HOUSE OF REPRESENTATIVES—*Tuesday, February 4, 1992*

The House met at 12 noon.

The Reverend Dr. Gilbert W. Bowen, senior minister, Kenilworth Union Church, Kenilworth, IL, offered the following prayer:[H04FE2-X1]{H217}prayer

Eternal One, in whose hands are the rise and fall of the nations, we pause to remember who we are, creatures and colleagues of Thy purposes. So deliver us once more from the arrogance that thinks we alone can save the world, the cynicism that thinks nothing can be done, and the indifference that would keep us from doing what we can. Make vivid again the real world, faces and families who hunger not so much for privilege or power as for food, and freedom and future for their own. Soften the pride and deepen the determination of all of us who lead. Stir hope, discipline, and patience in all our people. We pause to be grateful for the heritage and promise which is ours, for the gift of one more day with its challenge to create, and opportunity to serve. Grant us renewed energy, focus, and enthusiasm that we may live it wisely and well, full of love for life, labor, and neighbor. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. HANCOCK led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

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

> H.R. 2927. An act to provide for the establishment of the St. Croix, Virgin Islands Historical Park and Ecological Preserve, and for other purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

> S. 2. An act to promote the achievement of national education goals, to measure progress toward such goals, to develop national education standards and voluntary assessments in accordance with such standards and to encourage the comprehensive improvement of America's neighborhood public schools to improve student achievement;
>
> S. 12. An act to amend title VI of the Communications Act of 1934 to ensure carriage on cable television of local news and other programming and to restore the right of local regulatory authorities to regulate cable television rates, and for other purposes;
>
> S. 1256. An act to direct the Secretary of Health and Human Services to develop and implement an information gathering system to permit the measurement, analysis, and reporting of welfare dependency rates; and
>
> S. 1963. An act to amend section 992 of title 28, United States Code, to provide a member of the U.S. Sentencing Commission whose term has expired may continue to serve until a successor is appointed or until the expiration of the next session of Congress.

The message also announced that, pursuant to Public Law 101-649, the Chair, on behalf of the majority leader, appoints Lawrence Fuchs of Massachusetts, and Nelson Merced of Massachusetts, as members of the Commission on Legal Immigration Reform.

The message also announced that, pursuant to Public Law 101-138, the Chair, on behalf of the Republican leader, appoints Michael Cutchall of Kansas, and Joshua Muravchik of Maryland, as members of the Commission on Broadcasting to the People's Republic of China.

IN RECOGNITION OF THE 100TH ANNIVERSARY OF THE KENILWORTH UNION CHURCH

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

Mr. PORTER. Mr. Speaker, in honor of the 100th anniversary of Kenilworth Union Church, I am pleased that its minister, Dr. Gilbert Bowen, was here to deliver this morning's prayer before the House.

Dr. Bowen's 22-year leadership of this active and growing church is outstanding. Last year, together with associate ministers Dick Ferris and Betsy Andrews, he led over 2,000 members of their congregation in raising more than $200,000 in benevolent funds. These funds went to 47 essential social service groups in the community, in the city of Chicago, and around the world. They include: Casa Central, a nursing home serving the Hispanic community; the Chicago Child Care Society, supporting counseling services for families where child abuse has occurred; Opportunity International, a group of business executives working to help the poor of developing countries through small enterprise development; and the Holy Family Lutheran Church School, an alternative school offering a caring and educational environment for kids in the Cabrini Green housing projects in Chicago. These are only the highlights of Dr. Bowen's enlightened efforts at Kenilworth Union Church—the list goes on and on.

Kenilworth Union Church has also helped to spread its message of goodwill and faith behind the now-withered Iron Curtain. The church is well on its way to realizing the goals that Associate Minister Dick Ferris set in his report this year. He said:

> I have a dream that someday every person in our church will be somehow involved with the giving of his or her talent through a volunteer activity * * *. I have a dream that our differing backgrounds would only serve as a stimulus for growth and understanding, appreciation and interest, and never as cause for suspicion * * * or fear.

The activities of Kenilworth Union Church are a shining example of many community-based organizations which are seeking to aid their fellow human beings—both next door and around the world.

Mr. Speaker, I am very proud to represent a congressional district that includes a spiritual leader of Dr. Bowen's dedication and standing. We have all been inspired by his words today. I want to thank him and Marlene Bowen for coming to Washington, and I also want to thank Dr. Ford for helping to make Kenilworth Union's centennial celebration a memorable and fulfilling one.

THE UNITED STATES-JAPAN RELATIONSHIP

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

Mr. SMITH of Florida. Mr. Speaker, the United States-Japan relationship is one of our most important bilateral alliances in this post-Communist era. We have fundamental differences over economic and foreign policy, differences which should be settled without rancor; but nearly once a week the civil dialog between us is somehow sidetracked by some ignorant expression of Japanese racism or ill-informed worker

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bashing by a high official of their Government. These insults must stop. They serve only to inflame tensions on both sides of the Pacific.

The Bush administration, however, is utterly mistaken when it apologizes for these Japanese insults, when it confuses our desire to defend American jobs with bashing Japan. Our legislation to dismantle Japanese trade barriers is not anti-Asian. It is anti-Japanese protectionism. It is profree trade. It is pro-American worker, and it speaks volumes about the Bush administration, that they do not understand the difference.

A POSTAL SNOW JOB

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

Mr. BROOMFIELD. Mr. Speaker, our colleague, the gentleman from Missouri [Mr. HANCOCK] has just gotten a letter from one of his constituents, a postal employee who is justifiably outraged by the postal snow job he just got from his employer.

The postal employee recently received this glossy 44-page booklet promoting the Postal Service's sponsorship of the Winter Olympics. He says all 740,000 of this fellow employees got the same booklet—by priority mail.

That is more than $2 million for postage alone—all of it spent on something any postal employee could have learned by picking up the sports section of his local newspaper.

Wasteful spending like this is just one more reason Congress should create a bipartisan commission to study the U.S. Postal Service.

More than 100 of our colleagues have agreed with me and are now cosponsors of my resolution to create such a commission. I urge other Members concerned by postal mismanagement to sign on as well.

TAX WITHHOLDING, A RUDE SURPRISE FOR TAXPAYERS

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

Mr. SLATTERY. Mr. Speaker, many Americans have faced high pressure sales people who offer them special deals if they only will act quickly.

The President has offered the American people a special tax deal and he wants Congress to act quickly, but before we act quickly I think it is important for us to do as wise consumers do, and that is to read the fine print of the deal.

The reduction in tax withholding proposed by the President will result in a rude surprise for taxpayers after the election, when many of them discover that they owe a tax payment to the Federal Government. This change will also cost the Government the use of $5.2 billion in withheld funds, which will increase Government borrowing.

The proposed increase in personal exemptions will benefit higher income taxpayers more than low- and middle-income families. For example, an increased deduction of $500 would be worth $155 to a family earning $150,000, but only $75 to a family earning $30,000. Families without taxable income would not benefit at all from this proposal.

The President also would create a new tax credit for first time home buyers, regardless of the taxpayer's income or the value of the home purchased. This indiscriminate tax benefit would cost $5.2 billion over 5 years.

Mr. Speaker, let us proceed with caution. We must not increase the Federal deficit by handing out tax benefits to people who do not need them in an election year merely to get their votes.

□ 1210

LET JAPAN TAKE A CRACK AT DEFENDING HERSELF FOR A CHANGE

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

Mr. WELDON. Mr. Speaker, the leaders of the Japanese Government have continued their leather-tasting ways, as Prime Minister Miyazawa inserted foot into mouth yet again.

American workers do not work on Monday and Friday? The work ethic is lacking? I would submit that the only thing lacking here, Mr. Speaker, is Mr. Miyazawa's intelligence and good taste. The only thing that does not work Mondays and Fridays is Mr. Miyazawa's gray matter. If American workers are so lazy, and American products are so deficient, then Mr. Miyazawa should have nothing to fear from free trade and open markets. Throw open your borders, Mr. Prime Minister, and lets see how our products stack up.

I am getting a little tired of Japan's condescending and insulting attitude. I say this: If Mr. Miyazawa has such disdain for American products, then no more American warplanes, no more American ships, and no more American soldiers and sailors. Remember, Mr. Miyazawa, all of those products are also made in the United States of America. Let Japan take a crack at defending herself for a change.

THE ANSWER TO UNEMPLOYMENT IS JOBS

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

Ms. DELAURO. Mr. Speaker, today we consider an emergency extension of unemployment benefits that will bring some relief to millions of Americans put out of work by the recession.

The President has agreed to support this legislation. We should applaud his commitment to the unemployed, and I hope we can sustain this spirit as we work to forge a plan for economic recovery.

Today's unemployment bill, however, is only the beginning. It is the least we can do. We must also have a comprehensive package that helps working people and turns this economy around.

The package the President has offered simply will not do the job. It revolves around a tax cut for the wealthy that would give $19,000 to people with incomes exceeding $200,000. That will do nothing for the people I have talked to in the unemployment lines.

We need real tax relief for the middle class.

We need an industrial policy that concentrates on our tremendous resources and helps us compete in the world market.

We need tax incentives for business to help them grow.

And we need to front load the funding for the transportation bill to get people off the unemployment lines and back to work.

Let us hope the President will work with us toward the rapid achievement of these goals, and ensure that there is no need for more emergency extensions of unemployment benefits.

JAPANESE INSULTS PROVIDE INCENTIVE FOR GREATER PRODUCTION BY AMERICAN WORKERS

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

Mr. GEKAS. Mr. Speaker, Members of the House, at another time in world civilization history the Japanese political leadership underestimated the will of the American people, the determination of the American workers, the genius of the American inventor and developer, and the result, also, is history, when they were able to provoke the greatest mass movement of mass production and technological advance that the world has ever known.

Mr. Speaker, I congratulate the Prime Minister of Japan for what he said and did very recently, because he now has provoked the American giant into another era, in my judgment, of mass production, technological advance, and worker competence like the world has never known. We can consider what insults Japan has made to the American worker as an incentive for greater production by the American worker.

WE NEED TO PROVIDE HEALTH CARE FOR ALL AMERICAN WORKERS, INCLUDING THE UNEMPLOYED

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

Mr. MAZZOLI. Mr. Speaker, today is a sad day in the Louisville area. One of our revered companies, in business for over 74 years, is shutting down; Standard Gravure will end its operations today, dismissing 244 workers, most of whom are in their fifties with very little chance for job opportunities

Mr. Speaker, I am a cosponsor of legislation, sponsored by the gentleman from Kansas [Mr. GLICKMAN], which would give workers such as these an opportunity for up to 60 months to purchase health insurance coverage. One of the most fearsome aspects of being out of work is that you lose your health care.

A few nights ago, the President, from this podium, talked about his plan for health care in America. A step forward, perhaps, but not nearly enough.

We need to do much more than simply provide health insurance opportunities to uninsured or underinsured Americans. We need to provide health care for workers such as those at Standard Gravure and all over the country. Unless we get to that core question, we will not be doing right by the workers of America.

THE STATE OF THE UNION AND UNEMPLOYMENT BENEFITS

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

Mr. FLAKE. Mr. Speaker, today we assemble to confront the immediate needs of the growing number of unemployed Americans. We will once again vote to extend the benefits for those who have been out of work so long that they have exhausted their standard 26 weeks of unemployment benefits. Everyday 2,600 Americans lose their jobs and therefore, must turn to unemployment benefits to provide for themselves and their families.

The State of the Union failed to honestly confront the needs of the unemployed and to adequately provide a plan to lead the Nation to recovery. The centerpiece of this economic package was an income tax deduction which averages about $1 a day. It is ridiculous to suggest that this token amount will spur our sluggish economy. Moreover, because the unemployed have no income, a dollar a day savings in income tax does not even begin to address the unemployment plight. Instead, today's unemployed need assistance in finding employment, paying the stack of unpaid bills, making the mortgage, putting food on the table, and clothing their children. It is crucial to continue to point out that today's unemployed were, in fact, contributing members of the American work force and to no fault of their own, lost their jobs.

I sincerely hope that the next time the House votes to address the needs of the unemployed, the vote will not be to extend benefits but rather to provide jobs. Providing jobs is the primary challenge before the Congress and the President. The Congress will continue its efforts to provide the most effective strategy to lead the economy on the road to recovery.

GET LOST, BOAT TAX

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

Mr. GOSS. Mr. Speaker, a lot gets lost in the legislative shuffle, but America's recreational boaters are not going to let us lose legislation repealing the boat decal tax.

The Nation's 4.1 million recreational boaters now know they have been unfairly singled out to pay for deficit reduction. No reason, no extra services—just because the Federal spending monster needed an infusion of cash.

Mr. Speaker, now, to bad legislation we have added bad implementation. Those boaters who try to purchase their decals are having trouble getting through to order one, or they order one but never get it, the computer is broken or they get so disgusted that they do not even put their boats in the water and do not use them. The Coast Guard is now moonlighting as a collection agency for the Internal Revenue Service. It is diverting attention from its true mission of ensuring safety in our waters and interdicting the flow of drugs. And, to add insult to injury, this program has come nowhere near raising the kind of revenue we were promised as unfair as it is. Mr. Speaker, 411 of our colleagues agree with America's boaters that the so-called recreational boat user fee was a mistake. A mistake that will not go away until we repeal it. Let us do it.

□ 1220

SUPPORT THE FREEDOM OF CHOICE ACT

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

Mr. ANDERSON. Mr. Speaker, 2 weeks ago, the Supreme Court agreed to hear a landmark case testing a women's fundamental right of choice. Groups on both sides of the abortion issue have suggested that the Supreme Court might use this Pennsylvania decision as a vehicle to overturn Roe versus Wade. Even if the Court does not take this extreme course, they will most certainly narrow Roe further. For the first time in American history, the Supreme Court may revoke a fundamental right afforded by an earlier court.

Only 6 years ago, the Supreme Court overturned a similar Pennsylvania law restricting abortion access. A plurality held at that time, quote, "States are not free * * * to intimidate women into continuing pregnancies." Six short years ago, the Supreme Court reaffirmed the constitutional protection of a woman's right to have an abortion.

America now has a new Supreme Court. Only two Justices remain who are known to support Roe.

Polls have shown an overwhelming majority do not wish to see the right of choice taken away. Congress must now act. We must take steps to protect a women's fundamental right to decide her own future. Please join me in support of the Freedom of Choice Act to keep reproductive decisions where they belong, with the woman, not with politicians.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MCNULTY). The Chair will remind our guests not to respond positively or negatively to any statements made on the floor.

LET THE SUN SHINE IN

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

Mr. BOEHNER. Mr. Speaker, I stand here today as a Member who is sincerely concerned about our future and the future of this great body.

Mr. Speaker, last year it was check bouncing by Members of Congress, it was unpaid bills in the House restaurant, and now allegations of serious wrongdoing in the House Post Office, allegations of drug sales in the post office, allegations of theft of money in the post office, allegations that Members of Congress and officers of this House were getting loans in the post office.

Mr. Speaker, we must let the sun shine in. Let us let the bright light of public scrutiny look at our operations in this body. Let us appoint a special counsel to find out what happened in the House Post Office, to inform Members. Let us allow the United States Post Office to take control of the post offices in our building. Let us order an independent outside audit of how this place operates so that the public can see. Even the Members cannot see it today.

In addition, Mr. Speaker, let us have the Freedom of Information Act so

that these kinds of practices can never happen again in this body.

WHERE ARE THE JOBS?

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

Mr. APPLEGATE. Mr. Speaker, I am reminded of President Bush's 30 in 8 speech, 30 million new jobs in 8 years. George Will points out that Mr. Bush only has 29,912,000 yet to go. In fact, we have lost between a million and a million and a half good jobs.

Listening to the President's State of the Union speech, it is not going to get any better. As a matter of fact, he wants to send hundreds of thousands of more jobs to Mexico. His bad trade policy is costing us hundreds and hundreds of thousands of jobs. His and his predecessor's out of balance, big budget deficits are killing America's ability to be able to perform and to be able to compete. That is costing hundreds of thousands of jobs.

So, Mr. Speaker, it is no wonder that the President supports unemployment compensation benefits now, so that he can take care of his victims. But more important, Mr. President, where are the jobs?

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind Members to address their remarks to the Chair.

THE TRUE LEGACY OF LIBERALISM

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

Mr. DUNCAN. Mr. Speaker, I have frequently said that big government really helps only the bureaucrats who work for it and big business. A good example of this was reported a few days ago by the Kansas City Star and the Associated Press.

Mr. Speaker, the U.S. Department of Agriculture spent $200 million in its market promotion program, giving much of it to big business. Pillsbury was given almost $3 million. Sunkist got nearly $10 million. Gallo wines got approximately $5 million. The Dole companies received about $3 million. Nabisco, Quaker Oats, Burger King, Welch's, Ocean Spray, Hershey, M&M Mars, and Del Monte were other profitable companies which benefited from this handout.

Mr. Speaker, this is money spent for advertising overseas. It is surely something we cannot afford when our Government is broke and over $4 trillion in debt. When Government gets too big, only big businesses are able to comply with all the rules, regulations, redtape, and qualify for all the lucrative Government contracts.

These programs also benefit bureaucrats with larger staffs, and offices, and more paper work and power to justify their existence.

Mr. Speaker, in the end Government benefits primarily the wealthy and those with power and influence. This is the true legacy of liberalism, welfare for the rich. The small businesses which are able to survive get the leftover crumbs while the taxpayers get the shaft.

AMERICA'S POLITICIANS DROWNING IN FRIED RICE

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

Mr. TRAFICANT. Mr. Speaker, Japan's Prime Minister Miyazawa made us all mad. He said that American workers are lazy, and we all know that is not true. But the truth is it is not the American workers who have not lived up to their responsibilities. It is the American politician, from the White House down to the Congress, who have allowed American jobs to go overseas.

Mr. Speaker, the Japanese officials bash us and rip us off with illegal trade. The truth is we have an American Government constituted with a bunch of wimps that allow jobs to go overseas, and even the Japanese officials detect it.

I am going to vote for this unemployment bill, but let me say this: The American workers do not want any more unemployment compensation. They want Congress to look at their jobs, and, if we do not do that, this country is going to drown in fried rice.

SUPPORT FOR NATIONAL GRAPEFRUIT MONTH

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

Mr. IRELAND. Mr. Speaker, today, Congressman TOM LEWIS and I are introducing a resolution to encourage investment in U.S. agricultural products, specifically grapefruit. This legislation calls for the proclamation of February 1992 as "National Grapefruit Month." There are several reasons for this action, the most important, however, is to support American citrus producers.

The United States was the first nation to make its grapefruit industry into a commercially viable operation and is today the world's leading producer and exporter of grapefruit, contributing significant revenues to the U.S. economy. Grapefruit is a highly nutritious fruit that supplies 100 percent of the U.S. recommended daily allowance for vitamin C and is a good source of vitamin A, potassium, folate, and dietary fiber.

I encourage all Members to join us in sponsorship of this resolution, which is intended to call increased attention to the valuable contributions that fresh grapefruit and grapefruit juice can make to the American diet and to create support for those American producers who provide this valuable nutritional resource.

SUPPORT THE EMERGENCY UNEMPLOYMENT COMPENSATION EXTENSION BILL

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

Mr. WISE. Mr. Speaker, I rise today in support of the unemployment extension bill that will be on the floor. I wish that it were one of the 23 pieces of legislation that I presented last week in an economic growth package, whether it be trade, middle income tax fairness, education, infrastructure, building America. But while this Congress and administration move toward finding those solutions, it is important to provide relief to the people that desperately need it now, the 13,000 West Virginia families that qualify for extended unemployment benefits. Mr. Speaker, I walked the streets of Charleston yesterday and heard first hand the problems from small business people about the hundreds of workers laid off at the Dixie Narco plant who have no money to spend in any of the shops, or the Ravenswood workers, the oil and gas workers, or those who are out of work across our State. This bill will provide 13 additional weeks of extended unemployment benefits on top of the bill that passed previously, and so that will help pay the mortgage, make the car payment, keep that child in school.

Finally, Mr. Speaker, this is not a welfare bill. This is a bill for working Americans who are temporarily out of work and who are demanding that this Congress and this administration get us back to work again; give us some help so that we can keep body and soul together until that happens.

□ 1130

CATHOLIC SCHOOLS WEEK 1992

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

Mr. DORNAN of California. Mr. Speaker, I would like to reaffirm unanimous consent from my colleagues on both sides of the aisle so I can talk about something uplifting and pleasant, something worthy of honor in these very strange times. That is a week that I missed last week because

we had a short week. Catholic Schools Week 1992 was last week. Out of deference and respect and honor to the Dominican Sisters, the Christian Brothers, the Sisters of the Sacred Heart, and those unbelievable Jesuit priests who educated me, I would like to say something about parochial schools across this country.

They have an unbelievable 95 percent graduation rate from high school, and of those 95 percent, 83 percent go on to college. I think this is something to be very proud of, the intense education, the discipline and the morality that is taught in our parochial, and for that matter, all of our private, rabbinical, and Protestant private schools across this country.

I just would like to talk about two schools for an example, in Orange County, CA; not the district I represent, where there are great schools, but southern Orange County, a parallel between the old and the new.

The mission school at beautiful San Juan Capistrano was started by blessed Junipero Serra in 1776, the same time our country began, was reconstituted in 1928, has 405 young boys and girls in that school. Up the highway a piece at Rancho Santa Margarita High School, Msgr. Michael Harris is the principal there, with 1,360 students starting in their fourth class, opened up September 3, 1987; an excellent high school. Msgr. Paul Martin down there at the mission school, what an example for all of America in education. Thank you, Monsignor Martin and Monsignor Harris.

ROMER RAINS ON BUSH'S BLUE-SKY BUDGET

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

Mrs. SCHROEDER. Mr. Speaker, it is a rare day in Washington when we get to witness a spontaneous, honest, and public debate on the issues. Yesterday was one such rare day. Colorado Gov. Roy Romer took President George Bush to task for larding his 1993 Federal budget with blue-sky numbers.

If the President's budget were a stock offering, the SEC would raid the White House and shut it down.

Governor Romer even forced the President to admit that the defense budget was one big jobs program. "What bases do you want to close" was the only arrow in the President's quiver when the Governor called for deeper military cuts.

One would have thought that the President, who just last year was scorning Congress for opposing base closures, would have said we will close every base in the United States and overseas that is not necessary for the defense of the country.

INDEPENDENT COUNSEL NEEDED FOR HOUSE POST OFFICE SCANDAL

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

Mr. ALLEN. Mr. Speaker, it seems that one way to make the Postal Service worse is to let the Congress operate it.

It is time to take immediate and decisive action to get to the bottom of alleged drug dealing and money laundering by employees of the House Post Office. The leadership must subject the House to the same scrutiny as the other branches of Government by appointing a truly independent counsel to investigate this mess.

It seems that not a week goes by when some scandal does not rock Capitol Hill. Americans are rightfully disgusted with the way Congress is doing business. Just last year, it was discovered that Members were bouncing checks from the House bank without penalty and not paying for their meals. Let's eliminate these many special privileges for Congress. Only after a tremendous public outcry did the leadership finally close the bank.

It is time to take action to restore the faith of the American people in this institution. Mr. Speaker, I urge you and the majority leadership to call for an immediate investigation by an independent counsel and to take action to turn the House Post Office over to U.S. Postal Service.

CONGRESS IS RESPONSIBLE TO PROVIDE FEDERAL WORKERS BASIC EMPLOYEE RIGHTS

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

Mr. McCLOSKEY. Mr. Speaker, can you imagine being employed by the Department of Defense for 14 years as an explosives worker without receiving health benefits, or working for 21 years for the Forest Service and not earning a single day of retirement?

This is a travesty in our Federal agencies. Some workers have been employed in a temporary capacity for 20 years or more. They do not receive one single benefit. They do not get health insurance; they do not get life insurance; they do not get any retirement rights; and on the job they get no statutory appeals rights. They cannot plan for their future, and in essence have no job security. Their 20th year of service is treated the same as their first. This exploitation of temporary workers is little different from sweatshop conditions at the turn of the century.

I urge my colleagues to support my Temporary Employee Benefits Equity Act, which would provide permanent position benefits to temporary workers once they have completed 4 cumulative years of service in a 6-year period. We cannot impose labor and medical standards in the private sector if we treat our own Federal workers as expendable fodder.

The benefits provided by the Temporary Employees Benefits Act include health and life insurance, participation in Federal retirement and adverse appeals rights. My legislation also mandates that the Federal Government will pick up its fair share of premiums for Federal employee health benefits after 1 year of continuous temporary employment.

I well understand the potential cost of this bill in these fiscally difficult times. However, Congress is considering mandating play or pay health insurance on the private sector—surely we should do the same for our own employees. The fact that a temporary worker has been employed for 20 years without any rights is heinous and must not be allowed to continue.

Congress has a moral responsibility to provide Federal workers the most basic employee rights.

GOV. ROY ROMER—A REAL CLASS ACT

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

Mr. McEWEN. Mr. Speaker, Colorado Gov. Roy Romer is a real class act. Whenever Governors get together and they invite teachers in or someone in and try to deal with difficult problems, Governors make difficult decisions as to how to apportion money. If they want to take advantage of that moment, they can sucker punch the Governor and say, "Why did you not give more to schools, or do more for this or that person?"

The same sort of experience happened yesterday. The President invited in Governors to talk about the difficult problems addressing us and his proposal for a solution. Roy Romer said:

> Before everyone leaves, we need the cameras here, please. I have a little show I want to give.

So then he looked at the cameras and said to the President:

> By the way, you are going to save some money on defense because of what you did in the 1980's. We are going to get some money back, and rather than giving it to tax relief for working Americans, and do not give it to the homeless, and we certainly do not want to use it for health care, and we certainly do not want to reduce the deficit with it. Mr. President, I think you ought to give it to me, the Governors. I think we need that money.

The President said, "Where are you going to get it? How are you going to do it?" Of course, by that time the show was over. He did not have any solutions. He was just playing to the camera.

So his friend from South Dakota jumped up and said, "I think we should increase taxes." So there we were. Mr. Speaker, I think the performance by the Governor was a real sucker punch. The next time he wants to show off in front of the cameras I think he ought to have some solutions and not just mud in the eye of the President.

ANOTHER WAR WE WILL WIN

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

Mr. VOLKMER. Mr. Speaker, for the second time in recent weeks we have heard a Japanese official criticize the American worker. I am tired of hearing this and I want to set the record straight. It was the American worker who rallied quickly in 1941 to provide the ships, planes, tanks, and weaponry against the imperialistic Japanese nation and defeated it. It was the American worker who provided the technology, know how, and weaponry that won the war last year in the Persian Gulf. It's the American worker who toils in the fields and on the assembly lines daily to feed the world and produce the American goods that provide the highest standards of living enjoyed around the world, even in Japan. It is the American worker who is called upon to sacrifice while our Nation lends a helping hand to people of other nations. Mr. Speaker, the American worker doesn't start wars. He finishes them. And along the way he learns that work and family can coexist.

Maybe the Japanese Prime Minister and lower House speaker should take a new look at the American worker. They will see the American worker is the reason why this Nation is the world's leader. And in doing so they will see past the foot protruding from their mouth.

Mr. Speaker, it's the American people that make this country great. The American people won the war in the 1940's and we will win this one, too.

RESTORE FUNDING FOR THE BLUE RIBBON SCHOOL PROGRAM

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

Mr. JOHNSON of Texas. Mr. Speaker, yesterday, the Department of Education announced it will restore funding for the Blue Ribbon School Program through the President's America 2000 initiative. This is great news for the kids in Texas and the Nation.

Congress eliminated funds for the Blue Ribbon Program—one of the few Federal programs that works. A blue ribbon award recognizes schools where students, teachers, and parents have come together to foster excellence in our education system.

I received more than 800 letters from students in Dallas and Collin Counties, in my district, wanting to know why this program was cut. It was their letters that made the difference. What a great lesson for our school kids—they now know that government of, by, and for the people really works.

I would like to thank Secretary Alexander for funding this great program, and my colleague, PORTER GOSS, for leading this effort in the House.

DEPORTING HAITIANS IS WITHOUT PRECEDENT IN AMERICAN HISTORY

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

Mr. OWENS of New York. Mr. Speaker, the administration's plan to forcibly deport 14,000 Haitians and return them to the terror of the police state controlled by Haitian military thugs is a racist act with deadly genocidal consequences. This condemnation of 14,000 human beings is without precedent in American history.

If we look at the front page of the New York Times today, we will see a 4-year-old Haitian boy being fingerprinted as he was forcibly returned by our Government. This is an act of intimidation, at least, and it may be worse, a preparation for future retaliation.

Refugees in much greater numbers have been allowed to enter into this country. Fourteen thousand is not a large number. Not 14,000, but 61,826 Hungarians were admitted to this Nation at the time of the Soviet invasion of Hungary. Not 14,000, but 488,796 anti-Castro Cubans had been admitted to this country between the time that Castro came to power and 1981.

□ 1240

Mr. Speaker, this Nation has the capacity to take humane action. The Congress has the obligation to make the administration do the right thing. Let us make the administration do what is just and merciful in the tradition of the American people.

IN-HOUSE INVESTIGATION NEEDED OF CONGRESSIONAL POST OFFICE

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

Mr. KLUG. Mr. Speaker, I want to make two points that some of my colleagues had echoed earlier about the recent scandal in the House Post Office.

First of all and foremost, as we should have learned from the House Dining Room and also learned from the House Banking Account, until these records are available to the press and ultimately to the public we are going to continue to have repeats of these same kind of scandals.

Many of my constituents in Wisconsin, and frankly I think most voters across the United States, would be shocked to know that these records are not only hidden from the public and from the press corps, but they are also hidden from most Members of Congress.

My second point is to echo the request of the gentleman from Illinois [Mr. MICHEL] earlier this week to ask for an independent counsel. Now, while it is true the U.S. Attorney's Office may be looking at the allegations of drug trafficking and the U.S. Attorney's Office may be looking at allegations of money laundering, what the U.S. Attorney's Office is not equipped to do is to look at allegations that previous attempts by employees of the House Post Office to blow the whistle had been ignored, and in fact there are allegations that specific charges of money laundering and drug trafficking were ignored by higher-ups. And that is why we need an independent counsel to get to the bottom of this.

While Congress will be willing later in this week to take a look at allegations of sweetheart deals and underhanded methods involving hostage releases in Iran 6,000 miles away, we will not bother to take a look at allegations involving an office less than 600 yards from this very Chamber.

MESSAGE TO JAPAN: WE HAVE NOT YET BEGUN TO FIGHT

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

Mr. DEFAZIO. Mr. Speaker, today I am introducing legislation that should be noncontroversial. I want to give America's tree growers a tax incentive to sell their product to American lumber and plywood mills, instead of Japanese trading companies.

Too many tree growers in the Pacific Northwest and elsewhere are today selling their timber to the far-ranging buyers and scouts for the Japanese economic empire. The foreign trading companies who search the world over for cheap natural resources to fuel the Japanese industrial machine.

But I am determined to do whatever it takes to keep our vital natural resources here at home.

A nation that doesn't make anything, doesn't survive for long as an economic power. Our so-called friends in Japan understand that point perfectly. And do you know what, Mr. Speaker? They wonder why we don't do something to protect ourselves against their economic aggression.

There are some who warn against a trade war with Japan. But our own president is one of the foremost apolo-

gists for the Japanese Government's predatory trading practices. The trade war began years ago, and most of our fellow citizens know that we're losing by default.

So to the Japanese Government leaders who have questioned our work ethic and called our people lazy, I say this: We have not yet begun to fight, but we will.

ARAB BOYCOTTING OF ISRAEL CANNOT BE CONDONED BY STATE DEPARTMENT

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

Mr. GREEN of New York. Mr. Speaker, while reviewing the President's budget for 1993, I was shocked to see that the State Department has proposed eliminating a provision of current law that prohibits the State Department from complying with the Arab boycott of Israel. The State Department is proposing to delete the "Prohibition on contracts with firms complying with Arab League boycott of Israel or discriminating on basis of religion," and also the "Prohibition on issuance of passports for travel to Israel only."

This message from the State Department could not do more to sanction the Arab boycott of Israel if the Arab League had written it itself, and I am committed to ensuring that the State Department position does not prevail.

What this says is that the State Department thinks it is OK to do business with firms that comply with the Arab boycott of Israel. Also, the State Department is implying that we should play along with the Arab countries' denial of entry to anyone with an Israel stamp on their passport.

Since the end of the Persian Gulf conflict, the Arab League's central boycott office in Damascus has added more than 100 new companies to its blacklist because of their alleged business associations with Israel, while removing only 10. If anything, the State Department should be insisting on an end to the Arab League's economic boycott of Israel. Instead it has practically signed on as a supporter of it. This is rotten diplomacy in the middle of the peace talks.

A COMMONSENSE DOMESTIC ENERGY POLICY IS NEEDED

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

Mr. TAUZIN. Mr. Speaker, I rise today to predict war. Only 1 short year since our successful defense of Middle East oilfields, America is more and more dependent upon those same oilfields—and, thus, more and more likely to militarily defend them again when that becomes necessary—as it surely will.

On Monday, it was reported that the United States active rig count—the measure of our domestic drilling activity—has sunk to the lowest number on record. On Monday, only 653 drilling rigs were active—down from 4,530 active rigs in 1981. For Louisiana that has meant depression and despair. For America it means we are hostage again to foreign oil.

Today one-third of all the world's oil tankers come to America. Today, two-thirds of our trade deficit goes to foreign oil. Soon Americans will spend $135 billion per year on oil imports—three times the cost of Desert Storm. Today, as we debate the unemployment benefit extensions, our jobs continue to leave for foreign oilfields. Our dollars go there too, and with them our independence and economic well-being.

How long before we send more American young lives to die in desert sand? How long before we wake up and end this now rapid destruction of our domestic energy capacity. How long must we wait for a commonsense domestic energy policy?

A 6000-PERCENT INCREASE IN SPENDING SINCE PRESIDENT WASHINGTON

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

Mr. DELAY. Mr. Speaker, the Los Angeles Times, on January 30, had some interesting statistics on Federal Government spending since President George Washington's budget 200 years ago. His budget called for only $4.5 million in spending and he had a surplus. President Benjamin Harrison's budget 100 years ago was $385.5 million and he too had a surplus.

This year's budget is $1,516,700,000,000. And there won't be a surplus. There will be a $351.9 billion deficit.

Mr. Speaker, Federal spending for each American in President Washington's day amounted to a measly $1.07. Yes, a $1.07. Federal spending for each American in President Harrison's day 100 years ago amounted to a still measly $5.72.

I hope everyone is sitting down now. Federal spending for each American in our day will be almost 6,000 times greater than 200 years ago. Spending for each American to pay for the 1993 budget will be $5,924.61.

Mr. Speaker, we have been listening to the big-spending, high-taxing liberals in Congress long enough. We need to make deep cuts in taxes and in the bloated Federal Government right now. And we need to do it by March 20 which is only 45 days from now, Let's roll up our sleeves now and get to work.

AMERICA NEEDS TO TAKE CARE OF ITS OWN AND NEEDS TO DO IT NOW

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

Mrs. BOXER. Mr. Speaker, George Bush promised Americans 30 million new jobs. Since he has been President, we have lost 300,000 good jobs, and he still has no jobs plan. So what does he do? He blames Congress.

Well, if it was not for the Democrats, George Bush would still be playing golf in some far-off nation.

He called our first unemployment compensation bill garbage. His administration called the recession no big deal.

Well, it is not a big deal to George Bush's millionaire friends, who have seen their income increase 90 percent in the past 10 years while the middle class struggles.

Where is the strategy for the defense workers and all our workers? They are frightened, and they should be, because when our President had a chance to present his strategy, he had no strategy.

He called his plan Operation Domestic Storm. I call it Operation Domestic Sprinkle, because he sprinkles election-year promises all around.

In California we have lost 500,000 jobs in the last 18 months. One million people are out of work. Sprinkle down will not do it. We need to take care of our own, and we need to do it now.

TOTALITARIANS IN BURMA MUST BE QUARANTINED

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

Mr. ROHRABACHER. Mr. Speaker, Aung San Suu Kyi has been awarded a Nobel Prize, but what is happening to her people?

The brutality in Burma is reaching new levels of horror and outrage.

The totalitarians in Rangoon have gone berserk. Gens. Ne Win and Saw Maung have sent 18,000 to 20,000 troops to attack the last remaining outposts of freedom in Burma's Karen State near Thailand.

Especially disturbing are reports of Red Chinese advisers among the Burmese troops. The same regime that our Government chose to have high-level meetings with last week.

On the other side of the country, Burmese Muslims are being murdered and brutalized. The twisted and xenophobic Burmese thugs are pursuing a religious purification campaign against non-Buddhists. Next to be persecuted may be what is left of Burma's Christian community.

It's time to quarantine this outlaw regime. As we honor Aung San Suu Kyi

let us keep faith with her cause and her people.

□ 1250

CELEBRATING 90 YEARS OF THE JEWISH NATIONAL FUND

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

Mr. PASTOR. Mr. Speaker, this year marks an important anniversary for the State of Israel and all those who support the Jewish homeland. Ninety years ago in Basel, Switzerland, the Fifth Zionist Congress founded the Jewish National Fund [JNF]. Established 46 years before the creation of Israel, the JNF bought and developed land in Palestine in an effort to fulfill the nearly 2,000-year-old dream to reestablish the Jewish homeland.

From the stony Galilee to the arid Negev Desert, the JNF has developed vast tracts of land and converted wasteland into thriving agricultural, recreational, and housing centers. Its work with international organizations, U.S. universities, including the University of Arizona, and the U.S. Department of Agriculture's Forest Service, has provided valuable scientific advances that have worldwide implications.

With the planting of 190 million trees, the reclamation of 250,000 acres of land, and the construction of thousands of miles of rural roads to its credit, the JNF looks forward to a new century where it will address new concerns for the State of Israel.

The hard work and enduring spirit of the Jewish National Fund truly exemplify Theodore Herzl's inspiring words: "If you will it, it is no dream." Today, I join with my fellow supporters of Israel to recognize that dream and praise the 90 years of growth and prosperity the Jewish National Fund had brought to Israel.

NO QUID, NO QUO

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

Mrs. BENTLEY. Mr. Speaker, it seems like Yank bashing is big in Japan. Yesterday, Prime Minister Kiichi Miyazawa said Americans lack a work ethic.

This statement reminds me of the Pygmalion effect—say something long enough, people begin to believe it.

When it comes to importing our goods, the Japanese say our products are inferior. Their snow is different, therefore they can't use our skis; their stomachs are different, therefore they can't eat our beef or our rice; their economy is special, unique, therefore they cannot withstand unrestricted trade into Japan.

Trade is nothing more than a quid pro quo situation—a what for a what—this is the way Americans do business—free and open—and we do it well.

Down with this Pygmalion, Japmalion rhetoric. Americans do work hard—hard enough to rebuild and protect Japan for the last 45 years.

Americans don't need any more rhetoric—because Japanese rhetoric is like all of their other exports—well made and cheap via dumping. Maybe it's time America changed its motto to no quid, no quo—you don't buy our products, we won't buy yours. The proof is in the pudding, not the rhetoric.

THE PLIGHT OF HAITIAN REFUGEES

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

Ms. PELOSI. Mr. Speaker, I rise to associate myself with the remarks of my colleague, the gentleman from New York [Mr. OWENS], when he referred to what happened over the weekend when we saw the beginning of the forced repatriation of Haitian refugees.

This action follows the attendance of world leaders at the United Nations to discuss the significance of its role in the postcold war world. The United Nations has shown its ability to play an important role in advancing the cause of peace worldwide.

How ironic then, Mr. Speaker, that only this week, the Bush administration has already acted against the better wisdom of U.N. officials, the U.N. High Commissioner on Refugees, by deporting Haitian refugees, fleeing uncertainty, violence, and death, back to Haiti. This action is a travesty.

The Haitians who fled their country, like other refugees, have been looking to the United States as a beacon of hope and freedom. How can we ignore their plight? I urge my colleagues to support the initiatives of our colleague, Representative CHARLES RANGEL, to grant the Haitian refugees temporary protected status until there is a resolution of the crisis in Haiti.

Our colleague, the gentleman from New York [Mr. OWENS] mentioned how many refugees were received and accepted from other countries in the past couple of decades. Not only were they welcomed to the United States, they were airlifted to the United States in many cases. How can we turn these refugees back to Haiti?

JAPANESE PRIME MINISTER'S ARROGANT REMARKS

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

Mr. EWING. Mr. Speaker, like all Americans, I have to say that I am deeply offended by the irresponsible, inflammatory, and arrogant remarks of the Japanese Prime Minister yesterday.

American workers have a strong work ethic and certainly are not lazy. Hard work is what built our country into the strongest economic power in history.

If the Japanese Prime Minister believes his workers are so superior to Americans, why won't he open Japanese markets to our products? Japan will not even allow a single bag of American rice into their country. Lower those barriers, allow fair trade, and we'll find out whose workers make a better product.

I wonder if the Japanese Prime Minister thinks the United States service men and women who are defending his nation, at an enormous cost to American taxpayers, are lazy? Does he think America's Desert Storm veterans are lazy? After all, Japan had a lot at stake there too.

Yes, we know Japan is productive. They are productive with plants and equipment built with American taxpayer dollars after World War II. Japan would not be where it is today without the generosity of the American people.

Mr. Speaker, despite his backpeddling of this morning, the Japanese Prime Minister has slapped the American worker in the face. It will not be soon forgotten.

IN SUPPORT OF EXTENDING UNEMPLOYMENT BENEFITS

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

Mr. MORAN. Mr. Speaker, this afternoon we will have an opportunity to pass an unemployment compensation bill under suspension of the rules and with the full support of the White House. It is unfortunate that this willingness to cooperate has been so long in coming.

No one can deny that there are families across this country suffering from the ongoing effects of this recession. In my own district, which used to be recession proof, unemployment is rising. Individuals are being laid off, and the real estate market is continuing to contract after a decade of uncontrolled supply-side growth. There are 465,000 people who had to apply for the first time for jobless claims last week. That means that now there are 9 million people across this country who are currently unemployed. Industrial production and retail sales keep slipping and the index of leading indictors points down. I feel that this will not end soon.

Last November, we were finally able to pass an unemployment benefit extension bill for American workers who could not find work in this depressed economy and whose benefits had run

out. Today, we have an opportunity to be proactive and ensure that those parents who are searching for work to support their families will be able to at least support those families, stay out of the cold, and I urge all of my colleagues to join in supporting this unemployment extension bill today.

OUR ECONOMIC FUTURE

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

Mr. KENNEDY. Mr. Speaker, the President says the key to our economic future is to approve a lobbyist wish list of tax cuts. He says we need to spur consumption, even if it has no purpose. And if it means allowing the deficit to spin out of control, he says, "don't worry about it—that's the next generation's problem."

For over a decade now, Republican Presidents have been telling us that the way to solve our problems is to buy another car, buy another TV, buy another refrigerator. And oh yes, we did. But the trouble is that now the cars are built in Japan, the TV's in Korea, and the refrigerators in Germany.

Japan's Prime Minister says the problem is the American worker. Wrong. It is the American political leadership, which does not admit our problems and challenge our people to solve them.

Why doesn't the President challenge Detroit to build a car of the future that gets 100 miles per gallon? Why doesn't he challenge corporate executives to stop lining their pockets and start increasing productivity? Why doesn't he challenge citizens to save 5 percent of their earnings so American businesses can invest with American dollars? Why doesn't he set up a new trust fund to reduce the deficit? And why doesn't he ask the wealthiest and most powerful Americans to do their fair share to end homelessness and poverty and create jobs?

If our leaders tell it to the people straight, then they will rise to the challenge and our responsibility to the country we love.

□ 1300

AMERICANS WANT COMPREHENSIVE STRATEGY TO GET ECONOMY MOVING

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

Mrs. LOWEY of New York. Mr. Speaker, last night I had the 12th in a series of 22 listening sessions in my community, and oh, did I listen. I just want to report to my colleagues that my constituents are suffering, they are in pain, they are out of work, and they want us to do something. Yes, they want a comprehensive strategy to get this country moving again.

A cement finisher in Yonkers just got married 2 years ago. He had hoped to work, along with his wife. He had hoped to build a bright future. She is working; he is out of work. He wants to work. There is no work.

A banker came to a meeting in the middle of the afternoon. Usually I just have seniors at those meetings. He wants to work. There is no work.

Then I met an aeronautical engineer in Rye who told me his story. He wants to work. There is no work.

We have got to pass the extension of unemployment insurance today, but yes, we then have to get to work on a great package so that we can get this economy moving again, not just tinkering around the edges, but a real, comprehensive strategy.

PRESIDENT SHOULD REVERSE DECISION TO RETURN HAITIAN REFUGEES

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

Mr. WEISS. Mr. Speaker, neither the years of death and oppression in Haiti, nor the terrible memory of European Jews forced back into the arms of Hitler's Germany, has jolted the President's conscience in the case of Guantanamo Bay and the Haitian refugees.

Despite the fact that things had deteriorated to a point where the U.S. Ambassador had to be removed;

Despite the fact that less than 2 weeks ago, the Haitian police attempted to kill the new Prime Minister and force an end to any negotiated settlement;

And despite the fact that Amnesty International and Americas Watch recently reported that the illegal junta was responsible for the deaths of hundreds of economically impoverished supporters of President Artistide.

The Bush administration has persisted in doing the minimum to protect the Haitian refugees and the maximum to wash their hands of the whole affair. It is a policy unlike any we have seen in this hemisphere and one that we in Congress cannot stand by and watch.

Mr. Speaker, I call on the President to forget politics and race, and at long last to take a stand for justice and humanity by reversing his decision to send the Haitian refugees back to the jaws of hell.

JOB OPPORTUNITIES TO BENEFIT SOCIETY [JOBS] ACT OF 1992

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

Mr. BENNETT. Mr. Speaker.

To be jobless in this society is to be cast onto troubled seas. To be jobless in an America that flaunts wealth and affluent lifestyles is to be tormented by aspirations always out of reach. There is nothing, nothing in this America more destructive and spirit corroding than to want to work, to look for work and to be forever without work. If there was ever a precious human right, it is the right to a job.

These words from Nation magazine writer John Jacobs poignantly describe the plight of the jobless in our country.

Sadly this recession, now into its 18th month, is creating new victims every day. Americans across the country are losing their jobs, not because they are lazy or ineffective, but because so many businesses cannot afford to keep operating. The same people who for years have committed themselves to excellence in the workplace are losing their jobs through no fault of their own. It is a sense of hopelessness that these workers must have when told that the doors to their economic livelihood are being locked shut.

Well, my colleagues, I have read and heard one too many stories of the worker losing his job after 20 years toiling in a factory, of the woman who must live with her children on the streets because the recession has stolen her job, of the merchant who lost his life savings in a business that just couldn't survive. To those and so many like them I want to give a sense of hope and pride, but more importantly, economic sustenance.

For that reason, I am today introducing the Job Opportunities to Benefit Society Act of 1992. Nicknamed "JOBS '92," this legislation would establish a State grant program through the Department of Labor to provide Federal funding of employment programs in States where the unemployment rate equals or exceeds 5 percent. In addition, the legislation includes a provision which says that any grant funds not expended by the Secretary of Labor at the end of each fiscal year shall be converted to the U.S. Treasury for purposes of deficit reduction. This will not be a wasteful government expenditure, but one that spends money for a specific purpose and dedicates the balance to the critical need to reducing this country's deficit.

JOBS '92 is not a welfare program—it puts people back to work—a place most unemployed Americans want to be. There are so many services these workers could provide; rebuild and repair American infrastructure, build homes, convert former defense plants for other manufacturing needs, clean and police national parks, staff day care centers—the possibilities are endless. All the States have to do is come up with a plan for employing the jobless and we can put America to work again.

But, the need is now. An economic recovery is nowhere in sight and the current unemployment rate of 7.1 percent is the highest it has been since

this recession started 18 months ago. Today 8.9 million workers are without jobs. Studies indicate that jobless workers experience a higher rate of heart disease, lung disease, mental illness and other maladies and that children of unemployed workers also have increased chances of illness and disease.

So you see, not only is unemployment harmful to our Nation's economic health, but it also impairs the personal health of our fellow Americans. Hasn't the suffering gone on long enough? It time to act with courage and compassion for those who are such a vital part of our society. I ask you to support JOBS '92 and return hope to the hopeless and jobs to the jobless.

ANSWERING OUR JAPANESE CRITICS

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

Mr. DURBIN. Mr. Speaker, I say, "All right, America, take a deep breath and count to 10."

Let us suppress the national urge to punch the Japanese leaders in their noses for their insulting remarks about America. It certainly is appropriate to raise issues about fair trade and burden sharing. But let us keep things in perspective.

Instead of taking a sledgehammer to a Subaru, let us address the very real need in America for a national health care plan.

Instead of taking a blood oath never to own a Sony product, let us agree that our Nation needs an industrial policy to help American companies create and keep good jobs here at home.

And instead of planting a rumor that sushi bars are fronts for Japanese economic intrigue, let us roll up our sleeves, stop talking about education and do something to put every eligible child in America in Head Start, and every qualified American student in college.

The best way to answer our critics in Japan and around the world is to get down to business and to demonstrate once again that the United States has neither lost the will nor the courage to lead.

H.R. 4095, EMERGENCY EXTENSION OF UNEMPLOYMENT BENEFITS

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

Mr. HAYES of Illinois. Mr. Speaker, the emergency extension of unemployment benefits, I believe, is in line with the broad view of public expressions and outcries. The economy is not getting any better. American workers are in dire straits.

The current recession shows no signs of lessening. Unemployment in December stood at 7.1 percent, with 8.9 million workers out of work—nearly 1.5 million of them have been out of work for more than 26 weeks. This recession has already lasted 2 months longer than any previous recession since the Great Depression.

H.R. 4095 provides 13 additional weeks of extended unemployment benefits in all States. When these 13 weeks are added to the weeks of extended benefits currently provided, a total of 33 weeks of extended benefits will be available in high unemployment States, and 26 weeks of extended benefits in other States.

The emergency unemployment benefits made available by this legislation will help to provide food for the tables of those workers who will run out of benefits within 2 weeks. I firmly support this effort. However, we must go further. American workers must be guaranteed much more than unemployment benefits when the economy is in a downturn. They must be guaranteed jobs, because the quality of life in America weighs heavily on economic security and independence.

At this critical stage of this Nation's economy, useful jobs for everyone and the right to earn enough to provide adequate food and shelter can be accomplished by putting Americans to work rebuilding the infrastructure of this country. There is much benefit for this Nation by taking this approach.

I realize that there is broad support for this legislation. I hope that this same support will shift to creating jobs for those who are unemployed.

THE AMTRAK POO-POO CHOO-CHOO

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

Mr. KOPETSKI. Mr. Speaker, I wish I could come here and comment upon the needed unemployment bill and the plight of Haitians, but instead, the poo-poo choo-choo is back.

Members will recall that on July 17, 1991, an Amtrak train discarded its human waste in downtown Oregon City, forcing Oregon City residents to pay for the cleanup of Amtrak's dirty, filthy action.

At the time I asked Amtrak to adopt a voluntary policy of not dumping human waste in urban areas. I see no reason why Amtrak cannot voluntarily end the practice of dumping human waste in urban areas effective immediately. If we cannot resolve this in a civil, civilized manner, we will do it legislatively.

Mr. Speaker, Amtrak has done it again, this time on December 26, 1991, in Woodburn, OR, again in my district, and the circumstances were the same. It was at noon time. They dumped it in front of some farm workers and residents there in the community. Has Amtrak done anything? No.

This action by Amtrak is an act of war, Mr. Speaker, no less than an act of war and we accept the challenge.

Amtrak, you are in deep doo-doo over this one.

THE PLIGHT OF THE HAITIAN REFUGEES

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

Mr. ENGEL. Mr. Speaker, I feel that I cannot sit idly by and not raise my voice in opposition to the policies of sending the Haitians back to Haiti where they surely will find persecution and maybe even death. Our country, the wonderful United States of America, has opened its doors for those fleeing persecution for many, many years. The Haitians are certainly no different and deserve the same kind of consideration.

If the President of the United States and the administration were afraid to open the floodgates and have too many refugees come, they could have clearly kept the refugees until democracy was restored in Haiti, as it surely will be, or the refugees who have been in Guantanamo for many, many months could have been allowed to come to the United States with the signal that no one else would have been allowed to come right away.

This Congress cannot sit idly by and allow these people to be sent back to persecution. Mr. Speaker, I raise my voice in strong, strong opposition to the repatriation of these Haitians and the persecution they will face when they return home.

THE AZERBAIJANI SANCTIONS ACT OF 1992

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

Mr. OWENS of Utah. Mr. Speaker, today I am introducing, along with my colleagues, the gentleman from California [Mr. LEVINE], the gentleman from Wisconsin [Mr. SENSENBRENNER], the gentleman from California [Mr. CAMPBELL], and the gentleman from New York [Mr. MCNULTY], the Azerbaijani Sanctions Act of 1992.

Last Friday, Azerbaijani forces, supported by tanks, automatic weapons and artillery, attacked Armenian villages in the disputed Nagorno-Karabakh region.

□ 1310

In the ensuing battles, dozens have been killed; but bloodshed is not new to this region. For over 70 years, the 180,000 Armenians who make up over 90 percent of the population of Nagorno-

Karabakh have been oppressed and denied their fundamental human rights by Azerbaijan.

For months now, Azerbaijan has blockaded Armenia and Nagorno-Karabakh. Food and medical supplies have dwindled, and heating oil and gas are scarce, at times nonexistent.

This morning, I spoke by telephone with a friend in Yerevan. Everyone is cold. There is no heat. The temperature is at zero grade centigrade. No one is freezing to death, but all are constantly cold and only warm at night when they go to bed. Innocent men, women and children, and many elderly barely exist under the greatest hardship and deprivation.

All this, Mr. Speaker, because Azerbaijan controls railroad and fuel line access to Armenia. It is mean, it is spiteful, it is cruel.

In his now famous Princeton speech last month, Secretary of State Baker criticized Azerbaijan for its aggressive policy toward Armenia.

Our bill will add teeth to Secretary Baker's censure by denying MFN, U.S. foreign assistance, and other trade benefits that are being accorded to or considered for newly independent former Soviet Republics. The President under our bill could lift those sanctions only if he certifies that Azerbaijan has ceased the blockade and use of force against Armenia and Nagorno-Karabakh.

CUT DEFENSE AND SAVE THE ECONOMY

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

Mr. AUCOIN. Mr. Speaker, 1 week ago the President came here and said he would sign today's unemployment bill. Well, it is about time. Almost 96,000 Oregonians are out of work today. In Douglas County, in the heart of the timber country, the unemployment rate there is over 10 percent. In Lane County, nearly 300 people get their final unemployment check every week.

In Jackson County, over 150 workers each week face mortgage payments, food bills, skyrocketing medical costs, without another unemployment check.

It is about time, Mr. President, and while you are at it, let us also get real about getting this economy moving again.

If we are really going to reduce unemployment, if we are really going to restore our competitive might, if we are really going to be a leader in the world of the 1990's and into the 21st century, there is only one way to do it. cut defense spending by 60 percent over the next 5 years and you have got $1.1 trillion by the year 2,000 to invest in America, to create jobs, to restore fairness in our tax system, and to put our kids in the best classrooms anywhere in the world, and it is time you joined us in doing it.

The SPEAKER PRO TEMPORE (Mr. MCNULTY). Members are reminded to address their remarks to the Chair.

WE NEED A PRESIDENT WHO PUTS PEOPLE BACK TO WORK

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

Mr. GEJDENSON. Mr. Speaker, the President came to this Congress in his State of the Union Address and now recognizes the need for extended unemployment benefits. The President came to this realization as he saw his own poll numbers drop and the possibility that he might soon be unemployed, Mr. Speaker; but for the people of eastern Connecticut, we are already feeling the impact of the President's program. Four thousand workers in eastern Connecticut have been given notice that they may soon be laid off.

The President came to this Congress and gave his State of the Union and told the workers of eastern Connecticut to drop dead, as Jerry Ford told New York City to drop dead in its time of need.

We need a President who engages the economy, who tries to help the workers of this country and not a President who leaves them in their time of need.

Mr. Speaker, we need a program to put all Americans back to work, to give defense workers time to get through the transition, not to have them abandoned by a President who watches the polls and not the workers who will be going to those polls.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The Speaker pro tempore (Mr. MCCLOSKEY) laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
February 3, 1992.

Hon. THOMAS S. FOLEY,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit two sealed envelopes received from the White House at 4:43 p.m. on Monday, February 3, 1992 as follows:

1. Said to contain a message from the President whereby he transmits the annual report of the Federal Labor Relations Authority for FY 1990 to the Congress; and

2. Said to contain a message from the President whereby he transmits the annual report of U.S. Participation in the United Nations to the Congress.

With great respect, I am

Sincerely yours,

DONNALD K. ANDERSON,
Clerk, House of Representatives.

REPORT OF ACTIVITIES OF UNITED STATES PARTICIPATION IN THE UNITED NATIONS DURING 1990—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs:

To the Congress of the United States:

I am pleased to transmit herewith a report of the activities of the United States Government in the United Nations and its affiliated agencies during the calendar year 1990, the second year of my Administration. The report is required by the United Nations Participation Act (Public Law 264, 79th Congress; 22 U.S.C. 287b).

GEORGE BUSH.

THE WHITE HOUSE, *February 3, 1992.*

ANNUAL REPORT OF FEDERAL LABOR RELATIONS AUTHORITY, FISCAL YEAR 1990—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, without objection, referred to the Committee on Post Office and Civil Service:

To the Congress of the United States:

In accordance with section 701 of the Civil Service Reform Act of 1978 (Public Law 95-454; 5 U.S.C. 7104(e)), I have the pleasure of transmitting to you the 12th Annual Report of the Federal Labor Relations Authority for Fiscal Year 1990.

The report includes information on the cases heard and decisions rendered by the Federal Labor Relations Authority, the General Counsel of the Authority, and the Federal Service Impasses Panel.

GEORGE BUSH.

THE WHITE HOUSE, *February 3, 1992.*

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MCCLOSKEY). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which vote is objected to under clause 4 of rule 15.

Such rollcall votes, if postponed, will be taken after debate has been concluded on all motions to suspend the rules.

EMERGENCY UNEMPLOYMENT COMPENSATION EXTENSION

Mr. ROSTENKOWSKI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4095) to increase the number of weeks for which benefits are payable under the Emergency Unemployment Compensation Act of 1991, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4095

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

SECTION 1. INCREASE IN AMOUNT OF EMERGENCY UNEMPLOYMENT BENEFITS.

(a) INCREASE IN BENEFITS.—

(1) Subparagraph (A) of section 102(b)(2) of the Emergency Unemployment Compensation Act of 1991 (Public Law 102-164, as amended) is amended to read as follows:

"(A) IN GENERAL.—Except as otherwise provided in this paragraph—

"(i) IN GENERAL.—

"(I) In the case of weeks beginning during a high unemployment period, the applicable limit is 33.

"(II) In the case of weeks not beginning in a high unemployment period, the applicable limit is 26.

"(ii) REDUCTION FOR WEEKS AFTER JUNE 13, 1992.—In the case of weeks beginning after June 13, 1992—

"(I) clause (i) of this subparagraph shall be applied by substituting '20' for '33', and by substituting '13' for '26', and

"(II) subparagraph (A) of paragraph (1) shall be applied by substituting '100 percent' for '130 percent'.

In the case of an individual who is receiving emergency unemployment compensation for a week which includes June 13, 1992, the preceding sentence shall not apply for purposes of determining the amount of emergency unemployment compensation payable to such individual for any week thereafter beginning in a period of consecutive weeks for each of which the individual meets the eligibility requirements of this Act."

(2) Subparagraph (A) of section 102(b)(1) of such Act is amended by striking "100 percent" and inserting "130 percent".

(b) CONFORMING AMENDMENTS.—

(1) Subsection (e) of section 101 of such Act is amended by striking "in a 20-week period or 13-week period, as defined in section 102,".

(2) Subparagraph (B) of section 102(b)(2) of such Act is amended by striking "An individual's" and inserting "Except as provided in subparagraph (A)(ii), an individual's".

(3) Subsection (c) of section 102 of such Act is amended—

(A) by striking "20-week" in paragraph (1) and inserting "high unemployment", and

(B) by striking "20-Week" in the subsection heading and inserting "HIGH UNEMPLOYMENT".

(4) Section 102 of such Act is amended by striking subsection (d).

(5) Subsection (e) of section 102 of such Act is amended to read as follows:

"(e) SPECIAL RULES.—

"(1) MINIMUM DURATION.—A high unemployment period shall last for not less than 13 weeks.

"(2) NOTIFICATION BY SECRETARY.—When a determination has been made that a high unemployment period is beginning or ending with respect to a State, the Secretary shall cause notice of such determination to be published in the Federal Register."

(6) Paragraph (1) of section 102(g) of such Act is amended by striking "20-week period or 13-week period" and inserting "high unemployment period".

(7) Paragraph (2) of section 102(g) of such Act is amended by striking "20-week period" and inserting "high unemployment period".

(8) Section 106(b) of such Act is amended by striking "paragraph (3), (4), or (5)" and inserting "paragraph (3) or (4)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to weeks of unemployment beginning after the date of the enactment of this Act.

SEC. 2. EXTENSION OF PROGRAM.

Sections 102(f)(1)(B), 102(f)(2), and 106(a)(2) of the Emergency Unemployment Compensation Act of 1991 (Public Law 102-164, as amended) are each amended by striking "June 13, 1992" and inserting "July 4, 1992".

SEC. 3. TEMPORARY INCREASE IN AMOUNT OF CORPORATE ESTIMATED TAX PAYMENTS.

(a) GENERAL RULE.—Subparagraph (A) of section 6655(d)(3) of the Internal Revenue Code of 1986 (relating to temporary increase in amount of installment based on current year tax) is amended by striking the table contained in such subparagraph and inserting the following:

"In the case of a taxable year beginning in:	*The current year percentage is:*
1992	93
1993 through 1996	95."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1992.

SEC. 4. EXTENSION OF TIME FOR PAYMENT OF ADDITIONAL FUTA TAXES.

(a) IN GENERAL.—Notwithstanding any other provision of law, if a qualified taxpayer is required to pay additional taxes for taxable years beginning in 1991 with respect to any employment in any State by reason of such State being declared a credit reduction State, such taxpayer may elect to defer the filing and payment of such additional taxes to a date no later than June 30, 1992.

(b) INTEREST.—Notwithstanding subsection (a), for purposes of section 6601(a) of the Internal Revenue Code of 1986, the last date prescribed for payment of any additional taxes for which an election is made under subsection (a) shall be January 31, 1992.

(c) DEFINITIONS.—For purposes of this section—

(1) QUALIFIED TAXPAYER.—The term "qualified taxpayer" means a taxpayer—

(A) in a State which has been declared a credit reduction State for taxable years beginning in 1991, and

(B) who did not receive notice of such credit reduction before December 1, 1991 from either the State unemployment compensation agency or the Internal Revenue Service.

(2) CREDIT REDUCTION STATE.—The term "credit reduction State" means a State with respect to which the Internal Revenue Service has determined that a reduction in credits is applicable for taxable years beginning in 1991 pursuant to the provisions of section 3302 of the Internal Revenue Code of 1986.

(d) TIME AND MANNER FOR MAKING ELECTION.—An election under this section shall be made at such time and in such manner as the Secretary of the Treasury shall prescribe.

SEC. 5. TREATMENT OF RAILROAD WORKERS.

(a) EXTENSION OF PROGRAM.—

(1) GENERAL RULE.—Sections 501(b)(1) and (2) of the Emergency Unemployment Compensation Act of 1991 (Public 102-164, as amended) are each amended by striking "June 13, 1992" and inserting "July 4, 1992".

(2) CONFORMING AMENDMENT.—Subsection (a) of section 501 of such Act is amended by striking "June, 1992" and inserting "July 1992".

(b) ENLARGEMENT OF BENEFITS.—Section 501 of such Act is amended by adding at the end the following:

"(d) ENLARGEMENT OF BENEFITS.—

"(1) GENERALLY.—During the period that begins on the date of the enactment of this subsection—

"(A) subsection (c) of this section shall be applied by substituting '130' for '65';

"(B) section 2(c) of the Railroad Unemployment Insurance Act shall be applied—

"(i) by substituting '13 (but not more than 130 days)' for '7 (but not more than 65 days)' in the table; and

"(ii) by substituting 'but not by more than 130 days' for 'but not by more than sixty-five days' in the second proviso; and

"(C) section 2(h)(1) of the Railroad Unemployment Insurance Act shall be applied by substituting '13' for 'seven'.

"(2) PHASE-OUT.—Effective on and after June 14, 1992, paragraph (1) of this subsection shall not apply. Notwithstanding the preceding sentence, in the case of an individual who is receiving the extended benefits under section 2(c) of the Railroad Unemployment Insurance Act for persons with 10 or more but less than 15 years of service, or extended benefits under this section, for any day during the week ending June 13, 1992, paragraph (1) shall apply for purposes of determining the amount of extended benefits payable to such individual for any day thereafter in a continuous period for which the individual meets the eligibility requirements of this section and the Railroad Unemployment Insurance Act.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois [Mr. ROSTENKOWSKI] will be recognized for 20 minutes, and the gentleman from Texas [Mr. ARCHER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Illinois [Mr. ROSTENKOWSKI].

GENERAL LEAVE

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 4095, the pending legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

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

Mr. Speaker, I rise today in strong support of the bipartisan compromise on the extension of unemployment benefits, H.R. 4095, a bill to extend the Emergency Unemployment Compensation Program.

This is the sixth time in less than a year that I have stood before this body arguing for an extension of unemployment benefits for millions of unemployed workers and their families. Unfortunately, it probably will not be the last time this year that the House of Representatives must deal with this critical issue. H.R. 4095 is a good bipartisan package that deserves the support of all Members of Congress.

Mr. Speaker, H.R. 4095 is the product of bipartisan negotiations with the minority leader, Mr. MICHEL, and was approved in the Committee on Ways and Means last week. It is a fiscally responsible compromise which the President supports and will sign immediately.

H.R. 4095 would make a number of changes to the Emergency Unemployment Compensation Program enacted last year. First, it would extend the expiration date of the program from June 13, 1992, to July 4, 1992. Second, it would provide an additional 13 weeks of benefits to unemployed workers through June 13, 1992. Third, it would allow Michigan employers to delay payment of the Federal Unemployment Tax Act penalty tax that was due on January 31, 1992, until June 30, 1992, without penalty, but with interest on the delayed payment. Fourth, it would modify estimated tax payment rules for large corporations so that the safe harbor available for estimated tax payments would be 95 percent in taxable years 1993 and 1994, instead of 94 percent.

I also want to point out that the bill I am presenting today contains a provision that is within the jurisdiction of the Energy and Commerce Committee and is included at their request and with their support. This provision deals with railroad unemployment insurance benefits, and would extend 13 weeks of unemployment benefits to rail workers with fewer than 15 years of service in the same way it does for other workers.

Mr. Speaker, at this time I would like to submit for the RECORD a letter to me from the President assuring me that H.R. 4095 is consistent with the 1990 Budget Enforcement Act in each of the fiscal years 1992 through 1995:

THE WHITE HOUSE,
Washington, DC, January 28, 1992.

Hon. DAN ROSTENKOWSKI,
Chairman, Committee on Ways and Means, House of Representatives, Washington, DC.

DEAR DANNY: You recently introduced H.R. 4095, which proposes an extension of Federal unemployment benefits through a declaration of a budget emergency. As you know, I will propose a fully funded extension of these benefits in my State of the Union address tonight and in my Budget submission tomorrow.

I am pleased that, working together with you and Republican Leader Bob Michel, we have been able to reach agreement on an amendment to your bill that should allow for quick action in your Committee. I fully support that agreement. It is my hope that the Ways and Means Committee will approve the measure today and that the full House and Senate will quickly follow suit. Given that there are American workers whose benefits are expiring, I hope the bill will be on my desk to sign prior to the Congressional recess scheduled for February 7.

I am informed by the Director of the Office of Management and Budget that, according to our estimates, the compromise is consistent with the Budget Enforcement Act (BEA) in each of the Fiscal Years 1992 through 1995. Because OMB estimates that the compromise is fully funded in each of the five budget years, no sequester would be triggered by enactment of the compromise.

Again, thank you for your cooperation in seeking a bipartisan solution to this problem.

Sincerely,

GEORGE BUSH.

The Office of Management and Budget estimates the aggregate cost of the extension would be $2.7 billion. Balances in the extended unemployment compensation account of the unemployment trust fund would continue to be drawn down to cover the cost. The bill would be financed by the surplus pay-as-you-go funding from legislation enacted last year of about $2.2 billion, and $500 million from the change in the corporate income estimated tax. The letter goes on to note that because OMB estimates that the bill is fully funded in each of the 5 budget years, no sequester would be triggered by its enactment.

Mr. Speaker, this bill provides much-needed unemployment benefits to millions of our fellow citizens. In talking to citizens on the northwest side of Chicago, there is no higher priority—no larger concern—than job security. Thousands of people in Chicago stood in line in subfreezing weather to apply for 500 positions at the new Sheraton Hilton. Now that the Committee on Ways and Means has completed its hearings on the economy and the President has set forth his economic growth program in his State of the Union Message and in his fiscal 1993 budget, we are ready to act. The extension of unemployment benefits is the first step, but it will be followed quickly by a package to put our economy back on track.

Now is the time for partisan bickering to stop and for us to act. The administration and the States are ready to extend these benefits without interruption. I strongly urge my colleagues to pass H.R. 4095, so that it can be enacted as quickly as possible. Passage of this bill is the least we in Government can do to ease the pain of millions of unemployed Americans—struggling to pay their bills and make ends meet—until they can return to work.

□ 1320

Mr. Speaker, I want to thank my colleague, the gentleman from Illinois [Mr. MICHAEL], for having cooperated with us in this effort, and hope that we can see this legislation to fruition, concluding today.

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

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

Mr. Speaker, it has been clear since Congress returned last week that this bill would be passed by Congress and signed into law by the President.

While I would like to avoid being run over by a train, I would nonetheless like to make one observation that Congress and the administration will ignore at their own peril.

The unemployment insurance system is supported by the Federal Unemployment Tax Act [FUTA]. Proceeds from this tax flow into several Federal accounts, one of which we are now spending down to pay for the extended benefits Congress enacted last November.

The money to support the benefits provided in today's bill will also be taken out of this account. Importantly, not a single dollar of the taxes raised by this bill go into that account to replenish it. The taxes in the bill are purely a budgetary offset. The account itself will be depleted.

In October 1990, the account contained $7.6 billion. By this September, even without the benefits provided in this bill, the balance will decline to $3.7 billion. The benefits provided in this bill will force the balance down to $1 billion.

Members of the Ways and Means Committee were proposing legislation to fatten up the account by increasing the FUTA payroll taxes when there was a balance of $7 billion or so. Their argument then was that the account balance was too low. Can anyone doubt that they will propose new taxes when the balance is $1 billion or less?

Make no mistake, passage of this bill means that we will be back in this Chamber within a year to consider a proposal to increase the trust fund balance by increasing the FUTA tax.

Just as the Nation is coming out of a recession, in other words, Congress will be voting to increase the anti-employment tax in the Federal Tax Code. To say that this will be unwise policy is a dramatic understatement.

For many, a vote for this bill is an easy one to cast. It will not be so easy when Members are called upon to pay the piper and raise taxes on employment a few short months from now.

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

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. DOWNEY], the chairman of the subcommittee.

Mr. DOWNEY. I thank the chairman for yielding this time to me.

Mr. Speaker, I want to thank the chairman and our minority leader, the gentleman from Illinois [Mr. MICHEL], for their leadership which has been shown in this extension of unemployment benefits. Mr. Speaker, it is recognition, I think, that the unemployed need our help and that this extension should not be a partisan matter.

But it is with a sense of sadness, Mr. Speaker, that I rise today in support of this; sadness, I should say, because this recession has only gotten deeper; a further sense of sadness because there are only more jobless Americans. Indeed, some 630,000 of them will exhaust benefits if we do not provide them this necessary extension.

Mr. Speaker, if there is anyone who doubts this, I call your attention to the subcommittee hearings that the Committee on Ways and Means held and

the testimony of one of my fellow Long Islanders, a fellow by the name of Herbert Stickler, which was both moving and sad testimony.

He talks about the fact that now that he is on benefits, he no longer has health insurance because he lost his job and does not have enough money to purchase the medicine that he needs to stay alive.

Fortunately for him, his doctor is willing to make some of his medicine available to him at cost so he can stay alive as a result of it.

I think this story is probably typical across our country. Families stay together, homes can be maintained, apartment rents can be paid, if extended benefits are paid.

Mr. Speaker, no one wants extended benefits; people want jobs. But in lieu of jobs, these benefits are absolutely essential.

I want to read, if I may, Mr. Speaker, from a letter I received from a woman in Massachusetts. She writes:

> Dear Mr. Downey, very few families are untouched by unemployment. My son, who is 39 years old and has 20 years of experience as a wall and ceiling worker, has not worked for over 18 months. He searches constantly, even going to job sites. He has kept up his spirits, but the other day he said he felt there was "no light at the end of the tunnel."

Mr. Speaker, this is frightening to hear a loved one say. I am sure thousands of families hear this statement as we slide further into what we feel is not a recession, but a depression.

Mr. Speaker, there are thousands of people like that lady from Massachusetts, and this temporary fix, as necessary and as important as it is to keep life and limb together, is not the answer. The answer is a growing economy. But with respect to unemployment, the specific answer is that we need to make permanent changes to the unemployment compensation law.

Mr. Speaker, to that end the chairman, the gentleman from Illinois [Mr. ROSTENKOWSKI] and I, and others who are interested in this matter, will hopefully be presenting the Congress with the legislation in the next couple of months, because, mark my words, when the final extension is done in July we are going to be back extending these benefits again and we are going to have a devil of a time explaining to some people why their benefits—those who have exhausted their first 26 weeks in June get 26 weeks of benefits, and if you exhaust them between June and July 13, and then after July, none. We have to fix this fund permanently.

Mr. Speaker, I thank the gentleman for yielding.

Mr. ARCHER. Mr. Speaker, I yield such time as he may consume to the respected Republican leader of the House, the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. I thank the distinguished gentleman from Texas [Mr. ARCHER] for yielding this time to me.

Mr. Speaker, passage of H.R. 4095 today shows that Congress and the administration can work together in a timely fashion to respond to the problems of the country. Last year Members may very well recall that Congress and the administration were at odds over the issue of extending unemployment benefits. There were those who insisted on declaring the spending for extended benefits an emergency, adding to the already burgeoning Federal deficit.

□ 1330

Mr. Speaker, we felt this was the wrong signal to send. It was our belief that the additional spending should not add to the deficit, but rather be offset in some manner.

Agreement was finally reached in November, after we worked closely with the chairman of the Committee on Ways and Means, the gentleman from Illinois [Mr. ROSTENKOWSKI], and Senator DOLE to get that job done. The final agreement, with amendments enacted in December, put in place an extended unemployment program of 20 weeks for high unemployment States and 13 weeks for all other States, and the program costs then were fully offset. Then, of course, when Congress reconvened on January 22, it became clear that additional assistance for unemployed Americans was warranted. Certain individuals qualifying for extended benefits in November would begin exhausting their benefits in mid-February.

The gentleman from New York [Mr. DOWNEY], the acting chairman of the Human Resources Subcommittee, scheduled hearings on January 22. I was privileged to be invited to appear before that august body along with the gentleman from Illinois [Mr. ROSTENKOWSKI]. We both testified, and, working with the members of the Committee on Ways and Means and the administration, we were able to quickly craft a compromise to provide 13 weeks of benefits between enactment of the bill before us today and July 4.

Now what happens after that time, the distinguished gentleman from Texas [Mr. ARCHER] was just inquiring, and I am not altogether sure. Hopefully conditions will improve, but we have got to get through this day, and then we will see what happens in the future. The cost of the legislation is offset with a surplus pay-as-you-go funding from legislation enacted last year and with a modification of the estimated tax payment rules for large corporations.

I would like to commend both the chairman and subcommittee chairman for expediting this very important piece of legislation. This is the manner in which all major issues affecting the common good of the American people ought to be dealt with. Politics should be set aside in the best interests of the country and the American people. The President called upon us to do just that with regard to legislation promising economic growth and giving the economy a shot in the arm, as he recommended to the Congress in his State of the Union Address.

Incidentially, just today that distinguished Committee on Ways and Means is beginning their consideration of the President's proposals by hearing the administration witnesses, and it is quite obvious to me that the committee intends to move expeditiously and, hopefully, to meet the target set by the President. We hope that can be brought about.

Mr. Speaker, we have addressed a symptom of our economic problems with this unemployment benefit bill. Now let us also address some of the causes of these problems with economic growth legislation, as I indicated, by the March 20 date, if at all possible. The bill we are considering today I guess is something like an aspirin to relieve the pain. It eases the symptoms, but it certainly does not cure the illness, and now what we have to do is try to accurately diagnose the origins of the pain and treat its causes with the right kind of cure.

I would urge my colleagues to vote for the extended benefits in this bill, and then let us roll up our sleeves and move on to the next job of solving the underlying economic problems and get that job done expeditiously, too.

I thank the distinguished gentleman from Texas [Mr. ARCHER] for yielding to me, and I thank again the distinguished chairman, the gentleman from Illinois [Mr. ROSTENKOWSKI], and subcommittee chairman, the gentleman from New York [Mr. DOWNEY], for bringing the legislation to the floor as expeditiously as they have and in such manner as they have.

Mr. DOWNEY. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Washington [Mr. SWIFT].

Mr. SWIFT. Mr. Speaker, I rise in strong support of this legislation to provide 13 additional weeks of benefits to unemployed Americans. I want to compliment the committee and its distinguished chairman, Mr. ROSTENKOWSKI, for bringing this legislation to the floor so expeditiously in order to ensure continued assistance to those workers whose benefits were scheduled to expire in mid-February.

I want to particularly thank the chairman for accommodating the substantive and jurisdictional concerns of the Committee on Energy and Commerce during the processing of H.R. 4095. The cooperation you have provided to our committee, to me, and to the gentleman from Montana [Mr. WILLIAMS] both this year and last is greatly appreciated.

As a direct result of this cooperation, this legislation provides railroad workers with additional extended unem-

ployment benefits. It is only logical that these workers should receive the same treatment and benefits that are to be provided to other unemployed workers.

I should mention that this equity argument prevailed the last time around as rail workers were included in the legislation that was enacted last November.

The reason I have requested this time is to explain that railroad workers are covered by a separate program under the Railroad Unemployment Insurance Act. That act is within the jurisdiction of the Energy and Commerce Committee. We have worked closely with the Ways and Means Committee to develop acceptable language which carries out the equitable principles I have just outlined and to make sure that railroad employees are not shortchanged.

Basically, the agreed upon language provides an additional 13 weeks of extended unemployment benefits to workers who have less than 15 years of rail service and extends last year's emergency program, from June 13, 1992 to July 4, 1992, for certain rail workers with less than 10 years of service.

Mr. Speaker, this can properly be described as a conforming provision to the bill and I urge my colleagues' support for it and for this essential legislation.

COMMITTEE ON WAYS AND MEANS,
Washington, DC, January 28, 1992.

Hon. JOHN D. DINGELL,
Chairman, Committee on Energy and Commerce, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: As you may be aware, the Committee on Ways and Means today approved H.R. 4095, a bill to extend the emergency unemployment compensation program. I plan to report the bill tomorrow, and with the Speaker's consent, expect to place H.R. 4095 on the suspension calendar next week.

I want you to know that during our markup session, I raised, with the support of our colleague Minority Leader Bob Michel, the issue of extended unemployment benefits for certain rail workers. Respecting the jurisdiction of your Committee, we did not officially include the provision in H.R. 4095. However, our Committee is prepared to include an extension of 13 weeks of benefits to workers on the railroad unemployment insurance program who have fewer than 10 years of service in the industry, if you concur. Please advise me as soon as possible if this is acceptable to you. If so, I will be glad to include this provision in the bill placed on the suspension calendar next week.

With warm regards, I am

Sincerely yours,

DAN ROSTENKOWSKI,
Chairman.

COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, January 30, 1992.

Hon. DAN ROSTENKOWSKI,
Chairman, Committee on Ways and Means, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of January 28, 1992 expressing your interest, and that of Minority Leader Bob Michel, in covering railroad employees under H.R. 4095, a bill to extend the emergency unemployment compensation program. I appreciate both your concern for the interests of unemployed rail workers and the steps you have taken to respect the jurisdiction of the Committee on Energy and Commerce over railroad unemployment insurance benefits.

Following receipt of your letter, the majority and minority staffs of our respective Committees met to formulate legislative language to address this issue. I have enclosed a copy of their work product, which I am prepared to support fully, together with a preliminary Congressional Budget Office staff estimate.

Chairman Al Swift of our Subcommittee on Transportation and Hazardous Materials would like to receive an appropriate period of time on the floor to explain this provision and its relationship to our Committee's jurisdiction. With the understanding that this is agreeable to you, I am pleased to support your inclusion of the enclosed language in the version of H.R. 4095 to be taken up on the suspension calendar during the week of February 3, 1993.

Sincerely,

JOHN D. DINGELL,
Chairman.

Mr. ARCHER. Mr. Speaker, I have no requests for time, and I reserve the balance of my time.

Mr. DOWNEY. Mr. Speaker, I yield 1 minute to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, today, we will pass the additional extension of unemployment benefits, and the legislation includes my amendment, which the gentleman from Washington [Mr. SWIFT] has just mentioned, to provide these extended benefits to railroad workers. We included this same amendment of mine in legislation that because law a few months ago.

Mr. Speaker, my amendment is actually to the Railroad Unemployment Insurance Act which is in the jurisdiction of the Committee on Energy and Commerce. It is an important step for the Congress to provide equity to the men and women who work on our Nation's railroads, just as we are providing it to all other workers. My amendment, which is now accepted and will be part of this legislation, provides coverage for railroad workers with 10 to 15 years of tenure, as well as continuing the benefits we provided in the legislation that we passed into law a few months ago, last November.

Mr. Speaker, I was glad to be able to work with my colleagues on the Committee on Ways and Means, as well as the Committee on Energy and Commerce, to assure that we treat American's railroad workers just as we treat all other unemployed workers, and I thank the gentleman from New York [Mr. DOWNEY] for yielding this time to me.

Mr. DOWNEY. Mr. Speaker, I yield 1 minute to the gentlewoman from Indiana [Ms. LONG].

Ms. LONG. Mr. Speaker, I rise in support of this bill to provide an additional 13 weeks of extended unemployment benefits to those workers and their families who desperately need assistance. Given the lingering economic recession and the rising unemployment rate, extending emergency benefits to unemployed workers is necessary and justified. I commend Chairman ROSTENKOWSKI and the committee for their hard work and timely attention to this matter.

The emergency extension of benefits, however, illustrates a need for Congress to seriously examine reforming the entire unemployment compensation system. It is important to remember that the unemployment compensation system was created for two expressed purposes: To assist unemployed workers and their families in a time of need, and to help this Nation out of an economic recession. The concept behind establishing a trust fund for unemployment benefits was to ensure that money would build up in the trust during periods of economic growth and low unemployment. During periods of high unemployment and economic stagnation, the reserves in the trust fund would be spent down, pumping resources and spending power back into the economy. Clearly, there is something fundamentally wrong with the system when, during one of the longest recessions in recent history, a $7.7 billion surplus currently exists in the extended benefits portion of the trust fund.

I introduced legislation during the last Congress and this Congress to take the unemployment trust fund off budget. When the committee recently held hearings on this bill, moving the unemployment trust fund off budget was favorably discussed. I believe that adopting this approach would allow the surplus contained in the trust fund to be used for its intended purpose—funding needed unemployment benefits for workers and their families.

I am grateful that Chairman ROSTENKOWSKI and the committee have taken such quick and decisive action to extend unemployment benefits. Once again revisiting this issue illustrates the need to fundamentally reform the unemployment compensation system. I am hopeful that the committee will closely examine the option of moving the unemployment trust fund off budget. Taking this step would more appropriately serve unemployed workers and our Nation's economy.

Mr. DOWNEY. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Connecticut [Mrs. KENNELLY], a member of our subcommittee and supporter of this bill.

Mrs. KENNELLY. Mr. Speaker, as an original cosponsor of H.R. 4095, I would like to express my strong support for further emergency extension of unemployment benefits. We are all well aware that the recession has not yet ended. Almost 290,000 Americans joined the ranks of the unemployed in December, bringing the national total to nearly 10 million people without jobs. We already have 950,000 people receiv-

ing the emergency benefits we enacted last November. In just 10 days, 600,000 of them will have run out of benefits.

In my own State of Connecticut, over 107,000 people are out of work. And it is not getting better: With changes in the world unemployment, extended benefits will have to fill the gap, and we have to get ready for job training and retraining.

That is why the bill before us today is so important. Even if the economy were to take a sudden turn for the better today, it would take quite some time for the effects to be felt in the employment market. We must not abandon out-of-work Americans when they need us most. It is our responsibility to give them a fighting chance while they face the daunting task of looking for work and making ends meet.

I urge my colleagues to support the bill.

□ 1340

Mr. DOWNEY. Mr. Speaker, I yield 2 minutes to the gentleman from Madison Heights, MI, Mr. LEVIN.

Mr. LEVIN of Michigan. Mr. Speaker, the gentleman from New York is referring to the Madison Heights office. He has heard my story about visits to the Madison Heights office, and I try to do that periodically to see what is really going on. You find it out there. You see people, white collar workers, blue collar workers, workers from all walks of life who have been laid off for an extended period of time.

This bill is going to help over 50,000 people in Michigan. It is going to add 13 weeks of coverage for those who simply cannot find work. This is a program for those who have worked hard and do not want to be off the job, so I am very pleased with that. I hope we will act permanently in the future.

Chairman DOWNEY and others, the gentleman from Ohio [Mr. PEASE], and I have been working on permanent reform of this bill, and it is long overdue.

I also want to thank the gentleman from Illinois [Mr. ROSTENKOWSKI] for his willingness to let us amend the bill so we can help employers of Michigan who are going to incur a terrible penalty here because of the terrible recession in Michigan. With the chairman's help and also with the help of the gentleman from Michigan [Mr. VANDER JAGT], we took an idea originally introduced by Senator CARL LEVIN from the Senate and we provide until June 30 for the payment without penalty of the additional tax that is going to be assessed employers in Michigan because the unemployment fund is very much depleted because of this terrible recession.

As I close, I can see gentlemen here, the gentleman from Missouri [Mr. GEPHARDT], the gentleman from Michigan [Mr. BONIOR], the gentleman from New York [Mr. DOWNEY], and Mr. ROSTENKOWSKI and others who have worked together to try to bring to the attention of the American public that the long-term laid off are looking. They want work. They cannot find it. We should do more than thumb our nose at them.

Mr. DOWNEY. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I thank the chairman of the subcommittee, and I want to rise in support of this legislation. The good news is that we have agreement on the passage of this legislation, so it will pass quickly. I congratulate Chairman ROSTENKOWSKI and the administration for working out that compromise. We have very little time before the people we first sought to help will run out of benefits.

The bad news is that we need this bill. The bad news is that America is not back to work. The bad news is we are talking about 7.1 percent unemployment, and far higher figure of those who have given up on entering into the workplace.

Last November, when the President signed legislation that extended unemployment benefits for the long-time unemployed. We hoped that the recession would begin to spiral downward. This unfortunately has not come to pass.

Almost every week, we hear of major corporations who are being forced to lay off thousands of workers in order to stay afloat. The automotive industry, computer industry, banks, oil companies—no industry, no matter how large, is immune from the harsh realities of a recession.

The Bureau of Labor Statistics has estimated that at some point during the past year, one out of every five workers experienced unemployment for a given period of time. White collar workers are falling victim to the recession in numbers so great that many are afraid to spend, for fear of losing their jobs.

Other workers, discouraged by the bleak prospect of finding a job, have given up or are accepting jobs way beneath their level of education and experience, just to have a job.

Spending for the construction of homes and offices has declined, and spending overall fell 9.3 percent in 1991, the most rapid decline since World War II.

Mr. Speaker, the recession continues, and we are here today, to help those people who continue to bear the brunt of the recession.

This legislation is critical because it says we have not forgotten those who are in real pain. In the next 45 to 60 days we will be working on a program to get America back to work, to regenerate, to reinvest, and to reinvigorate our economy. That will be the real test. This is a step to take, important, and critical. A caring Nation should do no less, but we must do more.

I rise in strong support of the legislation.

Mr. DOWNEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Michigan [Mr. BONIOR] the majority whip.

Mr. BONIOR. Mr. Speaker, I'm glad the President approves of this bill.

It is about time.

This bill provides a lifeline for millions of Americans rocked by the continuing recession.

I wish this meant the President has seen the light. I am afraid it is just that he has felt the heat.

Of course we would not have to be doing this bill at all if the Reagan-Bush administration had seen the light about voodoo economics.

Or when it came to the trickle-down theory.

Or when the President turned his back twice on jobless Americans.

If he had seen the light, then, maybe 2,200 Americans would not be receiving pink slips each day.

But if the President had really seen the light he would have delivered a very different State of the Union speech.

Even Jack Kemp called it full of gimmicks.

Gimmicks for the middle class when it came to jobs.

Gimmicks when it came to health care.

Gimmicks when it came to tax cuts. Capital gains again?

An idea that gives most of its benefits to people making over $200,000 a year.

As Kevin Phillips put it: Pretzels for the middle class, caviar for the rich.

Yes, it is time to do unemployment benefits again. Let us get this bill on the President's desk before he changes his mind.

Then, let us move on an agenda that can really get the economy moving again.

Let us reject the politics of the past—the policies that gave us this deep and cruel recession.

Let us create an agenda for the middle class.

Let us rebuild by focusing on the working people of America—and let us put America back to work.

Mr. ARCHER. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Connecticut [Mrs. JOHNSON], a valuable member of our committee.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentleman from Texas, and I rise in strong support of this legislation to extend unemployment compensation benefits. I am very pleased that the Congress is sending to the President a funded extension-of-benefits bill. Indeed, it was one of the sadder chapters in our history last year that we could have sent forward two bills that were fiscally irresponsible at a time when the people were des-

perately in need of support and assistance, and finally a triumph for the Congress and for the President's good sense that we were able to get through a funded extension of unemployment compensation benefits. It is indeed a credit to the committee, but a credit to the body that there is a consensus on both the need for extension and the need to fiscally responsibly support that extension through funding.

I also want to comment that this is, while a triumph for all of us, a disappointment as well, because we are understanding that this is a different kind of recession. We are understanding that this is a dislocation that it will take many months, possibly some years, to recover from, and that many of the people needing extended benefits are people who have worked all their lives, who have bought a home, who have children in college, who are America's success stories, and yet they are the people not only losing their jobs but using up their retirement savings, losing their homes, at a time in their lives when it is not possible for them to rebuild their futures.

So there is a very serious challenge that has come to the Congress from this recession. It is the challenge of rewriting our unemployment compensation system to support the kind of unemployment that is likely to become more common in the decade ahead.

I am disappointed that we have not had the time to work with States to get them to allow those who are unemployed to work part time without benefit reduction, an extraordinarily important survival technique for this particular recession. I am very disappointed that the Congress is not engaging itself in how we should allow forgiveness of mortgage payments on a temporary basis for those who clearly are going to regain their footing, so that during this downturn they will not lose their homes and permanently disadvantage themselves on the course of not only life but ultimately of retirement.

I am disappointed that we are not providing a greater and more substantial reform of our unemployment compensation system reflecting the knowledge that we have gained through this extraordinarily painful experience for America of the kind of dislocation that our economy is likely to experience repeatedly in the future.

This is a good thing to do. We are doing it in a timely fashion. Democracy ought to be capable of that. But there is a larger challenge ahead, to rewrite not only our unemployment compensation legislation, but the kind of job training economic support programs that are the real meat and potatoes of successfully negotiating change. Since that is going to be a larger part of our lives, I hope that larger challenge will not be neglected by the committee or the Congress.

□ 1350

Mr. DOWNEY. Mr. Speaker, I yield the balance of my time to the distinguished majority leader, the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. Mr. Speaker, 7 days after the President's State of the Union speech, we deliver on our promise to extend unemployment benefits for American workers.

We compliment the President for finally recognizing the depth of the recession and for supporting a good extended benefits law for Americans who have lost their jobs through no fault of their own.

Today, we keep their hopes alive for the near term. But you may be asking, what about the long term? Last week the President described his ideas as big enough to meet the task—but the program doesn't measure up. It contains:

A record-shattering $400 billion deficit;

No program to create jobs or dismantle Japanese protectionism;

A menu of special interest tax gimmicks and loopholes designed to cushion the rich rather than aid the middle class;

No comprehensive reform of the health care system; and

No long-term strategy to improve the economic foundation of the country.

In other words, the President asks us to relive Reaganomics, prolong the pain of the middle class, and rely on more of the budget gimmickry that created these huge deficits at the outset of the 1980's.

From reports we are getting throughout the country, the people see this program for what it is, and they are deeply disappointed in the President's decision to tinker at the margins.

We are personally committed to prompt passage of an economic recovery program. In the coming days, Democrats will not obstruct, but we will try and improve the President's package.

We have a vision of what policies this economy needs to assure American success in the 1990's and beyond—in education, health care, trade, tax fairness, and investment. We want people to have unemployment benefits when they are needed but, most of all, we want workers to have good-paying, stable jobs that will provide rising living standards for every American family.

Mr. FAZIO. Mr. Speaker, I rise today in support of H.R. 4095, emergency extension of unemployment benefits, a bill which will extend much needed relief to an estimated 2 million American workers and their families.

Last August and October, Congress attempted to pass legislation that would extend emergency benefits to American workers. Both times, we were shot down by the President.

Finally, in November, after an all-night marathon vigil here in Congress on behalf of American workers, and an increase in the national unemployment rate, we were successful in getting this legislation through—legislation which gave unemployed workers up to 20 weeks of unemployment benefits beyond the 26 weeks available under the regular unemployment program.

But, today unemployment is still over 7 percent. Nearly 9 million Americans are out of work and unable to find jobs, and almost 1.5 million of these workers have been out of work for more than 26 weeks. And the benefits that we extended in November are about to run out this month.

So, we have developed a new unemployment benefits extension bill—H.R. 4095—which will give workers another 13 weeks of extended benefits. And this time, the administration is not blocking our effort.

This means that, in high unemployment areas like California, workers will receive a total of 33 weeks of extended benefits. And those workers who qualified for extended benefits in November will be able to get them extended before they expire in a couple of weeks.

Mr. Speaker, I urge my colleagues on both sides of the aisle to once again do the right thing for the millions of unemployed American workers and their families. I urge their support for this bipartisan bill which will help middle-income workers who are struggling to meet their basic, everyday needs as they attempt to work their way out of this recession.

Mr. MATSUI. Mr. Speaker, the legislation before us today to provide an additional 13 weeks of unemployment benefits is extremely important to millions of unemployed Americans and I urge its swift passage. At the same time, we must also take a long and serious look at how to improve the unemployment insurance program to avoid the patchwork of benefit extensions that presently exists.

No one denies the value of further extending unemployment benefits to the long-term unemployed, but repeatedly offering a temporary fix is not the response to either the Nation's problems or the flaws in the Nation's unemployment insurance program. For Congress to truly address this problem we must implement permanent, significant reforms in the Nation's unemployment program.

Unemployment across the country continues to rise. The unemployment rate in California during the month of December was 7.7 percent. Unemployment in California has remained above 7 percent for the third straight month. During 1991, an average of 43,000 Californians exhausted their State unemployment benefits each month. This monthly figure in California is greater than the total 9-month exhaustion rate for most States. During the last week of December alone, 136,000 Californians made emergency unemployment claims.

The States are struggling to work within an ineffective program that is not designed for the problems it faces today. The present unemployment insurance system is ill equipped to serve the numbers of people needing continued benefits. Cuts made in the unemployment program during the 1980's have devastated the extended benefits program, rendering it unable to meet the needs of the long-term unemployed. The result is a continued patching and painting of benefits to keep people on their feet.

Stories abound of Americans valiantly attempting to find work, only to be thwarted by

lack of opportunity. This country is made up of ambitious, hard working citizens who want to work. We should not deny them this opportunity. We must pass this legislation today, and then we must work to meet the challenge of stimulating real growth in the economy through the creation of jobs and increased investment in our Nation's infrastructure.

I urge my colleagues to join together and pass this temporary relief to unemployed Americans. What we are doing today is right and it is necessary, but it is not the solution. The bipartisan support displayed today is encouraging, and I urge my colleagues to demonstrate the same bipartisan spirit when the Ways and Means Committee moves ahead this spring with legislation to permanently make improvements in the Nation's unemployment insurance program.

Mrs. LLOYD. Mr. Speaker, I rise in support of H.R. 4095, the emergency extension of unemployment benefits. This legislation is essential given the current, tough economic climate.

Every day we read of new announcements by major corporations of their plans to reduce their work forces. Individual and business bankruptcy filings continue to soar. This has made many folks who have lost their jobs, and are struggling to find gainful employment, uncertain and anxious. People who would do anything for their children are finding it increasingly difficult to send them off to school in the morning ready to learn, because they may not have had enough food in the house for breakfast. Families whose breadwinners are unemployed or underemployed are struggling to pay their bills and make all those expenses that today's typical family has to meet, while companies continue to downsize and jobs are disappearing to foreign competition.

In December, the unemployment rate climbed to 7.1 percent. This means that nearly 9 million Americans are unemployed and 1.6 million have exhausted their unemployment compensation benefits. As high as these numbers are, it is also estimated that another 1.1 million men and women have become so discouraged that they have given up looking for work and are no longer counted officially among the unemployed. Taken together, these figures represent a significant portion of the U.S. work force that is steadily loosing ground and struggling.

The Emergency Unemployment Benefits Act provides a lifeline to workers whose jobs have disappeared during the recession. The measure extends the life of the Emergency Unemployment Compensation [EUC] Program until July 4, 1992, and provides 13 weeks of additional benefits to the long-term unemployed. Tennesseans who already qualified for the initial 13 week extension, which is due to expire in mid-February, will now be eligible for another 13 weeks of benefits. This will provide immediate assistance to families who have worked hard all their lives and need help to get back on their feet and make it through these difficult economic times.

These folks are not looking for a handout. They are taxpayers who have supported this Nation. Many have fought to defend our personal freedoms on foreign shores. They have sent their sons and daughters off to do the same without hesitation. They are looking to the Congress and the administration to provide job training and retraining programs and adequate funding for educational needs. But in the meantime, action must be taken to stave off the proverbial wolf at the door which has forced many families to choose between essentials which they cannot afford to do without. I urge my colleagues to join with me in supporting the Emergency Extension of Unemployment Benefits Act.

Mr. FORD of Michigan. Mr. Speaker, it's better late than never. I was glad to see that since the last time I came to this well to urge my colleagues to support an extension of unemployment benefits, President Bush has finally realized what everybody else in the United States already knew—our country is in the worst recession since the Great Depression and millions of Americans need a helping hand.

The President's record on job creating is the worst I have seen in 27 years in Congress. There simply are no jobs available in my district. I was interested to see that Vice President Quayle recently stopped his limousine on the way to the Bob Hope Celebrity Golf Tournament long enough to point out to the press a "Help Wanted" sign at a Burger King restaurant. The Vice President claimed that this was a sign of economic recovery. Mr. Speaker, I don't know whether Vice President Quayle can support his family working at Burger King, but most people in my district can't.

I am glad that the President has finally realized that something is wrong in America, but I'm still not sure he really understands what it is. Few places in the country have been hurt by the recession as badly as my district and my State of Michigan. Hundreds of thousands of people in Michigan have lost their jobs and simply cannot find work. Families are losing their houses. Some cannot even earn enough to feed their children.

What my people want is a job. Unless we can convince the President not only to have compassion for those in need, but to actually find a way to provide jobs in our country, we will be back in this Chamber extending unemployment benefits again and again. Our country needs a program to provide job training and education, and to get our citizens back to work. We need to offer our people a career and a better life, not just a way to scrape by.

On top of our already dismal unemployment rate, General Motors is currently considering closing a factory in my district that would eventually cost Michigan an additional 14,610 jobs.

Last week, when the hard-working Americans watched the State of the Union address, they heard their President talking once again about a cut in the capital gains tax, saying, "When you aim for the big guy, you end up hitting the little guy." Mr. Speaker, I'm not sure what President Bush thinks the little guy is concerned about; I'm not sure if he ever even met a little guy, but I can tell him that the average person in the 15th Congressional District of Michigan is not worried about the capital gains tax rate. They're worried about feeding their kids, dealing with their mortgages, and trying to pay their bills. A cut in the capital gains tax rate is not an economic program.

Once again, as I have done on every occasion in the past, I am pleased to strongly support legislation to extend unemployment benefits to our jobless American workers. I am especially pleased that I no longer have to fight to make George Bush see the need for this extension.

H.R. 4095, the bill that we are considering today, would allow jobless workers to apply for an additional 13 weeks of extended unemployment benefits. My State of Michigan, which has suffered badly during this past year, and currently offers up to 20 weeks of extended unemployment benefits, would have that number boosted to 33 weeks.

The bill before us today would also include a provision to help employers in Michigan. Because of the recession, the State of Michigan did not have enough money in its unemployment trust fund to repay a loan owed to the Federal Government. Many small businessmen in my district have had a hard time coming up with this money by the deadline of January 31. Language inserted in this bill by the Committee on Ways and Means would extend this deadline until June 30, 1992, without a late penalty.

I am also pleased that this measure has been paid for. The money needed for this extension is obtained without violating the budget agreement.

Mr. Speaker, my constituents are hurting like never before. I support this proposal to offer them help and urge my colleagues to pass the bill.

Ms. NORTON. Mr. Speaker, we are still suffering a ferocious, unceasing recession, 18 months of it, 2 months longer than any economic downturn since the Great Depression. Surely it could have been shorter had the Bush administration been on the domestic job and applied remedies much earlier.

Americans crave for jobs, not unemployment benefits. What we offer today is a 13-week extension of those benefits. As critically necessary as this extension is, it is a pale ghost of what is needed. It effects only a small portion of the unemployed.

Above all, this extension is no substitute for an economic stimulus program. What we offer today is a tourniquet that may stop the bleeding but leaves the problems in place. The larger concerns are unattended—the unemployed who do not qualify and the state of the economy itself. There is no lifeline for them.

The District, once thought to be recession proof, is now recession prone. In the third quarter of last year, the District was 12th highest among the States and 15th highest among the cities in unemployment. Baltimore, New York, Hartford, Detroit, and Philadelphia were higher still. And the Sun Belt cities—Miami and Los Angeles, for example—came in with rates even higher than the District's.

This is a national recession that has taken no prisoners. It has shattered the District's economy. The freeze on Federal jobs announced by the President will exacerbate economic conditions here. To add to this economic cruelty, prices in the District far outpaced the national average.

It is no wonder that this recession is worse everywhere. It is more than a cyclical downturn. We are feeling the cumulative effect of long-term neglect of the American economy. We are paying now for a dozen years during which we have literally disinvested in Amer-

ica—in education and training, in the infrastructure, in the health of children and adults, in short, in what makes the world go around in a global economy. We must now play catchup, the hardest way to run any race.

Left in the dust have been the great urban areas. The District and other cities receive in Federal aid less than half of what they were getting in 1980.

H.R. 4095, the emergency extension of unemployment benefits, does not pretend to address these economic problems. It is relief, not remedy. It is a life raft that rescues a few Americans from almost certain drowning. The real work of getting to shore lies ahead of us.

Mr. GREEN of New York. Mr. Speaker, unemployment in New York City has reached 9.3 percent, leaving thousands of jobless New Yorkers in a state of economic despair. In addition to the high level of unemployment, the current economic situation is very unsettled and any sign of recovery has been anemic, at best. Thus, I rise to express my strong support for H.R. 4095, legislation that will extend the emergency unemployment benefit compensation program and provide economic relief to many of our Nation's unemployed.

With 8.9 million Americans out of work and a relentless unemployment rate of 7.1 percent, I think it is imperative that Congress act to extend the emergency benefits program. That unemployment benefit extension program has served as a vital lifeline to those that have lost their jobs as a result of the current recession.

The New York State Department of Labor has advised me that there are more than 185,000 individuals receiving extended benefits in New York and over 15,000 reside in my congressional district. In addition to helping those who are unemployed, the benefits program will help slow the deterioration of the overall economy. In the past, the targeted benefit payments—which are spent on bills, groceries and clothing—have made a major contribution to shortening the length of recessions by increasing consumer spending.

The legislation under consideration provides for an additional 13 weeks of extended benefits. New Yorkers whose benefits expired any time after February 28, 1991 would be eligible for an additional 13 weeks of benefits on top of the 13 weeks authorized under the legislation we adopted in November 1991. The legislation also extends the temporary benefits program through July 4, 1992.

I should also like to note that the extension legislation, which costs $2.7 billion, will not bust the budget because it will be paid for with fiscal year 1992 monies that were never spent and through the modification of quarterly tax payments made by large corporations.

While I enthusiastically voice my support for this much needed legislation, I must give voice to another message. I say to the leadership, this is not enough. You must allow Members to vote on a comprehensive unemployment reform bill.

Unfortunately, all of the unemployment benefit measures that we have voted on throughout this session are temporary in nature. They all fail to reform the unemployment insurance system which has proven to be unresponsive to the needs of our Nation's jobless. Over the past 15 years there has been a steady and significant erosion in the unemployment insurance system. An erosion that must be addressed by Congress.

I also hope that Congress will move quickly to enact a responsible economic growth bill that will help spur our stagnant economy, create vital jobs and tackle our $399 billion budget deficit.

In closing, I encourage my colleagues to support the emergency extension and to commit to reforming the unemployment insurance system. After all, the American people want long-term solutions to our Nation's economic problems and deserve far more than a short-term, temporary fix.

Ms. PELOSI. Mr. Speaker, today, the House will consider a bill to provide 13 additional weeks of extended benefits to unemployed workers. Last November, we provided extended benefits for workers who had been out of work so long that they had exhausted their unemployment benefits. Congress passed the legislation three times before the President acknowledged that there was an unemployment problem in this Nation and finally signed the bill into law.

The recession is now in its 18th month, 2 months longer than any recession since the Great Depression. Almost 9 million workers are out of work. The people of this country are well aware of the troubled economic times in which we live. People who became eligible for the extended benefits in November will run out of benefits this month if we do not act.

Mr. Speaker, for many of the people who have exhausted their unemployment benefits and remain jobless, the passage of H.R. 4095 is necessary for survival. H.R. 4095 would give the unemployed workers of my State of California a total of 33 weeks of extended benefits. But, more must be done. We need more than stopgap emergency measures that address immediate concerns. We need a solid program for long-term economic recovery.

Mr. Speaker, a lack of leadership from the White House allowed this recession to grow as large as it is. We need a real jobs program. I support extending unemployment benefits as one piece of the economic recovery puzzle. The other pieces must be put in place if people are to ultimately find lasting jobs.

Mr. DINGELL. Mr. Speaker, I rise in support of H.R. 4095, the emergency extension of unemployment benefits. We face an unemployment emergency. For millions of people, the consequences of the recession show no signs of abating. The short-term horizon for America's jobless continues to be bleak. We must act to ameliorate the painful effects of persistent high unemployment rates on America's families and individuals.

This recession, coupled with the threat to the United States economy posed by the Japanese, has been devastating for Michigan. Michigan already has one of the highest unemployment rates in the Nation and there is little relief in sight. GM recently announced a layoff of 74,000 employees nationally. Michigan will be particularly hard hit by this decision. An extension of unemployment benefits is critical for the more than 420,000 jobless in Michigan.

This extension of unemployment benefits bill recognizes the plight of the unemployed. Today's bill will extend the safety net for Michigan's unemployment for another 13 weeks. It will also extend to July 4, 1992, the deadline for workers to file for these extended benefits. This latest extension brings unemployment benefits for Michigan workers to a total of 59 weeks.

We need to get our workers back on their feet. We cannot afford to leave our most valuable resource unprotected. We cannot afford to swell the homeless ranks. We owe our jobless our support until they can again be self-sustaining. I urge my colleagues to support this bill.

Mr. RIDGE. Mr. Speaker, last September this House moved to provide extended jobless benefits to the long-term unemployed. For those Pennsylvanians who had exhausted their regular benefits, our effort then was but the very least we could have done, should have done, to lend help, to extend a hand.

I had hoped then that by this year, at this time, at this moment, I might be here speaking of an economy on the rebound and of the men and women of my State finding jobs, of them going back to work. Sadly, that is not the case.

It is true that many see signs that a recovery is at hand. This time, I hope they are right. But for thousands of unemployed Pennsylvanians, hope for recovery will not pay the bills nor will it put food on their family's table.

So today, we again recognize our debt to those working Americans who have lost their job through no fault of their own by moving swiftly to pass another extension of unemployment benefits. Through our actions here, we will ensure another 13 weeks of assistance to those who have used up their regular or emergency benefits.

This important legislation will provide some additional income protection, some purchasing power, to workers while they struggle through this recession. It is not a handout. It is the Government simply fulfilling its obligation to those workers and their employers when they placed their funds in our hands. The need is now and the funds should be released.

Let me close by noting that back in September, I said that this body had better start thinking of ways to give people a job rather than a check. That message is no less urgent today. The President has given us a deadline for an economy recovery package. It is now incumbent on this Congress to meet it. For if there's still no hope for recovery or work after these additional 13 weeks, then we have done little to effect the plight of these families.

Mr. GAYDOS. Mr. Speaker, we are here to consider H.R. 4095, a bill to extend unemployment compensation an extra 13 weeks for the long-term unemployed of this Nation. I wholeheartedly support this measure that financially assists the unemployed and their families as they continue their long search for some type of new employment. However, the most interesting aspect of this proposal, unlike the previous ones, is it appears as if we have the President's support without having to indulge in any partisan haggling. Well, the most I can say is that it is about time the President realized the economic woes that are crippling the hard working men and women of our country and I am happy that he finally does understand the importance of extended unemployment benefits. On the other hand, my constituents and I are interested in knowing why the

administration was so adamantly opposed to the previous attempts to extend benefits and what made him see the light.

In the months before the State of the Union Address, we were all told to wait for the unveiling of the President's domestic plan that would pull America out of its economic doldrums. I must confess, I was hoping to witness the uncloaking of a great vision into the future.

Then, along with millions of other Americans, I was disappointed when I heard the rehashing of the same conservative domestic policy proposals, mainly the capital gains tax cut, that helps the wealthy, overburdens the middle class, increases the deficit and further reduces this Nation's industrial capacity. Although I agree with our President in extending unemployment benefits, I believe his economic proposals for short- and long-term growth are unfair and unrealistic. It is obvious to me that this country needs the development of a more comprehensive approach aimed at strengthening our economic capacities, and above all protecting domestic industries and creating jobs.

In the days following the President's address to Congress, my constituents took the time to let me know what they thought of the various tax credits, tax breaks, and regulatory freezes. Their sentiment can be described in one word: Disappointed. Mr. Speaker, I think I can say that the 8.9 million unemployed men and women in the United States are not looking for capital gains tax cuts, tax credits, withholding gimmicks, or any other pathetic attempt to appease them. They are searching for one thing: Jobs.

The working men and women of this country are not as naive as the administration might think, or hope. The American public is well aware that if the components of the Bush plan are enacted, they will be taken to the bank again to support the wealthy who get the disproportionately favorable breaks of supply-side economics. This is a question of fairness and the middle class has been paying for lunch and dinner for far too long and it must stop.

Mr. Speaker, President Bush's cutting of the capital gains tax, enables those earning over $200,000 per year to receive an $18,000 tax break. That is like giving them a nice, mid-size luxury car when they receive a tax refund. Accordingly, 80 percent of the capital gains tax cut helps those making over $100,000. What is the price tag of this gift: $12 billion.

Back home in McKeesport, many people have asked me, "Joe, what is in this budget for me?" Well, I tell them, the Bush proposal will give you an extra $75 a year for each one of your dependent children. But, if you make $150,000, you can get $150. It is very hard for me to tell my older constituents and veterans that they will be losing billions in Medicare and veterans benefits over the next 5 years. In essence, the elderly will be paying for a portion of the President's tax breaks for the wealthiest of all Americans. In light of this, how can we not raise the question of fairness?

In my eyes, it is shameful to believe that these perks for the rich will trickle down to the regular, indebted, unemployed workers of our Nation. Is it not obvious that the President wants the American, working class taxpayer to fork out $12 billion to fund the capital gains tax cut when it is not even assured that it will increase investment and create jobs. So much for the vaunted conservative ideal of protecting the American taxpayer. This proposal will increase the deficit by up to $120 billion over the next 10 years and put in jeopardy any type of future growth in jobs and economies. Our children will pay dearly for this travesty.

The early 1980's predictions of noted economists, government officials and even Members of Congress regarding supply-side economics were correct and the American people know it. Anybody here with an understanding of macroeconomics knows that the concerns were with a slowed economic growth because of falling revenues and rising deficits. Supply-side economics has been the trend for the past 12 years and during this time our Nation has increased its national debt by over $3 trillion. Since 1988, the United States has incurred over $1.7 trillion escalation in national debt to coincide with the very nominal growth in gross domestic product in 1987 dollars. This stalls economic growth. It is obvious that supply-side economics is misguided, its smoke and mirrors have helped the wealthy, forgotten the middle-class and poor, and placed our country into the position of being the No. 1 debtor nation in the world.

Over the years, the McKeesport area of Pennsylvania—my district—has grudgingly suffered through unfair economic policies that have lowered income, eliminated jobs, and destroyed industries. Even now, the North American Free Trade Agreement [NAFTA], and the General Agreement on Tariffs and Trade [GATT] negotiations threaten to take even more jobs from the Monongahela Valley region. Mr. Speaker, I must ask, where does it end?

This country needs to take strides in investing in its own infrastructure, education, and economy; not give it away for the sake of free but unfair trade and then cut trade adjustment assistance for workers displaced by faulty policies. In his speech, after spending over 15 minutes on his foreign policy initiatives, the President gave a mere 10 second plug to the $151 billion Surface Transportation Act; potentially, the largest jobs producing bill in the past number of years. Where are his priorities? We must make him realize that his policies are wrong. Steps must be taken to protect Americans, create employment and to legislate fair trade practices to safeguard our industries and jobs.

This Congress must set out on a course to right the wrongs of the supply-side policies of the past 12 years. We must return to the ways of expanding the middle class and pulling people from poverty all over this great land rather than expanding the wealth of the richest of Americans and increasing foreign aid appropriations. I should not have to remind my fellow Members that this country was built on interdependence and support, not ignorance and neglect.

In closing, I want to again express my support for extending unemployment benefits to those who have been pushed to the streets of America because of flawed economic policies. But in doing this I must warn those who adhere to destructive supply-side measures, that if our outlook and economic policies do not change, we will be bankrupt and voting for unemployment extension every 4 months. We must make America economically strong again to pave the way into the 22d century.

Mr. OLVER. Mr. Speaker, I rise today in strong support of H.R. 4095, a bill to increase the number of weeks of emergency unemployment benefits compensation. I asked to be an original cosponsor of this legislation, as well as the previous bills which this House passed, and I applaud President Bush for his newfound concern for the unemployed workers of our country.

It's about time George Bush realized that the workers of western Massachusetts, and of this Nation, have been hurting through no fault of their own. The working people of America did not get the huge tax breaks of the 1980's which sent our budget deficit soaring and weakened our economy, and it certainly wasn't the unemployed workers in my district who sat on their hands while savings and loan executives treated deposits like monopoly money—building useless overpriced hotels everywhere.

What is more, these are not lazy, illiterate workers. The people I hear from in western Massachusetts are highly trained and educated—blue- and white-collar workers—who desperately want to work but simply have not been able to find jobs in the current recession.

I only wish that we could be sure the President is not just experiencing an election year, or a New Hampshire primary season, conversion. I suggest that those who have any doubt about his real intentions should read the fine print.

In his budget, President Bush proposes to eliminate trade adjustment assistance, which provides benefits to workers who have been laid off because of increased imports of foreign goods. Even as he negotiates the free trade agreement with Mexico, even as he professes to care for the unemployed workers, President Bush is trying to remove another support for people trying to stay afloat in our economy.

Mr. Speaker, I think we have a responsibility to help these people. And instead of trying, like George Bush, to eliminate assistance for displaced workers, I plan to find ways to make it easier for our workers to get the increased skills and education they need to find new jobs.

People in my district, like people across the country, need unemployment benefits and more jobs. I am pleased that we have been able to move swiftly on this legislation, and I look forward to passing broader legislation to provide meaningful long-term assistance for the working men and women of western Massachusetts and the entire country.

Mr. PASTOR. Mr. Speaker, once again we are faced with legislation to provide relief to hundreds of thousands of people who are jobless in our country.

At the national level, the economic recession is unsettling. The pace of recovery from our economic ills is slower than past economic cycles due to slumps in real estate, financial services, and spending in the Federal, State, and local sectors of the economy.

Unemployment in December rose to 7.1 percent, with 8.9 million individuals officially counted as unemployed and nearly 1.5 million of those workers having been out of work for

more than 26 weeks. Since people who are working part-time, and those discouraged workers who have given up looking for jobs are not counted in the Government's official unemployment statistics, the jobless situation is more dismal than reported.

Nearly all of the December increase in unemployment occurred among persons who had lost their jobs for the first time, primarily those who had no expectation of being called back to work. The long-term unemployed—those without a job for 15 weeks or more—accounted for about one out of every three unemployed persons in December, up from one in five at the onset of the recession.

For years, Arizona has been blessed with good economic times and low unemployment. However, the current jobless situation in Arizona is troubling. For the first time ever since August 1983, Arizona's unemployment rate is higher than the national average. More job seekers, particularly spouses and older children who started looking for work to boost family income during tough times, unexpectedly pushed the jobless rate to 8.6 percent in December. This means that over 133,000 Arizonans are out of work. In Yuma County, in my district, the unemployment rate is an astounding 30.9 percent. Help wanted signs are prevalent throughout the county's hotels, restaurants, and stores.

Today, we have an opportunity to help these Arizonans and their fellow Americans who are the unfortunate victims of our economic recession. We need to pass H.R. 4095, the emergency unemployment benefits extension bill, and provide an additional 13 weeks of extended benefits to the long-term unemployed. To do less would be an injustice to those who have been the backbone to our country's economic strength.

I urge all my colleagues to vote for this important bill.

Ms. SLAUGHTER. Mr. Speaker, last November, Congress reached out to millions of workers who, through no fault of their own, had exhausted their regular unemployment insurance benefits.

We had tried twice before to extend unemployment benefits, only to have our efforts stopped by the President. At long last a compromise was reached near the end of last session, and we provided a 13- or 20-week period of additional benefits to all States, depending on each State's level of unemployment.

Since our actions in November, the unemployment situation has, unfortunately, become more severe. We are now in the 18th month of the current recession. That is 2 months longer than any recession has lasted since the Great Depression. The latest figures show that the unemployment rates for both my home State of New York and the Nation have increased to the highest levels of this recession.

There are an estimated 658,000 New Yorkers out of work. This number represents a statewide unemployment rate of 7.8 percent, up from 5.4 percent this time last year. In my district, the Rochester metropolitan area, unemployment jumped a half a percentage point during the month of December. Within the Rochester city limits, the unemployment rate currently stands at 7.2 percent, while in another part of my district, Genesee County, unemployment has soared to 10.5 percent.

These figures are alarming, and the impact they have on real families is much worse than the story the statistics tell. Many of today's unemployed workers have been without a job for much of the recession. Those who became eligible for a 13-week extension of benefits in November will run out of benefits before the end of February. Accordingly, it is time for us to reach out again.

H.R. 4095 will supply this needed help by providing an additional 13 weeks of benefits to workers in all States. When these 13 weeks are added to the extended benefits currently provided, a total of 33 weeks of extra insurance coverage will be available to workers in those States of highest unemployment. Eligible unemployed New Yorkers will have 26 weeks of extended benefits available to them. The bill also gives workers an extra 3 weeks to apply for the extended benefits created under the November Emergency Unemployment Compensation Act.

Mr. Speaker, a second extension of unemployment insurance benefits represents a recognition by Congress of how difficult this recession has been on those who have been affected. I urge swift passage and implementation of the assistance provided for in H.R. 4095 so that hope may be returned to the millions of families who continue to need our help.

Mr. ENGEL. Mr. Speaker, I rise today in support of H.R. 4095, a bill to provide additional unemployment benefits to people who have lost their jobs as a result of the ongoing recession.

H.R. 4095 would provide jobless workers in all States with an additional 13 weeks of extended unemployment benefits on top of the new benefits that were approved in November. This legislation will help people get through the tough times that we are currently experiencing.

The President has recently discovered that this country is experiencing a severe recession which shows no signs of ending. Last year, it took the President 4 months to agree to an extension of unemployment benefits. I am glad that the President is not opposing this bill which will ensure that people who have lost their jobs through no fault of their own will be able to continue to pay their mortgages, put their children through school, and put food on their tables.

I want to remind people that unemployment insurance is not welfare or a Government hand out. People pay into the unemployment insurance fund so that they can have a safety net should they lose their jobs.

Mr. Speaker, unemployment insurance is only a stopgap measure designed to get people through a temporary period when they do not have a job. We must pass an economic package which will help end the recession. In the meantime, we must pass this bill so that people adversely affected by the recession can continue to pay their bills.

Ms. SNOWE. Mr. Speaker, I rise to express my support for H.R. 4095, legislation before us today to provide an additional 13 weeks of benefits to the unemployed.

In Maine the unemployment rate for December was 7.2 percent. Over 31,000 jobs have been lost in the last 2 years. The extension today will provide additional assistance to those individuals who are in need of our help.

Mainers who are on unemployment are not there because they want to be. They would prefer to get up each morning and go to work—not to the unemployment office. We need to help these people, and I am pleased the administration and Congress were able to reach agreement on this legislation. But we need to do more and we need to do it now.

Americans and Mainers want jobs and we need to pass an economic stimulus package to provide those jobs. We must put aside our partisan differences for the sake of all Americans and push a good package through this body that will stimulate the economy and provide jobs before the benefits provided in this package run out. That is what the unemployed really need and deserve.

Mr. WEISS. Mr. Speaker, I am in strong support of H.R. 4095, the emergency extension of unemployment benefits.

On November 14, 1991, the Congress passed, and the President eventually signed, legislation to extend unemployment assistance for American workers whose benefits have expired. We enacted this package of benefits only after a 3-month delay by the President and many of our colleagues across the aisle who did not believe it was necessary.

Now, 3 months later, we are into the 18th month of this recession, the longest suffered by this country since the Great Depression. The recovery that the President kept promising never materialized, and we watch as the number of people losing their jobs continues to climb. The Nation's official unemployment rate now stands at 7.1 percent. The ailing American economy and the pain felt by so many Americans has grown so severe that finally, even the President has acknowledged it.

We welcome the President's support for this legislation, but we need more. It is not enough to provide temporary assistance; we must take actions that will reinvigorate the economy and make further benefit extensions unnecessary. Unfortunately, the President's plan will not do so. His proposals will do little, if anything, to turn the economy around. We need action now that will put people back to work, rebuild America, and pump money into the economy.

With nearly 9 million Americans unable to find work, we must pass this unemployment extension bill; but we must also take immediate actions so that these people find productive, well paying jobs.

People are hurting, and this bill is not more than temporary, but necessary, relief. I urge my colleagues to support this legislation.

Mr. BRUCE. Mr. Speaker, I rise today to express my strong support for H.R. 4095, the emergency extension of unemployment benefits. The committee, this Congress, and the administration should be applauded for its swift, decisive action, in bringing this measure to the floor.

Our Nation continues to be gripped by a recession that has caused 8.9 million Americans to join the ranks of the unemployed. In my home State of Illinois, we have seen the unemployment rate jump dramatically to 9.3 percent. More importantly, we have seen educational opportunities missed, health care needs unattended, and homes lost.

There are some who will try to tell us that the American worker is lazy, that they have no motivation to work. We know this is simply not

the case. Workers in my State and across this Nation want to work. They want to contribute to the productivity of America and they want to provide for their families. But this economy does not have a job for them.

I strongly support this legislation, but we have a responsibility to do more. We must undertake trade policies that fairly protect American jobs and we must adopt an economic plan that will put Americans back to work. The President has offered a number of proposals to this Congress, but I find little in his plan that will provide real economic stimulus.

This recession is the longest the United States has endured since the Great Depression. It has created hardship for millions of families and has fostered uncertainty in the economic future of our Nation.

It is apparent that the American people need these benefits. But more importantly they need a commitment from this Congress to do whatever is necessary to lead the Nation to a healthy economy. Today, Mr. Speaker, I am urging my colleagues to join with me in supporting H.R. 4095. But after this vote and in the coming weeks and months, This Congress must take further action to provide jobs for American workers and economic security for their families.

Mr. STOKES. Mr. Speaker, I rise today in strong support of H.R. 4095, the emergency extension of unemployment benefits bill. This bill is must-pass legislation as our Nation's economy continues its 18-month slide deeper and deeper into recession. I commend the gentlemen who have brought this bill to the floor, Chairman ROSTENKOWSKI and Congressman DOWNEY, for their dedication to providing assistance for the millions of Americans who are out of work because of Reagan-Bush economic policies.

This recession, brought about by 12 years of hollow promises of trickle-down economic benefits for middle and lower-income people, has left the United States economy crippled. We have experienced over a decade of bloated military spending, far in excess of the spending necessary to meet any threat to the United States; 12 years of huge tax breaks for the rich, at the expense of middle- and lower-class taxpayers; and 12 years of corporate greed and sleaze, most accurately reflected in the outright thievery of savings and loans owners and directors. The increase in the Federal debt, and the annual budget deficit over those 12 years is almost beyond comprehension. Together, Presidents Reagan and Bush are responsible for adding over $3 trillion to our national debt of $4 trillion.

Tragically, the African-American community frequently bears the brunt of this type of foolish and unsound national policy. For example, the 1990 unemployment rate for blacks in Cleveland was 20.7 percent while the corresponding rate for whites was 9 percent. Unemployment for both groups increased throughout 1991 to the point that Cleveland was cited as having one of the worst unemployment problems of major American cities.

The current recession, now in its 18th month, is the longest recession since the Great Depression. Unemployment rose to 7.1 percent in December, and over 8.9 million Americans are out of work. Of those 8.9 million Americans who are jobless, nearly 1.5 million of them have been without work for more than 26 weeks. Major corporations, such as General Motors and IBM, announce new rounds of layoffs nearly every week. These layoffs are not temporary, but are part of permanent restructuring, and these jobs are likely gone forever. This is the legacy of the Reagan-Bush years.

Last November, this House passed, for the third time, legislation to provide extended unemployment benefits to American workers who had exhausted their 26 weeks of benefits under the regular unemployment compensation system. The President, to his lasting credit, finally realized that the economy of the United States was in recession, and dropped his opposition to extending unemployment benefits.

Unfortunately, those workers who qualified for 13 weeks of additional benefits under the bill enacted in November will run out of benefits in 2 weeks. It is imperative that we pass legislation immediately to provide these workers with an additional benefits extension. With the economy showing no signs of recovery, we cannot leave our unemployed workers to the vagaries of a shrinking economy, with no prospects for immediate growth, and little hope of finding work anytime soon.

Mr. Speaker, we must stand up for the American people, and provide them with extended benefits until the Congress can pass economic growth measures designed to create jobs, and put money back into the hands of those who will spend it and stimulate the economy. What we do not need now is a President who proposes another series of tax cuts for the wealthy, and provides scant help to the great mass of Americans in the middle- and lower-class.

I urge all my colleagues to vote for passage of H.R. 4095, and demonstrate to America's workers that we are serious about helping them fight off the recession. It will take time to put fair, reasonable, and effective economic growth policies into place. The Democratic party is committed to enacting these measures into law as soon as possible. However, we must continue to provide extended benefits to Americans out of works, until good jobs can be created for them to go back to work.

Mr. BORSKI. Mr. Speaker, I rise in support of H.R. 4095, to extend unemployment compensation to the long-term unemployed.

H.R. 4095 is the first recession-relief measure of 1992 and it is the most positive step we can take early in this new year to show struggling Americans we will not turn our backs on them.

It is time to forget those rosy reports from the White House we have heard for a year and look at the muddy reality of today.

The current recession shows no sign of lessening. Unemployment in December stood at 7.1 percent. There are nearly 9 million Americans out of jobs, and the most shocking statistic of all, 1.5 million of those out of work have been that way for over 26 weeks.

My own city of Philadelphia understands these numbers all too well. As of November 1991, Philadelphia's unemployment rate stood at 7.6 percent.

These staggering numbers represent the kind of Americans who deserve our help. They are not lazy people or welfare cheats. They are Americans with the kind of work ethic this country was built on. Financial help is what they need and what Congress must give them.

This measure will provide an additional 13 weeks of extended relief to the unemployed. That is 13 more weeks of help to people who remain financially and emotionally crippled by this recession. It is 13 more weeks in which we hope to see signs that the recession is easing. It is also 13 weeks in which we can prove to Americans that Congress, unlike the President, has not turned away from the people we represent.

The President has not lived up to his promises and now Congress must take the bull by the horns.

We were promised a State of the Union Address with major policy announcements that will set the tone for change in America. We were promised an economic plan that would loosen the recessionary belt that is being pulled much too tightly around Americans.

We were promised a lot.

Very little was delivered.

In fact, the President failed to deliver the most important message America's unemployed people wanted to hear: Jobs—where are they and when can people go back to work?

Instead of the word "jobs" we heard about tax breaks to improve the lifestyle of the rich and famous.

Mr. Speaker, the President has fought us too long and too hard on the issue of relief for those without a place to work and we are right back where we were months ago. We are voting on a Band-Aid instead of cure for what is ailing America.

It is time Congress does what the President has failed to do.

We must pass H.R. 4095. It's title, the emergency extension of unemployment benefits clearly describes why it must be passed.

We are in a state of emergency regarding the Nation's unemployment rate and Congress must be the rescue crew that is ready to revive those who are in need of our immediate attention.

Mr. GALLO. Mr. Speaker, I wholeheartedly endorse this 13-week extension of unemployment compensation benefits in order to protect our unemployed American workers for as long as this recession persists.

Passage of this bill today demonstrates that this Congress is capable of putting aside its partisan differences to meet the needs of the American people.

This is a good start for 1992, but we have a long and difficult road ahead of us.

Now, of equal importance, we must continue to act as a Congress, in a bipartisan fashion, and enact an economic program by March 20 that addresses both the need for a short-term jump start and for a long-term investment incentive policy.

The Japanese and their comments about American workers notwithstanding, I know that the millions of unemployed American workers collecting unemployment would rather be working, productive members of the work force, than recipients of these benefits.

Our immediate concern must be with these unemployed workers, but our top priority must be to put these Americans back to work.

And the best way to move this economy forward and create jobs is by adopting the Presi-

dent's economic package with all deliberate speed. It is not acceptable to do nothing and try to blame someone else for the inaction.

Mr. Speaker, let's pass the unemployment extension today and get to work immediately on an economic package for our Nation. We owe it to the American people to act now.

Mrs. ROUKEMA. Mr. Speaker, I am pleased to rise today in support of H.R. 4095, a bill to extend for up to 13 additional weeks, benefits to unemployed American workers. In my State of New Jersey, where the unemployment rate exceeds the national rate, families are suffering—this relief is urgent.

During the 1980's, New Jersey generally experienced lower rates of unemployment than the Nation as a whole. It is my State's misfortune to find that in this recession, however, the reverse is true. New Jersey's seasonally adjusted unemployment rate for the month of December 1991, was 7.4 percent, up from 7.1 percent in November. The national rate during December was three-tenths of a percentage point lower, or 7.1 percent.

Mr. Speaker, there are approximately 100,000 unemployed individuals in New Jersey who currently collect unemployment benefits. The bill before us will provide up to an additional 13 weeks of benefits to many of those individuals. Also, since this measure opens an additional 3-week window of opportunity in which newly unemployed individuals can apply for benefits, from June 13 to July 4, approximately 9,000 additional unemployed New Jersey workers are expected to qualify for up to 20 weeks of benefits. Thus, Mr. Speaker, this measure is desperately needed to provide an economic cushion to those in New Jersey and across the Nation who are being hit hardest by this recession.

Mr. Speaker, I trust that we will approve and send this essential legislation to the President—who has committed his support for these extended benefits—at the earliest opportunity. We must assure those individuals and families who are suffering most during this recession that their Government will do all that it can to help them through this very difficult period.

Mr. KENNEDY. Mr. Speaker, I rise in strong support of this important legislation. No bill that we take up this session will be more urgent. Our country has been gripped by a terrible recession for over 18 months now—the longest by 2 months since the Great Depression. Close to 15 million Americans are currently unemployed or underemployed. Men and women are struggling against terrible odds to feed and clothe themselves and their children. If this bill can help them put food on the table until they get back on their feet, we will have performed a vital service.

The President's new-found spirit of cooperation is a welcome change from last fall, when he rejected two congressional efforts to help the unemployed before finally signing a bill. I only hope that the President will be just as willing to work with Congress to do what it takes to put people into jobs, not just help those without them. Americans want paychecks, not unemployment checks. The President must realize that tax cuts for the wealthy and accounting gimmicks will not move the country forward. We need investment—in our people, in our businesses, and in our infrastructure—to put people back to work and regain our competitive edge.

I regret that this bill did not address a serious problem affecting the unemployed in the State of Massachusetts. There, upwards of 1,000 unemployed have been declared ineligible for extended Federal benefits because, contrary to State law, they worked for at least 3 weeks and earned at least $1,200 during the prior year. I am told that one former AT&T worker lost out on $6,000 worth of Federal unemployment insurance benefits just because he earned $1,265 for a couple weeks work as a bartender. That's a painfully unfair outcome, and one that we must try to avoid. I look forward to working with my colleagues from Massachusetts to do what we can to rectify this problem at the earliest possible time.

Mr. EWING. Mr. Speaker, I rise in support of H.R. 4095, which will again extend the Emergency Unemployment Compensation Program. Because this recession continues to drag on I feel it is absolutely necessary that we pass this legislation. It will bring needed help to those who have been struggling for some time now to make it through these difficult times.

My home State of Illinois has been hit very hard in just the last few months. Unemployment in October was 7.7 percent, and now stands at 9.2 percent. This is a dramatic increase in a short period of time and the Illinois economy has gone from bad to worse. There are more and more Illinoisans chasing fewer and fewer jobs. I think most of my colleagues will remember the recent national news coverage of several thousand people standing in line during a fierce snow storm just to apply for a job at a new hotel in Chicago. Many of these people have been unemployed for a long period of time, and will directly benefit from passage of this legislation.

My area of the State, east-central Illinois, until recently has been considered the least affected area of the State. However, we have been very hard hit this winter and have several pockets of very high unemployment. Let me give my colleagues some figures. In Kankakee County we have 11.5 percent, in Vermilion County we have 13.4 percent, and in Edgar County we have 12.8 percent. Many of these are manufacturing jobs which will not be replaced quickly. This legislation is extremely important and absolutely necessary.

I support H.R. 4095 not only because the recession has hit Illinois hard, but because it has hit many other States hard. This legislation is necessary to help thousands of families from all walks of life to get through these tough times.

I want to thank the President and the Congressional leadership for working in a bipartisan spirit to bring this legislation before Congress today.

I hope that we will work in the same bipartisan spirit over the next 6 weeks to enact an economic growth package which will get our economy moving again and create new jobs for the unemployed. This must be done prior to the March 20 deadline set by the President. While passage of this legislation will help get unemployed Americans through these tough times, it will not create new jobs. If we do not pass the President's economic growth package, and soon, the economy will continue its dive and we will be back in July passing another unemployment benefits extension bill.

Again, I strongly support this legislation to further extend unemployment benefits. I urge my colleagues to support it as well.

Mr. SWETT. Mr. Speaker, I rise today in support of H.R. 4095, which extends unemployment insurance for the millions of Americans left jobless by this crippling and disheartening recession.

We can do nothing less in these trying economic times than offer some small solace in the form of extended unemployment insurance to the hardworking people in New Hampshire and across the country who have lost their jobs and exhausted their benefits.

I am pleased to say that I have voted to extend jobless benefits to unemployed people in New Hampshire on every occasion that the issue has come before Congress.

Mr. Speaker, having said that, I must also express my disappointment that it took the combination of an upcoming Presidential election and a sharp plunge in the President's popularity polls to get him to turn his attention away from foreign affairs and toward home where the American people are suffering.

While the President was concentrating on foreign affairs, hard working Americans were forced to suffer through a recession that left millions without jobs and without hope.

The people I represent in New Hampshire have been hit particularly hard. Sadly, the State now leads the Nation in per capita personal bankruptcy filings, while the unemployment rate has jumped to 7.8 percent.

The factory worker in Nashua, the construction worker in Concord, and the computer operator in Keene are not to blame for this recession, yet it is they who are paying the price for the failed policies and corporate greed of the 1980's. It is not right. These are the people who make America great. They helped generate all those profits in the 1980's—they paid their unemployment insurance and it is our duty to do what we can to help these workers through this difficult time.

Mr. Speaker, under the disinterested watch of the business as usual administration, the American dream has gone astray, and the promise of a better life for future generations is in danger of being broken.

It is important that we agree to extend unemployment benefits today, but what is more important is that we in Congress create a long-term comprehensive plan to revitalize the economy. Judging from the State of the Union Address, the American people have reason to doubt whether our President is up to the task.

Mr. Speaker, if we act boldly to implement an aggressive and comprehensive plan that harnesses the skills, spirit, and determination of the American people, then we can and will succeed.

Mr. Speaker, I ask my colleagues to join me in once again supporting the extension of jobless benefits.

Mr. MARKEY. Mr. Speaker, I rise in strong support of this crucial second extension of unemployment benefits during the 102d session of Congress. H.R. 4095 is not simply a welcome supplemental benefit; it is a necessary and timely one. These 13 extra weeks will mean the difference between survival and catastrophe for millions of Americans, including

hundreds of thousands of Massachusetts residents.

The legislation that we passed last November was meant to rescue those people who had exhausted their regular State benefits and still could not find work. We had hoped that the 13 or 20 weeks of Federal supplemental compensation would give Americans who were trying desperately to find work that extra time needed to support themselves again. We had hoped that it would be enough time for the unemployed to pick themselves up again and rejoin the ranks of those with secure jobs.

However, we are living in a nation—in its longest recession since the 1930's—with almost 9 million people out of work and maintaining an official unemployment rate over 7 percent, although a more accurate method of calculation would show it to be significantly higher. We did not know when we passed the last extension of benefits that the President's economic plan wasn't even going to be unveiled until January 28 of the following year, not right then in November when millions were already suffering.

In my own State of Massachusetts, over 8.4 percent of the work force are on the official unemployment roles. In the month of December alone more than 110,000 people in the Commonwealth of Massachusetts applied for unemployment benefits. This is a region which has been ravaged by this 18-month-long recession. This extension of Federal benefits is essential for the men and women of Massachusetts if they are to outlast this affliction of recession.

While the passage of this bill is essential, a technical problem in the law may mean that many of our Nation's unemployed will be prevented from receiving their complete extension. This technical problem results from the interaction of State and Federal benefit calculation rules for claimants who are in their second year of benefits. This technical problem can affect unemployed individuals across the Nation, but particularly in the 15 States of Massachusetts, Washington, Michigan, California, Maine, Pennsylvania, Alaska, Connecticut, Mississippi, New Jersey, Oregon, Puerto Rico, Rhode Island, Vermont, and West Virginia. Ironically, the problem of benefit cut-off only arises for those individuals who found some work during their first year. I will be working hard in the weeks ahead with congressional leadership and Members from those States most immediately affected.

The 13-week extension of the Federal supplemental compensation embodied in H.R. 4095 is our obligation to the millions of Americans who are still struggling to rediscover their dignity through stable employment in the United States. I ardently support this legislation and call upon my colleagues to swiftly pass H.R. 4095.

Mr. DELAY. Mr. Speaker, I rise in opposition to this bill. I fully realize my position is not popular. The easy vote is to support the deal in the back room. Once again, Congress will vote to increase taxes and spending. What's worse is that Democrat majority which controls the House of Representatives continues to prevent any votes on legislation to correct the problems in our sick economy.

For more than 1 year now, I have come to the well of this floor to urge consideration of progrowth economic legislation.

For more than 1 year, the Democrats have refused to even allow a single vote on the issue.

Before I will agree to spend another dollar of taxpayers' money on treating the symptoms of a sick economy, I demand the opportunity to vote on a cure.

I have spent countless hours speaking on the floor of this House outlining the growth package I believe this economy needs. Many other Members of this body have their own proposals.

Why have unemployed Americans been denied a vote on my Economic Growth and Jobs Creation Act?

Why have unemployed Americans been denied a vote on any economic growth package?

My unemployed constituents want a paycheck, not a Government check. They want jobs.

This bill is a poor substitute for a Band-Aid. One of the biggest problems in our economy is the fiscal irresponsibility of Congress. Our budget deficit is projected to be $399 billion this year.

Yet to fund this additional spending we use accounting gimmicks. If we wanted to be responsible today, we would cut spending elsewhere in the budget to pay for these increased benefits, but we don't.

Further, the distinguished ranking Republican member of the Ways and Means Committee, Mr. ARCHER, accurately points out that soon the Democrat majority will be calling for another payroll tax increase.

One year ago, the Extended Unemployment Compensation Account had a balance of more than $7 billion. This legislation will leave it with about $1 billion. Several members sought a tax increase when they thought that $7 billion was too low. You can be certain they will return shortly. Those who make the easy vote today for increased benefits will be called upon shortly to raise the FUTA payroll tax.

The legislation before us today does absolutely nothing to create jobs for these people. The Democrat majority won't even guarantee a vote on a growth package in the future. Our economy has been in trouble for a long time and it is irresponsible for the Democrat majority of this House to ignore efforts to correct the problems.

I urge my colleagues to oppose extending benefits until the Democrat leadership guarantees consideration of economic growth legislation on the floor of this House.

Mr. COX of Illinois. Mr. Speaker, I rise today in support of extending unemployment benefits to those Americans who most need them—Americans who have been out of work for more than 26 weeks. It is crucial that we act now so these men, women, and their families can receive these extra benefits they desperately need.

As we all know, the current economic recession has made unemployment a pressing problem in this Nation and we, as the Congress, must do what we can to help those Americans who are out of a job. Significant numbers of Americans are currently out of work and I do not see any immediate signs of an end to the present economic situation. In Illinois, for example, Department of Labor statistics show a substantial increase from November to December 1991, in the number of persons who were unemployed due to the loss of a job. In Rockford, IL, the economic heart of my district, unemployment stands at 10.4 percent. The overall average in Illinois is 9.2 percent. In addition, these numbers also show a decrease in unemployed persons reentering the work force. Once becoming unemployed, Americans are finding it more difficult to get a job before their unemployment benefits expire. In addition Americans are also facing rising costs for necessities. They must pay health care and utilities, as well as buying food and clothes. These benefits are essential for these workers to meet the daily needs of their families.

In realizing that getting a job is becoming more difficult, we must also realize that this Congress must take some responsibility in helping the unemployed until jobs become available. We cannot send mixed messages to the jobless. This legislation is not a long-term solution, but it is the responsible approach to avoiding short-term economic despair for thousands of Americans. These extended benefits will aid unemployed workers as they move toward obtaining full and productive employment.

In November, this Congress extended regular unemployment benefits for an extra 13 to 20 weeks. Many workers who qualified for this original extension are still unemployed. If we do not act soon, their benefits will run out in the middle of this month. By extending jobless aid through July 4, 1992, we are giving these unemployed Americans a chance to qualify for assistance and an incentive to continue their contribution to our economy.

As we speak of helping the unemployed, we must also speak of fiscal responsibility. When I look at any piece of legislation, I am first faced with the question: How do we pay for this? I am happy to see that this legislation is budget neutral thanks to responsible leadership on both sides of the aisle.

With this in mind, I strongly urge my colleagues to support this important legislation. We must make these additional extensions available to those unemployed Americans who desperately need them.

Mr. BLACKWELL. Mr. Speaker, I am pleased to rise in this noble Chamber to offer my support for H.R. 4095, the emergency extension of unemployment benefits.

I am especially troubled over the rapid growth rate of unemployment in the Second Congressional District of Pennsylvania which I represent. The district now suffers with an all-time high unemployment rate of approximately 8 percent, and this percentage is subject to change overnight without warning and without any given set of criteria for determining who will be targeted. There is no consideration for a person's economic status or family size, thus, these circumstances trouble me and cause me to suffer a great deal of uneasiness.

There is no question, we are indeed in a recession, and we as lawmakers must take responsible steps to work our way back to a stable economy through legislative means or, for that matter, through whatever lawful means necessary. We as lawmakers have been elected to public office by those who have faith and confidence in our leadership ability—and we must deliver.

No doubt, an expression of support of H.R. 4095 is clearly a move in the right direction,

although it does not solve the problem. Mr. Speaker, my colleagues and I certainly do have a tough job ahead of us in bringing the economy of this country back to stability. I will certainly do my part.

Mr. GEREN of Texas. Mr. Speaker, I rise today in support of H.R. 4095, the emergency extension of unemployment benefits. Like many of us here today, I have spent a great deal of time in my hometown lately, outside of the Washington Beltway, in real America, where the pain of our changing economic and political landscape is felt daily and most deeply.

In the case of my own hometown, the end of the cold war has been economically devastating. As I stand here, there are nearly 43,000 men and women who have lost their jobs through no fault of their own. Most are former defense workers who must dig themselves out of the rubble left by political events on the other side of the world. Others are victims of our struggling economy. All of them are shell shocked by the lack of economic opportunity available to them.

There is very little suspense today behind this debate on H.R. 4095. The American people know we will extend unemployment benefits for an additional 13 weeks and unemployed workers in this country will be able to make it another day. But what about all of the days to follow?

Mr. Speaker, when we finally approve H.R. 4095 today, our work will be far from finished.

Just how much longer will Congress and the administration extend emergency unemployment benefits while ignoring the need for new economic opportunities to help unemployed Americans rebuild their future? Just how much longer will Congress and the administration turn a blind eye to the economic reforms that this country so desperately needs?

Mr. Speaker, we need to renew our commitment to America's future. We need economic incentives to encourage American business to create new jobs that will take advantage of this country's highly skilled work force. We need incentives to encourage businesses to invest in areas that are hurting, and we need incentives to encourage our highly skilled workers to remain in these areas.

But incentives for American business are only part of the formula for American economic renewal. We must also look beyond our own borders and reform the way we do business with our trading competitors. That means telling the Japanese and our other economic competitors the facts—either they open up their markets to us or we will deny them access to ours. And words are not enough. We must follow up tough talk with tough action, with trading policies that will level the playing field for American workers.

And once the doors of fair trade are open, we need worker retraining programs that will prepare our workers for the fierce international competition they will face. We have the most capable and hard-working men and women in the world right here in America. Their toughest competitor should not be the out-of-date retraining policies within their own country.

Mr. Speaker, the clock is ticking for the 43,000 unemployed workers in my hometown. An additional 13 weeks of unemployment benefits should only be the beginning of our efforts to get them back on their feet. These benefits will keep food on their tables and the wolf from the door, but they won't help to create one new job.

They won't get north Texas back to work, and they won't get America back to work. For that, we have much work left to do.

Mr. LEVINE of California. Mr. Chairman, I rise today in strong support of extending unemployment benefits to the millions of laid-off workers who are the real victims of the current recession.

In my own State of California, we lost 660,000 jobs since the recession began in 1990. Many or our key industries such as high technology, agriculture, and aerospace have been particularly hard hit by the recession.

And, because of the stagnant national economy, those who have lost their jobs in these and other sectors have found it extremely difficult to find work.

Passage of this legislation will temporarily ease the pain of the unemployed. Hopefully, it will allow them to keep their homes, put food on their table, and pay some of their bills.

I am also pleased that the President, rather than fighting against this extension, and turning his back on the recession's victims as he did last year, has said that he will sign this bill.

But passage of this benefits bill is no solution to the problem. While it will ease some pain, it will do nothing to get Americans back to work and deal with our economy's underlying ills.

Congress and the President must get serious about enacting a legislative program to prepare our economy for the challenges of the 1990's and the 21st century.

While the President did offer some useful ideas in his State of the Union speech which Congress should enact quickly, he failed to offer any sort of plan to prepare our workforce or our business sector for the challenges of the post cold war world.

Since he seems to be without any useful ideas, I thought I would take a moment to offer a few of my own. First, and most important, we need to get serious about retraining our displaced workers. Many, and probably most, of the jobs lost in the current recession will be lost forever. They are victims of the restructuring we can expect to see more, not less, of in the future.

In order to cope with these changes in our economy, workers will need to become life long learners. Just as we invest in our children's education, we must be willing to invest in training and retraining our workers. If the United States is to compete in the high technology, knowledge-intensive economy of the future, we must ensure that we have the best trained, best educated workers anywhere in the world.

Similarly, we need a Federal Government committed to encouraging job creation and improving our international competitiveness. Once again, in this key area the President was silent in his State of the Union Message.

We cannot continue to do business as usual in the post cold-war world. We need to reorder our priorities and restructure our Government to prevail in the global economic competition of the 21st century just as we prevailed in the cold war.

I have proposed a number of ways to help accomplish this goal. Among them are:

Reprioritizing Federal R&D spending: We currently devote 70 percent of Federal R&D spending to the military. At the very least that percentage should be equalized, and ultimately, reversed.

Reorganize, the Federal bureaucracy: The Commerce Department should be reorganized into a department of industry and trade, with an advanced civilian technologies agency, a civilian counterpart of DARPA as a key part.

Technology Corporation of America: Just as the Radio Corporation of American [RCA] played a key role in making the United States the preeminent force in developing radio technology we need a TCA to provide desperately needed capital and assistance in the development of new products and technologies.

Invest in America: We need to orient our Federal spending priorities to invest in our country's future rather than squandering Federal dollars as we did in the 1980's. This means increased spending on education, physical infrastructure, and the infrastructure needed to compete in the high technology world of the future.

These are a few of the ideas I wish the President had mentioned in his State of the Union and that I hope that Congress will take action on this year.

As important as the extension of unemployment benefits is, it is only a stop-gap solution to the problems plaguing our economy.

I have no doubt that the United States has the ability to remain the dominant force in the world economy in the 21st century. But in order to do so we need to prepare now. We cannot afford to drift along without a leader or a plan.

Mr. MARKEY. Mr. Speaker, many of the Nation's millions of unemployed workers have been saved from the precipice of financial disaster by the two recently passed extensions of the emergency unemployment benefits. However, we are now learning that due to an unforeseen technical inconsistency in the law, tens of thousands of unemployed workers will not receive the full extension of benefits that is due to them.

I am pleased to introduce legislation, along with Representative MOAKLEY and others, to correct that inconsistency and assure that the unemployed receive the full benefits that are due them. The Unemployment Benefits Assurance Act of 1992 is also being introduced in the Senate by Senator EDWARD KENNEDY. Its timely passage is necessary to keep the unemployed from unfairly losing their benefits.

H.R. 4095, as was H.R. 3575 before it, was a necessary and timely bill. The 13 extra weeks will mean the difference between survival and catastrophe for millions of Americans, including many thousands of Massachusetts residents. While our passage of this bill was essential, a technical problem in the law will mean that many of our Nations' unemployed will be prevented from receiving their complete extension. This technical problem results from the interaction of State and local benefit calculations rules for claimants who are in their second year of benefits. This technical problem can affect unemployed individuals across the Nation, but particularly in the following 15 States: Massachusetts, Washington, Michigan, California, Maine, Pennsylvania, Alaska, Connecticut, Mississippi, New Jersey,

Oregon, Puerto Rico, Rhode Island, Vermont and West Virginia.

Ironically, those who will be prevented from receiving their complete extension are the very individuals who somehow found work part-time, or work for some temporary period, during the last difficult year of recession. It is these people who will be locked out of their full Federal supplemental compensation benefit solely because they were fortunate enough to find some work during their first year of benefits.

States calculate benefits in benefit years, or 52 week periods in which an individual is entitled to receive unemployment compensation. If a person's benefit year expires while they are receiving Federal supplemental compensation, their claim must be interrupted while they file a new claim for regular State benefits.

When the new claim is filed, the States take into consideration any wage earnings from part-time or temporary employment during the previous year. If such earnings are too high—$1,300 in California and $1,200 in Massachusetts for example—the individual will not be allowed to resume collecting Federal supplemental compensation benefits.

Instead, these workers will qualify for a new State benefit year. Their new weekly benefit will be calculated using the lower wages, in some cases drastically lower wages, from the part-time or temporary employment. Consequently, the benefit that they receive will be far lower than the Federal supplemental compensation.

These unemployed, penalized for working in some capacity, will not receive the assistance of the emergency benefits which we secured for Americans just like them. These people would have been better off not having worked at all. That is not the message the Congress intended to send to the unemployed with the passage of The Emergency Unemployment Compensation Act and its extension.

Today's legislation is an essential step that is needed to rectify this situation. This legislation would require the unemployed to file their new State claim, but allow them to elect to receive their Federal supplemental compensation. Once a claimant's Federal benefits were exhausted, they could begin their second State claim. This would ensure that their original goal of providing emergency aid to the unemployed is not diverted. I urge my colleagues to join me in cosponsoring this bill and working for its speedy passage.

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

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

The SPEAKER pro tempore (Mr. McCLOSKEY). The question is on the motion offered by the gentleman from Illinois [Mr. ROSTENKOWSKI] that the House suspend the rules and pass the bill, H.R. 4095, as amended.

The question was taken.

Mr. DOWNEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

PERSONAL EXPLANATION

Mr. DYMALLY. Mr. Speaker, due to a medical appointment in Los Angeles, I was unable to vote on H.R. 4095, the Emergency Unemployment Compensation Act and House Resolution 341, the October Surprise task force resolution.

Had I been present, I would have voted "yea" on both bills.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4046

Mr. TALLON. Mr. Speaker, I ask unanimous consent to have the name of the gentleman from Florida [Mr. LEWIS] removed from cosponsorship of H.R. 4046.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

REAUTHORIZING TITLE I OF THE MARINE PROTECTION, RESEARCH, AND SANCTUARIES ACT OF 1972

Mr. HERTEL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3749) to reauthorize title I of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended.

The Clerk read as follows:

H.R. 3749

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

SECTION 1. AUTHORIZATION OF APPROPRIATIONS.

Section 111 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1420) is amended by striking "for each of" and all that follows through the end of the section and inserting the following: "for fiscal year 1991 and not to exceed $14,000,000 for each of the fiscal years 1992, 1993, 1994, and 1995, to remain available until expended.".

SEC. 2. SEIZURE AND FORFEITURE.

Section 105 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1415) is amended by adding at the end the following:

"(i) SEIZURE AND FORFEITURE.—

"(1) IN GENERAL.—Any vessel used to commit an act for which a penalty is imposed under section 105(b) shall be subject to seizure and forfeiture to the United States under procedures established for seizure and forfeiture of conveyances under sections 413 and 511 of the Controlled Substances Act (21 U.S.C. 853, 881).

"(2) LIMITATION ON APPLICATION.—This subsection does not apply to an act committed substantially in accordance with a compliance agreement or enforcement agreement entered into by the Administrator under section 104B(c).".

SEC. 3. NATIONAL FISH AND WILDLIFE FOUNDATION.

Notwithstanding any law, interest earned by the National Fish and Wildlife Foundation and its subgrantees on Federal funds drawn down but not immediately disbursed shall be used to fund direct projects and programs as approved by the Foundation's Board of Directors.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan [Mr. HERTEL] will be recognized for 20 minutes, and the gentleman from New Jersey [Mr. SAXTON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Michigan [Mr. HERTEL].

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

Mr. Speaker, today the House of Representatives is considering H.R. 3749, the reauthorization of title I of the Marine Protection, Research, and Sanctuaries Act of 1972, commonly referred to as the Ocean Dumping Act. This legislation would extend existing provisions of the Ocean Dumping Act and provide a slight increase in the current authorization total from $12 to $14 million for each fiscal year from 1992 through 1995.

The Ocean Dumping Act of 1988 regulates the transportation and dumping of a variety of waste and hazardous materials into ocean waters. Under the direction of the Army Corps of Engineers and the environmental Protection Agency, restrictions are in force to limit the type, the extent, and the location of sludge and waste materials dumped into ocean waters. Permits are issued under strict guidelines to ensure that human and environmental health are not compromised. In fact, EPA has not issued new permits since 1988, and outright dumping of radiological, chemical, biological warfare agents, radioactive waste, and medical waste is prohibited under the Ocean Dumping Act.

A civil and criminal penalty structure is established under the Ocean Dumping Act to punish violators. H.R. 3749 amends section 105 of the act adding a new subsection (i) to authorize the seizure and forfeiture of any vessels used in knowing violation of the restrictions on ocean dumping. Liability for seizure, forfeiture, and disposal of materials carried as cargo are to be borne by the violating vessel titleholder.

In hearings before the Merchant Marine and Fisheries Committee, the Ocean Dumping Act was evaluated and found to have had a positive impact in limiting ocean dumping and preserving the public health. H.R. 3749 was subsequently introduced to extend the act without substantial changes. The House Public Works and Transportation Committee supports H.R. 3749.

The Merchant Marine and Fisheries Committee amendment on H.R. 3749 makes a change in the manner in which interest earned on donations to the National Fish and Wildlife Foundation are directed. This portion of the bill is solely within the jurisdiction of the Merchant Marine and Fisheries Committee and is necessary to make

permanent a change afforded through the 1992 appropriations bill for the Department of the Interior last year.

Given these explanations of the bill before us, Mr. Speaker, I ask that the House adopt H.R. 3749 today and by so doing ensure that controls on ocean dumping remain in effect.

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

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

Mr. Speaker, first let me commend the gentleman from Michigan [Mr. HERTEL], the chairman of the subcommittee, for the expeditious way in which this bill was handled throughout the committee process, as well as one of its prime sponsors, the gentleman from New Jersey [Mr. HUGHES], who for many years has played a very important and leadership role in getting us to the point where we are this afternoon in consideration of this bill.

Mr. Speaker, the Ocean Dumping Act is the established permit and enforcement system for controlling the disposal of materials into the ocean. Ironically, through its review and testing process, it has also provided a mechanism to stop some of the most egregious abuses of our ocean and coastal waters, while at the same time allowing for the careful disposal of dredged materials vital for maintaining our Nation's ports.

The permitting system established by the Ocean Dumping Act has forced dumping activities to be subjected to environmental standards necessary for the protection of human health, and necessary to protect our Nation's fishery resources and the marine ecosystems on which they depend.

As a result of enforcing these environmental determinations, this body has acted to ban the ocean dumping of radioactive waste, chemical warfare agents, and more recently medical and industrial wastes.

I am pleased to remind my colleagues that the Congress will add another item to that list of banned abuses when the ocean dumping of sewage sludge will finally end this year in June.

This reauthorization of the Ocean Dumping Act will continue the resources necessary for providing the environmental evaluations and enforcement activities vital for protecting our ocean and coastal habitats from unsound practices.

I urge my colleagues to support this reauthorization.

Mr. Speaker, I would like to make a final observation.

I note that section 2 of the bill, which authorizes the seizure and forfeiture of vessels used in criminal violations of the Ocean Dumping Act, will not apply to vessels used to transport and dump sewage sludge from certain New York municipalities in 1992, as long as they are in substantial compliance with their Environmental Protection Agency enforcement or compliance agreements. I appreciate Congresswoman LOWEY's cooperation in drafting this section of the bill, which I believe will strengthen EPA's enforcement options.

I urge my colleagues to also support this measure.

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

Mr. HERTEL. Mr. Speaker, I wish to thank my good friend the gentleman from New Jersey [Mr. SAXTON] for all of his leadership in this area, as well as that of the entire New Jersey delegation.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. NOWAK].

Mr. NOWAK. Mr. Speaker, I wish to engage in a brief colloquy with the gentleman from Michigan [Mr. HERTEL].

Mr. Speaker, the bill presently under consideration, H.R. 3749, extends the authorization for the Ocean Dumping Act, which provides for the regulation by the Corps of Engineers and the Environmental Protection Agency of dumping of materials in the ocean. Since the 97th Congress, bills dealing with the Ocean Dumping Act reported by the Committee on Merchant Marine and Fisheries, have traditionally been sequentially referred to the Committee on Public Works and Transportation in light of our jurisdiction over the regulatory program of the Corps of Engineers and pollution of navigable waters.

□ 1400

H.R. 3749, through an inadvertence, was not sequentially referred. We requested a delay in its consideration so that we might determine whether we wished to make substantive amendments before seeking a sequential referral, as we did not wish to unduly delay the bill's consideration.

We have no such amendments and therefore have concurred in the consideration of the bill.

Mr. HERTEL. Mr. Speaker, I thank the gentleman for his explanation and concur with his assessment of jurisdiction and the history of sequential referrals. I appreciate his cooperation in assuring that this bill was brought to the floor at an early date and that we passed it today.

Mr. NOWAK. Mr. Speaker, if the gentleman will continue to yield, I thank the gentleman and was pleased to be of assistance in this matter.

Mr. HERTEL. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey [Mr. HUGHES], who has been a leader on this issue and many others that are before the Committee on Merchant Marine and Fisheries.

Mr. HUGHES. Mr. Speaker, I thank the distinguished gentleman from Michigan [Mr. HERTEL] for yielding time to me.

I would like to first of all commend my colleague, the gentleman from Michigan [Mr. HERTEL] for his leadership not just in ocean dumping but in a whole host of ocean policy issues.

Mr. Speaker, I rise today in support of title I of the Marine Protection, Research, and Sanctuaries Act which reauthorizes the Ocean Dumping Ban Act.

The issue of ocean dumping has been of interest to me throughout my tenure in Congress. Ocean dumping has been a primary source of pollution for the better part of a century, but with the enactment of the Ocean Dumping Ban Act, all dumping of municipal and industrial wastes in the ocean has ceased almost entirely.

Most cities and over 300 chemical dumpers that once dumped their sludge into the ocean have found environmentally sound alternatives. This has been largely due to legislation Congress overwhelmingly approved, which I authored in 1977, to end the ocean dumping of sewage sludge and industrial waste by December 31, 1981.

Unfortunately this law did not go unchallenged and during the 100th Congress, enactment of the Ocean Dumping Ban Act once again called for an end to the ocean dumping of sewage sludge and industrial waste. This law is comprehensive in scope, combining a ban on the ocean dumping of sewage sludge and industrial waste after December 31, 1991, with funding and enforcement mechanisms necessary to ensure that environmentally sound alternatives are developed.

I want to thank the gentleman from Michigan for his assistance and leadership in moving that legislation through and in particular the gentleman from New Jersey, JIM SAXTON, who picked up the reins after Ed Forsythe passed on and the gentleman from New Jersey, JIM SAXTON, has been one of the leaders in this area and ocean policy generally.

I appreciate his bipartisan assistance in making this legislation possible.

As a result, the remaining six New Jersey municipalities that once used the 106-mile dumpsite off Atlantic City ended the ocean dumping of their sewage sludge on March 17, 1991. Only the city of New York has been unable to meet the December 31, 1991 deadline. Instead, they will come into compliance by the end of June 1992.

The Ocean Dumping Ban Act also addresses the problems associated with medical and other waste. It places tough new restrictions and penalties on the dumping of medical wastes in coastal waters, and sets stringent regulations on the handling and transportation of garbage by barge.

Little is known about the long-term effects that dumping will have on marine ecology. We can't afford to ignore the potential impact of metals and organic compounds on marine life in the

deep ocean and throughout the ecosystem. Therefore, it is essential to the preservation and protection of our fragile marine resources to reauthorize the Ocean Dumping Ban Act.

Accordingly, I strongly support title I of the Marine Protection, Research, and Sanctuaries Act, and urge my colleagues' favorable consideration of this legislation.

My colleague from the Committee on Public Works and Transportation just entered into a colloquy with the gentleman from Michigan. The Committee on Public Works and Transportation has been an important player, and nobody has provided more leadership in joining with the Committee on Merchant Marine and Fisheries than the gentleman from New Jersey [Mr. ROE], our colleague, the dean of our delegation, who at great risk to his own political base supported ocean dumping as well as the gentleman from New York, HENRY NOWAK.

Mr. HERTEL. Mr. Speaker, I thank the gentleman from New Jersey [Mr. HUGHES] for his leadership in this and many environmental areas. It is also proper that we should thank the gentleman from New Jersey [Mr. ROE] for all his help and assistance in this area.

Mr. Speaker, I yield 5 minutes to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY of New York. Mr. Speaker, I rise in strong support of H.R. 3749, legislation to reauthorize title I of the Marine Protection, Research, and Sanctuaries Act—better known as the Ocean Dumping Act.

I want to express my appreciation to the chairman of the full committee, Mr. JONES, and to the chairmen of the subcommittees on Fisheries and Wildlife Conservation and the Environment, and Oceanography and Great Lakes, Mr. STUDDS and Mr. HERTEL, for their expeditious work in bringing this measure to the floor. Their prompt action in moving this legislation reflects the wide support in Congress for the Ocean Dumping Act's provisions and the well recognized success of its programs to regulate ocean discharges.

This straightforward reauthorization provides $14 million per year through 1995 to support the various permitting, enforcement, and monitoring activities of the Army Corps of Engineers, the Environmental Protection Agency [EPA], the Coast Guard, and the National Oceanic and Atmospheric Administration [NOAA]. The Ocean Dumping Act and its amendments have made a significant contribution to improving coastal water quality in this country. Congress should provide this program the necessary authority and funding to continue its important work.

The success of the Ocean Dumping Act's programs is clear to anyone who visits the beaches around the New York metropolitan area, where washups of medical waste slicks and drums of toxic material are becoming a more and more distant memory. The investment in controlling hazardous and medical waste dumping has paid off by the tens, even hundreds of millions of dollars in tourism gained each year by making the New York area's beaches free of harmful waste. Few programs authorized by Congress can match the cost-benefit ratio achieved by the Ocean Dumping Act.

After June 30 of this year, all ocean dumping of sewage sludge will have ended due to the successful implementation of the Ocean Dumping Ban Act. I am pleased to say that Westchester County met the deadline prescribed in the legislation and is now working to develop and implement a permanent alternative to ocean dumping sewage sludge. This summer, New York City is scheduled to become the last municipality to close the door on sludge dumping.

Spurred on by the Ocean Dumping Act, virtually all of the municipalities who once relied on ocean dumping are now investigating or developing innovative, beneficial uses for their sludge, including using it as fertilizer, top soil, or landfill material. By continuing to fund the ODA's programs, we can help these communities complete a successful transition away from ocean dumping sewage sludge and toward alternatives that make economic and environmental sense.

The Ocean Dumping Act also includes tough penalties to help ensure that the time and money spent on permitting and monitoring ocean dumping is not nullified by careless or criminal behavior at sea. H.R. 3749 contains a provision to strengthen the hand of enforcement agencies even more by authorizing the seizure and forfeiture of vessels used to commit criminal violations of the Ocean Dumping Act.

This provision, which I offered as an amendment in committee, provides the Justice Department the authority to seize the vessels of criminal ocean dumpers for whom fines and other penalties are not a sufficient deterrent. In the New York metropolitan area, we have seen numerous cases in which certain hauling companies have continued to dump illegally after being caught and fined. This provision hits those companies where it hurts by authorizing the seizure and forfeiture of vessels used to foul our marine environment.

This measure was inspired by a bill introduced by Congressman GEJDENSON and is narrowly drawn in order to target only criminal activity as defined by the Ocean Dumping Act. Vessels involved in accidents or equipment failures, which lead to unintentional releases, will not be subject to forfeiture. The amendment also specifically exempts communities, including New York City, that are engaged in sludge dumping pursuant to enforcement agreements, provided for by the Ocean Dumping Ban Act.

The Ocean Dumping Act has resulted in a significant reduction in harmful ocean dumping in our waters, and sludge dumping will soon cease altogether. Despite these efforts, unscrupulous marine haulers and other criminals, who are willing to risk being fined, are continuing to dump in our waterways, mocking Federal law and endangering the marine environment. There have even been reports about the dumping of radioactive material off the coast of Massachusetts. Under current law, the Federal Government would not be able to seize the vessels of those responsible for these heinous crimes.

This legislation will add some needed muscle to ODA enforcement efforts and will help to ensure that the success of the Ocean Dumping Act continues unimpaired. I urge adoption of this legislation.

□ 1410

Mr. HERTEL. Mr. Speaker, I thank the gentlewoman from New York for all of her support and really her leadership in this entire area.

Mr. Speaker, I yield such time as he may consume to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Speaker, I would first like to thank Chairman HERTEL and the gentlewoman from New York [Mrs. LOWEY], as well as the gentleman from North Carolina, Chairman JONES, and the gentleman from Massachusetts, Chairman STUDDS, and the gentleman from Michigan [Mr. DAVIS] and their staffs for working on this provision.

One of the things that has always struck me is that as we try to deal with environmental problems, whether at sea or on land, oftentimes we end up with a situation where the penalties are worth the risk when looked at economically, and the penalties for violating the law are so small and the cost of proper disposal becomes too high. For some medical wastes, the cost of proper disposal runs as high as $2,000 a ton, and some of the fines for ocean dumping are as low as $50,000. With a quick calculation, some of these companies have figured out that it was well worth the risk of a $50,000 fine per violation as compared to the hundreds of thousands of dollars it might cost to legally dispose of their hazardous substances.

So, what the committee does today in this legislation which I introduced in the previous Congress, with the great support of Chairman HERTEL and particularly Representative LOWEY, is I think an important step forward. I can remember as a young man reading two books by Thor Heyerdahl in his travels across the ocean in which there was about a 20-year gap, and in his most recent trip as he took it across the ocean what struck him most was 20 years earlier it was an ocean virtually without

pollution as he traveled from Europe to the United States or from Africa to the United States. But in his more recent trip, the whole trip was covered by slicks and debris in the ocean waters. We need to understand that this planet we live on does not have the absorptive powers we once believed it did to deal with any pollution, and the laws we pass here will go a long way to protecting our natural resources, the fish we eat and the water that we and our children swim in in the oceans.

So I would just like to thank the committee for including this provision and for the great work it has done in protecting our oceans and our sounds.

Mr. Speaker, I rise today in strong support of H.R. 3749, legislation to reauthorize title I of the Marine Protection, Research, and Sanctuaries Act of 1972. In particular, I would like to express my support for section 2, which authorizes the seizure and forfeiture of vessels used to illegally dump waste into our Nation's oceans and waterways. I would especially like to express my appreciation to Representative LOWEY, my fellow Long Island Sound colleague for her tireless efforts on this bill, to Chairman HERTEL for his support, to Chairman STUDDS, Representative DAVIS and Chairman JONES and their staffs for all of their hard work and advice in crafting this language.

For the past several Congresses, I have introduced legislation very similar to this section, the Illegal Dumping Prevention Act, which would give the Environmental Protection Agency [EPA] and the Attorney General, the enforcers of the Nation's ocean dumping laws, the authority and flexibility that they need to seize boats and other vessels of waste transporters found guilty of illegally dumping waste, which will provide a strong incentive for potential polluters to comply with the laws.

At the end of the 100th Congress, legislation was passed and signed into law to ban future ocean dumping of sewage sludge. It also set tougher penalties for those caught dumping medical waste. However, the Illegal Dumping Prevention Act and section 2 of H.R. 3749, give the enforcers of the Ocean Dumping Act the additional muscle and flexibility to more effectively stop the illegal dumping of all types of waste. It will give these entities greater ability to deal with the short dumping of sewage sludge and waste that is permitted to be dumped in a particular site, but which is intentionally dumped short of the designated location.

This legislation will provide an additional sentencing option for the EPA and the Attorney General and more importantly provides a strong incentive for waste disposers and transporters to comply with the laws on the books. Failure to comply could result in the loss of their vessel and thus the potential loss of their livelihood.

Mr. Speaker, for most waste haulers the laws prohibiting ocean dumping and the fines associated with them are a sufficient deterrent. However, for some that is not the case. For some waste haulers, the cost of proper disposal far exceeds the potential fines for violations and thus for them, illegal dumping is worth the risk.

For some types of waste, including medical waste, hazardous and radioactive waste, proper disposal can cost more than $2,000 per ton, yet the fines can be as low as $50,000 per violation. It doesn't take an accountant to figure out that in these cases it can be cheaper to violate the law and pay the fine if they get caught.

In the Long Island Sound, for example, two ocean-going ships are currently being prosecuted for entering the Port of New Haven without any garbage on board because they are presumed to have dumped it overboard. According to some sources, this was not their first offense. For these ships—though not waste transporters but ocean vessels—they made a choice to dump their waste into the Long Island Sound. If guilty, this shipper made a conscious decision to take the risk on getting caught and simply pay the fine. For them, the penalties and fines are clearly not a deterrent. Vessel forfeiture, on the other hand, would definitely make them think twice about intentionally fouling the Long Island Sound or the ocean.

In 1983, Mr. Speaker, a number of fishermen reported that they were dragging up barrels containing radioactive waste in the Massachusetts Bay. Although some of the barrels were disposed of in a predetermined site by the Manhattan Project more than 20 years earlier, scientists from the EPA and the National Undersea Research Centers examined the drums and determined most of them could not have been 20 years old. The rust and degradation showed that they could not have been more than 4 or 5 years old. Although the specific contents of these barrels is not clear, they are presumed to contain hazardous materials. And while proper disposal of most types of hazardous waste can cost more than $2,000 per ton, considering the amount of this type of waste that is generated, the cost of proper disposal would still be higher than the fines for dumping illegally. For the dumpers of this waste, taking the chance of getting caught and paying the fines was still worth the risk.

Had this bill been law, these illegal dumpers may have thought twice about dumping hazardous wastes into the Massachusetts Bay and potentially poisoning one of the richest fishing grounds in the United States.

Mr. Speaker, the intent of this legislation is to provide additional muscle for the enforcers of the Ocean Dumping Act to crack down on repeat violators of the act who clearly are not deterred by the existing fines. It will also provide a strong economic incentive for waste haulers and shippers to comply with the law or face the loss of their boat.

In drafting the legislation and the amendment offered by Mrs. LOWEY of New York in the Merchant Marine and Fisheries Committee, we were very careful to ensure that accidental dumping or dumping activities that are in accordance with a compliance agreement are not subject to this act.

Though vessels can only be seized when waste transporters are found guilty, this bill sends a strong signal to illegal dumpers that their actions will no longer be tolerated. Illegal dumping threatens a vital economic and environmental resource on which our entire Nation depends and this legislation provides a strong economic incentive for waste transporters and shippers to comply with the laws. Section 2 of H.R. 3749 provides a tough sentencing option to use against those who profit from polluting and it makes it clear that we are serious about protecting our oceans.

I urge my colleagues to join me in support of this legislation and in sending that strong signal. It is time that we made it clear that polluters must stop using our oceans and waterways as their personal sewers.

Mr. HERTEL. Mr. Speaker, I want to thank the gentleman from Connecticut again for originally having had the idea as amended in the bill to deal with seizure and forfeiture and disposal of materials, and also again thank the gentlewoman from New York [Mrs. LOWEY] for introducing that in the committee.

Mr. Speaker, I yield my remaining 3 minutes to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, I want to thank Chairman HERTEL for his efforts on behalf of this bill. I basically want to indicate my strong support for reauthorization of this legislation.

I think when the legislation was first proposed a few years ago no one realized necessarily how far flung it would be and how effective it would be. I know that it has been tremendously effective along the Jersey shore in terms of making sure that we are out of the ocean with our sludge.

The process that was set forth in the bill originally has led to a situation pursuant to consent decrees where as far as the State of New Jersey is concerned now all of the sludge that was being dumped off the coast is now out of the ocean and being disposed of on land, and we know that soon in 1992, maybe within the next few months, we will also see the end of ocean dumping of sludge material by the city of New York. That has a far-reaching effect. It has not only had effect in terms of dumping of sludge material, but also in other areas. I think within the State of New Jersey—and certainly nationwide—the effort has continued to try to remove ocean dumping of other sources, such as wood burning material, which has now also ended off the coast of New Jersey.

I just want to commend the sponsors, particularly my two colleagues, the gentlemen from New Jersey, Mr. HUGHES and Mr. SAXTON, who were also very instrumental from the very beginning in pushing for this legislation against some great odds at the time, and want to indicate that we are very much in support of this reauthorization and also very much supportive of the notion that we want to stop ocean dumping, not only of sludge material, but all other forms of dumping that continue to take place, in some cases off the coast, and we will be working in the context of the reauthorization of the Clean Water Act this year to address some of the other ocean dumping problems that relate to this, such as the dumping of toxic dredge materials.

Mr. JONES of North Carolina. Mr. Speaker, today I rise in support of H.R. 3749, a bill to

authorize appropriations to carry out title I of the Marine Protection, Research, and Sanctuaries Act at $14 million a year for fiscal years 1992 through 1995. The bill also authorizes the seizure and forfeiture of vessels used to criminally violate title I.

Appropriations authorized under title I are used by the Environmental Protection Agency to regulate the dumping of sewage sludge in the ocean, designate and manage ocean disposal sites, and develop ocean dumping criteria.

Title I was authorized at $12 million a year until fiscal year 1991. Therefore, H.R. 3749 represents an increase of $2 million a year. This additional money will enable the Environmental Protection Agency to improve monitoring of its ocean disposal sites and to develop management plans for those sites.

H.R. 3749 will enable the Environmental Protection Agency to continue to expand its important title I regulatory activities, as well as allow enforcement agencies to take tough enforcement actions against violators of the act.

Finally, this bill contains an important provision for the National Fish and Wildlife Foundation. Section 3 directs that interest earned on Federal funds by the Foundation and any of its cooperating organizations—for example, Ducks Unlimited, Nature Conservancy, State and local governments—must be used to fund projects and programs. Interest may not, therefore, be used to fund the administrative costs of the foundation.

This provision effectively overrides OMB Circular A–110 which otherwise requires such interest to be returned to the Treasury, and a portion of Circular A–133 dealing with the auditing of interest earned on Federal funds. Compliance with these circulars would not only prevent use of interest revenues for fish and wildlife conservation, but would also require an elaborate accounting system to be implemented by the Foundation, detracting further from its conservation mission. Similar language was included in the fiscal year 1992, Appropriations Act for the Department of the Interior—Public Law 102–154—which forgave repayment of interest earned on funds drawn down to date but did not solve the problem permanently.

Although the committee intends that the Foundation be exempt from the elaborate accounting procedures necessary to comply with Circular A–133, it is expected that the Foundation will keep track of amounts accrued as interest on Federal funds in order to ensure that they are used solely for projects and programs and not for administrative costs.

I urge support for this legislation.

Mrs. MINK. Mr. Speaker, I rise today in strong support of H.R. 3749, the Ocean Dumping Act, which provides for the regulation of the transport and dumping into ocean waters of materials such as dredged material, solid waste, incinerator residue garbage, sewage, sewage sludge, munitions, radiological, chemical and biological warfare agents, radioactive materials, chemicals, biological and laboratory waste, wrecked or discarded equipment, rock, sand, excavation debris, and industrial, municipal, and agricultural waste.

Violation of the Ocean Dumping Act can result in a civil penalty of up to $50,000. A knowing violation can result in a criminal fine of up to $50,000, imprisonment for up to 1 year, or both. The penalties for violations involving medical waste dumping are substantially higher: $125,000 for a civil violation and $250,000 and/or 5 years imprisonment for a criminal violation.

Finally, this law authorizes the seizure and forfeiture of any vessels used to criminally violate these regulations.

I cannot adequately stress the importance of this issue. In my own State of Hawaii, we know only too well the profound value of our oceans, and the absolute necessity that we take care of them. We also feel firsthand the adverse effects of oceanic pollution.

We rely on the fish we catch for our diet and our economy, and we are acutely aware of the impact of pollution on this as well. Many of the pollutants being dumped into the oceans, often illegally, are being eaten by fish.

In addition, the dumped waste adds nutrients to the water, overloading the ecosystem and exacerbating existing problems like the low oxygen levels that we have seen in areas along both the east and west coasts. This is also responsible for a dramatic rise in the incidence of red tides of algae.

Red tides are bursts of growth by different species of algae or microscopic floating plants at the base of the ocean food chain. They usually aren't toxic and often aren't red—they can be brown, yellow or colorless, and they can be harmless. But now we are seeing more red tides that are toxic, and we are seeing them more often. The poisons in toxic red tides are transmitted to people through filter-feeding shellfish such as mussels, clams, and oysters, which strain nutrients from sea water and concentrate toxins in their internal organs.

Experts say that a worldwide epidemic of harmful algal blooms is developing due to many factors. These include global warming and coastal pollution. But this epidemic is also due to the dumping of sewage and industrial wastes. Blooms are cropping up in new places, and formerly nontoxic algae are turning toxic. The pattern suggests that red tides are becoming a major planetary trend, like acid rain and ozone-layer thinning.

Indiscriminate dumping of industrial garbage and hazardous waste is increasingly in the news. We have seen beaches closed along the continental east coast because of waste washing up on shore. It is high time that polluters are prevented from using our oceans as a dumping ground. This is a fundamental economic resource we are talking about; it is also a profoundly important component of our environment.

H.R. 3749 will allocate needed funds so that we can address this crucial problem; $14 million a year is not too much to spend to protect the oceans from the illegal dumping of sewage and industrial wastes. This bill will also provide the Coast Guard and the EPA with mechanisms of enforcement that will send a strong signal to potential polluters that we are serious about protecting our oceans. I urge my colleagues to join me in supporting this crucial legislation. Vote yes on H.R. 3749.

Mr. HOCHBRUECKNER. Mr. Speaker, today the House will vote on passage of H.R. 3749, the Ocean Dumping Act authorization. This measure provides for greater protection of the marine environment.

As Congressman for the First Congressional District of New York, I have been at the forefront of the battle to end ocean dumping. As many of my colleagues know, my district is bordered by water on three sides. Hoping to bring back the health of our marine environment, I was an original cosponsor of S. 2030, the Ocean Dumping Act of 1988. S. 2030 banned the ocean dumping of sewage sludge by New York and New Jersey.

I would like to highlight a particular provision of the original act that I believe is of the utmost importance. The act instructs the Federal Government to give Peconic Bay, a body of water on the east end of Long Island, priority consideration by the Environmental Protection Agency [EPA] for inclusion in National Estuary Program [NEP]. Peconic Bay is a vital national resource, supporting a wide range of economic activities including fishing, tourism, boating, and farming.

Although the three other estuaries listed in the law have already been included in the NEP, Peconic Bay awaits action by the EPA.

Mr. Speaker, I urge my colleagues to pass the Ocean Dumping Act authorization as it continues to create a healthier marine environment and remind everyone that our work on this issue will not be complete until Peconic Bay is protected as well.

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

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

The SPEAKER pro tempore (Mr. McCLOSKEY). The question is on the motion offered by the gentleman from Michigan [Mr. HERTEL] that the House suspend the rules and pass the bill, H.R. 3749, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HERTEL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3749, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

REPRINTING OF THE PUBLICATION "CONSTITUTION OF THE UNITED STATES"

Mr. ANNUNZIO. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 206) to provide for the printing of the Constitution of the United States of America.

The Clerk read as follows:

H. CON. RES. 206

Resolved by the House of Representatives (the Senate concurring), That the revised edition

of the pamphlet entitled "The Constitution of the United States of America", prepared under the direction of the Committee on the Judiciary of the House of Representatives, shall be printed as a House document, with appropriate illustrations. In addition to the usual number, there shall be printed 241,500 copies of the pamphlet for the use of the House of Representatives (of which 20,000 copies shall be for the use of the Committee on the Judiciary), 51,500 copies of the pamphlet for the use of the Senate, and 5,000 copies of the pamphlet for the use of the Joint Committee on Printing.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois [Mr. ANNUNZIO] will be recognized for 20 minutes, and the gentleman from Nebraska [Mr. BARRETT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Illinois [Mr. ANNUNZIO].

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

Mr. Speaker, House Concurrent Resolution 206 is sponsored by the Honorable Jack Brooks, chairman of the Judiciary Committee. The resolution calls for the printing of a revised edition of the pamphlet entitled "The Constitution of the United States of America."

This publication is one of the most requested resources available on the Constitution and is extensively used by the House of Representatives, the U.S. Senate and the American public. This illustrated and informative House document offers a brief overview of the history and development of the U.S. Constitution along with the full text of the Constitution and all of its amendments.

The last printing of this useful and popular House document was in 1987, the year which marked the Constitution's Bicentennial. Since that time numerous requests for copies of the pamphlet have exhausted the supply.

House Concurrent Resolution 206 calls for 241,500 copies to be used by the House of Representatives which would provide each Member with 500 copies. 51,500 copies are to be used by the Senate and 5,000 for the Joint Committee on Printing.

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

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

Mr. Speaker, I rise in support of House Concurrent Resolution 206 and urge Members to agree to the concurrent resolution.

Mr. BROOKS. Mr. Speaker, as the sponsor of House Concurrent Resolution 206, which provides for the printing of the Constitution of the United States of America, I wish to offer my strong support for it, and my appreciation to the Committee on House Administration for their favorable consideration.

The Constitution was last printed 4 years ago, in 1987. That year was, of course, the celebration of the Constitution's Bicentennial. Requests for copies of the Constitution since that time have exhausted the supply.

We recently celebrated the 200th anniversary of the adoption of the Bill of Rights, the first 10 amendments to the Constitution. This bicentennial event has once again sparked close attention to the hallowed document which sets out the durable structure of Government that has served our citizenry so well. Given the number and frequency of recent debates by this body on precepts underlying the Constitution, it is vital that the public have continuous access to the words behind the principles, which we all have sworn to defend.

House Concurrent Resolution 206 orders the printing of about 300,000 copies of the Constitution, with appropriate illustrations, primarily for the use of the House and Senate. Cost of this printing is estimated at $204,000. I especially offer my thanks to Chairman ANNUNZIO for his determined efforts to bring this legislation before us today.

Mr. Speaker, the Constitution is not an abstract legal document, accessible only to lawyers and scholars, but one that every American can read and comprehend. It is no less than the Government's compact with the people—renewed with each successive generation. The resolution will allow this document to be disseminated widely throughout the Nation, both to Americans who cherish the Constitution as their birthright and to those who seek to learn about America through its most fundamental charter of liberty and the rule of law.

Mr. BARRETT. Mr. Speaker, I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. ANNUNZIO] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 206.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The title was amended so as to read: "Concurrent resolution providing for the printing of a revised edition of the pamphlet entitled 'The Constitution of the United States of America' as a House document."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ANNUNZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Concurrent Resolution 206, the concurrent resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

□ 1420

PROVIDING FOR ADDITIONAL MEMBERSHIP ON LIBRARY OF CONGRESS TRUST FUND BOARD

Mr. CLAY. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1415) to provide for additional membership on the Library of Congress Trust Fund Board, and for other purposes.

The Clerk read as follows:

S. 1415

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

SECTION 1. ADDITIONAL MEMBERSHIP ON THE LIBRARY OF CONGRESS TRUST FUND BOARD.

The first sentence of the first paragraph of the first section of the Act entitled "An Act to create a Library of Congress Trust Fund Board, and for other purposes", approved March 3, 1925 (2 U.S.C. 154) is amended—

(1) by striking "and" after "Librarian of Congress,"; and

(2) by inserting after "respectively)" the following: ", four persons appointed by the Speaker of the House of Representatives (in consultation with the minority leader of the House of Representatives) for a term of five years each (the first appointments being for two, three, four, and five years, respectively), and four persons appointed by the majority leader of the Senate (in consultation with the minority leader of the Senate) for a term of five years each (the first appointments being for two, three, four, and five years, respectively)".

SEC. 2. QUORUM PROVISION.

The second sentence of the first paragraph of the first section of the Act entitled "An Act to create a Library of Congress Trust Fund Board, and for other purposes", approved March 3, 1925 (2 U.S.C. 156, 157, and 158) is amended by adding at the end thereof the following new undesignated paragraph:

"In the case of a gift of money or securities offered to the Library of Congress, if, because of conditions attached by the honor or similar considerations, expedited action is necessary, the Librarian of Congress may take temporary possession of the gift, subject to approval under the first paragraph of this section. The gift shall be receipted for and invested, reinvested, or retained as provided in the second paragraph of this section, except that—

"(1) a gift of securities may not be invested or reinvested; and

"(2) any investment or reinvestment of a gift of money shall be made in an interest bearing obligation of the United States or an obligation guaranteed as to principal and interest by the United States.

If the gift is not so approved within the 12-month period after the Librarian so takes possession, the principal of the gift shall be returned to the donor and any income earned during that period shall be available for use with respect to the Library of Congress as provided by law.".

The SPEAKER pro tempore (Mr. MCCLOSKEY). Pursuant to the rule, the gentleman from Missouri [Mr. CLAY] will be recognized for 20 minutes and the gentleman from Nebraska [Mr. BARRETT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Missouri [Mr. CLAY].

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

Mr. Speaker, this bill provides for additional membership on the Library of Congress Trust Fund Board, among other purposes.

The Board's current membership is composed of: First, the Secretary of the Treasury; second, the Chairman of the Joint Committee on the Library; third, the Librarian of Congress; and fourth, two members appointed by the President of the United States.

The current number of public members (two) is not a sufficient representation of citizens to assist the Library in increasing its endowment funds. This legislation seeks to increase the size of the Board by eight public members. Four members will be appointed by the Speaker of the House of Representatives in consultation with the minority leader of the House, and four will be appointed by the Majority leader of the Senate in consultation with the minority leader of the Senate.

Section 2 of the proposed legislation increases the number of members necessary for a quorum from three to nine. The final provision gives authority for the Librarian of Congress to take possession of gifts of cash temporarily and to invest them temporarily in the U.S. Treasury prior to formal approval by the Board. Presently, such cash gifts can earn no interest because the Librarian of Congress lacks the authority to invest the principal until all members of the Board approve the gift. In this era of scarce economic resources, it makes sound fiscal sense to give the Librarian the authority to make the money work for the Library. If the Board fails to approve the gift within 12 months after the Librarian takes possession, the gift will be returned to the donor while the Library retains the interest earned.

By offering new opportunities to attract private sector support, this legislation will enhance the usefulness of the Trust Fund Board to the Library of Congress, and consequently, strengthen the Library's ability to serve the Congress and the Nation.

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

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

Mr. Speaker, I thank the gentleman for his explanation of the pragmatic amendments being offered in this bill. Mr. Speaker, the minority also supports the passage of S. 1415. I'd also like to add that the Library of Congress is also in favor of these changes.

Since 1925 the Trust Fund Board has been in existence to accept gifts for the benefit of the Library. Increasing the size of the Board is a practical way to expand the nationwide fundraising efforts, and diversify the profile of the Board. As Mr. CLAY explained, this legislation would also allow the Librarian of Congress to secure and invest gifts of money, while the Board is being polled for approval of the gift. Thus, the Library would benefit immediately upon receiving the donation, which only makes sense as the gifts are rarely rejected by the Board.

Mr. Speaker, I join the gentleman from Missouri [Mr. CLAY] in urging my colleagues to support this measure.

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

Mr. CLAY. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, just a couple of questions, if I could.

I am a little puzzled by the business that we are expanding the Board, and then we are giving the Librarian a chance to spend money while he polls the expanded Board. Would it not be easier to poll the Board if there were only 2 members rather than 10?

Mr. CLAY. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Missouri.

Mr. CLAY. Mr. Speaker, no, we are not giving the Librarian authority to spend any money. We are giving him authority to invest the money.

Mr. WALKER. Invest the money and earn interest on it?

Mr. CLAY. And get some interest. Right now, the money sits there without interest, so we are giving him that authority.

Mr. WALKER. Could the gentleman tell me what he meant when he said that the four members are to be appointed by the Speaker and by the majority leader in consultation with the minority?

Mr. CLAY. Yes.

Mr. WALKER. Does that give the minority, for instance, an ability to veto someone?

Mr. CLAY. No. It does not. It is the same procedure that is used in a number of other pieces of legislation that we have passed here in the House relative explicitly to House functions and functions of the Congress.

Mr. WALKER. Normally I thought most of the times when we appoint a Board there is a specific number of people assigned to the minority that the minority leader gets to appoint. In this particular case, we are taking a 2-member Board, we are making it into a 10-member Board, and virtually all of the appointments are going to be made by the majority, and all they have to do is tell the minority who it is that they are appointing? Is that my understanding?

Mr. CLAY. I do not understand the word consultation meaning instruct or inform. It is in consultation. That is a word. It is a word of art, an art word, and it means that they consult. It is not any different from any other legislation that we pass around here where the Speaker and the majority leader of the Senate make appointments. It is in consultation.

Mr. WALKER. Could the gentleman tell me what consultation means in this instance then? I mean, consultation then means that they will specifically go to the minority, ask the minority about these people, whether or not these people are acceptable, and if the minority finds them unacceptable, then at that point the majority leader and the Speaker would reconsider those people? Is that the level of consultation?

Mr. CLAY. The majority leader, is the gentleman saying?

Mr. WALKER. The majority leader and the Speaker.

Mr. CLAY. The Speaker and the minority leader; the Speaker and the minority leader.

Mr. WALKER. The majority leader and minority leader in the Senate?

Mr. CLAY. Yes.

Mr. WALKER. So the answer to my question is that if the minority found an appointee unacceptable, at that point the consultation means that there would be reconsideration of those people?

Mr. CLAY. I would not go that far. I do not know what the Speaker and the minority leader would decide to do at that point. I would think that they have not had any serious problems up to this point in terms of reaching agreement on those whom the Speaker has consulted with.

Mr. WALKER. These people who are to be appointed, if I understand the remarks of the gentleman from Nebraska, one of the efforts here is to extend the fundraising apparatus of the Library? Are these people to be appointed in part so that they can go out and raise money for the Library?

Mr. CLAY. That is part of it, yes.

Mr. WALKER. So we are likely to be appointing then fairly wealthy Americans who will help the Library raise money as one of the functions of being a member of this Board?

Mr. CLAY. Not necessarily fairly wealthy. It might be people who know wealthy people. You do not have to be wealthy to know wealthy people.

Mr. WALKER. One of the reasons for expanding the Board here is to go out and use these people as fundraisers.

Mr. CLAY. To an extent.

Mr. WALKER. I thank the gentleman.

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 1415, the Senate bill just considered.

The SPEAKER pro tempore (Mr. HERTEL). Is there objection to the request of the gentleman from Missouri?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri [Mr.

CLAY] that the House suspend the rules and pass the Senate bill, S. 1415.

The question was taken; and on a division (demanded by Mr. WALKERf) there were—yeas 3, nays 1.

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

□1430

OMNIBUS INSULAR AREAS ACT OF 1992

Mr. DE LUGO. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 2927) to provide for the astablishment of the St. Croix, Virgin Islands Historical Park and Ecological Preserve, and for other purposes.

The Clerk read as follows:

Senate amendment: Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Omnibus Insular Areas Act of 1992".

TITLE I—SALT RIVER BAY NATIONAL HISTORICAL PARK AND ECOLOGICAL PRESERVE AT ST. CROIX, VIRGIN ISLANDS

SEC. 101. SHORT TITLE.

This title may be cited as the "Salt River Bay National Historical Park and Ecological Preserve at St. Croix, Virgin Islands, Act of 1992".

SEC. 102. FINDINGS.

The Congress finds that the Salt River Bay area of the north central coast of St. Croix, United States Virgin Islands—

(1) has been inhabited, possibly as far back as 2000 BC, and encompasses all major cultural periods in the United States Virgin Islands;

(2) contains the only ceremonial ball court ever discovered in the Lesser Antilles, village middens, and burial grounds which can provide evidence for the interpretation of Caribbean life prior to Columbus;

(3) is the only known site where members of the Columbus expeditions set foot on what is now United States territory;

(4) was a focal point of various European attempts to colonize the area during the post-Columbian period and contains sites of Spanish, French, Dutch, English, and Danish settlements, including Fort Sale, one of the few remaining earthwork fortifications in the Western Hemisphere;

(5) presents an outstanding opportunity to preserve and interpret Caribbean history and culture, including the impact of European exploration and settlement;

(6) has been a national natural landmark since February 1980 and has been nominated for acquisition as a nationally significant wildlife habitat;

(7) contains the largest remaining mangrove forest in the United States Virgin Islands and a variety of tropical marine and terrestrial ecosystems which should be preserved and kept unimpaired for the benefit of present and future generations; and

(8) is worthy of a comprehensive preservation effort that should be carried out in partnership between the Federal Government and the Government of the United States Virgin Islands.

SEC. 103. SALT RIVER BAY NATIONAL HISTORICAL PARK AND ECOLOGICAL PRESERVE AT ST. CROIX, VIRGIN ISLANDS.

(a) ESTABLISHMENT.—In order to preserve, protect, and interpret for the benefit of present and future generations certain nationally significant historical, cultural, and natural sites and resources in the Virgin Islands, there is established the Salt River Bay National Historical Park and Ecological Preserve at St. Croix, Virgin Islands (hereafter in this Act referred to as the "park").

(b) AREA INCLUDED.—The park shall consist of approximately 912 acres of land, waters, submerged lands, and interests therein within the area generally depicted on the map entitled "Salt River Study Area—Alternative 'C' in the "Alternatives Study and Environmental Assessment for the Columbus Landing Site, St. Croix, U.S. Virgin Islands", prepared by the National Park Service and dated June 1990. The map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior, and the Offices of the Lieutenant Governor of St. Thomas and St. Croix, Virgin Islands.

SEC. 104. ACQUISITION OF LAND.

(a) GENERAL AUTHORITY.—The Secretary of the Interior (hereafter in this title referred to as the "Secretary") may acquire land and interests in land within the boundaries of the park by donation, purchase with donated or appropriated funds, or exchange. Nothing in this section shall be construed to prohibit the Government of the United States Virgin Islands from acquiring land or interest in land within the boundaries of the park.

(b) LIMITATIONS ON AUTHORITY.—Lands, and interests in lands, within the boundaries of the park which are owned by the United States Virgin Islands, or any political subdivision thereof, may be acquired only by donation or exchange. No lands, or interests therein, containing dwellings lying within the park boundary as of July 1, 1991, may be acquired without the consent of the owner, unless the Secretary determines, after consultation with the Government of the United States Virgin Islands, that the land is being developed or proposed to be developed in a manner which is detrimental to the natural, scenic, historic, and other values for which the park was established.

SEC. 105. ADMINISTRATION.

(a) IN GENERAL.—The park shall be administered in accordance with this title and with the provisions of law generally applicable to units of the national park system, including, but not limited to, the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461–467). In the case of any conflict between the provisions of this Act and such generally applicable provisions of law, the provisions of this Act shall govern.

(b) COOPERATIVE AGREEMENTS.—The Secretary, after consulting with the Salt River Bay National Historical Park and Ecological Preserve at St. Croix, Virgin Islands, Commission (hereafter in this Act referred to as the "Commission") established by section 106 of this title, is authorized to enter into cooperative agreements with the United States Virgin Islands, or any political subdivision thereof, for the management of the park and for other purposes.

(c) GENERAL MANAGEMENT PLAN.—(1) Not later than 3 years after the date funds are made available for this subsection, the Secretary, in consultation with the Commission, and with public involvement, shall develop and submit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives a general management plan for the park. The general management plan shall describe the appropriate protection, management, uses, and development of the park consistent with the purposes of this title.

(2) The general management plan shall include, but not be limited to, the following:

(A) Plans for implementation of a continuing program of interpretation and visitor education about the resources and values of the park.

(B) Proposals for visitor use facilities to be developed for the park.

(C) Plans for management of the natural and cultural resources of the park, with particular emphasis on the preservation of both the cultural and natural resources and long-term scientific study of terrestrial, marine, and archeological resources, giving high priority to the enforcement of the provisions of the Archeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.) and the National Historic Preservation Act (16 U.S.C. 470 et seq.) within the park. The natural and cultural resources management plans shall be prepared in consultation with the Virgin Islands Division of Archeology and Historic Preservation.

(D) Proposals for assessing the potential operation and supply of park concessions by qualified Virgin Islands-owned businesses.

(E) Plans for the training of personnel in accordance with subsection (e).

(d) TRAINING ASSISTANCE.—During the 10-year period beginning on the date of enactment of this title, the Secretary shall, subject to appropriations, provide the funds for the employees of the Government of the United States Virgin Islands directly engaged in the joint management of the park and shall implement, in consultation with the Government of the United States Virgin Islands, a program under which Virgin Islands citizens may be trained in all phases of park operations and management: Provided, however, That in no event shall the Secretary provide more than 50 percent of the funding for such purposes. A primary objective of the program shall be to train employees in the skills necessary for operating and managing a Virgin Islands Territorial Park System.

SEC. 106. SALT RIVER BAY NATIONAL HISTORICAL PARK AND ECOLOGICAL PRESERVE AT ST. CROIX, VIRGIN ISLANDS, COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the Salt River Bay National Historical Park and Ecological Preserve at St. Croix, Virgin Islands, Commission.

(b) DUTIES.—The Commission shall—

(1) make recommendations on how all lands and waters within the boundaries of the park can be jointly managed by the governments of the United States Virgin Islands and the United States in accordance with this title;

(2) consult with the Secretary on the development of the general management plan required by section 105 of this title; and

(3) provide advice and recommendations to the Government of the United States Virgin Islands, upon request of the Government of the United States Virgin Islands.

(c) MEMBERSHIP.—The Commission shall be composed of 10 members, as follows:

(1) The Governor of the United States Virgin Islands, or the designee of the Governor.

(2) The Secretary, or the designee of the Secretary.

(3) Four members appointed by the Secretary.

(4) Four members appointed by the Secretary from a list provided by the Governor of the United States Virgin Islands, at least one of whom shall be a member of the Legislature of the United States Virgin Islands.

Initial appointments made under this subsection shall be made within 120 days after the date of enactment of this title, except that the appointments made under paragraph (4) shall be made within 120 days after the date on which the Secretary receives such list.

(d) TERMS.—The members appointed under paragraphs (3) and (4) shall be appointed for terms of 4 years. A member of the Commission appointed for a definite term may serve after the expiration of the member's term until a succes-

sor is appointed. A vacancy in the Commission shall be filled in the same manner in which the original appointment was made and shall be filled within 60 days after the expiration of the term.

(e) CHAIR.—The Chair of the Commission shall alternate annually between the Secretary and the Governor of the United States Virgin Islands. All other officers of the Commission shall be elected by a majority of the members of the Commission to serve for terms established by the Commission.

(f) MEETINGS.—The Commission shall meet on a regular basis or at the call of the Chair. Notice of meetings and agenda shall be published in the Federal Register and local newspapers having a distribution that generally covers the United States Virgin Islands. Commission meetings shall be held at locations and in such a manner as to ensure adequate public involvement.

(g) EXPENSES.—Members of the Commission shall serve without compensation as such, but the Secretary may pay each member of the Commission travel expenses, including per diem in lieu of subsistence, in accordance with section 5703 of title 5, United States Code. Members of the Commission who are full-time officers or employees of the United States or the Virgin Islands Government may not receive additional pay, allowances, or benefits by reason of their service on the Commission. The Secretary shall provide the Commission with a budget for travel expenses and staff, and guidelines by which expenditures shall be accounted for.

(h) FEDERAL ADVISORY COMMITTEE ACT.—Except with respect to the provisions of section 14(b) of the Federal Advisory Committee Act, and except as otherwise provided in this title, the provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Commission.

(i) TERMINATION.—The Commission shall terminate 10 years after the date of enactment of this title unless the Secretary determines that it is necessary to continue consulting with the Commission in carrying out the purposes of this title.

SEC. 107. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out this title.

TITLE II—INSULAR AREAS DISASTER SURVIVAL AND RECOVERY

SEC. 201. DEFINITIONS.

As used in this title—

(1) the term "insular area" means any of the following: American Samoa, the Federated States of Micronesia, Guam, the Marshall Islands, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and the Virgin Islands;

(2) the term "disaster" means a declaration of a major disaster by the President after September 1, 1989, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170); and

(3) the term "Secretary" means the Secretary of the Interior.

SEC. 202. AUTHORIZATION.

There are hereby authorized to be appropriated to the Secretary such sums as may be necessary to—

(1) reconstruct essential public facilities damaged by disasters in the insular areas that occurred prior to the date of the enactment of this Act; and

(2) enhance the survivability of essential public facilities in the event of disasters in the insular areas,

except that with respect to the disaster declared by the President in the case of Hurricane Hugo, September 1989, amounts for any fiscal year shall not exceed 25 percent of the estimated aggregate amount of grants to be made under sections 403 and 406 of The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b, 5172) for such disaster. Such sums shall remain available until expended.

SEC. 203. TECHNICAL ASSISTANCE.

(a) Upon the declaration by the President of a disaster in an insular area, the President, acting through the Director of the Federal Emergency Management Agency, shall assess, in cooperation with the Secretary and chief executive of such insular area, the capability of the insular government to respond to the disaster, including the capability to assess damage; coordinate activities with Federal agencies, particularly the Federal Emergency Management Agency; develop recovery plans, including recommendations for enhancing the survivability of essential infrastructure; negotiate and manage reconstruction contracts; and prevent the misuse of funds. If the President finds that the insular government lacks any of these or other capabilities essential to the recovery effort, then the President shall provide technical assistance to the insular area which the President deems necessary for the recovery effort.

(b) One year following the declaration by the President of a disaster in an insular area, the Secretary, in consultation with the Director of the Federal Emergency Management Agency, shall submit to the Senate Committee on Energy and Natural Resources and the House Committee on Interior and Insular Affairs a report on the status of the recovery effort, including an audit of Federal funds expended in the recovery effort and recommendations on how to improve public health and safety, survivability of infrastructure, recovery efforts, and effective use of funds in the event of future disasters.

SEC. 204. HAZARD MITIGATION.

The total of contributions under the last sentence of section 404 of The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) for the insular areas shall not exceed 10 percent of the estimated aggregate amounts of grants to be made under sections 403, 406, 407, 408, and 411 of such Act for any disaster: Provided, That the President shall require a 50 percent local match for assistance in excess of 10 percent of the estimated aggregate amount of grants to be made under section 406 of such Act for any disaster.

SEC. 205. TECHNICAL AMENDMENT.

Paragraphs (3) and (4) of section 102 of The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) are each amended by inserting after "American Samoa," the following: "the Northern Mariana Islands,".

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. AMERICAN SAMOA WATER AND POWER STUDY.

(a) The Secretary of the Interior shall undertake a comprehensive study, or as appropriate review and update existing studies, to determine the current and long-term water, power, and wastewater needs of American Samoa. Such study shall be conducted in consultation with the American Samoa government, and in consultation with those Federal agencies which have recent experience with the water, power and wastewater needs of American Samoa.

(b) The Secretary of the Interior shall report the results of this study to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives, before December 31, 1992. The report shall include:

(1) an assessment of the water, power and wastewater needs of American Samoa both currently, and for the year 2000;

(2) an assessment of, and recommendations regarding, how these needs can be met;

(3) an assessment of, and recommendations regarding, any additional legal authority or funding which may be necessary to meet these needs; and

(4) an assessment of, and recommendations regarding, the respective roles of the Federal and American Samoa governments in meeting these needs.

SEC. 302. INSULAR GOVERNMENT PURCHASES.

The Governments of American Samoa, Guam, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and the Virgin Islands are authorized to make purchases through the General Services Administration.

SEC. 303. FREELY ASSOCIATED STATE CARRIER.

(a) In furtherance of the objectives of the Compact of Free Association Act of 1985 (Public Law 99–239) and notwithstanding any other provision of law, a Freely Associated State Air Carrier shall not be precluded from providing transportation, between a place in the United States and a place in a state in free association with the United States or between two places in such a freely associated state, by air of persons (and their personal effects) and property procured, contracted for, or otherwise obtained by any executive department or other agency or instrumentality of the United States for its own account or in furtherance of the purposes or pursuant to the terms of any contract, agreement, or other special arrangement made or entered into under which payment is made by the United States or payment is made from funds appropriated, owned, controlled, granted, or conditionally granted, or utilized by or otherwise established for the account of the United States, or shall be furnished to or for the account of any foreign nation, or any international agency, or other organization of whatever nationality, without provisions for reimbursement.

(b) The term "Freely Associated State Air Carrier" shall apply exclusively to a carrier referred to in Article IX(5)(b) of the Federal Programs and Services Agreement concluded pursuant to Article II of Title Two and Section 232 of the Compact of Free Association.

SEC. 304. MARSHALL ISLANDS FOOD ASSISTANCE.

Section 103(h)(2) of the Compact of Free Association Act of 1985 (48 U.S.C. 1681 note) is amended by striking out "five" and inserting in lieu thereof "ten".

SEC. 305. NORTHERN MARIANAS COLLEGE.

Section 9(a) of Public Law 99–396 is amended by striking out the period at the end and inserting in lieu thereof the following: "and in subsection (b), by striking out 'and Micronesia' each place it appears and inserting in lieu thereof 'Micronesia, and the Northern Mariana Islands' and by striking out 'and to Micronesia' and inserting in lieu thereof ', Micronesia, and to the Northern Mariana Islands'.".

The SPEAKER pro tempore (Mr. HERTEL). Pursuant to the rule, the gentleman from the Virgin Islands [Mr. DE LUGO] will be recognized for 20 minutes and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the delegate from the Virgin Islands [Mr. DE LUGO].

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

Mr. Speaker, the Senate amendment to H.R. 2927 would make this bill virtually identical to H.R. 1688, an omnibus insular areas bill that passed the House unanimously last November 25.

That bill incorporated provisions of several measures concerning the insular areas associated with the United States.

One set of provisions made up the Insular Areas Disaster Survival and Recovery Act. A second consisted of a number of miscellaneous measures concerning the insular areas. The final set included provisions to establish the Salt River Bay National Historical Park and Ecological Preserve at St. Croix in the U.S. Virgin Islands.

These latter provisions to establish the park had passed the House in H.R. 2927 earlier in the month.

A few days before the House passed H.R. 1688, the Senate Energy and Natural Resources Committee reported H.R. 2927 with an amendment that made it very similar to H.R. 1688.

A floor amendment by the Senate committee leadership last Friday made H.R. 2927 virtually identical to H.R. 1688.

In addition to changing the title of the bill to the Omnibus Insular Areas Act of 1992, there are only three minor differences between H.R. 1688, as it passed the House, and H.R. 2927, as the Senate amended it.

One difference relates to the deadline for submitting the Salt River Park Management plan to the Congress. H.R. 1688 would have required submission not later than 3 years from the date of enactment. H.R. 2927 would require submission not later than 3 years after the date funds are available.

The inclusion of $7 million for the Salt River Park in the President's budget for fiscal year 1993 makes this difference of no real concern. And I want to thank our former colleague, the Secretary of the Interior, Manuel Lujan, for getting this proposal in the budget.

The second difference concerns the training of Virgin Islands employees in the management of the park. H.R. 1688 would have required the Federal Government to pay half of the cost. H.R. 2927 would subject this requirement to appropriations. This difference is of little concern because the Secretary already has funds which could be used if there is no special appropriation.

The last difference relates to the provisions to enable insular areas to survive and recover from natural disasters. H.R. 1688 would have applied these provisions to American Samoa, Guam, the Northern Mariana Islands, and the Virgin Islands. H.R. 2927 would extend the assistance to Micronesia and the Marshall Islands as well.

The disaster relief provisions applied to Micronesia and the Marshall Islands in H.R. 1688 as reported by the Interior and Insular Affairs Committee, as well as in a predecessor bill which passed both Houses in the last Congress. But these freely associated states were reluctantly deleted from H.R. 1688 at the insistence of the administration.

Since the passage of H.R. 1688 last November, a typhoon in the Marshall Islands dramatized the justification for extending them to the freely associated states as well as the U.S. insular areas.

These changes are minor in comparison to what this legislation would do in the insular areas if enacted. Thus, Mr. Speaker, these are differences to which I believe the House can agree.

Mr. Speaker, the establishment of the Salt River Park is an achievement of which I am particularly proud. It would preserve the site where Christopher Columbus first landed in what is now a U.S. territory. And it would enhance the attractiveness of the Virgin Islands as a tourist destination.

Salt River is a microcosm of the entire history of early European colonization of the Caribbean built upon an Indian cultural resource that predates colonization. It also has a wealth of environmental treasures.

The preservation of the site will culminate an effort begun in 1958 when a bill I cosponsored in the Virgin Islands Legislature began the process to save the area for all to enjoy.

No less important is the unprecedented degree of Federal and territorial cooperation in the management of a park that this bill would provide.

The high frequency of destructive storms in the insular areas makes the extension of the additional disaster assistance that this bill would provide critical. Since the passage of H.R. 1688, three major disasters have occurred in the insular areas: Supertyphoon Yuri hit Guam; Cyclone Val devastated American Samoa; and Typhoon Zelda caused damage in the Marshall Islands.

The insular disaster assistance provisions were the driving force behind this omnibus legislation. They were developed after Hurricane Hugo, which hit the territory that I represent with what the Federal Emergency Management Agency described as a force unsurpassed in this century.

They respond to the extraordinary disaster problems in the insular areas caused by the frequency and severity of the storms which strike them, their distances from the rest of the Nation, and their relatively small size and lack of development.

In particular, insular areas lack infrastructure strong enough to withstand disasters.

The miscellaneous provisions of this legislation would require a report on American Samoa's water and power needs; make permanent the current temporary authorization for insular purchases through the General Services Administration; authorize agencies to contract with freely associated State airlines; extend the program of food assistance for the peoples of the Marshall Islands atolls affected by nuclear testing; and authorize an endowment for the Northern Marianas College.

Like the provisions for disaster assistance, these provisions had their origin in omnibus insular areas legislation that passed both Houses last Congress.

Last, I would like to note that the history and purposes of this legislation were fully described when H.R. 1688 passed the House last session as well as when H.R. 2927 passed, and when the predecessor bill to H.R. 1688 passed.

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

Mr. Speaker, I rise in support of H.R. 2927, a bill to authorize establishment of Salt River Bay National Historical Park at St. Croix, VI. As an original cosponsor, I support the concept of establishing a Federal park unit at the only known site on American soil where Columbus' men are believed to have landed. I also support the Omnibus Insular Areas Act portion of the bill, which provides meaningful assistance to different territories and the freely associated states and Micronesia. I want to comment Interior Secretary Manuel Lujan for his vigorous and focused support for the preservation of the Columbus landing site. Secretary Lujan personally surveyed the site at Salt River, and designated the preferred boundaries of the proposed park. The Secretary has been instrumental in informing Members of Congress of the importance of the site and the need for timely action to preserve the Archaeological sites which are being increasingly affected by development pressures in the Virgin Islands.

Certainly, the leadership of Mr. DE LUGO in the development of this bill deserves strong recognition by all Members of this body. He has been working with Secretary Lujan on this Columbus landing site park proposal for some time, with both the Virgin Islands Government and the National Park Service. Without his efforts, not only would we not be here today passing this bill, but the resource values at the site of this historic event may have suffered irreversible damage. Even today, important archeological materials are left exposed to the elements and need protection from the elements and inadvertent damage by vehicular and foot traffic.

I note that the Senate has addressed many of the concerns raised by Members on this side of the aisle when the bill originally was passed by the House. However, I still believe that the Committee on Interior and Insular Affairs, which has primary jurisdiction over this matter, should have gone further to clarify the respective rules of the United States and Virgin Islands Governments.

While the omnibus insular areas provisions are meaningful and helpful, they represent only a few of many legislative actions still outstanding. I particularly want to commend my good colleague from Guam, BEN BLAZ, who has been extremely supportive in these matters.

I urge my colleagues to support this bill to establish the Salt River Bay Na-

tional Historical Park and Ecological Preserve at St. Croix, VI, as well as providing a number of provisions of import to United States territories and free associated states.

Mr. DE LUGO. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. VENTO], the chairman of the Subcommittee on National Parks and Public Lands of the Committee on Interior and Insular Affairs, one of the hardest working and most effective chairmen that we have in this Congress. It is a rare day when the gentleman is not passing some bills on this floor. I could not have gotten to this point without his great assistance.

Mr. VENTO. Mr. Speaker, I thank the gentleman from the Virgin Islands for yielding me this time and commend him for his very hard work on this important measure. Subcommittee Chairman DE LUGO has been working to establish a park at Salt River Bay since he was in the Virgin Islands Senate, and today he and his fellow Virgin Islanders will come one step closer to reaching that goal.

H.R. 2927 as amended and passed by the Senate would establish the Salt River Bay National Historical Park and Ecological Preserve at St. Croix, VI, and would authorize important disaster survival and recovery programs for insular areas so important to their needs today as storms have brought significant and unusual devastation to these fragile economies and social life.

As chairman of the Subcommittee on National Parks and Public Lands, I worked closely with Mr. DE LUGO on the development of title I of this bill, which would provide for a new National Park System unit consisting of approximately 915 acres at Salt River Bay on the island of St. Croix. This area has long been recognized for its unique combination of cultural and natural features including archeological remains, a large tropical reef, and the largest remaining mangrove forest in the U.S. Virgin Islands. I was fortunate to have the opportunity to view these unique resources during a subcommittee field inspection in 1989.

Salt River Bay is also the only known site where Christopher Columbus landed on what was to become U.S. territory. In 1493, on his second of four voyages to the New World, Columbus anchored his 17 ships outside the reef and sent his soldiers to investigate an Indian village on the western side of the bay.

H.R. 2927 was passed by the House with strong bipartisan support on November 5 last year. The Senate made several changes to the House passed bill including a reduction in the size of the park and a requirement that the Virgin Islands Government provide half the funds for a program to train Virgin Islands citizens in the park operations and management. Although the boundary in the House-passed bill would have provided more resource protection and was the preferred boundary of the Secretary of the Interior, I believe the boundaries in the Senate passed bill are workable.

The bill before us envisions a unique partnership approach between the national Government and the Government of the Virgin Islands in the management of the park. Cooperation between these Government entities will be essential, because it is a relatively small area and over half of the acreage of the park is owned by the Virgin Islands Government. I believe the safeguards built into the bill and the cooperative spirit which has been the hallmark of this project from the outset will ensure that management issues will be addressed in a cooperative fashion and that the park will be managed according to standards of other units of the National Park System.

Mr. Speaker, this legislation is a significant natural and cultural resource protection initiative which has strong bipartisan support from the Secretary of the Interior and the Governor and the Delegate from the Virgin Islands. As we approach the 500th anniversary of the voyages of Christopher Columbus later this year, I can think of no more appropriate way of commemorating this significant date than enacting this legislation. Not only will this park preserve a nationally significant natural and historical site, it will provide an excellent opportunity to interpret the diverse native cultures which existed prior to the arrival of Columbus and the impact that Columbus and other European explorers had on Caribbean culture and history. I again commend the gentleman from the Virgin Islands for his hard work on this matter and urge prompt passage of the measure before us.

□ 1440

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

In conclusion, I want to thank the gentleman from California, who is the ranking Republican of the Subcommittee on Insular and International Affairs which I am privileged to chair, for the cooperation he has given in developing this legislation. I also want to recognize the roles of the chairman and ranking Republican of the full Committee on Interior and Insular Affairs, our colleagues GEORGE MILLER and DON YOUNG; the chairman of the Subcommittee on National Parks and Public Lands, our colleague BRUCE VENTO; and the Resident Commissioner from Puerto Rico, JAIME B. FUSTER.

I want to express particular appreciation for the cooperation of the Secretary of the Interior, our former colleague Manuel Lujan. His leadership really helped make this bill possible. I also want to thank the chairman and ranking Republican of the Senate committee of jurisdiction, BENNETT JOHNSTON and MALCOLM WALLOP, respectively.

Finally, I want to urge the House to approve the Senate amendment and send what is truly a bipartisan compromise package of insular measures to the President for his approval.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in support of H.R. 2927, a bill which addresses several areas of need in the U.S. insular areas. In particular, I want to speak of the needs of American Samoa.

American Samoa has been struck by three hurricanes in the last 4 years. Each time Samoa rebuilds itself. Not everything gets rebuilt because even with Federal disaster assistance and private insurance, not all losses are covered. The result of this process is government services are permanently reduced, and considerable private property is destroyed and not replaced. Despite the best efforts of the local government, with each hurricane thousands of people are forced to go from days to months, depending on the remoteness of their villages, without water, power, telephone, and sewage disposal.

This bill would go a long way toward ending this cycle. First, it authorizes the reconstruction of essential public facilities in insular areas which were damaged by recent natural disasters. Second, it authorizes enhancing these facilities to withstand future disasters. Third, with regard to American Samoa, the bill authorizes the Department of the Interior to conduct a comprehensive study of the territory's needs in the area of water, power, and sewage treatment.

Mr. Speaker, I also want to commend the leadership of the Committees on Interior and Insular Affairs on their work on the Salt River Bay National Historical Park and Ecological Preserve on the island of St. Croix in the Virgin Islands. I have been to St. Croix and have seen the beauty and diversity of tropical animals and vegetation available. The designation provided in this bill will preserve this beauty for all Americans to enjoy.

Finally, Mr. Speaker, this bill is alive today because of the leadership shown by Chairman MILLER and DE LUGO, and Congressman LAGOMARSINO. Without the efforts of these gentleman, and that of their staffs, H.R. 2927 would be another dead bill going nowhere. The needs of the people addressed in this bill do not make the front pages of our national newspapers, but Mr. Speaker, I want to assure you they deserve our attention. I urge my colleagues to support this bill.

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

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

The SPEAKER pro tempore (Mr. HERTEL). The question is on the motion offered by the gentleman from the Virgin Islands [Mr. DE LUGO] that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 2927.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DE LUGO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate amendment to the bill, H.R. 2927.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from the Virgin Islands?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has been concluded on all motions to suspend the rules.

Pursuant to the provisions of clause 5, rule I, the Chair will now put the question on the motion on which further proceedings were postponed.

EMERGENCY UNEMPLOYMENT COMPENSATION EXTENSION

The SPEAKER pro tempore (Mr. HERTEL). The pending business is the question of suspending the rules and passing the bill, H.R. 4095, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. ROSTENKOWSKI] that the House suspend the rules and pass the bill, H.R. 4095, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 404, nays 8, not voting 22, as follows:

[Roll No. 4]

YEAS—404

Abercrombie
Ackerman
Alexander
Allard
Allen
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bacchus
Baker
Ballenger
Barnard
Barrett
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Blackwell
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Burton
Bustamante
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Cunningham
Darden
Davis
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Dwyer
Early
Eckart
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Ewing
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Foglietta
Ford (MI)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Goss
Gradison
Grandy
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Hopkins
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hyde
Inhofe
Ireland
Jacobs
James
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Marlenee
Martin
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Pastor
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Sundquist
Swett
Swift
Synar
Tallon
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Waxman
Weber
Weiss
Weldon
Wheat
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—8

Archer
Armey
Combest
Crane
DeLay
Doolittle
Johnson (TX)
Stump

NOT VOTING—22

Barton
Bilirakis
Clement
Dannemeyer
Dymally
Edwards (CA)
Ford (TN)
Gibbons
Gordon
Hutto
Jefferson
Kolter
Markey
Martinez
McDade
Miller (WA)
Morrison
Mrazek
Rahall
Tanner
Thomas (CA)
Whitten

□ 1506

The Clerk announced the following pairs:

Mr. DELAY and Mr. ARMEY changed their vote from "yea" to "nay."

Mr. KOSTMAYER and Mr. BURTON of Indiana changed their vote from "nay" to "yea."

So (two-thirds having voted in thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. DANNEMEYER. Mr. Speaker, I was unavoidably absent during rollcall vote 4. Had I been present during this vote, I would have voted "nay" on rollcall vote 4.

PERSONAL EXPLANATION

Mr. CLEMENT. Mr. Speaker, I was absent and unable to vote on rollcall No. 4, the Emergency Unemployment Compensation Act. Had I been present I would have voted "yea."

PERSONAL EXPLANATION

Mr. MARTINEZ. Mr. Speaker, inadvertently I missed the vote on H.R. 4095 this afternoon, a very important vote, one that is very important to the people of my district. In the past I have strongly supported these kinds of measures. I voted for the past extensions.

Mr. Speaker, I was in a meeting with school board members from my district and did not hear the bells go off.

Mr. Speaker, had I been here, I would have voted "Yes," and I would like that reflected immediately following the vote on H.R. 4095, the emergency unemployment compensation extension.

WITHDRAWAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE JOINT RESOLUTION 323

Mr. MCCURDY. Mr. Speaker, I was inadvertently listed as a cosponsor of House Joint Resolution 323. I ask unanimous consent that my name be deleted as a cosponsor.

The SPEAKER pro tempore (Mr. HERTEL). Is there objection to the request of the gentleman from Oklahoma.

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON TOMORROW

Mr. DERRICK. Mr. Speaker, I ask unanimous consent that the business in order under the calendar Wednesday rule be dispensed with on tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

HOUR OF MEETING ON TOMORROW

Mr. DERRICK. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 1 p.m. on tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. McCathran, one of his secretaries.

ANNOUNCEMENT BY MEMBER OF INTENTION TO CALL UP RESOLUTION ON TOMORROW

Mr. McEWEN. Mr. Speaker, I rise to notify the House that at the beginning of tomorrow's session, I intend to call up a resolution raising a question of House privileges relating to a letter written by a House committee staff member to a Federal judge urging a reduced sentence for a convicted arms dealer.

I intend to offer this privileged resolution just prior to consideration of the rule pertaining to debate on House Resolution 258, otherwise known as the October Surprise task force.

For the benefit of my colleagues, I am now submitting a copy of my resolution along with certain background material so that all Members may review it prior to the calling up of the resolution tomorrow. The intent of the resolution is simply to have the House Bipartisan Legal Advisory Group look into this matter and report back to the House at the earliest practicable date. It is a straightforward resolution, and one which I would urge all of my colleagues to support.

H. RES. —

Whereas on January 10, 1992, the chief counsel of the House Committee on Foreign Affairs wrote to the U.S. District Court of New York requesting leniency in the sentencing of Mr. Dirk Stoffberg, a convicted arms dealer, on grounds that he had provided the committee with evidence regarding the so-called "October Surprise;"

Whereas the chief counsel's letter was sent on committee letterhead purporting to be on behalf of the "House of Representatives Committee on Foreign Affairs * * * in an ongoing investigation;"

Whereas the U.S. District Court consequently granted the request for a reduced sentence on grounds that, "Comity between independent branches of government suggests the desirability of assisting Congress in its important work where there is no strong conflict with a court's other sentencing responsibilities;"

Whereas the Federal District judge further indicated in his sentencing "Memorandum and Order" that, "were it not for the intervention of Congress," the defendant would have been sentenced to a longer term of imprisonment "because he threatened violence during the course of his criminal activity;"

Whereas neither the House, the Committee on Foreign Affairs nor any subcommittee thereof has ever authorized an investigation into the "October Surprise" allegations;

Whereas the House Bipartisan Legal Advisory Group has not authorized any intention in the sentencing proceeding on behalf of the House or any of its committees;

Whereas at the time the chief counsel's letter was submitted to the U.S. District Court a resolution authorizing a special task force investigation into the "October Surprise" allegations was still pending in the House and had not yet been acted upon;

Whereas the misrepresentation of the position of the House and its committees in a judicial proceeding by an employee affects the rights of the House collectively, its dignity, and the integrity of its proceedings, and thereby raises a question of the privileges of the House under Rule IX: Now, therefore, be it

Resolved, That the House Bipartisan Legal Advisory Group (consisting of the Speaker, the majority and minority leaders, and the majority and minority whips) is hereby authorized and directed to inquire fully into the facts and circumstances surrounding the intervention by the chief counsel of the House Committee on Foreign Affairs in the sentencing of Mr. Dirk Stoffberg by the U.S. District Court for the Eastern District of New York and to submit to the House at the earliest practicable date but not later than 45 legislative days after enactment, its findings thereon together with any action taken or recommendations made in response to such incident or to prevent the recurrence of such unauthorized interventions in judicial proceedings by House Members, officers, or employees.

COMMITTEE ON FOREIGN AFFAIRS,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 10, 1992.

Hon. JACK B. WEINSTEIN,
U.S. District Court Judge, U.S. District Court, Eastern District of New York, Brooklyn, NY.

DEAR JUDGE WEINSTEIN: Mr. Dirk Francois Stoffberg has to date provided the House of Representatives Committee on Foreign Affairs with substantial assistance in an ongoing investigation. It is expected that this substantial assistance will continue into the future.

In addition, Mr. Stoffberg has offered to have his testimony preserved by deposition. He has also agreed to testify at any open or closed Congressional hearing if and when requested to do so. Our investigation pertains to the question whether the 52 Americans taken captive in Iran were held past the election of 1980 in violation of any U.S. laws. this issue is commonly referred to as the "October Surprise."

Although Mr. Stoffberg's cooperation may not lead to any criminal action, the information which he has voluntarily provided to us has already been helpful and, to some extent, has been corroborated by other evidence. I would, therefore, request that Mr. Stoffberg's cooperation be taken into consideration by you in the determination of his sentence.

I would be pleased to discuss the matter of Mr. Stoffberg's cooperation with you or your law clerk at any time before Mr. Stoffberg's sentencing.

Sincerely yours,

R. SPENCER OLIVER,
Chief Counsel.

U.S. DISTRICT COURT, EASTERN DISTRICT OF NEW YORK—AMENDED MEMORANDUM AND ORDER

UNITED STATES OF AMERICA AGAINST DIRK STOFFBERG, DEFENDANT

WEINSTEIN, J.:

Defendant pled guilty to violation of munitions export laws. His sentencing guideline range is 8–14 months. Because he threatened violence during the course of his criminal activity, defendant would have been sentenced to 13 months, near the top of the guideline range, were it not for the intervention of Congress. He has already been in custody for 8½ months. The case poses the question: can a request for clemency by Congress support a downward departure in the guideline offense level? As indicated below, the answer is yes.

The Chief Counsel of the Committee on Foreign Affairs of the House of representatives requests that the court consider defendant's cooperation with the Committee. The letter reads:

"ONE HUNDRED SECOND CONGRESS,
CONGRESS OF THE UNITED STATES,
COMMITTEE ON FOREIGN AFFAIRS,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 10, 1992.

DEAR JUDGE WEINSTEIN: Mr. Dirk Francois Stoffberg has to date provided the House of Representatives Committee on Foreign Affairs with substantial assistance in an ongoing investigation. It is expected that this assistance will continue into the future.

"In addition, Mr. Stoffberg has offered to have his testimony preserved by deposition. He has also agreed to testify at any open or closed Congressional hearing if and when requested to do so. Our investigation pertains to the question whether the 52 Americans taken captive in Iran were held past the election of 1980 in violation of any U.S. laws. This issue is commonly referred to as the "October Surprise."

"Although Mr. Stoffberg's cooperation may not lead to any criminal action, the information which he has voluntarily provided to us has already been helpful and, to some extent, has been corroborated by other evidence. I would, therefore, request that Mr. Stoffberg's cooperation be taken into consideration by you in the determination of his sentence.

"I would be pleased to discuss the matter of Mr. Stoffberg's cooperation with you and your law clerk at any time before Mr. Stoffberg's sentencing.

Sincerely yours,

"R. SPENCER OLIVER, CHIEF COUNSEL."

It is the government's view that the court can impose a sentence of time served, within the guidelines, without considering whether a downward departure is permitted on re-

quest of a representative of Congress. Such an approach is generally appropriate. It is not, however, desirable to avoid the downward departure issue in this case; the matter may arise again and again without an opportunity for Congress to test the courts' authority to depart downward as a reward for a cooperating witness. Cf. Nebraska Press Ass'n v. Stuart, 427 U.S. 539, 546-48 (1976) (consideration not barred where the issue is likely to arise again and yet escape review); Evan Tsen Lee, Deconstitutionalizing Justiciability: The Example of Mootness, 105 Harv. L. Rev. 603, 634-35 (1991) (shift from constitutional to prudential standards on mootness, standing, and ripeness); 644-45, 648 (not an advisory opinion to decide a case on the merits over objection of mootness, ripeness, lack of standing, or that the opinion is not necessary for the disposition).

The proper relationship among the three branches of government, legislative, executive, and judicial, in the field of sentencing continues to be perplexing and important. Sea, e.g., Mistretta v. United States, 488, U.S. 361 (1989) (composition of United States Sentencing Commission does not violate the separation of powers). One aspect of that relationship is now presented.

There are a variety of sequences possible in applying departure rules. One is to determine what the sentence would be without a departure, U.S. Sentencing Comm'n Guidelines Manual, at 1 (Nov. 1991), then to consider whether a departure is desirable, then to decide the amount of the departure (in terms of time or offense level), and, finally, to apply the departure to arrive at the actual sentence. See id.; cf, United States v. Kim, 896 F.2d 678, 685 (2d Cir. 1990) (upward departure); United States v. Coe, 891 F.2d 405, 412-13 & n.9 (2d Cir. 1989) (same). This explicit, step-by-step method is desirable in the instant case since the court is being asked by Congress to signal to the present defendant and to future defendants a capacity to treat a Congressional request as an application for an appropriate downward departure.

Section 5K1.1 of the guidelines does not permit a downward departure because, as the government properly argues, in the language of the section, the defendant has not "provided substantial assistance [to prosecutors] in the investigation or prosecution of another person who has committed an offense * * *." Moreover, in the absence of a request from the United States Attorney, a downward departure under section 5K1.1 is generally not available. See, e.g., United States v. Agu, F.2d —, —, 1991 WL 237844 (2d Cir. 1991); United States v. Khan, 920 F.2d 1100, 1106 (2d Cir. 1990), cert. denied, 111 S. Ct. 1606 (1991).

By contrast, section 5K2.0 of the guidelines permits departure on the court's own motion or on request from the defendant or any other person or body. As the Sentencing Commission points out in its policy statement on section 5K2.0, "[some c]ircumstances [which] may warrant departure from the guidelines * * * cannot, by their very nature, be comprehensively listed and analyzed in advance." Guidelines Manual, Policy Statement to § 5K2.0, at 320.

The Court of Appeals for the Second Circuit has suggested that cooperation with a body other than the United States Attorney's Office might fall within section 5K2.0. In United States v. Agu, — F.2d —, 1991 WL 237844 (2d Cir. 1991), for example, Judge Newman pointed out that the requirement of a prosecutor's motion for a section 5K1.1 departure was "settled" in this circuit, but he cited with approval United States v. Khan, 920 F.2d 1100, 1106-07 (2d Cir. 1990). See Agu, 1991 WL 237844, at —, Khan in dicta indicated that information offered "regarding actions [defendant] took, which could not be used by the government to prosecute other individuals" could be used for a downward departure. 920 F.2d at 1107 (defendant may have saved the life of a confidential DEA informant). Agu noted that "the cooperation covered by section 5K1.1 is cooperation with the prosecution, leaving cooperation with the courts available as a ground for departure in the absence of a government motion, presumably under section 5K2.0." Agu, 1991 WL 237844, at — (citing United States v. Garcia, 926 F.2d 125 (2d Cir. 1991)). In Garcia the Second Circuit approved a downward departure based on the defendant's "activities facilitating the proper administration of justice" in the courts. Id. at 128; cf. United States v. Sanchez, 927 F.2d 1092, 1094 (9th Cir. 1991) (based on defendant's assistance in a civil forfeiture proceeding, the district court properly denied downward departure under section 5K1.1 and exercised discretion not to depart under section 5K2.0).

If cooperation with the courts is covered by section 5K2.0, so, too, is cooperation with Congress. Cf. United States v. Harrell, 936 F.2d 568 (4th Cir. 1991) (unpublished opinion available on WESTLAW) (Murnaghan, J., dissenting) ("I would remand to the district judge to permit him to reconsider [the effect of] Harrell's cooperation with congressional authorities [investigating fraud at HUD.]"). The courts have sentencing authority to reward cooperation of a defendant with an agency other than the prosecution when the United States Attorney has not requested a downward departure.

The Chief Counsel's letter of January 10, 1992 is, in effect, a request for a downward departure. Comity between independent branches of government suggests the desirability of assisting Congress in its important work where there is no strong conflict with a court's other sentencing responsibilities. Balancing congressional needs and the judicial sentencing responsibilities in this case requires a downward departure in the exercise of the court's discretion.

In view of the importance of defendant's cooperation with Congress, a downward departure of three offense levels is appropriate. Absent such a departure, his offense level would be 11, with a guideline range of 8-14 months in prison. With the downward adjustment, his offense level is 8, providing a range of 2 to 8 months. Since he has served 8½ months, he is ordered released forthwith. The sentence is stayed for 7 days to permit the United States Attorney to appeal and to seek a further stay from the Court of Appeals.

So Ordered.

JACK B. WEINSTEIN,
United States District Judge.

Dated: Brooklyn, New York, January 21, 1992.

[From the Legal Times, Jan. 27, 1992]

GUNRUNNER PLAYS OCTOBER SURPRISE CARD—LAWYER EXPLOITS HOSTAGE PROBE, WINS CONGRESSIONAL HELP TO FREE CLIENT

(By Daniel Klaidman)

Two years ago, Thomas Dunn was scraping by as a court-appointed criminal defense lawyer in Brooklyn, taking the usual assortment of drug, robbery, and occasional murder cases. After 5½ years of this routine, he was a little bored.

But on Thursday, Jan. 18, 1990—Dunn's day of the week for picking up cases in U.S. District Court—his luck changed dramatically.

That day, a U.S. magistrate assigned Dunn the case of Ari Ben-Menashe, an Israeli intelligence operative accused of making illegal arms sales to Iran. By taking the case, Dunn was thrust into a world of international conspiracy and cloak-and-dagger intrigue that has taken him from Brooklyn to a jail cell in provincial Germany to the corridors of power in Washington.

The Ben-Menashe defense was a watershed for Dunn because it provided him entree into an even more byzantine international intrigue—the so called October Surprise.

Dunn's Ben-Menashe connection led him to take the case of Dirk Francois Stoffberg, a former South African intelligence agent and private arms merchant—who, like Ben-Menashe, is another shadowy figure involved in the October Surprise. The story of the October Surprise posits that in the fall of 1980, to help elect Ronald Reagan as president, Reagan campaign officials attempted to stall the release of 52 Americans held hostage in Iran.

Now, some crafty layering by Dunn on behalf of Stoffberg has sparked a nasty partisan spat in Washington that centers on the role a powerful congressional staffer is playing in the House of Representatives' October Surprise investigation. Dunn managed to convince a federal judge to make the unprecedented decision to reduce his client's sentence based on congressional intervention.

Through all the politics and security matters, Dunn has deftly played off competing interests in Washington to his client's advantage.

"My client had the information, and Washington was hungry for it," boasts the usually reserved 41-year-old solo practitioner.

While Dunn has good reason to crow, he got a lot of help from his client. Stoffberg claims that in the summer of 1980 he met with future Reagan administration officials William Casey and Richard Allen to discuss U.S. hostages held captive in Iran. He did not reveal this information until he was charged last April with violating the Arms Export Control Act for selling 1,000 9mm Smith & Wesson handguns to a U.S. Customs agent posing as a Chilean broker. In November, Stoffberg pleaded guilty to the charge.

Stoffberg's story of his 1980 activities lured R. Spencer Oliver, chief counsel to the House Foreign Affairs Committee, to Manhattan—and onto Stoffberg's defense team. The longtime Democratic staffer sent a letter praising the South African to U.S. District Judge Jack Weinstein, who later freed Stoffberg.

Oliver is probing the October Surprise for the House Foreign Affairs panel—although he apparently never made known to committee Republicans his actions concerning Stoffberg. His letter has proved a lightening rod for partisan anger over the October Surprise investigation. Republican lawmakers who are critical of the probe have lashed out at Oliver for intervening in a pending criminal case in pursuit of evidence to support the October Surprise hypothesis.

The members say that it was inappropriate for an unelected staffer under the auspices of Congress to lobby a judge to reduce a defendant's sentence.

"By what authority did Spencer Oliver intervene in this case, and why wasn't the minority notified?" asks Rep. Henry Hyde (R.-Ill.), a senior member of the House Foreign Affairs Committee." The letter should have been signed by somebody in authority.

"Maybe Mr. Oliver is running the Foreign Affairs Committee, and I didn't know it," adds Hyde.

Oliver declines comment. A spokesperson for his boss, Rep. Dante Fascell (D-Fla.),

chairman of the House Foreign Affairs Committee, says that Fascell authorized the letter.

The spokesperson notes that the letter was also authorized by Rep. Lee Hamilton (D-Ind.), who heads the Democratic task force established to probe the October Surprise.

But a spokesman for Hamilton says the congressman "was not familiar with the letter that has been sent to the judge."

This partisan squabbling is of little concern to Dunn, who has sprung his client from jail and in so doing helped to create case law that gives Congress power in sentencing at the expense of federal prosecutors.

"If you have a guy arrested out in Texas," says Dunn, "and there's a congressional investigation totally unrelated to his particular case, now a judge has the power to make a downward departure in the sentencing guidelines based on U.S. v. Stoffberg."

CLIENT REFERRAL

For Stoffberg, the case began last year in Konstanz, Germany, when the U.S. Customs Service stung him. Stoffberg was arrested while attempting to cross the Swiss-German border and held by German authorities pending his extradition to the United States.

A German journalist who knew Stoffberg's financée advised him to retain Dunn. The German had seen Dunn try the seven-week-long Ben-Menashe case, which ended in an acquittal.

On Sept. 22, Dunn, a former insurance claims adjuster with a self-acknowledged fear of flying, flew to Germany to meet with his client.

During his first interview with Stoffberg, held in a German jail cell, Dunn learned that the former agent possessed some startling information that the lawyer hoped might give him leverage with the U.S. government.

In the 1970s, Stoffberg, as an agent of South Africa, sold weapons to the Shah of Iran's government. A remarkably smooth player in the international arms trade, he was able to continue selling weapons to the Iranians after the 1979 revolution.

According to Dunn, Stoffberg's good relations with officials in the Ayatollah Khomeini's regime led "two American Reagan campaign officials" to meet with his client in London on two occasions in the summer of 1980 to discuss the 52 U.S. hostages seized by Iranian militants after the revolution.

Dunn would not confirm that Casey and Allen were the two officials, but two Hill sources assert that Stoffberg has named those men to congressional investigators.

The claims were indeed explosive, and Dunn knew there had to be a way to use the information to his client's advantage.

"We wanted to cooperate with any governmental entity that was interested in Mr. Stoffberg's story," says Dunn.

But the 1980 graduate of the Western New England College of Law also realized that Stoffberg had been caught red-handed by U.S. agents and would almost certainly be convicted by a jury if the case went to trial.

Furthermore, Dunn surmised that revealing the conspiracy allegations to prosecutors in New York's Eastern District, where Stoffberg had been indicted, would be counterproductive.

"The prosecutors' Republican bosses in Washington were hardly going to allow a deal to be cut based on allegations about the October Surprise," says Dunn.

To make matters worse, Stoffberg refused to cooperate with U.S. prosecutors in their cases against his co-defendants. According to Dunn, his client was wary of violating the South African Secrets Act and returning to his native land to face stiff criminal penalties.

"We had no defense, that was clear," recalls Dunn.

DEALING WITH CONGRESS

Then Dunn remembered a conversation he had with Spencer Oliver, the House Foreign Affairs counsel who was interested in his other client, former Israeli spy Ari Ben-Menashe. Ben-Menashe also claimed knowledge of the October Surprise and was angling to provide testimony to congressional investigators.

In September, Dunn met with Oliver and asked to set up a meeting between Oliver and Stoffberg. To add credibility to his client's story, Dunn told Oliver that in 1981, Stoffberg had played a key role in freeing three Anglican clergymen who had been taken prisoner by the Iranians. The episode, he said, could be corroborated by Swedish diplomats.

According to Dunn, Oliver was interested but non-commital. He wanted to meet with Stoffberg before agreeing to intervene with the court on his behalf.

On Nov. 21, in the U.S. Courthouse in Brooklyn, Stoffberg pleaded guilty to one count of violating the Arms Export Control Act. He was detained in the Metropolitan Correctional Center in Manhattan.

Oliver tried to set up a meeting with Stoffberg at the Office of the U.S. Attorney for the Eastern District of New York. Although prosecutors denied the request, they became interested in Stoffberg's dealings with the congressional aide. Assistant U.S. Attorney Seth Marvin had several long conversations with Oliver in an attempt to learn what Stoffberg was telling the investigator, according to Dunn and others.

Oliver finally met with Stoffberg on Dec. 26 at the Metropolitan Correctional Center. The South African told Oliver about the two London meetings and provided documents, according to Dunn.

Shortly after Oliver returned to Washington, however, he told Dunn that he would not intervene for Stoffberg because Stoffberg had refused to reveal the name of a British intelligence officer who organized one of the London meetings.

PLAYING HARDBALL

The development came as a major blow to Dunn.

"All of the sudden it felt like my heart fell out of my chest," Dunn remembers.

So the slightly diffident solo practitioner from Fairlawn, N.J., decided it was time to play hardball with Washington.

"The committee needed my client," says Dunn. "I told Oliver 'no letter to the judge, no cooperation from my client,' and he got the message."

In Oliver's carefully crafted Jan. 10 letter to Judge Weinstein, he writes that Stoffberg has "provided the House of Representatives Committee on Foreign Affairs with substantial assistance in an on-going investigation." The controversial letter goes on to "request that Mr. Stoffberg's cooperation be taken into consideration by you in the determination of his sentence."

At a Jan. 14 sentencing hearing before Weinstein, a federal prosecutor argued that the Oliver letter was no different from any other character reference from a third party: "Congress, like any other party or private citizen, has a right to send a letter to the court, much like a family member would, a physician, a member of the clergy * * *"

The judge shot back rhetorically: "You're not putting Congress in the same position of influence as a family member in terms of its influence."

Weinstein ruled that under federal sentencing guidelines, Stoffberg was eligible to serve eight to 14 months, but that based on "the importance of defendant's cooperation with Congress, a downward departure of three offense levels is appropriate."

He sentenced Stoffberg to two-to-eight months' imprisonment; because Stoffberg had already served 8½ months, the judge ordered his release. In his Jan. 16 opinion, Weinstein also indicated that he would have sentenced the South African to 13 months in prison had he not taken Oliver's request into consideration.

The U.S. attorney's office declined to appeal Weinstein's ruling.

LEGAL REWARDS

Meanwhile, Rep. Hyde and other Republicans continue to cry foul over Oliver's role in reducing the sentence of a convicted arms merchant.

But such political infighting seems distant to Dunn, who was preoccupied last week with defending his client's interests before the U.S. Immigration and Naturalization Service, which is seeking to deport Stoffberg either to South Africa or to Germany.

Dunn says he has not seen the last of Stoffberg, and the work he hopes to do in the future will probably take him even further from his court-appointed criminal practice in Brooklyn.

Says Dunn: "I'll be Stoffberg's lawyer for his book deal."

□ 1510

ACCESS TO JUSTICE ACT OF 1992—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 102-185)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on the Judiciary and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit today for your immediate consideration and enactment the "Access to Justice Act of 1992". The purpose of this proposal is to reduce the tremendous growth in civil litigation that has burdened the American court system and imposed high costs on our citizens, small businesses, industries, professionals, and government at all levels.

A thorough study of the current civil justice system has been conducted by a special working group, chaired by the Solicitor General, Kenneth W. Starr. The working group's recommendations, which were unanimously accepted by my Council on Competitiveness, are reflected in the bill. The legislation seeks to reduce wasteful and counterproductive litigation practices by encouraging voluntary dispute resolution, the improved use of litigation resources, and, where appropriate, modified, market-based fee arrangements. Additional reforms would permit the

judicial system to operate more effectively.

The Access to Justice Act would accomplish reforms in significant areas of litigation:

—a prerequisite for Federal jurisdiction over certain types of lawsuits (the amount in controversy requirement) would be redefined to exclude vague, subjective claims;

—prevailing parties could be entitled to award of attorney's fees in certain lawsuits brought in Federal court;

—the Equal Access to Justice Act would be amended to clarify and limit litigation over the amount of attorney's fees;

—innovative "multi-door courthouses" would be established to encourage utilization of alternative dispute resolution mechanisms;

—award of reasonable attorney's fees in disputes involving the United States would be permitted in appropriate instances;

—prior notice would be required, subject to reasonable limits, as a prerequisite to bring suit in any United States District Court;

—flexible assignment of district court judges would be authorized;

—immunity of State judicial officers would be clarified and protected;

—the Civil Rights of Institutionalized Persons Act would be amended to encourage resolution of claims administratively; and

—improvements in case management in Federal courts would be effected.

I believe this proposed legislation would greatly reduce the burden of excessive, needless litigation while protecting and enhancing every American's ability to vindicate legal rights through our legal system. I recommend prompt and favorable consideration of the enclosed bill.

GEORGE BUSH.

THE WHITE HOUSE, *February 4, 1992.*

APPOINTMENT OF CONFEREES ON H.R. 2194, FEDERAL FACILITIES COMPLIANCE ACT OF 1991

Mr. SWIFT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2194) to amend the Solid Waste Disposal Act to clarify provisions concerning the application of certain requirements and sanctions to Federal facilities, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. MCDERMOTT). Is there objection to the request of the gentleman from Washington?

Mr. SCHAEFER. Mr. Speaker, reserving the right to object, which I will not do, I make this reservation for the purpose of asking the gentleman from Washington [Mr. SWIFT] what this request is?

Mr. SWIFT. Mr. Speaker, will the gentleman yield?

Mr. SCHAEFER. I yield to the gentleman from Washington.

Mr. SWIFT. Mr. Speaker, this is a request to go to conference on the Federal facilities bill, legislation that the gentleman from Colorado [Mr. SCHAEFER] has had considerable interest in over the years.

Mr. SCHAEFER. Mr. Speaker, I certainly support the request of the gentleman from Washington [Mr. SWIFT].

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington? The Chair hears none, and, without objection, reserves the right to appoint additional conferees:

From the Committee on Energy and Commerce, for consideration of the House bill, and the Senate amendment, and modifications committed to conference: Messrs. DINGELL, SWIFT, ECKART, SLATTERY, SIKORSKI, LENT, RITTER, and SCHAEFER.

As additional conferees from the Committee on Armed Services, for consideration of section 113 of the Senate amendment, and modifications committed to conference: Messrs. RAY, HOCHBRUECKNER, and SAXTON.

As additional conferees from the Committee on the Judiciary, for consideration of section 2(a) of the House bill, and section 103(a) of the Senate amendment, and modifications committed to conference: Messrs. BROOKS, FRANK, and GEKAS.

As additional conferees from the Committee on Merchant Marine and Fisheries, for consideration of section 304(a) of the Senate amendment, and modifications committed to conference: Messrs. JONES of North Carolina, STUDDS, and DAVIS.

As additional conferees from the Committee on Public Works and Transportation, for consideration of sections 102, 109, and 115–19 of the Senate amendment, and modifications committed to conference: Messrs. ROE, NOWAK, and HAMMERSCHMIDT.

As additional conferees from the Committee on Public Works and Transportation, for consideration of title IV of the Senate amendment, and modifications committed to conference: Messrs. ROE, SAVAGE, Ms. NORTON, and Messrs. NOWAK, BORSKI, HAMMERSCHMIDT, SHUSTER, and INHOFE.

There was no objection.

AMERICAN WORKERS SHOULD HAVE KNOWLEDGE OF THEIR POLITICAL RIGHTS

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

Mr. BALLENGER. Mr. Speaker, imagine a portion of your paycheck going to the campaign of your political rival—a practice that Thomas Jefferson called both sinful and tyrannical—and then you'd have to go through a lengthy court battle to get a fair amount of that portion restored. For workers who don't agree with their union's political choices and yet have to support them, this is the situation in which they find themselves.

At the January 1992 meeting of the Republican National Committee a resolution passed calling for the Congress and the Department of Labor to do everything in their power to legislatively and administratively enforce the 1988 Supreme Court Beck decision so that American workers can have the knowledge of their political rights.

American workers, thanks to this landmark decision, will not have to pay that portion of their union dues that goes for political activity. The problem is that most workers are not aware of these rights, and, therefore, would have to go to court as Harry Beck did.

Mr. Speaker, I place this resolution in the RECORD and I ask that this administration restore freedom of political choice to the workers of our country by enforcing the Beck decision.

BECK RIGHTS RESOLUTION—1992

Whereas, the Supreme Court of the United States has ruled that it is a violation of the First Amendment guarantee of free speech to compel workers to fund political activities and candidates through their compulsory dues and other payments to unions, and

Whereas, the Supreme Court's decision in Communication Workers v. Beck (108 S. Ct. 2641 (1988) establishes these employee rights under the National Labor Relations Act, and

Whereas, compulsory dues pour millions and millions of dollars into the coffers of big labor which the union bosses spend in support of candidates whom working Americans do not support and, indeed actively oppose, and

Whereas, officials of the National Education Association union plan to spend teachers' dues money to defeat President Bush's reelection efforts, thus trampling on the political freedom of the NEA's 600,000 Republican members, and

Whereas, officials of the Teamsters union, and of the AFL–CIO, have announced their intention to spend members' dues money to defeat President Bush, despite the fact that nearly half of all union members in these organizations voted for President Bush in the last election, and

Whereas, union members, seeking to exercise their Beck rights have been put off, threatened with the loss of their jobs and benefits and, on occasion, asked to leave the union, and

Whereas, Republican-sponsored legislation has repeatedly called for increased enforcement of Beck rights, only to be rebuffed by the Democrat-controlled Congress, and

Whereas, Republican members of Congress have repeatedly tried to insure that workers' rights are no longer violated in such a grievous and illegal manner, only to be rebuffed by the liberal special interests, and

Whereas, President George Bush in June of 1989 said, "I also propose to strengthen the Supreme Court's Beck decision, which held that union members can't be forced to have

their dues go to political causes they do not support. No Americans—not one—should be compelled to give money to a candidate against his or her will", and

Whereas, the United States Department of Labor has the right and power and obligation to act administratively to help protect workers from the forcible taking of their dues monies and other payments to unions to support causes and candidates they oppose, and

Whereas, the Republican National Committee, at its January, 1991 meeting in Washington, D.C., fully endorsed the right of American working men and women to support or oppose candidates of their choice, free from political tyranny and coercion, and

Whereas, the Republican National Committee, at its 1991 meeting called upon the Congress and the Department of Labor to do everything in their power to correct union abuses of the rights of workers, only to see those efforts attacked and assailed at every turn by these same liberal interest groups: Now, therefore, be it

Resolved, That the members of the Republican National Committee urge forceful action by the Department of Labor on behalf of the political rights of workers, and we further urge the Department of Labor to implement the Beck decision:

One, mandate the posting of notices in the workplace informing workers of their rights to refuse to fund political causes they oppose; and

Two, amend the LM-2 forms to force full and open disclosure of union expenditures, especially political expenditures, as well as collective bargaining costs, on a line by line basis.

Submitted by Morton C. Blackwell, National Committeeman, Virginia.

Note: Charlton Heston was asked to leave Actors Equity when he attempted to exercise his Beck rights.

AS FEAR OF A BIG WAR FADES, MILITARY PLANS FOR LITTLE ONES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas [Mr. ALEXANDER] is recognized for 5 minutes.

Mr. ALEXANDER. Mr. Speaker, I submit the following article from the New York Times, Monday, February 3, 1992. The content addressed the issue of defense policy for the post-cold-war era. My constituents are very interested in the defense issue.

AS FEAR OF A BIG WAR FADES, MILITARY PLANS FOR LITTLE ONES

(By Patrick E. Tyler)

FORT KNOX, KY.—On a bleak, cold hillside one January afternoon, a class of future Army tank commanders huddled on a set of bleachers as Col. John Sylvester, one of the heroes of the Persian Gulf war, explained why the breakup of the Soviet Union would have no effect on their careers.

A towering Daniel Boone figure with muddy boots and a booming voice, Colonel Sylvester led the Tiger Brigade of the Second Armored Division of M1-A1 tanks against Kuwait International Airport a year ago. Now, as warrior-teacher, he was telling these young captains and lieutenants that even with the cold war's end they might still find themselves in a war someday.

And in war, Colonel Sylvester told them, the enemy will always try to put obstacles on the battlefield "to make you vulnerable so he can kill you." Simple as that.

But what the Colonel didn't say was who that enemy might be. The fact was, he didn't know.

With the cold war ended, the future is sweeping over the United States military. Nowhere is frustration as intense as here at the Army's tank school, where virtually every tank driver since World War II has trained with a Soviet enemy in mind.

AN OLD FEAR, NOW GONE

That vision of an enemy that could point 90 or more divisions at Western Europe and still wage global war with the United States was implanted in multiple generations of Americans in uniform. But now it has evaporated, leaving the United States military without the old certainties about its role in the world, its deployment overseas, its need for futuristic weapons and battlefield scenarios.

At no time since the end of World War II has America's two-million-member military establishment faced as much fundamental change and uncertainty as in 1992, the first full year that will unfold without a unified Soviet military and the industrial complex that supported it.

Significant military threats to American security are greatly diminished, but they have not disappeared altogether: Saddam Hussein reminded the world that sizable military challenges might arise in the undefinable era ahead, but these potential adversaries are vaporous shapes.

"This transition period is potentially dangerous," argued Maj. Gen. Thomas C. Foley, who commands the armor school at Fort Knox. "I don't want to say there is a bogey man behind every tree, but you have to admit when the American people say, 'Our interests are being threatened, let's do something about it,' we have got to be ready to go, on a much reduced scale maybe, but ready to go."

A GAME WITH ONLY ONE TEAM

For other officers, the loss of certainty is more distressing.

Col. Dennis H. Long is the director of "total armor force readiness" at Fort Knox. His job is to look 15 to 20 years into the future and recommend to the Army what kind of tanks and other armored vehicles the service should design.

"For 50 years, we equipped our football team, practiced five days a week and never played a game," he said. "We had a clear enemy with demonstrable qualities, and we had scouted them out."

Now, he continued, "We will have to practice day in and day out without knowing anything about the other team. We won't have his playbook, we won't know where the stadium is, or how many guys he will have on the field. That is very distressing to the military establishment, especially when you are trying to justify the existence of your organization and your systems."

THE QUESTIONS: HOW TO LEARN FROM SMALL WARS

The final collapse of the Soviet empire has caused millions of Americans and many of their representatives in Congress to call for dramatic reductions in the American military. And it has led the Bush Administration to retreat, though in small steps, from the large military budgets that characterized the Korean War era, the Vietnam War era, the late Carter Administration, the Reagan era and even the first days of the Bush Administration.

"For all of my lifetime," said Representative Les Aspin, Democrat of Wisconsin and chairman of the House Armed Services Committee, "the driving force for everything has been the Soviet threat." Now that it has gone away, he continued in an interview, "we are cut loose from a lot of our certainties, and we must ask ourselves first-principles questions which haven't been asked in 40 to 50 years."

What are those questions?

Former Defense Secretary Harold Brown said the first question Americans must answer is what kind of military power they want the nation to be.

"Is it really America's job to fight in North and South Korea?" he asked. "Apparently it is America's job to fight in the Persian Gulf. What about southern Africa and Latin America?"

"My own guess is that the American public wouldn't see the same motivation" in those regions that it did during the cold war, Mr. Brown said, when global military competition with the Soviet Union led to American intervention in Europe, Central America, the Caribbean, the Middle East and Asia.

"The end of the cold war should mean the end of the cold-war method of judging defense requirements," former Defense Secretary James R. Schlesinger wrote recently in Foreign Policy.

In an interview, Mr. Schlesinger said American society must recast its definition of power to include such elements as economic competitiveness, productivity and investment in industry. These other priorities, he suggests, will move to more commanding positions as the need for massive military strength disappears.

LOADED WORDS IN THE BUDGET

This transition holds practical problems, however, and most of them are in Washington, where the annual budget cycle requires the Pentagon and the Congress to define "threats" to national security and then to state the "requirements" for weapons and forces needed to meet them. From this process emerges an annual Pentagon budget and five-year spending plan to "acquire" the forces and weapons needed.

But without a big threat, there is little agreement on how to proceed.

Representative Aspin recently suggested that the Persian Gulf war should be the model for future wars. The Iraq experience would be transplanted around the globe to measure the relative strength of other troublesome regional powers as a means to plan forces to defeat them. Mr. Aspin has dubbed this method "Iraq equivalents."

In August 1990, Defense Secretary Dick Cheney and Gen. Colin L. Powell, chairman of the Joint Chiefs of Staff, defined a strategy that would shrink worldwide American forces by 25 percent from cold-war levels while increasing spending for a new generation of high-technology weapons to outfit the American military of the future.

MILITARY'S NEW TASKS

This transitional strategy foresaw the threat of regional wars in the Persian Gulf or Korea. It focused on the spreading ballistic missile threat, nuclear proliferation, terrorism, drug trafficking and the possible reemergence of a Soviet threat in Europe.

The collapse of the Soviet Union quickly undermined this strategy and highlighted the fact that Mr. Cheney and General Powell were building so many new weapons that future defense budgets, after a period of shrinkage, would actually begin growing again by tens of billions of dollars a year later in the decade.

But Mr. Cheney and General Powell have now retrenched further.

Oppressed by the new reality that it must justify itself in a relative vacuum of "threats," the military's leaders are clinging to the truisms of military philosophy, admonishing political leaders in the way Machiavelli might have instructed his prince or Clauswitz his king.

The advice is simple and blunt: any nation that disarms invites attack; wars, when they come, are seldom the wars expected; being as good as a potential adversary is not enough; winning means not only exceeding the strengths of the opponent, but dominating him so completely that the conflict is ended early with favorable results and minimal casualties.

THE BACKGROUND: A STRATEGY BUILT ON YEARS OF FEAR

On Aug. 25, 1989, Adm. William J. Crowe Jr., General Powell's predecessor as Chairman of the Joint Chiefs of Staff, distributed his last "national military strategy," a classified guide to waging global conflict with the Soviet Union. He did not know that in just 76 days the Berlin wall would fall, bringing the end of the cold war clearly into view.

"Should deterrence fall and war come," he wrote to Secretary Cheney, "the United States must be prepared for an extended conflict involving the survival of the nation." The document, which was sent to top military commanders, spoke of "total mobilization at home" to build the nation's wartime combat power.

"United States forces will seek out and destroy Soviet naval forces, project power ashore and be prepared to conduct attacks against the Soviet homeland," Admiral Crowe wrote. Should the war go nuclear, the document says, "our forces will hold at risk those assets that the Soviet leadership would need to prevail in a nuclear conflict and to dominate a postnuclear world."

It was a military catechism that epitomized an era—an era in which NATO developed strategies to offset the numerical superiority of the Warsaw Pact; an era in which the United States Navy focused on resupplying Europe in wartime, on dominating the oceans and on building a maritime strategy using aircraft carriers and marines to strike on the Soviet flanks.

HARKING BACK TO THEIR COMING OF AGE

For most senior general officers in the American military today, coming to adulthood coincided with the onset of prospective East-West conflict.

General Foley, now the commander at Ft. Knox, recalled that when he arrived in West Germany in 1961 as a young second lieutenant and watched the Berlin wall going up, "I think all of us took very seriously the fact that we could go to war at any time."

"There was a fear," he said, a recognition that those officers who had brought their families to Europe might not get the opportunity to warn them in the event that war broke out with nuclear weapons.

When his wife, Sandy, and two young children arrived by transport ship in Bremerhaven and traveled by train to Bavaria in June 1962, the Foleys had been separated for a year by the Berlin crisis. Their family reunion lasted only three days before Lieutenant Foley had to be back with his unit in a high state of readiness for war.

When there was spare time, the Foleys reconnoitered the escape routes through Germany that Mrs. Foley and the children would use if war broke out.

"That's how serious it was taken," he said.

This seminal cold war experience shaped General Foley's lifetime view, leaving him with the opinion today that the United States should strive to remain a potent military power to deter threats, even if the threats were not readily apparent.

THE ANALYSIS: THREAT IS DIVERSE RATHER THAN DEEP

For the military, and the nervous Foleys, the cold war was a time of great building and transition. The first bomber designed to carry nuclear weapons, the B-52 Stratofortress, went on 24-hour alert in 1957. The Air Force's Strategic Air Command became the first among equals of all military commands; its mission was to annihilate Soviet targets with nuclear fire.

In June 1962, the same month that Mrs. Foley followed her husband to Europe, Roy Alcala graduated from West Point and reported to tank school at Fort Knox.

The commencement speaker for Lieutenant Alcala's graduating class at West Point had been President John F. Kennedy, who admonished the cadets that the global competition between the Soviet Union and United States might send them into the third world as cold warriors against the spread of Marxist revolutions.

"I know that many of you feel, and many of our citizens may feel, that in these days of the nuclear age, when war may last in its final form a day or two or three days before much of the world is burned up, that your service to your country will be only standing and waiting," Mr. Kennedy said.

"Nothing, of course, could be further from the truth."

Five Soviet leaders and several wars later, Mikhail S. Gorbachev began the process of turning the world on its end. And after two tours in Vietnam and three years of graduate school at Yale University, Colonel Alcala and many of his contemporaries saw the decline of the Soviet Union long before the Pentagon officially acknowledged it.

"We began to see it in 1986 and the spring of 1987," he said. By this time, Colonel Alcala was running a small research group for Gen. Carl E. Vuono, the Army Chief of Staff.

Sensing the future, General Vuono mobilized his staff to formulate what he called a "successor strategy" that would allow the Army to shrink in size, while maintaining its lethalness and mobility for any crisis.

CHANGE IN RISK RATIO

"Changing from the containment of the Soviet Union," Colonel Alcala said, meant that "we were preparing our forces so they could act in areas other than mainland Europe while not knowing precisely what kind of threat they would face."

"Our conclusion was that while the risk to national existence was way down, the probability of having to engage was way up.

"It took the exercise against Iraq to shed much of the old language and to demonstrate what we had done," Colonel Alcala said.

General Vuono and Colonel Alcala also understood that the service would have to shrink substantially because no set of hypothetical threats could ever measure up to the demands the Soviet military had put on American military preparedness.

THE OUTLOOK: THE DEAD PAST SHAPES THE FUTURE

Veterans of the Pentagon's planning process say the military has spent most of its time for the last two years justifying a slimmed-down version of the cold-war military structure, rather than trying to design a force for the 21st century.

The notion of throwing out a decades-old system is a powerful bureaucratic threat. It rankles veterans.

"It can't be a clean sheet of paper," said Mr. Brown, the former Defense Secretary. "You have an immense capital investment, and you can't throw it away."

Planning for the future need not waste the investments of the past, some experts say. Without a clear and identifiable military threat, why not design a smaller, highly mobile and lethal military that could respond to a crisis anywhere in the world, seize territory, control the air over the battlefield and provide support from the sea, but at half the cost of the military that existed when the Berlin wall fell?

New ideas about so-called all-purpose forces are being offered. Some argue that the military has only begun to explore the possibilities offered by cost-effective combinations of computers, radars and high-technology munitions that can bring more firepower to bear on targets than at any time in history.

Mr. Aspin, head of the House Armed Services Committee, has advocated new procurement strategies to slow the development of new weapons: "rolling over" research and "skipping generations" of weapons instead of rushing into production with every new model.

It appears that the Pentagon is moving in that direction.

THE DOUBTS: INERTIA HOBBLES A VAST MILITARY

Just retired from the Army that he joined in the era of Dr. Strangelove, Colonel Alcala is proud of the imprint his generation left on his service. But he has also begun to believe that the United States can remain the strongest global military power while also shedding much of the "dishonesty, pork and near-term economic gain" that impels the Pentagon's budget.

He says he would be willing to scrap the Army's tank factories and deactivate divisions that have lost their purpose. He would experiment with so-called cadre divisions that would maintain a skeletal core and fill out with reservists in a crisis.

"The right answer is probably unachievable," he said, "because it requires traumatic change and the amputation of useless limbs if we do it right. You have to cut the money, change the strategy and make the force fit the strategy. And you'll never get that on Capitol Hill."

AFTER THE THAW—"THE RESIDUAL ROLE FOR THE MILITARY"

(By Robert S. McNamara)

The opportunity for the Western democracies at present is to establish a vision of a new world order. It's the first opportunity of conceiving of such a vision and moving toward it since Roosevelt and Churchill put forth their vision of a post-World War II world. They were looking to a world in which relations among nations were based on a rule of law and a form of collective security founded on the United Nations. That is possible now.

I'm not so naive as to believe this post-cold-war would be without conflict. There have been 125 wars leading to 40 million deaths, largely in the third world, after World War II and before the Gulf War. These were not a function of ideological differences between East and West. They were a function of the age-old causes of war—boundary disputes, economic conflicts, ethnic tensions.

The danger is not that some group of nations will engage in conflict that will endanger the military structure of the great pow-

ers. The danger is that the great powers will fail to follow through on the vision. If the United States will give leadership in that direction and the other great powers will follow, then I believe it should be possible to cut military expenditures in the world roughly in half.

The residual role for the military is to deal with the conflicts that can't be deterred—such as the Gulf. We have many, many problems in the world, such as the proliferation of weapons of mass destruction. We've got all kinds of common enemies and challenges, such as the sustainability of development in broadest sense around the world. Population stability and environmental stability are going to be increasingly serious problems.

NEW WEAPONS FOR AN OLD WAR

[Some weapon systems designed for cold-war applications]

Weapon	Original mission	Status
B-2 Stealth Bomber	To penetrate Soviet airspace undetected carrying nuclear weapons during wartime. Development by Northrop began in 1978; first flight was in July 1989.	The Pentagon wanted 75 planes at a cost of $65 billion, but President Bush's budget proposal for fiscal 1993 calls for halting production at 20 planes. The program has already cost $34 billion.
F-22 Advanced Tactical Stealth Fighter.	To replace the F-15 Eagle and F-16 Falcon fighters and maintain air supremacy over any improved Soviet fighters. The search for this new generation of aircraft that could fly at supersonic speeds without detection began in 1981; Lockheed won the design competition in April 1991.	Full-scale production to begin this year at an expected cost of $95 billion for 650 planes. In the fiscal 1993 budget, the Pentagon is requesting $2.2 billion for the program.
SSN-21 Seawolf, named for the first submarine in this class.	To succeed the Los Angeles-class submarine with the mission of preventing the Soviet Navy from seizing the oceans during wartime. The first boat, ordered in January 1989, is under construction.	The Navy wanted 30 boats for a total cost of $65 billion. President Bush's fiscal 1993 budget proposal calls for ending the program after only one submarine is built.
M1 Tank	To counter heavy armored Soviet tank divisions in Europe	Congress instructed the Pentagon to proceed with the M1-A2, an upgrade of the M1-A1, even though the Defense Department says it already has more tanks than it needs. Current proposals call for $315 million next year.
Aircraft carrier battle groups	To maintain "deep attack" capabilities against the Soviet Union, and to provide forward air attack abilities around the world.	Three new carriers are under construction, and the Navy wants to build another. The 15 carrier battle groups already deployed cost more than $20 billion a year to operate. Each carrier along with its battle group costs about $45 billion over its 30-year life cycle.

ACCESS TO JUSTICE ACT OF 1992

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. FISH] is recognized for 5 minutes.

Mr. FISH. Mr. Speaker, today I am introducing the Access to Justice Act of 1992, legislation that will bring about important and needed reforms in the Federal civil justice system. This bill is the outgrowth of certain recommendations made by the President's Council on Competitiveness in its Agenda for Civil Justice Reform issued in August 1991. As chairman of the Council on Competitiveness, Vice President DAN QUAYLE deserves high marks and high praise for his leadership in this reform effort.

I am very gratified to have the Honorable ROBERT MICHEL, the Republican leader, the Honorable NEWT GINGRICH, the Republican whip, and the Honorable DUNCAN HUNTER, the chairman of the Republican Research Committee joining with me as cosponsors of this important measure. Also, I am pleased to have my good friends and Judiciary Committee colleagues, the Honorable CARLOS J. MOORHEAD, and the Honorable BILL MCCOLLUM, as cosponsors as well.

At the very outset, it should be emphasized that this legislation is not intended as an attack on our Nation's legal system or the Nation's legal profession. I am a lawyer myself. I have served for over 23 years on the Committee on the Judiciary in the House of Representatives and have viewed this service as an opportunity to improve the administration of justice for all of our people. In short, I have the utmost respect for the American system of justice and our forms of jurisprudence.

But there is no aspect of our Government that should be considered to be immune from legitimate inquiry, review, and analysis. The Federal court system—with its complex rules and myriad procedures—is and should be subject to the regularized scrutiny of congressional oversight. Our civil justice system belongs to all Americans.

The fact is that the American people sense that something is wrong with our legal system. They believe there are too many lawsuits and too many excessive damage awards. They believe that too much litigation is hurting the American economy. They believe that too much litigation is costing Americans jobs. They believe that too much litigation is driving up the cost of financing Federal, State, and local government. They believe that too much litigation is driving up the cost of liability (auto, homeowners, commercial) insurance and is a key factor in driving up the cost of health care.

Civil justice reform is about balanced fairness in our legal system. Civil justice reform is about seeking legitimate alternatives to litigation. Civil justice reform is about jobs for Americans—keeping existing jobs in the United States and creating new ones here at home. Civil justice reform is about enhancing American competitiveness so that our economy is allowed to expand and prosper. Civil justice reform is about American productivity. Civil justice reform is about cutting back on wasted transactional costs that produce nothing.

Our bill would make a number of important reforms in the Federal civil justice system without limiting the legal rights of legitimate plaintiffs. It is important to emphasize that this legislation imposes no caps on damages and no limits on attorneys' fees. Instead, it makes commonsense adjustments in the manner of handling Federal civil litigation.

Allow me to briefly summarize what our bill is going to do:

Require that the amount in controversy—$50,000—for Federal court jurisdiction in diversity of citizenship actions should be based upon actual damages—that is, real economic losses.

Utilize the English rule or fairness rule in cases brought to the Federal courts through diversity jurisdiction. Under our adaptation of the English rule, the losing party will pay the attorneys' fees of the prevailing party but only up to the amount of their own attorneys' fees. This general loser-pays approach on legal fees is used by virtually every other civilized nation. It serves to discourage unnecessary and marginal litigation. Again, I would emphasize that our bill would not apply the rule in all Federal cases but rather only those that are in Federal court as a result of diversity in citizenship. This represents less than 25 percent of the Federal civil docket. For example, civil rights cases, environmental enforcement cases, and Federal question cases would not be affected.

As a means of further encouraging settlements, we propose a 30-day notice prior to filing actions in the Federal courts, specifying the basis of the claim and the amount of damages sought. If a plaintiff fails to notify, they are not substantively penalized. The statute of limitations would not expire; they simply would refile the same case as long as they give notice to the other parties.

To further the alternative disputes resolution [ADR] process, we would establish a pilot program through the designation of multidoor courthouse districts across the United States. These multidoor courthouses would adopt procedures for a speedier, nontrial way to resolve disputes and to expedite discovery.

Protect State court judges against possible personal liability for decisions made in the line of their judicial duties.

Authorize U.S. Government agencies to enter into fee shifting agreements with other litigants.

This civil justice reform legislation would streamline pretrial procedures, speed the trial process, and curb litigation costs. Now, there will be some who

will charge that this legislation is inconsistent with the best interests of the American people. Nothing could be farther from the truth. The American people would be the direct beneficiaries of these reforms. Americans fully understand that changes need to be made and they will expect Congress to take a serious look at this comprehensive reform plan.

Again, I want to compliment the Vice President for his leadership on this extremely important issue. I look forward to working with him and my House colleagues toward the enactment of this very important legislation. Mr. Speaker, not every dispute that arises in our society needs to be resolved in a court. This legislation reflects that commonsense approach.

H.R. 4155

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Access to Justice Act of 1992."

SEC. 2. FEDERAL DIVERSITY JURISDICTION; SUM IN CONTROVERSY

Section 1332 of title 28, United States Code, is amended by redesignating subsection (d) as subsection (g) and inserting after subsection (c) the following new subsections:

"(d) In determining whether a matter in controversy exceeds the sum or value of $50,000, the amount of damages for pain and suffering or mental anguish, punitive or exemplary damages, and attorneys' fees or costs shall not be included.

"(e) On February 1 of each year, the monetary amounts referred to in subsections (a), (b), and (d) shall each be adjusted to the nearest thousand dollars to reflect the change in the Consumer Price Index for All Urban Consumers (CPI-U), U.S. City Average, All Items, under its current official reference base as designated by the Bureau of Labor Statistics of the United States Department of Labor. The adjusted amounts shall be calculated by multiplying the relevant monetary amount by the annual average CPI-U for the most recent calendar year, and then dividing that sum by the annual average CPI-U for 1992.".

SEC. 3. DIVERSITY OF CITIZENSHIP JURISDICTION; AWARD OF ATTORNEYS' FEES TO PREVAILING PARTY.

Section 1332 of title 28, United States Code, is amended by inserting after subsection (e) the following new subsection:

"(f)(1) The prevailing party in an action under this section shall be entitled to attorney's fees only to the extent that such party prevails on any position or claim advanced during the action. Attorneys fees under this paragraph shall be paid by the nonprevailing party but shall not exceed the amount of the attorneys' fees of the nonprevailing party with regard to such position or claim. If the nonprevailing party receives services under a contingent fee agreement, the amount of attorneys' fees under this paragraph shall not exceed the reasonable value of those services.

"(2) In order to receive attorneys' fees under paragraph (1), counsel of record in any action under this section shall maintain accurate, complete records of hours worked on the matter regardless of the fee arrangement with his or her client.

"(3) As used in this subsection, the term 'prevailing party' means a party to an action who obtains a favorable final judgment (other than by settlement), exclusive of interest, on all or a portion of the claims asserted in the action.

"(4) The court may, in its discretion, limit the fees recovered under paragraph (1) to the extent that the court finds special circumstances that make payment of such fees unjust.

"(5) This subsection shall not apply to any action removed from a State court pursuant to section 1441 of this title, or to any action in which the United States, any State, or any agency, officer, or employee of the United States or any State is a party.".

SEC. 4. AMENDMENT TO EQUAL ACCESS TO JUSTICE ACT.

(a) BASIS FOR ADJUSTING FEES.—Section 2412(d)(2)(A)(ii) of title 28, United States Code, is amended by striking "or a special factor, such as the limited availability of qualified attorneys for the proceedings involved," and inserting "as reflected by the change in the Consumer Price Index for All Urban Consumers (hereinafter referred to in this subsection as the "CPI-U"), United States City Average, All Items, under its current official reference base as designated by the Bureau of Labor Statistics of the United States Department of Labor."

(b) CALCULATION OF ADJUSTMENT.—Section 2412(d) of title 28, United States Code, is amended by adding at the end the following new paragraph:

"(6)(A) If a court determines that the cost of living adjustment permitted by paragraph (2)(A)(ii) should be made in a particular case, the court shall calculate the adjustment in accordance with this paragraph.

"(B) When compensable services in an action are rendered in the present calendar year, the hourly rate shall be calculated by multiplying $75 times the CPI-U for the month in which the last compensable services were rendered, and then dividing that sum by the CPI-U for October, 1981.

"(C) When compensable services are rendered in more than one calendar year, the adjustment for services rendered in the present calendar year shall be calculated using the formula set forth in subparagraph (B). The hourly rate for services rendered in each previous calendar year shall be calculated by multiplying $75 times the annual average CPI-U for the year in which the services were rendered, and then dividing that sum by the CPI-U for October, 1981.".

SEC. 5. PRIOR NOTICE AS A PREREQUISITE TO BRINGING SUIT IN THE UNITED STATES DISTRICT COURT.

(a) IN GENERAL.—Chapter 23 of title 28, United States Code, is amended by adding at the end the following:

"§ 483. Prior notice to suit

"(a) TRANSMITTAL OF PRIOR NOTICE.—(1) At least 30 days before filing suit in a civil action brought in a United States district court, the potential plaintiff shall transmit written notice to the intended defendant of the specific claims involved, including the amount of actual damages and expenses incurred and expected to be incurred. The potential plaintiff shall transmit such notice to the intended defendant at an address reasonably calculated to provide actual notice to each such party.

"(2) For purposes of this section, the term 'transmit' means to mail by first-class mail, postage prepaid, or contract for delivery by any company which physically delivers correspondence as a commercial service to the public in its regular course of business.

"(3) The plaintiff shall, at the commencement of the action, file in the court a certificate of service evidencing compliance with this subsection.

"(b) EXTENSION OF STATUTE OF LIMITATIONS.—In the event that the applicable statute of limitations for that action would expire during the period of notice required by subsection (a), the statute of limitations shall, subject to subsection (d), expire on the thirtieth day after the date on which written notice is transmitted to the intended defendant pursuant to subsection (a). The parties may by written agreement extend that 30-day period for an additional period of not to exceed 90 days.

"(c) EXCEPTIONS.—The requirements of this section shall not apply—

"(1) in any action to seize or forfeit assets subject to forfeiture or in any bankruptcy, insolvency, receivership, conservatorship, or liquidation proceeding;

"(2) where the assets that are the subject of the action or that would satisfy the judgment are subject to flight, dissipation, or destruction, or where the defendant is subject to flight;

"(3) where a written notice prior to filing suit is otherwise required by law, or where the plaintiff has made a prior attempt in writing to settle the claim with the defendant;

"(4) in proceedings to enforce a civil investigative demand or an administrative summons;

"(5) in any action to foreclose a lien; or

"(6) in any action pertaining to a temporary restraining order, preliminary injunctive relief, or the fraudulent conveyance of property, or in any other action involving exigent circumstances that compel immediate resort to the courts.

"(d) DISMISSAL FOR FAILURE TO COMPLY.—In the event that the district court finds that the requirements of subsection (a) have not been met by the plaintiff, and such defect is asserted by the defendant within 60 days after service of the summons or complaint upon such defendant, the claim shall be dismissed without prejudice and the costs of such action, including attorneys' fees, shall be imposed upon the plaintiff. Whenever an action is dismissed under this subsection, the plaintiff may refile such claim within 60 days after dismissal regardless of any statutory limitations period if—

"(1) during the 60 days after dismissal, notice is transmitted under section (a); and

"(2) the original action was timely filed in accordance with subsection (b).".

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 23 of title 28, United States Code, is amended by adding at the end the following:

"483. Prior notice of suit.".

SEC. 6. AWARD OF ATTORNEYS' FEES IN DISPUTES INVOLVING THE UNITED STATES.

(a) IN GENERAL.—Chapter 161 of title 28, United States Code, is amended by inserting after section 2412 the following new section:

"§ 2412a. Award of attorneys' fees in disputes involving the United States

"(a) AGREEMENTS FOR ATTORNEYS' FEES.—Except as otherwise specifically provided by statute, the United States is authorized to enter into an agreement which provides that attorney's fees may be awarded against the United States or any other party to the action or proceedings—

"(1) in any civil action commenced by the United States;

"(2) in civil proceedings involving disputes pursuant to the Contract Disputes Act of 1978, including proceedings before boards of contract appeals pursuant to sections 7 and 8 of that Act; or

"(3) in a case in which the United States and another party have agreed to the use of outcome-determinative mediation as defined in section 484(b)(5) of this title, the mediation has resulted in a determination, and the United States or the other party has given notice pursuant to section 484(b)(8) of this title, pertaining to outcome-determinative mediation, that either party accepts the determination.

In a case described in paragraph (3), section 484(b)(8) shall apply to the award of attorney's fees.

"(b) REQUIREMENTS FOR AWARDING FEES.—The following shall apply to the award of any attorney's fees pursuant to subsection (a) (1) or (2):

"(1) Attorneys' fees may be awarded only to a prevailing party in the action or proceedings, subject to paragraphs (2) and (3). The prevailing party shall be entitled to attorney's fees from the nonprevailing party with respect to and only to the extent that such party prevails on any claim advanced during the action or proceedings, except that the amount of attorneys' fees shall not exceed the attorneys' fees of the nonprevailing party with respect to such claim.

"(2) In determining the amount of attorneys' fees for a private party, the court or board of contract appeals (as the case may be) shall take into account the degree of success obtained by that party relative to its original claim or claims, the prevailing market rates in the geographic area for the kind and quality of the legal services furnished, and any other factors relevant to whether an award of attorneys' fees would be reasonable and, if so, what a reasonable amount of attorneys' fees would be.

"(3) In determining the amount of attorneys' fees of the United States, the court or board of contract appeals (as the case may be) shall determine the number of hours spent by the attorneys employed by the United States on the action or proceedings, multiplied by the salaries and benefits paid to those attorneys, and an amount for overhead, computed as an hourly rate.

"(c) AWARD OF ATTORNEYS' FEES EXCLUSIVE.—A party who files an application for an award of attorneys' fees and expenses against the United States under any other provision of law may not pursue an award of attorneys' fees under this section. A party who files an application for an award of attorneys' fees under this section may not pursue an award of attorneys' fees and expenses under any other provision of law. A party who agrees to medication under section 484 of this title may seek an award of attorneys' fees only under this section and section 484.

"(d) PROCEDURES FOR AWARDING FEES.—(1) A party seeking an award of attorneys' fees under this section shall file an application for fees with the court or board of contract appeals (as the case may be) within 30 days after final judgment in the action or proceedings involved. The application shall show that the party is eligible to receive an award under this section and the amount sought, including an itemized statement from any attorney appearing on behalf of the party which sets forth the actual time expended and the rate at which fees are computed. The party shall serve the fee application upon the party against whom the fees are sought to be awarded.

"(2) Within 30 days after service of the fee application upon the party against whom the fees are sought to be awarded, that party may file a response setting forth its reasons why an award of fees would not be reasonable or why the amount of fees should be reduced. In a case in which an award of attorneys' fees is sought against any party, the attorney for that party shall submit a statement of the total amount of attorneys' fees incurred in the action or proceedings in order that the court or board may determine that the fees sought in the application do not exceed the amount of fees incurred by that party.

"(e) REQUIRED APPROPRIATIONS.—Agreements may be entered into under this section to the extent provided in appropriations Acts. Awards of attorneys' fees received by a Federal agency on behalf of the United States under this section shall be credited to an account of that agency, as provided in an appropriations Act. To the extent provided in advance in appropriation Acts, amounts credited to such account shall be available only to pay awards of attorneys' fees under this section against that agency on behalf of the United States. Each such agency is authorized to pay any shortfall caused if funds currently available in such account are insufficient to pay amounts awarded under this section against such agency on behalf of the United States.

"(f) DEFINITIONS.—For purposes of this section—

"(1) the term 'United States' includes any agency of the United States and any officer or employee of the United States acting in his or her official capacity;

"(2) the term 'final judgment' means a judgment that is final and not appealable; and

"(3) the term 'prevailing party' means a party to an action who obtains a favorable final judgment other than by settlement, exclusive of interest, on all or a portion of the claims asserted during the litigation.".

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 161 of title 28, United States Code, is amended by inserting after the item relating to section 2412 the following:

"2412a. Award of attorneys' fees in disputes involving the United States."

SEC. 7. AVOIDANCE OF LITIGATION THROUGH MULTI-DOOR COURTHOUSES.

(a) IN GENERAL.—Chapter 23 of title 28, United States Code, is amended by adding at the end the following new section:

"§ 484. Multi-Door Courthouses

"(a) DESIGNATION OF COURTS.—The chief judge of each judicial circuit of the United States (other than the United States Court of Appeals for the District of Columbia Circuit) shall designate one district court within the circuit to be a pilot Multi-Door Courthouse. The United States Court of Appeals for the Federal Circuit shall designate the United States Claims Court to be a pilot Multi-Door Courthouse for that circuit. Such designation, and the program established by this section, shall terminate at the expiration of a three-year period following such designation.

"(b) ESTABLISHMENT OF ALTERNATIVE DISPUTE RESOLUTION PLANS.—(1) Every court which has been designated as a Multi-Door Courthouse under subsection (a) shall, not later than six months after the effective date of this section, establish an alternative dispute resolution plan.

"(2) The alternative dispute resolution plan shall include, but not be limited to—

"(A) procedures for limited discovery;

"(B) confidentiality of proceedings as to possible subsequent pretrial and trial actions; and

"(C) the selection, use, and payment of nonjudicial personnel who may be selected to conduct alternative dispute resolution proceedings as neutrals, mediators, or arbitrators.

"(3) The plan shall also establish standards for determining which cases are appropriate for alternative dispute resolution, considering such factors as whether factual issues predominate over legal issues, whether the case involves complex or novel legal issues requiring judicial action, and any other factors the court considers relevant.

"(4) Each plan shall provide that each judge or magistrate judge assigned to a case in a Multi-Door Courthouse established under subsection (a) shall conduct a conference with counsel within 120 days after the complaint is filed to review nonbinding, voluntary alternative dispute resolution procedures that may be used in lieu of litigation to resolve the claims in controversy.

"(5) As used in this section—

"(A) the term 'outcome-determinative mediation' means a procedure in which either a single mediator or a panel of three mediators selected by or under the direction of a United States district court provides the parties with a dollar amount determination that would be awarded if the case is tried; and

"(B) the term 'neutral' means an individual who functions specifically to aid the parties to an issue in controversy in resolving the controversy.

"(6) Each plan shall authorize the parties, if they agree, to use nonbinding alternative dispute resolution procedures in lieu of litigation to resolve the claims in controversy. These nonbinding alternative dispute resolution procedures shall include, but are not limited to, early evaluation by a neutral, mediation (including outcome-determinative mediation), minitrials, summary jury trials, and arbitration.

"(7) Each plan shall provide that—

"(A) the parties may agree as to the use of any alternative dispute resolution procedure listed in the alternative dispute resolution plan to effectuate prompt resolution of the claims involved; and

"(B) the parties may choose to use the neutrals made available by the court or may, if all parties and the court agree, utilize the services of other neutrals not designated in accordance with the court's alternative dispute resolution plan.

"(8) Each plan shall also provide that if the parties choose outcome-determinative mediation and a determination is reached pursuant to such mediation—

"(A) any party may give notice that it intends to accept that determination, while any other party may reject the determination and continue with the litigation;

"(B) a plaintiff, including the United States or any agency, officer, or employee thereof, who rejects the determination and fails to obtain a final judgment that is at least 10 percent greater than the determination shall pay the defendant's costs, as set forth in section 1920 of this title, and attorneys' fees, as set forth in section 2412a of this title, that are incurred after the rejection of the determination; and

"(C) a defendant, including the Untied States or any agency, officer, or employee thereof, who rejects the determination and fails to obtain a final judgment that is at least 10 percent less than the determination shall pay the plaintiff's costs, as set forth in section 1920 of this title, and attorneys' fees, as set forth in section 2412a of this title, that are incurred after rejection of the determination.

If all parties reject the determination, no costs or attorneys' fees shall be assessed against any party.

"(9) In carrying out their plans, the district courts are authorized to use the volunteer services of nonjudicial personnel to conduct alternative dispute resolution proceedings as neutrals, mediators, and arbitrators. The courts are also authorized to establish and pay, subject to limits established by the Judicial Conference of the United States, the amount of compensation, if any, that each neutral, mediator, and arbitrator shall receive for services rendered in each case.".

(B) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 23 of title 28, United States Code, is amended by adding at the end the following:

"484. Multi-Door Courthouses.".

SEC. 8. FLEXIBLE ASSIGNMENT OF DISTRICT COURT JUDGES.

(a) STANDARD FOR TEMPORARY ASSIGNMENTS.—Section 292(d) of title 28, United States Code, is amended by striking "upon presentation of a certificate of necessity by the chief judge or circuit justice of the circuit wherein the need arises." and inserting "whenever the business of that court so requires.".

(d) DUTIES OF DIRECTOR OF ADMINISTRATIVE OFFICE.—Section 604(a) of title 28, United States Code, is amended—

(1) in paragraph (23) by striking "and" after the semicolon;

(2) in the first paragraph designated "(24)" by striking the period and inserting a semicolon;

(3) in the second paragraph designated "(24)"—

(A) by redesignating such paragraph as paragraph (25); and

(B) by striking the period and inserting "; and"; and

(4) by adding the following new paragraph after paragraph (25), as so redesignated:

"(26) Secure information as to the courts' need for temporary judicial resources to ease overcrowded dockets (including information on delays being encountered in the maintenance of civil suits) and prepare and transmit annually to the Chief Justice, the chief judges of the circuits, the Congress, and the Attorney General, statistical data, reports, and recommendations summarizing the results of this inquiry.".

SEC. 9. IMMUNITY OF STATE JUDICIAL OFFICERS.

(a) ATTORNEYS' FEES IN PROCEEDINGS IN VINDICATION OF CIVIL RIGHTS.—Section 722 of the Revised Statutes of the United States (42 U.S.C. 1988), is amended by inserting before the period at the end of the second sentence the following: ", except that, notwithstanding any other provision of law, a State judicial officer shall not be held liable for any costs, including attorneys' fees, in any proceeding brought against such judicial officer for an act or omission of such officer while acting in an official capacity".

(b) CIVIL ACTION FOR DEPRIVATION OF RIGHTS.—Section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983) is amended by inserting before the period at the end of the first sentence the following: ", except that in any action brought against a judicial officer for an act or omission of such officer while acting in an official capacity, injunctive relief shall not be granted unless a declaratory decree in the action was violated by such officer or declaratory relief was unavailable".

SEC. 10. CIVIL RIGHTS OF INSTITUTIONALIZED PERSONS; PROCEEDINGS IN FORMA PAUPERIS.

(a) EXHAUSTION OF ADMINISTRATIVE REMEDIES.—Section 7(a) of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997e) is amended—

(1) by amending subsection (a) to read as follows:

"(a) In any action brought pursuant to section 1979 of the Revised Statutes of the United States, by any adult convicted of a crime confined in any jail, prison, or other correctional facility, the court shall continue such case for a period not to exceed 180 days in order to require exhaustion of such plain, speedy, and effective administrative remedies as are available."; and

(2) in subsection (b)—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(B) by inserting immediately after "(b)" the following:

"(1) Upon the request of a State or local corrections agency, the Attorney General of the United States shall provide the agency with technical advice and assistance in establishing plain, speedy, and effective administrative remedies for inmate grievances.".

(b) PROCEEDINGS IN FORMA PAUPERIS.—Section 1915(d) of title 28, United States Code, is amended to read as follows:

"(d) The court may request an attorney to represent any such person unable to employ counsel and may dismiss the case if the allegation of poverty is untrue, or if satisfied that the action fails to state a claim upon which relief can be granted or is frivolous or malicious."

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the date of the enactment of this Act, and shall apply to any civil action pending in any court on the date of the enactment of this Act and to any civil action filed on or after such date.

SEC. 11. IMPROVEMENTS IN CASE MANAGEMENT

Section 623(a) of title 28, United States Code, is amended—

(1) by redesignating paragraphs (5), (6), and (7) as paragraphs (6), (7) and (8), respectively; and

(2) by inserting after paragraph (4) the following new paragraph:

"(5) study and determine ways in which case and docket management techniques (including alternative dispute resolution techniques) may be applied to improve the cost-effectiveness of litigation and to eliminate unjustified expense and delay, and include in the annual report required by paragraph (3) details of the results of the studies and determinations made pursuant to this paragraph;".

SEC. 12. ASSIGNMENT OF JUDGES; PANELS; HEARING; QUORUM.

(a) IN GENERAL.—Section 46(c) of title 28, United States Code, is amended to read as follows:

"(c) Cases and controversies shall be heard and determined by a court or panel of not more than three judges (except that the United States Court of Appeals for the Federal Circuit may sit in panels of more than three judges if its rules so provide), unless a hearing or rehearing before the court in banc is ordered by a majority of the circuit judges of the circuit who are in regular active service. A court in banc shall consist of all circuit judges in regular active service, except that any senior judge of the circuit shall be eligible to participate, at his or her election, and upon designation and assignment pursuant to section 294(c) of this title and the rules of the circuit, as a member of an in banc court reviewing a decision of a panel of which such judge was a member.".

(b) ADMINISTRATIVE UNITS.—Section 6 of Public Law 95-486 (92 Stat. 1633) is amended to read as follows:

"Sec. 6. Any court of appeals having more than 15 active judges may constitute itself into administrative units complete with such facilities and staff as may be prescribed by the Administrative Office of the United States Courts.".

SEC. 13. SEVERABILITY.

If any provision of this Act or the amendments made by this Act or the application of any provision or amendment to any person or circumstance is held invalid, the remainder of this Act and such amendments and the application of such provision and amendments to any other person or circumstance shall not be affected by that invalidation.

SEC. 14. EFFECTIVE DATE.

Except as provided in section 10, this Act and the amendments made by this Act shall become effective 90 days after the date of the enactment of this Act, and shall not apply to any action or proceeding commenced before such effective date.

□ 1520

THE POSTAL SERVICE PILOT PROJECT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska [Mr. BEREUTER] is recognized for 5 minutes.

Mr. BEREUTER. Mr. Speaker, the U.S. Postal Service has done it again. Residents of the small community of Waverly, NE, are being victimized by the impersonal and insensitive Washington bureaucracy of the U.S. Postal Service. And, because of the tunnel vision of the Postal Service management, residents of Waverly, its businesses and its schools are not receiving all of their mail.

Permit me to explain with but one example. This Member recently received a letter from the superintendent of School District 145, a school district which includes two elementary schools, a junior high school, and a senior high school. The school district is not receiving many of its checks, bid proposals, State and Federal report forms, and other important documents.

Why are the residents of Waverly not receiving mail that is addressed to them? Because the management of the U.S. Postal Service is conducting a pilot project in Waverly. It is using a new automated sorting system. And, incredibly, in all of its wisdom, the management of the U.S. Postal Service has decreed that mail addressed to a resident or business or school that does not also include the proper box number will not be delivered, regardless of proper street address.

As the superintendent of schools points out, there are 825 box holders in Waverly and the surrounding rural area. In a community of less than one-half square mile in size, believe me, the schools in that community aren't that hard to find. The employees of the former U.S. Post Office could have and would have been allowed to deliver the mail. They knew Congress would demand service for the citizens of this

country. The Postmaster General of that era would have placed a priority on delivering the mail, not in needlessly returning it to the sender for some petty and ridiculously ill-conceived policy. Yes, that is what happens: no box number and it is sent back to the sender.

Mr. Speaker, this is an outrageous way for the Washington Postal Service to conduct its affairs. The Postal Service was created to deliver the mail, to perform an important public service. In Waverly, NE, and in other communities across the country the Postal Service by this type of practice is causing inconvenience, expense, and delay for the very people it is supposed to serve, senders and recipients of mail. The Postal Service has made efficiency, efficiency at any cost, a much higher priority than service to the American public.

This unfortunate policy in Waverly is not, I stress, the fault of the local postal officials. It is time for the top management of the U.S. Postal Service to stop such nonsense and return to what it is supposed to be doing, that is, to provide service to the American people. There is something badly wrong at the top of the Postal Service, and it is giving public service and all of the people who work for the Postal Service a black eye.

If the Postal Service management would take its collective heads out of the sand, overcome its inside-the-beltway mentality, and listen to local postmasters and local letter carriers, perhaps it would learn something about delivering the mail and what its responsibilities to serve the public are all about.

My colleagues, this Member is going on record today with my demand that the U.S. Postal Service immediately stop this pilot program in Waverly and every place else in Nebraska. This Member will continue his effort until the Postal Service changes its treatment of the residents of Waverly.

H.R. 4150, THE ECONOMIC GROWTH ACT OF 1992

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. MICHEL] is recognized for 5 minutes.

Mr. MICHEL. Mr. Speaker, today I am introducing by request H.R. 4150 on behalf of myself, Mr. ARCHER, Mr. GINGRICH, Mr. LEWIS of California, Mr. EDWARDS of Oklahoma, Mr. HUNTER, Mr. MCCOLLUM, and Mr. WEBER. The bill encompasses the President's proposals to create jobs, promote economic growth, assist families, and promote health, education, savings, and home ownership. Below is a brief summary outlining the 49 titles contained in H.R. 4150.

ECONOMIC GROWTH ACT OF 1992

Title I: *Economic Growth Acceleration Act of 1992*—Implements the seven tax incentives outlined in the President's State of the Union Address—to promote job-creating investment, promote home ownership, and halt the slide of real estate values—as components of a short term economic recovery package.

Title II: *Tax Relief for Families Act of 1992*—Implements several tax incentives in the President's 1993 Budget to help working families with children; encourage savings; and pay for medical, educational, transportation and other expenses.

Title III: *Long Term Growth Act of 1992*—Provides incentives for investment in research and development through extension of the R&D tax credit; creates opportunity in distressed areas through enterprise zones; repeals the boat tax and implements other aspects of the President's program for promoting long-term economic growth.

Title IV: *Financial Institutions Safety and Consumer Choice Act of 1992*—Authorizes full nationwide banking and branching, and allows commercial firms to own financial services holding companies and permits separately-capitalized financial affiliates for well-capitalized banks.

Title V: *Pension Security Act*—Increases minimum pension plan funding requirements; limits growth in Federal insurance exposure in chronically underfunded plans; and clarifies the status of claims of the Pension Benefit Guarantee Corporation and the treatment of pension plans in bankruptcy proceedings.

Title VI: *Federal Insurance Accounting Act of 1992*—Proposes a change from cash basis accounting to an accrual basis to measure more accurately the liabilities associated with Federal insurance programs.

Title VII: *Medicare Premium Equity Amendments of 1992*—Increases from 25 percent to 75 percent the portion of the Medicare Part B (Physician) premium paid by beneficiaries with gross incomes of $100,000 ($125,000 for a couple) or more, effective April 1, 1992.

Title VIII: *Medicare Budget Amendments of 1992*—Changes the way Medicare pays for (1) anesthesia services; (2) durable medical equipment; and (3) laboratory services. Also, moves the Prospective Payment System hospital update to January 1 of each year.

Title IX: *Aid to Families with Dependent Children Savings Set-Aside Amendments of 1992*—Enables recipients of the Aid to Families with Dependent Children program to set aside savings in order to achieve self-sufficiency through self-employment, education, training, or home ownership.

Title X: *Food Stamp Amendments of 1992*—Requires households with absent parents, barring a good-cause exemption, to cooperate with State Child Support Enforcement agencies in order to be eligible for Food Stamps.

Title XI: *Child Support Enforcement Amendments of 1992*—Creates new Federal performance-based incentives for State Child Support Enforcement (CSE) agencies.

Title XII: *Housing Act Child Support Cooperation Amendments*—Provides incentives for families with absent parents to cooperate with State Child Support Enforcement agencies.

Title XIII: *Emergency Assistance under the Aid to Families with Dependent Children (AFDC) Program*—Establishes a general rule that limits AFDC Emergency Assistance to one 30-day period every 12 months.

Title XIV: *Medical Support from Absent Parents*—Enhances health insurance coverage of certain children by their non-custodial parents.

Title XV: *Child Nutrition Amendments of 1992*—Provides a higher percentage of available meal subsidies to lower-income students under the national school lunch and breakfast programs. The bill also provides for increased research funds to study the effects of the program on children.

Title XVI: *Social Security Cross Program Recovery Amendments of 1992*—Authorizes the recovery of supplemental security income overpayments by withholding social security benefits.

Title XVII: *AMERICA 2000 Excellence in Education Act*—Supports the National Education Goals through activities to promote education reform and improve educational achievement.

Title XVIII: *Student Financial Assistance Improvements Act of 1992*—Promotes greater accountability, and reduces defaults in the student loan program.

Title XIX: *National Energy Strategy Act*—Creates a national energy strategy to: (1) encourage energy efficiency; (2) encourage growth of future energy supplies of oil, natural gas, and nuclear power; and (3) change outmoded regulations which discourage the use of natural gas and competition in the electric-utility industry.

Title XX: *Arctic Coastal Plain Competitive Oil and Gas Leasing Act*—Authorizes environmentally responsible development of oil and gas in the Arctic National Wildlife Refuge.

Title XXI: *Coastal Communities Impact Assistance of 1992*—Authorizes Federal offshore continental shelf (OCS) revenue sharing payments to certain municipal governments located near OCS drilling sites.

Title XXII: *Alaska Power Administration Sale Authorization Act*—Authorizes the sale of the Alaska Power Marketing Administration in accord with an agreement negotiated by the Department of Energy.

Title XXIII: *Access to Justice Act of 1992*—Reforms the civil justice system to help reduce frivolous lawsuits, principally by: (1) allowing winning parties to recover attorneys' fees from losing parties in certain cases; (2) establishing "multi-door courthouses" to encourage the use of alternative dispute resolution mechanisms; and (3) requiring prior notice as a prerequisite to bringing suit in Federal district court.

Title XXIV: *Health Care Liability Reform and Quality of Care Improvement Act of 1992*—Helps control runaway medical malpractice costs by using pools of Medicare and Medicaid payments through the States to: (1) enhance the quality of care through increased research and improved peer review; (2) eliminate the collateral source rule; (3) expand structured judgments, including utilization of alternative dispute resolution mechanisms; (4) eliminate joint and several liability; and (5) cap certain tort damages.

Title XXV: *Product Liability Fairness Act*—Reforms product liability laws to: (1) base compensation on loss actually suffered; (2) impose liability based on fault; (3) provide alternatives to costly litigation for obtaining fair settlements; (4) limit the amount of punitive damages awarded; (5) provide offsets against awards for the amount of payments for public sources; and (6) provide fault-based manufacturer defenses to liability.

Title XXVI: *Civil Liberties Act Amendments of 1992*—Extends eligibility for restitution payments under the Civil Liberties Act of 1988 to certain non-Japanese spouses, increases the amount authorized for payments by $250 million, and changes the Act's sunset date to September 30, 1994.

Title XXVII: *Federal Credit and Debt Management Act of 1992*—Improves the collection of delinquent debt through increased use of debt collection tools, and improved guaranteed loan program management.

Title XXVIII: *Commodity Credit Corporation Subsidies*—Reduces certain Commodity Credit Corporation subsidies of those with off-farm income of $100,000 or more

Title XXIX: *Farm Credit System (FCS) Financial Assistance Corporation (FAC) Repayment Act of 1992*—Requires the FCS to begin paying annual amounts sufficient to redeem certain FAC debt.

Title XXX: *Recover Costs of Carrying out Federal Marketing Agreements and Orders*—Recovers the Department of Agriculture's costs of carrying out Federal marketing agreements and orders.

Title XXXI: *Land Grant Universities*—Eliminates provisions for mandatory payments to land grant universities which also receive support through the regular appropriations process.

Title XXXII: *Power Marketing Administration Timely Payment Act*—Establishes a schedule for the Bonneville, Western, Southwestern, and Southeastern Power Administrations to accelerate payments to the Federal Government.

Title XXXIII: *Emerging Telecommunications Technologies Act of 1992*—Makes available for assignment by the FCC a total of 200 megahertz (MHz) of the radio currently used by the Federal Government. Authorizes FCC to assign all future licenses using competitive bidding.

Title XXXIV: *Enterprise for the Americans Initiative (EAI)*—Authorizes investment, debt, and environmental programs to implement the President's initiative to promote economic reform and sustained growth in Latin American and Caribbean countries.

Title XXXV: *Repeal the Trade Adjustment Assistance Program*—Repeals the Trade Adjustment Assistance Program and consolidates it with the job-training programs with EDWAA.

Title XXXVI: *VA Medical Care Cost Recovery Amendment of 1992*—Makes permanent the Department of Veterans Affairs' existing authority to recover costs from health insurers.

Title XXXVII: *Veterans' Home Loan Improvement Act of 1992*—Requires certain fees and sets a minimum downpayment for a second home under the Veterans' Home Loan Program. The bill also corrects a flaw in the no-bid formula used to determine when it is cost-effective to acquire foreclosed property that was guaranteed by VA.

Title XXXVIII: *Permanent Extension of Certain Veterans-related Income Verification and Pension Provisions in the Omnibus Budget Reconciliation Act of 1990*—Makes permanent existing provisions regarding (1) benefits for certain veterans receiving Medicaid-covered nursing home care and (2) the use of Internal Revenue Service and Social Security Administration data for income verification.

Title XXXIX: *Amendments to VA Vocational Rehabilitation and Educational Benefits*—Targets entitlement to certain vocational rehabilitation benefits to veterans with service-connected disabilities and adjusts servicemembers' contribution for the Montgomery G.I. Bill.

Title XL: *Retirement Modification Act of 1992*—Increases employee contributions to the Civil Service Retirement System by 1 percent on January 1, 1993, and an additional 1 percent on January 1, 1994. Also makes permanent existing law regarding withdrawal of retirement contributions in a lump sum upon retirement.

Title XLI: *Railroad Sector Finance Amendment*—Conforms the definition of employee compensation under the Railroad Retirement Tax Act and the Railroad Retirement Act to that under the Federal Insurance Contributions Act.

Title XLII: *Patent and Trademark Office User Fee Surcharge*—Extends from FY 1995 to FY 1997 the termination date for certain Patent and Trademark Office user fees.

Title XLIII: *Army Corps of Engineers User Fees*—Expands existing Army Corps of Engineers user fees for use of developed recreational sites.

Title XLIV: *Extend Authority to Collect Abandoned Mine Reclamation Fees*—Extends authority to collect abandoned mine reclamation fees through FY 1997 at existing levels.

Title XLV: *Federal Communications Committee User Fee Act of 1992*—Requires the Federal Communications Commission to establish fees to cover the operational costs of the Commission, except for application processing.

Title XLVI: *Limitation on Mandatory Spending*—Establishes an annual enforceable cap on the growth of "mandatory" Federal spending.

Title XLVII: *Extension of Budget Enforcement Act and Application to Credit Programs*—Extends the Federal discretionary spending caps, refines accounting improvements, and extends the pay-as-you-go discipline contained in the Budget Enforcement Act of 1990.

Title XLVIII: *Congressional Budget Reform Act of 1992*—Requires that the annual budget resolution be a joint resolution subject to Presidential approval.

Title XLIX: *Legislative Line Item Veto Act of 1992*—Requires Congress to vote on Presidential rescission proposals.

HOUSE POLICY ON ILLEGAL DRUG USE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WALKER] is recognized for 5 minutes.

Mr. WALKER. Mr. Speaker, I am sure many of the Members of this House are disturbed as much of America is disturbed by the recent reports of cocaine dealing in the Post Office of the House of Representatives. This is a matter that is disturbing to all people who are concerned about the illegal drug use in this country and the fact that this kind of corruption should occur in the House of Representatives or at least as alleged to have occurred in the U.S. House of Representatives is indeed disturbing.

It is disturbing from the standpoint that obviously we do not want illegal drugs here. But it is also an indication that Congress has failed to meet the demands of law and is continuing to fail to live up to its obligations under the law.

The law is quite clear with regard to keeping the workplace of Congress drug free. The law is part of Public Law 102-141. I am going to quote from the law. The law says:

> No department, agency or instrumentality of the United States receiving appropriated funds under this or any other Act for the fiscal year of 1992 shall obligate or expend any such funds unless such department, agency or instrumentality has in place and will continue to administer in good faith a written policy designed to ensure that all of its workplaces are free from illegal use, possession or distribution of controlled substances.

That is a law unlike many others that includes the Congress of the United States. When I inquired earlier today of whether or not such a policy was in place in the House Post Office, I received from the Postmaster, and I thank him for replying promptly, a copy of a letter from the Speaker indicating that all the employing authorities in the House should take appropriate action to have policies in place. But this is evidently the policy, the Speaker's letter.

There is no indication that the employees of that entity were required to sign any statements, were required to acknowledge the policy, simply that they had the Speaker's letter on file. That is not good enough.

Under the law, not under the Speaker's directive, but under the law, the entities of the House are supposed to be applying these measures in good faith. Simply having a Speaker's letter on file in the office is not a good-faith assurance that drug-free policies are being pursued in that particular agency of the House.

The law is also very specific. If and when a violation occurs, no funds can go to that agency. The question is, Is the House going to live up to its standard? If in fact the allegations prove true, if in fact we discover, as an investigation has already uncovered, that cocaine dealing was taking place in the House Post Office, are we then going to obey the law and cut off funds for that entity? Or are we going to replace it with some other contractor who can do the job but make certain that the present entity that is now in place obeys the law?

I have not heard. I am unclear. I tell my colleagues, I have been disappointed over a long period of time at the House's willingness to be compliant with the law in this case. There are still hundreds of Members of Congress who do not have drug-free policies in their offices despite the Speaker's directive and despite the law of the land.

Now it appears as though serious violations are taking place internally within the House, and the question of corrective action is very, very iffy. It appears as though some officers of this House knew about this investigation and knew about these charges as much as 3 to 6 months ago.

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Yet, it is not clear how much action was taken. In fact, some reports indicate there was an attempt to get law enforcement officials to back out of the investigation.

That does not give me much confidence that we are going to move aggressively to see that the drug-free workplace laws apply in the House and are maintained in the House. The law

is clear. The law says cut off the funds. I am not aware that the funds have been cut off. But I am aware that the allegations would indicate that no good-faith compliance with drug-free workplace policies has taken place, and it is absolutely essential that that happen.

The law is made to apply to Congress. Congress should obey the law.

URGING IMMEDIATE INDEPENDENT INVESTIGATION OF PROBLEMS WITH MANAGEMENT OF HOUSE POST OFFICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas [Mr. ROBERTS] is recognized for 5 minutes.

Mr. ROBERTS. Mr. Speaker, yesterday I came to the House floor to urge an immediate independent investigation of problems with management of the House Post Office. The allegations that have been made are most serious. They include charges of employee drug dealing, theft of postal funds, slush funds, and a coverup of the problem. On balance, these charges are much more serious than the recent flaps involving restaurant bills and bad checks, because they go to the heart of our ability to manage the House, and because they involve criminal activity.

I recommended an independent counsel, a thorough independent investigation, turning over some activity to the U.S. Postal Service and suspending top management. That recommendation was based on the following:

No single House committee has jurisdiction over all aspects of the problems.

News reports allege some House committee staff and Members may have known about the problem but failed to act.

Allegations about slush funds, piles of money and stamps, interest-free loans to staff and Members of Congress, while not necessarily the basis for a criminal case, are serious enough in themselves to warrant an investigation by the House.

I am puzzled by statements that indicate the problems are not being taken seriously. Said this morning's Washington Post, "The problems reported at the post office have been met with less nervousness in House leadership offices because the Post Office problems do not reflect on legislators."

Quite the contrary. These serious charges reflect on all of us in two ways. First, they call into question our ability to run this institution. Second, sworn statements of House Post Office employees directly linked Members of Congress and other Capitol Hill staff with the slush fund and check cashing problems at the facility.

As background, the U.S. Postal Service conducted an audit and interviews with employees that raised the possibility of criminal charges regarding theft of funds and drug trafficking. It is my understanding that information has been turned over to the Justice Department for disposition. That investigation should run its course without interference from this body.

However, in the course of taking statements for the audit, postal inspectors detailed several major problems with the House Post Office. These problems may or may not be connected to criminal activity, yet they demand the attention of this House through an independent investigation.

Let me elaborate. Normally, I would be reluctant to publicly discuss details of a sensitive investigation. However, news organizations apparently have access to copies of the investigation reports and have reported on the reports in varying detail.

One employee charged that one House Post Office manager's office "had piles of money and stamps everywhere * * * there would be cash and stamps on the floor and [the official] was unconcerned."

The same employee stated that $100,000 in cash was kept by this manager to cash checks by employees, nonemployees, and even Congressmen. Said the employee being interviewed, "He cashed checks for Congressmen as if he had no other choice."

Numerous other employees corroborated the statements with further details about missing cash, bounced checks covered with post office funds, loans, and drugs.

One employee stated that a post office employee was "caught selling cocaine. [His] father was the lawyer for several people on the Hill and although he no longer works in the post office [he] works elsewhere in the House of Representatives."

Another employee stated she brought the drug dealing to the attention of the House Postmaster who "just turned his head the other way and nothing was done about the drugs."

Those statements should strike fear in the heart of every Member of this institution.

We must ask if they are true. If so, we must ask how those appalling situations were allowed to happen. We must ask who was involved. And we must ask what safeguards and procedures must be implemented so that this situation does not arise again—ever.

We must answer these questions, Mr. Speaker, fairly, firmly, and with no bias as to the answer we get. Our sole objective should be to sort out the truth and fix what's broken in this instance. Longer term, of course, we should be looking at other agencies of the Congress to make sure all is in order.

I am concerned, as all of us in this House should be, that news reports dating back to last summer have hinted at efforts to minimize this problem.

An independent investigation, supported by both sides of the political aisle, is the best way to accomplish the goals I have outlined and to get this mess behind us.

A personal aside, Mr. Speaker: I have spent most of my career and nearly all of my adult life in public service with the House of Representatives. I have a great amount of respect for this institution, for its role in freedom and democracy, and for those who labor here in many capacities.

It is out of that respect that I raise these concerns.

The House of Representatives is an important institution. Its reputation and credibility to a great extent reflect on the credibility and reputation of our Nation—and most certainly on us as individual legislators.

Let's fix the problem as fast as we can. Let's fix it so there is no question that it is, indeed, fixed.

Mr. ROSE. Mr. Speaker, will the gentleman yield?

Mr. ROBERTS. I am happy to yield to my friend and colleague, the gentleman from North Carolina, and chairman of the House Administration Committee.

Mr. ROSE. Mr. Speaker, I want to say to the gentleman in the well that I talked to him just a few minutes ago before he took the well to tell him that the ranking member on our Committee on Administration and I have talked today, and we are going to conduct a very full, open, and thorough investigation of all of the things that the gentleman has mentioned. A great deal of what the gentleman has talked about has not been corroborated, has not been proven. We are going to look at it, and especially with an eye toward the future of the post office, the way the postal system here is managed, and make our recommendations for the future of that institution. And I think the public needs to know that in a bipartisan way we in the House Administration Committee, and the gentleman in the well is the ranking member on the subcommittee that is responsible for police and personnel, within the committee we are going to conduct that investigation and let the chips fall where they may.

Mr. ROBERTS. If I could reclaim my time, because I know there is a very short amount of time, I am pleased by what the gentleman has informed me. I stand ready to be of all possible assistance.

The gentleman knows I have worked with 3 subcommittee chairmen in regard to the 160 employees of the Postal Service here in the House and the Postmaster. I have tried to work as best I can through the years in a positive way, and I look forward to the investigation. The best news I have heard the chairman say is, "Let the chips fall where they may." I have every confidence that we will do that under your

leadership, sir, and I will be right behind you.

Mr. ROSE. I thank the gentleman.

Let me make one final point. The Justice Department is already conducting its criminal investigation. We are going to look at management, and where we find criminal or rules violations we are going to report those to the proper authorities.

Mr. ROBERTS. I thank the gentleman for his contribution.

HAITIAN REFUGEES

The Speaker pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. FRANK] is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Mr. Speaker, I am making my first remarks in the session out of anguish that the role that this Government is playing with regard to the Haitians who came to this country, as so many people have come previously, seeking relief from tyranny. The inconsistency between American executive branch policy regarding the Haitians with American policy in so many similar situations is appalling. Those of us who think well of our country, who are proud of our country, who believe it has in fact been year in and year out a great defender of freedom are anguished by what can only be described as a racially motivated set of actions.

This is the Government that has been critical of the Government of the United Kingdom because that Government has sought to forcibly repatriate people from Hong Kong to Vietnam. This is a Government which when people arrive from Cuba, without questioning, without any degree of skepticism, automatically accept them as refugees within the law.

Yet, when people flee in desperate circumstances from Haiti, and these are people who are used to poverty, and the argument there motivated solely by poverty is a hard one to sell because there is nothing unique about poverty, tragically, in Haiti. What is new is the depth of despair many in that country have felt when the democratically elected president was overthrown by the military. Then again when efforts to try to put that situation back together with concessions that many regretted had to be made, but with concessions on the part of those who were democratically elected, that also is met with brutality and violence. So we have a situation where people are fleeing a tyranny so brutal that our Government says we do not know what to do. Our Government says that sanctions are not enough. We have perplexity expressed by the American Government because they do not know how to deal with the depth of the brutality of the current rulers of Haiti.

And then when citizens of that country, in desperation risk their lives to reach freedom, we turn them back physically. We do everything we can legally and in every other way physically to deny them.

What is the difference between the Cubans and the Haitians? What is the difference between the Haitians and the Vietnamese? Unfortunately, the major difference that presents itself is the color of the skin of the Haitians. And the suggestion that is hard to deny that that is one of the factors motivating our Government is as troubling to those of us who love this country as anything I can think of in a long time.

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It is not too late for this executive branch to reconsider, Mr. Speaker. It is not too late for them to remember that this is a country which was born as a refuge for people who were fleeing oppression and, in fact, to take the veil off the Statue of Liberty which they have placed on it.

The number of people coming from Haiti, their behavior, nothing about that is threatening to us. Nothing about that relatively small number of desperate people fleeing a terrible tyranny ought to be producing this sad reaction from our Government.

I hope that the executive branch will reverse itself and, if not, Mr. Speaker, there is legislation that I have cosponsored, and our friend, the gentleman from New York [Mr. RANGEL], I know, has taken a lead and others. It is pending before us, and I would hope we would bring forward that legislation and at least give the people a chance to vote that America's commitment to freedom does not depend on the color of the skin of those who seek to take advantage of it.

ANNUNZIO URGES TAX BREAK FOR CAR BUYERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, there has been a lot of talk during the past few months on ways to get the country out of the doldrums and moving once again. We need to invigorate the economy to create jobs. The situation has not changed since last summer when I pointed out that the auto industry plays a vital role in our economy. In fact, it has become worse.

The past couple of years have been devastating to the auto industry. It is clear that the health of the automobile industry has been steadily declining. The National Automobile Dealers Association, an industry group, reported recently that in 1989, approximately 14½ million light-duty vehicles, namely automobiles, were sold in the United States. In 1990, sales dropped by about 690,000 units to approximately 13.9 million. Everyone was aware that sales in 1991 were going to suffer even more and at the beginning of the year, it was generally projected that sales would drop to around 13½ million units in 1991. What actually happened far exceeded even the most pessimistic outlook. Light-duty vehicle sales for 1991 fell by a whopping 1.5 million units compared with the previous year. Despite all of the rebates, discounts, free options and lower interest rates, sales for 1991 reached only 12.3 million units.

The decrease in automobile sales has had a devastating effect on all aspects of the country because the auto industry accounts for nearly six percent of the Nation's total output of goods and services. It is the largest U.S. consumer of steel, rubber, glass, plastic and carpeting. Economists have estimated that one in every six jobs in America are directly or indirectly related to the automobile industry.

Mr. Speaker, consumers must be encouraged to buy automobiles. Last summer, I said the elimination of tax deductions on the interest of car loans had crippled the industry, hindered the Nation's economic growth and unfairly increased the cost of consumers. I pointed out that enactment of the 1986 tax law instituted a 4 year phase out of the deductibility on consumer interest on car loans and removed an incentive for consumers to take out a loan to finance a car purchase.

I said then, and I say now even more emphatically, the tax deduction should be restored.

I introduced H.R. 2884 last July, in an effort to provide an impetus necessary to get the economy moving again. Passage of the bill is needed now more than it was last summer.

Chairman ROSTENKOWSKI of the Ways and Means Committee will continue hearings this week on economic growth and middle-class tax relief. In a recent letter, he said he believes the restoration of the deduction for interest on automobile loans probably would be part of the discussions.

Mr. Speaker, if we really want to get the economy moving again, then the enactment of my legislation should be of the highest priority. Reinstatement of the interest deductibility for automobile loans would provide a stimulus for sales which could be the jump start necessary to get the country moving again.

A BILL TO DESIGNATE THE MONTEREY BAY NATIONAL MARINE SANCTUARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, I rise to introduce legislation to designate the Monterey Bay National Marine Sanctuary. The Congress passed legislation in 1988, that required the designation of the Monterey Bay in my congressional district as a national marine sanctuary—Public Law 100–629. The law directed the designation of the Monterey Bay National Marine Sanctuary by December 31, 1989. This deadline has yet to be met. More than 2 years beyond the required designation date, the National Oceanic and Atmospheric Administration [NOAA] has yet to even publish the final environmental impact statement and management plan for the Monterey designation.

On November 20 of this past year I engaged chairman DENNIS HERTEL of the Sub-

committee on Oceanography, the Great Lakes, and the Outer Continental Shelf in a colloquy regarding the delays associated with the designation of the Monterey Bay National Marine Sanctuary. In an effort to promote prompt action on Monterey, Chairman HERTEL committed to pursuing legislation to mandate the designation of the Monterey Bay National Marine Sanctuary, with particular boundaries and an oil and gas activities prohibition, should NOAA fail to release the management plan for Monterey by February 3, 1992. Again, this deadline was not met.

While I am convinced that NOAA is committed to establishing the Monterey Bay Sanctuary, unfortunately, the administration has failed to devote the time and resources necessary to complete this urgently needed designation. In June 1990, the President announced his support for the Monterey Bay National Marine Sanctuary and his decision to permanently prohibit oil and gas activities within the sanctuary's borders. It was gratifying to know of the President's stated support for the sanctuary and his recognition that oil and gas activities are incompatible with the resource protection purposes of the sanctuary.

I was also pleased to hear of NOAA's decision late last month to endorse the largest boundary alternative for the Monterey Bay National Marine Sanctuary. I, along with the Governor of the State of California and members of the State's congressional delegation, wrote to Secretary Mosbacher in support of this boundary alternative for Monterey Bay. It is my belief that this boundary alternative will provide the full range of biological communities in the Monterey Bay region with the comprehensive protection the sanctuary designation was designed to achieve.

These endorsements concerning Monterey by the administration have been encouraging. But all of the administration's announcements, endorsements and press releases on Monterey Bay have not resulted in the final protection needed for this important marine resource. It has been 19 months since the President's 1990 endorsement of the Monterey Bay Sanctuary, 17 months since the release of the draft managemet plan for the sanctuary, and we are still waiting for the final management plan.

With the introduction of this legislation I hope to send a strong signal to the administration that we need action on the sanctuary now. If the administration is unable to act quickly on designating Monterey Bay, then the Congress will do it statutorily. The legislation I am introducing today will designate the Monterey Bay National Marine Sanctuary upon enactment with the largest boundary alternative and a permanent oil and gas prohibition. The remainder of the regulations for the sanctuary are permitted to be completed per the normal regulatory process.

I hope that it will not be necessary for the Congress to enact this legislation and that the administration will move quickly to release the final management plan for Monterey Bay. In the interim, I will be enlisting the assistance of Chairman HERTEL to actively pursue this legislation in the Congress.

The Monterey Bay, with its remarkable underwater canyon system, is home to one of our Nation's most beautiful and bountiful marine ecosystems. The designation of the Monterey Bay as a national marine sanctuary will ensure that this treasured coastal resource is protected for generations to come. I urge my colleagues to assist in this effort by supporting this legislation. A copy of the legislation follows:

H.R. —

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

SECTION 1. MONTEREY BAY NATIONAL MARINE SANCTUARY.

(a) DESIGNATION.—The area described in subsection (b)(1) is designated as the Monterey Bay National Marine Sanctuary (hereinafter in this Act referred to as the "Sanctuary"), and shall be a national marine sanctuary under title III of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1431 et seq.). The Sanctuary shall be managed and regulations enforced under all applicable provisions of that title as if the Sanctuary had been designated under that title.

(b) AREA INCLUDED.—

(1) IN GENERAL.—Subject to paragraph (2), the area referred to in subsection (a) consists of all submerged lands and waters, including living marine and other resources within and on those lands and waters, within the area described and depicted as Boundary Alternative 5 in the Draft Environmental Impact Statement and Management Plan for the Proposed Monterey Bay National Marine Sanctuary, published by the Department of Commerce in August 1990.

(2) AREAS WITHIN STATE OF CALIFORNIA.—The designation under subsection (a) shall not take effect for any area located within the waters of the State of California if, not later than 45 days after the date of the enactment of this Act, the Governor of the State of California objects in writing to the Secretary of Commerce.

(c) MANAGEMENT.—

(1) MANAGEMENT PLAN.—The Secretary of Commerce shall issue a management plan and such regulations as may be necessary for the Sanctuary in accordance with section 304 of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1434).

(2) OIL AND GAS ACTIVITIES PROHIBITED.—Notwithstanding any other provision of law, exploration for, developing, and producing oil, gas, and other minerals in the Sanctuary is prohibited.

THE PLIGHT OF THE REFUGEES FROM HAITI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes

Mr. OWENS of New York. Mr. Speaker, the gentleman from Massachusetts, in speaking of Haiti, phrased quite well, and summarized it quite well, the conduct of our present Government, the conduct of the present administration, which is without precedent.

Mr. Speaker, never before have people fleeing persecution and terror that is obvious been treated as the people of Haiti have been treated, as the refugees from Haiti have been treated.

I think it is important to start with a basic clarification so that all American people will understand and the thousands of Haitians in my congressional district will understand that the Supreme Court has acted, but it has not ordered the Haitians must be deported from Guantanamo and sent home. The Supreme Court did not give such an order. The Supreme Court does not give such orders. The Supreme Court was the end of the process whereby legal advocates for the Haitian refugees were attempting to use the Constitution and the laws of the United States to protect the Haitian refugees and prevent them from being deported by exhausting every means legally.

The fight of the legal advocates was against the attempt by the administration to deport the Haitians. It was a fight between the advocates for the Haitian refugees on the one hand insisting that, according to law, the Haitians have a right to stay; according to law, the Government must make provision for them. They have made it to the United States territory, therefore, we must take actions in accordance with our previous precedents and traditions and our present law and allow them to stay.

The administration, on the other hand, took, the position that the law should be interpreted in a new way. They insisted on giving a new twist to the interpretation of the law, and that new twist, in essence, says that no, this is different, you know; these are not refugees seeking asylum for the right reasons. They are not seeking the protection of the U.S. Government for the right reasons.

The battle was waged for several months through several layers of courts, and finally the Supreme Court says by a vote of, I think, seven in favor of the majority decision that the administration is right, that the administration can interpret the law the way it wants to interpret the law and insist that the Haitians go back. That does not mean that the administration at this point does not have the option of doing something else. They do not have to, and nobody has ordered the State Department, the immigration authorities, nobody has ordered anybody to send the Haitians back.

It is up to the President. It is up to the administration, up to the State Department to make a decision now, and they have decided, as of right now, that they are going to deport most of the Haitians at Guantanamo and send them back to their own country which is now, by admission of the State Department and the administration, under an illegal government.

Not only is the present regime in Haiti an illegal regime, but it is also a police state. It is also conducting a reign of terror.

The Organization of American States has an embargo imposed because of the fact that it is an illegal government. The Amnesty International has cited the present government as being re-

sponsible for at least 1,500 murders. The military regime in Haiti—and really they are a group of military thugs, bandits—they have been responsible for the deaths of at least 1,500 persons and probably more, because what has happened is that the military thugs in charge have declared war on all of the allies of the legally elected government.

The legally elected government of President Aristide was elected by 70 percent vote, a vote of 70 percent of the people. The military thugs in Haiti who are in charge are not so stupid that they do not recognize that if they are declaring war on the allies of President Aristide, then they are declaring war on 70 percent of the people. Most of that 70 percent are poor people, people who live in the poorest areas of Haiti.

So they have waged a campaign where they have actually gone, dispatched units, into poor neighborhoods and indiscriminately shot people down, indiscriminately terrorized people.

People in Haiti have been forced to leave their shanties and their usual dwelling places, as bad as they are, and go out to the countryside and sleep in the hills in order to escape the terror of the thugs who are in charge.

Now, all of this has been pretty much documented, and certainly our Government recognizes the seriousness of the situation when they call the Ambassador to Haiti home, and all of the dependents of American Government employees have certainly been evacuated long ago. It is a dangerous situation.

Yet, we are insisting that 14,000 people be returned forcibly to this reign of terror in a police state. We are insisting that the only reason those 14,000 people fled was that they wanted to come here to get better jobs.

Why are we taking that position? Why do we make that interpretation?

We did not bother to interpret the flight of the Hungarian refugees, the freedom fighters we called them, freedom fighters when the Soviet Union invaded Hungary. We brought in 61,826 people from Hungary, 61,000, not 14,000, but 61,000, almost 62,000 people who were brought in from Hungary. We did not interview each one and say, "Are you fleeing the Soviet tanks and the terror, or are you coming here just to get a better job?" We did not interview each of those people and say, "Are you in some way connected with politics which would, therefore, define you as a target of the Soviet invading force or the Hungarian Communist Party?" We did not make that distinction. We did not do that. Because if we had done that, we would have found many, many thousands of people among those 62,000 who had no political connections whatsoever, who were not involved in politics whatsoever. They were fleeing a situation where there was violence and turmoil. They were fleeing a situation where there had been hardship for many years. They were taking advantage of an opportunity, the pressure on the border, to get out, many of them with their primary concern to seek a better life for themselves and their families. It had nothing to do with whether they believed in democracy, capitalism, or communism. It had nothing to do with that. They were not politically connected.

I personally knew several people who had fled Hungary at the time of the Hungarian revolution. There were a number of them who went into library science during the time that I was librarian at the Brooklyn Public Library, and I met some of them. They were not necessarily political people. They said they were not connected with politics. They were anxious to get out for many good reasons. They had never been interviewed and questioned closely about, "Are you coming here seeking freedom, or are you coming here just to get a good job?"

Large numbers, 61,826 were admitted.

□ 1550

Cubans, 488,000, from the time that Castro came to power to 1989, the most recent figures we have, 488,000, almost 489,000 Cubans have been admitted to this country as refugees fleeing an oppressive system.

Now, these are anti-Castro Cubans, anti-Communist Cubans. We have always taken a position that communism is automatically our enemy, and if you are against communism, you are all right. So these people have not been closely interviewed, either, whether they are coming here just to get a better job, take advantage of the higher standards of living, et cetera, the opportunities, or are they fleeing Castro. They have not been questioned that closely.

Numerous numbers of these people are in the country on a status called parole status. Thousands of Hungarians were brought into the country on a status called parole.

Now, parole is a status that can be granted most easily because it has no obligation. The Federal Government and local governments have no obligation to take care of the people in any way. They must have a sponsor. They are paroled into the country. They have no avenue into citizenship. They have to still clear the hurdle and qualify as permanent residents, after being brought in on parole, as parolees.

So we could admit all of the Haitians to the country tomorrow. They could be admitted into the United States as parolees under parole under present existing law, presenting existing procedures. They could be paroled to sponsors, and there are sponsors standing by waiting—churches, institutions, families, relatives. They are waiting and they will take responsibility for all 14,000 of the Haitians and the United States Government would not be responsible for a single obligation in terms of the taxpayers' money being used to take care of the refugees who are brought in. This has happened to more than 50,000 Hungarians, and it is not difficult to take care of 14,000 Haitians.

So understand the situation. The highest court in the land has not ordered the administration to do anything. They have merely said that if the administration wants to do it, it has the right to do it. I am saying that leaves many options open to the administration. One of those options is to bring everybody in as a parolee, take no responsibility financially, disperse them throughout the country to the people who will sponsor them and they will be taken care of, until such time as things are resolved in Haiti, until such time as the legally elected democratic President is restored, because that is a principle the United States cannot afford to abandon.

We cannot say to the world that we are going to be the leaders of a new world order and that we ushered that new world order in by going to war to liberate Kuwait and return the status of independence to Kuwait, insisting that every country has a right to its own self-determination and cannot be overrun by a foreign power. We cannot say now we are going to stand by and let a country be overrun by a group of military thugs after it has had a legally reviewed democratic election. Not only was that election legal in Haiti, in accordance with its Constitution, but we had monitors from the United Nations, monitors from the United States. Jimmy Carter was one of the celebrated monitors who monitored that election of President Aristide. So it was not only legal according to the course of their Constitution, it was monitored by internal observers.

We cannot sit by and say that we are going to allow that kind of elected government to be overturned by a group of military thugs and that we will sanction that.

So we must insist, we have insisted, we have talked out of one side of our mouths, that we are 100 percent in favor of the return of President Aristide to his rightfully elected position. We are in support of the Organization of American States resolution. We are in support of the United Nations resolution. We are 100 percent in favor of democracy and doing what is necessary peacefully to return Haiti to democracy.

We say that on the one hand; on the other hand, we have criticized President Aristide as being not a good President. We do not appreciate him because we did not sanction him. We did not support his election campaign. He came out of the blue. It is a mystery how he got elected. We do agree that it was all legal and the people came out

and voted for him, but we cannot understand that. We could not control him. Therefore, automatically he must be bad. The choice of 70 percent of the people must be bad because he was not ordained. He was not coronated by the United States Ambassador to Haiti. That is basically the position we have taken, criticizing Aristide, slowing down the process of enforcement of the sanctions, allowing the Haiti military thugs to bring in several oil tankers and unload them while oil was under embargo. We made no attempt to restrain their getting all the oil that they needed. We are probably allowing them to get all the drug money they need in order to help prop them up, when our government is not paying for that military, because the truth of the matter is that the military thugs in charge were trained by the United States personnel for most of the last 30 years during times when we did not have them under some kind of sanction or embargo. We paid the salaries of the Haitian military. We have been basically in charge of this country. What has happened has been our problem. We have created the problem.

We have a moral obligation to solve the problem, resolve the problem. The best solution to the problem of 14,000 Haitians in Guantanamo is to return democracy to Haiti, restore the government of Aristide and then people can be sent home and it would be fitting and proper to do that.

During the period of time between the election of President Aristide and the overthrow of his government by the military thugs, the number of Haitians who were interdicted on the seas attempting to come into the United States dropped almost to zero. Before Aristide, there had been a significant number. After Aristide was elected, the number went down to almost zero. People did not have anymore to eat than they had before. They did not have any better jobs than they had before, but what they had was a sense of hope. They thought that their country finally was going to become normalized, that all the stealing by the rich middle class, the refusal to pay taxes, the rampant corruption, the exportation of oppression by the military, all that was going to come to an end and that they could look forward to a productive future as human beings, even though they would remain poor and would have to struggle. So they decided to stay.

We had no problem. We did not have to have Coast Guard cutters in large numbers picking up people from the sea. We did not have to have special camps set up at Guantanamo. None of that was necessary because the Haitians had hope and they stayed at home.

So if we move with dispatch and restore democracy in Haiti, we can solve the problem. But let there be no mistake about it, we can have an interim solution to the problem right now. We can have a humane solution to the problem right now by admitting all the Haitians to this country with a parolee status.

There have been proposals made that we pay special attention to the pregnant mothers who are on Guantanamo, to the children on Guantanamo, and at least we admit them under parolee status or special status.

I have a proposal from some church groups. Resolutions have been passed in the city council of New York. Church organizations are very active with concrete plans showing that they can take care of people who need immediate attention, like pregnant mothers and children. All these are underway and could be put into operation. All we need is a clarification or a change—not a clarification, a basic change in the position of the present Administration. The present Administration has the power to back away from what can be explained in no way, I see can no explanation for the treatment of the Haitians, except the current atmosphere of racism in the country, the fact that there are pressures, there are people openly advocating that this country declare itself as a white nation, a white man's country, and not accept immigrants from anyplace but Europe. There are people who are clammoring for the heads of all poor people and saying they are adding to our burden and that because of our serious economic problems we should not allow any of them into the country, especially not these people who have various kinds of special problems. It all adds up to a racist position.

We did not check the Hungarians out to see what kind of problems they had physically or otherwise. We did not check out the Cubans to see what kind of problems they had. As long as they were against communism, they came in.

We are penalizing the Haitians for never being Communists. They have never had a significant Communist movement in the country of Haiti. So therefore the people of Haiti, fleeing oppression and terrorists, fleeing a police state, because that police state and oppression does not happen to come from communism, we do not greet them with open arms. We do not welcome them into this country.

□ 1600

But we can take steps to deal with the situation.

Mr. Speaker, proposals have been made by other groups that we should welcome them. If we do not want to act, if we cannot make the executive branch of government act, then there are other alternatives, though more difficult ones.

Members of Congress have introduced bills. The gentleman from New York [Mr. RANGEL], my colleague, several months ago introduced a bill which had in it a provision which called for the immediate admission of Haitian nationals, the suspension of any procedures which would keep them out, and allow them to come in until such time as the problem in their country had been resolved.

Mr. Speaker, one provision of the resolution of the gentleman from New York [Mr. RANGEL] called upon the Attorney General to suspend all deportation and exclusion proceedings for Haitians in the United States pending the resolution of the deep political and military crisis in Haiti as called for by the Inter-American Commission on Human Rights.

It also said they should designate Haiti under section 244(a)(b)(1) of the Immigration and Nationality Act relating to temporary protected status, designating Haiti to fall under that act.

In other words, what I have just said before, in the law right now there are sections which will take care of the situation. Mr. RANGEL's resolution called upon the Government to do that months ago.

Mr. Speaker, Mr. MAZZOLI, the gentleman from Kentucky, is calling for the passage of a bill which would do probably no more than the same thing. It basically calls for, really requires, and directs the Government; that is what is becoming necessary now. If the executive branch will not act, if the Administration will not use the tools at its command to seek a humane solution to this problem, then what the bill introduced by the gentleman from Kentucky [Mr. MAZZOLI], which is being discussed, I understand, in the subcommittee of jurisdiction and is called the Haitian Refuge Protection Act of 1991, would direct the Government to do what it should do, what it has the option and power to do at present.

Mr. Speaker, I yield to the gentleman from New York [Mr. RANGEL].

Mr. RANGEL. Mr. Speaker, let me thank my friend, the gentleman from New York, for bringing this issue down on the floor in this special order.

Mr. Speaker, not too long ago the world saw the power and the vision of the President of the United States when he thought that Kuwait City was under attack by someone he described as Adolf Hitler.

Yet, the President did not see fit just to rush United States troops there. What he did was to pick up the phone, call the heads of nations around the world, and then finally was able to gain support in the United Nations to where the United States would be part of that effort to remove the person who intruded on the sovereignty of this small, oil-rich country.

Now in our own hemisphere we find a small, fragile democracy that the military—which has no record of doing

anything that is honorable since it has been formed—has overthrown the first President duly and democratically elected. The President of the United States, to his credit, has seen fit to condemn the coup which has taken place by the military and to support the Organization of American States in their efforts to negotiate a peaceful settlement in Haiti, and has also embarked upon the sanctions, an embargo against this country, in an effort to put economic pressures on them.

As a result of these initiatives, we find ourselves asking the Organization of American States, that has not really accomplished anything in a diplomatic initiative since its formation, with the responsibility of restoring peace, democracy and President Aristide to his presidency.

What bothers me is that I do not know now who is in charge of this initiative. I do not know where the leadership is coming from.

All I know is that people are being killed and people are fleeing this country, and yet the United States of America, the leader of the free world, finds itself, instead of providing the leadership to restoring the peace, relying on the Organization of American States, plucking these wretched souls out of the sea as they flee in shark-infested waters, and returning them to Haiti, returning them to a violent society controlled by the military to such an extent that when a person was selected as the compromise Prime Minister between the people who are running Haiti and the exiled President, that the military sought him out, to kill him, and indeed missed him and killed his bodyguard. And as a result of this criminal and horrible behavior, the United States of America has seen fit to withdraw our Ambassador from Haiti.

So, while he sits here in the security of the United States of America, Haitians are now being involuntarily transported back to Haiti and the State Department tells us that they have no reason to believe that retaliatory action is not being taken against these Haitians.

All we can see is that they are being fingerprinted by the same military thugs who shot down one of their own who was considered a compromise candidate for Prime Minister.

While that Statue of Liberty stands out there in New York Harbor, I do not know whether there is any word out there which talks about whether or not you are fleeing from economic or political persecution. It seems as though our President and our State Department would like to make some type of determination whether these people who are risking their lives on the high seas are victims of economic bullets or victims of political bullets.

How can you be just an economic refugee? Was the coup, the taking over of this country and the threatening of the president, was that economic? Was the military actually chasing our ambassador and killing Haitian representatives, was that economic? Were the thousands of Haitians who supported the President economic? And when we politically put an economic sanction on this country, an economic embargo, and the people find themselves fleeing not only from hunger and famine but also fleeing from the ends of rifles, is that economic or political?

And how do we determine this in these great United States of America? Do we pluck people who are starving to death, who have been taken out of shark-infested waters, whose native language is patois, which is a broken French, and take American citizens from the Immigration Department, pick these people out of the water, put them on Coast Guard cutters and, with forms and ballpoint pens, ask them to state their political background for us to determine whether or not they are fleeing for economic or political purposes?

I say to the gentleman from New York [Mr. OWENS] I suggest that the reasons that have been raised by this administration are not economic, but indeed are political; that there is no question in my mind that if we found 10,000 or 15,000 people fleeing from a European country, that we would not return them to the same type of holocaust that these people may face.

Indeed, those that follow what happened to the Jewish community, when Adolf Hitler allowed them to leave on a ship called the Ship of Fools in 1939, this ship was denied entry into the Port of New York, denied entry into Havana, Cuba. Additional ships were allowed to leave Germany, and those too were refused admission in London and cities in Europe and other European countries. And once that happened, what happened to the Jews? We all know.

What do people say today? "I wasn't there, I had nothing to do with it; I thought it was an internal matter in Germany. I never was against the Jews."

Well, this is a time for the Statue of Liberty to really stand up. It does not say whether you have to be economic or political. I do not think it does. Whether or not the President of the United States is washed into politics in New Hampshire rather than the compassion that America has, the only people who have a right claim to this country who did not come from foreign countries have been annihilated; and that is the native Americans.

It would seem to me, I say to the gentleman from New York, that now is the time for any people in these United States who can find any indication that they came here from some other country other than what we call the United States of America, ought to give the same opportunity to the Haitians, because one day their name may come up and the rest of America may ask, "Are those people economic or political?"

I thank the gentleman from New York [Mr. OWENS].

□ 1610

Mr. OWENS of New York. Mr. Speaker, I thank the gentleman from New York [Mr. RANGEL] for his remarks and for the intiatives that he has taken over the last few months in connection with this problem.

Mr. Speaker, I yield to the gentleman from Texas [Mr. WASHINGTON].

Mr. WASHINGTON. Mr. Speaker, I thank the gentleman from New York [Mr. OWENS] for yielding, and I would like to associate myself with the remarks by both gentlemen from New York who have spoken so eloquently on this occasion.

Mr. Speaker, I take the well today to join my colleagues from New York in addressing the American people on a matter that I think is of utmost importance because it seems to me that what we have to do is to define and redefine what America is. I do not want to think that the color of the skin of the people or their ethnic origin has absolutely anything at all to do with the forced repatriation.

I say to the gentleman from New York [Mr. OWENS], it seems to me to be a self-fulfilling prophecy, regardless if you take into consideration, and I have looked carefully at some of the work you have done on the Subcommittee on Immigration in the Judiciary Committee, the work they have done; but assume for the sake of discussion that the Bush administration is correct in their analysis that the people are fleeing from economic conditions rather than from political conditions. It seems to me though that to say that these people should be forced to be repatriated back to Haiti, when they have demonstrated that they want to leave Haiti, would not sit well with the people who are in control in Haiti. Can you just see them, regardless of what reason they have for leaving, being marched off those ships, those Coast Guard cutters, and being welcomed with opened arms by the same people, as the chairman has just said, who didn't have enough respect for democracy to allow a free election to stand, where the people in this country chose in a democratic way a president?

Mr. Speaker, President Aristide, regardless of his shortcomings, was chosen by the people, and, if we are going to talk about shortcomings, it seems to me there have been a lot of Presidents in American history about whose shortcomings we could speak. But this is a democracy, and in a democracy the people rule. So, these people who thought so little of democracy, who took away the election of the people, then would welcome with opened arms

these persons who, for whatever reason, have chosen to attempt to make a break for freedom or of what they thought was freedom?

Mr. Speaker, it stands logic on its head to say that, even though they may be fleeing from economic conditions, that they should be repatriated because they would be welcomed back with open arms by the people who are killing and murdering people, and surely they would not kill these people. They would say, "We welcome you back, brother. You've erred in your ways. We know you were fleeing for economic reasons and not for political reasons, and you might have had to tell the INS some other reason, but we understand. Come on back. Let me put my arm around you. Take this weapon here, and help me kill democracy."

Mr. Speaker, that is ludicrous. It was ludicrous when they thought of it, it was ludicrous when they said it, and we do not believe it.

But I still want to believe that there is some other reason for the treatment, the special treatment given these people, when those Coast Guard cutters could be used out in the Caribbean Sea to interdict drugs. We are saying that it is more important to stop human beings who are fleeing from repression, as they see it, from coming to these shores, because they happen to be black than it is to stop another boat load of cocaine because every ship that is tied up out in that pass stopping these freedom boats from coming across the pass and taking them onto Guantanamo Bay could be used, I think the American people believe, for a much more worthy cause. It is better to stop one ounce of cocaine from coming over than 10,000 people.

Mr. Speaker, that is because people work. Most Haitians that I know, and I have very few in my district, are industrious, hard-working, democratic-believing, God-fearing people, and they want to come to this country for the same reason as did most of the other people within the sound of our voices, as the chairman has alluded to, as far as we know, and to the memory of man running not to the contrary. The so-called native Indian, which Columbus mistook because he mistook this for India, and they are probably not Indians, but we will not get into that because I only have 5 minutes, but those are the people who did not come here by boat. I do not care where they came from; Europe, or from Africa, or from Asia, or from Indonesia or wherever; but they came by boat, and they are no more entitled now to close the gate on some other ship of souls who come here believing in the Statue of Liberty, it seems to me, than anyone else.

So, Mr. Speaker, I look very carefully at the reasons, and I believe that the district judge in Florida was correct, and I am appalled that the Supreme Court in its wisdom, or for the lack of it, would set aside the order of the district court without having the record before it, which is a political decision. They did not have the record from the U.S. district court before them. They did not have the record from the Court of Appeals from the 11th Circuit before them. They went on the request of the Solicitor General and set aside the stay order, which is only to maintain the status quo, which makes it moot.

So, assume for the sake of discussion, and I will be finished because the gentleman from New York [Mr. OWENS] has been very generous with the use of the time, but ultimately those who advocate on behalf of the Haitian refugees are able to make a prima facie case. If they win in court, they lose the battle because all their clients will have been repatriated back to Haiti and probably killed in prison by the time the case gets to the Supreme Court on its merits.

So, we are saying, "Give us your tired, those yearning to be free, except if they happen to be black, except if they happen to be former slaves, and then we'll give them so much legal gobbledygook that, by the time the case gets to the Supreme Court, it won't mean anything to them. They'll be back in Haiti suffering whatever reward or punishment the people in control of Haiti believe is due them by the time we get a decision."

Mr. Speaker, I think it is wrong, and I do not think we have fooled anybody, and I am happy that the gentleman from New York [Mr. OWENS] has brought this important measure to the floor in order that we can shed light on it.

The only weapon we have is the people who are out there watching. We do not have any other voice. We cannot pass legislation soon enough to effect any change. They will ship up those Coast Guard cutters and have them all back in there before a bill can get through this Congress, and be vetoed by the President and overridden by the Congress, and so we are talking about a wrong for which there is no remedy.

But ultimately the people in this country have a voice. If they light up the telephones, if they call, not only Members of Congress, but the Secretary of State and the President, they can stop what is going on. They can stop pushing those people off those boats back over into Haiti to receive the most horrible kind of punishment imaginable. People who do not believe in democracy should not have our support, but we have this agreement with the Government of Haiti that allows them to stop these ships and interdict them, and ask these people these questions, and send them back to Haiti.

I can only add that I thank the gentleman from New York [Mr. OWENS] very much for allowing me this time, and I associate myself with his remarks. Anything that any of us can do to be helpful in the future, please let us know.

Mr. OWENS of New York. Mr. Speaker, I thank the gentleman from Texas [Mr. WASHINGTON] for his remarks, and I yield now to the gentleman from Detroit [Mr. CONYERS].

Mr. Speaker, in view of the fact that we have several additional Members who have come in, we would like to divide the time equally.

Mr. CONYERS. Mr. Speaker, I thank the distinguished gentleman from New York [Mr. OWENS] for calling this special order. I would like, Mr. Speaker, to make the following points:

The court merely lifted the stay of the lower court. The Supreme Court did not require that the United States begin forcing the return of Haitians. So, we are not operating under a court order to return anybody anywhere.

That being the case, the President, as the Chief Executive, has the ability still to make this Haitian crisis a priority, and, instead of merely accepting the coup in Haiti as a fate accomplished, he could bring his full power and influence to this crisis, and I would like to suggest that, in addition to stopping the forced return of Haitians, he could begin to make sure that we return to office the first elected president in the history of Haiti, President Jean-Bertrand Aristide.

□ 1620

The best solution to this crisis is to let the Haitian people manage it themselves, to allow the elected president to lead his people by allowing the embargo to be fine-tuned. This is a very crude embargo in which there are all kinds of sieves. I would suggest that there be a naval embargo also accompanying the embargo on goods. The United States and the Organization of American States could enforce a more finely tuned economic embargo. The goal would be then to force the Haitian military to accept the return of President Aristide and increase our leverage at the negotiating table.

The Haitians in the United States and on the U.S. ships should be granted temporary protective status. By bill, H.R. 3873, has been before the Committee on the Judiciary, on which I am proud to have served for some time, and I hope that it or some similar measure that accomplishes the same thing will be acted on.

Haitians should be treated in the same manner as others fleeing oppressive government, and it has been thoroughly documented that that difference and this unfair treatment in trying to determine whether a military bullet is an economic bullet or a political bullet is an exercise in futility, and will suggest terror and hard times for those people who are being forced against their will to go back to their country.

The Attorney General should implement existing authority under the immigration emergency fund to aid those who are fleeing the dictatorship in Haiti. The Coast Guard should stop the forced return of the Haitian boat people. There is nothing in the Supreme Court decision that requires that they force return of Haitian boat people. The Coast Guard can help rescue those who are trying to escape Haiti, but it should not be aiding the Haitian military.

Finally, we should increase the number of Haitian immigrants that are allowed to enter the United States, which is a pitifully small number. I include in the conclusion of my remarks editorials from both the Washington Post and the New York Times that add additional arguments to the cogent ones that have been heard on the floor during that special order.

Mr. Speaker, I want to join my colleagues in noting the terrible situation in Haiti and the dreadful response being made to that situation here in Washington. I believe that the Bush administration's decision to forcibly return Haitians to Haiti is an outrage and I have concluded that Congress should now grant temporary protective status to refugees.

I am personally saddened and distressed at the Bush administration's approach to the crisis in Haiti. It just makes no sense to celebrate the end of the cold war by enforcing a 1981 agreement signed with the Duvalier regime that was overthrown by the people of Haiti. I wish that the President had decided to treat Haitians in a manner that is consistent with our longstanding tradition of granting refuge to those fleeing oppression. President Bush likes to be called a foreign policy President, but he does not want to admit that the Haitian crisis is a priority. All that the Haitians are asking is to be treated like other refugees that have come to our shores because of antidemocratic coups. We should do no less.

During the closing days of the first session of the 102d Congress, I hoped for the best in Haiti and in Washington. But I also thought we had to prepare for the worst. That is why I introduced legislation, H.R. 3873, to legally grant Haitians temporary protective status and to terminate the interdiction of Haitians fleeing Haiti. I hope that my colleagues will read that bill and join me in pushing for its consideration.

Mr. Speaker, last year I had hoped that the negotiations led by the Organization of American States would bear fruit. The only solution to this crisis is for Haitian President Jean-Bertrand Aristide to be returned to the office he was elected to by the Haitian people. The best solution to this crisis is to let the Haitian people manage it themselves. The elected President should be allowed to lead his people. I also believe that the United States and the Organization of American States should enforce the OAS economic embargo. Our goal is clear: Force the Haitian military to accept the return of President Aristide. We should not tolerate other nations ignoring the embargo.

I also had hoped that the U.S. Federal court in Miami would be successful in forcing the Department of Justice to grant Haitians the most basic rights and basic American due process. We have watched the legal battle pay out over the past several months, and unfortunately the Supreme Court has refused to protect the rights of these refugees until the case can be settled.

I had also hoped that the United States State Department would recognize that real nature of the military dictatorship in Haiti.

Mr. Speaker, I regret that my hopes and the hopes of the Haitians were dashed.

Given this reality, it is hard to understand the stance of the U.S. Attorney General, William Barr. I think we should demand an explanation for why he does not use his authority under law to grant Haitians temporary permission to stay in the United States—so-called temporary protective status. The Attorney General is flouting the law, and because of his callousness, thousands of innocent Haitians will suffer needlessly.

Now we have seen all too clearly the face of the violence and repression in Haiti. The evidence of the repression has been clearly demonstrated in recent weeks. First, we have seen respected human rights groups, such as Amnesty International and Americas Watch, reporting the dangers of political activity in Haiti. Second, the State Department itself recalled the U.S. Ambassador last week to protest a violent attack on political leaders. Yesterday, the United Nations High Commissioner for Refugees criticized the United States deportation decision.

But most important, over 15,000 Haitians have voted with their feet. These thousands of Haitians have risked their lives to flee the crisis in their homeland. Haitians may be overwhelmingly poor and illiterate, but they know a violent dictatorship when they see one. I just do not understand how the U.S. Government can be so blind.

Mr. Speaker, we should let our Coast Guard help and rescue Haitians fleeing Haiti, but the United States Coast Guard should not be in the business of forcing Haitian men, women, and children to return to misery and torment at the hands of a military dictatorship. Watching the pictures of the Coast Guard taking Haitians back to Haiti makes this Member incredulous.

I hope that my colleague will join me in pushing for swift action to help these long suffering refugees. I insert editorial comments of the New York Times and the Washington Post for the RECORD.

HUMANITY FOR HAITIANS

Under ordinary circumstances, the United States cannot admit every Haitian who arrives on these shores seeking a better life. But today's circumstances are not ordinary. The U.S. cannot decently force terrified asylum-seekers to return to the hell their homeland has become.

Since the Supreme Court lifted a restraining order on Friday, the Bush Administration has seemed intent on shipping Haitians would-be refugees home. Congress needs to retrieve America's reputation for compassion by quickly approving emergency legislation.

Haiti has long been the Western Hemisphere's poorest nation. Its people have been willing to risk danger, detection and deportation for the opportunity to work in the U.S. Haitian immigrants have made a positive contribution to American society. But allowing in all who want to come would be unfair to the thousands of people from other impoverished, more distant countries who patiently wait their turn for legal admission.

Since a violent coup late last year, Haiti has become the hemisphere's most dangerous nation as well as its poorest. Armed thugs terrorize poor neighborhoods, trying to crush support for Haiti's exiled President, Jean-Bertrand Aristide. More than 1,500 people have perished, Amnesty International reports. The Bush Administration, hoping to dislodge the military regime, supports a trade embargo that adds to the privations of Haitian life.

But even as the Administration tries to force political change in Haiti, it has sought court permission to ship back all fleeing Haitians who do not meet the narrow legal requirements for asylum. Those requirements involve a demonstrable fear of direct personal victimization, but not say, a reasonable fear of being caught up in the deadly violence being unleashed by the military regime.

The Administration's own reasonable fear is that once word reaches Haiti that people are not being turned back, an unmanageably massive flight will begin. And it worries about alienating Florida voters with an inundation of Haitians in an election year. Those are real risks. But with safeguards like temporary sanctuary, both humanity and prudence can be served.

Further court tests lie ahead, but the Coast Guard is now free to repatriate most of the 12,000 Haitians held at Guantánamo, Cuba. Even though the situation in Haiti is particularly turbulent, the Administration seems determined to move quickly. That leaves it up to Congress to show the compassion America has displayed in the past for Cubans, Vietnamese and others in a similar predicament.

A bill introduced yesterday by Representative Romano Mazzoli would grant Haitians now in U.S. custody a "temporary protected status." It would hold up involuntary repatriations until the President could certify that a democratically elected government was again securely in power in Haiti. If Congress moves quickly, the bill could be on the President's desk in days.

An early return to democratic government may seem unlikely under Haiti's present circumstances. But it is the formal objective of U.S. diplomacy. If that is no longer a realistic goal, America's entire policy toward Haiti needs to be rethought, and strengthened.

Haiti's nascent democracy has been hijacked by thugs, some of them apparently involved in drug dealing. Good policy and good politics argue against the Bush Administration acquiescing in their rule. Common humanity argues against America forcing people back into their bloody hands.

HAITI'S REFUGEES

Forcible repatriation of refugees—sending people back to a country where they face not only great hardship but the risk of physical harm—is an ugly business. The United States has now returned to Haiti the first several hundred of some 10,000 whom the Coast Guard has plucked out of the sea on their way, they had hoped, to Florida. For a country with the resources of the United States and its deep commitment to human rights, this is a sorry response to the Haitian tragedy.

No Haitians ought to be forced to return until some degree of peace and order prevails in their land. But the Bush administration

backs uneasily away from that standard. As things are now going, it may be a very long time before Haiti sees much peace and order.

In retrospect, it's clear that the United States and the Organization of American States made a fundamental political miscalculation last October. The army had pushed the democratically elected president, Jean-Bertrand Aristide, into exile. The hemisphere's governments immediately joined hands to impose a tight embargo. The idea was that the economic pain inflicted by the embargo would force the army to give up power and allow the president to return. But that overlooked the nature of the Haitian army.

It is much less an army in the modern sense than a loose confederation of armed bands not reliably under the control of its officers. Many of these armed bands are engaged in preying on the civilian population, running drugs and smuggling. Since the embargo enhances the smuggling trade, the soldiers have little interest in ending it. Diplomats of the OAS had worked out an intricate arrangement under which President Aristide would return and govern with another politician, Rene Theodore, as his prime minister. Ten days ago armed police, who in Haiti are subservient to the army, broke into one of Mr. Theodore's meetings, beat people at random and, to emphasize their purpose, murdered one of his bodyguards with a machine gun.

The embargo continues to cause great suffering, but not among the gunmen. Since it isn't serving its purpose, this embargo needs to be relaxed. The Bush administration has been debating the exemption of at least the assembly industry—the factories that imported components mainly from the United States and reexported the products. There were more than 35,000 jobs in those factories before the embargo. To persist in the present total embargo is to increase the distress, purposelessly, in a country now ruled by cruelty and violence. To force refugees to return there under these conditions is worse. It is a violation of American values.

Mr. OWENS of New York. Mr. Speaker, I thank the gentleman for his remarks and I yield to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY of New York. Mr. Speaker, I want to thank the gentleman from New York, and I want to thank him for holding this special order. I would like to associate myself with the gentleman's remarks and with those of my colleagues.

I would like to just share some personal comments. A friend of mine has been calling me regularly, not just to cite the statistics, not just to share with me her feelings about how terrible and how immoral the actions are currently, but to share with me her personal fears of a mother who was left in Haiti, of a brother who was left in Haiti, of cousins and nephews left in Haiti.

In the last telephone call that she had, and I want to tell the Members that it was not easy, because during the whole term over there you could not even get through. You did not even know how a brother was doing or how a mother was doing. When she finally got through, the words of her mother, as the mother was trembling, because she did not know who was listening, were terribly frightening to me. You did not know when there was going to be a knock on the door, and even if they knocked, which they do not often do, you did not know who was going to be shot down next. You did not know, when you heard the gunshots in the house next door, whether it was going to be you. That is the kind of fear that people are living under in Haiti.

So when we see a little boy on the front page of the New York Times having his fingerprints taken, being sent back to his country where terrorism is rampant, where there is no democracy, where the rights of the individual are not respected, how can we in the United States of America who stand up tall, being proud of our democracy, how can we not stand up and speak out? This is immoral, this is wrong, and I want to associate myself with my colleagues on the legislation they have introduced.

Amnesty International has said that the refugees face a killing field and certain persecution if they are sent back to Haiti. That corroborates exactly what my friends have told me. So far it is estimated that 1,500 people have been executed by the new government.

The United States must stand up, because if we do not stand up now, how can we stand up as a democracy to the rest of the world?

Mr. OWENS of New York. Mr. Speaker, I yield to the gentleman from New Jersey [Mr. PAYNE].

REQUEST BY MEMBER TO PROCEED OUT OF ORDER WITH A SUBSEQUENT SPECIAL ORDER

Mr. PAYNE of New Jersey. Mr. Speaker, I ask unanimous consent that at the end of the special order of the gentleman from New York [Mr. OWENS], I be allowed to proceed for 60 minutes with my special order.

The SPEAKER pro tempore (Mr. FROST). Is there objection to the request from the gentleman from New Jersey?

Mr. BONIOR. Mr. Speaker, reserving the right to object, I have no objection. If the gentleman wants to go ahead of me, I would be delighted. I was going to raise this issue in my special order and he can share that time with me then go ahead now, as far as I am concerned.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

Mrs. BENTLEY. Mr. Speaker, reserving the right to object. I understand the importance of the issue. I appreciate all that, but I wish they had indicated before. I have been sitting over here now for an hour or more waiting my turn. I have to object.

The SPEAKER pro tempore. Objection is heard.

PARLIAMENTARY INQUIRY

Mr. WASHINGTON. Mr. Speaker, I have a parliamentary inquiry.

Mr. Speaker, there was no objection to the original request for the addition of time. The only question was whether it be taken out of order. There being no objection, his additional 60 minutes has been granted?

The SPEAKER pro tempore. That is correct, but he may not have it out of order.

Mr. PAYNE of New Jersey. Mr. Speaker, as a member of the House Foreign Affairs Committee and as a person long committed to improving the plight of refugees worldwide, I am deeply disturbed by the mass deportation of Haitians longing for freedom from oppression.

In recent years, the United States, as the leader of the free world, has taken justifiable pride in our role as a model for emerging democracies around the globe. We have been eager to lend a helping hand to newly liberated nations as the Berlin Wall crumbled and the Iron Curtain fell.

We have been a strong advocate for many nationalities who have fled their homeland to escape danger and to seek asylum in the United States. Recent press reports detailed a daring exploit involving a plane carrying Cuban defectors which was guided safely to United States soil with radar cover and other technical assistance offered by our Government.

In view of our enthusiastic efforts to promote democracy around the globe, we cannot avoid this troubling question: Why is our Government treating Haitian refugees so differently? Why are we so callous about their fate?

In one of his most famous novels, the author George Orwell made the satirical observation that, "Everyone is equal, but some are more equal than others." Unfortunately, that notion seems to apply to our policy toward those seeking political asylum.

The dangers facing Haitians forced to return under the present regime are well-documented. The Inter-American Commission on Human Rights of the Organization of American States recently estimated that there have been 1,500 deaths since the September 30 coup.

I recently had the opportunity to meet the ousted leader of Haiti, the true, duly elected representative of the Haitian people, President Aristide, at his residence in exile in Venezuela.

During his service, President Aristide was committed to freeing his people from the economic slavery that has made their lives so hard for so long. Yet, the level of support from the United States was not what it should have been.

Our Government has criticized Singapore and Malaysia for not taking in the Vietnamese boat people. We criticized Hong Kong when they withdrew their policy of admitting boat people.

It seems very inconsistent that we would now turn our backs on our

neighbors in Haiti, who are undoubtedly facing severe reprisals—possibly even death—upon their forced return. We know that already the Haitians who were sent back have been put through the intimidating process of being fingerprinted.

We can only pray that they will be spared from the terrible fate that others have no doubt faced.

Mr. Speaker, let us reclaim the role of the United States as a fair, compassionate haven of democracy. I urge my colleagues to support Mr. RANGEL'S initiative and to help us halt these inhumane deportations immediately.

Mr. Speaker, let me thank the gentleman from New York for taking this special order.

□ 1630

Mr. OWENS of New York. I thank the gentleman from New Jersey for his remarks.

Mr. Speaker, I yield to the gentleman from New York [Mr. SERRANO].

Mr. SERRANO. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I simply want to join the gentleman from New York [Mr. OWENS], the gentleman from New York [Mr. RANGELL], and other colleagues, because I believe that this is the kind of an issue where no one should be quiet, whether it is a private citizen writing a letter, whether it is a telephone call as the gentleman from Texas [Mr. WASHINGTON] has suggested, a telephone call to a Representative, or whether it is doing it the way we are doing it here on the floor. No one should keep quiet when the real integrity of this country I believe is at question.

Mr. Speaker, every day we hear Members get up here at this same podium and speak about how great it is to live in this country and how great it is to see the rest of the world going out of their way in life-risking circumstances to be more like us.

Even those of us who stand up here and claim that all is not well understand that this is a wonderful country and the world is trying to change to be like us.

But I think in the process we run into a danger. The danger is that if we are not true to ourselves, if we are not true to our own ideals, then we run the risk of speaking out of both sides of our mouths and eventually losing all the good will that we either won through military action in the gulf or by simply behaving over the last 40 years as people who defended peace and democracy and justice.

And so when we look at the Haitian situation, I think it is really, if you will pardon the expression, larger than Haiti. It is us. We are in those boats. We are at risk, just like the Haitian people are. Because if at this moment in our history, after saying all the wonderful things we said about Europeans just a year or two ago who were hurting, in danger of being slaughtered, who are in danger now of civil strife, if we said all the things that we said in favor of their defense and their freedom and their dignity, and then turn around and push, physically push out of our borders, people who everyone can see are hurting, people who tell you either in broken English, in perfect English, or in their own language, that if they go back they run the risk of being killed, and yet we say there is no proof that they will, we have never had any proof that anyone is going to be killed all over the world.

Yet we have committed people, committed resources, committed the soul of this country in many instances throughout the world, understanding that, well, dangers existed.

Every time I see a Haitian being given $15 and put on a bus to eventually get on a boat to return to Haiti I feel bad for them, but I feel worse for us. Because we cannot continue to lie to ourselves. That is what we are doing at this point in our history.

This moment, it seems to me, is a crucial moment. Everyone has said it and will keep saying it because it is wonderful, the world has changed, and we are the ones that are being imitated. And what do we do? Well, we have a war, and that war is supposed to be part of the new world order.

And then the first instance, interestingly enough, ironic enough, the first instance we have to show a new world compassion, which is part of that world order, we say "You are not allowed here. You are not allowed here because you are not here for political reasons, you are here for economic reasons."

As the gentleman from New York has well stated on so many occasions in the well of this House, during the time that the dream of democracy and possibility of democracy existed in Haiti, people were not running to this country. Now, the poverty was the same. President Aristide, as much as he promised he would in his presidency and administration, did not have enough time to make a change in the economy of their country. Yet people did not run here. Why? Because the thought of democracy, the thought of freedom, the through of a better tomorrow, kept them at home. So they are obviously here for political reasons.

What do we do? We say we have to figure our a different way to deal with you.

In addition to this, as the gentleman well knows, it creates for us right here in our own communities, communities like the ones that we represent, friction. We have one island in the Caribbean where nobody wants to come or is allowed to come. Then we have another island in the Caribbean where if you want to come, you cannot come.

Now, the President, the administration and the Supreme Court, does not have to go to 138th Street in the Bronx and deal with the fact there are members of two communities saying, "Mr. Congressman, how come he can stay and I can't stay?"

There is no answer, because they both should stay. They are both running away from a situation that we condemn, that we say should not exist.

So as the gentleman from Texas suggested, perhaps it is not within a single group's power, be it this Congress, be it someone else, to change this. But maybe, just maybe, this is one of those occasions where the American people set foreign policy before government does. Maybe this is the time where American people stand up and say, "My God, I can see by the look on the faces of these people that the Haitians are not here on a vacation. They are here to escape some thug," incidentally, as has been said in this well, that we trained militarily, who is going to kill them.

People do not go back to their country and get fingerprinted because they think it is some guy from Harlem who just came back from Haiti. This is not the reason they are fingerprinted. They are being fingerprinted to keep a record of who dared defy the government and leave and make comments against the government.

□ 1640

I would not want to be in their shoes, but we are. Our soul is in their shoes because the world is looking at us and, again, the first chance we get at proving that we are the leaders of this new world order, we show new vision by sending people back.

Let us all join together not only in this House but let us join together throughout this country, stand up for what is right and say, "They are our brothers and sisters and they should stay here with us until we can solve the situation."

Mr. OWENS of New York. Mr. Speaker, I thank the gentleman from New York. I think those are fitting words with which to close.

Mr. BLACKWELL. Mr. Speaker, I rise today to bring to the attention of this body the tragic and difficult situation in Haiti which has impacted on the conscience of all Americans of good will. The events in Haiti born from violence, intolerance, and economic injustice have brought to our shores once again, thousands of Haitians who have fled a distorted political economy.

The policies designed to restore constitutional order in Haiti must be reviewed and their focus must be sharpened. The enemies of the Haitian people are those in Haiti who seek to impose their political will through violence.

A solution must be directed to all of those who have been identified as having used violence or advocated violence. The trade embargo, while intended to restore democracy, has aimed high but hit low.

Policies must be developed that hit at the coup makers and those who break up political

meetings with murderous violence. To gain a nonviolent solution, pressure must be put on all parties to the conflict. Only then will the international community be able to focus its attention on the underlying problems in Haiti, problems of gross economic disparity, social injustice, and the lack of a democratic political culture.

I am most interested in the tremendous amount of work that needs to be done to help Haitians develop a strong and free labor movement. I am committed to do my part in this effort.

It will be in postcoup Haiti that the character and resolve of the international community will be tested. We cannot afford to wash our hands of Haiti. Our brothers and sisters in Haiti require that we bring the best America has to offer to Haiti. Let's keep our eye on Haiti.

Ms. NORTON. Mr. Speaker, today Haiti is completely out of control, with a government terrorizing its own people. Yet, shamefully, the Bush administration has decided that the thousands of Haitians who have fled in horror will be in no danger if they are returned.

The human tragedy unfolding in Haiti is no less significant in this hemisphere than the invasion of Kuwait was in the Middle East. President Bush needs to take two actions immediately. First, until a political solution is obtained which restores democracy in Haiti, the United States and other countries should continue to offer a safe haven to Haitian refugees. Second, the President should take the leadership, as he did in the Persian Gulf, with the OAS and the international community, to help achieve stability in Haiti.

We have insisted upon democracy thousands of miles across the oceans. We can demand no less in our own hemisphere. The fledgling democracy in Haiti was killed in its infancy. We must help it to be born again.

I do not underestimate the task. The economic sanctions we have applied may have had an unintended effect on the Haitian people. All the more reason to look again at ways to start again.

We have stood with refugees from everywhere—from the Soviet Union, from Eastern Europe, from Southeast Asia. We must find a way to stand with the refugees in our own backyard.

GENERAL LEAVE

Mr. OWENS of New York. Mr. Speaker, I ask unanimous consent that all Members may have 3 legislative days within which to revise and extend their remarks on the subject of my special order today.

The SPEAKER (Mr. FROST). Is there objection to the request of the gentleman from New York?

There was no objection.

HAITIAN REFUGEES AND THE AMERICAN ECONOMY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. BONIOR] is recognized for 60 minutes.

Mr. BONIOR. Mr. Speaker, I wanted to come down and join my colleagues here on this issue and then speak about the broader economic issues that face this country. I listened with deep interest to my colleagues speak about the situation that so many Haitians face at this very hour. This issue has been with us for many, many years. But it crystallized itself in the fall.

I thought perhaps we might even act on the legislation that was needed before we left here last fall and was terribly disappointed that we did not. It is beyond me to understand, and I cannot express this more eloquently than my colleagues who have just spoken, the gentleman from New York [Mr. SERRANO] and the gentleman from New York [Mr. OWENS] and the gentleman from Texas [Mr. WASHINGTON] and the gentlewoman from New York [Mrs. LOWEY], but what troubles me so deeply about this issue is that here are people who have risked their lives at incredible peril to them, to themselves and their families, to get away from a land that has persecuted them and their relatives, to get away from a situation that offers no hope.

And they are told they have to go back, that we have no room for them. And they say to themselves, "Well, you had room for the Irish, and you had room for the Germans. And you had room for the people who came or wished to come to this country from Nicaragua just a few years ago, and you had room for the Salvadorans. And you have room for the Cubans. But you have no room for us."

There is something going on here that I think everybody understands quite clearly. And one would think, given the tremendous emotional debate that we had in this country on political asylum that was given to those from Cuba and El Salvador and Nicaragua, that our hearts and hands would be open to these poor people who have risked so much. But there is an issue here that is operating, and it is color of skin. And we all know it.

I would just say to this administration that please revisit this issue. It is terribly important, as my colleague from New York has said, it is terribly important because it deals with our own soul. It is our own soul that is at stake here. We will send a terrible, terrible message, we have already sent a terrible message, if we continue on the policy that is in place today.

I hope in the next day or two that we will have before us on the floor of this House a resolution that will express the views that were so eloquently expressed by my colleagues this afternoon and that, in fact, we can move legislation that will put an end to this regretful policy that this administration has adopted.

Mr. Speaker, I would like to move on to another issue, and that is the state of the economy today and what is happening out there in America.

On the day before Thanksgiving a man from my district in Michigan went to his mailbox. He had worked for 40 years in a factory, tough work, work where his muscles were sore, where his hands were dirty at the end of the day. And he was expecting his $500 monthly pension check in the mailbox. He has got that check every month since he left his job.

Well, the envelope was there, but in the envelope was not $500. It was 32 bucks. And a letter that said this was all he was going to get from now on.

It turned out that the monthly health insurance premium that he had negotiated for him had tripled and it was taken out of his check. His dreams were shattered and, as I later found out that weekend, we had literally hundreds of employees who received the same bad news, received the same letter.

Last week these people listened to the President's State of the Union Address with great expectation, hoping that finally the President would understand their situation as it relates to health care and other issues, but particularly health care, and do something about it, that he would come forward and offer to the country a bold new vision to deal with the health care crisis in America, to control costs and to provide affordable quality health care to the American people.

But like middle-class families all across this country, they left the speech scratching their heads. They wondered why the President still does not seem to get it, why he still does not understand the real problems facing middle Americans.

That is just not my perception of what I heard from my constituents on the speech or about the speech. It is what pollsters are reporting all across America. Seventy percent of the people that were polled in this country in poll after poll indicated that they did not think the President went far enough to solve the problems of the economy.

Look at his State of the Union speech. Just last Saturday, his own appointed Secretary of Housing, Jack Kemp, called it full of gimmicks, gimmicks, gimmicks for the middle class when it comes to jobs, gimmicks when it comes to health care, gimmicks when it comes to tax cuts. The President offered us a capital gains tax cut. And then he said, right there, that it is time for the gimmicks to end. And he threw out some statistics that people making $50,000 or less, 60 percent of the tax cuts on capital gains will go to them.

What he did not tell us, what he did not tell us is that 60 percent of the overall benefits will go to the top 1 percent or 2.5 million people with an average salary, yearly income of a half a billion dollars a year.

If we take that a little lower, for those top 4 or 5 percent, they will get 85 percent of capital gains benefits if they have it. People making $200,000 a

year or more will do very, very well. The rest will not.

There is an old Abbott and Costello joke where Abbott asks Costello, he says, "Lou, if you had $50 in one pocket and a $100 in the other pocket, what would you have?"

And Costello says, "I would have somebody else's pants."

Well, the fact of the matter is that the American people know that these tax cuts have been going into somebody else's pockets. And what we saw last week was the same type of game trying to be forced on the American people, thinking it was going to go into their pockets when in reality we know that plan was basically put together to help the people who have gotten the benefits over the last 10 or 12 years, the people of extreme wealth who need, and I believe in many instances want to sacrifice to help this economy move, get moving again by providing their fellow citizens with a break this time.

The speech was just another repetition of the same tired trickle-down theories that I believe got us into the recession in the first place.

Kevin Phillips, the writer, pundit, put it, I think, very well, in characterizing the speech. He said, "Pretzels for the middle class and caviar for the rich."

□ 1650

This year we should see America in its dawning moment. This should be an exciting time for us. There should be great joy. After all, the cold war is over and we won it, and the President, to his credit, was eloquent on that issue when he spoke to us. I sat right there and I watched him become emotionally choked when he talked about the victors who had sacrificed for these 47 years in a variety of different wars to make the victory possible. Stories about our victory should make us rejoice. Stores sell chunks of the Berlin Wall as souvenirs. The very dateline of news stories' imply a victory for freedom and democracy: Ukraine, Croatia, Slovenia, and with an ease that nobody could have predicted a few years back, the Soviet Union has disappeared. FSU, former Soviet Union.

But at the very moment we should be celebrating, the country is in a funk, it is frustrated. It is frightened, and in many ways it is fed up. People who have played by the rules all their lives, they got their education, they married, they may have served in the service for their country, they had kids, they bought a home, they punched a clock, they ate at their desk, they worked overtime when they could get it to make all of this, and now these people cannot make ends meet today. They just feel a terrible squeeze from every direction possible. Middle-class people work harder, they work longer, and they are falling further and further behind. The American dream that our kids can have it better than we could is slipping from our grasp.

Americans have never expected the Moon, but we did expect a few things, that when we got sick we could afford a doctor, if we saved we could afford a home or send our kids to college. Now middle-class Americans feel like an endangered species. We are now in the 18th month of a very cruel, long, and a protracted recession, and an administration that has been preoccupied with events around the world just cannot seem to focus on the problems of the people around the block.

The Secretary of Treasury said the recession, when it was blooming, was not a big deal. Well the recession is a big deal. Look at the figures that came out last month. The jobless rate is 7.1 percent, a new high. But we know that is not the figure. That is the official figure. The real figure is 10 percent, and that includes people who have given up looking for work, that are not counted in that figure, and it includes people who have taken part-time jobs, maybe 15 or 20 hours a week because they cannot get full-time jobs. That is 15 million people in this country who reside in households that make up roughly 40 million people.

Almost half a million people are out of work in my State of Michigan alone. It is a big deal all right.

Someone once wrote that statistics do not bleed. These figures do not tell the whole story. They certainly do not tell the whole story of my community in Michigan.

Working families there have been squeezed from almost every angle, squeezed by this recession, squeezed by a system that has raised taxes on the middle class but given the very wealthy a $25,000 a year tax cut, a repetition of that advocated just recently by our President a week ago, squeezed by a system that has got a health care system whose costs are increasing more than three times as fast as people's wages, squeezed by an education system that is leaving millions of Americans unable to read the label on a bottle of poison, and which had increased the cost of a college education 88 percent over the last 10 years, and squeezed by tough competition from abroad.

For a decade, middle-class Americans have been told that the solution was this idea of trickle down economics. We have been told that that would produce good jobs, that would keep us healthy and wealthy and wise and competitive.

We have waited and we have waited for 10 years, and where are the jobs? The President says we need economic growth. Of course we need economic growth, but under this administration over the past 3 years we are losing 9,400 jobs a month.

The way to economic growth is not the same policies that have put us into this sorry mess, and that is what we got last week, try the same thing. Let us stay with the status quo. Capital gains, untargeted, unspecified, capital gains on race horses, capital gains on artworks, nothing specified to put this country to work, nothing specified to get our economy moving in the sectors where it is needed, with one exception in housing. The way to economic growth is not the same policies that have put us into this situation. It is not the kind of economic royalism whose tax cuts for the wealthiest have added $1.2 trillion, that is with a "t," $1.2 trillion to our Nation's national debt.

How do we get out of this mess? How do we recover? Not with the President's grab bag of halfway measures and giveaways for the wealthy. We need to think big. We need to think where we want this country to be 5, 6, 7, or 8 years from now or at the end of this century. We need an outline for a 10-year plan to rebuild America, rebuild America's future with an agenda for the middle class. And that incorporates a lot of things. It incorporates an industrial policy. That is going to take the Government sitting down with business and labor and deciding where we want to be in 5 years in computers, in microbiology, in automobiles, in steel, in textiles, and you name it, where we want to be and how we want to get there. It incorporates an idea called planning, this terrible word that people have run away from since I have been here. For some reason we think it cannot just happen willy-nilly, it will just come together. It takes a little thought, a little more foresight, a little strategic thinking.

Everybody does it now. The Koreans do it, the Taiwanese do it, the people from Singapore do it, and of course we know the Japanese and the Germans and the French do it. But it takes that type of foresight and that type of strategy.

It also takes some other things. Let me start with a few.

We have heard a lot of talk about tax cuts lately. A middle-class tax cut is in order, and it should not be paid for, in my opinion, by the defense savings that we are going to generate because the world has changed. And we will save anywhere from between $50 and $100 billion over the next 5 years. Those savings ought to be used to rebuild this country, our roads, our highways, our bridges, our parks, our schools, which are falling apart. That ought to be reinvested in the wealth that we already have in this country that is crumbling, that is falling apart. It creates jobs, and it rebuilds America.

It ought to be reinvested in education. It ought to be reinvested in a plan for apprenticeships, a plan in higher education so anybody who wants to get a higher education in this

country is not denied it. Somebody suggested to me the other day an idea that makes sense to me. I am sure there are problems with it and I am sure there are traps in it, but it makes sense to me.

I would like for just a second for us to think differently, and think bigger and think new. And the idea was if you wanted to go to college and you could not go to college, we are going to let you go to college. We will pick up the tab. But once you graduate and you are skilled and you go to work, you pay us back.

□ 1700

And maybe you pay us back with a little bit more so that the next kid down the street who wants to go to college can do it. It makes a lot of sense to me. I know there would be some people who would fall through the cracks from whom we would not get paid back, but it seems to me that it expands the opportunity, and it provides some hope for the future.

Mr. Speaker, let me get back to taxes for a second. You know, this idea that we should not do this middle-income tax cut for middle-income people, I think we need to do that. I think we need to regain the confidence of middle-income people.

Some people say, well, you know, you put 500 bucks in their pockets, that is not a lot of money. That is a lot of money to a lot of people. That is a downpayment on an automobile, that is a mortgage payment perhaps for some people, that is putting some money aside for them so that they could send their kids to school, and it is building from the middle up. It is putting money in people's pockets so they can spend it, so they can invest it in their future.

I have not figured out yet this idea of trickle down. You give the capitalist and the venture capitalist and the other capitalists all of this money, and people who already have it, and for some unknown reason they are going to buy machinery and equipment, and that is going to get us moving again. Well, of course, that is a part of it, but if the people in the middle do not have the dollars to purchase what they make, there will not be the jobs to produce the goods to sell here or abroad.

What I and others have suggested is that we start this movement with the middle class in the broad middle rather than at the top, and by doing so, we are going to send an important message, an important signal to the people of this country that we reject the politics of the past, and the way to do that is to give the middle-income people of our country a break and let the wealthy share in a part of it, let the wealthy share in the payment of that tax cut to the middle class. You can do that. It is possible with the numbers to do that.

Second, we need a fundamental reform of our health care system. We need a system of national health insurance.

You know, in 1980, health care for the average American family cost about $2,500 a year, in 1980, and now it is about $6,500 a year, and if we continue to do nothing, if we continue to bury our heads in the sand, it will be $14,000 by the turn of the century. That will bankrupt families, businesses, and certainly the Government. We cannot afford that.

Such premiums are a cruel and a hidden tax on American families. After you have worked hard all day, you should not have to stay up all night worrying about whether your kids' health care is covered, and you should not have to work 40 years in a plant, come home to get your pension check out of the mailbox and find it has been cut from $500 to $32 because your health care premium has tripled, and you should not have to, because you have worked as a nurse in nursing homes around this country taking care of our fathers and mothers and grandparents, have to come home without any health insurance and take care of your own child.

I have had women in my district, single mothers, come into my office and plead with me, even belonging to unions, to do something about a national health care plan for America, because they were taking care of our fathers and mothers and grandparents in nursing homes without any health insurance for themselves or their children.

Americans have been hit by a triple whammy: Health care costs are up, benefits are down, and employers are not paying the bill. The costs are coming right out of the average American's paycheck. We are paying more and more for less and less coverage.

It does not have to be that way. It is not that way in most countries, industrialized countries, in the world. It is not that way in France. It is not that way in Germany or Japan or Canada.

We need a national health care system that will control costs so that they never, never increase more than wages, a system perhaps like Medicare that will preserve your right to choose your own doctor. Choosing your own doctor is a right that ought to be in the plan we adopt, one that will make sure no job is without health insurance, that will include long-term care, so that you do not have to worry about breaking your own savings that you have built up over a lifetime, or ruining your children's future economically.

That will, above all, improve quality. Americans have a right to health care, and we have a right to the very best health care. And for those who argue that we have the very best health care, what is your retort to the fact that the United States is 23d in the recovery from heart attacks and 22d in the world from infant mortality? A baby born in Detroit has less of a chance to survive than a baby born in Honduras. We can do better than that. A child is twice as likely to reach the age of 1 in Japan than it is in the United States.

Today's health care costs threaten the security of our families, and they strangle economic opportunity as well. It is a big economic issue.

The experts call it the job lock. The other day I heard a story about a man who desperately wanted to change jobs. We all know of people who want to move on or change jobs because they feel trapped, and this man could not. He was locked in. It turns out he had a son with Down's syndrome, and if he changed, his new company's insurance would not pick up the tab. Down's syndrome, as you know, is a preexisting condition. That has got to change. Nobody should be locked out of a job because of a system we could change with just a little bit of common sense.

The costs of health care are stifling our ability to compete. Last year General Motors spent more on health care than it did on steel, and Chrysler tells us that health care adds $700 to the sticker price of a car built in Detroit, but just across the river in Ontario, $223.

In this Nation, American families pay a tremendous price for our failure to act in the Reagan and Bush years. It is time for change. Each day we delay, the cost rises, and in health care, it rises at an astronomical rate.

The best care spins out of reach of even the average family. Businesses, large and small, see their profits vanish. we must act now.

Tax cuts for the middle-income people. Health care. What else?

Well, third, it is time to recognize that the world is changed. With the fall of the Soviet Union, it is time to get our own house in order here at home. It is time we started to take care of our own here in America.

We can cut the defense budget and invest that money here, and as I said, it ought to be used, I believe, to help reduce that deficit. It ought to be used on housing, roads, bridges, schools, parks, jobs for America.

And, fourth, and finally, we have got to be tough on trade. You know, in places like Macomb and St. Clair Counties in Michigan, people grew up thinking of themselves as GM families or Chrysler families or Ford families. I remember seeing my grandfather go off to work each morning at Dodge Main in Hamtramck in Michigan, so I find remarks about America's workers that we heard out of Japan over the last few days outrageous to call American workers lazy, which is the height of arrogance. You will never hear me utter a derogatory word about the Japanese people, but it is perfectly proper to take on their policies.

Japan has taken advantage of the United States in a way just as outrageous as the remarks of some of their leaders, and we have got to fight back. The only way to do that is to demand results from a country that is undercutting our economy at every turn.

From that standpoint, the President's trip to Tokyo was a disaster, and I do not laugh about his getting the flu. We all get sick, and he was.

But look at the agreement: the Japanese have a $100 billion auto parts market in Japan, and we get 1 percent. The agreement? A target maybe of another 1 percent. It is not good enough. We need reciprocity.

They can sell here. We should be able to sell there. It is as simple as that. It is not a complicated issue, and we cannot.

They complain that our goods are not quality goods. They are quality goods. We are making better products today. For those of you who may not have seen the Washington Post today, in the business page, "U.S. Cars, Vans Make Inroads In W. Europe." "Detroit's Big Three Saw Sales Rise 65% in '91."

We are selling American automobiles over there because they let us. We can get into their markets and their people are discovering we are making a better vehicle.

Yes, we had bad years, and yes, we did not make good cars in the early 1980's, the 1970's and mid-1980's, but we have improved our quality.

The guru of quality, J.D. Powers, a person who measures quality of American foreign cars, says this:

> Quality has improved so much in recent years that there is less than 1 percent car difference among the 72 highest quality models sold in America. Thirty-four of those are from U.S. nameplates: 17 from G.M., 11 from Ford, 6 from Chrysler.

The perception out there is that we do not, but the fact of the matter is that we do make good quality automobiles today.

We need to stop playing the fall guy, though, for Japan. If they will not let us into their markets, by God, we have got to give them the message. They understand tough talk. They understand, more importantly, tough action.

My colleagues might remember, and I keep raising this because I think it is a good illustration, not because I was involved in it, but about 18 months ago when we had Desert Shield before Desert Storm was put into action, we were sending a half million troops over to the Mideast to the Persian Gulf, I had an amendment pending on the defense bill. The amendment basically said, Japan, pay your share of your own defense. They spend 1 percent of their GNP on defense. We spend 6 times that. Yet we have 50,000 troops, and had them, stationed in Japan, costing us, the taxpayers here in the United States, $5 billion a year. We have got a $42 billion trade deficit with the Japanese, yet we are defending them with 50,000 of our troops, taking $5 billion out of our taxpayers' pockets. That did not make any sense to me, especially since Japan was only picking up a very small, from my perspective, share of that cost.

I said, pick up a share of that cost, get it up to 75 percent or we are bringing them home.

I offered that amendment right when we were talking about sending our troops to the Persian Gulf and, of course, the Japanese constitutionally are not allowed to send their troops out, nor are the Germans, as a result of an agreement after the Second World War, but they are not prohibited from helping to defray the costs, especially when the Japanese were getting 90 percent of their oil from the Persian Gulf.

So we asked them to contribute $4 billion to that effort. They said, "No, we can't do that." They are very good bargainers. "We will give you $1 billion."

We said, "No, we want $4 billion."

They said, "No, we will give you only $1 billion."

Two days later, I believe it was 2 days later, I offered the amendment on the floor on defense. It passed 273 to 50, something like that, the biggest defeat they had, and boy, I will tell you, they have got lobbyists all over this town, high-paid people who work this Congress for their interest. And they got beat pretty bad.

So I am sitting at home, sitting in my living room at home the next evening or the evening after that, I cannot remember, and I get a call late in the evening, 10:30, the Japanese Ambassador to the United States.

"Mr. Congressman, the Cabinet has just met and we have agreed to increase our payment for the Persian Gulf effort from $1 billion to $4 billion, as you asked."

When you get tough, you get results. I am not asking for anything more for us than a chance to compete, just a chance to compete.

This year I joined the distinguished majority leader and others to cosponsor legislation that would require Japan to reduce its auto trade deficit 20 percent each over the next 5 years. It is time to stand up for America in trade.

In his poem "Mending Walls," Robert Frost, narrator of the poem, describes a man who thinks good fences make good neighbors. He comments, "Before I build a wall, I would ask to know what I was walling in or walling out."

I do not want America to wall our opportunity, new ideas, and competition.

Yes, we have to correct our own flaws here. I understand that. I have tried to illustrate that we are doing that. We are making a better product and we can make a better product than we are making now, a newer more innovative product.

Certainly when it comes to education, we must improve the way we train young people before they enter the work force. Right now there is no link between what our young people are learning in school and what they need to know for the sophisticated jobs of the 21st century. We need for instance, I believe, an apprenticeship program, patterned to some extent, not exactly, but taking some of the ideas of the German apprenticeship program.

Most people in this country do not get out of school until they are 22. We need a school system that builds skills for them, not skills imposed by some rigid bureaucracy that is living in the State capitals or in Washington, but relevant skills, skills taught through a partnership with schools, businesses, government, and labor. That gets back to the whole notion of an industrial policy, an industrial strategy, knowing where we are going, where we want to be and then putting the troops and training the troops to get us there.

I use a military term because I think we are in fact in an economic war and we have to train those individuals in our society who are in school to be competitive, to function in that economic battle that they are about to be engaged in.

We need education that can prepare us for the tough competition that is out there. Americans do not shrink from competition. We are used to it. We welcome it, and I dare say the comments that have been made over the last several days by the governmental leaders at the highest level in Japan will stir Americans to compete in a way that the Japanese will wish they never would have shaken.

We do not shrink from competition. We are used to it. We welcome it.

Look at the booming sales last year of American cars in Europe, as I mentioned. Last year alone Detroit's Big Three sold 1.6 billion dollars' worth of U.S. made cars and vans, a 65-percent increase, because we have access.

American workers are making quality products at competitive prices, and those products sell when we get a chance.

But we cannot be fools. Japan has gotten virtually a free ride from the United States. It is time they learned that the free ride is over.

So, first, a middle-income tax cut, put some confidence back into the average working family and some money into their pockets.

Second, reform of the health care system.

Third, cut defense and invest savings in America's future by rebuilding this country again.

Fourth, get tough on trade. That is how we get this economy moving again.

Can we do it? Well, we have a sense of pessimism and gloom in the country. Of course, we can do it. We can really

create that middle class agenda for America's future. I believe we can do it. I believe we can.

How can you believe anything else after four decades of America's triumph, whether it is going to the Moon or conquering polio? Since 1945, America has fed, it has clothed, it has protected much of the world. Tremendous sacrifices we have made. We won the World War and then almost single-handedly engineered the greatest prosperity that the world had ever seen, and we did it greatly by hard-working men and women who made those Chevys and those Fords and those Chryslers that rolled off the assembly lines, one of the most universal symbols of greatness that we have seen in the modern world.

Even in these days, it is to America that people turn. Those people who are trying to reach our shores from Haiti, that disgracefully we will not allow them to stay, they are coming here because they know what America stands for in terms of freedom of expression, economic freedom, whether it is a newly elected President of Czechoslovakia quoting Thomas Jefferson or those Haitians setting out in their leaky boats to reach the Florida coast.

This has truly been an American century. President Bush is probably the last person in America to have recognized the recession. It was with such pain that I watched after we here pleaded for him and his party to recognize what the country was going through, watched him day after day saying, "It's behind us. It's over. We are on our way up, not to worry," and he said it in Maine near a boat or a boat dock or on the first tee of a golf course.

□ 1720

Not that he does not deserve those things. He works very hard. But the contrast was very, very biting and difficult for many people to take. But the President has admitted now that we have a problem and that we want to work together on common grounds to solve this problem. I do not believe a lot of what he said is going to work, and we are going to try to steer him in the direction, like we steered him in the right direction on unemployment, on middle-income tax cuts and on other things.

We are going to do the best we can to get there. There is much more to do. I believe we can create an America where a person who has worked hard all his or her life can go to the mailbox and find that pension check that was promised to them; we can create an America where you can take a new job knowing you will still be able to pay the doctor's bills for you and your family. We can shift our focus to a middle class again. We built America with our middle class, with people who are at the heart of this country, what this country is all about; cut their taxes, reform health care, and get tough on trade.

We need to turn this country around, and we need to start now.

I think I can speak for our leadership in this body by saying we are going to do all we can to move a package to get this country turned around. We began today by taking care of those less fortunate, who need some time and space until we can get the economy moving again, by extending the unemployment benefits, but they want a job. We are going to report a package that will help. It will not be the total answer, it might even be the biggest part of the answer, but will help stimulate, we believe, the economic growth in this country, to help get people back to work again, to create some optimism, not just for the wealthy. They have had their day, they have had their decade. But for those people in the middle, those people who have been struggling to get to the middle, who have been left out, who have been shut out, where the door has been closed in their face; we are going to try to create that opportunity. We are going to do all we can as fast as we can to get there.

I look forward to working with each and every one of my colleagues to make the promise of a real America, the promise for which Haitian-Americans are struggling to arrive and stay, the struggle for which our ancestors from Europe and Asia and all the other places from which they came to create this great Government, this great country of ours, make that a reality again.

I thank my colleagues.

REACTIONS ON THE STATE OF THE UNION WITHIN THE BELTWAY VERSUS THOSE REACTIONS OUTSIDE THE BELTWAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 60 minutes.

Mr. GINGRICH. Mr. Speaker, I want to talk some about the necessary revolution between the country and the capital.

Mr. Speaker, I have spent the weekend thinking about the State of the Union, the reactions I have heard around the country, about some of the complexities of how we deal with issues in Washington. It has occurred to me that it is very hard for the news media to cover fundamental change, because they do not have the words to explain it, they do not have the framework to think about it. It is very hard for people to understand what the argument is about if you are truly in the middle of a very fundamental shift in how people think and how people describe what is going on.

That is compounded by a problem which, having gotten away from Washington this weekend, I had a chance to be in Arizona and to be back home in Georgia, to think about how people talk in Georgia, for example, compared to how they talk here in Washington.

It occurred to me there are two very different realities in America today. There is the reality in Georgia—I will use one example—on the issue of workfare. Workfare is a very popular basic concept. That is, the requirement that able-bodied adults under the age of retirement should have to work if they get money from the Government, that is supported, according to U.S. Today, by about 80 percent of all Americans and only 13 percent opposed.

When the same question was asked in what I think is its hardest form, that is, "Do you believe people on welfare should be required to work, including mothers with young children," which I think is the toughest way to say it. In an Atlanta Constitution poll across the South, it was about 78 to 10 overall, and in the black community it was 82 to 11 in favor of work.

So, again and again and again we have a situation where the American people, by huge numbers, somewhere around 8 to 1 or 7 to 1, are saying, "We want workfare."

Then you come to Washington; you run into staffs who have spent their lifetimes studying the minutiae of the welfare state, and they begin to say, "You have to understand why you cannot do this, why you cannot do that, why you cannot do the next thing."

What I have concluded is that there are two realities in this country. There is the reality of America, what people think who live outside Washington, and there is the reality of the Washington news media, the Washington intellectuals and the Washington bureaucrats. Of course, you have people who got almost like——

You have people who might be at Stanford or Harvard or at Princeton, who actually are an extension of the Washington bureaucracy and of the Washington experience. So, you have these two very different views.

Now, the Washington reality, as best I can understand it, is about 13 to 15 percent of the country. The American or national viewpoint is somewhere between 75 and 80 percent of the country. You see this in a wide range of issues.

I am struck by the fact that when I talk about the necessary revolution to replace the welfare state, that almost everywhere I go and talk about it, if it is outside of Washington, people respond very enthusiastically; or if I talk about it in Washington to people who are visiting for a couple of days, a trade association, a corporate group or tourists or almost any group, when they come here and you say, "Look, the welfare state is failing and we need to replace the welfare state, we have to go to workfare to replace welfare, we need to make prisoners work and pay

them a minimum wage and charge them the cost of incarceration, we need to have a fundamental change in our education system so that our children can compete with Germany and Japan," well, in case after case after case when I talk to people even in Washington if they live outside Washington they nod their head, "yes," they applaud, they say, "That is right, that is where we have to go."

Then you talk to the professional Government, and the professional Government begins to explain to you, "No, you can't change this; no, you can't change that; no, you can't change the next thing."

I think the easiest way to explain what is going on, and this is, frankly, an issue which affects every Democrat and every Republican, affects the Congress, affects the executive branch, affects the White House, what is going on is very simple: If you think in terms of Thomas Kuhn's "The Structure of Scientific Revolution," his concept of a paradigm—that is, an intellectual model—the welfare state is an intellectual model. It assumes higher taxation. It assumes a bigger bureaucracy, a redistribution of wealth, defines the poor as essentially helpless, they cease to become citizens and become clients, and the welfare state is supposed to take care of them. It is essentially anti-free enterprise and assumes that people do not change their behavior based on what happens to them economically.

That is, in the welfare state, if you lower taxes, that does not increase work, so you do not get any feedback, what is called a dynamic model; you get a static model.

When you raise taxes, people do not avoid it, and again you do not get a dynamic model, you get a static model. It is a very important concept because it goes to the heart of the tax fight we are going to see here in the next few weeks. It goes to the heart of the difference between the left and how the rest of us feel.

□ 1730

Mr. Speaker, I want to simply emphasize this point, and let me give this example. I say to my colleagues, "If you were to wake up in the morning, and you believed in the traditional, medieval way that the Sun revolved around the Earth, you would have one set of views that come from that. If, on the other hand, you woke up, and you believed that the Earth revolved around the Sun, you would have a different set of views, and you would say different things, and you would expect different things."

Well, in a very real sense, the difference between those of us who would replace the welfare state and those who would try to make the welfare state work, and who would try to improve it, protect it, and strengthen it, is about as big a difference as the difference in believing the Sun goes around the Earth or believing that the Earth goes around the Sun, and I think what happens in a lot of our news coverage, and what happens in a lot of our debates in Washington is that we never get down to the fundamental debates. The result is a large number of Washington institutions are simply wrong intellectually by the standards of the rest of the country, but they are dominant in Washington, and they then define what happens.

Let me give my colleagues just a couple of examples by saying, "If you cut taxes, I believe you encourage people to work, and you encourage them to invest, and you encourage them to create jobs. On the other hand, if you raise taxes, I think you discourage people from working, and you discourage people from investing, and you discourage people from creating jobs. That's very fundamental."

On the other hand, in the welfare state, their computer model does not show any change in behavior, so if, for example, we were to raise the income tax to 90 percent, the Joint Committee on Taxation, which is a perfect welfare state example of a committee, would take 90 percent times everybody's income and would say, "Here's the amount of money you would get."

Yet the truth is, if people began to realize that for every dollar they earned, 90 cents was going to the Government, they would work less. They would start saying, "Wait a second. I'm not going to get a job on the weekend. I'm not going to work overtime. Why should I give the U.S. Government 90 cents out of every dollar?"

Mr. Speaker, the result would be a decline in work, and, in addition, cheating would go up. There is a point on the scale where it suddenly becomes worthwhile to avoid taxes and to hide taxes. People start opening Swiss bank accounts, and they start doing things in cash.

I have a friend who moved out of a welfare state, and he said that the reason he left was he was trying to build a house. Four different contractors told him they would build the house for 45 percent less if he paid them in cash because then they would not report any of the cash, and they would not pay any taxes on it. He said he did not want to live in a community which was now that corrupt, that every single person, four consecutive contractors, had said in effect, "If you will break the law in order for me to avoid taxes, then I'll build your house for a lot less money."

Mr. Speaker, I say to my colleagues, if you believe in a dynamic model; that is, if we raise your taxes, you will work less; if we lower the taxes, you get to keep the money you earn more; if we make it more rewarding—a simple way to put this: Imagine that we put a dollar reward on every time someone drank a glass of water, and we put a $10 tax every time someone drank a Coca-Cola, and I come from Atlanta. I do not want anybody who is in Coca-Cola to think that I am proposing a $10 tax. But this is a theory. We would tomorrow see a lot more people drinking water because they would want the dollar reward, and we would see a lot fewer people drinking Coca-Cola. In fact, their sales would collapse overnight.

Now that is a dynamic model. We have changed the equation in behavior changes. Humans do different things. Yet here in the Joint Committee on Taxation, in the entire fight that we are going to have in the Committee on Ways and Means, what we are going to see is the Democratic leadership imposing a welfare state model which does not show any behavior change.

Another example: In the welfare state, people were told, "Oh, you can give young children money when they get pregnant, but you won't change their behavior. You won't have 12-year-olds getting pregnant just because you give away money."

Well, what we now know of course is that for two generations the welfare state has steadily lowered the age at which women are getting pregnant, and it has steadily lowered the likelihood that they will get married. So, by giving away money, and giving away public housing, and giving away food stamps, we have created an environment in which the signal we sent to young girls was: "It's OK to get pregnant earlier and earlier because the Government will take care of you." The signal we sent to young boys was: "It's OK to get the girl pregnant because nobody is going to expect you to marry her, or to live with her, or to take care of her," and then suddenly one day, having sent those signals which lead to a very dynamic human response, the welfare state wakes up and says, "Oh, gee. Why do we have all these young girls, 12, 13, 14 years old, getting pregnant and having children?"

There seems to be a state of shock that, having rewarded the behavior, we are getting what we reward.

Now why is this concept important? Why is it worth taking time this afternoon to talk about? I have to say that I am just sort of fed up with living in a leftwing legislative dictatorship in which all the rules of the game are designed to punish those of us who believe there has to be a necessary revolution to replace the welfare state. I am fed up with being told we are going to have to accept rules of the House which are totally artificial, leftwing, welfare state rules which will count the Joint Committee on Taxation's estimates even though we know intellectually they are wrong.

Imagine that we had on the Committee on Armed Services a computer that said only lead airplanes can fly, that

an airplane has to weigh at least 50,000 tons and be made out of solid lead or it cannot count as an airplane. We would all laugh it out of existence. We all know that an airplane cannot be made out of lead that will fly, and yet what we have on the Joint Committee on Taxation and on the rules of the Committee on Ways and Means is a totally rigged game designed to favor the welfare state.

How is it rigged? Well, it is rigged, first of all, because the Democrats have a 2-to-1 majority, and they are willing to use the majority in a very partisan way. Second, it is rigged because they want to take up a tax bill only counting other tax measures to offset it.

Let me give my colleagues an example of what I mean. I am prepared to support a cut in defense spending to have a middle class tax cut. Now that means, when we bring a bill to the floor, it has to have both the middle class tax cut and it has to have the defense cut in the bill, because otherwise we would have an unbalanced bill. What I am told that the welfare state Democrats want to do is, they want to bring in a bill which will only count taxes. So, they will then say to us, "Since you can't count the defense cuts, you're not allowed to have a middle class tax cut paid for by defense cuts because the rules of the House say that."

Now they will ignore the fact that for all of the last couple of years, over and over and over, the welfare state Democratic leadership has waived the rules any time they want to. If they want to bring a bill to the floor, they write a rule to bring it to the floor. If they want to write a bill that has never been to a committee, they write the rule so it comes straight out of the Committee on Rules. Anything they want to do. It is like playing against a team who owns the referee, and the referee says, "When their team is at bat, you get 15 strikes, and, when our team is at bat, you get one strike."

Now they say that is fair; we have got to play by the rules. So, rule No. 1 that they are going to try to make up is: "We cannot, representing the President, working with conservatives, trying to replace the welfare state; we cannot be creative in how we pay for the tax cut." Rule No. 2 they are going to say: "You have to count the incredibly archaic, wrong computers that the Joint Committee on Taxation—which are a joke if you believe in an economic model."

Let me give my colleagues an example of what I mean by being a joke. They are going to produce what they call a distribution chart. Now a distribution chart is a fancy chart which provides for how much money different people get out of a tax change. For example, if we raise taxes, they are going to say in a certain way that the rich will pay this amount and the poor will pay that amount. If we cut taxes, they will say that the rich will benefit by this amount, the poor will benefit by that amount.

Now let me explain. My No. 1 goal and, I think, President Bush's No. 1 goal in trying to cut taxes this year is to create jobs. Our No. 1 goal is to try to help the economy recover. The tax cuts we care about are going to put the people to work by encouraging investment, by encouraging the creation of factories, by opening up new opportunities. Let us say, as one economist told me today, that President Bush's capital gains tax cut to 15 percent will generate enough new jobs that it will literally be worth, let us say to take a modest example, 2 million jobs over the next 5 years.

Now, 2 million jobs is not a lot, but it is a start. It helps us get out of the recession, and to the 2 million families that have those jobs it means a whole lot.

Let me make two points here. Point No. 1, at no point in the Joint Committee on Taxation study are we going to find the income tax from 2 million jobs added to the Government revenue, nor are we going to find the 2 million people leaving unemployment detracted from the Government revenue. Now, 2 million people who leave unemployment, therefore, they do not get an unemployment check. They go to work so they send in an income tax check. They represent a tremendous change in how much the Government is spending and how much the Government is raising. The Joint Committee on Taxation, which is in my judgment, intellectually a joke, is going to have none of that in its model.

The second point. Two million Americans having a job who are unemployed today have an enormous benefit. When we look at a distribution table of benefits, I believe we ought to count the income from the 2 million jobs. Now, if you assume that that average American makes $23,000 a year, then that capital gains tax cut to middle class working Americans is worth $46 billion the first year in new jobs. That is, the first year they go to work they will get $46 billion in additional income. Yet no place on the distribution chart are you going to see that $46 billion show up, so the chart is simply intellectually phony. It is a welfare state bureaucrat writing up a static welfare state model as though the free market did not exist and entrepreneurship did not exist and the whole system of the market economy did not exist. It is something we would expect in Russia before we had Yeltsin, but we certainly would not expect it in a free society that accurately modeled what really happens.

So the rules will be rigged. They will say to us, the welfare state Democrats will say first, you cannot bring to the floor a bill which shows spending cuts as a way of paying for a tax cut. Second, you cannot bring to the floor a bill which counts the flow of money to the Federal Government from economic growth. Third, we are going to score it under a distribution table which will not count a single job held by a single person, as though we could have a 15-percent capital gains, and which is a 13-percent cut for somebody in the 28-percent bracket.

One could have, as the gentleman from Texas [Mr. ARCHER] pointed out today, under the very same principle about an 8-percent capital gains tax for people in the 15-percent bracket. That means that we have a tremendous chance here for a person in the 15-percent income tax bracket, if they inherit a little money, if they saved a little bit, if they own a small business, to have only an 8-percent tax rate when they pay a capital gains tax, so it is an advantage to those folks. In addition, it is a tremendous advantage to every person who will have a job.

Yet, in the welfare state people just cannot think that way. Let me carry it a stage further. I cited last week the Reader's Digest article from the January Reader's Digest, "How the Union Stole the Big Apple." I think it is one of the most important articles I have read in years. I think it raises a very profound question.

When we talk about aid to education, the Reader's Digest article points out that in New York City the contract they were describing in the article pays $57,000 a year to janitors in public schools who are required to mop the floor three times a year; not three times a week, not three times a month, not three times a quarter; they are required three times a year, once every 4 months, to mop the school floor, and for that they get $57,000 a year.

Now, they are required to sweep every other day. They cannot be required to sweep daily. They are required to mop the cafeteria once a week. The cafeteria is used five times a day. That is, it is used 25 times a week. They mop it once a week.

The Reader's Digest, in the article "How the Union Stole New York City," quotes a principal saying. "When I have students in a class in the cafeteria after lunch, they study around the filth."

There are two points to be made here. First of all, no American child should be forced to go through a cafeteria whose union contract only requires mopping the cafeteria once a week when there are 25 meals served in that cafeteria. They should not be forced to eat around filth.

Second, consider the budget point. Why should we take as a given, paying $57,000 a year to a person who only mops three times a year? Why should we not say as part of our budget process, "Yes, we are going to give Federal aid to New York City, but in return for that Federal aid we expect real work to

be done. We expect that work to be done on a regular basis. We expect to be able to actually get something for the taxpayers' money."

It turns out if we look at the Citizens Budget Commission analysis of New York City, that New York City, by simply becoming as efficient as other big cities, that is, by simply becoming as efficient as Cleveland or Detroit or Philadelphia, hardly paragons of efficiency, hardly systems like IBM or Federal Express or United Parcel Service, but just by getting New York City to cut out the inefficiency that is worse than a normal big city, they would save $5 billion a year.

Now, if we were to pass a budget here that said in order to get Federal aid New York has to be no more inefficient than Detroit or Philadelphia, we should be able to write in there that saves $5 billion. It saves $5 billion to the taxpayers in New York, it saves $5 billion to taxpayers in New York State, it saves that $5 billion to the taxpayers in the country. That is money we do not have to transfer to pay for inefficiency.

Yet under the rules of the House there is almost no way to get at that, because the truth is that the welfare state Democrats are not going to bring to the floor a bill which gets at a $57,000 janitor who only has to mop three times a year.

Let me carry it a step further. We believe that we ought to encourage long-term savings. We think that in an opportunity society healthy economies come when people save their money, put it away, and have that money invested to buy houses, to buy factories, to create jobs, to do all the many things, and to buy municipal bonds so the city can build a waste sewer treatment plant. The more the American people save, the lower the interest rate, the less expensive it is for businesses to go out and build new factories, for cities to go out and build the new incinerator or build the new library or build the new bridge or build the new highway, and the less expensive it is for the Federal Government to pay for its bonds, and finally, the less expensive it is for a couple to buy a new house.

Yet, because the welfare state bureaucracy is so embedded in the city of Washington, even when we are trying to move toward new savings we have proposals by the bureaucracy that would lead to less savings.

I was fascinated over the weekend to notice that one of the minor items in the President's budget is to cut off annuities that are essentially a way of buying an insurance program that adds up interest over the years without taxation. There is no question in the welfare state that an annuity is in a sense sort of cheating. It is allowing people to have savings that are in an insurance company that grow without being taxed, something that other people cannot do.

Yet I would argue if you started from the model of an opportunity society and you want to encourage people to save, instead of cutting out the tax-free savings annuities we would be extending the tax-free provisions to other savings accounts. We would allow other people to save.

Why is this so important? If you are 25 years old and you save $100, that is not very much money unless you are allowed to compound the interest. Let us say you can get 8 percent a year over time. Eight percent a year means that every 9 years you money is going to double, so you get 8 percent the first year and then you get 8 percent the second year and it compounds, and everybody who is watching knows that compound interest builds up, so at 25 you get $100 if you do not save another dime. At 34, if we do not tax interest on savings, you have $200. At 43 you have $400. At 52 you have $800. At 61 you have $1,600. At 70 you have $3,200 from that initial $100.

However, what if the Government comes in and taxes the interest on your savings? Then you lose for your whole lifetime the compound interest. In other words, instead of having $8 extra the very first year you saved at 8 percent and you had $108, the Government comes in and says, "No, we want our share." To make the math easy, if you are in the 28-percent bracket they take $2 away.

□ 1750

You do not just lose that $2, you lose the $2 the first year, plus all of the interest that would build up for your entire lifetime. And the result is an amazing amount of money.

So what we have got going today is a situation in which by taxing interest on savings, we dramatically lower the value of savings. We dramatically lower the advantage of savings.

So this person over here who is saving and working hard and doing the right things, we tax them. Meanwhile, if they have a twin brother or a twin sister who is on welfare, we do not charge them any taxes.

So they are in effect paying taxes on their savings in order to take care of their brother or sister who is not paying any taxes and is not doing any work. And that is why so many people believe in workfare.

But let me carry it a step further. What the bureaucrats in Washington will tell you is we ought to punish the insurance companies and we ought to punish the people who save by raising taxes on annuities, because, after all, we are taxing everything else.

I would say no, no, no. Just the opposite. In order to begin the transition, in order to have a necessary revolution that will replace the welfare state, what we need to do is stop taxing interest on savings.

I think in that sense one of the President's great problems is that he says to the bureaucracy, "I want to go to the right." The bureaucracy says, "Well, sir, we agree, and we understand you want to go to the right. But not now. Can we go a little bit to the left before we go to the right?"

The answer is going to have to be no. If we are going to truly have a revolution and replace the welfare state, the answer has to be no, we are not going to go any more to the left. We are not going to create any more welfare state. That is over. It has failed. We have to instead move in the right direction.

Now, I think this revolution is tremendously important because unless we are prepared to replace the welfare state, and I mean replace it in health care, replace it in education, replace it in our city governments and our Federal Government, replace it in our industries, unless we are prepared to have a revolution, to replace the welfare state, to go out and vote for candidates who are committed to workfare, who are committed to making prisoners work and paying the minimum wage and then charging the costs against prison, who are prepared to change the education system until our children can compete with the Germans and Japanese.

I look forward to the day that I wake up and the Atlanta newspaper or the Marietta newspaper or the Jonesboro newspaper says, "Georgia students outscore Germans and Japanese in math and science." That is when I will know we have begun to truly effectively replace the welfare state.

Yet in that setting, when we come in with an idea that we know will work, and I am going to give you one in just a second, an idea that will make health care less expensive, our welfare state Democrats tell us, "Oh, no. You can't even bring that to the floor of the House."

I will give you a specific example. President Bush has proposed for 3 years in a row that we pass legislation to reform malpractice.

Now, malpractice lawsuits are essentially a device by which trial attorneys, trial lawyers, working with plaintiffs, file charges against doctors or against hospitals. In a lot of cases the goal is to force a negotiation. Never to get to trial, but just to raise the threat enough to force a negotiation.

Doctors increasingly, in order to be ready for that kind of trial, engage in what is called defense medicine. Defensive medicine is the process where a doctor will say, "You really don't medically need this test, but because I don't want you to sue me, I am going to give you a test you don't need so if you ever sue me, I will already have the proof that I did the right thing."

Dr. Louis Sullivan, the Secretary of Health and Human Services, estimated

that defensive medicine raised the cost of Medicare by 20 percent. That is, we spend billions of additional dollars on unnecessary tests and unnecessary diagnoses, sometimes on unnecessary surgery and on unnecessary medicine, in order to be prepared in case there is a lawsuit.

Now, you will hear many of our welfare state Democrats say they are very worried about health care. Ask them, are they worried enough about health care to pass a malpractice bill, to reform the system, to bring down the defensive medicine, to allow doctors to practice medicine without fear, to go back to only requiring tests that are necessary?

That would save, I would guess, a minimum, based on Dr. Sullivan's estimate, a minimum of $15 billion this year. It would save private insurance companies even more money.

This may be a provision that saves $30, $40, $50 billion.

Yet, because you cannot prove it, because it does not fit the welfare state model, it is impossible to bring a health bill to the floor that counts any of the savings, even though we know they are there and we know they are real.

So once again we are put in a box. If it is a new idea to replace the welfare state, that does not count. You cannot quantify it. You cannot put it in your budget. You cannot use the dollars for anything else. You are driven into which welfare state idea do you like best, which new Government proposal do you like best, because you are not allowed to have innovative, preventive, better ideas.

I will give you a second example. The concept of quality we now know saves a lot of money. One of the great ironies of what Edwards Deming and Juran and others did was in developing quality as a set of techniques. They developed a program which actually lowers cost.

When I was a child people said quality is more expensive. What they have discovered is quality is cheaper. It is cheaper for a very commonsense reason. In a lot of our automobile plants up to one-third of the work is fixing something which wasn't done right the first time. There are very big areas in European and American automobile factories where the cars that are not quite right, the cars that have defects, have to be repaired. And it turns out that is very expensive.

If instead, and you can think of this with regard to something as simple as typing a letter, imagine that you only typed letters correctly. You did not have to go back and proofread them, you did not have to go back and change them, you did not have to go back and edit them so much you had to retype them.

It is estimated that we spend as much as 35 percent of our work redoing something that was a mistake the first time. That is, 65 percent of our work is doing it the first time; 35 percent of our work is having to redo it.

Now let me apply that to a 40-hour week. That means that 14 hours out of a 40-hour week. That means that 14 hours out of a 40-hour week are just fixing things we did wrong. We are only actually working productively 26 hours out of 40.

What Deming and Juran and others are suggesting is that if you think through quality systematically, as Phil Crosby says, if you do something right the first time, he says do the right thing right the first time, then you could lower the cost by an amazing minimum of 15 percent, maybe as much as 35 percent.

Let us apply that to domestic discretionary spending, about a $208 billion item.

If you believe the quality experts, the people who taught Japan how to be productive, about a minimum of $30 billion and as much as $70 billion of that amount is going to be wasted effort. Things that are not built quite right, things that have to be repaired, work that has to be done over.

Now, if we were to come in and say we want to liberate the civil service, we want to allow let us say the Department of Labor or the Department of Commerce or the Department of the Interior to rethink its entire Department built around the concepts of quality, what we would find is that it violates the civil service laws, it violates the procurement laws, it violates the union contracts, it violates the work rules, it violates the Office of Personnel Management, and we would be just thrown out automatically. People would laugh at us. They would say that is not realistic.

Yet when you go out and talk to IBM or you talk to Federal Express or you talk to United Parcel Service, what you discover is that to truly get to quality you have to change a lot of things. And when you change them, you have a revolutionary increase in productivity.

In a new study of the automobile industry by a team at MIT [the Massachusetts Institute of Technology] a study which was called The Machine That Changed the World, a study of the Japanese, but also of American and European manufacturing, they concluded that what they call lean production, that is, applying quality across the board so that everything is done right the first time, that the model that they have studied at Toyota and elsewhere takes one-half the manpower, one-half the space, one-half the inventory, and one-half the time to produce products.

Now, you can tell competitively if your competitor is taking half the manpower, half the time, with half the space, using half the inventory, to produce a product, they are going to beat you every time.

American automobile companies are trying to learn how to do it. They are trying to apply lean production. The Ford Motor Co. has come the furthest. It is fair to say I think today that the Cadillac and Buick divisions of General Motors are beginning to make progress.

□ 1800

Then we look at the Federal Government. If we see some efforts to get to lean production, we certainly see this with Motorola. We see it with Milliken. We see it with a number of other companies that are much more efficient than they were 10 years ago. But then we look at the Federal Government or New York City government or State governments, none of which are applying anything like the kind of downsizing.

Notice when we see banks that are going through a process of using information systems, applying quality, getting more work done with fewer people, when we watch IBM do the same thing, when we watch Xerox do the same thing, is it not fascinating that there is no downsizing of the Federal Government?

There are no agencies that become more efficient. There are no agencies that apply the information systems so that they have fewer people overall. The result is the Government just gets bigger, and bigger, and bigger, and it hires more and more people. And it absorbs more resources.

What is even worse, because it is not modernizing, government is incapable of applying quality because it is not using the new technologies and the new management approaches. Government cannot deliver the services that we are getting used to in the private sector.

Everyone is used to this. In fact, we are so used to it we have two clocks in our heads. One clock we use in the private sector. We walk into an automobile showroom. We walk into a McDonald's. That clock has a second hand, and we measure whether or not those businesses are responsive by how many seconds it takes to notice that we are in the room.

Then we have a totally different clock in our head. The clock that is there when we walk into a government office, and that clock has 15-minute intervals.

Now, there is no reason that has to be true because the fact is we pay for government just as much as we pay for a hamburger. Our taxes make us a customer of government just as much as we are a customer at the auto dealership.

We are used to the idea that we cannot apply quality, and we cannot apply the improvement of productivity. And we cannot apply the new lessons of lean production to develop a government that is more effective.

For example, if we were to come to the floor on the Republican side and say we are prepared to replace the welfare state; we are going to have workfare in our budget. We think that will save $7 billion. The welfare state bureaucrats would rule it out of order. "You cannot do that."

We are going to say we are going to repeal malpractice. We estimate that is worth $20 billion. We are going to go to a new system of arbitration and a new system of listening to complaints and allow people to get reasonable compensation but no more $1, $5 and $10 million grants with the lawyers getting expenses plus a third.

Bureaucrats from the welfare state say that does not count.

If we said we are going to modernize five Federal bureaucracies and we are going to go through the process of change that we can absolutely show is happening in banking and in insurance companies and in newspapers and in television stations and at IBM, and we are going to estimate that our cost next year, using this new approach, will be 12 percent less than the current system and that will save $6 billion, they would rule it out of order.

What the welfare state does is it says, we will not count any changes based upon better efficiency, better approaches, based upon new technologies. We will only count increases. We will only count more money and more space and so we end up with a system which, if we try to apply it to a company, would guarantee they went broke.

It is a totally crazy way of doing business. It makes no sense, except in Washington, DC.

Let me come back and summarize. I believe we have to have a revolution to replace the welfare state. I believe it is absolutely necessary because we are never going to compete with Germany and Japan and other countries when we have welfare, drug addiction, illiteracy, 12-year-olds getting pregnant. The whole process of high taxation, high regulation, lots of red tape, Government domination. We are just not going to be competitive.

I thought it was very prophetic that when Boris Yeltsin came to the United Nations that the one place he went to that was away from the United Nations was the Federal Reserve Bank where he had dinner and made a speech to 50 industrialists, asking them to invest in Russia to create jobs, to modernize the country. I thought to myself, would it not be wonderful if someday Mayor Dinkins of New York City could go to the very same bank in his city and learn how to make New York City productive again and learn how to encourage businesses.

The fact is, businesses are fleeing New York City. Jobs are running away from this city. Taxes go up; bureaucracies go up; welfare goes up; crime goes up; regulations go up. Safety goes down; comfort goes down; service goes down. And the businesses just say it is not worth the cost anymore and literally hundreds of thousands of jobs have left New York City. And every principle which those business leaders told Boris Yeltsin about ought to be applied to New York City. And yet we live in a world where the mayor of St. Petersburg is now more conservative than the mayor of New York City. It is a very strange situation.

If we are going to have the necessary revolution to replace the welfare state, those of us who believe in it, I think, have to be prepared to stand by our principles every day of this session of Congress. I am not going to stand by and allow the Committee on Ways and Means to rig the game against job creation, against free enterprise, against a dynamic incentive-oriented model that recognizes the way entrepreneurs behave. I am not going to stand by and let the Joint Committee on Taxation apply a welfare state model which is intellectually mindless and then claim that that represents the real results or claim that that represents the distribution table.

I am not going to stand by and have the welfare-state-dominated Committee on Rules set up a rule which rigs the game. I am going to insist that we be allowed to count a dynamic model, that if we cut taxes, we show that more people are going to go to work, that more people are going to be involved, that more people are going to invest, that we show that if we are prepared to cut defense spending to pay for a middle-class tax cut, that that be made in order so we can use that money.

And then if there is a distribution table of benefits, that the benefits include the jobs that are created and that it does not just measure Government but it measures the private sector. And that this incredibly antiprivate sector, antiprivate business, antientrepreneur bias for the welfare state Democrats not be made part of the playing field.

They have every right to come in here and make their debate about their issues the way they believe. I recognize that. I respect it.

But they cannot be allowed to rig the game so that only the welfare state can win. They cannot be allowed to rig the game so that business and job creation and opportunities and the chance for people to have a better life is ruled off the board. That is not fair. That is totally wrong.

I hope, Mr. Speaker, that we can agree in the next few weeks to genuinely fair rules. I hope that we can agree to find a way to replace the Joint Committee on Taxation's current model with something which resembles the real world. I hope that we can agree to a rule which is going to bring to the floor a tax program which does cut defense in order to have a middle-class cut and which does count the real flow of jobs, the real wealth created by jobs and the real creation of opportunity as part of how it measures what is going on.

I look forward very much to the next few months. I believe this year could be one of the most creative years in American governmental history, because I think the American people by huge margins do want workfare. They do want to replace the welfare state. They are tired of the same old baloney, and they are ready to have a chance to have the kind of Congress and the kind of representation and the kind of change that they believe is so desperately necessary.

And I am going to do all I can to help every American communicate with their Congressman and their Senator to make sure that they get the kind of opportunities that they deserve so our children can have the kind of opportunities that they deserve.

WE WUZ ROBBED OF TAX REVENUE

The SPEAKER pro tempore (Mr. HARRIS). Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Mr. Speaker, the current blasts of criticisms from Japan of American workers is unwarranted. American workers are working longer with a shrinking of leisure time. We have become more productive. Manufacturers have been holding down costs. Productivity has improved. From 1979 to 1985, hourly output in factories increased 2.8 percent annually and from 1985 to 1990 it rose to 3.5 percent. Compensation for Americans changed radically in 5 years. In 1985 it averaged $13.01 for production workers but, by 1990, France, Canada, Norway, and Germany were surpassing American pay levels.

This is contrary to remarks made by politicians in Japan that 30 percent of American workers are illiterate and lazy, that they need to learn how to work harder, that they are only interested in fat paychecks.

Certainly there are some workers who need to reevaluate how they work. Why don't each of us do an unofficial survey wherever we are working on how much time we really spend on our jobs? Do we waste time at the water cooler or on the phone instead of tending to work? For the next week, why not check ourselves on just how we do work? Then we will have a polled result to combat the Japanese insult.

I, personally, know that the maritime industry had poor statistics a few years ago, but the work situation has turned around substantially.

Sure, we will hear some horror stories of work not done in American busi-

ness, but I put my faith in the American worker. Today's Journal of Commerce quotes Richard Huber, Continental Banking Corp. vice chairman, about the work habits in Japan.

He said:

Having worked in Japan for five years and having been there last week, the Japanese office is as inefficient as any I've seen outside the Third World. It is a little comical. Their offices are grossly inefficient with people sitting around hours just to be there.

We will find out that Americans are also doing better in other areas than the Japanese. Just one example is in the manufacturing of steel. We are outshining the Japanese who are supposed to have the state-of-the-art technology.

But, in manhours per ton we are lower than Japan, Germany, the United Kingdom, and France. In employment costs per ton we are lower than Japan, Germany, the United Kingdom, Canada, Korea, Mexico, Brazil, and Taiwan. Steel is just one area where American workers are shining through in the workplace.

What is causing the problem between the United States and Japan is not the American worker, instead it is the trade deficit. If the U.S. worker is so bad then how have we managed to change a merchandise deficit of nearly $30 billion with the European Community to a surplus of nearly $20 billion in 5 years.

Americans must be doing something right and perhaps, just perhaps, the Japanese share a portion of the blame for the trade deficit.

What happens when a Japanese transplant firm is located in the United States. According to Clyde Prestowitz, the author of Trading Places.

A transplant factory which opened recently generated $595 million in capital costs of which $312 million was spent in Japan and $283.2 million spent in the United States.

A Big Three assembly plant cost $595 million, but all but $20 million was spent in the United States.

Now just what does that mean to the American taxpayer?

Evidence given in the hearing of the Subcommittee on Oversight of the House Ways and Means Committee revealed that an estimated tax bill of $50 billion is unpaid by foreign firms, $30 billion of which is owed by Japanese firms. This figure is without the interest, penalties, and fines that American firms would have to pay if they were in tax arrears.

Senator HELMS explained clearly and concisely in his testimony to the committee of the consequences for American competitiveness when foreign firms underpay their taxes.

He said:

Individuals and competing American firms—have had to make up the loss. That is, they have had to shoulder an additional burden of tens of billions of dollars in additional taxes to compensate for this cheating. To the extent that Americans do not pay the complete bill, it simply adds to the federal deficit.

The Senator said:

The American economy takes a double shot from this system. First, the money which foreign firms should have paid in taxes originates in the private sector. Second, the additional taxes which American individuals and firms have to pay are just that much more which is extracted from the productive private sector of the economy and transferred to government.

Just how is this done? One way is through transfer pricing. The price of a product is artificially raised when shipped to the United States so the margin of profit is cut in the United States, thus reducing the tax burden for the foreign firm.

Or, a subsidiary may borrow from the parent company and repatriate the money to their country of origin. Foreign firms have an advantage over American firms in the filing regulations of the Security and Exchange Commission.

Foreign companies do not have to reveal financial information which is required of American firms, so it is impossible for our Government to check to see if they are paying their fair share of taxes. In fact, American firms are required to file this information all over the world and sometimes it is published in the newspapers. But not here. Foreign companies have a privilege to hold on to their financial information.

There are many ways in this bag of tricks to avoid taxes and the Japanese have found most of them, if not invented new methods.

According to the Chrysler Corp., the Japanese automobile firms lost $11.7 billion on sales of motor vehicles in North America from 1987 to 1990. During the same period of time, Japanese manufacturers realized a profit of $36.4 billion in the Japanese market. Some American officials have alleged the loss is due to trying to undercut the American market.

Work at these foreign companies translates into value added in terms of jobs. There the figures of the foreign company versus an American company are revealing. For automobiles it means that Japanese imports account for 1 percent value added, Japanese transplants, 48 percent, and United States manufacturers, 88 percent.

As I understand those figures, there is a 40-percent difference in value-added jobs in the American company over the Japanese. That means more tax revenue.

In December, the Christian Science Monitor reported that Yamaha Motor Co. paid $123 in taxes in 1987. For a multibillion-dollar company to have that kind of tax bill in the United States is strange to me.

Incidents like this are also happening in other countries. The Financial Times reported last week that the British have a warrant out for the arrest of Octav Bodnar, chairman and managing director of Nissan United Kingdom for alleged corporate tax fraud over a period of 17 years. Charges included an intent to defraud.

Perhaps this is the way the game is played in Japan and elsewhere, but not in the United States.

Direct quotes from the Japanese, which were originally omitted in the English translation from the hearings were entered in the record. They said, "in light of IRS examination of other Japanese automobile importers, it is unlikely our pricing procedures would stand up to scrutiny."

In fact, all Japanese subsidiaries have reported a steady decrease in their income in the United States from $1.8 billion in 1984 to $219 million in 1987. In fact, all foreign subsidiaries made a total gross profit of US$543 billion and claimed tax deductions of US$544 billion.

This means the American taxpayer is picking up the slack for the foreign subsidiaries who avoid paying their fair share of taxes.

American firms must ante up their taxes and face an unfair challenge if foreign firms do not. In fact, American businessmen can safely say, "we wuz robbed" competitively by these foreign shenanigans.

The United States has carried the burden of Japan's defense for 50 years, so it is unfair that they also expect the American taxpayer to carry the burden of taxes owed by Japanese firms. Let the Japanese show their often-proclaimed good faith and friendship in America by paying taxes owed by Japanese firms instead of criticizing American work habits.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MCDADE (at the request of Mr. MICHEL), for today, on account of illness;

Mr. CLEMENT (at the request of Mr. GEPHARDT), for today after 2:30 p.m., on account of official business; and

Mr. HUTTO (at the request of Mr. GEPHARDT), for today and the balance of the week, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCEWEN) to revise and extend their remarks and include extraneous material:)

Mr. FISH, for 5 minutes, today.

Mr. BEREUTER, for 5 minutes, today.

Mr. MICHEL, for 5 minutes, today.

Mr. WALKER, for 5 minutes, today.

Mrs. BENTLEY, for 60 minutes each day, on March 4, 5, 10, 11, 12, 17, 18, 19, 24, 25, 26, and 31.

Mr. ROBERTS, for 5 minutes, today.

Mr. PAXON, for 30 minutes, on February 18.

Mr. MCEWEN, for 5 minutes, today.

(The following Members (at the request of Mr. SMITH of Florida) to revise and extend their remarks and include extraneous material:)

Mr. HOYER, for 5 minutes, today.

Mr. MORAN, for 5 minutes, today and 5 minutes on February 6.

Mr. LIPINSKI, for 5 minutes, today and 60 minutes on February 5.

Mr. FRANK of Massachusetts, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GEJDENSON, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. MCCURDY, for 5 minutes, on February 5.

Mr. GONZALEZ, for 60 minutes each day, on February 20 and 24.

Mr. BONIOR, for 60 minutes each day, on April 1, 7, 8, 28, and 29.

Mr. GEJDENSON, for 60 minutes each day, on February 18, 25, March 3, 10, 17, 24, 31, and on April 7 and 28.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. PAYNE of New Jersey, for 60 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MCEWEN) and to include extraneous matter:)

Mr. FISH.

Mr. VANDER JAGT in two instances.

Mr. BEREUTER.

Mr. GRADISON.

Mr. DAVIS.

Mr. SOLOMON.

Mr. OXLEY.

Mr. GINGRICH.

Mr. CLINGER.

Mr. GALLO.

Mr. RIDGE.

Mr. IRELAND.

(The following Members (at the request of Mr. SMITH of Florida) and to include extraneous matter:)

Mr. EDWARDS of California.

Mr. YATRON in three instances.

Mrs. COLLINS of Illinois.

Mr. FALEOMAVAEGA.

Mr. TRAFICANT.

Mr. ENGEL.

Mr. THOMAS of Georgia.

Mr. GAYDOS.

Mr. TALLON.

Mr. LANTOS.

Mr. DOWNEY.

Mr. DARDEN.

Mr. SWETT.

Ms. HORN.

Mr. YATES.

Mr. STALLINGS.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1256. An act to direct the Secretary of Health and Human Services to develop and implement an information gathering system to permit the measurement, analysis, and reporting of welfare dependency rates; to the Committees on Ways and Means, Agriculture, and Education and Labor.

S. 1963. An act to amend section 992 of title 28, United States Code, to provide a member of the U.S. Sentencing Commission whose term has expired may continue to serve until a successor is appointed or until the expiration of the next session of Congress; to the Committee on the Judiciary.

ADJOURNMENT

Mrs. BENTLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 20 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, February 5, 1992, at 1 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2764. A letter from the Assistant Secretary for Legislative Affairs, Department of the Treasury, transmitting the first annual report on the operation of the Enterprise for the Americas Facility; to the Committee on Agriculture.

2765. A letter from the Secretary of Defense, transmitting notification of the Defense Nuclear Agency's decision to exercise the provision for exclusion of the clause concerning examination of records by the Comptroller General, pursuant to 10 U.S.C. 2313(c); to the Committee on Armed Services.

2766. A letter from the Oversight Board, Resolution Trust Corporation, transmitting the salary plan for Oversight Board graded employees and executives; to the Committee on Banking, Finance and Urban Affairs.

2767. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to provide funding for the Resolution Trust Corporation, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

2768. A letter from the Potomac Electric Power Co., transmitting a copy of the balance sheet of Potomac Electric Power Co. as of December 31, 1991, pursuant to D.C. Code, section 43-513; to the Committee on the District of Columbia.

2769. A letter from the Secretary, Department of Health and Human Services, transmitting the status and accomplishments of transitional living youth projects funded under part B of the Runaway and Homeless Youth Act, pursuant to 42 U.S.C. 5715(b); to the Committee on Education and Labor.

2770. A letter from the Secretary of Education, transmitting the final report on the distribution of Federal elementary-secondary education grants among the States, pursuant to Public Law 100-297, section 6207; to the Committee on Education and Labor.

2771. A letter from the Secretary of Health and Human Services, transmitting the annual report for 1991 on compliance by States with personnel standards for radiologic technicians, pursuant to 42 U.S.C. 1006(d); to the Committee on Energy and Commerce.

2772. A letter from the Acting Assistant General Counsel, Department of Energy, transmitting a notice of meeting related to the International Energy Program; to the Committee on Energy and Commerce.

2773. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Navy's proposed lease of defense articles to the Netherlands (Transmittal No. 5-92), pursuant to 22 U.S.C. 2796a(a); to the Committee on Foreign Affairs.

2774. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on human rights in countries receiving development assistance, pursuant to sections 116(d)(1) and 502(b) of the Foreign Assistance Act of 1961, as amended, and section 505(c) of the Trade Act of 1974, as amended; to the Committee on Foreign Affairs.

2775. A letter from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

2776. A letter from the Acting Director, U.S. Information Agency, transmitting the follow-up report on Public Diplomacy of the 1990's, pursuant to 22 U.S.C. 1469; to the Committee on Foreign Affairs.

2777. A letter from the Chairman, Advisory Commission on Intergovernmental Relations, transmitting the Commission's 33d annual report of the Advisory Commission on Intergovernmental Relations, pursuant to 42 U.S.C. 4275(3); to the Committee on Government Operations.

2778. A letter from the Secretary, Commodity Futures Trading Commission, transmitting the follow-up to Privacy Act New Systems Report on Intended Addition to Systems of Records, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2779. A letter from the Director, Congressional Budget Office, transmitting CBO's study on budgeting for administrative costs under credit reform, pursuant to section 503 of the Federal Credit Reform Act of 1990; to the Committee on Government Operations.

2780. A letter from the Secretary, Smithsonian Institution, transmitting a copy of the National Society of the Daughters of the American Revolution's "Annual Proceedings of the One Hundredth Continental Congress," pursuant to 36 U.S.C. 18b; to the Committee on the Judiciary.

2781. A letter from the Postmaster General of the United States, transmitting the Annual Report of the Postmaster General for Fiscal year 1991, pursuant to 39 U.S.C. 2402; to the Committee on Post Office and Civil Service.

2782. A letter from the Administrator, General Services Administration, transmitting prospectuses for the fiscal year 1993 General Services Administration's Public Buildings Service Capital Improvement Program, pursuant to section 7 of the Public Buildings Act of 1959; to the Committee on Public Works and Transportation.

2783. A letter from the Chairman, U.S. International Trade Commission, transmitting the Commission's 68th quarterly report on trade between the United States and the nonmarket economy countries, pursuant to 19 U.S.C. 2441(c); to the Committee on Ways and Means.

2784. A letter from the U.S. International Trade Commission, transmitting a draft of

proposed legislation to provide authorization of appropriations for the U.S. International Trade Commission for fiscal year 1993 and fiscal year 1994; to the Committee on Ways and Means.

2785. A letter from the Administrator, Agency for International Development, transmitting a report on the quantity of agricultural commodities programmed under II in fiscal year 1991; jointly, to the Committees on Agriculture and Foreign Affairs.

2786. A letter from the U.S. Coast Guard, transmitting the report regarding a reexamination of the policies of the United States restricting use of certain ports of entry by ships, and crewmembers thereof, of the former Union of Soviet Socialist Republics; jointly, to the Committees on Appropriations and Merchant Marine and Fisheries.

2787. A letter from the Department of the Air Force, transmitting notification that the performance of a Rockwell B-1B full scale development [FSD] contract will continue for a period exceeding 10 years; jointly, to the Committees on Armed Services and Small Business.

2788. A letter from the Federal Inspector, Alaska Natural Gas Transportation System, transmitting a copy of the report to the President on the construction of the Alaska Natural Gas Transportation System, pursuant to 15 U.S.C. 719e(a)(5)(E); jointly, to the Committees on Interior and Insular Affairs and Energy and Commerce.

2789. A letter from the Secretary of Labor, transmitting a report on the new interim final H-1B visa regulations; jointly, to the Committees on the Judiciary and Education and Labor.

2790. A letter from the Deputy Administrator, General Services Administration, transmitting an informational copy of a lease prospectus, pursuant to 40 U.S.C. 606(a); jointly, to the Committees on Public Works and Transportation and Appropriations.

2791. A letter from the Director, Office of Management and Budget, transmitting a draft of proposed legislation entitled, "Economic Growth Tax Act of 1992"; jointly, to the Committees on Ways and Means, Agriculture, Banking, Finance and Urban Affairs, Education and Labor, Energy and Commerce, Government Operations, House Administration, Interior and Insular Affairs, the Judiciary, Merchant Marine and Fisheries, Post Office and Civil Service, Public Works and Transportation, and Veteran's Affairs.

REPORT OF COMMITTEE ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DELLUMS: Committee on the District of Columbia. H.R. 3581. A bill to amend the District of Columbia Self-Government and Governmental Reorganization Act to eliminate congressional review of newly passed District laws, to provide the District of Columbia with autonomy over its budgets, and for other purposes (Rept. No. 102-429). Referred to the Committee of the Whole House on the State of the Union.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 1558. A bill to amend the Panama Canal Act of 1979 to provide for a Chairman of the Board of the Panama Canal Commission, and for other purposes; with an amendment; referred to the Committee on Armed Services for a period ending not later than February 21, 1992, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(c) of rule X (Rept. No. 102-428, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. PANETTA:

H.R. 4148. A bill to designate the Monterey Bay National Marine Sanctuary; to the Committee on Merchant Marine and Fisheries.

By Mr. BENNETT:

H.R. 4149. A bill to establish an employment program to make grants available to the States to provide employment to the unemployed, and for other purposes; to the Committee on Education and Labor.

By Mr. MICHEL (for himself, Mr. ARCHER, Mr. GINGRICH, Mr. LEWIS of California, Mr. EDWARDS of Oklahoma, Mr. HUNTER, Mr. MCCOLLUM, and Mr. WEBER) (by request):

H.R. 4150. A bill to create jobs, promote economic growth, assist families, and promote health, education, savings, and homeownership; jointly, to the Committees on Ways and Means, Agriculture, Armed Services, Banking, Finance and Urban Affairs, Education and Labor, Energy and Commerce, Foreign Affairs, Government Operations, House Administration, Interior and Insular Affairs, the Judiciary, Merchant Marine and Fisheries, Post Office and Civil Service, Public Works and Transportation, Rules, and Science, Space, and Technology and Veterans' Affairs.

By Mr. BOEHLERT:

H.R. 4151. A bill to revive the authorization of appropriations for the general revenue sharing program for fiscal year 1992; to the Committee on Government Operations.

By Mr. DARDEN:

H.R. 4152. A bill to amend the Commercial Motor Vehicle Safety Act of 1986 to permit an eligible individual to operate a public works vehicle without requiring the individual to pass a written or driving test for operation of a commercial motor vehicle; to the Committee on Public Works and Transportation.

By Mr. DEFAZIO (for himself, Mrs. UNSOELD, Mr. WILSON, and Mr. AUCOIN):

H.R. 4153. A bill to amend the Internal Revenue Code of 1986 to provide incentives for domestic timber production and processing; to the Committee on Ways and Means.

By Mr. DELLUMS:

H.R. 4154. A bill to provide for participation by the United States in a climate stabilization program; jointly, to the Committees on Interior and Insular Affairs, Rules, Ways and Means, Agriculture, Energy and Commerce, Merchant Marine and Fisheries, Foreign Affairs, Science, Space, and Technology, and Education and Labor.

By Mr. FISH (for himself, Mr. MICHEL, Mr. GINGRICH, Mr. HUNTER, Mr. MCCOLLUM, and Mr. MOORHEAD):

H.R. 4155. A bill to provide greater access to civil justice by reducing costs and delay, and for other purposes; to the Committee on the Judiciary.

By Mr. JONES of North Carolina (for himself, Mr. LENT, and Mr. DAVIS):

H.R. 4156. A bill to authorize appropriations for fiscal year 1993 for the Federal Maritime Commission, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. KOLTER (for himself, Mr. ROE, Mr. HAMMERSCHMIDT, and Mrs. BENTLEY):

H.R. 4157. A bill to amend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965; jointly, to the Committees on Banking, Finance and Urban Affairs and Public Works and Transportation.

By Mrs. LOWEY of New York:

H.R. 4158. A bill to prohibit grants under the community development block grant program to communities that fail to enforce laws preventing the use or threat of force against individuals for exercise of abortion rights; to the Committee on Banking, Finance and Urban Affairs.

By Mr. MCCLOSKEY (for himself, Mr. JACOBS, Mrs. SCHROEDER Mr. KOPETSKI, and Mr. WILLIAMS):

H.R. 4159. A bill to amend title 5, United States Code, to provide that a Federal employee who, in the aggregate, serves for at least 4 years in a 6-year period, on a temporary basis, may not by regulation be excluded from the Government's health insurance, life insurance, or retirement program, by reason of being a temporary employee, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. NAGLE:

H.R. 4160. A bill for the relief of Aloysius H. Schmitt; to the Committee on Armed Services.

By Mr. OWENS of Utah (for himself, Mr. LEVINE of California, Mr. SENSENBRENNER, Mr. CAMPBELL of California, Mr. MCNULTY, Mr. BROOMFIELD, Mr. PALLONE, Mr. DOOLEY, Mr. ANNUNZIO, Mr. LEHMAN of California, Mr. CONDIT, Mr. ROHRABACHER, Mr. FRANK of Massachusetts, Mr. WAXMAN, Mr. VISCLOSKY, Mr. MOORHEAD, Mrs. BOXER, and Mr. BONIOR):

H.R. 4161. A bill to restrict trade and other relations with the Republic of Azerbaijan; jointly, to the Committees on Ways and Means, Foreign Affairs, and Banking, Finance and Urban Affairs.

By Mr. YATRON:

H.R. 4162. A bill to amend the Internal Revenue Code of 1986 to allow the one-time exclusion of gain from the sale of a principal residence to individuals who are permanently and totally disabled; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska (for himself, Mr. BATEMAN, Mrs. BENTLEY, Mr. TAUZIN, and Mr. FIELDS):

H.R. 4163. A bill to ensure the availability of the vessel SS *United States* for use as a maritime museum in the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. CAMP (for himself, Mr. ACKERMAN, Mr. BEVILL, Mr. CLEMENT, Mr. COBLE, Mr. DAVIS, Mr. DEFAZIO, Mr. DONNELLY, Mr. DOOLITTLE, Mr. EMERSON, Mr. ESPY, Mr. FALEOMAVAEGA, Mr. FORD OF MICHIGAN, Mr. GEKAS, Mr. GILMAN, Mr. GRANDY, Mr. HORTON, Mr. HUGHES, Mr. HYDE, Mr. LAGOMARSINO, Mr. LEHMAN of Florida, Mr. LEVIN of Michigan, Mr. MCDADE, Mr. MCGRATH, Mr. MCNULTY, Mr.

MARTIN, Mr. MARTINEZ, Ms. NORTON, Mr. QUILLEN, Mr. RAMSTAD, Mr. RANGEL, Mr. RIGGS, Mr. SCHUMER, Mr. TALLON, Mr. TAYLOR of Mississippi, Mr. TRAXLER, Mr. VANDER JAGT, and Mr. WOLPE):

H.J. Res. 397. Joint resolution designating the week May 3, 1992, through May 9, 1992, as "National Correctional Officers Week"; to the Committee on Post Office and Civil Service.

By Mr. COUGHLIN (for himself and Mr. HUGHES):

H.J. Res. 398. Joint resolution designating August 4, 1992, as "National Neighborhood Crime Watch Day"; to the Committee on Post Office and Civil Service.

By Mr. DUNCAN:

H.J. Res. 399. Joint resolution designating the week beginning November 1, 1992, as "National Medical Staff Services Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. ENGEL. (for himself and Mr. PALLONE):

H.J. Res. 400. Joint resolution designating October 1992 as "Italian-American Heritage and Culture Month"; to the Committee on Post Office and Civil Service.

By Mr. IRELAND (for himself, Mr. LEWIS of Florida, Mr. DORNAN of California, Mr. CALLAHAN, Mr. MARTINEZ, Mr. BACCHUS, Mr. HUTTO, Mr. FASCELL, Mr. LEWIS of California, Mr. BENNETT, Mr. EMERSON, and Mr. FROST):

H.J. Res. 401. Joint resolution designating February 1992 as "National Grapefruit Month"; to the Committee on Post Office and Civil Service.

By Mr. MORAN:

H.J. Res. 402. Joint resolution approving the location of a memorial to George Mason; to the Committee on Interior and Insular Affairs.

By Mr. ROE (for himself, Mr. DINGELL, Mr. IRELAND, Mr. LAFALCE, Mr. JONES of Georgia, Mr. MCMILLEN of Maryland, Mr. LEHMAN of Florida, Mr. LIVINGSTON, Mr. MATSUI, and Mr. TRAXLER):

H.J. Res. 403. Joint resolution to authorize the President to proclaim the last Friday of April 1992 as "National Arbor Day"; to the Committee on Post Office and Civil Service.

By Mr. GONZALEZ:

H. Res. 336. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Banking, Finance and Urban Affairs in the second session of the One Hundred Second Congress; to the Committee on House Administration.

By Mr. ROSTENKOWSKI:

H. Res. 337. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Ways and Means in the second session of the One Hundred Second Congress; to the Committee on House Administration.

By Mr. FORD of Michigan (for himself, Mr. WILLIAMS, Mr. GOODLING, and Mrs. ROUKEMA):

H. Res. 338. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Education and Labor in the second session of the One Hundred Second Congress; to the Committee on House Administration.

By Mr. STOKES:

H. Res. 339. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Standards of Official Conduct in the second session of the One Hundred Second Congress; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII:

325. The SPEAKER presented a memorial of the General Assembly of the State of New Jersey, relative to lead-abatement programs; jointly, to the Committees on Banking, Finance and Urban Affairs and Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 44: Mr. ENGEL, Mr. KOSTMAYER, Mr. MATSUI, Mr. TORRES, Mrs. LLOYD, Mr. HERGER, Mr. LAFALCE, Mr. OBERSTAR, Mr. ORTIZ, Mr. COYNE, Mr. ROE, Mr. SWETT, Mr. HERTEL, Mr. SKAGGS, Mr. BUNNING, Mr. DORNAN of California, Mr. REGULA, Mr. CUNNINGHAM, Mr. GORDON, and Mr. TRAXLER.

H.R. 78: Mr. SMITH of Oregon.

H.R. 187: Mr. BORSKI, Mr. BONIOR, and Mr. LEVIN of Michigan.

H.R. 213: Mr. SYNAR.

H.R. 413: Mr. CARR, Mr. ROBERTS, and Mr. ORTON.

H.R. 431: Mr. KLUG, Mr. HASTERT, Mr. KOPETSKI, Mr. ALEXANDER, Mr. SPENCE, Ms. NORTON, Mr. BLAZ, and Mr. ENGLISH.

H.R. 461: Mr. KILDEE and Ms. SNOWE.

H.R. 565: Mr. UPTON, Mrs. COLLINS of Illinois, and Mr. SMITH of Oregon.

H.R. 670: Mr. JOHNSON of South Dakota.

H.R. 793: Mr. BOUCHER, Mr. PRICE, Mr. CHANDLER, and Mr. SPENCE.

H.R. 911: Mr. ENGEL, Mr. GREEN of New York, and Mr. WEBER.

H.R. 1124: Mr. MARTIN, Mr. DOOLITTLE, Mr. MYERS of Indiana, Mr. SENSENBRENNER, Mr. SANDERS, and Mr. WOLPE.

H.R. 1126: Mr. OLVER, Mr. KOPETSKI, Mr. WAXMAN, Mr. MATSUI, Mrs. BOXER, and Mr. BONIOR.

H.R. 1240: Mr. OWENS of New York.

H.R. 1241: Mr. BROWDER, Mr. BRYANT, Mr. COSTELLO, Mr. EWING, Mr. INHOFE, Mr. IRELAND, Mr. JOHNSON of Texas, Mr. JACOBS, Mr. KOPETSKI, Mr. LIVINGSTON, Mr. RICHARDSON, Mr. STALLINGS, Mrs. MINK, and Mr. LEWIS of California.

H.R. 1335: Mr. MARTINEZ.

H.R. 1380: Mr. LEWIS of California, Mr. CUNNINGHAM, Mr. MARTINEZ, Mr. RAMSTAD, and Mr. SENSENBRENNER.

H.R. 1414: Mr. RUSSO.

H.R. 1473: Mr. DONNELLY.

H.R. 1531: Mr. WISE, Mr. ALEXANDER, Ms. NORTON, and Mr. TRAFICANT.

H.R. 1536: Mr. OWENS of Utah.

H.R. 1546: Mr. PENNY, Mr. ROHRABACHER, Mr. WILSON, and Mr. LEWIS of Florida.

H.R. 1628: Mr. DYMALLY, Mr. RINALDO, Mr. MYERS of Indiana, Mr. LEHMAN of Florida, Mrs. KENNELLY, Mrs. UNSOELD, Mr. SIKORSKI, Mr. ANTHONY, Mr. ARCHER, Ms. WATERS, Mr. SAWYER, Mr. GOODLING, Mr. HAMMERSCHMIDT, Mr. ZIMMER, Mr. GALLO, Mr. BAKER, Mr. RITTER, Mr. LOWERY of California, Mr. FRANKS of Connecticut, Mr. COYNE, Mr. RIDGE, Mr. WELDON, Mr. DELAY, Mr. COUGHLIN, Mr. HAMILTON, Mr. MILLER of Washington, Mr. FASCELL, Mr. PORTER, Mr. EVANS, Mr. RAHALL, Mr. QUILLEN, Mr. FAWELL, Mr. SHUSTER, Ms. OAKAR, Mr. TANNER, Mr. JOHNSON of Texas, Mr. WISE, Mr. MCCLOSKEY, and Mr. BORSKI.

H.R. 1655: Mr. KOPETSKI, Ms. NORTON, Mr. ENGLISH, and Mr. TRAFICANT.

H.R. 1801: Mr. HOYER.

H.R. 1882: Mr. LENT, Mr. KOLTER, Mr. MARKEY, Mr. CAMP, Mr. WALSH, Mr. DORGAN of North Dakota, Mr. BARRETT, Mr. PICKLE, Ms. KAPTUR, Mr. CRANE, Mr. HANSEN, Mr. EWING, and Mr. BERMAN.

H.R. 1987: Mr. EDWARDS of California, Mr. SLATTERY, Mr. KILDEE, Mr. MARTINEZ, Mr. SANDERS, Mr. LANTOS, Mr. KOPETSKI, and Mr. OWENS of New York.

H.R. 2070: Mr. HARRIS, Mr. SOLOMON, Mr. MOORHEAD, Mr. DE LUGO, Mrs. MORELLA, Mr. LOWERY of California, Mr. SMITH of Oregon, Mr. SKELTON, and Mr. RAVENEL.

H.R. 2106: Mr. OLVER and Mr. LEWIS of Georgia.

H.R. 2179: Mr. BROWN.

H.R. 2248: Mr. DAVIS, Mr. BORSKI, and Mr. STAGGERS.

H.R. 2374: Mr. BORSKI.

H.R. 2401: Mr. LIGHTFOOT.

H.R. 2448: Mr. REGULA, Mr. KLECZKA, Mr. LIPINSKI, and Mr. OLIN.

H.R. 2492: Mr. BORSKI.

H.R. 2528: Mr. FISH, Mr. MACHTLEY, Mr. DICKINSON, Mr. OXLEY, Mr. UPTON, and Mr. GALLEGLY.

H.R. 2569: Mr. RAMSTAD and Mr. CAMPBELL of California.

H.R. 2579: Mr. BAKER.

H.R. 2618: Mr. RICHARDSON, Mr. RAHALL, Mr. WHITTEN, Mr. STAGGERS, Mr. HAMMERSCHMIDT, Mr. LEWIS of Florida, Mr. BOUCHER, Mr. PANETTA, Mr. MOORHEAD, and Mr. FRANK of Massachusetts.

H.R. 2649: Mr. CRANE.

H.R. 2715: Mr. LIPINSKI and Mr. GUARINI.

H.R. 2766: Mr. RAMSTAD and Mr. ENGLISH.

H.R. 2815: Mr. HANSEN.

H.R. 2872: Mr. ARMEY.

H.R. 2890: Mrs. MINK and Mr. EMERSON.

H.R. 2906: Mr. LENT and Mr. EMERSON.

H.R. 3015: Mr. SHAYS and Mr. FOGLIETTA.

H.R. 3071: Mr. ALEXANDER.

H.R. 3138: Mrs. JOHNSON of Connecticut, Mr. GILMAN, Mr. OWENS of New York, and Mr. LANCASTER.

H.R. 3142: Mr. PETRI.

H.R. 3166: Mr. WALKER, Mr. LIVINGSTON, Mr. LEWIS of Florida, Mr. CONDIT, Mr. SMITH of New Jersey, Mr. BROWDER, Mr. HAMMERSCHMIDT, Mr. MCCLOSKEY, Mr. MARKEY, Mr. GEKAS, Mr. CUNNINGHAM, Mr. SLATTERY, Ms. SNOWE, Mr. MOLLOHAN, Mr. COLEMAN of Texas, Mr. SAXTON, Mr. SPRATT, Mr. RAVENEL, Mr. BUSTAMANTE, Mr. LOWERY of California, Mr. KYL, and Mr. HERTEL.

H.R. 3352: Mr. SMITH of Florida.

H.R. 3373: Mr. ATKINS, Mr. KYL, Mr. WHEAT, Mr. MRAZEK, and Mr. DUNCAN.

H.R. 3393: Mr. DELLUMS and Mr. GLICKMAN.

H.R. 3395: Mr. LENT.

H.R. 3438: Mr. RIGGS.

H.R. 3439: Mr. RIGGS.

H.R. 3440: Mr. RIGGS.

H.R. 3451: Mr. SCHAEFER.

H.R. 3501: Mr. OXLEY, Mr. PAYNE of Virginia, and Mr. HALL of Ohio.

H.R. 3553: Mr. HALL of Texas and Ms. PELOSI.

H.R. 3616: Mr. ARMEY.

H.R. 3641: Mr. NOWAK and Mr. MARTIN.

H.R. 3654: Mrs. BENTLEY, Mr. BONIOR, Mr. BRYANT, Mr. CARPER, Mr. DOOLITTLE, Mr. GILMAN, Mr. HAMMERSCHMIDT, Mr. HORTON, Mr. HUNTER, Mr. HYDE, Mr. IRELAND, Mr. JOHNSON of Texas, Mr. LIVINGSTON, Mr. OXLEY, Mr. ROBERTS, Mr. ROTH, Mr. SAVAGE, Mr. SMITH of Texas, Mr. VANDER JAGT, and Mr. WILSON.

H.R. 3742: Mr. BROWN.

H.R. 3776: Mr. LEVINE of California and Mrs. MORELLA.

H.R. 3779: Mr. HOCHBRUECKNER, Mr. PETERSON of Minnesota, and Mr. KOPETSKI.

H.R. 3782: Mr. MRAZEK, Ms. PELOSI, Mr. SWETT, Mr. SWIFT, and Mr. OWENS of New York.

H.R. 3785: Mr. SENSENBRENNER.

H.R. 3801: Mr. HARRIS, Mr. SCHIFF, Mr. PICKETT, Mr. FROST, Mr. JEFFERSON, Mr. TOWNS, Mr. JONES of North Carolina, and Mr. BENNETT.

H.R. 3826: Mr. DURBIN, Mr. EVANS, Mr. JEFFERSON, Mr. KOLTER, Mr. MRAZEK, Ms. NORTON, Ms. PELOSI, Mr. RANGEL, Mr. ROGERS, and Mr. VENTO.

H.R. 3844: Mr. MFUME, Mr. ROYBAL, and Mr. PAYNE of New Jersey.

H.R. 3852: Mr. FRANK of Massachusetts.

H.R. 3908: Mr. STALLINGS.

H.R. 3937: Mr. GOSS, Mr. FROST, Mr. GUARINI, and Mrs. LLOYD.

H.R. 3975: Mr. GEJDENSON, Mr. TORRES, Ms. KAPTUR, Mr. POSHARD, and Ms. WATERS.

H.R. 3978: Mr. NOWAK, Mr. KOLTER, Mr. RAY, and Ms. KAPTUR.

H.R. 3982: Mr. SMITH of Florida.

H.R. 3994: Mr. ECKART.

H.R. 4002: Mr. ACKERMAN, Mr. BRYANT, Mr. DEFAZIO, Mr. ERDREICH, Mrs. LLOYD, and Mr. SERRANO.

H.R. 4019: Mr. FAWELL, Mr. KOSTMAYER, and Mr. ZIMMER.

H.R. 4023: Mr. DOWNEY, Mr. MCGRATH, Mr. LENT, Mr. SANDERS, Mr. SPRATT, Mr. SMITH of New Jersey, Mr. DWYER of New Jersey, Mr. ROE, Mr. PASTOR, and Mr. MORRISON.

H.R. 4024: Mr. BROWN.

H.R. 4025: Mr. BROWN, Mr. CAMPBELL of Colorado, Mr. WELDON, and Mr. HUGHES.

H.R. 4040: Mr. MCGRATH, Mr. BURTON of Indiana, and Mrs. LLOYD.

H.R. 4051: Mr. HARRIS, Mr. KLECZKA, Mr. BRUCE, Mr. CHAPMAN, and Mr. LIPINSKI.

H.R. 4073: Mr. DE LUGO, Mr. SANDERS, Mr. YATES, Mr. FRANK of Massachusetts, Mr. HUBBARD, Mr. MCNULTY, and Mr. VENTO,

H.R. 4080: Mr. SENSENBRENNER, Mr. FORD of Tennessee, and Mr. GALLEGLY.

H.R. 4086: Mr. COSTELLO, Mr. HALL of Texas, Mr. SMITH of New Jersey, and Mr. FORD of Michigan.

H.R. 4097: Mr. HOYER.

H.R. 4107: Mr. GILMAN and Mr. FASCELL.

H.R. 4121: Mr. WALSH, Mr. CUNNINGHAM, Mr. SCHIFF, and Mr. FIELDS.

H.R. 4127: Mr. SENSENBRENNER, Mr. STEARNS, Mr. DOOLITTLE, Mr. EMERSON, Mr. LIVINGSTON, Mr. MCCRERY, Mr. HANSEN, Mr. DANNEMEYER, and Mr. ROHRABACHER.

H.R. 4128: Mr. YOUNG of Alaska, Mr. WILSON, Mr. DUNCAN, and Mr. BATEMAN.

H.R. 4145: Mrs. JOHNSON of Connecticut, Mr. SWETT, MR. ZIMMER, and Mrs. MEYERS of Kansas.

H.J. Res. 22: Mr. PAXON.

H.J. Res. 99: Mr. PAXON.

H.J. Res. 122: Mr. LIPINSKI.

H.J. Res. 200: Mr. HOYER, Mr. VENTO, and Mr. OBERSTAR.

H.J. Res. 234: Mr. ENGEL.

H.J. Res. 283: Mr. ESPY and Mr. MATSUI.

H.J. Res. 350: Mr. ANDREWS of New Jersey, Mr. ASPIN, Mr. ATKINS, Mr. BATEMAN, Mr. BOUCHER, Mr. BROWDER, Mr. BRYANT, Mr. CAMP, Mr. CHANDLER, Mr. CONDIT, Mr. DELLUMS, Mr. DINGELL, Mr. DOOLITTLE, Mr. DUNCAN, Mr. DYMALLY, Mr. ERDREICH, Mr. FIELDS, Mr. FRANK of Massachusetts, Mr. FUSTER, Mr. GORDON, Mr. HAYES of Louisiana, Mr. HUBBARD, Mr. JOHNSON of South Dakota, Mr. JONES of Georgia, Mr. KLECZKA, Mr. KLUG, Mr. LAGOMARSINO, Mr. LEACH, Mr. LEWIS of California, Ms. LONG, Mr. MARKEY, Mr. MARTIN, Mr. MATSUI, Mrs. MEYERS of Kansas, Mr. MINETA, Mrs. MINK, Mr. NATCHER, Mr. NEAL of North Carolina, Ms. OAKAR, Mr. OBERSTAR, Mr. OBEY, Mr. OLVER, Mrs. PATTERSON, Mr. PAXON, Mr. PRICE, Mr. RAVENEL, Mr. REGULA, Mr. RITTER, Mr. ROYBAL, Mr. SABO, Mr. SAVAGE, Mr. SAWYER, Mr. SERRANO, Mr. SKELTON, Mr. SMITH of Iowa, Mr. SPENCE, Mr. STOKES, Mr. STUDDS, Mr. TALLON, Mr. TAUZIN, Mr. TAYLOR of North Carolina, Mr. TORRES, Mr. VENTO, Mr. WAXMAN, Mr. WISE, and Mr. YOUNG of Florida.

H.J. Res. 351: Mr. AUCOIN, Mr. FRANK of Massachusetts, Mr. PAYNE of Virginia, Mr. DORGAN of North Dakota, Mr. WALSH, and Mr. OWENS of New York.

H.J. Res. 388: Mr. EMERSON, Mr. PAXON, Mr. WALSH, Mr. HARRIS, Mr. FROST, Ms. LONG, Mr. TOWNS, Mr. VENTO, Ms. KAPTUR, Mr. MCDERMOTT, Mr. ROE, Mr. FORD of Tennessee, Mr. OWENS of Utah, Mr. OWENS of New York, Mrs. KENNELLY, and Mr. UPTON.

H.J. Res. 390: Mr. BATEMAN, Mr. STOKES, Mr. RICHARDSON, Ms. SNOWE, Mr. TAYLOR of North Carolina, Mr. HUGHES, Mr. MCHUGH, Mr. JEFFERSON, Mrs. MORELLA, Mr. JONES of North Carolina, Mr. VANDER JAGT, Mr. KOLTER, Mr. TORRICELLI, Mr. NOWAK, Mr. HAMMERSCHMIDT, and Mr. JONES of Georgia.

H.J. Res. 394: Mr. GEJDENSON, Mr. MACHTLEY, Mr. TOWNS, Mr. RAY, Ms. PELOSI, and Mr. SHARP.

H.J. Res. 395: Mr. BILBRAY, Mr. OBERSTAR, Mr. SCHEUER, Mr. RAMSTAD, Mr. LEHMAN of Florida, Mr. TALLON, Ms. OAKAR, Mrs. MEYERS of Kansas, Mr. KASICH, Ms. KAPTUR, Mr. GREEN of New York, Mr. MCDERMOTT, Mr. JACOBS, Mr. VALENTINE, Mr. MARTINEZ, Mr. DEFAZIO, Mr. TRAFICANT, Mr. HASTERT, Mr. FORD of Tennessee, Mr. MARKEY, Mr. RAVENEL, Mr. LAROCCO, Mr. KOPETSKI, Mr. TAUZIN, Mr. ASPIN, Mr. HAMMERSCHMIDT, Mr. FUSTER, Mr. NATCHER, Ms. MOLINARI, Mr. EMERSON, Mr. SKEEN, Mr. LEACH, Mrs. LOWEY of New York, Mr. MAZZOLI, Mr. WILSON, Mr. TANNER, Mr. PRICE, Mr. PAXON, Ms. LONG, Mr. LUKEN, Mr. JONTZ, Mr. FROST, Mr. HARRIS, Mr. WALSH, Mr. BEVILL, Mr. INHOFE, Mr. DOWNEY, Mr. GORDON, Mr. GINGRICH, Mr. HYDE, Mr. EVANS, Mr. SMITH of New Jersey, Mr. SMITH of Texas, Mr. DELLUMS, Mr. WOLPE, Mr. SOLOMON, Mr. MCHUGH, Mr. NEAL of North Carolina, Mr. MCCLOSKEY, Mr. VANDER JAGT, Mr. HOYER, Mr. SABO, Mr. FISH, Mr. MILLER of California, Mr. ATKINS, Mr. LEWIS of California, Mr. PICKETT, Mr. HUGHES, Mr. LEWIS of Georgia, Mr. PURSELL, Mr. SPRATT, Mr. STENHOLM, Mr. STOKES, Mr. BENNETT, Mr. KENNEDY, Mr. OXLEY, Mr. IRELAND, Mr. WYDEN, Mr. STAGGERS, Mr. QUILLEN, Mr. DOOLITTLE, Mr. CLINGER, Mr. JONES of Georgia, Mr. YATRON, Mr. MINETA, Mr. SLATTERY, Mr. DARDEN, Mr. MORAN, Mr. WEBER, Ms. WATERS, Mr. JENKINS, Mr. BARNARD, Mr. SAWYER, Mrs. VUCANOVICH, Mr. WEISS, Mr. OWENS of New York, Mr. MURPHY, Mr. FRANKS of Connecticut, Mr. DIXON, Mr. HOCHBRUECKNER, Mr. PAYNE of New Jersey, Ms. DELAURO, Mr. RIGGS, Mr. HEFNER, Mr. VENTO, Mr. CARDIN, Mr. ACKERMAN, Mr. RUSSO, Mr. BERMAN, Mr. DORGAN of North Dakota, Mr. SMITH of Florida, Mr. NAGLE, Mr. AUCOIN, Mr. GONZALEZ, Mr. ERDREICH, Mrs. KENNELLY, Mr. GEJDENSON, Mr. MONTGOMERY, Mr. MACHTLEY, Mr. HAYES of Illinois, Mr. DYMALLY, Mr. HORTON, Ms. NORTON, Mr. PANETTA, Mr. LENT, Mr. ANDREWS of Maine, Mr. GEKAS, Mr. MCNULTY, Ms. PELOSI, Mr. RANGEL, Mrs. MINK, Mr. DE LUGO, Mr. SCHAEFER, Ms. HORN, Mr. FAZIO, Mr. JEFFERSON, Mr. KOSTMAYER, Mr. MCMILLEN of Maryland, Mr. ESPY, Mrs. PATTERSON, Mrs. UNSOELD, Mr. MCGRATH, Mrs. JOHNSON of Connecticut, Mr. CLEMENT, Mr. VOLKMER, Mr. BUSTAMANTE, Mr. GUARINI, Mr. LANTOS, Mr. MATSUI, Mr. SCHUMER, Mr. TOWNS, Mrs. BENTLEY, Mr. DICKS, Mr. OWENS of Utah, Mr. TRAXLER, Mr. WOLF, Mrs. MORELLA, Mr. BLILEY, Mr. RITTER, Mr. SAVAGE, Mr. PETERSON of Florida, Mr. FLAKE, Mr. COX of Illinois, Mr. ENGEL, Mr. WASHINGTON, Mr. MILLER of Washington, Mr. STEARNS, Mr. SHAYS, Mr. MFUME, Mr. CONYERS, Mr. DWYER of New Jersey, Mr. SOLARZ, Mr. DONNELLY, Mr. ECKART, Mr. GILCHREST, Mr. BILIRAKIS, Mr. MAVROULES, Mr. BROOMFIELD, Mr. BREWSTER, Mr. STUDDS, Mr. GILMAN, Mr. HAMILTON, Mr. HANSEN, Mr. HATCHER, Mr. EDWARDS of Texas, Mr. GUNDERSON, Mr. NEAL of Massachusetts, Mr. ROBERTS, Mr. MILLER of Ohio, Mr. LAGOMARSINO, Mr. GALLO, Mr. BORSKI, Mr. ANDREWS of New Jersey, Mr. SWETT, Mr. FALEOMAVAEGA, Mr. SAXTON, Mr. ROWLAND, Mr. WAXMAN, Mr. TORRICELLI, Mr. KLECZKA, Mr. CHANDLER, Mr. MARTIN, Mr. LEVINE of California, Mr. LAFALCE, Mr. REED, Mr. SERRANO, Mr. MOORHEAD, Mr. DICKINSON, Ms. SLAUGHTER of New York, Mr. MCDADE, Mr. BLAZ, Mr. FRANK of Massachusetts, Mr. NOWAK, Mr. REGULA, Mr. YOUNG of Florida, Mr. CRANE, Mr. KLUG, Mrs. COLLINS of Michigan, Mrs. BOXER, Mr. ABERCROMBIE, and Mr. HUBBARD.

H. Con. Res. 177: Ms. PELOSI.

H. Con. Res. 180: Mrs. UNSOELD.

H. Con. Res. 182: Mr. ROWLAND and Mr. SANGMEISTER.

H. Con. Res. 220: Mr. MRAZEK, Mr. KOPETSKI, Mr. ROYBAL, Mr. PENNY, Mr. WHEAT, Mr. PERKINS, Mr. SANDERS, Mr. FAZIO, Mr. JOHNSTON of Florida, Mr. GILMAN, Mr. HAYES of Illinois, Mr. SAVAGE, and Mr. WASHINGTON.

H. Con. Res. 224: Mr. AUCOIN and Ms. SLAUGHTER.

H. Con. Res. 227: Mr. EVANS.

H. Con. Res. 232: Mr. BILBRAY.

H. Con. Res. 233: Mr. BURTON of Indiana, Mr. VOLKMER, Ms. ROS-LEHTINEN, Mr. SENSENBRENNER, Mr. TOWNS, Mr. MORAN, Mr. WOLF, Mr. GILMAN, Mr. ROHRABACHER, and Mr. STUMP.

H. Con. Res. 236: Mr. PANETTA, Mr. KOPETSKI, and Mr. DEFAZIO.

H. Con. Res. 245: Mr. SMITH of Florida and Mr. SANDERS.

H. Con. Res. 257: Mr. BAKER, Mr. BILBRAY, Mr. EMERSON, Mr. FRANK of Massachusetts, Mr. HORTON, Mr. KOLTER, Mr. STARK, Mr. STUDDS, and Mr. DE LUGO.

H. Con. Res. 263: Mr. LAGOMARSINO, Mr. VENTO, Mr. TORRES, and Mr. DELLUMS.

H. Res. 155: Mr. OWENS of Utah, Mr. LANCASTER, Mr. CAMPBELL of Colorado, and Mr. MCCLOSKEY.

H. Res. 302: Mr. DEFAZIO and Mr. KLECZKA.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4046: Mr. LEWIS of Florida.

H.J. Res. 323: Mr. MCCURDY.

PETITIONS, ETC.

Under clause 1 of rule XXII:

139. The SPEAKER presented a petition of the Western Governors' Association, Denver, CO, relative to the Department of the Interior inspector general audit authority; which was referred to the Committee on Interior and Insular Affairs.

SENATE—*Tuesday, February 4, 1992*

(Legislative day of Thursday, January 30, 1992)

The Senate met at 9:10 a.m., on the expiration of the recess, and was called to order by the Honorable RICHARD H. BRYAN, a Senator from the State of Nevada.

PRAYER

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

Let us pray:

*So God created man in his own image, in the image of God created he him; male and female created he them. And God blessed them, and God said unto them, Be fruitful, and multiply, and replenish the earth, and subdue it * * *.*—Genesis 1:27–28.

Eternal God, our Founding Fathers conceived this Nation on the basis of the "self-evident" truth that we are created beings, "endowed with certain inalienable rights * * *." We were created "in his image * * * male and female," and mandated to "be fruitful, and multiply, and replenish the earth, and subdue it * * *."

Our present indifference as a society to this "self-evident" truth has led us to repudiate the mandate. We now treat being fruitful and multiplying as an enemy, and rather than replenish the earth and subdue it, we exploit the earth and are in the process of destroying it. Meanwhile, our indifference to God feeds our disobedience to his mandate.

Patient God, we desperately need a spiritual visitation—a mighty, cosmic touch of the Holy Spirit—lest in our indifference, our blindness, our Godlessness, we pursue our self-destruction. Forgive us, gracious Father in Heaven; lead us out of our mindless materialism, our incipient secularism, to spiritual and moral awakening.

In the name of Jesus, the Way, the Truth, and the Life. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 4, 1992.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD H. BRYAN, a Senator from the State of Nevada, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF ACTING REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The acting Republican leader, Mr. JEFFORDS, is recognized.

Mr. JEFFORDS. Mr. President, I ask unanimous consent I be allowed 5 minutes of leader time.

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

THE JEFFORDS AMENDMENT

Mr. JEFFORDS. Mr. President, I would like to take a moment this morning to discuss the up and going energy bill. It is an extremely important bill, as we all know, and I previously voted against the motion to proceed. This morning, I intend to vote in favor of the motion to proceed, and I want to explain why I am going to do that.

First of all, I have an amendment which I want to make everyone aware of. It is an extremely important amendment. It is the only amendment which will put this Nation in a position where it may become energy independent. I approached the committee earlier last year with an amendment to let them know that there is a way that we can overcome the power that OPEC holds over us in dictating what our energy policy would be. At that time, I had good support for that amendment. The Energy Committee considered it. A majority of the Energy Committee even endorsed it initially.

However, several problems were raised with it. I will be very candid with you. The big oil companies recognized that it would take the energy policy of this Nation out of their hands and put it into the hands of the people of the country and this body. Thus, they now say that this amendment is worse, as far as their interests are concerned, than ANWR or CAFE; and that they must defeat it.

I come before you to, hopefully, suggest that perhaps we do want to put this Nation in charge of its own energy policy. Now, in fairness to the committee, there were some problems which were raised with my amendment, problems which we have since worked on, and I believe, cured.

Second, the committee did adopt the goals of my amendment, but they changed a plan of action into a voluntary plan of begging for compliance. Anyone who understands what the threat of OPEC does to anyone who wants to compete with it can readily recognize that the hope of voluntary compliance is not something which is likely to be achieved, because OPEC has the control over the price. Two-thirds of the world's oil supplies lie in that small area of the Middle East, so fraught with problems and difficulties that the chance of its becoming peaceful, such that we are no longer under that hammer, is very unlikely.

So to think we can do this by voluntarism is very unlikely. However, later on, after the motion to proceed was defeated, I did meet with those that were upset with not having the energy bill go forward. And I worked with them—the Department of Energy; the administration, in particular—to try and see if we could reach a middle ground and to correct some of the problems which were seen in my amendment.

I believe we have done that, but I would have to say that the administration has not come forward with the compromise which we hoped would be delivered. But we have come forward with changes which we believe meet the problems of the original amendment.

One of the requests that I was given in order to reach a compromise was: You have to do something for domestic oil. You have to do something to bring them into the picture.

This we have done. What we have done is to say that the mom-and-pop oil producers of this Nation need to be protected from the impact of OPEC. Thus we include in our definition of those that can take advantage of the free market—the free market we open up, free of OPEC's dominance—that stripper wells qualify. This means we will be setting a floor for the price of stripper oil, and allow them to compete with other alternative sources, which should raise over the course of time the price for their oil, and thus increase the amount of domestic oil which will be produced in the Nation.

We think because this is a declining resource, which is going to expire sometime within 10 years or so, that while that is decreasing, we can build the alternative fuels business and replacement fuels business necessary to reach the point where, after 20 years, we will have 30 percent of our alternative fuels for the motor fuels re-

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

ceived from domestic sources. And this will place us in a position where we will have the option to go forward and say we want to be totally energy independent.

Mr. President, in summary, I urge Members to look at my amendment and ask themselves this question: Do I want to be opposed to something which will place us in a position to be energy independent, which will reduce our dependence on foreign oil, which will decrease our trade deficit, which will decrease our own Federal deficit, which will create hundreds of thousands of jobs in this country? I believe you do not want to be opposed to this amendment.

I thank the President.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 9:30 a.m., with Senators permitted to speak therein.

The Senator from Wisconsin [Mr. KASTEN] is recognized.

PASS GROWTH PLAN BY MARCH 20

Mr. KASTEN. Mr. President, President Bush has proposed a future-oriented economic game plan that will help restore economic growth and put people back to work.

Specifically, his growth package would cut the capital gains tax to 15.4 percent and provide investment tax allowances to promote job-creating investment in new plant and equipment.

It creates a new $5,000 first-time homebuyer tax credit to get the housing sector of our economy moving again. And it takes an important first step in reducing the tax burden on families with children by increasing the personal tax exemption by $500 per child.

During his State of the Union Address, the President issued a challenge to the Congress to put his economic growth plan on a fast track—and pass it by March 20, 1992. Despite complaints by some in Congress that this deadline is too soon, history shows that the Congress is able to act with great speed when presented with important issues:

For example, in response to the emergency of the Great Depression, Congress enacted the Emergency Banking Relief Act in 1 day. Congress enacted major legislation during the first months of the FDR administration.

In 1964, Congress took 2 days and President Lyndon Johnson 4 more days to adopt the Gulf of Tonkin resolution, which said the United States was prepared to use force to defend the countries of Southeast Asia.

On November 8, 1989, antidrug legislation was introduced to authorize funds for military and law enforcement assistance to Bolivia, Colombia, and Peru. It passed the House on November 13, 1989, and the Senate on November 15, 1989.

Last year, Congress enacted the authorization of aid to the Kurdish rebels in just 19 days.

Unemployed and underemployed Americans cannot wait another 3 or 6 months for Congress to act. They are not concerned about committee jurisdictions, floor procedures, points of order, and other Washington practices; the people across Wisconsin and the people across this country are worried about their jobs, their families, and their ability to pay their mortgages.

If Congress can pass an aid bill for Kurdish refugees in just 19 days, then it ought to be able to pass an economic aid package for Americans in less than 2 months.

I want to emphasize that President Bush has set the March 20 deadline to pass a growth package that will create jobs and promote upward mobility—not an income redistribution package that will destroy jobs and foster class envy.

Many of the so-called middle class tax plans are not tax cuts at all—but tax increases on people who have the resources to save and invest in our economic engine. These plans attempt to redistribute wealth, not create it.

The American people want—and need—new jobs. It is time to roll up our sleeves and pass a growth package that will spark investment and put unemployed Americans back to work.

I ask unanimous consent that my "Dear Colleague" letter listing examples of congressional action be printed in the RECORD.

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

FOREIGN POLICY EXAMPLES

1. Gulf of Tonkin Resolution (P.L. 88–408)

Incidents occurred in the Gulf of Tonkin on August 2, 1964, and August 4, 1964. President Johnson sent a message to Congress on August 5, 1964, regarding these incidents and the "Gulf of Tonkin Resolution" was introduced the same day (H.J. Res. 1145). It stated that the U.S. was prepared as the President determines to take necessary steps, including use of force, to assist Members or Protocol States of the Southeast Asia Collective Defense Treaty in the defense of freedom. The resolution passed both Houses of Congress on August 7, 1964, and was signed into law on August 11, 1964.

2. Desert Shield/Iraqi Invasion of Kuwait

On August 2, 1990, Iraqi invaded Kuwait. That same day, the Senate passed S. Res. 318, which urged the President to seek international cooperation in applying sanctions against Iraq.

3. Authorization of Aid to the Khurdish Rebels (P.L. 102–45)

On April 25, 1991, the President sent a message to Congress regarding aid to the Khurds. On April 29, 1991, H.R. 2122 was introduced to authorize emergency assistance to Iraqi refugees displaced as a result of the Persian Gulf War. H.R. 2122 passed the House on April 30, 1991, and the Senate on May 9, 1991. It was signed into law on May 17, 1991.

4. Appropriation of Aid to the Khurdish Rebels (P.L. 102–55)

On May 8, 1991, H.R. 2251 was introduced to make dire supplemental appropriations for humanitarian assistance to refugees and displaced persons around Iraq as a result of the recent invasion of Kuwait. H.R. 2251 passed the House and the Senate on May 9, 1991. The conference report passed the House and the Senate on May 22, 1991. H.R. 2251 was signed into law on June 13, 1991.

DOMESTIC POLICY EXAMPLES

1. New Deal Legislation

Responding to the emergency of the Depression, Congress enacted major legislation during the first months of the Franklin Roosevelt Administration in 1933.

A. The Emergency Banking Relief Act (P.L. 73–1)

This legislation was enacted in one day, an all time record for that period. H.R. 1491 was introduced, passed by Congress, and signed into law on March 9, 1933, just five days after President Roosevelt took office.

B. Tennessee Valley Authority (P.L. 73–17)

On April 10, 1933, President Roosevelt proposed to Congress the creation of a Tennessee Valley Authority. The House passed H.R. 5081 which encompassed the President's plan on April 25, 1933, and the Senate approved a similar measure on May 3, 1933. The conference report was adopted by the Senate on May 16, 1933, and the House on May 17, 1933. H.R. 5081 was signed into law on May 18, 1933.

C. The Federal Securities Act (P.L. 73–22)

On March 29, 1933, President Roosevelt sent a measure to Congress to regulate the securities market. H.R. 5480 was passed by the House on May 5, 1933, and the Senate on May 8, 1933. The conference report passed the House and Senate respectively on May 22, and May 23, 1933. H.R. 5480 was signed into law on May 27, 1933.

2. Secret Service Protection for Major Presidential and Vice Presidential Candidates (P.L. 90–331)

After Robert Kennedy was assassinated on June 4, 1968, Congress quickly approved (voice vote) legislation with no hearings, no reports, and only abbreviated floor consideration to provide Secret Service protection for major presidential and vice presidential candidates, H.J. Res. 1292 was introduced, passed by both Houses, and signed into law on June 6, 1968.

3. Drug Fighting Assistance to Columbia, Bolivia, and Peru (P.L. 101–231)

On November 8, 1989, anti-drug legislation H.R. 3611 was introduced to authorize funds for military and law enforcement assistance to Bolivia, Columbia, and Peru. It passed the House on November 13, 1989, and the Senate on November 15, 1989. The House passed the conference report on November 21, 1989, and the Senate on November 22, 1989. H.R. 3611 was signed into law on December 13, 1989.

4. Amendments to the Drug-free Schools and Communities Act (P.L. 101–226)

On November 8, 1989, H.R. 3614 was introduced to revise provisions relating to drug

abuse education and prevention programs in schools. It passed the House on November 13, 1989, and the Senate on November 15, 1989. The conference report passed the House on November 21, 1989, and the Senate on November 22, 1989. It was signed into law on December 12, 1989.

5. Special Senate Independent Counsel (S. Res. 202)

Following the reopening of the Clarence Thomas Supreme Court confirmation hearings on October 11–13, 1991, Judge Thomas was confirmed by the Senate on October 15, 1991. On October 24, 1991, the Senate adopted S. Res. 202, to appoint a special independent counsel to investigate unauthorized disclosures of confidential information from this case and the case of the so-called "Keating Five."

Source: Preliminary information compiled by Congressional Research Service, January 30, 1992.

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

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

The legislative clerk proceeded to call the roll.

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

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

If the Senator will suspend for just a moment, as the Senator is aware, at 9:30 under the previous order the time is scheduled for debate on the motion to invoke cloture. Does the Senator seek unanimous consent to extend his own time?

Mr. DECONCINI. Mr. President, I ask unanimous consent that I have up to 5 minutes.

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

Mr. DECONCINI. I thank the Chair.

(The remarks of Mr. DECONCINI, pertaining to the introduction of S. 2182 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DECONCINI. I thank the Chair and yield the floor.

TRIBUTE TO JUSTICE ERIC EMBRY

Mr. HEFLIN. Mr. President, I rise today to pay tribute to my friend and former colleague, Eric Embry, who died on January 12 after an extended illness. The retired justice, who successfully defended the New York Times in a landmark libel case brought by a Montgomery, AL, Police Commissioner, was one of the finest justices ever to serve on the Alabama Supreme Court. His quick mind and ability to immediately get to the heart of an issue were invaluable to the court. Through his trial practices, he developed a reputation of excellence in the courtroom.

The son of a circuit judge, Eric Embry served as an infantryman in the Pacific theater during World War II, and obtained his undergraduate and law degrees from the University of Alabama shortly thereafter. He first practiced law in Pell City, where he was born, and later with Beddow, Embry & Beddow in Birmingham, among the city's most prominent firms. He was elected to Alabama's Supreme Court in 1974, serving there with distinction for 11 years.

Judge Embry gained notice in the early 1960's when he was the attorney for the New York Times at the trial stage in Montgomery in a libel case brought by L.B. Sullivan, the police commissioner in the State capital. The case eventually went to the U.S. Supreme Court, which established new standards in libel law in its 1964 ruling in favor of the newspaper. The High Court held that public officials could not recover in libel suits unless they prove actual malice, showing that false statements were made with prior knowledge they were false, or reckless disregard for whether they were false or not. The Alabama court had originally awarded the commissioner a $500,000 judgment.

Of course, the professional and moral courage exemplified by Judge Embry during the case is even more remarkable given the period of bitter racial conflict in which it took place. Sullivan's suit against the Times was over an advertisement printed in the paper by supporters of the Reverend Martin Luther King, Jr., and other civil rights activists alleging abuses by State officials against demonstrators. Judge Embry's representation of the New York paper was, obviously, a very unpopular, even dangerous, cause in Alabama during the early 1960's.

Mr. President, Eric Embry possessed the kind of moral character which carried with it a social obligation to do what was right regarding his fellow man. When we honor the life and achievements of Dr. King and the civil rights movement each January, we can be proud of Alabamians like Judge Embry, whose brave and selfless leadership truly embraced those early dreams of equality. I was proud to have served with him and to have counted him among my friends.

I extend my sincere condolences to his daughters, Corinne Embry Vickers of Birmingham and Alden Embry Burchfield of Theodore, and their families. I ask unanimous consent that an editorial by the Montgomery Advertiser on the late justice's life be printed in the RECORD following my remarks.

ERIC EMBRY: JURIST HELPED SHAPE LIBEL LAW

Former Alabama Supreme Court Justice Eric Embry contributed greatly to expanded discussion of vital public issues when he played a major role in a landmark libel case.

Justice Embry died of cancer Sunday at age 70 in Birmingham after a distinguished legal career.

When racial passions were at their height here in 1964, Embry defended The New York Times at the trial level in libel case brought by L.B. Sullivan, then police commissioner of Montgomery.

A former state official, Sullivan claimed he had been libeled by a Times advertisement submitted by supporters of the Rev. Martin Luther King Jr. and other civil rights activists.

The advertisement alleged that state officials abused demonstrators. It contained some factual errors.

A jury here awarded $500,000 to Sullivan, but the U.S. Supreme Court threw out that verdict.

Embry, who had defended the Times initially, assisted at the appeal level.

In deciding the case, the court wrote new libel law standards which said that public officials could recover libel damages only if they could prove "actual malice"—could show that false statements were made with knowledge that they were false or a reckless disregard of whether they were true or false.

The new, expanded landmark libel standard greatly broadened public affairs reporting.

Embry's reputation as an excellent trial lawyer was later enhanced by his election to the Alabama Supreme Court.

Justice Embry was an Alabamian who made a difference to all Americans and his contributions should be remembered.

TRIBUTE TO WITT STEPHENS

Mr. BUMPERS. Mr. President, I rise today to pay tribute to a man who became, not just an Arkansas legend, but a national legend.

Witt Stephens was the personification of the classic rise from poverty to riches and political power. He started his career selling belt buckles and wound up, with his brother, Jack, owning the biggest off-Wall Street investment banking house in America.

He was not just a financial power in Arkansas, he was a political power, and, I believe, loved politics above everything else. In his declining years, he hosted lunches 5 days a week for a chosen few friends, many of whom disagreed with him on many issues, and, in effect, moderated a roundtable discussion on topical subjects of the day.

Like all strong-willed people, he accumulated a few diehard opponents, but even those were always respectful.

I found him to be one of the most engaging men I have ever known. His vision was always unique, and nobody discarded his ideas out of hand, because he had been right too many times.

His humor was dry and poignant. Father George Tribou, a well-known Catholic priest in Little Rock, told a wonderful story at Witt's funeral. He said he asked Witt, generally reputed to be a billionaire, about the well-known Biblical Scripture which says it would be "easier for a camel to go through the eye of a needle than for a rich man to get into heaven." Witt replied, "I'd sure hate to be Sam Walton."

He was a devoted husband, adoring father, and loved his native Grant County and the State of Arkansas almost to a fault.

Crossword puzzles often use clues such as a-one or topnotch. The answer is "oner." Witt Stephens was, indeed, a oner.

Witt Stephens died December 2, 1991, and his death leaves a big void in the lives of thousands all over the State of Arkansas. I am one of them.

THE 100TH ANNIVERSARY OF THE CREIGHTON UNIVERSITY SCHOOL OF MEDICINE

Mr. EXON. Mr. President, I rise to give special recognition to the 100th anniversary of the Creighton University School of Medicine; 1992 marks the centennial year of the medical school. What started as a dream of Omaha philanthropist, John A. Creighton, has grown into an international leader in medical education, research, and care.

The university will soon kick off the medical school's centennial celebration to honor the teachers, scholars, and students of the last century who have made the Creighton University School of Medicine the great school that it is. Nearly 6,000 physicians, scientists, and health educators learned their professions at Creighton University. There are presently over 4,000 living Creighton medical school alumni healing the Nation.

Many medical landmarks have been posted by the Creighton University School of Medicine. Creighton was the first 4-year medical school in the west, one of the first to use x-ray technology, and one of the earliest to establish an air ambulance system.

The university has gained international recognition for its research in cancer genetics, hypertension, immunology, osteoporosis, medical ethics, and pet diagnosis to name just a few areas.

The Creighton ethic has always been one of service. Each year scores of Creighton medical students travel to the Dominican Republic to provide health care for the poor. In Omaha, the medical school assures that the city's indigent receive care. The school of medicine and its primary teaching hospital provide more than $3 million in free health care to Omaha's poor annually.

I am pleased to bring the 100th year anniversary of Creighton University School of Medicine to the attention of the U.S. Congress and am certain that my colleagues join me in wishing the Creighton University School of Medicine hearty congratulations on the occasion of their centennial.

OZONE DEPLETION OVER THE UNITED STATES

Mr. PELL. Mr. President, yesterday we received a stern warning from science: namely that despite efforts to reduce ozone depletion the problem appears to getting worse.

According to scientists, if weather conditions over New England persist in historical patterns, a new ozone hole could form over the region. In that region, we could see total column depletion of 20 percent and up to 30 or 40 percent depletion at certain altitudes.

Reports on measurements taken over New England and eastern Canada have shown that the level of chlorine monoxide—a significant ozone depleting substance—is at the highest level recorded anywhere in the world. Moreover, a group of substances—known as nitrogen oxides—which protect the ozone layer from damaging compounds was also found to be depleted.

James G. Anderson, a Harvard scientist involved in ozone research succinctly summed up the findings as follows: "None of the news is good."

Fortunately, unlike some other environmental problems, the science of ozone depletion is fairly well understood. We know what we need to do to stop it. The question before us now and that has been before us for some time is, do we have the political will to take those actions?

In the Clean Air Act amendments passed by Congress in 1990, the Congress provided the Administrator of the Environmental Protection Agency with the authority to accelerate the phaseout of ozone depleting chemicals in the United States. Internationally, the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer provide a framework for multinational action to protect the ozone layer.

Last year, the Foreign Relations Committee reported out the London amendment to the Montreal Protocol with a strong endorsement. The amendment has two principal features: the addition of new substances to be controlled and the creation of a financial mechanism to assist developing countries comply with the protocol's requirements. In addition, the amendment urges developed countries to promote the transfer of environmentally safe substitutes for CFC's and related technologies to developing countries.

In its report, the Committee noted that additional action was necessary to protect the ozone layer. Among the Committee's recommendations:

The Administrator of the Environmental Protection Agency should make use of authority granted him in Section 606 of the Clean Air Act of 1990 to accelerate the phaseout of ozone depleting chemicals in the United States.

The Secretary of State should make use of the fourth meeting of the contracting parties to the Montreal protocol to strengthen efforts to reduce emissions of ozone-depleting substances.

The administration should move to: First, phaseout as quickly as possible long-lived chlorofluorocarbons; methylcholoroform, carbon tetrachloride, and halons; Second, substitute long-lived CFC's with hydrochlorofluorocarbons with the lowest possible ozone depleting potential—generally those with short lifetimes; Third, recycle HCFC's to the maximum extent possible; Fourth, substitute CFC's on a not-in-kind basis wherever practical; and Fifth, accelerate and expand actions to facilitate the participation and earliest possible phaseout by developing countries.

Mr. President, I believe yesterday's report makes action on these recommendations more urgent.

I would also note that last year, the committee reported out Senate Resolution 95, a resolution introduced by Senator GORE, calling for the accelerated phaseout of ozone depleting substances. Unfortunately, the Senate was not able to act on that resolution last year; I believe that it would be appropriate to do so now.

Mr. President, as I said before, what we need now is political leadership and political will. We know what we need to do, now we need to take action.

THE 150TH ANNIVERSARY, CITY OF CLEVELAND, TN

Mr. SASSER. Mr. President, today I rise to pay tribute to the city of Cleveland, TN, and join its citizens in celebrating the 150th anniversary of that fine community.

Cleveland was named to honor Benjamin Cleveland, a veteran of the Revolutionary War who saw action at the Battle of King's Mountain. The city was fashioned by settlers out of the Ocoee District, which had been part of the Cherokee Nation. In 1838, the Tennessee Legislature authorized a group of commissioners to survey the town, assign site numbers, and sell lots at a public auction. Proceeds from the sale were to pay the State for two sections of land upon which the town was to be located, and to raise an additional amount of up to $8,000 to build a courthouse and jail. Cleveland was incorporated by the State legislature on February 4, 1842, 150 years ago today. The first election was held on Monday, April 4, 1842, and a mayor and six aldermen were elected. Thus, the municipality we know today as the city of Cleveland was born.

Cleveland's growth in the early 1800's can be attributed to its status as a religious center for the area and the arrival of the railroad. The city's first newspaper was the Cleveland Dispatch, a Whig journal, which premiered 2 weeks before its Democratic rival, the Cleveland Banner. The Cleveland Banner continues to report the daily news. The town's first financial institution, the Ocoee Bank, was chartered in 1854. Growth and recovery from the Civil War was slow; however, by 1866 the population was 1,500 and was double that

only a decade later. In 1879, Hardwick Stove, Cleveland's oldest industry, brought the city into the Industrial Revolution along with Cleveland Woolen Mill, Cleveland Chair Co., Dixie Foundry, and Magic Chef.

By the late 1800's, Cleveland was fast putting on city airs. They had a streetcar line, a telephone exchange system, a water works system, free mail delivery, electric lights on the way, and numerous fine schools. By 1900, there was not a more desirable location for a home in the South than Cleveland, TN. Many outstanding leaders have committed time and service to the city, including Mayors W. J. Parks, W.J. Campbell, J.C. Tipton, F.E. Hardwick, J.H. Gant, James F. Corn, Sr., Jay Y. Elliott, W.K. Fillauer, and Bill Schultz. Perhaps one of the most loved was the Honorable Harry Dethero, who served for 17 years. Today, Cleveland is governed by Mayor Tom Rowland and commissioners Mitchell Lyle, Sonny Hicks, Steve Ratterman, and Eddie Botts.

Cleveland continues to earn the reputation as the most desirable location for a home in the South due to its diverse social and economic base. It is the 11th largest city in Tennessee with a population of 30,470. Its citizens are good, hard working people. It gives me great pleasure to salute the city of Cleveland and its residents on this important milestone in their history.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. The time set for morning business is closed.

NATIONAL ENERGY SECURITY ACT

MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. The remainder of the time until 10 o'clock this morning will be for debate on the motion to invoke cloture on the motion to proceed to S. 2166, the time to be equally divided and controlled by the Senator from Louisiana [Mr. JOHNSTON] and by the Senator from Wyoming [Mr. WALLOP].

Who yields time?

The Senator from Louisiana [Mr. JOHNSTON] is recognized.

Mr. JOHNSTON. Mr. President, at 10 o'clock we vote on cloture on the motion to proceed. Let me say for the benefit of my colleagues that we hope cloture on the motion to take up will pass overwhelmingly and we will then proceed to the bill itself.

We have some dozen amendments, largely relating to energy efficiency, all of which we have cleared, I think most of which will take very little time. Senator GLENN has three amendments, all of which have been cleared, which should not take a great deal of time since we have agreed to them on both sides. Those are some dozen amendments which I hope collectively we could deal with this morning in rather rapid succession. The only amendment other than that of which we are aware is Senator JEFFORDS' amendment, which I hope he would put in today. I have been discussing that with him, and I think perhaps that will be available today.

So that I expect at the time we have finished with the Jeffords amendment, which I hope to be sometime today, the bill would be open—of course, it is open for further amendment at any time, but it would then be open for further amendment if there are amendments or, other than that, for third reading.

I hear rumors that there are possibly many amendments, but no Senator has communicated to us or the floor staff that they have an amendment. And so I would beseech Senators, if they have amendments, to please let us know of them. Then we cannot only protect them but possibly clear those amendments. I hope they will let us know rather than simply let the majority leader's staff know, because we have to clear the bill, and only we can clear those amendments and schedule them for consideration.

So I hope, in short, Mr. President, that progress on this bill will proceed very rapidly and we can help reach President Bush's desire to deal with legislative matters quickly and we can have this bill substantially disposed of before the recess. I see no reason why that should not be possible, and I hope it is. I urge Senators to let us know about their amendments in order that we may do so.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming [Mr. WALLOP] is recognized.

Mr. WALLOP. Mr. President, I join with Senator JOHNSTON in hoping we can. I do not know of any plan to utilize the 30 hours between the invoking of cloture and the actual getting onto the bill. I hope no Senators have that in mind, but I must also say that Senators know it is their right, if they wish to seek to utilize that 30 hours.

The issues that will need to be decided—although we have not seen amendments, and I agree with Senator JOHNSTON none have been shown to us—we knew of from the last time and know them from rumor. There are some very contentious issues. The only way I know to resolve them is through the process which the Founding Fathers devised for it, and that is to debate them on the floor of the Senate and to vote them up or down. We cannot get to an energy policy without doing that.

In the 15 years in which I have been in the Senate—and I come from an energy-producing State—one of the first things on which I first ran for office was the need for an established energy policy. I have never seen a comprehensive strategy offered until last year when Senator JOHNSTON and I began to work on this piece of legislation.

I have seen Presidents offer bits and pieces. I have seen various Members of Congress offers bits and pieces. I have seen the most complicated things go to committees and never come out. I have seen the least complicated things go to committees and get passed, and then distort the whole energy picture because the natural reaction of a society such of ours is to do what is permitted and to steer away from what is prohibited.

And by working on all these fringe areas, and accomplishing the simple and avoiding the complicated, we have so distorted America's energy picture that only by the passage of such a comprehensive strategy as has been devised by the two of us, and as will be modified by the Congress, can America begin to sort of right its ship and sail with the winds. I hope that we do that.

Mr. President, I suggest the absence of a quorum, and I ask that the time be charged equally between the two of us.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. WALLOP. Mr. President, what is the time circumstance?

The ACTING PRESIDENT pro tempore. The Senator from Wyoming has under his control 9 minutes. The Senator from Louisiana has 6 minutes.

Mr. WALLOP. Mr. President, I yield 6 minutes to the Senator from Alaska [Mr. MURKOWSKI].

The ACTING PRESIDENT pro tempore. The Senator from Alaska [Mr. MURKOWSKI] is recognized for 6 minutes.

Mr. MURKOWSKI. Mr. President, I thank the Chair. I thank my colleagues.

Mr. President, I think it is an extraordinary set of circumstances that we are faced with as we contemplate the disposition of the energy legislation. What we have before us is in one sense either fish or fowl. We have no provision for the major exploration program in the United States where significant discoveries of oil might be made namely on the North slope of ANWR. On the other hand we do not have the CAFE one.

One wonders just what we are fearful of. We have an economy that is in decline. And as we address the energy bill before us we have an automobile industry in decline. We are importing over half our crude oil today. We are exporting our dollars. We are exporting our jobs.

I would like to commend the chairman of the Energy Committee and the ranking member respectively for their continued commitment to ANWR and the reality that this Nation must reduce its dependence on imported oil. Nevertheless the harsh realities of where we are in this body must be examined because, Mr. President, we are truly hypocritical in relationship to the objectivity of recognizing you cannot have one without the other. You cannot reduce your dependence on imported oil without increasing domestic production.

CAFE implies savings. That is the good news. But it is bad news to the automobile industry. ANWR provides less dependence, more jobs.

It is kind of interesting to note, Mr. President, that this time the Independent Petroleum Association of America is prepared to come to Washington. They are running ads, Mr. President, "317,000 Jobs Lost." The statement is that there is no energy policy. They indicate that more jobs have been lost in the U.S. oil and natural gas-producing industry than almost any other industry over the last 10 years, more than in steel, chemical, electronics, textile, or the automobile industry.

What are we doing about it? We are not stimulating the greatest expections that we might have nor lessening our dependence.

I think it is appropriate also, Mr. President, to recognize the continued support base from our President. I ask unanimous consent to have printed in the RECORD a letter from the White House signed by President Bush of February 3.

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

THE WHITE HOUSE,
Washington, February 3, 1992.

Hon. FRANK H. MURKOWSKI,
U.S. Senate,
Washington, DC.

DEAR FRANK: As I stated in my State of the Union address, I am continuing to call on Congress to act on my National Energy Strategy. Opening access to a discrete portion of the Arctic National Wildlife Refuge coastal plain, with environmental safeguards, to oil development is a critical component of my energy strategy. Congress' failure to act on this vital legislation, thus far, is at the expense of American jobs and energy security. This is why I have repeatedly called on Congress to take action.

ANWR development will provide additional domestic oil resources to reduce our dangerous dependence on imported oil. The coastal plain offers our best prospect for a major oil discovery. It will provide hundreds of thousands of desperately needed jobs spread throughout nearly every State in the Nation. It will add $50 billion to our gross national product. The environmentally responsible development of this area potentially could save $250 billion in payments to foreign oil producers and governments while providing $125 billion in revenues for Federal and State governments.

When the Senate once again deliberates legislation to implement the National Energy Strategy, it is my strong hope that the ANWR provision will be included in the final bill. The development of a small portion of ANWR as a potential source for oil is simply too important to leave out of any comprehensive energy plan.

Sincerely,

GEORGE BUSH.

Mr. MURKOWSKI. I am going to read this, Mr. President, because I think it is germane to where we are and what the administration stands for.

It reads as follows:

DEAR FRANK: As I stated in my State of the Union address, I am continuing to call on Congress to act on my National Energy Strategy. Opening access to a discrete portion of the Arctic National Wildlife Refuge coastal plain, with environmental safeguards, to oil development is a critical component of my energy strategy. Congress' failure to act on this vital legislation, thus far, is at the expense of American jobs and energy security. This is why I have repeatedly called on Congress to take action.

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Sincerely,

GEORGE BUSH.

Mr. President, truly, we are at a watershed in this regard. The arguments have been presented over an extended period of time. Mr. President, it is inconceivable to this Senator from Alaska that if we can send a man to the Moon and return him safely, we ought to be able to open up ANWR safely.

Where is the spirit that made America great, the spirit that said we can overcome challenges by advanced technology?

As we reflect on America's role today, we are concerned about our competitiveness. The spirit of competitiveness is the challenge, and the challenge here is to open ANWR safely. It is a challenge to engineers, and it is a challenge to America. If America is to succeed in the coming decades, we must regain that spirit of competitiveness, and to suggest that we cannot open up ANWR safely with advanced technology has no sound scientific basis of any kind.

I urge my colleagues to reflect on the merits of the legislation before us, and to recognize the significance of what we are doing here. We are not addressing the potential of relieving our dependence on imported oil. We are not rising to the realization that we can create 735,000 jobs in 47 States.

These are the issues before us, and I find it just incredible, as we reflect on the status of this bill, that there is not enough support, there is not every Member of this body standing before us saying we want to relieve our dependence on imported oil, and we want to stimulate our economy with the largest single identified project that we might have in this country.

Well, Mr. President, Senator STEVENS and I are somewhat alone in this regard, but I think our message is clear. It is a challenge to America, and it is a challenge that we ought to be up to, because if we are not, clearly, we are going to be exporting jobs. Our balance of payments will increase, and as a consequence, we will see our domestic industry move overseas where they are moving now because of the climate associated with taxes and environmental concerns prevailing.

I thank the Chair, and I thank my colleagues for allowing me the extra time. I thank, particularly, the chairman for his continued encouragement against some very significant odds.

I ask unanimous consent to have an article printed at this point in the RECORD.

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

317,000 JOBS LOST—THAT'S NO ENERGY POLICY

More jobs have been lost in the U.S. oil and natural gas producing industry than almost any other U.S. industry over the last ten years. More than in the steel, chemical, electronics, textile or automobile industries.

More than 317,000 families lost their paychecks. Thousands of small businesses have closed—because America's energy policy doesn't make sense.

Why fight another desert war to protect America's energy future? Let's put Americans back to work developing energy here at home by eliminating the tax penalty on domestic drilling. We think that makes more sense.

We are the Independent Petroleum Association of America. We are visiting Congress this week with a plan to help put America's natural gas and oil workers back to work. Won't you help?

There are 317,000 reasons why you should.

(Independent Petroleum Association of America, Washington, D.C.)

Mr. JOHNSTON. Mr. President, I congratulate the Senator from Alaska on a very persuasive statement with respect to ANWR. At least it persuades me. Unfortunately, it does not persuade a majority of the Senate or, to be more specific, it does not persuade 60 Senators, which it takes in order to pass ANWR. And it is for that reason that we have taken ANWR out of this bill, along with the CAFE issue, because both of those require cloture in order to pass. And 60 votes are not here.

So it is not out of a lack of conviction or lack of being persuaded by the

argument of the distinguished Senator from Alaska with respect to ANWR, but it is a recognition of the fact that as part of this bill, it cannot pass, and that this bill, without ANWR and without CAFE, is a very excellent comprehensive balance and effective energy policy, one that ought to pass.

So I do not want the best to be the enemy of the good. This is a very good bill, and I hope that the Senators from Alaska will begin to think that ANWR is not a battle that should be given up on, it is not a lost cause, but it is a cause that ought to be delayed and not pursued in the context of this bill.

I think the fact that it should not be pursued as part of this bill is illustrated by the fact that I think at the appropriate time the opponents of ANWR will allow a vote up or down. I do not speak for them, but I believe they would; such is their confidence in the ability to beat ANWR on an up-or-down vote. Part of the reason is, I think, there is a pervasive sense that it cannot pass as part of this bill.

So, therefore, many Senators who might otherwise be inclined to vote for it should vote against it, because they see no reason to sacrifice themselves politically in the cause of ANWR when it has no chance of winning.

These are familiar arguments. Everyone on both sides is familiar with them.

Mr. President, I yield, at this point, 2 minutes to the distinguished Senator from New Mexico.

Mr. DOMENICI. Mr. President, I think it is high time we proceed with the bill before us. I am sure we are going to get the issues that were discussed in due course.

I rise today to remind the Senate that just a few days ago on January 31, 1992, the rig count in the United States reached an all-time low. There has never been a day in the recorded history of rig count activity—which is a pretty good indicator of domestic oil activity—where it was lower. On that day the rig count reached 635, I say to my friend, the chairman of the Energy Committee.

And I am prepared today with a few remarks to indicate to the U.S. Senate that in addition to the bill which we ought to pass, we ought to pass the bill because alternative fuels, clean fuels and other things will be pursued with more vigor, if it is adopted.

I think it is time that the tax-writing committees take a look at the alternative minimum tax as it applies to independent producers in the United States. It is clear that it has now become counterproductive, and when independent producers avail themselves of the tax deductions that are reasonable and thrown into an alternative minimum tax, they are paying a punitive tax. We can cite cases where they are paying 60 to 70 percent effective tax rate, as compared with the various brackets that other Americans are confronted with. I think that it is punitive, counterproductive, and we can change it.

During this debate we ought to point out areas where the tax-writing committees of the Congress must supplement the intentions and desires under this bill, or many of the proposals will go nowhere. Increasing domestic production will go nowhere unless the 15-percent investment tax credit for enhanced oil recovery is continued. It has only a few months remaining. We are asking the tax-writing committees to put that into effect for a couple years to see that we get that oil in production.

TAX INCENTIVES FOR THE OIL INDUSTRY ARE NEEDED FOR ENERGY STRATEGY AND ECONOMIC GROWTH

Mr. President, it appears that a tax bill is on a very fast track. I want to urge the Finance Committee to seriously look at the problems the alternative minimum tax is causing independent oil and gas producers and to urge the committee to extend meaningful oil and gas tax incentives.

The Senate is beginning to debate the energy strategy and tax writing committees are beginning work on an economic growth package. Energy tax incentives are a necessary complement to both.

When Congress enacted the alternative minimum tax [AMT] in 1986, fairness was the objective. All taxpayers should pay their fair share. We didn't intend to create a punitive alternative minimum tax system. The AMT acts as a second system of taxation, under which tax payers are required to pay the higher of the regular tax on AMT liability. Yet, when a recession coincides with sustained low oil and gas prices, the AMT works like a severe penalty that gets progressively worse the longer a taxpayer falls under the AMT. The longer prices are low and profits thin, the harsher is the AMT's impact.

Today's bad news is that the rig count statistics are the worst ever. Baker Hughes reports that the rig count stands at 653 for week ending January 31. This is the lowest level of drilling activity since records were begun in the 1940's.

But the rig count is not just a statistic. It is an important economic indicator that relates to our prospects for economic growth because energy is an indispensable input. It is the barometer that measures our future ability to produce domestic energy.

A rig count of 653 indicates that the industry has entered a period of accelerated decline. The Nation's domestic oil production is falling at an annual rate of 300,000 barrels a day and foreign imports are rapidly approaching 50 percent of our domestic needs.

We have lost 326,000 jobs, almost half of the oilfield worker jobs since the peak in 1982 when the rig count was 3,105. The number of oilfield workers in the United States declined to 382,000 in November, from the yearly peak of 708,300 in 1982 according to the Bureau of Labor Statistics.

The Independent Petroleum Association of America believes that tax relief is needed to save the domestic industry from collapse. I tend to agree.

In 1990, Congress enacted a package of oil and gas tax incentives for enactment in the Omnibus Budget Reconciliation Act. These incentives included modest relief for stripper wells with marginal production, enhanced oil recovery incentives and the reform of the nonconventional fuels credit. These provisions expire at the end of this year.

At the time we were developing the oil and gas package, I urged that the new incentives be creditable or applicable against alternative minimum tax. This issue was discussed but AMT was, for the most part, left out of the package.

Two years of experience have led me to believe that AMT relief is the single most important agenda item for the oil and gas industry. It does little good to talk about extending incentives unless we also remove AMT impediments.

Intangible drilling costs [IDC's], can make up to 80 percent of the costs of drilling a well. IDC's are the ordinary and usual expenses that other businesses are allowed to take expenses such as labor, fuel, repairs, and supplies. Yet IDC's and percentage depletion are add-backs or preference items under the AMT. Since most independent producers are AMT taxpayers their IDC's and percentage depletion allowances are worse than useless because as add-backs they contribute significantly to the punitive nature of the AMT.

Under current law, when percentage depletion and IDC's are added back to income in calculating AMT tax liability, it can result in a 70- to 80-percent effective tax rate for some producers. The result is indisputely punitive, if not confiscatory.

Intangible drilling costs and percentage depletion must be removed as preference items under the AMT. Mr. President, this is a tight budget year and AMT relief will have to be paid for consistent with the "pay as you go provisions" of the budget agreement. I will work with the tax writing committees to find ways to pay for these provisions.

In 1990, the alternative minimum tax was a problem for the oil and gas industry and the same is true now, only more so. The President has put AMT reform on the agenda and I urge the Congress to provide some equitable relief to the oil and gas industry.

Another issue is enhanced oil recovery.

We leave behind 70 percent of the oil when we drain proven fields using pri-

mary and secondary oil recovery techniques. To stop this wasteful management of our natural resources, Congress enacted a 15-percent investment tax credit for enhanced oil recovery. This incentive expires at the end of the year. Since the regulations for implementing this provision were only recently published in the Federal Register, I urge the chairman of the tax writing committee to include an extension of this credit high on the list of must do items.

I look forward to working with the members of the Finance Committee to craft a package of oil and gas incentives that will enhance economic growth and correct the AMT inequity.

I yield the floor.

Mr. DURENBERGER. Mr. President, today the Senate will vote on a cloture motion on the motion to proceed to S. 2166, the National Energy Security Act of 1992. I will vote against cloture. I do not believe this bill to be the energy policy that the Nation needs.

REACTIVE "POLICIES"

On several occasions over the past 20 years this Nation has tried to establish a comprehensive energy policy. Each of these efforts has come after turmoil in the Middle East that disrupted our energy supplies and damaged our economy. American hostages and American troops have been at the center of some of these events.

In response to each new crisis, there has been a demand for energy independence. "Let us free America from this entanglement in the Middle East. Let us be energy independent so that we need not risk American lives for foreign oil. No blood for oil."

And Presidents and the Congress have responded. President Nixon gave us "Operation Independence." President Ford called it "Project Independence." President Carter called it the "Moral Equivalent of War." And now we have the National Energy Security Act of 1992.

THE SIREN CALL OF "INDEPENDENCE"

During the debate on this bill we will hear the now familiar refrains time and again. "We need to do everything we can to reduce our dependence on foreign oil. We have plenty of domestic energy—coal, natural gas, corn power—to replace foreign oil. We are the Middle East of coal. And, if we were just more efficient we could save as many barrels of oil as we import from the Middle East." The premise that we can and should strive to be energy independent is behind each of these slogans.

But in our drive to be energy independent, we have made some colossal errors over the years. President Nixon put price controls on domestic oil, encouraging its use and actually increasing our dependence. The 1977 spasm of energy policy brought us the Powerplant and Industrial Fuel Use Act that tried to limit the use of natural gas, especially to generate electricity. The Industrial Fuel Use Act was repealed and the Clean Air Act passed last year tries to encourage the use of natural gas to produce electricity.

Many of us were here for the windfall profit tax, a centerpiece in our response to the Iranian Revolution and attendant oil problems in 1979 and 1980. It has also been repealed. And most of the solar energy and conservation tax credits that went with it have also been allowed to lapse.

And who can forget the Energy Security Act of 1980? It created the Synthetic Fuels Corporation that was authorized to spend up to $80 billion subsidizing energy from shale oil and liquid fuels from coal. A truly excessive proposal that was also repealed.

The purpose of reciting this history is to remind the Senate of what has so often happened when we have taken up big energy bills in response to Middle East turmoil. We have made very big mistakes. Very costly mistakes in judgment and policy. Let me review that list again. Price controls on domestic oil. The Powerplant and Industrial Fuel Use Act. The windfall profit tax. The Energy Security Act of 1980. The Synthetic Fuels Corporation.

These are pieces of comprehensive energy policies that failed miserably and have since been repealed. These policies were generated in the heat of war or in the malaise of economic collapse and were offered to the American public as ways to achieve that elusive goal of energy independence. They were designed to insulate us from the realities of the world energy economy. The National Energy Security Act of 1992 has germinated in that same climate of dependence hysteria, it is held out to us with that same promise of energy independence and it contains the same kinds of mistakes we have so often voted for in the past.

ALTERNATIVE FUELS

For instance, this bill has a national goal of 30 percent alternative fuels in the transportation sector by the year 2010. That is an example of excess. One of the problems that goes with importing oil is a negative balance of trade. Importing a million barrels of oil per day imposes a $9 billion per year penalty in our trade balance. It is a cause for concern. As a nation we need to find ways to reduce that imbalance or offset it with exports.

But simply setting our sights on 30 percent alternative fuels does not necessarily qualify as a reasonable response to the problem. It would cost about $60 billion in capital investment to replace 1 million barrels per day of oil with natural gas. It would cost 80 billions of dollars—equivalent to the now repealed authorization for the Synthetic Fuels Corporation—to replace that million barrels of oil with ethanol or methanol. And it would cost $240 billion in capital investment to replace 1 million barrels of oil per day with electric vehicles. Those costs are staggering. They are excessive. They are the very same excesses that we have voted for in the past and that have subsequently been repealed.

ENERGY DEPENDENCE

We have a tendency to see our dependence on foreign oil as a sickness, as an addiction. Middle East oil is the heroin of the American economy. Whenever there is turmoil in the Middle East, we resolve to come to our senses and break this dependence.

We are willing to try the most extravagant cures to get well.

No scheme is too expensive.

Every untried proposition is a potential magic bullet.

The more exotic the solution—shale oil, fusion, hydrogen fuels—the more we are willing to spend to replace foreign oil.

That mentality has led us astray so many times in the past. And that is the mentality that continues to inform this bill. Excess in the name of energy independence has become the very test of sincerity.

There is a book that was published last winter on the history of petroleum in the world economy. It is by the distinguished energy economist, Daniel Yergin. It is titled "The Prize." The prize. The prize is 600 billion barrels of Middle East oil that can be produced for $2 per barrel. It is a treasure that can fuel prosperity for economies around the globe for a hundred years into the future. For most of the past 100 years, the United States has been the principal supplier of oil to the world. Texas was the Mideast of 1890, 1910, and 1930. But the reserves of Texas pale in comparison to the oil wealth found in the Persian Gulf.

It is not our oil. But the nations that own it want to sell it. Some of those nations are our friends and allies. But even our enemies in the region are not trying to withhold their oil from the marketplace. It does them no good in the ground.

This is very cheap oil. Much less than a buck a gallon. It fueled the boom of the 1950's and 1960's in the United States. That is how we became dependent. In real terms it is just as cheap today. It is much less expensive than many of our domestic alternatives including the nonconventional gas reserves that have been discussed at length here on the floor by the Senator from Colorado. Much less expensive.

It may be that some here in the Senate think it makes sense to pay $2 a gallon for corn derived ethanol or $3 a gallon for liquid fuel from coal or $4 a gallon to avoid using fuel with some exotic conservation technology. That's the theory of this bill—and some of the amendments we will see, if this bill comes to the floor.

AN ENERGY POLICY

There has been much said about whether Senators want to have an en-

ergy policy or not. It has been suggested that those who oppose cloture do not want an energy policy. Throughout this discussion there has been an underlying assumption that this Nation can only be considered to have an energy policy, if we have in place some mix of programs likely costing billions of dollars to taxpayers and consumers that is designed to end our dependence on foreign oil—or for some Senators on oil altogether.

That's not my definition of an energy policy. And that's not a definition the American people are going to support when they understand the true costs of the alternatives put forward in this bill.

I am not against an energy policy for this country.

I am for the strategic petroleum reserve.

I am for research and development on new technologies.

I am for alternative fuels in niche markets where they can have significant environmental payoffs.

I am for provisions in this bill that would encourage wiser energy use by the Federal Government.

Those are all elements of a national energy policy.

But I am opposed to spending billions of taxpayer dollars and tens of billions of consumer dollars in the elusive quest for energy independence. That is not the only definition of an energy policy. That is a formula for foolishness that we have followed too often in the past.

Mr. HATFIELD. Mr. President, once again we gather here on the floor of the Senate to discuss the fate of our Nation's energy security. I am pleased to be involved in this most critical debate.

I would like to begin by commending both of my colleagues, Senator JOHNSTON of Louisiana and Senator WALLOP of Wyoming, for their tremendous efforts in developing and shepherding this legislation through the Energy and Natural Resources Committee. I am grateful to these gentleman for their perseverance in negotiating a settlement whereby debate on this critical measure could proceed.

Many times in the last 20 years the U.S. Congress has been called to action by the need to reduce our dependence on fossil fuels. Like the energy crises of the 1970's, last year's war in the Persian Gulf catapulted the need for energy security back to the surface of public concern. This concern, however, has been short-lived. No visible crisis is at hand. No lines are forming at gas pumps across our Nation. In fact, gas prices remain at just a little over $1 per gallon—a price which is virtually unchanged since the mid-1980's.

So what is all the fuss about? Why is a national energy strategy so important? Gas is cheap and abundant, and concern about energy remains buried at the bottom of public opinion polls across the Nation. Education, health care, child care, and crime are currently at the forefront of people's lives. And while all of these areas are imminently significant in the lives of Americans, a future crisis over our Nation's lack of a diversified energy source still looms large, even in the shadow of a war which was fought and won for access to oil.

Like much of the industrialized world, the United States has increased its use of fossil fuels over the last 20 years. This fossil fuel use has grown to the point where some characterize it as dependency, as habit, as fixation, as addiction. In fact, few would debate the premise that Americans are addicted to oil. And just like any other addict, our Nation, and this Congress, have been denying this dependency for the last 20 years.

The cravings of an addict can lead to desperate measures, and history has shown that Nations addicted to oil will risk everything to gain access to that drug. The desperate measures about which I speak today are military conflict.

During the 1930's and 1940's, for example, Japan endeavored to build a greater Japan or a greater Asia through the broadening of its sphere of influence into Southeast Asia. Oftentimes this expansionism took the form of military aggression and was not looked upon favorably by many Nations of that era, including the United States of America. In fact, the United States, which at that time supplied Japan with approximately 80 percent of its petroleum needs, so disliked Japan's attempts to broaden its sphere of influence that it threatened to cut off the very lifeline of the Japanese military machine—oil.

In response to this threat, on December 7–8, 1941, Japan, a Nation addicted to and dependent on foreign oil, launched numerous attacks on Nations throughout the South Pacific in an effort to secure a stable supply of oil from the Dutch East Indies, now Indonesia. Japan realized, that in order to secure this oil supply, it needed to isolate the American ground troops based in the Philippines—and the only way to do this was to strike a debilitating blow to America's Naval fleet based in Pearl Harbor, HI.

Truly, Japan's oil addiction and dependency drove it to desperate measures. But Japan has not been the only Nation in history to fall victim to the seductive and alluring thirst for oil.

In January of 1991, desperate measures were again taken to secure access to vital oil supplies. This time it was American men and women who were sent to the deserts of the Middle East to kill and die in order to secure access to Kuwaiti oil; 370 American service personnel and approximately 100,000 Iraqis lost their lives in the Persian Gulf war. Our Nation's dependence has been translated from long lines at gas stations and high prices for heating oil to something immeasurably more personal and intimate—the lives of Americans. This loss of life is a price far too high to pay for 20 years of denial.

Despite our lack of drive to find a solution to our addiction, today Congress has a chance to take America's oil dependency by the horns and establish a program designed to eradicate this fossil fuel infirmity. We have a chance to reduce the prospect of future wars and loss of human life over this finite resource. What we need to begin breaking this addiction and enhancing our national security is a well-balanced national energy policy.

The security of America and of American lives everywhere depends upon our action or inaction on this legislation. America's future depends on the wise stewardship of this Nation's energy resources and our unwavering commitment to a balanced energy plan.

The U.S. Congress has before it the golden opportunity to change the course of American energy use from a mentality of consumption to one which balances conservation, energy efficiency, and renewable energy development with the wise use of domestic energy resources.

We have already taken this first step in the Pacific Northwest. In 1980, with the passage of the Northwest Power Act, Congress for the first time realized the importance of energy conservation by recognizing it as a new energy resource. I hope that during debate on this national energy strategy legislation Congress will work to expand upon the wisdom it exercised in 1980 by pursuing conservation, efficiency and renewable energy as genuine, reliable, and cost-effective energy sources.

Again, I thank the chairman and ranking member of the Energy Committee and look forward to working with them to institute a balanced national energy strategy.

Mr. RIEGLE. Mr. President, I rise today in support of the motion to proceed to S. 2166, the National Security Act of 1922.

As many of my colleagues know, I did not support S. 1220 on November 1 because I felt the bill had many problems. One was title 15, the section dealing with the Public Utility Holding Company Act. Another was the section dealing with oil and gas exploration in Arctic National Refuge, which is clearly not acceptable to this body, and the section on nuclear licensing.

But most importantly, S. 1220 would have opened up the possibility of increasing CAFE standards and that poses great dangers to the U.S. auto industry and tens of thousands of U.S. jobs.

True, S. 1220 did contain a CAFE section that was reasonable. However, the

chairman of the committee had indicated that he intended to offer an amendment that would have greatly increased CAFE standards and that troubled me greatly.

By all indicators there was a real danger that unrealistically high CAFE standards would have been adopted, which would have done tremendous damage to the long-term viability of our Nation's auto industry.

The CAFE standards being sought by some would have added more than $70 billion in new capital costs to the Big Three auto makers, which have lost nearly $10 billion over the last five quarters. This arbitrary increase would have come on top of new safety and clean air requirements enacted in the last few years, placing a huge burden on the industry. This would result in more plant closings and job losses at a time this economy can least afford them.

Today, our economy is in deep trouble. The President's Plan to deal with it is insufficient. And clearly, any untimely and unreasonable CAFE increase will make it more difficult for the U.S. auto industry to recover.

For these reasons, I am pleased that the chairman of the Energy and Natural Resources Committee and his staff have assured me that there will be no CAFE or ANWR titles in this energy bill, and that they will oppose amendments to add these sections.

Even further, I am pleased to know that I have his assurances that he will oppose the Seymour amendment, which I view as a back-door CAFE amendment.

In the area of Public Utility Holding Company reform, I am pleased to tell my colleagues that the chairman and I are close to completing a compromise amendment. We are working to make these provisions fair and balanced.

Clearly, S. 2166 still needs work. The section dealing with nuclear licensing is a problem and I hope an equitable and environmentally safe solution can be worked out. I am also concerned about the section dealing with natural gas importation.

My home State of Michigan imports a large amount of natural gas from Canada, which in many cases is cheaper than domestically produced gas. Michigan ratepayers should have the right to continue to pay the cheapest prices for natural gas and I will fight hard to maintain this right for them.

Mr. President, I look forward to working with the distinguished chairman on this bill. I urge my colleagues to vote for the motion to proceed.

The ACTING PRESIDENT pro tempore. The Chair will inform the Senate that all time has expired.

CLOTURE MOTION

The ACTING PRESIDENT pro tempore. The hour of 10 a.m. having arrived, under the previous order, the clerk will report the motion to invoke cloture.

The assistant 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, hereby move to bring to a close debate on the motion to proceed to S. 2166, a bill to reduce the Nation's dependence on imported oil, to provide for the energy security on the Nation and for other purposes:

D.K. Inouye, Quentin Burdick, Howard M. Metzenbaum, George Mitchell, John Breaux, Jeff Bingaman, Alan Cranston, Tom Daschle, Wendell Ford, Jim Sasser, Kent Conrad, Charles S. Robb, J. Bennett Johnston, Timothy E. Wirth, Max Baucus, J. Lieberman.

CALL OF THE ROLL

The ACTING PRESIDENT pro tempore. By unanimous consent, the quorum call has been waived.

VOTE

The ACTING PRESIDENT pro tempore. The question is, Is it the sense of the Senate that the debate on the motion to proceed to S. 2166, the National Energy Security Act, shall be brought to a close? The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Oklahoma [Mr. BOREN], the Senator from California [Mr. CRANSTON], the Senator from Iowa [Mr. HARKIN], and the Senator from Nebraska [Mr. KERREY], are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Virginia [Mr. WARNER], is necessarily absent.

The PRESIDING OFFICER [Mr. WOFFORD]. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 90, nays 5, as follows:

[Rollcall Vote No. 15 Leg.]

YEAS—90

Adams	DeConcini	Kennedy
Akaka	Dixon	Kerry
Baucus	Dodd	Kohl
Bentsen	Dole	Lautenberg
Biden	Domenici	Leahy
Bingaman	Exon	Levin
Bond	Ford	Lieberman
Bradley	Fowler	Lott
Breaux	Glenn	Lugar
Brown	Gore	Mack
Bryan	Gorton	McCain
Bumpers	Graham	McConnell
Burdick	Gramm	Metzenbaum
Burns	Grassley	Mikulski
Byrd	Hatch	Mitchell
Chafee	Hatfield	Moynihan
Coats	Heflin	Nickles
Cochran	Helms	Nunn
Cohen	Hollings	Packwood
Conrad	Inouye	Pell
Craig	Jeffords	Pressler
D'Amato	Johnston	Pryor
Danforth	Kassebaum	Reid
Daschle	Kasten	Riegle
Robb	Sasser	Specter
Rockefeller	Seymour	Thurmond
Roth	Shelby	Wallop
Rudman	Simon	Wellstone
Sanford	Simpson	Wirth
Sarbanes	Smith	Wofford

NAYS—5

Durenberger	Murkowski	Symms
Garn	Stevens	

NOT VOTING—5

Boren	Harkin	Warner
Cranston	Kerrey	

The PRESIDING OFFICER. On this vote, there are 90 yeas and 5 nays. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion to invoke cloture is agreed to.

Mr. JOHNSTON. Mr. President, we now have a number of amendments, as soon as we can get on the bill, which have been cleared. There are a number by Senator GLENN. Senator JEFFORDS has an amendment, which has not been cleared, which will take some debate. I hope we can get right on the bill so we can plow through some of these amendments.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WALLOP. Mr. President, let me say to my friend from Louisiana, I would hope that, too. But we are not quite yet ready to proceed to the bill. There is a privilege of 30 hours, some of which is going to be used. It is my hope not much of it. It is my hope we do get to the bill and do those amendments which have been cleared.

But at this moment in time, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, the Senate has voted to invoke cloture on the motion to proceed to the energy bill. Under the rules of the Senate, a maximum of 30 hours may now be utilized by those who wish to prevent consideration of the bill; that is consideration of the bill can be delayed but not prevented.

It is my hope that we could proceed to consideration of the bill and eliminate the necessity for consuming 30 hours. I understand that discussions are underway which may ultimately lead to a saving of time, and I hope that is the case. But by a prior discussion with the distinguished Senator from Wyoming, it is my intention now to seek unanimous consent to proceed to the bill.

I understand that action will be made and then I will ask that we go to morning business with the time being charged against the 30 hours, and I

hope that we will be able to get to the bill. If we cannot get to the bill, the Senate will simply stay in session until the 30 hours have been either expired or agreement has been made to proceed to the bill. I hope that is not necessary. It will serve no useful purpose, in my judgment, but the Senate having voted to invoke cloture on the motion to proceed, we want to get to the bill as soon as possible. Of course, we are trying to complete action on the bill as soon as we can.

UNANIMOUS-CONSENT REQUEST—S. 2166

Mr. MITCHELL. Accordingly, Mr. President, I now ask unanimous consent that the Senate proceed to consideration of the energy bill.

The PRESIDING OFFICER. Is there objection?

Mr. WALLOP. Mr. President, Reserving the right to object, and I am constrained to object. I say to the majority leader this is certainly not the plan of the Senator from Wyoming, having worked 15 years to get an energy bill to the point where we can debate it on the floor. But there are negotiations and there are things going on which may in the long run, and I trust they will, save us some time.

In the meantime, Senator JOHNSTON and I have suggested to a couple of Senators whose amendments we know of and have been cleared, that they send their amendments to the desk and debate them. But we can take no action on them nor can they be received from the bill. At least the debate would be accomplished. We would, I hope and trust, save a little time by that action.

With that in mind, Mr. President, I do object.

The PRESIDING OFFICER. Objection is heard.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there now be a period for morning business, with the time to be charged against the 30 hours postcloture on the motion to proceed.

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

Mr. WALLOP. Mr. President, could I direct an inquiry to the majority leader? Does he have a time as to how long the morning business might run?

Mr. MITCHELL. I did not include a time. Under a prior order, we are scheduled to go into recess at 12:30 p.m. to accommodate the party conferences, and then at 2:15 p.m., we will go to the unemployment insurance bill. It is my hope that we can proceed to the energy bill prior to 12:30 but I did not want to put a time limit on it in light of the Senator's comments that discussions are underway. Perhaps it is best to let them proceed in the hope that we can get to it.

If at any time the Senator is in a position to permit the Senate to consider the energy bill, why, then if he would notify me, then we can come back and terminate the morning business period and get to the bill.

Mr. WALLOP. I understand that. My guess is that it would probably extend to the regular noon luncheons of the two parties because that is probably the place where both sides will see what may or may not be able to be accomplished.

Mr. MITCHELL. As I said, I hope we can get to the bill. I used to think that only two things were certain, death and taxes. Since I have been majority leader, now there are three: death, taxes, and when we get close to a recess, Senators on both sides begin to ask me when are we going to be able to leave. I know a couple days from now Senators on both sides are going to be asking when are we going to be able to leave. Of course, the more we can get done today, the more favorable can be my response then.

So I encourage Senators, to the extent possible, consistent obviously with the advocacy of their positions, to enable us to proceed to the bill and not have to utilize this 30 hours of waiting until we get to it.

Mr. WALLOP. If the leader will yield further, I am going to try my best to do that. It is my certain belief that some of that will have to be solved in our party caucuses at lunch. I doubt seriously we can get to the bill before lunch although we can undertake the procedure with Senator GLENN and others.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

AIR FORCE IMPLEMENTATION OF REQUIREMENTS REGARDING CONTRACTING WARRANTIES FOR B-2 AIRCRAFT

Mr. LEVIN. Mr. President, I want to speak about a letter I recently received from the Secretary of the Air Force, Donald Rice, concerning the warranty which the Air Force just negotiated for the B-2 bomber. I regret to report that the warranty does not comply with our law, and that failure could cost the taxpayers of this country millions of dollars to correct contractor-caused defects while at the same time the B-2 contractor, Northrop, could be realizing a significant profit.

That does not sound fair, Mr. President, because it is not fair. No one should have to pay for an item that does not work. When you or I purchase a washing machine, the manufacturer provides us with a warranty. If it does not do what it is supposed to do, the manufacturer will replace it or pay to fix it. The same should be true in the Department of Defense. If we spend nearly a billion dollars to buy an airplane and it does not work because of contractor-caused defects, the contractor, not the taxpayers, should be required to pick up the tab for fixing the problem.

Unfortunately, the Department of Defense has often not appeared to share this view. Over and over again the Pentagon has entered contracts for costly weapons systems without adequate protection for the Government against a system that does not work. If the system does not work the way it was supposed to, the way too many contracts are written the contractor who designed and built the system gets to walk away and the taxpayer is left holding the bag.

This is what happened with the B-1 program. One of the contractors on the B-1 delivered an electronic countermeasure, an ECM system, that did not work the way it was supposed to. After we paid the contractor billions of dollars to design, develop, and build this system, we learned that the ECM system could not effectively receive, identify, and jam the frequencies which were deemed necessary to keep the bomber from being detected. Because of the limited warranty provision in that contract, we were told that the taxpayers, not the contractor, would get socked with the billion dollars plus cost of correcting the problem.

In 1989, I introduced specific legislation which was enacted as part of the Defense Authorization Act, to prevent a reoccurrence of this problem on the B-2 program. However, the Pentagon has not complied with the law. The Air Force last month entered into a new B-2 contract with a severely limited warranty provision that violates the terms of the 1989 legislation. As a result, the taxpayer could once again be left to pick up the tab if the B-2 fails to meet the essential performance requirements of the contract, even though the problem might be caused by the contractor.

Mr. President, section 117 of the fiscal year 1990 DOD Authorization Act which was signed into law in November of 1989 requires the Air Force to negotiate a new, significantly strengthened warranty provision for B-2 contracts. In particular, section 117 required that the Secretary of the Air Force either—he has two options—must require the contractor to assume liability for the correction of defects that it causes up to the full amount of the contractor's target profit or if the Secretary of the Air Force wants, he can make a determination that the specific benefits of exclusions or limitations on such liability would substantially outweigh the potential costs and notify the Congress of the specific reasons for that determination.

Two options: The contractor either has to be made liable for the correction of defects it causes up to the amount of that contractor's target profit, or the Secretary of the Air Force must notify

Congress that the cost of requiring that warranty substantially outweighs the benefits. Those are the options.

There is an escape clause if the Secretary wants to use it, but he cannot just ignore it; he cannot ignore the requirements of the law that there be a warrant. The reason is that there is no reason, no reason, that the contractor should be making a significant profit at the same time we are paying to repair the defects that are caused by the contractor. That is the hole we dug ourselves with the B-1 contract, and I specifically made an effort, which succeeded in this Senate, to avoid that problem on the B-2 contract. But the Secretary has not pursued either of the options which the law gives to him.

On December 23, 1991, the Air Force entered a $5 billion contract for the production of 10 B-2 aircraft without requiring the contractor to assume liability up to the amount of target profit and without a determination and report to Congress as required by the provision.

The December 23, 1991, contract was signed which places a $250 million cap on contract liability for the correction of contractor-caused design and manufacturing defects and failures by the contractor to meet essential performance characteristics. But because the contractor only pays 20 percent of the costs under the contract, the contractor's share of the potential liability is not $250 million but one-fifth of that or $50 million—far less than the contractor's target profit of $1 billion on this contract.

So instead of being liable for up to the $1 billion in profit to repair the defects caused by the contractor, as the law requires in the absence of a waiver by the Secretary, the contractor's liability is limited to just 5 percent of that amount, of that profit.

The Secretary made no determination that the specific benefits of this limit on contractor's liability would substantially outweigh the potential costs, nor has he notified Congress of the specific reasons for this limitation as required by section 117.

It is extraordinary to me, Mr. President, that the Air Force would negotiate an agreement that gives to the B-2 contractor a target profit of $100 million for each of the 10 B-2's covered by the contract but puts only $5 million of that profit at risk if the plane does not work because of contractor-caused defects.

This is not an academic point. The possibility that the taxpayers could end up picking up the tab to fix contractor-caused problems on the B-2 is not a farfetched possibility. Already there have been reports of recent tests on the B-2 which identify a significant problem with the airplane's stealthiness. We do not know whether or not that will prove to be true, but those are the reports.

Moreover, the Air Force itself has told us that testing on the B-2 will not even be completed until after most or all of the aircraft have been delivered, and by then it will be too late to correct any problems that are identified, perhaps, under the contract.

We have been placing a heavy burden on the taxpayers of this country already, and we are placing a heavier burden on them if we ask them to pay almost $1 billion for a single airplane. But to pay that much for an airplane which might not even meet the essential performance requirements in the contract is not only wrong; it violates the applicable legal requirements which this body placed into law.

I have sent a letter to the Secretary of the Air Force notifying him that the Department has failed to comply with section 117, and I ask unanimous consent, Mr. President, that a copy of this letter appear in the RECORD immediately following my remarks.

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

(See exhibit 1.)

Mr. LEVIN. Mr. President, I am keenly disappointed that the Air Force has failed to comply with this provision, and I intend to raise this issue when the Secretary of the Air Force testifies before our Senate Armed Services Committee later this year.

Mr. President, I yield the floor.

EXHIBIT 1

U.S. SENATE,
Washington, DC, February 4, 1992.

Hon. DONALD RICE,
Secretary of the Air Force,
The Pentagon, Washington, DC.

DEAR MR. SECRETARY: As you know, Section 117 of the FY 1990 DOD Authorization Act required the Air Force to negotiate a new warranty provision in future B-2 contracts, which would be significantly tougher than existing provisions. In particular, Section 117 states that:

"(2) * * * [T]he Secretary may not negotiate exclusions or limitations on the prime contractor's financial liability for the cost of corrective action for defects under section 2403(b) [of Title 10] for the B-2 aircraft [authorized for FY 1989 and FY 1990] that would result in the total of such liability for such costs being less than the total of the contractor's target profit on the production of such aircraft unless the Secretary determines that the specific benefits of such exclusions or limitation substantially outweigh the potential costs.

"(3) Whenever the Secretary makes a determination under paragraph (2), the Secretary shall notify the congressional defense committees of that determination and shall include in such notification the specific reasons for such determination and copies of any relevant exclusions or limitations."

This provision requires the Secretary of the Air Force to either (1) require the B-2 contractor to assume liability for the correction of defects up to the full amount of its target profit; or (2) make a determination that the specific benefits of exclusions or limitations on such liability would "substantially outweigh" the potential costs and notify Congress of the specific reasons for this determination.

On the basis of your December 20, 1991, letter to me and a subsequent briefing of my staff, I have concluded that the Air Force is in non-compliance with this provision. In particular, the B-2 contract signed by the Air Force on December 23, 1991, places a $250 million cap on contract liability for the correction of design and manufacturing defects, and failure to meet essential performance characteristics. Because the contractor pays only 20 per cent of these costs under the contract, the contractor's share of this liability is only $50 million—far less than the contractor's target profit of $1 billion on the contract.

Section 117 is clear that the contractor's liability for corrective action may be less than the contractor's target profit only if you make the determination required by that Section. As you have made clear in your letter and your staff has made clear in its briefing of my staff, you have made no such determination.

Your December 20, 1991, letter contends that the warranty provision negotiated by the Air Force meets the requirements of Section 117 because the warranty cap applies only to two of the three categories of contractor-caused defects—design and manufacturing defects and failures to meet essential performance characteristics. Contract liability for the third category of defects—defects in materials and workmanship—is unlimited.

This argument is inconsistent with the plain requirements of Section 117, which states that you "may not negotiate exclusions or limitations on the prime contractor's financial liability for the cost of corrective action for defects under section 2403(b) [of Title 10]" without making a waiver determination. Defects under section 2403(b) include all three categories of contractor-caused defects—not only defects in materials and workmanship, but also failure to conform to "design and manufacturing requirements" and meet "essential performance requirements."

The warranty provision negotiated by the Air Force places significant limitations on the contractor's liability for the cost of correcting contractor-caused defects. This limitation would—in many, if not most, circumstances—result in the total of such liability being less than the total of the contractor's target profit. Accordingly, I can only conclude that the Air Force is not in compliance with the requirements of Section 117.

Thank you for your attention to this important matter.

Sincerely,

CARL LEVIN.

Mr. LEVIN. Mr. President, I thank the Chair and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

NATIONAL ENERGY SECURITY ACT

MOTION TO PROCEED

The Senate continued with the consideration of the motion to proceed.

FEDERAL AGENCY ENERGY EFFICIENCY AND MANAGEMENT AMENDMENTS

Mr. GLENN. Mr. President, I am not sending to the desk for consideration, but I have filed at the desk four amendments that I would like to discuss for a little while, even though we cannot bring them to a vote at this point. But I would like to discuss them, and at the appropriate time I will ask to have these accepted as part of the energy bill.

Mr. President, the four amendments that I have proposed will promote far greater energy conservation and efficiency with the Federal Government. Certainly, no one can disagree that the Federal Government should be taking the initiative in setting the standards and setting an example for the rest of the country on energy conservation and efficiency.

Mr. President, I ask unanimous consent that Senators KOHL and FOWLER be included as cosponsors of this amendment when it is apropos for it to be considered.

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

Mr. GLENN. Mr. President, I have long been involved in promoting energy research and development. It is essential both for our competitiveness and environmental protection to develop technologies which improve efficiency and conservation in our Nation's energy use.

Every gallon saved, every dollar saved on energy the Federal Government spends or consumes is a dollar saved for the taxpayer. Certainly, we have been too long in arriving at emphasizing this with Federal uses.

It is my responsibility as chairman of the Senate Committee on Governmental Affairs to oversee the management, efficiency, and operations of the Federal Government. That is a broad mandate. To this end, I have been very concerned about how effectively and efficiently the Federal Government manages its own energy.

Last May, I introduced legislation, S. 1040, designed to improve energy conservation and efficiency within the Federal Government. Our committee held a hearing on this measure on May 14 and reported out the bill on August 2.

I am pleased to say that the amendments I am about to offer incorporate almost all the provisions from my original bill. These amendments are designed to restore some effective management and accountability to the Federal Government's energy costs and consumption, and put some punch back in the Federal Government's investments in energy efficiency.

The amendments also seek to ensure that the Federal Government becomes a leader in the acquisition and use of energy efficient products and technologies. The Federal Government spends $9 billion a year on energy to manage its own facilities. I repeat that: We spend $9 billion a year on energy just to manage our own facilities.

The Office of Technology Assessment's report on this subject that I requested estimated that the utility bill for the Federal Government could be cut by some $9 billion a year; could be cut about 10 percent, grand total, if cost-effective but commercially available energy conservation measures were implemented in Federal buildings.

This does not require new research. This does not require new activities. It just means doing things that many other people do to conserve energy in their own homes or their own businesses, and we have for too long not done, at the Federal level.

When Old Man Winter rolls into Ohio, the monthly utility bills of my fellow Ohioans go up. And when these costs rise, many households respond by doing a lot of very simple and sensible energy saving improvements, like weatherizing and caulking windows, cleaning heating vents, taping the pipes on the water heater, turning down the thermostat at night, installing energy efficient insulation, and if you have a pet, even sealing the dog or the cat door. While these steps are but small, they all add up to the fixed savings in the monthly fuel bill.

Unfortunately, however, the Federal Government is the Nation's largest single energy consumer, spending over $3½ billion per year just to heat, to cool, or to power buildings. It does not seen to exhibit a similar concern over cost.

In short, we are not sure who, if anyone, is watching the Federal energy meters. If the truth be known, the Federal Government did make some headway in cutting energy use between 1975 and 1985, but now, regrettably, it is on an energy binge again, it seems, in spite of a modest congressional mandate to achieve a 10-percent reduction by 1995.

This disappointing news is borne out by an analysis done by the Alliance to Save Energy, in the Department of Energy's recently released 1990 report on Federal energy management. Let me give you some examples.

Federal building energy use has actually increased by almost 2 percent since 1985. Now, that may not sound like a big deal, 2 percent. But the Alliance estimates that, had the Government made a serious effort at attaining energy reduction goals outlined by Congress, we could have saved some $350 million in energy costs in just 2 years, in 1989 and 1990 alone.

Since 1985, the consumption of electricity in Federal facilities has increased by almost 13 percent. Electricity now accounts for two-thirds of the energy costs in Federal buildings.

Total Federal building energy costs shot up more than $500 million in 1990, a 16-percent increase over 1989 levels.

Federal investment in conservation retrofits continues to be woefully inadequate. For instance, although DOD spends $2.7 billion on energy in its buildings in 1990, it dedicated—get this—$1 million to energy conservation retrofits.

Mr. President, that is less than $3 per building. We are talking about a bill of $12.7 billion on energy in 1990. And in spite of the guidelines already set down by the Congress, only $1 million to energy conservation retrofits; less than $3 per building.

Let me emphasize that last point again. When we are looking at enormous savings to be realized from improved conservation and efficiency measures, it is nothing too complicated. We are talking about relatively simple steps like replacing incandescent light bulbs with fluorescent lighting, retrofitting old building heating systems, shutting down computer systems at night, installing higher efficiency windows. Obviously, that takes some serious commitment and some up-front funding costs, but the potential paybacks that the taxpayers will reap are substantial.

Let me cite an example where a smart investment in energy conservation can save both money and energy. This may sound like a very small example, but bear with me and I'll show you savings the Federal Government can get out of this.

In all of the Federal buildings we have exit signs, the red signs that show people the way out. Most are lit by incandescent bulbs. Replacing these signs with newer, more efficient exist signs, that very simple step, which rely on light-emitting diodes, LED's, would cost about $70 per sign. However, LED signs would recoup their investment in just 1 year through savings gained by the lower energy and maintenance costs needed to operate the signs. Since LED signs have a life expectancy of 25 years, their installation would result in savings of over $1,500 per sign when compared to the cost of continued operation of an incandescent-lit sign over the same time period. That is a $1,500 savings per sign over that 25-year period.

Now, if the Federal Government can save that much by installing more efficient exit signs, something just as simple as that, imagine what the Federal Government could save by tackling more energy-intensive projects, such as retrofitting old boilers or updating air conditioning systems, or by the installation of energy management control systems, which are sophisticated, computer-controlled systems that electronically calibrate and operate a building's heating and lighting system. Why can't the Federal Government realize the huge savings energy efficiency has to offer?

The Office of Technology Assessment has identified several factors which in-

hibit this effort. Among them, a lack of coordination and accountability, low priority, few incentives, poor information, and inadequate personnel and monetary resources throughout the Government.

The amendments I am proposing today are aimed at addressing these persistent problems. They contain no magic solutions or no easy solutions, but rather, they represent a nuts and bolts program that will, hopefully, reestablish some direction, accountability, and efficient energy management practices within agencies and throughout the Government.

Before I give details on these four amendments, I stress once again that this is not anything magic, it is not something that requires a large R&D program, and it is not something that requires a big investment. It is mainly commonsense management of Federal buildings and energy management in those buildings, like most people do in their homes. In some respects, our people back home in Ohio, and in other States are leading the way, because their efforts save money on the monthly utility bills in both the wintertime or summertime. What the amendments basically say is, let us make the same commitment to energy conservation and efficiency at the Federal level. The Federal Government can save some $900 million a year, and with energy costs going up, that means pretty soon the Federal Government is saving $1 billion a year if we put some of these measures into action.

The first amendment comprehensively addresses energy consumption in the more than 500,000 federally owned and leased buildings. First, it would establish standards by which Federal agency spending on energy costs and energy efficiency and conservation will be monitored.

It designates a new and ambitious goal for agencies to install in all Federal buildings by January 1, 2000, all energy conservation measures with payback periods of less than 10 years. In other words, those that would add the greatest savings the soonest are the ones that the Federal Government should concentrate on.

The amendment authorizes $50 million and provides guidelines for the Secretary of Energy to transfer up to $1 million per project to encourage other Federal agencies to undertake energy efficiency upgrades.

It requires that the Federal Government, through the General Services Administration, identify and purchase energy-efficient products and services, thus helping to stimulate general market demand in this growing industry.

It clarifies agencies' authority to accept utility rebates for energy efficiency programs as well as authorize the creation of a cadre of trained energy engineers to tackle the most energy wasteful buildings.

My amendment sets up an incentives program to reward Federal agencies and employees who undertake conservation and efficiency improvements in buildings that yield substantial savings in taxpayer dollars.

It also provides for regional energy management planning conferences where Federal, State, and local authorities can share the latest data on energy-saving ideas and technologies and cooperate in efficient energy management planning.

That is my first amendment.

The second amendment sets criteria for the expanded use of alternative fuel vehicles by the Federal fleet. As some of my colleagues are aware. GSA has just purchased over 3,000 cars, vans, and pickups that operate on methanol and on compressed natural gas. This is the largest Federal procurement to date of alternative fuel vehicles, and I praise GSA for moving aggressively in this direction.

This amendment contains important management guidelines on how these vehicles are to be integrated into the Federal fleet, as well as contains incentives to encourage their use by Federal agencies and employees. These guidelines and incentives are especially critical given that management of the Federal fleet is decentralized, and the fleet itself is spread across the whole Nation. Alternative fuel vehicles incorporated into the Federal fleet will spread out over our whole country, not just placed in one locale. Because of these factors, increased Federal procurement, placement, and operation of Federal alternative fuel vehicles, will present agencies with many logistical and management challenges.

My third amendment will expand and improve DOE's renewable energy and energy efficiency program, which focuses on some of the Nation's most promising energy research and development projects.

Together, these three amendments attempt to address the problems I have mentioned concerning the Federal Government's use of energy, and I have one other amendment that I would like to discuss. This amendment would authorize the General Services Administration to enter into contractual arrangements with private companies to allow for the fueling of Federal alternative fuel vehicles, should publicly available facilities not be convenient or accessible. That has been one of the problems with alternative fuel vehicles, there is not a methanol pump, or compressor, or battery recharger, at every location where people may want to fill up with compressed natural gas tank, methanol, or other fuel in their alternative fuel vehicle.

S. 2166 contains language to encourage GSA to display its alternative fuel vehicles at facilities that are open to the public. This is to help acquaint the public with alternative fuels and encourage the development of publicly available commercial fueling infrastructure. I support that initiative. In fact, the language in S. 2166 is similar to what I originally proposed in my bill, S. 1040.

However, many of the demonstrations of alternative fuel vehicles, particularly those involving compressed natural gas and electricity, going on around the country are utilizing centrally located fueling facilities that are not yet open for public use. Rather than not locating alternative fuel vehicles in these regions, or not buying certain types of alternative fuel vehicles, GSA should be able to enter into fueling contracts with local utilities so it can purchase a diverse mix of alternative fuel vehicles and place them in several areas across the country. This amendment gives them that authority.

Mr. President, I certainly hope my colleagues will support these amendments. I believe that they have been cleared on both sides of the aisle. While the Senate cannot bring my amendments to a final vote at the moment because of the parliamentary situation on the floor, I will at a later time ask that this discussion be included as the preface to consideration of those amendments when they are brought up for a final vote.

Mr. President, I look forward to working with my colleagues and with the Energy Committee to make these effective Federal energy management proposals a reality.

I want to also thank the floor managers of the bill, Senators JOHNSTON and WALLOP, and their staffs, for working with me to adopt these amendments and I very much appreciate their efforts in this regard.

I close by saying that I think we have been remiss for a great number of years in not pushing better Federal energy management because it can result in big savings of taxpayer dollars. Just these proposals, OTA estimates, will save taxpayers somewhere around $900 million a year. Even if we only safe half of that, it is certainly well worth the effort, and something I think we are long overdue in stressing.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. ROBB). The Chair recognizes the Senator from Louisiana [Mr. JOHNSTON].

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the debate with respect to these amendments be placed in an appropriate place in the RECORD, once we get on the bill in connection with these amendments, when and if, as we expect, they are brought up for consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The statement of the Senator from Ohio will be placed in the RECORD at an appropriate place as requested.

Mr. JOHNSTON. Mr. President, we strongly endorse these amendments

which represent not a few days of work but many months of work and discussion with the distinguished Senator from Ohio, his excellent staff, of this committee as well as the staff members of our committee, and Senators from our committee.

Mr. President, energy efficiency matters and conservation are easy to talk about in broad-brush terms but are very difficult and very painstaking and very detailed to bring to fruition, to have something that really works.

What the Senator from Ohio and his committee have done is to put together a framework for action with respect to energy efficiency and conservation that will reinvigorate the Federal Government's efforts to achieve the full energy efficiency potential.

Both the Office of Technology Assessment and the Alliance to Save Energy have completed reports identifying the substantial opportunity that exists to improve the Federal Government's energy efficiency. OTA estimates that the Federal Government spent nearly $4 billion in fiscal year 1989 for energy in Federal facilities. They further estimate that the cost effective improvement could save as much as 25 percent of that cost, or a full billion dollars, without any sacrifice in comfort and productivity. So what the Senator from Ohio has done with these amendments is put together a framework to save, we hope, as much as a billion dollars a year from energy efficiency and conservation.

Mr. President, we strongly approve this amendment and look forward to its incorporation in this bill.

The PRESIDING OFFICER. Who seeks recognition?

The Chair recognizes the Senator from Colorado.

Mr. WIRTH. Mr. President, I listened with interest to the amendments being discussed and offered by the distinguished Senator from Ohio. And there were a couple of places there where I had questions and may want to offer second-degree amendments.

One of those relates to the potential for the private sector to come in and make a contract with a Federal agency for energy efficiency, in doing so to have the private contractor come in and provide the capital for making that Federal facility more efficient, and in return for that the private entrepreneur coming in would be able to recoup some of the savings that came out of making that building more efficient.

This is a standard procedure in the private sector. If you are an office building owner in the private sector, you make a contract with an energy efficiency firm. That energy efficiency firm comes into your building, puts in the efficiency improvements, and recoups the energy savings from those efficiency improvements. So you are better off as a building owner because you are paying less for heating, and there is a return that comes to the private sector person who puts those improvements in. It is a win-win situation.

We had originally developed that incentive program in this legislation related to Federal buildings as well, so that the Federal Government could take advantage of the same kind of incentive and save energy, particularly at a time when we are constrained with capital at the Federal level. Let the private entrepreneur come in and do the same thing with the Federal Government that we had with the private sector.

It is my understanding that that provision which had originally been one of our Federal energy management titles has now been knocked out because the argument was made that the Federal Government under the procurement laws is not allowed to do this.

What I would like to do is just to notice the fact that we are trying to work this out with Senator GLENN's committee to make sure that in fact this very cost effective incentive program for the private sector saving energy for the public sector can remain in the law and we can figure out how to do that, given other procurement rules in the public sector which will preclude this. We are sort of between the rock and hard place.

This kind of energy savings is a good idea. We have a set of laws, apparently, which says you are not allowed to do this. We want to try to figure out how to combine that and neutralize those laws and allow this kind of incentive program for saving energy in the public sector.

I just wanted to rise at this point to notice that we may have a second-degree amendment coming up with the first of the Senator's amendments, the first one he described that relates to this very set of issues.

Mr. GLENN. Mr. President, will the Senator yield?

Mr. WIRTH. I am happy to yield.

Mr. GLENN. The Senator is correct in making this point because if we can work out some of the difficulties in the Federal procurement law which require competition in contracting, competitive bidding, and other provisions, if we can work out some of these difficulties, then I think Senator WIRTH'S proposal makes a great deal of sense. We have not been able to work those differences out yet. The staffs are still working on it.

If we can reach agreement, this proposal would not require as great a Government investment, No. 1, and we would get the same benefits over a period of time because while the contractor comes in and gets his money from a payback in future energy savings, then the Government is left with more energy-efficient buildings, more energy-efficient services beyond that and then much of the savings recur completely to the Government. If we can resolve these differences and still have them comply with our competition in contracting laws, then I am all for this. That is what we are trying to work out now.

I think the distinguished Senator from Colorado is very proper in pointing this out, and I hope he works something out on this when we finally get around to considering the actual amendment on the floor. Right now, of course, the parliamentary situation is such we cannot consider any amendment or second-degree amendment at this moment.

Mr. WIRTH. Understanding that, I know that our staffs have been working at it for the last day or so. We might be able to do this by the time we get to this bill. I hope we can have action on these amendments. If not, maybe we can take a little more time and get the assurance of the Senator that if we need a little more time we might get a little more time, and to see if he can come to a sensible resolution of this which I think we both want to arrive at.

Mr. GLENN. I hope we can work things out. If we can do it by this afternoon, fine. I hate to see other amendments delayed because of this.

Mr. WIRTH. I suggest we not act on other amendments although I did have a question on that, if I might.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado retains the floor.

Mr. WIRTH. I wanted to comment briefly on another one of the Senator's attempts.

Mr. JOHNSTON. Will the Senator yield on this point?

Mr. WIRTH. I am happy to yield.

Mr. JOHNSTON. Mr. President, I thank the Senator for yielding. I strongly share his enthusiasm as well as that of the Senator from Ohio for the second-degree amendment which he just discussed.

The advantage of the proposal, which he points out, is not only that you do not have to invest the Federal Government's money up front, but there is a measurable and palatable amount of savings which is the trigger for the payment to the private sector company.

One of the biggest problems in energy conservation and energy efficiency is you never could measure what it is you were doing. There are a whole series of good things that we do, but we never know whether they do any good or not.

Under this kind of private sector initiative, the private sector company does not get paid until and unless it produces a measurable, certifiable, meterable amount of savings. So it seems to me there ought to be a way that we can work that out consistent with our contracting laws. I hope we can because I think it is one of the most helpful kinds of ways to save energy.

I thank the Senator for yielding.

Mr. WIRTH. I thank the distinguished chairman of the committee and I thank the Senator from Ohio. I hope we can work this out.

If I might add one question on I believe the third amendment which the Senator is offering related to GSA purchase of natural gas vehicles. It is my understanding that in the law now we have a requirement for the purchase of 3,000 alternative-fueled natural gas vehicles. I think that that is the figure that is in the legislation now.

I am struck by the fact that only last week the State of Texas, one State, announced that it was going to move into a purchasing plan of 12,000 alternative-fueled vehicles. Now here we have one State moving a lot more aggressively than we are at the Federal level for the GSA, and I think that there may be room here, I am not sure if this is the appropriate amendment or if it is the place, I am not sure whether the Senator's third amendment on GSA fueling of GSA alternative-fueled fleets sets in. I think there may be a time when we want to go back and address the level of purchasing by GSA, given how rapidly this market appears to be moving, and to try to encourage GSA to move more rapidly than so far in the legislation.

Mr. JOHNSTON. Will the Senator yield at that point?

Mr. WIRTH. I am happy to yield.

Mr. JOHNSTON. I invite the Senator's attention to page 21 of the bill which deals with Federal fleets and the purchase requirements, 10 percent beginning in 1995, moving up to 90 percent by the year 2000. We are working with a number of groups and with the minority to try to accelerate that schedule. From my standpoint, I would like to accelerate it and I do not know the state of play with our friends on the minority but I am hopeful that we can, and I hope the Senator from Ohio would want to accelerate that.

Mr. WIRTH. It would be my hope that we might do that. It seems to me we have an enormous opportunity right now. And, again, this market I think is moving very, very rapidly.

Mr. GLENN. Will the Senator yield?

Mr. WIRTH. I am happy to yield.

Mr. GLENN. One of the problems is finding a place to refuel. You cannot just wheel into any service station and get filled up with natural gas. And so Texas may have an advantage in that regard in that they may have more refueling spots right now to absorb greater demand. Increasingly, the use of alternative fuels is going to require building an infrastructure all over the country where people can actually refuel with compressed natural gas in order to keep going.

In Washington, I believe we only have one spot in town. I asked about this a short time ago. There is one service station here in Washington that offers compressed natural gas. Obviously we need to continue building more infrastructure and I hope we can do that in very rapid fashion.

Let me add a personal note. My distinguished colleague from Colorado, and I was at a meeting with him not long ago in Colorado and he drove up in his own vehicle which is an alternative-fueled vehicle. And I believe he told me at that time of his work on compressed natural gas, which he has had for some time. So he is not only interested in putting these things into place for the Federal Government, but he has also made a personal commitment by driving his own alternative-fueled vehicle when he is back home in Colorado. I want to compliment him for that.

Senator WIRTH has been a leader in this particular area, and has talked long and hard to all of us about the need to increase the use of alternative fuels. He does not need to convince me. I already was convinced. But he has taken a lead in this in a personal way.

Also I do not know whether any other Members of the Senate here actually own and drive on a regular basis their own alternative-fueled vehicle or not. I know Senator WIRTH has taken a personal interest in this and is getting some experience with his own vehicle. I want to compliment him on his initiative this morning also.

Mr. WIRTH. I thank the Senator from Ohio.

The issue of distribution systems is a very important element of this. In a way, this is sort of the chicken and egg situation. If you do not have the vehicles, obviously you do not have the distribution system. If you do not have the distribution system you cannot fuel the vehicles.

I think if we know this is being done, I think there will be this demand there. If you look at what is happening in Texas, look at what we might be able to do to accelerate GSA, obviously that is going to illustrate the fact to distribution companies that the demand is going to be there. I think that will grow quickly.

That has already happened in the Denver metropolitan area where I think 2 years ago we only had 2 sites where you could refuel with natural gas. Both of those were owned by the public services company who has done their own refueling, as has the Cherokee school system. Then the natural gas community got together and we now have within the commuting distance from my home in Boulder to Denver, back and forth along just that route, 13 places where I can refuel my vehicle. It is very, very convenient. That has happened rapidly.

And the point that the Senator makes in, I believe, his third amendment about the infrastructure is so terribly important, and having that publicly available is very important as well. So that if the Government is going to refuel, have it be done in a public place so that you do not have to go to the public service company, or go to the GSA motor pool place, but the public can go to the Texaco station or Mobil station or whatever it may be. So I think that is a constructive amendment that the Senator is offering and we hope we can push that demand a little more rapidly.

I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Let me make one further comment and further personal observation on alternative fuel use.

Back a couple of years ago, my wife and I had occasion, about Thanksgiving time, to drive a car to the west coast that our son wanted in San Francisco. So we had a short vacation and drive across country, which we had not done for many, many years. It was a most enjoyable trip.

But that is not the point of my discussion this morning. The point is, when we got, I believe it was, to about western Indiana or into Illinois, at every station we stopped there was a pump that had an ethanol-gasoline mix, a 10-percent blend. And those blends were available at stations almost clear through to the west coast.

Now I do not know—in fact I never really looked into this after I got back as I had planned to—but I do not know why in the Eastern parts of the United States, where a large part of our fuel consumption occurs, that gas stations do not have present the 10-percent ethanol-gasoline mix that seems to be available in both the Midwest and the West, at least on the route that we were driving across country. I do not know whether this is due to resistance from the oil companies or what the problem may be.

But I know this country is producing a lot of ethanol in southern Ohio, in a plant there at South Point, that I believe was originally scaled up to take some 24 million bushels of corn a year and convert it into ethanol to be used in a gasoline mix. That mix even has some emission benefits over traditional gasoline.

Now that is just a personal observation again from that one cross-country trip I rode a couple of years ago that this type mix seemed to be available at almost every gasoline station we stopped at all the way to the west coast but is not available yet, certainly around the Washington, DC, area, nor do I believe that it is common in other parts of the east coast. When I pull into gas stations here or in Ohio, I see that they do not offer ethanol-gasoline blends. So maybe that is something we need to encourage also as we move to greater use of alternative fuels in the transportation sector.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition? In the absence of any Senator seeking recognition, the Chair, in his capacity as a Senator from Virginia, notes the absence of a quorum.

The clerk will call the roll.

Legislative clerk proceeded to call the roll.

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

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

Mr. KOHL. Mr. President, I rise to support the amendment offered by Senator GLENN, of which I am a cosponsor, and to offer a second-degree amendment to the Glenn amendment.

The PRESIDING OFFICER. The Chair reminds the Senator that under the current provisions, that amendments have not been offered formally, but the Senator is certainly at liberty to speak on the amendment.

Mr. KOHL. Mr. President, Senator GLENN has worked diligently to put together this comprehensive and commonsense amendment designed to make the Federal Government more energy efficient. I believe that this amendment, if enacted into law, will lead to tremendous improvements in energy efficiency throughout the Federal Government.

As Senator GLENN has explained, this is truly a problem in need of a solution. The Federal Government is both the biggest user of energy in the Nation, and the biggest energy waster in the Nation. That is a problem for several reasons: It wastes scarce taxpayer dollars; it causes needless harm to the environment; and it sets a very poor example to the private sector.

Mr. President, we all know that the biggest impediment to energy efficiency is the fact that it takes money to save money. Improving energy efficiency requires up-front capital investment in energy-saving systems and technologies. And in these days of tight budgets, the administration and the Congress are reluctant to make those investments. In 1990, the Federal Government invested less than $50 million in energy conservation measures, compared to over $250 million annually during the late 1970's.

But I am here to argue that if we want the Federal Government to run more like a business, then we have to start taking a long-term approach toward Federal spending. In other words, we have to make smart investments in proven energy efficiency technologies which we know will more than pay for themselves in a short period of time.

President Bush, to his credit, signed an Executive order on April 7, 1991, that mandates new energy conservation measures in Federal facilities. He directed all Federal agencies to reduce overall energy consumption in Federal facilities by 20 percent by the year 2000. If accomplished, that could save the American taxpayer $800 million in annual energy costs. It could cut Federal consumption the equivalent of 100,000 barrels of oil per day.

But the President's Executive order is meaningless unless we commit the resources to back it up. It is one thing to say that we are going to reduce the Federal Government's energy bill. It is another thing to invest the resources necessary to meet our goal. The beauty of this type of Federal spending is that over time, it will end up actually saving taxpayers dollars by lowering energy cost over the years.

That is why I am offering a second-degree amendment to the Glenn amendment. My amendment increases the funding authority for expenditures on energy efficiency improvements in Federal buildings and facilities. The original bill and Senator GLENN's amendment would establish a fund at DOE for investment in energy efficiency, but it is only authorized at $50 million a year. This amendment increases that amount to $200 million a year, because the more we spend on smart energy investments, the more we will save. I remind my colleagues that $200 million is still less than we were spending on energy efficiency in the late 1970's.

I originally became interested in this issue because a company in my State, Johnson Controls, has been involved in finding ways to reduce Federal energy consumption. I worked with Johnson Controls to develop legislation creating a Federal energy efficiency bank, a self-financing fund in the Government to fund energy-efficient investments. I will continue to push ahead on that measure. In the meantime, I am offering this amendment to get the ball rolling.

If enacted, I am hopeful that Federal agencies and the OMB will aggressively invest in energy efficiency. And through oversight, I will carefully monitor the expenditure of these funds, to ensure that we are making the most cost-effective investments in energy efficiency.

I understand this amendment has been cleared on both sides of the aisle, and I thank the comanagers of the bill, and Senator GLENN, and I urge adoption of my amendment.

Mr. JOHNSTON. Mr. President, we think this amendment is a good one. We would support it. By increasing the funds available for this energy conservation purpose, we think we increase the energy security of the country. Therefore, we are prepared to accept the amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. JOHNSTON. Mr. President, I ask unanimous consent that Senator KOHL's remarks, as well as my remarks, be placed in the RECORD later when and if the Kohl amendment is offered.

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

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

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

Mr. GORTON. Mr. President, I ask unanimous consent to proceed for 8 or 10 minutes as in morning business.

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

OUR ECONOMIC PROBLEMS

Mr. GORTON. Mr. President, American taxpayers' blood is once again being spread on the waters and the congressional sharks are gathering for their annual feeding frenzy with tax cuts and deficit spending. As usual, the sharks are circling and the intended victim cannot get out of the water fast enough.

In the view of this Senator, if legislation is enacted like that outlined on the 21st of January by the majority leader, this fictional solution to our economic problems—tax cuts financed by a huge reduction in defense spending and further deficit spending—will only add to the structural problems with which this country is faced and make tomorrow's solutions that much more difficult to adopt.

The basic causes of the current recession are excessive Government spending, excessive Government regulation, and the lack of meaningful incentives to invest and create jobs. Congress should take its cue from private businesses and individuals, not from its own history of taxing and spending. The private sector of the economy and individual Americans are reducing their debt load, not increasing it. For example, consumer indebtedness rose to an all-time high between 1982 and 1989. Since that year, however consumers have erased 40 percent of that increase in debt. Congress should follow this lead by reducing the Government's spending policies to reduce the deficit.

Congress should also follow the President's lead. The President has ordered all agencies to review their regulations to determine if legislative goals can be met with less burdensome regulations. This Congress should pass legislation quickly, legislation aimed at reducing regulatory burdens that un-

duly inhibit economic growth and job creation.

For these reasons, I listened to the Senate majority leader's remarks on January 21 with genuine sadness. Mr. President, it seems to me that it is business as usual in the Nation's Capital.

From my rough calculations, the 20 or so programs the leader discussed passing in the name of righting what is wrong with this country's economy will cost about $300 billion over the next 5 years. That is $3 of new spending or lost revenue for every $1 of defense spending which he proposes to cut, without regard to the impact of those cuts on our Nation's security.

Has not the leader read that this country's deficit this year will be more than $300 billion? His approach will add $60 billion a year to that deficit for the next 5 years.

Mr. President, how can sending us even further in debt correct what is wrong with this country?

I support the counter agenda many of the Members on my side of the aisle to many of the leader's agenda items for 1992. I support middle income tax cuts especially targeted for families with children. I support efforts to spur investment in this Nation's private sector.

I do not believe in, and will not support, the initiatives offered by the majority leader as a panacea for everything which ails the economy. I have listened to my constituents in Washington State and they do not believe that this package of business as usual will provide much help either.

The focus of these bills is not targeted toward and does not insure attaining the two goals important to economic recovery: Deficit reduction and regulatory relief.

First, the majority leader proposes to grant modest tax relief to the middle-income Americans. While he did not flesh out the concept in his speech, I assume that the leader's plan is similar to that of Representative ROSTENKOWSKI providing a $200 to $400 tax credit for each dependent child.

This Senator is a cosponsor of several bills introduced by the distinguished junior Senator from Indiana which have the same goal, reducing the burden of taxes for middle-income families. The problem I have with the leader's plan is that its stated goal is to "move the economy out of recession and return to growth and job creation, and expansion."

I must disagree with the majority leader; $200-$400 for every child of a middle-income family is a good thing, but it will not lead the country out of recession.

As every Senator, every economist, and every American realizes, a dollar a day will not end a recession.

The Democratic leadership needs to realize that this recession was caused by spending and by debt. Getting this country moving forward again can only be accomplished by reducing the Government's drag on saving and investment by lowering the deficit and reducing the Government's regulatory drag on America's businesses so they can create and retain more jobs.

Second, the majority leader advocate creating a better climate for this country's business through a temporary investment tax credit. Most economists warn, however, that temporary programs like that one only distort spending and investment decisions precisely because they are temporary.

Here also, this Senator is a cosponsor of Republican legislation whose aim is a more healthy and receptive climate for business in this country.

This Senator cosponsored the Kasten-Mack Economic Growth and Venture Capital Act of 1991. This bill reduces the capital gains rate for long-term investment to a top rate of 15 percent. This Senator believes a capital gains tax cut will provide long lasting and permanent benefits to the economy. It will create jobs for people who need them; its opponents, however, prefer the rhetoric of class envy to real growth and jobs.

As the distinguished senior Senator from New Mexico pointed out 10 days ago, most fiscal remedies to past recessions have come too late and have added virtually nothing to the recovery. If the majority leader's plan is enacted on the timeline most expect, the fiscal remedy of the Democratic leadership will be no different—except that it will not only not help, it will hurt by piling more debt on top of the insupportable burden we already carry.

Finally, the members of the majority party themselves cannot decide about tax relief versus extra spending. Both Senator KENNEDY and Senator BYRD argued, contrary to the majority leader, on the floor on January 21 that spending significantly more than any planned defense cut was the only way to get this country out of the recession. Senator KENNEDY and Senator BYRD do not even pretend to believe that middle-income individuals need relief from the burden of taxes imposed by their own party.

The majority leader, and many of his Members have lost focus on why we are even talking about tax cuts. In the abstract, it is certainly appropriate to state that this country cannot afford tax cuts. Our budget deficits are headed into the stratosphere. Because of the dire straits of the economy our constituents demand that Congress and the President work to stimulate the economy.

But, while President Bush is trying to stimulate the economy, many of his opponents are complaining about fairness. They prefer the politics of class war to providing a real stimulus for the economy. The President's proposals are about creating jobs for unemployed Americans. The Democratic proposals are about splitting this country apart by pushing policies which cause the country's economic pie to shrink.

Mr. President, I can enthusiastically vote for programs which help our middle-income families by increasing the incentives to save and invest and reward risk and get the country's economy going. I will not participate in the fantasy that the majority leader's program, or that of his free spending compatriots, will get this country's economy going again. And getting this country going again is what my constituents are demanding, and what I believe this Congress should do.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware [Mr. ROTH].

Mr. ROTH. Mr. President, I ask unanimous consent to speak as though in morning business, and that this statement be included as a part thereof.

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

The Senator from Delaware is recognized.

Mr. ROTH. I thank the Chair.

(The remarks of Mr. ROTH pertaining to the submission of Senate Concurrent Resolution 90 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. ROTH. Mr. President, I yield back the floor.

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

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

The bill clerk proceeded to call the roll.

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

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

Mr. GRASSLEY. Mr. President, I ask unanimous consent to address the Senate as if in morning business for 10 minutes.

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

The Senator from Iowa is recognized.

Mr. GRASSLEY. I thank the Chair.

(The remarks of Mr. GRASSLEY and Mr. MCCONNELL pertaining to the introduction of S. 2180 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ARMS PROLIFERATION AND CHINA

Mr. MITCHELL. Mr. President, in his State of the Union Address last week,

President Bush hailed the close of the cold war era and told Americans that communism was defeated.

We all wish that his words reflected reality, but of course they did not. One-fourth of all of the people in the world still live under communism. Those human beings suffer the repressions of Communist regimes every bit as repugnant as that which dominated the Soviet Union for so long.

The Chinese people still face arbitrary arrest and detention without charge. In the words of our own State Department—this administration's State Department—the Chinese ruling regime is, "a closed inner circle of senior leaders," not a domocratically elected government. Those leaders hold their power through a vast security apparatus which uses torture, arrest, detention, and brutality to remain in power.

The governing circle of Chinese leaders preserve their prerogatives by silencing all opposition. Their opponents, whether young students seeking a freer life or humble workers and peasants, are relegated to prison camps, labor camps, and reeducation camps closed to international inspection.

Religious repression continues apace; Catholic, Protestant and Buddhist believers alike are subject to intimidation and arrest. The cultural genocide against Tibet has not slowed. The steady brutalization of a people and the eradication of an ancient culture continues today in Tibet. Political prisoners toil in labor camps and prison camps when they do not languish in sealed cells. Only rumors reach the outside world of one prisoner suffering a broken arm as guards tried to force-feed him; of others trying to mount a hunger strike when our own Secretary of State, James Baker, paid an official visit to the regime which is their jailer.

In every respect, the Communist Government of China imposes its will by force on a helpless people. The ugly reality of Chinese human rights abuses has once again been documented by our own State Department, confirming the reports from Chinese exiles and other observers. The Department of State reports that Chinese respect for the most basic, fundamental human rights still falls "far short of internationally accepted norms."

So the President's celebration of the end of communism is premature. So long as a billion of our fellow human beings suffer under a communist, tyrannical regime, we cannot comfortably assert that freedom has won worldwide and that human rights are secured.

What is most disturbing, however, is not just that the President's speech ignored the reality of repression now facing a billion people. What is most disturbing is the policy he has pursued since the tanks rolled over unarmed demonstrators in Tiananmen Square—the policy he still pursues today. That policy is a failure.

The President has followed a lenient policy toward the butchers of Tiananmen Square. He says he has done so because it would be wrong to isolate China. But it is not a question of isolation. No one wants to isolate China. It is a question of disapproval of China's actions. Our revulsion at the killing of civilians does not create disapproval of China's actions. It is the killing of innocent people by China's Government that causes the disapproval, indeed the revulsion, of the world.

The first official meeting between an American President and the Premier of China, an event that will help reestablish the legitimacy of this regime in the world community, underscored the dismal failure of the President's policy.

Even as President Bush sought to bring human rights concerns to the attention of the Chinese Premier, he was soundly rebuffed and told that the internal affairs of China are none of America's business.

Premier Li Peng said publicly at the Security Council meeting that, "China is opposed to interference in the internal affairs of other countries using the human rights issue as an excuse." Secretary of State Baker confirmed that Premier Li Peng said substantially the same thing to President Bush privately.

Before the Security Council meeting, I joined several of my colleagues and sent a letter to the President urging that he not meet with the architect of the Tiananmen Square massacre.

The President chose otherwise. The result, as one of the Nation's leading papers reported, was a snub administered to the leader of the world's freest nation by the leader of its most repressive nation. This is not a policy that can or should command the support of Americans.

This latest setback comes after more than 2 years of assurances by President Bush that his policy will produce improvements in human rights, improved trade conditions, and the emergence of China as a responsible nation in the world community.

Yet none of these results has been forthcoming—not one of them. The Chinese record on human rights is as abusive and arrogant as ever, as just last week documented by the President's own Department of State.

Premier Li told the U.N. Security Council that, "A country's human rights record should not be judged in isolation from its history and culture. * * *" Consider that statement. A suggestion that Chinese history gives the current leaders a dispensation to violate human rights is offensive. Internationally recognized standards of human rights do not reflect history—they reflect our aspirations for a future free of governmental terror.

The Chinese record on trade remains abysmal. Despite free access to American markets for Chinese products, American producers do not enjoy equal free access to Chinese markets. By the end of the year, the United States will have racked up a $30 billion trade deficit with China, most of it since the massacre in Tiananmen Square.

Despite a belated admission by the President that China uses political prisoners and criminals to produce goods for the export market—forced labor—nothing has been accomplished in stopping such products entering the United States. The President's claim that the trade relationship with China is important reflects the perspective of China, not the perspective of the United States.

But it is in connection with the role of China as a responsible member of the international community that the administration policy has most obviously failed.

China today leads the movement in Asia to strengthen nonelected authoritarian governments while seeking economic growth to sustain them in power.

Chinese relations with Vietnam and North Korea have grown closer; China is a major arms supplier to the junta ruling Myanmar, formerly Burma, and Thailand, where a military coup dislodged an elected government a year ago.

Chinese patronage of the murderous Khmer Rouge in the Cambodian peace negotiations preserved the power of this genocidal movement. During January, Khmer Rouge attacks drove an estimated 10,000 Cambodian villagers from their homes. There is no evidence that China will try to stop a new Khmer Rouge rampage.

These are not the actions of a government interested in regional stability. These are the policies of a government determined to exert control over smaller neighbors and preserve totalitarian and tyrannical regimes as a means of solidifying its own power.

China's role in global arms proliferation is just as negative and blatant. Repeated verbal commitments by China to adhere to international regimes designed to restrict the growth of the arms trade have been abandoned.

Last June, the United States was forced to impose an export ban on high-speed computers and satellite parts to China when a secret sale of Chinese missile launchers to Pakistan was revealed.

During his visit to China last November, Secretary Baker urged the Chinese Government to abide by the 1987 Missile Technology Control Regime to prevent the proliferation of ballistic missile technologies to countries in the developing world. China's price was the lifting of the June sanctions.

So Secretary Baker agreed. By mid-December, the State Department was ready to lift the ban, but the Chinese failed to provide written assurance to back up their verbal commitment. And they have still not done so. Premier Li told President Bush he would get "a letter" on the subject sometime soon.

Yet, the day before the Premier met with President Bush, the New York Times reported that China is continuing to sell missile technology to Syria and Pakistan. The story reported that guidance units for M-11 missiles were sold to Pakistan, and 30 tons of chemicals to produce solid fuel for rockets were sold to Syria. It was reported that the Chinese have plans to deliver an additional 60 tons of chemicals to Syria this spring.

The gulf war should have warned all that widely dispersed ownership of medium range missiles represents a significant escalation in the ability of regional despots to threaten their neighbors.

The administration has repeatedly claimed that its top priority in shaping the security outlook for the new world order will be to prevent the proliferation of nuclear, chemical, biological, and ballistic missile technologies.

That is an appropriate security goal and one that has the support of all Americans. But a goal cannot be reached by policies that have the opposite effect. Yet, that has been the case with the administration's tolerance of China's arms and technology sales for the past several years.

Central Intelligence Agency Director Gates told Congress in mid-January that Iran's rearmament is proceeding with the purchase of battlefield missiles, cruise missiles, and nuclear technology from China.

It does not take a great deal of imagination to predict potential instability in the Middle East if the rearmament process in Iran moves it toward a nuclear capability.

Just last week, the Director of the Defense Intelligence Agency told the Senate Armed Services Committee that China "is currently assisting many of the nations that we estimate will acquire a ballistic missile capability by the end of the decade." China currently is assisting those nations.

Defense Secretary Cheney said, "They have"—referring to the Chinese—"in the past, on occasion, been less than scrupulous in their concern for maintaining control over that technology."

The Bush policy of placating the Chinese leadership in order to encourage the regime to become a more responsible member of the world community is a failure, a dismal failure. Yet, the president rejects the evidence so clear to all and to the watching world, and pursues the failed policy into deeper and more dangerous territory.

The recent developments with respect to the proliferation of missile technology and chemicals are serious and troubling.

I urge every Senator to seek and obtain a classified briefing from the Intelligence Committee about the extent and scope of Chinese arms shipments and their destinations. No Senator should make a decision on future policy with China without having received and considered all relevant information.

I hope Senators will take the time to become acquainted with the range of information that has been developed on this subject. It is not a matter that can be debated in open session, but it is a matter that has serious implications for our security and that of the world.

I hope that we can consider the China MFN legislation with all of the relevant facts in mind when it is called up. We have now given President Bush's policy more than 2 years to achieve its stated goals, and the President's own State Department has said it failed. It has failed.

I believe it is time to change that policy, and I believe that doing so is in the best interests of the United States and the preservation of a peaceful world.

Mr. President, I ask unanimous consent that three newspaper articles, one a column that appeared in the Los Angeles Times, a column in the Washington Post, and a column in the New York Times, all on this subject, be printed in the RECORD.

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

[From the Los Angeles Times]

BUSH RUNS INTO A WALL ON CHINA, AGAIN

(By George Black)

Li Peng, the Chinese premier, came to New York on Friday, and exiled Chinese students greeted him by erecting replicas of a tank and the Tian An Men Square Goddess of Democracy. This time around, the statue crushed the tank.

Li Peng's normal range of facial expressions covers the full spectrum from a scowl to a frown. But on this occasion he was no doubt encouraged by his PR advisers, Hill and Knowlton, Inc., to force a smile, since the Senate is once again poised to take up the controversial matter of renewing China's most-favored-nation trade status. Yet if the smile was pasted on at the start of the day, it was genuine by the end—for Li Peng knew that he could go home to Beijing with a briefcase full of photos of him shaking hands with George Bush.

The details of U.S. policy on China are controlled by the White House to such an extent that State Department officials joke that the President himself is their China desk officer. And when congressional critics of China try to attach conditions to the renewal of MFN—angered by Beijing's huge trade surpluses with the United States, its occupation of Tibet, its sale of missiles to Syria and Iran, or its brutal human rights violations—they are either silenced by presidential veto or cowed by the assertion that George Bush possesses some special expertise on the subject.

This all goes back to the time that Bush spent as envoy to the U.S. liaison office in Beijing from September, 1974, to November, 1975. Under the tutelage of Henry Kissinger, he learned two lessons: that China was a vital strategic counterweight to the Soviet Union; and that diplomatic dealings with the Chinese, who could turn the cryptic phrase into an art form, was best left to a handful of initiates freed from the constraints of democratic debate.

Bush found himself in Beijing during dramatic times. In company with Kissinger, he paid a call on the dying Mao Tse-tung, who was barely able to speak coherently. Deng Xiaoping, restored to grace after his earlier humiliations in the Cultural Revolution, was locked in a power struggle with the ultra-radical Gang of Four. Bush pinned all his hopes on Deng as the leader who would bring much-needed stability to China. He prided himself on his personal rapport with Deng, and on his folksy, people-to-people approach to the Chinese. The Bushes' cook, he informs us in his autobiography, called him "Busher, who ride the bicycle, just as the Chinese do."

Since the 1989 Beijing massacre, Bush has shielded the Chinese government from the threat of sanctions His argument for constructive engagement is that Deng's economic reforms and trade with the West are steadily undermining communist authority, and that trade provides the framework of trust in which other issues of concern—such as human rights—can be discussed.

But as MFN renewal comes around again, what further reason is there to defer to the President? His "expertise," such as it ever was, has long evaporated. The argument for cultivating China as an anti-Soviet ploy died with the Cold War; the vision of Deng as the agent of political reform and guarantor of stability was buried in Tian An Men Square, and Li Peng continues to brush off any questions about China's human rights record as "internal interference."

The behavior of the leadership in Beijing suggests that U.S. policy may actually have managed to produce the worst of both worlds. The stream of high-level contacts that culminated in the visit of Secretary of State James A. Baker III to Beijing last November seems to have persuaded the Chinese that they need fear no threat from this Administration. Baker did not just come away empty-handed; he was publicly humiliated by Deng's refusal to meet him to receive a letter from Bush.

While benefiting handsomely from Bush's indulgence, much of the present Chinese leadership has an ingrained suspicion of the Administration's support for economic reforms, fearing that the end purpose of U.S. policy for the last 40 years has been China's "peaceful evolution" toward capitalism. (The restoration of capitalism in the former Soviet Union, of course, only lends credence to this view.) China is therefore vehemently opposed to any hint of a demand for concessions from a government that it might arguably see as its best ally.

Incredibly, George Bush gave the Chinese the ultimate plum: a face-to-face meeting in New York with Li Peng, the architect of the 1989 massacre and the most detested man in China. Li Peng's unaccustomed smile is all that has been given in return to Busher, who sometimes rides his bicycle into a wall, just as the Chinese do.

(George Black is completing a book on Wang Juntao and Chen Ziming, two leaders of the Chinese democracy movement.)

[From the Washington Post, Feb. 4, 1992]

REMEMBER THE LONE MAN IN THE WHITE SHIRT

(By Jim Hoagland)

Pictures do lie. The rehabilitation of China's Li Peng during a visit to Europe and America proves how thoroughly.

Think back to June 1989 and the Tiananmen massacre, which the Chinese prime minister personally organized, ordered and justified. Recall the indelible image conveyed by a photograph of a lone Chinese man in a white shirt halting a column of four tanks. Time magazine caught the thrill and wonderment inspired by that picture, which seemed to show the victory of spirit over steel:

"One man against an army. The power of the people versus the power of the gun. There he stood, implausibly resolute in his thin white shirt, an unknown Chinese man facing down a lumbering column of tanks . . . The state clanking with menace, swiveling right and left with uncertainty, is halted in its tracks because the people got in its way, and because it goes in theirs."

Except that the state wasn't halted, not even for a moment. After killing hundreds if not thousands of pro-democracy demonstrators on the streets of Beijing, it hounded students, union activists and anyone else who dared speak up for freedom into jail, exile or silence.

Today we have no idea if that man in the white shirt is dead or alive. Nor do we know what happened to the tank commander who disobeyed orders and refused to crush him on the spot. The standards of Li Peng's justice suggest that both will have paid dearly for their complementary acts of humanity and courage.

We do know 31 months later what has happened to Li Peng. The Soviet-trained, Stalinist-minded apparatchik who prevailed over the unknown citizen in the white shirt and millions like him is granted undeserved respectability by the powerful in the West.

Li Peng flew to New York Friday and met with President Bush, after stopping off in Switzerland to make a sales pitch to businessmen and officials gathered at the annual World Economic Forum. Four years ago, the star attraction of the Davos gathering (and the man America then saw as China's savior) was Zhao Ziyang, the reformminded ex-leader Li Peng keeps under house arrest in Beijing, under an implicit threat of death.

Li Peng's propaganda machine will publicize these meetings at home as proof that the West does not care about democracy in China. The Chinese will be told that all the West cares about is profit for itself and control in Third World countries, as good communists always said.

It is more complicated than that, of course, China exists and has to be dealt with. Bush and the businessmen argue—correctly—that it does no good to break diplomatic relations and to isolate China completely. They also argue that by pursuing contact they influence Li Peng to be more reasonable, more humane, more amendable to free market reform.

That is where the argument goes wrong. The choice is not complete isolation or complete acceptance. The choice is to use the contact with China that is necessary to extract meaningful concessions from rulers whose existence and control depend on being not reasonable, not humane, not amenable to reform.

But that is not being done. The gentle handling of Li Peng in New York and Davos shows that the Saddam Syndrome lives on.

The same arguments were made for years by the Reagan and Bush administrations, and by groups like the U.S.-Iraq Business Forum, to justify placating and defending Saddam Hussein as a potential force for moderation in the Middle East even as Saddam spelled out his murderous ambitions in speeches at home. By lulling those who listened to him, such contact served Saddam's purposes, not America's.

That is happening again in the case of China. Li Peng's regime has now lied repeatedly to the Bush administration, without paying any penalty. Every other month China pledges it will no longer export missiles and dangerous technology to the Middle East, just before a new shipment is discovered. The discovery is either denied by Secretary of State Jim Baker and his minions or used as the excuse for another trip to Beijing to extract another worthless pledge.

The reality is that the Chinese Defense Minister holds absolute power over the country's arms manufacture and export. The army ignores agreements made by the Foreign Ministry or even by Li Peng when they do not suit the army's purpose. Yang Shangkun, the titular president and former general, is building up a family dynasty to control the military and extend this arrangement into the future.

The indisputable economic explosion occurring in China's coastal provinces is also beyond Li Peng's control. Double digit growth rates in the south do not mean that the anti-reform forces now in control of Beijing have changed their ways. They mean the Stalinists do not have the ability to extend their grip over the entire country.

The benefits to Li Peng of his Davos and New York outings are clear. The burden is on those who granted him these benefits to show they dealt with him without illusions and extracted real change in his positions in return.

The world owes the man in the white shirt that much.

[From the New York Times, Feb. 4, 1992]

PRISONERS OF CHINA

(By A.M. Rosenthal)

SAN FRANCISCO.—President Bush knows the names of almost all of Communist China's leaders, an achievement that he takes as testimony to his expertise on China.

But does he also know the names of Chinese political prisoners who have their handcuffed hands ratcheted tight behind their backs, deliberately so tight that they cannot clean themselves after they have used the toilet bucket in their cells?

In San Francisco I keep wondering about that. And the other day when he shook hands with Prime Minister Li Peng, did he remember the names of any of the hundreds of young people shot dead at the time of Tiananmen Square in 1989—one?

That might have come in useful because it was Mr. Li, acting for himself and the rest of the Politburo, who had them killed.

Did Mr. Bush, or any of the American businessmen who met with Beijing's Prime Minister and decided he was a decent fellow, know the name of a single Tibetan Buddhist monk among thousands, tortured or killed by this decent fellow Li and his Government? One?

I think about this in San Francisco because I have been talking with Nancy Pelosi. She is a calm, determined person skillful in her job as a member of the House of Representatives.

Ms. Pelosi, a liberal Democrat, uses her calm, determination and skill to try to liberate the political prisoners—and to liberate this country and its President from a shameful China policy that has helped keep the prisoners where they are.

She is not alone. A majority of both houses of Congress have tried to change that policy by putting a pocketbook price on Communist viciousness in China.

The House approved a bill worked out by Ms. Pelosi and other members of Congress, both houses, both parties, left and right. The vote was a stunning, veto-proof 409 to 21.

The Senate approved action too, but pressure from the President and some Americans in the China trade blocked mustering a majority that could override a veto. Soon the Senators will try again, which is where their constituents can knock.

The bill has been streamlined and pared down but it is based on an idea Mr. Bush has rejected so far. That is to use the $15 billion trade balance in favor of China as a pressure point for freedom.

The Chinese owe that obese balance to convict labor and to American regulations that permit Beijing the "most favored nation" status—the lowest available tariff rates.

The bill says that to earn those rates in 1992, Beijing would have to free all Tiananmen prisoners; about 1,000 are believed to be still in the cells. And Beijing would have to stop lying and actually end the transfer of long-range missiles to Syria and Iran.

For all the rest, Beijing would simply have to show "progress" in granting free speech, press and religion in China and Tibet, in giving "assurances" that it is not selling nuclear technology around the world and in ending convict labor.

This "progress" provision is not tough enough to persuade today's Chinese Communist leadership to do anything in those fields but keep thumbing their noses at the United States. But it is being put that way to try to get enough Senate support to override a veto.

Still the legislation would be important for freedom. It would not really make decent chaps out of Mr. Li and the rest of today's Politburo. But they can count, and it might persuade them to release political prisoners as just not worth the bottom line.

Also: Waiting for the old leaders to die off are somewhat younger Communist chieftains. They are the usual Communist mixture of hard-liners and "moderates" who think they can preserve the system with rather less murder and imprisonment.

If the Senate can override a veto, tomorrow's Communist leadership might understand that there is a minimum price of decency to be paid for American quiescence and maybe even make some real "progress."

Readers say that I suggest so often that they phone or write the White House and their members of Congress that their fingers are weary. But I don't know any other way to counter White House and business pressure against a bill that would liberate the political prisoners of China, including the United States and its President.

Mr. MITCHELL. Mr. President, I yield the floor.

Mr. BUMPERS. Mr. President, I wonder if the majority leader, before he leaves, would be willing to extend the time for morning business. I need about 5 minutes, and I think the Senator from Washington needs 5 minutes. I think the present time is 10 minutes till 1. Will the majority leader be willing to extend that to the hour of 1?

Mr. MITCHELL. Yes, I will do so. I remind my colleagues that the business meeting in the caucus will begin at 1, so I hope my colleagues will be present.

Mr. BUMPERS. We can conclude at 5 till.

EXTENSION OF MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the period for morning business be extended until 1 p.m.

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

The Senator from Arkansas is recognized.

Mr. BUMPERS. I thank the Chair.

(The remarks of Mr. BUMPERS pertaining to the introduction of S. 2181 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ADAMS addressed the Chair.

The PRESIDING OFFICER (Mr. BUMPERS). The Senator from Washington is recognized.

UNEMPLOYMENT COMPENSATION

Mr. ADAMS. Mr. President, today, we are going to be debating the unemployment compensation bill, and I hope we will pass it.

We are here for the fourth time in 6 months to help unemployed Americans because the administration has failed to help them with what they really need, jobs.

In the State of the Union, President Bush finally saw the light in calling for an extension of unemployment compensation benefits. perhaps it was a reflection from the committee rooms where we were already working on this bill. But if his other ideas to deal with the recession are an indication of where we are going there is indeed darkness ahead.

Unemployed workers do not need tax breaks to buy a new house. What good is repeal of the luxury tax on yachts when workers do not even have a lifeboat?

We need a domestic Marshall plan to rebuild America and put Americans back to work. One element of such a plan is a supplemental transportation appropriations bill, introduced by Senator LAUTENBERG. By expediting the expenditure of $7.13 billion in transportation funding we would create 180,000 jobs over the next 5 years.

Mr. President, I am familiar with this as a former Secretary of Transportation. These types of public works rebuild the infrastructure of America, and at the same time provide jobs immediately in the areas affected because the States have already done the planning and we are ready to go.

In Washington the Puget Sound regional transit project is expected to generate several thousand jobs a year and give us a better and more efficient regional transportation system. These types of projects create jobs. Tax cuts for the wealthy do not.

Rural areas in Washington have been particularly hard hit. The Senator from Arkansas pointed out very well just a few moments ago, and I am very pleased to help sponsor his bill; the hardest hit areas in the country are the rural areas. Okanogan County in the State of Washington has 16 percent unemployment; Yakima County has 12.7 percent unemployment. The President offers them nothing.

Farmers need an export American initiative to help them compete for new markets overseas. For example, why don't we send our food products over to the Soviet Union in exchange for the nuclear warheads that we are concerned about at the present time, and ship them in our ships? That is just one example of what can be done with a little innovation in this country, and in that case we are not worried about the funding.

Displaced timber workers need a conservation conversion program that will help them to continue to lead productive lives. These proud and independent Americans are the backbone of so much of our society. They deserve an aggressive attack on this recession.

Today our unemployment and our unemployed need an extension of benefits. I support it. I hope that we will pass it this afternoon, but tomorrow they need an extension of opportunities.

I yield the floor. I thank the Senator for his time.

The PRESIDING OFFICER. Under the previous order the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:56 p.m., recessed until 2:15 p.m.; whereupon the Senate reassembled when called to order by the Presiding Officer [Mr. ADAMS].

EXTENSION OF UNEMPLOYMENT BENEFITS

The PRESIDING OFFICER. Under the previous order, the hour of 2:15 p.m. having arrived, the Senate will now proceed to the consideration of S. 2173, which the clerk will report.

The bill clerk read as follows:

A bill (S. 2173) to increase the number of weeks for which benefits are payable under the Emergency Unemployment Compensation Act of 1991, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. Under the previous order, there is a 2-hour time limit which has been established on this bill.

Mr. BENTSEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. BENTSEN. Mr. President, I ask unanimous consent that the Senator from Florida be allowed to proceed for 2 minutes as in morning business.

The PRESIDING OFFICER. The Senator from Florida is recognized.

THE U.S.S. "FORRESTAL"

Mr. MACK. Mr. President, the arrival of the U.S.S. *Forrestal* in Pensacola, to begin its new mission as the Navy's training aircraft carrier, heralds a new chapter in Pensacola's storied role as the cradle of naval aviation. *Forrestal's* arrival clearly indicates that as long as the Navy continues to fly aircraft into battle, Pensacola will oversee their training.

At his press conference on President Bush's new defense budget last Wednesday, Secretary of Defense Richard Cheney reiterated the vital need for a 12-carrier Navy. Citing their value in responding to crises, he spoke of our carriers' role in Desert Shield and Storm and called them "a capability we should not give up." I could not agree more.

As *Forrestal* begins her new mission in her new home, let us reaffirm our commitment to maintaining America's military strength. The men and women who proudly wear the uniform of the U.S. Navy are the best our country has to offer. They have risked their lives to defend freedom. Let us make sure that none destroy all that they have worked so hard to build.

The Navy has a true home in Pensacola. We should continue to build on this foundation which has taken 70 years to lay. The fact that such a warm reception has been organized for the *Forrestal* is clear evidence that the bond is once again being forged anew. I extend a warm welcome to the crew of the *Forrestal*; I am certain they will find Pensacola a marvelous community which stands with open arms. I congratulate and thank the citizens of Pensacola and the rest of west Florida on their years of support of naval aviation.

I yield the floor.

EXTENSION OF UNEMPLOYMENT BENEFITS

The Senate continued with the consideration of the bill.

Mr. BENTSEN. Mr. President, I yield to the majority leader.

MODIFIED UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I thank my colleague, the distinguished chairman of the Finance Committee.

Mr. President, I intend, momentarily, to ask that the consent agreement governing the consideration of S. 2173, the unemployment extension bill, be modified to permit a point of order to be raised against the bill.

Under the agreement that was obtained, no point of order is permitted.

But my reason for asking for this modification is simple. The agreement was reached in good faith, but I am now advised that due to a misunderstanding and an inadvertent error, a Senator's right to make a point of order was not protected and included in the agreement. That was an honest mistake. And since becoming majority leader, I have taken the position that whenever an agreement is reached that includes a provision placing a Senator at a disadvantage as a result of an inadvertent error or mistake, either by a Senator or staff, that the disadvantage should be removed and the agreement modified to reflect the circumstances which should have existed when the agreement was adopted.

Therefore, Mr. President, I now ask unanimous consent that the agreement governing the consideration of S. 2173 be modified to permit the raising of a single point of order, as well as any relevant motion in relation thereto at the conclusion or yielding back of time on the bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, it is my understanding that the distinguished Senator from Colorado [Mr. BROWN] intends to raise a point of order with respect to the bill pursuant to this modification. He is present, and I just wanted to assure him he now has that right under this agreement.

The PRESIDING OFFICER. The Chair will inquire of the majority leader, this point of order you indicated under your request was to be at the end of the debate; is that correct?

Mr. MITCHELL. Yes, at the conclusion or yielding back of time on the bill. That is correct, Mr. President.

The PRESIDING OFFICER. I thank the majority leader.

Mr. MITCHELL. I believe that this modification of the agreement was cleared on both sides and the procedures are acceptable both to the chairman and the ranking manager and to the Senator from Colorado.

Mr. BROWN. Will the Senator yield?

Mr. MITCHELL. I yield.

Mr. BROWN. I express my thanks to the distinguished Senator for his willingness to adjust the unanimous consent. He has gone the extra mile, I think, to be fair in this regard. I deeply appreciate his efforts.

Mr. MITCHELL. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. BENTSEN. Mr. President, last Thursday the Committee on Finance voted unanimously to report this bill to extend the program of Federal emergency unemployment compensation benefits that was enacted late last year. Today, I urge Senators to pass the bill without amendment so it can be sent to the President without delay.

S. 2173 is supported by the majority and minority leadership of the Senate and has broad bipartisan backing. It reflects the compromise that was agreed to in the House and enjoys the support of the President. On Friday of last week, I entered into the RECORD the text of a letter from President Bush stating he hoped the bill would be passed without amendment, that he will sign it, and that its enactment will not trigger a sequester under the Budget Enforcement Act.

Mr. President, the reasons for acting now to pass this legislation are very clear. The unemployed need it, the state of the economy demands it, the Congress strongly supports it, and the President will sign it.

In December, the unemployment rate rose to 7.1 percent. That was up from 6.9 percent the previous month, and the highest level during this recession. In other words, 290,000 more people were out of work. That is the equivalent of wiping out all the employment in a mid-sized American city. Since December, we have seen layoffs by blue chip companies continuing to increase—firms like General Motors and Xerox. Layoffs by these blue chip firms alone have averaged some 2,600 a day. Last week we learned that initial claims for unemployment benefits rose by 24,000, to a level of 464,000.

Unfortunately, Mr. President, there is no indication we will see any quick turnaround. What it looks like we are going to enter is a sideways movement, with nothing like the kind of recovery that we experienced after earlier recessions. While we hope for recovery, we do not really see the signs of it at this time.

The fiscal year 1993 budget just released forecasts such slow growth ahead that the unemployment rate will not be pared to the 5.3 percent that it was when the recession began until 1997. Even that outlook may be unrealistically optimistic. I scarcely need to dwell on the administration's record of economic forecasting during this recession. Last year, the President assured the Nation that recovery was right around the corner and growth would be rolling along at a 3.6-percent clip in 1992. Instead, the economy inched up a bare 0.3 percent in the fourth quarter of 1991, and groups as diverse as the major forecasting firm of DRI/McGraw-Hill and the Chamber of Commerce are projecting negative growth for the current quarter.

I believe that the Federal Government has the responsibility to try to alleviate the economic distress which the lingering recession has imposed on jobless workers. Three times last year, the Congress passed legislation to extend expiring unemployment benefits, and twice the President rejected that legislation.

Congress knew better. We saw the pace of layoffs accelerating, not dwindling. We saw the pace of bankruptcies increasing, not falling. We witnessed auto sales plunging to depression levels, not soaring in recovery. And we saw the number of initial claims at State unemployment offices skyrocketing to recession levels. Millions of capable working men and women were fruitlessly seeking jobs as layoffs multiplied, scrambling to make rent or mortgage payments, trying to keep the cars they need to look for a job, trying to keep food on the table. They deserved help, and Congress tried to provide it.

Events have proven that Congress was right. The recovery was not underway last autumn. Last Thanksgiving, we passed the extended benefits bill and, I must say, we passed it with the strong support of the ranking minority member of the Finance Committee.

To my mind, events have changed little since then. The recovery still seems far away. Consumer purchases, corporate investment, and industrial production are all dropping. The index of leading economic indicators has just fallen for the second month in a row. Consumer confidence has declined steadily this winter to the lowest level in 12 years. Not since Americans waited in gas lines in 1980 have families been so pessimistic about their economic future. Corporate restructuring, eliminating tens of thousands of white collar jobs permanently, is part of the reason. But the biggest explanation is that unemployed men and women face a grim job market where job layoffs are outpacing job creation.

Indeed, as Senators know, labor market conditions are worse today than last November when unemployment benefits were first provided. This unhappy state of affairs is likely to continue for some time because unemployment is a lagging indicator of the economy. Coupled with weak prospects for growth this year, the Director of Research for DRI testified before the Finance Committee last week that unemployment will show little or no improvement in 1992, and that the jobless rate will hover at about 7 percent, or may even increase, before the end of the summer.

Last November's extension of unemployment benefits provided a critical lifeline for victims of this recession. But these benefits are going to begin to expire about February 15. We have more than 600,000 unemployed workers who are going to begin exhausting their benefits, and that number is going to mount steadily in the weeks that follow.

The budget is tight, but it is time to extend unemployment benefits again. The legislation reported last Thursday by the Finance Committee will do that.

Let me summarize what the committee bill will do. As Senators know, the Federal emergency unemployment compensation legislation enacted last

year provided unemployed workers who had exhausted their regular benefits with an additional 20 weeks of benefits in States with the highest unemployment, and 13 weeks in all the other States. That legislation expires on June 13. The bill before the Senate today will extend the 13 and 20 weeks of benefits payable under the current unemployment compensation program from June 13 to July 4. In addition, the bill will increase by 13 weeks the number of weeks of Federal emergency benefits that workers who have exhausted their regular benefits can receive, effective with the date of enactment and continuing through June 13.

What is that going to mean for unemployed workers in this Nation? Unemployed workers will be eligible for up to 33 weeks of emergency benefits in States with the highest unemployment and 26 weeks in all the other States.

When these emergency benefits are combined with the 26 weeks of regular unemployment benefits paid by the States, it means that workers who have lost their jobs and cannot find work will be eligible for a maximum of 59 weeks in those States with the highest unemployment, and for 52 weeks in the other States.

The bill provides a similar 13-week temporary increase in the extended benefits for unemployed railroad workers, assuring that railroad workers will receive unemployment benefits comparable to those paid to other unemployed workers.

The committee bill is estimated to cost $2.7 billion in fiscal year 1992. The bulk of this cost, $2.2 billion, is offset by the budget savings that the Office of Management and Budget estimates were achieved by the pay-as-you-go legislation that we enacted last year. The remaining costs are offset by revenues from a small increase in the minimum amounts due for corporate estimated tax payments for taxable years beginning after December 31, 1992, and before 1995. Under current law, this increase is already scheduled to occur in the taxable years 1995 and 1996. So what we are talking about is an acceleration of the time in which these payments will be made.

Mr. President, I call on my colleagues to join with me; the distinguished ranking member of the Senate Finance Committee, Senator PACKWOOD; Majority Leader MITCHELL; and Republican Leader DOLE in support of the pending bill. The working men and women of this country need jobs, Mr. President, millions of good-paying jobs. But even more urgently now, we need to bridge this jobless gap until a genuine recovery takes place for the families of this country.

Mr. President, I yield the floor and retain the remainder of my time.

Mr. PACKWOOD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. Mr. President, I am reminded of the old song, "What a Difference a Day Makes, 24 Little Hours." As we consider this bill, what a difference 6 months makes. Six months ago we were arguing partisanly—not me; the chairman and I were united on one side of this—but there was a Republican-Democratic difference of opinion. The President was opposed to the bill. He had some fair comments. We were not going to pay for it. We wanted to expand the deficit. He said that is not wise, but he was not enthusiastic about the bill, whether or not we expanded the deficit.

We finally reached a begrudging compromise with him. He signed the bill, but with much grumbling on all sides.

And, in fairness to the President, I must say his administration was not the only one that was predicting we would be out of this recession before then. Most of us can now recall, 6 months, 9 months ago, most of what we would call the blue-ribbon economists—and by that I do not mean conservatve—conservative, moderate, liberal—were predicting we would be out of this.

They all missed. It is nobody's fault. These are the best minds around in this business. They simply missed and we followed their advice. Now we are not much better off than we were 6 months ago, or somewhat worse.

In answer to the question directly, this bill is not going to get us out of the recession. That is not the point of this bill. That is the point of the President's entire economic message. But this bill is to help people who are in the recession, out of a job, tide them over until, hopefully, we start to come out of it and they have a job again.

That is the only decent thing to do, and this time we have paid for the bill. And this time the President is on board and the House is on board and the Republicans and Democrats are on board and there is no fractious dispute about this issue now. It is no solace however to those who are out of work.

I might say this recession has left tracks on the backs of many people in Oregon, especially in the timber industry. I have numerous counties that have unemployment in excess of 10 percent, a number in excess of 15 percent unemployment. And for the people out of work now, it is no solace to them to say, do not worry, we are coming out of this. They have a car payment to make next week; they have a mortgage payment to make next month; they have kids to feed and educate, and it is no comfort to them to have somebody say, on average, we are going to be OK. A man standing with one foot on a cake of ice and one foot on a hot stove on average is OK, but both of his feet are pretty uncomfortable. This bill will take care of people for a modestly short period of time until, hopefully, we start to come out of this recession.

I want to read those counties: Douglas County, Grant County, Josephine County, Morrow County, and Wasco County—all have unemployment figures of over 10 percent. The timber workers in Douglas and Grant Counties are being penalized because we are not allowing the forests of Oregon, Washington, and northern California to be managed by professionals so that these people can work.

Not only is there a recession, they are out of work in addition to the recession because of actions being taken by the Federal Government that are no fault of theirs. These are people 35 years of age, 40, 45, 50. They worked in the mills since they left high school. Their fathers and grandfathers may have worked in the mills. They have lied in these towns as a family for 60 to 70 years and they would like to continue living there. And it is fine to say to them, well, the economy in Portland is not too bad. They live 200 miles from Portland in a rural community of 3,500, and the sole source of employment is the mill and the mill is down.

So do not tell them about averages. Do not tell them about future prospects. This bill will help them pay their bills now. That is the minimum, decent, humane thing that this Congress can do.

I can simply say I am happy this time not only to be allied again with my distinguished chairman, as I was 6 months ago, but doubly happy this time we are allied with the chairman of the Ways and Means Committee, with the President, with the Republicans and the Democrats in the House and the Senate. And we go forward this time with no rancor and no spite and united in the hopes that we could give some modest relief to people who are unemployed and who want to work, who are not asking for a dole. They are not asking for a handout. They really want a job. As we cannot give them a job now, this is the next best substitute. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. PACKWOOD. Mr. President, I have control of the time on this side. I ask unanimous consent that the Senator from Colorado [Mr. BROWN] be allowed to manage the time.

The PRESIDING OFFICER. Is there objection? Hearing no on objection, it is so ordered and Mr. BROWN will assume the leadership position and manage the time.

Mr. PACKWOOD. I thank the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. BENTSEN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Forty-nine minutes and seventeen seconds.

Mr. BENTSEN. I yield 5 minutes to the distinguished senior Senator from the State of Maryland.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I thank the chairman for yielding me time. I want to first congratulate the very able chairman of the Finance Committee, the distinguished Senator from Texas, for the extraordinary leadership he has provided for many months on this unemployment insurance issue, and I want to commend the committee for moving so quickly on this legislation.

I want to note that the Congress was moving on this issue from the very beginning of this session, even before the President finally included it as part of his program and put it forth in the State of the Union Message. Three times last year we had to go to the well with the President on this issue before the President finally signed a bill to extend unemployment insurance benefits.

This bill is very badly needed. Mr. President, this chart shows that the weekly claims for unemployment insurance are once again on the rise. You can see they went up, then they came down, now they have started back up again. So the weekly claims people are filing for unemployment insurance are now on their way back up. As one would expect in a recession which is now the longest since the Great Depression, the number of people unemployed for 27 weeks or more is rapidly escalating. This recession, which the administration assured us throughout most of last year would be short and shallow. The recession has now exceeded in its duration any of the post World War II recessions. It now stands at 19 months. Therefore, the number of people out of work for an extended period of time, defined as 27 weeks or longer, is rapidly on the rise. It is now almost 1.5 million people. Prior to the recession, it was down at 600,000. So it has more than doubled over the course of this recession.

What that means is that people who lose their jobs and use up the 26 weeks of basic benefits under the program find themselves back out looking for a job with no income support in an economy which is continuing to deteriorate. In fact, the unemployment rate last month at 7.1 percent was the highest it has been in this recession: 7.1 percent. So if you lost your job a year ago when the unemployment rate was 6 percent, you are now out looking for a job in a more difficult labor market than when you lost your job.

The 7.1-percent figure only tells part of the story. That is the so-called official unemployment rate. It is people who are out of work and looking for work. But in addition, there are 1.1 million people who are so discouraged by job prospects that they have dropped out of the labor market. There are another 6.3 million people who are working part time and want to work full time; they are seeking full-time work, they can only find part-time work.

If you factor both of these groups in with the officially declared unemployed, you have an unemployment rate not of 7.1 percent, but 10.4 percent.

In addition, the economic indicators are very grim. The indicators are down, housing starts are down, durable orders are down and the prospects are not that bright. It is no wonder that consumer confidence is reflecting this development by a very sharp drop.

Consumer confidence dropped markedly last fall. It came back up again, and now it has dropped below anything we have experienced in this recession and, in fact, only one other time in the entire postwar period did it get this low.

One of the problems is that we have had difficulty getting the President to say the "R" word: recession. As late as mid-November of last year the President was denying that there was a recession.

My own view is one reason consumer confidence is so far down is that the American people said, does the President really understand what is happening in the country? The President says there is no recession. He is saying, no problem. We know there is a problem. We can feel it and see it right here in our everyday lives.

The unemployment insurance system was designed to provide income support for people who had lost their jobs, to carry them through a difficult time until the economy picked up again and hopefully they would be called back to work or be able to find another job opportunity.

One thing that has happened in this recession that differs from previous recessions is that a larger percentage of those losing their jobs are being terminated rather than simply laid off. In previous recessions, people would be laid off but their employer would say, as soon as economic circumstances pick back up, we can start our factories humming again, we hope to call you back. You will have your old job back. Not in this recession.

The ratio has shifted and more and more people are being told you are out of a job altogether; we are downsizing our operation. There is no job for you to come back to even if economic circumstances pick up.

So, many people for the first time are being dumped cold, as it were, into the labor market and have to go elsewhere to try to find a job opportunity: People who have worked 10, 12, 15, 20 years, steady work with one employer.

We urged the President last year to move on this unemployment insurance issue. It accomplishes two purposes: First of all, it deals with the pressing individual problems of people who have lost their jobs, they have no income flow, they are worried about how to pay the mortgage on their homes, meet the payment on their cars. People are thrown into absolutely desperate situations.

Most people in this country, if their income flow is disrupted, have no way to make up for that. They do not have huge trust funds or inherited wealth.

They have no inherited wealth or trust funds to carry them through this period. I sometimes think the policymakers downtown do not fully appreciate that fact. They need an income coming in in order to carry them through.

Many, many people suffered real harm, real hurt as a consequence of the delay in extending these benefits last year. People lost their homes. They lost their cars. We have had any number of stories that recount that development.

The other thing the unemployment insurance was intended to accomplish was to be a countercyclical stimulus to the economy. If the economy starts down, unemployment goes up, people are being laid off. Through the unemployment insurance system you inject purchasing power into the economy to try to move it back up again, to keep it from dropping as much as it was dropping.

It is really a very well designed system because the benefits flow, by definition, to where they are most needed, namely where the unemployed are. If you do not have the downturn, you do not use the benefits.

I could not understand last year why the President would not move with this even if he thought we were going to come out of the recession. It would have provided insurance. If we continued to go down it would counteract that trend. If we did not go down and we started up, it would not be called upon because you would not have the additions to the unemployed rolls.

Mr. President, this is a very important development here. I want to commend the committee for coming forward with this legislation. I commend the chairman. I have been delighted to work with Senators SASSER and RIEGLE on this issue and appreciate very much their efforts, and that of the majority leader, Senator MITCHELL. For millions of Americans, at least for now, they can know they are not simply going to be abandoned by the National Government on a program which has consistently, since its inception, provided important income support at a time of an economic downturn.

Mr. President, I ask unanimous consent that an article in the Baltimore Sun at the end of last year be printed in the RECORD.

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

[From the Baltimore Sun, Dec. 26, 1991]

RANKS OF UNDEREMPLOYED ALSO SWELL IN RECESSION

(By Gregg Fields)

MIAMI.—Maurice Gray hasn't lost his job, but sometimes he feels as if he might as well have.

Mr. Gray is a structural engineer in Miami. He owns his own firm, which once had 10 employees. Now, Mr. Gray is down to "about 4½" workers, and he is putting in longer hours than ever for far less money.

"I've had to do the drafting, clean the offices, secretarial—everything," he says. It adds up to more than 90 hours a week, and some weeks he can't afford to draw a salary.

"You do a lot of things differently," Mr. Gray says. "You juggle your mortgage. You debate whether to go to lunch or make a sandwich. We even had trouble making our payments to the engineering society."

If there's any solace to be had, he says, it's knowing some engineers are even less fortunate. "I would rather have half a loaf than none at all," he sighs.

Welcome to the world of the underemployed. Much has been written about the army of the jobless.

But the recession has created a second division of disadvantaged workers—the underemployed. They are people who survived layoffs but now must work longer hours for less money; or people who drive taxis because their degrees are worthless; or those forced into part-time jobs when they desperately need full-time work.

Underemployment can be just as devastating as unemployment. As with the jobless, the underemployed see their savings shrivel, their careers shift into reverse and their dreams evaporate. They file for bankruptcy, worry a lot and cope with a fair amount of indignity.

"It's sort of like a tied football game," says William Werther, a management professor at the University of Miami. "It's better than a loss, but it's not a victory, either."

Measuring underemployment is tough. Hard statistics are difficult to come by. But economists and labor market analysts say the ranks of the underemployed are clearly growing. As one example, the Labor Department says there are 6.3 million part-timers who want full-time positions. That's up 900,000 from a year ago.

Just how bad underemployment hurts depends on the individual. Still, there's little doubt that, for most people, underemployment is a forced detour down a bumpy economic highway.

It isn't just a problem for low-skilled workers, either. In this recession, many highly trained individuals have lost their jobs and been forced into underemployment.

Katrina Baroni Pierre is one example.

Earlier this year, she lost her teaching job in Broward County, Fla. She had to make do with unemployment benefits and sporadic substitute teaching work.

"How do you live on $200 a week?" she says. "I said, the No. 1 priority is rent and No. 2 is the car payment." Even then she and her husband, who's in college, fell a month behind.

Then disaster struck. Their only car broke down. It cost $3,000 to fix. "We had no choice but to put it on Mastercard."

She has since landed a teaching job in neighboring Dade County, paying almost $27,000 annually. But paying off bills from underemployment takes money they wish they could save for a house. And cutbacks in Dade County schools have her worried she'll face underemployment again.

People forced into part-time work are only one measure of underemployment. Another type of underemployment involves taking jobs beneath a person's skill level. Unfortunately, the government doesn't measure this group.

There's ample anecdotal evidence suggesting this is a pervasive problem. For instance, temporary help agencies are bulging with qualified applicants, says the president of a personnel pool. In Palm Beach County, Fla., the mundane task of delivering phone directories, the kind of job the underemployed would seek, drew 1,200 applicants. That's six times the typical volume.

And many, many workers say they're taking lower-skilled jobs to stay afloat. "From what I was making, to now, is about a 60 percent pay cut," says Charles Kelly of Hollywood, Fla. Mr. Kelly was a mechanic with Midway Airlines until it closed its Miami base earlier this year. He was making $18.33 an hour. The airline has since folded.

Mr. Kelly's treasured airline mechanic certification no longer can get him a job. So he's driving a tractor-trailer.

He's hanging onto his house, but little else. He had to file for personal bankruptcy. He rides a motorcycle to work because he can't afford car insurance.

Nevertheless, he's thankful things aren't worse.

"I know a lot of guys in my position," he says. "One guy I work with, driving trucks now, used to be an Eastern pilot."

Stephen Morrell, a professor at Barry University of Miami, says many leading industries have been devastated. They won't bounce back when the recession ends.

"One obstacle to full employment will be acquiring different skills," says Mr. Morrell, "because when the economy comes back, the same sorts of jobs won't be there."

Many workers are already undertaking this adjustment. Rose Bazan, who sells residential real estate in Hialeah, Fla., is essentially underemployed. Sales have slumped, and sales that do go through take a lot more effort than they used to. "I've had to work more hours for the same salary," she says.

Worried about her long-term job prospects, she has taken several assignments in other fields with Kelly Temporary Services.

"It's provided me a window," she says. "But it's not easy to go from being an office manager or taking orders from someone who's younger than you."

Virginia Gunther, district manager for Kelly, says she has many employees in Ms. Bazan's situation "People who are having their skills underutilized are looking to be entrepreneurs and supplementing that with temporary work," she says. "Some people are frustrated with the fields their old job were in."

Embarking on a new career can be an emotionally wrenching expectence, however.

Jane Henderson knows. Though she isn't underemployed yet, it's likely just a matter of time. As one of the few remaining employees of Eastern Airlines, in the collections department, she'll probably lose her job within six months.

"I'm 60 years old, and for the next five years I have to work for the medical insurance," she says.

Ms. Henderson has prepared herself for a pay cut or lower-skilled work. But she's worried about landing anything. Skilled airline workers aren't in demand. And she's concerned about age discrimination. When she answered an ad for flight attendants, for instance, she didn't even get a response.

"Hopefully, I'll get in with another airline, if just as a file clerk," she says. "There's not a lot of people out there wanting airline workers."

Mr. SARBANES. Mr. President, this is an article that addresses the ranks of the underemployed as opposed to the ranks of the unemployed during this recession. Let me just quote very quickly from it.

But the recession has created a second division of disadvantaged workers—the underemployed. They are people who survived layoffs but now must work longer hours for less money, or people who drive taxis because their degrees are worthless; or those forced into part-time jobs when they desperately need full-time work.

Underemployment can be just as devastating as unemployment. As with the jobless, the underemployed see their savings shrivel, their careers shift into reverse and their dreams evaporate.

The people working part time do not get the benefit of the unemployment insurance, and they need to be addressed by an economic stimulus program to get this economy out of recession, something we have been calling on the administration to do now for more than a year. But this article also reflects the serious economic circumstances which exist across the country.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from Texas.

Mr. BENTSEN. The distinguished chairman of the Joint Economic Committee early on recognized this problem, and he was in the forefront supporting what had to be done. He has been for this every step of the way. I congratulate him and appreciate his comments.

I would like to now yield 5 minutes to the distinguished chairman of the Budget Committee.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Mr. President, I thank the distinguished Senator from Texas for yielding. And, Mr. President, I want to take this opportunity to pay tribute to the efforts of the distinguished Senator from Texas [Mr. BENTSEN], the chairman of the Senate Finance Committee, for his long and valiant efforts in behalf of the long-term unemployed in this country.

It was Senator BENTSEN who stood on this floor last fall and, twice, fought for an extension of long-term unemployment compensation benefits that were blocked by the President. But he came back a third time. Thanks to his leadership, literally millions of our countrymen saw an extension of their unemployment benefits of 20 weeks in some cases, 13 weeks in other cases, and that was a lifesaver for hundreds of thousands of families all across this country.

I am pleased to join with the distinguished Senator from Texas today in urging once again an extension of benefits for the long-term unemployed who have exhausted their benefits.

As my friend the chairman of the Joint Economic Committee said, this has been the longest recession since World War II. It is now moving into its 19th month and the unemployment numbers themselves really do not tell the full story, as the distinguished Senator from Maryland said.

This is a different kind of recession. We have not seen a recession like this in my lifetime. We are accustomed to so-called blue-collar recessions where people, fine working people, the backbone of this country who work by the hour, are laid off in recessions. That has occurred in this recession also. The hourly workers, the blue-collar workers, have been laid off. But it has gone deeper than that. They have lost their jobs on permanent basis.

What we are seeing in this recession is not just layoffs or terminations for the present time, we see far out into the future terminations that have been announced. General Motors has announced the termination of 74,000 employees. Those jobs have not been lost yet. They are out in the future somewhere. And so it is with almost all of the major American corporations across the length and breadth of this land.

Mr. SARBANES. Will the Senator yield on that point?

Mr. SASSER. I yield to the distinguished Senator from Maryland.

Mr. SARBANES. The other thing is, Mr. President, these major corporations who have announced these layoffs have not identified where they are going to be and who is going to be affected by them. The consequence of that, of course, is to send apprehension and tremor through the entire work force. Everyone, in effect, freezes.

You talk about something that undercuts the potential of consumer confidence. The company announces "We are going to have major layoffs, cutbacks in the work force." But they do not tell you who or where. Then, virtually, all of the work force freezes in place. They all become very apprehensive as to what is going to happen to them specifically. And the consequence, of course, is a major economic impact on the functioning of the economy.

Mr. SASSER. The Senator from Maryland is quite right. This recession is different from others. What we are seeing are layoffs and terminations that are reaching up into the white-collar middle class in this country, terminations that are affecting middle-level management.

I wonder if any of my colleagues happened to see just a few weeks ago—I think it was on public television—there was an hour-long special about what was happening to workers in the State of Wisconsin. They followed three or four workers' families: a blue-collar family that had lost their job; a middle-level manager who had been terminated, desperately looking for work, finally settling on a job much below the level that he left.

This recession reaches up into middle-level people, middle-level managers, middle-class, white-collar workers, and entrepreneurs. Small business people all across this country are going bankrupt as a result of this recession. We are setting record levels for bankruptcies all across the country.

In this recession, we find that 1 out of every 10 Americans is on food stamps. When I was first given that information, I could not believe it—10 percent of the people of this country on food stamps? That cannot be true.

But we checked that statistic very carefully, and we found that 1 out of every 10 Americans today in this long recession is utilizing food stamps. And those who distribute the stamps are telling us they are seeing a different kind of recipient now—people coming in from the middle-class, white-collar people, who have never been on food stamps in their lives, who have worked all their lives, productive members of this society—now reduced, because of the recession and unemployment, to food stamps.

The Chairman of the Federal Reserve Board, Alan Greenspan, appeared before the House Banking Committee and later before the Senate Banking Committee. He told the Congressmen on the House Banking Committee—and I will not quote him precisely, but this is the essence of his remarks: "Never in my lifetime have I seen such fear and anxiety about the long-term prospects for this economy." So says Alan Greenspan, the Chairman of the Federal Reserve Board.

What is the germ of this fear and anxiety that is abroad in this country?

Mr. President, I thought a long time about that, and you can analyze the statistics and see that over the past 13 years, the great middle class of this country has seen their real incomes shrink by 3 percent. The middle class of this country have been in a long running depression. While on the other side, they have seen the wealthiest 1 percent over the past 13 years increase their real income, corrected for inflation, by 65 percent.

So the fear and anxiety of the great middle class is that this recession, coming in the end of what has been a long decline for them, is the last straw. This is the straw that broke the camel's back.

So that is why, Mr. President, there is such great fear and anxiety all across this country. That is why the efforts of the distinguished chairman of the Finance Committee to extend these unemployment benefits today for these long-term unemployed workers is so crucial and so critical.

I see the distinguished chairman on his feet.

At some juncture, I think a point of order will be made, and I will rise to address that.

Mr. BENTSEN. Mr. President, I want to thank the distinguished chairman of the Budget Committee for his very generous remarks, but I must say we stood side by side, along with the distinguished Senator from Maryland, as we fought this fight. I am delighted to see his interest has never waned for a moment fighting for the people of Tennessee and the people of the United States in that regard.

Mr. President, I ask unanimous consent that the control of the time for the majority be now extended to the distinguished Senator from South Dakota.

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

The Senator from South Dakota has 30 minutes. The Senator from Colorado has 52 minutes.

Mr. BYRD. Mr. President, will the Senator yield me 15 seconds?

Mr. DASCHLE. I yield such time as he may consume to the distinguished President pro tempore, the Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished Senator from South Dakota [Mr. DASCHLE].

Mr. President, I am pleased that the Senate, following swift action in the House of Representatives, has been able to move forward on this important legislation. Our economy remains mired in a recession—the longest recession since the Great Depression of the 1930's—and the employment outlook is bleak. People are hurting and are looking to us to help them through these tough times.

Unemployment stands at 7.1 percent, 1 full percentage point higher than where it was a year ago. The number of Americans unemployed, those looking but unable to find work, stands at 8.9 million, an increase of more than 1.2 million over the number unemployed 1 year ago. Another 6.3 million Americans are working part time, even though they would prefer to work full time. Finally, 1.1 million out-of-work Americans have become so discouraged about the prospect of finding work that they have given up looking.

These are staggering numbers—8.9 million unemployed, 6.3 million working only part time for economic reasons, and 1.1 million so discouraged that they have simply dropped out of the labor force. Taken together, there are 16.3 million Americans who are unemployed, underemployed, or so discouraged that they have just given up.

In my home State of West Virginia, unemployment has once again climbed to double-digit levels. In December, it stood at 11.1 percent, up from 9.5 percent a year earlier.

Something must be done to reinvigorate our economy. To repeat, this is the longest recession since the Great Depression. We cannot afford to stand idly by and hope that sooner or later the engines of economic growth will begin to lift us from our current plight. We must take action, and the legislation before us will do just that. It will provide a much-needed countercyclical economic stimulus. Standing alone, it will not lift us from the grips of the re-

cession, but it is a step in the right direction.

At the same time, and certainly of equal importance, this bill will extend a helping hand to those who have been hardest hit by the current downturn—those who are suffering from long-term unemployment. This bill will provide an additional 13 weeks of extended unemployment compensation to those who will exhaust their current benefits between now and July 4. There are 1.5 million Americans who have been unemployed for 27 weeks or more. Many of these individuals have benefited from the extended benefits legislation passed last year. Yet, for many the benefits enacted into law last November will soon run out. The recession, however, has not run out, and we must act now to provide yet another extension of unemployment benefits for the long-term unemployed.

In his State of the Union, the President told the American people that the recession "will not stand." While I certainly hope the President is right, what we must do is ensure that the unemployed can continue to stand as long as the recession does. What we must do is ensure that the unemployed can continue to survive. Providing extended unemployment benefits will help achieve that goal.

I commend Senator BENTSEN and my other colleagues on the Finance Committee for bringing this legislation to the Senate floor. I commend the President for not standing in the way as he did for so long when similar efforts were made last year. With passage of this legislation, we will be helping the unemployed to get through these tough times. In addition, we will be taking a small step forward in the effort to stop our economic slide and restore the health and vitality of our economy. It is but one step—one that I hope will be the first of many efforts to deal with our Nation's economic problems.

Mr. DASCHLE. Mr. President, I yield 3 minutes to the distinguished Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 3 minutes.

Mr. LEVIN. Mr. President, first, I want to compliment the majority leader and the chairman of the Finance Committee for their work in moving the legislation so quickly. It is important to do everything that we can to alleviate the present suffering while we consider longer range steps that we can take to get our economic house back in order.

I hope that our quick action on this legislation and our ability to bring the President on board, holds out the prospect that a similar spirit of urgency and cooperation may yet prevail on the economic package that we will be considering within the next couple of months.

My constituents in Michigan who have known the bitter taste of bad economic times too often in the past dozen years are looking for us to act in a way that restores their confidence and meets the test of just plain common sense.

I also want to thank the chairman and other members of the committee for including in this legislation a provision to allow Michigan employers an extension of time to pay, in addition to the Federal unemployment tax, the so-called FUTA, a tax which they were only recently informed that they owed.

In light of the unemployment rate in Michigan, which exceeds 9 percent, it would be a tragedy if employers felt forced to lay people off in order to raise money necessary to pay this tax on such unusually short notice. This legislation will provide employers with an extra 6 months to pay this additional tax. It incorporates a proposal that I made in S. 2150, which was introduced just 2 weeks ago. It is also included in the House provision through the efforts of Congressman SANDER LEVIN in the House, and other members including Congressman VANDER JAGT.

Again, I appreciate very much the committee's sensitivity to the plight of Michigan employers and its speed of addressing the problem in a very fair and just manner.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. FOWLER). The Senator from Colorado.

Mr. BROWN. Mr. President, I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator is recognized.

Mr. BROWN. Mr. President, S. 2173 is a measure that deals with unemployment benefits and would extend those benefits, but it deals with an issue that is equally important or perhaps even more important. There is little dispute in this Chamber or even within our Nation about the extension of these benefits. The President has endorsed them as well as the Democratic leadership and the Republican leadership. What is at stake here, though, is a more fundamental question, and that is what really will lead to jobs for the unfortunate men and women of this country who find themselves unemployed.

The simple facts are these. The bill before us violates the Budget Act. It violates it in three sections. Section 302(f). The Senate Finance Committee already exceeds its committee allocations established in the fiscal year 1992 budget resolution by $4.3 billion in outlays for 1992. Secondly, section 311(a). The aggregate outlay levels in the fiscal year 1992 budget resolution are already exceeded before consideration of this bill by $3.2 billion. Section 605(b). The maximum deficit amount in the fiscal 1992 budget resolution is already exceeded by $300 million. And all of these things are made worse by this bill.

Mr. President, the point is not that we disagree over unemployment benefits. That has strong support of both parties. But we have a fundamental question that comes up with this bill, which is whether or not you simply ignore the budget.

There are two ways we can deal with these benefits that all Members support. One, we can pass the bill as it is, violate the budget, increase the deficit, and pretend that deficits do not matter, or specifically run the deficit up higher.

Now, what are the facts? The Congressional Budget Office has done an estimate. They estimate this bill would add $2.7 billion to the 1992 Federal deficit.

Let us take a look at where we are. In the President's fiscal 1992 budget, the consolidated budget deficit was $281 billion for this fiscal year. That is what he recommended. He estimates for next fiscal year a $399 billion consolidated budget deficit. Well, those numbers I think are so big sometimes they glaze the eyes. But let us put it this way: For every working American, every American who has a job, that is about $3,600. Let me repeat. You would have to increase taxes by $3,600 for every American who has a job in this country to balance the budget this coming year.

Now, are we going to balance it? No, there are no proposals for those kinds of tax increases. But it really comes down to what you and I may think is a cure for this economy. Is the economy sick? You bet it is. Does it need a cure? Absolutely. There are many of our good friends in the Chamber who sincerely and honestly believe the problem with this economy is we do not have enough deficit spending. And so they eagerly pursue an opportunity to add to the deficit, convinced in their own minds that a little more deficit spending will cure our problems.

Mr. President, I submit to you and to the American people if deficits would solve our problem, we would not have a problem. If a $351.5 billion deficit—and that is what is suggested for this year, estimated this year—$3,600 for each worker for this year—not next, but this year—is not a big enough deficit, what is?

Let us ask the question the other way. As the deficits have skyrocketed, has the economy gotten stronger or weaker? It is very clear that, rather than curing the economy, the enormous deficits threaten to engulf our future and drown the economy. The deficit this year, $351.5 billion, according to the latest CBO estimate, is the biggest deficit in the history of this Nation or of any nation on the face of the Earth. It is the grand champion. It is only exceeded by what is estimated for next year.

What do we face? What is our choice with this bill? You can either fund this by increasing the deficit or you can fund this by eliminating wasteful programs.

I, for one, believe you ought to fund it by eliminating wasteful programs. Should we help those in need who find themselves unemployed? Absolutely. But let us help them by eliminating waste. Let us not come up with the funds by making the deficit worse. Why? Because, as we make this deficit worse, we send a message around the world that the United States will not deal with its problems, will not face up to its difficulties, will not trim waste. And that message not only destroys our credit and undermines our credibility, it also indicates this Nation is unwilling to face up to its problems.

On the other hand, we can fund this out of eliminating waste and by eliminating waste we can do two things. We can build credibility and lower interest rates, and secondly, we can eliminate some of the waste that drags our economy down. We talk about being competitive with the Japanese, Mr. President. The simple facts are these. The American working men and women are more competitive, have a higher rate of productivity than any major industrialized nation in the world.

The Japanese are not ahead of us. They are behind us when it comes to productivity. The uncompetitive portion of our economy is right here. Congress is not competitive. Our staff is 10 times bigger than any staff in the world for any deliberative body. Our wasteful programs threaten to devour the future of this Nation.

At the appropriate point, I will make a point of order against this bill. I hope that point of order is sustained, and I hope this Congress comes back and does the right thing by funding this program from the elimination of waste.

Mr. President, I ask unanimous consent at this time to enter the letter from the director of the Congressional Budget Office concerning the fiscal impact of this bill. I ask unanimous consent it be printed in the RECORD.

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, February 4, 1992.

Hon. LLOYD BENTSEN,
Chairman, Committee on Finance, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate of S. 2173, a bill to amend the current Extended Unemployment Compensation program, as ordered reported by the Committee on Finance on January 30, 1992.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

ROBERT D. REISCHAUER,
Director.

Enclosure.

CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE

1. Bill number: S. 2173.
2. Bill title: None.
3. Bill status: As ordered reported by the Senate Finance Committee on January 30, 1992.
4. Bill purpose: To increase the number of weeks for which benefits are payable under the Emergency Unemployment Compensation Act of 1991, and for other purposes.
5. Estimated cost to the Federal Government:

[By fiscal years, in millions of dollars]

	1992	1993	1994	1995	1996	1997
Direct spending:						
Emergency unemployment compensation:						
Estimated budget authority	2,600	600	0	0	0	0
Estimated outlays	2,600	600	0	0	0	0
Railroad unemployment:						
Estimated budget authority	6	0	0	0	0	0
Estimated outlays	6	0	0	0	0	0
Administrative expenses [1]	100	(2)	0	0	0	0
Receipts: Modify estimated tax payment rules net revenues [3]	0	500	100	−500	−100	0

[1] For fiscal year 1992 the administrative expenses would not need any further appropriation action because of language in the Labor-HHS 1992 appropriation bill. The administrative expenses for fiscal year 1993 would require further appropriation action.
[2] Less than 550,000,000.
[3] Estimates provided by the Joint Committee on Taxation.

Basis of Estimate: S. 2173 would amend the current Extended Unemployment Compensation program. The bill would change the maximum weeks of benefits available (depending on unemployment rates in individual states) from 20 weeks or 13 weeks to 33 weeks or 26 weeks for those starting benefits between November 17, 1991 and June 13, 1992. Also, the bill would extend the current program 3 weeks to July 4, 1992. Those people coming onto the program between June 14, 1992 and July 4, 1992 would be eligible for either 20 weeks or 13 weeks of benefits. CBO estimates the additional benefit payments from these amendments would be $2.6 billion in fiscal year 1992 and $.6 billion in fiscal year 1993. Also, these changes would apply to the railroad unemployment compensation program. CBO estimates the additional benefit payments through the Railroad Unemployment Insurance program would be $6 million in fiscal year 1992.

In addition, CBO estimates there would be additional administrative costs of approximately $100 million to process the additional claims for Extended Unemployment Compensation.

Finally, S. 2173 would modify the estimated tax payment rules for large corporations. Under the new Ways and Means passed provision, from 1993 through 1996 large corporations would have to pay 95 percent of their annual tax bill as estimated payments. Under current law as recently updated in the Tax Extension Act of 1991, the payment percentage is increasing from 90 percent in 1991 to 93 percent in 1992, 94 percent in 1993 and 1994, and 95 percent in 1995 and 1996. The percentage then reverts to 90 percent in 1997 under current law and this is not changed by the new Ways and Means provision. The new provisions in the Ways and Means reported bill, therefore, would push the 95 percent estimated payment rate to 1993 and 1994, years when it is currently scheduled to be 94 percent. The provision has a zero net revenue effect over the 1992-1997 period, although it picks up revenue in 1993 and 1994.

6. Pay-as-you-go considerations: Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1995. The direct spending and receipts shown in the table above are subject to pay-as-you-go procedures.
7. Estimated cost to State and local government: None.
8. Estimate comparison: None.
9. Previous CBO estimate: On January 29, 1992, CBO prepared an estimate of H.R. 4095 as ordered reported by the House Ways and Means Committee. S. 2173 is similar to H.R. 4095 with the exception of the railroad unemployment estimate that is not within the jurisdiction of the House Ways and Means Committee.
10. Estimate prepared by: Cory Oltman.
11. Estimate approved by: C.G. Nuckols, Assistant Director for Budget Analysis.

Mr. DASCHLE. Mr. President, I yield myself such time as I may consume. I intend to yield in just a moment to the distinguished Senator from Illinois.

Let me respond to a couple of points made by the distinguished Senator from Colorado. I have a great deal of respect for him. He is a thoughtful Member in this body when it comes to budget issues. I think there was a lot of merit to the distinguished Senator's comments.

But I have a couple of clarifications that I think ought to be made in the RECORD as we debate this issue. One is the understanding that everyone has with regard to the collection of unemployment taxes. The fact is that everyone, in good faith, contributes to a fund that they fully expect will be there when we need to draw down those funds.

In good faith, this body has deliberated extensively about the need to create special trust funds for various designated purposes, for highway use, for airport use, for a broad range of very important uses. For many years now, this country has come to accept the importance of designated funds.

Again, we find ourselves debating the advisability of creating further funds when this very issue is at stake in this particular debate.

The fact of the matter is that, in good faith, we created a trust fund; in good faith people contributed to the

trust fund; and now, in good faith, we are trying to make this trust fund respond to the needs that are clearly a devastating consequence of the recession we face. That is really what this issue is about. Unfortunately, because we were not able to generate the revenue necessary from other sources, we have had to use this trust fund for many purposes for which this fund was not intended. That is the issue.

There clearly are many examples of wasteful spending in the budget. We have to address those. The Senator is absolutely right in calling attention to the need to scrutinize the budget. But I think it is fair to say that we could eliminate every discretionary program, not just cut out the waste, but eliminate every discretionary spending program today and still have a deficit of over $100 billion. Why? Because of spending on all of the entitlement programs now to which we are permanently committed. These programs absorb a tremendous amount of revenue that comes into this budget. We are talking about defense spending, we are talking about income security programs, we are talking about health care, and we are talking about interest on the debt itself.

In terms of defense, there is a lot of debate about the peace dividend and how we can reduce defense spending this year. We will probably be getting into that debate extensively in the coming months. There will be savings generated from the peace dividend.

To a certain extent, perhaps, we could also change Social Security financing and from that derive benefits. That will certainly be the subject of debate.

But if you are talking about what is really driving the budget, and certainly the deficit this year, it is the fact we do not have any growth in the economy; it is the fact that we simply do not have the revenue that we anticipated we would have, that OMB anticipated we would have. Without that revenue, you are going to have a larger deficit.

We have to tackle the budget deficit from two ends. We have to bring down the size of the deficit through elimination of wasteful spending, and we have to find ways in which to make this economy grow again. Certainly, that also should be the subject of a good debate.

I think it is important that we learn from the lessons of the past and recognize the commitment that we have made in good faith to the people who contributed to all trust funds, especially to the unemployment trust fund. And we must recognize that the real giants in the budget, the S&L bailout, defense, interest on the debt, health, and income security programs, are the budget items that in large measure are creating the problem that we face today. If you eliminate discretionary spending, you still have over a $70 billion deficit this year.

So with that, let me yield 5 minutes to the distinguished Senator from Illinois, Mr. DIXON.

The PRESIDING OFFICER. The Senator from Illinois [Mr. DIXON] is recognized.

Mr. DIXON. Mr. President, one of the great joys of being a Senator from Illinois is having the opportunity to meet so many Illinoisans of diverse backgrounds and interests.

From Rockford in the north to Cairo in the south, the people of Illinois have 1,000 stories to tell at town meetings, county fairs, and just on the streets. I cherish the privilege of talking with Illinois citizens from across my State. But, sadly, many of the stories I have been hearing lately have been tales of economic woe.

My State has the misfortune of suffering the Nation's highest unemployment rate, 9.3 percent in December 1991, more than 2 full points above the national average of 7.2 percent. What I hear from people across my State is disheartening. More and more Illinoisans who have spent their whole lives working hard to buy homes, provide for their families, and send their children to college now find themselves out of work.

I was, of course, pleased that the President acknowledged the crisis our Nation is facing by making reference to the millions of unemployed Americans in the State of the Union Address and by stating his intention to join us in further extending the emergency unemployment benefits now.

It is difficult to forget, however, that the President joined us in passing the original extension of unemployment insurance benefits last fall only after mounting public pressure and after Congress, not once, not twice, but three times passed an extension of these critically needed benefits.

Just over 1 year ago, in December 1990, the unemployment rate in my State of Illinois was only 6 percent. That was the first time in over 11 years that the Illinois unemployment rate fell below the flat rate. As I am sure my colleagues will all remember, the President was then still denying that the Nation was entering a recession.

By August of last year, the unemployment rate of Illinois had risen to 7.2 percent, and while the President signed our first attempt to extend benefits, he cynically declined to make the emergency designation necessary to make the benefits available.

In October last year, the unemployment rate in Illinois had climbed to 7.7 percent, and this time the President vetoed legislation that would have provided the critically important benefits to the growing millions of Americans that had exhausted their regular unemployment benefits. While by the end of November the President saw it in his heart to join us in providing emergency unemployment to the victims of the ongoing recession, by that time, Mr. President, my State had an unemployment rate of 8.5 percent, while then grew to 9.3 percent in December, the highest in the Nation.

So I am pleased that the President is committed to signing the additional extension of benefits that we will pass today. I am pleased that we will once again try to ease the impact of this recession for those who have been its victims. I cannot help but believe, however, that the workers of my State would not be in so much pain today had our President acknowledged the crisis our Nation faced more than a year ago.

I yield the remainder of my time should any be remaining.

Mr. DASCHLE. Mr. President, I yield to the distinguished Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee [Mr. SASSER] is recognized.

Mr. SASSER. Mr. President, I am advised that at the appropriate time, at the end of debate on this issue, the Senator from Colorado [Mr. BROWN] intends to make a point of order against this bill, if I am not mistaken. I do not want to misquote the Senator. Perhaps he could state what his position is.

Mr. BROWN. If the Senator will yield, I say to the distinguished chairman that, unless another makes that point, it would be my intention to make a point of order that this bill does not comply with the Budget Act.

Mr. SASSER. Well, Mr. President, just let me say that I am not unsympathetic with the point of order that the Senator from Colorado will probably ultimately raise. But I might say that under our rules, the Office of Management and Budget—under the Budget Enforcement Act, which was enacted into law in 1990—makes the ultimate determination as to whether or not a sequester will lie under the pay-as-you-go mechanism of the Budget Enforcement Act.

The Office of Management and Budget has indicated that there is room in the budget to pay for this extension of unemployment benefits. According to the Office of Management and Budget, the Congress saved $2.2 billion more than it spent last year on entitlements and taxes.

Under the Budget Enforcement Act as interpreted by the Office of Management and Budget, we can spend that $2.2 billion without causing a sequester. The unemployment bill would also change the estimated tax payment rules for corporations, raising another $500 million in 1993. So under OMB scoring Mr. President, we have $2.7 billion in room to spend for extension of the unemployment compensation benefits.

What prompts the distinguished Senator from Colorado to raise his point of

order, as I understand it, is that the Congressional Budget Office does not agree with OMB on this subject. The Congressional Budget Office says that this bill will indeed exceed the allocation, and that technically the bill would cause spending further to exceed the outlay total in the budget resolution, violating section 311 of the Budget Act, and would cause spending to exceed the Finance Committee's allocation as well, violating section 602 of the Budget Act.

When that point of order is raised, it will take 60 Senators to waive that point of order. I am going to support the motion to waive the point of order, because I have always considered the unemployment problem to be an emergency situation that would be covered by the emergency language of the Budget Enforcement Act.

The administration takes the position that the extension of these unemployment benefits conforms with the Budget Enforcement Act because of additional savings that were made last year and because of additional revenues that will be raised. So it will be paid for. That is the administration's view.

The Congressional Budget Office has a different view. I have sympathy for the problem raised by the Senator from Colorado. It is terribly frustrating to have a budget system that rests on two different estimating powers. On one hand, you have the Office of Management and Budget making the estimating and determining when a sequester will lie. On the other hand, you have the Congressional Budget Office telling us whether or not a certain piece of legislation meets the requirements of the Budget Enforcement Act or whether or not a committee is exceeding its allocation.

It is very much like buying a left shoe made by one manufacturer and buying a right shoe made by another shoe company. It would not be surprising if every now and then they just do not match. It would not be surprising if every now and then the shoe would pinch on one foot or the other and we get tripped up, if we are buying a left shoe from one company and a right shoe from the other. They have different size patterns that they go on.

If the Senator from Colorado objects to the way the system works, that it uses OMB for one thing and CBO for another, I could not agree with him more. I think he makes a rational argument in that regard. And I hope that he will join with those of us who argue that OMB should not be the final arbiter of what amounts to a sequester.

In essence, you have CBO doing the scoring on the bills over here, and you have OMB having their own scoring process that determines when there will be a sequester. In the budget negotiations, I agreed very strenuously against letting OMB be the final arbiter. But they are in this particular case, and that is the law.

In the final analysis, I do not think that this is the time to allow a technical point about scorekeeping to stand in the way of this very vital legislation, which I feel is needed on an emergency basis to get these benefits to the long-term unemployed. They are unemployed through no fault of their own, but as a result of this long-enduring recession now entering upon its nineteenth month.

I do understand the frustration of the Senator from Colorado. I share that same frustration, and I hope at some juncture we can count on the Senator from Colorado raising his eloquent voice to help to move this power of who is the final scorekeeper for sequestration back to the Congressional Budget Office where, in the judgment of this Senator, it ought to be.

So when the Senator from Colorado raises his point of order at the end of the debate, I want my colleagues to know that I will join in the motion to waive.

Mr. BROWN. Mr. President, I simply want to commend the distinguished chairman of the Budget Committee for his very helpful, concise appraisal of the situation. I think he has fairly described the circumstance that this body now finds itself in.

Frankly, we are at a point where we have two estimates. The Congressional Budget Office is the one that is the determinative for us with regard to our rules and the point of order that will be made. The Office of Management and Budget does indeed have a different one, and he has accurately summarized their conclusions.

I might say with regard to the point that the distinguished Senator made as to whose view should be determinative, I am one who thought it would be helpful to have the independent source that had the highest level of integrity viewing this. I think, particularly in light of Congress' inability to deal with these matters, or to reach conclusions and limit spending, that is important. I am one who thought that surely the Office of Management and Budget would be that one. I must concede to the distinguished Senator that, as we come to the floor, my belief is that the Congressional Budget Office estimate is the best, certainly, in this regard.

I might say that I intend to support whatever proposal leads to the most integrity in the process.

I do not think this decision ought to be made on the basis of Republicans favoring a Republican estimate and Democrats favoring the Democratic estimate. If there is one thing this Government needs to do it is to rebuild credibility in the area where it has the least credibility and that is clearly in budget estimates. At least I know of no other that can challenge our credibility the way those have.

So with regard to the point of the distinguished Senator from Tennessee with regard to changing the estimate, I must say I think there are a significant number of Members in this body that if they come to the conclusion that the Office of Management and Budget cannot be independent, cannot be objective, they will indeed support the change.

Mr. DASCHLE. Mr. President, how much time do we retain?

The PRESIDING OFFICER. The Senator from South Dakota has 9 minutes remaining; the Senator from Colorado 42.

Mr. DASCHLE. Mr. President, I yield 5 minutes to the distinguished Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts [Mr. KENNEDY] is recognized.

Mr. KENNEDY. Mr. President, I commend the Senate for taking prompt action to extend additional needed help to the unemployed in this continuing, endless recession.

Today's legislation will provide 13 more weeks of unemployment insurance, on top of the 20 weeks enacted last fall. As a result of this action, jobless workers in Massachusetts and other hard-hit States will now be eligible for 33 weeks of extended unemployment benefits. This will aid over 70,000 unemployed persons in the State.

This step is timely and necessary, as even the President now agrees. The administration's own economic forecasts show that the recession will continue well into 1992 at a minimum.

As we all know, previous administration forecasts have been wrong throughout this recession, and the current predictions of recovery have sufficiently little credibility that the administration no longer opposes sensible steps to help the unemployed.

In his State of the Union Address, the President laid great importance on passing his economic proposals in order to launch the recovery. Many economists and other experts are skeptical that the President's proposals will have any real impact on economic growth. Even the administration's predictions suggest that the recovery will be weak.

For 1992, they foresee real economic growth of only 1.5 percent, which would be the most anemic recovery from recession since World War II.

And they predict annual unemployment for 1992 to average 6.9 percent, with unemployment in the fourth quarter still stuck at 6.8 percent. Some recovery.

These grim forecasts are in line with others coming from outside the administration.

The Massachusetts Taxpayers Foundation, a nonpartisan group with close ties to the business community, foresees lower growth and higher unemployment nationally.

They predict that, in 1992, Massachusetts will see a decline in personal income, a rise in the unemployment rate, and a further loss of 40,000 jobs, on top of the 275,000 jobs lost in the past 2 years.

That kind of recovery is too weak. It means no real economic growth and no growth in personal income or employment, with further losses a distinct possibility. It may well mean no recovery at all. In the face of these disturbing forecasts, Congress clearly has an obligation to do more.

At bottom, the Bush administration's plan is a calculated and unacceptable gamble with the health of the economy. They are ideologically incapable of abandoning their laissez-faire policy. They believe the economy is basically sound, and will soon heal itself.

Their policy is a thin veneer of stimulus, without the solid action we need to guarantee that the recession ends and the recovery begins.

If the administration declines to act to end this recession, then Congress must do so.

We must put forward a sound alternative that helps to jump-start the economy, makes investments for the long-term, relieves the burden of State and local governments, and provides fair tax relief for the middle class.

I have submitted a proposal to achieve these goals, and other Senators have made their own positive recommendations. I am confident that we can work together to develop a realistic alternative to get the economy and the country back on the right track.

We must deal more effectively with the urgent needs of the economy. If anyone doubts the need for such strong action, they should look at the administration's own depressing economic forecast. We can and must be better than that.

While I strongly, support the pending legislation, I want to call attention to a significant flaw in its design which is already having a negative impact on workers in Massachusetts and many other States.

The eligibility rules for the long-term unemployed are unfair to workers who have been enterprising enough and fortunate enough to find part-time work to help tide their families over, while they look for full-time jobs.

When a full year passes after a worker first becomes unemployed and applies for unemployment benefits, current rules require that there be a redetermination of eligibility.

If the worker had sufficient income in the last four of five quarters from part-time work to meet State eligibility requirements, the worker qualifies again for regular State unemployment benefits.

But there's a catch. The amount of the State benefit is recalculated—not on the basis of what the worker was earning at his previous, full-time job, but on the basis of the income earned at the part-time job.

Moreover, because the worker is no longer in the position of having exhausted eligibility for benefits, he no longer qualifies for the extended Federal benefits.

In Massachusetts, workers who had been collecting nearly $300 a week in unemployment compensation who have suddenly found their benefits reduced to less than $50 a week—just because they managed to earn a paltry $1,200 from part-time work during the past year.

If they had not taken the part-time job, and had less than $1,200 income for the year, they would qualify for the full 33 weeks of Federal extended benefits at their original higher rate.

This catch-22 has already had a devastating effect on nearly 1,000 workers in Massachusetts whose benefits have been recalculated and reduced by more than 50 percent, just because their part-time earnings last year totaled a few dollars more than $1,200.

This problem will steadily increase in the coming months, as more and more workers come to the end of their first year of unemployment.

The problem is already acute in Massachusetts, which has been suffering high unemployment longer than any other State in the Union, but it will become a problem in many more States as more and more workers continue to suffer from long-term unemployment.

I recognize the need to get this legislation passed and sent to the President's desk as soon as possible, and I am therefore not offering an amendment to correct this inequity at this time.

However, it is my intention to pursue this matter with supplementary legislation. My hope is that the Senate will address this issue at the earliest opportunity.

As this endless recession drags on well into its second year, no workers or their families should be penalized by a steep reduction in their unemployment benefits because they sought and found part-time work.

I urge my colleagues to work with me in seeing to it that this unintended anomaly is corrected at the earliest possible date.

MESSAGES FROM THE HOUSE

At 3:36 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1415. An act to provide for additional membership on the Library of Congress Trust Fund Board, and for other purposes.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4095. An act to increase the number of weeks for which benefits are payable under the Emergency Unemployment Compensation Act of 1991, and for other purposes.

The PRESIDING OFFICER. The Senator from South Dakota.

EXTENSION OF UNEMPLOYMENT BENEFITS

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Who yields time?

The Senator from South Dakota has 4 minutes remaining, and the Senator from Colorado has 42 minutes remaining.

Mr. DASCHLE. Mr. President, I would like to retain the remainder of my time. As I understand it the leader intends to use some of his morning business time, so I yield to him for that purpose.

The PRESIDING OFFICER. The majority leader has 10 minutes remaining of his leader time, and he is recognized.

Mr. MITCHELL. Mr. President, what was repeatedly called a short and shallow recession by this administration has now become the longest recession since World War II. This country has had eight recessions since that time, but all of them have been shorter in duration than the recession that began in July 1990.

There are nearly 9 million Americans unemployed. Another 6.3 million are working part time because they simply cannot find full-time work. An additional 1 million Americans have dropped out of the work force, discouraged having tried repeatedly to find employment but never meeting with success.

Therefore, while the unemployment rate is officially at 7.1 percent, the reality is that more than 13 percent are actually unemployed or underemployed.

My own State of Maine is in a unique position, shared by only seven other States and Puerto Rico. Since Maine triggered on and off the Extended Benefits Program in 1991, many individuals exhausted their 26 weeks of regular benefits and an additional 13 weeks under the Extended Benefits Program during 1991.

Under the rules of the Extended Unemployment Compensation Program enacted by Congress before Thanksgiving, a high unemployment state can offer 20 weeks of additional compensation to all individuals exhausting their State benefits except for those who participated in the Extended Benefits Program. Those who participated in extended benefits are only eligible for 20 weeks of compensation minus the amount they received under the Extended Benefits Program. Therefore an individual who exhausted extended benefits of 13 weeks and still was unable to find a job, was only eligible for

an additional 7 weeks under the extension package enacted last year.

Already over 2,000 individuals in Maine have exhausted the compensation we provided last November. Every week now another 1,000 people, unable to find employment, are exhausting their benefits in Maine. That is why I am especially glad that Congress is acting so quickly on this legislation.

While I have heard others mention that some 600,000 individuals will exhaust their compensation in mid-February, in Maine the crisis period for too many families has already begun. Statewide the unemployment rate is 7.1 percent, but parts of Maine have incurred unemployment levels above 10 percent. Over 31,000 jobs have simply disappeared during the last 2 years, 18,000 in the last year alone.

American families who have exhausted their compensation need an extension now. I hope the Congress and the President act quickly to ensure that extended insurance continues for those who need it most.

Mr. President, I thank my colleagues for the courtesy in permitting me to make the statement.

The PRESIDING OFFICER. Who yields time?

Mr. DASCHLE. Mr. President, I yield 3 minutes to the distinguished Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan [Mr. RIEGLE] is recognized for 3 minutes.

Mr. RIEGLE. Mr. President, I thank the manager of the bill.

This is an essential piece of legislation. We fought very hard to get it enacted initially over two rejections by President Bush. We have argued for many months that the scale of the unemployment problem in America is so severe that it has been extremely important that extended unemployment benefits be made available to those who have lost their jobs, exhausted their benefits, and cannot find replacement jobs.

At the present time, there are at least 16 million people in America that want to work full time and cannot find work. We saw the scene the other day on national television in Chicago, subzero temperatures, the snow flying, several thousand people lined up outside a new hotel in Chicago to turn in a resume or employment application in the hopes of getting one of a handful of jobs available at that hotel. But, obviously, several thousand people would end up and were turned away because there just are not the jobs available there or elsewhere around the country.

Every day we read about another company that is reducing their work force. Last week it was United Technologies announcing that they are getting rid of 14,000 permanent positions. We have heard that from IBM. We have heard it from AT&T. We have heard it from General Motors. Virtually, every county across America. It is not just the large companies, but the medium-size companies and the small companies increasingly that are in trouble.

We need an economic plan for America. The Bush administration has not wanted to acknowledge the extent of this problem and therefore has been unwilling to really craft the kind of broad economic plan that is necessary to get America back on a strong growth track and to provide the number of jobs needed in our society for our people.

I think one of the first goals of Government should be to say that we should, in sitting down together—business and Government and labor—formulate an economic strategy for America where we have enough good jobs in America so that every single person that wants to work is able to find work and could go to work each day to support themselves, support their family, and make a contribution to the economic well-being of this country.

Today, we have massive Government deficits in part because the economy is running at such a low pace. When we have massive unemployment like this, it costs us tens of billions of dollars in lost revenue to the Government, and it only drives the deficit up higher and higher. So we need a plan for America that is designed and implemented in this country to see that there are enough jobs for our people.

The original unemployment extension, in the case of the State of Michigan, put $575 million into the hands of 170,000 unemployed workers in Michigan. But for this extension, that would expire in June of this year, and this extension today before us extends it out several months further into the future.

But this, by itself, is not enough to respond to the problem. We need an aggressive economic plan for America. And that means, among other things, stopping the trade cheating by other nations and very particularly Japan. Japan in the month of December, according to their numbers, took $4½ billion out of the United States and the jobs that go with it. Last year alone, $42 billion taken out of the United States by Japan, much of it through unfair, predatory trading practices.

Will the Senator yield me 1 additional minute?

Mr. DASCHLE. Mr. President, I am virtually out of time. I believe I have a minute left. The Senator from Colorado has graciously expressed a willingness to provide additional time.

Mr. BROWN. Mr. President, I yield the distinguished Senator from Michigan 2 additional minutes.

Mr. RIEGLE. I thank the Senator from Colorado for his courtesy and graciousness.

Since 1980, just the trade deficit that has piled up with Japan, that particular country has taken $460 billion out of the United States and hundreds of thousands of jobs that go with it.

So part of our problem right now is unfair trading practices that are still out there, have not been corrected.

Another part of the problem is the absence of an aggressive, economic growth plan for America here at home that can really set some aggressive economic growth targets and goals and see to it that we invest in our country, invest in our people, invest in job growth, and get the kind of economic surge that America needs.

This unemployment help will help families hold their lives together. It will help some of them avoid losing their homes, losing their cars. It will help keep food on the table. But it is only a stopgap. It is not a solution to the problem.

So we need to go beyond this very important unemployment compensation extension and we need to fight for and put in place an aggressive economic growth plan for America. I call it a "Team America" plan, where we, as I say, business and Government and labor, sit down together to map out these goals and to map out the strategy for getting there.

But this legislation today is vitually important. I thank Senator BENTSEN for moving aggressively on it and the other colleagues that have worked on it.

I thank the Chair and my colleagues for the time. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BROWN. Mr. President, I expect Senator DOLE to be with us shortly. I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Mr. President, shortly, we will vote on a point of order that I will raise. The point of order deals with one violation of the Budget Act.

The Senator from Tennessee has correctly outlined the fact that the Office of Management and Budget indicates the cost of this bill has been offset, but the Congressional Budget Office clearly indicates in a letter that has been submitted for the RECORD that this measure does violate the Budget Act, is not offset by amounts raised. Clearly, it violates the Budget Act.

The question will be whether or not this body wishes to waive the Budget Act. My view is that we ought to pass this bill but we ought to pay for it by eliminating waste. The deficit this year is estimated at $351.5 billion and that is on a consolidated basis. It is even more if you look at on-budget items alone.

The simple fact is the deficit will explode next year to at least $400 billion and perhaps beyond. We need to send a clear signal that we are willing to deal with our economic problems. By waiving the Budget Act point of order, waiving the one protection we have against a flood tide of red ink, we will

not help this economy; we will harm it.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BROWN. Mr. President, I yield such time as he may consume to the distinguished Republican leader, Mr. DOLE.

Mr. DOLE. Mr. President, I am pleased to be an original cosponsor of S. 2173, which expands the Unemployment Extended Benefits Program passed by Congress at the end of the session last year.

The legislation before us this afternoon comes to the relief of families who need help by adding another 13 weeks of extended benefits. This means that eligible unemployed Americans are guaranteed at least 1 full year of benefits and could—depending on their State's unemployment rate—receive as much as 59 weeks of benefits.

BILL IS PAID FOR

A key part of this legislation is that based on Office of Management and Budget estimates—it is paid for—something that the administration and my colleagues on this side of the aisle have fought hard for.

The American people are deeply concerned about the deficit, and I am glad that Congress is showing some fiscal responsibility. I know that was the aim of the distinguished chairman of the Finance Committee and members of the Finance Committee in the markup just this past Thursday.

Just before lunch today, I spoke to the American Collectors Association which represents 3,600 debt collection service companies. I joked that I hoped that they had not come to Washington to collect on the Federal deficit.

The important thing is that this is paid for. I know the Associated Press, as usual, is running a misleading story saying Bush has caved in again. This is not a cave-in by President Bush, I might tell the Associated Press and maybe some responsible people with the Associated Press. This is a bipartisan effort. It is a bipartisan effort that is paid for and that is why it is here today under a 2-hour time agreement with no amendments because we have met the objections of President Bush. It is not that President Bush was ever opposed to the extension of unemployment benefits—he wanted it paid for. He did not want to add $6.2 billion to the Federal deficit the last time we discussed this and billions more to the Federal deficit today.

So I hope those who are writing the stories at least understand the genesis of this legislation.

QUICK PASSAGE

The administration strongly supports this legislation. It is cosponsored by the distinguished chairman and ranking member of the Finance Committee, by the distinguished majority leader and myself, and by a number of other distinguished Members of this body.

I am very pleased that we are taking quick action as the administration has requested. According to the Department of Labor, nearly 600,000 unemployed workers will exhaust their benefits by February 15 without the additional benefits provided in this legislation.

While a day or two of delay may not impact any of us sitting in this Chamber, it means a great deal to the unemployed who are trying to figure out how they will pay their bills and put food on the table tomorrow.

By acting now, we are ensuring that there will be no gap in these benefits, and therefore no gap in the ability of the unemployed to survive through these tough times.

BIPARTISAN COOPERATION

Finally, let me just add that the challenges facing this Congress are great. This legislation is a prime example that if we work together on a bipartisan basis, the American people win.

I hope we will continue this when we get into the economic growth package. I think, if we work together on the growth package, we will meet the March 20 deadline, we will do it in a bipartisan way and a bipartisan spirit, and the winners will be the American people.

If, however, we pursue politics for our own selfish agendas, everyone loses.

This great Nation of strength and spirit is counting on the strength and spirit of its Representatives.

Let us not forsake our duty to the good citizens who put us here.

I yield the floor.

Mr. BROWN. Mr. President, I yield 10 minutes to the distinguished Senator from New Mexico, the ranking Republican on the Budget Committee, Senator DOMENICI.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I am not sure, I say to my friend from Colorado, that I need 10 minutes, so if someone else would like some time, I probably will be able to yield.

Mr. President, this proposal that is before us, the unemployment benefits extension, is consistent with the President's request for an extension of benefits, and it is in compliance with the Budget Enforcement Act, as it is estimated by OMB to be deficit neutral.

Frankly, I have grown weary of listening to the political charges that this administration is insensitive to the needs of the unemployed. The other side of the aisle would have you believe that only by forcing the President to change his mind did we achieve a compromise last fall. Essentially, he did not change his mind. Congress changed its mind. The first bills that went through were Congress' ideas, predominantly the other side of the aisle. On each occasion, the President said, why do we not pay for it? Eventually we saw the light and we paid for the bill. That is what we are doing again today.

Nonetheless, let me suggest that one of the ways we are going to pay for this bill leads me to ask a question why—while we are so worried about jobs—are we putting about $1 billion less into the highway funds that we distribute to the sovereign States now as compared with the Federal Highway Administration estimates for this year? Why are eight States going to get less highway funds now than last year?

Approximately $1 billion in fiscal year 1992 contract authority has been lost as the result of an unrelated, mandatory project put into last fall's transportation bill during the final hours of the conference. That translates into a loss of up to 50,000 jobs.

Why do I raise this issue? Mr. President, I raise it because the highway funds and the programs and projects that stem from it are probably the most significant and appropriate jobs-creating bill that we can pass. Some in America think because jobs are spoken of so deliberately, that we have them in abundance on the floor of the Senate. We can pass something, and people go to work. Normally we do not know how to do that, but when we have a highway program, it does put people to work. $1 billion is about 50,000 jobs.

Frankly, I do not think we should have done that.

I have asked those who put into the highway bill a mandatory expenditure for the Brooklyn courthouse, to initiate the effort to restore the $1.2 billion reduction in obligation authority for fiscal year 1992. I have asked that they reconsider that and that they find another way to pay for it rather than out of the highway funds as a mandatory expenditure of budget authority.

You might ask, how can $450 million for a courthouse in Brooklyn amount to a $1 billion reduction in the funds available to our States under the highway fund? The budget process in the United States is full of strange things. But the highway funds spend out at a much different rate than this project in Brooklyn.

So what they had to do was hold out $1.2 billion in fiscal year 1992 highway funds distributed to the States in order to cover the estimated future outlays for the Brooklyn courthouse.

Now, frankly, I am not aware of any of the propriety, or the need for any of this. I assume that courthouse is needed. I assume, however, that it cannot get through under some normal approach for some reason or another and, frankly, I am not part of that. I just

happened to be charged with the responsibility of sort of seeing where moneys go.

People ask me why we did not get more highway funds and I have to run over and ask people where did the highway funds go. I regret to say that $1.2 billion that should have been distributed now, permitting the States to get on with contracting, putting people to work, has been used to defer the estimated outlay costs for the Brooklyn courthouse. Wherever this fits, I hope it will be worn by someone and we will get on to righting this, because I think it should be turned around; some way or another this ought to be fixed.

We ought not be talking about the President of the United States not being for unemployment compensation, which is ridiculous, at the same time we are doing things like the one I just described which is about jobs.

I ask that the tables I asked heretofore be made a part of the RECORD attend my remarks.

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

[In millions of dollars]

State	1992 Federal-aid highway obligations	Estimate before reduction	Difference
Alabama	238.499	253.722	−15.223
Alaska	201.393	214.248	−12.855
Arizona	182.985	194.665	−11.680
Arkansas	138.312	147.140	−8.828
California	1,339.324	1,424.813	−85.489
Colorado	183.496	195.209	−11.713
Connecticut	303.461	322.831	−19.370
Delaware	64.903	69.046	−4.143
District of Columbia	90.552	96.332	−5.780
Florida	503.333	535.461	−32.128
Georgia	388.588	413.391	−24.803
Hawaii	143.360	152.511	−9.151
Idaho	108.830	115.777	−6.947
Illinois	489.565	520.814	−31.249
Indiana	267.616	284.698	−17.082
Iowa	168.418	179.168	−10.750
Kansas	179.552	191.013	−11.461
Kentucky	207.822	221.087	−13.265
Louisiana	216.659	230.488	−13.829
Maine	77.820	82.787	−4.967
Maryland	278.177	295.933	−17.756
Massachusetts	687.283	731.152	−43.869
Michigan	372.527	396.305	−23.778
Minnesota	230.623	245.344	−14.721
Mississippi	158.769	168.903	−10.134
Missouri	288.699	307.127	−18.428
Montana	148.784	158.281	−9.497
Nebraska	130.794	139.143	−8.349
Nevada	85.303	90.748	−5.445
New Hampshire	75.885	80.729	−4.844
New Jersey	448.503	477.131	−28.628
New Mexico	170.016	180.868	−10.852
New York	761.204	809.791	−48.587
North Carolina	351.541	373.980	−22.439
North Dakota	97.849	104.095	−6.246
Ohio	475.670	506.032	−30.362
Oklahoma	187.566	199.538	−11.972
Oregon	187.966	199.964	−11.998
Pennsylvania	711.650	757.074	−45.424
Rhode Island	95.158	101.232	−6.074
South Carolina	172.863	183.897	−11.034
South Dakota	109.981	117.001	−7.020
Tennessee	288.013	306.397	−18.384
Texas	897.691	954.990	−57.299
Utah	121.715	129.484	−7.769
Vermont	69.609	74.052	−4.443
Virginia	358.286	381.155	−22.869
Washington	319.841	340.256	−20.415
West Virginia	145.485	154.771	−9.286
Wisconsin	251.896	267.974	−16.078
Wyoming	103.706	110.326	−6.620
Puerto Rico	67.810	72.138	−4.328
Total State allocations	14,344.347	15,259.944	−915.597
Other obligation limitation programs			−198.039
Total obligation reduction			−1,113.636

Note.—Prepared by Senate Budget Committee Republican staff, Feb. 4, 1992.

PAY-GO SCORECARD

[In millions of dollars]

	1992	1993	1994	1995	Sequester 1992 plus 1993	4-yr. total
OMB Scoring						
Enacted pay-go	−1,095	−1,136	−476	−1,005	−2,231	−3,712
Unemployment[1]	1,095	1,136			2,231	2,231
Subtotal			−476	−1,005		−1,481
Highway restoration	204	643	193	58	847	1,098
Courthouse repeal	−46	−206	−160	−46	−252	−458
New pay-go total	158	437	−443	−993	595	−841
CBO Scoring						
Enacted pay-go	752	−1,762	111	−9	−1,010	−908
Unemployment	2,700	100	−100	500	2,800	3,200
Subtotal	3,452	−1,662	11	491	1,790	2,292
Highway restoration	592	1,849	536	161	2,441	3,138
Courthouse repeal		−46	−206	−160	−46	−412
New pay-go total	4,044	141	341	492	4,185	5,018

[1] Official OMB scoring is unavailable. Assumes cost of the unemployment bill is completely offset by enacted pay-go savings.

PAY-GO SCORECARD—Continued

[In millions of dollars]

	1992	1993	1994	1995	Sequester 1992 plus 1993	4-yr. total

Source: Senate Budget Committee Republican staff, Feb. 3, 1992.

Mr. GORTON. Mr. President, today this Senate is acting on another extension of unemployment benefits. The extension is needed and is right for America's unemployed.

This Congress, however, is attacking symptoms and not the underlying disease. The symptoms are unemployment, and the Congress can and is providing therapy for these symptoms. The disease is excessive Government spending and excessive governmental regulation both of which inhibit private investment and economic growth. Since this recession began, this Congress has done nothing to combat the disease of excessive debt and regulation.

Last year, Congress passed more than 700 pieces of legislation in one House or the other. Thirteen of those were appropriations bills and therefore necessary. One of those, the highway bill, will provide some economic stimulus and some jobs. The other 700 or so pieces of legislation do nothing for the economic problems of this country.

Over the next 4 years, if Congress continues with business as usual we will add a trillion dollars to the Federal debt. By 1996, if Congress continues with business as usual, the payment on interest on the national debt will be a quarter of a trillion dollars a year.

I have listened to Washington State constituents. My constituents aren't asking for business as usual from Congress. They want concrete, responsible congressional action which will benefit the economy.

Mr. President, how can we continue down this path, living beyond our national means and claim that we are providing this country real leadership?

We must work toward a balanced budget in a real and comprehensive manner. We cannot get to a balanced budget by restricting discretionary spending, which only represent one-third of the total amount of money spent by the Federal Government this year. Neither will spending three times over every dollar cut from our national defense budget as some Democratic leaders have proposed.

We cannot get there overnight, but we must start moving toward financial responsibility and by relieving the regulatory burden on businesses. If we act, reducing spending and regulation will do more for this Nation's economic standing in the world than anything else this Congress can do to enable our country's businesses to grow and create more jobs. A healthy economy that creates new opportunities to invest, increasing the number of jobs, is what the unemployed need to cure their problems.

Mr. DURENBERGER. Mr. President, I am pleased that the Finance Committee and the full Senate have taken such swift action to extend unemployment benefits so early in the year. Because it appears that the need for these benefits will exceed the current program's life, I believe that it is wise to ensure that the means to assist unemployed Americans is available as soon as the need may arise. It is my hope that the speed of this legislation is an indication for how quickly and how seriously the Congress will address the country's current economic needs.

Last year, when extended benefits were originally enacted, this process dragged on entirely too long. Political games were played at the expense of unemployed Americans. I hope and believe that this is behind us.

I am encouraged that both the administration and the leadership of the Congress have embraced as a high priority the extension of this valuable program and to doing it quickly. I hope that my colleagues will follow the lead of the Finance Committee in resisting amendment to this extension so that consideration will not be delayed. American workers, who are unemployed through no fault of their own, should not have to endure unnecessary delay in guaranteeing relief.

Like the extended benefits bill which preceded it last year, this legislation combines effective relief with fiscal responsibility. I commend its authors for the decision to abide by the pay-as-you-go requirements of the Budget Enforcement Act and to address the concerns of the administration which delayed passage last year. This decision leads me to believe that the lessons from last year's debate have indeed been taken to heart.

With an unemployment rate of 5 percent, my State has not been hit as hard as some other States. This is, however, of little comfort to the 121,000 Minnesotans who were without work last month. Extension of unemployment compensation benefits will go a long way toward meeting the real needs of this group of people whose numbers are expected to grow in the coming months. This extension will ensure that assistance is available throughout the recovery period.

Like many of my colleagues, I continue to support repeal of the misnamed luxury tax on boats, but have agreed to refrain from offering amendments which would delay this bill. This effort to sock it to the rich has been a disaster for the men and women who build boats in Minnesota and throughout the country. Regardless of who buys these boats, rich people are not the ones who build them. All of the so-called luxury taxes, on boats, planes, jewelry, and furs, have all caused the same problems for the workers employed in these industries. I look forward to joining my colleagues in wholeheartedly supporting the repeal of these job-reducing taxes at the earliest possible occasion.

Thank you, Mr. President.

Ms. MIKULSKI. Mr. President, I rise to express my support for extended unemployment benefits.

I speak on behalf of the people in my State of Maryland who find themselves jobless—many of them, for the first time in their lives.

Last year, in Maryland, 2,500 Westinghouse employees lost their jobs. These are not vagrants or drifters, Mr. President. These are educated people, scientists, and engineers and workers with great technical skill.

And now they are looking at taking jobs at half their previous pay, or finding no jobs at all.

Last year, in Maryland, 150 employees of the Schmidt Baking Co. in Cumberland were laid off and hundreds of employees of Bethlehem Steel in my home town of Baltimore.

Extending unemployment benefits will not provide jobs for these workers.

But while they are looking, this legislation will make sure they keep the electric lights shining and the gas heat burning. It will provide milk for the baby.

It will prevent those who are jobless from becoming homeless as well.

In this recession, the Senate has a clear responsibility. We need to adopt an economic growth package that will provide immediate jobs. We need to look at a long-term investment strategy to make America competitive.

And as we consider how to create jobs for today and jobs for the future, we must not forget those who are without jobs. Let us take care of them today.

I yield the floor.

Mr. WOFFORD. Mr. President, our Nation is experiencing the longest economic downturn since the Great Depression. Whatever the economists may now predict for the months ahead, we are continuing to lose jobs—good manufacturing jobs—in my State and across the Nation.

Nothing said more about the state of the Union last week than Bethlehem Steel's announcement of plans to lay off some thousands of workers in Steelton, Johnstown, and Monessen.

And while Pennsylvania may not be directly affected, the announcement in December by General Motors of cutbacks and closings of some 20 plants across the country drives another stake into the heart of the American dream for some 74,000 working families.

We must respond to the needs of these Americans who have lost their jobs through no fault of their own. This legislation does that.

Unfortunately, this bill is only a temporary stopgap. It neither promotes business creation nor confronts fundamental weaknesses in the Federal-State Unemployment Compensation System.

First, I believe that we should use taxes that employers have already paid into the unemployment trust fund for their intended purpose: Extended benefits for emergencies like right now. We should not have to raise new revenues in the middle of a recession to fund emergency benefits when funds for this exact purpose are already available in the unemployment trust fund.

Second, as Pennsylvania's Secretary of Labor and Industry, I administered our State's unemployment compensation programs. I know the problems in this system, and I can propose several useful reforms that the Congress might explore and consider in the near future, once we have dealt with the current emergency.

These ideas include:

Identifying dislocated workers early in their unemployment so that States can quickly provide reemployment assistance;

Enhancing labor-management cooperation, training incentives, and work-sharing programs;

Using unemployment funds more creatively to support worker retraining, job placement, and even new business formation; and

Scrutinizing unemployment rate levels that trigger States' extended benefits periods.

The bill we passed today will provide the necessities of life for thousands of American families who are suffering during this recession. I am glad this time around President Bush has actually signaled his willingness to support this effort, instead of blocking it as he did twice last year.

Extending benefits was the very first issue I pressed with my colleagues when I arrived here last May. It is disappointing that, 8 months later, the need for continued action remains great, and growing.

What we need most is a comprehensive program to get us out of this recession and get our economy off dead center. This legislation will help. But we must do more. I look forward to working with my colleagues to explore improvements to the Federal-State Unemployment Compensation System and get our economy moving in the right direction.

Mr. LAUTENBERG. Mr. President, I rise in support of S. 2173, the Unemployment Compensation Extension Act of 1992. This legislation will provide 13 more weeks of additional benefits to those who exhaust their unemployment benefits and extend eligibility from June 13, 1992 to July 4, 1992. As a cosponsor of this legislation, I am glad that the Senate can finally pass an extension of unemployment benefits without the President objecting. It appears that the President has finally recognized the actual severity of this recession.

In my State, the unemployment rate is 7.4 percent. This is the highest unemployment rate in New Jersey since this recession began 21 months ago. In May 1990, the unemployment rate was 4.8 percent. Currently, there are approximately 100,000 New Jerseyans on the verge of exhausting their unemployment benefits, who will be eligible to receive the additional benefits contained in this legislation.

Mr. President, I would like to reiterate that I am pleased that the President will not block this legislation like he did with the last two extensions of unemployment benefits passed by Congress. This extension is designed to help families pay their mortgages, car payments, grocery bills, and educational expenses. But it is surely not a substitute for jobs and economic recovery. The economy is still struggling. We need bold action to help put our people back to work.

We need to put forth long-term economic policies designed to increase our productivity, but for now we need to focus on the plight of our Nation's unemployed. That is why I have introduced emergency infrastructure spending legislation to put people back to work and repair our Nation's deteriorating infrastructure. My start-up proposal will create 180,000 new jobs in the next 2 years. I will also introduce legislation to provide businesses a tax incentive for hiring the long-term unemployed.

These are some of the bold actions we need to take, in combination with other long-term economic policies focusing on increasing our productivity, to move our economy out of this recession, put people back to work, and once again become a leader in the world economy.

Mr. JOHNSTON. Mr. President, I am very pleased that the President has assured prompt approval of S. 2173, legislation which was the result of a bipartisan agreement among the administration, the chairmen of the Senate Finance and House Ways and Means Committees, and the Republican leaders in the House and Senate. This agreement will provide needed help for workers who have exhausted their unemployment benefits during the current recession. I commend all parties for their efforts and I hope that this legislation will be the first of a series of bipartisan agreements to shift our budget priorities and meet urgent needs at home. We must continue to work together to address the long-neglected problems which have resulted in the loss of jobs and income decline that threaten the living standards of our American work force.

As a result of S. 2173, approximately 5,000 of the 25,000 unemployed workers in Louisiana now receiving emergency unemployment compensation will benefit from the immediate 13-week extension. Also, other workers who are expected to exhaust their benefits after June 13 will be eligible for extended and much needed benefits through July 4.

Not only in Louisiana, but in every State a growing number of workers are exhausting their benefits without finding suitable employment. This legislation will equally assist all States and is consistent with the Budget Enforcement Act. It will provide all States 13 additional weeks of unemployment compensation and extend the duration of the current emergency benefit program approved by Congress last year from June 13 to July 4, 1992.

While I am pleased with the temporary relief this measure will provide to so many unemployed Americans, I also hope that we will act expeditiously to develop measures to provide jobs for the unemployed and permanent income stability for them and their families.

Mr. KERRY. Mr. President, I want to state my strong support for the legislation before us today to provide additional weeks of emergency unemployment benefits to the long-term unemployed.

Even President Bush finally acknowledged that our Nation is in the midst of a recession—a fact that has been brutally clear for months to virtually everyone in my State of Massachusetts. The unemployment rate there has been at historically high levels for over a year—reaching almost to 10 percent. It now sits at 8.4 percent. While that is mercifully somewhat lower than it was at its peak, nonetheless the difference between that level and normal unemployment levels represents tens of thousands of additional persons who are unable to find work. All told, nearly 100,000 workers are without work in Massachusetts today.

When unemployment is this severe, it is terribly difficult for many people to find work regardless of how hard they try. In such a situation it is not only appropriate but essential that we increase the support we give to those who have been unemployed long enough to exhaust the basic benefits that are available from the unemployment insurance program. That is what we attempted to do last summer, when President Bush refused to fund the bill we passed and he signed into law, and

again in the early fall when he vetoed the second bill we passed. And that is what we finally accomplished when we passed bills number three and four in November which the President agreed to sign into law, and which provided up to 20 additional weeks of benefits to the long-term unemployed in Massachusetts.

Mr. President, the majority leader, the chairman of the Finance Committee, and others, have provided strong and unwavering leadership on this issue. They and their staffs are to be commended.

I join in enthusiastically supporting the extension of benefits contained in the bill before us today.

It should be noted, however, Mr. President, that while this legislation is an essential response by our Government to some of the suffering caused by this recession, it does not attain what must be our ultimate objective with respect to those who have lost their jobs: creating real jobs for these people. They want to work. They want to earn a living for themselves and their families. The want to be contributing citizens as most of them have been for many years.

This Congress has an obligation to act to enable our economy to get back on sound footing—to provide work and prosperity for Americans individually and collectively. The Government, in a free-market economy, cannot and should not be expected solely by its own actions to return stability to the economy. But we can and must take concrete steps to ease the way for the private sector, and to provide a stimulus to which the components of the economy will respond. We will be working toward that end in the coming weeks.

I do not believe that we will or should pass the program of which the President provided various glimpses in his State of the Union Message. That program is neither sufficiently fair to all Americans, especially those of the middle class who form the backbone of our Nation, nor sufficiently bold. But I am confident that the Congress will act decisively and usefully combining ideas and components which many of us have proposed.

It is necessary that I register one significant note of concern about the additional benefits being provided under the legislation enacted in November and that will be provided under the legislation on which we are voting today. During the recent recess as I traveled across Massachusetts, I had the opportunity to listen to the concerns of my constituents and how they are dealing with this devastating recession. I heard many disturbing stories, but one of the most disturbing to me were those of the long-term unemployed who are being penalized for temporarily returning to work.

Mr. President, I want to share with you the experience of one laid-off worker in Massachusetts who, by returning to work for 2 weeks after he was initially laid off, reduced his unemployment benefits from $282 to $23 per week.

Don—I will use only his first name to protect his privacy—worked for the same company for 10 years. In February of last year, the company and in turn Don became victims of the recession. Two weeks after he was initially laid off, the company recalled him to work, but laid him off again two weeks later. Don received unemployment benefits for 25 weeks, at the end of which period his unemployment insurance claim was exhausted.

At the time his benefits were exhausted, President Bush had refused to release funds for one unemployment insurance extension bill the Congress passed in the summer of 1991 and had vetoed a second bill the Congress passed in the early fall. As a result, while the President was refusing to admit the Nation was mired in a recession and Americans from coast to coast needed help, Don was forced to use all his life savings, and then sank further and further into debt.

In November, Don was relieved to learn that President Bush had finally acknowledged that long-term unemployed workers needed help, and had agreed to sign a third unemployment insurance bill passed by the Congress. He applied for benefits under the so-called reach-back provisions permitting those who had exhausted their benefits after March 1, 1991, but before the law was signed, and who remained unemployed, to receive additional benefits. Don qualified for the maximum amount of 20 weeks of additional benefits under his earlier unemployment claim.

Under current law, all benefit recipients must file a new claim 52 weeks after they filed their last claim. The Massachusetts Department of Employment and Training reviews the person's employment and wage records for the previous 52 weeks and if there were earnings exceeding $1,200, the benefit rate for any remaining benefits for which the person is eligible is computed and based on those earnings rather than continuing the benefit being received previously.

When Don's initial 52-week claim period ended, he was required to file a new claim. At that point, he had received only 7 of the 20 weeks of additional benefits under the emergency program to which he had been told he was entitled. But when the Department of Employment and Training analyzed his work history for the new 52-week period, current law required it to take into account the 2-week period when Don had returned to work early in 1991. Since Don earned something more than $1,200 in that period, Don's new benefit computation was based on that $1,200-plus of income in the most recent 52-week claim period rather than, as previously had been the case, on the proceeding 52-week claim period when Don had been employed full time and, of course, had a much higher income.

As a result, for the remaining 13 weeks of his eligibility for the additional benefits, Don's benefit amount was dropped from $282 per week to $23.

Sadly, Don's experience is not unique. I am advised that in Massachusetts alone over 2,000 persons have found themselves in a similar situation—where benefits are dramatically reduced in mid-stream when the claim year changes and benefits are recomputed based on a very short period or periods of reemployment.

Mr. President, I am distressed by what I see as the larger issue illustrated by Don's case as I have recounted it. The unemployment insurance eligibility and benefit computation requirements and procedures are operating to discourage unemployed American workers from seeking or accepting any employment they do not believe to be long-term or permanent until they have exhausted all unemployment benefits for which they are eligible or for which they believe they may become eligible. There is something fundamentally wrong in a program that punishes men and women for returning to work whenever they can find an opportunity to do so.

I reluctantly recognize that it is not possible to remedy this problem today. The President has stated that he will accept nothing other than the simple extension of the additional benefits legislation previously enacted, with the addition of 13 more weeks of benefits for the long-term unemployed in all States. That, of course, is what the bill does which has been brought before the Senate today by the distinguished chairman of the Finance Committee. I can assure my colleagues—and the long-term unemployed in Massachusetts—that I will not take any step that will create an excuse for the President to veto another unemployment insurance bill and thereby deny badly needed assistance to unemployed workers and their families who have nothing else on which to depend to pay their mortgages and rent, buy food, and pay for medical care.

But the fact remains, Mr. President, that this is a matter which ought to be addressed and remedied by the Congress in the near future. I have presented this information and my concerns to the committee's chairman, Mr. BENTSEN, and he graciously considered the situation and has offered his assurance to me that the Finance Committee in coming weeks, as it is considering other legislation to make alterations in the unemployment insurance law, will carefully consider this problem and possible means to resolve it satisfactorily.

I very much appreciate the attention the chairman and his very capable staff

have given to this problem in the past several days, and his assurance that his committee will examine it carefully. I look forward to working with him, the other members of the Finance Committee and the committee's staff and with my senior colleague from Massachusetts, Mr. KENNEDY, in this effort.

Mr. President, in conclusion, let me reiterate that we must multiply our efforts to pull our Nation out of the economic tailspin into which it has gone. We must not rest, and we cannot be satisfied, until the economy has returned to equilibrium and Americans are back at work and prosperity has returned to our States and communities. We in the Government have no greater or more important challenge than this in the weeks before us.

Mr. DODD. Mr. President, I rise today to voice my strong support for the bill to extend unemployment compensation for an additional 13 weeks. We could not take action on this measure soon enough. Over 600,000 long-term unemployed Americans will exhaust their benefits by the end of this month.

While many of us remain hopeful, there is absolutely no evidence that this stubborn recession will end by mid-year. Economic indicators continue to show signs of weakness in our economy.

The index of leading economic indicators fell by 0.3 percent in December.

Factory orders for durable goods dropped by 5 percent in December, the largest decline in over a year.

Consumer confidence, which must gain strength for the economy to rebound, remains low.

And the unemployment rates for my State of Connecticut and the Nation reached all time highs in December. Connecticut's unemployment rate of 6-9 percent is the highest rate in 9 years. The national rate reached 7.1 percent, the highest rate since 1985.

The news is not good for the millions of Americans struggling to make ends meet. And the news is certainly not good for the 8.9 million Americans who are out of work. Our unemployment compensation program must get the jobless through these hard times.

However, the measure before us today only helps Americans address their shortterm needs. It helps them pay their bills for a few more months. But it does not create jobs or offer longterm solutions to this recession. It will not turn this economy around and it will not place our economy on a straight path to recovery.

We have a bigger challenge ahead of us. We must act swiftly to adopt a package of economic reforms that will provide much-needed stimuli to our economy. We must establish priorities and policies that will promote long-term investment and growth.

Almost 1 year ago, I joined Members of this Chamber in pushing for consideration of a payroll tax cut, offered by my colleague from New York, Senator MOYNIHAN, for hard-working Americans and businesses. Over a year ago, many of us joined Senator BENTSEN in calling for a reinstatement of the full deductibility of IRA investments. Each year, many of us have fought to make permanent the R&D tax credit, the employer-sponsored education tax credit and the housing tax credits. With the President's plan in hand, we now have a chance to act.

We need to do our part to adopt policies that will encourage the creation of jobs. We must restore fairness to our Tax Code. We must provide incentives for businesses to invest, for businesses to expand their research and development operations, and for businesses to train their employees. As a government, we must invest in our children and families, our communities and our infrastructure.

Mr. President, it is time for us to provide real relief to Americans. The Band-Aid approach to helping the unemployed will not last. It is time for us to stop talking about the solutions. It is time for us to act. For this reason, I urge my colleagues to join me in passing this extension and then moving to take up more comprehensive economic reform initiatives.

Mr. PELL. Mr. President, I welcome the swift action of the Senate in approving legislation to provide extended unemployment benefits to the victims of our faltering economy. This legislation will provide 13 additional weeks of unemployment benefits to those who are already receiving or will be receiving extended unemployment benefits.

In Rhode Island, passage of this legislation means that if you are receiving the 20 additional weeks of unemployment benefits approved by Congress last November, you will now be eligible for 13 additional weeks of unemployment benefits.

Mr. President, the crisis of unemployment in this country deserves quick action. In my own State of Rhode Island, the unemployment rate continues to hover at about 9 to 10 percent. The safety net provided by Federal unemployment benefits needs to be extended as long as possible to help those who have been put out of work in our sputtering economy.

I am pleased that we are taking action on extended unemployment benefits, but I am disappointed that we are not taking more effective action. According to an article in today's Wall Street Journal, the legislation we are acting on today "leaves unchanged a restrictive system that allowed fewer than 40 percent of the unemployed to get aid last year."

My office has heard stories of anguish and sadness from Rhode Islanders who slip through the cracks, who do not meet eligibility limits for benefits that were tightened by the Federal Government and States during the 1990's.

These restrictions need to be addressed and revised so that unemployment benefits can once again function as a true safety net and not as a program that only applies to a lucky minority of unemployed.

Mr. President, I would also be remiss if I did not note the recognition of our unemployment problems by the administration. Last November, when Congress managed to win administration approval of legislation to extend unemployment benefits, it was only after the administration blocked two previous attempts by Congress to extend unemployment benefits. I welcome the administration to the ranks of those who want to help the unemployed as quickly as possible and as often as may be needed during our current economic troubles.

Mr. GRASSLEY. Mr. President, I appreciate the efforts of the leadership in bringing the issue of extended unemployment benefits so quickly to the Senate floor for action. President Bush also deserves a great deal of credit for supporting this measure early on and expediting the whole process.

Mr. President, as you remember, last November, the Congress and President Bush reached a bipartisan extended unemployment agreement that brought relief to hundreds of thousands of unemployed Americans.

At that time, there was no question that the President and most of Congress supported extended benefits. The basic question or disagreement regarded whether the program was going to be paid for, or was the deficit just going to be increased. Congress finally listened to the President and agreed to pay for the program in a responsible manner.

Another major disagreement arose among Senators in regard to whether every State was treated fairly, since a number of States, including my State of Iowa, would have gotten only 6 weeks of benefits that were not retroactively applied. Once the unfairness of this situation was fully aired and addressed, the legislation went forward.

I am very glad to be able to say that neither of these problems that hindered our deliberations in November are present in the legislation before us. Consequently, we have been able to move very expeditiously on this bill, and I would hope that we will be able to send a bill to the President in just a few days.

Mr. President, unfortunately, hard times continue, and people are still hurting and still struggling. President Bush has voiced his support for further extended benefits, and, has worked with the Congress in reaching a bipartisan agreement.

Beyond voicing my support for this bill, I would only offer this further observation. There are a number of underlying problems with the current law that are preventing people from get-

ting help even with the passage of this new bill, and these problems need to be addressed.

For instance, there are major conflicts between State and Federal law regarding work search, qualifying base periods, job placement requirements and others. These problems have precluded thousands of exhaustees from getting help. And, of course, there are still people out of work who lost their jobs prior to March 1991 who were not helped in the last bill, and will not be helped in this bill.

Mr. President, I would hope that, at least some time down the road, these issues can be addressed. I also sincerely hope that we will meet the President's challenge and pass an economic growth package by the end of March, so that we can do our part in helping this economy turn around so that, maybe, we will not need to consider yet another unemployment bill.

Thank you, Mr. President, and I strongly urge the adoption of the bill.

Mr. HATFIELD. Mr. President, I wish to add my voice in support for extending additional emergency unemployment benefits to our Nation's unemployed. I am very encouraged that the administration as well as Congress agrees that further help is desperately needed.

The current recession is now into its 18th month with no sign of a solid recovery in sight. Last month, the unemployment rate in the United States was 7.1 percent. We all know that recessions are even more acute within certain segments of our society such as the automobile and timber industries. While I am encouraged that my home State has weathered our recent economic decline better than some other areas in the country, Oregon is currently facing a 6.6-percent unemployment rate. With housing starts recently at their lowest level since 1945, many timber industry employees in Oregon are suffering tremendously from the current state of our economy. In my State alone, we have lost 14,200 jobs in the lumber industry alone in the last 3 years, and we are facing the loss of tens of thousands of direct and indirect jobs as a result of further protection for the northern spotted owl. While not a panacea for the long term, extended benefits are a critical safety net for those who have been impacted by these changes, both in Oregon and elsewhere.

The fact that the administration has agreed to make funds available in the recently released budget proposal to pay for further unemployment benefits and the fact that Congress has acted promptly in an effort to make these funds available to the unemployed is very encouraging. However, I feel we have some serious problems facing our work force that can not be corrected solely by periodic unemployment benefit extensions. The key ingredient to any nation's economic competitiveness is human capital—a principle America has overlooked for far too long.

The American workplace, Mr. President, is drifting toward an increasing number of low-paying jobs and a related decrease in the number of positions that require more job-related skills. This ultimately places our economic competitiveness at risk. Unless we alter productivity now, we face the economic peril of trailing behind as many as nine other developed countries in total output per worker by the year 2020. Further complicating this problem is a lack of opportunity to obtain technical training for our future work force. We must be willing to train our current workers and our future work force to be competitive with the world.

Good, reliable, and permanent jobs depend on people who can put new knowledge to work. We have all heard of the 4,000 unemployed people who recently lined up in subzero weather to apply for 500 job openings in a new Chicago Hotel. However, consider the fact that when the New York Telephone Co. was looking for people with the skills to become entry-level operators and technicians, the company had to screen 57,000 applicants before it found 2,000 possibilities. Workers need opportunities to learn to be creative and responsible problem solvers and to develop the skills and attitudes on which employers can build to offer more jobs to the American work force. To that end, I have worked with Senator KENNEDY to develop S. 1790, the High Skills, Competitive Work Force Act, which addresses many of these difficult problems by creating new training programs to prepare workers for the job market of the 1990's and beyond.

Again, I am delighted that the Congress and administration have agreed to work together to enact further unemployment benefits as quickly as possible. I know that we can all rest a little easier when we know that the American unemployed will at least have an additional 13 weeks of assistance. Beyond today's immediate need, I hope my colleagues will join me in pursuing new initiatives in work force training so that we can address our future competitiveness.

Mr. SANFORD. Mr. President, I rise to voice my support for S. 2173, a bill to provide additional unemployment benefits to out-of-work Americans. I am pleased that Congress has been able to act so quickly and decisively to bring this vitally important legislation to the Senate floor. And now that the President finally has realized the severity of the current recession and has come on board in support of extended unemployment insurance, there will be no disruption in benefits to those who have been out of work the longest during this recession.

Last week on the Senate floor I introduced a wide-ranging economic recovery plan. At that time, I noted that as I traveled throughout North Carolina these past few months, anxiety about the state of our economy was clearly the No. 1 concern on most everyone's mind. In my statement I outlined a number of steps we must take to get our economic engine chugging along again. The first item on my list, the one requiring immediate implementation, was extending unemployment insurance benefits. Extending these benefits is only a short-term remedy, but it is still a crucial need. While we pursue action to stimulate the economy, we must provide badly needed support to the over 2 million long-term unemployed throughout the country. Until the economy improves and unemployment falls, these benefits will help pay the mortgage and the doctor bills; they will help put food on the table and gasoline in the car. In North Carolina alone, an average of 22,000 people are collecting extended benefits each week. These are people who have been looking but unable to find work for at least the past 26 weeks. We must ensure that these out-of-work Americans—the biggest victims of a decade of voodoo economics—have the helping hand they need until the economy stabilizes.

I applaud the quick action on this bill to extend unemployment insurance benefits. But I must again emphasize that this is only a short-term remedy to a very serious problem. Let us now move as quickly with an economic recovery plan that will provide long-term solutions. We must invest in our future in a way that provides for job growth. To create good jobs, businesses need to make good investments. To do this, of course, they must have the money to invest, but that is difficult when the Government is gobbling up such a large percentage of the country's investment dollars. The long-term solution for reducing unemployment must be a commitment to enhanced savings, to provide the capital for investment in job-creating technologies.

Mr. WELLSTONE. Mr. President, our Nation continues to face an unemployment emergency, and this bill will help to address that emergency immediately.

The ranks of America's jobless continue to swell. According to the Department of Labor, the unemployment rate rose to 7.1 percent in December, up from 6.9 percent in November. In Minnesota, total unemployment in December rose three-tenths of 1 percent, with some counties in northern Minnesota, including Lake and Aitkin Counties, experiencing unemployment of from 9.5 to over 10 percent.

There are 8.9 million Americans out of work, an increase of almost 300,000 over November. Another 6.3 million are working part-time because they cannot find full-time work, and at least an additional 1 million have dropped out of

the work force altogether, frustrated by repeated unsuccessful attempts to find work at a decent wage; 600,000 of the over 1 million Americans currently receiving unemployment benefits will stop getting checks on February 15. Almost 1.5 million Americans have been unemployed longer than 26 weeks. The Nation's civilian employment figure has dropped to a nearly 3-year low of 116 million workers.

But these are statistics. They tell only part of the story. The real story can be read in the lined faces of the unemployed, in the stress and anxiety they are forced to undergo as they look, month after month, for a job—any job. Some of these workers are even forced to compete for low-paying jobs against their own children.

This persistent recession has been with us for many months, with few signs of letting up. These benefits should be extended now, to ease the anxiety and uncertainty of workers facing imminent cutoff of their benefits. I am glad to see we are not going to be caught in the same crunch for time we confronted before the holidays due to the administration's persistent refusal to approve extension of these benefits.

Last November, we extended unemployment benefits to millions of American workers after an almost 6-month struggle with the President. For over 6 months, the administration dithered, vetoing each attempt by this Congress to rush critical benefits to unemployed workers as the recession has deepened. We provided to the unemployed an additional 13 or 20 weeks of benefits, depending on the unemployment rate where they lived. This bill provides an additional 13 weeks of emergency benefits for unemployed workers above those current emergency program levels, and extends similar benefits to America's unemployed railroad workers.

Workers in some of these States with high unemployment have already begun to exhaust those benefits, and many more will exhaust in the next 6 weeks. We must prepare now for that looming crisis by extending further these emergency benefits. The financing mechanism developed to pay for these additional emergency benefits, which uses fiscal year 1992 and fiscal year 1993 savings from adoption of pay-as-you-go requirements last year and from increases in the rate of corporate tax collections, is a reasonable compromise—though I believe we could have drawn upon the over $8 billion currently in the unemployment trust fund designed for that purpose. Our primary concern in this recession must be to get these benefits out soon. We must not put people through the same long and anxious period of waiting they endured last fall because of the President's unwillingness to fund these benefits.

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Hearings are being held in the Banking, Budget and Finance Committees of the Senate in the coming weeks to refine major new initiatives to create jobs and put us back on the road to recovery. And there is no more work more important than this. But while we slay the dragons, the wounded must be cared for. While we address our systemic problems, brought on by a decade of voodoo economics and disinvestment in our human capital and in our physical infrastructure, people are slipping through the cracks. We must not let that happen.

I commend Chairman BENTSEN on this package, and I am grateful that he has moved so quickly to extend further emergency unemployment benefits. I think it is also a helpful sign that in this election year President Bush appears much more flexible on this question than he has been in the past, announcing his change of heart in his annual State of the Union address by agreeing to fund these benefits. Finally recognizing the seriousness of the recession, he has also begun to recognize the profound impact it has had on the unemployed. I hope that when it comes to actually being asked to sign another unemployment benefits extension bill, he will agree without the delays and equivocation of last year.

I should add that I continue to believe the Unemployment Insurance Program must soon undergo a thorough reevaluation and reform, to ensure that it efficiently, effectively and fairly serves the needs of America's unemployed. In this process, we should address particularly the problem of Federal benefit formulas which prevent benefits flowing to certain recipients under the emergency program who otherwise would be eligible under the regular program. I hope we can move forward on such comprehensive reform legislation soon.

Enough talk. This is the time to deliver. I urge my colleagues to support this measure to deliver these additional benefits soon, so America's unemployed will not be forced to wait and wonder, as they did for months last year, if they could pay for heat, and light, and food for themselves and their families. I urge my colleagues to move quickly and effectively on this bill well before the February 15 deadline, and I urge the President in the strongest possible terms to sign this bill into law immediately so there will be no disruption in the flow of benefits to America's long-term unemployed. While we put our economic house in order, while we restructure our economy, while we slay the dragons, the wounded must be cared for.

Mr. MCCAIN. Mr. President, I strongly support further extending unemployment insurance benefits to those in need. The President, in his State of the Union speech, called on the Congress to expeditiously act on this subject and I am pleased that the Senate is heeding the President's advice.

Some 600,000 individuals will exhaust benefits in February alone. Unemployment in Arizona has risen to over 8 percent. These unfortunate individuals are in desperate need of help. The 13 extra weeks of unemployment benefits this legislation mandates are needed now.

We now have the opportunity to help those who are seeking employment and are not able to find it. However, Mr. President, let me emphasize that we must not accept this benefits extension as a solution to our problems.

Mr. President, President Bush and many of my colleagues on this side of the aisle have put forth many proposals to stimulate our economy and create jobs for the unemployed. Arizonans do not want to depend on unemployment insurance benefits for their well-being. Arizonans are some of the hardest working individuals in our great Nation. Mr. President, they want jobs and they want a strong economy.

The Senate must now turn its attention to passing legislation that will stimulate economic growth that will truly create jobs, not create more debt for our Nation.

The majority in the Senate has again and again brought forth legislation that seeks to help one group at the cost of another. Past legislation on this issue is a perfect example. Mr. President, the Democratic proposals of the past were not fully funded from existing revenues. In in other words, they further increased the deficit. Another way to phrase it would be to say that they sought to further leverage our children's and grandchildren's futures.

Mr. President, I support this legislation because unemployment continues to be high, the Congress has an obligation to help those in need, and this bill is fiscally sound. However, let me register by strong discontent with Democratic Members of the Congress who blatantly continue to use legislation to further their election year political aspirations.

The President has called on the Congress to help the unemployed. The President additionally called on this body to do so in an economically sound manner that will not increase the deficit. It is particularly pleasing to see that at least on this bill, the Congress has done so and put the needs of our Nation ahead of politics.

As we pass this legislation—and I hope my colleagues will pass this measure to help the unemployed—I urge the Senate to quickly act on needed measures to ensure real economic growth for our Nation.

Mr. President, I yield the floor.

Mr. DOMENICI. I yield whatever time I have back to the distinguished Senator from Colorado for his use. I yield the floor.

Mr. BROWN. Mr. President, I yield back the remainder of our time on this side.

Mr. DASCHLE. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back.

Mr. BROWN. Mr. President, I raise a point of order against H.R. 4095 on the basis is violates section 311(a) of the congressional budget.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. If the Senator will withhold, the Senator has a right to raise objection to the Senate bill which is now before us, not a House bill.

Mr. BROWN. I thank the Chair. Mr. President, I raise a point of order against S. 2173 on the basis that it violates section 311(a) of the Congressional Budget Act.

Mr. DASCHLE. Mr. President, pursuant to section 904(c) of the Congressional Budget Act of 1974, I move to waive section 311 of that act for purposes of the pending legislation.

Mr. DASCHLE. 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.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Indiana [Mr. HARKIN] and the Senator from Nebraska [Mr. KERREY], are necessarily absent.

I also announce that the Senator from Hawaii [Mr. INOUYE], is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Virginia [Mr. WARNER], is necessarily absent.

The yeas and nays resulted—yeas 88, nays 8, as follows:

[Rollcall Vote No. 16 Leg.]

YEAS—88

Adams	Exon	Mikulski
Akaka	Ford	Mitchell
Baucus	Fowler	Moynihan
Bentsen	Glenn	Murkowski
Biden	Gore	Nickles
Bingaman	Gorton	Nunn
Bond	Graham	Packwood
Boren	Gramm	Pell
Bradley	Grassley	Pryor
Breaux	Hatch	Reid
Bryan	Hatfield	Riegle
Bumpers	Heflin	Robb
Burdick	Hollings	Rockefeller
Burns	Jeffords	Rudman
Byrd	Johnston	Sanford
Chafee	Kassebaum	Sarbanes
Coats	Kasten	Sasser
Cochran	Kennedy	Seymour
Cohen	Kerry	Shelby
Conrad	Kohl	Simon
Cranston	Lautenberg	Simpson
D'Amato	Leahy	Smith
Danforth	Levin	Specter
Daschle	Lieberman	Stevens
DeConcini	Lott	Thurmond
Dixon	Lugar	Wellstone
Dodd	Mack	Wirth
Dole	McCain	Wofford
Domenici	McConnell	
Durenberger	Metzenbaum	

NAYS—8

Brown	Helms	Symms
Craig	Pressler	Wallop
Garn	Roth	

NOT VOTING—4

Harkin	Kerrey	Warner
Inouye		

The PRESIDING OFFICER. On this vote, the yeas are 88, the nays are 8. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to, and the point of order falls.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

EMERGENCY UNEMPLOYMENT COMPENSATION ACT OF 1991

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to consider the House unemployment bill, H.R. 4095, recently received from the House.

The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4095) to increase the number of weeks for which benefits are payable under the Emergency Unemployment Compensation Act of 1991, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The question occurs on H.R. 4095.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Iowa [Mr. HARKIN] and the Senator from Nebraska [Mr. KERREY] are necessarily absent.

I also announce that the Senator from Hawaii [Mr. INOUYE] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Virginia [Mr. WARNER] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 2, as follows:

{Rollcall Vote No. 17 Leg.}

YEAS—94

Adams	Bumpers	Danforth
Akaka	Burdick	Daschle
Baucus	Burns	DeConcini
Bentsen	Byrd	Dixon
Biden	Chafee	Dodd
Bingaman	Coats	Dole
Bond	Cochran	Domenici
Boren	Cohen	Durenberger
Bradley	Conrad	Exon
Breaux	Craig	Ford
Brown	Cranston	Fowler
Bryan	D'Amato	Garn
Glenn	Lieberman	Rockefeller
Gore	Lott	Roth
Gorton	Lugar	Rudman
Graham	Mack	Sanford
Gramm	McCain	Sarbanes
Grassley	McConnell	Sasser
Hatch	Metzenbaum	Seymour
Hatfield	Mikulski	Shelby
Heflin	Mitchell	Simon
Hollings	Moynihan	Simpson
Jeffords	Murkowski	Smith
Johnston	Nickles	Specter
Kassebaum	Nunn	Stevens
Kasten	Packwood	Thurmond
Kennedy	Pell	Wallop
Kerry	Pressler	Wellstone
Kohl	Pryor	Wirth
Lautenberg	Reid	Wofford
Leahy	Riegle	
Levin	Robb	

NAYS—2

Helms	Symms	

NOT VOTING—4

Harkin	Kerrey	Warner
Inouye		

So the bill (H.R. 4095) passed.

EXPLANATION OF VOTE

Mr. SYMMS. Mr. President, I came to the floor planning to vote for the extension of unemployment compensation. I suppose if my vote would have mattered that I might have voted for it, but I got to thinking, walking over to the floor, that the American people really deserve better than what they are getting out of their Government in Washington.

You do not have to be a rocket scientist to know that if all you do is continue to extend the welfare state that the welfare state is going to grow and that the private sector is going to continue to suffer. I do not have any lack of compassion for those people in Detroit, in Boise, in Pocatello, in Los Angeles, and other places where people are unemployed. I think we do have a responsibility to help those people. But we also have a responsibility to not continue to carry on business as usual, Mr. President. That is what is going on here. Congress is sweeping our economic problems under the rug.

What this Congress should be doing is freezing all spending across the board in the budget so that it could then reduce the payroll tax and give middle-income Americans and small business and all business a boost of extra cash flow. We should then reduce the capital gains rate of taxation. We should put passive losses back in for real estate losses so that we can get some incentive back into the real estate market in this country.

We should cut off about half of the spending of this army of bureaucrats that are hostile to people who are trying to produce goods and services in this country and starve them out. If that is all we can do, pay all these bureaucrats and regulators who run around and interfere with the progress of people trying to do things to improve the lifestyle of the American people, then we are doing a disservice to the American people.

I would say this, Mr. President. I think it is a safe bet to say that busi-

ness-as-usual is going to continue in this Congress. We will not freeze the budget. The only place the Congress will cut spending is in the defense of the country. It is the only place they will cut spending. They have been doing it every year since 1985 when we reached the peak. We have been reducing spending on defense since then.

It took the United States military 43 days to decimate the fourth strongest military organization in the world, that of Saddam Hussein's Iraq; 43 days is how long it took.

It will take the Congress about the same length of time to decimate the military service that did that wonderful job. And these are people we are talking about. When we in Congress want to cut $100 billion out of defense, it is people. The investment is made, in many cases, in the ship or in the airplane or in the material or in the base, whatever. We are talking about cutting people out, people who have been promised work for our Nation's defense. So where will we be when Saddam Hussein himself gets reorganized and retooled? Or what if Iran goes in collusion with two of the Moslem Republics in what used to be the Soviet Union and gets fired up for another war? Where will the U.S. military be if we allow Congress to continue to cut them? I will predict here that the only thing Congress will do with reduction of spending will be to cut military spending. It will not look at anything else.

Now, Mr. President, in addition to this, this Congress and the administration, whom I usually support, will allow business-as-usual to go along. That is why we are here today to opt to just extend unemployment compensation. This is the Government that owns one-third of all the land in the United States. Now, you would think if we had economic problems, which I hear my colleagues talking about, you would think that maybe an unemployed couple in Detroit could be given an opportunity to go to Oregon or Washington or Idaho or Alaska on some of that Government-owned land and let them cut down some trees and earn a living. You would think that would be a U.S. policy. No, that is not the policy. We are going to preserve some of the best softwood timber in the world and let it fall and rot and die so that we can let two northern spotted owls have 3,600 acres. I think the American people deserve better than that, Mr. President.

Mr. President, I want to make another point. I see the distinguished senior Senator from Alaska on the floor. If we really have an unemployment problem in this country, why is it that we will not allow people in Alaska to drill oil wells in a covenant agreement that was made here when I was in the other body in 1980? They should be permitted to drill oil wells on the North Slope of Alaska.

I invite any Senator, Mr. President, who has not been to Alaska to go up and visit the Arctic slope. What they ought to do is go in December or go in January. If you cannot drill an oil well up there, you should not be able to drill an oil well anywhere on Earth. It is a sheet of ice. But somehow we have been mixed up to think that out of 19 million acres in the Arctic National Wildlife Refuge, this Congress is blocking this country from the opportunity to have a footprint up there where oil wells would be drilled that would be the same size as Dulles Airport. That is what it is. It is so ridiculous. It is absolutely ridiculous, Mr. President. And yet we go along with business as usual.

We are bankrupting the country. We have an absolutely hostile, antagonistic Government to the producers in this country. There is no country in the world that the government is as hostile to their own producers as is the U.S. Government. The other ones that were that hostile, like the former Soviet Union, have been overthrown by their people, and now they are saying they want the people to own 60 percent of the land in those countries. In the State of the Senator from Alaska, the people only own 2 percent of the land—only 2 percent of it. This is the so-called United States, the country where private ownership is the fundamental difference between us and the countries that have failed in the recent year.

The fundamental difference between the United States and the former Soviet Union, Mr. President, is the right to own private property. But what has happened in this Government is taxes are too high, regulations are too excessive, and people cannot do business. So, they have to invest money out of the United States or lay people off because their companies are not competitive, and we, the Government's leaders, are still doing business as usual. It is as though we are the last people on the face of the Earth here in Congress to recognize what the problem is.

So it may be that it is right to extend unemployment. But, I would say that what is happening is that business-as-usual in the United States is that the people here in this Congress in the majority, who are running the agenda—and then the administration is forced to capitulate and cave in to them—if they were in the politburo in the former Soviet Union, they would be opposing perestroika. They would say, "Oh, no, we have to have more socialism, more government, that is our solution."

The solution is private ownership. The solution is to allow people an opportunity to go out and work, earn some money and keep it, but we are destroying that initiative in this country. So I only cast that vote just as a protest to the fact that I believe the American people deserve better. I hope they will start paying attention to what their Congressmen have been doing and their Senators have been doing in the Congress these past many years and make some changes this fall, because the American people have it within their grasp to change this. They do not have to put up with a government that continues to run $300 billion deficits, continues to raise their taxes, continues to regulate them, continues to tell every theater owner, every small business operator exactly how they have to fix everything in the store to comply with some utopian regulation.

I know the two Senators from Alaska must feel a great frustration to know the potential resources that their State can put out. The potential resources that their State could put out to help solve the unemployment problems in the United States of America could lead an economic recovery nationwide. But, the coercive utopians have the votes so they cannot open up their resources.

So what do we do this afternoon? Vote to extend unemployment compensation so we encourage people to stay there and sit by a factory that may never open again. Then we will wonder why it does not open. The reason it will not open again is because there is such an anticapitalistic attitude on the part of the Government here in the United States of America, Mr. President. That is what the problem is. I think we should start protesting business-as-usual and start getting back to basics, getting back to freedom, getting back to opportunity, capital growth and development, and give people an opportunity to be rewarded when they work and save and invest.

Mr. President, I yield the floor.

NATIONAL ENERGY SECURITY ACT

MOTION TO PROCEED

The PRESIDING OFFICER. The question recurs on the motion to proceed to S. 2166. The clerk will report.

The assistant legislative clerk read as follows:

A motion to proceed to S. 2166, a bill to reduce the Nation's dependence on imported oil, to provide for the energy security of the Nation, and for other purposes.

The Senate continued with the consideration of the motion to proceed to the bill.

Mr. WALLOP. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WALLOP. The Senate is still on the motion to proceed to the bill?

The PRESIDING OFFICER. The Senator is correct.

Mr. WALLOP. I thank the Chair.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

VISIT TO THE SENATE BY MEMBERS OF THE BRITISH HOUSE OF COMMONS

Mr. MITCHELL. Mr. President and Members of the Senate, I call the attention of Senators to the presence in the Chamber of five of our distinguished colleagues from the British House of Commons, who have joined us here today. They are Mr. Twinn, Mr. Coombs, Mr. Corbet, Mr. Cox, and Mr. Gale.

We welcome them, as we have others. The British House of Commons is the institution most responsible in all of human history for the establishment and preservation of individual liberty. We are grateful to them for the heritage which they passed on to our Congress and for their cooperation today. We welcome our colleagues from the British House of Commons.

[Applause, Senators rising.]

The PRESIDING OFFICER (Mr. KOHL). The Chair recognizes the majority leader.

Mr. MITCHELL. Mr. President, last October, I appointed a Senate Democratic Task Force to determine what improvements, if any, could be made in the nomination and confirmation process. The task force was chaired by our distinguished majority whip, Senator FORD, and included four committee chairmen who have important responsibilities in this area: Senators BIDEN, BOREN, NUNN, and PELL.

That task force has made its report to me. I, in turn, have shared it with the President and with the distinguished Republican leader. Today, I am placing this report in the RECORD. I ask each Senator to give it consideration.

The American Constitution does not assign different weights to the President's nominating power and the Senate's decision as to whether it shall "advise and consent" to the confirmation of nominees. Instead, it establishes a process whereby the principal positions in our government can only be filled when the President and the Senate act jointly. Thus, from the time of our Founders, the Senate has been a vital partner in the process of evaluating candidates for service in high government positions.

Even Alexander Hamilton—an exponent of executive power—called this process a "union of the Senate with the President, in the article of appointments." In rejecting the argument that the "advise and consent" power would give the Senate undue influence over the President's selections, Hamilton wrote, "if by influencing the President be meant restraining him, this is precisely what must be intended."

The Senate's role in the process of evaluating nominees is particularly important, and particularly significant, when it comes to filling vacancies in the independent, third branch of government: the judiciary. Early drafts of the Constitution vested the power to select judges in the Congress alone, and then in the Senate alone. Only in the final hours of the Constitutional Convention was the President assigned any role in the selection process—and then, as I noted earlier, it granted him a power that could only be exercised in concert with the Senate.

Thus, our constitutional history and tradition firmly establish an active role for the Senate in evaluating the fitness of candidates to serve in high executive branch offices, and in the Federal judiciary. Any proposed reforms of this process must begin with this basic understanding.

The task force started from this point, and sought to provide answers to four key questions about the confirmation process. First, how can we make this process less contentious? Second, how can we make it function more quickly, without sacrificing thoroughness? Third, how can we improve the way in which the Senate gathers information on nominees? And fourth, how can we make committee hearings on nominees more useful to the Senate and the public?

First, how can we make the confirmation process less contentious?

Controversial nominations gain considerable attention from the press and the public. But the fact is that, far more often than not, the Senate's confirmation process functions without contention. In the last 10 years, the Senate has received over 600,000 nominations from Presidents Reagan and Bush—and of that number, over 97 percent have been confirmed. In the last Congress, the Senate confirmed 99.8 percent of the 850 civilian nominations that it considered. In only a handful of these cases were any dissenting votes cast against the nominee.

Nonetheless, there have been several contentious nominations of the past few years. Though they are few in number, these are experiences that none of us involved in the confirmation process—either in the White House or the Senate—should wish to repeat.

As the task force suggests, one way to avoid such confrontations in the future is for the President to engage in meaningful consultation with the Senate before making significant nominations. With respect to the selection of Supreme Court Justices—where such consultations are most especially needed—a long line of President Bush's predecessors, starting with George Washington and going right through to Ronald Reagan, have consulted with Senate leaders on their selections. Countless historical examples justify consultations; the public supports it; and common sense counsels it.

In the past, President Bush has rejected the idea of consultation, saying that he will not yield on his "Presidential prerogatives." Yet this concern did not prevent many of his predecessors from undertaking consultations, nor does it prevent him from consulting Senators on nominees for the lower Federal courts—nominations which, as a result, almost always move through the Senate without controversy.

We do not expect the President to shrink the scope or exercise of his constitutional powers—but he cannot expect Members of the Senate to do so either. The American system of government is a constitutional democracy, where power is shared, not a monarchy, where power is concentrated in one person.

In an era of divided government, the choice the two branches face with respect to nominations is the choice we face with respect to all other matters: cooperation or confrontation.

Senate Democrats stand ready to consult with the President to discuss future nominations, to avoid the kind of conflict we have seen in the recent past. We are confident that meaningful consultation can occur without reducing the prerogatives of either branch of government, and in a way which more fully informs the President of other points of view prior to rather than after a nomination is made.

Our second challenge is to make the confirmation process function more quickly, without sacrificing thoroughness.

Last October, the President called on the Senate to act on nominations within 42 days. It is a reasonable goal, one we should seek to achieve here in the Senate. While there will be exceptions, I believe the committees can report, and the Senate can act upon nominees, within 42 days of the date on which their necessary paperwork is available for our consideration. And we say to the President we accept your recommendations. We will try to meet it.

So the Senate can and will do its part to speed up this process. But no one should over estimate the impact this will have on the process as a whole. The task force report shows that an average of 350 days—almost a year—passes between the creation of a vacancy and the Senate's confirmation of a nominee to fill that position. But of these 350 days, about 270 pass, on average, while waiting for the President to determine whom he will nominate. Then on average, another 28 days are consumed while the executive branch delays in submitting the paperwork needed to process these nominations.

Put another way: currently, the Senate waits almost 300 days before a nominee is selected by the President and his or her paperwork is completed—and then the Senate, on average, moves to confirm these nominees within roughly 50 days after this point.

I agree that the Senate should try to reduce its period for action from 50 days to meet the President's 42-day goal. But if this extra week is significant enough to merit the President's

attention, then surely the 300-day period that lapses while the Senate awaits action by the executive branch is also worthy of review. If we speed up our consideration of nominees, which accounts for just one-seventh of the time consumed in the appointments process, than surely the executive branch, which consumes six-sevenths of the time, has a duty to do the same—and more.

The delays in executive branch's action on nominees are dramatic, and at times inexcusable. After taking almost 270 days to select a nominee, why does it then take the administration, on average, another month to submit the nominee's forms to the Senate? Why not, as the task force urges, submit all the needed forms when the nominee's name is submitted to the Senate?

Currently, almost one of every six Federal judgeships is vacant. Yet for 91 of these 135 posts, the President has failed to submit any nominee to the Senate. One of these judgeships has been vacant for over 1,000 days without a nominee; 10 vacancies have been open for more than 600 days without a nominee from the President.

The President should take action to address these inordinate delays in the nomination process, as the Senate looks at the reductions needed in the time consumed in our confirmation process.

The task forces's third challenge was to determine how we can improve the process under which the Senate gathers information on nominees.

We start with the recognition that the necessary process of reviewing a candidate's background, character, and fitness for high office inevitably involves the collection of sensitive information about a nominee, and perhaps other persons as well, When the Senate, its Members, its committees, and their staffs review such information, the privacy rights of those involved must be respected.

The task force reaffirms the seriousness of this trust, by calling for the "swift and severe punishment" of any Member or employee of the Senate who discloses confidential information obtained in the confirmation process. The task force also recommends a procedure for investigating any suspected leaks, and timetable for disciplining employees found to have engaged in unauthorized disclosures.

The task force addresses several other aspects of the information gathering process.

The first of these concerns the forms which nominees must complete before they take office. The President has commented on the burdensome nature of the confirmation process, and an earlier commission that he appointed called on Senate committees to adopt one standard form for all nominees, with specific addenda as appropriate. The task force accepted this proposal, and has recommended it to the Senate, a position with which I agree as well.

But as we undertake this reform, perhaps the executive branch should reconsider its forms, too. While Senate committees may now have different forms, each generally asks nominees to complete only one form. The executive branch, by contrast, often asks for duplicative data on three distinct forms from each nominee. Once again, if the Senate is to consider whether our single form is too burdensome—as it will—surely the executive branch can determine how its multiple forms can be streamlined.

Another area reviewed by the task force was the willingness of the executive branch to share the information it compiles about nominees with the Senate.

As noted above, the executive branch takes more than five times as long to perform its portion of the appointments process as does the Senate. Yet if the Senate is not given the benefit of the information obtained in this lengthy process, then surely the length of Senate review will grow closer to that of the White House. As a result, the task force specifically recommends—and I endorse—restoration of the previous agreements between the executive branch and Senate committees regarding the sharing of background information. It is my understanding that the specific arrangements between the administration and the Judiciary Committee are under discussion at the present time.

The task force also calls on the executive branch to provide a certification that its files on a nominee contain no adverse information on that person—or an explanation when a nominee is submitted to the Senate notwithstanding the presence of such information.

The task force also calls for greater thoroughness in initial background checks performed on nominees by the FBI, so that fewer followup investigations by the Bureau or the Senate—which add to delay—are required.

The report also observes, properly in my view, that if the appropriate information on nominees is not forthcoming from the executive branch, the Senate will have no choice but to expand its own investigative capacities to make up the difference. This is a step I hope we will not have to take.

Finally, the task force considered how committee hearings on nominees can be made more useful to the Senate and to the public.

It is appropriate to begin by reviewing how the Senate's process for considering nominees differs from the executive branch's process. While there are many differences, none is more fundamental than this one: The Senate's process, unlike the President's, is conducted within the full view of the public, in the form of open confirmation hearings.

Critics bemoan the nature, the extent, or the scope of the questioning in Senate confirmation hearings. But these critics should keep in mind that they have no idea what questions—what political or ideological considerations—are brought to bear in the executive branch's review of potential candidates for a position. That is a process conducted entirely in private. It is insulated from public scrutiny. It is wholly unbalanced to hyperanalyze the process that the Senate uses to consider nominees, while uttering not a word about the process the President uses to consider and reject many possible candidates for each nomination.

The wisdom of the open nature of Senate hearings was widely questioned during the Judiciary Committee's consideration of the charges of sexual harassment against Judge Thomas last fall. After being criticized for conducting its investigation of the charges in confidence before the public disclosure of the allegations, the committee was then criticized even more for conducting its subsequent hearings on these matters in public.

As Chairman BIDEN noted at the time, Senate rules already provide for the closing of hearings under certain circumstances. Among those circumstances is the prospect that a witness testimony would constitute an undue burden on his or her right to privacy. At the outset of the Thomas-Hill hearings, Chairman BIDEN invited any witness so concerned to request a private session—a request he pledged to honor with the committee's assent. No witness who appeared those days ever made any such request of the committee—all preferred to have their stories heard by the public, rather than behind closed doors.

The task force reviewed this situation, and concluded that the current Senate rules strike an appropriate balance between an individual's right to privacy and the public's right to know. The task force calls on Senate committees to consider a closed session on a nomination when any witness deems that his or her testimony in open session will invade or injure his or her reputation.

Though ultimately it is each committee's decision whether to hold a closed session, the task force properly recognizes that the initial choice must be that of a witness who appears in a confirmation proceeding. If that witness makes no request to testify in private, after having been notified of the right to do so, then the Senate rules and the public interest support an open session. If, conversely, a private session is requested, then the rules provide the appropriate factors to be weighed when the committee votes upon that request.

The task force further reviewed various proposals that have been made for changing the conduct of confirmation

hearings. By and large, it concluded that each committee must determine what processes and procedures are right for its needs, under the circumstances. But some general conclusions, with applicability to all confirmation hearings, were reached by the task force.

It flatly rejected the notion, which has been mentioned recently, that the Senate should abandon its modern practice of inviting nominees to appear before committees as part of the confirmation process.

Some critics have complained about confirmation hearings, and have suggested that they are unfair to nominees. Yet it is hard to imagine anything more unfair than a return to the earlier era in which the Senate voted on nominees without giving them the opportunity to present their views to the public. The President knows this, and so do nominees—they come to testify of their own free will. Indeed, it has been my observation that nominees whose confirmations are contested are among those most eager to come to make their case.

Like many other criticisms of the confirmation process, the complaint that nominees are obliged to appear before our committees is unfounded. And for all the concern expressed over such hearings, they create an atmosphere that is fairer to all involved, and more likely to result in the confirmation of a worthy nominee, than does the alternative. As an aside, I note that in the case of Supreme Court nominees, the Senate's rate of confirming justices has been higher since the advent of hearings than it was in the period before such hearings were conducted.

The effect of hearings has been to increase the rate at which confirmations have occurred.

One hearing reform proposal that the task force did recommend was better communication between nominees and committees prior to the onset of confirmation hearings. Specifically, the task force called on Senate committees to make clear, in advance, which subjects and which documents will be the basis for questioning a nominee, before any confirmation hearing is held. The task force also said, however, that in exchange for such advance notice, nominees should come to their hearings familiar with these subjects and documents, and prepared to answer any appropriate questions about them.

In closing, I want to reemphasize that genuine reform of the appointments process will require cooperation from both the Senate and the President.

I hope the President is interested in joining us in the spirit of true reform. The task force report lays out a sound and balanced agenda for such action. I hope we will not see more delay and more confrontation in the appointment process.

That is an outcome that I do not want to see; that, Senate Democrats do into want to see; that I am confident our Republican colleagues do not want to see, and that the American people do not want to see.

I thank Chairman FORD and the other members of his task force for their work on this report, and I ask unanimous consent that it be printed in the RECORD.

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

REPORT OF THE TASK FORCE ON THE CONFIRMATION PROCESS

(U.S. Senate, December 18, 1991)

FOREWORD

Article II, Section 2 of the Constitution provides that the President "shall nominate, and by and with the advice and consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other officers of the United States * * *." Through the debates at the Constitutional Convention, the debates on the ratification of the Constitution, and two centuries of Senate precedent, the confirmation process has become deeply rooted in our nation's constitutional heritage.

Several recent confirmations of presidential nominees have generated intense interest in the confirmation process. Much of this scrutiny has focused on only a few of the thousands of nominations which are routinely and expeditiously considered by the Senate during each legislative session. Most confirmations are considered without fanfare and with little public attention. There are exceptions and these have generally involved nominations to high public offices involving issues of a national and sensitive nature.

The Task Force has carefully examined current Senate Rules and has concluded that they provide a sound basis for conducting confirmation proceedings in a manner that balances the nominee's privacy interests and the public interest in open confirmation proceedings. It would be a mistake for the Senate to abandon its role of "advice and consent" by revising the Standing Rules simply to avoid controversy. Rather, the President should seek to engage in prior consultations with the leadership of the Senate in an effort to minimize unnecessary conflict and controversy in the confirmation process.

In a system of government composed of three separate and equal branches, the Senate cannot abrogate its constitutional responsibilities for any nomination, especially those for a lifetime appointment. The Senate confirmation process is an integral part of the system of checks and balances. Without the confirmation process, the Executive Branch would be able to dominate the Judicial Branch to the point that it would no longer function as a separate and independent branch of government.

The objective of the Task Force on the Confirmation Process was to consider ways in which the Senate can fulfill its constitutional responsibilities in the confirmation process in a timely and accountable manner, maintaining the integrity of three separate and equal branches of government with the checks and balances devised by the Founding Fathers.

I. HISTORICAL PERSPECTIVE OF THE "ADVISE AND CONSENT" CLAUSE

The Constitution does not speak of a confirmation process. It assigns to the Senate the responsibility to provide its "advice and consent" before nominees are permitted to assume government office. Consultations between the branches before a nominee is selected permits the Senate to exercise its advisory role under the Constitution. This is particularly true in the appointment of members of the third and independent branch of government, the judiciary.

The history of the Constitutional Convention demonstrates that the Framers did not intend to give the appointment power solely to the President. As the Convention met, it adopted a plan to vest the Congress with the exclusive role of appointing officers. As the Convention progressed, alternative proposals to give the President the exclusive authority to make appointments were rejected because of a shared commitment to keep the President from amassing too much power. Not until the closing days of the Convention was a compromise reached which gave the President any role in the nomination process, and even then it was only with the "advice and consent" of the Senate.

The ratification debates make it clear that the Senate was expected to play an active role in the appointment process, particularly with respect to judicial nominations. In Federalist 76, Hamilton wrote that Senatorial review would prevent the President from appointing justices to be "the obsequious instruments of his pleasure." Responding to the argument that the Senate's refusal to confirm a nominee would give the Senate an improper influence over the President, Hamilton wrote in Federalist 77: "If by influencing the President, be meant restraining him, that is precisely what must have been intended."

From the beginning, the Senate has taken its "advice" function as seriously as its "consent" role. During the first four Presidential administrations, a committee appointed by the Senate occasionally consulted with the President as an advisory council regarding nominations. This formal consultation was not practiced routinely. An informal process developed whereby the President conferred in person or through assistants with the leadership of his party in Congress. At other times, the entire congressional leadership met with the President.

There is considerable precedent of informal consultations between the President and the Senate in the selection of nominees, particularly those for the Supreme Court. In a famous incident, President Hoover consulted with Senate leaders, presenting them with a list of names that placed New York judge Benjamin Cardozo at the bottom. Senator William Borah, after reviewing the list is said to have told President Hoover: "Your list is all right, but you handed it to me upside down." Hoover nominated Cardozo.

The Senate became involved in the selection of officials for certain positions through a procedure which has become known as "senatorial courtesy." This procedure permits Senators of the President's party to express their views on a candidate or to even propose a candidate for positions in their respective States. If a Senator does not favor a nominated candidate, that Senator may claim the candidate to be objectionable, which can lead to withdrawal or rejection of the nominee. This custom may also be invoked by Senators when a citizen of their State is nominated for a regional or national position. While the growth of the professional civil service has reduced the scope of senatorial courtesy, numerous positions are still subject to the custom. These positions include appointments to U.S. district courts

and the offices of U.S. Attorneys and U.S. Marshals.

Under Article 2, Section 2 of the Constitution, virtually all executive officers and judges must be confirmed by the Senate unless Congress, by law, vests the appointment power in the executive branch. Although Congress has authorized the President to appoint a wide variety of officers without Senate confirmation, Congress has reconsidered such delegation when necessary to strengthen Congressional oversight of appointments. For example, in 1974 the Director and Deputy Director of the Office of Management and Budget were made subject to Senate confirmation. Additionally, the Congress has sought to enhance the Senate's role by creating fixed terms for certain positions.

The Congress has also sought to protect the Senate's role in the appointment process by enacting legislation concerning the President's authority to make recess appointments during the periods the Congress has recessed or adjourned. By statute, a recess appointment to a position that was vacant while the Senate was in session may trigger a salary cutoff of Treasury funds for the position, unless specific criteria are met, *i.e.* the vacancy arose 30 days prior to the end of the Senate session; a nomination was pending at the end of the session; or a nomination was rejected by the Senate 30 days before the recess or adjournment and the individual appointed is other than the nominee previously rejected. 5 U.S.C. § 5503(a).

II. STATISTICAL ANALYSIS OF CONFIRMATIONS

In any given year, less than one percent of all nominations are subject to intense scrutiny by the Senate. Historically, the Senate has confirmed the overwhelming majority of nominations, including those for full-time policy making positions. In the last ten years, the Senate has received over 600,000 nominations. Of that amount, 97 percent have been confirmed.

Since the confirmation process began in 1789, approximately twenty percent of the nominations to the Supreme Court have failed to gain Senate approval. In contrast, less than two percent of Cabinet nominations have failed to receive that approval. Over the course of two centuries, the judicial system has grown dramatically; this has resulted in a corresponding increase in judicial nominations requiring Senate approval. Today, under existing law, there are ten distinct court systems in the United States, involving a total of 961 judgeships.

During the last ten years, the Senate received 630 judicial nominations. Of these nominations, 86.6 percent submitted by President Reagan and 95 percent submitted by President Bush, received Senate confirmation. These percentages actually understate significantly the success in nominations approved because some nominations that failed to receive Senate confirmation involved nominees who eventually were confirmed after being renominated at a later time. Only twice during this ten-year period did a negative committee vote prevent a judicial nomination from being considered by the full Senate, and only once did the Senate vote to reject a judicial nomination.

In the 101st Congress, the Senate received over 93,000 nominations and promotions for confirmation. The nominations were to civilian positions; civilian positions in the Foreign Service, Coast Guard, National Oceanic and Atmospheric Administration, and the Public Health Service; and military positions in the Army, Air Force, Navy and Marine Corps. Promotions requiring confirmation include those in the military and the Coast Guard, Foreign Service and civilian uniformed services (National Oceanic and Atmospheric Administration, and Public Health Service). Of the total nominations received in the 101st Congress, 1021 were civilian nominations (exclusive of those to the Foreign Service, Coast Guard, National Oceanic and Atmospheric Administration, and the Public Health Service); of those, 853 nominations were actually considered by the Senate, and 99.8 percent of those nominations were confirmed.

Not only has the Senate confirmed the vast majority of nominations, but it has done so in an expeditious and timely manner. In preparing its analysis of the confirmation process, the Task Force surveyed the Standing Committees of the Senate on the various issues surrounding the confirmation process. This survey requested information from the committees spanning the last five years. Based on the information provided by committees which receive and consider nominations, the average time of consideration for a nomination was 48 days. This figure represents the time between the date the committee received all the necessary paperwork and information on a nominee and the date the committee reported the nomination to the full Senate.

These statistics indicate that the real delay in the process lies with the Presidential nomination rather than the Senate confirmation. Based on information provided by the committees in response to the Task Force survey, the average length of time a position has been vacant, before a nomination is made by the President, is 267 days. The White House has averaged almost 28 days between making a nomination and transmitting the information relevant to that nomination to the appropriate committee. A timely and accountable appointment process requires prompt action by the White House. The Senate cannot begin confirmation procedures until a nomination is submitted by the President. Nevertheless, the Senate recognizes its responsibilities and should review and streamline the confirmation process to assure the public that it can and will act responsibly.

III. NATURE OF POSITIONS

Senate confirmations encompass a wide range of positions, with considerable differences in the nature of duties, impact on national and international affairs, the degree of independence from the President, full or part-time status, and tenure. In assessing the fitness of any nominee, it is difficult at best, to establish one standard that could be applied by either the President or the Senate.

The nominations considered by the Senate include: Ambassadors; U.S. representatives to international organizations; Cabinet and sub-Cabinet positions; officials in the Executive Office of the President; officials in separate agencies; officials in independent agencies; officials serving in short-term positions addressing specific policy decisions; officials in part-time positions on advisory panels; foreign service officers; military officers selected for promotion by statutory selection boards; military officers selected for promotion under the President's Article II appointment authority without the involvement of a selection board; military officers selected for assignment to a position for which a selection board is not required; Article I judges; and Article III judges.

The terms of office vary as well as the positions. Executive branch officials usually serve at the pleasure of the President, while officials of independent agencies normally serve terms that extend beyond the term of a President. Military officers also serve at varied tenure levels. Article I judges, *i.e.* Tax Court, Claims Court, Court of Military Appeals, Court of Veteran Appeals, usually serve a 15 year term, and may be removed for a specified statutory reason.

The unique distinction of Article III appointments makes the Senate role all that more crucial. Appointments to the Supreme Court, and the various Federal circuit and district courts, are to an independent branch of the Federal government and are tenured for lifetime. Removal is only through impeachment. The Senate has one opportunity to review the credentials, the political and constitutional views of the nominees. For positions to the Supreme Court, this review is of paramount importance. As the only court of no further appeal, the Supreme Court itself is the only court with unreviewable power to change precedents. Only the Senate can guard against the abuse of this power.

IV. THE COMMITTEE HEARING

The appointment process for federal positions that require Senate confirmation begins with the President's selection. This aspect of the process is conducted, for the most part, in private. The President's selection process involves background investigations, including an investigation conducted by the Federal Bureau of Investigation. Access to this information is controlled by the President, and he selects which, if any, of his advisors may review that information. Only such information as the President chooses to divulge is released to the public.

The Constitution assigns to the Senate alone the responsibility for reviewing Presidential nominations. In conducting this responsibility, the Senate has made the determination to conduct a significant aspect of its nomination process in public. The confirmation hearing is the only point in the appointment process of Federal officials that offers the public an opportunity to evaluate the qualifications of a nominee. The Senate has taken this obligation seriously and believes that the public hearing process is vital to the Senate's constitutional role of "advice and consent."

The Senate has not formally established a set of uniform guidelines for the evaluation of a nominee's fitness for a particular position. This reflects the fact that there are significant differences in the nature of the duties, authorities, and tenure of the positions subject to Senate confirmation. Each committee, however, has developed similar rules and criteria for judging a nominee's qualifications. In the process, the Senate and its committees routinely focus on four factors—conflicts of interest, character and integrity, professional competence and relevant experience, and views and ideology.

Any consideration of the confirmation process must also recognize that concern about a nominee must focus on public policy issues, and how the nominee is likely to affect those issues. This concern has been apparent from the very beginning of the Senate's history when the Senate rejected John Rutledge to be Chief Justice of the Supreme Court in 1795 because of his outspoken opposition to the Jay Treaty. Two centuries of Senate precedent firmly establish that the Senate has taken seriously its role in restraining the President by considering the political and constitutional views of nominees to determine their fitness to serve in high government positions. Since Washington's day, and the Rutledge rejection, the precedent of considering political and con-

stitutional views of a nominee has been frequently reinforced and extended.

Confirmation hearings are not adversarial proceedings; they are part of the Senate's exercise of a constitutionally-mandated duty. They should consist of a productive exchange of views. The American people have a right to hear the testimony of nominees, wherein they describe their competence and their positions on issues of public policy relating to the office for which they have been nominated. The public hearing is an integral part of the confirmation process for determining the fitness of a nominee to fill a specific position; it is important for the nominee to actively participate in the process. As the only public aspect of the appointment process, the Senate hearing is necessary so that the public may witness and judge a nominee's fitness and qualifications.

The duty of reviewing a nominee's qualifications should remain with the Members of the Senate. Senators have the unique qualifications and historical perspective to put nominee's answers in their proper context, based on prior confirmation hearings in which those Senators have participated. The Task Force considered recommending that all committees use committee counsel to conduct the questioning of nominees at confirmation hearings and rejected that option. Current rules permit committees to give their legal counsel a more active role in a committee hearing, including a confirmation process. The determination to use committee counsel should be made by the respective committees, based on their unique needs and circumstances.

V. CONDUCT OF HEARINGS—PRIVACY RIGHTS OF THE NOMINEE AND COMPETING PUBLIC INTEREST IN OPEN HEARINGS

There is a natural tension between the interest of privacy and the context of a public hearing in the confirmation process. Given the critical importance of the Senate's consideration of a nominee in public, only in the case of significant concern for the interests of an individual's right to privacy should a hearing be closed to the public and then, only to the extent necessary to protect the specific privacy interest.

The first public confirmation hearings were held in 1916 to consider the nomination of Louis Brandeis to be an associate justice of the Supreme Court. The Standing Rules of the Senate were not amended until 1975 to require public committee hearings. A significant development has been the advent of television coverage. Like the practice of public hearings, the televising of hearings began before a provision in the Senate rules. The first televised hearings were in 1969 with the confirmation proceedings of Walter J. Hickle to be the Secretary of the Interior, followed in 1973 and 1974 by the Committee on Rules and Administration hearings on Gerald Ford and Nelson Rockefeller, respectively, to be Vice President.

Rule 26 of the Standing Rules of the Senate provides that committee hearings are to be open to the public, except that a hearing may be closed "on a motion made and seconded to go into closed session to discuss" whether certain enumerated provisions of the rule require a closed meeting. Such a motion must be determined by a recorded and public vote of the committee. The rule's specific reasons to conduct a closed meeting cover a wide array of situations which are set forth in paragraph 5(b)(3) of Rule 26. The rule provides a committee sufficient latitude for the exercise of discretion in determining when to conduct a closed hearing. The rule accomplishes this while safeguarding the right of public access to information regarding nominees. Committees should be cognizant of the importance of a nominee's, or a witness' right to privacy. In instances when the testimony is likely to involve allegations that could invade and injure a person's reputation, a committee should consider a closed session when that person so requests.

While the Standing Rules of the Senate permit the closing of hearings to protect individuals' privacy interests, the entire nomination and confirmation process is undermined by unauthorized disclosures of confidential information. Confidentiality must be respected by the Executive Branch as well as the Senate.

The release of confidential information, whether by the Executive Branch or the Senate, is condemned as injurious to the nomination and confirmation process. The Senate should be aggressive in pursuing the source of unauthorized disclosures of confidential information. Each committee should adopt a rule on improper disclosures of confidential information. Any staff member of the Senate who improperly releases information, without the authorization of the committee, should be subject to swift and severe punishment, which could extend to termination of employment. In those instances where information is improperly released, the committee involved should immediately undertake an investigation to determine the responsible party. In the event that a committee does not act promptly, the Senate Leadership should be authorized to appoint outside counsel to conduct an investigation pursuant to established procedures of the Senate with regard to contracting for professional services.

The improper release of information by a Member should be subject to consideration by the Select Committee on Ethics.

VI. ACCOUNTABILITY AND RESPONSIBILITY FOR A TIMELY CONFIRMATION PROCESS

While the confirmation process has been criticized as lengthy and unduly contentious, a review of the facts with respect to nominations demonstrates that the Administration's approach to the nomination process is responsible for the vast majority of delays. Judicial appointments in the 102nd Congress have been confirmed, on average, in 10 weeks. The President has averaged 10 months or more to select nominees. One out of ten federal judgeships are currently vacant. Eleven federal judicial circuits and district courts are in an officially proclaimed "state of judicial emergency" because of these vacancies. For 100 of the 135 vacant positions, President Bush has yet to nominate a candidate for Senate consideration. Ten judgeships have been vacant for 550 days, and seven judgeships have been vacant for over two years, without the President making a nomination.

The most critical evaluation of potential nominees occurs before submission to the Senate. If the process functions properly, unsuitable candidates will be screened out by the President before they are nominated. The responsibility for screening nominees lies first and foremost with the President and his administration. Their investigations must be thorough and complete. It is not in the interest of any party for unfit candidates to be nominated, with the Senate left to identify and reject such an unfit nominee. Too often, Executive Branch investigative reports received by the Senate are incomplete in obvious respects. The confirmation process is needlessly slowed when Senate committees are forced to ask the President for supplemental information where such requests are reasonably capable of being anticipated by the Administration.

Historically, comity has existed between the Executive Branch and the Senate in the nomination process. Through its investigation of nominees, the White House compiles a substantial amount of information about candidates. These investigations include the development of detailed reports by the Federal Bureau of Investigation. As part of the comity between the two branches, the White House has traditionally shared such F.B.I. information with senior Committee members. Recently, the Administration made the determination to provide only summaries of these reports to committees. Such summaries are known to be incomplete and potentially misleading. The Task Force does not challenge or question the quality of the F.B.I.'s investigative work; the routine F.B.I. background investigations on nominees are generally thorough and usually reliable. However, when difficult questions are raised in a committee regarding a nominee, reliance on the summaries is not acceptable. The Senate is restricted in directing the F.B.I. to provide further investigative reports because that agency works at the direction of the White House counsel, who, having participated in the selection of a nominee, has a strong interest in the nominee's confirmation.

If the Administration does not provide timely and responsive access to investigative materials, the Senate will be compelled to expand its resources and establish an internal process for committees to investigate serious allegations about a nominee. Committees with their own existing investigative personnel might expand their staffs; experienced special investigative counsel could be retained on an as-needed basis; such counsel could be retained on a full-time basis by a centralized unit in the Senate and detailed to different committees as required; or investigators and auditors could be detailed from existing Federal agencies, such as the General Accounting Office.

Despite the utilization of extensive resources in the Government (including the F.B.I., the Internal Revenue Service, military, intelligence and diplomatic security clearance procedures, agency or department ethics officials, Inspector General offices, and the Office of Government Ethics) to review the character, qualifications and fitness of a nominee, at present only one formal certification of nominees is prepared: that of the Office of Government Ethics. This certification is based solely on a review of the financial information submitted by a nominee pursuant to the Ethics in Government Act, and reports to the appropriate Senate committee the nominee's compliance with applicable laws and regulations governing conflict of interests with respect to the nominee's proposed duties.

In addition to the information provided by the Executive Branch, the Senate should request that the Administration submit a certification or other formal statement that indicates that in the full field background investigation and White House conflict of interest review, nothing was found that reflects adversely on the nominee that is not explained or revealed in the reports submitted by the Administration. Should adverse information have been found and viewed by the White House to be not disqualifying, the President's counsel should so inform a Committee of this information in a confidential communication or meeting. It should be noted that the current practice of the Committee on Armed Services requires that the

Executive Branch submit a similar certification when it transmits nominations for promotion to a general officer position.

In 1990, a Presidential Commission proposed that the Senate committees adopt one standard questionnaire for completion by all nominees to be confirmed by the Senate. The Commission recommended that each committee would be able to use a supplemental questionnaire for specialized information relevant to that committee's area of expertise. While the development of a standard Senate form is a desirable goal, the nomination process requires the cooperation of the nominee and the President. Expeditious handling of the Senate's request for information would propel the confirmation process.

An indispensable element of information gathering on nominees is the submission of Senate committee questionnaires. Some have complained that these questionnaires are unduly burdensome. It should be noted that nominees are currently required to complete two similar questionnaires for the Executive Branch—the Presidential Data Form and the Standard Form (SF-86). Neither form is shared with the Senate. The single Senate form provided by committees to nominees is a necessary aspect of the confirmation process. In developing a single form for nominees to complete, committees would not be precluded from requesting supplemental information. In an effort to streamline the confirmation process, the Executive Branch should transmit the completed Senate questionnaire at the same time it transmits the nomination to the Senate.

Through joint cooperation, the Senate and the Administration would be able to act quickly and confidentially to evaluate and resolve potential problems at the outset of the process. By restricting access and availability of information, the Senate is placed in the position of delaying the confirmation process through needless repetitive investigations which only results in a harmful delay to the nominee and the Senate's ability to act in a deliberative manner.

VII. RECOMMENDATIONS

Having considered the constitutional and historical perspectives of the confirmation process, and in an effort to expedite the process and preserve the Senate's constitutional role of "advice and consent," the Task Force makes the following recommendations:

1. The President should respect the "advice and consent" role of the Senate by engaging in more extensive consultations with Senate leaders before making future nominations. Under the Constitution the Senate has the obligation to provide its "advice and consent" to Presidential nominations. Consultation between the branches would enhance comity between the Executive Branch and the Senate. Specifically, the Task Force recommends:

a. Immediate consultations between the President and Senate leaders on future Supreme Court nominations should now begin. There is strong precedent and broad public support for such cooperation. The Supreme Court is part of the independent branch of government that both the Executive and Legislative Branches must jointly shape, and it, in turn, shapes them.

b. Consultations on Executive Branch nominees should be conducted, with advanced notice wherever possible. Such consultations would minimize conflict between the two branches, and expedite the confirmation process.

2. To speed the confirmation process, the Executive Branch should submit nominations promptly when a vacancy occurs, streamline and expedite its investigative process, and certify that nominees are fit for confirmation. The Task Force recommends the following:

a. The Executive Branch should set a target date for filling vacancies.

b. Administration investigations of nominees should be thorough and complete. The failure to conduct a thorough investigation of a nominee results in a duplication of efforts because the Senate must conduct supplemental investigations. As a result, time is needlessly consumed.

c. The Executive Branch should consolidate forms it asks nominees to complete. The Senate requests one form from nominees, while the Executive Branch asks nominees to complete three forms.

d. The Executive Branch should certify that its files contain no adverse information on a nominee that is not explained or disclosed in the reports submitted to the Senate. In the event that the Executive Branch investigations reveal adverse information which is viewed as not disqualifying, and the President nonetheless proceeds to nominate the candidate, the President's counsel should so inform a committee in a confidential communication or meeting.

e. All information needed to review a nominee should be submitted when the President forwards the nomination to the Senate. In an effort to streamline the process and confirm the nominee in an expeditious manner, the White House should forward all relevant information and forms, including ethics forms and a completed Senate questionnaire, at the same time the President submits a nomination to the Senate.

3. Any unauthorized release of confidential information in the confirmation process should be promptly investigated and fully punished. Each committee should adopt a rule on improper disclosure of confidential information. The Task Force recommends:

a. Any unauthorized release should be swiftly and severely punished.

b. Any such unauthorized release (i) by staff, should be subject to sanctions, which could extend to termination of employment; and (ii) by a Senator, should be subject to consideration by the Select Committee on Ethics.

c. Any suspected leak should be promptly investigated. If a committee does not undertake an investigation, the Senate Leadership should be authorized to direct the Senate Legal Counsel to appoint an outside counsel to conduct an investigation. Within ten days of any report revealing an unauthorized disclosure by a Senate employee, his or her employer should report to the Senate Leadership the disciplinary action taken.

4. The Committees of the Senate should adopt a questionnaire for Presidential nominees, with each committee permitted to request supplemental information as needed. This is a recommendation of the President's Commission on the Federal Appointment Process which the Task Force endorses. The Task Force urges the Administration to provide Senate forms to nominees for advance completion, and to submit the form at the same time and the nomination is transmitted to the Senate.

5. Comity should be restored between the Executive Branch and the Senate with the sharing of information on nominees; the failure to exchange information will require the Senate to conduct more extensive independent investigations in the future. Historically, the Executive Branch has shared the background information it compiles on candidates. This sharing of information eliminates the need for duplicative Senate investigations. Recently, the Administration has announced new restrictions on the use of this background information by Senate committees. The Task Force recommends that the Administration restore the previous agreement for Senate access to background information. This generally entailed providing FBI summaries to committee chairmen and ranking members; in some cases, where appropriate, wider access to the data or access to the full reports was provided. The previous arrangements functioned well.

6. If the Administration restricts the background information on nominees it provides to Senate committees so that the committees cannot adequately evaluate the qualifications and fitness of nominees, it will be necessary for the Senate to expand its capabilities for Senate committees to conduct thorough investigations of nominees. Committees with investigators now on staff might expand their existing personnel; special investigative counsel could be retained on an as-needed basis; such counsel could be retained on a full-time basis by a centralized unit in the Senate and detailed to different committees as required; or investigators and auditors could be detailed from existing Federal agencies, such as the General Accounting Office.

7. The confirmation process must carefully balance the nominee's right to privacy against the public's right to know, with any curtailment of the latter approached cautiously. Unlike the Executive Branch's closed process for selecting nominees, the Senate's confirmation hearings are the only aspect of the appointment process open to the public. The Task Force recommends:

a. While the nominee's right to privacy is important, the public's right to know must be zealously guarded. Any curtailment of this right to know must be approached cautiously.

b. The Standing Rules of the Senate should be applied carefully in determining whether to conduct a closed hearing. In instances where testimony is likely to involve allegations that could invade and injure the reputation of a nominee, a committee should consider a closed session when a nominee so requests.

8. Committees and nominees should work together to make the confirmation hearings useful inquiries into the nominee's background, qualifications, and views. The Task Force continues to believe that Committee hearings play a vital role in the confirmation process. The Task Force recommends:

a. Committees should continue to invite nominees to appear at confirmation hearings. These hearings provide the only opportunity for the Senate and the public at large to judge the qualifications and fitness of nominees.

b. Committees should make clear, in advance, which subjects and documents will be the basis for questioning a nominee; in return, the nominee should be familiar with these matters, and prepared to answer questions about them.

9. Serious consideration should be given to the establishment of a separate office in the Executive Branch for the purpose of processing nominations. This office could serve to process nominations in a timely, efficient and objective manner. In addition, the information needs of the President and his staff, as well as the needs of the Senate could be served by this office. The Task Force recognizes that the creation of a separate office within the Executive Branch will not nec-

essarily result in an objective analysis of a nominee's qualifications. It would represent an improvement in the compilation of information about a nominee over the current process which uses the Office of the White House Legal Counsel, who serves as an advocate for the President.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kentucky.

Mr. FORD. Mr. President, late last fall, the majority leader appointed a Task Force on the Confirmation Process, consisting of Senators BIDEN, BOREN, NUNN, PELL, and myself. We were asked to find a way to restore the confidence of the American people in the appointment process.

Our objective was to streamline the confirmation process with full recognition of the constitutional responsibilities of the Senate and our accountability to the American people. The recommendations of the task force are premised on that objective and are incorporated in our report.

The Constitution is very clear. The Senate and the President have roles in the appointment process. For the system to work best, comity between the two branches is necessary. Consultation and cooperation, rather than conflict and confrontation, are the most effective ways to fill important positions in the judicial and executive branches which affect the shaping of national policy.

Several recent confirmations of Presidential nominees have generated intense interest in the confirmation process. Much of this scrutiny has focused on only a few of the thousands of nominations which are routinely and expeditiously considered by the Senate during each legislative session. Most confirmations are considered without fanfare with little public attention. There are exceptions—and these have generally involved nominations to high public offices involving issues of a national and sensitive nature.

The task force reviewed considerable material. Each committee of the Senate was contacted and responded to our request for information on confirmations. Statistical data on nominations and confirmations was reviewed. Briefs were also prepared by staff on major issues involved in this process. Thus, our report is based upon a careful review of the history and practice of the confirmation process in the Senate. I would like to point out that the task force invited the President's White House counsel to submit suggestions for improving the confirmation process. Unfortunately, no written response was received from the White House prior to our deadline for completing our report.

Our objective was to streamline the confirmation process with the full recognition of the constitutional responsibilities of the Senate and our accountability to the American people. The task force carefully examined current Senate rules and concluded that they provide a sound basis for conducting confirmation proceedings in a manner that balances the nominee's privacy interest and the public interest in open confirmation proceedings. It would be a mistake for the Senate to abandon its role of "advice and consent" by revising the Standing Rules simply to avoid controversy. Rather, the President should seek to engage in prior consultations with the leadership of the Senate in an effort to minimize unnecessary conflict and controversy in the confirmation process.

Moreover, in a system of government composed of three separate and equal branches, the Senate cannot abrogate its constitutional responsibilities for any nomination. The Senate confirmation process is an integral part of the system of checks and balances. Without the confirmation process, the executive branch would be able to dominate the judicial branch to the point that it would no longer function as a separate and independent branch of Government.

After extensive review of the materials provided by the committees and submitted by staff, the task force reported nine recommendations. Let me take this opportunity to briefly discuss these recommendations.

First, the President should respect the "advice and consent" role of the Senate by engaging in more extensive consultations with Senate leaders before making future nominations. Under the Constitution, the Senate has the obligation to provide its "advice and consent" to Presidential nominations. Consultation between the branches would enhance comity between the executive branch and the Senate.

It is important to note that the Constitution does not speak of a confirmation process. Rather, it assigns to the Senate the responsibility to provide its "advice and consent" before nominees are permitted to assume their duties. The debates of the Constitutional Convention and the ratification of the Constitution indicate that the Framers intended that the Senate play an active role in the appointment process, particularly with respect to judicial nominations. Second, to speed the confirmation process, the executive branch should submit nominations promptly when a vacancy occurs, streamline and expedite its investigative process, and certify that nominees are fit for confirmation.

In any given year, less than 1 percent of all nominations are subject to intense scrutiny by the Senate. Historically, the Senate has confirmed the overwhelming majority of nominations, including those for full-time policymaking positions. In the last 10 years, the Senate has received over 600,000 nominations, of which 97 percent have been confirmed.

Not only has the Senate confirmed the vast majority of nominations, but it has done so in an expeditious and timely manner. The task force surveyed the Standing Committees of the Senate on various issues surrounding the confirmation process and specifically requested information spanning the last 5 years. Based on the information provided by the committees which receive and consider nominations, the average time of consideration for a nomination was 48 days. This figure represents the time between the date the committee received all the necessary paperwork and information on a nominee and the date the committee reported the nomination to the full Senate.

These statistics indicate that the real delay in the process lies with the Presidential nomination rather than the Senate confirmation. The average length of time a position has been vacant, before a nomination is made by the President, is 267 days. The White House has averaged almost 28 days between making a nomination and transmitting the information relevant to that nomination to the appropriate committee.

The executive branch should certify that its files contain no adverse information on a nominee that is not explained or disclosed in the reports submitted to the Senate. In the event that the executive branch investigations reveal adverse information on the nominee, the President's counsel should inform the committee leadership in a confidential communication or meeting. It should be noted that the current practice of the Committee on Armed Services requires that the executive branch submit a similar certification when it transmits nominations for promotion to a general officer position.

The task force calls for the restoration of comity between the executive branch and the Senate. Historically, the executive branch has shared the background information it compiles on nominees. This sharing of information eliminates the need for duplicative Senate investigations. Recently, the administration announced new restrictions on the use of this background information by Senate committees. The task force recommends that the administration restore the previous agreement for Senate access to background information. This generally entailed providing FBI summaries to committee chairmen and ranking members only; in some cases, where appropriate, wider access to the data or access to the full report was provided. The task force found that the previous arrangements worked well and should be restored.

If the administration restricts background information on nominees it provides to Senate committees so that the committees cannot adequately evaluate the qualifications and fitness of nominees, the task force recommends

that the Senate expand its capabilities for Senate committees to conduct thorough investigations of nominees.

Committees with investigators now on staff might expand their existing personnel. Special investigative personnel could be retained on an as-needed basis. Alternatively, such counsel could be retained on a full-time basis by a centralized unit in the Senate and detailed to different committees as required. Another alternative would be to detail investigators from other existing Federal agencies, such as the General Accounting Office.

The committees of the Senate should adopt a single questionnaire for Presidential nominees, with each committee permitted to request supplemental information as needed.

In 1990, a Presidential Commission on the Federal Appointment Process recommended that the Senate committees adopt one standard questionnaire. The task force endorses this recommendation. However, while the development of a standard questionnaire is a desirable goal, the nomination process requires the cooperation of the President and the nominee. Expeditious handling of the Senate's request for information would propel the confirmation process. The task force recommends that the executive branch should transmit the complete Senate questionnaire at the same time it transmits the nomination to the Senate.

Moreover, committees and nominees should work together to make the confirmation hearings useful inquiries into the nominee's background, qualifications and views. Committee hearings play a vital role in the confirmation process. In fact, the confirmation hearing is the only point in the appointment process of Federal officials that offers the public an opportunity to evaluate the qualifications of a nominee. Therefore, the task force recommends that committees should continue to invite nominees to appear at confirmation hearings. Moreover, committees should make clear, in advance, which subjects and documents will be the basis for questioning a nominee; in return, the nominee should be familiar with these matters and prepared to answer questions about them.

The confirmation process must carefully balance the individual's right to privacy against the public's right to know, with any curtailment of the latter approached cautiously. This right to privacy extends not only to nominees but to witnesses as well. Unlike the executive branch's closed process for selecting nominees, the confirmation hearings are the only aspect of the appointment process which is open to the public.

Rule 26 of the Standing Rules of the Senate provides that committee hearings are to be open to the public, except that a hearing may be closed "on a motion made and seconded to go into closed session to discuss" whether certain enumerated provisions of the rule require a closed meeting. Such a motion must be determined by a recorded and public vote of the committee. The rule's specific reasons to conduct a closed meeting cover a wide array of situations which are set forth in paragraph 5(b)(3) of rule 26. The rule provides sufficient latitude for a committee to make a determination when it should conduct a closed hearing. And the rule accomplishes this while safeguarding the right of public access to information regarding nominees and witnesses. Committee's should be cognizant of the importance of an individual's right to privacy. The task force recommends that in instances when the testimony is likely to involve allegations that could invade and injure the reputation of an individual, a committee should consider a closed session if requested by an individual.

Another recommendation of the task force relates to the unauthorized release of confidential information. The task force specifically recommends that each committee adopt a rule on improper disclosure of confidential information. Moreover, any unauthorized release should be swiftly and severely punished. Any unauthorized release by staff should be subject to sanctions, which could lead to termination of employment. Any unauthorized disclosure by a member should be subject to consideration by the Select Committee on Ethics. Any suspected leak should be promptly investigated. If a committee does not undertake an investigation, the task force recommends that the Senate leadership should be authorized to direct the Senate legal counsel to appoint an outside counsel to conduct an investigation. Within 10 days of any report revealing an unauthorized disclosure by a Senate employee, his or her employer should report to the Senate leadership the disciplinary action taken.

Finally, serious consideration should be given to the establishment of a separate office in the executive branch for the purpose of processing nominations. This office could serve to process nominations in a timely, efficient, and objective manner. In addition, the information needs of the President and his staff, as well as the needs of the Senate could be served by this office. The task force recognizes that the creation of a separate office within the executive branch will not necessarily result in an objective analysis of a nominee's qualifications. However, the task force believes that it would represent an improvement in the gathering of information about a nominee over the current process which uses the Office of the White House Legal Counsel, who serves as an advocate for the President.

Mr. President, two centuries of Senate precedent have firmly established the role of the Senate in the confirmation process. While these two centuries have not been without controversy, the system has worked well. I hope that my colleagues will take the opportunity to read the task force report and that they will support the majority leader in seeking to improve the confirmation process.

Mr. PELL. Mr. President, I was pleased to participate as a member of the Task Force on the Confirmation Process under the able leadership of the Senator from Kentucky [Mr. FORD] at the request of our distinguished majority leader.

Under article II, section II of the Constitution, the appointment power is shared between the President and the Senate. The President alone has the power to nominate and with that power comes a responsibility to select individuals of suitable character and qualifications to hold public office.

Under the Constitution, the Senate is given the power of advice and consent. With that power comes a responsibility to consider a nomination in a timely manner and to exercise the independent collective judgment conferred upon it by the Constitution.

The objective of our task force was to consider ways in which the Senate could continue to fulfill its constitutional responsibilities in a timely and accountable manner, while maintaining the integrity of three separate and equal branches of Government.

I commend the specific recommendations of our task force to the Senate and the President as constructive proposals which will enhance the historical comity between the executive branch and the Senate. I am hopeful they will result in closer consultation between the White House and the Senate prior to the submission of nominees for advice and consent. They will also facilitate the Senate's timely consideration of nominations, assure that the nominee's right to privacy is carefully balanced against the public's right to know and enhance the Senate's ability to fulfill its obligations to the country under the Constitution.

The Committee on Foreign Relations has responsibility for a wide variety of distinguished and sensitive nominations for positions with extensive foreign policy and national security responsibilities. During the 101st Congress, this committee considered 288 nominations not including foreign service promotions which totaled 1758. During the first session of the 102d Congress our committee considered 122 nominations, plus 1,248 foreign service promotions.

As chairman of the Committee on Foreign Relations, I look forward this year to working with the distinguished ranking minority member of the committee, Senator HELMS, and the other members of the committee, as we consider what may become the most important ambassadorial nominations to

be submitted by the President to the Senate.

On January 28, Senator HELMS and I informed the President of our strong support for his recent decision to establish diplomatic relations with Armenia, Belarus, Kazakhstan, Kyrgyzstan, and Ukraine. I believe that it is a matter of urgent priority to send ambassadors to those countries and urged the President to submit nominations to the Senate as soon as possible.

With regard to the Baltic States, where the United States is currently represented by chargé d'affaires, we indicated we were pleased to be advised of the President's intention to nominate an ambassador to Estonia. We urged him to do the same with regard to Lithuania and Latvia.

Regarding the six States of the former Soviet Union that the administration has recognized, but with which it is not yet prepared to enter into diplomatic relations, I hope that the President will review the applicable criteria with a view toward establishing an early diplomatic presence, even if it is only at a chargé level, with Moldova, Tajikistan, Turkmenistan, and Uzbekistan. In the cases of Georgia and Azerbaijan, I believe that the establishment of diplomatic relations should be withheld until there is a resolution of the government crisis in Georgia and the status of Nagorno-Karabagh in Azerbaijan.

I ask unanimous consent that the full text of the letter to President Bush on this important matter be included in the RECORD at the conclusion of my remarks.

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

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC, January 27, 1992.

The President,
The White House.

Dear Mr. President: We strongly support your recent decision to establish diplomatic relations with Armenia, Belarus, Kazakhstan, Kyrgyzstan, and Ukraine. We believe that it is a matter of urgent priority to send ambassadors to those countries; consequently we urge you to submit nominations to the Senate as soon as possible.

With regard to the Baltic states, where the United States is currently represented by chargés d'affaires, we were pleased to be advised of your intention to nominate an ambassador to Estonia. We urge you to do the same with regard to Lithuania and Latvia.

Regardging the six states of the former Soviet Union that the Administration has recognized but with which it is not yet prepared to enter into diplomatic relations, we hope that you will review the applicable criteria with a view toward establishing an early diplomatic presence, even if it is only at the chargé level, with Moldova, Tajikistan, Turkmenistan and Uzbekistan. In the cases of Georgia and Azerbaijan, we believe that the establishment of diplomatic relations should be withheld until there is a resolution of the government crisis in Georgia and the status of Nagorno-Karabagh in Azerbaijan.

We understand that Robert Strauss, who was confirmed as ambassador to the former Soviet Union, will serve as ambassador to Russia as well as to Armenia, Belarus, Kazakhstan, Kyrgyzstan and Ukraine until ambassadors to those countries have been confirmed. If this is correct, we would appreciate a clarification as to why the Administration apparently believes that Mr. Strauss need not be reconfirmed as ambassador to Russia. We would also appreciate being informed as to the legal basis for his interim representation to the five other states listed above; and will he also represent the United States in the six states in which the Administration does not now intend to establish embassies?

Finally, we are concerned about the status of our embassy personnel in Moscow when they travel outside Russia. Will their diplomatic status be respected by the other former Soviet republics, particularly those with which the Administration has no current plans to establish diplomatic relations?

With very real regard and respect.

Sincerely yours,
CLAIBORNE PELL,
Chairman.
JESSE HELMS,
Ranking Minority Member.

NATIONAL ENERGY SECURITY ACT

MOTION TO PROCEED

The Senate continued with the consideration of the motion to proceed.

PRIVILEGE OF THE FLOOR

Mr. FORD. Mr. President, I ask unanimous consent that David K. Sharma, an IEEE Congressional Fellow assigned to my personal staff, be granted temporary floor privileges to be exercised during consideration of S. 2166, the revised national energy strategy legislation.

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

The Chair recognizes the minority leader.

Mr. DOLE. Mr. President, I have just had a discussion with the majority leader, and in about 10 or 15 minutes I am going to propose a unanimous-consent request, and let me state what it is. I guess it has to be hotlined on the Democratic side. We have it cleared on our side, and I have given copies to the manager and others on the Democratic side.

I will ask unanimous consent that at an appropriate time to be determined by the majority leader after consultation with the Republican leader, the managers of S. 2166 and the sponsors of the ANWR amendment, the Senator from Alaska [Mr. MURKOWSKI] be recognized to offer an amendment for himself and Mr. STEVENS regarding ANWR; that there be 4 hours to be equally divided with no amendments in order to the Murkowski-Stevens amendment.

I further will ask consent that following the use or yielding back of time, the Senate proceed to vote on the amendment without any intervening action or debate.

That is the request I will make whenever I am advised by the majority leader——

Mr. JOHNSTON. Mr. President, will the Senator yield for a question?

Mr. DOLE. I will be happy to yield.

Mr. JOHNSTON. If this were voted affirmatively—and I have said all along I think this would not pass—but if all the vote counts are wrong and this were passed, would the bill then be open for further amendment, that is, for filibuster and for further action?

Mr. DOLE. That would be my understanding, yes; unless cloture would be invoked.

Mr. MITCHELL. Mr. President, will the Senator yield just for a question?

Mr. DOLE. I will be happy to yield.

Mr. MITCHELL. As the Senator knows, I have just this moment seen it and I just wanted to be clear.

Does this give the majority leader the authority to determine when the amendment would be called up after consultation with the Republican leader, and the Senators from Alaska would have to be present at that time or would they not have the opportunity to offer the amendment?

I am not clear under that what happens under this agreement if I make the decision, after consultation with the Republican leader, to set a designated time and the designated Senators simply do not appear to offer the amendment at that time.

Mr. DOLE. It would be my hope that that would be discussed in the consultation with the Republican leader.

Mr. STEVENS. And it says "and the sponsors of the amendment and the managers of the bill."

Mr. DOLE. Managers and sponsors.

Mr. STEVENS. We would work out an appropriate time, but the leader has the right to determine that time.

Mr. MITCHELL. Mr. President, as the distinguished Republican leader indicated, this has not been communicated to democratic Members of the Senate. We will engage in that process right now, and perhaps before it is put to the Senate, we can have an opportunity to discuss it and perhaps make it clear so there is no misunderstanding as to how we proceed if that is agreeable.

Mr. DOLE. That is agreeable. I have discussed this agreement—in fact, it has been worked out with the help of both Senators from Alaska, and we believe this might expedite consideration of the energy bill. And that is the purpose of this request. We would like to move as quickly as we can. We do not have any desire to hold up any further consideration. We would be happy to move to the bill immediately after this agreement. If this agreement is granted, we are ready to go to the bill immediately without any vote on the motion to proceed.

Mr. MITCHELL. Mr. President, I thank my colleague.

As Senator DOLE knows, I have another meeting in the office now that he and I have to go into. We will hotline

this and then in just a few minutes, if we could discuss this in a little more detail, put it to the Senate.

I thank my colleague, and I thank the distinguished chairman.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. JOHNSTON. Mr. President, the results of our hotline are in, and I understand there are some six objections to the unanimous-consent request that are ready to be lodged.

So as soon as the minority leader comes on the floor to make the unanimous-consent request, then I will, on behalf of the objections on our side, even though I would like it to be otherwise, lodge that objection. Here he is.

I was just saying, unfortunately, there are some 6 objections on our side to the unanimous consent-request. So if the Senator would lay down his request, I will object 6 times.

Mr. DOLE. addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the minority leader.

UNANIMOUS-CONSENT REQUEST

Mr. DOLE. Mr. President, earlier I indicated that, after there has been time to check with our colleagues, I would entertain a unanimous-consent request, and I now make that request.

Mr. President, I ask unanimous consent that at the appropriate time, to be determined by the majority leader, after consultation with the Republican leader, the managers of S. 2166 and the sponsors of the ANWR amendment, that the Senator from Alaska [Mr. MURKOWSKI] be recognized to offer an amendment, for himself and Senator STEVENS, regarding ANWR, and there be 4 hours equally divided with no amendments in order to the Murkowski-Stevens amendment.

I further ask unanimous consent that, following the use or yielding back of time, the Senate proceed to vote on the amendment without any intervening action or debate.

The PRESIDING OFFICER. Is there objection to the request?

Mr. BAUCUS. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. JOHNSTON. Mr. President, on tomorrow, when and if this bill is laid down, I ask unanimous consent that the Senator from Vermont [Mr. JEFFORDS] be recognized to offer up an amendment when the bill is laid down, if it is laid down.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Vermont.

Mr. JEFFORDS. I thank the Presiding Officer.

I deeply appreciate the ability to proceed in an orderly manner on my amendment. I think it would be appropriate at this time if I did alert the body as to just what that amendment is and the controversy.

I am sure every office has been visited by the big oil companies informing them that they consider this amendment worse than ANWAR and CAFE combined, and thus I can understand the consternation of those who may feel constrained to oppose it. I also know that the administration and Admiral Watkins have let it be known that they are also opposed to the amendment. I am hopeful, though not at all confident, that they have not seen the most recent version of my amendment.

Some time ago, as you may remember, we had a previous vote on a motion to proceed which was defeated. At that time, I met with the administration and agreed to work with the Department of Energy to try and find a compromise. I was told at that time that perhaps if we could do something for oil that we might be able to reach an agreement.

The amendment that I will propose and have distributed did make that move forward on our part by including stripper wells in the definition of those fuels which would qualify in this case as replacement fuels. I did that with the recognition that stripper wells would be assisted by the program that I am proposing by placing a floor under their price and allowing them therefore to operate for a greater length of time and therefore enhance our ability to cut back on the amount of oil that will be imported into this Nation.

Now let me turn to the rationale and the reasoning behind my amendment.

I believe we need an energy policy, yet I do not believe the current legislation addresses our oil dependency. Thus, I have an amendment that I will offer to this bill. Contrary to what my colleagues and their staff may have heard from the oil industry, my proposal is not anti-American, not an expensive boondoggle, not a command-and-control solution to our energy security problems.

This proposal, if enacted, will put us in the position, will give us the option, to become energy independent in the future. Without this amendment, we will not be headed toward energy independence. And I do not think there is anyone that will get up here and say that the present energy program, even with ANWR in it, will lead us toward energy independence, but rather toward more energy dependence.

In fact, in preparing for this debate, which I expect will be very contentious by those who oppose this concept, I spent a great deal of time reviewing our current energy situation and the present bill. I realize that my colleagues on the Energy Committee spent considerable effort putting this bill together, and I appreciate that. I believe it represents a significant improvement over an earlier version of the bill or over many of the competing bills. One of my concerns about this legislation is what I perceive to be the underlying philosophy that I believe is represented by this bill. It is the belief that America cannot be energy independent. A man I have a great regard for, Admiral Watkins, himself has been quoted as saying that the national energy strategy that we are voting on here is based on the premise that we cannot be energy independent. One of my colleagues on the Energy Committee echoed this belief during the hearing on my legislation. I believe America can be energy independent. Not today, not tomorrow, but in the years ahead if we adopt my plan to shift us gradually away from oil to the more plentiful resources of this Nation.

We have more energy resources in this country than I dare say any other country. We have billions of barrels of oil—not enough—billions of tons of coal—more than enough—plentiful oil shale and tar sands, and a great deal of natural gas. In terms of renewable resources—a more favorable option—again, I believe we are unmatched. We have the best farmers in the world. Put to the task, I believe they could produce enough biomass to fuel the whole country. So how come we cannot be energy independent? Why must we give up without even a fight; without even a whimper? How can we expect Americans to believe in us if we are unwilling to believe in them. I believe Americans can reach any goal we have the vision to set. I believe in my countrymen.

I agree with my colleague from Louisiana when he said "The administration's position seems to be 'don't worry, be happy, everything will be all right.'" He was right on target. The oil companies would have us believe that they are the good hands people. Trust us, they say, we will take care of you. Well, some of my colleagues, and I suspect, a certain insurance company, take issue with their claims. Everything is not going to be all right. The Energy Information Administration believes that by the year 2010, our oil import bill could more than triple. That will put our trade deficit off the chart. Meanwhile, we are losing hundreds of thousands of barrels of oil production each year in this country. And it does not have to be that way. My amendment can be used to help our domestic oil producers without controversial import fees, floor prices, or further tax subsidies. We must act to do that.

Unfortunately, I confess some of my colleagues share the administration's

and their friends the oil companies' sentiment, there is no problem. I know my colleagues on the Energy Committee understand the problem, although we disagree on the solution. Again, the distinguished chairman of the Energy Committee is correct when he said that Americans do not think in long-range terms when it comes to energy. He is right that many only think about tomorrow. But that is why we are here: To think about the future and to put this country on course for a sound, secure future.

My Republican colleague from New Mexico commented last year that within 4 or 5 years, 6 at the most, our energy dependence will be at the top of the political agenda. Our citizens will be clamoring that something be done to counteract yet another devastating energy crisis. I hope then that they look back at the vote on this amendment and they read the statements of those in opposition who say we cannot strive for energy independence, I hope they will recognize what we are up to here today.

My colleagues know how strongly I believe in reaching the goal of an energy secure America. I am looking forward to offering my amendment to this bill. My predicament is that I also strongly disagree with some of the provisions of the bill and in the philosophical basis of the bill.

Admiral Watkins, Secretary of Energy, as I mentioned before, was quoted at a conference earlier this year as saying that the national energy strategy begins with the premise that the independence of this country from foreign energy sources cannot be achieved. An earlier version of this bill proposed that to reduce our dependence we look north to the Arctic National Wildlife Refuge. Another of my colleagues has been quoted as saying, "If you gut the ANWR provisions, you don't have an energy policy, because you haven't got any funding for all the technologies we want to adopt."

Basically, this implied that our entire energy policy rests on ANWR. Since ANWR is no longer in the bill, how do we pay for the bill? It seems that the basis for our energy policy still rests largely on opening up an area for oil exploration that I believe, personally, should be left alone. Even if you favor ANWR development, our strategy should not be based on an area with uncertain resources.

I would like to say for the record that I appreciate the respect and consideration my colleagues on this committee and their staffs have shown me. I know they disagreed with my earlier proposal. I have yet to hear their opinion on the modified approach. I know I will. In spite of this, I believe my staff and I were accorded the full courtesy of the committee, and I deeply appreciate that.

Months ago, Mr. John Sawhill of the Nature Conservancy predicted a stalemate on energy. He said that both the energy industry and environmentalists have firm beliefs about what our energy policy should be and neither seems desirous of compromise. This stalemate results in an energy policy of the status quo.

Mr. Sawhill said:

> The strong differences between the parties to the debate—on the one hand, those that stress energy efficiency, energy conservation, and alternative energy sources and, on the other, those that seek expanded energy supply—constrains progress toward a comprehensive national energy policy. There is clear evidence that the groundwork for the sort of compromises necessary between these parties has not been laid.

I do not like the status quo, and I imagine neither side of the debate likes the status quo either. Someone has to come into the middle and try to provide some sort of a compromise. We have become a Nation dependent on foreign governments for our energy, our debt financing, and our consumer products. I remember quite well the time when we supplied the world.

We have to move forward. I congratulate my colleagues for their efforts to end the stalemate. A stalemate benefits no one but our foreign energy suppliers. Conservation measures as well as production measures will languish. Environmentalists lose, the energy industry loses, most important, the American people lose.

Again, I would like to thank my colleagues on the Energy Committee for their efforts thus far and I look forward to working with them soon as we move to the bill and when I offer an amendment to put the country in a position to be energy independent.

I know that I have talked for some time, but I beg the indulgence of my colleagues and staff for a little while longer. The oil companies have bent the ear of most of the energy legislative assistants. I believe it is important that we set the record straight and, in fairness, some of that, if not most of it, was aimed at my previous amendment offered to the committee.

As many of you know, I have been working on this proposal for many years. I developed it during the debate on authorizing the Synfuels Program. At that time, I knew Synfuels would not work. Our country cannot afford to subsidize the differential between OPEC production and domestic costs. OPEC's production costs are as low as $2 a barrel. If they wanted to, there is no reason why we could not have oil prices 5 to 10 times lower than they are right now. But, of course, we do not. OPEC is a cartel whose sole purpose is to control prices and protect market share. They own two-thirds of the oil in this world.

No proposal based on a Government subsidy can work if OPEC plays hardball. Tax incentives are a subsidy. Synfuels was heavily subsidized. We have a budget crisis. The Government cannot afford it. This is where my proposal comes in. My proposal is to provide a free market separate from OPEC, a market where domestic producers can compete without fear of OPEC plunging the oil price to defend market share and bankrupting them. My proposal does not pick a winner. It is not central planning, as some would claim. In fact, I am getting pretty tired of hearing about how the centrally planned economies have failed and how this is proof the Government should not "interfere in the market or take actions to protect its citizens or workers."

The function of Government is to protect its citizens and to provide opportunities for them to provide for themselves and their families. The function of Government is not to sit idly by while our country is sold acre by acre to foreign interests in order to pay for our oil imports. The function of Government is not to impoverish our citizens, and that is what we are doing. We are creating a debt burden that our grandchildren will still be paying. What I am trying to create is an opportunity for Americans to participate in providing for the energy for tomorrow here in this country with our resources.

In a centrally planned economy, the planners describe what products will be made and in what quantity. Nowhere in my amendment can anyone find any evidence that my bill will have DOE saying what energy company will be producing what.

All my amendment says is that in the year 2001, at least 10 percent of our gasoline demand should be produced domestically, or substitutes for it. The fuels used to meet this goal and the quantity of each is left entirely to the market, a free market. No Government planner is going to tell the refiners what fuels they have to produce. They can keep right on producing gasoline if they want. Let me make that clear: Gasoline counts. The energy industry has gone around saying that there will not be the demand for these new fuels I am mandating. Since when have they had any problem selling gasoline? So to those who have been swayed by the industry's argument that we are going to have to produce millions of dedicated vehicles to burn exotic fuels, please reexamine this issue. That is an irrelevant argument. Gasoline counts.

Reformulated gasoline counts as long as the reformulated aspects are domestically produced. Ethanol counts.

Methanol counts. Electricity counts. Pick a fuel that will work in a motor vehicle and it counts. And nowhere in the bill is a winner picked. Nowhere.

I hope I have dispelled that misinformation. The oil industry's misinformation campaign has been very effective. Now let us look at another issue related to this central planning bunk: The free market. When I was

putting this proposal together, I got a tremendous amount of help from the Department of Energy and I deeply appreciated the help they gave me. The facts that we will use will be from the Department of Energy. To verify my confidence in the approach I would note that they made a similar proposal. DOE made a similar proposal. But it was knocked down at the White House.

As they have been called, the "keepers of the White House Economic Gospel" shot it down. And do you know why? Because it was messing with the free market. The almighty free market. Who are we kidding. There is no such thing as a free market in energy. Cartels, like OPEC, are not instruments of a free market. Vast subsidies, which are an integral part of both our Tax Code and our current energy policy, are not the instruments of a free market. The energy market is not free. Let me repeat this again, the energy market is not free. I know, however, that when debate on my amendment comes up, I will probably be debating this point countless times. It is one of the sound bite phrases that is being used to try to defeat this amendment.

What my amendment will do is create a free market for domestic producers. That is right, my amendment will create a free market; a market safe from the power and the hammer of OPEC. And that terrifies the oil companies. So much so that my amendment is their No. 1 target.

The one thing they are most afraid of is a truly free market. Why is that? Because we do not have the oil. The energy industry has sold their infrastructure here for a promise of oil tomorrow. Anything that interferes with selling our country piece by piece for oil scares them. This amendment is their No. 1 target out of the whole energy bill. That is a rather sad commentary on our domestic energy producers. I am trying to create an independent market for domestic producers, a market safe from the Middle East, and American companies are fighting it. What happened to the pride American companies used to have in our country? What happened to American companies trying to put Americans to work?

Oh, they will say it is a global business environment out there now. We must go where resources are the cheapest even if they are kept artificially high and indefinite and subject to interdiction. I would like to quote from a recent Greenpeace report. This report says that Saudi Arabia and Texaco jointly own 3 major refineries and gas stations in 26 States. Texaco agreed to use Saudi oil for its refineries and Saudi Arabia gets 50 percent of the profits. As a recent Time magazine article put it: "The man who wears the star is also wearing an Arab burnous."

I do not mean to pick on Texaco. In 1986, for instance, Venezuela acquired 50 percent of CITGO and in 1987 purchased equity in Champlin refining. This gives Venezuela 6,000 or so gas stations to sell their product. More chances for Americans to invest in countries other than ours. That is the key issue of this debate. Let there be no mistake. What this bill comes down to is Americans investing in Americans.

The oil companies say my amendment is not consistent with the Clean Air Act which, by the way, they now say they endorsed heartily. That is not quite the way I remember it a year or so ago. That is not true. Reformulated gasoline counts as long as the contents are domestically produced to comply. But here is what they are really saying. They are saying, yes, we are making the investment in providing the Clean Air Act fuels. What they are not saying is that they are building the plants everywhere but here. That is right, they are not investing here to meet the Clean Air Act. When I voted for the Clean Air Act, it was certainly not my intent to give the oil companies an excuse for abandoning Americans. Does that not just gall you? I would like all of my colleagues and their staffs who may be listening now to pause for a minute and ask yourself is it not about time we provided opportunities in America. Do you want a future for your children of limited jobs?

Allow me to quote Mr. Fred Potter, president of Information Resources, Inc. He said that you would hear opposition to bills like mine.

> Primarily, the opposition will come from the oil companies. Specifically, from those oil companies which have international crude oil assets in other nations. Of course, it is this same crude oil, owned by U.S. companies overseas, which we as taxpayers finance, and the American Armed Forces are required to defend in the Persian Gulf and elsewhere. * * * Congress must recognize that the primary objective of the international oil companies is to maintain crude oil and gasoline market share in the United States. Concerns over preserving their market share, rather than technical or general economic considerations, lie at the heart of their opposition.

Let me ask my colleagues, have any of you heard one word of opposition from anybody who was not somehow, past or present, associated with an oil company? I have not. My staff has not. I suspect you have not.

The oil companies are not about making America better. They are about making money. That is perfectly appropriate. Money at our expense? Money at your constituents expense?

We are a debtor nation. We used to be a creditor. We are a net importer. We used to be an exporter. We used to be the land of opportunity. What happened?

America has been living beyond its means. That is basically what the trade deficit means. It means we import more than we export. We buy more than we sell. Allow me to borrow an idea from Sir John Hicks. He says a man's income should be defined as the maximum value which he can consume during a week and still be as well off at the end of the week. Thus, when a person saves, he plans to be better off in the future, when he lives beyond his means he plans to be poor in the future. This same idea holds true for a country. We consume more than we produce. We are living beyond our income. We are planning to be worse off tomorrow than today.

We are planing to be worse off tomorrow than today. That sure is not why my constituents sent me here. I am doing all I can to see to it that we are better off tomorrow.

Oil is the largest part of our trade deficit and gasoline consumption is the largest part of our oil use that cannot be easily replaced now. That is why I am focusing on gasoline. My amendment does not interfere with oil for plastics, consumer products, home heating oil, jet fuel, you name it. My amendment is targeted at gasoline. We must begin to develop an energy system that does not guarantee continuing trade deficits.

Do you want to hear something frightening? We are now hooked on $20 a barrel of imported oil. This cost will gradually increase. The oil companies are planning to import $60, $70, $80 a barrel reformulated gasoline components. Our trade deficit will soar out of sight.

I hope I have given enough background for now about why my amendment is so important. If we miss this opportunity to act, I fear for our future. I feel that we will have lost perhaps the only moment we will have, the last energy bill. You heard the distinguished ranking Republican on the Energy Committee say it was 15 years ago. It was back in that urgent time of the tremendous oil shortages and gas shortages of the 1970's. I do not know when the next opportunity will be. This may be it. If we do not do it now, when will we ever do it?

Tomorrow we will begin in earnest on the bill starting in the morning, and I urge everyone to listen very carefully to the arguments and ask yourself: If you vote against this amendment, do you want to try and defend that vote? Do you want to try and say that I voted no on a bill that would create hundreds of thousands of jobs, which would end our dependency on foreign oil, that would reduce the deficit, that would give us an option to be energy independent and give us an option which I did not touch on and that is to be concerned and to do something about global warming?

Only with my amendment will you be able to give this country an option to become energy independent, and it will not be for 20 years, and an option to be able to produce those fuels which will

make this country environmental neutral with respect to carbons. So I urge my colleagues to carefully look at this. It may be your only chance to save us from the problems that will be created for us in the future.

Mr. President, I yield the floor.

NATIONAL ENERGY SECURITY ACT

The Senate continued with the consideration of the motion to proceed.

Mr. STEVENS. Mr. President, while I am not surprised, it is a sad development, in my opinion, that we now note we will not have the guaranteed right to raise the issue of ANWR on this bill. The ANWR amendment was a portion of the bill as reported to the Senate floor from the Senate Energy Committee. That is the provision that would allow drilling in the Arctic National Wildlife Refuge area that has been set aside for drilling, a million and a half acres along the Arctic coast of Alaska.

This was the area the Senator from Idaho was just discussing. We had anticipated that we would have the opportunity presented to both the ANWR proponents and the CAFE proponents to offer an amendment to add to the bill the two items that were taken out of the Senate Energy Committee draft bill as reported to the floor.

It is clear that we will not have that opportunity. My colleague will discuss it tomorrow at length. But I do believe that it is clear that we have not given up on ANWR. We will pursue our rights as this bill goes forward, and as other bills come before the Senate this year.

But clearly, Mr. President, the problem that exists in this country today—someone told me it is not original, I wish I could remember exactly who said it, but our economy is like someone had laid fat wood all over the economy. As anyone knows who is from the part of the country that the current occupant of the Chair is from, fat wood is the kindling that has enough sap in it that immediately after it receives a spark it turns right into a fire.

This person was talking to me and said, look, the economy is ready to go. It needs a spark.

If there is one spark that is available to the Congress, it is ANWR. ANWR we know will create about 735,000 jobs. It will deal with one of our most pressing problems; that is, the problem of our continued increase in imported energy. We now are importing about 55 percent of our petroleum needs daily.

Mr. President, last year we imported over $55 billion in oil and that was at a lower rate than we are importing now.

We are importing, as I am told, about 55 percent. If we recall the days of the oil embargo that was imposed by the Arab countries against this country in 1973, at that time we imported only 36 percent of our Nation's supplies.

Now production from all major fields in the United States is dropping. Mr. President, our reserves now are at the lowest they have been in 26 years. We have a production from all fields in the United States of 7.3 million barrels a day. Currently our one field Prudhoe Bay provides 24 percent of that oil. We are now producing approximately 2 million barrels a day. But that production is dropping at a rate of 10 percent per year.

The Department of Energy projections indicate that that will result, slightly after the turn of the century, in the Trans-Alaska pipeline not having enough oil to continue operation. It really means that unless we find additional oil supplies to keep the Alaska pipeline filled when the Alaska oil pipeline shuts down, more energy will have to be imported from offshore. There is no other source in the United States.

What we were trying to do is attempt to look at ANWR, this area of 1.5 million acres set aside in 1980 to be looked at for oil and gas production, but unfortunately that is not possible.

The Department of the Interior now estimates that there is a 46-percent probability that drilling any oil or gas well in ANWR will be productive. That is a fantastic probability of success. It means that according to this estimate there is an estimated average recoverable oil of 3.5 billion barrels. The high estimate that they give us is 9.2 billion barrels.

I am reminded of the time I stood on this floor talking about the oil Alaska pipeline right after the Prudhoe discovery. There was an estimate of 1 percent chance there was 1 billion barrels. We have already produced 9 billion barrels. All of these estimates are conservative.

We believe that this will be the largest field ever discovered and produced on the North American Continent. It is a tremendous opportunity. It will bring immediately about $3 billion into the Federal Treasury. It will mean that we will not send $180 billion over the course of production from ANWR overseas to purchase foreign oil.

I really think it belongs on this energy bill. That is the main reason I have come here.

We just passed an unemployment compensation bill extension to extend the availability of unemployment compensation.

Mr. President, by creating some 735,000 jobs over a period of 12 years, this bill would provide the spark that would be needed to shove this economy of ours forward.

A chart was prepared for us by the oil industry in my State and reflects actual expenditures spent by them to develop Prudhoe Bay. The amount of money actually spent in the last 10 years by those who have developed the oil on the North Slope in the 10 States having the largest amount.

Just look at it, Mr. President: in Texas, $6.7 billion; in California, $3 billion; in Pennsylvania, $1.5 billion; in Washington State, $1.3 billion; in New York, $679 million; Oklahoma, $517 million; Colorado, $291 million; Illinois, $217 million; Oregon, $209 million; Wisconsin, $186 million.

I ask unanimous consent that this table be printed in the RECORD.

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

Dollars spent in each State for North Slope oil development: 1980–91

[In millions of dollars]

Texas	$6,747.6
California	3,006.7
Pennsylvania	1,594.5
Washington	1,350.9
New York	679.6
Oklahoma	517.4
Colorado	291.6
Illinois	217.6
Oregon	209.0
Wisconsin	186.9

Mr. STEVENS. Mr. President, I read that to demonstrate that if the money started to be spent to pursue oil and gas exploration and develop it in my State, it spreads out all over our country. It is money spent in the United States that creates U.S. jobs from suppliers of every kind of material you can think of, from doorknobs to valves. We have to have the production of America to explore in the Arctic. It is a very costly process.

Mr. President, I am saddened that we are not going to be able to proceed now, but my real message to the Senate is we tried to expedite the consideration of this bill by seeking this agreement. We tried to assure ourselves that we would have the opportunity to give the Senate the chance to put back into this bill the major provision, really the cash resource that is necessary to make the energy bill pending before the Senate work.

It will be subject to appropriations. I ask any Senator. Where are you going to get the extra money to pay for this energy bill? There is no answer. It is just like a dozen bills that are pending around here. The people are thinking about voting for them and passing, but no one will tell the American public where the money is coming from.

In this instance, we know the oil industry is standing by, ready to explore ANWR. If there is a discovery, and we believe there would be very quickly, that is the economic spark we need to really put the oil industry back in business.

Mr. President, I hope that through the further consideration of this bill we will have the opportunity to get back into the discussion on the merits and get a vote up or down on ANWR.

I cannot tell my people at home how that will happen, but I still express the hope that it may happen.

ABESENCE FROM THE SENATE PURSUANT TO RULE VI(B)

Mr. STEVENS. Mr. President, pursuant to rule VI(b) of the Standing Rules

of the Senate, I ask unanimous consent to be excused from legislative business from Wednesday, February 5 through Friday, February 7, so that I may attend to some important business.

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

Mr. STEVENS. I state for the record that during this period I will attend conferences in Los Angeles, attend the 85th birthday celebration of a close friend, and then go to Alaska where it is my intention to consult with the Alaskan people concerning the best course of action to pursue regarding the ANWR provisions which have now been deleted from the national energy strategy legislation. As I have just stated, that issue is critical to my State. Senator MURKOWSKI and I believe it is imperative that we seek the advice of every Alaskan we can talk to during the recess regarding the course of action.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that I may speak as in morning business.

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

REPUBLICAN SUPPORT FOR ANWR

Mr. MURKOWSKI. Mr. President, we have just experienced, I think, a rather revealing realization today relative to the opening of ANWR as part of the energy bill. The senior Senator, Senator STEVENS, and I had asked the Democratic leadership for a fair opportunity for an up-or-down vote on ANWR. And the matter was presented to the Republican caucus, and I am very pleased to say that we showed a commitment of solidarity and support for this very worthwhile effort.

Unfortunately, it was objected to on the other side, not once, but at least six times. As a consequence, we feel that we were denied a fair vote on the issue. And this issue, Mr. President, is by far the most significant single jobs issue before this country, meaning some 735,000 jobs in 47 States, and a contribution to the gross national product of some $50 billion.

As a consequence of this action, by denying the opportunity for an up-or-down vote on this issue, one could conclude that the Democrats across the aisle clearly do not care about jobs, this recession, the gross national product, the balance of payments, and so forth. If one looks at the balance of payments, he can recognize that one-half is the cost of imported oil. As a consequence, we are exporting jobs and, of course, exporting dollars. We are currently dependent on over 50 percent for oil imports coming into this Nation.

Mr. President, I think it is fair to point out that a number of my colleagues on the other side—led certainly by the leader of the Energy Committee, the chairman of that committee, Senator BENNETT JOHNSTON—have always supported the inclusion of ANWR. But the fact remains that objection was shown on that side, so we are precluded from a fair evaluation. Alaskans have asked the delegation for an up-or-down vote. We have exhausted our efforts to achieve that on this energy bill. There are other opportunities, obviously, from time to time. It is a Presidential election year, and ANWR is a very partisan issue.

But I think it is interesting to note that all six Presidential candidates on the other side, Democratic side, have indicated no support for ANWR.

So, in that climate, with an election year pending, it is going to be very, very hard to get a fair vote, and we can consider simply an up-or-down vote as a fair vote. We were offered the alternative for a vote with a proposed tabling motion and Alaskans felt that was unsatisfactory. So we continue to demand an up-or-down vote, and the response to that has already been made evident.

Now, tomorrow, we will proceed to the bill. We will have alternatives before us at that time. We also may have an opportunity to take back to Alaskans the reality of the political situation facing us in our inability to get an up-or-down vote on ANWR.

I thank the ranking member of the Energy Committee, Senator WALLOP, for his continued support of our position to try and get an up-or-down vote as it has been evidenced all along by his support of ANWR.

So, I think, in conclusion, Mr. President, what really is at issue here is a reality that the major jobs issue is not supported by our friends across the aisle, nor is there a recognition, and I think this is probably most significant, Mr. President, of the ability of this country to open up ANWR safely by using advanced technology and expertise.

We have gained, make no mistake about it, Prudhoe Bay, which is supplying this Nation with 20 percent of the total crude oil as the finest oil field in the world. If we were lucky enough to open up ANWR, we could even do a better job.

What made America great was the ingenuity and commitment toward excellence. In the advancement of scientific technology when we can put a man on the Moon to suggest we cannot open up ANWR safely just does not hold water.

Mr. President, in conclusion, I thank my senior colleague, Senator STEVENS. We have worked together in trying to obtain this up-or-down vote. We were precluded in that by the objection.

Tomorrow is another day, Mr. President, and our commitment and our hard work will continue because what we are doing is in the national security interests of our country, I might add, totally supported by our President as evidenced by the letter which I entered into the RECORD yesterday which was presented by his Chief of Staff supporting ANWR as part of his energy package, and the statement that it was imperative, that it be so included.

Mr. President, I thank the Chair. Tomorrow, I will have more to say about the current circumstances surrounding the action taken by this body today.

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

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

The legislative clerk proceeded to call the roll.

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

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

Mr. DOLE. Mr. President, I think we have reached an agreement on how to move forward with the so-called energy bill, and when the majority leader comes to the floor, if I am not here, I just say we have no objection to the agreement—in fact, with an hour debate tomorrow and then probably voice vote on the motion to proceed.

I would say that we are yielding back about 25-plus hours under the time after cloture was invoked on the motion to proceed. And it would be our understanding that we would not be in late tonight and we would not be in late tomorrow evening.

So I assume that has been mentioned at least to staff on the other side. It is our hope that we can still figure out some way to have a vote up or down on the so-called ANWR amendment. It seems to me it is very important.

I regret there was an objection today on an up-or-down vote on the other side of the aisle. But we will be working with our colleagues on both sides.

This is a very important amendment, an amendment to our national energy policy. It is also important, obviously, to the distinguished Senators from Alaska, Senators STEVENS and MURKOWSKI. We will be working with them and with the manager of the bill on the other side, Senator JOHNSTON, and the manager on this side, Senator WALLOP, to see if we can devise some way that we can get an up-or-down vote. It seems to me that it is important that that be done before we complete action on this bill. I think it is also fair to say that we may or may not complete action on this bill this week.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there now be a period for morning business.

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

ENERGY BILL CLOTURE VOTE

Mr. BIDEN. Mr. President, earlier today, I voted to invoke cloture on the motion to proceed to S. 2166, the energy bill. Last year, I voted against cloture on the motion to proceed to an earlier version of a national energy strategy. However, S. 2166 omits the most controversial issues, those relating to drilling in the Arctic National Wildlife Refuge and raising auto mileage standards, that doomed the earlier energy bill. While I do not view the unamended bill before us as representing the best in an energy policy, it is important to move forward with development of a solid plan.

I would like to emphasize this point. I am not convinced that S. 2166 as it stands right now is a bill that I would support if the vote were on final passage. The chairman of the Energy and Natural Resources Committee has acknowledged similar concerns. He has already stated that amendments which I would consider strengthening ones will be added to the bill during the Senate's debate. I have no doubt that additional amendments, beyond those already cleared by the bill managers, need to be added if the Senate is to produce a strong energy policy.

In his State of the Union Address, the President called for passage of a national energy policy. However, passage of the policy he originally proposed would have been the wrong step to take. It would have been an energy policy, but it would be a policy that continues our current foolishness on energy.

No matter how we would wish it, we cannot produce our way out of our oil deficit. Oil companies have indicated as much. There are very few areas left in our country that have not been thoroughly explored. And they tend to be in areas like coastal waters, national parks and other ecological treasures that the public does not want to lose. To base an energy policy largely on the hope that those areas will hold so-called supergiant fields that could displace imports from the Middle East is foolhardy at best. Production has a role in a national energy policy, but it cannot be the beginning and end of that policy. It must be part of a balanced approach.

We must start the process of reducing our consumption of oil. It will not be an easy task since oil and petroleum are a central part of our everyday life and our national economy. But it should be clear that those who claim cutting energy consumption means shivering in the dark, banning cars or halting economic growth are ignorant of the opportunities that have been demonstrated since the first energy shock in the early 1970's.

For years, our economy grew while energy consumption dropped; until Federal support for those efforts dwindled, that is. But the case was made clear that the notion that our Nation's economic growth can only occur with greater energy use is wrong. And there is still tremendous room for further improvements in energy conservation, energy efficiency and alternative fuels.

I expect these issues will be addressed extensively during debate on this bill. Other issues are also certain to be raised, such as those related to nuclear energy, that I believe we must develop a more reasonable and balanced approach to.

So, while I am willing to move forward with S. 2166 as a vehicle for development of an energy policy, I fully expect to support amendments to strengthen the provisions of the bill. This bill may not prove to be a dramatic turning point in our energy policy, but I hope that by the end of the Senate's debate, we will have crafted a bill that will move us away from current approaches and toward energy policies that will leave us with a more stable and secure future.

THE CRISIS THAT WON'T WAIT

Mr. MOYNIHAN. Mr. President, in his State of the Union Address President Bush observed that "in the past 12 months the world has known changes of almost biblical proportions." That he borrowed the phrase from Charles Krauthammer merely adds to the force of the observation. It is true and we all know it: even if it takes a person of special gifts to find the right term.

The joint statement issued this weekend by Presidents Bush and Yeltsin at Camp David extends and expands—if such be possible—this period of epic change. Our two nations declare that henceforth ours will be a "relationship*** characterized by friendship and partnership founded on mutual trust and a common commitment to democracy and economic freedom."

In this setting I would draw the Senate's attention to a compelling analysis of this relationship presented by Jim Hoagland in the Washington Post of January 23d. It is entitled "The Crisis Won't Wait." The subtitle reads "The West must not underestimate the gravity of the danger the ex-Soviet population faces." He cites Murray Feshbach's judgment that "1.5 million people are likely to die this year in the former Soviet Union because hospitals and doctors lack the most rudimentary medicines and other medical supplies." Food shortages could be just as devastating.

Mr. Hoagland goes on to note that "Feshback is no stranger to controversy. While the Central Intelligence Agency, the Pentagon and others were predicting, in the early 1980's, continued and menacing growth for the Soviet economy, Feshbach was discovering and calling attention to an alarming drop in Soviet life expectancy. His assessments of the spreading rot in Soviet society were dismissed by hawks and doves alike—through for differing reasons—as too gloomy."

"We know now," writes Mr. Hoagland, "that they were understated." He goes on to note that Freshbach is worried that once again the West is missing the gravity of events in the former Soviet Union. Mr. Hoagland worries that despite the President's commitment of $600 million in technical and emergency aid, for some reason things do not move.

Let me offer a theory of this case. I speak as one who has been in Feshbach's situation, although I could hardly claim any of his genius as demographer. My claim simply is that I read him when be began writing on this subject. It is important to the argument I present that Feshbach's findings were first published in the mid-1970's. Specifically in "The Soviet Economy in New Perspective," Joint Economic Committee, 1976. In essence he had determined that life expectancy for males in the Soviet Union was declining. I believe there is only one other instance of such a decline in the annals of 20th century demography. So much was summed up in that single fact: that and the confirming fact that the Soviets stopped publishing their data. Demography, as the saying goes, is destiny. For some of us—I was one—it was the datum that fleshed out the theoretical case that far from descending on us from the mountains of Central America, the Soviet Union was in fact about to break up.

In 1979 Newsweek had a forum on the eighties. What would happen. Large thoughts only, if you please. I wrote a brief essay. In the 1980's the Soviet Union would blow up, and if we didn't watch where those nuclear warhead went, the world could very will blow up with it. Now obviously I was both right and wrong. The Soviet Union did not blow up. It broke up. And there are good signs that they understand the problems of nuclear proliferation. Even so, the more important point is that nowhere in the U.S. Government was there anyone who could conceive of anything like that happening.

I was then a member of the Intelligence Committee; soon to be vice chairman in our nonpolitical way. I

must report. The intelligence community didn't have a clue. Nor did I drop the subject. Here are excerpts:

SENATE FLOOR, JANUARY 10, 1980

* * * the Soviet Union is a seriously troubled, even sick society. The indices of economic stagnation and even decline are extraordinary. The indices of social disorder—social pathology is not too strong a term—are even more so. The defining event of the decade might well be the break-up of the Soviet empire. But that * * * could also be the defining danger of the decade.

NEW YORK UNIVERSITY COMMENCEMENT ADDRESS, MAY 24, 1984

The truth is that the Soviet idea is spent. It commands some influence in the world; and fear. But it summons no loyalty. History is moving away from it with astounding speed. I would not press the image, but it is as if the whole Marxist-Leninist ethos is hurtling off into a black hole in the Universe. * * *

If we must learn to live with military parity, let us keep all the more in mind that we have consolidated an overwhelming economic advantage. * * *

Our grand strategy should be to wait out the Soviet Union; its time is passing. * * * It will be clear that in the end, freedom did prevail.

ADDRESS TO THE COALITION FOR A DEMOCRATIC MAJORITY, NOVEMBER 28, 1984

The United States is not, and has never been militarily inferior to the Soviets. [Thinking this was] bad enough a mistake. But vastly more important is the underlying, pervasive mistake of not perceiving that the Soviet Union is a declining power.

First, that the Marxist-Leninist ideology is now largely a spent force in the world. * * *

And second, Soviet society just isn't working. What was to have been a transformation in personal and social relations has simply turned into a mess.

SENATE FLOOR, AUGUST 9, 1986

Let us be clear. We are dealing with a doctrinal adversary. There is a real sense in which it must be said of the leaders of the Soviet Union, and some of their satellites, that they are a People of the Book. They have texts which prophesy the ultimate triumph of their system through the collapse of ours, not through its overthrow from outside but from its collapse from within. * * * [I]t was confidently expected that the Socialist mode of production * * * would be superior in its productive capacity, and that Russians * * * would be richer than the West because their system would work better. That expectation soon disappeared. * * * All those prophecies are gone.

There was one exception to the general obliviousness. In July 1985 I visited Geneva as a member of the Senate Arms Control Observers Group. Our chief negotiator was the Honorable Max M. Kampelman who promptly and graciously had us over to lunch. Just as promptly he turned the conversation to this subject and asked if I would elaborate my views. But Ambassador Kampelman, in a sense, proves the rule. He was not a member of the intelligence community; not a defense analyst; a policy planning staff director. He is a man of politics in the large and best sense of that term; he would not mind being called a Hubert Humphrey loyalist. He comes out of political tradition that takes ideas seriously and can conceive what it might mean when ideas such as those of the Marxist-Leninist regime in Moscow turn out to be utterly without predictive power.

And so to my theory of the case. The institutions of American defense and foreign policy having failed so utterly to foresee the collapse of the Soviet regime are having huge institutional difficulties responding that this "Crisis [That] Won't Wait" for the simple reason that to do so would be to acknowledge that earlier failure.

Do not doubt the depth of this institutional dilemma. Writing in the fall 1991 issue of Foreign Affairs, Adm. Stansfield Turner spoke of the "enormity of this failure to forecast the magnitude of the Soviet crisis." The current issue of the Foreign Service Journal speaks of the CIA's "gargantuan failure to understand the problems of Communist economies." But it is not the CIA. At the end of my 8 years on the Intelligence Committee I was asked over to Langley and presented the Agency Seal Medallion, an honor of which I am more than sensible. The failure was systemwide.

But we must not now compound it by denial. The proposition goes something like this—in the institutional subconscious. If you can avoid facing the crisis in the former Soviet Union at present, maybe you can avoid facing up to the fact that you did not foresee the crisis. Nonsense. This is not worthy of the fine men and women involved. Confession is good for the soul. I plead from the Senate floor: Back the President. Help make his case. Help the country to understand Hoagland and Feshbach.

More. Penance is good for rehabilitation. One of the problems of having served on the Intelligence Committee is that you are thereafter bound by its confidentialities. Without breaking any such, I believe I can say that the American people would be baffled if they knew the true size and extent of the intelligence budget. Boggled. I recommend that they read Elaine Sciolino's article "CIA Casting About for New Missions" in this morning's New York Times. Would it not be possible to take just a small portion of this budget and devote it to emergency aid to the Soviet Union? It would.

I ask unanimous consent that Mr. Hoagland's article be printed in the RECORD at this time.

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

[From the Washington Post, Jan. 23, 1992]

THE CRISIS WON'T WAIT

(By Jim Hoagland)

The Great and the Good, in the form of 45 or so foreign ministers from around the world, have descended on Washington this week to talk about the immense human disaster spreading through the ruins of the Soviet empire. That disaster is worse than anything the foreign ministers and their governments have admitted until now.

Worse: It has been exacerbated by the hesitant, ineffectual international response seen thus far, another reality not likely to be dealt with openly at the two-day State Department conference, due to end today.

This is the view of Murray Feshbach, a man with the credentials to make strong judgments and the boldness to state them publicly. If the Great and the Good tire of hearing their own voices (an unlikely event) they should walk a few blocks to Georgetown University and ask Feshbach to describe the trip he made to Russia last month.

They would hear detailed accounts of why 1.5 million people are likely to die this year in the former Soviet Union because hospitals and doctors lack the most rudimentary medicines and other medical supplies. They would hear of a food distribution system that contaminates 42 percent of all baby food sold to consumers. They would hear of pollution so severe that a health ministry official says seriously: "To live longer, breathe less."

But there is also an element of hope they could grasp in Feshbach's account of the successful distribution of 200 tons of emergency food and medicine in Russia last month by a private U.S. group he works with, the Russian Winter Campaign.

The results achieved by this citizens' effort stand in sharp contrast to the failure of the United States to deliver any food under the $165 million emergency program announced two months ago by the Bush administration. That's right: Two months after Washington said it was sending free food to help starving Russians, none of that food has been shipped.

The U.S. effort, and much of the rest of the international governmental response to the humanitarian crisis, is "bogged down by Western red tape and Soviet corruption," the New York Times reported in its news columns on Tuesday.

But Russian Winter Campaign got its food distributed without such problems. Former foreign minister Eduard Shevardnadze helped organize Interior Ministry and KGB troops to guard the emergency supplies and to make sure they were delivered to the intended recipients, Feshbach noted.

Feshbach is no stranger to controversy. His battles with more conventional bureaucrats when he was in the Department of Commerce, working as chief of the Soviet branch in the Foreign Demographic Analysis Division, earned him a reputation in parts of the foreign policy establishment as being a touchy, difficult person.

While the Central Intelligence Agency, the Pentagon and others were predicting, in the early '80s, continued and menacing growth for the Soviet economy, Feshbach was discovering and calling attention to an alarming drop in Soviet life expectancy. His assessments of the spreading rot in Soviet society were dismissed by hawks and doves alike (though for differing reasons) as too gloomy.

We know now that they were understated. And Feshbach, currently professor of demography at Georgetown, worries that once again the West is underestimating the gravity of the danger the ex-Soviet population faces, and ultimately poses to the rest of the world.

"The spread of malnutrition will lead to disease, in a country that has no aspirin, let alone more sophisticated medicines," Feshbach told a seminar at Georgetown's Institute for the Study of Diplomacy last week. "The spread of disease will lead to

lower production and much less efficiency . . . in a country that has 50 Chernobyl-type atomic reactors in operation." Many of those are already leaking radioactivity, Feshbach believes.

These are urgent matters. But it remains business as usual for much of the bureaucracy. Although two Japanese officials came from Tokyo recently to talk to Feshbach about his new research, no one from the U.S. Agency for International Development has traveled the few blocks to his office to discuss his trip.

The impulse of getting the foreign ministers and other officials from 54 countries together was a well-intentioned effort by Secretary of State Jim Baker to focus attention on the problem. President Bush's announcement of a new commitment of $600 million in technical and emergency aid at the conference's opening yesterday was also a helpful gesture.

But in its closing statements, the Washington aid conference needs to show that these talks were not scheduled as a substitute for action, as the Europeans and Japanese suspected when Baker muscled them into coming here.

This is the risk in conducting high-profile diplomacy on such an urgent problem. Unless the conference ends up adopting an immediate and credible action program of emergency aid, its effect will be to call attention to how little the world, led by the United States, is prepared to do even at this late date, even when the evidence of the need is so clear.

S. 2070—THE JUDICIAL SPACE AND FACILITIES MANAGEMENT ACT OF 1991

Mr. SPECTER. Mr. President, I am pleased to add my name as a cosponsor of S. 2070, the Judicial Space and Facilities Management Act of 1991.

While a bill on this subject was introduced in the 101st Congress by the distinguished senior Senator from New York, it did not come to my attention. When the 102d Congress convened, I was contacted by my good friend, Judge Edward R. Becker of the U.S. Court of Appeals for the Third Circuit, one of our most distinguished Federal judges, who urged me to consider cosponsoring legislation to enable the Federal judiciary to manage its own facilities. I agreed to study the issue and, after reviewing Senator MOYNIHAN's bill of last Congress and information provided by the Administrative Office of U.S. Courts, I decided to cosponsor legislation on the subject upon its reintroduction. Senator MOYNIHAN has again introduced such legislation, cosponsored by the distinguished chairman of the Committee on Environment and Public Works, Senator BURDICK. I am pleased to join them as a cosponsor of S. 2070.

This legislation represents an important first step in allowing the judiciary to manage its own facilities and giving it the wherewithal to do so. I have always found it awkward, under our tripartite government, to have the independent Federal judiciary depend on the executive branch for its space and its facilities management. The judiciary should not be a ward of the executive in the management of its facilities if it is to be truly independent. The courts should not be competing with executive branch agencies for space while an executive agency, the General Services Administration, makes the space determinations and allotments. In addition, the current system allows the Office of Management and Budget to approve and disapprove of judicial construction needs in deciding the size of GSA's budget. Such executive power over the judiciary is improper, especially when other executive branch agencies have some statutory real property authority independent of GSA's.

Such legislation will also improve the judiciary's efficiency and save money. As I noted, the judiciary currently works through the executive branch, which must balance competing space needs of many agencies. While GSA has made great efforts to meet the judiciary's needs, the demands on GSA from executive agencies and OMB are severe.

In such an environment, facilities planning becomes difficult for the judiciary, because it cannot know how GSA and OMB will balance its space requests. The judiciary needs greater control over its facilities so that it can plan for and meet its own space needs in a timely manner. In operating more efficiently, the judiciary would be able to save the Government money.

While there are aspects of the bill that could be improved upon, I am satisfied with this measure as an important first step in ensuring the independence of the Federal judiciary as contemplated in article III of the Constitution and in making the management of the judiciary more efficient. Therefore, I am pleased to join in cosponsoring this measure. I wish to compliment Senator MOYNIHAN for his interest in and dedication to this issue, and I urge all my colleagues to support this measure.

A FRIEND'S BIRTHDAY

Mr. BYRD. Mr. President, I am privileged today to call our colleagues' attention to the special significance of this day for one of the Senate's most valuable and respected assets, our Chaplain, Dr. Richard C. Halverson.

Today is Dr. Halverson's 76th birthday. I know that I speak for all of our colleagues and for the whole Senate staff and family in extending to Dr. Halverson the sincerest of birthday greetings and in wishing him many more birthdays to come.

In the years of Dr. Halverson's tenure as Senate Chaplain, he has created a distinct niche for the gifts and graces that he brought with him from the conventional pastorate. Many on this side of Capitol Hill have been the direct beneficiaries of his long experience in the pastorate, of his unique spiritual care, and of the irrepressible spirit and selflessness that mark his daily walk and discipleship.

More important for many, Dr. Halverson has been a spiritual physician and a caring friend in hours of real need—in hours when death, tragedy, and heartbreak have shaken the foundations of otherwise confident lives and the way ahead appeared shadowed and grief-bound. In so many of those moments, Dr. Halverson has been a ray of grace and an instrument of hope and healing.

Mr. President, Dr. Halverson was serving one of the most active and potent congregations in the Washington area before he accepted the invitation to serve as our Chaplain. Indeed, his national reputation is such that he could have his choice of pulpits and parishes were he to leave Senate service. That Dr. Halverson has chosen to remain in our midst and to minister to us is our blessing, and one which I do not take for granted.

Therefore, I thank Dr. Halverson for the loyalty, spirit, and commitment that have marked his years of service among us, and I again wish him the most joyous of birthdays on this, Dr. Halverson's special day.

ACCESS TO JUSTICE ACT—MESSAGE FROM THE PRESIDENT—PM 105

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on the Judiciary:

To the Congress of the United States:

I am pleased to transmit today for your immediate consideration and enactment the "Access to Justice Act of 1992". The purpose of this proposal is to reduce the tremendous growth in civil litigation that has burdened the American court system and imposed high costs on our citizens, small businesses, industries, professionals, and government at all levels.

A thorough study of the current civil justice system has been conducted by a special working group, chaired by the Solicitor General, Kenneth W. Starr. The working group's recommendations, which were unanimously accepted by my Council on Competitiveness, are reflected in the bill. The legislation seeks to reduce wasteful and counterproductive litigation practices by encouraging voluntary dispute resolution, the improved use of litigation resources, and, where appropriate, modified, market-based fee arrangements. Additional reforms would permit the judicial system to operate more effectively.

The Access to Justice Act would accomplish reforms in significant areas of litigation:

—a prerequisite for Federal jurisdiction over certain types of lawsuits (the amount in controversy requirement) would be redefined to exclude vague, subjective claims;
—prevailing parties could be entitled to award of attorney's fees in certain lawsuits brought in Federal court;
—the Equal Access to Justice Act would be amended to clarify and limit litigation over the amount of attorney's fees;
—innovative "multi-door courthouses" would be established to encourage utilization of alternative dispute resolution mechanisms;
—award of reasonable attorney's fees in disputes involving the United States would be permitted in appropriate instances;
—prior notice would be required, subject to reasonable limits, as a prerequisite to bringing suit in any United States District Court;
—flexible assignment of district court judges would be authorized;
—immunity of State judicial officers would be clarified and protected;
—the Civil Rights of Institutionalized Persons Act would be amended to encourage resolution of claims administratively; and
—improvements in case management in Federal courts would be effected.

I believe this proposed legislation would greatly reduce the burden of excessive, needless litigation while protecting and enhancing every American's ability to vindicate legal rights through our legal system. I recommend prompt and favorable consideration of the enclosed bill.

GEORGE BUSH.

THE WHITE HOUSE, *February 4, 1992.*

MESSAGES FROM THE HOUSE

At 3:36 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1415. An act to provide for additional membership on the Library of Congress Trust Fund Board, and for other purposes.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4095. An act to increase the number of weeks for which benefits are payable under the Emergency Unemployment Compensation Act of 1991, and for other purposes.

At 4:40 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 2927) to provide for the establishment of the St. Croix, Virgin Islands Historical Park and Ecological Preserve, and for other purposes.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H.R. 2194) to amend the Solid Waste Disposal Act to clarify provisions concerning the application of certain requirements and sanctions to Federal facilities; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints the following as managers of the conference on the part of the House:

From the Committee on Energy and Commerce, for consideration of the House bill, and the Senate amendments, and modifications committed to conference: Mr. DINGELL, Mr. SWIFT, Mr. ECKART, Mr. SLATTERY, Mr. SIKORSKI, Mr. LENT, Mr. RITTER, and Mr. SCHAEFER.

As additional conferees from the Committee on Armed Services, for consideration of section 113 of the Senate amendments, and modifications committed to conference: Mr. RAY, Mr. HOCHBRUECKNER, and Mr. SAXTON.

As additional conferees from the Committee on the Judiciary, for consideration of section 2(a) of the House bill, and section 103(a) of the Senate amendments, and modifications committed to conference: Mr. BROOKS, Mr. FRANK of Massachusetts, and Mr. GEKAS.

As additional conferees from the Committee on Merchant Marine and Fisheries, for consideration of section 304(a) of the Senate amendments, and modifications committed to conference: Mr. JONES of North Carolina, Mr. STUDDS, and Mr. DAVIS.

As additional conferees from the Committee on Public Works and Transportation, for consideration of sections 102, 109, and 115–119 of the Senate amendments, and modifications committed to conference: Mr. ROE, Mr. NOWAK, and Mr. HAMMERSCHMIDT.

As additional conferees from the Committee on Public Works and Transportation, for consideration of title IV of the Senate amendments, and modifications committed to conference: Mr. ROE, Mr. SAVAGE, Ms. NORTON, Mr. NOWAK, Mr. BORSKI, Mr. HAMMERSCHMIDT, Mr. SHUSTER, and Mr. INHOFE.

ENROLLED BILL SIGNED

The PRESIDENT pro tempore (Mr. BYRD) announced that on today, February 4, 1992, he had examined and signed the following enrolled bill, which had previously been signed by the Speaker of the House:

H.R. 1989. An act to authorize appropriations for the National Institute of Standards and Technology and the Technology Administration of the Department of Commerce, and for other purposes.

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:

Mr. GRASSLEY (for himself, Mr. MCCONNELL, Mr. GARN, Mr. DOLE, Mr. WALLOP, Mr. MURKOWSKI, and Mr. NICKLES):

S. 2180. A bill to provide greater access to civil justice by reducing costs and delay and for other purposes; to the Committee on the Judiciary.

Mr. BUMPERS (for himself, Mr. COCHRAN, Mr. ADAMS, Mr. AKAKA, Mr. SANFORD, Mr. SIMON, Mr. MITCHELL, Mr. WELLSTONE, Mr. GORE, and Mr. COHEN):

S. 2181. A bill to improve the capacity of rural communities to respond to homelessness, to establish effective program delivery models for prevention and remediation of homelessness in rural areas, to collect data on the extent and characteristics of homelessness in rural areas, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DECONCINI:

S. 2182. A bill to amend the Child Nutrition Act of 1966 to make the special supplemental food program for women, infants, and children (WIC) and entitlement program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. SHELBY:

S. 2183. A bill to prohibit the Secretary of Veterans Affairs from carrying out the Rural Health Care Initiative; to the Committee on Veterans Affairs.

Mr. DECONCINI (for himself and Mr. MCCAIN):

S. 2184. A bill to establish the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation, and for other purposes; considered and passed.

Mr. KENNEDY (for himself, Mr. SIMON, and Mr. DECONCINI):

S. 2185. A bill to suspend the forcible repatriation of Haitian nationals fleeing after the coup d'etat in Haiti until certain conditions are met; read the first time.

Mr. ADAMS:

S. 2186. A bill for the relief of Rolando and Amelia Degracia; to the Committee on the Judiciary.

S. 2187. A bill for the relief of Celestina Maes; to the Committee on the Judiciary.

Mr. GRAHAM (for himself, Mr. MACK, Mr. DECONCINI, Mr. STEVENS, and Mr. INOUYE):

S.J. Res. 250. Joint resolution to designate February 1992 as "National Grapefruit Month"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

Mr. ROTH:

S. Con. Res. 90. Concurrent resolution relative to the role of the North Atlantic Treaty Organization; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY (for himself, Mr. MCCONNELL, and Mr. GARN):

S. 2180. A bill to provide greater access to civil justice by reducing costs and delay and for other purposes; to the Committee on the Judiciary.

ACCESS TO JUSTICE ACT OF 1992

Mr. GRASSLEY. Mr. President, today I am pleased to introduce the Access to Justice Act of 1992, a bill designed to make some significant reforms in our legal system.

At the outset, Mr. President, let me say what this bill is not. It is not a bill to shut the courthouse doors on people. It is not a bill to eliminate lawyers or prevent them from practicing their profession. And it is not a bill to impose settlements on parties suing each other.

But it is a bill to rationalize and streamline our legal system. The bill is a product of the President's Council on Competitiveness, chaired by Vice President QUAYLE. Last summer, the Council issued a comprehensive agenda for civil justice reform in America, covering everything from changes in State law on punitive damages to changes in the Federal rules governing discovery. All of the proposals were directed at making our legal system more fair and reducing the burden on our economy caused by excessive and needless litigation.

This bill is only one piece of the agenda for civil justice reform. The President has already issued an Executive order incorporating a number of the provision, such as encouraging alternative dispute resolution in the Federal agencies. The President's Executive order put the Federal bureaucracy in the lead of the civil justice reform. Not it is time for Congress to put its mark on making our legal system more efficient.

Over the last 30 years we have had an explosion of litigation. But more litigation doesn't mean more justice or fairness for the American people. Our legal system is out of touch with the needs of the American people. It's time we recognize it and that we do something about it.

This bill is one step in that direction. First, the most controversial part of the bill—introducing the concept of the loser paying for the lawsuit in certain very limited situations.

We operate under what the bar refers to as the American rule—where each party is supposed to pay his own costs of the lawsuit. Most other Western democracies use what is known as the English rule—where the loser pays. The reality is, however, that we shift attorneys' fees in a whole variety of cases, like civil rights and employment discrimination. If the defendant loses, he has to pay damages and the plaintiff's lawyers' fees.

So the bill seeks to provide for the loser to pay in certain cases—in diversity cases, in contract dispute cases with the Federal Government, and in cases initiated by the Federal Government. The judge can limit the fees and can decide that the loser should not pay if the judge thinks it would be unjust. This provision is really quite modest, but will cause an earthquake within the Trial Bar Association.

But why should the loser not pay? The economic costs of litigation are estimated to be $300 billion annually. That is a drain on scarce economic resources, resources that could be better spent on investment in the economy, actually creating jobs. An individual or a business should think twice about suing, and if shifting fees will make everybody think twice, then it is a change whose time has come. Remember, it is not really the English rule—it is really the everywhere but America rule.

Another key part of the bill is the alternative dispute resolution provision. We must do more to create incentives for people to choose alternative dispute resolutions [ADR] to keep cases that are highly costly and adversarial out of that costly adversarial environment.

We know it works in many kinds of disputes and we need to do more of it. So, this bill would create a pilot program for voluntary ADR [alternative dispute resolutions.] That means it is not mandatory, no one will be deprived of his day in court. Each circuit would establish one district as a multidoor courthouse. The judge would hold a conference at the beginning of every lawsuit to see if alternative dispute resolution can be used. One or both of the parties can choose to be bound by the ADR. And here is the incentive—where only one party chooses to be bound and the parties go to trial, if the party declining to be bound by ADR does not get at least 10 percent more from the litigation than he would have gotten from ADR, he has to pay his opponent's costs.

The bill includes a number of other important provisions, from indexing the amount in controversy in diversity cases, to creating uniformity in Equal Access to Justice Act awards. The bill would also allow for more flexibility in moving judges around between districts, and improve case management.

It would restore judicial immunity for State court judges, something many of us have been trying to do for several years now. And it would require prison inmates to exhaust administrative remedies before suing in Federal court over the conditions of their incarceration. Prisoner litigation now makes up about 10 percent of the Federal docket.

In sum, Mr. President, it makes some important strides, but it is by no means an overhaul of our legal systems, as the critics will no doubt charge.

Mr. President, I have had the opportunity to examine our Federal court system, as a member of the Federal Courts Study Committee in 1989 and 1990. The report of our Courts Study Committee identified a coming crisis in the Federal courts. The courts are overburdened, and simply creating more Federal judges just does not solve the problems of our judicial system. We need to fix our litigation system, and this bill begins that process.

There will be much debate over this bill and the other aspects of the agenda for civil justice reform. And I look forward to participating in that debate. In fact, we have begun that debate in the Judiciary Committee over the last couple of years. The debate will be important, and it has to include all Americans, and it has to take place in the sunshine. There is an old saying, "war is too important to leave to the generals."

Likewise, we cannot afford to leave this debate to those who feel they have the only vested interests in this—the lawyers and their trade associations. There is too much riding on it—justice and a sound economy for all Americans, now and in the future.

In closing, I commend Vice President QUAYLE for his leadership on this important subject. I am hopeful we can have hearings on the bill in the Judiciary Committee at an early date.

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

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

S. 2180

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Access to Justice Act of 1992".

SEC. 2. FEDERAL DIVERSITY JURISDICTION; SUM IN CONTROVERSY

Section 1332 of title 28, United States Code, is amended by redesignating subsection (d) as subsection (g) and inserting after subsection (c) the following new subsections:

"(d) In determining whether a matter in controversy exceeds the sum or value of $50,000, the amount of damages for pain and suffering or mental anguish, punitive or exemplary damages, and attorneys' fees or costs shall not be included.

"(e) On February 1 of each year, the monetary amounts referred to in subsections (a), (b), and (d) shall each be adjusted to the nearest thousand dollars to reflect the change in the Consumer Price Index for All Urban Consumers (CPI-U), U.S. City Average, All Items, under its current official reference base as designated by the Bureau of Labor Statistics of the United States Department of Labor. The adjusted amounts shall be calculated by multiplying the relevant monetary amount by the annual average CPI-U for the most recent calendar year, and then dividing that sum by the annual average CPI-U for [1992].".

SEC. 3. DIVERSITY OF CITIZENSHIP JURISDICTION; AWARD OF ATTORNEYS' FEES TO PREVAILING PARTY.

Section 1332 of title 28, United States Code, is amended by inserting after subsection (e) the following new subsection:

"(f)(1) The prevailing party in an action under this section shall be entitled to attorneys' fees only to the extent that such party prevails on any position or claim advanced during the action. Attorneys' fees under this paragraph shall be paid by the nonprevailing

party but shall not exceed the amount of the attorneys' fees of the nonprevailing party with regard to such position or claim. If the nonprevailing party receives services under a contingent fee agreement, the amount of attorneys' fees under this paragraph shall not exceed the reasonable value of those services.

"(2) In order to receive attorneys' fees under paragraph (1), counsel of record in actions under this section shall maintain accurate, complete records of hours worked on the matter regardless of the fee arrangement with his or her client.

"(3) As used in this subsection, the term 'prevailing party' means a party to an action who obtains a favorable final judgment (other than by settlement), exclusive of interest, on all or a portion of the claims asserted during the action.

"(4) The court may, in its discretion, limit the fees recovered under paragraph (1) to the extent that the court finds special circumstances that make payment of such fees unjust.

"(5) This subsection shall not apply to any action removed from a State court pursuant to section 1441 of this title, or to any action in which the United States, any State, or any agency, officer, or employee of the United States or any State is a party.

SEC. 4. AMENDMENT TO EQUAL ACCESS TO JUSTICE ACT.

"(a) BASIS FOR ADJUSTING FEES.—Section 2412(d)(2)(A)(ii) of title 28, United States Code, is amended by striking "or a special factor, such as the limited availability of qualified attorneys for the proceedings involved," and inserting "as reflected by the change in the Consumer Price Index for All Urban Consumers (CPI-U), United States City Average, All Items, under its current official reference base as designated by the Bureau of Labor Statistics of the United States Department of Labor.".

(b) CALCULATION OF ADJUSTMENTS.—Section 2412(d) of title 28, United States Code, is amended by adding at the end of the following new paragraph:

"(6)(A) If a court determines that the cost of living adjustment permitted by paragraph (2)(A)(ii) should be made in a particular case, the court shall calculate the adjustment in accordance with this paragraph. [When compensable services in an action are rendered in more than one calendar year, a calculation of attorney fees shall be made for each year in which compensable services are rendered.]

"(B) When compensable services in an action are rendered in the present calendar year, the hourly rate shall be calculated by multiplying $75 times the CPI-U for the month in which the last compensable services were rendered, and then dividing that sum by the CPI-U for October, [1981].

"(C) When compensable services are rendered in more than one calendar year, the adjustments for services rendered in the present calendar year shall be calculated using the formula set forth in subparagraph (B). The hourly rate for services rendered in each previous calendar year shall be calculated by multiplying $75 times the annual average CPI-U for the year in which the services were rendered, and then dividing that sum by the CPI-U for October, [1981].".

SEC. 5. PRIOR NOTICE AS A PREREQUISITE TO BRINGING SUIT IN THE [UNITED STATES DISTRICT COURT].

"(a) IN GENERAL.—Chapter 23 of title 28, United States Code, is amended by adding at the end the following:

"§ 483. Prior notice to suit

"(a) TRANSMITTAL OF PRIOR NOTICE.—(1) At least 30 days before filing suit in a [civil] action brought in a court of the United States or the Claims Court, [a claimant] [the potential plaintiff or plaintiffs] shall transmit written notice to the intended defendant or defendants of the specific claims involved, including the amount of actual damages and expenses incurred and expected to be incurred. The [claimant] shall transmit such notice to the intended defendant or defendants at an address reasonably calculated to provide actual notice to each such party.

"(2) For purposes of this section, the term 'transmit' means to mail by first-class-mail, postage prepaid, or contract for delivery by any company which physically delivers correspondence as a commercial service to the public in its regular course of business.

"(3) The [claimant] shall, at the commencement of the action, file in the court a certificate of service evidencing compliance with this subsection.

"(b) EXTENSION OF STATUTE OF LIMITATIONS.—In the event that the applicable statute of limitations for that action would expire during the period of notice required by subsection (a), the statute of limitations shall expire on the thirtieth day after the date on which written notice is transmitted to the intended defendant or defendants pursuant to subsection (a). The parties may by written agreement extend that 30-day period for an additional period of not to exceed 90 days.

"(c) EXCEPTIONS.—The requirements of this section shall not apply—

"(1) in any action to seize or forfeit assets subject to forfeiture or in any bankruptcy, insolvency, receivership, conservatorship, or liquidation proceeding;

"(2) where the assets that are the subject of the action or that would satisfy the judgment are subject to flight, dissipation, or destruction, or where the defendant is subject to flight;

"(3) where a written notice prior to filing suit is otherwise required by law, or where the claimant has made a prior attempt in writing to settle the claim with the defendant;

"(4) in proceedings to enforce a civil investigation demand or an administrative summons;

"(5) in any action to foreclose a lien; or

"(6) in any action pertaining to a temporary restraining order, preliminary injunctive relief, or the fraudulent conveyance of property, or in any other [type of] action involving exigent circumstances that compel immediate resort to the courts.

"(d) DISMISSAL FOR FAILURE TO COMPLY.—In the event that the [district court] finds that the requirements of subsection (a) of this section have not been met by the [claimant], and such defect is asserted by the defendant within 60 days after service of the summons or complaint upon such defendant, the claim shall be dismissed without prejudice and the costs of such action, including attorneys' fees, shall be imposed upon the [claimant]. Whenever an action is dismissed under this subsection, the [claimant] may refile such claim within 60 days after dismissal regardless of any statutory limitations period if—

"(1) during the 60 days after dismissal, notice is transmitted under subsection (a); and

"(2) the original action was timely filed in accordance with subsection (b).".

"(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 23 of title 28, United States Code, is amended by adding at the end the following:

"483. Prior notice of suit.".

SEC. 6. AWARD OF ATTORNEYS' FEES IN DISPUTES INVOLVING THE UNITED STATES.

(a) IN GENERAL.—Chapter 161 of title 28, United States Code, is amended by inserting after section 2412 the following new section:

"§ 2412a. Award of attorneys' fees in disputes involving the United States

"(a) AGREEMENTS FOR ATTORNEYS' FEES.—Except as otherwise specifically provided by statute, the United States is authorized to enter into an agreement which provides that attorneys fees may be awarded against the United States or any other party to the action or proceedings—

"(1) in any civil action commenced by the United States;

"(2) in civil proceedings involving disputes pursuant to the Contract Disputes Act of 1978, including proceedings before boards of contract appeals pursuant to sections 7 and 8 of that Act; or

"(3) in a case in which the United States and another party has agreed to the use of outcome-determinative mediation as defined in section 484(b)(5) of this title, the mediation has resulted in a determination, and the United States or the other party has given notice [pursuant to] section 484(b)(8) of this title, pertaining to outcome-determinative medication, that either party accepts the determination.

In a case described in paragraph (3), subparagraphs (A) through (C) of section 484(b)(8) shall apply to the award of attorneys' fees.

"(b) REQUIREMENTS FOR AWARDING FEES.—The following shall apply to the award of any attorneys' fees pursuant to subsection (a)(1) or (2):

"(1) Attorneys' fees may be awarded only to a prevailing party in the action or proceedings, to paragraphs (2) and (3). The prevailing party shall be entitled to attorneys' fees from the nonprevailing party with respect to and only to the extent that such party prevails on any claim advanced during the action or proceedings, except that the amount of attorneys' fees shall not exceed the attorneys' fees of the nonprevailing party with respect to such claim.

"(2) In determining the amount of attorneys' fees for a private party, the court or board of contract appeals (as the case may be) shall take into account the degree of success obtained by that party relative to its original claim or claims, the prevailing market rates in the geographic area for the kind and quality of the legal services furnished, and any other factors relevant to whether an award of attorneys' fees would be reasonable and, if so, what a reasonable amount of attorneys' fees would be.

"(3) In determining the amount of attorneys' fees of the United States, the court or board of contract appeals (as the case may be) shall determine the number of hours spent by the attorneys employed by the United States on the action or proceedings, multiplied by the salaries and benefits paid to those attorneys, and an amount for overhead, computed at an hourly rate.

"(c) AWARD OF ATTORNEYS' FEES EXCLUSIVE.—A party who files an application for an award of attorneys' fees and expenses against the United States under any other provision of law may not pursue an award of attorneys' fees under this section. A party who files an application for an award of attorneys' fees under this section may not pursue an award of attorneys' fees and expenses under any other provision of law. A party who agrees to mediation under section 484 of this title may seek an award of attorneys' fees only under this section and section 484.

"(d) PROCEDURES FOR AWARDING FEES.—A party seeking an award of attorneys' fees under this section shall file an application for fees with the court or board of contract appeals (as the case may be) within 30 days after final judgment in the action or proceedings involved. The application shall show that the party is eligible to receive an award under this section and the amount sought, including an itemized statement from any attorney appearing on behalf of the party which sets forth the actual time expended and the rate at which fees are computed. Within 30 days [after service of the fee application upon the party] against whom the fees are sought to be awarded, that party may file a response setting forth its reasons why an award of fees would not be reasonable or why the amount of fees should be reduced. In a case in which an award of attorneys' fees is sought against any party, the attorney for that party shall submit a statement of the total amount of attorneys' fees incurred in the action or proceedings in order that the court or board may determine that the fees sought in the application do not exceed the amount of fees incurred by that party.

"(e) REQUIRED APPROPRIATIONS.—Agreements may be entered into under this section to the extent provided in appropriations Acts. Awards of attorneys' fees received by a Federal agency on behalf of the United States under this section shall be credited to an account of that agency, as provided in an appropriations Act. To the extent provided in advance in appropriation Acts, such amounts shall be available only to pay awards of attorneys' fees under this section against that agency on behalf of the United States. Each such agency is authorized to pay any shortfall caused if amounts credited to such account are insufficient to pay amounts awarded under this section against such agency on behalf of the United States from funds currently available in such account.

"(f) DEFINITIONS.—For purposes of this section—

"(1) the term 'United States' includes any agency of the United States and any officer or employee of the United States acting in his or her official capacity;

"(2) the term 'final judgment' means a judgment that is final and not appealable; and

"(3) the term 'prevailing party' means a party to an action who obtains a favorable final judgment other than by settlement, exclusive of interest, on all or a portion of the claims asserted during the litigation.".

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 161 of title 28, United States Code, is amended by inserting after the item relating to section 2412 the following:

"2412a. Award of attorneys' fees disputes involving the United States.".

SEC. 7. AVOIDANCE OF LITIGATION THROUGH MULTI-DOOR COURTHOUSES.

(a) IN GENERAL.—Chapter 23 of title 28, United States Code, is amended by adding at the end the following new section:

"§ 484. Multi-Door Courthouses

"(a) DESIGNATION OF COURTS.—The chief judge of each judicial circuit of the United States (other than the United States Court of Appeals for the District of Columbia Circuit) shall designate 1 district court within the jurisdiction of the circuit to be a pilot Multi-Door Courthouse. The United States Court of Appeals for the Federal Circuit shall designate the United States Claims Court to be a pilot Multi-Door Courthouse for that circuit. Such designation, and the program established by this section, shall terminate at the expiration of a 3-year period following such designation.

"(b) ESTABLISHMENT OF ALTERNATIVE DISPUTE RESOLUTION PLANS.—(1) Every court which has been designated as a Multi-Door Courthouse under subsection (a) shall, not later than 6 months after the effective date of this section, establish an alternative dispute resolution plan.

"(2) The alternative dispute resolution plan shall include, but not be limited to—

"(A) procedures for limited discovery;

"(B) confidentiality of proceedings as to possible subsequent pretrial and trial actions; and

"(C) the selection, use, and payment of nonjudicial personnel who may be selected to conduct alternative dispute resolution proceedings as neutrals, mediators, or arbitrators.

"(3) The plan shall also establish standards for determining which cases are appropriate for alternative dispute resolution, considering such factors as whether factual issues predominate over legal issues, whether the case involves complex or novel legal issues requiring judicial action, and any other factors the court considers relevant.

"(4) Each plan shall provide that each judge or magistrate judge assigned to a case in a Multi-Door Courthouse established under subsection (a) shall conduct a conference with counsel within 120 days after the complaint is filed to review nonbinding, voluntary alternative dispute resolution procedures that may be used in lieu of litigation to resolve the claims in controversy.

"(5) As used in this section—

"(A) the term 'outcome-determinative mediation' means a procedure in which either a single mediator or a panel of three mediators selected by or under the direction of a Federal district court provides the parties with a dollar amount determination that would be awarded if the case is tried; and

"(B) the term 'neutral' means an individual who functions specifically to aid the parties to a claim in controversy in resolving the controversy.

"(6) Each plan shall authorize the parties, if they agree, to use nonbinding alternative dispute resolution procedures in lieu of litigation to resolve the claims in controversy. These nonbinding alternative dispute resolution procedures shall include, but are not limited to, early evaluation by a neutral, mediation (including outcome-determinative mediation), minitrials, summary jury trials, and arbitration.

"(7) Each plan shall provide that—

"(A) the parties may agree as to the use of any alternative dispute resolution procedure listed in the alternative dispute resolution plan to effectuate prompt resolution of the claims involved; and

"(B) the parties may choose to use the neutrals made available by the court or may, if all parties and the court agree, utilize the services of other neutrals not designated in accordance with the court's alternative dispute resolution plan.

"(8) Each plan shall also provide that if the parties choose outcome-determinative mediation and a determination is reached pursuant to such mediation—

"(A) any party may give notice that it intends to accept that determination, while any other party may reject the determination and continue with the litigation;

"(B) a plaintiff, including the United States or any agency, officer, or employee thereof, who rejects the determination and fails to obtain a final judgment that is at least 10 percent greater than the determination shall pay the defendant's costs, as set forth in section 1920 of this title, and attorneys' fees, as set forth in section 2412a of this title, that are incurred after the rejection of the determination; and

"(C) a defendant, including the United States or any agency, officer, or employee thereof, who rejects the determination and fails to obtain a final judgment that is at least 10 percent less than the determination shall pay the plaintiff's costs, as set forth in section 1920 of this title, and attorneys' fees, as set forth in section 2412a of this title, that are incurred after rejection of the determination.

If all parties reject the determination, no costs or attorneys' fees shall be assessed against any party.

"(9) In carrying out their plans, the district courts are authorized to use the volunteer services of nonjudicial personnel to conduct alternative dispute resolution proceedings as neutrals, mediators, and arbitrators. The courts are also authorized to establish and pay, subject to limits established by the Judicial Conference of the United States, the amount of compensation, if any, that each neutral, mediator, and arbitrator shall receive for services rendered in each case.".

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 23 of title 28, United States Code, is amended by adding at the end the following:

"484. Multi-Door Courthouses.".

SEC. 8. FLEXIBLE ASSIGNMENT OF DISTRICT COURT JUDGES.

(a) STANDARD FOR TEMPORARY ASSIGNMENTS.—Section 292(d) of title 28, United States Code, is amended by striking "upon presentation of a certificate of necessity by the chief judge or circuit justice of the circuit wherein the need arises." and inserting "whenever the business of that court so requires.".

(b) DUTIES OF DIRECTOR OF ADMINISTRATIVE OFFICE.—Section 604(a) of title 28, United States Code, is amended—

(1) in paragraph (23) by striking "and" after the semicolon;

(2) by redesignating paragraph (24) as paragraph (25); and

(3) by inserting the following new paragraph after paragraph (23):

"(24) secure information as to the courts' need for temporary judicial resources to ease overcrowded dockets (including information on delays being encountered in the maintenance of civil suits) and prepare and transmit annually to the Chief Justice, the chief judges of the circuits, the Congress, and the Attorney General, statistical data, reports and recommendations summarizing the results of this inquiry; and".

SEC. 9. IMMUNITY OF STATE JUDICIAL OFFICERS.

(a) ATTORNEYS' FEES IN PROCEEDINGS IN VINDICATION OF CIVIL RIGHTS.—Section 722 of the Revised Statutes of the United States (42 U.S.C. 1988), is amended by inserting before the period at the end of the second sentence the following: ", except that, notwithstanding any other provision of law, a State judicial officer shall not be held liable for any costs, including attorneys' fees, in any proceeding brought against such judicial officer for an act or omission of such officer while acting in an official capacity".

(b) CIVIL ACTION FOR DEPRIVATION OF RIGHTS.—Section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983) is

amended by inserting before the period at the end of the first sentence the following: ", except that in any action brought against a judicial officer for an act or omission of such officer while acting in an official capacity, injunctive relief shall not be granted unless a declaratory decree in the action was violated by such officer or declaratory relief was unavailable".

SEC. 10. CIVIL RIGHTS OF INSTITUTIONALIZED PERSONS ACT.

(a) EXHAUSTION OF ADMINISTRATIVE REMEDIES.—Section 7 of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1977e) is amended—

(1) by amending subsection (a) to read as follows:

"(a) In any action brought to section 1979 of the Revised Statutes of the United States, by any adult convicted of a crime confined in any jail, prison, or other correctional facility, the court shall continue such case for a period not to exceed 180 days in order to require exhaustion of such plain, speedy, and effective administrative remedies as are available."; and

(2) in subsection (b)—

(A) by redesignating paragraphs (1) and

(2) as paragraphs (2) and (3), respectively; and

(B) by inserting immediately after "(b)" the following:

"(1) Upon the request of a State or local corrections agency, the Attorney General of the United States shall provide the agency with technical advice and assistance in establishing plain, speedy, and effective administrative remedies for inmate grievances.".

(b) PROCEEDINGS IN FORMA PAUPERIS.—Section 1915(d) of title 28, United States Code, is amended to read as follows:

"(d) The court may request an attorney to represent any such person unable to employ counsel and may dismiss the case if the allegation of poverty is untrue, or if satisfied that the action fails to state a claim upon which relief can be granted or is frivolous or malicious.".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the date of the enactment of this Act.

SEC. 11. IMPROVEMENTS IN CASE MANAGEMENT.

Section 623(a) of title 28, United States Code, is amended—

(1) by redesignating paragraphs (5), (6), and (7) as paragraphs (6), (7), and (8), respectively; and

(2) by inserting after paragraph (4) the following new paragraph:

"(5) study and determine ways in which case and docket management techniques (including alternative dispute resolution techniques) may be applied to improve the cost-effectiveness of litigation and to eliminate unjustified expense and delay, and include in the annual report required by paragraph (3) details of the results of the studies and determinations made pursuant to this paragraph,".

SEC. 12. ASSIGNMENT OF JUDGES; PANELS; HEARING; QUORUM.

(a) IN GENERAL.—Section 46(c) of title 28, United States Code, is amended to read as follows:

"(c) Cases and controversies shall be heard and determined by a court or panel of not more than three judges (except that the United States Court of Appeals for the Federal Circuit may sit in panels of more than three judges if its rules so provide), unless a hearing or rehearing before the court in banc is ordered by a majority of the circuit judges of the circuit who are in regular active service. A court in banc shall consist of all circuit judges in regular active service, except that any senior judge of the circuit shall be eligible to participate, at his or her election, and upon designation and assignment pursuant to section 294(c) of this title and the rules of the circuit, as a member of an in banc court reviewing a decision of a panel of which such judge was a member.".

(b) ADMINISTRATIVE UNITS.—Section 6 of Public Law 95-486 (92 Stat. 1633) is amended to read as follows:

"SEC. 6. Any court of appeals having more than 15 active judges may constitute itself into administrative units complete with such facilities and staff as may be prescribed by the Administrative Office of the United States Courts.".

SEC. 13. SEVERABILITY.

If any provision of this Act or the amendments made by this Act or the application of any provision or amendment to any person or circumstance is held invalid, the remainder of this Act and such amendments and the application of such provision and amendment to any other person or circumstance shall not be affected by that invalidation.

SEC. 14. EFFECTIVE DATE.

Except as expressly provided otherwise, this Act and the amendments made by this Act shall become effective 90 days after the date of the enactment of this Act. This Act shall not apply to any action or proceeding commenced before such effective date, except that the amendments made by section 10 shall apply to civil actions pending in any court on the date of the enactment of this Act.

Mr. MCCONNELL. Mr. President, I am pleased to join Senator GRASSLEY in introducing the Access to Justice Act of 1992.

As a former chairman of the Subcommittee on Courts in 1985 and 1986, I began to be interested in this issue and have introduced comprehensive tort reform legislation in every session since then, the most recent being last year with S. 1979, the Lawsuit Reform Act.

Mr. President, we have heard a lot of talk recently about our competition with the Japanese, and there has been suggestions by the Japanese that somehow we are not productive. I dispute those notions outright. But I do think there is one area in which we are clearly unproductive and that is the degree to which we engage in civil litigation.

As the Vice President has pointed out, we have 70 percent of the world's lawyers. We have 20 times per capita the number of lawyers as they do in the United Kingdom. In fact, Mr. President, there is, I think, what could best be called a lawyer's tax as a result of all our litigation—on all of our products and services. And it is high time we began to get a handle on it.

The administration's bill, the Access to Justice Act, is a first step in the right direction. The lawyer's tax is an insidious thing, Mr. President, and it is also regressive. Ninety-five percent of the cost of a childhood vaccine is the lawyer's tax; a third of the cost of a stepladder. The lawyer's tax costs us $80 billion annually in direct litigation costs. It is estimated that the total cost to the United States is $300 billion, including costs incurred in efforts to avoid liability.

So, Mr. President, this is a very, very serious problem. It is one of the few pieces of legislation we could pass that would not cost the Government anything. This is a way of getting at excessive litigation in our country.

So I commend Senator GRASSLEY. I am pleased to be a principal cosponsor along with him. I hope that the Senate will finally, after all of these years, take some steps to enact effective tort reform.

Mr. President, I ask unanimous consent that a summary of S. 1979, the Lawsuit Reform Act be printed at this time in the RECORD.

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

SUMMARY OF S. 1979, THE LAWSUIT REFORM ACT

JOINT AND SEVERAL

Abolishes the joint and several liability doctrine. No party shall be held liable for the actions of others. Each party must pay only their proportional share of total damages, based on their share of responsibility for causing the injury.

LOSER PAYS

Requires losing party of any civil action covered by this bill to pay the attorney's fees and costs of the prevailing party. No one would be required to pay the prevailing party more than what the loser had paid or agreed to pay their own attorney. Would not apply if the loser had offered to submit the case to alternative dispute resolution, or if the loser would be considered indigent under the guidelines of the Legal Services Corporation.

DRUG AND ALCOHOL DEFENSE

If a person was under the influence of alcohol or an illegal drug at the time of the injury, and the intoxicated condition was at least 50 percent responsible for the injury, the bill will not allow the person to sue someone else for damages for this injury.

ALTERNATIVE DISPUTE RESOLUTION (ADR)

All defense and plaintiff attorneys are required to inform clients of alternatives to civil litigation, and certify to the court upon filing any action that such information was provided. If both parties voluntarily agree to submit to alternative dispute resolution, the decision of the alternative forum shall be binding, and there shall be no right of appeal.

SUBROGATION AND WORKERS' COMPENSATION

Provides that awards for damages in product liability suits will be offset by payments from workers' compensation programs, and allows for a right of subrogation.

LOCAL GOVERNMENTS (42 U.S.C. 1983)

In any action for damages against a local government under 42 U.S.C. 1983, the local government shall not be liable for the actions of its employees, unless attributable to an official policy or custom of that local government. A local government and its employees shall not be liable for any actions taken in good faith, and punitive damages shall not be awarded against a local government in any such statutory suit. Nothing in this provision shall prevent a person from obtaining full redress through a conventional civil tort lawsuit.

Applicability: This bill applies to all civil actions in Federal or State courts for neg-

ligence, professional malpractice, breach of implied warranty, and product liability; but not to actions for intentional torts, commercial loss, or damage to goods.

By Mr. BUMPERS (for himself, Mr. COCHRAN, Mr. ADAMS, Mr. AKAKA, Mr. SANFORD, Mr. SIMON, Mr. MITCHELL, Mr. WELLSTONE, Mr. GORE, and Mr. COHEN):

S. 2181. A bill to improve the capacity of rural communities to respond to homelessness, to establish effective program delivery models for prevention and remediation of homelessness in rural areas, to collect data on the extent and characteristics of homelessness in rural areas, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

RURAL HOMELESSNESS ASSISTANCE ACT

Mr. BUMPERS. Mr. President, I rise today to introduce the Rural Homelessness Assistance Act. It is legislation designed to aid those Americans who find themselves homeless in the most rural parts of America. I am pleased to be joined by Senators COCHRAN, ADAMS, AKAKA, SANFORD, SIMON, MITCHELL, WELLSTONE, GORE, and COHEN.

Most people think of homelessness as a peculiarly urban problem. Yet recent studies provide clear evidence that homelessness has spread to even the most remote corners of America's heartland. Increasing poverty, plant closings, and rising housing costs have combined to push many rural families over the edge into homelessness. In 1990, over 13,000 men, women, and children suffered the horror of homelessness in my State of Arkansas; and at least 25 percent of them resided in rural parts of the State. Reports from other rural States are equally alarming. In Tennessee, roughly 20 percent of the estimated 10,000 homeless people live in rural areas. In the southern 24 counties in Illinois in 1991, there was a 150-percent increase in requests for emergency shelter. There are an estimated 100,000 homeless people in Illinois with approximately 20 percent living in rural areas. Of 35,000 homeless in Mississippi, an estimated 10,000 of them are in rural parts of the State. In other States, the problem is just as severe, and service providers who care for homeless people are in desperate need of assistance.

Perhaps the most common manifestation of homelessness in rural areas is doubling up. This is where homeless people are taken in by friends and family—often in dangerously overcrowded houses. In the absence of sophisticated shelter and service delivery systems common in larger cities, homeless people in rural communities—including entire families—have been forced to take up residence in abandoned buses, chicken coops, and other health threatening, makeshift dwellings, isolated from the services they need to help them back on their feet.

I have spoken with several county officials in Arkansas, and they all say they are struggling to reach the people who most need help. They all agree that the near total lack of services in rural communities, and the scattershot nature of the services that do exist, make it virtually impossible for the most needy of our rural citizens to get the help they so desperately need. Too often that means that a temporary setback leads to permanent loss of a family home. And once homeless, the road back to self-sufficiency is that much harder.

Thus far, Federal efforts responding to homelessness have focused on big cities. Very little is being done to address the rising needs of homeless people in rural areas. For example, the latest census count of the homeless completely ignored homeless people in rural areas, and instead focused exclusively on homeless people in urban areas.

My bill is offered as a first step toward developing effective approaches to combatting the unique problems that contribute to homelessness in rural America and aiding communities in creating long-term solutions to the problem. My bill has been endorsed by several national groups, including the National Coalition for the Homeless, the National Association of Community Health Centers, and the Rural Housing Coalition.

Title I of this bill establishes a demonstration program designed to improve the capacity of small rural communities to address the comprehensive shelter, health and social service needs of homeless individuals and families. It will enable these communities to fill in the gaps in existing service systems that prevent homeless persons from gaining the employment, housing and social services they need to rebuild their lives. Title I provider for a three-to-one matching grant, and will coordinate existing services.

Title II of the bill will improve homeless families' access to transitional and permanent housing by expanding the availability of vacant single family homes currently held by the Farmers Home Administration. Thousands of families could be re-housed with this initiative by using available resources.

This bill would be the first attempt by Congress to deal specifically with the problem of rural homelessness. It is a problem that deserves the attention of Congress, because rural homelessness is a tragedy that undermines all that is good about this nation. If Government provides the leadership, then maybe private enterprise will follow suit. Maybe this nation will once again see to it that it is the responsibility of the whole community to take care of the poorest among us. If we cannot provide the most basic resources to help people shelter their families, then I fear that we have failed in our most basic mission of providing hope for those Americans who live in a world of unrelieved despair.

Mr. President, I ask unanimous consent that an article from the Wall Street Journal detailing the tragedy of rural homelessness in the United States be inserted in the RECORD, together with a copy of the bill.

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

S. 2181

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rural Homelessness Assistance Act".

TITLE I—RURAL HOMELESSNESS GRANT PROGRAM

SEC. 101. ESTABLISHMENT.

The Secretary shall establish and carry out a rural homelessness grant program. In carrying out the program, the Secretary may award grants to eligible organizations in order to pay for the Federal share of the cost of—

(1) assisting programs providing direct emergency assistance to homeless individuals and families;

(2) providing homelessness prevention assistance to individuals and families at risk of becoming homeless; and

(3) assisting individuals and families in obtaining access to permanent housing and supportive services.

SEC. 102. USE OF FUNDS.

(a) IN GENERAL.—An eligible organization may use a grant awarded under section 101 to provide in rural areas—

(1) rent, mortgage, or utility assistance after 2 months of nonpayment in order to prevent eviction, foreclosure, or loss of utility service;

(2) security deposits, rent for the first month of residence at a new location, and relocation assistance;

(3) short-term emergency lodging in motels or shelters, either directly or through vouchers;

(4) transitional housing;

(5) rehabilitation and repairs such as insulation, window repair, door repair, roof repair, and repairs that are necessary to make premises habitable;

(6) development of comprehensive and coordinated support services that use and supplement, as needed, community networks of services, including—

(A) outreach services to reach eligible recipients;

(B) case management;

(C) housing counseling;

(D) budgeting;

(E) job training and placement;

(F) primary health care;

(G) mental health services;

(H) substance abuse treatment;

(I) child care;

(J) transportation;

(K) emergency food and clothing;

(L) family violence services;

(M) education services;

(N) moving services;

(O) entitlement assistance; and

(P) referrals to veterans services and legal services; and

(7) costs associated with making use of Federal inventory property programs to house homeless families, including the pro-

gram established under title V of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411 et seq.) and the Single Family Property Disposition Program established under section 204(g) of the National Housing Act (12 U.S.C. 1710(g)).

(b) CAPACITY BUILDING ACTIVITIES.—Not more than 20 percent of the funds appropriated under section 109(a) for a fiscal year may be used by eligible organizations for capacity building activities, including payment of operating costs and staff retention.

SEC. 103. AWARD OF GRANTS.

(a) COMMUNITIES WITH POPULATIONS OF LESS THAN 20,000.—

(1) SET ASIDE.—In awarding grants under section 101 for a fiscal year, the Secretary shall make available not less than 50 percent of the funds appropriated under section 109(a) for the fiscal year for awarding grants to eligible organizations serving communities that have populations of less than 20,000.

(2) PRIORITY WITHIN SET ASIDE.—In awarding grants in accordance with paragraph (1), the Secretary shall give priority to eligible organizations serving communities with populations of less than 10,000.

(b) COMMUNITIES WITHOUT SIGNIFICANT FEDERAL ASSISTANCE.—In awarding grants under section 101, including grants awarded in accordance with subsection (a), the Secretary shall give priority to eligible organizations serving communities not currently receiving significant Federal assistance under the Stewart B. McKinney Homeless Assistance Act (Public Law 100-77; 101 Stat. 482).

(c) STATE LIMIT.—In awarding grants under section 101 for a fiscal year, the Secretary shall not award to eligible organizations within a State an aggregate sum of more than 5 percent of the funds appropriated under section 109(a) for the fiscal year.

SEC. 104. APPLICATION.

In order to be eligible to receive a grant under section 101, an organization shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. At a minimum the application shall include—

(1) a description of the target population and geographic area to be served;

(2) a description of the services to be provided;

(3) an assurance that the services to be provided are closely related to the identified needs of the target population;

(4) a description of the existing services available to the target population, including Federal, State, and local programs, and a description of the manner in which the organization will coordinate with and expand existing services or provide services not available in the immediate area; and

(5) an agreement by the organization that the organization will collect certain data on the projects conducted by the organization, including services provided, number and characteristics of persons served, causes of homelessness for persons served, and outcomes of delivered services.

SEC. 105. ELIGIBLE ORGANIZATIONS.

Organizations eligible to receive a grant under section 101 shall include private nonprofit entities, Indian tribes (as defined in section 102(a)(17) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)(17)), and county and local governments.

SEC. 106. FEDERAL SHARE.

(a) FEDERAL SHARE.—The Federal share of the costs of providing assistance under this title shall be 75 percent.

(b) NON-FEDERAL SHARE.—The non-Federal share of the cost of providing the assistance shall be in cash or in kind, fairly evaluated, including plant, equipment, staff services, or services delivered by volunteers.

SEC. 107. EVALUATION.

(a) EVALUATION.—The Secretary shall perform an evaluation of the program to—

(1) determine the effectiveness of the program in improving the delivery of services to homeless persons in the area served; and

(2) determine the types of services needed to address homelessness in rural areas.

(b) REPORT.—The Secretary shall submit to Congress, not later than 18 months after the date on which the Secretary first makes grants under the program, the evaluation of the program described in subsection (a), including recommendations for any Federal administrative or legislative changes that may be necessary to improve the ability of rural communities to prevent and respond to homelessness.

SEC. 108. TECHNICAL ASSISTANCE.

The Secretary shall provide technical assistance to eligible organizations in developing programs in accordance with this title, and in gaining access to other Federal resources that may be used to assist homeless persons in rural areas. Such assistance may be provided through regional workshops, and may be provided directly or through grants to, or contracts with, nongovernmental entities.

SEC. 109. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title $30,000,000 for fiscal year 1993 and such sums as may be necessary for each of the subsequent fiscal years.

(b) AVAILABILITY.—Any amount paid to a grant recipient for a fiscal year that remains unobligated at the end of the year shall remain available to the recipient for the purposes for which the payment was made for the next fiscal year. The Secretary shall take such action as may be necessary to recover any amount not obligated by the recipient at the end of the second fiscal year, and shall redistribute the amount to another eligible organization.

SEC. 110. DEFINITIONS.

As used in this title:

(1) HOMELESS.—The term "homeless" has the meaning given the term in section 103 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11302).

(2) PROGRAM.—The term "program" means the rural homelessness grant program established under this title.

(3) RURAL AREA; RURAL COMMUNITY.—The term "rural area" or "rural community" means an area or community, respectively, no part of which is within an area designated as a standard metropolitan statistical area by the Office of Management and Budget.

(4) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

TITLE II—RURAL HOUSING AMENDMENTS

SEC. 201. USE OF FMHA INVENTORY FOR TRANSITIONAL HOUSING FOR HOMELESS PERSONS AND FOR TURNKEY HOUSING.

Title V of the Housing Act of 1949 (42 U.S.C. 1471 et seq.) is amended by adding at the end the following:

"SEC. 542. USE OF FMHA INVENTORY FOR TRANSITIONAL HOUSING FOR HOMELESS PERSONS AND FOR TURNKEY HOUSING.

"(a) IN GENERAL.—The Secretary shall, on a priority basis, lease or sell program and nonprogram inventory properties held by the Secretary under this title—

"(1) to provide transitional housing; and

"(2) to provide turnkey housing for tenants of such transitional housing and for eligible families.

"(b) OTHER PRIORITIES NOT AFFECTED.—The priority uses of inventory property under this section shall not have a higher priority than—

"(1) the disposition of such property by sale to eligible families; or

"(2) the disposition of such property by transfer for use as rental housing by eligible families.

"(c) TRANSITIONAL HOUSING.—

"(1) LEASES AUTHORIZED.—The Secretary shall lease inventory properties to public agencies and nonprofit organizations to provide transitional housing for homeless families and individuals and to provide such agencies the option to provide turnkey housing opportunities for homeless persons and other inadequately housed families.

"(2) RENTAL TO ELIGIBLE FAMILIES.—A public agency or nonprofit organization may rent housing leased to it under paragraph (1) to a family for up to 10 years and may, during that period, assist the tenant in obtaining a loan and credit assistance under this title to purchase the housing from the Secretary.

"(d) LEASE PROCEDURES.—

"(1) IDENTIFICATION OF PROPERTY.—Upon receipt by the Secretary of written notification from a public agency or nonprofit organization that it proposes to lease a property for the purpose of providing transitional housing or for the purpose of providing transitional housing and turnkey housing opportunities, the Secretary shall—

"(A) withdraw the property from the market for not more than 30 days for the purpose of negotiations under subparagraph (B),

"(B) negotiate a lease agreement with the organization or agency, and

"(C) if a lease is agreed to, commence the repairs necessary to make the property meet standards for decent, safe, and sanitary housing.

"(2) LEASE TERMS.—A lease of inventory property under this section shall—

"(A) be for a period of not more than 10 years;

"(B) provide for the payment of $1 for the 10-year lease; and

"(C) provide the nonprofit organization or public agency—

(i) the right to use the property for transitional housing; and

(ii) the option to arrange for the sale of the property to an eligible purchaser.

"(e) PURCHASE PROCEDURES.—

"(1) IDENTIFICATION OF PROPERTY.—Upon receipt by the Secretary of written notification from a public agency or nonprofit organization that it proposes to purchase a property for the purpose of providing transitional housing or for the purpose of providing transitional housing and turnkey housing opportunities, the Secretary shall—

"(A) withdraw the property from the market for not more than 30 days for the purpose of negotiations under subparagraph (B),

"(B) negotiate a purchase agreement with the organization or agency, and

"(C) if a purchase agreement is agreed to, commence the repairs necessary to make the property meet standards for decent, safe, and sanitary housing.

"(2) PURCHASE TERMS.—A purchase of inventory property under this section shall provide for a purchase price equal to not more than the fair value of the property minus 10 percent.

"(f) DEFINITION.—As used in this section, the term 'Secretary' means the Secretary of Agriculture.".

NO HAVEN: HOMELESSNESS SPREADS TO THE COUNTRYSIDE, STRAINING RESOURCES

(By Scott Kilman and Robert Johnson)

HUNTSVILLE, MO.—The homeless, long a big-city phenomenon, are emerging as a rural crisis, too. Ask Lowell Rott. After his small, debt-ridden farm here was auctioned off on the courthouse steps in 1986, he slept for a time in his 1973 Dodge pickup. Now he's a squatter in an abandoned two-room house with no running water.

There isn't much demand for 50-year-old farmers like him. A high-school dropout, he works as a handyman for $10 a day and shower privileges. The faded old suit he wears for job interviews in town hasn't made him any more attractive. His face is streaked with cinders from a wood stove that generates so little heat he wears a parka to bed. He stubbornly keeps a hand in farming by raising castoff horses on the land of sympathetic neighbors. "The horses are homeless and so am I," he says. "We belong together."

A surprising—and growing—number of rural homeless like Mr. Rott are seeking shelter wherever they can find it: In caves near Glenwood Springs, Colo., under bridges in Des Moines, Iowa, and in junk cars close to Coventry, Vt. A scramble is on to build shelters in small towns from Boonville, Mo., to Wilmington, Ohio.

'THE HIDDEN HOMELESS'

Many small towns can't cope. They lack soup kitchens, subsidized housing, federal grant dollars and sometimes the bureaucratic savvy to snag such funds. Some rural communities have been slow to recognize a homelessness problem that shakes their idyllic self-image.

Some of the homeless are leaving big cities in search of safer streets and cheaper rent. But many of them are local people, thrown out of work by the farm depression of the '80s, displaced by the national recession of 1991 or crowded out of shelter by a declining stock of housing.

They have escaped the national attention attracted by the urban problem because they're scattered over remote areas. In addition, many are still in a transition stage of homelessness—they're still being sheltered by friends or sympathetic onlookers—so they're not yet out on the street and thus less visible. University of Colorado public-policy researcher Roger Carver calls the rural homeless "the nation's hidden homeless: out of sight, out of mind."

No one knows how many homeless people there are in rural areas nationwide—and any survey of homeless people is bound to be a very rough estimate. But an Ohio State University study put that state's rural homeless at 20,000, triple the estimated total in 1984. Officials in New Hampshire say the homeless in the countryside there have quadrupled to 8,000 in the last decade. Iowa figures it has about 2,500 people in shelters.

All this is awakening communities like Glenwood Springs, Colo., to the problems of the late 20th century. A decade ago, the rare down-and-out person could count on someone in the town of 7,000 to offer a spare bed and a meal, says Mary Wierenga, a veteran police officer there. "Now there are just too many," she says. The town's concern has sometimes turned to cynicism. When a homeless man sleeping on a sidewalk recently rolled under the wheels of a moving car, suffering several broken bones, some residents nicknamed him "Speed-bump."

The good will of many small towns is severely strained, and they are wrestling with their consciences. Outside Washington, Iowa, an abandoned county-supported poorhouse in the corn fields is being converted with a federal grant into a homeless shelter for 60 people, and the waiting list already stands at 12 families. But many dread it will become a mecca to the poor for miles around. "I have a spiritual side, but I'm worried about ruining a good town," says Raphael Gonshorowski, a councilman in Washington, where the desperate appearance of some homeless people has residents locking their cars for the first time.

The problem has been building for a while. Many rural communities saw the earning power of their poorest workers shrink in the 1980s as some manufacturers cut wages and jobs shifted to the low-paying service sector. Measured in 1989 dollars, the pay of a worker in the bottom 10% of wage earners in Iowa dropped 16% to $241 a week in 1988 from $286 a week in 1979, according to Thomas F. Pogue, a University of Iowa economics professor.

Unemployment in Washington has fallen by half from five years ago. But many of the new jobs are part-time at a Wal-Mart store, or in a neighboring county at a meat-packing plant, where turnover is high. Homeless people in Washington County (pop. 19,439) number about 150; there weren't enough to count five years ago. Since then, the ranks of those dipping into the county's tiny relief fund have tripled. "A lot of people are working for $4-an-hour nowadays," says Marian McCreery, who heads the state's welfare office there. "That isn't enough." (The minimum wage is $3.80.)

Seemingly, the population decline in rural America in the 1980s would have left cheap places for the homeless to go. But, in many rural towns, there is an acute shortage of affordable and inhabitable housing. Construction has evaporated because values collapsed amid the farm failures and plant closings of the past decade. Meanwhile, homes are getting older, in Iowa between 1980 and 1987, more housing units were knocked down than new ones built, resulting in a loss big enough to erase a city the size of Ames, Iowa. Rents haven't gone up enough to spur construction, but they have gone up enough to put some people on the street.

Lisa Bohlen, a single mother of two in Washington, found that a 40% rise in rents over the past three years overwhelmed her wages as a temporary store clerk and kitchen helper. Now she and the children are staying with a friend—she sleeps in the dining room, they sleep in a bedroom—but she worries that the welcome is wearing thin. "I never knew of anyone being homeless around there," she says. "Now, I am."

A CAVE LIKE A TOMB

Rents in rural America are much lower than in cities, of course, but rent is only part of the problem. After Stephen Capell lost his job as a welder in Los Angeles two years ago, his house was repossessed and he headed for Glenwood Springs, Colo. But to get an apartment there—even one at $300 a month—requires roughly $600 for a deposit and one month's rent. So Mr. Capell, who is 43 years old, lives in a cave in the Rocky Mountains outside of Glenwood Springs. A flickering of lantern illuminates the 20-foot-high ceiling of his cave, which he says reminds him of a tomb. "I believe I'm capable of more than this, worth more than this," he says.

He is one of at least six people living in the cluster of caves, which are warmed by hot springs. Muddy wool blankets are draped over the openings, and smoke from cooking fires hangs in the air. A growling 125-pound Rottweiler guards one of the caves, which is inhabited by an unemployed construction worker who says he is too embarrassed to give his name. Nearby, a woman is hanging clothes washed in a creek on a line strung between two sticks. Families with children sometimes sleep in the caves, but the climb up is too hazardous for most.

Some people have migrated here partly to escape big-city violence. "I got rolled in Phoenix and Denver," says Tim Travelstead. "People are nicer out here. In the big city, I'm just a skid-row bum." But what little research exists indicates that the homeless are often subject to crime in rural areas, too.

A TEEN-AGER'S WISH

Larry Sumpter worries about life for his family in the Salvation Army shelter in Columbia, MO. The only such facility for families in Boone County. It handles 70% more people than it did four years ago. The shelter operates in the red because it has had to quadruple the number of beds to 42.

Mr. Sumpter, his wife and three children—one just two months old—have been in the shelter for a month. He ran out of cash after losing a job delivering farm produce. Another prospective employer rejected him when he gave his address at the Salvation Army. "It was the first time anybody ever called me a 'transient,' and it doesn't seem right. I don't turn down work of any kind, and I have good references," he says. Mr. Sumpter, 38, stands in line to land temporary jobs at a day-labor service and made $3.85 ringing a bell for Salvation Army donations. His wife, Tammy, is a motel maid.

They fret over their 15-year-old daughter's dislike of school, where classmates have taunted her about being broke. After her parents leave for work, teen-ager Glenda babysits and struggles to maintain her dignity in the face of uninvited sexual advances from some men in the shelter. "Just to go to sleep at night without strangers all around would be so nice," she says.

Donald Ruthenberg, president of nearby Columbia College, says he is quietly allowing homeless families brief stays in the small school's empty dormitory rooms. "I suppose it could be a problem if certain people knew, what with security worries these days," he says. "But what am I supposed to do when I see parents and little children walking around town at dusk with nowhere to go?"

BUILDING A SHELTER

Ronald V. Good is asking the same question in Washington, Iowa. He is a transplanted Reformed Presbyterian pastor and part-time jailer from suburban Pittsburgh who got community support for the new homeless shelter by pulling heart strings, and pushing old-fashioned principles. He cast the renovation of the poorhouse as "transitional housing" and promised to be tough on bums. He bolstered his credibility by walloping two bullies on the town square for ridiculing his bald head.

Inspecting work on the shelter, which is slated to open in May, Mr. Good pats the beds and lumber he persuaded local firms to donate. He peers through a dirty window at the plot of land he envisions families using to raise goats and vegetables. "There should be at least one advantage to being homeless in the countryside," he says.

But many small towns can't afford a shelter and are afraid of drawing more poor to their doorstep. Others are torn by rural values such as self-reliance and independence. "There's a 'Lone Ranger' mentality out

here—a belief that everyone should make it on their own," says Tere Wilson, a former priest at St. Mark's Episcopal Church in Durango, Colo. He resigned from that church largely, because congregation members such as Dorothy Gore objected to his putting 20 homeless people in a church hallway. "The church isn't the place for the homeless," says Ms. Gore, a retiree who takes daily walks through the surrounding historic neighborhood. "We just couldn't have the homeless there: the smells, the mess of their grease from their cooking in the kitchen."

In Cambridge, Ohio, Mayor C. Charles Shaw says he vetoed a $48,000 federal grant to build a shelter partly because he feared it would become a "beacon" for transients. So a private group there quietly runs a shelter of its own. But Evelyn King, the city's housing program manager, worries that her volunteer group there jeopardizes her job. "People here don't want to see the homeless," she says. "But we're starting to have plenty of them in junk cars, abandoned buildings and dealing with Mother Nature."

Street people are almost beyond the imagination of many residents in Manchester, Iowa. Nestled among lush farms, the town is just up the road from the site of the movie "Field of Dreams." Local leaders dismiss a 1989 survey showing 745 people in the county were doubling up with friends or family, helping give the county the highest homeless rate in the state.

"The homeless are people on the street. We don't have that problem," says Jim Wiewel, president of the First State Bank of Manchester. "We want people to see us as a viable community. A high homeless rate doesn't help." Some officials in the county didn't cooperate with a 1990 statewide homeless survey, the official results of which haven't been released yet.

In Columbia, Mo., officials shun the idea of a city-supported shelter. "It's hard for me to see our homeless the same as those in a big city," says Lila Dewell, manager of city community services. "We were ranked the fifth most livable place in the country by Money magazine. We're a wonderful place."

Mr. WELLSTONE. Mr. President, I rise today as an original cosponsor of the Rural Homelessness Assistance Act. We are all aware of the difficult problems posed by the growth of homelessness in American cities in recent years. We have all seen people sleeping on grates, in subways, and in bus shelters, and we have all heard stories of the difficulties faced by individuals and families without permanent homes. There is, however, another homeless population in America, one that is largely invisible because it is not in the cities. I am speaking of the rural homeless, a population with characteristics and needs that are distinct from those of our cities. with this bill, we can begin to address the specific, and difficult, problems of this population.

There can be no doubt that the problem of rural homelessness in this country needs to be addressed. It is estimated that 14 percent of the homeless nationwide are from rural areas. More importantly, it is in nonmetropolitan areas that homelessness is growing most rapidly. In Minnesota the number of persons served in shelters in nonurban areas has increased by 150 percent since 1985. And, as most advocates for the homeless point out, the number of people in shelters is only the tip of the iceberg with respect to this problem, since people in rural areas are more likely to be doubled up with extended families, or to have taken shelter in abandoned houses where they lack essential services such as water, electricity, or heat. It does not take much imagination to understand the difficulties faced by individuals and families who live isolated from the services provided in urban areas when they face life without permanent housing.

The rural homeless are also distinct from those of the cities because they tend to include more families, fewer people with substance abuse problems, and fewer who are suffering from mental illnesses. On the other hand, family conflicts, as well as economic conditions, seem to be major factors in the rise in rural homelessness. This population is different from the urban homeless—this is why we need specific legislation to address their problems.

That is the goal of this act and that is why I have decided to become an original cosponsor. We need to recognize that when people in rural areas are faced with the loss of their homes there is often nobody for them to turn to, no organization that can provide them with the help they need to stay in their homes, or to find new shelter. Our first goal with this bill is the creation of denser networks of service providers in rural areas. This means providing resources for communities and nonprofit organizations that will help people not become homeless in the first place, by helping find ways for families to make difficult mortgage or rent payments, or to pay their gas and electricity bills. It will fund organizations that give people a place to turn in order to learn how to deal with domestic problems that might otherwise lead to the loss of their shelter.

When people do become homeless, this bill facilitates the efforts of organizations that work to create more emergency housing in rural areas. It encourages the establishment of groups to provide supportive services to the homeless as well as help in their search for permanent housing and self-sufficiency. The Rural Homelessness Act will work to encourage community-based organizations to fill in the service gaps in rural areas, creating a more comprehensive service system, such as the ones we have already established in our cities. It provides them with the resources they need to move toward these goals.

At the same time, this act does not simply take an approach to the problem of homelessness developed for the cities and apply it to rural areas. Recognizing that rural America has specific needs, and that different rural communities have needs that are distinct from each other, it is structured to leave communities the ability to design their programs to suit the needs of the homeless population in their particular area. Furthermore, it creates a means to evaluate the effectiveness of the programs that are established under this act.

Rural communities in America have not been given the resources to adequately help their homeless people. This bill is intended to assist communities and community organizations help homeless people maintain a sense of dignity. It has been endorsed by many of my colleagues, as well as by some of the major organizations of advocates for the homeless. This is a much needed and well thought out piece of legislation. I would like to thank Senator BUMPERS for introducing this bill and I urge my colleagues to join me in support of it.

By Mr. DECONCINI:

S. 2182. A bill to amend the Child Nutrition Act of 1966 to make the special Supplemental Food Program for Women, Infants, and Children [WIC] an entitlement program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

PERMANENT FUNDING OF SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN

Mr. DECONCINI. Mr. President, for the last several years my friend from Rhode Island, Senator CHAFEE, and I have led the efforts in the Senate to increase appropriations for the Special Supplemental Food Program for Women, Infants, and Children [WIC].

As my colleagues will recall, our effort last year sought to increase WIC funding by $250 million over the prior year's current services level in order to maintain the schedule for full funding of WIC by 1995. Despite a record number of cosponsors for our annual WIC appropriations initiative, the enacted appropriations level for the fiscal year 1992 for WIC was a full $100 million short of the target. It is very hard to imagine that 88 Senators can agree on anything; it is even harder to imagine that such a consensus could be formed and fail to achieve its goal.

Mr. President, I do not find fault in any way with the conferees on the fiscal year 1992 Agriculture appropriations bill. Their task was nearly impossible given an insufficient subcommittee allocation to meet all the demands placed upon them, especially in light of continued problems related to crop disaster insurance.

I sincerely applaud the efforts of Agriculture Subcommittee chairman, Senator BURDICK and ranking member, Senator COCHRAN, last year—both have consistently done whatever they could on behalf of WIC and last year's effort was no exception.

Mr. President, the reason our efforts failed to keep pace with the WIC full funding schedule by 1995 are many, the

most important of which is that the number of new poor at nutritional risk is growing faster than our ability to serve them. Hence, I am calling for WIC to be permanently funded as an entitlement to assure that our Nation's most needy children have a fighting chance to live, learn in school, and reach their full potential.

Mr. President, I realize those are words that set people on edge, an entitlement. But what is more important than to be entitled to enough food and nutrition so that you can grow up healthy. If that is not paramount in any nation's priority, I do not know what is.

WIC provides critical nutrition and health benefits to over 4.5 million low-income pregnant women and young children at risk of diet-related health problems, but almost as many other needy women and children are unserved. Tragically, America ranks 19th in the world in infant mortality.

Every year 40,000 infants die in the United States and another 11,000 babies are born with long-term disabilities that result from their weakened condition. Unless we act—and act soon—to provide full funding for WIC, we will lose more American infants in the next 13 years than we have lost soldiers in all the wars fought by this country in this century.

WIC is a Government program that works and I have been a leading advocate for this program since its inception because it is the right thing to do. WIC not only prevents infant mortality and low birth weight, study after study has also shown that WIC is the most cost-effective method to do so. WIC reduces Medicaid costs: Each dollar invested in WIC's prenatal components saved between $1.77 and $3.13 in Medicaid costs. In addition, studies show that future special education costs are reduced through WIC's early nutrition intervention.

Nevertheless, there is room for improvement. WIC has not come close to fulfilling its potential. Current funding levels support about 60 percent of the eligible women, infants, and children nationwide. Arizona currently receives funding that enables the WIC Program to assist approximately 60 percent of those eligible throughout the State, but serves only 40 percent of those eligible in the urban areas. Nationwide, WIC isn't doing any better—less than 60 percent of all women, and just over 40 percent of children eligible for the program are being served. The bipartisan National Commission on Children's report says that the Federal Government isn't investing enough in WIC and recommends WIC be expanded to serve all financially needy pregnant and nursing women, and infants and children at nutritional risk. To do so will require increased annual funding of approximately $1.15 billion, or 44 percent more than the $2.6 billion appropriated for fiscal year 1992.

Mr. President, I wish we could proceed along the current phased-in full funding schedule.

However, the reality is that we are never going to serve the 8.7 million currently eligible by 1995 if we proceed on the current track. We have to get beyond the way money is currently budgeted. WIC funding tripled during the 1980's—faster than any other nondefense, domestic program—but rising poverty rates have all but wiped out the earnest efforts which many of my colleagues and I have made. In 1990 alone, the number of children in poverty in America rose over 840,000 to 13.5 million children, a substantial number of whom are nutritionally at risk. That is why WIC needs permanent funding.

Many child nutrition advocates have not agreed with me about seting up an entitlement for WIC. They fear that other Government programs, including other child health and nutrition programs, will unduly suffer from rapid expansion of WIC. If that were true, I would not embark upon this effort.

The reality is that WIC can be transformed into an entitlement with barely more than the short-term and long-term savings it will produce. We need only to reform the Federal budget process to allow WIC to be able to recoup the savings it creates for Medicare as well as other Federal health care and education programs.

Mr. President, some other funds would be needed to fund WIC until the savings are realized, but these early outlays are insignificant in relation to the long-term savings. Even if the money was deducted out of the defense budget, it still would amount to only a fraction of their expenditures.

The cost of infant mortality is borne by all of American society. The lifetime costs of caring for just one low birth weight infant can total $400,000. The cost of prenatal care—care that might prevent the low birth weight condition in the first place—can be as little as $400. As a nation we have a choice. We can pay now or we can pay much more later.

Mr. President, until this legislation is enacted, I will continue to fight as hard as I can for the highest level of appropriation possible for the WIC program. I have not given up all hope that we can achieve full funding by 1995. The odds are not good, but I remain committed to do whatever I can do to achieve phased in full funding by 1995.

Mr. President, the bottom line is WIC is a Federal initiative that works and we should work to make it a reality for the millions of women and children whose health will continue to suffer without it.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

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

S. 2182

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

SECTION 1. SPECIAL SUPPLEMENTAL FOOD PROGRAM.

(a) IN GENERAL.—Section 17(c)(1) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(c)(1)) is amended—

(1) in the first sentence, by striking "may" and inserting "shall"; and

(2) by inserting after the first sentence the following new sentence: "Subject to the other provisions of this section, an eligible individual shall be entitled to receive the full amount of benefits authorized under this section.".

(b) APPROPRIATION.—Section 17(g)(1) of such Act is amended by striking the first sentence and inserting the following new sentences: "For purposes of providing benefits to all eligible individuals in the program and otherwise carrying out this section, there are authorized to be appropriated, and there are appropriated, to carry out this section such sums as may be necessary for fiscal year 1992 and each succeeding fiscal year. The Secretary shall make available the sums described in the previous sentence to carry out this section.".

(c) EFFECTIVE DATE.—The amendments made by this section shall become effective on October 1, 1992.

By Mr. SHELBY:

S. 2183. A bill to prohibit the Secretary of Veterans Affairs from carrying out the Rural Health Care Initiative; to the Committee on Veterans' Affairs.

PROHIBITION ON IMPLEMENTATION OF RURAL HEALTH CARE INITIATIVE

Mr. SHELBY. Mr. President, in the past two centuries the standard for good public policy has vacillated between two often contradictory ends: the reasonableness or rationality of a policy and the morality or rightness of that policy. I rise today to introduce legislation that will end a policy that is neither reasonable nor right, neither rational nor justified. The Department of Veterans Affairs Rural Health Initiative meets neither test of good public policy. As such, the legislation that I am introducing today would eliminate the Secretary of Veterans Affairs authority to treat nonveterans, other than qualified dependents, in health care facilities administered by the DVA under the current sharing program with HHS.

While this program has been praised in some quarters as an innovative policy that addresses the deficiencies of rural health care, I contend that the program, if fully implemented, would equate to the attempt to empty an ocean with a spoon. No one is more painfully aware than I of the current crisis in rural health care. In the past decade, my home State of Alabama has seen numerous closings of rural hospitals and a steady decline in the delivery of rural health care. I am a staunch proponent of quality, affordable health care for all Americans, rural or urban. Yet, such health care should not be provided at the expense of our Nation's

veterans. Despite the DVA's claim to the contrary, the rural health initiative will cost our veterans a further share of their ever decreasing and declining benefits.

I stated at the outset that this program fails the test of good policy on two points: Its reasonableness and its justness. As to its reasonableness, for this policy to be successful it must fulfill one primary intention. The initiative must not interfere with the DVA's ability to deliver health care to all qualified veterans and qualified dependents. Veterans must not be turned away from facilities as a result of the added pressure of treating HHS cases nor should the quality of their care decline.

Mr. President, there can be no doubt that should this program move from the pilot stage to large scale implementation, in the coming decade such a program will overburden an already understaffed and underfunded veterans hospital system. Numerous studies show that during the next two decades the number of veterans over the age of 75 will increase by nearly 200 percent. In addition, the DVA's own commissioned study stated that at present funding levels the veterans health care system cannot possibly meet its future obligations. A clear picture emerges of an overburdened and under funded system. Everyday my constituents write me with account after account of the often poor health care in VA hospitals. What leads the Secretary to believe that any additional pressure on these hospitals at present funding levels will do anything other than worsen an already deplorable situation for our Nation's veterans? Presumably this program would affect only those hospitals that are under capacity. The director of the veterans hospital in Tuskegee, AL, one of two pilot hospitals in this program, notes that in terms of unused capacity his hospital has very few vacant beds.

To worsen matters still, the treatment of nonveterans in these facilities may provide treatment to nonveterans that is not available to veterans. We all know of the often complicating and confusing nature of veterans health programs. Often a veteran may qualify for the treatment of one condition while being denied treatment for another. How does it look for a facility constructed and chartered to serve the needs of veterans to provide services to individuals on a third party payment plan while denying the same procedure to a veteran in the same facility? The Secretary promises that veterans will see no reduction in services. Demographic trends and funding levels suggest that reduction will take place regardless of whether or not the rural health initiative becomes a full scale program. The initiative will only serve to further reduce the quality of programs already in dire need of help. While I am sure that the Secretary is most sincere in his efforts and intends no harm to our veterans, many well intentioned efforts have had most adverse results. VA facilities have been asked to do more with less for many years. Generally, they have done less with less, and such reductions or added responsibilities have only been to the detriment of our veterans.

The question of right or wrong with regard to this policy is clearly and easily answered. Only a year ago we praised the bravery of our Nation's veterans and appreciated in the most direct manner their sacrifices for our Nation's security and welfare. Yet simultaneously we continued to pass veterans budgets that did not measure up to our stated appreciation. Everyday our veterans suffer great indignities in these under supported facilities. Now we ask them to suffer one more indignity and to believe one more promise that they will not suffer in the name of innovation and administration. Veterans hospitals are the exclusive domain of veterans and their qualified dependents. I cannot support any program that in any way reduces further the dignity of our Nation's veterans or further erodes the commitments to certain exclusive services to them for their sacrifice to our Nation. This policy is neither reasonable nor is it right. I ask my colleagues to join me in support of this measure.

By Mr. KENNEDY:

S. 2185. A bill to suspend the forcible repatriation of Haitian nationals fleeing after the coup d'etat in Haiti until certain conditions are met; read the first time.

SUSPENSION OF FORCED REPATRIATION OF HAITIANS

Mr. KENNEDY. Mr. President, I am introducing today, along with my colleague on the Immigration and Refugee Subcommittee, Senator SIMON and Senator DECONCINI, emergency legislation to temporarily suspend—for 2 weeks—the forced repatriation of Haitians from Guantanamo Bay, and to require the President to certify at that time that the repatriation program is safe and meets a number of conditions.

At a minimum, we should suspend the currently planned forced repatriation program until the United Nations, the Organization of American States, or the International Federation of the Red Cross can determine conditions in Haiti are safe to do so.

Mr. President, although the Supreme Court has given the administration the legal authority to forcibly repatriate Haitians, it would be wrong for this country to do so until conditions are clearly safe for their return.

Reports of continuing violence and threats of violence in Haiti in recent weeks require us to give temporary protection to all Haitians unwilling to return at this time. In the present deplorable state of the record, it would make a mockery of America's highest ideals to compel any Haitians to return to their country against their will.

The United Nations High Commissioner for Refugees has sought assurances from the administration that Haitians will not be returned until it is safe. We should urge the United Nations or the OAS to immediately send a delegation to Haiti to determine if conditions are safe, before we begin a forced repatriation program.

Until that assessment is made, no Haitian should be sent back to a potentially dangerous and violent future.

Mr. President, the bill we are introducing today will suspend forced repatriation for the next 2 weeks, until the President can certify to Congress that conditions are safe; that adequate international monitors are in place in Haiti, with freedom of movement and access to all parts of the country; and that a viable screening process will remain in place in Guantanamo to protect legitimate refugees.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD following the texts of recent editorials supporting the suspension of forced repatriation.

I ask that these editorials be printed at this point in the RECORD.

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

S. 2185

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

SECTION 1. PROHIBITION.

No Haitian national described in section 3 may be repatriated against his or her will to Haiti from the United States military installation at Guantanamo Bay, Cuba, or from the United States, until after—

(1) February 21, 1992, or

(2) the date on which the President makes the certificate described in section 2,

whichever is later.

SEC. 2. CERTIFICATION REQUIREMENTS.

Whenever the President determines the following, he shall so certify to the Judiciary Committees of the Congress:

(1) That the number of staff personnel of the Organization of American States, the International Federation of the Red Cross, the United Nations, or any other appropriate international agency has been augmented in Haiti sufficiently to monitor repatriated Haitian nationals throughout Haiti and to report accurately on conditions relating to their safety.

(2) That such international monitors have free and unimpeded access to repatriated Haitian nationals, regardless of their location in Haiti.

(2) That—

(A) violence in Haiti, both random and targeted, has been reduced since the September 30, 1991, coup d'etat sufficiently to assure that future repatriated Haitian nationals will not face persecution or politically motivated violence; and

(B) those Haitians already repatriated have not been harmed.

(4) That the United States has in place an administrative system under the Refugee

Act of 1980 and the Immigration and Nationality Act to assure that Haitian nationals who may continue to flee Haiti, and are in United States custody, would have ample opportunity under a viable screening process to seek admission to the United States as refugees under section 207 of the Immigration and Nationality Act or for the purpose of applying for asylum under section 208 of such Act.

SEC. 3. HAITIAN NATIONALS COVERED.

A Haitian national referred to in section 1 is a Haitian national who fled Haiti on or after September 30, 1991, without a visa for entry into the United States.

[From the Boston Globe, Feb. 4, 1992]

REPATRIATION CRISIS FOR HAITIANS

Within weeks after the coup in Haiti that ousted President Jean-Bertrand Aristide, resolutions were pending in both houses of Congress to address the refugee issue. That was in October. Action is yet to be taken.

The resolutions, introduced by Sen. Connie Mack of Florida and Rep. Charles Rangel of New York, called for the attorney general to suspend deportation proceedings of Haitians until Aristide was restored to power.

In three months since those resolutions were introduced, Aristide's return to power seems a dim possibility, and what was once a refugee problem has now become a full-blown crisis—a crisis made worse, not better, by the court's decision to allow forced repatriation.

The congressional resolutions mandated that the White House abide by the Immigration and Naturalization Act, which allows for temporary protected status for refugees whose home countries are deemed dangerous. Such status has been granted to those fleeing Lebanon, Kuwait and Cuba.

The Bush administration—haunted by anti-immigrant sentiment in this country—insists that no such danger exists, despite well-documented reports by human-rights monitors of rape, murder and mayhem. Apparently, there are members in Congress who fear the same backlash, which might explain its failure to act more swiftly in demanding asylum for Haitians.

Sen. Edward Kennedy is now urging the administration to halt the repatriations and grant temporary protected status, a position he has wavered on in recent weeks. He has also encouraged the United Nations high commissioner to go to Haiti to determine whether the country is indeed unsafe. Legislation to halt the repatriations, proposed by Rep. Romano Mazzoli of Kentucky last November, is scheduled to be discussed today by the House Judiciary subcommittee on international law, immigration and refugees.

These actions come to late, however, for hundreds of Haitians who have already been returned. Their fate will now be in the hands of brutal police and military forces who will, no doubt, be encouraged by the repatriations. Perhaps Congress still has time to intervene in behalf of those who remain at Guantanamo Bay. Let us hope they will use that time and influence more expeditiously.

[From the Boston Herald, Feb. 4, 1992]

LADY LIBERTY'S WORDS

There is unseemly haste to repatriate 10,000 Haitian refugees currently in the custody of the federal government. It's almost as if we hope that by forcibly returning them to the troubled island we can pretend the problem no longer exists.

On Saturday, the U.S. Coast Guard sent back the first 250 refugees from our naval base at Guantanamo, Cuba, after the Supreme Court lifted an injunction barring their return.

The government maintains the Haitians aren't legitimate refugees, that they merely seek to escape bone-crushing poverty, as opposed to political persecution.

If what has been going on in Haiti since September, when the nation's first democratically-elected government was overthrown by a military coup, isn't repression, it will do until the real thing comes along.

Since the overthrow of the government of Jean-Bertrand Aristide, the military has launched a search and destroy mission against political opposition, real and potential.

Human rights monitors stationed there speak of mass arrests and the disappearance of detainees. If most of the island's populace live in fear of their lives, it is not without good cause.

But why must political persecution be the sole criterion for granting refugee status? Death by hunger, disease and malnutrition are just as certain (and frequently more painful) than a bullet in the back of the head. Most of our immigrant ancestors were "economic refugees."

The Justice Department says there are 20,000 Haitians massing on the shores of their homeland, preparing to depart for America, and quick repatriation is needed to discourage the exodus. The claim is dubious. But if true, doesn't that say something about dismal conditions in Haiti?

America has the capacity to absorb these refugees, or five times their numbers, handily. The keelhauling of Haitian refugees, without even a semblance of due process, belies our claim to be a haven for the oppressed.

Have we as a nation forgotten those words at the base of the Statue of Liberty?

"Give me your tired, your poor.
Your huddled masses yearning to breath free."

Have we forgotten, or are we merely determined to make a mockery of them?

[From the New York Times, Feb. 4, 1992]

HUMANITY FOR HAITIANS

Under ordinary circumstances, the United States cannot admit every Haitian who arrives on these shores seeking a better life. But today's circumstances are not ordinary. The U.S. cannot decently force terrified asylum-seekers to return to the hell their homeland has become.

Since the Supreme Court lifted a restraining order on Friday, the Bush Administration has seemed intent on shipping Haitian would-be refugees home. Congress needs to retrieve America's reputation for compassion by quickly approving emergency legislation.

Haiti has long been the Western Hemisphere's poorest nation. Its people have been willing to risk danger, detection and deportation for the opportunity to work in the U.S. Haitian immigrants have made a positive contribution to American society. But allowing in all who want to come would be unfair to the thousands of people from other impoverished, more distant countries who patiently wait their turn for legal admission.

Since a violent coup late last year, Haiti has become the hemisphere's most dangerous nation as well as its poorest. Armed thugs terrorize poor neighborhoods, trying to crush support for Haiti's exiled President, Jean-Bertrand Aristide. More than 1,500 people have perished, Amnesty International reports. The Bush Administration, hoping to dislodge the military regime, supports a trade embargo that adds to the privations of Haitian life.

But even as the Administration tries to force political change in Haiti, it has sought court permission to ship back all fleeing Haitians who do not meet the narrow legal requirements for asylum. Those requirements involve a demonstrable fear of direct personal victimization, but not, say, a reasonable fear of being caught up in the deadly violence being unleashed by the military regime.

The Administration's own reasonable fear is that once word reaches Haiti that people are not being turned back, an unmanageably massive flight will begin. And it worries about alienating Florida voters with an inundation of Haitians in an election year. Those are real risks. But with safeguards like temporary sanctuary, both humanity and prudence can be served.

Further court tests lie ahead, but the Coast Guard is now free to repatriate most of the 12,000 Haitians held at Guantánamo, Cuba. Even though the situation in Haiti is particularly turbulent, the Administration seems determined to move quickly. That leaves it up to Congress to show the compassion America has displayed in the past for Cubans, Vietnamese and others in a similar predicament.

A bill introduced yesterday by Representative Romano Mazzoli would grant Haitians now in U.S. custody a "temporary protected status." It would hold up involuntary repatriations until the President could certify that a democratically elected government was again securely in power in Haiti. If Congress moves quickly, the bill could be on the President's desk in days.

An early return to democratic government may seem unlikely under Haiti's present circumstances. But it is the formal objective of U.S. diplomacy. If that is no longer a realistic goal, America's entire policy toward Haiti needs to be rethought, and strengthened.

Haiti's nascent democracy has been hijacked by thugs, some of them apparently involved in drug dealing. Good policy and good politics argue against the Bush Administration acquiescing in their rule. Common humanity argues against America forcing people back into their bloody hands.

[From the Washington Post, Feb. 4, 1992]

HAITI'S REFUGEES

Forcible repatriation of refugees—sending people back to a country where they face not only great hardship but the risk of physical harm—is an ugly business. The United States has now returned to Haiti the first several hundred of some 10,000 whom the Coast Guard has plucked out of the sea on their way, they had hoped, to Florida. For a country with the resources of the United States and its deep commitment to human rights, this is a sorry response to the Haitian tragedy.

No Haitians ought to be forced to return until some degree of peace and order prevails in their land. But the Bush administration backs uneasily away from that standard. As things are now going, it may be a very long time before Haiti sees much peace and order.

In retrospect, it's clear that the United States and the Organization of American States made a fundamental political miscalculation last October. The army had pushed the democratically elected president, Jean-Bertrand Aristide, into exile. The hemisphere's governments immediately

joined hands to impose a tight embargo. The idea was that the economic pain inflicted by the embargo would force the army to give up power and allow the president to return. But that overlooked the nature of the Haitian army.

It is much less an army in the modern sense than a loose confederation of armed bands not reliably under the control of its officers. Many of these armed bands are engaged in preying on the civilian population, running drugs and smuggling. Since the embargo enhances the smuggling trade, the soldiers have little interest in ending it. Diplomats of the OAS had worked out an intricate arrangement under which President Aristide would return and govern with another politician, Rene Theodore, as his prime minister. Ten days ago armed police, who in Haiti are subservient to the army, broke into one of Mr. Theodore's meetings, beat people at random and, to emphasize their purpose, murdered one of his bodyguards with a machine gun.

The embargo continues to cause great suffering, but not among the gunmen. Since it isn't serving its purpose, this embargo needs to be relaxed. The Bush administration has been debating the exemption of at least the assembly industry—the factories that imported components mainly from the United States and re-exported the products. There were more than 35,000 jobs in those factories before the embargo. To persist in the present total embargo is to increase the distress, purposelessly, in a country now ruled by cruelty and violence. To force refugees to return there under these conditions is worse. It is a violation of American values.

By Mr. ADAMS:

S. 2186. A bill for the relief of Rolando and Amelia Degracia; to the Committee on the Judiciary.

S. 2187. A bill for the relief of Celestina Maes; to the Committee on the Judiciary.

RELIEF OF CERTAIN INDIVIDUALS

• Mr. ADAMS. Mr. President, I rise today to introduce two private immigration relief bills. Private immigration relief legislation is, by definition, the last recourse immigrants have to appeal Immigration and Naturalization Service decisions. Legislation should be initiated only after careful thought and for truly meritorious cases.

The cases of Rolando and Amelia Degracia and Celestina Maes fit this bill.

Rolando and Amelia Degracia are citizens of the Philippines. Rolando was born in the Philippines on November 18, 1947. Amelia was born in the Philippines on October 11, 1949.

In March 1983, Mr. Degracia entered the United States to attend military training at Fort Eustis, VA, on behalf of the Philippine Government. Ms. Degracia came to the United States and enrolled in a course of pediatrics at Mount Sinai Hospital in New York.

Rolando and Amelia's son, Rommel, was born prematurely on August 4, 1983 in Williamsburg, VA, and is U.S. citizen. Because of his premature birth, Rommel required extensive surgery which involved removal of a portion of his intestines. As a result of this operation, Rommel has a short, poorly functioning intestinal tract which renders him incapable of total oral nutrition. He requires daily infusions of a special formula through a central line catheter into his heart to survive.

Because the medical solutions and supplies necessary for Rommel's survival are not available to the Philippines, he must continue to obtain medical care in the United States.

Amelia informed my staff that she has visited the Philippines on two occasions with disastrous results. During their first visit, Amelia and Rommel were forced to return to the United States after 9 days because the pump controlling the rate of infusion of his formula malfunctioned. Amelia obtained an improved pump and returned to the Philippines. However, once again, the pump malfunctioned forcing Amelia and Rommel to return to the United States. Clearly, as these examples point out, Rommel must have access to U.S. medical technology in order to survive.

Since Rommel Degracia is a U.S. citizen and depends on American medical supplies and technology for survival, Amelia and Rolando Degracia have requested private immigration bills.

Celestina Maes is a citizen of the Philippines and a widow of a United States citizen. Celestina and Julian Maes were married in the Philippines on November 22, 1982. Prior to Julian's death in 1987 in the United States, the couple had three children who are U.S. citizens. Although Celestina never immigrated to the United States, she indicates Julian intended that his children grow up in the United States.

Although the INS in Seattle has granted her voluntary departure status, Celestina's attorney indicates, "There is, however, no statutory or administrative basis for her remaining permanently in the United States." Celestina must depend on the good will of the INS to remain in the United States with her children. Celestina and her children are worried that, at some point, her voluntary departure status will be revoked and she will be required to return to the Philippines and leave her children in the United States with friends.

Celestina Maes has requested a private immigration bill so that she may become a permanent resident and remain in the United States with her U.S. citizen children.

I am satisfied that all possible avenues for immigration have been investigated in these cases and that the only option available is to introduce private relief immigration bills.•

By Mr. GRAHAM (for himself, Mr. MACK, Mr. DECONCINI, Mr. STEVENS, and Mr. INOUYE):

S.J. Res. 250. Joint resolution to designate February 1992 as "National Grapefruit Month"; to the Committee on the Judiciary.

NATIONAL GRAPEFRUIT MONTH

Mr. GRAHAM. Mr. President, I am joined today by several of my colleagues in introducing a joint resolution designating February 1992 as National Grapefruit Month. Congress has good reason to honor America's grapefruit industry.

The United States was the first Nation to develop its grapefruit industry into a commercially viable operation. The economic impact of the grapefruit crop will approximately be $2.5 billion this year. More than 40,000 individuals will be employed by the industry. And grapefruit exports are helping our balance of trade with many countries—today we are the world's leading producer and exporter of grapefruit. Grapefruit from my home State of Florida, for example, is exported heavily to the Pacific rim area where it is prized for its superior quality and flavor.

For more than 75 years Florida has been producing grapefruit, in fact this year our State will grow more than 50 percent of the world's grapefruit. That translates into more than 4 billion pounds from over 11 million grapefruit trees on 125,000 acres of Florida land.

Mr. President, grapefruit is easy to eat, tastes great, supplies 100 percent of the U.S. recommended daily allowance for vitamin C, and is a good source of vitamin A, potassium, folic acid, and dietary fiber. Given the importance of the grapefruit crop to the U.S. economy, I ask my colleagues to join me in saluting our Nation's citrus industry and the world's finest grapefruit.

Mr. MACK. Mr. President, I rise today to introduce a joint resolution declaring February 1992, as "National Grapefruit Month."

The United States was the first Nation in history to make its grapefruit industry commercially viable. Today, America ranks as the world's leading producer and exporter of grapefruit; this contributes significant revenues to the U.S. economy. Americans everywhere can find fresh grapefruit in their neighborhood markets from September through June, and grapefruit juice is available year-round.

It is important to know that grapefruit supplies 100 percent of the U.S. recommended daily allowance for vitamin C. Moreover, it is an excellent source of vitamin A, potassium, foliate, and dietary fiber. The National Research Council recommends that Americans consume five or more servings of fruits and vegetables, especially citrus, every day. Thanks to increased production, grapefruit can play an even greater role in a healthy American diet. Grapefruit is not only highly nutritious, it is delicious too.

Thus, it is with pride that Senator GRAHAM and I introduce this joint resolution today, in the hopes that it will encourage Americans around the coun-

try to make grapefruit a regular feature on their families' table.

ADDITIONAL COSPONSORS

S. 25

At the request of Mr. CRANSTON, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of S. 25, a bill to protect the reproductive rights of women, and for other purposes.

S. 574

At the request of Mr. WOFFORD, his name was added as a cosponsor of S. 574, a bill to amend the Civil Rights Act of 1964 to prohibit discrimination on the basis of affectional or sexual orientation, and for other purposes.

S. 1002

At the request of Mr. SHELBY, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 1002, a bill to impose a criminal penalty for flight to avoid payment of arrearages in child support.

S. 1257

At the request of Mr. BOREN, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 1257, a bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain real estate activities under the limitations on losses from passive activities.

S. 1423

At the request of Mr. DODD, the names of the Senator from Mississippi [Mr. LOTT], the Senator from Texas [Mr. BENTSEN], and the Senator from Louisiana [Mr. BREAUX] were added as cosponsors of S. 1423, a bill to amend the Securities Exchange Act of 1934 with respect to limited partnership rollups.

S. 1677

At the request of Mr. DASCHLE, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 1677, a bill to amend title XIX of the Social Security Act to provide for coverage of alcoholism and drug dependency residential treatment services for pregnant women and certain family members under the medicaid program, and for other purposes.

S. 1842

At the request of Mr. DASCHLE, the names of the Senator from Hawaii [Mr. AKAKA] and the Senator from Kansas [Mr. DOLE] were added as cosponsors of S. 1842, a bill to amend title XIX of the Social Security Act to provide for Medicaid coverage of all certified nurse practitioners and clinical nurse specialists services.

S. 1902

At the request of Mr. ADAMS, the names of the Senator from Colorado [Mr. BROWN], the Senator from California [Mr. CRANSTON], and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of S. 1902, a bill to amend title IV of the Public Health Service Act to require certain review and recommendations concerning applications for assistance to perform research and to permit certain research concerning the transplantation of human fetal tissue for therapeutic purposes, and for other purposes.

S. 1912

At the request of Mr. DOMENICI, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 1912, a bill to amend the Public Health Service Act and the Social Security Act to increase the availability of primary and preventive health care, and for other purposes.

S. 2065

At the request of Mr. DIXON, the name of the Senator from California [Mr. SEYMOUR] was added as a cosponsor of S. 2065, a bill to federalize the crime of child molestation for repeat offenders.

S. 2106

At the request of Mr. CRANSTON, the names of the Senator from Nevada [Mr. REID] and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of S. 2106, a bill to grant a Federal charter to the Fleet Reserve Association.

S. 2169

At the request of Mr. LAUTENBERG, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of S. 2169, a bill making supplemental appropriations for programs in the fiscal year that ends September 30, 1992, that will provide near-term improvements in the Nation's transportation infrastructure and long-term benefits to those systems and to the productivity of the U.S. economy.

SENATE JOINT RESOLUTION 209

At the request of Mr. LAUTENBERG, the names of the Senator from Tennessee [Mr. GORE], the Senator from New York [Mr. D'AMATO], the Senator from Hawaii [Mr. AKAKA], the Senator from Montana [Mr. BURNS], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Connecticut [Mr. DODD], the Senator from North Dakota [Mr. CONRAD], the Senator from California [Mr. SEYMOUR], the Senator from Hawaii [Mr. INOUYE], the Senator from North Dakota [Mr. BURDICK], the Senator from Colorado [Mr. BROWN], the Senator from Washington [Mr. ADAMS], the Senator from South Dakota [Mr. DASCHLE], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of Senate Joint Resolution 209, a joint resolution designating the month of March 1992 as "National Computing Education Month."

SENATE JOINT RESOLUTION 214

At the request of Mr. RIEGLE, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of Senate Joint Resolution 214, a joint resolution to designate May 16, 1992, as "National Awareness Week for Life-Saving Techniques."

SENATE JOINT RESOLUTION 240

At the request of Mr. SPECTER, the names of the Senator from Alabama [Mr. HEFLIN], the Senator from Alabama [Mr. SHELBY], the Senator from Idaho [Mr. CRAIG], the Senator from Arizona [Mr. MCCAIN], the Senator from Colorado [Mr. BROWN], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Kansas [Mrs. KASSEBAUM], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of Senate Joint Resolution 240, a joint resolution designating March 25, 1992 as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

SENATE JOINT RESOLUTION 243

At the request of Mr. KASTEN, the names of the Senator from Rhode Island [Mr. CHAFEE], the Senator from North Dakota [Mr. CONRAD], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of Senate Joint Resolution 243, a joint resolution to designate the period commencing March 8, 1992 and ending on March 14, 1992, as "Deaf Awareness Week."

SENATE CONCURRENT RESOLUTION 57

At the request of Mr. BOREN, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of Senate Concurrent Resolution 57, a concurrent resolution to establish a Joint Committee on the Organization of Congress.

SENATE CONCURRENT RESOLUTION 71

At the request of Mr. MACK, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of Senate Concurrent Resolution 71, a concurrent resolution condemning the unconditional seizure of power by elements of the Haitian military and consequent violence, and calling on the Attorney General to suspend temporarily the forced return of Haitian nationals in the United States during the crisis in Haiti.

SENATE CONCURRENT RESOLUTION 89

At the request of Mr. KERRY, the names of the Senator from North Carolina [Mr. SANFORD], and the Senator from Louisiana [Mr. JOHNSTON] were added as cosponsors of Senate Concurrent Resolution 89, a concurrent resolution to express the sense of the Congress concerning the United Nations Conference on Environment and Development.

SENATE RESOLUTION 246

At the request of Mr. DOLE, the names of the Senator from New Hampshire [Mr. SMITH] and the Senator from Minnesota [Mr. DURENBERGER] were added as cosponsors of Senate Resolution 246, a resolution on the recognition of Croatia and Solvenia.

AMENDMENT NO. 1525

At the request of Mr. GORTON, the name of the Senator from Washington

[Mr. ADAMS] was added as a cosponsor of amendment No. 1525 intended to be proposed to S. 2166, a bill to reduce the Nation's dependence on imported oil, to provide for the energy security of the Nation, and for other purposes.

SENATE CONCURRENT RESOLUTION 90—RELATIVE TO THE ROLE OF THE NORTH ATLANTIC TREATY ORGANIZATION

Mr. ROTH submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 90

Whereas the North Atlantic Treaty Organization has, for more than forty years, successfully deterred aggression against the West by the armed forces of the Warsaw Pact and the Soviet Union;

Whereas the Warsaw Pact no longer exists;

Whereas the Soviet Union has devolved into a commonwealth of sovereign, independent republics;

Whereas the members of the North Atlantic Treaty Organization share many common interests in deterring aggression, conflict and economic dislocation both within and beyond Europe's geographic boundaries: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the Sense of the Congress that the international security situation has undergone radical change and that the North Atlantic Treaty Organization should adapt to this new environment. Therefore, the President of the United States is requested to open discussions with the heads of state of NATO's various member states, with a view to adapting the alliance to current realities.

Mr. ROTH. Mr. President, I arise today to address an issue which I believe to be of the highest importance as this Nation assesses its security needs in the new world order. I am speaking of this country's 42-year commitment of human and financial resources to the North Atlantic Treaty Organization.

I believe, Mr. President, that the Senate owes it to the Nation to address this issue in depth and at length because, while I am reluctant to admit it, NATO's inertia, its general failure to address itself to a radically changed global security environment has rendered the rationale for an ongoing U.S. commitment to NATO more and more open to question.

I make this statement with a heavy heart, Mr. President, because I have long been a fervent supporter of NATO and, indeed, I still believe that NATO could and should play a vital role in the stabilization of the new world order. However, I am obliged to note that because of the reluctance of several of our European allies to make any fundamental change in the structure or mission of NATO, and of a general desire at NATO headquarters to shun new challenges, the alliance is increasingly unable to address the challenges posed by a radically new global security system. Thus NATO is increasingly marginalized in situations which should lie well within its competence: the stabilization of Yugoslavia, the expulsion of Iraqi forces from Kuwait, and the formation of a new, stable security framework in Eastern Europe.

If NATO proves incapable of seizing the initiative on these vital questions, it will be condemned to live in the past at a time when the present poses a wealth of opportunity and challenge.

Mr. President, under these circumstances, it is the clear duty of the U.S. Senate to send a wake-up call to Brussels, to ask why this Nation should continue to commit personnel and treasure to the alliance if that wake-up call elicits no response. We need to ask whether those resources which, traditionally, this Nation has directed to the North Atlantic Treaty Organization might not be spent more wisely either here in the United States, or through other international organizations which are more capable of adapting to the changed security environment, and thereby addressing the real security needs of this Nation.

For 42 years, this Nation has played a leading role in the North Atlantic Treaty Organization as it stood firm against a very real threat posed by huge conventional forces in the east. But let us speak plainly. That threat has disappeared for the foreseeable future. But NATO appears reluctant to recognize this fact. It unveils a supposedly radical shift in military structure from heavy, relatively static forces to lighter, more mobile forces. But in reality this is little more than cosmetic change. The structure and the equipment may have changed, but the concept of the threat remains static. The alliance's new forces might be lighter and more mobile, but they are still deployed in order to repel that same attack from the east that all of us find ever less believable.

Meanwhile, the alliance, has allowed itself to be laced into a straightjacket by meaningless distinctions between in area and out of area considerations, and consequently proves ever less capable of addressing the real security questions of the day, namely, threats to the security of the alliance which emanate from beyond Europe's geographic frontiers and the threat of serious instability in the newly independent nations of Eastern Europe.

The latter failing is, to my mind, particularly disappointing. I have been struck repeatedly by the strong support which NATO enjoys in Eastern Europe. Some of the newly elected governments even wished to seek membership in NATO. They believed, quite rightly in my opinion, that membership in a new alliance with a broadened mandate would dampen potential ethnic and regional disputes, consolidate their membership in the democratic community and generally deter the violence and instability which was endemic to the region before it fell under the cold hand of communism.

But NATO, rather than seeking the fruits of victory, forsook the initiative and, instead chose to abrogate the expanded new role that it could have played in Eastern Europe, choosing instead to stay with its now outdated mandate. East European applicants to the alliance were fobbed off on the basis that their membership in the alliance would offend the Soviet Union. As the Soviet Union ceased to exist that excuse faded and, instead, they were informed that their concerns would be addressed by a new, unspecified European security organization. The people of Croatia were similarly informed, Mr. President, and I believe it may be indicative of much of Eastern Europe's future if we remember exactly what happened to the people of Croatia.

Just as NATO has failed the new nations of Eastern Europe, it has similarly failed to address the emerging new threats to Western security, namely, the so-called out-of-area questions. For years, the alliance has pretended that security questions can be neatly compartmentalized as falling within or without NATO's sphere of competence. That sphere of competence is simplistically defined in terms of the area within the alliance's geographic frontiers. But, in an era of high-speed, long distance communications and long range ballistic missiles, often armed with nuclear warheads, such compartmentalized, indeed isolationist, modes of thinking are totally outmoded. Our enemies are capable of striking us dead with nuclear or chemical means, regardless of whether they stand inside or outside a specified area. Conflict in Eastern Europe could prompt a tidal wave of unwanted immigrants into Western Europe. Aggression in the Middle East could disrupt vital energy supplies. In short, Europe can no more practice isolationism successfully than can the United States and it is NATO's own attempt to practice "alliance isolationism" which has brought it to its current sorry condition.

Already, many nations of the Middle East are capable of inflicting major damage on Western nations simply by cutting off oil supplies. Meanwhile, nations of the region are developing their own ballistic missile capabilities and, even more disturbing, their ability to mount nuclear warheads on those missiles. NATO's consistent efforts to overlook these developments is dangerously shortsighted.

Some European advocates of a restricted NATO have asserted that the questions I have just covered are better handled by other organizations. The obvious retort to such an assertion is—which other organizations? The United Nations has only recently begun to enjoy success as an enforcer of the will

of the international community and we should bear in mind that its most conspicuous success to date—its investigation of Iraqi nuclear capabilities—was successful only because it was backed up by the military forces of a multilateral coalition. If the United Nations is going to enjoy similar successes in the future, it will have to be backed up by military force in a similar manner.

The North Atlantic Treaty Organization could, in my opinion, play a vital role in this regard, supporting the United Nations with its military forces and thereby deterring aggression on a much broader scale.

Once again, Mr. President, I am obliged to ask my colleagues the uncomfortable question—if NATO cannot address these so-called out-of-area questions, what is the ultimate purpose of U.S. membership in that organization?

Some of my colleagues in Europe have asserted to me that the nations of that region are, indeed, willing to play a more active role, both in underwriting Eastern European security and in out-of-area problems.

However, they also assert that these tasks cannot be addressed by NATO. Rather, they should be addressed by a new, distinctly European security organization.

I have no personal objection to the construction of such an organization, though the recent failure of the E.C. leadership to bring the Yugoslav civil conflict to a swift end may provide an ominous portent of European weaknesses in this area. However, I do have some very serious questions about such an organization.

First, from where will it get its troops? Many European governments currently need their entire defense establishments to fulfill their commitments to NATO. Do they intend to reduce their commitments to NATO in order to establish this new organization? In short, Mr. President, our European allies, albeit unknowingly, may be throwing away a viable, existing security organization—NATO—in favor of an alternative organization which, as yet, does not, and may never, exist.

And a second question must be asked—if Western Europe is, indeed, capable of establishing a viable security structure of its own, what, from the U.S. point of view, is the ongoing purpose of NATO? Western Europe might have required a U.S. military presence during the cold war, when it was necessary to demonstrate the validity of the U.S. strategic nuclear commitment to Europe's defense. However, with the cold war now gone, and with Western Europe proclaiming a desire for its own independent defense identity, what now is the rationale for maintaining a U.S. military presence in Europe, particularly if NATO sticks by its apparent commitment to European isolationism?

Even if Europe still needs the protection of the U.S. "nuclear umbrella," that need still does not presuppose a need for ongoing conventional force deployments. So why should the United States not withdraw its forces from the European theater?

Mr. President, in closing, I need to stress, once again, that I take no joy in this presentation. I have long been a strong supporter of the North Atlantic Treaty Organization. For more than four decades that organization has been the underpinning of the prosperity and stability of the West. I sincerely believe that, if its members allow NATO to rise to the challenge, it can address the new security problems which have arisen in the aftermath of the cold war.

However, if the alliance fails to act in this regard—and to date it has failed to act—then it is our duty as U.S. legislators to point out that this emperor has no clothes, that, tragically, NATO has degenerated into an alliance in name only and, sadly, it is therefore no longer deserving of our support or our membership.

AMENDMENTS SUBMITTED

NATIONAL ENERGY SECURITY ACT

GLENN (AND OTHERS) AMENDMENTS NOS. 1526 THROUGH 1528

(Ordered to lie on the table.)

Mr. GLENN (for himself, Mr. JOHNSTON, Mr. KOKL, and Mr. FOWLER) submitted three amendments intended to be proposed by them to the bill (S. 2166) to reduce the Nation's dependence on imported oil, to provide for the energy security of the Nation, and for other purposes, as follows:

AMENDMENT NO. 1526

Beginning on page 144, line 19, strike the text of subtitle B of Title VI, and insert the following in lieu thereof.

SEC. 6201. DEFINITIONS.

For purposes of this subtitle—

(1) the term "agency" means an Executive agency as defined under section 105 of title 5, United States Code, any agency of the judicial branch of Government;

(2) the term "facility energy supervisor" means the employee with responsibility for the daily operations of a Federal facility, including the management, installation, operation and maintenance of energy systems in Federal facilities which may include more than one building;

(3) the term "trained energy manager" means a person who has demonstrated proficiency, or who has completed a course of study in the areas of the fundamentals of building energy systems; building energy codes and applicable professional standards; energy accounting and analysis; life-cycle cost methodology; fuel supply and pricing; and instrumentation for energy surveys and audits; and

(4) the term "Task Force" means the Interagency Energy Management Task Force established under section 547 of the National Energy Conservation Policy Act (42 U.S.C. 8257).

SEC. 6202. FEDERAL ENERGY COST ACCOUNTING AND MANAGEMENT.

(a) GUIDELINES.—Not later than 120 days after the date of the enactment of this Act, the Office of Management and Budget, in cooperation with the Secretary, the General Services Administration, and the Department of Defense, shall establish guidelines to be employed by each Federal agency to assess accurate energy consumption for all buildings or facilities which the agency owns, operates, manages or leases, where the Government pays utilities separate from the lease and the Government operates the leased space. Such guidelines are to be used in reporting quarterly and annual energy consumption and energy cost figures as required under section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253). Each agency shall implement such guidelines no later than 120 days after their establishment. Each facility energy manager shall maintain energy consumption and energy cost records for review by the Inspector General, Congress and the general public.

(b) CONTENTS OF GUIDELINES.—Such guidelines shall include the establishment of a monitoring system to determine—

(1) which facilities are the most costly to operate when measured on an energy consumption per square foot basis or other relevant analytical basis;

(2) unusual or abnormal changes in energy consumption; and

(3) the accuracy of utility charges for electric and gas consumption.

(c) FEDERALLY LEASED SPACE ENERGY REPORTING REQUIREMENTS.—Not later than December 31, 1992, and on each December 31 thereafter, the Administrator of General Services shall report to the Committee on Governmental Affairs of the Senate, the Committee on Energy and Natural Resources of the Senate and the House of Representatives on the estimated energy cost of leased buildings or space in which the Federal government does not directly pay the utility bills.

(d) POSTAL SERVICE.—The United States Postal Service shall adopt regulations to ensure the reliable and accurate accounting of energy consumption costs for all buildings or facilities which it owns, leases, operates or manages. The regulations shall include establishing a monitoring system to determine which facilities are the most costly to operate; identify unusual or abnormal changes in energy consumption; and check the accuracy of utility charges for electricity and gas consumption.

SEC. 6203. FEDERAL ENERGY COST BUDGETING.

The President shall include in each budget submitted to the Congress under section 1105 of title 31, United States code, a separate statement of the amount of appropriations requested, on an agency basis, for—

(1) energy costs to be incurred in operating and maintaining agency facilities; and

(2) compliance with the provisions of part 3 of title V of the National Energy Conservation Policy Act (42 U.S.C. 8251 et seq.), the Energy Policy and Conservation Act, and applicable Executive orders, including Executive Orders No. 12003 and No. 12579.

SEC. 6204. INSPECTOR GENERAL REVIEW AND AGENCY ACCOUNTABILITY.

(a) AUDIT SURVEY.—Not later than 120 days after the date of the enactment of this Act, each Inspector General created to conduct and supervise audits and investigations relating to the programs and operations of the establishments listed in section 11(2) of the

Inspector General Act of 1978 (5 U.S.C. App.) as amended, and the Chief Postal Inspector of the United States Postal Service, in accordance with section 8E(f)(1) as established by section 8E.(a)(2) of the Inspector General Act Amendments of 1988 (PL 100-504) shall—

(1) identify agency compliance activities to meet the requirements of such section and any other matters relevant to implementing the goals of the National Energy Conservation Policy Act; and

(2) assess the accuracy and reliability of energy consumption and energy cost figures required under section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253).

(b) PRESIDENTS COUNCIL ON INTEGRITY AND EFFICIENCY REPORT TO CONGRESS.—Not later than 150 days after the date of the enactment of this Act, the President's Council on Integrity and Efficiency shall submit a report to the Committee on Governmental Affairs of the Senate, the Committee on Energy and Natural Resources of the Senate, and the House of Representatives, on the review conducted by each Inspector General of each agency carried out under this section.

(c) INSPECTOR GENERAL REVIEW.—Each Inspector General established under section 2 of the Inspector General Act of 1978 (5 U.S.C. App.) is encouraged to conduct periodic reviews of agency compliance with the National Energy Conservation Policy Act, the provisions of this subtitle, and other laws relating to energy consumption. Such reviews shall not be inconsistent with the performance of the required duties of the Inspector General's office.

SEC. 6205. INTERGOVERNMENTAL ENERGY MANAGEMENT PLANNING AND COORDINATION.

(a) CONFERENCE WORKSHOPS.—The General Services Administration, in consultation with the Secretary and the Task Force, shall hold regular, biennial conference workshops in each of the 10 standard Federal regions on energy management, conservation, efficiency, and planning strategy. The General Services Administration shall work and consult with other Federal agencies to plan for particular regional conferences. The General Services Administration shall invite State, local, and county public officials who have responsibilities for energy management or may have an interest in such conferences and shall seek the input of, and be responsive to, the views of such State, local and county officials in the planning and organization of such workshops.

(b) FOCUS OF WORKSHOPS.—Such workshops and conferences shall focus on the following, but may include other topics:

(1) developing strategies among Federal, State, and local governments to coordinate energy management policies and to maximize available intergovernmental energy management resources within the region;

(2) the design, construction, maintenance, and retrofitting of Federal facilities to incorporate energy efficient techniques;

(3) procurement and use of energy efficient products;

(4) alternative fuel vehicle procurement, placement, and usage;

(5) coordinated development with the private sector for the servicing, refueling, and maintenance of alternative fuel vehicles;

(6) dissemination of information on innovative programs, technology, and methods which have proven successful in government; and

(7) technical assistance to design and incorporate effective energy management strategies.

(c) ESTABLISHMENT OF WORKSHOP TIMETABLE.—As a part of the first report to be submitted pursuant to section 6214 of this Act, the Administrator shall set forth the schedule for the Regional Energy Management Workshops. Not less than five workshops shall be held by September 30, 1993, and at least one such workshop shall be held in each of the 10 Federal regions every two years beginning on September 30, 1993.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $300,000 for each of fiscal years 1993, 1994, and 1995 to carry out the purpose of this section.

SEC. 6206. PROCUREMENT AND IDENTIFICATION OF ENERGY EFFICIENT PRODUCTS.

(a) PROCUREMENT.—The General Services Administration, in consultation with the Department of Defense and the Defense Logistics Agency, shall undertake a program to include energy efficient products on the Federal Supply Schedule and the New Item Introductory Schedule.

(b) IDENTIFICATION PROGRAM.—The General Services Administration, in consultation with the Department of Energy and the Defense Logistics Agency, shall implement a program to identify and designate on its respective Supply Schedules those energy efficient products which offer significant potential savings, as calculated using the life cycle cost methods and procedures developed under section 544 of the National Energy Conservation Policy Act (42 U.S.C. 8254), unless such life cycle cost information is not readily available.

(c) GUIDELINES.—The Office of Federal Procurement Policy, in consultation with the General Services Administration, the Department of Energy, and the Department of Defense, shall issue guidelines to encourage the acquisition and use by all Federal agencies of products identified pursuant to this section. The Department of Defense and the Defense Logistics Agency shall consider, and place emphasis on, the acquisition of such products as part of the Agency's ongoing review of military specifications.

(d) UNITED STATES POSTAL SERVICE GUIDANCE.—The USPS shall undertake a program to identify and procure energy efficient products for use in its facilities. The USPS shall, to the maximum extent practicable, incorporate energy efficient information available on Federal Supply Schedules maintained by GSA and DLA to carry out the purpose of this section.

(e) REPORT TO CONGRESS.—As a part of the report to be submitted pursuant to Section 6214 of this Act, the Administrator of General Services, in consultation with the Defense Logistics Agency and the Department of Energy, shall report on the progress, status, activities, and results of the programs under subsections (b) and (c) of this section. The report shall include, but not be limited to—

(1) the number, types, and functions of each new product under subsection (a) added to the Federal Supply Schedule and the New Item Introductory Schedule during the previous fiscal year, and the name of the product manufacturer;

(2) the number, types, and functions of each product identified under subsection (b), and efforts undertaken by the General Services Administration and the Defense Logistics Agency to encourage the acquisition and use of such products;

(3) the actions taken by the General Services Administration and the Defense Logistics Agency to identify products under subsection (b), the barriers which inhibit implementation of identification of such products, and recommendations for legislative action, if necessary;

(4) whether energy cost savings technologies identified by the Advanced Building Technology Council, under section 809(h) of the National Housing Act (12 U.S.C. 1701j-2), have been added to the Federal Supply Schedule or New Item Introductory Schedule;

(5) an estimate of the potential cost savings to agencies and the Federal Government, taking into account the quantity of energy efficient products which could be utilized throughout the Government, That would be realized through implementation or installation of products identified in this section; and

(6) the actual quantity of such products acquired and an estimate of the energy savings achieved by the use of such products.

SEC. 6207. GENERAL SERVICES ADMINISTRATION FEDERAL BUILDINGS FUND.

Section 210(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)), is amended—

(1) in paragraph (1), by inserting "(to be known as the Federal Buildings Fund)" after "a fund"; and

(2) by adding at the end thereof the following new paragraphs:

"(7)(A) The Administrator is authorized to receive amounts from rebates or other cash incentives related to energy savings and shall deposit such amounts in the Federal Buildings Fund for use as provided in subparagraph (D). Amounts deposited in the Federal Buildings Fund under this subparagraph shall be used to implement energy efficiency programs.

"(B) The Administrator may accept such goods or services, consistent with approved Federal energy management objectives, provided in lieu of any rebates or other cash incentives for energy savings under subparagraph (A).

"(C) In the administration of any real property for which the Administrator leases and pays utility costs, the Administration may assign all or a portion of energy rebates to the lessor to underwrite the costs incurred in undertaking energy efficiency improvements in such property.

"(D) The Administrator may, in addition to amounts appropriated for such purposes and without regard to paragraph (2), obligate for energy management improvement programs—

"(i) amounts received and deposited in the Federal Buildings Fund under subparagraph (A);

"(ii) goods and services received under subparagraph (B); and

"(iii) amounts the Administrator determines are not needed for other authorized projects and are otherwise available to implement energy efficiency programs.

"(8)(A) The Administrator is authorized to receive amounts from the sale of recycled materials and shall deposit such amounts in the Federal Buildings fund for use as provided in subparagraph (B).

"(B) The Administrator may, in addition to amounts appropriated for such purposes and without regard to paragraph (2), obligate amounts received and deposited in the Federal Buildings Fund under subparagraph (A) for programs which—

"(i) promote further source reduction and recycling programs; and

"(ii) encourage employees to participate in recycling programs by providing funding for child care, fitness, or other employee benefit programs.".

SEC. 6208. FEDERAL ENERGY MANAGEMENT TRAINING.

(1) Each executive department described under section 101 of title 5, United States

Code, the Environmental Protection Agency, the National Aeronautics and Space Administration, the General Services Administration, and the United States Postal Service shall establish and maintain a program to ensure that facility energy managers are trained energy managers as defined under section 6201(3). Such programs shall be managed—

(A) by the agency representative on the Task Force; or

(B) if an agency is not represented on the Task Force, by the designee of the head of the agency.

(2) Agencies shall encourage appropriate employees to participate in energy manager training courses. Employees may enroll in courses of study covering the areas described under section 6201(3) including, but not limited to courses offered by:

(A) a private or public educational institution;

(B) a Federal agency; or

(C) a professional association.

(b) AGENCY REPORT.—(1) Each agency listed in 6208(a) shall, no later than 60 days following the enactment of this Act, report to the Task Force the following information:

(A) those individuals employed by the agency on the date of the passage of this Act who qualify as trained energy managers as defined under section 6201(3);

(B) the General Schedule (GS) or grade level at which each of these individuals are employed; and

(C) the facility or facilities for which these employees are responsible or otherwise stationed.

The Task Force shall provide a summary of these agency reports to the Committee on Governmental Affairs of the U.S. Senate and the Committee on Energy and Natural Resources of the U.S. Senate.

(c) REQUIREMENTS AT FEDERAL FACILITIES.—(1)(A) Not later than September 30, 1992, the departments and agencies described under subsection (a)(1) shall upgrade their energy management capabilities by:

(1) designating facility energy supervisors as defined in section 6201(2);

(2) encouraging facility energy supervisors to become trained energy managers, as defined in 6201(3); and

(3) increasing the overall number of trained energy managers within the agency.

(B) Agencies described under subsection (a)(1) shall ensure that, no later than September 30, 1992, no fewer than two trained energy managers are employed by each such department and agency.

(C) Federal employees designated for energy training and counted under (c)(1)(B) shall not include those employees listed in the report in 6208(b).

(2)(A) Not later than September 30, 1993, the departments and agencies described under subsection (a)(1) shall further upgrade their energy management capabilities by ensuring that no fewer than five trained energy managers are employed by each such department or agency.

(B) Federal employees designated for energy training and counted under (c)(2)(A) shall not include those employees listed in the report in 6208(b).

(3) Agencies may hire trained energy managers to be facility energy supervisors and count these new personnel toward the goals established in (c)(1)(B) and (c)(2)(A). Trained energy managers, including those who are facility supervisors as well as other trained personnel, shall focus their efforts on improving energy efficiency in the following facilities:

(i) agency facilities identified as most costly to operate or most energy inefficient under section 6202 of this Act; or

(ii) other facilities identified by the agency head as having significant energy savings potential.

(d) DEPARTMENT OF DEFENSE REQUIREMENTS.—(1)(A) Not later than September 30, 1992, the Department of Defense shall upgrade its energy management capabilities by:

(1) designating facility energy supervisors as defined in section 6201(2);

(2) encouraging facility energy supervisors to become trained energy managers, as defined in 6201(3); and

(3) increasing the overall number of trained energy managers within the Department.

(B) The Department shall insure that, no later than September 30, 1992, no fewer than twenty trained energy managers are employed by the Department.

(C) Federal employees designated for energy training and counted under (d)(1)(B) shall not include those employees listed in the report in 6208(b).

(2)(A) Not later than September 30, 1993, the Department shall further upgrade its energy management capabilities by ensuring that no fewer than forty trained energy managers are employed by the Department.

(B) Federal employees designated for energy training and counted under (2)(A) shall not include those employees listed in the report in 6208(b).

(3) The Department may hire trained energy managers to be facility energy supervisors and count these new personnel toward the goal established in (d)(1)(B) and (d)(2)(A). Trained energy managers shall focus their efforts on improving energy efficiency in the following facilities:

(i) Department facilities identified as most costly to operate or most energy inefficient under section 6202 of this Act; or

(ii) other facilities identified by the Secretary of Defense as having significant energy savings potential.

(e) SPECIFIED AGENCY REQUIREMENTS.—(1)(A) Not later than September 30, 1992, the General Services Administration, the Department of Veterans Affairs, the Department of Energy, and the United States Postal Service shall upgrade their energy management capabilities by:

(1) designating facility energy supervisors as defined in section 6201(2);

(2) encouraging facility energy supervisors to become trained energy managers, as defined in 6201(3); and

(3) increasing the overall number of trained energy managers within the agency.

(B) Agencies identified in (e)(1)(A) shall insure that, no later than September 30, 1992, no fewer than ten trained energy managers are employed by each such department and agency.

(C) Federal employees designated for energy training and counted under (e)(1)(B) shall not include those employees listed in the report 6208(b).

(2)(A) Not later than September 30, 1993, the General Services Administration, Department of Veterans Affairs, the Department of Energy, and the United States Postal Service shall further upgrade their energy management capabilities by ensuring that no fewer than twenty trained energy managers are employed by each such department or agency.

(B) Federal employees designated for energy training and counted under (e)(2)(A) shall not include those employees listed in the report in 6208(b).

(3) Agencies may hire trained energy managers to be facility energy supervisors and count these new personnel toward the goals established in (e)(1)(B) and (e)(2)(A). Trained energy managers, including those who are facility supervisors as well as other trained personnel, shall focus their efforts on improving energy efficiency in the following facilities:

(i) agency facilities identified as most costly to operate or most energy inefficient under section 6202 of this Act; or

(ii) other facilities identified by the agency head as having significant energy savings potential.

(e) REPORTS OF AGENCIES.—Each agency shall report to the Secretary on the status and implementation of the requirements of this section. The Secretary shall include a summary of each agency's report in the annual report to Congress as required under section 548(b) of the National Energy Conservation Policy Act (42 U.S.C. 8258).

SEC. 6209. FEDERAL FACILITY ENERGY MANAGER RECOGNITION AND INCENTIVES AWARD PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall, in consultation with the Office of Personnel Management and the Task Force, establish a financial award program to reward outstanding facility energy managers in Federal agencies, including the United States Postal Service, and other individuals making outstanding contributions toward the reduction of energy consumption or costs in Federal facilities.

(b) SELECTION CRITERIA.—Not later than June 1, 1992, the Secretary shall issue procedures for implementing and conducting the award program, including the criteria to be used in selecting outstanding energy managers and contributors. Such criteria shall include—

(1) improved energy performance through increased energy efficiency;

(2) implementation of proven energy efficiency and energy conservation techniques, devices, equipment, or procedures;

(3) effective training programs for facility energy managers, operators, and maintenance personnel;

(4) employee awareness programs;

(5) success in generating utility incentives, shared energy savings contracts, and other federally approved performance based energy savings contracts;

(6) successful efforts to fulfill compliance with energy reduction mandates, including the provisions of section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253); and

(7) success in the implementation of the guidelines under section 6202 of this Act.

(c) AWARD LIMIT.—No single award shall be greater than $2,500.

(d) REPORT.—Each year the Secretary shall publish and disseminate to Federal agencies, and to Congress as a part of the report required under Section 548(b) of the National Energy Conservation Policy Act (42 U.S.C. 8258) a report to highlight and recognize the achievements of bonus award winners.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $250,000 for each of fiscal years 1993, 1994, and 1995 to carry out the purposes of this section.

SEC. 6210. IDENTIFICATION AND ATTAINMENT OF AGENCY ENERGY REDUCTION AND MANAGEMENT GOALS.

Section 3 of the Federal Energy Management Improvement Act of 1988 (42 U.S.C. 8253 note; Public Law 100-615 is amended—

(1) in subsection (a)—

(A) by striking out "using funds appropriated to carry out this section," and in-

serting in lieu thereof "in consultation with the Task Force,";

(B) in paragraph (1) by striking out "and" after the semicolon;

(C) in paragraph (2) by striking out the period and inserting in lieu thereof a semicolon and "and"; and

(D) by adding at the end thereof the following new paragraph:

"(3) determining barriers which may prevent an agency's ability to comply with section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) and other energy management goals.";

(2) in subsection (b)—

(A) in paragraph (1) by striking out "Congress, within 180 days after the date on which funds are appropriated to carry out this section,' and inserting in lieu thereof "Senate Committee on Energy and Natural Resources, the Senate Committee on Governmental Affairs, and the House of Representatives, within 180 days after the date of the enactment of the National Energy Security Act of 1992,"; and

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

"(4) For the purpose of this section, a representative sample shall include, where appropriate, the following types of Federal facility space:

"(A) Housing;

"(B) Storage;

"(C) Office;

"(D) Services;

"(E) Schools;

"(F) Research and Development;

"(G) Industrial;

"(H) Prisons; and

"(I) Hospitals.";

(3) in subsection (d)—

(A) by striking out "Congress" and inserting in lieu thereof "Senate Committee on Energy and Natural Resources, the Senate Committee on Governmental Affairs, the Committee on Energy and Commerce of the House of Representatives, the Committee on Government Operations of the House of Representatives,"; and

(B) by adding at the end thereof "The report shall include an analysis of the probability of each agency achieving the 20 percent reduction goal by January 1, 2000 established under Executive Order No. 12759.".

SEC. 6211. UNITED STATES POSTAL SERVICE BUILDING ENERGY SURVEY AND REPORT.

(a) IN GENERAL.—The USPS shall conduct an energy survey, as defined in section 549(5) of the National Energy Conservation Policy Act, for the purposes of—

(1) determining the maximum potential cost effective energy savings that may be achieved in a representative sample of buildings owned or leased by the USPS in different areas of the country;

(2) making recommendations to the Postmaster General for cost effective energy efficiency and renewable energy improvements in those buildings and in other similar USPS buildings; and

(3) determining barriers which may prevent USPS compliance with energy reduction goals, including Executive Orders No. 12003 and 12579.

(b) IMPLEMENTATION.—(1) The Postmaster General shall transmit to the Senate Committee on Governmental Affairs, the Senate Committee on Energy and Natural Resources, and the House of Representatives Post Office and Civil Service Committee, within 180 days of enactment of this Act, a plan for implementing this section.

(2) The Postmaster General shall designate buildings to be surveyed in the project so as to obtain a sample of Postal facilities of the types and in the climates that consume the major portion of the energy consumed by the Postal Service.

(3) For the purposes of this section, an improvement shall be considered cost effective if the cost of the energy saved or displaced by the improvement exceeds the cost of the improvement over the remaining life of the Postal facility or the remaining term of a lease of a building leased by the Postal Service.

(c) REPORT.—As soon as practicable after the completion of the project carried out under this section, the Postmaster General shall transmit a report of the findings and conclusions of the project to the Senate Committee on Governmental Affairs, the Senate Committee on Energy and Natural Resources, and the House of Representatives Committee on Post Office and Civil Service.

SEC. 6212. FEDERAL BUILDING ENERGY CONSUMPTION TARGETS.

Not later than two years after the date of the enactment of this Act, the Secretary shall consider, in consultation with the Administrator of General Services and the Task Force, establishing energy consumption targets for January 1, 2000, for each Federal agency to reduce energy consumption per square foot in Federal buildings based upon the information provided in the report under section 6210 of this Act. The United States Postal Service shall independently consider establishing its own energy consumption targets for January 1, 2000 based upon the information provided in the report under section 6211.

SEC. 6213. UTILITY INCENTIVE PROGRAMS.

(a) IN GENERAL.—Federal agencies are authorized and encouraged to participate in programs for energy conservation or the management of electricity demand conducted by gas or electric utilities and generally available to customers of such utilities.

(b) ACCEPTANCE OF FINANCIAL INCENTIVES.—Federal agencies may accept any financial incentive, generally available from any such utility, to adopt energy efficiency technologies and practices that the Secretary determines are cost effective for the Federal Government.

(c) NEGOTIATIONS.—Each Federal agency is encouraged to enter into negotiations with electric and gas utilities to design special demand management and conservation incentive programs to address the unique needs of facilities used by such agency.

(d) USE OF CERTAIN FUNDS.—(1) Fifty percent of funds from utility energy efficiency rebates shall, subject to appropriation, remain available for expenditure by the agency for additional energy efficiency measures which may include related employee incentive programs, particularly at those facilities at which energy savings were achieved.

(2)(A) Agencies shall maintain strict financial accounting and controls for savings realized and all expenditures made under this section.

(B) Records maintained under subparagraph (A) shall be made available for public inspection upon request.

SEC. 6214. REPORT BY GENERAL SERVICES ADMINISTRATION.

Not later than six months after the date of enactment of this Act, and on each December 31, at least six months thereafter, the Administrator of General Services shall report to the Committee on Governmental Affairs of the Senate, the Committee on Energy and Natural Resources of the Senate, and the House of Representatives on the activities of the General Services Administration conducted pursuant to this subtitle. Such reports shall include, but not be limited to, the information requested under sections 6205(c) and 6206(d).

SEC. 6215. UNITED STATES POSTAL SERVICE ENERGY MANAGEMENT REPORT.

Not later than one year after the date of the enactment of this Act, and on each January 1 thereafter, the Postmaster General shall submit a report to the Committee on Governmental Affairs of the Senate, the Committee on Post Office and Civil Service of the House of Representatives, and the Committee on Energy and Natural Resources of the Senate on the Postal Service's building management program as it relates to energy efficiency. The report shall include, but not be limited to, the following:

(1) actions taken to reduce energy consumption;

(2) future plans to reduce energy consumption;

(3) an assessment of the success of the energy conservation program;

(4) energy costs incurred in operating and maintaining all postal facilities; and

(5) the status of the energy efficient procurement program established under section 6206(d).

SEC. 6216. AMENDMENTS TO PART 3, TITLE V OF NECPA.

Part 3 of Title V of the National Energy Conservation Policy Act (NECPA) (Public Law 95-619), as amended, is further amended as follows:

(a) In section 543.—(1) Strike subsection (a) and insert the following new text in lieu thereof:

"(a) ENERGY MANAGEMENT REQUIREMENT FOR FEDERAL BUILDINGS.—(1) Not later than January 1, 2000, each Federal agency shall, to the maximum extent practicable, install in Federal buildings under the control of such agency in the United States, all energy conservation measures with payback periods of less than ten years as calculated using the methods and procedures developed pursuant to section 544. Within two years after the date of enactment of the National Energy Security Act of 1991, each agency shall submit to the Secretary a list of projects meeting the ten-year payback criterion, the energy that each project will save and total energy and cost savings involved.

"(2) An agency may exclude from the requirements of paragraph (1) any Federal building or collection of Federal buildings, and the associated energy consumption and gross square footage, if the head of such agency finds that compliance with the requirements of paragraph (1) would be impracticable. A finding of impracticability shall be based on the energy intensiveness of activities carried out in such Federal buildings or collection of Federal buildings, the type and amount of energy consumed, the technical feasibility of making the desired changes, or the unique character of many facilities operated by the Departments of Defense and Energy. Each agency shall identify and list in each report made under section 548, the Federal buildings designated by it for such exclusion. The Secretary shall review such findings for consistency with the impracticability standards set forth herein, and may within 90 days after receipt of the findings, reverse a finding of impracticability, in which case the agency shall comply with the requirements of paragraph (1). This section shall not apply to an agency's facilities that generate or transmit electric energy, nor to the uranium enrichment facilities operated by the Department of Energy.";

(2) In subsection (b):

(A) after the words "subsection (a)," insert the following: "The Secretary of Energy shall consult with the Secretary of Defense and the Administrator of the General Services Administration in developing guidelines for the implementation of this Part, and";

(B) strike the phrase "Federal Energy Management Improvement Act of 1988," in paragraph (1) and insert in lieu thereof "National Energy Security Act of 1992, and submit to the Secretary of Energy";

(C) after the words "high priority projects;" insert the following: "and such plan shall include steps to take maximum advantage of contracts authorized under title VII of this Act (42 U.S.C. 8287 et seq.), financial incentives, and other services provided by utilities for efficiency investment and other forms of financing to reduce the direct costs to the government;";

(D) at the end of paragraph (2), strike the semicolon and insert the following: ", and update such surveys periodically, but not less than every three years;";

(E) replace paragraph (3) with the following new paragraph:

"(3) using such surveys, determine the cost and payback period of energy conservation measures likely to achieve the goals of this section;"; and

(F) insert a new paragraph (4) as follows, and renumber paragraph (4) as "(5)":

"(4) install those energy conservation measures that will attain the requirements of this section in a cost-effective manner as defined in section 544, and".

(b) In section 544—

(1) strike "National Bureau of Standards," in subsection (a) and insert in lieu thereof "National Institute of Standards and Technology,"; and

(2) strike all after the word "each", in paragraph (b)(2) and insert in lieu thereof: "agency shall, after January 1, 1994, fully consider the energy efficiency of all potential building space at the time of renewing or entering into a new lease. Further, all government leased space constructed after January 1, 1994, shall meet model Federal energy conservation performance standards for new commercial buildings promulgated pursuant to Section 304 of the Energy Conservation and Production Act (Public Law 94-385).".

(c) In section 545 add after the word "measures" the following: "as needed to meet the requirements of section 543.".

(d) In section 548—

(1) strike the word "Each" in subsection (a) and insert in lieu thereof the following: "In addition to the plan required to be submitted to the Secretary pursuant to section 543(b)(1), each";

(2) insert the phrase "by April 2 of each year," after the word "annually" in subsection (b); and

(3) insert the words "by each agency", after the words "under this part" in subsection (b)(1).

(e) Renumber section 549 as section 551 and insert the following two new sections:

"SEC. 549. DEMONSTRATION OF NEW TECHNOLOGY.

"(a) DEMONSTRATION PROGRAM.—Not later than January 1, 1993, the Secretary, in cooperation with the Administrator of the General Services Administration, shall establish a demonstration program to install, in Federally owned facilities, energy efficiency technologies which the Secretary has determined are ready for commercial demonstration and which were developed by entities that have received or are receiving Federal financial assistance for energy conservation research and development.

"(b) EVALUATION.—The Secretary and the Administrator shall evaluate the commercial viability of each type of energy efficiency technology so installed, including its technical feasibility, operational feasibility, and economic effectiveness. Installations of each technology shall include a sufficient number of applications to produce statistically reliable evaluation results based on the technologies' application in various climates and building situations.

"(c) AUTHORIZATION.—There are authority to be appropriated to carry out this section no more than $2,000,000 for fiscal year 1993, $3,000,000 for fiscal year 1994, and $4,000,000 for fiscal year 1995.".

"SEC. 550. FEDERAL ENERGY EFFICIENCY PROJECTS FUNDING.

"(a) IN GENERAL.—Not later than one year after the date of enactment of the National Energy Security Act of 1992, the Secretary shall establish guidelines for the transfer of up to $1,000,000 per project to encourage any Federal agency to undertake energy efficiency projects in Federally owned facilities.

"(b) PROJECT SELECTION.—The Secretary shall establish procedures for the receipt of proposals under this section. The Secretary shall consider the following factors in determining whether to provide funding under subsection (a):

"(1) the cost-effectiveness of the project;

"(2) the proportion of energy and cost savings anticipated to the Federal Government;

"(3) the amount of funding committed to the project by the agency requesting financial assistance;

"(4) the extent that a proposal leverages financing from other non-Federal sources; and

"(5) any other factor which the Secretary determines will result in the greatest amount of energy and cost savings to the Federal Government.

"(c) REPORTS.—The Secretary shall report annually to Congress, in the supporting documents accompanying the President's budget, on the activities under this section. The report shall include the projects funded and the projected energy and cost savings from installed measures.

"(d) AUTHORIZATION.—For purposes of this subsection, there is authorized to be appropriated, and to remain available until expended, not more than $50,000,000.".

(f) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents for the National Energy Conservation Policy Act is amended to read as follows:

"Sec. 549. Demonstration of new technology.
"Sec. 550. Federal energy efficiency projects funding.
"Sec. 551. Definitions."*ERR08*

SEC. 6217. CONGRESSIONAL OFFICE BUILDING ENERGY IMPROVEMENT ASSESSMENT.

The Architect of the Capitol shall undertake a study to determine the feasibility and costs associated with compliance with part 3 of title V of the National Energy Conservation Policy Act (42 U.S.C. 8251 et seq), and Executive Orders No. 12003 and No. 12579 for all facilities under the Architect's jurisdiction, taking into account particular needs with respect to the security and physical operation of the legislative branch of the Government. The Architect shall report the results of such study to the appropriate committees of Congress.

SEC. 6218. STUDY OF FEDERAL PURCHASING POWER.

(a) STUDY.—The Secretary shall conduct a study to evalute the potential use of the purchasing power of the Federal Government to promote the development and commercialization of energy efficient products. The study shall identify products for which there is a high potential for Federal purchasing power to substantially promote their development and commercialization, and shall include a plan to develop such potential. The study shall be conducted in consultation with utilities, manufacturers, and appropriate nonprofit organizations concerned with energy efficiency.

(b) REPORT.—The Secretary shall report to Congress on the results of the study within two years of the date of the enactment of this Act.

(c) AUTHORIZATION.—There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

SEC. 6219. ENERGY MANAGEMENT GOALS FOR THE UNITED STATES POSTAL SERVICE.

(a) ENERGY PERFORMANCE GOAL FOR POSTAL FACILITIES.—(1) Not later than January 1, 2000, the United States Postal Service shall, to the maximum extent practicable, install in all facilities under its control, energy conservation measures with payback periods of less than ten years as calculated using methods and procedures developed pursuant to section 544 of the National Energy Conservation Policy Act. Within two years after the date of enactment of the National Energy Security Act of 1992, the USPS shall submit to the Senate Committee on Governmental Affairs, the Senate Committee on Energy and Natural Resources, and the House of Representatives Committee on the Post Office and Civil Services a list of projects meeting the ten-year payback criterion, the energy that each project will save and total energy and cost savings involved.

(2) The USPS may exclude from the requirements of paragraph (1) any facility or collection of facilities, and the associated energy consumption and gross square footage, if the Postmaster General finds that compliance with the requirements of paragraph (1) would be impracticable. A finding of impracticability shall be based on the energy intensiveness of activities carried out in such facility or collection of facilities, the type and amount of energy consumed, or the technical feasibility of making the desired changes. The USPS shall identify and list in the report made under sec 6215 the facilities designated by it for such exclusion. This section shall not apply to the USPS facilities that generate or transmit electric energy.

(b) IMPLEMENTATION STEPS.—To achieve the goal established in subsection (a), the USPS shall—

(1) prepare or update, within 1 year after the date of the enactment of this Act, a plan describing how the USPS intends to meet such goal. The plan may be submitted as part of the report under section 6215. The plan shall include how the USPS will implement this part, designate personnel primarily responsible for achieving such goal, and identify high priority projects;

(2) perform energy surveys of USPS facilities and update such surveys periodically, but not less than every three years;

(3) using such surveys, determine the cost and payback period of energy conservation measures likely to achieve the goals of this section;

(4) install those energy conservation measures that will attain the requirements of this section in a cost-effective manner as defined in section 544 of the National Energy Conservation Policy Act; and

(5) ensure that the operation and maintenance procedures applied under this section are continued.

AMENDMENT NO. 1527

Amend page 9, line 23, by deleting the word "and", and on line 25 by inserting a new subsection (16) before the period as follows: "; and (16) encourage the Federal government to play a lead role in the widespread commercialization of alternative fuel vehicles.".

Amend page 18, section 4101 by adding the following new definitions (1) and (4) and renumbering the existing definitions accordingly:

"(1) "Administrator" means the Administrator of the General Services Administration;

"(4) "comparable conventionally fueled vehicle" means a commercially available vehicle powered by an internal combustion engine that utilizes gasoline or diesel fuel as its fuel source and provides passenger capacity or payload capacity comparable or similar to an alternative fuel vehicle as determined by the Secretary.".

Amend page 21, line 15, by inserting the following new subsection (b) and redesignating subsequent subsections accordingly:

"(b) PROGRAM CRITERIA.—The Secretary, the Administrator, in consultation with the head of each Federal agency, shall consider the following criteria in the procurement and placement of alternative fuel vehicles:

"(1) the procurement plans of State and local governments and other public and private institutions;

"(2) the current and future availability of refueling and repaid facilities;

"(3) the reduction in emissions of the Federal motor vehicle fleet;

"(4) whether the vehicle is to be used in a nonattainment area as specified in the Clean Air Act of 1990;

"(5) the needs of Federal, State, and local agencies; and

"(6) the contribution to the reduction in the consumption of oil in the transportation sector.

Amend page 46, line 21, by inserting the following new subsection (g) and redesignating subsequent subsections accordingly:

"(g) ACQUISITION REQUIREMENT.—Federal agencies, to the extent practicable, shall obtain alternative fuel vehicles from original equipment manufacturers.".

Amend page 26, line 17, by deleting "4102, 4103," and inserting in lieu thereof "4103".

Amend page 29, by redesignating sections 4110 and 4111 as sections 4118 and 4119 respectively and inserting on page 29, after line 19, the following new sections 4110, 4111, 4112, 4113, 4114, 4115, 4116, and 4117:

"SEC. 4110. RESALE OF ALTERNATIVE FUEL VEHICLES.

(a) Not less than three years from the date of purchase, the Administrator may resell any alternative fuel passenger automobile purchased pursuant to this subtitle. For purposes of this subsection, a "passenger automobile" means any passenger automobile as defined in section 501(2) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2001(2)).

"(b) Not less than six years, or 60,000 miles from the date of purchase, the Administrator may resell any alternative fuel light truck purchased pursuant to this subtitle. For purposes of this subsection, a "light truck" means any light truck as defined in section 501(15) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2001(15)).

"(c) The Administrator may resell or dispose of an alternative fuel passenger automobile or light truck at an earlier date if such vehicle is damaged in an accident, or if the Administrator determines selling such alternative fuel passenger automobile or light truck is in the best interests of the Federal alternative fuel vehicle program.

"(d) The Administrator shall take all feasible steps to ensure that all alternative fuel vehicles sold under the provisions in (a) and (b) of this section shall remain alternative vehicles at time of sale.

"SEC. 4111. FEDERAL AGENCY PROMOTION, EDUCATION, AND COORDINATION.

(a) PROMOTION AND EDUCATION.—The Administrator shall institute a program to promote and educate officials and employees of Federal agencies on the merits of alternative fuel vehicles. The Administrator shall provide and disseminate information to Federal agencies on the:

"(1) location of refueling and maintenance facilities available to alternative fuel vehicles in the Federal fleet;

"(2) range and performance capabilities of alternative fuel vehicles;

"(3) State and local government and commercial alternative fuel vehicle programs;

"(4) Federal alternative fuel vehicle purchases and placements;

"(5) operation and maintenance of alternative fuel vehicles in accordance with the manufacturer's standards and recommendations; and

"(6) incentive programs established pursuant to sections 4112 and 4113 of this Act.

"(b) ASSISTANCE IN PROCUREMENT AND PLACEMENT.—The Administrator shall provide guidance, coordination and technical assistance to Federal agencies in the procurement and geographic location of alternative fuel vehicles purchased through the Administrator. The procurement and geographic location of such vehicles shall comply with the purchase requirements under section 4102 of this Act.

"(c) INTERGOVERNMENTAL COORDINATION.—The Administrator shall identify other Federal, State, and local efforts to promote and use alternative fuel vehicles. To the maximum extent practicable, the Administrator shall coordinate Federal alternative fuel vehicle procurement, placement, refueling and maintenance programs with those at the State and local level.

"SEC. 4112. AGENCY INCENTIVES PROGRAM.

(a) REDUCTION IN RATES.—To encourage and promote use of alternative fuel vehicles in Federal agencies, the Administrator may offer a five percent reduction in fees charged to agencies for the lease of alternative fuel vehicles below those fees charged for the lease of comparable conventionally fueled vehicles.

"(b) FEDERAL EMPLOYEE POOLING AND DRIVER PROGRAM.—Notwithstanding the provisions of section 1344(a) of title 31, United States Code, Federal agencies may authorize Federal employees to use alternative fuel vehicles from their residence to their place of employment for purposes of:

"(1) Federal employee carpooling of not less than four Federal employees for each trip; and

"(2) refueling and maintenance, if the Federal agency head, or the designee of the agency head, determines that such services are not convenient to the location of place of employment.

"SEC. 4113. RECOGNITION AND INCENTIVE AWARDS PROGRAM.

(a) AWARDS PROGRAM.—The Administrator shall establish an annual cash awards program to recognize those employees of the General Services Administration and other Federal agencies who demonstrate the strongest commitment to the use of alternative fuels and fuel conservation in Federal motor vehicles.

"(b) CRITERIA FOR GENERAL SERVICES ADMINISTRATION EMPLOYEES.—The Administrator shall provide annual cash awards of not more than $2,000 each to three General Services Administration employees who best demonstrate a commitment:

"(1) to the success of the Federal alternative fuels vehicle program through—

"(A) exemplary promotion of alternative fuel vehicle use within the General Services Administration and other Federal agencies;

"(B) proper alternative fuel vehicle care and maintenance;

"(C) coordination with Federal, State, and local efforts;

"(D) innovative alternative fuel vehicle procurement, refueling and maintenance arrangements with commercial entities; and

"(2) to fuel efficiency in Federal motor vehicle use through the promotion of such measures as increased use of fuel-efficient vehicles, carpooling, ride-sharing, regular maintenance and other conservation and awareness measures.

"(c) LIMITATIONS ON AWARDS.—The three awards under paragraph (b) shall be awarded to three different employees each year. No employee may win a cash award in more than two consecutive years.

"(d) AWARD TO REGIONAL GENERAL SERVICES ADMINISTRATION EMPLOYEES.—(1) In each standard Federal region where the General Services Administration operates alternative fuel vehicles, the Administrator shall offer two annual cash awards of not more than $1,000 to the regional General Services Administration employees who meet the criteria under paragraph (b).

"(2) Employees who receive an award under section (b) may not receive an award under this section in the same fiscal year. No more than two awards shall be awarded under this subsection in each region in any fiscal year.

"(e) AWARD TO FEDERAL AGENCY EMPLOYEES.—In each region where the General Services Administration operates alternative fuel vehicles, the Administrator shall provide one annual $2,000 cash award to the Federal employee (other than an employee of the General Services Administration) who demonstrates the greatest interest and commitment to alternative fuel vehicles by—

"(1) making regular requests for alternative fuel vehicles for agency use;

"(2) maintaining a high number of alternative fuel vehicles used relative to comparable conventionally fueled vehicles used;

"(3) promoting alternative fuel vehicle use by agency personnel; and

"(4) demonstrating care and attention to alternative fuel vehicles.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $25,000 in fiscal year 1992, $35,000 in fiscal year 1993, and $45,000 in fiscal year 1994 to carry out the purposes of this section.

"SEC. 4114. MEASUREMENT OF ALTERNATIVE FUEL USE.

The Administrator shall use such means as may be necessary to measure the percentage of alternative fuel use in flexi-fueled vehicles procured by the Administrator.

"SEC. 4115. INFORMATION COLLECTION.

The Secretary, in consultation with the Administrator, shall determine a representative sample of alternative fuel vehicles in the Federal fleet. Such a sample shall be sufficient to address at a minimum—

"(1) the performance of such vehicles, including performance in cold weather and at high altitudes;

"(2) the fuel economy, safety, and emissions of such vehicles; and

"(3) a comparison of the operation and maintenance costs of such vehicles to the op-

eration and maintenance costs of other passenger vehicles and light duty trucks.

"SEC. 4116. GENERAL SERVICES ADMINISTRATION REPORT.

Not later than one year after the date of the enactment of this Act, and annually thereafter, the Administrator shall report to the Congress on the General Services Administration's alternative fuel vehicle program under this Act. The report shall contain information on—

"(1) the number and type of alternative fuel vehicles procured;

"(2) the location of alternative fuel vehicles by standard Federal region;

"(3) the total number of alternative fuel vehicles used by each Federal agency;

"(4) arrangements with commercial entities for refueling and maintenance of alternative fuel vehicles;

"(5) future alternative fuel vehicle procurement and placement strategy;

"(6) the difference in cost between the purchase, maintenance and operation of alternative fuel vehicles and the purchase, maintenance, and operation of comparable conventionally fueled vehicles;

"(7) coordination among Federal, State and local governments for alternative fuel vehicle procurement and placement;

"(8) the percentage of alternative fuel use in flexi-fueled vehicles procured by the Administrator as measured under section 4114;

"(9) a description of the representative sample of alternative fuel vehicles as determined under section 4115; and

"(10) award recipients under this subtitle.

"SEC. 4117. UNITED STATES POSTAL SERVICE REPORT.

Not later than one year after the date of the enactment of this Act, and annually thereafter, the Postmaster General shall submit a report to the Congress on the Postal Service's alternative fuel vehicle program. The report shall contain information on—

"(1) the total number and type of alternative fuel vehicles procured prior to the date of the enactment of this Act (first report only);

"(2) the number and type of alternative fuel vehicles procured in the preceding year;

"(3) the location of alternative fuel vehicles by region;

"(4) arrangements with commercial entities for purposes of refueling and maintenance;

"(5) future alternative fuel procurement and placement strategy;

"(6) the difference in cost between the purchase, maintenance and operation of alternative fuel vehicles and the purchase, maintenance, and operation of comparable conventionally fueled vehicles;

"(7) the percentage of alternative fuel use in flexi-fueled vehicles procured by the Postmaster General;

"(8) promotions and incentives to encourage the use of alternative fuels in flexi-fueled vehicles; and

"(9) an assessment of the program's relative success and policy recommendations for strengthening the program.".

TECHNICAL AND CONFORMING AMENDMENT.—On page 2, delete items 4110 and 4111, and add the following items in lieu thereof:

"Sec. 4110. Resale of Alternative Fuel Vehicles.
"Sec. 4111. Federal Agency Promotion, Education, and Coordination.
"Sec. 4112. Agency Incentives Program.
"Sec. 4113. Recognition and Incentive Awards Program.
"Sec. 4114. Measurement of Alternative Fuel Use.
"Sec. 4115. Information Collection.
"Sec. 4116. General Services Administration Report.
"Sec. 4117. United States Postal Services Report.
"Sec. 4118. Enforcement.
"Sec. 4119. Implementation.".

AMENDMENT NO. 1528

On page 87, line 22, amend section 5201 of subtitle B of title V by inserting at the end thereof the following new subsection (d):

"(d) NATIONAL RENEWABLE ENERGY AND ENERGY EFFICIENCY MANAGEMENT PLAN.—Section 9(b) of the Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989 (Public Law 101-218) is amended:

"(A) in paragraph (1) by inserting "three-year" before "management plan"; and

"(B) by deleting paragraph (5) and inserting the following new paragraphs (5) and (6) in lieu thereof:

"(5) In addition, the Plan shall—

"(A) contain a detailed assessment of program needs, objectives, and priorities for each of the programs authorized under sections 4, 5, and 6 of this Act;

"(B) use a uniform prioritization methodology to facilitate cost-benefit analyses of proposals in various program areas;

"(C) establish milestones for setting forth specific technology transfer activities under each program area;

"(D) include annual and five-year cost estimates for individual programs under this Act; and

"(E) identify program areas for which funding levels have been changed from the previous year's Plan.

"(6) Within one year after the date of the enactment of this paragraph, the Secretary shall submit a revised management plan under this section to Congress. Thereafter, the Secretary shall submit a management plan every three years at the time of submittal of the President's annual budget submission to the Congress.".

GLENN AMENDMENT NO. 1529

(Ordered to lie on the table.)

Mr. GLENN submitted an amendment intended to be proposed by him to the bill S. 2166, supra, as follows:

On page 22, line 2, add after the period "If publicly available fueling facilities are not convenient or accessible to the location of Federal alternative fuel vehicles purchased under this title, the Administrator is authorized to enter into commercial arrangements with commercial fueling operators for the purpose of fueling Federal alternative fuel vehicles.".

NOTICES OF HEARINGS

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Select Committee on Indian Affairs will be holding a business meeting on Wednesday, February 5, 1992, beginning at 9:30 a.m., in 485 Russell Senate Office Building to adopt the committee rules and agenda to be followed immediately by an oversight hearing on the implementation of the Indian Gaming Regulatory Act.

Those wishing additional information should contact the Select Committee on Indian Affairs at 224-2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, February 4, at 11:30 a.m. to hold a nomination hearing on Scott Spangler to be Associate Administrator of the Agency for International Development.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be authorized to meet on Tuesday, February 4, at 10:15 a.m., for a hearing on the subject of: Terrorist defectors—are we ready?

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

COMMITTEE ON THE JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, February 4, 1992, at 10 a.m. to hold a hearing on review of the national drug control strategy, 1992.

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

ADDITIONAL STATEMENTS

PENNSAUKEN TOWNSHIP'S 100TH ANNIVERSARY

• Mr. LAUTENBERG. Mr. President, I rise today to congratulate historic Pennsauken township in New Jersey on its 100th anniversary in February.

Originally, this town was settled by a Native American tribe called the Lenni-Lenapes. The Lenapes used the shores of Pennsauken to trade tobacco, so the area became known as Pindasenakun, which meant Tobacco Pouch. Throughout the years, residents made various attempts at the correct spelling of the name. In 1892 the New Jersey State Legislature determined the spelling of the new township to be Pennsauken.

In the 17th century, Quakers came and populated the area. While they were living in England, the Quakers were subjected to religious persecution by the English Government. In order to protect their civil rights, the Quakers purchased land in New Jersey and Pennsylvania and established the first permanent settlement in Pennsauken. The Quakers paid the Native Americans for the land they acquired and it appears that the two groups were able to live in harmony.

Pennsauken continued to play an important role in New Jersey history in the 18th and 19th centuries. During the Revolutionary War, George Washing-

ton ordered the Pennsauken Creek Bridge to be destroyed because it was feared that the British would gain control of it. During World Wars I and II, Pennsauken contributed on the home front by sending soldiers, clothing, food, and by complying with the rationing standards.

From 1929 to 1940, Pennsauken established itself in aviation history. Flying legends such as Amelia Earhart, Orville Wright, and Charles Lindbergh came to Central Airport.

Today, Pennsauken is a suburban town with a strong public spirit. I extend my heartiest congratulations to the residents of Pennsauken for a grand celebration of the town's 100th anniversary.●

PLACENTIA-YORBA LINDA HIGH SCHOOL STUDENTS EXCEL

● Mr. SEYMOUR. Mr. President, I rise today to commend and congratulate the students and educators of the Placentia-Yorba Linda School District in the State of California, for their energetic pursuit to achieve the national education goals the President has set before them.

In these times of extreme budget cuts and limitations, the students and educators from the Placentia-Yorba Linda schools are faced with barriers that threaten learning and development. This year alone, students will have approximately 42 fewer teachers, counselors, and nurses available in their schools. Curriculum will be reduced while the number of students in each class will increase at a rate of 3 per academic year. In addition, each school district must reduce the spending limit per student by 2.7 percent due to inflation and the influx of students enrolled in California's schools.

One would expect with these odds, there would be little hope for the students in my state to continue on to higher education and beyond. But, as they say, to every rule there is an exception. Today, I would like to acknowledge the exceptional students and teachers of the Placentia-Yorba Linda high schools.

The school performance report summary for the California State Department of Education, assesses the performance of California's high school students. The report is based on several characteristics: The percentage of students completing high school courses, the rate of dropouts, and the number of students who will continue on to college, based on the SAT scores.

Mr. President, I am proud to announce that the students in the Placentia-Yorba Linda high schools are better prepared than 92 percent of the total number of students enrolled in California high schools. The subtest scores for their SAT exams increased by 10 points on the verbal section, and 28 points on the mathematics section between the 1989-90 and 1990-91 school years. In only 1 year, these students have made better progress than any other students in the State.

As our Nation strives to solve the education dilemma with curriculum constraints and budget cuts, it is impressive to see students and teachers overcome the obstacles by working together to achieve our Nation's education goals. My congratulations to them all for their continued hard work and dedication, and for making the Placentia-Yorba Linda School District one of the best in the State of California.●

ANDEAN DRUG WAR: PENTAGON DESERVES PRAISE FOR "JUST SAYING 'NO'"

● Mr. CRANSTON. Mr. President, from the very beginning I have been an opponent of administration efforts to seek a military solution to the misleadingly named Andean drug war.

I have long believed that military assistance efforts are singularly inappropriate tools to combat what are essentially law enforcement and development problems.

Because of my strong opposition to what I view as a foreign policy disaster in the making, I have risen many times to add my voice to those urging the administration to seek a new course in a fight we cannot afford to lose.

I have sought—in hearings, through press statements, and through legislation—to hold the administration to its stated goals of promotion of human rights, support for democracy, and effective strategies to combat narcotics trafficking.

In the United States we have a strict delineation of internal security and national defense functions set down in the principle of posse comitatus. Law enforcement is almost entirely a police function, except in the most extraordinary circumstances, and is carried out primarily at the local level.

Yet, the Bush administration has been quick to short circuit such considerations when acting outside our borders, particularly in the antinarcotics arena, and appears to be beside itself with enthusiasm for involving host-country militaries in roles we ourselves wisely prohibit to our own Armed Forces.

Reduction of demand in the United States, trade, development, and administration of justice assistance are the tools that will allow the nations of the Andean region to escape the growing tentacles of the international drug mafia.

A focus on these will also help these new or fragile democratic regimes to escape the threat posed by their own often brutal and corrupt militaries.

Instead, the administration rushes headlong toward increased militarization, a strategy that cannot work and remains an unthinking reflex of cold war counterinsurgency strategies, with their focus on internal enemies and the regimentation of vast sectors of public life.

Mr. President, there are a couple of developments in recent days I believe are important to draw to the attention of our colleagues.

First is an article in the Los Angeles Times reporting that the Department of Defense has—appropriately—sidestepped an effort by the White House to force it to take on an even greater leadership role in antinarcotics efforts.

The Times article quotes a senior administration official as saying of the Department, "I do not understand why they can't act a little more forward-looking."

Frankly, I think DOD should be applauded for its stand. Those whose field of vision appears to be clouded are those who are pushing for greater military involvement—an effort that will be costly, create as many or more problems than it solves, and, in the last analysis, is doomed to failure.

According to the Times article:

> The Pentagon had jumped to the forefront of the drug fight three years ago in a burst of enthusiasm sparked by concern that its traditional mission was evaporating with the decline of the Soviet threat. "Its reluctance now to take on a bigger role was described by senior government sources as a consequence, in part, of the Persian Gulf war, which made some military officers scornful of mere anti-drug operations. But it was also said to reflect also a Pentagon weariness about becoming too closely identified with the failure to make inroads against a potentially intractable problem.

It is in this context that the administration is preparing to release $10 million in military aid to Peru, thereby committing even further United States prestige and resources to a vicious three-cornered fight between the cocaine-tainted army, drug traffickers, and ultra-leftist guerrillas who are themselves steeped in narcotics activity.

Just last year the Defense Intelligence Agency issued a classified study that reportedly showed that there had been no appreciable decline in cocaine production. The Times article also cites an internal DOD memorandum that concluded, correctly, "that the attainment of United States objectives is impossible" in Peru.

The memorandum also stated that the Bush Andean strategy had "only marginally impacted on narcotraffickers" and cautioned about an even greater involvement by the Pentagon in such issues.

Mr. President, our military are not police, nor should they be given such a mission, even when the goal is as worthy as trying to stem the flow of narcotics into our cities.

Those officers who are worth their salt know that they are not prepared to carry out law enforcement tasks. As a

January 25 article in the New York Times pointed out, "for years the American military expressed a reluctance about engaging in operations that they considered police work. * * *"

Those military men who seek such missions are often merely budget-protecting desk jockeys whose motivations are themselves suspect.

By reinforcing the militaries' role in internal security in the new, emerging or troubled democracies of the developing world we are virtually guaranteeing politicized armed forces and corrupt and demoralized police forces.

Mr. President, I ask my colleagues to keep an eye on—if not the bouncing ball—then at least the bottom line.

In its 1990 national drug control strategy, the administration set the 2-year goal of a 15-percent reduction in the "estimated amounts of cocaine, marijuana, heroin, and dangerous drugs entering the United States."

Last year, the administration revised its goal to 20 percent by 1993, using 1988 levels as the baseline. Curiously, in the 1992 strategy, released Monday, the administration has decided not to divulge its new 2-year reduction target, saying only that it will be "below a (to be established) baseline level."

What is going on here? Who's in charge of this war? What faith can we put into a strategy whose goals seem as elastic as an accordion?

It is instructive to look at what was actually accomplished with respect to the previous goals, since the establishment of more ambitious targets might reasonably lead one to infer that the previous ones have been attained.

Over this period, cocaine has been the main target of the militarized war on drugs in the Andes. Yet, according to the DEA, Latin American cocaine production doubled between 1988 and 1990, and was expected to jump another 40 percent in 1991. The traffic continues unabated.

Mr. President, I once again challenge the administration to live up to its stated goals of respecting human rights, fortifying new and emerging democracies and successfully combating the scourge of illegal drugs.

It can be done, but it cannot be done the way George Bush is doing it. Think hard, Mr. Bush, don't just talk tough.

Mr. President, I ask that the two newspaper articles I have cited be reprinted in the RECORD at the conclusion of my remarks.

The articles follow:

[From the Baltimore Sun, Jan. 27, 1992]

PENTAGON REFUSES ROLE IN WAR ON ILLEGAL DRUGS

WASHINGTON.—The Department of Defense has rejected a White House plan for the military to take a new leadership role in the war on illegal drugs, setting back administration efforts to give fresh impetus to a lagging program, according to senior officials.

The refusal leaves stalled a proposal by the White House Office of Drug Control Policy that would have created a unified military authority to coordinate most U.S. counternarcotics operations in Central and South America.

With new obstacles threatening progress made after President Bush escalated the drug fight, the Pentagon posture disappointed officials who had hoped that a military-style battle plan would help the administration wage a more effective campaign.

"I do not understand why they can't act a little more forward-looking," one senior administration official complained.

The Pentagon had jumped to the forefront of the drug fight three years ago in a burst of enthusiasm sparked by concern that its traditional warfighting mission was evaporating with the decline of the Soviet threat.

Its reluctance now to take on a bigger role was described by senior government sources as a consequence, in part, of the Persian Gulf war, which made some military officers scornful of mere anti-drug operations. But it was said to reflect also a Pentagon wariness about becoming too closely identified with the failure to make inroads against a potentially intractable problem.

The Pentagon's rejection of the plan deprives the White House of what had been envisioned as the centerpiece of its fourth annual anti-drug strategy, to be unveiled today at a news conference.

In a separate case of wrangling within the administration, another high-profile White House proposal—to make public a most-wanted list of the nation's top drug criminals—also was turned down, in this case by Attorney General William P. Barr.

Mr. Barr, who blocked the plan during a meeting of the White House Domestic Policy Council, was said to have been concerned that such high-profile publicity could undermine law enforcement efforts aimed at cracking the drug rings.

What remains intact of the new anti-drug strategy, to be released by Bob Martinez, director of the Drug Control Policy office, includes an unexceptional call for a 6 percent increase in federal funding on narcotics operations.

Coming in the wake of disappointing news on the drug front, the unveiling of the strategy also is expected to be marked by administration efforts to claim new successes.

At a news conference today, Health and Human Services Secretary Louis W. Sullivan plans to release a new survey of high school seniors showing declines in their use of drugs and alcohol, a glimmer of good news in contrast to studies last year that showed new increases in cocaine and heroin use among hard-core addicts.

As the administration broadens its focus from the stubborn area of drug use, the strategy will propose for the first time plans to discourage use of alcohol among underage minors.

But in its renewed bid to fulfill Mr. Bush's inaugural vow that "this scourge will end," the administration has been confronted in recent months with sobering indications that the job may be more difficult than it appeared.

Despite a near-quadrupling of spending for U.S. anti-drug efforts in Latin America, the Defense Intelligence Agency issued a classified report last year that their had been no appreciable decline in cocaine production. More recently, an internal Pentagon memorandum concluded that the "attainment of U.S. objectives is impossible" in Peru, a primary front in the administration's counternarcotics strategy.

In warning that the Andean strategy had "only marginally impacted on narco-traffickers," the report warned against deeper Pentagon involvement in the drug war.

In the latest setback, administration officials said that U.S.-backed anti-drug efforts in Peru had been forced to a halt in the last two weeks by concerns about the role of Maoist Shining Path guerrillas in the fatal crash of a U.S. helicopter.

[From The New York Times, Jan. 25, 1992]

IN SHIFT, UNITED STATES WILL AID PERU'S ARMY AGAINST DRUGS AND REBELS

(By Clifford Krauss)

WASHINGTON, January 24.—After months of Congressionally imposed delays, the Bush Administration is preparing to release $10 million in military aid to Peru as the first stage of a new policy to help the Peruvian military fight drug traffickers and Maoist guerrillas involved in the cocaine trade.

The program marks a change after more than two decades of limited relations between Washington and the Peruvian military, which has long retained close relations to the Soviet Union and which had recently been criticized by Administration officials for its dismal record on human rights.

"Moreover, as recently as two months ago American officials accused elements of the army of taking payoffs from drug traffickers and of blocking Peruvian police efforts to interrupt the cocaine trade.

CONFIDENCE IN MILITARY

United States involvement in Peru has slowly increased in the last five years. The Drug Enforcement Administration and anti-drug officers under State Department contract have worked at the Santa Lucia police base in the Upper Huallaga Valley advising the police on eradicating drugs and maintaining helicopters. In the last two years, members of the United States Army Special Forces have trained Peruvian police units but up until now have not trained military units.

State Department officials now say the Peruvian military is being reformed, can be vital in the war against drugs and will only improve with increased American tutelage.

"The Peruvian Army is making rather impressive gains to the degree they have opened themselves up to the judicial authorities," said a senior State Department official, who added that the aid would begin to flow in the next few weeks. "Together we have the beginnings of a serious counternarcotics program. They need our help."

The initial aid package will include the sending of about 15 military trainers to instruct a Peruvian marine company and police antinarcotics units, spare parts for helicopters and jet aircraft, and road-building equipment for army civic action. The package is far smaller than the original program the Bush Administration proposed to Congress last year, which included sending dozens of military advisers to train three special army battalions.

ANTIDRUG AID AT $1.2 BILLION

Still, Congressional critics and human rights groups warn that the program could open the door for a growing American role in Latin America's most vicious guerrilla war. Such fears were reinforced this month when three Americans under contract with the State Department to help maintain Peruvian police equipment were killed in a helicopter downed by Shining Path rebels high in Andes.

With the close of the cold war and the shrinking military budgets, the war on drugs

is one of the few growth areas the Pentagon has left. Its antinarcotics spending has increased to a projected $1.2 billion this year, from $440 million in 1989. For years the American military expressed reluctance about engaging in operations that they considered police work, but today the United States Southern Command in Panama fields about 500 soldiers working on intelligence and antinarcotics training programs in Latin America.

Administration officials say their strategy in Peru is to improve the coordination of the Peruvian Army and police, so that law enforcement units can safely operate in the Upper Huallaga Valley where the Shining Path guerrillas operate. Along with the military aid program, the Administration is sending $60 million in economic assistance to help peasants switch from coca cultivation to other crops.

More than half of the cocaine consumed in the United States originates from coca plants cultivated in Peru, making anticocaine efforts there crucial to the Administration's declared war on drugs.

American officials insist they have no interest in deploying ground troops in Peru to fight the guerrillas, who have been accused of not only serving as middlemen between peasant coca growers and the traffickers but also of trafficking to finance their operations. Nonetheless, in a Jan. 17 letter to four senior members of Congress, Janet G. Mullins, Assistant Secretary of State for Legislative Affairs, said the Administration intended to send nearly $25 million more in military aid once Lima demonstrated better antidrug and human rights efforts.

Congressional leaders are meeting to decide how to respond to the Administration's intentions. Although lawmakers released their hold on aid late last year when the State Department agreed to release the funds only after Lima fulfilled a number of Congressionally set targets on human rights, they could block future aid proposals from the Administration.

REFORM IS REPORTED

Those targets included a commitment from Lima that all military aid would be channeled through President Alberto K. Fujimori to reinforce civilian rule, that military prisons be open to international inspection and local civilian prosecutors, that military prisoners be listed on a national registry, and that a number of politically charged human rights cases involving military officers be prosecuted.

In her letter to Congress, Ms. Mullins said the aid would be released because Congressional conditions "have been fulfilled." She noted that the International Red Cross had been allowed to tour military and police prisons unhindered on a regular basis since late September and that Lima has developed a registry of detainees.

But international human rights monitors are expressing doubts.

"It is clear that while limited progress has been made in complying with certain conditions, the overall human rights situation has not improved and may in fact be getting worse." said Coletta Youngers, senior associate at the Washington Office on Latin America, a human rights group. Ms. Youngers said Peruvian human rights monitors were reviewing and trying to verify 70 reported cases of disappearances linked to the security forces in the last few months.

In a trip to Peru this month, Ms. Youngers said she had found that Red Cross visits to military installations were prearranged and therefore unspontaneous and that Peruvian human rights workers said the registry of prisoners was incomplete.●

BUDGET SCOREKEEPING REPORT

●Mr. SASSER. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) of the Congressional Budget Act of 1974, as amended. This report serves as the scorekeeping report for the purposes of section 605(b) and section 311 of the Budget Act.

This report shows that current level spending exceeds the budget resolution by $3.7 billion in budget authority and by $3.2 billion in outlays. Current level is $3 billion above the revenue target in 1992 and $3.5 billion above the revenue target over the 5 years, 1992–96.

The current estimate of the deficit for purposes of calculating the maximum deficit amount is $351.5 billion, $0.3 billion above the maximum deficit amount for 1992 of $351.2 billion.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, February 3, 1992.

Hon. JIM SASSER,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1992 and is current through January 31, 1992. the estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the Concurrent Resolution on the Budget (H. Con. Res. 121). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated January 22, 1992, there has been no action that affects the current level of spending and revenues.

Sincerely,

ROBERT D. REISCHAUER,
Director.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 102D CONG., 2D SESS., AS OF JAN. 31, 1992

[In billions of dollars]

	Budget resolution (H. Con. Res. 121)	Current level [1]	Current level +/– resolution
On-budget:			
Budget authority	1,270.6	1,274.3	+3.7
Outlays	1,201.6	1,204.8	+3.2
Revenues:			
1992	850.4	853.4	+3.0
1992–96	4,832.0	4,835.5	+3.5
Maximum deficit amount	351.2	351.5	+.3
Debt subject to limit	3,982.2	3,704.4	–277.8
Off-budget:			
Social Security outlays:			
1992	246.8	246.8	
1992–96	1,331.5	1,331.5	
Social Security revenues:			
1992	318.8	318.8	
1992–96	1,830.3	1,830.3	

[1] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 102D CONG., 2D SESS., SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1992 AS OF CLOSE OF BUSINESS JAN. 31, 1992

	Budget authority	Outlays	Revenues
ENACTED PRIOR TO 102D CONG.			
Revenues			850,405
Permanent appropriations	784,740	723,462	
Outlays from prior year appropriations	0	234,906	
Offsetting receipts	(186,675)	(186,675)	
Total previously enacted	598,065	771,693	850,405
ENACTED 1ST SESS.			
Appropriation legislation:			
Agriculture (Public Law 102–142)	51,219	36,382	
Commerce-Justice (Public Law 102–140)	21,425	16,016	
Offsetting receipts	(119)	(119)	
Defense (Public Law 102–172)	269,911	176,492	
District of Columbia (Public Law 102–111)	700	690	
Energy and Water (Public Law 102–104)	21,875	12,961	
Interior (Public Law 102–154)	12,466	8,098	
Labor, HHS, Education (Public Law 102–170)	183,044	146,857	
Offsetting receipts	(39,658)	(39,658)	
Legislative branch (Public Law 102–90)	2,309	2,063	
Military construction (Public Law 102–136)	8,563	2,931	
Transportation (Public Law 102–143)	14,302	12,217	
Treasury-Postal Service ((Public Law 102–141)	19,695	17,027	
Offsetting receipts	(6,079)	(6,079)	
Veterans, HUD (Public Law 102–139)	80,941	42,469	
Emergency supplemental for humanitarian assistance (Public Law 102–55)		(1)	
Dire emergency supplemental appropriations, 1991 (Public Law 102–27)		511	
Disaster relief supplemental appropriations, 1992 (Public Law 102–229)	113	(154)	
Other spending legislation:			
Extending IRS deadline for Desert Storm troops (Public Law 102–2)			(5)
Veterans' education, employment and training amendments (Public Law 102–16)	2	2	
Higher education technical amendments (Public Law 102–26)	(56)	(56)	
Veterans' Health Care Personnel Act (Public Law 102–40)		(1)	
Veterans' housing and memorial affairs (Public Law 102–54)		5	
Veterans' Benefits Improvement Act (Public Law 102–86)	3	3	
Intelligence authorization Act, fiscal year 1991 (Public Law 102–88)	(1)	(1)	(1)
Veterans' educational assistance amendments (Public Law 102–127)		(1)	
Extend most-favored-nation status to Bulgaria (Public Law 102–158)			(2)
Unemployment compensation (Public Law 102–164)	3,825	3,825	2,600
Provide MFN status to Czechoslovakia and Hungary (Public Law 102–182)	505	505	(17)
Intelligence Authorization Act, fiscal year 1992 (Public Law 102–183)	(1)	(1)	
Defense Authorization Act (Public Law 102–190)		(7)	
Extend MFN status to the Soviet Union (Public Law 102–197)			(22)
James Madison Memorial Act (Public Law 102–221)		(1)	
Tax Extension Act (Public Law 102–227)			405
San Carlos Indian Irrigation Project Divestiture Act (Public Law 102–231)	(2)	(2)	
RTC Refinancing Act (Public Law 102–233)	25	25	
Food, Agriculture, Conservation and Trade Act amendments (Public Law 102–237)	(2)	(2)	
Intermodal Surface Transportation Efficiency Act (Public Law 102–240)	18,514	(590)	
Coast Guard authorization (Public Law 102–241)	(1)	(1)	

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 102D CONG., 2D SESS., SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1992 AS OF CLOSE OF BUSINESS JAN. 31, 1992—Continued

	Budget authority	Outlays	Revenues
Deposit Insurance Reform and Protection Act (Public Law 102–242)	3	3	.....
Discretionary estimating adjustment	(233)	(5,823)	.....
Total appropriation and other spending legislation	663,291	426,591	2,959
CONTINUING LEGISLATION AUTHORITY PUBLIC LAW 102–145			
Foreign Operations (expires Mar. 31, 1992)	14,034	5,496	.....
Offsetting receipts	(41)	(41)	.....
Total continuing resolution authority	13,992	5,454	.....
MANDATORY ADJUSTMENTS			
Entitlement authority and other mandatory adjustments required to conform with current law estimates in budget resolution	(1,041)	1,105	.....
MANDATORY ADJUSTMENTS			
Entitlement authority and other mandatory adjustments required to conform with current law estimates in budget resolution	(1,041)	1,105	.....
ENACTED 2D SESS.			
Total current level	1,274,306	1,204,844	853,364
Total budget resolution	1,270,612	1,201,600	850,400
Amount remaining:			
Over budget resolution	3,694	3,244	2,964
Under budget resolution	.....	.....	.....

[1] Less than $500,000.

Note.—Numbers may not add due to rounding.•

A TRIBUTE TO GIL CISNEROS AND THE SMALL BUSINESS ADMINISTRATION IN COLORADO

• Mr. WIRTH. Mr. President, it is always a pleasure to recognize the achievements and accomplishments of a fellow Coloradan, and it is particularly pleasing when that person happens to be a Federal official like Mr. Gil Cisneros, the Regional Director of the Small Business Administration [SBA] in Denver, CO.

Gil Cisneros took over the regional office of the SBA in 1987. By many accounts, he inherited an agency that was beset by morale problems, a poor record of community outreach, and an ever increasing tide of complaints about its effectiveness in meeting the needs of small businesses. In a short period of time, Gil has managed to restore the SBA's reputation—and is, in my view, one of the best political appointments this administration has made.

My staff and I have a high regard for the quality of work and improved service offered by the SBA under Gil Cisneros' leadership, and I am pleased to recognize his accomplishments. Last year, he was named by Hispanic Business as one of the 100 most influential Hispanics in America, and his record in Colorado includes very distinguished service in the Denver Community Desegregation Project and the Denver Minority Business Development Center. His background as a successful businessperson, and as a community leader have helped to make his tenure at the SBA very productive for Colorado—the SBA District Office increased loans to small businesses by one-third in fiscal year 1991.

I do not know Gil Cisneros personally, but my office and I are very much aware of his work and his reputation in the community. In that spirit, and in a bipartisan fashion, I wish to express my admiration for Gil, and for the aggressive and creative approach he has taken at the SBA.

At a time when Federal programs and officials are easy targets for abuse, I am proud to congratulate Gil Cisneros, his staff at the Regional SBA Office, and the Colorado District SBA Office, for a job well done.•

SUPPORT VENEZUELAN DEMOCRACY

• Mr. CRANSTON. Mr. President, I rise today to express my most energetic condemnation of the attempted military coup that took place early this morning in Venezuela.

Venezuela is one of Latin America's oldest democracies. It has been one of the United States most important allies in the quest for the rule of law and social justice in Latin America. Today's action by the military is illegal and immoral. I add my voice to those condemning such a flagrant disregard for the rights of the Venezuelan people as expressed by this morning's unfortunate events.

Military unrest in Venezuela cannot but help to create unease and concern in the many nations in our hemisphere that are in the process of creating or consolidating their own democratic governments. It is ironic that Venezuela, with its 33-year-old tradition of civilian rule, is today faced with a challenge by that most primitive of authoritarian ideologies, militarism.

Mr. President, those who are shocked by events in Caracas have not been paying attention to events in Venezuela. There was a warning of things to come 3 years ago—a point I have made several times over the past months—and it is a point that bears increasing attention as we devise security assistance programs for the post-cold-war period.

Despite Venezuela's relatively long period of civilian rule, and despite the fact that it has several interesting and innovative mechanisms to ensure civilian control over the armed forces, Venezuela's civil-military relationship has an Achilles' heel.

Venezuela, unlike the United States but like many other Latin American countries, does not make a clear distinction between national defense and internal security. Thus their military have a large, though undefined, role in internal security.

Unfortunately, as a recent article in the National Journal points out, not only does the United States continue to promote this confusion of roles in other countries—under the guise of fighting the drug war—but is increasingly militarizing law enforcement at home.

Mr. President, in early 1989 the announcement of an IMF-supported economic austerity package sparked widespread urban rioting in Venezuela. When the disturbances broke out, the confusion between national defense and internal security manifested itself in a security force rampage. Between 600 and 2,000 people reportedly died as a result.

By means of comparison, one can look at Argentina, a country that, despite its long history of military coups, in the 1980's clearly defined law enforcement as a police function.

Under the government of President Raul Alfonsin, a law was passed that separated military from law enforcement functions, thus giving the police a nearly exclusive role in the maintenance of public safety. It was Alfonsin who wrested Argentina's police forces—once a den of neo-Nazi and criminal activity—from military control, placing at their head law enforcement professionals who were respected by their own forces.

In May 1989, as Alfonsin was struggling under the weight of the economic collapse and his own status as a lame-duck President, bread riots broke out in several major cities, including Buenos Aires. They lasted for several days and appeared to be of the same intensity as those in Venezuela.

The military demanded it be given a role in crushing the riots. Alfonsin refused, and pointed to the fact the armed forces were prohibited from carrying our internal security functions. Restored to professional respect through Alfonsin's reforms, the federal police and the national gendarmarie took control of the streets using modern crowd control techniques. About a dozen people were killed, most victims of angry shopkeepers or other non-law-enforcement-related parties.

The contrast between Argentina, with its turbulent past of military coups, and Venezuela, one of the hemisphere's oldest democracies, could not have been greater. The difference between them was the role they assign to their police forces and their military.

Mr. President, last year Venezuelan political leader Eduardo Fernandez was asked what he thought was the lesson of that country's tragic experience in 1989. His answer: The military are not qualified to act as police, and should never be given that role. Unfortunately, he noted, nothing had been done to redefine the military's role as one of strictly national defense. The results are there for all to see.

Mr. President, the National Journal has noted that not since Federal troops occupied the South has our military

been so involved in civilian law enforcement as it is today in the war on drugs.

The separation of military and law enforcement functions in the United States has been one of the most important underpinnings of our democracy. It is a model we ought to preserve and seek to promote in our dealings with friends and allies abroad. Failure to do so will surely give us more future opportunities to come to the floor to lament future challenges to neighboring democracies, and perhaps to our own.•

TRIBUTE TO JUDGE JOSEPH C. HOWARD

• Mr. SARBANES. Mr. President, it is with great pride that I rise to pay tribute to Judge Joseph C. Howard who has served with distinction on the U.S. District Court for the District of Maryland since 1979. Judge Howard retired from active service on November 15, 1991, and has continued to hear cases as a senior district judge since that time.

For over a decade, Judge Howard has made significant contributions to the U.S. district court and the legal community. His commitment to justice and his extraordinary abilities have made him a leader in the ongoing effort to make our legal system work for all our people. As a Federal judge, he continued to display the outstanding character, integrity, and courage that he had shown as a pioneer in the legal profession for over 20 years in Maryland.

Judge Howard, was born and brought up in Des Moines, IA. He served in the U.S. Army from 1944 to 1947, beginning as a private and finishing his military service as an officer. He received his undergraduate degree from the University of Iowa and his law degree from Drake University in 1955, followed by an M.A. degree from Drake in 1957.

Judge Howard came to Maryland in 1958, and worked initially as a probation officer with the Supreme Bench of Baltimore City. He was admitted to practice in Maryland in October 1959, and from 1960 to 1968 practiced law in the small firm of Howard and Hargrove. From 1964 until early 1968, Judge Howard served as an assistant State's attorney for Baltimore City and was chief of the trial section from 1966 to 1968. In 1968, he also served for a short period of time as assistant city solicitor for Baltimore City. In 1968, Judge Howard ran for the supreme bench of Baltimore City and was elected to a 15-year term. Early in 1979, Judge Howard was nominated by President Carter to the U.S. District Court in Maryland. He was confirmed by the Senate and sworn in on October 23, 1979.

Judge Howard has been both a practitioner and student of the law. He taught and lectured at a number of colleges and law schools and has received many awards and honors for his accomplishments. He has served on the board of visitors of the University of Maryland Law School and as a member of the advisory board of the Baltimore Law School. He was honored by being awarded the Drake University Outstanding Alumni Award in 1988.

He has also written a number of articles and studies dealing with the administration of justice and has found time over his busy and productive career to help strengthen the legal profession. As one of seven judges from the United States, he was part of the first delegation of Americans to examine the judicial system in mainland China.

Throughout his professional life as a prosecuting attorney, in private practice, and as a judge at both the local and Federal levels, Judge Howard has been steadfast in his effort to remove discrimination so that our justice system will be open to all. He was the first black judge elected to the superior bench in Baltimore City and the first black judge to serve on the U.S. District Court in Maryland.

Etched in stone above the entrance to the U.S. Supreme Court is the statement "Equal Justice Under Law." Judge Howard's life is dedicated to this fundamental principle.

I congratulate him for his many accomplishments and thank him for his significant contributions to our legal system and society. We are going to miss his full-time service on the U.S. District Court for Maryland, but we take comfort in the knowledge that his services will still be available as a senior judge. We also know he will continue to be a forceful voice and active participant in our community.•

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL POLICY FOUNDATION

Mr. MITCHELL. Mr. President, on behalf of Senator DECONCINI and Senator MCCAIN, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2184, introduced earlier by Senators DECONCINI and MCCAIN.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 2184) to establish the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation, and for other purposes.

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

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

Mr. DECONCINI. Mr. President, I rise to speak on a matter of great concern, both to me personally and to this body institutionally. Last session, the Congress enacted and sent to the President a bill to establish a fitting tribute to honor the contributions that our good friend, Mo Udall, has made to this Nation over his long career of public service. S. 1176, the Morris K. Udall Scholarship and Excellence in National Environmental Policy Act, was sponsored by 23 Senators and passed enthusiastically by both the Senate and the House.

The act sets up, as an independent entity of the executive branch, the Morris K. Udall Scholarship and Education Foundation to be located in Tucson, AZ. The act assigns the Foundation the mission of expanding awareness and understanding of national environmental issues, with an emphasis on training and educational outreach. Also, it has the mission of augmenting the training of Native American and Alaska Native health care professionals.

The Foundation is authorized to award undergraduate scholarships, graduate fellowships, internships, and grants to further these goals. The Foundation is also mandated to develop a program for environmental policy research and environmental conflict resolution at the Udall Center for Studies in Public Policy, which was established at Mo's alma mater, the University of Arizona in 1987.

The act establishes a trust fund to carry out these ambitious programs and authorizes the appropriation of moneys to this trust fund. In separate legislation, the fiscal year 1992 Interior appropriations bill, Congress appropriated $5 million for the educational work of the Foundation, to be available on September 30, 1992.

The Foundation created by this law will be a living monument to honor Mo Udall and to express this Nation's appreciation for his decades of leadership, courage, and vision. The act will ensure that Mo's important work will continue by establishing in his name programs to expand education and encourage continued use and enjoyment of our Nation's rich natural resources, and the training of Native American and Alaska Native health care and public policy professionals, for which Mo has worked so hard throughout his years of distinguished service.

Unfortunately, a decision was made that the President would not sign S. 1176 into law, when it was presented to him over the Christmas holidays. Instead, in a memorandum of disapproval, the President sought to exercise a pocket veto. As my colleagues know, the pocket veto is the protection that the Framers of the Constitution gave the President to make sure that, whenever Congress sent a bill to the President, the President would have an opportunity to veto the bill by returning the bill to the Congress with his objections. If Congress prevents the President from returning a bill, then the bill may not become law.

Historically, the Senate, as well as the House, have taken effective measures to ensure that the President has

his constitutional opportunity to return a bill to the Senate with a veto during any period when the Senate is adjourned over the holidays or at other times of the year before the final adjournment of a Congress. The Senate has appointed the Secretary of the Senate to accept all messages, including vetoes, from the President at such times, and the House has appointed its Clerk to do the same.

In fact, President Bush utilized this very mechanism during the adjournment between sessions of the last Congress, when he vetoed the Chinese students bill, which Congress had passed to protect students studying in the United States after the massacre at Tiananmen Square, by returning the bill with his objections to the House through the House Clerk. President Reagan, used the same procedure, and returned bills to congressional officers during adjournments, as did Presidents Carter and Ford before them.

Indeed, the Federal courts in the District of Columbia have repeatedly ruled, in legal actions brought by the senior Senator from Massachusetts [Mr. KENNEDY] and by members of the House over the past two decades, that the return of bills to congressional officials is the proper constitutional mechanism to be followed for Presidential vetoes when the Congress is adjourned between sessions or within a session. The courts have made clear that the President may not constitutionally pocket veto a bill in those circumstances. In the most recent of these lawsuits, in 1984, the Senate intervened to express its bipartisan position that the constitutionally required consequence of a President's failure to return a bill, when an officer of the Congress has been appointed to receive it, is that the bill becomes a law.

The Supreme Court has not ruled on this question. The Department of Justice decided not to ask the Court to review the decision of the District of Columbia Circuit, in the case of Kennedy versus Sampson, which invalidated an intrasession pocket veto. Then, the Solicitor General persuaded the Court that the case of Barnes versus Kline, in which the District of Columbia Circuit invalidated an intersession pocket veto, was moot and should not be decided on the merits.

Up until last month, however, judging from the return of the Chinese student bill in 1989, it appeared that President Bush had determined to follow these Federal appellate court decisions and to return bills to Congress during adjournments in order to permit Congress to try to muster the necessary two-thirds majority in both Houses to override. The Congress has found that a difficult burden indeed. In fact, the President has a perfect record on sustaining his vetoes. Regardless of my position on the specific legislation that was vetoed, this is acceptable to this Senator because that is the way our Constitution provides for a limited sharing with the President of the Congress' legislative power.

Use of the pocket veto in these circumstances, however, is an attempt to reallocate the Constitution's grant of legislative power. It is all check and no balance. It is regrettable that the President did not follow his own sound prior example and that of his predecessors and send this bill back to us so that we could consider his objections in the manner prescribed in the Constitution.

Let me turn briefly to the objections that led the President to try to veto this bill in the first place. It is not, the President assures us, because of any disagreement over the substance of the bill, for the President states that he supports the creation of a foundation to honor Mo. Rather, the President has raised objections to the way in which the Board that will administer the Foundation is set up. In his statement, the President questions whether the law may provide for the congressional leadership and the president of the University of Arizona to appoint members to the Foundation Board, in addition to the President.

This is not the first law that Congress has enacted establishing a foundation with congressional participation to honor the distinguished career of an American leader who served as a Member of Congress. It is, however, the first time that the President has vetoed such a law.

In 1975, the Congress honored former President, and former Senator, Harry S Truman, by establishing the Truman Scholarship Foundation. Then, in 1986, the Congress honored another distinguished Arizonan, Senator Goldwater, by establishing the Barry Goldwater Scholarship and Excellence in Education Foundation. The Truman and Goldwater Foundations, after which the Udall Foundation was substantially patterned, are governed by boards made up of congressional, as well as Presidential, appointees. The distinguished chairman of the Armed Services Committee, Mr. NUNN, as well as my able colleague from Arizona Mr. MCCAIN, currently serve as trustees of the Goldwater Foundation. President Reagan expressed reservations about the appointment mechanism for the Goldwater Board, but he signed the bill into law nonetheless.

Nor are the Truman and Goldwater Foundations the only government educational foundations whose membership is designated, in part, by the Congress. The James Madison Memorial Fellowship Foundation was established by Congress to commemorate the bicentennial of the Constitution by sponsoring programs for graduate study of the Constitution's principles and formation. Under the law, the board of trustees that administers the Madison Foundation is made up of persons appointed by the President, in part from persons designated by the leadership of Congress. In fact, at this moment, two of our colleagues serve as the chairman and treasurer of the Madison Board.

As my colleagues can see, we had a reasonable basis for drawing up the Board for the Udall Foundation the way we did and for believing that the President would sign the legislation. Given the background, I believe that the President would have been better-advised to have signed this bill, while requesting any amendments that he might want to accommodate his appointment concerns. At a minimum, the President should have returned the bill to the Senate so that we could have chosen how to proceed under the Constitution.

Now we have to determine how to proceed from where we are now. Under the Constitution, a bill becomes law automatically if the President neither signs it nor returns it to Congress, unless return was prevented. As the courts have interpreted and applied the Constitution over the past 20 years, S. 1176 accordingly became law in December when the President failed to return it with his objections to the Senate by causing them to be delivered to the Secretary.

If we wished to bring this question before the courts one more time, I am confident that we would receive the same ruling one more time, and S. 1176 would be declared a law. But I do not think that course, which might take several years to complete, is a wise initial course to take in this case. Rather, it is important to get this Foundation off and running. Mo Udall deserves better than for this Foundation, and the educational endeavors in the environment and health care it will support, to be delayed by litigation over the President's purported pocket veto.

Therefore, after staff discussions with the White House, my colleague, Senator MCCAIN, and I are today introducing a bill that I hope will enable us to resolve this matter simply and expeditiously. The bill does two things. First, it repeals S. 1176, which is necessary since under the Constitution S. 1176 is presently a law, even if the President's memorandum does not recognize that fact. Second, it reauthorizes the Udall Foundation and modifies the Board's appointment provisions to meet the President's objections.

It is my hope that once the Senate acts on this bill, the House and the President will each do their part, so that the worthwhile work of the Udall Foundation can commence on schedule.

Mr. President, I yield the floor.

ABUSE OF THE POCKET VETO POWER

Mr. KENNEDY. Mr. President, it is doubly unfortunate that President Bush has asserted a right to pocket veto S. 1176, legislation to establish a scholarship program to honor our col-

league and friend from Arizona, Representative Morris Udall.

Mo Udall was an extraordinary Member of Congress. His wit and grace made him a pleasure to work with, and his commitment to preserving the Nation's natural heritage has made America a better, more beautiful, land. He richly deserves the honor of having this scholarship program established in his name, and I hope that the issues raised by the President can be resolved as quickly as possible, so that the scholarships can begin.

But it is also unfortunate that, in seeking to protect his constitutional prerogatives, President Bush violated the Constitution itself by attempting to pocket veto the legislation during the recent recess. Article I, section 7 of the Constitution makes it clear that the President must return vetoed legislation to the House in which it originated, "unless the Congress by their adjournment prevent its return."

In recent years, when the Senate and House have recessed or adjourned during a session or between sessions, they have designated officers to receive bills returned by the President. This procedure upholds the constitutional separation of powers by permitting the President to veto bills that he finds objectionable while preserving Congress' ability to enact the measures into law by overriding the veto.

In the early 1970's, when President Nixon sought to use a pocket veto during a 5-day recess, I brought suit to challenge the constitutionality of that action. In *Kennedy* v. *Sampson*, 511 F.2d 430 (1974), the U.S. Court of Appeals for the District of Columbia Circuit upheld my challenge and ruled that the President's pocket veto was unconstitutional. The rationale of the decision makes clear that a pocket veto is valid only at the end of a Congress, and not during adjournments within a session or the adjournment between sessions. In 1976, the Ford administration announced that it would use a normal veto rather than the pocket veto, in accord with the court's ruling.

Although President Reagan and President Bush disagreed with the court's ruling, they have generally followed it, and returned bills vetoed during recesses to the Congress with a statement noting the disagreement over the issue. When President Reagan tried to pocket veto a Salvadoran human rights bill during an intersession recess in 1983, the Senate joined in a lawsuit to challenge that veto, and the D.C. circuit upheld that challenge; but the litigation was eventually dismissed by the Supreme Court on mootness grounds.

Technically, the recent recess was an intrasession recess, since the first session did not adjourn sine die until January 3. Therefore, in accord with the Sampson decision, the President should have returned the bill to Congress with the usual notation preserving his position on the pocket veto, but he did not do so. Because the President did not return S. 1176 to the Senate, the bill has become law, without the President's signature.

But I agree with Senator DECONCINI that it is sensible to move quickly to permit this fitting honor for Mo Udall to go forward, while preserving Congress' position on the pocket veto issue. For that reason, the legislation being introduced today recognizes that S. 1176 is now a public law, and repeals it and enacts new legislation to address the President's concerns about the manner in which members of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Foundation will be appointed.

When President Bush decides to veto legislation, he should follow the constitutionally mandated procedures for exercising his veto power. He should not abuse the pocket veto power and deprive Congress of the opportunity to override his veto. I hope the administration will restore the practice of recent years, which permits Congress and the administration to maintain their respective positions until a satisfactory resolution of the pocket veto controversy can be achieved.

The PRESIDING OFFICER. If there are no amendments, the bill is deemed read a third time and passed.

So the bill (S. 2184) was passed, as follows:

S. 2184

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992.

SEC. 2. REPEAL OF PREVIOUS LEGISLATION.

The Morris K. Udall Scholarship and Excellence in National Environmental Policy Act, S. 1176, 102nd Congress, is hereby repealed.

SEC. 3. FINDINGS.

The Congress finds that—

(1) For three decades, Congressman Morris K. Udall has served his country with distinction and honor;

(2) Congressman Morris K. Udall has had a lasting impact on this Nation's environment, public lands, and natural resources, and has instilled in this Nation's youth a love of the air, land and water;

(3) Congressman Morris K. Udall has been a champion of the rights of Native Americans and Alaska Natives and has used his leadership in the Congress to strengthen tribal self-governance; and

(4) it is a fitting tribute to the leadership, courage, and vision Congressman Morris K. Udall exemplifies to establish in his name programs to encourage the continued use, enjoyment, education, and exploration of our Nation's rich and bountiful natural resources.

SEC. 4. DEFINITIONS.

For the purposes of this Act—

(1) the term "Board" means the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation established under section 4(b);

(2) the term "Center" means the Udall Center for Studies in Public Policy established at the University of Arizona in 1987;

(3) the term "eligible individual" means a citizen or national of the United States or a permanent resident alien of the United States;

(4) the term "Foundation" means the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation established under section 4(a);

(5) the term "fund" means the Morris K. Udall Scholarship and Excellence in National Environmental Policy Trust Fund established in section 8;

(6) the term "institution of higher education" has the same meaning given to such term by section 1201(a) of the Higher Education Act of 1965; and

(7) the term "State" means each of the several States, the District of Columbia, Guam, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federal States of Micronesia, and the Republic of Palau (until the Compact of Free Association is ratified).

SEC. 5. ESTABLISHMENT OF THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION.

(a) ESTABLISHMENT.—There is established as an independent entity of the executive branch of the United States Government, the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation.

(b) BOARD OF TRUSTEES.—The Foundation shall be subject to the supervision and direction of the Board of Trustees. The Board shall be comprised of 12 trustees, eleven of whom shall be voting members of the Board, as follows:

(1) Two Trustees, shall be appointed by the President, with the advice and consent of the Senate, after considering the recommendation of the Speaker of the House of Representatives, in consultation with the Minority Leader of the House of Representatives.

(2) Two Trustees, shall be appointed by the President with the advice and consent of the Senate, after considering the recommendation of the President pro tempore of the Senate, in consultation with the Majority and Minority Leaders of the Senate.

(3) Five Trustees, not more than three of whom shall be of the same political party, shall be appointed by the President with the advice and consent of the Senate, who have shown leadership and interest in—

(A) the continued use, enjoyment, education, and exploration of our Nation's rich and bountiful natural resources, such as presidents of major foundations involved with the environment; or

(B) in the improvement of the health status of Native Americans and Alaska Natives and in strengthening tribal self-governance, such as tribal leaders involved in health and public policy development affecting Native American and Alaska Native communities.

(4) The Secretary of the Interior, or the Secretary's designee, who shall serve as a voting ex officio member of the Board but shall not be eligible to serve as Chairperson.

(5) The Secretary of Education, or the Secretary's designee, who shall serve as a voting ex officio member of the Board but shall not be eligible to serve as Chairperson.

(6) The President of the University of Arizona shall serve as a nonvoting, ex officio member and shall not be eligible to serve as chairperson.

(c) TERM OF OFFICE.—

(1) IN GENERAL.—The term of office of each member of the Board shall be six years, except that—

(A) in the case of the Trustees first taking offices—

(i) As designated by the President, one Trustee appointed pursuant to Sec. 5(b)(2) and two trustees appointed pursuant to Sec. 5(b)(3) shall each serve 2 years; and

(ii) as designated by the President, one Trustee appointed pursuant to Sec. 5(b)(1) and two Trustees appointed pursuant to Sec. 5(b)(3) shall each serve 4 years; and

(iii) as designated by the President, one Trustee appointed pursuant to Sec. 5(b)(1), one Trustee appointed pursuant to Sec. 5(b)(2), and one Trustee appointed pursuant to Sec. 5(b)(3) shall each serve 6 years; and

(B) a Trustee appointed to fill a vacancy shall serve for the remainder of the term for which the Trustee's predecessor was appointed and shall be appointed in the same manner as the original appointment for that vacancy was made.

(d) TRAVEL AND SUBSISTENCE PAY.—Trustees shall serve without pay, but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of their duties as members of the Board.

(e) LOCATION OF FOUNDATION.—The Foundation shall be located in Tucson, Arizona.

(f) EXECUTIVE DIRECTOR.—

(1) IN GENERAL.—There shall be an Executive Director of the Foundation who shall be appointed by the Board. The Executive Director shall be the chief executive officer of the Foundation and shall carry out the functions of the Foundation subject to the supervision and direction of the Board. The Executive Director shall carry out such other functions consistent with the provisions of this Act as the Board shall prescribe.

(2) COMPENSATION.—The Executive Director of the Foundation shall be compensated at the rate specified for employees in level IV of the Executive Schedule under section 5315 of title 5, United States Code.

SEC. 6. PURPOSE OF THE FOUNDATION.

It is the purpose of the Foundation to—

(1) increase awareness of the importance of and promote the benefit and enjoyment of the Nation's natural resources;

(2) foster among the American population greater recognition and understanding of the role of the environment, public lands and resources in the development of the United States;

(3) identify critical environmental issues;

(4) establish a Program for Environmental Policy Research and an Environmental Conflict Resolution at the Center;

(5) develop resources to properly train professionals in the environmental and related fields;

(6) provide educational outreach regarding environmental policy; and

(7) develop resources to properly train Native American and Alaska Native professionals in health care and public policy.

SEC. 7. AUTHORITY OF THE FOUNDATION.

(a) AUTHORITY OF THE FOUNDATION.—

(1) IN GENERAL.—(A) The Foundation, in consultation with the Center, is authorized to identify and conduct such programs, activities, and services as the Foundation considers appropriate to carry out the purposes described in section 5. The Foundation shall have the authority to award scholarships, fellowships, internships, and grants and fund the Center to carry out and manage other programs, activities, and services.

(B) The Foundation may provide, directly or by contract, for the conduct of national competition for the purpose of selecting recipients of scholarships, fellowships, internships, and grants awarded under this Act.

(C) The Foundation may award scholarships, fellowships, internships, and grants to eligible individuals in accordance with the provisions of this Act for study in fields related to the environment and Native American and Alaska Native health care and tribal public policy. Such scholarships, fellowships, internships and grants shall be awarded to eligible individuals who meet the minimum criteria established by the Foundation.

(2) SCHOLARSHIPS.—(A) Scholarships shall be awarded to outstanding undergraduate students who intend to pursue careers related to the environment and to outstanding Native American and Alaska Native undergraduate students who intend to pursue careers in health care and tribal public policy.

(B) An eligible individual awarded a scholarship under this Act may receive payments under this Act only during such periods as the Foundation finds that the eligible individual is maintaining satisfactory proficiency and devoting full time to study or research and is not engaging in gainful employment other than employment approved by the Foundation pursuant to regulations of the Board.

(C) The Foundation may require reports containing such information, in such form, and to be filed at such times as the Foundation determines to be necessary from any eligible individual awarded a scholarship under this Act. Such reports shall be accompanied by a certificate from an appropriate official at the institution of higher education, approved by the Foundation, stating that such individual is making satisfactory progress in, and is devoting essentially full time to study or research, except as otherwise provided in this subsection.

(3) FELLOWSHIPS.—Fellowships shall be awarded to—

(A) outstanding graduate students who intend to pursue advanced degrees in fields related to the environment and to outstanding Native American and Alaska Native graduate students who intend to pursue advanced degrees in health care and tribal public policy, including law and medicine; and

(B) faculty from a variety of disciplines to bring the expertise of such faculty to the Foundation.

(4) INTERNSHIPS.—Internships shall be awarded to—

(A) deserving and qualified individuals to participate in internships in Federal, State and local agencies or in offices of major environmental organizations pursuant to section 5; and

(B) deserving and qualified Native American and Alaska Native individuals to participate in internships in Federal, State and local agencies or in offices of major public health or public policy organizations pursuant to section 5.

(5) GRANTS.—The Foundation shall award grants to the Center—

(A) to provide for an annual panel of experts to discuss contemporary environmental issues;

(B) to conduct environmental policy research;

(C) to conduct research on Native American and Alaska Native health care issues and tribal public policy issues; and

(D) for visiting policymakers to share the practical experiences of such for visiting policymakers with the Foundation.

(6) REPOSITORY.—The Foundation shall provide direct or indirect assistance from the proceeds of the Fund to the Center to maintain the current site of the repository for Morris K. Udall's papers and other such public papers as may be appropriate and assure such papers' availability to the public.

(7) COORDINATION.—The Foundation shall assist in the development and implementation of a Program for Environmental Policy Research and Environmental Conflict Resolution to be located at the Center.

(b) MORRIS K. UDALL SCHOLARS.—Recipients of scholarships, fellowships, internships and grants under this Act shall be knows as "Morris K. Udall Scholars".

(c) PROGRAM PRIORITIES.—The Foundation shall determine the priority of the programs to be carried out under this Act and the amount of funds to be allocated for such programs. However, not less than 50 percent shall be utilized for the programs set forth in section 6(a)(2), section 6(a)(3) and section 6(a)(4), not more than 15 percent shall be used for salaries and other administrative purposes, and not less than 20 percent shall be appropriated to the Center for section 6(a)(5), section 6(a)(6) and section 6(a)(7) conditioned on a 25 percent match from other sources and further conditioned on adequate space at the Center being made available for the Executive Director and other appropriate staff of the Foundation by the Center.

SEC. 8. ESTABLISHMENT OF THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY TRUST FUND.

(a) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a trust fund to be known as the "Morris K. Udall Scholarship and Excellence in National Environmental Policy Trust Fund" to be administered by a Foundation. The fund shall consist of amounts appropriated to it pursuant to section 10 and amounts credited to it under section (d).

(b) INVESTMENT OF FUND ASSETS.—

(1) IN GENERAL.—It shall be the duty of the Secretary of the Treasury to invest, at the direction of the Foundation Board, in full the amounts appropriated to the fund. Such investments shall be in Public Debt Securities with maturities suitable to the needs of the Fund. Investments in Public Debt Securities shall bear interest "at rates determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States" of comparable maturity.

SEC. 9. EXPENDITURES AND AUDIT OF TRUST FUND.

(a) IN GENERAL.—The Foundation shall pay from the interest and earnings of the fund such sums as the Board determines are necessary and appropriate to enable the Foundation to carry out the provisions of this Act.

(b) AUDIT BY GENERAL ACCOUNTING OFFICE.—The activities of the Foundation and the Center under this Act may be audited by the General Accounting Office under such rules and regulations as may be prescribed by the Comptroller General of the United States. Representatives of the General Accounting Office shall have access to all books, accounts, records, reports filed and all other papers, things, or property belonging to or in use by the Foundation and the Center, pertaining to such federally assisted activities and necessary to facilitate the audit.

SEC. 10. ADMINISTRATIVE PROVISIONS.

(a) IN GENERAL.—In order to carry out the provisions of this Act, the Foundation may—

(1) appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this Act, except that in

no case shall employees other than the Executive Director be compensated at a rate to exceed the maximum rate for employees in grade GS-15 of the General Schedule under section 5332 of title 5, United States Code;

(2) procure or fund the Center to procure temporary and intermittent services of experts and consultants as are necessary to the extent authorized by section 3109 of title 5, United States Code, but at rates not to exceed the rate specified at the time of such service for level IV of the Executive Schedule under section 5315 of title 5, United States Code;

(3) prescribe such regulations as the Foundation considers necessary governing the manner in which its functions shall be carried out;

(4) accept, hold, administer and utilize gifts, both real and personal, for the purpose of aiding or facilitating the work of the Foundation.

(5) accept and utilize the services of voluntary and noncompensated personnel and reimburse such personnel for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code;

(6) enter into contracts, grants, or other arrangements or modifications thereof, to carry out the provisions of this Act, and such contracts or modifications thereof may, with the concurrence of two-thirds of the members of the Board of Trustees, be entered into without performance or other bonds, and without regard to section 3709 of the Revised Statutes (41 U.S.C. 5); and

(7) make other necessary expenditures.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the fund $40,000,000 to carry out the provisions of this Act.

Mr MITCHELL. Mr. President, I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

SUSPENDING THE FORCIBLE REPATRIATION OF HAITIAN NATIONALS

Mr. MITCHELL. Mr. President, I understand that Senator KENNEDY introduced S. 2185 earlier today.

The PRESIDING OFFICER. The Senator is correct.

Mr. MITCHELL. I now ask that the bill be read for the first time.

The PRESIDING OFFICER. The clerk will read the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2185) to suspend the forcible repatriation of Haitian nationals fleeing after the coup d'etat in Haiti until certain conditions are met.

Mr. MITCHELL. Mr. President, I now ask for its second reading.

Mr. DOLE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard. The bill will lie over pursuant to rule XIV.

BILL INDEFINITELY POSTPONED—S. 2173

Mr. MITCHELL. Mr. President, I now ask unanimous consent that Calendar No. 394, S. 2173, the unemployment compensation benefits bill, be indefinitely postponed.

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

Mr. DOLE. Mr. President, will the majority leader yield?

Mr. MITCHELL. Yes, certainly.

The PRESIDING OFFICER. The Republican leader.

ORDER OF PROCEDURE

Mr. DOLE. With reference to the unanimous-consent request we earlier propounded and agreed to, I think we indicated after 1 hour of debate there would be then a vote on the motion to proceed. I know of no objection on this side if we just by unanimous consent now agree that after an hour of debate we go on the bill itself. We have no request for a vote.

Mr. MITCHELL. Mr. President, we have not checked that on our side. If the Senator does not mind, I would prefer to inquire of Democratic Senators before doing that. Perhaps I could do that first thing in the morning and then we could do it then if that is agreeable with the Senator.

Mr. DOLE. Yes. I think some may interpret that, since we did not say what kind of vote, there might be a rollcall vote. We have no request for a rollcall vote. We are willing to agree after that hour by unanimous consent to go on the bill.

Mr. MITCHELL. I understand that and appreciate that. I would appreciate the opportunity to at least inform Democratic Senators of that before agreeing to do so, and will then be prepared to respond first thing tomorrow morning to the Senator.

Mr. President, I have a brief statement I would like to make. I now ask unanimous consent that upon the completion of my remarks the Senate stand in recess as to be ordered.

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

ORDERS FOR TOMORROW

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate competes its business today it stand in recess until 10:30 a.m., on Wednesday, February 5; that following the prayer, the Journal of the proceedings be approved to date; that the time for the two leaders be reserved for their use later in the day; and that there then be a period for morning business not to extend beyond 11 a.m., with Senators permitted to speak therein, with Senator SIMPSON recognized for up to 5 minutes, Senator SPECTOR for up to 10 minutes, and Senator PRYOR for up to 15 minutes.

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

PROGRAM

Mr. MITCHELL. Mr. President, I ask unanimous consent that at 11 a.m., on Wednesday, February 5, there be 1 hour for debate on the motion to proceed to S. 2166, to be equally divided between Senators JOHNSTON and MURKOWSKI; that following the conclusion or yielding back of time, the Senate proceed to vote on the motion to proceed to S. 2166. I further ask unanimous consent that following any opening statements on S. 2166, Senator JEFFORDS be recognized to offer an amendment regarding alternative fuels.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

FREEDOM OF CHOICE ACT

Mr. MITCHELL. Mr. President, several members of the press have asked about an article in the Washington Post today regarding my views on the Freedom of Choice Act.

The Post headline and the lead sentence of the article state that I "oppose" the Freedom of Choice Act. That is incorrect. Later in the article it is stated that I have "serious reservations" about the act. That is correct.

I strongly support the purpose of the Freedom of Choice Act, which is to secure the right of each woman to make the choice about abortion that was first set forth in the Supreme Court's 1973 ruling in the case of Roe versus Wade.

If the Supreme Court determines that it will no longer protect that right, Congress should act to provide that protection.

Moreover, I believe the action Congress takes should seek to secure protection for the right of choice in the future as well as immediately. To the degree possible, we should seek to ensure that future Congresses cannot nullify that protection.

The only vehicle currently before the Congress to protect the right of choice is the Freedom of Choice Act. Like all legislation introduced in the Congress, its wording and implications will be carefully reviewed before the Labor and Human Resources Committee votes on whether to send it to the full Senate for debate. I hope the concerns I have about securing the long-term protection of the right of choice can be considered as the committee considers this matter.

I take seriously the responsibility of the Congress to respond if the Supreme Court overturns the right to choose. American women should know that the majority in the Congress is determined to secure their rights to the best of our ability and within the limits of the constitutional authority we have to do so.

I do have concerns about the use of a statute to define and secure a constitutional right. Such an action could create a dangerous precedent.

If a simple majority of this Congress can establish the constitutional right of a woman to choose abortion, a future Congress, with a different majority, could expand the rights of the fetus at the expense of the woman, thereby, in effect nullifying the right of choice.

I also caution that because Senate rules permit an unrestricted right of amendment, a Freedom of Choice Act could be burdened with amendments much more restrictive than the laws they would supersede in many of the States.

Difference of opinion over the wording of long-range effect of legislation does not mean that there are substantial differences on the substance of the issue or in the goals of the legislation. In this instance, there are none between me and those who support the act. I support the right of choice for women and I believe that right ought to be protected, in an appropriate and constitutional way. I will work with the sponsors of the act to achieve that common objective.

Mr. President, I yield the floor.

RECESS UNTIL TOMORROW AT 10:30 A.M.

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess.

Thereupon, the Senate, at 7:22 p.m., recessed until Wednesday, February 5, 1992, at 10:30 a.m.

EXTENSIONS OF REMARKS

DR. MARTIN LUTHER KING, JR., HOLIDAY PROGRAM AT NORTH IDAHO COLLEGE ON JANUARY 15, 1992

HON. LARRY LaROCCO

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1992

Mr. LAROCCO. Mr. Speaker, recently I had the pleasure of participating in the North Idaho College Seventh Annual Dr. Martin Luther King, Jr., Holiday Program in Coeur d'Alene, ID. While this event honored the life and work of a historic civil rights leader, it also served as a tribute and thank you to the members of the Kootenai County Task Force on Human Relations. This is a group whose dedication and commitment to human rights at the local level should serve as an example to other communities nationwide. I would also like to commend Faith Byron, the author of an award winning essay commemorating North Idaho's celebration of this special day in our Nation's history.

I insert my remarks and the text of Ms. Byron's essay into the CONGRESSIONAL RECORD:

REMARKS OF CONGRESSMAN LARRY LAROCCO

My dear friends, it is an honor and a privilege to be with you all for today's celebration of the "Seventh Annual Dr. Martin Luther King, Jr. Holiday Program." As always, it is wonderful to be at North Idaho College, enjoying the peace and quiet of Coeur d'Alene before I return to the hectic hustle and bustle of Capitol Hill.

I would take this opportunity to thank everyone who has played a role in organizing this beautiful ceremony. It is indeed a touching and fitting tribute to Dr. King, and I consider myself lucky to have been asked to participate. I would also extend a special thank you to the faculty and students of North Idaho, the N.I.C. Popcorn Forum, the Coeur d'Alene and Post Falls School Districts, and, of course, the members of the Kootenai County Task Force on Human Relations. I think you all deserve a special round of applause for your hard work and commitment to improving the quality of life in our great State.

We have come together today to honor the life and work of a prodigious and heroic man—the Rev. Dr. Martin Luther King, Jr. As a leader and spokesman for the Civil Rights movement, Dr. King's selfless commitment to freedom for all Americans will never be forgotten. Our presence here today is evidence of this fact. It is proof that Dr. King's dream of securing the fundamental human rights for all men and women, across all ethnic and religious boundaries, is still very much alive.

But what do we really mean when we use the term "human rights"? For many, the expression conjures up images of oppression and torture in far away countries, or the grassroots work of organizations such as Amnesty International and Human Rights Watch. Without a doubt, the human rights agenda is a global one. And these monitoring groups perform an extremely important service which affects each and every one of us by virtue of our humanness.

However the people gathered here today are proof that it is a concern of local importance as well. The struggle to secure human rights, dignity, and equality for all must begin within each one of us, and within our own homes, neighborhoods, and communities. It is a burden which we all must bear at one level or another. While some may work to free prisoners of conscience in China, others are diligently fighting against hate crimes here at home.

It is, of course, impossible to say that one cause is more noble or deserving then another. However, the question brings to mind Eleanor Roosevelt's remarks before the U.N. Commission on Human Rights. Her words are as truthful today as they were in 1958:

"Where, after all, do universal human rights begin? In small places, close to home—so close and so small that they cannot be seen on any map of the world. Yet they are the world of the individual person: the neighborhood he lives in; the school or college he attends; the factory, farm, or office where he works. Such are the places where every man, woman, and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere. Without concerted citizen action to uphold them close to home, we shall look in vain for progress in the larger world."

And so we come to realize that the way to most effectively change what is wrong with our world is to begin with our own surroundings. As several bumper stickers in the parking lot so aptly put it, we must "Think globally, but act locally."

In reflecting upon what I would say this morning, and how to best relate Dr. King's calling to the work being done in this community, I was drawn to his now famous "Letter From a Birmingham Jail." Those who have read the piece could never forget it. Those who have not, should seek it out. He penned this inspiring treatise in April of 1963 while serving a sentence for participating in civil rights demonstrations. It marked one of the very few times that Dr. King attempted to "defend" himself and his tactic of nonviolent resistance.

In his "Letter From a Birmingham Jail" Dr. King explained the rationale behind his movement. Change, he said, is best brought about through "patience and reason." Clearly, we cannot and should not be expected to tolerate injustice. Yet over-reaction and a "fight fire with fire" approach will only make more flames.

While it is my job to help create sound public policy at the federal level, every Idahoan must refuse to accept a society which breeds crimes of hate. Working together, in Washington, DC and in Idaho, we must do all that we can to transform our community—with patience and reason.

The program for today's ceremony contains a critical excerpt from the same Birmingham letter. It reads, "Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly."

These are words that I hold dear to my heart. As global population rises and longstanding walls of political difference are torn down, our world does become increasingly connected. Yet as this happens, Congress must attempt to find balance in a world of infinite needs and finite resources. Though it pains us all to learn of suffering and injustice abroad, we must also do all we can to fight for safety and justice at home.

I firmly believe our world is changing for the better. The democratization of the Soviet Union, an El Salvadoran peace accord, the freeing of Western hostages from Lebanon and the diligent march towards reconciliation in the Middle East indicate that we are headed down the right path. Similarly, we see the determination of a North Idaho community which—in the tradition of Dr. Martin Luther King—has refused to tolerate hate and selfishness.

Mrs. Roosevelt asked us, "Where do universal human rights begin?" I think I know the answer. They begin right here, right now, in Coeur d'Alene, Idaho.

Thank you all very much.

MARTIN LUTHER KING DAY CELEBRATION

(By Faith Byron)

Ninety years ago, a thirteen year old girl sat in her cabin, unable to comprehend the persistent persecution overtaking her existence. This fearful young girl was forced to hide. She wanted to rescue herself from the peril which enveloped her city. While loud drunken villagers patrolled the city, seeking to set fire to her home, she continued to uphold the very beliefs which put her in peril. Constant harassment finally forced her family and her to flee their homeland, Russia, leaving their threatened existence behind. In the early 1900's her family immigrated to America where they could practice their Jewish beliefs and express their individual rights. This young girl was my great-great grandmother.

People like my great-great grandmother who immigrated from Russia sought a country where individual rights could be expressed and guaranteed. Many other pilgrims followed a path which would allow them to practice their religious beliefs. These people are our history. Americans must recognize individuals who have contributed to making our history for they set the path for our future.

Today, as we reflect on America's past for a moment, we acknowledge the factors which have made our history. We have gathered to honor and celebrate a person who has given America the courage and responsibility to advocate freedom, equality, and justice, to all citizens regardless of race, color, religion, or sex. I am speaking of a man who viewed his moral values above his individual needs. As a Baptist minister, Reverend Martin Luther King Jr. based his beliefs on Christianity. In pastoring his congregation, Reverend King preached about a commitment to Jesus Christ, whom he believed empowered others to support everyone's rights to equality and

freedom. Reverend Martin Luther King inspired his congregation to support the Civil Rights Movement by advocating these values through peaceful protest. As a single unit they were able to march their way to freedom and equality. Throughout Reverend King's lifetime, he fought injustice and inequality, and bravely defended his own rights and beliefs.

As Americans, we have the opportunity to demonstrate our appreciation of Reverend Martin Luther King Jr. By putting into practice what he believed, we have the chance to reinforce the values of equality and freedom in our society.

Reverend King realized the significance of freedom and equality to Americans and fought to fly their banner high above our nation. He believed it should soar above all citizens so that the rights of all people were not ignored or considered inferior. Freedom is a value which can be destroyed if we allow ourselves to ignore the importance of equality. They are bound together by the bloodshed and history of our ancestors. On September 5, 1958, Reverend Martin Luther King presented this statement to Judge Loe. "I also make this decision because of my love for America and the sublime principles of liberty and equality upon which she is founded. I have come to see that America is in danger of losing her soul. . . ." My great-great grandmother's and King's love of America was not intellectual or political. It came from the heart and soul. It is only when we allow ourselves to have a moist heart as they did, that we are able to respond with the conviction which causes change.

Reverend Martin Luther King Jr.'s actions have benefitted all Americans. Without the rise of the Civil Rights Movement, the individual rights of all citizens would have been ignored. Some would continue to violate the principles of freedom, harming fellow citizens' rights. Reverend King drew America's attention to our right to be treated and handled in equal terms. When we let our fellow citizen infringe on our rights, we are denying ourselves equality. Reverend Martin Luther King believed his rights were equal to others. By exercising freedom, the Civil Rights Movement was successful.

Reverend Martin Luther King Jr. died on April 4, 1968. He wished to leave a legacy of a committed life behind. Can we do any less? Before King, numerous other people dedicated their lives to seeking the same goals as Reverend King. The young Jewish girl from Russia committed her life to exercising her rights and maintaining her values of freedom and equality. Her wanting to be free enabled her to be free.

Many other olim found their home by taking the path to freedom. Recently, I had a remarkable opportunity to greet hundreds of immigrants. As I met and spoke with them, they told me how thankful they were to be able to exercise their rights without being cruelly punished. Obviously, the moistness of heart they felt, came at a very high expense.

Because of Reverend King's efforts to make equality and freedom high priorities in America, the rights of Black American citizens are being upheld. Reverend Martin Luther King transformed our nation. Now we must continue the transformation. It is our turn to become the pathfinders. We will create the history of the future. It is our responsibility to make this history significant. We must accept our responsibility and continue the peaceful fight. It is our challenge to take the risk of having a moist heart. We may suffer but someday future generations may study their history and say, "They left a legacy of committed lives."

THE ACTORS' PLAYHOUSE BRINGS THEATER TO LIFE FOR DADE KIDS

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, the Actors' Playhouse of Miami, FL has brought the thrill of theater to more that 80,000 Dade County students a year. This year marks the theater company's fifth season. The Actors' Playhouse offers both children's and adult theater, and features matinees to accommodate primary and secondary students. The theater program at the Actors' Playhouse, though not exclusively for students, challenges its patrons to think creatively and to interact with the issues raised by the performances.

For primary school students, the children's theater is both fun and exciting, and truly a treat to many inner-city children. Some of the performances include workshops which get the children involved and up on stage. These self-confidence building programs are also extended to the mentally disabled in the community, such as students and residents at the Haven Center.

High school students are exposed to the theater at the playhouse's adult stage. Each of the six plays offered annually is accompanied by a carefully crafted question which requires the students to think about the performance. These questions are then utilized by many high school teachers as a starting point for creative essays and class discussions.

Recently the Actors' Playhouse developed a contest to reward the creativity of high school students who attend the theater. Round-trip air fare to London for three and $500 spending money is the grand prize in playhouse's creativity contest. The contest asks students in the 9th through 12th grade to see a play, then write an essay or poem, or to create a painting, drawing, or sculpture about a specific question relating to the show.

The Actors' Playhouse has two theaters, a 300-seat adult stage and a 350-seat children's stage. The company is the second largest Actors' Equity theater in Dade County and the largest children's theater in south Florida. The theater has been the recipient of many local awards for its productions, and has gained the acclaim of the Dade County community, from students and adults alike.

Mr. Speaker, it is exciting to see a community theater, such as the Actors' Playhouse, make the theater come alive in an engaging and exciting way. I want to commend the leadership of executive director, Barbara Stein; artistic director, David Arisco; children's theater director, Earl Maulding; and public relations director, Lee Zimmerman for making the Actors' Playhouse happen. I wish them much success in this, their fifth season.

S.D. WARDEN CO.: CORPORATE GOOD CITIZEN

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1992

Mr. VANDER JAGT. Mr. Speaker, calls for, and recognition of, corporate good citizenship are common in normal times—and common sense dictates a positive response by any responsible business. After all, we all know that's just good business—and besides, they get a tax benefit.

In today's troubled economy, however, examples of generous corporate citizenship are a lot rarer—and so are earnings from which to take tax benefits. And for that reason, an example of corporate generosity coupled with community leadership is particularly noteworthy.

I am delighted to bring to the attention of my colleagues the example of the S.D. Warren Co., a business which is facing troubled times not only on account of our economy, but because it is a paper mill, on account of outside burdens. That it chooses to "dig deep" to contribute to the welfare of the community is of special merit because its objective is the future, the education of our children.

In Muskegon, MI, in our Ninth District, the economic recession has hit particularly hard. The revitalization business and industrial infrastructure, and the education of the children who will create and fill the jobs of tomorrow, must be a primary consideration. But in hard economic times there is little money for creativity and innovation to meet these special challenges for the future. The S.D. Warren Co., in a special act of generosity, is assuring that the educational system will seek out new ideas, and improve the skills and objectives of our teachers. Not only is the company putting its own stake in this effort, it has assumed a leadership role in persuading others to do so as well. That is leadership, and it deserves to be recognized.

Indeed, it might well be an example nationally. For this kind of activism can only contribute to the kind of creative thinking and investment in our children and the quality of their values and work which will assure that our return to a vibrant economy will be rock solid and long-lasting.

I offer, for my colleagues' attention, an editorial comment on the S.D. Warren Co.'s effort, from the Muskegon Chronicle:

[From the Muskegon Chronicle Jan. 22, 1992]

AS WE SEE IT: S.D. WARREN PROGRAM WILL PAY DIVIDENDS

Despite a troubled economy that has resulted in tight times for Muskegon's S.D. Warren Co., the huge paper mill has once again demonstrated why it is a top-flight citizen of the community.

S.D. Warren has pledged $123,000 under the Michigan Partnership for New Education program, enabling Muskegon and Muskegon Heights schools to participate in a revoluntionary new teaching program that will align the districts with two of the state's top universities. The company is also helping to raise an additional $71,600 from other sources to continue the fund drive. The effort is being coordinated by the Muskegon

County Community Foundation, which has also done much for the Muskegon area and its young people.

Under the plan, the two school districts will form partnerships with Grand Valley State University and Michigan State University. The idea is to "teach the teachers" by exposing them to new ideas in education, as well as reviewing their current instruction methods. Those teachers will then bring their new ideas back to their district counterparts:

We're always hearing that something has to be done to improve education. That it is being done, and being accomplished in a partnership with the business community, is great news. A fresh look at education is always a good idea, especially now that so much pressure is being put on our students and teachers to adapt to a new world full of challenges.

TRIBUTE TO THE PAGE MID-YEAR DEPARTURE CEREMONY

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1992

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to the organizers and participants of the U.S. House of Representatives page class departure ceremony. I wish to express to them my gratitude at having been chosen to address such a dedicated group of young people.

The unfaltering commitment of these high school students has become an immeasurable asset to the House over the years. The performance of the departing pages for fall fully demonstrated the vibrant energy and eager willingness to learn as their honorable predecessors.

I wish to thank most heartedly the principal, Dr. Robert F. Knautz, for allowing these students to be involved in such a distinguished program. I sincerely hope that he will continue to encourage young people to engage in this little mentioned, but much appreciated service. The names of those honorable students are as follows:

DEPARTING PAGES FOR FALL, 1991–92

Lucy Abbott, Roni Abdul-Hadi, Leslie Biltekoff, Lindsay Campbell, Alisha Clester, Michael Connors, Kelly Creeden, Michale Demetriou, Sonal Desai, Sean Dooley, Kevin Eckstrom, Heidi Eichhorn, Julie Flahive, Bryn Floyd, Michael Froehlich, Emily Goldwasser, Margaret Hauselt, Jonathan Hinze, Christopher Hoff, Stacy Hooks, Desiree Humphreys, Thea Iacomino.

Nathan Just, Paul Kelley, Michael Margolis, Robyn McCoy, Fritz Musser, Mark Paige, April Patterson, Kelly Pfaff, Christopher Reed, Michael Romansky, Meg Rothman, Claire Shamblin, Keysha Smith, Dax Steele, Tyson Taylor, Matthew Thompson, Samantha Tompkins, Amy Turnbull, Lambert van der Walde, Brandon Vasquez, Laura Ward.

Again, Mr. Speaker, I rise to pay tribute to the departing pages for fall. They are among the brightest young men and women that our country has produced. I wish them the best of luck. May they know how very proud I am of them.

CONGRESSMAN BLAZ IS A TRIBUTE TO THE HOUSE

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1992

Mr. ROHRABACHER. Mr. Speaker, Congressman BEN BLAZ of the Commonwealth of Guam is one of the most distinguished Members of the House of Representatives. As a former marine general, Congressman BLAZ exhibits leadership that is often sorely lacking in this House. His patriotism reflects that of his constituents on Guam, good Americans all.

Guam's Delegates may not have full voting rights but Congressman BLAZ stands shoulder to shoulder with the most effective and articulate Members of Congress. He has made friends on both sides of the aisle and, as Congressman RICHARD LEHMAN has pointed out, "he delivers."

Congressman BLAZ has won friendship and accolades. I hope my colleagues will take a moment to read the following article that appeared in the Honolulu Star Bulletin. It accurately demonstrates his effectiveness and dedication to the people he serves.

[From the Honolulu Star Bulletin, Nov. 28, 1991]

GUAM DELEGATE WINS OVER HOUSE WITH PUBLIC-LAND NEGOTIATIONS

(By David Judson)

WASHINGTON.—When contentious public lands legislation divided the House this week, one man was saluted by both Democrats and Republicans for bringing the sides back together: Delegate Ben Blaz R-Guam.

Blaz not only made friends on both sides of the aisle. He made history, becoming the first delegate—as opposed to a representative—charged with carrying legislation on the House floor.

"Ben Blaz is not highly partisan and he's a lot less inflammatory than some of the others in his party," said Rep. Richard Lehman, D-Calif., this week. "He delivers on the interests he cares for."

That praise comes from the congressman who carried the legislation competing with Blaz's.

Blaz led the opposition against Lehman's successful bill to set aside 8.3 million acres of desert in southern California as protected wilderness.

Delegates from Guam, the Virgin Islands, American Samoa, and the District of Columbia rarely are seen on the floor of the House, where they cannot vote.

But this week and last, Republicans tapped Blaz as "floor manager" of their competing legislation to lock up fewer acres of the California desert and protect military interests there.

Blaz is the ranking Republican on the House Interior Committee, where Lehman's desert bill was first debated. Beyond that, Blaz's training in the desert during his time as a Marine made him the logical point man for the Republican Party, said Rep. Jerry Lewis, R-Calif., the author of the legislation entrusted to Blaz.

"Ben is a guy who is very sensitive to the fact (that) the interest of the territories are often ignored," Lewis said. "So * * * he is sensitive to the interests of others when they are ignored. That's why he has such tremendous respect from Democrats and Republicans."

It was Blaz who directed debate and offered amendments through 10 hours of often emotional and political wrangling.

Amendments broke along partisan lines. But when the two sides divided over what the legislation should do to military installations in the desert, Blaz met over the weekend with Democrats pushing the broader land bill.

After his negotiations, the former Marine General offered an amendment to protect the desert's military practice ranges at China Lake and Chocolate Mountain. It was accepted unanimously by Democrats, the only Republican victory in the fight.

After the amendment, Rep. Bruce Vento, D-Minn., who negotiated with Blaz on behalf of Democrats, took to the floor to thank Blaz. Vento addressed him as "the representative from Guam," an intentional inaccuracy taken by all as a sign of respect.

Rep. Randy "Duke" Cunningham, R-Calif., who said that while the Republican legislation ultimately failed, it was the amendments introduced by Blaz and the dialogue he maintained with Democrats that will make fruitful negotiation over the bill possible in the Senate.

"Blaz's was the only amendment to be accepted by the Democrats," Cunningham noted later. "He transcends party politics and has a lot of respect on both sides."

That was apparent when Blaz closed debate on the bill.

"I want to take the opportunity to thank the members of this House for the respect they have shown toward the delegate from Guam," Blaz said.

It was a rare scene in this year's contentious wrap-up of Congress: Democrats and Republicans alike broke into applause.

A TRIBUTE TO BOY SCOUT TROOP 346

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1992

Mr. YATRON. Mr. Speaker, I rise to pay tribute to Troop 346 of the Boy Scouts of America of Reading, PA. I would like to honor Troop 346 for it's 50 years of outstanding service to the Reading community and the Sixth District of Pennsylvania.

The members of Troop 346, led by Scoutmaster William Shea, have dedicated themselves to service to community, church, and school. Troop 346 has been highly successful in helping its members to become self-reliant adults and productive members of the community. This troop has had six Eagle Scouts and has produced numerable young men of distinction. Troop 346 has had over 400 members since its inception in 1942. It has had an ethnically and racially diverse membership reflecting all parts of the Reading community.

The Scouts of Troop 346 have been admirable in their involvement with community service activities in Reading. They have been actively involved in gathering and disbursing food as part of food drives for needy families in Berks County. The young men Troop 346 have also made many other contributions to the community and have been active participants in local parades.

These Scouts also spend 1 week every summer camping in the woods. The trip, which

is sponsored by the United Church of Christ, provides a chance for these inner-city youths to enjoy the wilderness and learn about nature. On the trip, the kids learn outdoors skills including hiking, camping, cooking, and general wilderness subsistence.

Troop 346 has been an important part of the development of many young men in the Reading area. Troop 346 has been exemplary of the finest qualities and values of Scouting. I hope that all young people will follow the high standards set by these young men. I ask all of my colleagues to join me in honoring Troop 346, and wishing its former and present members the greatest success and good fortune in the future.

INDEX CAPITAL GAINS NOW

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1992

Mr. GINGRICH. Mr. Speaker, I hope all my colleagues saw the following editorial that appeared in the Wall Street Journal last week. We should urge the President to ignore Congress' inability to pass a capital gains tax and do it on his own.

The editorial follows:

[From the Wall Street Journal, Jan. 28, 1992]

PRESIDENTIAL INDEXATION

The odds of a capital-gains tax cut are higher today than they were last week, regardless of how Congress reacts to President Bush's State of the Union. That's because the White House has just discovered that the executive branch isn't doomed to acting like a pitiful, helpless giant.

The administration has been discussing an argument, which holds that President Bush can issue a regulation on his own to index capital gains. This would end the absurdity of a tax on "gain" defined as the difference between the purchase and selling prices, even if inflation eroded the dollar faster than the property appreciated.

This idea emanated out of the Justice Department's policy shop and first appeared last week in a Washington Times column by Paul Craig Roberts. It is based on the distinction between laws passed by Congress and regulations issued solely by the executive branch.

The argument here is that President Bush has the authority to index capital gains because the procedures for measuring gains are determined by regulation, not by law. Congress, of course, never said that capital gains must be defined as the inflated gains (the reasons for its reluctance to say so explicitly are fairly obvious).

The tax law itself says only that taxes must be paid on gains as measured by the increase from the "basis" a taxpayer has in the property. The code defines the basis from which taxes must later be paid as "the cost of such property," but the cost isn't defined as real or nominal. Treasury rules have treated the basis as nominal, but a new regulation could include an adjustment for inflation. The same argument could be used to index depreciation schedules, which could further boost real-estate values and save many banks.

There is a long history of executive-branch departments and agencies interpreting vague statutes; for details the lawyers can check out *Chevron* v. *Natural Resources Defense Council* (1984). The Bob Jones University case in 1982 arose when the IRS by regulation blocked charitable status for racist schools. (We've made the related argument that the President also has the inherent impoundment and line-item veto powers.) It's also unlikely that anyone would have standing to sue to block indexing.

It would be an enormously productive and popular move if Mr. Bush decides to index capital gains. Just as inflation led to bracket creep on personal income-tax rates before Congress passed indexing starting in 1985, indexing capital gains would be the equivalent of a tax cut. The most appropriate time to announce such a policy, of course, would be this evening. It would be a bold move, which would benefit both the economy and Mr. Bush.

TRIBUTE TO DR. NEVIN S. SCRIMSHAW: WINNER OF THE 1991 WORLD FOOD PRIZE

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1992

Mr. SWETT. Mr. Speaker, I rise today to pay tribute to Dr. Nevin S. Scrimshaw of Thornton, NH, winner of the 1991 World Food Prize from the World Food Prize Foundation. The foundation was founded in 1990, in response to the growing awareness of the seriousness of the world hunger problem. The World Food Prize is the foremost international award recognizing outstanding individual achievement in improving the quality, quantity, and availability of food in the world. This award was founded by Dr. Norman E. Boriaug, the 1970 recipient of the Nobel Peace Prize.

Dr. Nevin S. Scrimshaw, currently an institute professor emeritus at the Massachusetts Institute of Technology, has positively affected the lives of millions of people in developing countries through his outstanding contributions in the fight against hunger and malnutrition. In 1949, while at the institute of Nutrition of Central America and Panama [INCAP], he developed a low-cost, protein-rich weaning food called Incaparina to fight kwashiorkor, a deadly protein-deficiency disease. Using potassium iodate for salt enrichment, Dr. Scrimshaw was also able to decrease the prevalence of endemic goiter, a deadly protein deficiency. Through his efforts, the use of potassium iodate has become the standard method worldwide for the prevention of iodine-deficiency disorders. He has made extensive contributions to basic nutrition and food science and their practical implications for policy and programs to relieve world hunger and malnutrition.

Mr. Speaker, I ask my colleagues to join me in congratulating my constituent, Dr. Scrimshaw, for his great accomplishments. I also wish to place in the CONGRESSIONAL RECORD excerpts from his acceptance speech when he received this prestigious award.

GOVERNMENT POLICY CAN MAKE—OR BREAK—HUNGER

(By Dr. Nevin S. Scrimshaw)

As many as one-half of the people in developing countries are impaired in their health, mental and work-production capabilities because of deficiencies in their diets. These people, in short, suffer from some form of hunger, hidden or overt.

It is a condition that government policy, if properly motivated and directed, can overcome.

Freedom from hunger, both hidden and overt, is the most fundamental of human rights. There are also the very real problems of environmental pollution and destruction, global warming, loss of germ plasm, and a rate of human reproduction that exacerbates all of these. Conquering hunger will release human potential for creating better societies. However, achieving the other rights of shelter, education and hope for the future will not follow automatically unless governments implement appropriate policies.

Adequate food production for a growing world population depends on the continuing success of agricultural research and extension. But the conquest of hunger and malnutrition requires additional links in the food chain. These include post harvest food conservation and storage, processing and distribution, and finally, consumption. Human need is not met and human demand is not effective unless people can consume an adequate diet.

Famines and the hunger of refugees periodically affect hundreds of thousands, and even millions of people for limited periods of time. The silent emergence of hidden hunger chronically—and often permanently—damages hundreds of millions of individuals. It is incredible that various kinds of hidden hunger still devastate such a large proportion of the world's population. The conquest of hidden hunger is essential to the human future.

Almost everyone in the Western World is aware of the ravages of famine. Civil war and government oppression create refugee populations that furnish the news media with graphic pictures and heart-rending descriptions of dying children and wasted adults. The developed world tries to respond to the crisis, but only after great suffering has occurred. Then the developed world relaxes until the next crisis. Improved agricultural production can do very little for this kind of hunger, because it is rooted in government cruelty, disinterest, corruption and aggression. While drought may sometimes be an exacerbating factor, it is rarely famine's primary cause. As we have seen most recently in Ethiopia, Sudan, Somalia, and Iraq, it is government actions that result in desperate refugees. International assistance cannot eliminate hunger of this kind without changes in national government policy.

Much more desirable than the alleviation of famine is its prevention. This is possible even where floods and droughts are common. The antifamine policies of India and China put an end to the frequent famines that ravaged these countries as recently as the middle of this century. Despite limited resources, this was done by national action, not international assistance.

In 1971, nearly 15 million refugees fled to India to escape the civil war in East Pakistan, now Bangladesh. By using food reserves it had built up, and applying its famine experience, India successfully fed this huge population, despite only limited international assistance. Yet famine was not prevented in recent and current refugee populations of Africa because famine aid has been obstructed rather than facilitated by the policies of the governments responsible.

Hidden hunger is responsible for most of the excessive mortality, the ill health afflicting developing country populations, and

for permanent impairment of physical capacity and cognitive performance. It is a sad fact that as shameful and tragic as is the occurrence of famine in today's world, its economic, social and individual significance pales beside the tragedy of hidden hunger. Most of the hunger that is damaging the survival, development, and welfare of underprivileged populations is unrecognized because even when there are clinical symptoms, they are not associated with food.

The solution of hidden hunger requires the efforts of many different disciplines including nutrition and food science and the social and political sciences as well as agriculture and fisheries. Hunger, both overt and hidden, is largely the result of government policies. Overcoming hunger requires the implementation of policies that facilitate food production and increase social equity, improve nutrition and health, and reduce the burden of poverty. Foreign aid can do little to alleviate hidden hunger in a country without the active cooperation of the government.

The basic human rights are food, shelter, education and opportunity for the future, and the most fundamental and urgent of these is food. International, bilateral and voluntary agencies can and should be influential in promoting political changes that favor these basic human rights. However, ultimately it will be the policies that governments adopt that will determine the security with which their populations can achieve these basic rights.

There is now evidence from a number of countries that the conquest of hunger is possible even before poverty can be eliminated. This is all the more reason that solving all of the physical and biological problems will still have little meaning if the social problems of poverty, misery and lack of hope for any proportion of the world's population persist. When we work for adequate feeding of the world's population, we must recognize that sustaining the conquest of hunger will also require overcoming exponential population growth, the avoidance of global warming and environmental destruction, the cessation of war, and maintenance of societies that have given their citizens dignity and hope.

The physical, biological, and social problems humankind is facing are caused by human activity, and they an be solved by human actions if we avoid further delay. Everyone concerned with the human food chain from production to consumption have their own formidable task but they must also be effective partners in the efforts of other disciplines to assure the future of human society in a sustainable environment in which it can flourish at its best.

A TRIBUTE TO THE JEWISH FILM FESTIVAL ON MIAMI BEACH

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to recognize the Second Annual Jewish Film Festival on Miami Beach which was held January 25–February 2, 1992, at the Colony Theater. This enriching event, sponsored by the Miami Beach Jewish Community Center, Miami Jewish Tribune, Broward Jewish World, and Palm Beach Jewish World brought together movie enthusiasts of all ages and diverse cultures.

The Jewish Film Festival featured films from Israel, Russia, Latin America, Europe, as well as Yiddish films, premieres, and classics. Some of the movies presented at the Jewish Film Festival included "Cup Final," in Hebrew and Arabic with English subtitles, "The Revolt of Job," in Hungarian with English subtitles, "Taxi Blues," in Russian with English subtitles, and "The Light Ahead," in Yiddish also with English subtitles.

The Jewish Film Festival held a special film tribute to Isaac Bashevis Singer, the Nobel Prize-winning Yiddish author. Two of Mr. Singer's films shown at the Jewish Film Festival were "Isaac Singer's Nightmare & Mrs. Pupko's Beard," and "Isaac Bashevis Singer: Without Pretense."

This year, as part of the festival, a create your own "Jewish Home Video" contest was open for the public's participation. The winning videos were shown during the Jewish Film Festival. There was also a special opportunity for south Florida establishments to sponsor the Jewish Film Festival. South Florida involvement included: The Miami Beach Visitor and Convention Authority and the city of Miami Beach, Metro-Dade Cultural Affairs and the Board of County Commissioners, Southern Bell, Yellow Carriage, Inc., the Israel Histadrut Foundation, the Wiesenthal Center—Generation After, Israel Activities and Aliyah Department of the Greater Miami Jewish Federation, Central Agency for Jewish Education, the Miami Beach Chamber of Commerce, Business Volunteers for the Arts, Jacques Auger Design Association, and Books & Books.

I wish to congratulate the many individuals who spent long hours in developing the very successful Jewish Film Festival on Miami Beach: Joyce and Nicholas Spill, Dianne Brenners, Deede Weithorn, and Carol Kahn.

TRIBUTE TO NATHAN H. MONUS, YSU'S DISTINGUISHED CITIZEN 1991

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1992

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to Nathan H. Monus, an outstanding business and community leader from my 17th Congressional District of Ohio, who is also the recipient of the Youngstown State University Alumni Association's prestigious Distinguished Citizen's Award.

Mr. Monus is now serving as a board member of Giant Eagle, Inc., and Phar-Mor, as well as chairman of the board of the Geordan Candy Co. His previous professional accomplishments include being financial vice president of the Tamarkin Co., and vice president of Tamco Distributors, Inc., and Giant Eagle, Inc.

I extend my gratitude to Mr. Monus for becoming an inspiration to future businessmen and women who wish to remain true to a sense of civic duty. Mr. Monus has served on the board of directors of Goodwill Industries and is presently a national board member of the Union of American Hebrew Congregations. Also, he is president of the Joseph L. Morse Geriatric Center of Palm Beach, FL.

Again, Mr. Speaker, I rise to pay tribute to Nathan H. Monus for his laudable contributions to the greater Youngstown area. His personal and professional commitment to excellence has accredited to him a remarkable type of distinction as the 1991 Distinguished Citizen.

BLACK HISTORY MONTH—A TIME FOR REFLECTION

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1992

Mr. YATRON. Mr. Speaker, I rise today to highlight the important contributions African-Americans have made to our society on the anniversary of Black History Month.

African-Americans have made tremendous contributions to and advancements in world history, from the pre-Columbus period to our current generation, and are always looking forward to further achievement. As we look back upon the history of our fellow Africans and African-Americans, we can learn from the accomplishments of their ancestors. Remembering the flourishing civilizations of West Africa to the more devastating period of slave trade gives us a greater understanding of how African forefathers have prospered and survived for thousands of generations.

Turning to more recent history, African-Americans have tirelessly fought for their freedoms and rights—their freedom to vote and right of representation, their freedom to attend integrated schools and right to a decent education, and most recently, their freedom to strive for economic equality and right to be treated fairly in the work force. Frederick Douglass, W.E.B. DuBois, Martin Luther King, Jr., Medgar Evers, our colleague JOHN LEWIS, and thousands of other proud Americans have made our society all the better by fighting the shameful injustice of racism, bigotry, and discrimination. We commend their selfless actions and celebrate their contributions.

Black History Month gives us time to reflect on black Americans and the struggles to which they have devoted their lives. At the same time, Black History Month forces us to contemplate solutions to the complicated problems facing segments of black society. We are all intrinsically aware of the obstacles confronting some African-Americans including unequal hiring practices, impoverished female-headed households, and the lack of affordable, low-cost housing. These pervasive problems undermine the strength of the African-American family, and we must work to correct these economic inequities to bolster the youth of tomorrow.

Mr. Speaker, as we celebrate Black History Month, let us take wisdom and encouragement from the many gifted African-Americans who have blessed this great country, and let us dedicate ourselves to making their dreams into reality.

AMENDMENTS TO THE PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT OF 1965 AND TO THE APPALACHIAN REGIONAL DEVELOPMENT ACT OF 1965

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1992

Mr. KOLTER. Mr. Speaker, today I am introducing a bill—the Public Works and Economic Development Act Amendments of 1992 and the Appalachian Regional Development Act Amendments of 1992—that would amend and reauthorize the programs of the Economic Development Administration [EDA] and the Appalachian Regional Commission [ARC].

This bill contains provisions similar to those which overwhelmingly passed the House in five previous Congresses. In the last Congress the bill passed the House 340 to 82, the best vote ever. There was support in the Senate where it was amended and reported out of committee, although it did not get to the floor before the Congress adjourned.

It is imperative that we again make every effort to authorize these important economic development programs. Given the present state of our Nation's economy, there is a dire need to promote economic growth and create jobs. With unemployment currently running about 7.1 percent, 8.9 million people are out of work. An estimated 1.1 million workers are discouraged enough to have abandoned the job search and massive layoffs have been announced for the next several years by many major corporations.

But, we are not looking to an economic quick fix. For, economic development is a continual process requiring the on-going efforts of many people and organizations. These EDA and ARC programs are designed to assist that process and help economically distressed areas plan for and implement long-term strategies to develop and diversify their economic base and provide permanent new jobs.

Title I of the bill amends the Public Works and Economic Development Act of 1965, as amended, while title II contains amendments to the Appalachian Regional Development Act of 1965, as amended.

It provides urgently needed Federal investment dollars for severely depressed areas to help them nurture and diversity their resources and promote economic growth and job opportunities. It is based on the widespread awareness that the overall well-being of the Nation depends largely on the economic strength and self-sufficiency of all areas and regions of the country.

Our economy is increasingly involved in the worldwide marketplace. The bill recognizes that, as well as the fact that changing national and global economies have created new problems and challenges for our Nation. It affirms that Federal investment has enhanced local and private investment. Clearly, it is in our national interest not only to continue, but to improve on, the public and private sector partnerships that have targeted economic development and adjustment activities for disadvantaged areas and industries and groups within those areas. Now, more than ever, we must pursue policies to bring all areas of the country to a position to be competitive in the global economy of the 21st century.

Title I of this bill—amendments to the Public Works and Economic Development Act—has been drafted in a different form. Titles I through VII of the act are replaced by the provisions of the bill that passed the House in the last Congress. Titles VIII, IX, and X of existing law have been retained. Title IX has worked well to provide economic adjustment assistance to communities adversely affected by military base closings, by the closing of plants that are major employers, and by natural disasters. Title VIII, economic recovery for disaster areas, and title X, the Job Opportunities Program, would remain in the event they may be needed in the future.

However, drawing on the valuable experience and expertise gained over the years and in an effort to address past criticisms, and parts of the existing legislation have been revised. The bill amends the often criticized current procedure of overdesignating areas eligible for assistance. Applicants would have to certify, with each new application, that an area where a project is to be located meets at least one of three distress criteria: Per capita income 80 percent or less of the national average; an unemployment rate at least 1 percent above the national average for the previous 24 months; or significant job loss due to sudden economic dislocation.

Applicants may be States, counties, cities, towns, economic development districts, Indian tribes, and development organizations.

The legislation would provide development assistance grants for new construction, repair, rehabilitation, and improvement of public facilities that is so essential for stimulating commercial and industrial development. Grant moneys could also be used to establish revolving loan funds to foster small business growth and expansion of job opportunities and to promote employee stock ownership plans.

The technical assistance, research, and information provisions of existing law are revised to provide grants for economic development planning, including preparation of development investment strategies, and for universities, colleges, and other organizations to provide management and technical assistance. Provision is also made for evaluation of investment efforts and for demonstration programs.

To strengthen the partnership of all levels of government and the private sector, a development investment strategy must be prepared identifying several elements that will emphasize coordinated development efforts, mutually supporting projects in distress areas, and active participation by the private sector and non-Federal governmental units. This approach changes the project-by-project planning of the overall economic development plans under existing law.

The bill would authorize $250 million annually for the 3 fiscal years 1993, 1994, and 1995 for development and planning programs and $26 million annually for salaries and administrative expenses. The limit on title I grants to each applicant is $4 million, other than grants to promote employee ownership organizations.

Title II of the bill extends the Appalachian Regional Commission programs for 3 years to allow continuation of the area redevelopment programs and construction of the development highway system.

The recession of the early 1980's and changes in national and international economies in recent years undermined much of what the Commission had previously accomplished in the region. The Appalachian Act amendments represent the views of the Appalachian Governors as to what is considered necessary to carry out expanded development activities aimed at making the region more competitive in national and world markets.

Authorizations included in this bill are for 3 years, 1993, 1994, and 1995, and provide $144 million annually for the highway programs, $37.5 million annually for nonhighway programs and $3.5 million annually for administrative expenses.

Mr. Speaker, this marks the sixth Congress that legislation to reauthorize these economic development programs has been introduced. This effort reflects our longstanding goal of promoting economic renewal and revitalization in distressed urban and rural areas of the Nation and among population groups and industries that have time and again been bypassed during years of economic expansion and have suffered unduly in times of economic difficulty.

But, in today's international economy, there is growing concern about how to deal with the impact of some difficult economic issues that confront not only our hard-pressed areas and businesses, but the Nation as a whole. I am referring to matters such as the difficulty of competing effectively against goods produced by foreign companies subsidized by their governments; the drain of American jobs to countries that have low-cost labor; and the impact of free trade agreements. We must examine how to better coordinate Federal programs and focus on national policies that will help our country's businesses, industries and labor force to be more productive and competitive in world markets.

The bill being introduced today will be the starting point for action by our committee. As chairman of the Subcommittee on Economic Development, I intend to hold hearings early in this session. With the support of committee members, I anticipate a bill will be reported out of the Public Works and Transportation Committee, passed by the House and sent to the Senate for action within the first 6 months of this session.

A summary of the bill follows:

SUMMARY TO REVISE AND EXTEND EDA AND ARC

Title I of the bill revises and extends Public Works and Economic Development Act of 1965; provides authorizations for Fiscal Years 1993, 1994 and 1995 at $250 million each year for programs and planning and $26 million for salaries and expenses.

To be eligible, applicants must meet one of three criteria:

(1) Unemployment 1% above national average, previous 24 months.

(2) Per capita income 80% of national average (latest statistics).

(3) Significant job loss due to sudden economic dislocation.

Qualified applicants: States, counties, cities, towns, economic development districts, Indian tribes and development organizations.

Program assistance provided:

Development Investment Assistance:

Grants for new construction and improvement of public facilities (including site preparation)—up to 80% Federal share.

Grants to establish revolving loan funds to stimulate small business growth—$1 million limit and 50% Federal match.

Grants to establish revolving loan funds to set up employee stock ownership organizations.

Grants to community development organizations to help small businesses by reducing interest rates for economic development project activities.

$4 million limit on grants under this title to each applicant, other than grants to promote employee ownership organizations.

Strategy, Planning, Evaluation and Demonstration:

Grants for economic development and strategy planning.

Grants to colleges, universities and other groups to provide management and assistance—75% Federal match of costs.

Authorizes evaluations and demonstration programs. Results to be reported to Congress within 90 days of completion.

Technical Assistance by Secretary.

Development Investment Strategy required, to include: inventory of community resources, industries and businesses; infrastructure available and needed; workforce skills; land available; showing of non-federal matching funds; showing or private sector willingness to invest; description of industry/business to be created or expanded; demonstration of participation by representative percentage of small business concerns owned and controlled by socially and economically disadvantaged individuals.

Application Procedure:

Submit to Secretary of Commerce with Development Strategy.

Certify area meets distress criteria, and performance responsibilities.

Secretary reviews for approval/rejection based on consideration of several factors including severity of distress, anticipated increase in permanent employment, extent of private sector and non-federal involvement.

Subsequent applications must demonstrate new showing of distress.

Title II of the bill amends Appalachian Regional Development Act of 1965.

Provides authorizations annually for Fiscal Years 1993, 1994, 1995.

For Development Highway and local access roads, $144 million (up to 80% Federal share); for non-highway programs, $37.5 million (up to 80% Federal share for the most distressed counties); for salaries and expenses, $3.5 million.

Allows funds to be used for projects and programs to assist the most severely distressed and underdeveloped counties; for revolving loan funds for business assistance loans; for establishing business incubators; for community infrastructure projects; for on-site employee training and programs to enhance manpower skills; and for other initiatives directed toward developing and sustaining economic growth and stability.

HENRY COUNTY SCHOOLS RECEIVE STATE RECOGNITION

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1992

Mr. GINGRICH. Mr. Speaker, as Congressman from the Sixth District of Georgia, I am very proud to share with my colleagues the news that the Henry County School System has once again received the School Award from the Governor's Commission on Drug Awareness and Prevention.

This is the second time Henry County schools, along with the strong help of their local parent organization Partners and Learners in the Schools [PALS], have been chosen for this honor. That such an innovative, locally based program is being recognized by our State is heartening, and I want to encourage other school systems in Georgia and beyond to follow their inspiring example.

In Henry County last October, students, teachers, and PALS worked together to hold a successful Red Ribbon Week. This is a time when activities, projects, and programs are developed and carried out to promote the motto "Real Life Is Drug Free."

Pam Nutt, the President of PALS, was one of the local volunteers who made this year's award possible. She was a leader in the creation of very active programs throughout the county, and, once completed, she submitted the school system's materials to the State judges. According to Helen Holt, Henry County school superintendent, this year's program went even better than last year's, which was also award winning.

My point, however, is not simply to commend the volunteers, teachers, and school administrators who helped push for this outstanding program. I want especially to congratulate the students of Henry County for their creativity in developing Red Ribbon Week projects, their enthusiasm in carrying them out, and their genuine desire to help themselves and their peers by participating in this week-long focus on eliminating drug use.

By making events like Red Ribbon Week a priority in our schools and by recognizing the achievements of superior programs, we start our students down the right path toward staying drug-free the rest of their lives. Let us not forget, however, that these important lessons must be constantly reinforced—at home, at school, and in the community at large.

Congratulations to Henry County—its students, parents, teachers, and local leaders. You give us hope that we can, with caring, determination, and local initiative, win the war on drugs.

MEMORIAL TO HONOR GEORGE MASON

HON. E. THOMAS COLEMAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1992

Mr. COLEMAN of Missouri. Mr. Speaker, I rise today in support of legislation to authorize the establishment of a memorial, built with non-Federal funds, on Federal land—to honor George Mason in the District of Columbia.

George Mason wrote the Virginia Declaration of Rights, which served as the basis of our own Declaration of Independence and the first 10 amendments to the Constitution, the Bill of Rights. It is well known that Mason refused to sign the original Constitution because it omitted the guarantees of individual freedom which he set forth in his declaration of rights. Soon thereafter, the validity of his position was recognized by the adoption of the first 10 amendments.

Mr. Speaker, I again commend to you the writings of Dumas Malone of the University of Virginia contained in the introduction to Robert Rutland's book, "George Mason: Reluctant Statesman," in which he aptly describes the importance of George Mason in our national heritage and history. I ask that Mr. Malone's foreword be inserted in the RECORD at this point.

FOREWORD

That the name of George Mason should be acclaimed throughout the Republic whose birth pangs he shared, and indeed throughout the free world, will be agreed, I believe, by all American historians. He was the author of the Virginia Declaration of Rights, which was adopted three weeks before the national Declaration of Independence; and in this he charted the rights of human beings much more fully than Jefferson did in the immortal but necessarily compressed paragraph in the more famous document. Of the contemporary impact of Mason's Declaration there can be no possible question. Draftsmen in other states drew upon it when they framed similar documents or inserted similar safeguards of individual liberties in their new constitutions. Universal in its appeal, it directly affected the French Declaration of the Rights of Man and the Citizen of 1789. In our own time it is echoed in the Declaration of Human Rights of the United Nations. Writing in his old age, Lafayette said: "The era of the American Revolution, which one can regard as the beginning of a new social order for the entire world, is, properly speaking, the era of declarations of rights." More than any other single American, except possibly Thomas Jefferson, whom in some sense he anticipated, George Mason may be regarded as the herald of this new era; and in our own age, when the rights of individual human beings are being challenged by totalitarianism around the world, men can still find inspiration in his noble words.

The fact that Jefferson rather than Mason became the major American symbol of individual freedom and personal rights is attributable to no difference between the two men in basic philosophy, but was owing rather to the subsequent course of events and the accidents of history. Mason was by no means a minor figure in his own time; besides the Declaration of Rights he was the main author of the Virginia Constitution of 1776; and, because of his recognized wisdom, he was constantly consulted by other leaders. But, partly because of health, partly because of family cares, partly because of temperament, he was, in Mr. Rutland's apt phrase, a reluctant statesman. At times other leading Virginians sought to escape the burdens and responsibilities of public service—Jefferson being a good example—but no one of them carried reluctance to the same degree as Mason, who loathed routine legislative tasks and had no stomach for any sort of political intrigue. Venturing from home and his family as little as possible, he did not often leave Virginia. Thus, even in his own time, circumstance made this man of universal mind more a local than a national figure. As the architect of the new government in his own commonwealth he had shown himself to be constructive, but in connection with the new federal Constitution his own deep convictions caused him to assume a negative role and even to seem obstructive. As a dele-

gate to the Federal Convention, he declined to sign the document which emerged from those closed sessions in Philadelphia; he opposed ratification in his own state and went down in defeat. His chief objection to the new frame of government was that it lacked the sort of guarantees of individual freedom which he had set forth in his Declaration of Rights; and also that is went further than was necessary toward centralization, thus endangering local rights and liberties. Opposition of the sort he symbolized had a positive result in the adoption of the first ten amendments to the Constitution—the national Bill of Rights—and to that extent his contemporaries recognized the validity of his position. The triumphant Federalists were not kind in their judgment of their opponents, however; even George Washington was cool toward his old friend and neighbor. Furthermore, Mason's objections to Hamiltonian consolidation gave him a black mark in the history the partisans of the first Secretary of the Treasury did so much to write. It should be noted that Jefferson likewise protested against the omission of a bill of rights from the Constitution and eventually offered similar objections to Hamilton's policy. But Jefferson lived to achieve vindication in his own election to the presidency, by which time Mason was long since dead.

In his own "country"—that is, Virginia—Mason was and remained an honored prophet. Indeed there were those, like the historian of the Virginia Convention of 1776 who regard the Declaration of Rights as a loftier work than the Declaration of Independence, which was in considerable part a political manifesto, designed to justify a change in government. Comparisons of this sort, if not odious, are quite unnecessary, for the two documents breathe the same philosophy. But the later national pronouncement can be advantageously supplemented by the fuller state declaration, and in certain cases Mason's language may be preferred. A good example follows:

"That all men are by nature equally free and independent, and have certain inherent rights, . . . namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety."

The author of the Declaration of Independence, who claimed no originality for his production, had nothing but praise for the author of the Declaration of Rights. Jefferson described Mason as "a man of the first order of wisdom among those who acted on the theatre of the Revolution, of expansive mind, profound judgment, cogent in argument, learned in the lore of our former constitution, and earnest for the republican change or democratic principles." Mason, he said, was a man "of the first order of greatness."

The story of such a person cannot fail to be of wide, and should be of universal, interest. The purpose of this body is something more than to inscribe his name in larger letters on the list of eminent champions of individual freedom. It is also to make him live again as a human being. There is no need to anticipate here the human story which the author of this book tells so well, but I cannot refrain from pointing out that Mason provides a striking example of the spirit of *noblesse oblige*, for he was born to wealth and a privileged position, just as Jefferson was. Such men cannot be explained in terms of economic determinism. Every reader is entitled to find his own answer to the question, why this master of broad acres and scores of slaves laid supreme emphasis on man's freedom and found tyranny of all sorts abominable. It may be suggested, however, that the spirit of liberty appears in high places as well as low—that, in fact, it assumes its noblest form when most disinterested. Rarely has it appeared in nobler form than in George Mason.—Dumas Malone, University of Virginia.

A TRIBUTE TO THE MIAMI CHAPTER OF IKEBANA INTERNATIONAL

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to recognize the Miami Chapter 131 of Ikebana International, a Japanese flower arranging school which was founded in 1968 and affiliated with the original chapter in Tokyo. In a Miami Herald article entitled "Pleasure Abounds in Putting Flowers in Their Place," Bea Moss reports on the beauty of Japanese flower arranging. I commend the following article to my colleagues:

You can study ikebana until the day you die and still not know everything about it, say lovers of the Japanese flower-arranging art.

"It's ongoing learning," said Nellie Roberts who has studied ikebana for 36 years. "You just keep studying. We see so many changes."

Others can learn more about Ikebana's attraction at the annual ikebana show Tuesday at Fairchild Garden. The show will feature almost 40 ikebana arrangements by club members and a demonstration by Soei Mihori of the Sogetsu School of ikebana and director of the Florida Branch of Ikebana International.

"A lot of people want to learn about ikebana but they also want to be entertained," said Dottie Connors who lives in the Kendall area and is first vice president of the Miami chapter of Ikebana International. "Even after 36 years, I feel I should learn more about the classical form."

Young girls in Japan start learning the art of flower arranging when they are about 12.

"The discipline of flowers never changes," said show chairwoman Mieko Kubota who learned ikebana as a child growing up in Japan and is a master of the Kumoi School of Japanese flower arrangement. "Ikebana is Japanese, but its flavor is international."

And it's getting more popular, said Kubota, who lives in The Falls area.

"When this show is over we start thinking about next year's show," said Kubota who also teaches ikebana classes at Fairchild.

But members think about ikebana most of the time.

"It's like expressing yourself in flowers. If you're frustrated, you get flowers and a branch and in 20 minutes sadness and frustration are out of your soul," said Connors, who learned ikebana when she and her late husband Bill were stationed in Japan with the Army from 1959–62.

Nellie Roberts, who also was in Japan with her husband Ralph, wasn't too enthusiastic about ikebana when she began taking classes. She's now a believer.

"You can find artistry in a junk pile, walking on the beach or through the woods," said Roberts of Florida City and president of the Miami chapter of Ikebana International. "You can just pick something up and use it."

The first ikebana arrangements were in the temples, Kubota said. The art dates to Sixth Century Japan when Chinese Buddhist missionaries introduced the art. The first school of flower arranging in Japan was founded in the Seventh Century.

Although there are 100 different schools and styles of ikebana, the three leading schools, Connors said, are the Sogetsu, Ikenobo and Ohara.

Miami Chapter 131 of Ikebana International was founded in Miami in March 1968 and is affiliated with the original chapter founded in Tokyo in 1956. Now 200 chapters of Ikebana International operate throughout the United States, Europe, the Far East, Australia and other countries.

"It's our duty to educate and display," Connors said. "It's a lifelong thing and you meet a lot of nice people. It's friendship, too."

"It opens up your eyes," Roberts said. "We learn to bring the outside in. It lets you appreciate nature."

I am pleased to recognize the Miami Chapter 131 of Ikebana International and wish them much success with the teaching of ikebana.

CBO STUDY ON INFANT MORTALITY

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1992

Mr. GRADISON. Mr. Speaker, I rise today to call attention to an interesting and informative new Congressional Budget Office study that significantly clarifies the often misunderstood subject of infant mortality in the United States. The report will be released later this week. It is titled "Factors Contributing to the Infant Mortality Ranking of the United States" and was prepared in response to a request I made.

The tragedy of an infant's death cannot be mitigated by reducing it to a statistic. But to the extent that we must use statistics to help us understand the problem, we must come to grips with what the numbers can and cannot tell us. This CBO report goes a long way toward that goal.

For example, the report cites the rarely mentioned fact that infant mortality rates in the United States have declined dramatically and consistently since 1950, from 26 deaths to 10.1 deaths per 1,000 live births through 1988. Further, although infant mortality rates are substantially higher for blacks than for whites in the United States, improvement has occurred continually for both groups since 1950. The rate for blacks declined from 45.1 to 17.8 deaths per 1,000 live births over this period, while the rate for whites declined from 26.0 to 8.7 deaths per 1,000 live births.

That does not minimize the importance of the relatively high rate of infant mortality in the United States when compared with other countries. But even in this regard, the attention to detail in the CBO analysis calls into question the accuracy of past comparisons.

Few people realize that, according to the CBO study, "very premature births are more likely to be included in birth and mortality statistics in the United States than they are in several other industrialized countries with

lower infant mortality rates." In fact, "limited data from Japan, Norway, and the United States suggest that births from 20 to 27 weeks gestational age are more likely to be classified as live births in the United States than in the other two countries. Furthermore, if fetal deaths of 20 weeks or more gestational age were included in feto-infant mortality rates, the Norwegian and Japanese rates would probably be comparable to the United States rate."

This is not a reason for us to be less concerned. It simply means that international comparisons, when used in a simplistic or superficial way, shed more heat than light on the nature and causes of our problem.

In the United States, medical care and technology do an outstanding job of saving premature infants. We simply have too many low birth weight babies. The CBO report points out that "low birth weight is the primary risk factor for infant mortality in the United States. We must reassess the balance between policies to reduce low birth weight and policies to use high-technology health care."

GET OFF OUR BACKS!

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1992

Mr. VANDER JAGT. Mr. Speaker, if Congress passes a mandate, it should be forced to pay for it, and to balance the cost with savings elsewhere. After all, a mandate just increases someone else's burden—and that means higher taxes at the State and local level.

President George Bush was right on the mark on the burden of regulation or mandates, or whatever it is that we do here on the banks of the Potomac that affects the cost of governing or doing business beyond the Beltway.

Perhaps in the 90 days major departments and agencies will carry out a top to bottom review of all regulations, old and new—to stop the ones that will hurt growth, and speed up those that will help growth. Perhaps also the EPA will discover the foolishness of the $200,000 to $300,000 burden that they propose to impose on small local government generators of power. Emissions control is a significant need—we all value the air we breathe. But a regulation which requires constant monitoring for data that is reported quarterly, from small plants using technology that rarely results in substantial pollutants is wrongsighted. Michigan municipal power generators deserve relief.

So do business and government at all levels.

Government regulation, conceived as the pet who can distinguish friend from foe—and only barks at danger, has become the very monkey on our backs as mindless mandates find evil lurking at every turn. Paranoia parades as prudence!

So we have to step back. We owe it to ourselves—or we'll pay for it at the market or city hall—to do a little analytical thinking: A cost/benefit ratio that encompasses not only the effect of regulation, but the long-term burden we will bear.

Recently, the Muskegon Chronicle of Muskegon, MI, in our Ninth Congressional District, offered an opinion piece which very clearly stated the case for review—and where the buck should stop. I offer that editorial for my colleagues' review, and for their attention as we consider proposals which impose burdens on businesses and governments without providing the wherewithal to meet the obligation:

[From the Muskegon Chronicle, Jan. 22, 1992]

GET FEDERAL RULES OFF THE BACKS OF STATE AND RESIDENTS

Driven, no doubt, by the fear of the unknown in New Hampshire, there are encouraging signs that the administration in Washington is starting to wake up to the agony of the states. Especially welcome is President Bush's call for a 90-day moratorium on new federal regulations.

For years now, the best-kept secret in government has been the astounding growth in federal regulations imposed on state and local governments. Those rules have added billions in costs to project specifications that the federal government requires. The government mandates ever-cleaner water and sewage treatment, programs that just about two decades ago were financed largely by the federal government. Today, federal assistance for local improvement or quality programs is increasingly hard to come by.

Yet, when costs go up and local municipalities have to increase the bills for residents, they get the heat, not the feds. And those costs inevitably go up as a result of Washington's stringent requirements, which it are continually upgrades and revises.

Businesses, too, have felt the lash of the many new rules that are constantly being devised in Washington. John Sloan, president of the National Federation of Independent Business, interviewed by U.S. News & World Report, said it best: "It is inappropriate for government to promote programs—often misguided programs—that it can't afford and to simply shift them onto the back of business."

In a refreshing example of creative policy, as opposed to simply tossing out more mandatory rules, the president is said to be looking favorably at a policy that we have long urged—paying the public to get rid of gas-guzzling junkers that litter our highways, stink up the air and pollute our cities. According to a story in Tuesday's Wall Street Journal, the administration is weighing such a plan as one way to achieve cleaner air. The alternative, notes The Journal are enforcing "environmental rules (that) would cost (businesses and governments) $70.5 billion—more than any year but one during the Reagan administration."

Washington must actively preserve the health and welfare of American citizens, but it mustn't abuse the privilege by passing the buck to the state and local governments, who are at the same time being increasingly deprived of federal aid. It's unlikely that logic dictated Bush's recent pronouncements—we suspect his descending popularity ratings had much to do with it—but this new moratorium is welcome.

HONORING THE WINNERS FROM THE SUFFOLK COUNTY COLLEGE BILL OF RIGHTS DAY

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1992

Mr. DOWNEY. Mr. Speaker, I would like to bring to the attention of my colleagues the outstanding accomplishments of three of my constituents who entered and excelled in the Suffolk Community College Bill of Rights Day. Ms. Paige Bade, Mr. Bernard Gay, and Mr. Marc Demant received top honors in the college's contest honoring the Bill of Rights. In their winning essays, they have captured the true spirit of this historic document.

Mr. Speaker, it is with great honor that I present to my colleagues in the House of Representatives the text of the winning essays. Ms. Paige Bade, Mr. Bernard Gay, and Mr. Marc Demant, we commend you for your fine efforts.

THE BILL OF RIGHTS: A VIEW OF ITS SIGNIFICANCE

(By Paige Bade, Senior, Amityville Memorial High School)

The Bill of rights, along with the Declaration of Independence and the original Constitution, is one of the most significant documents shaping American history. Although the Declaration of Independence and Constitution were monumental in that they created the philosophy and framework for a new government, the Bill of Rights was revolutionary in that it specifically defined the relationship between the individual citizen and the national government.

The Bill of Rights, as a specific document, developed gradually. Although discussed at the Constitutional Convention, a "Bill of Rights" was not included in the final proposal submitted to the federated states for approval. In January of 1788, seven states had already ratified the proposed Constitution. Three of the largest states, namely, Massachusetts, New York and Virginia had not. Their leaders demanded that the Constitution include specific provisions regulating the power of the Federal government in order to protect the citizens' basic rights. To induce approval, federalist leaders promised that a Bill of Rights would be added to the Constitution after its ratification.

Upon approval of the constitution, Congress created a series of proposed additions to the Constitution limiting powers of the federal government. At first, there was a set of over twenty amendments to be added, which were recommended by various state ratifying conventions. Congress reduced that number to twelve. Thereafter these proposals were submitted to the several states for debate and consideration. Ten were ultimately approved and have come to be known as the Bill of Rights.

The first eight amendments were enacted in order to limit the powers of all three branches of the national government. In the first amendment, Congress is prohibited from making any laws restricting the free exercise of religion, public assembly, freedom of speech or the right to redress grievances. This amendment is a bold outright prohibition of the power of the legislative branch. In the third and fourth amendments, restrictions are imposed on the executive branch. These amendments regulate the

quartering of troops and severely restrict the power of police. For example, the fourth amendment mandates that a person cannot be arrested nor his property seized or searched, unless a warrant is issued on proper evidence. The other amendments regulate the power of the judicial branch. Thus, under the due process clause of the fifth amendment, the right of every citizen to a proper hearing and protection against double jeopardy, trying a person for the same crime twice, is assured. Additionally, the sixth amendment provides for substantial guarantees such as legal counsel, a speedy, public trial and the right to an impartial tribunal. The seventh amendment reinforces the right to a jury trial and prohibits the retrial of a matter once there has been a judicial determination.

The ninth and tenth amendments affirmatively recognize rights of the people or the states. They provide, in substance, that the people retain certain rights, even though those rights are not specifically identified within the Constitution. Also, that any powers not delegated to the federal government are reserved to the states or their citizens. Thus, unlike the first eight amendments, which grant specific limitations on government action, these amendments grant sweeping, though unidentified rights. These amendments were critical to the continued vitality and flexibility of the Constitution as a living instrument.

The Bill of Rights represented a unique experiment in the willingness of a government to limit its powers, grant specific rights, but most importantly, to recognize rights and powers yet to evolve.

THE BILL OF RIGHTS

(By Marc Demant)

In order for one to understand the importance of having the Bill of Rights, one must imagine living in a society where they do not exist.

For those European Jews who survived Hitler's reign of terror, better known as the Holocaust, the experience of living a life without rights is still a sharp and painful memory. The 1935 Nuremnberg Laws passed by the Nazi party, was a clear example of life without the Bill of Rights. These laws, approved by the government, clearly defined the difference between a citizen and a subject. A citizen would have the protection of their country, whereas a subject would have no rights at all. In essence, they would be transformed from the country's citizens to the country's property. As a result, their possessions as well as their very lives, no longer belonged to them.

Fortunately, here in the United States, such a thing could never happen. The reasons why, is detailed in the words of our constitution, which just happens to be the backbone of our society. But the constitution alone is not enough. That is because the text within the constitution is general, and can be left to many different types of interpretation.

This is where the Bill of Rights comes in. It is within the words of this document, that the fundamental laws of our society are spelled out. But what's more important, is that not only are the rights of the people clearly defined, but at the same time, government is forbidden to violate those rights.

There are times, though, when I get angry, because it seems unfair to share the freedom given by these rights with those living in this country that are clearly against the way our society is. Let's take for example, the radical militant groups that set out to publicize their cause. Should someone, or perhaps even some group publically protest against them, than these very people, as unpatriotic as they might appear to be, will use the bill of rights as their own weapons to fight for their right to be heard.

At these times, these groups usually are represented by the lawyers belonging to the A.C.L.U., the American Civil Liberties Union. It is the job of these lawyers, to put their own personal feelings aside, and use the bill of rights to guarantee their clients rights under the law.

This is not always easy to do. Our society, I must admit, as well as I myself, sometimes tends to judge based on the difference of right verses wrong, good verses bad. However, according to the Bill of Rights, it is not the moral issues behind ones beliefs that are protected, just ones right to speak of those issues no matter what they might be.

Perhaps the early founders of our society did not have the education that we are able to receive today, but what they did have, was wisdom. And with that wisdom, must have come the knowledge, that freedom is for everyone.

To me, the importance of the Bill of Rights, is that it guarantes my freedom as an American, and it gives me the peace of mind, that in this country, as in Germany so many years ago, I will never learn as the people there did, how it feels to revert from being a citizen into becoming a subject.

THE SIGNIFICANCE OF THE BILL OF RIGHTS

(By Bernard Gay, Junior, Amityville Memorial High School)

The Bill of Rights. Technically the Bill of Rights is a document that describes the liberties and freedoms of the people in the United States. If also forbids the government from violating these rights. But what really is the Bill of Rights? What makes it so important that four states would not adhere to the Constitution because a Bill of Rights was missing? What makes it so important that our whole style of government could have been altered because of its absence? The answer is Democracy. What the Bill of Rights stands for is much more profound than what is written on paper. It stands for the whole foundation that America was built on. It symbolizes what we fought so hard for during the American revolution. That notion of freedom from oppression and discrimination, freedom of belief and worship. An escape from the tyrannical Monarchy in England. The establishment of a new, fresh form of government different from any other in the world. One based on the freedoms and Natural rights that all humans should possess. That is what the Bill of Rights stands for. And it goes even deeper than that. Even though the drafters of the Bill of Rights might not have intentionally planned it, the significance of the Bill goes in to terms so deep, that they are indescribable to man. Without it, the entire system of Democracy would crumble.

On December 7, 1787 Delaware became the first state to ratify the constitution. Soon after, 7 other states ratified the constitution. On June 21, 1788 New Hampshire ratified it as well. It was the 9th state to do so. But two states were left to adopt the constitution as their basis of government before it officially went into effect. Those two states were New York and Virginia. Both refused to ratify the document that would govern them until their terms were met. They felt that there were still many faults in it that had to be worked out. Many critics objected to the fact that no Bill of Rights was included in the Constitution, the president had too much independence, and that the Senate was too aristocratic. In addition to that, they thought that Congress had too many powers and the national government had too much authority. The system was not balanced enough. But even as this conflict arose, there still remained those in favor of the constitution. Those who did were called Federalists. The critics who opposed it, were called anti-Federalists. Both developed into the first political parties in America. So the discussions when on until finally on June 25, 1768 Virginia ratified the constitution. Later that year on July 26—New York did the same. But even though New York and Virginia ratified the Bill of Rights remained a big issue. Both North Carolina and Rhode Island refused to approve the Constitution and take part in the new government until Congress agreed to add a Bill of Rights.

The states argued that there were no specific rights given to the people—that everything was for the government. Nowhere in the Constitution did it mention any of the freedoms that the people of the states should have. Therefore a member of the legislature at the time, James Madison, took it upon himself to draft a Bill of Rights. He made sure to keep in mind that the Bill should protect a person's right to "life, liberty, and the pursuit of happiness."

Basically the Bill of Rights consisted of ten amendments. The first three are general rights, Amendment four through eight are criminal rights, and 9 and 10 are important points not mentioned in the constitution.

The first amendment issues the most basic freedoms that Americans were entitled to. It gave them freedom of religious worship, which meant that every individual was allowed to practice any religion he desired, free of persecution. It gave the media freedom of the press, meaning that newspaper journalists and reporters could print what they felt like. They could openly express their opinions, even if it meant criticizing the government. Freedom of speech was also included, allowing Americans to speak their opinions overtly, without opposition. This right, though, had a certain extent. One could not shout "fire" when none existed, and claim freedom of speech. The people were also issued freedom of assembly, which entitled them the right to gather in groups to openly protest, hold meetings or other such things without the consent of the government.

And finally, the first amendment gave the people the right to voice complaints against the government. Not everyone's problems was guaranteed to be solved, but it didn't prevent them from speaking their opinions.

The second amendment gave citizens the right to bear arms, under the condition that he or she had a license for the weapon. It also stated that during peacetime, soldiers could not be stationed in one's private house, without the owner's consent. Only during wartime could a soldier be stationed at one's house, if Congress past a law to do so. The fourth amendment basically gave citizens the right to privacy. Authorities would have to obtain a search or arrest warrant from a judge, in order to search or seize one's property. This next amendment protected those accused of crime. Under the fifth amendment, no person could be tried twice for the same offense, by the same government, also known as double jeopardy. During an arrest, a person can not be forced to say anything that would discriminate him or her. The federal government can't take away a person's property except by due process of law either. Nor can it seize private property for public

use without fair payment. The sixth amendment issued criminals the right to a short, quick, public trial. It also gives them the right to an attorney, and those accused must be told what he or she is accused of. In addition, the accused must be present in front of all witnesses. The seventh amendment states that a trial by jury is guaranteed for all cases exceeding a twenty dollar value. Under the eighth amendment to the constitution, excessive bail is not required, nor is "cruel and unusual" punishment. This means that bail is only required to make sure the defendant shows up for his or her trial, and it need not be unreasonably high. At that time, the death penalty was acceptable, so "cruel and unusual" punishment probably referred to torture. The ninth and tenth amendments basically reiterated the known fact that the people of the states were America's source of power and that all power that the federal government had is based on what the states or the people gave to it.

All these rights put together constituted the first ten amendments to the constitution. Originally, 12 amendments were made, but two were rejected because they had to do with the House of Representatives and salaries, but nothing to do with people's rights. By December 15, 1791 the Bill of Rights was approved by all the states. the United States Constitution, could finally go into effect. The legislatures continued on to add more amendments to the constitution, later on throughout the years. To this day, there are 26 amendments to the United States constitution. The people today will abide by the law and take full advantage of their rights. Some examples of how the Bill of Rights applies to today's society is all the diverse religions we have today. That illustrates the freedom of worship. Our press critizes the government frequently now-a-days. It is mandatory that authorities used search warrants as well.

Indeed, the Bill of Rights has many applications in today's world, and if we did not have them, we could not take advantage of the liberties it grants us. The whole meaning of the Bill Of Rights is based on the Democracy which we established when we proclaimed our independence as a nation. And if a Democracy means a rule by the people, then the Bill of Rights stands for the rights and freedoms for which the people rule by.

FLAWED U.S. IMMIGRATION SYSTEM NEEDS REPAIR

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1992

Mr. BEREUTER. Mr. Speaker, our Nation's immigration policy should be designed to permit fair and orderly entry into the United States for appropriate numbers of qualified applicants. Legal immigration has a healthy and positive impact on our society. Illegal immigration, on the other hand, causes great damage to the fabric of American society.

This Member believes that American public supports legal immigration. However, there are few matters that strike the near-unanimous outrage that illegal immigration strikes.

Recently a serious loophole in U.S. immigration policy came to this Member's attention. Mr. Speaker, it seems that the Immigration and Naturalization Service cannot stem the ever-increasing flow of illegal aliens who, without any papers, land at some of our international airports. Illegal arrivals are overwhelming the INS agents at JFK International Airport in New York, at Los Angeles International Airport, and elsewhere. In December alone, 1,250 illegal aliens arrived at JFK. Because the INS lacks the facilities to hold these individuals, they are released pending a court hearing on their case. In short, illegal aliens simply fly to the United States, and are released on their own recognizance pending a hearing. Not surprisingly, few of these illegal aliens return for their hearing.

This is an outrageous situation, Mr. Speaker, but this is not all. It gets worse. According to the January 27 edition of the Washington Post, many of those illegal arrivals will not even allow themselves to be photographed or fingerprinted. Even for these individuals who refuse to cooperate with U.S. authorities in the most basic manner, the INS feels it has no option but to release them on their own recognizance. In the words of one INS agent, "They won't engage in any conversations with you at all. They are calling our bluff. They're saying, I'm not even going to tell you my name, you're not going to get my fingerprints and I know there's very little you can do with me.

Mr. Speaker, this situation defies all reason. It makes a mockery of this body's attempts to craft a coherent and equitable immigration policy. It is an insult and disservice to those who wait, sometimes years, to enter the United States legally. We don't need individuals who, by their very manner of entry, demonstrate absolute contempt for our laws and traditions. This body must act promptly to address this situation, Mr. Speaker. If we fail to act, the American public will surely judge us harshly, and they will be correct to do so.

Mr. Speaker, this Member would ask to have inserted into the RECORD a recent editorial from the Omaha World-Herald. Entitled "Border Net Needs Repair," the World-Herald notes that the system is failing those who play by the rules, and needs to be fixed. I would commend this insightful editorial to my colleagues.

BORDER NET NEEDS REPAIR

America's immigration system is so flawed that some people can enter the country illegally, almost at will, through American airports. The net that is supposed to protect U.S. borders obviously has holes that need to be repaired.

By some accounts, almost anyone who wants to come to the United States and stay for an indefinite period needs only to buy an airplane ticket. The problem is worse at large airports, officials said, including John F. Kennedy International Airport.

At JFK, the flood of illegal arrivals has swamped the detention facilities of the Immigration and Naturalization Service. By law, the INS cannot summarily prevent anyone from entering the United States. Because of the volume of new arrivals at JFK, virtually everyone is allowed in.

Those without proper entry documents are detained briefly and told to appear at a hearing before an immigration judge. But the process is so jammed that the hearing in many instances is held more than one year later. Not surprisingly, most of the people never show up.

The word that it is easy to enter the U.S. through JFK is spreading. In December, a record 1,250 illegal travelers landed at JFK. The INS anticipates 1,500 a month by March. An official said that the problem will continue to grow as others discover that "we just don't have the resources to prevent them from coming in."

One of the worst things about the policy is that it gives criminals easy access to American drug connections. Officials don't have the time or authority to check the claims made by the new arrivals. As a result, a man who claims to be a banker from Venezuela may well be a courier for the murderous drug lords of Colombia.

Certainly there should be room in an immigration policy for people who want to become Americans and have the training and qualifications to make a major contribution. Millions of immigrants and their descendants have strengthened and shaped America.

But a certain number of the arrivals of 1992 have no intention of entering under the laws or of contributing as good citizens. The system is failing those who play by the rules. It needs to be fixed.

NATIONAL GRAPEFRUIT MONTH: FEBRUARY 1992

HON. TOM LEWIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1992

Mr. LEWIS of Florida. Mr. Speaker, as we approach the peak of grapefruit season this month, I would like to join with my colleague, ANDY IRELAND, in introducing legislation to proclaim February as National Grapefruit Month.

As one of the Nation's most vital agricultural industries the United States has the unique distinction of being the world's leading producer and exporter of grapefruit. Export sales for fresh grapefruit have doubled since 1986 and revenue from exports sales have tripled.

The industry is still growing. My own State of Florida, which accounted for more than 80 percent of fresh grapefruit consumed in the United States in 1990–91, is expected to increase grapefruit production by 70 percent during the coming decade.

More than providing the United States with a viable and profitable industry, grapefruit provides Americans with a healthy source of dietary fiber, Vitamin C, and Vitamin A. We should all follow the advice of the National Research Council which recommends consumption of five or more daily servings of fruits and vegetables. My recommendation is to make one of those servings grapefruit throughout the month of February. "Health food never tasted better."

I hope my colleagues will join me in cosponsoring this legislation to promote the outstanding dietary benefits of grapefruit and to recognize the accomplishments of the American citrus industry.

TRIBUTE TO LUIS G. ZAMBRANA

HON. JOAN KELLY HORN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1992

Ms. HORN. Mr. Speaker, I am honored today to pay tribute to Luis G. Zambrana, a

long-time business and civic leader within the St. Louis community, who passed away on February 1, 1992.

Luis Zambrana truly represented the story many of us are told by our grandmothers and grandfathers about achieving the American dream. He was born and educated through high school in Beni, Bolivia. For college he came to America and attended Kansas State University where he earned a degree in civil engineering.

From there he came to St. Louis, where his contributions to the community were plentiful. He was a founding member of the Hispanic Chamber of Commerce in St. Louis, which through his leadership has grown very active over the years. He owned and operated L.G. Zambrana Consultants, Inc., an engineering and surveying firm, from 1982 until his death, as well as part ownership of CTS Systems, a computer consulting firm. In 1989, Luis Zambrana was named Regional Small Business Person of the Year.

Luis Zambrana's professional career as a civil engineer spanned 30 years, including 12 years of public service with the Missouri Highway and Transportation Department and 10 years with the St. Louis County Department of Public Works. He believed in working together within the community. This is amplified by the list of associations he was affiliated with, including the Society of American Military Engineers, National Society of Professional Engineers, American Public Works Association, and the Missouri Association of Registered Land Surveyors. Locally, he was a member of the Richmond Heights Planning and Zoning Commission, East-West Gateway Coordinating Council, and the Engineers Club of St. Louis.

However, his participation did not limit itself to the business community. Luis Zambrana contributed his energy, as well, as a founding member of the St. Louis Bolivian Society and as a member of the St. Louis Ambassadors Club.

America was made great by men and women with the spirit and determination represented in the life of Luis Zambrana. His wife, Imarie, and his children, Luis, Michael, Nanette, and Lisa Renee continue to share this legacy within our community.

Mr. Speaker, Luis G. Zambrana was a great American. He was determined, he was courageous, and he was an inspiration to all. He will never be forgotten.

A TRIBUTE TO CLARENCE L. HUBERT

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1992

Mr. YATRON. Mr. Speaker, I rise today to recognize an outstanding citizen in the Sixth District of Pennsylvania, Mr. Clarence L. Hubert of Reading. On February 16, 1992, there will be a dinner to honor Mr. Hubert for his outstanding contributions to the Reading community.

Mr. Hubert was born in Reading on January 27, 1910. Mr. Hubert joined the Boy Scouts of America at age 12 and has been an active and exemplary member ever since. Mr. Hubert has been important in the lives of many young people in his 70 years of Scouting. Mr. Hubert is a former recipient of the Whitney M. Young, Jr. Service Award, presented in honor of his work creating Scouting opportunities for low-income youth within the Hawk Mountain Council. His achievements include 17 merit badges and the attainment of the rank of Life Scout.

In addition to Scouting, Mr. Hubert has been involved extensively with a variety of community organizations in Berks County. He has served on the board of directors of many local organizations including the Reading-Berks Economic Opportunities Council and the Reading Boys Home. He has also been involved with the Berks County Prison Board, the YMCA Home Relations Committee, the Reading Branch of the NAACP, and is a member of the Washington United Presbyterian Church.

Mr. Hubert has made admirable contributions to improvement of the Reading community. He has touched the lives of the many people fortunate enough to come into contact with him. He represents the finest qualities of Scouting and is a fine role model for our young people. I ask all of my colleagues to join me in paying tribute to Mr. Hubert and wishing him the greatest success and good fortune in the future.

SCOUTING'S ANNIVERSARY WEEK

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1992

Mr. SAXTON. Mr. Speaker, just yesterday, the Ocean County Council of the Boys Scouts of America of Toms River, NJ, contacted me to remind me that next week will mark the 82d anniversary of Scouting in America.

As a former Boy Scout myself, I was impressed to find out that 14.6 percent of Ocean County's youth between the ages of 6 and 20 are enrolled in Scouting programs practicing Scouting's goals of character development, citizenship training, and personal fitness conditioning. Continuing its commitment to combat the social ills of hunger, child abuse, substance abuse, illiteracy, deprivation, and unemployment, I am pleased to report that Scouting still operates under the slogan "Duty to God and Country."

Mr. Speaker, I also am told that a national delegation of seven scouts will be in Washington next week to meet with congressional leaders and President Bush to deliver their annual "Report to the Nation." In fact, they will be meeting here with the Clerk of the House on February 11.

I thank Edmund Bennett, Jr., president of the Ocean County Council, for bringing this to my attention so I might share it with my colleagues.

A TRIBUTE TO RUTH HARRIS

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1992

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the fine work and outstanding public service of Ruth Harris of Bloomington, CA. Ruth has served as a member of the Bloomington and Colton Boards of Education for 38 consecutive years. She will be honored next week for her long-time service to her students, staff, and the community at a recognition dinner sponsored by the Agua Mansa PTA Council.

Ruth Harris has literally dedicated her working life to education. She was elected to the Bloomington Board of Education in 1953 and served in that capacity until the Bloomington, Colton, and Grand Terrace schools unified in 1966. During that time, she ran successfully for the Colton Joint Unified School District Board of Education. She has recently completed 25 years of service with the Colton District. In addition, Ruth served as a member of the San Bernardino County Board of Education for 18 years.

Ruth has also been active in the PTA since moving to Bloomington 46 years ago. She served as the first president of the Bloomington PTA Council in 1950 and has also held five directorships. She has also served as president, vice president, and parliamentarian of the Fifth District PTA.

Over the years, Ruth has made numerous contributions and donated countless hours to community agencies. She has served on the board of directors for the American Red Cross, Arrowhead United Fund, and Colton United Methodist Church. In addition, she has served as community association chairman of the San Gorgonio Council Girl Scouts, as president of American Field Services, as president of the San Bernardino County Museum, and parliamentarian for the California Association of Neurologically Handicapped Children.

Ruth has received a great deal of recognition for her work. She is a lifetime member of the National PTA, was named Lay Citizen of the Year in San Bernardino County, named an honorary member of Delta Kappa Gamma, and is also listed in Who's Who in the Methodist Church. Ruth is also the namesake of the Fifth District PTA Office Ruth Harris Building. In addition, the Colton Joint Unified School District Board of Education voted to name the district's newest junior high school in her honor. The school for seventh and eighth graders from Bloomington and Fontana is expected to be completed in 1993.

Mr. Speaker, I ask that you join me and our colleagues, friends, and family in recognizing the many contributions of a very special lady, Ruth Harris. Ruth's dedication and many years of selfless service to the community are certainly worthy of recognition by the House today.

1992 IS THE YEAR OF THE AMERICAN INDIAN

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1992

Mr. FALEOMAVAEGA. Mr. Speaker, through Public Law 102–188 (S.J. Res. 217, H.J. Res. 342), Congress and the President designated 1992 as the Year of the American Indian. This law pays tribute to the people who first inhabited the land now known as the continental United States. Although only symbolic, this gesture is important because it shows there is sympathy in the eyes of a majority of both Houses of the Congress for those Indian issues which we as a Congress have been struggling with for over 200 years. In support of the Year of the American Indian, I am providing a copy of a recent article for the consideration of my colleagues.

[From USA Today, Dec. 3, 1991]

A CALL FOR BETTER NATIVE EDUCATION

(By Dennis Kelly)

Schools have failed to nurture the language and academic needs of Native American and Alaska Native students, so they continue to have the highest dropout rate of any ethnic group, a new report says.

The report recommends new steps to halt this erosion of Indian cultures, including more funding for early childhood education and creation of an assistant secretary's position for Indian education within the U.S. Department of Education.

"I think we could do a lot better than we've been doing, not only in funding, but also in making this a high priority," says Terrel H. Bell, former U.S. Education Secretary.

A task force appointed by former Education Secretary Lauro Cavazos prepared the report, Indian Nations at Risk, released Monday at a Native American conference in San Francisco. Bell co-chaired the group with William G. Demmert Jr., former Alaska commissioner of education and a Tlingit/Sioux.

Only 10% of the 383,028 Native American and Alaska Native students in the U.S. attend schools funded by the federal Bureau of Indian Affairs, while 87% have blended into the nation's public schools. Three percent go to private schools.

Across the board, though, the report says Native children suffer because they face:

Schools that discourage use of Native languages in classrooms, weakening their cultural ties.

A curriculum presented from a European perspective.

Relegation to low-academic tracks "that result in poor academic achievement among up to 60% of Native students."

Economic and social problems in families and communities—including proverty, single-parent homes and substance abuse—that are barriers to good education.

Limited access to college because of insufficient funding.

Natives' lands are also "constantly besieged" by outside forces further interested in reducing their original holdings, the report says.

With all these problems, the proportion of students who drop out after 10th grade is 36% for Native Americans, compared with 28% for Hispanics, 22% for blacks and 15% for whites, the report says.

Academic achievement suffers as well. A 1988 study of eighth-graders showed that Native students have the smallest percentage of students performing at the advanced—or highest—level of mathematics of all ethnic groups.

The report gives no specific dollar amount on new funding needed, but calls for:

More spending for early childhood education, prenatal care and parental training.

Establishment of a national research and school improvement center for Native education.

Additional efforts to train Native American teachers and administrators.

RECOGNITION OF MICHAEL WALLER, CLEVELAND ENTREPRENEUR

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1992

Mr. STOKES. Mr. Speaker, I rise today to give deserving recognition to Mr. Michael Waller who has distinguished himself within the business community.

Mr. Waller is the president and chief operating officer of Cleveland Telecommunications Corp., a company which he founded in 1983. Due to his persistent efforts, CTC has been able to quadruple its business volume over the past 5-year period. A similar increase in the work force commensurate with this progress is anticipated by the spring. As a result, his firm has recently been cited among the list of fastest growing companies in northeast Ohio. CTC was ranked highest of all the minority firms included, and was one of three Cleveland based minority enterprises making the list. The other two minority firms receiving honors from the Cleveland area were Solar Universal Technologies, Inc., and Servo Products, Inc.

Mr. Waller participates in a number of professional organizations, as well as community service activities, seeking not only to expand his own horizons, but to facilitate increased opportunities for others. For example, he is currently the president of the Northeast Ohio 8(a) Contractors Association and teaches economics classes at the local high school. He has received many awards for his exemplary performance.

Mr. Speaker, I applaud the accomplishments of Mike Waller. He is an industrious businessman and a good citizen. I am proud of his entrepreneurial success and his sense of social responsibility and would, therefore, like to share with my colleagues the following Call and Post newspaper article concerning his latest achievement.

[From the Call and Post, Dec. 26, 1991]

MICHAEL WALLER HONORED FOR FASTEST GROWING MINORITY FIRM

CLEVELAND, OHIO.—Three Cleveland minority entrepreneurs are included in the Weatherhead 100, northeast Ohio's fastest growing companies. Cleveland Telecommunications Corporation (CTC), Michael Waller President and CEO; Solar Universal Technologies, Inc., C. Milton Kates, President and CEO and Servco Products, Inc., Calvin Vinson, President, were among the honorees of outstanding enterprises for their remarkable individual growth.

The Weatherhead 100, launched in 1988 is co-sponsored by Case Western Reserve's Weatherhead School of Management, Enterprise Development, Inc., Kemper Securities Group, Inc., and Cleveland Enterprise magazine to celebrate the success of high-growth entrepreneurial business in northeast Ohio. Manufacturing, Service, and Wholesale/Retail companies are among the largest in the industry breakdown with Distribution, Construction/Real Estate and Oil & Gas following.

Michael Waller, President and CEO of Cleveland Telecommunications Corporation is the top ranked minority enterprise of the group. Founded in 1983, CTC is a national full-service advanced voice and data communications corporation offering consultation, system design and engineering installation, support and service of various communications systems. More recently, CTC has diversified to include facilities management-maintenance.

Honored by his organization's recognition, Michael states the award indicates "progress minorities have made but have further to go," in creating and expanding entrepreneurship in the Cleveland area.

An eleven year systems technician at Ohio Bell/AT&T, Michael saw opportunities in the advent of the divestiture and deregulation for businesses to purchase their own phone systems versus leasing. In the last five years, CTC has grown 413 percent and is expecting to increase the size of its employees from 35 to 150 by March 1992. With offices in Seattle, Washington and the Washington DC area, short-term expansion projects include international markets and the manufacture of electronic components. Among its many clients are the Cuyahoga Metropolitan Housing Authority, Ohio State University, Tennessee Valley Authority, State of Ohio Department of Prisons (Mansfield, Lorain & Grafton), Scott Air Force Base in Illinois, EPA, NASA, Ohio Lottery, Ohio Bureau of Employment Services and many more.

"Capitalize as much as possible and work within your means," are his golden words of wisdom for budding minority entrepreneurs. "Many of the larger telephone companies similar to ours have come and gone. My opinion is they fail due to mismanagement. Don't quit—and be prepared to fail. Most entrepreneurs just starting out become discouraged when mistakes are made and experience failure. You can't be successful without failure. Learn from each mistake and do what it takes to realize your goals," says Michael.

A dedicated pillar in the community, Michael teaches economics for Junior Achievement at Heights High School, is a member of the Minority Business Input Committee, Minority Business Enterprise Toastmaster's International, National Telecommunications Association, NAACP, and the Minority Contractors Association. He has received awards from the City of Cleveland Minority Business Development Center for major development in minority business enterprise, Who's Who and the 1990 Brother's Keeper Award for a "Businessman who cares" from the Cleveland Budget Coalition.

A firm believer in giving back to the community, Michael encourages those who want to start their own business. He helps them evolve their entrepreneurial mentality by uplifting their creativity and confidence level.

ELIZABETH MURRAY, DADE SUPERTEACHER

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, every school district has those teachers who stand out. After 45 years in the classroom Mrs. Elizabeth Murray is clearly one of these exceptional educators. She presently devotes herself to the Riviera Middle School in Miami where she teaches the English language to children who speak other languages. The Miami Herald recently recognized her as one of Dade County's superteachers in an article by staff writer Jon O'Neill. That article follows:

To help her teach at Riviera Middle School, Elizabeth Murray calls on experience—lots of it.

She has 45 years as a classroom teacher and nearly as many as a mother, raising seven daughters and five sons. And although Murray says she's old enough to retire, she just can't.

"I love coming in every day to work with the kids," she said. "Each one is different. Each one is special."

Murray teaches English to kids who speak other languages. many of her students, who range in age from 10 to 15, have never been in school before. Her class includes students from Honduras, Colombia, Argentina and Russia.

"I teach them more than just the language," Murray said. "I teach them culture, customs and behavior. It's my job to help them grow up to be good Americans."

In class, Murray likes to keep things light. Her kids laugh a lot, and they learn a lot. When visitors showed up in class Thursday, several students who spoke no English in September were more than happy to show off how much of the language they know now.

"They can be noisy sometimes," Murray said with a smile.

"She's a very giving and caring person, besides being a veteran teacher," said Verdell King, an assistant principal at Riviera. "She knows how to nurture the students."

Murray has never wanted to do anything but teach. The daughter of a teacher, she was born in New York City and graduated with an education degree from Queens College. She began teaching right away in New York.

Murray moved to Miami with her husband and growing family in 1961, and kept right on teaching. Along the way she picked up a master's degree from Nova and finished raising her kids. Not surprisingly, five of her daughters became teachers.

Murray has taught at Mays Middle School and came to Riviera 10 years ago. She now teaches regular English courses along with her English classes for kids who speak other languages.

Murray got involved with those classes when the Mariel boatlift brought thousands of new students to Dade in 1980. She volunteered to work at a relief school for the new students at Centennial Middle School in South Dade.

"I thought I could do some good there," she said. "Now, I think this is where I'm needed most."

In her classes, she pushes her kids and looks for little victories, the kind found in the eyes of students who understand something. In the eyes of kids like Carla Carrai or Dasha Chepanov.

"I'm trying to learn more words," said Carla, 13. "She's a good teacher because she explains things to me."

"I like her, but I don't know why," said Dasha, 11, who came to the United States from Moscow seven months ago. "I knew very little English, but now I can speak more. I have fun in this class."

Kids like these keep Murray in the classroom.

"When you see them making so much progress, it feels good," she said.

Mr. Speaker I commend Mrs. Murray for her lifelong commitment to excellence in education. I know that she is an inspiration to other teachers in her school and throughout Dade County. I commend the leadership of Principal Mr. Ken Davis, Assistant Principal Dr. John Sanchez, and Assistant Principal Ms. Verdell King for making Riviera Middle School a place where teachers like Mrs. Murray and their students can thrive.

MALCOLM "MAC" DOUGLAS, PILLAR OF COMMUNITY IN HAMPTON, NY, TO BE HONORED AT RETIREMENT DINNER

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1992

Mr. SOLOMON. Mr. Speaker, as you know, I measure a man by his contribution to his community.

By that yardstick, Malcolm Douglas of Hampton, NY, or "Mac" as his many friends call him, is a giant.

Mac is stepping down as clerk of the Washington County Board of Supervisors after nearly 30 years of service in a number of capacities.

He was assessor in the town of Hampton from 1963 to 1967. He earned the trust and respect of the town voters and was elected supervisor, serving from 1968 to 1973. Mac was chairman of the Washington County Board of Supervisors from 1972 to 1973.

He was then director of emergency services until 1989. Meanwhile, he has served as clerk of the board of supervisors since 1982 and budget officer since 1986, holding both posts until his recent retirement.

But Mac's contribution was not limited to the public arena. He was active for many years in the Skenesborough emergency squad. He was a past master of Whitehall Grange 922, which he joined in 1949. He was past master and past deputy of the Washington County Pomona Grange, and a member of the New York State Grange Building Committee.

He also belonged to the Eureka Lodge Masons in Fair Haven, VT. And finally, he was a lifelong member of the Whitehall United Methodist Church, serving presently as secretary-treasurer of the board of directors, and having served an important role in building the new church.

And, as is so often the case with people who give so generously of their time, Mac Douglas is a devoted family man.

He and his wife of 45 years, Jean, are the parents of three children, William Harris Douglas, who still lives on the family farm in Hampton, Malcolm B. Douglas Jr. of Ballston Spa, and Janice McPhee, also of Ballston Spa. Mac and Jean are the parents of seven grandchildren.

They are also avid hockey fans, and I'm glad to see them quite often at Adirondack Red Wings games at the Glens Falls Civic Center.

Mr. Speaker, you can see why Mac Douglas has so many friends. Those friends are going to honor him at a retirement dinner this Saturday. But let us pay our own tribute today, rising to honor Malcolm Douglas, one of Hampton's favorite sons, a model public servant, a great American, and a good friend.

CUT THE CAPITAL GAINS TAX

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1992

Mr. ROHRABACHER. Mr. Speaker, Congress must heed President Bush's call to cut the capital gains tax. A cut in the capital gains tax would reinvigorate our economy, create economic growth and produce millions of new jobs.

The budget summit agreement of 1990 set our economy down the dark road of recession. If we continue our current tax strategies, forecasters agree that average annual real growth for the economy through 1996 would be only 2.6 percent. The time has come to change course.

If Congress had passed President Bush's capital gains proposal in 1989, it would have created 400,000 new jobs this year and 750,000 jobs by 1995. Our gross national product would have increased by $273 billion over the next 10 years.

While the benefits of a cut are clear, so is the politics of the issue. Democrats claim such a tax cut would only benefit the rich. Nothing could be further from the truth. Just this past week I received two letters from two different hard-working constituents that show the real beneficiaries of a capital gains tax cut are average middle-class Americans. I hope my liberal colleagues will take a moment and read their thoughtful and thought-provoking letters. Congress must move quickly and pass a pro-growth economic package, and a cut in the capital gains tax rate is a vital part of any effective economic package.

HUNTINGTON BEACH, CA,
January 15, 1992.

Hon. DANA ROHRABACHER,
Member of Congress, Los Alamitos, CA.

DEAR MR. ROHRABACHER: I, and millions of Americans like me, need your help concerning the tax on capital gains.

In 1973 I was an unwed mother on welfare. Five years later, working 60 hours or more a week, I was finally able to buy our first home. With continued hard work and long hours, four years later we were able to buy our present home.

In the entrepreneurial spirit, I kept the first house, and rented it. I worked even longer hours to make up the $200 a month deficit not covered by the monthly rent plus the gargantuan payments on our new house. I hope, some day when the market was right

I could sell the first house and realize a profit that might see my daughter through college. I, sir, was in search of the American dream—prosperity and abundance.

Two years, ago, I took out a second trust deed on the first house. With those funds I bought three more rental houses in the San Bernardino area. I have had great difficulty finding good renters in the area, and there have been times the houses have sat empty for several months at a time. I have come to realize I may have bitten off more than I can chew. I would like to sell either the original house or one of the San Bernardino properties, instead of working yet more hours to make yet more money to cover the ever increasing expenses.

My daughter and I have each given up a lot to achieve our financial goals. You see, I have done all this by myself, without a husband or the aid of child support, or loans from wealthy parents. My daughter, now 18, and I have shared only one vacation together and that was sponsored by one of my employers, a generous gesture for all of my hard work and long hours.

The long hours and continuous years of two and sometimes three jobs is wearing on me now. I feel I have worked hard, very hard, for everything I've received. I'd like to cash in on a little of it now and take life a bit easier for a while. I'm not asking for a lot. I still drive a 1973 Volkswagon and live in a house filled with a mish-mash of thrift store junk furniture. And our home is in dire need of some expensive maintenance, which can only mean yet another job and longer hours.

What I'm telling you is that I would love to sell one or two of these properties, but after the tax on capital gains, plus the slump in real estate, I wouldn't even be able to realize my original investment. It just isn't worth it!

I'm not a rich person who will make millions off these investments. I'm a single mother whose primary residence needs major repair. I'm a single mother who would love a well-deserved and long overdue vacation. And if the tax on capital gains were removed, not only would it help me, it would help the roofer I would employ, the plumber, the painter, plus their suppliers, plus the mills they buy from, the manufacturers, etc. Do you get my point?

It's not the "rich" who are being punished by this tax on capital gains, it's people like me—the middle class, and we need your help!

I need your voice in Washington; I and the millions like me need you to scream at the top of your lungs, from every house top in every city of America. Stop this unfairness. Help us to realize the American dream. Please!

Sincerely,

WILLA JOHNS.

LONG BEACH, CA,
January 22, 1992.

Hon. DANA ROHRABACHER,
Washington, DC.

DEAR CONGRESSMAN: I am a 62-year-old man whose income has averaged under $18,000.00 per year for the last 40 years (I.R.S. verified).

Three years ago, when millions of Americans, including myself, voted overwhelmingly for George Bush to be our President. . . . we also voted for everything he stood for. After listening to his previous three State of the Union messages (and probably in his upcoming one on January 28), his one consistent message has been for a cut in the Capital Gains tax or its complete abolishment. This is not a tax benefit for the wealthy but for every American homeowner who has an equity in his home. Get the homes selling in this country and the automotive industry will pick up.

We millions of Americans voted for George Bush to be our President . . . not George Mitchell. Stand up now and give the President his agenda.

Sincerely,

F.X. MCDONALD, Jr.

"ANTI-SEMITISM IN EASTERN EUROPE: OLD WINE IN NEW BOTTLES"—IMPORTANT NEW REPORT OF THE ANTI-DEFAMATION LEAGUE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1992

Mr. LANTOS. Mr. Speaker, the Anti-Defamation League [ADL] of B'nai B'rith has a long and distinguished tradition of leading the fight against anti-Semitism, both here in the United States and abroad. I would like to call to the attention of my colleagues in the Congress an excellent report prepared by the ADL on Anti-Semitism in the former Communist countries of Central and Eastern Europe.

Eastern Europe is an area where anti-Semitism has been endemic for centuries, and 45 years of communism did little to change feelings about Jews. Now that some of the restraints of the former totalitarian governments have been lifted, anti-Semitism has reemerged with a new intensity.

Ironically, Mr. Speaker, despite this upsurge of anti-Semitism there is a virtual absence of Jews in most of these countries as a consequence of the Holocaust and postwar migration of most surviving Jews. Anti-Semitism without Jews raises serious questions about the perseverance of age-old patterns of prejudice in this region.

I insert this excellent report in the RECORD, and I urge my colleagues to give it serious and thoughtful attention:

ANTI-SEMITISM IN EASTERN EUROPE: OLD WINE IN NEW BOTTLES

INTRODUCTION

Anti-Semitism Under the Communists: There is a long history of anti-Semitism in Eastern Europe. After World War II, anti-Semitism was directly linked to a specific Communist policy of eliminating the infrastructure of Jewish life. Jewish, along with many other religious institutions, faced numerous government-enacted obstacles. They found it difficult if not impossible to attract younger members of the community because celebrating one's Jewish identity was considered a hostile and anti-Communist act. Contact with Israel and with Jewish cultural and religious institutions worldwide was proscribed. Virulent attacks on Israel and on Jews were often voiced by government bureaucracies. Judaism and Israel were linked as negative entities.

Jewish history suffered under the Communists as well. The Holocaust was an attempt by the Germans to annihilate the Jews. For all intents and purposes it succeeded in Eastern Europe. Under the Communists, it no longer was a "war against the Jews," but was presented as a terrible act of aggression by the Fascists against the Communists. It is not surprising that few non-Jews who came of age in the post-war era in these countries understood either the dramatic effect World War II had on Jewish life or why Jews remain so sensitive to any manifestation of anti-Semitism.

The treatment of the Jews by the Communist regimes must, of course, be analyzed within the context of the treatment of other religious and ethnic minorities. Under Communism, the pressure for assimilation was intense. The difference, both religious and ethnic, between the different groups—Jews as well as others—were ignored, hidden, or actively suppressed by government bureaucracies. Because Marxist-Leninist theory denied the legitimacy of ethnographic differences, these distinctions were simply declared to be non-existent.

However significant the impact of Communist policy on anti-Semitism, one cannot ignore the long prior history of anti-Semitism in these countries. The history has been well documented and historically analyzed. It has social, economic, political and religious roots. Under the Communists, it was not allowed open expression. One saw little anti-Semitic graffiti or read few openly anti-Semitic articles in newspapers unless they were government authorized. But this animus was never eradicated. The speed and ease with which it emerged after the fall of Communism is indicative of the fact that it had long festered under the surface.

Anti-Semitism After Communism: Much of contemporary anti-Semitism can be attributed to the socio-economic dislocation that has emerged since the demise of Communism. The often caustic debates over democracy, nationalism and the role of an opposition have added fuel to the fire and fostered the increased expression of anti-Semitism. but the entire issue would not have come to the surface had it not existed as an undercurrent suppressed by the previous regime.

Now that Communism has been eliminated, Jewish life has improved dramatically. It is ironic, however, that because of the more open expression of anti-Semitism, Jews in many Eastern European countries feel less secure. Many of the existing formal and bureaucratic obstacles which had prevented the free development of the Jewish community have been removed. Jewish schools, camps, youth groups, seminaries, and university-level Jewish studies programs have been established. Communal institutions which existed under the Communists in a limited and precarious fashion are flourishing. This is an exciting and positive development and has prompted some to project the possibility of a reconstruction of Jewish life in Eastern Europe.

But at the same time, popular anti-Semitism has now percolated to the surface. Anti-Semitic graffiti, articles, religious homilies, political slogans and vandalism have appeared in virtually all the countries discussed in this report. The sale of traditional anti-Semitic material, including the well-known forgery, the Protocols of the Elders of Zion, has been reported.

This anti-Semitism is not a new sentiment. In many respects, it is the same as before but now, instead of emanating from official government circles, it is coming from other sources. On some levels, it is more frightening to Jews. It is far less predictable and sometimes more openly virulent. Before, one could attribute it to a hated government policy. Now it seems to be coming from one's neighbor. Moreover, it harks back to an age-old teaching: "The Jews are the cause of all our problems."

Equating Jews With Communism: In many of these countries, Jews are held responsible for the miseries suffered under Communism. Because of the anti-Semitism Jews endured at the hands of the Nazis, there were Jews in each of these countries who embraced Communism after World War II. Proportionately, far more non-Jews associated with the party, but this fact seems to be lost on the anti-Semites. The association of these individual Jews with Communism has resulted in a popular sentiment: "The Jews are responsible for the terrors of Communism." Because post-war generations have not been taught about the specific horrors suffered by the Jews at the hands of the Nazis, they often fail to understand why Communism seemed a welcome alternative to many Jews.

Moreover, because a tradition of anti-Semitism has conditioned the populace to see Jews as a unified entity, i.e. the Jews, they fail to differentiate between the actions of individual Jews and the fate of the Jewish community as a whole. This ingrained prejudice makes it rational to argue that because some Jews supported Communism, all Jews are responsible.

Anti-Semitism Without Jews: It is ironic that this has become such a significant issue in an area which is essentially devoid of Jews. The Jewish population of these countries is small. [It is infinitesimal compared to the pre-war population.] In many cases it is composed primarily of elderly retired Jews, many of whom are supported by philanthropy. Richard Schifter, U.S. Assistant Secretary of State for Human Rights and Humanitarian Affairs, commented in June 1991 in Bucharest that "only a negligible proportion of the population of the countries in this region is Jewish. But that . . . has not put an end to anti-Semitism in this part of the world." The prevalence of anti-Semitism in an area in which there are so few Jews is yet another indication of the irrational and prejudicial nature of this sentiment.

CATEGORIES OF ANTI-SEMITISM

The anti-Semitism which has emerged can be divided into a number of different categories.

Nationalist Anti-Semitism: Much of the anti-Semitism evident in recent months is directly related to the emergence of a new and sometimes malicious form of nationalism. Within a number of Eastern European countries different ethnic/national groups are vying for political autonomy. In those countries where there are a multiplicity of minority groups, this form of ant-Semitism has been particularly potent. Someone of those involved in these struggles have used explicit anti-Semitism as a political tool. This has been particularly evident in Slovakia, Romania and Hungary.

In other instances, politicians have relied on more implicit expressions of anti-Semitism. They have publicly claimed that they have "pure blood" or have made a point of stressing that neither they nor any of their family members has any "Jewish roots." This tactic has been utilized by national leaders, members of the opposition and politicians engaged in election campaigns.

In depicting Jews as "other," as inherently "cruel," and as consciously working to thwart the desires of the majority population, they have drawn upon a long standing anti-Semitic stereotype. They have demonized" the Jew. Even in countries where there are virtually no Jews this tactic has been employed. It sets up a familiar enemy upon whom a whole array of woes can be blamed.

The essential question is what kind of national identity will be forged, particularly in countries with a multitude of ethnic/national groups. Will it be narrowly defined or will it be more pluralistic?

Entrepreneurial Anti-Semitism: Another form of anti-Semitism which has been evident in a number of the countries we reviewed can be described as economic, competitive or entrepreneurial anti-Semitism. The change to a free market economy has caused severe economic dislocation in much of Eastern Europe. Moreover, ambivalent feelings exist among the population towards those who have achieved or seemed poised to achieve economic success due to new market opportunities. In certain areas, entrepreneurs, both Jews and non-Jews, have been condemned by the same people who called for an end to the Communist economic system. Anti-Semitic canards with economic overtones have been used. This kind of anti-Semitism builds upon traditional imagery which has long accused Jews of "money lending" and "usury."

Populist ["Peasant"] Anti-Semitism: (Though we call this "peasant" anti-Semitism, it seems to be as prevalent in the city as in the agricultural areas.) This form of deeply seated anti-Semitism exists among the general populace. It is rooted in both national and religious stimuli. It has been described as a form of "mob" anti-Semitism. It sees the Jews as the source of a broad range of problems. The Jew becomes the "mythical" enemy upon whom much can be blamed. It often exists among those with absolutely no contact with Jews but who are nonetheless convinced that their personal troubles as well as those of their country are the fault of "the Jews." This kind of anti-Semitism is easily stimulated by religious and national sentiments. This sentiment might be most responsive to a sustained educational campaign by religious and educational institutions. Parish priests and classroom teachers could do much to eradicate it.

THE FIGHT AGAINST ANTI-SEMITISM

A number of positive steps have taken to counter the emergence of anti-Semitism. We briefly list below the prototypes of these actions and which, if properly sustained, could have a meritorious impact.

Condemnation by Political Leaders: Political leaders in many of the countries in Eastern Europe have spoken out forcefully against this prejudice. Some have primarily done so in their meetings with Jewish or Israeli representatives. While representatives of the Jewish community have appreciated these sentiments they have sometimes wondered if they are being expressed solely for their benefit.

There is a self-serving reason for the countries of this region to fight this prejudice. They realize, as one observer recently commented, that "anti-Semitism is bad manners" and makes them suspect in European circles. "People with bad manners will not be invited to sit at the table." [The New York Times, December 9, 1990.] Eastern Europeans are aware that anti-Semitism may well jeopardize the aid and trade agreements they wish to make with [Western] European countries.

Some political leaders, e.g. Czechoslovakia's President Havel, have not hesitated to condemn anti-Semitism as soon as it manifested itself. They have done so publicly and unequivocally to their own media as well as foreign journalists. This is the response that is likely to have a positive impact on the fight against anti-Semitism, for it is not the victims or their children who need to hear the condemnation; it is the perpetrators and their heirs who must hear it. Because this is such a deeply seated prejudice, they must hear it more than once.

Action by Political Leaders: In certain cases, verbal condemnation must be accompanied by action. Such a step was taken by Poland's President Walesa when he established a Presidential Commission on Anti-Semitism. This type of response, if it receives sustained support from the highest political levels, can be important. Otherwise, it will be relegated to the category of prestigious but meaningless actions, designed to placate foreign opinion.

Condemnation by Church Leaders: In a few notable instances, church leaders have individually and collectively condemned anti-Semitism as antithetical to Christian principles. The most effective example of this is the Polish Episcopate's letter of January 1991. But such steps can only be effective if they are transmitted to the grassroots of the community. If cardinals and archbishops condemn, then parish priests must also speak out and educate about the evil of anti-Semitism.

Education: Though there has been some discussion, no broad-based programs to educate about anti-Semitism have been established. A few individual efforts have been made. Since the younger generations have such a murky sense of the Holocaust, this is one area which must be included in any education program.

ABSENCE OF A DEMOCRATIC TRADITION

The emergence of post-Communist anti-Semitism has been exacerbated by the absence of democratic tradition. Even those who fought for the overthrow of despotic regimes are often unwilling to tolerate a political opposition. They find it difficult to countenance the fact that now that they have attained power there are those who continue to speak out against them. They have no familiarity with this aspect of the democratic system. Consequently, they will engage in tactics designed to delegitimize the opposition. One way of doing so is to accuse your opponent of being supported by Jews or "Jewish interests." But it is not only those in a position of power who have utilized these tactics. In a number of cases those in the opposition have used anti-Semitic canards to undermine elected officials.

When one hears anti-Semitic voices in Prague, Bratislava, Budapest, Bucharest, Warsaw or a myriad of cities, towns and villages, it must be understood that these are voices which are not only expressing hostility towards Jews but also towards the basic notion of European democracy. Adam Michnik, one of Poland's leading journalists, has analyzed this problem in Poland. His observations can, in fact, be applied to virtually all of the countries in the region.

"Anti-Semitism has become a code and a common language for people who are dreaming of a nationally pure and politically disciplined state—a state without people who are "different" and without a free opposition.... When anti-Semitic opinions are express[ed].... Jews are not the issue.... The question is whether there will or will not be ... democracy."

Though the situation in each of these countries may differ in its details, the general profile is the same. There is an urgent need for government officials consistently to speak out against anti-Semitism. They must speak out in their own country, to their own media and not just when they visit Jewish leaders on trips abroad.

Educational programs to teach non-Jews about the insidious impact of anti-Semitism must be established. These steps must be

seen to have a significance that goes beyond the Jewish population. It must be understood that, if anti-Semitism is allowed to flourish, there is serious doubt whether democracy will flourish. The two cannot long co-exist.

The fight against anti-Semitism is a critical part of the struggle for a democratic future. Only when those in positions of political, religious, and economic power recognize that these two struggles are intimately connected is there any chance that this age-old hatred can be eradicated and that democracy will be secure.

Poland

There have been a number of anti-Semitic incidents in Poland during the past two years, including a September 1991 attack on the Warsaw Synagogue. But far more disturbing has been the appearance of anti-Semitism in political and religious circles. At the same time, there have been a number of very positive developments which, if emulated by other countries, could significantly ameliorate the problem.

During the Polish presidential campaign, Lech Walesa was severely criticized for using anti-Semitism for political purposes. He accused two leading members of Prime Minister Mazowiecki's campaign team of "hiding their Jewish origins." He also called on voters to support him because "I am a full-blooded Pole with documents going back to his ancestors to prove it." His rallies consistently attracted anti-Semites who yelled slogans such as "Jews to the gas." To the consternation of many Poles, Jews and non-Jews alike, Walesa never disavowed them.

Before the run-off election, Walesa admitted that he had been wrong to identify himself as a "full-blooded Pole." Subsequently he announced that a Warsaw Ghetto museum would be established near the Umschlagplatz, the square from which Jews were transported to the death camps. During his visit to the United States in March 1991, he met with various Jewish groups and spoke at a ceremony at the site of the United States Holocaust Memorial Museum. He repeatedly distanced himself from the anti-Semitic remarks he made during the presidential campaign. He acknowledged that he had blundered. "I stumbled on this. I crashed into anti-Semitism. . . . Twice I gave clumsy answers." He also denounced the resurgence of anti-Semitism in Poland.

His disavowals and condemnation were welcome but not new. He had often made these types of statements in meeting with Western Jewish leaders. Of far greater importance was his decision, announced shortly before his departure for the United States, that he planned to create a "permanent task force" to combat anti-Semitism. The council's tasks are to design educational programs for Polish youth which stress the close links between Poles and Jews; to submit to the Ministry of Education and the church proposals which promote better understanding between Poles and Jews; to react to incidents of anti-Semitism and to examine any problems that might arise between Poles and Jews. The Under-Secretary of State in the President's Chancellery was cited in Gazeta Wyborcza as explaining that "the council [was] an institutional expression of the President's commitment" to not "allow anti-Semitism to increase."

The council's inaugural statement stressed the interconnections between Poles and Jews. "With no other people have Poles been so strongly linked as with Jews. No other people helped so much to create our economic life, culture, literature and art." If the council continues to have the support of the President and is allowed to become a true policy-making body, it may well be in a position to take concrete steps to reverse the spread of anti-Semitism in Poland.

Other major developments took place in the religious sphere. In August 1984, a group of about a dozen nuns from the Order of Discalced Carmelites moved into the Theatergebäude at the site of Auschwitz I. They had obtained permission from Polish authorities and church officials but never had any dialogue about this move with members of the Jewish community, inside or outside Poland. Though Jewish and Catholic leaders agreed in February 1987 that the Auschwitz convent would become part of a new center of information, education, meeting and prayer . . . outside the area of Auschwitz-Birkenau camps, and that there would "be no permanent Catholic place of worship on the site of Auschwitz and Birkenau camps," two years passed and the convent did not move. In July 1989, Rabbi Avraham Weiss and a small group of demonstrators protested outside the convent. They were ejected by Polish workers.

In August 1989, at the shrine of the Black Madonna, Poland's holiest icon, Polish primate Cardinal Glemp issued a homily in which he accused Jews of "getting peasants drunk," "breeding Communism," and warned them not to speak to Poles "from a position of a people raised above all others." He also accused the demonstrators of intending to kill the nuns at the Auschwitz convent. He stated that "Jewish power lies in the mass media" and that the media are at the disposal of the Jews. His statements, which drew on traditional anti-Semitic imagery, deeply disturbed Jews and non-Jews in and outside Poland. Prominent non-Polish church leaders denounced Cardinal Glemp's anti-Semitic accusations. In September 1989, Sister Maria Teresa, the superior of the Auschwitz convent, is reported in a widely-cited interview to have stated that the Carmelites "are not moving a single inch."

The negative impact of the Cardinal's statements was followed by the issuance on January 20, 1991 of a letter by the Polish Episcopate strongly condemning anti-Semitism. The letter was interpreted as a sign that the Catholic Church in Poland had decided to oppose anti-Semitism. It was particularly encouraging because it came from the highest levels of the Catholic Church, and was signed by all the cardinals, archbishops and bishops at the 244th Plenary Conference of the Polish Episcopate. It was mandated by them to be read in all churches and chapels of Mass on January 20, 1991. Finally, and most importantly, the Episcopate's letter acknowledged the "greatness and variety of links between the church, Mosaic religion and the Jewish nation." It noted that with "no other religion does the Church remain in such close relationship, nor does the Church find itself bound to any other nation so intimately." In addition, it conceded that, though many Poles rescued Jews during the Holocaust, "there were those who remained indifferent to this inconceivable tragedy." It "deplore[d] especially the action of some Catholics who contributed in any way to the death of Jews." On behalf of those Christians who "could have helped but did not," it asked "forgiveness of our Jewish brothers and sisters." It described anti-Semitism as "incompatible with the spirit of the Gospel." It described Poland as a "common Fatherland for Poles and Jews for ages."

It remains to be seen to what extent this letter will be followed up at the parish level and catechesis. Only if it filters down to local and community levels—to those with continuous and sustained contact with population—will it have significant impact.

In 1991, immediatley prior to his visit to the United States, Cardinal Glemp condemned anti-Semitism as "evil and . . . contrary to the spirit of the Gospel." He also retracted his accusation that Jewish demonstrators at the Carmelite convent intended to harm the Carmelite Sisters. "I understand that seven members of the Jewish community who disturbed the peace of Carmelite Sisters in July 1989, to which I reacted in my homily on August 26, 1989, did not intend to kill the Sisters or to destroy the convent." He did not, however, retract any of the other accusations he made in his homily nor did he condemn anti-semitism in Poland.

But these positive actions on the Church's part have been thrown into question by the emergence of a chauvinistic anti-Semitic electoral alliance which appears to be supported and encouraged by segments of the Church. This alliance was reported by the left wing liberal Polityka.

"Invitations were sent out by the Church authorities for conference to create a Christian electoral pact—the suggestion coming originally from the Christian Citizens Movement, the Christian National Union and representatives of parish and deanery communities."

According to the report the Christian Citzens' Movement and the Christian National Union, both of which are regarded as anti-Semitic, have allied themselves with parish and deanery coalition, a combination of the Centre Alliance and the Citizens' Committees of Solidarity, has distanced itself from the anti-Semitic Christian National Union and other similar groups.

One of the political parties known to have engaged in anti-Semitic accusations is the National Party. Its paper has accused Jews of being responsible for the troubles which have afflicted Poland.

But more disturbing than the actions of political parties, which have limited followings, are public opinion polls revealing how deeply rooted are anti-Semitic feelings in Poland. Surveys have found that 40 percent of Poles said they were unwilling to have Jews live near them. Similar studies were conducted in Czechoslovakia and Hungary where the response was 23 percent and 17 percent, respectively.

In April 1991, a poll taken in Poland revealed that one Pole in three believes that "the influence of people they believe to be Jewish is too great" in Poland. According to the survey, five percent admitted to being "extremely anti-Semitic," 10 percent were "strongly anti-Semitic," and 16 percent claimed to be "moderately or slightly anti-Semitic." The results are interpreted by the polling institute (CBOS) as "evidence of the existence of strong negative stereotypes," unrelated to the facts. An earlier poll taken before the presidential election in October 1990 revealed that 22 percent of Poles believed that "Jews are the ones with the greatest influence on the Mazowiecki government." The most strongly anti-Semitic statements were made by agricultural and industrial workers who typically had not advanced past grade school. There was no difference between city and country dwellers.

Romania

Since the coup of December 1989, there has been a steady rise in anti-Semitism in Romania. A Romanian journalist recently observed that "everyone . . . feel[s] in danger

now for political or ethnic reasons. Xenophobia and anti-Semitism are no longer under control." Anti-Semitic articles have regularly appeared in a number of newspapers. The charge is frequently made that Jews brought Communism to Romania and that the government is "overwhelmingly Jewish." Commemorations of the Holocaust have been marred by demonstrators. In certain towns, the celebrations of Jewish holidays have been canceled because of fears of anti-Semitic attacks. Cemeteries and synagogues have been vandalized.

There are approximately 17,000 Jews in Romania, which has a total population of 23 million. Most of them are elderly. Fewer than one thousand are under the age of 30. "It's anti-Semitism without Jews," observed Petru Cluj, a journalist with Romania Libera, the nation's most prominent independent newspaper.

The tabloid press has produced numerous anti-Semitic stories, some of which have blamed Jews for the hardships Romania is enduring as its economy falters. The weekly newspaper Europa regularly publishes anti-Semitic articles including an attack against Israel Ambassador Zvi Mazel. Articles by its publisher, Ilie Neascsu, frequently contain citations of classic French, English, and German anti-Semitic literature. The paper published an article in May 1991 claiming that Jews "were occupying the majority of decision-making functions" in the government.

Another newspaper, Romani Mare, with a circulation of a half million, also published numerous anti-Semitic articles. In an article on the "Jewish problem" in April 1991, the editor wrote that he had nothing against Jews as long as they "leave this country alone." He complained that they held too many "key jobs" and that Parliament and the Government were "full of Jews." The paper claimed that "While there are 20,000 Jews in Romania, 5,000 of them are in the country's leadership . . . the heads of TV and radio are all Jews, and in Parliament, it rains Jewish by the bucket. It's not their fault—domination has been their style since the dawn of time—but can't they let us breathe a little, instead of trampling on us as they have been doing since 1947?" It also accused the Jews of "trying to disintegrate" the country. In subsequent articles, the expulsion of all Gypsies was also demanded.

Though the Government has condemned Europa's anti-Semitism, two of its principal ministers recently sent the publisher letters thanking him for giving ten percent of the weekly profits to the Defense and Interior Ministries. The letters were published in the paper. U.S. Assistant Secretary of State Richard Schifter described anti-Semitism as having "been injected into the political dialogue" in Romania in the "form of attacks on prominent personalities based on the ethnicity of their ancestors."

In July 1991, a visit to Romania by Jews from abroad, including Nobel Prize winner Elie Wiesel, to mark the 50th anniversary of anti-Jewish pogroms was marred by anti-Semitic outbursts. In addition, Romania's chief Rabbi Moshe Rosen has had death threats made against him.

On a visit to Israel, President Ion Iliescu disassociated himself from the outbursts of anti-Semitism. Both Iliescu and former Prime Minister Petre Roman have condemned many of the expressions of this hatred. But Iliescu has engaged in a strange kind of symmetry. In addition to attacking those who have engaged in anti-Semitism, he has attacked those who have condemned the anti-Semits. He has accused them of exaggerating the situation and sullying the reputation of Romania.

The tragedy of this development is exacerbated by the history of Romania's recent treatment of Jews. It was the one Eastern European country which never broke relations with Israel. Moreover, most of its 400,000 Jews were allowed to make aliyah. In addition, Bucharest has served as a transit point for Soviet Jews in the process of immigrating to Israel.

The problem of anti-Semitism was aggravated in April 1991 when Marshal Ion Antonescu, the anti-Semitic dictator under whom Romania joined Hitler's invasion of the Soviet Union, was honored by the Romanian Parliament in a minute of silent tribute. Not one member of Parliament publicly opposed the motion honoring Antonescu, though a few did refuse to vote for it.

Mr. Iliescu has condemned Antonescu's rule, and the Government of Prime Minister Petre Roman denounced the resurgence of anti-Semitism. Nonetheless, in the weeks before and after the 45th anniversary of Antonescu's execution, newspapers and weeklies, including those which support the Government, published long articles praising Antonescu as a great patriot. Even when Mr. Iliescu disassociated himself from the tributes and condemned the praise for the former Hitler ally, most Romanian papers ignored his statements.

Despite this, his actions won the praise of Romanian and foreign diplomats, who saw his forceful and public position as a demonstration of "exceptional political courage in taking a stand against the broadening stream of assertive nationalism." In addition to Mr. Iliescu's condemnations, denunciations of anti-Semitism have been issued by Bogdan Baltazar, the government spokesman.

The manifestation of anti-Semitism in Romania can be traced, in part, to economic troubles, the political uncertainties caused by a weak government, and a population angry about the slow pace of reform. The profound social, economic, and political problems plaguing this country have proved to be a prime breeding ground for Jew hatred. There are dozens of political and ethnic groups who share no common ideology or culture. An ideology which attacks those who are "other," e.g. Jews, is one of the few things that unites the disparate groups. One cannot, of course, build a healthy democratic system which is solely predicated on the hatred of another group.

Hungary

Hungary is unique in that it has a much larger Jewish population than any of the other Eastern European countries. There are approximately 80,000 Jews in the country. There has been a resurgence in Jewish life since the fall of Communism. A wide range of Jewish activities take place on a regular basis, many of them held under the umbrella of the Association for Jewish Culture. The nation's first official memorial to Holocaust victims was recently dedicated. The synagogue is filled on major religious holidays. In addition to Jewish religious schools, a Jewish secular school which emphasizes tradition, history, and culture—as opposed to religion—has opened during the past year.

But anti-Semitism has also emerged. In the spring of 1990, during the national elections some leaders of the Democratic Forum, an anti-Communist political party, played upon Hungarian anti-Semitism. In a radio broadcast, Istvan Csurka, a prominent writer and a member of the Forum executive, urged Hungarians to "wake up." He warned them that a "dwarfish minority" was robbing Hungarians of their national culture and symbols and called Jews "rootless cosmopolitans." Other well-known Democratic Forum members have engaged in similar tactics. Though the leadership of the party has distanced itself, it has not condemned them. A prominent Hungarian sociologist acknowledges that the Forum, while not an anti-Semitic party, did "deliberately play the ethnic nationalism card of 'us' versus 'the strangers' during the campaign. And they won."

Szent Korona is the publication of the Christian National Union—Hungarian National Party and the National Federation of Hungarians. It publishes vehemently anti-Semitic articles which have described Jews as "cruel" and accused them of "occupying . . . leading positions[s]."

Hungary's President Arpad Gonez has condemned anti-Semitism. During a visit to Israel, he announced that his country would "do everything to ensure that Jews . . . are able to feel at home, live in peace, security and dignified honor."

Though there have been various manifestations of anti-Semitism, there also have been positive signs. A poll, conducted in May 1991, found that while 12 percent of the population had negative views of Jews, 67 percent had favorable views. In addition, in April 1991, an Inter-parliamentary Council against anti-Semitism was formed. Many of the country's leading writers and intellectuals have spoken out against anti-Semitism in a timely and forthright fashion.

About ten percent of Hungary's population belongs to designated minorities. They are entitled to certain privileges including special schools financed by the government. Some within the Jewish community would like the Jews to apply for this special status. Others object because it would be acknowledging what the anti-Semites have been claiming: Jews are "other." It would also deny the fact that the vast majority of Hungary's Jews are culturally Hungarian and do not consider themselves a national minority

It is ironic that there has been such a resurgence of anti-Semitism in Hungary since so many Hungarians live outside of Hungary, where they are often denied schooling in their language and other cultural rights.

Czechoslovakia

Anti-Semitism in Czechoslovakia as a whole has been peripheral to political developments. Jewish leaders have described it as "marginal" but it has not been totally absent. It has been particularly visible among Slovakian separatists. The Slovak National Party, a group with anti-Semitic overtones, won several seats in the Slovak National Council and the Federal Assembly. In March 1991, a crowd of approximately 7,000 Slovakian protestors at a rally chanted anti-Semitic, anti-Czech slogans and waved portraits of Nazi war criminal Josef Tiso. They also physically assaulted President Havel. During the rally, recordings of Tiso's speeches were broadcast. This is part of an effort to whitewash his role and that of Slovakia during World War II.

The occasion for the protest was the 52nd anniversary of the founding of the Nazi puppet state of Slovakia on March 14, 1939. Havel warned against nostalgia for an event that brought war and misery. This was not the first time President Havel had spoken out in a direct fashion to condemn anti-Semitism. Frantisek Miklosko, chairman of the Slovak National Council, who accompanied Havel on his visit, apologized for the behavior of the crowd.

Slovakian separatists have organized daily meetings and rallies in Bratislava in support of Slovakian independence. At such rallies, leaflets charging a Zionist conspiracy have been distributed.

In April, demonstrators protesting the resignation of Prime Minister Vladimir Machier complained that the political changes in Slovakia were the work of "Czechs, Hungarians and Jews." Demonstrators carried posters with vicious anti-Semitic statements.

In contrast to Slovakia, there have been very few, if any, expressions of anti-Semitism in Bohemia and Moravia.

As in other Eastern European countries, the racial/ethnic conflict in Czechoslovakia does not involve only Jews. Czechs and Gypsies have also been attacked. Skinheads have been using slogans such as "Gypsies to the Gas Chambers." Many of these groups are fiercely anti-foreign. They direct their animus also against Vietnamese and Cuban foreign workers. Currently, Jews are usually not the target of their violence.

Surveys of public attitudes towards Jews, Israel and the Holocaust in Czechoslovakia, Hungary and Poland demonstrate that 23 percent of Czechs and 34 percent of Slovaks preferred that Jews not live in their neighborhoods. Those who are disappointed by the pace of reform or the dislocation that accompanies the switch from a controlled to a market economy have looked for a scapegoat and found it in the Gypsies and Jews.

SUMMARY

In an area where anti-Semitism has been endemic for centuries, the 45-year experience with Communism has done little to change feelings about Jews.

Perhaps the most remarkable fact is that the virtual absence of Jews in most European countries, as a result of the Holocaust, has had so little impact on these feelings. Not only does there seem to be little understanding, even interest, concerning the genocide of the Jews. It's as if it hadn't happened. And anti-Semitism without Jews raises new questions about the persistence of age-old patterns of prejudice.

As Europe grows together, first in the West and eventually "from the Atlantic to the Urals," and as more people seem to see the trend, the importance of dealing with the old-new anti-Semitism becomes all the more critical. The unified Europe of the coming decades will be new and exciting, not just as old frontiers and enmities diminish or fall, but also as old and destructive patterns of thinking about neighbors within countries are abandoned.

INTRODUCTION OF H.R. 4163, A BILL TO TURN THE SS "UNITED STATES" INTO A MARITIME MUSEUM

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1992

Mr. YOUNG of Alaska. Mr. Speaker, today my colleagues and I are introducing a bill that would prohibit the foreign sale or the foreign scrapping of the SS *United States*. This great ship was the queen of the seas in the heyday of passenger ship travel. She still holds the speed record for trans-Atlantic passenger ship crossings. It is only appropriate that she become a museum to our maritime heritage, not a bunch of blades for Japanese or Taiwanese razors.

To allow this great ship to be sold to a foreign scrap yard is an insult to the men and women who built and sailed this great ship. In an era where our Nation's maritime capability is rapidly deteriorating, where both our shipping and shipbuilding industries face momentous competition from heavily subsidized foreign competitors, it is absolutely appropriate that we retain the vestiges of our glorious maritime past as a tool to remind the people of this great Nation on the need for a vital U.S. maritime industry.

This bill requires the Secretary of Transportation to use his discretion under the Merchant Marine Act of 1936, as amended, to prevent the foreign sale of this great vessel. It would also allow the ship to be stored at the Maritime Administration's reserve fleet locations until a final museum location can be found.

On February 10, 1992, a judicial sale is scheduled on the SS *United States*. It is the hope of the authors and many other Members of Congress that the Secretary of Transportation will use his discretionary authority to prevent the sale of this ship to a foreign scrap yard. Several cities and private museums have expressed an interest in turning this great ship into a museum at their ports. These organizations and municipalities need a little more time to finalize the financial and logistical planning necessary for such an effort. It is our hope that the Secretary will give this great ship enough respect to allow these folks a reasonable amount of time to get their affairs in order, otherwise this great lady of our maritime tradition will be forever lost.

GOVERNMENT REGULATIONS STRANGLING SMALL BUSINESSES

HON. ANDY IRELAND

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1992

Mr. IRELAND. Mr. Speaker, in his recent State of the Union Address, President Bush made it clear that he understood the regulatory burden that government regulation imposes on small businesses. He imposed a 90-day freeze on Federal regulations, which should be used as an opportunity for departments and agencies to comply with the Regulatory Flexibility Act. The following letter from the National Roofing Contractors Association, which was recently also published in the Wall Street Journal, is a real-life example of how our complex web of regulations affects even the simplest of jobs—putting a roof on your neighbor's garage. The National Roofing Contractors Association, and their president, Rick Rosenow, have stated their case well. Isn't it time we all started listing?

NATIONAL ROOFING
CONTRACTORS ASSOCIATION,
Rosemont, IL, January 1992.

Theories abound as to why the economy is at a standstill. There can be little doubt that one of the contributing factors is the avalanche of regulations that has put a drag on American business. The following scenario will demonstrate just how pervasive the web of regulations has become, even for something as simple as fixing the roof on your neighbor's garage.

Suppose you own a roofing business, and one morning you get a call from your neighbor, whose garage roof is leaking. He tells you that the roof is asphalt-based, and you agree to send a repair crew to try to fix it. In order to fully comply with federal regulations that are in effect today, you would have to:

First examine the roof to determine whether asbestos is present. There is a good chance that an asphalt roof will at least include asbestos-containing base flashings and cements; if they do, EPA regulations will apply and OSHA regulations may apply.

It is very likely that you won't know from a visual examination whether asbestos is present. In that case, you will have to cut a sample from the roof, and patch it to avoid leaks at the point of the sample cut. You will then send the sample, after you have bagged it properly, to an accredited laboratory, and delay your repair work until the sample is analyzed. (In some states, only a certified abatement contractor is allowed to make this test cut.)

If you discover that asbestos is contained in the roof.

Notify the owner (your neighbor) in writing.

Notify the EPA Regional Office (10 days prior to beginning work, which will mean your neighbor's roof will continue to leak).

Be sure that at least one person on your repair crew is trained to satisfy EPA requirements.

Conduct air monitoring on the job, once you are able to start work, to determine whether emissions of asbestos will exceed OSHA's action level. You can't do this, of course, until the 10-day EPA notification period has passed.

Once you begin any repair work, you will have to "adequately wet" the materials. EPA defines this as "thoroughly penetrating" the asbestos-containing material, which is an interesting concept for a waterproof material like asphalt. EPA also stipulates that there be no "visible emissions" on the job even if you can demonstrate that the emissions contain no asbestos fibers.

You will then have to vacuum the dust generated by any "cutting" that you do, put it in double bags, and take it to an approved landfill.

You will also be responsible for prohibiting smoking on the job site, and are subject to fine if one of your employees lights up.

You will probably wonder why your neighbor will be asked to absorb all of the costs associated with these steps, since hundreds of test samples have shown no asbestos exposures above acceptable limits in roofing operations.

Ensure that your crew is trained about any hazardous materials that they may encounter. (These will include the gasoline you use to power the pump on your roofing kettle.) You will also have to be sure that copies of the appropriate Material Safety Data Sheets are present at the work site, and that all containers are properly labelled.

Your crew must also be thoroughly trained in handling these materials. This will be determined not by what steps you have taken to train them, but by what your employees tell the OSHA inspector who asks them what they have been taught.

Because you are transporting asphalt at a temperature above 212 degrees, so that your crew won't have to wait two or three hours at your neighbor's home for the asphalt to heat, you must:

Mark the side of your roofing kettle with a sticker that says "HOT" in Gothic letters.

Complete shipping papers before the truck leaves your yard.

Have emergency response procedures developed in the event the kettle should turn over en route to your neighbor's home.

Be sure that your driver has been drug-tested, and has a commercial driver's license.

Be sure that the driver completes his log sheets for the day, and stops 25 miles after he leaves your yard to see if the load has shifted.

Be sure that your kettle has a hazardous material placard, in addition to the "HOT" sticker mentioned above.

Because your vehicle is being driven for work-related matters, you must be sure that the driver wears his seat belt, and has received driver training. If he does not wear his seat belt, you, of course, will be fined.

Assuming you have met other OSHA safety standards, and are satisfied you will be in compliance with local and state regulations, it is now safe for you to begin. Your most dangerous act, however, is yet to come: presenting your neighbor with his bill, and explaining why your costs have increased so dramatically in the three years since these regulations have been promulgated.

WILLIAM GOOD,
Executive Vice President.

HAPPY BIRTHDAY TO VICE PRESIDENT QUAYLE

HON. JILL L. LONG

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1992

Ms. LONG. Mr. Speaker, as a Representative of the Fourth Congressional District of Indiana, I wish to extend a greeting to Vice President QUAYLE, who represented Indiana's Fourth Congressional District from 1976 until becoming Indiana's junior Senator in 1980.

Today Vice President QUAYLE will be celebrating his 45th birthday, and I know that my constituents would appreciate an extension of warm birthday greetings on his birthday. On behalf of myself and the people of Indiana's Fourth Congressional District, and wherever the Vice President may be today working hard for a better America, I extend him our warmest birthday greetings and wish him safe travels and best wishes in the coming year.

GOOD ENOUGH FOR GOVERNMENT WORK

HON. SCOTT L. KLUG

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1992

Mr. KLUG. Mr. Speaker, I'd like to include in today's RECORD a story from the November 4, 1991 edition of Industry Week magazine. The story highlights the role which Michael Williamson, a constituent of mine from Madison, WI, is playing in bringing the Total Quality Management concept—or TQM—to Government.

Total Quality Management ideas and techniques are having a revolutionary impact across the private sector, and applied to Government have the potential to save $1 out of every $5 in operations costs while actually improving services to the public. Agencies within the Department of Defense and the Internal Revenue Service, where TQM has been tried on a prototype basis, have shown remarkable improvements in efficiency and service delivery.

TQM, and the efforts of people like Mike Williamson to bring it to Government, can make a real difference in what we mean when we say "Good Enough for Government Work."

TQM GOVERNMENT

(By Joseph F. McKenna)

Good enough for government work.

So goes the public apologia. America is not merely the land of the free. It's also the home of the lousy city service, the cumbersome state bureaucracy, and the perk-loving, free-lunching, check-kiting Congress from Hell.

But, hey, that's the way government is, right?

Wrong. Americans should not be seeing government the way it is and asking why. Instead, like George Bernard Shaw, they should be seeing government the way it could be and asking why not. And the way it could be is efficient, cost-effective, and customer-driven.

In other words, Total Quality Government.

As it turns out, the proposition of government of, by, and for the customer isn't all that farfetched. Public-service visionaries have successfully introduced Total Quality Management (TQM) ideas and techniques into a variety of governmental programs. This is something even filmmaker Frank Capra couldn't have dreamed of: Mr. Deming Goes to Washington . . . and the Statehouse . . . and City Hall.

What America means by saying "Good enough for government work" can change, insists Michael L. Williamson, co-chairman of the National Public Sector Network (NPSN), Madison, Wis., an information clearinghouse on TQM.

"You know how "Made in Japan' has taken on a new meaning in this country?" says Mr. Williamson. "I now firmly believe that 'Good enough for government work' will take on a new meaning. People are looking at [TQM in government] partly because of the fiscal austerity sweeping the country, but also because of an understanding of customer-orientation."

TQM is a win-win situation for everyone involved in government, declares Ian D. Littman, director of federal TQM services for the management consultant Coopers & Lybrand and the co-author of Excellence in Government: Total Quality Management in the 1990s (Coopers & Lybrand, 1990). "It's patriotic and represents streamlining," he says, "but it also represents an improvement to the image of public service, which is what everybody wants."

"Using modern quality management to save one out of every five dollars in government operations costs, while actually improving services to the public, is a realistic and maybe even a modest goal," says David K. Carr, a Coopers & Lybrand partner and Mr. Littman's co-author. "Private companies have saved as much, and some public agencies are well on their way."

Already, certain federal departments can boast of the most impressive strides toward quality in the public arena. One 1990 statistic from the Office of Management & Budget cited quality and productivity-improvement efforts in 265 government programs.

"We've seen a noticeable increase of interest and involvement in the federal government," reports Jeff Manthos of the Federal Quality Institute (FQI), Washington. He points to the 15 winners of the Quality Improvement Prototype Award—a Baldrige Award-like honor—and to the three to four finalists for every winner selected. Also, he tells Industry Week, "We've actually consulted or applied what we call our start-up service to more than 30 other agencies."

For the deficit-hobbled U.S., Total Quality Government is the compass that could direct the nation back to fiscal well-being. For instance, Coopers & Lybrand's Mr. Carr points out that quality management "will mean savings of $100 billion a year" at the federal level.

And as the feds go, so must go state and local governments.

"The best estimate is that there are about 50 county and municipal quality initiatives in the United States," report the co-authors of Excellence in Government. "These include Phoenix, Ft. Collins, Colo., Madison, Wis., Rocky Mountain, N.C., and Volusia, Fla.

"Well-run local TQM efforts are probably the 'hidden jewels' of the renaissance of American quality," they continue. "They have managed to introduce TQM to nearly the full spectrum of public-service functions. Few private companies face such a complex challenge. . . ."

Admittedly, few private industries do surpass government with regard to managerial complexity. But business and industry—and the far-sighted managers in them—deserve much of the credit for showing public agencies just how valuable TQM is. Like business and industry, government has watched as customer demands rise and resources disappear. Not surprisingly, well-managed public agencies have taken their cue from such quality-oriented turnarounds as Xerox Corp. and Motorola Corp.

For those corporations, says Mr. Littman, there was a compelling need to embrace TQM. Maybe it was a coveted gain of market share, or maybe it was simply survival. Although "we don't have a parallel to that in government," says Mr. Littman, it's important to "shake the federal employee, the federal manager, and say, 'Hey, this is important. You're going to have less money to work with in the future, fewer people, and lower-caliber people.'"

Government, Mr. Littman says, has to become a better place—indeed, an important place—to work. TQM can make that happen, as current success stories attest.

One of these success stories is a 1991 Prototype Award winner, the 1926th Communications-Computer Systems Group of the Air Force Logistics Command. The 1926th serves the information systems needs of 20,000 customers at Robbins Air Force Base, Georgia's largest industrial complex.

Four years ago, the 1926th embraced the Air Force's quality strategy called QP4—people, process, performance, and product. Sounding quite a bit like today's leaders in civilian industry, the 1926th outlines its quality "transformation triad" in a summary published by the FQI.

"The first part is management, the transformation of functional managers into process managers and quality leaders. Second is methodology, the use of statistical process control (the language of the process) and the other analytical techniques to improve our processes. Third is people, the transformation of the workforce into an empowered team performing at its full potential."

As a customer-driven organization, the 1926th has become a group of quality commandos whose chief weapon is a 14-step plan.

"The steps range from flow-charting to process certification and are designed to achieve continuous improvement and customer satisfaction," the 1926th reports in the FQI summary. "Through the use of this approach, results in productivity and quality of service have exceeded our expectations. For example, cost savings and avoidances have reached nearly $10 million over the past three years and, based on our feedback, customer satisfaction is at an all-time high."

O. K. So $10 million won't make up overnight for government's decades of waste. But every step away from the $9,609 socket wrench is a step in the right direction.

"There's a profusion of interest out there," argues the NPSN's Mr. Williamson, who served as chief of staff when then-Mayor Joseph Sensenbrenner led city services in Madison, Wis., through an unprecedented quality transformation in the '80s. Moreover, there's pressure from leaders in the private sector to adopt quality efforts in the public sector, says Mr. Sensenbrenner, who works as a quality consultant to state governments.

Obviously, there's no reason that state and local governments can't follow the lead of Wisconsin, which may qualify as the TQM state. As Mr. Carr and Mr. Littman write:

"Using TQM, the Dept. of Revenue in 1989 was able to send refunds to 1.2 million taxpayers in two weeks rather than eight, which was usual before then.

"Impressed by this and other successes, in 1989 Gov. Tommy Thompson decided to make Wisconsin's commitment to quality formal. He set up an executive steering committee of five cabinet secretaries to promote and oversee development of TQM in state agencies. . . . He also appointed a quality coordinator for state government."

The state legislature, the authors add, also pledged allegiance to TQM, giving bipartisan support to such efforts as TQM training for government supervisors.

Pointing out that government usually lags behind industry by 10 to 15 years, Mr. Littman says it's especially interesting that Total Quality Government is "happening at the same time it's happening in the private sector." Today, he says, "government—especially the federal agencies—is as impressive in its results as some of your Baldrige winners."

Then again, the reason for that phenomenon may be easy to explain. Ours is a nation in crisis, a nation saddled with debt (more than $3 trillion) and with a myriad of social problems. In a world that is disarming militarily and all but disarmed economically, the call for quality is the patriot's call.

As Mr. Williamson observes, government's mission includes "not only the delivery of service but also regulation. We're charged with keeping the peace as well as delivering fire protection. Because the customer relationship is more complex, it's more difficult." Still, he's "extremely optimistic" that TQM offers a "tremendous amount of improvement for government.

"We've pretty much debunked that this won't work in the public sector," he says. "We've got too many examples now."

Success stories notwithstanding, there's still a lot of missionary work to do among those in government, both elected officials and know-nothing bureaucrats.

"The biggest skeptics and detractors just don't understand what it is," laments Mr. Littman. "They see it as Japanese management or something else. They don't take the time to understand the philosophy, the empowerment, the customer focus, and all the issues associated with it."

With any luck, history will repeat itself. Plenty of corporate leaders once looked askance at the principles of total quality, only to become zealots when the success stories became widely known.

"Interestingly enough," Mr. Williamson points out, "[TQM] got started in a lot of communities where people in corporations using it also served on city councils and school boards. They said, 'Let's bring that here.'"

Yet, a growing interest in Total Quality Government does not a juggernaut make. Even more leaders within public service need to press the case for TQM among their colleagues and the public they serve. "Right now," write Mr. Carr and Mr. Littman, "excellence in government is missing the most important ingredient: leadership."

At the federal level to date, that leadership has been confined to the managers of TQM operation. Within the elected sphere, the number plunges dramatically, with Rep. Newt Gingrich (R, Ga.) and Rep. Don Ritter (R, Pa.) as the leading Congressional lights.

"My main aim is to make this a principal national issue on the radar screens of the great political debate," declares Rep. Ritter, a true believer who has pushed the quality agenda in his own Congressional office as well as in Pennsylvania's Lehigh Valley. Regrettably, Rep. Ritter admits, "it's not on that many radar screens in Congress."

Why that is the case taxes the rational mind. Considering the public's long-held skepticism about government, public officials should want to preach quality as a public goal. More importantly, considering the inevitable consequences of government-as-usual, public officials should resign their posts unless they practice quality.

Admittedly, infusing TQM into the heart of government is a scary proposition to people more at home with a copy of Niccolo Machiavelli's "The Prince" than with Phil Crosby's "Quality Is Free."

"One of the inherent problems," explains Mr. Williamson, "is that politics, by its nature, is built on competition. Quality is built on cooperation." When it comes to what Mr. Williamson calls "the political stuff," politicians don't want anything to do with continuous improvement "because it might increase the competitive advantage of their opponents."

Nevertheless, there's still room for quality efforts from City Hall to Capitol Hill. For instance, says Mr. Sensenbrenner, Congress could use TQM to determine the impact of pending bills by a systematized look at similar legislation and related data. TQM, he says, also could streamline internal processes, such as preparing audits and committee reports. And Mr. Williamson points to one state legislator in Wisconsin who uses quality-improvement techniques not only in the assembly but in her political campaigning as well.

Especially in Washington, Total Quality Government should be derigeur. Even if TQM could unravel only the redundancies built into fashioning a federal budget, says Mr. Littman, the change would be monumental.

But, as management demigod Dr. W. Edwards Deming declares, quality requires profound knowledge and constancy of purpose—attributes rarely associated with government in general and almost never associated with Congress.

Certainly TQM has a place in Congress, which is little more than a lab for the study of organized inaction. Congress, Mr. Littman notes, "is as archaic as you can get. It's feudal and not likely to embrace the idea unless members can see how it's going to improve their offices and make people who call feel better about them."

The fact is, the total-quality approach has worked in industry. And it can work in government—to the credit of the serving and the benefit of the served. All it needs is an initial push from the top.

That means President Bush must use his bully pulpit to preach TQM to all corners of the Executive Branch. That means state and local governments must follow the lead of Wisconsin. That means the 535 members of Congress must foresake the safe harbor of bureaucracy for the uncharted and challenging waters of customer-oriented results.

Total Quality Government represents a way of thinking about public policy that is every bit as revolutionary as those ideas promoted by Thomas Jefferson and James Madison. Quality "isn't a matter of an adjustment here, a bit of fine tuning there," say Lloyd Dobyns and Clare Crawford-Mason in "Quality or Else: The Revolution in World Business" (Houghton Mifflin, 1991). "Quality is a change in the structure and purpose of an organization. . . ."

As America moves further into its third century, a profound change of purpose is needed—to be a nation not only dedicated to human liberty, but also devoted to its own continuous improvement.

TRIBUTE TO CATHERYNE J. FARRIS

HON. RICHARD RAY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1992

Mr. RAY. Mr. Speaker, I rise today to pay tribute to Mrs. Catheryne J. Farris who recently retired from a long and distinguished career with the city of Columbus, GA.

From 1961 to 1991, Mrs. Farris held several important positions within the city's government. At the time of her retirement, she served as special population coordinator where she directed a staff of 22 in coordinating and supervising programs for 4 senior citizens centers, 21 neighborhood senior clubs, the Senior Day Care Center, the Retired Senior Volunteer Program, and the Therapeutic Recreation Program.

Mr. Speaker, I applaud Mrs. Farris for her dedication and tireless work on behalf of the people of Columbus, GA. I would also like to submit for the CONGRESSIONAL RECORD a copy of a resolution passed by the Columbus City Council which expresses their appreciation:

A RESOLUTION—NO. 620-91

Whereas, Mrs. Catheryne J. Farris, Special Populations Coordinator with the Department of Parks and Recreation, is retiring on December 31, 1991;

Whereas, Mrs. Farris was employed by this government in 1961 and since has served in numerous recreation capacities—always making a tremendous impact on the lives of our citizens;

Whereas, As Special Populations Coordinator, Mrs. Farris coordinates and supervises programs of four Senior Citizen Centers, Neighborhood Senior Clubs, the Senior Day Care Center, the Retired Senior Volunteer Program (RSVP), and the Therapeutic Recreation Program;

Whereas, Mrs. Farris works diligently with other senior citizen groups and agencies at

the local and state levels to facilitate special events and activities for senior, and to enhance the general welfare of our senior population;

Whereas, through the tireless efforts and dedication of Mrs. Farris, Columbus senior citizens have been afforded the opportunity to participate in such events as Georgia Golden Olympics, Camp Will-A-Way, Senior Citizen Oktoberfest and Senior Citizen State Softball Tournament;

Now, therefore, the Council of Columbus, Georgia hereby resolves;

This Council hereby expresses its appreciation for the diligent and faithful service of Mrs. Catheryne J. Farris who has served the Consolidated Government and the citizens of Columbus for 30 years. We wish for Mrs. Farris happiness and contentment in her retirement.

LETTING TERRORIST HABBASH GO IS A MAJOR SETBACK IN FIGHT AGAINST TERRORISM

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1992

Mrs. LOWEY of New York. Mr. Speaker, last week the notorious international terrorist George Habbash was admitted to a French hospital for what his wife called a routine medical check. Despite enormous evidence that he has masterminded countless terrorist operations, French officials permitted him to travel back to his home in Tunis after receiving treatment.

Habbash is the leader of the Popular Front for the Liberation of Palestine, a militant group responsible for numerous terrorist operations including the highjacking of an Air France jet and a 1978 machine gun attack at Paris' Orly Airport in 1978.

The decision by the French Government to allow Mr. Habbash to slip through their fingers and return to Tunis rather than being brought to justice is a travesty. I rise to condemn the irresponsible action of the French Government. Such actions are an affront to victims of terrorism and all who believe in a civilized society.

BUSH'S TRIP GETS A BUM RAP

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1992

Mr. OXLEY. Mr. Speaker, I strongly urge you to read this column by James Kilpatrick, as he takes the press to task for their tactics following President Bush's trip to Japan. He further states that those who are critical of the President must recognize that "George Bush is the only President we have, and that he's doing the best he can at a difficult period at home and abroad."

BUSH'S TRIP GETS A BUM RAP

(By James Kilpatrick)

A few years ago, when I was living in the Blue Ridge Mountains of Virginia, I saw a flock of vultures go to work on a wounded deer. The birds have human counterparts. Behold the buzzards of press and politics as they sink their talons into the most decent man in high office today.

"President's Trip Is PR Disaster," read one headline. "Bush Fails as Salesman," said another. Sen. Tom Harkin of Iowa fluttered in: The Bush mission was a "hat-in-hand horror show." Rep. Richard Gephardt of Missouri belittled the mission: It was no more than a photo opportunity.

The Associated Press, which used to have a reputation for impartial coverage of the news, swooped down: "President Bush returned home from Japan," said the AP, eager to get at the entrails, "boasting of 'dramatic progress' that will produce American jobs."

Those of us who deal in opinion will regard that word "boasting" with professional admiration. It is a spin word, carrying all the unattractive images that go with the image of a braggart. Bush the boaster! What did he have to boast about?

Troubles, they say, never come singly; troubles come in bunches, like grapes, and since this recession began in 1990 Bush has had a vineyard to harvest. He returned from the Far East on the very day that the figures came out on unemployment. Gloomy figures. They dominated the weekend news.

Lee Iacocca, the Chrysler crybaby, leaped to a microphone to wail once more at the Japanese. He was disappointed at the president's inability to wring greater concessions from Tokyo. It is not the auto industry's fault, he said, that Japan sells so many cars in the United States. He was fed up with that kind of talk. The executives who run the American auto industry are not idiots.

Ah, Sir, a bystander might observe, the executives may not be idiots, but considering their performance they surely are morons—and overpaid morons at that.

The president's trip was not a disaster. The New York Times buried on Page 26 some comments that escaped the buzzards. James Koontz of New Hampshire, president of a company manufacturing machine tools, had some sensible things to say:

"I think the trip created recognition that there is a problem. The fact that we focused on the Japanese trade problem may have gotten some of the Japanese transplants to realize that they have to work more with American vendors.

"On the other hand, our problems are not really with the Japanese. They are at home. The major companies and unions have to sit down and agree to make our plants more flexible and productive. The Japanese are 90 percent right in saying our problems are here."

Reginald Lewis, chairman of Beatrice International, a food company, had no criticism of the mission. "I don't think it was the wrong thing to do." Dexter F. Baker, chairman of a petrochemical company in Pennsylvania, was one of the executives who accompanied the president. He said: "Some market-opening initiatives were achieved. I think it was a very positive trip. This wasn't tokenism."

My guess is that the president's visit gave the inscrutable Japanese a great deal to get scrutable about. They should understand clearly that the cries of "failure" will fire up protectionists in Congress. In an election year all kinds of folly are predictable.

If the Japanese want to avoid a trade war that could set off worldwide upheaval, they may yet prove agreeable to reforms of real meaning. Meanwhile, their pledge to buy an additional $10 billion a year in auto parts is not an insignificant promise.

Over the weekend, most newspapers carried the same photograph of George Bush. He was talking with reporters aboard Air Force One as his plane left Tokyo for home. It was a photograph of a weary man, half-dead from sheer fatigue, but there was something indomitable about it also. The lines in Bush's face have deepened over the past three years. Eight years as vice president prepared him superbly for the Oval Office, but no preparation could have made him altogether invulnerable to a flight of vultures.

Fly off, you carrion birds! George Bush is the only president we have, and he's doing the best he can at a difficult period at home and abroad. Look at the five lightweights who are seeking to replace him. Their names are Brown, Clinton, Harkin, Kerrey and Tsongas. Could any one of them do better? Think it over.

TRIBUTE TO BENJAMIN JENKINS

HON. RICHARD H. STALLINGS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1992

Mr. STALLINGS. Mr. Speaker, I would like to take the opportunity today to pay tribute to a young Cub Scout from my district, Benjamin Jenkins of Idaho Falls, ID. Benjamin became a hero last week when he saved the life of a friend with a skill he learned in the Cub Scouts.

I would like to insert in today's RECORD the text of a newspaper article published in the Idaho Falls Post Register on Sunday, February 2. The article was written by Lisa Miller:

For Benjamin Jenkins, being a hero meant getting to eat a whole plate of cookies.

The fourth-grader became a hero last month when he saved the life of a choking friend with the Heimlich maneuver he learned in Cub Scouts.

The boys were playing basketball in Daniel Delonas' yard when Daniel suddenly stopped and put his hand to his throat as his face turned dark red.

Benjamin knew just what to do.

"I was kind of nervous, but I just did what they taught us to do in Scouts," he said. "I went up behind him and did it."

Benjamin dislodged a piece of candy in two tries. He said it flew out of his friend's mouth.

Daniel, also a fourth-grader, was sucking on a piece of candy when he tilted his head back and the candy slid into his throat.

"I started waving my arms around and Benjamin came running and saved me," he said.

Benjamin said the other boys who were playing basketball didn't know anything about the Heimlich maneuver until he demonstrated it after their friend almost choked to death.

"Later that night, the Delonases came down and gave me a plateful of cookies and a sign that said, 'Our Hero.' That was the nicest part," Benjamin said.

Edward, Daniel's father, said they were grateful Benjamin was there and knew what to do.

"When we brought the gifts down for Benjamin his dad didn't know that happened. Benjamin hadn't told anyone," he said. "Plenty of praise was lavished after we told him and everyone had a big smile on their face."

The praise may not end there.

Pamela Helm, Benjamin's Cub Scout leader, said Benjamin probably will receive a special award at the Scouts' Blue and Gold Banquet next week.

Benjamin learned the life-saving maneuver when the Scouts went to the police and fire stations for demonstrations, but he had never actually practiced it on someone until he used it to save a life.

"They saw the demonstration and we read about it in a section of his Cub Scout manual, but we taught them never to do it on an actual person unless they were really choking because it could hurt the person," Helm said. "I'm glad this sunk in."

Benjamin's father, David, said his son is a quick, clear thinker who doesn't panic under pressure.

"You never know what's sticking with these children," he said. "I'm glad the things he is learning at home and at school or Cub Scouts are staying with him."

1992 GROUNDHOG DAY PROCLAMATION

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1992

Mr. CLINGER. Mr. Speaker, I rise today to announce the prediction of the only legitimate and true fur-covered weather forecaster in history. Of course, I refer to the famous and always correct Punxsutawney Phil.

As I am sure all of my colleagues know, February 2 is one of our most important annual events: It's Groundhog Day. Every year, Phil emerges from his burrow, takes a peek and informs his millions of faithful fans as to the fate of Old Man Winter.

So, without further delay, here, direct from Gobbler's Knob, is Phil's 1992 forecast:

1992 GROUNDHOG DAY PROCLAMATION

This February 2d at exactly 7:27 a.m., Punxsutawney Phil seer of seers, prognosticator of prognosticators, emerged "reluctantly" but alertly from his borrow at Gobbler's Knob in Punxsutawney, PA.

His friend, Bud Dunkel, held him high so he could wish the huge throng of faithful followers a happy Groundhog Day.

Phil glanced skyward toward the east then behind at the ground and said loud and clear in groundhogeeze to President Jim Means "I definitely see a shadow. It's back to bed 'til six more weeks of changeable winter weather are over."

CARTERET MAN SELECTED TO BE GRAND MARSHAL OF NEWARK ST. PATRICK'S DAY PARADE

HON. BERNARD J. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1992

Mr. DWYER of New Jersey. Mr. Speaker, I rise today to congratulate Councilman Francis J. James of Carteret, NJ, on his selection as the grand marshal for the 1992 St. Patrick's Day Parade hosted by the city of Newark. The parade will be held on March 15, 1992.

Mr. James, who was born and raised in Bayonne, NJ, has lived in Carteret for the past 31 years. However, his Irish roots are deep. His mother, father and two older brothers immigrated from County Cork in 1929.

Frank James has lived his life in New Jersey. He is married to Carol Pryor James. They have raised four children and are now the proud grandparents of two grandsons.

Councilman James has been an active member of Local 68 of the IUOE for 37 years; and, since 1987, has served as the training director for the local's school. Previously, Mr. James has served as the vice president of the Union County Central Labor Council AFL–CIO. He has been a trustee of the Middlesex Labor Council, AFL–CIO; a member of the Labor Advisory Committee of both the Boy Scouts of America and United Cerebral Palsy; and he has served as a member of the International Union of Operating Engineers Safety and Health Committee.

Councilman James was the general chairman of the 1980 Irish Festival and a past president of the Giblin Association. In 1978, he served as the chief of staff for the Newark St. Patrick's Day Parade and is an active member of the Ancient Order of Hibernians.

As a Fourth Degree Knight in the Father Carey Council #1280, Frank James has been active in his church and its charitable community work. He is a devoted husband and father and has been a responsible civic leader. Clearly, the parade's sponsors could not have selected a better grand marshal for the St. Patrick's Day Parade.

TRADE ENHANCEMENT ACT OF 1992

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1992

Mrs. COLLINS of Illinois. Mr. Speaker, the bill we are introducing today, the Trade Enhancement Act of 1992, will accomplish what President Bush tried but failed to do on his recent trip to Japan. Rather than attempting to cajole Japan into buying a few more American-made automobiles and auto parts, this legislation says Japan must either find a way on its own to substantially reduce our huge trade deficit with Japan in each of the next 5 years, or we will reduce the deficit for them by strictly limiting what they can bring into our country.

The future health of our economy cannot be based on vague commitments made between President Bush and various Japanese Government officials. Since the President's return, the pitfalls of relying on such understandings have become clear. Japan's Prime Minister and the head of Toyota now say that the agreement to purchase additional American autos and auto parts was not at all a commitment as President Bush described it. Instead, the agreement simply identified targets that Japan said it would work toward. And this week, the head of the Japanese Diet was quoted as saying that the United States is now nothing more than Japan's subcontractor.

It should, therefore, be clear that even the best intentions of President Bush and the leaders of Japan cannot be expected to change our persistent and unfair trade imbalance with Japan. Japan will always postpone taking the action needed, because it benefits tremendously from the current situation.

We must take charge of our own economic destiny and be willing to say to Japan that the "free ride" in trade is now over; if Japan wants to trade with us they may only do so if we are allowed to trade with them in the same open, unfair way. If President Bush is not willing to put this message to the Japanese in clear, enforceable terms, then the Congress must do it for him.

The Trade Enhancement Act focuses on the United States-Japan trade relationship in autos and auto parts. Three quarters of our overall trade deficit with Japan is in autos and auto parts. Over the last 10 years, the United States has accumulated trade deficits with Japan that total $400 billion. In 1990, the United States trade deficit with Japan was still $41 billion.

Not only is the auto industry the single most important element of our trade problem with Japan, but it also accounts for a huge share of the Nation's economy. Four and a half percent of the gross national product is directly attributable to the auto industry; when indirect economic activity is also considered, the auto industry accounts for 12½ percent of the gross national product.

This key American industry has been hit by repeated assaults of Japanese manufacturers that have been engaging in unfair trade practices. Today, American manufactured autos account for less than half of retail auto sales. Yet in Japan, all foreign manufacturers account for only 3 percent of their market and American manufacturers account for less than 1 percent.

The United International Trade Commission and Commerce Department have already determined that Japan auto manufacturers are not operating according to fair trade and fair market principles. We really, therefore, have only two choices: Let our auto industry die, or impose conditions on the terms under which Japan may operate in our market.

The cosponsors of this legislation strongly believe that we cannot afford to let the American auto industry die. If Japan does not reduce its huge and unjustified trade surplus with us in the immediate future, restrictions on Japanese auto exports to the United States will reduce the surplus for them.

Putting aside the issue of whole vehicles, our auto parts industry is fully competitive in quality and price with Japan's auto manufacturing facilities located here in the United States. But they don't. Of the $31 billion auto trade deficit with Japan last year, over $10 billion is attributable to auto parts, most of which are imported into the United States by Japan to supply their auto plants here. Studies have shown that in just the next few years, that $10 billion parts deficit with Japan will more than double. Clearly, Japanese auto manufacturers ought to buy more American-made auto parts for their auto plants here in our country.

Japan's keiretsu system, instead, is used to develop a base of dedicated suppliers on which Japan's auto manufacturers almost exclusively rely. Breaking into this supplier base has become a virtually impossible task for American and other foreign auto parts manufacturers. In addition, Japan has protected its

own domestic auto market against competition from foreign auto manufacturers. With this protected domestic market as its base, Japan's auto manufacturers have dumped their vehicles in the United States at below fair market prices.

The way to correct the trade problem is clear. Japan should open its markets to American goods and services; it should engage in competitive procurement practices; and it should stop dumping its products in our market at below fair market prices. Japan must now decide how to deal with these issues, but if it fails to reduce the overall deficit by 20 percent in each of the next 5 years, as the bill prescribes, then Japanese auto exports to the United States must be reduced.

Our national will is being tested today in no less critical a manner than it was in the recent gulf war. We need not go to foreign shores to confront our trade problem, however. We need only be willing to recognize what is in our own national interests and to take the necessary steps to respond to those interests here at home.

This legislation commits our country to protect our vital national economic interests against exploitation and unfair practices. This is a commitment that the American people are ready and willing to make.

ROBERT WASSERMAN RETIRES AS CHIEF OF POLICE

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1992

Mr. EDWARDS of California. Mr. Speaker, on December 27, 1991, Robert Wasserman retired as the chief of police of Fremont, CA, part of the 10th Congressional District. Chief Wasserman has been a loyal and dedicated public servant for much of his life. He began his career as a police officer with the city of Montebello, CA. His aptitude and efficiency consistently acclaimed, he rose through the ranks and was selected, after a nationwide search, to be chief of police with the city of San Carlos, CA. In 1972, after another nationwide search, he accepted the position of chief of police with the city of Brea, CA.

In January 1976 he was appointed chief of police with the city of Fremont. In his 15 years of dedicated service, Fremont's population has increased by 40 percent and is now the fourth largest city in the San Francisco Bay area. He oversaw the doubling of the Fremont Police Department to an organization of 212 sworn personnel and 109 nonsworn. Among his most impressive accomplishments are the results he achieved during this expansion. In these times of increasing violent crime rates nationwide, the total number of serious crimes in Fremont have actually decreased by 18 percent since 1974.

Chief Wasserman has many admirable qualities which we look to and value in a role model for our society. Chief among these are his diligence of spirit and his dedication to serving the public. With his retirement, Chief Wasserman has become one of the longest tenured police chiefs in California with over 22 years experience. The city of Fremont, and California, will truly miss one of it finest officials.

INTRODUCTION OF LEGISLATION TO AMEND THE COMMERCIAL MOTOR VEHICLE SAFETY ACT OF 1986

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1992

Mr. DARDEN. Mr. Speaker, today I introduced legislation to amend the Commercial Motor Vehicle Safety Act of 1986 by exempting city and county governments from the costly burden placed upon them by the testing requirements of the act. As you know, under the provisions of the that act, by April 1, 1992, all persons driving commercial vehicles as defined by the act must possess a commercial operators license given after passing a test which meets Federal requirements.

Unfortunately, Mr. Speaker, employees of local governments are among those affected by the act. The costs and difficulties placed on the small cities and counties all over this country by this act are considerable. Many local government officials have contacted my office to voice their concern on this issue. In order to prepare their employees, municipalities will be required to provide training courses at a cost that can reach hundreds of dollars per employees. These local governments will be required to spend scarce funds transporting their employees and vehicles long distances to State run testing sites. For many municipal vehicles this trip will be the only time they are driven on the Nation's interstates. All of this expense, time and effort will be expended so that employees can take a test that often covers material that has little to do with their jobs or the vehicles they drive at work.

Mr. Speaker, to make matters worse, the requirement that municipal employees obtain a commercial operators' license puts local government in competition with private shippers for the services of federally licensed drives, many of whom will be trained at local government expense.

Mr. Speaker, the broad stroke approach of the Commercial Motor Vehicle Act creates unnecessary burdens of the budgets of local governments at a time when they face the same budget crunch as the Federal and State governments. Farmers, firefighters, and military personnel have already been granted exemptions from the act by the Department of Transportation. My bill would create a limited exemption from the testing provisions of the act for drivers of municipal vehicles who have shown they are responsible drivers. I urge the Members of this body to support this change in the act.

PLANNED PARENTHOOD OF SOUTHEASTERN PENNSYLVANIA VERSUS CASEY

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1992

Mr. ENGEL. Mr. Speaker, I rise today to express my grave concern regarding the future of American women's reproductive rights. As you are well aware, recently the U.S. Supreme Court announced that it will review a highly controversial court decision handed down by the U.S. Third Circuit Court of Appeals on October 21, 1991. In that decision, the appeals court ruled that the Supreme Court's 1973 Roe versus Wade decision is no longer the law of the land and that, with the exception of a spousal notification requirement, the highly restrictive 1989 Pennsylvania abortion law is constitutional.

I cannot emphasize enough the importance and relevance of this case for all Americans. The lower court's October decision represents the first time that a Federal court of appeals has held that the standard of privacy established in Roe versus Wade is no longer the law of the land. It is the first time that a Federal court has interpreted the law in a manner to allow a State to adopt and enforce restrictive abortion laws that the Supreme Court had previously held to be unconstitutional. And it is the first time that the Supreme Court will have the opportunity to overrule the Roe versus Wade decision. Considering the Court's ruling on the Webster versus Reproductive Health Services case, I am gravely concerned about the outcome of the Pennsylvania case.

I urge the High Court to rule that the right to choose is a fundamental right to privacy protected under the Constitution, as the Court held in Roe versus Wade. I also ask that the Court uphold current protections for women regarding their reproductive rights. If the Court rules otherwise, such a decision would, in effect, overturn the 1973 ruling and adversely affect the lives of 60 million American women of childbearing age and their families.

Already many women's basic rights to privacy and choice are being stripped away at the State level. Shockingly, the threat is imminent that all women will be robbed of these constitutional rights. In fact, last year, both Louisiana and Utah enacted legislation which virtually outlaw all abortions. In Mississippi, North Dakota, and Ohio laws are on the books which impose mandatory waiting periods, and require that women seeking abortions receive State-prepared, antichoice lectures before making a final decision. This big brother attitude is an insult to all women. The Government is treating women not like thinking, feeling, and rational individuals who are capable of making their own decisions, but rather assumes they are easily manipulated by others and unable to weigh fact from fiction, or right from wrong. Government, at any level, has no role in dictating or infringing upon women's reproductive rights and personal decisions. Certainly, Government is in no position to pass moral judgments and impose personal beliefs upon the public at large.

Clearly, the Supreme Court's final ruling on Planned Parenthood of Southeastern Penn-

sylvania versus Casey cannot be taken lightly. That is why I rise today and implore my colleagues to join me in cosponsoring and passing legislation that will codify the principles contained in the 1973 Roe versus Wade decision. The Freedom of Choice Act, H.R. 25, would prohibit States from restricting a woman's right to an abortion, or at any time if the woman's health or life is threatened. In the legislation, States may impose only those requirements medically necessary to protect the life or health of the woman. This statutory, Federal standard is essential to assure that the right to choose can be ensured for all American women, regardless of the State that they reside in. Reproductive freedom is their right, and it is their choice.

TRIBUTE FOR BESS LOMAX HAWES

HON. SIDNEY R. YATES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1992

Mr. YATES. Mr. Speaker, it is with the greatest pride that I rise today to salute an outstanding American who, for the past 15 years, has served this Nation by her commitment to the arts. Her service has enriched all our lives.

I am speaking of Bess Lomax Hawes who was honored on January 31, 1992, by the National Endowment for the Arts, where she has worked with much distinction these past 15 years. On January 31, Ms. Hawes received the accolades of her colleagues at the Endowment and from members of the National Council on the Arts as she retires from the agency.

Mr. Speaker, Bess Lomax Hawes was born in Austin, TX, in 1921. Her father, John Lomax, grew up in the late 1800's in west Texas on a spur of the Chisholm Trail. He grew up admiring the songs, tales, and other lore of the hard-working cowboys of the Lone Star State. John Lomax went on to become a professor of English at the University of Texas, a banker, the director of the Archive of American Folksong at the Library of Congress, and a pioneer in collecting American folklore. He championed the worth and dignity of American folk artists. He was a great discoverer and preserver of that part of our national character that is uniquely American.

John Lomax passed on his love of folk art to his four children; and Bess, the youngest, and her older brother Alan, made careers out of that admiration for grassroots America. Alan Lomax collected and preserved the best of American folk art, sharing it with the Nation through recordings, radio, publications, and later television that made great American folk artists such as Jelly Roll Morton, Huddie "Leadbelly" Ledbetter, and Roscoe Holcomb a valued part of our national heritage.

Bess Lomax Hawes also possessed the foresight to see that the future of American culture and life lay in the minds, hands, and voices of ordinary Americans. She had the wisdom to bring this to the attention of a broad audience. As a member of the Almanac Singers, along with her husband, Butch Hawes, Woody Guthrie, Pete Seeger, and others, she pioneered the folk song revival that attracted millions of Americans to Afro- and Anglo-American song. She authored "Charlie on the MTA," which was recorded by the Kingston Trio and became an American song favorite. She produced films like "Georgia Sea Island Singers," "Pizza Pizza Daddy-O" on black children's games, and "Say, Old Man, Can You Play the Fiddle?" on a Missouri fiddler living in California. In 1972, with Bessie Jones she coauthored "Step It Down: Games, Plays, Songs and Stories from the Afro-American Heritage." That work is still a standard of folklore literature.

But, Mr. Speaker, perhaps her most profound, far-reaching, and long-lasting contributions to American culture would come later. In 1975 and 1976, Bess Hawes' work on the Smithsonian Bicentennial Festival of American Folklife played an important role in setting the stage for a new national effort to identify, assist, and celebrate the extraordinary diversity of American folk art. In 1977, she joined the National Endowment for the Arts and developed its initial efforts at supporting American folk arts into a full-fledged discipline program at the agency. Through her vision and personal dedication, a national network of support for folk artists was created at the State and local levels. Her idea of a program to recognize our Nation's most outstanding traditional artists become reality when, in 1982, the National Heritage Fellowships were created. Ten years later, they remain the Nation's highest honor for our folk artists.

Mr. Speaker, the efforts of the Lomax family to make American folk expression a central part of our national life already spans nearly the entire 20th century. And Bess Lomax's work will surely live on far into the 21st century. She has helped change the face of American life. She has recognized and helped tens of thousands of our Nation's folk artists, thereby enriching our own perception of ourselves as Americans.

Mr. Speaker, I appreciate this opportunity to present a brief profile of a woman who has devoted herself to the arts, who has preserved and gained recognition for an important segment of our national cultural heritage. She has immeasurably improved our whole world through these contributions. I am certain all of my colleagues join me in this salute to Bess Lomax Hawes on the occasion of her retirement from Government service with the National Endowment for the Arts and for her brilliant career in the traditional arts.

TRIBUTE TO THE FIRST AFRICAN BAPTIST CHURCH OF BRUNSWICK, GA

HON. LINDSAY THOMAS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1992

Mr. THOMAS of Georgia. Mr. Speaker, I take great pleasure today in bringing national recognition to the members of the First African Baptist Church of Brunswick, GA, as they have attained a great landmark in the history of their church.

On January 26, this very special church celebrated their 129th anniversary. The congregation was able to use the very same building for this historic worship service that was used by their predecessors in the 1800's.

I am honored that such a remarkable church is a part of my congressional district, and I ask that we keep the members of this congregation and their pastor, the Reverend Rance Pettibone, in our hearts and in our prayers.

This is a church that draws upon the power of its Christian heritage to illuminate its path in meeting the challenges of the future. This is a church that has achieved such a remarkable history because it is a living, growing body of believers in the Lord.

I know that the First African Baptist Church will continue to grow in the years to come and share its living message with others in the Glynn County community.

On behalf of all of the citizens of the First Congressional District of Georgia, I send my congratulations to Reverend Pettibone and the entire congregation, along with my best wishes for another successful 129 years of service to our area.