SENATE—*Tuesday, February 20, 1996*

(Legislative day of Wednesday, February 7, 1996)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Dear God, thank You for revealing the quality of Your love which You seek to reproduce in our relationships. You have told us that:

Love suffers long and is kind; love does not envy; love does not parade itself, is not puffed up; does not behave rudely, does not seek its own, is not provoked, thinks no evil, does not rejoice in iniquity but rejoices in the truth; bears all things, believes all things, hopes all things, endures all things. Love never fails.—I Corinthians 13:4–8a.

Father, may we experience this quality of love in our relationship with You so we will be able to love one another with the same giving and forgiving, indefatigable and inexhaustible love. Give us tough love for troublesome thick-skinned people and tender love for overly sensitive thin-skinned people. Today help us to be as kind, accepting, and patient to others as You have been to us. In the Lord's name. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, Senator LOTT, is recognized.

SCHEDULE

Mr. LOTT. Thank you, Mr. President. Today there will be a period of morning business until the hour of 1 p.m., with the time equally divided between both sides of the aisle. No rollcall votes will occur during today's session; however, the Senate may consider any legislative items that can be cleared for action.

As a reminder to all Senators, the next rollcall vote will occur at 2:15 p.m., on Tuesday, February 27. That vote will be on the motion to invoke cloture on the D.C. appropriations conference report.

Mr. LOTT. Mr. President, I understand that there are some Senators who will wish to speak on various subjects this morning. Is the Senator from Iowa prepared to speak at this time?

Mr. HARKIN. I would just respond, it will be about 60 seconds.

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

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

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business.

THE CHAIRMAN OF THE FEDERAL RESERVE BOARD

Mr. HARKIN. Mr. President, I would like to take a little time this morning to speak about an issue that has simply not received the kind of scrutiny and attention that it deserves. That is the renomination, or possible renomination of Alan Greenspan as Chairman of the Federal Reserve Board. Arguably, perhaps, the second most powerful person in America today with regards to our economy and unemployment and interest rates and how fast our economy will grow or how slow it will grow is the Chairman of the Federal Reserve Board.

Some have said the most important person is the President, but I guess to my way of thinking I think perhaps the Federal Reserve Board Chairman is the single most important and most powerful person in America today regarding decisions about what our economic life is going to be like in the months and few years ahead.

I say that not to denigrate the office of the President, but simply to point out that because of the downsizing of Government, because of budget cuts, because of shifting more power from the Federal Government to the States, because of the diminishing role of the Federal Government in the economic life of our country—I do not mean to get into a debate of whether that is good or bad. We have those debates all the time around here. The fact is it is happening. Thus, it devolves to the Federal Reserve Board in their deliberations about interest rates and discount rates and Federal fund rates to decide just what is going to happen in the economy. That has more of an impact on the economic life of America today than anything the President can do and arguably more important than anything we can do here in the Congress of the United States. Yet, this position of so much power and so much authority is kind of kept in the dark corners. We have not shown much sunlight on the Federal Reserve, or the chairmanship of the Federal Reserve and on who should be the Chairman.

Mr. Greenspan is finishing a 4-year term as Chairman. His time is up, I believe, in just a few days. It will be up to the President, under the law, to either reappoint Mr. Greenspan or to choose someone else to send to the Senate for confirmation as the new Chair of the Federal Reserve Board.

I make the argument today, as I did over a week ago, Mr. President, on the floor of the Senate, that Mr. Greenspan's time has come and gone, that his feet are firmly planted in the past and that his policies are no-growth policies. They are policies of high interest rates, no growth that is going to throttle our economy. Mr. Greenspan's policy has been—and I think a close scrutiny of his comments and his tenure both at the Federal Reserve and years ago on the Council of Economic Advisers will show—that here is an individual that has little concern for unemployment or what is happening to average Americans. Like a laser beam, his sight is only on inflation and the bond market and nothing else.

I believe, Mr. President, that has worked to the detriment of our country.

Mr. President, it was 50 years ago today that President Truman signed the Employment Act of 1946 into law—50 years ago this day. That is why I feel my words today are so important. That measure that signed into law 50 years ago today said that we should make it a matter of national policy to help create and maintain conditions to promote maximum employment, maximum production and purchasing power in our country. Note that it said "maximum employment," to promote it as a national policy.

Mr. President, there is a lot of rhetoric about the need to promote strong families, but when one talks about strong families, having a decent job is a crucial component of whether or not you have a strong family.

To further the goals of the Employment Act of 1946, Congress passed the Humphrey-Hawkins Act in 1978, which by law set out a requirement that the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Federal Reserve have a goal to maximize full employment along with stable prices and moderate long-term interest rates. In other words, what we were saying is, you do not just take one; they all have to be kept in balance: full employment, stable prices, and moderate long-term interest rates.

Mr. President, we ought to be reaffirming those goals, but unfortunately some now say we should limit them instead. They want to prescribe low or no inflation as the sole criterion, as the sole cure for all of our economic ills. Well, you can have zero inflation and you can have it with very high unemployment. I do not think that is what our country wants.

My colleague from Florida, Senator MACK, has a bill to provide that the single goal of the Federal Reserve should be long-term price stability with only a secondary concern for the effects of employment. The bill says the single goal of the Federal Reserve should be long-term price stability. In other words, Senator MACK's bill basically takes that part of the Humphrey-Hawkins Act of 1978 that says that we should have a goal to maximize full employment and takes that out of appropriate consideration.

Imagine that, that we should not be concerned about unemployment. I tell you I find that mind-boggling, that someone would even suggest that we should not properly consider unemployment, we should only consider long-term price stability.

I might understand that a Senator or Congressman or more than one might prefer that option as a matter of policy, propose it at least for debate. I must admit I have not spoken personally to my friend Senator MACK—and he is my friend, the great Senator from Florida—I have not spoken with him personally about it. Maybe he only wants this open for debate. I do not know. But the disturbing part is not that Senator MACK introduced this bill, the disturbing point is that Alan Greenspan, the Chairman of the Federal Reserve, has endorsed that legislation.

Now, lest anyone think I am making this up, I have the hearing transcript where Mr. Greenspan basically, in open hearings, said he endorsed that legislation. Mr. President, here is the hearing record. This is a verbatim transcript from September 22, 1995, before the Senate Banking, Housing, and Urban Affairs Committee. I will just read the portion about Mr. Greenspan. It says:

> Your bill [referring to Senator MACK] which we fully support—

The rest does not make much sense. The most important, he said, "Your bill, which we fully support."

Mr. Greenspan has come out in support of taking out of consideration, in setting their policies, any concern for unemployment.

We will look now at the history. Between February 1994 and February 1995, 1 year, he raised interest rates by 3 full percentage points. Why? Well, in the fear that inflation might happen. But when asked, Mr. Greenspan himself said there was no inflation. Yet he raised interest rates 3 percentage points. I might point out, Mr. President, that Mr. Greenspan raised those interest rates five times before the election of 1994—five times he raised interest rates. The economy came to a grinding halt. Wages were depressed. People were not hiring. Business could not invest. The economy became more stagnant in 1994.

I might also point out there has been some talk lately that the Fed is loosening up and starting to reduce interest rates. I can imagine Mr. Greenspan wanting to get reappointed as Fed Chairman and wanting to look good so he brought interest rates down a little bit. In 1 year, February 1994 to February 1995, Mr. Greenspan raised interest rates 3 percentage points. From February 1995 to this February, they have only gone down three-quarters of 1 point—three-quarters of 1 point. I think that says it all.

Again, he raised interest rates, no inflation in sight. But because of Mr. Greenspan's narrow vision, he damaged our economy and limited the opportunity of millions of Americans to secure employment. Rather than viewing rising incomes of average Americans as a good thing, Alan Greenspan used it as a threat of future inflation.

Mr. President, inflation today is at its lowest point in 30 years, with only 1 year being an exception. Unemployment is now at 5.7 percent and has been below 6 percent for 17 months. I might point out that the law stipulates as a goal 4 percent unemployment, not 6 percent.

Mr. President, unemployment is high, just below 6 percent while Inflation is down. All is not well in our economy. Real incomes of average families have been falling. This past Sunday's Washington Post had a chart which showed the family incomes from 1979 to 1993. The top 20th of our Nation had their incomes rise by 29 percent, better than 2 percent per year for the top 5 percent of our country. However, those in the middle saw their standard of living drop by 2.6 percent. The top 5 percent had their incomes rise by 29 percent; the middle had a drop of 2.6 percent. Those families in the bottom 40 percent of our population saw their incomes actually fall during that period of time—not go up, but actually fall. For the bottom 20 percent, they fell by more than 1 percent a year; the top 5 percent in income in our country increased their incomes by better than 2 percent a year. The bottom 20 percent saw their incomes fall by 1 percent a year over that same period of time.

It has not always been that way. From 1966 to 1979 all groups saw rising incomes of more than 1 percent a year—all groups. Each one-fifth of the population saw real, genuine gains above 1 percent per year in sharing in America's growth. Not anymore. A few at the top are making more and more and the people in the middle are either staying stagnant or they are going down. Now, there are probably a lot of reasons for this change. One of the reasons we are seeing this lack of income growth across the board is a purposeful, deliberate, slow-growth policy pushed by the Chairman of the Federal Reserve Board. Always fearful of inflation, even when little threat exists, he has used his position to maximize interest rates relative to inflation, smothering any hint of substantial growth.

Mr. President, Mr. Greenspan cannot have it both ways. He cannot raise interest rates by 3 percent, say that there is some threat of inflation out there but he cannot put his finger on it, and then turn right around as he is raising those interest rates and suggest that the Consumer Price Index possibly overstates inflation by as much as 1 to 1.5 percent. How can he say that inflation is threatening and then turn around and say that the Consumer Price Index overstates it by 1 to 1.5 percent when inflation is only about 2.5 percent per year right now. Yet Mr. Greenspan has tried to have it both ways.

The President and the CBO are looking at the economy right now growing at about 2.5 percent over the long term. We had a big debate here last year, Mr. President, about what the economy is going to do in the future, what our budget ought to be and everything. If the economy can grow by an extra point, say 3.5 percent, the impact on Americans' standard of living over a period of time would be huge. How much? Trillions of dollars, trillions of dollars in additional income for America, thousands of dollars for the average family a year, if we had a progrowth policy at the Federal Reserve Board.

Even if we cannot get to 3.5 percent, if we could get it to 3 percent, we could wipe out our deficit, balance our budget, provide better wages for Americans, more job opportunities and probably reduce unemployment. But it is going to take a different person at the helm of the Federal Reserve to make this happen.

Now, I had in the past called upon the President to nominate a different person, someone with a more progrowth policy to head the Federal Reserve. I am pleased that the President has suggested we need a debate about the ability of the economy to perform at a higher growth rate over the long term. As I understand it, from reading the newspapers last week, the President wanted to appoint Felix Rohatyn to be Vice Chairman of the Federal Reserve. I do not know this,

but I assume the President felt that with Mr. Rohatyn, who is a progrowth individual, there would be good debate at the Federal Reserve about the need for progrowth policies. But there was solid opposition from some on the other side of the aisle here in the Senate on the Banking Committee, and they said no way would they permit Felix Rohatyn to be approved and to go through for confirmation.

I find that very disturbing, Mr. President, that a person of the caliber of Felix Rohatyn is turned down before we even have one hearing, turned down by people on the other side of the aisle, I think, because they did not want this debate to take place. That is a shame. I think it is a great loss. If America is to achieve greatness, we have to allow the economy to grow faster.

Now, bond traders on Wall Street will always be pushing for a tighter monetary policy. I understand that. But the President and the Chairman of the Federal Reserve Board need to look more broadly at the needs of the whole economy and the welfare of American families who need an improved standard of living and not just the welfare of the bonds traders on Wall Street.

Mr. President, so I do not seem like a voice crying in the wilderness, I will read parts of an article by the editor in chief of U.S. News & World Report, Mortimer Zuckerman, February 12, 1996, entitled "Chairman Greenspan, Retired."

I want to read a couple parts of this, from the February 12, 1996, U.S. News & World Report:

The Federal Reserve Board cut the federal funds rate last week, right? Wrong! Yes, nominal rates went down a minuscule one quarter of 1 percent.

Mr. Greenspan looked good saying he is cutting interest rates. Mr. Zuckerman is pointing out they really did not go down.

But real rates, adjusted for inflation, actually have increased because the inflation rate has fallen faster over the past several months than has the Federal funds rate. Running scared from a phantom inflation, Alan Greenspan's "dear money" leadership has caused the Fed to exert a monetary choke hold on one of the weakest economic recoveries since World War II, at the cost of billions of dollars in lost output and tens of thousands of uncreated jobs.

Mr. Zuckerman has it right. He goes on:

Just to keep real rates where they were, the federal funds rate would have had to have gone down by as much as a full percentage point. Instead, we have a fed funds rate that is still nearly 3 points above the most recent quarterly inflation rate, much higher than normal by historical standards. What's more, this is not only the wrong battle, it is the wrong target. Higher interest rates hurt manufacturing more than services, yet manufacturing inflation has not been a problem. In fact, we are experiencing the worst manufacturing slow down since 1991, and the indicators suggest even more weakness ahead. Just last month, for example, nonfarm employment fell by 201,000 jobs. No wonder more and more businesspeople, from the National Association of Manufacturers to Main Street and Wall Street, are so unhappy with Federal Reserve policy.

Mr. Zuckerman goes on, in another part of his article, to say this:

The jobless recovery of the early 1990s has become the wageless expansion of the mid-1990s. We have no wage pressure on prices. We also have no import inflation because of a stronger dollar. At the consumer level, spending is very weak, reflecting stagnant personal income and real wages. Retail sales growth, which averaged 7.8 percent during 1994, declined to less than 5 percent in 1995. In the final quarter of the year, consumer spending was growing at an annual rate of 1 percent or so; adjusted for inflation, that's an actual decline. As a result, so-called demand-pull inflation—when hot consumer spending pulls up prices—is nonexistent. What we do have is a buildup in inventories, especially of durable goods, that is bound to slow the economy even more.

Last, Mr. Zuckerman closes his article by saying the following:

We must do better. The fear of inflation has proved to be a chimera. Short rates have come down too little and too late to boost a weakening economy. The country does not have to endure the effects of the Fed's misjudgments in 1995 being extended into 1996.

Alan Greenspan's term as Fed chairman would not survive a Democratic Congress. It ought not survive a Republican one either. Congressional Republicans should recognize that none of their programs to cut back government will survive a slow-growing economy that fails to provide Americans with good jobs and a sense of optimism about the future. The inflationary obsession of the Fed is not healthy; it is reactionary. It is cramping out todays and sacrificing our tomorrows.

Mr. President, I ask unanimous consent that the full text of Mr. Zuckerman's article be printed in the RECORD.

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

[From U.S. News & World Report, Feb. 12, 1996]

CHAIRMAN GREENSPAN, RETIRED

(By Mortimer B. Zuckerman)

The Federal Reserve Board cut the federal funds rate last week, right? Wrong! Yes, nominal rates went down a minuscule one quarter of 1 percent. But real rates, adjusted for inflation, actually have increased because the inflation rate has fallen faster over the past several months than has the federal funds rate. Running scared from a phantom inflation, Alan Greenspan's "dear money" leadership has caused the Fed to exert a monetary choke hold on one of the weakest economic recoveries since World War II, at the cost of billions of dollars in lost output and tens of thousands of uncreated jobs.

Just to keep real rates where they were, the federal funds rate would have had to have gone down by as much as a full percentage point. Instead, we have a fed funds rate that is still nearly 3 points above the most recent quarterly inflation rate, much higher than normal by historical standards. What's more, this is not only the wrong battle, it is the wrong target. Higher interest rates hurt manufacturing more than services, yet manufacturing inflation has not been a problem. In fact, we are experiencing the worst manufacturing slowdown since 1991, and the indicators suggest even more weakness ahead. Just last month, for example, nonfarm employment fell by 201,000 jobs. No wonder more and more businesspeople, from the National Association of Manufacturers to Main Street and Wall Street, are so unhappy with Federal Reserve policy.

The traditional central bank role is to take away the booze when the party gets too raucous. But what we have today is a glass of water served to a gathering of teetotalers. There is no inflation to fight. The nominal rate is about 2 percent for the last quarter of 1995, and even that is overstated by as much as 1 percentage point. In short, inflation is declining instead of rising, as it usually does at this point in a business cycle—a clear tipoff that the economy is not in good shape. Even the Fed's key indicator of inflation—the time it takes for vendors to make deliveries of capital goods—is stable, in contrast to the stretching out that occurred at the end of 1994. Unit labor costs (wages and benefits adjusted for productivity), which make up two thirds of a product's price, are no higher today than they were a year ago—the first time we have had zero growth in this index for 30 years.

The jobless recovery of the early 1990s has become the wageless expansion of the mid-1990s. We have no wage pressure on prices. We also have no import inflation because of a stronger dollar. At the consumer level, spending is very weak, reflecting stagnant personal income and real wages. Retail sales growth, which averaged 7.8 percent during 1994, declined to less than 5 percent in 1995. In the final quarter of the year, consumer spending was growing at an annual rate of 1 percent or so; adjusted for inflation, that's an actual decline. As a result, so-called demand-pull inflation—when hot consumer spending pulls up prices—is nonexistent. What we do have is a buildup in inventories, especially of durable goods, that is bound to slow economy even more.

Meanwhile, the deficit continues to decline and in 1996 and 1997 will create more fiscal drag because no agreement has been reached on the budget, thereby squeezing discretionary government spending even more harshly. Exports are constrained by the weakness of our biggest trading partners.

Only corporate investment is booming, boosting supply more rapidly than consumption—another clear antidote to any inflationary pressure. But it isn't enough: Merrill Lynch is justified in lowering its forecast for U.S. economic growth to less than 2 percent for 1996, the first half being particularly weak.

We must do better. The fear of inflation has proved to be a chimera. Short rates have come down too little and too late to boost a weakening economy. The country does not have to endure the effects of the Fed's misjudgments in 1995 being extended into 1996.

Alan Greenspan's term as Fed chairman would not survive a Democratic Congress. It ought not survive a Republican one either. Congressional Republicans should recognize that none of their programs to cut back government will survive a slow-growing economy that fails to provide Americans with good jobs and a sense of optimism about the future. The inflationary obsession of the Fed is not healthy; it is reactionary. It is cramping our todays and sacrificing our tomorrows.

Mr. HARKIN. Mr. President, as Mr. Zuckerman has said, we need to stop

chasing the ghost of inflation. We need to appoint a respected individual who will take a balanced view about the needs of our economy and not place a choke hold on our Nation each time it strives to move forward with any real speed. Since Alan Greenspan became Chairman of the Federal Reserve, the economy has grown by a dismal 2.1 percent, compared to 3.4 percent from 1959 through 1987.

Again, the cost is in the mega-billions of dollars, that it has cost our economy because of Mr. Greenspan's position. Many economists are now looking at growth for 1996 at around 2 percent with the current Federal Reserve policies.

Mr. President, there is another meeting of the Open Market Committee on March 26. In reading the popular press, there is some indication that Mr. Greenspan has kind of leaked out that there could possibly be another cut in interest rates. What, a quarter of a percent? As Mr. Zuckerman says, the last quarter of a percent actually was not a cut at all. It needed to go down by a full percentage point. So, even if Mr. Greenspan reduces interest rates by another quarter of a percent, which he is probably going to do, it does not mean that much.

One last thing. We should also be concerned about Mr. Greenspan's seeming inability to see upcoming recessions, even when he is right in the middle of them. Again, what does the record show?

Alan Greenspan was the Chairman of Gerald Ford's Council of Economic Advisers. I understand that he is the author of the famous WIN button. Those of us who started our political careers about that time remember the button: WIN, Whip Inflation Now. Everybody wore those. President Ford heeded Alan Greenspan's advice as he derailed job-creation measures and our Nation plunged into a recession.

We need to focus on Mr. Greenspan's time as Chairman of the Council of Economic Advisers in 1974 and 1975. It was clearly a time of high inflation, mainly caused by the first oil shock. But it was also a time of sharp recession.

As the Nation was moving into recession, Alan Greenspan was, reportedly favorable to tax increases as a means to fight inflation. He urged President Ford to kill legislation designed to create jobs and stimulate the economy.

A few months later, when the recession was fully in bloom, he changed his mind and wanted tax cuts. But that was too late for many families, as unemployment exploded from 5.4 percent in the summer of 1974, passing 8 percent by June of 1975. I am not saying Alan Greenspan caused the recession of 1974. What I am saying is he was so focused on inflation he could not see it coming, and he proposed just the opposite remedy, and that is what President Ford followed.

More recently, in 1990 and 1991, as Chairman of the Federal Reserve, Alan Greenspan was very slow in reducing interest rates. Last month the Wall Street Journal reported on the just-released Fed transcripts of 1990. Mr. President, the transcripts of Federal Reserve Board meetings are kept secret for 5 years, and then they are released. We just got the transcripts of the meetings back in 1990. On January 24, 1996, the Wall Street Journal had an article by David Wessel, talking about those transcripts. Here is what the article said.

Newly released transcripts of closed-door deliberations at the Fed show that Mr. Greenspan didn't see a recession unfolding until very late that year.

"There are forecasts of thunderstorms and everyone is saying, 'Well, the thunder has occurred and the lightning has occurred and it's raining.' But nobody has stuck his hand out the window," Mr. Greenspan told fellow Fed policymakers on Oct. 2, 1990.

"And at the moment," he added, "it isn't raining. . . . The economy has not yet slipped into a recession."

The recession, the official arbiters at the National Bureau of Economic Research determined much later, began in July 1990, a month before Iraq invaded Kuwait.

And yet, by October, Mr. Greenspan still could not see that we were in a recession.

There is more in the Wall Street Journal article I would like to read, Mr. President, but I see others on the floor who would like to speak. It talks about the meetings that were held in 1990 and 1991, when we were clearly in a recession. Yet, Mr. Greenspan could not see it.

"By December 18," almost 6 months after the recession started, "Mr. Greenspan finally had enough data to conclude that a recession—then nearly 5 months old—had begun." Again, quotes from his minutes.

"We have severe recessionary pressures," he told the Open Market Committee," but recessions always end.

"At some point," he said confidently, "we're going to come out of this."

He was right, the recession officially ended in March 1991.

Mr. President, I ask unanimous consent this entire January 24, 1996 Wall Street Journal article be printed in the RECORD.

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

[From the Wall Street Journal, Jan. 24, 1996.]

ECONOMY—EVEN THE FED'S GREENSPAN IS FALLIBLE WHEN TRYING TO PREDICT A RECESSION

(By David Wessel)

WASHINGTON.—Federal Reserve Chairman Alan Greenspan, often caricatured as a dour pessimist, didn't see the gathering storm clouds when he peered into his crystal ball in 1990.

Newly released transcripts of closed-door deliberations at the Fed show that Mr. Greenspan didn't see a recession unfolding until very late that year.

"There are forecasts of thunderstorms and everyone is saying, 'Well, the thunder has occurred and the lightning has occurred and it's raining.' But nobody has stuck his hand out the window," Mr. Greenspan told fellow Fed policymakers on Oct. 2, 1990.

"And at the moment," he added, "it isn't raining. . . . The economy has not yet slipped into a recession."

The recession, the official arbiters at the National Bureau of Economic Research determined much later, began in July 1990, a month before Iraq invaded Kuwait.

The Fed cut short-term interest rates one-quarter percentage point in July 1990, explaining the move as a one-time attempt to offset the effects of a credit crunch. But despite concerns expressed inside and outside the Fed about the weakening economy, Mr. Greenspan resisted cutting rates again until Oct. 29, 1990, after Congress and President Bush agreed on a deficit-reduction accord. That quarter-point rate cut was followed by three more of the same size before the end of the year.

At the time, the Fed was criticized by some—and by many in the months that followed—for responding too sluggishly to a deteriorating economy. But in public comments, Mr. Greenspan has been reluctant to confess he erred, given the information available to him at the time.

The transcripts, released yesterday after the customary delay of five years, show that the Fed was contemplating interest rate increases for much of the earlier part of 1990.

By summer, signs that a credit crunch was hurting the economy proliferated. For that reason, Mr. Greenspan persuaded the Fed to cut interest rates by ¼-percentage point. Still, in early July, he told Fed officials that the reluctance of businesses and consumers to borrow and bankers to lend, "which I believe historically would almost always have dumped us into a recession, failed to do so. . . ."

Although other Fed officials were worried about the economy, they didn't anticipate a recession either. "It's clear to me the economy is weaker than as projected," Fed governor David Mullins said in July, "but there are no compelling signs that we are headed for a recession."

At a pivotal meeting on Aug. 21, however, there was growing sentiment for cutting interest rates to stimulate the economy, but also concern about the inflationary pressures created by rising oil prices. With Mr. Greenspan's blessing, the Fed agreed that interest rate cuts were likely soon.

But the chairman, backed by Fed staff economists, continued to resist the notion that the U.S. had entered a recession. "I think there are several things we can stipulate with some degree of certainty," he told the Fed at the Aug. 21 meeting, "namely that those who argue that we are already in a recession . . . are reasonably certain to be wrong."

They weren't wrong, of course. But Mr. Greenspan argued that there was little the Fed could do to help the economy because everything hinged on oil prices. "I would suspect at this point," the chairman said, "that the Pentagon has more policymaking clout than we do because it's fairly obvious looking around the world that if oil [prices] go up and oil [production] comes down, that will have profound effects. . . ."

Although Mr. Greenspan had the leeway to cut rates sooner, he waited until Congress approved a deficit-reduction accord in October. Even then, Fed economists remained optimistic about the economy. "Incoming data . . . have not provided clear-cut indications that we are headed toward even a mild recession," chief Fed forecaster Michael Prell told

officials in October, three months after the recession had begun.

By mid-November, the Fed staff was losing confidence in its sunny forecast. "The signals of a downturn still are limited," Mr. Prell told officials, "but there certainly are some now." Mr. Mullins, then Fed vice chairman, no longer was mincing words. "I think we have a recessionary psychology in full bloom," he declared.

But even as Mr. Greenspan told Fed officials in a telephone conference call on Dec. 7 that he had just cut short-term interest rates to help stimulate the weak economy, he sounded skeptical that it had slid into recession. New factory orders still weren't showing the typical recession pattern, he argued, though he continued to worry about damage from the credit crunch.

By Dec. 18, Mr. Greenspan finally had enough data to conclude that a recession—then nearly five months old—had begun. "We have severe recessionary pressures," he told the Open Market committee. "But recessions always end."

"At some point," he said confidently, "we're going to come out of this."

He was right. The recession officially ended in March 1991.

Mr. HARKIN. Mr. President, we face another period of high risk for the economy to plunge into recession. Do we want Alan Greenspan, whose main focus has always been on inflation, to be in charge of Federal Reserve policy? I think the answer is clearly no.

There are two vacancies on the Federal Reserve Board. As I said earlier, the President wanted to appoint Felix Rohaytn to one of those positions, making him Vice Chairman of the Board. Mr. Rohaytn is a man with an extremely distinguished career. Most notably, he is credited as the guiding hand that led New York City from the edge of default and economic ruin back to health.

I remember that debate. I was in the House of Representatives at the time. I represented a very rural district from Iowa. I listened to Mr. Rohaytn at the time as he made his case for the New York City bailout, as it was called, and for the Federal Government and for the Congress to assist in that process. It was not in my best interests, representing a rural district, to vote for New York City. In fact, I took some pretty bad political hits for doing so. But I believed it was the right thing to do.

Congress passed it. New York City was able to pay its bills and avoid default. It solved many of its problems with a growth policy initiated by Felix Rohaytn.

He believes in growth. I find it hard to believe that anyone would want to oppose his nomination. This is particularly true when the discussion was to have him as a counterweight to Alan Greenspan's orientation to focus on inflation; to have, as I understand it, with the present one, to have a debate about the policy of the Fed. But opposition from some on the other side of the aisle has, frankly, killed the nomination of Felix Rohaytn.

President Clinton said last Friday that we need a debate within the Federal Reserve to see if the economy can grow faster than the conventional wisdom of a 2.5 percent average, without triggering inflation. We need that debate. That debate will not take place under Alan Greenspan.

The question of taking the Federal Reserve's heavy hand of high interest rates off the throttle of our economy is crucial to the long-term growth of our Nation. But to not even allow an appointment to move forward, of Mr. Rohaytn, so we can engender that debate, start that debate, is absolutely wrong.

As I said in my remarks last week, Mr. Greenspan's feet are firmly planted in the past. Mr. Greenspan's focus is not on average, hard-working Americans. It is not on our families in the middle-income brackets of America. It is not on the manufacturing sector that has to invest and create the kind of climate that will employ people and let wages go up. No, Mr. Greenspan's focus is not there. His focus is some phantom inflation out there, and as long as inflation can be kept at the lowest possible position all is right with the world in Mr. Greenspan's view. But as we have said in the past, Mr. President, it is not just inflation that we have to be concerned about. We have to be concerned about unemployment and economic growth. And Mr. Greenspan is not concerned about either one of those.

So, again, Mr. President, I call upon President Clinton to pick someone else to be Chairman of the Federal Reserve Board, someone who has a concept of growth and what growth will mean to our economy and the incomes of average Americans. We can have a debate this year. I think we will have it. I hope it will happen in the Presidential races. I hope that we have it in all of the Senate and House races which are up this year—about what the proper rate of growth ought to be in this country.

Should it be 2.5 percent? Should it be 2 percent, or can we reasonably expect to grow at a faster rate? I happen to come down on the side of progrowth. I believe our economy has all of the underpinnings to grow at least 3.5 percent a year. I might even make the argument that it can grow faster than that without triggering inflation.

We are truly in a global economy. Markets abroad can send in goods to this country, and even services, to keep any kind of inflation under control and under check. Rising wages will not push up inflation because the rising wages will just barely keep up with the rising productivity of American workers. Our American workers are more productive than ever before. Yet, their wages are not keeping up with their productivity. If we let wages go up a little bit, it will kind of keep up with productivity. That means people have a little bit more money to go out and buy some goods. That means that our economy will grow.

We are not having that debate. We can have that debate. As I said, I hope we do have it in the Presidential races, and I hope we have it in all of our races this year. But if we have an individual in charge of the Federal Reserve who believes that growth cannot be above 2 or 2.5 percent, you can have all of the debates in the world, because the Federal Reserve is independent and they are under Mr. Greenspan's control to throttle down on that economy. We will see a no-growth policy from the Federal Reserve regardless of what we might say in our individual campaigns, or what we in the Senate or the House might want to do in the future.

So, Mr. President, I think it is unfortunate that the debate about the policies of the Fed and about the leadership of the Fed is not undergoing more scrutiny than it is in our news media today. We are all wrapped up, I know, in the New Hampshire primary, and before that in the Iowa caucuses—who is ahead? Who is behind? —and a flat tax, and all the other stuff. Yet, the single most powerful position in America that has to do with our economy, what our future is going to be like, what our kids' future is going to be like, what our incomes and wages and job possibilities are going to be like, no one is talking about it.

Thank God that Mortimer Zuckerman at least wrote an editorial in U.S. News & World Report. You see little about it in the Washington Post and newspapers around the country. Everyone just assumes that Mr. Greenspan is going to be renominated and take the position. I do not make that assumption. And if Mr. Greenspan is in fact renominated by the President, he will come here for hearings.

I intend, if that is the case in the coming weeks, to delve more into Mr. Greenspan's background and his philosophy and what he has done in the past, and why his past actions should warrant a no vote on the Senate floor for his reconfirmation, if in fact the President renominates him.

So I say—not a warning, simply as a statement of fact—that this is one Senator who is not going to allow Mr. Greenspan, if he is renominated, to sail through here without any debate. I intend to make it an issue, and I intend to talk about it and talk about his stewardship and to talk about his no-growth policies, because I think it is that important for our economy and for our country.

Mr. President, I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

EDUCATION

Mr. LEVIN. Mr. President, on January 26 the Congress passed the so-called

continuing resolution which temporarily funds the Government through March 15. This was greeted by headlines across the country. The headline that touches this ran in the Washington Post saying that the Congress had approved a funding extension averting the third shutdown of Government.

The focus of the press and media was understandable because, in fact, that continuing resolution did allow us to continue the Government through March 15. But what was not really known to the public and did not become clear until later was that embedded in that continuing resolution was a massive cut in education, hitting programs which I think most of us on a bipartisan basis in this Chamber know work.

There was an effort made to restore those education funds in the continuing resolution. That effort received more than a majority of the votes: 51 of us voted to restore those education funds and 40 of us voted against. But, because of the technicalities of the Budget Act, there had to be a waiver which required 60 votes. So a majority did not rule on that effort to restore these education funds.

When I traveled around my home State of Michigan in these last few weeks, I must tell you I find amazement when the public realizes, I think for the first time, that in that resolution that was passed to keep the Government going until March 15 were historic cuts in education. This was not about cuts in the growth. That is not the issue in this one.

Sometimes there is a debate around here as to whether you are slowing growth or cutting the program. On these education cuts, these are dollar reductions from current spending levels of a historic proportion in programs that most of us I think believe in. I am going to get into some of those cuts in a moment.

But what was truly ironic is that the same day that we were cutting funding for math and science teaching by $1 billion, that we were cutting Pell grants, and School to Work grants, which is a newer form of vocational education, that we were cutting college loan programs and a whole host of other programs including Head Start, the same day that we were cutting education by $3 billion on an annualized basis, we passed a new version of a conference report on defense spending which increased it by $7 billion above the Pentagon request mainly for planes and ships that the Pentagon did not ask for.

So, on the one hand, within hours of each other we cut programs for education, which are critically important, by over $3 billion on an annualized basis and increased defense spending by $7 billion for items that the Pentagon did not request. That is a pretty dramatic juxtaposition, it seems to me, and terrible priorities.

When my people back home found out about this in a whole host of meetings which I held around Michigan, they are truly against what happened and are pleading with me when we come back to try to reverse these cuts, because this is not a done deal. These cuts are cuts in programs through March 15, which, if annualized, lead to a $3 billion cut. They do not have to, and they should not.

When this resolution was presented to us, the chairman of the Appropriations Committee, Senator HATFIELD, said the following. He said:

> I cannot for the life of me understand the action of the House [of Representatives]. I believe it is wrong. It puts the gun to our heads.

He went on to say:

> We have found ourselves in an extraordinary parliamentary situation that requires unanimous consent to take further action. Unable to secure that consent, we have been unable to once again uphold a Senate position or even to have the Senate consider a compromise.

Senator HATFIELD pointed out correctly that the gun is to the Senate's head, which resulted in the passage of a resolution which will have a dramatic negative impact on the funding of education in America. We have to remove that gun from our head before March 15.

We should be here during these few weeks negotiating these issues so that gun is not again put at our head, so that it is removed, and so that we can try to repair the damage that resulted the last time it was placed to our head.

The title I program, which provides crucial help in reading, math, and writing to over a million American children, which I think has the support of the education community across the land, that title I program was cut by $1 billion. That was a 17-percent cut in title I. By the way, one of the ships which was added which was not requested by the Pentagon was slightly less than $1 billion.

The innovative School-to-Work Program was cut by 22 percent. This is a program which helps young people in high school make the transition from school to work. The new part of this program, which was missing in the old vocational education days, is that the business community is working with the high schools to design programs which will prepare young people for real jobs.

I have been to these programs all over the State of Michigan. I have been in a number of places where business people at a meeting with students are telling the students, "When you complete this program, when you achieve these skills that you are going to get in these school-to-work programs in your high school, we guarantee you a job."

I never remember anything like that happening when I was in high school in the vocational education days of yore, when the business community was deeply involved in a partnership with the schools and was so confident that the skills which would be provided to students would be useful to them that they would sit in a room—in one case with 50 students—and tell every one of them, "If you graduate from this program, you've got a job with our company." That program, that innovative School-to-Work Program, was cut by 22 percent.

These are not 2- and 3-percent cuts across the board to help us reduce the deficit. These are massive reductions in programs that are working. It is a 22-percent reduction in School-to-Work money.

Head Start was cut. In higher education, Pell grants were cut by 7 percent. The Perkins Loan Program was cut by 25 percent. State student incentive grants were cut by 25 percent. Again, I emphasize these are not just slowdowns in the rate of growth; these are actual reductions from the level of funding in the last year.

I know there are some candidates out there who have recently discovered that middle-income Americans are in the middle of a long-term economic squeeze. As the Senator from Iowa said, middle America's income has dropped over the last 20 years in real terms after inflation and after taxes. There is a real squeeze that has been going on for a long time.

The fact that some folks out there are discovering it for the first time is not the point of my remarks this morning. What is the point of my remarks this morning is that I am glad they have finally discovered it and that one of the ways to address it is through education.

We know that there is a clear relationship between the educational achievement of people in general and their incomes. As a matter of fact, the relationship between education, training, and income is clearer than ever and more dramatic than ever. The gap between a lack of education and income is greater than ever. In the last 15 years, the difference in pay between college-educated workers and those with a high school education has just about doubled. There has always been a difference, but that difference in just a 15-year period has about doubled.

So we know what education can do. We know what training can do in terms of income. We know we face an income squeeze. So what is the response of this Congress? A significant reduction in education programs that are working.

Head Start is working. This is not a program that has failed. This is a program that has produced demonstrable achievement across the country. The surveys of Head Start programs show that people who graduate, these 3- and 4-year-olds who are in Head Start, 10 years later and 20 years later do much

better in their careers. In just about every other measurable way, the 3- and 4-year-olds who had Head Start 10 years ago and 20 years ago or 15 years ago are doing much better than those who did not. Yet only about half of our children who are 3 and 4 years old who are eligible for Head Start get Head Start because of the lack of funding.

So what did this bill do? It cut Head Start, a program which I think, if not universally applauded, is about as supported a program as any I know of. This is not a case where we are cutting programs which are not working. This is a case where we are cutting programs which are working and which are essential to this country.

I know some of these cuts were used as threats, particularly by some people over in the House who are determined to get their way on bigger budget issues. These Members of the House who take the position, "It is my way or else; it is my way or else the Government is coming to a halt; it is my way or else we are going to have major cuts in education; it is my way or else our debts are not going to be paid, we're not going to pay interest on the national debt or on the obligations of this country," those "my way or else" Members of the House got their way in this continuing resolution. They should not have.

We should not let them have their way again. I think there are enough people in the Senate on a bipartisan basis who object deeply to these cuts in education that, if we will pull together, we can let the House know, particularly those 60 or so Republicans in the House who have taken this position that unless they get their way the Government is to shut down, it has to be their way or else the full faith and credit of the United States is going to be damaged—they had their way in this continuing resolution.

These cuts are a reflection of a tactic, an extreme tactic, an irresponsible tactic of closing the Government down unless they get their way. That tactic had, I think, negative and damaging results in this continuing resolution which we tried to repair. Fifty-one of us voted to repair it. Then ultimately the resolution passed because, I think, as the chairman of the Appropriations Committee felt, there was no choice. The gun was at our head.

We have to take that gun away, not just on keeping the Government going and restoring these education cuts, but also on the full faith and credit of the United States. This is a pattern which should not be repeated.

I hope that the Senate, on a bipartisan basis, sends a strong signal to Speaker GINGRICH that we are not going to tolerate this again and that we are going to seek to restore the cuts which have so damaged education programs and so left educators in a quandary as to what the funding is going to be for next fall. They do not know. There is no way for them to plan either in the K through 12 level or in college.

They do not know what the funding is going to be for college loans, for Pell grants, for student incentive grants. They do not know what the funding is going to be for Head Start for 3- and 4-year-olds. They do not know what the School-to-Work funding is going to be. And here we are approaching spring now, when the planning is done, with all of this up in the air.

So, Mr. President, I hope we will take a strong stand to restore these cuts, to repair the damage and to remove the gun which has been placed at the head of the economy and at Members of the Senate.

I thank the Chair and I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HATCH). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

TRIBUTE TO AMBASSADOR RAY OF INDIA

Mr. PRESSLER. Mr. President, I want to take a moment today to pay tribute and bid a fond farewell to a very distinguished statesman, a good friend to the United States and a dear friend of mine—Siddhartha Shankar Ray, India's Ambassador to the United States. Ambassador Ray has decided to return to his home country, and more specifically to West Bengal, to run for a seat in the Indian Parliament. I wish him great success in this and in his future endeavors.

As all my colleagues know Ambassador Ray has worked tirelessly during his more than 3 years here to strengthen Indo-United States relations. It is safe to say he has performed his duties with great distinction and even greater success. His service to his country here in Washington came at a vital period in Indo-United States relations. With the end of the cold war, past barriers to better relations with India have gone with it, and vast new opportunities have emerged. We have seen increased investment, trade, and cultural exchanges between our two countries. We also are laying the groundwork for discussions on security issues. Ambassador Ray has played a vital role in this exciting new era. I am certain he will continue to do so.

Ambassador Ray is an industrious and articulate diplomat, and a tenacious advocate for his country. The secret of Ambassador Ray's success is simple. As Sister Mary Lauretta once stated: "To be successful, the first thing to do is fall in love with your work." Ambassador Ray loves India. He believes in India's future. His love of country and faith in his fellow citizens were evident throughout his service here.

I had the opportunity to spend time with Ambassador Ray and his wife, Maya, last week at his farewell dinner. Both have been positive forces for their country. Now, they intend to continue their already distinguished service at home. No matter what path Ambassador Ray may take, I am certain that all of India will stand to benefit.

Ambassador and Mrs. Ray will be sorely missed by all of us in the Washington community. But it is safe to say we can always look to Ambassador Ray to be an essential element in our strengthening ties with India. Again, I wish my friend Ambassador Ray and his family the very best.

HONORING THE MOORE'S FOR CELEBRATING THEIR 50TH WEDDING ANNIVERSARY

Mr. ASHCROFT. Mr. President, these are trying times for the family in America. Unfortunately, too many broken homes have become part of our national culture. It is tragic that nearly half of all couples married today will see their union dissolve into divorce. The effects of divorce on families and particularly the children of broken families are devastating. In such an era, I believe it is both instructive and important to honor those who have taken the commitment of "til death us do part" seriously and have successfully demonstrated the timeless principles of love, honor, and fidelity, to build a strong family. These qualities make our country strong.

For these important reasons, I rise today to honor Mr. and Mrs. Albert Moore who on February 24 celebrated their 50th wedding anniversary. My wife, Janet, and I look forward to the day we can celebrate a similar milestone. The Moore's commitment to the principles and values of their marriage deserves to be saluted and recognized. I wish them and their family all the best as they celebrate this substantial marker on their journey together.

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 CONCERNING THE ANNUAL REPORT OF THE NATIONAL ENDOWMENT FOR DEMOCRACY FOR FISCAL YEAR 1995—MESSAGE FROM THE PRESIDENT—PM 122

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 Foreign Relations.

To the Congress of the United States:

Pursuant to the provisions of section 504(h) of Public Law 98–164, as amended (22 U.S.C. 4413(i)), I transmit herewith the 12th Annual Report of the National Endowment for Democracy, which covers fiscal year 1995.

As the report demonstrates, the National Endowment for Democracy remains at the forefront of our efforts to expand and consolidate democratic gains around the globe. The strong bipartisan support the Endowment continues to receive reflects our Nation's steadfast commitment to the promotion of democracy.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 20, 1996.*

MESSAGES FROM THE HOUSE RECEIVED DURING RECESS

Under the authority of the order of the Senate of January 4, 1995, the Secretary of the Senate, on February 14, 1996 during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker reappoints Mr. Carl A. Anderson of Arlington, VA, as a member from private life, to the Commission on Civil Rights for a 6-year term beginning on February 12, 1996.

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 4, 1995, the Secretary of the Senate, on February 16, 1996, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House agrees to the amendment of the Senate to the bill (H.R. 2657) to award a Congressional Gold Medal to Ruth and Billy Graham.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PRESSLER, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 981. A bill entitled "Truck Safety and Congressional Partnership Act" (Rept. No. 104–235).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PRESSLER, from the Committee on Commerce, Science, and Transportation:

George W. Black, Jr., of Georgia, to be a member of the National Transportation Safety Board for the remainder of the term expiring December 31, 1996.

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. BREAUX:

S. 1569. A bill to provide for 1 additional Federal judge for the middle district of Louisiana; to the Committee on the Judiciary.

By Mr. McCAIN:

S. 1570. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to provide that the restriction on the assignment or alienation of pension plan benefits shall not apply to court-ordered criminal fines or victim restitution; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BREAUX:

S. 1569. A bill to provide for one additional Federal judge for the middle district of Louisiana; to the Committee on the Judiciary.

LOUISIANA FEDERAL JUDICIAL LEGISLATION

Mr. BREAUX. Mr. President, I rise today to offer legislation that will correct a serious inequity in Louisiana's judicial districts.

My legislation adds an additional judge to the middle district of Louisiana, based in Baton Rouge. U.S. District Judges John Parker and Frank Polozola, the two Baton Rouge judges, each have almost 2,000 cases pending. The national average for Federal judges is 400 cases pending. Case filings in the middle district have totaled more than four times the national average. The Baton Rouge district also ranks first among the Nation's 97 Federal court districts in total filings, civil filings, weighted filings, and in the percent change in total filings last year.

Louisiana's middle district is composed of nine parishes. The State capital and many of the State's adult and juvenile prisons and forensic facilities are located in this district. The court is regularly required to hear most of the litigation challenging the constitutionality of State laws and the actions of State agencies and officials. The district now has several reapportionment and election cases pending on the docket which generally require the immediate attention of the court. Additionally, because numerous chemical, oil, and industrial plants and hazardous waste sites are located in the middle district, the court has in the past and will continue to handle complex mass tort cases. One environmental case alone, involving over 7,000 plaintiffs and numerous defendants, is being handled by a judge from another district because both of the middle district's judges were recused.

Since 1984, the middle district has sought an additional judge because of its concern that its caseload would continue to rise despite the fact that its judges' termination rate exceeded the national average and ranked among the highest in numerical standing within the United States and the fifth circuit. Both the judicial conference and the Judicial Council of the Fifth Circuit have approved the middle district's request for an additional judgeship after each biennial survey from 1984 through 1994.

Mr. President, I know that my colleagues will agree with me that the clear solution to this obvious inequity is to assign an additional judge to Louisiana's middle district. I look forward to the Senate's resolution of this important matter.

By Mr. McCAIN:

S. 1570. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to provide that the restriction on the assignment or alienation of pension plan benefits shall not apply to court-ordered criminal fines or victim restitution; to the Committee on Finance.

RESTITUTION FOR VICTIMS OF CRIME LEGISLATION

Mr. McCAIN. Mr. President, today I am introducing legislation that would provide crime victims a real opportunity to receive their due restitution from convicted criminals. This bill would enhance collections on criminal restitution orders for crime victims by allowing the Federal Government to garnish the pension plan benefits of convicted felons.

Currently, courts may not garnish pension benefits provided under the Employee Retirement Income Security Act [ERISA] to satisfy criminal restitution orders. As a result, criminals can avoid paying fines or making restitution to their victims when their only income consists of pension money. In fact, in most cases, criminals have pension money as their only source of income, and therefore, they never pay off their debt.

The amount of criminal debt had ballooned to nearly $4.5 billion by the close of fiscal year 1994. The largest amount of that criminal debt is owed by defendants who have been ordered to pay restitution directly to crime victims. Over $3 billion is outstanding on these criminal restitution orders.

We must not sit idly by and watch these criminal debt figures continue to mount year after year. Our Nation's crime victims deserve restitution. It is

unfair that criminals are allowed to shield their pension funds from being garnished when those funds are necessary to provide much needed restitution to their victims.

Mr. President, the National Victim Center supports this legislation and best expressed the principle behind this bill by recognizing that crime shouldn't pay, but criminals should.

I would urge my colleagues to support this legislation. It will increase criminal fine collection by allowing a new source of the offender's income to be collected, and will help ensure that victims are properly and fairly compensated in a timely manner.

I ask unanimous consent that a copy of a letter from David Beatty, acting executive director of the National Victim Center, be printed.

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

NATIONAL VICTIM CENTER,
Arlington, VA, February 16, 1996.

HON. SENATOR MCCAIN,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR MCCAIN: Thank you for the opportunity to express our views concerning your proposed amendment to the Employee Retirement Security Act of 1974 and the Internal Revenue Code of 1986.

Offender accountability has long been a corner stone of the American criminal justice system. Such Accountability includes not only the offender's payment of his debt to society but also financial responsibility to the innocent victims who suffer the severe economic consequences of the crimes inflicted upon them.

Requiring offenders to pay restitution to their victims for the harm that resulted from their criminal acts serves the ends of justice in several ways. First and foremost, restitution reimburses crime victims for the goods and services that are essential to their physical, emotional and financial recovery.

It also provides the kind of direct accountability to victims that helps satisfy their sense of fairness and their desire for justice. By engendering a greater sense of personal responsibility, restitution also serves the broader criminal justice objectives of deterrence and even rehabilitation.

Studies have shown that there is a clear correlation between restitution and lower recidivism rates. Offenders who are held financially responsible to their victims develop a greater appreciation for the hardship and human suffering cause by their thoughtless criminal acts. Offenders who gain a moral sense of responsibility by making payment directly to their victims are less likely to commit such crimes in the future.

Yet, none of the advantages restitution have to offer will be fulfilled unless offenders are actually made to pay. Not surprisingly, offenders' failures to pay have all but defeated the principle and purpose of restitution as a practical matter. Given the perplexity involved in locating and seizing the economic resource of offenders, it is extremely difficult to force offenders to pay the restitution they owe.

Senator McCain has introduced an amendment that helps solve the restitution payment problem—at least in those cases where the government is already in possession of assets belonging to the offender. The amendment would allow government officials to divert federal pension benefits and tax refunds owed to the offender directly to the victims to whom the offender owes restitution. This simple and sensible solution allows government officials to avoid the time and expense of searching out and seizing those assets already in the hands of offenders. In short, this approach is the perfect incarnation of the old adage that, "A bird in the hand is worth two in the bush".

Currently, the federal government is paying convicted offenders who are refusing to pay their victims. The McCain Amendment will effectively put an end to this unconscionable practice.

The McCain Amendment would apply these same interception mechanisms to the collection of federal fines. Since federal fines are used to fund victim compensation and assistance programs nationwide, crime victims have a great stake in seeing that every effort is made to fully collect such fines. Again, this amendment would ensure that monies owed offenders by the federal government would be used to serve victims rather than enrich their perpetrators. In other words, "Crime shouldn't pay, but criminals should".

It is for these reasons that the Board of Directors and staff of the National Victim Center fully support Senator McCain's efforts to divert government payments owed to offenders to benefit their victims.

Sincerely,

DAVID BEATTY,
Acting Executive Director.

ADDITIONAL COSPONSORS

S. 358

At the request of Mr. HEFLIN, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 358, a bill to amend the Internal Revenue Code of 1986 to provide for an excise tax exemption for certain emergency medical transportation by air ambulance.

S. 953

At the request of Mr. CHAFEE, the names of the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from North Carolina [Mr. HELMS], the Senator from Michigan [Mr. LEVIN], the Senator from Indiana [Mr. LUGAR], the Senator from Maryland [Ms. MIKULSKI], the Senator from Ohio [Mr. DEWINE], and the Senator from Arizona [Mr. MCCAIN] were added as cosponsors of S. 953, a bill to require the Secretary of the Treasury to mint coins in commemoration of black revolutionary war patriots.

S. 984

At the request of Mr. GRASSLEY, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 984, a bill to protect the fundamental right of a parent to direct the upbringing of a child, and for other purposes.

S. 1130

At the request of Mr. BROWN, the name of the Senator from Arizona [Mr. KYL] was added as a cosponsor of S. 1130, a bill to provide for the establishment of uniform accounting systems, standards, and reporting systems in the Federal Government, and for other purposes.

S. 1139

At the request of Mr. LOTT, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 1139, a bill to amend the Merchant Marine Act, 1936, and for other purposes.

S. 1334

At the request of Mr. FRIST, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 1334, a bill to amend chapter 28 of title 35, United States Code, to provide for noninfringing uses of patents on medical and surgical procedures.

S. 1379

At the request of Mr. SIMPSON, the name of the Senator from Oklahoma [Mr. INHOFE] was added as a cosponsor of S. 1379, a bill to make technical amendments to the Fair Debt Collection Practices Act, and for other purposes.

S. 1386

At the request of Mr. BURNS, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 1386, a bill to provide for soft-metric conversion, and for other purposes.

S. 1397

At the request of Mr. KYL, the names of the Senator from South Dakota [Mr. PRESSLER] and the Senator from Virginia [Mr. WARNER] were added as cosponsors of S. 1397, a bill to provide for State control over fair housing matters, and for other purposes.

S. 1405

At the request of Mr. FRIST, the names of the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from New Hampshire [Mr. SMITH], and the Senator from Maine [Ms. SNOWE] were added as cosponsors of S. 1405, a bill to eliminate certain benefits for Members of Congress.

S. 1473

At the request of Ms. SNOWE, the names of the Senator from Mississippi [Mr. LOTT] and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 1473, a bill to authorize the Administrator of General Services to permit the posting in space under the control of the Administrator of notices concerning missing children, and for other purposes.

S. 1491

At the request of Mr. HEFLIN, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 1491, a bill to reform antimicrobial pesticide registration, and for other purposes.

S. 1548

At the request of Mrs. FEINSTEIN, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 1548, a bill to provide that applications by Mexican motor carriers of property for authority to provide service across the United States-Mexico

international boundary line and by persons of Mexico who establish enterprises in the United States seeking to distribute international cargo in the United States shall not be approved until certain certifications are made to the Congress by the President and the Secretary of Transportation, and for other purposes.

S. 1553

At the request of Mr. MCCAIN, the names of the Senator from Virginia [Mr. WARNER], the Senator from New York [Mr. D'AMATO], and the Senator from Tennessee [Mr. FRIST] were added as cosponsors of S. 1553, a bill to provide that members of the Armed Forces performing services for the peacekeeping effort in the Republic of Bosnia and Herzegovina shall be entitled to certain tax benefits in the same manner as if such services were performed in a combat zone.

SENATE RESOLUTION 215

At the request of Mr. LAUTENBERG, the names of the Senator from Utah [Mr. HATCH], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Colorado [Mr. CAMPBELL], the Senator from Nebraska [Mr. KERREY], the Senator from Nevada [Mr. REID], the Senator from Delaware [Mr. ROTH], the Senator from Nebraska [Mr. EXON], the Senator from Ohio [Mr. GLENN], the Senator from Mississippi [Mr. COCHRAN], and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of Senate Resolution 215, a resolution to designate June 19, 1996, as "National Baseball Day."

At the request of Mr. MOYNIHAN, his name was withdrawn as a cosponsor of Senate Resolution 215, supra.

SENATE RESOLUTION 219

At the request of Mr. SPECTER, the names of the Senator from Michigan [Mr. ABRAHAM] and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of Senate Resolution 219, a resolution designating March 25, 1996, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

AMENDMENTS SUBMITTED

THE LAND DISPOSAL PROGRAM FLEXIBILITY ACT OF 1995

CHAFEE (AND OTHERS) AMENDMENT NO. 3464

Mr. LOTT (for Mr. CHAFEE, for himself, Mr. SMITH, Mr. DOLE, Mr. LIEBERMAN, Mr. NICKLES, and Mr. KEMPTHORNE) proposed an amendment to the bill (H.R. 2036) to amend the Solid Waste Disposal Act to make certain adjustments in the land disposal program to provide needed flexibility, and for other purposes, supra; as follows:

On page 2, beginning line 4, strike all through page 4, line 15, and insert in lieu thereof the following:

"SEC. 2. LAND DISPOSAL RESTRICTIONS.

"Section 3004(g) of the Solid Waste Disposal Act is amended by adding after paragraph (6) the following:

"(7) Solid waste identified as hazardous based solely on one or more characteristics shall not be subject to this subsection, any prohibitions under subsection (d), (e), or (f), or any requirement promulgated under subsection (m) (other than any applicable specific methods of treatment, as provided in paragraph (8)) if the waste—

"(A) is treated in a treatment system that subsequently discharges to waters of the United States pursuant to a permit issued under section 402 of the Federal Water Pollution Control Act (commonly known as the "Clean Water Act") (33 U.S.C. 1342), treated for the purposes of the pretreatment requirements of section 307 of the Clean Water Act (33 U.S.C. 1317), or treated in a zero discharge system that, prior to any permanent land disposal, engages in treatment that is equivalent to treatment required under section 402 of the Clean Water Act (33 U.S.C. 1342) for discharges to waters of the United States, as determined by the Administrator; and

"(B) no longer exhibits a hazardous characteristic prior to management in any land-based solid waste management unit.

"(8) Solid waste that otherwise qualifies under paragraph (7) shall nevertheless be required to meet any applicable specific methods of treatment specified for such waste by the Administrator under subsection (m), including those specified in the rule promulgated by the Administrator June 1, 1990, prior to management in a land-based unit as part of a treatment system specified in paragraph (7)(A). No solid waste may qualify under paragraph (7) that would generate toxic gases, vapors, or fumes due to the presence of cyanide when exposed to pH conditions between 2.0 and 12.5.

"(9) Solid waste identified as hazardous based on one or more characteristics alone shall not be subject to this subsection, any prohibitions under subsection (d), (e), or (f), or any requirement promulgated under subsection (m) if the waste no longer exhibits a hazardous characteristic at the point of injection in any Class I injection well permitted under section 1422 of title XIV of the Public Health Service Act (42 U.S.C. 300h-1).

"(10) Not later than five years after the date of enactment of this paragraph, the Administrator shall complete a study of hazardous waste managed pursuant to paragraphs (7) or (9) to characterize the risks to human health or the environment associated with such management. In conducting this study, the Administrator shall evaluate the extent to which risks are adequately addressed under existing State or Federal programs and whether unaddressed risks could be better addressed under such laws or programs. Upon receipt of additional information or upon completion of such study and as necessary to protect human health and the environment, the Administrator may impose additional requirements under existing Federal laws, including subsection (m)(1), or rely on other State or Federal programs or authorities to address such risks. In promulgating any treatment standards pursuant to subsection (m)(1) under the previous sentence, the Administrator shall take into account the extent to which treatment is occurring in land-based units as part of a treatment system specified in paragraph (7)(A).

"(11) Nothing in paragraphs (7) or (9) shall be interpreted or applied to restrict any inspection or enforcement authority under the provisions of this Act.".

On page 7, after line 12, insert the following:

"(5) ALASKA NATIVE VILLAGES.—Upon certification by the Governor of the State of Alaska that application of the requirements described in paragraph (1) to a solid waste landfill unit of a Native village (as defined in section 3 of the Alaska Native Claims Settlement Act (16 U.S.C. 1602)) or unit that is located in or near a small, remote Alaska village would be infeasible, or would not be cost-effective, or is otherwise inappropriate because of the remote location of the unit, the State may exempt the unit from some or all of those requirements. This paragraph shall apply only to solid waste landfill units that dispose of less than 20 tons of municipal solid waste daily, based on an annual average.

"(6) FURTHER REVISIONS OF GUIDELINES AND CRITERIA.—Recognizing the unique circumstances of small communities, the Administrator shall, not later than two years after enactment of this provision promulgate revisions to the guidelines and criteria promulgated under this subtitle to provide additional flexibility to approved States to allow landfills that receive 20 tons or less of municipal solid waste per day, based on an annual average, to use alternative frequencies of daily cover application, frequencies of methane gas monitoring, infiltration layers for final cover, and means for demonstrating financial assurance: *Provided*, That such alternative requirements take into account climatic and hydrogeologic conditions and are protective of human health and environment.".

On page 2, line 3 strike "1995" and insert in lieu thereof "1996".

ADDITIONAL STATEMENTS

PORTLAND STATE UNIVERSITY'S 50TH ANNIVERSARY

• Mr. HATFIELD. Mr. President, Portland State University is celebrating its 50th anniversary this year. Although that is a relatively short life in the history of America's higher education movement, Portland State University has quickly developed into one of the Nation's premier urban universities.

This remarkable university began as the Vanport Extension Center, located in one of Portland's public housing projects. It was an educational resource for many of Oregon's returning World War II veterans. Two years after the Center was established, the famous Memorial Day flood destroyed the campus, but not the college. Even the Christian Science Monitor published a national story about the Vanport's resurrection, calling it "The College That Would Not Die."

The college relocated to its current site in the South Park blocks area of downtown Portland in 1952. In 1955, my first term in the Oregon State Senate, the legislature officially designated it as Portland State College. At that time, the enrollment at PSC was more than 3,300 students—up from 221 Vanport students enrolled during its first term. In 1969, as the college introduced its first doctoral program, the

legislature granted it university status.

Today, Portland State University is a national model of the urban university. Its mission is to enhance the intellectual, social, cultural, and economic qualities of urban life, and to promote the development of community-institutional networks and collaborations to address community priorities through academic and research programs. The university offers 32 bachelor's and 398 master's degrees in the humanities, sciences, social sciences, and professions, as well as doctoral degrees in seven areas: Education, electrical and computer engineering, environmental sciences and resources, public administration and policy, social work and social research, systems science, and urban studies and planning. PSU's programs are so widely accepted in Oregon that it offers one-quarter of the State's graduate degrees annually.

My wife, Antoinette, and I have been involved in this great university since its early days. Antoinette worked at Portland State College as its counselor to women. During my tenure in state government, the institution emerged as one of the State's major educational resources. As Governor, I was proud to sign the legislation that authorized funding for Portland State University's prestigious graduate school of social work. During my service as Senator, I have been pleased to work with Portland State University on legislation that established and funded the Urban Community Services Program in the Department of Education. Portland State University was one of the first universities in the Nation to qualify for one of these grants that provides seed money to help extend academic resources to urban communities.

Celebrating the 50-year milestone is important—for institutions and for individuals—but Portland State University is looking toward the future and making its mark in the national higher education movement. If the past half century is any indication, we can expect Portland State University to make significant contributions in Oregon and in the Nation as it approaches its centennial celebration. Portland State University is developing a model learning community in the heart of downtown that will include new, multifamily affordable housing, connections with public transit and the light rail system, expansion of retail and commercial businesses in the neighborhood, and the development of urban open spaces and parks. I know of no other university in the country that is working so closely with local government to link its resources to the needs of the community and revitalize its neighborhood.

Portland State University has received national recognition for improving its general education curriculum. Students now take courses that are communication-intensive, interdisciplinary and team-taught, and include extensive community involvement and service learning components. This new curriculum responds to concerns expressed by business, policy leaders, and students that traditional general education programs have not served today's students well. Called the University Studies Program, this innovative approach to providing undergraduates and integrated overview of the core subject areas is a model for colleges and universities across the country.

Portland State University is also a success story because of its approach to administrative reform and commitment to the principles of quality management. In recent years, the university has engaged in an extensive reorganization of its management operation. Portland State University has reduced its administrative and management staff while still maintaining a high level of service and productivity. The national consulting group, KPMG Peat Marwick has called PSU "a national model" for efficient management. And, the National Association of College and University Business Officers recently presented the university with a national award for its management reform efforts.

Making a difference, that is what Portland State University is all about. When it began, it made a difference to those veterans returning home from World War II. It provided them the chance to get an education while working and living in Portland. And, it continues to make a difference in the lives of Oregonians. Today, Portland State University—in partnership with community organizations—makes a difference in the lives of inner-city youngsters by exposing them to higher education early in life so they can realize that a college degree is within their grasp. Portland State University makes a difference in the lives of high school students who otherwise might not be able to afford a college education away from home. Portland State University makes a difference to the working professional who needs an advanced degree in order to stay current in their field, earn a higher wage, or qualify for a promotion. In short, Portland State University is crucial to Oregon's citizens and its economic future.

On the occasion of its 50th anniversary, I want to extend my sincere congratulations to the faculty, staff, and students who have contributed to PSU's success. I look forward to the exciting contributions this remarkable institution will make in the 21st century.•

THE BLACK REVOLUTIONARY WAR PATRIOTS COMMEMORATIVE COIN ACT

• Mr. FAIRCLOTH. Mr. President, I wish to express my support for S. 953, the Black Revolutionary War Patriots Commemorative Coin Act. The coin will be minted to assist the effort to build a national memorial to these often overlooked soldiers in our War for Independence. Tax dollars will not be used to build this memorial, and, consequently, its construction will be funded from the proceeds of the sales of this coin.

Their stories are tales of sacrifice and valor in battle, and, although the names of these patriots are not found in most textbooks, these soldiers fought for their young nation in some of the great engagements of the Revolutionary War. Record Primes, for example, compiled a long record and fought in some of the most storied battles of the War. He served in Colonel Williams' North Carolina regiment at the battles of Camden and Kings Mountain in 1780 and Guilford Court House, Yorktown, Eutaw Springs, and Cowpens in 1781.

There are others, courageous black North Carolinians such as Joel Taburn, who battled the British under Colonels Archibald Lytle and Hardy Murfree in their North Carolina regiment. He fought at the siege of Charleston in 1780 and at Eutaw Springs in 1781. For example, William Steward, who had signed on with Col. John Patten's North Carolina regiment, saw action at Monmouth. Isaac Perkins, William Taburn, and Dempsey Stewart also fought for North Carolina regiments, and, Mr. President, these are the soldiers whom the memorial will honor.

These men volunteered for duty—they were not compelled to serve—and this memorial, which will be on a site just north of the reflecting pool, will honor their sacrifice in the cause of freedom. I therefore urge my colleagues to lend their support to this bill and wish to thank Senator CHAFEE for his efforts on its behalf.

MAN OF THE YEAR

• Mr. CHAFEE. Mr. President, I want to bring to the Senate's attention the accomplishments of an amazing young man. I first met Doug Wilson in connection with legislation that I sponsored to encourage States to pass universal motorcycle helmet laws. This legislation was included in the Intermodal Surface Transportation Efficiency Act of 1991 [ISTEA] and Doug was very helpful to me in getting this law passed. But Doug didn't stop there. He has worked tirelessly at the State level, encouraging State legislatures to pass effective motorcycle helmet laws. Doug was instrumental in convincing the Maryland Legislature to pass a universal motorcycle helmet law.

Doug is a very convincing young man. Unfortunately, one of the reasons he is so convincing is because he has experienced first hand the consequences of being involved in a motorcycle crash without a helmet. Doug's injuries were minor except for a severe brain injury—the result of hitting his head on the pavement. His journey to recovery has been long and difficult but it also has been extraordinary. His accomplishments are many and the Journal in Maryland has just named Doug Wilson its "Man of the Year."

Mr. President, I cannot think of a more deserving person to be the "Man of the Year." Since Congress unfortunately repealed the Federal motorcycle requirements recently in the National Highway System Designation Act, I am particularly grateful that Doug, and others like him, are working at the State level to educate people about the benefits of wearing motorcycle helmets and the terrible consequences when they do not. I want to congratulate Doug and wish him the very best in whatever he chooses to undertake in the future. I ask that the Journal article recognizing Doug's accomplishments be printed in the RECORD.

The article follows:

AFTER A BRUSH WITH DEATH, HE LEADS FULL LIFE

(By Sean Scully)

Doug Wilson was never supposed to walk or talk again following a severe motorcycle accident almost five years ago.

But in September, he ran a 5-kilometer race—the third annual Doug Wilson Thumbs Up race—and he's eager to talk about it.

"I was in the hospital for three months [in 1991]," Wilson said. "It never made me upset because I said I was going to be fine, I never thought [running] was something I'd never be able to do again."

In the spring of 1991, Wilson was a senior at the University of South Carolina, only six weeks away from an economics degree. The athletic and good-looking Wilson had been a soccer player at Churchill High School in Potomac and a place-kicker for the university's Gamecocks football team. He seemed to have it all.

Then it came crashing down. For a still-unknown reason, Wilson lost control of his motorcycle on a clear, straight road. He fell and struck his head on the pavement. He wasn't wearing a helmet.

The accident only broke three bones, but it jarred his brain severely, causing swelling and plunging Wilson into an eight-day coma.

He spent three months in the hospital and six months in a wheelchair. Over the next four years, he had to relearn the tasks most of us take for granted.

"I have an appreciation for certain things most of the whole world wouldn't understand," said Wilson, who has only the slightest hesitation of speech, along with a shuffle in his walk, giving clues to the serious injury he has overcome.

But Wilson's recovery is more than a personal journey for him. It has involved his entire community.

When he first began to walk again, Wilson said, he volunteered to help with local youth sports. Kids and parents rallied around him, he said. The kids would pick him to play on basketball teams, even though he could barely walk, let alone run and jump.

"They said, 'we don't care, we just want you on the team,'" Wilson said.

He received so much support that he's made it a mission to give something back.

"I learned to respect kids," Wilson said, "I help them because they helped me."

Wilson, now 27, lives with his parents in Potomac.

His list of activities is impressive, long enough that he has trouble remembering them all: He is one of the original volunteers at Club Friday, a youth program at the Potomac Community Center, he is a youth soccer instructor for Montgomery Soccer Inc.; he serves on two county recreational advisory boards; he helped found the Potomac Adaptive Basketball Association; he is an active member of the Rotary Club of Potomac, and he founded the annual 5-kilometer race, which benefits Club Friday and the Brain Injury Association of Maryland.

"To me, he's just a super human being," said Potomac resident Randy Zeibert, whose children played on a soccer team coached by Wilson. "He does all these things and asks nothing in return."

In the wake of his accident, Wilson made it a personal quest to see Maryland and other states adopt mandatory motorcycle helmet laws. His testimony was a key factor in Maryland's law, which narrowly passed the General Assembly four years ago, said former state Sen. Howard Denis.

Denis said he was wavering on the bill, torn between his desire to prevent devastating injuries and his belief that the government should not place to many restrictions on the public. In the end, Wilson pushed Denis to back the law.

"Doug was a particularly compelling witness because he had lived through it and he was very articulate," Denis said.

On top of all his other activities, Wilson returned to South Carolina for a semester in 1993 and earned his degree.

"I wasn't supposed to walk again, so I walked," Wilson said. "I wasn't supposed to go to college and take classes, so I went back and graduated with my best semester in college."

Despite volunteering at least 50 hours a week," Wilson has started a business, called "We'll Keep It Clean," hiring disabled people to clean and maintain people's property; yard work, pool cleaning, and the like.

Disabled people, he said, make excellent workers because. "they're not interested in doing it for the money; they're out there trying to prove they can do it."

On top of that, Wilson lobbies state lawmakers nationwide to pass motorcycle helmet laws similar to the one he helped pass in Maryland.

"He's just gung-ho about life," said Sam Eammelli, past president of the Rotary Club. "I think it's great."

The key, Wilson said, is to set goals high. That way people can fall a little bit short and still do better than anybody else expects.

And his goals remain high.

"Maybe someday," he said with a twinkle in his eye, "I'm going to try out for an NFL team."•

The PRESIDING OFFICER. The distinguished majority whip, the Senator from Mississippi, is recognized.

LAND DISPOSAL PROGRAM FLEXIBILITY ACT OF 1995

Mr. LOTT. I ask unanimous consent that the Committee on Environment and Public Works be discharged from further consideration of H.R. 2036 and, further, that the Senate proceed to its immediate consideration.

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

The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2036) to amend the Solid Waste Disposal Act and make certain adjustments in the lands disposal program to provide needed flexibility, and for other purposes.

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

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

AMENDMENT NO. 3464

(Purpose: To amend the Solid Waste Disposal Act, to make certain adjustments in the land disposal program to provide needed flexibility, and for other purposes)

Mr. LOTT. Mr. President, I send an amendment to the desk on behalf of Senators CHAFEE, SMITH, DOLE, LIEBERMAN, NICKLES, and KEMPTHORNE.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Mr. Chafee, for himself, Mr. Smith, Mr. Dole, Mr. Lieberman, Mr. Nickles, and Mr. Kempthorne, proposes an amendment numbered 3464.

Mr. LOTT. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 2, beginning line 4, strike all through page 4, line 15, and insert in lieu thereof the following:

"SEC. 2. LAND DISPOSAL RESTRICTIONS.

"Section 3004(g) of the Solid Waste Disposal Act is amended by adding after paragraph (6) the following:

"(7) Solid waste identified as hazardous based solely on one or more characteristics shall not be subject to this subsection, any prohibitions under subsection (d), (e), or (f), or any requirement promulgated under subsection (m) (other than any applicable specific methods of treatment, as provided in paragraph (8)) if the waste—

"(A) is treated in a treatment system that subsequently discharges to waters of the United States pursuant to a permit issued under section 402 of the Federal Water Pollution Control Act (commonly known as the "Clean Water Act") (33 U.S.C. 1342), treated for the purposes of the pretreatment requirements of section 307 of the Clean Water Act (33 U.S.C. 1317), or treated in a zero discharge system that, prior to any permanent land disposal, engages in treatment that is equivalent to treatment required under section 402 of the Clean Water Act (33 U.S.C. 1342) for discharges to waters of the United States, as determined by the Administrator; and

"(B) no longer exhibits a hazardous characteristic prior to management in any land-based solid waste management unit.

"(8) Solid waste that otherwise qualifies under paragraph (7) shall nevertheless be required to meet any applicable specific methods of treatment specified for such waste by the Administrator under subsection (m), including those specified in the rule promulgated by the Administrator June 1, 1990,

prior to management in a land-based unit as part of a treatment system specified in paragraph (7)(A). No solid waste may qualify under paragraph (7) that would generate toxic gases, vapors, or fumes due to the presence of cyanide when exposed to pH conditions between 2.0 and 12.5.

"(9) Solid waste identified as hazardous based on one or more characteristics alone shall not be subject to this subsection, any prohibitions under subsection (d), (e), or (f), or any requirement promulgated under subsection (m) if the waste no longer exhibits a hazardous characteristic at the point of injection in any Class I injection well permitted under section 1422 of title XIV of the Public Health Service Act (42 U.S.C. 300h-1).

"(10) Not later than five years after the date of enactment of this paragraph, the Administrator shall complete a study of hazardous waste managed pursuant to paragraphs (7) or (9) to characterize the risks to human health or the environment associated with such management. In conducting this study, the Administrator shall evaluate the extent to which risks are adequately addressed under existing State or Federal programs and whether unaddressed risks could be better addressed under such laws or programs. Upon receipt of additional information or upon completion of such study and as necessary to protect human health and the environment, the Administrator may impose additional requirements under existing Federal laws, including subsection (m)(1), or rely on other State or Federal programs or authorities to address such risks. In promulgating any treatment standard pursuant to subsection (m)(1) under the previous sentence, the Administrator shall take into account the extent to which treatment is occurring in land-based units as part of a treatment system specified in paragraph (7)(A).

"(11) Nothing in paragraphs (7) or (9) shall be interpreted or applied to restrict any inspection or enforcement authority under the provisions of this Act.".

On page 7, after line 12, insert the following:

"(5) ALASKA NATIVE VILLAGES.—Upon certification by the Governor of the State of Alaska that application of the requirements described in paragraph (1) to a solid waste landfill unit of a Native village (as defined in section 3 of the Alaska Native Claims Settlement Act (16 U.S.C. 1602)) or unit that is located in or near a small, remote Alaska village would be infeasible, or would not be cost-effective, or is otherwise inappropriate because of the remote location of the unit, the State may exempt the unit from some or all of those requirements. This paragraph shall apply only to solid waste landfill units that dispose of less than 20 tons of municipal solid waste daily, based on an annual average.

"(6) FURTHER REVISIONS OF GUIDELINES AND CRITERIA.—Recognizing the unique circumstances of small communities, the Administrator shall, not later than two years after enactment of this provision promulgate revisions to the guidelines and criteria promulgated under this subtitle to provide additional flexibility to approved States to allow landfills that receive 20 tons or less of municipal solid waste per day, based on an annual average, to use alternative frequencies of daily cover application, frequencies of methane gas monitoring, infiltration layers for final cover, and means for demonstrating financial assurance: *Provided*, That such alternative requirements take into account climatic and hydrogeologic conditions and are protective of human health and environment.".

On page 2, line 3 strike "1995" and insert in lieu thereof "1996".

Mr. CHAFEE. Mr. President, today I rise to offer an amendment to H.R. 2036, the Land Disposal Program Flexibility Act. This bill, which on January 31, 1996, passed in the House of Representatives by a vote of 402 to 19, amends the so-called land ban provisions of the Solid Waste Disposal Act. Senator NICKLES introduced a similar bill in the Senate, S. 1497, which was cosponsored by Senators SMITH, PRYOR, BOND, BUMPERS, INHOFE, LOTT, BREAUX, JOHNSTON, ABRAHAM, KEMPTHORNE, LIEBERMAN, FAIRCLOTH, GLENN, and WARNER.

H.R. 2036 and its Senate companion, S. 1497, provide a model for moving targeted, commonsense legislation that maintains protection of human health and the environment while removing duplicative or overlapping layers of regulation. It is proof that we can fix those parts of our environmental laws that need to be fixed without gutting, repealing, or rolling back environmental protection.

H.R. 2036 passed the House of Representatives by an overwhelming margin. The legislation is strongly supported by the Clinton administration. A joint letter signed by EPA, CEQ, and OMB stated that the bill "would eliminate a mandate that the Environmental Protection Agency" promulgate stringent and costly treatment standards for certain low-risk wastes that already are regulated in Clean Water Act or Safe Drinking Water Act units." I believe that H.R. 2036, as amended today, ensures protection of human health and the environment while easing two specific regulatory burdens imposed by the Solid Waste Disposal Act. In both instances, EPA tried to reduce these regulatory burdens through administrative action but the Agency was rebuffed by the courts. That is why this legislation is necessary. Time is of the essence because the Agency is under court order to promulgate new rules under the current law. If we are going to provide relief, now is the time to do it.

The primary purpose of this bill is to prevent duplicative and inconsistent regulation of a specific, limited category of wastes under the Solid Waste Disposal Act. The premise underlying the bill is that certain low risk, high volume waste streams that are treated to remove any hazardous characteristics and that are subsequently discharged in a manner meeting the standards of section 402 of the Clean Water Act or are injected in class I wells that have received individual permits under the Safe Drinking Water Act, need not be subject to the land disposal restrictions under RCRA.

In 1990 regulations to implement the Solid Waste Disposal Act's land ban provisions, EPA reasoned that if low risk, high volume wastes were being treated in a manner that protects human health and the environment under the Clean Water Act in a treatment system or are injected into a Safe Drinking Water Act permitted deep well injection system, then there was insufficient justification for imposing additional, and perhaps inconsistent land ban treatment standards under the Solid Waste Disposal Act. EPA's rule was challenged in court, and the U.S. Circuit Court of Appeals for the D.C. Circuit overturned EPA's approach.

This bill will allow EPA to grant some relief from the requirements of the Solid Waste Disposal Act while undertaking a study to assure that the conclusions the Agency reached in 1990 are still valid. It is important to note that this bill retains the Agency's authority to impose land ban restrictions and treatment standards under the Solid Waste Disposal Act if it is found to be necessary in the future.

The bill will also allow EPA to reimpose another rule vacated by the courts; a rule exempting certain small municipal solid waste landfills from groundwater monitoring requirements. This provision in H.R. 2036, as added by this amendment, conforms with the language in S. 534, the Interstate Transportation of Municipal Solid Waste Act, which passed the Senate on May 16, 1995.

This amendment contains several modifications to the House-passed bill that will ensure that risks to human health or the environment from decharacterized wastes receiving treatment equivalent to that required by section 402 of the Clean Water Act or injected in deep well injection units that have received individual permits under the Safe Drinking Water Act are minimized. The amendment provides that all of the Solid Waste Disposal Act inspection and enforcement authorities are preserved and will continue to apply to so-called decharacterized wastes even if the waste is not subject to the land disposal ban requirements as a result of this bill. The amendment protects against potential misuse and the use of "sham" treatment systems by requiring treatment in Clean Water Act impoundments, not merely holding or storing waste in the impoundment while it evaporates or settles or, worst of all, leaches into ground water. The amendment also makes it clear that the Administrator may act to impose additional requirements upon receipt of information regarding the risks posed to human health and the environment by the wastes managed under this act. If the Administrator decides the imposition of additional requirements is warranted, the authority is there to do so. The Administrator does not have to wait for the results of the study.

I want to thank Senator NICKLES, Senator SMITH, chairman of the Environment and Public Works subcommittee with jurisdiction over hazardous waste, and the other cosponsors of the bill for bringing these issues to the attention of the Senate. I especially want to thank my colleagues on the Environment and Public Works Committee for agreeing to clear H.R. 2036 for rapid floor action. I urge your support for this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3464) was agreed to.

Mr. SMITH. Mr. President, I am pleased to be here today to urge the adoption of H.R. 2036 as modified by an amendment of the Senate Committee on Environment and Public Works. The underlying House legislation is virtually the same as S. 1497, the Land Disposal and Program Flexibility Act of 1995 that Senator NICKLES and I, along with a broad bipartisan coalition of our colleagues, introduced on December 21, 1995.

Under the current land disposal restrictions [LDR's], individuals are generally prohibited from the land disposal of hazardous wastes unless these wastes have first been treated to meet EPA standards. In Chemical Waste Management versus EPA in 1992, the D.C. Circuit Court determined that these LDR's would also be extended to nonhazardous wastes managed in wastewater systems that are already regulated under the Clean Water Act or the underground injection control [UIC] program of the Safe Drinking Water Act. The court adopted this position despite the fact that the EPA had previously adopted a rule authorizing the appropriate treatment and disposal of these materials, and despite the fact that the Agency believed that such strict standards are inappropriate.

Section 2 of H.R. 2036, as modified by the Senate, would counteract the court's decision and would restore the EPA's original regulatory determination allowing these materials to be safely treated and disposed of in permitted treatment units and injection wells. This change represents a very straightforward yet significant modification to the Solid Waste Disposal Act that has the potential to save our society as much as $800 million in annual compliance costs—an expense that the EPA agrees will provide no environmental benefit.

Another issue that is addressed in the Senate amended version of H.R. 2036 is the issue of ground water monitoring legislation. In October 1991, the EPA promulgated regulations to exempt certain categories of municipal solid waste landfills from ground water monitoring requirements. Specifically, this exemption was intended to provide relief for communities that had a daily disposal rate of less than 20 tons of solid waste and which have very little annual precipitation. The EPA's authority to issue these regulations was overturned by the D.C. Circuit Court of Appeals in Natural Resources Defense Council versus EPA, 1993.

Section 3 of H.R. 2036, as amended by the Senate amendment, is a virtually identical version of ground water monitoring language that the Senate passed on May 16, 1995, when it adopted the Interstate Transportation of Municipal Solid Waste Act of 1995. This section will provide EPA with the necessary authority to implement the ground water monitoring regulations that were struck down in Natural Resources Defense Council versus EPA.

As the chairman of the Superfund, Waste Control and Risk Assessment Subcommittee, which has jurisdiction over this legislation, I believe that this bill is a good example of a cooperative, bipartisan effort to correct expensive and needless environmental overregulation. I appreciate the significant time and effort that were spent by my fellow Members, the White House, the EPA, our House colleagues, and staff, toward speeding the adoption of this much needed legislation. In addition to this support, I would note that H.R. 2036 is also supported by the Association of State and Territorial Solid Waste Management Officials, the National Association of Counties, and the Ground Water Protection Council.

We need to act quickly to adopt this legislation. If we fail to act, the EPA, due to court order, will be forced to implement additional LDR regulations in the next few weeks—regulations that they believe are both unnecessary from an environmental standpoint as well as needlessly costly for the private sector. Our House colleagues understood this urgency and passed H.R. 2036 on January 31 by a vote of 402 to 19. Given the level of support for this important legislation, I would urge my colleagues to unanimously adopt this legislation as amended so we can send it to President Clinton as soon as possible.

Mr. LEVIN. Mr. President, the House has sent us a bill, H.R. 2036, to amend the Resource Conservation and Recovery Act, to prevent the duplication of regulation on dischargers of nonhazardous waste and thereby save hundreds of millions of dollars in unnecessary compliance costs. It is a laudable bill.

Unfortunately, the House has yet to send to the Senate another needed change to the Resource Conservation and Recovery Act in this Congress, a bill to resolve a matter of great importance to me and to most of the 80,000 units of local government in this country. I am talking about addressing their jeopardized ability to regulate the inflow and outflow of solid waste in their jurisdiction.

As my colleagues know, the Senate passed S. 534, the Interstate Transportation of Solid Waste Act of 1995, in May of last year. This bill is not perfect but it contains amendments needed to resolve some of the interstate waste and flow control issues raised in Supreme Court decisions from several years ago.

Interstate transportation and flow control of solid waste are pressing matters, as is H.R. 2036. Despite this, the House has yet to act on S. 534 or similar legislation. This concerns me. Last week, I sought to add S. 534 as an amendment to H.R. 2036 by unanimous consent, but was met with objections.

Mr. President, I would like to ask the distinguished chairman of the Senate Environment and Public Works Committee if he would help me in insisting that the House promptly address this matter so that we might get a swift resolution.

Mr. CHAFEE. Mr. President, the Senator from Michigan states the situation accurately. It is unfortunate that the House has not yet acted on S. 534 or a similar bill. I will certainly work with him to ensure that the House understands that enactment of S. 534 is a priority for the Senate in this Congress. And, the Senator certainly retains his right to offer S. 534 to other vehicles, should he so choose. In the meantime, I appreciate his willingness not to stall progress on moving H.R. 2036.

Mr. LEVIN. I thank the Senator from Rhode Island. I hope he will work with me on other vehicles to which I can attach S. 534 in the very near future, if the House fails to act promptly.

Mr. LOTT. Mr. President, I ask unanimous consent the bill be deemed read a third time, passed as amended, and the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

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

So the bill (H.R. 2036), as amended, was deemed read the third time and passed.

EXECUTIVE SESSION

NOMINATION OF GEORGE W. BLACK, JR., TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD

Mr. LOTT. Mr. President, in executive session, I ask unanimous consent that the Senate now proceed to the consideration of the nomination of George W. Black, Jr., to be a member of the National Transportation Safety Board reported out of the Commerce Committee today, that the nomination be confirmed, any statements on the nomination be inserted in the RECORD as if read, and that the President be immediately notified of the Senate's action on this nomination.

The PRESIDING OFFICER. Hearing no objection, it is so ordered.

The nomination considered and confirmed is as follows:

George W. Black, Jr., of Georgia, to be a member of the National Transportation Safety Board for the remainder of the term expiring December 31, 1996, vice Carl W. Vogt, resigned.

LEGISLATIVE SESSION

Mr. LOTT. I ask now that the Senate return to legislative session.

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

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 104–24

Mr. LOTT. As in executive session, Mr. President, I ask unanimous consent that the injunction of secrecy be removed from the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of December 10, 1982, relating to the conservation and management of straddling fish stocks and highly migratory fish stocks, with annexes, which was adopted by the U.N. headquarters in New York by consensus of the U.N. Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks on August 4, 1995, and signed by the United States on December 4, 1995, (Treaty Document 104–24), transmitted to the Senate by the President on February 20, 1996; 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 message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, with Annexes ("the Agreement"), which was adopted at United Nations Headquarters in New York by consensus of the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks on August 4, 1995, and signed by the United States on December 4, 1995. I also transmit, for the information of the Senate, the report of the Secretary of State with respect to the Agreement.

The Agreement represents a considerable achievement for the United States in promoting better stewardship of living marine resources. It strikes a sound balance between the interests of coastal States in protecting offshore fishery resources and those of States whose fishing vessels operate on the high seas. If widely ratified and properly implemented, the Agreement should significantly improve the prospects for sustainable fisheries worldwide.

The Agreement builds directly upon, and strengthens, the fishery provisions contained in the 1982 United Nations Convention on the Law of the Sea ("the Convention"), which I transmitted to the Senate for advice and consent on October 6, 1994. As such, the Agreement further reflects the central role of the Convention in governing the maritime relations of the international community.

Perhaps more than any other nation, the United States stands to benefit from widespread adherence to this Agreement. The Agreement will help to ensure that the harvesting of fish by vessels of other nations in waters beyond our exclusive economic zone does not undermine our domestic management of fisheries within the U.S. jurisdiction. In addition, by promoting sound conservation practices generally, the Agreement can restore and maintain productive ocean fisheries for the benefit of American consumers and for U.S. fishing vessels wherever they operate.

With regard to disputes concerning the interpretation or application of the Agreement, I intend to choose a special arbitral tribunal constituted in accordance with Annex VIII of the Convention, as recommended in the accompanying report of the Department of State.

I recommend that the Senate give early and favorable consideration to the Agreement and give its advice and consent to its ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 20, 1996.*

PROGRAM

Mr. LOTT. Mr. President, under the previous order, when the Senate completes its business today it will stand in adjournment until the hour of 11 a.m. on Friday, February 23, and following the prayer, there be a period for morning business not to extend beyond the hour of 1 p.m., with the time to be divided equally between the two parties. As previously ordered, following the use or yielding back of time on Friday, morning business will be closed and the Senate will then turn to the conference report to accompany the D.C. appropriations bill. No rollcall votes will occur on Friday, however, the Senate may consider any legislative items cleared for action.

It is anticipated at this time that a cloture motion on the conference report will be filed on Friday and Senators should be aware that a vote on motion to invoke cloture on the D.C. appropriations conference report would be expected to occur on Tuesday, February 27, at 2:15 p.m.

ADJOURNMENT UNTIL 11 A.M., FRIDAY, FEBRUARY 23, 1996

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I ask the Senate now stand in adjournment under the previous order.

Thereupon, the Senate, at 12:54 p.m., adjourned until Friday, February 23, 1996, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate February 20, 1996:

DEPARTMENT OF LABOR

JOAQUIN F. OTERO, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF LABOR, VICE MARTIN JOHN MANLEY, RESIGNED.

NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD

MARK EDWIN EMBLIDGE, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM EXPIRING SEPTEMBER 22, 1998, VICE SUSAN ANN VOGEL, TERM EXPIRED.

MARY DODD GREENE, OF TEXAS, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM EXPIRING OCTOBER 12, 1998, VICE JOHN CORCORAN, TERM EXPIRED.

NATIONAL MUSEUM SERVICES BOARD

ALBERTA SEBOLT GEORGE, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 1998, VICE RUTH K. WATANABE, TERM EXPIRED.

DAVID A. UCKO, OF MISSOURI, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 1998, VICE EUNICE B. WHITTLESEY, TERM EXPIRED.

AFRICAN DEVELOPMENT FOUNDATION

HENRY MCKOY, OF NORTH CAROLINA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING FEBRUARY 9, 2002, VICE WILLIAM H.G. FITZGERALD, TERM EXPIRED.

IN THE COAST GUARD

THE FOLLOWING INDIVIDUAL FOR APPOINTMENT AS A PERMANENT REGULAR COMMISSIONED OFFICER IN THE UNITED STATES COAST GUARD IN THE GRADE OF LIEUTENANT:

SHERRY A. COMAR

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR PROMOTION IN THE RESERVE OF THE ARMY, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 12203(A) AND 3370:

CHAPLAIN CORPS

To be colonel

GARY N. JOHNSTON, [redacted]

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 12203 AND 3385:

ARMY PROMOTION LIST

To be colonel

PAT W. SIMPSON [redacted]

CHAPLAIN CORPS

To be colonel

JIMMY F. COMER [redacted]
EDWIN N. GRIFFIN [redacted]

MEDICAL CORPS

To be colonel

MICHAEL D. KNEELAND, [redacted]

ARMY PROMOTION LIST

To be lieutenant colonel

LARRY D. BARTTELBORT [redacted]
GARY W. BAUMANN [redacted]
GLYNN N. BECKMAN [redacted]

ROBIN R. BENSON [redacted]
JONATHAN D. DAME [redacted]
JEFFREY A. FAIRALL [redacted]
DENNIS R. FLANERY [redacted]
CRAIG D. FOX [redacted]
FLOYD D. HAUGHT [redacted]
CRAIG G. HAYES [redacted]
CHARLES H. HUNT, JR. [redacted]
STEPHEN L. HUXTABLE [redacted]
THOMAS A. KATANA, II [redacted]
RODNEY W. LOOS [redacted]
DAVID G. LOY [redacted]
DARRELL D. LOYD [redacted]
CHERYL M. MACHINA [redacted]
ROBERT A. MARTINEZ [redacted]
RANDALL W. MOON [redacted]
EVERT S. MORRISON [redacted]
RALPH E. NOOKS, JR. [redacted]
ROGER T. OLSON [redacted]
ALAN R. PETERSON [redacted]
MICHAEL L. STEINMETZ [redacted]
MICHAEL J. TOZZI [redacted]
JOHN A. TROTTER [redacted]
BLAINE M. WYKOFF [redacted]

MEDICAL CORPS

To be lieutenant colonel

WARNER J. ANDERSON [redacted]

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTION 624 OF TITLE 10, U.S.C. THE OFFICERS MARKED BY AN ASTERISK (*) ARE ALSO NOMINATED FOR REGULAR APPOINTMENT IN ACCORDANCE WITH SECTION 531 OF TITLE 10, U.S.C.

JUDGE ADVOCATE GENERAL'S CORPS

To be major

MARGARET B. BAINES [redacted]
*STEPHANIE A. BARNA [redacted]
*VIRGINIA G. BEAKES [redacted]
*MICHAEL J. BENJAMIN [redacted]
*STEPHEN J. BERG [redacted]
*JOHN M. BICKERS [redacted]
*KURT J. BOHN [redacted]
*BRYAN T. BROYLES [redacted]
*MICHAEL BURMEISTER [redacted]
*MARIA S. CHAPA [redacted]
*HOLLY O. COFFEY [redacted]
*HOLLY O. COOK [redacted]
*THOMAS D. COOK [redacted]
BRIAN C. CORNEILSON [redacted]
*ROBERT J. COTELLI [redacted]
*MATTHEW L. DANA [redacted]
*KURT A. DIDIER [redacted]
*CLAYTON DIEDRICHS [redacted]
MARK D. DUPONT [redacted]
KAREN V. FAIR [redacted]
*SANDRA J. FORTSON [redacted]
*BRIAN S. FRYE [redacted]
*RICHARD J. GALVIN [redacted]
*MARK J. GINGRAS [redacted]
TIMOTHY GRAMMEL [redacted]
RICHARD C. GROSS [redacted]
*JONATHAN C. GUDEN [redacted]
*JON L. HALL [redacted]
*DAVID P. HARNEY [redacted]
*TERESE M. HARRISON [redacted]
*MICHAEL E. HATCH [redacted]
*JODY M. HEHR [redacted]
*MICHAEL J. HENRY [redacted]
*THOMAS L. HONG [redacted]
*MICHAEL L. HOYLE [redacted]
*WALTER M. HUDSON [redacted]
*JOHN S. IRGENS [redacted]
MICHAEL D. ISACCO [redacted]
*BRENDA J. JARDEN [redacted]
*STEVEN M. KELLOGG [redacted]
MICHAEL E. KLEIN [redacted]
*JAMES P. LARUSCH [redacted]
*KATENI T. LEAKEHE [redacted]
*CHERYL R. LEWIS [redacted]
*JAMES F. MCCONNON [redacted]
*HARROLD MCCRACKEN [redacted]
*SHEILA E. MCDONALD [redacted]
*MICHAEL R. MCWRIGHT [redacted]
*CRAIG A. MEREDITH [redacted]
*KURT A. MIETH [redacted]
*EDYE L. MORAN [redacted]
*AMISI B. MUBANGU [redacted]
*MICHAEL E. MULLIGAN [redacted]
*MARCIA J. NELSON [redacted]
JOHN P. PATRICK [redacted]
*CYNTHIA M. PINTER [redacted]
*JANE F. POLCEN [redacted]
*WARREN A. REARDON [redacted]
*RICHARD W. ROUSSEAU [redacted]
*PAUL J. SAUSVILLE [redacted]
*JAMES M. SAWYERS [redacted]
*JEFFREY P. SEXTON [redacted]
*JEFFREY D. STACEY [redacted]
*THERESA M. THOMPSON [redacted]
*BRADLEY J. UPTON [redacted]
*CHARLES S. WALTERS [redacted]
*JEFFREY S. WILLIS [redacted]

THE FOLLOWING NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 12203(A) AND 3383:

ARMY PROMOTION LIST

To be colonel

ANTHONY C. CRESCENZI [redacted]
JOSEPH S. DANCSES [redacted]
WAYNE K. KANEMOTO [redacted]
CLINTON D. KIRK [redacted]
BRIAN Y. LAU [redacted]
RONALD J. MEDARIS [redacted]
R.E. ROGERS, JR. [redacted]
RICHARD M. ROMANEK [redacted]
DAVID A. ROWLAND [redacted]
MICHAEL D. SMITH [redacted]
JOHN TUOZZOLO, [redacted]

CHAPLAIN CORPS

To be colonel

RICHARD H. HARGETT [redacted]

ARMY PROMOTION LIST

To be lieutenant colonel

PAMELA BRADY [redacted]
LINDA S. CLEARY [redacted]
MCKINLEY COLLINS, JR. [redacted]
GERALD G. GIBBONS, JR. [redacted]
NANCY E. HALE [redacted]
ALAN J. HARADA [redacted]
GEORGE R. HARRIS [redacted]
EARL H. IWAMOTO [redacted]
MICHAEL E. KISTNER [redacted]
WEYMAN W. MCCRANIE, JR. [redacted]
LUCILLE A. PICERNO [redacted]
GREGORIO V. QUAN [redacted]
LORETTA R. RYAN [redacted]
PAUL T. WOERNER [redacted]
BENJAMIN WRIGHT, JR. [redacted]

MEDICAL SERVICE CORPS

To be lieutenant colonel

ALBERT R. SMITH, JR. [redacted]

IN THE NAVY

THE FOLLOWING-NAMED LIEUTENANT COMMANDER IN THE STAFF CORPS OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF COMMANDER, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 618 AND 628, SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW:

CHAPLAIN CORPS

To be commander

REX A. AUKER [redacted]

THE FOLLOWING NAMED NAVY ENLISTED COMMISSIONING PROGRAM CANDIDATES TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

RICHARD D. BOYER [redacted]
JOSEPH W. COLEMAN [redacted]
JOHN M. NOOE [redacted]
AUBREY RUNYAN [redacted]
MARTIN L. STODDARD [redacted]

THE FOLLOWING NAMED DISTINGUISHED NAVAL GRADUATES TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

RICHARD C. BAKER [redacted]
BRIAN S. FARLEY [redacted]
JEFFREY C. FURMAN [redacted]
JONATHAN M. GREEN [redacted]
STEPHEN T. HOFFMANN [redacted]
ANDREW S. INMAN [redacted]
KEVIN R. JODA [redacted]
SCOTT W. MCGHEE [redacted]
MATTHEW T. POTTENBURGH [redacted]
BRIAN T. PREVO [redacted]
THOMAS H. SHUGART [redacted]
BRYON T. SMITH [redacted]
BRIAN P. SPEARS [redacted]
JULIA D. WORCHESTER [redacted]

THE FOLLOWING NAMED U.S. NAVY OFFICERS TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 12203:

COLLEEN M. COLEMAN [redacted]
EDWARD J. POSNAK [redacted]

CONFIRMATION

Executive Nomination Confirmed by the Senate February 20, 1996:

NATIONAL TRANSPORTATION SAFETY BOARD

GEORGE W. BLACK, JR., OF GEORGIA, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 31, 1996.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.