convention on the Elimination of All Forms of Discrimination Against Women.

My second bill establishes explicit U.S. policy on integrating the resources and needs of refugee women and children into all aspects of

refugee programming to ensure equitable protection and assistance activities.

Women and children constitute at least 80 percent of refugees and the internally displaced world population; however, their safety and particular needs are rarely met. They are the first victims of the conflicts they are trying to escape and the most vulnerable once displaced. As noncombatants, they must stop being used as human shields, spoils of war, and preyed upon by guards and others at border posts and refugee camps.

According to a report soon to be released by the General Accounting Office [GAO], the State Department must continue pressuring the U.N. High Commissioner for Refugees [UNHCR] to improve the extremely poor conditions for women in refugee camps which include severe domestic violence and abuse of women, and in some cases the denial of food to unaccompanied women. Additionally, the GAO found that the UNHCR and nongovernmental voluntary organizations providing services in the camps showed a severe lack of understanding of and appreciation for gender-related issues.

In 1991, UNHCR developed comprehensive guidelines on the protection of refugee women. The guidelines cover traditional protection concerns, such as the determination of refugee status and the provision of physical security, and outline various measures that can be taken to improve the protection of refugee women. They also present approaches for helping women who have had their rights violated, and outline steps to ameliorate the protection of women and report upon protection problems that do arise.

My legislation, the Refugee Women and Children Protection Act of 1993, would require the U.S. Government's refugee assistance programs to address the protection and provision of basic needs of refugee women and children. The bill directs the Secretary of State to: Ensure full involvement of women refugees in the planning and implementation of the delivery of refugee services and assistance; incorporation of maternal and child health needs into health services; education of refugee women and children; data collection that enumerates age and gender; gender-specific training for program staff of the U.N. High Commissioner for Refugees and nongovernmental voluntary organizations; and the recruitment and hiring of women professionals in the international humanitarian field.

Finally, my bill calls on the President to enter into bilateral and multilateral negotiations to encourage other governments that provide refugee assistance to adopt policies designed to implement the UNHCR's 1991 "Guidelines on the Protection of Refugee Women."

CAMPAIGN FINANCE REFORM

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1993

Mr. HUGHES. Mr. Speaker, today I have introduced legislation, H.R. 2198, which seeks to limit the amount of money which candidates can raise and spend in congressional campaigns.

There is no question but that campaign finance reform is long overdue.

In recent years, the costs of congressional campaigns have gotten completely out of control. Indeed, we are reaching the point where campaigns are being driven more by money than by the qualifications or views of the candidates. That is just not right.

Moreover, the high cost of campaigns is discouraging many qualified candidates from running for office. At the same time, it has enabled PAC's and other special interest groups to exert far too much influence over the campaign process. This has driven average donors out of the process, and added significantly to the public cynicism about government.

My bill is intended to reverse this trend by setting reasonable limits on fundraising and expenditures, and shifting the focus of fundraising away from Washington and back to the candidates' congressional districts, where it belongs. In so doing, it will help level the playing field for challengers, and go a long way toward helping rebuild public confidence in our elected officials and system of government.

Under my legislation, candidates would be asked to sign a statement at the time they register with the Federal Election Commission, agreeing to abide by a voluntary spending limit of $600,000 throughout the 2-year election cycle.

Once a candidate signs that statement, the authorization cannot be revoked. The candidate would then be required to abide by certain contribution limits as well. These include: a limit of $300,000 in contributions from nonindividual donors, such as PAC's, political parties, or special interest groups; $100,000 from individuals who reside outside the candidate's home district; and $75,000 in personal funds.

Within the $300,000 ceiling on non-individual contributions, my bill sets specific limits of $200,000 in PAC contributions and $75,000 in total political party contributions. It also limits PAC contributions to $5,000 and individual contributions to $2,000 over the 2-year election cycle.

To help encourage average citizens to participate in campaigns, my bill restores the tax credit of up to $100 (or $200 for joint returns) for people who contribute to congressional campaigns in their own district. The bill also sets strict penalties for candidates who exceed the spending or contribution caps.

Under this approach, a candidate who spends the maximum $600,000 could raise no more than a third of his receipts from PAC's. At least half of the $600,000 would have to come from individual donations, primarily raised within the candidate's own congressional district.

I believe that my legislation takes a straightforward approach to the issue of campaign finance reform, without relying on taxpayer-subsidized public financing or other gimmicks, such as discounted mailing costs or advertising rates.

I would urge my colleagues to take a close look at this legislation, and to join me in supporting a major overhaul of our campaign finance system, which is badly needed and long overdue.

IN RECOGNITION OF THE 25TH ANNIVERSARY OF MAPLE ROAD ELEMENTARY SCHOOL

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1993

Mrs. ROUKEMA. Mr. Speaker, I would like to take this opportunity to pay special tribute to one of northern New Jersey's most distinguished elementary schools, the Maple Road School of West Milford, NJ. This year, Maple Road celebrates its 25th anniversary of education in West Milford, and I urge my colleagues to join me in saluting this quarter century of excellence in education.

From its humble roots as a small elementary school nestled among the pines of West Milford, Maple Road has grown and prospered over the years. Today, more than 450 students learn there—from kindergarten through grade 6, and more benefit from the preschool and elementary classes for special needs children that Maple Road provides.

Mr. Speaker, our schools and our educators hold the key to the future of our Nation. They unlock the potential in each and every child. They nurture the curiosity of future scientists; they encourage the compassion of future doctors; and they launch future astronauts on their way toward excellence. I am proud to recognize today that over its 25 year history, Maple Road has proven to thousands of students that its motto rings true: Maple Road really does mean magic.

Under the guidance and direction of Principal Robert Florian, Maple Road continues to prosper. Working with him over these years have been countless teachers, parents, and students who have each been integral to Maple Road's 25 years of success. I would also call special attention to the president of Maple Road's Parent-Teacher Organization, Mrs. Patricia Maglio, who has led the PTO in Maple Road's year of celebration. Through the efforts of the school and PTO, Maple Road has celebrated its anniversary through a commemorative tree planting, the placement of a 25 year time capsule, and a family picnic for past and present students, teachers, and their families. They are presently completing work on the Maple Road School Float for the West Milford Pride Day parade.

As a former educator myself, I know from firsthand experience that it takes a great deal of dedication and diligence to achieve the type of excellence Maple Road has typified throughout its proud history. I urge my colleagues to join me in recognizing and saluting Maple Road's 25th anniversary, and the excellence in education which should serve as a model for all.

THE DOPE OPEN: 25 YEARS OF CARING

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1993

Mr. GALLO. Mr. Speaker, the most effective tools that we have in our ongoing struggle

against drug abuse are caring and community involvement.

Long before the problems of drug abuse became a major issue nationwide, northern New Jersey was blessed by the presence of an organization, founded by a group of dedicated and caring individuals, and supported by the people within our communities, which has focused on the needs of the victims of drug abuse—men and women of all ages who started using drugs, but could not stop without the help and and support of people who care.

Today, we are proud to honor these dedicated volunteers on the occasion of the 25th anniversary of the founding of the Dope Open organization—one of the oldest organized drug education and rehabilitation support groups in the Nation.

On June 24, this innovative organization kicks off its 25th year of service with the annual Dope Open event.

In the mid-1960's—when most of the Nation was just waking up to the dangers of illegal drugs—these dedicated individuals, under the able leadership of Mary Mulholland, decided to do something about drug and alcohol addiction—they sponsored an aftercare clinic for individuals suffering from the most serious forms of drug addiction.

The first Dope Open golf tournament was held in 1968 as a means of providing support for drug education, rehabilitation, and treatment efforts, and the rest, as they say, is history.

I played in that first tournament and have had the honor to participate each year in this worthwhile event.

Since its inception, the Dope Open has raised $926,000 and has attracted $4.5 million in Federal, State, and local matching funds.

Among the worthwhile projects that have been helped because of these efforts are Hope House, providing rehabilitation services and outpatient drug and alcohol treatment for 20 years, which received a $20,000 annual grant in 1992; New Jersey Battered Women Shelter, $25,000 in 1991 and 1992; Morris County DARE Program, more than $20,000 in 1991–92, and Market Street Mission, $5,000 in 1992.

This innovative nonprofit all-volunteer organization also provides underwriting for other worthy projects, including in-house treatment facilities such as Integrity House, Sunrise House, Daytop, the Center for Addictive Illness, the Project PRIDE after-school self-help program, Morris County Crimestoppers, Morris County Teachers Awards, New Jersey Law Enforcement Memorial Fund, and Mrs. Wilson's, a half-way house for recovered women alcoholics.

The list of good deeds sponsored by the Dope Open grows longer each year, with support for new and innovative programs to meet the real needs of our communities.

In 1993, the Dope Open will help to launch a new an innovative program to keep our young people off of drugs and out of the criminal justice system by providing $5,000 in initial support.

The program, known as PASS, is the brainchild of two Morris County residents, Judge Daniel R. Coburn and Chief of Probation Jude DelPreore, and is designed to encourage alternative service rather than jail for juvenile drug offenders as long as they stay off of drugs.

As with many programs launched with the help of the Dope Open over the last 25 years, the PASS Program holds great promise to become a model for the Nation in the area of juvenile justice and drug rehabilitation.

I commend Judge Coburn and Chief DelPreore who have been working hard during the development stage of this innovative program. I am convinced we will be able to apply this local experience to our efforts in Congress to develop meaningful juvenile justice programs throughout the country, and I look forward to working with them toward that end.

Mr. Speaker, we know that the best programs aimed at helping people in need are those which are first developed locally.

The dedicated individuals, past and present, who have made the Dope Open a success have proven once again that our strength as a Nation derives directly from our communities.

And, our communities depend for their existence upon the people who care enough to help their neighbors.

Northern New Jersey is a large neighborhood, but the hearts of the many Dope Open volunteers are big enough to serve the broader community and to do so with an energy and a sense of pride that is unique among organizations.

Mr. Speaker, I ask my colleagues to join with me in recognition of the dedicated volunteers of the Dope Open on the occasion of the organization's 25th anniversary event.

MIDNIGHT BASKETBALL TRAINING AND PARTNERSHIP ACT INTRODUCED

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1993

Mrs. SCHROEDER. Mr. Speaker, today I join five of my colleagues in the House and Senator CAROL MOSELEY-BRAUN in a full-court press to bring midnight basketball to all of our Nation's youth.

Last year, as chair of the Select Committee on Children, Youth, and Families, I amended the Omnibus Crime bill to authorize $3 million through the Department of Housing and Urban Development's Youth Sports Program for matching grants to low-income communities with high rates of juvenile crime, pregnancy, or drug abuse. These grants would create a public/private partnership for unemployed youth who have left school to support midnight basketball leagues in 25 communities.

The program offers more than just free throws. The program operates from 10 p.m. to 2 a.m., the period when most youth crimes are committed, and requires players to attend high school equivalency classes and job training. The coaches, owners, and workshop leaders serve as role models. Unfortunately, the 24-second clock ran out on midnight basketball when the Senate held the omnibus crime bill hostage last year. That has not stopped 26 cities from creating midnight basketball leagues through the devotion of Gil Walker, executive director of the National Association of Midnight Basketball Leagues.

A 3-year independent evaluation of midnight basketball players found that none of the enrolled youths had gotten into trouble with the law. Gang activity in public housing decreased, and many players found permanent jobs and completed GED requirements.

This year we have a new forward on our team. Senator MOSELEY-BRAUN has agreed to introduce the Senate companion bill. The best way to reduce juvenile crime and save lives—and without employing any new bureaucrats—is through swift passage of the Midnight Basketball Training and Partnership Act.

THE POLLUTER PAYS CLEAN WATER FUNDING ACT

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1993

Mr. STUDDS. Mr. Speaker, today I am introducing the Polluter Pays Clean Water Funding Act. This legislation proposes a series of environmental taxes on products and activities which generate water pollution and establishes a supercharged State Revolving Fund [SRF] Program to deliver these revenues to the cities and towns with the most pressing clean water needs.

We are in the midst of a full-blown clean water crisis. Across the Nation, water and sewer bills are skyrocketing as the costs of municipal sewage treatment plants and other clean water programs soar. According to a conservative Environmental Protection Agency estimate, there are over $155 billion in projects necessary for compliance with the Clean Water Act. In 1993, the Federal Government provided about $2.5 billion to help our communities meet those needs.

A $2.5 billion appropriation for a $155 billion problem. It doesn't take a supercomputer to figure out we just are not spending what it takes to keep our water clean.

People are good at talking about cleaner water. About controlling combined sewer overflows, polluted runoff, stormwater, and toxics. But words will be just that—more talk—unless we find the money to do the job. Our cities, towns, and ratepayers cannot shoulder this burden alone.

If the level of Federal assistance is not bolstered, I fear that our Nation's commitment to clean water will unravel. Ratepayers and municipal officials called upon to pay ever higher bills will revolt, compliance efforts will grind to a halt, and pressure will mount for Federal officials to retreat from current requirements. The recent disaster in Milwaukee, a result of polluted farm runoff, may serve to remind us that diligence in protecting water quality should be among the highest Federal priorities.

Our towns and cities are buckling under the pressure of financing clean water infrastructure. In 15 of our largest cities, water and sewer rates have increased by at least 50 percent over the last several years. In some, like Boston, the increases are several hundredfold.

Our rural areas are overwhelmed. Small towns of less than 2,500 people need $28 billion just for proper sewage treatment. In 1992, the General Accounting Office reported that Utah officials were contemplating condemning entire towns because they could not afford to comply with the Clean Water Act.

The stakes are obvious—in clean water terms, in financial terms, and in political terms. If we have nothing to say, nothing to offer, we are risking a level of civil disobedience that could reverse the national commitment to environmental quality. This is not the environmental legacy we should bequeath to the next generation.

Our alternatives are simple. We can do nothing and risk disaster; we can appropriate a significant increase from the general treasury; or we can find new sources of funding. The first option is irresponsible and unacceptable. The second is unrealistic. President Clinton is struggling to reduce our enormous national deficit, and his 1994 budget sends a clear, albeit painful, message. The Federal cupboard is bare. There is no more money available from general revenues. Therefore, with this bill, I have outlined the steps necessary to create alternative revenue sources and fund clean water projects through a polluter pays proposal.

The polluter pays approach has many advantages. It begins to price pollution, allowing for market incentives to help foster pollution prevention; it generates badly needed money for the State revolving funds, thereby relieving household and municipal budgets from rising rates; it reduces the deficit; and it has broad public acceptance as a revenue-raising mechanism.

My legislation will provide $6 billion annually to fund clean water compliance; $2 billion will continue to come from the general treasury; and thus, the taxpayer will continue to shoulder a fair share of the burden. However, the greatest burden should be shifted to the polluter, and my bill will generate $4 billion from water pollution taxes: Polluter pays.

I have attempted to spread the tax burden thinly over many polluting activities and products. There are three major components of the package: an industrial toxic discharge tax; commercial and industrial water use taxes; and a tax on pesticides, fertilizers, and animal feed. This does not capture every water polluting product or activity because virtually everything and everyone pollutes water. What we have identified are the products and activities which are major and well documented pollution sources.

The second component of my legislation is a package of reforms to the existing State Revolving Fund Program. We need to supercharge the SRF's and build them into "one-stop" shopping centers for clean water funding needs. They need to be user friendly for all our communities—big and small; rich and poor; urban and rural.

The new SRF Program will be streamlined to eliminate many bureaucratic requirements. It will include limited grantmaking authority so that small and hardship communities can better participate in the program. Eligible users of the funds will be expanded to open the SRF's to all of the mandates of the Clean Water Act. Greater emphasis will be placed on preventing nonpoint sources of pollution and protecting estuaries. The outdated allocation formula is reformed to make sure that the money gets to States that need it most.

The recipe is simple. More money plus better delivery equals cleaner water at affordable rates.

The economic stakes are huge. Clean water projects are among the most productive of public infrastructure investments. For every $1 billion we spend on clean water infrastructure, between 35,000 and 57,000 jobs are created. Again, it doesn't take calculus to figure it out. If my bill is enacted, the $6 billion in annual investment will generate and sustain over 300,000 new jobs.

Beyond job creation, affordable water and sewer service, along with the availability of reliable clean water supplies, are at the heart of economic growth and productivity. Affordable water services cut to the heart of our prosperity. It is not a luxury. Rising costs of services stunt economic development at local levels and create enormous competitive disadvantages for communities. By way of contrast, affordable services attract private investment in local and regional development. A clean environment and growing economy are inextricably linked. Without clean water we cannot sustain our economy.

Let's face it. Nobody wants to be taxed and everyone wants to avoid the issue. There is, however, no alternative other than learning to live with polluted water—and that, in my view, is no alternative.

The special interests who represent polluters will line up, lobbying contracts in hand, to oppose this legislation. I am under no delusion that this battle will be won swiftly or easily. I am only certain that it must be fought and it must be won.

It is high time to face the facts and get to work in solving an enormously complex problem. I hope my bill will launch a renewed effort to come to grips with the funding problem. We have no other choice.

I invite you all to join me in this effort by cosponsoring this bill.

SECTION-BY-SECTION ANALYSIS THE POLLUTER PAYS CLEAN WATER FUNDING ACT

Section 1. Short Title. The short title of the bill is the "Polluter Pays Clean Water Funding Act".

Section 2. Findings.

TITLE I—STATE WATER POLLUTION CONTROL REVOLING FUNDS

Section 101. Requirements for Treatment Works. Subsection (a) repeals several of the "equivalency requirements". These are requirements under the old construction grants program of the Clean Water Act that were also made applicable to the SRF loan program when it was created in 1987. Repealing some of these requirements should reduce the administrative burden associated with SRF loans.

Subsection (b) modifies one of the equivalency requirements, raising the threshold for doing value engineering and least cost alternative analysis from the current level of $10 million to $25 million.

Section 102. Projects Eligible for Assistance. This section amends the existing SRF loan program (Title VI of the Clean Water Act) to expand the types of projects eligible for funding through a state SRF. In general, all activities and projects undertaken to comply with the Clean Water Act are made eligible without limitation, including sewage treatment plant construction, nonpoint pollution controls, stormwater and combined sewer controls, wetlands restoration and protection, water conservation, low income assistance, and all land acquisition costs associated with otherwise eligible projects.

Section 103. Maximum Term of Loans. Currently section 603(d)(1) of the Clean Water Act limits the term of SRF loans to no more than 20 years. Section 103 allows a state to make loans for longer terms, up to the expected life of the facility of project. By extending the loan terms, communities can stretch out their repayments and reduce their annual debt service. This section applies only to loans issued after enactment.

Section 104. Administrative Costs. Presently, state costs of administering its SRF may not exceed 4% of its annual federal capitalization grant. Subsection (a) expands the allowable administrative costs to 5% of total deposits to the SRF in any fiscal year. Therefore, states which deposit other funds into their SRFs may also use those funds in calculating their administrative spending limits.

Subsection (b) requires every state to use at least 20% of its administrative expenses for technical assistance to communities.

Section 105. Authority to Make Grants. Under the existing SRF program, states may provide loans to communities below the market rate and down to zero interest. They are not allowed to make grants or "negative interest" loans (i.e., principal subsidies). Section 105(a) establishes a new section 603(j) in the Clean Water Act which authorizes states to use a portion of their SRF funds for grants to small or hardship communities. A small community is one with fewer than 5001 people. A hardship community is one where the combined annual water and sewer bill is greater than 2% of average household income in that community. In addition, SRF funds may be used for grants to fund nonpoint pollution control projects and low income assistance in any community.

The amount of SRF funds that can be used for grant assistance is limited to the greater of—

(1) 25% of the federal grant in a fiscal year; or

(2) 100% of the federal grant which is in excess of the amount which a state SRF received in fiscal year 1992.

Section 106. Control of Nonpoint Source Pollution. Not less than 15 percent of the amount of each state grant must be used for the control of polluted runoff. This requirement will ensure that taxes collected from fertilizers, pesticides, and animal feed will be reserved for the control of pollution generated from the use of those products. Eligible projects would include projects under section 319 of the Clean Water Act, section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990, and the nonpoint pollution control elements of plans developed under the National Estuaries Program (section 320 of the Clean Water Act).

Section 107. Allotment of Funds. At present, federal funding for the State Revolving Funds is allocated on the basis of a formula which reflects 1976 needs. As a result, some states are getting more federal funds than they deserve and some states are getting less.

Section 107(a) amends the Clean Water Act to ensure that the allocation formula is periodically revised to accurately reflect clean water priorities. Not later than one year after enactment, EPA is required to publish

a formula which shall be based on the most recent estimates of state populations and the EPA's most recent biennial needs survey. Thereafter, the EPA shall revise the formula at least every five years.

Subsection (b) requires that in 1994, 1995, and 1996, 0.5% of the State Revolving Loan Fund, or $10,000,000, whichever is less, be set-aside before allotting money to states. This set-aside is for grants to states under section 6217(f) of the Coastal Zone Management Act Reauthorization Amendments to develop coastal nonpoint programs.

Section 108. Low Income Water and Sewer Assurance Program. Rising water and sewer bills have a disproportionate effect on families with modest incomes. As a requirement of receiving assistance for building wastewater construction projects, communities that meet certain criteria must certify that they will create a low income water and sewer assurance program within two years.

Subsection (b) establishes a new section 608 of the Clean Water Act: Low Income Water and Sewer Assurance Program. Within one year of enactment of this law, EPA shall issue regulations establishing minimum standards for community-based, low income water and sewer assurance programs. Minimum standards must include a requirement that communities ensure that water and sewer be available on an affordable basis to all households including renters, at or below 150% of the Federal poverty level served by the recipient. The presumptive measure of affordable combined sewer and water rates on a monthly basis is that such rates do not exceed 4% of gross monthly income for a household. This is a presumptive measure not a standard and may not be achieved by all communities. There is no requirement that monetary subsidies be paid to low income water and sewer recipients.

Section 109. Authorization of Appropriations. This section amends section 607 of the Federal Water Pollution Control Act. Subsection (a): this section authorizes annual appropriations of $2 billion for each of fiscal years 1994 through 2000. Subsection (b) requires an annual transfer of $4 billion for each fiscal year after 1995 from the Clean Water Trust Fund to the carry out this title. The transfer under subsection (b) requires no further appropriation. The net effect of this section will be to provide total annual funding of $6 billion to support implementation of the Clean Water Act through the expanded SRF program.

TITLE II—EXCISE TAXES ON SUBSTANCES CONTRIBUTING TO WATER POLLUTION, ETC.

Section 201. Excise Taxes on Substances Contributing to Water Pollution. This section amends Chapter 38 of the Internal Revenue Code of 1986 by adding Subchapter E—Discharges of Chemical Pollutants, and Subchapter F—Fertilizer, Pesticides, and Animal Feed.

Subchapter E—Discharges of Chemical Pollutants.

Section 4691. Imposition of Tax. The discharge into water or publicly owned treatment works (i.e., a sewage treatment plant) of any chemical listed in this subchapter is subject to a tax. The tax rate depends on which "group" number the chemical is assigned. Chemicals are assigned to groups 1 through 5 in order of increasing toxicity. Tax rates increase as toxicity increases. Anyone discharging the listed chemicals is liable for the tax except residential users, farm users, or government users. To ensure continued and increasing incentives for reduction and prevention of toxic pollution, the tax rate will be automatically adjusted each year for inflation plus 3%.

Section 4692. Definitions and Special Rules. This section lists 307 chemicals that are subject to taxation and assigns them to group 1 through group 5. The list is built principally around the Clean Water Act "priority pollutants" and chemicals on the EPA's Toxic Release Inventory which are known to be discharged to water.

Subchapter F—Fertilizer, Pesticides, and Animal Feed

Section 4694. Imposition of Tax. Manufactured or produced fertilizer, pesticide, and animal feed sold or used in the United States is subject to taxation. The nitrogen and phosphorous content of fertilizer is subject to a tax of 0.845 cents per pound. The active ingredients in pesticides are subject to a tax of 24.27 cents per pound. Processed animal feed is subject to a tax of $2.68 per ton.

Section 4695. Definitions and Special Rules. Exports of these products are not subject to the tax. Imported products would be taxed at the same rate.

Section 202. Excise Tax on Commercial And Industrial Water Use. This section amends Chapter 36 of the Internal Revenue Code of 1986 by adding Subchapter C—Certain Nonresidential Uses of Water.

Subchapter C—Certain Nonresidential Uses of Water

Section 4476. Imposition of Tax. A tax of 1.95 cents is imposed per 1,000 gallons of water used. If the water is supplied by a utility company, the company shall collect the tax.

Section 4477. Definitions and Special Rules. Anyone using water is liable for the tax except for residential uses, farm uses, hydroelectric power uses, and government uses.

Section 203. Clean Water Trust Fund. Subchapter A of Chapter 98 of the Internal Revenue Code is amended by adding the Clear Water Trust Fund.

Section 9512. Clean Water Trust Fund. A Clean Water Trust Fund is established within the United States Treasury. All proceeds collected under these new taxes are appropriated to this fund. Amounts in the fund shall be available for carrying out the purpose of title VI of the Federal Water Pollution Control Act.

RULES COMMITTEE CHAIRMAN, REPUBLICAN FRESHMEN TESTIFY BEFORE JOINT REFORM COMMITTEE

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1993

Mr. DREIER. Mr. Speaker, today the Joint Committee on the Organization of Congress, on which I serve as a vice chairman, was privileged to hear testimony both from our distinguished Rules Committee Chairman JOE MOAKLEY on House scheduling and floor procedures, and particularly on the controversy over open versus restrictive rules. He had some very interesting and creative proposals for resolving some of our current differences.

At the same hearing, we were presented with the fresh and insightful perspectives of two outstanding freshmen Republican Members of the House, the gentlelady from Ohio [Mrs. PRYCE] and the gentleman from Florida [Mr. DIAZ-BALART], both of whom serve with distinction on the House Republican Leadership Task Force on Deliberative Democracy in the House. Their comments are especially useful and refreshing given the mandate for change that marked their first election to the House and the procedural realities they have run up against when it comes to making a real difference around here.

Hopefully, Mr. Speaker, we can meld the best suggestions of both our senior Members like Chairman MOAKLEY, and our freshmen class members who now number 110, in putting together a conservative and bold reform package for this Congress.

At this point in the RECORD I insert all three statements:

STATEMENT OF HON. JOHN JOSEPH MOAKLEY, CHAIRMAN, COMMITTEE ON RULES

Mr. Chairman, I would like to thank the Joint Committee for the opportunity to appear before you today to talk about committee and floor procedures in the U.S. House of Representatives. As Chairman of the House Rules Committee, I realize I am an obvious spokesperson for the procedures by which bills are considered in the House. I do not come before you today to blindly defend our current practices. Rather, I view this as a valuable and essential opportunity to take an objective, critical look at our rules and procedures and to comment on what areas might possibly be improved.

Before getting into specifics, I would like to briefly express my gratitude to the Joint Committee for the work it has done to date. I commend the Committee for both its diligence and the seriousness with which it has undertaken its work. Yours is not an easy task, I know. Change is always difficult, particularly when it is uncertain whether the proposed changes will actually improve the status quo. I can appreciate the enormity of your assignment and hope that my comments today assist you with your comprehensive evaluation of the Institution.

Reflecting upon the atmosphere in Congress of late, I must confess that I am almost relieved that we have reached this juncture—it is time for us to confront our problems, either real or perceived, and resolve them one way or another. In my twenty-one years in Congress, I have never experienced partisan tensions as aggravated and sustained as they have been over the past couple of years. While a certain amount of sparring between the parties is unavoidable, healthy even, I believe we have far surpassed the level of disagreement that characterizes a healthy democracy.

I am most concerned with the element of distrust that seems to pervade our daily interactions. We cannot do our jobs well when we distrust those with whom we work. We were sent here to make sound, well-reasoned policy decisions on behalf of our constituents, our country and the world. I am deeply concerned that the public good is being compromised in the conflicts of our rival parties.

It is out of these concerns that I admit certain changes are needed. On the procedural front, I think I can recommend several improvements which will not only enhance the quality of deliberation in the House of Representatives, but will also lessen some of the partisan jealousies which arguably consume too much of our time and energy. As I have not yet talked with the Speaker about these ideas, I in no way wish to imply that my remarks today reflect the sentiments of the Leadership.

First, I would like to note the Democratic Leadership's recent efforts to allow for more open, inclusive debate. By inclusive I mean providing for greater participation by both the majority and minority. The views of the minority are a vital component of the legislative process, and within reason, should be accommodated. I say within reason because underlying the legislative procedures of the House is the general principal that a determined majority of members should be able to work its will on the floor without undue delay by the minority. While House rules and procedures generally recognize the importance of permitting any minority, partisan or bi-partisan, to present its views and prepare alternatives, the rules do not enable that minority to filibuster or use other devices to prevent the majority from accomplishing its objectives in a timely manner.

I think everyone would agree that it is the prerogative of the majority party leadership to both set the legislative agenda and to provide for the orderly consideration of legislation in the House. And while the role of the Rules Committee is to try to facilitate the Leadership's legislative agenda, its power is not without limitation. The Rules Committee can only recommend special rules to the House—it cannot impose its recommendations on the membership. It is for the House to decide, by majority vote, whether it is prepared to accept the ground rules, including any restrictions on amendments that the Committee proposes.

The Rules Committee structures its rules based not only on the views of its members, but also on its perception of what a majority—218 members—of the House is prepared to support. Ultimately, the House agenda is subject to control by a voting majority. This majority is not static, nor is it strictly partisan. Rather it is continually shifting and must be constructed and reconstructed from one issue to the next.

Unfortunately, bare statistics do not always reflect the considerations behind the types of rules reported by my Committee. The first ten rules reported by Rules Committee in the 103rd Congress were indeed by definition "restrictive", that is, providing certain limitations on the number or types of amendments that could be offered. But while my friends on the other side of the aisle suggest that their amendments were arbitrarily rejected by the Rules Committee, this simply isn't true.

Before condemning the Democratic Leadership as callous or insensitive to the ideas of the minority, one must examine the nature of the bills and the types of amendments offered. Interestingly, of the ten examples cited by the Republican Leadership Task Force on Deliberative Democracy as egregious examples of the Rules Committee unreasonably denying amendments for floor consideration, the first five amendments were not even germane to the measures being considered. It is common knowledge that House rules and precedents require all amendments to be germane to the text they would amend. Therefore, I see nothing unreasonable about the Rules Committee's decision not to make these amendments in order. Moreover, another two amendments cited by the Task Force would have been subject to other points of order. In sum, seven of the ten amendments cited by the Task Force would not even have been made in order under an open rule.

As for the restrictive rules that the Rules Committee has reported to date, let me say this: the baseball season is only one month old—just because the Tigers are now in the lead doesn't mean they're going to win the pennant. In order words, be patient. There is no rigid program governing the types of rules to be reported by the Rules Committee. Rather, each rule will be determined on a case by case basis.

As you know, the Rules Committee recently reported open rules on three bills—nobody should be surprised when such contentious issues such as reconciliation and campaign finance are considered under structured rules—but as the House moves further into its legislative season I anticipate more open rules being reported by my committee.

Another change I would recommend relates to the motion to recommit. The change would arguably strengthen the minority's ability to act as a constructive partner in the development legislation. I endorse a modification of the plan proposed by Tom Mann and Norm Ornstein in one of their earlier reports to the Joint Committee.

I propose amending House Rule XVI, clause 4, so as to guarantee the minority a motion to recommit with instructions whenever a special order reported by the Rules Committee precludes the minority from offering amendments in the Committee of the Whole. This right would be subject to a couple of conditions. First, the motion would be guaranteed only if offered at the specific direction of the Minority Leader or his designee. Second, upon receipt of the motion, the Speaker would have the power to postpone debate and votes on the motion and final passage for up to two hours.

I consider these conditions to be reasonable as they would allow the minority a vote on its position on major issues and at the same time allow the majority a reasonable amount of time within which to prepare its response to the minority's alternative. Theoretically, limiting control of the motion to recommit to the Minority Leader or his designee would ensure that the motion would be used in a serious, constructive manner. Members with fringe views would be unable to make frivolous motions.

A third change I would recommend involves clause 2(1)(5) and (6) of House Rule XI which respectively provide for a three day period within which members may file supplemental, additional or minority views to be included in a committee's report, and an additional three day period for members to review the committee report before the measure is considered by the House. In his recent statement before the Joint Committee, Mr. Solomon expressed concern that the opportunity for members to review committee reports was too often being waived due to scheduling considerations. Let me say I empathize with Mr. Solomon and hope that my plan alleviates some of his concerns.

My proposal tries to balance the legitimate need for flexibility in scheduling legislation for floor action with the important right of members to express their alternative views and to review committee reports prior to debating a measure on the House floor. I don't believe the rule as it is presently written allows us to use our time efficiently. Presently, the three day period for filing views begins to toll the day immediately following the day on which a committee orders a measure reported and expires at midnight of the third day. Since presently there is no automatic authority for a committee to file immediately upon the expiration of this third day, it may be another day before the committee files its report, and yet another day before the report becomes available in the document room. Only then will the three day layover period for members' review of the report begin. Thus, more than two weeks may go by before a bill becomes available for floor consideration.

In the interest of both preserving this important right and using our time well I would recommend the following: tighten the way in which the three day period for filing views is calculated by starting the clock tolling immediately upon a committee's ordering of a bill reported. Often many valuable hours remain in a day on which a bill is ordered reported. Additionally, I would recommend giving committees automatic authority to file until midnight of the third day.

These changes arguably would achieve the dual goal of allowing for more efficient scheduling of legislation and insuring an adequate period for members to file and review views. While the Committee on Rules would still reserve its right to waive the three day layover requirement, I believe that if these changes were to be made the need for such waivers would be significantly reduced. In fact, I think it is safe to assert that had this proposal been in place earlier this Congress, none of the waivers of the three day layover period granted by my Committee would have been necessary.

My final recommendation is that the House, in some manner, implement the Oxford-Union style debate program proposed by Norm Ornstein and Tom Mann. Such a program strikes me as a useful vehicle for conducting thoughtful, substantive, and balanced debate on important national issues. Unlike one-minutes or special orders which tend to be one-sided monologues free of contest or rebuttal, such a program would allow for a meaningful exchange of ideas between members and would serve as a valuable supplement to our regular debate time on major legislation.

In closing, I would like to add that I agree with the prevailing sentiment that procedural or mechanical changes alone will not cure the ailments of this Institution. Attitudinal change is as important an ingredient. I am encouraged by the progress that is already being made in this area and hope that we can sustain this spirit of cooperation throughout the 103d Congress.

I again thank the members of the Joint Committee for this opportunity to testify before you today. I would be happy to answer any questions.

STATEMENT OF HON. DEBORAH PRYCE

Let me begin by thanking the members of the joint committee for the opportunity to share some perspectives as a member of the freshman class on the need for congressional reform. Examining changes to this venerable institution is a significant challenge and responsibility, and I commend you all for the work you are doing.

I would also like to recognize the contributions of my colleague Jennifer Dunn, a member of the Joint Committee, whose active participation helps give voice to the concerns of newly elected Republicans in the 103rd Congress.

As you may know, unlike my colleague, Congressman Lincoln Diaz-Balart, I did not come to the House of Representatives with any previous legislative experience. My experience comes from a legal background—having served as a county prosecutor and municipal court judge in Franklin County, Ohio.

Because I was a relative "outsider" to the legislative process here in Congress, I felt I was in a unique position to better understand the growing dissatisfaction among voters across America over the way Congress

conducts its business. Achieving meaningful congressional reform was a theme I emphasized throughout my campaign. I saw my victory as an opportunity to work for the kinds of changes necessary to improve the American public's confidence in their national legislature.

If we learned anything from last year's elections it is that the American people expect us to have our own house in order. In an effort to respond to that call, the Republican and Democratic freshman classes each introduced a comprehensive set of reform proposals early in the session. I'm hopeful that the efforts of the freshmen classes, as well as those of the Minority Leader's Task Force on Congressional Reform, and your deliberations on this committee can combine to bring about genuine congressional reform during the 103rd Congress.

While Lincoln and I are pleased to come before you as representatives of the Republican Freshman Class, we are also here on behalf of the Republican Leader's Task Force on Deliberative Democracy in the House, of which we are both members. The Task Force's purpose is simple: to educate Members and the public about abuses of the democratic process in the House. Our message is equally simple: the American people can be better served by a Congress which respects the right to free and open debate on the merits of the issues.

The Task Force has, up to now, focused on the need to increase the number of opportunities in which Members can offer amendments to major legislation being considered on the House floor. By refusing to allow bills to come to the floor open for amendment, millions of citizens are literally disenfranchised when their respective Representatives are prevented from offering various amendments. When Members of Congress are elected with the expectation that they will be exercising their rights as lawmakers on behalf of their constituents, only to be told that they may not fully participate in the democratic process, there is something seriously wrong with the democratic scheme of things in this body.

On April 22nd, the Deliberative Democracy Task Force released a brief report assessing the state of deliberative democracy in the House today. We feel very strongly that true deliberative democracy—the very process on which responsible representative government depends—is in a dangerous decline. In the report is a chart which shows that for every Congress since the 95th Congress, the number of open rules as a percentage of total rules granted has steadily declined, and, some would say, at an alarming rate. For example, in the 95th Congress, 85 percent of all rules granted were open. In the 99th Congress, 57 percent were open. In the 102nd Congress, that number dropped to 34 percent. So far this year, we have had only one open rule.

I would like to take a moment, though, to commend the Rules Committee for granting an open rule to the National Competitiveness Act, H.R. 820. It may have taken the House nearly three weeks to get through this one bill, but as former Speaker Sam Rayburn once put it:

"Not all the measures which emerge from the Congress are perfect, not by any means, but there are very few which are not improved as a result of discussion, debate and amendment. There are very few that do not gain widespread support as a result of being subject to the scrutiny of the democratic process."

By focusing on educating the voting public, the Task Force on Deliberative Democracy hopes to raise the level of awareness and understanding of where the democratic process is headed in the House. In an increasingly competitive world community, we need to foster the kind of deliberative process in which we are all involved in developing the best possible laws under which we and our constituents will be proud to live. And so I would encourage this Committee to take a serious look at how granting more open rules can bring about substantive improvements to major national legislation.

It is true that the American people voted for change and an end to gridlock. But they don't want us to end gridlock at the expense of democracy or by diminishing the "scrutiny of the democratic process" which Speaker Rayburn described back in 1942.

When Ross Perot spoke to the Republican freshman class yesterday, he reminded us that the American people are watching this institution very closely. They want, and they expect, a Congress which crafts its policies in a thoughtful, deliberate manner and they expect their elected Representatives to be able to improve legislation at all points along the process—in subcommittee, in full committee, and ultimately on the floor of the House.

At a recent gathering in my district, several leaders of the local business community asked me why no Member had offered an alternative to the Family and Medical Leave Bill based on tax incentives rather than more federal mandates. I did my best to explain that just such an amendment had been offered but that the Rules Committee did not allow it to be debated on the House floor when it came time to vote. When constituents expect us to debate the issues thoroughly, it's difficult for Members to explain to them why they are not given those opportunities to vote on alternative amendments when major bills come before the full House.

In closing, let me say that I recognize that reaching agreement on promoting freer and more open debate will not come easily. Although it is one element of a much broader effort to make representative government in the House truly representative, moving toward a policy of more free and open debate will very likely raise the level of esteem in which the American people hold this institution.

As I said at the outset, this Committee has a heavy responsibility to recommend reforms to Congress and I commend you for the work you are doing. I appreciate having the opportunity to share my thoughts with you and look forward to working with you in the time ahead. I think I can speak for my colleagues in the Republican freshman class in saying that we are more than willing to work with our friends across the aisle to bring about meaningful congressional reform.

STATEMENT OF LINCOLN DIAZ-BALART

Thank you, Mr. Chairman and Members of the Committee for this opportunity for us to address the Joint Committee on open rules. I am here to speak on behalf of the Task Force on Deliberative Democracy, representing the New Member perspective along with my colleague, Deborah Pryce. As new Members of Congress, we come from somewhat different backgrounds. Ms. Pryce brings with her valuable knowledge from being a very respected judge in Ohio, and I am honored to share this panel with her. I would like to focus my remarks on my experiences dealing with rules as a state legislator in Florida.

I am encouraged by the meaningful discussion that is taking place in this committee. I believe some refreshing points of view have been offered and would hope that many of the suggestions will be implemented.

In the Florida House of Representatives, we were dealing with over a quarter as many people as the U.S. House, but we only had two months each year to meet and complete our legislative business. Amendments were often defeated by the majority, but every member had the right to offer a germane amendment to every piece of legislation. Often, amendments were offered when committees were marking up bills, but they could also be offered directly on the floor. The only limits were on the time involved for debate. Each amendment had the opportunity to be decided on its merits, and by the full House. Accordingly, each constituent in Florida was equally represented because each member of the State House had the same opportunity to offer amendments to legislation. It was not chaotic because the minority had no incentive to resort to dilatory tactics. We were able to compromise and work with camaraderie to get major legislation enacted.

I have made my first visit to the esteemed Rules Committee of the U.S. House of Representatives.

I went to testify about an amendment to the Unemployment Benefits Extension bill that would have helped victims of Hurricane Andrew. Congresswoman Carrie Meek offered a similar amendment. The Rules Committee patiently listened, and no one even argued that our amendment was a bad idea or too costly. In fact, Members seemed to agree that the people we were trying to help were indeed worthy of our assistance.

However, no amendments that members offered that day were allowed to the bill. Not one of our amendments was given the chance to be decided by the full House on its merits. Not one of us got the chance to have our amendment fully debated. We were told that the Administration wanted a "clean bill," and therefore no amendments would be made in order.

It is my hope that the House of Representatives can enact legislation based upon its own beliefs and the wishes of all of our constituents. As Members of the House of Representatives, we have to answer to our voters every two years and are the elected federal officials responsible for representing the interests of our own particular part of the country. Opening up the rules process in a reasonable manner will let members offer amendments that their peers in the full House may approve or disapprove, based on substance and the merits of each proposal. A more open rules process will enable the government to operate efficiently, and yet fairly and with the proper balance of power among all branches.

EAGLE SCOUT HONORED

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1993

Mr. LIPINSKI. Mr. Speaker, it gives me great pleasure to bring to the attention of my colleagues an outstanding young individual from the Third Congressional District of Illinois who has completed a major goal in his scouting career. Jay Verdugo of Riverside, IL will be honored at an Eagle Scout Court of Honor.

It is important to note that less than 2 percent of all young men in America attain the

rank of Eagle Scout. This high honor can only be earned by those scouts demonstrating extraordinary leadership abilities.

Jay has been very active throughout his academic career at Saint Mary's School. He has been on the honor roll, received perfect attendance awards, elected to the student council, and participated in the safety patrol. Jay is particularly gifted in Math and Science and has participated in various competitions with area schools as well as attended a summer camp for gifted students at Illinois Math and Science Academy in Aurora, IL. Additionally, Jay is a talented musician playing the tenor saxophone.

Jay has shown commitment to his community not only in his scouting, but also by helping at the Fairfax Senior Retirement Home and by donating his time to area orphanages and hospitals. By belonging to the Polish National Alliance, Jay has helped to plan and volunteer at children's Christmas parties.

For his Eagle Scout project, Jay did an excellent job cleaning up the area surrounding Mooseheart Lake. In light of the commendable leadership and courageous activities performed by this fine young man, I ask my colleagues to join me in honoring Jay Verdugo for attaining the highest honor in Scouting—the Rank of Eagle. Let us wish him the very best in all of his future endeavors.

NASA BILL INTRODUCED

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1993

Mr. BROWN of California. Mr. Speaker, today, I am introducing the NASA authorization bill for fiscal years 1994 and 1995. This as you know, is a very important year for NASA and for the space program and the legislation we are recommending is intended to address some very significant changes that are taking place. The end of the cold war, the stagnation in the discretionary budget, and the new views and philosophy of this administration will shape a very different space and aeronautics program than we have had over the past decade. This bill is intended to guide NASA through this period of change.

These factors also have affected the work of Congress. One of the internal problems we are dealing with today is the very compressed schedule for the budget process. The delay in receiving the details of the budget—together with the need to pass authorizing and appropriations bills in a timely manner—has forced us to adjust our customary schedule in order to keep our place in the budget process. We are mindful that the Appropriations Committee also must act soon, so we are introducing our bill today to clearly set forth our priorities and our position on a variety of important issues.

As you know, one of the most important decisions we have had to make this year is how to deal with the space station. Over the past 5 months, we have all lived from rumor to rumor and this has been quite unsettling. However, the general outlines of the process are beginning to take shape and we believe our decision is a prudent one. We are recommending that NASA proceed with a scaled-down version of the space station *Freedom*. The Freedom Program has matured a great deal and, in our view, offers the most credible approach to satisfying scientific needs. It also offers the best path to evolution to a permanent manned capability and incorporation of cost saving technologies in the future. Finally it continues our commitments to our international partners.

We believe that the Freedom-derived station can be built for an annual funding level of $1.9 billion through the year 1999 and can be operated and incorporate some important enhancements for $1.3 billion thereafter. Over the next 5 years, this constitutes a savings of $3 billion or 24 percent from the existing Freedom baseline.

We are mindful that the administration has set a limit of $1.8 billion per year and $9 billion over the next 5 years. Our recommendation exceeds this and provides $1.9 billion per year and $9.5 billion over the next 5 years. It also extends the development period a year beyond what the administration has stated as desirable. However, simply said, our proposal is what is required to credibly carry out the program and meet international commitments.

We have followed very closely the ongoing redesign process that NASA is carrying out, and I want to commend the administration and NASA for the close consultation they have established with Congress. This has been difficult for us all. Although a great many innovative ideas have surfaced—and this has been a valuable exercise—none of the alternative concepts to emerge in discussion so far have the potential to mature to the state that now characterizes the Freedom design.

Any new concept, however attractive it may sound, will require detailed study and development before I would feel comfortable with any large-scale commitment. Thus, the Freedom-derived station is the only design I intend to support. If the Nation decides not to pursue the *Freedom* space station, I would recommend that we give much more serious consideration to our next step than a 90-day study can provide.

I want to commend the team of engineers that has labored around-the-clock at NASA to develop alternative station designs. But the problem we are here to address today is not an engineering problem—it is a political problem. I do not believe that any design other than the Freedom-derived option will carry the support of the House, and we risk losing the project altogether.

If we find we are unable to keep our commitment to *Freedom*, we need to fundamentally reexamine our ability to carry out any large-scale technical effort with Federal funding. We will need, in my view, a more tangible contract between Congress, the administration, the industry, and the science community in order to sustain our next large scale commitment. This may entail relatively simple things like multiyear budgeting, but it probably will need more than that—it will need a genuine consensus.

Finally, I want to conclude by saying that this is not an effort to upstage, embarrass, or criticize the administration or NASA in any way. The introduction of this bill is necessary to keep our place in the budget process and our position on the space station represents many weeks of soul searching. We will not mark up this bill until we have had a chance to fully review the redesign options how being developed by NASA. At that point I hope we can move expeditiously to the floor.

THE BRAILLE WRITER'S 100TH ANNIVERSARY

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1993

Mr. MICHEL. Mr. Speaker, the 1992–93 school year has been the celebration of the 100th anniversary of the invention of the very first braille stereotype machine.

Actually two machines revolutionized communication by and for the blind. Named the Hall braille writer and Hall stereotype machine after the inventor, Frank Haven Hall, superintendent of the Illinois Institution for the Education of the Blind in Jacksonville, IL, both machines operated much like a typewriter.

They had a single oval spacing key between two groups of three keys, much like those of a piano. Each key controlled a punch that embossed one of the dots in a braille cell on the paper or bases sheet inserted in the back of the machine.

The Hall braille writer enabled persons who were blind to write on paper so it could be read by other blind persons. The Hall stereotype machine was the first printing press for mass producing braille so that a greater variety of materials was made available.

Superintendent Hall was proud of the fact that neither he nor any of the persons connected with the development of the first braille writer and braille stereotype machine profited from the invention.

When he met Helen Keller, then 13, at the Chicago World's Fair in 1893, she was told that he was responsible for the writer that she used so often. She put her arms around his neck and gave him a big kiss on the cheek. Hall could never tell of this incident without tears in his eyes.

Because the Hall writer and stereotyper operated so efficiently, they provided a strong argument for adopting braille as the written language of the blind, both in the United States and throughout the world. The fundamental principles used in these machines remain today even as computer braille and other technologies enhance reading and writing for the blind.

My best wishes go to the students/staff of the Illinois School for the Visually Impaired and those concerned with literacy for the blind throughout the world as we all celebrate the 100th anniversary of the invention of the first braille writer and stereotype machine.

MEMORIAL DAY TRIBUTE TO AMERICAN VETERANS

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1993

Mr. DINGELL. Mr. Speaker, as our Nation prepares to observe Memorial Day this year, we are reminded once again of the importance of America's position as the sole remaining superpower.

Just since the beginning of this year, the United States has begun and ended a peacekeeping operation in Somalia and now prepares for the possibility of a similar mission in the warring Republics of the former Yugoslavia. In addition, the threat of new conflicts across the globe, in places like Cambodia, the Middle East, and even the former Soviet Union, demonstrate that our Nation must maintain its military superiority. Such superiority is relied upon by our Nation, as well as by other nations who look to the United States to defend the principles of freedom and democracy worldwide.

At the same time, there are many other issues on the minds of veterans: improvements in veterans health care, the impact of national health care on the VA health care system, the budget deficit and its impact on veterans' programs' and normalization of relations between the United States and the Socialist Republic of Vietnam. While many issues divide this Nation, Mr. Speaker, I think it is significant that during this time of difficult Federal spending cuts, I have heard from veterans who have said they are willing to share in sacrifice once more for the future of our country. Today, I think such expressions are true demonstrations of patriotism.

Mr. Speaker, I would finally like to note that this Memorial Day holds special significance because it prepares us for a week of national observance of World War II, June 1–7, 1993. For those of us who served in this conflict, it is a time to reflect upon the sacrifices of those who gave their lives in America's largest war, together with all the men and women who have defended our freedom over the past 217 years.

VIOLENT CRIME CONTROL ACT OF 1993

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1993

Mr. GEKAS. Mr. Speaker, I appeal today to my colleagues on this historic day to take command of matters related to one of the most fundamental purposes of democratic government; that being the protection of its citizens. The horrendous statistics of unmitigated violence that besiege this Nation have become mere benchmarks of the seeming indifference of an administration adrift on the issue of violent crime in America. The chilling reality of 24,700 murders, 106,590 forcible rapes, and nearly 2 million violent crimes in 1991—the latest year for which statistics are available—has failed to motivate any sense of urgency within the executive branch.

Standing in stark contrast to this ongoing domestic tragedy is a Department of Justice largely void of the policy-level personnel necessary for the development of a comprehensive national anticrime strategy. Compounding this situation further is the unprecedented decision by the new Attorney General to seek the resignations of all 93 U.S. attorneys before replacements have been named. The void created by that decision is incalculable and portends certain havoc for the Law Enforcement Coordinating Councils which are the primary forum for State, local and Federal coordination on law enforcement efforts nationwide.

We in Congress have witnessed this transition with hopes of joining with the administration in a plan to end the victimization of society by wanton criminals. We have waited for the new administration to set priorities in the fight against violent crime. Their most notable signal has been a sharp reduction in funding for prison construction contained in the President's budget submission. This is the response to a prison system that is currently 144 percent overcrowded. I can only conclude from the evidence that my hopes for progress against violent crime are pending another reinvention of Government.

The leadership in Congress seems no more willing than the administration to attack the source of violent crime; the criminal. The most prominent anticrime effort moving in Congress today is the Brady Bill, legislation that would affect more law-abiding citizens than criminals. Also, hearings are being held today in the House Subcommittee on Civil and Constitutional Rights will examine habeas corpus issues. With all respect for the views of chairman of that subcommittee, he believes that the system of habeas corpus in America is too restrictive on Federal review of State capital sentencing decisions. These views are in direct conflict with the recommendations of the Powell Commission which looked at the issue of abuse and delay in capital cases. The above-stated examples are indicative of the fundamental difference between approaches to attacking the issue of violent crime in America. The recognition that there are three distinct parties to every crime: the criminal, the victim, and society itself highlights this distinction further. Recognition of the rights and privileges of each has a demonstrable effect on the others.

Mr. Speaker, I believe that it is long past time to consider the loss of life and liberty by law-abiding citizens in American society. It is time to act to make the criminal pay for the crime. Violent crime has reached such levels as to hold all society hostage and we in this body must fulfill our responsibilities to address the issue. For this reason, I am introducing the Violent Crime Control Act of 1993. This legislative proposal includes the death penalty procedures that I have proposed over the period of several years in the House. In 1990, and again in 1991, this body has adopted by death penalty procedures and provisions only to have them sacrificed in conference by those who oppose them on the floor. These procedures and conforming amendments will enable law enforcement authorities to seek the death penalty for the most heinous Federal crimes, including those which occurred recently at the World Trade Center and the deaths of Federal agents in Waco.

In addition, this legislation borrows from the hard work and well-documented individual proposals of some of my colleagues in the areas of habeas corpus reform, exclusionary rule reform, use of guns in crime, terrorism, child and sexual abuse. the common approach to all of the elements of this legislation is that they put the focus on removing the criminal element from society. Research has concluded that sentencing 1,000 additional violent offenders to jail would avert 187,000 felonies and save society roughly $430 million in costs associated with crime. The provisions in this legislation dealing with recidivist violent offenders would have a dramatic affect on society. Consider that those arrested for a violent felony average 9.4 prior arrests, 4.5 of which are felony charges. How often have we read recently news accounts of violent crimes, including murder, being committed by individuals recently released from jail.

This legislation would insure that the most violent criminals are not afforded the opportunity to continue to victimize. Finally, this legislation would provide $500 million for additional prison construction to back up our commitment to remove violent criminals from society.

Mr. Speaker, I again appeal to every Member of this body to join me in the fight to liberate America from the oppression that is violent crime. The failure to act is the most inexcusable crime of all.

NATIONAL SERVICE TRUST ACT OF 1993

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1993

Mr. MARTINEZ. Mr. Speaker, the National Service Trust Act, which I was happy to cosponsor with over 180 Members from both sides of the aisle is working its way through the legislative process.

This legislation has two very noble purposes—to maximize the use of one of the Nation's most important resources—our spirit of volunteerism, and to invest in the education of our people who desire to gain a college or other postsecondary education.

Volunteerism is a way of life in the United States and has been since our earliest days. The willingness of Americans to lend a helping hand to a neighbor in need is what made this country great—from the colonial days through the present day.

Federal investment to enable programs such as VISTA and the Older American Volunteer Programs have proven time and time again to be worth much more than the few dollars we authorize each year.

Part of H.R. 2010 is designed to reauthorize those programs and to reorganize the way they are managed.

Another major aspect of the bill is to expand the volunteer programs to include a far greater number of people in the federally supported volunteer and community service effort.

States, local governments and local non-profit organizations will all benefit from those provisions because of the additional resources being made available.

Participants in VISTA and the Senior Volunteer Programs will also continue to benefit from the opportunity to serve in a meaningful way.

By 1997, as many as 150,000 young, and not so young, people who are pursuing higher education will also benefit from the rich personal rewards of engaging in needed community service activities that will help their communities. They will also earn stipends that will enable them to devote a year or two to community service.

And finally, they will earn education benefits that can be applied directly to their tuition, fees, and other costs of higher education, or used to reduce their student loans.

I am proud to have been asked to introduce this legislation. I look forward to working with you, Mr. Speaker, and the other Members of the House to ensure that the final legislation reported out of this body is as strong as it can be. Hearings held this week and next will be of great assistance to us in that effort.

Mr. OWENS and I will jointly convene a hearing next week to look specifically at how this legislation deals with the programs under the Domestic Volunteer Service Act, which we have for reauthorization, and which we expect to include in the final bill.

I recommend that my colleagues on both sides of the aisle look at this legislation, consider cosponsoring it, and provide me with your ideas, suggestions, and proposals to improve it.

SMALL BUSINESS JOINT VENTURE LEGISLATION WITH THE FORMER SOVIET UNION

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1993

Mr. TRAFICANT. Mr. Speaker, yesterday I introduced legislation proposing my own program for assisting the newly independent states [NIS] overcome their present economic difficulties. As you know, I do not support foreign aid to any nation when our Federal budget deficit is out of control and when we cannot afford to fund important domestic programs. However, I recognize that unless there is stability in the former Soviet Union, the United States Federal budget deficit will continue to skyrocket and defense will continue to command a disproportionate amount of this Nation's overall budget. The program I am proposing assists the economies of the NIS as well as the economy of the United States. It protects U.S. workers and costs the Federal Government practically nothing.

My proposal authorizes the Secretary of State to carry out a loan program that will support the establishment of joint ventures between U.S. small businesses and NIS small businesses and entrepreneurs. U.S. small businesses selected for participation in joint venture must be more than 50 percent owned by U.S. citizens. It authorizes $100 million for the overall program with $100,000 the maximum amount that can be loaned out for each joint venture.

Under the legislation, the Secretary of State is required to award a contract, through a competitive process, to a private entity to set up a database of U.S. small businesses. That private entity will play a large support role and perform a lot of the groundwork for the Secretary in the overall program. As a result, my legislation requires that the entity have experience in business activity in at least one state of the former Soviet Union.

Under my bill, the Secretary is responsible for informing U.S. small businesses that the program exists and that, if interested in participating in the program, they should register with the database contractor. Proposals by NIS small businesses and entrepreneurs are submitted to the Secretary who then forwards them to the database contractor. The database contractor is then responsible for forwarding the proposal to all U.S. small businesses in the database that are engaged in whatever trade the proposal centers on. Examples of trades manufacturing, telecommunications, energy production, environmental protection, agriculture, housing, aviation and defense conversion. The NIS and U.S. entities then work out joint venture proposals among themselves.

Actual joint venture loan applications are then submitted to the database contractor who then investigates the NIS entity's resources to ensure that the entity has the resources it claims that are relevant to the application. The contractor then makes recommendations about the joint venture, relevant to criteria outlined in the legislation that the Secretary of State must use to determine whether or not it will approve the contract. Finally, the contractor submits all applications with recommendations to the Secretary of State and the Secretary makes the final decision on loan approval.

Among the criteria for loan approval are the following: First, preference shall be given to joint ventures involving U.S. small businesses located in economically depressed communities—defined as rural or urban communities which, relative to other communities in the United States, are depressed in terms of age of housing, the extent of poverty, the growth rate of per capita income, the extent of unemployment, job lag, or the extent of surplus labor; second, preference shall be given to loans that will be most cost-effective; third, preference shall be given to joint ventures that have the greatest likelihood of success—a loan may not be made to a joint venture if the Secretary determines that the joint venture is unlikely to be successful; and fourth, preference shall be given to joint ventures that are most likely to benefit the participating U.S. small businesses and U.S. economy.

Under the legislation, loan repayment is not required during the first 3 years of the loan. After, the first 3 years the Secretary is required to set regulations to determine the terms of repayment with the proviso that interest shall not accrue during the first 5 years of the loan. Thereafter, the rate of interest will be based on the average of the Consumer Price Index.

My legislation has numerous safeguards that protect U.S. workers. It specifically prohibits the transfer of jobs from the United States. Therefore, no loans setting up joint ventures will be given out to a U.S. small business that would transfer any business operations or activity that it has been carrying out in the United States to any location outside the United States.

In addition, all products, parts and components that are manufactured as a result of these joint ventures overseas cannot be reimported into the United States. This protects U.S. workers because products made in the United States will not have to compete with these products made overseas. My legislation includes enforcement provisions to ensure goods not be reimported into the United States, even if the goods or parts have been exported to another nation. Joint venture partners that produce goods for export must submit notification to the Secretary of their intention. They must specify the foreign recipient of such exports, identifying characteristics of such goods and the amount of goods to be exported. The Secretary must then provide such lists to the Commissioner of Customs.

The type of joint ventures I envision are ones in which the participating U.S. small business provides the management, accounting, marketing, training and other business expertise and the participating NIS entity provides the understanding of local needs and conditions and the local resources needed by the joint venture. Any goods produced by the joint venture should be sold within the NIS—however, products can be exported, but not to the United States.

In this way, the NIS entity is given an opportunity to learn American management and business expertise and the U.S. small business is given the opportunity to aggressively expand into a foreign market, developing the market to the United States' advantage. Through this program, the U.S. entity is provided with the capital necessary to establish a joint venture that would otherwise be out of its reach. In short, my legislation places U.S. businesses in a good position to develop foreign markets for American products and skills. This increases the chance that, as the NIS nations democratize, they will choose U.S. trading partners.

If it is necessary for the United States to help the former Soviet Republics democratize and develop open markets, this is what the United States should be doing—loaning money out instead of giving money out and, at the same time, helping the United States economy grow by giving United States small businesses the opportunity to expand into areas where they otherwise could not expand due to lack of resources. I urge my colleagues to cosponsor this important legislation. It is a responsible way to aid the former Soviet Republics.

AGRICULTURAL CREDIT EQUITY ACT OF 1993

HON. CALVIN M. DOOLEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1993

Mr. DOOLEY. Mr. Speaker, I rise today to introduce legislation with my colleague RICH-

ARD POMBO to address the very real need for increased credit availability in rural America. The Federal Government has long recognized the need to provide farmers with the ability to finance the purchase and operation of a farm. Unfortunately, the Farmers' Home Administration [FmHA] programs that have been so helpful to many rural communities are constructed too narrowly to provide assistance to all communities. In California, the shortfalls of the FmHA programs are all too evident. In 1992, only 36 percent of the available operating loan funds and 29 percent of the farm operating loan funds allocated for California were used.

My bill, the Agricultural Credit Equity Act of 1993, addresses the differences in land and crop values in different parts of the country; the differences in farm operations for different crops; and other variables that the current programs do not address.

INDEXING OF LOAN LIMITS

The current FmHA loan program limits guaranteed loans to $300,000 for the farm-ownership program and $400,000 for the operating program. The Agricultural Credit Equity Act of 1993 would direct the Secretary of Agriculture to develop an indexing system, based on the Census of Agriculture, to allow for higher loan limits in areas where land values, operating costs, or both, exceed current program levels. In no case would the Secretary be able to drop the loan limits below current levels. This program is patterned after the Federal Housing Administration [FHA] program that provides for housing loan guarantees with limits based on the average value of housing in a particular area.

Indexing of credit limits will allow farmers in areas with high land costs to use the FmHA loan guarantee programs. While farm land can be purchased in some States for $700 an acre, land values in the San Joaquin Valley of California, the number one agricultural producing area in the country, range from $2,500 to $7,500 per acre. The FmHA loan limits make it virtually impossible for a family farm in that region which I represent to take advantage of the programs. While the FmHA programs are designed to allow people to farm full time, the lack of credit availability in my district is making it difficult for family farms to begin, continue, or expand operation. Many States, including Florida, Hawaii, and much of the Northeast, are facing the same situation. This change will benefit many communities across the Nation, and will not change or adversely impact the eligibility chances of farmers from areas with lower land values, and operating costs, or both.

FAMILY FARM DEFINITION

The FmHA programs were designed to help family farmers get into the stay in farming. However, the definition of what is and what is not a family farm is difficult to determine. FmHA typically uses a national policy that defines any farm with more than two full-time employees to be disqualified from participation in any FmHA program. This limitation is entirely unfair to farmers who produce specialty crops, crops that do not use mechanized harvesting equipment, or farms that must rely completely on irrigated land. It is a simple fact that regardless of how many hours a farmer works, there are some jobs that must be trusted to employees. These include supervising weeding crews, irrigation crews, harvest crews, and other activities involved in the growing of perishable commodities. Most of the farms in my district are truly family farms, but they are discriminated against in the FmHA program because of the number of full-time employees needed to run these operations. The current definition is so inflexible that a farmer in the San Joaquin Valley who was confined to a wheelchair was denied a FmHA guaranteed loan because he had more than two full-time employees. Clearly, this is not fair, and was not the intent of Congress when the guaranteed programs were developed.

CREDIT AVAILABILITY

The legislation would also allow the FmHA to consider the availability of commercial credit in the area when making a determination about the ability of a farmer to qualify for an FmHA loan guarantee. Under current policy, the FmHA can only look at the financial need of the farmer, not at the ability of the area credit market to provide funds. The fact is that in many parts of the Nation, community banks do not have sufficient deposits to make long-term loans with fixed interest rates, unless they have access to the secondary market. While a farmer with a stable financial situation could in theory get credit without the FmHA guarantee, the practical fact is that in many communities that is not possible.

MARKETING AGREEMENTS

The bill also addresses the use of a common marketing arrangement in which the producer of a perishable commodity enters into a contract prior to harvesting a crop with a large shipper. Without these arrangements, small family farmers would not have access to the markets they do now, and would severely limit their ability to sell their crop. Current FmHA policy prohibits a farmer who enters into such a grower-shipper agreement to qualify for a guaranteed loan. This prohibition is in place because of the concern that an undue benefit is being provided to a larger than family-sized entity. In reality, these agreements are for the primary benefit of small farmers who could not market these crops on their own. It is unlikely that a grower-shipper would negotiate a separate contract with a small farmer simply to obtain an FmHA loan guarantee.

EMERGENCY LOAN PROGRAM—FAMILY FARM DEFINITION

Finally, the bill would make a change in the Emergency Loan [EM] Program to bring it into line with the other FmHA loan guarantee programs. Shortly after I was elected to Congress in 1990, my district was hit with a devastating freeze. The freeze wiped out most of the lemon and orange crops. Farmers turned to FmHA for assistance through the EM loan program. However, it became clear that the program had a number of problems. My bill would address one of the major obstacles.

Specifically, under the operating loan and farm ownership loan programs, FmHA has the option of considering a family farm, where all owners are related by blood or marriage, as if each owner were an individual owner of his or her share of the family operation. In effect, this provision of law allows families who have pooled their land and farm resources into a single entity to be able to qualify for an FmHA loan. However, this treatment of family farms has not been extended to the Emergency Loan Program. Anyone who represents an agricultural district that has sustained a disaster must be aware of this discrepancy in law. I believe that this provision of my legislation goes a long way in addressing this problem.

I believe that my legislation makes some sensible changes in the FmHA guaranteed loan program. The record clearly shows that the loss rate to the Government under the guaranteed program has been many times smaller than that under the direct loan program. The fact is that when private lenders have a 10 percent risk in a loan, it creates a situation where loans are made only to those with the ability to repay and increases the stability of the program. In California, for example, the actual loss rate in the guaranteed loan program over the last 5 years has been less than one-half of one percent.

I want to emphasize to my colleagues that this legislation is in no way intended to reduce the availability of credit in States with high FmHA participation. In fact, according to FmHA figures, more than 50 percent of the guaranteed program funds have gone unused in the past 2 years. This is unbelievable in light of the serious credit crunch facing all of our communities. The guaranteed program should be fully utilized. My legislation will allow this to happen.

In conclusion, I believe that the common sense provisions encompassed in the Agricultural Credit Equity Act of 1993 will extend family farm opportunities in areas where they have not previously been available, at little or no cost to the taxpayer. The bill will assist many rural communities in job creation and economic development by extending the availability of a proven program. I urge my colleagues to support the Agricultural Credit Equity Act of 1993.

TRIBUTE TO THE ASIAN/PACIFIC AMERICAN FEDERATION

HON. SHERROD BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1993

Mr. BROWN of Ohio. Mr. Speaker, on May 29, 1993, the Asian/Pacific American Federation will celebrate its presidentially proclaimed Heritage Month at Cleveland State University. The history of Asian and Pacific Americans in the United States is a long and honorable one which deserves much recognition and tribute.

Determined to uphold America's promise of freedom and opportunity for all, generations of Asian and Pacific men and women have helped this Nation to grow and prosper. A century and a half ago, many of these Americans contributed to the economic development of the United States through their labors on the plantations of Hawaii and in the mines of California. The important role played by many Asian and Pacific Americans in the building of the first transcontinental railroad is well documented: their determination and hard work are well known. With diligent effort and abiding faith in the American dream, Asian and Pacific Americans have steadily advanced, earning ever greater respect and admiration from their follow citizens.

Today, men and women of Asian and Pacific ancestry continue to make many important contributions in our Nation. In public service, science, commerce, education, and the arts, Asian and Pacific Americans are setting high standards of achievement.

Time and again throughout our Nation's history, Asian and Pacific Americans have demonstrated their dedication to ideals upon which the United States is founded. In times of war and in times of peace, they have faithfully defended the principles of freedom and representative government. They have worked for the advancement of human rights and democratic ideals around the world, and they have promoted greater appreciation for our system of self-government here at home.

This month, all Americans join with our neighbors of Asian and Pacific descent as they celebrate the unique customs and traditions of their ancestral homelands. These customs and traditions have deeply enriched the wonderful heritage we share as a nation.

Today, I ask my colleagues to stand and recognize a truly outstanding organization. Please join me in wishing the Asian/Pacific American Federation a memorable, rewarding, and highly successful observance of their important month of recognition.

TRIBUTE TO PRESIDENT LEE TENG-HUI AND PREMIER LIEN CHAN

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1993

Mr. ORTIZ. Mr. Speaker, I rise today to extend my best wishes and congratulations to President Lee Teng-hui and Premier Lien Chan of the Republic of China on the occasion of President Lee's third anniversary in office, which is May 20, 1993.

President Lee was sworn in as the eighth President of the Republic of China on Taiwan on May 20, 1990. In the last 3 years he has led his country with wisdom and inspiration.

I congratulate President Lee on his fine leadership and efforts to enhance understanding and good relations between the United States and the Republic of China on Taiwan. I also appreciate the efforts made by Representative Mou-shih Ding. Representative Ding has kept those of us in Congress aware of developments occurring in the Republic of China on Taiwan.

I look forward to continuing good relations and growing mutual understanding between our peoples.

TRIBUTE TO PRESIDENT LEE TENG-HUI OF THE REPUBLIC OF CHINA

HON. GREG LAUGHLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1993

Mr. LAUGHLIN. Mr. Speaker, I would like to salute President Lee Teng-hui of the Republic of China on the occasion of his third anniversary in office, which is today, May 20, 1993.

President Lee Teng-hui is a truly outstanding leader. He has turned the island-nation of Taiwan into a major economic power and a showcase of democracy. The people on Taiwan enjoy one of the highest standards of living in Asia. In fact, their per capita income of $10,000 rivals that of New Zealand.

Like many friends and admirers of the Republic of China, I am proud to see Taiwan doing so very well and I hope that it will continue to flourish and prosper in the future.

CLARIFICATION OF THE BUDGETARY TREATMENT OF SOCIAL SECURITY ADMINISTRATIVE EXPENSES

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1993

Mr. JACOBS. Mr. Speaker, today I am introducing H.R. 2206, which amends the Omnibus Budget Reconciliation Act of 1990—Public Law 101–508—to clarify that the expenses of administering Social Security are to be placed off-budget, just like Social Security benefits. I am pleased that Chairman ROSTENKOWSKI has joined me as an original cosponsor of this legislation.

In the 101st Congress, we responded to public concern over the alleged use of Social Security trust funds to mask actual Federal deficits. In essence, we make Social Security independent of the regular Federal budget. In other words, the financial accounting of Social Security Old-age, Survivors and Disability Insurance [OASDI] Program would not in any way be intermingled with the financial accounting of the rest of the Government.

The trouble is that, despite this law, the Office of Management and Budget says that the administrative costs of the Social Security Program should be subject to the general caps on Federal spending that we passed in the Budget Enforcement Act of 1990—Public Law 101–508.

The Social Security trust funds are not in trouble. They are in surplus. They can well afford to pay for their own administrative expenses. OMB is posing a hardship on Social Security beneficiaries by suggesting that the Social Security trust funds have anything at all to do with the Federal deficit. According to recent testimony before the Social Security Subcommittee:

First, the backlog of pending disability claims now stands at approximately 700,000 and, without additional funding, is projected to rise to 1.3 million by the end of next year; and second, qualified applicants must now wait an average of 3 months for initial decisions on their claims and, without additional funding, will have to wait 5 months or more by the end of this year.

Appropriations from the trust funds for administration should be based on the needs of the Social Security Program, which the trust funds can well afford to finance, rather than on the size of the Federal deficit.

Accordingly, I have introduced legislation to make clear that Social Security, including the funds for its administration, is in fact financially independent of the rest of the Government. Under this bill, administrative expenses would continue to be subject to annual appropriations. In addition, appropriations would be further limited by a budgetary point of order against any bill that provides Social Security administrative funding of more than 1.5 percent of estimated benefit payments for the year.

Not only is this legislation logical but it is fair. The people who pay the Social Security tax are entitled to get what they pay for—and that includes adequate administration of the Social Security Program. Inadequate administration means long delays in benefit checks, inaccurate payments, high telephone busy rates, and poor service to both workers and beneficiaries. Furthermore, in the Social Security Disability Program, inadequate administration can mean that justice delayed is justice denied.

H.R. 1313, JOINT PRODUCTION VENTURES

SPEECH OF

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1993

Mrs. SCHROEDER. Mr. Speaker, I rise in strong support of H.R. 1313, the National Cooperative Production Amendments of 1993. I want to commend Chairman BROOKS for his leadership in moving this bill forward expeditiously.

The House Armed Services Subcommittee on Research and Technology, which I chair, has jurisdiction over one of the most difficult issues facing the Congress today, the question of defense conversion and reinvestment. One major barrier that the subcommittee heard as we conducted hearings on the issue is the problems raised by the antitrust laws. One specific problem is liability concerns of production joint ventures.

The National Cooperative Research Act of 1984 went a long way toward reducing the potential antitrust liability for certain research and development joint ventures. H.R. 1313 would expand this protection to certain joint production ventures entered into for the purposes of producing a product, process or service.

Providing this limited antitrust protection for production joint ventures will help encourage defense conversion and reinvestment. This protection will help stimulate technological innovation in production. Defense companies, employing skilled workers, need tools to ensure that new and innovative approaches, such as production joint ventures, can be attempted without undue fear of antitrust liability. H.R. 1313 provides a workable framework to provide this flexibility while preserving the basic antitrust framework I agree with.

Again, Mr. Speaker, I want to commend Chairman BROOKS for his leadership on this issue and urge our colleagues to approve this important bill.

TRIBUTE TO JACKSON E. SPEARS

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1993

Mr. FISH. Mr. Speaker, I rise today to recognize and pay special tribute to Jackson E. Spears, who is being honored for his 50-year commitment to New York Medical College. Jackson has served longer than any other trustee in the history of New York Medical College.

Jackson Spears is a former textile executive who retired from Burlington Industries in 1961, and has since served twice as acting president of New York Medical College. He has also received the William Cullent Bryant medal a symbol of the college's highest award, and an honorary doctor of humane letters degree.

Since his retirement, Jackson has remained active in many civic functions in the New York and Connecticut area. He is the president of the St. Joseph's Medical Center Foundation in Stamford, has served on the Choate School Development Committee, and was chairman of the Darien Chapter of the American Red Cross.

I ask my colleagues to join me today in honoring this remarkable man, Jackson Spears. I applaud his many years of service to our community and wish him all the happiness and continued success that he so richly deserves.