SENATE—*Tuesday, May 11, 1993*

(Legislative day of Monday, April 19, 1993)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable HARRIS WOFFORD, a Senator from the State of Pennsylvania.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

** * * ye shall know the truth, and the truth shall make you free.*—John 8:32.

Eternal God, when Pilate asked Jesus, "What is truth?" the word was meaningless. Everything was true, anything was true, or nothing was true. The temporal Emperor was the only god Rome knew. Life was cheap. Morality was whatever one desired it to be. Paganism, barbarianism was the environment. Has Western civilization reverted? Have we become a pagan America?

Gracious God of truth and justice, awaken us to the critical nature of our social condition. We have a Bureau of Standards. We could not do business without a clear understanding of ounces and pounds, inches and feet, pints and gallons, minutes and hours. We live by these standards daily. Yet when it comes to morality, we have no standards. All sports are governed by rules. But in our culture, each makes his own rules. We take seriously the laws of physics, but we observe no moral law. We have no God, not even a Caesar. We have become a godless, relativistic culture. Anything goes. Save us, Lord, from this way that leads to self-destruction.

We pray in His name who is 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 bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 11, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HARRIS WOFFORD, a Senator from the State of Pennsylvania, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

SCHEDULE

Mr. MITCHELL. Mr. President, there will be a period for morning business until 11:30 a.m. today at which time the Senate will resume consideration of the conference report accompanying H.R. 2, the national voter registration bill, with the time from 11:30 a.m. until 12:30 p.m. and then from 2:15 p.m. until 3 p.m., equally divided and controlled between Senators FORD and MCCONNELL or their designees.

The Senate faces yet another filibuster on this bill and, at 3 p.m. today, the Senate will vote on a motion to end this most recent filibuster. From 12:30 p.m. until 2:15 p.m. the Senate will stand in recess in order to accommodate the respective party conference luncheons.

If the Senate does not vote to end the latest filibuster this afternoon, another vote to do so will occur tomorrow at a time to be determined by the majority leader after consultation with the Republican leader.

Mr. President, I yield the floor.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11:30 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each. The first hour of morning business shall be under the control of the Senator from West Virginia.

FILIBUSTERS

Mr. MITCHELL. Mr. President, if the Senator will permit me to just briefly make a statement with respect to filibusters, I want to repeat something I said Friday, because I think it is important that the Senate and the American people understand the situation we face.

From 1919 until into the 1970's, a period of more than a half-century, there were on the average fewer than one filibuster a year in the Senate. In many Congresses, for a 2-year period, there were no filibusters at all. Throughout that period and throughout most of our Nation's history, it was by consent agreed that the filibuster would be reserved for matters of grave national importance which for the most part did not involve party considerations.

It is only recently in our Nation's history that the filibuster has come to be used as a party tactic and as a regular occurrence in the Senate. Contrasted with that more than half-century in which there were fewer than one filibuster a year, in the most recent Congress, the 102d Congress, here in the Senate there were filed motions to end filibusters 48 times. Forty-eight times the Senate had to attempt to break a filibuster.

It is very clear that what is occurring in the Senate now is without precedent in our Nation's history and is, I believe, most regrettable. We now confront a filibuster on a regular, almost weekly, basis on almost every major bill that we attempt to bring up.

We are experiencing that right now on the voter registration bill. This is a bill that has already passed the Senate once and passed the House twice. The overwhelming majority of the American people support the bill. The President supports the bill. The House has passed the bill twice. The Senate has passed the bill once. And yet we face yet another filibuster.

It is a most regrettable course of events, and I hope very much that at 3 o'clock today the Senate will vote to end this latest filibuster so that we can proceed to do this and the rest of the Nation's business.

Mr. President, I yield the floor, and I thank my colleague for his courtesy.

Mr. BYRD. The majority leader is welcome.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

Mr. BYRD. Mr. President, how much time do I have?

The ACTING PRESIDENT pro tempore. One hour.

Mr. BYRD. Mr. President, I thank the Chair.

THE LINE-ITEM VETO II

Mr. BYRD. Mr. President, the line-item veto was included in the Constitution of the Confederate States of America. It was first proposed at the Federal level by Ulysses Grant in 1873, and 3 years later, in 1876, the first resolution to amend the Constitution to provide for the President of the United States the line-item veto was introduced in the House of Representatives by a Representative from the State of West Vir-

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

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ginia, Charles James Faulkner. Since that time, scores of such resolutions have been introduced in both bodies.

Mr. President, last week I spoke of the line-item veto and other quick fixes, and I stated that, through the 12 years of the Reagan and Bush administrations and continuing into today, these popular fixes—I should call them expediencies—have been and continue to be advanced as cure-alls for the bloated budgets that have us drowning in a sea of red ink.

I stated last Wednesday that we have a responsibility as Members of the Senate and Members of the House to examine these popular expediencies through the broader context of hundreds and hundreds of years of history which preceded the brilliant work of the constitutional framers in developing the counterweights of constitutional checks and balances in Philadelphia in 1787.

And we have also a duty to remember our solemn oath to protect and defend this delicate structure.

I spoke on last Wednesday of a covenant that we have with the past—the dead who have gone on before us—and the covenant that we have with the yet unborn who will reap the harvest that we leave behind.

I said that that is a solemn covenant—it is not one to be taken lightly—and we have a duty to honor that covenant, a duty to those of the past who now sleep in calm assurance that we will not betray the confidence that they have placed in our hands, and a covenant with the future, those who wait in the beyond, confident that we will not cheat them of their birthright.

Mr. President, my purpose in saying these things and in making these speeches is to sound a note of caution and to jar us out of the complacency of focusing our attention solely on the immediate. For if we, as a nation, and if we, as Senators, succumb to the nearsightedness of only that which is imminent, and the egoism of only that which affects us personally, then, Mr. President, we are surely lost.

I spoke of that great author-philosopher Montesquieu, who was greatly influenced by the contemporary institutions of his time in England and by the history of the Roman people. He wrote an essay, a famous essay, on the greatness and decline of the Romans.

It is commonly believed that his knowledge of Roman history and his recognition of, and belief in, the institutions of England, that these most influenced him in his development of political theory—a political theory which was subscribed to by our forefathers who wrote the Constitution—that theory being that the three powers—judicial, executive, and legislative—should be kept separate and distinct from one another and, as a result, there would be political freedom; whereas, if those three powers were lodged in one individual, as in France, it was Montesquieu's belief that the result would be tyranny.

And, so, Mr. President, I believe that we should examine the history of these great people, these very remarkable people, the Romans, and their extraordinary state system which so much influenced Montesquieu, and, through him, influenced the framers of the American Constitution.

This will, necessarily, have to be a brief and a very abridged capsulation of Roman history and English history as they are brought to bear upon our discussions of separation of powers and checks and balances, the supreme balance wheel, the supreme pillar upon which the constitutional system of our country rests—as I discuss these, I will discuss only a few events which constitute milestones, as it were, in the history of the Roman people and which will bring out those extraordinary factors in Roman life and those extraordinary things about the Roman people that should be of importance to us today, as we see our own Republic deteriorating. I shall discuss the things that made the Romans the foremost people of their time and made the Roman Republic the foremost Republic of ancient times and made the Roman empire the foremost ancient empire.

National pride led the Romans to connect their history with the history of the Greek world and led them to forge links with Greek mythology. Tradition, therefore, developed the legend of the flight of Aeneas from Troy with his father, Anchises, and his son, Ascanius, who founded the ancient city of Alba Longa in Italy in circa 1152 B.C., from which Rome was an offshoot, and which was the legendary birthplace of Romulus and Remus. Thus, evolved the foundation stories which attributed a Trojan origin to the Romans through Aeneas, and attributed to his descendents, Romulus and Remus, the founding of Rome in 753 B.C.

Tradition has it that the twin brothers, Romulus and Remus, were set afloat in a basket on the river Tiber by their mother, Rhea Silvia, she having been so commanded by the king, King Amulius.

The basket was later found by the keeper of the royal flock, Faustulus, who took the twins from the basket and gave them to his wife, Larentia, to rear. In due time, Romulus and Remus, decided to found a city and they agreed to let the gods determine by augury from whom the city would be named and who would govern the city.

Remus was the first to observe six vultures flying overhead, and he accepted this as an augury from the gods. Romulus, waiting on another of the 7 hills of Rome, later saw 12 vultures. So, each laid claim to the kingship—Remus, by virtue of his having priority, in seeing the augury first; Romulus, by virtue of his having seen double the amount of vultures in the augury. Incidentally, throughout the long history of Rome, it was felt that the 12 vultures indicated that Rome would exist for 12 centuries. And, indeed the western seat of the Roman empire existed 1229 years, from 753 B.C. to 476 A.D.

The followers of each, Romulus and Remus, laid claim to the kingship. There developed a contention between the two, and Romulus in a fit of anger slew his brother Remus. The city was named after Romulus and he became the first king. He ruled from 753 to 716 B.C. He created a Senate of a membership of 100 of the leaders of the top families, the clans. The purpose of the Senate was to advise Romulus, the king, and to aid him in the administration of the city.

Romulus eventually determined that the men, who had come from various areas in the nearby region, needed some wives, and so he, upon the advice of the Senate, sent embassies around to the neighboring tribes to see if they would enter into an alliance and be willing to intermarry with the men of Rome.

The neighboring tribes rejected these embassies and so, according to tradition, Romulus invited the Sabines to participate in certain games in honor of Neptune. During the games, at a given signal, the Romans seized the maidens of the Sabines and carried them away. There then developed a war between the Sabines and the Romans, but by that time the wives of the Romans were attached to their Roman men and they pleaded with their fathers and brothers, and their husbands to stop the war and to live at peace. The two contending peoples did that. The Sabines, however, felt that they ought to have someone who would share the sovereignty with King Romulus. Therefore, Titus Tatius, a Sabine, was chosen and for a while those two men worked and ruled together in peace and harmony. Ultimately, Titus Tatius was killed by a mob and Romulus once again became the sole ruler of Rome until the year 716. In a severe storm he was enveloped in a cloud and, during a great clap of thunder, was swept up into heaven.

The Romans were without a king for about a year as the Senators could not decide on anyone in particular. Finally, the people demanded that there must be a king and so the Roman Senate told the people that they could select a king but that person would be king only after the Senate stamped its imprimatur upon him. And the plebeians, the people generally, thought that this was a very gracious act upon the part of the Senate but they said that the Senators should select the king. The Sabines felt that they ought to have a king since Titus Tatius had been dead for some time, and there was

a very pious and just man who was a Sabine by the name of Numa Pompilius. The people accepted the Senate's selection of Numa Pompilius as king, and he reigned from 715, one year having elapsed as an interregnum following the death of Romulus to 672.

Numa Pompilius being the religious and just man that he was, thought that the Romans—this new city of the people—should be imbued with a respect and reverence for providence, for the gods. So he pretended to have nocturnal meetings with Egeria, a nymph, or Goddess of water. From her, he pretended, as he came back to his people, to have received instructions as to the priesthood, and as to the establishment of religious rituals. Numa Pompilius established the priesthoods, established the rituals, the ceremonies which would be held in worship of the various and sundry gods, and appointed the vestal virgins to carry out the vestal service. He also provided for a stipend for them and decreed that they should maintain their virginity throughout their service.

From the beginning, therefore, the Roman people were imbued with a reverence for providence; theirs were pagan gods but they worshipped them and they felt that these gods had an interest in their destiny, the destiny of the Roman people, and that it was their purpose as a people to fulfill and carry forward that destiny of the Roman people.

From the very beginning, therefore, we see that deep reverence for the gods.

Then upon the death of Numa Pompilius in 672, the people elected, and the Senate confirmed, the next king, Tullus Hostilius. He taught the Romans military arts. He built a Senate house for the 100 members of the Senate, and he led the Romans in their frequent wars. Actually, they were constantly warring with neighboring tribes Tullus Hostilius reigned until 640 B.C.

Ancus Marcius was then chosen king. He reigned from 640 to 616 B.C. He built the first bridge across the Tiber. He also built the first prison in the city to deal with the lawlessness, such as it was. When he died, Lucius Tarquinius Priscus, an Etruscan, became king. He reigned from 616 to 578. He was a good king. He increased the Senate membership to 200, and he undertook to build a wall around the unfortified sections of the city. He was the first to, make a political speech in the effort to sway the multitude he being the first to campaign for the kingship. He built sewers that led down to the Tiber.

Upon his death in 578, Servius Tullius was named king by the people and confirmed by the Senate. The people chose, but the Senate had to ratify their choice always. Servius Tullius instituted the first census among the Romans, and he reigned from 578 to 534. Then, the last of the seven kings, Lucius Tarquinius Superbus, or Tarquin the Proud, became king. He reigned from 534 to 510 B.C. He was the first king to disregard the advice of the Senate. He decided capital cases by himself without advice. So he struck terror among the population. He executed a good many of the Senators and sitting as the sole judge in civil and criminal cases, he was in a position to exile or to execute, or to declare forfeit the lands and properties of the people. In this way, he was able to plunder and enrich himself.

Ultimately, his son, Tarquinius Sextus, raped Lucretia, the wife of Tarquinius Collatinus. Shakespeare writes about this in the Rape of Lucrece. Lucius Junius Brutus, a friend of Tarquinius Collatinus, rallied the people around himself and drove Tarquin the Proud out of Rome, together with all of his family. Lucretia, after telling her father and her husband, Collatinus, about the crime committed by Sextus Tarquinius, committed suicide. Lucius Junius Brutus, therefore, took up the cause and, as I say, drove Tarquin the Proud out of Rome in 510 B.C. Sextus Tarquinius was eventually slain.

For a year, there was no ruler of the Roman people. Lucius Junius Brutus made the Roman people swear that they would never again submit to the rule of kings. He was chosen consul and with him was chosen a colleague, Tarquinius Collatinus. They were the first two Roman consuls. The Roman consuls were colleagues. Each could serve for 1 year. Each was given the Imperium, in other words, the supreme command over civil and administrative and military affairs.

Each had 12 lictors. The lictors were men, usually of the lower class, who preceded the consul and cleared the way for him, who executed his orders and who executed people in the event that the consul decreed such an execution. The lictors carried a bundle of rods made of elm or birch, and in the midst of these rods were axes to indicate the supreme authority of the officer having the Imperium. These were called fasces. So each consul had 12 lictors. Later on, when Praetors were created, each of them only had six lictors. Later on, when a Dictator was created, he had 24 lictors, showing that his command was supreme even over the consuls.

Here we see developing, a check and balance. Each consul had equal authority with the other consul. Each consul could veto the actions of the other consul, and each consul, as I say, could only serve 1 year. So, the Romans were determined that nobody would become such a power as to equal that of a king again.

There were, therefore, these checks and balances between these two consuls. And all other magistrates were subordinate to them. They carried out the wishes of the Senate, the recommendations of the Roman Senate expressed through what was called a senatus consultum. It did not have the formal title of law, but de facto, it was the same as law.

Tarquin the Proud, having been driven from Rome, solicited the support of Lars Porsena, an Etruscan king, king of Clusium, in restoring him, Lucius Tarquinius Superbus, to the thrown, to the kingship of Rome.

Lars Porsena came with a great army and started to cross the Sublician Bridge across the Tiber. Horatius Cocles, one of the foremost of the Roman military men, stood on the bridge with two companions, and withstood the attacks of this Etruscan army, urging, in the meanwhile, that the Romans destroy the bridge behind him so that the Etruscan army could not get across the river.

The bridge was destroyed and Horatius Cocles plunged into the river and swam to safety. This is the subject of one of Macaulay's lays of ancient Rome. This event occurred somewhere between 509 B.C. and 500.

The Romans were divided into two distinct classes, the patricians and the plebeians. The patricians held all the seats of authority and the offices in the priesthood, and membership in the senate. And for a long time, Senators patricians' sons, inherited the seats.

I should mention that Brutus, the first consul, added 100 members of the senate, bringing its membership to 300.

But the patricians and the plebeians had an ongoing contention, the plebeians feeling offended, for one thing, in that there could not be intermarriage between the patricians and the plebeians. The patricians held, as I say, all of the important offices of authority in the military and in the civil administration, and in the senate. They were the wealthy class. Yet, the plebeians helped to do the fighting, furnished most of the soldiers. Whether one served in the military depended upon whether or not he owned property, and consequently his voting in the comitia curiata and later, the comitia centuriata, depended upon his ownership of property as well.

Moreover, the plebeians were ridden down heavily by debt. They were not able to stay on their farms throughout the year, because they had to leave their farms and fight for the city in its frequent wars with the neighboring tribes. Consequently, they went into debt. Creditors were given the right to exile or even to execute or to sell into slavery the debtors.

In 494 B.C., circa, the plebeians seceded to the Sacred Mount about 3 miles from the Anio River and threatened to become a city within a city. The senate and the patricians became uneasy because they knew they had to have the plebeians in order to fight in any war, and they were concerned that

some invader might choose this particular moment to invade the city.

The senate, accordingly, sent one of its foremost members, Menenius Agrippa, out to the Sacred Mount to plead with and attempt to reconcile the plebeians. He told them the famous fable of the belly, a story about the interdependence of the belly and the various members of the human body. The plebeians were reconciled but only after they had gained the concession of being able to elect someone of their own as an official who would protect them and their property against the patricians. That office was called a tribune.

They were allowed to elect two tribunes in 494; later, I believe about 457, these two were increased to 10, and, at later times, they were increased to greater numbers. There were both military tribunes and civil tribunes.

Here again, we see checks and balances coming into play. Each tribune—at first, as I say, there were only two tribunes—each tribune could veto the acts of the other tribune; each tribune could veto the acts of a consul; each tribune could veto and annul the senatus consulta: proclamations and advice of the senate. The tribunes were declared inviolable. And the plebeians swore an oath that, if any individual interferred with a tribune, harmed him in any way, or disregarded that tribune's veto, that individual would be executed without trial. And so the tribune had great power and the aura of inviolability.

Here, we see two consuls and two tribunes, the veto working back and forth, and the senate with its 300 men.

Then, circa 490 B.C., the Romans were at war with the Volscians, and the Romans laid siege to the town of Corioli. There was a young man by the name of Gnaeus Marcius, and, as the city was being besieged, a second Volscian army attacked the Romans, whereupon the besieged Volscians within the city made a sortie, and the Romans were being pressed from both sides. When Marcius saw that the gates were left open and after the Volscians sallied forth from the city, he ran into the city and set the houses on fire. Amid this great confusion, the Volscians fled. The Romans prevailed, and Marcius was given the surname of Coriolanus.

Coriolanus then subsequently was encouraged to run for the office of consul, but he was defeated because he made the kind of speeches that were not likely to gain the support of the electorate because he told the truth. He gave the people the facts. He was not a demagog. As a result, they ran him out of the city. He was exiled, and he went over to the Volscians. His host there was Tullus Attius, the leader of the Volscians. Coriolanus led the Volscians, attacked the city of Rome, and camped within 5 miles of it.

When the senate sent out ambassadors, leading senators who attempted to prevail upon Coriolanus to lift the siege, they were turned away.

Finally, the women of the city prevailed upon the wife and mother of Coriolanus to go to Coriolanus with his two little sons and see if they, the mother and wife of Coriolanus, could prevail upon him to lift the siege. The mother and wife did that, and in the company of other women went to the camp of Coriolanus and were introduced into his presence weeping and praying that he would lift the siege.

Tites Livius and Dionysius of Halicarnassus names the mother of Coriolanus as Veturia and the wife as Volumnia, but Plutarch and Shakespeare give the mother the name of Volumnia and the wife the name of Vergilia. Livius and Dionysius of Halicarnassus give the name of the Volscian leader as Tullus Attius, whereas Shakespeare and Plutarch called the Volscian leader Tullus Aufidius. In any event, the women went out to the camp of Coriolanus, he lifted the siege, and returned to live with the Volscians. This was in 490.

In 458 B.C., the Romans were being hard pressed by the tribes from the east, the Aequians, and the Aequians were gaining the upper hand. A Roman general by the name of Minucius and his army had been surrounded by the Aequians for 3 days. The Roman senate decided to call upon Lucius Quinctius Cincinnatus to take up the fight against the Aequians. Cincinnatus was plowing on his small 3-acre farm on the west side of the Tiber, according to Livius, "just opposite the spot where the shipyards are today." The delegation from the senate came out to the field where Cincinnatus was working with the plow. He asked them why they were there. They stated the danger from the Aequians and told him he had been selected as Dictator; he was to put on his toga and rid the Romans of this threat. Whereupon, he wiped the sweat from his face and told his wife Racilia that his fields "would not be sown this year" and that they would be "in great danger of not having enough to live on." He left the farm, defeated the Aequians, laid down the dictatorship after a period of 16 days, and returned to his little farm and his oxen plow.

So here we see the creation of another office, the dictatorship. A Dictator could only serve for 6 months, or to the end of the crisis for which he was selected. That was the utmost length of the term which a dictator could serve, but he had supreme Imperium over all other magistrates. He had 24 lictors, as I have indicated. But Cincinnatus demonstrated that rare, old-fashioned quality of not wanting to rule. He was the model of old-fashioned simplicity and ability, honesty and integrity. So he laid down the office after 16 days.

By now, we have seen the office of senator, the office of consul, the office of tribune, and the office of dictator. The Dictator had complete command of everything and everybody. He could command that no business be transacted, and he could raise an army and execute the laws and execute people.

The tribunes, meanwhile, kept agitating to have the same rights and to be governed by the same laws as the patricians were governed by. The tribunes finally prevailed upon the senate to send a delegation to Greece to study the laws of Solon. About 454 B.C., a commission went to Greece and returned after studying the laws of Solon, and in 451, ten individuals were selected and given all authority, all power, even over the consuls. They were given one year in which to promulgate the laws so that the plebeians would have the same knowledge of the laws as previously only the patricians had. Only the patricians had the knowledge of the law, the knowledge of legal procedures, and so on. The plebeians were at a great disadvantage as a result.

The decemvir met and over the course of a year promulgated 10 tables of law. There was still some work that remained to be done. Accordingly, they assumed this authority for 1 additional year and during that year, two additional tables of law were produced, mainly by Lucius Valerius Potitus and Marcus Horatius Barbatus, who were members of the Roman senate.

These were the Twelve Tables of the Law. The laws were created, promulgated, and placed, some say, on bronze tablets, others say wooden tablets, which, in turn, were deposited in the Roman forum as the Law of the Twelve Tables in 450 B.C. For a long time these were the basic governing civil and criminal laws. The Twelve Tables were destroyed when Brennus and the Gauls captured Rome in 390 B.C. But the children of the Romans were required to memorize the Law of the Twelve Tables. Cicero also memorized the Law of the Twelve Tables. He was born in 106 B.C., died in 43 B.C., the year after Caesar was assassinated. Even though the Law of the Twelve Tables was destroyed in the invasion and capture of Rome by Brennus, destroyed by the fires, the laws were written again through the recollection and memories of people.

In 445 B.C., under the Canuleian Law, named after a Roman tribune by the name of Canuleius, the patricians and plebeians were allowed to intermarry. So, again, the plebeians had gained something that they had been seeking for a long time—the right of intermarriage.

In 443 B.C., the Office of Censor was created. The Censor was elected once every 5 years for a term of 18 months. He took the census and assessed the property of the Romans for the purpose

of taxation. He also had jurisdiction over public contracts, and awarded contracts for buildings, for highways, and other public contraction. At a later time, we shall recall that Cato the Elder was a Censor. The Censor could enroll people into the Senate or into the Equestrian Order—about which I will have more to say later—and he could purge the rolls of Senators. He could remove a Senator from office because of bad conduct on the part of the Senator, public or private.

Hurrying on now to another milestone. In 396 B.C., a man by the name of Marcus Furius Camillus was able to capture the Etrurian City of Veii, which had been at war with the Romans for about 10 years. Camillus was able to capture the city by burrowing a tunnel underneath it and having his men come up into the central fortress in the midst of the city. Later, he was indicted by a Tribune for allegedly not having made an accurate accounting of the plunder that had resulted from the capture of Veii; so he was exiled.

In 390 B.C., Brennus and the Gauls captured Rome, and executed many of its citizens and were prevailed upon to lift the siege only upon the delivery by the Romans of 1,000 pounds of gold, several hundred pounds of silver, and several hundred pounds of pepper, together with robes and other valuable cloth.

Camillus was requested by the Senate to come back to the city as Dictator. He came back and found the Gallic chieftan and the Romans dickering over the gold. Whereupon, Camillus commanded his army to put down their baggage and prepare to fight. He said to the Romans: "It is your duty to restore your country not by gold but by the sword." He defeated the Gauls and relieved the city.

The Samnite wars took place over the period 343 B.C. to 290 B.C. Then there came the war with the Greeks who were in southern Italy, the war with Pyrrhus, the King of Epirus—the battles of Heraclea and Asculum.

I shall close my examination today of the Roman peoples and the state system as it was developing the checks and balances that we have seen occurring.

What we are seeing as we go along, is a state system, a political system that had checks and balances, and separation of powers. The Romans arrived at this system, not by reasoned thought but by experimentation and experience, and by developments from events as they went along, unlike Lycurgus, who, in his development of the Spartan system, did so by a process of reasoning. The Romans were not philosophers. They were practical people. Therefore, they arrived at a system through experience, trial and error, over a period of centuries, which was in some ways similar to the system developed by Lycurgus, about which I shall speak at a later time, a system which, in his case, was determined through the processes of reasoning. In my next addresses to the Senate on this subject, I shall speak of Tarentum, Heraclea, Asculum, and Pyrrhus, King of Epirus.

RESERVATION OF LEADER TIME

Mr. CAMPBELL. Madam President, on behalf of the majority leader, I ask unanimous consent that the time for the two leaders be reserved for their use later in the day.

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

Mr. CAMPBELL. Madam President, I ask unanimous consent to address the Senate for 5 minutes.

The PRESIDING OFFICER (Mrs. MURRAY). The Senator from Colorado is recognized for 5 minutes.

SAVE OUR KIDS

Mr. CAMPBELL. Madam President, I come to the floor today to speak in support of a bill which is very important to the future of young people in our country. This is S. 919, the National Service Trust Act of 1993. I am proud to be an original cosponsor of this legislation, which seeks to expand and improve our existing national and community service programs. The youth in America need these types of programs to give them hope, to bring them out of the endless cycle of poverty, violence, and despair that permeate, not just our urban areas, but also in our rural areas and Indian reservations.

I grew up in an environment where poverty and alcoholism were prevalent; I know what it is like to feel that despair. I hear some of my colleagues talk about this pork program and that swimming pool or gymnasium. It is cheaper to build gyms than prisons. I am a product of a publicly funded gymnasium, and if I had not had that outlet, I think I would have been in a different kind of institution than this one. It would have had bars on the windows. I am in full support of any program that provides alternatives for kids, be it after-school programs, community service programs, area pools or gyms, if this is what it takes. The National Service Program will provide opportunities, will give these kids a chance.

Just as President Kennedy inspired a generation of young people to devote years of their lives in service through the VISTA and Peace Corps Programs, President Clinton is asking citizens to give their time, energy, and expertise as participants in the National Service Program. The National Service proposal would establish a tradition of service by expanding existing programs and developing new and innovative programs which promote community service.

These programs would not only benefit the participants, through stipends for college or vocational training, but also the communities and the people that live in those communities. Many programs, funded by the National and Community Service Act of 1990, have been very successful and have the potential to expand and serve more young people and communities if we are willing to give them a chance.

We have a program in Denver called the Denver Urban Conservation Corps. DUCC. This is the only program in the metro area that deals with high-risk youth who have been involved in gang activity. It is the oldest, full-time, year-round corps in the Rocky Mountains. The gang population in the Denver area has tripled in the past 2 years, from 2,000 in 1991 to 6,000 today. DUCC only has enough funding to serve about 30 corps members. That is a big problem. I do not know how we are expected to save youngsters on the streets of our inner cities if we are not willing to put resources into these programs. We are only servicing a fraction of them now.

One of the Denver corps members recently said that the program helped educate him about real life and what it takes to be successful.

That program depends on the National Service funds to keep running and wants to increase funding in order to expand and set up similar programs throughout the State of Colorado.

This National Service Program will cost money—and I know it is not a popular time now to talk about spending money—but with the increase of the gang population, the loss of jobs in the country, and the lack of alternatives for these young people, I firmly believe we cannot afford not to fund these programs.

In California, in the 4 years after proposition 13, the gang population in Los Angeles went from 10,000 to 42,000. Not to fund programs simply means many of those youngsters will end up in prisons, where it is costing the Federal Government—that is, the taxpayers—about $28,000 a year to incarcerate one of these youngsters that could have been taught a better lifestyle.

We need to establish a structure of national and community service to occupy and to challenge the young people of our country to be able to succeed tomorrow and not to add to America's exploding prison population.

I yield back my time, Madam President.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Washington.

BOSNIA

Mr. GORTON. Madam President, during the course of the last several

weeks, in an understandable reaction to the horrors of ethnic cleansing being performed in Bosnia, the administration seemed to be drifting this country toward semiwar or limited war in Bosnia.

In the course of the last week, on two separate occasions, Members of the Cabinet have led briefing sessions with any Members of the Senate who wished to attend. Those sessions have been long on the discussion of abstract theories and long on a list of options. They have been short, however, on any course of action to be proposed by the President. They have also been lacking any discussion of how a majority of the people of the United States are to be persuaded to follow that course of action, and lacking any definite discussion of the policy goals which each of these many options are designed to attain.

To the best of my understanding, one potential course of action would simply be to stop the fighting and protect civilians now being bombarded in various Muslim enclaves—a course of action which, of course, would reward Serbian aggression and leave Western Europe with hundreds of thousands of Bosnian refugees.

A second course of action would be to crowd the Bosnian Serbs into approving the Vance-Owen plan and, thereafter, send American troops to enforce the hundreds of miles of internal borders which would be established by that plan, a plan which would also reward aggression, though not so blatantly as would a cease-fire in place.

A third potential course of action less discussed by members of the administration is the punishment for that Serbian aggression in a decisive fashion, which would result in its not being rewarded in any respect whatsoever.

A fourth course of action sometimes discussed is a discouragement of future aggression in other places in the Balkans or Europe or elsewhere.

Fifth, is the lifting of an arms embargo to allow Bosnians and, inevitably, Croatians to have the weapons with which to defend themselves or, for that matter, to liberate those portions of those countries now occupied by the Serbs.

And finally, sixth, an implicit course of action is to back down, with whatever loss of America's prestige that would be attended by.

For the first two, if the administration should choose either to stop the fighting in place or to attempt to cause the Bosnian Serbs to agree to Vance-Owen, it will be required that we engage in the use of American air power in Bosnia and later almost certainly to send American troops to enforce almost unenforceable boundaries, boundaries that will still leave major minority elements of the various ethnic groups behind lines controlled by what now are their deadly enemies. Almost without exception, our military officers have seriously questioned the effectiveness of the use of air power alone. And both of these courses of actions will inevitably result in American casualties—perhaps limited, perhaps significant—to enforce an end to this war, which will reward the aggression of the Bosnian Serbs.

I must say that I am unwilling to sacrifice a single American life to reward that form of aggression. And it will take the considerable eloquence of the President, I believe, to persuade a majority of Congress that that is a sound and wise and just course of action.

But to this point, however, we simply have not been asked even to do that. We hear that is an option. We do not find ourselves with any real leadership from the President.

The fifth course of action, of course, to lift the arms embargo not only with respect to the Bosnians but inevitably the Croations, as well, because that is the only way arms could be found there, at least will not cost American lives and would seem to me to be an appropriate course of action.

But there cannot be any course of action accepted, any course of action which will meet with approval here, until the President determines what our goals should be and uses his great persuasive powers to cause this body, the House of Representatives, and the people of the United States to approve of it.

Madam President, we have not yet seen a clear definition of what America's goals should be, and determining those first is absolutely essential. American involvement in Bosnia is not a subject which the President wished to deal with. It is brought upon his Presidency and by our leadership in the world.

That kind of leadership, a rationale for a course of action, a statement of goals and a statement of means by which those goals can be met, is an absolute essential which we presently lack.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Maine.

The Senator from Maine is recognized.

Mr. COHEN. I thank the Chair.

(The remarks of Mr. COHEN and Mr. DECONCINI pertaining to the introduction of S. 928 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Chair recognizes the Senator from Texas.

Mr. GRAMM. Madam President, I ask unanimous consent that I be allowed to complete the time allotted to me before we pass from morning business to regular session.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Texas is recognized for up to 10 minutes.

BOSNIAN POLICY

Mr. GRAMM. Madam President, this morning I want to talk about crime. But before I do I would like to say something about Bosnia.

I think all of us have been sobered by the cold reaction of Europeans to the use of military force in Bosnia by the United States and by the allies. One of the things that I am hopeful of, when a final policy decision is made by the President, is that I can support that decision. If there is one principle that I have been committed to in my years of public service it is that, to the maximum extent possible, partisanship ought to end at the water's edge.

I will therefore make an effort to try to give the President the benefit of the doubt in terms of policy in Bosnia. But I would have to say at this point I do not see much doubt to give the President the benefit of. Having sat in briefings with our senior civilian leadership, having discussed this issue with our senior military leadership, I am convinced that we do not have a coherent plan. If there is anything I know from having observed our actions in the post-World War II period, it is that when we have a plan, when we define what we want to do, when we know how we are going to do it, when we get the military to judge the achievability of our goal, when the military says that it can achieve something and we allow the generals to do it—we get the job done. That is what we did in the war in the Persian Gulf. And I think the whole world rejoiced in that success and that allied and American victory.

On the other hand, in Vietnam where we had no consistent policy, where we continually escalated without a bottom-line objective, we produced a disaster in terms of public support for our leadership at home and around the world. I want to make one simple plea to the President: Define what it is we want to do. Define it in very clear, simple terms: What are we trying to achieve? Second, how are we going to achieve it? Then let the military tell us that they can do that job and finally let us be certain we have as good a plan to get out of Bosnia as we have to get in.

I am very concerned that if we start bombing in Bosnia—and every military leader I have talked to has told me that bombing will not be decisive, in their opinion—I am concerned that with the President's declining approval ratings on domestic policy, if we start bombing and it fails, that there is going to be great pressure on the President to escalate the war and to use ground troops. What I want to see be-

fore we start any bombing is a decision in advance by the administration as to what they are going to do if the bombing does not work. Let us have a bottom line. Let us have a policy so the American people can understand it, so the military can assess it, so we can judge whether we have success or failure.

Given such a plan, I then intend to try to do everything I can to look at the plan, make a judgment on it, and if there is a clear doubt to give the benefit of the doubt to the President. But in the absence of a plan there is not going to be any doubt to give the President the benefit of. I think our European allies have made it clear they are very skeptical of the President's plan, to begin bombing without a bottom-line objective. I hope this is going to give the President some pause. I hope he is going to go back to the drawing board and sit down with the American military, the finest men and women in uniform we have ever had in the history of the country, and ask them what is feasible, what can be achieved? Then let us look at it, determine the cost in dollars and in lives, and then make a judgment.

MANDATORY SENTENCING

Mr. GRAMM. Madam President, I wanted to come over this morning because I am increasingly concerned about growing signs that there is a decline in support for mandatory minimum prison sentences in America. Not a decline in support on the part of the American people, but a decline in support on the part of this administration and a decline in support in the part of the judiciary. I read with some dismay where two New York Federal judges are now saying they are going to refuse to take drug cases because they oppose mandatory minimum sentencing. In fact, one of the judges talks about how dismayed he was at having to give a 46-month sentence in a drug case to a West African immigrant. The judge was depressed at being a party to the cruelty connected with the war on drugs.

One of the things I have tried to do—and like every other Member of the Congress weekly I get a petition or a letter from my constituents telling me that they think I ought to intervene on behalf of some poor person who is caught somewhere in the criminal justice system; that I ought to seek a pardon for them or I ought to seek some review of their case.

I have taken the uniform position that I am not in the judiciary. I do not think my temperament is such that I could ever be an effective judge. Trying to be neutral in a conflict is not part of my basic makeup. So I have decided to leave the judging to the judges and to stay out of matters once they have become part of the system of criminal justice.

Let me suggest very respectfully, and I do not want to use the names of these two Federal judges, but let me submit to them that they swore to uphold the laws of the country. We makes laws here in the Senate and the legislative branch. Their duty is to carry those laws out and to make impartial judgments. It is our responsibility to decided whether we have mandatory minimum sentencing for drug thugs—not theirs. They ought to leave up to the Congress the making of the law. We should leave it up to the judges to determine how the law is implemented and to be impartial in terms of making judgments as to whether people are guilty or innocent.

I also want to say—and I want to choose my words judiciously because it is not my objective today to get into a dispute with our new Attorney General. I want to work with her. But I am increasingly alarmed at sounds I am hearing from the administration about eliminating mandatory sentencing; a suggestion being made that perhaps we could release convicted drug criminals to make room in prison for violent felons. I believe violent criminals ought to be in prison. And I also believe that drug thugs ought to be in prison. And one of the concerns I recently raised to our new Attorney General, which I would like to raise here, again is what the administration is doing in terms of prison construction.

Many will remember the State of the Union Address where the President talked about a new crime bill and talked about putting criminals in prison and I led the standing ovation when the President made that statement. I was more than disappointed when I got back to my office and found that the President, in his budget, has proposed curbing new prison construction by $580 million below the level that was built into the budget, based on past action taken by the U.S. Congress.

So I would like to say to our Attorney General that I think the way to deal with violent criminals is to put them in prison and keep them there for a long time. I do not understand priorities that cut prison construction by $580 million, at the same time that we are talking about letting drug thugs out of jail because we do not have room in jail, at the same time that the administration continues to push a make-work jobs program that costs $16 billion. If we are against crime, if we want to get as tough as criminals as they are on law-abiding citizens, we ought to commit our resources to build prisons and put convicted criminals in them.

Final two points. I will offer later this year a predator criminal provision that will mandate life imprisonment without parole for three convictions of major drug felonies or violent crimes. There is talk in the House that they are going to move to eliminate mandatory minimum sentencing. I would like to save them the time, the effort, and the energy. We will not repeal mandatory minimum sentencing in the U.S. Senate. I intend to do everything in my power to see that does not happen. We are going to have more mandatory sentencing and not less.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Madam President, I ask unanimous consent to speak as in morning business not to exceed 10 minutes.

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

DISCRIMINATION AGAINST AMERICAN CONSTRUCTION FIRMS IN JAPAN

Mr. MURKOWSKI. Madam President, on April 30 of this year, the U.S. Trade Representative, Mickey Kantor, announced that he is acting under the terms of section 7003 of the 1988 Trade Act to identify Japan as a country which discriminates against American firms in Government procurement. Ambassador Kantor stated:

> Despite years of negotiations and two trade agreements, the Japanese construction market remains fundamentally closed to foreign firms.

When I first held hearings on the issue in 1986 as chairman of the East Asian Subcommittee of Foreign Relations, United States participation in the Japanese design, engineering, and construction market was zero. Last year, United States firms did 189 millions dollars' worth of business in Japan, a 37-percent decline from the previous year. So, clearly, we are going in the wrong direction.

By contrast, Japanese design, engineering, and construction firms operating in the United States did 1.3 billion dollars' worth of business in 1991. It is worth pointing out, Madam President, that lack of business by United States firms in Japan should not be associated with a lack of competitiveness. For example, on a worldwide basis where firms compete head to head, American firms have captured 45 percent of the international construction and design market and Japanese firms have only captured 7 percent.

The problem in Japan is continuing pervasive trade barriers against United States firms ranging from licensing problems to bid-rigging. The latter problem, called dango by the Japanese, is openly discussed in the Japanese media, particularly as it relates to political corruption.

So Ambassador Kantor is right: The Japanese market is fundamentally closed. The question is what to do about it? For 7 years we have tried pa-

tience. The Congress has held hearings and passed mandatory investigation legislation. The administration has held innumerable negotiating sessions which led to unsuccessful agreements.

The time has come for the United States to act with a firm hand. I support the actions of Ambassador Kantor and Commerce Secretary Brown to seek immediate negotiations under section 7003, and I have sent them a letter saying so. I have urged them to expand greatly the scope of the major project agreement or abandon it altogether. I see no reason for American firms to be subject to a predetermined list of projects for which they can compete in Japan; there is no such list of projects for Japanese companies competing in America.

Finally, Madam President, no discussion of this subject would be complete without a discussion of sanctions. If there is a failure of negotiations and the President so chooses, section 7003 provides a prohibition of the U.S. Government procurement. If that is not sufficient to induce an agreement, Congress should be prepared to go further. Seven years is a long wait. It is long enough.

Madam President, I ask unanimous consent that my letter of May 10, 1993, to Trade Representative Mickey Kantor and Secretary of Commerce Brown be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, May 10, 1993.

Hon. MICHAEL KANTOR,
U.S. Trade Representative,
Washington, DC.

DEAR AMBASSADOR KANTOR: In the summer of 1986 I held the first Congressional hearings on barriers to American design, engineering and construction firms in Japan. I have found this sector of the Japanese economy to be ridden with trade barriers, from licensing problems to pervasive bid-rigging. Collusive, anti-competitive activity in Japan is openly discussed by the Japanese media, in particular association with political corruption.

Therefore, I agree with your recent remarks that the Japanese construction market is "fundamentally closed" to American firms. Further, I am very pleased to see that you and Secretary Brown have decided to invoke Section 7003 of the Trade Act of 1988. Now is certainly the time for the United States to act with a firm hand.

Given the failure of seven years of negotiations with the Japanese Government on this issue, and two trade agreements, I urge you to take this window of opportunity to enhance greatly the scope of the Major Projects Agreement or scrap it entirely. There is no reason why United States firms should be subject to a re-determined list of projects for which they can compete; there is no such list for Japanese firms competing in America.

If progress cannot be made through bilateral talks, I may be prepared to bring this issue once again before the Congress. I look forward to working closely with you on this matter.

Sincerely,

FRANK H. MURKOWSKI,
U.S. Senator.

EPA AND ALASKA BEARS

Mr. MURKOWSKI. Madam President, one other item is on my mind this morning. Bear repellent is in this small container. The issue today is the Environmental Protection Agency and Alaska bears, which are coming out of hibernation.

Last week, we approved legislation elevating the EPA to Cabinet-level status. I spent a fair amount of my time speaking about some of the horror stories associated with EPA and some of the irrational regulations, mindless lack of judgment and, to some extent, its bureaucratic mentality. But today they have come up with something that we just cannot stand by and watch occur.

So what I am back with is a bear story, and I would like to share with this body some of the realities.

Up until last week, Alaska's hikers, kayakers, backpackers, especially those in the national parks where guns are discouraged, if not prohibited, could carry these sprays, to eliminate problem bears. This spray is only good for a distance of about 30 to 40 feet. When a bear is coming at you at about 40 miles an hour, you have to make some clear decisions. The sprays are made of red pepper, cayenne pepper, the type often used in the Southwest to make hot chili. But because of an irrational ruling by the EPA that red pepper spray is really a pesticide under the terms of the Federal Insecticide, Fungicide, and Rodenticide Act—a chemical that has not yet been properly licensed for bear control—all of the sprays now must be pulled from the shelves of the sporting goods stores in Alaska.

The long arm of the EPA has reached into the area of bear repellent. This leaves Alaskans somewhat in the woods because the bears are now awake and they are hungry after a winter's nap with only one choice: To carry guns and blast bullets rather than pepper at any bear that they may encounter that is looking for a tasty meal. This simply makes no sense.

First, the pepper sprays can still be used for self-defense against other humans because EPA does not regulate self-defensive sprays for humans, only sprays against animals.

Second, the EPA admits that the spray is probably safe to eat, if not smell. Alaskans or anyone else can put pepper in their chili, put it on their salad, sit around the campfires, but they just cannot use it in pressurized spray against bears until it has been tested for its effectiveness.

It seems like you can use it on a dead bear, you can use it on bear stew, but you cannot use it on a live bear if the bear is after you. Alaskans could legally carry around a pot of spicy chili and perhaps throw the pot at a charging bear, but the spray has been shown to work a whole lot better served simply straight up.

The problem the spray company is having is finding someone willing to wander around the woods unprotected and then stand in front of a charging bear to test the spray. Alaskan biologists have used it from time to time and found it effective.

State officials do not know of any biologist who would want to go out looking for wild bears and then stand in front of the charging bears coming at 40 miles an hour—or whatever they come at—just to test the effectiveness of the spray.

So we have an insane example of a perfectly understandable communication from the EPA. Officials have suggested that the bears that hibernate and as a consequence come out in the spring will, if you leave them alone, not bother you. That is fine unless the bear changes his mind.

So what we have here is an interpretation made from the EPA by some mindless edict from the safety of a Virginia office. The ruling is terrible for hiker safety. It is probably terrible for the bears because it removes the only nonlethal means of protecting oneself from bear attack.

This may seem like a funny story, but it is sad because people are killed by bears in Alaska. A vacationing woman near Lake Louise was killed. A 6-year-old child was dragged off in the brush and eaten. Others were mauled, including an Alaska outdoor writer.

So this ridiculous ban has to be repealed, and it has to be done fast before the main hunting season starts. The ban is bad for the environment, potentially deadly for the bears, and awful for the peace of mind of hikers and campers. We are requesting today that the head of the Environmental Protection Agency rescind the EPA order to withdraw the banned repellent from the market.

Finally, Madam President, a ban on red pepper bear repellents is certainly nothing to sneeze about. We hope that the EPA will quickly allow us to gain again the authority to have the spray and use it on the bears. Otherwise, Alaskan bears may be dining on more than berries and roots during the coming year.

I thank the Chair and yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Dakota.

Mr. DORGAN. I ask unanimous consent to speak for 10 minutes as if in morning business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

THE AUNT EMMA TEST

Mr. DORGAN. Madam President, I was interested in hearing my colleague, the Senator from Alaska, describe his problem with an EPA deter-

mination. I am almost tempted to describe my brush with the EPA last week, which is almost as silly, but I will not take time.

I will only say that when we went through, in the 1980's, this problem in the Pentagon of them spending $400 for a hammer, $1,100 for an Allen wrench, $300 for an ashtray, $10,000 for coffee pots, they developed in the Pentagon, I am told, an Aunt Emma test. And that is if what they built and the price of it would not meet some logical test of Aunt Emma in Dubuque, IA, they had to try to figure out how to do it differently.

It looks to me as if the EPA and other Federal agencies need an Aunt Emma test in trying to determine if what they are doing makes sense.

RECEIVING A REPORT CARD

Mr. DORGAN. Madam President, I want to speak just for a moment today about some trade issues with China. But before I do I cannot help but note some comments made earlier by a colleague on the other side of the aisle. The discussion once again today was about a jobs bill that had been defeated, a bloated jobs bill it is called by those who wanted to defeat it and did defeat it.

I received in the mail this morning a transcript from a radio program by an 11-year-old boy who is now a radio commentator once a week giving the kids' view of the news. This 11-year-old boy told the radio audience that in his school, he is graded on his report card by what he does. And he was interested to watch the news and see folks on the other side of the aisle give the President a report card and assign a grade to the President recently, and the assignment of the grade to the President was largely not a very good grade because of the failure of the jobs bill because the jobs bill was pork, as was described by those folks.

Well, it is interesting that even an 11-year-old kid can see through the thick smoke of partisan politics. A jobs bill proposed for a country in which 10 million people are out of work and 25 million people are on food stamps is inappropriate, these folks tell us. Hardly. Even an 11-year-old kid knows you do not grade somebody on what they did not do; you grade them on what they did do. And these folks blocked a jobs bill for a country that needs a jobs bill. If anybody ought to get a report card grade, it ought to be grade of failure for those who block progress in our country on an economic policy change that we so desperately need.

Another subject this morning was crime, and those same people who say we need to cut Federal spending are here saying the problem is the President cut in his budget construction for the building of new prisons. And that is awful, they say; we should not cut that kind of spending. The same people who spend all day telling us we ought to cut spending then pick out that portion and say we should not cut that. They believe we ought to throw Federal money at problems.

I agree that crime is an enormous problem in this country. This country, strangely enough, consumes 50 percent of the world's cocaine, it is the murder capital of the world, and has more people incarcerated in prisons per capita than virtually any other country in the world. We must do something about that, and do something aggressively. But it does not mean you have to build gold-plated prisons.

We have a whole lot of jail cells all around this country, in cities, counties, and States, that are unfilled, built with law-enforcement funds, in many cases, in the last two decades. We have plenty of jail cells available. We just need to be smarter about how we deal with these criminals, to put them in jail and keep them there.

Do you know how many military bases we are closing around this country these days? Why would we not want to use some closed military bases to incarcerate nonviolent criminals? Get them out of our penitentiaries and out of our prisons, put them in boot-camp institutions out there in the closed military installations, and keep them incarcerated there. Then open up those prison cells and maximum-security prisons for hard-core prisoners, for violent criminals. We need to do this smarter.

So I say to those who talk about crime today, this President wants to reinvent Government and do something smarter in addressing crime, something that is effective but does not cause the taxpayer substantial increases in costs.

SPIRALING UNITED STATES-CHINA TRADE DEFICIT

Mr. DORGAN. Now, in the 5 minutes I have remaining, Madam President, I want to talk just a bit about China. Most-favored-nation status with China will consume most of the debate. MFN they call it. Should we establish or should we continue most-favored-nation status with China, with or without conditions?

Because of China's records in human rights, many say there should be some conditions attached to it. That will consume the debate this year with respect to trade with China. But I want to call to the attention of my colleagues another issue with China. China is racking up an enormous trade surplus with this country. We, by contrast, have an enormous trade deficit with China.

The trade deficit was $3½ billion in 1988. This year it is $19 billion, a $19 billion trade deficit with China that is growing exponentially. Now, one of the things I am interested in is trade with China. We sell China a fair amount of wheat—not nearly enough but a fair amount. It is interesting that as China's trade surplus with us has been ballooning, and they have been selling more and more Chinese goods in this country, our share of the Chinese wheat market has been declining.

In other words, they are selling us more, creating a larger surplus or a bigger deficit for us, and they are purchasing less wheat from us as a percent of their wheat market.

I would like to say that as we discuss Chinese trade, MFN will be important and should be important. But another component of that debate this year ought to be to say to China if we have a trade relationship with you, it ought to be a mutually beneficial relationship in which, when we buy your goods in significant quantity, you buy our goods in significant quantity as well.

I have a couple of charts that I wanted to show my colleagues today. The first chart shows what is happening with the trade surplus China has with us, and the red line, as you can see, is moving up very rapidly. The blue line shows our percent of the Chinese wheat market, and that is going down. Why? Because even as China sells us more and more goods and has an increasing surplus with us, they are out price shopping for wheat from other countries. The Canadian market in China has ballooned. The Canadian share used to be 29 percent of the Chinese wheat purchases. In 2 years, it was 42 percent last year and 48 percent this year. But they have a near balance of trade with Canada. They have a responsibility to buy wheat from us. The interesting thing is, we are selling wheat at discounted prices, with the use of the Export Enhancement Fund. All of the wheat that goes to China is with EEP funds, driving down the price of wheat in order to compete with the Europeans.

So my point is that we have a relationship with some of these countries that we ought to explore in some detail. We ought to explore the question of why our trade surplus with China is growing, and at the same time, China, taking one part of what they buy in significant quantity from this country, is beginning to shop elsewhere for that commodity.

I know farm groups have been very nervous about this MFN debate, and they say if you impose conditions, human rights conditions on China in this trade issue, what will happen is they will buy less wheat from us. The fact is, we ought not to be nervous about all those questions. We ought to be insisting that China buy more wheat from us. There is no excuse to allow a country to create this kind of a trade surplus and then price shop for damaged grain at bargain basement prices from other countries to buy their wheat.

So I have met with the Chinese Ambassador, who is a very nice fellow. We had a good discussion last week about this. I am going to be meeting with some Chinese wheat buyers, who are coming over in the next week, and I am going to be raising this question with my colleagues in the Senate.

We have a responsibility, it seems to me, to be talking to our trading partners, to establish a basis of trade that is fair. And one of the bases for comparison of whether trade is fair, it seems to me, is what kind of a responsibility do we have to each other? Are we merely a sponge? Is our market simply a sponge for everything somebody wants to send to us, but when it comes time for them to buy, they want to go price shopping elsewhere? It is not the way trade works, as far as I am concerned; there are mutually connected responsibilities in trading relationships.

I believe very strongly that we ought to debate this issue of trade with China and wheat to China in the context of a discussion of trade with China and with MFN this year. I hope very much that other colleagues who are interested in this subject will join with me to raise public questions—and tough questions—for the Chinese about how they are going to ratchet down this trade surplus with us, and why they do not have a responsibility to buy more and more American wheat, not less and less, at a time when we have this difficult trade surplus.

I yield the floor, Madam President.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, as of the close of business on Friday, May 7, the Federal debt stood at $4,240,467,481,424.38, meaning that on a per capita basis, every man, woman, and child in America owes $16,508.93 as his or her share of that debt.

NOTABLE QUOTABLES

Mr. HELMS. Mr. President, a great many Americans resent the blatant bias of the major news media of America, and with some frequency they send letters of protest to newspapers, magazines, and television networks—none of which are in the least worried about such criticism.

The truth is, as someone has said, it is almost impossible to argue with publications that buy their newsprint by the ton and their printing ink by the barrel. As for the broadcast charlatans, they're too busy getting their makeup on and their hair combed to pay any attention to the people they are misleading and deceiving.

However, Mr. President, a round of applause is due Media Research Center of Alexandria, VA, for keeping tabs on specific acts of irresponsibility by people in the news media. Every other week, Media Research publishes what it correctly describes as "A biweekly compilation of the latest outrageous, sometimes humorous, quotes in the liberal media."

Mr. President, I have received permission from those who produce the sharp biweekly needles that puncture the hides of arrogant and egomaniacal editors, columnists, and commentators who have no interest in reporting the news—who seek only to sell their leftwing philosophy under the pretext that they are somehow involved in reporting the news.

L. Brent Bozell III, is publisher of Notable Quotables. Brent H. Baker and Tim Graham are editors. Media analysts are Andrew Gabron, Kristin Johnson, Steve Kaminski, and Bill Thompson. Kathleen Ruff is circulation manager and David Muska is an intern.

Today I begin what I intend to be the regular inclusion in the CONGRESSIONAL RECORD of the biweekly text of Notable Quotables. Senators and others who peruse the RECORD may be interested in reading these quotes.

Therefore, I ask unanimous consent that the aforementioned edition of Notable Quotables for May 10, 1993, be printed in the RECORD at the conclusion of my remarks.

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

NBC'S ANITA HILL DOUBLE STANDARD

"Were any of Clarence Thomas' real qualifications ever examined? Did the White House package him and sell him to the public? In your book, you say that the White House organized women's groups to support Thomas and that that was somehow manufactured. Can you tell us about that?"—Questions from then-Sunday Today co-host Mary Alice Williams to liberal Newsday reporter Timothy Phelps on his pro-Anita Hill book Capitol Games, July 5, 1992.

"You do, though, Mr. Brock, have some innate biases, don't you? I mean, The American Spectator is an ultraconservative magazine. And it seems as if you are an advocate for Justice Thomas in the book. Is it really fair to call yourself an objective journalist?—Today co-host Katie Couric to American Spectator contributor David Brock on his book the Real Anita Hill, May 3.

"Ever since the Civil War, Americans have been reading a magazine called The Nation. It's always been a platform for speakers who have been ahead of their time. This morning, we'll look at a new book that reminds us how important that platform has been."—Then-reporter Katie Couric celebrating the far-left Nation magazine's anniversary, October 22, 1990 Today.

OVERENTHUSED ABOUT GAY MARCH ATTENDANCE

"The largest demonstration in U.S. history is gathering now on the grounds that stretch between the Washington Monument and the Lincoln Memorial. Gay and lesbian Americans from around the nation have joined hands around the Capitol and laid down a memorial to the victims of AIDS. They're here to step out of the closet and onto the main stage of American history, today, Sunday, April 25th, 1993."—Today co-host Scott Simon before any count of march attendance had been taken. (The U.S. Park Police estimated 300,000, half the official estimate of the 1969 Vietnam War moratorium.)

"Life and Death puppets danced in the streets as an estimated one million lesbians, gays, and supporters demonstrated about life and death issues. But for the most part, this was a love-in that drew more than a million gay and lesbian peoples and gave many of them chills of joy.—WCAU-TV (Philadelphia) reporter Dennis Woltering on the CBS overnight news show Up To the Minute, April 26.

STRAIT'S DYNAMIC DEMOCRATS: CALIFANO, ROBERTS, SHALALA AND HILLARY

"She restores a tradition of excellence at the Department of Health and Human Services. That agency has been headed by some of America's truly great human beings: Joe Califano, Pat Harris, and now Donna Shalala. She is an academic who is connected with the real needs of people. When it comes to being an effective advocate for those who have no voice, she has few equals, perhaps only one—the other half of the dynamic duo here in Washington, that is the duo of Donna Shalala and Hillary Rodham Clinton."—ABC health reporter George Strait introducing Shalala to the National Minority AIDS Council on C-SPAN, Apr. 22.

CLINTON'S DEFICIT-CUTTING COURAGE

"Yesterday you came and said 'Let's give the President an E for effort.' Shouldn't he get a better grade for at least passing a budget that takes the deficit seriously for the first time?"—CBS This Morning co-host Harry Smith to Sen. Bob Dole, April 30.

"Great salesman that he is, Clinton can be viewed as a victim of his own success. His insistence on deficit reduction—and his cajoling of Congress to support a multi-year plan to accomplish it—is the very definition of courage in modern American politics.—Time Chief Political Correspondent Michael Kramer, May 3.

GODLIKE GORBACHEV

"What do you do for an encore after ending the Cold War and reversing the arms race? That's the latest assignment for Mikhail Gorbachev, having assumed the presidency of the International Green Cross, a new environmental organization."—Time's "The Week" section, May 3.

REAGAN APOLOGISTS MUCH LIKE MARXISTS

"We suffer, Hughes claims, from a 'hollowness of the cultural core, a retreat from public responsibility,' and he is right; the alchemists of Commentary, refining their elaborate and obsequious apologias for Reaganism, are at least as culpable as the chic Marxists of the Modern Language Association, dancing their politically correct minuets—and probably a lot more dangerous."—Washington Post book critic Jonathan Yardley on Time art critic Robert Hughes' book Culture of Complaint, April 4 "Book World" section.

"For members of Ronald Reagan's Administration, the metamorphosis has been traumatic. Just a few years ago, they commanded Washington. They were privy and powerful, setting the country's intellectual and moral compass. Their mission was called noble. But after they left, their crusade was rejected, their ideology repudiated much as the Russians have repudiated communism. They were accused of making greed into the country's unofficial religion. Their fall was far and fast and the crash was painful."—Opening of New York Times reporter Lindsey Gruson's story on conference of former Reagan officials, April 25.

PROGRESS: WOMEN IN INSANE COMBAT

"Les Aspin said last week that he means to clear the way for women in the armed forces to fight in combat. That is a milepost, of course, and an advance of considerable importance to women. The least sane enterprise upon which human beings ever embark will thus be made non-sexist. Women have always suffered the madness and horror of war. Now at least they will do so with a gun in their hands. It's a milepost and a great leap forward, to be sure."—CBS Sunday Morning host Charles Kuralt, May 2.

LITTLE COVERAGE OF REAGAN-BUSH SCANDAL?

"Reporters need far more education, especially on budgeting and finance. This weakness follows a campaign in which there was little coverage of the scandals of the Reagan-Bush administration—or, if there was a mention, there was included a denial or a disclaimer. Often editors hid behind that old phrase 'there is no proof' when there was plenty of fire and smoke."—White House reporter Sarah McClendon in Editor & Publisher, April 3 issue.

FAST-FOOD-QUALITY FREE MARKET ADVICE

"Some of the same economists whose belief in an undiluted free market seem to run to permitting many Americans to free fall into unemployment came to Moscow to tell President Yeltsin only shock therapy could snap Russia into prosperity. There's nothing wrong with having a McDonald's just off Red Square, (that McDonald's, incidentally, is Canadian), but for some Russians and Americans, it's beginning to characterize the quality of the over-the-counter economic advice we've been giving them—fast-fix assembly-line fast food that still leaves the store shelves empty.

"* * * The opportunities for Americans in Russia should be something more than just the last vast market for our most precious products or political theories. Helping Russia to be free ought to mean helping the Russians to be free to find another way."—Weekend Today co-host Scott Simon, April 3.

SWINGING AT REAGANOMICS

"(Barry) Bonds earning about $40,000 a game? How can the Giants afford that. This kind of baseball economics makes as much sense as Ronald Reagan's promise to balance the budget by cutting taxes and increasing defense spending."—Time contributor and Esquire Washington bureau chief Walter Shapiro, April 12 Time.

WASTE AT INTERNATIONAL BANKS

Mr. HELMS. Mr. President, prior to the April 30 arrival in Washington of officials from multilateral financial institutions for the Interim World Bank and IMF Board of Governors meeting, there were amazing reports from London to Sacramento that these banks, funded with billions of taxpayers' dollars, are mismanaged by overpaid bureaucrats who are apparently accountable to no one.

Some of us in the Senate have been pleading for years that this irresponsibility be ended. The European Bank for Reconstruction and Development [EBRD] has taken the brunt of the criticism—as well it should—for its extravagant waste of the taxpayers' money. Under the direction of President Jacques Attali, former adviser to the Socialist French President, Mitterrand, the EBRD has spent more than $300 million to build its lavish headquarters in London and for salaries and expenses. And, please note, Mr. President, that this wanton $300 million waste occurred over a period of just 21 months.

Laws passed by Congress to curb such abuses obviously have little effect on bank officials. In October 1990, for example, I offered an amendment to the Foreign Operations Appropriations Act, which was incorporated into section 562 of Public Law 101-513, requiring the United States to push for an end of the use of first class air travel by IMF and multilateral bank officials when their travel is paid for by the bank. But, EBRD President Attali thumbed his nose at the Congress of the United States. Last year, Attali spent about $1 million to rent private jets for his official travel, a practice absolutely contrary to the spirit of U.S. law.

So, Mr. President, I wrote to Treasury Secretary Bentsen on April 29, requesting information regarding compliance with section 562 of Public Law 101-513. I ask unanimous consent that the text of my letter be printed in the RECORD at this point.

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, April 29, 1993.

Hon. LLOYD BENTSEN,
Secretary of the Treasury, Washington, DC.

DEAR LLOYD: In October 1990 I offered an amendment to the Foreign Operations bill which was incorporated into Section 562 of P.L. 101-513. The amendment required multilateral banks and the International Monetary Fund to prohibit their personnel, and personnel of their affiliates, from using first class air travel for business. If such procedures were not adopted, the provision required the Executive Directors of these institutions to report that failure to the Secretary of the Treasury and to Congress.

Since I have never received a report, I assume that the restrictions have been adopted. I am deeply disturbed, however, at recent reports about unjustified salary increases at the World Bank and extravagant overspending at the European Bank for Reconstruction and Development (E.B.R.D.). Why, for example, did the President of E.B.R.D., Jacques Attali, spend approximately a million dollars in one year to rent private airplanes for business travel? Such spending is clearly contrary to the spirit, if not the letter, of my amendment.

The above concerns have been widely publicized. Please, Lloyd, provide me with full information concerning the multilateral banks' and the International Monetary Fund's compliance with Section 562 of P.L. 101-513.

Many thanks, my friend.

Best regards.

Sincerely,

JESSE HELMS.

Mr. HELMS. Mr. President, the mission of the European Bank for Reconstruction and Development [EBRD] is to help restore the economies of Eastern Europe and the former Soviet Union following the ravages of communism. But, get this Mr. President, during the period that EBRD was spending $300 million on itself, EBRD was making loans totaling only $150 million. In short, EBRD's funding decisions are a disgrace.

While officials at the EBRD ran for cover, the Financial Times reported that directors of the World Bank and International Monetary Fund voted themselves a 6-percent salary increase.

The World Bank budgeted more than $800 million for salaries and expenses for this year alone. The major contributors to these institutions are governments which are deeply in debt and cannot afford salary increases for their own employees.

These arrogant, wasteful, self-centered bank officials are supposed to be public servants. They would be considered wealthy in every industrialized country of the world. The annual salaries of the presidents of the World Bank and the IMF are $285,000; the annual salary of the president of the European Bank for Reconstruction and Development is $255,000. All of these salaries are greater than the salary of the President of the United States.

Meanwhile, according to the World Bank's own internal audit, unsuccessful projects have increased from 15 percent in 1981 to 37.5 percent in 1992. The World Bank's management of its taxpayer-funded projects is abysmal.

Mr. President, I ask unanimous consent that a table from the April 24 edition of the Economist contrasting the salaries of the Presidents of the World Bank, IMF, and the EBRD and their employees, with those working for several international organizations, be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. HELMS. In my judgment, international bank officials forgot long ago their responsibility to the people who pay their bills. The U.S. taxpayers have funded the World Bank Group, which includes the International Bank for Reconstruction and Development [IBRD], International Development Association [IDA], the International Finance Corporation [IFC], and the Multilateral Investment Guarantee Agency [MIGA] to the tune of 38.780 billion 1993 constant dollars since 1945. The U.S. taxpayers have forked over almost $200 million to the EBRD for the 2 years it has operated.

These are just a few of the multilateral banks the U.S. funds. Despite the fact that President Clinton promised to cut foreign aid by $2 billion his first year, his fiscal year 1994 International Affairs budget proposes to spend more money, including $1.85 billion for these bloated banks.

Mr. President, in addition to wasting the taxpayers' money, international banks consistently harm U.S. interests by assisting governments not eligible to receive bilateral funding from the U.S. Government. For example, Communist dictatorships and governments which support terrorism or narcotics trafficking are—for good reason—ineligible for direct U.S. aid.

Yet, in 1992 alone, the World Bank Group made $2.526 billion in loans to Communist China. These loans go to fund such projects as the Three Gorges Dam on the Yangtze River. Western authorities believe this $30 billion dam will be an environmental disaster. Furthermore, the Red Chinese will forcibly uproot at least 1.2 million people from their homes. I hate to imagine the human misery that will result from this forced displacement. Also in 1992, the World Bank Group made $134 million in loans to Iran; the World Bank approved an additional $463 million in loans to Iran in March 1993.

As President Clinton's fiscal year 1994 International Affairs budget moves through the House and Senate, Congress should consider carefully legislation which makes multilateral bank officials accountable to the people who pay their bills. Congress prohibits pariah states from receiving U.S. foreign aid; therefore Congress should require multilateral banks, funded by U.S. taxpayers,

EXHIBIT 1

to stop making loans to these governments. And if the banks won't stop funding these despicable regimes, Congress ought to stop funding the banks.

Finally, Mr. President, the people of North Carolina do not understand why the Federal Government continues to send their tax dollars to the World Bank and other similar institutions in the face of a crushing Federal debt here at home. I agree with them. Before Congress approves another dime for multilateral banks, or any other foreign aid program, I suggest President Clinton heed the will of the American people and cut spending first.

THE PAY AND PERKS GUIDE: THE LAVISH . . . AND THE STINGY

[Total running costs per employee, in dollars]

	Employees	Chief's salary	Economist's salary [1]	At current exchange rates	Converted at PPP [2]	Class of air travel	Annual leave days	Office opulence (Straw-poll: 6=most lavish)
World Bank	6,000	[3] 285,000	80,000	207,000	207,000	Business<12 hrs, first class>12 hrs	26	4
IMF	2,200	[3] 285,000	85,000	165,000	165,000	First class	26	5
EBRD	600	255,000	70,000	238,000	237,000	Economy within W. Europe, business outside	25	6
UN	10,000	170,000	70,000	120,000	120,000	Economy	30	1
OECD	1,900	202,000	100,000	153,000	126,000	Economy<9 hrs, business>9 hrs	30	2
GATT	400	NA	80,000	147,000	96,000	Economy within Europe, business outside	30	3

[1] Mid-30s with ten years' experience, including expatriate and family allowances.
[2] Purchasing-power parity (OECD estimates); EBRD adjusted for sterling/dollar PPP.
[3] Including special allowance of $95,000.

OUR POLICY IN BOSNIA

Mr. PELL. Mr. President, last week I participated in a Senate delegation led by Senators NUNN and LUGAR, that traveled to Croatia, Macedonia, and Moscow. I returned from that visit convinced that we need to ask and answer some very hard questions before we consider using United States military force in Bosnia.

Everyone agrees that hideous mayhem is occurring in Bosnia today. The Balkans have traditionally been a bloody battleground, where old hatreds die hard. The fighters are fierce and the terrain is formidable. During World War II, 26 German divisions were unable to keep peace in Yugoslavia. Serb and Croat forces, the successors to the Chetniks and Ustashi of the Second World War, are brutally killing each other once again. In the 1990's version of the Balkan conflict, Bosnia's Moslems are the primary and innocent victims of both Serbian and Croatian brutality. Today's news reports that Croatian forces are rounding up the Moslems in Mostar and that Serbian leaders are terrorizing the non-Serbs in Banja Luka bear this out.

Terrible human rights abuses—torture, rape, and slaughter—run rampant in Bosnia. But as horrible as the situation is in Bosnia, other parts of the world—Kashmir, Cambodia, Nagorno-Karabagh, Sudan, and Liberia—are also experiencing reckless violence and grave abuses that breed instability. The questions that keep occurring to me, as they do to many Americans are: "Why should we intervene in Bosnia?" "Why is Bosnia different from the other places of conflict in the world?" "What are American interests in Bosnia?" It is a daunting, but necessary challenge to the President to answer these questions for the American people and to give a clear-cut explanation of why we should be involved.

If Bosnia were part of our continent, the answers would be easier. When a disgraceful situation like the one that is occurring in Bosnia takes place in our hemisphere, we have a responsibility to lead the fight to end the slaughter and restore stability. It would be clearly in our interest to do so. But, when the situation occurs on another continent, the United States may lead and organize the battle against it, but we do not have the responsibility to provide a lion's share of the military manpower to fight it. This argument is especially compelling when the tragedy is occurring in a continent like Europe, with its own well-established democracies, and its well-organized and well-equipped armies. We may be the leader of the free world, but we are not the free world's army.

Nevertheless, I see the building pressure, domestic and foreign, on our President to do something about the ongoing slaughter. The pressure is mounting for the United States not only to lead an international effort to stop the killing, but to send in U.S. troops to do the job. I hope that we will be able to resist to the maximum extent possible the use of our ground troops to intervene in Bosnia. While there seems to be increasing movement toward U.S. intervention, I believe that we should hold back. I would, however, be willing to see some of our troops used for peacekeeping, that is, helping enforce an arrangement that has already been reached at the negotiating table.

Before there is any use of force—either for peacemaking or peacekeeping—I believe that three steps must be taken. The President has a head start on two of them, because he has done a marvelous job of consulting with our allies and with Congress on this issue. First, the President should ensure that we secure the proper U.N. authority. Second, the President should ensure that the U.S. Congress authorizes U.S. participation in a Bosnia effort. Third, and perhaps the most difficult, but most important step, the President needs to explain to the American people why we should be involved. Without these three steps, any effort is doomed to failure.

W.W. WANNAMAKER, JR.

Mr. THURMOND. Mr. President, I rise today to pay tribute to one of my State's foremost engineers and a great man, Mr. W.W. Wannamaker, Jr., who recently passed away at 92 years of age.

Mr. Wannamaker was born and raised in Orangeburg, SC, and earned engineering degrees from both The Citadel and Cornell University. He began his professional career with the South Carolina Department of Highways and Public Transportation, working in

bridge construction. Searching for greener pasture, Mr. Wannamaker cofounded his own bridge construction firm, Wannamaker & Wells.

Graduates of The Citadel seem to feel a tremendous sense of loyalty to that institution and Mr. Wannamaker was no different. He served that college as a member of the board of visitors and as president of The Citadel Alumni Association. He also established the Star of the West scholarship, which awards full scholarships to cadets.

In addition to serving his school and State, Mr. Wannamaker served our Nation as a naval officer. He was also a national Republican committeeman for South Carolina.

Mr. President, W.W. Wannamaker, Jr., was a man who made many important contributions to his State and Nation. We are all grateful for his many accomplishments and he will be missed.

GROVER GORDON McLAURIN

Mr. THURMOND. Mr. President, I rise today to pay tribute to a great man and South Carolina's oldest living attorney, Mr. Grover Gordon McLaurin, who recently passed away at 106 years of age.

Though born in Kissimmee, FL, Mr. McLaurin spent the majority of his life in Dillon, SC, where he practiced law after graduating from the University of South Carolina in 1909. Mr. McLaurin was a accomplished trial lawyer who successfully defended the first capital case in Dillon County history. When Mr. McLaurin could not longer appear in court, he continued his law practice in his office, swearing never to give up the profession he loved.

A public spirited man, Mr. McLaurin took an active part in the affairs of his community, serving as mayor and county superintendent of education. His lifelong commitment to community service was recognized on his 100th birthday when the Governor presented him with the Order of the Palmetto, South Carolina's highest award.

A witness to tremendous change, Mr. McLaurin was never fazed by social or technological advances. He once said "the world changes every day. About the only thing you can do is adjust." This attitude helped to ensure that he enjoyed a long, happy, and prosperous life.

Mr. President, Gordon McLaurin was a man who accomplished many great things during his life and had a tremendous impact on the people who knew him. We will all miss this amazing man.

JUNE RAINSFORD HENDERSON

Mr. THURMOND. Mr. President, I rise today to pay tribute to a wonderful lady and dear friend who recently passed away, June Rainsford Henderson.

Born 97 years ago in Edgefield County, June Henderson led a full and rewarding life. Possessing both bachelors and masters degrees from the University of North Carolina's prestigious Library Science School, Mrs. Henderson worked at Hollins College in Virginia, Augusta College in Georgia, and the Library of Congress in Washington, DC. It was during her time working in our Nation's Capital that Mrs. Henderson discovered her love for 18th-century gardens and old prints of anything related to plants. Her passion not only led her to publish a book on this topic entitled "Floralia," but also to begin writing on this subject for publications including the New York Times.

A loving woman, Mrs. Henderson was twice married. Her first husband was George P. Butler, whom she met while both were working at Augusta College. They were married until 1933 when Mr. Butler passed away. After returning to Aiken in the 1940's, Mrs. Henderson met her second husband, prominent local attorney P. Finley Henderson, to whom she was completely devoted.

Mrs. Henderson was a woman who loved history and she wrote a history of the Edgefield Presbyterian Church. In recognition of her interest in this area, her family established the June Rainsford Henderson Chair of Southern and Local History at the University of South Carolina at Aiken. She was also instrumental in restoring the rectory of Trinity Episcopal Church.

Mr. President, June Henderson was a lady in every sense of the word. She was kind, considerate, caring, and devoted. She was a bright woman who constantly sought to expand her knowledge and share her findings with others. We will certainly miss this very special woman, and her family has my deepest sympathies on their loss.

THE LATE C.S. DAVIS

Mr. THURMOND. Mr. President, I rise today to pay tribute to a good friend of mine and one of our State's most accomplished educators, Dr. Charles S. Davis, who recently passed away at the age of 82.

Born in Mobile, AL, in 1911, Charles Davis was a man who loved knowledge and devoted his life to the pursuit and administration of education. He earned bachelor's and master's degrees from Auburn University, a master's degree from the University of California; and a Ph.D. from Duke University, and chose a career in academia. Dr. Davis taught at some of our Nation's finest schools, including Auburn, Duke, and Florida State, where he ascended from the position of associate professor to the dean of the faculties.

Dr. Davis' performance at Florida State led him to Winthrop University, where he assumed the presidency in 1959 and served in that office until 1973. Under his leadership, Winthrop underwent many important changes, including the integration of the school and the admittance of men to what had been an all female institution. Also during Dr. Davis' tenure, the enrollment of the college doubled, honors and foreign exchange programs were established, and the school's buildings were updated. Dr. Davis' guidance of Winthrop at a critical time in its history helped to insure that it not only survived, but became one of our State's finest colleges.

Dr. Davis was also an active participant in both the academic and Rock Hill communities. He was a member of a number of scholastic and civic organizations including the Commission on Colleges and Universities; the Southern Association of Colleges and Schools; the Southern Historical Association; Rock Hill Executives Club; the Rock Hill Rotary Club; and, the Rock Hill Chamber of Commerce. Dr. Davis also served in the military, retiring from the Air Force Reserve as a colonel. His service to the military was no less enthusiastic or dedicated, and he was awarded the Bronze Star and the Air Commendation Medal.

Mr. President, Dr. Davis was a unique individual, a patriotic man who possessed important qualities of integrity, ability, and compassion. We will all miss Dr. Davis, but are grateful for the many significant contributions he made in the State of South Carolina. Our hearts go out to his lovely wife and fine family.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NATIONAL VOTER REGISTRATION ACT—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the conference report accompanying H.R. 2, which the clerk will report.

The bill clerk read as follows:

Conference report to accompany H.R. 2, an act to establish national voter registration procedures for Federal elections, and for other purposes.

The Senate resumed consideration of the conference report.

The PRESIDING OFFICER. Under the previous order, the time until 12:30 is equally divided.

Mr. FORD. Madam President, I suggest the absence of a quorum and ask that it be equally charged.

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

The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

RECESS UNTIL 2:15 P.M.

Mr. FORD. Mr. President, I now ask unanimous consent that the Senate stand in recess until the hour of 2:15 p.m.

There being no objection, the Senate, at 12:14 p.m., recessed until 2:16 p.m.; whereupon the Senate reassembled when called to order by the Presiding Officer [Mr. AKAKA].

NATIONAL VOTER REGISTRATION ACT—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

Mr. WELLSTONE addressed the Chair.

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

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

Mr. WELLSTONE. Mr. President, I know the Senator from New York wants to speak, and I promise him I will not go beyond the 10 minutes.

I would like to compliment the whip, Senator FORD from Kentucky. I guess we will know very soon whether we will finally be able to invoke cloture. There have been, I think, seven filibuster votes on this piece of legislation. I am very hopeful that the National Voter Registration Act will soon become the law of the land.

Mr. President, I know it has not been the case that every single Representative and Senator has focused on this debate. Senators and Representatives have a lot of other things they are doing in committees. For that matter, the country itself has not been focused on this debate. I really hope that we are about to invoke cloture and then pass this piece of legislation.

In my time in the U.S. Senate I think this is probably one of the most important pieces of legislation that I have had the honor to vote on.

Mr. President, this bill that the whip has worked so hard on, I think this is a piece of legislation that is going to make this a much better country. I think this is a piece of legislation that is going to enable many more citizens to register to vote. I think this is a piece of legislation that is going to expand democracy in the United States of America. And I think the Senator from Kentucky is going to be remembered for a lot of things, but I guarantee you, if we are able to invoke cloture and we pass this legislation, he is going to be remembered for this piece of legislation.

We have had a history in our country of trying to expand democracy. It has not been a smooth journey. Up to the passage of this legislation—and I believe that is where we are heading—in all too many States, in all too many places it has been very difficult for some people to register to vote. As a result of that, among the democracies in the world, the United States ranks right near the bottom. That is not something that any American is proud of.

I think if you were to ask people in Minnesota cafes or Kentucky cafes what they think about the idea of motor-voter where citizens can come in and, with a driver's license, also fill out a form and register to vote; or what do they think about a welfare agency or other public agency having voter registration cards available and in a scrupulously nonpartisan way presenting those cards to people and enabling people to fill those cards out and register; or what do they think about people now in every State having the opportunity to register by postcard so they do not have to figure out where to drive to, where to register, what do they think about, finally putting an end to some of those obstacles, I will tell you something, the vast, vast, vast majority of people in the United States of America will say that is all for the good.

Mr. President, I think there is a very interesting dynamic in the United States of America today, a political dynamic. It is in part, I suppose, the politics of indignation. People really want this to be an open process. They want us to be accountable. They do not want to be cut out of the loop. They want to participate.

When we have town meetings in Minnesota, it is unbelievable the number of people who show up. I think this piece of legislation fits right in with what people in the country are calling for. We are going to enable people to exercise their political rights in behalf of their economic rights. We are going to enable people in every State all across the United States of America to have every opportunity to register and then to vote, to register and to vote for the issues they care about, for the kind of community they believe in, to register and vote for their children.

Mr. President, I think that is what this is about. So by way of conclusion, we are going to have this vote. It is coming up very soon. There has been quite a bit of obstructionism on this. There have been many, many cloture votes. It has taken us a longer time than it should, but I think we are now finally at the point where we are going to have a very historic vote on cloture. I certainly hope so.

And when this legislation is passed, I believe that the Senator from Kentucky especially needs to be singled out as the Senator who made it all happen—not just for Kentucky, not just for Minnesota, not just for Hawaii, but for people all across this country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota yields the floor.

The Senate is now considering the conference report accompanying H.R. 2. Time is equally divided until 3 p.m.

The Senator from Kentucky.

Mr. FORD. Mr. President, I do not see anyone here. Is the Senator the designee?

Mr. D'AMATO. Yes. Mr. President, if I might.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. D'AMATO. Senator MCCONNELL is on his way over.

Mr. FORD. And the Senator is his designee?

Mr. D'AMATO. Yes. Mr. President, I yield myself up to 5 minutes. I ask that it appear as if in morning business. I do not intend to take 5 minutes. It will be charged against the time, our time.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New York is recognized.

THE INTERSECTION OF U.S. 76 AND S.C. 121

Mr. D'AMATO. Mr. President, I am going to bring to your attention and the attention of other Members of the Senate without any comment or explanation a picture which appeared in the Greensboro Gazette of South Carolina. The picture is of a sign which is located at the intersection of U.S. 76 and S.C. 121 in Newberry, SC.

As I say, this is an actual picture. I make no comment, other than to say it really does exist. The sign is at the intersection of U.S. 76 and S.C. 121 in Newberry, SC.

Mr. President, I yield the floor so that we can continue to proceed on this matter.

The PRESIDING OFFICER. The Senator from New York yields the floor.

Mr. FORD. Mr. President, I do not know any relevance to the bill and the visual aid, but be that as it may, the distinguished Senator from Montana asked for some time on a subject not on the legislative agenda.

Mr. President, if we can look at this with the Senator from New York, I can yield 5 minutes to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized for 5 minutes.

Mr. BAUCUS. Mr. President, I thank the Chair and I thank the distinguished manager of the bill.

NORTH AMERICAN FREE-TRADE AGREEMENT

Mr. BAUCUS. Mr. President, I should like to speak about the negotiations now under way on the North American Free-Trade Agreement, or NAFTA.

In recent days, critics of the Clinton administration have suggested that the

negotiation of strong environmental and labor side agreements to the North American Free-Trade Agreement would create a disaster.

These critics argue that linking environment and labor goals to a free-trade agreement is inappropriate.

They argue that trade sanctions should not be used to enforce environmental and labor laws. They argue that trinational commissions should not be able to collect information to determine whether a government is complying with its own laws.

These detractors are trying to convince our trade negotiators, who are attempting to negotiate such side agreements with Mexico and Canada, to weaken their position. And they are attempting this at a key time—just as our negotiators prepare for another round of talks in Ottawa later this week.

Mr. President, I have to wonder what these critics are thinking. It almost seems as if they fear the prospect of clean air and water in Mexico and the United States-Mexico border region. Or that they fear the prospect of enforced minimum wage laws, child labor laws, and occupational health and safety laws in Mexico.

Certainly, I hope they do not support the prospect of U.S. companies moving south to take advantage of lax environmental and labor law enforcement.

I would like to respond to their arguments. But first a question. Why is it inappropriate in our first trade negotiation with a developing country to link environmental and worker rights goals to the agreement?

After all, without proper environmental protection, free trade has the potential to cause more pollution. And free trade also has the potential to create jobs—jobs for workers who deserve safe working conditions. And, sadly, a country that fails to enforce its environment and worker rights laws may attract more foreign investment. This gives it a trade advantage over other countries.

In each of these cases, we must go the extra mile to make sure that free trade gets us the results we want.

In the environmental area, I think that a new proposal, developed jointly by seven important U.S. environmental groups, would do just that. This proposal would create a strong, independent North American Commission on the Environment [NACE] with investigatory powers, and use trade sanctions as enforcement.

I think the proposal has some application to worker rights as well. I urge the Clinton administration to adopt it as their position in the continuing negotiations.

The fact is, Mexico has good environmental and worker rights laws, but it does not enforce them. Attaching a stick to the NAFTA carrot is the best chance we have to help Mexico improve its situation in both areas while growing its economy. And, needless to say, it is also a chance to better the lives of millions of people living along the United States-Mexico border.

I refer to the side agreements as a stick because if they are to work, they have to be enforced. Otherwise, they are no more effective than Mexico's laws are now.

And, since lack of enforcement of such laws has a direct effect on trade, trade sanctions are an appropriate stick. I, for one, hope they never become necessary. But we need them, just in case. And without them, these side agreements will not be worth the paper on which they are written. I personally could not vote for a NAFTA that did not have strong side agreements.

Let me also respond to the argument that environment and labor commissions should not have some independent way of collecting information about a government's compliance with its own laws.

The fact is, these commissions need a way to collect information if a foreign government refuses to provide it. Otherwise, the commissions cannot do their job. This is no different from allowing Russians to inspect U.S. missile sites to see if we are complying with our arms control treaties.

Which brings me to another point. Some critics worry about these commissions being able to bring cases against the United States. They believe we are opening a Pandora's box by allowing Mexico and Canada to file cases against us.

The fact is, we should be complying with our own laws. Plain and simple. We should not hold Mexico to a different standard.

As Ambassador Mickey Kantor says, what's sauce for the goose is sauce for the gander. And that is how it should be. But, of course, measures should and will be taken to prevent harassment claims.

And one other thing. Critics say the linkage of environment and labor to trade policy sets a precedent. And they are right. But I would say it is a good precedent.

In particular, I think linking trade and the environment is crucial to the future health of our planet. That is one reason why I would like to urge Ambassador Kantor to create an Assistant U.S. Trade Representative for the environment. I think it is time that USTR had a full-time assistant USTR devoted to furthering sustainable development policies and to opening foreign markets to U.S. environmental technology exports. I think that is very important.

In closing, Mr. President, I do not think it would be a bad thing if Mexico, the United States, and Canada agreed between themselves to enforce their own environment and worker rights laws as they eliminate tariffs and other trade barriers.

In fact, if the prospect of a cleaner environment and safer workplaces across North America, coupled with greater economic prosperity for the entire region, is a disaster, that is a disaster I could live with.

Mr. President, I ask unanimous consent to print in the RECORD an article by Don Newquist, along with a letter written to Ambassador Kantor by a coalition of environmental groups.

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

[From the New York Times, May 10, 1993]

PEROT IS DEAD WRONG ON NAFTA

(By Don E. Newquist)

WASHINGTON.—Ross Perot, that master of the sound bite, coined a classic during his on-again, off-again Presidential campaign: the "giant sucking sound" he claims we will hear as jobs move from the United States to Mexico under the North American Free Trade Agreement.

These days, the only sound I hear, though, is Mr. Perot's misinformed, misleading and often simply untrue Nafta-bashing. He is dead wrong.

If Congress passes the legislation to carry Nafta out, it will create jobs, in the U.S. as well as in Mexico.

The U.S. International Trade Commission's most recent study of the effects of Nafta (the eighth in six years) was delivered to Congress in February. Although certain U.S. industries may suffer limited losses of jobs, it found, the overall U.S. economy will enjoy more jobs, increased exports and higher wages with the agreement than without it.

Virtually every other reputable study (there have been dozens) reaches the same conclusions. Speaking for myself and not for the commission, I must say I find that accumulated evidence persuasive.

Only recently has Mr. Perot cited empirical research to back up his claim. It is a recent study by Pat Choate, a political economist in Washington. The study says that Nafta will put more than 5.9 million U.S. jobs in jeopardy of being moved to Mexico. Mr. Choate arrived at this figure by adding up all the jobs in U.S. industries where labor costs account for at least 20 percent of total expenses and the average wage exceeds $7 an hour.

All these jobs, he suggests, are so costly that the temptation will be overwhelming to move them to low-wage Mexico. But there is nothing preventing those jobs from being moved there right now, with or without Nafta. Why are they still here?

In fact, if companies based their plant locations only on labor costs, there would be few factories left in the U.S., or in Europe and Japan. But firms look at many factors, including a plant's productivity, transportation costs, the availability of raw materials and proximity to markets. In all these considerations, the U.S. is a world leader and that is why thousands of U.S. companies still employ millions of workers in this country even though they could pick up tomorrow and move anywhere.

Some companies—one is Quality Coils of Stonington, Conn.—have moved plants back to the U.S. from Mexico after finding that lower Mexican labor costs did not offset the higher productivity of U.S. workers.

But as persuasive as all the economic studies are, all we really have to do is take Mr. Perot's own advice and "lift the hood and

look underneath" to disprove the Choate thesis. In 1986, when Mexico joined the General Agreement on Tariffs and Trade, it reduced its once high tariffs to no more than 50 percent of the value of imported goods. President Carlos Salinas de Gortari continued to reduce tariff rates until they now average only 10 to 13 percent for manufactured goods from the U.S.

The result has been an expansion of U.S. exports to Mexico, which reversed what was a $5.6 billion U.S. merchandise trade deficit in 1987 to a $5 billion U.S. trade surplus in 1992. Those exports helped to create hundreds of thousands of new jobs here.

One would think that Ross Perot would have a better understanding of the economics of trade. In fact, he may. Even as he urges Congress to kill Nafta, his family stands to reap the benefits of increased trade through the Perot-developed Alliance Airport complex north of Dallas, which is being promoted as a trade hub between the U.S. and Mexico.

Nafta could end up proving Mr. Perot wrong in a way he won't be able to rebut: It could give him hundreds of new American employees.

MAY 4, 1993.

Re NAFTA—Supplemental Agreements.

Ambassador MICKEY KANTOR,
U.S. Trade Representative,
Washington, DC.

DEAR AMBASSADOR KANTOR: As you are aware, the undersigned environmental groups have each consulted with your office about and made recommendations concerning the North American Free Trade Agreement (NAFTA) supplemental agreements on the environment. In order to clarify the positions that we believe are critical to the supplemental agreement negotiations and to help the President achieve his objectives on NAFTA, we have come together to define those provisions which if included in the supplemental agreements would secure the support of all of our organizations for the NAFTA.

In developing the positions set forth below, we were guided by several key principles: (a) that the supplemental agreements must establish a North American Commission on the Environment (NACE) which is given meaningful responsibility and the resources to undertake its role; (b) that the Signatories must give NACE the power to play an important role in helping ensure that the Signatories enforce their environmental laws; (c) that the NACE have the ability to discuss, evaluate and report on important environmental and conservation issues; (d) that the Signatories agree to a dedicated source of funding for the NACE, border infrastructure and cleanup, and conservation programs; (e) that there be meaningful public participation in the environmental aspects of the NAFTA, including the NACE; and (f) that ambiguities in certain provisions of the NAFTA text, particularly the standards provisions, be clarified.

Based on these principles, we have agreed that the undersigned groups will support the NAFTA if the supplemental agreements include the following provisions:

I. THE NACE

A. Structure. The Signatories would establish a North American Commission on the Environment (NACE) that, in addition to Commissioners, is staffed by a permanent Secretariat headed by a Secretary General who has the independent power to prepare reports and conduct investigations, and which is advised by a Citizens Advisory Board that includes representatives of non-governmental organizations from each Signatory.

B. Power to Prepare Reports. The NACE would have the responsibility for preparing specific reports set forth in the supplemental agreements. The NACE would also have the power to act as a policy forum to debate and report on environmental and conservation issues.

C. Power to Investigate. The NACE would have the power to conduct investigations on its own initiative or in response to citizen petitions in a manner consistent with priorities set by the supplemental agreements and the Secretary General. It would also prepare reports on the results of such investigations.

D. Contents of Reports and Follow-up. The reports of the NACE would include suggested action plans; the Signatories involved would respond in writing to such action plans; the NACE agreement would require the Secretary General at regular intervals to follow up and report on the status of the implementation of an action plan; and the Secretary General would make all its reports and responses public.

II. ENFORCEMENT

A. Gathering Information. To gather information the Secretary General would have the power to hold public hearings and request that the relevant Signatory government gather information that the Secretary General finds is necessary. A Signatory responding to a request from the Secretary General for information would seek to obtain such information pursuant to and consistent with the Signatory's laws and regulations. The Secretary General would have the power to request verification of data by visits by its staff to the relevant facilities accompanied by enforcement personnel of the Signatory. The visits would be conducted consistent with the laws and regulations of the Signatory and be of sufficient scope to meet the information objectives of the Secretary General. All denials of requests for information or verification would be made public unless the Signatory certifies that this would interfere with an ongoing civil or criminal investigation.

B. Individual Facilities and Operations. The Secretary General would have the power to gather information about individual facilities and operations, and be able to use such information to evaluate enforcement of law by the Signatories.

C. Sanctions. The Signatories agree that any Signatory who believes that another Signatory has engaged in a pattern of failing to comply with NACE recommendations embodied in an action plan or with requests for information and verification by the Secretary General could initiate a dispute settlement proceeding under Chapter 20 of NAFTA on the basis that such repeated failures nullify and impair the concessions granted in the NAFTA. Article 2019 sanctions would be implemented where a dispute panel finds a pattern of a Signatory failing to comply with NACE recommendations embodied in an action plan and/or a pattern of failing to respond to NACE requests for information and verification.

D. Domestic Law Enforcement. The Signatories would agree to make available to their own citizens under their domestic laws enforcement procedures similar to those in Article 1714 of NAFTA so as to permit effective enforcement of environmental laws.

III. FUNDING

A. Funding for NACE and Border Projects. The supplemental agreements would provide for a secure source of funds in an amount sufficient to enable the NACE to undertake each of its responsibilities and functions, as well as for cleanup and infrastructure programs on the U.S./Mexican and U.S./Canadian borders.

B. Funding for Conservation Programs. The supplemental agreements would provide for a secure source of funds for conservation, biodiversity and ecosystem protection programs.

IV. STANDARDS

A. Negotiation of Process Standards. The Signatories would agree to enter into negotiations within six months of the implementation of the NAFTA to discuss criteria for setting process standards. In addition, the Signatories would agree to place a moratorium on bringing cases to dispute settlement panels if the law at issue is designed to protect fish, animals or wildlife outside the territorial land of the Signatories until these negotiations develop applicable criteria for process standards. The implementing legislation would include a provision specifying that arbitral panel decisions adverse to a U.S. fish, animal or wildlife law or regulation would not result in the repeal or amendment of any such law or regulation.

B. Chapter 9. The Signatories would clarify that Chapter 9 was intended to allow challenges to an environmental standard-related measure only on the ground that it is discriminatory or was designed as a disguised barrier to trade, not on the ground that it is too strict.

C. Chapter 7. The parties would either agree on language clarifying certain key terms in Chapter 7 that remain ambiguous, including but not limited to the term "necessary," or agree that they will not bring cases under Chapter 20 challenging a sanitary or phytosanitary standard for pesticide residues or contaminants in food under Chapter 7 except on the ground that the standard is discriminatory or was designed as a disguised barrier to trade.

D. Challenges to State Laws. The Administration would agree that it will seek in the U.S. implementing process a provision preventing the preemption of or interference with states' or other subnational entities' laws or policies on the basis of Articles 105 or 902.

V. DISPUTE SETTLEMENT

A. Dispute Settlement Protocol. The Signatories would enter into a protocol which clarifies the procedures of arbitral panels; which sets forth the deference such panels will give to a Signatory's agency and judicial decisions and a Signatory's laws concerning the setting of standards; which increases the transparency of arbitral panel proceedings by providing, consistent with criteria set in the supplemental agreement, documents to the public and the opportunity for interested persons to file amicus briefs; and which specifies the opportunity for public participation and the use of environmental experts in such proceedings.

B. Input Into U.S. Positions During Dispute Settlement Proceedings. The implementing legislation would provide for public input (and, where appropriate, input from state and local governments) into U.S. government decisions relating to: (i) the defense of cases before arbitral panels challenging environmental laws, and (ii) decisions whether to bring a dispute settlement proceeding alleging that a Signatory has not complied with NACE recommendations or requests.

VI. PUBLIC PARTICIPATION

In addition to the public participation provisions described above, the Signatories

would agree to enact "community right-to-know" laws consistent with Principle 10 of the Rio Declaration.

VII. INTERNATIONAL ENVIRONMENTAL AGREEMENTS

The Signatories would add additional environmental and conservation agreements to Annex 104:1 and list automatically on that annex all amendments to the agreements on that annex and in Article 104. Dispute resolution panels would give deference to a Signatory's decision that it has properly interpreted the relationship between the NAFTA and another international environmental agreement. We will provide a list of the Agreements that we believe should be added to Annex 104:1.

VIII. SUPPLEMENTAL AGREEMENTS

The Signatories would agree, consistent with their domestic law, to take actions that give the supplemental agreements on the environmental the same status and effect as the NAFTA itself.

The provisions described in this letter are elaborated and amplified in the attached back-up memorandum. Taken together, we believe that they would be either consistent with historical practice in the international areas or reflective of the trend towards greater transparency in international deliberations, that they would be consistent with the preamble to NAFTA and the Rio Declaration, that they would not unduly interfere with the sovereignty of the Signatories, that they would not require a rewrite of the NAFTA text, that they would increase protection of the environment throughout North America and that they would lead to significantly better protection of the environment than would result if the NAFTA were defeated.

Please note that neither this letter nor the back-up memorandum addresses a number of important issues that affect the borders of the Signatories, including the relationship between the NAFTA and other border agreements, and institutions and the need for establishing national environmental management districts. These issues will be addressed in another letter we are preparing. In addition, we are preparing and will provide a letter analyzing funding options.

We deeply appreciate your careful consideration of the matters set forth in this letter and look forward to meeting with you to discuss them further.

Sincerely,

Roger Schlickeisen, Defenders of Wildlife; Fred Krupp, Environmental Defense Fund; Peter A.A. Berle, National Audubon Society; John Adams, Natural Resources Defense Council; Jay D. Hair, National Wildlife Federation; John Sawhill, Nature Conservancy; Kathryn Fuller, World Wildlife Fund.

Mr. BAUCUS. I yield the floor and thank the distinguished Senator from Kentucky for his generous allocation of time.

NATIONAL VOTER REGISTRATION ACT OF 1993—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

The PRESIDING OFFICER. Who yields time?

The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, I thank the distinguished Senator.

Will the Chair please advise of the time situation?

The PRESIDING OFFICER. The Senator now has 20 minutes remaining.

Mr. HELMS. And there is to be a rollcall vote on a cloture motion at 3 o'clock as the matter now stands.

The PRESIDING OFFICER. At 3 o'clock a cloture vote is scheduled.

Mr. MCCONNELL. Mr. President, if the Senator will yield, the leader would like 5 minutes before the vote, and I would like about 5 minutes. I do not know how much the Senator from North Carolina is planning on taking.

Mr. HELMS. That will suit me fine. I just happen to be here with a statement to make.

I suppose the Chair will notify me after I have used 8 minutes so I will not intrude on the time.

Mr. President, this conference report will cost the States, all 50 of them, and their respective taxpayers, millions of dollars while making it even easier for illegal aliens to register to vote and obtain welfare benefits.

This is an outrageous set of circumstances, and I am especially disappointed that the conference committee stripped out the Simpson-Helms amendment that would have prevented illegal aliens and noncitizens from voting. This amendment, approved by the Senate, was simple and straightforward: it allowed States to require proof of citizenship of any individual desiring to register to vote. Why did the political types in this country decide this was too much to ask?

Mr. President, without this amendment, illegal aliens such as Zoe Baird's chauffeur could end up voting in our elections. This bill should be called the Illegal Aliens' Voter Registration Act.

The right to vote is one of the most precious rights of American citizenship. It is, in essence, one of the foundations of our democracy. Voting determines the makeup of our Government and the policies that affect every American. But this conference report could enable illegals and noncitizens to dilute the voting process and undermine our democratic form of government.

The Simpson-Helms amendment, deleted by the conferees, would have protected the integrity of the electoral process. Proof of citizenship is not merely a reasonable requirement—it is an imperative one. But the conferees struck it out.

Some conferees have contended that the bill contains safeguards to ensure illegals do not register to vote. Not so—all the bill contains with respect to that is a requirement of a little statement on the registration form that an applicant must be a citizen in order to register to vote. If you will forgive me, Mr. President—some safeguard.

Others argue that illegals do not vote in elections. Not so. Do not tell me that. Try telling them that in Texas and California. In 1989, the Immigration and Naturalization Service conducted a survey of those who voted in a special election in Florida. The INS found that illegal aliens made up 11 percent of all ballots cast by foreign-born voters. Under this bill, the potential for more fraudulent voting is markedly increased.

Mr. President, a second problem is that this bill will make it easier for illegal aliens to get welfare benefits—and for the illegal aliens, that is like winning the lottery to get in this country and get on the dole. Once illegal aliens get voter registration cards, count on it—these cards will immediately show up at the welfare office to defraud various Federal welfare programs.

As a matter of fact, a Chicago grand jury in 1982 made this observation:

> Many illegal aliens register to vote so that they can obtain documents identifying them as U.S. citizens. * * * We have learned that these aliens used their voters' cards to obtain a myriad of benefits, from Social Security to jobs with the Defense Department.

Mr. President, nobody has the faintest idea how many illegal aliens are tapping into the welfare system, but it is happening. Believe me it is happening. American taxpayers are being taken to the cleaners to pay for millions of dollars in handouts to people who should not be in the country in the first place.

Mr. President, the Simpson-Helms amendment would have allowed States to maintain some control over who registers to vote. It would have allowed States to require proof of citizenship. But the conferees said, no, we cannot have that. They did not explain why. They just said no, no.

Furthermore, the excessive cost of this bill is passed along to the States—which may force at least some of the States to increase their taxes by millions of dollars.

For example, this bill requires the States to register voters by mail, at driver's license offices, in welfare offices, and various other places. It saddles the States with a host of requirements; it will cost the States, as I said earlier, millions of dollars that the States simply do not have.

It borders, it seems to me, on being criminal that Congress so often approves legislation mandating and requiring the States to pick up the tab. This is called passing the bill and passing the buck.

The Congressional Budget Office estimates that this bill will cost the American taxpayers at least $20 to $25 million a year. But even this is a very deceptive number. For the States to take on the burden of explaining and handling the voter registration red tape, more and more employees on the State level will be needed at the various agencies designated by the bill. The States will be required to pay for

mailings and for printing materials and a plethora of other burdensome costs. Most importantly, many States will be forced to buy computer systems in an effort to prevent fraud, and that will cost the taxpayers a bundle.

North Carolina officials already have requested $3.1 million simply to buy a computer system so they can have a chance to fight election fraud. Ten states estimated the cost of implementing this bill would run about $87 million. So there is no free ride involved in this. We are mandating or those who vote for this bill are mandating requiring the States to do all the work and pay the cost. We are just saying take it and run. But you furnish the money.

This $87 million may be chicken feed to the big spenders in Washington, but it is a chunk of money to the people back home.

The pending conference is another attempt it seems to me to dump on the American taxpayers. Congress should stop dumping on State governments and stop dumping on the taxpayers, directly or indirectly.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Forty-eight seconds.

Mr. HELMS. Mr. President, I yield back all of that extra time.

The PRESIDING OFFICER. The Senator from North Carolina yields back his time.

The Senator from Kentucky is recognized.

Mr. MCCONNELL. Mr. President, I thank my friend from North Carolina for his statement in regard to this conference report. No longer is this bill a backdoor means of forcing States into adopting election day registration or no registration whatsoever. Under the original bill, any State that could not afford to comply with the onerous and expensive mandates would be exempted from the bill altogether—if they adopted election day registration or no registration. Republicans succeeded in grandfathering in the five States that would have qualified for the exemption prior to March 11, 1993. Whatever the intentions of the original escape-hatch provision may have been, the effect would have been to push States into adopting extremely liberal registration systems that they otherwise would not adopt. Republicans also improved the agency-based registration provision. Under the original legislation, States would have been required to register voters as they receive assistance at welfare, disability services, and unemployment offices. Under the Republican core package amendment, States still would have been required to provide agency-based registration, but the makeup of those agencies would have been left up to the States to determine. Unfortunately, the Republican position did not prevail on this point. Although unemployment offices still will be optional, welfare and all public assistance offices are once again required to register voters.

That, in my judgment, is a deficiency of the final conference report.

While the intent may have been admirable in bringing low- or no-income citizens into the political process, the effect will be to put these citizens in a precarious position.

Citizens who rely on government checks to eat, pay the rent, and feed their children are particularly vulnerable to intimidation, be it overt or implicit. A social service worker with a check in one hand and a voter registration form in the other? Yes, that will be intimidating. It will be at least as intimidating for these citizens as it would be for taxpayers being registered to vote by an Internal Revenue Service auditor.

Five other Republican core package provisions were adopted in varying degrees: First, unsigned applications will serve as a declination; second, undeliverable registration notices will trigger the bill's purge provisions; third, States will be allowed to require that registrants who do not notify officials of a change of address within a jurisdiction could vote at only the new or only the old precinct; fourth, registration forms will stipulate voter eligibility requirements and penalties for fraud; fifth, agency-based registrants will be allowed to refuse assistance.

Further, Senator MCCAIN's amendment to ensure that our Nation's servicemen and women are brought into the process through registration at military recruitment offices has been retained. No one has a greater stake in our Nation's electoral process than our soldiers whose very lives may hinge on the decisions of elected officials.

In addition to these, Senator DURENBERGER drafted additional language to address the coercion problem inherent in agency-based registration. While I think the bill is better with this language than without it, I am not satisfied that the potential for coercion has been alleviated.

Mr. President, another important Republican amendment that we included in the Senate version of the bill, courtesy of Senator SIMPSON, was unfortunately dropped in conference. Senator SIMPSON's amendment simply would have clarified that States could require proof of citizenship to register to vote. It is curious, to say the least, that this provision was dumped by Democrats on the conference committee.

Let me just say, in summary, Mr. President, this bill is better—considerably better—thanks to the efforts and resolve of Republican Senators who stood firm and insisted on these amendments in the face of baseless charges of gridlock.

However, Mr. President, Congress still has not paid for the motor-voter bill. It still is an unfunded mandate. It still is a solution in search of a problem. It still should be defeated.

So, Mr. President, in spite of the improvements that have been made in this bill as a result of the resolve of 41 Republican Senators earlier in the process, this bill still comes up short of the mark.

I hope that cloture will not be invoked and that the conference will reconvene and consider how it might further improve this bill prior to final passage.

Mr. President, I reserve the remainder of the time on this side.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky, Mr. FORD.

Mr. FORD. Mr. President, I understand that the other side has about 7½ minutes remaining and I have 9-plus remaining.

The PRESIDING OFFICER. The other side has 7 minutes remaining.

Mr. FORD. I have 9 minutes?

The PRESIDING OFFICER. The Senator has 9 minutes remaining.

Mr. FORD. I want to reserve 5 minutes for the majority leader.

The distinguished Senator from Oregon [Mr. HATFIELD] is here. He has been one of the stalwarts. He started with it. He is going to be there when it ends. I am grateful to him for not only his friendship, but his strong support.

I yield 4 minutes to Senator HATFIELD, so I might have 1 remaining.

The PRESIDING OFFICER. The Senator from Oregon [Mr. HATFIELD] is recognized for 4 minutes.

Mr. HATFIELD. Mr. President, I thank the Senator from Kentucky [Mr. FORD] for yielding me time. I will not exercise, probably, all of that time.

Mr. President, let me just first of all thank my colleagues on this side of the aisle who worked diligently in the effort to improve the bill from the perspective of a Republican minority. I appreciate also the work done in the conference, the good faith that was kept by the majority in that conference for pursuing the established position of the Senate. It did not achieve all the reforms that the Republican side desired. Yet I supported the bill initially, and I feel the changes that were made have strengthened the bill.

So I consider this at this time a bipartisan bill. I will not divide the percentages, but, nevertheless, from the standpoint of an original cosponsor of the bill, I really feel that the bill was worthy of passing as it was introduced on the floor.

Mr. President, since our last debate on this bill, the Commerce Department of our Federal Government has issued the release of the statistics on the election of 1992, the last Presidential election. In that, we had a 61-percent voter turnout, which was certainly a great improvement over the previous years, the previous cycles—4 percent higher

than in 1988, and, of course, it was higher than the lowest turnout record in 1964 of 57 percent.

Mr. President, I again want to stress that we are talking about 39 percent of the eligible Americans who did not vote in 1992. I think we can certainly take pleasure with the increasing statistics, but it still is a disgrace to the leading democracy in this country that we have 39 percent of our people eligible to vote who failed to exercise that responsibility.

There are many reasons, and I am not suggesting the registration procedure is the only reason that inhibits a greater participation in our system of voting than what we see in our statistics. I know that in this bill we address the voter registration process as one of the inhibiting forces. We are now saying, in effect, "Come participate. We are going to make it a simpler exercise to register."

And I say this is not a theory. This has been proven and been proven in my State by mail, by motor-voter registration, by the extension of this franchise with roving recorders for voter registration. All these have been exercises that have enhanced the voter turnout in my State. This is based upon a track record, not some philosophy, not some theory, but upon a track record not only of my State but other States that have operated the motor-voter.

I could talk today about the importance of a single vote and a single voter, so that we increase the voting by 1 by 2, by 50, by 1,000, by 1 million. Every voter that turns out, every voter that we encourage into the voting process, into the exercising of their rights, certainly is an enhancement of our democracy.

This is an invitation to democracy, not to partisanship. This is an invitation to enjoy democracy.

Mr. President, as I mentioned earlier, last week the U.S. Commerce Department released the official voter turnout rates for the 1992 election. The good news was that voter turnout for the Presidential election of 1992 was the largest since 1972. Sixty-one percent of the voting-age population reported voting in 1992—a rate 4 percent higher than in 1988, which at 57 percent was the lowest turnout recorded since the Federal Government began tabulating these figures in 1964. In total, approximately 114 million people voted in 1992, compared with 86 million in 1972.

Mixed with these encouraging figures, however, is the reality that while 61 percent of the population voted, 39 percent did not. We all know that the reasons for not voting are varied. Today, however, with our consideration of the conference report for the National Voter Registration Act of 1993, we are taking a major step toward eliminating one of the primary reasons why some in America still do not vote—our registration process. We are making voter registration an achievable goal for every American—whether they register at their local department of motor vehicles, through the mail or at a State agency. The national standard set in this legislation sends a strong signal to the 70 million eligible Americans who aren't registered to vote by inviting them into the electoral process.

Our action today underscores the importance of a single vote, a single voice, a single expression of interest in the political process. By opening the system, we are calling all Americans to participate in their Government. As many of my colleagues know, I have a love of history. I am struck today by the message of this legislation in an historical context. Throughout our past, history has been decided by a single vote: In 1645, a single vote gave Oliver Cromwell control of England; in 1649, a single vote caused Charles I of England to be executed; in 1776, a single vote gave America the English language instead of German; in 1839, a single vote elected Marcus Morton Governor of Massachusetts; in 1845, a single vote brought Texas into the Union; in 1868, a single vote saved President Johnson from impeachment; in 1876, a single vote changed France from a monarchy to a republic; in 1876, a single vote gave Rutherford B. Hayes the Presidency and in 1923, a single vote gave Adolf Hitler leadership of the Nazi Party. A sole vote, whether we agree with the outcome or not, should not be wasted in our electoral process today because of barriers which preclude access.

As I have said many times in the past, this bill is rooted in democracy, not partisanship. This bill stands for the premise that we are all Americans first, not Democrats or Republicans. We share a common heritage in the American democracy.

I am pleased that the conference report we are considering today includes many of the amendments raised by my side of the aisle when the Senate acted on this bill. My colleagues have improved the legislation in some areas; the political process has yielded a stronger final outcome. I urge my colleagues to stand above the partisan fray which still echoes in this Chamber regarding this bill by voting to accept this conference report.

Several of the concerns raised by my party have been addressed and it is time for this legislation to move forward.

It was just over 4 months ago that Senator FORD and I introduced the National Voter Registration Act in the 103d Congress—the same legislation as that which passed the Senate in the previous Congress. The difference this year is that following the 1992 elections, citizens across the country were calling for electoral reform covering everything from campaign financing to term limits. The context is right for an overhaul of our voter registration process.

I would like to take this opportunity to commend my friend and colleague from Kentucky, Senator FORD, for his commitment to this legislation and his ongoing efforts to ensure that this bill reflects a balance between access to the electoral process and protection from fraud and abuse. I would also like to commend my colleague from Minnesota, Senator DURENBERGER, for his work during the conference to draft anticoercion language for the agency-based registration procedures. He has added a significant safeguard to the process. Finally, I would like to express my gratitude to the coalition of interest groups who have labored long and hard for legislation which will open the system to society as a whole.

I urge my colleagues to adopt this conference report.

The PRESIDING OFFICER. Who yields time?

Mr. MCCONNELL. Mr. President, I yield such time as he may require to the Republican leader.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. Mr. President, I thank the manager of the bill, Senator MCCONNELL.

Mr. President, the know-it-alls at the New York Times editorial board are at it again. In another misguided editorial in today's editions, the Times makes its case for the so-called motor-voter bill, in the process trashing Republican efforts to improve this legislative lemon.

Once again, the Times is snarling because its pet legislation was subject to a two-party review, subject to the kind of two-party scrutiny the American people expect when Congress is spending the taxpayers dollars and socking them with big Government mandates. That's why Republicans tried to amend the motor-voter bill, tried to reduce the possibility of fraud and coercion, and tried to force Congress to pay for it instead of dumping the costly mandate on cash-strapped States. But, no, even modest improvements adopted in conference, including registration at military recruitment offices, were described as damaging in the New York Times. I am not surprised. Anything the New York Times editorial staff supports is always damaging to the taxpayers.

Overlooked by the Times in all its liberal zeal is one very important fact: The motor-voter bill is another unfunded mandate—I repeat, unfunded mandate—on our already overburdened States. When big brother in Washington slaps an unfunded mandate on the States, somebody has to pay the bill for the Federal edict, and that unhappy burden falls to State and local governments struggling to hold the line on taxes while providing essential serv-

ices. Did the Times mention this fact? Of course not.

In fact, when I challenged editorial board editor, Howell Raines, to seek the views of secretaries of state, the National Association of Counties, the National League of Cities, the National Association of Towns and Townships, the National Association of State Legislatures, or other representatives of State legislatures and localities who oppose the motor-voter mandate and its big price tag, Mr. Raines responded this way:

I do not think our advocacy would be influenced by the local and State officials that you mention. It seems to me that our national experience has instructed us that the franchise cannot be trimmed to the convenience of officeholders.

Apparently, Mr. Raines and the Times, sitting in their ivory tower, do not have to talk to the folks in the real world. You see, the Times knows what's best, not only for America, but for our State and local governments as well.

It appears the New York Times will not be satisfied until the Federal Government drives a voting booth up to the front door of every home in America, and forces folks to vote—Democrat, of course. Well, last time I checked, voting was a treasured privilege which some even call a civic duty. Do not get me wrong, in my view everyone ought to vote. But instead of recognizing voting as a personal responsibility, Mr. Raines and his crew see it as a Government responsibility.

But when it comes to practicing what it preaches, the Times flunks its own test. A young aide in my office recently ran for Congress from New York's Seventh Congressional District, covering portions of both Queens and the Bronx. Although the race occurred right in the Times' own backyard, this esteemed paper did not give his candidacy a single word of coverage—not one word of coverage, nor did it allow him to come before the editorial board for a candidate interview. The editorial board gave this talented reform candidate the cold shoulder, claiming his candidacy was not viable. Guess what? This not viable candidate received 44 percent of the vote in a heavily Democrat district—that is a higher vote percentage than President Clinton, George Bush, or Ross Perot received nationwide. And who knows how many other talented candidates—Republicans, Democrats, Independents—were not given the time of day by the paper that claims "all the news that's fit to print." It looks like the Times' editorial know-it-alls were more than happy to trim political competition for the convenience of newspaper editors.

So, I find it hard to take the Times seriously when it claims to know how to fix American politics. If the Times wants more people to vote, and wants to make elections more competitive, it ought to do its part by informing the readers, by reviewing candidates, by talking about the issues and give people their choices when they go to the polls.

Perhaps then, as the Times argues, today democracy with a small "d" will prevail.

Mr. President, let me just say finally, as I said before, nobody wants this bill—nobody. I think they are probably going to get it, but nobody wants it. My Governor does not want it, a Democrat. I have not had any calls from county officials or from city officials. I cannot think of anybody in America who wants this bill. It seems to me we are putting another mandate out there and saying if it is a welfare office, we have to mandate that you register to people. Of course, you cannot coerce them. There is language to that effect in there. It just does not make any sense to a lot of people.

So I suggest, again, those who want the Government to do everything, they are probably going to prevail. Those who want more mandates are probably going to prevail. But in the long run it is going to be the American taxpayers, the people who have to implement and manage the different laws in various States, who are going to be the ones at the short end. Not the voters, there are plenty of opportunities to register to vote in every State. I do not believe this bill will make one whit of difference. But if it makes the liberals happy, maybe it is worth it.

Mr. FORD. Mr. President, how much time is left on both sides?

The PRESIDING OFFICER. The Senator has 5 minutes remaining.

Mr. FORD. Does the other side have any time left?

The PRESIDING OFFICER. One minute and 21 seconds.

Mr. FORD. And I have 5 minutes left?

The PRESIDING OFFICER. Yes.

Mr. FORD. Let me take 1 minute.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 1 minute.

Mr. FORD. This is the 12th day we have debated this bill in this session. All we are attempting to do here is to reconnect the citizens with their Government, to give them an easier way to be registered to vote so if they want to vote they can vote.

You hear them say nobody wants this. Well, I can name secretaries of state, local offices—but they are politicos. They are politicos.

The people want this. People across this country, associations, organizations, want this bill. People want the bill. Sure, I can understand that politicians do not want it. They want to control what they have. The people might be uncontrollable. They might vote them out of office.

Let us give the people a chance here.

To reiterate, including today, this is the 12th legislative day that the Senate has considered the motor-voter bill. I think we can safely assume that we have fully debated every aspect of this bill, and that everything that can be said for and against this bill has been said.

I would like to make one point about this bill, and that is the goal. Motor-voter seeks to connect people to their Government by placing them on the rolls of eligible voters, so that if they want to vote, they can. It is that simple. Motor-voter reconnects citizens to their Government by expanding the opportunities for people to register to vote.

Last Friday, there was a lengthy debate about this conference report. Many Senators suggested that they preferred the Senate bill to the conference report. Let me remind my colleagues how we got to this conference report.

In February, the House passed the exact same bill which passed the Senate last Congress. We brought that bill to the floor and the Senate, through the legislative process, amended the bill. This required a conference. And conference committees require compromise. Seldom does one house get its way.

During our debate on the Senate bill, I promised to make a good faith effort to keep the Senate's amendments in the conference. Even the opponents to this bill have acknowledged that the core amendments have been largely kept intact.

I have kept my commitment in conference. And I believe that we have brought back a good bill. This conference report deserves the support on both sides of the aisle.

I urge my colleagues to join me in the adoption of this conference report.

Mr. FORD. Mr. President, I yield what time I have left to the distinguished majority leader.

The PRESIDING OFFICER (Mr. WELLSTONE). The majority leader is recognized.

Mr. MITCHELL. Mr. President, once again, in a practice that has become depressingly familiar, the Senate confronts another Republican filibuster. Filibuster, after filibuster, after filibuster; delay, after delay, after delay; obstruction, after obstruction, after obstruction.

From 1919 to 1971, the period covering 26 Congresses over 52 years, there were an average of fewer than one filibuster a year in the Senate. Frequently throughout an entire 2-year period of a Congress there were no filibusters. The filibuster was used on those rare occasions when a large national issue was at stake. It was not a party tactic, it was not used for repeated obstruction and delay. Sadly, that has changed. Now it is used as a party tactic. Now it is used for obstruction and delay.

In the last Congress, in this Senate, on 48 occasions motions had to be filed

to end filibusters—48 times; when for much of this century there was fewer than one filibuster a year. Not every one of those 48 was a Republican filibuster, but almost every one was. And now we have seen that pattern continuing into this year. On virtually every major bill that we attempt to bring up, we confront a filibuster. And, if ever there was an accurate editorial headline, it is the headline in today's New York Times which describes this as a useless filibuster.

This is a bill that would make it easier for Americans to register to vote. It is hard enough to understand why anybody would be against such a bill, let alone to filibuster against a bill to prevent a vote from occurring. Our colleagues have the perfect right to oppose the bill if they want. But they are not satisfied with that. They not only want to oppose the bill, they want to prevent a vote from occurring.

It has passed once in the Senate, it has passed twice in the House, the President favors it, the American people favor it, and yet a dedicated group of obstructionists is trying to prevent the Senate from even voting on it.

If the statistics I gave just a moment ago were not enough—48 motions to end filibusters in the last Congress—look at the pattern this year. We barely have been in session for 3 months and we have already had to file motions to end filibusters 12 times in this session of the Senate. Obviously, not all of them on different bills because many times we have to file cloture motions over and over again—as we have on this bill. We had to file two, in case we do not get it today, to have a vote tomorrow.

I hope the American people pay attention to and understand what is going on here. The question is whether the Senate is going to be able to function. The question is whether a minority can continuously thwart the will, not just of the majority of the Senate, but of the American people. This bill has the support of the American people. It will make it easier for Americans to register and vote.

I have heard all these tired arguments about fraud. I can only say this. I am proud that I represent the State of Maine, where we have had these voting procedures in place for some years.

Mr. President I ask unanimous consent I use my leader time to be able to complete my statement.

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

Mr. MITCHELL. In this last election, proportionately more people voted in Maine than in any other State of the country—No. 1 in the Nation in participation, and not one recorded case of fraud.

I hope the other Senators will encourage the people in their States to vote. I say to my Republican colleagues, do not be afraid of democracy. We elect Republicans in Maine from time to time—good ones; good men and women who represent our State. We found that we can compete fairly and vigorously when more people participate.

What are they afraid of? Why are they afraid of the people participating in the democratic process? Why do they not let us vote? Let us proceed, Mr. President. Let us vote. Let us get cloture. Let us end this filibuster and let us let the American people participate in democracy.

The PRESIDING OFFICER. The junior Senator from Kentucky has 1 minute, 21 seconds remaining.

Mr. MCCONNELL. I want to see if anybody on this side wants to use that minute.

The PRESIDING OFFICER. The Senator has 52 seconds remaining.

Mr. MCCONNELL. Time is fleeting.

Mr. MCCAIN. Mr. President, I reluctantly oppose the conference report to H.R. 2, the motor-voter bill. Although I applaud the goals of this bill and strongly support removing the barriers that discourage individuals from registering and voting, the conference report before us today takes a rather selective approach to increasing voter registration and imposes unneeded costs on local communities.

Three aspects of this bill greatly trouble me. First, the bill links Federal monetary assistance to voter registration. Second, the bill places upon the States a mandate that we do not fund. Last, the bill is very selective in whom it seeks to register.

First, the conference report before the Senate today mandates that public assistance offices seek to register and assist in registering clients of those agencies. Mr. President, I strongly oppose this provision of the bill.

By mandating that public assistance offices register their clientele to vote, the act of registering and the financial well-being of those individuals become intrinsically linked. Although a provision was added to the bill that requires that public agencies inform benefit recipients that registration is optional and the level of their benefits will not be affected by not registering, I still believe that the link between registering and benefits exists.

When an individual seeks direct financial assistance from a social service agency—in other words, when that individual's financial survival is dependent on the actions of a social services agency—that individual is uniquely vulnerable to the powers of suggestion and coercion. No notice or warning, as the conference report mandates, is sufficient to de-link this connection.

Mr. President, I believe that this issue may come back to haunt us. I only hope that in 5 or 10 years we are not forced to revisit this issue because certain sectors of society believe that they have become victims of coercion.

Second, Mr. President, this bill places an undue, excessive cost burden on the States. When an issue is important enough for the Federal Government to mandate a certain type of action, then it is important enough for the Federal Government to pay for the mandate. All too often we in Washington, DC, pass unfunded Federal mandates which make it exceedingly difficult for States and local governments to do their work. This bill is one such example.

My State of Arizona already has a motor-voter policy. Voter registration rates in Arizona are among the highest in the country. Yet under this bill Arizona will be forced by the Federal Government to change its current system at great cost to Arizona taxpayers.

The Maricopa County Recorder's office has estimated that the cost of complying with this Federal mandate to Maricopa County alone will be approximately $900,000 for the first year after this bill becomes law.

Last, Mr. President, it greatly disturbs me that the proponents of this bill believe we must require social services agencies to register their clients, but that the military should not actively register its members. Why have the sponsors of this bill taken such a selective approach to voter registration?

It is my understanding that the proponents of this bill claim that increased voter registration will be beneficial to our Nation. I do not disagree with this claim. Yet if the goal of the bill is increased voter registration—nationwide, cutting across all racial, ethnic, and political lines—then why does this bill mandate that welfare offices register people to vote, but only encourages the military to do so.

It is these kinds of games that has caused the public's faith in Government to sink so low. Mr. President, it is these kinds of games, not voter registration laws, that have caused people to stay away from the polls and abstain from voting.

I offered an amendment during consideration of this bill that would have mandated that the military seek to register our sailors, soldiers, and airmen. It is only fair that the men and women in uniform be treated with the same consideration as welfare recipients. This conference report, however, unfairly makes it easier for welfare recipients to register than the men and women in the military. This, as I have stated, I believe is wrong.

Mr. President, I support efforts to increase voter registration. I believe that all of my colleagues feel the same way. What is unfortunate is that this bill does not truly address the issue. This bill is more smoke and mirrors, more games being played at the public's expense. Unfortunately, this flawed bill does not deserve the support of the Senate.

CLOTURE MOTION

The PRESIDING OFFICER. All time has expired. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

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 the debate on the conference report to accompany H.R. 2, the National Voter Registration Procedures bill:

George Mitchell, Joseph Lieberman, Paul Simon, Barbara Boxer, Max Baucus, Carl Levin, Harris Wofford, Frank R. Lautenberg, Harry Reid, John F. Kerry, Harlan Mathews, Wendell Ford, Patty Murray, Byron L. Dorgan, Russell D. Feingold, Herb Kohl, Carol Moseley-Braun, Paul Wellstone.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the conference report accompanying H.R. 2, the National Voter Registration Procedures Act, shall be brought to a close?

The yeas and nays are required. The clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 63, nays 37, as follows:

[Rollcall Vote No. 117 Leg.]

YEAS—63

Akaka	Feingold	Mathews
Baucus	Feinstein	Metzenbaum
Biden	Ford	Mikulski
Bingaman	Glenn	Mitchell
Boren	Graham	Moseley-Braun
Boxer	Harkin	Moynihan
Bradley	Hatfield	Murray
Breaux	Heflin	Nunn
Bryan	Hollings	Pell
Bumpers	Inouye	Pryor
Byrd	Jeffords	Reid
Campbell	Johnston	Riegle
Cohen	Kennedy	Robb
Conrad	Kerrey	Rockefeller
Daschle	Kerry	Sarbanes
DeConcini	Kohl	Sasser
Dodd	Krueger	Shelby
Domenici	Lautenberg	Simon
Dorgan	Leahy	Specter
Durenberger	Levin	Wellstone
Exon	Lieberman	Wofford

NAYS—37

Bennett	Dole	Lugar
Bond	Faircloth	Mack
Brown	Gorton	McCain
Burns	Gramm	McConnell
Chafee	Grassley	Murkowski
Coats	Gregg	Nickles
Cochran	Hatch	Packwood
Coverdell	Helms	Pressler
Craig	Kassebaum	Roth
D'Amato	Kempthorne	Simpson
Danforth	Lott	Stevens
Smith	Thurmond	Wallop
		Warner

The PRESIDING OFFICER. If there are no other Senators wishing to vote, on this vote the yeas are 63, the nays are 37. Three-fifths of the Senate duly chosen and sworn having voted in the affirmative, the motion is agreed to.

NATIONAL VOTER REGISTRATION ACT OF 1993—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. FORD. Mr. President, my friend, Senator DOLE is here, the Republican leader, and we have debated this now for 12 days here in the Senate.

I wonder if there is a chance we might waive the 30 hours and go on and pass this bill.

Does the Republican leaders have any though on that?

Mr. DOLE. I have not thought a great deal about it.

Mr. FORD. The Senator does not have to think too much; just say yes.

Mr. DOLE. That is not a requirement in this body. In any event, we will be happy to.

I would like to talk to the majority leader about the program for the next week or so. I think we can make some accommodation.

I think we have had the debate, and I want to congratulate the distinguished Senator from Kentucky. He has prevailed, and we are prepared to move ahead. One thing we do not like is gridlock.

Mr. FORD. I understand that. That is one reason I prevailed upon the Senator from Kansas, the Republican leader. I know he does not like gridlock, and that was the reason I thought we might be able to go on to a quick vote.

Mr. DOLE. But if the Senator will just yield further, Mr. President, I wanted to point out some gridlock we had last year that never got passed: Incentives for first-time homebuyers; capital gains tax rate reduction; enterprise zones; investment tax allowance; $500 per child increase in personal exemption; regulatory review; comprehensive health care reform; health insurance market reform; malpractice reform; balanced budget; line item veto; capping the growth of mandatory spending; enhanced rescission authority; America 2000, Excellence in Education; Job Training 2000; comprehensive crime——

The PRESIDING OFFICER. Will the Senator yield for a moment?

Mr. DOLE. Yes, Mr. President.

The PRESIDING OFFICER. Order in the Chamber, please. All discussion will cease.

Mr. DOLE. Comprehensive crime bill—I thank the Chair—and product liability.

These are just a few items that we thought were brushed off. Maybe we can put them in a big package, if we are told here we can propose anything.

We noticed nobody quarreled when President Bush wanted all these initiatives that would have helped the economy and helped America, and we were told by the majority—they do not have to filibuster; they just do not bring them up. That is one of the advantages of being in the majority. We were told, "The President is not a king," and we agree with that. And we were told that in some cases, bills may just be so bad as far as the national interest is concerned that they have to be defeated; and we agree with that. But we never even had a chance to defeat these. They were never raised.

So when I hear or see the crocodile tears being shed on the other side about filibuster, which should be a last resort measure, not a first resort measure—in the old days, we would have debate for a couple days and decide when to file the cloture motion—it is now standard procedure to bring up a bill and someone files cloture. No wonder you have more cloture motions filed.

I say to my colleagues on both sides of the aisle, we have some responsibility in the Senate and there are some times we are going to disagree, just as we had disagreement before. When you are in the majority and disagree, it is easier. You just never face up to it. You never bring it up, and nobody ever knows the difference.

From time to time, we will have disagreements, and these are very fine. This is just a little subsist we put together here just to indicate there are a lot of measures that had a lot of merit that never saw the light of day, never passed the Congress, never got to the White House, not because of anybody on this side; there was not any gridlock over here; there was not any filibuster over here. On all these incentives, I did not hear anybody screaming gridlock on the other side.

But, oh, it would have been nice to have the capital gains tax rate reduction, enterprise zones, incentives for first-time home buyers, an increase in per child exemption of $500, and health insurance market reform—where everybody agreed; we were just never able to bring it up—line item veto, all those things. Capping the growth of mandatory spending would have really helped the economy and helped President Clinton. But for some reason, none of these were enacted into law.

I just again congratulate the distinguished Senator from Kentucky and the majority leader, because on this issue they prevailed. It is not a major issue; it is another unfunded mandate. Someone will have to pick up the tab for couple hundred million dollars.

Again, if that is what some people think we ought to do—just push it off on the taxpayers—then that is the will

of the Senate and we understand that, and we are not going to try to withhold final judgment much longer.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, first, I look forward to consulting with the distinguished Republican leader on the completion of the pending bill, cloture having been invoked by the Senate. And I hope we can do that promptly.

Second, I will be pleased to review the list which the Republican leader read off. I was hearing it for the first time, so I did not catch all of them. But several of them were included in the tax bills which the Senate twice passed, and which President Bush vetoed.

And third, I thought I heard a reference to a comprehensive crime bill. Unless my recollection fails me, that is a bill that we passed but we could not complete action on in the Senate, in the conference report, because of Republican filibuster. So I guess it closes the circle that it should not now become the subject of discussion as a result of this filibuster.

In any event, I am pleased that the Senate has taken this important action to pass this important bill. I would just like to correct one statement that has been made—and I am certain the Republican leader made the statement inadvertently—when he said that we bring up a bill then file cloture right away. I am speaking from memory, but it is my recollection that not once in the 5 years that I have been majority leader have we filed cloture at the time we brought up the bill.

We did file cloture on motions to proceed to the bill, when we were informed by our Republican colleagues that they did intend to delay action.

I will check the record. There may have been one occasion or two in which that occurred, but it has been my practice not to do that and to permit a period of debate and discussion on a bill before filing cloture.

Mr. SARBANES. Will the majority leader yield on that point?

Mr. MITCHELL. Yes.

Mr. SARBANES. I think it is very important to underscore that the way the rules of the Senate work, there, in effect, can be a double filibuster, unfortunately. I think it is a grievous defect in the rules, very frankly.

The other side can filibuster just bringing up the bill to begin with. I mean, we cannot even get to the bill and a filibuster is mounted. And there have been times when there has been an indication that that is exactly what would happen if we tried to even bring the bill up.

Then, once you finally get the bill up, why, of course, there can be a filibuster on the bill itself. So you can have, in effect, a double filibuster.

Mr. DOLE. Will the Senator yield?

Mr. SARBANES. The majority leader controls the time.

Mr. MITCHELL. I yield to the Republican leader.

Mr. DOLE. I want to remind the Senator from Maryland that he participated in such a filibuster on ANWR last year on a motion to proceed. We never got the bill up. The Senator from Maryland was right in there, saying, "Don't bring this bill up."

Mr. SARBANES. Well, I want to say to the Republican leader, given that the rule exists, people use the rule. I frankly think we ought to get rid of the rule, and I am prepared to support doing that.

I also want to make the important point that, as I listened to the minority leader talk, I got the impression that the minority feels that they ought to be able, in effect, to determine the agenda.

Our complaint now with the use of the filibuster is that a majority is being denied the opportunity to actually have a vote on the legislation. In other words, the minority is using it to prevent action by the majority on legislation that is before the Senate.

Now the Republican leader comes back and says—I assume, I have not looked over the whole list, so I do not know the details of each one of them, although I do know that on the crime bill there was an effort to get cloture and we got, I think, 56 or 57 votes at the high watermark on the crime bill in order to cut off debate. So 56 Members wanted to cut off debate and wanted to actually vote on that conference report and, of course, 44 others denied the opportunity to get to it. So you had a situation in which a clear minority was preventing a majority from working its will.

Mr. MITCHELL. Mr. President, if the Senator has completed his remarks, I yield the floor.

Mr. DOLE. Mr. President, I also want to congratulate my colleague on this side of the aisle from Kentucky for his outstanding work on this issue. We have made a number of changes that have made this bill a better piece of legislation, and it is largely due to the efforts of the distinguished Senator from Kentucky [Mr. MCCONNELL].

Again, that is another reason we were on the floor day after day after day. If we do not have an obligation on both sides of the aisle to improve legislation, then what are we here for? The Senator from Kentucky understands that.

We made seven or eight changes in the legislation. It has made it a better bill, made it possible to pass the bill today, to get cloture, because the senior Senator from Minnesota [Mr. DURENBERGER] was able to support cloture today because of changes that were made in the conference.

Again, I want to say that I think the conference, as the majority leader indicated, acted in good faith, got everything they could. They could not get the one provision, but they did get some language that even supports trying to avoid fraud and coercion and things of that kind.

So I think, after all is said and done, it is a better piece of legislation than it was. I do not know of anybody who is demanding it. I am not certain it is going to help get more people to vote. We will see what happens over the next few years.

But, in any event, this piece of legislation will soon be history, and I wanted to make certain that I acknowledged the untiring efforts of my colleague, Senator MCCONNELL.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PELL. 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, the conference report on the National Voter Registration Act of 1993 is the culmination of an ill-fated attempt to reform the voter registration system. It is yet another example of the unwillingness of Congress to halt the waste of taxpayer dollars through unfunded mandates on the States.

CBO has estimated that during fiscal years 1994 through 1998, this bill will cost taxpayers $18 million at the Federal level and $105 million at the State level.

Last November, voter turnout records were shattered. More people voted than in any election since 1972, yet Congress wants to force taxpayers to waste their hard earned money to increase voter participation. Aren't there better ways to spend limited taxpayer funds? I just don't get it.

According to a report from the Commerce Department's Census Bureau, released May 5, 1993, titled, "Voting and Registration in the Election of November, 1992," "61 percent of the voting-age population said that they went to the polls in 1992, the highest turnout since the elections of 1972."

Jennings report shows that in total, approximately 114 million people voted in 1992 compared with 86 million in 1972. It also shows an increase in new registrations before the 1992 election.

This bill mandates a specific approach to voter registration, in a purported attempt to get even more people to register to vote. Well, Mr. President, voter registration has traditionally been a State issue. I believe it should stay that way.

Iowa offers numerous opportunities for people to register to vote. For example, people may register at driver's license renewal offices, State government offices, universities, through the mail, including registration forms pro-

vided in tax returns and in telephone directories, and various other ways.

More than 30 States already offer these various opportunities to register to vote. In light of these efforts to register people to vote and the record-breaking turnout in the November elections, why do we need the motor-voter bill?

With the extensive availability of voter registration in 30 States, perhaps the lower turnout in past years should be attributed to other things besides the difficulty of voter registration, as the proponents suggest.

Could it be attributed to the frustration that citizens feel with their Federal leaders and the political system?

Could it be that our constituents are tired of their leaders acting as if they live above the law by passing laws that apply to everyone but themselves?

Or maybe it is the foolish way they see their leaders spending Federal funds when the deficit is breaking the backs of our children.

If we want to see higher voter turnout, perhaps we need to work toward greater accountability for Government officials. Maybe this increased accountability would restore the confidence of the American people in their leaders and the system.

If the election of 1992 told us anything, it told us that our constituents want a change. They are tired of the same old way of doing things.

I am pleased that the conference committee saw fit to remove unemployment offices from the list of mandatory registration sites. Unfortunately, I do not believe this step goes far enough in removing the prohibitive costs on the States to implement this bill.

Maybe we should run the numbers for other Federal programs which will be affected by this mandate. The WIC Program in Iowa sees approximately 30,000 adults each month. Add to this the offices providing services to the disabled and the expense would be astronomical.

Mr. President, I simply do not believe we can justify the cost of another unfunded Federal mandate when we consider the active involvement of the States in registering people to vote and the recordbreaking turnout of the November elections.

I believe the States should maintain their authority in this important area. Iowa is doing a good job with almost 78 percent of our citizens registered to vote in this past election and over 70 percent actually voting. I don't want the Federal Government to do anything to interfere with Iowa's success. It is for these and other reasons that I will vote against the conference report to the motor-voter bill.

Mr. AKAKA. Mr. President, as a cosponsor of the National Voter Registration Act of 1993, I am dismayed that our colleagues on the other side of the aisle are continuing to block passage of this legislation. The problem of declining voter registration is not new to this Chamber.

Opponents of the conference report argue that the bill gives rise to increased voter fraud. To safeguard against this, the measure would impose Federal criminal penalties on anyone who attempts to commit registration or other election fraud. An individual who knowingly and willfully intimidates, threatens, or coerces another into registering or voting, procures or submits false registration, or procures, casts or tabulates fraudulent ballots would face a fine or a prison sentence.

Critics of the bill also contend that H.R. 2 would place an unfair financial burden on the States. I disagree. The Congressional Budget Office estimates that the total direct cost of this bill to all 50 States would be $20 million. However, CBO concludes that States could save $10 million in a Presidential election year and $7 million in a non-Presidential election year. Added to this $7–$10 million savings is an approximate $4 million annually saved in postage costs because H.R. 2 would reduce the postal rate for all mailings required by the bill.

Although voter turnout in 1992 was about 5 percent higher than previous elections, 45 percent of eligible citizens chose not to vote. We know that when people are registered, they are more likely to vote. But when approximately 40 percent of all eligible votes are not registered, overall turnout will remain low. An estimated 38 percent of those eligible to vote in the past Presidential election were not registered.

In order to register to vote, individuals must now contend with a variety of local registration laws and procedures that may inhibit voter participation. Enacting uniform national registration procedures is the most practical way to register eligible voters. By making voter registration more accessible, we would increase the number of registered voters and expand the most fundamental right of all Americans.

Mr. President, I cosponsored this bill as I did in the 102d Congress. And, during the last Congress, I was pleased to cosponsor Public Law 102-344 which extended provisions of the Voting Rights Act to ensure language assistance to citizens who would otherwise be prevented from voting by their limited proficiency in English. That measure reconfirmed Congress' commitment to enfranchising all eligible Americans. Passage of this conference report takes this commitment a giant step further.

Mr. SPECTER. Mr. President, I seek recognition to speak for not in excess of 7 minutes as in morning business.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. I thank the Chair.

(The remarks of Mr. SPECTER pertaining to the introduction of Senate Joint Resolution 93 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SPECTER. Mr. President, I thank the Chair and yield the floor.

Mr. FORD. Mr. President, I see no other Senator wishing to be recognized. 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 (Mr. MATHEWS). Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the vote on adoption of the pending conference report occur at 4:30 p.m. today, and that at 4 p.m. tomorrow the Senate proceed to the consideration of Calendar No. 53, S. 714, the RTC reauthorization bill.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

Mr. MITCHELL. Mr. President, I thank my colleague, the distinguished Republican leader, and the managers of the bill, the distinguished Senators from Kentucky, for their cooperation in this matter.

Under this agreement, there will be a vote at 4:30 today, that is, in approximately 21 minutes, on the conference report, and then the Senate will proceed to consideration of the RTC reauthorization bill at 4 p.m. tomorrow. Senators should not infer from that agreement that no action will occur between those two events. There may be other business before the Senate then. I am discussing with the distinguished Republican leader other matters that may be before the Senate.

Mr. DOLE. Will the majority leader yield?

Mr. MITCHELL. Yes.

Mr. DOLE. I have indicated to some of my Members on this side that the majority leader may move to some of the nominations on the calendar. I have indicated to them there are some cases where there may be a legitimate reason to hold the nomination. And others I would hope they would not. If they are waiting for a personal visit from the nominee or if they are waiting for a letter to be answered, some legitimate request, then I assume there will not be any effort to move those nominations. But I have advised and will advise by hotline that we would like to dispose of as many nominations this evening and tomorrow as possible.

Mr. MITCHELL. Mr. President, the distinguished Republican leader is correct. As in the past, we will, of course, honor a reasonable request for a Senator to have a chance to speak with or to obtain information from a prospective nominee, and we will not make

any effort to proceed immediately as long as such matters are outstanding for, obviously, a reasonable amount of time. We do hope to gain approval of as many other nominations, where no such circumstance exists, as is possible.

Mr. President, might I say that is the subject to which I referred earlier. It may be necessary—although we hope not—to attempt to proceed to some of these nominations during the day tomorrow, and it is that to which I referred earlier when I stated that Senators should not assume from this agreement that there will be no votes between 4:30 today and 4 p.m. tomorrow; although we will make every effort to accommodate the schedules of Senators.

Mr. President, I thank my friend, the distinguished Republican leader, and I yield the floor.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, announces that pursuant to title 22, United States Code, section 276–276g, as amended, appoints the Senator from Iowa [Mr. GRASSLEY] as a member of the Senate delegation to the Canada-United States Interparliamentary Group during the 1st session of the 103d Congress, to be held in Halifax, Nova Scotia, Canada, May 13–17, 1993.

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

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

AUTHORIZING ADDITIONAL COPIES OF SENATE HEARING

Mr. FORD. Mr. President, on behalf of the majority leader, Senator MITCHELL, I ask unanimous consent that the Committee on Rules and Administration be discharged from further consideration of Senate Resolution 101, a resolution authorizing additional copies of the Senate hearing titled "Nomination of Judge Clarence Thomas to be Associate Justice of the Supreme Court of the United States"; that the Senate proceed to its immediate consideration; that the resolution be deemed agreed to, and the motion to reconsider be laid on the table.

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

So the resolution (S. Res. 101) was deemed agreed to, and reads as follows:

S. RES. 101

Resolved, That in addition to the usual number, there shall be printed 250 copies of volumes 1, 2, 3, and 4 of Senate hearing entitled, "Nomination of Judge Clarence Thomas to be Associate Justice of the Supreme Court of the United States", which may be printed at a cost not to exceed $1,200 per volume, for the use of the Committee on the Judiciary.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceed to call the roll.

Mr. DURENBERGER. 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 VOTER REGISTRATION ACT OF 1993—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

Mr. DURENBERGER. Mr. President, I rise today in support of the conference report on the National Voter Registration Act, better known as the motor-voter bill.

At the outset, I have to say that the State of Kentucky which is well known for a variety of things, from race horses to things that are consumed, has been incredibly well represented during the debate on motor-voter bill by their Senators. I want to be the first of many to compliment Senator WENDELL FORD for his leadership to promote universal access to voter registration. And I also want to thank my friend and colleague Senator MCCONNELL for his firm commitment to preserving the integrity of the election process. I believe having been sort of in the middle of this for a while, it is because of the involvement of these two Senators from different political parties from the same State that made it possible for the motor-voter bill to accomplish both of their objectives.

The motor-voter bill provides for voter registration at driver's license stations, registration by mail, and registration at certain State agencies. I have always supported the concept of this legislation. I believe that we should remove barriers that prevent any American from participating in civil society, especially barriers to full participation in the political process.

I was the author of the Voters' Rights Act a few years ago for people with disabilities which required much of the same access at the local level for people with disability.

My home State of Minnesota already registers voters using the methods outlined in this bill. In fact, we go even further than that. We allow voters to register on election day, as a result of which provision my State of Minnesota is specifically exempted from coverage under motor-voter.

So you see, Mr. President, I have had the rare luxury of considering legislation that will impact nearly every State but my own. In spite of my support for the motor-voter concept, I felt a responsibility to listen to the concerns of my colleagues from other States where the motor-voter bill will apply.

Many of my Republican colleagues were concerned that in expediting the voter registration process, we might also be opening the door to increased fraud, abuse, and coercion in the electoral process. For this reason, Republicans offered a core package of amendments to address these concerns.

If not for the presumption of unlimited debate in the Senate, these amendments might never have been seriously considered. But because the Senate requires 60 votes to cutoff debate, Republicans were able to leverage the acceptance of their core package in the Senate version of motor-voter.

The conference report adopts virtually all of the Republican core package. Some of the provisions in the core package included: Requiring an affirmative act to register; informing registrants of the penalties for submitting a false application; allowing registrants to refuse assistance, and to fill out their application in private; allowing States to determine the proper polling place for persons who have moved within a voting jurisdiction, and removing the loophole that would allow States to adopt same-day registration in the future solely to escape the mandates of motor-voter.

I think each of these would be substantial improvement to this bill.

The most contentious part of the core package for the conferees seemed to be the provision that would permit—but not require—States to place voter registration in public assistance agencies and unemployment offices. The concern Republicans were trying to address was twofold. First, that States should have flexibility in determining where to place registration, and second, that applicants should not feel pressured to register—or to register a certain way—when they are in the very offices where they have gone for help.

On the other hand, the concern of many of the conferees was that people who don't have driver's licenses, many of whom are disabled or receiving public assistance, might be disadvantaged if voter registration were not required in public assistance offices.

Because I did not want to see the motor-voter bill die over this issue, I offered compromise language to the conference committee that I believe addresses the concerns of both sides. Under the conference agreement, voter registration will be required in public assistance agencies, and agencies that provide services to the disabled. Voter registration will not be required in unemployment offices.

Under my compromise, applicants in State agencies would be provided with

a form that advises them of their right to register or not register, that their benefits will not be affected by their decision, that they have the right to privacy or assistance while they register, and that they may file a complaint with election officials if they believe they have been coerced in the registration process.

I also urged the conference committee to accept a Senate provision that was offered by Senator MCCAIN, requiring voter registration in military recruitment offices.

I am happy that the conference committee adopted the Republican core package virtually in its entirety, along with my compromise language dealing with coercion and Senator MCCAIN's military recruitment provision. I believe that a strong, solid motor-voter bill emerged from conference.

Some people have recently criticized the presumption of unlimited debate in the Senate—denouncing it as an instrument of gridlock.

I would ask these critics to learn the lesson of motor-voter—that our tradition of unlimited debate can serve as a powerful tool to promote consensus-building and dialog between the parties. I hope that this lesson will carry over to the many other difficult policy issues that will face this body.

Again, I thank Senator FORD and Senator MCCONNELL for their efforts on the floor and in conference committee regarding motor-voter. I believe that we have a better bill because of their leadership.

I would also like to thank the League of Women Voters and the many other groups who have championed increased access to the political process during the debate on motor-voter. In particular, I am grateful for the involvement of the disability community—in Minnesota and nationwide—for their efforts in helping us understand issues involving access, and helping us resolve these issues in a successful compromise.

I look forward to working with my colleagues and others in the months ahead to promote full participation in the political process by all Americans.

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. FORD. 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. FORD. Mr. President, as I understand it, the unanimous-consent agreement is that we vote on the conference report on motor-voter. With that in mind, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. KEMPTHORNE. Mr. President, I will always remember with pride the first amendment I introduced on the floor of the Senate. As the first in my freshman class, I sought an amendment to the motor-voter bill, which would have exempted from the onerous provisions of this bill, States which had demonstrated their ability to register their citizens to vote. I introduced an amendment to remove from consideration States which had registered to vote 75 percent of their voting-age populations. I will always be proud of this amendment because I felt compelled to act for Idaho and for all States which will suffer under the boot of this costly and unrelenting Federal mandate.

Following the 1992 election cycle, 22 States had over 75 percent of their eligible voters registered. My amendment recognized the accomplishments of those States and exempted them from the provisions of the motor-voter bill. Furthermore, my amendment held out the incentive to any State which could better the national average before the implementation dates by allowing them to avoid the mandates in motor-voter.

This Congress must end the practice of imposing new mandates on States and local governments. We must give incentives to induce performance to States and local governments.

The Congressional Budget Office estimated that the motor-voter bill would cost between $20 to $25 million a year for the first 5 years and a one time cost of $60 to $70 million to computerize registration lists. The Conference of State Legislatures estimated total costs of $58 million.

Pete Cenarrusa, the Idaho secretary of state, Secretary Cenarrusa railed against what he called an insidious intrusion into the rights of the States. He is justifiably proud of the efforts the State of Idaho has made under his stewardship and he sees motor-voter as an effort to hold a legislative hammer over the head of his State.

Anything sincerely believed is worth pursuing. And since I sincerely believe that the U.S. Senate must hear the cry from the people to stop heaping new requirements on the backs of States and local governments, I rose to try to seek relief for States which have acted most responsibly and cannot, by anyone, be faulted for their efforts.

During the debate on my amendment, my good friend from Kentucky, Senator WENDELL FORD claimed that my amendment would provide a disincentive to States to purge their voter registration records; that the registration rolls would swell. To this I answer that the presumption that heretofore responsible States would begin to act irresponsibly is simply Federal paternalism and must be swept from the Hill.

We do not argue here whether it is worthwhile to have Americans participate in this democracy. All of us recognize that it is worthwhile. What we argue here is, at what cost do we mandate the method and manner by which that participation is increased? We argue here an elemental principle between the paternalism of the Federal Government and the clear freedom of individual State legislatures who seek to develop a system that works best for their individual State. Many argue that this motor-voter bill is the correct solution to the apparent problem in some States of low voter registration, and I may agree.

I agree that if the State legislatures of the States are satisfied with the version of motor-voter that they have found successful that they should take no act which will reduce their success. If on the other hand States have found that another system has brought them equal success—why is it left to this body to steal that success away from them?

The time has truly come for this body to see that we must stop applying unfunded Federal mandates to States and local governments. The tide of public opinion is rising against the Federal Government. I am now, and will, stand on the side of the people. I will work to see this practice put to an end.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from West Virginia [Mr. ROCKEFELLER] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Utah [Mr. HATCH] is necessarily absent.

I further announce that, if present and voting, the Senator from Utah [Mr. HATCH] would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 62, nays 36, as follows:

[Rollcall Vote No. 118 Leg.]

YEAS—62

Akaka	Feinstein	Metzenbaum
Baucus	Ford	Mikulski
Biden	Glenn	Mitchell
Bingaman	Graham	Moseley-Braun
Boren	Harkin	Moynihan
Boxer	Hatfield	Murray
Bradley	Heflin	Nunn
Breaux	Hollings	Packwood
Bryan	Inouye	Pell
Bumpers	Jeffords	Pryor
Byrd	Johnston	Reid
Campbell	Kennedy	Riegle
Conrad	Kerrey	Robb
Daschle	Kerry	Sarbanes
DeConcini	Kohl	Sasser
Dodd	Krueger	Shelby
Domenici	Lautenberg	Simon
Dorgan	Leahy	Specter
Durenberger	Levin	Wellstone
Exon	Lieberman	Wofford
Feingold	Mathews	

NAYS—36

Bennett	Dole	McCain
Bond	Faircloth	McConnell
Brown	Gorton	Murkowski
Burns	Gramm	Nickles
Chafee	Grassley	Pressler
Coats	Gregg	Roth
Cochran	Helms	Simpson
Cohen	Kassebaum	Smith
Coverdell	Kempthorne	Stevens
Craig	Lott	Thurmond
D'Amato	Lugar	Wallop
Danforth	Mack	Warner

NOT VOTING—2

Hatch Rockefeller

So the conference report was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. SARBANES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FORD. Mr. President, I worked long and hard on this piece of legislation that now will become law upon the signature of the President, and he has said that he will sign it.

You try to thank a lot of people and it is very difficult to do because so many people played different roles and created different atmospheres that probably none of us will ever know about.

But I do want to thank Jack Sousa and Tom Zoeller of the Rules Committee and our director, Jim King. I want to especially thank Senator HATFIELD. He stood out like a beacon, if I could use that term, on the other side who was the original cosponsor from the beginning. We worked together very hard to bring this into being. Even though the percentage was not very big, he said it was a bipartisan effort.

I want to thank Sue Hildick of his staff for her hard work, and from Senator WELLSTONE'S staff, Colin McGinnis.

I have not heard anything from a politician who is for this bill. But we are going to find some elected officials who are for this bill out in the States. But, Mr. President, this was a grassroots effort. It started at home. The people at home, the organizations that came together, are the ones that brought this bill to its final conclusion today. There are representatives here today, Mr. President, of over 40 organizations in the coalition group which supported this measure and worked diligently to see its completion today.

It is unusual, I guess, that you thank someone from the other body for their hard work, but I want to thank Congressman AL SWIFT for his long and dedicated work on this legislation.

Mr. President, I hope that our constituents will begin to see a puzzle come together. We passed legislation on gifts and what we can receive, about lobbyists and all that. That was a plus, in my opinion. This bill is another piece of that puzzle coming together that we passed that will reconnect our constituency with Government and, oh, do we need that.

So I look forward now to this piece of legislation becoming law, and I look forward to seeing more participation in Government. This does not mean we are going to have an overwhelming number of people vote after this goes into place. This does not guarantee that more people will come to vote, but it does guarantee that more people will be registered. And if people are registered, they have the opportunity when they are inspired to do so to go to the polls and vote. And that is all we have done here.

But when you say that is all we have done, we have done something that is amazing, in my opinion. We have made it easier for the American people to be a part of their Government and when we do that, I think we have accomplished the purpose here. Oh, yes, we have a lot to do and we will do a lot.

But, Mr. President, again, I thank all those I did not name who had a part. The majority leader worked long and hard with all of us on this. He was never wavering in his effort to see this bill come together. I appreciate the President early on saying that he looked forward to receiving this piece of legislation and signing it into law.

THE EFFECT OF MOTOR-VOTER MANDATES ON RHODE ISLAND

Mr. CHAFEE. Mr. President, the Senate has voted to approve the conference report on the National Voter Registration Act. I have no argument with the intent of the bill, to increase voter registration in the hope of encouraging greater participation in the election process. As I stated in previous debate on this legislation, my own State of Rhode Island has a motor-voter program that has worked very well since its inception in 1990. My objection to this bill is that this is excessive micromanaging by the Federal Government. There is no public outcry for this legislation, and, even worse, in States like Rhode Island, we are preempting an existing, well-functioning motor-voter program.

H.R. 2 requires all 50 States to adopt uniform, federally mandated voter registration practices. Included are three major provisions: the well-known motor-voter provision, which requires the automatic registration of eligible individuals during routine transactions with State motor vehicle registries; a provision which would permit individuals to register by mail; and agency registration, which would permit individuals making applications for public assistance to be registered and allows registration at other facilities, such as community centers.

The majority of States already have some form of motor-voter registration. I am pleased that Rhode Island is among those States. All of the States are able to adopt motor-voter registration if they choose to do so. There is no reason for the Federal Government to impose these requirements on the States.

Many States will be compelled to revamp their registration procedures in order to comply with the Federal mandates. In the case of Rhode Island, it seems ridiculous to me to require a State that is grappling with difficult decisions about cutting basic services and already has highly accessible voter registration procedures—an established motor-voter program and more than 1,000 registrars during election years—to spend scarce resources on implementing federally mandated registration procedures.

The Board of Elections in Rhode Island has worked hard to develop and implement a fair system of registration, taking care to ensure that fraud is at a minimum. This bill, which the President is sure to sign into law, will cause our board of elections to throw away that system and start from scratch. In Rhode Island, we require proof of residence and ask the registrant to sign his or her name in two places so that an original signature will be on file both at the polls and in the office of the board of elections. This bill not only permits an individual to register without showing any proof of identity or residence, but the board of elections in Rhode Island wonders what they would be required to do if the mail registration form was filled out incorrectly. Would they be required to telephone each potential mail registrant? Would they throw the incorrect form away and leave the individual with the mistaken belief that he or she was registered?

Finally, the Rhode Island secretary of state, Barbara Leonard, is deeply concerned about preventing registration by illegal aliens. This conference report fails to require any verification of citizenship, thus opening the door to registration by illegal aliens.

This bill, while well motivated, is seriously flawed. The Federal Government should have better things to do with its time than inflict burdensome registration requirements on States that are already doing a fine job registering voters.

Mr. FORD. Mr. President, I do not know of any other Senator wishing to speak. 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. FORD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. FEINSTEIN). Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FORD. Madam President, I ask unanimous consent the Senate proceed to executive session to consider the following nominations: Calendar 67, Calendars 80 through 88, Calendar 97 through 101, Calendar 103 through 108, Calendar 111, Calendar 113 and 115; I further ask unanimous consent that the nominees be confirmed en bloc; that any statement appear in the RECORD as if read; that the motion to reconsider be laid upon the table en bloc; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF THE TREASURY

Frank N. Newman, of California, to be an Under Secretary of the Treasury.

DEPARTMENT OF AGRICULTURE

James R. Lyons, of Maryland, to be an Assistant Secretary of Agriculture.

Richard E. Rominger, of California, to be Deputy Secretary of Agriculture.

Richard E. Rominger, of California, to be a member of the Board of Directors of the Commodity Credit Corporation.

Bob J. Nash, of Arkansas, to be Under Secretary of Agriculture for Small Community and Rural Development.

Bob J. Nash, of Arkansas, to be a member of the Board of Directors of the Commodity Credit Corporation.

Wardell Clinton Townsend, Jr., of North Carolina, to be an Assistant Secretary of Agriculture.

Eugene Branstool, of Ohio, to be an Assistant Secretary of Agriculture.

Eugene Branstool, of Ohio, to be a member of the Board of Directors of the Commodity Credit Corporation.

DEPARTMENT OF DEFENSE

Jamie S. Gorelick, of Maryland, to be General Counsel of the Department of Defense.

DEPARTMENT OF THE INTERIOR

Nicolas P. Retsinas, of Rhode Island, to be an Assistant Secretary of Housing and Urban Development.

DEPARTMENT OF STATE

Thomas R. Pickering, of New Jersey, a career member of the Senior Foreign Service, with the personal rank of Career Ambassador, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Russian Federation.

Harry J. Gilmore, of Virginia, a career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Armenia.

E. Allan Wendt, of California, a career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Slovenia.

Victor Jackovich, of Iowa, a career member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Bosnia and Herzegovina.

Patrick Francis Kennedy, of Illinois, to be an Assistant Secretary of State.

Eric James Boswell, of California, a career member of the Senior Foreign Service, Class of Minister-Counselor, to be Director of the Office of Foreign Missions, with the rank of Ambassador.

Mary A. Ryan, of Texas, to be Assistant Secretary of State for Consular Affairs.

Conrad Kenneth Harper, of New York, to be Legal Adviser of the Department of State.

Victor Marrero, of New York, to be the Representative of the United States of America on the Economic and Social Council of the United Nations, with the rank of Ambassador.

Wendy Ruth Sherman, of Maryland, to be an Assistant Secretary of State.

DEPARTMENT OF THE TREASURY

Margaret Milner Richardson, of Texas, to be Commissioner of Internal Revenue.

Jeffrey Richard Shafer, of New Jersey, to be a Deputy Under Secretary of the Treasury.

George J. Weise, of Virginia, to be Commissioner of Customs (new position).

Mr. DOLE. Madam President, I just indicate that that clears all but eight on this list, and I assume some of those may be cleared maybe by tomorrow. So we are making progress. I discussed this earlier with the majority leader. Some have barely been on the calendar a day or two, but others have been on the calendar for a couple of weeks.

Again, I would say where there is a legitimate reason for the delay, waiting for a letter to be answered, waiting for a meeting, a personal meeting, I think everybody agrees that those are reasonable requests, as long as they do not run on and on, because I certainly agree that President Clinton needs and is entitled to have his people on board at the earliest possible time.

Mr. FORD. Madam President, I appreciate the attitude of the Republican leader. We want to move this along just as fast as we possibly can, and hopefully with just a few remaining we might be able to clear them today and tomorrow.

STATEMENT ON NOMINATION OF GEORGE WEISE TO BE COMMISSIONER OF CUSTOMS

Mr. DOLE. Mr. President, I want to reaffirm my support for the nomination of George Weise to be the new Commissioner of Customs. On January 28, just days after his inauguration, I sent a letter to President Clinton urging him to nominate George Weise to the position. I think it is important that Mr. Weise has previous experience in the commercial side of the programs under the jurisdiction of the Customs Service. He has held related positions in the private sector, and in both the legislative and executive branches of Government.

An article in today's Journal of Commerce written by staff reporter Tim Shorrock calls into question my support for George Weise. Mr. Shorrock might be in line for some kind of award. The article contains six factual errors, and that may be a record for an article about the mundane mechanical workings of the Senate. About the only thing that I agree with in the article is the statement by a spokesman of the Department of the Treasury. The quote is: "That's absolutely not true." Well, that quote is true, and that is about all that is in the article.

Mr. President, some 2 months ago, I wrote a letter to the Department of the Treasury asking certain questions about a personnel matter. That letter had remained unanswered until yesterday. In an effort to receive a response I placed a hold on the nomination for what is now only 2 days.

It did not get here until Friday, and we are going to act on it today. I was pleased that the Secretary of the Treasury, Secretary Bentsen, visited my office yesterday and hand delivered the letter. I think I can say, without revealing what was discussed, that he was a little upset that a letter dated March 17 had not yet been answered. He happened to give me the letter, and he indicated it was much too late.

This action is totally within the precedents of the Senate and should not be taken as any indication of my lack of support for Mr. Weise. It should be taken, however, as a sign that my colleagues and I expect the administration to respond to requests for information by the Congress.

This morning I received certain information I had originally requested and which was inadvertently left out of the response I received yesterday. Following that receipt, I asked for further clarification of the matter and hope to receive a response to that request either today or tomorrow. It is my hope the response will meet my objective to obtain this information and that the Senate can then approve the Weise nomination.

Mr. President, due to a new requirement in law, George Weise will be the first Commissioner of Customs to be confirmed by the Senate. I know his tenure at Customs will set a standard for all other Senate-confirmed Commissioners to follow. So George, I wish you, your wife Therese, and daughters Michelle and Melissa all the best in the future.

Mr. President, I ask unanimous consent that a letter from me to President Clinton regarding the Weise nomination be printed in the RECORD.

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

U.S. SENATE,
OFFICE OF THE REPUBLICAN LEADER,
Washington, DC, January 28, 1993.

Hon. BILL CLINTON,
President, the White House,
Washington, DC.

DEAR MR. PRESIDENT: I am writing to recommend George J. Weise, Staff Director of the Trade Subcommittee of the Committee on Ways and Means, as the next Commissioner of Customs.

As a member and former Chairman of the Senate Committee on Finance, I am aware of the important responsibilities of the Customs Service and believe strongly that Customs' complex mission in the future will require highly experienced and dedicated leadership. Mr. Weise's specialty is customs law. He worked at the Customs Service and has been a staff member of the Ways and Means Committee for nine years, serving as Staff Director of the Trade Subcommittee for the past four.

He has worked on virtually every piece of legislation affecting trade and customs law in that time. He has consistently demonstrated an ability to work successfully with the wide variety of interests affected by this legislation. His knowledge and professionalism are highly respected by Republican Members and he has worked well with both sides of the aisle in the Senate.

I respectfully urge that you give his appointment the most serious consideration.

Sincerely,

BOB DOLE.

STATEMENT ON THE NOMINATION OF NICOLAS RETSINAS

Mr. D'AMATO. Mr. President, I rise today to offer my support for the nomination of Mr. Nicolas Retsinas to be Assistant Secretary of Housing at the Department of Housing and Urban Development.

As ranking minority member of the Committee on Banking, Housing, and Urban Affairs I have had the opportunity to hear the testimony of the nominee and feel confident that he is qualified to fulfill the duties required of him.

In my view, as the Assistant Secretary of Housing, Mr. Retsinas will have one of the most demanding jobs at HUD. He will have a big job in front of him to carry out HUD's mission of increased housing opportunity, home ownership, and economic growth. The position for which he has been nominated encompasses a broad range of assisted housing, home ownership, and regulatory programs that benefit low- and moderate-income families and elderly and handicapped individuals. The goal of providing decent, safe, and affordable housing for all American families is the core of HUD's mission. Responsible management of the FHA and all programs as well as making the best use of available financial and human resources in the Office of Housing is essential.

It is only by working with HUD that we can best further the rights and needs of our citizens. I believe that we can only do that once the Department has a strong, qualified staff that is able to take on new responsibility and become involved in the day-to-day operation of HUD. I am confident that Mr. Retsinas possess' the responsibility, knowledge, and desire to fulfill the positions for which he has been selected and I look forward to working with him in the future.

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LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

MORNING BUSINESS

MESSAGES FROM THE PRESIDENT RECEIVED DURING RECESS

Under the authority of the order of the Senate of January 5, 1993, the Secretary of the Senate on May 10, 1993, received a message from the President of the United States submitting a nomination, which was referred to the Committee on Energy and Natural Resources.

The nomination received on May 10, 1993 is shown in today's RECORD at the end of the Senate proceedings.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-811. A communication from the Chairman of the Defense Base Closure and Realignment Commission, transmitting, pursuant to law, notice of documentation of certified material relative to Military Composite Standard Rates for fiscal year 1994; to the Committee on Armed Services.

EC-812. A communication from the Principal Deputy (Production and Logistics), Assistant Secretary of Defense, transmitting, pursuant to law, a report on continued military need for Bellows Air Force Station, Hawaii; to the Committee on Armed Services.

EC-813. A communication from the Chief of Legislative Affairs, Department of the Navy, transmitting, pursuant to law, notice of the intention to offer a vessel for transfer to the Government of Morocco; to the Committee on Armed Services.

EC-814. A communication from the Principal Deputy (Production and Logistics), Assistant Secretary of Defense, transmitting, pursuant to law, notice relative to reports on the revitalization initiatives for the U.S. shipbuilding industry; to the Committee on Armed Services.

EC-815. A communication from the Acting Comptroller of the Department of the Defense, transmitting, pursuant to law, notice of a fund transfer relative to the Republic of Kazakhstan; to the Committee on Armed Services.

EC-816. A communication from the Director of Defense Research and Engineering, Scientific Advisory Board, transmitting, pursuant to law, a report on the Strategic Environmental Research and Development Program; to the Committee on Armed Services.

EC-817. A communication from the Chairman of the United States Securities and Exchange Commission, transmitting, pursuant to law, the annual report for fiscal year 1992; to the Committee on Banking, Housing and Urban Affairs.

EC-818. A communication from the Acting Assistant Secretary (Legislative Affairs), Department of State, transmitting, pursuant to law, notice of a Presidential Determination relative to China; to the Committee on Banking, Housing and Urban Affairs.

EC-819. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation entitled "Coast Guard Authorization Act of 1993"; to the Committee on Commerce, Science and Transportation.

EC-820. A communication from the United States Trade Representative, transmitting, a draft of proposed legislation to authorize appropriations for fiscal years 1994 and 1995 for the Office of the United States Trade Representative; to the Committee on Finance.

EC-821. A communication from the Assistant Legal Adviser (Treaty Affairs), Department of State, transmitting, pursuant to law, notice of the texts of international agreements; to the Committee on Foreign Relations.

EC-822. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-22 adopted by the Council on April 7, 1993; to the Committee on Governmental Affairs.

EC-823. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-23 adopted by the Council on May 4, 1993; to the Committee on Governmental Affairs.

EC-824. A communication from the Senior Vice President, Federal Intermediate Credit Bank of Jackson, transmitting, pursuant to law, the report for the Farm Credit Retirement Plan for calendar year 1992 and audited financial statements; to the Committee on Governmental Affairs.

EC-825. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report on the activities and operations of the Public Integrity Section for calendar year 1991; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-73. A resolution adopted by the Arkansas General Assembly relative to Federal banking laws; to the Committee on Banking, Housing and Urban Affairs.

"HOUSE RESOLUTION

"Whereas, Arkansas banks have a commitment to meet the financial needs of their communities; and

"Whereas, Arkansas banks must remain healthy and profitable in order to participate in the state's economic recovery; and

"Whereas, Arkansas' small businesses need bank credit to assist continuing to stimulate the economic growth of this state; and

"Whereas, Congress and federal regulators have reacted to the savings and loan crisis by enacting onerous laws and regulations; and

"Whereas, these new regulations and laws, specifically FIRREA and FDICIA, mandate that banks apply many more restrictive guidelines in their management and lending practices; and

"Whereas, compliance with these new restrictive guidelines will impose excessive cost in reporting and compliance; and

"Whereas, these funds could be better utilized by meeting the credit needs of Arkansas businesses: Now, therefore, be it

"*Resolved by the House of Representatives of the Seventy-Ninth General Assembly of the*

State of Arkansas, That the Congress is encouraged to examine federal laws and regulations which relate to the regulatory and paperwork burden of commercial banks and to repeal those laws and regulations which do not effect safety and soundness, however, are unfairly restrictive and burdensome.

"*Be it further resolved*, That President Clinton is urged to issue an executive order to alleviate the unnecessary burdens and restrictions of these laws and regulations; and

"*Be it further resolved*, That copies of this resolution shall be transmitted by the clerk of the House of Representatives to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the Arkansas Congressional Delegation."

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BAUCUS (for himself and Mr. BURNS):

S. 927. A bill for the relief of Wade Bomar; to the Committee on the Judiciary.

By Mr. COHEN (for himself and Mr. DECONCINI):

S. 928. A bill to improve the cost-effectiveness of Federal property management; to the Committee on Governmental Affairs.

By Mr. BREAUX:

S. 929. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for contributions to individual investment accounts, and for other purposes; to the Committee on Finance.

By Mr. HATFIELD:

S. 930. A bill to extend the deadline under the Federal Power Act to applicable to the construction of a hydroelectric project in the State of Oregon; to the Committee on Energy and Natural Resources.

By Mr. HATCH (for himself, Mr. BENNETT, Mr. CAMPBELL, and Mr. JEFFORDS):

S. 931. A bill to amend the Harmonized Tariff Schedule of the United States to clarify the treatment of certain sports clothing; to the Committee on Finance.

By Mr. PELL (by request):

S. 932. A bill to amend the Bretton Woods Agreements Act to authorize consent to, and authorize appropriations for, the United States contribution to the Global Environment Facility, and for other purposes; to the Committee on Foreign Relations.

By Mr. CHAFEE:

S. 933. A bill to amend title XIX of the Social Security Act to allow States to provide coverage under Medicaid for the costs of prescription drugs for qualified Medicare beneficiaries, and for other purposes; to the Committee on Finance.

S. 934. A bill to amend title XVIII of the Social Security Act to permit Medicare select policies in all States and to modify the requirements with respect to such policies; to the Committee on Finance.

S. 935. A bill to amend title XVIII of the Social Security Act to exempt mental health services furnished to an individual who is a resident of a nursing facility from the limitation on the amount of incurred expenses for mental health services that may be taken into account in determining the amount of payment for such services under part B of the Medicare Program; to the Committee on Finance.

By Mr. CHAFEE (for himself, Mr. SIMON, and Mr. SHELBY):

S. 936. A bill to amend title XVIII of the Social Security Act to eliminate the annual cap on the amount of payment for outpatient physical therapy and occupational therapy services under part B of the Medicare Program, and for other purposes; to the Committee on Finance.

By Mrs. KASSEBAUM (for herself and Mr. DOLE):

S. 937. A bill to provide for a 1-year delay in the applicability of certain regulations to certain municipal solid waste landfills under the Solid Waste Disposal Act; to the Committee on Environment and Public Works.

By Mr. LAUTENBERG:

S. 938. A bill to amend the Solid Waste Disposal Act to enhance recycling opportunities, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SPECTER:

S.J. Res. 91. A joint resolution designating October 1993 and October 1994 as "National Domestic Violence Awareness Month"; to the Committee on the Judiciary.

By Mr. MOYNIHAN (for himself and Mr. D'AMATO):

S.J. Res. 92. A joint resolution to designate both the month of October 1993 and the month of October 1994 as "National Down Syndrome Awareness Month"; to the Committee on the Judiciary.

By Mr. SPECTER:

S.J. Res. 93. A joint resolution calling for the President to support efforts by the United Nations to conclude an international agreement to establish an international criminal court; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DORGAN (for himself and Mr. BURNS):

S. Con. Res. 25. A concurrent resolution expressing the sense of the Congress that China should purchase a majority of its imported wheat from the United States in order to reduce the trade imbalance between China and the United States; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BAUCUS (for himself and Mr. BURNS):

S. 927. A bill for the relief of Wade Bomar; to the Committee on the Judiciary.

PRIVATE RELIEF OF WADE BOMAR

Mr. BAUCUS. Mr. President, I rise today, along with my colleague Senator BURNS, to introduce an important piece of private relief legislation.

On August 6, 1989, hundreds of courageous men and women braved the intense heat and dense smoke in an effort to control the Pryor Gap fire that was steadily ripping through the heart of eastern Montana. Sadly, on this particular day, a young man by the name of Wade Bomar was severely injured when a tree unexpectedly toppled over and struck Mr. Bomar's back and legs. As a result of this tragic accident, Wade Bomar was left with the next to impossible task of providing for his wife and two young children while being permanently disabled.

The Public Safety Officers' Benefits Act as amended January 23, 1990, awards benefits to firefighters and other public safety officers that are permanently disabled as a result of injuries sustained in the line of duty on or after November 29, 1990.

Simply put, Wade Bomar and his young family are unfortunate victims of bad timing; a glitch in a law that was passed to help folks like them. The specific intent of this legislation is to compensate individuals just like Wade Bomar. Frankly, this young Montanan has been deprived of the compensation he deserves.

The private relief legislation that Senator BURNS and I are introducing today will award Wade Bomar the long overdue benefits that he has certainly earned.

I would ask that this letter of support for Mr. Bomar and his family from the U.S. Department of the Interior, Bureau of Indian Affairs as well as the full text of the bill be inserted into the RECORD at the end of my statement.

I strongly encourage my colleagues to support this legislation.

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

S. 927

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, Notwithstanding section 1303 of Public Law 101-647, Wade Bomar, of Billings, Montana, shall be eligible for public safety officers' disability benefits under section 1201 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796) to compensate for injuries sustained in the line of duty on August 6, 1989, while fighting the Pryor Gap fire, permanently depriving him of the use of his limbs.

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
Billings, MT, May 3, 1993.

Hon. MAX BAUCUS,
U.S. Senator,
Billings, MT.

DEAR SENATOR BAUCUS: The Bureau of Indian Affairs, Billings Area Office, supports the request by Mr. Wade Bomar to have the recent modification to the Public Safety Officer's Benefit Program made retroactive to the date of his accident which occurred on August 6, 1989. Mr. Bomar suffered an injury to his back which left him permanently without the use of his legs. At the time of the accident, Mr. Bomar was an employee of the Bureau of Indian Affairs serving as an emergency firefighter.

It is our understanding that the Public Safety Officer's Benefits Act of 1976, which initially covered only death benefits, was modified recently to increase the amount of the benefits and to include disability benefits. The effective date established for the modification was November 29, 1990.

Mr. Bomar has requested assistance from your office, as we understand, in seeking an exception to the effective date to make him

eligible for the disability benefits under this Act. Since Mr. Bomar's accident occurred just shortly before the Act was modified we support Mr. Bomar's request for the exception to the effective date.

If you have any additional questions, please contact Mr. Keith Beartusk, at (406) 657-6358.

Sincerely,

——— ———.

Area Director.

By Mr. COHEN (for himself and Mr. DECONCINI):

S. 928. A bill to improve the cost effectiveness of Federal property management; to the Committee on Governmental Affairs.

FEDERAL PROPERTY MANAGEMENT LEGISLATION

Mr. COHEN. Mr. President, the anger, cynicism, and disillusionment of the public about the performance of Government has calcified into a rage which shows little sign of abating. What fuels this rage is the public's sense that while they are having to cut back and trim expenses, the Government rolls merrily along, wasting money at a furious clip, and, in so doing, sending the message that we really aren't serious about changing the way Washington does business.

As one example of this, I offer the way in which the Government manages the vast office space which it owns or leases. Any private landlord who operated the way the Government is operating would long ago have gone bankrupt. Like all Senators, I talk to many real estate agents and property managers in my State, and I know that times are extremely tight in that field and the margin between survival and failure can be thin indeed.

Into this atmosphere lumbers the GSA as the Government's landlord, building buildings we don't need, leasing space we can't afford, and making decisions which anyone in the private sector with a speck of common sense wouldn't make.

Imagine that you come home and find two light bulbs out, a slight leak in the upstairs faucet, and the bedroom in need of a paint job. The sensible move is to make these modest repairs. The GSA approach would be to build a new home from scratch, and to pay top dollar.

Mr. President, the legislation I offer today draws attention to significant waste caused because the Federal Government does not effectively manage its office space. In the aggregate the Federal Government currently owns over 400,000 buildings that were purchased with hundreds of billions of taxpayer dollars. This number includes almost 438,000 buildings under the control of the Department of Defense and nearly 100,000 buildings under the control of civilian agencies, ranging from the Capitol and the White House to storage sheds and public restrooms at national parks.

The General Services Administration [GSA], the Government's so-called business manager, controls over 260-million square feet of office space in more than 7,500 leased and Government-owned buildings. The annual rents paid by Federal agencies to the GSA for both leased and Government-owned space adds up to about $4 billion. The Government is also the largest single tenant in the country and this year GSA will pay about $2 billion in rent to private landlords. The amount GSA pays is increasing by about $200 million a year.

The current Federal property program is senseless and the General Accounting Office [GAO], which has written scores of reports outlining its deficiencies, agrees. A senior GAO auditor has said that, "public buildings policy is in disarray, and the American taxpayer is certainly not getting value for the burgeoning dollars being spent." When the Government is the only one building in areas where there is already a significant glut in commercial real estate, the criticism of the Federal property management program is understandable.

In a Nation where we have 400 million square feet of unoccupied commercially available office space, the Government has $11.4 billion of construction in the works which, when completed at the end of this decade, will add another 23-million square feet in office space.

The Federal Government has yet to discover that new construction may not make sense when existing commercial real estate can be purchased for a fraction of what new construction will cost. The questions become clear. Why exacerbate the already high vacancy rates by building new buildings and forcing agencies to move out of their current space? Why spend hundreds of millions of dollars for new construction in Chicago, Philadelphia, or Atlanta, where the vacancy rates in those cities are 22, 17, and 30 percent respectively? Or why build additional office space for use by Federal agencies, when the base closure process will make millions of square feet of federally owned space available? The answer to these questions is equally clear. We must reform the Federal property management program to ensure that it is operating in the most cost-effective manner.

GSA maintains that new construction is necessary because the existing structures do not meet the needs of the agencies that will become tenants in the new buildings. GSA often claims that available space is not large enough to consolidate a large number of agencies under a single roof, does not meet the communication needs of agencies, does not meet modern fire codes, or simply does not conform to GSA standards. However, the truth of the matter is that the impulse to consolidate Federal agencies under one roof is not necessarily desireable or cost effective, and a large proportion of available office space has been constructed or modernized within the last 10 years and, consequently, complies with fire codes and safety requirements. I would suggest that the GSA and other Federal agencies, such as the Departments of Defense and Veterans Affairs, who have large construction and leasing programs, be flexible when determining requirements in order to take advantage of the existing real estate market.

Last October, Congress appropriated $626 million to begin 35 new Federal construction projects. At the same time the Resolution Trust Corporation [RTC] and the Federal Deposit Insurance Corporation [FDIC] had about 9,000 office buildings for sale. Recently, GSA announced the construction of a $20 million Federal office building in Louisiana to house 400 Federal workers and consolidate the offices of 14 agencies under one roof. This was done despite the fact that a building which could have been acquired in lieu of new construction was sold by the RTC for $2.5 million. In fact, GSA has never acquired a single one of the office buildings offered for sale by the RTC or FDIC. Instead the Federal Government continues to spend, spend, and spend for new construction.

In Dallas, despite the fact that a number of FDIC and RTC properties are on the market, not to mention all of the inexpensive commercial real estate available in this market, the Federal Reserve Bank just spent over $100 million to complete the construction of its new office building. In Philadelphia, the Postal Service is spending over $250 million to construct a 1-million square foot building which GSA has agreed to lease for 20 years at a cost totalling $490 million. The construction cost amounts to at least $250 a square foot. Over the life of the lease, GSA will pay about $490 a square foot, while prime commercial real estate in the Philadelphia area is currently selling for between $100 and $125 a square foot. As Peter Linneman, director of the University of Pennsylvania's Wharton School Real Estate Center states, "It's blatantly stupid to build in this market. Only the Government would consider it. You couldn't find another party in the world who wants to build, in Philadelphia, right now."

Mr. President, foolish arrangements are not limited to the Government's construction projects, but also apply to leasing arrangements. In Atlanta, where there is already a 30-percent commercial vacancy rate, the Federal Government has agreed to lease a new 1.9-million square foot building from a private developer. This requires the Government to vacate more than 1.2-million square feet currently being rented by Federal agencies in six buildings, and the result is a 73-percent increase in annual rent from $15 million to $26 million. In this period of belt

tightening and pay freezes for Federal workers, this is a particularly galling lapse of judgment. An Arthur Andersen study concluded that if GSA proceeds with its plans, Atlanta's downtown vacancy rate would increase to 47 percent. The study further stated that by abandoning its plans to move to a new Federal center, the Government could save $166 million over 30 years by moving into modern existing space, or $505 million if Federal agencies did not move at all.

For a number of years, GSA has pushed to consolidate Federal agencies under one roof. GSA claims consolidation is necessary to realize economies of scale and improve communication and technological capabilities. And, as you can see from the Louisiana, Philadelphia, and Atlanta cases, GSA continues to push for consolidation. However, given the current real estate market and advances in telecommunications, the consolidation requirement is no longer valid. We must ask ourselves, does it matter to the regional office of IRS if it is in the same location as the Department of Veterans Affairs regional office? The answer is clearly no. Both agencies operate independently of one another, and I can't remember the last time a national crisis arose because the local offices of the Federal Transit Administration and the Drug Enforcement Administration were housed in separate buildings. Yet the argument is used again and again to justify these large dollar construction projects that agencies do not need and the American taxpayer can ill afford. In Philadelphia, the new building being constructed by the Postal Service was justified by GSA claiming it required 1-million square feet in a single building, despite the fact that hundreds of millions of dollars could be saved by leasing some of the 2-million square feet of modern office space which is currently sitting vacant.

Mr. President, while some of the blame clearly rests on the shoulders of the GSA and other Federal agencies, part of the problem rests with the budget requirements. For example, I am very concerned that the current OMB scorekeeping rules encourage leasing which is, in most cases, the most expensive alternative as compared to lease/purchase agreements or purchasing existing buildings. For example, GSA was leasing three floors of the four story Atrium Building in Herndon, VA, from a private developer that subsequently went bankrupt. Riggs National Bank of Washington, DC, foreclosed and shortly offered GSA a lease-purchase agreement for the entire building including the vacant fourth floor, that would, including maintenance expenses, be cheaper than the current lease terms. However, because OMB would have required that GSA be scored in both budget authority and outlays for the entire cost of the lease/purchase, and GSA was unable to program additional funds to cover the requirements, the agency was unable to take advantage of the offer which was clearly more cost effective.

The scorekeeping rules and the cost of acquiring buildings has pushed the Government toward leasing and away from ownership. In 1969, the Federal Government owned 90 percent of the buildings it occupied. Today, just 56 percent of Federal office space is in Government-owned buildings. Consequently, more and more Federal dollars go down the drain in rent with nothing to show for it. Individuals and businesses alike understand the importance of building equity. Unfortunately, the trend suggests that the Government does not.

What is more disturbing about the Federal Government's repeated failure to choose the least costly options is the fact that GSA's property program was designed to be self-sustaining. In 1972, Congress established the Federal building fund as a revolving fund to cover GSA's cost of rent, repairs, renovations, and to pay for the construction of new Federal buildings. The fund receives revenue from rent that agencies pay to GSA. Over the years, the fund's revenues have not been able to keep pace with the cost of basic repairs resulting in billions of dollars in deferred maintenance and no available funds for construction projects. Consequently, Congress has authorized the fund to borrow extensively from the Federal Financing Bank and subsidized the fund with direct appropriations.

Mr. President, the Federal Government's property management program is in need of reform that will permit it to function more like a business and less like a Federal construction program that benefits few, is paid for by all, and hurts the already struggling commercial real estate market. If the Government has a legitimate need for additional office space then why doesn't it take advantage of all the modern overbuilt office space that exists and acquire, lease or lease purchase, existing buildings which are much cheaper than new construction.

It is my hope that the legislation I propose today will jump start the reform of Federal property management. My legislation directs the Office of Management and Budget to examine Federal property management policies and make the changes necessary to improve coordination between Federal agencies, promote cost-effective property acquisition strategies, and realize cost savings. Clearly, changes are needed to more effectively manage the Nation's real estate portfolio.

Mr. President, my legislation also urges OMB to encourage all Federal agencies to modify building requirements, such as GSA's consolidation goals, in such a way as to permit the kind of flexibility that will allow the Government to achieve the greatest cost-effectiveness. Requirements should promote flexibility so that agencies may realistically consider the purchase, lease, lease/purchase of existing buildings at market rates, including those owned by the RTC and FDIC, rather than requiring new construction. New construction should only be considered as a last resort and only when it is the most cost-effective option.

My legislation further directs OMB to review its scorekeeping rules and determine what changes are necessary to permit the Government to consider a variety of options and choose those which are most cost efficient. The current scorekeeping rules, in some cases, encourage the government to be penny-wise and pound-foolish.

Mr. President, the public will not be fooled if Congress professes outrage about agency mismanagement and the waste generated by one Federal program or another but fails to pass meaningful solutions. Likewise, the administration will not fool anyone if it invites citizens to call a series of toll free 800 numbers to report waste and mismanagement but nothing happens. Inaction will only continue to fuel public discontent and confirm the public's view that we are not serious about changing the way Washington does business.

My legislation may deal with only a single program but it is one step down the road of rethinking how Government works. If passed and implemented, this legislation should result in significant savings. It will also provide a small dose of the medicine that must be administered if we in Washington ever hope to cure the chronic distrust, anger, and cynicism felt by the American people about their Government.

Mr. President, it is my hope that my colleagues will support this legislation, and that Congress, the President, and OMB will demonstrate their sincerity about rethinking the way Government works and begin a comprehensive review of the Government's property management program.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 928

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

SECTION 1. FINDINGS.

The Congress finds that—

(1) the Federal Government owns over 400,000 buildings that cost the taxpayers hundreds of billions of dollars;

(2) the Federal Government is the largest single tenant and builder of office space in the United States;

(3) the Federal Government currently has $11,400,000,000 of construction in the works

which, when completed, will add approximately 23,000,000 square feet of office space;

(4) the Federal Government is constructing, or entering into long-term leases for buildings constructed expressly by the Federal Government, in areas with building vacancy rates as high as 30 percent;

(5) significant budget savings can be achieved if, before considering new construction, Federal agencies aggressively explore the possibilities of purchasing or leasing suitable office buildings available in the market or acquiring suitable real estate under the control of the Federal Deposit Insurance Corporation or Resolution Trust Corporation;

(6) the physical space requirements of Federal agencies and the Judiciary are too often overstated and inflexible and, therefore, do not permit the acquisition or lease of existing properties which may be suitable and cost-effective;

(7) current scorekeeping rules may be discouraging agencies from entering into the most responsible arrangements for securing office space (for example, in some cases, a lease/purchase agreement may be most cost-effective but current scorekeeping rules require that the budget authority and outlays for the entire obligation, paid over a period of years, be scored in the year the contract is signed); and

(8) the Federal Buildings Fund, established in 1972 as a revolving fund to cover the General Services Administration's cost of rent, repairs, renovations, and to pay for the construction of new Federal buildings, and funded by the rent agencies pay to the General Services Administration, has failed to be self-sustaining and has required billions in appropriations to finance new construction.

SEC. 2. COMPREHENSIVE REVIEW OF FEDERAL PROPERTY MANAGEMENT.

(a) IN GENERAL.—The Director of the Office of Management and Budget shall conduct a comprehensive review of Federal property management policies and procedures and make recommendations to promote better coordination between Government agencies, maximize efficiency, and encourage flexibility to make decisions which are in the best interest of the Federal Government.

(b) INCLUDED IN REVIEW.—The review required by this section shall include—

(1) recommendations requiring the General Services Administration, the Department of Defense, the Postal Service and all other Federal agencies and the Judiciary, when appropriate, to develop or modify existing building requirements in such a way as to allow for—

(A) the purchase, lease, lease/purchase of existing buildings at market rates; and

(B) the purchase of Resolution Trust Corporation-owned and Federal Deposit Insurance Corporation-owned real estate rather than new construction of buildings;

(2) in conjunction with the Director of the Congressional Budget Office, developing recommendations to revise scorekeeping rules for Federal property leasing, lease/purchase, construction, and acquisition to encourage flexibility and decisions which are in the best interest of the Federal Government; and

(3) recommendations on whether the Federal Buildings Fund should be maintained, alternatives for meeting the Fund's objectives, and changes to the Fund that will enable it to meet its objectives and become self-sustaining.

SEC. 3. REPORT.

Not later than two months after the date of enactment of this Act, the Director of the Office of Management and Budget shall report the recommendations developed pursuant to this Act to—

(1) The Senate Committees on Governmental Affairs, Appropriations, and Environment and Public Works; and

(2) the House of Representatives Committees on Government Operations, Appropriations, and Public Works and Transportation.

Mr. DECONCINI. Mr. President, I commend the Senator from Maine [Mr. COHEN] for bringing the matter of Federal office space acquisition to the attention of the full Senate. As a cosponsor of this bill, I have serious concerns about current policy with respect to the scoring of Federal building acquisitions. Under a provision accompanying the 1990 Omnibus Budget Reconciliation Act, all budget authority is scored up front for the full construction and financing costs for any long-term capital building lease or lease purchase in the year in which the project is approved. Outlays are scored up front for projects financed through arrangements where there is no financial risk to the private sector. Where there is private risk, outlays are scored to reflect estimated construction expenses as they occur.

Prior to the rule change, budget authority and outlays were scored as the expenses occurred. The logic behind the 1990 rule change was to reflect the long-term obligations to the Federal Government for the costs of Federal projects when Congress took action and to discourage Congress from authorizing projects which, long term, where more costly than direct Federal construction. However, there are limited funds to initiate new direct Federal construction and if the needs of the Federal Government are going to be met, it seems to me that we ought to be taking advantage of arrangements where the Federal Government does not have to provide the full amount for the project up front. Scoring should occur as expenditures are made, much the same as an individual makes mortgage payments for a personal residence.

Along the southwest border, a number of communities have expressed a desire to construct new border facilities to meet the anticipated trade demands associated with the North American Free-Trade Agreement. These communities are willing to sell bonds to finance the projects, then lease the facilities back to the Federal Government over a period of 30 years with the title to the facility being transferred to the Federal Government at the end of the contract term. However, because of the current scorekeeping rule, the Federal Government cannot take advantage of the financial support from State and local governments because the agency approving the action would have to demonstrate that it had the money in hand to cover the full long-term cost for the project.

As another example, when the Subcommittee on Treasury, Postal Service and General Government, which I chair, initially prepared its fiscal year 1993 spending recommendations for the General Services Administration, it was faced with a request to provide funding for a new Federal office building to be constructed in Philadelphia, PA. The project was to be constructed on land owned by the U.S. Postal Service with the Postal Service developing the estimated $300 million project. Because GSA would have entered into what appeared to be a capital lease for the Philadelphia project with the Postal Service, the subcommittee could not approve the project because it did not have $300 million to allocate to the project. As a result, the subcommittee recommended instead, direct Federal construction and provided several million dollars to initiate construction activities. By the time the appropriations bill went to conference, OMB had approved the project in the form of an operating lease for a period of 27 years. The only difference between the capital lease and operating lease that I could tell was that at the end of the operating lease the property would not be owned by the Federal Government whereas with a capital lease, title to the property would be transferred to the Federal Government. This is bad policy; why should the Federal Government make significant investments in an asset and then not own it at the end of the contract term? It appears that OMB renders decisions on what constitutes a capital lease versus an operating lease based on subjective criteria to get around the scoring rule when it so desires.

Scoring appears to be driving Federal building acquisition policy, not sound policy judgment. This whole issue must be dealt with in the context of the Government's long-term office space requirements. If those requirements can be best met through a capital lease, purchase, lease purchase, or direct construction, decisions should not be hamstrung because of budgetary scoring rules.

Again, I commend the Senator from Maine and would encourage the Clinton administration to take a hard look at this entire issue.

By Mr. HATFIELD:

S. 930. A bill to extend the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in the State of Oregon; to the Committee on Energy and Natural Resources.

TALENT IRRIGATION DISTRICT LICENSE EXTENSION ACT

Mr. HATFIELD. Today I am introducing legislation which allows the Federal Energy Regulatory Commission to grant the Talent Irrigation District, in Jackson County, OR, an extension of its hydro project construction commencement deadline. The project is a 2.4-megawatt powerhouse, planned

as an attachment to the existing Emigrant Dam, on the Emigrant River in southern Oregon. Low water conditions in the Emigrant River, resulting from 7 years of continuous drought in Oregon, have caused the irrigation district to reevaluate the operating plan of the project. Although the district is scheduled to begin construction of the project before May 24, 1993, I believe granting them an extension of this deadline will enable them to better configure their project to maximize power production and fish enhancement in light of the reduced water flows in the Emigrant River.

Construction of the existing Emigrant Dam was completed in 1959. It has a structural height of 176 feet and impounds 39,000 acre feet of water, which is delivered to about 8,000 users, irrigating approximately 30,000 acres.

On May 24, 1989, FERC issued a construction license to the Talent Irrigation District for the hydro project extension at Emigrant Dam. The license required construction to commence within 2 years—by May 24, 1991. In January 1991, the district requested and received a 2-year extension of the construction commencement deadline, until May 24, 1993, citing the need to consult further with the Bureau of Reclamation and continue negotiating a power sales agreement.

All negotiations were completed by April 1992, but the low flow conditions in the Emigrant River have caused the Talent Irrigation District to reevaluate the hydro project's proposed operating plan. In order to do this, the district needs at least another 2-year extension of its construction commencement deadline. The Federal Power Act, however, only allows FERC to grant one 2-year extension to the district, which it already granted in 1991. Therefore, legislation is required to authorize FERC to extend the deadline further.

The legislation I am introducing today authorizes the FERC to grant the irrigation district up to two consecutive 2-year extensions. FERC already supports extending the deadline, as outlined by their November 30, 1992, letter to House Energy and Commerce Chairman DINGELL.

I am confident this legislation will provide the Talent Irrigation District with the opportunity to evaluate the operating plan for the Emigrant hydro project and adjust it to perform better under low water conditions, both for power production and fish enhancement.

I ask unanimous consent that a copy of the legislation and a copy of the November 30, 1992, letter from FERC to Chairman DINGELL appear in the RECORD after my statement.

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

S. 930

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

SECTION 1. EXTENSION OF DEADLINE.

Notwithstanding the time limitations of section 13 of the Federal Power Act, the Federal Energy Regulatory Commission, upon request of the licensee for FERC Project No. 7829 (and after reasonable notice), is authorized, in accordance with the good faith, due diligence, and public interest requirements of such section 13 and the Commission's procedures under such section, to extend the time required for commencement of construction of such project for up to a maximum of 2 consecutive 2-year periods. This section shall take effect for such project upon the expiration of the extension (issued by the Commission under such section 13) of the period required for commencement of construction of such project.

FEDERAL ENERGY
REGULATORY COMMISSION,
Washington, DC, November 30, 1992.

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

DEAR CHAIRMAN DINGELL: Thank you for your letter of October 13, 1992, requesting comments on H.R. 5967, a bill to authorize the Commission to extend the deadline for commencing construction of the Emigrant Dam Hydro Project No. 7829, to be located at the Bureau of Reclamation's Emigrant Dam on Emigrant Creek in Jackson County, Oregon.

On May 24, 1989, the Commission issued a 50-year license for the Emigrant Dam Hydro Project to the Talent, Rogue River Valley, and Medford Irrigation Districts. The license required project construction to commence within two years, *i.e.*, by May 24, 1991. In January 1991, the licensees requested and received a two-year extension of the construction commencement deadline, *i.e.*, until May 24, 1993, in light of the length of time required to consult with the Bureau of Reclamation on a required access agreement, and because the licensees had not been able to negotiate a power sales agreement. Pursuant to Section 13 of the Federal Power Act (FPA), 16 U.S.C. §806, there can be no more extensions of the deadline to commence construction.

H.R. 5967 would authorize the Commission, notwithstanding Section 13 of the FPA, to further extend the deadline for commencing construction of Project No. 7829 for up to two consecutive two-year periods, to May 25, 1995, and May 25, 1997, respectively. In a May 20, 1992, letter to Congressman Smith, the licensees stated such additional extensions would permit them to study the availability of flows for project generation and would allow the avoided cost rates to rise to a point that would make the project feasible at the present, reduced flows.

As I noted in my letter to you of August 13, 1992, on a similar bill, it may be appropriate, in light of current financing realities, to consider increasing the construction commencement deadline in Section 13 to six years. Consequently, I do not oppose H.R. 5967.

I appreciate your inquiry. If I can be of further assistance in this matter, please do not hesitate to call me.

Yours truly,

MARTIN L. ALLDAY.

By Mr. HATCH (for himself, Mr. BENNETT, Mr. CAMPBELL, and Mr. JEFFORDS):

S. 931. A bill to amend the Harmonized Tariff Schedule of the U.S. to clarify the treatment of certain sports clothing; to the Committee on Finance.

TARIFF REDUCTION LEGISLATION

Mr. HATCH. Mr. President, I would like to introduce legislation today that will maintain tariff rates that were in place prior to January 1, 1989, and which were sustained as a result of the inclusion of chapter 99 of the U.S. Harmonized Tariff Schedule [HTS], on certain types of protective ski apparel.

As you know Mr. President, on December 31, 1992, temporary duty suspensions expired on various articles coming into the United States. In the case of certain protective ski apparel, chapter 99 of the HTS provided temporary relief to ski apparel items that were deemed to be "sports clothing" due to the protective nature of the articles. I refer to the specific provision, as stated in the HTS, 1992, chapter 99, subheading 9902.62.01(a)(1). The term "sports clothing" refers to: (A) ice hockey pants, provided for in subheadings 6113.00, 6114.30, 6210.40, 6210.50, 6211.33; and (B) other articles of sports wearing apparel which because of their padding, fabric, construction, or other special features are specially designed to protect against injury; for example, from blows, falls, road burns, or fire.

Mr. President, the reason for adding chapter 99 to the HTS was because when the HTS replaced the old United States Tariff System [USTS] in 1988, there was no distribution made in the HTS between protective sports clothing and regular textile items. In many cases, as was the case with protective ski wear, these apparel items had been classified in the USTS as sports equipment at tariff rates much lower, sometimes as much as 8 to 10 times, than equivalent nonprotective textile items. Therefore, the intent of chapter 99 was to establish a mechanism to eliminate drastic duty increases that resulted from incompatible classification categories between the HTS and the USTS.

Chapter 99 was in complete harmony with the earlier classification of protective ski wear in the USTS, which classified protective ski wear as "sports equipment" at a 5.5-duty rate. Unfortunately, chapter 99 was only a temporary provision of the HTS and has now expired as of December 31, 1992. Due to the expiration of the duty suspension legislation of 1990, there is no longer any clear definition for "sports clothing" contained in the HTS.

This creates a problem because the term "sports clothing" is still referenced in the HTS. In the title to chapter 95 of the HTS, it states that "sports equipment" is covered in the chapter. In the legal notes of the chapter, "sports clothing" or "fancy dress" of textiles is directly specified as not being covered in chapter 95 but is cov-

ered in chapters 61 and 62. However, without a clear definition of "sports clothing" provided for in chapters 95, 61, or 62 of the HTS, there is uncertainty as to how certain protective sports apparel should be classified. Should the items be classified as sports equipment, as was formerly the case, or as general sports apparel?

As you know, Mr. President, the U.S. Customs Service makes determinations as to how various products are classified when the articles arrive at our borders. And since nonprotective ski apparel such as ski sweaters, ski suits, and ski pants are contained in chapters 61 and 62 of the HTS, Customs has little choice, in accordance with international textile agreements, but to classify all ski wear as "apparel" under chapters 61-and 62, regardless of whether it is protective in nature for the purpose of protecting participants against the hazards of ski racing.

Thus, I am lead to the reason for which I am introducing this legislation today. I would like to see protective ski apparel classified the same as it has always been historically, which is necessary "ski equipment" for ski racers. I submit that this determination is no different than classifying a football helmet as necessary sports "equipment" for football players. Unfortunately, there is no longer any distinction made between recreational ski wear and special racing apparel designed for the specific purpose of protection of participants in the sport of ski racing, and I think there should be a distinction.

Mr. President, I would like to provide some background and history in order to add substance to my argument. As I have mentioned earlier, under the old USTS all ski equipment, including protective ski wear such as padded sweaters, one-piece ski suits, and pants, was classified as ski equipment and dutiable at a rate that ranged from duty free to a rate of 7.3 percent. All protective ski wear was dutiable at a rate of 5.5 percent. In fact, until the United States began operating under the HTS, protective ski wear was classified in the USTS as "other skis and ski equipment" in section 735.06, due to the protective nature of the apparel, even though the apparel items were textile articles.

I refer to the Customs Service New York Port of Entry Rulings No. 805228 and No. 808946, dated March 11, 1983, and April 6, 1984, respectively, in which Spyder-Active Sports, Inc., requested a tariff classification for a protective, downhill ski racing sweater, style SR-1, manufactured in Hong Kong, and a pair of protective slalom ski racing pants, style Comp-pant, manufactured in Japan. It was ruled by Customs in each case that:

> Since this/these sweater/pants has/have a substantial protective feature along with its/their other features, style SR-1/Comp-pant shows design for use in the sport of slalom skiing. Style SR- 1/Comp-pant is classifiable under the provision for other ski equipment in item 735.06.

A more recent directive was issued to the New York import specialist from the Customs Commissioner's office in Washington, DC. Spyder-Active Sports, Inc., requested a tariff classification for protective, one-piece racing suits that were designed specifically for the U.S. Ski Team, located in Park City, UT. The issue arose because the ski team racing suits, which had been coming into the United States at a rate of 5.5 percent as ski equipment, were suddenly reclassified under a subheading in chapter 62 of the HTS at a rate of 30 percent. I personally inquired at the Customs Service in behalf of the U.S. Ski Team, which receives all of its racing apparel from Spyder.

Subsequently, in a letter addressed to me on September 16, 1992, former Customs Commissioner Carol Hallett determined that "after reviewing the matter—involving the one-piece racing suits—we determined that our field offices have mistakenly interpreted the tariff so that subheading 9902.62.01, Harmonized Tariff Schedule of the United States * * * does apply to ski racing suits, provided that those garments comply with the requirements of that subheading." Again, I refer to subheading 9902.62.01, which states "other articles of sports wearing apparel which because of their padding, fabric, construction, or other special features are specially designed to protect against injury, for example, from blows, falls, road burns, or fire.

To repeat, Mr. President, my purpose in introducing this piece of legislation is to preserve the tariff rates for protective ski wear and to avoid the inevitable consequences that will materialize if there is no substantive clarification provided for in the HTS as to what the term "sports clothing" actually refers. For without a substantive clarification, duty rates for specific protective ski wear items that have historically been classified as sports equipment under the USTS and chapter 99 of the HTS will increase as much as 10 times the current rates, which could devastate a very small and specialized industry.

I have several concerns about the effects that this much of a duty increase would have on U.S. ski wear importers. First, most ski wear importers are small in size, typically less than 20 employees, and duty rates play a significant role in the financial operations of a majority of these businesses. A significant increase in the tariff rates would be potentially devastating for several small ski wear importers in Utah and other States where the ski industry is a significant portion of the economy.

For example, Spyder-Active Sports, Inc., of Boulder, CO, who supplies the U.S. Ski Team with all of its racing apparel, imported a total of 362,002 dollars' worth of protective ski wear during 1992. Of that amount, $18,872, or 5.2 percent, represented the duty expense calculated at a 5.5-percent tariff on all the protective articles that Spyder imported that year. With the elimination of chapter 99 from the HTS, Spyder's duty expense, assuming the same import numbers from 1992, will be $61,810, a 225-percent increase in duty expense. This large of an increase will be destructive to a specialized company like Spyder, which supplies more than 70 percent of the protective ski wear market in the United States. Moreover, when these increases go into effect this year, the Federal Government will only be increasing its revenues from Spyder by $42,938. On the other hand, if the 5.5 tariff rate is maintained for protective ski wear, the Federal Government would maintain revenue neutrality with respect to protective ski wear.

Second, there is literally no domestic production capability for the specialized racing apparel that the U.S. Ski Team uses. You must remember that I am not talking about general recreational ski apparel but rather very specialized items produced only overseas for the specific purpose of racing. Furthermore, the end users of this type of specialized racing equipment happen to be the U.S. Ski Team members. In other words, these articles do not compete for sales against recreational ski apparel items that may be either produced domestically or imported at a higher duty rate. Therefore, by maintaining the lower tariff rates, there would be no negative impact for domestic producers, because there are none, or for domestic producers of recreational apparel, due to the lack of sales competition between recreational ski apparel and specialized, protective racing apparel.

Third, U.S. Ski Team equipment suppliers provide financial sponsorship to the team in addition to providing the team's equipment on a complimentary basis. Large increases in duty rates on imported equipment will make it more difficult for many of these suppliers to provide adequate levels of badly needed financial support for the U.S. Ski Team.

Finally, Mr. President, I would like to reiterate a point I made earlier in my remarks by readdressing the issue of revenue. At this time of budget constraints, there is much skepticism about the reality and practicality of passing a miscellaneous tariff measure due to the expected reduction of Federal revenues that would occur. Lack of offsetting revenues for many tariff reduction and suspension measures during the 102d Congress was the very reason why there was no miscellaneous tariff measure taken up by Congress during that time.

However, protective ski apparel items have never been classified as ski

clothing, of which some articles are subject to tariff rates of as much as 30 percent. Thus, by ensuring that protective ski wear retains its uniqueness from general recreational ski wear via a technical change in the U.S. notes of chapters 61 and 62 of the HTS, there will be no revenue loss as a result of implementing this measure.

I strongly encourage my colleagues to support this legislation.

By Mr. PELL (by request):

S. 932. A bill to amend the Bretton Woods Agreements Act to authorize consent to, and authorize appropriations for, the U.S. contribution to the Global Environment Facility, and for other purposes; to the Committee on Foreign Relations.

GLOBAL ENVIRONMENT FACILITY LEGISLATION

Mr. PELL. Mr. President, by request, I introduce for appropriate reference a bill to amend the Bretton Woods Agreements Act to authorize consent to, and authorize appropriations for, the U.S. contribution to the global environment facility, and for other purposes.

This proposed legislation has been requested by the Department of the Treasury, and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the letter from the acting general counsel of the Department of the Treasury to the President of the Senate, which was received on May 4, 1993.

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

S. 932

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That the Bretton Woods Agreements Act (22 U.S.C. 285, et seq.) is amended by adding at the end the following new section:

"SEC 61. (a) The Secretary of the Treasury is authorized to contribute to the Global Environment Facility $30,810,000, subject to obtaining the necessary appropriations.

"(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated without fiscal year limitation, $30,810,000 for payment by the Secretary of the Treasury.".

DEPARTMENT OF THE TREASURY,
Washington, DC, April 28, 1993.

Hon. AL GORE,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: I am pleased to transmit herewith a draft bill, "To amend the Bretton Woods Agreements Act to authorize consent to and authorize appropriations for the United States contribution to the Global Environment Facility, and for other purposes."

This legislation is a critical component of United States policy toward global environment issues. The Global Environment Facility (GEF) is a three-year pilot facility, created in 1991, that provides grants to developing countries for projects that benefit the global environment but have low financial returns and would not otherwise be undertaken. Pilot GEF funds are used to combat global warming, ozone depletion, loss of biodiversity, and pollution of international waters. The four tranches of GEF projects that have been developed thus far have steadily improved in project quality and balance among the four subject areas.

At the United Nations Conference on Environment and Development in Rio de Janeiro, Brazil last year, The Climate Change and Biodiversity Conventions accepted the GEF as their financial mechanism on an interim basis. Acceptance of the GEF as the permanent financing mechanism will require restructuring in several areas. International negotiations are underway on the restructuring and eventual replenishment of the GEF and are expected to be completed by the end of 1993. Creation of transparent, accountable and cost-effective financial mechanisms for these Conventions is central to vital U.S. interests in international environmental affairs.

In order to advance our international environmental objectives, the Administration is now seeking authorization for the United States to contribute $30.81 million to the GEF. Such authority, of course, is subject to obtaining the necessary appropriations. This contribution would provide leverage to the United States during the crucial 1993 restructuring and replenishment negotiations. It would also allow the United States to contribute to the Core Fund of the permanent GEF immediately upon its restructuring, thus assuring a steady revenue stream and preserving the GEF's momentum. Failure to contribute to the GEF Core Fund in FY 1994 would undercut U.S. negotiating leverage by sending a signal to GEF member countries that the United States is hesitant about playing a strong role in the GEF.

The draft bill would add a new section to the Bretton Woods Agreements Act to authorize the Secretary of the Treasury to contribute $30.81 million to the GEF, subject to obtaining the necessary appropriations.

It would be appreciated if you would lay the draft bill before the Senate. An identical draft bill has been transmitted to the Speaker of the House of Representatives.

The Office of Management and Budget has advised that there is no objection to the transmittal of this draft bill to the Congress, and that enactment would be in accord with the Administration's program.

Sincerely,

DENNIS I. FOREMAN,
Acting General Counsel.

By Mr. CHAFEE:

S. 933. A bill to amend title XIX of the Social Security Act to allow States to provide coverage under Medicaid for the costs of prescription drugs for qualified Medicare beneficiaries, and for other purposes; to the Committee on Finance.

SOCIAL SECURITY LEGISLATION

• Mr. CHAFEE. Mr. President, in recent years we have seen significant increases in the cost of health care. One of the areas that I most frequently hear about from my constituents is the increasing cost of prescription drugs. These increases have disproportionately affected the population which most widely uses prescription drugs—our Nation's elderly.

According to the Congressional Budget Office, average annual out-of-pocket expenditures for prescription drugs are $550 per Medicare part B enrollee. For some, the cost will be much higher. Although Medicare covers the cost of prescription drugs while a patient is hospitalized, the program does not cover the cost of outpatient prescription drugs. Some seniors do have coverage of such drugs. For those who can afford Medicare supplemental insurance policies, or Medigap insurance, prescription drugs are usually covered. In addition, very low-income seniors are eligible for coverage under the State Medicaid programs.

There are Medicare-eligible individuals, however, who do not qualify for Medicaid, and do not have insurance coverage for outpatient prescription drugs. For these seniors, the cost of daily medication for a condition such as high blood pressure or high cholesterol, can severely restrict their ability to meet other critical living expenses such as food and rent. In come cases they are forced to forgo the medication altogether. Without proper medication, these people often wind up in our hospital emergency rooms, at a much higher cost to our health care system.

Today, I am reintroducing the Prescription Drug Purchasing Assistance for Older Americans Act. This legislation, which I originally introduced in 1991, will help make the cost of prescription drugs more affordable to low-income seniors. This bill gives States the option of extending their Medicaid prescription drug program to Medicare-eligible individuals with incomes below 110 percent of the Federal poverty level. In addition, this measure would give States the option of allowing those with slightly higher incomes to buy-in to the States' Medicaid prescription drug benefit. States would be permitted, but not required, to charge a premium to persons with incomes between 110 and 200 percent of the Federal poverty level. This premium, however, would be limited to 5 percent of the individual's adjusted gross income.

I am hopeful that this legislation will greatly assist low-income seniors who are struggling to pay for their medications, or who cannot afford them at all. I urge my colleagues to join with me in sponsoring this legislation. Thank you, Mr. President.

I ask unanimous consent that the text of the bill be printed in the RECORD immediately following my remarks.

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

S. 933

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

SECTION 1. SHORT TIME.

This Act may be cited as the "Prescription Drug Purchasing Assistance for Older Americans Act".

SEC. 2. OPTIONAL STATE MEDICAID COVERAGE OF COSTS OF PRESCRIPTION DRUGS FOR QUALIFIED MEDICARE BENEFICIARIES.

(a) IN GENERAL.—Section 1905(p) of the Social Security Act (42 U.S.C. 1396d(p)) is amended by adding at the end the following new paragraph:

"(5)(A) Notwithstanding any other provision of this title, in a State which provides medical assistance for prescribed drugs under section 1905(a)(12), the State may provide to—

"(i) a qualified medicare beneficiary, or

"(ii) an individual who would be such a beneficiary but for the fact such an individual's income exceeds the income level established by the State under paragraph (2) or section 1902(a)(10)(E), but is less than 200 percent of the official poverty line described in paragraph (2),

benefits for prescribed drugs in the same amount, duration, and scope as the benefits made available under the State plan for individuals described in section 1902(a)(10)(A)(i).

"(B) A State electing to provide benefits for prescription drugs to an individual described in subparagraph (A)(ii) may charge a premium or co-payment to such individual for such benefits but such premium or copayment may not exceed 5 percent of such individual's gross income.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall become effective with respect to payments for calendar quarters beginning on or after January 1, 1994, without regard to whether or not final regulations to carry out such amendment have been promulgated by such date.•

By Mr. CHAFEE:

S. 934. A bill to amend title XVIII of the Social Security Act to permit Medicare select policies in all States and to modify the requirements with respect to such policies; to the Committee on Finance.

SOCIAL SECURITY LEGISLATION

• Mr. CHAFEE. Mr. President, I am pleased to introduce legislation that would improve access in all States to Medicare supplemental insurance policies that provide benefits to Medicare beneficiaries through managed care networks such as health maintenance organizations and preferred provider organizations.

Also known as Medigap insurance, these policies pay a Medicare beneficiary's share of health care costs such as deductible and coinsurance payments for Medicare, as well as other services not covered under the Medicare Program. About 40 percent of elderly Medicare beneficiaries have some form of privately purchased Medigap insurance. But like all health insurance, the costs are rising quickly and not every beneficiary can afford to buy a policy.

Millions of Americans receive health care service through managed care networks. These plans are often more affordable and more comprehensive than traditional health insurance. Employers also use managed care systems to provide an additional option, along with fee-for-service medicine to their employees and retirees.

In 1990, I sponsored legislation which created a new choice for Medicare beneficiaries called Medicare Select. Medicare Select is a Medigap option linked to a managed care network. We hoped that because of this linkage, Medicare Select policies would cost less than traditional Medigap policies, would offer beneficiaries greater choice, and would improve quality of care through better coordination of services. Medicare Select gave beneficiaries who enrolled in managed care plans greater flexibility by allowing them to choose from a list of providers through a preferred provider organization or PPO. In effect, Medicare beneficiaries were given the same choices as the nonelderly population which chose to enroll in managed care.

Although the Senate passed the proposal without any limitations, the conference agreement limited the program to 15 States and will be allowed to continue for only 3 years. In addition, other changes in Medigap insurance regulation enacted at the same time create barriers to the success of managed care in the Medicare Program.

For example, most HMO's require a small copayment for each outpatient visit, usually excluding prevention services, in order to encourage appropriate utilization. Under the 1990 Medigap insurance law, Medigap policies cannot require Medicare patients to make copayments. This requirement does not fit into the traditional structure used by HMO's to offer coverage to Medicare beneficiaries.

This bill will correct these and other programs, and will create a standardized plan that HMO's and PPO's can use to ensure the success of managed care for Medicare patients. My bill also will eliminate the current arbitrary and unnecessary 15-State, 3-year limitation on the Medicare Select Program. Under this bill Medicare beneficiaries in every State will be able to choose this managed care option which will make the Medigap insurance more affordable. In encourage my colleagues to join with me in improving the managed care options offered to Medicare patients.

Mr. President, I ask unanimous consent that the text of the bill be included in the RECORD.

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

S. 934

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

SECTION 1. MEDICARE SELECT.

(a) AMENDMENTS TO PROVISIONS RELATING TO MEDICARE SELECT POLICIES.—

(1) PERMITTING MEDICARE SELECT POLICIES IN ALL STATES.—

(A) IN GENERAL.—Subsection (c) of section 4358 of the Omnibus Budget Reconciliation Act of 1990 is hereby repealed.

(B) CONFORMING AMENDMENT.—Section 4358 of the Omnibus Budget Reconciliation Act of 1990 is amended by redesignating subsection (d) as subsection (c).

(2) REQUIREMENTS OF MEDICARE SELECT POLICIES.—Section 1882(t)(1) of the Social Security Act (42 U.S.C. 1395ss(t)(1)) is amended to read as follows:

"(1)(A) If a medicare supplemental policy meets the 1991 NAIC Model Regulation or 1991 Federal Regulation and otherwise complies with the requirements of this section except that—

"(i) the benefits under such policy are restricted to items and services furnished by certain entities (or reduced benefits are provided when items or services are furnished by other entities), and

"(ii) in the case of a policy described in subparagraph (C)(i)—

"(I) the benefits under such policy are not one of the groups or packages of benefits described in subsection (p)(2)(A),

"(II) except for nominal copayments imposed for services covered under part B of this title, such benefits include at least the core group of basic benefits described in subsection (p)(2)(B), and

"(III) an enrollee's liability under such policy for physician's services covered under part B of this title is limited to the nominal copayments described in subclause (II),

the policy shall nevertheless be treated as meeting those standards if the policy meets the requirements of subparagraph (B).

"(B) A policy meets the requirements of this subparagraph if—

"(i) full benefits are provided for items and services furnished through a network of entities which have entered into contracts or agreements with the issuer of the policy,

"(ii) full benefits are provided for items and services furnished by other entities if the services are medically necessary and immediately required because of an unforeseen illness, injury, or condition and it is not reasonable given the circumstances to obtain the services through the network,

"(iii) the network offers sufficient access,

"(iv) the issuer of the policy has arrangements for an ongoing quality assurance program for items and services furnished through the network,

"(v)(I) the issuer of the policy provides to each enrollee at the time of enrollment an explanation of—

"(aa) the restrictions on payment under the policy for services furnished other than by or through the network,

"(bb) out of area coverage under the policy,

"(cc) the policy's coverage of emergency services and urgently needed care, and

"(dd) the availability of a policy through the entity that meets the 1991 Model NAIC Regulation or 1991 Federal Regulation without regard to this subsection and the premium charged for such policy, and

"(II) each enrollee prior to enrollment acknowledges receipt of the explanation provided under subclause (I), and

"(vi) the issuer of the policy makes available to individuals, in addition to the policy described in this subsection, any policy (otherwise offered by the issuer to individuals in the State) that meets the 1991 Model NAIC Regulation or 1991 Federal Regulation and other requirements of this section without regard to this subsection.

"(C)(i) A policy described in this subparagraph—

"(I) is offered by an eligible organization (as defined in section 1876(b)),

"(II) is not a policy or plan providing benefits pursuant to a contract under section 1876

or an approved demonstration project described in section 603(c) of the Social Security Amendments of 1983, section 2355 of the Deficit Reduction Act of 1984, or section 9412(b) of the Omnibus Budget Reconciliation Act of 1986, and

"(III) provides benefits which, when combined with benefits which are available under this title, are substantially similar to benefits under policies offered to individuals who are not entitled to benefits under this title.

"(ii) In making a determination under subclause (III) of clause (i) as to whether certain benefits are substantially similar, there shall not be taken into account, except in the case of preventive services, benefits provided under policies offered to individuals who are not entitled to benefits under this title which are in addition to the benefits covered by this title and which are benefits an entity must provide in order to meet the definition of an eligible organization under section 1876(b)(1)."

(b) RENEWABILITY OF MEDICARE SELECT POLICIES.—Section 1882(q)(1) of the Social Security Act (42 U.S.C. 1395ss(q)(1)) is amended:

(1) by striking "(1) Each" and inserting "(1)(A) Except as provided in subparagraph (B), each";

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively; and

(3) by adding at the end the following new subparagraph:

"(B)(i) Except as provided in clause (ii), in the case of a policy that meets the requirements of subsection (t), an issuer may cancel or nonrenew such policy with respect to an individual who leaves the service area of such policy.

"(ii) If an individual described in clause (i) moves to a geographic area where an issuer described in clause (i), or where an affiliate of such issuer, is issuing medicare supplemental policies, such individual must be permitted to enroll in any medicare supplemental policy offered by such issuer or affiliate that provides benefits comparable to or less than the benefits provided in the policy being canceled or nonrenewed. An individual whose coverage is canceled or nonrenewed under this subparagraph shall, as part of the notice of termination or nonrenewal, be notified of the right to enroll in other medicare supplemental policies offered by the issuer or its affiliates.

"(iii) For purposes of this subparagraph, the term 'affiliate' shall have the meaning given such term by the 1991 NAIC Model Regulation.".

(c) CIVIL PENALTY.—Section 1882(t)(2) of the Social Security Act (42 U.S.C. 1395ss(t)(2)) is amended—

(1) by striking "(2)" and inserting "(2)(A)";

(2) by redesignating subparagraphs (A), (B), (C), and (D) as clauses (i), (ii), (iii), and (iv), respectively;

(3) in clause (iv), as redesignated—

(A) by striking "paragraph (1)(E)(i)" and inserting "paragraph (1)(B)(v)(I); and

(B) by striking "paragraph (1)(E)(ii)" and inserting "paragraph (1)(B)(v)(II)";

(4) by striking "the previous sentence" and inserting "this subparagraph"; and

(5) by inserting at the end the following new subparagraph:

"(B) If the Secretary determines that an issuer of a policy approved under paragraph (1) has made a misrepresentation to the Secretary or has provided the Secretary with false information regarding such policy, the issuer is subject to a civil money penalty in an amount not to exceed $100,000 for each such determination. The provisions of section 1128A (other than the first sentence of subsection (a) and other than subsection (b)) shall apply to a civil money penalty under this subparagraph in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).".

(d) EFFECTIVE DATES.—

(1) NAIC STANDARDS.—If, within 6 months after the date of the enactment of this Act, the National Association of Insurance Commissioners (hereafter in this subsection referred to as the "NAIC") makes changes in the 1991 NAIC Model Regulation (as defined in section 1882(p)(1)(A) of the Social Security Act) to incorporate the additional requirements imposed by the amendments made by this section, section 1882(g)(2)(A) of such Act shall be applied in each State, effective for policies issued to policyholders on and after the date specified in paragraph (3), as if the reference to the Model Regulation adopted on June 6, 1979, were a reference to the 1991 NAIC Model Regulation (as so defined) as changed under this paragraph (such changed Regulation referred to in this subsection as the "1994 NAIC Model Regulation").

(2) SECRETARY STANDARDS.—If the NAIC does not make changes in the 1991 NAIC Model Regulation (as so defined) within the 6-month period specified in paragraph (1), the Secretary of Health and Human Services (hereafter in this subsection as the "Secretary") shall promulgate a regulation and section 1882(g)(2)(A) of the Social Security Act shall be applied in each State, effective for policies issued to policyholders on and after the date specified in paragraph (3), as if the reference to the Model Regulation adopted on June 6, 1979, were a reference to the 1991 NAIC Model Regulation (as so defined) as changed by the Secretary under this paragraph (such changed Regulation referred to in this subsection as the "1994 Federal Regulation").

(3) DATE SPECIFIED.—

(A) IN GENERAL.—Subject to subparagraph (B), the date specified in this paragraph for a State is the earlier of—

(i) the date the State adopts the 1994 NAIC Model Regulation or the 1994 Federal Regulation, or

(ii) 1 year after the date the NAIC or the Secretary first adopts such regulations.

(B) ADDITIONAL LEGISLATIVE ACTION REQUIRED.—In the case of a State which the Secretary identifies, in consultation with the NAIC, as—

(i) requiring State legislation (other than legislation appropriating funds) in order for medicare supplemental policies to meet the 1994 NAIC Model Regulation or the 1994 Federal Regulation, but

(ii) having a legislature which is not scheduled to meet in 1995 in a legislative session in which such legislation may be considered, the date specified in this paragraph is the first day of the first calendar quarter beginning after the close of the first legislative session of the State legislature that begins on or after January 1, 1995. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.●

By Mr. CHAFEE:

S. 935. A bill to amend title XVIII of the Social Security Act to exempt mental health services furnished to an individual who is a resident of a nursing facility from the limitation on the amount of incurred expenses for mental health services that may be taken into account in determining the amount of payment fur such services under part B of the Medicare Program; to the Committee on Finance.

SOCIAL SECURITY LEGISLATION

● Mr. CHAFEE. Mr. President, today I am introducing the Medicare Mental Health Improvement Act. This legislation will assure that Medicare beneficiaries who reside in nursing homes will get needed mental health care. Problems with untreated, or inappropriately treated, mental illnesses and behavioral problems are far too common in our nursing homes today.

Due to inequities in Medicare payment for mental health treatment, patients who reside in nursing homes have limited access to psychiatric and psychological services. All too often, when nursing home residents need mental health counseling and treatment, the common response of the attending physician is to prescribe psychoactive drugs. These medications often have unpleasant side effects such as leaving patients confused and causing them to lose their sense of balance. As a result, patients often fall and must be treated for serious physical injuries.

How can we improve access to these services? Under current law, Medicare treats physicians' services to nursing home patients as outpatient care. While most Medicare outpatient services require patients to pay for 20 percent of the charge, patients must pay for 50 percent of outpatient mental health services. For many Medicare patients, particularly those who live in nursing homes, this requirement is a major financial burden that worsens if they need followup treatment. For others, who may have serious mental illness, the copayment is uncollectible, and further discourages providers from treating nursing home residents.

The legislation that I introduce today would simply bring Medicare payments for outpatient mental health services for nursing home residents in line with reimbursement for other types of outpatient services. Under my proposal, copayments for mental health services for nursing home residents would be reduced from 50 to 20 percent.

Specialized consultation and treatment for mental illnesses has been proven to help, dramatically, patients who suffer from depression, and illness affecting one in three nursing home residents. This treatment can minimize the need for patient restraints and psychoactive drugs. Benefits of this treatment include more precise diagnosis, careful review of drug regimens, and better identification and treatment of depression. Patients will benefit from careful consideration of nondrug options for treatment, training for nursing home staff on how to better handle behavioral disturbances, and assistance to families to better un-

derstand the problem and assist in decisionmaking. One may also see resulting cost-savings for the Federal Government through decreased hospital admissions resulting from the use of inappropriate drugs.

In short, the treatment can result in better quality of life and well-being for nursing home patients, staff, and their families. I urge my colleagues to join me in cosponsoring this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD immediately following my remarks.

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

S. 935

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

SECTION 1. EXEMPTION FROM LIMITATION ON INCURRED EXPENSES FOR MENTAL HEALTH SERVICES UNDER MEDICARE FOR MENTAL HEALTH SERVICES FURNISHED TO NURSING HOME RESIDENTS.

(a) IN GENERAL.—Section 1833(c) of the Social Security Act (42 U.S.C. 1395(c)) is amended by inserting after "hospital" the following: "or a resident of a nursing facility (as defined in section 1919(a))".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to expenses for mental health services incurred in calendar years beginning with 1994.•

By Mr. CHAFEE (for himself, Mr. SIMON, and Mr. SHELBY):

S. 936. A bill to amend title XVIII of the Social Security Act to eliminate the annual cap on the amount of payment for outpatient physical therapy and occupational therapy services under part B of the Medicare Program, and for other purposes; to the Committee on Finance.

SOCIAL SECURITY LEGISLATION

• Mr. CHAFEE. Mr. President, today I am introducing legislation to make it easier for senior citizens to get needed physical therapy services through the Medicare Program. These services are critical to individuals who are suffering from such conditions as stroke or heart attack. My bill eliminates an existing $750 cap on payments for physical therapy or occupational therapy provided by therapists in independent practice.

Under current Medicare law, there is no limit to physical therapy services when they are provided either in a physician's office or on an outpatient basis in a hospital. Medicare does, however, limit reimbursement for services provided by an independent physical or occupational therapist to $750 per calendar year. When a patient who receives services from an independent therapist reaches his or her limit, the patient must either stop treatment, change to a therapist in a physician's office or a hospital, or pay for these services out-of-pocket. Not only is it a burden for seniors to change providers, but for those Medicare patients who live in areas where there is a shortage of health care providers, a therapist in a physician's office or hospital may be unavailable, or reachable only by traveling long distances.

Some may argue that removal of this cap will significantly increase Medicare expenditures for physical therapy services. The Health Care Financing Administration [HCFA], however, has placed the services of these physical therapists under the new Medicare physician fee schedule and volume performance standards. These regulations would control payment for services performed by independent practitioners based on a fee schedule. Therefore, an arbitrary cap on reimbursement is no longer necessary.

Beside decreasing the availability of services to senior citizens, the current limit may actually increase costs to the Medicare program. According to 1988 data, Medicare paid on average $1.62 less for physical therapy services by independent providers than for these same services when provided by a physician. Although $1.62 doesn't seem like much, when multiplied by the 1 billion physical therapy procedures that were billed to Medicare in 1988, the cost becomes clear.

My legislation would allow patients in need of physical and occupational therapy to receive these services without having to face the possibility of terminating treatment early, or continuing treatment elsewhere, because of a predetermined limit on Medicare reimbursement. I hope that my colleagues will join me in sponsoring this legislation which assures our senior citizens access to these critically needed services.

Mr. President, I ask unanimous consent that the text of the bill be included in the RECORD.

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

S. 936

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

SECTION 1. ELIMINATION OF ANNUAL CAP ON AMOUNT OF MEDICARE PAYMENT FOR OUTPATIENT PHYSICAL THERAPY AND OCCUPATIONAL THERAPY SERVICES.

(a) IN GENERAL.—Section 1833 of the Social Security Act (42 U.S.C. 13951) is amended by repealing subsection (g).

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to services furnished on or after January 1, 1994.

SEC. 2. EXTRA-BILLING LIMITS.

(a) ENFORCEMENT AND UNIFORM APPLICATION.—

(1) ENFORCEMENT.—Paragraph (1) of section 1848(g) of the Social Security Act (42 U.S.C. 1395w–4(g)) is amended to read as follows:

"(1) LIMITATION ON ACTUAL CHARGES.—

"(A) IN GENERAL.—In the case of a nonparticipating physician or nonparticipating supplier or other person (as defined in section 1842(i)(2)) who does not accept payment on an assignment-related basis with respect to a physician's service furnished to an individual enrolled under this part, the following rules apply:

"(i) APPLICATION OF LIMITING CHARGE.—No such physician, supplier, or person may bill or collect an actual charge for the service in excess of the limiting charge described in paragraph (2) for such service.

"(ii) NO LIABILITY FOR EXCESS CHARGES.—No person is liable for payment of any amounts billed for the service in excess of such limiting charge.

"(iii) CORRECTION OF EXCESS CHARGES.—If such a physician, supplier, or other person bills, but does not collect, an actual charge for a service in violation of clause (i), the physician, supplier, or other person shall reduce on a timely basis the actual charge billed for the service to an amount not to exceed the limiting charge for the service.

"(iv) REFUND OF EXCESS COLLECTIONS.—If such a physician, supplier, or other person collects an actual charge for a service in violation of clause (i), the physician, supplier, or other person shall provide on a timely basis a refund to the individual charged in the amount by which the amount collected exceeded the limiting charge for the service. The amount of such a refund shall be reduced to the extent the individual has an outstanding balance owed by the individual to the physician, supplier, or other person.

"(B) SANCTIONS.—If a physician, supplier, or other person—

"(i) knowingly and willfully bills or collects for services in violation of subparagraph (A)(i) on a repeated basis, or

"(ii) fails to comply with clause (iii) or (iv) of subparagraph (A) on a timely basis,

the Secretary may apply sanctions against the physician, supplier, or other person in accordance with paragraph (2) of section 1842(j). The provisions of section 1842(j)(4) shall apply for purposes of this paragraph except that any reference in such section to a physician is deemed also to include a reference to a supplier or other person under this subparagraph.

"(C) TIMELY BASIS.—For purposes of this paragraph, the term 'on a timely basis', means not later than 30 days after the date the physician, supplier, or other person is notified by the carrier under this part of a violation of the requirements of subparagraph (A).".

(2) UNIFORM APPLICATION OF EXTRA-BILLING LIMITS TO PHYSICIANS' SERVICES.—

(A) IN GENERAL.—Section 1848(g)(2)(C) of the Social Security Act (42 U.S.C. 1395w–4(g)(2)(C)) is amended by inserting "or for nonparticipating suppliers or other persons" after "nonparticipating physicians".

(B) CONFORMING DEFINITION.—Section 1842(i)(2) of the Social Security Act (42 U.S.C. 1395u(i)(2)) is amended—

(i) by striking ", and the term" and inserting "; the term", and

(ii) by inserting before the period at the end the following: "; and the term 'nonparticipating supplier or other person' means a supplier or other person (excluding a provider of services) that is not a participating physician or supplier (as defined in subsection (h)(1))".

(3) ADDITIONAL CONFORMING AMENDMENTS.—Section 1848 of the Social Security Act (42 U.S.C. 1395w–4) is amended—

(A) in subsection (a)(3)—

(i) by inserting "AND SUPPLIERS" after "PHYSICIANS",

(ii) by inserting "or a nonparticipating supplier or other person (as defined in section 1842(i)(2))" after "nonparticipating physician", and

(iii) by adding at the end the following: "In the case of physicians' services (including services which the Secretary excludes pursuant to subsection (j)(3)) of a nonparticipating physician, supplier, or other person for which payment is made under this part on a basis other than the fee schedule amount, the payment shall be based on 95 percent of the payment basis for services of such type which are furnished by a participating physician, supplier, or other person.";

(B) in subsection (g)(1)(A), as amended by subsection (a), in the matter before clause (i), by inserting "(including services which the Secretary excludes pursuant to subsection (j)(3))" after "a physician's service";

(C) in subsection (g)(2)(D), by inserting "(or, if payment under this part is made on a basis other than the fee schedule under this section, 95 percent of the other payment basis)" after "subsection (a)";

(D) in subsection (g)(3)(B)—

(i) by inserting after the first sentence the following: "No person is liable for payment of any amounts billed for such a service in violation of the previous sentence.", and

(ii) in the last sentence, by striking "previous sentence" and inserting "first sentence"; and

(E) in subsection (h)—

(i) by inserting "or nonparticipating supplier or other person" after "physician" the first place it appears,

(ii) by inserting ", supplier, or other person" after "physician" the second place it appears, and

(iii) by inserting ", suppliers, and other persons" after "physicians" the second place it appears.

(b) INFORMATION ON EXTRA-BILLING LIMITS.—

(1) PART OF EXPLANATION OF MEDICARE BENEFITS.—Section 1842(h)(7) of the Social Security Act (42 U.S.C. 1395u(h)(7)) is amended—

(A) by striking "and" at the end of subparagraph (B);

(B) in subparagraph (C), by striking "shall include" and by striking the period at the end and inserting ", and"; and

(C) by adding at the end the following new subparagraph:

"(D) in the case of services for which the billed amount exceeds the limiting charge imposed under section 1848(g), information regarding such limiting charge (including information concerning the right to a refund under section 1848(g)(1)(A)(iv)).".

(2) DETERMINATIONS BY CARRIERS.—Subparagraph (G) of section 1842(b)(3) of the Social Security Act (42 U.S.C. 1395u(b)(3)) is amended to read as follows:

"(G) for a service that is furnished with respect to an individual enrolled under this part, that is not paid on an assignment-related basis, and that is subject to a limiting charge under section 1848(g), will—

"(i) determine, prior to making payment, whether the amount billed for such service exceeds the limiting charge applicable under section 1848(g)(2);

"(ii) notify the physician, supplier, or other person periodically (but not less often than once every 30 days) of determinations that amounts billed exceeded such limiting charges; and

"(iii) provide for prompt response to inquiries of physicians, suppliers, and other persons concerning the accuracy of such limiting charges for their services;".

(c) REPORT ON CHARGES IN EXCESS OF LIMITING CHARGE.—Section 1848(g)(6)(B) of the Social Security Act (42 U.S.C. 1395w-4(g)(6)(B)) is amended by inserting "on the extent to which actual charges exceed limiting charges, the number and types of services involved, and the average amount of excess charges and" after "report to the Congress".

(d) EFFECTIVE DATES.—

(1) ENFORCEMENT AND UNIFORM APPLICATION.—The amendments made by subsection (a) shall apply to services furnished on or after January 1, 1994.

(2) EXPLANATIONS.—The amendments made by subsection (b)(1) shall apply to explanations of benefits provided on or after January 1, 1994, except that the requirement for including information concerning the right to a refund shall apply to explanations of benefits provided on or after July 1, 1994.

(3) CARRIER DETERMINATIONS.—The amendments made by subsection (b)(2) shall apply to contracts as of January 1, 1994.

(4) REPORT.—The amendment made by subsection (c) shall apply to reports for years beginning after 1994.•

By Mrs. KASSEBAUM (for herself and Mr. DOLE):

S. 937. A bill to provide for a 1-year delay in the applicability of certain regulations to certain municipal solid waste landfills under the Solid Waste Disposal Act; to the Committee on Environment and Public Works.

MUNICIPAL SOLID WASTE LANDFILL REGULATORY EXTENSION ACT OF 1993

• Mrs. KASSEBAUM. Mr. President, I rise today on behalf of myself and Senator DOLE to introduce legislation that will promote compliance with new Federal solid waste management standards scheduled to take effect in October.

In 1984, Congress established stringent amendments governing municipal solid waste landfills. The regulations implementing that statute were made final in October 1991, and those requirements become effective in October of this year.

I strongly support the tough environmental standards embodied in these regulations, and I would oppose any effort to weaken them. But, as is so often the case in this Chamber, we have adopted a one-size-fits-all standard, and for residents of rural areas, the fit is particularly poor.

Despite a good-faith effort to comply, countless small communities will be unable to meet the October deadline. In my State of Kansas, for example, the timeline tells the tale. The EPA regulations were issued in October 1991, and the legislature passed implementing legislation at its next session, in the spring of 1992. That legislation created a fund to promote regional landfilling—a fund that, for technical reasons, did not become effective until January of this year. The State implementing regulations, which will be the final implementing mechanism, will not be approved by EPA and in place until at least August and possibly as late as early October. Remember, Mr. President, the deadline for counties to meet these requirements is October 9. In Kansas—and, I understand, in a number of other States—most landfills simply will not be able to comply.

At worst, the result will be roadside dumping as landfills close to avoid the new regulations before an alternative site is available. In many rural areas, there is no alternative. In parts of western Kansas, for example, the nearest subtitle D landfill is more than 200 miles away. Sparse population density makes the area unattractive to commercial disposal companies, and no regional landfills yet are sited. Except roadside ditches and gullies, there is no place to put trash once the local landfill closes.

Even if we are able to provide alternative sites, the best we can hope for is hurried planning, and that means bad planning. Our goal should not be to compel States to comply with Federal environmental law merely for the sake of compliance. Rather, our objective should be to develop thoughtful solid waste management programs within States that will best serve local environmental needs. But it takes time to site new regional landfills, taking into account geological, hydrological, and economic factors, to mention nothing of the political difficulties involved. It takes time to negotiate regional compacts committing counties to developing regional sites, and it will take time to win approval of those compacts from the State attorney general, as required under State law. It also takes time to build sufficient local support for the new taxes and bond issues that will be necessary to finance these changes.

Mr. President, this bill gives us that time.

This legislation would grant a 1-year extension of the initial deadline, from October 1993 to October 1994. It would not affect subsequent deadlines imposed by the regulation. I have given considerable consideration to many other options and have concluded that a 1-year legislative delay is necessary.

In a series of meetings, officials at the Environmental Protection Agency have been truly sympathetic to the concerns raised by Kansas and other States. They recognize that environmental protection is ill served if hurried decisions are forced upon rural communities, and they recognize that subjecting resources-poor small towns to citizen lawsuits for noncompliance would serve no environmental purpose.

As a result, EPA officials are contemplating an effort to extend this deadline administratively. I strongly support that effort, but for several reasons, I am not optimistic that it will prove effective. The regulatory rulemaking process is long and cumbersome, and in this effort, we are working against a rapidly approaching deadline. EPA pledges to try to resolve this issue before October, and I will support their efforts however possible, but rural communities need certainty much sooner.

Additionally, like EPA itself, I am skeptical that the Agency has the statutory authority to grant this extension. And even if it does, there is little

doubt that there will be a legal challenge to any such decision. While the titans litigate, the deadline would loom and rural areas still would have no certainty and no relief. I am convinced that we must seek a statutory solution.

I have worked with a number of interested parties to try to fashion a flexible solution, but to date we have been unable to reach agreement. Some have proposed making an extension contingent upon approval of a State waste management plan. Some have supported establishing criteria to extend the deadline for small, rural landfills while maintaining it for others. Still others have proposed giving regional EPA administrators the discretion to grant extension on a case-by-case basis to landfills that have made a good-faith effort to comply.

I am sympathetic to all of these notions, and I have delayed introducing this legislation in an effort to bring these competing interests together. Unfortunately, to date, that has produced a great deal of talk but little real progress. I am certainly willing to continue that dialog, and in fact I have requested from the chairman and ranking member of the Committee on Environment and Public Works a hearing on this matter.

But obtaining relief for rural landfills will take time, and I do not believe we can wait any longer to begin. The choice is clear: We can punish small communities for not meeting a arbitrary deadline, or we can give them the time they need to implement environmentally sound waste management.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 937

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 "Municipal Solid Waste Landfill Regulatory Extension Act of 1993".

SEC. 2. EXEMPTION OF CERTAIN LANDFILLS FROM MEETING REVISED CRITERIA.

(a) EXEMPTION.—During the 1-year period beginning on October 9, 1993, each municipal solid waste landfill that—

(1) is in existence on October 8, 1993; and

(2) meets the requirements of the criteria contained in regulations issued pursuant to sections 4004(a) and 4010(c) of the Solid Waste Disposal Act (42 U.S.C. 6944(a) and 6949a(c), respectively) as in effect on January 1, 1993,

shall not be required to meet any revised criteria that take effect after the date specified in paragraph (2).

(b) PRIOR CRITERIA APPLICABLE DURING EXEMPTION PERIOD.—During the period specified in subsection (a), a landfill referred to in such subsection shall be subject to the criteria referred to in paragraph (2) of such subsection.

(c) EFFECTIVE DATE OF REVISED CRITERIA.—Beginning on October 9, 1994, each municipal solid waste landfill shall be subject to the revised criteria applicable to the landfill issued pursuant to sections 4004(a) and 4010(c) of the Solid Waste Disposal Act (42 U.S.C. 6944(a) and 6949a(c), respectively), and any subsequent revision to the criteria.•

By Mr. LAUTENBERG:

S. 938. A bill to amend the Solid Waste Disposal Act to enhance recycling opportunities, and for other purposes; to the Committee on Environment and Public Works.

RECYCLING ENHANCEMENT ACT

• Mr. LAUTENBERG. Mr. President, today I am introducing the Recycling Enhancement Act. This bill, which incorporates ideas I introduced in the last Congress, contains a number of initiatives to enhance recycling opportunities in the United States.

Mr. President, the Congress has established source reduction followed by recycling as the highest priorities for waste management. Recycling reduces the amount of waste which must be disposed of, conserves natural resources and saves energy. Recycling has increased from 14.5 million tons or less than 10 percent of the garbage generated in 1980 to over 33.4 million tons or over 17 percent of the garbage generated in 1990. I am particularly proud that my State of New Jersey has increased its solid waste recycling rate in 1992 to 55 percent and its municipal garbage rate to 36 percent.

But if recycling is to achieve its full potential, we must address a number of problems. First, we must ensure that adequate markets are available for recycled goods. It is clear that communities will expand their recycling programs if markets exist for materials which could be collected. Markets need to be expanded for plastics and mixed paper. I will be working with Senator BAUCUS to develop proposals to ensure that adequate markets exist for used materials.

We also must use the procurement capability of the Federal Government to demonstrate leadership in recycling and to increase markets for collected materials. President Clinton's recent Earth Day announcement that he will sign an Executive order committing each Federal agency to increase its purchase of recycled products is an excellent example of the role the Federal Government can play in furthering markets for recycled materials. The Congress' decision to print the CONGRESSIONAL RECORD on recycled paper manufactured by Garden State Paper in New Jersey also shows the role the Government can and should play to further markets for recycled materials.

We also need to develop programs for wastes like lead acid and dry cell batteries, tires, cars, and appliances, also known as white goods, which present special problems.

My bill contains a number of programs to enhance recycling efforts. It will address problems in recycling white goods, automobiles, and plastics and in collecting materials for recycling from multistory buildings.

I. AUTOMOBILES AND APPLIANCES

Mr. President, the first provision in the Recycling Enhancement Act would establish a process to remove obstacles to the recycling of automobiles and appliances. Congressman TORRICELLI and I introduced provisions relating to automobile recycling in 1991.

Mr. President, three growing problems threaten our ability to recycle automobiles. Unless addressed, these problems will worsen our garbage disposal problems.

Discarded automobiles currently are recycled at a very high rate. Over 9 million automobiles were recycled in 1990. Auto hulks are fed into shredders which reduce the hulk into fist sized pieces of metal. This metal is recycled. The plastic, rubber, fabric, glass, and dirt in a car comes out as processing waste or fluff. Land disposal is the only present option for dealing with the fluff.

Right now, none of the nonmetallic material used in automobiles are being recycled. The amount of fluff from cars is growing because the amount of plastics used in cars is growing and plastic recycling has not addressed the different plastics resins mixed in the fluff.

If the nonrecoverable percentage of an automobile increases significantly, the recycling industry may be faced with disposal costs for fluff which are greater than the value of the recyclable fraction of the automobile.

Many Western European countries have proposed or pending regulations that effect the life cycle of automobiles. As a result, European auto manufacturers are the current world leaders in car recycling. We need to tap into the European auto recycling efforts.

A second problem facing automobile recyclers is the use of air bags containing sodium azide. Sodium azide is an explosive chemical and a poison and has been associated with threats to human health. Unexploded air bags cannot be detected in normal recycling operations.

The explosion of an undetonated air bag in equipment used to process and recycle automobile metal could cause serious injury to employees, damage equipment, and expose employees and others to sodium azide.

Finally, toxic materials may be used in building an automobile which can hamper recycling efforts and threaten human health. For example, cadmium is used widely to coat certain bolts in automobiles or as a coloring medium. Cadmium is included on numerous Federal lists of toxic chemicals which threaten human health and the environment including EPA's list of 17 chemicals which it has targeted for reductions.

According to EPA, in 1990 appliances made up 2 percent of the solid waste

stream. The recycling rate for appliances jumped from 7 percent in 1985 to 34 percent in 1990. This shows the potential for recycling white goods. But concerns regarding the use of plastics and toxics which inhibit recycling of automobiles also affect appliances.

My bill would require EPA to report to Congress on obstacles to auto and appliance recycling, methods to incorporate recyclability into the planning of new cars and appliances, amounts and types of toxic and nonrecyclable materials now used in cars and appliances, and methods for engineering new plastics which would be more easily recyclable.

The bill also requires EPA to study the use of economic incentives to promote recycling of appliances and publish guidance for using economic incentives to recycle appliances based on the results of the study.

The provisions regarding automobile recycling are supported by the Institute of Scrap Recycling Industries, which is the recycling industry's trade association. The institute sees these provisions as a model for working with other industries to design their products for recyclability. The provisions regarding appliances recycling are supported by the Association of Home Appliance Manufacturers.

II. MULTISTORY BUILDING RECYCLING

Mr. President, the Recycling Enhancement Act also incorporates the provisions of the Recycling Building Code Act of 1991. These provisions would require the Environmental Protection Agency to develop model construction standards providing suitable space for the separation, collection, and temporary storage of recycled materials in new multiunit and multifamily office and residential buildings.

While many communities are beginning recycling programs, most local building codes do not currently make provisions for recycling systems in multiunit and multifamily buildings.

Every multiunit or multifamily building constructed today is expected to last well into the 21st century. Most of these buildings will have internal waste management systems that address the needs and priorities of the 1950's. They have designs that made sense when their purpose was to remove garbage from a building as efficiently as possible. However, these designs, with their undersized garbage rooms and their single-chute garbage disposal systems, become serious impediments to the implementation of high-rise source separation and multimaterial recycling programs. By continuing to design and build outdated waste disposal systems in these buildings, developers are creating a lasting barrier to the widespread implementation of recycling programs.

Recycling programs have enormous potential in multiunit and multifamily buildings. Because these buildings generate a large volume of resolvable material in a small amount of space, it is possible to recycle in an efficient and profitable manner. In urban areas, materials, such as paper, accumulate quickly in large office buildings and apartment complexes. Collection can be far more efficient than in geographically extended curbside collection.

Unfortunately, unique obstacles confront recycling in office and residential multiunit buildings when recycling systems are not considered in the initial building design. Because the collection of recycling materials requires more space than does normal trash collection, many efforts to implement recycling programs are hindered by a lack of adequate space. Lack of collection space in these buildings can make it impossible to recycle bulk recyclables, can limit the types of materials that can be collected, and can make large-scale programs unprofitable.

Without some basic building design characteristics, recycling in multiunit and multifamily buildings may prove unworkable. Multiunit buildings must have adequate space for the storage and handling of recyclable materials which is in proximity to a loading dock or trash area that is easily accessed by a scrap dealer. Sprinklers must be installed near paper storage areas to reduce fire threats. In multiple story buildings recyclables must somehow get from the top to the bottom. Building such as rest homes or apartment complexes, with their characteristic long narrow hallways, must have space for collection containers that do not interfere with fire exits or fire regulations.

That is why these provisions are so important. They begin the process of planning ahead. They will require the EPA to develop model construction standards with the assistance of organizations involved in establishing national building construction standards. The EPA will then work to ensure that authorities which regulate building construction within States and localities adopt the Agency's model standards.

The Recycling Building Code Act was endorsed by the National Recycling Coalition, which represents organizations implementing recycling programs throughout the Nation.

The coalition's support is not surprising. State and local governments are recognizing the problem of recycling in buildings. Santa Monica, Minnesota, and Wisconsin have already changed their building costs for multitenant residences and offices for this reason. The Santa Monica ordinance requires an onsite recycling space standard for all new residential and commercial buildings. Residential buildings of over 10 units are required to have 100 sq. ft. for the first 10 units and 5 sq. ft. for each additional unit while commercial buildings over 10,000 sq. ft. are required to have 100 sq. ft. The State of Minnesota has recently amended the State building code to require suitable space for the separation, collection, and temporary storage of recyclable materials within new or significantly modeled buildings, and has a task force that is presently developing standards for this suitable space requirement.

Mr. President, if we want to make strides toward mitigating our present solid waste disposal problems, we must plan ahead. Buildings built today with outdated waste disposal systems will impede our progress in recycling tomorrow. This legislation will help ensure that we construct buildings with recycling in mind.

III. PLASTICS

Plastics are a rapidly growing segment of our garbage problem. In 1988, plastics made up almost 10 percent of the garbage which is discarded, up from 0.5 percent in 1960. But by 1990, the United States recycled only a small portion of this plastic, 0.37 million tons or roughly 2 percent of the plastic waste generated. Plastic soft drink bottles are the only plastic product which is recycled in any significant amount. The plastics industry has established a goal of recycling 25 percent of the plastic bottles and containers entering the solid waste stream by 1995.

EPA expects plastics entering the waste stream will increase from 16 million tons in 1990 to almost 25 million tons by 2000.

If we are going to increase recycling of plastics, we will need additional research to address the technical and economic problems in collecting, sorting, reclaiming, and marketing recycled plastics.

The most important problem revolves around the mixing of different types of plastics. Some use of plastics includes different resins. Mixed plastics can be processed only into relatively low-value items. Even those products which use one type of resin must be separated from products made with other types of resin.

Much of the existing research on plastics recycling is being conducted by the Center for Plastics Recycling Research at Rutgers University. This facility, which has been designated as a national University/Industry Cooperative Research Program by the National Science Foundation, is developing ways to recycle plastics at the highest level of economic value and with the greatest environmental benefits. The center developed an automated system for sorting virtually any plastic resin in the solid waste stream. It is essential that we foster these research efforts if we are going to increase our recycling of plastics and reduce the amount of garbage which must be disposed.

My bill would require EPA to designate three universities as plastics re-

search recycling centers to conduct research. These centers would conduct research on promoting increased recycling of plastic products and materials which are not currently recycled in significant amounts, developing improved methods for collecting, sorting, and reclaiming plastics, and new commercial applications for recycled plastic products and ways to expand commercial markets for recycled plastic products. The centers would be chosen based on a competition. And EPA funding would have to be matched by the universities and any corporate sponsors. Congressman TORRICELLI and I introduced this provision in 1991.

My bill also establishes plastic codes for plastic containers and lawn and leaf bags. These codes generally parallel the established voluntary coding system currently used by the plastics industry. And it requires EPA to establish codes for resins for which a code is not established based on standards established by the American Society for Testing and Materials and for plastic products. These codes will identify different types of plastic resins. Plastic coding eases sorting of plastics into different resins. This sorting enhances product quality makes the plastic resins more valuable.

Mr. President, the programs contained in the Recycling Enhancement Act will be important components of our Nation's recycling efforts. I hope my colleagues will support this legislation. And I ask unanimous consent that a copy of the bill be included in the CONGRESSIONAL RECORD.

The being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 938

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 "Recycling Enhancement Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) the use of recycled materials in manufacturing can result in significant energy resource savings when compared to the use of virgin materials; and

(2) recycling can significantly reduce the quantity of waste that must be disposed of.

SEC. 3. NATIONAL RECYCLING OPPORTUNITIES.

Subtitle F of the Solid Waste Disposal Act (42 U.S.C. 6961 et seq.) is amended—

(1) by striking the subtitle heading and inserting the following new heading:

"Subtitle F—Recycling and Federal Responsibilities";

and

(2) by inserting after section 6004 the following new sections:

"SEC. 6005. WHITE GOODS AND AUTOMOBILE RECYCLING.

"(a) STUDY REQUIREMENT.—The Administrator, in consultation with the Secretary of Transportation, the Secretary of Energy, the Secretary of Commerce, and interested and affected members of the public, shall conduct a study of the opportunities for recycling white goods and automobile components in the United States and the steps needed to increase the recycling.

"(b) MATTERS TO BE STUDIED.—In carrying out the study, the Administrator shall—

"(1) identify the quantities of white goods and automobiles collected for recycling and the percentage of the collected quantities that is recycled; and

"(2) consider, at a minimum—

"(A) the major obstacles to increased recycling of white goods and automobile components and how the obstacles can be overcome;

"(B) methods of incorporating recyclability into the planning, design, and manufacturing of white goods and new automobiles;

"(C) the use of toxic and nonrecyclable materials in white goods and automobiles and possible substitutes for the materials;

"(D) the feasibility of establishing design guidelines for white goods and automobiles that would result in a gradual phase-out of hazardous and nonrecyclable materials used in white goods and automobiles;

"(E) methods of engineering new and more easily recyclable plastics for use in white goods and automobiles;

"(F) any environmental impact from the recycling of white goods and automobile components;

"(G) reasonably available economic or market incentives to promote, as appropriate, recycling or environmentally sound alternatives for minimizing the landfilling of white goods, taking into account—

"(i) population densities;

"(ii) local markets;

"(iii) transportation distances and costs; and

"(iv) such other factors as the Administrator determines are relevant and appropriate.

"(c) REPORT.—Not later than 18 months after the date of enactment of this section, the Administrator shall submit to Congress a report on the study required by subsection (a). The report shall contain a discussion of each matter described in subsection (b), and the findings and recommendations of the Administrator.

"(d) GUIDELINES FOR WHITE GOODS RECYCLING.—Not later than 1 year after the submission to Congress of the report required under subsection (c), and after consultation with other interested Federal agencies, appropriate State and local officials, and interested and affected members of the public, the Administrator shall promulgate guidelines identifying appropriate economic and regulatory incentives to encourage recycling and other environmentally sound alternatives for minimizing the landfilling of white goods. In preparing the guidelines, the Administrator shall consider, at a minimum—

"(1) deposits;

"(2) disposal fees and rebates;

"(3) loans and loan guarantees;

"(4) tax incentives; and

"(5) regulatory restrictions on disposal in landfills.

"(e) DEFINITION OF WHITE GOODS.—As used in this section, the term 'white goods' means major appliances such as refrigerators, washing machines, water heaters, stoves, clothes dryers, and air conditioners.

"SEC. 6006. RECYCLING BUILDING CODES.

"(a) IN GENERAL.—The Administrator, in consultation with the Secretary of Housing and Urban Development, shall develop model construction guidelines that provide suitable space for the separation, collection, and temporary storage of material for recycling in new multifamily or multiunit building construction and major renovation of multifamily and multiunit buildings.

"(b) GUIDELINES.—The model construction guidelines shall be consistent with the safety, health, and well-being of building occupants and shall provide for recycling as an integral component of the waste management systems of the building.

"(c) ASSISTANCE OF ORGANIZATIONS.—To the maximum extent possible, the model construction guidelines shall be developed with the assistance of—

"(1) organizations involved in establishing national building construction standards; and

"(2) authorities of State governments or political subdivisions of State governments that regulate building construction.

"(d) REVIEW OF GUIDELINES.—

"(1) DRAFT GUIDELINES.—The Administrator shall make a draft of the model construction guidelines available for public review and comment.

"(2) FINAL GUIDELINES.—The Administrator shall make the final model construction guidelines available to the public not later than 2 years after the date of enactment of this section.

"(e) OUTREACH.—

"(1) IN GENERAL.—The Administrator shall conduct outreach activities to encourage the organizations and authorities described in paragraphs (1) and (2) of subsection (c) to adopt the final model construction guidelines.

"(2) ADDITIONAL OUTREACH ACTIVITIES.—The Administrator shall conduct additional outreach activities to disseminate information regarding recycling building programs of States and political subdivisions of States (in existence at the time of the outreach activities) and the implementation of the final model construction guidelines.

"SEC. 6007. NATIONAL CENTERS FOR PLASTICS RECYCLING.

"(a) ESTABLISHMENT OF CENTERS.—The Administrator shall establish 3 National Plastics Recycling Research and Development Centers (referred to in this section as 'Centers') at institutions of higher education.

"(b) TOPICS OF RESEARCH.—The research activities conducted by the Centers shall include research concerning—

"(1) methods of promoting the increased recycling of plastic products and materials present in large quantities in the solid waste stream that are not currently recycled in significant quantities;

"(2) the development of improved methods for collecting, sorting, and reclaiming plastics; and

"(3) new commercial applications for recycled plastic products and methods of expanding commercial markets for recycled plastic products.

"(c) GRANTS.—

"(1) IN GENERAL.—The Administrator shall make a grant to each Center.

"(2) AMOUNT.—The amount of the grant shall be equal to 50 percent of the cost to the Center of carrying out the research activities described in subsection (b).

"(3) MATCHING FUNDS.—The grant shall be made on the condition that the institution match the amount of the grant with funds provided from non-Federal sources (including funds provided by the State in which the Center is located, the institution of higher education associated with the Center, and the private sector).

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Environmental Protection Agency to

carry out this section, $5,000,000 for each of the fiscal years 1993 through 1996.

"SEC. 6008. PLASTICS RECYCLING CODES.

"(a) DEFINITIONS.—As used in this section:

"(1) ASTM.—The term 'ASTM' means the American Society for Testing and Materials.

"(2) ISO.—The term 'ISO' means the International Standards Organization.

"(3) PLASTIC CONTAINER.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'plastic container' means—

"(i) a rigid or semirigid vessel, including bottles, made of plastic with a capacity of 8 fluid ounces or more and less than 5 gallons, designed to hold a commodity; and

"(ii) a flexible garden or leaf bag made of plastic.

"(B) EXCLUSIONS.—The term shall not apply to—

"(i) a vessel manufactured for use in a medical or laboratory process or procedure; or

"(ii) a container used in a motor vehicle.

"(4) PLASTIC PRODUCT.—The term 'plastic product' means an article, other than a plastic container, made of plastic and weighing more than 0.1 kilogram. The term shall not include a lead-acid battery regulated under part V.

"(5) PLASTIC.—The term 'plastic' means a material that contains as an essential ingredient one or more organic polymeric substances of large molecular weight, that is solid in its finished state, and that at some stage in the manufacture or processing into finished articles can be shaped by flow.

"(6) SAE.—The term 'SAE' means the Society of Automotive Engineers.

"(b) CODING REQUIREMENTS FOR PLASTIC CONTAINERS.—

"(1) IDENTIFICATION OF PLASTIC RESIN.—Effective beginning on the date that is 1 year after the date of enactment of this section, a plastic container manufactured in or imported into the United States shall be encoded on or near the bottom of the container to identify the principal plastic resin used in the manufacture of the container in accordance with paragraph (2) or (3).

"(2) PARTICULAR RESINS.—In the case of a resin identified in subparagraph (B), the code required under paragraph (1) shall consist of all of the following:

"(A) A symbol that is triangular in shape.

"(B) A specific number within the symbol and a series of letters immediately below the base of the symbol identifying the principal type of plastic resin from which the container was produced in accordance with the following schedule:

"(i) The number '1' and the letters 'PETE' for polyethylene terephthalate.

"(ii) The number '2' and the letters 'HDPE' for high density polyethylene.

"(iii) The number '3' and the letter 'V' for vinyl.

"(iv) The number '4' and the letters 'LDPE' for low density polyethylene.

"(v) The number '5' and the letters 'PP' for polypropylene.

"(vi) The number '6' and the letters 'PS' for polystyrene.

"(vii) The number '7' and the letters 'PC' for polycarbonate.

"(3) OTHER RESINS.—In the case of a resin or multiple resins that are not identified under paragraph (2)(B), including a resin that is added or revised by the Administrator under paragraph (4), the code required under paragraph (1) shall consist of all of the following:

"(A) A symbol that is triangular in shape.

"(B) Immediately below the base of the symbol, the letter or letters identifying the principal type of plastic resin from which the container was produced as provided in Table 1 or 2 of the American Society for Testing and Materials' Standards for Generic Marking of Plastic Products, ASTM D1972.

"(4) REVISIONS.—

"(A) IN GENERAL.—The Administrator, after consultation with standard setting organizations such as the ASTM, may, by rule, from time to time, add to or otherwise revise the designation of a resin referred to in paragraph (2)(B).

"(B) REQUIREMENTS.—Any such revision shall, as appropriate—

"(i) require any additional information that the Administrator considers appropriate to facilitate recycling of plastic resins;

"(ii) prohibit the use of any single resin code established under paragraph (2)(B) or designated under paragraph (4)(A) on any plastic container, if any nonprincipal resin used in the manufacture of the container is incompatible with its recycling based on the single resin code for the principal resin;

"(iii) adopt consensus codes developed under the auspices of ASTM, or, as appropriate, similarly recognized standards organizations, except in any case in which the Administrator determines that the codes are inconsistent with the purposes of this subsection; and

"(iv) adopt codes that, to the maximum extent practicable, promote an internationally uniform and compatible system of plastic container coding.

"(5) PETITIONS.—

"(A) IN GENERAL.—Any person may petition the Administrator to revise regulations issued under this subsection either to—

"(i) add to or otherwise revise the designation of a resin referred to in paragraph (2)(B), including a resin added or revised by the Administrator under paragraph (4); or

"(ii) adopt internationally accepted consensus coding requirements.

"(B) EXPLANATION.—The Administrator shall, not later than 90 days after receiving a petition under this paragraph, publish an explanation of the proposed response of the Administrator to the petition.

"(6) SAVINGS CLAUSE.—Nothing in this subsection should be construed—

"(A) to require coding or to prohibit the sale of any noncoded plastic container manufactured or imported and placed in commerce, or held as inventory prior to the effective date provided in paragraph (1); or

"(B) to preclude any manufacturer of a plastic container from including additional information on the container relevant to the identification of resins or additives used in the manufacture of the container if the information is not inconsistent with the requirements of this subsection.

"(c) CODING REQUIREMENTS FOR PLASTIC PRODUCTS.—

"(1) REGULATIONS.—

"(A) PROPOSED REGULATIONS.—Not later than the end of the 9-month period beginning on the date of enactment of this section, and after consulting with the ASTM, SAE, ISO, and, as appropriate, other similarly recognized standards organizations, the Administrator shall propose regulations requiring manufacturers of plastic products manufactured or offered for sale in the United States to encode the products to identify the principal plastic resins used in their manufacture.

"(B) FINAL REGULATIONS.—Final regulations requiring the encoding shall be promulgated, after notice and opportunity for public comment, not later than 18 months after such date of enactment.

"(C) EFFECTIVE DATE.—The effective date for the requirement to encode plastic products shall be 4 years after the date final regulations under this paragraph are promulgated, except that the Administrator may encourage earlier compliance where practical and without a cost penalty to the manufacturers.

"(2) LIMITATIONS.—Regulations required under paragraph (1) shall adopt codes—

"(A) that have been developed under the auspices of the ASTM, SAE, ISO, and, as appropriate, other similarly recognized standards organizations, except in any case in which the Administrator determines that the codes are inconsistent with the purposes of this subsection; and

"(B) that, to the maximum extent practicable, promote an internationally uniform and compatible system of plastic product coding.

"(3) APPLICABILITY.—The regulations required under paragraph (1) shall not apply to a manufacturer with respect to a plastic product produced in a quantity of less than 1,000 per year by the manufacturer and that has an expected useful life of 15 years or more.

"(4) REVISIONS.—

"(A) IN GENERAL.—The Administrator shall revise regulations issued under this subsection, as necessary and on a timely basis, to keep domestic plastic product recycling codes consistent, to the maximum extent practicable, with internationally accepted consensus coding requirements.

"(B) STANDARDS ORGANIZATIONS.—The revisions shall be made after consultation with the Secretary of Commerce, ASTM, SAE, ISO, and, as appropriate, other similarly recognized standards organizations and shall adopt codes developed under the auspices of the organizations, except in a case in which the Administrator determines that the codes are inconsistent with the purposes of this subsection.

"(C) PETITIONS.—

"(i) IN GENERAL.—Any person may petition the Administrator to revise regulations established under this subsection to adopt internationally accepted industry consensus coding requirements.

"(ii) RESPONSE.—Not later than 90 days after receiving any such petition, the Administrator shall publish an explanation of the proposed response of the Administrator to the petition.

"(5) SAVINGS CLAUSE.—Nothing in this subsection shall be interpreted to—

"(A) require coding of standing inventory manufactured prior to the effective date of the regulations, or parts or replacement parts made after the effective date of the regulations, if the parts or replacement parts are made (i) with tooling, and (ii) for products, both of which were manufactured prior to the effective date of the regulations; or

"(B) preclude any manufacturer of plastic products from including additional information on the products relevant to the identification of resins or additives used in their manufacture, if the information is not inconsistent with the requirements of this subsection.

"(d) UNIFORMITY.—No State or political subdivision of a State may enforce any requirement of a State or local law applicable to the coding of any plastic container or plastic product unless the requirement is identical to the provisions of this section and regulations issued under this section.

"(e) VIOLATIONS.—A violation of this section or a regulation issued under this section shall be determined on a per run basis, not on a per unit basis.".

SEC. 4. AMENDMENTS TO TABLE OF CONTENTS.

The table of contents in section 1001 of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) is amended—

(1) by striking the item relating to the heading of subtitle F and inserting the following new heading:

"Subtitle F—Recycling and Federal Responsibilities";

and

(2) by inserting after the item relating to section 6004 the following new items:

"Sec. 6005. White goods and automobile recycling.
"Sec. 6006. Recycling building codes.
"Sec. 6007. National centers for plastics recycling.
"Sec. 6008. Plastics recycling codes.".●

By Mr. SPECTER:

S.J. Res. 91. A joint resolution designating October 1993 and October 1994 as "National Domestic Violence Awareness Month"; to the Committee on the Judiciary.

DOMESTIC VIOLENCE AWARENESS MONTH

● Mr. SPECTER. Mr. President, today I am introducing a joint resolution to designate October 1993 and 1994 as National Domestic Violence Awareness Month. This resolution is the successor of four Senate joint resolutions which I introduced in the 100th, 101st, and 102d Congresses making National Domestic Violence Awareness Month public law in 1989, 1990, and 1991.

I have long been a supporter of legislation to address violence against women. As ranking minority member of the Appropriations Subcommittee on Labor, Health and Human Services, and Education, funding for family violence prevention programs has increased from $8.3 million in fiscal year 1990 to $24.7 million in fiscal year 1993. It is crucial that programs which assist in the prevention of family violence and provide shelter and related assistance for victims of family violence continue to receive our support. That is why I am again introducing National Domestic Violence Awareness Month to continue the focus of attention on controlling domestic violence.

According to the U.S. Department of Justice, 93 percent of the victims of violent crimes from 1982 to 1984 where the offender is a relative were females. In 1984, U.S. Surgeon General C. Everett Koop reported that domestic violence is the single largest cause of injury to women in the United States.

Domestic violence affects urban and rural women of all racial, social, religious, ethnic, and economic groups, and of all ages, physical abilities, and lifestyles. Therefore, it is fitting that we force attention on the growing national tragedy of domestic violence, and demonstrate our support for those individuals and organizations working to address it.

The incidence of domestic violence nationwide is staggering. According to the National Coalition Against Domestic Violence, over 50 percent of all married women experience some form of physical abuse in their relationships. However, the violence does not end there. A 1984 independent study by Ms. Lenore Walker, author of "The Battered Women Syndrome," found that 53 percent of abusive husbands beat their children as well as their wives, and that this violence is frequently repeated. During 1992, the National Coalition members provided shelter to more that 450,000 women and children from their unsafe homes. More disconcerting, however, is that across America approximately 70 percent of women and children seeking shelter in 1991 were turned away due to a lack of space.

In my own State of Pennsylvania, the incidence of domestic violence is especially acute. In fiscal year 1991–92, hotlines throughout the Commonwealth handled 157,428 abuse-related calls. The Pennsylvania Coalition Against Domestic Violence, headquartered in Harrisburg, PA, operates 47 shelters, 7 counseling centers and safehomes, and 61 hotlines throughout the Commonwealth. The Pennsylvania Coalition reports that in fiscal year 1991–92, these facilities provided services to 88,269 persons. The coalition members also provided 510,380 hours of counseling to victims and their children, and 166,170 shelter days to battered individuals.

Statistics show that there is a growing need for such facilities. The Pennsylvania Coalition reported a 12-percent increase in the number of shelter recipients in 1991. The total number of victims seeking aid is expected to continue to increase.

Unfortunately, despite these extensive efforts, existing shelters are as yet unable to meet the needs of all the victims. The Pennsylvania Coalition reported that in 1990, shelters were forced to turn away 11,339 women and children. According to national statistics provided by the National Coalition Against Domestic Violence, for every woman sheltered, three women in need of shelter must be turned away due to lack of space.

I long have been concerned about the devastating effects of domestic violence on American families. As a former district attorney of Philadelphia, I have witnessed first hand the tragic consequences of domestic abuse cases. Accordingly, I commend the efforts of the Pennsylvania Coalition against Domestic Violence, the National Coalition against Domestic Violence, the National Network for Victims of Sexual Assault, the Pennsylvania Junior League, and similar organizations that take such an active role in combating domestic abuse.

I urge my colleagues to join me in supporting this resolution to designate October 1993 and October 1994 as "National Domestic Violence Awareness Month" to focus attention on the pressing needs of domestic violence victims.

Mr. President, I ask unanimous consent that the joint resolution be printed in the RECORD.

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

S.J. RES. 91

Whereas it is estimated that a woman is battered every fifteen seconds in America;

Whereas domestic violence is the single largest cause of injury to women in the United States, affecting six million women;

Whereas rural and urban women of all racial, social, religious, ethnic, and economic groups of all ages, physical abilities and lifestyles are affected by domestic violence;

Whereas increasing evidence indicates that there are large numbers of immigrant women trapped in violent homes, isolated by abusive spouses who use the threat of deportation to maintain power and control over them;

Whereas violence escalates in both frequency and severity over time, becoming greatest at and after separation, when women are 75 percent more likely to be killed;

Whereas 40 percent of female homicide victims in 1991 were killed by their husbands or boyfriends;

Whereas in 1991, at least 21,000 domestic crimes against women were reported to the police each week;

Whereas one-fifth of all reported aggravated assaults—assaults where the victims suffered serious bodily injury—occur in domestic violence situations;

Whereas 74 percent of employed battered women are harassed by their abusive partners at work, causing 54 percent to miss at least three full days of work a month and 20 percent to lose their jobs;

Whereas 35 percent of medical emergency visits by women are the result of domestic violence, and 25–45 percent of all battered women are battered during pregnancy;

Whereas one-third of the domestic violence incidents involve felonies such as rape, robbery, and aggravated assault;

Whereas in 50 percent of families where the wife is being abused, the children of that family are also being abused;

Whereas some individuals in our law enforcement, medical, religious, mental health, and judicial systems continue to think of spousal abuse as a "private" matter and are hesitant to intervene and treat domestic assault as a crime;

Whereas in 1991 over 450,000 women, plus their children, were provided emergency shelter in domestic violence shelters and safehomes;

Whereas 40 percent of women in need of shelter may be turned away due to lack of shelter space;

Whereas the nationwide efforts to help the victims of domestic violence need to be expanded and coordinated;

Whereas there is a need to increase the public awareness and understanding of domestic violence and the needs of battered women and their children; and

Whereas the dedication and successes of those working to end domestic violence and the strength of the survivors of domestic violence should be recognized: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That each of the months October 1993 and October 1994 is designated as "National Domestic Violence Awareness Month." The President is authorized and re-

quested to issue a proclamation calling on the people of the United States to observe this month by becoming more aware of the tragedy of domestic violence, supporting those who are working to end domestic violence, and participating in other appropriate efforts.•

By Mr. MOYNIHAN (for himself and Mr. D'AMATO):

S.J. Res. 92. A joint resolution to designate both the month of October 1993 and the month of October 1994 as "National Down Syndrome Awareness Month"; to the Committee on the Judiciary.

NATIONAL DOWN SYNDROME AWARENESS MONTH

• Mr. MOYNIHAN. Mr. President, I rise today to introduce along with my colleague, Senator D'AMATO, a joint resolution to recognize the months of October 1993 and 1994 as National Down Syndrome Awareness Month.

Approximately 5,000 children are born each year with Down syndrome in the United States. While research and improving health care offer a brighter outlook for people with Down syndrome, we can significantly improve the lives of individuals with Down syndrome by increasing our awareness of their needs and capabilities. Many people with Down syndrome have demonstrated success in regular schools, businesses, and recreational teams. Their efforts must not go unnoticed and should be encouraged.

The National Down Syndrome Society, teachers, parent groups, and physicians are all making significant efforts to prepare those with Down syndrome for more independent living and are encouraging their further participation in mainstream activities. Television now offers programs with actors with Down syndrome and viewers can appreciate how Down syndrome affects families and individuals. We should continue to become more acquainted with their needs and abilities.

This resolution will do much to raise attention to Down syndrome. I encourage you to contribute to this effort by joining as a cosponsor. Those who have Down syndrome, their families, friends, and employers will appreciate your support.

Mr. President, I submit the following joint resolution and ask that the full text be printed in the RECORD.

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

S.J. RES. 92

Whereas advancements in education, research, and public awareness are continuing to improve the quality of life for people with Down syndrome;

Whereas approximately 5,000 children are born with Down syndrome annually in the United States;

Whereas as ignorance, prejudices, myths, and stereotypes regarding Down syndrome can be overcome only through increased awareness and education;

Whereas through the efforts of concerned physicians, teachers, parent groups, and the National Down Syndrome Society, programs are being established to educate the parents of individuals with Down syndrome, to include people with Down syndrome in all school programs, to provide vocational training for individuals with Down syndrome in preparation for entering the work force, and to prepare young adults with Down syndrome for independent living in the community;

Whereas the television medium has greatly augmented such efforts by casting actors with Down syndrome and by offering programming that demonstrates to hundreds of thousands of viewers in a positive and educational manner the everyday, personal, and family effects of living with Down syndrome;

Whereas advancements in research are improving health care and offering a brighter outlook for individuals born with Down syndrome; and

Whereas the many people with Down syndrome who attend regular schools, play on Little League teams, work in corporations and businesses both large and small, and volunteer in the community demonstrate daily the success that people with Down syndrome are able to achieve: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the months of October 1993 and October 1994 are each designated as "National Down Syndrome Awareness Month". The President is authorized and requested to issue proclamations calling upon the people of the United States to observe these months with the appropriate ceremonies and activities.•

By Mr. SPECTER:

S.J. Res. 93. A joint resolution calling for the President to support efforts by the United Nations to conclude an international agreement to establish an international criminal court; to the Committee on Foreign Relations.

INTERNATIONAL CRIMINAL COURT JOINT RESOLUTION

Mr. SPECTER. Mr. President, I am today introducing a resolution to promote the establishment of a permanent international criminal court with jurisdiction to try individuals alleged to have violated international law or to have committed crimes of an international character. This is a subject which this Senator has worked on, going back to 1986, in the context of terrorism and international drug dealing.

The question is now on center stage, with consideration for an international criminal court to try war criminals who have committed atrocious acts as the nation of Yugoslavia has disintegrated.

We saw, for some substantial period of time, nations unwilling to take action against terrorists or to extradite those terrorists to the United States where we would have jurisdiction. We saw, in the 1984 omnibus crime bill, the assertion of Federal jurisdiction on international hijacking and hostage-taking of Americans. Then, in the 1986 Terrorist Prosecution Act, which this Senator introduced and which was passed, we took a stand to protect American citizens, like those who were assassinated, murdered in cold blood at the Vienna and Rome airports in December 1985.

We had a serious situation with Abu Abbas, who was on an Egyptian airliner leaving Egypt, forced down over Italian soil by United States fighter pilots. In a standoff, the United States did not acquire custody. Abu Abbas was indicted in absentia in Italy—he was not present—and received a 30-year sentence, meaningless because he was not present. At that time, Mr. President, had there been an international criminal court to try terrorists, I think we would have succeeded in pursuing Abu Abbas and others like him.

We did gain jurisdiction over Fawaz Yunis, on a maneuver in the Mediterranean, off Cyprus. He is now serving a sentence in a Federal penitentiary, not long enough for the satisfaction of this Senator, but he is serving a sentence.

We made efforts on the international criminal court after the international drug problem became very acute. We had the situation, in Honduras, where the United States Embassy was stoned. Here, again, in our dealings with Colombia, I think, had we had an international criminal court, we could have gained jurisdiction over some international criminals where there was an unwillingness to extradite to the United States.

The issue has come to a head in Bosnia and Herzegovina, the former Yugoslav nation, where we have had atrocious acts, and the matter is now before the United Nations.

This resolution calls upon the President and our Ambassador to the United Nations to move ahead, to push the formation of an international criminal court.

There is a group of international parliamentarians, whom this Senator has worked with and others have worked with on the House side, working on this important measure. I think it would be an enormous step forward. It would, in effect, institutionalize the kind of criminal court we had in Nuremberg, but do it in a systematic way. There is nothing like the rule of law, and there is nothing like the rule of international law on areas where there is agreement that certain conduct constitutes international crimes. We need an international court to try those crimes.

As the United Nations and the International Law Commission work to draft a code for an international criminal court, this resolution calls upon President Clinton and Ambassador Albright to support these efforts and to provide any assistance necessary to these bodies to expedite the establishment of such a court.

I have been seeking to encourage the establishment of an international criminal court since 1986, but the concept for such an institution goes back to 1945. In the wake of the heinous

crimes committed by Germany and Japan during World War II, the allied powers established international military tribunals to try individuals accused of war crimes. The success of these tribunals in hearing the evidence and rendering judgment in accordance with principles of due process showed that international tribunals to try crimes committed in violation of a developing body of international law could be successful. Since 1945, the United Nations has sought to create an international criminal court.

My initial involvement with the issue stemmed from the increase in terrorism directed against Americans and the rise of international drug trafficking during the 1980's. I observed that many nations were unwilling or unable to extradite terrorists and drug traffickers to the United States to stand trial here for transnational crimes committed against Americans. Many of these nations face domestic political problems in extraditing someone to this country. Extradition can be perceived as a violation of a nation's sovereignty. In some cases, especially terrorist attacks, the people of a foreign nation in which the alleged criminal is located may be strongly supportive of the criminal act committed against an American, making it politically impossible to secure his extradition. In other cases, we may not even have an extradition treaty with the host country.

As a result of these difficulties in bringing terrorists and drug traffickers to justice in the United States, I began to search for an alternative mechanism to allow the rule of law to be enforced in a manner consistent with principles of due process.

I cannot overstate the importance to the international community of the need for adherence to principles of international law. The concept of a binding international law is an old one. It has roots in ancient and medieval legal and political doctrines, and was given a comprehensive theoretical treatment by the great jurist Hugo Grotius. Since then, the fortunes of international law have waxed and waned, but a critical step was taken with the success of the international military tribunals established after World War II.

Many examples of permanent international tribunals have been established in recent years. Among these courts are the International Court of Justice, the European Court of Human Rights, the Inter-American Court of Human Rights, the Court of Justice of the European Community, the East African Common Market Tribunal, and the Court of Justice of the Andean Union. Other permanent international courts dealing with specialized subjects also have been established, especially in Western Europe.

Against this background, I offered an amendment to the Omnibus Diplomatic Security and Antiterrorism Act of 1986 expressing the sense of the Congress that the President consider the possibility of establishing an international court to prosecute terrorists. My amendment was adopted and subsequently enacted.

During consideration of the Anti-Drug Abuse Act of 1988, I offered an amendment expressing the sense of the Senate that the President should begin discussions with foreign governments to investigate the feasibility and advisability of establishing an international court to try international drug trafficking cases and other criminal cases of an international nature. This amendment was also adopted and signed into law.

In 1989, after my two amendments had been enacted, the U.N. General Assembly adopted a resolution calling on the International Law Commission, a body of jurists affiliated with the United Nations, to study the feasibility of establishing an international criminal court. The draft report of the International Law Commission, issued in July 1990, expressed the Commission's agreement in principle with the establishment of an international criminal court.

In the 101st Congress, I offered yet another amendment to the foreign operations appropriations bill calling on the President and the Judicial Conference of the United States to study and report to the Congress on the feasibility of establishing an international criminal court and on U.S. participation in such a venture. This amendment was also adopted and subsequently enacted into law.

As the 101st Congress drew to a close, we were all transfixed by events in the Persian Gulf after Saddam Hussein marched his army into Kuwait. The military invasion of Kuwait was an act of unwarranted aggression in violation of international law. Subsequent acts by the Iraqi military in Kuwait can also be categorized as blatant war crimes and other crimes in violation of international law. Among these were the horrible environmental terrorism committed by Iraq by setting Kuwaiti oil fields aflame and by spilling millions of gallons of oil into the Persian Gulf. In the wake of these actions by Iraq, the Senate passed the Persian Gulf War Criminals Act in 1991, calling on the President to propose to the United Nations the establishment of an international tribunal to prosecute Persian Gulf war criminals. This provision was based on Senate Resolution 71, which I had previously introduced in the 102d Congress. Nothing came of this effort to prosecute Iraqi leaders of war crimes.

Unfortunately, in 1992, the world was once again confronted with the face of war and a campaign of genocide in the former Yugoslavia. It appears as if Serbian forces have been conducting campaigns of ethnic purification, genocide, and organized rape, first in Croatian areas and now in Bosnian Moslem regions. These vile acts recall the barbarism of the Nazis and the genocide of the Khmer Rouge in Cambodia in the 1970's.

In the face of this most recent outrage and the continuation of international terrorism and drug trafficking, efforts to establish an international criminal court have become galvanized. In the summer of 1992, the American Bar Association adopted a resolution calling on the U.S. Government to work to establish an international criminal court. Then, in November 1992, the U.N. General Assembly adopted a resolution calling on the International Law Commission to begin the process of drafting a statute to establish an international criminal court. The U.N. Security Council has most recently established an ad hoc court to prosecute persons responsible for violations of international law in the territory of the former Yugoslavia. I would note that had a permanent international criminal court already existed, the process for investigating and bringing these war criminals to justice would have been greatly expedited. An international criminal court with jurisdiction over war crimes should act as a significant deterrent to those who would contravene the norms of international behavior and the laws of war.

The time has finally arrived for the creation of a permanent international court to try crimes of an international nature committed in violation of international law. Such a court is an institution that has been in the making since 1945. Its establishment has been debated and examined for almost five decades and it is now time to make it a reality. The world needs the court now because nations and individuals continue to be victimized by all manner of international crime, including genocide, military aggression, war crimes, including rape, terrorism, and drug trafficking.

Creation of a permanent international criminal court, established with the sanction of all the nations of the world acting in concert, will finally turn the promise of an international rule of law into a reality for all the peoples of the world. It is time to turn the goal into reality.

This resolution calls upon the President to assist in bringing this goal to fruition. Adoption of this resolution will advance an idea whose time has come and which will work to the benefit of all humankind. I urge my colleagues to support adoption of this resolution.

I ask unanimous consent that a copy of the resolution be printed in the RECORD at the conclusion of my remarks.

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

S.J. RES. 93

SECTION 1. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) the preservation of international security and peace rests on adherence to the rule of law and principles of justice by the nations and peoples of the world;

(2) international security and peace are threatened by violations of international law by war crimes, genocide, military aggression, terrorism, drug trafficking, and other international crimes;

(3) violations of international law by such international acts have a severely detrimental effect on the United States, putting Americans at risk and costing the nation billions of dollars;

(4) the prosecution of individuals suspected of violating international law is often impeded by domestic political and legal obstacles imposed by the nations involved;

(5) the International Military Tribunals established after World War II to try suspected war criminals demonstrated that fair and effective prosecution of war criminals could be carried out in an international forum by nations acting in concert under international law;

(6) since its establishment in 1945 the United Nations has sought to establish a permanent international criminal court to try crimes committed in violation of international law;

(7) there are many examples of international judicial bodies successfully exercising legal authority over nations that have voluntarily agreed to submit to the jurisdiction of such tribunals;

(8) in 1978 the American Bar Association adopted a resolution urging the Department of State to open negotiations for a convention to establish an international criminal court with jurisdiction over international crimes of hijacking, violence aboard aircraft, crimes against diplomats and internationally protected persons, and murder and kidnapping;

(9) in the 99th Congress, in the Omnibus Diplomatic Security and Antiterrorism Act of 1986, it was expressed as the sense of the Congress that the President should consider the possibility of eventually establishing an international tribunal for prosecuting terrorists;

(10) in the 100th Congress, in the Anti-Drug Abuse Act of 1988, it was expressed as the sense of the Senate that the President should begin discussions with foreign governments to investigate the feasibility and advisability of establishing an international criminal court to expedite cases regarding the prosecution of persons accused of having engaged in international drug trafficking or having committed international crimes;

(11) the United Nations General Assembly adopted Resolution 44/39 on December 4, 1989, calling on the International Law Commission to study the feasibility of an international criminal court;

(12) the draft report of the International Law Commission issued in July 1990 expressed the Commission's agreement in principle with the idea of establishing a permanent international criminal court;

(13) in the 101st Congress, in the Foreign Operations Appropriations Act, Congress required the President and the Judicial Conference of the United States to report to the Congress on the establishment of an international criminal court;

(14) in the 102d Congress, the Senate passed, as part of the Persian Gulf War Criminals Act of 1991, a proposal calling on the President to propose to the United Nations the establishment of an international criminal tribunal to prosecute Persian Gulf War criminals;

(15) in 1992 the American Bar Association adopted a resolution calling on the United States Government to work toward solving the legal and practical issues regarding the establishment of an international criminal court;

(16) the United Nations General Assembly adopted Resolution 47/33 on November 25, 1992, calling on the International Law Commission to begin the process of drafting a statute for an international criminal court at its next session;

(17) the United Nations Security Council adopted Resolution 808 on February 22, 1993, establishing a war crimes tribunal to prosecute persons responsible for violations of international law in the territory of the former Yugoslavia; and

(18) the time has come for the United States to advocate the establishment of a permanent international criminal court and to assist in the preparation of a code under which such a court can operate and in the establishment of the court.

SEC. 2. SENSE OF THE CONGRESS.

It is the sense of the Congress that the President, acting through the Permanent Representative of the United States to the United Nations, should support the efforts of the United Nations and the International Law Commission to establish an international criminal court with jurisdiction over violations of international law and crimes of an international character, including war crimes, acts of terrorism, and drug trafficking, and should provide any assistance necessary to expedite the establishment of such a court.

SEC. 3. REQUIRED REPORT.

Not later than December 1, 1993, the President shall submit to the Congress a detailed report in developments relating to, and United States efforts in support of, the establishment of an international criminal court.

ADDITIONAL COSPONSORS

S. 12

At the request of Mr. BIDEN, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 12, a bill to authorize the Secretary of Commerce to make grants to States and local governments for the construction of projects in areas of high unemployment, and for other purposes.

S. 50

At the request of Mr. WARNER, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 50, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 250th anniversary of the birth of Thomas Jefferson.

S. 106

At the request of Mr. HATCH, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 106, a bill to modernize the U.S. Customs Service.

S. 176

At the request of Mr. DOLE, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 176, a bill to amend title XVIII of the Social Security Act with respect to essential access community hospitals, the rural transition grant program, regional referral centers, Medicare-dependent small rural hospitals, interpretation of electrocardiograms, payment for new physicians and practitioners, prohibitions on carrier forum shopping, treatment of nebulizers and aspirators, and rural hospital demonstrations.

S. 216

At the request of Mr. D'AMATO, the names of the Senator from West Virginia [Mr. BYRD] and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of S. 216, a bill to provide for the minting of coins to commemorate the World University Games.

S. 257

At the request of Mr. BUMPERS, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 257, a bill to modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims, and for other purposes.

S. 269

At the request of Mr. BAUCUS, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 269, a bill to amend the Trade Act of 1974 to provide that interested persons may request review by the Trade Representative of a foreign country's compliance with trade agreements.

S. 416

At the request of Mr. DECONCINI, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 416, a bill to authorize the provision of assistance to the victims of war in the former Yugoslavia, including the victims of torture, rape, and other war crimes and their families.

S. 466

At the request of Mr. DASCHLE, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 466, 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. 479

At the request of Mr. DODD, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 479, a bill to amend the Securities Act of 1933 and the Investment Company Act of 1940 to promote capital formation for small businesses and others through exempted offerings under the Securities Act and through investment pools that are excepted or exempted from regulation under the Investment Company Act of 1940 and through business development companies.

S. 499

At the request of Mr. LOTT, the name of the Senator from Utah [Mr. HATCH]

was added as a cosponsor of S. 499, a bill to amend title 18, United States Code, to provide mandatory life imprisonment for persons convicted of a third violent felony.

S. 540

At the request of Mr. HEFLIN, the names of the Senator from Florida [Mr. GRAHAM] and the Senator from Montana [Mr. BURNS] were added as cosponsors of S. 540, a bill to improve the administration of the bankruptcy system, address certain commercial issues and consumer issues in bankruptcy, and establish a commission to study and make recommendations on problems with the bankruptcy system, and for other purposes.

S. 545

At the request of Mr. BOREN, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 545, a bill to amend the Internal Revenue Code of 1986 to allow farmers' cooperatives to elect to include gains or losses from certain dispositions in the determination of net earnings, and for other purposes.

S. 573

At the request of Mr. BREAUX, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 573, a bill to amend the Internal Revenue Code of 1986 to provide for a credit for the portion of employer Social Security taxes paid with respect to employee cash tips.

S. 636

At the request of Mr. KENNEDY, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of S. 636, a bill to amend the Public Health Service Act to permit individuals to have freedom of access to certain medical clinics and facilities, and for other purposes.

S. 687

At the request of Mr. ROCKEFELLER, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 687, a bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes.

S. 726

At the request of Mr. DASCHLE, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 726, a bill to amend the Social Security Act to create a new program to update and maintain the infrastructure requirements of our Nation's essential urban and rural safety net health care facilities, and for other purposes.

S. 730

At the request of Mr. DORGAN, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 730, a bill to ensure fair and free trade of certain agricultural commodities between the United States and Canada, and for other purposes.

S. 764

At the request of Mr. WOFFORD, the names of the Senator from Kentucky [Mr. FORD] and the Senator from Louisiana [Mr. BREAUX] were added as cosponsors of S. 764, a bill to exclude service of election officials and election workers from the Social Security payroll tax.

S. 784

At the request of Mr. HATCH, the names of the Senator from Idaho [Mr. KEMPTHORNE] and the Senator from Utah [Mr. BENNETT] were added as cosponsors of S. 784, a bill to amend the Federal Food, Drug, and Cosmetic Act to establish standards with respect to dietary supplements, and for other purposes.

S. 858

At the request of Mr. BOREN, the name of the Senator from Wyoming [Mr. WALLOP] was added as a cosponsor of S. 858, a bill to amend the Internal Revenue Code of 1986 to modify the alternative minimum tax system, and for other purposes.

S. 880

At the request of Mr. BOREN, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 880, a bill to amend the Internal Revenue Code of 1986 to clarify the treatment of interest income and rental expense in connection with safe harbor leases involving rural electric cooperatives.

S. 920

At the request of Mr. KENNEDY, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 920, a bill to amend the Higher Education Act of 1965 to simplify the delivery of student loans to borrowers and eliminate borrower confusion; to provide a variety of repayment plans, including income contingent repayment through the EXCEL Account, to borrowers so that they have flexibility in managing their student loan repayment obligations, through an orderly transition, the Federal Family Education Loan Program with the Federal Direct Student Loan Program; to avoid the unnecessary cost, to taxpayers and borrowers, and administrative complexity associated with the Federal Family Education Loan Program through the use of a direct student loan program; and for other purposes.

S. 925

At the request of Mr. INOUYE, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of S. 925, a bill to require the Secretary of the Interior to pay interest on Indian funds invested, to authorize demonstrations of new approaches for the management of Indian trust funds, to clarify the trust responsibility of the United States with respect to Indians, to establish a program for the training and recruitment of Indians in the management of trust funds, to account for daily and annual balances on and to require periodic statements for Indian trust funds, and for other purposes.

SENATE JOINT RESOLUTION 84

At the request of Mr. DOLE, the names of the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Rhode Island [Mr. PELL], the Senator from Alabama [Mr. HEFLIN], and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of Senate Joint Resolution 84, a joint resolution designating the week of June 1, 1993, through June 7, 1993, as a "Week for the National Observance of the Fiftieth Anniversary of World War II."

SENATE CONCURRENT RESOLUTION 24

At the request of Mr. DECONCINI, the names of the Senator from Maryland [Mr. SARBANES], the Senator from Wisconsin [Mr. FEINGOLD], and the Senator from Arizona [Mr. MCCAIN] were added as cosponsors of Senate Concurrent Resolution 24, a concurrent resolution concerning the removal of Russian troops from the independent Baltic States of Estonia, Latvia, and Lithuania.

SENATE RESOLUTION 79

At the request of Mr. FEINGOLD, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of Senate Resolution 79, a resolution expressing the sense of the Senate concerning the United Nations arms embargo against Bosnia and Herzegovina, a nation's right to self-defense, and peace negotiations.

SENATE CONCURRENT RESOLUTION 25—RELATIVE TO CHINA

Mr. DORGAN (for himself and Mr. BURNS) submitted the following concurrent resolution; which was referred to the Committee on Finance:

S. CON. RES. 25

Whereas China enjoys an overall annual trade surplus of more than $40,000,000,000, while the United States absorbed a $96,000,000,000 trade deficit for 1992;

Whereas China's trade surplus with the United States has exploded in the past 5 years, increasing from $3,500,000,000 in 1988 to $18,200,000,000 in 1992;

Whereas the United States share of China's wheat imports has undergone a downward trend, from 52 percent in 1988 to between 35 and 40 percent in the past 3 years;

Whereas China's actual volume of wheat purchases from the United States has fallen even more rapidly than the United States shares of that market, declining from nearly 300,000,000 bushels in the period 1988 to 1989 to a projected 110,000,000 bushels for this marketing year;

Whereas the Government of China has chosen to increase its purchases of wheat from other exporting nations despite the cash and grain incentives the United States offers to China to make United States wheat competitive in the world market; and

Whereas China's reduction in purchase of United States wheat during a period of rapid growth in China's trade surplus with the United States aggravates the serious trade imbalance between the 2 nations: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the President, acting

under his authority in trade matters, should insist that the Government of China purchase a majority of its wheat imports from the United States as an indication that China is concerned about the trade imbalance between the 2 nations and wants to restore a healthy, reciprocal trading partnership.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Tuesday, May 11, 1993, at 2:30 p.m. to consider the nominations of Gene Moos, James Gilliland, and Ellen Haas.

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

COMMITTEE ON ARMED SERVICES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Tuesday, May 11, 1993, at 9:30 a.m., in open session, to receive testimony from current and former members of the military services on the service of gay men and lesbians in the Armed Forces.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., May 11, 1993, to receive testimony from James Hoecker, William Massey, Donald Santa, and Vicky Bailey, Nominees to be members of the Federal Energy Regulatory Commission.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Tuesday, May 11, 1993, at 10 a.m. to hold hearings on Treaty Doc. 103–1, the START II Treaty.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. FORD. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, May 11, beginning at 10 a.m., to conduct a hearing on the President's proposed fiscal year 1994 budget for the Environmental Protection Agency.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on national service during the session of the Senate on Tuesday, May 11, 1993, at 10:30 a.m.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee be authorized to meet for a markup on Tuesday, May 11, at 9:30 a.m. on S. 185, the Hatch Act Reform Amendments of 1993; and S. 587, the Mansfield Fellowship Act.

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

SUBCOMMITTEE ON HOUSING AND URBAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Urban Affairs of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate Tuesday, May 11, 1993, at 10 a.m. to conduct a hearing on tools for revitalizing severely distressed public housing.

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

SUBCOMMITTEE ON NUCLEAR DETERRENCE, ARMS CONTROL AND DEFENSE INTELLIGENCE

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Nuclear Deterrence, Arms Control and Defense Intelligence of the Committee on Armed Services be authorized to meet at 2:30 p.m. on Tuesday, May 11, 1993, in open session, to receive testimony on Trident submarine and missile programs in review of the Defense authorization request for fiscal year 1994 and the future years defense program.

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

ADDITIONAL STATEMENTS

OLDER AMERICANS MONTH

• Mr. SARBANES. Mr. President, since 1963 when President Kennedy began this important tradition, May has been proclaimed "Older Americans Month," a time set aside each year for our Nation to honor senior citizens for their many important contributions.

Those of us who have worked diligently in the U.S. Senate to ensure that older Americans are able to live in dignity and independence during their retirement years look forward to this opportunity to pause and reflect on the contributions of those citizens who played such a major role in shaping the great Nation in which we live today. We honor them for the hard work and countless sacrifices they have made throughout their lifetimes and look forward to their continued contributions to our Nation's welfare.

Senior citizens of today have witnessed more technological changes than any other generation in our Nation's history. The average senior today has lived through a major depression, a world war, and incredible developments in the fields of science, medicine, transportation, and communications. It is imperative that we address the needs of these Americans who have devoted so much of their lives to the betterment of our Nation. I would note, in this regard, the passage last Congress of the reauthorization of the Older Americans Act. As a vigorous and consistent supporter of measures to benefit senior citizens, I am pleased that we were able to reauthorize this critical legislation. First enacted in 1965, the Older Americans Act has evolved from its original mandate to promote independent living among those older citizens with the greatest social and economic need into today's dynamic network of community and home-bases services so critical to so many of our Nation's seniors.

The need for such legislation becomes especially apparent during a time set aside to honor older Americans, the most rapidly growing segment of our population. Currently, the older Americans comprise 12.5 percent of the country's population. In my own State of Maryland, over 750,000 individuals are over the age of 60, representing 15.6 percent of Maryland's total population. By the year 2000, that percentage is expected to increase to 16.2 percent, slightly higher than the national average. This demographic transformation poses significant challenges and opportunities and the Older Americans Act provides an excellent framework from which to address these challenges as we move into the next century.

Mr. President, I was pleased that the Secretary of Health and Human Services appeared before the Senate Aging Subcommittee last month to pay tribute to the contributions of older Americans and to reaffirm the President's commitment to the Nation's elderly. I am confident that we now have an administration sensitive to the needs of older Americans and committed to affirming their continued dynamism. We are, of course, very fortunate in Maryland to have Senator BARBARA MIKULSKI serving as the new chair of the Senate Labor and Human Resources Committee's Subcommittee on Aging. As we continue our observance of "Older Americans Month," I look forward to working with Senator MIKULSKI and the rest of my colleagues in affirming the continuing contributions of older Americans to our society and in ensuring that they are able to live independently and with dignity.•

WE THE PEOPLE . . .

• Mr. DURENBERGER. Mr. President, it is with great pride that I again rise to commend an exceptional group of students from Hutchinson Senior High

School in my home State of Minnesota. In what has become a yearly tradition, these students once again proudly represented the people of Minnesota in the 1993 We the People . . . The Citizen and the Constitution competition. Held this past weekend in Washington, DC, this nationwide program judges students on their knowledge and understanding of the Bill of Rights and its relationship to both historical and contemporary issues.

Hutchinson's continued success is the result of constant hard work and immeasurable preparation. These leaders of tomorrow have put in countless hours of sacrifice and dedication in order to achieve a better understanding of the U.S. Constitution and the role it plays in our daily lives.

Mr. President, I congratulate the following individuals on a job well done and along with coaches Mike Carls and Barry Anderson, extend my thanks for allowing us all to benefit from their commitment to education: Cari Jo Larson, Emily Felling, Kari Carlson, Kerry Jensen, Jeremy Carter, Polly Nass, Patti Streeter, Jennifer Hoeft, Beth Haugen, James Meece, Sara Shimanski, Peter Hultgren, Adam Reiter, Justin Mann, and Scott Gesinger.

It has been a distinct pleasure for me to meet with the participants in this program throughout Hutchinson's 6-year reign as Minnesota State champions. This past Monday I was again afforded the opportunity to meet with these outstanding students. During our time together, I was again reminded of the talent and unlimited potential which fill America's schools.•

THE FREEDOM OF ACCESS TO CLINIC ENTRANCES ACT

• Mr. BAUCUS. Mr. President, I rise today to cosponsor a very important bill, S. 636, the Freedom of Access to Clinic Entrances Act of 1993. This legislation will protect women, physicians, and other health personnel by establishing new Federal criminal penalties for individuals who choose to use the threat of force, or physical obstruction, that intentionally injures, intimidates or interferes with any person who is obtaining or providing abortion services. Furthermore, this legislation will protect private health care clinics from arson, vandalism, bomb threats, blockades, and other extremist tactics by allowing the Attorney General and the Federal Bureau of Investigation to bring Federal criminal charges against any person who intentionally damages or attempts to destroy the property of a medical facility simply because the facility provides abortion services.

The acute need for this legislation is all too evident in my home State of Montana where just last month the Blue Mountain Women's Clinic in Missoula burned to the ground at the hands of an arsonist. The Blue Mountain Women's Clinic became the second clinic that had to be closed in Montana due to arson in the last year and one-half. Frankly, this behavior cannot be condoned any longer in this country. If enacted into law, the Freedom of Access to Clinic Entrances Act will not only punish such crimes but it will also help to deter these criminal activities in the future by establishing strict penalties for individuals responsible for such acts. The Blue Mountain Woman's Clinic might still be intact today if we had had in place stronger Federal penalties. This bill deserves broad support from all who are opposed to this kind of senseless violence.

Mr. President, I have a constituent by the name of Dr. Susan Wicklund in Bozeman, MT who has received several life-threatening letters and phone calls over the last few months simply because she assists women who chose to exercise their constitutional right to have an abortion. I was appalled when I learned that the Federal Bureau of Investigation could not protect Dr. Wicklund or bring Federal charges against the perpetrator of these threats because there is no law which specifically gives them the authority to do so. Basically, their hands are tied. I think the time to untie their hands is now. Dr. Wicklund should not have to live in fear simply because she is doing her job and abiding by the law. S. 636 will allow Dr. Wicklund, and many doctors like her across the country, to practice their medical profession without living in fear and continually looking over their shoulder for potential attackers.

As we all know, the spread of violence surrounding the choice issue is on the rise in this country. We need to get a handle on it. We cannot stand by any longer and watch as more doctors are murdered like Dr. Gunn in Florida.

The first amendment to the Constitution guarantees all Americans the right to peaceful assembly. This bill is carefully crafted to ensure that this right is not violated. Peaceful expression of antiabortion views will not be penalized by this legislation. However, as should be the case, violent and intimidating behavior will be punished in a strict, but fair manner.

I ask my colleagues to help deter violence in this country by strongly supporting this important bill.•

A TRIBUTE TO TONY VOLPENTEST

• Mr. GORTON. Mr. President, "If you can dream it, you can do it."

No one knows the true meaning of this statement better than Tony Volpentest. He utters these words when confronted by the inevitable doubt of those who do not know him or the strength of his spirit. You see, Tony Volpentest was born without hands or feet. For 5 years he has pursued his dream of becoming a world class sprinter with long hours of training and a large dose of optimism. Many times people would challenge him, saying "You can't do that." Tony has shown them all that he can.

The bedroom walls in Tony's home in Mountlake Terrace, WA, are covered with plaques and medals he has won at track meets around the world. His greatest achievement occurred at the 1992 Paralympic Games in Barcelona, Spain, where he set world records in the 100- and 200-meter sprints. His times of 11.63 and 23.07 seconds respectively are impressive by any standard.

Tony was recently awarded the title of the "Old Spice Athlete of the Month" and his story was featured in last week's Sports Illustrated. His coach, Julie Rowe, says "he is the most impressive athlete I've coached in 25 years." Those who know Tony are not surprised.

Tony Volpentest's triumphs hold special meaning for me because his grandfather, Sam Volpentest, is a long-time friend. The encouragement and support of the entire Volpentest family played a significant role in fostering Tony's belief in himself. I know that Sam is endlessly proud of his grandson and his family. The Volpentest family has faced adversity and success together. I can think of nothing more honorable.

Tony continues to pursue his dreams. He is now training for a 100-meter exhibition race to be held July 27 at the U.S. Olympic Festival in San Antonio, TX. He also plans to try out in the fall for the track team at the University of Washington, where he will be a junior transfer. I salute Tony for his remarkable athleticism and his outstanding commitment to personal excellence, and I wish him, and his family, the very best.•

WE THE PEOPLE . . .

• Mr. BUMPERS. Mr. President, on May 1–3, more than 1,200 students from 47 States and the District of Columbia were in our Nation's Capital to compete in the national finals of the We The People . . . The Citizen and the Constitution Program. It is with pride that I announce that the class from Prairie Grove High School in Prairie Grove, AR, represented Arkansas in this competition.

The competing members of the team representing Arkansas were: Daniel Barker, Kevin Cohea, Stephanie Crawley, Matthew Dalmut, Kristina Elam, Travis Farrell, Lee Green, Bridgette Johnson, Natasha Moore, Mary Kay Row, April Sloan, Susan Vickery, and Janda Wetzel. These young students have expended tremendous effort to reach the national finals by winning district and State competitions.

The group's teacher, Frank Dalmut, has been tireless in his commitment to

his students and this program. This is the second time that Prairie Grove has carried the Arkansas banner in this contest.

Lacy Randall and Jeff Myers, district coordinators and State coordinator Judy Butler also deserve much credit for the success of the team.

This is a fine program, providing an opportunity for students to learn about and appreciate, with a more educated eye, the significance of our Constitution and its place in our history and our lives today.

Test results have shown that high school students who participate in this program score better than college freshman and sophomores who have not had the benefit of this program. This is one reason why I'm proud to support the legislation to make this program a permanent one at the Department of Education.

I take great pride in these students and I wish them well in future endeavors.●

BUDGET SCOREKEEPING REPORT

● Mr. SASSER. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the budget through May 7, 1993. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the concurrent resolution on the budget (H. Con. Res. 287), show that current level spending is below the budget resolution by $2.1 billion in budget authority and $0.5 billion in outlays. Current level is $0.5 billion above the revenue floor in 1993 and above by $1.4 billion over the 5 years, 1993–97. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $392.4 billion, $28.4 billion below the maximum deficit amount for 1993 of $420.8 billion.

There has been no action that affects the current level of budget authority, outlays, or revenues since the last report, dated May 6, 1993.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 11, 1993.

Hon. JIM SASSER,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1993 and is current through May 7, 1993. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the Concurrent Resolution on the Budget (H. Con. Res. 287). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated May 4, 1993, there has been no action that affects the current level or budget authority, outlays, or revenues.

Sincerely,

ROBERT D. REISCHAUER,
Director.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONGRESS, 1ST SESSION, AS OF MAY 7, 1993

[In billions of dollars]

	Budget resolution (H. Con. Res. 287)	Current level [1]	Current level resolution
ON-BUDGET			
Budget authority	1,250.0	1,247.9	−2.1
Outlays	1,242.3	1,241.8	−.5
Revenues:			
1993	848.9	849.4	+.5
1993–97	4,818.6	4,820.0	+1.4
Maximum deficit amount	420.8	392.4	−28.4
Debt subject to limit	4,461.2	4,147.4	−313.8
OFF-BUDGET			
Social Security outlays:			
1993	260.0	260.0	
1993–97	1,415.0	1,415.0	
Social Security revenues:			
1993	328.1	328.1	(2)
1993–97	1,865.0	1,865.0	(2)

[1] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] Less than $50,000,000.

Note: Detail may not add due to rounding.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONGRESS, 1ST SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1993 AS OF CLOSE OF BUSINESS MAY 7, 1993

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			849,425
Permanents and other spending legislation	764,283	737,413	
Appropriation legislation	732,061	743,943	
Offsetting receipts	(240,524)	(240,524)	
Total previously enacted	1,255,820	1,240,833	849,425
ENACTED THIS SESSION			
Entitlements and Mandatories			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	(7,928)	962	
Total current level [1]	1,247,892	1,241,794	849,425
Total budget resolution [2]	1,249,990	1,242,290	848,890
Amount remaining:			
Under budget resolution	2,098	496	
Over budget resolution			535

[1] In accordance with the Budget Enforcement Act, budget authority and outlay totals do not include the following in emergency funding:

[In millions of dollars]

	Budget authority	Outlays
Public Law:		
102–229		712
102–266		33
102–302		380
102–368	960	5,873
102–381	218	13
103–6	3,322	3,322
103–24	4,000	4,000
Offsetting receipts	(4,000)	(4,000)
Total	4,500	10,333

[2] Includes revision under Section 9 of the Concurrent Resolution on the Budget.

Notes: Amounts in parentheses are negative. Detail may not add due to rounding.●

TRIBUTE TO PHIL PHILLIPS

● Mr. BUMPERS. Mr. President, I rise to pay tribute to Arkansas' small business person of the year, Phil Phillips, Jr.

Phil Phillips, Jr., owner of Phillips Litho in Springdale, AR, started as a small printer in 1973 with five employees and $100,000 in revenues. Today his company boasts 100 employees and more than $7 million in sales.

Recently, the Arkansas Democrat-Gazette carried a story about Phil and his selection for this award. It characterizes much better than I can how Phil represents that entrepreneurial spirit that every successful businessman in this Nation possesses. I ask that it be included in the RECORD at this point.

The article follows:

PHILLIPS WINS BIG IN SMALL BUSINESS
(By D.R. Stewart)

SPRINGDALE.—When Phil Phillips Jr., president of Phillips Litho Inc., is congratulated these days for being named Arkansas Small Businessman of the Year, he reacts like the football coach he used to be.

"You want to try to do the best you can no matter what you do, and you want people around you to share those goals," Phillips said. "I have been fortunate to have those kinds of people around me." Teamwork. Loyalty. High standards. A tradition of excellence. Those have been the trademarks of Phillips Litho, the Springdale-based commercial printing company, for the past 20 years, area businessmen say.

But, in recognizing Phillips' odyssey from a small printer with five employees and $100,000 in revenues in 1973 to more than $7 million in sales and 100 employees today, the U.S. Small Business Administration and the Springdale Chamber of Commerce were noting more than business acumen.

G. Till Phillips, acting regional administrator of the Small Business Administration in Dallas, said Phil Phillips represents the entrepreneurial spirit at its best.

"Phil Phillips is noted for the contributions of his business to the local economy * * * as well as his personal contributions to the community, whether it's playing Santa at Christmas or the many boards he serves on," Phillips said.

The SBA official said Phillips was judged on seven criteria: staying power, growth in number of employees, increase in sales or unit volume, current and past financial reports, innovativeness of product or service, response to adversity and contributions to community-oriented projects.

Phillips is among 53 top small-business owners—one from each state, plus the District of Columbia, Puerto Rico/Virgin Islands and Guam—who will be honored by the SBA at national ceremonies in Washington from

May 9–15. As winner of the Arkansas Small Business Person of the Year award, Phillips is eligible for the National Small Business Person of the Year award, which will be given in May.

The Arkansas State Chamber of Commerce and Associated Industries of Arkansas Inc. will honor Phillips and other small-business award winners at the Third Annual "Arkansas Small Business Awards Luncheon" at the Riverfront Hilton Hotel in North Little Rock at noon May 5. Tickets must be ordered from the chamber by April 29.

Phillips said all the attention is not deserved. "Our success is due totally to the times and the area we live in and the attitude of the people in Northwest Arkansas," he said. "If local people can provide the same quality or better at affordable prices, people around here will stay with you and grow. * * * And, we have been very fortunate to attract a quality work force that can meet deadlines and do excellent work."

Tex Holt is an example, he said. Holt, owner of Tex Holt Tire Co. in Springdale, was Phillips' college roommate at Arkansas Tech, where Phillips graduated with a bachelor's degree in education in 1965. It was Holt, he said, who helped propel Phillips Litho's growth.

After playing defensive tackle at Arkansas Tech, Phillips coached high school football at Huntsville (Madison County) for four years. Then, in 1969, he moved to Siloam Springs High School where he coached football for another four years.

In 1973, Donrey Publishing Co., a newspaper publishing chain, purchased the Springdale News and wanted to shed its commercial printing business. Phillips was ready for a change. He bought the business.

It was a rough transition from a high school coach to the world of commercial printing, he said.

"Some of the lessons were hard to learn. There was so much of the business to comprehend," Phillips said. "There were so many different areas that made up the whole and becoming master of all of it was difficult. So you have to seek out masters in each area and rely on their expertise and wisdom for decisions that benefit the company."

One of those he relied on in the early days was Bob Hoyt, who had worked for the Springdale News (now the Springdale Morning News) and stayed on to tutor Phillips in the commercial printing business. Hoyt, he said, was a good teacher and very patient.

Although he knew little about the business when he started, Phillips said he could see the potential of commercial printing in Northwest Arkansas.

"The businesses that are dominant in the area today were here then—Tyson Foods, J.B. Hunt," Phillips said. "At that time, their (commercial printing) work was going out of the area." Phillips hired Holt to bring some of that business to Phillips Litho.

"Tex started our route sales business," Phillips said. "When we took over the business, the Springdale News was like a walk-in print shop. There were no salesmen. Everybody was their own salesman. Tex really developed our customer base, and gave us customers that have stayed with us ever since." Phillips Litho's customers read like a Who's Who of American business: Tyson Foods, J.B. Hunt, the Internal Revenue Service (tax forms), Allen Canning Co., Harp's Food Stores, Ozark Farms, Highland Dairy, Pride Farms and nearly 500 others. From a single offset press in a 5,000-square-foot print shop, the company has grown to include half a dozen presses, camera and paste-up rooms, collating and assembly lines and warehouses totaling 72,000 square feet. Eight construction programs have been undertaken during the past 20 years, the latest a 12,000-square-foot addition to house a million-dollar, six-color Heidelberg Speedmaster offset press.

The Heidelberg press is state-of-the-art technology, key to Phillips' telephone directory publishing division and one of its fastest-growing business segments, Phillips said.

"The reason it is important to our company is that these (telephone) companies want high quality covers but they also want to recycle those books," he said. "Recyclers won't take laminated or varnished covers. On this press we do high quality process color printing with an aqueous (water-based) coating. It gives a coating for protection and a quality look, and it is environmentally sound." Phillips' other divisions produce product and food container labels, business cards and letterheads, advertising brochures and annual reports.

Former Phillips salesman Tex Holt said his friend has come a long way and deserves the accolades he is receiving for his award.

"Phil has always been hardworking, very demanding, but very fair to work for," Holt said. "You always knew where you stood with Phil. We were fortunate to come along at the right time. The timing was probably perfect for a couple of kids right out of college.

"What Phil has done at Phillips Litho is just great. The quality controls—they check-and cross-check themselves to make sure they put out a quality product—is really something."

Holt paused for a moment, then added a thought that could have come from his friend, the former coach: "If you have pride in your work, you can produce a quality product," Holt said. "Phil has put together some quality people down there who do a great job at a fair price."

Mr. President, Phil Phillips is most deserving of this award and I want to congratulate him on his selection as the 1993 Arkansas Small Business Person of the Year.●

GORHAM HIGH SCHOOL, WINNERS IN WE THE PEOPLE—THE CITIZEN AND THE CONSTITUTION

● Mr. SMITH. Mr. President, I want to applaud the effort of the Gorham High School team of Gorham, NH, for their successful participation in the We the People . . . The Citizen and the Constitution Program.

The We the People Program is the most extensive education program in the country designed to educate young people about the Constitution and Bill of Rights. The national academic competition, in which entire classes testify and respond before a panel of judges to questions on constitutional issues, helps students understand their rights and responsibilities as American citizens. During the competition, the students received the highest score in the New England region, an honor for which we are very proud.

The team from Gorham High School was led by social studies teacher Michael Brosnan. The students included: Dan Adams, Chris Addario, Dale Burcalow, Allan Carpenter, Ryan Carreau, Lisa Ciacciarelli, James Godbout, Amy Horne, Sarah Lambertson, Leah Lemieux, Ellen McCrum, Bethany Parker, and Jennifer Simon.

These young scholars worked diligently to reach the national finals by winning district and State competitions. They traveled to Washington, DC, May 1–3, 1993, to compete against State winners from across the Nation. During the 3-day academic competition, students simulated a congressional hearing. They acted as expert witnesses and testified before a panel of prominent professionals from across the country, to demonstrate their knowledge of constitutional issues.

I believe this program provides an excellent opportunity for students to gain an appreciation of the significance of our Constitution and its place in our lives today. I am proud of the Gorham High School team and commend them for taking part in this outstanding program.●

THE NEED FOR GREATER FOOD SAFETY AND INSPECTION

● Mr. DURENBERGER. Mr. President, I rise today to again draw attention to the concerns I have with the current food safety and inspection systems being carried out by the Federal Government. On May 6, I questioned the effectiveness of the Federal Government's food safety and inspection in a statement in the Senate.

I would like to announce to my colleagues that I have drafted a bill to unify the jurisdiction of the U.S. Department of Agriculture, Food and Drug Administration, Department of Commerce, and Environmental Protection Agency under a single, independent, Food Safety and Inspection Agency. This agency would better ensure the safety of our Nation's food supply through uniform scientific, risk-based analysis of food products. Scientific, uniform inspection procedures will be better for farmers, food processors, and consumers alike.

Mr. President, as world markets become more and more unified through international trade agreements, it will be important for the United States to adequately inspect the food that comes across our borders. The recent deaths in Washington State from Australian beef contaminated with E. coli, salmonella-tainted cantaloupes from Mexico that were in the news a year ago, and Chinese mushrooms contaminated with staphylococcus enterintoxin [SET] in 1989 are just a few examples of the potential hazards. Our food safety and inspection system must be reformed. I would like to reinforce this concern with the fact that only 2 percent of all imported foods are inspected by the Food and Drug Administration. The GAO has concluded that the FDA's

inspections are woefully inadequate—most recently in a report last summer on the inspection of imported cheese for Congressman TOBY ROTH of Wisconsin.

I will continue to raise the concerns I have with the Federal Government's food safety and inspection system, and I look forward to introducing my legislation in the very near future. It is my hope that my colleagues will join me in recognizing the need for reinventing this aspect of the Federal Government.

I ask that an article titled "Contaminated Cider Sparks Inquiry" from the May 11, 1993, Washington Post be printed in the RECORD following my statement. This article reveals that contamination does not exist solely in food products from foreign countries but also in cider from a local orchard.

Last, I want to stress again that uniform regulations will be good farmers, food processors, and consumers. A single agency will decrease the regulatory and legal burden on farmers and food processors while assuring consumers the absolute safest supply of food in the world. I look forward to introducing legislation and I urge my colleagues to join with me.

The article follows:

[From the Washington Post, May 11, 1993]

CONTAMINATED CIDER SPARKS INQUIRY—APPLES MUST BE WASHED BEFORE PRESSING TO REMOVE E. COLI BACTERIA

(By Wendy Melillo)

First hamburgers, now fresh-pressed apple cider—two American favorites. But today they share an unusual notoriety. Federal researchers have announced that fresh cider can contain the same harmful type of bacteria that last winter made people wary of ground beef.

The conclusion is based on a outbreak of *E. coli* 0157:H7 bacteria in 23 people who drank fresh cider purchased at a roadside stand in the Fall River area of Massachusetts. The patients, who ranged in age from 2 to 70, experienced abdominal cramps, vomiting and severe diarrhea. No deaths were reported.

The case, which occurred in the fall of 1991, was described in last week's Journal of the American Medical Association.

Although researchers were never able to isolate the *E. coli* bacteria from the cider, they concluded that the manufacturer's failure to wash and brush the apples before processing caused the outbreak of food poisonings. In autumn, orchards typically try to recoup apples that drop to the ground—and therefore are not eligible to be sold as fresh fruit under the U.S. Department of Agriculture's grading system—by adding them to the crop used to make cider. These apples can be exposed to dirt, animal waste and other debris. Scientists suspect that the apples involved in this case may have been contaminated on the ground or during production of the cider.

"We were able to link all but one of the ill people to the cider," said Richard E. Besser, a medical epidemiologist with the Centers for Disease Control and Prevention in Atlanta and an author of the study. "We are very confident that it was the cider."

The virulent *E. coli* bacteria also were responsible for the food poisoning outbreak on the West Coast last winter when four children died and more than 500 people became ill after eating infected hamburgers at Jack in the Box restaurants.

Apple cider, because of its strong acid content, is an unusual beverage to harbor *E. coli* organisms, officials say. The bacteria, which live in the intestinal tract of some animals including cows and deer, are more typically associated with undercooked meat and person-to-person contact. Outbreaks have been reported in day-care centers and nursing homes where, once a resident is infected, the organism has been passed to others through fecal contamination and unsanitary procedures.

Consumers can cut their risks of such an infection from apple cider, officials say, by heating the liquid to a boil, purchasing cider that has been treated with the preservative sodium benzoate, ensuring that the orchard washed and brushed the apples and used sanitary procedures in the cider-making process.

Researchers at the CDC were notified of the Massachusetts case after four children from the same Fall River area were diagnosed at Children's Hospital of Boston with hemolytic uremic syndrome, a condition that causes kidney failure, anemia and brain damage. Massachusetts public health officials said they eventually were able to trace the food poisionings to the cider because the initial cases were from the same town and were admitted to the same hospital.

"Many times, you have individual cases of food poisonings that are scattered and you never make a link to a particular product," said Nancy Ridley, director of the division of food and drugs for the Massachusetts Department of Public Health.

Epidemiologists have been hampered in their efforts to track *E. coli* infections because not all states require physicians to report cases to the local health department. As of October 1992, only 11 states require that *E. coli* infections be reported, and only four states require cases of hemolytic uremic syndrome to be reported, according to an editorial that accompanied the JAMA study.

The CDC's Besser has recommended changes to a committee of physicians established by the Department of Health and Human Services to advise states on the prevention of communicable diseases. He is suggesting that all states require physicians to report *E. coli* infections.

Officials are also concerned about the nature of the organism itself. It takes very few *E. coli* bacteria to cause serious illness in humans, and public health experts are uncertain about how widespread the microscopic "bugs" are in the environment.

"We don't know a lot about this organism," said Douglas L. Archer, deputy director of the federal Food and Drug Administration's Center for Food Safety and Applied Nutrition. "It is usually associated with cows, but how prevalent is it? Do raccoons carry it? I wish we had more research on this under our belts."

Archer said the federal agency is weighing whether to issue an advisory notice to state health departments, stressing the need for producers to adhere to safe manufacturing practices and emphasizing the importance of inspecting small retail operations.

The Massachusetts food poisonings were traced to the Old Swanzey Orchard, a small cider mill in the southeastern town of Swansea, which produced about 150 gallons of cider a week during the fall. The orchard had been issued a permit by the local board of health to produce the cider and sell it at a farm stand. State law requires that retail operations be inspected by the local board of health twice a year, but state officials were unclear about whether those inspections had taken place in 1991.

Massachusetts law also requires cider makers to include a date on all cider containers. This was not done in the case of the Swansea orchard, officials said. Since the food-poisoning outbreak, the orchard no longer produces apple cider.

"From our perspective, we feel there are some problems with how apple cider is produced," said the CDC's Besser. "We are encouraging manufacturers to only make cider from apples that are washed and brushed."

Yet, thoroughly washing apples before making cider may not be enough to eliminate bacteria, researchers say. There are cracks and crevices in apples that can allow bacteria to penetrate the fruit, said Michael P. Doyle, a professor of food microbiology at the University of Georgia who assisted in studying the Massachusetts outbreak.

Doyle tested samples of the Swansea apple cider for *E. coli* bacteria and also studied the effectiveness of preservatives in killing off the organisms. He found that the preservative sodium benzoate prevented the growth of *E. coli* and reduced bacteria levels to undetectable amounts within seven days, according to the study. Researchers also tested the preservative potassium sorbate and found that it had little effect on the bacteria.

Doyle said, however, that pasteurization or fermentation will also destroy the *E. coli*.

"The real take-home message is apple cider can be a hazardous food unless it is treated in some way to kill harmful bacteria either by heating or adding preservatives," said Doyle.

There have been two other reported cases of food poisonings from apple cider, federal researchers say. In 1980, an outbreak in Canada was traced to *E. coli* in fresh-pressed apple juice. A second outbreak, due to Salmonella contamination, was reported in New Jersey in 1974.

Locally, public health officials are reacting cautiously to the Massachusetts study. In Maryland, officials are reviewing how apples are harvested and will study if any changes need to be made regarding the licensing and inspection of cider mills. In Virginia, state officials plan to distribute a copy of the JAMA study to all 28 food inspectors. "We will reemphasize the need to thoroughly wash all fruits and vegetables where appropriate," said Art D. Dell'Aria, chief of the bureau of food inspection for the Virginia Department of Agriculture and Consumer Services.

Meanwhile, cider manufacturers are concerned that this is literally a case of one bad apple spoiling the entire barrel. "This was a very isolated case," said Frank Carlson, a co-owner of Carlson Orchards in Harvard, Mass., and chairman of the Massachusetts Cider Guild, which has conducted two educational seminars for cider producers since the outbreak. "When the state went to investigate the illnesses [at the orchard], they found food manufacturing violations. That answers it right there."

While Carlson is a firm believer in thoroughly cleaning apples before processing and has no problem with the use of preservatives, he questions the need for pasteurization. "Heating cider changes the taste," he said.

In addition, Carlson wonders about the failure to isolate the bacteria in cider samples taken from the Swansea orchard. "It does leave a question of was it really the cider?"

As for whether this will cause people to stop drinking cider, Carlson is doubtful.

"People are still eating hamburgers," he said, "and there are more hamburgers eaten in a day than cider is consumed in a month."•

HONORING A SERVANT OF THE PEOPLE

• Mr. KEMPTHORNE. Mr. President, today the people of my State lost a long-time friend and servant. I am saddened to report that Joe Williams, the State auditor for the State of Idaho for over 30 years, passed away.

Joe Williams was born into a pioneer Idaho family in Samaria, Oneida County, ID. He went to Boise High School where he was a distinguished athlete, and my alma mater, the University of Idaho. Elected in 1958 as State auditor, Joe served the people of Idaho longer than any elected official in Idaho's history.

Joe Williams was recognized nationally as well as within the State of Idaho. Joe Williams was the president of the National Association of State Auditors, Comptrollers and Treasurers and an honorary president of the National Conference of State Social Security Administrators. Joe Williams was also recognized when he received an award for patriotic service from the U.S. Treasury Department.

The father of seven college educated children Joe served his community in PTA and YMCA. He was honored as a Distinguished Citizen by the Idaho Statesman. The Hall of Mirrors in Boise was renamed the Joe R. Williams State Office Building when Joe retired in 1989.

Joe Williams was a founding father of Idaho and he will be missed.•

COMMEMORATING THE CAREER OF ROBERT W. FLEMING

• Mr. DURENBERGER. Mr. President, everyone knows that the past few decades have brought many changes to the practice of medicine in the United States. New technology has led to advances in the diagnosis and treatment of illness. Medical knowledge has developed to a point where what we once considered miracles are performed on a daily basis.

There is one man, Robert "Bob" W. Fleming, chair of administration at Mayo Foundation in Rochester, MN, who has experienced firsthand the changes in medicine in the last 40 years—at least at one institution.

Since Bob began his career at Mayo on January 3, 1950, his tenure has been seasoned by several Mayo milestones. In December 1950, a Mayo physician and a Mayo chemist, won the Nobel Prize for the discovery of cortisone. And in 1953, the Mayo Building opened and is now the primary location for patient care at Mayo.

During the 1960's and 1970's, Bob led the development of the Mayo appointment system that now handles more than 300,000 patient registrations annually. He also helped develop the organization of Mayo's largest department, the department of internal medicine.

The 1980's brought about many significant changes at Mayo—the merger of Mayo Clinic with Saint Marys and Rochester Methodist hospitals, and the openings of Mayo Clinic Jacksonville and Mayo Clinic Scottsdale. Bob was instrumental in guiding the institution through these changes.

Bob's first position at Mayo was in the insurance and collections department where he worked as an administrator. His early success in that department led him to other administrative positions in several medical and surgical areas. In 1972, Bob was named chair of the division of administrative services for Mayo, a position he held until 1982 when he was named chair of administration.

Bob has worked hard at whatever job he has held at Mayo. His hard work continued in his activities outside Mayo. In fact, at the time he joined Mayo, hockey was his No. 1 priority. He played right wing for the Rochester Mustang's hockey team. A job at Mayo was an added bonus.

Others in Mayo organization noticed his stamina, speed, and determination, the same traits he demonstrated on the hockey rink. Soon his capacity for work, keen memory, and penchant for organization became well known. More than 40 years later, his colleagues still credit him with these characteristics.

His 43-year career at Mayo, marked with numerous highlights, will end in February 1993, when he retires. He plans to travel and continue to be involved in the sport that led him to Rochester—hockey. He served as chair of the U.S. Olympic Hockey Committee from 1969 to 1981, and took up the challenge again in 1990. He will continue his service for the 1994 games.

Mr. President, it is with great pride that I recognize the tremendous contributions of Bob Fleming. In the words of those who know him best, "Bob would succeed, no matter what the time or the challenge, because he is truly a leader."•

WE THE PEOPLE . . . THE CITIZEN AND THE CONSTITUTION

• Mr. KEMPTHORNE. Mr. President, from May 1 through May 3, a class from Blackfoot High School came to the Nation's Capital to represent the State of Idaho in the national finals of the We the People . . . The Citizen and the Constitution Program. The team members included Matt Archibald, Joy Aldous, Ted Cannon, Brian Cook, Amber Empey, Eric Eskelson, Chad Harrington, Kamber Hone, Niklas Lampenius, Mandy Williams, and Kimberly Young. Their teacher, Joan Thompson, should be applauded for the time and effort she dedicated to educating and motivating this successful team. The district coordinator George Gates and the State coordinator Richard Pearson also provided essential support to help the students reach the national finals.

The competition included more than 1,200 students from 47 States and the District of Columbia. The program consisted of simulated congressional hearings, where the students testified before public and private professionals to demonstrate their knowledge of constitutional issues. The experience was an excellent opportunity for students to gain an appreciation of the significance of our Constitution, its place in our history and in our lives today.

I am proud of the way these students represented Idaho, and commend them and their teacher for their hard work. I wish them the best of luck in their future endeavors.•

HONORING DR. WON PARK

• Mr. D'AMATO. Mr. President, I rise today to honor a fine man upon his retirement. Dr. Won Park, a general surgeon, has retired from an active surgical practice after more than 33 years of dedicated service to the State of New York and the communities of Orange County.

Dr. Park was born in Korea. He graduated from Chonnan University in 1958 and, in 1960 came to the United States and settled in the Newburgh area of New York where he specialized in general surgery. He distinguished himself as a very skilled surgeon, a compassionate person and a dedicated physician to all of his patients. He is highly respected by his colleagues and is a fine example of what a skilled and gentle physician should be.

Dr. Park's dedication to the betterment of the community is an inspiration to all. His continued activities will continue to help the communities of East Orange County, NY.

I commend him.•

A CHILD'S FIRST TEACHER—PARENTS' ROLE IN EDUCATION REFORM

• Mrs. KASSEBAUM. Mr. President, as we renew the discussion of Federal education reform with the Clinton administration's Goals 2000 legislation, I would like to offer a few thoughts on the very origins of every child's education. Long before a child steps foot onto school grounds, he or she has already experienced the guidance of his or her first, and most important, teacher. Parents not only provide the love and nurturing children need in their early years but also help develop the social and communication skills that will ensure that a child is ready to learn. Although some children will need special help to meet that first

education goal, the role of the parent in this process is undeniable.

We all know that a parent's job as an educator does not end when the child enters school—in fact, it is just beginning. As a mother of four, I firmly believe that parents need to impress upon students the need to work hard and strive for high standards. Even the most motivated students can benefit from the reinforcement of interested and informed parents. On the other hand, without parental involvement in education, all the innovative strategies and instructional techniques that our schools can muster may be for naught.

The values of respect, responsibility, and perserverance—which are critical to success in school and life—are properly instilled in the home. There is little our school system can do if responsible behavior is not reinforced at home. In fact, I believe the biggest difference between American schools and schools in other countries is not the amount of money which is spent for education, but a difference in attitude toward the importance of education and in willingness to work hard in order to excel.

Unfortunately, we seem to have lost the respect for, and love of, learning, which is so critical to our ultimate success. The Washington Post reported last month that respect and discipline are rare commodities among students at Washington area high schools. "It used to be, certain things were assumed wrong. Stealing was wrong. Calling a teacher a name was wrong. At some point over the years, there was a shift. Now we have to explain what appropriate behavior is," stated Fairfax County School Board member Carla M. Yock. Clearly, appropriate behavior should be taught in the home, but parents' guidance is too often replaced by television and friends, which are hardly adequate role models.

Robert Samuelson recently wrote in the Washington Post that the real reason American students are falling behind is that "they don't work very hard." Not only are the problems in our educational system misdiagnosed to a large degree, the prescribed cure often misses the mark. He argues that school reform efforts are largely motivated by politicians' desire to "'do something' without frightening parents. The solution is a 'blame the schools' agenda that makes institutions responsible for any shortcomings of our students."

What, then, can be done to get at some of the root causes of educational failure? While I am convinced that parental involvement in education is crucial, and that a lack of family support can seriously impair a child's intellectual development, I realize that the Federal role in promoting parental involvement throughout the educational system is limited. What we have done at the Federal level is require parental involvement in Federal education programs. In chapter 1, the largest Federal education program, parental involvement is mandated by law. Local education agencies may only receive chapter 1 funds, which help educationally disadvantaged children reach their peers' level of performance, if they provide parental involvement opportunities. We are finding out, however, that a mandate alone may not be sufficient to achieve this goal.

The National PTA has released the results of its comprehensive survey of how well parent involvement provisions are being implemented in chapter 1 programs. The results show that less than 40 percent of chapter 1 parents are involved in school activities such as participating in parent advisory councils, attending parent skill workshops, or visiting schools. School districts involve just over half of eligible parents in making major decisions about the goals, budgets, and improvements needed in the programs. The survey revealed that not only do parents need to take a more active role in their children's education, but schools also need to work to make their environments more inviting to parents. The survey shows that we are far from where we want to be with regard to parent involvement in this important program.

I applaud the PTA for its efforts in bringing this problem to light. I know that the Senate Committee on Labor and Human Resources, on which I serve as ranking Republican, will look closely at the PTA's recommendations for improvement in the chapter 1 program as we reauthorize the Elementary and Secondary Education Act during this Congress. I am also grateful to the PTA for being an active participant in the education reform debate and for highlighting the importance of parent involvement throughout our educational system.●

NATIONAL DOWN SYNDROME AWARENESS MONTH

● Mr. D'AMATO. Mr. President, I rise today to join my colleague from New York, Senator MOYNIHAN, in introducing legislation designating October 1993 and October 1994 as "National Down Syndrome Awareness Month."

Every year, approximately 5,000 children are born with Down syndrome. The ignorance, prejudice, myths, and stereotypes that people with Down syndrome face can only be overcome through increased awareness and education.

We now know much more about Down syndrome than we did 20 or 30 years ago. In fact, many children who once would have been institutionalized now grow up at home and become productive members of their communities. Increasingly, children with Down syndrome attend mainstream classes at school, participate in sports and other extracurricular activities, and prepare to live independently.

Individuals with Down syndrome, through work in businesses, participation in volunteer programs, and involvement in community activities, demonstrate how successful people with Down syndrome can be.

National Down Syndrome Awareness Month provides an opportunity for the public to become more knowledgeable about Down syndrome and take actions to better integrate people with Down syndrome into the community. I am pleased to join my colleague, Senator MOYNIHAN, in introducing this legislation and urge my colleagues to join us in support of National Down Syndrome Awareness Month.●

ORDER OF BUSINESS

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

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. DOLE. Madam President, I ask unanimous consent to speak as in morning business.

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

DO NOT WRITE OFF BOSNIA

Mr. DOLE. Madam President, the momentum that had been building toward taking tough steps to stop Serbian aggression against Bosnia has slowed to a virtual halt. This is a direct result of our allies' unwillingness to come to grips with the reality of Serbian aggression and its consequences. It seems that the Europeans are quite comfortable and content with writing off Bosnia, while publicly pretending not to.

Mr. President, I am here to say that writing off Bosnia is terribly shortsighted and will have dire consequences not just for Bosnia, but for Europe, the United States, the NATO alliance, and the international community. Let me offer a few reasons to support this view: First, if not stopped in Bosnia, the conflict will spread to Kosova and Macedonia and will draw in our NATO allies, Greece, and Turkey on opposite sides; second, lack of United States and Western support for the besieged Bosnian Government, is leading, and will continue to lead, to the strengthening of radical Islamic fundamentalist forces in moderate, pro-Western Islamic States; third, the precedent of allowing internationally recognized borders to be changed by force will fuel instability in regions such as the

former Soviet Republics, by demonstrating world tolerance for acts of aggression by stronger countries against their weaker neighbors.

Let me remind everybody that Bosnia is a member of the United Nations; it is an independent nation.

Some of my colleagues may ask the question: Why does not Europe recognize the great risks of appeasing aggression in Bosnia?

Frankly, I do not have a good answer to that question. Perhaps it is lack of forward thinking; perhaps it is denial; perhaps it's weakness of will.

Over the last few days, it seems that the Europeans are eager to believe that the hardline Serbian President Slobodan Milosevic is a new hope for peace. In my view, this born-again Milosevic is just a mirage which will evaporate once the pressure is off.

Our allies also seem willing to wait indefinitely for the Serbian leadership to invent new ways to say no to peace. During the 6 weeks after the Bosnian Government signed the Vance-Owen plan the Bosnian Serb leader, Radovan Karadzic kept saying "No." Then last week, he reversed his position in Athens and signed the plan, after winning further concessions from Lord Owen. But, only a few days later the so-called Bosnian Serb parliament voted against the plan and proposed a referendum. Now the Europeans want to wait for the results of that referendum—even though it is illegitimate, and despite the fact that nearly all of the Bosnian Serb political and military leaders are openly adamant in their opposition to the peace plan.

Meanwhile nothing changes on the ground, it is the same situation we have seen for over a year now, ethnic cleansing continues unabated and is now also being carried out by Croat paramilitary forces.

Yet, in response, the Europeans are proposing unrealistic options for allied action, options which offer no hope of bringing this war to an end, let alone, containing it. These options are ones which, at best, freeze the current situation.

Most troubling is the Europeans' push to involve United States troops in protecting U.N. declared safe havens in Bosnia. One of these safe havens, the town of Zepa, was basically a ghost town by the time the U.N. observers got in 2 days ago; Thousands of people fled into the hills fearing they would be massacred by advancing Serb forces.

How do we help the Bosnians by sending our troops into a situation in which they cannot prevent the shelling of towns, and in which they have to rely on the goodwill of aggressor forces? The Europeans say that they are helping to get humanitarian aid in. Well, most of the citizens of Bosnia are not dying from starvation, but from sniper bullets and artillery shells. So participating in the protection of safe havens amounts to protecting U.N.-sponsored POW camps in which the POW's are innocent civilians.

Madam President, it seems to me that one way to bring the Europeans back into the real world is to unequivocally reject the safe havens proposal and to limit our consultations to options which offer hope of ending the war in Bosnia and containing it. As I see it, the options with the best hope of doing so are: First, lifting the arms embargo against the Bosnians, who under the U.N. Charter have the right to self-defense; and second, air strikes against Serbian military targets.

This is the course that the President set out on last week. I urge him to stay on that course and to really press our allies to join us.

The Allies' main objection to these two options is the presence of their troops on the ground. However, the Bosnian Government has not asked that these troops remain exposed and vulnerable. Indeed, the Foreign Minister of Bosnia and Herzegovina, Dr. Haris Silajdzic, on behalf of his government, officially requested that U.N. relief personnel be withdrawn or redeployed. In his statement, the Foreign Minister explained this decision:

> We do so because concern over the safety of those personnel now constitutes a significant obstacle to the defense of this sovereign nation.

I ask unanimous consent that the full text of the Foreign Minister's statement be printed in the RECORD.

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

TO REMOVE FINAL OBSTACLE TO LIFTING OF ARMS EMBARGO, BOSNIAN GOVERNMENT OFFICIALLY REQUESTS WITHDRAWAL OF U.N. RELIEF PERSONNEL

WASHINGTON, DC, May 9.—The Foreign Minister of Bosnia-Herzegovina, Dr. Haris Silajdzic, today announced the formal request of his government that United Nations relief personnel either depart his country or be reconfigured to ensure their military defensibility. On behalf of his government, Silajdzic released the following statement:

The presidency and government of Bosnia-Herzegovina hereby officially requests that the United Nations withdraw, as expeditiously as possible, all U.N. personnel deployed on our territory for purposes of delivering humanitarian relief. We do so because concern over the safety of those personnel now constitutes a significant obstacle to the defense of this sovereign nation.

While deeply grateful for the valor of the many individuals who have served under the auspices of the United Nations on our territory, we find that the U.N. presence on the ground has become an impediment to critical decisions by the international community now urgently needed if our democratic, multiethnic republic is to be permitted the means to defend itself.

It is our intention today, in requesting the withdrawal of relief personnel, to remove that final obstacle to the lifting of the arms embargo.

Despite our best efforts, it remains insufficiently understood by international public opinion that the war in Bosnia-Herzegovina is not a civil war, but a war of fascist aggression against a multiethnic democratic republic. Our government and our army remain multiethnic, and we remain committed to the goal of preserving the Bosnian republic as a multiethnic democracy with full guarantees of all human rights for all citizens.

President Clinton understands our commitment and our desperate plight, and we have been encouraged by his efforts to achieve a lifting of the arms embargo so unfairly imposed upon our nation in its hour of need. We believe that the maintenance of the embargo, in the face of a continuing onslaught by fascist Serb forces, is not an act of conscience but of arrogant indifference to the fate of hundreds of thousands of loyal Bosnian citizens, who plead only for the right to defend themselves.

We regret that world opinion has been beguiled by the image of us as a helpless people. To be sure, we are besieged by a relentless aggressor. But our forces have fought with courage and skill against overwhelming odds created inadvertently by the misguided policies of the United Nations. Our forces and our people remain ready to fight on in defense of their liberty and their principles. Only if they are permitted the means to do so will we attain, within our nation and our region, the balance of power that is the prerequisite to a negotiated settlement that will bring lasting peace and stability.

Should the United Nations in its wisdom chose to reconfigure U.N. forces on our territory so that they can adequately defend themselves and so that their safety does not dominate international concern, we will welcome that decision. In the meantime, as the fate of our nation hangs in the balance, we beseech the Security Council to cease an arms embargo that has, in practice, constituted an international intervention against our legitimate rights as a Member of the United Nations. It is an intervention that not only undermines our own security but, by its unfairness and perverse result, compromises the principles and future of the United Nations itself.

Mr. DOLE. Madam President, it is high time that we start treating Bosnia and Herzegovina as a sovereign country with the same rights as other members of the United Nations. The members of the U.N. Security Council who oppose lifting the arms embargo are denying Bosnia a fundamental right—a right included in the U.N. Charter—a right which they would never wish to see denied to them.

Mr. President, the bottom line is that Europe, NATO, and the United States cannot afford to write off Bosnia and Herzegovina. If we do write off Bosnia, if we make this mistake, I fear we will have helped sow the seeds of instability not only in Europe, but also in the rest of the world.

Madam President, I conclude by suggesting that the President, in my view, has been doing the correct things. He has been trying to get a consensus. He had Secretary Christopher visit with our allies. He has consulted with Members in both parties. In fact, he is consulting, as I speak, with a number of Senators who just returned from this area.

I think the next step is to bring in the American people. Tell the Amer-

ican people why this is in our national interest. Why should the United States care? Notwithstanding all the horrible pictures we see and horrible acts we read about, why should we care about Bosnia and Herzegovina or the people who live there? Why should we risk American capital or American lives? Does it really make any difference? We need to demonstrate to the American people what the national interest is.

So I would hope that that will be forthcoming, and again I will support the President. I think he is on the right track, but again, I would urge the President not to listen too closely to our European counterparts who stood by for far too long, 1 year, 2 years, waiting in hopes that some resolution or some rhetoric might have some impact on the Serb regime, not the Serbian people; I might add, I think most of the Serbian people want peace, too. In fact, in the Serbian elections for President, Milan Panic received 35 percent of the vote. That is what was reported. I think he may have received many more votes than that, which is a strong indication that the Serbian people want peace, too. I make a distinction between the Serbian regime and the Serbian people.

So we do have an interest in this part of the world, and I know that many of my colleagues on both sides of the aisle are very concerned about any involvement. But if not now, when?

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

ORDERS FOR TOMORROW

Mr. EXON. Madam president, I ask unanimous consent that when the Senate completes its business today it stand in recess until 1 p.m., Wednesday, May 12; that following the prayer, the Journal of proceeding be approved to date, and that the time for the two leaders be reserved for their use later in the day; that there then be a period for morning business not to extend beyond 3 p.m., with Senators permitted to speak therein for up to 5 minutes each, with the following Senators recognized to speak for the time limits specified: Senators DURENBERGER, LEAHY, GRASSLEY, GORTON, and GRAMM, of Texas, for up to 10 minutes each; Senator DORGAN for up to 20 minutes; and Senator DASCHLE for up to 30 minutes.

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

RECESS UNTIL TOMORROW AT 1 P.M.

Mr. EXON. Madam President, if there is no further business to come before the Senate today, I ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 5:48 p.m., recessed until Wednesday, May 12, 1993, at 1 p.m.

NOMINATIONS

Executive nominations received by the Secretary of the Senate May 10, 1993, under authority of the order of the Senate of January 5, 1993:

DEPARTMENT OF ENERGY

VICKY A. BAILEY, OF INDIANA, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE TERM EXPIRING JUNE 30, 1996, VICE JERRY JAY LANGDON, TERM EXPIRED.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 11, 1993:

DEPARTMENT OF THE TREASURY

FRANK N. NEWMAN, OF CALIFORNIA, TO BE AN UNDER SECRETARY OF THE TREASURY.

MARGARET MILNER RICHARDSON, OF TEXAS, TO BE COMMISSIONER OF INTERNAL REVENUE.

JEFFREY RICHARD SHAFER, OF NEW JERSEY, TO BE A DEPUTY UNDER SECRETARY OF THE TREASURY.

GEORGE J. WEISE, OF VIRGINIA, TO BE COMMISSIONER OF CUSTOMS.

DEPARTMENT OF DEFENSE

JAMIE S. GORELICK, OF MARYLAND, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE.

DEPARTMENT OF STATE

THOMAS R. PICKERING, OF NEW JERSEY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, WITH THE PERSONAL RANK OF CAREER AMBASSADOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE RUSSIAN FEDERATION.

HARRY J. GILMORE, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ARMENIA.

PATRICK FRANCIS KENNEDY, OF ILLINOIS, TO BE AN ASSISTANT SECRETARY OF STATE.

E. ALLAN WENDT, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SLOVENIA.

ERIC JAMES BOSWELL, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE DIRECTOR OF THE OFFICE OF FOREIGN MISSIONS, WITH THE RANK OF AMBASSADOR.

MARY A. RYAN, OF TEXAS, TO BE ASSISTANT SECRETARY OF STATE FOR CONSULAR AFFAIRS.

CONRAD KENNETH HARPER, OF NEW YORK, TO BE LEGAL ADVISER OF THE DEPARTMENT OF STATE.

VICTOR MARRERO, OF NEW YORK, TO BE THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA ON THE ECONOMIC AND SOCIAL COUNCIL OF THE UNITED NATIONS, WITH THE RANK OF AMBASSADOR.

VICTOR JACKOVICH, OF IOWA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BOSNIA AND HERZEGOVINA.

WENDY RUTH SHERMAN, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF STATE.

DEPARTMENT OF AGRICULTURE

JAMES R. LYONS, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE.

RICHARD E. ROMINGER, OF CALIFORNIA, TO BE DEPUTY SECRETARY OF AGRICULTURE.

RICHARD E. ROMINGER, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION.

BOB J. NASH, OF ARKANSAS, TO BE UNDER SECRETARY OF AGRICULTURE FOR SMALL COMMUNITY AND RURAL DEVELOPMENT.

BOB J. NASH, OF ARKANSAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION.

WARDELL CLINTON TOWNSEND, JR., OF NORTH CAROLINA, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE.

EUGENE BRANSTOOL, OF OHIO, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE.

EUGENE BRANSTOOL, OF OHIO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

NICOLAS P. RETSINAS, OF RHODE ISLAND, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—*Tuesday, May 11, 1993*

The House met at 12 noon.

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

We earnestly pray, gracious God, for peace in our hearts and in our troubled world. From every background of faith or party, from every person of our Nation or across the seas, from every voice whether in the conflicts or not, we pray for the easing of hostilities and for the protection of human lives. May all those involved see in both friend and foe the unity we have in Your gift of life, the possibilities for understanding and a shared compassion one for another. May the words of our mouths and the meditations of our hearts be found acceptable in Your sight, O creator of our lives and every person. 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 gentlewoman from Washington [Ms. DUNN] come forward and lead the House in the Pledge of Allegiance.

Ms. DUNN 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 without amendment concurrent resolutions of the House of the following titles:

H. Con. Res. 71. Concurrent resolution authorizing the use of the Capitol Grounds for the 12th annual National Peace Officers' Memorial Service.

H. Con. Res. 81. Concurrent resolution authorizing the 1993 Special Olympics Torch Relay to be run through the Capitol Grounds.

H. Con. Res. 82. Concurrent resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

The message also announced that the Senate had passed a bill and joint resolution of the following titles, in which the concurrence of the House is requested:

S. 349. An act to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes.

S.J. Res. 58. Joint resolution to designate the weeks of May 2, 1993, through May 8, 1993, and May 1, 1994, through May 7, 1994, as "National Correctional Officers Week".

The message also announced that pursuant to section 1024, of title 15, United States Code, the Chair, on behalf of the Vice President, appoints Mrs. BOXER, to the Joint Economic Committee, vice Mr. BRYAN.

DEFENSE REINVESTMENT AND HIGH-TECH JOB CREATION ACT OF 1993

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

Ms. HARMAN. Mr. Speaker, the President and the Committee on Ways and Means have decided to forgo the original investment tax credit proposal and look for other means to stimulate the economy.

Today I and a bipartisan group of cosponsors are introducing the Defense Reinvestment and High-Tech Job Creation Act of 1993, which can serve as one of those economic catalysts that the Congress is seeking.

There is no more important mission for this Congress than to retain and build high-skill, high-wage jobs. Over the past decade, the Defense budget has served as a catalyst for those jobs, but the downsizing that is occurring with the end of the cold war will force us to be more creative.

This bill is designed to allow aerospace companies to diversify into critical and competitive industries such as transportation, communications, medical research, and green technologies. The bill will give tax incentives to defense companies to hire employees and buy equipment targeted for commercial manufacturing.

Defense reinvestment is one of the most difficult and challenging problems confronting this Congress. This bill will help move this process forward using market forces and without the Government determining winners and losers.

I urge its prompt consideration by the House Ways and Means Committee.

LET THE SUNSHINE IN ON TAX BILL DECISIONS

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

Mr. HYDE. Mr. Speaker, the virus of secrecy has spread from the White House health care task force to the Committee on Ways and Means. If this is indeed the Age of Aquarius, why don't we let the sunshine in? Its Democrat members seem to fear public scrutiny the way a vampire fears the sunlight. The result is likely to be an ugly tax bite on the neck of the average American family.

Last Thursday, the committee majority slammed the doors on the public by evicting all nonmembers from their tax-writing session.

All committee Republicans voted against the closed-door session, and our Republican freshmen hung a sign on the door outside that read, "Do not disturb: Democrats Raising Taxes."

Mr. Speaker, the American people should know what is being said behind those locked doors and who is saying it.

Mr. Speaker, scripture assures us that deeds done in darkness will one day come to light. This is one text even the Committee on Ways and Means majority cannot rewrite.

So let us open those doors, you Democrat Aquarians and let the sunshine in; it is a great disinfectant.

NATIONAL SMALL BUSINESS WEEK

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

Mr. MAZZOLI. This is the National Small Business Week, and I am honored to announce that the Small Business Person for the Year from the State of Kentucky is a friend of mine from my hometown of Louisville, Allen Steinbock, president of Whip-Mix Corp., which has been in business since 1919 and engages heavily in export activities involving dental supplies and equipment.

Certainly, Mr. Speaker, the President's economic program for this year is designed to encourage small business, which is the engine of jobs in America and in Kentucky.

The President wants to reduce the deficit. He has reduced some of the regulations to encourage bank lending to small businesses. He hopes to create a secondary market for small-business securities.

In the last analysis, Mr. Speaker, America's economy will only become stronger if small business becomes stronger. And, in that connection the

President's program is on the right track.

DEMOCRATS ACT BEHIND CLOSED DOORS ON TAX PROPOSALS

(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, the Committee on Ways and Means reconvened this morning to continue their consideration of the tax bill. And once again, the Democrats on that committee voted to shut out the public by going behind closed doors to vote on important tax issues. It seems that the Democrats do not want to let their constituents know their votes on specific tax increases.

Mr. Speaker, we are back to business as usual here in the District of Columbia, a place where decisions that affect all our constituents are made behind closed doors by a handful of Democrat committee members. I am disappointed that my colleagues on the Ways and Means Committee have chosen to operate in this fashion once again. The American people are angry—they deserve to know what next taxes are being proposed, since they are the ones who will have to empty their wallets.

What are we scared of? Why can we not let the sunshine in? Why do the Democrats not want their votes on record?

It is business as usual with the tax and spend Democrats—more taxes and more spending for a bigger Government is what is happening here.

IMPROVEMENT IN ECONOMY HINGES ON ENACTMENT OF THE PRESIDENT'S PLAN

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

Mr. DERRICK. Mr. Speaker, our last President erred when he maintained that the economy would take care of itself.

Under President Bush's watch, the deficit soared, U.S. jobs were exported overseas and middle-class families strayed off course of the American Dream.

Last November the U.S. electorate held a national referendum on which direction the country should be heading.

In choosing President Clinton, the American people embraced change and they indicated they wanted a departure from the "business as usual" politics of the Bush and Reagan administrations.

More importantly, President Clinton has recognized that middle-class Americans have carried more and more of the tax burden while enjoying less and less of the benefits.

That is why President Clinton wants the wealthiest individuals and corporations to pay a fairer share of taxes.

The last administration stated the economy would improve as millions of Americans lost their jobs. We cannot afford 4 more years of inaction.

Already the Congress and President Clinton have enacted a budget resolution that cuts Government spending by more than $500 billion over the next 5 years.

The President has a program to create jobs, to make our neighborhoods safe again and to provide college for young people. These programs will help recapture the American dream.

Mr. Speaker, middle-class Americans deserve the full attention of the President and the Congress. We need to enact the President's plan.

□ 1210

FARMERS AND THE CLINTON ENERGY TAX

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

Mr. EVERETT. Mr. Speaker, as the Democrats in the Ways and Means Committee raise taxes behind their closed doors, I hope they keep in mind the role of farmers in this country.

Daniel Webster once said, "The farmers are the founders of civilization."

Well, Mr. Speaker, the founders of civilization will be in big trouble with the Clinton energy tax.

According to the American Farm Bureau, the President's planned tax will cost American farmers $1 billion a year. Think of it, $1 billion of additional cost each and every year.

And that is not all. Because foreign producers would not pay the Clinton energy tax, they will be able to compete more effectively with American farmers in both overseas and domestic markets.

The Clinton energy tax will have a communities devastating impact on farmers and rural communities which are forced to use more fuel annually than those who live in cities.

Farmers may indeed be the founders of civilization, but Bill Clinton has found a new way to make them pay over and over again for the privilege.

TAX AND TAKE

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

Mr. BROWDER. Mr. Speaker, the President says the communications vouchers in his campaign finance reform package will not be paid for by the American people and not one red cent will be diverted from other programs to pay for congressional campaigns. I respectfully but strongly disagree.

It is public financing, folks. It is coming out of the public's pocket because the so-called $5 voluntary checkoff takes tax revenues from other programs. And the lobbyist tax deduction should be going to those other programs rather than paying for our campaigns. This is worse than tax-and-spend Government; it is tax-and-take for politicians.

Tax and take, tax and take. That is bad politics and bad public policy.

Mr. Speaker, I support the President's campaign reform initiatives, but let us stop direct public financing and look for some alternative options for getting politicians to limit their campaign spending.

THE STEALTH TAX

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

Mr. DOOLITTLE. Mr. Speaker, at this very moment, Ways and Means Democrats are quietly trying to levy a stealth tax on the middle-class taxpayer.

Remember the stealth bomber? This was a plane that was able to evade radar detection and bomb the enemy more effectively.

The Clinton administration has designed a tax that will do the same thing to the taxpayer. Code-named Btu, this stealth tax is supposed to silently hit the taxpayer hard in the wallet, without the taxpayer really ever knowing it.

Mr. Speaker, stealth taxes are not in the best interests of the American people. The taxpayer should not be treated by the Clinton administration as if he were the enemy.

KEEP FOREIGN AID AT HOME

(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, Congress gives Egypt $2.4 billion a year in foreign aid, and last year our Government had forgiven a $7 billion loan to Egypt.

Now, Egypt repaid that by putting three Americans in jail. Their crime? They were promoting Christianity, but President Mubarak said, "I'll pardon these Americans."

You know, we spend billions of dollars all around the world to protect human and religious rights and then people who get our hard-earned taxpayer dollars in foreign aid put Americans in jail for promoting Christianity.

I say it is time to stop foreign aid. Send it to the American cities where maybe we can have a little bit of development and opportunity for our own people.

A WRONG ENERGY TAX

(Mr. PAXON asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. PAXON. Mr. Speaker, we have all heard the arguments for and against the President's proposed energy tax from the politicians. Unfortunately, the one voice we have not heard enough of is the voice of the American taxpayer.

I recently received a letter regarding the proposed energy tax from a constituent, Mr. Craig Phelps, owner of a family farm in Groveland, NY.

In his letter, Mr. Phelps estimated that this tax will cost his farm an additional $8,200 a year in increased energy costs, with the indirect costs of this tax pushing that total even higher.

As Mr. Phelps correctly points out, Americans who live and work in rural areas will bear the brunt of this unfair and unwise tax increase.

Maybe it is the unpopularity of this Btu energy tax that has compelled the Ways and Means Democrats now to decide to hold their secret sessions to consider this tax.

The President has said that due to the energy tax, "Middle income families experience only a slight increase in their tax liabilities."

Obviously, neither the President nor his staff consulted with a taxpayer before proposing this onerous tax. Congress and the President cannot impose new taxes on working Americans, even in secret, and continue to believe that families, employment, and the economy will not suffer.

FEDERAL MANDATES ON LOCAL GOVERNMENTS

(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, we pass a lot of very good bills in this House. In fact, I vote for almost all of them, but I think they would be a lot better bills if we knew the impact that they were going to have upon State and local governments and the private sector.

Last year State and local governments spent more money complying with unfunded Federal mandates than they received in total Federal assistance.

We have a bill called the Fiscal Accountability and Intergovernmental Reform Act. What it would do is to require that we know what the cost is going to be to the State and local governments and the private sector before we pass legislation out of committee to the House floor.

The gentleman from Pennsylvania [Mr. GOODLING] and about a hundred cosponsors are on this bill, as well as dozens of mayors, local government officials, and State officials.

Mr. Speaker, I urge my colleagues to get on board and to correct what really is an injustice from the point of view of State and local officials and heads of private sectors who have to come up with the money that has resulted from an increasing policy of passing a bill and then passing the buck to others.

PULLING THE PLUG

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

Mr. BALLENGER. Mr. Speaker, the Democrats have pulled the plug on the open hearing process.

Last week, Ways and Means Democrats kicked the public out of their committee meeting so they could raise taxes without public scrutiny.

Today, they may kick Republicans out of the process, so they would not have to vote on Republican amendments.

One of the most onerous provisions is the so-called Btu tax, which is better known as the middle-class energy tax. This tax will not only increase the energy bill of almost every American family by $500. It will also increase the costs on almost every other consumer good.

Republicans are strongly opposed to this middle-class energy tax. But because the light of public scrutiny has been dimmed by the Democratic majority, we have not had the opportunity to kill this tax.

Maybe the Democrats are simply getting the jump on saving energy by raising this tax in the dark. In my mind, that energy would be better spent killing this harmful tax on the middle class.

NUCLEAR TESTING

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

Ms. FURSE. Mr. Speaker, last year my colleague, the gentleman from Oregon [Mr. KOPETSKI] introduced, and the Congress passed, legislation banning nuclear tests after 1996. Now we hear that the President may be advised to allow resuming those tests beyond 1996 if their yield is less than one kiloton.

But when is a test not a test?

I want to quote George Orwell's book, 1984, as the Pentagon and the Department of Energy would edit it: "War is peace, freedom is slavery, ignorance is strength, a small nuclear test is not a nuclear test."

This year, DOE has been given $462 million to conduct nuclear tests. But the ironic thing is, they will probably not even conduct any tests this year.

There are so many more valuable programs to spend money on that truly make our Nation strong. We could use that money to provide childhood immunizations, quality education and affordable health care.

Mr. Speaker, those are areas I would rather invest in and I think the majority of the American people would agree. Let us consider testing nuclear weapons only if we actually plan to use them. And I do not think any of us are ready to do that.

□ 1220

LET THE SUNSHINE IN

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

Ms. DUNN. Mr. Speaker, at the beginning of the 1970's, my home State of Washington began some remarkable pioneering in public policy. First, a series of environmental protection laws to guard the land and water resources of our lovely State.

Next, the State of Washington took another historic step by passing an open meetings law that required all levels of government to conduct the public's business with an open door to all citizens and the news media.

No more closed door committee meetings. No more executive sessions where, behind closed doors, committees write the final text of legislation and the budget.

Mr. Speaker, many of us who are new to the Congress have been surprised to find that much of our Nation's important business is conducted behind closed doors. We believe—and we hear the same message from citizens—that the great decisions of Congress ought to be made in the sunshine—in full view of citizens and the media.

Mr. Speaker, this week the Republican freshman class will introduce a measure that will significantly open the process of congressional meetings and hearings. It is our equivalent of the sunshine law that Washington State has enjoyed for nearly a quarter of a century.

My colleagues, let us have this 103d Congress be remembered in history as the Congress that let the sunshine in on all the people's business.

HONORING DAVE JOSEPH SANTOS AS A POSTHUMOUS RECIPIENT OF THE SBA STATE SMALL BUSINESS PERSON OF THE YEAR

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

Mr. UNDERWOOD. Mr. Speaker, this week we honor extraordinary men and women who are seldom recognized for their contributions to this country. They are, nevertheless, the backbone of this great Nation's economy and in a larger sense the very embodiment of the American dream.

I choose to honor today Dave Joseph Santos, a small business man from

Guam who, sadly, passed away last December at the age of forty-one. But by that young age, having started with only 2 employees, 4 clients, and no computers, he had built his business into a successful advertising agency, employing dozens of people and servicing 30 corporate clients and the government of Guam.

Throughout his company's early years, Dave kept the firm's entire accounting records—job orders, billings, collections, payroll, financial statements, and tax returns, leaving very little time for himself. Dave sacrificed throughout his company's growth to ensure the success of his business and the success of others who worked for and with him. The extra time he had; he gave to the community: serving on the board of the Guam Chamber of Commerce, the school board, and as treasurer of the Guam Tax Code Commission. He worked hard to give back to the people that had helped make him a success.

It is through the sacrifices of people like Dave Santos that Guam and America have been built. You see, men and women like Dave Santos create the majority of the jobs in this country. Men and women like Dave Santos drive our economy. Men and women like Dave Santos embody the ideals of self-help and are inspiring examples to all, especially our youth. It is only fitting that we honor them.

Si Yu'os Ma'ase' Dabet!

ELIMINATING TIMBER SALES ON PUBLIC LANDS WOULD DEVASTATE NORTHERN WISCONSIN

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

Mr. ROTH. Mr. Speaker, President Clinton wants to stop timber harvesting on our public lands. This would devastate northern Wisconsin.

Mr. Speaker, logging in the Nicolet National Forest directly provides 1,000 jobs and is responsible for $49 million that goes into the local economy.

Charles Linderud, from Crandon, WI, put it best when he wrote and asked, "Must we put local industry out of work and let the forest crop rot?"

Mr. Speaker, the timber program provides jobs not just in logging, but in lumber, housing, and paper. It supports many of our rural communities entirely.

For example, Dennis Fincher, from Antigo, says, "The schools and local government will lose some $3.4 million in revenues, not to mention the millions of dollars in lost income taxes due to increased unemployment."

Members of Congress, I am asking you to help me save these jobs and return commonsense to our Government. Let us do something for working Americans for a change.

DEMOCRATS DANCING IN THE DARK

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

Mr. HEFLEY. Mr. Speaker, the Democrats have decided to exercise the privileges of membership and exclude the American people from their tax dance. It is ironic that the American people are required to pay the dues but are not allowed to attend the balls of the Democrats' tax club. The result is that the Democrats are dancing in the dark while the public pays the band.

The Democrats decided to hold their tax dance after tax club President Bill Clinton said that there was not enough money coming in. The solution? It was not to cut spending as you might expect in some organizations. No, that is not the tax club's way. You see the tax club is different. It is the only club in the world where nonmembers pay the dues and club members do the spending.

Of course, tax club President Clinton does not call them dues any more than he calls them taxes. Their name has ranged from sacrifices to contributions and according to today's Washington Times, the new euphemism for taxes is "responsibilities." Fortunately, for President Clinton and the other taxdancers, whatever you call them—sacrifices, contributions, or responsibilities—they all spend the same. Unfortunately, for the American people paying the musicians, they all cost like taxes.

LAVERGNE HIGH SCHOOL STUDENT LEADERSHIP PROGRAM

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

Mr. GORDON. Mr. Speaker, some naysayers would have us believe that today's young people are not motivated, do not care about others, and will not work hard.

I challenge the critics to visit LaVergne High School and its student leadership program. They will see all that is good about today's teenagers. And they will leave knowing that today's students represent a bright future for us all.

Many people deserve credit for what the leadership program has accomplished: the teachers and administrators for guiding the program, the Ingram Distribution Group for its commitment, parents for being involved.

But the leadership program students are the real success story. From beautifying their school to overcoming apathy to increasing handicapped awareness to fighting teen pregnancy, they have tackled tough issues with hard work and innovative ideas.

And, they have gotten results that will have a lasting impact while setting an example for the rest of the Nation. In fact, the program has been cited as one of the top five education improvement ideas in the country. Dozens of other schools have sought information on how to get started.

We should congratulate the students on their success. And more importantly, we should thank them for showing that our young people still can and do want to make a difference.

INTRODUCTION OF THE 1993 NUCLEAR WASTE POLICY REASSESSMENT ACT

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

Mrs. VUCANOVICH. Mr. Speaker, today I am introducing legislation which would establish an independent study of the activities at Yucca Mountain, NV.

Yucca Mountain is currently the only site under consideration for permanent disposal of the Nation's thousands of metric tons of lethal high-level radioactive waste. This came about in 1987, when the Federal nuclear waste disposal site characterization program was shifted from three sites to one during budget reconciliation.

"At the time, we in Nevada and the Nation were told that this was the best policy because it would save money, time, and ensure maximum scientific objectivity. Well, as anyone who has followed developments over the past 6 years knows, those predictions have not come true. The cost overruns at Yucca are enormous, the program is far behind schedule, and disputes about the safety of long-term, deep geologic disposal at Yucca Mountain are well-documented, longstanding, and continue to this day.

Perhaps most troubling, it would appear that the Clinton administration is following a more-of-the-same policy regarding the Yucca Mountain project.

For the reasons mentioned above, I am introducing the Nuclear Waste Policy Reassessment Act of 1993.

The legislation would do three key things: First, place a moratorium on all spending at Yucca Mountain for 5 years; second, direct the National Academy of Sciences, in consultation with all stakeholders in the siting controversy at Yucca Mountain, to determine the scientific and financial merits of continuous study of a single potential site or return to consideration of multiple sites; and, third, rebate moneys from the nuclear waste trust fund to the utilities for onsite storage as a result of program delay mandated by this bill.

I call on the administration and my colleagues to support this legislation and send the message that this problem-plagued program should get the outside review that is so desperately needed.

□ 1230

INTRODUCTION OF FASB RESOLUTION

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

Ms. ESHOO. Mr. Speaker, the Financial Accounting Standards Board, known as FASB, proposed a requirement that companies deduct from their profits the value of stock options granted to employees.

Although the Board's intent—to improve disclosure of compensation—is important, the proposal does nothing to improve current reporting.

Instead, it stifles entrepreneurship which is what we need and want.

Startup companies use stock options to attract talented people who are willing to both work hard and take a risk.

It allows the secretary, the receptionist, or the engineer to buy options which may only cost 50 cents a share today, but could be worth $5 or more down the road. When employees buy in, they share the responsibility of the ultimate success of their company.

Mr. Speaker, to rebuild our economy we need to both retain small businesses and encourage new ones.

That is why I am introducing a concurrent resolution today which expresses Congress' view that the accounting board not adopt the proposal.

I urge my colleagues to join me in supporting this resolution.

PRESIDENT HAS NOT DEFINED BOSNIA STRATEGY

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

Mr. RAMSTAD. Mr. Speaker, last night at the Wayzata Fire Department back home in Minnesota, a firefighter said to me, "Please tell the President not to send my Marine son or my Air Force son to the Balkans. He has not explained our national interest or mission."

Mr. Speaker, this firefighter constituent is a wise parent and wise patriot. Before we put one American pilot or troop in harm's way, the President must clearly define our national interest and mission.

We must not repeat the nightmare of Vietnam.

As Gen. Colin Powell has told us, before we send troops into a dangerous situation, we must have a precise mission statement that defines how we get in, accomplish our goals, and get out.

So far, we have not seen such a well-defined strategy from the President. As one who lost three close friends in Vietnam, it is downright eerie to hear another President talk about bombing his enemies to the negotiating table.

Military experts have told us air strikes alone will not do the job and would cost American lives.

Lord Owen has said, "It's only a delusion that bombing will end the war. You can't solve the problem at 10,000 feet."

Mr. Speaker, there must be a reason no European ally has endorsed the administration strategy against the Bosnian Serbs. Perhaps they have learned history's hard lessons.

THE RELIGIOUS FREEDOM RESTORATION ACT

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

Ms. SHEPHERD. Mr. Speaker, for the past 3 years, our religious rights have been under siege. In 1990, a single Supreme Court decision abolished the standard that protects religious freedom in this country. Today, I urge my colleagues to vote in favor of the Religious Freedom Restoration Act in a bold move to resurrect the first inalienable freedom set forth in the Bill of Rights.

Years ago, the Pilgrims came to this country after facing religious persecution in other parts of the world. Similarly, members of the Church of Jesus Christ of the Latter-Day Saints settled in my home State of Utah in the late 1800's after encountering discrimination in the East and Midwest. Unfortunately, the religious rights of other groups like native Americans and Orthodox Jews continue to be sabotaged in the 3 years following the Supreme Court's decision. Without quick and decisive action, members of other faiths will face the same fate.

Mr. Speaker, today this Congress can restore faith to the first amendment by returning religious rights to the American people. I encourage my colleagues to vote in favor of this bill.

MAJORITY EXCLUDES REPUBLICANS IN DRAFTING TAX BILL

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

Mr. POMBO. Mr. Speaker, last Thursday the Ways and Means Committee of the House began marking up President Clinton's enormous tax bill. The majority voted to take the committee into executive session. To you and me, that is a secret meeting. The Republicans objected to throwing out the press and the taxpaying public. Why? Because when the Tax Committee is considering the largest tax increase in the history of our Nation, we must have an open process.

Worse still, I understand that the majority has become fed up with the presence of the pesky minority, their colleagues on the committee. I am told that the majority has now started meeting alone to draft up this tax bill.

Did they not learn anything from the $16 billion pork-filled stimulus bill?

The majority leadership has a big decision to make. They can work with us or against us. They can include us in the process or exclude us. The decision is theirs. We cannot force them to allow the press and the taxpaying public into the Ways and Means Committee hearings. We cannot even force them to allow the Republican members of the committee into the room as they consider the largest tax increase in history.

But, Mr. Speaker, we can tell the American people that so far this year it is business as usual and nothing has changed.

TRIBUTE TO RABBI ABBA HILLEL SILVER

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

Mr. FINGERHUT. Mr. Speaker, it is with great pride that I rise today to deliver a tribute to the late Rabbi Abba Hillel Silver. While Rabbi Silver is best known as one of the chief architects of the State of Israel, he was also one of this country's great civil rights advocates and Jewish spiritual leaders. This week the rabbi's Cleveland synagogue, the Temple-Tifereth Israel Congregation, concludes a yearlong celebration of the centenary of his birth. The main branch of what is affectionately known as Silver's Temple is located in Congressman LOUIS STOKES' district, and a sister branch is located in my district, Ohio's 19th. While Congressman STOKES could not stand with me today, we wanted to take a moment on the floor of the House of Representatives to recognize Rabbi Silver's work and note how it still ripples through America today.

Born in Lithuania in 1893, Abba Hillel Silver immigrated to America with his parents as a 9-year-old. Following in the footsteps of three successive generations of his family, he was ordained a rabbi in 1915. Two years later, he was installed at the Temple in Cleveland, which, under his 47-year leadership, grew to become one of the country's leading synagogues.

A tireless advocate for America's workers, he helped draft Ohio's first unemployment insurance law and advised President Herbert Hoover on the country's unemployment problems.

During the early years of Nazi power in Germany, while many American Jewish leaders declined to oppose Hitler, Silver helped organize anti-Nazi boycotts. His 1941 book, "The World Crisis and Jewish Survival," provided eloquent hope for a Jewish people facing persecution. As president of United Palestine Appeal and cochair of the United Jewish Appeal, Silver helped persuade Congress, President Harry

Truman, the British Government, and the United Nations that: "Just as there is an England, a France, and a Germany, there must be a land of Israel in order that the status of the Jewish people might be normalized throughout the world." When the State of Israel was officially proclaimed on May 14, 1948, the victory was as much Silver's as it was David Ben-Gurion's or any other Zionist leader's.

While Rabbi Silver influenced United States policy to Israel for years, in the Cleveland area we remember Rabbi Silver for his wisdom and spiritual guidance. A 1953 Life magazine profile said of Silver, "When he preaches, his words come out in organ tones." Years later, we can still hear the music of his words, and we can still feel the strength that they gave to so many.

THE CREATION OF JOBS UNDER NAFTA

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

Mr. DREIER. Mr. Speaker, it gives me great pleasure to support President Clinton when he is right. Clearly, he is right when he says we need NAFTA because NAFTA will create American jobs.

Last week a group of us met with the U.S. Trade Representative and my fellow Angeleno, Mickey Kantor, who said that we need NAFTA because NAFTA will create a net gain of 400,000 American jobs, primarily in the small- and medium-sized business area.

I would like to be specific. Cal-State Lumber Sales in San Ysidro, CA, the largest Hispanic-owned business in our State, increased their sales from $14 million in 1989 to $138 million in 1991, with $84 million in exports to Mexico. Mary Alice Acevedo, their director of international sales, says, and I quote:

> Mexico has allowed us to remain competitive, and our U.S. employment has gone up 30 percent.

In Indianapolis, IN, the SaniServe Corp. manufactures ice cream and slush machines. Exports to Mexico accounted for $450,000 of business in 1991 and grew by 50 percent last year.

Mr. Speaker, it is clear that we need NAFTA because it will create jobs here in the United States of America.

THE CREATION OF A DEFICIT REDUCTION TRUST FUND

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

Mr. SCHUMER. Mr. Speaker, today I am circulating, along with my colleagues, the gentleman from Oklahoma [Mr. BREWSTER], the gentleman from Texas [Mr. EDWARDS], the gentlewoman from California [Ms. HARMAN], and the gentleman from West Virginia [Mr. WISE], a letter to all of my colleagues on this side of the aisle to join us in asking for a deficit reduction trust fund.

The idea is very simple. In the reconciliation bill that comes before us, all new taxes, as well as entitlement cuts, should go into a trust fund that must go to deficit reduction. Any new spending must come out of old spending. In that way we can assure the American people that although, yes, we are raising taxes, the money is going to go to the purpose that we all want it to go for, and that is deficit reduction.

We all know this well. I believe in government. I believe that we have to increase spending and investments in other areas, but until we get a handle on the deficit, we are not going to be able to do the kind of spending that this country needs.

So, Mr. Speaker, I urge my colleagues to look at our letter and sign on to the deficit reduction trust fund. In that way we can assure the American people that President Clinton's goal of reducing the deficit will happen, and will happen with strict and tough enforcement mechanisms.

□ 1240

ALL IS RIGHT WITH THE WORLD

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

Mr. RAVENEL. Mr. Speaker, you heard me a couple of times last week criticizing this Houses' actions in trying to retire a mentally challenged employee, Ms. Fifine, because she could not work a full day. Well, the story has a happy ending. Late last Friday I got word that the Speaker's Office had told Bob Miley that Fifine would not be let go but kept on at her job and paid only for the hours she could work. So, thanks to a lot of help from lots of good folks, an impending embarrassing wrong has been adverted and all is right with the world, especially Fifine's.

CONTINUE MORATORIUM ON NUCLEAR TESTING

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

Mr. KOPETSKI. Mr. Speaker, May 18 is a historic day. Assuming the Clinton administration does not submit its report to Congress outlining its plan for obtaining a comprehensive test ban in the community of nations by this date—and it is my understanding they will not submit such a report by this date—then America will reach a remarkable milestone.

That milestone is the reality that for the first time since 1944—a period of 48 years—this Nation will not have detonated a nuclear bomb in a full calendar year. Because of various reporting requirements in current law it will be impossible to test a nuclear bomb in calendar year 1993 unless the report is filed by May 18.

What a historic occasion. For the first time in 48 years this Nation will go for a full calendar year without detonating a nuclear bomb. No nuclear explosions for 1 year.

The question this raises for President Clinton, therefore, is will he become known in history as the President who resumes this Nation's dance with death and start detonating nuclear bombs again?

Will President Clinton flip the switch and detonate nuclear bombs? What will history say about this flick of the switch?

I trust the President will give this decision the utmost consideration. This is without question one of the most important decisions he will make as President.

Were he to flip the switch, the chain reaction he would begin is not limited to the nuclear chain reaction that unleashes the single most powerful destructive force created by mankind. He will also set off another nuclear chain reaction. Other nations—France could detonate nuclear bombs again—Russia could again demonstrate its nuclear prowess. The President's flip of the switch could give the green light to China to detonate another nuclear bomb. What will Pakistan, India, and other nations with a nuclear capability do?

Today, this calendar year, we have a world pause in the detonation of nuclear bombs. Will President Clinton break the pause or will he turn the pause into a policy of cessation?

What a grand, peaceful opportunity for our new President. By not acting, by not flipping the switch he could make history. By not flipping the switch he will make peace, make the world so much safer. He will restore sanity to the world. A saneness we have not had for nearly 50 years, 50 years.

Will he flip the switch? I plead and pray he will not.

CONGRESSIONAL PAY FOR PERFORMANCE BILL

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

Mr. BARTLETT of Maryland. Mr. Speaker, the time has come for Members of this body to stop talking about how they want to reduce the deficit and to do something about it. That is why I have introduced a congressional-pay-for-performance bill.

My bill indexes the salaries of Members of Congress to reductions in the

Federal deficit. For every $100 billion in the deficit, Congressional salaries would be cut by 2 percent. If we continue to spend, the percentage doubles the following year and keeps doubling until the problem is solved.

The most successful American companies tie pay to the successful performance of an objective. In this bill I link congressional salaries to this body's ability to harness the chief cause of budget deficits, uncontrollable Federal spending.

This is a great opportunity for all of us who have had so much to say about deficits to make a personal contribution to bringing discipline to the congressional budget process.

Mr. Speaker, I ask Members to please sign on to the bill. I ask constituents to encourage their Representative to get on board.

END NUCLEAR TESTING

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

Ms. MCKINNEY. Mr. Speaker, the issue of nuclear testing has been debated in Congress for many years. Last year on two separate occasions, the House adopted, overwhelmingly, legislation to impose a moratorium on U.S. nuclear weapons testing.

This legislation calls for an end to U.S. nuclear weapons testing after September 30, 1996. We must remain committed to this date and a final end of a U.S. nuclear testing if other nations refrain also from testing. Any recommendations to continue nuclear testing beyond 1996 clearly are not consistent with the law. Additionally, I believe this sends the wrong message to the international community and particularly nations who may consider the nuclear option, now in the future. Specifically, continued U.S. nuclear weapons testing threatens the extension of the Non-Proliferation Treaty which expires in 1995.

It is very important that we are supportive of an end to nuclear testing and a comprehensive test ban. The United States must maintain its leadership and lead the world away from nuclear threats. I am confident that the American people share this goal.

TELEVISION TAX INCREASE HEARINGS

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

Mr. GINGRICH. Mr. Speaker, it is, I think, very disturbing to have the Democratic leadership decide to write the tax bill in secret in the Committee on Ways and Means. It seems to me the American people deserve to be able to see live on C-SPAN what their Representatives are doing to raise their taxes.

The people who are going to pay the energy tax, senior citizens who are going to pay the Social Security tax, all the people who are going to be affected by the restaurant tax, and people who are going to be affected in small business and agriculture by the tax increases on their rates, all of these folks, it seems to me, have a right to see their Representatives raising their taxes.

I think it is wrong for the House Democrats to decide to close the meeting, to not allow the public to watch, and I urge the Democratic leadership to open up the Committee on Ways and Means and let the public watch the tax increasing process.

ASKING THE WRONG QUESTIONS

(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, status quo politicians and the media elite often ask the wrong questions—which explains why they so often have the wrong answers. In today's Washington Post we read editorial musings on who should be taxed and how. If not an energy tax, it reads, how about a value added tax? The editorial criticizes those who oppose any new taxes for failing to provide a positive alternative that will cut the deficit. It appears the Washington Post is a victim of the incredible dissembling going on among the tax-and-spenders in Washington. There are specific proposals to cut hundreds of billions of dollars in wasteful and low-priority spending. I provided one, the minority on the Budget Committee provided one, and so on. Not only were those specifics given directly to the President, but they appeared on the pages of the Washington Post. While the President reads his mail, the writers at the Post should read their own newspaper. Then maybe they will ask the right questions and get the right answers about cutting spending first.

NAEP ASSESSMENTS FOR FISCAL YEAR 1994

Mr. KILDEE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 801) to authorize the conduct and development of NAEP assessments for fiscal year 1994, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from Michigan?

Mr. GOODLING. Mr. Speaker, reserving the right to object, I do not object, but I take this time to have the subcommittee chairman explain the legislation.

Mr. KILDEE. Mr. Speaker, if the gentleman will yield, this bill addresses a very urgent issue. It provides directly needed authority for the Department of Education to prepare for and administer State assessments in fiscal year 1994 under the national assessment of educational progress.

As recommended by the National Academy of Education, this bill authorizes the extension of these State assessments on a trial basis and requires that they be thoroughly evaluated.

The administration strongly urges the swift enactment of this bill. I know of no objection to it, other than the perfunctory one, and I urge its passage.

Mr. GOODLING. Mr. Speaker, reclaiming my time, these amendments are well thought out and continue the ongoing evaluation of this effort by the National Academy of Education.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 801

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

SECTION 1. NATIONAL CENTER FOR EDUCATION STATISTICS.

(a) IN GENERAL.—Section 406 of the General Education Provisions Act (20 U.S.C. 1221e–1) is amended—

(1) in paragraph (1) of subsection (f), by striking "and 1993" and inserting "1993, and 1994"; and

(2) in subparagraph (C) of subsection (i)(2)—

(A) by redesignating clauses (iii), (iv), and (v) as clauses (iv), (v), and (vi), respectively;

(B) by inserting after clause (ii) the following new clause:

"(iii) The National Assessment shall—

"(I) conduct, in 1994, a trial mathematics assessment for the 4th and 8th grades, and a trial reading assessment for the 4th grade, in States that wish to participate, with the purpose of determining whether such assessments yield valid and reliable State representative data;

"(II) develop a trial mathematics assessment for the 12th grade, and a trial reading assessment for the 8th and 12th grades, to be administered in 1994 in States that wish to participate, with the purpose of determining whether such assessments yield valid and reliable State representative data; and

"(III) include in each such sample assessment described in subclauses (I) and (II) students in public and private schools in a manner that ensures comparability with the national sample."; and

(C) in clause (vi) (as redesignated by subparagraph (A)), by striking "paragraph (C) (i) and (ii)" and inserting "clauses (i), (ii) and (iii)".

(b) CONFORMING AMENDMENT.—Subparagraph (D) of section 405(f)(1) of the General Education Provisions Act (20 U.S.C. 1221e(f)(1)) is amended by striking "1993" and inserting "1994".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KILDEE. 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 S. 801, the Senate bill just passed.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. 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 the vote is objected to under clause 4 of rule XV. Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules.

□ 1250

RELIGIOUS FREEDOM RESTORATION ACT OF 1993

Mr. BROOKS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1308) to protect the free exercise of religion.

The Clerk read as follows:

H.R. 1308

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 "Religious Freedom Restoration Act of 1993".

SEC. 2. CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSES.

(a) FINDINGS.—The Congress finds—

(1) the framers of the American Constitution, recognizing free exercise of religion as an unalienable right, secured its protection in the First Amendment to the Constitution;

(2) laws "neutral" toward religion may burden religious exercise as surely as laws intended to interfere with religious exercise;

(3) governments should not burden religious exercise without compelling justification;

(4) in Employment Division of Oregon v. Smith the Supreme Court virtually eliminated the requirement that the government justify burdens on religious exercise imposed by laws neutral toward religion; and

(5) the compelling interest test as set forth in Sherbert v. Verner and Wisconsin v. Yoder is a workable test for striking sensible balances between religious liberty and competing governmental interests.

(b) PURPOSES.—The purposes of this Act are—

(1) to restore the compelling interest test as set forth in Federal court cases before Employment Division of Oregon v. Smith and to guarantee its application in all cases where free exercise of religion is burdened; and

(2) to provide a claim or defense to persons whose religions exercise is burdened by government.

SEC. 3. FREE EXERCISE OF RELIGION PROTECTED.

(a) IN GENERAL.—Government shall not burden a person's exercise of religion even if the burden results from a rule of general applicability, except as provided in subsection (b).

(b) EXCEPTION.—Government may burden a person's exercise of religion only if it demonstrates that application of the burden to the person—

(1) furthers a compelling governmental interest; and

(2) is the least restrictive means of furthering that compelling governmental interest.

(c) JUDICIAL RELIEF.—A person whose religious exercise has been burdened in violation of this section may assert that violation as a claim or defense in a judicial proceeding and obtain appropriate relief against a government. Standing to assert a claim or defense under this section shall be governed by the general rules of standing under article III of the Constitution.

SEC. 4. ATTORNEYS FEES.

(a) JUDICIAL PROCEEDINGS.—Section 722 of the Revised Statutes of the United States (42 U.S.C. 1988) is amended by inserting "the Religious Freedom Restoration Act of 1993," before "or title VI of the Civil Rights Act of 1964".

(b) ADMINISTRATIVE PROCEEDINGS.—Section 504(b)(1)(C) of title 5, United States Code, is amended—

(1) by striking "and" and at the end of clause (ii);

(2) by striking the semicolon at the end of clause (iii) and inserting "; and"; and

(3) by inserting "(iv) the Religious Freedom Restoration Act of 1993" after clause (iii).

SEC. 5. DEFINITIONS.

As used in this Act—

(1) the term "government" includes a branch, department, agency, instrumentality, and official (or other person acting under color of law) of the United States, a "State" or a subdivision of a State;

(2) the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and each territory and possession of the United States;

(3) the term "demonstrates" means meets the burdens of going forward with the evidence and of persuasion; and

(4) the term "exercise of religion" means exercise of religion under the first article of amendment to the Constitution of the United States.

SEC. 6. APPLICABILITY.

(a) IN GENERAL.—This Act applies to all Federal and State law, and the implementation of that law, whether statutory or otherwise, and whether adopted before or after the enactment of this Act.

(b) RULE OF CONSTRUCTION.—Federal statutory law adopted after the date of the enactment of this Act is subject to this Act unless such law explicitly excludes such application by reference to this Act.

(c) RELIGIOUS BELIEF UNAFFECTED.—Nothing in this Act shall be construed to authorize any government to burden any religious belief.

SEC. 7. ESTABLISHMENT CLAUSE UNAFFECTED.

(a) IN GENERAL.—Nothing in this Act shall be construed to affect, interpret, or in any way address that portion of the First Amendment prohibiting laws respecting the establishment of religion. Granting government funding, benefits, or exemptions, to the extent permissible under the Establishment Clause of the First Amendment, shall not constitute a violation of this Act.

(b) DEFINITION.—As used in this section, the term "granting government funding, benefits, or exemptions" does not include a denial of government funding, benefits, or exemptions.

The SPEAKER pro tempore. (Mr. MAZZOLI). Pursuant to the rule, the gentleman from Texas [Mr. BROOKS] will be recognized for 20 minutes, and the gentleman from Illinois [Mr. HYDE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. BROOKS].

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

Mr. Speaker, H.R. 1308, the Religious Freedom Restoration Act of 1993, reflects a commitment to one of our most cherished freedoms—the right to practice one's faith without undue interference at the hands of the Government. It will restore the standard for addressing claims under the free exercise clause of the first amendment as it was prior to the Supreme Court's Smith decision in 1990. Under longstanding constitutional principles, any governmental burden on the free exercise of religion was subject to the strictest test of constitutional scrutiny. In order to satisfy the free exercise clause, Government had to demonstrate that it had a compelling State interest in burdening the free exercise of religion and that it used the least restrictive means of furthering that interest.

In Smith, the Supreme Court abandoned the compelling State interest test in favor of a much weaker standard of review. H.R. 1308 statutorily reinstates the strict test that was in place prior to Smith.

The Supreme Court's decision 3 years ago transformed a most hallowed liberty into a mundane concept with little more status than a fishing license—thus subjecting religious freedom to the whims of Government officials. That, indeed, has been the sorry legacy of the Court's view of this matter. Passage of this legislation is the only means to restore substance to the constitutional guarantee of religious freedom.

I commend Mr. EDWARDS of California, chairman of the Subcommittee on Civil and Constitutional Rights, for his steadfast dedication to religious freedom, and Mr. HYDE, the ranking member on the subcommittee, who was instrumental in ensuring the remarkable breadth of support for the bill. I also congratulate Mr. SCHUMER, who introduced the legislation and has guided it well.

Finally, I want to note the unprecedented coalition of religious denominations and civil rights groups who have

united to stand up for the liberty given meaning by this bill. I am proud of how such marvelous diversity was united by a shared view of the place and role of religion in our society. I urge the approval of this legislation.

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

Mr. HYDE. Mr. Speaker, I yield 3 minutes to the distinguished ranking Republican on the Committee on the Judiciary, the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Speaker, the ability of men and women of faith to freely practice their religion as guaranteed by the first amendment was seriously threatened by the 1990 decision of the U.S. Supreme Court in Employment Services Division versus Smith. In response to the Smith decision, a broad and unprecedented coalition of religious groups including the American Jewish Congress, the Church of Jesus Christ of Latter-day Saints, the Christian Life Commission of the Southern Baptist Convention, and the National Council of Churches have come together to support enactment of the Religious Freedom Restoration Act.

In Smith, the U.S. Supreme Court abandoned the compelling State interest test which had been applied by the Supreme Court and lower Federal courts for almost 30 years. Prior to Smith, Government actions which hindered religious practices were required to be justified by a compelling interest, that is, an interest of the highest order. As a result of Smith, Government actions which impede religious worship or other legitimate religious activities now need only be rationally related to a legitimate governmental interest—a far weaker constitutional standard. Even long established religions have expressed grave concerns over this loss of constitutional protection.

Since Smith was decided in 1990, individuals seeking to practice their religion, unhampered by Government action, have largely been without recourse. The Religious Freedom Restoration Act will provide them with a means to challenge Government regulations which unnecessarily burden the free exercise of religion.

The legislation will guarantee that all Americans, regardless of their particular creed or oath, are able to enjoy the right to worship and practice their faith, from unnecessary Government intrusion.

Mr. Speaker, I urge my colleagues to support this legislation. I congratulate my colleagues on the Committee on the Judiciary for bringing us this legislation today.

Mr. BROOKS. Mr. Speaker, I yield 4 minutes to the distinguished chairman of the Subcommittee on Civil and Constitutional Rights, the gentleman from California [Mr. EDWARDS].

Mr. EDWARDS of California. Mr. Speaker, this has been a long and arduous task to be able to come today before this body and ask for the enactment of the Religious Freedom Restoration Act of 1993.

As my chairman explained, it was an unfortunate decision of the Supreme Court in 1990 that put religious freedom in jeopardy in our country.

Our former Member, Steve Solarz of New York, introduced the original bill about 3 years ago. And ever since then, we have been working on it.

We are grateful to the gentleman from New York [Mr. SCHUMER] and to our colleague, the gentleman from California [Mr. COX] for introducing the bill again this year and helping us negotiate with the various parties so we could have virtual unanimity.

Of course, I thank the gentleman from Illinois [Mr. HYDE], who has been splendid in helping to reconcile the various differences, and the differences were real, and the other members of the subcommittee, including the gentleman who will speak, the gentleman from New York [Mr. NADLER], and the splendid minority and majority staffs.

This is a very, very important bill. People say, "Well, why is it so important?"

Let me just point out things that have happened that violate religious freedom, since the 1990 Smith decision.

Autopsies have been unnecessarily and wrongly performed upon the Hmong and Jewish deceased in violation of strong religious feelings that autopsies should not be performed.

For example, the Amish in Minnesota. It is an important part of their religious freedom that their buggies—we have seen them, Mr. Speaker, the buggies of the Amish, driving along the country roads—be very plain. That has religious significance to the Amish.

And yet the State of Minnesota, I believe, or maybe it was the local ordinance, required the Amish to put a light on the buggies, a fluorescent light, in violation of the religious freedom of the Amish people. And they had to finally seek State help, the State constitution, to rescue them from this violation.

And so here is another case. I think it is important to see the examples of why this bill is needed. A Federal investigator was fired because it was against his religion to do a certain investigation of a pacifist group.

And so certainly, there is no peril to the Government. It was a violation of his religious freedom, and this bill would not allow outrages like this to happen.

The right to free exercise of religion is the first constitutional protection enumerated in the Bill of Rights. Despite this clear constitutional mandate, the United States has a troubling history of unintentionally undermining religious practices. However, since the Supreme Court's 1963 decision in Sherbert versus Verner, the courts have protected religious exercise unless the Government could articulate a compelling reason to do otherwise. It was not until the Supreme Court's April 1990 decision in Oregon versus Smith, that the first amendment's guarantee of free exercise of religion was seriously threatened.

The Smith case is important because the Court, without being asked by either litigant, lowered the standard under which free exercise claims are reviewed. By invoking a new, low-level standard of review for these claims, the Court removed an important barrier to the very real, though unintentional, burdening of religion.

The Religious Freedom Restoration Act of 1993 simply restores the compelling governmental interest test. This test has never meant, nor will it ever mean that religious claimants will always win their cases. Rather, it gives those who successfully assert a burden on their exercise of religion a chance to protect that religious practice.

I, as many Members on both sides of the aisle, believe the passage of the Religious Freedom Restoration Act is the right thing to do. I would also like to thank the coalition of secular and religious organizations supporting this legislation. The coalition represents the diversity of the American population and is symbolic of the wide range of interests the Constitution seeks to protect. I would like to specifically express my gratitude to Oliver Thomas, Rabbi David Saperstein, Forest Montgomery, Elliot Minceburg, Robert Peck, and Judy Golub.

I urge you to vote for this important piece of legislation.

□ 1300

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

Mr. Speaker, I think accolades are certainly due to the chairman of the full committee, the gentleman from Texas, JACK BROOKS, and the chairman of the subcommittee, the gentleman from California, DON EDWARDS, who helped get this bill to the point where it can be passed today over many difficult compromises and discussions, but their patience and their intelligence and their good will paid off.

I should mention Melody Barnes and Alan Erenbaum, counsel, who spent many hours working with our counsel, Kathryn Hazeem, in resolving the many difficulties inherent in this bill.

The Religious Freedom Restoration Act will overturn the 1990 decision of the U.S. Supreme Court in Employment Division versus Smith. Smith held that neutral laws of general application that incidentally burden religious exercise do not violate the free exercise clause of the first amendment to the U.S. Constitution.

H.R. 1308 will replicate the compelling State interest test for the adjudication of free exercise claims which was in place prior to the Supreme Court's decision in Smith.

When this legislation was considered by the Subcommittee on Civil and Constitutional Rights and the full Judiciary Committee in the 102d Congress, I offered several amendments. These

amendments were designed to address concerns I had with respect to abortion-related claims, third-party challenges to church-run social service programs, and challenges to the tax-exempt status of religious institutions. Since that time, my concerns have been resolved either through explicit statutory changes or through committee report language.

A major issue of contention in the 102d Congress was whether the bill was a true restoration of the law as it existed prior to Smith or whether it sought to impose a more stringent statutory standard. Of course, the label restoration is inappropriate in this context since the Congress writes laws—it does not and cannot overrule the Supreme Court's interpretation of the Constitution. We are unable to restore a prior interpretation of the first amendment. H.R. 1308 is a proposed Federal statute and its meaning will be determined by its plain language and, to some extent, by the intent of Congress in enacting it.

Several changes were made to the bill during the Judiciary Committee markup in late September 1992 and prior to the bill's introduction in the 103d Congress. These changes make clear that the statutory standard of the Religious Freedom Restoration Act is the same free exercise standard that was applied by the U.S. Supreme Court prior to Smith.

The intended standard of the bill was of particular concern to me in the area of abortion rights. I have been deeply concerned that the Religious Freedom Restoration Act would create an independent statutory basis to challenge abortion restrictions that does not exist under current law. The bill now clearly imposes a statutory standard that is to be interpreted as incorporating all Federal court cases prior to Smith. The one successful district court free exercise challenge to an abortion funding restriction prior to Smith was rejected by the U.S. Supreme Court in *Harris* v. *McRae*, 448 U.S. 297 (1980). In that case the Court stated that none of the parties had standing to sue because "none had alleged, much less proved, that she sought an abortion under compulsion of religious belief." Because free exercise challenges to abortion restrictions were ultimately unsuccessful prior to Smith, I am confident that although such claims may be brought pursuant to the Act, they will be unsuccessful.

Individuals seeking to challenge abortion restrictions should not look to the Religious Freedom Restoration Act, but to Planned Parenthood versus Casey which describes how claims pertaining to abortion are resolved. We want to make it absolutely clear that this bill does not expand, contract, or alter the ability of a claimant to obtain relief in a manner consistent with the Supreme Court's free exercise jurisprudence prior to Smith.

Language has also been added to resolve concerns about application of the act to social service programs operated by religious institutions with public funds and possible challenges to the tax-exempt status of religious institutions. The new language, found in section 7 of the bill, makes clear that such claims are not the appropriate subject of litigation under the Religious Freedom Restoration Act.

The changes made to the bill as introduced in the 103d Congress make clear that the Religious Freedom Restoration Act is not seeking to impose a new and strengthened compelling State interest standard, but is seeking to replicate, by statute, the same free exercise test that was applied prior to Smith.

In conclusion, the Religious Freedom Restoration Act will not guarantee that religious claimants bringing free exercise challenges will win, but only that they have a chance to fight.

Mr. Speaker, I wonder if I might engage the gentleman from New Jersey [Mr. HUGHES] in a colloquy.

Mr. Speaker, I would ask the gentleman, it is my understanding that prior to 1987 many courts evaluated free exercise challenges by prisoners under the compelling governmental interest test. The courts considered not only the exercise of religion, but also the difficulty of the prison officials' task of maintaining order and protecting the safety of prison employees, visitors, and inmates. Is it the gentleman's understanding that challenges of prison regulations were generally not successful, even under a strict scrutiny standard of review?

Mr. HUGHES. Mr. Speaker, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from New Jersey.

Mr. HUGHES. I thank the gentleman for yielding to me. Mr. Speaker, that is also my understanding, I might say to my colleague. Religious liberty claims in a prison context present far different problems for the operation of those institutions than they do in civilian settings. Ensuring the safety and orderliness of prisons has repeatedly been recognized as a compelling governmental interest.

Mr. HYDE. I ask the gentleman, is there anything in this bill that would somehow make courts less likely to find that a State has a compelling interest in maintaining order and discipline in its correctional facilities?

Mr. HUGHES. Mr. Speaker, if the gentleman will continue to yield, there is absolutely nothing in this bill which suggests that courts should not view prison regulation as a governmental interest of the highest order, which has always been the case.

Mr. HYDE. Mr. Speaker, I certainly thank the gentleman, and I reserve the balance of my time.

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

Mr. Speaker, it is my purpose to discuss the effect of H.R. 1308 on prison administration, and I will include for the RECORD a letter from the Attorney General, Janet Reno, addressing the matter and urging support for the bill as ordered reported by the committee.

Mr. Speaker, I want to address any concerns Members might have about the effect of this important legislation on the administration of Federal and State prisons. In evaluating claims of prisoners under the free exercise clause, courts have always considered the difficulty of the prison officials' task of maintaining order and protecting the safety of prison employees, visitors, and inmates. This will continue to be the case under this bill.

Restoring the strict scrutiny standard of review in prison cases by no means indicates that prisoners will prevail any more frequently than they have in the past. First of all, a threshold consideration for a free exercise claim is that the religious beliefs are sincerely held—and prisoner suits are often thrown out of court on a finding that the supposed beliefs are really manufactured pretexts. Second, many prison regulations have been found to impose only an incidental burden on a prisoner's ability to practice his or her religion—a finding which would preclude a claim under this bill.

Third, religious liberty claims in prison settings pose far more serious problems for the operation of those institutions than they do in civilian settings. Ensuring the safety and orderliness of prison institutions has been recognized as a governmental interest of the highest order, and this is unaffected under the bill.

Mr. Speaker, the Nation's chief law enforcement officer, Attorney General Janet Reno, has also looked at this question, and has come to the conclusion that the provisions of the Religious Freedom Restoration Act are compatible with the safe, effective, and efficient administration of our prison system. In a letter to me today, she stated that:

> Concerns have been expressed that the standard of review of H.R. 1308 will unduly burden the operation of prisons and that the bill should be amended to adopt a standard more favorable to prison administrators when confronted with the religious claims of prisoners. These concerns have been presented by knowledgeable and sincere individuals for whom I have great respect, but I respectfully disagree with their position and urge the committee to approve the bill without amendment.

Under leave to include extraneous matter, I am including Attorney General Reno's letter in the RECORD in its entirety.

In short, prisoners challenging institutional rules based on religious exercise have prevailed only in extraordinary situations—even under a compelling governmental interest standard. This legislation presents no threat to the administration of our correctional institutions.

OFFICE OF THE ATTORNEY GENERAL,
Washington, DC, May 11, 1993.

Hon. JACK BROOKS,
Chairman, Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: As you know, I strongly support H.R. 1308, the Religious Freedom Restoration Act of 1993 and urge its swift enactment. The bill is designed to over-

turn *Employment Division* v. *Smith*, 110 S. Ct. 1595 (1990), which in my view, mistakenly rejected the balancing test of *Sherbert* v. *Verner*, 374 U.S. 398 (1963). According to *Sherbert*, government action that substantially burdened religious practice had to be justified by a compelling government interest. In *Smith*, however, the Court held that application of a neutral law of general applicability—even if it has the effect of burdening religious practice—does not run afoul of the Free Exercise Clause of the First Amendment. This weakening of the protection afforded one of society's most fundamental freedoms is extremely troubling and should be corrected by substituting the stronger protection afforded by H.R. 1308.

Concerns have been expressed that the standard of review of H.R. 1308 will unduly burden the operation of prisons and that the bill should be amended to adopt a standard more favorable to prison administrators when confronted with the religious claims of prisoners. These concerns have been presented by knowledgeable and sincere individuals for whom I have great respect, but I respectfully disagree with their position and urge the Committee to approve the bill without amendment.

Prior to 1987, the Supreme Court had not distinguished explicitly between the standard of review applicable to the religious claims of prisoners and those of others. In that year, for the first time, it held that a prison regulation that impinges on an inmate's right of free exercise "is valid if it is reasonably related to legitimate penological interests." *O'Lone* v. *Estate of Shabazz*, 482 U.S. 342, 349 (1987), quoting *Turner* v. *Safley*, 482 U.S. 78, 89 (1987). Thus, the Court had abandoned the compelling interest standard regarding inmate claims only a few years prior to doing so for the general population in *Smith*.

Prisons had operated under Sherbert for a number of years before *O'Lone* and *Turner* adopted a standard that is plainly less accommodating to the prisoners' exercise of religious rights. During that period, prisoners attempted to gain privileges based on fabricated free exercise claims. Not surprisingly, those types of claims have continued even under the standard of *O'Lone* and *Turner*. They will doubtless continue whether H.R. 1308 becomes law or not.

In my view the four dissenters in *O'Lone* had the better of the argument. They would have required prison administrators to demonstrate that the restrictions imposed in the case—preventing certain Muslims from attending a religious service central to their faith—furthered a compelling government interest and were no greater then necessary to achieve legitimate penological objectives. This standard parallels that incorporated in H.R. 1308.

Certainly, the strong interest that prison administrators and society in general have in preserving security, order, and discipline in prison will receive great weight in the determination whether the government meets the compelling interest test when there is a claim that exercise of religious rights is burdened and whether it has pursued the least restrictive means of doing so. Activities that are presumptively dangerous or carry a demonstrable likelihood of jeopardizing discipline within a prison will continue to be subject to regulation after enactment of H.R. 1308.

Likewise, prison administrators will retain authority, in many instances, to regulate the time, place, and manner of an inmate's exercise of religion. Restrictions that do not deny inmates the opportunity to engage in otherwise permissible religious practice, but merely require them to pursue such activities within the context of prison life, likely will not substantially burden inmates' free exercise rights and will be permissible.

I, therefore, strongly urge the Committee to approve H.R. 1308 without amendment.

Sincerely,

JANET RENO.

Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. HUGHES).

Mr. HUGHES. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in strong support of the Religious Freedom Restoration Act. It is a good bill. I urge my colleagues to support it.

Mr. Speaker, today, the House is considering the Religious Freedom Restoration Act. This bill is intended to ensure that governmental regulations and laws do not unduly interfere with the freedom to practice one's choice of religion in this country.

For many years, the Supreme Court evaluated governmental actions with respect to religious practices on the basis of whether the governmental entity had a compelling State interest in imposing on the religious practice. Unfortunately, this strict standard was abandoned by the U.S. Supreme Court in a 1990 decision.

For the past 3 years, a large number of groups have worked together to respond to that decision. Their efforts have resulted in a narrowly drawn bill being considered today which is intended to restore the standard of review in religious cases to that of a compelling interest. This bill has wide support on a bipartisan basis.

There are now last minute claims that passage of this legislation would create a severe problem for prison officials in their ability to control and manage prison institutions. If a compelling interest has to be established, the opponents argue that they will never be able to justify control of certain religious practices.

This fear is unfounded, as Attorney General Janet Reno has noted in her letter to the chairman of the Judiciary Committee dated today. Prior to 1990, there was no significant problem experienced by prison systems in providing that a State's correctional policy was justified under a compelling State interest. Under this legislation, that same conclusion would prevail. The applicable standard would still ensure that State and Federal prison officials would be able to guarantee the safety and security of prisons while permitting the practice of religion as guaranteed under the U.S. Constitution.

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

Mr. HYDE. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, it was interesting to hear the gentleman from California [Mr. EDWARDS] allude to the Amish in Pennsylvania as a prime example of the efficacy of the law which we are about to pass. He is absolutely correct. As a matter of fact, the Commonwealth of Pennsylvania was founded by William Penn, who, with his Quaker background and with all the rationale that existed at that time in his sect in England, was the basic reason that they came to the shores of our country in the first place. The entire Commonwealth is steeped in the tradition of religious freedom, stemming from its first charter.

Today, in Lancaster County, where Mr. WALKER and I share a constituency, the remnants of those particular plain sects to which the gentleman from California alluded are thriving, and everyone seeks in various ways to make sure that their ultimate right to practice their religion is protected.

I support the legislation, and say, as a matter of record, that in my district, and I am sure it is true in every one of the districts of the Members here, the diversity of our citizenship is not more clearly reflected than in the religious diversity in the community. One need only have to go through one's district and look at the different churches or houses of worship of the various denominations and recognize the fulsome diversity that exists, without ever having to study the demographics of a particular district.

We are sanctifying today that diversity and religious freedom, and we urge the passage of this legislation.

□ 1310

Mr. BROOKS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Speaker, I rise in support of the Religious Freedom Restoration Act. This landmark legislation will overturn the Supreme Court's disastrous decision, Employment Division versus Smith, which virtually eliminated the first amendment's protection of the free exercise of religion.

As the Representative of one of the most religiously diverse congressional districts in the country, I believe that this legislation must be given top priority. In the communities I represent, Jews from Syria, the former Soviet Union and Iran live alongside Catholics from Ireland, Italy, and Latin America, Evangelical Christians and Baptists and many others.

What has made the American experiment work—what has saved us from the poisonous hatreds that are consuming other nations—has been a tolerance and a respect for diversity enshrined in the freedom of religion clauses of our Bill of Rights. It was no accident that the Framers of our Bill of Rights chose to place the free exercise of religion first among our fundamental freedoms. This House should do no less.

Unless the Smith decision is overturned through the speedy enactment of the Religious Freedom Restoration Act, the fundamental religious rights of all Americans, to keep the Sabbath, to use wine in religious ceremonies, to observe religious dietary laws, to be free from unnecessary autopsies, to worship as their consciences dictate—will remain threatened.

Indeed, even Justice Scalia, writing for the majority in Smith, acknowledged that "[i]t may fairly be said that leaving accommodation to the political process will place at a relative disadvantage those religious practices that are not widely engaged in." Our experience in the 3 years since Smith has demonstrated that religious minorities—and even majority religions—have been placed at a tremendous disadvantage. The rights of religious Americans in every State have been violated as a result of this decision.

If there is a shared American value it is the commitment to religious liberty. The American people have waited long enough for the restoration of their first freedom. I urge my colleagues to vote for the Religious Freedom Restoration Act.

Mr. Speaker, I thank the chairman of the subcommittee and the full committee and the ranking minority members for their diligence in bringing this legislation to the floor.

Mr. GEKAS. Mr. Speaker, I yield 2½ minutes to the gentleman from Virginia [Mr. GOODLATTE].

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding me this time and for his support of this important measure. And I also compliment the gentleman from Texas [Mr. BROOKS], the distinguished chairman of the Judiciary Committee, and the gentleman from New York for their support of this truly bipartisan measure.

Mr. Speaker, "Congress shall make no law * * * prohibiting the free exercise of religion." We have all heard and read these words in the first amendment. Unfortunately, the U.S. Supreme Court has allowed serious erosion of this right.

For over 200 years every family or individual who has lived in our great Nation has been free to follow their religious beliefs without threat of Government interference because of this first amendment protection. However, since the Oregon Employment Division versus Smith ruling, over 50 court cases have been decided against religious groups or individuals acting upon their religious beliefs.

Clearly this situation must be reversed. That is why I urge support of the Religious Freedom Restoration Act, which would restore higher constitutional protection for our religious liberty.

Included in the broad and diverse coalition supporting this important bill are the United Methodist Church, the National Association of Evangelicals, the American Jewish Congress, Presbyterian Church U.S.A., United Church of Christ, American Association of Christian Schools, Episcopal Church, Church of the Brethren, and 50 other diverse organizations representing nearly every major religious organization in the country.

The deeply held desire to worship their God free of government intrusion drove the Pilgrims in small wooden boats across the dangerous Atlantic Ocean and to a hostile wilderness of the New World almost four centuries ago. Their courage, convictions, and tenacity, coupled with the blessings of God, allowed them to help create the greatest country on Earth. We owe it to our heritage and to our children and grandchildren to protect these religious freedoms won at such great cost.

Mr. BROOKS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York [Mr. SCHUMER], chairman of the Subcommittee on Crime and Criminal Justice.

Mr. SCHUMER. Mr. Speaker, as the lead sponsor of the Religious Freedom Restoration Act, along with the gentleman from California [Mr. COX], I want to thank Chairman EDWARDS for his work on this bill and support in bringing the bill to the House today. I also want to thank and give special mention to the efforts of Steve Solarz, who originally introduced this bill in the 101st Congress, and his support for religious freedom first brought this issue to the Congress.

As we all know, the first amendment guarantees the right of free exercise of religion, and traditionally the Supreme Court interpreted that guarantee to mean religious freedom can be infringed only when Government has a compelling interest to do so. And this was sort of an exquisite balance, one of the times that it works out almost just right in Anglo-Saxon jurisprudence when the Government really had a compelling interest. Yes, they could infringe on religion, and when they did not we would let the religious issue predominate, and it made eminent sense. It was working admirably well.

But in 1990, in the infamous case known as the Smith case, the Supreme Court changed the standard radically and said that the Government only had to show a legitimate interest in order to burden religion, unless the religious practitioners could show they were directly targeted for persecution. In my opinion, that decision rubbed against totally the American grain of allowing maximum religious freedom. Of course when the Government had a compelling interest, that is where it should stop. But up to that point, why not let religious freedom bloom?

But, incomprehensibly, Justice Scalia's decision explained that requiring the Government to accommodate religious practice was a luxury. Tell to millions and millions of Americans that religion is a luxury, and I think we get the reaction that we have had universally here on the floor from the most liberal to the most conservative Member.

Smith was a devastating blow to religious freedom, and we are trying to undo it. Under Smith, the practice of using sacramental wine, wearing a yarmulke, Kosher slaughter, and many other religious practices all could be jeopardized.

The parade of horribles had already begun. In the 3 years since the case, evangelical store-front churches have been zoned out of commercial areas and Orthodox Jews and the H'mong people have been subjected to autopsies in violation of their religious faiths.

Quite simply, we cannot allow this to continue. The Founders of our Nation, the American people today know that religious freedom is no luxury, but is a basic right of a free people.

The bill will restore the first amendment to its proper place as one of the cornerstones of our democracy. It is simple. It states that the Government can infringe on religious practice only if there is a compelling interest and if the restriction is narrowly tailored to further that interest.

I want to thank everyone for their broad and bipartisan support, the dozens of religious groups from across the spectrum, the Agudath Israel of American, the Baptist Joint Committee, the National Association of Evangelicals, and the National Religious Action Committee, as well as President Clinton and the Attorney General for their support of this bill. I urge my colleagues to join me today as we strike a blow for religious freedom. We should vote to restore one of this country's cherished traditions by voting for the Religious Freedom Restoration Act.

Mr. GEKAS. Mr. Speaker, I yield such time as he might consume to the gentleman from Georgia [Mr. LINDER].

Mr. LINDER. Mr. Speaker, I am delighted that the Religious Freedom Restoration Act has reached the House floor today, and I look forward to joining my colleagues in restoring the traditional protections for religious liberty guaranteed in the first amendment of our Constitution.

In response to the Smith case, my constituents, in the Fourth District of Georgia, expressed to me the negative impact that this case has had—and will have—on their first amendment rights. We must protect the religious rights of our citizens, and it was for these reasons that I joined as an original cosponsor of this legislation. Our Founding Fathers created a document that would last through the ages, and this act is our opportunity to assure that the protection of free religious exercise remains an inalienable right for persons of all religious faiths.

This act does not create special protections for any particular religion. This act does not mean that religious claims in court will succeed at all times. The Religious Freedom Restoration Act simply states that the Government may not regulate the religious practices of its citizens unless the Government demonstrates that there is a compelling interest, and the Government action is the least restrictive means of furthering that interest.

While generations of Americans have been indebted to our Founding Fathers because they had the wisdom to protect the free exercise of religion in the first amendment, today, we are thankful that they also had the foresight to entrust the legislative branch of the United States with the power to protect the rights and liberties that we, as Americans, enjoy. Today, we have the opportunity to fulfill our constitutional duty to protect this cherished right for ourselves and our posterity.

□ 1320

Mr. BROOKS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Maryland [Mr. HOYER], a member of the Committee on Appropriations and chairman of the Democratic caucus.

Mr. HOYER. Mr. Speaker, I thank the chairman for yielding this time to me.

I commend the chairman, the gentleman from Texas [Mr. BROOKS], the gentleman from California, [Mr. EDWARDS], and the ranking member of the committee for their action on this bill.

Mr. Speaker, to restore freedom is always timely, to restore in particular the rights that Americans hold so sacred under the first amendment and in particular the right to practice their religion as they see fit.

Mr. Speaker, after all, it was that right that was hallmark to the founding of this country, and it was that right that in many respects made us unique in the world.

Mr. Speaker, in Maryland we have the Religious Toleration Act of 1648, one of the first enunciations in our Nation that the practice of religion ought to be unfettered by Government, except if there is a compelling reason.

I want to say to our former colleague, the gentleman from New York, Mr. Steve Solarz, who led the fight for this early on, that his efforts will be realized today as will the efforts of Chairman BROOKS, the gentleman from New York [Mr. SCHUMER], and others. This is a bill whose time not only has come but was for many years prior to the Smith decision.

In my prepared remarks I call this one of, and some would say it is, the most important bill affecting religious liberty in our lifetime. That is an expansive statement, but I think it correctly enunciates the impact of this bill. It is appropriate, Mr. Speaker, that we restore this sacred right for every American.

I am pleased to rise in strong support of this legislation.

Mr. Speaker, I rise today in very strong support of H.R. 1308, the Religious Freedom Restoration Act. I would like to thank and commend the chairman of the Subcommittee on Civil and Constitutional Rights [Mr. EDWARDS], for his tireless work on this bill and the chairman of the Judiciary Committee [Mr. BROOKS], for expeditiously bringing this bill to the floor for consideration.

H.R. 1308 is one of the most important bills affecting religious liberty in our lifetime. The Religious Freedom Restoration Act will restore the traditional requirement that Government demonstrate a compelling interest before restricting religious practices. That requirement was scrapped by the Supreme Court in the Employment Division of Oregon versus Smith case, when the Court held that Government actions can burden a person's exercise of religion as long as the Government had a legitimate purpose and are not aimed at suppressing religion. This ruling did great mischief to the rights of all Americans. Religious liberty was no longer a fundamental constitutional right.

Since Smith, more than 50 cases have been decided against religious claimants. Amish farmers have been forced to affix garish warning signs to their buggies, despite expert testimony that more modest silver reflector tape would be sufficient. Orthodox Jews have been subjected to unnecessary autopsies in violation of their family's religious faith and one Catholic teaching hospital lost its accreditation for refusing to provide abortion services. Evangelical churches have been zoned out of commercial districts in some cities prompting a Minnesota trial judge to remark that churches have no more constitutional rights than adult movies theaters.

Today Mr. Speaker, we have an opportunity to correct these injustices. We can restore the Nation's first amendment and religious liberty to its rightful preeminence.

I want to thank the President and the Attorney General for their support. And, I commend the coalition for the free exercise or religion—the 60 religious and civil liberties groups—for their willingness to lay aside their political agendas in order to unite in a common vision for the common good—religious liberty for all Americans.

I urge all my colleagues to support this legislation.

Mr. GEKAS. Mr. Speaker, I yield back the balance of my time.

Mr. BROOKS. Mr. Speaker, I yield such time as he may consume to the gentleman from Utah [Mr. ORTON] a leader of the Mormon community.

Mr. ORTON. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, as an original cosponsor of H.R. 1308, I urge my colleagues to join me in reaffirmation of the first amendment by the passage of this legislation.

Mr. Speaker, I rise today in support of H.R. 1308, the Religious Freedom Restoration Act. The U.S. Supreme Court seriously eroded the first amendment guarantee of freedom of religion when, in Employment Division versus Smith 1990, they abandoned the compelling government interest test on all Government action burdening a person's exercise of his or her religion. Although it would be preferential for the Supreme Court to reverse the Smith case and restore the full constitutional dimensions of the first amendment protection of freedom of religion, I believe that this statutory restoration of the compelling governmental interest standard is both a legitimate and a necessary response by Congress to the degradation of religious freedom resulting from the ruling in the Smith case.

Freedom of religion is one of the most fundamental truths upon which this great Nation was established. I am a member of a church whose people were once cruelly persecuted and I remember the anguish of my ancestors who were driven from their homes because the Government of this Nation condoned oppression.

Last year during testimony before the House Judiciary Subcommittee on Civil and Constitutional Rights Elder Dallin H. Oaks, apostle of the Church of Jesus Christ of Latter Day Saints, could not have stated it more clearly when he said:

The conflict between individual rights to freely worship God and Government attempts to regulate or interfere with religious practices remains today. For decades the United States Supreme Court adhered to the first amendment guarantee of free exercise by requiring the State to demonstrate a compelling governmental interest before interference with religious freedom would be tolerated. This test struck an appropriate balance between the needs of Government to establish rules for the orderly governance of our society and the rights of citizens not to be unduly restricted in their religious practices. In those instances where elected officials approved laws which interfered with a specific religious practice, they had to sustain the burden of justifying their action by identifying a compelling government reason or interest for doing so * * * the compelling governmental interest test provided an essential protection for the free exercise of religion. Such protection is vital. There is nothing more private or personal than the relationship of an individual to his or her God. There is nothing more sacred to a religious person than the service or worship of God * * * if past is prolog, the forces of local, State and Federal governmental power, now freed from the compelling governmental interest test, will increasingly interfere with the free exercise of religion. We fear that the end result will be a serious diminution of the religious freedom guaranteed by the United States Constitution * * * the Bill of Rights protects principles, not constituencies. The worshippers who need its protections are the oppressed minorities, not the influential constituent elements of the majority.

I urge my colleagues to support H.R. 1308 and join me in reaffirmation of the first amendment. Freedom to worship God according to the dictates of one's own conscience is still a fundamental right of our society.

Mr. BROOKS. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. TUCKER].

Mr. TUCKER. Mr. Speaker, I thank the chairman for yielding this time to me.

Mr. Speaker, today I rise in strong support of H.R. 1308, the Religious

Freedom Restoration Act. This act merely seeks to reflect what had been the constitutional standard prior to the ruling in Employment Division versus Smith. Justice Sandra Day O'Connor stated in her concurring opinion that "Today's holding dramatically departs from well-settled first amendment jurisprudence, and is incompatible with our Nation's fundamental commitment to individual religious liberty." Mr. Speaker, I agree and would encourage my colleagues to reverse this ill advised decision by supporting the tenet contained in H.R. 1308, that only a compelling State interest should justify the denial of the free exercise of one's religion. If the first amendment means anything at all, it means the freedom to believe and the freedom to worship. To deny a citizen the right to practice his religion, the State should have nothing less than a compelling interest in doing so.

Mr. BROOKS. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. VENTO].

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

Mr. Speaker, I want to credit the Committee on the Judiciary, led by the gentleman from Texas [Mr. BROOKS] for their work on the measure before the House.

Mr. Speaker, I think this is an opportunity, to reaffirm our support for the Constitution, and the religious freedom that is inherent in the Bill of Rights, and the practices and laws of our country for the past 200 years.

I think that most of us who are yet students of law—not lawyers—obviously understand the dynamic nature of the court decision process. Today the balance is tipped against the exercise of religion and especially against those that need the protection of our Constitution and our laws, those that are minorities in our society, either ethnically, as my colleagues mentioned, the native Americans groups, the Hmong a significant population that I represent in St. Paul, MN, a significant Southeastern Asian population, or other ethnic groups, and/or other minority religious groups such as the groups to whom we have referred, whether they are people who practice the Jewish faith, Mormons or the many other religious groups that exist in our Nation.

Frankly, as we look at that challenge for us as a nation in writing law and establishing policy government interference really should have overwhelming justification. Today that is not the case. The balance is restored in the measure before the House by making the test by a compelling interest and as to the least restrictive means of attaining the Government's objective with regard to law. I hope that this balance will be restored with this change. I am pleased to note that my colleagues in the Congress have acted with great sensitivity and conscientious effort to try to make sure that our laws are evenhanded, especially as it affects this cherished right of religious freedom.

I urge my colleagues to join the Committee on the Judiciary and the lead sponsor, CHUCK SCHUMER, and other cosponsors such as myself in supporting this meritorious measure.

Mr. BROOKS. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Speaker, one of the fundamental freedoms on which our Nation was founded is in jeopardy. The religious liberties which were a driving force behind the formation of this Nation have been seriously eroded by the court ruling in Oregon versus Smith and subsequent cases. Only enactment of the Religious Freedom Restoration Act can repair the damage done and give Americans confidence that their right to observe their own religious beliefs is secure.

Throughout our history, America has always been a haven for those who have feared religious persecution. At the time of the establishment of the American colonies, there was no country in Europe without a state church, and unity of religion was considered essential to the unity of the state. Those whose faiths differed from the officially designated religion were prevented from practicing their own religious and observing their own spiritual beliefs.

But in the United States, we have always cherished our religious liberties. The freedom to practice one's religious beliefs is enshrined in the first amendment to our Constitution, and it is experienced every day in the diversity of our society. Indeed, our goal in setting public policy has and must always be to accommodate religious diversity to the maximum extent possible. To do otherwise would be to abandon our heritage and to turn our Constitution on its head.

But the Supreme Court of the United States in Oregon versus Smith found that States do not have to show a compelling interest in restricting a religious practice. After two centuries of commitment to the protections of religious freedom and understanding that true freedom of religion can only be possible if we are willing to go the extra mile to respect the beliefs of others, this decision and others have undermined the willingness to accommodate the religious beliefs of others.

In Michigan, an autopsy was performed on the body of an orthodox man because State law there requires autopsies for all violent deaths. His orthodox faith prohibits autopsies and there was no mystery surrounding his death. He died in an auto accident. But the court found that the State could perform an autopsy with no compelling reason.

In another case, an Ohio court held that an individual could not display a cross on her own front law. According to the court, the Smith decision enabled the State to prevent, without any compelling reason, people from displaying religious articles. In other areas, individuals have been prevented from wearing yarmulkes, crosses, or rosaries, and courts, citing Smith refused to defend their rights.

Rulings such as these risk making a mockery of our religious liberties, and—in light of these pernicious rulings—we must ask ourselves what might be next if we do not act? Will it be permissible to tell a mashgiach how a kosher chicken should be cut? Will it be acceptable for the EPA to tell priests how to handle holy water?

This legislation is a simple reaffirmation of our strong commitment to religious liberty in the fullest sense. It states, without equivocation, that there must be a compelling public reason—health, safety, or the like—before religious traditions or observances would be subject to Government restrictions. That is, as it should be, in this land of religious liberty.

Mrs. LLOYD. Mr. Speaker, I rise in support of the Religious Freedom Restoration Act. This legislation is important in restoring the protection for the exercise of religion that existed prior to the Oregon Employment Division versus Smith decision in 1990.

When our forefathers drafted the Constitution of the United States, they put forth an underlying premise that no person shall be denied life, liberty, and the pursuit of happiness. In codifying this premise our forefathers incorporated language in the first amendment that specifically addresses the rights that shall be enjoyed by all Americans, including the exercise of religion, Congress shall make no law respecting the establishment of religion, or prohibit the free exercise thereof.

Prior to the Smith decision the courts have applied a compelling interest test that requires the Government to demonstrate that any law burdening the free exercise of religion is essential to furthering a compelling interest and is the least restrictive means of furthering that interest. However, the Smith decision abandoned the longstanding compelling interest test for evaluating whether a governmental action unconstitutionally interferes with a religious practice.

The Smith decision has sent out a clear signal to the American people that the Government no longer has to justify most burdens on religious exercise. The Religious Freedom Restoration Act would simply require States seeking to outlaw a questionable religious practice to demonstrate a compelling interest to do so.

Mr. Speaker, I find that the Smith decision places religious rights in a subcategory to other first amendment rights, such as freedom of speech and press. The exercise of religion is a fundamental right and is not to be regarded as a luxury. The Religious Freedom Restoration Act does not provide any additional rights under law, it restores the full exercise of religion established in the first amend-

ment. This bill has bipartisan support and I would urge my colleagues to vote for the Religious Freedom Restoration Act.

Mrs. MALONEY. Mr. Speaker, I rise in strong support of H.R. 1308, the Religious Freedom Restoration Act.

I am proud to be an original cosponsor of this legislation and I believe is one of the most important bills that Congress will pass this year.

It is almost inconceivable that in 1993, the fundamental right of all Americans to the free exercise of religion is in serious jeopardy. But the sad fact is that the Supreme Court's ruling in Employment Division versus Smith has already begun to chip away at the first freedom protected by the Bill of Rights, the freedom of religion.

I was not in Congress when I read Justice Scalia's decision in which he called freedom of religion a luxury. But like many of my colleagues who have cosponsored this bill, I was shocked by this pronouncement. After all, our Nation was founded by people who fled religious persecution and it remains the world's safe haven for those who cherish religious freedom and tolerance.

In New York City, my constituents are quite concerned about the unwarranted governmental interference with religious practices that could come about unless we overturn the court's decision by enacting this bill. The Jewish practices of kosher slaughter and circumcision, for example, might be threatened, as might the use of ceremonial wine, which is important to many faiths. Congregations of different religions have already run afoul of zoning regulations which have banned houses of worship in particular neighborhoods.

The diverse array of religious and other public policy groups which support this bill is proof of the strong sentiment across this land that we cannot tolerate an erosion of religious liberty. Freedom of religion is a fundamental right which transcends ideological, religious, and partisan differences.

I am pleased to join with my colleagues in voting for the Religious Freedom Restoration Act and am pleased that President Clinton will sign the bill when it reaches his desk. That will be a historic day for all Americans.

Ms. PELOSI. Mr. Speaker; I rise today to express my support for H.R. 2927 the Religious Freedom Restoration Act of 1993, and to urge my colleagues to vote in favor of this measure. I commend my colleagues Representatives SCHUMER and COX for reintroducing this important legislation in the 103d Congress.

The Religious Freedom Restoration Act was drafted in response to the 1990 Supreme Court case Employment Division versus Smith. In that case, the Supreme Court discarded the free exercise rule of the first amendment and decided that general laws could deny an individual's right to the free exercise of religion.

In order to protect the constitutional rights of Americans, it is necessary to return the criteria for abridging religious freedom to pre-Smith days. Before this trial, any Government action restricting the free exercise of religion had to pass the "compelling governmental interest test" to prove that the action was essential to further a compelling Government interest.

This legislation is important because it protects an individual's religious freedom from unnecessary Government interference. It provides for the reestablishment of fair standards to determine if Government intervention is necessary.

Religious freedom is one the founding principles of this Nation. H.R. 2927 would ensure the continuation of this important principle. I hope that my colleagues will join me in supporting the protection of religious freedom by voting in favor of the Religious Freedom Restoration Act.

Mr. CARDIN. Mr. Speaker, I rise in strong support of the Religious Freedom Restoration Act, H.R. 1308.

The Supreme Court's decision in Employment Division of Oregon versus Smith seriously weakened the first amendment's guarantee of freedom of religion. In the case, often referred to as the "peyote case," the Supreme Court found that the State of Oregon could deny unemployment compensation benefits to drug rehabilitation counselors who were fired for the sacramental use of peyote in native American religious ceremonies.

Prior to the decision, the test used by the courts for evaluating the constitutionality of a statute that restricted the free exercise of religion was whether the Government could prove it had a compelling interest. In this case, the Supreme Court discarded the strict compelling interest standard in favor of a lesser valid governmental purpose standard.

Under the lesser standard, people's constitutional right to freely exercise their religion was infringed. Here are some examples: Veterans have been denied the right to be buried in some veterans' cemeteries on Saturday and Sunday even if their religious beliefs required it; the Amish have been forced to be required by State law to display fluorescent orange emblems on their horse-drawn carriages even though this violates their religious beliefs; autopsies have been performed on individuals whose religious beliefs prohibit autopsies even though the State was unable to show a compelling reason for performing the autopsy; and on and on.

The Religious Freedom Restoration Act would restore the requirement that the government demonstrate a compelling interest in order to restrict the free exercise of religion. It would also require the government to use the least restrictive means possible to further its compelling interest.

As a long-time cosponsor of the Religious Freedom Restoration Act, I am pleased the bill has received the support of virtually every major religious denomination, the Clinton administration, and, most recently, the unanimous vote of the House Judiciary Committee. I urge my colleagues to support this legislation that strengthens one of our most fundamental rights—the free exercise of religion.

Mr. FRANKS of New Jersey. Mr. Speaker, I rise today in support of H.R. 1308, the Religious Freedom Restoration Act. I am proud to be a cosponsor of this important legislation, which will be considered before the House today.

Religious liberty is at the very heart of America's heritage. Indeed, the search for religious tolerance was a principle upon which our great Nation was founded. Over 200 years later, the United States continues to attract a tremendous diversity of people as a safe haven from religious persecution. It is, therefore, important to ensure that such constitutional liberties are protected from unwarranted Government intrusion.

That protection, however, was diminished in 1990, when the Supreme Court abandoned the compelling interest standard in Oregon Employment Division versus Smith. That strict scrutiny test, which had been the constitutional standard for nearly 30 years, was replaced by a less restrictive general interest standard. Accordingly, the Smith decision has permitted Government to infringe upon religious practices so long as the discriminatory effects are not intended to limit any particular religious belief.

This rationale has seriously eroded religious protection as envisioned by the Framers of the Constitution. Its implications are especially burdensome for those whose beliefs lie within the religious minority. Since Smith, over 50 court decisions have used the new standard to decide against religious claimants. It is my understanding that the Founding Fathers authored the first amendment to protect religious minorities from exactly the kind of Government discrimination which has resulted from the Smith decision.

Mr. Speaker, H.R. 1308 is not just about protecting the rights of religious minorities, it is about preserving the constitutional freedom of religion for all Americans. It is time to restore religious freedom to the intended equivalent status of other first amendment freedoms. Therefore, I urge my colleagues to vote in support of the Religious Freedom Restoration Act.

□ 1330

Mr. BROOKS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from Texas [Mr. BROOKS] that the House suspend the rules and pass the bill, H.R. 1308.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BROOKS. 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. 1308, the bill just passed.

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

There was no objection.

GALLATIN RANGE CONSOLIDATION AND PROTECTION ACT OF 1993

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 873) entitled the "Gallatin Range Consolidation and Protection Act of 1993," as amended.

The Clerk read as follows:

H.R. 873

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 "Gallatin Range Consolidation and Protection Act of 1993".

SEC. 2. FINDINGS.

The Congress finds that:

(1) It has been the clear policy of the Federal Government since 1925 to consolidate the checkerboard lands along the Gallatin Range north of Yellowstone National Park.

(2) These lands north of Yellowstone possess outstanding natural characteristics and wildlife habitat which give them high value as lands added to the National Forest System.

(3) Although these lands have historically remained pristine up to now, failure to consolidate at this time will in the near future lead to fragmentation and development.

(4) The Federal Government has already invested a great deal in keeping the lands along the Gallatin Range protected from excess development.

SEC. 3. PLUM CREEK LAND EXCHANGE—GALLATIN AREA.

(a) IN GENERAL.—The Secretary of Agriculture (hereinafter in this Act referred to as the "Secretary") shall, subject to the provisions of sections 4(a) and 5(a) and notwithstanding any other provision of law, acquire by exchange and cash equalization in the amount of $3,400,000, certain lands and interests in land of the Plum Creek Timber, L.P. (hereinafter in this section referred to as the "company"), in and adjacent to the Hyalite-Porcupine-Buffalo Horn Wilderness Study Area, the Scapegoat Wilderness Area, and other land in the Gallatin National Forest in accordance with this section.

(b) DESCRIPTION OF LANDS.—(1) If the company offers to the United States the fee title, including mineral interests, to approximately 37,752 and 15/100 acres of land owned by the company which is available for exchange to the United States as depicted on a map entitled "Plum Creek Timber and Forest Service Proposed Gallatin Land Exchange", dated May 20, 1988, the Secretary shall accept a warranty deed to such land and, in exchange therefor, and subject to valid existing rights, upon such acceptance the Secretary of the Interior shall convey, subject to valid existing rights, by patent the fee title to approximately 12,414 and 6/100 acres of National Forest System lands available for exchange to the company as depicted on such map, subject to—

(A) the reservation of ditches and canals required by the Act entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-one, and for other purposes", approved August 30, 1890 (26 Stat. 391; 43 U.S.C. 945);

(B) the reservation of rights under Federal Oil and Gas Lease numbers 49739, 55610, 40389, 53670, 40215, 33385, 53736, and 38684; and

(C) such other terms, conditions, reservations, and exceptions as may be agreed upon by the Secretary and the company.

(2) On termination or relinquishment of the leases referred to in paragraph (1), all the rights and interests in land granted therein shall immediately vest in the company, its successors and assigns, and the Secretary shall give notice of that event by a document suitable for recording in the county wherein the leased lands are situated.

(c) EASEMENTS.—Reciprocal easements shall be exchanged at closing on the conveyances authorized by this section—

(1) in consideration of the easements conveyed by the company as provided in paragraph (2) of this subsection, the Secretary shall, under authority of the Act of October 13, 1964 (16 U.S.C. 532 et seq.; commonly referred to as the "National Forest Roads and Trails Act"), or the Federal Land Policy and Management Act of 1976, execute and deliver to the company such easements or other rights-of-way authorizations over federally owned lands included in this exchange as may be agreed to by the Secretary and the company in an exchange agreement; and

(2) in consideration of the easements conveyed by the United States as provided in paragraph (1), the company shall execute and deliver to the United States such easements or other rights-of-way authorizations across company-owned lands included in this exchange as may be agreed to by the Secretary and the company in an exchange agreement.

(d) TIMING OF TRANSACTION.—Subject to the provisions of sections 4(a) and 5(a) of this Act, it is the intent of Congress that the conveyances authorized by this section be completed within 90 days after the date of enactment of an Act making the appropriation authorized by subsection (e).

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section the sum of $3,400,000, which amount the Secretary shall, when appropriated, pay to the company to equalize the value of the exchange of land authorized by this section.

(f) QUALITY OF TITLE.—Title to the properties referenced in this section to be offered to the United States by Big Sky Lumber Company, its assignees or successors in interest, shall include both the entire surface and subsurface estates without reservation or exception. The owner shall be required to acquire any outstanding interest in mineral or mineral rights, timber or timber rights, water or water rights, or any other outstanding interest in the property, except reservations by the United States or the State of Montana by patent, in order to assure that title to the property is transferred as described in this section and sections 4, 5, and 6. Title to land to be conveyed to the United States shall be acceptable to the Secretary and shall otherwise be in conformity with title standards for Federal land acquisitions.

(g) REFERENCES.—The reference and authorities of this section referring to Plum Creek Timber Company, L.P., shall also refer to its successors and assigns.

SEC. 4. LAND CONSOLIDATION; PORCUPINE AREA.

(a) IN GENERAL.—The exchange described in section 3 of this Act shall not be consummated by the Secretary until the Secretary or a not-for-profit corporation (hereinafter in this section referred to as the "conservation entity") exempt from Federal taxation under section 501(c)(3) of the Internal Revenue Code of 1986 acting for later dispositions to the United States, shall have acquired, by purchase or option to acquire, or exchange, all of the Porcupine property for its fair market value, determined at the time of acquisition in accordance with appraisal standards acceptable to the Secretary by an appraiser acceptable to the Secretary and the owner. And further that, if said acquisition or option to acquire has been consummated by a conservation entity, said entity shall have notified the Secretary that the quality of title in fact secured meets applicable Forest Service standards with respect to surface and subsurface estates or is otherwise acceptable to the Secretary.

(b) AUTHORIZATION OF ACQUISITION.—The Secretary is authorized and directed to acquire by purchase or exchange the lands and interests therein as depicted on a map entitled "Porcupine Area", dated September, 1992.

(c) LAND ACQUISITION AUTHORITIES.—Acquisitions pursuant to this section shall be under existing authorities available to the Secretary.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out the purposes of this section. Funds necessary for land acquisition are authorized to be appropriated from the Land and Water Conservation Fund.

(e) REFERENCES.—The reference and authorities of this section referring to the owner shall mean the Big Sky Lumber Company, and its successors and assigns.

SEC. 5. LAND CONSOLIDATION—TAYLOR FORK AREA.

(a) IN GENERAL.—The exchange described in section 3 of this Act shall not be consummated by the Secretary until the Secretary or a not-for-profit corporation (hereinafter in this section referred to as the "conservation entity") exempt from Federal taxation under section 501(c)(3) of the Internal Revenue Code of 1986 acting for later disposition to the United States, shall have acquired, by purchase or option to acquire, or exchange, all of the Taylor Fork property for its fair market value, determined at the time of acquisition in accordance with appraisal standards acceptable to the Secretary by an appraiser acceptable to the Secretary and the owner. And further that, if said acquisition or option to acquire has been consummated by a conservation entity, said entity shall have notified the Secretary that the quality of title in fact secured meets applicable Forest Service standards with respect to surface and subsurface estates or is otherwise acceptable to the Secretary.

(b) AUTHORIZATION FOR ACQUISITION.—The Secretary is authorized and directed to acquire by purchase or exchange the lands and interests therein as depicted on a map entitled "Taylor Fork Area", dated September, 1992.

(c) LAND ACQUISITION AUTHORITIES.—Acquisition pursuant to this section shall be under existing authorities available to the Secretary, except that notwithstanding any other provision of law, exchanges authorized in this section shall not be restricted within the same State.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out the purposes of this section. Funds necessary for land acquisition are authorized to be appropriated from the Land and Water Conservation Fund.

(e) REFERENCES.—The reference and authorities of this section referring to the owner shall mean the Big Sky Lumber Company, and its successors and assigns.

(f) REPORTS TO CONGRESS.—For a period of 2 years from the date of enactment of this Act, the Secretary shall report annually to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, on the status of the negotiations with the company or its successors in interest to effect the land consolidation authorized by this section.

SEC. 6. LAND CONSOLIDATION—GALLATIN AREA.

(a) IN GENERAL.—It is the policy of the Congress that the Secretary shall attempt to acquire by purchase or exchange all lands within what is generally known as the Gallatin Range owned by Big Sky Lumber Company, its assignees or successors in interest, not otherwise acquired, purchased, or exchanged pursuant to sections 3 and 4 of this Act.

(b) AUTHORIZATION FOR ACQUISITION.—The Secretary is authorized and directed to acquire by purchase or exchange the lands and interests therein as depicted on a map entitled "Gallatin Area", dated September 1992.

(c) LAND ACQUISITION AUTHORITIES.—Acquisitions pursuant to this section shall be under existing authorities available to the Secretary, except that notwithstanding any other law, ex-

changes authorized in this section shall not be restricted within the same State.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out the purposes of this section. Funds necessary for land acquisition are authorized to be appropriated from the Land and Water Conservation Fund.

(e) QUALITY OF TITLE.—The quality of title to the properties references in this section in fact secured shall meet applicable Forest Service standards with respect to surface and subsurface estates or shall otherwise be acceptable to the Forest Service.

(f) REFERENCES.—The references and authorities of this section referring to the Big Sky Lumber Company, shall also refer to its successors and assigns.

(g) REPORTS TO CONGRESS.—For a period of 3 years from the date of enactment of this Act, the Secretary shall report annually to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate on the status of the negotiations with the company or its successors in interest to effect the land consolidation authorized by this section.

SEC. 7. SEVERED MINERALS EXCHANGE.

(a) FINDINGS.—The Congress finds that—

(1) underlying certain areas in Montana described in subsection (b) are mineral rights owned by subsidiaries of Burlington Resources, Incorporated, its successors and assigns (referred to in this section as the "company");

(2) there are federally-owned minerals underlying lands of the company lying outside those areas;

(3) the company has agreed in principle with the Department of Agriculture to an exchange of mineral rights to consolidate surface and subsurface ownerships and to avoid potential conflicts with the surface management of such areas; and

(4) it is desirable that an exchange be completed within 2 years after the date of enactment of this Act.

(b) DESCRIPTION OF MINERAL INTERESTS.—(1) Pursuant to an exchange agreement between the Secretary and the company, the Secretary may acquire mineral interests owned by the company or an affiliate of the company thereof underlying surface lands owned by the United States located in the areas depicted on the maps entitled "Severed Minerals Exchange, Clearwater-Monture Area", dated September 1988 and "Severed Minerals Exchanges, Gallatin Area", dated September 1988, or in fractional sections adjacent to those areas.

(2) In exchange for the minerals interests conveyed to the Secretary pursuant to paragraph (1), the Secretary of the Interior shall convey, subject to valid existing rights, such federally owned mineral interests as the Secretary and the company may agree upon.

(c) EQUAL VALUE.—(1) The value of mineral interests exchanged pursuant to this section shall be approximately equal based on available information.

(2) To ensure that the wilderness or other natural values of the areas are not affected, a formal appraisal based upon drilling or other surface disturbing activities shall not be required for any mineral interest proposed for exchange, but the Secretary and the company shall fully share all available information on the quality and quantity of mineral interests proposed for exchange.

(3) In the absence of adequate information regarding values of minerals proposed for exchange, the Secretary and the company may agree to an exchange on the basis of mineral interests of similar development potential, geologic character, and similar factors.

(d) IDENTIFICATION OF FEDERALLY OWNED MINERAL INTERESTS.—(1) Subject to paragraph (2), mineral interests conveyed by the United States pursuant to this section shall underlie lands the surface of which are owned by the company.

(2) If there are not sufficient federally owned mineral interests of approximately equal value underlying lands, the Secretary and the Secretary of the Interior may identify for exchange any other federally owned mineral interest in land in the State of Montana of which the surface estate is in private ownership.

(e) CONSULTATION WITH THE DEPARTMENT OF THE INTERIOR.—(1) The Secretary shall consult with the Secretary of the Interior in the negotiation of the exchange agreement authorized by subsection (b), particularly with respect to the inclusion in such an agreement of a provision calling for the exchange of federally owned mineral interests lying outside the boundaries of units of the National Forest System.

(2) Notwithstanding any other law, the Secretary of the Interior shall convey the federally owned mineral interests identified in a final exchange agreement between the Secretary of Agriculture and the company and its affiliates.

(f) DEFINITION.—For purposes of this section, the term "mineral interests" includes all locatable and leasable minerals, including oil and gas, geothermal resources, and all other subsurface rights.

SEC. 8. GENERAL PROVISIONS.

(a) MAPS.—The maps referred to in sections 3, 4, 5, 6 and 7 are subject to such minor corrections as may be agreed upon by the Secretary and the company. The Secretary shall notify the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives of any corrections made pursuant to the subsection. The maps shall be on file and available for public inspection in the office of Chief, Forest Service, United States Department of Agriculture.

(b) TITLE OF LANDS CONVEYED TO THE UNITED STATES.—The rights, title and interests to any lands conveyed to the United States in furtherance of section 4 in the Porcupine Area, section 5 in the Taylor Fork Area, and section 6 in the Gallatin Area shall, at a minimum, consist of the surface estate and all the subsurface rights except that the Secretary may accept title subject to outstanding or reserved oil and gas and geothermal rights, except that there shall be no surface occupancy permitted on such Federal lands for any access to reserved or outstanding rights or any exploration or development thereof. Notwithstanding any provision of State law, section 1323(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3210(a)), or similar law pertaining to access over federally owned land, no portion of lands acquired by the United States in furtherance of this Act shall be available for access to, or exploration or development of, any reserved or outstanding oil, gas, geothermal or other non-Federal property interest.

(c) NATIONAL FOREST LANDS.—All lands conveyed to the United States in furtherance of this Act shall be added to and administered as part of the National Forest System lands by the Secretary in accordance with the laws and regulations pertaining to the National Forest System. Until Congress determines otherwise, lands acquired within the Hyalite-Porcupine-Buffalo Horn Wilderness Study Area shall be managed so as to maintain the present wilderness character and potential for inclusion in the National Wilderness Preservation System in accordance with Public Law 95-150. Other lands acquired shall be subject to the Gallatin National Forest planning process under the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1601 et seq.).

The SPEAKER pro tempore (Mr. MURPHY). Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from Utah [Mr. HANSEN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on H.R. 873, the bill now under consideration.

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

There was no objection.

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

Mr. Speaker, H.R. 873, the Gallatin Range Consolidation Act, was introduced by my friend and colleague on the Natural Resources Committee, Congressman PAT WILLIAMS. This bill would block up checkerboard land ownership in the Gallatin Range of the Gallatin National Forest in Montana. Through a series of exchanges and purchases between the Big Sky Lumber Co. and the Forest Service, approximately 80,000 acres would be added to the national forest. These lands are of great ecological importance. They, along with the rest of the Gallatin Range, are part of the Greater Yellowstone Ecosystem and include the endangered grizzly bear, one of the largest elk herds in the Nation, pristine watersheds, trout fisheries, and spectacular scenery.

Although the Gallatin Range lands are currently privately owned, they have remained unroaded and wild. However, if this legislation is not enacted, it is quite likely that the Big Sky Lumber Co. will road, will log, and will develop these very special lands. Adding to the urgency is the fact that options to purchase some of the lands for the Forest Service expire on June 1, this year. Therefore it is imperative that we move expeditiously on the legislation.

H.R. 873 is very similar to language that we passed in the House in the Montana wilderness bill in the 100th Congress and again in the 102d Congress. There is widespread support for this legislation and the policy change. Big Sky Lumber Co., the Forest Service and the environmental community all testified in favor of the bill at the hearing on March 23, 1993.

I urge my colleagues to support this measure and help bring resolution to an issue that the Congress and the Forest Service have been trying to resolve since the 1920's.

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

Mr. Speaker, I support the intent of H.R. 873 which is to consolidate the onerous checkerboard land ownership in the Gallatin National Forest.

It is my understanding that Members of the other body have some concerns with this legislation and are proposing several minor amendments that are noncontroversial. I question whether passing this legislation on suspension prior to our consideration of those amendments is wise but I will defer to the gentleman from Montana [Mr. WILLIAMS] on that point.

Coming from a State that is nearly two-thirds owned by the Federal Government, I believe we should make every effort to acquire lands through exchanges which do not result in net gains in Federal ownership rather than direct acquisition which results in increased acreage under Federal control.

I am pleased that section 3 of H.R. 873 is largely based on a equal value land exchange between the Forest Service and Big Sky Lumber Co. Although I would have preferred that more of the bill was based on this type of exchange rather than direct acquisition, I realize that Mr. WILLIAMS had a difficult task of trying to please so many diverse interests at once.

Mr. Speaker, I do not oppose H.R. 873 on suspension.

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

I am obviously strongly in favor of the bill, as I have pointed out in my opening statement.

The Forest Service and the private landowners have been working for nearly 70 years to accomplish the objectives that are in the bill, the transfer of these lands, these very sensitive lands.

There is a time certain agreement with the owner of the lands and those who own the timber on the lands, the Big Sky Lumber Co., sometime in June. In fact, that agreement will expire. Unless we act on this, these lands which have been really very much a part of the Yellowstone ecosystem are in fact going to be lost in terms of any opportunity in the future to try to preserve such lands.

I appreciate the concern of my colleague insofar as the lands may require some dollars or cash to purchase and add additional public lands in the State of Montana, which has a significant percentage of public lands today. However, there is nothing that precludes the opportunity for exchanges of equal value in the law. The process obviously, and I think rightly, recognizes that all the tools ought to be open and in option, and realistically the fact that they have not been traded out in previous years indicates the difficulty of that particular task.

Mr. Speaker, I am pleased to yield such time as he may consume to my friend and colleague, the gentleman from Montana [Mr. WILLIAMS], the principal sponsor of this measure, who has worked very diligently on it in committee, both in the Committee on Natural Resources and the Committee on Agriculture.

Mr. WILLIAMS. Mr. Speaker, I say to my friends and colleagues, that I want to thank them for scheduling my bill today and for moving so quickly in this year's agenda to consider this important piece of legislation, the Gallatin Range Consolidation and Protection Act.

My legislation consolidates checkerboard lands in Montana. The consolidation is being presented because of the real public lands disaster that is looming in Montana if this legislation is not adopted by this spring.

Just north of Yellowstone National Park the Gallatin Range connects to the other mountains of the Yellowstone ecosystem like a spoke in a wheel. This range was not protected a century ago when the park was set aside because every other section of the area was granted to the railroads as payment for the trans-America construction. This range's importance to the integrity of Yellowstone has never been questioned, however, and it has essentially remained wild ever since. This range is the home of the largest elk herd in America along with countless other species, including the endangered grizzly bear. The range also is the headwaters of some of the most pristine streams and rivers anywhere in this country.

The first attempt to consolidate these lands happened in 1925 and since then there have been countless attempts to bring the Gallatin Range into Federal ownership. The Federal Government has already spent more than $12 million to acquire elk winter range and the House of Representatives had held countless hours of testimony on the importance of these lands. The House itself passed no fewer than three bills to complete these land trades and purchases, but still the range remains chopped up in checkerboard land ownership.

Not long ago the railroad sold its land to a private timber company to avoid a hostile takeover, and the company has since again sold the lands to several new owners interested in timber and development. Part of the new sale arrangement requires that timber be provided off the private lands, and so now we face a serious problem if we do not solve these intermingled land problems by the time the contractual harvest is necessary. The days of the gracious corporate neighbor in and around the Gallatin are over and increasingly important recreation lands will be subdivided, posted off limits, or sold for private hunting rights, if this legislation is not signed into law.

I helped bring the various parties together last year and we hammered out this agreement. Without this agreement in the Gallatin and because we face a June deadline, the company will soon enter and log the nationally significant Porcupine drainage, with the public losing precious recreation opportunities and scarce public access. I am committed to seeing this does not happen, and I am hopeful that we can continue to move quickly to assure these lands are brought into public ownership. The local landowners are in agreement; conservation organizations and local environmentalists are in agreement; the Park Service and Forest Service are in agreement and we need the Congress and the President to act. This opportunity, dreamed of since 1925, must not be lost and it shows the continued support of this Committee and the Congress in seeing that this job is done.

I would like to note that some of the folks who are supporting this legislation as a way of showing the broad cross section of support for this bill. They include all three members of Montana's congressional delegation, the Governor of Montana, the local county commissioners, the mayor of Bozeman, the Montana Outfitters and Guides Association, the Wilderness Society, the Greater Yellowstone Coalition, the Cottonwood Canyon Homeowners Association, local snowmobile and motorcycle groups, employees at the Belgrade mill.

I would like to particularly note a statement that I received from the Montana Wilderness Association Flathead chapter regarding the lands in its area which are involved in the trade. This statement is important because of some who believed that the lands in the Flathead which are exchanged were not reviewed by the local environmental community. They were in fact suggested by local conservationists as suitable for trading.

As this body knows this type of legislation is difficult to negotiate and even more difficult to pass through Congress. As custodians of our Federal land Congress must be very careful that any trade we consider meet the most stringent requirements of fairness and value. The trade must clearly be in the public's interest and must fulfill public policy goals. I take this responsibility very seriously and have never considered any public land trade without clearly knowing that these goals be met. Montana has been aggressive in consolidating lands and we have never had a problem to date only because with the help of this body we have assured that any consideration had clear public policy goals.

These trades in the Gallatin meet those policy requirements and the 15 years I have been involved in this discussion have shaped these trades to assure they are in the public interest. Any changes in these trades or consideration of other trades also should have to meet the conditions applied to the Gallatin exchange.

This legislation does not represent the end of the Federal Government's interests in the Gallatin. This legislation is just the continuation of an his-

toric concern. And this legislation will set a clear process to identify and assure the continued protection of our national treasures in the greater Yellowstone ecosystem.

I also want to note that there were some concerns recently raised by a local landowner group in Montana about several of the sections traded from Federal ownership in an area known as North Bridgers. There have been discussions, brokered by my office and involving both the private landowners and the Forest Service which continue to seek assurances on appropriate guidelines for private harvest on traded lands the North Bridgers. These efforts also involve the identification of new land combinations and alternatives that help us better achieve protection of the local landowners and still achieve our goals.

I have worked with our two Senators on these issues raised by the folks north of Bozeman and I believe accommodation is possible within the framework of the legislation we pass today. I will continue working with the Senators as the bill is considered in the Senate and to share with them my work on behalf of the North Bridgers Homeowners Association. It is only through compromise and hard work that these difficult land inholding situations can be solved and I remain committed to continuing in that effort.

□ 1340

Mr. HANSEN. Mr. Speaker, I yield 5 minutes to my friend the honorable gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman from Utah [Mr. HANSEN] for yielding this time to me.

Mr. Speaker, I understand, after studying this, that there is a lot of merit to trying to solve this problem. Unfortunately, the way we are trying to solve it, Mr. Speaker, is by asking the taxpayers to belly up to the bar and spend another $13 to $20 million to buy more Federal land. This Nation, approximately one-third of this Nation, is already owned by the Federal Government, and now they want to spend another $13 to $20 million. We believe it is going to be around $20 million to buy 70,000 acres in this particular park.

Now they can do this by land trade. They do not need to do it by spending taxpayers' money.

If my colleagues look at this chart, they will see that this year the U.S. Forest Service annual land acquisition budget is $63.9 million, and they are going to spend one-third of this on this one project, and it is something that I do not think should be done.

I want to give my colleagues a few reasons why it is important that we defeat this piece of legislation. We should make every effort to acquire lands through these exchanges that have been discussed earlier. Federal direct purchase of private land is costly and resulted in increased acreage under Federal control. We do not need the Federal Government owning more than one-third of this Nation. We need to divest ourselves of a lot of our holdings because the taxpayers are paying to support this land year-in and year-out. We do not need that kind of overhead.

The CBO estimates the land acquisition costs will be at least $13 million, but we believe, when they reappraise this land, it is going to be more like $20 million, approximately one-third of the total amount that is going to be spent on acquisition this year. Furthermore, Mr. Speaker, CBO warns us that this figure might even be much higher than that once these appraisals are finally finished. This single bill would exhaust one-third of the total budget all at once.

With all due respect to my colleague from Montana, Mr. Speaker, this is a pork barrel project. It is one that is not a high priority, and I believe that this legislation should not be brought to the floor under suspension, and I would urge my colleagues to vote against it.

Mr. VENTO. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, this is an outstanding piece of legislation worked out by the National Forest Service. It is something that has gone through the priority system and is strongly supported by the administration, by conservation, indeed by the very companies, the timber companies and others, that we might expect under some circumstances not to be receptive to the type of bills brought before us.

The gentleman's chart that displayed the costs said the CBO said over a period of 5 years, if in fact depending on land values that there be a cost of $12 to $20 million over a period of 5 years, and I would say that even at the outside, if all of that were spent, which we do not believe it will be, it will be something like $4 million a year. The estimation here is we are making trades. We are using all the tools available to the Forest Service in terms of trading out lands.

So, the accumulation of land is not the purpose here. It is the quality of the land that is absolutely essential, and the equalization numbers are $3.4 million that we are saying that, if the land that we bring into the Forest Service is worth more than the land that is traded out, that we can equalize that in dollars. It could be something like $3.4 million.

Now, Mr. Speaker, these other costs, of course, reflect a higher estimate on the part of CBO, but we think that the equalization will be less than that, but obviously we are hampered by the fact that for 70 years there has been efforts to make trades. They have not been successful, but we think it would be far less than that.

So, these lands, which really are the corridors and the areas where the wildlife and Yellowstone is, where we have an opportunity to really bring into the Forest Service and provide the type of ecosystem management that we talked about, I do not think is a controversial bill, and it should be on suspension, it should be strongly supported and passed on for trade as the meritorious measure it is.

Mr. Speaker, I yield 3 minutes to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, I thank the gentleman from Minnesota [Mr. VENTO] for yielding this time to me.

Mr. Speaker, I want to be sure my colleagues understand that this is not an appropriation bill. There is not a dime of money being appropriated in this bill. I believe most of my colleagues understand that. How much money may have to eventually over the next 3, 4, 5 years or so be appropriated? Well, that depends on what we are able to trade.

What this bill does is sanction a trade. The gentleman says the bill will cost $20 million, as if to indicate this year the bill would cost $20 million. The very people he cites indicate that is not so. They say, rather, over the next 5 years the bill might cost between $12 and an upward limit of $20 million. Knowing the likelihood of these trades, I can tell my colleagues in the Chamber that it is unlikely that the bill would ever cost as much as $20 million.

But perhaps as important as that is this matter of whether or not the Federal Government is consuming huge parcels of land. For the decade that I looked at, and that is the one where the facts, and statistics, data, is most readily available, and that is from 1972 to 1982, the public actually lost ownership of land in this country. We divested the public of approximately 70 million acres of land that went to private holdings.

□ 1350

On millions of those acres of land the public suffered because they were shut out. Public ownership does not mean that the public was shut out. It is the public's land, and they have access to it.

If this trade does not go forward, the private sector, not through fault of its own, because the private sector supports this trade—and they are the ones at the table asking for this trade—will not get the trade. The private sector that now owns this land wants the trade. Because they profit? No. Why does the private sector support it? Because they are going to profit by it? No. In fact, at today's timber prices, the private sector ownership of this land has come to this Interior Committee and said, "The profit for us is to begin to harvest now."

However, they have also said to me that they would like to see this dream, a dream of the American people since 1925, consummated so that from Yellowstone north the land can remain green and with public access.

Mr. Speaker, this is a good deal for the public and I encourage the Members to support it.

Mr. HANSEN. Mr. Speaker, I yield 2 minutes to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Mr. Speaker, I thank the gentleman from Utah for yielding time to me.

Mr. Speaker, I do not rise to oppose the idea of my friend, the gentleman from Montana [Mr. WILLIAMS]. On the contrary, I think trades are an excellent idea. I think there needs to be some blocking up, not only for management purposes but also so that unique lands can be used, and I support that.

I also support the idea of supporting a bill that is carried by all the members of a delegation. I want to state that the thing I do object to, however, is that there is not an even trade. There is a 70,000-acre deficit here in terms of no net loss in private property.

We argue sometimes that, well, there is no place for a trade, and, of course, that is not true. There may not be places to trade in the forests that have been reserved for unique purposes, and I understand that. But in our State and in Montana, there are millions of BLM land that were not retained for any particular purpose. They were simply there when all the homesteading and everything else was over. So really there ought to be a stronger effort to trade this off.

I really do not imagine there is any reason to have a net loss of private property in terms of these kinds of things. I simply want to make the point that although there is an effort here, and I applaud that, I think there could be a stronger effort to trade net values for net values so there is not a loss of private property.

Mr. HANSEN. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, first of all, this is not going to be a trade. It is going to be 70,000 acres of new land acquired by the U.S. Government at a cost of $20 million.

This is an authorizing bill. It is not an appropriation bill. But we all know that before we get to the appropriation process, we have to authorize a project, and once it is authorized, then the Member who gets the bill authorized goes to the Appropriations Committee and says, "I've got to have this. It is absolutely imperative that my constituents have this accomplished." Then they get it appropriated.

So this is just the first step, but it will be appropriated because I am confident the gentleman from Montana has the clout with the Appropriations Committee to get it done. So the Members should not be misled, I say to my colleagues, into thinking that this is something that is not going to happen. It is going to cost $20 million.

Mr. Speaker, let me end up by saying that $20 million is not a lot of money over 4 or 5 years when we are talking about a trillion-and-a-half-dollar budget. But the great Senator from Illinois, Senator Everett Dirksen, God rest his soul, when he was in the Senate, used to say, "You know, a million here and a billion here and a billion there, and pretty soon you are talking about real money."

I want to point out, of course, that we have these things come to the floor day in and day out, week in and week out, month in and month out, and year in and year out, and they add up to millions and billions and hundreds of billions of dollars.

I understand this is a small $20 million project, but we do not need to acquire another 70,000 acres in this area. There can be a trade consummated if they really work at it and without the taxpayers shouldering this responsibility.

This is, in my opinion, another waste of taxpayers' money at a time when we cannot afford it. The deficit this year, even though we are going to raise taxes $402 billion plus, whatever the health program costs, is still going to be huge. There will be huge deficits, and we simply do not have the money to keep going on and on and on with programs that are not absolutely a top priority.

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

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

Mr. Speaker, just briefly, I would point out to my colleagues that the land and water conservation fund actually takes money from offshore oil and gas. We deplete one resource in that instance, and we are supposed, as a Congress and as law and policy, to try and retain other types of resources that are part of our American heritage.

What the gentleman from Montana [Mr. WILLIAMS] is attempting to do is to make an exchange where it is possible in terms of land and utilize that, and also to use it and keep our commitment in terms of America's future and the heritage of our Nation, our natural heritage.

This area has been de facto a part of the forest. It is protected. It is a very, very important area, Mr. Speaker, and I would appeal to my colleagues to recognize this.

We have been deficient in taking that money and using it for other purposes in many cases. We do not nearly use the proportion we should in terms of making a commitment in keeping the trust with regard to our natural heritage and our cultural heritage.

What I am asking in this instance and what the gentleman from Montana [Mr. WILLIAMS] is asking is that in a small way we attempt to do that in this key natural area in Montana that is so much a part of the Yellowstone ecosystem, to keep these items of natural areas as much intact as we possibly can, using all the tools at the disposal of the Forest Service, including exchange, but also, of course, using a small part of our resources for this very, very important part of our Nation's needs and our national heritage.

So, Mr. Speaker, I would plead with our colleagues to support this measure. It is a good measure. It is a meritorious bill.

Mr. COPPERSMITH. Mr. Speaker, I rise today to endorse passage of the Gallatin Range Consolidation and Protection Act of 1993. I know many of you have visited Yellowstone Park and, just as my family and I have done, experienced the wonders of the world's first national park. The Greater Yellowstone Ecosystem is world-renowned as home to the greatest concentration of geothermal features in the world, some of our largest remaining herds of elk, bison, and other wildlife species, and one of only two places in the lower 48 States where the grizzly bear still roams.

The lands involved in this act lie immediately north of Yellowstone Park, interspersed with Federal lands in the Gallatin National Forest. These lands are threatened with massive development in the form of logging, roading, and subdivision. H.R. 873 represents our last opportunity to protect these critical lands for the American people and for future generations. This act consolidates the checkerboard land pattern in the Gallatin Range and the lower half of the Madison Range and will assure protection of over 80,000 acres currently threatened with immediate development. This act also serves as a model for resolving checkerboard and Federal in-holding problems throughout the West.

I want to thank my colleague PAT WILLIAMS for his superb leadership with this legislation. I also want to recognize the Greater Yellowstone Coalition for its critical work on behalf of H.R. 873, and the lands it will protect.

Mr. VENTO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 873, as amended.

The question was taken.

Mr. BURTON of Indiana. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were refused.

Mr. BURTON of Indiana. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The Chair understands that the gentleman withdraws his point of order of

no quorum. The point of order of no quorum is considered withdrawn.

FORT CARSON-PINON CANYON MILITARY LANDS WITHDRAWAL ACT

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 194) to withdraw and reserve certain public lands and minerals within the State of Colorado for military uses, and for other purposes, as amended.

The Clerk read as follows:

H.R. 194

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

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Fort Carson-Pinon Canyon Military Lands Withdrawal Act".

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

Sec. 1. Short title and table of contents.
Sec. 2. Withdrawal and reservation of lands at Fort Carson Military Reservation.
Sec. 3. Withdrawal and reservation of lands at Pinon Canyon Maneuver Site.
Sec. 4. Maps and legal descriptions.
Sec. 5. Management of withdrawn lands.
Sec. 6. Management of withdrawn and acquired mineral resources.
Sec. 7. Hunting, fishing, and trapping.
Sec. 8. Termination of withdrawal and reservation and effect of contamination.
Sec. 9. Delegation.
Sec. 10. Hold harmless.
Sec. 11. Amendment to military lands withdrawal act of 1986.
Sec. 12. Authorization of appropriations.

SEC. 2. WITHDRAWAL AND RESERVATION OF LANDS AT FORT CARSON MILITARY RESERVATION.

(a) WITHDRAWAL.—Subject to valid existing rights and except as otherwise provided in this Act, the lands at the Fort Carson Military Reservation that are described in subsection (c) are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws and the mineral and geothermal leasing laws.

(b) RESERVATION.—The lands withdrawn under subsection (a) are reserved for use by the Secretary of the Army—

(1) for military maneuvering, training and weapons firing; and

(2) for other defense related purposes consistent with the uses specified in paragraph (1).

(c) LAND DESCRIPTION.—The lands referred to in subsection (a) comprise 3,133.02 acres of public land and 11,415.16 acres of federally-owned minerals in El Paso, Pueblo, and Fremont Counties, Colorado, as generally depicted on the map entitled "Fort Carson Proposed Withdrawal—Fort Carson Base", dated February 1992, and filed in accordance with section 4.

SEC. 3. WITHDRAWAL AND RESERVATION OF LANDS AT PINON CANYON MANEUVER SITE.

(a) WITHDRAWAL.—Subject to valid existing rights and except as otherwise provided in this Act, the lands at the Pinon Canyon Maneuver Site that are described in subsection (c) are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws and the mineral and geothermal leasing laws.

(b) RESERVATION.—The lands withdrawn under subsection (a) are reserved for use by the Secretary of the Army—

(1) for military maneuvering and training; and

(2) for other defense related purposes consistent with the uses specified in paragraph (1).

(c) LAND DESCRIPTION.—The lands referred to in subsection (a) comprise 2,517.12 acres of public lands and 130,139 acres of federally-owned minerals in Las Animas County, Colorado, as generally depicted on the map entitled "Fort Carson Proposed Withdrawal—Fort Carson Maneuver Area—Pinon Canyon site", dated February 1992, and filed in accordance with section 4.

SEC. 4. MAPS AND LEGAL DESCRIPTIONS.

(a) PREPARATION.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall—

(1) publish in the Federal Register a notice containing the legal description of the lands withdrawn and reserved by this Act; and

(2) file maps and a legal description of the lands withdrawn and reserved by this Act with the Committee on Energy and Natural Resources of the Senate and with the Committee on Interior and Insular Affairs of the House of Representatives.

(b) LEGAL EFFECT.—Such maps and legal descriptions shall have the same force and effect as if they were included in this Act, except that the Secretary of the Interior may correct clerical and typographical errors in such maps and legal descriptions.

(c) LOCATION OF COPIES.—Copies of such maps and legal descriptions shall be available for public inspection in the offices of the Colorado State Director and the Canon City District Manager of the Bureau of Land Management, and the Commander, Fort Carson, Colorado.

(d) COSTS.—The Secretary of the Army shall reimburse the Secretary of the Interior for the costs of implementing this section.

SEC. 5. MANAGEMENT OF WITHDRAWN LANDS.

(a) MANAGEMENT GUIDELINES.—(1) Except as provided in section 6, during the period of withdrawal, the Secretary of the Army shall manage for military purposes the lands covered by this Act and may authorize use of the lands by the other military departments and agencies of the Department of Defense, and the National Guard, as appropriate.

(2) When military operations, public safety, or national security, as determined by the Secretary of the Army, require the closure of roads and trails on the lands withdrawn by this Act commonly in public use, the Secretary of the Army is authorized to take such action, except that such closures shall be limited to the minimum areas and periods required for the purposes specified in this subsection. Appropriate warning notices shall be kept posted during closures.

(3) The Secretary of the Army shall take necessary precautions to prevent and suppress brush and range fires occurring within and outside the lands as a result of military activities and may seek assistance from the Bureau of Land Management in suppressing such fires. The memorandum of understanding required by this section shall provide for Bureau of Land Management assistance in the suppression of such fires, and for a transfer of funds from the Department of the Army to the Bureau of Land Management as compensation for such assistance.

(b) MANAGEMENT PLAN.—The Secretary of the Army, with the concurrence of the Secretary of the Interior, shall develop a plan for the management of acquired lands and lands withdrawn under sections 2 and 3 for the period of withdrawal. The plan shall—

(1) be consistent with applicable law;

(2) include such provisions as may be necessary for proper resource management and protection of the natural, cultural, and other resources and values of such lands;

(3) identify those withdrawn and acquired lands, if any, which are to be open to mining or mineral and geothermal leasing, including mineral materials disposal; and

(4) be developed not later than 5 years after the date of enactment of this Act.

(c) LISTING OF LANDS SUITABLE FOR MINING.—On completion of the management plan prepared pursuant to subsection (b), the Secretary of the Interior shall publish a notice in the Federal Register listing the lands determined under such subsection to be suitable for opening to mining, and mineral and geothermal leasing, including mineral materials disposal, and specifying the opening date.

(d) IMPLEMENTATION OF MANAGEMENT PLAN.—(1) The Secretary of the Army and the Secretary of the Interior shall enter into a memorandum of understanding to implement the management plan described in subsection (b).

(2) The duration of any such memorandum of understanding shall be the same as the period of withdrawal under section 8.

(3) The memorandum of understanding may be amended by agreement of both Secretaries.

(e) REEXAMINATION OF LANDS FOR SUITABILITY FOR MINING.—At least every five years after the initial identification of lands suitable for opening to mining required by subsection (b)(3), the Secretary of the Army and the Secretary of the Interior shall determine those withdrawn lands, if any, which the Secretaries consider suitable for opening to mining, mineral and geothermal leasing, or mineral material disposal, and those acquired lands, if any, which the Secretaries consider suitable for opening to mineral and geothermal leasing or mineral material disposal. The Secretary of the Interior shall publish a notice in the Federal Register listing the lands determined suitable for opening and specifying the opening date.

(f) USE OF CERTAIN RESOURCES.—The Secretary of the Army is authorized to utilize sand, gravel, or similar mineral or mineral material resources when the use of such resources is required for construction needs of the Fort Carson Reservation or Pinon Canyon Maneuver Site.

SEC. 6. MANAGEMENT OF WITHDRAWN AND ACQUIRED MINERAL RESOURCES.

(a) AUTHORITY OF SECRETARY OF THE INTERIOR.—Notwithstanding any other provision of law, and except as provided in section 5 of this Act, the Secretary of the Interior shall manage all withdrawn and acquired mineral resources contained within the boundaries of the Fort Carson Reservation and Pinon Canyon Maneuver Site.

(b) EFFECT OF IDENTIFICATION OF LANDS AS SUITABLE FOR MINING.—On the day specified by the Secretary of the Interior in the notice published in the Federal Register pursuant to subsections (c) and (e) of section 5, the land identified as suitable for opening to the operation of the mining, mineral, and geothermal leasing and the mineral material disposal laws shall automatically be open to the operation of such laws without the necessity for further action by either the Secretary of the Interior or the Congress.

(c) EXCEPTION FROM CERTAIN LAWS.—No deposit of minerals or materials of the types

identified by section 3 of the Act of July 23, 1955 (30 U.S.C. 611; 69 Stat. 368), whether or not included in the term "common varieties" in that Act, shall be subject to location under the Act of May 10, 1872 (commonly known as the Mining Law of 1872) (30 U.S.C. 22 et seq.), or any other law providing for the location of mining claims, on lands described in sections 2 and 3.

(d) REGULATIONS.—On lands identified for opening to mining, mineral, and geothermal leasing or mineral material disposal by section 5(b)(3), or by subsequent amendments to the management plan described in section 5, all minerals contained in those lands shall be subject to mining, mineral, and geothermal leasing or mineral material disposal under such rules and regulations as the Secretary of the Interior may promulgate pursuant to the terms and conditions of section 12 of the Military Lands Withdrawal Act of 1986 (Public Law 99-606; 100 Stat. 3466).

(e) CLOSURE OF LANDS UNDER CERTAIN CIRCUMSTANCES.—In the event of a national emergency or for purposes of national defense or security, the Secretary of the Interior, at the request of the Secretary of the Army, shall close any lands that have been opened to mining, mineral, and geothermal leasing or mineral material disposal pursuant to this section.

(f) MINING CLAIMS.—(1) Except as otherwise provided in this Act, mining claims located pursuant to this Act shall be subject to the provisions of the Act of May 10, 1872 (commonly known as the Mining Law of 1872) (30 U.S.C. 22 et seq.), or to the provisions of other laws enacted hereafter (including provisions for payments to the United States) that are applicable to similar claims on the public domain.

(2) All mining claims located under the terms of this Act shall be subject to the provisions of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(g) PATENTS FOR LOCATABLE MINERALS.—(1) Patents issued pursuant to this Act for locatable minerals shall convey title to the locatable minerals only, and shall be issued together with an appropriate authorization for use of so much of the surface as may be necessary for purposes incident to mineral activities under the guidelines for such use established by the Secretary of the Interior by regulation.

(2) All such patents shall contain a reservation to the United States of the surface of all lands patented and of all nonlocatable minerals on those lands.

(3) For the purposes of this Act:

(A) The term "locatable minerals" means any mineral not subject to disposition under any of the following:

(i) The Mineral Leasing Act (30 U.S.C. 181 et seq.).

(ii) The Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.).

(iii) The Act of July 31, 1947, commonly known as the Materials Act of 1947 (30 U.S.C. 601 et seq.).

(iv) The Mineral Leasing for Acquired Lands Act (30 U.S.C. 351 et seq.).

(B) The term "mineral activities" means any activity for, related to, or incidental to mineral exploration, mining, beneficiation, and processing activities for any locatable mineral, including access.

SEC. 7. HUNTING, FISHING, AND TRAPPING.

All hunting, fishing, and trapping on the lands withdrawn and reserved by this Act shall be conducted in accordance with section 2671 of title 10, United States Code.

SEC. 8. TERMINATION OF WITHDRAWAL AND RESERVATION AND EFFECT OF CONTAMINATION.

(a) TERMINATION DATE.—The withdrawal and reservation established by this Act shall terminate 15 years after the date of the enactment of this Act.

(b) DETERMINATION OF CONTINUING MILITARY NEED.—(1) At least three years prior to the termination under subsection (a) of the withdrawal and reservation established by this Act, the Secretary of the Army shall advise the Secretary of the Interior as to whether or not the Department of the Army will have a continuing military need for any of the lands after the termination date.

(2) If the Secretary of the Army concludes under paragraph (1) that there will be a continuing military need for any of the lands after the termination date established by subsection (a), the Secretary of the Army, in accordance with applicable law, shall evaluate the environmental effects of renewal of such withdrawal and reservation, shall hold at least one public hearing in Colorado concerning such evaluation, and shall thereafter file an application for extension of the withdrawal and reservation of such lands in accordance with the regulations and procedures of the Department of the Interior applicable to the extension of withdrawals for military uses. The Secretary of the Interior shall notify the Congress concerning such filing.

(3) If the Secretary of the Army concludes under paragraph (1) that prior to the termination date established by subsection (a), there will be no military need for all or any of the lands withdrawn and reserved by this Act, or if, during the period of withdrawal, the Secretary of the Army decides to relinquish any or all of the lands withdrawn and reserved under this Act, the Secretary of the Army shall file a notice of intention to relinquish with the Secretary of the Interior.

(c) DETERMINATION OF CONTAMINATION.—Prior to the filing of a notice of intention to relinquish pursuant to subsection (b)(3), the Secretary of the Army shall prepare a written determination as to whether and to what extent the lands are contaminated with explosive, toxic, or other hazardous materials. A copy of the determination made by the Secretary of the Army shall be supplied with the notice of intention to relinquish. Copies of both the notice of intention to relinquish and the determination concerning the contaminated state of the lands shall be published in the Federal Register by the Secretary of the Interior.

(d) EFFECT OF CONTAMINATION.—(1) If any land which is the subject of a notice of intention to relinquish under subsection (b)(3) is contaminated, and the Secretary of the Interior, in consultation with the Secretary of the Army, determines that decontamination is practicable and economically feasible, taking into consideration the potential future use and value of the land, and that upon decontamination, the land could be opened to the operation of some or all of the public land laws, including the mining laws, the Secretary of the Army shall decontaminate the land to the extent that funds are appropriated for such purpose.

(2) If the Secretaries of the Army and the Interior conclude either that decontamination of any or all of the lands proposed for relinquishment is not practicable or economically feasible, or that the lands cannot be decontaminated sufficiently to allow them to be opened to the operation of the public land laws, or if Congress declines to appropriate funds for decontamination of the lands, the Secretary of the Interior shall not be required to accept the lands proposed for relinquishment.

(3) If, because of their contaminated state, the Secretary of the Interior declines under paragraph (2) to accept jurisdiction of the lands proposed for relinquishment, or if at the expiration of the withdrawal made by this Act the Secretary of the Interior determines that some of the lands withdrawn by this Act are contaminated to an extent which prevents opening such contaminated lands to operation of the public land laws—

(A) the Secretary of the Army shall take appropriate steps to warn the public of the contaminated state of such lands and any risks associated with entry onto such lands;

(B) after the expiration of the withdrawal, the Secretary of the Army shall undertake no activities on such lands except in connection with decontamination of such lands; and

(C) the Secretary of the Army shall report to the Secretary of the Interior and to the Congress concerning the status of such lands and all actions taken in furtherance of the subsection.

(4) If the lands are subsequently decontaminated, upon certification by the Secretary of the Army that the lands are safe for all nonmilitary uses, the Secretary of the Interior shall reconsider accepting jurisdiction over the lands.

(e) PROGRAM OF DECONTAMINATION.—Throughout the duration of the withdrawal and reservation made by this Act, the Secretary of the Army, to the extent funds are made available, shall maintain a program of decontamination of the lands withdrawn by this Act at least at the level of effort carried out during fiscal year 1992.

(f) ACCEPTANCE OF LANDS PROPOSED FOR RELINQUISHMENT.—Notwithstanding any other provision of law, the Secretary of the Interior, upon deciding that it is in the public interest to accept jurisdiction over the lands proposed for relinquishment, is authorized to revoke the withdrawal and reservation established by this Act as it applies to the lands proposed for relinquishment. Should the decision be made to revoke the withdrawal and reservation, the Secretary shall publish in the Federal Register an appropriate order which shall—

(1) terminate the withdrawal and reservation;

(2) constitute official acceptance of full jurisdiction over the lands by the Secretary of the Interior; and

(3) state the date upon which the lands will be opened to the operation of the public land laws, including the mining laws if appropriate.

SEC. 9. DELEGATION.

The functions of the Secretary of the Army under this Act may be delegated. The functions of the Secretary of the Interior under this Act may be delegated, except that the order referred to in section 8(f) may be approved and signed only by the Secretary of the Interior, the Deputy Secretary of the Interior, or an Assistant Secretary of the Department of the Interior.

SEC. 10. HOLD HARMLESS.

The United States and all departments or agencies thereof shall be held harmless and shall not be liable for any injuries or damages to persons or property suffered in the course of any mining, mineral activity, or geothermal leasing activity conducted on lands comprising the Fort Carson Reservation or Pinon Canyon Maneuver Site.

SEC. 11. AMENDMENT TO MILITARY LANDS WITHDRAWAL ACT OF 1986.

Section 3(f) of the Military Lands Withdrawal Act of 1986 (Public Law 99-606; 100

Stat. 3461) is amended by adding at the end a new paragraph (2) as follows:

"(2) The Secretary of the military department concerned may utilize sand, gravel, or similar mineral or material resources when the use of such resources is required for construction needs on the respective lands withdrawn by this Act.".

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from Utah [Mr. HANSEN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill presently under consideration.

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

There was no objection.

Mr. VENTO. Mr. Speaker, this measure was referred jointly to the Committee on Natural Resources and the Committee on Armed Services, and I am pleased to yield such time as he may consume to the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Speaker, I rise in support of H.R. 194, as amended, the Fort Carson-Pinon Canyon Military Lands Withdrawal Act, which would withdraw and reserve certain public lands and minerals in the State of Colorado for 15 years for military purposes.

Our colleague, the gentleman from Colorado [Mr. HEFLEY] introduced H.R. 194 on January 5, 1993, and it was jointly referred to the Committee on Armed Services and the Committee on Natural Resources.

On March 31, 1993, the Committee on Natural Resources adopted minor and technical amendments to improve the bill and ordered H.R. 194, as amended, favorably reported to the House by a voice vote.

On May 5, 1993, the Committee on Armed Services accepted the amendments adopted by the Committee on Natural Resources and agreed by voice vote to report H.R. 194, as amended, to the House with a recommendation that it pass.

Let me provide a little background. Before 1958, withdrawals of public lands for military purposes were accomplished through administrative actions. Since enactment of the Engle Act of 1958, Public Law 85-337, a peacetime military withdrawal exceeding 5,000 acres of public lands can only be accomplished through congressional action.

The Fort Carson Reservation, has been used by the Army for many years and was permanently withdrawn prior to enactment of the Engle Act. H.R. 194 would withdraw another 3,133 acres of public lands and 11,415 acres of mineral rights within the reservation.

The Pinon Canyon maneuver site is a newer facility established primarily by acquisition of privately owned lands. H.R. 194 would withdraw about 2,517 acres of land and 130,139 acres of minerals.

The principal use of Pinon Canyon and Fort Carson is mechanized training at battalion and brigade levels. The Fort Carson lands would be used primarily for military maneuvering, training, and weapons firing; the Pinon Canyon lands would be used for maneuvering and training but not weapons firing.

Consistent with the Military Lands Withdrawal Act of 1986, the withdrawals would terminate 15 years after enactment. H.R. 194, as amended, would provide procedures for renewal or relinquishment of the reserved and withdrawn lands upon termination.

Mr. Speaker, you may recall that the House passed a bill identical to H.R. 194, H.R. 4404, House Report. 102-813, part I, in the last Congress. Both the House and the Senate passed the provisions of H.R. 4404, as stand alone legislation and in omnibus bills, but the 102d Congress adjourned sine die before action could be completed.

Mr. Speaker, these lands have been withdrawn for military purposes since the 1930's and renewals have occurred every 5 years since. This legislation is needed and necessary to permit our military personnel to train and maintain a high level of readiness.

I am pleased to join my colleague, BRUCE VENTO, from the Natural Resources Committee, in urging the House to pass H.R. 194, as amended.

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Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado [Mr. HEFLEY], the chief sponsor of this bill.

Mr. HEFLEY. Mr. Speaker, I would like to thank my colleagues on the Armed Services and Natural Resources Committee for bringing my bill, H.R. 194, to the floor today. This bill extends the Bureau of Land Management's withdrawal of minerals at the Fort Carson tank training center near Colorado Springs.

With the exception of a few largely technical amendments, this bill is identical to H.R. 4404, which passed the House no less than four times in the last Congress but stalled in the Senate over procedural matters. The bill is intended to withdraw and reserve certain public lands and minerals within El Paso, Pueblo, and Teller Counties in Colorado for military purposes. Pursuant to the Engle Act, the bill withdraws 3,133 acres of public lands and minerals and another 11,415 acres of public domain mineral estate already within Fort Carson from general mining laws and the mineral and geothermal leasing laws.

Since Fort Carson was established in the 1930s, the BLM and the Department of the Army have renewed the withdrawal of BLM-controlled mineral rights every 5 years. The previous withdrawal expired on June 23, 1992. In order to simplify this procedure, the BLM last year proposed a 25-year withdrawal with a review every 5 years. This would have been similar to earlier legislation which provided a 15-year withdrawal for Nellis Air Force Base in Nevada.

The BLM argued that 5-year withdrawals were too short, since environmental assessment work leading up to the renewals take about 8 years. Thus, the Army and the BLM are in a constant state of preparing applications.

The bill before you incorporates the 15-year withdrawal adopted by the Natural Resources Committee last year. This is consistent with the 1986 Military Lands Withdrawal Act and represents an improvement on the 5-year rule. Still, the amended bill will leave agencies involved in the work of environmental assessments for more than half the term of the withdrawal.

Last year, the public lands subcommittee expressed some concerns over the bill's requirement, in Section 5(b), that the Secretary of the Army develop a plan for the management of lands acquired and withdrawn under the bill. The BLM argued, and the subcommittee agreed, that this was fitting since the Army will control approximately 95 percent of the Fort Carson withdrawal.

Section 8(b) of last year's bill has been deleted from H.R. 194 with the concurrence of the BLM. This section would have administratively extended the existing mineral withdrawal for up to 2 years if congressional action was delayed and was viewed as necessary because of Fort Carson's mission as a tank-training area. Suspending the mineral withdrawal could conceivable result in the suspension of training exercises. The BLM no longer believes this provision is necessary and it has been removed.

Section 11 amends the Military Lands Withdrawal Act of 1986 to allow the Army to use sand, gravel or other materials to on-base construction during the term of the withdrawal. The BLM believes, and I concur, that this corrects a flaw in Public Law 99-606 and that section 11 offers an opportunity to correct that flaw.

There are two other, technical amendments which have been added to Sec. 6, ss. 1 (f) and Sec. 6, ss. 3 of H.R. 194. Those sections, which deal with mining claims and patents for locatable minerals, were amended to reflect possible future changes in the General Mining Law of 1872.

This bill retains provisions from last year including a technical requirement that the application for renewed land withdrawal meet requirements of the National Environmental Policy Act and that the Secretary of the Army, to the extent funds are made available, maintain a decontamination program consistent with the 1986 omnibus military withdrawal act.

As I said, Fort Carson's immediate past mineral withdrawal expired on June 23, 1992. The withdrawal has been extended, first administratively and later, by a 1-year extension, added in the Senate. This is an important administrative matter and I hope the other body will move quickly on this legislation and we can send this measure to the White House for the President's signature.

Again, I thank my colleagues for allowing me to express my support on behalf of H.R. 194.

Mr. HUNTER. Mr. Speaker, I, too, support the legislation proposed by the gentleman from Colorado, and urge my colleagues in the House to support this important bill.

The Military Installations and Facilities Subcommittee of the House Armed Services Committee, on which I serve as ranking Republican member, was discharged from further consideration of the bill H.R. 194 on Wednesday, May 5. Also on that date, the full Armed Services Committee reported this legislation to the House with a recommendation that it do pass. The legislation was passed by voice vote.

I should note for the record that the subcommittee as well as the full Armed Services Committee did approve a nearly identical bill, also sponsored by the gentleman from Colorado, just last year. Although the bill passed the House, action was not completed before the end of the 102d Congress.

I commend the gentleman from Colorado for his tenacity, and state without equivocation that I support the legislation and urge my colleagues in the House to vote in favor of this important measure.

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

Mr. Speaker, on behalf of my colleague, the gentleman from Colorado, I stand in full support of H.R. 194. The withdrawal of these lands and minerals is vital for the armored vehicle training that occurs at Fort Carson and Pinon Canyons in Colorado. Fort Carson represents the foremost training facility for our Nation's armored vehicles and this legislation will greatly enhance the efforts of our Armed Forces.

I commend the chairman of our subcommittee for moving this legislation so quickly and I urge support for H.R. 194.

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

Mr. Speaker, H.R. 194, the Colorado military lands withdrawal bill, was introduced by the gentleman from Colorado [Mr. HEFLEY], who serves on both the Natural Resources Committee and the Committee on Armed Services.

The bill would withdraw and reserve for military uses certain lands and minerals in two existing military-use areas, the Fort Carson Reservation and the Pinon Canyon maneuver area both in Colorado.

The bill is identical to one passed by the House last year on which action was not completed in the 102d Congress. I am not aware of any controversy about it.

As the bill comes before the House today, it includes several amendments developed by the Committee on Natural Resources.

The amendments are essentially technical. The first adopts the suggestion of the administration, made at our hearing, to eliminate a provision that was included last year to respond to concerns about a possible period of uncertainty if a renewal of this withdrawal is sought but not completed before the end of the specified term. The testimony was that this was not needed, and the administration suggested it be deleted—which this amendment would do.

The other three amendments revise the so-called unlock provisions of the bill, which allow the Secretary of the Interior to open some or all of the withdrawn lands to mineral entry if the Secretary of the Army concurs.

The effect of the amendments is to make clear that in the event that this unlock occurs, mining claims on these lands would be subject to any revisions to the mining law of 1872 that may be in force at that time—for example, if the President's proposal for mining claim royalties is enacted, that will apply to claims on these lands to the same extent that it does to claims on other public lands.

The amendments themselves do not amend the mining law. They merely clarify that if it is amended, the revised law will apply to any claims that may someday be filed on these lands. It is my understanding that our committee does expect to bring before the House a bill to revise the mining law of 1872, and that issue is a matter for another day.

As I said, Mr. Speaker, this is a noncontroversial bill that the House approved last year. I urge its approval, and am hopeful that this year the Senate will be able to complete the process of its enactment.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I just want to say how very important this bill is. It is identical to what we passed before. I want to thank both committees for acting so expeditiously, because this really is critical. We do not know why it got delayed, but it is time we do it. I wish to thank those Members responsible for moving this forward.

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Speaker, I would like to point out that the handler of this bill is the gentleman from Oklahoma [Mr. MCCURDY]. The gentleman is the chairman of the subcommittee that this bill came out of. The gentleman wished he could be here but is not able to be present on the floor. The gentleman had a lot to do with moving this legislation, and I want the RECORD to show that.

Mr. VENTO. Mr. Speaker, I would like to recognize the contribution of the gentleman from Oklahoma [Mr. MCCURDY] to this legislation. The gentleman chairs a key subcommittee of the Committee on Armed Services.

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

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

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 194, 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.

SNAKE RIVER BIRDS OF PREY NATIONAL CONSERVATION AREA

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 236) to establish the Snake River Birds of Prey National Conservation Area in the State of Idaho, and for other purposes, as amended.

The Clerk read as follows:

H.R. 236

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

SECTION 1. FINDINGS.

The Congress finds the following:

(1) The public lands managed by the Bureau of Land Management in the State of Idaho within the Snake River Birds of Prey Area contain one of the densest known nesting populations of eagles, falcons, owls, hawks, and other birds of prey (raptors) in North America.

(2) These public lands constitute a valuable national biological and educational resource since birds of prey are important components of the ecosystem and indicators of environmental quality, and contribute significantly to the quality of wildlife and human communities.

(3) These public lands also contain important historic and cultural resources (including significant archaeological resources) as well as other resources and values, all of which should be protected and appropriately managed.

(4) A military training area within the Snake River Birds of Prey Area, known as the Orchard Training Area, has been used since 1953 by reserve components of the Armed Forces. Military

use of this area is currently governed by a Memorandum of Understanding between the Bureau of Land Management and the State of Idaho Military Division, dated May 1985. Operating under this Memorandum of Understanding, the Idaho National Guard has provided valuable assistance to the Bureau of Land Management with respect to fire control and other aspects of management of the Orchard Training Area and the other lands in the Snake River Birds of Prey Area. Military use of the lands within the Orchard Training Area should continue in accordance with such Memorandum of Understanding (or extension or renewal thereof), to the extent consistent with section 4(e) of this Act, because this would be in the best interest of training of the reserve components (an important aspect of national security) and of the local economy.

(5) Protection of the conservation area as a home for raptors can best and should be accomplished by the Secretary of the Interior, acting through the Bureau of Land Management, under a management plan that—

(A) emphasizes management, protection, and rehabilitation of habitat for these raptors and of other resources and values of the area;

(B) provides for continued military use, consistent with the requirements of section 4(e) of this Act, of the Orchard Training Area by reserve components of the Armed Forces;

(C) addresses the need for public educational and interpretive opportunities;

(D) allows for diverse appropriate uses of lands in the area to the extent consistent with the maintenance and enhancement of raptor populations and habitats and protection and sound management of other resources and values of the area; and

(E) demonstrates management practices and techniques that may be useful to other areas of the public lands and elsewhere.

(6) There exists near the conservation area a facility, the World Center for Birds of Prey operated by The Peregrine Fund, Inc., where research, public education, recovery, and reestablishment operations exist for endangered raptor species. There also exists at Boise State University a raptor study program which attracts national and international graduate and undergraduate students.

(7) The Bureau of Land Management and Boise State University, together with other State, Federal, and private entities, have formed the Raptor Research and Technical Assistance Center to be housed at Boise State University, which provides a unique adjunct to the conservation area for raptor management, recovery, research, and public visitation, interpretation, and education.

(8) Consistent with requirements of sections 202 and 302 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712 and 1732), the Secretary has developed a comprehensive management plan and, based on such plan, has implemented a management program for the public lands included in the conservation area established by this Act.

(9) Additional authority and guidance must be provided to assure that essential raptor habitat remains in public ownership, to facilitate sound and effective planning and management, to provide for effective public interpretation and education, to ensure continued study of the relationship of humans and these raptors, to preserve the unique and irreplaceable habitat of the conservation area, and to conserve and properly manage the other natural resources of the area in concert with maintenance of this habitat.

(10) An ongoing research program funded by the Bureau of Land Management and the National Guard is intended to provide information to be used in connection with future decision-making concerning management of all uses, including continued military use, of public lands within the Snake River Birds of Prey Area.

(11) Public lands in the Snake River Birds of Prey Area have been used for domestic livestock grazing for more than a century, with resultant benefits to community stability and contributions to the local and State economies. It has not been demonstrated that continuation of this use would be incompatible with appropriate protection and sound management of raptor habitat and the other resource values of these lands; therefore, subject to the determination provided for in section 4(f), it is expected that such grazing will continue in accordance with applicable regulations of the Secretary and the management plan for the conservation area.

(12) Hydroelectric facilities for the generation and transmission of electricity exist within the Snake River Birds of Prey Area pursuant to a license(s) issued by the Federal Energy Regulatory Commission, or its predecessor, the Federal Power Commission.

SEC. 2. DEFINITIONS.

As used in this Act:

(1) The term "Secretary" means the Secretary of the Interior.

(2) The term "conservation area" means the Snake River Birds of Prey National Conservation Area established by section 3.

(3) The term "raptor" or "raptors" means individuals or populations of eagles, falcons, owls, hawks, and other birds of prey.

(4) The term "raptor habitat" includes the habitat of the raptor prey base as well as the nesting and hunting habitat of raptors within the conservation area.

(5) The term "Memorandum of Understanding" means the Memorandum of Understanding #ID–237, dated May 1985, between the State of Idaho Military Division and the Bureau of Land Management.

(6) The term "Orchard Training Area" means that area generally so depicted on the map referred to in section 3(b), and as described in the Memorandum of Understanding as well as the air space over the same.

(7) The term "Impact Area" means that area which was used for the firing of live artillery projectiles and is used for live fire ranges of all types and, therefore, poses a danger to public safety and which is generally so depicted on the map referred to in section 3(b).

(8) The term "Artillery Impact Area" means that area within the Impact Area into which live projectiles are fired, which is generally described as that area labeled as such on the map referred to in section 3(b).

(9) The term "the plan" means the comprehensive management plan developed for the conservation area, dated August 30, 1985, together with such revisions thereto as may be required in order to implement this Act.

(10) The term "hydroelectric facilities" means all facilities related to the generation, transmission, and distribution of hydroelectric power and which are subject to, and authorized by, a license(s), and any and all amendments thereto, issued by the Federal Energy Regulatory Commission.

SEC. 3. ESTABLISHMENT OF NATIONAL CONSERVATION AREA.

(a) ESTABLISHMENT AND PURPOSES.—(1) There is hereby established the Snake River Birds of Prey National Conservation Area (hereafter referred to as the "conservation area").

(2) The purposes for which the conservation area is established, and shall be managed, are to provide for the conservation, protection, and enhancement of raptor populations and habitats and the natural and environmental resources and values associated therewith, and of the scientific, cultural, and educational resources and values of the public lands in the conservation area.

(3) Subject to the provisions of subsection (d) of this section and section 4, uses of the public lands in the conservation area existing on the date of enactment of this Act shall be allowed to continue.

(b) AREA INCLUDED.—The conservation area shall consist of approximately 482,457 acres of Federally owned lands and interests therein managed by the Bureau of Land Management as generally depicted on the map entitled "Snake River Birds of Prey National Conservation Area", dated November 1991.

(c) MAP AND LEGAL DESCRIPTION.—As soon as is practicable after enactment of this Act, the map referred to in subsection (b) and a legal description of the conservation area shall be filed by the Secretary with the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate. Each such map shall have the same force and effect as if included in this Act; except that the Secretary may correct clerical and typographical errors in such map and legal description. Each such map shall be on file and available for public inspection in the office of the Director and the Idaho State Director of the Bureau of Land Management of the Department of the Interior.

(d) WITHDRAWALS.—Subject to valid existing rights, the Federal lands within the conservation area are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws; and from entry, application, and selection under the Act of March 3, 1877 (Ch. 107, 19 Stat. 377, 43 U.S.C. 321 et seq.; commonly referred to as the "Desert Lands Act"), section 4 of the Act of August 18, 1894 (Ch. 301, 28 Stat. 422; 43 U.S.C. 641; commonly referred to as the "Carey Act"), the Act of July 3, 1890 (Ch. 656, 26 Stat. 215; commonly referred to as the "State of Idaho Admissions Act"), section 2275 of the Revised Statutes, as amended (43 U.S.C. 851), and section 2276 of the Revised Statutes, as amended (43 U.S.C. 852). The Secretary shall return to the applicants any such applications pending on the date of enactment of this Act, without further action. Subject to valid existing rights, as of the date of enactment of this Act, lands within the Birds of Prey Conservation Area are withdrawn from location under the general mining laws, the operation of the mineral and geothermal leasing laws, and the mineral material disposal laws, except that mineral materials subject to disposal may be made available from existing sites to the extent compatible with the purposes for which the conservation area is established.

SEC. 4. MANAGEMENT AND USE.

(a) IN GENERAL.—(1)(A) Within 1 year after the date of enactment of this Act, the Secretary shall make any revisions in the existing management plan for the conservation area as necessary to assure its conformance with this Act, and no later than January 1, 1996, shall finalize a new management plan for the conservation area.

(B) Thereafter, the Secretary shall review the plan at least once every 5 years and shall make such revisions as may be necessary or appropriate.

(C) In reviewing and revising the plan, the Secretary shall provide for appropriate public participation.

(2) Except as otherwise specifically provided in section 3(d) and subsections (d), (e), and (f) of this section, the Secretary shall allow only such uses of lands in the conservation area as the Secretary determines will further the purposes for which the Conservation Area is established.

(b) MANAGEMENT GUIDANCE.—After each review pursuant to subsection (a), the Secretary shall make such revisions as may be needed so that the plan and management program to im-

plement the plan include, in addition to any other necessary or appropriate provisions, provisions for—

(1) protection for the raptor populations and habitats and the scientific, cultural, and educational resources and values of the public lands in the conservation area;

(2) identifying levels of continued military use of the Orchard Training Area compatible with paragraph (1) of this subsection;

(3) public use of the conservation area consistent with the purposes of this Act;

(4) interpretive and educational opportunities for the public;

(5) a program for continued scientific investigation and study to provide information to support sound management in accordance with this Act, to advance knowledge of raptor species and the resources and values of the conservation area, and to provide a process for transferring to other areas of the public lands and elsewhere this knowledge and management experience;

(6) such vegetative enhancement and other measures as may be necessary to restore or enhance prey habitat;

(7) the identification of levels, types, timing, and terms and conditions for the allowable nonmilitary uses of lands within the conservation area that will be compatible with the protection, maintenance, and enhancement of raptor populations and habitats and the other purposes for which the conservation area is established; and

(8) assessing the desirability of imposing appropriate fees for public uses (including, but not limited to, recreational use) of lands in the conservation area, which are not now subject to fees, to be used to further the purposes for which the conservation area is established.

(c) VISITORS CENTER.—The Secretary, acting through the Director of the Bureau of Land Management, is authorized to establish, in cooperation with other public or private entities as the Secretary may deem appropriate, a visitors center designed to interpret the history and the geological, ecological, natural, cultural, and other resources of the conservation area and the biology of the raptors and their relationships to man.

(d) VISITORS USE OF AREA.—In addition to the Visitors Center, the Secretary may provide for visitor use of the public lands in the conservation area to such extent and in such manner as the Secretary considers consistent with the protection of raptors and raptor habitat, public safety, and the purposes for which the conservation area is established. To the extent practicable, the Secretary shall make available to visitors and other members of the public a map of the conservation area and such other educational and interpretive materials as may be appropriate.

(e) NATIONAL GUARD USE OF THE AREA.—(1) Pending completion of the ongoing research concerning military use of lands in the conservation area, or until the date 5 years after the date of enactment of this Act, whichever is the shorter period, the Secretary shall permit continued military use of those portions of the conservation area known as the Orchard Training Area in accordance with the Memorandum of Understanding, to the extent consistent with the use levels identified pursuant to subsection (b)(2) of this section.

(2) Upon completion of the ongoing research concerning military use of lands in the conservation area, the Secretary shall review the management plan and make such additional revisions therein as may be required to assure that it meets the requirements of this Act.

(3) Upon completion of the ongoing research concerning military use of lands in the conservation area, the Secretary shall submit to the Committees on Natural Resources and Merchant Marine and Fisheries of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report of the results of such research.

(4) Nothing in this Act shall preclude minor adjustment of the boundaries of the Orchard Training Area in accordance with provisions of the Memorandum of Understanding.

(5) After completion of the ongoing research concerning military use of lands in the Orchard Training Area or after the date 5 years after the date of enactment of this Act, whichever first occurs, the Secretary shall continue to permit military use of such lands, unless the Secretary, on the basis of such research, determines such use is not compatible with the purposes set forth in section 3(a)(2). Any such use thereafter shall be permitted in accordance with the Memorandum of Understanding, which may be extended or renewed by the Secretary so long as such use continues to meet the requirements of subsection (b)(2) of this section.

(6) In accordance with the Memorandum of Understanding, the Secretary shall require the State of Idaho Military Division to insure that military units involved maintain a program of decontamination.

(7) Nothing in this Act shall be construed as by itself precluding the extension or renewal of the Memorandum of Understanding, or the construction of any improvements or buildings in the Orchard Training Area so long as the requirements of this subsection are met.

(f) LIVESTOCK GRAZING.—(1) So long as the Secretary determines that domestic livestock grazing is compatible with the purposes for which the conservation area is established, the Secretary shall permit such use of public lands within the conservation area, to the extent such use of such lands is compatible with such purposes. Determinations as to compatibility shall be made in connection with the initial revision of management plans for the conservation area and in connection with each plan review required by section 4(a)(1)(B).

(2) Any livestock grazing on public lands within the conservation area, and activities the Secretary determines necessary to carry out proper and practical grazing management programs on such lands (such as animal damage control activities) shall be managed in accordance with the Act of June 28, 1934 (43 U.S.C. 315 et seq.; commonly referred to as the "Taylor Grazing Act"), section 402 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1752), other laws applicable to such use and programs on the public lands, and the management plan for the conservation area.

(g) COOPERATIVE AGREEMENTS.—The Secretary is authorized to provide technical assistance to, and to enter into such cooperative agreements and contracts with, the State of Idaho and with local governments and private entities as the Secretary deems necessary or desirable to carry out the purposes and policies of this Act.

(h) AGRICULTURAL PRACTICES.—Nothing in this Act shall be construed as constituting a grant of authority to the Secretary to restrict recognized agricultural practices or other activities on private land adjacent to or within the conservation area boundary.

(i) HYDROELECTRIC FACILITIES.—Notwithstanding any provision of this Act, or regulations and management plans undertaken pursuant to its provisions, the Federal Energy Regulatory Commission shall retain its current jurisdiction concerning all aspects of the continued and future operation of hydroelectric facilities, licensed or relicensed under the Federal Power Act (16 U.S.C. 791a et seq.), located within the boundaries of the conservation area.

SEC. 5. ADDITIONS.

(a) ACQUISITIONS.—(1) The Secretary is authorized to acquire lands and interests therein within the boundaries of the conservation area by donation, purchase with donated or appropriated funds, exchange, or transfer from another Federal agency, except that such lands or interests owned by the State of Idaho or a political subdivision thereof may be acquired only by donation or exchange.

(2) Any lands located within the boundaries of the conservation area that are acquired by the United States on or after the date of enactment of this Act shall become a part of the conservation area and shall be subject to this Act.

(b) PURCHASE OF LANDS.—In addition to the authority in section 318(d) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1748) and notwithstanding section 7(a) of the Land and Water Conservation Fund Act of 1964 (16 U.S.C. 4601–9(a)), monies appropriated from the Land and Water Conservation Fund may be used as authorized in section 5(b) of the Endangered Species Act of 1973 (16 U.S.C. 1534(b)), for the purposes of acquiring lands or interests therein within the conservation area for administration as public lands as a part of the conservation area.

(c) LAND EXCHANGES.—The Secretary shall, within 4 years after the date of enactment of this Act, study, identify, and initiate voluntary land exchanges which would resolve ownership related land use conflicts within the conservation area.

SEC. 6. OTHER LAWS AND ADMINISTRATIVE PROVISIONS.

(a) OTHER LAWS.—(1) Nothing in this Act shall be construed to supersede, limit, or otherwise affect administration and enforcement of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or to limit the applicability of the National Trails System Act to any lands within the conservation area.

(2) Except as otherwise specifically provided in this Act, nothing in this Act shall be construed as limiting the applicability to lands in the conservation area of laws applicable to public lands generally, including but not limited to the National Historic Preservation Act, the Archaeological Resources Protection Act of 1979, or the Native American Graves Protection and Repatriation Act.

(3) Nothing in this Act shall be construed as by itself altering the status of any lands that on the date of enactment of this Act were not managed by the Bureau of Land Management.

(4) Nothing in this Act shall be construed as prohibiting the Secretary from engaging qualified persons to use public lands within the conservation area for the propagation of plants (including seeds) to be used for vegetative enhancement of the conservation area in accordance with the plan and in furtherance of the purposes for which the conservation area is established.

(b) RELEASE.—The Congress finds and directs that the public lands within the Snake River Birds of Prey Natural Area established as a natural area in October 1971 by Public Land Order 5133 have been adequately studied and found unsuitable for wilderness designation pursuant to section 603 of the Federal Land Policy and Management Act of 1976. Such lands are hereby released from further management pursuant to section 603(c) of such an Act and shall be managed in accordance with other applicable provisions of law, including this Act.

(c) EXISTING ADMINISTRATIVE WITHDRAWAL TERMINATED.—Public Land Orders 5133 dated October 12, 1971, and 5777 dated November 21, 1980, issued by the Secretary are hereby revoked subject to subsections (d)(3) and (d)(4).

(d) WATER.—(1) The Congress finds that the United States is currently a party in an adjudication of rights to waters of the Snake River, including water rights claimed by the United States on the basis of the reservation of lands

for purposes of conservation of fish and wildlife and that consequently there is no need for this Act to effect a reservation by the United States of rights with respect to such waters in order to fulfill the purposes for which the conservation area is established.

(2) Nothing in this Act or any action taken pursuant thereto shall constitute either an expressed or implied reservation of water or water rights for any purpose.

(3) Nothing in this Act shall be construed as effecting a relinquishment or reduction of any of the water rights held or claimed by the United States within the State of Idaho or elsewhere on or before the date of enactment of this Act.

(4) The Secretary and all other officers of the United States shall take all steps necessary to protect all water rights claimed by the United States in the Snake River adjudication now pending in the district court of the State of Idaho in which the United States is joined under section 208 of the Act of July 10, 1952 (66 Stat. 560; 43 U.S.C. 666; commonly referred to as the "McCarran Amendment").

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from Utah [Mr. HANSEN] will be recognized for 20 minutes.

The Chair now recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 236, the bill being considered.

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

There was no objection.

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

Mr. Speaker, H.R. 236, introduced by the gentleman from Idaho [Mr. LAROCCO], is a bill to designate the Snake River Birds of Prey National Conservation Area, in Idaho.

The bill affects public lands managed by the Bureau of Land Management, the BLM, that are located about 30 miles south of Boise, ID, along the Snake River.

Nowhere else on this continent do climate, vegetation, and soils merge to create such an important habitat for birds of prey, and this area supports North America's densest known nesting populations of eagles, hawks, falcons, owls, and other raptors.

Each year, over 600 pairs of raptors, representing some 15 different species, return to the area to breed and rear their young. These include peregrine and prairie falcons; bald and golden eagles; kestrels; great-horned, screech, barn, burrowing, and long-eared owls; red-tailed, ferruginous, swainson's, and marsh hawks; ravens; and turkey vultures.

This bill deals with lands that have very special qualities that certainly qualify for designation as a BLM National Conservation Area.

H.R. 236 is similar but not identical to a bill that the House passed in the last Congress. Let me briefly explain the background of this bill and the evolutionary process that has produced the version of the legislation that is before the House today.

In the last Congress, consideration of Mr. LAROCCO's birds of prey bill began in August 1991, with a subcommittee field inspection and field hearing in Idaho, followed by a further hearing here in Washington. The bill was approved in committee on November 20, and the House passed the bill on November 23, 1991.

For nearly a year after that, the Senate took no action on the bill. Finally, in September 1992, it was reported from the Senate committee in considerably amended form.

With time running out, discussions were held to see if agreement could be reached on compromises that would bridge the gaps between the House-passed version and the version reported in the other body.

Those discussions resulted in agreement on a revised version that was in fact passed by the Senate on October 7, 1992. However, as Members who served in the last Congress will recall, the parliamentary situation was such that the House was unable to act further on this and many other matters, and so the bill died with the sine die adjournment of the 102d Congress.

H.R. 236, as introduced by Mr. LAROCCO on January 5 of this year, embodies the compromises worked out at the end of last session.

As a result, in several respects the bill is somewhat different from the overall version that the House passed in 1991.

For example this measure is stronger than the version reported from committee last Congress in the Senate, and in one respect stronger than the previous version passed by the House.

A very important point about this bill, Mr. Speaker, is that the lands involved had been given a special management status by administrative actions, most recently by public land orders issued in 1980 by then-Secretary of the Interior Cecil Andrus, now the Governor of Idaho.

However, under the Federal Land Policy and Management Act of 1976, such public land orders are not permanent. Their effectiveness is limited to 20 years.

The purpose of Mr. LAROCCO's bill, like that of the version passed by the House in 1991, is to replace the temporary administrative designation and management requirements with a permanent, statutory designation, and management requirements. This makes the bill very different from most measures to designate BLM-managed public lands as national conservation areas.

That difference is reflected in the provisions of the bill, particularly those dealing with three existing uses of these lands—materials disposals, grazing, and military uses.

The House-passed bill of 1991 would have left the Secretary with complete discretion to dispose of sand, gravel, and similar materials located within the new national conservation area. The Senate committee's version would have prohibited any such disposals. The bill now before the House includes language to permit continued disposals of materials from existing permits, so long as that was compatible with the purposes of the conservation area, but prohibit establishment of any new disposal sites. In this respect, this bill is more restrictive than the House-passed version of 1991.

On grazing and on military use, the bill now before the House would be slightly less stringent than the version the House passed in 1991.

Livestock grazing is currently permitted on the lands covered by the bill. The 1991 House bill would have authorized the Secretary to permit grazing to continue to the extent that the Secretary determined it to be compatible with the purposes of the conservation area. The bill now before the House says that determinations about compatibility will be part of the management-planning process, and so long as the Secretary does determine grazing is compatible with the purposes, grazing shall be permitted.

The effect of this is to provide for a regular process of decision-making about grazing in terms of its compatibility with the purposes of the conservation area.

On military uses, both the House-passed bill of 1991 and this bill would assure that the National Guard could continue to use the orchard training area—within the boundaries of the conservation area—until the completion of an ongoing research project about the effects of this use, that is, for up to 5 more years.

The 1991 House bill provided that after that period, the Secretary could permit military use to continue, to the extent that it was determined that this would be compatible with the purposes of the conservation area. The bill now before the House provides that after the research period, the military use will continue unless the Secretary determines that it would not be compatible with the purposes.

In short, this version shifts the burden of proof, so that ending of military use would have to be based on a determination of incompatibility.

As I noted, Mr. Speaker, the measure is different with such compromises, but I think that in the particular context of this bill they are acceptable—especially since this bill is primarily intended to codify into law the current status and management of these lands.

They would not necessarily be acceptable in other contexts or with respect to other lands that might be proposed for national conservation area status.

For example, in no way should the guidelines contained in this bill for determining the compatibility of secondary uses be viewed as precedent-setting for future legislation. This is particularly significant for compatibility determinations on other BLM-managed national conservation areas or, for that matter, with respect to units of the National Wildlife Refuge System.

Similarly, Mr. Speaker, the bill includes an explicit statement that designation of the area as a national conservation area is not to be construed as effecting a new reservation of a Federal water right. This is an expansion of the language of the bill passed by the House in 1991, which merely stated the finding that no such new reserved right was necessary in view of previous administrative actions. But, like the bill the House passed in 1991, this bill will not diminish any water rights of the United States in Idaho.

In summary, Mr. Speaker, this is a good bill that appropriately provides for the protection and sound management of a very special part of the Nation's public lands. I want to commend the gentleman from Idaho, Congressman LARRY LAROCCO, for the persistence and hard work that have enabled us to bring the bill before the House today, and I urge the House to approve the bill.

□ 1410

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

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, I rise in support of H.R. 236 which has been described in detail by Chairman VENTO.

I would like to congratulate our former colleague, who is now in the other body, and Mr. LAROCCO for their hard work and willingness to accommodate ranchers, the military, and others who use these lands for their livelihoods. This bill is living proof that diverse groups can be brought together to protect a truly unique area.

I would particularly like to commend them and Chairman VENTO for section 6(d) which disclaims a Federal-reserved water right for this proposed national conservation area. I am hopeful that this language can be used to establish a precedent for new wilderness areas and national conservation areas in the arid West.

My only concern with this legislation is the grandiose plans BLM has for an $8 million visitor center. I would hope that the Idaho delegation could scale this plan down when they request appropriations for this purpose in the future.

I urge my colleagues to support H.R. 236.

Mr. Speaker, I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the principal architect of this bill, the gentleman from Idaho [Mr. LAROCCO].

Mr. LAROCCO. Mr. Speaker, I rise today in support of H.R. 236, my legislation to make permanent the Snake River Birds of Prey National Conservation Area in Idaho. Passage of this legislation will mark the establishment of the eighth national conservation area in the United States.

The Snake River Birds of Prey Area contains some 482,000 acres of canyons and plateaus along 81 miles of the Snake River in southwest Idaho.

This special high desert is home to the densest nesting concentration of birds of prey in North America. More than 600 pairs of raptors nest there including bald eagles, peregrine falcons, and red-tailed hawks.

Some of the canyon walls along the Snake River soar as much as 375 feet, providing ideal nesting sites for the birds of prey.

Deep, wind-blown soil covers the expansive plateaus above the canyons. This fine-textured earth contains all the characteristics which make the area a perfect site for an unusual variety and number of small, burrowing animals—food for the raptors.

Not only does the area provide unique habitat for birds of prey, but the story of human use of the area is also remarkable.

The Snake River Canyon contains some of the oldest native American archaeological sites in Idaho. The discovery of gold in the 1860's in the nearby Owyhee Mountains brought settlement to the area.

Today, ranching, power generation, recreation and the National Guard training continue to exist as multiple uses of the Birds of Prey Area.

In 1984, when the World Center for Birds of Prey sought a new home, it found it in Boise, ID, located only a few miles from the area. The center, operated by the Peregrine Fund, conducts research on endangered species of raptors in conjunction with Boise State University.

Today, the entire Snake River birds of prey network is recognized by conservationists worldwide.

Mr. Speaker, on my election to Congress in 1990, I made the permanent protection of the Snake River Birds of Prey Area a priority so I am especially gratified for today's passage of H.R. 236 by the House.

Along the way, a number of people have played critical roles in reaching today's House action. Among them are Gov. Cecil Andrus, who as Secretary of the Interior in 1980, issued a public land order to protect the lands from development.

In 1991, the chairman of the Subcommittee on National Parks, Forests and Public Lands, Mr. VENTO, came to Idaho to hold a field hearing and to inspect the conservation area. I thank Chairman VENTO and his staff, particularly Stan Sloss, for all their assistance with this legislation.

I also thank Congressman JIM HANSEN of Utah, the ranking minority member of the Public Lands Subcommittee, and former Congressman Robert Lagomarsino of California, for their help.

During the last Congress, different versions of the bill passed both the House and the Senate, but time ran out before it could be approved by both Houses.

Early this year, I introduced a revised bill which reflected an agreement with the senior Senator from Idaho, Senator CRAIG, the chairman of the Natural Resources Committee, Mr. MILLER, and Mr. VENTO.

Others who deserve recognition include such diverse groups as the Idaho Cattle Association, the Sierra Club, the Idaho Conservation League and the Idaho Water Users Association, the Audubon Society and Idaho National Guard.

Mr. Speaker, as one of eight national conservation areas, the Snake River Birds of Prey Area represents a common-sense approach to resource management as advocated by the Bureau of Land Management.

Fulfilling the BLM's multiple-use mission requires the thoughtful management of a diversity of resources, uses and values. Conservation of natural resources is an important element in multiple-use management. The national conservation area designation has become a valuable tool for BLM managers in conserving nationally significant resource values.

NCA's encompass lands of national outstanding values which can be managed for a variety of uses with heightened sensitivity to identified resource values. The seven current NCA's are the result of separate and different statutory actions by the Congress between 1970 and 1990.

One area, the California Desert NCA was included as part of the Federal Land Policy Management Act. Two others, the Steese NCA and the Gila Box NCA in Arizona were created as part of larger wilderness acts. The others, King Range NCA in California, El Malpais NCA in New Mexico, San Pedro NCA in Arizona, and Red Rock Canyon NCA in Nevada were created by single-purpose statutes.

The Snake River Birds of Prey Area will take its place as a valuable addition to the national conservation area system.

Mr. Speaker, I am submitting an editorial from today's Idaho Statesman, entitled Diligence May Finally Win Birds Bill to be reprinted in the RECORD following my statement.

The editorial states:

A Birds of Prey protection bill is expected to fly out of the U.S. House of Representatives today, At last.

I could not agree more, Mr. Speaker, and I urge my colleagues to support passage of H.R. 236.

[From The Idaho Statesman, May 11, 1993]

DILIGENCE MAY FINALLY WIN BIRDS BILL

A Birds of Prey protection bill is expected to fly out of the U.S. House of Representatives today. At last.

Credit Idaho Rep. Larry LaRocco for sticking to his 1990 campaign promise to win protection for the home of one of the world's densest populations of eagles, hawks and other raptors.

The bill next goes to the Senate, where Idaho Sen. Larry Craig has also pledged to work for passage.

Gov. Cecil Andrus, as Interior secretary in 1981, set aside 482,000 acres along the Snake River south of Boise for a Birds of Prey Natural Area. That interim protection will expire in the year 2000.

Permanent protection for Birds of Prey nearly made it out of Congress last year, but instead was crushed in the gridlock of the 102d Congress.

Although LaRocco and Craig have had their differences along the way, both invested a good deal of time working through concerns about water rights and grazing. The payoff for their diligence will be permanent protection for an area that has brought southern Idaho worldwide attention.

Mr. VENTO. Mr. Speaker, I ask Members to support this bill, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 236, 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.

LECHUGUILLA CAVE PROTECTION ACT OF 1993

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 698) to protect Lechuguilla Cave and other resources and values in and adjacent to Carlsbad Caverns National Park, as amended.

H.R. 698

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

SECTION 1. SHORT TITLE, FINDING, AND DEFINITIONS.

(a) SHORT TITLE.—this act may be cited as the "Lechuguilla Cave Protection Act of 1993".

(b) FINDING.—Congress finds and declares that Lechuguilla Cave and other significant cave resources of Carlsbad Caverns National Park and adjacent public lands in the cave protection area have internationally-significant scientific, environmental, and other values and should be retained in public ownership and protected against adverse effects of mineral exploration and development and other activities presenting threats to those values.

(c) DEFINITIONS.—As used in this Act—

(1) the term "the Secretary" means the Secretary of the Interior.

(2) the term "cave protection area" means the lands within the area depicted on the map referred to in section 2(b).

(3) except as otherwise specified in this Act, all other terms, including the term "public lands," shall have the same meaning as such terms have in the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq).

SEC. 2. LAND WITHDRAWAL.

(a) WITHDRAWAL.—Subject to valid existing rights, the approximately 6,280 acres of public lands within the cave protection area, and all other lands within the boundaries of the cave protection area which may hereafter become subject to the operation of the public land laws, are hereby withdrawn from all forms of appropriation or disposal under the public land laws (including the mining and material disposal laws) and from the operation of the mineral leasing and geothermal leasing laws.

(b) LAND DESCRIPTION.—The lands referred to in subsection (a) are the lands generally depicted on the map entitled "Lechuguilla Cave Protection Area" dated April 1993 and filed in accordance with subsection (c).

(c) PUBLICATION, FILING, CORRECTION, AND INSPECTION.—(1) As soon as possible after the date of enactment of this Act, the Secretary shall publish in the Federal Register a notice containing the legal description of the lands withdrawn by subsection (a) and shall file such legal description and a detailed map of the lands referred to in such subsection with the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(2) The map and legal description referred to in paragraph (1) shall have the same force and effect as if included in this Act except that the Secretary may correct clerical and typographical errors in such map and legal description.

(3) Copies of the map and legal description referred to in subsection (b) shall be available for public inspection in the offices of the Director and appropriate State Director of the Bureau of Land Management.

(d) MANAGEMENT.—The public lands withdrawn by this section shall be managed by the Secretary, through the Director of the Bureau of Land Management, pursuant to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 17901 et seq.) and other applicable law, including this Act.

SEC. 3. MANAGEMENT OF EXISTING LEASES.

(a) SUSPENSION OF NEW DRILLING.—(1)(A) Effective on the date of enactment of this Act, the Secretary shall not permit any new drilling on or involving any valid mineral or geothermal leases within the lands withdrawn by section 2.

(B) If the Secretary deems it appropriate in order to prevent an adverse impact on Lechuguilla Cave or other significant cave resources of Carlsbad Caverns National Park and the lands within the cave protection area, the Secretary shall require suspension of any other activities with respect to such leases.

(2) The prohibition on new drilling imposed by paragraph (1) shall remain in effect until the effective date of a record of decision regarding the proposal to drill analyzed in the Dark Canyon Environmental Impact Statement, or for 12 months after the date of enactment of this Act, whichever first occurs. Nothing in this subsection shall be construed as requiring the Secretary to permit or prohibit new drilling after such period.

(b) NEGOTIATIONS.—(1) During the period specified in subsection (a)(2), the Secretary shall seek the agreement of the holders of existing valid mineral or geothermal leases on the public lands withdrawn by section 2(a) for the termination of such leases or to such restrictions on activities on lands covered by such leases as the Secretary deems appropriate to protect Lechuguilla Cave and the other significant cave resources of Carlsbad Caverns National Park and the lands within the cave protection area.

(2)(A) With respect to any lease for which no agreement of the type described in paragraph (1) of this subsection has been reached at the end of the period specified in subsection (a)(2), the Secretary shall take such steps as the Secretary deems appropriate in order to protect Lechuguilla Cave and the other significant cave resources of Carlsbad Caverns National Park and the lands within the cave protection area.

(B) The steps referred to in subparagraph (A) may include acquisition of the lands covered by such leases or any interests therein. In the event of such acquisition, and lands or interests therein so acquired shall be managed pursuant to the Federal Land Policy and Management Act of 1976 and other applicable law, including this Act.

(3) To the extent the Secretary deems desirable, the Secretary shall seek the cooperation of the State of New Mexico and any other parties owning lands within the cave protection area with respect to such restrictions on the use of relevant lands owned by such parties as the Secretary may suggest in order to further the protection of Lechuguilla Cave and the other significant cave resources of Carlsbad Caverns National Park and the lands within the cave protection area.

SEC. 4. ADDITIONAL PROTECTION AND RELATION TO OTHER LAWS.

(a) ADDITIONAL PROTECTION.—(1) If on the basis of scientific analysis found by the Secretary to be relevant and credible, the Secretary deems it appropriate to take additional steps to protect Lechuguilla Cave or the other significant cave resources of Carlsbad Caverns National Park and the lands within the cave protection area, the Secretary, pursuant to the authority of the Federal land Policy and Management Act of 1976 or other applicable law, shall take such steps.

(2) To the extent the Secretary finds appropriate in order to protect Lechuguilla Cave and the other significant cave resources of Carlsbad Caverns National Park or the lands within the cave protection area, the Secretary may limit or prohibit access to or across lands owned by the United States or prohibit the removal from such lands of any mineral, geological, or cave resources except as the Secretary may permit for scientific purposes.

(3) If the Secretary determines that existing law, including this Act, provides the Secretary insufficient authority to take any step the Secretary deems desirable in order to protect Lechuguilla Cave or other significant cave resources of Carlsbad Caverns National Park or the lands within the cave protection area, the Secretary shall inform the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate concerning the additional authority the Secretary believes desirable.

(b) RELATION TO OTHER LAWS.—Nothing in this Act shall be construed as increasing or diminishing the ability of any party to seek compensation pursuant to other applicable

law, including but not limited to the Tucker Act (28 U.S.C. 1491), or as precluding any defenses or claims otherwise available to the United States in connection with any action seeking such compensation from the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from Utah [Mr. HANSEN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill presently under consideration.

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

There was no objection.

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

Mr. Speaker, H.R. 698 is a measure I introduced earlier this year to provide additional protection for Lechuguilla Cave and the other resources and values of Carlsbad Caverns National Park in New Mexico, as well as the cave resources and values of certain adjacent lands.

Lechuguilla Cave, is acknowledged by scientists and cavers as a world-class resource, is the deepest cave in the United States. It is also very large, extending for more than 60 miles—exceeding Carlsbad Cavern itself—with the possibility that only a small percentage of its full size has been mapped.

It also contains many unusual features, such as gypsum chandeliers described by experts as the best examples of such formations in the world.

The gentleman from New Mexico [Mr. RICHARDSON], members of the New Mexico delegation, and others have for some time expressed concern that existing law might not be adequate to assure proper protection of this world-class resource.

Recently, serious concerns about possible effects of oil and gas drilling on Lechuguilla and other cave resources have heightened as there has been increased mineral exploration activity in the general area.

In response, during the last Congress I proposed withdrawing BLM lands in the Dark Canyon area, adjacent to the national park, from mineral entry and mineral leasing. That withdrawal was approved by the then Interior and Insular Affairs Committee as part of the bill to withdraw other public lands for the waste isolation pilot project facility, but it was not included in the final version of that legislation.

The purpose of H.R. 698 is to make a similar withdrawal, and also to address possible development of already existing mineral leases where drilling or other activities could present a risk to Lechuguilla or other significant cave resources.

Since the introducing of the bill, I've worked with the gentleman from New Mexico [Mr. SKEEN], in whose district the affected lands are located, and I am glad to be able to inform the House that we were able to reach an agreement on a revised version of the bill that is acceptable to both of us and to the administration as well.

The Committee on Natural Resources adopted an amendment in the nature of a substitute that embodies our agreement, and that is the version of the bill that is now before the House.

The bill as reported provides for withdrawal of about 6,280 acres of public lands within an area described as a "cave protection area" adjoining Carlsbad Caverns National Park on the north. The boundaries of the cave protection area are based on suggestions from the administration, and reflect the work of their geologists and other experts.

The cave protection area includes some lands owned by the State of New Mexico and other parties besides the United States, but these non-Federal lands would not be affected by the withdrawal or the other provisions of the bill that relate to the Federal lands.

As to existing leases in the cave protection area, the substitute would prohibit any new drilling until BLM issues a record of decision on the one pending application for such drilling, or for 1 year after the bill's enactment—whichever comes first.

During this moratorium period, the Secretary of the Interior would be required to negotiate with the leaseholders to see if agreement can be reached on whatever restrictions the Secretary believes appropriate in order to protect Lechuguilla and the other significant cave resources in the national park and the cave protection area.

At the end of the moratorium period, the Secretary of the Interior would be required to take whatever action is needed, in the absence of an agreement, to protect these resources. That could include acquisition of some or all of the leases, but the choice of options would be left to the Secretary.

Under the bill, if the Secretary thinks it is desirable, the Secretary is to seek the cooperation of the State of the New Mexico or other parties that own the non-Federal lands in the cave protection area, regarding restrictions on uses of those non-Federal lands the Secretary may suggest in order to further the protection of Lechuguilla Cave and the other significant cave resources of the national park and the cave protection area. Let me stress that there is nothing in the substitute that directly affects these non-Federal lands—we merely provide that the Secretary can seek the cooperation of their owners.

To supplement these provisions, the bill directs the Secretary of the Interior to use existing authority to the extent appropriate to protect Lechuguilla and the other significant cave resources covered by the bill, and directs that if this authority is inadequate, the Secretary is to inform the Natural Resources Committee and request additional authority.

The bill also provides some additional authority for control of collection of cave resources, as requested by the administration at our hearing.

Finally, the bill includes specific language to make clear that the bill will not affect the rights of any party to seek compensation for any claimed taking of property, through existing channels such as the Court of Claims.

Mr. Speaker, as I said, this substitute has been worked out on a bipartisan basis. I believe that it will provide appropriate protection for Lechuguilla and other significant cave resources in a way that so far as I know is acceptable to all concerned.

I want to express my appreciation for the cooperation and the contributions made by the gentleman from New Mexico [Mr. SKEEN] which made it possible for us to bring this measure before the House today. I urge the approval of the bill.

□ 1420

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

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico [Mr. SKEEN], the chief sponsor of this piece of legislation.

Mr. SKEEN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I appreciate the efforts made by the chairman and ranking member of the National Parks, Forests, and Public Lands Subcommittee to work with me in developing legislation which protects Lechuguilla Cave and those leaseholders in my district who are directly affected by this bill. I am concerned about the idea of buffer zones and the cost to the taxpayer, but this bill represents a compromise which I helped draft and which I support completely.

Lechuguilla Cave is a world renowned natural resource located near Carlsbad National Park, formed from limestone and gypsum with many fractures and a very permeable bedrock. Over 60 miles of cave have been discovered so far, and yet this is estimated to be only 5 percent of its total mass. Truly this is one of the most extraordinary caves ever discovered.

This particular area and geological formation also happen to be very rich in oil and gas. The further this cave extends, the greater the potential for conflict due to the dangers associated

with hydrocarbon gases infiltrating Lechuguilla Cave and the Carlsbad Caverns. Hydrocarbon contamination of these internationally known natural wonders could pose a safety problem to researchers and visitors who may be in the caves at the time of a leak.

Mr. VENTO and I drafted this bill to protect this natural resource, as well as the researchers and visitors in the caves. And we made certain that oil producers and their constitutional rights are protected. If an active lease is affected, we should provide the fair market value compensation for the taking of their leases. I believe this should include the value at which the potential reserve is valued. Oil and gas producers spend millions of dollars developing the appropriate infrastructure, and many years of expertise are required before leases are acquired from the Federal Government. This bill does not authorize any appropriations; however, it does provide a mechanism for the lease owners to seek compensation.

Absent the drilling of a well, the Interior Department, or anyone else for that matter, cannot give absolute assurance that drilling activity will not have an adverse affect on the cave resources. Therefore, in my opinion, we must continue to work toward developing a strategy which will deal with future conflicts; it must be a reasonable solution which does not shut out the interests of the oil and gas producers.

It was January 28, 1991, when one of the owners of a lease, Yates Energy Corp., submitted an application to drill [APD] and was notified by BLM that the APD would not be approved within the normal 30 days. Two years later BLM had informed Yates that they are strongly considering a no-drill recommendation.

It is appropriate that we leave the decision of whether or not oil and gas production will have an effect upon Lechuguilla to the Secretary of the Interior. In this protected area which is the closest to the cave, we should prevent further oil and gas activity as long as we compensate the leaseholders. I believe this bill is a good compromise in this regard.

Again, I commend Chairman VENTO and Mr. HANSEN for giving this issue the heightened awareness that it deserves. I look forward to working with you to protect this cave and provide adequate compensation to the oil and gas industry which is vital to sustaining the current tax base in our rural communities.

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

Mr. Speaker, let me first state my appreciation to Chairman VENTO for his willingness to work with the Member who represents the area, Mr. SKEEN, and those of us on this side of the aisle on this measure. I believe the net result of that cooperation is a much improved bill.

Let me also say from my own perspective, that while the bill we have today does adequately protect the interests of the leaseholders, I still have several concerns with the direction taken by this bill. First, of course is the buffer zone aspect of this measure. While I will not object to this site-specific buffer zone as it comes to protecting what is truly an outstanding cave of international renown, I must reiterate my general concerns with this approach to Federal land management.

Second, I must state my concern about the potential cost of this effort. Inasmuch as there has been drilling on these BLM lands adjacent to the park for over 20 years, and no impacts to park caves have been detected, I wonder if we are really justified in exposing the American taxpayer to a potential liability of tens of millions of dollars with this measure.

Having raised those concerns, I do not intend to oppose this measure and again want to thank Chairman VENTO for working with us on this measure.

□ 1430

Mr. HANSEN. Mr. Speaker, I ask for support of this measure.

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

The SPEAKER pro tempore (Mr. HEFNER). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 698, 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.

CAVE CREEK CANYON PROTECTION ACT OF 1993

Mr. LEHMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 843) to withdraw certain lands located in the Coronado National Forest from the mining and mineral leasing laws of the United States, and for other purposes, as amended.

The Clerk read as follows:

H.R. 843

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 "Cave Creek Canyon Protection Act of 1993".

SEC. 2. WITHDRAWAL OF LANDS WITHIN CAVE CREEK CANYON DRAINAGE.

(a) WITHDRAWAL.—Subject to valid existing rights, after the date of enactment of this Act lands within the Cave Creek Canyon Drainage are withdrawn from entry, location, or patent under the general mining laws, the operation of the mineral and geothermal leasing laws and the mineral material disposal laws.

(b) DEFINITION.—For the purposes of this Act, the term "Cave Creek Canyon Drainage" means lands and interest in lands owned by the United States within the area depicted on the map of record entitled "Cave Creek Mineral Withdrawal", dated November 1, 1991. The map shall be on file and available for public inspection in the offices of the Forest Service, Department of Agriculture.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. LEHMAN] will be recognized for 20 minutes, and the gentlewoman from Nevada [Mrs. VUCANOVICH] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. LEHMAN].

GENERAL LEAVE

Mr. LEHMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill presently under consideration.

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

There was no objection.

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

H.R. 843, the Cave Creek Protection Act, was introduced by Representative JIM KOLBE of Arizona.

The pending measure would withdraw, subject to valid existing rights, approximately 13,000 acres of public lands within Cave Creek Canyon in Arizona from the general mining laws, mineral leasing, and material sales statutes.

The Cave Creek Canyon is a sanctuary to many endangered and threatened plants, birds, and mammals. It has also been recognized as having a high potential for mineralization. Although there are no active plans or operations in the area today, there is no permanent mechanism, short of legislation, to protect this significant natural resource area.

I would conclude by saying that at the hearing we held on this bill in March, we received testimony in near universal support of the bill.

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

Mr. Speaker, I rise in support of H.R. 843, the Cave Creek Canyon Protection Act sponsored by our colleague from Arizona, Mr. KOLBE. I'd like to take this opportunity to thank him for working through the proper legislative channels to see that this unique riparian area is protected.

Mr. Speaker, we passed a similar bill last Congress to set aside the Cave Creek drainage and I supported that bill despite misgivings I had regarding protection of valid existing rights for mining claim already staked in the canyon. This year's bill is actually an improvement in this regard and I wish to give my thanks to the new chairman of the subcommittee, Mr. LEHMAN of California, for agreeing to leave out the offending provision of last year's bill.

What we have in H.R. 843 is a simple withdrawal bill unencumbered by extraneous requirements of a retroactive nature. Cave Creek Canyon has been demonstrated to be a haven of extreme biological diversity because of its ecological setting, and I believe it ought to be specially recognized. On the other hand, we must not run roughshod over the property rights that may have been established under the public land laws prior to enactment of this bill. I am satisfied that in this instance we have done so, and I give the bill my unqualified support.

Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Speaker, I thank the chairman of the subcommittee, and I thank the ranking member of the subcommittee for their support for this bill and for yielding this time to me today.

Mr. Speaker, I rise in strong support of the Cave Creek Canyon Protection Act of 1993. Last year, this bill enjoyed widespread support in Congress, with both the Senate and the House passing the bill—regrettably not before it was too late in the session for the bill to become law.

This year, the House, with the leadership and assistance of Chairman LEHMAN, Chairman MILLER and ranking Members BARBARA VUCANOVICH and DON YOUNG, has moved quickly to bring the bill through the committee process to the House floor. I want to thank them for their support and hard work. I know that their support, like the support of so many people from southern Arizona and around the country, is a credit to this remarkable little place called Cave Creek Canyon.

I grew up near this area. For years I have enjoyed the spectacular beauty of the Chiricahua Mountains. Cave Creek and Portal, on the north side of the mountains, have been, until now, one of the best kept secrets among the many natural wonders in this country.

Cave Creek is magnificent. It is a place unparalleled in its diversity of species and plant life, its value to scientific researchers and recreational users, and its breathtaking beauty.

There is biodiversity unlike any other area of comparable size in the United States. Cave Creek is home to endangered species such as the peregrine falcon, the desert tortoise, and the Sanborn long-nosed bat. Javelina, jaguar, and jaguarundi frequent the area. Birds of all stripes and color also call Cave Creek home.

There are 13 species of hummingbirds and 12 species of owls, alone. That is more variety of hummingbirds than found anyplace else in the United States. The 50 trogons that use the canyon for breeding comprise half the U.S. population of this colorful tropic species.

Thick-billed parrots, not found any place else in the United States, are flourishing in the friendly confines of the canyon. Over 330 species of birds have been recorded in the area. This area is considered by many to be the single best birding spot in the country.

But we do not have to look to the sky over Cave Creek to find unusual, astonishing animal species. There's the exotic Chiricahua leopard frogs, the green rat snakes, and the Yacqui black-headed snakes that occupy the canyon, and on and on. Studying the area's plant and animal life is like looking in Who's Who of rare and exotic species.

The scientific value of the region is immeasurable, resulting in almost 1,000 disparate scientific publications, many outlining new discoveries in ecology, toxicology, and evolutionary biology. For example, research on scorpion venom is being conducted at Cave Creek to determine its possible use in treating human neurological diseases. The presence of the Southwestern Research Station of the American Museum of Natural History has played a significant role in much of this research. It is not a stretch to say that this region has produced more scientific discovery and achievement than any other area in the world of comparable size.

The scenic values are also spectacular. Perhaps A.B. Gray summed up the beauty of the canyon in 1854 when he wrote in his journal:

> The view of this canon[sic] in the morning, with the sunlight reflected from its deep recesses, and upright wall rising majestically on all sides to a height of several thousand feet, tapering like spires amid the clouds, presented a scene of grandeur and beauty.

Mr. Speaker, as those words, written 140 years ago suggest, these lands truly are magnificent. But a lot of other public lands could fit this description as well. That doesn't mean beautiful scenery should automatically preclude other, productive uses of land. That's why I support multiple use of public lands. I believe that mining, grazing, recreation, among others, are valuable and legitimate uses of public lands. However, we should recognize there are some places so unique and so special that mining activity, with its physical scarring and ecological disruption, would be inappropriate. Cave Creek is such an area.

The Cave Creek Canyon Protection Act of 1993 is a simple bill. Like its predecessor, it protects lands in Cave Creek from mineral activity. This bill is virtually identical to the one I introduced last Congress and that passed the Senate in the final hours of the session.

This bill must become law soon. Forest Service protection, through an administrative withdrawal, will expire September 27, 1993, leaving the area open to possible mining operations. We have come too far to allow this to happen.

This process started when the Forest Service approved a plan of operations for exploratory drilling in the Cave Creek area. The plan was approved November 23, 1990, and subsequently appealed on January 7, 1991, by the Portal Mining Action Coalition. On December 21, 1990, before the appeal, Newmont decided to defer mineral activity for 1 year in order to allow interested parties to seek a withdrawal from mining activities of the area.

At the request of local residents and others in southeastern Arizona, as well as hundreds of people from around the country, I introduced the original bill in June 1991 to accomplish a legislative withdrawal of the Cave Creek area. The original bill and this bill are the product of extensive discussions with all interested parties. It would prevent only mining activity in the area. Other uses would be unaffected.

Following the introduction of the original bill, the Forest Service announced its own administrative withdrawal of Cave Creek for 2 years to allow consideration of its proposal to establish a national recreation area in the Coronado National Forest. Its proposal had included the area proposed for withdrawal in the original bill. Subsequent to that announcement, Newmont withdrew its request for exploratory drilling operations in the area.

The Forest Service, however, shelved its national recreation proposal and the 2-year withdrawal period is quickly expiring. Simply put, Congress must act and act quickly to assure protection of this irreplaceable gem called Cave Creek Canyon.

We would not be here today if the citizens from southern Arizona and around the country had not worked so hard to bring to Congress' attention this threat to the Canyon. This legislation represents a grassroots effort and, with passage today, we will demonstrate that Congress does listen to the people.

I urge my colleagues to support the Cave Creek Canyon Protection Act. A vote for this bill is a vote to preserve a national treasure for future generations.

Mr. LEHMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I want to join my colleagues on both the Republican and Democratic sides of the aisle in supporting this legislation.

I do want to note though, in referring back to the debate on the Gallatin land exchange bill which is my bill, that debate occurred about one-half hour ago, and there were objections by some of the Republican side because there was a cost in that bill. My bill probably costs as much as the last bill that was

talked about here on the floor, and yet there was no mention made whatsoever of the cost of that bill.

CBO says, at least at the time this bill reaches the floor, the bill now under consideration, they do not know what the cost is going to be.

There is another bill that is going to be coming up pretty soon which is the Reserve officers' personnel management. The cost of that bill is going to be $500,000.

Many of these bills will cost money. The Congress would not have them out on the floor if we did not believe that cost was worthwhile. That is what the votes are going to be about.

I just suggest that there may be more going on here with the attack on the bill to preserve the boundary around an area around Yellowstone National Park than really meets the eye in this Chamber, and I want to join my colleagues again on both sides of the aisle in supporting this Cave Creek Canyon Protection Act as well as the next few bills that are going to come before use today.

Some of the costs are minimal, but they are in the public good that we are doing this, just as it is in the public good that we protect this huge forested area north of the Nation's first park, Yellowstone National Park.

Mrs. VUCANOVICH. Mr. Speaker, I yield 1 minute to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, I just want to assure the last speaker, the gentleman from Montana, that there is no clandestine reason why we are going after that 70,000 acres in Gallatin National Park.

My experience is that there should be a land trade there. We should not be spending up to $20 million, or one-third, of the Park Service's land acquisition moneys just for this one purpose.

I can assure him that there is no clandestine reason. I hope that issue is not raised in the minds of my colleagues.

We are simply going after this because it is going to cost, we believe, up to $20 million, and we do not need to spend the money, and we should not.

Mr. LEHMAN. Mr. Speaker, I yield 1 minute to the gentleman from Idaho [Mr. LAROCCO].

Mr. LAROCCO. Mr. Speaker, I just wanted to follow to the floor here my colleague, the gentleman from Montana, who made a very good point about the bills that are coming up on suspension today that have come out of the Natural Resources Committee generally with unanimous agreement, Mr. Speaker. They have come to the floor where we have worked these things out.

We are not in the Committee of the Whole, and we have charts on the floor of the House of Representatives that do not even say anything about the land and water conservation fund, and my colleague and neighbor from Montana is doing the best he can to move legislation here to help his district. Yet we have these bogus arguments that are coming to the floor of the House without any documentation whatsoever.

I am a little chagrined that my neighbor, the gentleman from Montana [Mr. WILLIAMS], cannot bring an issue to the floor of the House here, that cannot come through here with a spirit of comity that they moved through the whole committee system, and I am just sort of here in wonderment about what truly is going on.

My colleague, the gentleman from Indiana, says that there is nothing clandestine, and I take him at his word, Mr. Speaker. But I just wonder why we cannot move some bills through here and be honest with our colleagues and honest, Mr. Speaker, with the people in America about what is truly going on here with the purse strings.

Because, as you know, Mr. Speaker, in the land and water conservation fund, we are not dealing with that here on the floor of the House here today. We are dealing with these issues.

Mrs. VUCANOVICH. Mr. Speaker, I yield 30 seconds to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, could I ask the gentleman from Idaho a question, a real quick question?

I just wanted to ask if he knew that 80 percent of the Republican Members, 80 percent of the Republican Members on that committee signed dissenting views on this particular piece of legislation, the Gallatin Park that he is talking about?

Mr. LAROCCO. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I am happy to yield to the gentleman from Idaho.

Mr. LAROCCO. I did not see any of the gentlemen speaking here. It would be nice if the people who are on the committee would come and really pound the table for their position. They did not. They did not do it in the committee forcefully, and so here we are at this juncture.

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

Mr. LEHMAN. Mr. Speaker, I yield myself 1 minute only to point out that the bill before us has nothing to do with the prior discussion.

This is a noncontroversial measure to protect Cave Creek in the district of the gentleman from Arizona [Mr. KOLBE]. There is no opposition.

I urge an "aye" vote.

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

The SPEAKER pro tempore (Mr. VENTO). The question is on the motion offered by the gentleman from California [Mr. LEHMAN] that the House suspend the rules and pass the bill, H.R. 843, 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.

BODIE PROTECTION ACT OF 1993

Mr. LEHMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 240) to provide for the protection of the Bodie Bowl area of the State of California, and for other purposes, as amended.

The Clerk read as follows:

H.R. 240

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 "Bodie Protection Act of 1993".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the historic Bodie gold mining district in the State of California is the site of the largest and best preserved authentic ghost town in the western United States;

(2) the Bodie Bowl area contains important natural, historical, and aesthetic resources;

(3) Bodie was designated a National Historical Landmark in 1961 and a California State Historic Park in 1962, is listed on the National Register of Historic Places, and is included in the Federal Historic American Buildings Survey;

(4) nearly 200,000 persons visit Bodie each year, providing the local economy with important annual tourism revenues;

(5) the town of Bodie is threatened by proposals to explore and extract minerals: mining in the Bodie Bowl area may have adverse physical and aesthetic impacts on Bodie's historical integrity, cultural values, and ghosttown character as well as on its recreational values and the area's flora and fauna;

(6) the California State Legislature, on September 4, 1990, requested the President and the Congress to direct the Secretary of the Interior to protect the ghosttown character, ambience, historic buildings, and scenic attributes of the town of Bodie and nearby areas;

(7) the California State Legislature also requested the Secretary, if necessary to protect the Bodie Bowl area, to withdraw the Federal lands within the area from all forms of mineral entry and patent;

(8) the National Park Service listed Bodie as a priority one endangered National Historic Landmark in its fiscal year 1990 and 1991 report to Congress entitled "Threatened and Damaged National Historic Landmarks" and recommended protection of the Bodie area; and

(9) it is necessary and appropriate to provide that all Federal lands within the Bodie Bowl area are not subject to location, entry, and patent under the mining laws of the United States, subject to valid existing rights, and to direct the Secretary to consult with the Governor of the State of California before approving any mining activity plan within the Bodie Bowl.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) The term "Bodie Bowl" means the Federal lands and interests in lands within the area generally depicted on the map referred to in section 4(a).

(2) The term "mineral activities" means any activity involving mineral prospecting, explo-

ration, extraction, milling, beneficiation, processing, and reclamation.

(3) The term "Secretary" means the Secretary of the Interior.

SEC. 4. APPLICABILITY OF MINERAL MINING, LEASING AND DISPOSAL LAWS.

(a) RESTRICTION.—Subject to valid existing rights, after the date of enactment of this Act Federal lands and interests in lands within the area generally depicted on the map entitled "Bodie Bowl" and dated June 12, 1992, shall not be—

(1) open to the entry or location of mining and mill site claims under the general mining laws of the United States;

(2) subject to any lease under the Mineral Leasing Act (30 U.S.C. 181 and following) or the Geothermal Steam Act of 1970 (30 U.S.C. 100 and following), for lands within the Bodie Bowl; and

(3) available for disposal of mineral materials under the Act of July 31, 1947, commonly known as the Materials Act of 1947 (30 U.S.C. 601 and following).

Such map shall be on file and available for public inspection in the Office of the Secretary, and appropriate offices of the Bureau of Land Management and the National Park Service. As soon as practicable after the date of enactment of this Act, the Secretary shall publish a legal description of the Bodie Bowl area in the Federal Register.

(b) VALID EXISTING RIGHTS.—As used in this subsection, the term "valid existing rights" in reference to the general mining laws means that a mining claim located on lands within the Bodie Bowl was properly located and maintained under the general mining laws prior to the date of enactment of this Act, was supported by a discovery of a valuable mineral deposit within the meaning of the general mining laws on the date of enactment of this Act, and that such claim continues to be valid.

(c) VALIDITY REVIEW.—The Secretary shall undertake an expedited program to determine the validity of all unpatented mining claims located within the Bodie Bowl. The expedited program shall include an examination of all unpatented mining claims, including those for which a patent application has not been filed. If a claim is determined to be invalid, the Secretary shall promptly declare the claim to be null and void, except that the Secretary shall not challenge the validity of any claim located within the Bodie Bowl for the failure to do assessment work for any period after the date of enactment of this Act. The Secretary shall make a determination with respect to the validity of each claim referred to under this subsection within 2 years after the date of enactment of this Act.

(d) LIMITATION ON PATENT ISSUANCE.—

(1) MINING CLAIMS.—(A) After January 11, 1993, no patent shall be issued by the United States for any mining claim located under the general mining laws within the Bodie Bowl unless the Secretary determines that, for the claim concerned—

(i) a patent application was filed with the Secretary on or before such date; and

(ii) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statues (30 U.S.C. 35, 36, 37) for placer claims were fully complied with by that date.

(B) If the Secretary makes the determinations referred to in subparagraph (A) for any mining claim, the holder of the claim shall be entitled to the issuance of a patent in the same manner and degree to which such claim holder would have been entitled to prior to the enactment of this Act, unless and until such determinations are withdrawn or invalidated by the Secretary or by a court of the United States.

(2) MILL SITE CLAIMS.—(A) After January 11, 1993, no patent shall be issued by the United States for any mill site claim located under the general mining laws within the Bodie Bowl unless the Secretary determines that, for the claim concerned—

(i) a patent application was filed with the Secretary on or before January 11, 1993; and

(ii) all requirements applicable to such patent application were fully complied with by that date.

(B) If the Secretary makes the determinations referred to in subparagraph (A) for any mill site claim, the holder of the claim shall be entitled to the issuance of a patent in the same manner and degree to which such claim holder would have been entitled to prior to the enactment of this Act, unless and until such determinations are withdrawn or invalidated by the Secretary or by a court of the United States.

SEC. 5. MINERAL ACTIVITIES.

(a) IN GENERAL.—Notwithstanding the last sentence of section 302(b) of the Federal Land Policy and Management Act of 1976, and in accordance with this Act and other applicable law, the Secretary shall require that mineral activities be conducted in the Bodie Bowl so as to—

(1) avoid adverse effects on the historic, cultural, recreational and natural resource values of the Bodie Bowl; and

(2) minimize other adverse impacts to the environment.

(b) RESTORATION OF EFFECTS OF MINING EXPLORATION.—As soon as possible after the date of enactment of this Act, visible evidence or other effects of mining exploration activity within the Bodie Bowl conducted on or after September 1, 1988, shall be reclaimed by the operator in accordance with regulations prescribed pursuant to subsection (d).

(c) ANNUAL EXPENDITURES; FILING.—The requirements for annual expenditures on unpatented mining claims imposed by Revised Statute 2324 (30 U.S.C. 28) shall not apply to any such claim located within the Bodie Bowl. In lieu of filing the affidavit of assessment work referred to under section 314(a)(1) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1744(a)(1)), the holder of any unpatented mining or mill site claim located within the Bodie Bowl shall only be required to file the notice of intention to hold the mining claim referred to in such section 314(a)(1).

(d) REGULATIONS.—The Secretary shall promulgate rules to implement this section, in consultation with the Governor of the State of California, within 180 days after the date of enactment of this Act. Such rules shall be no less stringent than the rules promulgated pursuant to the Act of September 28, 1976 entitled "An Act to provide for the regulation of mining activity within, and to repeal the application of mining laws to, areas of the National Park System, and for other purposes" (Public Law 94-429; 16 U.S.C. 1901-1912).

SEC. 6. STUDY.

Beginning as soon as possible after the date of enactment of this Act, the Secretary of the Interior shall review possible actions to preserve the scenic character, historical integrity, cultural and recreational values, flora and fauna, and ghost town characteristics of lands and structures within the Bodie Bowl. No later than 3 years after the date of such enactment, the Secretary shall submit to the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate a report that discusses the results of such review and makes recommendations as to which steps (including but not limited to acquisition of lands or valid mining claims) should be undertaken in order to achieve these objectives.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. LEHMAN] will be recognized for 20 minutes, and the gentlewoman from Nevada [Mrs. VUCANOVICH] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. LEHMAN].

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

Mr. Speaker, H.R. 240, the Bodie Protection Act of 1993, would protect the valuable historic and recreational resources of California's Bodie State Historic Park and National Historic Landmark from potential mineral activities on Bureau of Land Management acreage adjacent to the park. The bill, as amended, is similar to a bill which the House approved last year.

The 19th century Bodie mining district is located east of the Sierra Nevada Mountains in Yosemite National Park, California. Today over 200,000 tourists visit Bodie every year to see the 100-plus buildings still standing in the West's oldest mining town. At Bodie, visitors can see firsthand how people lived in the mining camps that cropped up throughout California in the aftermath of the discovery of gold at Sutters Mill in 1848; a discovery that gave rise to the world famous California Gold Rush.

While Bodie stands as testament to the mining days of old—and despite its status as a national landmark and state park—the area is in jeopardy from the threat of modern-day mining activities. In order to extract and process the gold and silver believed to be in the area surrounding Bodie, large-scale mining techniques, such as strip mining, heap-leach piles, cyanide spraying and waste ponds, most likely would be required.

The 450-acre Bodie State Historic Park is closed to mining. However, the area adjacent to the State park and under BLM jurisdiction is open to mining and as such poses a threat to the historic district. In recognition of this danger, the BLM has recently designated the Bowl Bodie as an area of critical environmental concern and—consistent with this legislation—is recommending that the area be closed to mining.

H.R. 240 would provide some additional protections to Bodie in order to preserve its historic and visual integrity. The pending measure would put the nearly 6,000 acres of public land within the Bodie Bowl off-limits to mining under the general mining laws. Mining on valid claims would be allowed to proceed under rules designed to protect the area's important historic and cultural resources. In addition, mining claims could not be patented in the Bodie Bowl except where rights had vested by January 11, 1993. Finally, the bill would require the Secretary of the Interior to review possible actions to preserve the cultural

and natural values of the Bodie Bowl and report back to Congress within 3 years.

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

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

Mr. Speaker, regrettably I rise in opposition to H.R. 240, a bill to protect the historic Bodie ghost town from the potential effects of modern mining. My chairman and I clearly have a difference of opinion here on what may or may not be necessary to preserve the experience of visitors to Bodie State Park.

Mr. Speaker, I like to consult the views of the Member of Congress representing an affected area before sitting in judgment on public lands issues. In this case, Chairman LEHMAN no longer represents Mono County, rather it is Mr. DOOLITTLE, a member of the subcommittee. He is opposed to the measure as a heavy-handed approach to providing adequate protection to Bodie ghost town, and so am I.

Beyond the dispute, however, on how best to protect what I agree is an important vestige of our mining past, lies a very troublesome question: What protection do we grant to existing property rights holders in the Bodie Bowl before launching into a rigorous regulation of their potential activities under the 1872 mining law? In the past, the Congress has seen fit to protect valid existing rights. Instead, today we embark upon a new philosophy whereby we affirmatively set a retroactive cut-off date for mining claimants to apply to patent their claims and gain fee simple title to the land.

Mr. Speaker, I am aware of no claimants that seek to patent their interests in the Bodie Bowl, but it is the precedent we are establishing here that bothers me. Generic mining law reforms bills in both Houses of the 103d Congress likewise would deny miners an ability to even attempt to patent their claims—with or without terms and conditions in those patents—because a date impossible to meet is in those bills as well. Whether or not one agrees with me that this provision may be a taking of a miner's property rights, I firmly believe we ought not to be legislating the cutoff of rights in such a cavalier manner. What is so bad about using the date of enactment, or better still, a future date certain, by which all miners that choose to seek patent must come forward to apply?

Mr. Speaker, that is what we have just done with the Cave Creek Canyon bill immediately prior to this one. While I do not ask for a vote on H.R. 240, I am confident the other body will look askance at this provision and modify it before sending it back.

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

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Mr. LEHMAN. First of all, Mr. Speaker, I yield myself 2 minutes to indicate that all of the jurisdictions charged with looking after the Bodie area support protection of the area. First of all, the local government agency, the Mono County board of supervisors, supports this legislation and Federal protection for the area surrounding the Bodie Bowl; the State of California, through the California State park and recreation commission, supports the legislation, withdrawal of these lands for protection of the Bodie Bowl; the Bureau of Land Management has already stated that the land around the Bowl should be withdrawn from mineral entry. Hundreds of citizens of the area and the National Trust for Historic Preservation and numerous local and national environmental groups have expressed their concern that we pass this legislation and protect this resource.

This is something that is unique in all the United States. We are not making another area here a park, we are not making another area a recreation area; there is nothing else in the United States like Bodie, no place where a resource as precious as this remains. This is the one last chance we have to protect this part of the Old West. We are not asking for great sacrifice here to do this, a very small one supported by all of the interested parties in the area and at the same level as well.

I urge my colleagues to support this legislation.

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

The SPEAKER pro tempore (Mr. VENTO). The question is on the motion offered by the gentleman from California [Mr. LEHMAN] that the House suspend the rules and pass the bill, H.R. 240, as amended.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was agreed to.

A motion to reconsider was laid on the table.

RESERVE OFFICER PERSONNEL MANAGEMENT ACT

Mr. SKELTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1040) to amend title 10, United States Code, to revise and standardize the provisions of law relating to appointment, promotion, and separation of commissioned officers of the Reserve components of the Armed Forces, to consolidate in a new subtitle the provisions of law relating to the Reserve components, and for other purposes as amended.

The Clerk read as follows:

H.R. 1040

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Reserve Officer Personnel Management Act".

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

Sec. 1. Short title; table of contents.
Sec. 2. References to title 10, United States Code.

TITLE I—RESERVE OFFICER PERSONNEL MANAGEMENT

PART A—REVISED AND STANDARDIZED RESERVE OFFICER PERSONNEL SYSTEM

Sec. 101. Promotion and retention of reserve officers.

PART B—CONFORMING AMENDMENTS

Sec. 111. Definition of reserve active-status list.
Sec. 112. Authority to suspend officer personnel laws during war or national emergency.
Sec. 113. Active-duty list promotion boards to have authority to recommend that reserve officers considered for promotion be required to show cause for retention on active duty.
Sec. 114. Applicability of chapter 36 to reserve officers during war or national emergency.
Sec. 115. Grade in which reserve officers are ordered to active duty.
Sec. 116. Date of rank.
Sec. 117. Discharge before completion of required service in case of officers having twice failed of selection for captain or navy lieutenant.
Sec. 118. Conforming amendments relating to Navy and Marine Corps officers.
Sec. 119. Repeal of reserve officer personnel policy laws.
Sec. 120. Amendments to title 32, United States Code.

TITLE II—OTHER PERSONNEL POLICY AMENDMENTS

PART A—APPOINTMENTS

Sec. 201. Repeal of separate authority for accession of women in reserve components.
Sec. 202. Appointment authority for reserve grades of lieutenant colonel and commander.
Sec. 203. Appointment of former commissioned officers in reserve components.
Sec. 204. Constructive credit for appointment of officers in reserve components with qualifying education or experience.
Sec. 205. Computation of years of service for transfer of Army officers to Retired Reserve.
Sec. 206. Repeal of miscellaneous obsolete appointment authorities.

PART B—SEPARATION AND RETIREMENT

Sec. 221. Computation of highest grade in which satisfactorily served for reserve commissioned officers and former officers.

PART C—OTHER AMENDMENTS

Sec. 241. Tenure in office of Chief of National Guard Bureau.
Sec. 242. Right to reenlist in Regular Army or Regular Air Force after service as an officer.

TITLE III—REORGANIZATION AND CONSOLIDATION OF LAWS RELATING TO RESERVE COMPONENTS

Sec. 301. Laws relating to organization and administration of reserve components.

Sec. 302. Laws relating to reserve component personnel policy.
Sec. 303. Laws relating to reserve component training and educational assistance programs.
Sec. 304. Laws relating to reserve component procurement and equipment.
Sec. 305. Legislative construction.
TITLE IV—TECHNICAL AND CLERICAL AMENDMENTS
Sec. 401. Amendments to subtitle A of title 10, United States Code.
Sec. 402. Amendments to subtitle B of title 10, United States Code.
Sec. 403. Amendments to subtitle C of title 10, United States Code.
Sec. 404. Amendments to subtitle D of title 10, United States Code.
Sec. 405. Amendments to subtitle E of title 10, United States Code.
Sec. 406. Amendments to titles 32 and 37, United States Code.
Sec. 407. Amendments to other laws.
TITLE V—TRANSITION PROVISIONS
Sec. 501. Continuation on the reserve active-status list of certain reserve colonels of the Army and Air Force.
Sec. 502. Effects of selection for promotion and failure of selection for Army and Air Force officers.
Sec. 503. Effects of selection for promotion and failure of selection for Navy and Marine Corps officers.
Sec. 504. Delays in promotions and removals from promotion list.
Sec. 505. Minimum service qualifications for promotion.
Sec. 506. Establishment of reserve active-status list.
Sec. 507. Preservation of relative seniority under the initial establishment of the reserve active-status list.
Sec. 508. Grade on transfer to the Retired Reserve.
Sec. 509. Rights for officers with over three years service.
Sec. 510. Mandatory separation for age for certain reserve officers of the Navy and Marine Corps.
TITLE VI—EFFECTIVE DATES AND GENERAL SAVINGS PROVISIONS
Sec. 601. Effective date.
Sec. 602. Preservation of suspended status of laws suspended as of effective date.
Sec. 603. Preservation of pre-existing rights, duties, penalties, and proceedings.

SEC. 2. REFERENCES TO TITLE 10, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 10, United States Code.

TITLE I—RESERVE OFFICER PERSONNEL MANAGEMENT

PART A—REVISED AND STANDARDIZED RESERVE OFFICER PERSONNEL SYSTEM

SEC. 101. PROMOTION AND RETENTION OF RESERVE OFFICERS.

Title 10, United States Code, is amended by adding at the end the following new subtitle:

"Subtitle E—Reserve Components

"PART I—ORGANIZATION AND ADMINISTRATION

"Chap. Sec.
"1001. Definitions 10001
"1003. Reserve Components Generally 10101
"1005. Elements of Reserve Components 10141
"1007. Administration of Reserve Components 10201
"1009. Reserve Forces Policy Boards and Committees 10301
"1011. National Guard Bureau 10501
"1013. Budget Information and Annual Reports to Congress 10541

"PART II—PERSONNEL GENERALLY

"1201. Authorized Strengths and Distribution in Grade 12001
"1203. Enlisted Members 12101
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"§ 14001. Applicability of this part

"This chapter and chapters 1403 through 1411 of this title apply, as appropriate, to all reserve officers of the Army, Navy, Air Force, and Marine Corps except warrant officers.

"§ 14002. Reserve active-status lists: requirement for each armed force

"(a) The Secretary of each military department shall maintain a single list, to be known as the reserve active-status list, for each armed force under the Secretary's jurisdiction. That list shall include the names of all reserve officers of that armed force who are in an active status other than those on an active-duty list described in section 620 of this title or warrant officers (including commissioned warrant officers).

"(b) The reserve active-status list for the Army shall include officers in the Army Reserve and the Army National Guard of the United States. The reserve active-status list for the Air Force shall include officers in the Air Force Reserve and the Air National Guard of the United States. The Secretary of the Navy shall maintain separate lists for the Naval Reserve and the Marine Corps Reserve.

"§ 14003. Reserve active-status: position of officers on the list

"(a) POSITION ON LIST.—Officers shall be carried on the reserve active-status list of the armed force of which they are members in the order of seniority of the grade in which they are serving in an active status. Officers serving in the same grade shall be carried in the order of their rank in that grade.

"(b) EFFECT ON POSITION HELD BY REASON OF TEMPORARY APPOINTMENT OR ASSIGNMENT.—An officer whose position on the reserve active-status list results from service under a temporary appointment or in a grade held by reason of assignment to a position has, when that appointment or assignment ends, the grade and position on that list that the officer would have held if the officer had not received that appointment or assignment.

"§ 14004. Reserve active-status lists: eligibility for Reserve promotion

"Except as otherwise provided by law, an officer must be on a reserve active-status list to be eligible under chapter 1405 of this title for consideration for selection for promotion or for promotion.

"§ 14005. Competitive categories

"Each officer whose name appears on a reserve active-status list shall be placed in a competitive category. The competitive categories for each armed force shall be specified by the Secretary of the military department concerned under regulations prescribed by the Secretary of Defense. Officers in the same competitive category shall compete among themselves for promotion.

"§ 14006. Determination of years in grade

"For the purpose of chapters 1403 through 1411 of this title, an officer's years of service in a grade are computed from the officer's date of rank in grade as determined under section 741(d) of this title.

"CHAPTER 1403—SELECTION BOARDS

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"14102. Selection boards: appointment and composition.
"14103. Oath of members.
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"§ 14101. Convening of selection boards

"(a) PROMOTION BOARDS.—(1) Whenever the needs of the Army, Navy, Air Force, or Marine Corps require, the Secretary concerned shall convene a selection board to recommend for promotion to the next higher grade, under chapter 1405 of this title, officers on the reserve active-status list of that armed force in a permanent grade from first lieutenant through brigadier general or, in the case of the Naval Reserve, lieutenant (junior grade) through rear admiral (lower half). A selection board convened under this subsection shall be known as a 'promotion board'.

"(2) A promotion board convened to recommend reserve officers of the Army or reserve officers of the Air Force for promotion (A) to fill a position vacancy under section 14315 of this title, or (B) to the grade of brigadier general or major general, shall (except in the case of a board convened to consider officers as provided in section 14301(e) of this title) be known as a 'vacancy promotion board'. Any other promotion board convened under this subsection shall be known as a 'mandatory promotion board'.

"(b) CONTINUATION BOARDS.—Whenever the needs of the Army, Navy, Air Force, or Marine Corps require, the Secretary concerned may convene a selection board to recommend officers of that armed force—

"(1) for continuation on the reserve active-status list under section 14701 of this title;

"(2) for selective early removal from the reserve active-status list under section 14704 of this title; or

"(3) for selective early retirement under section 14705 of this title.

A selection board convened under this subsection shall be known as a 'continuation board'.

"§ 14102. Selection boards: appointment and composition

"(a) APPOINTMENT.—Members of selection boards convened under section 14101 shall be appointed by the Secretary of the military department concerned in accordance with this section. Promotion boards and special selection boards shall consist of five or more officers. Continuation boards shall consist of three or more officers. All of the officers of any such selection board shall be of the same armed force as the officers under consideration by the board.

"(b) COMPOSITION.—At least one-half of the members of such a selection board shall be reserve officers, to include at least one reserve officer from each reserve component from which officers are to be considered by the board. Each member of a selection board must hold a permanent grade higher than the grade of the officers under consideration by the board, and no member of a board may hold a grade below major or lieutenant commander.

"(c) REPRESENTATION OF COMPETITIVE CATEGORIES.—(1) Except as provided in paragraph (2), a selection board shall include at least one officer from each competitive category of officers to be considered by the board.

"(2) A selection board need not include an officer from a competitive category to be considered by the board if there is no officer of that competitive category on the reserve active-status list or the active-duty list in a permanent grade higher than the grade of the officers to be considered by the board and otherwise eligible to serve on the board. However, in such a case, the Secretary of the military department concerned, in his discretion, may appoint as a member of the board a retired officer of that competitive category who is in the same armed force as the officers under consideration by the board who holds a higher grade than the grade of the officers under consideration.

"(d) PROHIBITION OF SERVICE ON CONSECUTIVE PROMOTION BOARDS.—No officer may be a member of two successive promotion boards convened under section 14101(a) of this title for the consideration of officers of the same competitive category and grade if the second of the two boards is to consider any officer who was considered and not recommended for promotion to the next higher grade by the first of the two boards.

"§ 14103. Oath of members

"Each member of a selection board convened under section 14101 of this title shall take an oath to perform the duties of a member of the board without prejudice or partiality, having in view both the special fitness of officers and the efficiency of the member's armed force.

"§ 14104. Confidentiality of board proceedings

"Except as otherwise authorized or required by law, the proceedings of a selection board convened under section 14101 of this title may not be disclosed to any person not a member of the board.

"§ 14105. Notice of convening of promotion board

"(a) REQUIRED NOTICE.—At least 30 days before a promotion board is convened under section 14101(a) of this title to consider officers in a grade and competitive category for promotion to the next higher grade, the Secretary concerned shall either (1) notify in writing the officers eligible for consideration by the board for promotion regarding the convening of the board, or (2) issue a general written notice to the armed force concerned regarding the convening of the board.

"(b) CONTENT OF NOTICE.—A notice under subsection (a) shall include the date on which the board is to convene and (except in the case of a vacancy promotion board) the name and date of rank of the junior officer, and of the senior officer, in the promotion zone as of the date of the notice.

"§ 14106. Communication with board by officers under consideration

"Subject to regulations prescribed by the Secretary of the military department concerned, an officer eligible for consideration by a promotion board convened under section 14101(a) of this title who is in the promotion zone or above the promotion zone, or who is to be considered by a vacancy promotion board, may send a written communication to the board calling attention to any matter concerning the officer which the officer considers important to the officer's case. Any such communication shall be sent so as to arrive not later than the date on which the board convenes. The board shall give consideration to any timely communication under this section.

"§ 14107. Information furnished by the Secretary concerned to promotion boards

"(a) INTEGRITY OF THE PROMOTION SELECTION BOARD PROCESS.—(1) The Secretary of Defense shall prescribe regulations governing information furnished to selection boards convened under section 14101(a) of this title. Those regulations shall apply uniformly among the military departments. Any regulations prescribed by the Secretary of a military department to supplement those regulations may not take effect without the approval of the Secretary of Defense in writing.

"(2) No information concerning a particular eligible officer may be furnished to a selection board except for the following:

"(A) Information that is in the officer's official military personnel file and that is provided to the selection board in accordance with the regulations prescribed by the Secretary of Defense pursuant to paragraph (1).

"(B) Other information that is determined by the Secretary of the military department concerned, after review by that Secretary in accordance with standards and procedures set out in the regulations prescribed by the Secretary of Defense pursuant to paragraph (1), to be substantiated, relevant information that could reasonably and materially affect the deliberations of the promotion board.

"(C) Subject to such limitations as may be prescribed in those regulations, information communicated to the board by the officer in accordance with this section, section 14106 of this title (including any comment on information referred to in subparagraph (A) regarding that officer), or other applicable law.

"(D) A factual summary of the information described in subparagraphs (A), (B), and (C) that, in accordance with the regulations prescribed pursuant to paragraph (1) is prepared by administrative personnel for the purpose of facilitating the work of the selection board.

"(3) Information provided to a promotion board in accordance with paragraph (2) shall be made available to all members of the board and shall be made a part of the record of the board. Communication of such information shall be in a written form or in the form of an audio or video recording. If a communication is in the form of an audio or video recording, a written transcription of the recording shall also be made a part of the record of the promotion board.

"(4) Paragraphs (2) and (3) do not apply to the furnishing of appropriate administrative processing information to the promotion board by an administrative staff designated to assist the board, but only to the extent that oral communications are necessary to facilitate the work of the board.

"(5) Information furnished to a promotion board that is described in subparagraph (B), (C), or (D) of paragraph (2) may not be furnished to a later promotion board unless—

"(A) the information has been properly placed in the official military personnel file of the officer concerned; or

"(B) the information is provided to the later selection board in accordance with paragraph (2).

"(6)(A) Before information described in paragraph (2)(B) regarding an eligible officer is furnished to a selection board, the Sec-

retary of the military department concerned shall ensure—

"(i) that such information is made available to such officer; and

"(ii) that the officer is afforded a reasonable opportunity to submit comments on that information to the promotion board.

"(B) If an officer cannot be given access to the information referred to in subparagraph (A) because of its classification status, the officer shall, to the maximum extent practicable, be furnished an appropriate summary of the information.

"(b) INFORMATION TO BE FURNISHED.—The Secretary of the military department concerned shall furnish to a promotion board convened under section 14101(a) of this title the following:

"(1) In the case of a mandatory promotion board, the maximum number (as determined in accordance with section 14307 of this title) of officers in each competitive category under consideration that the board is authorized to recommend for promotion to the next higher grade.

"(2) The name of each officer in each competitive category under consideration who is to be considered by the board for promotion.

"(3) The pertinent records (as determined by the Secretary) of each officer whose name is furnished to the board.

"(4) Information or guidelines relating to the needs of the armed force concerned for officers having particular skills, including (except in the case of a vacancy promotion board) guidelines or information relating to either a minimum number or a maximum number of officers with particular skills within a competitive category.

"(5) Such other information or guidelines as the Secretary concerned may determine to be necessary to enable the board to perform its functions.

"(c) LIMITATION ON MODIFYING FURNISHED INFORMATION.—Information or guidelines furnished to a selection board under subsection (a) may not be modified, withdrawn, or supplemented after the board submits its report to the Secretary of the military department concerned pursuant to section 14109(a) of this title. However, in the case of a report returned to a board pursuant to section 14110(a) of this title for further proceedings because of a determination by the Secretary of the military department concerned that the board acted contrary to law, regulation, or guidelines, the Secretary may modify, withdraw, or supplement such information or guidelines as part of a written explanation to the board as provided in that section.

"(d) OFFICERS IN HEALTH-PROFESSIONS COMPETITIVE CATEGORIES.—The Secretary of each military department, under uniform regulations prescribed by the Secretary of Defense, shall include in guidelines furnished to a promotion board convened under section 14101(a) of this title that is considering officers in a health-professions competitive category for promotion to a grade below colonel or, in the case of officers of the Naval Reserve, captain, a direction that the board give consideration to an officer's clinical proficiency and skill as a health professional to at least as great an extent as the board gives to the officer's administrative and management skills.

"§ 14108. Recommendations by promotion boards

"(a) RECOMMENDATION OF BEST QUALIFIED OFFICERS.—A promotion board convened under section 14101(a) of this title shall recommend for promotion to the next higher grade those officers considered by the board whom the board considers best qualified for promotion within each competitive category considered by the board or, in the case of a vacancy promotion board, among those officers considered to fill a vacancy. In determining those officers who are best qualified for promotion, the board shall give due consideration to the needs of the armed force concerned for officers with particular skills (as noted in the guidelines or information furnished the board under sections 14107 of this title).

"(b) MAJORITY REQUIRED.—A promotion board convened under section 14101(a) of this title may not recommend an officer for promotion unless—

"(1) the officer receives the recommendation of a majority of the members of the board; and

"(2) a majority of the members of the board finds that the officer is fully qualified for promotion.

"(c) BOARD RECOMMENDATION REQUIRED FOR PROMOTION.—Except as otherwise provided by law, an officer on the reserve active-status list may not be promoted to a higher grade under chapter 1405 of this title unless the officer is considered and recommended for promotion to that grade by a promotion board convened under section 14101(a) of this title (or by a special selection board convened under section 14502 of this title).

"(d) DISCLOSURE OF BOARD RECOMMENDATIONS.—The recommendations of a promotion board may be disclosed only in accordance with regulations prescribed by the Secretary of Defense. Those recommendations may not be disclosed to a person not a member of the board (or a member of the administrative staff designated by the Secretary concerned to assist the board) until the written report of the recommendations of the board, required by section 14109 of this title, is signed by each member of the board.

"(e) PROHIBITION OF COERCION AND UNAUTHORIZED INFLUENCE OF ACTIONS OF BOARD MEMBERS.—The Secretary convening a promotion board under section 14101(a) of this title, and an officer or other official exercising authority over any member of a selection board, may not—

"(1) censure, reprimand, or admonish the selection board or any member of the board with respect to the recommendations of the board or the exercise of any lawful function within the authorized discretion of the board; or

"(2) attempt to coerce or, by any unauthorized means, influence any action of a promotion board or any member of a promotion board in the formulation of the board's recommendations.

"§ 14109. Reports of promotion boards: in general

"(a) REPORT OF OFFICERS RECOMMENDED FOR PROMOTION.—Each promotion board convened under section 14101(a) of this title shall submit to the Secretary of the military department concerned a report in writing containing a list of the names of the officers recommended by the board for promotion. The report shall be signed by each member of the board.

"(b) CERTIFICATION.—Each report under subsection (a) shall include a certification—

"(1) that the board has carefully considered the record of each officer whose name was furnished to the board; and

"(2) that, in the case of a promotion board convened under section 14101(a) of this title, in the opinion of a majority of the members of the board, the officers recommended for promotion by the board are best qualified for promotion to meet the needs of the armed force concerned (as noted in the guidelines or information furnished the board under section 14107 of this title) among those officers whose names were furnished to the selection board.

"(c) SHOW-CAUSE RECOMMENDATIONS.—(1) A promotion board convened under section 14101(a) of this title shall include in its report to the Secretary concerned the name of any reserve officer before it for consideration for promotion whose record, in the opinion of a majority of the members of the board, indicates that the officer should be required to show cause for retention in an active status.

"(2) If such a report names an officer as having a record which indicates that the officer should be required to show cause for retention, the Secretary concerned may provide for the review of the record of that officer as provided under regulations prescribed under section 14902 of this title.

"§ 14110. Reports of promotion boards: review by Secretary

"(a) REVIEW OF REPORT.—Upon receipt of the report of a promotion board submitted under section 14109(a) of this title, the Secretary of the military department concerned shall review the report to determine whether the board has acted contrary to law or regulation or to guidelines furnished the board under section 14107(a) of this title. Following that review, unless the Secretary concerned makes a determination as described in subsection (b), the Secretary shall submit the report as required by section 14111 of this title.

"(b) RETURN OF REPORT FOR FURTHER PROCEEDINGS.—If, on the basis of a review of the report under subsection (a), the Secretary of the military department concerned determines that the board acted contrary to law or regulation or to guidelines furnished the board under section 14107(a) of this title, the Secretary shall return the report, together with a written explanation of the basis for such determination, to the board for further proceedings. Upon receipt of a report returned by the Secretary concerned under this subsection, the selection board (or a subsequent selection board convened under section 14101(a) of this title for the same grade and competitive category) shall conduct such proceedings as may be necessary in order to revise the report to be consistent with law, regulation, and such guidelines and shall resubmit the report, as revised, to the Secretary in accordance with section 14109 of this title.

"§ 14111. Reports of selection boards: transmittal to President

"(a) TRANSMITTAL TO PRESIDENT.—The Secretary concerned, after final review of the report of a selection board under section 14110 of this title, shall submit the report with the Secretary's recommendations, to the Secretary of Defense for transmittal by the Secretary to the President for approval or disapproval. If the authority of the President to approve or disapprove the report of a promotion board is delegated to the Secretary of Defense, that authority may not be redelegated except to an official in the Office of the Secretary of Defense.

"(b) REMOVAL OF NAME FROM BOARD REPORT.—The name of an officer recommended for promotion by a selection board may be removed from the report of the selection board only by the President.

"(c) RECOMMENDATIONS FOR REMOVAL OF SELECTED OFFICERS FROM REPORT.—If the Secretary of a military department or the Secretary of Defense makes a recommendation under this section that the name of an

officer be removed from the report of a promotion board and the recommendation is accompanied by information that was not presented to that promotion board, that information shall be made available to that officer. The officer shall then be afforded a reasonable opportunity to submit comments on that information to the officials making the recommendation and the officials reviewing the recommendation. If an eligible officer cannot be given access to such information because of its classification status, the officer shall, to the maximum extent practicable, be provided with an appropriate summary of the information.

"§ 14112. Dissemination of names of officers selected

"Upon approval by the President of the report of a promotion board, the names of the officers recommended for promotion by the promotion board (other than any name removed by the President) may be disseminated to the armed force concerned. If those names have not been sooner disseminated, those names (other than the name of any officer whose promotion the Senate failed to confirm) shall be promptly disseminated to the armed force concerned upon confirmation by the Senate.

"CHAPTER 1405—PROMOTIONS

"Sec.
"14301. Eligibility for consideration for promotion: general rules.
"14302. Promotion zones.
"14303. Eligibility for consideration for promotion: minimum years of service in grade.
"14304. Eligibility for consideration for promotion: maximum years of service in grade.
"14305. Establishment of promotion zones: mandatory consideration for promotion.
"14306. Establishment of promotion zones: Naval Reserve and Marine Corps Reserve running mate system.
"14307. Numbers of officers to be recommended for promotion.
"14308. Promotions: how made.
"14309. Acceptance of promotion: oath of office.
"14310. Removal of officers from a list of officers recommended for promotion.
"14311. Delay of promotion: involuntary.
"14312. Delay of promotion: voluntary.
"14313. Authority to vacate promotions to grade of brigadier general or rear admiral (lower half).
"14314. Army and Air Force commissioned officers: generals ceasing to occupy positions commensurate with grade; State adjutants general.
"14315. Position vacancy promotions: Army and Air Force officers.
"14316. Army National Guard and Air National Guard: appointment to and Federal recognition in a higher reserve grade after selection for promotion.
"14317. Officers in transition to and from the active-status list or active-duty list.

"§ 14301. Eligibility for consideration for promotion: general rules

"(a) ONE-YEAR RULE.—An officer is eligible under this chapter for consideration for promotion by a promotion board convened under section 14101(a) of this title only if—

"(1) the officer is on the reserve active-status list of the Army, Navy, Air Force, or Marine Corps; and

"(2) during the one-year period ending on the date of the convening of the promotion board the officer has continuously performed service on either the reserve active-status list or the active-duty list (or on a combination of both lists).

"(b) REQUIREMENT FOR CONSIDERATION OF ALL OFFICERS IN AND ABOVE THE ZONE.—Whenever a promotion board (other than a vacancy promotion board) is convened under section 14101(a) of this title for consideration of officers in a competitive category who are eligible under this chapter for consideration for promotion to the next higher grade, each officer in the promotion zone, and each officer above the promotion zone, for that grade and competitive category shall be considered for promotion.

"(c) PREVIOUSLY SELECTED OFFICERS NOT ELIGIBLE TO BE CONSIDERED.—A promotion board convened under section 14101(a) of this title may not consider for promotion to the next higher grade—

"(1) an officer whose name is on a promotion list for that grade as a result of recommendation for promotion to that grade by an earlier selection board convened under that section or section 14502 of this title or under chapter 36 of this title;

"(2) an officer who has been approved for Federal recognition by a board convened under section 307 of title 32 and nominated by the President for promotion to the next higher grade as a reserve of the Army or of the Air Force as the case may be; or

"(3) an officer who has been nominated by the President for promotion to the next higher grade under any other provision of law.

"(d) OFFICERS BELOW THE ZONE.—The Secretary of the military department concerned may, by regulation, prescribe procedures to limit the officers to be considered by a selection board from below the promotion zone to those officers who are determined to be exceptionally well qualified for promotion. The regulations shall include criteria for determining which officers below the promotion zone are exceptionally well qualified for promotion.

"(e) RESERVE OFFICERS OF THE ARMY; CONSIDERATION FOR BRIGADIER GENERAL AND MAJOR GENERAL.—In the case of officers of the Army, if the Secretary of the Army determines that vacancies are authorized or anticipated in the reserve grades of major general or brigadier general for officers who are on the reserve active-status list and who are not assigned to units organized to serve as a unit and the Secretary convenes a mandatory promotion board under section 14101(a) of this title to consider officers for promotion to fill such vacancies, the Secretary may limit the officers to be considered by that board to those determined to be exceptionally well qualified for promotion under such criteria and procedures as the Secretary may by regulation prescribe.

"(f) CERTAIN RESERVE OFFICERS OF THE AIR FORCE.—A reserve officer of the Air Force who (1) is in the Air National Guard of the United States and holds the grade of lieutenant colonel, colonel, or brigadier general, or (2) is in the Air Force Reserve and holds the grade of colonel or brigadier general, is not eligible for consideration for promotion by a mandatory promotion board convened under section 14101(a) of this title.

"(g) NONCONSIDERATION OF OFFICERS SCHEDULED FOR REMOVAL FROM RESERVE ACTIVE-STATUS LIST.—The Secretary of the military department concerned may, by regulation, provide for the exclusion from consideration for promotion by a promotion board of any officer otherwise eligible to be considered by the board who has an established date for removal from the reserve active-status list that is not more than 90 days after the date on which the selection board for which the officer would otherwise be eligible is to be convened.

"§ 14302. Promotion zones

"(a) PROMOTION ZONES GENERALLY.—For purposes of this chapter, a promotion zone is an eligibility category for the consideration of officers by a mandatory promotion board. A promotion zone consists of those officers on the reserve active-status list who are in the same grade and competitive category and who meet the requirements of both paragraphs (1) and (2) or the requirements of paragraph (3), as follows:

"(1)(A) In the case of officers in grades below colonel, for reserve officers of the Army, Air Force, and Marine Corps, or captain, for officers of the Naval Reserve, those who have neither (i) failed of selection for promotion to the next higher grade, nor (ii) been removed from a list of officers recommended for promotion to that grade.

"(B) In the case of officers in the grade of colonel or brigadier general, for reserve officers of the Army and Marine Corps, or in the grade of captain or rear admiral (lower half), for reserve officers of the Navy, those who have neither (i) been recommended for promotion to the next higher grade when considered in the promotion zone, nor (ii) been removed from a list of officers recommended for promotion to that grade.

"(2) Those officers who are senior to the officer designated by the Secretary of the military department concerned to be the junior officer in the promotion zone eligible for consideration for promotion to the next higher grade and the officer so designated.

"(3) Those officers who—

"(A) have been selected from below the zone for promotion to the next higher grade or by a vacancy promotion board, but whose names were removed from the list of officers recommended for promotion to that next higher grade resulting from that selection;

"(B) have not failed of selection for promotion to that next higher grade; and

"(C) are senior to the officer designated by the Secretary of the military department concerned to be the junior officer in the promotion zone eligible for consideration for promotion to that next higher grade and the officer so designated.

"(b) OFFICERS ABOVE THE ZONE.—Officers on the reserve active-status list are considered to be above the promotion zone for a grade and competitive category if they—

"(1) are eligible for consideration for promotion to the next higher grade;

"(2) are in the same grade as those officers in the promotion zone for that competitive category; and

"(3) are senior to the senior officer in the promotion zone for that competitive category.

"(c) OFFICERS BELOW THE ZONE.—Officers on the reserve active-status list are considered to be below the promotion zone for a grade and competitive category if they—

"(1) are eligible for consideration for promotion to the next higher grade;

"(2) are in the same grade as those officers in the promotion zone for that competitive category; and

"(3) are junior to the junior officer in the promotion zone for that competitive category.

"§ 14303. Eligibility for consideration for promotion: minimum years of service in grade

"(a) OFFICERS IN PAY GRADES O–1 AND O–2.—An officer who is on the reserve active-status list of the Army, Navy, Air Force, or Marine Corps and holds a permanent appointment in the grade of second lieutenant or first lieutenant as a reserve officer of the Army, Air Force, or Marine Corps, or in the grade of ensign or lieutenant (junior grade) as a reserve officer of the Navy, may not be promoted to the next higher grade, or granted Federal recognition in that grade, until the officer has completed the following years of service in grade:

"(1) Eighteen months, in the case of an officer holding a permanent appointment in the grade of second lieutenant or ensign.

"(2) Two years, in the case of an officer holding a permanent appointment in the grade of first lieutenant or lieutenant (junior grade).

"(b) OFFICERS IN PAY GRADES O–3 AND ABOVE.—Subject to subsection (d), an officer who is on the reserve active-status list of the Army, Air Force, or Marine Corps and holds a permanent appointment in a grade above first lieutenant, or who is on the reserve active-status list of the Navy in a grade above lieutenant (junior grade), may not be considered for selection for promotion to the next higher grade, or examined for Federal recognition in the next higher grade, until the officer has completed the following years of service in grade:

"(1) Three years, in the case of an officer of the Army, Air Force, or Marine Corps holding a permanent appointment in the grade of captain, major, or lieutenant colonel or in the case of a reserve officer of the Navy holding a permanent appointment in the grade of lieutenant, lieutenant commander, or commander.

"(2) One year, in the case of an officer of the Army, Air Force, or Marine Corps holding a permanent appointment in the grade of colonel or brigadier general or in the case of a reserve officer of the Navy holding a permanent appointment in the grade of captain or rear admiral (lower half).

This subsection does not apply to an adjutant general or assistant adjutant general of a State or to an appointment in a higher grade which is based upon a specific provision of law.

"(c) AUTHORITY TO LENGTHEN MINIMUM PERIOD IN GRADE.—The Secretary concerned may prescribe a period of service in grade for eligibility for promotion, in the case of officers to whom subsection (a) applies, or for eligibility for consideration for promotion, in the case of officers to whom subsection (b) applies, that is longer than the applicable period specified in that subsection.

"(d) WAIVERS TO ENSURE TWO BELOW-THE-ZONE CONSIDERATIONS.—Subject to section 14307(b) of this title, the Secretary of the military department concerned may waive subsection (b) to the extent necessary to ensure that officers described in paragraph (1) of that subsection have at least two opportunities for consideration for promotion to the next higher grade as officers below the promotion zone.

"§ 14304. Eligibility for consideration for promotion: maximum years of service in grade

"(a) CONSIDERATION FOR PROMOTION WITHIN SPECIFIED TIMES.—(1) Officers described in paragraph (3) shall be placed in the promotion zone for that officer's grade and competitive category, and shall be considered for promotion to the next higher grade by a promotion board convened under section 14101(a) of this title, far enough in advance of completing the years of service in grade specified in the following table so that, if the officer is recommended for promotion, the promotion may be effective on or before the date on which the officer will complete those years of service.

"Current Grade	Maximum years of service in grade
"First lieutenant or Lieutenant (junior grade)	5 years
"Captain or Navy Lieutenant	7 years
"Major or Lieutenant commander	7 years

"(2) Paragraph (1) is subject to subsections (a), (b), and (c) of section 14301 of this title and applies without regard to vacancies.

"(3) Paragraph (1) applies to an officer who is on the reserve active-status list of the Army, Navy, Air Force, or Marine Corps and who holds a permanent appointment in the grade of first lieutenant, captain, or major as a reserve of the Army, Air Force, or Marine Corps, or to an officer on the reserve active-status list of the Navy in the grade of lieutenant (junior grade), lieutenant, or lieutenant commander as a reserve of the Navy, and who, while holding that appointment, has not been considered by a selection board convened under section 14101(a) or 14502 of this title for promotion to the next higher grade.

"(b) PROMOTION DATE.—An officer holding a permanent grade specified in the table in subsection (a) who is recommended for promotion to the next higher grade by a selection board the first time the officer is considered for promotion while in or above the promotion zone and who is placed on an approved promotion list established under section 14308(a) of this title shall (if not promoted sooner or removed from that list by the President or by reason of declination) be promoted, without regard to the existence of a vacancy, on the date on which the officer completes the maximum years of service in grade specified in subsection (a). The preceding sentence is subject to the limitations of section 12011 of this title.

"(c) WAIVER AUTHORITY FOR NAVY AND MARINE CORPS RUNNING MATE SYSTEM.—If the Secretary of the Navy establishes promotion zones for officers on the reserve active-status list of the Navy or the Marine Corps Reserve in accordance with a running mate system under section 14306 of this title, the Secretary may waive the requirements of subsection (a) to the extent the Secretary considers necessary in any case in which the years of service for promotion, or for consideration for promotion, within those zones will exceed the maximum years of service in grade specified in subsection (a).

"§ 14305. Establishment of promotion zones: mandatory consideration for promotion

"(a) ESTABLISHMENT OF ZONE.—Before convening a mandatory promotion board under section 14101(a) of this title, the Secretary of the military department concerned shall establish a promotion zone for officers serving in each grade and competitive category to be considered by the board.

"(b) NUMBER IN THE ZONE.—The Secretary concerned shall determine the number of officers in the promotion zone for officers serving in any grade and competitive category from among officers who are eligible for promotion in that grade and competitive category under the provisions of sections 14303 and 14304 of this title and who are otherwise eligible for promotion.

"(c) FACTORS IN DETERMINING NUMBER IN THE ZONE.—The Secretary's determination under subsection (b) shall be made on the basis of an estimate of the following:

"(1) The number of officers needed in that competitive category in the next higher grade in each of the next five years.

"(2) In the case of a promotion zone for officers to be promoted to a grade to which the maximum years of in grade criteria established in section 14304 of this title apply, the number of officers in that competitive category who are required to be considered for selection for promotion to the next higher grade under that section.

"(3) The number of officers that should be placed in the promotion zone in each of the next five years to provide to officers in those years relatively similar opportunities for promotion.

"§ 14306. Establishment of promotion zones: Naval Reserve and Marine Corps Reserve running mate system

"(a) AUTHORITY OF SECRETARY OF THE NAVY.—The Secretary of the Navy may by regulation implement section 14305 of this title by requiring that the promotion zone for consideration of officers on the reserve active-status list of the Navy or the Marine Corps for promotion to the next higher grade be determined in accordance with a running mate system as provided in subsection (b).

"(b) ASSIGNMENT OF RUNNING MATES.—An officer to whom a running mate system applies shall be assigned as a running mate an officer of the same grade on the active-duty list of the same armed force. The officer on the reserve active-status list is in the promotion zone and is eligible for consideration for promotion to the next higher grade by a selection board convened under section 14101(a) of this title when that officer's running mate is in or above the promotion zone established for that officer's grade under chapter 36 of this title.

"(c) CONSIDERATION OF OFFICERS BELOW THE ZONE UNDER A RUNNING MATE SYSTEM.—If the Secretary of the Navy authorizes the selection of officers for promotion from below the promotion zone in accordance with section 14307 of this title, the number of officers to be considered from below the zone may be established through the application of the running mate system or otherwise as the Secretary determines to be appropriate to meet the needs of the Navy or Marine Corps.

"§ 14307. Number of officers to be recommended for promotion

"(a) DETERMINATION OF MAXIMUM NUMBER.—Before convening a promotion board under section 14101(a) of this title for a grade and competitive category (other than a vacancy promotion board), the Secretary of the military department concerned, under regulations prescribed by the Secretary of Defense, shall determine the maximum number of officers in that grade and competitive category that the board may recommend for promotion. The Secretary shall make the determination under the preceding sentence of the maximum number that may be recommended with a view to having on the reserve active-status list a sufficient number of officers in each grade and competitive category to meet the needs of the armed force concerned for officers on that list. In order to make that determination, the Secretary shall determine (1) the number of positions needed to accomplish mission objectives which require officers of such competitive category in the grade to which the board will recommend officers for promotion, (2) the estimated number of officers needed to fill va-

cancies in such positions during the period in which it is anticipated that officers selected for promotion will be promoted, (3) the number of officers authorized by the Secretary of the military department concerned to serve on the reserve active-status list in the grade and competitive category under consideration, and (4) any statutory limitation on the number of officers in any grade or category (or combination thereof) authorized to be on the reserve active-status list.

"(b) BELOW-THE-ZONE SELECTIONS.—(1) The Secretary of the military department concerned may, when the needs of the armed force concerned require, authorize the consideration of officers in the grade of captain, major, or lieutenant colonel on the reserve active-status list of the Army or Air Force, in a grade above first lieutenant on the reserve active-status list of the Marine Corps, or in a grade above lieutenant (junior grade) on the reserve active-status list of the Navy, for promotion to the next higher grade from below the promotion zone.

"(2) When selection from below the promotion zone is authorized, the Secretary shall establish the number of officers that may be recommended for promotion from below the promotion zone in each competitive category to be considered. That number may not exceed the number equal to 10 percent of the maximum number of officers that the board is authorized to recommend for promotion in such competitive category, except that the Secretary of Defense may authorize a greater number, not to exceed 15 percent of the total number of officers that the board is authorized to recommend for promotion, if the Secretary of Defense determines that the needs of the armed force concerned so require. If the maximum number determined under this paragraph is less than one, the board may recommend one officer for promotion from below the promotion zone.

"(3) The number of officers recommended for promotion from below the promotion zone does not increase the maximum number of officers that the board is authorized to recommend for promotion under subsection (a).

"§ 14308. Promotions: how made

"(a) PROMOTION LIST.—When the report of a selection board convened under section 14101(a) or 14502 of this title is approved by the President, the Secretary of the military department concerned shall place the names of all officers selected for promotion within a competitive category on a single list for that competitive category, to be known as a promotion list, in the order of seniority of those officers on the reserve active-status list.

"(b) PROMOTION; HOW MADE; ORDER.—(1) Officers on a promotion list for a competitive category shall be promoted in the manner specified in section 12203 of this title.

"(2) Officers on a promotion list for a competitive category shall be promoted to the next higher grade in accordance with regulations prescribed by the Secretary of the military department concerned. Except as provided in section 14311, 14312, or 14502(e) of this title or in subsection (d) or (e), promotions shall be made in the order in which the names of officers appear on the promotion list and after officers previously selected for promotion in that competitive category have been promoted.

"(3) Officers to be promoted to the grade of first lieutenant or lieutenant (junior grade) shall be promoted in accordance with regulations prescribed by the Secretary of the military department concerned.

"(c) DATE OF RANK.—(1) The date of rank of an officer appointed to a higher grade under this section is determined under section 741(d)(2) of this title.

"(2) Except as specifically authorized by law, a reserve officer is not entitled to additional pay or allowances if the effective date of the officer's promotion is adjusted to reflect a date earlier than the actual date of the officer's promotion.

"(d) OFFICERS WITH RUNNING MATES.—An officer to whom a running mate system applies under section 14306 of this title and who is selected for promotion is eligible for promotion to the grade for which selected when the officer who is that officer's running mate becomes eligible for promotion under chapter 36 of this title. The effective date of the promotion of that officer shall be the same as that of the officer's running mate in the grade to which the running mate is promoted.

"(e) ARMY RESERVE AND AIR FORCE RESERVE PROMOTIONS TO FILL VACANCIES.—Subject to this section and to section 14311(e) of this title, and under regulations prescribed by the Secretary of the military department concerned—

"(1) an officer in the Army Reserve or the Air Force Reserve who is on a promotion list as a result of selection for promotion by a mandatory promotion board convened under section 14101(a) of this title or a board convened under section 14502 or chapter 36 of this title may be promoted at any time to fill a vacancy in a position to which the officer is assigned; and

"(2) an officer in the Army Reserve or the Air Force Reserve who is on a promotion list as a result of selection for promotion by a vacancy promotion board convened under section 14101(a) of this title may be promoted at any time to fill the vacancy for which the officer was selected.

"(f) EFFECTIVE DATE OF PROMOTION AFTER FEDERAL RECOGNITION.—The effective date of a promotion of a reserve commissioned officer of the Army or the Air Force who is extended Federal recognition in the next higher grade in the Army National Guard or the Air National Guard under section 307 or 310 of title 32 shall be the date on which such Federal recognition in that grade is so extended.

"(g) ARMY AND AIR FORCE GENERAL OFFICER PROMOTIONS.—A reserve officer of the Army who is on a promotion list for promotion to the grade of brigadier general or major general as a result of selection by a vacancy promotion board may be promoted to that grade only to fill a vacancy in that grade in a unit of the Army Reserve that is organized to serve as a unit and that has attained the strength prescribed by the Secretary of the Army. A reserve officer of the Air Force who is on a promotion list for promotion to the grade of brigadier general or major general as a result of selection by a vacancy promotion board may be promoted to that grade only to fill a vacancy in the Air Force Reserve in that grade.

"§ 14309. Acceptance of promotion; oath of office

"(a) ACCEPTANCE.—An officer who is appointed to a higher grade under this chapter shall be considered to have accepted the appointment on the date on which the appointment is made unless the officer expressly declines the appointment or is granted a delay of promotion under section 14312 of this title.

"(b) OATH.—An officer who has served continuously since taking the oath of office prescribed in section 3331 of title 5 is not required to take a new oath upon appointment to a higher grade under this chapter.

"§ 14310. Removal of officers from a list of officers recommended for promotion

"(a) REMOVAL BY PRESIDENT.—The President may remove the name of any officer from a promotion list at any time before the date on which the officer is promoted.

"(b) REMOVAL FOR WITHHOLDING OF SENATE ADVICE AND CONSENT.—If the Senate does not give its advice and consent to the appointment to the next higher grade of an officer whose name is on a list of officers approved by the President for promotion (except in the case of promotions to a reserve grade to which appointments may be made by the President alone), the name of that officer shall be removed from the list.

"(c) CONTINUED ELIGIBILITY FOR PROMOTION.—An officer whose name is removed from a list under subsection (a) or (b) continues to be eligible for consideration for promotion. If that officer is recommended for promotion by the next selection board convened for that officer's grade and competitive category and the officer is promoted, the Secretary of the military department concerned may, upon the promotion, grant the officer the same date of rank, the same effective date for the pay and allowances of the grade to which promoted, and the same position on the reserve active-status list, as the officer would have had if the officer's name had not been removed from the list.

"§ 14311. Delay of promotion: involuntary

"(a) DELAY DURING INVESTIGATIONS AND PROCEEDINGS.—(1) Under regulations prescribed by the Secretary of the military department concerned, the appointment of an officer to a higher grade may be delayed if any of the following applies before the date on which the appointment would otherwise be made:

"(A) Sworn charges against the officer have been received by an officer exercising general court-martial jurisdiction over the officer and the charges have not been disposed of.

"(B) An investigation is being conducted to determine whether disciplinary action of any kind should be brought against the officer.

"(C) A board of officers has been convened under section 14903 of this title to review the record of the officer.

"(D) A criminal proceeding in a Federal or State court of competent jurisdiction is pending against the officer.

"(2) If disciplinary action is not taken against the officer, if the charges against the officer are withdrawn or dismissed, if the officer is not separated by the Secretary of the military department concerned as the result of having been required to show cause for retention, or if the officer is acquitted of the charges, as the case may be, then (unless action to delay the officer's appointment to the higher grade has been taken under subsection (b)) the officer shall be retained on the promotion list, list of officers found qualified for Federal recognition, or list of officers nominated by the President to the Senate for appointment in a higher reserve grade and shall, upon promotion to the next higher grade, have the same date of rank, the same effective date for the pay and allowances of the grade to which promoted, and the same position on the reserve active-status list as the officer would have had if no delay had intervened, unless the Secretary concerned determines that the officer was unqualified for promotion for any part of the delay. If the Secretary makes such a determination, the Secretary may adjust such date of rank, effective date of pay and allowances, and position on the reserve active-status list as the Secretary considers appropriate under the circumstances.

"(b) DELAY FOR LACK OF QUALIFICATIONS.—Under regulations prescribed by the Secretary of the military department concerned, the appointment of an officer to a higher grade may also be delayed if there is cause to believe that the officer is mentally, physically, morally, or professionally unqualified to perform the duties of the grade to which selected. If the Secretary concerned later determines that the officer is qualified for promotion to the higher grade, the officer shall be retained on the promotion list, the list of officers found qualified for Federal recognition, or list of officers nominated by the President to the Senate for appointment in a higher reserve grade, and shall, upon promotion to that grade, have the same date of rank, the same effective date for pay and allowances of that grade, and the same position on the reserve active-status list as the officer would have had if no delay had intervened, unless the Secretary concerned determines that the officer was unqualified for promotion for any part of the delay. If the Secretary makes such a determination, the Secretary may adjust such date of rank, effective date of pay and allowances, and position on the reserve active-status list as the Secretary considers appropriate under the circumstances.

"(c) NOTICE TO OFFICER.—(1) The appointment of an officer to a higher grade may not be delayed under subsection (a) or (b) unless the officer is given written notice of the grounds for the delay. The preceding sentence does not apply if it is impracticable to give the officer written notice before the date on which the appointment to the higher grade would otherwise take effect, but in such a case the written notice shall be given as soon as practicable.

"(2) An officer whose promotion is delayed under subsection (a) or (b) shall be given an opportunity to make a written statement to the Secretary of the military department concerned in response to the action taken. The Secretary shall give consideration to any such statement.

"(d) MAXIMUM LENGTH OF DELAY IN PROMOTION.—The appointment of an officer to a higher grade may not be delayed under subsection (a) or (b) for more than six months after the date on which the officer would otherwise have been promoted unless the Secretary concerned specifies a further period of delay. An officer's appointment may not be delayed more than 90 days after final action has been taken in any criminal case against the officer in a Federal or State court of competent jurisdiction or more than 90 days after final action has been taken in any court-martial case against the officer. Except for court action, a promotion may not be delayed more than 18 months after the date on which the officer would otherwise have been promoted.

"(e) DELAY BECAUSE OF LIMITATIONS ON OFFICER STRENGTH IN GRADE OR DUTIES TO WHICH ASSIGNED.—(1) Under regulations prescribed by the Secretary of Defense, the promotion of a reserve officer on the reserve active-status list who is serving on active duty, or who is on full-time National Guard duty for administration of the reserves or the National Guard, to a grade to which the strength limitations of section 12011 of this title apply shall be delayed if necessary to ensure compliance with those strength limitations. The delay shall expire when the Secretary determines that the delay is no longer required to ensure such compliance.

"(2) The promotion of an officer described in paragraph (1) shall also be delayed while the officer is on duty described in that paragraph unless the Secretary of the military department concerned, under regulations prescribed by the Secretary of Defense, determines that the duty assignment of the officer requires a higher grade than the grade currently held by the officer.

"(3) The date of rank and position on the reserve active-status list of a reserve officer whose promotion to or Federal recognition in the next higher grade was delayed under paragraph (1) or (2) solely as the result of the limitations imposed under the regulations prescribed by the Secretary of Defense or contained in section 12011 of this title shall be the date on which the officer would have been promoted to or recognized in the higher grade had such limitations not existed.

"(4) If an officer whose promotion is delayed under paragraph (1) or (2) completes the period of active duty or full-time National Guard duty that the officer is required by law or regulation to perform as a member of a reserve component, the officer may request release from active duty or full-time National Guard duty. If the request is granted, the officer's promotion shall be effective upon the officer's release from such duty. The date of rank and position on the reserve active-status list of the officer shall be the date the officer would have been promoted to or recognized in the higher grade had the limitations imposed under regulations prescribed by the Secretary of Defense contained in section 12011 of this title not existed. If an officer whose promotion is delayed under paragraph (1) or (2) has not completed the period of active duty or full-time National Guard duty that the officer is required by law or regulation to perform as a member of a reserve component, the officer may be retained on active duty or on full-time National Guard duty in the grade in which the officer was serving before the officer's being found qualified for Federal recognition or the officer's selection for the promotion until the officer completes that required period of duty.

"§ 14312. Delay of promotion: voluntary

"(a) AUTHORITY FOR VOLUNTARY DELAYS.—(1) The Secretary of the military department concerned may, by regulation, permit delays of a promotion of an officer who is recommended for promotion by a mandatory selection board convened under section 14101(a) or a special selection board convened under section 14502 of this title at the request of the officer concerned. Such delays, in the case of any promotion, may extend for any period not to exceed three years from the date on which the officer would otherwise be promoted.

"(2) Regulations under this section shall provide that—

"(A) a request for such a delay of promotion must be submitted by the officer concerned before the delay may be approved; and

"(B) denial of such a request shall not be considered to be a failure of selection for promotion unless the officer declines to accept a promotion under circumstances set forth in subsection (c).

"(b) EFFECT OF APPROVAL OF REQUEST.—If a request for delay of a promotion under subsection (a) is approved, the officer's name shall remain on the promotion list during the authorized period of delay (unless removed under any other provision of law). Upon the end of the period of the authorized delay, or at any time during such period, the officer may accept the promotion, which shall be effective on the date of acceptance. Such an acceptance of a promotion shall be made in accordance with regulations prescribed under this section.

"(c) EFFECT OF DECLINING A PROMOTION.—An officer's name shall be removed from the promotion list and, if the officer is serving in a grade below colonel or, in the case of the Navy, captain, the officer shall be considered to have failed of selection for promotion if any of the following applies:

"(1) The Secretary concerned has not authorized voluntary delays of promotion under subsection (a) to the grade concerned and the officer declines to accept an appointment to a higher grade.

"(2) The Secretary concerned has authorized voluntary delays of promotion under subsection (a), but has denied the request of the officer for a delay of promotion and the officer then declines to accept an appointment to a higher grade.

"(3) The Secretary concerned has approved the request of an officer for a delay of promotion and, upon the end of the period of delay authorized in accordance with regulations prescribed under subsection (a), the officer then declines to accept an appointment to a higher grade.

"§ 14313. Authority to vacate promotions to grade of brigadier general or rear admiral (lower half)

"(a) AUTHORITY.—The President may vacate the appointment of a reserve officer to the grade of brigadier general or rear admiral (lower half) if the period of time during which the officer has served in that grade after promotion to that grade is less than 18 months.

"(b) EFFECT OF PROMOTION BEING VACATED.—Except as provided in subsection (c), an officer whose promotion to the grade of brigadier general is vacated under this section holds the grade of colonel as a reserve of the armed force of which the officer is a member. An officer whose promotion to the grade of rear admiral (lower half) is vacated under this section holds the grade of captain in the Naval Reserve. Upon assuming the lower grade, the officer shall have the same position on the reserve active-status list as the officer would have had if the officer had not served in the higher grade.

"(c) SPECIAL RULE FOR OFFICERS SERVING AS ADJUTANT GENERAL.—In the case of an officer serving as an adjutant general or assistant adjutant general whose promotion to the grade of brigadier general is vacated under this section, the officer then holds the reserve grade held by that officer immediately before the officer's appointment as adjutant general or assistant adjutant general.

"§ 14314. Army and Air Force commissioned officers: generals ceasing to occupy positions commensurate with grade; State adjutants general

"(a) GENERAL OFFICERS.—Within 30 days after a reserve officer of the Army or the Air Force on the reserve active-status list in a general officer grade ceases to occupy a position commensurate with that grade (or commensurate with a higher grade), the Secretary concerned shall transfer or discharge the officer in accordance with whichever of the following the officer elects:

"(1) Transfer the officer in grade to the Retired Reserve, if the officer is qualified and applies for the transfer.

"(2) Transfer the officer in grade to the inactive status list of the Standby Reserve, if the officer is qualified.

"(3) Discharge the officer from the officer's reserve appointment and, if the officer is qualified and applies therefor, appoint the officer in the reserve grade held by the officer as a reserve officer before the officer's appointment in a general officer grade.

"(4) Discharge the officer from the officer's reserve appointment.

"(b) ADJUTANTS GENERAL.—If a reserve officer who is federally recognized in the Army National Guard or the Air National Guard solely because of the officer's appointment as adjutant general or assistant adjutant general of a State ceases to occupy that position, the Secretary concerned, not later than 30 days after the date on which the officer ceases to occupy that position, shall—

"(1) withdraw that officer's Federal recognition; and

"(2) require that the officer—

"(A) be transferred in grade to the Retired Reserve, if the officer is qualified and applies for the transfer;

"(B) be discharged from the officer's reserve appointment and appointed in the reserve grade held by the officer as a reserve officer of the Air Force immediately before the appointment of that officer as adjutant general or assistant adjutant general, if the officer is qualified and applies for that appointment; or

"(C) be discharged from the officer's reserve appointment.

"(c) CREDIT FOR SERVICE IN GRADE.—An officer who is appointed under subsection (a)(3) or (b)(2)(B) shall be credited with an amount of service in the grade in which appointed that is equal to the amount of prior service in an active status in that grade and in any higher grade.

"§ 14315. Position vacancy promotions: Army and Air Force officers

"(a) OFFICERS ELIGIBLE FOR CONSIDERATION FOR VACANCY PROMOTIONS BELOW BRIGADIER GENERAL.—A reserve officer of the Army who is in the Army Reserve, or a Reserve officer of the Air Force who is in the Air Force Reserve, who is on the reserve active-status list in the grade of first lieutenant, captain, major, or lieutenant colonel is eligible for consideration for promotion to the next higher grade under this section if each of the following applies:

"(1) The officer is occupying or, as determined by the Secretary concerned, is available to occupy a position in the same competitive category as the officer and for which a grade higher than the one held by that officer is authorized.

"(2) The officer is fully qualified to meet all requirements for the position as established by the Secretary of the military department concerned.

"(3) The officer has held the officer's present grade for the minimum period of service prescribed in section 14303 of this title for eligibility for consideration for promotion to the higher grade.

"(b) CONSIDERATION FOR VACANCY PROMOTION TO BRIGADIER GENERAL OR MAJOR GENERAL.—(1) A reserve officer of the Army who is in the Army Reserve and on the reserve active-status list in the grade of colonel or brigadier general may be considered for promotion to the next higher grade under this section if the officer (A) is assigned to the duties of a general officer of the next higher reserve grade in a unit of the Army Reserve organized to serve as a unit, (B) has held the officer's present grade for the minimum period of service prescribed in section 14303 of this title for eligibility for consideration for promotion to the higher grade, and (C) meets the standards for consideration prescribed by the Secretary of the Army.

"(2) A reserve officer of the Air Force who is in the Air Force Reserve and on the reserve active-status list in the grade of colonel or brigadier general may be considered for promotion to the next higher grade under this section if the officer (A) is assigned to the duties of a general officer of the next higher reserve grade, and (B) meets the standards for consideration prescribed by the Secretary of the Air Force.

"(c) VACANCY PROMOTION BOARDS.—Consideration for promotion under this section shall be by a vacancy promotion board convened under section 14101(a) of this title.

"(d) EFFECT OF NONSELECTION.—An officer who is considered for promotion under this section and is not selected shall not be considered to have failed of selection for promotion.

"(e) SPECIAL RULE FOR OFFICERS FAILED OF SELECTION.—A reserve officer of the Army or the Air Force who is considered as failed of selection for promotion under section 14501 of this title to a grade may be considered for promotion under this section or, if selected, promoted to that grade only if the Secretary of the military department concerned finds that the officer is the only qualified officer available to fill the vacancy. The Secretary concerned may not delegate the authority under the preceding sentence.

"§ 14316. Army National Guard and Air National Guard: appointment to and Federal recognition in a higher reserve grade after selection for promotion

"(a) OPPORTUNITY FOR PROMOTION TO FILL A VACANCY IN THE GUARD.—If an officer of the Army National Guard of the United States or the Air National Guard of the United States is recommended by a mandatory selection board convened under section 14101(a) or a special selection board convened under section 14502 of this title for promotion to the next higher grade, an opportunity shall be given to the appropriate authority of the State to promote that officer to fill a vacancy in the Army National Guard or the Air National Guard of that jurisdiction.

"(b) AUTOMATIC FEDERAL RECOGNITION.—An officer of the Army National Guard of the United States or the Air National Guard of the United States who is on a promotion list for promotion to the next higher grade as a result of selection for promotion as described in subsection (a) and who before the date of promotion is appointed in that higher grade to fill a vacancy in the Army National Guard or Air National Guard shall—

"(1) be extended Federal recognition in that grade, without the examination prescribed in section 307 of title 32; and

"(2) subject to section 14311(e) of this title, be promoted to that reserve grade effective on the date of the officer's appointment in that grade in the Army National Guard or Air National Guard.

"(c) NATIONAL GUARD OFFICERS FAILED OF SELECTION.—An officer who is considered as failed of selection for promotion under section 14501 of this title to a grade may be extended Federal recognition in that grade only if the Secretary of the military department concerned finds that the officer is the only qualified officer available to fill a vacancy. The Secretary concerned may not delegate the authority under the preceding sentence.

"(d) TRANSFER TO ARMY RESERVE OR AIR FORCE RESERVE.—If, on the date on which an officer of the Army National Guard of the United States or of the Air National Guard of the United States who is on a promotion list as described in subsection (a) is to be promoted, the officer has not been promoted to fill a vacancy in the higher grade in the Army National Guard or the Air National Guard, the officer's Federal recognition in the officer's reserve grade shall be withdrawn and the officer shall be promoted and transferred to the Army Reserve or the Air Force Reserve as appropriate.

"§ 14317. Officers in transition to and from the active-status list or active-duty list

"(a) EFFECT OF TRANSFER TO INACTIVE STATUS OR RETIRED STATUS.—If a reserve officer on the reserve active-status list is transferred to an inactive status or to a retired status after having been recommended for promotion to a higher grade under this chapter or chapter 36 of this title, or after having been found qualified for Federal recognition in the higher grade under title 32, but before being promoted, the officer—

"(1) shall be treated as if the officer had not been considered and recommended for promotion by the selection board or examined and been found qualified for Federal recognition; and

"(2) may not be placed on a promotion list or promoted to the higher grade after returning to an active status,

unless the officer is again recommended for promotion by a selection board convened under chapter 36 of this title or section 14101(a) or 14502 of this title or examined for Federal recognition under title 32.

"(b) EFFECT OF PLACEMENT ON ACTIVE-DUTY LIST.—A reserve officer who is on a promotion list as a result of selection for promotion by a mandatory promotion board convened under section 14101(a) or a special selection board convened under section 14502 of this title and who before being promoted is placed on the active-duty list of the same armed force and placed in the same competitive category shall, under regulations prescribed by the Secretary of Defense, be placed on an appropriate promotion list for officers on the active-duty list established under chapter 36 of this title.

"(c) OFFICERS ON A PROMOTION LIST REMOVED FROM ACTIVE-DUTY LIST.—An officer who is on the active-duty list and is on a promotion list as the result of selection for promotion by a selection board convened under chapter 36 of this title and who before being promoted is removed from the active-duty list and placed on the reserve active-status list of the same armed force and in the same competitive category (including a regular officer who on removal from the active-duty list is appointed as a reserve officer and placed on the reserve active-status list) shall, under regulations prescribed by the Secretary of Defense, be placed on an appropriate promotion list established under this chapter.

"(d) OFFICERS SELECTED FOR POSITION VACANCIES.—If a reserve officer is ordered to active duty (other than active duty for training) or full-time National Guard duty (other than full-time National Guard duty for training only) after being recommended for promotion under section 14314 of this title to fill a position vacancy or examined for Federal recognition under title 32, and before being promoted to fill that vacancy, the officer shall not be promoted while serving such active duty or full-time National Guard duty unless the officer is ordered to active duty as a member of the unit in which the vacancy exists when that unit is ordered to active duty. If, under this subsection, the name of an officer is removed from a list of officers recommended for promotion, the officer shall be treated as if the officer had not been considered for promotion or examined for Federal recognition.

"(e) Under regulations prescribed by the Secretary of the military department concerned, a reserve officer who is not on the active-duty list and who is ordered to active duty in time of war or national emergency

may, if eligible, be considered for promotion by a mandatory promotion board convened under section 14101(a) or a special selection board convened under section 14502 of this title for not more than two years from the date the officer is ordered to active duty unless the President suspends the operation of this section under the provisions of section 10213 or 644 of this title.

"CHAPTER 1407—FAILURE OF SELECTION FOR PROMOTION AND INVOLUNTARY SEPARATION

"Sec.
"14501. Failure of selection for promotion.
"14502. Special selection boards: correction of errors.
"14503. Discharge of officers with less than five years of commissioned service or found not qualified for promotion to first lieutenant or lieutenant (junior grade).
"14504. Effect of failure of selection for promotion: reserve first lieutenants of the Army, Air Force, and Marine Corps and reserve lieutenants (junior grade) of the Navy.
"14505. Effect of failure of selection for promotion: reserve captains of the Army, Air Force, and Marine Corps and reserve lieutenants of the Navy.
"14506. Effect of failure of selection for promotion: reserve majors of the Army, Air Force, and Marine Corps and reserve lieutenant commanders of the Navy.
"14507. Removal from the active-status list for years of service: reserve lieutenant colonels and colonels of the Army, Air Force, and Marine Corps and reserve commanders and captains of the Navy.
"14508. Removal from the reserve active-status list for years of service: reserve general and flag officers.
"14509. Separation at age 60: reserve officers below brigadier general or rear admiral (lower half).
"14510. Separation at age 60: reserve brigadier generals and rear admirals (lower half).
"14511. Separation at age 62: major generals and rear admirals.
"14512. Separation at age 64: officers holding certain offices.
"14513. Separation for failure of selection of promotion.
"14514. Discharge or retirement for years of service or after selection for early removal.
"14515. Discharge or retirement for age.
"14516. Separation to be considered involuntary.
"14517. Entitlement of officers discharged under this chapter to separation pay.

"§ 14501. Failure of selection for promotion

"(a) An officer on the reserve active-status list in a grade below the grade of colonel or, in the case of an officer in the Naval Reserve, captain who is in or above the promotion zone established for that officer's grade and competitive category and who (1) is considered but not recommended for promotion (other than by a vacancy promotion board), or (2) declines to accept a promotion for which selected (other than by a vacancy promotion board), shall be considered to have failed of selection for promotion.

"(b) OFFICERS TWICE FAILED OF SELECTION.—An officer shall be considered for all purposes to have twice failed of selection for promotion if any of the following applies:

"(1) The officer is considered but not recommended for promotion a second time by a mandatory promotion board convened under section 14101(a) or a special selection board convened under section 14502(a) of this title.

"(2) The officer declines to accept a promotion for which recommended by a mandatory promotion board convened under section 14101(a) or a special selection board convened under section 14502(a) or 14502(b) of this title after previously failing of selection or after the officer's name was removed from the report of a selection board under section 14111(b) or from a promotion list under section 14310 of this title after recommendation for promotion by an earlier selection board described in subsection (a).

"(3) The officer's name has been removed from the report of a selection board under section 14111(b) or from a promotion list under section 14310 of this title after recommendation by a mandatory promotion board convened under section 14101(a) or by a special selection board convened under section 14502(a) or 14502(b) of this title and—

"(A) the officer is not recommended for promotion by the next mandatory promotion board convened under section 14101(a) or special selection board convened under section 14502(a) of this title for that officer's grade and competitive category; or

"(B) the officer's name is again removed from the report of a selection board under section 14111(b) or from a promotion list under section 14310 of this title.

"§ 14502. Special selection boards: correction of errors

"(a) OFFICERS NOT CONSIDERED BECAUSE OF ADMINISTRATIVE ERROR.—(1) In the case of an officer or former officer who the Secretary of the military department concerned determines was not considered for selection for promotion from in or above the promotion zone by a mandatory promotion board convened under section 14101(a) of this title because of administrative error, the Secretary concerned shall convene a special selection board under this subsection to determine whether such officer or former officer should be recommended for promotion. Any such board shall be convened under regulations prescribed by the Secretary of Defense and shall be appointed and composed in accordance with section 14102 of this title and shall include the representation of competitive categories required by that section. The members of a board convened under this subsection shall be required to take an oath in the same manner as prescribed in section 14103 of this title.

"(2) A special selection board convened under this subsection shall consider the record of the officer or former officer as that record would have appeared to the promotion board that should have considered the officer or former officer. That record shall be compared with a sampling of the records of those officers of the same grade and competitive category who were recommended for promotion and those officers of the same grade and competitive category who were not recommended for promotion by that board.

"(3) If a special selection board convened under paragraph (1) does not recommend for promotion an officer or former officer in a grade below the grade of colonel or, in the case of an officer or former officer of the Navy, captain, whose name was referred to it for consideration, the officer or former officer shall be considered to have failed of selection for promotion.

"(b) OFFICERS CONSIDERED BUT NOT SELECTED; MATERIAL ERROR.—(1) In the case of an officer or former officer who was eligible for promotion and was considered for selection for promotion from in or above the promotion zone under this chapter by a selection board but was not selected, the Secretary of the military department concerned may, under regulations prescribed by the Secretary of Defense, convene a special selection board under this subsection to determine whether the officer or former officer should be recommended for promotion, if the Secretary determines that—

"(A) the action of the selection board that considered the officer or former officer was contrary to law or involved material error of fact or material administrative error; or

"(B) the selection board did not have before it for its consideration material information.

"(2) A special selection board convened under paragraph (1) shall be appointed and composed in accordance with section 14102 of this title (including the representation of competitive categories required by that section), and the members of such a board shall take an oath in the same manner as prescribed in section 14103 of this title.

"(3) Such board shall consider the record of the officer or former officer as that record, if corrected, would have appeared to the selection board that considered the officer or former officer. That record shall be compared with a sampling of the records of those officers of the same grade and competitive category who were recommended for promotion and those officers of the same grade and competitive category who were not recommended for promotion by that board.

"(4) If a special selection board convened under paragraph (1) does not recommend for promotion an officer or former officer in the grade of lieutenant colonel or commander or below whose name was referred to it for consideration, the officer or former officer shall be considered to have failed of selection for promotion by the board which did consider the officer but incurs no additional failure of selection for promotion from the action of the special selection board.

"(c) REPORT.—Each special selection board convened under this section shall submit to the Secretary of the military department concerned a written report, signed by each member of the board, containing the name of each officer it recommends for promotion and certifying that the board has considered carefully the record of each officer whose name was referred to it.

"(d) APPLICABLE PROVISIONS.—The provisions of sections 14104, 14109, 14110, and 14111 of this title apply to the report and proceedings of a special selection board convened under this section in the same manner as they apply to the report and proceedings of a promotion board convened under section 14101(a) of this title.

"(e) APPOINTMENT OF OFFICERS RECOMMENDED FOR PROMOTION.—(1) An officer whose name is placed on a promotion list as a result of recommendation for promotion by a special selection board convened under this section, shall, as soon as practicable, be appointed to the next higher grade in accordance with the law and policies which would have been applicable had he been recommended for promotion by the board which should have considered or which did consider him.

"(2) An officer who is promoted to the next higher grade as the result of the recommendation of a special selection board convened under this section shall, upon such promotion, have the same date of rank, the same effective date for the pay and allow-

ances of that grade, and the same position on the reserve active-status list as the officer would have had if the officer had been recommended for promotion to that grade by the selection board which should have considered, or which did consider, the officer.

"(3) If the report of a special selection board convened under this section, as approved by the President, recommends for promotion to the next higher grade an officer not currently eligible for promotion or a former officer whose name was referred to it for consideration, the Secretary concerned may act under section 1552 of this title to correct the military record of the officer or former officer to correct an error or remove an injustice resulting from not being selected for promotion by the board which should have considered, or which did consider, the officer.

"(f) TIME LIMITS FOR CONSIDERATION.—The Secretary of Defense may prescribe by regulation the circumstances under which consideration by a special selection board is contingent upon application for consideration by an officer or former officer and time limits within which an officer or former officer must make such application in order to be considered by a special selection board under this section.

"(g) LIMITATION OF OTHER JURISDICTION.—No official or court of the United States shall have power or jurisdiction—

"(1) over any claim based in any way on the failure of an officer or former officer of the armed forces to be selected for promotion by a selection board convened under chapter 1403 of this title until—

"(A) the claim has been referred to a special selection board by the Secretary concerned and acted upon by that board; or

"(B) the claim has been rejected by the Secretary without consideration by a special selection board; or

"(2) to grant any relief on such a claim unless the officer or former officer has been selected for promotion by a special selection board convened under this section to consider the officer's claim.

"(h) JUDICIAL REVIEW.—(1) A court of the United States may review a determination by the Secretary concerned under subsection (a)(1), (b)(1), or (e)(3) not to convene a special selection board. If a court finds the determination to be arbitrary or capricious, not based on substantial evidence, or otherwise contrary to law, it shall remand the case to the Secretary concerned, who shall provide for consideration of the officer or former officer by a special selection board under this section.

"(2) If a court finds that the action of a special selection board which considers an officer or former officer was contrary to law or involved material error of fact or material administrative error, it shall remand the case to the Secretary concerned, who shall provide the officer or former officer reconsideration by a new special selection board.

"(i) DESIGNATION OF BOARDS.—The Secretary of the military department concerned may designate a promotion board convened under section 14101(a) of this title as a special selection board convened under this section. A board so designated may function in both capacities.

"§ 14503. Discharge of officers with less than five years of commissioned service or found not qualified for promotion to first lieutenant or lieutenant (junior grade)

"(a) AUTHORIZED DISCHARGES.—The Secretary of the military department concerned may discharge any reserve officer who—

"(1) has less than five years of service in an active status as a commissioned officer; or

"(2) is serving in the grade of second lieutenant or ensign and has been found not qualified for promotion to the grade of first lieutenant or lieutenant (junior grade).

"(b) TIME FOR DISCHARGE.—(1) An officer described in subsection (a)(2)—

"(A) may be discharged at any time after being found not qualified for promotion; and

"(B) if not sooner discharged, shall be discharged at the end of the 18-month period beginning on the date on which the officer is first found not qualified for promotion.

"(2) Paragraph (1) shall not apply if the officer is sooner promoted.

"(c) REGULATIONS.—Discharges under this section shall be made under regulations prescribed by the Secretary of Defense and may be made without regard to section 12645 of this title.

"§ 14504. Effect of failure of selection for promotion: reserve first lieutenants of the Army, Air Force, and Marine Corps and reserve lieutenants (junior grade) of the Navy

"(a) GENERAL RULE.—A first lieutenant on the reserve active-status list of the Army, Air Force, or Marine Corps or a lieutenant (junior grade) on the reserve active-status list of the Navy who has failed of selection for promotion to the next higher grade for the second time and whose name is not on a list of officers recommended for promotion to the next higher grade shall be separated in accordance with section 14513 of this title not later than the first day of the seventh month after the month in which the President approves the report of the board which considered the officer for the second time.

"(b) EXCEPTIONS.—Subsection (a) does not apply (1) in the case of an officer retained as provided by regulation of the Secretary of the military department concerned in order to meet planned mobilization needs for a period not in excess of 24 months beginning with the date on which the President approves the report of the selection board which resulted in the second failure, or (2) as provided in section 12646 or 12686 of this title.

"§ 14505. Effect of failure of selection for promotion: reserve captains of the Army, Air Force, and Marine Corps and reserve lieutenants of the Navy

"Unless retained as provided in section 12646 or 12686 of this title, a captain on the reserve active-status list of the Army, Air Force, or Marine Corps or a lieutenant on the reserve active-status list of the Navy who has failed of selection for promotion to the next higher grade for the second time and whose name is not on a list of officers recommended for promotion to the next higher grade and who has not been selected for continuation on the reserve active-status list under section 14701 of this title, shall be separated in accordance with section 14513 of this title not later than the first day of the seventh month after the month in which the President approves the report of the board which considered the officer for the second time.

"§ 14506. Effect of failure of selection for promotion: reserve majors of the Army, Air Force, and Marine Corps and reserve lieutenant commanders of the Navy

"Unless retained as provided in section 12646, 12686, 14701, or 14702 of this title, each reserve officer of the Army, Navy, Air Force, or Marine Corps who holds the grade of major or lieutenant commander who has failed of selection to the next higher grade for the second time and whose name is not on a list of officers recommended for promotion to the next higher grade shall, if not earlier removed from the reserve active-status list, be removed from that list in accordance with section 14513 of this title on the first day of the month after the month in which the officer completes 20 years of commissioned service.

"§ 14507. Removal from the reserve active-status list for years of service: reserve lieutenant colonels and colonels of the Army, Air Force, and Marine Corps and reserve commanders and captains of the Navy

"(a) LIEUTENANT COLONELS AND COMMANDERS.—Unless continued on the reserve active-status list under section 14701 or 14702 of this title or retained as provided in section 12646 or 12686 of this title, each reserve officer of the Army, Navy, Air Force, or Marine Corps who holds the grade of lieutenant colonel or commander and who is not on a list of officers recommended for promotion to the next higher grade shall (if not earlier removed from the reserve active-status list) be removed from that list under section 14514 of this title on the first day of the month after the month in which the officer completes 28 years of commissioned service.

"(b) COLONELS AND NAVY CAPTAINS.—Unless continued on the reserve active-status list under section 14701 or 14702 of this title or retained as provided in section 12646 or 12686 of this title, each reserve officer of the Army, Air Force, or Marine Corps who holds the grade of colonel, and each reserve officer of the Navy who holds the grade of captain, and who is not on a list of officers recommended for promotion to the next higher grade shall (if not earlier removed from the reserve active-status list) be removed from that list under section 14514 of this title on the first day of the month after the month in which the officer completes 30 years of commissioned service. This subsection does not apply to the adjutant general or assistant adjutants general of a State.

"§ 14508. Removal from the reserve active-status list for years of service: reserve general and flag officers

"(a) THIRTY YEARS SERVICE OR FIVE YEARS IN GRADE.—Unless retired, transferred to the Retired Reserve, or discharged at an earlier date, each reserve officer of the Army, Air Force, or Marine Corps in the grade of brigadier general who has not been recommended for promotion to the grade of major general, and each reserve officer of the Navy in the grade of rear admiral (lower half) who has not been recommended for promotion to rear admiral shall, 30 days after completion of 30 years of commissioned service or on the fifth anniversary of the date of the officer's appointment in the grade of brigadier general or rear admiral (lower half), whichever is later, be separated in accordance with section 14514 of this title.

"(b) THIRTY-FIVE YEARS SERVICE OR FIVE YEARS IN GRADE.—Unless retired, transferred to the Retired Reserve, or discharged at an earlier date, each reserve officer of the Army, Air Force, or Marine Corps in the grade of major general, and each reserve officer of the Navy in the grade of rear admiral, shall, 30 days after completion of 35 years of commissioned service or on the fifth anniversary of the date of the officer's appointment in the grade of major general or rear admiral, whichever is later, be separated in accordance fith section 14514 of this title.

"(c) RETENTION OF BRIGADIER GENERALS.—A reserve officer of the Army or Air Force in the grade of brigadier general who would otherwise be removed from an active status under this subsection (a) may, in the discretion of the Secretary of the Army or the Secretary of the Air Force, as the case may be,

be retained in an active status, but not later than the date on which the officer becomes 60 years of age. Not more than 10 officers of the Army and not more than 10 officers of the Air Force may be retained under this subsection at any one time.

"(d) RETENTION OF MAJOR GENERALS.—A reserve officer of the Army or Air Force in the grade of major general who would otherwise be removed from an active status under this subsection (b) may, in the discretion of the Secretary of the Army or the Secretary of the Air Force, as the case may be, be retained in an active status, but not later than the date on which the officer becomes 62 years of age. Not more than 10 officers of the Army and not more than 10 officers of the Air Force may be retained under this subsection at any one time.

"(e) EXCEPTION FOR STATE ADJUTANTS GENERAL AND ASSISTANT ADJUTANTS GENERAL.—This section does not apply to an officer who is the adjutant general or assistant adjutant general of a State.

"§ 14509. Separation at age 60: reserve officers in grades below brigadier general or rear admiral (lower half)

"Each reserve officer of the Army, Navy, Air Force, or Marine Corps in a grade below brigadier general or rear admiral (lower half) who has not been recommended for promotion to the grade of brigadier general or rear admiral (lower half) and is not a member of the Retired Reserve shall, on the last day of the month in which that officer becomes 60 years of age, be separated in accordance with section 14515 of this title.

"§ 14510. Separation at age 60: reserve brigadier generals and rear admirals (lower half)

"Unless retired, transferred to the Retired Reserve, or discharged at an earlier date, each reserve officer of the Army, Air Force, or Marine Corps in the grade of brigadier general who has not been recommended for promotion to the grade of major general, and each reserve rear admiral (lower half) of the Navy who has not been recommended for promotion to the grade of rear admiral, except an officer covered by section 14512 of this title, shall be separated in accordance with section 14515 of this title on the last day of the month in which the officer becomes 60 years of age.

"§ 14511. Separation at age 62: major generals and rear admirals

"Unless retired, transferred to the Retired Reserve, or discharged at an earlier date, each reserve officer of the Army, Air Force, or Marine Corps in the grade of major general and each reserve officer of the Navy in the grade of rear admiral, except an officer covered by section 14512 of this title, shall be separated in accordance with section 14515 of this title on the last day of the month in which the officer becomes 62 years of age.

"§ 14512. Separation at age 64: officers holding certain offices

"(a) ARMY AND AIR FORCE.—Unless retired, transferred to the Retired Reserve, or discharged at an earlier date, a reserve officer of the Army or Air Force who is Chief of the National Guard Bureau, an adjutant general, or if a reserve officer of the Army, commanding general of the troops of a State, shall on the last day of the month in which the officer becomes 64 years of age, be separated in accordance with section 14515 of this title.

"(b) NAVY AND MARINE CORPS.—The Secretary of the Navy may defer the retirement under section 14510 or 14511 of a reserve officer of the Navy in a grade above captain or a reserve officer of the Marine Corps in a grade above colonel and retain the officer in an active status until the officer becomes 64 years of age. Not more than 10 officers may be so deferred at any one time, distributed between the Naval Reserve and the Marine Corps Reserve as the Secretary determines.

"§ 14513. Separation for failure of selection of promotion

"Each reserve officer of the Army, Navy, Air Force, or Marine Corps who is in an active status and whose removal from an active status or from a reserve active-status list is required by section 14504, 14505, or 14506 of this title shall (unless the officer's separation is deferred or the officer is continued in an active status under another provision of law) not later than the date specified in those sections—

"(1) be transferred to an inactive status if the Secretary concerned determines that the officer has skills which may be required to meet the mobilization needs of the officer's armed force;

"(2) be transferred to the Retired Reserve, if the officer is qualified and applies for such transfer; or

"(3) if the officer is not transferred to an inactive status or to the Retired Reserve, be discharged from the officer's reserve appointment.

"§ 14514. Discharge or retirement for years of service or after selection for early removal

"Each reserve officer of the Army, Navy, Air Force, or Marine Corps who is in an active status and who is required to be removed from an active status or from a reserve active-status list, as the case may be, under section 14507, 14508, 14704, or 14705 of this title (unless the officer is sooner separated or the officer's separation is deferred or the officer is continued in an active status under another provision of law), in accordance with those sections, shall—

"(1) be transferred to the Retired Reserve, if the officer is qualified and applies for such transfer; or

"(2) if the officer is not qualified or does not apply for such transfer, be discharged from the officer's reserve appointment.

"§ 14515. Discharge or retirement for age

"Each reserve officer of the Army, Navy, Air Force, or Marine Corps who is in an active status or on an inactive status list and who reaches the maximum age specified in section 14509, 14510, 14511, or 14512 of this title for the officer's grade or position shall (unless the officer is sooner separated or the officer's separation is deferred or the officer is continued in an active status under another provision of law) not later than the last day of the month in which the officer reaches that maximum age—

"(1) be transferred to the Retired Reserve, if the officer is qualified and applies for such transfer; or

"(2) if the officer is not qualified or does not apply for transfer to the Retired Reserve, be discharged from the officer's reserve appointment.

"§ 14516. Separation to be considered involuntary

"The separation of an officer pursuant to section 14513, 14514, or 14515 of this title shall be considered to be an involuntary separation for purposes of any other provision of law.

"§ 14517. Entitlement of officers discharged under this chapter to separation pay

"An officer who is discharged under section 14513, 14514, or 14515 of this title is entitled to separation pay under section 1174 of this title if otherwise eligible under that section.

"CHAPTER 1409—CONTINUATION OF OFFICERS ON THE RESERVE ACTIVE-STATUS LIST AND SELECTIVE EARLY REMOVAL

"Sec.
"14701. Selection of officers for continuation on the reserve active-status list.
"14702. Retention on reserve active-status list of certain officers until age 60.
"14703. Authority to retain chaplains and officers in medical specialties until specified age.
"14704. Selective early removal from the reserve active-status list.
"14705. Selective early retirement: reserve general and flag officers of the Navy and Marine Corps.
"14706. Computation of total years of service.

"§ 14701. Selection of officers for continuation on the reserve active-status list

"(a) CONSIDERATION FOR CONTINUATION.—(1) Upon application, a reserve officer of the Army, Navy, Air Force, or Marine Corps who is required to be removed from the reserve active-status list under section 14505, 14506, or 14507 of this title may, subject to the needs of the service and to section 14509 of this title, be considered for continuation on the reserve active-status list by a selection board convened under section 14101(b) of this title.

"(2) A reserve officer who holds the grade of captain in the Army, Air Force, or Marine Corps or the grade of lieutenant in the Navy and who is subject to separation under section 14513 of this title may not be continued on the reserve active-status list under this subsection for a period which extends beyond the last day of the month in which the officer completes 20 years of commissioned service.

"(3) A reserve officer who holds the grade of major or lieutenant commander and who is subject to separation under section 14513 of this title may not be continued on the reserve active-status list under this subsection for a period which extends beyond the last day of the month in which the officer completes 24 years of commissioned service.

"(4) A reserve officer who holds the grade of lieutenant colonel or commander and who is subject to separation under section 14514 of this title may not be continued on the reserve active-status list under this subsection for a period which extends beyond the last day of the month in which the officer completes 33 years of commissioned service.

"(5) A reserve officer who holds the grade of colonel in the Army, Air Force, or Marine Corps or the grade of captain in the Navy and who is subject to separation under section 14514 of this title may not be continued on the reserve active-status list under this subsection for a period which extends beyond the last day of the month in which the officer completes 35 years of commissioned service.

"(6) An officer who is selected for continuation on the reserve active-status list as a result of the convening of a selection board under section 14101(b) of this title but who declines to continue on that list shall be separated in accordance with section 14513 or 14514 of this title, as the case may be.

"(7) Each officer who is continued on the reserve active-status list under this section, who is not subsequently promoted or continued on the active-status list, and whose name is not on a list of officers rec-

ommended for promotion to the next higher grade shall (unless sooner separated under another provision of law) be separated in accordance with section 14513 or 14514 of this title, as appropriate, upon the expiration of the period for which the officer was continued on the reserve active-status list.

"(b) APPROVAL OF SECRETARY CONCERNED.—Continuation of an officer on the reserve active-status list under this section pursuant to action of a continuation board convened under section 14101(b) of this title is subject to the approval of the Secretary of the military department concerned.

"(c) INSTRUCTIONS TO CONTINUATION BOARDS.—A continuation board convened under section 14101(b) of this title to consider officers for continuation on the reserve active-status list under this section shall act in accordance with the instructions and directions provided to the board by the Secretary of the military department concerned.

"(d) REGULATIONS.—The Secretary of Defense shall prescribe regulations for the administration of this section.

"§ 14702. Retention on reserve active-status list of certain officers until age 60

"(a) RETENTION.—Notwithstanding the provisions of section 14506 or 14507 of this title, the Secretary of the military department concerned may, with the officer's consent, retain on the reserve active-status list an officer in the grade of major, lieutenant colonel, or colonel who is—

"(1) an officer of the Army National Guard of the United States and assigned to a headquarters or headquarters detachment of a State; or

"(2) a reserve officer of the Army or Air Force who, as a condition of continued employment as a National Guard or Reserve technician is required by the Secretary concerned to maintain membership in a Selected Reserve unit or organization.

"(b) SEPARATION AT AGE 60.—An officer may be retained under this section only so long as the officer continues to meet the conditions of subsection (a)(1) or (a)(2). An officer may not be retained under this section after the last day of the month in which the officer becomes 60 years of age.

"§ 14703. Authority to retain chaplains and officers in medical specialties until specified age

"(a) RETENTION.—Notwithstanding any provision of chapter 1407 of this title and except for officers referred to in sections 14503, 14504, 14505, and 14506 of this title and under regulations prescribed by the Secretary of Defense—

"(1) the Secretary of the Army may, with the officer's consent, retain in an active status any reserve officer assigned to the Medical Corps, the Dental Corps, the Veterinary Corps, the Medical Services Corps (if the officer has been designated as allied health officer or biomedical sciences officer in that Corps), the Optometry Section of the Medical Services Corps, the Chaplains, the Army Nurse Corps, or the Army Medical Specialists Corps;

"(2) the Secretary of the Navy may, with the officer's consent, retain in an active status any reserve officer appointed in the Medical Corps, Dental Corps, Nurse Corps, or Chaplain Corps or appointed in the Medical Services Corps and designated to perform as a veterinarian, optometrist, podiatrist, allied health officer, or biomedical sciences officer; and

"(3) the Secretary of the Air Force may, with the officer's consent, retain in an active status any reserve officer who is designated as a medical officer, dental officer, veterinary officer, Air Force nurse, or claplain or who is designated as a biomedical sciences officer and is qualified for service as a veterinarian, optometrist, or podiatrist.

"(b) SEPARATION AT SPECIFIED AGE.—An officer may not be retained in active status under this section later than the date on which the officer becomes 67 years of age (or, in the case of a reserve officer of the Army in the Chaplains or a reserve officer of the Air Force designated as a chaplain, 60 years of age).

"§ 14704. Selective early removal from the reserve active-status list

"(a) BOARDS TO RECOMMEND OFFICERS FOR REMOVAL FROM RESERVE ACTIVE-STATUS LIST.—Whenever the Secretary of the military department concerned determines that there are in any reserve component under the jurisdiction of the Secretary too many officers in any grade and competitive category who have at least 30 years of service computed under section 14706 of this title or at least 20 years of service computed under section 12732 of this title, the Secretary may convene a selection board under section 14101(b) of this title to consider all officers on that list who are in that grade and competitive category, and who have that amount of service, for the purpose of recommending officers by name for removal from the reserve active-status list, in the number specified by the Secretary by each grade and competitive category.

"(b) SEPARATION OF OFFICERS SELECTED.—In the case of an officer recommended for separation in the report of a board under subsection (a), the Secretary may separate the officer in accordance with section 14514 of this title.

"(c) REGULATIONS.—The Secretary of the military department concerned shall prescribe regulations for the administration of this section.

"§ 14705. Selective early retirement: reserve general and flag officers of the Navy and Marine Corps

"(a) AUTHORITY TO CONSIDER.—An officer in the Naval Reserve in an active status serving in the grade of rear admiral (lower half) or rear admiral and an officer in the Marine Corps Reserve in an active status serving in the grade of brigadier general or major general may be considered for early retirement whenever the Secretary of the Navy determines that such action is necessary.

"(b) BOARDS.—If the Secretary of the Navy determines that consideration for early retirement under this section is necessary, the Secretary shall convene a board under section 14101(b) of this title to recommend an appropriate number of officers for early retirement.

"(c) SEPARATION UNDER SECTION 14514.—An officer selected for early retirement under this section shall be separated in accordance with section 14514 of this title.

"§ 14706. Computation of total years of service

"For the purpose of this chapter and chapter 1407 of this title, a reserve officer's years of service include all service, other than constructive service, of the officer as a commissioned officer of any uniformed service (other than service as a warrant officer).

"CHAPTER 1411—ADDITIONAL PROVISIONS RELATING TO INVOLUNTARY SEPARATION

"Sec.

"14901. Separation of chaplains for loss of professional qualifications.
"14902. Separation for substandard performance and for certain other reasons.
"14903. Boards of inquiry.
"14904. Rights and procedures.
"14905. Officer considered for removal: retirement or discharge.
"14906. Officers eligible to serve on boards.
"14907. Army National Guard of the United States and Air National Guard of the United States: discharge and withdrawal of Federal recognition of officers absent without leave.

"§ 14901. Separation of chaplains for loss of professional qualifications

"(a) SEPARATION.—Under regulations prescribed by the Secretary of Defense, an officer on the reserve active-status list who is appointed or designated as a chaplain may, if the officer fails to maintain the qualifications needed to perform the professional function of a chaplain, be discharged. The authority under the preceding sentence applies without regard to the provisions of section 12645 of this title.

"(b) EFFECT OF SEPARATION.—If an officer separated under this section is eligible for retirement, the officer may be retired. If the officer has completed the years of service required for eligibility for retired pay under chapter 1223 of this title, the officer may be transferred to the Retired Reserve.

"§ 14902. Separation for substandard performance and for certain other reasons

"(a) SUBSTANDARD PERFORMANCE OF DUTY.—The Secretary of the military department concerned shall prescribe, by regulation, procedures for the review at any time of the record of any reserve officer to determine whether that officer should be required, because that officer's performance has fallen below standards prescribed by the Secretary concerned, to show cause for retention in an active status.

"(b) MISCONDUCT, ETC.—The Secretary of the military department concerned shall prescribe, by regulation, procedures for the review at any time of the record of any reserve officer to determine whether that officer should be required, because of misconduct, because of moral or professional dereliction, or because the officer's retention is not clearly consistent with the interests of national security, to show cause for retention in an active status.

"(c) REGULATIONS.—The authority of the Secretary of a military department under this section shall be carried out subject to such limitations as the Secretary of Defense may prescribe by regulation.

"§ 14903. Boards of inquiry

"(a) CONVENING OF BOARDS.—The Secretary of the military department concerned shall convene a board of inquiry at such time and place as the Secretary may prescribe to receive evidence and review the case of any officer who has been required to show cause for retention in an active status under section 14902 of this title. Each board of inquiry shall be composed of not less than three officers who have the qualifications prescribed in section 14906 of this title.

"(b) RIGHT TO FAIR HEARING.—A board of inquiry shall give a fair and impartial hearing to each officer required under section 14902 of this chapter to show cause for retention in an active status.

"(c) RECOMMENDATIONS TO SECRETARY.—If a board of inquiry determines that the officer has failed to establish that the officer should be retained in an active status, the board shall recommend to the Secretary concerned

that the officer not be retained in an active status.

"(d) ACTION BY SECRETARY.—After review of the recommendation of the board of inquiry, the Secretary may—

"(1) remove the officer from an active status; or

"(2) determine that the case be closed.

"(e) ACTION IN CASES WHERE CAUSE FOR RETENTION IS ESTABLISHED.—(1) If a board of inquiry determines that an officer has established that the officer should be retained in an active status or if the Secretary determines that the case be closed, the officer's case is closed.

"(2) An officer who is required to show cause for retention under section 14902(a) of this title and whose case is closed under paragraph (1) may not again be required to show cause for retention under such subsection during the one-year period beginning on the date of that determination.

"(3)(A) Subject to subparagraph (B), an officer who is required to show cause for retention under section 14902(b) of this title and whose case is closed under paragraph (1) may again be required to show cause for retention at any time.

"(B) An officer who has been required to show cause for retention under section 14902(b) of this title and who is thereafter retained in an active status may not again be required to show cause for retention under such section solely because of conduct which was the subject of the previous proceeding, unless the recommendations of the board of inquiry that considered the officer's case are determined to have been obtained by fraud or collusion.

"§ 14904. Rights and procedures

"(a) PROCEDURAL RIGHTS.—Under regulations prescribed by the Secretary of Defense, an officer required under section 14902 of this title to show cause for retention in an active status—

"(1) shall be notified in writing, at least 30 days before the hearing of the officer's case by a board of inquiry, of the reasons for which the officer is being required to show cause for retention in an active status;

"(2) shall be allowed a reasonable time, as determined by the board of inquiry, to prepare for showing of cause for retention in an active status;

"(3) shall be allowed to appear in person and to be represented by counsel at proceedings before the board of inquiry; and

"(4) shall be allowed full access to, and shall be furnished copies of, records relevant to the case, except that the board of inquiry shall withhold any record that the Secretary concerned determines should be withheld in the interest of national security.

"(b) SUMMARY OF RECORDS WITHHELD.—When a record is withheld under subsection (a)(4), the officer whose case is under consideration shall, to the extent that the interest of national security permits, be furnished a summary of the record so withheld.

"§ 14905. Officer considered for removal: retirement or discharge

"(a) VOLUNTARY RETIREMENT OR DISCHARGE.—At any time during proceedings under this chapter with respect to the removal of an officer from an active status, the Secretary of the military department concerned may grant a request by the officer—

"(1) for voluntary retirement, if the officer is qualified for retirement;

"(2) for transfer to the Retired Reserve if the officer has completed the years of service required for eligibility for retired pay under chapter 1223 of this title and is otherwise eligible for transfer to the Retired Reserve; or

"(3) for discharge in accordance with subsection (b)(3).

"(b) REQUIRED RETIREMENT OR DISCHARGE.—An officer removed from an active status under section 14903 of this title shall—

"(1) if eligible for voluntary retirement under any provision of law on the date of such removal, be retired in the grade and with the retired pay for which he would be eligible if retired under that provision;

"(2) if eligible for transfer to the Retired Reserve and has completed the years of service required for retired pay under chapter 1223 of this title, be transferred to the Retired Reserve; and

"(3) if ineligible for retirement or transfer to the Retired Reserve under paragraph (1) or (2) on the date of such removal—

"(A) be honorably discharged in the grade then held, in the case of an officer whose case was brought under subsection (a) of section 14902 of this title; or

"(B) be discharged in the grade then held, in the case of an officer whose case was brought under subsection (b) of section 14902 of this title.

"(c) SEPARATION PAY.—An officer who is discharged under subsection (b)(3) is entitled, if eligible therefor, to separation pay under section 1174(c) of this title.

"§ 14906. Officers eligible to serve on boards

"(a) COMPOSITION OF BOARDS.—(1) Each officer who serves on a board convened under this chapter shall be an officer of the same armed force as the officer being required to show cause for retention in an active status.

"(2) An officer may not serve on a board under this chapter unless the officer holds a grade above lieutenant colonel or commander and is senior in grade and rank to any officer considered by the board.

"(b) LIMITATION.—A person may not be a member of more than one board convened under this chapter to consider the same officer.

"§ 14907. Army National Guard of the United States and Air National Guard of the United States: discharge and withdrawal of Federal recognition of officers absent without leave

"(a) AUTHORITY TO WITHDRAW FEDERAL RECOGNITION.—If an officer of the Army National Guard of the United States or the Air National Guard of the United States has been absent without leave for three months, the Secretary of the Army or the Secretary of the Air Force, as appropriate, may—

"(1) terminate the reserve appointment of the officer; and

"(2) withdraw the officer's Federal recognition as an officer of the National Guard.

"(b) DISCHARGE FROM RESERVE APPOINTMENT.—An officer of the Army National Guard of the United States or the Air National Guard of the United States whose Federal recognition as an officer of the National Guard is withdrawn under section 323(b) of title 32 shall be discharged from the officer's appointment as a reserve officer of the Army or the Air Force, as the case may be.".

PART B—CONFORMING AMENDMENTS

SEC. 111. DEFINITION OF RESERVE ACTIVE-STATUS LIST.

Section 101(c) is amended by adding at the end the following new paragraph:

"(7) The term 'reserve active-status list' means a single list for the Army, Navy, Air Force, or Marine Corps (required to be maintained under section 14002 of this title) that contains the names of all officers of that armed force except warrant officers (including commissioned warrant officers) who are in an active status in a reserve component of the Army, Navy, Air Force, or Marine Corps and are not on an active-duty list.".

SEC. 112. AUTHORITY TO SUSPEND OFFICER PERSONNEL LAWS DURING WAR OR NATIONAL EMERGENCY.

(a) AUTHORITY.—Section 123 is amended to read as follows:

"§ 123. Authority to suspend officer personnel laws during war or national emergency

"In time of war, or of national emergency declared by Congress or the President after November 30, 1980, the President may suspend the operation of any provision of law relating to the promotion, involuntary retirement, or separation of commissioned officers of the Army, Navy, Air Force, Marine Corps, or Coast Guard Reserve. So long as such war or national emergency continues, any such suspension may be extended by the President.

"(b) Any such suspension shall, if not sooner ended, end on the last day of the two-year period beginning on the date on which the suspension (or the last extension thereof) takes effect or on the last day of the one-year period beginning on the date of the termination of the war or national emergency, whichever occurs first. With respect to the end of any such suspension, the preceding sentence supersedes the provisions of title II of the National Emergencies Act (50 U.S.C. 1621–1622) which provide that powers or authorities exercised by reason of a national emergency shall cease to be exercised after the date of the termination of the emergency.

"(c) If a provision of law pertaining to the promotion of reserve officers is suspended under this section and if the Secretary of Defense submits to Congress proposed legislation to adjust the grades and dates of rank of reserve commissioned officers other than commissioned warrant officers, such proposed legislation shall, so far as practicable, be the same as that recommended for adjusting the grades and dates of rank of officers of the regular component of the armed force concerned.".

(b) CONFORMING REPEAL.—Section 644 is repealed.

SEC. 113. ACTIVE-DUTY LIST PROMOTION BOARDS TO HAVE AUTHORITY TO RECOMMEND THAT RESERVE OFFICERS CONSIDERED FOR PROMOTION BE REQUIRED TO SHOW CAUSE FOR RETENTION ON ACTIVE DUTY.

Section 617(b) is amended—

(1) by inserting "or reserve" after "any regular"; and

(2) by inserting "or 1411" after "chapter 60".

SEC. 114. APPLICABILITY OF CHAPTER 36 TO RESERVE OFFICERS DURING WAR OR NATIONAL EMERGENCY.

Section 641 is amended—

(1) by inserting "(a)" before "Officers in the following"; and

(2) by adding at the end the following:

"(b) Under regulations prescribed by the Secretary of the military department concerned, a reserve officer who is ordered to active duty (whether voluntarily or involuntarily) during a war or national emergency and who would otherwise be placed on the active-duty list may be excluded from that list as determined by the Secretary concerned. Exclusion of an officer from the active-duty list as the result of action by the Secretary concerned under the preceding sentence shall expire not later than 24 months after the date on which the officer enters active duty under an order to active duty covered by that sentence.".

SEC. 115. GRADE IN WHICH RESERVE OFFICERS ARE ORDERED TO ACTIVE DUTY.

Section 689 is amended—

(1) by inserting "or full-time National Guard duty" after "active duty" the first two places it appears; and

(2) by inserting "and placed on the active-duty list" after "active duty" the third place it appears.

SEC. 116. DATE OF RANK.

Section 741(d)(3) is amended—

(1) by inserting "or who is transferred from an inactive status to an active status and placed on the active-duty list or the reserve active-status list" after "warrant officer (W-5)";

(2) by inserting "or reserve active-status list" after "active-duty list" the second place it appears; and

(3) by adding at the end: "The authority to change the date of rank of a reserve officer who is placed on the active-duty list to a later date does not apply in the case of an officer who (A) has served continuously in the Selected Reserve of the Ready Reserve since the officer's last promotion, or (B) is placed on the active-duty list while on a promotion list as described in section 14317(b) of this title.".

SEC. 117. DISCHARGE BEFORE COMPLETION OF REQUIRED SERVICE IN CASE OF OFFICERS HAVING TWICE FAILED OF SELECTION FOR CAPTAIN OR NAVY LIEUTENANT.

Section 1005(b) is amended—

(1) by striking out "or" at the end of paragraph (1);

(2) by striking out the period at the end of paragraph (2) and inserting in lieu thereof a semicolon; and

(3) by adding at the end the following:

"(3) an officer on the active-duty list or reserve active-status list who has failed of selection for promotion for the second time to the grade of captain, in the case of an officer of the Army, Air Force, or Marine Corps, or to the grade of lieutenant, in the case of an officer of the Navy; or

"(4) an officer whose discharge or transfer from an active status is required by law.".

SEC. 118. CONFORMING AMENDMENTS RELATING TO NAVY AND MARINE CORPS OFFICERS.

Section 6389 is amended—

(1) in subsection (a)—

(A) by inserting "while on the active-duty list" after "to the next higher grade"; and

(B) by striking out the period at the end and inserting in lieu thereof "or released from active duty and placed on the reserve active-status list.";

(2) in subsection (b), by striking out "or (f)";

(3) in subsection (c)—

(A) by inserting "(1)" after "(c)";

(B) by striking out "lieutenant commander or above" both places it appears and inserting in lieu thereof "lieutenant commander or commander";

(C) by striking out "major or above" both places it appears and inserting in lieu thereof "major or lieutenant colonel";

(D) by inserting "while on the active-duty list" after "to the next higher grade" in the first sentence; and

(E) in the table—

(i) by striking out the line relating to the grades of captain in the Navy and colonel in the Marine Corps; and

(ii) by striking out "26 years" and inserting in lieu thereof "28 years";

(F) by designating the sentence after the table as paragraph (2) and in that sentence striking out "the first sentence of this subsection" and inserting in lieu thereof "the first sentence of paragraph (1)";

(G) by designating the next sentence as paragraph (3) and in that sentence striking out "the first two sentences of this subsection" and inserting in lieu thereof "paragraph (1)"; and

(H) by designating the last sentence as paragraph (4) and in that sentence—

(i) striking out "the first two sentences of this subsection" and inserting in lieu thereof "paragraph (1)"; and

(ii) striking out "captain or"; and

(4) by striking out subsections (e), (f), and (g).

SEC. 119. REPEAL OF RESERVE OFFICER PERSONNEL POLICY LAWS.

(a) ARMY PROVISIONS.—

(1) Chapter 337, relating to appointments as reserve officers (other than sections 3351 and 3352), is repealed.

(2) Chapter 361, relating to separation for various reasons, is repealed.

(3) Chapter 363, relating to separation or transfer to the Retired Reserve, is repealed.

(b) NAVY AND MARINE CORPS PROVISIONS.—

(1) Chapter 541, relating to running mates as reserve officers, is repealed.

(2) Chapter 549, relating to reserve promotions, is repealed.

(3) Sections 6391, 6392, 6397, 6403, and 6410 are repealed.

(c) AIR FORCE PROVISIONS.—

(1) Chapter 837, relating to appointments as reserve officers (other than sections 8351 and 8352), is repealed.

(2) Sections 8819 and 8820 are repealed.

(3) Chapter 863, relating to separation or transfer to the Retired Reserve, is repealed.

SEC. 120. AMENDMENTS TO TITLE 32, UNITED STATES CODE.

Title 32, United States Code, is amended as follows:

(1) Sections 309 and 310 are amended to read as follows:

"§ 309. Federal recognition of National Guard officers: officers promoted to fill vacancies

"Each officer of the National Guard who is promoted to fill a vacancy in a federally recognized unit of the National Guard, and who has been on the reserve active-status list or the active-duty list of the Army or the Air Force for at least one year and has completed the minimum years of service in grade specified in section 14303 of title 10, shall be examined for Federal recognition in the grade to which the officer is promoted.

"§ 310. Federal recognition of National Guard officers: automatic recognition

"(a) Notwithstanding sections 307 and 309 of this title, if a second lieutenant of the National Guard is promoted to the grade of first lieutenant to fill a vacancy in a federally recognized unit in the National Guard, Federal recognition is automatically extended to that officer in the grade of first lieutenant, effective as of the date on which that officer has completed the service in the grade specified in section 14303(a)(1) of title 10 and has met such other requirements as prescribed by the Secretary concerned under section 14308(b) of that title, if the officer has remained in an active status since the officer was so recommended.

"(b) Notwithstanding sections 307 and 309 of this title, if an officer of the Army Reserve or the Air Force Reserve in a reserve grade above second lieutenant is appointed in the next higher grade in the National Guard to fill a vacancy in a federally recognized unit in the National Guard, Federal recognition is automatically extended to that officer in the grade in which the officer is so appointed in the National Guard if the officer has been recommended for promotion under chapter 1405 of title 10 and has remained in an active status since the officer was so recommended. The extension of Federal recognition under this subsection is effective as of the date when the officer is appointed in the National Guard.".

(2) Section 323 is amended by striking out subsections (d) and (e) and inserting in lieu thereof the following:

"(d) The Federal recognition of a reserve commissioned officer of the Army or the Air Force who is—

"(1) federally recognized as an officer of the National Guard; and

"(2) subject to involuntary transfer to the Retired Reserve, transfer to an inactive status list, or discharge under chapter 1407, 1409, or 1411 of title 10;

shall, if not sooner withdrawn, be withdrawn on the date of such involuntary transfer or discharge.".

TITLE II—OTHER PERSONNEL POLICY AMENDMENTS

PART A—APPOINTMENTS

SEC. 201. REPEAL OF SEPARATE AUTHORITY FOR ACCESSION OF WOMEN IN RESERVE COMPONENTS.

(a) ENLISTMENTS.—Section 510 is amended—

(1) by striking out subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(b) APPOINTMENT OF OFFICERS.—Section 591 is amended—

(1) by striking out subsection (c); and

(2) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

SEC. 202. APPOINTMENT AUTHORITY FOR RESERVE GRADES OF LIEUTENANT COLONEL AND COMMANDER.

Section 593(a) is amended—

(1) in the first sentence, by striking out "Reserves in commissioned grades below lieutenant colonel and commander" and inserting in lieu thereof "reserve officers in commissioned grades of lieutenant colonel and commander or below"; and

(2) in the second sentence, by striking out "Reserves in commissioned grades above major and lieutenant commander" and inserting in lieu thereof "reserve officers in commissioned grades above lieutenant colonel and commander".

SEC. 203. APPOINTMENT OF FORMER COMMISSIONED OFFICERS IN RESERVE COMPONENTS.

Chapter 34 is amended by inserting after section 596 the following new section:

"§ 596a. Commissioned officers: appointment of former commissioned officers

"Under regulations prescribed by the Secretary of Defense, a person who is a former commissioned officer may, if otherwise qualified, be appointed as a reserve officer of the Army, Navy, Air Force, or Marine Corps. A person so appointed—

"(1) may be placed on the reserve active-status list of that armed force in the grade equivalent to the permanent regular or reserve grade, and in the same competitive category, in which the person previously served satisfactorily on active duty or in an active status; and

"(2) may be credited for the purpose of determining date of rank under section 741(d) of this title with service in grade equal to that held by that person when discharged or separated.".

SEC. 204. CONSTRUCTIVE CREDIT FOR APPOINTMENT OF OFFICERS IN RESERVE COMPONENTS WITH QUALIFYING EDUCATION OR EXPERIENCE.

Chapter 34 is further amended by inserting after section 596a (as added by section 203) the following new section:

"§ 596b. Commissioned officers: service credit upon original appointment

"(a)(1) For the purpose of determining the grade and the rank within grade of a person receiving an original appointment as a reserve commissioned officer (other than a commissioned warrant officer) in the Army, Navy, Air Force, or Marine Corps, the person shall be credited at the time of the appointment with any commissioned service (other than service as a commissioned warrant officer) performed before such appointment as a regular officer, or as a reserve officer in an active status, in any armed force, the National Oceanic and Atmospheric Administration, or the Public Health Service.

"(2) The Secretary of Defense shall prescribe regulations, which shall apply uniformly among the Army, Navy, Air Force, and Marine Corps, to authorize the Secretary of the military department concerned to limit the amount of prior commissioned service with which a person receiving an original appointment may be credited under paragraph (1), or to deny any such credit, in the case of a person who at the time of such appointment is credited with constructive service under subsection (b).

"(b)(1) Under regulations prescribed by the Secretary of Defense, a person who is receiving an original appointment as a reserve commissioned officer (other than a commissioned warrant officer) of the Army, Navy, Air Force, or Marine Corps, or a designation in, or an assignment to, an officer category in which advanced education or training is required and who has advanced education or training, shall be credited with constructive service for such education, training, or experience, as follows:

"(A) One year for each year of advanced education beyond the baccalaureate degree level, for persons appointed or designated in, or assigned to, officer categories requiring such advanced education or an advanced degree as a prerequisite for such appointment, designation, or assignment. Except as provided in subparagraph (D), in determining the number of years of constructive service to be credited under this subparagraph to officers in any professional field, the Secretary concerned shall credit an officer with, but with not more than, the number of years of postsecondary education in excess of four that are required by a majority of institutions that award degrees in that professional field for completion of the advanced education or award of the advanced degree.

"(B)(i) Credit for any period of advanced education in a health profession (other than medicine and dentistry) beyond the baccalaureate degree level which exceeds the basic education criteria for such appointment, designation, or assignment, if such advanced education will be directly used by the armed force concerned.

"(ii) Credit for experience in a health profession (other than medicine or dentistry), if such experience will be directly used by the armed force concerned.

"(C) Additional credit of (i) not more than one year for internship or equivalent graduate medical, dental, or other formal health professional training required by the armed forces, and (ii) not more than one year for each additional year of such graduate-level training or experience creditable toward certification in a speciality required by the armed force concerned.

"(D) Additional credit, in unusual cases, based on special experience in a particular field.

"(E) Additional credit of one year for advanced education in a health profession if the number of years of baccalaureate education completed by 75 percent or more of the students entering advanced training in that health profession exceeds, by one or more, the minimum number of years of preprofessional education required by a majority of institutions which award degrees in that health profession. The percentage of such persons shall be computed on an annual basis for each health profession from the data for the year in which the person being so appointed, designated, or assigned was admitted to a professional school. However, a person may not receive additional credit under this subparagraph if the amount of that person's baccalaureate education does not exceed, by one or more, the minimum number of years of preprofessional education required by a majority of institutions which award degrees for that health profession, determined on the basis prescribed in the preceding sentence.

"(F) Additional credit for experience as a physician or dentist, if appointed, assigned, or designated as a medical or dental officer.

"(2) If the Secretary of Defense determines that the number of medical or dental officers serving in an active status in a reserve component of the Army, Navy, or Air Force in grades below major or lieutenant commander is critically below the number needed by such reserve component in such grades, the Secretary of Defense may authorize the Secretary of the military department concerned to credit any person who is receiving an original appointment for service as a medical or dental officer with a period of constructive credit in such amount (in addition to any amount credited such person under subsection (b)) as will result in the grade of such person being that of captain or, in the case of the Naval Reserve, lieutenant.

"(3) Except as authorized by the Secretary concerned in individual cases and under regulations prescribed by the Secretary of Defense in the case of a medical or dental officer, the amount of constructive service credited an officer under this subsection may not exceed the amount required in order for the officer to be eligible for an original appointment as a reserve officer of the Army, Air Force, or Marine Corps in the grade of major or as a reserve officer of the Navy in the grade of lieutenant commander.

"(4) Constructive service credited an officer under this subsection is in addition to any service credited that officer under subsection (a) and shall be credited at the time of the original appointment of the officer or assignment to or designation in an officer category in which advanced education or training or special experience is required.

"(c) Constructive service may not be credited under subsection (b) for education, training, or experience obtained while serving as a commissioned officer (other than a warrant officer) on active duty or in an active status. However, in the case of an officer who completes advanced education or receives an advanced degree while on active duty or in an active status and in less than the number of years normally required to complete such advanced education or receive such advanced degree, constructive service may, subject to regulations prescribed under subsection (a)(2), be credited to the officer under subsection (b)(1)(A) to the extent that the number of years normally required to complete such advanced education or receive such advanced degree exceeds the actual number of years in which such advanced education or degree is obtained by the officer.

"(d) If the Secretary of Defense determines that the number of qualified judge advocates serving on the active-duty list of the Army, Navy, Air Force, or Marine Corps in grades below lieutenant commander or major is critically below the number needed by that armed force in those grades, the Secretary of Defense may authorize the Secretary of the military department concerned to credit any person who is receiving an original appointment with a view to assignment to the Judge Advocate General's Corps of the Army or appointment to the Judge Advocate General's Corps of the Navy, or who is receiving an original appointment in the Air Force or Marine Corps with a view to designation as a judge advocate, with a period of constructive service in such an amount (in addition to any amount credited such person under subsection (b)) as will result in the grade of such person being that of captain or, in the case of the Navy, lieutenant, and the date of rank of such person being junior to that of all other officers of the same grade serving on the active-duty list.

"(e) Constructive service credited an officer under subsection (b) or (d) shall be used only for determining the officer's—

"(1) initial grade as a reserve officer;

"(2) rank in grade; and

"(3) service in grade for promotion eligibility.

"(f) The grade and position on the reserve active-status list of a person receiving an appointment as a reserve officer who at the time of appointment is credited with service under this section shall be determined under regulations prescribed by the Secretary of Defense based upon the amount of service credited.".

SEC. 205. COMPUTATION OF YEARS OF SERVICE FOR TRANSFER OF ARMY OFFICERS TO RETIRED RESERVE.

(a) INTERIM REPEAL OF OBSOLETE PROVISION.—Effective for the period beginning on the date of the enactment of this Act and ending on the effective date specified in section 601, section 3853 is amended by striking out "the greater of—" and all that follows and inserting in lieu thereof "the sum of the following:

"(1) The officer's years of service as a commissioned officer of any component of the armed forces or of the Army without specification of component.

"(2) The officer's years of service in a federally recognized commissioned status in the National Guard if his service in the National Guard was continuous from the date of his Federal recognition as an officer in the National Guard to the date of his appointment in the National Guard of the United States.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to transfers to the Retired Reserve and to discharges on or after the date of the enactment of this Act.

SEC. 206. REPEAL OF MISCELLANEOUS OBSOLETE APPOINTMENT AUTHORITIES.

(a) ARMY RESERVE OFFICERS APPOINTED IN TEMPORARY GRADES.—Section 3352(a) is amended by striking out the second sentence.

(b) AIR FORCE AVIATION CADETS.—Section 8356 is repealed.

(c) REDUNDANT STATEMENT OF AUTHORITY.—Section 8379 is repealed.

PART B—SEPARATION AND RETIREMENT

SEC. 221. COMPUTATION OF HIGHEST GRADE IN WHICH SATISFACTORILY SERVED FOR RESERVE COMMISSIONED OFFICERS AND FORMER OFFICERS.

Section 1370 is amended by adding at the end the following new subsection:

"(d)(1) Unless entitled to a higher grade, or to credit for satisfactory service in a higher

grade, under some other provision of law, a person who is entitled to retired pay under chapter 1225 of this title shall, upon application under section 12731 of this title, be credited with satisfactory service in the highest grade in which that person served satisfactorily at any time in the armed forces, as determined by the Secretary concerned in accordance with this subsection.

"(2)(A) In order to be credited with satisfactory service in an officer grade (other than a warrant officer grade) below the grade of lieutenant colonel or commander, a person covered by paragraph (1) must have served satisfactorily in that grade (as determined by the Secretary of the military department concerned) as a reserve commissioned officer in an active status, or in a retired status on active duty, for not less than six months.

"(B) In order to be credited with satisfactory service in an officer grade above major or lieutenant commander and below lieutenant general or vice admiral, a person covered by paragraph (1) must have served satisfactorily in that grade (as determined by the Secretary of the military department concerned) as a reserve commissioned officer in an active status, or in a retired status on active duty, for not less than three years. A person covered by the preceding sentence who has completed at least six months of satisfactory service in grade and is transferred from an active status or discharged as a reserve commissioned officer solely due to the requirements of a nondiscretionary provision of law requiring that transfer or discharge due to the person's age or years of service may be credited with satisfactory service in the grade in which serving at the time of such transfer or discharge, notwithstanding failure of the person to complete three years of service in that grade.

"(3) A person whose length of service in the highest grade held does not meet the service in grade requirements specified in this subsection shall be credited with satisfactory service in the next lower grade in which that person served satisfactorily (as determined by the Secretary of the military department concerned) for not less than six months.".

PART C—OTHER AMENDMENTS

SEC. 241. TENURE IN OFFICE OF CHIEF OF NATIONAL GUARD BUREAU.

Section 3040(c) is amended by adding at the end the following new sentence: "While holding that office, the Chief of the National Guard Bureau may not be removed from the reserve active-status list, or from an active status, under any provision of law that otherwise would require such removal due to completion of a specified number of years of service or a specified number of years of service in grade.".

SEC. 242. RIGHT TO REENLIST IN REGULAR ARMY OR REGULAR AIR FORCE AFTER SERVICE AS AN OFFICER.

(a) ARMY.—Section 3258 is amended—

(1) by striking out "Any former enlisted member" and inserting in lieu thereof "(a) Subject to subsections (b) and (c), a former enlisted member";

(2) by striking out the last sentence; and

(3) by adding at the end the following:

"(b) A person who is a former enlisted member is not entitled to be reenlisted under subsection (a) if that person is discharged or released from active duty from service as an officer described in that subsection—

"(1) because that person's performance of duty while serving as such an officer has fallen below standards prescribed by the Secretary of Defense;

"(2) because of misconduct or moral or professional dereliction; or

"(3) because retention of that person as an officer is not clearly consistent with the interest of national security.

"(c) A person who is a former enlisted member is not entitled to be reenlisted under subsection (a) if that person's status and grade as an enlisted member were only held during, and solely as a result of, participation in a precommissioning program after the effective date of the Reserve Officer Personnel Management Act.".

(b) AIR FORCE.—Section 8258 is amended—

(1) by striking out "Any former enlisted member" and inserting in lieu thereof "(a) Subject to subsections (b) and (c), a former enlisted member";

(2) by striking out the last sentence; and

(3) by adding at the end the following:

"(b) A person who is a former enlisted member is not entitled to be reenlisted under subsection (a) if that person is discharged or released from active duty from service as an officer described in that subsection—

"(1) because that person's performance of duty while serving as such an officer has fallen below standards prescribed by the Secretary of Defense;

"(2) because of misconduct or moral or professional dereliction; or

"(3) because retention of that person as an officer is not clearly consistent with the interest of national security.

"(c) A person who is a former enlisted member is not entitled to be reenlisted under subsection (a) if that person's status and grade as an enlisted member were only held during, and solely as a result of, participation in a precommissioning program after the effective date of the Reserve Officer Personnel Management Act.".

TITLE III—REORGANIZATION AND CONSOLIDATION OF LAWS RELATING TO RESERVE COMPONENTS

SEC. 301. LAWS RELATING TO ORGANIZATION AND ADMINISTRATION OF RESERVE COMPONENTS.

(a) RESERVE COMPONENTS GENERALLY.—(1) Subtitle E, as added by section 101, is amended by inserting after the table of chapters at the beginning of the subtitle the following:

"PART I—ORGANIZATION AND ADMINISTRATION

"Chap. Sec.
"1001. Definitions 10001
"1003. Reserve Components Generally 10101
"1005. Elements of Reserve Components 10141
"1007. Administration of Reserve Components 10201
"1009. Reserve Forces Policy Boards and Committees 10301
"1011. National Guard Bureau 10501
"1013. Budget Information and Annual Reports to Congress 10541

"CHAPTER 1001—DEFINITIONS

"Sec.
"10001. Definition of State.

"§ 10001. Definition of State

"In this subtitle, the term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

"CHAPTER 1003—RESERVE COMPONENTS GENERALLY

"Sec.
"10101. Reserve components named.
"10102. Purpose of reserve components.
"10103. Basic policy for order of National Guard into Federal service.
"10104. Army Reserve: composition.
"10105. Army National Guard of the United States: composition.
"10106. Army National Guard: when a component of the Army.
"10107. Army National Guard of the United States: status when not in Federal service.
"10108. Naval Reserve: administration.
"10109. Marine Corps Reserve: administration.
"10110. Air Force Reserve: composition.
"10111. Air National Guard of the United States: composition.
"10112. Air National Guard: when a component of the Air Force.
"10113. Air National Guard of the United States: status when not in Federal service.
"10114. Coast Guard Reserve.

"§ 10101. Reserve components named

"The reserve components of the armed forces are:

"(1) The Army National Guard of the United States.

"(2) The Army Reserve.

"(3) The Naval Reserve.

"(4) The Marine Corps Reserve.

"(5) The Air National Guard of the United States.

"(6) The Air Force Reserve.

"(7) The Coast Guard Reserve.

"§ 10102. Purpose of reserve components

"The purpose of each reserve component is to provide trained units and qualified persons available for active duty in the armed forces, in time of war or national emergency, and at such other times as the national security may require, to fill the needs of the armed forces whenever, during and after the period needed to procure and train additional units and qualified persons to achieve the planned mobilization, more units and persons are needed than are in the regular components.

"§ 10103. Basic policy for order of the National Guard and reserve components to active duty

"Whenever Congress determines that more units and organizations are needed for the national security than are in the regular components of the ground and air forces, the Army National Guard of the United States and the Air National Guard of the United States, or such parts of them as are needed, together with units of other reserve components necessary for a balanced force, shall be ordered to active duty and retained as long as so needed.

"§ 10104. Army Reserve: composition

"The Army Reserve includes all Reserves of the Army who are not members of the Army National Guard of the United States.

"§ 10105. Army National Guard of the United States: composition

"The Army National Guard of the United States is the reserve component of the Army that consists of—

"(1) federally recognized units and organizations of the Army National Guard; and

"(2) members of the Army National Guard who are also Reserves of the Army.

"§ 10106. Army National Guard: when a component of the Army

"The Army National Guard while in the service of the United States is a component of the Army.

"§ 10107. Army National Guard of the United States: status when not in Federal service

"When not on active duty, members of the Army National Guard of the United States shall be administered, armed, equipped, and trained in their status as members of the Army National Guard.

"§ 10108. Naval Reserve: administration

"(a) The Naval Reserve is the reserve component of the Navy. It shall be organized, administered, trained, and supplied under the direction of the Chief of Naval Operations.

"(b) The bureaus and offices of the executive part of the Department of the Navy have the same relation and responsibility to the Naval Reserve as they do to the Regular Navy.

"§ 10109. Marine Corps Reserve: administration

"The Marine Corps Reserve is the reserve component of the Marine Corps. It shall be organized, administered, trained, and supplied under the direction of the Commandant of the Marine Corps.

"(b) The departments and offices of Headquarters, Marine Corps have the same relation and responsibilities to the Marine Corps Reserve as they do to the Regular Marine Corps.

"§ 10110. Air Force Reserve: composition

"The Air Force Reserve is a reserve component of the Air Force to provide a reserve for active duty. It consists of the members of the officers' section of the Air Force Reserve and of the enlisted section of the Air Force Reserve. It includes all Reserves of the Air Force who are not members of the Air National Guard of the United States.

"§ 10111. Air National Guard of the United States: composition

"The Air National Guard of the United States is the reserve component of the Air Force that consists of—

"(1) federally recognized units and organizations of the Air National Guard; and

"(2) members of the Air National Guard who are also Reserves of the Air Force.

"§ 10112. Air National Guard: when a component of the Air Force

"The Air National Guard while in the service of the United States is a component of the Air Force.

"§ 10113. Air National Guard of the United States: status when not in Federal service

"When not on active duty, members of the Air National Guard of the United States shall be administered, armed, equipped, and trained in their status as members of the Air National Guard.

"§ 10114. Coast Guard Reserve

"As provided in section 701 of title 14, the Coast Guard Reserve is a component of the Coast Guard and is organized, administered, trained, and supplied under the direction of the Commandant of the Coast Guard. Laws applicable to the Coast Guard Reserve are set forth in chapter 21 of title 14 (14 U.S.C. 701 et seq.).

"CHAPTER 1005—ELEMENTS OF RESERVE COMPONENTS

"Sec.

"10141. Ready Reserve; Standby Reserve; Retired Reserve: placement and status of members; training categories.
"10142. Ready Reserve generally.
"10143. Ready Reserve: Selected Reserve.
"10144. Ready Reserve: Individual Ready Reserve.
"10145. Ready Reserve: placement in.
"10146. Ready Reserve: transfer from.
"10147. Ready Reserve: training requirements.
"10148. Ready Reserve: failure to satisfactorily perform prescribed training.
"10149. Ready Reserve: continuous screening.
"10150. Ready Reserve: transfer back from Standby Reserve.
"10151. Standby Reserve: composition.
"10152. Standby Reserve: inactive status list.
"10153. Standby Reserve: status of members.
"10154. Retired Reserve.

"§ 10141. Ready Reserve; Standby Reserve; Retired Reserve: placement and status of members; training categories

"(a) There are in each armed force a Ready Reserve, a Standby Reserve, and a Retired Reserve. Each Reserve shall be placed in one of those categories.

"(b) Reserves who are on the inactive status list of a reserve component, or who are assigned to the inactive Army National Guard or the inactive Air National Guard, are in an inactive status. Members in the Retired Reserve are in a retired status. All other Reserves are in an active status.

"(c) As prescribed by the Secretary concerned, each reserve component except the Army National Guard of the United States and the Air National Guard of the United States shall be divided into training categories according to the degrees of training, including the number and duration of drills or equivalent duties to be completed in stated periods. The designation of training categories shall be the same for all armed forces and the same within the Ready Reserve and the Standby Reserve.

"§ 10142. Ready Reserve

"(a) The Ready Reserve consists of units or Reserves, or both, liable for active duty as provided in sections 12301 and 12302 of this title.

"(b) The authorized strength of the Ready Reserve is 2,900,000.

"§ 10143. Ready Reserve: Selected Reserve

"(a) Within the Ready Reserve of each of the reserve components there is a Selected Reserve. The Selected Reserve consists of units, and, as designated by the Secretary concerned, of Reserves, trained as prescribed in section 10147(a)(1) of this title or section 502(a) of title 32, as appropriate.

"(b) The organization and unit structure of the Selected Reserve shall be approved—

"(1) in the case of all reserve components other than the Coast Guard Reserve, by the Secretary of Defense based upon recommendations from the military departments as approved by the Chairman of the Joint Chiefs of Staff in accordance with contingency and war plans; and

"(2) in the case of the Coast Guard Reserve, by the Secretary of Transportation upon the recommendation of the Commandant of the Coast Guard.

"§ 10144. Ready Reserve: Individual Ready Reserve

"Within the Ready Reserve of each of the reserve components there is an Individual Ready Reserve. The Individual Ready Reserve consists of those members of the Ready Reserve who are not in the Selected Reserve or the inactive National Guard.

"§ 10145. Ready Reserve: placement in

"(a) Each person required under law to serve in a reserve component shall, upon becoming a member, be placed in the Ready Reserve of his armed force for his prescribed term of service, unless he is transferred to the Standby Reserve under section 10146(a) of this title.

"(b) The units and members of the Army National Guard of the United States and of the Air National Guard of the United States are in the Ready Reserve of the Army and the Ready Reserve of the Air Force, respectively.

"(c) All Reserves assigned to units organized to serve as units and designated as units in the Ready Reserve are in the Ready Reserve.

"(d) Under such regulations as the Secretary concerned may prescribe, any qualified member of a reserve component or any qualified retired enlisted member of a regular component may, upon his request, be placed in the Ready Reserve. However, a member of the Retired Reserve entitled to retired pay or a retired enlisted member of a regular component may not be placed in the Ready Reserve unless the Secretary concerned makes a special finding that the member's services in the Ready Reserve are indispensable. The Secretary concerned may not delegate his authority under the preceding sentence.

"§ 10146. Ready Reserve: transfer from

"(a) Subject to subsection (c) and under regulations prescribed by the Secretary of Defense, or by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, a member in the Ready Reserve may be transferred to the Standby Reserve.

"(b) A Reserve who is qualified and so requests may be transferred to the Retired Reserve under regulations prescribed by the Secretary concerned and, in the case of the Secretary of a military department, approved by the Secretary of Defense.

"(c) A member of the Army National Guard of the United States or the Air National Guard of the United States may be transferred to the Standby Reserve only with the consent of the Governor or other appropriate authority of the State.

"§ 10147. Ready Reserve: training requirements

"(a) Except as specifically provided in regulations to be prescribed by the Secretary of Defense, or by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, each person who is enlisted, inducted, or appointed in an armed force, and who becomes a member of the Ready Reserve under any provision of law except section 513 or 10145(b) of this title, shall be required, while in the Ready Reserve, to—

"(1) participate in at least 48 scheduled drills or training periods during each year and serve on active duty for training of not less than 14 days (exclusive of traveltime) during each year; or

"(2) serve on active duty for training not more than 30 days during each year.

"(b) A member who has served on active duty for one year or longer may not be required to perform a period of active duty for training if the first day of that period falls during the last 120 days of the member's required membership in the Ready Reserve.

"§ 10148. Ready Reserve: failure to satisfactorily perform prescribed training

"(a) A member of the Ready Reserve covered by section 10147 of this title who fails in any year to perform satisfactorily the training duty prescribed in that section, as determined by the Secretary concerned under regulations prescribed by the Secretary of Defense, may be ordered without his consent to perform additional active duty for training for not more than 45 days. If the failure occurs during the last year of his required membership in the Ready Reserve, his membership is extended until he performs that additional active duty for training, but not for more than six months.

"(b) A member of the Army National Guard of the United States or the Air National Guard of the United States who fails in any year to perform satisfactorily the

training duty prescribed by or under law for members of the Army National Guard or the Air National Guard, as the case may be, as determined by the Secretary concerned, may, upon the request of the Governor of the State (or, in the case of the District of Columbia, the commanding general of the District of Columbia National Guard) be ordered, without his consent, to perform additional active duty for training for not more than 45 days. A member ordered to active duty under this subsection shall be ordered to duty as a Reserve of the Army or as a Reserve of the Air Force, as the case may be.

"§ 10149. Ready Reserve: continuous screening

"(a) Under regulations to be prescribed by the President, the Secretary concerned shall provide a system of continuous screening of units and members of the Ready Reserve to ensure the following:

"(1) That there will be no significant attrition of those members or units during a mobilization.

"(2) That there is a proper balance of military skills.

"(3) That except for those with military skills for which there is an overriding requirement, members having critical civilian skills are not retained in numbers beyond the need for those skills.

"(4) That with due regard to national security and military requirements, recognition will be given to participation in combat.

"(5) That members whose mobilization in an emergency would result in an extreme personal or community hardship are not retained in the Ready Reserve.

"(b) Under regulations to be prescribed by the Secretary of Defense, and by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, a member of the Ready Reserve who is designated as a member not to be retained in the Ready Reserve as a result of screening under subsection (a) shall, as appropriate, be—

"(1) transferred to the Standby Reserve;

"(2) discharged; or

"(3) if the member is eligible and applies therefor, transferred to the Retired Reserve.

"§ 10150. Ready Reserve: transfer back from Standby Reserve

"Under regulations to be prescribed by the Secretary of Defense, and by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, a member of the Standby Reserve who has not completed his required period of service in the Ready Reserve may be transferred to the Ready Reserve when the reason for his transfer to the Standby Reserve no longer exists.

"§ 10151. Standby Reserve: composition

"The Standby Reserve consists of those units or members, or both, of the reserve components, other than those in the Ready Reserve or Retired Reserve, who are liable for active duty only as provided in sections 12301 and 12306 of this title.

"§ 10152. Standby Reserve: inactive status list

"(a) An inactive status list shall be maintained in the Standby Reserve. Whenever an authority designated by the Secretary concerned considers that it is in the best interest of the armed force concerned, a member in the Standby Reserve who is not required to remain a Reserve, and who cannot participate in prescribed training, may, if qualified, be transferred to the inactive status list under regulations to be prescribed by the Secretary concerned. These regulations shall fix the conditions under which such a member is entitled to be returned to an active status.

"§ 10153. Standby Reserve: status of members

"While in an inactive status, a Reserve is not eligible for pay or promotion and (as provided in section 12734(a) of this title) does not accrue credit for years of service under chapter 1223 of this title.

"§ 10154. Retired Reserve

"The Retired Reserve consists of the following Reserves:

"(1) Reserves who are or have been retired under section 3911, 6323, or 8911 of this title or under section 291 of title 14.

"(2) Reserves who have been transferred to the Retired Reserve upon their request, retain their status as Reserves, and are otherwise qualified.

"CHAPTER 1007—ADMINISTRATION OF RESERVE COMPONENTS

"Sec.
"10201. Assistant Secretary of Defense for Reserve Affairs.
"10202. Regulations.
"10203. Reserve affairs: designation of general or flag officer of each armed force.
"10204. Personnel records.
"10205. Members of Individual Ready Reserve: requirement of notification of change of status.
"10206. Members: periodic physical examinations.
"10207. Mobilization forces: maintenance.
"10208. Annual mobilization exercise.
"10209. Regular and reserve components: discrimination prohibited.
"10210. Dissemination of information.
"10211. Policies and regulations: participation of reserve officers in preparation and administration.
"10212. Reserve components: dual membership prohibited.
"10213. Adjutants general and assistant adjutants general: reference to other officers of National Guard.
"10214. Officers of Army National Guard of the United States and Air National Guard of the United States: authority with respect to Federal status.

"§ 10201. Assistant Secretary of Defense for Reserve Affairs

"As provided in section 136(b)(2) of this title, the official in the Department of Defense with responsibility for overall supervision of reserve component affairs of the Department of Defense is the Assistant Secretary of Defense for Reserve Affairs.

"§ 10202. Regulations

"(a) Subject to standards, policies, and procedures prescribed by the Secretary of Defense, the Secretary of each military department shall prescribe such regulations as the Secretary considers necessary to carry out provisions of law relating to the reserve components under the Secretary's jurisdiction.

"(b) The Secretary of Transportation, with the concurrence of the Secretary of the Navy, shall prescribe such regulations as the Secretary considers necessary to carry out all provisions of law relating to the reserve components insofar as they relate to the Coast Guard, except when the Coast Guard is operating as a service in the Navy.

"(c) So far as practicable, regulations for all reserve components shall be uniform.

"§ 10203. Reserve affairs: designation of general or flag officer of each armed force

"(a) The Secretary of the Army may designate a general officer of the Army to be directly responsible for reserve affairs to the Chief of Staff of the Army.

"(b) The Secretary of the Navy may designate a flag officer of the Navy to be directly responsible for reserve affairs to the Chief of Naval Operations and a general officer of the Marine Corps to be directly responsible for reserve affairs to the Commandant of the Marine Corps.

"(c) The Secretary of the Air Force may designate a general officer of the Air Force to be directly responsible for reserve affairs to the Chief of Staff of the Air Force.

"(d) The Secretary of Transportation may designate a flag officer of the Coast Guard to be directly responsible for reserve affairs to the Commandant of the Coast Guard.

"(e) This section does not affect the functions of the Chief of the National Guard Bureau, the Chief of Army Reserve, or the Chief of Air Force Reserve.

"§ 10204. Personnel records

"(a) The Secretary concerned shall maintain adequate and current personnel records of each member of the reserve components under the Secretary's jurisdiction showing the following with respect to the member:

"(1) Physical condition.

"(2) Dependency status.

"(3) Military qualifications.

"(4) Civilian occupational skills.

"(5) Availability for service.

"(6) Such other information as the Secretary concerned may prescribe.

"(b) Under regulations to be prescribed by the Secretary of Defense, the Secretary of each military department shall maintain a record of the number of members of each class of each reserve component who, during each fiscal year, have participated satisfactorily in active duty for training and inactive duty training with pay.

"§ 10205. Members of Ready Reserve: requirement of notification of change of status

"(a) Each member of the Ready Reserve shall notify the Secretary concerned of any change in the member's address, marital status, number of dependents, or civilian employment and of any change in the member's physical condition that would prevent the member from meeting the physical or mental standards prescribed for the member's armed force.

"(b) This section shall be administered under regulations prescribed by the Secretary of Defense and by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy.

"§ 10206. Members: periodic physical examinations

"(a) Each member of the Ready Reserve who is not on active duty shall—

"(1) be examined as to his physical fitness every four years, or more often as the Secretary concerned considers necessary; and

"(2) execute and submit annually to the Secretary concerned a certificate of physical condition.

Each Reserve in an active status, or on an inactive status list, who is not on active duty shall execute and submit annually to the Secretary concerned a certificate of physical condition.

"(b) The kind of duty to which a Reserve ordered to active duty may be assigned shall be considered in determining physical qualifications for active duty.

"§ 10207. Mobilization forces: maintenance

"(a) Whenever units or members of the reserve components are ordered to active duty (other than for training) during a period of

partial mobilization, the Secretary concerned shall continue to maintain mobilization forces by planning and budgeting for the continued organization and training of the reserve components not mobilized, and make the fullest practicable use of the Federal facilities vacated by mobilized units, consistent with approved joint mobilization plans.

"(b) In this section, the term 'partial mobilization' means the mobilization resulting from action by Congress or the President, under any law, to bring units of any reserve component, and members not assigned to units organized to serve as units, to active duty for a limited expansion of the active armed forces.

"§ 10208. Annual mobilization exercise

"(a) The Secretary of Defense shall conduct at least one major mobilization exercise each year. The exercise should be as comprehensive and as realistic as possible and should include the participation of associated active component and reserve component units.

"(b) The Secretary shall maintain a plan to test periodically each active component and reserve component unit based in the United States and all interactions of such units, as well as the sustainment of the forces mobilized as part of the exercise, with the objective of permitting an evaluation of the adequacy of resource allocation and planning.

"§ 10209. Regular and reserve components: discrimination prohibited

"Laws applying to both Regulars and Reserves shall be administered without discrimination—

"(1) among Regulars;

"(2) among Reserves; and

"(3) between Regulars and Reserves.

"§ 10210. Dissemination of information

"The Secretary of Defense shall require the complete and current dissemination, to all Reserves and to the public, of information of interest to the reserve components.

"§ 10211. Policies and regulations: participation of reserve officers in preparation and administration

"Within such numbers and in such grades and assignments as the Secretary concerned may prescribe, each armed force shall have officers of its reserve components on active duty (other than for training) at the seat of government, and at headquarters responsible for reserve affairs, to participate in preparing and administering the policies and regulations affecting those reserve components. While so serving, such an officer is an additional number of any staff with which he is serving.

"§ 10212. Reserve components: dual membership prohibited

"Except as otherwise provided in this title, no person may be a member of more than one reserve component at the same time.

"§ 10213. Adjutants general and assistant adjutants general: reference to other officers of National Guard

"In any case in which, under the laws of a State, an officer of the National Guard of that jurisdiction, other than the adjutant general or an assistant adjutant general, normally performs the duties of that office, the references in sections 12004(b)(1), 12215, 12642(c), 14507(b), 14508(e), and 14512 of this title to the adjutant general or the assistant adjutant general shall be applied to that officer instead of to the adjutant general or assistant adjutant general.

"§ 10214. Officers of Army National Guard of the United States and Air National Guard of the United States: authority with respect to Federal status

"(a)(1) Officers of the Army National Guard of the United States who are not on active duty—

"(A) may order members of the Army National Guard of the United States to active duty for training under section 12301(d) of this title; and

"(B) with the approval of the Secretary of the Air Force, may order members of the Air National Guard of the United States to active duty for training under that section.

"(2) Officers of the Air National Guard of the United States who are not on active duty—

"(A) may order members of the Air National Guard of the United States to active duty for training under section 12301(d) of this title; and

"(B) with the approval of the Secretary of the Army, may order members of the Army National Guard of the United States to active duty for training under that section.

"(b) Officers of the Army National Guard of the United States or the Air National Guard of the United States who are not on active duty—

"(1) may enlist, reenlist, or extend the enlistments of persons as Reserves of the Army or Reserves of the Air Force for service in the Army National Guard of the United States or the Air National Guard of the United States, as the case may be; and

"(2) with respect to their Federal status, may promote or discharge persons enlisted or reenlisted as Reserves of the Army or Reserves of the Air Force for that service.

"(c) This section shall be carried out under regulations prescribed by the Secretary of the Army, with respect to matters concerning the Army, and by the Secretary of the Air Force, with respect to matters concerning the Air Force.".

(2)(A) Sections 261 through 265 and 267 through 281 are repealed.

(B) Chapter 11 is amended by striking out the table of sections at the beginning and inserting in lieu thereof the following:

"Sec.
"261. Reference to chapters 1003, 1005, and 1007.

"§ 261. Reference to chapters 1003, 1005, and 1007

"Provisions of law relating to the reserve components generally, including provisions relating to the organization and administration of the reserve components, are set forth in chapter 1003 (beginning with section 10101), chapter 1005 (beginning with section 10141), and chapter 1007 (beginning with section 10201) of this title.".

(3)(A) Chapter 519 and sections 652, 2001, 3076 through 3080, and 8076 through 8080 are repealed.

(B) Section 552(e) of Public Law 98–525 is repealed.

(4) Section 1004 is amended—

(A) by striking out subsections (a) and (b); and

(B) by striking out "(c)" before "Except as otherwise provided".

(5)(A) Section 10147(a), as added by paragraph (1), applies only to persons who were inducted, enlisted, or appointed in an armed force after August 9, 1955.

(B) Section 10148(b), as added by paragraph (1), applies only to persons who became members of the Army National Guard of the United States or the Air National Guard of the United States after October 4, 1961.

(b) BOARDS AND COMMITTEES.—(1) Part I of subtitle E (as added by subsection (a)) is amended by adding at the end the following:

"CHAPTER 1009—RESERVE FORCES POLICY BOARDS AND COMMITTEES

"Sec.
"10301. Reserve Forces Policy Board.
"10302. Army Reserve Forces Policy Committee.
"10303. Naval Reserve Policy Board.
"10304. Marine Corps Reserve Policy Board.
"10305. Air Force Reserve Forces Policy Committee.

"§ 10301. Reserve Forces Policy Board

"(a) There is in the Office of the Secretary of Defense a Reserve Forces Policy Board. The Board consists of the following:

"(1) A civilian chairman appointed by the Secretary of Defense.

"(2) The Assistant Secretary of the Army for Manpower and Reserve Affairs, the Assistant Secretary of the Navy for Manpower and Reserve Affairs, and the Assistant Secretary of the Air Force for Manpower and Reserve Affairs.

"(3) An officer of the Regular Army designated by the Secretary of the Army.

"(4) An officer of the Regular Navy or Regular Marine Corps designated by the Secretary of the Navy.

"(5) An officer of the Regular Air Force designated by the Secretary of the Air Force.

"(6) Four reserve officers designated by the Secretary of Defense upon the recommendation of the Secretary of the Army, two of whom must be members of the Army National Guard of the United States, and two of whom must be members of the Army Reserve.

"(7) Four reserve officers designated by the Secretary of Defense upon the recommendation of the Secretary of the Navy, two of whom must be members of the Naval Reserve, and two of whom must be members of the Marine Corps Reserve.

"(8) Four reserve officers designated by the Secretary of Defense upon the recommendation of the Secretary of the Air Force, two of whom must be members of the Air National Guard of the United States, and two of whom must be members of the Air Force Reserve.

"(9) A reserve officer of the Army, Navy, Air Force, or Marine Corps who is a general officer or flag officer designated by the Chairman of the Board with the approval of the Secretary of Defense, and who serves without vote as military adviser to the Chairman and as executive officer of the Board.

"(b) Whenever the Coast Guard is not operating as a service in the Navy, the Secretary of Transportation may designate two officers of the Coast Guard, Regular or Reserve, to serve as voting members of the Board.

"(c) The Board, acting through the Assistant Secretary of Defense for Reserve Affairs, is the principal policy adviser to the Secretary of Defense on matters relating to the reserve components.

"(d) This section does not affect the committees on reserve policies prescribed within the military departments by sections 10302 through 10305 of this title.

"(e) A member of a committee or board prescribed under a section listed in subsection (d) may, if otherwise eligible, be a member of the Reserve Forces Policy Board.

"(f) The Board shall act on those matters referred to it by the Chairman and, in addition, on any matter raised by a member of the Board.

"§ 10303. Naval Reserve Policy Board

"A Naval Reserve Policy Board shall be convened at least once annually at the seat

of government to consider, recommend, and report to the Secretary of the Navy on reserve policy matters. At least half of the members of the Board must be officers of the Naval Reserve.

"§ 10304. Marine Corps Reserve Policy Board

"A Marine Corps Reserve Policy Board shall be convened at least once annually at the seat of government to consider, recommend, and report to the Secretary of the Navy on reserve policy matters. At least half of the members of the Board must be officers of the Marine Corps Reserve.".

(2)(A) Section 3021 is transferred to chapter 1009 (as added by paragraph (1)), inserted after section 10301, and redesignated as section 10302.

(B) Section 8021 is transferred to chapter 1009 (as added by paragraph (1)), inserted after section 10304, and redesignated as section 10305.

(3) The text of section 175 is amended to read as follows:

"There is in the Office of the Secretary of Defense a Reserve Forces Policy Board. The functions, membership, and organization of that board are set forth in section 10301 of this title.".

(4)(A) Chapter 303 (as amended by paragraph (2)(A)) is amended by adding at the end the following:

"§ 3021. Army Reserve Forces Policy Committee

"There is in the Office of the Secretary of the Army an Army Reserve Forces Policy Committee. The functions, membership, and organization of that committee are set forth in section 10302 of this title.".

(B) Chapter 803 (as amended by paragraph (2)(B)) is amended by adding at the end the following:

"§ 8021. Air Force Reserve Forces Policy Committee

"There is in the Office of the Secretary of the Air Force an Air Force Reserve Forces Policy Committee. The functions, membership, and organization of that committee are set forth in section 10305 of this title.".

(c) NATIONAL GUARD BUREAU.—(1) Part I of subtitle E, as added by subsection (a), is amended by adding after chapter 1009, as added by subsection (b), the following:

"CHAPTER 1011—NATIONAL GUARD BUREAU

"Sec.
"10501. National Guard Bureau: organization; function.
"10502. Chief of Bureau: appointment.
"10503. Chief of Bureau: term of office; grade; filling vacancy.
"10504. National Guard Bureau: assignment of officers of regular or reserve components.

"§ 10501. National Guard Bureau: organization; function

"There is a National Guard Bureau, which is a joint bureau of the Department of the Army and the Department of the Air Force. The National Guard Bureau is the channel of communication between the departments concerned and the several States, Territories, Puerto Rico, and the District of Columbia on all matters pertaining to the National Guard, the Army National Guard of the United States, and the Air National Guard of the United States.

"§ 10502. Chief of Bureau: appointment

"(a) CHIEF.—The National Guard Bureau is headed by a chief who is the adviser to the Army Chief of Staff and the Air Force Chief of Staff on National Guard matters.

"(b) APPOINTMENT.—The President, by and with the advice and consent of the Senate, shall appoint the Chief of the Bureau from officers of the Army National Guard of the United States or the Air National Guard of the United States who—

"(1) have been recommended by their respective governors;

"(2) have had at least 10 years of commissioned service in the active National Guard; and

"(3) are in a grade above lieutenant colonel.

"§ 10503. Chief of Bureau: term of office; grade; filling vacancy

"(a) TERM OF OFFICE.—The Chief of the National Guard Bureau holds office for four years, but may be removed for cause at any time. An officer may not hold the office of Chief of the Bureau after attaining 64 years of age. He is eligible to succeed himself. While holding that office, the Chief of the Bureau may not be removed from the reserve active-status list, or from an active status, under any provision of law that otherwise would require such removal due to completion of a specified number of years of service or a specified number of years of service in grade.

"(b) GRADE WHILE SERVING.—If an officer appointed as Chief of the National Guard Bureau holds a lower reserve grade, the officer shall be appointed as a Reserve in his armed force in the grade of major general for service in the Army National Guard of the United States or the Air National Guard of the United States, as the case may be, while serving as Chief of the Bureau.

"(c) DISABILITY; VACANCY.—If the Chief of the Bureau is unable, because of disability, to perform the functions of his office, or if that office is vacant, the senior officer of the Army National Guard of the United States or the Air National Guard of the United States on duty in the Bureau shall act as its chief until the disability ceases or a successor is appointed.

"§ 10504. National Guard Bureau: assignment of officers of regular or reserve components

"Except as provided in section 12402(b) of this title, the President may assign to duty in the National Guard Bureau as many regular or reserve officers of the Army and the Air Force as he considers necessary.".

(2) Sections 3040, 3541, and 8541 are repealed.

(d) ANNUAL REPORT ON GUARD AND RESERVE EQUIPMENT.—(1) Part I of subtitle E, as added by subsection (a), is amended by adding after chapter 1011, as added by subsection (c), the following:

"CHAPTER 1013—BUDGET INFORMATION AND ANNUAL REPORTS TO CONGRESS

"Sec.
"10541. National Guard and reserve component equipment: annual report to Congress.".

(2) Section 115b is transferred to chapter 1013, as added by paragraph (1), inserted after the table of sections, and redesignated as section 10541.

(3) The heading of that section is amended to read as follows:

"§ 10541. National Guard and reserve component equipment: annual report to Congress".

SEC. 302. LAWS RELATING TO RESERVE COMPONENT PERSONNEL POLICY.

(a) STRENGTH AND DISTRIBUTION IN GRADE.—(1) Subtitle E, as added by section 101, is amended by inserting after part I of such subtitle, as added by section 301, the following:

"PART II—PERSONNEL GENERALLY

"Chap. Sec.
"1201. Authorized Strengths and Distribution in Grade 12001
"1203. Enlisted Members 12101
"1205. Appointment of Reserve Officers 12201
"1207. Warrant Officers 12241
"1209. Active Duty 12301
"1211. National Guard Members in Federal Service 12401
"1213. Special Appointments, Assignments, Details, and Duties 12501
"1215. Miscellaneous Prohibitions and Penalties ..... [No present secs.]
"1217. Miscellaneous Rights and Benefits 12601
"1219. Standards and Procedures for Retention and Promotion 12641
"1221. Separation 12681
"1223. Retired Pay for Non-Regular Service 12731
"1225. Retired Grade 12771

"CHAPTER 1201—AUTHORIZED STRENGTHS AND DISTRIBUTION IN GRADE

"Sec.
"12001. Authorized strengths: reserve components.
"12002. Authorized strengths: Army and Air Force reserve components, exclusive of members on active duty.
"12003. Authorized strengths: commissioned officers in an active status.
"12004. Strength in grade: reserve general and flag officers in an active status.
"12005. Strength in grade: commissioned officers in grades below brigadier general or rear admiral (lower half) in an active status.
"12006. Strength limitations: authority to waive in time of war or national emergency.
"12007. Reserve officers of the Army: distribution.
"12008. Army Reserve and Air Force Reserve: warrant officers.
"12009. Army and Air Force reserve components: temporary increases.
"12010. Computations for Naval Reserve and Marine Corps Reserve: rule when fraction occurs in final result.
"12011. Authorized strengths: reserve officers on active duty or on full-time National Guard duty for administration of the reserves or the National Guard.
"12012. Authorized strengths: senior enlisted members on active duty or on full-time National Guard duty for administration of the reserves or the National Guard.

"§ 12001. Authorized strengths: reserve components

"(a) Whenever the authorized strength of a reserve component (other than the Coast Guard Reserve) is not prescribed by law, it shall be prescribed by the President.

"(b) Subject to the authorized strength of the reserve component concerned, the authorized strength of each reserve component (other than the Coast Guard Reserve) in members in each grade is that which the Secretary concerned determines to be necessary to provide for mobilization requirements. The Secretary shall review these de-

terminations at least once each year and revise them if he considers it necessary. However, a member of the reserve component concerned may not, as a result of such a determination, be reduced in the member's reserve grade without the member's consent.

"§ 12002. Authorized strengths: Army and Air Force reserve components, exclusive of members on active duty

"(a) The authorized strengths of the National Guard and the reserve components of the Army and the Air Force, exclusive of members who are included in the strengths authorized for members of the Army and Air Force, respectively, on active duty, are as follows:

"Army National Guard and the Army National Guard of the United States	600,000
"Army Reserve	980,000
"Air National Guard and the Air National Guard of the United States	150,000
"Air Force Reserve	500,000

"(b) The strength authorized by this section for the Army National Guard and the Army National Guard of the United States, and the strength authorized by this section for the Air National Guard and the Air National Guard of the United States, shall be allocated among the States.

"§ 12003. Authorized strengths: commissioned officers in an active status

"(a) The authorized strengths of the Army, Navy, Air Force, and Marine Corps in reserve commissioned officers, other than commissioned warrant officers and officers on an active-duty list, in an active status are as follows:

"Army	275,000
"Air Force	200,000
"Navy	150,000
"Marine Corps	24,500

"(b) The authorized strengths prescribed by subsection (a) may not be exceeded unless—

"(1) the Secretary concerned determines that a greater number is necessary for planned mobilization requirements; or

"(2) the excess results directly from the operation of a nondiscretionary provision of law.

"§ 12004. Strength in grade: reserve general and flag officers in an active status

"(a) The authorized strengths of the Army, Air Force, and Marine Corps in reserve general officers in an active status, and the authorized strength of the Navy in reserve officers in the grades of rear admiral (lower half) and rear admiral in an active-status, are as follows:

"Army	207
"Air Force	157
"Navy	48
"Marine Corps	10

"(b) The following Army and Air Force reserve officers shall not be counted for purposes of this section:

"(1) Those serving as adjutants general or assistant adjutants general of a State.

"(2) Those serving in the National Guard Bureau.

"(3) Those counted under section 526 of this title.

"(c)(1) The authorized strength of the Navy under subsection (a) is exclusive of officers counted under section 526 of this title. Of the number authorized under subsection (a), 39 are distributed among the line and the staff corps as follows:

"Line	28
"Medical Corps	5
"Chaplain Corps	1
"Judge Advocate General's Corps	1
"Dental Corps	2
"Nurse Corps	1
"Medical Service Corps	1

"(2) The remaining authorizations for the Navy under subsection (a) shall be distributed among such other staff corps as are established by the Secretary of the Navy under the authority provided by section 5150(b) of this title, except that—

"(A) if the Secretary has established a Supply Corps, the authorized strength for the Supply Corps shall be seven; and

"(B) if the Secretary has established a Civil Engineering Corps, the authorized strength for the Civil Engineering Corps shall be two.

"(3) Not more than 50 percent of the officers in an active status authorized under this section for the Navy may serve in the grade of rear admiral.

"(d) The authorized strength of the Marine Corps under subsection (a) is exclusive of those counted under section 526 of this title.

"(e)(1) A reserve general officer of the Army or Air Force may not be reduced in grade because of a reduction in the number of general officers authorized under subsection (a).

"(2) An officer of the Naval Reserve or the Marine Corps Reserve may not be reduced in permanent grade because of a reduction in the number authorized by this section for his grade.

"§ 12005. Strength in grade: commissioned officers in grades below brigadier general or rear admiral (lower half) in an active status

"(a)(1) Subject to paragraph (2), the authorized strength of the Army and the Air Force in reserve commissioned officers in an active status in each grade named in paragraph (2) is as prescribed by the Secretary of the Army or the Secretary of the Air Force, respectively. A vacancy in any grade may be filled by an authorized appointment in any lower grade.

"(2) A strength prescribed by the Secretary concerned under paragraph (1) for a grade may not be higher than the percentage of the strength authorized for the Army or the Air Force, as the case may be, under section 12003 of this title that is specified for that grade as follows:

Grade	Army percentage	Air Force percentage
Colonel	2	1.8
Lieutenant colonel	6	4.6
Major	13	14.0
Captain	35	32.0
First lieutenant and second lieutenant (when combined with the number authorized for general officer grades under section 12004 of this title)	44	47.6

"(b)(1) The authorized strengths of the Naval Reserve in line officers in an active status in the grades of captain, commander, lieutenant commander, and lieutenant, and in the grades of lieutenant (junior grade) and ensign combined, are the following percentages of the total authorized number of those officers:

"Captain	1.5 percent
"Commander	7 percent
"Lieutenant commander	22 percent
"Lieutenant	37 percent
"Lieutenant (junior grade) and ensign (when combined with the number authorized for flag officer grades under section 12004 of this title)	32.5 percent

"(2) When the actual number of line officers in an active status in any grade is less than the number authorized by paragraph (1) for that grade, the difference may be applied to increase the number authorized by that paragraph for any lower grade or grades.

"(c)(1) The authorized strengths of the Marine Corps Reserve in officers in an active status in the grades of colonel, lieutenant colonel, major, and captain, and in the grades of first lieutenant and second lieutenant combined, are the following percentages of the total authorized number of those officers:

"Colonel	2 percent
"Lieutenant colonel	6 percent
"Major	12 percent
"Captain	35 percent
"First lieutenant and second lieutenant (when combined with the number authorized for general officer grades under section 12004 of this title)	32.5 percent

"(2) When the actual number of officers in an active status in any grade is less than the number authorized by paragraph (1) for that grade, the difference may be applied to increase the number authorized by that paragraph for any lower grade or grades.

"(d)(1) An officer of the Army or Air Force may not be reduced in grade because of a reduction in the number of commissioned officers authorized for the officer's grade under this section.

"(2) An officer of the Naval Reserve or the Marine Corps Reserve may not be reduced in permanent grade because of a reduction in the number authorized by this section for his grade.

"§ 12006. Strength limitations: authority to waive in time of war or national emergency

"(a) In time of war, or of national emergency declared by Congress or the President, the President may suspend the operation of any provision of section 12003, 12004, or 12005 of this title. So long as any such war or national emergency continues, any such suspension may be extended by the President.

"(b) Any suspension under subsection (a) shall, if not sooner ended, end on the last day of the two-year period beginning on the date on which the suspension (or the last extension thereof) takes effect or on the last day of the one-year period beginning on the date of the termination of the war or national emergency, whichever occurs first. With respect to the end of any such suspension, the preceding sentence supersedes the provisions of title II of the National Emergencies Act (50 U.S.C. 1621, 1622) which provide that powers or authorities exercised by reason of a national emergency shall cease to be exercised after the date of termination of the emergency.

"§ 12007. Reserve officers of the Army: distribution

"The Secretary of the Army shall distribute the number of reserve commissioned officers, other than commissioned warrant officers, authorized in each commissioned grade between those assigned to reserve units organized to serve as units and those not assigned to such units. The Secretary shall distribute the number who are assigned to re-

serve units organized to serve as units among the units of each reserve component by prescribing appropriate tables of organization and tables of distribution. The Secretary shall distribute the number who are not assigned to such units between—

"(1) each special branch; and

"(2) all other branches taken together.

"§ 12008. Army Reserve and Air Force Reserve: warrant officers

"The Secretary of the Army may prescribe the authorized strength of the Army Reserve in warrant officers. The Secretary of the Air Force may prescribe the authorized strength of the Air Force Reserve in warrant officers.

"§ 12009. Army and Air Force reserve components: temporary increases

"(a) The authorized strength in any reserve grade, as prescribed under this chapter, for any reserve component under the jurisdiction of the Secretary of the Army or the Secretary of the Air Force is automatically increased to the minimum extent necessary to give effect to each appointment made in that grade under section 1211(a), 3036, 14304(b), 14314, or 14317 of this title.

"(b) An authorized strength so increased is increased for no other purpose. While an officer holds that grade, the officer whose appointment caused the increase is counted for the purpose of determining when other appointments, not under those sections, may be made in that grade.

"§ 12010. Computations for Naval Reserve and Marine Corps Reserve: rule when fraction occurs in final result

"When there is a fraction in the final result of any computation under this chapter for the Naval Reserve or the Marine Corps Reserve, a fraction of one-half or more is counted as one, and a fraction of less than one-half is disregarded.

"§ 12012. Authorized strengths: senior enlisted members on active duty or on full-time National Guard duty for administration of the reserves or the National Guard

"(a) The number of enlisted members in pay grades E–8 and E–9 who may be on active duty (other than for training) or on full-time National Guard duty under the authority of section 502(f) of title 32 (other than for training) as of the end of any fiscal year in connection with organizing, administering, recruiting, instructing, or training the reserve components or the National Guard may not exceed the number for that grade and armed force in the following table:

"Grade	Army	Navy	Air Force	Marine Corps
E–9	569	202	279	14
E–8	2,585	429	800	74

"(b) Whenever the number of members serving in pay grade E–9 for duty described in subsection (a) is less than the number authorized for that grade under subsection (a), the difference between the two numbers may be applied to increase the number authorized under such subsection for pay grade E–8.".

(2)(A) Section 524 is transferred to chapter 1201, as added by paragraph (1), inserted after section 12010, and redesignated as section 12011.

(B) The heading of that section is amended to read as follows:

"§ 12011. Authorized strengths: reserve officers on active duty or on full-time National Guard duty for administration of the reserves or the National Guard".

(3) Chapter 531 and sections 3212, 3217 through 3225, 5454, 5456, 5457, 5458, 8212, and 8217 through 8225 are repealed.

(4) Section 517 is amended—

(A) by striking out subsection (b); and

(B) by redesignating subsection (c) as subsection (b) and in that subsection striking out "or whenever" and all that follows through "under subsection (b),".

(b) ENLISTMENTS.—(1) Part II of subtitle E, as added by subsection (a), is amended by adding after chapter 1201 (as added by subsection (a)), the following:

"CHAPTER 1203—ENLISTED MEMBERS

"Sec.
"12101. Definition.
"12102. Reserve components: qualifications.
"12103. Reserve components: terms.
"12104. Reserve components: transfers.
"12105. Army Reserve and Air Force Reserve: transfer from Guard components.
"12106. Army and Air Force Reserve: transfer to upon withdrawal as member of National Guard.
"12107. Army National Guard of United States; Air National Guard of the United States: enlistment in.

"§ 12101. Definition

"In this chapter, the term 'enlistment' means original enlistment or reenlistment.

"§ 12105. Army Reserve and Air Force Reserve: transfer from Guard components

"(a) Under such regulations as the Secretary concerned may prescribe—

"(1) an enlisted member of the Army National Guard of the United States may be transferred in grade to the Army Reserve; and

"(2) an enlisted member of the Air National Guard of the United States may be transferred in grade to the Air Force Reserve.

"(b) Upon such a transfer, the member transferred is eligible for promotion to the highest regular or reserve grade ever held by him in the Army, if transferred under subsection (a)(1), or the Air Force, if transferred under subsection (a)(2), if his service has been honorable.

"(c) A transfer under this section may only be made with the consent of the governor or other appropriate authority of the State concerned.

"§ 12106. Army and Air Force Reserve: transfer to upon withdrawal as member of National Guard

"(a) An enlisted member of the Army National Guard of the United States who ceases to be a member of the Army National Guard becomes a member of the Army Reserve unless he is also discharged from his enlistment as a Reserve.

"(b) An enlisted member of the Air National Guard of the United States who ceases to be a member of the Air National Guard becomes a member of the Air Force Reserve unless he is also discharged from his enlistment as a Reserve.

"(c) An enlisted member who becomes a member of the Army Reserve or the Air Force Reserve under this section ceases to be a member of the Army National Guard of the United States or the Air National Guard of the United States, as the case may be.

"§ 12107. Army National Guard of United States; Air National Guard of the United States: enlistment in

"(a) Except as provided in subsection (c), to become an enlisted member of the Army National Guard of the United States or the Air National Guard of the United States, a person must—

"(1) be enlisted in the Army National Guard or the Air National Guard, as the case may be;

"(2) subscribe to the oath set forth in section 304 of title 32; and

"(3) be a member of a federally recognized unit or organization of the Army National Guard or the Air National Guard, as the case may be, in the grade in which he is to be enlisted as a Reserve.

"(b)(1) Under regulations to be prescribed by the Secretary of the Army, a person who enlists in the Army National Guard, or whose term of enlistment in the Army National Guard is extended, shall be concurrently enlisted, or his term of enlistment shall be concurrently extended, as the case may be, as a Reserve of the Army for service in the Army National Guard of the United States.

"(2) Under regulations to be prescribed by the Secretary of the Air Force, a person who enlists in the Air National Guard, or whose term of enlistment in the Air National Guard is extended, shall be concurrently enlisted, or his term of enlistment shall be concurrently extended, as the case may be, as a Reserve of the Air Force for service in the Air National Guard of the United States.

"(c)(1) A member of the Army Reserve who enlists in the Army National Guard in his reserve grade, and is a member of a federally recognized unit or organization of the Army National Guard, becomes a member of the Army National Guard of the United States and ceases to be a member of the Army Reserve.

"(2) A member of the Air Force Reserve who enlists in the Air National Guard in his reserve grade, and is a member of a federally recognized unit or organization of the Air National Guard, becomes a member of the Air National Guard of the United States and ceases to be a member of the Air Force Reserve.".

(2) Sections 510 (as amended by section 201(a)), 511, and 512 are transferred to chapter 1203, as added by paragraph (1), inserted after section 12101, and redesignated as follows:

Section	Redesignated section
510	12102
511	12103
512	12104

(3) The following sections are repealed: sections 3259, 3260, 3261, 8259, 8260, and 8261.

(c) APPOINTMENT OF OFFICERS.—(1) Part II of subtitle E, as added by subsection (a), is further amended by adding after chapter 1203 (as added by subsection (b)) the following:

"CHAPTER 1205—APPOINTMENT OF RESERVE OFFICERS

"Sec.
"12201. Qualifications for appointment.
"12202. Commissioned officer grades.
"12203. Commissioned officers: appointment, how made; term.
"12204. Commissioned officers: original appointment; limitation.
"12205. Commissioned officers: appointment; educational requirement.
"12206. Commissioned officers: appointment of former commissioned officers.

"12207. Commissioned officers: service credit upon original appointment.
"12208. Officers: appointment upon transfer.
"12209. Officer candidates: enlisted Reserves.
"12210. Attending Physician to the Congress: reserve grade while so serving.
"12211. Officers: Army National Guard of United States.
"12212. Officers: Air National Guard of United States.
"12213. Officers; Army Reserve: transfer from Army National Guard of United States.
"12214. Officers; Air Force Reserve: transfer from Air National Guard of United States.
"12215. Commissioned officers: reserve grade of adjutants general and assistant adjutants general.

"§ 12215. Commissioned officers: reserve grade of adjutants general and assistant adjutants general

"(a) The adjutant general or an assistant adjutant general of the Army National Guard of a State may, upon being extended Federal recognition, be appointed as a reserve officer of the Army as of the date on which he is so recognized.

"(b) The adjutant general or an assistant adjutant general of the Air National Guard of a State may be appointed in the reserve commissioned grade in which Federal recognition in the Air National Guard is extended to him.".

(2) Sections 591 (as amended by section 201(b)), 592, 593 (as amended by section 202), 594, 596, 596a (as added by section 203), 596b (as added by section 204), and 595 are transferred (in that order) to chapter 1205, as added by paragraph (1), inserted after the table of sections, and redesignated as follows:

Section	Redesignated section
591	12201
592	12202
593	12203
594	12204
596	12205
596a (as added by section 203)	12206
596b (as added by section 204)	12207
595	12208

(3) Sections 600, 600a, 3351, 8351, 3352 (as amended by section 206(a)), and 8352 are transferred (in that order) to chapter 1205, as added by paragraph (1), inserted after section 12208, and redesignated as follows:

Section	Redesignated section
600	12209
600a	12210
3351	12211
8351	12212
3352	12213
8352	12214

(d) WARRANT OFFICERS.—(1) Part II of subtitle E, as added by subsection (a), is further amended by adding after chapter 1205 (as added by subsection (c)) the following:

"CHAPTER 1207—WARRANT OFFICERS

"Sec.
"12241. Warrant officers: grades; appointment, how made; term.
"12242. Warrant officers: promotion.
"12243. Warrant officers: suspension of laws for promotions or mandatory retirement or separation during war or emergency.".

(2) Sections 597, 598, and 599 are transferred to chapter 1207, as added by paragraph (1), inserted after the table of sections, and redesignated as follows:

Section	Redesignated section
597	12241
598	12242
599	12243

(3) Chapter 34 is amended to read as follows:

"CHAPTER 34—APPOINTMENTS AS RESERVE OFFICERS

"Sec.
"591. Reference to chapters 1205 and 1207.

"§ 591. Reference to chapters 1205 and 1207

"Provisions of law relating to appointments of reserve officers other than warrant officers are set forth in chapter 1205 of this title (beginning with section 12201). Provisions of law relating to appointments and promotion of reserve warrant officers are set forth in chapter 1207 (beginning with section 12241).".

(e) ACTIVE DUTY.—(1) Part II of subtitle E, as added by subsection (a), is further amended by adding after chapter 1207 (as added by subsection (d)) the following:

"CHAPTER 1209—ACTIVE DUTY

"Sec.
"12301. Reserve components generally.
"12302. Ready Reserve.
"12303. Ready Reserve: members not assigned to, or participating satisfactorily in, units.
"12304. Selected Reserve: order to active duty other than during war or national emergency.
"12305. Authority of President to suspend certain laws relating to promotion, retirement, and separation.
"12306. Standby Reserve.
"12307. Retired Reserve.
"12308. Retention on active duty after becoming qualified for retired pay.
"12309. Reserve officers: use of in expansion of armed forces.
"12310. Reserves: for organizing, administering, etc., reserve components.
"12311. Active duty agreements.
"12312. Active duty agreements: release from duty.
"12313. Reserves: release from active duty.
"12314. Reserves: kinds of duty.
"12315. Reserves: duty with or without pay.
"12316. Payment of certain Reserves while on duty.
"12317. Reserves: theological students; limitations.
"12318. Reserves on active duty: duties; funding.
"12319. Ready Reserve: muster duty.
"12320. Reserve officers: grade in which ordered to active duty.
"12321. Limitation on duty with Reserve Officer Training Corps units.".

(2) Sections 672 through 687, section 689 (as amended by section 114), and section 690 are transferred to chapter 1209, as added by paragraph (1), inserted after the table of sections, and redesignated as follows:

Section	Redesignated section
672	12301
673	12302
673a	12303
673b	12304
673c	12305
674	12306
675	12307
676	12308
677	12309
678	12310
679	12311
680	12312
681	12313
682	12314
683	12315
684	12316
685	12317
686	12318
687	12319
689	12320
690	12321

(3) Chapter 39 is amended by inserting after section 671b the following:

"§ 672. Reference to chapter 1209

"Provisions of law relating to service of members of reserve components on active duty are set forth in chapter 1209 of this title (beginning with section 12301).".

(f) NATIONAL GUARD MEMBERS IN FEDERAL SERVICE.—(1) Part II of subtitle E, as added by subsection (a), is further amended by adding after chapter 1209 (as added by subsection (e)) the following:

"CHAPTER 1211—NATIONAL GUARD MEMBERS IN FEDERAL SERVICE

"Sec.
"12401. Army and Air National Guard of United States: status.
"12402. Army and Air National Guard of United States: commissioned officers; duty in National Guard Bureau.
"12403. Army and Air National Guard of United States: members; status in which ordered into Federal service.
"12404. Army and Air National Guard of United States: mobilization; maintenance of organization.
"12405. National Guard in Federal service: status.
"12406. National Guard in Federal service: call.
"12407. National Guard in Federal service: period of service; apportionment.
"12408. National Guard in Federal service: physical examination.

"§ 12401. Army and Air National Guard of the United States: status

"Members of the Army National Guard of the United States and the Air National Guard of the United States are not in active Federal service except when ordered thereto under law.

"§ 12402. Army and Air National Guard of United States: commissioned officers; duty in National Guard Bureau

"(a) The President may, with their consent, order commissioned officers of the Army National Guard of the United States and the Air National Guard of the United States to active duty in the National Guard Bureau.

"(b)(1) The number of officers of the Army National Guard of the United States in grades below brigadier general who are ordered to active duty in the National Guard Bureau may not be more than 40 percent of the number of officers of the Army authorized for duty in that Bureau and, to the extent practicable, shall not exceed 40 percent of the number of officers of the Army serving in that Bureau in any grade below brigadier general.

"(2) The number of officers of the Air National Guard of the United States in grades

below brigadier general who are ordered to active duty in the National Guard Bureau may not be more than 40 percent of the number of officers of the Air Force authorized for duty in that Bureau and, to the extent practicable, shall not exceed 40 percent of the number of officers of the Air Force serving in that Bureau in any grade below brigadier general.

"§ 12403. Army and Air National Guard of United States: members; status in which ordered into Federal service

"Members of the Army National Guard of the United States ordered to active duty shall be ordered to duty as Reserves of the Army. Members of the Air National Guard of the United States ordered to active duty shall be ordered to duty as Reserves of the Air Force.

"§ 12404. Army and Air National Guard of United States: mobilization; maintenance of organization

"During an initial mobilization, the organization of a unit of the Army National Guard of the United States or of the Air National Guard of the United States ordered into active Federal service shall, so far as practicable, be maintained as it existed on the date of the order to duty.

"§ 12405. National Guard in Federal service: status

"Members of the National Guard called into Federal service are, from the time when they are required to respond to the call, subject to the laws and regulations governing the Army or the Air Force, as the case may be, except those applicable only to members of the Regular Army or Regular Air Force, as the case may be.

"§ 12406. National Guard in Federal service: call

"Whenever—

"(1) the United States, or any of the Territories, Commonwealths, or possessions, is invaded or is in danger of invasion by a foreign nation;

"(2) there is a rebellion or danger of a rebellion against the authority of the Government of the United States; or

"(3) the President is unable with the regular forces to execute the laws of the United States;

the President may call into Federal service members and units of the National Guard of any State in such numbers as he considers necessary to repel the invasion, suppress the rebellion, or execute those laws. Orders for these purposes shall be issued through the governors of the States or, in the case of the District of Columbia, through the commanding general of the National Guard of the District of Columbia.

"§ 12407. National Guard in Federal service: period of service; apportionment

"(a) Whenever the President calls the National Guard of a State into Federal service, he may specify in the call the period of the service. Members and units called shall serve inside or outside the territory of the United States during the term specified, unless sooner relieved by the President. However, no member of the National Guard may be kept in Federal service beyond the term of his commission or enlistment.

"(b) When the National Guard of a State is called into Federal service with the National Guard of another of those jurisdictions, the President may apportion the total number called from the Army National Guard or from the Air National Guard, as the case may be, on the basis of the populations of the jurisdictions affected by the call.

"§ 12408. National Guard in Federal service: physical examination

"(a) Under regulations prescribed by the President, each member of the National Guard called into Federal service shall be examined as to physical fitness, without further commission or enlistment.

"(b) Immediately before such a member is mustered out of Federal service, he shall be examined as to physical fitness. The record of this examination shall be retained by the United States.".

(2) Sections 3495 through 3502 and 8495 through 8502 are repealed.

(g) MISCELLANEOUS PROVISIONS.—(1) Part II of subtitle E, as added by subsection (a), is further amended by adding after chapter 1211 (as added by subsection (f)) the following:

"CHAPTER 1213—SPECIAL APPOINTMENTS, ASSIGNMENTS, DETAILS, AND DUTIES

"Sec.

"12501. Reserve components: detail of members of regular and reserve components to assist.

"12502. Chief and assistant chief of staff of National Guard divisions and wings in Federal service: detail.

"§ 12501. Reserve components: detail of members of regular and reserve components to assist

"The Secretary concerned shall detail such members of the regular and reserve components under his jurisdiction as are necessary to effectively develop, train, instruct, and administer those reserve components.

"§ 12502. Chief and assistant chief of staff of National Guard divisions and wings in Federal service: detail

"(a) The President may detail a regular or reserve officer of the Army as chief of staff, and a regular or reserve officer or an officer of the Army National Guard as assistant to the chief of staff, of any division of the Army National Guard that is in Federal service as an Army National Guard organization.

"(b) The President may detail a regular or reserve officer of the Air Force as chief of staff, and a regular or reserve officer or an officer of the Air National Guard as assistant to the chief of staff, of any wing of the Air National Guard that is in Federal service as an Air National Guard organization.

"CHAPTER 1215—MISCELLANEOUS PROHIBITIONS AND PENALTIES

"[No present sections]

"CHAPTER 1217—MISCELLANEOUS RIGHTS AND BENEFITS

"Sec.

"12601. Compensation: Reserve on active duty accepting from any person.

"12602. Members of Army National Guard of United States and Air National Guard of United States: credit for service as members of National Guard.

"§ 12601. Compensation: Reserve on active duty accepting from any person

"Any Reserve who, before being ordered to active duty, was receiving compensation from any person may, while he is on that duty, receive compensation from that person.

"§ 12602. Members of Army National Guard of United States and Air National Guard of United States: credit for service as members of National Guard

"(a) For the purposes of laws providing benefits for members of the Army National Guard of the United States and their dependents and beneficiaries—

"(1) military training, duty, or other service performed by a member of the Army National Guard of the United States in his status as a member of the Army National Guard for which he is entitled to pay from the United States shall be considered military training, duty, or other service, as the case may be, in Federal service as a Reserve of the Army;

"(2) full-time National Guard duty performed by a member of the Army National Guard of the United States shall be considered active duty in Federal service as a Reserve of the Army; and

"(3) inactive-duty training performed by a member of the Army National Guard of the United States in his status as a member of the Army National Guard, in accordance with regulations prescribed under section 502 of title 32 or other express provision of law, shall be considered inactive-duty training in Federal service as a Reserve of the Army.

"(b) For the purposes of laws providing benefits for members of the Air National Guard of the United States and their dependents and beneficiaries—

"(1) military training, duty, or other service performed by a member of the Air National Guard of the United States in his status as a member of the Air National Guard for which he is entitled to pay from the United States shall be considered military training, duty, or other service, as the case may be, in Federal service as a Reserve of the Air Force;

"(2) full-time National Guard duty performed by a member of the Air National Guard of the United States shall be considered active duty in Federal service as a Reserve of the Air Force; and

"(3) inactive-duty training performed by a member of the Air National Guard of the United States in his status as a member of the Air National Guard, in accordance with regulations prescribed under section 502 of title 32 or other express provision of law, shall be considered inactive-duty training in Federal service as a Reserve of the Air Force.".

(2) Sections 715, 1033, 3542, 3686, 8542, and 8686 are repealed.

(h) STANDARDS AND PROCEDURES FOR RETENTION AND PROMOTION.—(1) Part II of subtitle E, as added by subsection (a), is further amended by adding after chapter 1217 (as added by subsection (g)) the following:

"CHAPTER 1219—STANDARDS AND PROCEDURES FOR RETENTION AND PROMOTION

"Sec.

"12641. Standards and procedures: Secretary to prescribe.

"12642. Standards and qualifications: result of failure to comply with.

"12643. Boards for appointment, promotion, and certain other purposes: composition.

"12644. Members physically not qualified for active duty: discharge or transfer to retired status.

"12645. Commissioned officers: retention until completion of required service.

"12646. Commissioned officers: retention of after completing 18 or more, but less than 20, years of service.

"12647. Commissioned officers: retention in active status while assigned to Selective Service System or serving as United States property and fiscal officers.".

(2) Sections 1001, 1002, 266, 1004 (as amended by section 301(b)(4)), and 1005 through 1007

are transferred (in that order) to chapter 1219, as added by paragraph (1), inserted after the table of sections, and redesignated as follows:

Section:	Redesignated section
1001	12641
1002	12642
266	12643
1004	12644
1005	12645
1006	12646
1007	12647

(3) Section 1003 is repealed.

(4)(A) The heading of section 12641 (as so redesignated) is amended to read as follows:

"§ 12641. Standards and procedures: Secretary to prescribe".

(B) The heading of section 12644 (as so redesignated) is amended to read as follows:

"§ 12644. Members physically not qualified for active duty: discharge or transfer to retired status".

(5) Chapter 51 is amended by striking out the table of sections at the beginning and inserting in lieu thereof the following:

"Sec.
"1001. Reference to chapter 1219.

"§ 1001. Reference to chapter 1219

"Provisions of law relating to standards and procedures for retention and promotion of members of reserve components are set forth in chapter 1219 of this title (beginning with section 12641).".

(i) SEPARATION.—(1) Part II of subtitle E, as added by subsection (a), is further amended by adding after chapter 1219 (as added by subsection (h)) the following:

"CHAPTER 1221—SEPARATION

"Sec.
"12681. Reserves: discharge authority.
"12682. Reserves: discharge upon becoming ordained minister of religion.
"12683. Reserve officers: limitation on involuntary separation.
"12684. Reserves: separation for absence without authority or sentence to imprisonment.
"12685. Reserves separated for cause: character of discharge.
"12686. Reserves on active duty within two years of retirement eligibility: limitation on release from active duty.

"§ 12681. Reserves: discharge authority

"Subject to other provisions of this title, reserve commissioned officers may be discharged at the pleasure of the President. Other Reserves may be discharged under regulations prescribed by the Secretary concerned.

"§ 12682. Reserves: discharge upon becoming ordained minister of religion

"Under regulations to be prescribed by the Secretary of Defense, a Reserve who becomes a regular or ordained minister of religion is entitled upon his request to a discharge from his reserve enlistment or appointment.

"§ 12683. Reserve officers: limitation on involuntary separation

"(a) An officer of a reserve component who has at least five years of service as a commissioned officer may not be separated from that component without his consent except—

"(1) under an approved recommendation of a board of officers convened by an authority designated by the Secretary concerned; or

"(2) by the approved sentence of a court-martial.

"(b) Subsection (a) does not apply—

"(1) to a separation under section 12684, 14901, or 14907 of this title;

"(2) to a dismissal under section 1161(a) of this title; or

"(3) to a transfer under section 12213, 12214, 14514, or 14515 of this title.

"§ 12684. Reserves: separation for absence without authority or sentence to imprisonment

"The President or the Secretary concerned may drop from the rolls of the armed force concerned any Reserve—

"(1) who has been absent without authority for at least three months; or

"(2) who is sentenced to confinement in a Federal or State penitentiary or correctional institution after having been found guilty of an offense by a court other than a court-martial or other military court, and whose sentence has become final.

"§ 12685. Reserves separated for cause: character of discharge

"A member of a reserve component who is separated for cause, except under section 12684 of this title, is entitled to a discharge under honorable conditions unless—

"(1) the member is discharged under conditions other than honorable under an approved sentence of a court-martial or under the approved findings of a board of officers convened by an authority designated by the Secretary concerned; or

"(2) the member consents to a discharge under conditions other than honorable with a waiver of proceedings of a court-martial or a board.

"§ 12686. Reserves on active duty within two years of retirement eligibility: limitation on release from active duty

"Under regulations to be prescribed by the Secretary concerned, which shall be as uniform as practicable, a member of a reserve component who is on active duty (other than for training) and is within two years of becoming eligible for retired pay or retainer pay under a purely military retirement system, may not be involuntarily released from that duty before he becomes eligible for that pay, unless the release is approved by the Secretary.".

(2) Sections 1162 and 1163 are repealed.

(j) RETIRED PAY.—(1) Chapter 67 is transferred to part II of subtitle E, as added by subsection (a), inserted after chapter 1221 (as added by subsection (i)), and amended to read as follows:

"CHAPTER 1223—RETIRED PAY FOR NON-REGULAR SERVICE

"Sec.
"12731. Age and service requirements.
"12731a. Temporary special retirement qualification authority.
"12732. Entitlement to retired pay: computation of years of service.
"12733. Computation of retired pay: computation of years of service.
"12734. Time not creditable toward years of service.
"12735. Inactive status list.
"12736. Service credited for retired pay benefits not excluded for other benefits.
"12737. Limitation on active duty.
"12738. Limitations on revocation of retired pay.
"12739. Computation of retired pay.

"§ 12731. Age and service requirements

"(a) Except as provided in subsection (c), a person is entitled, upon application, to retired pay computed under section 12739 of this title, if the person—

"(1) is at least 60 years of age;

"(2) has performed at least 20 years of service computed under section 12732 of this title;

"(3) performed the last eight years of qualifying service while a member of any category named in section 12732(a)(1) of this title, but not while a member of a regular component, the Fleet Reserve, or the Fleet Marine Corps Reserve; and

"(4) is not entitled, under any other provision of law, to retired pay from an armed force or retainer pay as a member of the Fleet Reserve or the Fleet Marine Corps Reserve.

"(b) Application for retired pay under this section must be made to the Secretary of the military department, or the Secretary of Transportation, as the case may be, having jurisdiction at the time of application over the armed force in which the applicant is serving or last served.

"(c)(1) A person who, before August 16, 1945, was a Reserve of an armed force, or a member of the Army without component or other category covered by section 12732(a)(1) of this title except a regular component, is not eligible for retired pay under this chapter unless—

"(A) the person performed active duty during World War I or World War II; or

"(B) the person performed active duty (other than for training) during the Korean conflict, the Berlin crisis, or the Vietnam era.

"(2) In this subsection:

"(A) The term 'World War I' means the period beginning on April 6, 1917, and ending on November 11, 1918.

"(B) The term 'World War II' means the period beginning on September 9, 1940, and ending on December 31, 1946.

"(C) The term 'Korean conflict' means the period beginning on June 27, 1950, and ending on July 27, 1953.

"(D) The term 'Berlin crisis' means the period beginning on August 14, 1961, and ending on May 30, 1963.

"(E) The term 'Vietnam era' means the period beginning on August 5, 1964, and ending on March 27, 1973.

"(d) The Secretary concerned shall notify each person who has completed the years of service required for eligibility for retired pay under this chapter. The notice shall be sent, in writing, to the person concerned within one year after the person completes that service. The notice shall include notice of the elections available to such person under the Survivor Benefit Plan established under subchapter II of chapter 73 of this title and the Supplemental Survivor Benefit Plan established under subchapter III of that chapter, and the effects of such elections.

"(e) Notwithstanding section 8301 of title 5, the date of entitlement to retired pay under this section shall be the date on which the requirements of subsection (a) have been completed.

"§ 12731a. Temporary special retirement qualification authority

"(a) RETIREMENT WITH AT LEAST 15 YEARS OF SERVICE.—For the purposes of section 12731 of this title, the Secretary of a military department may—

"(1) during the period described in subsection (b), determine to treat a member of the Selected Reserve of a reserve component of the armed force under the jurisdiction of that Secretary as having met the service requirements of subsection (a)(2) of that section and provide the member with the notification required by subsection (d) of that section if the member—

"(A) as of October 1, 1991, has completed at least 15, and less than 20, years of service computed under section 12732 of this title; or

"(B) after that date and before October 1, 1995, completes 15 years of service computed under that section; and

"(2) upon the request of the member submitted to the Secretary within one year after the date of the notification referred to in paragraph (1), transfer the member to the Retired Reserve.

"(b) PERIOD OF AUTHORITY.—The period referred to in subsection (a)(1) is the period beginning on October 23, 1992, and ending on October 1, 1995.

"(c) APPLICABILITY SUBJECT TO NEEDS OF THE SERVICE.—(1) The Secretary of the military department concerned may limit the applicability of subsection (a) to any category of personnel defined by the Secretary in order to meet a need of the armed force under the jurisdiction of the Secretary to reduce the number of members in certain grades, the number of members who have completed a certain number of years of service, or the number of members who possess certain military skills or are serving in designated competitive categories.

"(2) A limitation under paragraph (1) shall be consistent with the purpose set forth in section 4414(a) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2713).

"(d) EXCLUSION.—This section does not apply to persons referred to in section 12731(c) of this title.

"(e) REGULATIONS.—The authority provided in this section shall be subject to regulations prescribed by the Secretary of Defense.

"§ 12732. Entitlement to retired pay: computation of years of service

"(a) Except as provided in subsection (b), for the purpose of determining whether a person is entitled to retired pay under section 12731 of this title, the person's years of service are computed by adding the following:

"(1) The person's years of service, before July 1, 1949, in the following:

"(A) The armed forces.

"(B) The federally recognized National Guard before June 15, 1933.

"(C) A federally recognized status in the National Guard before June 15, 1933.

"(D) The National Guard after June 14, 1933, if his service therein was continuous from the date of his enlistment in the National Guard, or his Federal recognition as an officer therein, to the date of his enlistment or appointment, as the case may be, in the National Guard of the United States, the Army National Guard of the United States, or the Air National Guard of the United States.

"(E) The Naval Reserve Force.

"(F) The Naval Militia that conformed to the standards prescribed by the Secretary of the Navy.

"(G) The National Naval Volunteers.

"(H) The Army Nurse Corps, the Navy Nurse Corps, the Nurse Corps Reserve of the Army, or the Nurse Corps Reserve of the Navy, as it existed at any time after February 2, 1901.

"(I) The Army under an appointment under the Act of December 22, 1942 (ch. 805, 56 Stat. 1072).

"(J) An active full-time status, except as a student or apprentice, with the Medical Department of the Army as a civilian employee—

"(i) in the dietetic or physical therapy categories, if the service was performed after April 6, 1917, and before April 1, 1943; or

"(ii) in the occupational therapy category, if the service was performed before appointment in the Army Nurse Corps or the Women's Medical Specialist Corps and before January 1, 1949, or before appointment in the Air Force before January 1, 1949, with a view to designation as an Air Force nurse or medical specialist.

"(2) Each one-year period, after July 1, 1949, in which the person has been credited with at least 50 points on the following basis:

"(A) One point for each day of—

"(i) active service; or

"(ii) full-time service under sections 316, 502, 503, 504, and 505 of title 32 while performing annual training duty or while attending a prescribed course of instruction at a school designated as a service school by law or by the Secretary concerned;

if that service conformed to required standards and qualifications.

"(B) One point for each attendance at a drill or period of equivalent instruction that was prescribed for that year by the Secretary concerned and conformed to the requirements prescribed by law, including attendance under section 502 of title 32.

"(C) Points at the rate of 15 a year for membership—

"(i) in a reserve component of an armed force,

"(ii) in the Army or the Air Force without component, or

"(iii) in any other category covered by subsection (a)(1) except a regular component.

For the purpose of clauses (A), (B), and (C), service in the National Guard shall be treated as if it were service in a reserve component, if the person concerned was later appointed in the National Guard of the United States, the Army National Guard of the United States, the Air National Guard of the United States, or as a Reserve of the Army or the Air Force, and served continuously in the National Guard from the date of his Federal recognition to the date of that appointment.

"(3) The person's years of active service in the Commissioned Corps of the Public Health Service.

"(4) The person's years of active commissioned service in the National Oceanic and Atmospheric Administration (including active commissioned service in the Environmental Science Services Administration and in the Coast and Geodetic Survey).

"(b) The following service may not be counted under subsection (a):

"(1) Service (other than active service) in an inactive section of the Organized Reserve Corps or of the Army Reserve, or in an inactive section of the officers' section of the Air Force Reserve.

"(2) Service (other than active service) after June 30, 1949, while on the Honorary Retired List of the Naval Reserve or of the Marine Corps Reserve.

"(3) Service in the inactive National Guard.

"(4) Service in a non-federally recognized status in the National Guard.

"(5) Service in the Fleet Reserve or the Fleet Marine Corps Reserve.

"(6) Service as an inactive Reserve nurse of the Army Nurse Corps established by the Act of February 2, 1901 (ch. 192, 31 Stat. 753), as amended, and service before July 1, 1938, as an inactive Reserve nurse of the Navy Nurse Corps established by the Act of May 13, 1908 (ch. 166, 35 Stat. 146).

"(7) Service in any status other than that as commissioned officer, warrant officer, nurse, flight officer, aviation midshipman, appointed aviation cadet, or enlisted member, and that described in clauses (I) and (J) of subsection (a)(1).

"§ 12733. Computation of retired pay: computation of years of service

"For the purpose of computing the retired pay of a person under this chapter, the person's years of service and any fraction of such a year are computed by dividing 360 into the sum of the following:

"(1) The person's days of active service.

"(2) The person's days of full-time service under sections 316, 502, 503, 504, and 505 of title 32 while performing annual training duty or while attending a prescribed course of instruction at a school designated as a service school by law or by the Secretary concerned.

"(3) One day for each point credited to the person under clause (B) or (C) of section 12732(a)(2) of this title, but not more than 60 days in any one year.

"(4) 50 days for each year before July 1, 1949, and proportionately for each fraction of a year, of service (other than active service) in a reserve component of an armed force, in the Army or the Air Force without component, or in any other category covered by section 12732(a)(1) of this title, except a regular component.

"§ 12734. Time not creditable toward years of service

"(a) Service in an inactive status may not be counted in any computation of years of service under this chapter.

"(b) Time spent after retirement (without pay) for failure to conform to standards and qualifications prescribed under section 12641 of this title may not be credited in a computation of years of service under this chapter.

"§ 12735. Inactive status list

"(a) A member who would be eligible for retired pay under this chapter but for the fact that that member is under 60 years of age may be transferred, at his request and by direction of the Secretary concerned, to such inactive status list as may be established for members of his armed force, other than members of a regular component.

"(b) While on an inactive status list under subsection (a), a member is not required to participate in any training or other program prescribed for his component.

"(c) The Secretary may at any time recall to active status a member who is on an inactive status list under subsection (a).

"§ 12736. Service credited for retired pay benefits not excluded for other benefits

"No period of service included wholly or partly in determining a person's right to, or the amount of, retired pay under this chapter may be excluded in determining his eligibility for any annuity, pension, or old-age benefit, under any other law, on account of civilian employment by the United States or otherwise, or in determining the amount payable under that law, if that service is otherwise properly credited under it.

"§ 12737. Limitation on active duty

"A member of the armed forces may not be ordered to active duty solely for the purpose of qualifying the member for retired pay under this chapter.

"§ 12738. Limitations on revocation of retired pay

"(a) After a person is granted retired pay under this chapter, or is notified in accordance with section 12731(d) of this title that the person has completed the years of service required for eligibility for retired pay under this chapter, the person's eligibility for re-

tired pay may not be denied or revoked on the basis of any error, miscalculation, misinformation, or administrative determination of years of service performed as required by section 12731(a)(2) of this title, unless it resulted directly from the fraud or misrepresentation of the person.

"(b) The number of years of creditable service upon which retired pay is computed may be adjusted to correct any error, miscalculation, misinformation, or administrative determination and when such a correction is made the person is entitled to retired pay in accordance with the number of years of creditable service, as corrected, from the date the person is granted retired pay.

"§ 12739. Computation of retired pay

"(a) The monthly retired pay of a person entitled to that pay under this chapter is the product of—

"(1) the retired pay base for that person as computed under section 1406(b)(2) or 1407 of this title; and

"(2) 2½ percent of the years of service credited to that person under section 12733 of this title.

"(b) The amount computed under subsection (a) may not exceed 75 percent of the retired pay base upon which the computation is based.

"(c) Amounts computed under this section, if not a multiple of $1, shall be rounded down to the next lower multiple of $1.".

(2) Section 1401(a) is amended by striking out formula number 3 in the table set forth in that section.

(3) Section 1405(a)(3) is amended by striking out "section 1333" and "section 1331" and inserting in lieu thereof "section 12733" and "section 12731", respectively.

(4) Section 1406(b) is amended—

(A) by striking out the matter preceding the table and inserting in lieu thereof the following:

"(b) RETIREMENT UNDER SUBTITLE A OR E.—

"(1) DISABILITY, WARRANT OFFICER, AND DOPMA RETIREMENT.—In the case of a person whose retired pay is computed under this subtitle, the retired pay base is determined in accordance with the following table.";

(B) in the table—

(i) by striking out the entry relating to section 1331 (including the matter relating to that entry in the column under the heading "The retired pay base is:"); and

(ii) by redesignating the references to footnotes 3 and 4 so as to refer to footnotes 2 and 3, respectively;

(C) by striking out footnote 2 to the table and redesignating footnotes 3 and 4 as footnotes 2 and 3, respectively; and

(D) by adding at the end the following:

"(2) NON-REGULAR SERVICE RETIREMENT.—In the case of a person who is entitled to retired pay under section 12731 of this title, the retired pay base is the monthly basic pay, determined at the rates applicable on the date when retired pay is granted, of the highest grade held satisfactorily by the person at any time in the armed forces. For purposes of the preceding sentence, the highest grade in which a person served satisfactorily as an officer shall be determined in accordance with section 1370(d) of this title.".

(5) Section 1407 is amended—

(A) in subsection (c)(2)(B), by striking out "chapter 67" and inserting in lieu thereof "chapter 1223"; and

(B) in subsection (f)(2)—

(i) by striking out "CHAPTER 67" in the heading and inserting in lieu thereof "CHAPTER 1223"; and

(ii) by striking out "section 1331" and inserting in lieu thereof "section 12731".

(6) Section 1409(a)(1)(B) is amended by striking out "chapter 67" and inserting in lieu thereof "chapter 1223".

(7) Part II of subtitle A is amended by inserting after chapter 65 the following:

"CHAPTER 67—RETIRED PAY FOR NONREGULAR SERVICE

"Sec.
"1331. Reference to chapter 1223.

"§ 1331. Reference to chapter 1223

"Provisions of law relating to retired pay for nonregular service are set forth in chapter 1223 of this title (beginning with section 12731).".

(8) Section 6034 is repealed.

(k) RETIRED GRADE.—(1) Part II of subtitle E, as added by subsection (a), is further amended by adding after chapter 1223 (as added by subsection (j)) the following:

"CHAPTER 1225—RETIRED GRADE

"Sec.
"12771. Reserve officers: grade on transfer to Retired Reserve.
"12772. Reserve commissioned officers who have served as Attending Physician to the Congress: grade on transfer to Retired Reserve.
"12773. Limitation on accrual of increased pay or benefits.
"12774. Retired lists.

"§ 12771. Reserve officers: grade on transfer to Retired Reserve

"Unless entitled to a higher grade under another provision of law, a reserve commissioned officer, other than a commissioned warrant officer, who is transferred to the Retired Reserve is entitled to be placed on the retired list established by section 12774(a) of this title in the highest grade in which he served satisfactorily, as determined by the Secretary concerned and in accordance with section 1370(d), in the armed force in which he is serving on the date of transfer.

"§ 12772. Reserve commissioned officers who have served as Attending Physician to the Congress: grade on transfer to Retired Reserve

"Unless entitled to a higher grade under another provision of law, a reserve commissioned officer who is transferred to the Retired Reserve after having served in the position of Attending Physician to the Congress is entitled to be placed on the retired list established by section 12774(a) of this title in the grade held by the officer while serving in that position.

"§ 12773. Limitation on accrual of increased pay or benefits

"Unless otherwise provided by law, no person is entitled to increased pay or other benefits because of sections 12771 and 12772 of this title.

"§ 12774. Retired lists

"(a) Under regulations prescribed by the Secretary concerned, there shall be maintained retired lists containing the names of the Reserves of the armed forces under the Secretary's jurisdiction who are in the Retired Reserve.

"(b) The Secretary of the Navy shall maintain a United States Naval Reserve Retired List containing the names of members of the Naval Reserve and the Marine Corps Reserve entitled to retired pay.".

(2) Sections 1374 and 6017 are repealed.

(3)(A) Section 1376 is amended—

(i) by striking out subsection (a); and

(ii) by striking out "(b)" before "The Secretary concerned".

(B) The heading of that section is amended to read as follows:

"§ 1376. Temporary disability retired lists".

SEC. 303. LAWS RELATING TO RESERVE COMPONENT TRAINING AND EDUCATIONAL ASSISTANCE PROGRAMS.

(a) TRAINING GENERALLY.—Subtitle E, as added by section 101, is amended by adding after part III of such subtitle (as added by that section) the following:

"PART IV—TRAINING FOR RESERVE COMPONENTS AND EDUCATIONAL ASSISTANCE PROGRAMS

"Chap. Sec.
"1601. Training Generally [No present sections]
"1606. Educational Assistance for Members of the Selected Reserve 16131
"1608. Health Professions Stipend Program 16201
"1609. Education Loan Repayments .. 16301

"CHAPTER 1601—TRAINING GENERALLY

"[No present sections]".

(b) MONTGOMERY GI BILL FOR SELECTED RESERVE.—(1) Part IV of subtitle E (as added by subsection (a)) is amended by adding at the end the following:

"CHAPTER 1606—EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE SELECTED RESERVE

"Sec.
"16131. Educational assistance program: establishment; amount.
"16132. Eligibility for educational assistance.
"16133. Time limitations for use of entitlement.
"16134. Termination of assistance.
"16135. Failure to participate satisfactorily; penalties.
"16136. Administration of program.
"16137. Reports to Congress.".

(2) Sections 2131 through 2137 are transferred to chapter 1606, as added by paragraph (1), inserted after the table of sections, and redesignated as follows:

Section:	Redesignated section
2131	16131
2132	16132
2133	16133
2134	16134
2135	16135
2136	16136
2137	16137

(3) Section 16131 (as so redesignated) is amended—

(A) in subsection (c)(3)(B)(i), by striking out "section 672 (a), (d), or (g), 673, or 673b" and inserting in lieu thereof "section 12301(a), 12301(d), 12301(g), 12302, or 12304"; and

(B) in subsection (g)(1), by striking out "section 2136(c)" and inserting in lieu thereof "section 16136(c)".

(4) Section 16132 (as so redesignated) is amended—

(A) in subsection (a), by striking out "section 2131" and inserting in lieu thereof "section 16131"; and

(B) in subsection (c), by striking out "sections 2134 and 2135" and inserting in lieu thereof "section 16134 and 16135".

(5) Section 16133 (as so redesignated) is amended—

(A) in subsection (b)(1)(B), by striking out "section 268(b)" and inserting in lieu thereof "section 10143(a)"; and

(B) in subsection (b)(4)(A), by striking out "section 672 (a), (d), or (g), 673, or 673b" and inserting in lieu thereof "section 12301(a), 12301(d), 12301(g), 12302, or 12304".

(6) Section 16135 (as so redesignated) is amended—

(A) by striking out "section 2132" in subsection (a)(1)(A) and inserting in lieu thereof "section 16132"; and

(B) by striking out "section 2132(a)" in subsection (b)(1)(A) and inserting in lieu thereof "section 16132(a)".

(7) Chapter 106 is amended by striking out the table of sections at the beginning and inserting in lieu thereof the following:

"Sec.
"2131. Reference to chapter 1606.
"2138. Savings provision.

"§ 2131. Reference to chapter 1606

"Provisions of law relating to educational assistance for members of the Selected Reserve under the Montgomery GI Bill program are set forth in chapter 1606 of this title (beginning with section 16131).".

(c) HEALTH PROFESSIONS STIPEND PROGRAM.—(1) Part IV of subtitle E (as added by subsection (a)) is amended by adding after chapter 1606 (as added by subsection (b)) the following:

"CHAPTER 1608—HEALTH PROFESSIONS STIPEND PROGRAM

"Sec.
"16201. Financial assistance: health-care professionals in reserve components.
"16202. Reserve service: required active duty for training.
"16203. Penalties and limitations.
"16204. Regulations.

"§ 16204. Regulations

"This chapter shall be administered under regulations prescribed by the Secretary of Defense.".

(2) Section 2128 is transferred to chapter 1608, as added by paragraph (1), inserted after the table of sections, redesignated as section 16201, and amended by striking out subsection (f).

(3) Section 2129 is transferred to chapter 1608, as added by paragraph (1), inserted after section 16201 (as transferred and redesignated by paragraph (2)), and redesignated as section 16202.

(4)(A) Section 2130 is transferred to chapter 1608, as added by paragraph (1), inserted after section 16202 (as transferred and redesignated by paragraph (3)), redesignated as section 16203, and amended by striking out subsection (c).

(B) The heading of that section is amended to read as follows:

"§ 16203. Penalties and limitations".

(5) Section 16201, as so redesignated, is amended by striking out "subchapter" each place it appears and inserting in lieu thereof "chapter".

(6) Section 16202, as so redesignated, is amended by striking out "section 2128" both places it appears and inserting in lieu thereof "section 16201".

(7) Chapter 105 is amended—

(A) in the table of subchapters before subchapter I—

(i) by striking out the item relating to subchapter II; and

(ii) by redesignating the item relating to subchapter III so as to refer to subchapter II;

(B) by striking out the heading for subchapter II and the table of sections following that heading; and

(C) by redesignating subchapter III as subchapter II.

(d) EDUCATION LOAN REPAYMENT PROGRAMS.—(1) Part IV of subtitle E (as added by subsection (a)) is amended by adding after chapter 1608 (as added by subsection (c) the following:

"CHAPTER 1609—EDUCATION LOAN REPAYMENT PROGRAMS

"Sec.
"16301. Education loan repayment program: enlisted members of Selected Reserve with critical specialties.
"16302. Education loan repayment program: health professions officers serving in Selected Reserve with wartime critical medical skill shortages.

"§ 16301. Education loan repayment program: enlisted members of Selected Reserve with critical specialties

"(a)(1) Subject to the provisions of this section, the Secretary of Defense may repay—

"(A) any loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.); or

"(B) any loan made under part E of such title (20 U.S.C. 1087aa et seq.).

Repayment of any such loan shall be made on the basis of each complete year of service performed by the borrower.

"(2) The Secretary may repay loans described in paragraph (1) in the case of any person for service performed as an enlisted member of the Selected Reserve of the Ready Reserve of an armed force in a reserve component and military specialty specified by the Secretary of Defense. The Secretary may repay such a loan only if the person to whom the loan was made performed such service after the loan was made.

"(b) The portion or amount of a loan that may be repaid under subsection (a) is 15 percent or $500, whichever is greater, for each year of service.

"(c) If a portion of a loan is repaid under this section for any year, interest on the remainder of the loan shall accrue and be paid in the same manner as is otherwise required.

"(d) Nothing in this section shall be construed to authorize refunding any repayment of a loan.

"(e) A person who transfers from service making the person eligible for repayment of loans under this section (as described in subsection (a)(2)) to service making the person eligible for repayment of loans under section 2171 of this title (as described in subsection (a)(2) of that section) during a year shall be eligible to have repaid a portion of such loan determined by giving appropriate fractional credit for each portion of the year so served, in accordance with regulations of the Secretary concerned.

"(f) The Secretary of Defense shall, by regulation, prescribe a schedule for the allocation of funds made available to carry out the provisions of this section and section 2171 of this title during any year for which funds are not sufficient to pay the sum of the amounts eligible for repayment under subsection (a) and section 2171(a) of this title.".

(2)(A) Section 2172 is transferred to the end of chapter 1609, as added by paragraph (1), and redesignated as section 16302.

(B) The heading of such section is amended to read as follows:

"§ 16302. Education loan repayment program: health professions officers serving in Selected Reserve with wartime critical medical skill shortages".

(e) CONFORMING AMENDMENTS.—Section 2171 is amended as follows:

(1) Subsection (a)(1)(B) is amended by striking out "or" after "(B)".

(2) Subsection (a)(2) is amended—

(A) in the first sentence, by striking out "person for—" and all that follows through "(B) service performed" and inserting in lieu thereof "person for service performed"; and

(B) by striking out the second sentence.

(3) Subsection (b) is amended to read as follows:

"(b) The portion or amount of a loan that may be repaid under subsection (a) is 33⅓ percent or $1,500, whichever is greater, for each year of service.".

(4) Subsection (e) is amended by striking out "Any individual who transfers from service described in clause (A) or (B) of subsection (a)(2) to service described in the other clause of such subsection" and inserting in lieu thereof "A person who transfers from service making the person eligible for repayment of loans under this section (as described in subsection (a)(2)) to service making the person eligible for repayment of loans under section 16301 of this title (as described in subsection (a)(2) of that section)".

(5) Subsection (f) is amended—

(A) by inserting "and section 16301 of this title" after "this section"; and

(B) by inserting "and section 16301(a) of this title" after "subsection (a)".

(6) The heading of such section is amended to read as follows:

"§ 2171. Education loan repayment program: enlisted members on active duty in specified military specialties".

SEC. 304. LAWS RELATING TO RESERVE COMPONENT PROCUREMENT AND EQUIPMENT.

(a) ADDITION OF NEW PART.—(1) Subtitle E, as added by section 101, is amended by adding after part IV of such subtitle (as added by section 303) the following:

"PART V—SERVICE, SUPPLY, AND PROCUREMENT

"Chap.	Sec.
"1801. Issue of Serviceable Material to Reserve Components	[No present sections]
"1803. Facilities for Reserve Components	18231
"1805. Miscellaneous Provisions	18501

"CHAPTER 1801—ISSUE OF SERVICEABLE MATERIAL TO RESERVE COMPONENTS

"[No present sections]".

(b) FACILITIES FOR RESERVE COMPONENTS.—(1) Chapter 133 is transferred to the end of part V of subtitle E, as added by subsection (a), and redesignated as chapter 1803.

(2) The sections of that chapter are redesignated as follows:

Section:	Redesignated section
2231	18231
2232	18232
2233	18233
2233a	18233a
2234	18234
2235	18235
2236	18236
2237	18237
2238	18238
2239	18239

(3) The items in the table of sections at the beginning of such chapter are revised to reflect the redesignations made by paragraph (2).

(4) Section 18233 (as redesignated by paragraph (2)) is amended by striking out "sections 2233a, 2234, 2235, 2236, and 2238" in subsection (a) and inserting in lieu thereof "sections 18233a, 18234, 18235, 18236, and 18238".

(5) Section 18233a (as redesignated by paragraph (2)) is amended—

(A) in subsection (a), by striking out "section 2233" and inserting in lieu thereof "section 18233"; and

(B) in subsection (b), by striking out "section 2233(a)" and inserting in lieu thereof "section 18233(a)".

(6) Section 18234 (as redesignated by paragraph (2)) is amended by striking out "section 2233" and inserting in lieu thereof "section 18233".

(7) Section 18235 (as redesignated by paragraph (2)) is amended by striking out "section 2233(a)(1)" in subsection (a)(1) and inserting in lieu thereof "section 18233".

(8) Section 18236 (as redesignated by paragraph (2)) is amended—

(A) in subsection (a)—

(i) by striking out "section 2233" in the first sentence and inserting in lieu thereof "section 18233"; and

(ii) by striking out "section 2233(a)(3) or (4)" in the second sentence and inserting in lieu thereof "paragraph (3) or (4) of section 18233(a)";

(B) in subsection (b)—

(i) by striking out "clause (4) or (5) of section 2233(a)" in the matter preceding paragraph (1) and inserting in lieu thereof "paragraph (4) or (5) of section 18233(a)"; and

(ii) by striking out "section 2233(e)" in paragraph (2) and inserting in lieu thereof "section 18233(e)"; and

(C) in subsection (c), by striking out "section 2233" and inserting in lieu thereof "section 18233".

(9) Section 18237 (as redesignated by paragraph (2)) is amended—

(A) in subsection (a), by striking out "section 2233(a)(2), (3) and (4)" and inserting in lieu thereof "paragraph (2), (3), or (4) of section 18233(a)"; and

(B) in subsection (b), by striking out "section 2233(a)(2), (3) or (4)" and inserting in lieu thereof "paragraph (2), (3), or (4) of section 18233(a)".

(10) Section 18239 (as redesignated by paragraph (2)) is amended by striking out "section 2233" both places it appears and inserting in lieu thereof "section 18233".

(11) Part IV of subtitle A is amended by inserting after chapter 131 the following:

"CHAPTER 133—FACILITIES FOR RESERVE COMPONENTS

"Sec.
"2231. Reference to chapter 1803.

"§ 2231. Reference to chapter 1803

"Provisions of law relating to facilities for reserve components are set forth in chapter 1803 of this title (beginning with section 18231).".

(c) MISCELLANEOUS PROVISIONS.—(1) Part V of subtitle E, as added by subsection (a), is amended by adding after chapter 1803, as transferred by subsection (b), the following:

"CHAPTER 1805—MISCELLANEOUS PROVISIONS

"Sec.
"18501. Reserve components: personnel and logistic support by military departments.
"18502. Reserve components: supplies, services, and facilities.

"§ 18501. Reserve components: personnel and logistic support by military departments

"The Secretary concerned is responsible for providing the personnel, equipment, facilities, and other general logistic support necessary to enable units and Reserves in the Ready Reserve of the reserve components under his jurisdiction to satisfy the training requirements and mobilization readiness requirements for those units and Reserves as recommended by the Secretary concerned and by the Chairman of the Joint Chiefs of Staff and approved by the Secretary of Defense, and as recommended by the Commandant of the Coast Guard and approved by the Secretary of Transportation when the Coast Guard is not operated as a service of the Navy.

"§ 18502. Reserve components: supplies, services, and facilities

"(a) The Secretary concerned shall make available to the reserve components under his jurisdiction the supplies, services, and facilities of the armed forces under his jurisdiction that he considers necessary to support and develop those components.

"(b) Whenever he finds it to be in the best interest of the United States, the Secretary concerned may issue supplies of the armed forces under his jurisdiction to the reserve components under his jurisdiction, without charge to the appropriations for those components for the cost or value of the supplies or for any related expense.

"(c) Whenever he finds it to be in the best interest of the United States, the Secretary of the Army or the Secretary of the Air Force may issue to the Army National Guard or the Air National Guard, as the case may be, supplies of the armed forces under his jurisdiction that are in addition to supplies issued to that National Guard under section 702 of title 32 or charged against its appropriations under section 106 or 107 of title 32, without charge to the appropriations for those components for the cost or value of the supplies or for any related expense.

"(d) Supplies issued under subsection (b) or (c) may be repossessed or redistributed as prescribed by the Secretary concerned.".

(2) Section 2540 is repealed.

SEC. 305. LEGISLATIVE CONSTRUCTION.

(a) REFERENCES TO TRANSFERRED OR REPLACED PROVISIONS.—A reference to a provision of title 10, United States Code, transferred or replaced by the provisions of sections 301 through 304 (including a reference in a regulation, order, or other law) shall be treated as referring to that provision as transferred or to the corresponding provision as so enacted by this title.

(b) SAVINGS PROVISION FOR REGULATIONS.—A regulation, rule, or order in effect under a provision of title 10, United States Code, replaced by a provision of that title enacted by sections 301 through 304 shall continue in effect under the corresponding provision so enacted until repealed, amended, or superseded.

(c) GENERAL SAVINGS PROVISION.—An action taken, or a right that matured, under a provision of title 10, United States Code, replaced by a provision of that title enacted by sections 301 through 304 shall be treated as having been taken, or having matured, under the corresponding provision so enacted.

TITLE IV—TECHNICAL AND CLERICAL AMENDMENTS

SEC. 401. AMENDMENTS TO SUBTITLE A OF TITLE 10, UNITED STATES CODE.

(a) TABLE OF SUBTITLES.—The table of subtitles preceding subtitle A is amended by adding at the end the following new item:

"E. Reserve Components ..... 10001".

(b) TABLES OF SECTIONS.—

(1) The table of sections at the beginning of chapter 2 is amended by striking out the item relating to section 115b.

(2) The table of sections at the beginning of chapter 3 is amended by striking out the item relating to section 123 and inserting in lieu thereof the following:

"123. Authority to suspend officer personnel laws during war or national emergency.".

(3) The table of sections at the beginning of chapter 31 is amended by striking out the items relating to sections 510, 511, 512, and 517.

(4) The table of sections at the beginning of chapter 32 is amended—

(A) by striking out the item relating to section 524; and

(B) by striking out "524," in the item relating to section 527.

(5) The table of sections at the beginning of subchapter V of chapter 36 is amended by striking out the item relating to section 644.

(6) The table of sections at the beginning of chapter 37 is amended by striking out the item relating to section 652.

(7) The table of sections at the beginning of chapter 39 is amended—

(A) by striking out the item relating to section 672 and inserting in lieu thereof the following:

"672. Reference to chapter 1209.";

and

(B) by striking out the items relating to section 673 through 686 and section 689.

(8) The table of sections at the beginning of chapter 41 is amended by striking out the item relating to section 715.

(9) The table of sections at the beginning of chapter 53 is amended by striking out the item relating to section 1033.

(10) The table of sections at the beginning of chapter 59 is amended by striking out the items relating to sections 1162 and 1163.

(11) The table of sections at the beginning of chapter 69 is amended—

(A) by striking out the item relating to section 1374; and

(B) by striking out the item relating to section 1376 and inserting in lieu thereof the following:

"1376. Temporary disability retired lists.".

(12) The table of sections at the beginning of chapter 101 is amended by striking out the item relating to section 2001.

(13) The table of sections at the beginning of chapter 109 is amended by striking out the items relating to sections 2171 and 2172 and inserting in lieu thereof the following:

"2171. Education loan repayment program: enlisted members on active duty in specified military specialties.".

(14) The table of sections at the beginning of subchapter I of chapter 152 is amended by striking out the item relating to section 2540.

(c) CROSS-REFERENCE AMENDMENTS—

(1) Section 101(a)(13) is amended by striking out "672(a), 673, 673b, 673c, 688, 3500, or 8500" and inserting in lieu thereof "688, 12301(a), 12302, 12304, 12305, or 12406".

(2) Section 113(c)(3) is amended by striking out "chapters 51, 337, 361, 363, 549, 573, 837, 861, and 863 of this title, as far as they apply to reserve officers" and inserting in lieu thereof "chapters 1219 and 1401 through 1411 of this title ".

(3) Section 523(b)(1) is amended—

(A) in subparagraph (B), by striking out "section 265" and all that follows through "of this title" and inserting in lieu thereof "section 10211, 10302 through 10305, or 12402 of this title";

(B) in subparagraph (C), by striking out "section 672(d)" and inserting in lieu thereof "section 12301(d)"; and

(C) in subparagraph (E), by striking out "section 673b" and inserting in lieu thereof "section 12304".

(4) Section 527 is amended by striking out "524," in the text and in the heading.

(5) Section 641(1) is amended—

(A) in subparagraph (B), by striking out "section 175" and all that follows through "of this title" and inserting in lieu thereof

"section 3038, 8038, 10211, 10301 through 10305, 10501, or 12402 of this title";

(B) in subparagraph (C), by striking out "section 672(d)" and inserting in lieu thereof "section 12301(d)"; and

(C) in subparagraph (E), by striking out "section 673b" and inserting in lieu thereof "section 12304".

(6) Sections 1201, 1202, and 1203 are each amended by striking out "section 270(b)" and inserting in lieu thereof "section 10148(a)".

(7)(A) Section 1076(b)(2)(A) is amended by striking out "under chapter 67 of this title" and inserting in lieu thereof "under chapter 1223 of this title (or under chapter 67 of this title as in effect before the effective date of the Reserve Officer Personnel Management Act)":

(B) Section 1370(a)(1) is amended by striking out "chapter 67" and inserting in lieu thereof "chapter 1223".

(8) Section 1482(f)(2) is amended by striking out "section 1332" and "section 1331" and inserting in lieu thereof "section 12732" and "12731", respectively.

(d) SURVIVOR BENEFIT PLAN.—Subchapter II of chapter 73 is amended as follows:

(1) Section 1447(14) is amended by striking out "chapter 67 of this title" and inserting in lieu thereof "chapter 1223 of this title (or under chapter 67 of this title as in effect before the effective date of the Reserve Officer Personnel Management Act)".

(2) The following provisions are amended by striking out "section 1331(d)" and inserting in lieu thereof "section 12731(d)": sections 1447(2)(C), 1448(a)(2)(B), 1448(f)(1)(A), and 1448(f)(1)(B).

SEC. 402. AMENDMENTS TO SUBTITLE B OF TITLE 10, UNITED STATES CODE.

(a) TABLES OF CHAPTERS.—The table of chapters at the beginning of subtitle B, and the table of chapters at the beginning of part II of that subtitle, are each amended by striking out the items relating to chapters 337, 361, and 363.

(b) TABLES OF SECTIONS.—

(1) The table of sections at the beginning of chapter 305 is amended by striking out the item relating to section 3040.

(2) The table of sections at the beginning of chapter 307 is amended by striking out the items relating to section 3076 through 3080.

(3) The table of sections at the beginning of chapter 331 is amended by striking out the items relating to section 3212 and sections 3217 through 3225.

(4) The table of sections at the beginning of chapter 333 is amended by striking out the items relating to sections 3259, 3260, and 3261.

(5) The table of sections at the beginning of chapter 341 is amended by striking out the items relating to sections 3495 through 3502.

(6) The table of sections at the beginning of chapter 343 is amended by striking out the items relating to sections 3541 and 3542.

(7) The table of sections at the beginning of chapter 353 is amended by striking out the item relating to section 3686.

(c) CROSS REFERENCE AMENDMENTS.—

(1) Section 3038(b) is amended by striking out "section 265" and inserting in lieu thereof "section 10211".

(2) Section 3961(a) is amended by striking out "chapter 67" and inserting in lieu thereof "chapter 1223".

(3) Section 4342(b)(1)(B) is amended by striking out "section 1331 of this title" and inserting in lieu thereof "section 12731 of this title (or under section 1331 of this title as in effect before the effective date of the Reserve Officer Personnel Management Act)".

SEC. 403. AMENDMENTS TO SUBTITLE C OF TITLE 10, UNITED STATES CODE.

(a) TABLES OF CHAPTERS.—

(1) The table of chapters at the beginning of subtitle C is amended by striking out the items relating to chapters 519, 531, 541, and 549.

(2) The table of chapters at the beginning of part I of subtitle C is amended by striking out the item relating to chapter 519.

(3) The table of chapters at the beginning of part II of subtitle C is amended by striking out the items relating to chapters 531, 541, and 549.

(b) TABLES OF SECTIONS.—

(1) The table of sections at the beginning of chapter 533 is amended by striking out the items relating to sections 5456, 5457, and 5458.

(2) The table of sections at the beginning of chapter 539 is amended by striking out the item relating to section 5600.

(3) The table of sections at the beginning of chapter 555 is amended by striking out the items relating to sections 6017 and 6034.

(4) The table of sections at the beginning of chapter 573 is amended by striking out the items relating to sections 6391, 6392, 6397, 6403, and 6410.

(c) CROSS REFERENCE AMENDMENTS.—

(1) Section 6389(a) is amended by striking out "section 1005" and inserting in lieu thereof "section 12645".

(2) Section 6954(b)(1)(B) is amended by striking out "section 1331 of this title" and inserting in lieu thereof "section 12731 of this title (or under section 1331 of this title as in effect before the effective date of the Reserve Officer Personnel Management Act)".

(d) REPEAL OF SECTION REDUNDANT WITH SECTION 741.—

(1) Section 5506 is repealed.

(2) The table of sections at the beginning of chapter 535 is amended by striking out the item relating to section 5506.

SEC. 404. AMENDMENTS TO SUBTITLE D OF TITLE 10, UNITED STATES CODE.

(a) TABLES OF CHAPTERS.—The table of chapters at the beginning of subtitle D, and the table of chapters at the beginning of part II of that subtitle, are each amended by striking out the items relating to chapters 837 and 863.

(b) TABLES OF SECTIONS.—

(1) The table of sections at the beginning of chapter 807 is amended by striking out the items relating to sections 8076 through 8080.

(2) The table of sections at the beginning of chapter 831 is amended by striking out the items relating to section 8212 and sections 8217 through 8225.

(3) The table of sections at the beginning of chapter 833 is amended by striking out the items relating to sections 8259, 8260, and 8261.

(4) The table of sections at the beginning of chapter 841 is amended by striking out the items relating to sections 8495 through 8502.

(5) The table of sections at the beginning of chapter 843 is amended by striking out the items relating to sections 8541 and 8542.

(6) The table of sections at the beginning of chapter 853 is amended by striking out the item relating to section 8686.

(7) The table of sections at the beginning of chapter 861 is amended by striking out the items relating to sections 8819 and 8820.

(c) CROSS REFERENCE AMENDMENTS.—

(1) Section 8038(b) is amended by striking out "section 265" and inserting in lieu thereof "section 10211".

(2) Section 8961(a) is amended by striking out "chapter 67" and inserting in lieu thereof "chapter 1223".

(3) Section 9342(b)(1)(B) is amended by striking out "section 1331 of this title" and inserting in lieu thereof "section 12731 of this title (or under section 1331 of this title as in effect before the effective date of the Reserve Officer Personnel Management Act)".

SEC. 405. AMENDMENTS TO SUBTITLE E OF TITLE 10, UNITED STATES CODE.

(a) CHAPTER 1203.—Section 12102 (as transferred and redesignated by section 302(b)(2)) is amended by striking out "section 3261 or 8261" in subsection (a) and inserting in lieu thereof "section 12107".

(b) CHAPTER 1205.—Sections of chapter 1205 (as transferred and redesignated by section 302(c)(2)) are amended as follows:

(1) Section 12203 is amended by striking out "3352, or 8352" in subsection (a) and inserting in lieu thereof "12213, or 12214".

(2) Sections 12213 and 12214 are amended by striking out "or Territory, Puerto Rico, or the District of Columbia, whichever is" in subsection (a).

(c) CHAPTER 1209.—Sections of chapter 1209 (as transferred and redesignated by section 302(e)(2)) are amended as follows:

(1) Section 12301 is amended—

(A) in subsection (b), by striking out "or Territory" and all that follows through the period at the end and inserting in lieu thereof "(or, in the case of the District of Columbia National Guard, the commanding general of the District of Columbia National Guard)."; and

(B) in subsection (d), by striking out "or Territory, Puerto Rico, or the District of Columbia, whichever is".

(2) Section 12304 is amended—

(A) by striking out "section 673(a)" in subsection (a) and inserting in lieu thereof "section 12302(a)";

(B) by striking out "section 268(b)" in subsection (a) and inserting in lieu thereof "section 10143(a)"; and

(C) by striking out "section 3500 or 8500" in subsection (b) and inserting in lieu thereof "section 12406".

(3) Section 12305 is amended by striking out "section 672, 673, or 673b" in subsections (a) and (b) and inserting in lieu thereof "section 12301, 12302, or 12304".

(4) Section 12306 is amended by striking out "section 672" in subsection (a) and inserting in lieu thereof "section 12301".

(5) Section 12307 is amended by striking out "section 672(a) or 688", "section 1001(b)", and "chapter 67" and inserting in lieu thereof "section 688 or 12301(a)", "section 12641(b)", and "chapter 1223", respectively.

(6) Section 12308 is amended by striking out "chapter 67" and "section 1332(b)" and inserting in lieu thereof "chapter 1223" and "section 12732(b)", respectively.

(7) Section 12310 is amended by striking out "section 672(d)" in subsection (a) and inserting in lieu thereof "section 12301(d)".

(8) Section 12312 is amended by striking out "section 679(a)" in subsections (a) and (b) and inserting in lieu thereof "section 12311(a)".

(9) Section 12318 is amended—

(A) by striking out "section 673 or 673b" in subsections (a) and (b) and inserting in lieu thereof "section 12302 or 12304"; and

(B) by striking out "section 678" in subsection (b) and inserting in lieu thereof "section 12310".

(10) Section 12319(d) is amended by striking out "chapter 67" and inserting in lieu thereof "chapter 1223".

(11) Section 12320 is amended by striking out "section 3353, 5600, or 8353" and inserting in lieu thereof "section 12207".

(d) CHAPTER 1219.—Sections of chapter 1219 (as transferred and redesignated by section 302(h)) are amended as follows:

(1) Section 12642 is amended—

(A) by striking out "section 1332(a)(2)" in subsection (a) and inserting in lieu thereof "section 12732(a)(2)"; and

(B) by striking out "section 1005" in subsection (b) and inserting in lieu thereof "section 12645".

(2) Section 12645 is amended by striking out "chapter 337, 361, 363, 573, 837, 861, or 863" in subsection (a) and inserting in lieu thereof "chapter 573, 1407, 1409, or 1411".

(3) Section 12646 is amended—

(A) by striking out "section 1332" each place it appears in subsections (a) and (b) and inserting in lieu thereof "section 12732";

(B) by striking out "chapter 337, 361, 363, 573, 837, 861, or 863" in subsections (a) and (b) and inserting in lieu thereof "chapter 573, 1407, or 1409"; and

(C) by striking out subsection (e) and inserting in lieu thereof the following:

"(e)(1) A reserve commissioned officer on active duty (other than for training) or full-time National Guard duty (other than full-time National Guard duty for training only) who, on the date on which the officer would otherwise be removed from an active status under section 6389, 14513, or 14514 of this title or section 740 of title 14, is within two years of qualifying for retirement under section 3911, 6323, or 8911 of this title may, in the discretion of the Secretary concerned and subject to paragraph (2), be retained on that duty for a period of not more than two years.

"(2) An officer may be retained on active duty or full-time National Guard duty under paragraph (1) only if—

"(A) at the end of the period for which the officer is retained the officer will be qualified for retirement under section 3911, 6323, or 8911 of this title; and

"(B) the officer will not, before the end of that period, reach the age at which transfer from an active status or discharge is required by this title or title 14.

"(3) An officer who is retained on active duty or full-time National Guard duty under this section may not be removed from an active status while on that duty.".

(4) Section 12647 is amended by striking out "chapters 337, 363, 573, 837, and 863" and inserting in lieu thereof "chapters 573, 1407, and 1409".

SEC. 406. AMENDMENTS TO TITLES 32 AND 37, UNITED STATES CODE.

(a) TITLE 32, UNITED STATES CODE.—Title 32, United States Code, is amended as follows:

(1) Section 107(c) is amended by striking out "section 3496 or 8496" and inserting in lieu thereof "section 12402".

(2) Section 307(a)(3) is amended by striking out "and sections 8365 and 8366 of title 10".

(3) Section 323(c) is amended by striking out "section 3259, 3352(a), 8259, or 8352(a)" and inserting in lieu thereof "section 12105, 12213(a), or 12214(a)".

(4) The items relating to sections 309 and 310 in the table of sections at the beginning of chapter 3 are amended to read as follows:

"309. Federal recognition of National Guard officers: officers promoted to fill vacancies.

"310. Federal recognition of National Guard officers: automatic recognition.".

(b) TITLE 37, UNITED STATES CODE.—Title 37, United States Code, is amended as follows:

(1) Section 204(a)(2) is amended by striking out "section 3021, 3496, 3541, 8021, 8496, or 8541" and inserting in lieu thereof "section 10302, 10305, 10502, or 12402".

(2) Section 205(e)(2) is amended—

(A) by striking out "section 511(b) or 511(d)" in subparagraph (A) and inserting in lieu thereof "section 12103(b) or 12103(d)"; and

(B) by striking out "chapter 39" in subparagraph (B) and inserting in lieu thereof "chapter 1209".

(3) Section 905 is amended—

(A) by striking out "chapter 549" in subsection (a) and inserting in lieu thereof "chapter 1405"; and

(B) by striking out "section 5908" in subsection (b) and inserting in lieu thereof "section 14308(b)".

SEC. 407. AMENDMENTS TO OTHER LAWS.

(a) TITLE 5, UNITED STATES CODE.—Title 5, United States Code, is amended as follows:

(1) Section 5517(d)(2) is amended by striking out "section 270(a) of title 10" and inserting in lieu thereof "section 10147 of title 10"

(2) Section 6323(b) is amended—

(A) in paragraph (1), by striking out "section 261 of title 10" and inserting in lieu thereof "section 10101 of title 10".

(B) in paragraph (2)(A), by striking out "3500, or 8500 of title 10" and inserting in lieu thereof "or 12406 of title 10".

(3) Sections 8332(c)(2)(B) and 8411(c)(2)(B) are amended by striking out "chapter 67 of title 10" and inserting in lieu thereof "chapter 1223 of title 10 (or under chapter 67 of that title as in effect before the effective date of the Reserve Officer Personnel Management Act)".

(4) Sections 8401(30) and 8456(a)(1)(A) are amended by striking out "section 261(a) of title 10" and inserting in lieu thereof "section 10101 of title 10".

(b) TITLE 14, UNITED STATES CODE.—Title 14, United States Code, is amended as follows:

(1) Section 41a(a) is amended by striking out "section 679 of title 10" and inserting in lieu thereof "section 12311 of title 10".

(2) Section 271(e) is amended by striking out "section 593 of title 10" and inserting in lieu thereof "section 12203 of title 10".

(3) Section 712(c)(1) is amended by striking out "section 270 of title 10" and inserting in lieu thereof "section 10147 of title 10".

(4) Section 713 is amended by striking out "section 511(d) of title 10" and inserting in lieu thereof "section 12103(d) of title 10".

(5) Sections 740(c) and 741(b) are amended by striking out "section 1006 of title 10" and inserting in lieu thereof "section 12646 of title 10".

(c) INTERNAL REVENUE CODE OF 1986.—Section 219(g)(6)(A) of the Internal Revenue Code of 1986 is amended by striking out "section 261(a) of title 10" and inserting in lieu thereof "section 10101 of title 10".

(d) TITLE 38, UNITED STATES CODE.—Title 38, United States Code, is amended as follows:

(1) Sections 1965(5)(B), 1965(5)(C), and 1968(a)(4)(B) are amended by striking out "chapter 67 of title 10" and inserting in lieu thereof "chapter 1223 of title 10 (or under chapter 67 of that title as in effect before the effective date of the Reserve Officer Personnel Management Act)".

(2) Section 3002 is amended—

(A) in paragraph (4), by striking out "section 268(b) of title 10" and inserting in lieu thereof "section 10143(a) of title 10"; and

(B) in paragraph (6), by striking out "section 511(d) of title 10" and inserting in lieu thereof "section 12103(d) of title 10".

(e) PUBLIC LAW 99-661.—Section 403(b)(1) of Public Law 99-661 (10 U.S.C. 521 note) is amended—

(1) in subparagraph (B), by striking out "section 265" and all that follows through "of title 10" and inserting in lieu thereof "section 10148(a), 10211, 10302 through 10305, 12301(a), or 12402 of title 10";

(2) in subparagraph (C), by striking out "section 672(d)" and inserting in lieu thereof "section 12301(d)"; and

(3) in subparagraph (E), by striking out "section 673b" and inserting in lieu thereof "section 12304".

(f) MILITARY SELECTIVE SERVICE ACT.—Section 6 of the Military Selective Service Act (50 U.S.C. App. 456) is amended—

(1) in subsection (c)(2)(A), by striking out "section 270 of title 10" and inserting in lieu thereof "section 10147 of title 10";

(2) in subsection (c)(2)(D), by striking out "section 511(b) of title 10" and inserting in lieu thereof "section 12103 of title 10"; and

(3) in subsection (d)(1), by striking out "section 270(a) of title 10" and inserting in lieu thereof "section 10147 of title 10".

TITLE V—TRANSITION PROVISIONS

SEC. 501. CONTINUATION ON THE RESERVE ACTIVE-STATUS LIST OF CERTAIN RESERVE COLONELS OF THE ARMY AND AIR FORCE.

(a) CONTINUATION UNDER OLD LAW.—Except as provided in subsection (b), a reserve officer of the Army or the Air Force who, on the effective date of this Act—

(1) is subject to placement on the reserve active-status list of the Army or the Air Force; and

(2)(A) holds the reserve grade of colonel, (B) is on a list of officers recommended for promotion to the reserve grade of colonel, or (C) has been nominated by the President for appointment in the reserve grade of colonel,

shall continue to be subject to mandatory transfer to the Retired Reserve or discharge from the officer's reserve appointment under section 3851 or 8851 of title 10, United States Code, as in effect on the day before the effective date of this Act.

(b) EXEMPTION.—This section does not apply to an officer who is—

(1) sooner transferred from an active status or discharged under some other provision of law;

(2) promoted to a higher grade, unless the officer was on a list of officers recommended for promotion to the reserve grade of colonel before the effective date of this Act; or

(3) continued on the reserve active-status list under section 14701 of title 10, United States Code, as added by this Act.

SEC. 502. EFFECTS OF SELECTION FOR PROMOTION AND FAILURE OF SELECTION FOR ARMY AND AIR FORCE OFFICERS.

(a) PROMOTIONS TO FILL VACANCIES.—A reserve commissioned officer of the Army or Air Force (other than a commissioned warrant officer) who, on the day before the effective date of this Act, is recommended for promotion to fill a vacancy in the Army Reserve or the Air Force Reserve under section 3383, 3384, 8372, or 8373 of title 10, United States Code, as in effect on the day before the effective date of this Act, in the next higher reserve grade shall be considered to have been recommended for promotion to that grade by a vacancy promotion board under section 14101(a)(2) of title 10, United States Code, as added by this Act.

(b) PROMOTIONS OTHER THAN TO FILL VACANCIES.—A reserve officer of the Army or Air Force who, on the day before the effective date of this Act, is recommended for promotion under section 3366, 3367, 3370, 3371, 8366, or 8371 of title 10, United States Code, as in effect on the day before the effective date of this Act, to a reserve grade higher than the grade in which the officer is serving

shall be considered to have been recommended for promotion by a mandatory promotion board convened under section 14101(a)(1) of title 10, United States Code, as added by this Act.

(c) OFFICERS FOUND QUALIFIED FOR PROMOTION TO FIRST LIEUTENANT.—A reserve officer of the Army or Air Force who, on the effective date of the Act, holds the grade of second lieutenant and has been found qualified for promotion to the grade of first lieutenant in accordance with section 3365, 3382, or 8365 of title 10, United States Code, as in effect on the day before the effective date of this Act, shall be promoted to that grade on the date on which the officer would have been promoted under the provisions of chapter 337 or 837 of such title, as in effect on the day before the effective date of the Act, unless sooner promoted under regulations prescribed by the Secretary of the Army or the Secretary of the Air Force under section 14308(b) of title 10, United States Code, as added by this Act.

(d) OFFICERS ONCE FAILED OF SELECTION.—(1) A reserve officer of the Army in the grade of first lieutenant, captain, or major who, on the day before the effective date of this Act, has been considered once but not recommended for promotion to the next higher reserve grade under section 3366 or 3367 of title 10, United States Code, or a reserve officer of the Air Force in the grade of first lieutenant, captain, or major who, on the day before the effective date of this Act, is a deferred officer within the meaning of section 8368 of such title, shall be considered to have been considered once but not selected for promotion by a board convened under section 14101(a)(1) of title 10, United States Code, as added by this Act. If the officer is later considered for promotion by a selection board convened under that section and is not selected for promotion (or is selected for promotion but declines to accept the promotion), the officer shall be considered for all purposes to have twice failed of selection for promotion.

(2) In the case of a reserve officer of the Army or Air Force in an active status who, on the day before the effective date of this Act, is in the grade of first lieutenant, captain, or major and whose name has been removed, under the provisions of section 3363(f) of title 10, United States Code, from a list of officers recommended for promotion or who has previously not been promoted because the President declined to appoint the officer in the next higher grade under section 8377 of such title as in effect on the day before the effective date of the Act, or whose name was removed from a list of officers recommended for promotion to the next higher grade because the Senate did not consent to the officer's appointment, if the officer is later considered for promotion by a selection board convened by section 14101(a)(1) of title 10, United States Code, as added by this Act, and (A) is not selected for promotion, (B) is selected for promotion but removed from the list of officers recommended or approved for promotion, or (C) is selected for promotion but declines to accept the promotion, the officer shall be considered for all purposes to have twice failed of selection for promotion.

(e) OFFICERS TWICE FAILED OF SELECTION.—A reserve officer of the Army or Air Force in an active status who, on the day before the effective date of this Act, is in the grade of first lieutenant, captain, or major and on that date is subject to be treated as prescribed in section 3846 or 8846 of title 10, United States Code, shall continue to be governed by that section as in effect on the day before the effective date of this Act.

(f) OFFICERS WITH APPROVED PROMOTION DECLINATIONS IN EFFECT.—A reserve officer of the Army who, on the day before the effective date of this Act, has declined a promotion under subsection (f) or (g) of section 3364 of title 10, United States Code, shall while carried on the reserve active status list be subject to the provisions of subsections (h), (i), and (j) of such section, as in effect on the day before the effective date of the Act, except that the name of an officer to whom this section applies shall be placed on a promotion list under section 14308(a) of title 10, United States Code (as added by this Act), and, at the end of the approved period of declination, shall be considered to have failed of promotion if the officer again declines to accept the promotion.

(g) COVERED OFFICERS.—This section applies to reserve officers of the Army and Air Force who—

(1) on the day before the effective date of this Act are in an active status; and

(2) on the effective date of this Act are subject to placement on the reserve active-status list of the Army or the Air Force.

SEC. 503. EFFECTS OF SELECTION FOR PROMOTION AND FAILURE OF SELECTION FOR NAVY AND MARINE CORPS OFFICERS.

(a) RECOMMENDATIONS FOR PROMOTION.—An officer covered by this section who, on the day before the effective date of the Act, has been recommended for promotion to a reserve grade higher than the grade in which the officer is serving shall be considered to have been recommended for promotion to that grade under section 14101(a) of title 10, United States Code, as added by this Act.

(b) FAILURES OF SELECTION.—An officer covered by this section who, on the day before the effective date of this Act is considered to have failed of selection for promotion one or more times under chapter 549 of title 10, United States Code, to a grade below captain, in the case of a reserve officer of the Navy, or to a grade below colonel, in the case of a reserve officer of the Marine Corps, shall be subject to chapters 1405 and 1407 of title 10, United States Code, as added by this Act, as if such failure or failures had occurred under the provisions of those chapters.

(c) OFFICERS OTHER THAN COVERED OFFICERS RECOMMENDED FOR PROMOTION.—A reserve officer of the Navy or Marine Corps who on the day before the effective date of this Act (1) has been recommended for promotion in the approved report of a selection board convened under chapter 549 of title 10, United States Code, and (2) was on the active-duty list of the Navy or Marine Corps may be promoted under that chapter, as in effect on the day before the effective date of this Act.

(d) OFFICERS FOUND QUALIFIED FOR PROMOTION TO LIEUTENANT (JUNIOR GRADE) OR FIRST LIEUTENANT.—A covered officer who, on the effective date of this Act, holds the grade of second lieutenant and has been found qualified for promotion in accordance with section 5908 or 5910 of title 10, United States Code, as in effect on the day before the effective date of this Act, shall be promoted on the date on which the officer would have been promoted under the provisions of chapter 549 of such title, as in effect on the day before the effective date of the Act, unless sooner promoted under regulations prescribed by the Secretary of the Navy under section 14307(b) of such title, as added by this Act.

(e) OFFICERS WHOSE NAMES HAVE BEEN OMITTED FROM A LIST FURNISHED TO A SELECTION BOARD.—A covered officer whose name, as of the effective date of this Act, had been omitted by administrative error from the list of officers furnished the most recent selection board to consider officers of the same grade and component, shall be considered by a special selection board established under section 14502 of title 10, United States Code, as added by this Act. If the officer is selected for promotion by that board, the officer shall be promoted as specified in section 5904 of title 10, United States Code, as in effect on the day before the effective date of this Act.

(f) COVERED OFFICERS.—Except as provided in subsection (c), this section applies to any reserve officer of the Navy or Marine Corps who (1) before the effective date of this Act is in an active status, and (2) on the effective date of this Act is subject to placement on the reserve active-status list of the Navy or Marine Corps.

SEC. 504. DELAYS IN PROMOTIONS AND REMOVALS FROM PROMOTION LIST.

(a) DELAYS IN PROMOTIONS.—(1) A delay in a promotion that is in effect on the day before the effective date of this Act under the laws and regulations in effect on that date shall continue in effect on and after that date as if the promotion had been delayed under section 14311 of title 10, United States Code, as added by this Act.

(2) The delay of the promotion of a reserve officer of the Army or the Air Force which was in effect solely to achieve compliance with limitations set out in section 524 of title 10, United States Code or with regulations prescribed by the Secretary of Defense with respect to sections 3380(c) and 8380(c) of title 10, United States Code, as in effect on the day before the effective date of this Act, shall continue in effect as if the promotion had been delayed under section 14311(e) of such title, as added by this Act.

(b) REMOVALS FROM LIST.—An action that was initiated before the effective date of this Act under the laws and regulations in effect before that date to remove the name of an officer from a promotion list or from a list of officers recommended or approved for promotion shall continue on and after such date as if such action had been initiated under section 14110(d) or 14310, as appropriate, of title 10, United States Code, as added by this Act.

SEC. 505. MINIMUM SERVICE QUALIFICATIONS FOR PROMOTION.

During the five-year period beginning on the effective date of this Act, the Secretary of the Army and the Secretary of the Air Force may waive the provisions of section 14304 of title 10, United States Code, as added by this Act. The Secretary may, in addition, during any period in which such a waiver is in effect, establish minimum periods of total years of commissioned service an officer must have served to be eligible for consideration for promotion to the grade of captain, major, or lieutenant colonel by boards convened under section 14101(a) of title 10, United States Code, as added by this Act.

SEC. 506. ESTABLISHMENT OF RESERVE ACTIVE-STATUS LIST.

(a) SIX-MONTH DEADLINE.—Not later than six months after the effective date of this Act, the Secretary of the military department concerned shall ensure that—

(1) all officers of the Army, Navy, Air Force, and Marine Corps who are required to be placed on the reserve active-status list of their Armed Force under section 14002 of title 10, United States Code, as added by this Act, shall be placed on the list for their armed force and in their competitive category; and

(2) the relative seniority of those officers on each such list shall be established.

(b) REGULATIONS.—The Secretary concerned shall prescribe regulations for the establishment of relative seniority. The Secretary of the Army and the Secretary of the Air Force shall, in prescribing such regulations, provide for the consideration of both promotion service established under section 3360(b) or 8360(e) of title 10, United States Code, as in effect on the day before the effective date of this Act, and total commissioned service established under section 3360(c) or 8366(e) of such title, as in effect on the day before the effective date of this Act. An officer placed on a reserve active-status list in accordance with this section shall be considered to have been on the list as of the effective date of this Act.

SEC. 507. PRESERVATION OF RELATIVE SENIORITY UNDER THE INITIAL ESTABLISHMENT OF THE RESERVE ACTIVE-STATUS LIST.

In order to maintain the relative seniority among reserve officers of the Army, Navy, Air Force, or Marine Corps as determined under section 506 of this Act, the Secretary of the military department concerned may, during the one-year period beginning on the effective date of this Act, adjust the date of rank of any reserve officer of such Armed Force who was in an active status but not on the active-duty list on such effective date.

SEC. 508. GRADE ON TRANSFER TO THE RETIRED RESERVE.

In determining the highest grade held satisfactorily by a person at any time in the Armed Forces for the purposes of paragraph (2) of section 1406(b) of title 10, United States Code, as added by this Act, the requirement for satisfactory service on the reserve active-status list contained in section 1370(d) of title 10, United States Code, as added by this Act, shall apply only to reserve commissioned officers who are promoted to a higher grade as a result of selection for promotion under chapter 36 of that title or under chapter 1405 of that title, as added by this Act, or having been found qualified for Federal recognition in a higher grade under chapter 3 of title 32, United States Code, after the effective date of this Act.

SEC. 509. RIGHTS FOR OFFICERS WITH OVER THREE YEARS SERVICE.

A reserve officer of the Army, Navy, Air Force, or Marine Corps who was in an active status on the day before the effective date of this Act and who was subject to placement of the reserve active-status list on the effective date of this Act may not be discharged under section 14503 of title 10, United States Code, as added by this Act, until on or after the day on which that officer completes three years of continuous service as a reserve commissioned officer.

SEC. 510. MANDATORY SEPARATION FOR AGE FOR CERTAIN RESERVE OFFICERS OF THE NAVY AND MARINE CORPS.

(a) SAVINGS PROVISIONS FOR REQUIRED SEPARATION AGE.—A reserve officer of the Navy or the Marine Corps—

(1) who—

(A) on the effective date of this Act is in an active status, and

(B) on the day before the effective date of this Act was an officer described in section 6389(e), 6397(a), 6403(a), or 6403(b) of title 10, United States Code; and

(2) who, on or after the effective date of this Act is subject to elimination from an active status under any provision of such title,

is entitled to be treated as that officer would have been treated under section 6397 or 6403 as applicable, as in effect on the day before the effective date of this Act, if that treatment would result in the date for the officer's separation from an active status being a later date than the date established under the law in effect on or after the effective date of this Act.

(b) SAVINGS PROVISIONS FOR MANDATORY SEPARATION FOR AGE.—An officer who was initially appointed in the Naval Reserve or the Marine Corps Reserve before January 1, 1953, and who cannot complete 20 years of service computed under section 12732 of this title before he becomes 62 years of age, but can complete this service by the time he becomes 64 years of age, may be retained in an active status not later than the date he becomes 64 years of age.

(c) An officer who was initially appointed in the Naval Reserve or the Marine Corps Reserve before the effective date of this Act, and who cannot complete 20 years of service computed under section 12732 of this title before he becomes 60 years of age, but can complete this service by the time he becomes 62 years of age, may be retained in an active status not later than the date he becomes 62 years of age.

TITLE VI—EFFECTIVE DATES AND GENERAL SAVINGS PROVISIONS

SEC. 601. EFFECTIVE DATE.

(a) EFFECTIVE DATE FOR AMENDMENTS.—The amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) EFFECTIVE DATE FOR NEW RESERVE OFFICER PERSONNEL POLICIES.—(1) The provisions of part III of subtitle E of title 10, United States Code, as added by section 101, shall become effective on the first day of the ninth month that begins after the date of the enactment of this Act.

(2) Any reference in title V of this Act to the effective date of this Act is a reference to the effective date prescribed in paragraph (1).

(3) The personnel policies applicable to Reserve officers under the provisions of law in effect on the day before the date of the enactment of this Act and replaced by the Reserve officer personnel policies prescribed in part III of subtitle E of title 10, United States Code, as added by section 101, shall, notwithstanding the provisions of subsection (a), continue in effect until the effective date prescribed in paragraph (1).

(4) The authority to prescribe regulations under the provisions of part III of subtitle E of title 10, United States Code, as added by section 101, shall take effect on the date of the enactment of this Act.

SEC. 602. PRESERVATION OF SUSPENDED STATUS OF LAWS SUSPENDED AS OF EFFECTIVE DATE.

If a provision of law that is in a suspended status on the day before the effective date of this Act is transferred or amended by this Act, the suspended status of that provision is not affected by that transfer or amendment.

SEC. 603. PRESERVATION OF PRE-EXISTING RIGHTS, DUTIES, PENALTIES, AND PROCEEDINGS.

Except as otherwise provided in this Act, the provisions of this Act and the amendments made by this Act do not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before the effective date of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri [Mr. SKELTON] will be recognized for 20 minutes, and the gentleman from Indiana [Mr. BUYER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Missouri [Mr. SKELTON].

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

GENERAL LEAVE

Mr. SKELTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 1040, presently under consideration.

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

There was no objection.

Mr. SKELTON. Mr. Speaker, this afternoon I rise in strong support of H.R. 1040, the Reserve Officer Personnel Management Act also known as ROPMA. This historic legislation, introduced by the gentleman from Mississippi [Mr. MONTGOMERY], is similar to a previous version of ROPMA that passed the House last year but died when the Senate took no action on the measure. H.R. 1040 contains only minor changes from last year's bill. The Military Forces and Personnel Subcommittee marked up this bill on March 24, and ordered it favorably reported by a rollcall vote of 13 to nothing. The House Committee on Armed Services ordered the bill favorably reported on a unanimous voice vote on May 5, 1993.

This bill was designed to be a companion bill to the Defense Officer Personnel Management Act or DOPMA, which was enacted in 1980 and today governs officer personnel management for the active components. DOPMA the active duty legislation was the first comprehensive revision of the statutes relating to the appointment, promotion, tenure and separation of regular commissioned officers in the military, on active duty. This law DOPMA included major changes in the way active duty officers are managed.

Enactment of ROPMA presently before us would constitute the first comprehensive overhaul of reserve officer personnel management statutes since the Reserve Officer Personnel Act of 1954. ROPMA is primarily concerned with the appointment, promotion, tenure and separation of officers who are not on active duty, but are in reserve status, i.e. National Guard and the Reserves.

ROPMA would parallel DOPMA to some degree by ensuring reserve officer personnel management practices that are compatible with those for active duty officers, while preserving those aspects of reserve officer personnel management that have no active duty counterpart.

The war in the Persian Gulf showed, Mr. Speaker, just how important the Reserve components are to both the total force policy and successful military operations. The emphasis on integrating missions between active and reserve components that Desert Storm showed is necessary to win a major war makes it imperative that the two elements Reserve on one hand and active

duty on the other work closely together.

ROPMA is intended to make this process easier by providing a comprehensive approach to officer management that ensures compatible practices concerning the appointment, promotion, separation, and retirement of officers in the Active and Reserve components.

ROPMA represents a significant step forward from the piecemeal approach to changing Reserve officer personnel management laws that has existed since the enactment of the Reserve Officer Personnel Act back in 1954. ROPMA would ensure a Reserve officer personnel management system that enhances the readiness of the reserve components and would foster fair and equitable practices and policies designed to attract, retain and promote the high quality Guardsmen and reservists we need for the future. The bill would also provide additional management flexibility to accommodate the needs of citizen soldiers who as we all know serve on a part time basis.

To make sure we have the kind of people we need for the high-tech military of tomorrow, and if we are to expect from them the same kind of magnificent performance we saw in the Persian Gulf, Desert Storm, then we must have a well managed Reserve and National Guard Force in which interservice and active/reserve differences are minimized. I believe ROPMA goes a long way toward achieving those objectives.

I urge passage of this legislation, H.R. 1040.

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

Mr. Speaker, the Reserve Officer Personnel Management Act, H.R. 1040, has been years in the making and is an important long-needed piece of legislation that revises and standardizes the way in which the National Guard and the Reserve officers are appointed, promoted, and separated. I compliment my colleague, also the man who always has the veteran and soldier at heart, the gentleman from Mississippi, SONNY MONTGOMERY, for his long, dedicated hours toward this bill.

Also I compliment the committee chairman, the gentleman from Missouri [Mr. SKELTON] for his devotion and steadfastness to assure that we have a system that parallels the active-duty system for officer management, that being DOPMA.

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H.R. 1040 is a complex and technical bill, but it is built on a solid base and common points in existing law that can be found among what are sometimes radically different approaches by the services for managing the officer reserve components in the National Guard.

This legislation provides a substantive improvement over the existing officer management systems, encourages new mechanisms by which the Department of Defense can better integrate the quality of officers in reserve components into the total force concept.

I know the gentleman from Missouri [Mr. SKELTON] just made some remarks regarding the success of Operation Desert Storm in which he also had a son on active duty in the Persian Gulf war. Him being on active duty, I was one who was called up as a reservist. I understand about the total force concept, not only the integration of the Reserve with the active duty, but also bringing in the National Guard.

I believe in the total force concept, and I also support its concept.

DOPMA being the active duty role of the management of officer personnel, ROPMA I concur with the gentleman from Missouri that it does parallel in part and it achieves the very same goals, and that is the true integration of quality officers from the National Guard and the Reserves into the one total force concept.

H.R. 1040 passed unanimously in the subcommittee and had strong bipartisan support in the full committee.

Mr. Speaker, I urge my colleagues to support this bill.

Mr. SKELTON. Mr. Speaker, it is a pleasure to yield such time as he may consume to the gentleman from Mississippi [Mr. MONTGOMERY], one who has worked so hard on this piece of legislation and so much other legislation that has his fingerprints thereon, for not just the Reserve and Guard members of our armed forces, but those on active duty.

Mr. MONTGOMERY. Mr. Speaker, I want to thank the chairman of my subcommittee for those very kind remarks. I have enjoyed working in that subcommittee. We get things done, in my opinion.

I rise in support of H.R. 1040, the Reserve Officers Personnel Management Act [ROPMA]. I have been involved in this legislation since I first introduced it in January 1988.

It took us 8 years to pass DOPMA, the Defense Officers Personnel Management Act, for the active component officers. DOPMA has worked very well in improving the management of active officers. Many of us hoped we could pass the companion reserve bill in less time. We still have a chance to do that.

This bill does two major things to the laws that govern our Reserve and National Guard officers. It provides the first comprehensive revision, since 1954, of the reserve officer management laws. ROPMA will help ensure consistent policies for officers in all the reserve components in the areas of appointment, promotion, separation and retirement. Second, it consolidates all the various provisions into a new subtitle E to title 10, thereby making it easier to find and use the laws that apply to the reserve components. Right now they are spread all through title 10.

I want to thank Chairman SKELTON, the ranking minority member, the gentleman from Arizona, Mr. JON KYL and the staff of the Military Forces and Personnel Subcommittee for their work on this bill. I also know the work that has been done by staff, so our thanks go to Jim Schweiter, Karen Heath, Charlie Tompkins, Mike Higgins, Cary Ruppert, Arch Barrett, and Bob Cover, House legislative counsel. Without their help we would not have gotten this far. As you can see, ROPMA is not a small bill, so it took a lot of effort.

You can see there are several hundred pages of codifying and bringing the Reserve officer statutes to where you can interpret them and make it easier to find.

I also want to thank Chairman DELLUMS and the gentleman from South Carolina [Mr. FLOYD SPENCE], the chairman and ranking minority of the full Armed Services Committee for their support.

This bill is fully supported by the Defense Department.

Again to the gentleman from Missouri, Mr. IKE SKELTON, I want to thank him for his leadership.

Mr. Speaker, I urge immediate passage of this legislation.

Mr. BUYER. Mr. Speaker, I yield back the balance of my time.

Mr. SKELTON. Mr. Speaker, I have no further requests for time, but I do want to thank the gentleman from Indiana [Mr. BUYER] for handling this bill today so ably, and the gentleman from Arizona [Mr. KYL] for his work, and Mr. Thompkins, the staffer, and Mr. Schweiter, the staffer, who are with us today. But for the gentleman from Mississippi [Mr. MONTGOMERY] we would not be able to take this up, and I thank the gentleman for his tireless efforts for several years in putting this together.

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

The SPEAKER pro tempore (Mr. VENTO). The question is on the motion offered by the gentleman from Missouri [Mr. SKELTON] that the House suspend the rules and pass the bill, H.R. 1040, 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.

APPLICABILITY OF QUALIFICATION REQUIREMENTS FOR CERTAIN DEFENSE ACQUISITION WORKFORCE POSITIONS

Mr. SISISKY. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 1378) to amend title 10, United States Code, with respect to applicability of qualification requirements for certain acquisition positions in the Department of Defense, as amended.

The Clerk read as follows:

H.R. 1378

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

TITLE I—APPLICABILITY OF QUALIFICATION REQUIREMENTS FOR CERTAIN ACQUISITION POSITIONS IN THE DEPARTMENT OF DEFENSE

SEC. 101. APPLICABILITY OF QUALIFICATION REQUIREMENTS FOR CERTAIN ACQUISITION POSITIONS IN THE DEPARTMENT OF DEFENSE.

Section 1724(c)(2) of title 10, United States Code, is amended—

(1) by inserting "or lower" before "grade"; and

(2) by inserting "or lower" before "level".

TITLE II—DEFENSE TECHNICAL AND CLERICAL AMENDMENTS–

SEC. 201. AMENDMENTS TO TITLE 10, UNITED STATES CODE.

(a) RESOLUTION OF INCONSISTENT AND DUPLICATIVE AMENDMENTS.—Section 166a of title 10, United States Code, is amended—

(1) in the first sentence of subsection (a), by striking out "the Chairman" and all that follows through the period at the end of the sentence and inserting in lieu thereof "the Chairman of the Joint Chiefs of Staff may provide funds to the commander of a combatant command, upon the request of the commander, or, with respect to a geographic area or areas not within the area of responsibility of a commander of a combatant command, to an officer designated by the Chairman of the Joint Chiefs of Staff for such purpose."; and

(2) in subsection (b)(7), by striking out the second parenthetical phrase before the period at the end.

(b) DUPLICATE SECTION NUMBERS.—Title 10, United States Code, is amended as follows:

(1)(A) Chapter 141 is amended by redesignating the second sections 2410c and 2410d as sections 2410j and 2410k, respectively.

(B) The items relating to those sections in the table of sections at the beginning of such chapter are amended to reflect the redesignations made by subparagraph (A).

(2)(A) Chapter 401 is amended by redesignating the second section 4316 as section 4317.

(B) The table of sections at the beginning of such chapter is amended by striking out the last two items and inserting in lieu thereof the following:

"4316. Reporting requirements.
"4317. Military history fellowships.".

(c) CROSS REFERENCE AMENDMENTS.—Title 10, United States Code, is amended as follows:

(1) Section 1104 is amended—

(A) in subsections (a), (b), and (c), by striking out "section 8011 of title 38" and inserting in lieu thereof "section 8111 of title 38"; and

(B) in subsection (d), by striking out "section 8011A of title 38" and inserting in lieu thereof "section 8111A of title 38".

(2) Section 2145(b) is amended by striking out "means the actual cost" and all that follows and inserting in lieu thereof "has the meaning given the term 'cost of attendance' by section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087ll).".

(3) Section 2198(c) is amended—

(A) by striking out "an annual" and inserting in lieu thereof "a"; and

(B) by striking out "section 2522" and inserting in lieu thereof "section 2506".

(4) Section 2371(g) is amended—

(A) by striking out "section 11" and inserting in lieu thereof "section 12"; and

(B) by striking out "sections 10 and 11" and inserting in lieu thereof "sections 11 and 12".

(5) Section 2372(g)(5) is amended by striking out "section 2522" and inserting in lieu thereof "section 2506".

(6) Section 2401(c)(2)(A) is amended by striking out "the Internal Revenue Code of 1954" and inserting in lieu thereof "the Internal Revenue Code of 1986".

(7) Section 2501(a)(1)(A) is amended by striking out "section 104" and inserting in lieu thereof "section 108".

(8) Section 2535(b)(2)(B) is amended by striking out "paragraph (1)" and inserting in lieu thereof "subparagraph (A)".

(9) Section 2677(c)(1) is amended—

(A) by striking out "section 21A(b)(12)(F)" and inserting in lieu thereof "section 21A(b)(11)(F)"; and

(B) by striking out "(12 U.S.C. 1441a(b)(12)(F))" and inserting in lieu thereof "(12 U.S.C. 1441a(b)(11)(F))".

(10) Section 5038(e) is amended by striking out "subsection" and inserting in lieu thereof "section".

(11) Section 7721(a) is amended by striking out "(46 U.S.C 781–790)" and inserting in lieu thereof "(46 U.S.C. App. 781–790)".

(d) AMENDMENTS FOR STYLISTIC CONSISTENCY.—Title 10, United States Code, is amended as follows:

(1) Section 1597 is amended—

(A) in subsection (c)(3)—

(i) by striking out "defense agency" in subparagraph (A)(v) and inserting in lieu thereof "Defense Agency"; and

(ii) in subparagraph (C)—

(I) by striking out "defense agency" the first place it appears and inserting in lieu thereof "Defense Agency"; and

(II) by striking out "defense agency" the second place it appears and inserting in lieu thereof "Defense Agency,"; and

(B) in subsection (e), by striking out "of the date" and inserting in lieu thereof "on the date".

(2) The table of sections at the beginning of chapter 142 is amended by striking out "Sec." in the items relating to sections 2418 and 2419.

(3) Section 2513(c)(2)(B) is amended by striking out the second clause (iii) (as added by section 4223(d) of Public Law 102–484 (106 Stat. 2681)) and inserting in lieu thereof the following:

"(iv) An institution of higher education designated by a State or local government.".

(4) Section 2536 is amended by striking out the period at the end of the section heading.

(5) Section 2537(a) is amended in the first sentence by striking out "respectively, which" and inserting in lieu thereof "respectively, that".

(6) Section 2701(j)(2) is amended by striking out "applies (42 U.S.C. 9619(g))" and inserting in lieu thereof "(42 U.S.C. 9619(g)) applies".

(7) Section 2828 is amended by striking out "per annum" each place it appears in subsections (b)(2), (b)(3), and (e)(1) and inserting in lieu thereof "per year".

(e) SUBSECTION HEADINGS.—Title 10, United States Code, is amended as follows:

(1) Section 2513 (as transferred and redesignated by section 4223(b) of Public Law 102–484 (106 Stat. 2681)) is amended—

(A) by striking out "CENTERS" in the heading for subsection (b) and inserting in lieu thereof "ALLIANCES"; and

(B) by striking out "CENTER" in the heading for subsection (e) and inserting in lieu thereof "ALLIANCE".

(2) Section 2308 is amended by inserting after "(a)" the following: "FACILITATION OF PROCUREMENT.—".

(f) DATE OF ENACTMENT REFERENCES.—Title 10, United States Code, is amended as follows:

(1) Section 1151(e)(1) is amended by striking out "the date of the enactment of this section" and inserting in lieu thereof "October 23, 1992,".

(2) Section 1331a(b) is amended by striking out "the date of the enactment of the National Defense Authorization Act for Fiscal Year 1993" and inserting in lieu thereof "October 23, 1992,".

(3) Section 1802(b) is amended by striking out "not more than two years before the date of the enactment of this chapter" and inserting in lieu thereof "after October 22, 1990".

(g) PUNCTUATION, SPELLING, ETC.—Title 10, United States Code, is amended as follows:

(1) Section 1078a is amended—

(A) in subsection (b)(3)(C), by striking out "subparagraphs" and inserting in lieu thereof "subparagraph"; and

(B) in subsection (d)(2)(A), by inserting "under" after "coverage".

(2) Section 1590(a) is amended by striking out the second semicolon at the end of paragraph (1).

(3) Section 1802(a) is amended by striking out "carrys" and inserting in lieu thereof "carries".

(4) Section 2321(d)(1)(B) is amended by striking out "adherance" and inserting in lieu thereof "adherence".

(5) Section 2361(b)(2) is amended by striking out "inconsisent" and inserting in lieu thereof "inconsistent".

(6) Section 2410j (as redesignated by subsection (b)(1)(A)) is amended in subsection (f)(2)(B) by striking out "aid" and inserting in lieu thereof "aide".

*(7) The heading of section 2505 is amended by striking out "**capabilty**" and inserting in lieu thereof "**capability**".*

(8) Section 2516(b)(4) is amended by striking out "dual use" and inserting in lieu thereof "dual-use".

(9) Section 2524(b)(2)(F) is amended by striking out "work force" both places it appears and inserting in lieu thereof "workforce".

(10)(A) The heading of section 4313 is amended to read as follows:

"§4313. National Matches and small-arms school: expenses".

(B) The item relating to section 4313 in the table of sections at the beginning of chapter 401 is amended to read as follows:

"4313. National Matches and small-arms school: expenses.".

(h) REDUNDANT PROVISIONS.—Title 10, United States Code, is amended as follows:

(1) Section 1598(e) is amended by striking out paragraph (4).

(2) Section 2537 is amended by striking out subsection (d).

(i) CLARIFICATION OF AMENDMENTS.—Title 10, United States Code, is amended as follows:

(1) Paragraph (4) of section 1142(b) is amended by striking out "job placement assistance" and all that follows through the end of the paragraph and inserting in lieu thereof "job placement assistance, including the public and community service jobs program carried out under section 1143a of this title, and information regarding the placement program established under section 1151 of this title to assist members to obtain employment as elementary or secondary school teachers or teachers' aides.".

(2) Section 2433(e) is amended—

(A) by striking out "a at least 15 percent increase" both places it appears and inserting in lieu thereof "an increase of at least 15 percent"; and

(B) by striking out "a at least 25 percent increase" both places it appears and inserting in lieu thereof "an increase of at least 25 percent".

SEC. 202. AMENDMENTS TO FISCAL YEAR 1993 DEFENSE AUTHORIZATION ACT.

(a) IN GENERAL.—The National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484) is amended as follows:

(1) Section 195 (106 Stat. 2349) is amended by striking out "initiative" and inserting in lieu thereof "Initiative".

(2) Section 234(e)(2) (106 Stat. 2357) is amended by striking out "in subsection (d)" and inserting in lieu thereof "in subsection (c), as redesignated by subsection (b)(2)(B)".

(3) Section 243 (106 Stat. 2360) is amended by striking out "Notwithstanding the provisions of the Land-Remote Sensing Commercialization Act of 1984 (15 U.S.C. 4201 et seq.), the Secretary of Defense is authorized" and inserting in lieu thereof "The Secretary of Defense is authorized".

(4) Section 653(b)(2) (106 Stat. 2428) is amended by striking out "section 1463" and inserting in lieu thereof "section 1463(a)".

(5) Section 704(1) (106 Stat. 2432) is amended by striking out "paragraph (15)(D)" and inserting in lieu thereof "paragraph (15)".

(6) Section 801(f) (106 Stat. 2444) is amended—

(A) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (4), (5), (6), and (7), respectively; and

(B) by inserting after paragraph (2) the following new paragraph:

"(3) by striking out 'Secretary with' in paragraph (2) and inserting in lieu thereof 'Secretary toward attaining';".

(7) Section 843(c) (106 Stat. 2469) is amended—

(A) by striking out "On the date which is two years after the date of the enactment of this Act," and inserting in lieu thereof "Effective October 23, 1994,"; and

(B) by striking out "section 2350a" and inserting in lieu thereof "sections 2350a(c) and 2350d(c)".

(8) Section 911(b)(2) (106 Stat. 2473) is amended by striking out the period and closing quotation marks at the end and inserting in lieu thereof closing quotation marks and a period.

(9) Section 933 (106 Stat. 2476) is amended—

(A) in subsection (b)(1), by striking out "or" and inserting in lieu thereof "and"; and

(B) in subsection (c), by inserting a comma after "United States Code".

(10) Section 1312(b)(4) (106 Stat. 2548) is amended by striking out "the" in the quoted matter stricken out in the amendment made by subparagraph (B).

(11) Section 1135(c)(2) (106 Stat. 2541) is amended by striking out "unit deployment designators" and inserting in lieu thereof "Unit Deployment Designators".

(12) Section 1314(b) (106 Stat. 2549) is amended in the second sentence by adding a period after "of member nations".

(13) Sections 1814 and 1834 (106 Stat. 2583, 2586) are each amended by striking out "section" and inserting in lieu thereof "subtitle".

(14) Section 4219(c)(2)(H) (106 Stat. 2672) is amended—

(A) by striking out "Work force" and inserting in lieu thereof "Workforce"; and

(B) by striking out "work force" and inserting in lieu thereof "workforce".

(15) Section 4301(b)(1)(C) (106 Stat. 2697) is amended by inserting "the first place it appears" before "the following".

(16) Section 4407(b)(2) (106 Stat. 2708) is amended by inserting "the second place it appears" before "and inserting in lieu thereof".

(17) Section 4422(a) (106 Stat. 2718) is amended—

(A) in paragraph (3), by striking out "after" after "by inserting"; and

(B) in paragraph (4), by inserting "the first reference to" after "after" the first place it appears.

(18) Section 4470(a) (106 Stat. 2753) is amended—

(A) by striking out "section 4303(a)" in paragraph (1) and inserting in lieu thereof "section 4443(a)"; and

(B) by striking out "section 4303(b)" in paragraph (2) and inserting in lieu thereof "section 4443(b)".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply as if included in the enactment of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484).

SEC. 203. AMENDMENTS TO FISCAL YEAR 1992/1993 DEFENSE AUTHORIZATION ACT.

(a) REPEAL OF PREVIOUSLY CODIFIED PROVISION.—Section 523 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1363) is repealed.

(b) OTHER AMENDMENTS.—The National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190) is amended as follows:

(1) Section 236(d) (as redesignated by section 234(b)(2)(B) of Public Law 102–484 (106 Stat. 2356)) is amended by striking out "subsection (a) through (d)" in paragraph (1) and inserting in lieu thereof "subsections (a) through (c)".

(2) Section 704(a) (105 Stat. 1401) is amended by striking out the closing quotation marks and period at the end of paragraph (2) of the subsection inserted by the amendment made by that section.

(3) Section 3136(b)(1)(C)(ii)(I) (105 Stat. 1578) is amended by striking out "section 2522 of title 10, United States Code" and inserting in lieu thereof "section 2506 of title 10, United States Code".

(4) Section 3137(c) (105 Stat. 1579) is amended by striking out the comma after "the Secretary of Energy".

SEC. 204. AMENDMENTS TO OTHER LAWS.

(a) TITLE 37, UNITED STATES CODE.—Title 37, United States Code, is amended as follows:

(1) Section 205(a)(7)(B) is amended by striking out "the Veterans' Administration," and inserting in lieu thereof "the Department of Veterans Affairs,".

(2) Section 411f(c) is amended by striking out "section 401 of this title" and inserting in lieu thereof "section 401(a) of this title".

(b) PUBLIC LAW 98–94.—Section 1215(c) of the Department of Defense Authorization Act, 1984 (Public Law 98–94; 97 Stat. 688; 10 U.S.C. 2452 note), is amended by striking out "regulatons" and inserting in lieu thereof "regulations".

(c) PUBLIC LAW 101–189.—Effective as of November 29, 1989, paragraph (1) of section 631(a) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1449) is amended by inserting a comma after "18" in the matter struck by such paragraph.

(d) STRATEGIC AND CRITICAL MATERIALS STOCK PILING ACT.—Section 11(a)(1) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h–2(a)(1)) is amended by striking out "six-month period" and inserting in lieu thereof "fiscal year".

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. REAL PROPERTY REPAIRS AND MINOR CONSTRUCTION DURING FISCAL YEAR 1993.

In addition to using the funds specifically appropriated for real property maintenance under the heading "REAL PROPERTY MAINTENANCE, DEFENSE" in title II of the Department of Defense Appropriations Act, 1993 (Public Law 102–396; 106 Stat. 1885), the Secretary of Defense and the Secretary of a military department may also use funds appropriated to the Secretary concerned for operation and maintenance under any of the first 11 headings of such title in order to carry out a major repair project that costs $15,000 or more or a minor construction project that costs not less than $15,000 and not more than $300,000.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia [Mr. SISISKY] will be recognized for 20 minutes, and the gentleman from Utah [Mr. HANSEN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Virginia [Mr. SISISKY].

GENERAL LEAVE

Mr. SISISKY. 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. 1378, the bill now under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in support of H.R. 1378, which was reported out of the Armed Services Committee on a unanimous vote last week. This is a very simple bill in three titles. The second and third titles contain about 17 pages of technical corrections to title 10 of the United States Code and a clarification of the military construction laws. These technical amendments do such things as fixing spelling and punctuation, and correcting headings and cross references.

The reason for this bill is not the technical corrections, however. It lies in title I, which is all of 11 lines. Since time immemorial, when the government lays off people, a civil servant has been allowed to bump someone at the next lower grade, who in turn bumps someone at the next lower grade and so forth.

Two years ago, when we passed the Defense Acquisition Workforce Improvement Act, we created a formal, professional cadre of acquisition specialists.

We established certain criteria, saying you had to have such education, such training, such experience to be in this cadre. So as not to penalize older people who could not meet the new criteria, we allowed them to stay in the cadre in the same or a similar position.

Those were the key words—same or similar position. The point was to say they would not be fired, but they could not be promoted without meeting the new criteria.

Unfortunately, that term "same or similar position" causes a problem when there is a RIF, because it means these people can not bump someone below them, it means they cannot serve in a lower position. That was not our intent. The intent was to prevent their promotion, not to put them in a position where they would be fired because they could not bump.

H.R. 1378 simply adds the words "or lower" at two points in the law. This allows these people to serve in the same or similar position—or in a lower position—thus preserving the rights they have always had. In other words,

this bill fixes an unintended consequence of the act we passed 2 years ago. We have been asked to act quickly because RIF's will begin soon. I urge rapid approval of H.R. 1378.

Mr. HANSEN. Mr. Speaker, I yield myself as much time as I may consume.

This legislation is fairly straight forward.

As the gentleman from Virginia [Mr. SISISKY] just explained, H.R. 1378 makes necessary fixes in previous legislation that could produce unintended problems for members of the defense acquisition community.

It also contains a number of other technical fixes to last year's defense authorization bill, all noncontroversial and with no real substantive importance.

But, because of the possible problems facing certain defense acquisition personnel facing RIF's, it is important that the House move quickly to send this legislation to the other body for prompt consideration.

Mr. Speaker, I want to commend my colleague, Mr. SISISKY, on the open and bipartisan manner in which he has handled this bill, and urge that the House adopt it without delay.

□ 1510

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

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

The SPEAKER pro tempore (Mr. VENTO). The question is on the motion offered by the gentleman from Virginia [Mr. SISISKY] that the House suspend the rules and pass the bill, H.R. 1378, 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.

The title of the bill was amended so as to read: "A bill to amend title 10, United States Code, to revise the applicability of qualification requirements for certain acquisition workforce positions in the Department of Defense, to make necessary technical corrections in that title and certain other defense-related laws, and to facilitate real property repairs at military installations and minor military construction during fiscal year 1993.".

A motion to reconsider was laid on the table.

GALLATIN RANGE CONSOLIDATION AND PROTECTION ACT OF 1993

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 873, 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 Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 873, as amended.

Mr. BURTON of Indiana. Mr. Speaker, I object to the vote on the ground that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 262, nays 140, not voting 30, as follows:

[Roll No. 158]

YEAS—262

Abercrombie	Gejdenson	McKinney
Andrews (ME)	Gephardt	McNulty
Andrews (NJ)	Geren	Meehan
Andrews (TX)	Gibbons	Meek
Applegate	Gilchrest	Menendez
Bacchus (FL)	Gilman	Meyers
Baesler	Glickman	Miller (CA)
Barcia	Gonzalez	Mineta
Barlow	Gordon	Minge
Barrett (WI)	Green	Mink
Becerra	Greenwood	Moakley
Beilenson	Gutierrez	Montgomery
Berman	Hall (OH)	Moran
Bilbray	Hamburg	Morella
Bishop	Hamilton	Murphy
Blackwell	Hansen	Murtha
Blute	Harman	Nadler
Bonior	Hastings	Natcher
Borski	Hayes	Neal (MA)
Boucher	Hefley	Neal (NC)
Brooks	Hefner	Oberstar
Browder	Hilliard	Obey
Brown (CA)	Hinchey	Olver
Brown (FL)	Hoagland	Ortiz
Brown (OH)	Hochbrueckner	Owens
Bryant	Holden	Packard
Byrne	Hoyer	Pallone
Cantwell	Hughes	Parker
Cardin	Hutto	Pastor
Chapman	Inslee	Payne (NJ)
Clay	Jefferson	Payne (VA)
Clayton	Johnson (GA)	Pelosi
Clement	Johnson (SD)	Peterson (FL)
Coleman	Johnson, E.B.	Peterson (MN)
Collins (MI)	Johnston	Petri
Conyers	Kanjorski	Pickett
Cooper	Kaptur	Pickle
Coppersmith	Kennedy	Pomeroy
Costello	Kennelly	Porter
Coyne	Kildee	Poshard
Cramer	Kingston	Price (NC)
Danner	Kleczka	Pryce (OH)
Darden	Klein	Quillen
de la Garza	Klink	Rahall
Deal	Klug	Ramstad
DeLauro	Kolbe	Rangel
Dellums	Kopetski	Ravenel
Derrick	Kreidler	Reed
Deutsch	LaFalce	Regula
Dicks	Lambert	Reynolds
Dingell	Lancaster	Richardson
Dixon	Lantos	Ridge
Dooley	LaRocco	Roemer
Durbin	Laughlin	Rostenkowski
Edwards (CA)	Lehman	Roukema
Edwards (TX)	Levin	Rowland
Engel	Lewis (GA)	Roybal-Allard
English (AZ)	Lipinski	Sabo
English (OK)	Lloyd	Sanders
Eshoo	Long	Sawyer
Evans	Lowey	Schenk
Fazio	Machtley	Schiff
Fields (LA)	Maloney	Schroeder
Filner	Mann	Schumer
Fingerhut	Manton	Scott
Fish	Margolies-Mezvinsky	Serrano
Flake	Markey	Sharp
Foglietta	Martinez	Shays
Ford (MI)	Matsui	Shepherd
Fowler	Mazzoli	Sisisky
Frank (MA)	McCloskey	Skaggs
Frost	McDermott	Skeen
Furse	McHale	Skelton
Gallo		Slaughter
Smith (IA)	Thornton	Walsh
Smith (NJ)	Thurman	Washington
Spratt	Torkildsen	Watt
Stark	Torricelli	Waxman
Strickland	Towns	Whitten
Studds	Traficant	Williams
Swett	Tucker	Wilson
Swift	Unsoeld	Wise
Synar	Upton	Woolsey
Tanner	Valentine	Wyden
Tauzin	Velázquez	Wynn
Taylor (MS)	Vento	Yates
Tejeda	Visclosky	Zimmer
Thompson	Volkmer	

NAYS—140

Allard	Franks (NJ)	McMillan
Archer	Gallegly	Mica
Armey	Gillmor	Michel
Bachus (AL)	Goodlatte	Miller (FL)
Baker (CA)	Goodling	Molinari
Baker (LA)	Goss	Moorhead
Ballenger	Grams	Myers
Barrett (NE)	Grandy	Nussle
Bartlett	Gunderson	Orton
Bateman	Hall (TX)	Oxley
Bentley	Hancock	Paxon
Bereuter	Hastert	Penny
Bilirakis	Herger	Pombo
Bliley	Hobson	Portman
Boehner	Hoekstra	Quinn
Bonilla	Hoke	Roberts
Brewster	Horn	Rogers
Bunning	Houghton	Rohrabacher
Burton	Huffington	Roth
Buyer	Hunter	Royce
Callahan	Hutchinson	Santorum
Calvert	Hyde	Sarpalius
Camp	Inglis	Saxton
Canady	Inhofe	Schaefer
Castle	Istook	Sensenbrenner
Clinger	Jacobs	Shaw
Coble	Johnson (CT)	Shuster
Collins (GA)	Johnson, Sam	Slattery
Combest	Kasich	Smith (OR)
Condit	Kim	Smith (TX)
Cox	King	Solomon
Crane	Knollenberg	Spence
Crapo	Kyl	Stearns
Cunningham	Lazio	Stenholm
DeLay	Levy	Stump
Diaz-Balart	Lewis (CA)	Sundquist
Dickey	Lewis (FL)	Talent
Doolittle	Lightfoot	Taylor (NC)
Dreier	Linder	Thomas (CA)
Duncan	Livingston	Vucanovich
Dunn	Manzullo	Walker
Emerson	McCandless	Weldon
Everett	McCollum	Wolf
Ewing	McCrery	Young (AK)
Fawell	McDade	Young (FL)
Fields (TX)	McInnis	Zeliff
Franks (CT)	McKeon	

NOT VOTING—30

Ackerman	Gekas	Rush
Barton	Gingrich	Sangmeister
Bevill	Henry	Smith (MI)
Boehlert	Leach	Snowe
Carr	McCurdy	Stokes
Clyburn	McHugh	Stupak
Collins (IL)	Mfume	Thomas (WY)
DeFazio	Mollohan	Torres
Dornan	Ros-Lehtinen	Waters
Ford (TN)	Rose	Wheat

□ 1541

The Clerk announced the following pairs:

On this vote:

Mr. Ackerman and Mr. Sangmeister for, with Mr. Barton against.

Mr. KLEIN, Mrs. ROUKEMA, Mr. PETE GEREN of Texas, and Mr. WHITTEN changed their vote from "nay" to "yea."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. GEKAS. Mr. Speaker, on Tuesday, May 11, 1993, I was unavoidably detained and missed a record vote on H.R. 873, the Gallatin Range Consolidation and Protection Act. Had I been present, I would have voted "nay" on Rollcall No. 158, to agree to suspend the rules and pass H.R. 873.

PERSONAL EXPLANATION

Mr. STUPAK. Mr. Speaker, I was unavoidably absent when the House cast vote 158 as I was attending a regional hearing and site visit of the Base Closure and Realignment Commission in Michigan.

These hearings relate to the potential closure of K.I. Sawyer Air Force Base, a matter of utmost concern to Michigan's First Congressional District. If I had been present, I would have voted "yea" on vote 158.

FREEDOM OF THE PRESS IN PANAMA

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

Mr. BISHOP. Mr. Speaker, freedom of the press should be a bulwark of strength for the foreign policy of America. Without it, there can be no democracy. Last month, the Supreme Court of Panama overruled the expropriation of one of the leading newspapers of Latin America, El Panama America. Manuel Noriega's military dictatorship carried out the expropriation because of the newspaper's courageous condemnation of Noriega's human rights violations.

The Interamerican Press Association fought to have El Panama America returned to its rightful owners. One of these papers, Miami-based Diario Las Americas a Spanish-language newspaper founded by Francisco and Horacio Aquirrre, was among the newspapers which battled for El Panama America. The Supreme Court spoke the last word. Freedom of the press survived.

Diarios Las Americas also published an editorial which I call to the attention of my colleagues, who like myself, are anxious to lend support to freedom of the press in the world. I include it for reprinting in the RECORD.

AN HISTORICAL DECISION BY THE SUPREME COURT OF JUSTICE OF PANAMA

In 1968, the military dictatorship that took over the Republic of Panama stripped the Arias Guardia family of their publishing company, the "Editora Panama America", which was owned by Panama's distinguished ex president, Harmodio Arias, and rightfully belongs to the Arias Guardia family. "Editora Panama America" publishes various things including newspapers.

Protest over the confiscation of the publishing company received protests not only from within Panama but from without as well, especially in the western hemisphere, not just because it violated the right to private property but also because it violated the right to freedom of expression. The InterAmerican Press Association (SIP) denounced this crime and called for the dictatorial government of Panama and the current constitutional government of Panama, to return this publishing company to its rightful owners. Nonetheless, the current government's Executive branch resisted returning "Editora Panama America" to its rightful owners, a move which tarnished the image and prestige of the democratic government, as an institution.

The Panamanian legislature approved a law that returned the confiscated properties to the Arias family and allowed for them not be obligated by whatever commitments were made by the previous administration of the companies.

Presidente Endara vetoed the law which was later appealed in the Supreme Court of Panama on behalf of the legitimate owners headed by the well-respected lady who is Rosario Arias Guardia de Galindo.

The Panamanian Supreme Court, in a unanimous decision, ruled on behalf of the Arias Guardia family and against the presidential veto of the laws that was approved by the Legislative Chamber favoring the claims of "Editora Panama America, S.A.".

Thus it has ended a sad chapter of the history of freedom of expression in Panama in a satisfactory manner for the institutional prestige of the Republic. The highest Court of Justice of the Nation has done its duty on behalf of the essential respect to private property and freedom of expression, so vital also.

Diario Las Americas, which always defended through more than twenty years the rights of "Editora Panamá América, S.A." now expresses its satisfaction regarding the decision rendered by the Panamanian Supreme Court of Justice. Likewise, it congratulates the Arias-Galindo family for the victory obtained thanks to their resolute defense of their rights. Around this process, it must be remembered the memory of the distinguished Panamanian attorney and politician, Dr. Gilberto Arias Guardia, who died a few years ago and who, together with his sister, Mrs. Rosario Arias Guardia Galindo—highly regarded in her country—struggled for this cause, not only because of economic interests which, for them, were less important, but mainly because of the moral and juridical caliber of what they were defending.

INTRODUCING THE NUCLEAR NON-PROLIFERATION POLICY ACT OF 1993

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, with the end of the cold war and the breakup of the Soviet Union, nuclear proliferation is now the leading military threat to the national security of the United States and its allies.

While the threat of a full-scale nuclear war is at its lowest level in decades, the chances of nuclear terrorism, regional nuclear conflict, or an accidental nuclear launch are increasing all the time. North Korea is dropping out of the Nuclear Non-Proliferation Treaty [NPT] and may already have the bomb, Iran is not far away, the Soviet breakup has loosened controls on nuclear materials and technology, and Ukraine and Kazakhstan may keep the large nuclear arsenals on their soil. Saddam Hussein would have had the bomb, had he waited a year or two on invading Kuwait, and Israel, India, and Pakistan have all emerged as de facto nuclear weapon states located in unstable regions. China is suspected of continuing to support nuclear weapons activities in a number of countries.

While all of this is taking place, the NPT is coming up for review and extension in March 1995. The NPT is not a perfect agreement—for example, it allows countries to acquire a stockpile of bomb-grade material and then withdraw from the treaty on 3 months notice. But with more than 150 parties, the NPT is the cornerstone of international efforts to stop proliferation. The United States should support the indefinite extension of the NPT in 1995 and, at the same time, support additional measures to close some of the loopholes in the treaty and pull in countries which are not party to the NPT.

Today, I am introducing legislation that will set forth a blueprint for accomplishing these important objectives. The bill, the Nuclear Non-Proliferation Policy Act of 1993, establishes 16 policy goals for the United States to pursue on nuclear arms control and nonproliferation. The arms control objectives are less important now for their own sake than for preventing nonproliferation. A comprehensive test ban, a global ban on the production of fissile material, verified dismantlement of United States and Russian nuclear warheads, and controls on fissile material from dismantled nuclear weapons are measures that will help build international support for tough nonproliferation agreements, could cap the nuclear weapons programs of the threshold nuclear weapons states, and could reduce the chances of theft or diversion of nuclear material from the former Soviet Union.

Additionally, the United States must seek to strengthen International Atomic Energy Agency [IAEA] nonproliferation safeguards, tighten nuclear export controls in the United States and elsewhere, and increase the role of the U.N. Security Council in enforcing international nonproliferation agreements. These measures will help prevent the next Saddam Hussein from building a secret nuclear weapons program.

Finally, the United States must make it clear that it will make no first use of nuclear weapons, that our nuclear weapons will only be used to deter nuclear attack. We should seek to have the other permanent members of the U.N. Security Council—who are also the other nuclear weapon states—adopt such a "no first use" policy and to pledge to assist any country which is party to the NPT and against which first-use of nuclear weapons is made. These positive and negative security assurances can help build crucial support among developing countries for lengthy or indefinite extension of the NPT. On the other hand, if the United States begins targeting third world countries with nuclear weapons, as some in the Pentagon propose, it would give added rationale for those countries to build their own nuclear deterrents.

None of the objectives in this bill will, on its own, stop proliferation. But by adopting a com-

prehensive nonproliferation policy, the United States can accomplish its overall goal of ending the further spread of nuclear weapons capability, rolling back proliferation where it has occurred, and preventing the use of nuclear weapons anywhere in the world.

It's time for the United States to take on the security challenges of the post-cold war world. The Nuclear Non-Proliferation Policy Act of 1993 will help point us in the right direction.

H.R. 2076

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 "Nuclear Non-Proliferation Policy Act of 1993".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The United States has been a leader in seeking to contain the spread of nuclear weapons technology and materials.

(2) With the end of the Cold War and the breakup of the Soviet Union, the proliferation of nuclear weapons, especially to countries in unstable regions, is now the leading military threat to the national security of the United States and its allies.

(3) The United Nations Security Council declared on January 31, 1992, that "proliferation of all weapons of mass destruction constitutes a threat to international peace and security" and committed to taking appropriate action to prevent proliferation from occurring. The establishment of the United Nations Special Commission on Iraq was an important precedent to that end.

(4) Aside from the 5 declared nuclear weapon states, a number of other nations have or are pursuing nuclear weapons capabilities.

(5) Regional nuclear arms races pose perhaps the most likely prospect for the future use of nuclear weapons.

(6) The break-up of the Soviet Union has increased the threat of nuclear proliferation.

(7) In May 1992, Ukraine, Belarus, and Kazakhstan signed the protocols to START I and committed to acceding to the Nuclear Non-Proliferation Treaty as non-nuclear weapon states "in the shortest possible time".

(8) Iraq had a substantial, clandestine nuclear weapons program which went undetected by the International Atomic Energy Agency (IAEA) inspection process and was greatly assisted by dual-use exports from western countries, including the United States.

(9) North Korea's statement of intent to withdraw from the Nuclear Non-Proliferation Treaty, and its refusal to allow IAEA inspections of all of its known and suspected nuclear facilities, are unprecedented actions which could greatly undermine efforts to stop nuclear proliferation.

(10) Brazil and Argentina had substantial programs to build nuclear weapons and South Africa has admitted developing and building 6 nuclear weapons, but in response to reduced regional tensions and other factors, all 3 countries have renounced nuclear weapons and accepted IAEA safeguards for all of their nuclear facilities, and South Africa has acceded to the Non-Proliferation Treaty as a non-nuclear weapon state.

(11) United States security interests and current policy and practices are consistent with the terms of the South Pacific Nuclear Free Zone Treaty which, like nuclear weapons free zones in Latin America, South Asia, and the Middle East that the United States supports, can contribute to efforts to avoid regional conflicts and prevent arms races.

(12) The IAEA is a valuable tool to counter proliferation, but the effectiveness of its system to safeguard nuclear materials may be adversely affected by institutional and financial constraints.

(13) The Nuclear Non-Proliferation Treaty, which codifies world consensus against further nuclear proliferation and is scheduled for review and extension in 1995, should be expanded in membership and extended indefinitely, and additional steps should be taken to strengthen the international nuclear nonproliferation regime.

(14) The Nuclear Nonproliferation Act of 1978 declared that the United States is committed to continued strong support for the Nuclear Non-Proliferation Treaty and to a strengthened and more effective IAEA, and established that it is United States policy to establish more effective controls over the transfer of nuclear equipment, materials, and technology.

(15) The goal of the United States is to end the further spread of nuclear weapons capability, roll back nuclear proliferation where it has occurred, and prevent the use of nuclear weapons anywhere in the world. To that end the United States should adopt a comprehensive nuclear nonproliferation policy.

SEC. 3. COMPREHENSIVE NUCLEAR NON-PROLIFERATION POLICY.

In order to end nuclear proliferation and reduce current nuclear arsenals and supplies of weapons-usable nuclear materials, it shall be the policy of the United States to pursue the following objectives:

(1) Encourage Ukraine to join Kazakhstan and Belarus in ratifying the START I treaty and encourage Ukraine and Kazakhstan to join Belarus in voting to accede to the Nuclear Non-Proliferation Treaty as non-nuclear weapon states in the shortest possible time.

(2) Encourage Belarus, Ukraine, and Kazakhstan to remove all nuclear weapons from their territory, accept IAEA safeguards over all of their nuclear facilities, and implement effective controls on nuclear and nuclear-related dual-use exports.

(3) Reach an agreement with the Russian Federation—

(A) to deactivate and retire from field deployment on an accelerated schedule all weapons to be withdrawn under the START I treaty and the START II treaty;

(B) on data exchanges and inspection arrangements to verify the elimination of all nuclear weapons scheduled to be withdrawn under the START I treaty and the START II treaty; and

(C) to place all fissile materials from such weapons under bilateral or international controls, or both.

(4) Prepare for the ratification of the START II treaty by seeking the exchange of information between the United States and the Russian Federation on nuclear weapons stockpiles and fissile material facilities and inventories as required by the United States Senate as a condition to its approval of the START I treaty.

(5) Conclude a multilateral comprehensive nuclear test ban treaty by early 1995, before the conference to renew and extend the Nuclear Non-Proliferation Treaty is held.

(6) Ratify the START II treaty in the United States and encourage ratification of that treaty by the Russian Federation, and reach agreement with the Russian Federation to end the production of new types of nuclear warheads.

(7) Conclude a multilateral agreement to reduce the strategic nuclear arsenals of the United States and the Russian Federation to within a range of 1,000 to 2,000 each, with lower levels of the United Kingdom, France, and the People's Republic of China.

(8) Conclude additional multilateral agreements to significantly and continuously reduce the nuclear arsenals of all countries through a stage-by-stage process.

(9) Reach immediate agreement with the Russian Federation to halt permanently the production of fissile material for weapons purposes, and achieve worldwide agreements to—

(A) end by 1995 the production of fissile material for any purpose;

(B) place existing stockpiles of such materials under bilateral or international controls' and

(C) require all countries to place all of their nuclear facilities dedicated to peaceful purposes under IAEA safeguards.

(10) Strengthen IAEA safeguards to more effectively verify that countries are complying with their nonproliferation commitments and provide the IAEA with the political, technical, and financial support necessary to implement the necessary safeguard reforms.

(11) Strengthen nuclear export controls in the United States and other nuclear supplier nations, impose sanctions on individuals, companies, and countries which contribute to nuclear proliferation, and provide increased public information on nuclear export licenses approved in the United States.

(12) Reduce incentives for countries to pursue the acquisition of nuclear weapons by seeking to reduce regional tensions and to strengthen regional security agreements, and encourage the United Nations Security Council to increase its role in enforcing international nuclear nonproliferation agreements.

(13) Support the indefinite extension of the Nuclear Non-Proliferation Treaty at the 1995 conference to review and extend that treaty and seek to ensure that all countries sign the treaty or participate in a comparable international regime for monitoring and safeguarding nuclear facilities and materials.

(14) Adopt a United States policy of "no first use" of nuclear weapons, reach agreement with the other nuclear weapon states to adopt such a policy and to assist immediately any country which is a party to the Nuclear Non-Proliferation Treaty should the use of nuclear weapons be initiated against such country.

(15) Conclude a verifiable bilateral agreement with the Russian Federation under which both countries withdraw from their arsenals and dismantle all tactical nuclear weapons, and seek to extend to all nuclear weapon states this zero option for tactical nuclear weapons.

(16) Sign the appropriate protocols to the South Pacific Nuclear Free Zone Treaty.

SEC. 4. REQUIREMENTS FOR IMPLEMENTATION OF POLICY.

(a) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, and not later than February 1 of each year thereafter, the President shall submit to the Congress a report on—

(1) the actions the United States has taken and the actions the United States plans to take during the succeeding 12-month period to implement each of the policy objectives set forth in this Act;

(2) actions which have been taken by the Russian Federation, by the other former Soviet republics, and by other countries and institutions to achieve those policy objectives; and

(3) obstacles that have been encountered in seeking to implement those policy objectives.

Each such report shall be submitted in unclassified form, with a classified appendix if necessary.

(b) REPORT ON NUCLEAR STOCKPILE INFORMATION.—The President shall submit a report to the Congress on the specific actions that have been taken and those that are planned to comply with [Condition 8 concerning the "Nuclear Stockpile Weapons Arrangement" of the Senate resolution of ratification of the START I treaty (Treaty Doc. 102–20 and 102–32)].

SEC. 5. DEFINITIONS.

As used in this Act—

(1) the term "fissile materials" means highly enriched uranium and plutonium;

(2) the term "highly enriched uranium" means uranium enriched to 20 percent or more in the isotope U–235;

(3) the term "IAEA" means the International Atomic Energy Agency;

(4) the term "IAEA safeguards" means the safeguards set forth in an agreement between a country and the IAEA, as authorized by Article III(A)(5) of the Statute of the International Atomic Energy Agency;

(5) a policy of "no first use" of nuclear weapons means a commitment not to initiate the use of nuclear weapons;

(6) the term "non-nuclear weapon state" means any country that is not a nuclear weapon state;

(7) the term "Nuclear Non-Proliferation Treaty" means the Treaty on the Non-Proliferation of Nuclear Weapons, signed at Washington, London, and Moscow on July 1, 1968;

(8) the term "nuclear weapon state" means any country that is a nuclear-weapon state, as defined by Article IX (3) of the Treaty on the Non-Proliferation of Nuclear Weapons, signed at Washington, London, and Moscow on July 1, 1968;

(9) the term "START I treaty" means the Treaty on the Reduction of Strategic Offensive Arms, signed by the United States and the Union of Soviet Socialist Republics on July 31, 1991; and

(10) the term "START II treaty" means the Treaty on Further Reductions and Limitations of Strategic Offensive Arms, signed by the United States and the Russian Federation on January 3, 1993.

NORTH AMERICAN FREE-TRADE AGREEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Mr. Speaker, we have just returned from a trip to Mexico, as observers, and yes, as investigators of the conditions in that nation preliminary to the decision we are all going to be called upon to make on the North American Free-Trade Agreement [NAFTA].

This afternoon—or on another day—each of us will be speaking on what impressed us the most from this experience. From my prior knowledge of Mexico and my concerns for the viability of this economic marriage between Mexico and Canada and the United States, I can only report that every concern I had was reinforced, no fear quietened or put to rest.

We all saw heart-breaking poverty and frightening pollution of the water supply flowing directly into canals that empty into the shared waters of the Rio Grande River. We all spoke with Mexican workers, who, because they are employed, are much better off than millions of Mexicans who have been moved off their land into abject poverty, but these workers, Mr. Speaker, are pitifully poor even though they work as hard as any industrial workers in the world.

You will be hearing about all of this in depth from other Members who were on the trip. I want to address two issues directly related to my personal response to what we saw on the May 1 weekend.

One is the threat to the sovereignty of not only the United States but of both Canada and Mexico. The other is the very shape of the NAFTA agreement, which will address none of the critical problems which we were exposed to on this trip.

The Canadian Free-Trade Agreement and NAFTA and GATT provide for dispute resolution panels to adjudicate differences in the laws and regulations of the signator nations. This mechanism allows for questions to be raised and settled over domestic law inside each nation that can be construed to be structural impediments to the free flow of goods and services across national borders.

Any protective legislation or agreement now on our books—whether "Buy America" or an import duty—whether a quota, such as the Voluntary Restraint Agreements on machine tools, or a label identifying product, Georgia peaches or Chesapeake Bay oysters, will be negotiated away or become subject to challenge.

These laws, and court actions upholding these laws, when challenged by the foreign signators, are heard by a binational panel in NAFTA and, in the GATT, by the Multinational Trade Organization. These panels are comprised of international trade lawyers whose firms, for the most part, represent transnational corporations who are the major supporters of all of these trade treaties.

What kind of laws will be challenged? Under the existing GATT, Canada is challenging our restrictions on asbestos, charging that our high safety standards have been put in place simply to keep Canadian asbestos out of our markets.

Fortunately, under the current GATT, this decision—along with the decision that dolphin-free nets must be used by commercial fisherman, a challenge to our law brought by Mexico—are made in American courts, reviewing American law made by the representatives of the American people.

After all of these trade treaties—if they pass—no longer will our laws or our people have the protection of the American Constitution, nor will the people of Mexico or Canada have the protection of their Constitutions. We will all be at the mercy of supranational panels of international lawyers, meeting in secret, having the power to overturn the actions of this body, the decisions of our courts—all the way to the Supreme Court.

We have already given this power away to the Canadian Free-Trade Agreement. And using our experiences of the last couple of years, this is the record. Of the 14 or so challenges to laws, both of Canada and the United States, the panel has overturned the laws of our sovereign nations in two-thirds of the cases.

In one of the major cases brought by the American pork farmers, it was discovered—upon investigation—that one of the attorneys picked for the American side of the panel was a registered foreign agent of the Government of Canada. When this was exposed, he stepped down. However, you will not be surprised to hear that the American pork producers lost their case, but more than that, the U.S. Congress and the courts lost their power over that section of the law.

Consitutional? I think not. The President of Mexico is reported to be gravely concerned for his nation's sovereignty in the side agreements to the NAFTA on labor and the environment. If that is so, I would suggest that he study the operation of the dispute mechanism embedded in the main body of the NAFTA Agreement which he says that he will not allow to be amended.

He may want to amend it himself.

My second major concern is that NAFTA does not address either the problems of Mexico nor the threat to this country of the loss of jobs to a country where the average wage nationwide is 50 cents an hour.

When the European Community was being structured—back in the mid 1970's—Spain, Portugal, Greece, Ireland, and the southern part of Italy wanted to be included in the emerging European Community.

Recognizing the disparate standard of living in those nations vis a vis the accepted standards in the more highly industrialized nations, accepting the responsibility for creating a level playing field among the nations in the EC, so that the poorer nations would not be exploited and the wealthier not lose jobs and tax base, the European Community started planning in the late 1970's for the amalgamation of these nations into the Community by 1992.

Greece came in much earlier than the others on the basis of a trade agreement signed previously with Great Britain, but they still had to fulfill criteria. In their case, it was to become a democracy.

Spain and Portugal were accepted in in 1985 and 1986, respectively, but it was

not until 1992 that they gained full acceptance, along with Ireland and southern Italy, because many issues took that long to negotiate.

Having seen the conditions in Mexico, having talked with both sides—those for and against NAFTA—I am convinced that the NAFTA must be renegotiated with the care and responsible concern shown by the European Community for their neighbors. Currently, we are pushing to do in 3 short years what the European Community worked on for 15 years.

This is a very serious matter, which will ultimately affect the standards of all three nations—living, labor, health, and safety. It is imperative that every effort be made to level the competitive playing field among the three nations of North America before we sign on.

Some agreement must be hammered out but NAFTA is too much, too soon, and leaves too many problems between our nations unaddressed, problems which should not be solved by international lawyers meeting behind closed doors.

□ 1550

Madam Speaker, there will be additional statements on this floor over the next few days about the NAFTA Agreement from the eight Congresswomen who visited Mexico, and we will discuss some of the specific economic condition down there at that time.

CAMPAIGN FINANCE: SCANDAL AND SOLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. HORN] is recognized for 15 minutes.

Mr. HORN. Madam Speaker, if there is one issue that has brought this noble institution into disrepute, it is our scandalous system of campaign finance.

It has been said that "American politics is held hostage by big money interests. Members of Congress now collect more than $2.5 million in campaign funds every week while political action committees, industry lobbies, and cliques of $100,000 donors buy access to Congress and the White House."

That statement was from the official Clinton-Gore position paper on campaign finance reform their successful campaign in 1992.

I happened to use it in my own campaign, in my Republican literature to Democrats, and I must say I strongly stood with that. Needless to say, I am disappointed at what has happened in the last few years.

Nothing would raise the level of respect for Congress more than putting an end to this scandal by implementing serious and extensive campaign finance reform. Many Americans feel that most, if not all Members of Congress are bought and paid for. You and I know that is not true, but such anger and such voter outrage fueled much of the so-called Perot phenomenon, and no amount of clever explanations by defenders of the current system will persuade people otherwise. Once again, the people know that something is wrong, and it is time for the politicians to wake up, catch up, put up or shut up.

Campaign finance is not simply an issue for political scientists and good Government types. The harmful effects are clear. Conventional wisdom says gridlock results from a President of one party and a Congress controlled by the other. But the real gridlock occurs when Congress, both Democrats and Republicans, refuses to make the tough decisions for fear of alienating often competing groups on the same issue, and thus losing campaign contributions.

□ 1600

The failures of Congress to reform our health care and legal systems are two prime examples of campaign finance gridlock.

The 1992 year-end report of the Federal Election Commission illustrates the extent of the problem:

First, House incumbents overwhelmingly outspent challengers: $322 million to $181 million.

Second, PAC's contributed $95 million to incumbents and $12 million to challengers.

The goal of serious campaign finance reform must be to create competitive elections, giving people real choices and keeping incumbents in touch with their districts. Although I have advocated term limits since 1973, and I continue to do so, real, competitive elections will produce far more beneficial results.

Previous campaign finance reforms have failed because they did not deal with the two major causes of the problem: First, contributions from outside the candidate's district and, second, unlimited campaign spending.

Mr. President, who stressed this issue during his campaign, has just introduced his proposals for campaign finance. Unfortunately, the President's proposals fail to offer real solutions to this problem.

Are there good points in the President's proposal? Of course there are. Virtually any reform has to be an improvement. But the tragedy of the President's proposal, indeed, it may be a metaphor for this administration so far, is what might have been had the President been bold, resolute and kept his promise to the American people.

Where he should have been bold, he has chosen to be timid and has sent a package of reforms that fall far, far short of what, during the campaign and the first months of his administration, he said he would do.

Where he should have been resolute, he has compromised in the face of opposition from leaders of his own party in Congress.

Where he should have kept his promise to the America people, and where there was absolutely no excuse not to, he has broken his word again.

The President has chosen to send a weak, deceptive package to Congress. There is just enough rhetoric in the package to label it a reform proposal and some have fallen for it, and some who should know better have fallen for it but there are more than enough loopholes to ensure that nothing will really change.

Above all, the greatest failure of this package is the failure to seriously reform the current limits on contributions by Political Action Committees.

For Presidential elections, where PAC's currently have the least influence, President Clinton has proposed limiting PAC contributions to $1,000.

For elections to the Senate, where PAC's do have considerable influence, President Clinton has proposed reducing PAC contributions in half to $2,500.

Yet for elections to the House, where PAC's have the most influence and where the harmful effects of PAC contributions are most clear, President Clinton has completely abandoned the hopes of reformers and recommended no change at all for the current PAC limit of $5,000 per election.

As with other proposals by this administration, the American people will begin to see through this deceptive package of illusory reforms.

If President Clinton is serious about campaign finance reform, he will find House Republicans, in particular freshman House Republicans, his strongest allies. We stand willing to work with President Clinton and could give him a victory which his administration, and the country, sorely needs.

Here are a few essential steps that President Clinton and Congress can take to clean up this mess.

First, set a meaningful ceiling on the amount that can be spent in a congressional election. A combined total of $600,000 for the primary and general seems more than adequate for a congressional campaign, $600,000 is one dollar for every resident of the average congressional district and $2 to $3 for every registered voter. That is more than enough for a candidate to run for an open seat or to run against an incumbent who would be limited to the same amount, which is also why many incumbents fear spending limits.

Second, abolish political action committees [PAC's]. PAC's can now give up to $5,000 to a candidate in each election, $5,000 in the primary and $5,000 in the general. We simply do not need this massive amount of special interest money, often not even connected with the local district, having such a strong influence on elections.

If it is not politically possible at this time to abolish PAC's, then we should

have the guts to limit them to a maximum contribution per election of $1,000, which is the same as the limit on individual donations.

Third, we ought to require that at least 75 percent of contributions must come from within the candidate's district. This will force candidates and incumbents to gain support from their own district. Often, the victor in a congressional race receives 50 percent or more of his or her contributions from outside the district. This reform will bring politics back home to the constituents, where it belongs.

Fourth, require public service time on television and radio for presentations by candidates and for debates among the opponents in the primary and general election. The airwaves are a public resource. They should be used to let voters see the candidates present their cases and how they handle a live, unrehearsed situation.

Fifth, let candidates for office make their case in a voter booklet sent to each voter before the election. This is already done by the secretary of state in California and many other States for initiatives and referenda, and by county registrars for local initiatives and nonpartisan offices across many States in this country. The same opportunity should be given to all of the candidates for each partisan office.

Sixth, I will introduce this shortly: Pass a constitutional amendment giving Congress the authority to limit spending in campaigns. The 1976 Supreme Court decision in Buckley versus Valeo struck down earlier limits on campaign spending by an individual candidate as an abridgement of free speech. In my judgment, that decision is absolute nonsense and absolutely against the public interest of this country. A constitutional amendment would remedy this. We could still permit a wealthy individual to spend his own money up to the limits, and I would like to see that limit lower, at perhaps $100,000 for everybody in this country, but this would prevent what is becoming increasingly common, wealthy individuals simply spending their opponents into submission.

If this trend continues, Congress will be a collection of millionaires—on both sides of the aisle. Ironically, this would greatly lessen the influence of PAC's, but it would hardly be a representative body. As James Madison would say, this is a cure worse than the disease.

Currently, I am one of only 25 Members of the House of Representatives who does not take PAC money. Many more would like to be able to refuse PAC money, but worry that if they do, their next opponent would win simply by outspending them.

Real reform can only come when a majority in Congress has the courage to take a leap of faith and reform our campaign finance laws. If necessary, they need to be willing to run the risk of losing an election in order to do what is right for the country. Who knows, they just might find that a vote for reform will be worth far more in the eyes of the voters than all the out-of-district and PAC contributions they could collect.

WOMEN MEMBERS' DELEGATION TO MEXICO: THE HUMAN FACE OF TRADE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 15 minutes.

Ms. KAPTUR. Madam Speaker, I wish to join this evening my colleague, the gentlewoman from the State of Maryland [Mrs. BENTLEY] in reporting on our delegation mission to Mexico, the first women Members' factfinding mission in over one decade.

I would like to enter my full remarks into the RECORD, but this evening I wish to say that this was the first ever congressional women Members' delegation to Mexico.

We were there for over 4 days, and our focus was extensive investigations and discussions with individuals from the Government as well as the ordinary people of Mexico regarding the proposed North American Free-Trade Agreement.

The bipartisan group of Members titled our mission "The Human Face of Trade." We wanted to open up this agreement and take a look at what it meant not just for the people of the United States and Canada but for the people of Mexico as well, because, of course, the ordinary people of Mexico will not have a chance to speak out on this agreement in that one-party state.

Our delegation began its journey in Mexico City by first meeting with Minister of Commerce Jaime Jose Serra Puche. The delegation also met in Mexico City with a broad array of environmental, human-rights, religious, and labor organizations comprised of ordinary citizens both in Mexico City and in the border communities that we traveled to just south of Brownsville, TX, and McAllen, TX, in Matamoros and Reynosa, Mexico.

□ 1610

While we were in Mexico City, our delegation conducted the first ever binational meeting with women legislators from all political parties, from both the United States and Mexico. This event occurred at the home of United States Ambassador to Mexico, John Negroponte. Our delegation visited barrios in Mexico City and colonias on the border in the Matamoros and Reynosa. We spoke at length with the people who lived there under appalling conditions.

Our delegation discussed border area issues with the residents there, with the so-called Maquiladora workers who work in the U.S. companies located south of the border.

We met with local government officials, industry leaders, and others. Gov. Ann Richards of Texas made a special effort to fly down to Mexico and join our group for an evening of very frank discussions, I might say, about the proposed NAFTA agreement.

Our delegation returned from our mission to Mexico with these major findings: First, it is absolutely necessary that the United States and Mexico take the time necessary to shape a continental agreement that encompasses the full range of economic, social, and political issues attendant to such integration.

The current treaty does not even come close to what is needed. The dislocation of jobs, of people who have been thrown out of work in the United States and in Canada already, by unregulated trade, confirms the dangers of continuing a hands-off approach to a narrowly cast trade and tariff agreement that does not address these broader issues. This is especially true where wage disparities and living conditions are as divergent as they are in the United States and Mexico.

The majority of our meetings were with Mexican women, who have been most affected by trade policy. We have met thousands of United States workers who have lost their jobs to these companies that have located to Mexico, largely United States companies, now over 2,000 of them, south of our border with Mexico.

But it is interesting that over 70 percent of the people that have been hired to work in these relocated plants are women, Mexican women, women who live at a subsistence level. In fact, we met one woman who worked for Zenith Corp., who, after 10 years of seniority with our U.S. company located south of the border, takes home, for 48 hours of work in a week, $15.75. That is her net pay.

Mexico's rising unemployment rate and falling real wages have severely jeopardized the ability of millions of Mexicans to feed and house their families.

We met many of these people.

High-wage manufacturing jobs have been drained from communities across our country to low-wage Maquiladoras operating in Mexico. We visited many of these runaway plants along the border. But in Mexico, these jobs have not resulted in rising standards of living for Maquiladora workers. In fact, that was a misconception I had. I went down there, and I thought if I met the workers in Mexico who are workers in these United States firms that have relocated, their standard of living would be a little bit higher than people who would be working for Mexican-owned companies. I found that was not true.

In fact, as you look at what has happened in Mexico, the rising unemploy-

ment rate and falling real wages have severely jeopardized the ability of millions of Mexicans to feed and house their families. We heard that between 35 and 40 percent of the people of Mexico are now part of what we call the informal sector of their economy. That means they do not really get a paycheck. That means that they are out there selling Chiclets on the street, their children are performing as little clowns on the corners to try to pick up little bits of money that they can take home to buy beans and rice for their families. It is truly a low-wage economy.

High-wage manufacturing jobs have been drained from communities across our country to these low-wage companies. But in Mexico these jobs have not resulted in rising standards of living for Maquiladora workers, but have resulted in a double tragedy because of the subsistence wages that workers are paid. So not only do United States workers lose their jobs here, but Mexican workers earn so very little money that there is not any way for those wages to produce the great booming consumer market that we hear so much about from the proponents of this agreement.

And why? Because El Pacto, the wage agreement between the leaders of the Government of Mexico, industries that have located there, and official unions have held wages to one-tenth of United States levels. In fact, even though the Government claims there has been an 8 percent increase in wages in Mexico over the last year, inflation down there in fact is running at 15 percent and interest rates are 35 percent. So there is no way for the average family down there to upgrade their standard of living.

In fact, workers in Mexico have seen their real wages decline over the last decade, and all economists will agree on that.

We met with apparel workers in Mexico City who earn 40 cents an hour. We visited people in Mexico City neighborhoods who asked us to help them in their efforts to gain the right to food as a part of Mexico's constitution because so many of their friends are hungry. And we met with them in their neighborhoods, saw where they lived, went to the neighborhood stores that they tried to set up in a kind of cooperative way, trying to buy beans and rice so that they can subsist.

I asked them how do you define poverty, thinking that they would give me a dollar or peso figure definition. They said:

> We define poverty as anyone in our country who has less than 60 percent of the calories needed on an average day to merely meet subsistence levels of food and nutrition.

Further, it became clear to us that United States companies operating in Mexico along with Mexico's own domestic firms have enjoyed the additional advantages of extremely lax enforcement of environmental and labor regulations as well. For anyone with a conscience, it is disturbing to view the conditions under which the majority of Mexican people live.

Our delegation would like to highlight these specific findings, and over the weeks we will be bringing more of this information forward to the American people.

First of all, access for Mexicans, including all of its elected representatives, even the fledging opposition party, to information about the ongoing trade negotiations. We were asked for copies of the proposed treaty. The people of Mexico have so little information about what is being proposed that the ordinary people, including some of their own elected representatives, do not have information from the ruling party.

That information is now tightly controlled by the Mexican Government, inhibiting informed policy making.

We also were asked that we as Members of Congress pay more attention to the human impact of Mexico's recent economic policies, which has gone largely ignored in this country. These impacts include unemployment that is approaching 40 percent, changes in Mexico's land ownership system for its farmers that will drive 10 million more people off the land. These people are wandering through Mexico, flocking into some of the large cities. They no longer are growing their own food. This is not an inconsequential issue. It has an impact on our own immigration policy and also has an impact on whether Mexico will be able to become the stable economy as our closest neighbor.

We saw the inability of wage growth to keep pace with inflation. We also noted that Mexico's foreign debt has also climbed, despite their efforts to try to lower it, from $89 billion to $103 billion now. The severe economic restraints that they have put on their own people have not resulted in Mexico being able to pay off the debts that it owes to foreign banks. That is a huge part of the problem they are facing.

We received a request from concerned Mexican scholars that United States and the press investigate the structure of Mexico's stock market, which they claim is controlled by Mexico's wealthiest families, allowing them to manipulate it for their profit, profit for a very few.

We received a complaint by border communities that the Mexican Government assesses a housing tax on the low-paid workers in these Maquiladora plants, which amounts to over $62.5 million cumulatively last year; but these funds were not returned to the border area where housing is desperately needed and where environmental cleanup is desperately needed.

We received a request that our Congress give more attention to the Mexican Government's preparation of its environmental inspectors, which may be inadequate to train them to recognize instances of environmental noncompliance. In fact, we were told that the average inspector, most of them having just been hired because of this agreement being talked about, they received about 45 hours of training.

□ 1620

The North American Free-Trade Agreement as negotiated will not contribute to the promise of raising standards of living for the families of all three nations. The negotiated agreement's narrow focus on tariff and investment barriers overlooks issues which a true free trade agreement must address: real enforcement of labor and environmental laws, wage disparities in export-oriented industries, accessible dispute resolution which provides justice to citizens and businesses of all three nations, and implementation of the polluter-pays principle to fund desperately needed environmental cleanup and infrastructure improvements.

We need more attention to the human rights issue and to the electoral process in Mexico itself, which even makes their Presidential elections called into question because of the manner in which people are treated at the polls and the way votes are counted.

The gradual and successful integration of the countries of the European Community should serve as a model for our own continent. We invited the Mexican women parliamentarians from all parties to continue discussions with us on these important questions. We will reissue that invitation.

Our delegation intends to continue meeting as a working group. We are in the process of preparing a detailed report on our findings that we will use to share with our congressional leadership, Members of Congress, President Clinton and other administration officials, as well as the American people.

We also hope to work with the Office of the Trade Representative to ensure that negotiations on NAFTA's parallel agreements fully address our concerns. Currently they do not.

This factfinding mission to Mexico was the first step on a journey that will not end until we forge an agreement with Mexico that will truly benefit the families of both of our countries, and all countries on our continent.

I thank the Chair for its patience this evening.

THE NORTH AMERICA FREE-TRADE AGREEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York [Ms. VELÁZQUEZ] is recognized for 5 minutes.

Ms. VELÁZQUEZ. Madam Chairman, I want to thank Congresswomen KAPTUR and BENTLEY for organizing the trip to Mexico which was attended by a group of Congresswomen last week. Congresswoman KAPTUR'S leadership and hard work on this issue has made a lasting impression on me and many new female Members. Having just returned from that trip and having just witnessed the maquiladoras up close, I can say in no uncertain terms, that there is no way that Congress can approve NAFTA in its present form.

Before going on, let me set the record straight on one point. This delegation of Congresswomen visited the maquiladoras to examine conditions first hand. This delegation traveled to Mexico to search for answers to the question, "What will NAFTA mean for American and Mexican workers?" Sure, we already had our doubts about the agreement, but no hard conclusions, that was until our visit.

The stories that were recounted by the people living in the shadows of the maquiladoras, the portraits that were painted every day by the women we met, these encounters told a grim, futuristic story of NAFTA. If NAFTA were approved now, the maquiladoras would increase tenfold. And with this increase would come an increase in the conditions we saw.

The living conditions of thousands of families working for the infamous maquiladoras are deplorable. Many of these families were promised good jobs and decent wages more than 10 years ago by American-based companies. The reality is that the majority of the families are struggling under substandard living conditions. We witnessed the plight of families living in cardboard houses, with no electricity or running water, where children play in fields of toxic waste. The runaway plants that were established in the border area are not lifting the Mexican standard of living. We met many families who asked us to help them in their effort to gain the right for food because of the rampant hunger they are experiencing. These families are suffering from a high-risk experiment of unregulated economic integration. The environmental disaster created by the dumping of toxic waste as a result of the maquiladoras is an indicator of things to come with NAFTA, American companies avoiding pollution controls in the United States and making huge profits at the expense of others.

Like many other Caribbean and Latin American countries, Mexico serves as a major apparel assembly center for the United States market because of its low level of wages, benefits and poor working conditions. Labor standards are not only low in terms of the needs of Mexican workers but, more importantly, are disastrously low compared to those in the United States.

Never before have three countries with such disparate standards of living proposed economic integration. We must seek gradual and equal integration of labor, occupational safety, health and environmental standards for Mexico, the United States, and Canada. The challenge for the United States is to expand trade in North America and at the same time, offer a real opportunity to upgrade wages and living standards in Mexico without compromising them in the United States.

In its present form NAFTA does not pass this test and the flaws in the agreement are so deep and so complex that supplemental agreements will not satisfy these needs either. NAFTA should be relegated to a text book experiment that was never attempted.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. SNOWE (at the request of Mr. MICHEL) for today, on account of attending a funeral.

Mr. MCHUGH (at the request of Mr. MICHEL) for today, on account of official business.

Mr. LEACH (at the request of Mr. MICHEL) for today and the balance of the week, on account of medical reasons.

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. PORTER) to revise and extend their remarks and include extraneous material:)

Mr. ISTOOK, for 5 minutes each day, on May 18 and 19.

Mr. KASICH, for 60 minutes, today.

Mr. FRANKS of Connecticut, for 60 minutes each day, on May 12, 19, and 26.

Mr. FRANKS of Connecticut, for 5 minutes, on May 13.

Mr. SOLOMON, for 60 minutes each day, on June 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 21, 22, 23, 24, 25, 28, 29, and 30.

(The following Members (at the request of Mr. ABERCROMBIE) to revise and extend their remarks and include extraneous material:)

Mr. RUSH, for 5 minutes, today.

Mr. STARK, for 5 minutes, today.

Mrs. MINK, for 5 minutes, today.

Mr. BACCHUS of Florida, for 5 minutes each day, on May 12 and 13.

Mr. BLACKWELL, for 60 minutes, on May 13.

Mr. CONYERS, for 60 minutes each day, on May 19 and 26.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. KAPTUR, for 15 minutes, today.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. VELÁZQUEZ, for 5 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. PORTER) and to include extraneous matter:)

Mr. TALENT.
Mr. KING.
Mrs. VUCANOVICH.
Mr. SOLOMON in two instances.
Mr. GILMAN.
Mr. ZELIFF in two instances.
Mr. FISH in three instances.
Mr. PETRI in two instances.
Mr. BATEMAN.
Mr. RAMSTAD.
Mr. CRANE.
Mr. MOORHEAD.

(The following Members (at the request of Mr. ABERCROMBIE) and to include extraneous matter:)

Mr. VENTO.
Mr. STOKES.
Mr. FORD of Michigan.
Mr. ANDREWS of Maine.
Mr. HOYER.
Mr. BILBRAY.
Mr. ACKERMAN.
Mr. BONIOR in two instances.
Mrs. MINK.
Mr. STARK in two instances.
Ms. PELOSI.
Ms. NORTON.
Ms. ENGLISH of Arizona in two instances.
Mr. FOGLIETTA in three instances.
Mrs. LLOYD.
Mrs. KENNELLY.
Mr. DELLUMS in two instances.
Ms. MARGOLIES-MEZVINSKY.
Mr. MFUME.
Mr. VISCLOSKY.
Mr. DINGELL.
Mr. STUDDS.
Mr. HOAGLAND.
Mr. MINGE in two instances.
Mr. ANDREWS of New Jersey.
Mr. PAYNE of New Jersey.

(The following Members (at the request of Ms. VELÁZQUEZ) and to include extraneous matter:)

Mr. CONDIT.
Mr. SPENCE.
Mr. BRYANT.
Ms. HARMAN in two instances.
Mr. FAZIO.
Ms. NORTON.

SENATE BILL AND JOINT RESOLUTION REFERRED

A bill and joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 349. An act to provide for the disclosure of lobbying activities to influence the Fed-

eral Government, and for other purposes; to the Committee on the Judiciary.

S.J. Res. 58. Joint resolution to designate the weeks of May 2, 1993, through May 8, 1993, and May 1, 1994, through May 7, 1994, as "National Correctional Officers Week"; to the Committee on Post Office and Civil Service.

ADJOURNMENT

Ms. KAPTUR. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 28 minutes p.m.), the House adjourned until tomorrow, Wednesday, May 12, 1993, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1177. A letter from the Acting Secretary of the Air Force, transmitting notification that a major defense acquisition program has breached the unit cost by more than 15 percent, pursuant to 10 U.S.C. 2431(b)(3)(A); to the Committee on Armed Services.

1178. A letter from the Director of Defense Research and Engineering, Department of Defense, transmitting the Department's annual report on research, development, test and evaluation chemical/biological defense programs during fiscal year 1992, and the fiscal year 1992 report on the non-use of human subjects for testing of chemical or biological agents, pursuant to 50 U.S.C. 1511; to the Committee on Armed Services.

1179. A letter from the Secretary, Department of Health and Human Services, transmitting a report on estimated funds for abatement of lead-based paint hazards in HUD-owned properties, pursuant to 42 U.S.C. 4822(f); to the Committee on Banking, Finance and Urban Affairs.

1180. A letter from the Acting Director, Office of Thrift Supervision, transmitting the Office's report on comparability of pay and benefits, pursuant to Public Law 101-73, section 1206 (103 Stat. 523); to the Committee on Banking, Finance and Urban Affairs.

1181. A letter from the Resolution Trust Corporation, Interim CEO, Thrift Depositor Protection Oversight Board, President, transmitting the Board's semiannual report on the activities and efforts of the RTC; to the Committee on Banking, Finance and Urban Affairs.

1182. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. act 10-22, "Confirmation temporary Amendment Act of 1993," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

1183. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. act 10-23, "Right to Privacy Amendment Act of 1993," pursuant to D.C. Code, section 1-233(c)(3); to the Committee on the District of Columbia.

1184. A letter from the District of Columbia Retirement Board, transmitting financial disclosure statements of Board members for calendar year 1992, pursuant to D.C. Code, section 1-732, 1-734(a)(1)(A); to the Committee on the District of Columbia.

1185. A letter from the Secretary of Education, transmitting final regulations, Fund for the Improvement of Postsecondary Education, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1186. A letter from the Chairperson, Advisory Committee on Student Financial Assistance, transmitting a report on Student Loan Program Simplification: Interim Recommendations; to the Committee on Education and Labor.

1187. A letter from the National Foundation on the Arts and the Humanities, transmitting a draft of proposed legislation to authorize appropriations for the National Endowment for the Arts, the National Endowment for the Humanities, and the Institute of Museum Services for fiscal years 1994 and 1995; to the Committee on Education and Labor.

1188. A letter from the Secretary of Energy, transmitting the annual/quarterly report on the Strategic Petroleum Reserve, pursuant to 42 U.S.C. 6241(g)(8); to the Committee on Energy and Commerce.

1189. A letter from the Secretary of Health and Human Services, transmitting a report on Health Care to Hispanics in Medically Underserved Areas; to the Committee on Energy and Commerce.

1190. A letter from the Chairman, Securities and Exchange Commission, transmitting the Commission's 1992 annual report of its activities, pursuant to 15 U.S.C. 78w(b); to the Committee on Energy and Commerce.

1191. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of proposed lease to the United Kingdom for defense articles (Transmittal No. 4-93), pursuant to 22 U.S.C. 2796a(a); to the Committee on Foreign Affairs.

1192. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification relating to enhancements or upgrades of technology described in AECA certification 90-29 (Transmittal No. B-93), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1193. A letter from the Deputy Director, Defense Security Assistance Agency, transmitting notice concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to Greece for defense articles and services (Transmittal No. 93-12), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1194. A letter from the Assistant Legal Adviser 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.

1195. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to amend the Bretton Woods Agreements Act to authorize consent to and authorize appropriations for the U.S. Contribution to the Global Environment Facility, and for other purposes; to the Committee on Foreign Affairs.

1196. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1998 resulting from passage of S. 328, pursuant to Public Law 101-508, section 13101(a) (104 St. 1388-582); to the Committee on Government Operations.

1197. A letter from the Comptroller General, General Accounting Office, transmitting the list of all reports issued or released in March 1993, pursuant to 31 U.S.C. 719(h); to the Committee on Government Operations.

1198. A letter from the Director, Office of Management and Budget, transmitting a draft of proposed legislation to provide assurance that contractors do not include unallowable costs in their proposals for settlement of indirect costs incurred under Federal agency contracts, and other purposes; to the Committee on Government Operations.

1199. A letter from the Administrator, Panama Canal Commission, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

1200. A letter from the Acting Director, Peace Corps, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

1201. A letter from the Chairman, U.S. International Trade Commission, transmitting the semiannual report on activities pursuant to the Inspector General Act, pursuant to Public Law 95-452, Section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

1202. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting a report on proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Natural Resources.

1203. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting the 1991 annual report on the activities and operations of the Department's Public Integrity Section, Criminal Division, pursuant to 28 U.S.C. 529; to the Committee on the Judiciary.

1204. A letter from the Federal Bureau of Prisons, Director, transmitting the fiscal year 1992 annual report of the Board of Directors of Federal Prison Industries, Inc., pursuant to 18 U.S.C. 4127; to the Committee on the Judiciary

1205. A letter from the Chief Justice, Supreme Court of the United States, transmitting a request for urgent supplemental appropriations; to the Committee on the Judiciary.

1206. A letter from the Deputy Administrator, General Services Administration, transmitting informational copies of various lease prospectuses, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

1207. A letter from the Acting Administrator, General Services Administration, transmitting the fiscal year 1994 General Services Administration's Public Buildings Service Capital Improvement Program, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

1208. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a letter from the Chief of Engineers, Department of the Army, dated 21 May 1990, submitting a report together with accompanying papers and illustrations (H. Doc. No. 103-83); to the Committee on Public Works and Transportation and ordered to be printed.

1209. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the annual report to the Congress on actions taken and planned to implement fully the metric system of measurements; to the Committee on Science, Space, and Technology.

1210. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation entitled "Family Preservation and Family Support Act of 1993"; to the Committee on Ways and Means.

1211. A letter from the Secretary of Energy, transmitting notification of a 45-day

delay in the submittal of the Implementation Plan for Defense Nuclear Facilities Safety Board Recommendation 92-7 concerning technical training and qualification of personnel through the defense nuclear facilities complex; jointly, to the Committee on Armed Services and Energy and Commerce.

1212. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a draft of proposed legislation entitled, "Nuclear Regulatory Commission Authorization Act for fiscal years 1994 and 1995"; jointly, to the Committees on Natural Resources and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MILLER of California: Committee on Natural Resources. H.R. 843. A bill to withdraw certain lands located in the Coronado National Forest from the mining and mineral leasing laws of the United States, and for other purposes; with an amendment (Rept. 103-85). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Natural Resources. H.R.698. A bill to protect Lechuguilla Cave and other resources and values in and adjacent to Carlsbad Caverns National Park; with an amendment (Rept. 103-86). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Natural Resources. H.R. 240. A bill to provide for the protection of the Bodie Bowl area of the State of California, and for other purposes; with an amendment (Rept. 103-87). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on the Judiciary. H.R. 1308. A bill to protect the free exercise of religion (Rept. 103-88). Referred to the Committee of the Whole House on the State of the Union.

Mr. HAMILTON: Committee on Foreign Affairs. Senate Joint Resolution 45. An act authorizing the use of United States Armed Forces in Somalia; with amendments (Rept. 103-89). Referred to the Committee of the Whole House on the State of the Union.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X the following action was taken by the Speaker:

[Omitted from the Record of May 7, 1993]

The Committee on Agriculture discharged from further consideration of H.R. 873; H.R. 873 referred to the Committee of the Whole House on the State of the Union.

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. ANDREWS of New Jersey (for himself, Mr. FORD of Michigan, Mr. CLAY, Mr. MILLER of California, Mr. MURPHY, Mr. KILDEE, Mr. MARTINEZ, Mr. ROEMER, Mr. BECERRA, Mr. BAESLER, and Mr. UNDERWOOD):

H.R. 2055. A bill to amend the Higher Education Act of 1965 to simplify the delivery of student loans to borrowers and eliminate borrower confusion; to provide a variety of repayment plans, including income contingent repayment through the EXCEL Account, to borrowers so that they have flexibility in managing their student loan repayment obligations, and so that those obligations do not foreclose community service-oriented career choices for those borrowers; to replace, through an orderly transition, the Federal Family Education Loan Program with the Federal Direct Student Loan Program; to avoid the unnecessary cost, to taxpayers and borrowers, and administrative complexity associated with the Federal Family Education Loan Program through the use of a direct student loan program; and for other purposes; to the Committee on Education and Labor.

By Mr. BATEMAN:

H.R. 2056. A bill to designate the Federal building located at 600 Princess Anne Street in Fredericksburg, VA, as the "Samuel E. Perry Postal Building"; to the Committee on Post Office and Civil Service.

By Mr. BERMAN:

H.R. 2057. A bill to amend title 11 of the United States Code with respect to the waiver of sovereign immunity by governmental units; to the Committee on the Judiciary.

H.R. 2058. A bill to amend title 11 of the United States Code with respect to the distribution of securities under a plan under chapter 11 of such title; to the Committee on the Judiciary.

By Mr. BLUTE:

H.R. 2059. A bill to rescind unused funds resulting from the abolition of the Select Committees on Aging; Children, Youth and Families; Hunger; and Narcotics Abuse and Control; to the Committee on Appropriations.

By Mr. CLEMENT:

H.R. 2060. A bill to amend the Internal Revenue Code of 1986 to allow the moving expense deduction for moving expenses associated with the sale of a residence eligible to receive benefits under an approved airport noise compatibility program; to the Committee on Ways and Means.

By Mr. DELLUMS:

H.R. 2061. A bill to establish a U.S. Health Service to provide high quality comprehensive health care for all Americans and to overcome the deficiencies in the present system of health care delivery; jointly, to the Committees on Energy and Commerce, Armed Services, Banking, Finance and Urban Affairs, the District of Columbia, Education and Labor, the Judiciary, Post Office and Civil Service, Veterans' Affairs, and Ways and Means.

By Mr. FISH:

H.R. 2062. A bill to amend chapter 11 of title 38, United States Code, to provide that veterans who are former prisoners of war shall be deemed to have a service-connected disability rated as total for the purposes of determining the benefits due to such veterans; to the Committee on Veterans' Affairs.

By Ms. FURSE:

H.R. 2063. A bill to amend existing law relating to the National Coastal Resources Research and Development Institute; to the Committee on Merchant Marine and Fisheries.

By Ms. HARMAN (for herself, Mr. MATSUI, Mr. BROWN of California, Mr. MCKEON, Mr. LEWIS of California, and Mr. HUNTER):

H.R. 2064. A bill to amend the Internal Revenue Code of 1986 to allow a tax credit for defense conversion; to the Committee on Ways and Means.

By Mr. HOAGLAND (for himself and Mr. SHAW):

H.R. 2065. A bill to facilitate the creation of Financial Asset Securitization Investment Trusts; to the Committee on Ways and Means.

By Mrs. KENNELLY:

H.R. 2066. A bill to extend until January 1, 1999, the existing suspension of duty on certain parts and accessories of indirect process electrostatic photocopying machines; to the Committee on Ways and Means.

By Mr. KYL (for himself and Ms. FOWLER):

H.R. 2067. A bill to amend title 10, United States Code, to authorize the Secretaries of the military departments to provide temporary transitional and indemnity compensation payments to the dependents of a member of the Armed Forces who is separated from the Armed Forces following conviction for an offense involving the abuse of one of those dependents, and for other purposes; to the Committee on Armed Services.

By Mr. MACHTLEY:

H.R. 2068. A bill to revive, and extend until January 1, 1999, the suspension of duty on certain narrow fabric weaving machines; to the Committee on Ways and Means.

H.R. 2069. A bill to revive, and extend until January 1, 1999, the suspension of duty on decorative lace-braiding machines; to the Committee on Ways and Means.

By Mr. MFUME (for himself, Mr. VELÁZQUEZ, and Mr. TOWNS):

H.R. 2070. A bill to amend the Housing and Community Development Act of 1974 to establish a program to demonstrate the benefits and feasibility of redeveloping or reusing abandoned or substantially underutilized land in economically and socially distressed communities, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Ms. NORTON (for herself and Mr. MCDERMOTT):

H.R. 2071. 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; jointly to the Committees on the District of Columbia and Rules.

By Mr. PENNY (for herself, Ms. LONG, Mr. LEACH, Mr. MINGE, Mr. POMEROY, and Mr. JOHNSON of South Dakota):

H.R. 2072. A bill to reform the payment limitation provisions of the Food Security Act of 1985, and for other purposes; to the Commerce on Agriculture.

By Mr. PETRI (for himself, Mr. GEJDENSON, Mr. ACKERMAN, Mr. GUNDERSON, Mr. SUNDQUIST, Mr. TAYLOR of North Carolina, Mr. CUNNINGHAM, Mr. INHOFE, and Mr. DURBIN):

H.R. 2073. A bill to establish a higher education loan program in which a borrower's annual repayment obligation is dependent upon both postschool income level and borrowing history, and for other purposes; jointly to the Committees on Education and Labor and Ways and Means.

By Mr. ROSE:

H.R. 2074. A bill to authorize appropriations for the American Folklife Center for fiscal years 1994, 1995, 1996, and 1997; to the Committee on House Administration.

By Mr. SLATTERY:

H.R. 2075. A bill to require truth in disclosures for financial intermediaries, and for other purposes; jointly to the Committees on Energy and Commerce and Banking, Finance and Urban Affairs.

By Mr. STARK (for himself, Mr. MCCLOSKEY, Mr. PENNY, and Mr. FALEOMAVAEGA):

H.R. 2076. A bill to establish a policy of the United States and respect to nuclear nonproliferation; to the Committee on Foreign Affairs.

By Mr. STARK:

H.R. 2077. A bill to amend the Public Health Service Act and the Internal Revenue Code of 1986 to establish an entitlement of certain individuals to receive payments for attendance at certain health professions schools; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. TORRICELLI:

H.R. 2078. A bill to amend the Solid Waste Disposal Act to require comprehensive plans and cooperative programs for the recycling of plastics, automobiles, and appliances; to the Committee on Energy and Commerce.

By Mr. TRAFICANT:

H.R. 2079. A bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act with respect to myelogram-related arachnoiditis; to the Committee on Energy and Commerce.

By Mr. VENTO:

H.R. 2080. A bill to improve the management of public lands used for military purposes, to require assessments of future needs for withdrawals of public lands for such uses, and for other purposes; jointly, to the Committees on Armed Services and Natural Resources.

By Mrs. VUCANOVICH (for herself and Mr. BILBRAY):

H.R. 2081. A bill to prohibit site characterization of the Yucca Mountain site in the State of Nevada during fiscal years 1994 through 1998, and for other purposes; jointly, to the Committees on Natural Resources and Energy and Commerce.

By Mr. WYDEN (for himself and Mr. LIPINSKI):

H.R. 2082. A bill to direct the Secretary of Transportation to dispose of certain vessels in the National Defense Reserve Fleet; to the Committee on Merchant Marine and Fisheries.

By Mr. MACHTLEY:

H.R. 2083. A bill to revive, and extend until January 1, 1999, the suspension of duty on certain carding and spinning machines; to the Committee on Ways and Means.

By Ms. ESHOO:

H. Con. Res. 98. Concurrent resolution expressing the sense of the Congress regarding the accounting standards proposed by the Financial Accounting Standards Board; to the Committee on Energy and Commerce.

By Mr. SMITH of New Jersey (for himself, Mr. ROWLAND, Mr. STUMP, Mr. GILMAN, and Mr. BACHUS of Alabama):

H. Con. Res. 99. Concurrent resolution expressing the sense of Congress concerning the appropriate level of funding for Department of Veterans' Affairs research programs for fiscal year 1994; to the Committee on Veterans' Affairs.

By Ms. BYRNE:

H. Res. 168. Resolution amending the Rules of the House of Representatives to limit election expenditures by candidates for the House of Representatives; to the Committee on Rules.

By Mr. KILDEE (for himself, and Mr. GOODLING):

H. Res. 169. Resolution designating the week beginning November 14, 1993, and the week beginning November 13, 1994, each as "Geography Awareness Week"; to the Committee on Post Office and Civil Service.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

130. By the SPEAKER: Memorial of the Legislature of the State of Washington, relative to the E. Coli outbreak; to the Committee on Agriculture.

131. Also, memorial of the Legislature of the State of New Hampshire, relative to government-owned land; to the Committee on Natural Resources.

132. Also, memorial of the Legislature of the State of Louisiana, relative to Ranch Apocalypse; to the Committee on the Judiciary.

134. Also, memorial of the Legislature of the State of Nebraska, relative to stability and unity of families in the United States; to the Committee on Rules.

133. Also, memorial of the General Assembly of the Commonwealth of Virginia, relative to the Pipeline Safety Act; to the Committee on Public Works and Transportation.

135. Also, memorial of the House of Representatives of the State of Illinois, relative to Social Security; to the Committee on Ways and Means.

136. Also, memorial of the Legislature of the State of Washington, relative to Federal income taxes; to the Committee on Ways and Means.

137. Also, memorial of the Legislature of the State of Montana, relative to the North American Free Trade Agreement; to the Committee on Ways and Means.

138. Also, memorial of the Legislature of the State of Missouri, relative to the Social Security System; to the Committee on Ways and Means.

139. Also, memorial of the Legislature of the State of Nebraska, relative to service personnel and civilians in Southeast Asia; jointly, to the Committees on Intelligence (Permanent Select) and Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mrs. MINK introduced a bill (H.R. 2084) for the relief of Fanie Phily Mateo Agneles; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 7: Ms. VELAZQUEZ.

H.R. 39: Mr. DIXON, Mr. TORRES, Mr. OBERSTAR, Mr. RAMSTAD, Mr. GUTIERREZ, and Mr. FISH.

H.R. 58: Mr. ROHRABACHER.

H.R. 94: Mr. PRICE of North Carolina.

H.R. 159: Mr. HUTCHINSON.

H.R. 302: Mr. MENENDEZ and Mr. MARTINEZ.

H.R. 304: Mr. KIM.

H.R. 325: Mr. LEVIN, Mr. DEFAZIO, Mr. RUSH, Mr. CLEMENT, Mr. EMERSON, Mr. DICKS, Ms. FURSE, Mr. MFUME, Mr. QUILLEN, Mr. DEUTSCH, Mr. BROWN of Ohio, and Mr. POMBO.

H.R. 326: Mr. BILBRAY, Mr. HINCHEY, Mr. PALLONE, Mr. GILMAN, Mr. BOEHLERT, Mr. MOLLOHAN, Mr. WALKER, Mr. MORAN, Mr. JOHNSTON of Florida, Mr. LIPINSKI, Mr. SYNAR, Mr. FIELDS of Louisiana, Ms. LONG, Mr. RUSH, Mr. MCDADE, Mr. CARDIN, Mr. DEUTSCH, Mr. BORSKI, and Mr. MFUME.

H.R. 349: Mr. HAMBURG.

H.R. 425: Mr. BAESLER, Mr. BEILENSON, Mr. CARR, Mrs. CLAYTON, Mr. CONYERS, Mr. HOLDEN, Mr. HORN, Mr. HUTTO, Mr. INSLEE, Mr. KLEIN, Mr. KYL, Mr. LAZIO, Ms. MALONEY, Mrs. MINK, Mr. MORAN, Mr. OBERSTAR, Mr. OLVER, Ms. ROYBAL-ALLARD, Mr. STOKES, and Mr. TRAFICANT.

H.R. 427: Mr. BAESLER, Mr. BEILENSON, Mr. CARR, Mrs. CLAYTON, Mr. CONYERS, Mr. HOLDEN, Mr. HORN, Mr. HUTTO, Mr. INSLEE, Mr. KLEIN, Mr. KYL, Mr. LAZIO, Ms. MALONEY, Mrs. MINK, Mr. MORAN, Mr. OBERSTAR, Mr. OLVER, Ms. ROYBAL-ALLARD, Mr. STOKES, and Mr. TRAFICANT.

H.R. 428: Mr. GALLEGLY, Mr. GILCHREST, Mr. WOLF, and Ms. SNOWE.

H.R. 429: Mr. FRANKS of New Jersey, Ms. FOWLER, Mr. INHOFE, and Mr. SMITH of Oregon.

H.R. 518: Mr. DIXON, Mr. LANTOS, Mr. FINGERHUT, and Mr. HOAGLAND.

H.R. 544: Mr. SHAYS.

H.R. 559: Mr. NADLER, Ms. LOWEY, Mr. STOKES, Mr. MINETA, Mr. OWENS, Mrs. SCHROEDER, Mr. PORTER, Mr. INGLIS, Mr. STUDDS, Mr. PAYNE of New Jersey, Mr. HINCHEY, Mr. MCCLOSKEY, Mr. HAMBURG, Mr. FOGLIETTA, Mr. YATES, Mr. MACHTLEY, Mr. RANGEL, Mr. FISH, and Mr. JOHNSTON of Florida.

H.R. 579: Mr. FALEOMAVAEGA.

H.R. 735: Mr. SCOTT, Mr. SANDERS, Mr. ZIMMER, and Mr. FRANKS of New Jersey.

H.R. 749: Mr. ROSE.

H.R. 818: Mr. MOAKLEY, Mr. TUCKER, Mr. CONYERS, and Mr. BERMAN.

H.R. 852: Mr. ROYCE and Mr. MANZULLO.

H.R. 911: Mr. CANADY and Mr. PACKARD.

H.R. 918: Mr. HASTINGS, Mr. DELLUMS, and Ms. VELAZQUEZ.

H.R. 999: Mr. BLUTE, Mr. CASTLE, and Mrs. MEYERS of Kansas.

H.R. 1029: Mr. SHAYS.

H.R. 1036: Mr. MURPHY, Mr. KREIDLER, Mr. FOGLIETTA, Ms. HARMAN, and Mr. LAROCCO.

H.R. 1078: Mr. MACHTLEY.

H.R. 1079: Mr. MACHTLEY.

H.R. 1080: Mr. MACHTLEY.

H.R. 1081: Mr. MACHTLEY.

H.R. 1082: Mr. MACHTLEY.

H.R. 1083: Mr. MACHTLEY.

H.R. 1135: Mr. EVANS.

H.R. 1191: Mr. MACHTLEY.

H.R. 1245: Mr. BLACKWELL.

H.R. 1270: Mr. BEILENSON and Mr. PENNY.

H.R. 1276: Mr. SANTORUM, and Mr. TAYLOR of North Carolina.

H.R. 1322: Mr. GRAMS.

H.R. 1325: Ms. ENGLISH of Arizona.

H.R. 1419: Mr. SCOTT and Ms. PELOSI.

H.R. 1490: Mr. THOMAS of California, Mr. DORNAN, Mr. BAKER of Louisiana, Mr. THOMAS of Wyoming, Mr. BOEHNER, Mr. PENNY, Mr. BARTON of Texas, Mr. STUMP, and Mr. CALLAHAN.

H.R. 1521: Mr. RICHARDSON, Mr. EVANS, and Mr. MENENDEZ.

H.R. 1555: Mr. PENNY.

H.R. 1640: Mr. RANGEL.

H.R. 1645: Mr. FROST, Ms. EDDIE BERNICE JOHNSON, Mr. RANGEL, Mr. HASTINGS, Mr. SCHIFF, Mr. HUGHES, and Mr. FOGLIETTA.

H.R. 1697: Mr. SPENCE, Mr. PRICE of North Carolina, Mr. JOHNSON of South Dakota, Mr. GILMAN, Mr. FALEOMAVAEGA, Mr. SKELTON, Mr. MCHUGH, Mr. FISH, Mr. POMEROY, Mrs. MEYERS of Kansas, Mr. MEEHAN, and Mr. MCDERMOTT.

H.R. 1714: Mr. GILCHREST and Mr. BYRNE.

H.R. 1747: Mr. SCHIFF, Mr. BARTLETT, Mr. KLUG, and Mr. WILSON.

H.R. 1776: Mr. WAXMAN and Mr. Shays.

H.R. 1788: Mrs. JOHNSON of Connecticut.

H.R. 1796: Mr. PALLONE and Mr. SMITH of New Jersey.

H.R. 1877: Mr. OWENS, Mr. FRANK of Massachusetts, and Mr. MAZZOLI.

H.R. 1887: Mrs. CLAYTON, Mr. LEWIS of Florida, Mr. LIPINSKI, Mr. WALKER, Mr. MCHUGH, Mr. FROST, Mr. INGLIS, Mr. DORNAN, Mr. BOEHNER, Mr. EVERETT, and Mr. BEREUTER.

H.R. 1890: Mr. PASTOR, Mr. ENGEL, Mr. WATT, Mr. NADLER, Ms. NORTON, Mrs. BENTLEY, Mr. STOKES, Mr. PORTER, Mr. PAYNE of New Jersey, Ms. DELAURO, Mr. WALSH, Mr. HINCHEY, and Mr. FISH.

H.R. 1897: Mrs. MORELLA, Mr. APPLEGATE, Mr. HINCHEY, Mr. TAUZIN, Mr. CHAPMAN, Mr. FROST, and Ms. ROYBAL-ALLARD.

H.R. 1948: Mr. VENTO, Mr. ENGEL, Mr. PETERSON of Minnesota, Mr. BEILENSON, Mr. FILNER, Mr. BLACKWELL, and Mr. DEUTSCH.

H.R. 1973: Mr. TORKILDSEN.

H.R. 1996: Mr. MILLER of California and Ms. PELOSI.

H.R. 2010: Mrs. CLAYTON, Mr. GLICKMAN, Mr. MATSUI, Mr. NADLER, Mr. PICKLE, Mr. THOMPSON, Mr. WYNN, Mr. STARK, Mr. MINETA, Mr. GEJDENSON, and Ms. EDDIE BERNICE JOHNSON.

H.R. 2034: Mr. KENNEDY and Mr. BISHOP.

H.J. Res. 108: Mr. HUNTER, Mr. SPENCE, Mr. DEUTSCH, Mr. KLINK, and Mr. FIELDS of Louisiana.

H.J. Res. 122: Mr. BALLENGER, Mr. GIBBONS, Mr. GUNDERSON, Mr. LEVY, Mr. KLINK, and Mr. KENNEDY.

H.J. Res. 129: Mr. MACHTLEY.

H.J. Res. 133: Ms. ENGLISH of Arizona, Mr. POMEROY, Mr. HOLDEN, Mr. RAHALL, and Mr. STRICKLAND.

H.J. Res. 142: Mr. KASICH, Mr. MOAKLEY, and Mr. STUDDS.

H.J. Res. 165: Mr. FILNER, Mr. WELDON, Mr. WALSH, Mr. SANDERS, Mr. GEKAS, Mr. QUINN, Mr. SCHIFF, Mr. HOYER, Mr. FISH, and Mrs. MEYERS of Kansas.

H.J. Res. 178: Mr. VOLKMER, Mr. DIXON, Mr. BOEHLERT, Mr. ROTH, Mr. FLAKE, Ms. ROYBAL-ALLARD, and Mr. FISH.

H. Con. Res. 6: Mr. RIDGE, and Mr. JOHNSTON of Florida.

H. Con. Res. 15: Mr. VENTO and Mr. DICKS.

H. Con. Res. 24: Mr. BECERRA.

H. Con. Res. 66: Ms. ESHOO, Mr. SCHIFF, Mr. TUCKER, Mr. VENTO, and Mr. BERMAN.

H. Con. Res. 80: Mr. WASHINGTON, Mr. MCNULTY, Mr. EWING, Mr. BARRETT of Wisconsin, Mr. HINCHEY, Ms. KAPTUR, Mr. HORN, Mr. VENTO, and Mrs. CLAYTON.

H. Con. Res. 83: Mr. SOLOMON, Mr. BATEMAN, Mr. LEVY, Mr. KIM, Mr. WELDON, Mr. FISH, Mr. BARTON of Texas, and Mr. EMERSON.

H. Con. Res. 95: Mr. PETERSON of Florida, and Mr. KANJORSKI.

H. Res. 40: Ms. KAPTUR and Mr. RUSH.

H. Res. 128: Mr. HINCHEY, Miss COLLINS of Michigan, Mr. RANGEL, Mr. MFUME, Mr. HASTINGS, Mrs. CLAYTON, Mr. EDWARDS of California, Mr. MCCURDY, Mr. FOGLIETTA, Ms. MCKINNEY, Ms. MEEK, Mr. SCHIFF, Mr. STARK, Mr. GEJDENSON and Mr. MCCLOSKEY.

H. Res. 146: Mr. SUNDQUIST, Mr. ROTH, and Ms. FURSE.

H. Res. 148: Mr. PETERSON of Minnesota, Mr. STUPAK, Mr. JACOBS, Mr. KLUG, Ms. DUNN, Mr. GOSS, Mr. SHAYS, and Mr. PETE GEREN.

H. Res. 154: Mr. FISH.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

34. The SPEAKER presented a petition of the city council of Seattle, WA relative to elimination of discrimination against gays and lesbians in the military; which was referred to the Committee on Armed Services.

EXTENSIONS OF REMARKS

THE 1993 NUCLEAR WASTE

HON. BARBARA F. VUCANOVICH

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mrs. VUCANOVICH. Mr. Speaker, I rise today to introduce legislation to establish an independent study of activities at Yucca Mountain, NV.

Yucca Mountain is currently the only site under consideration for permanent disposal of the Nation's thousands of metric tons of lethal high level radioactive waste. In 1987, during consideration of the Omnibus Budget Reconciliation Act, the Nuclear Waste Policy Act of 1982 was amended to dictate that the Federal nuclear waste disposal program shift from the simultaneous characterization of three sites—Deaf Smith County, TX; Hanford, WA; and Yucca Mountain, NV—to characterize only Yucca Mountain.

At the time, we in Nevada and the Nation were told that this was the best policy because it would save money and ensure maximum scientific objectivity. Well, as anyone who has followed developments over the past 6 years knows, neither of those predictions have come true. In 1987, when Senator JOHNSTON attached the screw Nevada legislation to the reconciliation provision, he justified single site characterization by saying it would save $730 million over 3 years. However, as of this year, the Department of Energy [DOE] has spent $1.2 billion on the Yucca Mountain project and underground work has just begun. Clearly, the financial savings argument has failed.

Regarding scientific considerations, the ability of DOE to conduct an open-minded scientific determination that the site is suitable has been under continuous and sustained criticism since 1987. Disputes about the safety of long-term, deep geologic disposal at Yucca Mountain are well documented, longstanding, and continue to this day.

Perhaps the most troubling and recent criticism of the program is a March, 1993 special report to Congress by the Nuclear Waste Technical Review Board [NWTRB], an independent board established by Congress to continuously review the technical and scientific validity of the DOE nuclear waste program. The March report made some basic conclusions which I find most disturbing. Perhaps the most glaring, but not surprising, is that the DOE program is being driven by unrealistic deadlines.

The report stated,

> The Board is especially concerned that an attempt to meet current unrealistic deadlines may force the DOE to make important technical decisions without first performing the appropriate technical and scientific analyses. This could lead to mistakes, costly remediation, or licensing problems. The DOE already seems to have made some important choices based on expediency without a thorough technical analysis of the data.

Further evidence that this program has failed scientifically and politically—and is in need of independent review—comes from a significant recent public admission by the Secretary. Earlier this year, Secretary O'Leary said in an interview that the 1998 date, mandated under the NWPA, by which the Federal Government must take responsibility for spent fuel from utilities cannot be met. The administration has also publicly admitted that it will not be able to file the license application for a repository license by 2001, which would be necessary to meet the federally mandated deadline of 2010 when the permanent repository is to begin accepting waste.

Frankly Mr. Speaker, I am also very concerned about the political viewpoint of this administration based on a review of the fiscal year 1994 budget and the so-called examination of the Office of Civilian Radioactive Waste Management which administers the Yucca Mountain Program currently being undertaken by the administration. With the exception of the DOE's large expenditure of funds this year on multipurpose spent fuel casks, this administration's activities appear to be more of the same when compared with previous administrations. The DOE review so far reflects precious little in terms of real reform of the program.

I believe the time is right for halting the activities at Yucca Mountain and an independent review of the program. Such a review is particularly appropriate and timely due to the current preparation activities now taking place on site for the sinking of the Exploratory Studies Facility. I would hasten to add that in the NWTRB's March report, they said that "[a]n independent evaluation of the Office of Civilian Waste Management's organization and management should be undertaken."

Because of the widespread recognition that the program is being driven by unrealistic guidelines and scientific criticism of the program continues, because the administration has not disputed that the 1998 and 2010 dates will slip, and because onsite storage in the short- to medium-term will be needed due to the slippage in the dates, I am today introducing the Nuclear Waste Policy Reassessment Act of 1993.

The legislation would accomplish several things: First, for a period of 5 years, all site characterization at Yucca Mountain will be stopped; second, during this 5-year period, an independent study will be undertaken by the National Academy of Sciences in consultation with the NWTRB, Nuclear Regulatory Commission, DOE, the EPA, and other interested parties, including the State of Nevada, affected local governments and others; third, the study will examine the scientific, economic, and regulatory merits of studying one site versus the merits of studying multiple sites; fourth, as a result of the requirements of the legislation, the 1998 date for the Federal Government taking title to nuclear waste and the 2010 date for the opening of the repository will be extended 5 years, to 2003 and 2015 respectively; and, fifth, due to the mandates of this legislation, the Secretary will refund or credit to utilities such revenues, from the nuclear waste trust fund, as are necessary to build and maintain on-site storage at reactor sites, for fiscal year 1994, specific moneys will be rebated to those utilities that have currently existing on site storage.

I call on the administration and my colleagues to support this legislation and send the message that this problem plagued program should get the outside review that is so desperately needed.

TRIBUTE TO OTSIKITA COUNCIL OF GIRL SCOUTS

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to the Otsikita Council of Girl Scouts who are celebrating their 35th anniversary of being chartered by the Girl Scouts of the United States of America.

In 1958, several troops joined together to form the Otsikita Council of Girl Scouts, including the Mount Clemens Council and the St. Clair Shores Council. On July 28, 1958 the Girl Scouts of the United States of America chartered the Otsikita Council of Girl Scouts.

The organization is chartered to provide the Girl Scout program for the girls of Macomb County, MI. The Otsikita Council is committed to the mental and physical health and well-being of all Macomb County girls regardless of race, creed, or national origin. Otsikita has a rich history of success evidenced by hundreds of happy, healthy, productive citizens who have benefited from membership in the Otsikita Council.

The Otsikita Council will celebrate 35 years of extending the hand of friendship to girls in Macomb County at the Third Annual Adult Recognition Dinner to be held Tuesday, May 11, 1993 at 6:30 p.m. at Athena Hall in Roseville, MI.

I ask my colleagues to join me in saluting the Otsikita Council of Girl Scouts. Their commitment to providing a high quality program for the girls of Macomb County is commendable. I am proud that the Otsikita Council is in my district.

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

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

PUBLIC SERVICE RECOGNITION WEEK

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. HOYER. Mr. Speaker, last year during Public Service Recognition Week, I highlighted the fact that football coach Knute Rockne, Walt Whitman, Charles Lindbergh, Washington Irving, Nathanial Hawthorne, and James Thurber were all public employees at one time in their distinguished careers. And while each of these great Americans served their government and their fellow citizens admirably, I believe it is also important to note that millions of public employees continue the proud efforts of these men.

Firefighters, police, teachers, food inspectors, research scientists, engineers, economists, and public works specialists impact our daily lives in so many ways. They protect our property from the ravages of fire. They educate our children and ensure that the food we eat is safe and nutritious. They find cures to debilitating diseases and design the infrastructure and roads our economy needs to function efficiently. They help business keep track of how well it is doing compared to international competitors, and they keep our neighborhoods clean.

Despite the important work our public employees do, more often than not, these same employees do not receive the respect or compensation they deserve from the general public and their elected leaders. I can't tell you how much this effects the morale and mission of public employees.

However, I can tell you that as morale and benefits deteriorate, we can expect our public work force to deteriorate as well. This would be a terrible mistake. Not only would the Government not be able to attract or retain public employees like Clara Barton, the founder of the Red Cross, or Neil Armstrong, the man who inspired an entire generation to focus on science and technology, but it will slowly lose its capacity to serve the American public in a timely and cost-efficient manner.

Our local, State, and Federal workers deserve the recognition and support of all of us. And, perhaps more importantly, they deserve to know that their elected leaders will stand behind them in their effort to make our country safer, stronger, and more equitable.

While I hope we all recognize those public employees in our districts this week, I hope we do more than that. I hope we actively work to improve their workplace, and our Government's ability to attract and retain talented employees. I know the Members who are recognizing public employees today agree with me, and I hope we can convince our fellow colleagues to join our effort to improve our work force. Not only will we show our employees we recognize their important contributions, but we will ensure that our local, State, and Federal Governments are capable of meeting the challenges they have always been able to overcome in the past.

IN TRIBUTE TO PUBLIC SERVANTS AND PUBLIC SERVICE RECOGNITION WEEK

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Ms. NORTON. Mr. Speaker, it gives me great pleasure to pay tribute both today and throughout this week to the millions of public servants across this nation who dedicate their lives, day in and day out, to serving their community and their country.

As the Member from the District of Columbia, I have an especially strong appreciation for the value and the importance of public service. The Federal Government is not only the largest employer in the Nation, but is undeniably the largest in the District. Nearly 62,000 District residents work for the Federal Government. More than 55 percent of D.C. Government workers, or 15,219 employees, live in the District.

Public Service Recognition Week is about recognizing and commending the millions of Americans who have chosen careers in public service. It is a week to say thank you to the countless public servants whose daily efforts to serve their fellow Americans go unnoticed and unheralded. As chair of the Subcommittee on Compensation and Employee Benefits, I know first hand the breadth of the mission we, as a Nation, ask our civil servants to accomplish. I also know first hand that Federal workers perform their duties for wages substantially below those paid to persons performing comparable work in the private sector. Such selfless service deserves far more recognition than it generally receives.

Public Service Recognition Week is also important to the rejuvenation of careers in public service. The previous decade was particularly hard on public sector recruitment and retention. Skilled senior employees left the Government in significant numbers and a generation of young entrepreneurial talent bypassed the Federal Government in favor of greater wages and benefits in the private sector.

Today, more people are looking for careers in public service. But the Federal sector must become more competitive with private sector wages and benefits to ensure that it can continue to attract the best and brightest talent this country has to offer.

The District of Columbia is proud to be a city of public service. The residents of the District are our Nation's frontline public servants. Like public servants all over the country and at all levels of government, they are always there for us. We in the Congress must now be there for them. I salute the public servants of the District of Columbia and of the Nation.

NATIONAL SERVICE TRUST ACT 1993 INTRODUCED

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. FORD of Michigan. Mr. Speaker, on May 6, I had the honor to cosponsor the introduction of one of President Clinton's most exciting legislative proposals: The National Service Trust Act of 1993, an initiative that will expand educational opportunity, reward individual responsibility, and build community by encouraging Americans of all ages to work together to tackle our common problems.

In the last few days, I have received more than two dozen letters from volunteer organizations endorsing the President's idea and this legislation. They include the Close Up Foundation, the Girl Scouts, the Points of Light Foundation, Save the children, Youth Services America, People for the American Way, the Child Welfare League, directors of Older American Volunteer Programs, the National Association of Service and Conservation Corps, the American Federation of Teachers, and the International Association of Fire Fighters.

One hundred and forty-five of our colleagues, Democrats and Republicans, have signed on as original cosponsors of this important legislation, H.R. 2010, which as the President has noted was the most enthusiastically received proposal of his campaign last year.

Our excitement is easy to understand. As the American Alliance for Rights and Responsibilities wrote to me, "We believe that National Service will serve to revitalize the spirit of citizenship and community among young Americans, will help them to transcend racial and socioeconomic barriers, and will serve to teach the skills and habits of participatory democracy."

The initiative offers educational awards to Americans willing to serve in a variety of programs that benefit their communities, addressing pressing educational, environmental, human, or public safety problems.

The National Service Trust is to be open to all individuals, age 17 and up, who have high school diplomas or agree to achieve their GED before using their awards. Individuals may serve before, during, or after their postsecondary education.

Most of the publicity about the proposal has centered on the young people who would receive college tuition aid. But the fact is, National Service presents an opportunity to all Americans to give of themselves and in return receive monetary help to enable them to receive higher education or career training.

To qualify for an educational award of $5,000, a participant must complete at least 1 year of full-time service or 2 years of part-time service, for which the participant also would be paid a minimum-wage stipend and health and child care benefits as necessary. Awards may be used to repay loans for higher education or to pay for additional postsecondary education or training. Individuals may receive two $5,000 awards.

Qualifying service programs may be operated by Federal agencies, States, local governments, school districts, colleges, or community-based not-for-profit organizations. The National Service Trust, a Government corporation, will help local organizations qualify for the initiative and ensure their public mission is up to standards of usefulness for participants and communities.

Thus, the bill would not establish a new Federal bureaucracy to run programs but one that would work with successful organizations

to extend their reach. The initiative relies on locally driven programs, allowing participants flexibility and stimulating competition among sponsoring organizations.

After the Second World War, a generation of returning servicemen took advantage of the GI bill to educate themselves and help launch America's unprecedented era of prosperity.

As the social and economic benefits continued to unfold, President Kennedy appealed to our sense of service in launching the Peace Corps, a mission that secured America's reputation as the most generous nation on Earth. It remains the most admired program of the 1960's.

This legislation builds on the legacies of the GI bill and the Peace Corps, helping to create a new era of prosperity for a generation of Americans and nurturing a more compassionate, public-spirited consciousness among our citizens, producing ripples that will benefit us all.

Throughout the 1992 campaign, in Michigan and across America, the national service principle struck a responsive chord among citizens who sense an urgent need for cooperation and service for our mutual benefit. In approving this important legislation, we anticipate that all Americans will join us in promoting a renewed sense of civic responsibility.

I urge my colleagues to cosponsor this important legislation.

TRIBUTE TO THE JUNIOR LEAGUE OF NORTHERN WESTCHESTER ON THE OCCASION OF THEIR 40TH ANNIVERSARY

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. FISH. Mr. Speaker, I rise today to recognize and pay special tribute to the Junior League of Northern Westchester. The Junior League is celebrating its 40th anniversary, a culmination of the achievements and many years of dedicated community service. Throughout these years, the Junior League has been a pillar of the community and a model of service for all.

The enthusiastic volunteerism that the Junior League has given to the Westchester community is highly commendable. These women have been on the forefront of many contemporary issues such as the health and education of our children, the needs of the aging, domestic violence, and sustainable development. The many projects they undertake with such determination benefit all. I am honored to offer my best wishes on this occasion, and I applaud all of the Junior League members who have contributed to this success.

Their service to our community has made the quality of life in northern Westchester richer. I wish all of them continued success and accomplishments in the future. I know they will provide invaluable service to our community in the years to come.

SAMUEL E. PERRY, SR., POST OFFICE

HON. HERBERT H. BATEMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. BATEMAN. Mr. Speaker, I am extremely proud today to introduce legislation to designate the Federal building located at 600 Princess Anne Street in Fredericksburg, VA, as the "Samuel E. Perry, Sr. Postal Building." I believe that naming the city's post office in Sam Perry's honor is certainly an appropriate act for this Congress to take as well as a fitting tribute to an exceptional individual, public servant, and friend.

No one was better known or respected in the Fredericksburg area than Sam Perry. His unselfish devotion to helping the people of Fredericksburg through his work in the Postal Service, Fredericksburg Rescue Squad, and the city council not only touched, but enriched the lives of all who knew him. He was everybody's friend.

I cannot think of a better way to recognize Sam than to name the city's post office after him, particularly since he was no stranger to the U.S. Postal Service. Sam retired from the Postal Service in 1961 after a 42-year career. At the time of his departure, he was superintendent of mails.

Everyone who knew Sam Perry knows that the Fredericksburg community is a better place today because of him. For those who were not fortunate enough to be touched personally by his life's works, I believe renaming the post office in Sam's honor can be a daily reminder of what a caring and committed individual can do for his family, friends, and community. Indeed, Congress can reaffirm its own commitment to public service by swiftly enacting this legislation.

SALUTE TO 30TH ANNUAL SMALL BUSINESS WEEK

HON. DAVID MINGE

OF MINNESTOA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. MINGE. Mr. Speaker, I am pleased to recognize Ms. Arlene DeCandia of Monticello, who has been chosen the Minnesota Small Business Person of the Year by the U.S. Small Business Administration.

Ms. DeCandia is the founder, owner, and president of the Riverwood Conference Center in Monticello. Riverwood is the largest privately held conference center in the United States, hosting 1,000 meetings and 35,000 people worldwide. It is also the only meetings and 35,000 people worldwide. It is also the only conference center in the United States owned by a woman. Arlene DeCandia is an inspiration to all Minnesotans. She started out with a dream and built her own success story. I commend Arlene for her outstanding efforts toward economic growth in Minnesota.

American small business is vital to our Nation, especially to rural areas like southwestern Minnesota. I commend the Small Business Administration for recognizing outstanding entrepreneurs from throughout the United States. I am delighted that Ms. Arlene DeCandia will be honored during this 30th Annual Small Business Week.

A SPECIAL SALUTE TO DAVID PHOENIX: 1993 CONGRESSIONAL SENIOR CITIZEN INTERN

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. STOKES. Mr. Speaker, during the month of May, our Nation celebrates Senior Citizen Month. In communities throughout the United States, senior citizens will be recognized for their contributions to our communities and the Nation.

On Capitol Hill, this week marks the start of our annual Congressional Senior Citizen Intern Program. I am pleased to participate in this outstanding educational program. During their Capitol Hill internship, seniors attend meetings, workshops, and issue forums on topics that will impact the elderly. They will also have an opportunity for extensive dialog with Members of Congress and representatives of President Clinton's Cabinet on legislative initiatives.

Mr. Speaker, I am proud to rise today to salute my congressional senior intern for 1993, Mr. David Phoenix. I want to share with my colleagues some biographical information on this outstanding individual who resides in my congressional district.

Mr. Phoenix was reared in the Cleveland area and graduated from East Technical High School. He served in the military during World War II. From 1945 until his retirement in 1977, Mr. Phoenix enjoyed a distinguished career with the U.S. Postal Service in Cleveland.

During his tenure with the Postal Service, David Phoenix held a variety of positions including distribution clerk, foreman of mail, director of administrative services and manager of retail sales and services. He was also selected for specialized training during his postal career. Mr. Phoenix successfully completed the administrative courses for midmanagers and staff postal positions at the Postal Service Institute in Bethesda, MD. Following his retirement from the Postal Service, Mr. Phoenix moved to Arizona. He returned to the Cleveland area in 1989.

David Phoenix is very active in the Cleveland community. He is a member of the Sussex Community Association and the National Association of Retired Federal Employees. In addition, Mr. Phoenix is a past member of the American Association of Retired Persons; a past board member of the NAACP; and a past member of the board of the Urban League.

Mr. Phoenix and his wife, Anne, reside in Shaker Heights. They are the proud parents of Dr. David D. Phoenix, Jr. Dr. Phoenix serves as associate professor and director at the S.E. Minority Rural Health Research Center, Morehouse School of Medicine. Mr. and Mrs. Phoenix are also the proud grandparents of four children, and great-grandparents of one child.

Mr. Speaker, I am proud to salute Mr. David Phoenix. I take this opportunity to welcome him and other seniors to our Nation's Capitol.

MILITARY LAND REFORM AND REASSESSMENT ACT INTRODUCED

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. VENTO. Mr. Speaker, today I am again introducing a bill to revise the existing procedures for allocating public lands for military uses.

This bill, the Military Land Reform and Reassessment Act of 1993, is similar to the one I introduced in the last Congress that was favorably reported by the Committee on Interior and Insular Affairs but on which the House did not have time to act.

The bill is a generic measure of nationwide applicability, based on and responding to problems explored in oversight and legislative hearings and other activities during the 101st and 102d Congresses by the Interior Committee's Subcommittee on National Parks and Public Lands. Its basic purpose is to rationalize and regularize the way in which our Government makes decisions concerning how much and which lands should be placed under control of military agencies, and to increase the extent to which the natural, environmental, fish and wildlife, and other values of affected lands are taken into account in the making of those decisions.

Toward that end, the bill would require the development of an inventory of all public lands withdrawn for military purposes, and a justification for their continued withdrawal. It would also require that, to the extent feasible, future-years defense plans include identification of any additional public lands expected to be proposed for withdrawal for military uses.

The bill would also reduce the extent to which decisions about military use of lands are shaped by legalistic distinctions, such as those between the regular national armed services and the National Guard units, which are technically State military agencies, and increase the extent to which more realistic considerations, such as other uses of these lands, are taken into account.

Provisions addressing use of public lands by State military agencies were in fact passed by the House in the 101st Congress as part of a general reauthorization bill for the Bureau of Land Management, but were not acted upon by the Senate. My new bill has similar but not identical provisions. The chief difference is that my new bill would give the Secretary of the Interior authority to withdraw administratively no more than 5,000 acres of public lands for any one State military installation—an acreage limit identical to that now imposed by the Engle Act of 1958 on peacetime administrative withdrawals for national military installations or sites.

The bill also addresses the use of airspace over nonmilitary Federal lands. As did the bill approved by the Interior Committee in 1992, my new bill provides that there must be consultation with Federal land-managing agencies and an opportunity for comment by the Governors of affected States, affected Indian tribes, and the public prior to any allocation of such airspace for military uses—and that a proposed allocation for military use of airspace over more than 5,000 acres of nonmilitary lands managed by the Bureau of Land Management or the Forest Service cannot take effect until Congress has had 180 days to review the proposal and the comments.

Other parts of the bill include changes in existing legislation relating to transfers of certain lands to the Defense Department, so as to appropriately recognize the importance of protecting natural and environmental resources and values.

Finally, my new bill would clarify the status of lands previously allocated to military uses when they are no longer used for those purposes, and to spell out the duty of the Defense Department to undertake needed cleanup and decontamination of those lands so they may be used for other purposes.

Mr. Speaker, the Nation is beginning the process of rethinking all aspects of our national defense policies, in response to the dramatic changes in the world situation that have accompanied the end of the cold war. One important part of that process, I believe, is a reexamination of how decisions are to be made about military uses of public lands. The bill I am introducing today is intended to begin that reexamination, and to lay the foundation for new policies for a new era.

TRIBUTE TO THE COMPLETION OF THE GEROPSYCHIATRIC CARE CENTER AT THE FRANKLIN DELANO ROOSEVELT HOSPITAL IN MONTROSE, NY

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. FISH. Mr. Speaker, I rise today to recognize and pay special tribute upon the completion of the new Geropsychiatric Care Center at the Franklin Delano Roosevelt Hospital in Montrose, NY. I am proud to be a part of the opening ceremony on May 14, 1993, a dedication to the growing needs of our brave veterans.

This 2-year project is the first major renovation of an entire building in this hospital's 43-year history. The 80-bed center will provide medical and psychiatric services to a special group of geropsychiatric patients. Academic training and research will also enhance the Center's mission in caring for our Nation's veterans.

The entire $5.6 renovation was completed within budget and on time. What better way to acknowledge our debt as a nation to our veterans than to recognize that they are special and deserve focused attention. I commend all of those who worked so hard to achieve this accomplishment, and am proud to represent a district that includes such an outstanding veterans hospital.

A TRIBUTE TO THE MEMORY OF JIM JOYCE

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. BILBRAY. Mr. Speaker, I rise today to speak in tribute and in memory of a great Nevadan, my friend Jim Joyce.

Although he never held an elected office, as far back as I can remember, Jim Joyce has been a stalwart fixture on the political landscape of the State of Nevada. He was president of his own companies, Joyce & Associates, Inc. and Joyce Advertising, Inc., the latter being one of the oldest and most respected agencies in Nevada. Jim may have been best known for his abilities at the Nevada State Legislature as the principal governmental representative of such major interests as the Nevada Resort Association, the Gaming Industry Association, and Howard Hughes Estate Companies.

And while one might expect a person, by virtue of such a job, to make both friends and enemies, such was not the case for Jim Joyce. Will Rogers said he never met a man he didn't like. The same and more was true of Jim Joyce. In my years in Nevada politics at many different levels, I often dealt with Jim Joyce. In all that time, I never heard Jim speak poorly of a single person, and I never heard a single lawmaker utter a negative word about Jim.

That fact reflects the style of the individual that made Jim Joyce such a consummate professional. No matter where you stood on an issue, after making his case for a concern, Jim always took time to listen to your side of things. By doing so he made clear his respect for you, your position, and your opinions. There was never a raised voice or angry threat. He knew he would be talking to you again on another issue; that he would have another chance to convince you to vote his way on another issue. For Jim Joyce there was always next time.

Until now. Jim will be missed. Many will come to take his place, but none will be able to fill his shoes. Jim Joyce leaves us having left his indelible mark on our State. His efforts will be long remembered as a lobbyist, as a friend, and as a great Nevadan.

So I ask my colleagues to join me today in paying proper tribute to Jim Joyce, a man who devoted his life to making Nevada a better place to live and a place of which we can be proud.

NATIONAL ENDOWMENT FOR DEMOCRACY HONORS DR. VESNA PESIC

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. HOYER. Mr. Speaker, on April 26–27, the National Endowment for Democracy on whose board of directors I am honored to serve, convened its fourth world conference

on democracy. This was an extraordinary event, bringing together endowment grantees and other democratic activists from nearly 60 countries throughout the world to address the conference theme "Challenges to Democracy in the New Era."

At the concluding awards dinner, President Clinton joined guests in paying tribute to three truly heroic individuals who are in the forefront of the struggle for democracy: Vesna Pesic, director of the Center for Anti-War Action in Belgrade; Gitobu Imanyara, human rights lawyer and journalist in Kenya; and Han Dongfong, leader of the Beijing Workers Autonomous Federation. Each was presented with NED's Democracy Award, and I had the privilege of making the presentation to Doctor Pesic.

At a time when people throughout the world associate Serbia with the abhorrent policy of ethnic cleansing, Doctor Pesic represents another Serbia, one composed of those who believe that democracy is incompatible with exclusive nationalism and are fighting every day for peace and human rights.

Long before she emerged as the leading critic of the militarism of ex-Yugoslavia's ultranationalist leaders, Doctor Pesic was an outspoken human rights and prodemocracy dissident. Jailed for her activism, she later organized the Belgrade Helsinki Committee in 1985. When the war broke out in 1991, she founded the Center for Anti-War Action, which initiated a legislative proposal for an amnesty for deserters from the civil war and has organized many anti-war demonstrations.

Doctor Pesic's efforts to defend human rights and values of tolerance which are the foundation of democracy should serve as an inspiration to those of us who pray that these values will yet prevail amidst all the hatred and violence consuming her country. I am pleased to share with my colleagues her thoughtful address accepting NED's Democracy Award.

REMARKS BY DR. VESNA PESIC, DIRECTOR, CENTER FOR ANTI-WAR ACTION, BELGRADE NATIONAL ENDOWMENT FOR DEMOCRACY 1993 DEMOCRACY AWARD DINNER

I would like to thank the National Endowment for Democracy for honoring our anti-war efforts with this award. In honoring me with this award, the National Endowment for Democracy is recognizing all of the activists and friends of the Anti-War Center and their war to end the war and abuses of civil and human rights. These efforts, carried out in the most difficult of circumstances, often under harsh criticism for being so-called traitors, prove that even now many people are committed to keeping alive the ideals of peace and democracy.

What distinguishes us from other opposition groups and parties is our double agenda—for democracy and against nationalism. Many people talk about democracy, but you cannot implement democratic values and institutions within the framework of aggressive nationalism and war. You cannot be silent about the horrors of bloodshed and ethnic cleansing and the destruction of cities and villages and places of worship and claim that you are a democrat. You cannot call yourself a democrat if you are only seeking democracy for your ethnic community. We raise our voices against such thinking and against those who inflame national feelings and fears in their own struggles for power.

I would like to take this occasion to convey three messages to US policy makers and to the public at large. First, I want to stress the existence of those who do not support the policies of national hatred and war. For example, a group of people in the Bosnian Serb stronghold of Banja Luka have formed an organization called the Civic Forum. These people—Muslims, Croats and Serbs—reject the notion that they cannot live together. They resist the nationalist propaganda. There are independent women's groups speaking out against the war and caring for women who have been raped and abused. There are independent associations of intellectuals who are trying to raise the voice of reason; journalists challenging the official accounts of the war; and people from all over the ex-Yugoslavia working together in the struggle for real peace and democracy. These people need to be recognized and supported. When I speak to US and European officials about these efforts, they often respond, "You are only a small minority." My answer to them is: "Do you want us to disappear all together? To not exist at all? Who is going to build democracy if our efforts are both silenced by our regimes and ignored by the outside democratic world?" To those who are all too ready to accept any deal with nationalist forces, to these for whom "never again" means "another time, but not now," I would point out that the so-called utopias have a concrete basis in the basic norms of international and humanitarian law. This moral vision is the only one that is practical in the long run.

Second, we feel that the international community can and must do more for all those trapped by the power games and violence in the war in the former Yugoslavia. The vacuum of the post-communist period allowed the extreme forces in the country to gain momentum, to push us into a vicious cycle of threats, aggression, and drastic violations of human rights. The international response to date has been confused and without any consistent or understandable policy. In between packages of food and bombs there are steps that can and must be taken. In the first place, there should be rapid and effective establishment of protective zones for civilians in Bosnia and Hercegovina and distribution of humanitarian aid by all means. Ultimately the international community should establish a civil administration for the whole territory of Bosnia-Hercegovina. Rather than spending all efforts and resources in order to create elaborate peace plans, the international community must attend to the immediate suffering of civilians. Long term solutions for the region can be deliberated after an effective cease-fire. In addition, help must be given to establish and maintain a free press, television and radio throughout the region. This is essential in order to rebuild communications, to break the monopoly over information and the psychology of war.

Third, we need support for our commitment to the idea of individual rights. We must be able to move away from the notion and practice of collective responsibility and guilt and develop foundations for individual responsibility, which is a basis for democratic citizenship. Not all members of a national or ethnic group are guilty of war crimes, but the individuals who can be named must be made accountable. I'm not suggesting that we engage in witch hunts after the war, but we do need fair trials for those who have committed crimes. The Center for Anti-War Action has developed a project for an international war crimes tribunal which should be supported and which could ultimately fit into the international process. This can be a starting point in ending the historical cycle of collective revenge and introduce the rule of law into our societies.

During this occasion of the world conference on democracy, I can still hear the echo of our warlords with their claims that we cannot live together. Do not believe them. With so many people gathered here from so many regions, races and religions, we ourselves prove that multi-ethnic communities and cross-cultural communities are possible and present the only just future.

I firmly believe that in defending values of individual rights and mutual tolerance we are the real patriots of our nations.

RECOGNIZING THE UNIVERSITY OF HAWAII, WILLIAM S. RICHARDSON SCHOOL OF LAW, INTERNATIONAL LAW MOOT COURT TEAM'S VICTORY IN THE PHILLIP JESSUP INTERNATIONAL LAW MOOT COURT COMPETITION

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mrs. MINK. Mr. Speaker, it is with great pride that I take this moment to recognize the accomplishments of the University of Hawaii, William S. Richardson School of Law, International Law Moot Court Team. The UH International Law Moot Court Team, competing against students from Georgetown, UC-Berkeley, the University of Washington, and a number of foreign law schools, finished first in the Nation and second in the world, behind only the University of Melbourne in the final international round of the Phillip Jessup International Law Moot Court competition.

The four team members from the UH Law School are Andrew Bunn, David Forman, David McCauley, and Karla Winter. The team was coached by Prof. Jon Van Dyke.

The team walked away with numerous awards for their outstanding efforts in the competition, including best oralist and best brief. The individual accomplishments of the UH Law School Moot Court Team and the accomplishments of the UH Law School, just 20 years old, honor the hard work, the talent, and the outstanding effort put forth by the four team members, and their team coach, Prof. Jon Van Dyke, the Law School faculty, the UH Law School dean, Jeremy Harrison, and the many UH Law School alumni, including our Governor, John Waihee, who gave their heart and soul to ensure that this law school succeeded.

The victory of the UH Law School International Law Moot Court Team is also a symbolic victory for the University of Hawaii Law School. Many critics of the law school have repeatedly questioned whether a law school should exist in the middle of the Pacific, and therefore this victory, in light of the past struggles of the school, is all the more sweet, affirming the quality and commitment to legal scholarship at the UH Law School.

Mr. Speaker, on behalf of the people of Hawaii, I extend a warm, heartfelt congratulations

to the UH Law School, International Law Moot Court Team for its outstanding achievements at the Philip Jessup International Law Moot Court competition.

[From the Honolulu Advertiser, Apr. 7, 1993]

LEGAL WINNERS—UH LAW SCHOOL TOPS IN NATION

When the William S. Richardson School of Law was first established at the University of Hawaii, some wondered whether the idea made good sense.

Critics feared that Hawaii was too far away from the intellectual and legal mainstream; that students would miss out because of our isolation.

Well, put that fear to rest. A four-member team from the UH law school has just returned from Washington, D.C., where they were judged best in the nation (and second in the world) in the Phillip Jessup International Law Moot Court competition.

Students from Georgetown, Berkeley, the University of Washington, Hawaii and a number of foreign law schools competed in mock litigation before the International Court of Justice.

The UH team took first place for the United States and finished behind only the University of Melbourne in the final international round.

That's a feather in the cap for today's law school class and we hope the honor will help the school recruit the best and brightest of students and faculty in the years to come.

In the meantime, congratulations all around for student competitors Andrew Bunn, David Foreman, David McCauley and Karla Winter and faculty coach Jon Van Dyke.

COMMEMORATING THE 78TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. BONIOR. Mr. Speaker, I'd like to associate my remarks with those of my colleagues from California, Congressman RICHARD H. LEHMAN and Congresswoman ANNA G. ESHOO who organized the commemoration of the 78th Anniversary of the Armenian Genocide on the floor of the House.

Perhaps the greatest lesson of the Armenian Genocide is that forgetting the past threatens our future. By failing to demand that Turkey recognize and atone for its crimes against humanity, the international community set the stage for a century of unparalleled suffering.

The commemoration of the Armenian Genocide is especially significant this year given the rising tensions in the Caucasus caused by Turkey's recent threats to take military action against Armenia. Given Turkey's continued campaign to deny the Armenian Genocide, the Armenian people have good reason to take these threats seriously.

The prospect of Turkey invading Armenia is fearsome. The continued blockade has devastated Armenia's economy. Last month, Ambassador Shugarian told me that they still only get 2 hours of electricity a day and only 50 enterprises in the entire country are working. The thought that Turkey's action would be supported by aid from the United States should make us pause and reconsider our policy.

The establishment of good neighborly relations between Turkey and Armenia depends largely on mutual trust. Turkey's recognition of the Armenian Genocide is an important element of that trust. The whole region is suffering from the inability to peacefully coexist. Reconciliation must be achieved.

The most convincing manner for the Turkish Government to put an end to the fears that it will invade Armenia would be recognition of the Armenian Genocide. Such an acknowledgment by Turkey would help secure regional stability by increasing the level of trust in a highly sensitive area of the world.

JOINING HANDS TO FIGHT HUNGER

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. DINGELL. Mr. Speaker, despite the vast prosperity our Nation enjoys relative to other nations, more than 25 million Americans receive food stamp benefits each year, and about the same number of school children are fed daily in the National School Lunch Program.

I want to call to the attention of my colleagues the joint efforts of the National Association of Letter Carriers with the U.S. Postal Service to help make a difference for those who would otherwise go without another meal.

On May 15, the NALC and the Postal Service will conduct what may be the largest 1-day food drive in American history. Letter carriers in all 50 States will be participating in their annual food drive, which was originally implemented 10 years ago to combat nationwide hunger. This year, the letter carriers hope to reach 1.5 million homes.

In Michigan, the NALS'c Branches 3126, 4374, and 654 will participate in the food drive. Cities participating in the food drive include:

Algonac, Birmingham, Centerline, Clawson, Detroit, Eastpointe, Ecorse, Farmington, Ferndale, Fraser, Garden City, Groose Pointe, Hamtramck, Harper Woods, Hazel Park, Livonia, Madison Heights, Marine City, Mt. Clemens, New Baltimore, Novi, Oak Park, Redford, River Rouge, Romeo, Roseville, Royal Oak, Southfield, St. Clair Shores, Sterling Heights, Troy, Utica, Walled Lake, and Warren.

Mr. Speaker, I salute the spirit of volunteerism and goodwill, and commend the food drive's leaders for their hard work and dedication. I hope my colleagues will join me in expressing appreciation to the NALC and the Postal Service for their outstanding efforts.

CREATING A VISION FOR NEWARK'S CENTRAL CLUSTER

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. PAYNE of New Jersey. Mr. Speaker, I would like to share with my colleagues a bright light in education. The Newark Teacher Professional Development Project was introduced by the Princeton Center for Leadership Training in 1991 as part of the Newark Board of Education's restructuring initiatives. Newark's Central Cluster is made up of eight schools—Cleveland School, Eighteenth Avenue School, Burnet Street School, Morton Street School, Newton Street School, Quitman Street School, Samuel Berliner School, and Central High School.

The purpose of the project is to train members of the school community, both educators and parents, in the skills they need to work effectively together on issues affecting the school climate and student learning. The goal of the project is to train teams of faculty, administrators, and parents on how to create learning communities where: First, students stay in school, have increased motivation, and improve their academic performance; second, all members of the learning community work collaboratively for positive change; and third, team members serve as models and resources for their colleagues, creating an environment in which the initiative for change comes from within the school.

The training focuses on developing skills in team building, organizational planning, communication, and problem solving, including conflict resolution. At each school three groups have been established—leadership team, faculty corps, and parents corps. Through these teams each school has created a common goal, a vision for the future development of their school.

This project shows that there are willing participants in the struggle to see positive progress in formal learning and the development of values, self-esteem for our students. I ask my colleagues to join me in thanking the educators and parents who are participating in this program, as they gather at a ceremony in their honor on Thursday, May 13, 1993 for their valiant efforts. Again, congratulations.

IN HONOR OF BOATSWAIN'S MATE SENIOR CHIEF JOHN DOWNEY ON THE OCCASION OF HIS CHANGE OF COMMAND

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. STUDDS. Mr. Speaker, I rise today to pay tribute to one of the U.S. Coast Guard's finest; Senior Chief Jack Downey.

Four and one-half years ago, Jack Downey, took command of the search and rescue station at Chatham, MA. Chatham, a town on Cape Cod which I have the privilege to represent, hosts a proud and important commer-

cial fishing fleet. Taking charge of the station was no easy task. Along with the unique, and often treacherous, navigational challenges that Chatham offers, he assumed duties of officer-in-charge at a time when the relations between the Coast Guard and the town's fishing fleet were at an all-time low.

Realizing the importance of that relationship to the Coast Guard's efforts, Jack began what I refer to as coffee mug communication.

By simply walking down to the fish pier to talk—and more importantly—to listen to the concerns of fishermen, he did more to foster good relations with the community than any government-sponsored PR program could ever do. In doing so he gained the respect of a group of people that don't offer respect lightly.

His good humor, and his ability to instill a sense of confident and pride in his crew were also important elements he brought to the job.

As a member of my staff, who as a Coast Guard reservist served under Chief Downey, put it: "Jack Downey was very tough and he demanded the best from his people. During his many training sessions—some would call them interrogations—he could challenge the most self-assured sailor. But, no matter how tough he was, you always had the sense that you were being trained by the best. When you earned his approval, you truly felt there was nothing you couldn't do."

On Saturday of this week, Senior Chief Downey will complete his tour of duty in Chatham to the praise and gratitude of many Cape Codders.

But, of all the accolades he will receive, whether from current or former crewmembers, appreciative fishermen and their families, or from scores of rescued recreational boaters, perhaps the highest honor lies in the knowledge that he leaves Chatham Station a better place then when first he came.

That, I suggest Mr. Speaker, is the highest compliment of all.

Mr. Speaker, on behalf of this body and all the citizens of Cape Cod, I offer Senior Chief Downey a hearty well done and wish he and his family the traditional mariner's salute as they depart for their new assignment just across the sound on the Island of Nantucket: May you have fair winds and following seas.

TIME TO SLAM THE DOOR ON TERRORISTS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. GILMAN. Mr. Speaker, the State Department's report on terrorism, issued April 30, 1993, stated: "Until recently, terrorism had receded from the attention of most Americans. Terrorism is now back in the headlines * * * Since the new year, we have had the bombing of the World Trade Center, the killing of two CIA employees outside CIA Headquarters * * * These incidents remind us of our vulnerability to violent attacks."

For far too long, the U.S. overseas visa issuance procedures and operations have been inadequate to meet the challenges and threats of our modern and dangerous world. The State Department's visa watch system, intended to prevent those with links to terrorism and other criminal elements from entering this country, was intended to be our front line defense in preventing such threats from entering the United States. The visa watch system is, in fact, a limited defense at best. It is outdated and badly in need of modernization and bureaucratic overhaul to make it truly effective.

The mistaken issuance of a U.S. visa to Sheik Abdel Rahman, who has been linked to some of the individuals indicted in the recent New York World Trade Center bombing, illustrates the urgent need to reform this system. The State Department's issuance of a visa to Sheik Rahman, even though he was on the visa watch list in the United States Embassy in Khartom, Sudan, and the INS' failure to stop the Sheik while he later traveled in and out of the United States reminds one of the old Abbott and Costello routines of "Who's on First?"

The costs of not making the necessary modernization and bureaucratic changes in our visa system are enormous. The cost of the World Trade Center bombing has been estimated at more than $600 million in property damage and business disruption alone. It took the lives of 6 innocent Americans, including a constituent of mine, and caused over 1,000 injuries. On top of this, an INS official recently testified that each illegal alien who is permitted to enter the United States costs the American taxpayer $30,000 in administrative and detention expenses.

The bill I recently introduced, H.R. 2041, with my distinguished colleague from Maine, Ms. SNOWE and my distinguished colleague from Florida, Mr. MCCOLLUM, will modernize the State Department's visa issuance machinery. It will replace the current microfiche system which is labor intensive, not updated on a timely basis, and easily subject to human error. The legislation will also make the system more accountable by holding the U.S. consular officer who issues the visa responsible for any mistakes relating to the visa lookout system. It will also restore the State Department's access to the FBI's criminal records on aliens who might seek U.S. visas to again travel to this country. Such access will help prevent not only terrorists from gaining entry to this country, but those who have engaged in narcotics and other criminal conduct as well.

The American people are entitled to an overseas visa lookout system that is first rate, modern, effective, and fully coordinated within the U.S. law enforcement community. Our country is entitled to a front line defense against those who would represent a threat to the lives, property, and safety of our citizens, a defense that meets the challenges of this modern era and the new threats that terrorists and other criminal elements present. This bill will bring the State Department's visa system up to date, and provide our State Department with the necessary tools to fight the threat that international terrorism presents to our Nation.

As members of the House Foreign Affairs Committee and Judiciary Committee, my colleagues and I will work together to provide the Department of State, and other U.S. agencies charged with defending our borders, with the necessary tools to protect Americans from the threat international terrorism poses to our society.

PUBLIC SERVICE RECOGNITION WEEK

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Ms. PELOSI. Mr. Speaker, I am pleased to join my colleagues in celebrating Public Service Recognition Week. I commend Congressman MORAN for introducing House Joint Resolution 108 on behalf of the Federal Government Service Task Force, and I thank all of the Members who supported this resolution.

As we enter a new era of change in America, Government workers have an even stronger role to play. Efforts by President Clinton and the new administration to improve the operation of the Government will increase responsibility for the front line workers and ensure that public employees continue their important contributions to society.

Public Service Recognition Week is a part of the annual nationwide celebration honoring the 20 million public employees at the Federal, State, and local levels. This week presents us with an opportunity to thank public employees for their hard work in keeping our cities, States, and Nation running smoothly.

Many Federal, State, and local workers have made special contributions to our country. Government employees have discovered the AIDS virus, invented the first modern computer, developed the vaccine for meningitis, created flame-retardant clothing for firefighters and contributed to countless other societal developments.

Perhaps even more importantly, we would be unable to function as a Nation without the day-to-day dedication of public employees who teach our children, protect our environment, help keep our cities safe, ensure our national security, conduct health research, assist the needy and perform numerous other vital tasks for people throughout the United States. I want to take this opportunity to especially thank the government workers in the San Francisco Bay Area who make it such a great place in which to work and live.

Public employees merit recognition for their daily contributions to the well being of our communities, and I join Americans throughout our nation in thanking them for making this a better and stronger country.

HONORING BYRDIE AND STUART GOULD AND HELAINE AND FREDERIC GOULD

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. ACKERMAN. Mr. Speaker, I rise to commend the Long Island division of State of Israel Bonds, which will be holding its third annual Absorption Gala Dinner Dance on Thurs-

day, May 13, 1993, at the Garden City Hotel, in Nassau County, NY. I am proud to state that Byrdie and Stuart Gould, and their son and daughter-in-law, Helaine and Frederic Gould, will be honored at the gala for their efforts and achievements on behalf of the State of Israel.

State of Israel Bonds is an international securities organization offering interest-bearing instruments issued by the Government of Israel. Since its inception in 1951, the organization has secured approximately $13 billion in investment capital for the development of every aspect of Israel's economy, including agriculture, commerce, and industry. Throughout its history, Israel has maintained a perfect record of the payment of principal and interest on the securities it has issued. Now, with Jews arriving from the former Soviet Union, Bonds proceeds are being utilized to absorb these, Ethiopian and other immigrants.

Byrdie and Stuart Gould are true philanthropists whose involvement in local and national organizations, spanning more than 60 years, is demonstrative of their love for and devotion to Israel and Judaism.

During the years that Stuart operated his own certified public accounting firm, he was active in the accountants division of UJA, the United Jewish Appeal. In 1949, he and his family moved to Manhasset, in Nassau County, where he organized the local UJA drive and served as its chairman for 20 years. Currently, he is a UJA chairman in Hollywood, FL, where he also chairs an Israel Bonds dinner. Stuart is a Mason, a member of B'nai B'rith, and a guardian of the American Friends of the Hebrew University in Jerusalem. His activities and selfless contributions have benefited such institutions as North Shore Hospital, Long Island Jewish Hospital, Parker Geriatric Institute, the Jewish National Fund, and the Strathmore Village Civic Association.

Byrdie, Stuart's wife of 60 years, has served as a North Shore Hospital volunteer, first vice president of the Sisterhood of Temple Judea, and editor of the temple newsletter. She was publicity chairwoman of Roslyn Hadassah, and a columnist for the Roslyn News. Currently, she is a chairwoman of Hillcrest UJA, and is secretary and a member of the board of directors of the Gould's condominium in Florida.

Stuart and Byrdie have been honored with many citations and awards. They are founders of Temple Judea of Manhasset, and were instrumental in the acquisition of the temple's property. They have been honored by Israel Bonds before, both in Manhasset and in Hollywood, FL.

Proud of their family who have followed in their footsteps, they are honored to join Fred and Helaine as cohonorees on this notable occasion.

Helaine and Frederic Gould epitomize service to the Jewish community and have repeatedly proven themselves to be dedicated and effective supporters of Israel. Their lives have been characterized by their selfless devotion to the world of Jewry.

An accomplished sculptress, Helaine was one of the original members of the National Young Women's Leadership Cabinet of UJA and as such contributed significantly to its founding and expansion.

She has held many important positions in UJA-Federation's Long Island Women's division and New York Regional division, and has also served on the board of directors of the Sid Jacobson Y and on the national board of the Women's Pro Israel National PAC.

Fred, chairman of the board of BRT Realty Trust [NYSE], One Liberty Properties, Inc. [AMEX], and a general partner of Gould Investors, L.P., is also a member of the board of directors of Bankers Federal S&L. A cofounder and former chairman of the North Shore Cabinet of the UJA-Federation, he is presently a member of the board of directors of UJA-Federation of New York, an associate trustee of North Shore Hospital, and a member of the New York Coalition for Soviet Jewry.

Helaine and Fred have long been active on behalf of the UJA Mission Program, having been involved in the leadership of 13 local and national missions to Israel. Furthermore, they have, on several occasions, been the dinner cochairs of the UJA North Shore inaugural dinner dance.

They are the parents of three children and the grandparents of four grandchildren.

Mr. Speaker, I call on all of my colleagues in the House of Representatives to join me now in lauding the achievements of Byrdie Gould, Stuart Gould, Helaine Gould and Frederic Gould, as they are honored for their unstinting service and numerous accomplishments by Israel Bonds.

OAKLAND UNIFIED SCHOOL DISTRICT DEPARTMENT OF ADULT EDUCATION COMMENDATION

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. DELLUMS. Mr. Speaker, I rise to recognize the contributions made by the Oakland Unified School District Department of Adult Education [OUSDD of AE]. It is a privilege for me to acknowledge that since 1874 the department has amassed a long and distinguished history of service to the greater bay area. As evidence by the over 28,000 students who enrolled in classes last year, the department continues to work diligently to provide a wealth of quality educational, vocational, and social opportunities for adults and youth who seek personal and professional growth.

The OUSDD of AE is to be especially commended for expanding its collaborations with public and private community-based organizations. Together, they are proactively responding to the needs of our community for new and higher opportunities for our citizens who must constantly address the economic competition and daily complexities of our changing society.

I take this occasion to recognize and commend the tireless efforts of the teachers, students, and staff who work diligently to make the concept of lifelong learning a reality. This program is an outstanding example of the excellent resources that are readily available through our public education institutions.

TRIBUTE TO OLDER CITIZENS OF MINNESOTA'S SECOND DISTRICT

HON. DAVID MINGE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. MINGE. Mr. Speaker, I would like to submit the following proclamation to honor and recognize the older citizens living within the boundaries of Minnesota's Second Congressional District.

PROCLAMATION

Whereas: Older Citizens of the Minnesota Second Congressional District have contributed significantly to the Quality of Life throughout the District; and

Whereas: Without the Influence and Vision of the Older Citizens, this great Minnesota Second Congressional District would not be a Haven of Safety and Prosperity for those who Reside here; and

Whereas: The Older Residents of the Minnesota Second Congressional District represent a "Touch Stone" to the past and hold a keen knowledge of the rich History of our District; and

Whereas: Many Older Citizens of Second Congressional District provide valuable volunteer services which make it possible for the Culture of our area to thrive and grow; and

Whereas: Senior Citizens are Deserving of Honor and Recognition for their Contribution to the Social and Cultural Environment of Minnesota's Second Congressional District;

Now therefore, I, David Minge, Representative of the great Minnesota Second Congressional District, do hereby proclaim May 25, 1993 to be a day of special celebration to honor and recognize the older citizens living within the boundary of Minnesota's Second Congressional District.

REAL REFORM OR JUST TINKERING?

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. STARK. Mr. Speaker, the Lancet is a British publication comparable to the New England Journal of Medicine. The March 27 edition included an editorial which supports the theory held by an ever-increasing number of policymakers, health care professionals, and others involved in the health care reform debate—that managed competition will not deliver what its proponents promise.

The Lancet editorialist maintains that the administration's rumored mixed approach to manage competition will likely result in class-based access through a multi-tiered system of benefits and eligibility. The writer also warns that reform should not concentrate on redirecting money, but rather a restructuring of the American health care system. We would be wise to recognize that we have embarked on a colossal task. A little tinkering here—a change or two there will not spell reform. I urge my colleagues to read this article and keep it in mind when the critical task of health care reform begins in earnest.

[From the Lancet, Mar. 27, 1993]

U.S. HEALTH REFORMS: CLICHÉS, COST, AND MRS C

The US Office of National Health Statistics, in a pair of articles, has crisply sketched the central problem facing President Clinton, the US Congress, and the business community in overhauling the American health care system. This overhaul takes place against a background of free-market economic theory's influence on the delivery of US health services (see p 805). In 1971, when President Nixon officially acknowledged the health cost crisis that many had observed during the 1960s and declared that the American health care system was near to collapse, expenditure stood about $75 billion or 7.6% of gross domestic product (GDP). It was said at the time that if health care exceeded $100 billion, the American economy would begin to crumble. Nixon and Congress broke ground with laws that reviewed and rationalised new facilities, strengthened planning, subjected physicians' clinical decisions to peer review, and sponsored HMOs (health maintenance organisations). The result? By 1980, expenditure stood at $250 billion or 9.2% GDP.

Declaring that "regulation doesn't work", President Reagan and business leaders launched the most concerted effort in modern medicine to use markets and competition as the weapons for containing costs—and by 1990, expenditure stood at $666 billion or 12.2% GDP. The new projections are that US health care expenditure, already over $900 billion or 14.1% GDP this year, will reach $1740 billion or 15.1% GDP at decade's end. Sloping up into the overcast sky of the 21st century, like a plane taking off from the runway, are estimates for nursing home costs and for federal expenditure.

Meanwhile, private insurance companies have been helping employers hold down their premium increases through hundreds of "managed care" programmes that largely amount to shifting costs either directly back to workers through deductions of the first $500–1000 of medical bills and requirements that workers pay 10–20% of all bills up to a ceiling of $2000–2500, or indirectly by driving hard bargains that lead providers to charge more to others. Americans pay far more out of pocket—25% more—than do citizens in any other industrialised country, but several American business leaders swear that costs rise so fast because Americans are "over-insured". None of the nations that have better controlled their expenditures holds this unrealistic belief.

At the same time that costs are soaring, the new data show that more and more citizens have either less insurance coverage or no health insurance at all. More than 1 in 7 Americans are uninsured, a figure that rises to 1 in 4 among the working poor. Only 12.5 percent of these uninsured did not work in 1991. Private insurers and employers dropped 2.2 million more people from their rolls between 1990 and 1991. Increasingly, they are denying coverage to people at high risk. But it is the "Swiss cheese" policies, full of holes in coverage—for example, through exclusion clauses for pre-existing conditions and through payments limited to "allowable charges" set well below the prevailing fees—that are hitting the middle class and the medical profession and have them up in arms.

The Clinton proposal is likely to combine universal coverage with some form of managed competition to hold down costs. The former might end uninsurance and Swiss cheese policies, depending on how truly universal the coverage provision are for part-time workers, seasonal workers, laid-off or redundant workers, the self-employed, and all those working for the 95 percent of businesses that employ fewer than 50. Even the, employers seem increasingly loath to provide health benefits as they transform full-time workers to what the Wall Street Journal calls "a temporary or sub-contracting nether world * * * [of] a just-in-time, bare-bones and cheaper work force * * * [that is] seeping like a mist into every corner of American livelihood * * *." Universal health insurance seems like betting on a horse that is running away form the track.

Exacerbating this problem the kitchen cabinet that Hillary Clinton has assembled will apparently propose a mandatory package of basic health services and then allow competing insurers and health service groups to offer other, presumably richer, packages. It is difficult to imagine how managed competition will not result in class-based access through a multi-tiered system of benefits and eligibility. Moreover, both insurers and health service groups will find it easiest to "compete" via favourable selection of healthier groups. The United States can readily avoid these difficulties, as virtually every other country does, by making the basic package so comprehensive that virtually nothing is left out except private hospital rooms and private nurses. When people are sick, they and their doctors want access to whatever they think will help.

The version of managed care apparently favoured by the Clintons was developed by the Jackson Hole Group (p. 816), an influential mix of millionaire academics, industrialists, providers, and insurance executives who meet regularly at the home of Paul Ellwood, a physician of extraordinary dedication and creativity in health policy over the past quarter century. Unfortunately, the Jackson Hole version has many purchasing consortia ("sponsors") and insurers, as well as many streams of private money coming in, so that budget caps are not possible and many potential savings cannot be captured. Administrative costs will be high, and the detailed managing of clinical work is likely to increase. Mrs. Clinton's recent claim that her proposal will save $200 billion in administrative costs is wholly unrealistic. Moreover, the evidence from a decade of experiences with managed competition in certain cities (eg, Minneapolis), in the Medicaid programmes of Arizona and California, and in certain large corporations indicate modest savings at first and then a setting in of a few large provider organizations. As John Kenneth Galbraith observed nearly 40 years ago, oligopolies do not compete on price because they could drive each other into bankruptcy.

In short, the Jackson Hole plan for managed competition is likely to be inequitable and costly. As the Wall Street Journal remarked on the Clinton proposal, "Most countries do it a simpler way. They collect taxes from the people and businesses, and then use the money to pay for medical care for everyone. As the sole buyer of care, the government sets hospital budgets and in some cases even controls the number of people entering the field of medicine, or decides which technologies a physician or hospital is allowed to buy. The result: universal access and contained costs." One might add that businessmen in other countries are delighted not to get tangled up in health care.

At the centre of the problem are America's private insurance companies, which is perhaps why the Jackson Hole plan has been dubbed the Insurance Industry Preservation Act. If managed care is built around purchasing consortia, why have the extra layer of insurance companies at all? Aside from giving them a way to profit (a word almost never used in American research on health insurance) from their administrative skills, there seems to be no reason. However, American insurers have thoroughly discredited themselves during the past decade by showing how "skillful" they can be at avoiding high-risk subscribers and delaying payments of legitimate claims. One can hardly go to a family or neighborhood gathering these days without finding someone with a harrowing story of what have now become standard techniques—unreadable claims forms, rejected claims for lack of a trivial piece of information, "gotcha clauses" that allow legitimate claims to be rejected because the patient failed to call a number before going under the knife, shunting of patients between different insurers when they have more then one, and just plain delays. In the case of serious illness, this results in file boxes of insurance forms and correspondence for each doctor, laboratory, and hospital as patients try to recoup the money that is rightfully theirs. The most profitable tactic of all is to reject claims, because most people lack the time and resources to fight. Using the subpoena power of the U.S. Congress, Senator Sam Nunn of Georgia has documented how some health insurance companies sit of claims forms so that they can collect most interest on the premium income. Why the Clintons are so soft on the insurance industry is hard to explain, unless it has something to do with all the money the industry spends buying political influence as the most powerful and quietest lobby in the USA.

Mrs. Clinton, sensing that the Jackson Hole version of managed competition is likely to be very complex, inequitable, and costly, is rumored to have another cabinet behind the kitchen, in the pantry, cooking up a much simpler fall-back plan to "universalise" Medicare. Others, looking at a way of overcoming the polarised choice between the Jackson Hole Group and direct federal initiatives in cost containment, have a compromise—managed competition within a restricted budget. This approach would require all individuals and employers to share the cost of health insurance through regional health insurance purchasing cooperatives (HIPCs) under federal budgetary control. HIPCs would contract with HMOs to provide care for consumers who could choose their plan annually. The benefit package would be uniform (a "benchmark plan") and consumers would choose on the basis of both cost and quality. Federal government would set global budgets within which HIPCs will have to operate and would initiate research into practice guidelines and assessment technology.

The trouble with so many of these schemes is that they concentrate on redirecting money, when the needs for the 21st century also call for a restructuring of services towards community-based health care. The leading edge of the UK National Health Service reforms is moving in this direction, away from competition within a single payer towards a budget-capped integration of preventive, community, primary, and secondary-care services centered around one's chosen personal doctor. It makes a lot of sense.

CONGRATULATIONS TO MINNESOTA'S SMALL BUSINESS PERSON OF THE YEAR

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. RAMSTAD. Mr. Speaker, I rise to offer my heartfelt congratulations to Arlene M. DeCandia of the Riverwood Conference Center in Monticello, MN, who was recently named the small business person of the year in Minnesota.

As the only member from Minnesota on the Small Business Committee, I was privileged to attend a special awards breakfast May 7 to honor Arlene DeCandia. I must say I was extremely impressed both by Arlene personally and by her remarkable achievements.

She started building Riverwood Conference Center 14 years ago in an undeveloped alfalfa field overlooking the Mississippi River near Monticello.

Through hard work and tenacity, she has developed Riverwood into the Nation's largest privately owned conference center.

Today, Riverwood consists of over 65,000 square feet of building space, lodging for over 100 guests, a restaurant, 12 meeting rooms and 58 acres of landscaped grounds. The center hosts an average of 35,000 visitors and more than 1,000 meetings annually.

Mr. Speaker, small businesses like those owned by Arlene DeCandia are absolutely critical to our Nation's economy. Small business people like Arlene DeCandia, who create the jobs we need to put people back to work, are true heroes.

I want to salute her for her strong contribution to our country and heartily applaud her as the Minnesota small business person of the year. Congratulations.

A TRIBUTE TO YOLANDA RUIZ

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. MOORHEAD. Mr. Speaker, it is a privilege for me to come before my friends and colleagues in the U.S. House of Representatives to recognize and pay tribute to a longtime employee of the county of Los Angeles, Yolanda Ruiz.

For more than two decades, Yolanda Ruiz has been the perfect paradigm of the public servant. She has always been informed, helpful, and gracious. She was dignified when dignity was called for; she was strong when strength was needed; she displayed a sense of humor when things got too serious. Her class has always been obvious; her panache easily apparent.

As an advocate for county residents, she always represented their interest before the delegation with intelligence, fairness, and efficiency.

As the Federal representative for the largest urban county in the country, Yolanda Ruiz has immeasurably assisted both the country and the Federal Government in dealing with the difficult issues of our day in the areas of law enforcement, health care, employment, education, business, and economics.

Just last year she played a critical liaison role between Washington, DC, and the county during last year's tragic Los Angeles riots.

Mr. Speaker, if all public servants were like Yolanda Ruiz, we would be held in the highest regard. If all public servants served with the same charm and ability of Yolanda Ruiz, public service would be an esteemed and sought after occupation.

Mr. Speaker, I am not speaking for the Los Angeles County Congressional Delegation, but I know that none of my colleagues in the delegation would disagree with what has been said and written on her behalf.

I also know that my colleagues and I are grateful to Yolanda Ruiz for all her contributions to good Government, for her friendship, and for her charitable spirit.

Mr. Speaker, Yolanda Ruiz is a grand woman. I wish her the very best.

TRIBUTE TO RICHARD ANDREW COCHRAN

HON. WILLIAM H. ZELIFF, JR.

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. ZELIFF. Mr. Speaker, as we celebrate small business week, I would like to take this opportunity to recognize an exceptional young man from my district, who has been named the New Hampshire and New England Small Business Person of the Year. We must never forget that small business is the engine that drives our economy and it's people such as Richard Andrew Cochran (Andy), that will continue to make America number one. Andy is an inspiration to small business people everywhere.

Mr. Speaker, I would like to enter into the RECORD an excerpt from the Small Business Administration's program about the small business people of the year. I would like everyone to be able to acknowledge the significant accomplishments of Richard Cochran.

Congratulations, Andy, on this prestigious achievement.

STATEMENT FROM THE SMALL BUSINESS ADMINISTRATION PROGRAM FOR SMALL BUSINESS WEEK AND SMALL BUSINESS PERSONS OF THE YEAR

There is an art to being a businessman, and there is a business side of art; Andy Cochran has mastered both. From pottery peddled out of a pushcart 20 years ago, Andy has built a company that sells its wares through more than 6,000 retail outlets nationwide as well as its own factory outlet store. With his unique blend of talents as artist, salesman and entrepreneur, Andy created 65 jobs in the Dover area; he and his employees produce over 300,000 units per year for annual sales of more than $2 million.

Andy's pottery combines time-honored salt glazing with contemporary designs and uses. In a time of economic hardship, Andy built his company by investing in research and development, broadening the product line, automating the kiln-firing process and introducing machines to a portion of the manufacturing process. Salmon Falls Stoneware now makes more than 100 shapes in combinations of 17 patterns. Every piece is hand-decorated.

Andy and his company have had a long and successful relationship with SBA, first with SCORE counselors in the '80s, then with a loan that helped buy equipment. Today, he and his crew work out of an old railroad engine house converted into a pottery studio and retail sales shop. Andy bought the entire 10,000-square-foot building with the help of an SBA loan in 1990.

"Andy the Potter" changed the name of his company to Salmon Falls Stoneware in the mid-'80s because, as he puts it "my role is no greater than the role of every potter, decorator and kilnmaster who works here." That kind of generosity is also seen in his contributions to the community: he donates thousands of dollars worth of pottery to charities for auctions and raffles, contributes tons of clay to schools and other organizations, and gives studio tours for schools and other organizations in the Dover area.

TRIBUTE TO RAY G. KELLY

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. TALENT. Mr. Speaker, I rise today to recognize Mr. Ray G. Kelly, who I am proud to represent from the second district of Missouri. Mr. Kelly is president of the Angeles Group, Inc., and is being honored as Missouri's small business winner in conjunction with the 30th annual Small Business Week here in Washington, DC.

Angeles Group was a 25-year-old company in Los Angeles with five employees and $650,000 in sales. In 1986, Mr. Kelly relocated the company to Missouri with the goal of producing high-quality preschool toys and equipment to encourage better child development. Today, the firm markets its extensive product line in the United States and five foreign countries. Two years ago, with the help of a Small Business Administration loan, Mr. Kelly more than doubled his facilities in 1991, and will nearly triple that with the SBA loan which was granted in 1992. In 8 years the Angeles Group grew to 65 employees with annual sales of $6.7 million. The company expects to employ 180 by 1996.

Mr. Kelly's interest in his business and in childhood development includes involvement with the National Association for Education of Young Children, the School Supply Dealers Association, and the Head Start Association. In 1990, when his company was rapidly expanding, he also became president of the Missouri Venture Forum, a nonprofit group which brings together people interested in helping entrepreneurs. The organization had suffered declining membership, poor attendance, and had severe cash-flow problems. Since Mr. Kelly took over, membership has tripled and attendance and cash-flow have dramatically improved. In 1991, Mr. Kelly was named the Manufacturing Entrepreneur of the Year for St. Louis.

Additionally, Mr. Kelly is committed to public service. Each Christmas, Mr. Kelly and his employees volunteer time to construct tricycles

for the Toys for Tots Campaign. These tricycles are made of parts that were rejected for minor cosmetic flaws.

Mr. Kelly is in town attending the 30th annual Small Business Week. A national small businessman of the year will be chosen at this conference. I wish Mr. Kelly well at this upcoming conference.

Mr. Speaker, it is truly an honor to represent such an outstanding individual.

TRIBUTE TO THOMAS E. SCHNEIDER

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. KING. Mr. Speaker, I rise today to recognize Thomas E. Schneider from the community of North Babylon, Long Island for his dedication to law and order and his long service to the residents of Nassau County, NY, as an officer in the Nassau County Police Auxiliary.

Mr. Schneider has devoted much of his life to law enforcement, serving with the United States Army in Germany for 3 years as a military police investigator. Mr. Schneider's dedication to protecting and preserving life, limb, and property was such that he devoted his valuable time and expertise as a volunteer with the Nassau County Police Auxiliary.

As a deputy inspector with the auxiliary, he supervised auxiliary police operations in the communities of Bethpage, Plainedge, and Hicksville in my Third Congressional District. His devotion to duty and concern for his fellow citizens is indeed worthy and deserving of our recognition and of our thanks.

I am sad to report that Mr. Schneider is currently in failing health. I would like to extend my best wishes for his recovery and ask the residents of the third Congressional District to remember him in their prayers.

NEW YORK TOWN OF GREENFIELD CELEBRATES BICENTENNIAL

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. SOLOMON. Mr. Speaker, as far as I'm concerned, few districts in this great Nation are as rich in history as the 22d of New York.

The Saratoga County Town of Greenfield will celebrate its bicentennial this summer, but its history extends far beyond 1793. I'd like to say a few words about that history today.

We know that in 1642 Mohawk Indians traveled across what is now Greenfield near Lake Desolation. In 1693, a large force of French and Algonquins, with about 300 captive women and children, were chased across Greenfield by Lt. John Schuyler.

The first three-quarters of the 18th century was a period of conflicts with Indians, which hampered white settlement. The first of those white settlers was Preston Denton from Dutchess County, although some claim it was Gershom Morehouse, who build the first sawmill and gristmill. The first large influx of settlers was in 1786. The first store, the first tavern, and the first church were built within the next 5 years. The town charter was signed in 1793, although the town was first called Fairfield. The northern part of the town was cut off to form the present town of Hadley in 1801, reducing Greenfield to its present proportions.

Farming was the primary occupation in those early years, but many residents soon went to work in the various mills, carriage shops, hotels, and stores that were built.

The town of Greenfield has prospered since then, attracting new residents with its rich and diversified natural resources and fertile land. But despite the bewildering flux of change in America, especially in late 20th century, Greenfield has never lost its smalltown charm. It is that special quality that town officials will celebrate June 5 on Heritage Day.

Mr. Speaker, I ask you and other Members to celebrate that special quality with me. Please rise with me to wish the town of Greenfield a Happy 200th Birthday.

TRIBUTE TO B.P.O.E. LODGE NO. 275 ON THE OCCASION OF THEIR 100TH ANNIVERSARY

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. FISH. Mr. Speaker, I rise before you today to recognize and pay special tribute to the Poughkeepsie Lodge No. 275, of the Benevolent Protective Order of Elks. We are celebrating their 100th anniversary, a culmination of the achievements and many years of dedicated service of the lodge. Throughout these years, the lodge has been a pillar of the community and a model of service for all.

As a member of Lodge No. 275, I am well aware of the outstanding contributions that have been made over the years that have greatly benefited the people of Poughkeepsie. My brothers host such functions as Flag Day, Mothers Day, and Veterans Day ceremonies. Youth activities are held and scholarship funds raised. In the past year alone, the Elks were able to donate over $35,000 to local charitable organizations. I am therefore honored to offer my best wishes on this historic occasion, and I commend all of the lodge members who have contributed to this success.

Mr. Speaker, I ask all my colleagues to join me in congratulating these upstanding citizens at the Elks lodge during the celebration of their 100th anniversary as an active unit. I know they will continue to provide invaluable service to our community in the years to come.

SOME PEOPLE WILL NEVER GET A PIECE OF THE ROCK

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. STARK. Mr. Speaker, the task of health care reform is probably the most important and far-reaching task this Congress will undertake. It is our responsibility to ensure changes that result in health care reform for the people who are suffering and need it most.

Simply stated, our mission is to provide equal access to adequate health care for everyone. This is much easier stated than actually accomplished. Rumors abound and speculation is plentiful about the White House's health care reform proposal. The most often repeated rumor is that the White House will propose some form of managed competition.

I have been warning against the dangers and pitfalls of managed competition for months. The Congressional Budget Office says managed competition will not save money or help to contain costs. And an increasing number of noted health professionals are telling us that managed competition will probably result in the urban and rural poor not being served much more effectively than under the current system.

This fear was reinforced during a recent hearing of the House District of Columbia Committee. The hearing examined the potential impact of the various health care reform proposals on residents of the District of Columbia. Proponents claim that this managed competition will be miraculously different—everyone will be covered. We must not allow ourselves to be duped by the proponents of managed competition—huge insurance companies, for-profit hospitals, and big pharmaceutical companies.

I want to share with you the testimony of one of the members of the Alliance for Managed Competition, the Prudential. This testimony supports my worst fears about managed competition—the same people who are left out or subject to inadequate care now—will just get more of the same under the managed care proposals I've seen.

The Prudential submitted written responses to questions which clearly stated that they have many providers who don't want poor people in their waiting rooms and would not participate in a managed care operation that included large numbers of Medicaid clients.

Mr. Speaker, I urge my colleagues to read this portion of the testimony and keep it in mind as we begin the debate on the best health care reform for everyone—not best for big insurance companies, doctors and hospitals—not best for corporate America, and not best, just for the middle class—but for everyone.

Currently, only Chartered Health Plan offers insurance to 16,000 of the District's 100,000+ Medicaid population—an IPA model HMO. Are there requirements placed on insurers by the Insurance Commissioner that limits the ability or interest of insurers to contract for Medicaid enrollees? If similar restrictions were extended to all AHPs—like a requirement on insurers to contract with District hospitals—how would this influence your decision as to whether to participate in a D.C. HIPC?

There are obstacles to participating in the Medicaid market, but they are not placed there by the Insurance Commissioner. Most prohibitive is the fact that when we investigate participating in the D.C. Medicaid market, we discovered that rates paid were lower than Maryland's even though there is no evidence that the costs of caring for D.C. residents would be any lower than Maryland residents.

There were other unattractive contract provisions as well. For example, the District requires that, if an HMO serves Medicaid recipients, all the HMO's providers must serve Medicaid recipients in all their offices. We knew that some of our providers who do not currently serve Medicaid recipients and whose practices are located in areas where there are few Medicaid recipients, would drop out of our network if we required them to serve Medicaid recipients. Rather than jeopardize our provider network we elected not to participate. Maryland has no such requirement, but allows us to designate a provider network for Medicaid which is chosen to be located in the necessary communities to promote access to care.

In Maryland, the State also effectively protects HMOs against the impact of certain catastrophic illnesses like AIDS by offering "stop loss" provisions in its contract. D.C. offers no such protection.

In terms of restrictions upon AHPs, we'd have to examine each to determine whether, singly or comulatively, they would influence our decision whether to participate in a D.C. HIPC. For example, we have no objection in theory to contracting with District hospitals—we do already—but we would not wish to be required to contract with all D.C. hospitals. To do so would destroy our ability to require a hospital to meet quality of care standards, to say nothing of negotiating reasonable fees. For example, we have high standards for quality assurance. But a hospital that couldn't be cut from the network could ignore them and we would be powerless to do anything about it.

INTRODUCTION OF DUTY SUSPENSION LEGISLATION

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mrs. KENNELLY. Mr. Speaker, I rise today to introduce legislation that would extend the expiring suspension of duty on certain parts and accessories of indirect process electrostatic photocopying machines. The extension of this duty simply would amend the Harmonized Tariff Schedule of the United States by striking the date of December 31, 1992, and inserting in its place, the date, December 31, 1998.

This suspension has been in effect since October 1988. In fact, this proposal was part of legislation considered and approved by the House last year. Since the suspension has expired, foreign exporters now have an advantage over U.S. manufacturers. This is of great significance to our manufacturers since copier parts are imported at 3.9 percent ad valorem and generic parts used in copier manufacturing are imported at even higher rates. There then exists incentive to manufacture offshore since foreign manufacturers of finished copiers exporting to our country have an advantage over those who manufacture on our soil.

We must be able to maintain competitive manufacturing costs. A strong manufacturing base is key to this Nation's competitive advantage and success.

THE CROATION SONS LODGE NO. 170 CELEBRATES 85TH ANNIVERSARY

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. VISCLOSKY. Mr. Speaker, it is my distinct honor to congratulate the Croation Sons Lodge No. 170 of the Croation Fraternal Union on the occasion of their 85th anniversary.

This year the Croation Fraternal Union will commence at the Croation Center in Merrillville, IN. Traditionally, the anniversary ceremony includes recognition of members who have achieved 50 years of dedicated membership. Honorees who will rejoice in 50 years of allegiance include: Frances C. Ballard, Zenka M. Barancyk, Kathryn Batusic, Anna Briski, Jeff Cogelja, Dorothy Cunningham, Madeline Johnson, Rudolph A. Markovich, Edward Milosevich, Jack Pavisich, Adolph Pericak, Mildred Pratt, Frances M. Ryczek, Walter Skrobot, Mary Solay, Anna A. Sommers, Anne E. Sperko, Frank Svaco, Mary Uhrin, Helen Visclosky, and Anna Yeager. Including these loyal individuals, there are a total of 234 lodge members who have attained this status.

This memorable day begins with Mass at St. Joseph the Worker Catholic Church in Gary, IN, officiated by the Reverend Father Benedict Benakovich. The regular monthly meeting will follow, and is to be succeeded by the anniversary banquet. Croation Fraternal Union National Vice President, Mr. John Sicko, will be this year's distinctive guest speaker. Festivities shall be enriched by the music of the Croation Glee Club, "Peradovic" directed by Brother Walter Kazic, and by the Hoosier Hrvati Adult Tamburitza Orchestra, directed by Roko Abramovich. The Croation Fraternal Union Kolo dancers, under the direction of Sister Angie Dezelich, as well as the Drina Tamburitza Orchestra with Brother Jack Tomlin, will also entertain.

It is my special pleasure to commend Lodge President Elizabeth Morgavan, as well as every member of the Croation Fraternal Union Lodge No. 170, for their loyalty and radiant display of passion for their ethnicity. It is my hope that this year will bring renewed hope and prosperity for all Croation community members and their families. May this 85th anniversary celebration prove to be most joyous.

NATIONAL GUILD OF HYPNOTISTS

HON. WILLIAM H. ZELIFF, JR.

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. ZELIFF. Mr. Speaker, New Hampshire State Representative Dennis H. Fields recently brought to my attention the activities of the National Guild of Hypnotists. At the request of Representative Fields, I am sharing his information with my colleagues.

The basic objectives of the National Guild of Hypnotists are: "to provide an open forum for the free exchange of ideas and to actively pursue due recognition of the importance of hypnotism for mankind." The National Guild of Hypnotists is pledged to constantly strive to establish and maintain a high code of ethics and to encourage continuing education and high standards for all individuals and organizations in the in field of hypnotism and hypnotherapy.

Advisory board members have been enlisted from the major healing arts and other professions to provide a comprehensive pool of professional opinions and philosophies. A strong code of ethics guides members as they serve the public and other professionals. Researchers find the National Guild of Hypnotists to be a valuable resource for books, audiotapes, and videotapes and their widely read publications, the Hypno-Gram and Journal of Hypnotism.

Hypnosis has been used through the ages, but first started to be utilized more widely after recognition as a valid therapy by the British Medical Association in 1955 and the American Medical Association in 1958. The U.S. Department of Labor recognizes the occupational title of "hypnotherapist," and hypnotherapy is rapidly gaining recognition as a separate and distinct profession.

The National Guild of Hypnotists has initiated and continually upgrades basic and postgraduate educational resources for the benefit of students, practitioners, and the general public. Alternative therapies studies rank hypnotherapy as one of the most highly favored by the general public.

Annually, a thousand or more hypnotists come from around the world to New Hampshire for what has become known as the world's largest and friendliest hypnosis convention and educational conference. During the 42d year of the National Guild of Hypnotists, we should commend and encourage them by recognizing their outstanding past accomplishments and wishing continued growth to this unique organization and its dedicated members.

GLENS FALLS CEMENT CO., OUTSTANDING CORPORATE NEIGHBOR FOR 100 YEARS

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. SOLOMON. Mr. Speaker, on June 19 of this year, the Glens Falls Cement Co. will celebrate 100 years of being an outstanding corporate neighbor.

Festivities will actually begin the night of June 18 with a dinner cruise on Lake George, and will include a community-wide open house.

Mr. Speaker, I would like to take this opportunity to say a few words about Glens Falls Cement Co. and how it has made such a positive mark on the area.

The company was incorporated on June 17, 1983, to manufacture cement from limestone deposits found on the banks of the Hudson River. The present quarry on the river's south bank was opened in 1906 and provides 750,000 tons of rock a year.

The plant employs 130 people and has the capacity to produce up to 550,000 tons of cement every year. Its products include a variety of portland and masonry cement all bearing the "Iron Clad" trade name.

But the importance of Glens Falls Cement goes far beyond its manufacturing activities. Its involvement in civic and cultural affairs is equally important. As part of its centennial, the company is underwriting restoration of "The Nuremberg Chronicle," an epic work published in Germany in 1493, and currently owned by the nationally renowned Hyde Collection of Glens Falls. This priceless work contains 645 hand-colored woodcuts.

Glens Falls Cement has also made a special contribution to the Glens Falls Symphony. The company will underwrite the composition of a work to mark the centennial of the Adirondack Park. The symphony will premiere the work during its next season.

Students from area schools will participate in buying a time capsule at Glens Falls Cement during the open house program. Those students have been asked to write letters addressed to students in the year 2093. Letters from area government and business officials, current newspapers, television film, brochures of area attractions, and other memorabilia also will be placed in a time capsule housed in a special cement vault provided by the Fort Miller Co. The cite of the capsule will be marked by an engraved plaque.

As you can see, Mr. Speaker, the presence of Glans Falls Cement has enhanced the quality of life for our area in many ways.

It is my privilege to ask all Members to join me in wishing Glens Falls Cement Co. a happy 100th birthday, and continued success in the 21st century.

THE UNITED BLACK FUND CELEBRATES 21ST ANNUAL VICTORY LUNCHEON

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. DELLUMS. Mr. Speaker, I rise today to enthusiastically extend my heartfelt congratulations to the staff of the United Black Fund [UBF] in celebration of its 21st Annual Victory Luncheon.

This year I would like to commend the many member agencies and the staff of the UBF for their continuous work in serving the needs of our community. It is my understanding that the UBF funds over 70 community agencies in the Washington Metropolitan area. These programs include caring for senior citizens, treating substance abusers, and sheltering the young. As a former social worker myself, I have deep appreciation for the commitment it takes to serve the community.

I believe it is important to recognize the contributions of the unsung heroes in the community. As you may recall, there was a time when the family attended to the needs of the less fortunate in the community. Times have changed. Today community organizations are a necessity in providing services of all types to those in need. Community workers answer the call of those in distress and unselfishly put the concerns of others above their own. This is an attribute of the community worker that deserves praise and respect.

As a Member of Congress, I know that community organizations are doing more with less. As the problems in our community increase, the dollars appropriated to address them decrease. On many occasions, I have taken to the floor of the House of Representatives, to inform my colleagues of the pain and agony suffered by people in our community because of lack of funds. Nevertheless, each year the UBF gives me reason to be optimistic, because they remind me that the human spirit can persevere and overcome obstacles placed in our path. Indeed, we are our brothers' and sisters' keeper.

It is important that community workers know that their work is appreciated by others. It is because of their tireless efforts that seniors are cared for, the young are directed, and the addicted have hope. There are not enough accolades to bestow upon the UBF and its staff for continuing to meet the unmet needs of the most deserving.

Once again, I ask my colleagues to join me in recognizing the valuable contributions of the many community agencies funded by the UBF and Dr. Calvin W. Rolark. I remain hopeful that the UBF will continue to meet the challenges placed before it.

A SALUTE TO MARGARETTA PALMER

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. FOGLIETTA. Mr. Speaker, I rise today to salute Mrs. Margaretta Palmer, for her service to the Intergenerational Program of the Philadelphia Housing Authority.

Mrs. Palmer volunteered her time to the Intergenerational Program for 8 years. As a member of this program, she took the time to share her love with students enrolled in the PHA Day Care and Head Start Centers, joining them in numerous educational, cultural, and recreation activities. Presently, Mrs. Palmer is a member of the advisory council for the Intergenerational Program.

Mrs. Palmer was also a member of the Tasker Older Adult Center from 1987 to 1992, serving as its president for 4 years. As president, Mrs. Palmer was directly involved with planning the center's agenda of food programs, cultural events, trips, and other activities of interest to the seniors community. Presently, Mrs. Palmer, at the age of 91, still spends her time working at the St. Rita Senior Center.

I wish to join with Mrs. Palmer's friends and coworkers in thanking her for all the time she has spent serving the students and senior citizens of Philadelphia. We are honored to have her as a member of our community.

HONORING RANDOLPH R. CORNELL AS THE TENNESSEE SMALL BUSINESSPERSON OF THE YEAR

HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mrs. LLOYD. Mr. Speaker, I am here today to honor Randolph R. Cornell, the recipient of the Small Business Administration's Small Businessperson of the Year Award for the State of Tennessee. Mr. Cornell, president of Reliable Heating and Air Conditioning Co., Inc., is a sterling example of individual innovation, hard work, and diligence. He has built his company from a one-man shop in 1972, to a $4 million enterprise employing 40 people today, with a reputation for meticulous and responsive customer service.

Mr. Cornell's personal fairness and generosity have earned him a reputation beyond that of simply a good businessman. As the low bidder for a job to rebuild the Salvation Army building after a fire, he finished below cost and donated much of the insurance money back to charity. Caring and involved treatment of his employees and others associated with his business has brought him respect and appreciation.

Mr. Cornell also stays active in his community, attending church regularly, serving on the Salvation Army board, and tutoring the illiterate.

I want to extend my personal congratulations to Mr. Cornell for being chosen by the Small Business Administration, and my heartfelt thanks for his dedication to his business and community and the good he has brought to both.

HONOR THE NUCLEAR WEAPONS TESTING MORATORIUM

HON. MARJORIE MARGOLIES-MEZVINSKY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Ms. MARGOLIES-MEZVINSKY. Mr. Speaker, like many people across the country and across the world, I have great concern about the proposal for the United States to resume nuclear weapons testing. I have heard some people say that we will only test small nuclear devices, but nuclear weapons, no matter how small, are still nuclear weapons.

The United States stands today as the last remaining superpower. As such we have a great responsibility to lead the world of nations, and to lead in a positive way. We, and other countries, have previously pledged to honor a moratorium on nuclear weapons testing. It would be a mistake for us to violate this moratorium.

We can only hope for other nations to follow if we lead by example. One example we should set is to continue to honor the moratorium on nuclear weapons testing and to encourage other countries to likewise agree not to test nuclear weapons.

ABANDONED LAND REUSE ACT

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. MFUME. Mr. Speaker, today I introduce the Abandoned Land Reuse Act of 1993 to provide much needed assistance to communities blighted by abandoned industrial lands. Such lands dot the landscape of many of our communities—communities often financially unable to redevelop them.

The bill establishes a grant program funded at $100 million each year for 3 years, providing an infusion of capital to distressed areas. Through this program, jobs will be created, tax bases increased, and neighborhoods improved. Additionally, public health and environmental hazards presented by degraded industrial lands will be reduced.

My own congressional district is home to abandoned industrial sites, serving as testament to the problems belying communities and neighborhoods plagued by deserted industrial complexes. Vacant bottling plants, steel factories, and chemical companies degrade neighborhoods. Remnants of former industry undermine the economic health of communities and propel their decline.

To reverse this trend, grants equaling 75 percent of the costs of redeveloping the land will be provided on a competitive basis. State and local agencies and community development organizations receiving these grants will be required to contribute 25 percent of the share of site rehabilitation. The resulting improved properties can be used by light industry, technology, or even retail establishments, and will serve as catalysts to the revitalization of entire neighborhoods. To ensure returns are experienced on the Federal Government's investment, up to 85 percent of proceeds recovered in excess of the 25 percent non-Federal contribution will be used to reimburse the Federal grant.

Highest priority for grant awards will be given to the most economically and socially distressed communities. Criteria established for selection of grant sites include the degree of distress experienced by a community, the relative commitment of State and local grantees to the successful implementation of the demonstration program, the relative number of abandoned sites in the State, job training and employment opportunities generated by that project, and the potential intergovernmental agency cooperation and possible public-private partnerships.

The Housing and Urban Development Secretary will approve the demonstration grant proposals, or delegate the responsibility to a State's Governor with respect to the demonstration project sites in that State. The Secretary may even waive the 25-percent non-Federal contribution in the event the net proceeds realized from the transfer of the site will approximate at least 25 percent of the eligible costs of carrying out a reuse action at the site.

Again and again we hear about the need to invest in our Nation's infrastructure. Remediation of existing industrial sites, even if they have been neglected, can rely on existing infrastructure. Resources already at our disposal will be regenerated rather than be squandered.

Job training opportunities would be created as part of the ripple effect of redeveloping sites. Specifically, one of the key criteria in selecting the sites for funding is the resulting employment opportunities to be generated. Certainly, a program that improves existing infrastructure, creates jobs, and eliminates health and environmental hazards merits implementation.

Already nationwide enthusiasm has been expressed for this legislation. Senator DON RIEGLE has introduced this legislation in the Senate, where it has been well-received by a wide cross-section of Senators. The Northeast-Midwest Institute and the Congressional Northeast-Midwest Coalition have promoted the concept of reuse of old industrial structures and sites.

Few communities with an industrial base are exempt from the problems created by abandoned industrial sites, and few would hesitate at the opportunity to redevelop them and eliminate a source of blight and decay. This legislation will offer the incentive to help communities overcome the difficulties surrounding redevelopment of potentially contaminated industrial sites.

I look forward to providing a resource for those communities eager to propel their economies forward and improve the surrounding health, environmental, and employment conditions. The Abandoned Land Reuse Act will achieve these two complementary goals in an efficient and cost-effective manner and reinvigorate cooperation between government and community development organizations.

I encourage support for and cosponsorship of this grant program by other Members given its broad application to communities nationwide.

A TRIBUTE TO BRENDA PERSON

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. FOGLIETTA. Mr. Speaker, I rise today to pay tribute to Ms. Brenda Person, community activist and leader in the North Philadelphia neighborhood.

Since 1990, Ms. Person has been assistant to the president of the Beech Corp. of North Philadelphia. In this role, she has been instrumental in the corporation's work to revitalize the economic and social climate of the Cecil B. Moore area and other neighborhoods in north-central Philadelphia. She has assisted the Beech Corp. in giving out grants to nonprofit groups in the Cecil B. Moore corridor of Philadelphia. Most importantly, she has helped form a dialog among community residents, business persons, and government officials to develop and implement neighborhood improvement programs.

Ms. Person is the past president of the South of South Neighborhood Association. As president, she worked to develop procedures for the input of concerned citizens into the work of local development agencies.

I stand today with Brenda Person's friends, family, and colleagues to thank her for all the selfless work she has done for the people of North Philadelphia. She has helped to make this neighborhood a better place for everyone.

A TRIBUTE TO CORLISS GRAY

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. FOGLIETTA. Mr. Speaker, I rise today to pay tribute to Mrs. Corliss Gray. Mrs. Gray has dedicated her life to Philadelphia, the city she has always called home. She has fought to improve the living conditions of African-Americans and the poor of Philadelphia, focusing primarily on the need to improve public housing.

This struggle has included years of grassroots work, walking the halls of the State legislature, Philadelphia City Council, and the Philadelphia Housing Authority to fight for better housing. She has also traveled to Washington to press Congress and HUD for more help for Philadelphia and more power for its public housing tenants.

Currently, Mrs. Gray is president of the Queen Lane Tenant Management Corp. With the support of an excellent board of directors, the group was awarded grants of $100,000 in 1991, and $200,000 in 1992 to help manage a local highrise building and 19 row homes for rent to lower-income residents. In conjunction with Queen Lane, Mrs. Gray has organized food programs, a GED program, youth programs and job training programs for area residents.

In addition to all this work, Mrs. Gray has still found time to donate to numerous community organizations. she confounded Share-Philadelphia, a food program for the poor. She is treasurer of the Resident Advisory Board, a public housing tenant umbrella organization, and she is the former vice president of the Wissahickon Boys Club.

For all Mrs. Gray has done for the city of Philadelphia, I stand with her family, friends, and all the citizens she has served in applauding her work and her life. She is an example to us all.

WHAT, US WORRY? WE HAVE PROGRAMS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. CRANE. Mr. Speaker, the deterioration of our schools and the rise in the crime rate are obvious problems in our country. Many politicians continue to believe that the answer to these most serious problems is increased spending and government programs. It is time to learn from the many failed attempts and accept the fact that new government programs are not the answer to all our ills. In his article, "What, Us Worry? We Have Programs," Mike Royko tells why we need to consider a new approach to these issues. I submit Mr. Royko's article to my colleagues' attention and

urge them to keep it in mind as we consider these important matters.

WHAT, US WORRY? WE HAVE PROGRAMS

(By Mike Royko)

When the worried talk is about schools, the answers are always money and new programs. The politicians talk about the money, where it will come from and how it will be spread around. The educational experts talk about programs and how they will be implemented. Where would they be without programs to implement?

When the worried talk is about crime, the answers are always stricter gun control laws and, of course, the implementation of a vast array of new drug programs.

When the worried talk is about troubled families, the answers are new federal social service programs. Even now the White House is talking about new multibillion-dollar "family preservation" programs that will send out hordes of social workers to bring broken families together. Assuming, of course, that these programs are properly implemented.

And now that we have a Democratic president and a Democratic Congress, there will be a blizzard of new program. If there is anything that Democrats believe in, it is that for every problem, there should be a federal program. But there is something missing in the talk about the problems and the programs that are intended to solve these problems.

It is what I call the "Who, me?" factor. As in, "It is your responsibility," followed by, "Who, me?"

Start with the schools. The problem isn't money. We spend vast sums on schools. Nor is it a lack of programs. We have more educational programs that can be implemented in the next 100 years.

Where there are problem schools, the biggest source of the problem is the parent. The kind of parent who, when told that she or he is responsible for her or his children, says: "Who, me?"

Show me the worst school districts in Chicago, Detroit, New York, Los Angeles, and I will show you parents who should not be raising a Chia Pet, much less a child.

These are the places where the illegitimacy rates are jaw-dropping, where ignorance and illiteracy are handed down from generation to generation like family heirlooms.

What kind of program do we implement to persuade some dense teen-age girl that she should not couple with some street-swagger boyfriend? What program, if implemented, will make the young man understand that if he fathers children, it is his responsibility to live with those children and try to support them?

"Who, me?" they will answer with amazement. Isn't that what the school is for? Or the social workers? Isn't there a program that does it?

The same applies to crime. Strict gun laws will make only a tiny dent in that problem. Thickheaded as the gun lobby can be, they are right about one thing: The gangbangers, grocer-killers and drug dealers aren't deterred by registration or cooling-off laws. They don't shop at sporting marts with the skeetshooting crowd. Their gun suppliers deal out of car trunks or abandoned buildings.

And we can trace the rise in violent crime to the same source of the school ailments. The parts of the cities that produce the illegitimate illiterates are giving us the greatest number of trigger-happy young felons. You don't have to know how to parse a sentence, much less read one, to point a gun at a convenience store clerk or deliver a load of crack.

So now we are going to get a Family Preservation Act and more programs for social workers to implement. If it does some good, which I doubt, fine.

But what we need as much as a Family Preservation Act is a Family Prevention Act. There's not much point in trying to preserve families that weren't families in the first place. If you go to a Family Court in a big city, what you see is some stupefied young woman, her physically or mentally abused kids and a slackjawed boyfriend sitting in a back row. Since when has that been a family? And what is there to preserve? If the kids survive the abuse and neglect, they'll be the next generation of social misfits and menaces.

And when they are told that they are responsible for their own actions and for those of their children, they will look blank and say: "Who, me?"

If President Clinton intends to create public works jobs, then I suggest he do it this way: Round up the young fathers who breed and walk away. Give them a choice: Work and use the paycheck to support your family or go to jail.

If he wants to reform welfare, then apply the same standards we do in our fishing and hunting laws. There is a limit. And what would be wrong with telling a woman: "Two is your limit and you have reached it. Any more than that, you support them yourselves."

Is that hardhearted and insensitive? Maybe. But for several decades, we have been good-hearted, bleeding-hearted and ultrasensitive. And what has it given us? The highest rates of illegitimacy, illiteracy, homicide and chronic dependency of any developed country.

And at the rate we're going, it is only going to get worse, not better.

So the social engineers and program implements should start taking a new approach. That used to be the old approach.

When someone says: "Who, me?" the answer should be, "Yes, you, and don't do it again."

SUPPORT OF H.R. 1308, THE RELIGIOUS FREEDOM RESTORATION ACT

HON. MARJORIE MARGOLIES-MEZVINSKY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Ms. MARGOLIES-MEZVINSKY. Mr. Speaker, I rise today in support of H.R. 1308, the Religious Freedom Restoration Act.

In the tradition of Ellis Island, our Nation has always been a beacon of religious freedom around the world. The Religious Freedom Restoration Act will correct the Supreme Court decision which severely limits the freedom of all Americans to practice the religion of their choice without interference by the Government.

It is imperative that the Government not interfere with our religious rights absent a compelling reason. Without this critical piece of legislation, any religious act—from receiving communion to eating kosher food—is in jeopardy.

I am proud to be an original cosponsor of the Religious Freedom Restoration Act and I urge my colleagues to support this bill. We must ensure that America continues to be a haven for religious freedom.

Only with the passage of the Religious Freedom Restoration Act can we honor those who came before us—like my grandparents who fled from Russia to escape anti-semitism and pogroms—and know that our religious freedom will be secure for generations to come.

DISTRICT OF COLUMBIA BUDGET AUTONOMY ACT OF 1993 INTRODUCED

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Ms. NORTON. Mr. Speaker, granting the District of Columbia budget autonomy was first considered in 1973 as both the House and Senate were considering Home Rule legislation. The Senate version, as well as the bill reported by the District of Columbia Committee, provided that the Mayor submit a balanced budget to the council with only the Federal payment being subject to congressional review. However, the final version, the result of a conference compromise, required the Mayor to submit a balanced budget for review by the city council and subsequently to Congress as part of the President's annual budget. In the end, this process was enacted into law as part of the 1973 Home Rule Act.

Under the current process, the District is required to submit to the President a balanced budget proposal for the next fiscal year. This includes proposed expenditures of locally raised revenues as well as a proposed Federal payment. The proposed District budget is then included in the Federal budget which the President forward to Congress for consideration. The District of Columbia Appropriations Subcommittees in both the House and Senate review the budget and exercise the right of line item changes. Following markup and passage by both Houses, the D.C. appropriations bill is sent to the President for signature. The bill is subject to various political considerations as well as fiscal soundness. During the past 18 years, this process has taken 18–22 months from start to finish.

The bill I introduced today sets forth a very simple process. First, it grants budget autonomy to the District of Columbia over locally raised revenues, which is to say, the local community that pays taxes and revenues to the local government has the last word through its duly elected officials to determine how and when it wishes to expend its own money.

The Federal payment to the District of Columbia, as authorized by the Federal payment formula legislation, is subject to the congressional appropriations process as is every other authorized Federal dollar. Nothing in the bill, or any other piece of legislation directly affecting the District of Columbia, diminishes the power of Congress to "exercise exclusive legislation in all cases whatsoever" over the Dis-

trict of Columbia, under article I, section 8, clause 17 of the U.S. Constitution. Any Member of Congress wanting to have direct impact on the affairs of the District of Columbia can do so by directly introducing legislation reflecting his/her concerns, which is the appropriate way under most circumstances.

In addition to granting budget autonomy to the District of Columbia, the bill eliminates the congressional review period of 30 days and 60 days, respectively, for civil and criminal acts passed by the council. Presently, all council acts are subject to the aforementioned congressional layover period. this process has not worked as intended.

Since the passage of the Home Rule Act in 1973, almost 1,800 acts have been passed by the council and signed into law by the Mayor. Of that number, only 18 acts have been the subject of congressional disapproval resolutions introduced in either the House or the Senate or both during the respective 30- and 60-day layover periods. Of that number, only three resolutions of disapproval have been passed by the Congress, two of which involved a clear Federal interest.

I urge my colleagues on both sides of the aisle to support this very important piece of legislation.

TRIBUTE TO ROSEMARY MUILENBURG

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Ms. HARMAN. Mr. Speaker, I ask my colleagues to join me in congratulating Rosemary Muilenburg for her outstanding, dedicated service to the Rancho Palos Verdes community. In recognition of her 25 years as the Palos Verdes Peninsula Drill Team director, Rosemary Muilenburg will be honored at a recognition banquet by the Parents' Boosters Organization at the Torrance Marriot Hotel.

For many years, Rosemary Muilenburg has served as drill team director in Rancho Palos Verdes—spending 23 years at the Palos Verdes High School, and 2 years at the Palos Verdes Peninsula High School. It is essential that we recognize persons who through their motivation and deeds have contributed immeasurably to those around them. Mr. Speaker, I would like to make my colleagues aware of the extent of this woman's continuous service toward the education and achievement of the youth in her community.

During her years of service, Mrs. Muilenburg has set difficult goals for her team, and has brought them to a level of excellence and professionalism unusual for high school students. This superior level of performance has taken her drill team to perform at local events as well as international festivals. Their tours included the Hollywood Bowl, the Forum, and the Los Angeles Sports Arena. Over the years, the drill team was even given the opportunity to travel to Nagoya, Japan, for Miss Dance Drill Team International; Marne la Vallee, France, for the Grand Opening of Euro Disney; and Johannesburg, South Africa, for an exhibition tour. Rosemary Muilenburg's competence and dedication to young women on the drill teams was not without acknowledgement—she was named "Outstanding Drill Team Director for Southern Los Angeles" in 1992 by the California Association for Drill Team Directors.

Rosemary Muilenburg received her BA from Hope College in Michigan, and achieved a masters in physical education from California State. In the Rancho Palos Verdes school system, Rosemary has taught physical education, dance, and English. While she will relinquish her duty as drill team director, she will continue as an English teacher and continue to inspire young people in my district.

Mr. Speaker, I am proud to know that this outstanding leader lives in my district, and shares with our young people the value and rewards of team work and discipline. As a mother of four, I know what her work means to the young adults she directs, their parents, and our community.

IN RECOGNITION OF NATIONAL NURSES WEEK

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. SPENCE. Mr. Speaker, this week is National Nurses Week and I rise today to pay tribute to a group whose role in the medical profession represents the core of health care delivery in the United States. Day in and day out, with little recognition, nurses across the country take care of all kinds of patients at all levels, including primary care, rehabilitation, intensive care, and nursing homes. I know from personal experience the kind of care and attention and hard work that nurses do, and indeed, thanks to their efforts, I am able to recognize and pay tribute to these individuals today.

During the ongoing national debate about health care reform and the problems with our health care system we have overlooked one of the facets of that system which has made it one of the best in the world—the quality of care that nurses provide. As medicine becomes increasingly specialized, impersonal, and cold, our nurses offer that nurturing and caregiving element so vital in any type of recovery. This is where nurses make a real difference, personalized care. And equally as important is the role nurses play in meeting the health care needs of our rural areas where primary care is crucial. States such as South Carolina, with large rural populations, cannot thank these nurses enough for their dedication and service.

I offer my greatest appreciation to the nurses of my State and the entire United States during National Nurses Week.

IN HONOR OF SAMUEL EDELSTEIN

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. FAZIO. Mr. Speaker, I rise today to honor Mr. Samuel Edelstein on the auspicious occasion of his 80th birthday, and to recognize the limitless energies he has exerted to benefit the business, civic, and spiritual health of his community.

As a businessman, Sam has been a one-man economic stimulus plan. From his work in the trades in New York to a stint in the Army during World War II, from boardwalk amusement rides and a french fry stand to a stationary store, he was well-prepared for his greatest business success. That success came as a product of his vast experience, a tremendous work ethic, and the 21 years he invested in Arrow Home Improvement and later Edelstein Construction Co.

Through his business, Sam helped to build the Sacramento of today. He has made his indelible mark on our fair city not only with his homes and apartments in the South Land Park Hills area, but also with outstanding commercial and public buildings.

One principle that has guided Sam's life is an understanding that his role as a business and community leader extends beyond his company. His list of civic involvement activities is as varied as his business background, volunteering for everything from Boy Scouts to a wildlife refuge. He has been an active member of the Sacramento Jewish Community Relations Council and found the time to be president of the David Lupin Lodge of B'nai B'rith and the Sacramento chapter of the Jewish War Veterans.

Knowing of the importance of children to the future of any community, this father of three and grandfather of six has shown his endless dedication to youth. He built the Shalom School infant and toddler room, the science room as well as other projects at the school. For his hours of service and caring he was recognized as the Sacramento Shalom School's Grandparent Volunteer of the Year.

Perhaps one of his greatest contributions cam out of his belief that we all, in particular the young, must learn from history. To that end, Sam was instrumental in the construction of the Holocaust Memorial on the grounds of the Sacramento Jewish Federation. This beautiful and moving monument is a fitting testimonial to the work of Sam Edelstein.

I ask my colleagues to join me today in honoring a remarkable man, Mr. Samuel Edelstein. I applaud his many years of service to the Sacramento community and wish him all the happiness and continued success he so richly deserves.

CONGRATULATIONS TO THE YOUNG ENTREPRENEUR OF THE YEAR

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. RAMSTAD. Mr. Speaker, I offer my heartfelt congratulations to Sean S. Nguyen, president of Nguyen Electronics, Inc. in Blaine, MN, who was recently named the young entrepreneur of the year for the United States.

As the only member from Minnesota on the Small Business Committee, I was privileged to attend a special awards breakfast May 7 to

honor Sean Nguyen and other small business award winners in Minnesota.

At the time, I was proud of Sean as the Minnesota young entrepreneur of the year. But now it turns out he won the award for the entire country—a fitting tribute to a remarkable individual.

Sean's achievements are absolutely incredible. He has truly lived the American dream—and he's only 29 years old.

Raised in Vietnam, Sean Nguyen came to this country in 1982, at the age of 19. He arrived here after a terrifying journey on the high seas and survival in a series of refugee camps.

Working 16-hour days, Mr. Nguyen established and developed his state of the art electronic assembly company. Today, the firm employs 75 people and has broken ground for a new 13,000 square foot factory—and he has not yet reached his 30th birthday.

Mr. Speaker, America remains the land of opportunity for people like Sean Nguyen—and we all appreciate the jobs his creativity and drive have provided for American workers.

Small businesses are absolutely critical to our Nation's economy. Small business people like Sean Nguyen, who create jobs we need to put people back to work, are true heroes.

I want to salute him for his strong contribution to our country and heartily applaud him as the U.S. Young Entrepreneur of the Year. Congratulations.

THE CERES UNIFIED SCHOOL DISTRICT RECOGNIZES DEDICATED EMPLOYEES

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. CONDIT. Mr. Speaker, the Ceres Unified School District recognizes employees who have provided distinguished and faithful service to the students and parents of Ceres and Modesto. Their personal involvement in both time and energy has helped immeasurably to further the educational opportunities available in these communities.

Dedicated employees create the significant edge for our future citizens in these austere times of limited funds and resources. Without their commitment many programs and services would not have become realities. Our public thanks is an acknowledgement of their value and contributions.

CLASSIFIED EMPLOYEES

30 years or more—Mary Ann McBride.

25-29 years—Helen Perry, Faye Lane, Alice Coito, Shirley McKim, Jacquelyn Winans, and Betty Coit.

CERTIFICATED EMPLOYEES

Arthur McRae, Samuel Vaughn, Marlys Weekley, Samuel Chafkin, Marilei Mendenhall, Roger Perry, and Robert Sprague.

25-29 years—Carol Perry, Ben Williams, Gail Jackson, Doloris Foster, Yvonne Jones, Charles Cully, Eldon DeWitt, Carolyn Pendergrass, Marilyn Hildebrandt, Eva Kalinich, Jack Rudd, Joseph McAnulty, James Bratenas, Charles Lindsay, Roger Mettler, William Fortson, Surinder Dosanjh, Donald Hopkins, Karl Nielson, Elma Sunga, Edilberto Teves, Virgil Farquhar, Zanetta Erickson, Cheryl DeShields, Melba Meadows, Nemie Santos, Dale McDannel, Vicki Morales, Barbara Carson, Benjamin Brenning, and Norman Mendonca.

PARAGUAYAN ELECTIONS

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. BRYANT. Mr. Speaker, in January 1989, I had the privilege of traveling to Latin America with a distinguished delegation that included: then-Senator ALBERT GORE, JR., now our Vice President; former Senator Tim Wirth, who was just confirmed as Under Secretary of State for Global Affairs; and the late Senator John Heinz III of Pennsylvania.

On that mission, which focused on environmental concerns such as the preservation of the rain forests, we stopped briefly in Paraguay.

In a meeting with the Hemisphere's longest ruling dictator, General Alfredo Stroessner, we pressed him to open up that wonderful country to the winds of democracy that were blowing through the continent.

Less than a month later, on the night of February 2 and the following morning, Andres Rodriguez, who had been a close associate of the dictator, and much of the disaffected, disenfranchised and oppressed population of Paraguay overthrew General Stroessner's 34-year dictatorship and sent him into exile in Brazil.

Rodriguez, in spite of his ties to the former dictator and his regime, called for democracy and respect for human rights and moved immediately to legalize political opposition and permit the media which had been closed down to reopen.

His administration embarked on a policy of encouraging foreign investment, a market economy, privatization of state enterprises, and fiscal responsibility.

In the first relatively free election in Paraguyan history—one in which the opposition had little time to organize, but monitored by observer delegations from the United States and throughout the world—Rodriguez was elected president. And, in an historic step, he pledged publicly and privately not to seek reelection.

Last Sunday, May 9, Rodriguez' pledge of free, democratic elections was realized in an open contest among three civilian candidates. After almost four decades, the event was a transcendent moment for the people of Paraguay and, we can all hope, for the future of democratic government in a portion of the world that for too long has had too little of it.

The people of Paraguay deserve our congratulations and good wishes.

DEFENSE REINVESTMENT INVESTMENT TAX CREDIT

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Ms. HARMAN. Mr. Speaker, earlier today, I spoke on the House floor and introduced the Defense Reinvestment and High-Tech Job Creation Act of 1993 because a bipartisan group of colleagues and I believe there is no more important mission for this Congress than to retain and build high-skill, high-wage jobs. Over the past decade, the defense budget has served as a catalyst for those jobs, but the downsizing that is occurring with the end of the cold war will force us to be more creative.

This bill is designed to allow defense companies and high-technology companies with defense subsidiaries to diversify into critical and competitive industries such as transportation, communications, medical research and green technologies. It borrows the most successful ideas in the administration's proposals for an investment tax credit, enterprise zones and aid to small business, but targets them to control costs and aid our distressed industrial base.

Specifically, the bill contains three tax incentives:

A defense conversion employment tax credit similar to the wage credits established under the urban enterprise zone provisions passed by both Houses of Congress last year. This incentive will provide a wage and job training credit for former defense business-related employees who transition to nondefense or dual-use enterprises;

A defense conversion investment tax credit similar to the administration's investment tax credit for small businesses. This incentive will provide a credit covering a percentage of the costs of converting a defense industry's entities to nondefense or dual-use businesses;

Accelerated depreciation for excess defense capacity.

Under the Constitution, the Federal Government provides for the common defense. As we downsize, a related and derivative obligation is to provide for the transition to productive peacetime activity in order to preserve the industrial and human bases necessary to defend us in the future should we need them. We have seen in the past 5 years that the marketplace cannot handle this transition: downsizing has led to consolidation and massive unemployment of our highest skilled as well as unskilled workers.

It is vital that the Government act as a catalyst to the transition without building a heavy-handed bureaucracy that picks winners and losers. This legislation will spur the marketplace to diversify, and our human capital and communities will be the winners.

Defense reinvestment is one of the most difficult and challenging problems confronting this Congress. The Defense Reinvestment and High-Tech Job Creation Act of 1993 will help move this process forward using market forces and letting industry find its own roles manufacturing the products of the future.

INCOME DEPENDENT EDUCATION ACT OF 1993

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1993

Mr. PETRI. Mr. Speaker, today I am introducing the Income Dependent Education Act of 1993, a bill that radically reforms and simplifies the existing student loan programs.

The American people want change, and aid for students is one good place to start. Currently, the major Federal student loan program costs the taxpayers 28 cents for every dollar loaned out. Little of that cost helps the average student, however. Instead, it subsidizes banks, administrators, defaulters and high-income graduates.

This program will experience $2.5 billion of gross defaults this year. Moreover, it is regressive: Since no interest is charged while the student remains in school, those who go to school longest, and therefore eventually have the highest incomes, receive the biggest subsidies. Students in short-term vocational programs receive no subsidy at all, if they don't default.

There ought to be a better way, and there is. It's called income dependent education assistance—IDEA for short—loans in which repayment can vary with post-school income, and is collected by the Internal Revenue Service as additional income tax.

Under IDEA, any student regardless of parents' income, could borrow up to $100,000 for college and graduate school—$148,000 for medical students—with complete confidence that repayment would always be affordable. Although the student could choose a straight-line amortization schedule or any other more expedited repayment schedule, the minimum payment required each year would always be kept to a manageable percent of income.

If a former student lost a job, got sick, accepted a low-wage public service job, or took time off to raise kids, the loan would automatically be stretched out. If income dropped below the income tax filing threshold in any year, there would be no required payment at all.

Most students would finish repayment, including interest at a subsidized rate of 2 percent over the average 91-day T-bill rate each year, in 12 to 16 years. Those needing more time would continue payments for up to 25 years, after which any remaining balance would be forgiven, resulting in a further subsidy. Those with very high incomes would finish in 12 years or less, paying a standard interest rate of 3 percent over the T-bill rate. Unlike current programs, there would be no up-front fees for loan origination or insurance.

In general, the IDEA terms provide a better deal for most students than they get under current programs.

IDEA can be offered to all students regardless of their parents' incomes because those from higher income families tend on average to have higher later incomes themselves and will be more likely to repay at the standard interest rate, T-bill plus 3 percent.

Also, the IDEA approach dramatically simplifies the question of who gets special deferment and forgiveness benefits. Everyone who needs deferment because of temporary low income, or forgiveness because of persistently low income, automatically gets it, with not extra record keeping or arguments in Congress over which occupations are deserving.

And despite all its other advantages, IDEA can save taxpayers about $3 billion a year because it is vastly more efficient than our current programs.

One major efficiency is a lower cost of capital—the Government's cost rather than the politically negotiated T-bill plus 3.1 percent rate we now pay banks. Currently, the banks bear no risk since the loans are guaranteed by the taxpayers. Under IDEA, banks would not be needed for loan origination or collection, so there would be no useful function for them to perform.

An even bigger source of efficiency is the virtual elimination of defaults. Under IDEA, there is no reason to default because repayment is based on ability to pay and capped at a reasonable percentage of income. And there is no opportunity to default because payments are defined as income taxes.

Some who would have defaulted because of low incomes under current programs would become subsidized under IDEA—while continuing to pay whatever is appropriate for their incomes, which in most cases will eventually rise.

These subsidies are partly balanced by the standard interest payments from high income graduates. In fact, there is a third source of efficiency here: Careful targeting of subsidies, which go to all who need them, but only to those who need them and only in the amount of their need.

Apologists for the current program argue that the private sector is better at administering it than the Government would be. But IDEA is a revolutionary change that eliminates many of the old administrative functions.

IDEA can provide access to higher education for all students, give them a better deal, and still save billions of dollars. The main things holding it back are vested interests and tremendous resistance to new ideas.

I am delighted that President Clinton has adopted as one of his major objectives the reform of the student loan program. IDEA achieves his objectives and merits bipartisan support. It is a classic example of reinventing government.

Mr. Speaker, I would request that the following materials be included in the RECORD, a description of IDEA, a description of the advantages of IDEA over the current student loan program, and sample repayment tables.

DESCRIPTION OF THE INCOME-DEPENDENT EDUCATION ASSISTANCE ACT (IDEA)

IDEA is designed as a replacement for the Stafford and SLS programs. The program would be administered primarily by the Treasury Department with repayment through the IRS as part of income taxes. The Department of Education would be responsible for monitoring institutional eligibility and compliance. Loans would be financed through the general fund of the Treasury.

Because the program practically eliminates defaults, precisely targets government subsidies, simplifies administration, and relies on inexpensive capital, it is expected to be significantly less costly than any of the existing federal student loan programs, while providing a better deal for students.

The following is a description of the basic elements of IDEA:

1. Eligibility.—There is no needs test under the program. All students are eligible.

Borrowers are eligible for no more than the full-time equivalent of nine academic years (not more than five years as an undergraduate of five years as a graduate student).

2. Borrower fees.—There are no up-front fees such as the current loan origination fee or insurance premium.

3. Interest rates.—Borrowers are charged interest based on the average 91-day T-bill rate plus 3%, capped at 9%. Borrowers who take longer than 12 years to repay their loans, pay only T-bill plus 2% over the life of the loan. Interest is accrued and capitalized.

4. Loan limits.—Under the program the maximum annual loan principal that can be borrowed is: $6,500 per year for undergraduate students in the first year of study; $7,000 per year for undergraduate students in the second year of study; $10,000 per year for undergraduate students in the third and future years of study; $30,000 per year for students enrolled in a graduate degree program in medicine, dentistry, veterinary medicine, podiatry, optometry or osteopathic medicine (lifetime borrowing cannot exceed $148,870); $22,500 per year for students enrolled in a graduate degree program in pharmacy, chiropractic, public health, health administration, clinical psychology or allied health fields, or in an undergraduate degree program in pharmacy, (lifetime borrowing is limited to $120,270); $18,000 per year for students enrolled in other graduate programs; there is a lifetime borrowing limit of $100,000 for all non-health professions students, and loan limits and repayment schedules would be adjusted to the CPI.

5. Repayment.—Repayment begins once the borrower leaves school. The minimum repayment schedule is determined based on income and loan balance. A borrower's total payments are capped by a percentage of his income that rises gradually as income rises (generally below 15% at a moderate income level). However, borrowers wishing to pay on a more expedited schedule may do so as long as they meet the minimum repayment requirement.

No borrowers will owe payments for any year in which their income is below the tax return filing threshold, which is currently $6,050 for single filers and $10,900 for joint filers.

Repayment ends whenever the account balance is paid off or upon death or disability. However, if the loan is not repaid after 25 years, the remaining balance is forgiven. Borrowers cannot discharge their loans through bankruptcy proceedings.

6. Deferments.—Given the program's repayment structure, students automatically receive deferments or forgiveness as they are needed.

7. Other provisions.—Borrowers may voluntarily convert any HEAL, Stafford and SLS debt to IDEA loans of the same origination date.

INCOME DEPENDENT EDUCATION ASSISTANCE [IDEA]: REPAYMENT BY TAXPAYERS FILING JOINT RETURNS

Income	$12,000	$15,000	$20,000	$25,000	$30,000	$35,000	$40,000	$50,000	$75,000	$100,000	$160,000	$255,000
1. Progressivity Factor [1]	0.495	.536	.604	.73	.824	.904	.984	1.	1.223	1.307	1.457	2.
2. Annual payment per $10,000 MAB [2]	$0	$675	$761	$919	$1,037	$1,138	$1,239	$1,259	$1,539	$1,645	$1,834	$2,518
3. (a) Max. Annual Payment [3]	$0	$600	$1,600	$2,600	$3,600	$4,600	$5,600	$7,600	$12,600	$17,600	$29,600	$48,600
(b) Amount in 3(a) as percent of income	.0%	4.0%	8.0%	10.4%	12.0%	13.1%	14.0%	15.2%	16.8%	17.6%	18.5%	19.1%
(c) MAB at which 3(a) is reached [4]	NA	$8,884	$21,028	$28,307	$34,721	$40,432	$45,214	$60,365	$81,857	$106,981	$161,377	$193,010
4. Years in Repayment at Indicated Interest Rate: [5]												
5 percent			22	16+	14−	12−	11−	10.5	8+	7+	6.5	4.5
7 percent			37	21+	17−	14+	12+	12	9−	8+	7+	5−
9 percent					23.5	18+	15+	14.5	10+	9+	8−	5+

[1] Based upon income level of borrower; derived from pre '86 income tax rate structure and specified in the IDEA Act.
[2] Line 2 = Line 1 $1,259; MAB is the highest amount of unpaid principal and accrued interest during the history of a borrower's IDEA account.
[3] Line 3(a) = 20% of (income − $12,000). $12,000 is the estimated tax filing threshold for joint returns in 1995.
[4] Line 3(c) = 3(a) divided by Line 2 $10,000.
[5] Numbers greater than 25 are illustrative only, since borrowers are excused from any remaining obligation after 25 years.

INCOME DEPENDENT EDUCATION ASSISTANCE (IDEA): REPAYMENT BY UNMARRIED TAXPAYERS

Income	$6200	$10,000	$15,000	$20,000	$25,000	$30,000	$35,000	$40,000	$50,000	$75,000	$100,000	$176,500
1 Progressive Factor [1]	.467	.507	.602	.74	.843	.941	1.	1.006	1.139	1.333	1.506	2.
2 Annual Payment per $10,000 MAB [2]	$0	$638	$758	$931	$1,062	$1,185	$1,259	$1,266	$1,434	$1,678	$1,896	$2,518
3 (a) Max. Annual Payment [3]	$0	$760	$1,760	$2,760	$3,760	$4,760	$5,760	$6,760	$8,760	$13,760	$18,760	$34,060
(b) Amount in 3(a) as percent of income	.0%	7.6%	11.7%	13.8%	15.0%	15.9%	16.5%	16.9%	17.5%	18.3%	18.8%	19.3%
(c) MAB at which 3(a) is reached [4]	NA	$11,913	$23,231	$29,642	$35,416	$40,167	$45,751	$53,400	$61,100	$82,008	$98,927	$135,266
4 Years in Repayment at Indicated Interest Rate: [5]												
5 percent		31	22	15+	13	11+	10+	10+	8−	7+	6.5	4.5
7 percent			38	20.5	16−	13+	12	12−	10−	8−	7−	5−
9 percent				40−	22−	16.5	15−	14+	11+	9−	7.5	5+

[1] Based upon income level of borrower; derived from pre '86 income tax rate structure and specified in the IDEA Act.
[2] Line 2 = line 1 $1259; MAB is the highest amount of unpaid principal and accrued interest during the history of a borrower's IDEA account.
[3] Line 3(a) = 20% of (income − $6200). $6200 is the estimated tax filing threshold for unmarried returns in 1995.
[4] Line 3(c) = (3(a) divided by line 2) $10,000.
[5] Numbers greater than 25 are illustrative only, since borrowers are excused from any remaining obligation after 25 years.

ADVANTAGES OF THE INCOME-DEPENDENT STUDENT ASSISTANCE (IDEA) ACT OVER THE CURRENT FEDERAL FAMILY EDUCATION LOAN PROGRAM* (FFELP)

Multiple, Flexible Repayment Options: The minimum borrower repayment is based on the amount due on the income-contingent scale (see examples in attached table), which should always be affordable. However, borrowers can use fixed-term or graduated repayment schedules should they wish to repay their loans on a more expedited schedule. Borrowers may alternate their repayment options as frequently as they like with no paperwork to file—not even to notify anyone—as long as they pay at least the income-dependent amount required for their income category.

No Upfront Borrower Fees: Under the current FFELP, borrowers pay an upfront 5% loan origination fee and up to a 3% loan insurance premium. Under IDEA, no upfront fees are collected; thus borrowers have more money to pay their educational expenses when they need it most.

Consolidation: Under IDEA, current FFELP (except parent loans) are consolidated into one streamlined program with one simple set of terms and conditions and no need to apply for multiple programs.

No Needs Test: All students at eligible schools are eligible, with no needs test, so loan origination is a simple sign-up procedure.

Automatic Deferments and Loan Forgiveness: Because minimum loan payments are based on income, borrowers who experience reduced income automatically receive deferments. Loan forgiveness is also automatic after 25 years.

Loan Access Problems Eliminated: Loan capital is provided directly from the Federal Treasury to institutions, by passing the current system of banks and guaranty agencies.

Loan Limits Indexed: Under IDEA loan limits are indexed to the CPI every three years. This ensures that students can borrow increased amounts as costs rise, rather than waiting for Congress to authorize higher loan limits.

Interest and Principal Subsidies Targeted to Those Who Need Them, based on their ability to repay: The standard IDEA interest rate is the 91-day t-bill rate plus 3.0%, .10 less than the standard interest rate charged under FFELP's. Borrowers who need longer than 12 years to repay have their interest rate, over the life of the loan, reduced to t-bill plus 2.0%. Some borrowers receive further subsidies in the form of interest and even forgiveness of loan principal if they make payments for 25 years.

National Service Accommodated: All low income periods are accommodated, including all of those resulting from national service.

Convenience of Repayment: Repayment through income tax withholding eliminates the need to write monthly checks.

Simplified Loan Administration: The FFELP is carried out by a bureaucratic quagmire of 7,800 banks, 35 secondary markets and 46 guaranty agencies. Not only is this multi-layered administrative structure expensive for the government to maintain, it is far too complicated and confusing to the students and the institutions it serves. Under IDEA, the administration of student loans is far simpler. Any school participating in the federal student aid delivery system will easily be able to originate the loans; all loan servicing functions will be carried out through the IRS; loan deferments and forgiveness will be granted automatically; and repayment schedules can be revised at the will of the borrower. Most of the administrative functions necessary under FFELP will simply be eliminated.

Virtually Eliminates Student Loan Defaults: In FY 92, the federal government paid over $3 billion in defaulted student loan claims. Under IDEA, with its feature of IRS collection, defaults are virtually eliminated—there is neither reason nor opportunity to default. Some borrowers, because of insufficient income will be subsidized but at least they will pay what they can and the government will get 100% of it rather than splitting collections with third parties. Other borrowers will have low incomes and pay little for a time, but eventually see their incomes rise and repay 100% of what they owe.

Enormous Savings: Enactment of IDEA would yield considerable savings over the current FFELP which can be used to provide better loan terms to borrowers or additional grant or work-study assistance. Earlier analysis by CBO suggests that moving from the FFELP to IDEA could conceivably save the entire $3 billion annual cost of the FFELP—or more than Clinton budget plan assumes. Extra savings could be better spent on other student financial aid programs.

*FFELP refers to only the Stafford and SLS programs. IDEA assumes that the current structure of the PLUS program would remain intact.