SENATE—*Friday, May 3, 1996*

The Senate met at 10 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

We begin this day with the words of the psalmist, "Bless the Lord O my soul, and all that is within me bless His holy name! Bless the Lord, O my soul and forget not all of His benefits".—Psalm 103:1–2.

Let us pray:

Our Father, You have created us to glorify You and enjoy You forever. You have developed in us the desire to know You and You have given us the gift of faith to accept Your unqualified love. You turn our struggles into stepping stones. We know Your promise is true: You never leave us or forsake us. You give us strength when we are weak, gracious correction when we fail, and undeserved grace when we need it most. You lift us up when we fall and give us new chances when we are devoid of hope. And just when we think there is no place to turn You meet us and help us return to You.

Lord, our work today is an expression of our grateful worship. You have called us to lead this Nation. Fill us with Your spirit. Infinite wisdom, we need Your perspective, plan, and purpose. We must make crucial evaluations and decisive decisions. The future of this Nation is dependent on the guidance You give us. Thank You for making us wise. In Your holy name. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able Senator from Georgia is recognized.

SCHEDULE

Mr. COVERDELL. Mr. President, today there will be a period for morning business until the hour of 1 p.m., with Senators to speak for up to 5 minutes each, with Senator COVERDELL or his designee in control of the first 90 minutes, and Senator DASCHLE or his designee in control of the second 90 minutes. No rollcall votes will occur during today's session of the Senate, and, as announced last night, no rollcall votes will occur during Monday's session.

On Monday, the Senate will consider Calendar No. 380, H.R. 2937, regarding the White House Travel Office. It is hoped that if Senators feel compelled to offer amendments to this legislation, those amendments will be germane to the bill.

Also, for the information of all Senators, next week, the Senate may be asked to consider S. 1318, the Amtrak authorization, H.R. 849, the firefighters age discrimination bill, or any other legislative items that can be cleared for action.

PRIVILEGE OF THE FLOOR

Mr. STEVENS. Mr. President, I ask unanimous consent that the privilege of the floor be granted to Darryl Roberson, who is temporarily a member of my staff, and this privilege extend for the month of May 1996.

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

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business.

The distinguished Senator from Georgia.

FREEDOM FROM BURDENSOME TAXES

Mr. COVERDELL. Mr. President, President Clinton, as a candidate, told the American people that once in office, he would lower taxes—lower taxes—on the American middle class.

Three years later, as we stand here, the cost to the typical family has risen in higher taxes and lower earnings under President Clinton's administration by $2,600 per family.

It was President Clinton who said, "I oppose Federal excise gas taxes." That is in his "Putting People First," Clinton's 1992 campaign book.

Here is another quote from President Clinton: "It sticks it to the lower income and middle-income retired people in the country, and it's wrong."

That is candidate Bill Clinton on Paul Tsongas' proposal for a gas tax increase.

Today, as we all know, President Clinton proposed and forced and enacted by a 1-vote margin in the Senate a new gas tax which adds 4.3 cents on every gallon of gasoline. I believe most of us remember that when we were debating that tax, for which no one on this side of the aisle voted, we were told that the tax increase would only apply to the wealthy. I am sure that everybody who pulls up at that gas pump once or twice a week and sees that little ticker going off at 4.3 cents per gallon probably does not consider themselves among the wealthy. In fact, the lower income population of our country dedicates 7 percent of their wages to the purchase of gasoline.

So it is an inordinate burden on middle- and lower income Americans. I read it again: "It sticks it to the lower income and middle-income retired people in the country, and it's wrong." That is candidate Bill Clinton.

But every American who goes to a gasoline pump understands what President Bill Clinton did. He raised gas taxes on every family, every citizen, every business and every community, and they are all suffering from these new taxes.

They ought to be repealed. The gas tax should be repealed as another step of lowering the economic burden on the American working family and the American working business.

Mr. President, I yield up to 10 minutes to the distinguished Senator from Minnesota.

The PRESIDING OFFICER (Mr. STEVENS). The Senator from Minnesota is recognized for 10 minutes.

Mr. GRAMS. Thank you very much, Mr. President, and I thank the Senator from Georgia.

Mr. President, Webster's dictionary defines freedom as "the quality or state of being free; the absence of necessity, coercion, or constraint in choice or action."

That is the dictionary definition anyway. But how do Americans define freedom for themselves and their families?

For most of us, freedom means the ability to make our own choices—basic decisions like where we are going to live, what kind of job we are going to have, where we would like our children to go to school, and how we want to raise them. And in a free society like ours, freedom certainly has to include controlling our own finances.

But does it?

American families feel like they are being stripped of their financial freedom. There is strong evidence to back that up. And you can blame it on taxes.

Each year, the nonpartisan Tax Foundation calculates Tax Freedom Day.

That is the day on which Americans stop working just to pay their State, Federal, and local taxes and actually begin keeping their earnings for themselves or for their families.

In 1925, Tax Freedom Day arrived on February 6. But this year, New Year's Day, Groundhog Day, Valentine's Day, President's Day, St. Patrick's Day—Earth Day and Arbor Day, as well—will all have come and gone before Americans get to keep the first dime of their own money on May 7.

● 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

At 128 days into the year, 1996 marks Tax Freedom Day's latest arrival ever. In fact, Tax Freedom Day has jumped ahead an entire week since President Clinton took office, because under Bill Clinton's watch, the Government is taking more from the paychecks of middle-class Americans than ever before.

Today, the typical American family faces a total tax burden of 38 percent. Taxpayers are turning more money over to the Government than they are spending for their family's food, clothing, shelter, and transportation combined.

The news is even more discouraging for the taxpayers of Minnesota, my home State. Because of higher State and local tax rates and differences in the Federal tax burden, Minnesota is tied with Wisconsin in having the fourth-latest Tax Freedom Day in the Nation.

Minnesotans will not begin keeping their own dollars until May 15, fully 8 days later than the national average. Only the residents of Connecticut, New York, and New Jersey pay higher taxes than we Minnesotans.

By imposing his record-breaking, $265 billion tax increase in 1993, President Clinton bears the responsibility for the ever-increasing tax burden on Americans.

From singles, to families, to seniors, to job-providers, every segment of society has felt the pinch. Motorists were hit especially hard by the President's gas tax increase, which has boosted the cost of gasoline by nearly $5 billion every year.

Whatever you call it—the "Clinton crunch" or the "middle-class squeeze"—as long as taxes keep rising, the dollars Americans have left over to provide for their families will keep falling.

And so it should be the goal of Congress and the President to help Americans earn more money, and keep more of the money they earn, so they can do more for themselves, their kids, their communities, their churches.

If Washington wants to ensure that Tax Freedom Day arrives earlier next year, there are four important steps we'll have to take.

No. 1. Cut taxes for working families.

Tax-cutting ideas like the $500-per child tax credit, elimination of the marriage penalty, adoption and eldercare tax credits, and tax incentives designed to create jobs and boost salaries, were the centerpiece of the balanced budget plan passed by Congress last year. That was the same balanced budget vetoed by the President. He does not seem to understand what you and I and the American people already know: cutting taxes is the single-most valuable way Washington can give families back control of their own dollars.

And the first tax we are going to roll back is the Clinton gas tax increase. It comes at a time when hard-working Americans are feeling anxious and worried about making ends meet. Congress must not rest until President Clinton has signed our tax relief into law.

No. 2. Make it harder for Washington to raise taxes.

It is easy for the Government to claim that compassion is fueling the billions spent each year on its smorgasbord of expensive Federal programs. But what the Government keeps forgetting is that its compassion is funded by the tax dollars it takes from hard-working Americans. If we are ever going to rein in big Government and wasteful spending, we must make it harder for the big spenders in Washington to take more of the taxpayers' money through higher taxes. We have to make it more difficult.

My colleague from Arizona, Senator JON KYL, and I introduced a constitutional amendment in February to require that any new tax, or expansion of a current tax, be approved by the House and Senate by a three-fifths supermajority vote, not the simple majority needed today. The House recently debated a similar amendment—theirs required a two-thirds majority vote. Ten States have supermajority laws on the books, and taxes have actually dropped in those States by about 2 percent. Taxpayers elsewhere are dealing with a 2-percent increase in the taxes they pay to government without that supermajority.

There have been 16 major votes in Congress over the last 30 years to increase taxes. That is a new tax increase every 22 months on average—apparently there has been no shame of going to the well of taxpayer money every time the big spenders in Washington wanted to spend more.

Many of those tax increases, however, passed by slim margins—including the one-vote margin approving President Clinton's 1993 increase—and would not have been enacted at all if the three-fifths or two-thirds requirement had been in effect at that time.

No. 3. Educate the taxpayers about where their tax dollars are going.

Most people know that their Federal tax dollars fund the Social Security program, and Medicare. But beyond that, few give much thought as to how the rest of the $1.4 trillion the Government will collect in taxes this year is spent.

For example, they probably would not think that some of the most successful products in the world—products like Tyson chicken, McDonald's hamburgers, and Gallo wine—would need to have their advertising subsidized by the taxpayers.

Yet the Federal Government will spend 90 million tax dollars this year promoting these and other household names overseas.

Would taxpayers guess that many of the Nation's wealthiest communities are taking tax dollars to build boating marinas and riding trails?

Or that the Government runs 125 separate job-training programs at an annual cost of $16 billion—often training people for dead-end jobs, or jobs that do not exist?

The taxpayers have every right to feel ripped off.

But what should disturb them most is that in 1996, we are spending 15 percent of the Federal budget just to pay the interest on money we borrowed to finance expensive programs we could not afford in the first place.

Mr. President, an educated taxpayer is the Washington establishment's worst enemy.

No. 4. Reform the tax system.

There are not many Americans who celebrate when April 15 rolls around. Not only are taxes too high, but people are frustrated by a tax collection system that is too complicated, too big, and too unfair. As proof of just how massive the IRS has grown, consider that the FBI, the Drug Enforcement Agency, and the Border Patrol have a combined work force of 36,600 employees, while the IRS itself carries 111,000 workers on its payroll.

We need tax reform—a fairer, simpler, more sensible way to pay for the services of Government. The National Commission on Economic Growth and Tax Reform recently outlined six goals for Congress to consider in reinventing our tax system to make it more responsive to the taxpayers:

First, fairness for all taxpayers; economic growth through incentives to work, save, and invest; simplicity, because the tax system should be less costly to manage, and everyone should be able to understand it; neutrality so that people, not Government, are making the choices; visibility so that Americans know what they're getting for the taxes they pay; and stability, to allow families more freedom to plan for their futures.

Mr. President, Tuesday, May 7—Tax Freedom Day—should be more than just another day for counting up the high cost of Government. We want to give back Americans control of their lives. We want to give Americans their freedom.

Therefore, Washington can and must do better by the taxpayers. Mr. President, let us use Tax Freedom Day as a reminder of what freedom really means to Americans, and just how important it is that we continue fighting for it on their behalf.

I thank the Chair and yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, at this time I first want to thank the Senator from Minnesota. I yield up to 10 minutes to the distinguished Senator from South Dakota.

The PRESIDING OFFICER. The Senator from South Dakota is recognized for 10 minutes.

Mr. PRESSLER. Mr. President, I want to commend my friend from Minnesota, who speaks so eloquently on the issue of taxes. I follow his leadership and depend on it in this area. I want to continue on the theme he has raised so eloquently here.

We must repeal the gas tax. It is hurting farmers, truckers, tourists, airlines. It seems that every time Washington wants to solve a problem it passes an additional tax. It is with the belief that this will somehow solve problems. But we can actually get more revenue into the Federal Treasury by restraining certain types of taxes on production.

For example, in my State of South Dakota, if we could repeal the gas tax and make sure it went to consumers, we would be in the position that our truckers would be better off who haul agricultural commodities to markets. It costs us about 50 cents a bushel to move our agricultural commodities to market. Our airlines would be better off, especially with the tourism season.

Tourism is our No. 2 industry in South Dakota. I have in my hand an article from today's USA Today, Friday, May 3, "Rising Jet Fuel Tab May Lead to Fare Hikes." If there are fare hikes, they will perhaps be the highest in perhaps some of the nonhub airports. That will hit at the heart of South Dakota's tourism season.

Mr. President, I ask unanimous consent to have the article "Rising Jet Fuel Tab May Lead to Fare Hikes" printed in the RECORD.

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

[From the USA Today, May 3, 1996]

RISING JET FUEL TAB MAY LEAD TO FARE HIKES

(By Keith L. Alexander)

Soaring jet fuel prices are threatening travelers' budgets and airlines' profits.

Jet fuel prices have increased an average 11 cents from a year earlier, to 65 cents a gallon in April.

If sustained, the increase in jet fuel prices would translate to more than $1.8 billion a year in higher costs for airlines.

The industry worries that higher fuel prices could threaten hopes for a second straight annual profit. The industry earned $2.4 billion last year, its first profitable year since 1989.

Fuel is the second-largest expense after personnel. Each penny increase represents $170 million in annual costs.

"Whenever we have a sharp increase in jet fuel costs, it's almost always resulted in enormous losses in the industry," says Air Transport Association economist David Swierenga. Travelers could notice higher fares this year as airlines try to compensate for the rise in fuel costs, Swierenga says.

The money has "to come from someplace," says Gus Whitcomb of America West. Its fuel costs rose to 71 cents a gallon from 60 cents in January.

"The traveler will have to pay more," agreed Delta Air Lines spokesman Bill Berry.

Airline fares already have increased about 8% this year.

American Airlines is trying to develop a plan with the Federal Aviation Administration to fly more direct routes that tend to burn less fuel.

But Wall Street analysts say airlines are overly concerned: The analysts expect fuel prices to subside later this year.

Another plus: the expiration of the 10% ticket tax in January, which could save the industry $5 billion this year.

"There would have to be a lot of negative events for the industry not to have a profit this year," says Lehman Brothers airline analyst Brian Harris.

Mr. PRESSLER. Mr. President, we speak a great deal about families and people who are struggling to make a living. In the Midwest everybody who produces things uses fuel. Our farmers get on a tractor and drive it all day using fuel all day. A trucker runs a truck and uses fuel all day.

A builder uses fuel all day. There are some who believe in taxing the means of production. I say we should lessen the tax on the means of production and let us discover, as we know that will stimulate the economy and we will have more revenue in the Federal Treasury, because we will have more economic activity.

Now, some have said that we do not want to pass this cut in the gas tax, this repeal, because the benefits will go to the companies and not the consumers. That is not true. This will be structured in such a way that the consumers and the users will get this.

Others have said the high gas prices are caused in part by a need for more antitrust action. I say fine. I am an advocate of vigorous enforcement of the antitrust laws under Scott-Hart-Rodino antitrust or under Clayton or under the Sherman Antitrust Acts. Also, the price-fixing aspects of those, if there is evidence thereof.

All those steps are necessary and good but as a member of the Senate Finance Committee we have a chance to repeal the gas tax. We should do so. It will help consumers. It will help families. It will help agriculture. It will help tourism. It will help all the aspects of our economy as we enter this summer after this long, difficult winter.

Mr. President, in conclusion, let me say that it is time to repeal the gas tax. It is time to give to consumers that break. It is time to create more economic activity in agriculture and tourism and trucking so that our economy can grow instead of being restricted by taxation. This is a rare opportunity at the beginning of this spring and summer season, after this long, hard winter. Our people are bursting forth with energy to do things. To repeal this tax now would be another boost to them.

I am proud to join in this effort to repeal the gas tax. I yield the floor.

Mr. COVERDELL. Mr. President, I thank the Senator from South Dakota. He represents a rural economy. We all know that the gas tax is uniquely difficult for rural communities. I know the Presiding Officer would like to speak to this issue. I yield up to 10 minutes to the Senator from Alaska.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER (Mr. COVERDELL). The Senator from Alaska.

Mr. STEVENS. Mr. President, I thank the Senator from Georgia, the current occupant of the chair for his courtesy. I am very privileged to join this group that is talking today about the economics, and particularly about taxes.

Mr. President, yesterday, May 2, was Tax Freedom Day in Alaska. Next Tuesday will be the National Tax Freedom Day. That is the day we quit working for governments—whether it is Federal, State, or local government—and start working for our children, for ourselves, for our families.

For the period from January 1 to May 2, in Alaska we have to take what we earn, literally, and pay it to one of those governments. I think it was especially difficult for middle-income Americans to make their checks out to the Internal Revenue Service this year because the tax cut that Congress approved to reduce taxes for families was vetoed by President Clinton.

The Balanced Budget Act that Congress passed cut taxes for low- and middle-income taxpayers. It would have reduced the tax burden on married couples and allowed homemakers to save for their retirement with an individual retirement account. Congress also provided a $500-per-child tax credit. If President Clinton had signed our bill into law, many Americans who had filed their tax returns on April 15 would be getting a tax refund now, instead of having to have made the payment they did make on April 15.

Three years ago, President Clinton demanded and obtained approval of the Congress of the largest tax increase in history. That was a bill that I opposed. I want to point out not one Republican voted for it. What really made Alaskans mad, when that was passed, was that it was a retroactive tax.

I am pleased to see the Senator from Georgia in the chair at this particular time, when it is announced that the Governmental Affairs Committee, which I chair, will mark up his legislation to ban unfair retroactive tax increases the next time we meet in markup.

Our Senate Committee on Governmental Affairs has oversight over all governmental agencies, and I want to share some observations about that jurisdiction. We have some difficult problems with the IRS. They are taxpayer problems, not our committee's problems, but we have been reviewing them.

The problems are literally horror stories, situations that terrorize Americans who work hard and try to abide by

the laws that we pass. Among the horror stories I have heard recently include the IRS repeatedly levying against the property of a widow in Anchorage, AK. That widow did nothing improper. She filed a joint return for the year of her husband's death in 1993 and later applied to use the credit from their overpayment in 1993 to pay her own tax bill as a widow in 1994. The IRS has stopped processing the 1993 return, so when the 1994 tax return was reviewed, the credit could not be used. Her first notice of the situation was a notice of the levy on her property, which she received in the fall of 1995; that notice of levy was for underpayment of her 1994 taxes, notwithstanding the fact she had overpaid taxes in 1993.

Now, that is an impossible situation. Why should a taxpayer be called to task before the Internal Revenue Service checks its own records as to whether or not there is a prior year overpayment? Another case is the levy and sale of State fishing permits by the Internal Revenue Service. We have in the State of Alaska a number of hard-working individuals who have developed a tax compliance program to try and help rural Alaskan Native fishermen who are now starting to earn money through the management of our fisheries. Many of them do not have English as a first language, Mr. President. The Tax Code can be a difficult thing for them.

In Alaska, our State will actually loan money to fishermen to pay their Federal taxes if they get behind because of the economy—the fishing prices change, their costs are difficult, and many of them look to their current income to pay taxes when they are due. It can be difficult to save in the prior year, and they are not subject to withholding. They are self-employed.

The IRS recently went ahead and seized and auctioned permits belonging to Alaskan Native fisherman. That sent a very negative message to these people who were just coming forward to work with our State and the group that joined together to help them understand the tax laws. The State had already committed funds to help with regard to such taxes. If they had had proper notice of IRS intentions with respect to these cases, they would have loaned money to these people.

I must say, just parenthetically, that Commissioner Margaret Richardson showed genuine concern for the Native people. She went to Alaska with me. She visited some of the people involved, and I think she is going to try and help work out some solutions to the problems.

I am sure that every Member of Congress hears routinely the kind of complaints and horror stories from constituents as I hear from Alaskans. These are stories regarding lost records, missing notices, computer errors, and just the all-around hardness of some people in the IRS, who have the job of collection.

In my judgment, there are a great many mistakes in the IRS that cost taxpayers dearly. Each time they get in one of these problems, they have to hire an attorney, take time off from work, or try to get an accountant to help them solve their problems. The real difficulty is, when we think about when I was talking about Tax Freedom Day, Alaskans work all those first 4 months of the year to pay the people who bring these problems to their doors. We have a lack of understanding too many times by Government employees about who is really paying their salaries.

Many of the problems I find in our oversight of the IRS by the Governmental Affairs Committee results from the IRS's 10-year attempt to modernize its computers. The IRS goal in this regard to centralize the data base and make taxpayer data immediately accessible when a taxpayer calls to resolve a problem is a good goal. But the IRS computer system currently cannot interface. These computers do not talk to each other, Mr. President. When taxpayers call to resolve a computer error, they can find themselves talking to a computer, not an individual that can analyze their problem.

Furthermore, IRS financial management system is in disarray. Millions in taxpayers' money has been spent on modernization, with very little results. The General Accounting Office recently reported to our committee that the IRS cannot account for $10.4 billion in taxes that its records show it collected.

In addition, taxpayer privacy is now at risk. Federal standards for information systems are not being followed by the IRS. The National Research Council, which again has helped our committee analyze this problem, stated to us, "the gap between the current tax system modernization security posture and the minimum security acceptable will continue to widen, thus, virtually assuring massive security breaches in coming years."

That is a warning to our committee that if the IRS continues on the path it is on now, the security of taxpayer information is going to become worse, despite the fact that we are spending millions trying to improve the computer system. Computers cannot replace human beings, Mr. President. The IRS must administer the tax system with the precision it demands of taxpayers.

The Tax Code is too complex. The Internal Revenue Service reported to us that it takes, they believe, an average of 12 hours for a taxpayer to complete a standard 1040 form. The Schedule C, small business people will need an average of 22 hours, they say, to fill out the 1040. I am advised that Money Magazine ran a little experiment. They hired 50 professional tax preparers—professionals—each to complete a tax return for the same hypothetical taxpayer. The result was 50 different tax bills.

Americans should not have to play Russian roulette with the IRS.

Recently, our Senate Governmental Affairs Committee held an oversight hearing on the IRS. As I say, these problems are significant. I have come to the floor today to announce to the Senate that we will hold four more hearings on the IRS. The hearings will provide the Senate with information about steps that the Congress and the administration must take to bring the IRS into the 21st century, with fairness and protection for taxpayers.

I will close with what I said earlier, Mr. President. Congress must demand that the Internal Revenue Service administer our tax system with the same precision it demands of the taxpayers themselves.

Thank you very much.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Hampshire.

Mr. GREGG. I understand we are in morning business.

The PRESIDING OFFICER. We are in morning business with 90 minutes dedicated to the Senator from Georgia, or his designee.

Mr. GREGG. Pursuant to that, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

Mr. GREGG. Mr. President, we are here to talk a little bit about taxes and how we got into this mess on gasoline prices. I suspect this mess came to my attention about the same way it came to everybody else's attention. I went down to my gas station to fill up my Ford Taurus, which usually takes about 11 gallons of gas, unless my daughter, who is 16, has been driving it—then it takes about 12½ gallons of gas. But I noticed that when it got to the usual dollar amount where it is full and I pay the bill, the thing was still taking gas and the dollars were still going up. It appeared to me that, by the time it stopped taking its 11 or so gallons of gas, the bill I was getting was about 20, 25 percent more than what I was used to paying. I asked myself, "Why, suddenly, is gas costing so much? Why has it become so expensive"

Well, clearly, one of the elements of this is the tax we have to pay on the gas. Today in some States the percentage of the actual cost of a gallon of gas in taxes is as high as 40 percent.

One of the core taxes that we have to pay is the Federal tax. I think that to understand why the Federal tax has gotten so expensive, we have to review a little bit of history. It was back in 1993, 3 years ago, which is a time that

I am afraid what happened may have faded from people's attention. But it certainly has not faded from people's attention as to how it is affecting their pocketbooks, because when they fill up their car, they are paying the cost for what happened in that period of time. It was at that time that President Clinton came forward with his budget bill and proposed the largest tax increase in the history of the United States, which was passed at the time, and in which there was included the gas tax increase.

There are three things in particular that I think we should focus on, because these three issues were the key focus of the debate back then. The first is the size of that tax increase, which was extraordinary. The second was the retroactivity, which was discussed earlier by the Senator from Alaska. And the third is the energy tax component and what ultimately became the gas tax. But it started out as another energy tax.

Now, that tax that occurred 3 years ago was $275 billion over 5 years. That is, as I mentioned, the largest tax increase in history. I opposed it, and I know Senator COVERDELL opposed, Senator STEVENS opposed it, Senator MACK opposed it. All of us presently on the floor here opposed it. It was pushed through the Congress by President Clinton and his supporters on the liberal side of the aisle. They pooh-poohed our resistance to it. They said America can afford to pay more taxes.

So let me translate what that tax increase means in terms of today. For the past year or so, we as Republicans have been talking about cutting taxes. In fact, we sent a balanced budget down to the President. As part of that balanced budget, we suggested we cut taxes. Initially, we suggested a tax cut of $270 million. That was a 7-year figure. We ended up with a tax cut proposal of $170 billion. Once again, the President said, "That is outrageous, you cannot cut taxes that much." Well, I guess I can understand that, because the tax increase that he hit the American people with back in 1993, over a 5-year period, was scored as a $275 billion increase. But if you look at it in the 7-year context of the budget that we proposed, that was a $400 billion increase in taxes on the American people.

So when you hear the President say that our $170 billion tax cut, which is aimed at benefiting families with children—a $500 credit for families with children—is excessive and too much, you might think, "I guess that is his view of the world," because, in his view, he thought a $400 billion tax increase was just right back in 1993.

And then we have this retroactivity content. This massive tax increase that the American people were hit with in 1993 included an incredibly insidious event. The tax increase was so aggressive, there was so much frothing at the mouth to hit the American taxpayers with new taxes on the other side of the aisle, and from this new President, Mr. Clinton, they were not happy with taxing you in the future $400 billion, they decided to tax you even before you arrived there, putting in retroactive language that said the tax would actually start before President Clinton became President. That is pretty outrageous. Luckily we have people like Senator COVERDELL in this body who has taken that bull by the horns and proposed repealing the concept of retroactivity, or not to allow retroactivity again. Senator STEVENS, chairman of his committee, has agreed to take up that matter.

That is an important point because I think, on the issue of taxes, we ought to be at least as good as the former Soviet Union, as Russia. In the Russian Constitution you cannot have retroactive taxes. But here Bill Clinton has come forward and hit us with retroactivity.

So thanks to people like Senator COVERDELL and Senator STEVENS, hopefully, we will be able to change that so that will not occur again on the American people.

The third issue, of course, is this question of the specifics of this gas tax, because this really is frustrating, because originally what the President suggested was that he wanted, in 1993, something called the Btu tax. They were going to tax every element of energy that people in this country used—every element. In New England that would have been a horrendous event because we have to heat our homes. It is cold in New England, and we use oil, and the Btu tax would have been attached to oil.

But the claim was that this was not really a tax—that this really was not a tax in the sense that we were taking money from the American people. No. The claim of the administration was that this was an attempt to conserve energy, that this was an environmental action. This was sold as an environmental necessity—to hit the American people with a Btu tax. Well, even this Congress could not swallow that piece of malarkey. Oh, they backed up and they said, "All right, we cannot get the Btu tax. We will hit the American people with a 4.3-cent increase in the gasoline tax instead." Again, they claimed it was on the issue of the environment that they were going to do that, raise that tax. Pretty outrageous. Pretty outrageous because at the same time the leadership on the other side of the aisle and the President were excoriating Republicans for being the party of the rich, for being the party that was only concerned about the rich, and they were going to pass a tax on the rich.

That is what their tax was going to be—their tax package of $275 billion back in 1993, which is actually $400 billion if you put it on the budget cycle we are on today.

Retroactivity. It was not going to affect the average, everyday Americans. It was going to hit rich. That is the way it was sold. It was an energy that would benefit people. It would be a benefit to the people of this country because it was needed for environmental protection; and, two, that this whole tax package was going to just be an attack on the rich in this country.

Let me quote from the present Democratic leader—at that time a Member of good standing in the Senate on the Democratic side but not the leader at that time—as to what Senator DASCHLE said about this tax increase that they put on the American people.

> So let no one be misled when it comes to taxes. The taxes affect mostly those making $180,000. The taxes affect those businesses in only 4 percent of the highest income brackets available today, an average income, by the way, of about $565,000.

You tell me when you go to fill up your car at the gas pumps. Does the attendant ask you, "Are you making $180,000 a year?" I do not think so. When you pull your pickup truck up, if you are a farmer in New Hampshire or a logger in New Hampshire and you are trying to make a very small margin because you are in a tough business, does the gas attendant say, "Are you a corporation making $560,000 a year?" I do not think so.

The fact is that this is an incredibly regressive tax, and it was not put in place for environmental protection. It was put in place because there was an avarice amongst the liberal Members of this Congress and amongst this administration by demanding that they take more money from the American people so that they could spend it because they do not happen to believe you can spend your own money.

There is a basic philosophical difference between our two parties. The party of the other side of the aisle does not believe that you know how to spend your money. They happen to think the Government knows how to spend your money. We happen to believe that you know how to spend your money, and you should be allowed to. For that reason, we do not happen to support this type of a tax increase. We did not support it then, and we do not support it now.

So our basic view is, let us let the American people keep their own hard-earned money. When you go into a gas station, let us not have the gas station attendant have to question you as to your income level in order to remain consistent with the loftiness of this administration, but rather let us allow you, the American people, to keep your money and spend it yourself.

That is why we put in place a balanced budget amendment. We put forward a balanced budget bill which would reduce spending and allow us to also reduce taxes. We did not put forward, as the President did, a bill which

increased spending and increased your taxes. There is a fundamental difference in philosophy.

So I congratulate the Senator from Georgia on having this special order. I also especially congratulate him on his proposal to pass a constitutional amendment to end retroactive taxes so that we can at least do as well as the new democracy of Russia.

I congratulate the Presiding Officer, the Senator from Alaska, for being willing to hold hearings.

I yield.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. I want to commend the Senator from New Hampshire not only for his remarks, but I appreciate the very kind remarks addressed to myself and the Chair.

At this time, I yield up to 10 minutes to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized for 10 minutes.

Mr. MACK. Thank you, Mr. President. I thank the Senator for yielding.

Mr. President, I rise today to address the future of the American dream. America was built on the spirit of innovation and ingenuity, the belief in responsibility, and in risk taking. We believed that, if we just did the right thing and we worked hard at it, opportunity would be there. But for many Americans who struggle to earn a living and raise a family, the American dream is now out of reach.

When I ask my constituents this question, "How many of you have a better quality of life than your parents did when they were your age?" most said yes. But when I asked them, "How many of you honestly believe your children will have a better quality of life when they reach your age?" most said no.

Today, Americans are anxious. They are anxious about job security with an economy which is not growing as fast as it should. They are anxious about the future of our Nation when every child born in America today will receive a tax bill of $187,000 just to pay the interest on the Federal debt. They are anxious about paying for a welfare system that discourages work as opposed to encouraging work. They are anxious about the quality of their children's education. They are anxious about the safety of their neighborhoods. They are anxious about a Washington that spends too much, dictates too much, and takes too much of their money to pay for programs that we all now know have failed. We can and must do better.

The Clinton administration will brag that economic growth is strong. However, under Clintonomics, the economy is moving at a slower pace than it has historically. We should not allow this administration to hide behind statistics and lower expectations for the greatest economy in the world.

America was made great because we have strived, sacrificed, and worked together to be the best. We must not settle for economic mediocrity. The Clinton administration will brag that it has created more than 8 million new jobs. So where is the problem? They will not tell you that, if this recovery were similar to previous recoveries, there should have been over 11 million new jobs created. That is 3 million jobs that should have been created for American families and were not because of excessive Washington interference.

The Clinton administration will tell the American worker, "Do not worry. Everything is fine." But the American worker knows better. They feel the anxiety of Clintonomics every time they pick up their pay checks or read a story about loss of jobs and layoffs. We can and must do better. Like every other issue, this administration wants to blame Americans' anxieties on everyone else. Bill Clinton cannot impose the largest tax hike in American history and spend more on Washington programs and work to control more of our lives from Washington without facing the consequences of lost jobs, low wages, and limited opportunities.

A small businessman in Florida told me that he is often forced to tell his employees that the pay raise they were hoping to receive was just sent to Washington, DC.

We can and must do better. We can begin to restore the American dream by cutting Bill Clinton's tax increases.

Next Tuesday marks Tax Freedom Day, the day your entire tax bill would be paid off if 100 percent of your salary were devoted to taxes since January 1.

Let me say that in a different way.

What that means is that between January 1 of this year until May 2, it will take everything you earn to pay your tax bill for the State, local, and Federal governments. This year tax freedom day is the latest it has ever been. For every dollar that is earned, the American people pay 38 cents for taxes at all levels. That is 38 percent of everything we earn. The more you pay in taxes, the less you have to feed your family, educate your children, and put gas in the car. It is no wonder that of all the new jobs in America, more than one-third have gone to people taking an extra job just to make ends meet. Those jobs are not going to young Americans entering the work force for the first time or to those who should be off welfare. They are second jobs that families must have just to get by. It strains the economy, and it hurts our families.

We must free the economy from the burdens of more taxes and more government so resources can be invested in new technologies for tomorrow's jobs. We must cut the capital gains tax rate to allow for more savings and more investment, for more innovation and more opportunity for future generations. Americans are having to work harder and harder just to pay for larger and larger bureaucracies in Washington that include 160 job training programs, 240 education programs, 300 economic development programs, and 500 urban aid programs. American taxpayers feel they are not getting their money's worth and they are not. We must end Washington's appetite for more spending because higher deficits mean higher interest rates for homes, cars and student loans.

President Clinton was wrong to veto the only balanced budget to reach the White House in a generation. We must recover the American dream by controlling America's spending habits. I proposed a way to guarantee spending cuts. It is called the Spending Reductions Commitment Act. An outside group would cut wasteful spending if Washington does not. In other words, it is patterned after the Base Closure Commission. We restore the American dream when we have reduced the cost, size, and scope of government. Most of us believe that Washington is too big, spends too much, and has too many failed programs. We can and must do better to restore the American dream, to free up the American spirit, to restore the promise of hope and opportunity for all Americans. If we get Washington off our backs, away from our schools and out of our pocketbooks, we can return this country to the road of greatness where it has been in the past and where it is destined to be in the future.

I thank the Senator for yielding.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I really appreciate the remarks and comments about hopes and dreams of Americans as represented by the Senator from Florida. It reminded me of a snapshot that we recently took, a financial snapshot as it were, of an average family in Georgia. My guess is there is not a lot of difference between the average family in Georgia and the average working family in Florida. The American people have really been asking us in Washington to change the way we do business.

It is very understandable when you look at this picture. This family of four estimated median income is $45,093. The total Federal taxes on that income are $9,511. That is just over 20—it is approaching 25 percent. The total State and local taxes are $5,234. That is about 12 percent. So the total family tax burden now—they may have had $45,000, but $14,700, or $15,000 has left the family, gone somewhere else for a policy wonk up here in Washington or the State capital to decide how the earnings of that family ought to be spent. They have been removed from the family.

Then there is the estimated cost of Federal regulation. We have gotten

into the business, as every American knows, of managing every aspect of our lives and our communities. Well, that cost a whopping $6,615. My goodness, that is more than State and local taxes that that family is now having to pay out in order to regulate. I think if the American family knew that it was paying over $500 a month—more than their car payment, more than their student loan—to fund this regulatory apparatus, they would be astounded.

Then they have to pay the excess family interest payments which are caused by Federal borrowing—$2,011 in higher interest payments because of Federal borrowing.

So the estimated total Government cost to this Georgia family that made $45,093 is $23,371, or 52 percent, Mr. President, of every dollar the family earned.

Thomas Jefferson has got to be rolling in his grave. Not any of our Founders could ever have conceived of a government that would remove over 50 percent of the wages of a wage earner and take it away. And we wonder why there has been a breakdown in the American family. There is no institution that has had a more profound effect on this family than the Government itself. We talk about Hollywood from time to time, we talk about pop culture and everything else, and I think they have had an effect, but nothing compares to this, Mr. President. I mean nothing. To take 52 percent of the working wages out of an American family has a profound effect on the activities of the family.

Mr. President, I see that I have just been joined by the distinguished Senator from Alaska. I know he is eager to speak on the subject of taxation, and I will yield up to 10 minutes to the Senator from Alaska.

The PRESIDING OFFICER (Mr. STEVENS). The Senator from Alaska is recognized.

Mr. MURKOWSKI. I thank my friend from Georgia and wish him a good day as well as the Presiding Officer, my good friend and colleague, Senator STEVENS. Good morning.

Mr. President, I just came from a Finance Committee hearing where our majority leader, Senator DOLE, spoke very eloquently about the issue of the removal of the 4.3-cent-per-gallon gasoline tax. I commend the majority leader as well as our colleague, Senator GRAMM, for proposing the repeal of this unwise and unjust tax.

As everyone knows in this body, the pressure to repeal the 1993 gas tax is, to a large degree, related to the recent spike in gasoline prices that has occurred in every State, with California being especially hard hit. In my State of Alaska where, by necessity, a large number of vehicles must be four-wheel drive, we are currently paying $1.33 for unleaded regular. The irony of that, as you know, Mr. President, is we are providing about 22, 23 percent of all the crude oil that is produced domestically in this country.

Next week, as chairman of the Energy and Natural Resources Committee, I will be holding hearings in that committee to examine the underlying reasons for these price hikes. We are going to have representatives from the major oil companies that produce domestically as well as producers and distributors that depend heavily on imports. We are going to have refiners that depend on domestic supply and those that depend on imports. We are going to have testimony from retailers, and we are also going to examine an element that is often overlooked, and that is the gas tax aspect that is added on by both the State and Federal governments.

The preliminary information I have suggests there are several reasons for these price increases. One is, we have had a very cold, and very extended winter that has forced refiners to continue processing heating oil longer than usual. We have just-in-time inventory methods adopted by many oil companies that have left smaller than normal gasoline reserves on hand.

We have had an increase—and this is interesting—in worldwide demand as a consequence of the fast growing economy in Asia, putting pressure on oil stocks around the world. And America's demand for gasoline has been increasing as more than 40 percent of the new vehicles sold are light trucks or sport utility vehicles that are so popular. And these vehicles only get 15 miles or so to the gallon. And, of course, we have raised the speed limit in many areas.

But, realistically, the discussion of eliminating the 4.3-cent-a-gallon tax, while it is interesting, misses the underlying issue, which is the issue of supply and exploration for new sources of domestic oil. I certainly support repealing the gas tax because it should not have been adopted in the first place. The gas tax hike, along with $240 billion in other new taxes was put through by a Democratic-controlled Senate in 1993 without a single Republican Senator supporting it. It was adopted at that time at the insistence of President Clinton.

But the point I want to make is, we are talking about taking off the gas tax and we are not talking to any degree about the basic problem, and that is the problem of supply. Furthermore, the potential revenue loss associated with this is about $30 billion, if it is extended out and removed for the entire period that is anticipated in the budget.

Let us look at some energy facts. U.S. oil consumption today is 18 million barrels each day. We are importing 9 million barrels each day. In 1973, the year of the Arab oil embargo, U.S. import dependence was 36 percent. It was 36 percent in 1973. Today, it is 51 percent. The Department of Energy predicts that by the year 2000—that is only 4 years from now—the United States will be importing two-thirds of its oil consumption. Since 1973, domestic oil production has fallen by 30 percent. We are producing 30 percent less.

Let me reflect on an action recently taken by the President concerning pulling down the strategic petroleum reserve. As chairman of the Energy and Natural Resources Committee, we authorized, because one of the storage areas in the salt caverns was leaking, the removal of that oil. We anticipated revenue being generated from that sale. It was necessary to get that oil out; otherwise it would have leached into the water table. It was better to get it out and sell it than try to move it to another place.

The President jumped on this as an answer, or a potential relief to the crisis associated with increased gasoline taxes. That is absolutely absurd. Let us look at the strategic petroleum reserve. It contains 580 million barrels, valued at about $16 billion. For the President, in his announcement about releasing 12 million barrels, to suggest that his action is going to drive down prices, it is a drop in the bucket. It is less than a day's U.S. consumption. It is a spit in the ocean compared to world oil production of 60 million barrels a day.

The President also has a proposal to sell an additional 75 million barrels in the year 2002. But that proposal is to use the $1.5 billion proceeds not for energy security, but to pay for social programs. He is using the SPR for the purpose of financing social spending and using it for the purpose of regulating the market price of oil.

The letter "s" in SPR stands for strategic—strategic petroleum reserve is what it means. The purpose of SPR was to preserve the Nation's security in the event of a supply interruption such as we saw in 1973 and 1979, and not for the purpose of financing social spending or, as I indicated, regulating the market price of oil. The President has taken upon himself to turn the SPR into almost a giant piggy bank and a backdoor price regulator, without the consent of the Congress.

So we have a rather curious set of circumstances here. Among the President's other anticipated relief is the assumption, coming from the United Nations, that crude oil prices would drop if Iraqi oil came back on the market. How quickly we forget. It is interesting to look at this proposal. The United Nations suggests that if it is satisfied that Iraq has allowed full and complete inspections of its nuclear weapon capability, that for humanitarian purposes Iraq would be allowed to sell roughly $1 billion worth of oil. That amount of oil equates to about 50 million barrels every 4 months, or 150 million barrels per year.

Not so long ago we had a half million American troops, some of whom lost their lives in that Persian Gulf conflict. That conflict was all about Saddam Hussein controlling the world supply of oil and, as a consequence, the stranglehold that he imposed on the Kuwaitis—and he was looking at the Saudis.

Mr. President, I wonder if I can ask my colleague for 3 more minutes so I can finish my statement?

Mr. COVERDELL. I yield 3 minutes to the Senator.

Mr. MURKOWSKI. So, is it not rather ironic that suddenly we are looking for relief from Saddam Hussein who just a few years ago we tried to put in a cage because he was a threat? He was a threat to the world supply of oil. He must be laughing, saying, "Ain't America great? Here they are, needing the contribution of Iraqi oil on the market." What a curious set of events.

I can recall in 1971, Senator DOLE, Senator McClure, Senator SIMPSON, Senator Metzenbaum and myself met with Saddam Hussein. It was clear at that time when we were over in Baghdad that he intended to try to control the supply of oil. The problem is, nobody believed it at that time. But here we are today, looking to Iraq to come back on line so we might relieve our dependence on imported oil.

Mr. President, in the Washington Post today, Charles Krauthammer has a very interesting article. It is entitled, "A Nation of Crybabies." In answer to the question of why the price is increasing, he responds by saying: "How about—a wild guess—because supply is down and the demand is up?"

Why is the supply down? He says the country raised the speed limit. He says the sport utility roadsters are using more and more gas. He also says that crude oil production has dropped 32 percent in the last 25 years, and we will not allow drilling in the Arctic National Wildlife Refuge for fear of disturbing the mating habits of the caribou.

He goes on to say more about supply:

> U.S. crude oil production is in serious decline.

We know that. Alaska has been producing about 23 percent of the total crude oil.

He says:

> The North Slope of Alaska holds potentially the largest oil field in North America, bigger even than Prudhoe Bay next door, which produces 600,000 barrels a day. Unshakable opposition from Democrats has for 15 years prevented even test drilling there. Don't want to disturb a pristine environment, even in a place not one in a million Americans will ever see? Fine.

But you better be prepared for the cost.

Finally, Mr. President, it is fair to say that we are at a crisis. We are going to be facing increased gasoline prices. The Fourth of July we could be seeing gas prices substantially higher. I suggest they will be over $2 and in some parts of the country, they could approach $3.

Finally, we have no extraordinary political development in the Mideast that can be blamed for the current price rise, but the problem relates to supply and demand. And I suggest that this body, the Senate as well as the House of Representatives, has passed an answer. They passed ANWR. ANWR passed the House and passed the Senate. There is just one person standing in the way of opening up this huge reserve that would give us energy independence, and that is President Clinton. He has to bear the responsibility associated with it.

So repealing the 4.3-cent gas tax is a modest step, it is a necessary step, but the ultimate issue is developing our own resources.

I thank the Chair, I thank my good friend from Georgia, and I wish my colleagues a good day.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I yield up to 10 minutes to the distinguished Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa is recognized for up to 10 minutes.

Mr. GRASSLEY. Mr. President, you can still hear these words echoing from 4 years ago: "I oppose Federal excise gas tax increases. It sticks it to the lower income and middle-income retired people in the country, and it's wrong."

Four years ago those words were stated.

These are not my words, Mr. President, these are the words of Bill Clinton who was running for President in 1992 and who was elected.

Just 1 year later after that campaign, President Clinton proposed and won passage of Federal excise gas tax increases. In the process, he really stuck it to the lower income and middle-income retired people in the country and it is wrong, contrary to those very words he used in 1992.

You might say, Mr. President, that he really stuck it to a lot of people more than just the folks who are retired. He stuck it to the entire population across the board—farmers, truck drivers, commuters, bus drivers, vacationers, boaters—you name it, Mr. President, President Clinton really stuck it to them.

In fact, it was done along party-line votes. It was part of the largest tax increase in the history of our country. Not a single Republican voted for it. Democrats controlled the White House and both Houses of the Congress. Their fingerprints alone are all over the scene of this crime, the raising of the biggest tax increase in the history of the country.

This President has a real problem with his record of saying one thing and doing another. We who are elected should perform in office commensurate with the rhetoric of our campaign. We should also expect the President of the United States to do that. And, of course, the examples I am using today are just one of many cases. All of them combine to leave people cynical about their leaders in Government.

Last year, the President was in Houston addressing a group of high-dollar contributors at a Democratic fundraiser. Here is what he told them about his record tax hike of 1993. This is what he said about the biggest tax increase in the history of the country. He said this to his rich friends at that fundraiser: "Probably there are people in this room still mad at me, at that budget, because you think I raised your taxes too much. It might surprise you that I think I raised them too much, too."

What is interesting is that this seeming apology was to well-off Americans in Houston from whom he was raising money. But you have not heard the President apologizing to those lower income and middle-income Americans who he really stuck it to and he was speaking to in the 1992 campaign.

In America, I thought that we defined fairness as treating everyone the same. That means rich and poor, black or white. We are all equal. So he apologized to higher income folks in Houston for raising their taxes. Can lower and middle-income Americans and workers in this country also expect an apology from the President? Why is it fair to tax lower and middle-income workers who are trying to save for their future? These are the citizens who need tax relief the most. They have a harder time paying the bills and paying their taxes, whether it is income tax or the gas tax at the pump.

The President's response to our call to eliminate the gas tax was pure political panic earlier this week. Somehow, like selling off a few million barrels would accomplish this problem, but instead it had the effect of a gnat taking a nibble out of an elephant.

I will tell you what would have a bigger impact than selling off the strategic petroleum reserve. The President should get some of his Cabinet Secretaries to stop their frequent flier trips they have going around the world. That would save much more.

The basic problem with this administration and the other side of the aisle that supports this administration is that their idea of running Government is the old established principle of their party taxing and spending. Translated, that means that the Government's budget goes up while family budgets go down. It is a zero sum gain.

If the Government's budget grows, the family's budget automatically shrinks. This is upside-down economics, and we have seen it before from the

other side. So it is not voodoo economics, it is deja voodoo economics. It is called tax-and-spend.

President Clinton and our friends, the Democrats, have it all upside down. Their way has created falling income for workers while increasing the taxes on working Americans. It is a double whammy. It is a one-two punch on the workers of America. It really sticks it to them, something the President said he was going to avoid in that 1992 campaign.

The President should show moral leadership. The President should do the right thing. He should begin by apologizing to lower- and middle-income workers for raising their taxes, like he apologized to those rich Americans at the Houston Democratic fundraiser.

We in this body may not be able to force the President to apologize, but we can do something even better for these people. We must restore their faith in their elected leaders here in Washington. That must have a high priority. We can do that right away by helping the President keep his promise to the people that he made in 1992 not to raise the gas tax because it was going to hurt the retirees and the lower and middle-income working Americans. We can help restore the faith of these people in Washington by repealing the gas tax.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I want to thank the Senator from Iowa. He has pointed to something that I think baffles many Americans. I think they expect that there should be some relevance between what people say when they seek public office and what they do if they get it. There should be a connection.

As the Senator from Iowa noted earlier, when a person travels the country and says, as President Clinton did, "Raising gas taxes sticks it to lower income and middle-income retired people in the country, and it is wrong," an intelligent American citizen would expect that that person, if in office, would not raise gas taxes because he said he would not raise gas taxes.

Then you barely get the bags unpacked at the White House, and you are up here with a proposal to raise gas taxes. The actual proposal was even higher than what happened—double. This has had a profound effect, in particular, on low-income people.

President Clinton's gas tax increase especially hurts lower income families. According to the Joint Economic Committee, the lowest 20 percent of taxpayers pay 7.1 percent of their income on gasoline. The top 20 percent of taxpayers pay only 1.6 percent. In other words, the lowest income families in America, the lowest income—we remember all the rhetoric that this tax increase only affects the rich—but the lowest income families in America pay four times as much of their disposable income on gasoline than the highest 20 percent.

Mr. President, I was talking a moment ago about this average family in Georgia which is very similar to data in every State. There are differences, but it is very close. This family, I said, made $45,093. I went through a litany of the State tax, the Federal tax, the FICA tax, regulatory costs, higher interest payments. At the end of the day, of the $45,093, this family of four got to keep $21,722. That is all they had left to do everything we asked of a family, which is to raise America, house America, clothe America, transport America, provide for the health of America. That is what we are asking of this family. But we only leave them a little less than half of their total wages to do it.

Here is the point I want to make, Mr. President. This gets back to the promise to the American people the President made. He said, "I am going to lower your taxes," which meant that this amount of money that they had left would be larger. They responded to that.

But in fact, Mr. President, what has happened? In fact, they have $2,600 less in their checking account because President Clinton came to Washington as their new President. They thought they were going to get more in the checking account, but they got $2,600 a year less. And the meter keeps running with this Presidency. The gas tax, which every time that mother takes the child to the doctor or the car pool to the school or goes to the grocery store, that tax meter is running on the gas tax. It just runs and runs and runs.

We are suggesting, Mr. President, that President Clinton's gas tax, 4.3 cents per gallon, be ended, that we stop doing that and we leave that amount of money in the checking account of this family.

That will not correct, by any means, the effect of the President's higher taxes on the family. But it starts in the right direction. It will leave about another $100 to $200 in the checking account of this family that I have been talking about, and that is where it ought to be. We ask so much of this family, our families across the country, and we have taken so much of their resources away. This is a good beginning. End this gas tax, leave that money in these checking accounts, and then get on to the business of lowering taxes even more. It is just inexcusable that American families forfeit half their income to Government, to policymakers in Washington.

Mr. President, this gas tax is pervasive because it hits in many different ways. The total cost of the gas tax increase—take, for example, the State of California. California is forfeiting $550 million. That is half a billion dollars a year coming right out of the California economy. They have had some rough times in California. They have had disaster after disaster. But they are losing $550 million per year because of this gas tax.

Take the State of Texas, $368 million a year. Florida, $263 million a year. My own State has lost $60 million a year because of this gas tax. What do State governments do when they lose revenue? They raise taxes. Sixteen States in our Union have raised gas taxes to make up for the reduced consumption that came when the President raised his taxes.

Mr. President, the majority leader, BOB DOLE, said in an article in USA Today—he was quoting the comment made by the Senator from Iowa—"Probably there are people in this room still mad at me— " this is President Clinton talking to a group in Houston. "Probably there are people in this room still mad at me over the budget because you think I raised your taxes too much. It might surprise you to know, I think I raised them too much, too."

Mr. President, for the President to admit he raised taxes too much, and then to call on his colleagues here time and time again to block every attempt to reduce taxes on the American people, no wonder the American people become cynical about our Government when we have policymakers who go to them and make promises and come here and do exactly the opposite. The empirical evidence always shows that when they do the opposite, the person that gets the brunt of the deal is the average American family.

Mr. President, I believe my 90 minutes has expired. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

REPUBLICANS' SELECTIVE MEMORY

Mr. DASCHLE. Mr. President, I had the opportunity to listen to the colloquy by our colleagues on the other side of the aisle. I wanted to come to the floor for a couple of minutes to respond and I know that a number of our colleagues will also be doing so a little bit later on this morning.

I find the selective memory very intriguing, and I certainly appreciate the good words by so many of our colleagues about the impact that the 4-cent gasoline tax has had. What I am surprised at is that they have chosen not to also direct some of their concern

and attention to the dime's worth of increases in gas taxes in the 1980's and early 1990's—increases that most of them supported.

We raised the tax in 1982 by 5 cents and again in 1991 by an additional 5 cents. As I understand it, almost every single Republican supported those two increases—a dime. In fact, our distinguished majority leader was one of those who supported the increase in gasoline taxes of 10 cents. We like to refer to that 10-cent increase as the "Dole dime" because, in effect, that is what has been the result of the gasoline tax policy over the last 15 years. Mr. President, a 10-cent increase was supported by virtually every single Republican in 1982 and again in 1991.

In order to cure this selective memory about gasoline taxes, I would remind my colleagues that the 4.3-cent increase that we passed in 1993 was part of an overall budget package that has led to the single most consequential deficit reduction program in the history of this country. We have not seen 4 consecutive years of deficit reduction since the Civil War, but we did it in 1993, we did it in 1994, we did it in 1995 and now for the 4th year in a row we have done it in 1996. What a remarkable achievement. We have brought the deficit down to about half of what it was when the Republican Presidents left office after 12 years of dramatic increases in the size of the deficit.

The deficit in 1980, as everyone recognized when President Reagan took office, was about $800 billion. After 12 years of Republican White House domination, that deficit had ballooned from $800 billion to $4.5 trillion. This, despite all the rhetoric about deficit reduction, despite all the promises we were given about how we would bring down the size of the debt—it increased to $4.5 trillion.

It took a Democratic White House, with leadership from this President, beginning the first year he was in office, to force this deficit to come down now for 4 years in a row. We want to continue to do that. The President has made every overture I would expect him to make, urging the majority leader, the Speaker, and others to continue negotiations, trying to find a way, in a bipartisan effort, to maintain this downward trend in the deficit.

We can achieve a meaningful deficit reduction package for the next 7 years, bringing deficits to absolute zero if we have the courage and the wherewithal and the determination to do what this President did in 1993. The opportunity is there. The door is open. We do not have to use new gas taxes. We do not have to find new sources of revenue. We can do it with the cuts proposed in this President's budget.

As everyone understands, it is a budget that has been scored by the Congressional Budget Office, something that the Republican leadership has said again and again is one of the key ingredients to coming to some resolution. The President's CBO-scored budget is, in large measure, the effect of many months of negotiations with the Republican leadership in an effort to continue the progress that this President has made now for the last 4 years.

I must say, this selective memory amazes me—I did not hear a word today about the dime increase, the 10-cent increase supported by virtually every Republican Senator in the past decade. If they are so concerned about the 4.3 cents, why is it we have not heard anything about the 10-cent increase proposed by our colleagues and supported almost unanimously on the other side? If we are going to give tax relief, maybe we ought to go to the Dole dime as well as to the 4.3-cent increase that has been discussed this morning.

I think the real issue here is obfuscation with regard to meaningful ways of which to help working families. If they really wanted to help working families who are struggling to make ends meet—in many cases, with reductions in purchasing power year after year after year—the best thing they could do would be to pass the minimum wage increase. We are talking about a 4.3-cent reduction in taxes, when if we wanted to, this very day we could pass a 45-cent increase in the minimum wage. This afternoon we could pass a 45-cent increase, 41 cents more than the relief we get out of a gallon of gasoline, providing purchasing power to millions of struggling American families.

This week marks the 35th anniversary of the signing of President Kennedy's increase in the minimum wage back in 1961. As a result of raising the minimum wage in 1961, purchasing power for a working family increased, in 1996 dollars, to $6.61 an hour. You heard it right: $6.61 an hour in 1963. That is what working families had at the lowest rung of the economic scale 35 years ago—$6.61. Today, they are relegated to $4.25. Their purchasing power goes down year after year after year after year.

We are now at a 40-year low in terms of purchasing power. While CEO's across this country saw a 28-percent increase in their purchasing power just last year to an average of $950,000 per year in salary, the purchasing power of working people at the lowest rung of the economic scale has gone down to a point where it is almost more beneficial for them to stay on welfare than to go out and work. How wrong is that, Mr. President?

I do not deny any one of those CEO's a good income. In many cases, they deserve it. But if we can find ways in which to advance the economy and build the growth within the economy that we have seen in the last several years—8.5 million jobs, an economy that is booming, the stock market has reached unprecedented levels—why is it we cannot come up with the wherewithal in this country to provide some purchasing power for people at the lowest end?

We have produced an action agenda that we want to pass sooner rather than later. That action agenda has everything to do with the paycheck—first, passing a minimum wage that every single American could ultimately benefit from; secondly, passing retirement security that allows people to take their health insurance with them; and finally, passing pension and retirement security, making sure that every time a worker changes jobs—and the average worker changes jobs now seven times in his or her lifetime—they can take that pension with them. They can go from one job to the next with the assurance they will have a pension when they ultimately retire. Pension security, especially for women, is something we ought to talk a lot more about in the Senate. We will do that in the coming weeks.

Mr. President, we can talk about gasoline taxes, this 4.3 cents. I suppose that is something that has relevance to the increase in gas prices. We ought to figure out a way to ensure that taxpayers have relief. I think we better make absolutely certain that if we provide relief, it goes in the pockets of the consumers and not the oil companies. For every 1-cent decrease in tax, we could see $1 billion in additional profit for the oil companies, unless we ensure that the benefits actually get back to the people who need it. We must make absolutely certain our tax relief is for consumers and not some bailout for the big oil companies.

If we are really serious about economic security, if we are really serious about helping working families, then the best way to help working families, Mr. President, has a lot more to do with minimum wage, it has a lot more to do with health security through passing the Kennedy-Kassebaum bill, it has a lot more to do with pension security and making sure retirements are secure when people retire, than it has to do with 4 cents on a gasoline tax.

So we hope to work with our Republican colleagues and do a number of things this year that can provide real relief. No. 1, let us pass minimum wage. No. 2, let us pass Kennedy-Kassebaum. No. 3, let us ensure that we have pension security. No. 4, let us continue this deficit reduction effort that the President has laid out for us in such an able way now for the last 4 years. No. 5, let us pass a balanced budget resolution that allows us deficit reduction, and reduced interest rates, and a healthy economy which can be brought about by a balanced budget. All of this is within our grasp. It is going to take a bipartisan effort to do it, but we

ought to do it. We can do it now. Let us do it, commit to it, and send a clear message to the American working family that we are on their side.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. CRAIG. Mr. President, may I inquire, what business is the Senate in at this moment?

The PRESIDING OFFICER. The Senate is in morning business, 90 minutes controlled by the minority leader.

Mr. CRAIG. Mr. President, then I ask unanimous consent to be allowed to continue as in morning business.

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

THE NUCLEAR WASTE POLICY ACT OF 1996

Mr. CRAIG. Mr. President, for all the right reasons our Nation has been a generator of radioactive material for nearly five decades. Most of this material is a byproduct of two principal activities: national defense activities and commercial nuclear powerplants, which generate more than 20 percent of America's electricity.

These two major activities have worked to benefit all Americans. Therefore, I believe managing these radioactive wastes is a national concern and responsibility. We cannot and must not walk away from this responsibility. To not address this responsibility would be unwise, irresponsible, and unsafe.

With specific regard to electrical generation, every American benefits from the richness and diversity of our country's natural resources and their use. Through interconnecting transmission lines that traverse the land, we have one of the world's most reliable and powerful electricity supplies that drives our economy.

Nuclear powerplants are at work in more than 30 States in every region of the country. Supplying more than 20 percent of the Nation's electricity, nuclear energy is part of the foundation for our Nation's high standard of living and economic growth.

For this reason, there is broad consensus and support for ensuring that the Federal Government meet its responsibility to provide a central storage facility for used nuclear fuel and high-level radioactive material from the defense program. Senate bill 1271 allows and directs our Federal Government to meet that responsibility.

As I know many of my colleagues have discovered in meetings, phone calls, and in their mailrooms, support for S. 1271 is coming from all quarters, including State and local government officials, public utility commissioners, newspaper editorial boards, labor unions, chambers of commerce, national trade associations, and electric utilities, just to name a few groups. I am very pleased to have the bipartisan support of 28 cosponsors for my legislation.

Lawsuits have been filed by 18 States against the Federal Government over inaction of the Government to follow their statutory direction to manage radioactive material. This clearly demonstrates the importance and urgency of fulfilling the Federal Government's obligation to accept spent fuel. That obligation has been directed in law since the 1982 Nuclear Waste Act, and it is reaffirmed by my legislation.

Since the late 1950's, scientists have been studying, testing, and successfully employing storage technologies. And since the early 1970's, the Nevada test site was singled out as one of the nine leading sites to consider for a radioactive waste repository. Hasty decisions are not being made here. S. 1271 is directing action be taken as a result of the science and technology and testing.

Electric customers have committed nearly $12 billion solely to study, test, and build a radioactive waste management system. Already more than $4.6 billion has been spent, much of it to assure public safety. Now is the time to act on the Nevada site.

Broad-based national support for the nuclear material waste management program and S. 1271 is based on the fact that this issue is clearly a national concern requiring a national solution. Furthermore, support is buttressed by the positive work that is ongoing at the Nevada test site, which is an isolated, unpopulated, dry desert location that has a long history of uses for some of the most extreme research known to man.

For these reasons, I urge my colleagues to join with the many State and local officials, labor leaders, business leaders, and scientists throughout the country in support of S. 1271. Allow our citizens the comfort of knowing our Government has acted responsible to assure safe, environmentally sound long-term storage and disposal of spent nuclear fuel and radioactive material.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

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

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

THE GASOLINE TAX

Mr. PRYOR. Mr. President, I am somewhat at a loss because I have been in the Finance Committee this morning and also have been serving in another capacity for the last few minutes, so I have not heard any of the actual statements on the floor of the U.S. Senate that have been made this morning. However, it has been brought to my attention that several statements have been made relative to the gasoline tax and the proposal to repeal 4.3-cent-per-gallon of the gasoline tax.

Considering that those statements have been made this morning and having a general idea of probably what those statements were, I would like to not only stand for a moment to respond but also to place in the RECORD some pertinent facts that I think need to be made very clear.

First, in the Finance Committee meeting this morning, which I must say was very spirited, very lively, we had a lot of discussion about whether or not we should repeal the 4.3-cent-per-gallon gas tax enacted in 1993 toward deficit reduction. We had a distinguished panel that represented the truckers, that represented the bus industry, that represented the airline industry. They had a wonderful man there who operates, in Prince Georges County, two service stations. The basic theory was, if we could get the Congress to repeal the 4.3-cent-per-gallon gasoline tax, that immediately 4.3 cents per gallon would be taken off of gasoline at the pump.

Let us look back a little bit to see if this logic will come true. After 1993, the 4.3-cent-per-gallon gasoline tax was collected, after we placed the tax on and allocated this particular new tax, this new fee toward deficit reduction, not only did we start decreasing the deficit, but we did something else. Gasoline prices came down. Gasoline prices came down after we placed the 4.3-cent user fee, in 1993, on gasoline. People do not talk about that very much right now, but that was the case.

There is another concern that I had this morning in today's hearing in the Finance Committee. The people on the panel, who are very good advocates for their constituent groups, for the truckers and the airlines, the service station owners, and all the rest, these individuals came before the Senate Committee on Finance this morning and basically stated that, first, "If you will repeal this gasoline tax, we're going to be able to spur the economy, we're going to be able to lower gasoline prices, we're going to be able to buy diesel for our trucks at 4.3 cents per gallon less."

But what was never stated, even though they were coming and saying, "Give us a break, give us some relief," they never stated—any of them—how we were going to make up this loss of revenue. We collect $4.8 billion a year in this particular tax of 4.3 cents per gallon. Not one of our witnesses this morning said, "We have a way for you to prevent the deficit from rising dramatically if you repeal this gasoline

tax." Not one of them. Not one witness this morning gave us an indication of how we are going to make up this shortfall.

I guess they were saying, "Cut this tax out, let the deficit increase," because they gave us no responsible alternative for making up the difference.

There is something else that concerned me, Mr. President, about that particular hearing. It was very, very partisan. It was extremely political. In fact, I commented that I did not know yet that the nominating conventions had started. I thought those were going to be in California and in Chicago come August, but it sounded like it was a political convention this morning in the Finance Committee. I am sorry it happened that way, but it did happen. You just have to take that on and take that as it is.

But what was not said also by any of our panelists, nor Members on the other side of the aisle, I might say, is that some people's philosophy is that you should not ask the Government to solve all of the problems; that every time there is a problem, you do not seek Government intervention.

But this is what, on the other side of the aisle, we are being asked to do at this time in response to rising gas prices. By the way, there are some Senators on our side of the aisle who support the repeal of the gasoline tax. Senator BAUCUS from Montana, for example, had a letter there and it stated his intent to vote for the repeal. I might vote for the repeal. I am not sure. I do not think I will. I might, if I can be shown where the consumers might benefit. But no one yet has shown us how the consumer is going to benefit to the tune of 4.3 cents a gallon if we repeal the gasoline tax.

Here is what they also did not indicate this morning. They are coming to the Government for relief. Why do they not go to the oil companies for relief? You say, "Wait a minute, how can they go and seek relief from the oil companies?" Here is how.

Let us look at the profits of, say, Shell, Amoco, Chevron, Texaco. In the first quarter of 1996, Shell reported $483 million in profits compared to $340 million in the first quarter of 1995. Amoco, $728 million in the first quarter this year compared to $523 million in the first quarter of 1995. Chevron, $616 million in the first quarter of 1996 compared to $459 million in the first quarter of 1995. Texaco, $386 million in the first quarter of 1996 compared to $297 million in profits in the first quarter of 1995.

That is an increase, for example, of $143 million that Shell gained over the first quarter of last year. That is a situation where Amoco looks up here and all of a sudden the first quarter of this year, they have made $205 million more in net profits than they made in the first quarter of 1995—$205 million.

That is where some relief can be given, because that is where the price at the pump is determined, not with the 4.3-cent-a-gallon deficit reduction tax. The price at the pump, as the distinguished Presiding Officer knows, is established by the oil companies as to what they charge the retailer at the service station. That is where the price is decided.

The gasoline company, the Texacos and Chevrons remit that tax to the Government, not the retailer, not the Chevron dealer who was there from Prince George's County this morning. The retailers do not do that. The big oil companies collect and remit the tax, and I assume they charge a fee on top of the tax for collection and remission of the tax to the Federal Government.

This is the same tax that has increased our opportunity to deal with the deficit numbers. Had we not had them, we perhaps would have been $30 billion more in debt.

Mr. President, I know that there are a lot of organizations in this town that will steam up here in the next few days and weeks to repeal the gas tax. But I might note that we also have the taxpayer bill of rights 2. On this side of the aisle, we have cleared the taxpayer bill of rights 2 to be passed. The second taxpayer bill of rights gives equity, uniformity, and fairness to the taxpayers of America on our side of the aisle, we say, "Let's go with it." On the other side of the aisle, "Let's slow it up, because we may want to put this repeal of the gasoline tax on the taxpayer bill of rights."

I hope they do not use that vehicle, because I think the taxpayers right now need to have that protection by the taxpayer bill of rights 2. It has been a bipartisan effort. The distinguished Presiding Officer, I think, has been a cosponsor of the taxpayer bill of rights. Let us not slow that down, and let us not speed up so quickly the stampeding to repeal the 4.3-cents-a-gallon gasoline tax unless we have the assurance, the absolute ironclad assurance that should we do it, the consumers are going to benefit and not the big oil companies.

Right now, it does not seem like the big oil companies have a great deal of sympathy for the consumer when they are making 42 percent more profit; 39 percent more profit; 34 percent more profit; 30 percent more profit—Shell, Amoco, Chevron, Texaco, and on down the line. They are all awash in money.

They say, "Well, the reason that those gasoline prices are having to be increased right now"—you have heard them, Mr. President, you have watched them on television and read them—the reason is because of all these environmental standards that we have to meet; we are just having to take all of these profits and plow back in to increasing the environmental standards, and that is increasing our costs. Increase their costs? They are making 42 percent more profit than they did this time last year, Mr. President, so that argument does not work.

They sound to me like the big pharmaceutical companies. They say, "Oh, we have to make this enormous profit"—the most profitable industry in America today—"so we can do research." We pay them for research with research and development tax credits, and yet they are trying to hornswoggle the public, take advantage of the consumers, gouge the elderly. They are trying to charge the very highest prices, and they are getting by with it. They are getting by with it, Mr. President. They are charging the American consumer 40 and 50 percent more than that same drug is selling for across the border in Mexico and Canada and Great Britain, Europe—all over the world.

We subsidize them, we pay for it, and we pay for their product through the nose. It is not right, and before we rush to judgment on repealing this 4.3 cent user fee, I just urge us to step back a little bit and say, "Where are we going to make up the difference?" Why can the oil companies not use a little more sympathy, and if we repeal it, is this actually going to mean that the consumer is going to get a break? In my opinion, there is no evidence whatsoever, not one scintilla of evidence that the consumer is going to benefit from this particular break.

Mr. President, in the Wall Street Journal, I think this morning—and, by the way, we had no economists, we had only advocates for the particular constituencies there this morning—we said, "Where are all the economists? Why didn't they come? Why didn't we have someone to answer this question? Are the consumers going to get the benefit of this repeal if we do in fact repeal it, if we increase the deficit and repeal the gasoline tax?"

Here is front page of the Wall Street Journal of this morning, Mr. President. It says, "Don't Do It." I am going to quote:

> Many economists say repealing the gasoline tax is wrong. Federal Chairman Greenspan and board nominee Rivlin have previously called for higher rates to discourage consumption and balance the budget.

By the way, Mr. President, I am not calling for higher rates. I am just saying that with the rates we have, we should not be stampeded into repealing them before we know what the results are going to be.

> Berkeley Alan Auerbach calls the cut, "A silly idea."

Mr. President, that is the Wall Street Journal this morning. It is a very conservative epistle, all of us know.

Mr. President, the distinguished majority leader, who is certainly a member and former chairman of the Finance Committee, very distinguished Member of this body, Senator DOLE of

Kansas—Senator DOLE was talking this morning, today, and on the floor some this week, about the need to repeal the gasoline tax.

You know, in 1982, only 1 day before Christmas Eve, December 23—we were in session around here that particular time, and I kind of remember that time. I will read from a "Dear Colleague" letter from Senator DOLE, at that time the chairman of the Senate Finance Committee.

I am now quoting Senator DOLE's "Dear Colleague" letter:

> I urge you to vote for the [Surface Transportation Act of 1982]. . . . The bill increases the taxes on gasoline, diesel fuel and other motor fuels from 4 to 9 cents per gallon. [A]n increase of 125 percent in the fuels taxes may look onerous . . . This will only amount to a 4 percent increase in gasoline prices and the new 9-cent tax will be significantly lower relative to other consumer prices than the 4-cent tax was when [that] was enacted in 1959.

It seems the newer environment or recent events have convinced Senator DOLE that maybe gasoline taxes all of a sudden are not good, because a few years back he was supporting the gasoline tax.

Mr. President, there is also another part of our discussion this morning—I am sure there has been on the floor—that historically the Congress, in enacting a gasoline tax, puts this into the highway trust fund. Historically that is the truth except for in 1990 and 1993. Historically that is what the tradition has been.

But, Mr. President, we found in 1993 a most unique situation. We found a deficit that had run wild that was out of control. We also found that we had a President who was willing to take a risk, a political risk. Mr. President, it was a political risk. Every Democrat on this side of the Senate Chamber voted for this particular package that included 4.3 cents.

That 4.3 cents did not go to the highway trust fund. No, sir, it did not. You are correct; it did not. But at that moment we had to do something, we had to do something drastic, and we had to do something dramatic. We had a very unique situation that we had to take care of. The way that we started attacking it, Mr. President, was saying, OK, this may not be traditional, this may be unique, this may be different, but we are going to have to do it. We enacted the 4.3-cent gasoline tax.

As a result, we have cut the deficit, Mr. President. As a result, in my opinion, the people go in to the service station and buy their gasoline, and if they think they are reducing the deficit with having to pay perhaps a little more, I think they are willing to do it. I may be wrong, but I think they are willing to do it.

Our President took that opportunity. He accepted that challenge. He met the mandate of the people to do something about the national debt and the deficit. It was hard. I tell you it was a hard vote to cast over here. It was an easy vote over there because not one of our good colleagues on the other side—not one—voted for the package.

I can remember the hue and cry after that—"the biggest tax increase in American history," and all of that. I did not think it was. I think in retrospect the historians will look kindly upon those who took that risk and who accepted that challenge that we had to do something to protect and to begin to protect the future generations who are going to be called upon to pay this huge deficit, this huge national debt. The 1993 deficit reduction bill was a way to start.

To the best of my knowledge, the people out there—and I have not seen a poll on this, no sir—but to the best of my knowledge, the people have said, "If it goes for deficit reduction, if it will help defray this onerous debt that is going to be on the backs of our children and grandchildren, I am willing to pay a little more.

Let me also state once again, as I opened, Mr. President, that when we passed this 4.3-cent gasoline tax, the price of gasoline at the pump went down.

Mr. President, I ask unanimous consent that a chart and other tables which give that statement credibility and which backs it up with the facts be printed in the RECORD.

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

TABLE 9.4.—MOTOR GASOLINE RETAIL PRICES, U.S. CITY AVERAGE

[Cents per gallon, including taxes]

	Leaded regular	Unleaded regular	Unleaded premium	All types [a]
1973 average	38.8	NA	NA	NA
1974 average	53.2	NA	NA	NA
1975 average	56.7	NA	NA	NA
1976 average	59.0	61.4	NA	NA
1977 average	62.2	65.6	NA	NA
1978 average	82.8	67.0	NA	65.2
1979 average	86.7	90.3	NA	88.2
1980 average	119.1	124.5	NA	122.1
1981 [b] average	131.1	[c] 137.6	147.0	135.2
1982 average	122.2	128.6	141.6	128.1
1983 average	115.7	124.1	138.2	122.5
1984 average	112.8	121.2	136.6	119.6
1985 average	111.6	120.2	134.0	119.6
1986 average	85.7	92.7	108.5	93.1
1987 average	69.7	94.8	108.3	95.7
1988 average	89.9	94.6	110.7	96.3
1989 average	98.8	102.1	119.7	106.0
1990 average	114.3	116.4	134.9	121.7
1991 average	NA	114.0	132.1	119.6
1992 average	NA	112.7	131.6	119.0
1993:				
January	NA	111.7	131.3	118.2
February	NA	110.8	130.1	117.2
March	NA	109.8	129.4	116.3
April	NA	111.2	130.4	117.5
May	NA	112.8	131.9	119.3
June	NA	113.0	132.1	119.4
July	NA	110.9	130.5	117.4
August	NA	109.7	129.4	118.3
September	NA	108.5	128.2	115.1
October	NA	112.7	132.3	119.3
November	NA	111.3	130.5	117.8
December	NA	107.0	126.8	113.6
Average	NA	110.8	130.2	117.3
1994:				
January	NA	104.3	124.0	110.9
February	NA	105.1	124.5	111.4
March	NA	104.5	124.3	110.9
April	NA	106.4	126.0	112.8
May	NA	108.0	127.4	114.3
June	NA	110.6	130.0	116.7
July	NA	113.6	132.7	119.9
August	NA	118.2	138.7	124.3
September	NA	117.7	138.4	123.7
October	NA	116.2	134.5	121.2
November	NA	116.3	135.4	122.2
December	NA	114.3	133.7	120.3
Average	NA	111.2	130.5	117.4
1995:				
January	NA	112.8	132.4	119.0
February	NA	112.0	131.6	118.1
March	NA	111.5	130.6	117.3
April	NA	114.0	132.5	119.7
May	NA	120.0	138.3	125.8
June	NA	122.6	141.1	128.1
July	NA	118.5	138.4	125.2
August	NA	116.4	135.2	122.2
September	NA	114.8	133.2	120.6
October	NA	112.7	131.5	118.5
November	NA	110.1	129.2	116.1
December	NA	110.1	129.0	116.0
Average	NA	114.7	133.6	120.5
1996 January	NA	112.9	131.7	118.6

[a] Also includes types of motor gasoline not shown separately.

[b] In September 1981, the Bureau of Labor Statistics changed the weights used in the calculation of average motor gasoline prices. From September 1981 forward, gasohol is included in the average for all types, and unleaded premium is weighted more heavily.

[c] Based on September through December data only.

NA=Not available.

Notes: * See Note 5 at end of section. * Geographic coverage for 1973–1977 is 56 urban areas. Geographic coverage for 1978 forward is 85 urban areas.

Sources: * Monthly Data: U.S. Department of Labor, Bureau of Labor Statistics, Consumer Prices: Energy. * Annual Data: 1973—Platt's Oil Price Handbook and Almanac, 1974, 51st Edition. 1974 forward—calculated by the Energy Information Administration as the simple averages of monthly data.

TABLE 16.—RETAIL MOTOR GASOLINE AND ON-HIGHWAY DIESEL FUEL PRICES, 1995 TO PRESENT

[Cents per gallon, including taxes]

	January	February	March	April	May	June	July	August	September	October	November	December
1995												
Motor Gasoline	113.0	112.0	111.9	115.7	122.5	123.9	120.1	117.0	115.8	113.4	110.8	111.8
Conventional Areas	109.5	108.8	108.9	113.7	121.0	122.3	118.0	115.1	113.8	110.9	108.4	109.5
Oxygenated Areas	118.4	116.8	116.6	118.8	123.8	124.8	122.4	119.8	119.8	119.0	118.0	118.0
OPRG Areas	126.2	125.1	124.0	124.0	129.6	132.7	130.9	127.6	125.8	123.2	124.0	124.5
RFG Areas	121.8	120.7	119.3	120.9	126.8	128.4	125.3	121.0	118.5	118.2	115.2	115.8
Regular	108.2	107.3	107.2	111.1	117.8	119.1	115.4	112.3	111.1	108.7	106.2	107.1
Conventional Areas	105.1	104.4	104.8	109.4	116.5	117.8	113.5	110.7	109.3	106.5	104.0	105.1
Oxygenated Areas	114.4	112.9	112.9	115.0	120.2	121.0	118.8	116.0	116.1	115.2	114.2	114.1
OPRG Areas	117.6	116.4	115.3	115.3	121.3	124.3	123.3	119.3	117.8	115.2	115.4	115.9
RFG Areas	116.4	115.3	114.0	115.7	121.7	123.1	119.9	115.6	114.0	112.8	109.8	110.3
Midgrade	117.4	118.5	115.1	119.9	128.8	128.3	124.5	121.3	120.0	117.5	115.1	116.0
Conventional Areas	113.9	113.3	113.2	117.9	125.4	126.7	122.4	119.3	118.1	115.1	112.6	113.8
Oxygenated Areas	123.3	121.5	121.1	123.5	128.5	129.5	126.8	123.9	123.5	122.7	122.5	122.7

TABLE 16.—RETAIL MOTOR GASOLINE AND ON-HIGHWAY DIESEL FUEL PRICES, 1995 TO PRESENT—Continued

[Cents per gallon, including taxes]

	January	February	March	April	May	June	July	August	September	October	November	December
OPRG Areas	130.1	129.2	127.9	127.7	133.1	135.9	134.1	130.9	129.0	126.6	128.5	128.7
RFG Areas	126.4	125.2	124.0	125.4	131.2	133.1	130.3	126.3	124.7	123.0	119.9	120.6
Premium	127.5	126.5	125.8	129.5	136.4	137.9	134.2	131.1	129.8	127.3	124.7	125.5
Conventional Areas	123.4	122.6	122.2	127.0	134.5	138.1	131.8	126.8	127.5	124.4	122.0	122.9
Oxygenated Areas	134.0	132.3	131.9	133.8	138.5	139.4	137.4	135.3	134.5	134.2	133.5	133.6
OPRG Areas	139.4	138.1	137.1	137.0	142.4	145.1	143.2	139.9	138.1	135.3	138.3	138.8
RFG Areas	135.5	134.2	132.6	134.0	139.6	141.3	138.5	134.2	132.9	131.6	128.0	129.5
On-Highway Diesel fuel	109.8	108.8	108.8	110.4	112.5	111.9	110.0	110.5	111.9	111.5	112.0	113.0
1996												
Motor Gasoline	113.7	113.6	118.3									
Conventional Areas	111.5	111.4	116.4									
Oxygenated Areas	119.0	119.1	123.5									
OPRG Areas	127.3	126.9	128.0									
RFG Areas	117.7	117.8	122.1									
Regular	109.0	108.9	113.7									
Conventional Areas	107.2	107.0	112.0									
Oxygenated Areas	115.2	115.2	119.5									
OPRG Areas	118.4	118.1	119.1									
RFG Areas	112.2	112.3	116.8									
Midgrade	117.9	117.9	122.5									
Conventional Areas	115.8	115.6	120.6									
Oxygenated Areas	123.4	123.8	128.5									
OPRG Areas	131.3	131.5	132.5									
RFG Areas	122.3	122.5	126.3									
Premium	127.6	127.4	132.0									
Conventional Areas	125.1	124.8	129.8									
Oxygenated Areas	134.6	134.9	138.8									
OPRG Areas	140.0	139.4	140.6									
RFG Areas	130.5	130.7	134.7									
On-Highway Diesel Fuel	114.5	114.5	118.3									
1996	2/5	2/12	2/19	2/26	3/4	3/11	3/18	3/25	4/1	4/8	4/15	4/22
Motor Gasoline	113.0	112.8	113.3	115.3	117.0	117.1	118.1	121.0	122.3	124.8	128.7	130.1
Conventional Areas	110.7	110.4	111.0	113.4	115.1	115.0	116.2	119.2	120.5	122.8	126.9	127.4
Oxygenated Areas	118.7	117.8	120.1	119.9	122.3	122.6	122.9	128.1	127.0	131.4	133.2	136.8
OPRG Areas	127.3	127.0	126.7	126.7	127.5	127.7	127.7	129.1	130.9	132.2	136.0	138.0
RFG Areas	117.4	117.1	117.4	119.2	120.7	121.3	122.0	124.3	126.0	128.7	133.1	137.0
Regular	108.3	108.0	108.7	110.7	112.4	112.5	113.5	116.4	117.8	120.4	124.2	125.6
Conventional Areas	106.3	106.1	106.6	109.0	110.7	110.5	111.9	114.9	116.2	118.5	122.5	123.0
Oxygenated Areas	114.9	113.9	116.0	116.0	116.1	118.6	119.0	122.2	123.2	127.5	129.3	132.8
OPRG Areas	118.4	118.1	117.9	117.8	118.6	118.8	118.8	120.2	122.2	123.7	127.6	129.9
RFG Areas	111.9	111.5	112.0	113.8	115.4	116.1	116.8	119.0	120.8	123.6	128.0	132.3
Midgrade	117.2	116.9	117.7	119.7	121.3	121.3	122.2	125.0	125.3	128.9	132.9	134.1
Conventional Areas	114.9	114.6	115.4	117.7	119.3	119.3	120.4	123.2	124.5	126.9	131.0	131.6
Oxygenated Areas	123.2	122.0	125.0	124.9	128.2	127.3	127.4	131.1	131.6	136.4	138.0	141.5
OPRG Areas	131.8	131.6	131.4	131.3	132.1	132.1	132.1	133.8	135.2	136.6	140.1	141.9
RFG Areas	122.2	121.8	122.1	123.8	125.1	125.3	126.2	128.6	130.1	132.7	137.2	140.3
Premium	126.9	125.5	127.1	129.1	130.8	130.8	131.7	134.5	135.7	138.1	142.2	143.8
Conventional Areas	124.2	123.8	124.4	126.8	128.6	128.4	129.6	132.5	133.7	136.0	140.2	140.9
Oxygenated Areas	134.4	133.8	136.0	135.4	138.0	137.9	138.2	141.1	141.6	146.4	148.6	152.4
OPRG Areas	139.8	139.5	139.0	139.3	140.8	140.3	140.2	141.7	143.2	144.2	147.9	149.5
RFG Areas	130.4	130.1	130.2	132.1	133.3	133.8	134.6	137.0	138.4	140.8	145.3	148.9
On-Highway Diesel fuel	113.0	113.4	115.1	116.4	117.5	117.3	117.2	121.0	122.2	124.9	130.5	130.4

NA-Not available.

Note: See Glossary for definitions of abbreviations. See Technical Note 1, page 40, for more information about the data in this table.

Sources: See page 34, Weekly Petroleum Status Report/Energy Information Administration.

Mr. PRYOR. Mr. President, I am going to sit down in just a moment. I know my good friend from North Dakota, Senator DORGAN, is now on the floor. But you are going to hear an awful lot now because it is 1996—it is an even-numbered year—it is getting ready to be the last election of this century, and it is going to be a humdinger. It is going to be the one that we are going to tell our grandchildren and great-grandchildren about, because it is going to get pretty exciting.

We are going to hear an awful lot about the 1993 economic plan, that it was the biggest tax increase in history, will ruin the country, whatever. I think we might start now setting that record straight. Look at the Wall Street Journal, October 26, 1994. I quote the Wall Street Journal:

Contrary to Republican claims, the 1993 package is not the largest tax increase in history. The 1982 deficit-reduction package of President Reagan and Senator Robert Dole in a GOP controlled Senate was a bigger tax bill, both in 1993 adjusted dollars and as a percentage of the overall economy.

The Wall Street Journal, not exactly a left-wing, Democratic newspaper, Mr. President.

Let us look at the Washington Post, February 1, 1995, recently and I quote:

The biggest tax increase in history did not occur in the Omnibus Reconciliation Act of 1993. The biggest increase in post-World War II history occurred in 1982, under President Ronald Reagan.

Mr. President, part of Senator DOLE's historic tax increase was in fact a 5-cent gasoline tax.

Let us look at November 3, 1995, Mr. President, not long ago.

It is not true that the $240 billion tax increase approved by Congress in 1993, at Mr. Clinton's behest, is the largest in American history. When adjusted for inflation—the only way to make comparisons of dollar amounts from different years—a tax increase endorsed by Mr. Dole, in 1982, when he was chairman of the Senate Finance Committee, was larger.

So, Mr. President, as we hear a lot of these statements made on this floor of this great institution, in the U.S. Senate, over the next several months up until the election, I think from time to time it behooves us well to come to this floor and to respond and set the facts out and set the record straight. f

That is the purpose of my visit here this morning. I think as we go forward in the next several weeks, as this debate intensifies, it will be our obligation to come forward and spread the facts as to what the real story is on the record.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Are we in morning business?

The PRESIDING OFFICER. We are.

THE GAS TAX

Mr. DORGAN. Mr. President, I will add a few comments to the comments offered by Senator PRYOR from Arkansas and the comments offered by Senator DASCHLE, the minority leader. We have this morning seen a work crew of seven U.S. Senators trudge to the floor of the Senate and dutifully describe that all ills in America, present, past and future should be laid at the doorstep of the current President of the United States, President Clinton.

I listened to see if I could find the ultimate charge, maybe that would be that the President is responsible for the Andromeda Galaxy that is racing

at 4,500 miles an hour toward the Milky Way, of course, which is where we live. A galaxy three times the size of ours is racing at us 4,500 miles an hour, and most estimate, I think there is no disagreement, that when it hits us it will destroy our galaxy and us in about 4 to 5 billion years. Perish the thought. But if there is a Senate at some point in the future, someone will come and probably try to lay that at the footsteps of the current incumbent President. They did not quite get that far this morning, but close, close enough.

The proposal this morning was we should cut the 4.3-cent gas tax. That may get done. I am not crazy about the gas tax because I come from a State that is a large State with very few people. The gas tax costs us twice as much per person as it costs people who live in New York because they do not drive as far as we do for much of anything. I mentioned the other day I have a friend from New York who described for me once she and her family were going to leave Yonkers, NY, I think, or Brooklyn, or one of those areas, and drive to New Jersey to see an aunt and an uncle. It was 60 or 80 miles, I guess. So they packed an emergency kit for their trunk and put blankets in the trunk, took food along and got all squared away to take the 70 mile drive, because those who live in New York do not drive 70 miles very often. It is a big drive to see the relatives. In North Dakota, we drive 70 miles at the drop of the hat and think nothing of it.

I am not a big fan of the gas tax. It affects us twice as much as it affects New Yorkers. However, the question seems to me, if we are going to repeal the 4.3 cents, how about repealing the 10-cent previous to that that Senator DOLE had supported? Why not make it 14.3 cents? Or if you repeal the 4.3 cents, ask the question, in whose pockets will the 4.3 cents go? The consumers, taxpayers, the people that drive to the pump to buy gasoline, or in the pockets of the oil industry?

When we vote on whatever this proposal will be, and we may pass a 4.3-cent gas cut—we may do that—we also will vote on an amendment that I offered that says let us guarantee, if we will do this, guarantee that this goes in the right pocket. There is a big pocket and there are small pockets, high pockets and low pockets. Make sure it goes in the right pocket.

I can see what could happen and you can too, I am sure. You cut the gas tax 4.3 cents a gallon, drive to the gas pump to fill up your car, and the price is the same. What happened? The oil companies pocketed the difference. Anything wrong with that? No, they can do that under the current circumstance. It does not matter what the gas tax is. They can price gas the way they want to price tax. If we are going to do that and do this because we decide we do not want to build roads or improve bridges or reduce the deficit, if we are going to do it, make sure the money goes in the right pocket. We will have a chance to vote on an amendment and see whether we are doing it to put it in the right pocket or whether some do it and not care which pocket it goes in.

This is not an idle issue. I do not blame anyone who wants to come to the floor and talk about taxes. It would be nice if taxes were lower for everyone at all times. I have some disagreement with a Senator who came to the floor yesterday to say until the day I was free of paying taxes I am not doing anything for myself. I have some problem with that because what does he think he is doing with the money he is paying to send his kids to school? Part of his tax bill is to build the school and pay the teacher and help send his kids to get educated. Is that not an investment for him and his family? Part of the tax is to pay for the captains, cruisers, jet airplanes and others in the Defense Department to protect the country. Is that not an investment in himself or this country? Part of his investment is in Social Security and Medicare and Medicaid.

I just described the four biggest areas of public spending: Education, Medicare, Medicaid, health care, and defense. The four biggest areas of public spending. The question is, how much of each do you want? How much do you want to spend on defense? How much are you willing to spend and do you want to spend on Medicare and Medicaid? How much do you want to spend to have a Social Security system that works? That is the question for Members of Congress to answer. Should we try to minimize the tax burden at all times? Absolutely. Should we reconcile the amount of money we have with our appetite to spend it? Yes. It is one thing to say stand up here and talk of cutting taxes, but another thing to talk about what the taxes are being used for and what we want the Federal deficit to be.

Now, if they propose to cut the gas tax, the first step would be to make sure it does not increase the Federal deficit. I think all of us believe that we ought to keep ratcheting down the Federal deficit, and it has come down for whatever reason one might want to ascribe to that. The Federal deficit has decreased rather dramatically in the last 3 years. We ought to keep it going in the same direction.

Some will say, the President ought to get the blame for everything that is wrong but not get the credit for something that is right. That is probably not a fair assessment of what should happen to a President. The fact is, the deficit has come down and some of that is to the credit of this President and to those in Congress who in 1993 voted to both cut spending and raise some additional revenue in order to bring that deficit down.

If someone now proposes that we should have a tax cut of one type or another, then it seems to me we ought to make sure that tax cut does not increase the Federal deficit, first of all. Maybe that can be done. Second, we ought to make sure that the benefit of a tax cut goes to those that we talk about here on the floor of the Senate.

It is interesting, we talk about middle-income people, a lot of folks talk about the people at the bottom of the economic ladder, the folks in the middle, middle-income Americans. I brought to the floor a discussion about middle income that I thought was the most interesting discussion last year. We were talking about safety nets and investments and spending programs and education and all the things, and how it affects various groups, and who is proposing to cut taxes and who benefits from that.

A Member of the House of Representatives, in a newspaper said the following about middle-class, and his salary of $135,000 plus the $50,000 he gets in a police pension, "does not make me rich, that doesn't make me middle class. In my opinion, that makes me lower middle class." This is a GOP Congressman from over in the House. He said, "When I see someone who is making anywhere from $300,000 to $750,000 a year, that's middle class. When I see anyone above that I think that is upper middle class." So, I read this, I scratch my head, and I think, here is someone serving in Congress that defines middle class as someone who makes between $300,000 and $750,000 a year. Then I understand why the policies this person proposed, he can claim are to benefit the middle class. I guess they are policies to benefit those who make from between $300,000 and $750,000 a year.

In my hometown, I guess we do not have any middle class. We do not have anybody that reaches $300,000 to $750,000 a year in income. That is not middle class. He knows better than that, I am sure. He said it in the middle of this debate about who you are trying to help. Some of the discussion on the floor of the Senate with respect to the gas tax and others is that we need to make sure that those at the lower end of the economic ladder or those in the middle class are helped. There is anxiety out there, and I understand that. Here is a newspaper clipping that says, "CEO's at Major Corporations Got a 23 Percent Raise in 1995." So we have an economic ladder, and if you reach the top of the economic ladder, apparently, you get to keep floating up, because at the top you get a 23-percent salary increase in 1995. At the bottom of the economic ladder, if you are working for the minimum wage, you are part of 40 percent of the people who work for the minimum wage, and you are the sole income for your family, you have no

raise and you did not get 23 percent. You did not get 15 or 10 percent—you did not get 1 percent. You sure did not get the 23 percent that the CEO's of America's corporations got. You got zero.

That is part of the reason some of us have said, "Let us, this year, talk about an adjustment in the minimum wage." Is it not fair for those on the bottom rung of the economic ladder to also have an adjustment of some type? We are not saying make a dramatic wholesale change in the minimum wage. We are saying that when the bottom rung has been frozen for 5 years, without a 1-percent increase, it is time to make a reasonable, thoughtful adjustment for the bottom rung of that ladder.

I mentioned, when I began to discuss the gas tax briefly, that you have some of the same circumstances with respect to the economics of that circumstance. The major oil companies have done really quite well. Chevron had a 34-percent gain from last year; Amoco, up 39 percent; Texaco, up 30 percent, Mobil, up 16 percent. I do not begrudge them that. I want them to do fine. I want them to find more oil, and I want more oil to be available. I want us to be able to have oil prices that are reasonable for drivers in this country. But when you see this, and you see prices spike up at the gas pump by 20 cents, and you see folks busting in the door of the Senate and saying the problem is apparently a gas tax that was applied 3 years ago, it seems to me there is a disconnection. If 4.3 cents is some magic figure because that is what President Clinton proposed in 1993, why not up it another dime and make it 14.3 cents? That includes President Clinton's and Senator DOLE's gas tax proposals, and what they voted for. Just do the whole 14.3 cents, and while it is being done, make sure of two things: First, do not increase the deficit; and second, make sure it goes in the right pockets.

I am also going to offer another amendment I hope the Senate will accept somewhere along the way. As long as we are going to talk about taxes—it is hard to offer an amendment on taxes because we do not get bills dealing with the revenue code on the floor of the Senate very often. Normally, when you offer it, you have to offer it to something else because you do not have the vehicle. If we are going to have a tax bill on the floor of the Senate, it would be my intention to offer, again, a very, very simple piece of legislation, and that is, let us end deferral in the Tax Code to allow corporations to move their jobs and their plants overseas, make the same product they made while they were here in America, and ship the product back to our country, and in our Tax Code they now have the opportunity to pay zero in income taxes.

In other words, we have in our Tax Code a $2.3 billion incentive, in 7 years, to say to people and companies, "We will make you a deal. If you will close your American factory, get rid of your American workers, move overseas to a foreign country, make the same product and ship it back to America, we will give you a tax break, we will pay you to do it; we will pay you $2.3 billion to do it."

Now, if this country cannot take the first baby step in deciding that if there are incentives, there ought to be incentives for providing jobs in this country, and jobs should not be moving from this country to another country, paid for with incentives in our Tax Code that say to companies that if you do it, we will give you a break—if we cannot take a baby step to change that, nobody should dare stand up here on the Senate floor and say, "I am for jobs in America." We ought not to be export neutral where jobs are concerned. You will not find much among academicians or economists on that point. So $2.3 billion exists as a reward for companies to move their jobs overseas. If we are going to have a tax bill on the floor of the Senate, let us have a tax bill that fixes that problem as well.

I offered that last year on the floor of the Senate while debating another issue. And I lost on a near party line vote. It was 52 to 48, I believe. I indicated then I intended to raise this issue when a tax bill comes to the floor of the Senate, and I will raise this issue again, because I do not think it makes economic sense for our country to pay for moving jobs from America to foreign countries.

Mr. President, this will be a year in which I assume there will be plenty of rhetoric on the Senate floor about a lot of things—some on our side, some on the majority side. There will be huffing and puffing on both sides. I understand that. There will be claims and counterclaims. Both sides will build word castles in the air about their particular program and how awful the other side is. The plain fact is that this place will work if we can find a way to sift through some of that and decide that there are things that we will agree on and advance those pieces of legislation.

Last night, we passed an immigration bill. There were a lot of amendments to it. I supported a number of them and opposed others. But we passed it with very close to a unanimous vote. I think only three Members voted against it. We passed an antiterrorist bill a couple of weeks ago. We passed a significant health bill 100 to 0. As all of the positioning and jockeying goes on, there are things we can and should do. I am not coming here today to say that drivers in this country, taxpayers in this country, ought not to be relieved of some of their burdens. That is fine. I would like to find a way to bring the tax bill for all Americans down as far as we can reduce it. I would like to find a way to squeeze every single bit of Government waste out of this system—and there is plenty. I want to make sure that what we do is grounded in good economic sense. I want to make sure that what we do provides as their beneficiaries the American people. There are laws of unintended consequences in this Chamber, where we do a whole series of things that are alleged to accomplish one thing and end up accomplishing something very, very different.

The gas tax is a very simple proposition. I do not know whether it is going to pass or not pass in this Chamber. I do know this: If it does pass, the only merit it has for the American people—passing a reduction of the gas tax—is if it goes in their pocket, not in the pockets of the oil industry. That is something all of us, as we debate this, ought to make certain will occur.

I want to make one final point today. There have been seven speakers on the other side, and I understand that. That is the way the works. Senator DASCHLE and Senator PRYOR and I are not coming to the floor simply to say it is all unfair. These are fair discussions of public issues, and where better to have them discussed than on the floor of the Senate. As we proceed down the road on the issue of trying to put together a budget for fiscal year 1997, I hearken back to the impasse and gridlock we had last year, and the gridlock that some predict will occur this year, and simply observe this. David Gergen, who worked first for Republicans and then Democrats—I think he served in President Reagan's administration, President Bush's administration, and the Clinton administration—wrote a piece for the U.S. News & World Report. In it, he said something I think is very important. I hope all of us can pay some attention to this year in order to avoid the gridlock we had last year. He said: "Ronald Reagan, as President, insisted that there be a safety net, even as we cut Federal spending." He said, "How soon we forget that, as President, Ronald Reagan insisted that seven key programs be in the safety net. Head Start, Medicare, Social Security, veterans, SSI, school lunches, and summer jobs for youth, would not be touched."

"Now," Gergen says, "six of those seven are under the budget knife."

The point is that, as we try to establish priorities, I hope all of us understand, as President Reagan understood, we need a safety net for some people.

Summer jobs for disadvantaged youth. Is that important? Yes, I think it is. Let us measure that against some other things and decide that that is a safety net for vulnerable people.

Head Start. Let us decide not to tell 60,000 Head Start kids that we cannot afford you anymore. Let us be able to tell 3-, 4-, and 5-year-olds that there is a place in Head Start for you because we know that program works and improves your lives, and it saves this

country money when it invests in young children. Let us take a look at what Ronald Reagan said in the early 1980's about a safety net, as we cut spending and chop spending in some areas where it deserves to be chopped. Let us also make sure that we have the right set of priorities with the people who need some help and need to have the comfort of a safety net because they do not have other opportunities.

Mr. President, with that, I yield the floor, and I make the point of order that a quorum is not present.

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

The bill clerk proceeded to call the roll.

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

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

AGRICULTURAL POLICY

Mr. DOLE. Mr. President, much has been reported lately about the situation facing America's farmers and ranchers. Carryover stocks for some grains are at their lowest levels since the 1940's—causing record high grain prices.

I think, in fact, that wheat is up to about $8 a bushel. There is only one problem. In our State, nobody has very much wheat. In fact, some have none at all. The $8 price is good, but it does not really reflect that it is going to be benefiting very many producers in the State of Kansas and other States in the Midwest.

Meanwhile, cattle supplies are at a 10-year high causing extremely low cattle prices. Last year, the average FED steer sold for $80 per hundredweight, while today's bids are at $55 per hundredweight.

I have always argued the best farm policy is the marketplace. If farmers received a fair price for their products, they would not need any Federal dollars. This year, Congress passed a farm bill which finally took the Government out of the farming and ranching business.

The Federal Agricultural Improvement Act significantly reduces the Government's role in pricing, marketing, and planting decisions of farmers and ranchers. No longer will the Government tell farmers what and how much to plant.

Three days ago, the President held a meeting to discuss the situation now facing the cattle industry. Unfortunately, the Clinton administration has helped contribute to the troubles of cattle ranchers.

While Mother Nature is largely responsible for low carryover grain stocks, the Clinton administration announced a program which idled nearly 5 million corn acres in 1995. In other words, the administration told farmers that Washington is better at making planting decisions than they are.

Mr. President, idling 5 million corn acres is the same as idling 1 year of corn production in the State of Ohio—one of our Nation's most important Corn Belt States.

In fact, under the Republican farm bill, this year's corn plantings are expected to increase by 15 percent over last year. Farmers are finally planting for the marketplace and not for the Government.

As grain prices have risen, farmers have asked for an early out on their conservation reserve program contracts, in order to respond to a growing world demand for American grain.

It is estimated that 9 of the 36 million acres in the CRP are not environmentally sensitive. Even though the administration had the authority to respond in time for planting, they refused to do so. In fact, every time the administration has announced an early out for CRP acres, it has been too late for spring planting. Several of my colleagues have joined me in expressing concern about the European beef hormone ban. For years, there had been no action from the Clinton White House. Suddenly when beef prices hit a 10 year low, the administration files a WTO case. I am encouraged that the administration has finally taken notice of this issue.

But the administration cannot have it both ways. Administration officials have repeatedly criticized the beef industry. Secretary of the Interior Bruce Babbitt has led the Clinton administration's war on the west.

The administration has raised grazing fees without input from Congress. They have locked land away from reasonable development and multiuse management. They have devalued property without compensation. Worst of all, they are trying to manage this land from Washington.

Through Government manipulation of the markets and a series of harmful decisions, the administration has worsened the crises now facing farmers and ranchers.

As I travel the country, I am reminded by farmers and ranchers that they are taxpayers too. And as taxpayers, they want less of Washington in their everyday lives.

Despite all the rhetoric from the other side of the aisle, Republicans have passed a farm bill that will prepare farmers and ranchers for the 21st century.

This farm bill provides farmers and ranchers with more flexibility, more certainty, and far less Government involvement in the agricultural industry. America's farmers and ranchers want less Government intrusion in their production and marketing decisions. It is high time the Clinton administration heeds their call.

Notwithstanding considerable Democratic opposition, this was a bipartisan bill. In fact, Senator LUGAR and Senator LEAHY stood here on the floor and managed the bill in a bipartisan way, and on the House side there was bipartisan support. That effort was led by my colleague from Kansas, Congressman PAT ROBERTS, chairman of the House Agriculture Committee, who I believe will be joining other colleagues in the Senate next year.

BALANCED BUDGET AMENDMENT

Mr. DOLE. Mr. President, there is probably no more important matter that we have discussed in the last year and 3 months than the issue of the balanced budget amendment to the Constitution.

Last year the House of Representatives passed the balanced budget amendment by more than two-thirds vote required. We had several long weeks of debate here in the Senate before the amendment narrowly failed on a vote of 65 to 35 on March 2, 1995.

As leader, I changed my vote so that I could reconsider the matter later, which I could do now, or next week, or next month, or sometime before the year is out. So we are one vote short—that is the point I am making—in the Senate.

I continue to hope that we can resolve the balanced budget amendment issue and pass it this year.

To help us get to that goal, I have asked Senators CRAIG, HATCH, and DOMENICI to sit down with colleagues on the other side of the aisle in the coming days to see where accommodation is possible on the balanced budget amendment.

I have never thought this was a partisan issue. In fact, I have been around here for some time, and it has been discussed and supported by Democrats and Republicans in the U.S. Senate over the past several years, and it is now. Many Democrats voted for the amendment last year, and we would like to have a couple more. We would like to have 8, or 10 more.

Several Senators who changed their votes last year talked about a Social Security firewall. I think there are ways to add a provision to the balanced budget amendment that will ensure that Social Security surpluses can never again be used to mask deficit spending.

Make no mistake, the amendment will still require that the Federal budget be balanced by the year 2002. That is our promise to the American people. And I believe we can also require that, after a suitable phase-in, the Federal budget be balanced without counting the surpluses in the Social Security trust funds.

I am optimistic that we have an opportunity to pass the balanced budget amendment with broad bipartisan support in the U.S. Senate. Senator SIMON

has been a leader in this important effort from the very beginning. I have directed our side to work with the Democrats and I would hope several of those Senators who changed their votes last year can come home again and support the balanced budget amendment as they have in the past.

It is no small accomplishment that all of us now agree that the budget should be balanced by the year 2002. That is a big change since last March. It is not just Republicans saying it now, but all of us—from Republicans to blue dog Democrats to the President of the United States.

I believe that in itself is good news for America. Since we all agree that we ought to do this by the year 2002, one way to underscore our determination and convince the American people we are serious is to pass the constitutional amendment for a balanced budget that will require that we do it by the year 2002.

So I do not give up hope that we can finally pass the balanced budget amendment and send it to the States for ratification. Remember that our action here is not the end of the line. The final decision about whether or not the balanced budget amendment will go into effect reverts to those outside Washington where most people would like to hope or think the decisions are made—with the States and with State legislators, with Governors, the American people, the taxpayers in each of the 50 States in America.

The Founding Fathers decided to give the ultimate authority over constitutional amendments to those who are closest to the people, the men and women who serve in State houses around the country. So if we get a two-thirds vote for a balanced budget constitutional amendment in the Senate and the House, it then does not go to the President because he has nothing to do with it; it goes to the States, where if three-fourths of the States ratify the constitutional amendment within a certain time period, it becomes part of the Constitution of the United States.

It has always seemed to me we should not be making judgments in an important area like balancing the budget; that we should bring in the States and bring in the State legislators, Republican or Democrat. They are closer to the people. They can better reflect the views of the people. And, again, if three-fourths of the States ratify the action by Congress and ratify the amendment, it becomes part of the Constitution.

So why not go through the constitutional process that our Founding Fathers so wisely set up? There is a word for that process, and that word is democracy. That is what it is all about: Democracy. Let us let democracy work. No more excuses, no more obstacles. Eighty percent of the American people want a balanced budget amendment to the Constitution. By passing the amendment, we can balance the budget by the year 2002. We can protect the Social Security trust funds, and we will have done the single most important thing we can do to ensure the Nation's economic security and to protect the American dream for our children and grandchildren.

Now, having said this, it is my hope that we can start this process sometime this next week. As I said, there is no issue more important. Eighty percent of the American people wonder why we have not done it by now. We failed by one vote. Six of my colleagues who had voted for it the year before, voted against it last year. Maybe they will come back home. We will do our best to accommodate some of the concerns that some of my colleagues have raised on the other side of the aisle, if we can work out some accommodations.

Let us take this out of politics. Let us tell the American people it is bipartisan, as it is, with Senator SIMON the leader on the Democratic side, Senator CRAIG and Senator HATCH, Senator DOMENICI, and others on this side of the aisle. So we hope that we can find a solution next week, start on this next week and maybe complete action the following week.

There is nothing more important. And I hope that we can come together, as we should, to do the right thing for the American people, the American taxpayers and our future generations.

REPEAL OF THE 4.3-CENT GAS TAX

Mr. DOLE. Mr. President, finally, let me say a word with reference to the Finance Committee hearing that was held this morning on repeal of the gas tax, the 4.3-cent gas tax, which was made permanent in 1993 in the Clinton tax bill, which raised taxes by $265 billion, the gas tax increase contributes about $4.8 billion a year.

Not a single Republican voted for the big, big, big tax increase, the largest tax increase in the history of America. In fact, I think one of my colleagues said, "No, in the history of the world." Whatever, it was big. It has had an impact on the economy. Only once before—in 1990—did Congress ever vote to have a gas tax to pay for deficit reduction. Gas taxes were always set aside in a trust fund to build highways, bridges, and whatever.

That is a very worthy purpose, and that is why motorists and others who use fuel are prepared to pay that tax to have better roads, better highways, and better bridges. But in 1993, in the $265 billion Clinton tax increase, which included a 4.3-cent increase in gas taxes, which was an increase of about 25 to 30 percent in the Federal gas tax, instead of dedicating the funds to bridges, highways, and whatever, it is being used for deficit reduction.

Gas prices are spiraling. They have gone up 30 cents in the State of California, for example—15 cents, 20 cents in most other States.

Will repeal of this gas tax mean the price of gas will fall? Not necessarily. If we repeal the gas tax, we are certain they are going to be 4 cents less than they were before. We should not be raising taxes. We ought to be cutting spending. The American people want us to cut spending, not raise taxes, whether it is a gas tax or some other tax on the American people, American consumers, particularly low-income Americans.

So it is my hope—in fact, on Tuesday of next week, I will introduce legislation, along with Senator GRAMM, who will be the principal sponsor, along with Members of the House, to repeal the gas tax—repeal the gas tax and remind the American people that this is the beginning, this is the beginning.

Remember, without a Republican vote, the Democrats in the House and Senate passed a $265-billion tax increase in 1993 that President Clinton wanted. We believe this is one small step we can take. It amounts to about $4.8 billion a year. We will find offsets, and they will not be tax increases. We will try to relieve the consumers and the motorists of at least that part of the burden on the Federal gas tax. It is going to go to the consumers. We cannot predict that prices may not rise because if there is no supply, prices will rise. But, as I have said, they will at least be 4.3 cents cheaper than they were before.

I believe there will be strong bipartisan support for repeal, and we hope to have that legislation ready and on the Senate floor in the very near future.

Mr. President, I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I wish to commend the distinguished majority leader, and I shall join with him and ask if I may be a cosponsor of that legislation.

Mr. President, this is a tax put on gasoline that does not go to the improvement of the Nation's highway transportation system. When a driver moves up to the pump and pays the tax, which could be as high as 18 Federal, those taxes historically have gone to improve America's transportation—roads and bridges—but not in this case. President Clinton designed this tax to go elsewhere.

I commend the distinguished majority leader. This Clinton tax must be repealed and repealed promptly. And henceforth, when you go to the gas pump, whatever tax it is, that tax must be directed toward the improvement of the transportation system. Those are the users in those automobiles and those trucks, and they are entitled to those funds to be expended for the very

roads on which they must drive and work to support their families.

I thank the Chair. I yield the floor.

Mr. DOLE. Mr. President, I thank the Senator from Virginia.

I hope to be meeting with him tomorrow on this very important issue.

WHITE HOUSE TRAVEL OFFICE REIMBURSEMENT

Mr. DOLE. Mr. President, I now ask unanimous consent that the Senate turn to the consideration of H.R. 2937 regarding the White House Travel Office.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (H.R. 2937) for the reimbursement of attorney fees and costs incurred by former employees of the White House Travel Office with respect to the termination of their employment in that Office on May 19, 1993.

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. 3952

Mr. DOLE. I send a substitute amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Kansas [Mr. DOLE] proposes an amendment numbered 3952.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

Strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. REIMBURSEMENT OF CERTAIN ATTORNEY FEES AND COSTS.

(a) IN GENERAL.—The Secretary of the Treasury shall pay, from amounts in the Treasury not otherwise appropriated, such sums as are necessary to reimburse former employees of the White House Travel Office whose employment in that Office was terminated on May 19, 1993, for any attorney fees and costs they incurred with respect to that termination.

(b) VERIFICATION REQUIRED.—The Secretary shall pay an individual in full under subsection (a) upon submission by the individual of documentation verifying the attorney fees and costs.

(c) LIMITATION.—Payments under subsection (a) shall not include attorney fees or costs incurred with respect to any Congressional hearing or investigation into the termination of employment of the former employees of the White House Travel Office.

(d) NO INFERENCE OF LIABILITY.—Liability of the United States shall not be inferred from enactment of or payment under this section.

SEC. 2. LIMITATION ON FILING OF CLAIMS.

The Secretary of the Treasury shall not pay any claim filed under this Act that is filed later than 120 days after the date of the enactment of this Act.

SEC. 3. REDUCTION.

The amount paid pursuant to this Act to an individual for attorney fees and costs described in section 1 shall be reduced by any amount received before the date of the enactment of this Act, without obligation for repayment by the individual, for payment of such attorney fees and cost (including any amount received from the funds appropriated for the individual in the matter relating to the "Office of the General Counsel" under the heading "Office of the Secretary" in title I of the Department of Transportation and Related Agencies Appropriations Act, 1994).

SEC. 4. PAYMENT IN FULL SETTLEMENT OF CLAIMS AGAINST THE UNITED STATES.

Payment under this Act, when accepted by an individual described in section 1, shall be in full satisfaction of all claims of, or on behalf of, the individual against the United States that arose out of the termination of the White House Travel Office employment of that individual on May 19, 1993.

Mr. DOLE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3953 TO AMENDMENT NO. 3952

Mr. DOLE. Mr. President, I send an amendment to the desk to the substitute.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Kansas [Mr. DOLE] proposes an amendment numbered 3953 to amendment No. 3952.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with, and I ask for the yeas and nays.

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

The amendment is as follows:

In lieu of the language proposed to be inserted insert the following:

SECTION 1. REIMBURSEMENT OF CERTAIN ATTORNEY FEES AND COSTS.

(a) IN GENERAL.—The Secretary of the Treasury shall pay, from amounts in the Treasury not otherwise appropriated, such sums as are necessary to reimburse former employees of the White House Travel Office whose employment in that Office was terminated on May 19, 1993, for any attorney fees and costs they incurred with respect to that termination.

(b) VERIFICATION REQUIRED.—The Secretary shall pay an individual in full under subsection (a) upon submission by the individual of documentation verifying the attorney fees and costs.

(c) LIMITATION.—Payments under subsection (a) shall not include attorney fees or costs incurred with respect to any Congressional hearing or investigation into the termination of employment of the former employees of the White House Travel Office.

(d) NO INFERENCE OF LIABILITY.—Liability of the United States shall not be inferred from enactment of or payment under this section.

SEC. 2. LIMITATION ON FILING OF CLAIMS.

The Secretary of the Treasury shall not pay any claim filed under this Act that is filed later than 120 days after the date of the enactment of this Act.

SEC. 3. REDUCTION.

The amount paid pursuant to this Act to an individual for attorney fees and costs described in section 1 shall be reduced by any amount received before the date of the enactment of this Act, without obligation for repayment by the individual, for payment of such attorney fees and costs (including any amount received from the funds appropriated for the individual in the matter relating to the "Office of the General Counsel" under the heading "Office of the Secretary" in title I of the Department of Transportation and Related Agencies Appropriations Act, 1994).

SEC. 4. PAYMENT IN FULL SETTLEMENT OF CLAIMS AGAINST THE UNITED STATES.

Payment under this Act, when accepted by an individual described in section 1, shall be in full satisfaction of all claims of, or on behalf of, the individual against the United States that arose out of the termination of the White House Travel Office employment of that individual on May 19, 1993.

This section shall become effective 1 day after the date of enactment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3954 TO AMENDMENT NO. 3953

Mr. DOLE. I now send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Kansas [Mr. DOLE] proposes an amendment numbered 3954 to amendment No. 3953.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

In lieu of the language proposed to be inserted, insert the following:

SECTION 1. REIMBURSEMENT OF CERTAIN ATTORNEY FEES AND COSTS.

(a) IN GENERAL.—The Secretary of the Treasury shall pay, from amounts in the Treasury not otherwise appropriated, such sums as are necessary to reimburse former employees of the White House Travel Office whose employment in that Office was terminated on May 19, 1993, for any attorney fees and costs they incurred with respect to that termination.

(b) VERIFICATION REQUIRED.—The Secretary shall pay an individual in full under subsection (a) upon submission by the individual of documentation verifying the attorney fees and costs.

(c) LIMITATION.—Payments under subsection (a) shall not include attorney fees or costs incurred with respect to any Congressional hearing or investigation into the termination of employment of the former employees of the White House Travel Office.

(d) NO INFERENCE OF LIABILITY.—Liability of the United States shall not be inferred from enactment of or payment under this section.

SEC. 2. LIMITATION ON FILING OF CLAIMS.

The Secretary of the Treasury shall not pay any claim filed under this Act that is filed later than 120 days after the date of the enactment of this Act.

SEC. 3. REDUCTION

The amount paid pursuant to this Act to an individual for attorney fees and costs described in section 1 shall be reduced by any

amount received before the date of the enactment of this Act, without obligation for repayment by the individual, for payment of such attorney fees and costs (including any amount received from the funds appropriated for the individual in the matter relating to the "Office of the General Counsel" under the heading "Office of the Secretary" in title I of the Department of Transportation and Related Agencies Appropriations Act, 1994).

SEC. 4. PAYMENT IN FULL SETTLEMENT OF CLAIMS AGAINST THE UNITED STATES.

Payment under this Act, when accepted by an individual described in section 1, shall be in full satisfaction of all claims of, or on behalf of, the individual against the United States that arose out of the termination of the White House Travel Office employment of that individual on May 19, 1993.

This section shall become effective 2 days after the date of enactment.

MOTION TO REFER

Mr. DOLE. Mr. President, I send a motion to refer to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE] moves to refer the pending bill to the Committee on Judiciary with instructions to report back forthwith.

Mr. DOLE. I ask for the yeas and nays on the motion to refer.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3955

Mr. DOLE. I now send an amendment to the desk to the motion.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Kansas [Mr. DOLE] proposes an amendment numbered 3955 to the instructions to the motion to refer.

Mr. DOLE. I ask that reading of the amendment be dispensed with, and I ask for the yeas and nays.

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

The amendment is as follows:

In lieu of the instructions, insert the following: with instructions to report back forthwith with the following amendment:

SECTION 1. REIMBURSEMENT OF CERTAIN ATTORNEY FEES AND COSTS.

(a) IN GENERAL.—The Secretary of the Treasury shall pay, from amounts in the Treasury not otherwise appropriated, such sums as are necessary to reimburse former employees of the White House Travel Office whose employment in that Office was terminated on May 19, 1993, for any attorney fees and costs they incurred with respect to that termination.

(b) VERIFICATION REQUIRED.—The Secretary shall pay an individual in full under subsection (a) upon submission by the individual of documentation verifying the attorney fees and costs.

(c) LIMITATION.—Payments, under subsection (a) shall not include attorney fees or costs incurred with respect to any Congressional hearing or investigation into the termination of employment of the former employees of the White House Travel Office.

(d) NO INFERENCE OF LIABILITY.—Liability of the United States shall not be inferred from enactment of or payment under this section.

SEC. 2. LIMITATION ON FILING OF CLAIMS.

The Secretary of the Treasury shall not pay any claim filed under this Act that is filed later than 120 days after the date of the enactment of this Act.

SEC. 3. REDUCTION.

The amount paid pursuant to this Act to an individual for attorney fees and costs described in section 1 shall be reduced by any amount received before the date of the enactment of this Act, without obligation for repayment by the individual, for payment of such attorney fees and costs (including any amount received from the funds appropriated for the individual in the matter relating to the "Office of the General Counsel" under the heading "Office of the Secretary" in title I of the Department of Transportation and Related Agencies Appropriations Act, 1994).

SEC. 4. PAYMENT IN FULL SETTLEMENT OF CLAIMS AGAINST THE UNITED STATES.

Payment under this Act, when accepted by an individual described in section 1, shall be in full satisfaction of all claims of, or on behalf of, the individual against the United States that arose out of the termination of the White House Travel Office employment of that individual on May 19, 1993.

This section shall become effective 4 days after the date of enactment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3956 TO AMENDMENT NO. 3955

Mr. DOLE. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE] proposes an amendment numbered 3956 to amendment No. 3955.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

Strike all after the word "SECTION" and insert the following:

1. REIMBURSEMENT OF CERTAIN ATTORNEY FEES AND COSTS.

(a) IN GENERAL.—The Secretary of the Treasury shall pay, from amounts in the Treasury not otherwise appropriated, such sums as are necessary to reimburse former employees of the White House Travel Office whose employment in that Office was terminated on May 19, 1993, for any attorney fees and costs they incurred with respect to that termination.

(b) VERIFICATION REQUIRED.—The Secretary shall pay an individual in full under subsection (a) upon submission by the individual of documentation verifying the attorney fees and costs.

(c) LIMITATION.—Payments under subsection (a) shall not include attorney fees or costs incurred with respect to any Congressional hearing or investigation into the termination of employment of the former employees of the White House Travel Office.

(d) NO INFERENCE OF LIABILITY.—Liability of the United States shall not be inferred from enactment of or payment under this section.

SEC. 2. LIMITATION ON FILING OF CLAIMS.

The Secretary of the Treasury shall not pay any claim filed under this Act that is filed later than 120 days after the date of the enactment of this Act.

SEC. 3. REDUCTION.

The amount paid pursuant to this Act to an individual for attorney fees and costs described in section 1 shall be reduced by any amount received before the date of the enactment of this Act, without obligation for repayment by the individual, for payment of such attorney fees and costs (including any amount received from the funds appropriated for the individual in the matter relating to the "Office of the General Counsel" under the heading "Office of the Secretary" in title I of the Department of Transportation and Related Agencies Appropriations Act, 1994).

SEC. 4. PAYMENT IN FULL SETTLEMENT OF CLAIMS AGAINST THE UNITED STATES.

Payment under this Act, when accepted by an individual described in section 1, shall be in full satisfaction of all claims of, or on behalf of, the individual against the United States that arose out of the termination of the White House Travel Office employment of that individual on May 19, 1993.

This section shall become effective 3 days after the date of enactment.

CLOTURE MOTION

Mr. DOLE. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 380, H.R. 2937, an act for the reimbursement of attorney fees and costs incurred by former employees of the White House Travel Office with respect to the termination of their employment in that office on May 19, 1993.

Bob Dole, Orrin Hatch, Spencer Abraham, Chuck Grassley, Larry Pressler, Ted Stevens, Rod Grams, Strom Thurmond, Thad Cochran, Judd Gregg, Paul D. Coverdell, Connie Mack, Conrad Burns, Larry E. Craig, Richard G. Lugar, Frank H. Murkowski.

Mr. DOLE. I will just say for the information of all Senators, the cloture vote on the White House Travel Office bill will occur on Tuesday, May 7.

I ask unanimous consent the cloture vote occur at 2:15 p.m. on Tuesday, May 7, and the mandatory quorum under rule XXII be waived.

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

ORDER OF PROCEDURE

Mr. DOLE. Let me indicate, as I will do in the closing statement, there will

be no votes today. There will be no votes on Monday. The first vote will occur at 2:15 p.m. on Tuesday, May 7.

Let me also indicate, it is necessary to go through this procedure of filling up the tree so we can take action on this bill without having nongermane amendments offered to it. I would indicate we have made a proposal to the Democratic leadership with reference to minimum wage. I have asked Senator LOTT to try to resolve that with Senator DASCHLE and others. We hope they can reach some agreement so we can start bringing up legislation and passing it. This bill should not take 5 minutes. It may take 2 or 3 days. But I hope that is not the case.

I know there was some misinformation about the Senator from Arkansas, Senator PRYOR, holding up the bill. That is not accurate. He did raise some questions last night about how we might treat other people who had the same problem, where they have incurred big legal expenses through no fault of their own because they have been called to testify or because of something being investigated. I suggested, rather than try to cure that on this bill, that we ask the chairman of the Judiciary Committee if he would consider general legislation, if he would take a look at it—it might be Whitewater, it might be Iran-Contra—because I can tell you, a lot of people in this country have incurred huge legal bills when they were called before committees and their reputation was at stake and when they were really not even under investigation or targets of investigation. That has been true through the years.

So, if we want to change general policy, I suggest we do it through the process of hearings in the appropriate committee. I hope that will be satisfactory and that we can pass this bill quickly on Tuesday and move on to a couple of other bills—Amtrak authorization, which we believe is very important, and the firefighters discrimination bill, S. 849—and, hopefully, then, on Wednesday, go to the constitutional amendment for a balanced budget.

MORNING BUSINESS

Mr. DOLE. Mr. President, I ask unanimous consent there now be a period for the transaction of routine morning business with Senators permitted to speak for up to 5 minutes each.

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

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, May 2, 1996, the Federal debt stood at $5,100,092,620,432.01.

On a per capita basis, every man, woman, and child in America owes $19,262.84 as his or her share of that debt.

THE CHINA IPR AGREEMENT

Mr. THOMAS. Mr. President, yesterday the U.S. Trade Representative released its annual Special 301 report on the protection of U.S. intellectual property rights [IPR] by foreign countries. It will come as no surprise to my colleagues that topping the list of countries which routinely permit the pirating of American IPR is the People's Republic of China [PRC]. In fact, the PRC is the only country identified as a "priority foreign country," meaning that its policies and practices—or lack thereof—have had the greatest adverse impact on American goods.

The Subcommittee on East Asian and Pacific Affairs, which I chair, has held three hearings on this issue. Let me share a little of what the subcommittee has learned from those hearings with my colleagues. Section 301 of the Trade Act of 1974 is the principal mechanism through which an administration addresses unfair foreign trade practices. Section 301 gives the President broad powers to enforce U.S. rights under bi- and multi-lateral trade agreements, and to seek to eliminate acts or policies of foreign governments that burden or restrict U.S. commerce. In addition, it authorizes the President to retaliate against such practices if negotiations to eliminate the objectionable practice fail.

The Omnibus Trade and Competitiveness Act of 1988 amended the Trade Act of 1974 to include what has been commonly called the Special 301 provision. Special 301 requires the U.S. Trade Representative [USTR] to identify on an annual basis those countries that, inter alia, deny adequate and effective protections for IPR; and those countries within that category determined by the USTR to be priority foreign countries. Such countries are those that "have the most onerous or egregious [policies]."

Section 302(b) of the 1974 act directs the USTR to initiate a Section 301 investigation within 30 days after a country is identified as a priority. After such an investigation is initiated, the USTR is required to determine within 6 months if the country engages in unfair trade practices and if any retaliatory measures should be imposed. Investigations may be extended 9 months if complex or complicated issues are involved. At the end of the investigation, the USTR has the discretion in deciding whether to retaliate.

As a means of increasing the effectiveness of the Special 301 provision, the USTR has divided into two lists those countries perceived to be denying adequate and effective IPR protection but whose problems are not as pronounced as priority countries: the priority watch list [PWL], and the "watch list" [WL]. Countries placed on the PWL are those the USTR considers to have made less progress in strengthening IPR protection than those on the WL. These countries are considered to have practices that meet all or some of the statutory criteria for placement on the priority country list, but are seen as making progress in negotiations to improve their IPR protection. WL countries are those that the USTR believes to have better IPR protection, but still need to be monitored.

USTR completed the first Special 301 review of foreign countries' protection of IPR in April 1989. In that year and in 1990, the USTR placed the PRC on its priority watch list, citing a lack of protection of IPR and enforcement of intellectual property laws. IPR piracy in the People's Republic of China [PRC] was rampant, especially in the southern and eastern provinces close to Hong Kong such as Guangdong and Jiangsu. Factories in these areas mass-produced pirated versions of American computer software, compact discs, CD-ROMs, and audio/video cassettes. Of the American computer software sold or produced in China, over 94 percent was pirated; many Government ministries—including the Trade Ministry—made extensive use of pirated software. CD's and audio/video percentages ran close to 100 percent; video copies of movies were being exported in China even before being released in the United States. Trademark piracy was also prolific.

Consequently, in 1991 the PRC was designated a priority foreign country. In January 1992, the People Republic of China and United States signed a memorandum of understanding governing IPR protection. Pursuant to the MOU, the PRC enacted a comprehensive body of laws protecting IPR, and providing civil and criminal penalties for persons violating those laws. As a result of that agreement, the PRC was removed from the watch lists.

By 1993, however, it was clear that the PRC was not living up to the 1992 MOU and the country was placed back on the priority qatch list. The amount of factories known to be producing pirated goods had risen from single digits to 29. These companies were exporting pirated goods in alarmingly increasing numbers; production of CD's alone ran to 75 million while China's internal market could absorb only 5 million. Moreover, enforcement was almost nonexistent. The National Copyright Administration Office, located in less than half of China's provinces, had few qualified employees and no real authority to prosecute offenders. Compounding the problem, several of the factories were known to have financial connections to local and national political figures. In addition, several others were actually partially or wholly Government- or PLA-owned.

On June 30, 1994, the USTR initiated another Special 301 investigation of the

PRC. On December 31, that office issued a proposed determination that the PRC's IPR enforcement practices were unreasonable and burdened or restricted United States commerce. At the same time, the USTR issued a proposed list of Chinese goods to which tariffs of 100 percent would be attached as a retaliatory measure; the list included approximately $2.8 billion of goods. The goods chosen comprised 35 product categories of high-growth Chinese exports. Special care was exercised to include items in which the Chinese Government had a substantial involvement in producing, and to minimize any impact on United States consumers by picking articles readily available from other foreign or domestic sources.

The investigation period was then extended to February 4, 1995 to facilitate continuing negotiations. On that date, though, having come to no resolution with the Chinese, the USTR ordered the imposition of the proposed tariffs effective February 26. Their intent was to allow goods that were currently in transit between the two countries to arrive before the tariffs were finally imposed. It also gave both sides more time to negotiate. Had the tariff action taken affect, it would have been the largest retaliation ever taken by the U.S. Government. At the same time, the Chinese announced that they would respond with retaliatory 100 percent tariff sanctions on a long list of United States exports.

In the second week of February, the Chinese announced their willingness to resume negotiations. Then-Deputy USTR Barshefsky accepted the invitation of Wu Yi, the PRC's Minister of Foreign Trade and Economic Cooperation, to come to China on February 20. In the meantime, on February 15, the Chinese began a crackdown on the pirating. Authorities raided and closed seven of the factories, including two of the most notorious: the Shenfei factory in Shenzhen and the Dragon Arts Sound Co. in Zhuhai. The two sides finally reached an eleventh-hour accord on February 26, 1995, thereby narrowly averting the trade war.

The agreement signed in Beijing had three principle goals: to take immediate steps to stem piracy of IPR material, to make long-term changes to ensure effective enforcement of IPR in the future, and to provide United States IPR holders with greater access to the Chinese market. As for the first goal, Beijing pledged to implement a 6-month Special Enforcement Period beginning March 1 during which time the Government would increase resources to target the 29 CD and laser disc factories known to be engaging in pirated production, and confiscate and destroy illegally produced output and the machinery used to produce it. In addition, Beijing proposed to tighten its customs practices to stem the exportation of illegal products.

As for long-term changes, the Chinese Government pledged to ensure that Government ministries cease using pirated software. Furthermore, the Government pledged to establish an effective IPR enforcement structure consisting of IPR conference working groups at the central, provincial, and local level to coordinate enforcement efforts, and to ensure that the laws are strictly enforced. Similarly, the PRC stated it would remodel its customs enforcement system after that of the United States. Lastly, China would create a title verification system, and would ensure that United States copyright holders have access to effective and meaningful judicial relief in cases of infringements.

Finally, the PRC pledged to enhance access to its markets for United States right holders. It agreed it would place no quotas on the importation of U.S. audio-visual products, and would allow U.S. record companies—subject to certain censorship concerns—to market their entire catalog. United States companies were also to be permitted to enter into joint ventures for the production and reproduction of their products in the PRC.

On November 29, 1995, the subcommittee held a follow-up hearing to examine the on-going implementation of the agreement and China's compliance therewith. Since the signing of the agreement, several industry associations had complained that the agreement was not being fully implemented in the PRC and that the situation had degenerated to the pre-agreement state of affairs. According to the industry, many of the pirating factories that had been closed down in February 1995 had reopened and were doing business as usual. In addition, the Chinese Government had let pass several of the deadlines for action on its part as specified in the agreement.

The subcommittee heard from the USTR and representatives of the IPR industry (computer software, film, and recording industry). Then-Deputy USTR Barshefsky testified that implementation had been "mixed." On the positive side, she noted that:

> . . . the system is becoming more transparent—recently all of China's IPR laws, regulations, and administrative guidance were published, and public knowledge and understanding of IPR laws and regulations is much better than it was;
>
> [p]iracy at the retail level has been markedly reduced in many major Chinese cities, particularly along the booming southeast coast where U.S. losses have been the largest. According to Chinese [g]overnment statistics, since signature of the agreement, Chinese enforcement officials have launched 3,200 raids, seized and destroyed as many as 2 million pirated CDs and LDs, 700,000 pirated videos, and 400,000 pirated books; and
>
> [i]n addition, China has made many of the structural changes mandated by the agreement. China has set up ministerial task forces in virtually all provincial capitals and many major cities, 30 in all. It has set up high-level, tough enforcement task forces in at least 18 provinces and major municipalities. . . . China has now established IPR courts in Beijing, Guangzhou, Shenzhen and other major centers of piracy, and has begun an active program to train Chinese judges in the enforcement of IPR laws.

However, having noted these positive signs, she continued:

> Despite these steps, China's overall implementation of the agreement falls far short of the requirements of the agreement. Despite improved enforcement efforts, U.S. industries still estimate that they lost $866 million as a result of China's piracy in 1995.

She then listed several of the more notable problems:

> Overall, while China has taken steps to clean up retail markets, it has done little effectively so far to attack the heart of the problem—continuing, massive production, distribution, and export of pirated products. In particular, we remain deeply concerned that China has not honored its commitments to clean up production of pirated CDs in more than 29 factories throughout [southeast] China. Under the agreement, China was to have completed investigations of all factories by July 1, 1995, and to have taken measures to discipline, fine, or punish factories that violate Chinese laws and regulations. To our great dismay, China has instead reregistered—that is, given a clean bill of health to—all but one of the CD factories. Factories . . . have shifted their focus from . . . music CDs to higher value-added CD-ROMs. The seizure of exports of pirated CD-ROMs . . . in particular have risen by one hundred percent. . .. The potential economic damage to the US software industry is enormous. . . .
>
> A single CD-ROM produced in China and acquired in Hong Kong by the Business Software Alliance recently contained Lotus' Supersuite (retails for $3,300), Autodsk's AutoCad (retails for $4,250), and Novell's New Ware (retails for $2,485) along with 100 other computer programs. The disk sold in Hong Kong's notorious Golden Shopping Arcade for $6.75.

She went on to note that Chinese compliance in the printing of SID codes had not been effectively implemented, China's Customs Service had not yet aggressively pursued infringers, and Chinese promises to open market access to United States firms were not being kept. Industry spokesmen expressed similar views, although they were markedly less enthused about those areas in which Ms. Barshefsky claimed China had cooperated.

At a joint Senate-House hearing just this last March, we learned that the situation has been reported to have remained largely the same. A review of many of the major provisions of the agreement show why the USTR is so concerned. For example, the agreement calls for the Chinese to investigate all CD production lines to ensure that titles being produced there are legitimate. While the Chinese have assigned investigators to some factories to ensure title verification procedures are being followed and SID codes—a way to identify what factory a particular CD came from—are being used. Yet according to the USTR, SID codes are still

not generally utilized and title verifications are being almost uniformly ignored.

In addition, the agreement calls for the revocation of business permits for factories involved in continuing illegal production. Yet of the some 37 plants known to be operating illegally, only from 4 to 7—depending on your source—have been closed. This leaves roughly 30 plants in operation with an annual production capability of from 150 to 200,000,000 units. Given that the PRC's domestic market demand for legitimate products is only around 7,000,000 units, Mr. President, you can see that leaves quite a large gap.

The agreement requires the Chinese Government to establish a copyright verification system that would prevent the manufacture and export of CD's without being cleared by the Chinese Government and representatives of affected copyright owners. While such a system has been formally established on paper, in practice U.S. copyright holders have received only 5 requests for title verification in the past 18 months—yet experts estimate that over 60 million illicit CD's have been produced since the February agreement.

The agreement called for the abolition of quotas and other restrictions on the importation into the People's Republic of China of audio products. However, there has been no change in that system. Chinese officials alternately by denying the existence of a quota system or suggesting that now is not the time to amend such a system. Similarly, the agreement called for permitting US companies to enter into joint ventures for the production and reproduction of audio products. The Chinese side now claims that—contrary to the understanding of United States copyright holders in 1995—this provision means that they may participate in joint ventures for manufacturing products and not to original production.

In response to the allegations from the USTR and industry Zhang Yuejiao, Director General of the Treaty and Law Department of the Ministry of Foreign Trade and Economic Cooperation [MOFTEC], recently told China Daily:

> Some overseas people have criticized China for not living up to its promises on [IPR] protection. Such attacks are totally groundless.

A lengthier statement from Chen Jian, a spokesman at the Chinese Foreign Ministry, appeared in a recent edition of Beijing Review:

> Protecting intellectual property rights is one of China's basic state policies. Since adopting the reform and opening policies, China has made tremendous efforts in the areas of legislation, jurisdiction and law enforcement concerning the protection of intellectual property rights. China has also instituted a legal system for [IPR]. Over the past year, China has adopted a series of measures to intensify law enforcement activities, including a major crackdown on piracy. We have achieved marked results in investigating and regulating the audio-visual and publishing markets, as well as in investigating and handling cases involving violations of [IPR] by factories and individuals. Any criticism of China for inadequately combatting piracy is groundless.
>
> I should point out that IPR violations are an international phenomenon existing in many countries, including the United States. We are willing to exchange experiences and enhance cooperation with other countries concerning IPR protection, the United States included. Frequent threats of sanctions will not only harm bilateral cooperation in IPR protection, but also Sino-US economic and trade ties. We are opposed to such practices.

A more recent trend in Chinese statements on the issue has sort of taken the tone that "the best defense is a good offense." In the past few months, the Chinese official media have engaged in a media blitz to counter assertions that the PRC is falling short of their obligations; the cover of the April 22 Beijing Review carries a picture of the deputy mayor of Chengdu, Wu Pingguo, holding up a pirated copy of "Windows '95" under the heading "No Piracy." The Chinese Government has begun to answer allegations of its failures with countercharges that the United States has failed to live up to portions of the agreement by failing to provide promised technical and financial assistance. In one of my meetings during my trip to the People's Republic of China over the April recess, one of the officials with whom I met even went so far as to say to me that while China was actually living up to its side of the agreement 100 percent, American companies were now engaged in wholesale piracy of Chinese IPR in the United States.

Now, Mr. President, I will be the first to acknowledge that, as the USTR has pointed out, the Chinese have made significant strides in implementing some portions of the agreement. Fifteen years ago the concept of intellectual property was a foreign one to the Chinese. In a Confucian-based system, knowledge was felt to belong to everyone; the Chinese even have a saying: "You cannot steal a book." This tradition, coupled with communism-based ideals that everyone works for the benefit of his or her fellow citizens, are clearly antithetical to the concept of IPR. Yet as a result of the agreement, the Chinese have moved to put in place laws and enforcement systems to deal with the problem. They have embarked on a campaign of educating citizens about IPR, and have conducted a series of raids of retail outlets selling illicit products. I applaud their efforts on this front.

But Mr. President, we have a clear agreement with the People's Republic of China. And it is equally clear, regardless of their efforts and despite their protestations to the contrary, that the People's Republic of China is not fully living up to its obligations under that agreement. I'm sorry, but they are not. They say they are, but to paraphrase a saying of which Beijing is inordinately fond of castigating us with, "Actions speak louder than words." The main problem is that while it is commendable that the government is going after retailers, it continues to overlook the source of the products. The excuse often heard is that China is a big country and the central government cannot know at all times which factories are producing illegal goods and where they are. Well, if those factories were producing pamphlets calling for the overthrow of the Communist government in Beijing, you could be quite sure that they would be shut down in a heartbeat. Moreover, it is not as though the factories involved in CD and related IPR production in China are mysterious hidden entities, Mr. President; even I have a list of them:

Zhuhai Hua Sheng Magnetic Tape Factory, Dakengmei, Wanzai, Zhuhai;

Zhuhai GLM Laser Master Matrix Mfg. Co., Zhuhai;

Shen Fei Laser & Optical System Co., Bagua Xi Lu, Shenzhen;

Zhong Qiao Laser Co., Bonded Industrial Area, Shatoujiao, Shenzhen;

Guangzhou Yong Tong Audio-Visual Prod. Co., No. 14, Shiguang Lu, Shiqiao, Punyu, Guangzhou;

Cai Ling Audio-visual Prod. Co., No. 17, Lingyuan Xi Lu, Guangzhou, Guangdong;

Foshan Jinzhu Laser Digital Storage Disk Co., Block 10, No. 44, Xinfeng Lu, Foshan, Guangdong;

Foshan Jinsheng Electronic Co., 3/F Jinchan Building, Zhangcha Lu, Kou, Foshan;

Foshan Xiandi Electronic Audio-Video Industrial Co., Dunhou Gongye Daidao, Foshan;

Foshan City Nanhai Mingzhu Audio-Video Co., Jun Bridge, Foping Gonglu, Tongshang Lu, Foshan;

Chaoyang City Jinfa Laser Disk Technology Co., Tongshan Daidao, Chaoyang;

Zhongshan Yisheng Laser Disk Manufacturing Co., Chanjiang Administrative Zone, Zhongshan, Guangdong;

Zhongqing Guosheng Laser Technology Co., Duancheng Industry Estate, Duanzhou Yilu, Zhongqing, Guangdong;

Maoming Jiahe (Shuitong) Electronic City Co., No. 1, Jiahe Lu, Shuitong Economic Dev. Zone, Maoming, Guangdong;

Xinhua Paiei Photoelectricity Co., Gaoxin Tech. Dev. Zone, Hunagkong, Xinhui, Guangdong;

Zibo Yongbao Laser Audio-Video Co., Gaoxin Tech. & Industry Development Zone, Zibo, Shantong;

Chengdou Lianyi Huaxing Audio-Video Production Co., 3/F Huaneng Group, Chengdou, Plant at: Air Harbour, Gaoxin Lu, Chengdou;

Hainan Anmei Laser Production Co., Yuejin Nan Lu, Digan, Hainan;

Shanghai Lianhe Laser Disk Co., No. 811, Hengshan Lu, Shanghai;

Suzhou Baodie Laser Electronic Co., Songling Town Industrial Development Zone, Wujiang, Jiangsu;

Nanjing Dali Laser Audio-Video Co., Danchang Town (Pukou), Nanjing, Jiangsu;

Hangzhou Huadie Photoelectricity Co., Liuxiaying Kou, Hangzhou, Zhejiang;

Tianjin Tianbao Electronics Co., Wuqing Development Zone, New Technology & Industry Park, Tianjin;

Heifei Wanyan Electronics Co., No. 127, Shushan Lu, Hefei;

Beijing Leshi Record Co., No. 1, Zhenwu Si Santiao, Fuxingmen Wai Jie, Xi Xheng Qu, Beijing.

Mr. President, at the time of reaching agreement the Chinese Government knew—or should have known—what it was and was not capable of in regards to IPR regulation and enforcement. And with that knowledge, it went ahead and legally committed itself to a comprehensive course of action—not to fulfill the terms partially, or as it felt like it, or selectively, but a comprehensive plan. The Foreign Ministry has stated that "protection of IPR is a highly complex undertaking that cannot be completely resolved in a short time." Well, Mr. President, if such is the case, then the People's Republic of China [PRC] shouldn't have agreed to do so.

I am a firm believer that once a country signs an agreement it should adhere to it. Apparently, in theory, so are the Chinese; they constantly berate us, and other countries, accusing us of failing to live up to our agreements. Yet it is abundantly clear that the Chinese side has not fully lived up to the agreement.

Now, Mr. President, that leaves us, as the aggrieved party, with few options. First, we could ignore their breach and continue to allow the PRC to flout the agreement. This would, though, have unfortunate repercussions. It would demonstrate to the PRC, indeed to all of Asia, that there is no price to pay for ignoring or otherwise failing to implement agreements with the United States. I am quite sure that that is not the kind of message we want to be sending.

Another choice would be to work quietly with the Chinese to resolve those disagreements which remain outstanding to avoid having to rely on other more public avenues to getting them to comply. Well, Mr. President, we have tried that route with no success. Assistant USTR Lee Sands has been to China several times since last year to try to work things out; Acting-USTR Barshefsky has been to Beijing several times with the same goal. Jason Berman, chairman and CEO of the Recording Industry Association of America, has been to China; representatives of the movie and computer software industries have been to China—all to no avail.

So, Mr. President, we find ourselves faced with the only remaining way to impress upon the Chinese the seriousness of the problem, our disappointment at their failure to adhere to the agreement, and the extent of the monetary loss we suffer: economic sanctions. This is not a course of action which I relish, Mr. President; unilateral sanctions are rarely an effective instrument of foreign or trade policy. They have unavoidable consequences for the domestic economy; besides effecting domestic industries which rely on imported goods from China, they can also impact other businesses. To illustrate, the Chinese have countered to suggestions of trade sanctions with a thinly-veiled threat to United States business interests in China:

> Should the US side go ahead with taking sanctions against China, US commercial interests would in the end be seriously harmed and that would amount to the US imposing counter-sanctions against itself.

We have seen this before. Last year when sanctions were pending the Chinese awarded several contracts which were considered safely in the pockets of United States corporations to European competitors; the signal was clear. Premier Li Peng recently travelled to France where he signed several significant trade deals—most notably with Airbus—pointedly aimed at reminding us that we are not their only trade source.

The Chinese are quick to say that we should not resort to the imposition of sanctions, that we should discuss the issue "on the basis of equality." Well, Mr. President, there is no equality in their version of equality. Does equality exist when one party flouts an agreement to the detriment of the other? I think not.

So, Mr. President, I reluctantly, yet fully, support the USTR on this issue. I urge the President to follow the USTR's recommendations, and to do so soon. I realize that there are some in the administration who are hesitant to press this issue for fear of rocking the boat—the same reason for the administration's emasculated response to the Chinese sales of ring magnets and the like to Pakistan—but failure to act will only embolden the Chinese and will only serve to add fuel to the fire of what already promises to be a raucous MFN debate.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

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. STEVENS:

S. 1728. A bill to require Navy compliance with shipboard solid waste control requirements; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. STEVENS:

S. 1728. A bill to require Navy compliance with shipboard solid waste control requirements; to the Committee on Commerce, Science, and Transportation.

THE ACT TO PREVENT THE POLLUTION FROM SHIPS AMENDMENT ACT OF 1996

Mr. STEVENS. Mr. President, today I am introducing legislation at the request of the Department of Defense [DOD] to amend the act to prevent pollution from ships to bring Navy operations in line with the International Convention for the Prevention of Pollution by Ships—the MARPOL Convention.

I ask for unanimous consent that the following summary of the bill and background information provided by the DOD be printed in the RECORD.

I ask for unanimous consent that the bill be printed in full in the RECORD.

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

S. 1728

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

SECTION 1. NAVY COMPLIANCE WITH SHIPBOARD SOLID WASTE CONTROL REQUIREMENTS.

Section 3(c) of the Act to Prevent Pollution from Ships (33 U.S.C. 1902(c)) is amended to read as follows:

"(c) DISCHARGES IN SPECIAL AREAS.—

"(1) Not later than December 31, 2000, all surface ships owned or operated by the Department of the Navy, and not later than December 31, 2008, all submersibles owned or operated by the Department of the Navy, shall comply with the special area requirements of Regulation 5 of Annex V to the Convention, except as provided in paragraphs (2) and (3) of this subsection.

"(2) Vessels owned or operated by the Department of the Navy for which the Secretary of the Navy determines that, due to a uniquely military design, construction, manning or operating requirements, full compliance with paragraph (1) would not be technologically feasible, or would impair the vessel's operations or operational capability, are authorized to discharge non-plastic and non-floating garbage consisting of—

"(A) a slurry of seawater, paper, cardboard and food waste, provided such slurry is discharged not less than three nautical miles from the nearest land and is capable of passing through a screen with openings of no greater than 12 millimeters; and

"(B) metal and glass garbage that has been shredded and bagged to ensure negative buoyancy and is discharged not less than twelve nautical miles from the nearest land.

"(3) Not later than December 31, 2000, the Secretary of the Navy shall publish in the Federal Register—

"(A) a list of those vessels planned to be decommissioned between January 1, 2001, and December 31, 2005; and

"(B) standards to ensure, so far as reasonable and practicable, without impairing the operations or operational capabilities of such vessels, that such vessels act in a manner that is consistent with the special area requirements of Regulation 5 of Annex V.

"(4) Notwithstanding paragraphs (2) and (3) of this section, it shall be the goal of the Department of the Navy to achieve eventual full compliance with Annex V as part of the Department's ongoing development of environmentally sound ships.".

SUMMARY OF BILL

The purpose of this bill is to amend section 1902(c) of the Act to Prevent the Pollution from Ships (33 U.S.C. 1901 et seq.).

The MARPOL Convention requires party states to adopt measures requiring their warships to comply with garbage discharge restrictions to the extent reasonable and practicable. The Act to Prevent Pollution from Ships, however, established a no-discharge requirement (except food waste) in special areas for all public vessels. The proposed bill would allow U.S. Navy surface warships to discharge pulped and shredded non-hazardous, non-plastic, non-solid floating waste in special areas, consistent with the MARPOL Convention, while reaffirming the U.S. commitment to achieving eventual full compliance by all public vessels.

Paragraphs (2), (3), and (4) of section 1902(c) are eliminated. These paragraphs pertain to the one-time submission to Congress by the Secretary of the Navy of a plan for special area compliance by Navy Ships. The plan will have been submitted by November 1996, after which time the statutory language requiring such plan will be surplusage.

Paragraph (1) of section 1902(c) is amended to reiterate the special area compliance deadlines of the current paragraph (December 31, 2000 for surface ships; December 31, 2008 for submersibles), but to allow exceptions as delineated in new paragraphs (c)(2) and (c)(3).

For ships that the Secretary of the Navy determines that, due to the uniquely military characteristics, compliance would not be technologically feasible, or would impair the vessel's operations or operational capability, new paragraph (c)(2) authorizes the discharge within in-effect MARPOL Annex V special areas of non-hazardous, non-plastic, non-floating garbage consisting of either:

a. A slurry of seawater, paper, cardboard and food waste that is capable of passing through a screen with openings of 12 millimeters (about ½ inch); or

b. Metal and glass garbage that has been shredded and bagged to ensure negative buoyancy.

Discharges of pulped biodegradable material (paper and cardboard) would be authorized no closer than three nautical miles from shore and discharges of shredded non-biodegradable material (glass/metal) would be authorized no closer than 12 nautical miles from shore.

New Section (c)(3)(b) ensures that Navy vessels which are to be decommissioned within 5 years, and for which installation of solid waste processing equipment would therefore not be cost effective, will comply with special areas requirements of Annex V as far as is reasonable and practicable, without impairing the operations or operational capabilities.

New Section (c)(4) sets a goal for the Department of the Navy to achieve eventual full compliance with Annex V as part of the Department's ongoing development of environmentally sound ships.

BACKGROUND

The FY94 DoD Authorization Act required the Secretary of the Navy to submit to Congress by November 1996 a plan for compliance by Department of Navy ships with the special area provisions of the MARPOL Convention. Accordingly, the Under Secretary of the Navy formed an executive steering committee to oversee development of the plan. The Navy has conducted a thorough analysis of technologies and management practices for special area compliance. The major findings include the following:

a. Full compliance with U.S. law could be achieved through installation of incinerators, at a fleet-wide cost of about $1.2 billion. Incinerator installation would significantly degrade operations due to displacement of existing ship systems and addition of significant weight. Incineration may be regulated in the future by a new annex to MARPOL thus adding uncertainty to acceptability of shipboard incineration.

b. Full compliance with U.S. law could be achieved through garbage compaction and retrograde for shore disposal, at a fleet-wide cost of over $1.1 billion. Retention and retrograde presents a host of operational and habitability problems. Associated costs include the modification of ships to accommodate both waste processing (compaction) and storage space, additional Combat Logistics Force ships for garbage collection, increased time and maintenance for underway replenishment/garbage off-loads, and disposal costs in foreign ports. Another consideration is the uncertain fate of garbage in foreign ports and limited landfill space in many countries.

c. The National Academy of Science completed a shipboard waste technology assessment for the Navy. Other possible technologies, such as plasma arc pyrolysis and super critical water oxidation, are not yet developed sufficiently for shipboard application.

d. Full compliance with MARPOL, but not existing U.S. law, could be achieved through use of pulpers and shredders in special areas, at a fleet-wide cost of about $300 million. Installation of pulpers and shredders would actually enhance operational capability, by enabling discharge of pulped garbage from inside the ship during heavy weather and flight operations, when unprocessed garbage discharges are currently prohibited. Use of pulpers and shredders worldwide (not just in special areas) would virtually eliminate the possibility of shipboard waste wash-up on beaches and shorelines. Fate and effects studies commissioned by the Navy with the collaboration of Scripps Institute, NOAA, and the University of Georgia indicate that pulper and shredder discharges, in the types and amounts predicted from Navy vessels, would not result in significant impacts to the marine environment. An Environment Impact Statement is also being completed. In accordance with CEQ regulations, a Legislative EIS will be available within 30 days of the legislative proposal.

Accordingly, the Navy has identified the use of pulpers and shredders as the preferred method for special area shipboard waste management for its larger, ocean-going vessels. Smaller, coastal vessels would retain and retrograde waste, since at-sea time is limited. The pulper-shredder approach is environmentally benign and entirely consistent with U.S. obligations under international law. This amendment to the Act to Prevent Pollution from Ships would authorize the use of the pulper-shredder approach for solid waste discharges under U.S. law. This approach would reduce the need for shore based reception facilities and would enable the five designated but not in-effect special areas to more quickly come into effect.

ADDITIONAL COSPONSORS

S. 684

At the request of Mr. HATFIELD, the name of the Senator from Ohio [Mr. DEWINE] was added as a cosponsor of S. 684, a bill to amend the Public Health Service Act to provide for programs of research regarding Parkinson's disease, and for other purposes.

S. 953

At the request of Mr. CHAFEE, the names of the Senator from Wisconsin [Mr. KOHL], the Senator from Utah [Mr. BENNETT], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Montana [Mr. BURNS] 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. 1150

At the request of Mr. KENNEDY, his name was added as a cosponsor of S. 1150, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the Marshall plan and George Catlett Marshall.

S. 1437

At the request of Mr. THURMOND, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 1437, a bill to provide for an increase in funding for the conduct and support of diabetes-related research by the National Institutes of Health.

S. 1534

At the request of Mr. HATFIELD, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 1534, a bill to amend the Public Health Service Act to provide additional support for and to expand clinical research programs, and for other purposes.

SENATE CONCURRENT RESOLUTION 42

At the request of Mrs. KASSEBAUM, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of Senate Concurrent Resolution 42, a concurrent resolution concerning the emancipation of the Iranian Baha'i community.

AMENDMENTS SUBMITTED

THE WHITE HOUSE TRAVEL OFFICE EXPENSES AND FEES REIMBURSEMENT ACT OF 1996

DOLE AMENDMENT NO. 3952

Mr. DOLE proposed an amendment to the bill (H.R. 2937) for the reimbursement of legal expenses and related fees

incurred by former employees of the White House Travel Office with respect to the termination of their employment in that Office on May 19, 1993; as follows:

Strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. REIMBURSEMENT OF CERTAIN ATTORNEY FEES AND COSTS.

(a) IN GENERAL.—The Secretary of the Treasury shall pay, from amounts in the Treasury not otherwise appropriated, such sums as are necessary to reimburse former employees of the White House Travel Office whose employment in that Office was terminated on May 19, 1993, for any attorney fees and costs they incurred with respect to that termination.

(b) VERIFICATION REQUIRED.—The Secretary shall pay an individual in full under subsection (a) upon submission by the individual of documentation verifying the attorney fees and costs.

(c) LIMITATION.—Payments under subsection (a) shall not include attorney fees or costs incurred with respect to any Congressional hearing or investigation into the termination of employment of the former employees of the White House Travel Office.

(d) NO INFERENCE OF LIABILITY.—Liability of the United States shall not be inferred from enactment of or payment under this section.

SEC. 2. LIMITATION ON FILING OF CLAIMS.

The Secretary of the Treasury shall not pay any claim filed under this Act that is filed later than 120 days after the date of the enactment of this Act.

SEC. 3. REDUCTION.

The amount paid pursuant to this Act to an individual for attorney fees and costs described in section 1 shall be reduced by any amount received before the date of the enactment of this Act, without obligation for repayment by the individual, for payment of such attorney fees and costs (including any amount received from the funds appropriated for the individual in the matter relating to the "Office of the General Counsel" under the hearing "Office of the Secretary" in title I of the Department of Transportation and Related Agencies Appropriations Act, 1994).

SEC. 4. PAYMENT IN FULL SETTLEMENT OF CLAIMS AGAINST THE UNITED STATES.

Payment under this Act, when accepted by an individual described in section 1, shall be in full satisfaction of all claims, of, or on behalf of, the individual against the United States that arose out of the termination of the White House Travel Office employment of that individual on May 19, 1993.

DOLE AMENDMENT NO. 3953

Mr. DOLE proposed an amendment to amendment No. 3952 proposed by him to the bill H.R. 2937, supra; as follows:

In lieu of the language proposed to be inserted, insert the following:

SECTION 1. REIMBURSEMENT OF CERTAIN ATTORNEY FEES AND COSTS.

(a) IN GENERAL.—The Secretary of the Treasury shall pay, from amounts in the Treasury not otherwise appropriated, such sums as are necessary to reimburse former employees of the White House Travel Office whose employment in that Office was terminated on May 19, 1993, for any attorney fees and costs they incurred with respect to that termination.

(b) VERIFICATION REQUIRED.—The Secretary shall pay an individual in full under subsection (a) upon submission by the individual of documentation verifying the attorney fees and costs.

(c) LIMITATION.—Payments under subsection (a) shall not include attorney fees or costs incurred with respect to any Congressional hearing or investigation into the termination of employment of the former employees of the White House Travel Office.

(d) NO INFERENCE OF LIABILITY.—Liability of the United States shall not be inferred from enactment of or payment under this section.

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SEC. 3. REDUCTION.

The amount paid pursuant to this Act to an individual for attorney fees and costs described in section 1 shall be reduced by any amount received before the date of the enactment of this Act, without obligation for repayment by the individual, for payment of such attorney fees and costs (including any amount received from the funds appropriated for the individual in the matter relating to the "Office of the General Counsel" under the heading "Office of the Secretary" in title I of the Department of Transportation and Related Agencies Appropriations Act, 1994).

SEC. 4. PAYMENT IN FULL SETTLEMENT OF CLAIMS AGAINST THE UNITED STATES.

Payment under this Act, when accepted by an individual described in section 1, shall be in full satisfaction of all claims of, or on behalf of, the individual against the United States that arose out of the termination of the White House Travel Office employment of that individual on May 19, 1993.

This section shall become effective 1 day after the date of enactment.

DOLE AMENDMENT NO. 3954

Mr. DOLE proposed an amendment to amendment No. 3953 proposed by him to amendment No. 3952 proposed by him to the bill H.R. 2937, supra; as follows:

In lieu of the language proposed to be inserted, insert the following:

SECTION 1. REIMBURSEMENT OF CERTAIN ATTORNEY FEES AND COSTS.

(a) IN GENERAL.—The Secretary of the Treasury shall pay, from amounts in the Treasury not otherwise appropriated, such sums as are necessary to reimburse former employees of the White House Travel Office whose employment in that Office was terminated on May 19, 1993, for any attorney fees and costs they incurred with respect to that termination.

(b) VERIFICATION REQUIRED.—The Secretary shall pay an individual in full under subsection (a) upon submission by the individual of documentation verifying the attorney fees and costs.

(c) LIMITATION.—Payments under subsection (a) shall not include attorney fees or costs incurred with respect to any congressional hearing or investigation into the termination of employment of the former employees of the White House Travel Office.

(d) NO INFERENCE OF LIABILITY.—Liability of the United States shall not be inferred from enactment of or payment under this section.

SEC. 2 LIMITATION ON FILING OF CLAIMS.

The Secretary of the Treasury shall not pay any claim filed under this Act that is filed later than 120 days after the date of the enactment of this Act.

SEC. 3 REDUCTION.

The amount paid pursuant to this Act to an individual for attorney fees and costs described in section 1 shall be reduced by any amount received before the date of the enactment of this Act, without obligation for repayment by the individual, for payment of such attorney fees and costs (including any amount received from the funds appropriated for the individual in the matter relating to the "Office of the General Counsel" under the heading "Office of the Secretary" in title I of the Department of Transportation and Related Agencies Appropriations Act, 1994).

SEC. 4. PAYMENT IN FULL SETTLEMENT OF CLAIMS AGAINST THE UNITED STATES.

Payment under this Act, when accepted by an individual described in section 1, shall be in full satisfaction of all claims of, or on behalf of, the individual against the United States that arose out of the termination of the White House Travel Office employment of that individual on May 19, 1993.

This section shall become effective 2 days after the date of enactment.

DOLE AMENDMENT NO. 3955

Mr. DOLE proposed an amendment to the instruction to the motion to refer the bill H.R. 2937, supra; as follows:

In lieu of the instructions insert the following: with instructions to report back forthwith with the following amendment:

SECTION 1. REIMBURSEMENT OF CERTAIN ATTORNEY FEES AND COSTS.

(a) IN GENERAL.—The Secretary of the Treasury shall pay, from amounts in the Treasury not otherwise appropriated, such sums as are necessary to reimburse former employees of the White House Travel Office whose employment in that Office was terminated on May 19, 1993, for any attorney fees and costs incurred with respect to that termination.

(b) VERIFICATION REQUIRED.—The Secretary shall pay an individual in full under subsection (a) upon submission by the individual of documentation verifying the attorney fees and costs.

(c) LIMITATION.—Payments under subsection (a) shall not include attorney fees or costs incurred with respect to any Congressional hearing or investigation into the termination of employment of the former employees of the White House Travel Office.

(d) NO INFERENCE OF LIABILITY.—Liability of the United States shall not be inferred from enactment of or payment under this section.

SEC. 2. LIMITATION ON FILING OF CLAIMS.

The Secretary of the Treasury shall not pay any claim filed under this Act that is filed later than 120 days after the date of the enactment of this Act.

SEC. 3. REDUCTION.

The amount paid pursuant to this Act to an individual for attorney fees and costs described in section 1 shall be reduced by any amount received before the date of the enactment of this Act, without obligation for repayment by the individual, for payment of such attorney fees and costs (including any amount received from the funds appropriated for the individual in the matter relating to the "Office of the General Counsel" under the Heading "Office of the Secretary" in title I of the Department of Transportation and Related Agencies Appropriations Act, 1994).

SEC. 4. PAYMENT IN FULL SETTLEMENT OF CLAIMS AGAINST THE UNITED STATES.

Payment under this Act, when accepted by an individual described in section 1, shall be in full satisfaction of all claims of, or on behalf of, the individual against the United States that arose out of the termination of the White House Travel Office employment of that individual on May 19, 1993.

This section shall become effective 4 days after the date of enactment.

DOLE AMENDMENT NO. 3956

Mr. DOLE proposed an amendment to amendment No. 3955 proposed by him to the bill H.R. 2937, supra; as follows:

Strike all after the word "section" and insert the following:

1. REIMBURSEMENT OF CERTAIN ATTORNEY FEES AND COSTS.

(a) IN GENERAL.—The Secretary of the Treasury shall pay, from amounts in the Treasury not otherwise appropriated, such sums as are necessary to reimburse former employees of the White House Travel Office whose employment in that Office was terminated on May 19, 1993, for any attorney fees and costs they incurred with respect to that termination.

(b) VERIFICATION REQUIRED.—The Secretary shall pay an individual in full under subsection (a) upon submission by the individual of documentation verifying the attorney fees and costs.

(c) LIMITATION.—Payments under subsection (a) shall not include attorney fees or costs incurred with respect to any Congressional hearing or investigation into the termination of employment of the former employees of the White House Travel Office.

(d) NO INFERENCE OF LIABILITY.—Liability of the United States shall not be inferred from enactment of or payment under this section.

SEC. 2. LIMITATION ON FILING OF CLAIMS.

The Secretary of the Treasury shall not pay any claim filed under this Act that is filed later than 120 days after the date of the enactment of this Act.

SEC. 3. REDUCTION.

The amount paid pursuant to this Act to an individual for attorney fees and costs described in section 1 shall be reduced by any amount received before the date of the enactment of this Act, without obligation for repayment by the individual, for payment of such attorney fees and costs (including any amount received from the funds appropriated for the individual in the matter relating to the "Office of the General Counsel" under the heading "Office of the Secretary" in title I of the Department of Transportation and Related Agencies Appropriations Act, 1994).

SEC. 4. PAYMENT IN FULL SETTLEMENT OF CLAIMS AGAINST THE UNITED STATES.

Payment under this Act, when accepted by an individual described in section 1, shall be in full satisfaction of all claims of, or on behalf of, the individual against the United States that arose out of the termination of the White House Travel Office employment of that individual on May 19, 1993.

This section shall become effective 3 days after the date of enactment.

THE AMAGANSETT NATIONAL WILDLIFE REFUGE AUTHORIZATION ACT OF 1996

MOYNIHAN (AND D'AMATO) AMENDMENT NO. 3957

Mr. COHEN (for Mr. MOYNIHAN, himself and Mr. D'AMATO) proposed an amendment to the bill (H.R. 1836) to authorize the Secretary of the Interior to acquire property in the town of East Hampton, Suffolk County, NY, for inclusion in the Amagansett National Wildlife Refuge; as follows:

At the end of the bill, add the following:

SEC. 2. CORRECTIONS TO COASTAL BARRIER RESOURCES MAP.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary of the Interior shall make such corrections to the map described in subsection (b) as are necessary—

(1) to move the eastern boundary of the excluded area covering Ocean Beach, Seaview, Ocean Bay Park, and part of Point O'Woods to the western boundary of the Sunken Forest Preserve; and

(2) ensure that the depiction of areas as "otherwise protected areas" does not include any area that is owned by the Point O'Woods Association (a privately held corporation under the laws of the State of New York).

(b) MAP DESCRIBED.—The map described in this subsection is the map that is included in a set of maps entitled "Coastal Barrier Resources System", dated October 24, 1990, that relates to the unit of the Coastal Barrier Resources System entitled "Fire Island Unit NY-59P".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. CRAIG. Mr. President, the Finance Committee requests unanimous consent for the full committee to conduct a hearing on Friday, May 3, 1996, beginning at 10 a.m. in room SD-215.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. CRAIG. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Friday, May 3, 1996, at 10 a.m. to hold a closed hearing on intelligence matters.

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

ADDITIONAL STATEMENTS

MEXICO AND DRUGS

• Mr. D'AMATO. Mr. President, next week Secretary Christopher will attend the Annual Bi-National Commission meeting in Mexico City. Secretary Christopher should use this meeting to convey the United States' deep concern over the pervasive and consistent flow of narcotics from Mexico into the United States. The administration must insist that the Mexican Government make real and substantial efforts to stop the flow of illegal drugs into our country.

Yesterday, the Administrator of the DEA, Thomas Constantine and Attorney General Janet Reno announced the successful completion of law-enforcement operation Zorro II which resulted in the arrest of members of a major Mexican drug cartel. In Zorro II, 130 individuals were arrested for their involvement in a cocaine smuggling and distribution network that had been operating, and flourishing, in the United States. This successful law enforcement initiative is a major victory in the war against the drugs and narcotics-related crimes which are ravaging our cities.

Mr. President, there are daily news reports of rampant corruption and abuse within the Mexican Government involving members of its law enforcement. I will ask to have printed in the RECORD an article from last Sunday's Washington Post, entitled "The Drug Fiefdom of Northern Mexico." According to this April 28 article, "The four main Mexican drug mafias—all headquartered along the 2,000 mile U.S.-Mexico border—now supply more than 70% of the cocaine and half of all the marijuana sold in the U.S. The drugs funnel as much as $30 billion a year in illegal proceeds back into Mexico—more than the country's top two legitimate exports combined."

Maybe the administration and the Mexican Government are finally willing to acknowledge the severity and impact of the drug problem. According to other news reports, Mexican narcotics organizations rely on protection from members of the government, police, and judiciary for their continued success and growth. These drug syndicates then turn to the Mexican banks and exchange houses to launder their dirty money. This incredible expansion of the Mexican narcotics trade and the alleged corruption of Mexican Government officials and business leaders is unprecedented. Unfortunately, Mexico's drug problems are not confined to the south side of our shared border.

Mr. President, I was encouraged to learn that the Mexican Government finally took a long-overdue first step with its enactment earlier this week of an anti-money-laundering bill, but this is only the first step. The true test will be whether, and how, the law is actually enforced. One thing is certain, the defensiveness and reluctance of Mexican officials to acknowledge the severity of the money laundering problem is very disturbing. I am in full support of the recent, and valid, statements made by Thomas Constantine, Administrator for the U.S. Drug Enforcement Agency regarding this money laundering epidemic. Mr. Constantine's leadership in this war on drugs is exemplified by Operation Zorro II's success.

Mr. President, I sincerely hope that strong and decisive action against Mexican drug traffickers is a fundamental part of the administration's recently released 1996 National Drug Control Strategy. On behalf of the administration, and with the support of this Senator, Secretary Christopher should forcefully urge the Mexican Government to cooperate with United States requests for extraditions of Mexican narcotics traffickers and other criminals who have committed heinous acts of violence in the United States. It is a fact that to date, Mexico still has not extradited a single Mexican national convicted of drug trafficking in the United States.

At the Banking Committee's recent hearing, perhaps the most compelling, and disturbing testimony came from T. J. Bonner, a border patrol agent. Mr. Bonner testified about his first hand views of life on the firing lines in this war on drugs. He also provided a disturbing account of the January 1996 killing of Border Patrol Agent Jefferson Barr. Mr. Barr was shot and killed while intercepting a group of Mexican drug smugglers in Eagle Pass, TX. One of Mr. Barr's murderers was identified and located by the FBI in a hospital in Mexico. This killer was charged with murder and the United States is seeking his extradition. But the Government of Mexico has failed to honor this request. This is an outrage and a tragedy. The United States administration must get tough with the Mexican Government and demand their full cooperation in dealing with these criminals.

Mr. President, the flood of narcotics being sent from Mexico to the United States is tearing apart the social fabric of our country. Senator FEINSTEIN and I recently introduced a bill, S. 1547, which would prevent the administration from wasting more taxpayer dollars on the Mexican bailout unless concerted measures are taken to stop the massive flow of narcotics from Mexico into the United States. I urge my colleagues to support this bill.

Mr. President, the administration must continue to open their eyes to these problems. We cannot pretend as if they do not exist and simply hope they will disappear. As a result of the administration's past neglect and unwillingness to confront the drug problem, the narcotics crisis in this country has escalated in the last 3 years. The administration's charade in declaring Mexico as "fully cooperative" under the Foreign Assistance Act must end. If the Mexican Government wants to pretend there are no problems and feign indignation when confronted with these issues, then they should not expect United States financial support in any form. The future of our country and our children is at stake.

Mr. President, Secretary Christopher should take a strong antidrug message to Mexico. We must employ every weapon in our arsenal in this war on drugs—diplomatic, financial, enforcement, and education. Every high-level U.S. official must be recruited in our battle with the drug epidemic waging war on this country.

I ask that the Washington Post article, to which I earlier referred, be printed in the RECORD.

The article follows:

[From the Washington Post, Apr. 28, 1996]

THE DRUG FIEFDOM OF NORTHERN MEXICO

(By Molly Moore and John Ward Anderson)

NUEVA CASAS GRANDES, MEXICO.—The only sign of prosperity in this bleak desert city, 75 miles south of El Paso, is a gigantic, fake medieval castle rising like a strange mirage above cactus and scrub brush, abandoned houses and closed shops.

Camelot, as the ostentatious, slate-blue disco and concert hall is known, stands as a stark reminder of how the culture of narcotics trafficking can ravage cities as well as people. Bountiful narco-dollars—brought in by drug lords who used clandestine airstrips outside of town for cocaine shipments to the United States—built the castle and fueled an economic boom in the city.

Then, as quickly as the narco-dollars poured in, they suddenly evaporated when the new boss of Mexico's most powerful drug mafia started using Boeing 727 cargo planes to bypass Nueva Casas Grandes and similar cities, transforming their narco booms into recessionary busts.

"The drug dealers brought shoes in by the boxes, but now the money is not coming this way," complained Ricardo Contreras, 24, who shines shoes in the town square.

His is not the only ruined city along the U.S.-Mexican border. The rise and demise of Nueva Casas Grandes reflects how drug trafficking has reshaped the economic, social and political landscape of northern Mexico in the last five years. Shifting dynamics in the international drug trade, as well as growing pressure on traffickers in Colombia, where cocaine largely is produced, have turned this region known for its booming manufacturing industry, burgeoning consumer class and progressive politics into a land of laundered drug money, riddled with corruption and violence.

Northern Mexico's slide toward becoming a new Latin fiefdom for the movement of drugs is a major problem for the United States, long accustomed to viewing the region as a model of development. The four main Mexican drug mafias—all headquartered along the 2,000-mile U.S.-Mexico border—now supply more than 70 percent of the cocaine and half of all the marijuana sold in the United States, in addition to large quantities of heroin and methamphetamine. The drugs funnel as much as $30 billion a year in illegal proceeds back into Mexico—more than the country's top two legitimate exports combined.

For a decade, northern Mexico has been the embodiment of American hopes about where its southern neighbor was going. It has been the region where private enterprise and export-oriented manufacturing flourishes, where peasants move up from poverty, where the North American Free Trade Agreement is gospel, and where pluralism and the beginnings of real democracy in Mexico have taken root. Now it is threatening to become an enormous menace—an empire of drug lords who smuggle cocaine and weapons across the border, corrupt officials on both sides of the border and terrorize border cities with assassinations.

Here, where the money first arrives from the United States in car trunks, by wire transfers and—in recent months—through huge third-party check-buying networks, the influence of billions of narco-dollars has become embedded in the culture of the frontier, transcending the usual symbols of drug trafficking: the ostentatious pink mansions of the newly wealthy, the crude graffiti of the multiplying street gangs in border slums, the frequent shootouts between feuding drug factions and the wars between corrupt police units.

The money is financing the businesses where residents eat, play, work, shop and invest. It is altering the lives and health of their children and families, leading to skyrocketing homicide and overdose rates. It is greasing the governments that run the cities, states and nation.

"It is part of everyday life in northern Mexico," said Luis Astorga, a sociologist who has written extensively about the social and cultural impact of the drug trade in his native frontier region. "It cannot be separated from the legitimate economy or the authorities in power."

Northern Mexico has been a major smuggling route since early in this century, when cattle rustler-turned-guerrilla Pancho Villa stormed across the desert frontier fomenting the revolutionary fervor of 1917. It is a vast territory of dry lake beds ideal for landing cocaine-packed jets, scrub desert perfect for eluding border guards, industrial areas with numerous warehouses for stockpiling tons of illegal drugs and border stations where customs officials check barely 5 percent of the 87 million vehicles that cross each year.

The cities of northern Mexico have diverse economies, developed from decades of legitimate cross-border trade and tourism with their richer northern neighbor. The border was crossed last year by about 232 million people, making it the world's busiest international boundary.

It is Mexico's most prosperous and industrialized region, stretching from Tijuana—the country's most visited tourist destination—through dusty desert villages, past grimy Cuidad Juarez on the border and eastward toward the high-rises and belching industries of Monterrey, dubbed the Pittsburgh of Mexico. Despite the country's deepest economic recession in 60 years, northern Mexico's border cities continue to boom, adding jobs in a year of record unemployment nationally and building new industries during a period of unprecedented bankruptcies and collapsing businesses.

But now the underground economy built from decades of smuggling contraband, people and drugs to the United States has become so intertwined with the region's legitimate wealth that the two are almost indistinguishable, according to investigators. The constantly flowing river of people and money—magnified by the North American Free Trade Agreement among the United States, Mexico and Canada—is a perfect disguise for moving drugs in a narco-dollars out of the United States, investigators say.

One highly audible indication of how drug culture has penetrated the north of Mexico is found on the radio airwaves, where the most popular songs are "narco-ballads" about daring trafficking escapades with drug lords as the heroes and police as the bad guys. The songs belt out the tales of mafia rivalries and hapless U.S. drug agents with extraordinarily accurate details of the constantly changing drug world. "Mess with the mafia and pay with your hide," one warns.

While the exact amount of narcotics money flowing back to Mexico is impossible to calculate, Mexican Assistant Attorney General Moises Moreno Hernandez, speaking at a conference last August, estimated that $30 billion was returned to Mexico in 1994. The U.S. Treasury's Financial Crime Enforcement Network estimates it at $10 billion to $30 billion.

Nowhere are the effects of the drug trade more evident than in booming border cities such as Ciudad Juarez, a roiling metropolis of 1.3 million that is joined by five bridges to El Paso, Tex. Authorities say it is the home of Mexico's most powerful drug cartel.

Despite the nationwide recession, Juarez—along with many of its sister cities along the border—is growing, if not prospering. Employment is up, glitzy new office buildings are under construction, and its bars and restaurants are packed. While much of the city's economic success is the result of legitimate business, a strong industrial base and cross-border tourism from El Paso, city residents from all walks of life say drug money has become so entwined in their local economy that above-board businesses and those financed by narco-dollars are difficult to separate.

The influx of drug money has helped shape the city, from seedy discos and bars that run along the underbelly of downtown Juarez to ritzy country club estates clustered around a green oasis of golf courses in newly developing suburbs.

The Juarez Cartel and the many local organizations that are its subcontractors for transporting the drugs have bought heavily into trucking businesses and car dealerships for their operations. One major trafficking family owns a petroleum company and is said to use its tanker truckers for smuggling drugs, according to U.S. and Mexican law enforcement officials. And the boss of the Juarez cartel, Amado Carrillo Fuentes, allegedly owns several small airlines.

In Tijuana, the Arellano-Felix brothers—leaders of the violent Tijuana Cartel—are suspected of using a local racetrack to launder their drug money. Juan Garcia Abrego, the recently arrested head of the Gulf Cartel, reportedly owned more than a dozen used-car and automotive parts stores along the south Texas-Mexican border.

But law enforcement officials and local business leaders say it has become difficult to track the investments of the cartels and their associates. "They're getting much smarter," said a Juarez businessman. "You can't drive down the street anymore and say that and that and that was built by the drug lords. Now they're using middlemen to buy buildings."

For many residents, the map of northern Mexico is determined not by highways and state lines but by the frequently changing territories controlled by drug-trafficking organizations. The areas shift each time a kingpin is assassinated or jailed.

Today, two mafias dominate the region—the Juarez and the Tijuana cartels—and two other powerful groups, the Sonora and Gulf cartels, operate variously at odds or in concert with them. The major trafficking organizations are known by several names, but generally are associated with their areas of geographic control. They, in turn, subcontract the logistics of transporting their drugs among an estimated 250 families and gangs that work specific smuggling routes across the frontier.

The Juarez Cartel, headed by Carrillo, today is undisputedly the most powerful mafia, controlling the central trafficking corridor between Juarez and El Paso. In recent months Carrillo also has begun expanding east into the territory of the Gulf Cartel, which is in disarray after the arrest earlier this year of its alleged kingpin, Garcia Abrego.

Carrillo, who took over the Juarez Cartel after his rival for the leadership was gunned down on a Cancun beach three years ago, is considered the pioneer of the new breed of shrewder, more corporate cartel bosses who shun the limelight.

With many more billions of dollars at risk, Carrillo and his competitors are seldom seen in the restaurants and discos they have built across northern Mexico. They have not given up their lavish lifestyles, but now they entertain in private while threatening local newspaper editors to keep away their photographers. Often traffickers invite well-known music stars to sing for select guests inside well-guarded ranches near their northern Mexico headquarters and lavish compounds in more glamorous parts of the country, such as Guadalajara, Acapulco and other resort areas.

But Carrillo and his counterparts are no less brutal than those before them. Shootouts between rival groups often occur along the border; in some major cities, drug assassinations are nearly a daily occurrence. The victims' bodies are left with the telltale mafia signatures: hands tied and a single bullet in the head.

Last year, the largest cities along the border recorded more than 1,000 slayings, more than half of them drug-related and unsolved. In Tijuana, for example, there were 121 homicides in the last six months, and officials say at least half involved drugs.

Last year in Juarez, homicides were up 25 percent to 295, of which police estimate 70 percent were drug-related. Two years ago, the tortured bodies of the city's newly retired police chief and two of his sons were found in the trunk of their car, which had been parked on one of the busy bridges connecting Juarez and El Paso. Family members said they believed the three were murdered by drug lords who suspected the 26-year veteran policeman of being an informant for U.S. law enforcement officials.

City officials say much of the sharp rise in homicides and other crimes in Juarez is a side effect of the Juarez Cartel's practice of subcontracting its transportation and distribution needs to numerous smaller organizations along the border. Those groups in turn often hire local smuggling families on street gang members to carry the drugs into the United Sates in the trunks of cars, on the backs of mules in more remote desert areas, or hidden in boxes of tennis shoes, tomatoes or other legitimate commercial items hauled by 18-wheel trucks.

As a result, hundreds of newly created ganps—put at 450 today, up from 120 five years ago—are battling for control of the street sale of drugs in Juarez. In many parts of downtown Juarez, gangs with names such as Los Gatos (The Cats) or El Puente Negro (The Black Bridge gang), the city's most notorious, rule the night and mark their territory with bold spray-painted graffiti.

With so much cocaine entering northern Mexico, an increasing amount never leaves. The Mexican drug cartels often take payment from their Colombian cocaine suppliers in the form of drugs rather than cash—a portion of which they sell locally. Juarez last year reported that drug "shooting galleries" multiplied faster than police could track them.

So while Mexico's national leaders are fond of saying drugs merely pass through Mexico en route to the world's largest consumer market of illegal narcotics, the outspoken mayor of Juarez, Ramon Galindo Noriega, says that is no longer the case. Last year, 90 people died of overdoses—up from four or five the previous year, according to the major.

According to court testimony in the United States and U.S. and Mexican law enforcement officials, the cartels pay as much as $500 million a year in protection money to Mexican police, politicians and government officials—from the lowest border guard to the highest reaches of the federal government. Just this month, the governor of the border state of Nuevo Leon was forced to resign following accusations of mismanagement and drug-related corruption.

In some respects, northern Mexico should have had the best chance of any region of the nation to shake off decades of political corruption and offer tough resistance to the rise of the drug kingpins.

It was the first region of the country where members of the conservative opposition National Action Party (PAN) broke the stranglehold of the ruling Institutional Revolutionary Party (PRI), winning governorships, mayoralties and municipal seats with promises of fighting entrenched corruption.

Instead, the drug cartels are more powerful than ever.

One of the first PAN governors in the north, Ernesto Ruffo Appel, former governor of Baja California, said he found drug-based corruption too institutionalized to clean up from the governor's office.

"The system doesn't work," said Ruffo, who works at the national party level. "Everybody's on the take. There's just too much money."

According to many law enforcement officials and political specialists, the institutionalization of corruption is a key milestone in northern Mexico's journey toward becoming a drug fiefdom.

"In the past, you had specific protection rackets that were between particular people," said a U.S. law enforcement official who monitors drug trafficking on the border. "Now you increasingly have protection [for the cartels] regardless of who sits in a particular law enforcement job."

At the low end, police, because of their poor pay, traditionally have been thoroughly corrupted by drug cartels. Police frequently act as bodyguards and assassins for the kingpins, and raging gun battles among local, state and federal police units—some in the pay of the cartels, the others trying to arrest them—are commonplace.

Late one night a few weeks ago, a Wild West-style shootout exploded on the streets of Juarez—police were fighting it out with police.

Carloads of federal police surrounded city police headquarters and within minutes shooting broke out, leaving one federal officer dead on the bloodied pavement and several city police wounded in what many officials described as an outgrowth of simmering tensions between rival drug protection rackets.

"I know I have policemen who are paid by the drug dealers," said Mayor Galindo. "I pay 2,200 pesos [$297] a month. A drug dealer can give $1,000 a week for protection. I can't compete. When I listen to the politicians in Mexico City talk about the drug struggle, they don't know what they're talking about. Where can I hire police I can trust?"

A few months before the shootout, Juarez city police—frustrated that their federal counterparts, charged with enforcing drug

laws, were taking no action to stop the proliferation of drug shooting galleries in the city—leaked the addresses of 90 known drug houses to a local newspaper. The paper published the list and confronted the federal police, who said they had never been given the list. "We published the list as proof that they'd received it," said an editor. "And they did nothing."

Ruffo and others say even the judicial system has become co-opted, by money or fear. "Judges are afraid they might be killed. It's very risky to confront this," Ruffo said. On that, he shares the pessimism of many in northern Mexico: "If we can't even trust the judicial system, we have nothing."

THE MEXICAN FEDERATION

Four organizations dominate the international drug trade in northern Mexico. Together with about a dozen smaller groups, they have been dubbed The Mexican Federation by the U.S. Drug Enforcement Administration and gross an estimated $10 billion to $30 billion annually in narcotics sales in the United States. Family ties are important to the groups, most of which can trace their lineage back decades to the cross-border smuggling of contraband such as stolen cars.

THE TIJUANA CARTEL

Currently the second most powerful cartel. Considered the most violent of the Mexican organizations. Best known for the ambush of Catholic Cardinal Juan Jesus Posadas Ocampo at Guadalajara Airport in May 1993.

Leaders: Arellano-Felix brothers—Benjamin, Ramon, Javier and Francisco (currently jailed in Mexico)—who are the nephews of Guadalajara Cartel co-founder Miguel Angel Felix Gallardo.

Activities: Controls most of drug smuggling across the California border; has recently diversified to become one of the main suppliers of methamphetamine, consolidating its position through a violent turf war in San Diego.

THE SONORA CARTEL

Also known as the Caro Quintero organization; made up of remnants of the old Guadalajara Cartel, best known for the brutal 1985 torture and killing of DEA agent Enrique Camarena.

Leaders/co-founders: Rafael Caro Quintero, under arrest. Miguel Angel Felix Gallardo, arrested in 1989, remains a major player from prison.

Acting leader: Miguel Caro Quintero, brother of Rafael.

Activities: Among the first Mexican organizations to transport drugs for the Colombian kingpins. Main trafficking routes through Arizona border area known as "cocaine alley" with movements also coordinated through the Juarez Cartel in the territory controlled by that organization.

THE JUAREZ CARTEL

Currently the most powerful of the Mexican cartels.

Leader: Amado Carrillo Fuentes, about 40; took over in 1993. Shuns flamboyant lifestyle of his competitors, and is said to represent a new breed of kingpin who believes in compromising with rivals.

Activities: Carrillo Fuentes pioneered the use of Boeing 727s for bulk shipments of as much as 15 tons of cocaine between South America and northern Mexico. Cartel operates primarily through Juarez-El Paso and surrounding desert along the west Texas and New Mexico borders.

THE GULF CARTEL

Once undisputed champ of the Mexican organizations. Cartel's fortunes began to fade about a year ago after its alleged kingpin, Juan Garcia Abrego, 51, had to go underground. He was arrested in January and deported to the United States, where he is standing trial in Houston.

Leader: Oscar Malherve, one of Abrego's top lieutenants and money-launderers.

Activities: Moves drugs primarily through the Texas border region, particularly Matamoros-Brownsville, and along the Gulf coastal shores.•

CITY OF MUNISING'S 100TH ANNIVERSARY

Mr. LEVIN. Mr. President, I rise today to commemorate the 100th anniversary of the incorporation of the city of Munising, MI. In the Chippewa language, Munising means Place of the Great Island.

Munising was first founded in 1850 when the Munising Co. bought 87,000 acres of land on the eastern shore of Munising Bay. The land changed hands for the next 20 years as businesses opened and closed in the area.

In 1870, the beginnings of a thriving town were seen. The village of 30 homes was centered around the blast furnace which had just begun producing iron. The village had a blacksmith shop, sawmill, dock, and a government lighthouse. The village continued to thrive until 1877, when a fire destroyed the whole community.

By 1895, the lumber baron Timothy Nester had acquired 184,000 acres in Munising Bay. He quickly began work on a railroad to connect Munising to South Shore. A town was planned and several buildings were built from the nearby lumber. In January 1896, a post office was opened to serve the town's 500 residents. In May 1896, the village was incorporated and Nester was named president. The new town expanded rapidly and after a year its residents numbered 3,500. The lumber industry would continue to drive the expansion of the village for many years to come.

Today, Munising is a small and vibrant community. Many people from Michigan and around the country come to Munising to experience the many activities its natural beauty has to offer. I know that my Senate colleagues join me in congratulating the city of Munising on its 100th anniversary.

RISE IN DRUG USE

• Mr. ABRAHAM. Mr. President, earlier this week I and several of my colleagues—Mr. COVERDELL, Mr. KYL, Mr. NICKLES, Mr. GRAMM, Mr. DOMENICI, Mr. FRIST, and Mr. CRAIG—came to this floor to discuss the disturbing rise in drug use in this country since the beginning of the Clinton administration. Yesterday, the Wall Street Journal editorialized on the same subject. I ask that the editorial be printed in the RECORD.

The editorial follows:

WAITING TO EXHALE

Now, in April 1996, with eight months left on a four-year term, Bill Clinton flies the press into Miami so he can be seen standing shoulder to shoulder with General Barry McCaffrey, a decorated war hero he's enlisted to lead a war on drugs. Standing among schoolchildren Monday, the President poured his great rhetorical heart onto the drug war. Along the way came these key words: "Make no mistake about it, this has got to be a bipartisan, American, nonpolitical effort." Translation: Don't blame me for this problem, especially during an election campaign.

In fact, Bill Clinton's retreat in the drug war is among the worst sins for which his Administration should be held accountable. After years of decline in drug use, recent surveys make it clear that a younger generation of Americans is again at risk. The number of 12-to-17-year-olds using marijuana increased to 2.9 million in 1994 from 1.6 million in 1992. Marijuana use increased 200% among 14-to-15-year-olds during the same period. Since 1992, according to large surveys of high school students, there has been a 52% increase in the number of seniors using drugs monthly. One in three report having used marijuana in the past year. Private anti-drug advocates such as Jim Burke of the Partnership for a Drug Free America and Joe Califano of Columbia University's Center on Addiction and Substance Abuse have been running alongside this drug fire, yelling for help to anyone who'd listen.

Better late than never, of course, and it is good that Mr. Clinton wants to mend his ways with General McCaffrey. We applaud the appointment and think General McCaffrey has sounded many right notes. Legalization, he says, "is out of the question."

A quarterly regional analysis put out by his office brings the problem up to date: "A recent New York State high school survey reports that 12% of New York teens said that they smoked marijuana at least four times a month, double the number in the 1990 survey." Discussing "Emerging Drugs." the report notes methamphetamine's popularity in the San Francisco area: "in addition to its use by young users who combine it with heroin ("a meth speedball") it can also be found in 'biker's coffee,' a combination of methamphetamine and coffee popular among young, fairly affluent urbanites." Additionally, the report notes that "Club drugs, a name which generally includes MDMA, Ketamine, 2c-B, LSD, psilocybin and a range of other hallucinogens, are increasingly mentioned in this quarter."

These recent events are not a coincidence. The drug retreat was the result of a series of explicit policy decisions by Mr. Clinton and those around him. Which is why we think it is worth focusing on the meaning of his wish that the anti-drug war be "bipartisan, American, nonpolitical." This means that between now and November's election no one is allowed to utter the phrase "didn't inhale." No one is allowed to remember Surgeon General Joycelyn Elders talking about drug legalization, even as her own son was arrested and convicted on drug-sale charges.

Nor should anyone be allowed to bring up White House deputy personnel director Patsy Thomasson's admission to a congressional committee that some dozen White House employees, including senior staff, had been "requested to be part of an individual drug testing program" because of their prior drug history. Ms. Thomasson's experience in these drug mop-up duties extends back to her days in Arkansas when she took over the business

of Dan Lasater—Little Rock bond dealer, Clinton campaign contributor and friend-of-brother Roger—while Mr. Lasater served prison time for "social distribution" of cocaine. This week Mr. Lasater is testifying before the Senate Whitewater Committee, and we assume he will be asked to enlighten the committee about the millions of dollars of mysterious trades that his firm made through an account without the knowledge of the account's owner, Kentucky resident Dennis Patrick.

On matters of pure policy, among Bill Clinton's first acts was to cut spending on the war. The staff of the Office of National Drug Control Policy was cut to 25 from 146. Drug interdiction funds were cut. The number of trafficker aircraft seized by Customs fell to 10 from 37 in FY '93–'95. Drug czar Lee Brown wandered the nation's editorial pages seeking the public support he rarely got from his President. New York Democratic Congressman Charles Rangel announced: "I really never thought I'd miss Nancy Reagan, but I do."

Finally, about a year ago, Mr. Clinton received a stinging letter from FBI Director Louis Freeh and DEA director Tom Constantine, charging that the President's anti-drug effort was adrift. So now we have General McCaffrey, who says, "There is no reason why we can't return America to a 1960s level, pre-Vietnam era level of drug use."

Sorry, General, but pre-Vietnam America is not coming back. General McCaffrey's current President is a founding member of the generation that transformed America in the years of Vietnam and those that followed. It bequeathed to all of us a culture and ethos of such personal and moral slovenliness that we must now enlist a battle-hardened soldier to save the children of the anti-Vietnam generation from drugs. It is perhaps the most perfect, bitter irony that when these parents now exhort their children to stop using marijuana (of a strain that is significantly more potent than anything they dabbled in), the kids reply: "Why should we? We're not hurting anyone."

Basically, we'd very much like to know exactly why Bill Clinton took a powder on the drug wars after he became President. There was in fact a rationale of sorts offered at the time for the change in tone and direction. In contrast to what was thought to be the Republican approach of throwing people in jail for drug offenses, the Clinton approach would emphasize prevention and treatment. There is a case to be made for prevention and treatment, but the heart of our complaint with this President's attitude on drugs has to do with what we would call it character, its moral content.

Unlike the Reagans, you will never see the Clintons articulating the war on drugs as an essentially moral crusade. With its emphasis on treatment and programs and prevention, it is mainly the kind of effort that the sociologist Philip Rieff identified as the triumph of the therapeutic. Rather than the schoolmarmish Nancy Reagan, the Clintons, like the generation of liberal constituencies that they lead, are going to be rhetorically correct, believers in the powers of bureaucratic healing—and nonjudgmental. In their world, no one is ever quite caught for disastrous personal behavior or choices. Instead of absolution, there are explanations.

This, in our opinion, is the real reason the drug war waned when Bill Clinton became President. The message this new President sent to his young, yuppie, MTVish audiences was that he was just too cool to go relentlessly moralistic over something like recreational drugs. Sure he had an anti-drug policy in 1992 and a czar and speeches, but Bill Clinton wasn't going to have any cows over the subject. Surely, the drug-testing White House staff understood that much.

We don't doubt that a lot of people in this country, especially parents of teenaged and pre-teen children, would very much like to rediscover General McCaffrey's pre-Vietnam world of less constant cultural challenge. But the people who turned that culture upside down, making it a daily challenge for parents, have at last been given the chance to run the government. But this death-bed conversion on drugs simply lacks credibility. As much as we applaud General McCaffrey's new offensive, only a triumph of hope over experience could lead anyone to believe it would be sustained past November if Mr. Clinton and his crowd are returned to the White House.•

WHY NO HELP TO LIBERIA?

• Mr. SIMON. Mr. President, the tragedy of Liberia should be of concern to all Americans.

I have twice visited that battle-scarred country which has more ties to the United States historically than any other nation of Africa.

And the United States bears a partial responsibility for what is happening there.

I'm pleased that the latest reports show that there is relative stability temporarily, but I am confident that this relative stability will be broken once again unless the nations move together effectively under U.S. leadership.

The ECOMOG forces have brought some stability but there needs to be a stronger indication of interest outside of Africa also. Bishop John H. Ricard, chairman of the board for Catholic Relief Services, had an op-ed piece in the Washington Post, which I ask to be printed in the RECORD after my remarks. I hope his article will stir policymakers a little more.

He eloquently pleads for help to this needy, desperate country.

The article follows:

WHY NO HELP TO LIBERIA?

(By John H. Richard)

When the leaders of Liberia's warring factions signed a peace agreement in Abuja, Nigeria, last August, they did not ask for American troops to back it up. They did not ask us to broker the peace or shed our blood. What they did ask for was a credible force of properly equipped peacekeepers to persuade combatants to give up their weapons.

They knew that this relatively modest assistance would provide stability and give the country an opportunity to rejoin the rest of the world. The signatories to the agreement had hoped that Liberia-like Bosnia, Haiti, Kuwait and Somalia—might qualify for the type of aid necessary to give the nation a chance.

Rejected by the international community, Liberians were left to face the formidable tasks of nation-building without the assistance that might have seen them through those tasks. Perhaps the violence we witnessed last week would have happened anyway. The sad truth is we won't ever know whether a stronger American and International commitment might have helped Liberia avoid this bloodshed.

Liberian warlords cannot be excused for the terror inflicted in Monrovia over the past week, but neither can we place the blame entirely on Africa's doorstep. Liberia's West African neighbors, committed to bringing peace to the region, brought the warring parties to the negotiating table more than a dozen times since fighting broke out in the fall of 1990, and scores of African peacekeepers have given their lives to end the war. When the accord was signed, the fueding leaders established a functioning government that all parties upheld for nearly five months.

As skirmishes flared up-country, one or another of the Liberian leaders traveled to the point of conflict to settle it. It was not exactly a constitutional system, but the Liberian Council of State represented the resolve of a critical mass of Liberians to achieve peace. They were willing to continue, and they need our help.

It is impossible to say whether there would be peace in Liberia today if the United Nations Security Council had made the sort of commitment there that it has made in other parts of the world. But the international community never gave the African peace agreement a chance.

A week ago, international donors meeting in Brussels agreed that it would take $1.2 billion to begin the reconstruction of Bosnia. Last September, the same international donors rejected a $110 million U.N. appeal to finance demilitarization, resettlement and economic rehabilitation in Liberia, demanding that African nations shoulder more of the burden. The achievement of peace in the region is not a question of cash. But the vast disparity between monetary commitments in Eastern Europe and West Africa is telling; reflective perhaps of a basic unwillingness on the part of wealthier nations to meet Africans halfway in their efforts to build peace.

Last fall, Catholic Relief Services and other humanitarian organizations in Liberia warned the United States and European governments that if the peace process in Liberia was not supported, it would unravel. U.N. Secretary General Boutros-Boutros Ghali and Ghanaian President Jerry Rawlings noted at the time that the annual U.N. budget for Liberia would last only five days in the former Yugoslavia.

Without the support needed to foster a peaceful transition, war returned quickly. Disagreements that a well-established democracy would weather easily turned into life-and-death struggles. The resulting horror is an example of a fledgling government's inability to solve its problems. But tragically, it is also an example of our vacillation, of our reluctance to provide the sort of support and companionship that could have seen Liberians through the dark but hopeful days of an early peace.

In Liberia, thousands of teenage fighters have not only been denied formal education during the years of mayhem, but in fact have never learned how to be members of society; they know only how to kill. These boy soldiers, having grown up killing, realized as the Abuja agreement dissolved that there would be no alternative to war; there would be no chance to learn a way to make a living without a gun, or even to develop into normal human beings. Already robbed of the luxury of human emotion, they would also be denied the opportunity to leave behind the violent life they had always known.

By January, the peace was undone, and today Monrovia burns. The people of the

United States and the members of the Security Council must ready themselves to pacify Liberia and reconstruct the country from the ground up, again. As Americans, we cannot throw up our hands and walk away. Why not? Because Liberians are not all warlords. They are farmers and merchants, women and children; they are our brothers and sisters. And they need our support.•

TRIBUTE TO GEORGE W. JENKINS, JR.

• Mr. GRAHAM. Mr. President, my colleague, Senator CONNIE MACK, and I join in a special tribute to one of the great business leaders of this century and a pioneer entrepreneur in food retailing: Mr. George W. Jenkins, Jr.

After a full and rewarding life, George Jenkins died peacefully in his sleep in Lakeland, FL, on April 8, 1996. He was 88.

Today, we salute the memory of this outstanding person, who personified the economic expansion of Florida in the 20th Century and the commitment to excellence in commerce.

On the eve of the Great Depression, George Jenkins invested funds he had been saving to buy a car in the first Publix grocery store. That was 1930. Since then, Publix has evolved into one of the largest supermarket operations in the Nation, with more than 500 stores in Florida, Georgia, and South Carolina, and annual sales exceeding $9 billion.

Publix employees affectionately referred to their founder as "Mr. George." Consumer Reports, in 1993, rated Publix tops in America in customer service.

In most endeavors, the positive assessment of one's peers is perhaps the highest accolade. To say that George Jenkins' peers respected him would amount to understatement; they revered him as a genius in food retailing.

George Jenkins will long be remembered for his business leadership, but also for his generosity and love of family. His philanthropy for United Way, the Boy Scouts of America, and other beneficiaries touched countless lives.

Florida is a better place and America is a stronger nation because George Jenkins shared his special talents and his giving spirit through much of this century.•

THE ILLEGAL IMMIGRATION REFORM BILL

• Mr. LEVIN. Mr. President, I voted for the illegal immigration reform bill before the Senate yesterday. The final bill is a much more balanced approach than what was first proposed in committee. Importantly, the illegal immigration reform bill deals only with illegal immigration, and expanding deeming for legally sponsored immigrants.

I supported dealing with illegal immigration separately from legal immigration because of my concern that if the two issues were dealt with together, as first proposed, legal immigration would be swept up in very different issues surrounding illegal immigration.

The illegal immigration bill sets necessary and clear limits while continuing America's history of being a nation of immigrants.

In recent years, illegal immigration has become an issue of serious legislative and national security concern. The bombing of the World Trade Center in New York City by undocumented aliens led the Clinton administration and various Members of Congress to propose legislation reforming the immigration process in the United States, particularly political asylum.

This illegal immigration bill deals with stopping illegal immigration on two fronts—at our borders by keeping illegal aliens out in the first place, and within our borders for those who have entered the United States legally but are now here illegally.

It improves the controlling and policing of our borders from illegal entry by increasing border patrol and INS inspectors. It also addresses the magnet of jobs and public assistance that has attracted illegal immigrants to the United States by authorizing a series of pilot projects to verify eligibility for employment in the United States and for receiving public assistance and by establishing a program to develop tamper proof birth certificates and driver's licenses to reduce their vulnerability to forgery.

This bill also increases the number of border patrol agents by 4,700 over 5 years. It adds 300 full-time INS investigators over 3 years to enforce alien smuggling and employment laws.

It also deals with the fact that half of all illegal aliens in the United States came here legally—they then overstayed their visas and are now here illegally. We can't eliminate the problem of illegal immigration only by policing our borders. We must also find ways to keep people from coming here legally as tourists or students and not leaving. The bill deals with this in a number of ways, but its major thrust is clamping down on the magnets that attract illegal aliens in the first place by eliminating access to U.S. jobs and taxpayer supported benefits.

In order to block illegal aliens from working and receiving public assistance employers and administrators of public assistance need to have a reliable way to know who is eligible to work or to receive benefits and who isn't. It has been illegal since 1986 to hire illegal aliens, but far too many are working and taking jobs from American citizens and legal permanent residents. The relative ease of access to U.S. jobs is what is drawing illegal aliens to the United States. The main reason the current system is not working as it should is because we don't have an accurate or forgery-proof way to verify employment eligibility.

This bill attempts to address this issue. It simplifies the existing cumbersome employment verification system by reducing the number of acceptable documents that can be used by employers to verify a person's eligibility to work. It lays the groundwork to develop a new verification system for employment and public assistance eligibility. The INS is directed to conduct several local and regional pilot projects to demonstrate the feasibility of alternative systems for verifying eligibility. The pilot programs can last from 4 to 7 years in an effort to find a workable system. Congress must approve any permanent program.

The bill language specifically takes steps to protect privacy and guard against anti discrimination. It also contains language to protect privacy and criteria to reduce the burden and cost to business.

The verification system aims to eliminate counterfeit documents by requiring that any document required for verification must be tamper resistant. However, the legislation makes clear that this document may not be required as a national identification card. Importantly, employers are not liable if they hire a person in good faith who is later found to have been ineligible.

The bill reinforces and strengthens current U.S. immigration law requirements that immigrants be self-supporting and that they not become a public charge. Legal immigrants are accepted into the United States under the condition that their sponsors, not the taxpayer, will be responsible for them. This bill holds them to that promise. It requires sponsors of immigrants to take greater responsibility for those they bring into the United States by making the affidavit of support which they sign a legally binding document.

The bill also counts the sponsor's income as part of the immigrant's income for purposes of determining eligibility for public assistance, a process known as deeming for an expanded range of public assistance programs. I believe this provision is in line with immigrants' pledge of self-sufficiency and that they will not become a public charge. By expanding the number of programs that require deeming, we are holding immigrants to their commitment and requiring their sponsors, not the Government, take responsibility for them. I supported a Simon amendment that would have eliminated retroactive deeming requirements in the bill. I believe in deeming requirements to assure that sponsors and the legal immigrants that they sponsor meet the responsibilities they have promised to meet, but I think it's unfair to apply new rules after the fact to those who are already here. Unfortunately, that amendment was defeated.

I voted for a Kennedy amendment that would have excluded pregnant women, children and veterans from deeming requirements for Medicaid. Unfortunately, that amendment was also defeated.

Under the bill, illegal immigrants, who have broken U.S. laws and have no legal right to be here, are prohibited from using any Federal, State, or local benefit, with minor exceptions related to public health interests.

Mr. President, in conclusion, it is time we dealt firmly and directly with illegal immigration. This bill, while not perfect, makes a good effort to put in place the procedures and resources necessary to reduce illegal immigration. •

CHEMICAL WEAPONS CONVENTION

• Mr. SIMON. Mr. President, on Thursday of last week, the Senate Foreign Relations Committee reported favorably, by a 13 to 5 vote, the resolution of ratification of the Chemical Weapons Convention [CWC]. I applaud the committee's action and the leadership of Senators LUGAR, PELL, KASSEBAUM, KERRY, and BIDEN, not to mention the hard work of the committee staff, to advance this major arms control treaty. I hope that floor consideration can be scheduled as early as possible. While I realize that there may be difficulties on the floor, this treaty is of such importance that it would be an abrogation of our responsibility, when it is out of committee and ready to go, not to provide advice and consent before the end of this Congress.

I note that Majority Leader DOLE stated on December 7 of last year that it was his intention that the Senate would consider the Convention in a reasonable time period once the Convention is on the Executive Calendar. Well, the Chemical Weapons Convention is now on the calendar, and the reasonable time clock is ticking.

As all major arms control treaties must be, the CWC is a bipartisan measure. It was negotiated during the Reagan administration, signed by President Bush, and submitted to the Senate by President Clinton. It was approved by a strong bipartisan majority of the Foreign Relations Committee. It is endorsed by arms control advocates and the Chemical Manufacturers Association. Some critics of the CWC have sought to blame the Democrats for failing to ratify the Convention when they controlled the Senate. Yes, the Senate should have acted on the CWC in 1994, but that fact does not provide a reason not to act in 1996. The sooner we can ratify the Convention, the sooner we can eliminate these horrible weapons.

While U.S. accession to the treaty is not a legal requirement for the treaty to enter into force, it has become a practical requirement. The case of the CWC is yet another example of the continued primacy of U.S. leadership in international politics. Ratification by 65 countries is necessary for the CWC to enter into force. Currently, only 49 have done so, and it has become clear that many are waiting for U.S. ratification. Why? For one, because the United States maintains one of the two largest stockpiles of chemical weapons. But more fundamentally, because nations continue to look to the United States for leadership in matters of great international import. President George Bush wrote in 1994: "United States leadership is required once again to bring this historic agreement into force." This remains true today. Prompt action is our responsibility.

Critics of the CWC, and there appear to be few, argue that U.S. security is harmed by our approval of a treaty that binds us to destroy a class of weapons we currently possess, while citing that certain "rogue" states have not signed the treaty and raising questions over Russian compliance. They argue that, by proceeding to eliminate its chemical weapons stockpile under the CWC, the United States is depriving itself of a deterrent capability against any state that maintains some CW capacity. However, deterrence is based on the ability to respond in kind, and that assumes that chemical weapons are a legitimate instrument of warfare for the U.S. military.

The fundamental basis behind the CWC, however, is that chemical weapons are not legitimate for war-fighting. This consensus goes back to World War I, where the invidious use of mustard gas prompted the 1925 Geneva Protocol to prohibit the use of chemical warfare agents. More recently, the Iraqi attacks on the Kurds in 1988 and the Sarin gas attack on the Tokyo subway last year have reminded the international community of the terror of chemical weapons. Try as we might to stigmatize chemical weapons through other means, there can be no substitute for, in the words of President Bush's National Security Advisor Gen. Brent Scowcroft, "the clear international norms against chemical weapons, the legal framework, and the challenge inspections embodied in the Chemical Weapons Convention."

A chemical weapons deterrent capability for the United States is not only unnecessary, it is inconceivable. If U.S. troops or territory were subject to a chemical attack, our military has ample means to respond in conventional ways, if a military response were deemed appropriate. Defense Secretary William Perry testified last month to the Foreign Relations Committee that "we have an effective range of capabilities to protect against, to deter, or to retaliate against the use of chemical weapons * * *" JCS Chairman Gen. John Shalikashvili testified in 1994 that "while forgoing the ability to retaliate in kind, the U.S. military retains the wherewithal to deter and defend against a chemical attack." Additionally, I doubt that many Americans would feel comfortable with having a military that is prepared to wage gas attacks on foreign populations. In essence, how could we ask the world to make illegal these weapons, if we reserve the right to their legitimate use?

There are a number of other criticisms of the CWC to address, and I hope to do so at a later time. Simply put, the CWC will improve our national security by establishing the legal basis, the timetable and the verification regime necessary to ban chemical weapons. I am pleased that the Foreign Relations Committee has finally reported out the Convention, and I hope that we can proceed to give our advice and consent as soon as possible.•

THE VETERANS' ADMINISTRATION BUDGET

Mr. BOND. Mr. President, just to follow up very briefly on what the majority leader said, the Wall Street Journal earlier this week pointed out that the tax increases in 1993 had the effect of costing jobs and economic growth in this country. Two economists, William Beach and Scott Hodge, at the Heritage Foundation, used the very reputable econometric model, the Washington University macro model, to try to figure out what happened as a result of that 1993 budget deal. They calculated it reduced private sector jobs by 1.2 million. We lost $208 billion in output, or the equivalent of $2,100 per family. What is worse, they found out the tax increases did not reduce the deficit as much as predicted because tax increases change behavior and not all the taxes were generated. Only about 56 cents of additional deficit reduction came for every $1 of new taxes. So that did not work very well.

Now the majority leader has talked about how we need to get the budget in balance by cutting spending. I wanted to share very briefly today with my colleagues something that went on in our appropriations subcommittee for VA and HUD today. We had before us the Secretary of the agency, Secretary Brown. We showed him the budget projections. This chart shows what the Congress' budget projection was last year. This green line shows a flat line across here.

Actually, we raised that to this level. Last year the Secretary said holding the Veterans' Administration budget flat through 2002 would be devastating; hospitals would be closed, veterans would not be served, there would be tremendous hardship, the system could not operate. He said the system could not operate with flat appropriations, even though the number of veterans is declining.

So I asked him what would happen, because this is the Clinton projection.

These are the Clinton administration numbers for the Veterans' Administration budget, going up here in 1997, one more year, and then just plummeting, plummeting by more than $3 billion a year out of just slightly over a $16 billion budget. This, coming down according to the CBO, this would be just around $13 billion or less for the Veterans' Administration.

The Secretary said he could not live with, and the veterans could not be served by, that budget. So I asked him if he were going to send out the e-mail messages and statements in pay stubs that he had sent to the employees of the VA last year when we proposed this budget. He said no. I asked him why not. He said, because the President has personally assured him he will negotiate the budget with him and take care of the veterans.

I asked him, I said, "Are you concerned that the President is going to live with that budget number that shows the budget plummeting for VA?" He indicated to me that he had no concern whatsoever that the Veterans' Administration budget would fall like that, because the President promised to negotiate with him.

I had to ask the question, and I ask it again. Who is the President fooling? Is he fooling the taxpayers and Congress when he proposes a budget like that that purports to cut it and cut the budget for the Veterans' Administration a total of $13 billion in this period? Or is he fooling the veterans by telling them, do not worry, we will keep spending up however high it needs to go? Whichever way it goes, it has to call into question whether the President is serious about these budget negotiations. He said that he wants to balance the budget.

We have the President on record and we have OMB on record as saying they want to balance the budget. How are they going to do it? Well, they have some very draconian cuts in their appropriated spending accounts. This red line shows how sharply those cuts are going to be made. This is the President's entire budget, and he hopes to get to a balance in 2002 by cutting it like that.

Part of those cuts are reflected in this precipitous cut in the VA budget, showing this for the Veterans' Administration only. But he is telling the people, the constituents of the Veterans' Administration, or they believe he is saying, "Don't worry, we'll negotiate with you a good budget and take care of you."

We have the promise, on the one hand, of OMB that this is a meaningful budget that shows a reduction of appropriated spending sufficient to balance the budget in the year 2002 under President Clinton's plan. On the other hand, we have the assurance, the confidence of one of the agency administrators whose budget is going to be slashed that it will not be slashed. That is the best of both possible worlds.

For the vast majority of American citizens who want to see a balanced budget, you have these numbers in a budget, but it is really a no pain-no gain situation, because you tell the people who will be directly affected, "Don't worry because we don't mean this; don't worry, the budget's not going to come down like that."

Mr. President, what they must be telling us is it is all for show. It sounds good to tell the American people we are going to balance the budget, but we can sure get out and get the word to all of the people who depend upon those particular agencies, "Don't worry, your agency is not being cut; your agency is not going to suffer any reductions."

Mr. President, I think the issue of credibility and character are going to be very important in this fall's election, and I think this budget flimflam tells a lot. I think it raises questions about the honesty of the plan that we are being presented on behalf of the Clinton administration by OMB. They would like us to think the budget is going to be balanced, but they assure the people in the area, plan for the cuts, that that $13 billion will not be cut out of the VA budget. Is it going to be cut someplace else? I doubt they will be willing to say someplace else will be cut even more.

I thank the Chair. I note several colleagues wishing to speak. I yield the floor.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

AMENDMENT TO THE HISTORIC CHATTAHOOCHEE COMPACT

Mr. COHEN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 345, H.R. 2064.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2064) to grant consent of Congress to an amendment of the Historic Chattahoochee Compact between the States of Alabama and Georgia.

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

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

Mr. COHEN. Mr. President, I ask unanimous consent that the bill be deemed read a third time, passed, 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.

The bill (H.R. 2064) was deemed read the third time and passed.

THE CALENDAR

Mr. COHEN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 366, H.R. 1743, Calendar No. 367, H.R. 2243, and Calendar No. 375, S. 811, en bloc; further, I ask unanimous consent that reported amendments to the text, as may appear, be agreed to, the bills be deemed read a third time, passed, the motions to reconsider be laid upon the table, en bloc, and that any statements relating to these measures be placed at the appropriate place in the RECORD.

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

THE WATER RESOURCES RESEARCH ACT OF 1984 AMENDMENT ACT OF 1996

The Senate proceeded to consider the bill (H.R. 1743) to amend the Water Resources Research Act of 1984 to extend the authorizations of appropriations through fiscal year 2000, and for other purposes, which had been reported from the Committee on Environment and Public Works, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. FINDINGS.

Section 102 of the Water Resources Research Act of 1984 (42 U.S.C. 10301) is amended—

(1) in paragraph (2), by inserting ", productivity of natural resources and agricultural systems," after "environmental quality";

(2) in paragraph (6), by striking "and" at the end;

(3) in paragraph (7), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(8) long-term planning and policy development are essential to ensure the availability of an abundant supply of high quality water for domestic and other use; and

"(9) the States must have the research and problem-solving capacity necessary to effectively manage their water resources.".

SEC. 2. PURPOSE.

Section 103 of the Water Resources Research Act of 1984 (42 U.S.C. 10302) is amended—

(1) in paragraph (5)—

(A) by striking "to"; and

(B) by striking "and" at the end;

(2) in paragraph (6), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(7) encourage long-term planning and research to meet future water management, quality, and supply challenges.".

SEC. 3. GRANTS; MATCHING FUNDS.

Section 104(c) of the Water Resources Research Act of 1984 (42 U.S.C. 10303(c)) is amended by striking "one non-Federal dollar" and all that follows through "thereafter" and inserting "2 non-Federal dollars for every 1 Federal dollar".

SEC. 4. GENERAL AUTHORIZATIONS OF APPROPRIATIONS.

Section 104(f)(1) of the Water Resources Research Act of 1984 (42 U.S.C. 10303(f)(1)) is amended by striking "of $10,000,000 for each of the fiscal years ending September 30, 1989, through September 30, 1995," and inserting "of $5,000,000 for fiscal year 1996, $7,000,000 for each of fiscal years 1997 and 1998, and $9,000,000 for each of fiscal years 1999 and 2000".

SEC. 5. AUTHORIZATION OF APPROPRIATIONS FOR RESEARCH FOCUSED ON WATER PROBLEMS OF INTERSTATE NATURE.

The first sentence of section 104(f)(1) of the Water Resources Research Act of 1984 (42 U.S.C. 10303(g)(1)) is amended by striking "of $5,000,000 for each of the fiscal years 1991, 1992, 1993, 1994, and 1995" and inserting "of $3,000,000 for each of fiscal years 1996 through 2000".

SEC. 6. COORDINATION.

Section 104 of the Water Resources Research Act of 1984 (42 U.S.C. 10303) is amended by adding at the end the following:

"(h) COORDINATION.—

"(1) IN GENERAL.—To carry out this Act, the Secretary—

"(A) shall encourage other Federal departments, agencies (including agencies within the Department of the Interior), and instrumentalities to use and take advantage of the expertise and capabilities that are available through the institutes established by this section, on a cooperative or other basis;

"(B) shall encourage cooperation and coordination with other Federal programs concerned with water resources problems and issues;

"(C) may enter into contracts, cooperative agreements, and other transactions without regard to section 3709 of the Revised Statues (41 U.S.C. 5);

"(D) may accept funds from other Federal departments, agencies (including agencies within the Department of the Interior), and instrumentalities to pay for and add to grants made, and contracts entered into, by the Secretary;

"(E) may promulgate such regulations as the Secretary considers appropriate; and

"(F) may support a program of internships for qualified individuals at the undergraduate and graduate levels to carry out the educational and training objectives of this Act.

"(2) REPORT.—The Secretary shall report to Congress annually on coordination efforts with other Federal departments, agencies, and instrumentalities under paragraph (1).

"(3) RELATIONSHIP TO STATE RIGHTS.—Nothing in this Act shall preempt the rights and authorities of any State with respect to its water resources or management of those resources.".

The committee amendment was agreed to.

The bill (H.R. 1743) was deemed read the third time and passed.

Mr. CHAFEE. Mr. President, today the Senate considers H.R. 1743, a bill to reauthorize the Water Resources Research Act of 1984, as amended. This legislation was adopted unanimously by the House of Representatives on October 17, 1995. With the strong support of Senators KEMPTHORNE, THOMAS, and REID, the Committee on Environment and Public Works approved the measure with an amendment on March 28 of this year.

The legislation, which enjoys broad bipartisan support, extends the authorization for the State Water Resources Research Institutes for 5 years. Fifty-four of these institutes have been established at land grant universities in each of the 50 States, Washington, DC, and 3 of the territories.

These institutes are a primary link between the academic community, the water-related research and regulatory personnel in our State and Federal agencies, and various interests in the private sector. The institutes provide a mechanism for promoting State, regional, and national coordination of water resources research and training. They also serve as a network to facilitate research coordination and information transfer. Their programs are coordinated with the general guidance of the Secretary of the Interior.

Mr. President, this is a popular program because research from the water institutes is often directed at finding solutions to particular water problems at the local or regional level. Research results from the program are often applied to real-world problems in water management. In my own State, the University of Rhode Island's Water Resources Center has used this program to further ground water resources management and protection, wetlands preservation, and the understanding of the effects of air pollutant deposition on lakes and streams.

Nationally, this program is designed to address water resource management problems such as: the abundance and quality of water supplies, the sources of water contaminants and methods of remediation, and the training of research scientists, engineers, and technicians. In addition to continuing the general authority for the institutes, this bill extends authorization for the awarding of funds for research projects.

Mr. President, let me conclude by explaining the authorization of appropriations made in this bill. The 1984 act authorized $10 million annually to cover all general water resources research for the institutes. H.R. 1743, as approved by the House and reported by the committee, authorizes the institutional grants program at lower levels. Beginning with fiscal year 1996, $5 million is authorized. For fiscal years 1997 and 1998, $7 million is authorized. For fiscal years 1999 and 2000, $9 million is authorized. This provides the institutional grant program with a 5-year authorization total of $37 million.

Finally, the Committee on Environment and Public Works unanimously adopted an amendment offered by Senator THOMAS to add funding for research focused exclusively on water problems of an interstate nature. For interstate research, the bill authorizes $3 million for each of the fiscal years 1996 through 2000, for a total of $15 million.

Mr. President, the Water Resources Research Program authorized by H.R. 1743 is a cost-effective program. Costs of operating the program are shared with non-Federal interests. The program provides valuable research that is useful to State and local water managers throughout the Nation. This program has given us years of valuable service and I urge my colleagues to support H.R. 1743.

THE TRINITY RIVER BASIN FISH AND WILDLIFE MANAGEMENT REAUTHORIZATION ACT OF 1996

The bill (H.R. 2243) to amend the Trinity River Basin Fish and Wildlife Management Act of 1984, to extend for 3 years the availability of moneys for the restoration of fish and wildlife in the Trinity River, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

Mr. CHAFEE. Mr. President, H.R. 2243, a bill to reauthorize and amend Public Law 98–541, the 1984 Trinity River Restoration Program, is a truly bipartisan piece of legislation. Introduced by Representative RIGGS, H.R. 2243 passed the House by a vote of 412 to 0 on December 12, 1995. The bill would extend funding authority for Trinity River basin restoration programs through fiscal year 1998. In addition, H.R. 2243 would expand the management plan to aid in the resumption of commercial and recreational fishing, and increase the task force by five members to include representatives from commercial and recreational fishing interests, two native American tribes, and the timber industry. The administration supports H.R. 2243.

To date, restoration efforts in the Trinity River basin have included the modernization of the Lewiston hatchery, the construction of the Buckhorn Debris Dam, sediment collection pools in the Grass Valley Creek, and the purchase of 17,000 acres of highly erodible land in the Grass Valley Watershed. Other habitat restoration efforts are underway to encourage natural fish spawning and rearing, including replacement of spawning gravel below the Lewiston Dam, reestablishment of meander channels, dredging of pools in the Trinity River, and feather-tapering the river's edges.

Reauthorization of Public Law 98–514 will continue the restoration of the Grass Valley Creek Watershed, control sediment on tributary watersheds, restore the South Forks Trinity River fish habitat, and implement a wildlife management program. These efforts will contribute to rebuilding the populations of salmon and trout, which are important to commercial, recreational, and tribal fishing interests.

THE WATER DESALINIZATION RESEARCH AND DEVELOPMENT ACT OF 1996

The Senate proceeded to consider the bill (S. 811) to authorize research into the desalinization and reclamation of water and authorize a program for States, cities, or qualifying agencies desiring to own and operate a water desalinization or reclamation facility to develop such facilities, and for other purposes, which had been reported from the Committee on Environment and Public Works, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Water Desalinization Research and Development Act of 1996".

SEC. 2. DECLARATION OF POLICY.

In view of the increasing shortage of usable surface and ground water in many parts of the United States and the world, it is the policy of the United States to—

(1) perform research to develop low-cost alternatives for desalinization of saline water and reclamation of nonusable nonsaline water to provide water of a quality suitable for environmental enhancement, agricultural, industrial, municipal, and other beneficial consumptive or nonconsumptive uses; and

(2) provide, through cooperative activities with local sponsors, desalinization and water reclamation processes and facilities that provide proof-of-concept demonstrations of advanced technologies for the purpose of developing and conserving the water resources of this Nation and the world.

SEC. 3. DEFINITIONS.

In this Act:

(1) DESALINIZATION.—The term "desalinization" means the use of any process or technique (by itself or in conjunction with other processes or techniques) for the removal and, when feasible, adaptation to beneficial use, of organic and inorganic elements and compounds from saline water.

(2) NONUSABLE NONSALINE WATER.—The term "nonusable nonsaline water" means water that is not saline water but, because it contains biological or other impurities, is not usable water.

(3) RECLAMATION.—The term "reclamation" means the use of any process or technique (by itself or in conjunction with other processes or techniques) for the removal and, when feasible, adaptation to beneficial use, of organic and inorganic elements and compounds from nonusable nonsaline water.

(4) SALINE WATER.—The term "saline water" means sea water, brackish water, and other mineralized or chemically impaired water.

(5) SPONSOR.—The term "sponsor" means a local, State, or qualifying agency responsible for the sale and delivery of usable water that has the legal authority and financial capability to provide the financial and real property requirements needed for a desalinization or reclamation facility.

(6) UNITED STATES.—The term "United States" means the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

(7) USABLE WATER.—The term "usable water" means water of a high quality suitable for environmental enhancement, agricultural, industrial, municipal, and other beneficial consumptive or nonconsumptive uses.

SEC. 4. RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—In order to gain basic knowledge concerning the most efficient means by which usable water can be produced from saline or nonusable nonsaline water, the Secretary of the Interior, in consultation with the Secretary of the Army, shall conduct a basic research and development program under this section.

(b) CONTENTS OF PROGRAM.—For the basic research and development program, the Secretary of the Interior shall—

(1) conduct, encourage, and promote fundamental scientific research and basic studies to develop the best and most economical processes and methods for converting saline water and nonusable nonsaline water into usable water through research grants and contracts—

(A) to conduct research and technical development work;

(B) to make studies in order to ascertain the optimum mix of investment and operating costs;

(C) to determine the best designs for different conditions of operation; and

(D) to investigate increasing the economic efficiency of desalinization or reclamation processes by using the processes as dual-purpose co-facilities with other processes involving the use of water;

(2) study methods for the recovery of byproducts resulting from the desalinization or reclamation of water to offset the costs of treatment and to reduce the environmental impact from those byproducts; and

(3) prepare a management plan for conduct of the research and development program established under this section.

(c) COORDINATION WITH OTHER AGENCIES.—

(1) IN GENERAL.—The Secretary of the Interior shall conduct activities under this section in coordination with—

(A) the Department of Commerce, specifically with respect to marketing and international competition; and

(B)(i) the Departments of Defense, Agriculture, State, Health and Human Services, and Energy;

(ii) the Environmental Protection Agency;

(iii) the Agency for International Development; and

(iv) other concerned public and private entities.

(2) OTHER AGENCIES.—In addition to the agencies identified in paragraph (1), other interested agencies may furnish appropriate resources to the Secretary of the Interior to further the activities in which such other agencies are interested.

(d) AVAILABILITY OF RESEARCH.—All research sponsored or funded under this section shall be carried out in such a manner that information, products, processes, and other developments resulting from Federal expenditures or authorities shall (with exceptions necessary for national defense and the protection of patent rights) be available to the general public.

(e) RELATIONSHIP TO ANTITRUST LAWS.—Section 10 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5909) shall apply to the activities of persons in connection with grants and contracts made by the Secretary of the Interior under this section.

SEC. 5. DESALINIZATION DEVELOPMENT PROGRAM.

(a) IN GENERAL.—The Secretary of the Interior and the Secretary of the Army shall jointly—

(1) conduct a desalinization development program; and

(2) in connection with the program, design and construct desalinization facilities.

(b) SELECTION OF DESALINIZATION DEVELOPMENT FACILITIES.—

(1) APPLICATION.—A sponsor shall submit to the Secretary of the Interior and Secretary of the Army an application for the design and construction of a desalinization facility and certification that the sponsor will provide the required cost sharing.

(2) SELECTION.—Facilities shall be selected subject to availability of Federal funds.

(c) COST SHARING.—

(1) INITIAL COST.—The initial cost of a facility shall include—

(A) design costs;

(B) construction costs;

(C) lands, easements, and rights-of-way costs; and

(D) relocation costs.

(2) MINIMUM SPONSOR SHARE.—The sponsor for a facility under the desalinization development program shall pay, during construction, at least 25 percent of the initial cost of the facility, including providing all lands, easements, and rights-of-way and performing all related necessary relocations.

(3) MAXIMUM FEDERAL SHARE.—The Secretary of the Interior and Secretary of the Army shall pay not more than $10,000,000 of the initial cost of a facility.

(d) OPERATION AND MAINTENANCE.—Operation, maintenance, repair, and rehabilitation of a desalinization facility shall be the responsibility of the sponsor of the facility.

(e) REVENUE.—All revenue generated from the sale of usable water from a desalinization facility shall be retained by the sponsor of the facility.

SEC. 6. MISCELLANEOUS AUTHORITIES.

In carrying out sections 4 and 5, the Secretary of the Interior and the Secretary of the Army may—

(1) accept technical and administrative assistance from a State or other public entities and from private persons in connection with research and development activities relating to desalinization and reclamation of water;

(2) enter into contracts or agreements stating the purpose for which the assistance is contributed and, in appropriate circumstances, providing for the sharing of costs between the Secretary and such entities or persons;

(3) make grants to educational and scientific institutions;

(4) contract with educational and scientific institutions and engineering and industrial firms;

(5) by competition or noncompetitive contract or any other means, engage the services of necessary personnel, industrial and engineering firms, and educational institutions;

(6) use the facilities and personnel of Federal, State, municipal, and private scientific laboratories;

(7) contract for or establish and operate facilities and tests to conduct research, testing, and development necessary for the purposes of this Act;

(8) acquire processes, data, inventions, patent applications, patents, licenses, lands, interests in land and water, facilities, and other property by purchase, license, lease, or donation;

(9) assemble and maintain domestic and foreign scientific literature and issue pertinent bibliographical data;

(10) conduct inspections and evaluations of domestic and foreign facilities and cooperate and participate in their development;

(11) conduct and participate in regional, national, and international conferences relating to the desalinization of water;

(12) coordinate, correlate, and publish information that will advance the development of the desalinization of water; and

(13) cooperate with Federal, State, and municipal departments, agencies, and instrumentalities, and with private persons, firms, educational institutions, and other organizations, including foreign governments, departments, agencies, companies, and instrumentalities, in effectuating the purposes of this Act.

SEC. 7. DESALINIZATION CONFERENCE.

(a) ESTABLISHMENT.—The President is requested to instruct the Administrator of the Agency for International Development to sponsor an international desalinization conference within 1 year after the date of enactment of this Act.

(b) PARTICIPANTS.—Participants in the conference under subsection (a) should include scientists, private industry experts, desalinization experts and operators, government officials from the nations that use and conduct research on desalinization, and government officials from nations that could benefit from low-cost desalinization technology (particularly nations in the developing world), and international financial institutions.

(c) PURPOSE.—The conference under subsection (a) shall—

(1) explore promising new technologies and methods to make affordable desalinization a reality in the near term; and

(2) propose a research agenda and a plan of action to guide longer-term development of practical desalinization applications.

(d) FUNDING.—

(1) AID FUNDS.—Funding for the conference under subsection (a) may come from operating or program funds of the Agency for International Development.

(2) OTHER NATIONS.—The Agency for International Development shall encourage financial and other support from other nations, including those that have desalinization technology and those that might benefit from such technology.

SEC. 8. REPORTS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary of the Interior, in consultation with the Secretary of the Army, shall prepare a report to the President and Congress concerning the administration of this Act.

(b) CONTENTS.—A report under subsection (a) shall describe—

(1) the actions taken by the Secretary of the Interior and the Secretary of the Army during the calendar year preceding the year in which the report is submitted; and

(2) the actions planned for the following calendar year.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) RESEARCH AND DEVELOPMENT.—There are authorized to be appropriated to carry out section 4—

(1) $5,000,000 for fiscal year 1997; and

(2) $7,500,000 for each of fiscal years 1998 through 2001.

(b) DESALINIZATION DEVELOPMENT PROGRAM.—There are authorized to be appropriated to carry out section 5 such sums as are necessary, up to a total of $40,000,000 for the period consisting of fiscal years 1997 through 2001, of which 50 percent shall be made available to the Department of the Interior and 50 percent shall be made available to the civil works program of the Army Corps of Engineers.

The committee amendment was agreed to.

The bill (S. 811) was deemed read the third time and passed.

Mr. CHAFEE. Mr. President, today the Senate has passed S. 811, the Water Desalinization and Research and Development Act. This legislation, which was approved by the full Senate in both 1992 and 1994, is sponsored by Senators SIMON, REID, MACK, and others.

Very briefly, Mr. President, S. 811 authorizes an expanded U.S. research and development program with the goal of producing lower cost desalinization technologies. The bill assigns primary program responsibility to the Department of the Interior, in coordination with the Army Corps of Engineers.

In addition to the basic research and development program, S. 811 authorizes the development of experimental desalination facilities and requires the Agency for International Development to host a conference for countries either currently using or planning to use desalinization technologies.

Mr. President, in the face of growing domestic water shortages, as well as strategic international concerns, this legislation is designed to increase the U.S. commitment to developing more economical desalinization technology.

S. 811, as reported, authorizes $5 million in fiscal year 1997 for the basic research and development at the Interior Department; $7.5 million is authorized for this purpose in each of fiscal years 1998 through 2001, for a 5-year total of $35 million.

For the facility development program, $40 million is authorized for fiscal years 1997 through 2001. I note that the total authorization for appropriations in this bill is $20 million less than the $95 million provided in the bill as introduced.

I thank Senator SIMON and the others who support this bill for working with us to reduce the authorization levels. Based upon the very limited amount of discretionary funding that will be available over the next 5 to 7 years, we have no choice but to do more with less in this area.

AMAGANSETT NATIONAL WILDLIFE REFUGE

Mr. COHEN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 378, H.R. 1836.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1836) to authorize the Secretary of the Interior to acquire property in the town of East Hampton, Suffolk County, New York, for inclusion in the Amagansett National Wildlife Refuge.

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

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

Mr. D'AMATO. Mr. President, I rise today in support of H.R. 1836 which will allow for the protection of New York's rarest plant species, the sandplain gerardia—also a federally endangered species—and six other rare plants while offering New Yorkers with spectacular recreational opportunities. I was happy to cosponsor identical legislation, S. 1422, which was introduced by my friend and colleague Senator MOYNIHAN. This bill will authorize the U.S. Fish and Wildlife Service to purchase a parcel of land on the South Fork of Long Island known as Shadmoor.

The Shadmoor property is a one-half mile stretch of sand, plants, and wildlife habitat fronted by 70-foot cliffs that reminded early settlers of the English moors. It is not only home to a number of rare and endangered plants, but also a wetland visited by several species of migratory birds. Also, the property is of interest to history buffs, as the property contains several bunkers constructed for the defense of America's coastline during World War II. It is truly a unique area that many will agree needs to be maintained.

Currently, this beachfront land with its wonderful vistas and serene beauty is threatened by development. However, because of the need to protect the sandplain gerardia, in order to provide for the habitat for migratory birds, and for the recreational opportunities it affords to all New Yorkers, it is an area that must be given proper and prompt consideration. This bill achieves these goals by allowing for the acquisition of this land for the purposes of preserving it for generations to come.

In addition, an amendment to this bill will make a technical correction in the maps of the Coastal Barrier Resources System [COBRA]. This amendment is identical to S. 1352 which I introduced earlier this year with my friend and colleague Senator MOYNIHAN. In addition, Congressman FORBES introduced similar legislation, H.R. 2005, which passed the House of Representatives on October 30, 1995.

Mr. President, the administration testified in support of the correction contained in this amendment before the Oceans, Fisheries, and Wildlife Subcommittee of the House Committee on Resources. The Department of the Interior's Fish and Wildlife Service acknowledges that it was in error when it designated part of the Point O' Woods community on Fire Island in New York as part of an otherwise protected area. This legislation directs the Secretary of the Interior to correct this error and thereby allow the residents of the Point O' Woods community to participate in the National Flood Insurance Program [NFIP]. It will ease community efforts to relocate houses away from high erosion zones and allow the community to practice effective coastal barrier management.

The Federal Government actively encourages participation in the NFIP in order to minimize taxpayer costs in the event of a natural disaster. The technical correction made by this amendment will rectify a longstanding error and provide all eligible citizens with the opportunity to protect their homes with flood insurance.

I thank Senator MOYNIHAN, Senator CHAFEE, the members of their respective staffs, and especially the staff of the Senate Committee on Environmental and Public Works for working so diligently to ensure the passage of this important legislation.

AMENDMENT NO. 3957

(Purpose: To direct the Secretary of the Interior to make technical corrections to a map relating to the coastal Barrier Resources System)

Mr. COHEN. Mr. President, I understand there is an amendment at the desk offered by Senators MOYNIHAN and D'AMATO. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maine [Mr. COHEN], for Mr. MOYNIHAN, for himself, and Mr. D'AMATO, proposes an amendment numbered 3957.

Mr. COHEN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of the bill, add the following:

SEC. 2. CORRECTIONS TO COASTAL BARRIER RESOURCES MAP.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary of the Interior shall make such corrections to the map described in subsection (b) as are necessary—

(1) to move the eastern boundary of the excluded area covering Ocean Beach, Seaview, Ocean Bay Park, and part of Point O'Woods to the western boundary of the Sunken Forest Preserve; and

(2) to ensure that the depiction of areas as "otherwise protected areas" does not include any area that is owned by the Point O'Woods Association (a privately held corporation under the laws of the State of New York).

(b) MAP DESCRIBED.—The map described in this subsection is the map that is included in a set of maps entitled "Coastal Barrier Resources System", dated October 24, 1990, that relates to the unit of the Coastal Barrier Resources System entitled "Fire Island Unit NY-59P".

Mr. CHAFEE. Mr. President, I am pleased that the Senate is considering H.R. 1836, legislation which authorizes the Secretary of the Interior to acquire 98 acres, known as the Shadmoor parcel, in East Hampton, NY, for inclusion in the Amagansett National Wildlife Refuge. Identical companion legislation, S. 1422, was introduced by Senators MOYNIHAN and D'AMATO on November 17, 1995 and recently reported by the Environment and Public Works Committee.

This legislation will strengthen conservation of important fish and wildlife within the National Wildlife Refuge System by protecting valuable coastal habitat for the federally endangered sandplain gerardia, 4 State-listed plant species, and over 70 species of birds, mammals, reptiles, and amphibians.

The Shadmoor parcel consists of maritime shrubland, freshwater wetlands, and rare maritime grassland. If acquired, this critical coastal habitat would be managed from the existing refuge offices for the Long Island National Wildlife Refuge Complex, with no additional staff needed. While the estimated costs for acquisition of the Shadmore parcel range from $5 to $8 million, it is expected that the town of East Hampton and the local chapter of the Nature Conservancy will contribute a considerable portion of the project's total cost. I applaud the local community for their support for the Amagansett Refuge. This kind of partnership between the Fish and Wildlife Service, the local government, and conservation groups is exactly what we need as we seek to stretch limited Federal dollars.

Mr. President, I also support the amendment to H.R. 1836 offered by Senators MOYNIHAN and D'AMATO. This amendment also addresses important coastal resources on the barrier islands off the coast of New York. The Moynihan-D'Amato amendment simply adds a new section to H.R. 1836 directing the Secretary of the Interior to correct an error in the map relating to the Fire Island Unit of the Coastal Barrier Resources System. This provision has already been included in legislation, H.R. 2005, reported by the Environment and Public Works Committee last year and is identical to S. 1352, a bill introduced by Senators D'AMATO and MOYNIHAN.

This noncontroversial legislation would correct a mapping error by the Department of the Interior. Certainly, the residents of Point O'Woods, NY—the area affected by this legislation—deserve to have this matter set straight.

Let me take a moment to describe how we got here.

In 1982, Congress enacted the Coastal Barrier Resources Act to promote several important goals—conservation of fish and wildlife, minimization of loss of human life, and reduction in Federal expenditures. How does this law accomplish all of this? It's simple. The Coastal Barrier Resources Act prohibits most Federal Expenditures and financial assistance within undeveloped coastal barriers that are designated as units of the Coastal Barrier Resources System.

Mr. President, the Coastal Barrier Resources Act makes perfect fiscal and environmental sense. It gets the Federal Government out of the expensive business of subsidizing development of ecologically sensitive and dangerous coastal areas. In fact, between 1982 and 1990, savings associated with the Coastal Barrier Resources Act were estimated by the Department of the Interior at over $830 million.

With passage of the Coastal Barrier Improvement Act of 1990, Congress doubled the size of the Coastal Barrier Resources System, adding areas along the coast of the Atlantic Ocean and the gulf of Mexico, the beaches of Puerto Rico and the Virgin Islands, and the shores of the Great Lakes. The 1990 law also established a new category of coastal barriers designated as "otherwise protected areas." These encompass undeveloped coastal barriers with the boundaries of areas that are owned and managed for conservation purposes. Thus, otherwise protected areas include open spaces such as parklands, sanctuaries, and forest preserves. Under the 1990 law, sale of new Federal flood insurance is prohibited within otherwise protected areas, with one exception. Federal flood insurance can be obtained for structures that are used in a manner that is consistent with the purpose for which the area is protected.

Both the Coastal Barrier Resources Act and the 1990 act to expand the Coastal Barrier Resources System refer to a series of maps, approved by Congress and maintained by the U.S. Fish and Wildlife Service, that depict the boundaries of the system units and the otherwise protected areas. Unfortunately, the map of the Fire Island Unit that was added in 1990 erroneously depicts a private area owned by the Point O'Woods Association as part of an otherwise protected area, known as the Sunken Forest Preserve. To correct this mistake, the Department of the Interior has recommended that the Point O'Woods property be removed from within the boundary depicted on the map for Fire Island Unit NY-59P. And, the Moynihan-D'Amato amendment does just that.

Mr. President, this legislation directs the Secretary of the Interior to correct the error on the map relating to the Fire Island Unit of the Coastal Barrier Resources System by modifying the boundary of the otherwise protected area to exclude the Point O'Woods Association's property. As I mentioned, a bill to make this correction was introduced by Senator D'AMATO and Senator MOYNIHAN earlier this Congress and reported by the Environment and Public Works Committee.

I urge my colleagues to support this amendment. It is important that the Congress modify the maps of Coastal Barrier Resources System units and otherwise protected areas when true mapping errors are identified. That is why we enacted a technical corrections bill last Congress, Public Law 103-461, and why I support this legislation. In each case, changes to the boundaries depicted on the Coastal Barrier Resources System maps were necessary because the areas in question did not qualify as undeveloped coastal barriers or as otherwise protected areas at the time that they were included in the system by Congress. And, in each case, the Department of the Interior supported making technical changes to the maps.

Mr. President, the integrity of the Coastal Barrier Resources System—a system that continues to save American taxpayers money—depends on maintenance of strict standards. Of course there are plenty of landowners who would prefer not to be included in the Coastal Barrier Resources System. But, it would undermine the purposes of the Coastal Barrier Resources Act if Congress were to start removing areas that did qualify as undeveloped coastal barriers when they were included in the system in 1982 or 1990. Not only that, but it would be patently unfair to property owners who are within the Coastal Barrier Resources System if Congress started to bend the rules for some but not for others.

I would like to thank the Senators from New York for working closely with the committee on this legislation authorizing the Secretary of the Interior to acquire an area of critical coastal habitat and making a needed correction in the Coastal Barrier Resources System. H.R. 1836 deserves enactment without delay.

Mr. President, I ask unanimous consent that two letters from the Department of the Interior in support of the provisions included in the Moynihan-D'Amato amendment be printed in the RECORD.

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

DEPARTMENT OF THE INTERIOR,
FISH AND WILDLIFE SERVICE,
Washington, DC.

Hon. JOHN H. CHAFEE,
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your January 26, 1996, request for the Department of the Interior's position regarding H.R. 2005, a bill proposing to make technical corrections to the Coastal Barrier Resources System.

Bill H.R. 2005 proposes to make technical corrections to the area identified as NY-59P which is part of the Fire Island National Seashore and is mapped as an "otherwise protected area" within the Coastal Barrier Resources System. This area was added to the System as a result of the Coastal Barrier Improvement Act in 1990.

"Otherwise protected areas" are defined by the Coastal Barrier Resources Act as coastal barriers which are "included within the boundaries of an area established under Federal, State, or local law, or held by a qualified organization as defined in Section 170(h)(3) of the Internal Revenue Code of 1954, primarily for wildlife refuge, sanctuary, recreational, or natural resource conservation purposes." Congress with passage of the 1990 legislation, prohibited the sale of Federal flood insurance within "otherwise protected areas."

Bill H.R. 2005 will modify the area currently excluded from NY-59P which includes the subdivisions of Ocean Beach, Seaview, Ocean Bay Park and a part of Point O'Woods by extending this excluded area to the western boundary of the Sunken Forest Preserve; thus, removing a part of NY-59P from the System. Bill H.R. 2005 also proposes "to ensure that the depiction of areas as "otherwise protected areas" does not include any area that is owned by the Point O'Woods Association (a privately held corporation under the laws of the State of New York)."

The Point O'Woods Association property is not a part of the Fire Island National Seashore. Therefore, the Service recommends that the boundary of NY-59P be modified to remove the Point O'Woods property from within the boundary of NY-59P.

After careful consideration, we have determined that this change is consistent with the "technical corrections" that were approved by Congress with passage of the recent Public Law 103-461, November 2, 1994, using the delineation criteria formerly developed by the Department and later approved by Congress. Therefore, the area should not remain in the System and does require "correction."

The Department supports passage of H.R. 2005.

We appreciate the opportunity to provide you with this information. If you have any questions, please contact the Office of Legislative Services at (202) 208-5403.

Sincerely,

———
Director.

DEPARTMENT OF THE INTERIOR,
NATIONAL PARK SERVICE,
Patchogue, NY, June 27, 1995.

ROBERT KINGSBURY,
President, Point O'Woods Association, Point O'Woods, NY.

Re Coastal Barrier Resources System.

DEAR MR. KINGSBURY: I support your community's efforts to make the appropriate technical corrections to the Coastal Barrier Resources Systems map of Fire Island that was adopted by Congress in 1990. The corrected map will resolve the development inequities resulting from the flood insurance restrictions placed upon the eastern portion of Point O'Woods in its designation as an "otherwise protected area", under the Coastal Barrier Resources Act.

As you are aware, the legislation establishing the Fire Island National Seashore (Public Law 88-587, 1964) contemplates that the existing communities on Fire Island would continue to be available for human habitation and development, and prohibited, with minor exceptions, the Secretary of the Interior from acquiring land within those communities.

The mapping done in 1990 excluded from "otherwise protected area" status the other 16 communities on Fire Island, while designating the eastern part of Point O'Woods as an "otherwise protected area". Although located within the park's boundary, these communities are comprised of privately held properties and are, therefore, not considered by the park service to be "inholdings". As such, the community of Point O'Woods should not be designated as an "otherwise protected area". Additionally, Point O'Woods does not fit within the definition of "undeveloped coastal barrier", in that there are approximately 150 man-made structures in this 160-acre community.

It was an error that should be corrected, in order to grant the Point O'Woods community the same development rights as every other existing community on Fire Island, as defined in the Seashore's Federal Zoning Standards (36 C.F.R. Part 28). In other words, the continued use of relocated residences into areas within the community, and away from high erosional hazards is consistent with Fire Island National Seashore policy. An amended map would enable more effective coastal barrier management in the future. If you have any questions, or wish to discuss this further, feel free to call me at (516) 289-4810.

Sincerely,

JACK HAUPTMAN,
Superintendent.

Mr. COHEN. Mr. President, I ask unanimous consent that the amendment be agreed to, 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.

The amendment (No. 3957) was agreed to.

The bill (H.R. 1836) was deemed read the third time and passed.

NATIONAL CORRECTIONAL OFFICERS AND EMPLOYEES WEEK

Mr. COHEN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 243, designating "National Correctional Officers and Employees Week," and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 243) designating the week of May 5, 1996 as "National Correctional Officers and Employees Week."

The Senate proceeded to consider the resolution.

The PRESIDING OFFICER. Without objection, the resolution is agreed to and the preamble is agreed to.

The resolution (S. Res. 243) was agreed to.

The preamble was agreed to.

[The text of the resolution will appear in a future issue of the RECORD.]

Mr. COHEN. Mr. President, I move to reconsider the vote by which the resolution was agreed to and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDERS FOR MONDAY, MAY 6, 1996

Mr. COHEN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 12 noon on Monday, May 6; further, that immediately following the prayer, the Journal of proceedings be deemed approved to date; that no resolutions come over under the rule, that the call of the calendar be dispensed with; that the morning hour be deemed to have expired; and that there be a period for morning business until the hour of 3 p.m., with Senators to speak up to 5 minutes each, with the following Senators to speak for the designated times: Senator DASCHLE, or his designee, the first 90 minutes; Senator COVERDELL, or his designee, the last 90 minutes.

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

Mr. COHEN. Mr. President, the Senate will conduct a period for morning business until 3 p.m. on Monday.

UNANIMOUS-CONSENT AGREEMENT—H.R. 2937

Mr. COHEN. Mr. President, I ask unanimous consent that at 3 p.m. on Monday, the Senate resume consideration of H.R. 2937, regarding the White House Travel Office.

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

PROGRAM

Mr. COHEN. Mr. President, Senators are also reminded that a cloture motion was filed today on the White

House travel bill. Under the provisions of rule XXII, all first-degree amendments must be filed with the clerk by 1 p.m. on Monday. Also, Senators should be aware that the cloture vote will occur at 2:15 p.m. on Tuesday, May 7. However, no rollcall votes will occur during Monday's session of the Senate.

Mr. President, I hope the Senate can dispose of the Senate White House bill by the close of business on Tuesday. Also the Senate may be asked to consider any other legislative matter cleared for action.

ORDER FOR RECORD TO REMAIN OPEN

Mr. COHEN. Mr. President, I ask unanimous consent that the RECORD remain open until 2:30 p.m. today in order for Senators to submit statements.

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

ORDER FOR ADJOURNMENT

Mr. COHEN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order following my remarks and those of Senator BUMPERS and Senator DASCHLE.

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

The Senator from Maine.

Mr. COHEN. Mr. President, I ask unanimous consent that I be allowed to proceed for an additional 10 minutes.

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

LITTLE TIME TO GRIEVE

Mr. COHEN. Mr. President, last Sunday I had occasion to address a memorial service that was held for Senator Muskie at Bates College in Maine to comment about his life in the U.S. Senate and beyond when he served as Secretary of State. It was a very moving testimonial that highlighted his enormous accomplishments during a career of public service, including his time as Governor of Maine and his service here in the Senate and as Secretary of State.

Last week, at about this time, I also had occasion to stand on the Senate floor and offer my condolences and a brief eulogy to Gayle Cory, a woman who had served Senator Muskie for some 21 years as a very trusted and loyal aide and then went on to serve his successor, Senator Mitchell, before she became head of the Senate post office.

It seems, and I recall this so very well, when Vaclav Havel addressed a joint meeting of Congress, he made a statement about events that were taking place in the world. He said, "Things have been happening so rapidly that we have little time to be astonished." That quote keeps coming back to me in terms of so many tragedies that occur in so rapid a period of time that we have very little time to grieve.

When I first came here, I was joined by my colleague from Wyoming, AL SIMPSON. He told a story during one of our initial meetings about the time that he was advised that a very close friend of his had died. He sat down and penned a very personal letter to the wife of his close friend saying what an extraordinary human being he was and talking about some of the great times that they had together, and really expressing a wellspring of feeling about his relationship with that friend.

He sent the letter off in the mail, and lo and behold, he was advised that the report was a mistake, that his friend actually had not died. He was desperate to call the wife of the friend and say, "Please don't open the letter." The essence of the story was, from Senator SIMPSON at least, why do we wait so long, why do we wait so long to tell someone we love them? Why do we wait until it is too late? Why do we wait until they die to express all the eulogies?

This statement of AL SIMPSON came to mind as I was reading a column by William Raspberry, dated April 15. I am going to read just a portion of it. Raspberry cites an article he had read, actually a letter to the editor of USA Today written by a man named Barry Harris of Montgomery, AL.

He said:

> "It's nice to see the tributes to the work of the late Commerce Secretary Ron Brown and all those who perished in the tragic events of a few days ago," he wrote. "But I'm wondering why we didn't see such reporting before their untimely deaths.
>
> "It seems that the media spend so much time on criticism of public servants that there's little time or space to comment on their accomplishments on behalf of our country. That is a disservice which only contributes to the climate of governmental cynicism perpetrated by primarily selfish forces."

Indeed, I asked myself the same question. Why do we focus on all of the negative aspects of those who are willing to serve the public and then heap praise upon their caskets like so many flowers? We tend to judge our colleagues, and those who serve in the executive branch, on surface qualities. We talk about the quality of their clothes, the cars they may drive, their mannerisms, all the superficial aspects of an individual, without really touching upon the heart and soul of that individual.

Washington can be a very cruel city. I recall something from the very first book I ever read about Washington, Allen Drury's novel "Advise and Consent," which came out in the late 1950's.

It struck me, as I recall the imagery created by Drury's wonderful pen. He said:

> They come, they stay, they make their mark, writing big or little on their times, in that strange, fantastic, fascinating land in which there are few absolute wrongs or absolute rights, few all-blacks or all-whites, few dead-certain positives that won't be changed tomorrow; their wonderful, mixed-up, blundering, stumbling, hopeful land in which evil men do good things and good men do evil in a way of life and government so complex and delicately balanced that only Americans can understand it and often they are baffled.

That is a wonderful description of this city, a very tough and cruel city. As Vincent Foster, who committed suicide a few years ago, reminded us, many times Washington politics is such a blood sport.

Mr. President, I say that there is a general decline in civility and common decency, not only in politics, but in many aspects of our lives today. I do not intend to take the time to try to catalog the words, the deeds that pollute our conscious moments with trash and filth and violence.

I say this by way of a preface to a few comments I will make about Ron Brown who was a close friend. It has been nearly a month now since he and more than 30 people perished in that plane that was flying into Croatia to try to help rebuild and reconstruct that tortured land.

We have, I think, forgotten the significance of what he meant to so many of us, what an extraordinary human being he was, what a life-enhancing spirit he possessed that he bestowed on anyone he came into contact with.

I recently watched a program with my wife of a speech that he gave that took place on February 15 at Howard University. He spoke to what appeared to be an entirely black audience. He did not speak of hate or anger. He talked about hope and strength and courage, the will to overcome adversity, to know in advance that because racism is not a dead thing of the past, but alive and flourishing in so many overt and subtle ways, that those students would have to be twice as good as their competitors in order to win—twice as good—because we still hold on to the fiction that America has progressed to the point that society is race neutral, that it is colorblind.

The fact is, Mr. President, that is a fiction. I picked up the Washington Post today, and I saw an item about a young woman who had moved into the home of her dreams in Philadelphia. She had to abandon that hope, which has turned into a nightmare, because she has received not only threats to her own safety, but threats to kill her two daughters. So she has given up the dream.

A few weeks ago I saw in the Washington Post a story about a man in Chicago, a black man, who could not and would not drive a fancy car, a colorful car, or he would not dare to wear his beret because the moment he put the beret on or drove a red car, or

something that was a sporty car, he was sure to be stopped and harassed. So he took the beret off, and he drove a plain, gray, dull ordinary-looking car with the hope that he would not be harassed by the local police officials.

These are not extraordinary events. They happen every day, day in and day out, for those who do not happen to enjoy the benefit of being white in our society.

I have been reading Colin Powell's work. He is someone who is looked upon with great admiration in this country. Many of us hope that he will reconsider his announced decision not to become involved in politics, at least for the foreseeable future. But in Powell's book "My American Journey," he talks about the time when he was in college and serving in ROTC. He went down to Fort Bragg in North Carolina. At the end of his 6 weeks—he said:

. . . we fell out on the parade ground for presentation of honors. We were judged on course grades, rifle range scores, physical fitness, and demonstrated leadership. I was named "Best Cadet, Company D." These are the words engraved on the desk set that was presented to me that day and that I still treasure. A student from Cornell, Adin B. Capron, was selected Best Cadet for the entire encampment. I came in second in that category.

I was feeling marvelous about my honor. And then, the night before we left, as we were turning in our gear, a white supply sergeant took me aside. "You want to know why you didn't get best cadet in camp?" he said. I had not given it a thought. "You think these Southern ROTC instructors are going to go back to their colleges and say the best kid here was a Negro?" I was stunned more than angered by what he said. I came from a melting-pot community. I did not want to believe that my worth could be diminished by the color of my skin. Wasn't it possible that Cadet Capron was simply better than Cadet Powell?

Then he goes on to talk about his experience upon leaving Fort Bragg, about not being able to go to the same church and sit in the same pew with his white colleagues, not being able to go into the same bathrooms in order to relieve himself on the way back, not being able to sit at the same counter to enjoy a meal, notwithstanding the fact that he might have to fight and die in the same trenches as his white colleagues.

I want to conclude my comments about Colin Powell with a reference that he made and that I think applies to what I am talking about as far as Ron Brown is concerned.

He said:

Racism was still relatively new to me, and I had to find a way to cope psychologically. I began by identifying my priorities. I wanted, above all, to succeed at my Army career. I did not intend to give way to self-destructive rage, no matter how provoked. If people in the South insisted on living by crazy rules, then I would play the hand dealt me for now. If I was to be confined to one end of the playing field, then I was going to be a star on that part of the field. Nothing that happened off-post, none of the indignities, none of the injustices, was going to inhibit my performance. I was not going to let myself become emotionally crippled because I could not play on the whole field. I did not feel inferior, and I was not going to let anybody make me believe I was. I was not going to allow someone else's feelings about me to become my feelings about myself. Racism was not just a black problem. It was America's problem. And until the country solved it, I was not going to let bigotry make me a victim instead of a full human being. I occasionally felt hurt; I felt anger; but most of all I felt challenged, I'll show you!

That is precisely what Ron Brown's life was all about. It is what he did his entire life—take any portion of the field and be the best in that field, be twice as good as the competition. He did it with grace and humor and a great sense of humanity.

I recall when he was named to be the chairman of the DNC. I see my colleague from Arkansas who is here. When he was first proposed to be chairman of the Democratic National Committee, there were some people who worried about that. "Wait a minute. We're going to name a black man to be chairman of the Democratic National Committee? What's going to happen to our white base in the South?" But Ron Brown built bridges. There are some people in our country who want to put up walls around the country. Ron Brown's life was dedicated to seeking the best in people and not exploiting the worst. He possessed such an abundance of humanity that he took the time to read to Lee Atwater. When Lee Atwater was dying, it was Ron Brown who went beside his bed and read to him. How many of us have such a generosity of spirit? How many of us, day in and day out, would be capable of going to the other side, to people that we argue and debate with, challenge and fight with over political issues and in their time of torment and need take the time to read to someone who is dying?

After all that he did to get Bill Clinton elected as President, I think he should have been given any choice of any Cabinet position, not because he was black but because he was the best. It did not happen. He was offered the position of Secretary of Commerce. He took what was offered to him and he did what? He did exactly what Colin Powell and so many other black Americans have done and had to do throughout history. He became the best on that portion of the field that he was allowed to play on.

Mr. President, I know there are some who would like to abolish the Commerce Department as a symbol of our need to reduce the size of Government in Washington. I could perhaps understand it if Ron Brown were antibusiness. There might be some merit to that. But he was one of the most probusiness Secretaries of Commerce we have ever had. I do not recall our effort to dismantle the Department of Commerce when President Nixon was in office, President Ford, President Reagan, or President Bush. But apparently there is a need to dismantle some offices and agencies, and that is one we settle on.

I do not understand it, but let me just say that I think that Ron Brown will be remembered as one of the finest Secretaries of Commerce we ever had. He was out there the day that he died promoting business on behalf of the United States of America.

I conclude my remarks with a quote taken from Justice Oliver Wendell Holmes Jr., something I think applies to Ron Brown:

Through our great good fortune, in our youth our hearts were touched with fire. It was given to us to learn at the outset that life is a profound and passionate thing. While we are permitted to scorn nothing but indifference and do not pretend to undervalue the worldly rewards of ambition, we have seen with our own eyes, beyond and above the gold fields, the snowy heights of honor, and it is for us to bear the report to those who come after us. But, above all, we have learned that whether a man accepts from Fortune her spade, and will look downward and dig, or from Aspiration her axe and cord, and will scale the ice, the one and only success, which it is his to command is to bring to his work a mighty heart.

Ron Brown in whatever capacity—as a lawyer, lobbyist, DNC chairman, Secretary of Commerce—brought to his work a mighty heart. While there are those in our society who would like to point to all the negatives, point to all the deficiencies or character flaws, or the superficial qualities, there are those of us here who believe that Ron Brown's humanity, his courage, his determination to succeed on that portion of the field that he was allowed to play on, brought to his work a mighty heart. I for one am going to miss him deeply.

Mr. BUMPERS. Mr. President, while the Senator from Maine is still on the floor, let me say that his magnificent accolade to our departed brother, Ron Brown, is one of the reasons so many of us are very sad that he has chosen to leave the Senate. Those remarks were eloquent. I hope they were heard by everybody in the Senate on this slow, Friday afternoon.

Senator COHEN has always been in the forefront of issues that really matter, where partisan politics do not have any role. He has, without fail, been a giant in this body. Those remarks prove conclusively that a lot of people are still in this business because public service is a noble calling.

As I say, I do not know of anybody on either side of the aisle that has not expressed profound regret at Senator COHEN's decision to retire at the end of this year. He alluded to the press and how they can very seldom find anything nice to say about a public servant until after they die or retire. Jim Fallows discusses this phenomenon in his book, titled "Breaking the News:

How the Media Undermine American Democracy." It is a magnificent book, and I recommend it. Fallows has made a couple of speeches in which he talks about this problem. For example, in the weeks before Ron Brown died, the New York Times editorial page was castigating him and a couple days after he died he was praised on that same editorial page.

I talked to a Senator yesterday afternoon who decided in 1994 not to run again. He said the major newspaper in his State had never said a kind word about him that he could remember until he announced his retirement. He said he then got more accolades over the next 6 months then he had had in his entire public career.

I suppose you could attribute that to human nature. It is a natural thing. It would be nice and it would be gratifying if there was some recognition for a few people who labor in the vineyards year after year because they believe in this democracy and they believe in our political system and they want to operate within it, not like the Freemen of Montana. It would be very helpful if somebody said something nice.

Most of us get enough accolades to keep our ego fueled. But I just want to again say, Mr. President, Senator COHEN and I have teamed up on several causes since we both have been here together. I will miss him greatly. One of the reasons is because of the statesmanship he demonstrated this afternoon.

Mr. President, I think that I can say what I want to say about the gas tax within 10 minutes, but rather than interrupt my remarks, let me ask unanimous consent I be permitted to proceed for such time as I may use.

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

THE GAS TAX

Mr. BUMPERS. Mr. President, if we do not hurry up and get the Presidential race over with, I do not know what will happen in this country. How Senator DOLE has voted on the gas tax in the past is not relevant to me. What kind of a country my children and grandchildren inherit is.

I happen to strongly disagree with Senator DOLE on repealing the 4.3-cent gasoline tax that we put on—not to build highways but to balance the budget—that fateful August day in 1993. That particular deficit reduction package, in my opinion, is still the hallmark of the Clinton administration, the most responsible thing the President has done, the most courageous thing he has done. When we open our mail each day a certain portion of it is hate mail. Some of it is just plain critical. Some of it is very complimentary. When you get to the hate mail it is always, "Why don't you people screw up your nerve and make those courageous decisions?"

I have said on the floor of the Senate many times the definition of a courageous decision is an unpopular one. The definition of a courageous vote is an unpopular vote. If it were popular, it would not be courageous. How many times do you see people walk down this aisle and vote, and they look to see how it is going, and it is 50 to 5 or 50 to 10, yeas versus nays, 9 times out of 10, nobody wants to be caught out there with 5 Senators, so they vote yea, too.

In 1993, every Republican Senator voted against that bill, and perhaps this clamor to repeal the gas tax which was part of the deficit reduction package, maybe the Republicans would like to find some justification for the fact that every single one of them voted no on a very courageous deficit reduction package which today, 1996, will give us a $144 billion deficit this year. Before we passed that bill in 1993, we were facing a $290 billion deficit for this year.

I was proud of that vote in 1993. I am proud of it now. I do not intend to take the easy political way out by voting for the repeal of the 4.3-cent gasoline tax. That might gain you applause for about 10 minutes back home, but nobody, so far, has said how we are going to make up this $3 billion-plus in revenue we lose with the repeal of this gas tax. Now, you talk about an easy, popular vote, here is one. You vote to cut that gas tax for the rest of the year, it comes to about $3 billion, and you do not have to figure out where you are going to get the $3 billion. What an easy vote that would be.

I saw in the paper this morning where the House and Senate Armed Services Committees have voted to increase defense spending in 1997 by over $12 billion. Why? Make no bones about it. So they can portray President Clinton as weak on defense. But the question ought to be, "Weak against whom?" Who is the enemy that we are going to spend $270 billion next year to defend against? The Soviet Union is gone. Russia is a basket case. The Chinese do not even have antiaircraft missiles on their ships, such ships as they have. That $270 billion, in 1997, will be the equivalent of the amount that our 10 most likely enemies, combined, will spend. It is twice as much as the 5 most likely enemies will spend, including China and Russia.

Mr. President, $12 billion is a lot of money to prove that the President is weak on defense. Why do we not just get on the floor and say, "You are right, the President is weak on defense; now do not spend the $12 billion"? Or you might say, "Please tell us the enemy that you are proposing to spend this $12 billion to defend against."

Now, I do not normally read Charles Krauthammer in the Post, but I read it this morning because it dealt with this gasoline tax, and it was a beautiful article. He hit the nail right on the head. Everybody is looking for a scapegoat. In my 22 years in the Senate, when somebody made a terrible mistake in judgment, or somebody was just plain negligent, if the incident had any political appeal, somebody else could always be counted on to call for a hearing. Congress has to think about this. We have now spent over $30 million on Whitewater, and counting, and the American people are still wondering what it is about.

Now there is going to be a hearing in the House about the fact that the President did not take an affirmative or a negative position on Iran furnishing arms to the Bosnians. I doubt very seriously if there was anybody in the U.S. Senate that did not know it was going on. But it is only now after the fact that we have to have a hearing. We have to investigate this. Why does everybody want to investigate everything? Because that is where the television cameras come. If you hold a hearing in your committee and bring the television cameras in and turn those red lights on, they will keep going forever if they can.

You do not have to be a rocket scientist to know why gas prices are up. They are up because, under the Clean Air Act, we demanded reformulated gasoline so the air would be cleaner, and that costs about a nickel a gallon. We pay it here in Washington, but not in Little Rock because our air was not dirty enough to require us to use reformulated gasoline. What else? The average driver in this country is driving 2,000 miles more per year per car than they did 10 years ago. We have a lot of younger drivers being added to the driver rolls. We are driving bigger cars and more trucks. If you are a yuppie, you have to have a sport utility vehicle. I do not know what those suckers get per mile per gallon, but I know one thing—if you are in the in-crowd, you sure better have a Blazer, or an Explorer or a Cherokee. We took all the speed limits off. Montana does not even have a speed limit.

What else? We had a harsh winter, and we diverted so much of our oil to heating oil instead of gasoline. So our stocks of gasoline were low.

What else? Everybody thought we were going to let Iraq start selling oil on the world markets.

Those are seven reasons the price of gasoline has gone up. As Charles Krauthammer so eloquently said in his column this morning, "Why has all this happened? How about a wild guess? Because supply is down and demand is up."

How long will this go on? Who knows? The energy information office says that prices will start down by August. They are down 4 cents where I buy gasoline now from where they were 2 weeks ago. But this is a Presidential year. You have to get what you can when you can get it.

My good friend, the junior Senator from Louisiana, JOHN BREAUX, said that to cut the gasoline tax—that 4.3 cents per gallon—off and think that you are going to do something to relieve this problem is like spitting in the ocean and hoping to make it rise.

Mr. President, if we do this, if this is brought to the floor of the Senate, Senator BRYAN of Nevada and I are going to offer an amendment to raise what we call the CAFE standards. The CAFE standards—for the uninitiated who do not serve on the Energy Committee—are the average miles per gallon that we require the automobile makers to meet. Right now, we have CAFE standards that have given us a 21-mile-per-gallon average of all of our vehicles.

In 1973, when the Arab oil embargo hit, the average car in America got 13 miles per gallon. With Scoop Jackson, who was a great Senator from Washington and chairman of the Energy Committee, we passed the CAFE standards and said to the automobile industry that they have to provide cars that do better. They have to be more fuel efficient. They assured us that they were going to go broke. Every time we ask them to do something, we are assured that they are going to go broke. But that did not influence us much. That is when they thought the little Japanese cars were funny looking and the American people would never buy them. We probably saved their lives by imposing the CAFE standards on them. In any event, it was 13 miles per gallon. In 1990, we achieved 21 miles per gallon, and there it stands today. We have not improved our mileage per gallon one iota in 6 years.

And so Senator BRYAN and I will offer an amendment if this gas tax repeal is debated. We will say forget Presidential politics, forget the grandstanding. Let us do something meaningful. Let us raise the fuel efficiency of all the vehicles in this country. That will actually do something about saving energy.

The U.S. Public Interest Research Group says that if we raised the CAFE standards, which are about 27.5 miles per gallon now for automobiles, a little less than that for trucks, to 45 miles per gallon—which could be done—for automobiles, and 34 miles per gallon for small trucks, in 10 years' time we would save $65 billion.

You think of what that would do to our trade deficit. Everybody knows that the oil we import is the biggest single contributor to our trade deficit and our balance of payments problems. But it is very difficult to pass a CAFE standard because that inconveniences people. It is true, oil company profits were really excessive the first quarter, and the oil companies are taking advantage of these price increases because the demand is high and the supply is low. But is that not the good old American system? Is not supply and demand at the very heart of capitalism?

So, Mr. President, you can never get it perfect. The President wants the cattlemen to get a better shake, and I understand that. This morning I looked at the commodity prices. It is absolutely incredible. Wheat is almost $6 a bushel, soybeans $8 a bushel, corn $4.50 a bushel. And you know what this body did. It voted to do away with the law that made those prices possible and said we are going to pass this freedom-to-farm bill. You can get 85 cents a pound for cotton, $6 for wheat, $4.50 for corn, and we will give you a big fat check on top of that. It is going to cost $21 billion more over the next 7 years.

It is the silliest thing this body has ever done. Even the farmers did not want it. So the cattlemen are having to pay these exorbitant prices for grain, and the supply of cattle is high. You can sell oil out of the strategic petroleum reserve. That is sort of like spitting in the ocean, too. And you can repeal the 4.3-cent-a-gallon tax, which is worth $27 a year to the average car owner in this country, and say the deficit will be up $3 billion more this year, and if we allow it to stay, it will be up by several billion more in the next 2 years.

Everybody wants to vote for the easy, popular things, and if it raises the deficit, so be it. That is just something we talk about. Well, Mr. President, I do not know that anybody wants to filibuster a proposal to repeal that 4.3-cent gas tax, but I hope it will not come up. If it does, I hope the debate will be extended. It would be the height of folly.

Mr. President, the minority leader will be here momentarily, I assume. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The Democratic leader is recognized.

HIGH GASOLINE PRICES

Mr. DASCHLE. Mr. President, let me thank the distinguished Senator from Arkansas for an extraordinarily strong statement with regard to gas prices and gas taxes. I do not know that anyone has said it more eloquently and passionately and more compellingly than has the senior Senator from Arkansas. There are, indeed, a number of things we can do if we are serious about addressing high gasoline prices.

The Senator from Arkansas has mentioned again yet another opportunity for us to reduce prices, and that is to find ways with which to make gasoline-powered automobiles, all kinds of vehicles, more efficient. By providing an increase in the CAFE standards, we can, indeed, make gasoline-powered vehicles a lot more efficient—not just gasoline vehicles, but diesel-powered vehicles and all transportation more efficient.

He has taken, as well as the Senator from Nevada, a very strong leadership position in making that happen. So whether or not we take that approach and whether or not we give people across this country the assurance that any tax reduction goes into their pocket, whether we take other approaches, we will have the opportunity to debate it. But I think there is a clear, clear choice here. We can bail out the oil companies, as some have suggested, or we can help consumers and taxpayers. If we really want to help consumers and taxpayers, we are going to make vehicles more efficient and we are going to ensure that whatever relief we offer goes in the pockets of consumers, and not into the pockets of the oil companies.

So we will have that opportunity perhaps as early as next week. I hope next week we can work out an arrangement that will allow us to address the real issue here, and that is, how can we address the economic stagnation that so many working families are feeling. Working families are not getting their share of the benefit of the economy in part because they are not seeing increases in wages, in part because they are not getting the kind of health benefits they deserve, in part because they do not have the pension security that they so badly need. And so we will have an opportunity to address those issues in the coming days and hopefully resolve them successfully.

SENATE ISSUES

LIVESTOCK PRICES

Mr. DASCHLE. Mr. President, I come to the floor to make a couple of remarks. It was not my intention to come back to the floor, having spoken a little bit earlier today, but I wish to make three points. The first has to do with the issue raised by the distinguished majority leader about livestock prices. He mentioned that the market is responding, and I am very hopeful that it will continue to respond to the actions taken this week.

There is no one more responsible for the fact that those actions have been extraordinarily beneficial to cattle producers across this country than the President himself. The President and I discussed, as he did with other Senators, the possibility of holding a livestock meeting last weekend. We held that meeting Tuesday afternoon, and as early as Wednesday morning the livestock markets began to respond. They responded Wednesday, they responded Thursday, and now they have

responded again today. We have seen about a 12- to 14-percent increase in livestock prices in the futures markets directly as a result of the actions taken by the White House, by this President on Tuesday afternoon.

The President is limited, of course, in the actions he can take unilaterally, but he has, in my view, pulled out virtually every stop to ensure that those prices go up. He is going to do all he can within his power and authority, both internationally and domestically. So I applaud him for the actions he has taken.

Hopefully, we will have the opportunity here on the Senate floor to provide him with additional authority. There is $300 million sitting without the prospect of any utilization this year in the Export Enhancement Program. That money could be directed toward livestock and other markets abroad. It will take legislative authority, and we will provide our colleagues with an opportunity to vote on that Export Enhancement Program in the future.

Clearly, we have to respond. Prices in real terms are as low as they were in the 1930's, and the more we do, the more action we can take both in the short and the long terms, the more we can send as clear a message to the markets as possible that we want to work with those in the livestock industry to ensure a stable price, to ensure longer term viability, to ensure that we do not find ourselves in a disaster situation in the weeks and months ahead if we can avoid it.

So I applaud the President in his actions on Tuesday. It was he and the Secretary of Agriculture, of course, who formed the livestock concentration commission that, in our view, could also be very beneficial in providing some guidance on how we deal with those markets more effectively. When three corporations control more than 80 percent of the livestock market, we should not be surprised that prices are as volatile and certainly as difficult to bear for thousands of producers across the country as they are today.

So we will wait with some confidence that the commission will make recommendations that also could be very beneficial, beginning in early June.

THE MINIMUM WAGE

The second point I want to raise this afternoon has to do with the procedural situation we face yet again on the Senate floor. We will be taking up a bill that I think will probably enjoy pretty broad support. Frankly, I am disappointed once again that the so-called parliamentary trees have been filled in an effort to preclude Senators from offering other amendments.

I have never seen so many of my Republican colleagues so willing to act like Members of the House as I have in the last couple of weeks. If they want to be in the House of Representatives, perhaps they should run for the House of Representatives. In the House of Representatives of course we have limited opportunities to offer amendments, limited opportunities to debate important issues, rules that constrain individual Members. But that has never been the purpose of the U.S. Senate. Here in the U.S. Senate we have always had the opportunity to bring up amendments, to have good debates on important issues, regardless of whether committees have reported out that specific legislation. Yet, over the last several weeks, the majority has precluded amendments from the minority in an effort to thwart those of us who want to bring to the floor an up-or-down vote on the minimum wage.

We may be denied that vote temporarily. The majority can continue to delay that vote. But ultimately we will have a vote on minimum wage, whether it is this week or next week or the week after or the week after that. Sooner or later the Senate must come to the realization that we cannot for all perpetuity and for the rest of this session of Congress, deny the right of Members to have a vote on something they view to be very important.

The minimum wage must come before our Senate colleagues. The minimum wage must be voted upon. Whether it is on this bill or another bill, hopefully in the not too distant future we can work out an arrangement that will allow us the opportunity to vote on an issue that is of great importance to millions and millions of working families. Let us hope it is sooner rather than later.

CONGRESSIONAL INVESTIGATIONS

Finally, I think it is important to note that there will be many, many investigations on a lot of different issues. Senator BUMPERS said it so well just a moment ago. Often the reason investigations occur is that is where the lights are, that is where the cameras are. While there is an unlimited array of opportunities for our colleagues to investigate, I must say I am astounded, absolutely astounded that so many of our colleagues in the House of Representatives, who claim to be fiscal conservatives, who claim to be protecting the taxpayer at each and every turn, will now support a so-called investigation for $1 million in taxpayers' money to look at whether or not arms shipments were made to Bosnians in a way that may or may not be questionable—$1 million.

This is from our colleagues in the House who have said over and over again we want to balance the budget, we want to cut down expenses, cut Head Start, cut school lunch, cut all the programs directly affecting children and education; we are going to cut and cut and cut everything affecting real people. But when it comes to an investigation that has virtually no basis, which has already been investigated in the intelligence committees, we are going to find a way to spend $1 million and we are going to try to spend that $1 million in the next couple of months. For Heaven's sake, where does it all end? And how, with a straight face, can any of our colleagues conclude that an issue of this limited scope is worth a $1 million investigation?

I do not even know how they are going to spend it. Maybe they will buy television ads with it, who knows? But I must tell you, I think that is a waste. And I hope our colleagues on the other side will do everything in their power to see the taxpayers are given a better accounting; to see that we put a stop to that kind of flagrant abuse of authority. That ought not happen.

We have seen too much of it in this Congress. Again, it is an illustration of the extreme level, the extreme degree to which some on the other side will go to make a political point. That is wrong. It is deeply unfortunate. It sends all the wrong messages about what we ought to be doing and how sincere we are in bringing about a balanced Federal budget.

We will be debating a balanced budget perhaps as early as next week, once again. And how ironic, as we talk about amending our Constitution, that somehow we can find ways to spend $1 million on whether or not arms were shipped to our Bosnian friends in a way that was generally supported by many of our colleagues on the other side. So, we will have much more to say about that in the future.

I hope we can work in a bipartisan way to resolve whatever outstanding questions there are about what happened, whether it was in our long-term best interests to do so. All we can say with certainty is that our Bosnian policy is working. Having been there myself, having talked to the military, having talked to all of those directly involved, I can say without equivocation, this has been a success story the likes of which nobody could have realized a few months ago, a success story for which we can be very, very proud.

I hope we can continue to build upon that success and send the right message about our intentions there and the opportunity to bring real peace. That can happen. But it is not going to happen if we find ourselves mired in politics, spending millions and millions of dollars on investigations that are unwarranted.

With that, I yield the floor.

ADJOURNMENT UNTIL MONDAY, MAY 6, 1996

The PRESIDING OFFICER. The Senate, under the previous order, will stand adjourned until 12 noon on Monday next.

Thereupon, the Senate, at 2:27 p.m, adjourned until Monday, May 6, 1996, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate May 3, 1996:

DEPARTMENT OF COMMERCE

MICHAEL KANTOR, OF CALIFORNIA, TO BE SECRETARY OF COMMERCE, VICE RONALD H. BROWN, DECEASED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

COMMODITY FUTURES TRADING COMMISSION

BROOKSLEY ELIZABETH BORN, OF THE DISTRICT OF COLUMBIA, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING APRIL 13, 1999, VICE MARY L. SCHAPIRO, RESIGNED.

BROOKSLEY ELIZABETH BORN, OF THE DISTRICT OF COLUMBIA, TO BE A CHAIRMAN OF THE COMMODITY FUTURES TRADING COMMISSION, VICE MARY L. SCHAPIRO, RESIGNED.

DAVID D. SPEARS, OF KANSAS, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR THE TERM EXPIRING APRIL 13, 2000, VICE SHEILA C. BAIR, RESIGNED.