Senate—*Wednesday, May 19, 1993*

(Legislative day of Monday, April 19, 1993)

The Senate met at 12 noon, on the expiration of recess, and was called to order by the Honorable RICHARD C. SHELBY, a Senator from the State of Alabama.

The PRESIDING OFFICER. Today's prayer will be offered by the guest chaplain, Rabbi Alex Goldman, Temple Beth El, Stamford, CT.

PRAYER

The guest chaplain, Rabbi Alex Goldman, of the Temple Beth El, Stamford, CT, offered the following prayer:

Let us pray:

In Your wisdom, Lord, You create every day anew, and give us daily fresh insight and vision. We enjoy, daily, the blessings of life, health, mind, and heart. Keep us ever mindful of Your many gifts; may we use them wisely, at all times.

As we meet this newly created morning, we pray You to help us understand this new opportunity to live and strive, in fellowship, friendship, and concern, with all people, whatever their persuasion, creed, or origin.

As a community in this blessed land, Your promised land of freedom and opportunity, we pray, Lord, that You bless with Your wisdom, inspiration, and guidance, the President of these United States, the Vice President, distinguished Members of this Senate, and all who exercise just and lawful authority and leadership. Touch them with Your sensitivities and spirit of devotion for all the inhabitants of our land.

Give us the wisdom and will, Lord, to draw, with open arms, into our community, all who work for freedom, all who strive for peace, all who labor for justice—the bases of our heritage and ideology.

With You filling our hearts and minds, Lord, we vow to exert our all, so that, soon in our day, we may fulfill Your plan and our constant hope for a world community in which all are blessed with freedom, serenity, contentment, and peace. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 19, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD C. SHELBY, a Senator from the State of Alabama, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 1 p.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

Mr. CRAIG addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Idaho.

RESTRAIN SPENDING AND REDUCE THE DEFICIT

Mr. CRAIG. Mr. President, I come to the floor of the Senate today to talk to the President of the United States.

This body, in the next few weeks, will be asked to debate and consider a massive tax increase and a budget reconciliation bill. I voted against the President's budget resolution and certainly do not see how I can support a tax and reconciliation package that implements that budget.

But I note a very ironic situation that is developing with the President and the other body at this very moment. According to press releases and conversations I have had with conservative Democrats from the other body, they are insisting that the tax and reconciliation package include 5 years of caps on entitlement spending, enforced by a reinvigorated sequester process.

Are they suggesting that entitlement spending be held below the President's budget? No; they are not suggesting that at all. They are suggesting that the President and they agree to hold spending at his levels.

Is it not strange that the response from the administration to an enforcement mechanism of his own budget would be, "No"? It was surprising to me yesterday to hear that in the press and then to have those conversations.

Well, the President has been out flying around the country, suggesting that people support his effort to restrain spending and reduce the deficit.

So what does he do when members of his own party suggest a mechanism to guarantee those targets be met? He opposes them.

Last week, the administration told the public that their proposed increase in taxes would be put in a trust fund and that that was an added layer of insurance that the deficit reduction targets would be met. And yet, when members of his own party yesterday came up with an insurance program—spending caps on entitlements to meet those targets—they said no.

Let me get this clear. The President is opposed to enforcing the very spending targets that he himself has proposed. He is opposed to guaranteeing the very level of deficit restraint that he is flying around the country trying to take credit for right now.

And what is the enforcement process being proposed? The exact same process for exactly the same kind of spending caps proposed by the Director of the Office of Management and Budget last year when he was chairman of the House Budget Committee. Under the then Chairman Panetta's plan, if entitlement spending in the next 5 years exceeded levels requested by the President, there would be an across-the-board sequester of all entitlement programs, including Social Security.

In addition, for every $4 of spending sequestered, tax rates would have to be raised by enough to offset a dollar's worth of revenue.

There are only two things that would trigger this sequester process that appears to be worrying the President. And that, I guess, would be that the economy would fail to perform at the administration's projection, or the technical assumptions made in writing to the President's budget are wrong.

Well, that is the story. We have not heard the rest of the story yet. But it is awfully frustrating to those of us in this body and, I have to believe, Mr. President, it is awfully frustrating to the American people, when conservative Democrats of this President's own party step up with a mechanism to guarantee the President's budget, that he would walk away from it.

Well, I understand he is supposed to be up here on the Hill today, making amends and binding wounds.

Let me tell you, the American people, and a good many of us here in Congress, want to assure that spending is cut and, at the minimum, we want this President to guarantee that his budget numbers will be delivered.

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Mr. President, you had better listen to a couple of those conservative Democrats. They are not all wrong.

Mr. GORTON addressed the Chair.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Washington is recognized for 10 minutes.

THE WASHINGTON STATE HEALTH CARE PLAN

Mr. GORTON. Mr. President, with Monday's enactment of the most radical statewide health care reform effort in the 50 States, Washington residents now contemplate their health care status with anticipation and apprehension. Rather than waiting for national health care reform, State legislators charged forward with a comprehensive health care reform plan and passed in a few months a wide-ranging proposal that will have a tremendous impact on how health care is delivered and paid for in Washington State.

Hailed by its proponents as the "toast of the nation," Washington's plan is expected to provide additional security in access and availability to health care. However, critics charge that the program leaves many questions unanswered, defers many of the most difficult questions to a State insurance commission, irresponsibly underestimates actual costs, and gives far too much power over health care decisions to new bureaucracies. Regardless of whether or not the program lives up to expectations, the process of its enactment and its substance offer many valuable lessons for the debate on national health care reform. Most importantly, as a potential model for national health care, it raises crucial issues that must be addressed if national health care reform is to succeed.

The centerpiece of the State plan is a new regulatory five-member commission, with a powerful commissioner, that will regulate health care as a utility. The commission will ensure that all residents enroll in a certified health plan, will establish a uniform benefits package, and will decree a community-rated maximum premium for the benefit package. The State requires that all employers, both large and small, offer at least three certified health plans and contribute at least half of the cost of the health insurance plan for their qualified employees. All individuals are required eventually to be covered by a State approved health plan.

The benefit package will include coverage for primary and specialty health services, inpatient and outpatient hospital services; prescription drugs and medications; reproductive services; chemical dependency services, mental health services, short-term skilled nursing care, and home health and hospice services. Long-term care services will be included in the uniform benefits package by 1999.

Four health insurance purchasing cooperatives will be established in four geographic regions of the State. These bodies must admit all individuals and make every certified health plan available for purchase. Also included in the package is financial assistance to small businesses that cannot afford the employer mandate. In addition, data collection and short-term health insurance are essential parts of this comprehensive plan.

The financing of the new health care system for Washington State is to be provided by significant additional taxes on tobacco and alcohol products and taxes on insurance premiums and hospitals all of which are expected to raise $1 billion by the 1997–99 biennium. However, it is unclear exactly how much additional spending will be necessary to fulfill the lofty requirements of the plan.

There are invaluable lessons from Washington State's health care debate that can be applied to the national picture. First, it is clear that only with the unprecedented cooperation and support of the State medical and hospital associations was such radical reform possible. Unfortunately, that has not been the case at the Federal level where physician groups actually had to sue the administration to pressure it into listening to their legitimate concerns. Only late in the process were practicing physicians consulted by Mrs. Clinton's task force which consisted primarily of 500 congressional staffers from Democratic offices and Government employees.

Second, Washington State, as the entire Nation, is experiencing a budget crisis and health care crisis at the same time. In Washington State, the Governor and legislative leaders elected to pass health care reform first and then deal with the State's financial problems. However, here in the other Washington, the President has delayed introduction of his health care reform plan until his tax package is passed. This change in strategy was at the behest of his budget advisors who anticipate that national health care reform may cost more than $100 billion a year in additional spending.

Third, in Washington State, the new Governor, like Bill Clinton, campaigned on a promise to bring radical change to the State's health care system. The Republican alternative plan did not receive serious consideration as the Democrats remained unified and determined to enact their version of health care reform. In the U.S. Congress, however, there are already many competing plans. For example, some Members in the Democratic Party already have a introduced a single-payer plan that will compete with the administration's proposal. Others, like Congressman COOPER, a Democrat from Tennessee, propose a managed competition plan that is market-oriented rather than the administration's apparently Government-oriented plan. Republicans in the Senate who have been meeting for nearly 2 years as the Republican health care task force will offer a plan of their own. Thus, rather than Members having the option only either to pass or to reject health care reform, we in the U.S. Congress will have several thoughtful comprehensive plans to consider.

An additional lesson to be learned is the absence of finality in the State plan. The plan's sponsors and supporters have admitted that the plan will be phased in piece by piece over 6 years and that corrections in the plan may be made in future legislative sessions. In fact, under pressure from protesting seasonal workers who were explicitly excluded from employer-mandated coverage, the Governor may make the first of many unforeseen corrections. Considering that national health care reform will drastically alter a $900 billion industry, we at the national level must not pass incomplete legislation that is both radical and admittedly flawed. We have one chance, and we must do it right.

In addition, the financing of the State plan as well as other tax increases may be undermined by a growing statewide tax revolt. Finally, implementation of the State plan is contingent on the Federal Government granting waivers from existing Federal requirements. History indicates that getting all the waivers necessary will be difficult if not impossible.

The State's ambitious plan, despite its critics, will serve as an invaluable contribution to the national health care debate because its sponsors anticipated that Mrs. Clinton's proposal will be compatible with the Washington State plan. Indeed, Mrs. Clinton herself said yesterday that "[M]any of the elements (of the State plan) mirror essential elements of the national package." If that is the case, this Senator believes that the following questions must be answered publicly and candidly as soon as possible by the administration.

First, will Washingtonians pay additional taxes to finance national health care reform on top of those which are imposed at the State level? Will Americans pay more for health insurance while receiving fewer services with more bureaucracy? Can we be assured that the quality and value of our health care does not decline with additional Government involvement

Second, does the administration anticipate that its scheme to create strong state regulatory agencies to purchase and administer health insurance will lead to a single-payer or Canadian-style health care system? What are the steps necessary to transform the administration's program into a solely Government-run health care system? If they are minimal, why not simply pursue the Canadian model?

Third, how will the administration's program impact job-growth in the struggling economy? Has the administration considered delaying health care until the economy is growing at 3 to 4 percent?

It is not this Senator's attempt to discourage Mrs. Clinton from pursuing bold reform. Indeed, he wishes to offer his assistance in addressing these questions so that we may reach meaningful and cost-effective health care reform. First, however, we must be willing to ask and answer the most difficult questions. This debate must not be relegated to the simplistic level of either being for or against health care reform.

I will end by sharing with my colleagues the real-life impact of some of the proposed payroll taxes and employer mandates to provide health insurance for employees. Yesterday two small business owners from Yakima visited my office to inform me that for the very first time they decided against hiring an additional employee for a mid-level position and are not likely to provide bonuses or additional benefits to their employees this year. These gentleman had for years provided and paid for health insurance for their employees and their dependents in order to maintain their loyalty and security. They made their decision to not hire based solely on the new State health care employer mandates and anticipated increases in Federal taxes.

Tonight in central Washington someone is still looking for work in a struggling economy because State and Federal Governments are discouraging employers from hiring new people. Ultimately, the administration and Congress must realize that the two most important domestic issues, health care reform and economic growth, must be discussed together if we are to solve either problem. These decisions will have enormous and immediate impacts on the security and prosperity of individuals and families across the Nation—we must not forget that lesson.

Mr. President, seeing no one else seeking recognition, I ask unanimous consent to proceed on a separate subject.

The ACTING PRESIDENT pro tempore. The Senator from Washington, without objection, is recognized.

Mr. GORTON. I thank the Chair.

(The remarks of Mr. GORTON pertaining to the introduction of S. 985 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GRAMM addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized for 10 minutes.

THE CLINTON ECONOMIC PLAN

Mr. GRAMM. Mr. President, yesterday the debate about taxes was given a reality check by a man that most people in America do not know, a man named Lorne Fleming. He stood up yesterday in San Diego, CA, and told the President that he did not have any more money to contribute to the Government. Mr. President, Lorne Fleming spoke not just for himself but for people all over America who do the work, pay the taxes, and pull the wagon in this country.

He then asked the President a question that we should ask ourselves every day as we consider the Clinton economic program. He asked if the President could name a single country in the history of the world which had ever taxed and spent its way to prosperity. And to his credit, the President said he could not. I do not believe that the United States of America, under the Clinton plan, will be the first country in history to do that.

Our President has a credibility problem because he continues not to level with the American people. Yesterday he went to great lengths to talk about his program and to talk about spending cuts in that program. He said that his program cut spending more than his predecessor's program. In fact, the budget summit agreement of 1990 cut mandatory and discretionary spending by $219 billion, and relative to current law, the Clinton budget cuts spending by less than $110 billion.

But the point is that nobody believed the statement that the President made about spending cuts. Let me tell you why they did not believe it. It is because, beginning in the campaign, through the State of the Union Address, through the release of the President's budget, and now in something we call reconciliation, where we change permanent law to implement the policy, we have had a constantly changing budget.

What I have tried to do here is represent the whole debate on one simple chart. I have plotted new taxes versus new spending. If you will recall, and everyone in America does recall, President Clinton in the campaign said that he was going to cut spending $3 for every $1 of new taxes. And then when Congressman Panetta, the OMB Director, was before the Senate for confirmation, he said the President's goal was $2 in spending cuts for every $1 of taxes. And then when President Clinton gave that great State of the Union Address, a speech that I could have given myself because it had almost nothing to do with the President's economic program, he said his program contained $1 of spending cuts for every $1 of taxes.

Then in the President's budget, which we finally have received and which has been adopted by both Houses of Congress, there are $3 in new taxes for every $1 in spending cuts. And now in reconciliation, as we change permanent law to raise taxes and cut spending, where we are actually changing the law of the land to raise taxes and cut spending, there are $5 in new taxes for every $1 in spending cuts.

I would say this: When you promise $3 in spending cuts for every $1 of taxes and in 4 months you propose $5 in taxes for every $1 of spending cuts, you should not be surprised that people do not believe that you are leveling with them about your program.

Yesterday, the President was also asked about middle-class tax cuts, and he said that he was awakened to the fact that we had this big deficit problem after the election.

In fact, the whole country was aware of it, and the Congressional Budget Office, which the President has chosen as the judge and jury of honest budgeting, told the world in August that we had a deficit problem of roughly the magnitude we recognize today. And no less an authority than Leon Panetta, who at the time was the chairman of the House Budget Committee, said that the President's budget did not meet the reality test in the campaign.

What I would like to do now is to read some statements from the Congressional Budget Office about the Bill Clinton budget. I remind my colleagues, the President made a point in the State of the Union Address that we ought not to be arguing about numbers; we ought to be arguing about policy. And so in order to shift the debate from numbers to policy, he named the Congressional Budget Office the judge and the jury of what was in the budget, what taxes were, and what spending was.

I would like to report the findings of this judge and this jury on the Clinton budget. I want to remind my colleagues and those watching, this is not Phil Gramm talking; this is not BOB DOLE talking. This is the Congressional Budget Office, designated by the President as the judge and the jury. The Director of the Congressional Budget Office is chosen by the Democratic chairman of the House Budget Committee and the Democratic chairman of the Senate Budget Committee.

Let me read you four quotes from the CBO's "Analysis of the President's February Budgetary Proposals" that I think tell the whole story.

This is chapter 1, page 6:

> Three-quarters of the $355 billion in cumulative deficit reduction contained in the administration's program would stem from increases in revenues and only one-quarter from cuts in outlays.

Now, I ask my colleagues, how is it that every day the administration continues to claim they have a dollar in spending cuts for every dollar of taxes? Forget the fact that they promised $3 in spending cuts for every dollar of taxes. How can they continue to claim $1 for $1 when, in fact, the judge and the jury they chose say that three-quarters of the President's deficit reduction comes from taxes and only a quarter from spending cuts.

Let me read a couple more statements from the Congressional Budget Office: "The spending increases would exceed the cuts through 1995."

In other words, in President Clinton's budget many of the new taxes are retroactive to January 1, 1993, but spending increases built into the budget exceed spending cuts promised in 1993, in 1994, and in 1995. In other words, for 3 years there are no net cuts in spending in the President's budget. Now maybe 4 years from now, or 5 years from now, there are great promises of things we will do in the sweet by-and-by. But the Congressional Budget Office says, "The spending increases would exceed the cuts through 1995."

I have a couple of more statements from CBO. This is still chapter 1, page 11, "Within the discretionary spending category, the administration proposes continued real reductions in defense and real increases in most areas of domestic spending. Domestic discretionary budget authority," which is bureaucratic language for spending, "would grow from its current level of $209 billion to $262 billion, a real increase of 7 percent." That means, after inflation, the discretionary parts of the budget other than defense would grow by 7 percent.

Well, Mr. President, is it any wonder people do not believe that this massive tax increase is going for deficit reduction? Is it any wonder people do not believe when they have been consistently misled by this administration about what we are doing about spending, what we are doing about deficits? Is it any wonder people are feeling they have been betrayed?

I ask unanimous consent for 5 additional minutes.

The ACTING PRESIDENT pro tempore. Is there objection? Hearing none, the Senator from Texas is recognized for 5 more minutes.

Mr. GRAMM. Mr. President, last Friday on the front page of the Washington Post, we got a real insight into something the public feels, the public knows. I have to give the American people credit because, despite an incredible effort to continue a campaign 6 months after an election is over, to continue to present a picture that is at variance with the facts, the American people are getting the facts. The American people get it. Washington does not get it. And on the front page of the Washington Post, the President has a little quote about his tax program that I think says it all. He says, "I think it will help the economy, bring in more revenues, and permit us to spend more."

Now, Mr. President, the American people do not want to see their taxes raised to fund more spending. The American people want to cut spending first. Everywhere I go people run up to me and say, "Are you cutting spending first?"

Well, I ask the question, When the Congressional Budget Office says that for the next 3 years there are no net spending cuts in the President's budget, are we cutting spending first? Are these taxes we are talking about, taxes not on rich people, as promised in the campaign, but taxes on Social Security recipients, taxes on small businesses, taxes on every family in America, an energy tax that is going to cost families $500 per year, is that money going to reduce the deficit or is that money being spent?

Well, let me tell you, I think the American people have broken the code. I think they broke the code on this so-called stimulus package. For 3 months, the President said we have to raise your taxes; we have to tax Social Security. We have to tax your family on energy consumption. We have to tax your business with an income tax to lower the deficit and help the economy.

At 11 o'clock in the morning, the President's budget was adopted, totally by Democrat votes. Then at 2 o'clock in the afternoon we took up a new bill, the stimulus package, and then the President says we have to raise the deficit and spend more money to help the economy.

Now, the President blames Republicans for defeating his stimulus package, but the reality is he lost that debate around the kitchen table because he could not convince the American people that by simply raising the deficit from $300 billion to $316 billion suddenly prosperity was going to come to America.

So I submit that the President is having increasing difficulty in convincing the American people that he has done what he promised them he would do.

We are not cutting spending first.

I would like to ask the President to come back to Congress and throw out a budget that now asks us in a single vote to raise taxes $5 for every $1 of spending cuts. Come back to Congress, and let us work on a bipartisan basis to cut spending first.

I think it is very interesting that when the administration was asked, last Thursday, in the Senate to make even the $1 in spending cuts for every $3 in taxes binding, the amendment I offered to make those spending cuts binding was rejected on a straight party line vote, save the vote of the junior Senator from Alabama and the Democratic Senator from Virginia. Every other Democrat rejected that amendment. And people wonder why the public does not believe the Government when the Government says we are going to take your tax money and we are going to use it to reduce the deficit. We are going to put it in a trust fund. If there has ever been a laughable idea presented on the American budget, that was it.

What do I think we need to do to gain credibility and to strengthen the economy? Very simply this. None of these spending cuts happen until October 1. It is not even June. Let us throw out this budget. Let us go back and start again. Let us go back to the President's campaign promise of $3 in spending cuts for every $1 of taxes. Let us go back to that program of the President's which put out in such great detail what he was going to do.

Let us craft it on a bipartisan basis. Let us write a real budget that cuts spending first. Then we will have credibility. Then we will have the support of the American people. But you cannot win the support of the American people by promising to do one thing, and then doing another. You cannot win the support of the American people by continually misleading people about what our Government is doing.

You cannot fool the American people. There have been many efforts to fool them in the past. They have heard all of our empty promises. They have seen proposal after proposal where we say give us your money and in the sweet by-and-by we will cut some spending. They saw it in the 1990 budget agreement. They gave us $165 billion. All these promises were made just as President Clinton is promising now, even though he is promising only $1 of spending cuts for every $3 of new taxes. In 1990 people were promised $2 of spending cuts for every $1 of taxes. But the point is they did not materialize.

Let us cut spending first, and we will get credibility. We will get the support of the American people. The President is losing support on his economic program because it is not the program he was elected on. It is not the program he promised the American people. The President promised a Cadillac and he is delivering an Edsel. And he does not seem to understand that people are unhappy with the car, but they are very, very angry with the person who sold them the car because they were misled.

We can fix this by going back and doing it right. That is what I want to propose to the President today.

I thank the Chair for his indulgence.

I yield the floor.

Mr. BENNETT addressed the Chair.

THE PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Thank you, Mr. President.

CABINET-LEVEL NOMINATIONS

Mr. BENNETT. Mr. President, it is now the time when we are finally receiving nominees from the administration for the sub-Cabinet-level positions that have been vacant for so long. I want to thank the President and the administration for finally getting to this point. It has been a point of some concern of mine that this administration has taken longer to do this than any in recent memory.

If I might be personal for just a moment, I remember when I joined the

Nixon administration back in 1969. I went in the month of March and I was the last appointee at that level, every other position having been filled. We are now in the month of May and similar positions are still unfilled. I think one of the major reasons why this administration seems to be in such disarray is that the President and the Cabinet officers have taken so long to come up with the names for these particular positions.

Some of those who have come before the committees on which I sit have been nominees whose positions are either hostile or in some cases offensive to the people of the State of Utah. Frankly, the people who have been nominated have taken positions that have been either hostile or offensive to me and that I campaigned against during the campaign.

So a lot of people back in Utah are contacting me as these names finally begin to show up, and they are saying to me, Senator, surely you are going to vote against all of these people. Surely you are going to vote against the people who have taken positions or whose lifestyles are offensive, that are in a manner different from that of the people of the State of Utah.

I am rising on the floor today to explain why in all probability I shall not vote against most of the nominees for Assistant Secretary and Commissioner and Administrator—the sub-Cabinet officials whose names we are receiving now.

First, I well remember as an outsider watching the confirmation circus that went on as members of the party opposed to the President would take the confirmation opportunity to make their points and to beat up people who really did not deserve the kind of personal character assassination that went on.

If I criticized those kinds of confirmation circuses as a Republican, pointing the fingers at Democrats who were involved in it, I cannot with clean hands participate in the same kind of circus myself just because it is now a Democratic and Republicans who want to oppose it. But if I thought those activities were improper then, they are equally improper now even though the targets may represent points of view that I disagree with.

Second, I think we need to remember that an Assistant Secretary is not necessarily a policy position regardless of what some people may tell people when they are trying to woe them into an assistant secretaryship.

I conducted the responsibilities of the Assistant Secretary, and I know very quickly that an Assistant Secretary who takes a policy position different from the Secretary or from the President is very quickly an ex-Assistant Secretary.

Policy is set by the President of the United States, and his agency for enforcing that policy is the Office of Management and Budget. I have seen the experience firsthand of Cabinet officers being given their marching orders by people from the Office of Management and Budget who say, Mr. Secretary, you may feel that way, everybody in your department may feel that way, but here at the White House, we feel this way and this is the way it is going to be.

I think the last time we have seen a Cabinet officer resign over a disagreement in principle was Secretary Vance in the Carter administration who stepped down as Secretary of State because he was being told he had to do something that his conscience would not allow. If that is the enforcement procedure for a Cabinet officer, it is certainly the enforcement procedure in spades for an Assistant Secretary.

Thus, when people come before the committees on which I sit who have backgrounds on issues that I disagree with, I recognize that however much I might complain about that, my real complaint must lie with the President. I did not vote for the President. I did not support the President. I did not prevail. The President won the election and having won the election he is entitled to the assistants that he may wish.

If the President has the right to the assistants that he may wish, I cannot in good conscience once I have expressed my disagreement with them use my right as a Senator to harass them or otherwise disrupt them as they go about carrying out the President's duties.

A number of names have been raised of people that we should oppose in Utah. George Frampton, Jim Baca, Roberta Achtenberg, and others. As I said earlier, I disagree with them. They have said things with which I have vigorously disagreed but they are not going into a policy position where they can overturn the President. They are going into a managerial position where they are being required to carry out the President's program. And I find these people qualified on a managerial basis even as I may disagree with them on a policy basis.

I think it is time that we pay attention to manners and civility in public discourse. That is what I am trying to do as I make this statement. I fully expect that in my service as a Senator we shall see a return to a Republican administration and a Republican President.

I would hope when that time comes that that Republican President will be given the same kind of consideration in his choice for assistants that I am trying to give to these people for President Clinton.

My final comment, Mr. President: Had I been the President, I would not have appointed these people. I am happy to go on record in that fashion. I am sure if I were the President, they would not want to serve in my administration because they hold different positions. But I think as a matter of conscience, I must respect their ability to hold different positions and not oppose their nominations just because I do disagree with the policy statements they have made in the past.

Thank you, Mr. President.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

SUPPORT OF PRESIDENT CLINTON

Mr. BUMPERS. Mr. President, I heard the distinguished senior Senator from Texas talking about my President and what he has promised and what he has not delivered. That is always a good way to get my attention.

The Senator from Utah has just said he does not support President Clinton. I certainly understand that. He is a Republican and I am sure he supported George Bush. I did not support Bill Clinton because he was the Governor of my State or because we have been good friends for all of these years. I supported him because I liked what he said and I thought nothing could be any worse than what we had. I will come back to that in just a moment.

In this morning's Post, there is an op-ed piece and the writer points out that in San Diego at a townhall meeting the night before last, the President was asked when have you ever known this Nation or any other nation to tax and spend its way into prosperity? That is a favorite ploy of my Republican brethren, and they have a right to talk that way if they want to.

The truth of the matter is, that is exactly what Franklin Roosevelt did. I am not suggesting it is a good idea for today. And as this author pointed out this morning, you cannot plow the same ground twice and expect the same results. But Franklin Roosevelt did precisely that. He raised taxes and he started spending, and he was the first President to ever pay any attention to the South.

I grew up in a small town of 851 people. I can remember how embarrassed we were because the population was on the city limit sign—851 people. Dirt streets, outdoor plumbing, no running water, malaria, typhoid—you name it, we had it all. We slept outside in the summertime because the heat was insufferable inside the house. Every time a car came by and we were sleeping in the yard, we choked to death on the dust. That is what some people call the "good old days." Not me. Do you know what Will Rogers said about the good old days? "They ain't what they used to be, and they never was."

They never were good. But Franklin Roosevelt inherited a 25-percent unemployment rate and when the Japanese bombed Pearl Harbor, the unemploy-

ment rate in this country was still 15 percent. Think about that.

But I will tell you something else, Mr. President. In this day and time, it may be a fair charge to say that you cannot tax and spend your way into prosperity. I am not positive of that. I do not think that is relevant anymore because the stimulus package has been killed and, in my opinion, a lot of proposed so-called investment and spending that the President wants to make will never see the light of day in this Chamber.

There are too many naysayers around here about anything that changes the way we do business. But I can tell you one thing. I watched the hurried instinct sweep across this body in 1981 when Reagan said the key to our eternal prosperity is to cut taxes and raise spending. You talk about an absurdity on its face. Yet, the U.S. Senate and the House of Representatives bought into it as though that was the greatest thing since night baseball.

As I have said on the floor before, the Arkansas Second Congressional District Congressman in the House, RAY THORNTON, told me that when Reagan was touring the county saying, "We are going to cut your taxes and raise defense spending, and we are going to balance the budget," his 84-year-old father-in-law said, "What a dynamite idea; I wander why nobody ever thought of that before." I will tell you why. It was sheer lunacy.

What is the biggest problem facing the Nation today? Why, the Presiding Officer and every Member of the U.S. Senate knows it is the deficit. So when the President says: "I want to reduce the deficit over the next 5 years, $500 billion, from what it would otherwise be if we do nothing," some of my friends on the other side of the aisle like to say that he is going to add a trillion dollars to the debt. And that is true. He has never made any bones about it. What he is saying is that we have to get the deficit headed south. That is precisely what he is proposing to do through taxes and spending cuts.

I do not know where these Republicans get those charts they keep bringing over here. Anybody can put graphs and bars up there and paint different colors and put figures behind them, but it does not make them accurate. The budget resolution called for $205 billion in net spending cuts. Even if the President gets his way in spending—$205 billion in net spending cuts will occur.

I think every single Republican voted against a budget resolution in the U.S. Senate to reduce the deficit by $505 billion because it had a tax component. They say we need to do more in spending cuts. I tested that out last fall. Senator SASSER and I stood on the floor of the Senate until we almost dropped dead trying to eliminate the space station and the super collider. Those are two big welfare projects for Texas. As the Senator from Maryland said, "They believe in welfare for Texas and free enterprise for the rest of us." We tried to kill the space station and super collider—$220 billion—and our high watermark was five Republican votes.

We tried to kill SDI, which now the Secretary is about to do. I do not know why any of us ever try to kill a weapons system. I believe I can truthfully say that the U.S. Congress, on its own initiative, has never killed a weapons system—never. Unless the Secretary of Defense or the President says we no longer need B-2 bombers, you are not going to catch this crowd voting to kill a weapons system, particularly if there is a plant in their home State that has any component of that weapons system.

So they keep saying: You do not have enough spending cuts. We can do it with spending cuts.

Let us start with SDI, the super collider, the space station, the Trident II missile, and the intelligence budget.

"Oh, no; that is not what we had in mind," the Republicans will say.

Well, what did you have in mind?

"I thought we would put a cap on entitlements."

That means the elderly people of this country, who depend on Medicare for their health care, have to dig deeper in their own pockets to pay medical bills; and people on Medicaid, which is health care for the poorest of the poor, get no care. It means that 10 percent of the people in this country who get food stamps will get them cut.

I will tell you what the economic policies of the last 12 years have brought us, Mr. President. They have brought us to the point that food stamps applications are soaring through the roof, and we are still only covering half of the poor, pregnant women in this country trying to provide them with a free diet so they can have a healthy baby.

What is the solution on the other side? Cut them further. Do not tax me.

Senators make $135,000 a year. Think about that. They were worried about somebody getting free health care because they are unemployed, or old, or because they are poor. You can call that liberalism, call it Ozark Mountain populism, anything you want to; but you can find it in the Bible, too. That is another book that everybody interprets however it suits them on any given day.

So, Mr. President, I have listened to those speeches for 12 years. I have listened to those speeches for 12 long years, as we went from a $1 trillion debt to a $4 trillion debt. And I have told the President: "You are not just the Nation's last best hope; you are the Nation's last hope."

I hate to be that apocalyptic about this Nation's future.

Mr. President, listen to this. We have the highest crime rate of any nation on Earth. We have 200 million guns in people's hands.

We have 35 million people with no health insurance. In math and science we are dead last among the 17 developed nations. In social studies we are 13th among developed nations. We probably have by far the highest debt per capita among all developed nations. Nobody is even in the same league with us on that.

We have doubled the population of the United States, and, incidentally, the population of the planet has gone up 150 percent in my lifetime and is going to double again in the next 45 years. Who in their right mind thinks we are better off because we have 250 million people here rather than the 130 million we had?

We have more people in jail as a percentage of our population than any nation on Earth. We have the lowest number of the eligible electorate voting of any nation on Earth. Even Colombia, the drug capital of the world, has a higher percentage of voters than we do in the United States.

And we have become so uncivilized that people do not even know how to say thank you, please, I am sorry, and pardon me.

I know I am old fashioned. You walk into a restaurant in a lot of places and every man in there has his hat on. That is a little thing. However, when I grew up that was unthinkable.

Mr. President, the good news is we are still the longest living democracy on Earth. What does that mean? That means the people ultimately will have the final say.

Betty Bumpers said, "Do you know what is wrong with you politicians?"

"No. What? I am anxious to hear." Lord knows, I hear plenty of it in my mail every day.

She said, "Politicians think when people see a 30-second spot they take leave of their senses."

The truth of the matter is people yearn for the unvarnished truth. And the thing that made Bill Clinton's State of the Union Address so memorial was he said: "Folks, we are in a heap of trouble, and I am going to raise our taxes, and we are going to cut spending and do our very best to salvage this great Nation."

Mr. President, our Constitution is still intact. So we have so much to be grateful for.

But what do people love most? What do the people of Alabama love most when they sit around the table in the evening? It is not that Mercedes in the driveway and it is not that split-level home they are sitting in and it is not that fancy office downtown. It is their children. That is what they love most. That is what they sacrifice most for. And it is tomorrow and the next generation that I think about every time I cast a vote.

So, yes, I am going to support the President. I am going to support his tax increases. I intend to pay my share, because I have two wonderful grandsons that I want to have a chance.

I yield the floor.

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

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

The bill clerk proceeded to call the roll.

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

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

Mr. LOTT. Mr. President, I rise to speak in morning business.

The PRESIDING OFFICER. The Senator is recognized.

Mr. LOTT. I thank the Chair.

(The remarks of Mr. LOTT pertaining to the introduction of S. 986 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. DOLE. Mr. President, is leaders' time reserved?

The PRESIDING OFFICER. Leaders' time is reserved.

IS THERE A BOSNIA POLICY?

Mr. DOLE. Mr. President, after deciding on a course of action to address the war in Bosnia-Herzegovina nearly 3 weeks ago, the Clinton administration, instead of moving forward, now seems to be drifting, or even backing away.

At his press conference last week, the President claimed not to have changed his mind about next steps, namely the so-called lift and strike options—steps which I strongly support. But, the newspapers and journals are filled with reports that the President is now abandoning his efforts to build support among our allies for his decision and is deferring to them.

Yesterday, in testimony to the House, Secretary Christopher added to that speculation by suggesting that rather than trying to end the fighting in Bosnia, the Clinton administration is attempting to contain the conflict.

Indecision. Lack of clarity. Waffling. Shifting. These words and phrases have been used in recent days to describe President Clinton's Bosnia policy. Some even ask whether there is a Bosnia policy.

Frankly, I do not know if President Clinton has changed his mind. I do not think he has. The consultations with Congress begun 3 weeks ago have suddenly come to a halt. I have not been told by the President or his staff that U.S. goals or options have been altered in any way. So I am going to continue to believe the President in what he told us previously.

I do hope the President has not changed his mind. I hope he sticks to his original decision and uses the U.S. position as the traditional leader of NATO to bring our allies on board. The President also needs to let our allies know that support for NATO in the U.S. Congress depends on NATO's ability to come to grips with crises that threaten European stability.

Some ask, why not defer to the Europeans? The answer is simple: Our allies have failed miserably. From the beginning their approach has been fundamentally flawed: They have pursued policies which address only the symptoms of the war, not the causes.

The allies want to continue along with this failed approach—it is easier than taking tough action. They want to add more peacekeepers where there is no peace. They say they are saving lives by delivering food, yet the vast majority of Bosnians are not threatened by starvation, but by bullets. In short, the Europeans are ready to accept the status quo. Despite their denials, they are willing to write off Bosnia as a state. As such, they have no realistic plans for ending and containing this war.

I understand and support President Clinton's wish to get our NATO allies on board any decision. But, leading the alliance does not mean accepting the European's failed policies. Nor does it mean splitting the difference between their ideas and ours.

Leadership means deciding on the best course of action and actively persuading our NATO allies to join us.

This type of U.S. leadership has been the key to NATO's success since it came into being. This type of U.S. leadership is essential if NATO is going to continue into the future.

Mr. President, the United States cannot duck Bosnia, nor can it allow NATO to do so. The longer we wait, the more difficult the decisions will become. The future of stability in Europe and the future of the NATO alliance depend on the successful handling of this crisis. Success, in turn, depends on U.S. leadership.

REGARDING: MR. JULIO MAGALLANEZ

Mr. MCCAIN. Mr. President, I was delighted to read about an Arizonan, Mr. Julio Magallanez on the front page of the Washington Post. Mr. Magallanez went into business for himself after overcoming great personal hardship and today is a successful bean broker. He was able to accomplish this modern day success story with the assistance of the Micro Industry Credit Rural Organization [PHDC/MICRO].

Mr. Magallanez's success is an outstanding achievement, one that he should be very proud of and one I believe the Senate should take note of. I would like to congratulate Mr. Magallanez on all that he has accomplished.

The PHDC/MICRO is also a great example of a nonprofit development company giving individuals such as Mr. Magallanez an opportunity to become successful entrepreneurs with extraordinary results. Mr. President, Julio's commitment to his company and his willingness to take a gamble sets a fine example and serves as an inspiration to all who are involved in the MICRO Program.

Again Mr. President, I would like to extend heartfelt congratulations on his outstanding achievement, and wish him every success in the future. Mr. Magallanez is an inspiration to us all.

Mr. President, I ask unanimous consent that the Washington Post article appear in the RECORD after my remarks.

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

[From the Washington Post, May 6, 1993]

HARVESTING A LIVING FROM SEEDS OF CREDIT

(By Guy Gugliotta)

NOGALES, AZ.—Three years ago Julio Magallanez almost died of a massive heart attack. Last year, heart disease again almost killed him and kept him in bed most of the time.

Sickness cost him his driver's license, and sickness means he will never get it back. "More than 20 years' driving a truck, and all of a sudden no job," said Magallanez, now 39.

So he went into business for himself. Today Magallanez is a "bean broker," using a lifetime of experience on both sides of the Mexican border to build a new career from his house trailer on a windswept stretch of desert a few miles from Nogales. Mexican clients contract for pinto beans, and Magallanez finds them in the United States and sees that they are delivered.

"It's a good business," Magallanez said, and he thinks it will get better. So does the Micro Industry Credit Rural Organization, a nonprofit development company that loaned Magallanez $1,000 so he could buy a computer to keep his records.

MICRO, now beginning its seventh year, is one of the nation's leading practitioners of "microenterprise development," providing very small loans and, in most cases, business training, to low-income entrepreneurs who have little or no access to banks or other forms of credit.

Microenterprise, a tried-and-true Third World development technique for more than three decades, is perhaps the hottest antipoverty strategy in the United States today.

Experts list about 150 microenterprise organizations nationwide, most of them less than three years old. The Small Business Administration last year authorized a $15 million pilot program. Legislation to encourage microentrepreneurs is pending in Congress.

Secretary of Agriculture Mike Espy is a leading advocate, and President Clinton, as governor of Arkansas, actively encouraged a microloan program for rural areas of his state.

Using a variety of training programs and loan guarantee devices, the organizations have achieved extraordinary results, MICRO, based in Tucson and operating in rural and border areas of Arizona and eastern California, has made $1.6 million in loans over the life of its program, and has a cumulative default rate of 2.89 percent.

Its clients include near-rookies like Magallanez and seasoned pros like Danny Renteria, a onetime "shade-tree mechanic" who has opened his own garage in Nogales with MICRO loans. MICRO also helps a man who buys Mexican charcoal for resale in the United States, a woman who grows squash and sells gourds to novelty shops, and a man who makes his own lace and grosses $2,000 a week from amateur dressmakers and local milliners.

In Los Angeles, the Coalition for Women's Economic Development reports no defaults during almost four years of operations.* * *

By contrast, the Los Angeles coalition, a model among newer organizations, has 100 active borrowers. Interest received in 1992 was $7,600, less than 1 percent of operating expenses. This is a typical percentage for microenterprise programs, all of which rely on grants for most of their working capital.

"It's one of the most adaptable anti-poverty strategies, and that's a reason it's proliferated," said Fred O'Regan, who studies microenterprise and other jobs strategies for the Aspen Institute. "But expectations in terms of scale and sustainability have been higher than most programs can meet."

Inflated hopes probably arose because of the spectacular success of the Third World's model microenterprise programs. The prototype Grameen Bank, of Bangladesh, has loaned more than $400 million to more than 1 million clients since its founding in 1976. Indonesia's Bank Rakyat has 2 million borrowers and 8 million savers.

In Latin America, the Cambridge, Mass., based Accion International has set up microloan programs that have 147,000 borrowers in 14 countries. Seven of their programs are paying for themselves, and Banco Sol in Bolivia has evolved into a full-scale bank.

Only Accion, of the international giants, works in the United States. MICRO began as an Accion project, and a second Accion program has opened in Brooklyn with start-ups planned in Chicago, San Antonio and Albuquerque. Accion's technique is to target a borrower population, link up with local officials and tailor a program that—in a relatively short time—can operate independently.

Accion and other organizations have discovered basic differences between microenterprise in the Third World and the United States, chief among them the size and nature of the potential client base, the "informal sector" of self-employed people who are trying to earn a living on the fringes of the mainstream economy.

In the Third World, experts say, the sector easily can include more than one-third of the labor force, everything from street vendors to freelance plumbers and portrait painters. In the United States, by contrast, the sector is relatively tiny: "We don't have these massive informal sectors here," O'Regan said. "It's very unconventional to be poor and self-employed in the United States."

Also, Third World informal sectors include legions of highly motivated and trained people whose only real need is credit. For them, a microenterprise program simply is a finance company with reasonable interest rates. "In Latin America you can break even with a portfolio of $1 million, and you can put $1 million out in two years," said Accion associate director Maria Otero. "You're giving people a lifeline and an opportunity."

It's different in the United States, where a highly developed social welfare program takes away the sense of urgency. Accion researcher Elisabeth Rhyne described the difference in a recent essay: "While America has been trying to perfect and expand its social safety net, developing countries have to create strategies that work without one."

And finally, Third World entrepreneurs usually know how to use a loan once they get it, but even without business basics they can succeed in an environment where regulations are mostly honored in the breach.

In the United States, by contrast, microentrepreneurs often need business training, both to learn how to handle money and to prepare for the intrusion of the real world. "Very soon you start to rub up against the formal economy," O'Regan said. "The competition is fierce everywhere; even poor neighborhoods have a 7-Eleven."

To build competitive skills, virtually all U.S. microenterprise organizations have a training regimen to complement banking activities.

Coalition executive director Forescee Hogan-Rowles, like many experts, accords training and banking equivalent priorities. Her borrowers, she said, are embarked on a long-term "development process," involving "60 percent training and 40 percent lending." Clients must attend four to 10 weeks of business instruction before they can get any money.

Most experts agree that microenterprise is not the "magic bullet" that will end national poverty, but, they add, it is as good, if not better, than any other current policy at bringing poor people into the work force and rewarding their creativity. And despite the impossibility of cloning the international models, the U.S. organizations have shown that many of the Third World concepts can work.

Chief among these is the idea that it is possible to loan money successfully at market rates to people who are excluded from the mainstream banking system. Most U.S. microentrepreneurs, as in the Third World, have little or no formal credit history, and virtually all of them want loans so small that banks cannot justify the costs of processing them.

MICRO operations director John Newsome, a former banker, said Arizona banks will not issue a business loan for less than $25,000, also the minimum for a Small Business Administration-backed loan. At MICRO the average loan is $1,600, at 13 percent interest.

MICRO, like many microenterprise organizations, would like to forge an alliance with mainstream banks—offering to run a microloan program using bank funds—and is exploring a statewide relationship with Arizona's Bank One.

"We think our program trains future bank customers," said MICRO executive director Frank Ballesteros. "There is an untapped market out there, and banks see the handwriting on the wall."

Maybe so, but a more likely inducement is the Community Reinvestment Act, requiring banks to use some of their resources to meet credit needs of disadvantaged neighborhoods. Clinton has spoken of passing a "more progressive" act, and microenterprise may prove to be a useful way for banks to comply with the law.

"We could act as an intermediary between banks and borrowers, because we have the infrastructure to manage a small loans portfolio," said Accion's Otero, who has recently received several bank inquiries about the program's activities.

A large number of U.S. microenterprise programs, including the coalition, have adopted the Grameen Bank's "peer lending group" technique, in which a small number of borrowers (generally four or five) guarantee each other's loans and meet periodically to discuss business strategies and give each other pep talks. Zoila Perez's group, called "El Progreso de Bellas Ilusiones" ("The Progress of Beautiful Dreams"), includes one other clothing vendor, two custom clothing designer/seamstresses and a jewelry business. Each woman used a $2,000 loan to buy inventory.

Peer group lending substitutes shared responsibility for the collateral that the borrowers do not have. It is, program supervisors agree, the main reason microentrepreneurs seldom default. "Besides the payments, they develop solidarity and learn about bookkeeping and planning," said Paula Sirola, El Progreso's supervisor. "Bit by bit they develop."

If they wish. For most microenterprise organizations, goals are fuzzy. Experts speak of bootstrapping first-time business people into the mainstream, of stabilizing fragile family incomes, of nurturing self-image, of encouraging asset building and weaning poor people from welfare.

At El Progresso, the women speak of stability, extra spending money and modest expansion, always within Los Angeles's Latino community. One key to the coalition's success is that it has encouraged its Latin borrowers to replicate the informal street economy most of them knew as youngsters in Mexico and Central America.

Perez would like to become a full-scale importer-exporter, carrying goods to and from El Salvador on a regular schedule.

MICRO's Magallanez, as a facilitator in the bean trade, is filling a market niche that nobody else has discovered. "I'm taking a very tough gamble here but I'm almost sure that it will work," he said.

Also running a gamble are Valarie Holton and Ava Jackson, partners in the coalition's "Five Star Unlimited" peer group. Holton runs "Black L.A. Tours" for visitors to Los Angeles ("They don't have to be black!") and is interested in negotiating a deal with Ramada Inns. Jackson has a maintenance company that has expanded from two to five employees. She is bidding large jobs, and needs only one long-term contract to hit the big time. "We are a phone call away," she said.

Already in the big time is MICRO's Danny Renteria, who used to fix cars on the street and now has a garage with two lifts and seven full-time employees wearing blue "Danny's Service Center" uniforms.

Renteria is a microenterprise "graduate" working on a $10,000 loan, his fourth from MICRO and the biggest loan the program can provide. He is tired of paying rent on his garage ($28,000 last year) and would like to buy it from his landlord along with the rest of the building.

He figures he will need at least $300,000, and he will have to borrow it from a bank. No bank has ever granted Renteria a loan, but he thinks maybe this time will be different: "They couldn't find a better candidate than me," he said.

PRINCIPLES FOR AID TO RUSSIA AND THE NIS

Mr. PRESSLER. Mr. President, last month I was pleased to join the distinguished Senator from Connecticut [Mr. LIEBERMAN] and former Housing Secretary Jack Kemp—the cochairmen of the Alexis de Tocqueville Institution—and a distinguished group of United States leaders in advancing a statement of principles on aid to Russia and the newly independent states [NIS].

In my opinion, this is an hour of maximum danger—and opportunity—for freedom, democracy, security, peace, and prosperity for Russia and the rest of the former Soviet Republics.

In this statement of principles, we called on the United States and our Western allies to adopt a more urgent and significant effort to assist Russia and the NIS in building a lasting democracy and a free market economy.

In my view, this effort is not about pumping large amounts of taxpayer-financed foreign aid into the Russian bureaucracy. We are seeking to provide the confidence necessary for the people of Russia and its trading partners to continue economic and political liberalization.

Clearly, the recent referendum demonstrates that the Russian people are committed to democracy and market-oriented economic reforms. In the coming weeks, it is essential for America to demonstrate its clear support for these reforms by developing a truly bipartisan foreign and economic policy to aid Russia and the NIS. The bipartisan group of leaders who came together to sign a statement of principles for Russian aid represents a sound starting point from which to build such a policy. I am pleased that along with the Senator from Connecticut and myself, my friends and colleagues from Indiana, Senator LUGAR, South Carolina, Senator THURMOND, and Alaska, Senator MURKOWSKI, also signed the statement. It was endorsed also by Representatives LEE HAMILTON, NEWT GINGRICH, ESTEBAN TORRES, former Secretaries of State Alexander Haig and Edmund Muskie, William Bennett, and Jeane Kirpatrick, among others.

Mr. President, the statement of principles my colleagues and I signed is by no means exhaustive. Other factors also must be considered by the Senate when a Russian foreign aid plan comes to the floor. These principles reflect the general policy goals that should be achieved through foreign aid and other United States-Russian programs.

I ask unanimous consent that the statement of principles issued by the Alexis de Tocqueville Institution along with the undersigned names be printed in the RECORD immediately following my remarks.

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

STATEMENT OF PRINCIPLES FOR AID TO RUSSIA

1. The West under the leadership of the United States should commit itself to a significantly larger and more urgent effort to help Russia and the other newly independent states (NIS) build a democracy and a market economy;

2. We should endeavor to seek the implementation of START I and II, and to make sure that all the NIS sign the nuclear nonproliferation treaty.

3. Our economic assistance program should be viewed as an investment in the future of the United States, as well as in the future of Russia and the NIS;

4. The overall aim of our aid program should be to do good and do well—helping build the markets of Russia and the NIS, while at the same time seeking new opportunities for U.S. firms doing business in these emerging nations;

5. Any investment and assistance program should reflect the special circumstances of Russia, should be developed in direct consultation with the government and people of Russia, should take into consideration the fact that Russia is building a democracy as well as a market economy, should make full use of all resources available to the United States and the West, including those of the international financial institutions, and should include restructuring of the debt owed by Russia to the West but amassed in part by the Soviet Union; and

6. We support the formation of a G-7 working group to coordinate assistance efforts and the regularization of the recent practice of including Russia at G-7 conferences.

Joseph I. Lieberman, U.S. Senator; Jack F. Kemp, Former Secretary of Housing and Urban Development; Richard Lugar, U.S. Senator, Senate Foreign Relations Committee; Lee Hamilton, Member of Congress, Chairman, House Foreign Affairs Committee; Newt Gingrich, Member of Congress, House Minority Whip; Edmund Muskie, Former Secretary of State, Former U.S. Senator; William Simon, Former Secretary of the Treasury; William Bennett, Former Secretary of Education; George Soros, President, Open Society Fund; Paul Nitze, Founder and Diplomat in Residence, Paul H. Nitze School of Advanced International Studies, Johns Hopkins University; Jeane J. Kirkpatrick, Former U.S. Ambassador to the United Nations; Strom Thurmond, U.S. Senator, Ranking Member, Senate Armed Services Committee; Barton M. Biggs, Chairman, Morgan Stanley Asset Management, Inc.

James A. Courter, Chairman, Defense Base Closure and Realignment Commission; Frank H. Murkowski, U.S. Senator, Senate Foreign Relations Committee; Vin Weber, Former Member of Congress; Robert W. Kasten, Jr., Former U.S. Senator; Michael Boskin, Former Chairman, Council of Economic Advisors; Harald Malmgren, Director, MGK Limited; Thomas H. Kean, Former Governor of New Jersey; Richard Rahn, President, Novecon Inc.; Judy Shelton, Senior Research Fellow, The Hoover Institution; Bruce Morrison, Former Member of Congress; Arthur B. Laffer, President, A.B. Laffer, V.A. Canto and Associates; Howard Berman, Member of Congress, House Foreign Affairs Committee; Manuel Johnson, Former Vice Chairman of the Federal Reserve Board.

Richard Gardner, Professor of Law and International Organizations, Columbia Law School, Former U.S. Ambassador to Italy; Shirley Williams, Professor of Politics, Kennedy School of Government, Harvard University; Larry Pressler, U.S. Senator; John Kenneth Galbraith, Professor of Economics, Harvard University; James Tobin, Professor of Economics, Yale University; Richard Leone, President, Twentieth Century Fund; Robert Torricelli, Member of Congress; Sir Frederick Catherwood, Member of the European Parliament; Helmut Sonnenfeldt, Guest Scholar, The Brookings Institution; David M. Abshire, President, Center for Strategic and International Studies; Esteban Torres, Member of Congress; John Lehman, Former Secretary of the Navy; Alexander Haig, Former Secretary of State.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, as anyone even remotely familiar with the U.S. Constitution knows, no President can spend a dime of Federal tax money that has not first been approved by Congress, both the House of Representatives and the U.S. Senate.

So when you hear a politician or an editor or a commentator declare that "Reagan ran up the Federal debt" or that "Bush ran it up," bear in mind that it was, and is, the constitutional duty of Congress to control Federal spending. Congress has failed miserably for about 50 years.

The fiscal irresponsibility of Congress has created a Federal debt which stood at $4,282,840,338,892.20 as of the close of business on Monday, May 17. Averaged out, every man, woman, and child in America owes a share of this massive debt, and that per capita share is $16,673.90.

IN SUPPORT OF THE CONFIRMATION OF BETSY RIEKE FOR ASSISTANT SECRETARY FOR WATER AND SCIENCE AT THE DEPARTMENT OF INTERIOR

Mr. DECONCINI. Mr. President, I rise today to congratulate my colleagues on their decision last night to confirm my good friend Betsy Rieke as Assistant Secretary for Water and Science at the Department of the Interior.

I have had the privilege of knowing Betsy for a long time on a professional level through her service to Arizona as the counsel for the State's department of water resources and, most recently, as the director of that agency, and I admire her. I have also known and respected her on a personal level for a number of years. Years ago, Betsy's family and mine were neighbors in Arizona. Our children grew up together, and our sons were friends. Betsy will be sorely missed in Arizona as she moves on to bigger and better things, but I am proud that the Senate has con-

firmed such a highly qualified candidate for the Assistant Secretary position.

Betsy Rieke has had a long history of involvement in Arizona's water issues and her background makes her uniquely qualified to serve as the Assistant Secretary for Water and Science. From 1982 to 1985, she served under then-Governor Babbitt as the deputy legal counsel for the Arizona department of water resources taking over as chief legal counsel for the department from 1985 to 1987. She left Arizona government service to join the law firm of Jennings, Strouss and Salmon eventually becoming a partner. She also taught water law at Arizona State University College of Law as an adjunct professor and has written and spoken extensively on water law issues.

Since April of 1991, Betsy has been the director of the department of water resources under Gov. Fife Symington. It is a testament to Betsy's ability and commitment to the issues that she has held positions of substantial responsibility under both Democratic and Republican Governors in the high profile area of water resources. And, it is a tribute to her skill and dedication that President Clinton has chosen her as a top advisor on water and science issues for the country.

Mr. President, I think that I can safely say that both Secretary Babbitt, during his tenure as Governor of Arizona, and Gov. Fife Symington have a high degree of respect and admiration for Betsy. She has the capacity to bring divergent interests together to work on common ground as evidenced by her success in settling numerous Indian water rights claims and implementing Arizona's ground water code, one of the most comprehensive pieces of water legislation in the West.

As director for the Arizona department of water resources, she has had the responsibility of not only dealing with ground water regulations and Indian water rights settlements, but also the highly charged issue of the central Arizona project [CAP]. Betsy has been a leader in trying to resolve some of the extremely complicated and contentious problems connected with the CAP. Water supplied by the CAP is vital to sustain Arizona's economy, and Betsy has been involved every step of the way in developing proposals to help the CAP maintain its financial viability.

Dealing with the CAP is no easy task and her efforts will be missed. However, the tenacity and creativity she has shown in addressing the CAP's difficulties will be a tremendous asset to her, to the Department of the Interior, and to the country in dealing with some of the tough issues the Department will face in the area of water and science.

President Clinton has made a wise choice in his selection of Betsy Rieke for the Assistant Secretary of Water and Science, and last night's Senate confirmation reaffirms this wisdom. He could not have made a more responsible or appropriate choice. I am confident that Betsy will be an outstanding addition to the Department.

Mr. President, I yield the floor.

OLDER AMERICANS MONTH

Mr. COHEN. Mr. President, I am pleased once again to take this time to commemorate Older Americans Month.

We set aside this time to recognize the contributions made by millions of senior citizens to our great Nation. Without their willingness to sacrifice, their embrace of hard work, their endurance of poverty and hard times, and their moral strength, America would be a very different place indeed.

The celebration of Older Americans Month is one small but meaningful way of acknowledging the fundamental role seniors have played in the perpetuation and preservation of our democracy. It is a time to express a debt of gratitude to them as well as a time to assess our progress on enriching their lives.

At present, senior citizens over the age of 65 comprise about 12 percent of the population. While their annual income is slightly less than that of their younger counterparts, age 18 to 65, the rate of poverty for seniors has been reduced more than half since 1966. Life expectancy rates for seniors have increased significantly in this century. Retirement is a greater option for many more seniors than in the past, and it lasts longer as well.

These statistics paint a relatively sunny portrait of our senior population, and reflect the success of programs like Social Security, Medicare, the Older Americans Act, and others that have helped to improve the lives of our older population.

As we move into the 21st century, however, we must take heed of the coming changes in the statistical portrait of the elderly population if we are to avoid serious challenges to their health and well-being. In addition, we must continue to pay close attention to the needs of today's senior population so that we can tackle the problems they face in living their golden years.

What do these statistics show? In 1989, almost a third of those over the age of 65 lived alone. Among people over the age of 85, however, far more, in fact almost half, lived alone. The number of women in these age categories is daunting indeed; a full 82 percent are widowed. They face special problems. Because they worked in low-paying jobs or did not work at all, their Social Security checks are not generous. As a result, the rate of poverty for those over 85 living alone is far higher than for other segments of the population. They are more vulnerable to criminal and fraudulent activities, they are more isolated, and they often escape the reach of even the most active aging network. We must do more to make the quality of life better for this segment of our elder population.

Let's also look more closely at statistics on the health of today's older Americans. While these seniors are living longer, they remain disproportionately dependent on health services in comparison to other segments of the population. They visit a physician eight times a year, compared with five visits by the general population. They are hospitalized over three times as often as the younger population, stay 50 percent longer, and use twice as many prescription drugs.

These figures demonstrate that as our overall health care costs continue to rise, the elderly will continue to shoulder a greater financial burden. At the same time, they are far more likely to be on a fixed income.

Finally, the projected growth of the aging population, while still several years away, raises important questions about our ability to serve them adequately. By the year 2030, the size of the population over 65 is expected to double to where it constitutes one-quarter of our Nation's population. During this time, the size of the population over the age of 85 is expected to triple.

If current trends in the lifestyle of our elders continue, we will be facing formidable challenges in caring for the frail elderly who don't require institutionalization, in making health care affordable for those on fixed incomes, and in ensuring that seniors continue to be involved in community life.

Both today's senior citizens and the aging baby boomers face serious problems that directly affect their well-being and that of our Nation as a whole. These include the potential insolvency of the Federal fund that guarantees private pensions, the health of the Social Security trust fund, ever-increasing costs of prescription drugs, the availability of affordable long-term care, and the potential elimination of retiree health benefits.

As I have traveled my State of Maine and listened to its senior citizens, it is evident that these concerns are very real. Maine's statistical portrait is generally similar to the national one. The proportion of elderly residents in Maine is slightly greater than the national average, and in the next 30 years, the number of individuals over the age of 65 is expected to more than double in size.

As in the Nation as a whole, today's problems are pressing indeed in my State. The number of seniors living in poverty in Maine exceeds the national average by 3 percentage points. In some counties in Maine, over half of those residents living alone are over the age of 65. The rural nature of the

State poses special challenges to those working to reach poor, isolated seniors and improve their quality of life. The task is an enormous one, but we must remain committed to it.

Unfortunately, senior citizens, who have contributed so much to this country over the years, are beginning to hear the cries and whispers of others who believe that they have received more than their fair share; that they are living well at the expense of the younger generation, and that they ought not to ask for any more from the rest of us.

Mr. President, in this Nation today we are on the verge of intergenerational warfare, as various groups compete for scarce Government funds brought on by our massive Federal deficit. It is widely believe that the new administration will place a special emphasis on issues affecting children, in part due to First Lady Hillary Rodham Clinton's involvement in the Children's Defense Fund.

While children's welfare is an important priority, we must resist the temptation to put generation against generation in dividing up the Government pie. Instead, we must work together to find the best solutions for our society as a whole, placing special emphasis on the needs of the most disadvantaged, regardless of age.

In my work on senior volunteer programs, I have been inspired by the enormous contributions made by seniors to their communities because of their commitment to serving others. Let us not turn our back on them. Let us work together to resolve common problems, and let us recognize how important it is to bind generations together rather than split them apart.

The problems that confront us will have enormous consequences for the future, especially for those citizens who will be reaching age 65 in the next 30 years. They are problems that must be handled now so that both today's senior citizens and those who will become seniors 40 years from now can live in security.

The recent elevation of the position of Administrator of the Administration on Aging to the Assistant Secretary level and the recognition of long-term care as a crucial component of comprehensive health care reform are encouraging early signals of this administration's attitude toward issues affecting senior citizens, and I urge its continued attention to these and other issues affecting the elderly.

As we take stock of how far we have come during this Older Americans Month celebration, let us also take stock of the vast amount of work that remains to be done to see that those reaching their older years can remain vibrant, independent, and involved citizens of this Nation.

I would like to state that the Senate Special Committee on Aging remains dedicated to focusing on the special problems of this segment of our population.

Over the years, the committee has done an enormous amount of work not only on behalf of the elderly, but also of benefit to the Federal Treasury. It has uncovered fraud and inefficiencies in our Federal programs and proposed solutions that will save the taxpayers over $6.5 billion in wasteful spending by 1997. The bulk of these savings, some $6.3 billion, is the result of legislation developed by the committee that ensures that the Medicaid Program obtains the lowest price on prescription drugs.

Another $200 million will be saved by a measure developed by the committee that stops fraudulent billings practices by medical equipment suppliers.

Additional work by the committee over the years has resulted in significant savings to the American consumer. For example, over 60,000 citizens have requested an Aging Committee report outlining how to receive free or low-cost prescription drugs from pharmaceutical manufacturers.

The committee has developed legislation and consumer information prints protecting the elderly against marketing abuses in the complicated private Medigap and long-term care insurance markets.

Legislation was developed by the committee that strengthened the law against misleading mailings designed to dupe seniors into believing they are officially sanctioned Social Security mailings.

The committee has also begun a series of hearings on several new types of consumer frauds perpetrated against the elderly.

In the first 5 months of this year, the Aging Committee's agenda has focused on the desperate need for more options and flexibility in long-term care services for senior citizens and their families who care for them; consumer ripoffs that have targeted or disproportionately hurt the elderly; health care fraud, which accounts for up to $90 billion a year in our health care budget; skyrocketing prescription drug costs and their effect on senior citizens; grandparents who are raising their grandchildren due to drug abuse or violence affecting their own children; and health prevention strategies for seniors and how these measures can save billions of dollars in health care expenditures.

Since the start of the 103d Congress, the committee has also sponsored Senate-wide briefings and forums on a variety of issues, such as long-term care, prescription drugs, guardianship, health care fraud, violence against elderly women, transportation for the elderly, the appropriateness of cataract surgery, and health care reform for rural areas.

Suffice it to say that the committee continues to work on a wide variety of problems facing the aging population and to propose meaningful solutions to them. In the long run, the work of the committee benefits not just a particular segment of our population but society as a whole.

It is my privilege as ranking minority member of the Special Committee on aging to work with Senator DAVID PRYOR on these issues. Under his able and talented chairmanship, the committee has been in the forefront in addressing issues of concern to today's senior citizens, as well as the seniors of tomorrow.

The problem of the elderly are universal—we are all growing old. Many of us are lucky enough to still have our parents or grandparents in our lives. Their concerns are our concerns.

President John F. Kennedy once said, "It is not enough for a great nation merely to add new years to life—our objective must also be to add new life to those years." All the breakthroughs in medicine and health care that result in longer life are meaningless if those additional years are spent in poverty, isolation, or despair.

And so, the Senate Special Committee on Aging remains dedicated to breathing new life into our years, not just for today's senior population but also for their children and grandchildren. I look forward to its continued contribution to improving the quality of life for millions of seniors nationwide.

ON THE RETIREMENT OF CHARLIE SCALA, SENATE ENGINEER

Mr. HATFIELD. Mr. President, the U.S. Capitol will lose a precious resource this month when Mr. Charles Lawson Scala, one of the Capitol's most senior engineers, retires. "Charlie," as most of us know him, became a Senate engineer in 1965, long before most of my colleagues and I came to the Senate. While he certainly will be remembered for his long and dedicated service to the Senate, what might stand out most in our minds will be his diligent quest to find the elusive cornerstone of the U.S. Capitol.

Since 1983, Charlie has been upstairs in the library digging through books on this topic, and has been down underneath the building digging through passageways in his search for the cornerstone. With flashlight in hand, he has taken me below the Capitol and has shown me the caverns where he has spent countless hours in his patient pursuit. Charlie, one might say, is Congress' ultimate insider.

Charlie is not what the experts might call an expert on archeological explorations like this one. He has had no formal training in this area. Charlie came to Washington after 4 years in the electronics division of the Navy and began work in the Senate shortly thereafter.

His work to find the Capitol's cornerstone, however, demonstrates that learning is a lifelong process, most of which takes place outside of school. Following approximately ten years of research on this subject, Charlie has become one of the most knowledgeable people on the Hill on the architectural history of this building. It is possible that Charlie may know the rites of the Freemason's cornerstone ceremonies better than even certain Freemasons. It was not through formal schooling that Charlie attained this expertise, but through his own initiative and persistent research on this topic.

Henry Ford once said:

Anyone who stops learning is old, whether at twenty or eighty. Anyone who keeps learning stays young. The greatest thing in life is to keep your mind young.

Charlie Scala had indeed kept his mind young and has inspired us all to do the same. While the whereabouts of the cornerstone remains a mystery even to experts like Charlie, his diligent work will no doubt bring us closer to that end. His example is one for us to follow.

I would like to offer my heartfelt congratulations to Charlie on his retirement. I wish him all the best in the years ahead.

GEORGE FARRAR WILL BE MISSED

Mr. PELL. Mr. President, we recently lost George Farrar—a truly fine journalist who committed his considerable talents to local reporting for at the Call in Woonsocket, RI.

George Farrar, who retired in 1985 after 46 years at the Call, lost a battle he had been fighting with health problems over the last few years.

For nearly three decades, he served as the city hall and municipal affairs reporter. His encyclopedic knowledge and his unique perspective earned him the affectionate title of "Eighth Councilman."

I knew and liked George. He was focused, fair, and committed to his work. He also represented a relatively rare breed—individuals who are fortunate enough to devote their lives to the work they always wanted to do.

He was an excellent reporter, he loved his work and it showed. I would like to extend my condolences to his wife, Edith, and their children and grandchildren.

Mr. President, I ask unanimous consent that an editorial in the Call of May 11, 1993, be inserted into the RECORD as if read.

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

CONSUMMATE REPORTER GEORGE FARRAR WILL BE MISSED

All of us who worked at The Call during George R. Farrar's distinguished career mourn his passing at the age of 75.

Farrar, who retired in 1985 after 46 years at this newspaper, was the consummate reporter. Although he may have worked eight hours a day, he was on the job for 24, always keeping his eyes and ears open for leads to stories.

Even after his retirement, Farrar would frequently call the city desk with news tips. We heard from him just a few months ago; when he was hospitalized at Landmark Medical Center, he learned of a story he thought we might be interested in.

It is safe to say that no one in the city knew government better than George Farrar. In his final 29 years at The Call, he served as the City Hall and municipal affairs reporter, outlasting many mayors and City Council members. The faces he covered might change, but Farrar was always there.

It was fitting when he retired that the council placed a plaque, which still remains on the Harris Hall press table in his honor. The title of "Eighth Councilman" was officially his, and it's safe to say no one else will ever be considered for that moniker.

His mind was like a steel trap for facts and figures regarding all aspects of city government, the charter and the Public Works Department. If we wanted to know when the water treatment plant was built and what was its capacity, we'd ask George. He didn't have to look it up. To the younger reporters, it was like having a walking record of city history in our newsroom.

Farrar was easy-going, liked to laugh and raise a little hell. But when it came time to write a tough story, Farrar didn't shy away from the task. He made his enemies in politics over the years because of his straightforward approach, but he had a great many more admirers and earned tremendous respect.

He was the epitome of a grizzled reporter, straight out of a 1940s movie like The Front Page. Before the days of computers and bans on smoking in the newsroom, he'd bang away at his typewriter with a cigarette dangling from his lips, racing to beat deadline with his latest scoop. And after the day was done, George would head off to the Cercle Laurier or the Lodge of Elks to sip a cool beer and relax a little . . . until the next big story occurred.

Besides government and the city in general, George had another area of deep interest and passion. He was a huge sports fan, especially of Woonsocket High School teams. He covered local sports before switching to news, and he could rattle off names and statistics from three or four decades ago as easily as he could discuss the latest plight of the Red Sox.

Though he loved all sports, he could play few because of a childhood bout with polio. This did not restrict him from being a coach, manager, umpire or referee of city youth leagues.

His legacy was his reporting skills. He capsulized his life well in a brief speech upon accepting one of the many awards he received.

"My newspaper experience has been a pleasant road for me," he said back in 1980. "I've done what I've wanted to do all my life, be a reporter."

We'll miss George, who passed away Friday after struggling with health problems for the past several years. Our condolences are extended to Edith, his wife of 45 years, and their eight children and seven grandchildren, of whom he was always so proud.

An era in reporting at The Call ends with his passing.

PASTOR CARL BLOOMQUIST RETIRES AFTER 43 YEARS

Mr. PELL. Mr. President, after 43 years in the active ministry, the Reverend Carl W. Bloomquist, pastor of the Pilgrim Lutheran Church in Warwick, RI, is retiring.

His retirement will end four decades of devoted service to Pilgrim's congregation—which grew, under his ministry, from about 150 members in a converted clubhouse in 1958 to more than 1,000 current members.

I have had the honor of visiting and speaking at Pilgrim over the years and I have been pleased to receive the pastor and his wife, Lorraine, at my home in Newport.

Pastor Bloomquist has captured many hearts with his inspiring sermons, sense of humor, and love of life and innovative approach to relating everyday events to the Gospel and our lives.

In many instances, Pastor Bloomquist can relate to five generations in a single family that he has ministered to by presiding at baptisms, confirmations, weddings, and funerals.

In addition to his religious duties, he has shown keep interest in the social and economic affiars of Rhode Island and, in particular, to its Swedish-American community.

Pastor Bloomquist recently was chairman of the Swedish Heritage Foundation and was instrumental in inviting the King and Queen of Sweden to be quests of the Swedish Heritage Festival in Rhode Island.

He has personally been pursuing family archival research with various contacts in Sweden. His interests are as varied as the seasons, including travel to many countries of the world.

He also enjoys the recreational activity of chopping wood, not only for his wood stove, but for fitness as well. He has built a long rock wall in the decorative landscaping of his home, "Sol-Fest," in Charlestown, RI.

I am sure that the many men, women, and children who have been touched by his ministry, both at Pilgrim and elsewhere, will join me in wishing him the very best and in thinking him for a job exceptionally well done.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The period for morning business is now closed.

Mr. LOTT. Mr. President, I understand it has been agreed we can proceed with the pending nomination at this time.

EXECUTIVE SESSION

The PRESIDING OFFICER. Under the previous order, the hour of 1 p.m. have arrived, the Senate will now go into executive session to consider the nomination of Alicia Haydock Munnell to be Assistant Secretary of the Treasury, which the clerk will report.

NOMINATION OF ALICIA HAYDOCK MUNNELL, OF MASSACHUSETTS, TO BE AN ASSISTANT SECRETARY OF THE TREASURY

The bill clerk read the nomination of Alicia Haydock Munnell, of Massachusetts, to be an Assistant Secretary of the Treasury.

The PRESIDING OFFICER. There will now be 1 hour of debate equally divided and controlled between the Senator from New York and distinguished Senator from Mississippi.

Mr. LOTT. Mr. President, I understand the distinguished Senator from New York will be coming over shortly, but he agreed we could go ahead and proceed with the discussion here since the time is equally divided. When he arrives, of course, I will be happy to yield to the distinguished chairman of the Finance Committee.

Mr. President, I do rise to express my reservations about the nomination of Alicia Munnell to be the Assistant Secretary of Economic Policy. I ask unanimous consent at this point to have a sampling of media articles and other communities of economic policy of media articles and other commentaries concerning the nomination of Ms. Munnell to this position printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered

(See exhibit 1.)

Mr. LOTT. Mr. President, I have made it a point this year to pay close attention to the President's nominees to Cabinet positions and now to sub-Cabinet-level positions. I think the record will show that the Senate has been very anxious to work with the new administrative confirming their nominees. In fact, while there were some discussions and problems along the way, with at least one Justice Department nomination being withdrawn and with some questions being raised about potential conflicts with other nominees, the President's Cabinet was confirmed by the Senate in record time—with the one exception, of course. That was the Attorney General, which was delayed. But not because of any delay here in the Senate.

So we have cooperated with the administration. We have moved forward with their nominations. I have had a lot of reservations about some of the nominees, but I share the view of a lot of my colleagues that the President of the Unites States, having been duly elected, is entitled basically to select the people he wants to work with in his Cabinet unless there are serious reservations about that person's qualifications, ethical conflicts, or legal problems. Generally speaking, that has not been the case. Where there have been ethical questions I think a serious effort was made to clear them up. I have been pleased to work with the administration as they have moved forward.

But now we come to the second tier of nominations, the Assistant Secretaries, the Assistant Attorneys General, and other positions that are very important in how this administration will proceed and how they will work with the Members of Congress and what they will do to get the economy of this country moving forward more robustly.

It appears to me that a pattern is developing. More and more nominees are coming to the Senate that I feel represent very extremist positions. You are going to hear more of that this week and next week, I guess, with some of the nominees for the Justice Department, Agriculture, Interior, and now for Treasury. This is a very important position to be Assistant Secretary of the Treasury for Economic Policy.

I want to say up front that I am going to go along with this nomination, but it is reluctantly and with a lot of questions. And I think the American people need to know what this nominee has said in the past and what she has advocated in the past because I think it would be disastrous economic policy if she put it into effect.

Also, there seems to be a pattern of people being nominated to various Assistant Secretary positions that really have no background or experience in this area. In fact, let me quote the nominee's own statement with regard to her qualifications. She stated that the bread-and-butter aspect of her job is economic forecasting and she is "not an expert in this area." In most instances, that would be enough said. You would think to be Assistant Secretary of the Treasury for Economic Policy, you would want somebody who would be experienced in the field, if not an expert, at least experienced. I do not understand why she was selected for this position, but that is the President's choice. I know from past experience, a lot of us learn on the job in Washington, DC.

But here we go again with the nomination of Alicia Munnell for this very important position. I think it is another threat to the American taxpayer. The solution in Washington always seems to be, "Oh, let's raise taxes. Great. You want to spend more? Raise taxes. Don't worry about it, the American people can afford more taxes."

I do not know where my colleagues go when they go home, but this past weekend when I was in Ashland, MS; Baldwin, MS; Corinth, MS; Tupelo, MS, that is not what I heard. When I went into Barnett's Restaurant in Baldwin, MS, the people came up and talked to me—the farmers, the small business men and women. They were saying, "Our backs are about to break. Too many Government regulations, too many Government mandates, too many taxes." A young 25-year-old man, college educated, beginning to make a little money—he finally figured it out: "I am paying close to 50 percent of my income in taxes." When you start adding it up—Federal, State, and local taxes, property taxes, taxes to die—great, let us find a new tax.

Here we have another idea where Ms. Munnell has been a tenacious proponent of taxing the pensions—taxing the pensions now—that millions of Americans rely on for financial independence upon retirement. Munnell's views are summarized in the following statement made in the last year's March issue of the New England Economic Review when he said:

> The time has come for the current taxation of compensation received in the form of deferred pension benefits.

That is her quote in this article.

When she was questioned before the Finance Committee, she said, well, that was not really her plans and perhaps maybe she would not do that, but that is what she wrote last year in this article.

This policy threatens the retirement plans of millions of working Americans and represents a dramatic change from the policy of deferred taxation of pension benefits that this country has followed for decades.

As Director of Research for the Federal Reserve Bank of Boston, Munnell earned a reputation as "perhaps the most prolific and persistent proponent of pension taxation."

Munnell details her pension taxation proposal in this 1992 article that I referred to in the New England Economic Review. "The specific proposal," she writes, "is to levy a tax of 15 percent of annual contributions and pension earnings." She goes on to say that "The proposed system could be eased in by a one-time assessment of 15 percent of existing pension fund assets." This plan marks a dangerous turn, in my opinion, from our Nation's policy of deferring taxation on pensions until pension funds are assessed in retirement. This is a flawed policy and is only the first of what I think are some of the nominee's dangerous beliefs.

Alicia Munnell contends the taxing of pensions can be justified by an erroneous belief, in my opinion, that pensions increasingly benefit a privileged and wealthy minority of our population, while they increasingly abandon our middle class. This assumption is proven to be incorrect by information provided by the Employee Benefit Research Institute. The EBRI's statistics show the middle class depends heavily on pensions for security in retirement. The institute found that contrary to Munnell's statements, 51 percent of all people covered and 41.9 percent of all participants in pension plans earn less than $25,000 annually. This group constitutes 65 million Americans.

The EBRI also found that the group that gained most from pension plans are families earning between $30,000 to $40,000 annually, a group that rep-

resents approximately 40 percent of all working families.

The EBRI proves that pensions do not only benefit what Munnell calls a privileged minority of our population, but they benefit the large middle class that was talked a lot about in the campaign of 1992 but which we do not hear a lot about in 1993. This will clearly hurt that group.

Munnell built a reputation not only for supporting pension taxation but also for backing up her declarations with what appears to me to be somewhat dubious information. After being confronted by Forbes magazine about the fact that her study claiming racial bias in mortgage lending provided no evidence for her conclusion, she admitted that she had no evidence of discrimination but justified her claims on the belief that discrimination occurs. What kind of information or factual basis is that?

The use of assumption over facts is a disturbing hallmark for a person going into such an important position at the Department of the Treasury.

In a New England Economic Review article published in a Brookings Institution book, Munnell declares the Pension Benefit Guarantee Corporation does not have enough money to insure many large pension plans. The assumptions are in stark contrast to the facts given by an employee who does studies and gives information on this thing at the Employee Benefit Research Institute. This person said that "Our work shows that most plans are highly funded. Some are even overfunded."

The EBRI also warns against the hazards of changing current taxation legislation of pensions. Dallas Salisbury, the president of EBRI, stated that "Unless legislative changes are made that cause employers to terminate well-funded defined benefit plans * * * denying PBGC a base of premium payers, a general taxpayers bailout should never be necessary." Munnell's statements on the PBGC are questionable as to the interpretation with regard to the overall pension activity during the 1980's.

At a symposium sponsored by the National Tax Association, she declared the number of workers covered by pension and savings plans declined during the 1980's. In their paper, "Death and Taxes: Can We Fund for Retirement Between Them" Gordon P. Goodfellow and Sylvester J. Schieber prove that from 1980 to 1990, full-time worker participants in pension plans increased by 20.3 million people. This is just another example of how the use of information very loosely by the nominee just does not jibe with the facts that are produced by the people or organizations actually involved.

The combination of the Munnell policy position on pension taxation and her loose statistics that she uses to back up her claims I think is a dangerous pairing for the workers of this country who depend on pensions for security in retirement. The taxing of pension benefits is not the way to soak the rich, as she maintains, but it is an added tax on over 65 million Americans making less than $25,000 a year who have already had the promise of a middle-class tax cut broken to them. These policies are dangerous. They should never happen, even though it was pointed out in one article that it would produce a windfall of money—I do not know—of $450 billion perhaps in terms of money that could be gained from taxing these pension funds. But, Mr. President, this is not the way to go.

I assume that Congress would not consider such a policy. And I assume that she has already learned from the questions she was asked in the Finance Committee and what is being said in the Senate today this is an idea that should be rejected, should never be considered again. But it scares me that we have a nominee to this important position who would have even written and thought such things, because it would be unfair, it would be breaking a faith, and I think it would cause a lot of people who are now supporting these pension plans to bail out at the first opportunity.

So I urge my colleagues to look at this nominee very closely.

EXHIBIT 1

A SAMPLING OF MEDIA ARTICLES AND OTHER COMMENTARIES CONCERNING THE NOMINATION OF ALICIA H. MUNNELL AS ASSISTANT SECRETARY OF THE TREASURY FOR ECONOMIC POLICY

[From the San Mateo Times and Daily News Leader, Apr. 19, 1993]

ALICIA H. MUNNELL IS VERY BAD CHOICE FOR TREASURY POSITION

The Clinton administration has not shied away from making controversial nominations for important policy positions. But the growing hubbub surrounding the proposal that Alicia H. Munnell, senior vice president of the Federal Reserve Bank of Boston, should be handed the job of assistant secretary of the treasury for economic policy seems to have no parallel.

For good reason. A vociferous advocate of pension taxation, she has made no bones about the fact she would like to tap into the savings of millions of Americans to the tune of billions of additional dollars for the treasury.

Munnell has been pressing for a 15 percent tax on all pension plan assets, as well as a 15 percent tax on all subsequent plan contributions. Private pension plan benefits would have to be cut by 15 percent.

In her writing on the subject, Munnell apparently revels in the prospect of "scooping up" (her words) a "pile" (again her word) of money. A $450 billion tax on plan assets and a $50 billion a year tax on plan contributions thereafter! A true ideologue, she says it's "intriguing" to think of what the treasury can do with that huge amount of money.

Pension plans encompassed by Munnell's sweeping proposal include: IRSs; 403(b) plans (usually referred to as tax sheltered annuities) that are used by virtually every teacher, professor, doctor, nurse and other employee of non-profit institutions; popular 401(k) plans; profit-sharing and thrift plans, as well as ordinary company and union pension plans. State pension plans and military plans would also be included in her proposal.

As many readers are aware, all contributions to qualified retirement pensions and the earnings they generate are currently tax exempt until benefits are withdrawn. And they should stay that way.

As Boston University economist Laurence Kotlikoff points out, the lack of savings in this country is already a serious problem. Japan, for example, saves four times as much of its national income as the U.S. does, and thus provides a huge pool of investment funds for its growing industries.

"People will no longer trust the government," he says, "if you tell them to go save a lot, then all of a sudden you zap them. It's bad public policy."

And Washington economist Barry Bosworth of the Brookings Institution explains that the largest group of beneficiaries of pensions are union members and public employees—not exactly "rich people." Given the shortage of savings in this country, he adds, "sending the message that we will tax private pension savings is crazy."

Our sentiments exactly. President Clinton should find another nominee for this influential treasury position. Failing that, Congress should lose no time in rejecting Alicia H. Munnell for the job.

[From the Philadelphia Inquirer, Apr. 26, 1993]

UNCLE SAM THREATENS TO CHANGE THE PENSION RULES AGAIN

(By Dick Marlowe)

Every time I read something new about Social Security, individual retirement plans, savings incentive plans and pensions these days, I am reminded of the old story about the blind man and his guide dog.

As the story goes, the dog almost got his master killed by leading him into the path of a truck. Disaster was narrowly averted, and the man casually reached into his pocket, pulled out a dog bone and offered it to his faithful companion.

A witness to the incident crossed the street and said to the man, "It's really nice that you would reward your dog even though he made a big mistake." The blind man replied, "Reward him, hell. I'm just trying to locate his head so I can kick him in the rear."

With the various retirement plans being threatened in so many ways, it almost seems as if government can't make up its mind whether it wants people to save or spend. It may simply be trying to find out where the money is so it can kick us in the pocketbook when it wants to do so.

The deal has been changed several times in recent years for individual retirement accounts, 401(k) plans—even U.S. Savings Bonds. Those who are seeking "revenue enhancement" also are looking at higher taxes on Social Security as one possibility to raise money. The result is that those who want to ensure their own retirement do not know what to do because the rules keep changing for individual retirement vehicles as well as corporate pension plans.

Although savings incentive plans, including the popular 401(k), were designed as a way to help workers plan and save for their retirement, something has gone haywire. People are withdrawing the money early for all kinds of reasons—from buying cars to taking vacations.

Meanwhile, funds going into individual retirement plans declined significantly a few years ago when it was determined that the

annual contributions were no longer tax-deductible for those protected by qualified pension plans. And, for payroll-deduction savers, those old Series EE savings bonds have had the interest-rate floor lowered from 7.5 percent to 4 percent in recent years.

But all of the threats to Social Security, corporate pension plans, individual retirement plans and savings incentive plans are nothing more than minor annoyances compared with with might happen if Alicia Munnell gets her way. As President Clinton's nominee for assistant secretary of the Treasury for economic policy, Munnell thinks she knows the way to balance the budget.

According to a paper she once wrote, "Current Taxation of Qualified Pension Plans: Has the Time Come?" Munnell would levy a onetime, 15 percent tax on all existing U.S. private pension plans. The Munnell plan would include everything from your corporate pension plan to your individual retirement plan and your company-sponsored savings incentive plan.

The article also recommended taxing annual increases in the plans as ordinary income. Such a plan, of course, would not only destroy the advantages of compounding interest, it probably also would kill most of the voluntary retirement incentive plans altogether—and at a time when it is more important than ever for Americans to take charge of their own retirement and increase personal savings.

Although no one is taking Munnell's suggestion very seriously so far, it is yet another indication that when a lot of money is accumulated in any particular place for any particular reason, it attracts a lot of attention. Even the big spenders in Congress would probably agree that the $3 trillion in U.S. pension assets is a lot of money.

Don't think it can't happen. Most of us also know that the money that is supposed to be in the Social Security pool is not really there. In its place are government IOUs.

The point is: If we don't establish better retirement guidelines and stick with them, more and more of us could be in for a reward just as surprising as the one the blind man gave his dog.

[From the Washington Times, May 19, 1993]

DON'T BANK ON ALICIA MUNNELL

From the man who promised tax cuts and delivered all manner of tax increases comes now Alicia Munnell. Chances are you have never heard of Ms. Munnell, but if she gets her way with economic policy as one of Mr. Clinton's top Treasury Department appointees, the country will know her all too well.

Ms. Munnell is the former director of research at the Federal Reserve Bank of Boston and is also a prominent member of the elite "Americans are undertaxed" school of economic thought. Last year she penned a startling paper for the New England Economic Review entitled, "Current Taxation of Qualified Pension Plans: Has the Time Come?" The short answer to her question was yes. The long answer was that the government shouldn't stop there.

Why? Among other things, the federal government needs the money. A one-time 15 percent tax on the existing $3 trillion in pension assets, says Ms. Munnell, would generate a "large pile" of revenues for the feds of $450 billion. Throw in an annual 15 percent tax on the yearly contributions and earnings of those pensions, and the government could rake in another $55 billion a year or so.

The best part of the scheme is that cutting the feds in for a share of the take isn't really stealing from workers. Not the way Ms. Munnell sees it. She repeatedly refers to pension savings, tax-free to workers until they withdraw the funds in retirement, as "tax expenditures," meaning that it costs the Treasury money when it allows the toiling masses to hold onto their earnings. The premise of this concept is that all income belongs to the government except that portion which it generously offers to workers. Thus, at one point, Ms. Munnell refers to those who don't want the feds jacking up taxes on their pensions as "advocates of government support for qualified plans." Get it? Low taxes are government handouts.

Eliminating these "handouts" also accords with her notions of social engineering. The current system "does not appear to be achieving major social goals," she writes, particularly because it allows those darn rich people to hold onto their money. Better let the government have it back.

There are any number of problems with this proposal beyond the eensy-weensy constitutional ones Ms. Munnell herself cites. Pensions represent an agreement—dare one say "contract"—with the government in which workers give up the use of part of their money now in exchange for using it in retirement later. The "trust deficit" that columnist David Broder said Mr. Clinton is suffering is likely to grow even larger if he breaks that contract by confiscating part of those pensions through a tax. The money workers expected on retirement wouldn't be there.

Her plan would only hurt this country's savings rate, which is low enough as it is. People like Ms. Munnell always think that tax rates have no effect on the Hillary Rodham Clintons of the world, that they will work and save and invest just as before. But Mrs. Clinton shuffled her law firm bonuses to avoid higher taxes, and if Ms. Munnell jacks up taxes on savings, Mrs. Clinton and others will find something else to do with their money. They will stop saving before they have to give it to people like Ms. Munnell. If you tax everything that moves, things tend to stop moving. That includes things like economies.

Just as worrisome is the fact that the scheme gives a rather sinister new meaning to the president's Family Economic Income standards. FEI treats the likes of employer-provided fringe benefits as income for income classification purposes. Adding benefits to worker incomes now allows Mr. Clinton to claim he is only imposing net tax increases on those making more than $30,000, which is not a little deceptive since most people don't understand FEI or realize that it pushes those making less than $30,000 well over that figure.

But worse than classifying people by FEI would be taxing them on it. Ms. Munnell cites, approvingly, a 50-year-old Supreme Court opinion that the tax code "is broad enough to include in taxable income any economic or financial benefit conferred on the employee as compensation, whatever the form or mode by which it is effected."

Ms. Munnell goes on to link pensions with other tax-exempt or tax-deferred activities she considers tax expenditures (read: government benefits that are implicit candidates for expropriation in whole or in part through higher taxes): exclusion from taxation of pension contributions and plan earnings, tax-deductible home mortgage interest, tax-exempt employer contributions for medical insurance premiums and medical care and much more. She expressly challenges the tax-deferred status of the popular individual retirement accounts (IRAs) and 401(k) plans.

There are more than a few ironies in all this. Treasury Secretary Lloyd Bentsen has long argued for expanded IRAs, which makes Ms. Munnell a rather strange choice, assuming the White House didn't make the choice for him. In addition, pension experts already are concerned that increasing federal regulation of pensions encourages companies to get out of the retirement plan business, leaving employees little to live on in retirement. If personnel is policy, Ms. Munnell's appointment is one more sign that the administration doesn't understand what is at risk here.

[From New York Magazine, Mar. 29, 1993]

ALICIA IN WONDERLAND: THE NOMINEE WHO'D TAX YOUR IRA

(By Christopher Byron)

Alicia Munnell is not a name most people have ever heard of. But if Republican members of the Senate Finance Committee have anything to say about it, that's likely to change in the coming days. Munnell is President Bill Clinton's nominee for the powerful post of assistant secretary of the Treasury for economic policy—and minority members of the Finance Committee are just waiting to start grilling her in confirmation hearings about her philosophy of economics.

Munnell has been functioning in her post unconfirmed and largely unnoticed as assistant-secretary designee since late January. There have been one or two articles about her—most notably by Paul Craig Roberts in the Washington Times a month or so ago. But last week Munnell finally cleared her FBI background check—no illegal aliens or unpaid Social Security taxes in this nominee's closet—and confirmation hearings for her are not likely by the end of the month.

Munnell is certainly professionally qualified to become Treasury Secretary Lloyd Bentsen's top aide for economic policy. A Harvard-trained economist who has worked at the Boston Federal Reserve Bank as chief of research since 1984, she has written a number of scholarly articles on such things as Social Security and other pension matters.

But it is one of those articles that now has committee Republicans salivating to get at her. In the March/April 1992 issue of The New England Economic Review, a publication of the Boston Fed, Munnell published a little-noticed but potentially explosive dissertation entitled "Current Taxation of Qualified Pension Plans: Has the Time Come?"

Were it not for the president's rapid about-face on tax policy—promising tax cuts in the campaign, then delivering an enormous tax increase within weeks of taking office—no one would be much interested in the tax philosophy of one of his Treasury subordinates. Yet having created what columnist David Broder has called a "trust deficit" for his presidency, Clinton now has to live with the prospect that his critics will see in the Munnell nomination all their darkest fears coming true—that Clinton's campaign promises were just lies and that he really planned to raise taxes all along.

The Munnell article gives them plenty to gnaw on. Behind its rather dull-sounding title is a controversial proposition indeed: that the U.S. government, faced as it is with overwhelming budget deficits, should deal with the red ink by, among other things, levying a onetime, 15 percent tax on all existing private pension-plan assets in the United States.

The targets? Everything from corporate- and union-retirement plans to the IRAs, Keoghs, and SEPs of millions upon millions of ordinary Americans. Thereafter, according to Munnell's article, the IRS should tax

all annual increases in what's left in those plans as ordinary income, whether or not the money is—or even can be—withdrawn by the beneficiaries. (At retirement, the amount that remains could, presumably, be withdrawn tax-free. However, years—and even decades—of compounding on money that had annually been taxed away from the fund would be lost.)

So far as is known, there are only the personal views of Munnell, not those of the administration she has joined. For all the talk about Clinton being a president who relishes the challenge of immersing himself in even the most obscure and technical of policy details, there is reason to doubt whether he ever actually knew that Munnell held such beliefs at all.

Thus, a top official at the Federal Reserve Board in Washington speculates that Munnell's real backer for the job may actually have been not Clinton at all but his labor secretary, Robert Reich. In any event, a Treasury Department spokesman last week would say only that Munnell was introduced to Treasury Secretary Bentsen by someone in the administration. Bentsen was apparently impressed and agreed to bring her aboard as his assistant secretary for economic policy.

Too bad, for her ideas about taxing pension assets seem about as extreme as you can get. Pension assets constitute a $3-trillion mountain of capital that underpins everything from the stock and bond markets to the demand for bank CDs. These investments aren't taxed for a simple and—one would assume—altogether obvious reason: The government wants to encourage *more* such investment, not less. These pension assets are, in a word, the financial bedrock of the U.S. economy.

Unfortunately, that's the point Munnell seems to have missed. By her calculations, a onetime levy of 15 percent on this treasure—the retirement savings of the entire country—would yield $450 billion, or what she described with considerable understatement as "a large pile" of cash for the Treasury. The article goes on to note that annual levies thereafter would yield the government somewhere around $50 billion per year.

This money, in turn, could then be used to cut the deficit. Unfortunately, it couldn't be used to help pay for anyone's retirement—which was the whole point of saving it in the first place.

Munnell declined to be quoted for this story, stating that Treasury Department officials had asked her not to speak with the press until after her confirmation. Yet there's no doubt whatsoever that she continues to support the view set forth in her article. Said a Treasury spokesman in her behalf, "Economists differ on the issue of taxing savings, but there is solid agreement that Dr. Munnell has presented her views on the subject forcefully and brilliantly. We're fortunate enough to have someone of her intellect and ability at Treasury."

In fact, for more than a decade there has been broad, bi-partisan agreement among economic policymakers in Washington that the nation needs to increase its savings rate, not lower it. Not even Munnell's old boss at the Boston Fed, Richard Syron, supports her ideas of taxing pension assets. "It seems to me a rather dramatic step to take," says Syron, president and chief executive of the bank. "I can't conceive of anyone coming forward and actually proposing that, can you?"

Munnell's new boss, Bentsen, has been one of Washington's most outspoken advocates of deferring taxes on private pensions. During his years as chairman of the Senate Finance Committee, he repeatedly championed the expansion of tax deductibility of IRAs as a way to boost the country's laggard savings rate.

Munnell's rationale for taxing pension assets is based on a controversial concept known as tax-expenditure analysis. The concept basically holds that since all income is theoretically taxable by the IRS, any income that for one reason or another isn't taxed represents a "tax expenditure" and thus a cost to the government.

In her paper, Munnell lists a number of these so-called tax expenditures and what they theoretically cost the Treasury in fiscal 1992. Among them: the deductibility of interest for home mortgages ($40.5 billion); deductibility of state and local taxes ($20.4 billion); deductibility of interest on municipal-bond income ($14 billion).

Of course, such calculations amount to irrelevant academic exercises, since eliminating the tax-deductibility status of any of those categories would set off such convulsive consequences that the effort would be totally self-defeating. Removing the deductibility of home mortgages would almost certainly collapse the residential housing market; removing the deductibility of state and local taxes would cause a mass exodus of populations from high-tax states like New York.

It's the same thing with taxing pension assets. Munnell claims that economic studies show that taxing savings won't discourage people from saving. But studies like that are why people have trouble taking economists seriously. After all, if a previously untaxed asset is subjected to a 15 percent levy as well as taxation on all gains in the future, basic common sense says that people will do the obvious—simply stop putting money into pension plans at all.

That, in turn, would spell disaster for the whole U.S. financial system, which is critically dependent on the ability of institutions like banks and mutual funds to attract billions of dollars yearly from pension investors across the country.

"This entire idea is utterly illogical," says Republican Senator Pete Domenici of New Mexico. "The proposals Ms. Munnell espouses would wreak havoc in pension plans everywhere, to say nothing of the stock and bond markets. These pools of pension money provide the capital for American business. Now we're going to start taxing them? This is ludicrous. I think Ms. Munnell ought to be questioned very closely about this."

And that's exactly what Republican Senator Robert Packwood of Oregon, ranking minority member of the Finance Committee, intends to do. "I won't decide whether or not to support Alicia Munnell's nomination till I have an opportunity to hear from her in person," says Packwood. "But I have serious concerns about her interest in taxing pension funds. This is just a midnight raid on the wallets of average Americans."

Munnell is clearly to the far left wing of her own party on this matter, and apparent biases in her research have come under attack at least once before in the press. Last month, Forbes magazine published a withering assault by Peter Brimelow and Leslie Spencer on what plainly looks to have been a fatally flawed—and ideologically motivated—study she directed last year for the Boston Fed.

Munnell's study, which was released less than a month before the presidential election, alleged racial bias in mortgage lending by banks. Yet as the Forbes story noted, when Munnell's study is corrected for apples-and-oranges errors in analysis, no racial bias in mortgage lending by banks can be detected at all. Add it all up, and it appears that public interest in this until recently obscure civil servant is only beginning.

[From the San Francisco Chronicle, Mar. 13, 1993]

CLINTON NOMINEE'S PLAN TO TAX PENSION FUNDS UNDER FIRE

(By Jonathan Marshall)

A top Clinton nominee's proposal that the federal government levy a $450 billion tax on retirement pension funds is causing widespread controversy and raising questions about the direction of the administration's economic plans.

The author of the proposal, Alicia Munnell, has been nominated as assistant secretary of the Treasury for economic policy, one of the most powerful economic posts in Washington. Although no date has been set for her confirmation hearing, she has already attracted opposition from newspaper editorialists, columnists and pension lobbyists, setting the stage for a lively battle over her appointment.

Munnell, the outgoing director of research at the Federal Reserve Bank of Boston, is under attack for an article she wrote last year in the New England Economic Review called "Current Taxation of Qualified Pension Plans: Has the Time Come?"

END OF TAX EXEMPTION

Munnell argued that "in view of other pressing demands on the federal budget," the tax exemption on contributions to pension plans should be lifted—and that all existing pension assets should be subject to a substantial tax as well.

"The one-time assessment," she wrote, "would produce a large pile of revenues for the Treasury—15 percent of $3 trillion is $450 billion—and the implications are intriguing in terms of their impact on federal government finances."

Critics see nothing at all intriguing about it.

"Munnell's nomination could well set in place the abhorrent momentum that will destroy our nation's excellent pension system," charged W. Thomas Kelly, president of the Savers & Investors League, in a letter to Senate Finance Committee Chairman Patrick Moynihan. The league represents citizens interested in expanding individual retirement accounts and other savings vehicles.

"CALLOUS AND HYPOCRITICAL"

In recent newspaper column, Paul Craig Roberts, a Reagan administration Treasury official now with the Center for Strategic and International Studies in Washington, called her trial balloon "a callous and hypocritical proposal from Democrats who claim to be so concerned about declining family living standards and low saving rates."

Munnell's proposal does not carry the endorsement of her former employer or of the Clinton administration. But some of her new colleagues may be sympathetic. Officials from Labor Secretary Robert Reich to Transportation Secretary Federico Pena have called for steering pension funds into "infrastructure" projects and other investments deemed socially desirable.

NOT THE NEEDY

"There are opportunities where pension funds can be accessed for the public good," Pena said in his confirmation hearing.

All contributions to qualified retirement pensions and the earnings they generate are currently tax exempt until benefits are withdrawn, when they become subject to full taxation. Munnell, who declined to comment pending her confirmation, wrote last year that pensions do not deserve such favorable treatment because they serve "a steadily declining and decidedly non-poor proportion of the population, and they do not appear to have increased national saving."

The estimated loss to the Treasury from not taxing contributions was $51 billion in fiscal 1992, she said. Yet only 52 percent of American workers, generally the better paid ones, are covered by pensions. Taxing their pensions would have little or no effect on their overall willingness to save, she maintained, concluding; "Thus, eliminating or reducing the tax concessions merits serious consideration."

DETERRENT EFFECT

Other economists who have studied the issue sharply criticize her approach.

"Given the shortage of savings in this country, sending the message that we will tax private pension savings is crazy," said Barry Bosworth, an economist at the Brookings institution.

Bosworth said new research indicates that pension assets represent the only net source of savings in the entire household sector—all other individual savings are balanced out by borrowing. For people who spend every dime they make, pensions are a useful form of forced savings, supplementing what would otherwise be a meager retirement income from Social Security. Without pension, he said, national savings would diminish toward the vanishing point.

EXAMPLE OF JAPAN

Laurence Kotlikoff, an economist at Boston University, noted that Japan saves four times as much of its national income as the United States, providing a huge pool of investment funds for its growing industries.

"This is a critical problem," he said. "If the president wants our nation to invest more, he must focus on the saving behavior of the American public."

Changing the rules of the game by taking a big chunk out of pension assets will not advance that goal, he maintained. "People will no longer trust the government if you tell them to go save a lot, then all of a sudden you zap them. It's bad public policy."

Kotlikoff also said he doubts that Congress could keep its hands off the money. "It's a recipe for Congress to be less fiscally stringent now and make us worse off over time. That's the main reason it's dangerous."

Bosworth also challenged Munnell's claim that tax preferences for pensions are inequitable. Noting that the biggest beneficiaries of pensions are union members and public employees, he said, "These are not rich people."

[From the Washington Times, Feb. 16, 1993]

CLINTON AFTER YOUR PENSION

(By Paul Craig Roberts)

President Clinton is planning to grab $450 billion of our accumulated private pension fund assets, thereby seriously reducing our retirement living standards. In addition, he is planning to make us pay income tax on both the annual contributions to our pensions and the earnings of the pension investments.

To carry off his scheme, he has nominated a vociferous advocate of pension taxation, Alicia Munnell, as assistant treasury secretary for economic policy. Miss Munnell believes the United States does not invest enough in public works projects and that part of our pensions should be confiscated to pay for more federal boondoggle.

According to Miss Munnell, "If these funds were used either to reduce the federal government deficit or to invest in infrastructure or education, they would increase the resources available for future generations."

Of course, if our pensions are used for government programs, they cannot support us in retirement. Mr. Clinton talked about "putting people first," but what he is doing is putting government first.

Miss Munnell argues that pension contributions have an undeserved "special tax treatment" because we are not taxed on the money until it is paid to us as retirement income. But that is the way it should be. One reason governments do not tax people on unrealized or future income is that without the income in hand there is no money with which to pay the tax.

Few people have the slack in their budgets to pay the tax on their retirement income in advance. The only other way to pay the tax would be to take it out of the pension contributions, which would dramatically reduce the retirement nest egg.

Since our pension contributions and the earnings they accumulate are not available to us as current income, it makes perfect sense that they not be taxed. Miss Munnell's argument that it is a tax break not to currently tax future income would apply so to unrealized capital gains in our homes and other assets and to any inheritance that might be coming our way.

Indeed, if Miss Munnell's logic were consistently applied, everyone would be taxed at birth on their expected life earnings. Otherwise, we will be benefiting from what she calls "an interest-free loan from the Treasury."

The proposal to subject future retirement income to current taxation is a callous and hypocritical proposal from Democrats who claim to be so concerned about declining family living standards and low saving rates. Americans cannot pay new taxes on their retirement funds, medical benefits, and energy use without experiencing precipitous drops in living standards.

Miss Munnell is not content with forcing up to pay current taxes on our future retirement income. She also wants the government to confiscate 15 percent of all pension fund accumulations. This is to make up, she says, for failing to tax the pension funds in the past.

The implications of this reasoning are extraordinary. Every time the government comes up with a new tax, it can demand a share of our wealth on the grounds that the item wasn't taxed in the past. If we apply Miss Munnell's argument, for example, to the new tax that Hillary plans for our medical benefits, it means the government is entitled to 15 percent of our savings accounts and home equity to make up for the previous "tax break" that resulted from not taxing medical benefits.

Ditto for the new tax on energy use that the Clinton team has in the works.

Miss Munnell comes to the Treasury from the Federal Reserve Bank of Boston, where she directed propagandistic "studies" that have destroyed the research reputation of that bank's staff. Her most infamous study was exposed by Forbes magazine. The study claimed to prove racial bias in mortgage lending because a higher percentage of minority applicants were rejected than whites. The study managed to produce this politically correct conclusion by failing to control for creditworthiness and default rates.

As Forbes noted, the study actually revealed that the mortgage market worked perfectly, allocating loans to individuals irrespective of race based on their creditworthiness. The proof lies in equal default rates among mortgage borrowers irrespective of race. Discrimination would require that black borrowers have lower default rates—which would indicate higher standards applied to black borrowers than to white.

When confronted by Forbes with the fact that her study provided no evidence for her conclusion, she admitted that she had no evidence of discrimination but justified herself on the basis of her belief that discrimination occurs. In other words, in the Boston Fed's research beliefs, not facts, drive the conclusions.

Munnell-watchers believe that the discrimination study had an ulterior motive. Miss Munnell fervently believes that the United States suffers from insufficient public investment. With entitlements growth eating up ever more of the budget and driving it deeper into the red, and taxes generally high, the only sources of funds are the assets of the private banking and pension systems.

If banks can be portrayed as discriminatory in their lending, political pressures can be put on them to make amends by making more of their assets available for government purposes. For example, there are schemes to have banks purchase a new kind of bond that would be issued by public authorities to finance inner city reconstruction and education projects.

Miss Munnell's goals suggest that the Clinton administration may harness economic policy to serve virulent left-wing ideology. For people like Miss Munnell, the private sector doesn't count. She believes that it is appropriate to subvert the purposes of private pensions and commercial banking and to place their assets at the disposal of government.

It is possible that Mr. Clinton doesn't know any more about the views of the woman he has nominated as assistant treasury secretary than he did about Zoe Baird's, Kimba Woods and Ron Brown's illegal alien problems. Once he learns of her extremism, perhaps he will quickly withdraw her nomination.

But don't count on it. Upon taking office, Mr. Clinton's message changed dramatically. His concerns about our living standards have given way to his plans for us to sacrifice. Alicia Munnell intends for this sacrifice to continue through our retirements to the last day of our lives. If she succeeds, Clinton will become a name that will be cursed forever.

[From the Florida Times-Union, Feb. 15, 1993]

FILL YOUR MATTRESS, QUICKLY

The people who spend all their waking hours seeking ways to take money from one group of people and give it to other people have stumbled upon a potential gold mine: the accumulated savings of older people.

Time magazine writes of an "enormous endowment" that the baby boom generation is to receive from the previous generation in due course.

That $5.3 trillion equals, in Time parlance, "one of the largest transfers of wealth in American history."

Well, all right. One can make that argument. But only if the concept of family is totally abandoned first.

The family is the basic cell of a society. A perfectly workable argument can be made that the disintegration of the traditional family is a direct effect of government policy.

That huge fortune that the older generation has scrimped and saved belongs to their families.

What is being proposed has nothing to do with intercepting it en route from one individual to another unrelated individual, which apparently we are to assume is undeserving.

When the spenders look at it, they are licking their lips over the prospect of taking it from some families and giving it to others, who are deemed deserving because they don't have it.

That truly is a "transfer of wealth," as opposed to parents leaving their savings to their children.

The potential heirs of this wealth don't have any assurances. First, many may get little or none of the accumulated wealth of their fathers and mothers because people are living longer and longer. Also, the oldsters may have to spend most of what they saved on medical bills and other rising costs.

If the heirs ever do get any, some inevitably will redistribute what is left after inheritance taxes by unwise investments and the like.

Families that have managed, despite the government's best efforts, to have savings should be allowed to keep the bulk of those savings in the family. There is no inherent right for others to have it just because one member of the family dies (unless it is another newly discovered inherent right that has not yet come to our attention).

That this misdirected concept is not confined to the pages of Time magazine is confirmed by a commentary in The Los Angeles Times by the former deputy assistant to President George Bush, now the senior fellow at the John Locke Foundation in Raleigh, N.C., James P. Pinkerton.

Pinkerton says Bill Clinton's administration is primed to tap into pension fund assets for pork-barrel spending programs that will "enrich Clinton's Wall Street contributors, hire his unionized supporters and satisfy the big-spending industrial policy-makers."

That gold mine is $3.4 trillion, which generates $150 billion a year in benefits more than 75 million Americans count on for retirement checks.

The Washington Post reports that a new Clinton appointee has pension experts convinced the administration is going after new taxes on pension funds, as much as $50 billion worth.

Alicia Munnell, named by Bill Clinton to be assistant treasury secretary for economic policy, has written a paper advocating such a tax, conceding that it would reduce pension benefits by about 15 percent, the Post said.

What a few people are advocating is putting at risk, or actually taking away, as much as possible of what some have spent a lifetime earning and saving—and at a time when the low savings rate is being deplored and middle income people are increasingly anxious about whether they will even be able to retire.

In tax policy, American government is beginning to resemble Robin Hood and his merry band, who—for all the romantic myth—were primarily thieves.

[From Forbes, Jan. 4, 1993]

THE HIDDEN CLUE

(By Peter Brimelow and Leslie Spencer)

"Definitive—changes the landscape."—Office of the Comptroller of the Currency.

"Comports with common sense, no more studies needed."—Richard F. Syron, president, Federal Reserve Bank of Boston.

These ecstatic press notices greeted the Boston Fed's recent study claiming to prove racial bias in mortgage lending—the social problem of the season, with coverage in the *Wall Street Journal* (five stories in eight weeks), regulatory rumbles from the Federal Reserve, legislative leers from Congress. The pressure is on mortgage lenders to change credit standards for minorities.

But the study's analysis makes an elementary error about a crucial question: minority default rates. Queried by Forbes, Alicia H. Munnell, Boston Fed senior vice president and research director, conceded that the study's handling of default rates was "definitely not an adequate look at all."

Minority mortgage applicants do tend to be rejected more than whites. A Federal Reserve Board survey of 6.6 million home mortgage applications in 1991 showed that 37.6% of black applicants and 26.6% of Hispanics were denied home loans, compared with only 17.3% of whites. This finding held across all income levels.

But was the difference the result of racism? Or of an objective, color-blind application of sound credit standards? The data on default suggest the latter is true. Mortgage lenders consider a range of criteria going far beyond income, such as net worth, age, education, probability of unemployment and credit history. Minorities frequently fare worse by such measures. Perhaps that's because society gives them fewer opportunities. But mortgage lenders would still be objective, not prejudiced in rejecting them.

The Boston Fed study did correct for standard credit criteria, based on a sample of Boston-area mortgage applications. It found that these criteria did explain about two-thirds of the difference between white and black/Hispanic rejection rates. But even after this correction, minorities seem to be rejected at a rate of 17%, as opposed to only 11% for whites. This difference, the Boston Fed claimed, must be caused by racism.

Oh, yeah? But what about those default rates?

"We were aware that people say, 'Oh, this may be rational discrimination, because minorities default more,'" the Boston Fed's Munnell told Forbes. But her study sample was too recent to check default rates directly. Instead, the Boston Fed compared default rates across census tracts. "And what we found was, there was no relationship between the racial composition of the tract and the default rate. So it wasn't true that tracts with large minority populations had higher default rates."

Think about this carefully. The Boston Fed authors apparently assumed that equal default rates meant all minority applications are an equal credit risk compared with whites. But they're wrong. These census tract mortgages had already passed through the loan approval process—which had presumably rejected a higher proportion of minority applicants on the way. So the fact that white and minority default rates finished up equal meant mortgage lenders knew what they were doing.

The market, in short, worked. The mortgage lenders somehow weeded out the extra credit risks among minorities, down to the point where white and minority defaults were at an equal, apparently acceptable, rate.

"[That] is a sophisticated point," says Munnell, questioned by Forbes. She agrees that discrimination against blacks should show up in lower, not equal, default rates—discrimination would mean that good black applicants are being unfairly rejected. "You need that as a confirming piece of evidence. And we don't have it."

Forbes. Did you ever ask the question that if defaults appear to be more or less the same among blacks and whites, that points to mortgage lenders making rational decisions?

Munnell. No.

Munnell does not want to repudiate her study. She tells Forbes, on reflection, that the census data are not good enough and could be "massaged" further: "I do believe that discrimination occurs."

Forbes: You have no evidence?

Munnell: I do not have evidence. . . . No one has evidence.

But if there is racial discrimination in lending, it means that mortgage lenders forgo profitable business because they are prejudiced. That's unlikely on the face of it and becomes more unlikely when one notices that Asian-American applicants are actually turned down less often (15% in the Fed survey) than whites.

Moreover, logically, it could be precisely those institutions marketing most vigorously to minorities that generate the most marginal applications—and therefore the highest rejection rates.

The Boston Fed study itself noted that denied minority applications on average had "poorer objective qualifications," suggesting "a systematic bias in mortgage lending is very difficult to document. . . ."

But in today's climate, any statistical disparity is viewed as discrimination—and an excuse for more social engineering.

[From the Arizona Republic, Mar. 29, 1993]

CLINTON'S NEXT STEP?

(By Ray Archer)

It doesn't yet hold the media appeal of the "nannygate" frenzy involving Zoë Baird, Kimba Woods and others. But the brewing controversy over President Clinton's nominee to a powerful Treasury Department post is likely to boil over across the country once retired and working Americans learn about her plans to tax away their pensions.

Alicia Munnell, former research director at Boston's Federal Reserve Bank, is on the job but awaiting Senate confirmation as assistant treasury secretary for economic policy. The job may be little known outside banking and investment circles, but that is likely to change once confirmation hearings begin, because her economic views are wildly extreme.

The Virginia-based Savers & Investors League characterizes Ms. Munnell's taxing recommendations as "so far off base that she's in a different world." Forbes magazine calls her proposal for taxing pension assets "about as extreme as you can get."

What Ms. Munnell wants to do is to begin taxing as current income the pension contributions of employers, workers and the self-employed. The idea is to tap into this huge pot of national savings to fund more "infrastructure" projects, i.e., Washington boondoggles that, despite ceaseless deficits and $4 trillion of debt, have yet to be "properly" funded.

Corporate and union retirement plans, IRAs, Keoghs—all are included on Ms. Munnell's wish-list of new taxes. Even though taxes are fully paid when the funds are disbursed, she argues that pension contributions are undeserving of the "special tax treatment" they now receive. In her opinion, they shortchange the government, which only allows working Americans to

keep for themselves some portion of what they earn, and future generations as well.

Nor does she stop there. Since retirees and future pensioners have gotten away with the government's money all this time, Ms. Munnell also proposes a one-time 15 percent tax on all currently held pension funds. This would give Washington a $450 billion windfall.

Never mind that her proposed expropriation of savings and investments would devastate financial markets, severely curtail private-sector economic growth and rob millions of Americans of comfortable retirement. The important consideration, she contends, is that too many hard-working Americans are not contributing enough to government.

Whether Mr. Clinton agrees with Ms. Munnell's views is unclear, but a Treasury Department spokesman told Forbes that the administration "was fortunate to have someone of her intellect and ability . . . . ." Other evidence, including "Financing the Future" (a recent congressional report calling for more pension fund "investment" in government programs), suggests that Ms. Munnell's proposals are not without support in Washington, if not at the White House.

Perhaps Mr. Clinton was unaware of Ms. Munnell's radical economic philosophy when he selected her for the policy-setting Treasury Department post. If so, he ought to withdraw her nomination now that her agenda has been flushed into the open, thus assuring millions of U.S. workers and pensioners that their retirement nest eggs are safe from Washington poachers.

[From the Journal of Commerce, Mar. 29, 1993]

BIG BROTHER AND PENSION FUNDS

(By Llewellyn Rockwell, Jr.)

Another government "insurance" program is in financial trouble.

In the sad tradition of deposit guarantees for savings and loan institutions, the Federal Pension Benefit Guaranty Corp. is running out of money, having made promises it cannot keep. The result could be a multibillion-dollar taxpayer bailout of a fund that covers 48% of American workers.

President Clinton has a task force working on the matter in hopes of forestalling trouble. But early indications (for example, the political appointees he's chosen) suggest that the "solution"-taxing pensions-will be worse than the problem.

Before the New Deal, Americans assumed responsibility for their own financial well-being. People saved so as to care for themselves in old age, and to leave bequests for their children and grandchildren. But with Social Security and the inheritance tax, people began to look to government to carry them through retirement.

The creation of pension funds was part of this change. When they first appeared in the late 19th century, they took care of workers injured on the job. Labor unions promoted them as a way of attracting new members. Yet even by the end of the 1920s, only 10% of workers expected to receive salaries after retirement. Since pensions were paid out of present wages, most people wanted to allocate their own money during their working years.

But the government-caused Great Depression led to the collapse of the railroad pension fund. Instead of forcing pensions to be paid out of company assets, the government bailed the fund out, thereby establishing a too-big-to-fail doctrine in private pensions.

An additional boost to pensions came from World War II's wage controls, which prevented corporations from attracting new workers with higher salaries. So companies added tax-free fringe benefits. Workers in effect agreed to forgo present wages for postwar remuneration. Further union privileges and wage controls during the Korean War boosted pension participation.

Then in 1974, at the urging of Ralph Nader, Congress passed the Employee Retirement Income Security Act, which regulated pension programs and forced corporations to provide bigger and more comprehensive pensions than they otherwise would have done.

The law also created the Pension Benefit Guaranty Corp. Although this government corporation is supposed to be self-financed, it gives out more than it takes in, and has required periodic legislative help (1980, 1987, 1991) to prevent it from collapsing into a pyramid scheme of today's workers paying for today's retirees.

When private companies provide benefits, they have an incentive to match them to both revenues and financial risk. But politics propels government insurance programs to promise more than they can deliver—witness the savings and loan fiasco—and to pretend less uncertainty and risk than really exists. That's why government "insurance" and financial difficulties are inextricably tied.

That brings us to Mr. Clinton's political pension appointees. The Treasury Department's assistance secretary for economic affairs is Alicia Munnell, formerly vice president of the Boston Federal Reserve. In her 1982 book "Economics of Private Pensions," she argues the government should tax the accumulated value of private pensions as personal income. Under her plan, not only will workers pay heavy taxes on money they get today, they will also be taxes on money they won't get for up to 40 years.

The new head of the Pension Benefit Guaranty Corp., Martin Slate, is a career IRS employee and an expert in pension plans. This appointment suggests that Mr. Clinton wants to tax pensions as well.

Unfortunately , taxation is not all that Ms. Munnell has in mind, as her book makes clear. She wants to replace both private and public pensions with a government insurance program that would bring all retirement funds, including social security, under one umbrella. This "integration" would, in effect, nationalize the $2.3 trillion in private pension funds.

Some workers are always happy to exchange freedom for the promise of state security, and corporate America will be pleased to throw off the uninvited burden of pension provision. Yet that does not make this a good idea.

Aside from questions of liberty and property, integration will only put off and therefore worsen the day of reckoning, when all such government promises will be fulfilled through the Federal Reserve's printing press. Holders of dollars will eventually pay through lower purchasing power.

And depending on how the government used the fund, it could disrupt the private stock and bond markets. By investing in one place or another, the fund could make or break any private company or even industry, and by buying a significant stock ownership, it could assume management control.

If that's where current trends are leading, what's a more a sensible alternative? It lies in making Americans more responsible for their own financial well-being.

First, government pension insurance should be ended, to be replaced by private provision that has families to take responsibility for themselves. Second, mandates and restrictions on private pension provision should be repealed. Third all taxes on savings and inheritance should be ended to increase the private pool of wealth available.

Philosophically, this would mean repudiating the idea that government—whether through Social Security or forced private pensions—can or should care for us from cradle to grave. But if we are to be a free society that is a change that we need.

Unfortunately, as in so many other areas, the Clinton administration here is taking exactly the wrong direction.

[From the Philadelphia Inquirer, May 3, 1993]

A CALL TO TAX PENSION BENEFITS

(By Craig Stock)

Income taxes are not levied each year on the money an employer contributes toward a person's pension plan. Neither are taxes levied each year on the individual's share of income earned by the pension fund.

Instead, federal income taxes are deferred on pension benefits until money is paid out during retirement, when most individuals are in lower tax brackets. In effect, this deferral amounts to an interest-free loan from the U.S. Treasury to the individuals covered by pensions.

The net effect of this interest-free loan is not trivial. The Treasury estimates the lost tax revenue at $64.5 billion in this fiscal year.

It is time to begin taxing pension benefits as they are earned by employees, just the way salary is taxed, says Alicia H. Munnell, senior vice president and head of research at the Federal Reserve Bank of Boston.

There are only two justifications for the favored tax treatment of pensions, and neither is supported by the facts, Munnell argues in April's New England Economic Review.

The first justification, she says, would be if pension plans provided rank-and-file employees with retirement benefits they otherwise could not amass on their own. Second would be if the tax deferral raised the total savings of the pension recipients by enough to not only offset lost tax revenue but also to boost the nation's pool of savings, capital that can be invested to aid the economy.

WORKER COVERAGE DOWN

However, less than half of all privately employed workers are covered by a pension plan. The proportion of workers covered by pensions is declining, with coverage highest among higher-income workers.

Among persons 65 or older, the wealthiest 20 percent get 19 percent of their total retirement income from employers' pensions, while the poorest 20 percent get just 2.5 percent of their retirement income from pensions.

So higher-income individuals get a disproportionate benefit from the way pensions are taxes, Munnell says, but the tax revenue lost results in higher income tax and Social Security payroll taxes for all taxpayers.

The uneven benefits from the existing system might be tolerable, Munnell says, if tax deferral were sufficient incentive to cause a big increase in total savings.

SAVINGS REDUCED

This doesn't happen, Munnell says, because people typically reduce the amount they save for old age in anticipation of getting pension benefits. So some of the savings kept in pension fund is offset by a reduction in other savings. Munnell said the increase in savings that is due to the favorable tax treatment of pensions is largely offset by higher federal budget deficits that results from lost tax revenue.

Munnell proposes a new system under which pension benefits would not be taxed as they are received by individuals from their pension plans. Rather, pension funds would pay a tax of 15 percent on the annual amount contributed to the funds and on the income the funds earned.

For pension money that has already accumulated, and on which taxes have not been paid, Munnell proposes a one-time tax of 15 percent of fund assets. In turn, the funds would reduce by 15 percent the amount they would pay pensioners, who no longer would be taxed on their pension checks.

SURCHARGES AND REBATES

Retirees whos incomes are high enough to put them in the 28 percent marginal tax bracket could be assessed an additional surcharge of 13 percent of the pension income. Those whose incomes are so low that they owe no tax could get a rebate of the tax paid by their pension funds.

The one-time 15 percent tax of existing pension assets would produce at least $450 billion in revenue. Most of that sum would have been paid in the future as taxes on pension income. Getting it upfront, Munnell said, could reduce the federal debt enough to cut the Treasury's interest payments by $35 billion a year.

The 15 percent annul tax on pension-fund contributions and earnings would vary each year according to how much income is produced by the stocks, bonds and other holdings of pension funds. Munnell estimates that in 1990, the tax would have brought in about $55 billion.

Of course, such a change would be a tough sell politically. Opponents would scream about the government's grabbing at their pensions. And change wouldn't do much good economically if the government just piddles away the extra tax dollars, as is too often the case.

However, the revenue gain could be used to make future generations better off if it were used solely to reduce the federal deficit or to invest in education or public works that boosts the productivity of the economy.

Mr. LOTT. At this time, Mr. President, I should like to yield 5 minutes to the distinguished Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. I thank the Chair.

Mr. President, I rise to support and echo the comments made by the distinguished Senator from Mississippi. The process of advice and consent, I believe, reaches beyond the mere qualifications, background, and capacity of the individual, and there should be no apologies given for the raising and airing of debate espoused by individuals who will hold high public trust. Therefore, I have grave concern about the nomination of Alicia Munnell as Secretary of the Treasury for Economic Policy.

I hear with more and more frequency a reinforcement, as espoused by Ms. Munnell, centered around a Government economy instead of belief in the longstanding results and benefits to this Nation as accrued from the private economy. I added very recently the effect of her proposal to tax pensions of individuals and families to the President's proposal of nearly $300 billion in new taxes. When we would add her proposed pension tax, one time and thereafter, over the course of this administration, we would produce a figure of almost $900 billion. It is incredible to contemplate that sum of money being moved during such a short period of time from the private economy to the public and Government-driven economy.

I think it is important, when discussing this policy, that we reflect a moment on what it means to constantly be threatening to change the rules, particularly as they relate to longstanding plans of families. A family retirement is based on years of service and career work and dedication and commitment to prepare for an individual or family's later years. To suggest an arbitrary modification of what that family or individual would have expected in benefits, it is hard to contemplate how a person who would be suggested for Assistant Secretary of the Treasury for Economic Policy would be so disdainful of the impact on a family or individual who has spent an entire life preparing for their senior years. For the Government to just step in and arbitrarily say: We are going to confiscate 15 percent of what you set aside over your life's career; we are going to change the process by which you accumulated those moneys to prepare for later years; we are going to begin to tax it every year again another 15 percent, no wonder, no wonder the citizens of our country begin to lose confidence in their public servants when we step in in middle of the plan and drastically modify it.

At a time when we are thinking of rebuilding America and preparing for a world after the cold war, to disrupt the pension market, those vast sums that are used by the private sector to capitalize new businesses, project development, commercial real estate, and to put all those markets at risk by raising the specter of such a drastic tax does not bode well and does not demonstrate an understanding of the kind of confidence we have to build for those who are willing to save and for those who look at those vast savings as a source of capital for the construction and development of our country.

My concluding remark deals with the increasing reference to class warfare.

Mr. President, I ask the Senator from Mississippi for another minute.

Mr. LOTT. Mr. President, I yield the distinguished Senator from Georgia another minute.

Mr. COVERDELL. Mr. President, this nominee has suggested that pension benefits are an instrument of the wealthy. First of all, I take exception to continued efforts to divide our people by class. I think it not healthy nor useful to the welfare of the United States. But on top of that, it is patently misinformed to make such a suggestion. Fifty percent of the American people who are in pensions as participants make under $25,000 a year—65 million Americans.

These are not wealthy people. These are hard-working, prudent Americans who have prepared for their future, and this is something that the U.S. Government ought to reinforce, not tear down.

Mr. President, I yield the floor.

Mr. LOTT. Mr. President, I see the chairman has arrived. But while he is getting prepared, I will go ahead and yield 5 minutes to the distinguished Senator from Florida, if that would be all right with the chairman.

Mr. MOYNIHAN. I wish the Senator would.

Mr. LOTT. I do so, Mr. President.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MACK. Thank you, Mr. President. I thank the chairman.

By now, everyone knows Bill Clinton's campaign pledge of tax breaks for the middle class has been the reality of tax hikes. Candidate Clinton believed that American families are overtaxed, but President Clinton thinks the Government is underfed. Americans want him to cut spending first, but he is not listening.

What was his reaction when the Ways and Means Committee in the House passed the largest tax increase in U.S. history last week? He was "pleased." According to the President, as reported by the Washington Post, this $246 billion tax hike will "bring in more revenues and permit us to spend more."

He should know better. Bill Clinton's post-World War II generation has watched Government grow and grow and grow and fail and fail and fail. There is no relationship between more spending, more taxing, and a better way of life. If anyone should understand that, it is Bill Clinton. But he continues to believe that more spending and more taxing will lift America's economy. It has not happened yet, and it never will.

Yet the President's deficit reduction package is heavy on new taxes and fails to make serious spending cuts, and he continues to nominate people for high administration positions who think about higher taxes first and spending cuts not at all.

That is not what candidate Clinton promised and not what the American people hoped for. His nomination for Assistant Secretary of the Treasury for Economic Policy is another in a line of nominees who think that prosperity comes from a better Government. His nominee, Alicia Munnell, from the Federal Reserve Bank of Boston, has a long history of wanting to tax pensions and raise estate taxes. In a recent article of hers in the New England Economic Review, she said we ought to have a 15 percent annual tax on company contributions of private pensions. She said: "The United States has the

ability to tax pensions on a current basis and the time has come to do it."

Her specific proposal is to impose a 15-percent tax on annual contributions and pension earnings and then allow plan sponsors to pay out only 85 percent of the promised benefits. She has also talked about confiscating 15 percent of the assets of all private pension funds to make up for the past when no tax was in place. She says, and I quote again: "The one-time assessment will produce a large pile of revenues for the Treasury—15 percent of $3 trillion is $450 billion—and the implications are intriguing in terms of the impact on Federal Government finances."

This sounds very much like the recommendations of another of the President's chosen advisers, the Chair of the Council of Economic Advisers, Laura Tyson. She is on record as saying: "We could raise an additional $400 billion to $500 billion in Government revenue and miraculously cure our deficit problem." Another quote: "There is no relationship between the level of taxes a nation pays and its economic performance."

The President is rightly judged on the promises he makes, but also on the people he chooses to determine his policies. On both of these counts, Clinton is showing himself to be a major league taxer and spender.

President Clinton, just do what you promised and do not tax and spend the United States into poverty.

Mr. LOTT. Mr. President, I would like to ask the Senator, on his time, if he would yield.

Why would the Senator rise to raise any objections here today? This is the President's choice. So she wrote about this in the New England Economic Review. Why would the Senator from Florida be so concerned that he would rise and express the concern about her today?

Mr. MACK. I appreciate the question. The reason I rise today is because I sense a developing pattern here. The President is out around the country telling the American people that he wants to cut spending and he "understands their concerns." "We are not going to increase taxes until in fact there has been spending reduction." But yet we see his nominees are people who are constantly talking about raising taxes first. None of them talks about a cut in spending. Every one of them looks for a new area to raise "a pile of revenues." In the case of Dr. Munnell, that "pile" would be $450 billion as a result of a 15-percent tax on pensions.

What we really see here is a group of people who are primarily interested in more taxes, more spending, and more government. That means the American people will have less freedom as a result. That is why I am here today talking about this.

Mr. LOTT. I thank the Senator.

Mr. MOYNIHAN addressed the Chair.

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

A FORUM FOR NOBEL LAUREATES

Mr. MOYNIHAN. Mr. President, may I first express my appreciation for the courtesy of the Senator from Mississippi, the Senator from Florida, and others, who are very indulgent in regard to my not having been here on the previously understood time.

I was the host, if that is the term, for a meeting in the committee room of the Committee on Finance. We provided a room for a group of Nobel laureates, specifically Archbishop Tutu, of South Africa; Betty Williams, of Northern Ireland; and Kara Newell, of the American Friends Services Committee; led by the Honorable Edward Broadbent, our colleague from the House of Commons in Ottawa, one of the founders of the new Democratic Party. This distinguished group came to the Congress to report on their recent attempted visit to Burma, where they asked to see Aung San Suukyi, who is also a recipient of the Nobel Peace Prize. For 4 years, Aung San Suukyi has been under house arrest by an abominable regime in Burma at this time, the military government which, having lost national elections to a democratic coalition, canceled the elections and arrested or exiled leaders of those governments.

Archbishop Tutu and Ms. Williams will be meeting with the President, and it seemed appropriate to provide them a forum in the Senate to report on their activities.

This, of course, was completely bipartisan. Senator PELL, Senator SIMON, Senator BIDEN, myself, and others will introduce legislation later this week.

For the moment, Mr. President, as chairman of the Committee on Finance, I am asked to respond to objections to the nomination of Alicia Munnell, to be Assistant Secretary of the Treasury for Economic Policy.

Dr. Munnell, as we surely know, comes to us from the Federal Reserve Bank of Boston, where she is senior vice president and director of research, a position of eminence in the world of finance and in the world of economic analysis. She did not come to us from a staff position in the Senate or a faculty position, however eminent, or a business position, howsoever well rewarded. She comes to us, sir, as a leading economic authority from the Federal Reserve Bank of Boston, one of the eminent elements of our Federal Reserve system.

She is a scholar of prodigious achievement. I do not know that I should burden the Senate with the particulars. We might find ourselves forced to compare our own achievements with hers.

Let me just list some of the professional activities involved. She is a member of the U.S. Army Corps of Engineers workshop to consider issues of Federal infrastructure investment, economic growth, and productivity. Two years ago it fell to me on this floor to manage the Intermodal Surface Transportation Efficiency Act of 1991, the first legislation on surface transportation to follow the era of the interstate highway program that began, depending on which date you choose, in 1944 or 1956.

I brought it to the floor with some insistence, as did my colleague Senator SYMMS that we begin to pay attention to productivity. We had asked the Chairman of the Council of Economic Advisers about productivity growth rates in transportation in recent years. Dr. Boskin wrote to us that in the judgment of the Council, productivity in transportation had been rising at the rate of 0.2 percent in the last 15 years. That, Mr. President, is a Medieval rate. It takes 350 years to double. The Army Corps of Engineers is very much involved with such matters. And it is a matter almost of routine that Alicia Munnell would be asked to join the Engineers in looking into a profound and complex problem.

She is a member of the advisory committee to study the old-age security arrangements of the World Bank, another organization that the Senate created. We created the Federal Reserve Board. We created what we call the World Bank.

She is a member of the economics visiting committee of the Massachusetts Institute of Technology where you cannot turn a corner without bumping into a Nobel laureate in economics.

The visiting committee looks into the department from time to time and sees how it is doing. That is what you ask of Alicia Munnell. How are the Nobel laureates doing? She is a member of the Committee on Health and Human Rights of the Institute of Medicine of the National Academy of Sciences. I might point out that the National Academy of Sciences too, is an organization created by this body at the behest of Abraham Lincoln in the Civil War.

She is a member of the Institute of Medicine of the National Academy of Sciences. I should think that Dr. Munnell is one of the few non-medical members of that institute.

She is a member of the International Institute of Public Finance and a cofounder of the National Academy of Social Insurance. I have to tell you that my most particular association with Dr. Munnell is in the area of Social Security, where she is an internationally recognized authority. She is a member of the National Academy of Public Administration, the Boston Economic Club, and the Pension Research Council of the Wharton School of Finance and Commerce. The International Mon-

etary Fund asked her to go to Armenia not long ago to be an assistant consultant on economic issues.

Mr. President, there are not many days that it falls to the U.S. Senate to confirm a person of such professional eminence. It is said that she has written an article on pensions; alas, Mr. President, too true. And in what incendiary Journal do you suppose the subversive remarks appeared, what lurking, leftist, undermining, confiscating subverting enterprise was this? Sir, it was the New England Economic Review, a Journal of the Federal Reserve Bank of Boston, scarcely the setting for such alarming views as we are told were presented. She appears on the cover with an article by Eric Rosengren and Katerina Simons, entitled "The Advantages of 'Transferable Puts' for Loans at Failed Banks." Richard Kopcke has also contributed to the Journal, "Profits and Stock Prices: The Importance of Being Earnest." And Katerina Simons, obviously a prolific young writer, contributes an article entitled "Mutual-to-Stock Conversions by New England Savings Banks: Where Has All the Money Gone."

Dr. Munnell writes an article entitled "Current Taxation of Qualified Pension Plans: Has the Time Come?"

She asks the question. As an economist, as a scholar, as the vice president of the Federal Reserve Bank of New England, she asks the question. She makes the argument for, the argument against, and asks whether a change in the Internal Revenue Code ought to be made. Is she indeed the author of this inquiry? Yes. And of hundreds more articles. Well, I will not say hundreds, but of many. This is a scholar of international reputation.

Working from the suggestion by a British actuary, she explored this particular question in finance and in pension arrangements, of which she is a particular authority. She did it on her own, published it on her own, and it stands on its own.

If she is accused of being a scholar, then she is guilty. If it is said she has entertained unorthodox ideas, I fear that is true. If it is further surmised that she may be very intelligent and have something to offer in the field of economic policy to this administration, that clearly, sir, is the judgment of the President of the United States. It is also the judgment of the Secretary of the Treasury, who is so proud to have her in prospect. And, sir, a small detail, not, I hope, without some relevance to this Chamber: She is the unanimous choice of the Committee on Finance. She came before us; she was questioned about these matters, and she answered in a thoughtful, not remote, way.

I have no more to say. I do not think I ought to say more. It is astounding that I am asked to say anything in defense of her qualifications.

The one thing I have heard in the course of this debate, my very good friend from Mississippi has discovered an excerpt of Alicia Munnell's in which she allows that she is not an expert in economic forecasting.

Mr. President, may I offer the simple judgment that anyone who thinks he or she is such an expert should not be allowed near the U.S. Treasury.

I yield the floor.

The PRESIDING OFFICER (Mr. MATHEWS). Who yields time?

Mr. ROTH addressed the Chair.

Mr. LOTT. Mr. President, I yield 5 minutes to the distinguished Senator from Delaware.

Mr. ROTH. Mr. President, hardly a day goes by without the Clinton administration floating some new idea designed to increase the tax burden on the American people. Apparently unsatisfied by the largest tax increase in U.S. history, administration officials are constantly looking for something more. The American people are starting to get the idea that there is nothing new about the tax and spend addiction of the Clinton Presidency.

We are today considering the nomination of a new Treasury official who is an unsurpassed advocate for new taxes.

Her name is Alicia Munnell, the former director of research at the Federal Reserve Bank of Boston. Ms. Munnell has distinguished herself over the years as a tireless advocate of taxes—such an advocate that even the Clinton administration has not yet considered publicly the influence she will have, both on policy as well as on the President's popularity.

In short, Ms. Munnell is of the opinion that Americans are undertaxed, not overtaxed, and Government is not big enough, its burdens too light.

Her solution? Ms. Munnell believes Government should begin taxing the retirement of hard-working, thrifty Americans. Last year, in an article of the New England Economic Review, Ms. Munnell advocated the taxing of pension plans.

Amidst a savings shortfall and growing anxiety about the ability of many to retire in decency, Munnell's position is simply mind-boggling. According to her, "the United States has the ability to tax pension on a current basis and the time has come to do it."

To ease the transition to this tax policy, Ms. Munnell has suggested the option of a wealth tax on pensions, noting that a "one-time assessment would produce a large pile of one-time revenues for the Treasury—15 percent of $3 trillion is $450 billion, and the implications are intriguing in terms of their impact on Federal Government finances."

However, intriguing Ms. Munnell may find this implications, the word that comes to most Americans is horrifying. Ms. Munnell is talking about taxing the pension plans of men and women who are responsibly preparing for their futures; she is talking about Americans' family security, about their peace of mind, and preparation for tomorrow. Ms. Munnell is talking about taxing what amounts to one of the last refuges of self-reliance.

But as disastrous as this policy would be on a personal level, the principle of even higher taxation of savings and investment is equally dangerous as a matter of public policy. Our Nation's future—our ability to compete in the emerging global economic community—comes down to capital formation, the incentives Americans have to work, save, and invest.

Mr. President, America cannot afford the policies Ms. Munnell espouses. Consequently, her nomination must be carefully considered. Likewise, this nomination must be considered in view of the Treasury's refusal to supply many Members of the Senate and House with the Clinton tax program evaluated in terms of adjusted gross income. The Treasury has failed to provide this information to the Congress and to the public, even though adjusted gross income is a standard measure used by Treasury routinely in tax data.

Though the administration argues that added components used in the measurement of family economic income do not determine tax liability, it is clearly a measurement the administration is using to determine where the tax burden falls. Additionally, AGI versus FEI could be critical if nominees such as Ms. Munnell have the opportunity to put their ideas into action. FEI could be viewed as a leading indicator of future tax increases in the Clinton administration. Maximal taxation of every conceivable form of income seems to be the direction of tax policy under this administration.

Mr. President, I ask unanimous consent that the editorial which appeared in this morning's Washington Times be printed in the RECORD.

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

DON'T BANK ON ALICIA MUNNELL

From the man who promised tax cuts and delivered all manner of tax increases comes now Alicia Munnell. Chances are you have never heard of Ms. Munnell, but if she gets her way with economic policy as one of Mr. Clinton's top Treasury Department appointees, the country will know her all too well.

Ms. Munnell is the former director of research at the Federal Reserve Bank of Boston and is also a prominent member of the elite "Americans are undertaxed" school of economic thought. Last year she penned a startling paper for the New England Economic Review entitled, "Current Taxation of Qualified Pension Plans: Has the Time Come?" The short answer to her question was yes. The long answer was that the government shouldn't stop there.

Why? Among other things, the federal government needs the money. A one-time 15 per-

cent tax on the existing $3 trillion in pension assets, says Ms. Munnell, would generate a "large pile" of revenues for the fed of $450 billion. Throw in an annual 15 percent tax on the yearly contributions and earnings of those pensions, and the government could rake in another $55 billion a year or so.

The best part of the scheme is that cutting the feds in for a share of the take isn't really stealing from workers. Not the way Ms. Munnell sees it. She repeatedly refers to pension savings, tax-free to workers until they withdraw the funds in retirement, as "tax expenditures," meaning that it costs the Treasury money when it allows the toiling masses to hold onto their earnings. The premise of this concept is that all income belongs to the government except that portion which it generously offers to workers. Thus, at one point, Ms. Munnell refers to those who don't want the feds jacking up taxes on their pensions as "advocates of government support for qualified plans." Get it? Low taxes are government handouts.

Eliminating these "handouts" also accords with her notions of social engineering. The current system "does not appear to be achieving major social goals," she writes, particularly because it allows those darn rich people to hold onto their money. Better let the government have it back.

There are any number of problems with this proposal beyond the eensy-weensy constitutional one Ms. Munnell herself cites. Pensions represent an agreement—dare one say "contract"—with the government in which workers give the use of part of their money now in exchange for using it in retirement later. The "trust deficit" that columnist David Broder said Mr. Clinton is suffering is likely to grow even larger if he breaks that contract by confiscating part of those pensions through a tax. The money workers expected on retirement wouldn't be there.

Her plan would only hurt this country's savings rate, which is low enough as it is. People like Ms. Munnell always think that tax rates have no effect on the Hillary Rodham Clintons of the world, that they will work and save and invest just as before. But Mrs. Clinton shuffled her law firm bonuses to avoid higher taxes, and if Ms. Munnell jacks up taxes on savings, Mrs. Clinton and others will find something else to do with their money. They will stop saving before they have to give it to people like Ms. Munnell. If you tax everything that moves, things tend to stop moving. That includes things like economies.

Just as worrisome is the fact that the scheme gives a rather sinister new meaning to the president's Family Economic Income standards. FEI treats the likes of employer-provided fringe benefits as income for income classification purposes. Adding benefits to worker incomes now allows Mr. Clinton to claim he is only imposing net tax increases on those making more than $30,000, which is not a little deceptive since most people don't understand FEI or realize that it pushes those making less than $30,000 well over that figure.

But worse than classifying people by FEI would be taxing them on it. Ms. Munnell cites, approvingly, a 50-year-old Supreme Court opinion that the tax code "is broad enough to include in taxable income any economic or financial benefit conferred on the employee as compensation, whatever the form or mode by which it is effected."

Ms. Munnell goes on to link pensions with other tax-exempt or tax-deferred activities she considers tax expenditures (read: government benefits that are implicit candidates for expropriation in whole or in part through higher taxes): exclusion from taxation of pension contributions and plan earnings, tax-deductible home mortgage interest, tax-exempt employer contributions for medical insurance premiums and medical care and much more. She expressly challenges the tax-deferred status of the popular individual retirement accounts (IRAs) and 401(k) plans.

There are more than a few ironies in all this. Treasury Secretary Lloyd Bentsen has long argued for expanded IRAs, which makes Ms. Munnell a rather strange choice, assuming the White House didn't make the choice for him. In addition, pension experts already are concerned that increasing federal regulation of pensions encourages companies to get out of the retirement plan business, leaving employees little to live on in retirement. If personnel is policy, Ms. Munnell's appointment is one more sign that the administration doesn't understand what is at risk here.

The PRESIDING OFFICER. Who yields time?

Mr. LOTT. Mr. President, I believe I have only 30 seconds remaining. My understanding is the chairman is prepared to yield back his time and proceed to a vote. In case he returns to the floor, we would be ready to proceed.

Let me just use my last few seconds saying again I think this is a dangerous, risky appointment. I think Ms. Munnell has in effect been indicted by her own words and writings, by things she suggested or even advocated.

But she is the President's choice. She does have some interesting background and experience. She does not have ethical or legal problems. So I will not further object to her appointment at this time. But I just wanted the American people and my colleagues here in the Senate to be on notice there are some problems with her background with her writings and statements.

The PRESIDING OFFICER. The time has expired.

The Senator from New York.

Mr. MOYNIHAN. Mr. President, I yield to the Senator from Massachusetts.

NOMINATION OF ALICIA MUNNELL

Mr. KENNEDY. Mr. President, I rise in strong support of the nomination of Dr. Alicia Munnell for the position of Assistant Secretary of the Treasury for Economic Policy. Dr. Munnell is a highly distinguished economist who will serve with great ability.

I am proud to note that Dr. Munnell's education and professional career have been in Massachusetts. She received her B.A. from Wellesley College, her M.A. from Boston University, and her Ph.D in economics from Harvard University. Since 1973, she has served on the staff of the Federal Reserve Bank of Boston, rising to the position of senior vice president and director of research.

Her work at the Boston Fed has covered many important issues, including pensions and the future of the retirement system, the importance of public capital investment in economic growth, and the economic performance and policies of Massachusetts.

She has given generously of her time to many vital public policy efforts at home and overseas, including the World Bank project on social security, the U.S. Army Corps of Engineers workshop on Federal infrastructure, the International Monetary Fund's assistance program for Armenia, and the Ford Foundation's project on social welfare and the American future.

Dr. Munnell's professional accomplishments and publications are extremely impressive. She is also the cofounder and president of the National Academy of Social Insurance, a director of the Pension Rights Center, and a member of the Institute of Medicine of the National Academy of Sciences, the National Academy of Public Administration, and the Advisory Council on Social Security.

The central theme of Dr. Munnell's entire professional career has been using her knowledge, skills, and talents in public service. She has worked brilliantly on many of the most complex social and economic problems we face, in a continuing effort to improve life for all Americans. President Clinton, the Treasury Department, and the American people are fortunate to have her service. She is one of the ablest economists of her generation, and I urge the Senate to approve her nomination.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent to have printed in the RECORD the excerpts from Dr. Munnell's testimony before the Committee on Finance.

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

FINANCE COMMITTEE, May 6, 1993

Dr. MUNNELL. I wrote an article that was published in the Federal Reserve Bank of Boston Research Review. It was an article that I had originally wrote in response to a request by the American Law Institute, the American Bar Association for a conference that they were having on pensions. I was given the title of, "Has the Time Come to Tax Pensions on a Current Basis," and that is the topic I explored within that article.

In that article I looked at the arguments for deferral and I looked at the arguments for taxation and came out at that time for taxing on a current basis. Unfortunately, in that article I also included as I went back and read the article last night, I said, "to crystalize the issue," I found more crystal than I had ever anticipated.

A transition proposal that was suggested by actually a British Actuary that would involve a one-time levy on pension fund assets. I did not support that particular levy in the article. I do not support that particular levy now.

In terms of whether pensions should be taxed currently or deferred, that is a topic that economists have debated for a long period of time. It is really whether you want to have an income tax or a consumption tax. It is a legitimate source of inquiry.

It does not fall within my purview at Treasury. It is not a priority for the tax people within Treasury of Secretary Bentsen for sure, for the Clinton Administration, nor for me. So I would be very surprised it would figure into my work at all during my tenure.

Mr. DURENBERGER. Mr. President, I think Secretary Bentsen has put together a superb team of advisers and administrators; probably the best team supporting any Cabinet secretary. Yesterday and today we are in a position to consider the nominations of key members of that team—people who will be advising him, dealing with Members of this body, and administering the Nation's tax laws.

I would hasten to add that the best intentions and the best qualifications don't necessarily lead to the best policies—and I have very serious problems with the thrust of the economic policies being put out by this administration. But we should encourage the President, and the Secretary, to elicit the help of the best possible people, and join our battles on the merits of the policies that are sent up.

Because one of the President's nominees—the one before us now—has attracted particular attention, I want to speak briefly to her qualifications and my high regard for her.

Alicia Munnell and I got to know one another about a decade ago during my work with Americans for Generational Equity. I called on her for advice on the economic status of the elderly, on intergenerational income transfers, and on income security policy more generally. During that time we disagreed on some issues—we may, in fact, have disagreed more than we agreed.

But I always found her to be honest, open, and straightforward in her dealings with me and with anyone else she dealt with.

I disagree with Alicia Munnell's academic writings on the taxation of pension funds. And I am agnostic on her findings with respect to racial discrimination by banks, which have attracted some vigorous methodological criticism.

But I don't think we have to worry that she will subvert the administration's decision processes to push her personal policy positions.

Alicia Munnell is an academic and public servant of integrity and ability, and should the Senate confirm her—and I am confident it will—we'd be acting in the Nation's best interest.

Mr. MOYNIHAN. Mr. President, I see my distinguished friend from Mississippi has concluded his remarks. I, therefore, yield back all the remainder of my time and urge the confirmation of the nomination.

The PRESIDING OFFICER. With the yielding back of the time, the question occurs on the confirmation of the nomination of Alicia Haydock Munnell, of Massachusetts, to be an Assistant Secretary of the Treasury.

The nomination was confirmed.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nomination.

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

Mr. MOYNIHAN. I do thank the Chair.

Mr. President, I believe there is another nomination forthcoming.

DEPARTMENT OF THE TREASURY

The PRESIDING OFFICER. Under the previous order the Senate will now proceed to the consideration of nomination of Michael Levy, of Texas, which the clerk will report.

The assistant legislative clerk read the nomination of Michael B. Levy, of Texas, to be a Deputy Under Secretary of the Treasury.

The PRESIDING OFFICER. Under this order there will be 10 minutes of debate equally divided between the Senator from New York and the Senator from Oregon.

Who yields time?

Mr. MOYNIHAN. Mr. President, there being no other Senator on the floor at this time, I am moved to make brief remarks, but it may be that none other is necessary.

The first thing to be said, and I speak now as chairman of the Committee on Finance, is that the nomination of Mr. Levy, who is nominated to be a Deputy Under Secretary of the Treasury, having been referred to the Committee on Finance, was sent to the floor by a unanimous vote.

The Committee on Finance, Republicans and Democrats, asked to recommend to the Senate that it approve this nomination of a hugely gifted, able, and I am happy to state still relatively young academic and public servant.

Dr. Levy was from 1978 to 1985 an associate professor of political science at Texas A&M University. Dr. Levy was from 1985 to 1987 an economist with the Joint Economic Committee, a bipartisan body in which we place great trust and properly so. He, thereafter, became a member of the staff of then Senator Bentsen. He was Senator Bentsen's administrative assistant from 1987 to 1993.

The President asks of us that we send to the Treasury Department Secretary Bentsen's former administrative assistant to help him in the administration of the Treasury Department.

We know and admire Dr. Levy from our work with him as a staff member of the Joint Economic Committee. We know and admire him from his work as administrative assistant to Senator Bentsen.

It is the elemental practice of this Chamber to enable a President to form his Cabinet and sub-Cabinet according to his desires and needs as he judges them to be.

And here we are, with this fine economist, experienced public servant, member of our family, the Senate family, being held up.

By whom? For what?

Mr. President, I do not wish to show any impatience, but I have been talking now for some time. No one has come to the floor even to explain the necessity for this discussion.

I see the distinguished Republican leader is here. Perhaps he has some remarks to make.

In any event, Mr. President, I yield the floor.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. Mr. President, at my request, the Senate has waited until today to confirm Michael Levy to become Deputy Under Secretary of the Treasury for Congressional Affairs.

Let me just outline the reasons for the delay because, sometimes, delays I think are justified. It really has not been much of a delay, 2, or 3, or 4 days.

The reason for the delay was to provide me time to obtain certain information on the hiring practices of the U.S. Customs Service in particular, and the Clinton Administration in general. Several press accounts have been written about my actions, most have been completely false—did not have any of the information right, which is not unusual—and I intend to discuss this matter and set the record straight.

Last January, during a reorganization of my offices, an employee of mine applied for, and was told she would receive, as a Ramspeck employee, a GS-14 position being advertised at the U.S. Customs Service's Office of Public Affairs. Knowing of concerns expressed by the chairman of the subcommittee of jurisdiction about so-called burrowing-in by political employees of the previous administration, my staff contacted Senator PRYOR's staff to ensure no political issues were at stake. My staff was assured by those with oversight over hiring practices of the executive branch that this was indeed a proper use of the Ramspeck statute.

In February, when a call was made to determine the status of the position, my office was informed that no action was being taken on the matter due to a letter which was sent to the Customs Service by the chairman of the Appropriations Subcommittee on Treasury, Postal Service, and General Government—Senator DECONCINI. Then, the applicant was informed the position would not be filled, but rather abolished.

At that time a member of my staff spoke with Mr. Levy about the position. Mr. Levy told him the position was originally created for the sole purpose of taking care of the member of my staff who had applied for it and that it might look bad if someone found out about it. Finally, Mr. Levy

stated even if such a position were to be created, it would be a much lower GS level.

Mr. President, that is absolutely untrue. The opening was advertised when the previous employee—A GS-14—left the Government. The job existed prior to the application of my employee.

Following that incident, on March 10, I sent a letter to Secretary Bentsen requesting a copy of the DeConcini letter, and to inform him that I expected the provisions of all laws—including Ramspeck—to be followed. I did indicate and continue to support the fact that the administration can determine whether to fill, create, or abolish positions, as long as the appropriate laws are followed.

Then, on March 18, the staff member who had applied for the GS-14 position applied for a GS-13 position in the same Customs Office of Public Affairs with the same job description. However, she was soon advised that position—a newly created position—would not be filled either.

Mr. President, at no point did I send a letter or otherwise communicate with the Customs Service in support of hiring this employee; never did one thing. Rather, the only information I had was that the employee had originally applied for the post as a Ramspeck employee, that the staff of the subcommittee said it was a proper action, and that the applicant had been advised she would be hired.

What actually occurred was that Customs advertised the GS-14 position, my staff member applied, and Customs decided not to fill the post. Then the Customs Service advertised for a GS-13 position, my employee applied and Customs decided not to fill the post.

All this time, my letter to Secretary Bentsen of March 11, went unanswered—I might say that this occurred through absolutely no fault of my good friend, the Secretary of the Treasury, Secretary Bentsen—he was unaware the letter existed and apologized later because the letter had not been responded to.

When the nominations of George Weise to be Commissioner of Customs and Michael Levy to be Deputy Under Secretary for Treasury were placed on the calendar, I informed the majority leader I could not clear the nominees until I received a response to my letter. That response was hand delivered to me by Secretary Bentsen. I then requested additional information and cleared Mr. Weise for confirmation.

That confirmation has been taken care of. In fact, I supported his nomination and wrote a letter to the President in support of his nomination several weeks or months ago.

Mr. President, whoever drafted the letters for Secretary Bentsen alleges the decision not to hire my employee was made following a decision that she failed to satisfy the qualification requirements for the position. Yet, I can find no reason for such a decision in the qualification standards made available to me by the Department.

To the contrary, Mr. President, I do possess a copy of a memorandum written by the Acting Director of Congressional Relations at the U.S. Customs Service following a meeting with Mr. Levy. That memorandum suggests partisan politics was the reason the position was not filled—a position which is supposed to be nonpolitical. The memorandum also suggests Mr. Levy was aware of the nature of the decision and approved.

I asked Mr. Levy to respond to the memorandum and he assured me the memorandum was inaccurate.

Unfortunately, I remain without the truth. I can find no reason for a decision that the applicant was not qualified, yet I am told nothing political occurred in this supposedly nonpolitical matter. As I indicated earlier, I even cleared this matter with the Democratic subcommittee chairman so there would be no suggestion of political activities.

On another matter, Mr. President, let me also say I am concerned about reports that employees at the Treasury are using what amounts to strong-arm tactics to enlist support for the President's proposed tax increases.

I have been told by members of the Affordable Energy Alliance—a group with over 1,250 members organized to oppose the Btu tax—that employees of Treasury have called to ask whether they are members. When asked why Treasury wants to know, they were told "We want to know who our enemies are."

I hope the Department of the Treasury is not engaged in the creation of a new enemies list. I would also hope that, if Mr. Levy has anything to do with this matter, he will take this opportunity to take a little breath and reevaluate the approach.

Finally, Mr. President, let me say that I have agreed to allow the confirmation of Mr. Levy as a favor to my friend, Secretary Bentsen. Mr. Levy was the administrative assistant to the Secretary for several years when the Secretary was our colleague here in the Senate.

As I stated, I have concerns with this nominee and soon to be Deputy Under Secretary. I urge him to proceed with caution, acting under both the letter and spirit of law.

I would just point out one other factor that I think sometimes is lost on people who may not totally understand. We are the minority.

If we were in the majority, I could have a hearing on this matter and put people under oath and find out what the facts are. But we, obviously, are not going to have a hearing, because Republicans are in the minority and they are not going to be setting the agenda. So we do not really have any real way to find the truth in this matter.

I would just say that we wanted to make the case, wanted to state it for the record. There is not much this Senator can do about it, except state that most of the press reports have been totally inaccurate. I hope those who have written the press accounts would now take a look at the facts and indicate that we did have a legitimate reason to make further inquiries in this case.

I think I could very legitimately hold this nomination for some time in an effort to find out the facts, but I am convinced Mr. Levy is not going to give me the facts. And, on that basis, for that reason, I see nothing to be gained by holding the nomination except I do want to accommodate my good friend, our former colleague, the Secretary of the Treasury, Secretary Bentsen.

Mr. MOYNIHAN. Mr. President, if I could speak?

Just a slight historical diversion. The Senator surely knows of the distinguished career of Roscoe Conkling, who was a leader of the Republican Party of New York State in the years following the Civil War.

In 1880, with the election of James Abram Garfield to the Presidency, Mr. Conkling, as was his presumed right, recommended a person to be collector of the Port of New York in the Customs Service. Most of the revenue of the Federal Government then came from those tariffs.

Mr. Garfield, who was a premature proponent of civil service reform, refused and nominated someone else. Senator Conkling, indignant at this affront to the Senate, resigned from the Senate in full confidence that the New York State Legislature would promptly reappoint him.

Unfortunately, Mr. Garfield was shot by a disappointed officeseeker, and because of such, his nomination suffered a setback. Whereupon Conkling was heard to observe that, when Dr. Johnson declared patriotism to be the last refuge of a scoundrel, he underestimated the potential of reform.

Here we are, a century later, dealing with the same matter.

I am sure we all accept the Republican leader's statement in the good faith in which it was offered. I certainly do. I have no questions in the matter whatever.

Mr. President, seeing no one else seeking recognition, I yield the remainder of my time.

Mr. DOLE. I yield back any time I have.

The PRESIDING OFFICER. All time has been yielded. The question occurs on the confirmation of the nomination of Michael Levy to be Deputy Under Secretary of the Treasury.

The nomination was confirmed.

Mr. MOYNIHAN. Mr. President, I ask the President be immediately informed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider will lie upon the table and the President will be immediately notified of the Senate's action.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistance legislative clerk proceeded to call the roll.

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

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

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Julia Ross, who is an intern in our office, be allowed to be on the floor while I preside from 3 p.m. to 4 p.m.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. GORTON. Mr. President, I ask unanimous consent to proceed for about 5 minutes as if in morning business.

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

(The remarks of Mr. GORTON pertaining to the introduction of S. 989 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. RIEGLE. Mr. President, let me address a parliamentary question to the Chair. I know we are waiting to take up the Achtenberg nomination, and there are discussions underway about that with respect to time agreements. So I will not proceed with the subject at this moment, although I am prepared to and want us to start as soon as we can on this matter.

But my question would be this: Pending that, I assume it is in order for me to ask unanimous consent to proceed for 5 minutes as if in morning business.

The PRESIDING OFFICER. Such a request to the Senate would be appropriate.

Mr. RIEGLE. I make such a request. I ask unanimous consent to proceed for 5 minutes as if in morning business.

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

Mr. RIEGLE. Mr. President, let me say again, I will suspend or return to the Achtenberg matter just as soon as there is some understanding between the leadership and the two parties.

DISTURBING TRADE STATISTICS

Mr. RIEGLE. Mr. President, what I want to raise now, however, are the very disturbing trade statistics that are now out today for the month of March. Our trade deficit figure jumped up over $10 billion for 1 month. That means that our deficit in trade, the amount that other countries ship into the United States less a much smaller amount that we sold overseas, left a deficit in the favor of foreign countries of over $10 billion just for the month of March. That means literally hundreds of thousands of American jobs are, in effect, being taken overseas by this terribly adverse trade balance.

If you look within that $10 billion monthly figure, the nation of Japan had a trade surplus with us in their favor, and a deficit for us, a monthly deficit that reached a 5-year high of $5.26 billion. So that meant, in the month of March, Japan, in the trade account, took out of the United States over $5 billion.

When you think about taking $5 billion out of our economy in the space of just over 4 weeks, or namely a 1-month period of time, that is a huge economic impact for our country. Of course, that is happening month after month after month after month. Then the Japanese tell us that they cannot really do anything about this. They have a million excuses as to why this huge trade imbalance persists and cannot be solved. But a lot of it, of course, is trade barriers that they have in Japan to keep our products out and a whole series of interlocking business relationships that enable them to operate in this country in a very forceful way that gives them access to our market, which they in turn prevent us from having in Japan. It is a terribly damaging pattern.

One of the reasons that the unemployment rate is so high in this country is because of this persistent trade deficit we have with Japan. Since 1980, Japan, in the trade account, has taken over $500 billion out of the United States. Over $500 billion has left the United States and gone to Japan in the trade account, and that is a figure in excess of 0.5 trillion. It is by far the worst trade problem that we have.

And I want to say that I appreciate the fact that the new Clinton administration has confronted this issue in a much more direct, head-on way than we ever saw with the last administration.

But these numbers are very damaging to the country of the United States of America. Something has to be done on an urgent basis by the Japanese, in conjunction with the leaders of our Government, to bring these deficits down.

The other day, the Japanese announced they are going to have a job stimulus program this year, and they are going to spend $114 billion on their jobs stimulus program.

Why are they doing that? Because the unemployment rate in Japan is all the way up to 2.25 percent. The unemployment rate in America is over three times that. It is up to 7 percent.

President Clinton asked for a jobs stimulus program here of $16.3 billion, a tiny fraction of what the Japanese will be spending, and Republicans, with a filibuster, prevented that from happening. So we have no jobs stimulus program going on here. Whereas, Japan is going to spend $114 billion this year and half of it they are going to pay for with the trade surplus that they have with the United States. So American citizens are paying for the jobs stimulus program in Japan, paying for at least half of it, and we cannot get the money for a jobs stimulus program here in our own country.

It is an astonishing juxtaposition of facts here in terms of the damage that is being done to the American economy and why we are having such a weak job performance out there and why people with qualifications all across the spectrum cannot find jobs in today's job market.

So there is a major problem in the trade account. Japan persists in its tactics of trade cheating, well refined, and well developed over many years. It has to come to an end.

We cannot afford to have another $10 billion drained out in a 1-month period in the trade account, and half of that, over $5 billion, going to a single country, Japan, who maintains all these barriers to American products that we otherwise should be selling in Japan.

I might just finally say, we are able to sell American goods all around the world and we could sell them in Japan if there were not a whole series of barriers to entry of our products in Japan. They like one-way trade. We have to put an end to that. We have to insist on two-way trading relationships. We have to eliminate this trade deficit with Japan while we still have a job base left here in the United States.

ORDER OF PROCEDURE

Mr. RIEGLE. Mr. President, I am ready, as soon as we can get a response here, to proceed with the Achtenberg nomination. The committee has acted. We are ready to go. I hope that before too much more time passes we can have some understanding so we can get this nominee confirmed and on the job.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

PRIVILEGES OF THE FLOOR

Mrs. BOXER. Mr. President, I ask unanimous consent that Karen Olick, Liz Tankersley, and Peter Teague of my staff, and Lisette Lopez, a fellow in my office, be granted privileges of the Senate floor during all debate and votes on and in relation to the Achtenberg nomination.

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

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

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

MINORITY PARTY'S MEMBERSHIP ON CERTAIN COMMITTEES

Mr. DOLE. Mr. President, as in legislative session, I send a resolution to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 109) to constitute the minority party's membership on certain committees for the 103d Congress, or until their successors are chosen.

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

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

The PRESIDING OFFICER (Mr. DORGAN). The question is on agreeing to the resolution.

The resolution (S. Res. 109) was agreed to, as follows:

S. RES. 109

Resolved, That the following shall constitute the minority party's membership on the following committee for the remainder of the 103d Congress, or until their successors are chosen:

Select Committee on Ethics: Mr. McConnell, Mr. Smith, and Mr. Craig.

SALUTE TO SENATOR STEVENS ON THE OCCASION OF HIS LEAVING THE ETHICS COMMITTEE

Mr. DOLE. Mr. President, Senator STEVENS is doing a very unusual thing today. He is voluntarily stepping down as a Republican member of a Senate committee, the Select Committee on Ethics.

Since he was sworn in on December 24, 1968, Senator STEVENS has been one of the most hard working Members of the Senate. He is now in his fifth term and the workload he has accumulated is impressive indeed.

He is a member of the Senate Appropriations Committee, as well as being on the Subcommittee on Defense, the Subcommittee on the Interior, the Subcommittee on Labor, Health and Human Services, and Education, the Subcommittee on Military Construction and the Subcommittee on Commerce, Justice, State, and the Judiciary.

He is the ranking member of the Committee on Rules and Administration.

He is on the Senate Commerce, Science and Transportation Committee as well as the Subcommittee on Aviation, the Subcommittee on Communications, the Subcommittee on Merchant Marine, and the Subcommittee on National Ocean Policy Study.

He is on the Senate Governmental Affairs Committee, and the Subcommittee on Federal Services, Post Office, and Civil Service, the Subcommittee on General Services, Federalism, and the District of Columbia, and the Subcommittee on Oversight of Government Management.

He also serves on the Permanent Subcommittee on Investigations.

In addition to these assignments, Senator STEVENS serves on the Senate Select Committee on Intelligence. Moreover, he serves on the Joint Committee on the Organization of Congress, the Senate Ethics Reform Commission, the Bipartisan Task Force on Senate Coverage, the Joint Committee on the Library, and the Joint Committee on Printing, and is cochairman of the Western Senate Coalition.

He is on the Senate Arms Control Observer Group, and the Senate Rural Health Caucus.

We can only guess when he gets to see his lovely wife, Catherine, and his six children.

So we salute Senator STEVENS for his yeoman service to the Senate as he steps down from the Ethics Committee today.

I know the committee will miss the considerable judgment and experience that TED STEVENS has brought to its deliberations.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to consider Executive Calendar No. 96, the nomination of Roberta Achtenberg to be an Assistant Secretary of Housing and Urban Development.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

The PRESIDING OFFICER. The nomination will be stated.

The bill Clerk read the nomination of Roberta Achtenberg, of California, to be Assistant Secretary of Housing and Urban Development.

The Senate proceeded to consider the nomination.

Mr. RIEGLE addressed the Chair.

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

Mr. RIEGLE. Mr. President, I rise now as chairman of the Senate Banking, Housing, and Urban Affairs Committee to present to the Senate the nomination, reported favorably from our committee, of Roberta Achtenberg to be the Assistant Secretary for Fair Housing and Equal Opportunity at the Department of Housing and Urban Development.

The Assistant Secretary for Fair Housing and Equal Opportunity plays a critical role in eliminating discrimination in our Nation's housing markets.

On May 5, just a short time ago, the Banking Committee overwhelmingly reported the nomination of Roberta Achtenberg to this position of Assistant Secretary by a vote of 14 to 4. That is, obviously, a very strong bipartisan vote within our committee.

I believe she brings a wealth of professional experience as a civil rights attorney and local elected official which will significantly enhance the ability of HUD to combat housing discrimination and promote equal opportunity for all citizens, and I strongly support her nomination.

Among the responsibilities of the Assistant Secretary are to advise the Secretary of Housing and Urban Development on policies and issues affecting fair housing and equal opportunity in housing and community development and on matters relating to civil rights.

Specifically, this office administers fair housing laws and regulations prohibiting discrimination in public and private housing on the basis of race, color, religion, sex, national origin, handicap, or familial status; equal opportunity laws and regulations prohibiting discrimination in HUD-assisted housing and community development programs, again, on the basis of race, handicap, sex, age, or national origin; and, finally, equal employment opportunity laws and regulations prohibiting discrimination on the basis of race, color, religion, sex, national origin, handicap, or age.

Let me tell you a little about this nominee. I have seen a lot of nominees over the 17 years I have served in the Senate.

She graduated Phi Beta Kappa from the University of California at Berkeley in 1972. She received her law degree from the University of Utah School of Law in 1975 where she was elected to the Order of the Coif, which is a distinction. She was named the 1989 Management Volunteer of the Year by the United Way of the San Francisco Bay Area, and in March 1993 she was named Woman of the Year for the Third Senate District by the California State Senate.

Let me take just a bit more time to review some of her many accomplishments and her professional background.

She was elected in a citywide election to the San Francisco board of supervisors in November 1990. She serves as a member of the Economic Vitality and Social Policy Committee and has served as chair of the board's Housing and Land Use and City Services committees.

Some of her recent legislative accomplishments include the establishment of occupancy standards for San Francisco residential units to help prevent discrimination against families with children; enhancing protection for tenants against wrongful eviction; supporting construction of affordable housing for low-income families; guaranteeing small business participation in bidding for city contracts; encouraging enhanced compliance monitoring efforts by the city's Human Rights Commission, and helping speed the transition from welfare to permanent employment through augmentation of city-sponsored job training programs.

As a legislator, she also led the successful effort to enhance funding for community-based organizations providing domestic violence shelters through the Community Development Block Grant Program administered by HUD. She authored two ordinances which improve safety and access for persons with disabilities. She helped lead the legislative drive to put in place a children's budget for San Francisco, a fund that expends $10 million annually to benefit children, youth, and their families.

She authored legislation amending San Francisco's landmark affordable child care fund which requires developers to build child care facilities or contribute to a child care fund for low-income parents. These amendments gave monthly child care subsidies to recent graduates of job training programs to help them get off the cycle of welfare and poverty and into the economic system.

Prior to her election to the board of supervisors, she worked for more than 15 years as a civil rights attorney, law professor, and law school dean. She was a teaching fellow at the Stanford Law School and directed the lawyer skills training programs at the New College of California School of Law where she later became the dean.

She has litigated in State and Federal courts on issues ranging from family law to law reform involving interpretation of the due process and equal protection clauses of the Federal and California constitutions. She has served as the executive director of the National Center for Lesbian Rights and as the directing attorney of the Lesbian Rights Project of Equal Rights Advocates, Inc.

She is also a member of the State Bar of California and is admitted to practice before the Federal District Court in the northern and central districts of California as well as the U.S. Court of Appeals for the Ninth Circuit. She is also a member of the Bar Association of San Francisco, California Women Lawyers, San Francisco Women Lawyers Alliance, and the Bay Area Lawyers for Individual Freedom. She serves on the board of directors of United Way of the Bay Area which distributes more than $40 million annually to community-based nonprofits that provide health and human services to the 70 million residents of the San Francisco Bay Area. She is a member of numerous organizations including the Jefferson Elementary School PTA and Congregation Sha'ar Zahav.

As I mentioned, the committee found her, by a vote of 14 to 4, to be extremely well qualified. Among the many highly respected groups that have endorsed her nomination are the National Fair Housing Alliance, the National Center for Youth Law, the National Association of Human Rights Workers, the San Francisco Bar Association, the Asian Law Caucus, the Leaders of the California State Assembly and State Government, and numerous business and community leaders from the bay area and fair housing and human rights organizations across the Nation just to name a few.

During the course of the debate on this nomination, I suspect that many issues will be raised. However, regarding the one issue that counts, and that is her qualification to serve in this job, let me make it absolutely clear that this nominee is superbly qualified to serve in the position as Assistant Secretary for Fair Housing and Equal Opportunity at the U.S. Department of Housing and Urban Development, and I urge my colleagues to support her nomination.

Earlier this week, Secretary Cisneros wrote that—

> Miss Roberta Achtenberg is highly capable of serving the Nation in this important position. She has my unqualified support for this job. I'm hopeful that her nomination can move forward expeditiously.

That says it about as well as anything.

I will reserve for now any additional comments until others have spoken.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from California [Mrs. BOXER].

Mrs. BOXER. I thank the Chair very much.

I am extremely pleased to have the opportunity to add my voice on behalf of Roberta Achtenberg, someone I have known for many, many years, someone who has served her community brilliantly.

When you run for public office, that is the ultimate test, and she was elected to the board of supervisors in San Francisco. She has received many awards from people across the political spectrum.

She is highly qualified for this position and I think it is important for President Clinton that his choice be respected, because he knows Roberta Achtenberg. And I will tell you this, Mr. President. I cannot think of anyone more highly qualified for this post.

During my 16-year tenure in public office, I have met a lot of elected officials. And I have met a lot of community leaders. Some of them lead and some of them follow, and some are content just to go along to get along. But Roberta Achtenberg has courage, foresight, she listens to people, and she leads.

Her background is impressive, as Chairman DON RIEGLE has explained here today. Her commitment is unquestioned. As a civil rights attorney, as a county supervisor elected by the people of San Francisco, and as a legal scholar, Roberta will bring a sense of mission and expertise to the Department of Housing and Urban Development.

After studying her record and reading the nomination hearing records—because Roberta Achtenberg got a resounding vote in the Banking Committee—I am confident that Senators will agree that she will be an outstanding Assistant Secretary for Fair Housing and Equal Opportunity.

I think that we need to consider the commitment we are asking this nominee to make. It is a commitment to fair housing and a commitment to equal opportunity. And to Roberta Achtenberg, these are much more than lofty ideals. We can say those words easily, but this is a woman who has given her life for these things. She tirelessly fought for equal rights, both as an attorney and as an elected county supervisor. These are ideals that she has dedicated her life to.

Whether she was litigating family law cases, representing the poor or the disabled, chairing the Housing Committee of the San Francisco Board of Supervisors, or drafting legislation to prevent housing discrimination, she has listened to diverse communities; she has always built coalitions between them. And she pursues policies that are designed to help all people, Mr. President.

Roberta Achtenberg is a healing person. She brings people together. She gets things done.

Recently, Supervisor Achtenberg drafted a bill to end housing discrimination directed against families with children. Mr. President, we know this is a problem in our country. It certainly was a problem in San Francisco. She knew it because as an attorney, she had represented the families and the poor, disabled, and minorities. She knew what it meant to be discriminated against, to be told that you were not wanted, that you were not the right type of tenant.

But she also knew that under California law, it was difficult to pass local antidiscrimination bills. So she went to work. She crafted legislation very carefully that was consistent with State law. She forged a coalition between the owners, the realtors, the tenants, and children's advocates. And we know, because we are in politics, how tough it is to bring all of those disparate groups together. Roberta Achtenberg did it, and with her skills, that bill was passed.

That bill, Mr. President, gives families with children a voice, and protection that they deserve. So Roberta Achtenberg already has been a champion for families with children.

I tell you about this legislative triumph of Roberta's because I believe it sheds light on her abilities, her abilities to bring people together, to solve problems, to build coalitions, to listen to all sides, and then to get the work done. I tell you about this legislative triumph because it is indicative of the leadership that I know she will bring to HUD.

So, my colleagues, as we confirm Roberta Achtenberg, which I trust and hope and believe that we will, we will be taking a real step forward because we will be saying that discrimination is unacceptable, and we will be saying that the promise of equal opportunity is alive and well in the Senate Chamber, Mr. President, and it is alive and well in this, the greatest Nation in the world.

I yield the floor.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I rise in opposition to the nomination. Over the past few years, I cannot recall having voted against a nomination except for maybe one other occasion. I make it a general rule to give the President the benefit of the doubt on his nominations, but I do have a higher responsibility. There is a responsibility under the Constitution of the Senate to advise and consent. I have a responsibility to look at the record of nominees. I have a responsibility to look at the positions they advocate; their ethical conflicts, if they have any, and whether or not they have any legal problems.

But I have looked at this nominee. I feel very strongly that she is not the right person for this position at the Department of Housing and Urban Development.

It has already been stated that the President knows the nominee personally, and that is his choice. I understand. Earlier today, I spoke about my concerns about one of his nominees. But because there was not ethical or legal that I felt was serious enough to derail the nomination, I went along with it. This one I feel is a major problem. I will set out the reasons why.

But I also want to remind my colleagues in the Senate that our disposition this year has been to cooperate with the President, to cooperate with the administration, to move the nominations through the Senate in a reasonable and expeditious manner, after we have asked the questions and after we have satisfied ourselves that there was no major problem.

We, in fact, confirmed all of his Cabinet nominees but one in record time, even though I had major problems with a number of the Cabinet nominees. I raised some objections as we went forward. Other Senators did.

But we said: OK, Mr. President, we think this nominee or that nominee is a problem for our country and will be a problem for you. But if this is what you want, we will try to cooperate.

But there is a limit to how far I will go. And with this nominee, the limit has been reached. Roberta Achtenberg should not be confirmed as Assistant Secretary of Housing and Urban Development for Fair Housing and Equal Opportunity.

I am holding up here, Mr. President, today's copy of USA Today. The headline is "Scouts Can Keep 'Duty to God' in Oath."

It is pretty incredible, actually, that an appeals court would be making such a decision on an issue of that nature—but that they would even have to rule. It is so obvious on its face that Scouts—young boys, young girls, Americans—should be able to take an oath of duty to God in a voluntary organization. But here it is: Major appeals court decision, front page, USA Today.

The appeals court decision in Chicago affirmed the right of the Boy Scouts of America to keep "duty to God" in its oath. The court found that civil rights laws do not apply because the Boy Scouts is a "private, voluntary organization, not a place of public accommodation."

The majority opinion went on to say "single-parent families, gang activity, the availability of drugs and other factors have increased the need for support structures like the Scouts."

I could not agree more with this ruling and the court statements. They are so obvious on their face.

I also believe that the vast majority of Americans strongly agree and even applaud such a commonsense ruling. But the nominee before us certainly has disagreed with that right of the Boy Scouts. She has disagreed with that.

But before I go further, I would like first to put the Senate's responsibility here in proper context. The Senate faces the nomination of Roberta Achtenberg to be confirmed to this very important Assistant Secretary position at HUD. As is the case with any nominee, the Senate is responsible to look at the qualifications, temperament, and character of the individual.

The record is clear. This nominee is neither qualified nor temperamentally fit for this position. I am going to explain why.

Her record is one of intolerance, discrimination, and vendetta against those who do not share her values or beliefs. Against those which hold convictions of conscience different from her own, she has used her public and private position to punish, extort, and wage economic war.

She has publicly sanctioned the activities of those who terrorize, disrupt, and intimidate those whose religious beliefs are different from her own. And according to the nominee's own words, she does not possess the experience to qualify her for the position to which she is nominated. That is her record. No amount of rhetoric here on the floor can cover up what she has said and done.

I want to reemphasize that the issue before us today is not one of sexual preference or orientation, it is whether the nominee is qualified and temperamentally fit for the position to which he or she may be nominated.

Let me talk about the qualification and experience issue first, because I think that is very important. I think there is a pattern developing here with the nominees. More and more of these second-tier nominees are not really qualified for the positions they are being given. More of them, it seems, at this level are representative of activist/extremist positions.

So the pattern seems to be developing here. So let us examine what the nominee says of her experience in fair housing law. She stated—and I did not say it; these were her own words—"I am not a fair housing expert by a long shot." She said herself that, "I am not a fair housing expert by a long shot. I've done public interest law, and in my capacity as county supervisor I've dealt with fair housing issues." That was in the Washington Times on February 6, 1993.

So what is the judgment of others who are experts in the field? John Relman, director of the Washington Lawyers Committee for Civil Rights Fair Housing Projects, states: "She doesn't have a lot of experience in fair housing, but her instincts are good."

Well, I am not sure whether her lack of experience or her instincts concern me most in this case.

"In a letter last month to HUD Secretary Henry Cisneros, about 40 civil rights groups urged him to appoint someone with extensive background in fair housing litigation, experience she admittedly lacks." Another quote from the Washington Times on February 6, 1993.

So even groups that would be directly involved with the decisions by a person in this very important position in the Department of Housing and Urban Development, 40 civil rights groups, urge that we have a person with an extensive background. She

says herself that she does not have that; she has limited experience in this particular area. Does she have the experience or qualifications for the position? The nominee answers for us. No.

The question of temperament. I think we should examine a nominee's temperament not just for a judicial position, but for other positions of key importance in the various departments of the Federal Government, the sub-Cabinet Secretary level.

Is she tolerant of the views of others? Can she administer her duties fairly and without bias? Or will she be a militant extremist promoting a narrow special interest agenda? What does her record say? This is not something that we are making up. We are talking about a long record that has been written about and talked about for years. This is not an unknown nominee.

In regard to the Boy Scouts—the Boy Scouts, which is not exactly a sinister organization; it is the kind of organization we need more of in America—these are her words: "Do we want children learning the values of an organization that * * * provides character building exclusively for straight, God-fearing, male children?"

Why not? It is a voluntary organization. I think there should be lots of organizations that have God-fearing people in them, with all kinds of opportunities to learn and study issues. What is the problem here? I cannot believe she would ask such a question. And this person is going to be in charge of fair housing and equal opportunity in the Department of Housing and Urban Development? These words are extremely disturbing to a lot of Americans. Even more disturbing are the actions taken by the nominee to force her values upon the Boy Scouts. Her words and deeds demonstrate an extreme intolerance of those who have differing values and belief systems, an intolerance which led to a campaign of punishment and extortion against the Boy Scouts, which I emphasize again is a private, voluntary organization.

Let me tell my colleagues here on the floor, believe me, your constituents are aware of this nomination. I was home this weekend and spent basically 3½ days there, and when you go to places like Ashland, MS, people come up on the street and say: What is this? You are all going to put this person that attacked the Boy Scouts in a high level position in the administration? What is going on in Washington?

As an elected San Francisco supervisor and board member of the United Way of the bay area, she led the effort to kick the Boy Scouts out of the public schools and to have the United Way and other corporate sponsors withhold funding from the Scouts. She conditioned continuing funding on the reversal of the Boy Scouts' policy of excluding homosexuals.

As a supervisor, she introduced a resolution "urging the Boy Scouts to abolish its policy of barring lesbians, gays, and bisexuals from working with the youth group" and called on the city's congressional delegation and State legislators to amend the Scouts' congressional charter.

What more could she do to the Boy Scouts, as if this is some sort of subversive organization? Was that not enough? No. What the nominee did next disturbs me more than anything else. Roberta Achtenberg used her public position to threaten and extort any corporation that would have the audacity to support the Boy Scouts. As a supervisor, she introduced a resolution urging the city of San Francisco to sever its ties with the Bank of America because the Bank of America resumed its funding to the "dreaded" Boy Scouts.

A letter to the editor of the San Francisco Chronicle dated December 8, 1992, had the following to say about her:

> The tantamount to extortion threats, led by supervisor Roberta Achtenberg, to transfer funds from the Bank of America because of its support of the Boy Scouts of America only confirms the twisted mind of those who can find no way other than by tearing down what is good and wholesome in others.

This is the person you want to have at the Department of Housing and Urban Development as the Assistant Secretary for Fair Housing and Equal Opportunity? The letter to the San Francisco Chronicle calls it a "twisted mind" that would try to tear down the Boy Scouts. Beware, Eagle Scouts, you are in danger.

I ask my colleagues to think about this, because this is a very important position. Will her pattern of extortion and intimidation continue, this time in a Federal Government high-level position? Will she use the power of her office to force cities and counties to enact special rights and affirmative action plans for homosexuals or have their Federal housing funds cut off? Gees, this is a great position for that threat and extortion. Will she force religiously motivated private landlords to rent to unmarried cohabitating couples, whether such couples are homosexual or heterosexual?

Yes. I would be willing to lay you odds of a sort that is exactly what she will do.

Her record, her pattern answers for us. The answer is, that the nominee would use the power of her office to discriminate and punish those which disagree with her.

Will she respect and tolerate the traditional values and convictions of others? The answer, in her words is an emphatic no. She states in a 1985 speech:

> We are building our own tradition of family, for which we demand recognition and respect. We are entitled to love and protect our partners, to keep the children we have, to have the children we want, to teach and counsel the children of others.

I might want to know what they are going to teach and counsel the children of others. Those are her words in the Advocate, May 1988, the 24th of that month.

Does she support the actions of groups which harass, disrupt, terrorize, and intimidate those which hold religious convictions different than her own? Again in her words, when asked about the group Act Up. "I love 'em. There is a very significant place both historically and in general political analysis for the nonviolent dramatic demonstrations. That's always been a part of the Gay and Lesbian Liberation Movement and they're the most recent manifestation of that tradition. They are very, very needed."

Act Up is the group which has disrupted religious services, harassed, intimidated, and terrorized priests and parishioners alike. They violate a period which the religious hold as holy and sacred.

Roberta Achtenberg, the nominee, endorses and supports the actions of Act Up. In her own words I would like to ask this administration if they support Act Up's harassment and terrorism of Catholics and other religious groups simply because they hold beliefs different than the radical and militant homosexual community that they represent? Do they share Roberta Achtenberg's enthusiasm for Act Up?

It strikes me as ironic that we in this body and we in this Government have done everything within our means to stop this type of terrorism and intimidation in the churches across our land.

Whether the intimidation was based upon race, or upon political or religious views, this Government did all it could to protect the sanctity of religious practice. Yet here we have a nominee who loves Act Up's methods and who supports their activities.

Moreover, Roberta Achtenberg has participated in events and parades where those with religious views were ridiculed and parodied. At a San Francisco parade where she was an honored guest and participant, there were graphic depictions of God sodomizing Uncle Sam while a Boy Scout looks on.

And there are numerous other examples which I will not cite.

Would these offensive depictions be tolerated if they were against a minority group or even homosexuals? No—they would rightfully be condemned. The bigotry would not be tolerated. If another nominee came before this body with such a history of insensitivity and intolerance, the nominee would be rejected.

I ask my colleagues to apply a common standard to all nominees. I ask them to reject the double standards and hypocrisy of allowing some groups to actively discriminate, hate, and intimidate while holding others to a different standard. For the legitimacy and credibility of this body, I ask this body to apply a common standard and reject the nomination of Roberta

Achtenberg to be Assistant Secretary of HUD for the Office of Fair Housing and Equal Opportunity.

The nominee is neither qualified nor temperamentally fit to assume the post for which she is nominated. The record bears this out.

I urge my colleagues to reject the nominee because she does not represent the tradition of tolerance upon which this Nation was founded and upon which the health of our communities depends.

Mr. President, I also ask unanimous consent to print in the RECORD a number of editorials and articles in newspapers all across this country so that my colleagues can review this material.

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

ROBERTA ACHTENBERG ON GAY BOY SCOUTS ECONOMIC TERRORISM: THE PAST IS PROLOGUE

Roberta Achtenberg was nominated by President Clinton to serve as assistant secretary for fair housing and equal opportunity in the Department of Housing and Urban Development. Achtenberg's hometown San Francisco Examiner has encouraged Congress to focus solely on her political agenda in determining whether or not she should be entrusted with this position.

"We've disagreed with Achtenberg on numerous issues, including her attempt to punish the Bank of America for its charitable donations to the Boy Scouts, but *we think she should be judged on her politics*, not her personal life." (Emphasis added.) (Editorial, The San Francisco Examiner, 5/9/93.)

During her nomination hearing before the Senate Banking, Housing and Urban Affairs Committee, Achtenberg denied having tried to expel the Boy Scouts from public buildings.

"Senator Faircloth. *Did you not support expelling the Boy Scouts from public buildings?*

"Ms. Achtenberg. *No Senator, I did not.* And with regard to the United Way funding issue, let me explain." (Emphasis added.) (Achtenberg Nomination Hearing, U.S. Senate, Committee on Banking, Housing and Urban Affairs, 4/29/93.)

Achtenberg then made no effort to expound on the many ways she tried to inflict economic pain on San Francisco's Boy Scouts and the Bank of America, which refused to abandon the Scouts. Instead, she focused on the "unanimous" efforts undertaken by the San Francisco United Way of the Bay Area board to curb funding for the Boy Scouts.

"I sit on the Board of Directors of the United Way of the Bay Area, which is a nine county-wide charity.

"Our charity has a governing rules of conduct, namely that anyone who receives our money, in order to provide health and human services to the public, has to agree to provide those services on a nondiscriminatory basis."

"We engaged with the Boy Scout Councils over a year long process to determine whether or not they were willing to adhere to our governing principles.

"*After a year of investigation and negotiation, it was determined by our Board of Directors, by a unanimous vote of our Board of Directors, I might add, that those Boy Scout Councils did make a distinction between boys who were eligible for their services. Namely, that they would not provide services to boys who self-identified as gay or bisexual.*

"And it was *on that basis* that *the Board of Directors of the United Way, by unanimous vote, agreed to withdraw funding for the Boy Scout Councils unless and until they agreed to serve all boys with the funds that we provided them.*" (Emphasis added.) (Achtenberg Nomination Hearing, U.S. Senate, Committee on Banking, Housing and Urban Affairs, 4/29/93.)

Actually, Achtenberg's vendetta against the Boy Scouts began in 1988 when San Francisco's United Way of the Bay Area proposed an affirmative action policy. Not only did this policy prescribe the hiring of homosexual scout leaders, it called for "gay sensitivity" training sessions.

"*Boy Scouts*, YMCA's and scores of charities would be required to *hire gay leaders* and *staff members* under an *affirmative action policy* proposed by the San Francisco Bay Area's largest United Way.

"If the proposal is adopted, groups that defy the policy would lose their United Way funding."

"The *proposal*—which has caused some dismay among the United Way's 287 agencies—also *calls for 'gay sensitivity' training sessions* for the agencies, which provide a multitude of social and health services." (Emphasis added.) (Houston Chronicle, 8/19/88.)

Achtenberg reportedly worked on this affirmative action policy.

"The proposed *affirmative action policy* was written after 2 years of surveys and committee hearings on how to include gay people in United Way programs. The proposal sailed through a 'policy review committee' Tuesday without a dissenting voice and will be presented to the United Way Bay Area board of directors in September or October.

"*Those who worked on the proposal* said it has strong support from the United Way 'hierarchy' and is expected to be approved by the board.

"'People believe it's about time the United Way agencies reflect the diversity of the Bay Area community,' said lesbian activist *Roberta Achtenberg*, a former United Way board member and co-chair of the organization's task force on gay issues." (Emphasis added.) (Houston Chronicle, 8/19/88.)

When the Boy Scouts' Quentin Alexander protested the implications this decree would have on the organization's national policy, * * *

"'Homosexuality is not an acceptable lifestyle for leaders, who must be role models,' said Alexander, noting that gays are not allowed to be scout leaders or staff members."

"In an interview this week, Alexander of the Boy Scouts' Mt. Diablo Council pointed out that its anti-gay stance is the 'national policy' of the Boy Scouts." (Houston Chronicle, 8/19/88.)

* * * Achtenberg said "tough."

"'*That's just tough,*' responded Achtenberg." (Emphasis added.) (Houston Chronicle, 8/19/88.)

Achtenberg articulated her willingness to rely on economic terrorism to get her way.

"'Basically, we would shake our fingers at them and say you've got to be more diverse,' she said. 'But we would make make [sic] it clear that is the policy. *It's like holding the money in the left hand and wagging the finger with the right.*'" (Emphasis added.) (Houston Chronicle, 8/19/88.)

Nearly 2 years later, the United Way of the Bay Area announced its intention to reconsider a grant application made by the Mount Diablo Council Boy Scouts. The United Way was ready to accept the Boy Scouts plan to establish a gay inclusive program called "Learning for Life."

"The United Way of the Bay Area, saying it is satisfied with the Boy Scouts of America's plans for a separate national program that will include gays, announced yesterday that it will resume financing the organization.

"Scouts spokesman Blake Lewis said the organization will offer a 'subsidiary' program—called Learning for Life—that will be based in the public schools and provide activities similar to those of the Boys Scouts.

"'We recognize that we need to reach a different population with different requirements,' said Lewis. 'In no way does the establishment of this program send the message that we are altering our traditional values in scouting.'"

"The Bay Area United Way, which provided about $848,000 to six local scouting councils in the 1991 fiscal year, has challenged the Scouts' policy of barring gays. Several weeks ago, the Mount Diablo Council Boy Scouts lost a $9,000 United Way grant because they refuse to admit gays as members or troop leaders.

"The Mount Diablo chapter will be able to reapply for the $9,000 grant, United Way officials said." (The San Francisco Chronicle, 8/13/91.)

Although United Way's leadership applauded the Boy Scouts effort to compromise, * * *

"'*We're definitely applauding this move,*' said *John Stafford, vice president of community affairs* for the *United Way of the Bay Area.* "This is a sign that the Boy Scouts are not absolutely steadfast in hewing to their old line. But we are under no illusions that this meets United Way requirements.'" (Emphasis added.) (Chicago Tribune, 8/15/91.)

* * * Achtenberg was not satisfied.

"'Movement in Learning for Life, in the Boy Scouts of America and in scouting leadership will be when they no longer discriminate against lesbians and gays. That would be enough,' said Achtenberg, who is gay.

"'Do we want children learning the values of an organization that provided the Learning for Life program but has another part that provides character-building exclusively for straight, God-fearing male children?" (The San Francisco Chronicle, 8/13/91.)

Achtenberg lectured the Boy Scouts on "the essence of scouting."

"'The fact that they have created a second program that's school-based that have the Scout emblems attached to it and is open to girls or agnostics or atheists is nothing,' said Roberta Achtenberg, a San Francisco supervisor and United Way board member. 'This is clearly a second-class program. *It doesn't capture the essence of scouting.*'" (Emphasis added.) (Chicago Tribune, 8/15/91.)

Tom Ammiano, a member of San Francisco's school board, announced his intention to ban the Boy Scouts from public schools.

"Angered by what he called 'separate but equal' programs, San Francisco School Board member Tom Ammiano said he will call for a ban on Boy Scouts in district schools at today's school board meeting." (The San Francisco Chronicle, 8/13/91.)

In 1992, the United Way of the Bay Area's board, on which Achtenberg served, *voted unanimously* to withhold money from local Boy Scouts until they repudiated their national leadership.

"The board of United Way of the Bay Area voted unanimously Thursday to cut off funding for Boy Scout groups in five counties unless local troops repudiate a national Scouts policy excluding gays." (The Sacramento Bee, 2/21/92.)

The ransom was approximately $1.2 million a year.

"At stake is about $1.2 million per year, which makes United Way the Scout councils'

largest single donor." (The Sacramento Bee, 2/21/92.)

The United Way of the Bay Area based its decision on a report conducted by a task force it had instructed to study the issue of gays in scouting. The task force's chairman equated Boy Scout leadership to a laboratory which should be open to homosexuals.

"'*Boy Scout programs provide a laboratory for leadership,*' said Dave Wharton, a gay lawyer who cochaired a task force study of the issue. '*The door should be open to everyone.*'" (Emphasis added.) (The Sacramento Bee, 2/21/92.)

Achtenberg proclaimed the task force's report a "small masterpiece."

"San Francisco Supervisor *Roberta Achtenberg*, a lesbian who, like Wharton, sits on the United Way board, *praised the task force report* as '*a small masterpiece.*'" (Emphasis added.) (The Sacramento Bee, 2/21/92.)

As a member of San Francisco's Board of Supervisors, Achtenberg used her power in an attempt to punish Bank of America for its decision to grant the Boy Scouts $18,000. The bank had previously caved into pressure from homosexual groups who claimed the Boy Scouts discriminated against homosexuals.

"'*I have asked the treasurer to look into the extent and nature of the city's dealings with Bank America,*' Achtenberg said, 'to see how cumbersome or complex or costly it would be to consider using the services of another bank.'

"Achtenberg serves on the Board of Directors for the United Way of the Bay Area, the first major organization to cut donations to the Boy Scouts because of its anti-gay policy. She said that she was involved with discussions with Bank of America over its latest action.

"'The Boy Scouts have not changed their policy—contrary to alleged assertions from Bank of America that they have,' she said. '*We want to reacquaint the bank with the facts, and hopefully they will reverse themselves again.*'" (Emphasis added.) (The San Francisco Chronicle, 8/25/92.)

"The bank's claim there is no discrimination is 'without merit,' Achtenberg said. 'I am concerned that in the face of evidence showing continued institutionalized homophobia, the Bank of America continues to fund the Boy Scouts, and I feel the city and country is compelled to take action to show our strong disapproval.'" (The San Francisco Chronicle, 9/22/92.)

Achtenberg wanted to penalize the Bank of America $6 million for making a charitable decision contrary to her wishes.

PUNISHING THE BANK

"Also yesterday, Supervisor *Roberta Achtenberg introduced a resolution calling for the city to transfer $6 million out of the Bank of America.*"

"The money would be removed from several revolving and lockbox accounts." (Emphasis added.) (The San Francisco Chronicle, 9/22/92.)

Achtenberg felt her $6 million fine would return sensibility to Bank of America's officials.

"She had no specific reason for choosing $6 million, other than it seemed to be an amount that would get Bank of America's attention and make a statement, she said.

"'The transfer of $6 million to $7 million from the Bank of America will send a clear message that policies that foster and encourage discrimination will not be tolerated in our city,' Achtenberg said." (The San Francisco Examiner, 9/22/92.)

Achtenberg's resolution passed the board of supervisors' finance committee 3-0.

"The resolution, passed by a unanimous 3-0 vote by the Finance Committee Wednesday, will return to the full board Dec. 14." (The San Francisco Examiner, 12/3/92.)

Achtenberg's resolution then passed on December 22, 1992.

"San Francisco's supervisors voted yesterday to urge the city to pull $6 million from the Bank of America to protest the bank's decision to allow corporate donations to the Boy Scouts." (The San Francisco Chronicle, 12/22/92.)

San Francisco's Mayor Frank Jordan vetoed Achtenberg's measure which would have cost local taxpayers $30,000 and ignored the bank's history of charitable giving.

"But Mayor Frank Jordan vetoed the *resolution*, which *would have cost the city $30,000 in bank penalties*, calling it 'misdirected.' BofA, he said, 'has shown itself to be an outstanding corporate citizen that has a record of major gift-giving, including to gay and lesbian-interest groups.'" (Emphasis added.) (The Los Angeles Times, 12/30/92.)

Achtenberg vowed revenge.

"Supervisor *Roberta Achtenberg*, who sponsored the measure, said that she *will seek to override the veto.*" (Emphasis added.) (The Associated Press, 12/24/92.)

Despite Achtenberg's desires, San Francisco's Board of Supervisors failed to override the mayor's veto of her resolution.

"In a close vote that outraged many members of San Francisco's gay community, the city's Board of Supervisors yesterday failed to override a mayoral veto of legislation to pull city money from the Bank of America because of its support of the Boy Scouts.

"The attempted override, which failed by one vote, would have set aside Mayor Frank Jordan's rejection of a measure withdrawing $6 million from the bank. Supervisor Roberta Achtenberg sponsored the measure, which was approved by the board last month, after the Bank of America reversed an earlier decision and said it would continue to give money to the Scouts." (The San Francisco Chronicle, 1/5/93.)

Achtenberg was defiant to the end.

"'It was important for this city to say that we don't want to do all of our business with entities that yield to right-wing pressure,' Achtenberg said after the vote." (The San Francisco Examiner, 1/5/93.)

Interestingly, The San Francisco Examiner's City Hall reporter Jane Ganahl and KCBS Newsradio's City Hall bureau chief Barbara Taylor, suggested that Achtenberg merely used this entire issue to score political points with the gay and lesbian community, while trying to embarrass San Francisco's mayor.

"There was a lot of needless snorting and foot-stomping about Mayor Jordan's decision to keep $6 million in city money in the Bank of America despite the money in the bank's contributions to the Boy Scouts, which won't allow gay members.

"Here's the story:

"By the time the Board of Supervisors resolved to withdraw the money, a vote the mayor vetoed on Christmas Eve, BofA had already quietly withdrawn its bid for the account.

"City Treasurer Mary Callanan says she put the account up for competitive bids in September after Supervisor Roberta Achtenberg came to her looking for fiscally responsible ways to send a message to BofA and the Boy Scouts."

"Says one City Hall Insider: '*Roberta knew it was going to happen (the bidding) so she thought why not go ahead and do it and force the mayor to choose between the gay and lesbian community and the business community.*

"'I really think she thought she could strike a deal with BofA. In fact, *she had a meeting with them and asked them to give up something that wouldn't hurt her or them but would look like she fixed it. But instead it became a divisive issue that did nothing for the lesbian and gay community.*'" (Emphasis added.) (column, The San Francisco Examiner, 1/7/93.)

Although Achtenberg claims to have been representing her constituents, Rev. Lou Sheldon with the Traditional Families Coalition pointed out that, if confirmed, she would represent the entire country.

"San Francisco is not America. *She'll now be serving all Americans*, and *there's a big difference between San Francisco and Macon, Ga., or Bowie, Md.*" (Emphasis added.) (The Baltimore Sun, 5/9/93.)

Mr. Sheldon stopped short of making an excellent point. It should also be noted that there's a big difference between San Francisco and Norfolk, Va.; Nashville, Tenn.; Tucson, Ariz.; Harrisburg, Pa.; Kalamazoo, Mich.; * * *

Mr. LOTT. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from California [Mrs. FEINSTEIN].

Mrs. FEINSTEIN. I thank you very much Mr. President.

Mr. President, I rise to join and associate myself with the comments of the chairman of the distinguished Banking Committee and my colleague, Senator BARBARA BOXER from California, all of us strongly supportive of Roberta Achtenberg's nomination for Assistant Secretary of Fair Housing for the Department of Housing and Urban Development.

Mr. President, as you know, I was mayor of San Francisco for 9 years. It is the city of my birth. I have lived there all my life. I have had the opportunity to know, observe, and watch Roberta Achtenberg as a supervisor and as a citizen, and I believe she is in fact qualified to serve in this position and that she will do well, with distinction and merit and provide the kind of services of which the people of this Nation will be proud.

Roberta Achtenberg has been a civil rights attorney, a teacher of law, a San Francisco County supervisor. She has been named by our President to become this Assistant Secretary. Through her dedicated service she has fought hard to make life better for families, for women seeking child care, for tenants wrongly evicted, for abused women in need of shelter. Today, we can confirm this nomination and say to those Americans who are victims of housing discrimination—and yes it does go on—we care, we know your concerns and we mean business.

Most of all, we want in this position an advocate and an expert who will speak out to ensure that our housing laws are fairly enforced. I believe Roberta Achtenberg is well suited for this assignment.

She fought hard on the boards of supervisors to pass legislation that would establish occupancy standards for San

Francisco residential units to prevent discrimination against families with children, as well as to protect tenants against wrongful eviction.

She authored legislation to construct affordable housing for low-income families and to guarantee small businesses participation in the bidding for city contracts.

She worked to see the community development block grant funding from HUD was used to support domestic violence shelters.

And she authored two ordinances to improve safety and access for persons with disabilities.

She led the legislative drive to put in place a children's budget for San Francisco, a fund that today spends $10 million annually to benefit children, youth, and their families.

As an attorney, she has appeared in both State and Federal courts to argue cases ranging from family law to interpretations of the equal protection clauses of the U.S. Constitution. She is a member of the State bar in California. She is admitted to practice before the Federal district court in the northern and central districts of our State, and the U.S. Court of Appeals for the Ninth Circuit.

Her involvement in community affairs is extensive. She is a member of a number of organizations: The Bar Association of San Francisco, the California Women Lawyers Alliance, the Bay Area Women Lawyers Alliance, and Bay Area Lawyers for Individual Freedom.

She currently serves on the board of directors of the United Way of the Bay Area and Jefferson Elementary School Parents Teachers Association.

Mr. President, listening to the history that surrounded the Boy Scout issue in San Francisco, one would come to believe that Roberta Achtenberg alone on the United Way board changed the policy. And that is not the case. The United Way board of directors is 60 people. They range from chairmen of some of San Francisco's largest corporations: Chevron, PG&E, Shaklee, heads of educational institutions, and civic leaders. The 60-member board unanimously decided to discontinue support to five Boy Scout councils in the San Francisco area, because of its discriminatory membership policies.

The United Way has a policy of not funding organizations that discriminate on the basis of race, national origin, gender, age, disability, religion or sexual orientation. So protections against discrimination based on sexual orientation were part of the United Way's policy in 1986. Roberta Achtenberg did not become a member of that board until 1988. So what that board was doing was simply carrying out its own policy.

I want also to point out, Mr. President, that Roberta Achtenberg's nomination has received widespread support. It has been endorsed by the National Fair Housing Alliance and by housing organizations that range from Orange County, CA, to Oklahoma City, OK; from Buffalo, NY, to Detroit. Let me give you a few of them:

The Fair Housing Center of Metropolitan Detroit; the Fair Housing Congress of Southern California; the Fair Housing Contact Service of Akron, OH; the Fair Housing Council of Fox Valley, Appleton, WI; the Fair Housing Council of Louisville, KY; the Fair Housing Council of Orange County, CA; the Fair Housing Council of Oregon; the Fair Housing Council of Riverside, CA; Fair Housing Council of San Francisco; Fair Housing Council of Toledo, OH; the Housing Discrimination Project, Inc.; Housing Opportunities Made Equal for Buffalo; Housing Opportunities Made Equal for Greater Cincinnati; Housing Opportunities Made Equal for Richmond, VA; Housing Opportunities Made Equal for Northern Delaware.

Her support crosses this Nation. She is supported by African-American church leaders, including the Reverend Cecil Williams of Glide Memorial United Methodist Church, one of San Francisco's largest, with a membership of over 3,000 one of the most active churches in the area of housing; Father Jim Goode of St. Paul of the Shipwreck Catholic Church in San Francisco; the Chinese Community Housing Corp.; the National Center for Youth Law; and the San Francisco La Raza Lawyers Association. The list goes on and on.

Why? Because the answer is really simple. Roberta Achtenberg is a strong and positive person. She is not an extremist, as some would have us believe. She is a sound, stable person. To have a conversation with her, to know her personally is to know that.

She is an advocate for fair housing standards. That is what we want in this position. She is someone who will speak out to ensure that renters are not discriminated against because of another's prejudice or bigotry. So she has courage and we would want that also.

Mr. President, I submit to you that Roberta Achtenberg is the finest nominee we could hope to confirm for this position.

Her record is strong and consistent.

She has earned the respect of her peers and—more importantly—the people she will serve, who, after all, are the faceless, nameless residents who look for housing; the young mothers, who cannot afford child care; the disabled American, unable to rent quality housing; young parents turned away from housing because of their ethnic heritage.

This is an important appointment to a community that has often felt excluded from the decisionmaking process.

As U.S. Senators, it is our responsibility to confirm those who are qualified candidates for a President's administration. When we review the record, the quality and the credentials come across as being very positive, I believe, for Roberta Achtenberg.

This nomination was sent to us after careful review by the Senate Banking Committee. It enjoys bipartisan support.

It is my hope that the Senate will confirm this nomination quickly and reach the same bipartisan accord that is so richly deserved.

Roberta Achtenberg, I believe, has performed well in the past in local government and will perform well again and in the tradition of excellence. And, as she does, the doors of opportunity will open once again. Let us swing those doors open today, once and for all.

Thank you.

Mr. RIEGLE. Will the Senator yield?

Mrs. FEINSTEIN. Yes, I will.

Mr. RIEGLE. I just want to make a reference, and I will be very brief because I know the Senator from North Carolina is waiting to speak.

The Senator from California made a reference to the endorsement of a major national organization called the National Fair Housing Alliance.

I will ask unanimous consent to put into the RECORD shortly the list of people who participate in that national organization. But allow me to just assert that it is the premier organization in the country that deals with the question of housing opportunities and fair housing.

They have written a letter to me, dated April 7 of this year, in support of this nomination.

If I may, I want to just read three or four lines from it. I will not read it all, but I think it is relevant to the observation made by the Senator from California. They express here their "unqualified support of Ms. Achtenberg based on our review of her career in civil rights enforcement and her commitment to equal opportunity."

But listen to this:

> Members of the Executive Committee of NFHA and staff have had several meetings with Ms. Achtenberg. We have also spoken with fair housing advocates and her former colleagues in California and reviewed her career as an attorney, teacher, and public official. Her record is distinguished and impressive, and represents a life of personal commitment and professional expertise.

They go on to say:

> President Clinton has nominated a highly qualified, competent and motivated person for Assistant Secretary of Fair Housing and Equal Opportunity.

They then go on to say that they have also "discussed with Secretary of Housing and Urban Development Henry Cisneros the qualifications we believe are essential."

And they say:

> In our discussions with Ms. Achtenberg, we found her to be thoughtful about the law and its implications for our neighborhoods and

country; intelligent, revealed in the speed of her acquisition of knowledge of the acuity of her perception; sensitive to the needs of the victims of discrimination as well as the concerns of the housing industry; understanding of the role private fair housing organizations can and should play in the achievement of equal access to housing; creative and to the point in her approach to problem solving; and committed to the full enforcement of the fair housing laws.

And they conclude—I am omitting a paragraph or two, which will be included in the presentation of the letter in the RECORD—they conclude by saying:

We urge the Senate to expeditiously approve the nomination of Ms. Roberta Achtenberg.

I only take the time to say this in response to the Senator from Mississippi, because a question was raised as to qualifications.

I can say, in addition to the work done by the committee of jurisdiction here, which I am here representing, and the strong majority bipartisan vote within that committee, this organization, the National Fair Housing Alliance, I would say is probably the single most qualified outside body to assess the qualifications of this candidate. They have done so. They have given her a ringing endorsement, and I think properly so, based on her professional qualifications and readiness.

I hope that that would adequately respond to the questions raised in that area, because clearly this is an exceedingly well-qualified nomination.

I ask unanimous consent that the letter be printed in the RECORD.

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

NATIONAL FAIR HOUSING ALLIANCE,
Washington, DC, April 7, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR RIEGLE: At the quarterly meeting of the National Fair Housing Alliance on March 27, 1993, the Board of Directors voted unanimously and enthusiastically to support the nomination of Ms. Roberta Achtenberg as Assistant Secretary of Fair Housing and Equal Opportunity of the U.S. Department of Housing and Urban Development. This unqualified support of Ms. Achtenberg is based upon our review of her career in civil rights enforcement and her commitment to equal opportunity.

Members of the Executive Committee of NFHA and staff have had several meetings with Ms. Achtenberg. We have also spoken with fair housing advocates and her former colleagues in California and reviewed her career as an attorney, teacher, and public official. Her record is distinguished and impressive, and represents a life of personal commitment and professional expertise to the job because HUD has failed to effectively enforce the Fair Housing Amendments Act of 1988. As a result, there has been no decrease in segregation; and redlining and disinvestment by lending institutions and insurance companies has continued unabated in minority and integrated neighborhoods in the United States. President Clinton has nominated a highly qualified, competent and motivated person for Assistant Secretary of Fair Housing and Equal Opportunity to address these problems.

The National Fair Housing Alliance was founded in 1988 and represents private nonprofit fair housing agencies throughout the country. It is the only national organization whose concern is solely the elimination in the United States.

NFHA's constituent members, the private fair housing agencies, have compiled an impressive record of success in fair housing enforcement because they have combined vigorous representation of the victims of discrimination with equally vigorous advocacy for institutional change. Today these private fair housing organizations play an essential role in the education about and enforcement of the fair housing laws, effectively utilizing the system established by Congress and various states and localities, and complementing the work of the government enforcement agencies.

The members of the Alliance are dedicated to making all housing accessible regardless of race, color, religion, sex, familial status, disability or national origin.

In January, NFHA discussed with Secretary Henry Cisneros the qualifications we believe are essential in the Assistant Secretary for Fair Housing and Equal Opportunity. Secretary Cisneros expressed his complete confidence in Ms. Achtenberg's abilities to fill this position. Once we met with Ms. Achtenberg we agreed fully with the Secretary. In our discussions with Ms. Achtenberg, we found her to be thoughtful about the law and its implications for our neighborhoods and country; intelligent, revealed in the speed of her acquisition of knowledge and the acuity of her perception; sensitive to the needs of the victims of discrimination as well as the concerns of the housing industry; understanding of the role private fair housing organizations can and should play in the achievement of equal access to housing; creative and to the point in her approach to problem solving; and committed to the full enforcement of the fair housing laws.

The full enforcement of fair housing and fair lending laws is of crucial importance in this country. Discrimination affects not only individuals and families, but neighborhoods and communities. Lack of access to credit, racial steering practices, denial of homeowners insurance, concentration of subsidized housing in low income communities, and restrictive zoning laws have contributed significantly to the physical, economic, and social deterioration of our neighborhoods. We believe Ms. Achtenberg has an accurate perception of the complex nature of systemic discriminatory practices and will use the authority of the Office of Fair Housing and Equal Opportunity to promote the policy of the United States "to provide, within constitutional limitations, for fair housing throughout the United States." We firmly believe that under Ms. Achtenberg's direction there will be vigorous, positive and focused action to combat housing, lending and insurance discrimination.

We urge the Senate to expeditiously approve the nomination of Ms. Roberta Achtenberg as Assistant Secretary for Fair Housing and Equal Opportunity. If you have any questions or if we can provide additional information in support of Ms. Achtenberg's nomination, please feel free to contact us.

Sincerely,

WILLIAM R. TISDALE,
President.

Mrs. FEINSTEIN. Mr. President, before I yield the floor, I ask unanimous consent that a "Dear Colleague" letter sent by Senators RIEGLE, BOXER, LIEBERMAN, and myself be printed in the RECORD, with an attachment.

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

U.S. SENATE,
Washington, DC, May 18, 1993.

DEAR COLLEAGUE: We are writing to ask your support of Roberta Achtenberg, President Clinton's nominee for the position of Assistant Secretary for Fair Housing and Equal Opportunity at the U.S. Department of Housing and Urban Development. On May 5, 1993, the Committee on Banking, Housing, and Urban Affairs favorably reported her nomination by a vote of 14 to 4.

The Assistant Secretary of Fair Housing and Equal Opportunity is responsible for policies and programs affecting fair housing and equal opportunity in housing and matters relating to civil rights. The Assistant Secretary plays a critical role in eliminating discrimination in our nation's housing markets.

We believe Ms. Achtenberg brings with her a wealth of experience as a civil rights attorney, law school dean, and local elected official that will significantly enhance the ability of HUD to address problems of housing discrimination and lack of equal opportunity for all citizens. As an elected member of the San Francisco Board of Supervisors, Ms. Achtenberg has also been a strong advocate for the rights of families and children.

Among the many letters of support the Banking Committee has received from organizations and individuals that are familiar with Ms. Achtenberg's work and abilities, were letters from the National Fair Housing Alliance, the National Organization of Women, the National Center for Youth Law, and numerous fair housing groups from across the nation. Attached is a list of these organizations and individuals that endorse her nomination.

We strongly support Ms. Achtenberg's nomination as Assistant Secretary for Fair Housing and Equal Opportunity at the U.S. Department of Housing and Urban Development and we ask you to join us when her nomination comes before the full Senate.

Sincerely,

Barbara Boxer, Donald W. Riegle, Jr., Dianne Feinstein, Joseph I. Leiberman, Carol Moseley-Braun, Paul S. Sarbanes, Patty Murray, Paul Wellstone.

ROBERTA ACHTENBERG

Art Agnos, Former Mayor of San Francisco.

Asian Law Caucus, San Francisco, California.

Austin (Texas) Tenants' Council.

Bar Association of San Francisco.

Baltimore Neighborhoods, Inc.

Dr. Paul Brest, Professor of Law and Dean, Stanford Law School.

The Honorable Willie Lewis Brown, Speaker of the Assembly, California Legislature.

California A.D.A.P.T.

California State Association of Counties.

Central Labor Council of Contra Costa County, AFL-CIO, California.

Chinese Community Housing Corporation, San Francisco, California.

Chinese for Affirmative Action of San Francisco, California.

Coleman Advocates for Children and Youth, San Francisco, California.

Community Investment Corporation, Chicago, Illinois.
Council for Concerned Citizens of Great Falls, Montana.
The Honorable Gray Davis, Controller, State of California.
East Palo Alto Community Law Project, California.
Eden Council for Hope and Community, California.
Equal Rights Advocates, San Francisco, California.
Equal Opportunity Department, City of Grand Rapids, Michigan.
Fair Housing Center of Metropolitan Detroit.
Fair Housing Congress of Southern California.
Fair Housing Contact Service of Akron, Ohio.
Fair Housing Council of Fox Valley, Appleton, Wisconsin.
Fair Housing Council of Louisville, Kentucky.
Fair Housing Council of Orange County, California.
Fair Housing Council of Oregon.
Fair Housing Council of Riverside, California.
Fair Housing Council of San Francisco, California.
Fair Housing Council of Toledo, Ohio.
Ms. Sarah Flanagan, Esq., San Francisco, California.
Mr. Al From, Democratic Leadership Council.
Dr. Peter Gabel, President, New College of California.
Mr. Jim Gonzalez, FHP Health Care, Emeryville, California.
Father Jim Goode, Church of St. Paul of the Shipwreck, San Francisco, California.
F. Kinsey Haffner, San Francisco, California.
Health Department of the County of Santa Clara, California.
Mr. Robert Herr, Esq., Pillsburg, Madison, and Sutro, San Francisco, California.
Mr. David Hopman, Esq., San Francisco, California.
Housing Discrimination Project, Inc.
Housing Opportunities Made Equal for Buffalo, New York.
Housing Opportunities Made Equal of Greater Cincinnati, Inc.
Housing Opportunities Made Equal for Richmond, Virginia.
Housing Opportunities of Northern Delaware, Inc.
Instituto Laboral De La Raza, San Francisco, California.
International Association of Human Rights Agencies.
Japanese American Citizens League.
Mr. Michael A. Kahn, Esq., Folger and Levin, San Francisco, California.
Mr. Leopold Korins, Chairman and CEO, The Pacific Stock Exchange, Inc., San Francisco, California.
La Raza Centro Legal, Inc., San Francisco, California.
Mr. B.N. Lastra, San Francisco, California.
Lawyers' Committee for Civil Rights Under Law of the Boston Bar Association.
Local 2 Hotel Employees and Restaurant Employees Union, San Francisco, California.
Marin Housing Center, San Rafael, California.
Ms. Shauna Marshall, San Francisco, California.
The Honorable Leo McCarthy, Lieutenant Governor, State of California.
Metro Denver Fair Housing Center.
Metropolitan Fair Housing Council of Greater Oklahoma City.
Midpeninsula Citizens for Fair Housing, Palo Alto, California.
Mission Community Legal Defense, Inc., San Francisco, California.
Mr. Bob Mulholland, Political Director, California Democratic Party.
National Association of Human Rights Workers.
Nationtal Center for Youth Law.
National Fair Housing Alliance.
Northwest Indiana Open Housing Center.
Pacific Gas and Electric Company, Oakland, California.
Religious Action Center of Reform Judaism.
Ms. Shelley Elvira Salieri, San Francisco, California.
San Francisco City and County Human Rights Commission.
San Francisco Black Fire Fighters.
San Francisco Labor Council.
San Francisco La Raza Lawyers Association.
San Francisco Medical Society.
San Francisco Physically Disabled Quorum.
The Honorable Kurt Schmoke, Mayor, City of Baltimore.
Seattle Human Rights Department.
Mr. James Seff, Esq., San Francisco, California.
Mr. Walter Shorenstein, The Shorenstein Company, San Francisco, California.
South Suburban Housing Center, Homewood, Illinois.
The Honorable Jackie Speier, Majority Whip, California Legislature.
Ms. Roselyne C. Swig, San Francisco, California.
Suburban Philadelphia Fair Housing Council.
Texas Commission on Human Rights.
United States House of Representatives, California Delegation, Democratic Members.
United Way of the Bay Area, San Francisco, California.
The Honorable Doris M. Ward, Assessor, City and County of San Francisco, California.
Westside Fair Housing Council, Los Angeles, California.
Rev. Cecil Williams, Glide Memorial United Methodist Church, San Francisco, California.

Mr. HELMS addressed the Chair.

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

Mr. HELMS. Mr. President, I wonder if the distinguished Senator from California would clear up a couple of things in my mind.

She mentioned the resolution before the board of supervisors. Who offered the resolution?

Mrs. FEINSTEIN. The resolution before the board of supervisors, I would hypothesize, but I will check it out, that Supervisor Achtenberg did.

Mr. HELMS. That is correct.

Now the second question, if the Senator would indulge me: Did the mayor veto that resolution that was passed by the board of supervisors?

Mrs. FEINSTEIN. He may well have. I believe he did.

Mr. HELMS. He did; of course he did.

Was that veto upheld by the board of supervisors?

Mrs. FEINSTEIN. That is correct.

Mr. HELMS. I thank the Senator.

Now the truth of the matter is, Mr. President, that the board of supervisors, who yielded in the first place—they felt the heat and they saw the light, which is what happens a lot of times in the political arena.

Let me say at the outset that we have had great difficulty answering the telephone calls coming to my office. As a matter of fact, in all three of my offices—two in North Carolina and one here, of course—we have had literally hundreds of calls, with fewer than 2 percent coming from supporters of the nominee.

At least one-third of the calls, for the first 2 or 3 days last week when they really began to roll in came from San Francisco. They said, in effect, time and time again, "Tell old Jesse to hang in there."

Well, it is not a matter of Jesse hanging in there. It is the American people hanging in there with their resentment of what is about to take place.

And any Senator who assumes that this is not a national issue should be advised that it is. Not because it is just a nomination, but because we are crossing the threshold into the first time in the history of America that a homosexual, a lesbian, has been nominated by a President of the United States for a top job in the U.S. Government. That is what the issue is.

If any Senator thinks, Mr. President, that the American people do not understand that issue, maybe one of his or her constituents will explain it.

Mr. President, about 8 months ago the Senate unanimously passed on a voice vote an amendment that one of the Senators offered—modesty prevents my identifying the Senator—that was intended to remove from the Combined Federal Campaign (the Federal Government's charity drive among Federal employees) those charities that had demanded things of the Boy Scouts of America that should never have been demanded.

And what were those demands? Senator LOTT stated it well. First, San Francisco Supervisor Achtenberg and other leaders in the San Francisco homosexual movement demanded that the Boy Scouts do two things in San Francisco: One, allow homosexuals to be Scoutmasters; and two, remove all this crazy business, as TRENT LOTT put it, about faith in God and country.

Do you know what the Boy Scouts said? A great guy named Buford Hill—who was the Boy Scouts regional director in San Francisco when Miss Achtenberg was leading the charge against them—told the homosexuals and the local United Way, "The Boy Scouts' values are not for sale no matter what the price is."

Hurrah for him.

Then Blake Lewis, the Scout's national spokesman at their headquarters in Texas, put it this way: "The Boy Scouts' policy has always been the

same. We support traditional family values. We don't believe homosexuals provide a role model consistent with those family values. The Scout Oath and the Scout Law are not up for sale."

Mr. President, that is the issue here this afternoon. I do not know how the vote is going to come out when we vote, if we vote. But I do know that any Senator who assumes that this is just a ship passing in the night had better prepare a good explanation for when he goes home and confronts his constituents.

Sometime, maybe this week or the first part of next week, the Senate is going to vote whether to confirm the President's nominee to be the Assistant Secretary of the Department of Housing and Urban Development's Office of Fair Housing and Equal Opportunity.

My colleagues from California, Senator RIEGLE and others, talk a lot about fair housing. But of course, everybody believes in fairness. So, fairness is not the issue.

However, if fairness was the issue, then the Boy Scouts, and others whom this nominee has used her power of public office to discriminate against, are entitled to some fairness.

You cannot gloss over what the issue is. You cannot pass it by. It is there on the record and I am going to voice it.

The issue is that President Clinton has nominated for a powerful Government post a woman who led the efforts—I repeat, led the efforts—to intimidate San Francisco's Boy Scouts into discarding the principles for which the Boy Scouts of America have stood for the better part of a century.

The nominee is, of course, Roberta Achtenberg, who has, in my judgment, abused her responsibilities as a member of the San Francisco Board of Supervisors—which is San Francisco's equivalent to a city council.

Let me say again, the American people are watching this issue. They know what is going on. TRENT LOTT had it exactly right.

Mr. President, I was in North Carolina Saturday, and Sunday, and Monday, attending the graduation ceremonies of our oldest grandchild who received his diploma from Wake Forest University. I do not know how many people I talked with but this issue was the first thing they mentioned.

"Are you going to let that woman through?" I replied, "No, not with my vote. The Senate may decide otherwise. There are plenty of times when I am not on the winning side. But I am going to do the best I can."

It is like my father told me many years ago. He said, "Son, the Lord does not require you to win. But He expects you to try." And I am trying. And I may not be on the winning side and the liberal news media, predictably, will say, "Ha, ha, ha, Helms got beat again." But that does not bother me.

Mr. President, it is well known that I oppose this nomination. But my opposition is not merely because the nominee is a lesbian. It is because she has been a militant activist, demanding that society accept as normal—as normal—a lifestyle that most of the world's religions consider immoral and which the average American voter instinctively finds repulsive.

She has stated—I think boasted is the better word—that she considers the values of the Boy Scouts of America to be a threat to America's children. And, as TRENT LOTT said—I cannot believe she said it. But she said it—the Boy Scouts of America are a threat to America's children.

What is the Latin expression, reductio ad absurdum—yes, it is absurd. But she said it. It is a matter of public record. And as far as I know, she has not retreated 1 inch. She objects to the Boy Scouts because the Scouts pledge their allegiance to God. Oh, what a terrible crime. And because the Boy Scouts refuse to allow homosexuals to come in and take over. And God knows what else she finds objectionable about the Scouts' commitment to traditional values.

I believe Senator LOTT read the San Francisco Chronicle's quote from Miss Achtenberg, but it deserves to be quoted again—she asked this question: "Do we want children learning the values of an organization that * * * provides character-building exclusively for straight, God-fearing, male children?" That is the question that this nominee posed to the citizens of San Francisco.

Seriously. And JESSE HELMS is expected to vote for her? No. Bill Clinton, it will not happen. It will not happen. I will never vote for anybody who tears down the values of the Boy Scouts of America.

So, the specifics of this episode with the Boy Scouts deserve noting. As a local United Way board member, this nominee, Roberta Achtenberg, voted to deny the Boy Scouts any United Way assistance or contributions. In addition, as a city supervisor she introduced resolutions—and I am repeating all this for the purpose of emphasis—which called on the city of San Francisco to penalize an innocent third party in this matter, namely, the Bank of America. And what did the Bank of America do, that displeased this nominee so much? The Bank of America had the audacity to resume its private corporate funding and contributions to the Boy Scouts of America in San Francisco.

What a terrible sin. But that is what fueled the ire of this woman, who is now the nominee on which we must pass judgment.

Ms. Achtenberg introduced another resolution calling on the city's congressional delegation to unilaterally amend the Scouts' congressional charter. Boy, this woman meant business. She was really after the Boy Scouts. She wanted to grind them under her feet unless they agreed to allow homosexuals to be Scoutmasters. And unless they banished the word "God" from their pledge, she was determined to bring them down.

And Bill Clinton sends this nomination up here and expects the Senate to confirm her. The Senate may in fact do that, but they will not do it with the vote of JESSE HELMS.

Finally, Mr. President, Miss Achtenberg—behind the scenes—urged the San Francisco School Board to kick the Scouts out of the public schools. They could not have any meetings there. Oh, boy, that sinister Boy Scout organization; it is such an evil, evil organization we must sweep everything clean according to this nominee, who the President has now nominated to a high-level post at the Department of Housing and Urban Development.

However, as Senator LOTT said, her all-out campaign against the Boy Scouts is just one example—just one example—of the kind of tactics she uses when she meets opposition to her lifestyle. Call it gay-bashing, if you want to. I do not call it that. I call it standing up for America's traditional family values.

It never mattered whether she was attacking the Scouts or whether she was energetically defending San Francisco's sex clubs—and she did that; it is a matter of record—or whether she was criticizing the mayor of San Francisco for having the temerity to veto her draconian resolution—the one about which I asked the Senator from California a minute ago. Her commitment to complete victory for her lifestyle was, and is, always unyielding and uncompromising.

Mr. President, this pattern throughout her career, this pattern of intolerant—dare I say self-righteous behavior; I do not know whether the word fits or not. But she is pushy, demeaning, demanding; she is a mean person, mean-spirited.

You should hear what the people from San Francisco say about her, who have called by the hundreds telling us to hang in there. And if anybody from San Francisco is looking or listening on C-SPAN, we are hanging in there. I do not know what the ultimate outcome will be, but we are doing the best we can. Maybe they ought to talk to their two Senators from California.

Mr. President, the single-minded narrowness of her career choices, limited almost exclusively to homosexual and lesbian activist positions, justifiably raises questions not only about her temperament, but whether she will come to HUD with a militant social agenda that she intends to push, with the help of the powers of her office. If this nominee is confirmed by this Senate, she is going to have a lot of power to decide who gets money from Uncle

Sugar and who does not. It may not bother any other Senator in this body, but it bothers me.

Mr. President, her singularly limited career also calls into question her qualifications for the job for which she has been nominated. For example, she has acknowledged publicly that she cannot be characterized as a fair housing lawyer despite what we have heard on this floor this afternoon. She herself essentially says, don't call me a fair housing lawyer, much less an expert. She told the Washington Times, "I'm not a fair housing expert by a long shot"—and that may be the understatement of the year.

Then she goes on to say: "I've done public-interest law, and in my capacity as a county supervisor, I've dealt with housing issues, but I'm not a fair housing lawyer."

But that did not prevent her from going to Bill Clinton after the election—after people who share her lifestyle, according to credible reports, had laid a million dollars in the campaign hands of the then-candidate and, the now-President of the United States. And she stipulated, Mr. President, she stipulated that she wanted this job—this specific job.

It is open to question, I suppose, whether she will bring an activist social agenda of her own into HUD. But it is disturbing, is it not that she personally lobbied for this specific position?

One of the newspapers had a quote back in February, I think it was, saying that Achtenberg "freely admits she lobbied Mr. Clinton for the post," meaning this one—not some other post, this particular one. And she said, "I told him of my interest in working for HUD because of my experience in working as a civil rights lawyer. I have to say that I'm thrilled and delighted." You bet she was, Mr. President, you bet she was thrilled. "It's perfectly consistent," she said, "with my interests as a legislator and as a civil rights lawyer."

Mr. President, I think she is telling us in advance what she is going to do once she is confirmed. She is prepared to use this position, entrusted to her by the President of the United States in the name of the American people, I might add, as a reminder to the President who made this mistake, in my judgment. This nominee is going to promote her civil rights agenda, an agenda which has targeted a private organization—the Boy Scouts of America, among others—for intimidation. This is not just something pulled out of the air. It is in the public record.

Mr. President, this country of ours is in for a lot of trouble down the road, and maybe not very far down the road, if this woman is confirmed and if her tenure at HUD is consistent with her past activities as a homosexual and lesbian rights lawyer and San Francisco supervisor. Even a brief overview of her past should give us fair warning. Let us look at a little bit of her career.

Before being elected to the San Francisco Board of Supervisors—where she launched her campaign to force the Scouts to accept homosexuals, Ms. Achtenberg was a founder and the director of the National Center for Lesbian Rights. I did not hear the distinguished chairman of the committee mention that, and I do not blame him for not mentioning it.

Prior to that job, she was the directing attorney for the Lesbian Rights Project. And before that job she served as a staff attorney for the Bay Area Lawyers for Individual Freedom, which is another homosexual rights group.

Her one scholarly achievement, if you want to call it that, was serving as the editor of a voluminous legal textbook bearing the title, "Sexual Orientation and the Law," a rather comprehensive treatise on artificial insemination, homosexual child custody, adoption and foster parenthood issues, as well as ways to expand the definition of family to include homosexual couples in order to obtain health care and employment benefits for homosexuals and their so-called "domestic partners."

And let me put in parenthetically, she and her female partner—I do not think they are married—but her lesbian partner, whatever she calls her, is a judge in San Francisco, and she was artificially inseminated and gave birth to a little boy.

Mr. President, about a year ago, the two took the little boy for a ride in the so-called Gay Pride parade down through San Francisco. On the back of an open automobile sat Judge Morgan and Miss Achtenberg with their child in between them. At various points, they hugged each other and at one point, they embraced and kissed each other fervently—sending a message to the people watching the parade and to the people watching by way of television.

And the President wants this lady? We are crossing the threshold. I am not sure the Senate will be proud of what it has done after the fact.

Mr. President, I should also note that the Pacific Southwest region of the U.S. Forest Service is in the process of adopting almost the entire homosexual rights agenda set out by Achtenberg in her book. As I believe I have said, that agenda includes everything from redefining the family—see, she has a family, she is married, or committed to another woman, and they have a little boy—as I say, from redefining the family to include homosexual couples, to extending Government employee health insurance and housing benefits to the so-called domestic partners of homosexuals and lesbians.

It is noteworthy that the U.S. Forest Service's taxpayer funded report—detailing how to implement Miss Achtenberg's agenda—specifically acknowledges the task force's indebtedness to Miss Achtenberg for her help in putting the Forest Service report together.

I think this is significant because in her position at HUD she will be charged with implementing and issuing regulations concerning the Fair Housing Act as well as parts of the Americans with Disabilities Act. The Disabilities Act, as has been pointed out in the past on this floor, illogically defines as "disabled" anybody who "might be perceived as HIV positive." Obviously, it is possible that Miss Achtenberg, as Assistant Secretary for Fair Housing and Equal Opportunity—which is HUD's civil rights office—can be expected to use that phrase to extend the special benefits of that law to the entire homosexual community. And nobody knows how much that will cost the American taxpayers.

So based on her history of militant activism in the cause of her movement, I for one cannot and will not vote to confirm this nominee to such a powerful position—where she can impose her agenda on the rest of the country and the American people.

(Mr. CONRAD assumed the chair.)

Mr. HELMS. Now, then, let me conclude with a few things that may be of interest. Some of them will be repetitious maybe, but we had these charts made for the purpose of emphasis.

Mr. President, as you can see from these charts, she abused her office as a San Francisco city supervisor to launch an attack on the Boy Scouts. She successfully denied the Boy Scouts of America the use of public schools. She demanded that the local United Way stop its financial assistance to the Boy Scouts, and she ordered the city of San Francisco to stop doing business with the Bank of America because the bank continued to support the Boy Scouts.

You recall I said that I could not believe what this lady said about the Scouts, nor can anybody else. Of course, she said it mockingly. Bear that in mind as you read along with me the words of this nominee: "Do we want children learning the values of an organization that provides character building exclusively for straight, God-fearing male children?" The San Francisco Chronicle carried that quote on August 13, 1991.

When the Boy Scouts' leadership protested that the policy demanded by the local United Way chapter violated longstanding national Scout policy, Achtenberg said, "That's just tough," and she boasted the advantages of economic terrorism. She said, "It's like holding money in the left hand and wagging the finger with the right." That was in the Houston Chronicle down in Texas on August 19, 1988.

So you see the pattern started a long time ago, and that is the reason I am showing these few items in conclusion.

Third, she said, "They (the Boy Scouts) are not entitled to enjoy the benefits of funding that is collected from us all. And they are not entitled to special treatment when it comes to access to public money, public schools, public buildings, and the like." That was on CNN.

Now, you know something, it was OK for the people who shared her lifestyle to use the public schools. She voted to approve that. But not those evil Boy Scouts, those dangerous Boy Scouts. We must not let them use the schools.

One more quote.

"The action"—meaning the San Francisco Board of Supervisors' approval of Achtenberg's resolution urging San Francisco to pull $6 million from the Bank of America—because the Bank of America kept on sending a little money to the Boy Scouts—"will send a message to the youth of this city that this board will stand up for what is right."

The problem with that statement is it proved not to be so. Hooray for the mayor of San Francisco. He vetoed her little resolution, and the sycophants on the council who helped her pass it also could not overturn the Mayor's veto.

Mr. President, we used to have a fine gentleman down in North Carolina named Hubert Sewell, whose father was chief justice of our State. All of us called Mr. Sewell "Chubb" because he was a little bit chubby. He is said to have made three fortunes, and he gave two and a half of them away building churches in the sandhills of North Carolina. Chubb would always finish his religious sermon, speeches, or whatever—and when he got through, he said, "Call your next case." So I say in the words of the immortal "Chubb" Sewell, Mr. President, "Call your next case."

I yield the floor.

Mr. RIEGLE and Mr. WALLOP addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. RIEGLE. Mr. President, before the Senator leaves, may I just pose a question to him. There was a story in the Washington Times on May 6, and it attributes a quote to you and I just want to know whether it is an accurate quote or not. Here is how the paragraph directly from the paper reads.

Mr. HELMS. I anticipated that you would bring that up. Go right ahead.

Mr. RIEGLE. I just want to know if it is accurate or not.

Mr. HELMS. Let me give you the circumstance——

Mr. RIEGLE. If I may, let me just read this——

Mr. HELMS. Fine.

Mr. RIEGLE. So that people will know what we are talking about.

Mr. HELMS said he would try to block the nomination when the full Senate brings it up, which could be as early as today, "Because she's a damn lesbian. I am not going to put a lesbian in a position like that. If you want to call me bigot, fine."

My question to you, is that an accurate quote?

Mr. HELMS. That is largely correct. I'm not sure about the "damn," but everything else I know is accurate. And I am surprised that the distinguished chairman welcomes this nominee without a word of wonderment about her career or about her lifestyle or anything. As a matter of fact, I was there. I thought you had the Queen of England before you.

As far as the word "damn" is concerned, I don't recall saying it.

Mr. RIEGLE. In any event——

Mr. HELMS. Just a minute. You asked me. Allow me to answer the question.

Mr. RIEGLE. Well, you have answered my question.

Mr. HELMS. No, I had not. The reporter stopped me when there were maybe 200 people waiting to get on the trolley downstairs in the Capitol. It was difficult to hear. I do not recall having said that. And if your research assistant did his job, he would give you the second comment which appeared the next day when I said "it does not sound like me, but I may have said it." But what I said about not wanting her to be confirmed to this position, you bet.

Mr. RIEGLE. Let me just ask you this. You have given me multiple answers. The first answer I heard you give is that you in fact say you did say this, maybe except with the use of the word "damned." Is that correct?

If you said that, I just want to know. It is here in quotes. If this is what you said, I want to know in fact you said it. If it is not, then let us correct the record. I want to be clear on it because I want to say something about it in a second, but I do not want to misquote you if you were misquoted. If you were misquoted let us correct the record now. If you are not——

Mr. HELMS. Did the Senator understand what I just said?

Mr. RIEGLE. I understand the first part.

Mr. HELMS. There were multiple answers as you call them.

Mr. RIEGLE. What I am asking you is this.

Mr. HELMS. What did I say that confused you?

Mr. RIEGLE. If I may have the floor, I am asking the question that if the quote attributed to you in the Washington Times is accurate, whether in fact you said this. I will repeat it to you again to see if it sounds like what you said.

You said that you were going to block the nomination "because she is a damned lesbian and I am not going to put a lesbian into a position like that. If you want to call me a bigot, fine."

End of quote.

Did you say that?

Mr. HELMS. All except——

Mr. WALLOP. Mr. President, point of order. I think it is the appropriate rule of the Senate that the questions are addressed through the Chair and not "you."

The PRESIDING OFFICER. The Senator is correct.

Mr. RIEGLE. Again, I pose the question through the Chair to the Senator from North Carolina as to whether or not that is an accurate quote. Did you say this? I would like just a simple yes or no.

Mr. HELMS. Mr. President, I will go ahead and answer it again and again and again. I do not know what the Senator is trying to prove. It is accurate, as I recall it, except for the use of the word "damn." I very well may have said that, Senator. Make what you will of that.

Mr. RIEGLE. Mr. President, the reason I did that, because I do not want the Senator to be misquoted if he was. He has made that clear. He was quoted accurately.

I think the quote says a great deal. What it says is that everything we have heard here is not about the Boy Scouts. It is about what we just heard right here off this quote in this Senator's opinion. Not about the Boy Scouts. The Boy Scouts is a diversion really in terms of this statement which came much earlier than the statements of today. And, frankly, I find it a very disturbing statement.

I find it is a very disturbing statement because I think any statement of this kind that in effect—I mean I am not inserting the word bigotry here. That comes out of the quote. I am concerned here that we evaluate people based on their qualifications.

I raised this issue in the committee. The Senator from North Carolina did come to the committee. I always welcome Members of the Senate to come and sit in the committee meetings. He was welcome that day to do so, and was there, as I recall, for most of the period of time that the witness was before the committee.

I said at one point in that proceeding—I want to just repeat it verbatim because I want this in the RECORD at this point. I was commenting about the fact of her exceptional professional qualifications for this job, which have been attested to by the National Fair Housing Alliance and some others around the country in the best position to make that evaluation.

I am on this strict solid professional qualification. I finished making that comment. I will not read all of that right now. But I will put that in the RECORD by saying that I supported her nomination. Then I made this comment. I want to repeat it today. I said to her, so it is in that tense:

In a sense you are crossing one of those invisible lines that we have in our society in

terms of this issue that is there raised by some with respect to sexual orientation. I think it has no part in the suitability of you to serve in this job. And I think that the days in which we screen people out for whatever reason—we have done it for a long time on the basis of gender, you know. I am very fortunate on this committee, as we all are, to now have three new members of this committee who are women Senators. I served in the Senate when we did not have any women Senators. I think we are a better Senate when we really represent the whole country, and where everybody has a fair chance and an equal chance to participate.

And that is just one illustration. Senator Carol Moseley-Braun, who is also a member of this committee, has been the first person in effect to cross the color line, which should not exist in our society but does, to come here as an African-American woman in the United States Senate, and I am just proud of the fact that I feel privileged to be here at a time when that happened.

And this country is for everybody. It is not just for some. And the duties and responsibility of citizenship, including service, fall to everybody not just to some.

And I realize though there may be people who will, for reasons of their own orientation or perspective or philosophy or whatever drum they may be beating, will want to take issue with you for reasons that are, I think, totally extraneous to your capacity to serve your country. And the fact that you are willing to serve off this background of experience that you bring, to me is an affirmation of what we are looking for in this country in terms of people who want to serve and who will serve and who have the capacity to serve.

So I think it is important that we separate what is important from what is not in terms of you here as a nominee, and the fact that you may be the first person to come and sit in a nomination seat in this situation such as you do. You won't be the last. You will be the first. And someone had to be the first, and I am glad it is you.

I will just continue by saying the Senator from North Carolina and I have served in the Congress now for a long period of years. This is my 27th year of service. I do not from memory know precisely what the length of the service of the Senator from North Carolina is.

I have seen many nominations come through here from seven different Presidents. And I have seen them with every manner of qualification. I have seen a lot of them with very little, in effect almost no relevant qualification. We saw a lot of those, I might say, over the last 12 years. Many of them ended up serving, regrettably, and some still serve, regrettably.

This nominee is highly qualified by any fair standard of judgment. This candidate is highly qualified for this job. The question here simply is she to be disqualified, disqualified on this one issue that is being raised?

You can study the documents of this country in terms of the Bill of Rights, the Constitution, all of our founding documents, and we do not make differentiations on the basis that I think is being suggested here today as to who can serve and who cannot serve, and who is a full citizen and who is not a full citizen. If you are a citizen of this country, you have an obligation to serve. And if you are qualified and you step forward, you ought to be judged only on the basis of your qualification, not skin color, not ethnic background, not sexual orientation, or some other notion that a given Member of this body or some other place may have their own personal feeling about.

I do not like the quote in the Washington Times. I think it is distasteful. I think it reflects poorly on the U.S. Senate. It ought to be said.

I was hoping the Senator from North Carolina would have said, no, I did not say that. But he did say it. He has acknowledged saying it.

That is not the standard we ought to use around here. It is a better country than that. The standards that ought to apply to people in this country ought to be equal standards, and they ought to be fair standards, and they ought to be based on qualification.

And if somebody comes forward after years of hard work and professional accomplishment and is nominated by the President of the United States, and comes before a Senate committee and responds appropriately to the questions, and is highly regarded within the profession in which she serves, and comes out of the committee with a vote 14 to 4, on a very strong bipartisan basis, that says something. It says the kind of thinking that I quoted out of the Washington Times was not what was in operation, at least in terms of the vote that was finally cast in that committee, with the members of our committee.

There do have to be some standards. There have to be some standards of decency.

Mr. WALLOP. Mr. President, the Senator treads very close to the rule, and I make a point of order.

Mr. RIEGLE. Mr. President, I do not yield.

Mr. WALLOP. I am raising a point of order. The Senator is treading very close to the rule which prohibits personal attacks.

The PRESIDING OFFICER. The Senator from Michigan has the floor.

Mr. RIEGLE. I thank the Chair. I know where that line is, Senator.

So I just say to my colleagues that we have seen, I think, other occasions where people get targeted with tactics and insinuations and so forth to try to discredit them and somehow make them unworthy both in terms of how——

Mr. HELMS. Mr. President, I raise a point of order. The Senator is out of order, and I hope the Chair will rule. If the Senator wants to do that, I will go back to the Keating case.

The PRESIDING OFFICER. The Senator from Michigan has the floor.

Mr. HELMS. I resent what the Senator has said.

The PRESIDING OFFICER. The Senators will confine their remarks to the issue before the body.

The Senator from Michigan has the floor.

Mr. RIEGLE. Mr. President, I think there has to be one standard that we apply here, and it has to apply to all people in our society: The standard of their qualification to serve and whether they are prepared to serve, based on the work they have done, their presentation of their bona fide and professional background before the committees with which they come for assessment. That has been done here.

This is a solid, competent, highly qualified candidate. She has as much right to serve in this Government, based on qualification, as any other citizen in this country. It is just as simple as that. It is not about the Boy Scouts or anything else. It is about her qualifications and her readiness to serve. She meets that test.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Ms. MOSELEY-BRAUN. Mr. President, I rise in support of the nomination of Roberta Achtenberg for the position of Assistant Secretary of Fair Housing and Equal Opportunity at the Department of Housing and Urban Development. I was pleased to be able to vote for her at the Banking Committee, and I am proud that I will have an opportunity to cast a vote in favor of confirming her on the floor.

I might add, Mr. President, I stand here on the floor this afternoon with real pride for my chairman, the chairman of the Banking Committee, for his spirited defense of what I think is best in America, for his spirited defense of, the fundamental values that undergird this democratic system.

Mr. President, when I voted on this nomination in the committee, I was proud to do so. I listened closely to the testimony of Ms. Achtenberg. I would like to quote something that she said in the committee testimony.

She said:

> My parents came to this country believing if they worked hard enough, they would succeed. They sent their children to college, even though they never even went to high school. My parents endured discrimination so that their children might be free. The privileges I now enjoy by virtue of their hard work imposes upon me an obligation—not just to take care of myself and not just to provide for my loved ones and my child, but to contribute my skills and my energy to the well-being of the community.
>
> I have been a public interest lawyer, a teacher of public interest lawyers, a civil rights advocate, a defender of the children of lesbian mothers and gay fathers, and an elected official. Should I be granted the opportunity to become an Assistant Secretary, I will do my best, with a deep sense of responsibility, to serve the Nation that gave my parents and my family such boundless opportunity. It would be a remarkable privilege.

Mr. President, Ms. Achtenberg and President Clinton know that we are a multicultural, pluralistic society. And they know that the American dream of opportunity is for all of us and not just some of us. We are African-Americans, Polish-Americans, Hispanic-Americans, Irish-Americans, Asian-Americans, Greek-Americans, and we are female as well as male; we are gay and lesbian as well as straight.

One reason for Bill Clinton's victory is that he recognizes that we are all Americans and he, therefore, campaigned to bring us together, rather than to drive us apart.

Mr. President, I am frightened this afternoon, because I sat on this floor and listened to the debate. I am frightened to hear the politics of fear and divisiveness and of hatred rear its ugly head on this Senate floor. I am frightened at what I thought was done with by this last election when the American people voted for change. They voted for an America that brought us together and made us a whole Nation, not one of separate parts in which one group is pitted against another. I hear it again this day on this floor with regard to this nomination.

Mr. President, it is really very frightening. There is a concept in mathematics called vector addition. What that concept essentially means is that you subtract forces working against each other; you add forces that are working together. I think that has real relevance to our body politic and the state of our Nation, because it means that if we come together, we can be a stronger Nation. If we tap the talents and resources and abilities of all of the American people and give people a chance to contribute, we will have an America that is as strong as it has ever been and strong enough to go into the 21st century and compete in this increasingly interdependent and international arena.

The President's campaign was a campaign designed to ask America to renew its commitment to its values and its ideals. That campaign, and the nomination by President Clinton of Roberta Achtenberg to be an Assistant Secretary of HUD, were based on the premise that we are stronger as a Nation and as a people if we can work together and utilize the talents of every one of our people, if we can put aside racism and sexism, and all of the "isms" that separate us one from the other.

In short, can we live up to the values we state so eloquently both in our Constitution and in our religious beliefs? It would seem self-evident, Mr. President, that the elimination of racism and sexism and these divisive "isms" that we have heard this afternoon benefits the entire community, not just those who are the victims of those evils. Unfortunately, not everyone does see what should be so self-evident, and that is what makes this nomination even more important.

Roberta Achtenberg knows, as I know, that we are hurting every American if we do not foster the talents and abilities of all of us, if we do not tap the potential of those in disadvantaged neighborhoods and allow them the opportunity to make a contribution which we all know they want to make to our society and our country.

Roberta Achtenberg knows why it is so important to have a Government that looks like America. She knows that our diversity is our strength and that we need all of the talents of all of our people to succeed in this increasingly interdependent world.

Roberta Achtenberg has the qualifications to make a superb Assistant Secretary for Fair Housing and Equal Opportunity. She has the talent, the ability, the character, the good judgment, the commitment—in short, she has everything that the job requires.

Roberta Achtenberg is the right person to fill the position of Assistant Secretary for Fair Housing and Equal Opportunity. That job title is not just a phrase to her; it is a reflection of her basic beliefs, and it is one of the foundation stones of her life and her career. Roberta Achtenberg has spent her life trying to open up opportunities to all Americans. She well deserves the opportunity to help more Americans from this new post at the Department of Housing and Urban Development.

The credentials are not just part of the analysis of qualifications; it is also important to look at what is the job that is being applied for.

Given the conversation on this floor this afternoon, you would think she was trying to become the president and chief executive officer of the Boy Scouts or something. The fact of the matter is Roberta Achtenberg's nomination is to become the Assistant Secretary for Fair Housing and Equal Opportunity.

Mr. President, let me share with you what that job is. It has kind of gotten lost in all this debate about lifestyle and orientation.

The Assistant Secretary administers programs in five major areas under the civil rights laws and Executive orders. So you are talking about an administrator, someone who administers something that has already been set as a matter of policy and has already been set as a matter of law.

As the chief enforcer of title VIII of the Civil Rights Act of 1968—otherwise known as the Fair Housing Act Amendments of 1988—the Assistant Secretary is responsible for handling discrimination complaints and implementing initiatives designed to detect and eliminate unfair practices.

The Assistant Secretary is responsible for overseeing the implementation of statutes that bar discrimination for any activities—such as the community development block grant projects—receiving Federal financial assistance.

The Assistant Secretary implements provisions designed to further job and other economic opportunities for low-income people which are created with Federal housing and community development funds.

The Assistant Secretary is also the Director of the Department's Equal Employment Opportunity Program and must ensure that fair employment practices are adhered to within HUD.

The Assistant Secretary is responsible for implementing initiatives geared toward institutionalizing equal housing opportunity procedures in the activities of real estate brokers, builders, rental property managers, appraisers, and others in the housing and real estate industry.

This is the official description of the job that Roberta Achtenberg has been nominated for.

Mr. President, it becomes very clear that the only reason for this beef is lifestyle and orientation. It has nothing to do with whether or not this woman is eligible, competent, and qualified for the job that I just described.

In that vein, I come back to the point that it really demeans our Nation to reduce this debate to a debate about lifestyle that has absolutely nothing to do with the point but instead reinforces prejudice and, quite frankly, it frightens me to have a Member of this body—and I do not know if I am treading on a line or not—take credit for being quoted as a bigot. That to me, Mr. President, demeans this body and demeans what our country is about.

"Our Nation is better than that," to quote DON RIEGLE, and I am proud to quote DON RIEGLE because I think he hit the nail on the head when he got up to make his statement earlier.

To conclude, Mr. President, Roberta Achtenberg is extraordinarily well qualified for this position. I will not again go into all of her teachings, all of her work, and all her community service except to say that it is very clear that she has the commitment, the talent, the skill, the record, and the experience to do the job she is nominated for.

I would hope that Members of this Senate would not allow themselves to be diverted by tactics that have to do with issues not pertaining to this nomination but really on another debate altogether. This is not a debate about lifestyle. This is a debate about whether or not this person has the competence and the character to fulfill this position, this job description.

I submit to you, Mr. President, that not only does Ms. Achtenberg have the competence and the character to fill this job description, she has it to the extent that she will do an extraordinarily good job for the Department of

Housing and Urban Development. She will help us implement the kind of change bringing our Nation together, tapping all of our talents, giving people a chance to serve that I believe our Nation wants to have at this point and deserves to have.

I must say to you, Mr. President, as a new Member to this body I have not seen the kind of demagoguery since I have been here as I have seen on this nomination. It makes me very sad to see, but I feel confident that the Members of this body will be level-headed enough, will be fair-minded enough, and will be open enough to understand that we do the right thing by confirming this superb nominee.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WALLOP. Mr. President, I do not quarrel with the statement that in this country lifestyle, however unconventional, is not a bar to office. It is not a bar to office. But intolerance and the pattern of the abuse of power should be.

One does not expect a nominee or an assistant secretary to agree with differing points of view. But neither should the public be intimidated from holding differing views nor especially should the public be coerced into embracing other views.

There is, I agree, room enough for a broad range of views in America, but there can be no room to understand an officeholder who abuses the public trust to enforce views that are neither constitutionally guaranteed nor provided for in law. A nation that is a nation of laws is entitled to believe that its laws not only control it but also protect it.

As the Senator from Michigan has just stated, this country is for everybody, not just for some, and the record of the nominee indicates that her view is that the country is just for some.

So I rise to express reservations and anxiety about the administration's nomination for Secretary for Fair Housing. There is every indication that Roberta Achtenberg would severely abuse the power of that important office to promote her personal values. She is entitled to those values, but where they are not provided for in law, nor guaranteed or instructed by the Constitution, there is room for other views as well. Tolerance and understanding have not been a part of her record.

Mr. President, this is not a question about gays or gay bashing. This is a question directly about performance in office that says that "If you do not agree with me, I will find means of denying you funding; I will coerce banks into withdrawing deposits; I will do all kinds of things until specific acceptance of my view is attained."

This is a country that is entitled to have faith in its laws, and this is a country which increasingly is frightened of its government. The Government has pockets that are interminably deep and can take city housing councils, housing authorities, State governments, individuals, developers—anybody—through the ritual of court after court, appeal after appeal with bottomless pockets that they cannot afford.

So coercive acts in the past of the nominee are a very legitimate concern, and they are not acts of concern about lifestyle. They are acts of concern about enforcing acceptance of things that are not and have not been provided for in law.

If we are to remain a country of laws, then tolerance of the law as it exists is a very major portion of the competence to hold office.

There is evidence from her elected past that Ms. Achtenberg would use the office of Assistant Secretary for Fair Housing to impose her views upon individuals and organizations who do not agree with her viewpoints that are not related to fair housing as currently defined by law. In addition to the fact that she has little if any real experience in fair housing, there is every indication that she will use coercion and intimidation to enforce protections which are not found in our Constitution, nor have they been enacted by Congress, nor even established by judicial interpretations of the laws of Congress or the Constitution.

Mr. President, I believe that any U.S. President is entitled to choose relatively free those whom he wishes for Cabinet and sub-Cabinet posts and that a person's sexual orientation should not preclude that person from serving in Government. But I also believe that the public places an important trust in public service. Ms. Achtenberg would punish voters who do not subscribe to her personal social values. This act would betray the public's trust of that office. The public should not have to fear its Government. Employees in the Federal Government should come to Washington to serve the public not control the public.

If confirmed, I fear that Ms. Achtenberg would punish individuals or organizations who do not immediately establish special protections for homosexuals or for others. Her record speaks loudly to that end. As a San Francisco city supervisor, board member of the United Way of the bay area, she successfully prevented the Boy Scouts, as has been stated, from meeting in public schools and public facilities during school hours. This is not a court provided sanction.

This was a coercion to influence the United Way to withhold funding from the Boy Scouts. Again, the Boy Scouts, through court after court, have been judged to be within their rights to set standards for membership within that organization.

She compelled the city of San Francisco to reduce deposits in the Bank of America because it made a modest contribution to the Boy Scouts of America.

Now, this is a vendetta, and it is a pattern of behavior which causes this Senator great reservations and anxiety about such a nomination, because the power she would have in the U.S. Government is significantly greater than the power she had as a city of San Francisco supervisor. The power to withhold money or to enforce the expenditure of money is not a power to be taken lightly, and ought not to be taken outside of the law simply because the Government of the United States has endless financial resources and time to ultimately control the small governments, the local governments, the State governments, and the individuals of this great country.

In November 1991, Ms. Achtenberg told CNN that the Boy Scouts "are not entitled to enjoy the benefits of funding that is collected from us all. And they are not entitled to special treatment when it comes to accessing public money, public schools, public buildings, and the like."

Now, the Senator from Michigan and others have stated that this is not a question about somebody being nominated to head the Boy Scouts. And, true enough, that is the case. But it is about somebody being nominated who has used the power of office and has displayed to arrogance of that power to take on a perfectly normal function of America's social life.

She told the Associated Press in August of 1991:

> Do we want our children learning the values of an organization that * * * provides character building exclusively for straight, God-fearing male children?

This is a challenge, Mr. President, not to the Boy Scouts, but to Americans whose money and taxes and resources go into fair housing.

A person who would challenge the Boy Scouts' right to exist on the basis that they are God-fearing, straight Americans will challenge other elements of this country in the same kind of way. That, Mr. President, is the word. It is Ms. Achtenberg's arrogance that says: "My view is the view. Notwithstanding the law, notwithstanding the authority of my office, I will bully, I will intemperately push, I will do whatever is necessary to see to it that the view which I hold, which Congress has not enacted, which the Constitution does not provide, is the view which prevails."

Mr. President, it becomes a serious concern when the President of the United States nominates staff persons who will likely use coercion or threats or personal vendettas to circumvent the Constitution and Congress for personal reasons.

I have no doubt but she will be confirmed. But the fact of it is that Americans have legitimate cause for concern with this nomination.

And it is not a concern of lifestyle. It is not a concern of sexual preference. It is a concern specifically directed to those who would abuse the power of office to assert their view and their view alone.

Mr. President, before I conclude, I believe that the record will show, if it is not scrubbed, that rule XIX(2) was abused this afternoon. Rule XIX(2) says:

No Senator in debate shall, directly or indirectly, by any form of words, impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator.

Mr. President, I heard a Senator accused of bigotry this afternoon. My guess is that that is in violation of rule XIX(2). It is a pity. It is not what this debate is about.

This debate is about seriously held concerns to which people are entitled. The Senate is the arena in which differing views ought to be able to be spoken without personal assignation and characterization of those views.

I regret it, and I hope maybe, perhaps, for the record, that it will be scrubbed. Television, at least, will have shown it without being scrubbed.

Mr. President, I yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Thank you very much.

Mr. President, once in awhile you feel privileged to be in this body, to be able to stand up and tell the truth about someone you know and challenge those who would paint a picture that is a false, utterly false, picture.

I do not think the Senator from Wyoming knows Roberta Achtenberg, Mr. President. He calls her arrogant. He says she abused her power. This is not an arrogant woman. This is not a woman who has abused her power.

As a matter of fact, Mr. President, just this year, Roberta Achtenberg was named Woman of the Year for the Ninth District in California by the California State Senate. This is a woman who has earned the respect of everyone who has worked with her.

I am going to place some letters in the RECORD, and I ask unanimous consent that I may do so at this time.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

LETTERS OF SUPPORT FOR ROBERTA ACHTENBERG

NAME AND ORGANIZATION

Members, California Congressional Delegation.

Leopold Korins, Chairman and Chief Executive Officer, the Pacific Stock Exchange Inc., San Francisco.

Al From, President, Democratic Leadership Council, Washington, D.C.

Walter H. Shorenstein, Chairman of the Board, The Shorenstein Company, San Francisco.

Paul Brest, Dean, Stanford Law School, Stanford, California.

Kurt L. Schmoke, Mayor, City of Baltimore, Baltimore, Maryland.

Leo McCarthy, Lieutenant Governor, State of California.

Gray Davis, Controller, State of California.

William R. Tisdale, President, National Fair Housing Alliance, Washington, D.C.

K. Jacqueline Speier, State Assemblywoman, Assembly, California Legislature, San Francisco & San Mateo Counties, Assembly Majority Whip.

Bob Mulholland, Political Director, California Democratic Party.

Willie L. Brown, Jr., Speaker of the Assembly, California Legislature.

Frank Thompson, Chairman, Texas Commission on Human Rights.

Peter Gabel, President, New College of California, San Francisco.

Father Jim Goode, OFM, Ph.D, Church of St. Paul of the Shipwreck, San Francisco.

Shauna I. Marshall, Executive Director, East Palo Alto Community Law Project, San Francisco.

Robert L. Demmons, Past President, San Francisco Black Firefighters.

Ervin Keith, Executive Director, Metropolitan Fair Housing Council of Greater Oklahoma City.

Lynn M. Clark, Executive Director, Fair Housing Contact Service, Akron, Ohio.

Rev. Cecil Williams, Minister & CEO, Glide Memorial United Methodist Church, Board of Trustees of the Glide Foundation, San Francisco.

Roselyne Swig, Roselyn Swig Art Source, San Francisco.

Doris M. Ward, Assessor, City and County of San Francisco.

Edwin M. Lee, Director, San Francisco Human Rights Commission.

David T. Quezada, Executive Director, Fair Housing Council of Orange County, Santa Ana, California.

Clifford C. Schrapp, Fair Housing Center of Metropolitan Detroit, Detroit, Michigan.

Gordon Chin, Executive Director, Chinese Community Housing Corporation, San Francisco.

Paul M. Igasaki, Executive Director, Asian Law Caucus, San Francisco.

Toni Austad, Director, Council for Concerned Citizens, Great Falls, Montana.

Scott W. Gehl, Executive Director, Housing Opportunities Made Equal, Buffalo, New York.

Henry Der, Executive Director, Chinese for Affirmative Action, San Francisco.

James B. Morales, Staff Attorney, National Center for Youth Law, San Francisco.

Mario Salgado, Executive Director, La Raza Centro Legal Inc., San Francisco.

Katherine Stark, Executive Director, Austin Tenants' Council, Austin, Texas.

Cynthia Ingebretson, Program Enforcement Coordinator, Fair Housing Council of Oregon, Portland, Oregon.

Mark Stivers, Fair Housing Counselor, Eden Council for Hope & Opportunity, Hayward, California.

Jose E. Medina, Executive Director, Instituto Laboral De La Raza, San Francisco.

Enrique Ramirez, President, San Francisco, La Raza Lawyers Association.

David J. Soffa, MD, President, San Francisco Medical Society.

James M. Seff, Partner, Pillsbury Madison & Sutro, San Francisco.

Michael A. Kahn, Senior Litigation Partner, Folger & Levin, San Francisco.

Barry N. Lastra, Board of Directors, The United Way of the Bay Area, San Francisco.

John Pritscher, Partner, Pillsbury Investment Corporation, Chicago.

Randolf J. Rice, Partner, Pillsbury Madison & Sutro, San Francisco.

Kathleen Groat, Executive Director, Fair Housing Council of the Fox Valley, Appleton, Wisconsin.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 28, 1993.

Senator DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Dirksen Building, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE: We, the undersigned Members of the California Democratic Delegation, are writing to strongly urge your favorable consideration of the nomination of Roberta Achtenberg as Assistant Secretary for Fair Housing and Equal Opportunity in the Department of Housing and Urban Development.

As a Member of the San Francisco Board of Supervisors since 1990, and as the former Chair of that body's Housing and Land Use Committee, Ms. Achtenberg has clearly established herself as a leader in the area of housing policy. She has consistently and effectively fought for expanded housing opportunities for the city's residents, and has worked aggressively in the battle against housing discrimination in San Francisco and in the state of California.

In addition, she would bring to the Assistant Secretary's office a solid fifteen years as a civil rights attorney, law professor, and law school dean. Her success in advocacy, in academia, and in the legislative arena clearly make her an outstanding candidate. We applaud the President's decision to draw upon the skills of such a dedicated and principled public servant for this important post.

We urge you to report her nomination favorably to the full Senate, and thank you for your consideration.

Sincerely yours,

Nancy Pelosi; Norman Y. Mineta; Barbara Boxer; Ronald V. Dellums; Tom Lantos; Howard L. Berman; George Miller; Gary A. Condit; Lynn C. Woolsey; Bob Filner; Dan Hamburg; Robert T. Matsui; Maxine Waters; Don Edwards; Vic Fazio; George E. Brown, Jr.; Julian C. Dixon; Richard Lehman; Anna G. Eshoo; Lynn Schenk; Pete Stark; Matthew G. Martinez; Cal Dooley; Walter Tucker III.

THE PACIFIC STOCK EXCHANGE
INCORPORATED,
March 22, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing this letter to endorse San Francisco Supervisor Roberta Achtenberg for the position of Undersecretary in the Department of Housing and Urban Development. She is more than qualified for this post, and I heartily recommend her for this assignment.

On paper, Roberta does not seem to be the kind of person likely to engender respect and admiration from the chairman of a major financial institution. The constituents she represents and the issues she's addressed are not those usually found at the top of a traditional, conservative businessman's agenda. To be honest, I was skeptical about meeting her when she came to the Exchange in 1990 seeking support for her campaign. My uncertainties were unfounded.

Roberta Achtenberg is among the most intelligent, capable individuals I have met. She is highly regarded for her willingness to reach out to San Francisco's business community—she has met on regular occasions with 24 local corporate CEOs—and has made many significant efforts to maintain and enhance our city's economic vitality. During the transition between her election and her induction to the Board of Supervisors, for example, Roberta helped craft a critical compromise to controversial legislation passed by the previous Board dealing with workplace safety. She is diligent, hard working, and open to new ideas, all contributing to an attitude and an approach to government the business community finds enlightened.

Roberta has become a personal friend, one whom I indeed admire and respect. I hope that you will give her the opportunity to serve in this capacity and to make the important contributions this country sorely needs.

Sincerely,

LEOPOLD KORINS.

DLC,
March 24, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR DON: I am writing to highly recommend Roberta Achtenberg, who is seeking the Assistant Secretary of Fair Housing and Equal Opportunity position at HUD. Roberta and I worked together on the drafting committee of the 1992 Democratic Party Platform where she distinguished herself as an innovative policy maker. Roberta was also national co-chair of the Clinton/Gore campaign and went on record as an early supporter of the President.

Currently, Roberta is a member of the City of San Francisco's Board of Supervisors and chairs the Housing and Land Use Committee. Roberta brings over 15 years of experience to the position and her expertise spans such issues as affordable housing for low income families to increasing small business participation in city contract bidding. Clearly, her track record of outstanding community and public service, as well as her creative policy programs, will be an asset to the President's team at HUD.

I hope you will give Roberta your most serious consideration. I will be happy to answer any questions you may have concerning her candidacy and can be reached at 202/546-0007. Thanks in advance for your consideration.

With best regards,

AL FROM,
President.

WALTER H. SHORENSTEIN,
San Francisco, CA, March 22, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR DON, I am writing on behalf of Roberta Achtenberg to endorse her nomination as Assistant Secretary of Fair Housing and Equal Opportunity in the Department of Housing and Urban Development.

I have personally known and worked with Roberta favorably over the years on a multitude of issues faced by the city of San Francisco. Given her academic, legal and public policy expertise as well as her ability to build bridges between diverse communities, I believe Roberta will serve as an excellent Assistant Secretary for the Department of Housing and Urban Development.

I highly recommend Roberta Achtenberg for this position and appreciate your serious consideration. I look forward to seeing you soon so that I may thank you in person. I will call you next time I am in Washington.

Sincerely,

WALTER H. SHORENSTEIN.

STANFORD LAW SCHOOL,
March 15, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR RIEGLE: I write enthusiastically to support Roberta Achtenberg's nomination as Assistant Secretary of Fair Housing and Equal Opportunity in the Department of Housing and Urban Development.

I have known Ms. Achtenberg since 1975, when she was my research assistant at Stanford Law School, and have stayed in close contact with her since then. In her work as dean of New College Law School she played a major role in the growth of an internally contentious and externally controversial school into a stable institution of good repute. Her work as an attorney and director of the Lesbian Rights Project and National Center for Lesbian Rights was highly regarded. Not being a resident of San Francisco, I am not a close follower of the City's politics; it is my clear impression, however, that she has been enormously successful in her role as a supervisor.

More important than any particular achievements are Ms. Achtenberg's qualities as a lawyer, administrator, and person. She has an absolutely first-rate mind, and is highly articulate both orally and in writing. She is well organized. She is a strong leader, who listens well to others' opinions and inspires the loyalty of those she works with, and, I believe, the trust and respect of her opponents on particular issues. She is a person of great integrity and conviction, and at the same time pragmatic, warm, and outgoing.

I am confident that Roberta Achtenberg will be a great asset to the nation in her role as Assistant Secretary.

Sincerely,

PAUL BREST.

CITY OF BALTIMORE,
OFFICE OF THE MAYOR,
March 29, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR RIEGLE: This is in support of the nomination of Roberta Achtenberg for the position of Assistant Secretary of Fair Housing and Equal Opportunity in the Department of Housing and Urban Development.

As you know, Ms. Achtenberg has served with distinction as a member of the Board of Supervisors in San Francisco. I am aware of the fact that numerous letters of recommendation were sent to the Clinton transition office urging the appointment of Ms. Achtenberg to a senior policy position within the new administration. Her outstanding career in public service warrants the strong support that she has received from around the country. I had the pleasure of serving with her as a member of the platform drafting committee for the Democratic Party. I was very impressed with her knowledge and sensitivity to the concerns of urban America. She will be an extremely effective advocate for fair housing and equal opportunity policies in this very important agency of the federal government. I strongly urge you to support this nomination.

If I can provide additional information in support of Ms. Achtenberg, please do not hesitate to contact me.

Sincerely

KURT,
Mayor.

LEO MCCARTHY, STATE OF CALIFORNIA,
March 17, 1993.

Hon. PAUL S. SARBANES,
Chairman, Subcommittee on Housing and Urban Affairs Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Supervisor Roberta Achtenberg of San Francisco has been nominated by the President for the position of Assistant Secretary of Fair Housing and Equal Opportunity in the Department of Housing and Urban Development.

I respectfully urge your favorable support in the confirmation hearing you will soon conduct.

Roberta Achtenberg is one of the brightest and most sensible people in public life I have met during my twenty eight years in local and state government.

She has an approach to working with a wide range of personalities on policy matters that draws concensus from sharp differences.

In facing the range of seemingly intractable housing and other urban problems San Francisco and other cities encounter, she is a success story.

I respect her and urge her confirmation.

Warm regards,

LEO MCCARTHY.

GRAY DAVIS,
CONTROLLER, STATE OF CALIFORNIA,
March 11, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN RIEGLE: I am writing to lend my enthusiastic support for the nomination of Roberta Achtenberg as Assistant Secretary of Fair Housing and Equal Opportunity in the Department of Housing and Urban Affairs.

Supervisor Achtenberg has long personified the politics of "putting people first." Throughout her career Ms. Achtenberg has sought a level playing field for people who were disenfranchised, disadvantaged or overmatched by powerful interests.

She is motivated by the principle that each person, whatever their standing in life, is entitled to fairness, respect and dignity. As a practical problem-solver, Ms. Achtenberg has fashioned solutions that fit people, rather than forcing people to accommodate government-imposed programs.

Her political career, while short in years, has been long on impact in the lives she has touched in public life. As a member of the San Francisco Board of Supervisors Ms. Achtenberg has developed a reputation for uncompromising integrity, innovation and compassion.

Once you get to know her in Washington I am certain you will learn what we in California already know—that Roberta Achtenberg is precisely the kind of person we need in public life.

I strongly and respectfully urge her confirmation as Assistant Secretary of Fair Housing and Equal Opportunity at HUD.

Sincerely,

GRAY DAVIS.

NATIONAL FAIR HOUSING ALLIANCE,
Washington, DC, April 7, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR RIEGLE: At the quarterly meeting of the National Fair Housing Alliance on March 27, 1993, the Board of Directors voted unanimously and enthusiastically to support the nomination of Ms. Roberta Achtenberg as Assistant Secretary of Fair Housing and Equal Opportunity of the U.S. Department of Housing and Urban Development. This unqualified support of Ms. Achtenberg is based upon our review of her career in civil rights enforcement and her commitment to equal opportunity.

Members of the Executive Committee of NFHA and staff have had several meetings with Ms. Achtenberg. We have also spoken with fair housing advocates and her former colleagues in California and reviewing her career as an attorney, teacher, and public official. Her record is distinguished and impressive, and represents a life of personal commitment and professional expertise. It is of the utmost importance that the person who fills this position bring these qualities to the job because HUD has failed to effectively enforce the Fair Housing Amendments Act of 1988. As a result, there has been no decrease in segregation; and redlining and disinvestment by lending institutions and insurance companies has continued unabated in minority and integrated neighborhoods in the United States. President Clinton has nominated a highly qualified, competent and motivated person for Assistant Secretary of Fair Housing and Equal Opportunity to address these problems.

The National Fair Housing Alliance was founded in 1988 and represents private nonprofit fair housing agencies throughout the country. It is the only national organization whose concern is solely the elimination of housing discrimination in the United States.

NFHA's constituent members, the private fair housing agencies, have compiled an impressive record of success in fair housing enforcement because they have combined vigorous representation of the victims of discrimination with equally vigorous advocacy for institutional change. Today these private fair housing organizations play an essential role in the education about and enforcement of the fair housing laws, effectively utilizing the system established by Congress and various states and localities, and complementing the work of the government enforcement agencies.

The members of the Alliance are dedicated to making all housing accessible regardless of race, color, religion, sex, familial status, disability or national origin.

In January, NFHA discussed with Secretary Henry Cisneros the qualifications we believe are essential in the Assistant Secretary for Fair Housing and Equal Opportunity. Secretary Cisneros expressed his complete confidence in Ms. Achtenberg's abilities to fill this position. Once we met with Ms. Achtenberg we agreed fully with the Secretary. In our discussions with Ms. Achtenberg, we found her to be thoughtful about the law and its implications for our neighborhoods and country; intelligent, revealed in the speed of her acquisition of knowledge and the acuity of her perception; sensitive to the needs of the victims of discrimination as well as the concerns of the housing industry; understanding of the role private fair housing organizations can and should play in the achievement of equal access to housing; creative and to the point in her approach to problem solving; and committed to the full enforcement of the fair housing laws.

The full enforcement of fair housing and fair lending laws is of crucial importance in this country. Discrimination affects not only individuals and families, but neighborhoods and communities. Lack of access to credit, racial steering practices, denial of homeowners insurance, concentration of subsidized housing in low income communities, and restrictive zoning laws have contributed significantly to the physical, economic, and social deterioration of our neighborhoods. We believe Ms. Achtenberg has an accurate perception of the complex nature of systemic discriminatory practices and will use the authority of the Office of Fair Housing and Equal Opportunity to promote the policy of the United States "to provide, within constitutional limitations, for fair housing throughout the United States." We firmly believe that under Ms. Achtenberg's direction that there will be vigorous, positive and focused action to combat housing, lending and insurance discrimination.

We urge the Senate to expeditiously approve the nomination of Ms. Roberta Achtenberg as Assistant Secretary for Fair Housing and Equal Opportunity. If you have any questions or if we can provide additional information in support of Ms. Achtenberg's nomination, please feel free to contact us.

Sincerely,

WILLIAM R. TISDALE,
President.

K. JACQUELINE SPEIER,
CALIFORNIA LEGISLATURE,
March 8, 1993.

Hon. ALFONSE D'AMATO,
Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR D'AMATO: It is my pleasure to endorse the nomination of San Francisco Supervisor Roberta Achtenberg as Assistant Secretary of Fair Housing and Equal Opportunity in the Department of Housing and Urban Development.

Supervisor Achtenberg is well known in the Bay Area for her achievements as a civil rights attorney, as well as her contributions as a dean at the New College of California School of Law and a teaching fellow at the Stanford Law School.

As a San Francisco Supervisor, Roberta Achtenberg's legislative efforts included enhancing protection for tenants against wrongful eviction, supporting construction of affordable housing for low income families and helping speed the transition from welfare to permanent employment through city sponsored job training programs. I am particularly impressed with her policy making that guarantees small business, women and minorities participation in bidding for city contracts and enhanced compliance monitoring efforts by the City Human Rights Commission.

Supervisor Achtenberg serves on the board of directors of the United Way of the Bay Area and numerous other volunteer organizations, including the Jefferson Elementary School PTA and California Women Lawyers. She is a Phi Beta Kappa graduate of the University of California at Berkeley and received her law degree from the University of Utah School of Law, where she was elected to the Order of the Coif.

Roberta Achtenberg is clearly an outstanding candidate for this post, and I strongly encourage you to support her nomination.

All the best,

JACKIE SPEIER,
State Assemblywoman.

CALIFORNIA DEMOCRATIC PARTY,
Sacramento, CA, March 15, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Washington, DC.

DEAR CHAIRMAN RIEGLE: I am writing in support of San Francisco County Supervisor Roberta Achtenberg to be Assistant Secretary of Fair Housing and Equal Opportunity. Supervisor Achtenberg is one of California's finest leaders.

Her educational background along with both her private and public sector experiences make her an excellent choice, by President Clinton, for this position.

The Department of Housing and Urban Development and the American people will both be well served by her in this position.

San Francisco and California's loss will be America's gain.

Sincerely,

BOB MULHOLLAND,
Political Director,
California Democratic Party.

ASSEMBLY, CALIFORNIA LEGISLATURE,
Sacramento, CA, March 18, 1993.

Hon. DONALD W. RIEGLE, Jr.
Chairman, Committee on Banking, Housing and Urban Affairs, Washington, DC.

DEAR SENATOR RIEGLE: I am writing to offer my enthusiastic support of Roberta Achtenberg for the position of HUD Assistant Secretary for Fair Housing and Equal Opportunity.

Ms. Achtenberg has a wealth of experience in the area of tenants rights, job training, and affordable housing, in addition to numerous other areas of public policy that would be essential to the person who fills this position.

Currently, Ms. Achtenberg is a Supervisor to the City and County of San Francisco. In this capacity she has proven herself to be innovative, dedicated and extremely diligent. She provides the Board of Supervisors with a voice for those who are underrepresented and who often cannot speak for themselves. I have only the highest regard for Ms. Achtenberg and her courageous efforts.

I am confident that Ms. Achtenberg will be an asset to the Clinton Administration. I also believe she possesses the necessary professional experience to serve as Assistant Secretary for Fair Housing and Equal Opportunity.

Sincerely,

WILLIE L. BROWN, Jr.,
Speaker of the Assembly.

NEW COLLEGE OF CALIFORNIA,
San Francisco, CA, March 15, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Washington, DC.

DEAR CHAIRMAN RIEGLE: I am writing in support of President Clinton's nomination of Roberta Achtenberg to serve as Assistant Secretary of Fair Housing and Equal Opportunity in the Department of Housing and Urban Development.

I have known Supervisor Achtenberg well since she served as Professor of Law and, subsequently, Dean of the Law School here at New College of California in the late 1970's and early 1980's. In addition to having taught and served as an administrator at New Col-

lege, Supervisor Achtenberg has overseen the work of New College students who performed their required apprenticeship hours in her office when she was a full-time civil rights attorney after she retired as Dean. I have also worked with Supervisor Achtenberg in developing resolutions and legislation to be introduced before the San Francisco Board of Supervisors and am generally familiar with her professional work both as an attorney and as a Supervisor. Approximately a year ago, I asked her to become a Trustee of the College, which I am pleased she agreed to do.

Supervisor Achtenberg was an outstanding professor of law, demonstrating both mastery of the legal material that she taught and innovation in developing a Skills Training Program for law students that became a model for others across the country. She has a brilliant legal mind and is able to convey difficult ideas with clarity and with feeling. Perhaps even more important for a prospective Assistant Secretary, Supervisor Achtenberg was an excellent Dean, certainly the best we have ever had at New College. Our law school program has always contained an extremely diverse group of faculty, staff, and students with strong and often conflicting convictions. Supervisor Achtenberg was able to build consensus while respecting diversity, to administer projects that often involved significant technical complexity and to provide leadership that was respected throughout our institution.

With regard to her personal qualities, Supervisor Achtenberg is a woman of high moral character who is dedicated to the creation of a more just and humane society and who treats all those with whom she comes in contact with an evenness and a respect that is unusual among public figures. She is kind, caring, and genuinely thoughtful in her relations with those who work for her and in her way of dealing with issues of public importance. Supervisor Achtenberg is highly respected throughout San Francisco even among those who disagree with her on particular issues. She combines depth of insight, administrative competence, and a sustained capacity for caring in a way that we should all hope for in our public officials.

Supervisor Achtenberg merits the confidence that President Clinton has placed in her, and I hope your Committee will confirm her much-deserved appointment as Assistant Secretary.

Respectfully,

PETER GABEL,
President.

CHURCH OF ST. PAUL OF THE SHIPWRECK,
San Francisco, CA, March 25, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Washington, DC.

DEAR CHAIRMAN RIEGLE, Greetings and best wishes.

I am writing to support the nomination of Roberta Achtenberg, as Assistant Secretary of Fair Housing and Equal Opportunity.

Supervisor Achtenberg, is an outstanding member of the Board of Supervisors here in San Francisco. She serves as Chair of the Housing and Land Use Committee and is a member of the Economic Vitality and Social Policy Committee.

Before Supervisor Achtenberg was elected to the Board of Supervisors she worked for more than 15 years as a civil rights attorney, law professor and law school dean.

Her commitment to the people of this city and to the poor has been outstanding and she stands as a role model for those who wish to give of the best of their service to the poor and those who have no one to speak for them.

I am certain that she will be an important addition to the Fair Housing and Equal Opportunity office in Washington, DC.

I am honored and proud to add my name to the list of those who are supporting the nomination of Roberta Achtenberg.

Sincerely,

FATHER JIM GOODE, OFM, PH.D.

SAN FRANCISCO, CA,
April 13, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking and Urban Affairs, Washington, DC.

DEAR SENATOR RIEGLE: I am writing to give my enthusiastic support for the nomination of Roberta Achtenberg as HUD's Assistant Secretary of Fair Housing and Equal Opportunity. I have known Ms. Achtenberg for approximately 10 years and can say, without hesitation, that she is a person of great integrity and that she will do an outstanding job in this post.

I worked as a civil rights attorney at Equal Rights Advocates during much of the period that Roberta Achtenberg served as Executive Director of the Lesbian Rights Project and the National Center for Lesbian Rights. My work focused primarily on the problems facing low income women and women of color in the workplace. During my tenure at Equal Rights Advocates, I could always count on Ms. Achtenberg's support and understanding of the issues facing my clientele. Additionally, Ms. Achtenberg lent her insight and counsel to my work.

As a member of the San Francisco Board of supervisors, Roberta Achtenberg distinguished herself as a person who was consistently accessible and took the time to investigate and understand issues facing the many communities which make up San Francisco.

I am presently the Executive Director of East Palo Alto Community Law Project. East Palo Alto is a community of 25,000 residents most of whom are low income, people of color. East Palo Alto is precisely the type of community that will benefit from a hard working and effective Assistant Secretary. I know Roberta Achtenberg will be that person.

If you have any questions or need additional information, please don't hesitate to give me a call. My number is (415) 853-1600.

Yours truly,

SHAUNA I. MARSHALL.

SAN FRANCISCO BLACK FIREFIGHTERS,
San Francisco, CA, April 16, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR MR. RIEGLE: I am writing to express my strong support of Ms. Roberta Achtenberg in her nomination as Assistant Secretary of Fair Housing and Equal Opportunity in the Department of Housing and Urban Development.

My experience with Ms. Achtenberg rests with her experiences with Equal Rights Advocates [ERA]. ERA worked with the San Francisco Black Firefighters Association [BFA] in its struggle to integrate the San Francisco Fire Department to include more minorities and women. Historically the San Francisco Fire Department had been very homogeneous, made up of mainly white males. The first African American entered the Department in 1955. In 1972, the Department had four (4) African Americans. Women were not allowed to even take the examination for the entry-level position of firefighter until 1976. The first women, to be employed as firefighters, entered the Department in 1987. A coalition was formed by the BFA, ERA, various organizations and community groups to work towards integration of the San Francisco Fire Department. The City of San Francisco attempted to break the coalition for political reasons. The reason the coalition remained steadfast and strong were due to the work of Roberta Achtenberg and others.

Though she led the group working with women's and lesbian's rights, Ms. Achtenberg did not limit her struggle to these groups, including African American, Hispanic and Asian. Today, through the effort of her and others, we are closer to having a fire department which mirrors the city it serves.

Because of her past and current efforts, as well as, a demonstrated commitment to all groups, I strongly recommend that Roberta Achtenberg be approved in her appointment as Assistant Secretary of Fair Housing and Equal Opportunity in the Department of Housing and Urban Development.

Sincerely,

ROBERT L. DEMMONS,
Past President.

METROPOLITAN FAIR HOUSING COUNCIL,
Oklahoma City, OK, April 20, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking and Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR RIEGLE: The Metropolitan Fair Housing Council of Greater Oklahoma City's Board of Directors and staff unanimously and prayerfully support the nomination of Ms. Roberta Achtenberg as Assistant Secretary of Fair Housing and Equal Opportunity of the U.S. Department of Housing and Urban Development. The Metropolitan Fair Housing Council [MFHC] of Greater Oklahoma City is a non-profit organization originated in 1979 to ensure equal housing opportunities for all persons in the metropolitan area. Our tragic experiences with fair housing officials over the past years make it of the utmost importance that the person who fills this position represents a life of personal commitment to civil rights and equal opportunity as the nominee has demonstrated.

It is the persistent pattern of racial segregation from a host of official actions of federal, state, and local governments and for the way low income citizens are held in disdain by these government officials that offer a compelling need for such a positive change.

We urgently request the expeditious Senate approval of the nomination of the extremely qualified nominee Ms. Roberta Achtenberg as Assistant Secretary for Fair Housing and Equal Opportunity.

Sincerely,

ERVIN KEITH,
Executive Director.

HOUSING DISCRIMINATION PROJECT, INC.,
Holyoke, MA, April 15, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

Re: Support of the nomination of Roberta Achtenberg

DEAR SENATOR RIEGLE: I am writing on behalf of the Housing Discrimination Project to enthusiastically support the nomination

of Roberta Achtenberg as Assistant Secretary of Fair Housing and Equal Opportunity of the U.S. Department of Housing and Urban Development.

As an Attorney and the Director of a fair housing organization for the past three years, I know how important it is for the new Assistant Secretary to be an individual who will effectively manage HUD's fair housing enforcement responsibilities and provide leadership in promoting policies and administering programs to end housing discrimination. Our non-profit organization's sole purpose is to promote fair housing through testing, enforcement, education and outreach activities. We have experienced serious problems with HUD's investigation of housing discrimination complaints we have filed over the last three years.

I personally know Ms. Achtenberg from my contact with her when I lived in San Francisco and worked at the New College of California School of Law. She has an outstanding reputation in San Francisco as a skilled lawyer who has worked on civil rights issues for fifteen years and as the director of a nonprofit organization committed to equal rights.

Ms. Achtenberg will be an excellent Assistant Secretary of Fair Housing and Equal Opportunity. I hope she will be quickly confirmed so that her work can begin.

Yours Truly,

PEGGY MAISEL,
Executive Director.

CALIFORNIA A.D.A.P.T.,
Berkeley, CA, April 2, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR HONORABLE RIEGLE, Jr.: I am in full support of San Francisco Supervisor Roberta Achtenberg's nomination as Assistant Secretary of Fair Housing and Equal Opportunity in the Department of Housing and Urban Development. As a disability rights advocate in the San Francisco Bay region, I have had the opportunity to work with Supervisor Achtenberg to improve accessibility for persons with disabilities through legislation she authored over street ramp parking violation rules. She is exemplary in her ability to understand and address vital issues of all her constituents. She displays a keen willingness to tackle controversial issues by means of networking with various groups to bring change to fruition.

As Supervisor, she serves as the lead contact person on the Americans with Disabilities Act. She has a record of understanding the premise and application of these regulations as would be valuable as Assistant Secretary of Fair Housing and Equal Opportunity.

Roberta Achtenberg's political activism and record of inclusion and civil rights demonstrate her leadership talents. She has been active in improving access to affordable housing for low-income families, increasing minority business participation opportunities, and the creation of job transition and training programs. Additionally, she has assured accountability from the San Francisco Human Rights Commission. What I have noted here are just some of her more obvious accomplishments.

Because of Ms. Achtenberg's familial experience with a brother who was disabled, she has been sensitive to disability issues. She has authored legislation to keep pedestrian sidewalk crossing ramps free from barriers and blocked by parked cars. Having personally been struck in a crosswalk in July 1992 while crossing the street in my motorized wheelchair with my service dog, I value her efforts to improve street crossing access for all pedestrians.

Roberta Achtenberg operates from a place of respect and dignity for all human beings, and I believe your committee should expedite her acceptance and appointment to the post of Assistant Secretary of Fair Housing and Equal Opportunity in the Department of Housing and Urban Development. She is a well-respected and dynamic individual who carries a resounding voice for common sense government. As such, please accept this letter as my highest recommendation on behalf of myself and others in the disability civil rights community from the Bay Area.

Sincerely,

CONNIE J. ARNOLD,
Organizer, California A.D.A.P.T.

FAIR HOUSING CONTACT SERVICE
Akron, OH, April 20, 1993.

Hon. PAUL S. SARBANES,
Chairman, Subcommittee on Housing and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR SARBANES: The Fair Housing Contact Service is supportive of the nomination of Roberta Achtenberg as the Assistant Secretary of Fair Housing and Equal Opportunity. The research that we have done on her education and experience leads us to believe that she would be very supportive of our mission. We need an Assistant Secretary that would be active and engaged in policy making and program issues. Ms. Achteberg has the skills necessary to learn and understand the intricacies of the industry and of the discrimination that occurs therein. The effects of discrimination in housing are far-reaching. Full enforcement of the fair housing laws is crucial.

We believe that Roberta Achtenberg will bring to the position the leadership and enthusiasm that is needed to undertake the duties to combat the discrimination that affects all American citizens, whether it be directed against them or their neighborhoods.

We urge the Senate to expeditiously approve the nomination of Ms. Achtenberg as Assistant Secretary of Fair Housing and Equal Opportunity. If you have any questions, please contact me at 216-376-6191.

Sincerely,

LYNN M. CLARK,
Executive Director.

GLIDE,
San Francisco, CA, March 17, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR RIEGLE: I am writing to express my full support of Roberta Achtenberg, nominated as Assistant Secretary of Fair Housing and Equal Opportunity in the Department of Housing and Urban Development.

As a civil rights attorney, law school professor and dean, and as a member of the San Francisco Board of Supervisors, Ms. Achtenberg has consistently demonstrated a strong commitment to effectively reach those who are homeless and poor, including the thousands who come to Glide Church for help every day. She has worked tirelessly to make sure that resources and facilities are properly funneled to where the human needs were greatest.

Ms. Achtenberg has also demonstrated a steadfast commitment toward minority groups. Her record in working with people of different races and cultures is unparalleled.

Further, Ms. Achtenberg has not only been an effective advocate in the halls of government, but has worked in the trenches as well. Her combination of empathy, understanding and knowing how to get things done is rare to find among people who may be seen as wanting to engage in acts of good will. Her good will translates into good action, including the pursuit of justice and equity for all people.

Those of us who work with the homeless and poor in San Francisco and elsewhere strongly support her confirmation as Assistant Secretary.

Sincerely,

REV. CECIL WILLIAMS,
Minister and CEO.

MARCH 19, 1993.

Hon. DONALD W. RIEGLE, Jr.
Chairman, Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR DON: I am writing to encourage you to confirm the nomination of Supervisor Roberta Achtenberg as Assistant Secretary of Fair Housing and Equal Opportunity in the Department of Housing and Urban Development.

Supervisor Achtenberg is chair of the Mayor's Task Force on Family Policy and has chaired the Housing and Land Use Committee of the San Francisco Board of Supervisors. I have worked with her very closely on many issues and know her to be an outstanding public servant who possesses unfailing integrity and determination. She builds confidence in those with whom she works and has the much sought after facility of bringing people together on difficult issues and moving through roadblocks towards solutions. Supervisor Achtenberg's personal character, skills, and specific experience more than qualify her, in my view, for this important position and I know she would be an outstanding addition to the new Administration.

I hope that you and your colleagues on the Banking Committee will confirm without hesitation Supervisor Roberta Achtenberg's nomination as HUD Assistant Secretary for Fair Housing and Equal Opportunity.

Sincerely,

ROSELYNE SWIG.

CITY AND COUNTY OF SAN FRANCISCO,
March 14, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR MR. RIEGLE, I urge your support for the nomination of Roberta Achtenberg to the position of Assistant Secretary of Fair Housing and Equal Opportunity in the Department of Housing and Urban Development.

Roberta was elected to the Board of Supervisors of the City and County of San Francisco in November, 1990, the same date I was elected president of that body. As a freshman supervisor she served admirably as vice chair of the Board's City Services Committee. She has since served as Chair of the Housing and Land Use Committee and is currently a member of the Economic Vitality and Social Policy Committee. She represents San Francisco as a director of the Bay Area Air Quality Management District, and is Chair of the Finance Committee of the San Francisco County Transportation Authority.

Ms. Achtenberg's collegiate background is equally impressive. She was graduated Phi

Beta Kappa from the University of California at Berkeley and earned her law degree from the University of Utah School of Law, where she was elected to the Order of the Coif.

Roberta was an early endorser of then Governor Bill Clinton and served as a national co-chair of the Clinton for President Campaign. Mr. Clinton appointed her to the drafting committee of the 1992 Democratic Party Platform where she delivered an address in support of the platform at the Democratic National Convention in New York.

I am certain that Roberta would do an outstanding job as Assistant Secretary of Fair Housing and Equal Opportunity in the Department of Housing and Urban Development. I would very much appreciate your support of her appointment.

Sincerely,

DORIS M. WARD,
Assessor.

CITY AND COUNTY OF SAN FRANCISCO,
March 15, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR RIEGLE: I am writing to you in your capacity as the Chairman of the Senate's Committee on Banking, Housing and Urban Affairs to contribute my utmost support and personal recommendation of Roberta Achtenberg as the Assistant Secretary of Fair Housing and Equal Opportunity in the Department of Housing and Urban Development (HUD). I have known Ms. Achtenberg for over ten years in our mutual capacities as civil right lawyers in the San Francisco Bay area and as community activists on behalf of the poor, disadvantaged and victims of discrimination.

I am now serving my third year as Executive Director of the Human Rights Commission for the City and County of San Francisco. Our City department is the official anti-discrimination agency for our local government, we enforce local civil rights ordinances covering housing, public accommodations, employment and neighborhood disputes. Prior to this, I served as the Affirmative Action Director for the Mayor of San Francisco and then eleven years as managing attorney for the Asian Law Caucus, Inc., a civil rights community law office serving the indigent Asian communities. My legal and advocacy experience has focused on private and public housing for the poor.

In my professional career, I have come to know many Bay Area persons who have dedicated their talent, commitment and personal time to improve the living standards of our poor. Roberta Achtenberg stands out as a leader whose dedication and smart, problem-solving approaches have earned her the admiration of many different communities. From her earlier years as an attorney to her present occupation as one of the most respected County Supervisors for San Francisco, Roberta has accomplished many legal, organizing and policy victories that have directly enhanced the lives of many people. Her tireless work on improving protection for tenants against wrongful evictions, her continued leadership and support in the construction of more affordable housing for economically struggling families, her leadership in legislative efforts to speed the transition from dependent welfare to permanent employment through innovative job training programs and her support for fostering minority and women business and employment opportunities are but to name a few of the vast ideas and projects credited to her leadership.

One of the most outstanding attributes of Roberta's work is her commitment and ability to bring together the diverse communities of the Bay Area to resolve common problems. It is no exaggeration to express how important this attribute is to us who live and work in one of the most socially and economically diverse populations of our country. As a representative of the Asian communities, and now as Director of the Human Rights Commission which overseas all of our different communities, I can assure you and the Senate that Ms. Achtenberg embodies the dedication, commitment and tested professional experience to make all of us proud in her appointment to this very important position of our government.

I would like to note for your attention the recent action taken by the Board of Directors for the International Association of Official Human Rights Agencies (see attached letter of March 11, 1993). Their endorsement of Ms. Achtenberg's appointment is yet another clear indication of the diverse support she has earned. The diversity in our communities and of those embodied in all of the membership of IAOHRA must signal the level of confidence we have in recommending Roberta Achtenberg to you.

Through your fine work as Senators of this great nation, I know you struggle with the challenges to increase hope and cooperation with our federal government. I recommend to you a person who will contribute distinctively and honorably in carrying out the mission of HUD. I gladly place before you one of "our best", deserving of the challenge and eager to meet the responsibilities as Assistant Secretary to the Department of Housing and Urban Development.

Most Sincerely,

EDWIN M. LEE,
Director,
San Francisco Human Rights Commission.

FAIR HOUSING COUNCIL OF
ORANGE COUNTY,
April 16, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

Subject: Support nomination of Roberta Achtenberg as HUD Asst. Secretary, Fair Housing and Equal Opportunity

DEAR HONORABLE SENATOR RIEGLE: I seek your support of the nomination of Roberta Achtenberg as Assistant Secretary of the U.S. Department of Housing and Urban Development, Fair Housing and Equal Opportunity Development Division.

Ms. Achtenberg is eminently qualified to help lead this Nation toward the elimination verifiable housing and lending discrimination. Her track record of experience and education credentials instill a sense of renewed hope for those that directly further fair housing within our communities. We can truly make a historical difference in furthering open housing opportunities through this Nominee. Please give your support to Ms. Achtenberg, and thereby for the potential realization of American ideals of equality, which the people have so long professed and sought.

On the other hand, the fact that she is a person who so obviously can get this job done, means that those not yet having internal controls to reduce or eliminate discrimination will inherently fear and oppose her politically. I respectfully ask that you join potential opponents, and instead support this exceptional Nominee. Thank you for your support.

Sincerely yours,

DAVID T. QUEZADA,
Executive Director.

FAIR HOUSING CENTER OF
METROPOLITAN DETROIT,
Detroit, MI, April 12, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

Re: Appointment of Roberta Achtenberg as Assistant Secretary for Fair Housing and Equal Opportunity

DEAR SENATOR RIEGLE: I believe that you are in receipt of a letter, dated 4/7/93, from the National Fair Housing Alliance, extending that organization's support for the appointment of Roberta Achtenberg as the Assistant Secretary for Fair Housing and Equal Opportunity for the Department of Housing and Urban Development (HUD). The Fair Housing Center of Metropolitan Detroit is a member of NFHA and concurred in that recommendation.

Over the past three years the Fair Housing Center of Metropolitan Detroit, on behalf of itself and five other private, non-profit fair housing groups in Michigan, have received HUD Fair Housing Initiative/Private Enforcement Initiative (FHIP/PEI) contracts to assist in the investigation (through testing) of complaints of unlawful housing discrimination. We have been notified that we have been selected for a fourth round of funding under that same program. As we noted in our funding proposal, the FHIP/PEI program is working, and the Michigan FHCs have been one of the reasons it has been working.

It is our understanding that Ms. Achtenberg has indicated her support for the continuation and expansion of the FHIP/PEI program. It is also our understanding that Ms. Achtenberg is sensitive to the need for improved enforcement of our nation's fair housing laws. We trust, in your examination of Ms. Achtenberg's qualifications, you will confirm her commitment to these fair housing issues and will be able to quickly confirm her for the position of Assistant Secretary for Fair Housing and Equal Opportunity.

Sincerely,

CLIFFORD C. SCHRUPP.

CHINESE COMMUNITY HOUSING CORP.,
February 25, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR RIEGLE: I am writing to urge your confirmation of Roberta Achtenberg for the position of HUD Assistant Secretary for Fair Housing and Equal Opportunity. As someone involved in the fields of affordable housing and civil rights for over two decades, I have met very few individuals who exemplify these two areas with the breadth of experience and abilities which Roberta possesses.

Ms. Achtenberg has chaired the Housing and Land Use Committee of the San Francisco Board of Supervisors. She has been a leading advocate for the rights for tenants and the construction of affordable housing in our City. She is very familiar with the broad range of local, State, and federal programs serving the needs of families and children.

As chair of the Mayor's Task Force on Family Policy, Ms. Achtenberg was a leading advocate for sensitive and fair family leave

policies and programs. Leadership in such areas is a reflection of her unique experiences which can contribute to a heightened awareness of Fair Housing in this country.

I believe that we as Americans must begin to understand fair housing in a broader context than merely the enforcement of "equal opportunity." We must promote a public understanding of how fair housing access for all Americans is impacted by issues such as family leave policy, child care, exclusionary zoning, domestic violence, and community disinvestment.

Roberta Achtenberg is someone who can provide such a perspective, and I believe she will make an excellent Assistant Secretary for Fair Housing and Equal Opportunity.

Sincerely,

GORDON CHIN,
Executive Director.

ASIAN LAW CAUCUS,
March 4, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR RIEGLE: I am pleased to add my support and that of the Asian Law Caucus for the nomination of Roberta Achtenberg, San Francisco Supervisor, as Assistant Secretary of Fair Housing and Urban Development. We will sorely miss her presence and commitment to the rights of all San Franciscans on our Board of Supervisors, but we strongly believe that her talents and commitment to justice will serve her well in this critical new assignment.

The Asian Law Caucus is a civil rights and legal advocacy organization based in San Francisco. For twenty-one years we have represented the interests of low income and immigrant Asian Pacific Americans at the local, state and national level. We have a long history of fighting for the rights of Asian public housing tenants and low income and elderly Asian renters in general. In addition, we have addressed civil rights issues of all sorts affecting our community.

Often, we have carried our issues to Washington, D.C., where our community and its needs is often ignored. Supervisor Achtenberg, coming from a city in which the Asian population comprises a third of the population, is well familiar with our needs and issues. We are confident that her presence in the Assistant Secretary position at HUD will benefit not only us, but the increasingly diverse urban communities across the United States.

As a former civil rights advocate in Washington, D.C., I can attest to how rare it is to find federal officials that can relate to or understand the complex needs faced by particularly the low income segment of the Asian and Pacific community. More often than not, Asian interests are not even addressed on civil rights matters. We need people like Supervisor Achtenberg that can sensitize a government that is only beginning to recognize our community.

Supervisor Achtenberg hired qualified and diverse staff while representing us at San Francisco City Hall. More than any other Supervisor, we could count on her to fight for our needs. She will serve the nation and HUD with distinction.

We urge the committee and the Senate to act swiftly to confirm Supervisor Achtenberg's nomination. Please feel free to contact us for further information or input.

Thank you.

Sincerely,

PAUL M. IGASAKI,
Executive Director.

COUNCIL FOR CONCERNED CITIZENS,
Great Falls, MT, April 14, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR RIEGLE: We at the Council for Concerned Citizens wholeheartedly support the nomination of Ms. Roberta Achtenberg as Assistant Secretary of Fair Housing and Equal Opportunity of the U.S. Department of Housing and Urban Development.

We have based our decision to support her nomination on three factors. First, we have reviewed a vast amount of material outlining her eminent qualifications for the job. Secondly, we know that President Clinton has nominated Ms. Achtenberg for this position, and we have confidence in his reasoning for selecting her for the appointment. Finally, we are affiliated with the National Fair Housing Alliance and trust their judgment in the decision to support Ms. Achtenberg's nomination.

Private group enforcement of fair housing laws is vital to fair housing choice in rural states such as Montana. The Council for Concerned Citizens is such a group, and is the only private fair housing group in the United States that focuses on housing, lending, and insurance discrimination against Native Americans.

Our work has been greatly advanced by federal funding which is necessary and critical to implementing fair housing goals in large rural western states. Funding is one of the areas where Ms. Achtenberg has distinguished herself. Her work on appropriations increased Fair Housing Initiative Program (FHIP) monies from $10.6 million to $16.9 million for this year.

An increase in dollars aids existing groups such as NFHA and CCC in their efforts to develop private fair housing groups in locations where none currently exist. This increased funding will also go a long way toward capacity development of existing groups such as CCC, enabling us to investigate mortgage, lending, and insurance discrimination in Montana.

For Ms. Achtenberg's efforts to increase FHIP funding, we are very grateful and optimistic about the future of fair housing, not only in Big Sky Country, but throughout the nation as well. Therefore, we strongly urge the Senate to quickly approve Ms. Achtenberg's appointment. If you have any questions or would like us to comment further on this nomination, please feel free to contact us.

Respectfully,

TONI AUSTAD,
Director.

HOUSING OPPORTUNITIES
MADE EQUAL, INC.,
Buffalo, NY, April 14, 1993.

Hon. ALFONSE D'AMATO,
Ranking Minority Member, Senate Committee on Banking, Housing, and Urban Affairs, Dirksen Senate office Building, Washington, DC.

DEAR SENATOR D'AMATO: As you know, Housing Opportunities Made Equal is an organization with nearly 600 members which, since 1963, has led the struggle for fair and equal access to housing in Western New York. Today HOME operates under contract with 36 municipalities to provide a comprehensive program of fair housing services.

Although this agency has won enforcement funding for four consecutive years under the Fair Housing Initiatives Program, we are sorry to report that we have not always been in agreement with the policies of our friends at HUD. You may have seen the June 1992 report on implementation of the Fair Housing Amendments Act issued by the New York State Advisory Committee to the U.S. Commission on Civil Rights which contained a number of criticisms by this agency directed at HUD practices which, at times, seemed designed to discourage victims of housing discrimination from pursuing those rights granted by Congress and President Reagan in 1988.

Thus we are pleased to write in support of the nomination of Roberta Achtenberg as HUD's assistant secretary for fair housing and equal opportunity. Although we have not yet had an opportunity to meet Ms. Achtenberg, we have had occasion to communicate with her office and were frankly impressed by the timely response. Ms. Achtenberg's resume is an impressive one which tells of a long history of commitment to civil rights. Our colleagues at the national Fair Housing Alliance have met with Ms. Achtenberg and come away positively impressed—and we place great faith in their judgment.

Thirty years after New York State adopted it first fair housing statute, housing discrimination remains a serious problem. In 1992 HOME recorded a 19 percent increase in reported incidents of bias and, in honesty, the first quarter of 1993 shows further growth. Even as HOME enters its fourth decade, it is apparent that the evil of discrimination is not yet beaten.

The Fair Housing Amendments Act of 1988 and the Fair Housing Initiatives Program combined to create a framework with which to effectively combat housing discrimination. We are hopeful that under the leadership of Secretary Cisneros and Assistant Secretary Achtenberg the federal government will at long last demonstrate the will to keep its 25 year-old promise of fair housing.

Thanking you for your consideration of these comments, I remain

Sincerely,

SCOTT W. GEHL,
Executive Director.

CHINESE FOR
AFFIRMATIVE ACTION,
April 13, 1993.

U.S. Senator DONALD W. RIEGLE, Jr.,
Chairman, U.S. Senate Committee on Banking, Housing and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

Re: Assistant Secretary Nominee Roberta Achtenberg.

DEAR CHAIRMAN RIEGLE: I write to urge the U.S. Senate Committee on Banking, Housing and Urban Affairs to approve the nomination of San Francisco Supervisor Roberta Achtenberg to be the Assistant Secretary of Fair Housing and Equal Opportunity.

For the past twenty years, I have had the opportunity to work closely with numerous public officials, civil rights lawyers, and community leaders to solve a broad range of social and legal problems afflicting racially discriminated communities. Roberta stands out as a shining example of a gifted, compassionate public official and civil rights advocate who has developed strategies that have empowered the disadvantaged and coalesced persons of diverse backgrounds toward a common good. In addition to her effective opposition against all forms of discrimination, she has demonstrated strong leadership in promoting public policies that treat economically disadvantaged youths and families more humanely.

As a city supervisor, Roberta has had to mediate many numerous instances of conflicting interests and priorities. In every instance, her ability to identify practical solutions and persuade governmental agencies to be more responsive to the needs of common citizens has made her an exceedingly effective public official. Her public service work has always had focus and clear direction. There is no doubt in my mind that Roberta will be an outstanding leader to defend our nation's fair housing laws. Her professional training, personal commitment to equality for all, and successful track record of developing creative and innovative public policies all contribute to her being a superb nominee to be the next Assistant Secretary for Fair Housing.

I hope that you and U.S. Senate move with deliberate speed to approve the nomination of Roberta Achtenberg to be the Assistant Secretary for Fair Housing and Equal Opportunity. Thank you.

Sincerely yours,

HENRY DER,
Executive Director.

NATIONAL CENTER FOR YOUTH LAW,
San Francisco, CA, March 8, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR RIEGLE: I am writing in support of Supervisor Roberta Achtenberg's appointment to the position of Assistant Secretary for Fair Housing and Equal Opportunity at the Department of Housing and Urban Development (HUD). I have known Supervisor Achtenberg for over ten years. She has demonstrated her qualifications for the HUD position in her work as a public official and civil rights attorney.

Since 1982, I have specialized in fair housing law for families with children. I have litigated cases, conducted trainings for other lawyers, and testified before Congressional Committees in support of the Fair Housing Amendments Act of 1988. E.q. Hearings before the Subcomm. on the Constitution of the Comm. on the Judiciary, U.S. Senate, One Hundredth Congress, First Session on S. 558, pp. 166-210. I have closely monitored HUD's enforcement of the 1988 Act, its certification of state laws, and its coordination of fair housing activities among the various HUD programs. Supervisor Achtenberg faces a daunting task in improving HUD's performance on these issues, but she has many valuable skills to bring to this task.

Supervisor Achtenberg combines a lawyer's substantive expertise on civil rights law with an elected official's ability to work with diverse groups. For many years, she was a practicing lawyer who focused on overcoming discrimination against gay men and lesbians. This experience, although it did not directly deal with fair housing matters, prepares her well for the Assistant Secretary position. To understand the harm, arbitrariness, and remedies associated with discrimination against one group is to understand many of the problems facing other victims of discrimination. Civil rights law has evolved over time and builds on fundamental principles that are used for all protected classes. Supervisor Achtenberg understands these principles and will be able to apply her legal expertise to the enforcement of the Fair Housing Act.

San Francisco has been described by some as "hyperpluralistic". Residents have a keen interest in the political process; community, neighborhood, and other interest groups abound in the city. In many respects, the political milieu of the city replicates the highly-charged arena of Washington politics. Supervisor Achtenberg has succeeded in this environment.

She has been a rational and pragmatic voice for social and economic justice. She has worked well with divergent groups and forged meaningful compromises that solve urban problems. As a Latino community activist, I have worked with Supervisor Achtenberg on several issues, including fair housing and civil rights matters. She has also been an advocate for families, small businesses, and the reform of city government. Her experience as a local official indicates that she will work effectively and pragmatically in implementing fair housing law.

As a resident of San Francisco, I regret the departure of Supervisor Achtenberg from city government. As a fair housing lawyer representing low income families, I look forward to Supervisor Achtenberg's leadership at HUD in improving the federal government's enforcement of the Fair Housing Act.

Sincerely,

JAMES B. MORALES,
Staff Attorney.

LA RAZA CENTRO LEGAL, INC.,
San Francisco, CA, March 8, 1993.

Hon. DONALD W. RIEGEL, Jr.,
Chairman, Committee on Banking, Housing and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN: I fully support Supervisor Roberta Achtenberg's nomination as Assistant Secretary of Fair Housing and Equal Opportunity. I have known Supervisor Achtenberg for five years and hold her in high regard.

As Supervisor, Ms. Achtenberg has been an advocate for San Francisco's low-income families and minorities. She has worked for protection of tenants against wrongful eviction and has supported construction of affordable housing for low-income families. Ms. Achtenberg has also worked for better monitoring efforts by the City of Human Rights Commission.

She has been an advocate for issues that effect San Francisco's diverse and growing Latino Community. As Executive Director of a non-profit community law agency that serves Latinos throughout the Bay Area, I will miss her presence on the Board of Supervisors and United Way of the Bay Area. She has been instrumental in addressing the needs of the Latino community as a public official and private citizen.

I believe Ms. Achtenberg's commitment to civil rights makes her an outstanding nominee for the position of Assistant Secretary of Fair Housing and Equal Opportunity. For low-income housing advocates, it is very heartening to know she will be in Washington continuing her work as an advocate for low-income housing.

I hope that the Banking Committee will confirm Supervisor Achtenberg as a new Assistant Secretary of Fair Housing and Equal Opportunity. If I can be of any further assistance please call me at 415/575-3500.

Sincerely,

MARIO SALGADO,
Executive Director.

AUSTIN TENANTS' COUNCIL,
Austin, TX, April 13, 1993.

TO WHOM IT MAY CONCERN: The Austin Tenants' Council wishes to add our voice to the chorus of individuals and organizations supporting the nomination of Ms. Roberta Achtenberg for Assistant Secretary for Fair Housing and Equal Opportunity.

Her background is ideal for furthering the cause of full and fair housing for all, Ms. Achtenberg's commitment to civil rights enforcement and equal opportunity ensure her adherence to the mandate set forth under the Fair Housing Act.

With 20 years of service to our community, the Austin Tenants' Council has gained expertise as a catalyst in the struggle to uphold the rights and privileges of all persons to a safe and decent place to live. Ms. Achtenberg presents a background which is germane to the essence of this struggle and as such we feel she will do an outstanding job.

Respectfully submitted,

KATHERINE STARK,
Executive Director.

FAIR HOUSING COUNCIL OF OREGON,
Portland, OR, April 15, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Washington, DC.

DEAR SENATOR RIEGLE: The Fair Housing Council of Oregon supports the nomination of Ms. Roberta Achtenberg as Assistant Secretary of Fair Housing and Equal Opportunity of the U.S. Department of Housing and Urban Development.

Her accomplishments are substantial and substantive. She is an advocate for fairness and equality for all persons. Her career in public service and policy making as well as civil rights enhances her candidacy. We believe this position needs someone who will remain a voice for those who are underrepresented. We feel that a true advocate for fairness must have clarity of vision and a desire to facilitate change.

The Fair Housing Council of Oregon is a private non-profit corporation with a mission of promoting access to housing of choice for all persons. We receive and screen complaints of housing discrimination from the entire state of Oregon and whenever possible test allegations of fair housing violations. We have front line experience of the reality of housing discrimination and feel that a strong commitment to enforcement at the federal level is essential.

We feel that with Ms. Achtenberg's legal background and experience the U.S. Dept. of Housing of Urban Development and the people of the United States will have a true champion of fairness. We urge you to approve the nomination of Ms. Achtenberg for Assistant Secretary of Fair Housing and Equal Opportunity.

Sincerely,

CYNTHIA INGEBRETSON,
Program Enforcement Coordinator.

BALTIMORE NEIGHBORHOODS, INC.,
Baltimore, MD April 14, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing and Urban Affairs, Washington, DC.

DEAR MR. CHAIRMAN: Baltimore Neighborhoods, Inc. (BNI), is a private fair housing organization which has been on the forefront of the battle against housing discrimination in the Baltimore metropolitan area since our founding in 1959. We strongly support the nomination of Roberta Achtenberg as Assistant Secretary for Fair Housing and Equal Opportunity. Ms. Achtenberg promises to bring to that office an awareness of the critical importance of housing for all American citizens and a commitment to ensuring that the availability of housing is not affected by

discriminatory beliefs and practices. We are persuaded that Ms. Achtenberg will be an aggressive, strong, compassionate and committed leader in a Department which has suffered during the last many years from leadership which has lacked those qualities.

Baltimore is among those American cities which have been characterized as hyper-segregated by recent studies. Throughout the 34 years BNI has been in the fair housing business, this characterization, unfortunately, has been an apt one, despite our determined efforts to enforce the fair housing laws. Much of the impetus for change comes from the level of commitment and enforcement set at the national level. The commitment of President Clinton and Secretary Cisneros to fair housing manifests itself in the nomination of this dedicated, capable woman to lead the nation's fair housing program. We are confident that your hearing on this nomination will confirm our high opinion of Ms. Achtenberg.

We urge your committee and the full Senate to act quickly in approving this important nomination.

Sincerely yours,

ROBERT L. PIERSON,
President.

EDEN COUNCIL FOR HOPE & OPPORTUNITY,
Hayward, CA, April 14, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing and Urban Affairs, Washington, DC.

DEAR SENATOR RIEGLE: We are writing you to urge your support for the nomination of Roberta Achtenberg as Assistant Secretary for Fair Housing and Equal Opportunity in the Department of Housing and Urban Development. She is a person who will bring substantial leadership skills and an untiring commitment to a position within the Department that greatly needs it.

Fair housing agencies such as ours depend to a great extent on H.U.D. to make the federal government's goal of equal opportunity in housing a reality. We regularly refer clients who are victims of discrimination to H.U.D. in order to get a thorough investigation of the complaint and full enforcement of the laws. Until now, though, many of these cases have encountered road blocks in Washington, D.C. It has happened to a number of our clients that their cases left the regional office with a recommendation of reasonable cause, only to be dismissed in Washington. In some cases there have been glaring errors and omissions in the final determinations. In other cases, there was simply poor judgement and a lack of commitment.

A commitment to fair housing begins at the top. The Assistant Secretary for Fair Housing and Equal Opportunity needs to be someone who will not hamstring enforcement of the laws, but rather will strive to broaden the scope of the law and ensure that justice is served in each individual case. We believe that Roberta Achtenberg is such a person. Her record of public and community service clearly demonstrates a dedication to the guarantee of civil rights. And while Ms. Achtenberg may not have a wealth of direct experience with housing discrimination litigation, she has proven herself to be a very intelligent, perceptive and sensitive person who is able to develop a full understanding of the issues in a short amount of time.

Therefore, we urge you to support the nomination of Ms. Achtenberg and to push your colleagues to do likewise. A speedy confirmation is important to all those who believe in equal opportunity in housing.

Sincerely,

MARK STIVERS,
Fair Housing Counselor.

INSTITUTO LABORAL DE LA RAZA,
San Francisco, CA, March 19, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Washington, DC.

DEAR CHAIRMAN RIEGLE: Please accept my letter in support of Supervisor Roberta Achtenberg's nomination as Assistant Secretary of Fair Housing and Equal Opportunity in the Department of Housing and Urban Development.

Roberta has been an effective policy maker on the San Francisco Board of Supervisors. She has been particularly sensitive to the needs of our City's most vulnerable population—female single heads of household; youth and senior citizens. Roberta has consistently put forth innovative solutions to complex city problems such as her recent legislative efforts to help speed the transition from welfare to permanent employment through augmentation of city-sponsored job training programs.

Even prior to her election to the Board of Supervisors, Roberta had made a reputation for herself as an effective advocate for tenants' rights and for affordable housing. She has given generously of her time by serving on the board of directors of the United Way of the Bay Area and is a member of the Jefferson Elementary School PTA where her son is a student.

Roberta's first hand knowledge of fair housing issues coupled with her commitment to equal opportunity will enable her to make a most positive contribution in discharging her duties as Assistant Secretary of Fair Housing and Equal Opportunity.

Sincerely,

JOSE E. MEDINA,
Executive Director.

SAN FRANCISCO LA RAZA LAWYERS ASSOCIATION,
San Francisco, CA, March 17, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Washington, DC.

HONORABLE CHAIRMAN: San Francisco La Raza Lawyers Association welcomes the opportunity to express its support for Supervisor Roberta Achtenberg to the position of Assistant Secretary of the United States Housing and Urban Development Department.

San Francisco La Raza Lawyers Association is a professional association representing more than five hundred members and supporters in the San Francisco Bay Area. Our primary responsibilities are to enhance opportunities for Latino attorneys in their respective areas of practice, provide educational forums to community members, and to facilitate the appointment of Latino attorneys to vacancies in the judicial branch. Currently, we are organizing the 1993 Hispanic National Bar Association Convention which will take place in San Francisco from September 23rd to the 26th. We would be honored to have you and other members of your committee present at this historic event.

It is this associations' position that Supervisor Roberta Achtenberg has been a concerned and dedicated public servant throughout her tenure as supervisor. In her official capacity, she has shown sensitivity to the plight of the Latino community in San Francisco and has worked consistently in support of programs and measures which have advanced the interests of our community. She's held this same commitment long before she was elected to the Board of Supervisors when she was working as Dean of New College of California School of Law. In her capacity as Dean, she made sure that minority law school applicants were fairly considered, admitted to, and retained in the law school. It is our belief and expectation that she, as Assistant Secretary to H.U.D., will continue to exercise good judgment and discretion with respect to her duties and in the developments of new methods for dealing with the myriad of problems facing this agency.

Thank you for allowing us the opportunity to express our support for Supervisor Achtenberg. We are available to provide any additional assistance and information regarding the candidate and/or our association. Please feel free to contact us.

Sincerely yours,

ENRIQUE RAMIREZ,
President.

SAN FRANCISCO/PHYSICALLY DISABLED QUORUM,
San Francisco, CA, April 2, 1993.

Hon. MEMBERS,
Committee on Banking, Housing and Urban Affairs, Washington, DC.

DEAR SENATORS: We are writing to support the appointment of Roberta Achtenberg to the position of Assistant Secretary for Fair Housing and Equal Opportunity in The Department of Housing and Urban Development.

We are a local, independent organization of people with physical disabilities whose mission is to advocate for greater accessibility. We do not receive funding from anyone outside our membership.

People with disabilities have more problems with housing and are more in need of strong enforcement of fair housing laws than any other group. Many people who have become disabled have had to give up jobs only because they could not find a home which they could leave or enter independently. A home with a doorway too narrow for a person with a disability, a kitchen or bathroom unusable by a person with a disability, is just as much discrimination as a sign saying "No Women Allowed" or "No African-Americans Allowed".

Supervisor Achtenberg has been a leader in civil rights and fair housing in San Francisco. She led the fight to get stricter penalties for motorists blocking curb ramps, a difficult fight in this city with one of the worst parking problems in the country, and with some officials regarding this blockage as a driver's right. She is the rare official who is genuinely sensitive to disability issues, and not merely taking a proper political stance. Her brother was a quadriplegic who was killed in a street accident that would not have occurred if there had been better enforcement of disability rights.

We look forward to her developing policies for equal and fair housing.

Sincerely,

STANLEY PAUER,
Co-Chair.

ELLEN LIEBER,
Co-Chair.

LOCAL 2 HOTEL EMPLOYEES &
RESTAURANT EMPLOYEES UNION,
San Francisco, CA, March 31, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR RIEGLE: On behalf of the 10,000 members of Local 2, I write seeking your support for the confirmation of Roberta Achtenberg as Assistant Secretary of Fair Housing and Equal Opportunity in the Department of Housing and Urban Development.

We in Local 2 have worked closely with Supervisor Achtenberg in San Francisco over a variety of different issues not only affecting our membership but the community at large.

Specifically, Supervisor Achtenberg was a key supporter of a piece of local legislation which our union succeeded in having adopted by the city which requires the Planning Commission to consider housing mitigation measures prior to the approval of any new hotel developments in San Francisco. Without her support we would not have been able to achieve this legislation which addresses the severe housing shortage in our city.

In addition Supervisor Achtenberg has built her career on championing civil rights and equal opportunity for woman and minorities in our community.

I strongly urge your support of her nomination as Assistant Secretary. Her dedication, commitment and hard work, which we have experienced first hand, will serve our nation well.

Sincerely,

SHERRI CHIESA,
President.

CENTRAL LABOR COUNCIL OF
CONTRA COSTA COUNTY, AFL-CIO,
Martinez, CA, March 29, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR RIEGLE: I would like to strongly recommend Roberta Achtenberg's appointment as Assistant Secretary for Fair Housing and Equal Opportunity.

Roberta Achtenberg has had a brilliant career, and is recognized as a leader in the San Francisco Bay Area. I have been privileged to serve with her as a member of the Board of Directors of the United Way of the Bay Area.

Your committee's concurrence of her nomination would be in the best interests of this nation's goals.

Sincerely,

STEVEN A. ROBERTI,
Executive Secretary.

HOUSING OPPORTUNITIES MADE EQUAL,
Richmond, VA, April 12, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR RIEGLE: The Board of Directors of Housing Opportunities Made Equal (HOME) voted unanimously at its most recent meeting to support the nomination of Roberta Achtenberg to be Assistant Secretary for Fair Housing and Equal Opportunity. Ms. Achtenberg's background in civil rights, policy development and administration, and law, as well as her personal commitment to equal housing, make her extremely well qualified to fill this position.

I have had the opportunity to discuss a variety of topics with Ms. Achtenberg, and have been impressed with her immediate grasp of the complex issues surrounding equal housing and housing affordability, and her understanding of the role that can and should be played by the U.S. Department of Housing and Urban Development in ensuring equal access to housing throughout the United States. While firmly committed to equal rights, she also understands the importance of taking into consideration the concerns of the housing industry to ensure that the programs under her jurisdiction are administered in the most productive way possible.

HOME is a HUD-certified comprehensive housing counseling agency, which served 4,627 families in 1992, and which has provided fair housing services for the city of Richmond for almost twenty years. We assist victims of housing discrimination, provide all forms of housing counseling, and also administer various programs of financial assistance such as downpayment assistance for first time homebuyers. As a result, we are thoroughly familiar with the interrelationship of different housing programs, discrimination, and the barriers facing women, families, minorities, and those with limited incomes in their search for housing. We are convinced that Ms. Achtenberg will provide the leadership necessary to ensure that fair housing is a positive component of all of HUD's programs, and that she will work diligently to guarantee all residents of the United States the equal access to housing envisioned in the law.

Ms. Achtenberg has our full support. I hope you and the other members of the Committee on Banking, Housing and Urban Affairs will act quickly to confirm her nomination.

Sincerely,

CONSTANCE K. CHAMBERLIN,
Executive Director.

SAN FRANCISCO
LABOR COUNCIL AFL-CIO,
San Francisco, CA, March 30, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR RIEGLE: The purpose of this communication is to strongly recommend Roberta Achtenberg for the position of Assistant Secretary for Fair Housing and Equal Opportunity.

The aforementioned recommendation is based on my personal experience in working with Roberta over a period of years, both in her capacity as an elected official, and her involvement in community support activities. Roberta becomes involved because of the necessity for all citizens to have a voice within the community, and her deep dedication and commitment.

Roberta is always well informed and is qualified to deal with sensitive and complicated issues. Her broad cross section of experience will be a tremendous asset as she puts her time, talents and energy to work to help solve some of the more difficult and demanding problems that have developed into one of America's most serious and festering wounds.

I am supremely confident Roberta Achtenberg will fulfill all of the responsibilities inherent in the aforementioned position, thereby serving as a model for all who follow.

Please feel free to contact me if further information is required.

Thank you.

Sincerely,

WALTER L. JOHNSON,
Secretary-Treasurer.

THE BAR ASSOCIATION
OF SAN FRANCISCO,
March 9, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR RIEGLE: We understand that President Clinton's nomination of Supervisor Roberta Achtenberg as Assistant Secretary of Fair Housing and Equal Opportunity in HUD is currently under consideration by your Committee.

On behalf of the Bar Association of San Francisco, I enclose for your information a copy of the materials submitted by BASF in support of our nomination of Supervisor Achtenberg for the ABA's prestigious Margaret Brent Award. The nomination statement aptly expresses the enormously high regard in which Supervisor Achtenberg is held in the Association and in the legal community as a whole.

Thank you for the opportunity to call this to your attention.

Very truly yours,

DRUCILLA STENDER RAMEY,
Executive Director and General Counsel.

THE UNITED WAY,
San Francisco, CA, March 23, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR RIEGLE: Building a better community has always been Roberta Achtenberg's personal and professional goal. Over the years, I have come to learn that her great skill, knowledge and ability has been one of the key elements in the development of the Bay Area.

Serving others without expectation of return has been one of the hallmarks of a gifted leader. Clearly, Roberta has worked hard her entire career to improve the quality of life of our entire Bay Area community.

In an era when some of our best and brightest are not attracted to public service, it is truly an honor and pleasure to recommend a leader of national stature for the position of Assistant Secretary for Fair Housing and Equal Opportunity, without reservation.

Sincerely,

THOMAS A. RUPPANNER,
President.

RELIGIOUS ACTION CENTER,
OF REFORM JUDAISM,
March 25, 1993.

Hon. JIM SASSER,
Chair, Committee on Banking, Housing, and Urban Affairs, Russell Senate Office Building, Washington, DC.

DEAR SENATOR SASSER: As you may know, I represent the 1.5 million members of the Reform Jewish community throughout the United States. I am writing on behalf of a distinguished and respected member of one of our synagogues: Roberta Achtenberg.

She has been nominated by the Administration to be Assistant Secretary of Housing and Urban Development for Fair Housing and Equal Opportunity. Her background in public policy, including fair housing policy, is exemplary. I have the privilege to sit on the boards of several national civil rights organizations, and can attest to the high regard in which Roberta is held by a number of communities—including my own.

Roberta is deeply respected by the Jewish community in San Francisco and is greatly admired as an advocate for civil rights and for Jewish concerns. Her selection has at-

tracted much interest and support from the national Jewish community. Her confirmation will be considered by the Jewish community as a major contribution by the Clinton Administration.

Sincerely,

DAVID SAPERSTEIN.

SAN FRANCISCO MEDICAL SOCIETY,
San Francisco, CA, March 19, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

Hon. PAUL S. SARBANES,
Chairman, Subcommittee on Housing and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

Hon. ALFONSE D'AMATO,
Ranking Minority Member, Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR SENATORS RIEGLE, SARBANES, AND D'AMATO: On behalf of the San Francisco Medical Society, it is my pleasure to support Roberta Achtenberg's nomination as Assistant Secretary of Fair Housing and Equal Opportunity in the Department of Housing and Urban Development.

While we will miss her presence in San Francisco, we believe that she will be a welcome and productive addition to the federal government. During her tenure as Supervisor, we had numerous occasions to meet and confer with Supervisor Achtenberg on matters affecting health care in San Francisco. We found her to be well informed on the issues and balanced in her approach. It was a pleasure to interact with her and always felt that we got a fair hearing, even when she disagreed with the positions we advocated. We found her to be a strong advocate and a skillful builder of consensus on difficult issues.

We urge you to confirm Ms. Achtenberg as Assistant Secretary of Fair Housing and Equal Opportunity. Please contact our Executive Director Susan Waters if we can provide additional information in support of her nomination.

Sincerely,

DAVID J. SOFFA, M.D.,
President.

SAN FRANCISCO, CA,
April 7, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

Hon. PAUL S. SARBANES,
Chairman, Subcommittee on Housing and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

Hon. ALFONSE D'AMATO,
Ranking Minority Member, Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR SENATORS: I write with a strong recommendation of support for Roberta Achtenberg as Assistant Secretary of Fair Housing and Equal Opportunity in the Department of Housing and Urban Development.

As a partner in San Francisco's largest law firm, Pillsbury Madison & Sutro, and as the immediate past president of the Bar Association of San Francisco, I have had occasion to observe Supervisor Achtenberg on several occasions, and with a sometimes critical eye. Her background clearly qualifies her for the job to which President Clinton has nominated her. She has, for her whole professional life, been a distinguished champion of the downtrodden and the underclass. She earned her distinction by creative policies and vigorous action, and has been a champion of small businesses, affordable housing for poor people, protection for tenants subject to wrongful eviction by rapacious landlords (but, and this is important, she is rational in her support and does not blindly support people simply because of their status), and other civil rights issues.

Roberta Achtenberg is a lesbian, and, as such, would add an interesting and overdue element of diversity to the administration. But that is not why I support her. Rather, I believe she is immensely qualified for the job, fully professional, competent, reasonable, smart and tough. In short, she is the ideal candidate for this position at this time.

I would be pleased to supplement this letter with additional information if requested.

Sincerely,

JAMES M. SEFF.

FOLGER & LEVIN,
San Francisco, CA, March 15, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN RIEGLE: I am the senior litigation partner of a fifty lawyer downtown San Francisco law firm which typically represents large financial, commercial and industrial businesses in complex litigation. I have practiced law for twenty years since clerking for the Ninth Circuit Court of Appeals, am a member of the America Law Institute, the Northern District of California Civil Justice Reform Act Panel and of many other judicial and community public service organizations and task forces. I am writing you to urge you to confirm President Clinton's nomination of Roberta Achtenberg as Assistant Secretary of Fair Housing and Equal Opportunity in the Department of Housing and Urban Development.

In my business I have the blessing and burden of working with numerous lawyers and public officials. In my experience I have rarely encountered as conscientious, committed and dedicated an individual as Roberta Achtenberg. Roberta is hard working, serious and thoughtful. She applies her ample intelligence in a constructive, creative and productive manner. If you want to get a job done right, you call on Roberta.

Roberta is neither an ideologue nor a token. Her successes in life from her Phi Beta Kappa key at the University of California to her Order of the Coif at the University of Utah to her seat in the highest council of power in San Francisco have been hard won and deserved. Roberta is neither shrill nor uncompromising, she measures her success in terms of results, such as legislative achievements, not in terms of headlines or rhetoric.

The Housing and Urban Development Department and the United States government will be well served by Roberta Achtenberg's addition to this administration. If I can contribute anything further to your important deliberations, please do not hesitate to call upon me.

Very truly yours,

MICHAEL A. KAHN.

SAN FRANCISCO, CA,
March 30, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR RIEGLE: I understand Roberta Achtenberg has been nominated as Assistant Secretary, Fair Housing and Equal Opportunity in President Clinton's Administration. I've known and worked with Roberta on a number of community endeavors over the past several years. She is intelligent, sensitive to the needs of others, and is truly professional.

Without reservation, I support her nomination and know that once approved she will do an extraordinary job.

Sincerely,

BARRY LASTRA.

COMMUNITY INVESTMENT CORPORATION,
Chicago, IL, April 12, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

Re Achtenberg Nomination for HUD Assistant Secretary.

DEAR SENATOR RIEGLE: It is my pleasure to write in support of Roberta Achtenberg's nomination as Assistant Secretary of Fair Housing and Equal Opportunity in the Department of Housing and Urban Development.

Times are changing as private-sector bank dollars are becoming more readily available to join with public programs to promote affordable housing rehabilitation and neighborhood job creation. Ms. Achtenberg's experience and her practical approach to promoting neighborhood jobs and fair housing will serve HUD's goals well.

Community Investment Corporation (CIC) is an affordable-housing loan consortia of 43 banks and thrifts. CIC needs experienced and pro-active partners in Washington to streamline programs and make them work. Ms. Achtenberg would be such a partner to the nation's affordable housing and banking community.

I would be more than happy to help in any way to support Ms. Achtenberg's nomination. As additional background to CIC, I am enclosing a fact sheet describing our affordable housing efforts.

Sincerely,

JOHN PRITSCHER,
President.

SAN JOSE, CA,
April 20, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

Re Supervisor Roberta Achtenberg.

DEAR MR. RIEGLE: I am writing to urge you to support the confirmation of San Francisco Supervisor Roberta Achtenberg as Assistant Secretary of Fair Housing and Equal Opportunity.

I am a partner in the law firm of Pillsbury Madison & Sutro. My work as an attorney has brought me in direct contact with a number of public officials. None of them were more open, more receptive or more responsive than was Supervisor Achtenberg. Her work in San Francisco on the Human Rights Commission, as Chair of the Housing and Land Use Committee and as a member of the Economic Vitality and Social Policy Committee, demonstrate the perception, experience and broad perspective she will bring with her to the Department of Fair Housing and Equal Opportunity.

Finally, Ms. Achtenberg's service as executive director of the National Center for Lesbian Rights and her status as a leader of the San Francisco gay and lesbian community demonstrates her willingness to take strong stands in favor of civil rights for all individ-

uals. Ms. Achtenberg's courage and leadership in the area of civil rights will further broaden the perspective she brings with her to the Department of Fair Housing and Equal Opportunity. I encourage you to confirm her nomination.

Very truly yours,

RANDOLF J. RICE.

FAIR HOUSING COUNCIL
OF THE FOX VALLEY,
Appleton, WI, April 16, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR RIEGLE: The Fair Housing Council of the Fox Valley strongly endorses Ms. Roberta Achtenberg as Assistant Secretary of Fair Housing and Equal Opportunity of the U.S. Department of Housing and Urban Development. As one of the few civil rights organizations in Northeastern Wisconsin, the Council is aware of the need to have the federal government show its concern for civil rights with strong advocates in HUD positions.

Ms. Achtenberg is the premier candidate for Assistant Secretary as she exemplifies the advocacy professionalism that is essential in this position. Her academic and professional career displays her intellectual range of knowledge. She has the political acumen necessary to promote the fair housing agenda and has the political contacts to make it all possible. Also, she has the experience in drafting and enacting policy changes.

As one of the front line organizations in the struggle for civil rights, this Council asks that you provide the leadership necessary for fair housing by confirming Ms. Achtenberg's nomination. Thank you.

Sincerely,

KATHLEEN GROAT,
Executive Director.

Mrs. BOXER. Mr. President, I would like to say this. I worked awfully hard to get to the U.S. Senate, as each of us has done. It is a great honor to be here.

I remember, when I was a child, my parents saying to me, "You know, in the United States Senate, they really have courage and they debate issues, and they really raise the level of the debate."

And I remember my parents saying, "In the House, it is really more of a feisty fight. But in the Senate, it is serious debate, and it is high-level debate."

I am happy to say that on most occasions that is really so.

But I have to say, listening to the Senator from North Carolina—and I do wish that he was here on the floor, because I sat through every word, every word, that he uttered about someone he does not know, Mr. President—I do not think that his statements are up to the level of this U.S. Senate.

He said of Roberta Achtenberg, and I quote, "She is pushy, demeaning, and demanding, and she is mean person."

Mr. President, Roberta Achtenberg is not a mean person and she is not pushy and she is not demeaning.

She is a good person. It does not mean I agree with her on every single thing, nor would you. No two people do. But one thing I know, she is not pushy and she is not demeaning and she is not demanding and she is not mean. And I find it really strange that people who have been in politics for a long time would call someone they do not know names. Because we get it all the time, do we not, Mr. President, from people who do not know us who think they know us? And I am sure that the Senator from North Carolina himself might be surprised at how many people think he is mean. He may be surprised at that. So, to call someone else mean lowers this debate. I support every single Member of this body's opportunity, chance, and right to speak out against a nominee, but let us not demean the debate.

I would like to read from a few letters that were written in behalf of Roberta Achtenberg from people who know her, because I think that is important. A lot of people in the U.S. Senate are saying things about Roberta Achtenberg who do not know her. Maybe because they want to make political points? I do not know why they would do this. Is it because they do not approve of her private life? Well, that is their right. But say it. If that is the reason you object, say it. Do not say she is mean or abused her power. Tell the truth. We owe that to the people of this country.

So I want to read just quotes from these letters that I have put in the RECORD.

The first one, from Leopold Korins, who is the chairman and CEO of the Pacific Stock Exchange:

Roberta Achtenberg is among the most intelligent, capable individuals I have met. She is highly regarded for her willingness to reach out to San Francisco's business community—she has met on regular occasions with 24 local corporate CEOs—and has made many significant efforts to maintain and enhance our city's economic vitality. During the transition between her election and her induction to the Board of Supervisors, for example, Roberta helped craft a critical compromise to controversial legislation passed by the previous Board, dealing with workplace safety. She is diligent, hard working, and open to new ideas, all contributing to an attitude and approach to government the business community finds enlightened.

Now, I ask you, is this a mean person here? Is this a person who abuses power? This is a person praised by the corporate community.

Stanford Law School, Paul Brest, professor and dean. And I quote, about Roberta Achtenberg, who has been described here as mean and not qualified and someone who abuses power and is pushy. Listen to the words:

More important than any particular achievements are Ms. Achtenberg's qualities as a lawyer, administrator, and person. She has an absolutely first-rate mind, and is highly articulate, orally and in writing. She is well organized. She is a strong leader who listens well to others' opinions and inspires the loyalty of those she works with and, I believe, the trust and respect of her opponents on particular issues. She is a person of great integrity and conviction, and at the same time pragmatic, warm, and outgoing.

I say to my colleagues, is this a mean person? Is this a demeaning person? Is this a pushy person? Not according to this professor and the CEO of the Pacific Stock Exchange.

We have a letter from the city of Baltimore, from the mayor, Kurt Schmoke.

Her outstanding career in public service warrants the strong support that she has received from around the country.

From the Lieutenant Governor of the State of California, the largest State in the Union, Leo McCarthy:

Roberta Achtenberg is one of the brightest and most sensible people in public life I have met during my twenty-eight years in local and state government.

He goes on:

In facing the range of seemingly intractable housing and other urban problems San Francisco and other cities encounter, she is a success story.

There have been implications that Roberta Achtenberg somehow does not love God. Roberta Achtenberg is an active member of a synagogue. She is absolutely praised by rabbis and priests. Here is one from Father Jim Goode, Church of St. Paul of the Shipwreck:

DEAR CHAIRMAN RIEGLE: I am writing to support the nomination of Roberta Achtenberg * * *

Before Supervisor Achtenberg was elected to the Board of Supervisors she worked for more than 15 years as a civil rights attorney, law professor and law school dean.

Her commitment to the people of this city and to the poor has been outstanding and she stands as a role model for those who wish to give of the best of their service to the poor and those who have no one to speak for them.

I am certain she will be an important addition to the Fair Housing and Equal Opportunity office in Washington, D.C.

I am honored and proud to add my name to the list of those who are supporting the nomination of Roberta Achtenberg.

Father JIM GOODE.

Mr. President, the Bar Association of San Francisco, signed by Drucilla Stender Ramey, executive director and general counsel:

On behalf of the Bar Association of San Francisco, I enclose for your information a copy of the materials (we sent) * * * in support of our nomination of Supervisor Achtenberg.

She had received, Mr. President, the ABA's prestigious Margaret Brent Award.

The nomination statement aptly expresses the enormously high regard in which Supervisor Achtenberg is held in the Association and in the legal community as a whole.

Mr. President, does this sounds like someone who is mean? Who is not qualified? Who does not work well? Who would abuse her office?

A letter from the United Way:

In an era when some of our best and brightest are not attracted to public service, it is truly an honor and pleasure to recommend a leader of national stature for the position of

Assistant Secretary for Fair Housing and Equal Opportunity, without reservation.

The Religious Action Center of Reform Judaism:

Roberta is deeply respected by the Jewish community in San Francisco and is greatly admired as an advocate for civil rights and for Jewish concerns.

The San Francisco Medical Society, signed by Dr. David Soffa:

On behalf of the San Francisco Medical Society, it is my pleasure to support Roberta Achtenberg's nomination * * *.

While we will miss her presence in San Francisco, we believe that she will be a welcome and productive addition to the federal government.

James Seff, attorney-at-law, a partner in San Francisco's largest law firm, Pillbury Madison & Sutro, says:

I have had occasion to observe Supervisor Achtenberg on several occasions, and with a sometimes critical eye. Her backgound clearly qualifies her for the job to which President Clinton has nominated her. She has, for her whole professional life, been a distinguished champion of the downtrodden and the underclass. She earned her distinction by creative policies and vigorous action * * *.

And this is an interesting letter from Folger & Levin, Michael Kahn, who is a senior litigation partner of this 50-lawyer downtown San Francisco law firm:

Roberta is neither an ideologue nor a token. Her successes in life from her Phi Beta Kappa key at the University of California to her Order of the Coif at the University of Utah to her seat in the highest council of power in San Francisco have been hard won and deserved.

Listen to this, Mr. President, from someone who knows Roberta Achtenberg, not from someone who is making political points on this nomination—from someone who knows her:

Roberta is neither shrill nor uncompromising; she measures her success in terms of results, such as legislative achievements, not in terms of headlines or rhetoric.

Mr. President, I have all these letters of support. I have just read from but a few to make the point that character assassination will not hold, whether it is in the press or whether it is in this beautiful, beautiful hall. People who do not know a woman and people who admittedly do not like her private life, will try to destroy her reputation, destroy her qualifications, destroy her experience, call her names. That has no place in this beautiful hall, in this great institution.

If you are against the nominee, then you better come up with the truth because what we have heard today from the Senator from North Carolina saddens me deeply and, yes, I will add my voice to the Senator from Illinois, it frightens me as well. But somehow in this country when we get frightened, we reach inside us for the best in us, and we expand our Nation and we include people in our Nation's life.

And then, after we heard those voices, we heard the voice of the Senator from Michigan who, with courage, stood tall in this Chamber and talked about how we are enriched as a Nation, not demeaned, but enriched when we reach out to those, yes, who maybe are different than we are.

Friendly? My own opinion is that Roberta Achtenberg will shine in this office. She is not being recommended for the Supreme Court. She is not being recommended for a Cabinet-level position. She is not, as she stated to the committee, going to recommend or make laws. We make the laws, so all the fear about Roberta Achtenberg somehow changing the laws around here all by herself, Mr. President, just does not add up. This is an Assistant Secretary for Fair Housing. That is what she will be doing.

I want to put to rest these charges about the Boy Scouts. I like the Boy Scouts. And I have to tell you that does not make them perfect either. Here are the facts about the Boy Scouts in the San Francisco Bay area.

United Way has a policy in the San Francisco Bay area—it is in writing—that if there is any discrimination on the part of an organization, United Way may not give them a grant. In the San Francisco Bay area, as they define "discrimination," it includes, in addition to race, color, creed, and gender, sexual orientation.

It was brought to the United Way's attention that the Boy Scouts in the Bay area had a discriminatory policy based on sexual orientation. The United Way appointed a task force. Roberta Achtenberg was not on that task force. I want to repeat that. The United Way in the San Francisco Bay area appointed a task force to look into the issue of whether or not it was true that the Boy Scouts discriminated on the basis of sexual orientation. The task force reported to the board of directors.

I ask unanimous consent to print in the RECORD a letter that I just received that is from an Elbert C. Hill, who was a member of the United Way Boy Scout Task Force.

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

SAN FRANCISCO, CA,
May 19, 1993.

Hon. Senator GEORGE J. MITCHELL,
Washington, DC.

DEAR SENATOR MITCHELL: As a former member of the United Way Boy Scout Task Force, I am perplexed that Roberta Achtenberg is taking the blame for the United Way's decision to de-fund the Boy Scout organizations in the Bay Area. Roberta, as one member of a fifty-nine member board of directors, acted on the recommendations of the Task Force and the United Way Executive Board.

The Task Force was established in November 1991, as the result of negotiations with the local Boy Scout Councils and members of the UW Executive Committee; the twenty-four members represented corporate/community/non-profit organizations, including the Boy Scouts and adult scouter volunteers. Professionals from the Boy Scout organization, independent gay/lesbian activist organizations, and public office holders (including Roberta) were not represented, but did present information and testimony. As the result of four months of negotiations, the Task Force recommended continuation of funding for a five year period if the Boy Scouts would agree to work at finding a common position with the United Way. The BSA rejected this recommendation, leaving the Executive Committee little choice but de-funding.

The statements attributed in news reports to Senator Helms are factually incorrect.

It is important that Congress know that Ms. Achtenberg did not act unilaterally, regardless of her personal feelings on the subject. The Task Force agreed to its recommendations with a twenty-one vote affirmation. The Executive Committee voted to de-fund with a unanimous affirmation. The decision clearly followed a due process with fairness to all parties.

Sincerely,

ELBERT C. HILL,
Member,
United Way Boy Scout Task Force.

Mrs. BOXER. Mr. President, in this letter, it is clearly explained that Roberta Achtenberg was not on this task force, had nothing to do with the recommendations of the task force. I will read this to you in part, if I may:

As a former member of the United Way Boy Scout task force, I am perplexed that Roberta Achtenberg is taking the blame for the United Way's decision to defund the Boy Scout organizations in the Bay area. Roberta, as one member of a 59-member Board of Directors, acted on the recommendations of the task force. * * *

Which she was not on. This letter will explain that very clearly.

I want to point out, Mr. President, that this decision that was made by the United Way was made unanimously. There can be colleagues who do not agree with the charter of the United Way in San Francisco, and I respect them if they have a disagreement with that charter, but the charter was in place before Roberta Achtenberg came on the board of directors of the United Way.

So let us talk about what her action was.

She was one of 59 of the board of directors who got this recommendation from the task force to stop funding the Boy Scouts until they changed their discriminatory policy, vis-a-vis sexual orientation. Present at the meeting where the vote was taken were 34 members of the board of directors.

Mr. President, the vote was 34 to nothing in favor of defunding the Boy Scouts. Let me tell you who cast that vote: The president of United Way, Thomas Ruppanner; George Keller, retired from the Chevron Corp.; the chairman-elect, David Chamberlain, chairman and CEO of Shaklee Corp.; James Cunha, partner, Arthur Andersen & Co., one of the Nation's largest accounting firms; Eleanor Williams, community program specialist in San Mateo; Joanna Ambrosio, treasurer of Oral-B Labs in Redwood City; Federico

Chaves, executive vice president of the United Way; and the list goes on.

I will name some others: Walter Johnson, the San Francisco Labor Council; Bruce Seaton, Belvedere; Stanley Skinner, president of Pacific Gas & Electric Co., Mr. President, voted, as did Roberta Achtenberg; Al Starosciak, manager, Chevron Shipping Co. voted with her; Terrence Murphy, real estate broker, TRI Realtors, voted with her.

The reason I wanted to read some of these names into the RECORD, Mr. President, is that I do not hear the Senator from North Carolina attacking Chevron Corp. I do not hear the Senator from Mississippi attacking Shaklee Corp. or Pacific Gas & Electric, or Toyota, New United Motors, who also voted, or Arthur Andersen, or Kaiser Permanente Medical Center, or Jones United Methodist Church.

Mr. President, this issue is a red herring because when you know the facts, you understand that the board of directors of the United Way were acting on behalf of their very own charter. The statements that were made by these CEO's were very clear that they had no choice and they hoped that in the bay area, the Boy Scouts would take a look at their charter and change it so there would be no discrimination.

So I want to bring us back to why it is so important—so important—to move this confirmation forward. We have to keep our eye on qualifications, on experience, on the kind of support that a nominee brings with her or him to the process. We have to keep our eyes on the fact that President Clinton has nominated Roberta Achtenberg and believes that she can do a good job.

I believe Mr. President, when we do these things, and when we act responsibly as Senators—and, Mr. President, I think we must look at these nominees carefully, and I encourage people to look at Roberta Achtenberg carefully and look at her academic record—highest honors, phi beta kappa at the University; highest honors in law school; Woman of the Year, California State Senate; Manager of the Year in 1989 for United Way, a woman who has letters from people of every political persuasion, letters which we have placed in the RECORD—I think when we do this, we will be very proud of our votes.

We will be saying to all of America that we do not expect to agree with every single thing a person does in his or her life. My goodness, of course not. But that when it comes to serving one's country and giving one's time and energy, that what is important is qualifications, experience, breadth of support, record. If we get diverted from that, God help us because the next thing we know, we will be demagoging something else, and someone else, and this country will turn against itself.

What makes us great is that we are expansive. When we started out, only white men with property could vote in this country. And in 1790 that was changed. If you were a white man and you did not have property, you could vote. And that was good. Then the franchise was extended to African-American men, then in 1920 to women, and then later the franchise was extended to young people, 18-year-olds. We said if they could go to war and die, they should be able to vote.

This country is great because we are expansive. We do not turn on each other. Just look at the world. Look what is happening in a far-away place that we never heard of called Bosnia. It is on the news every night. People there turn on each other because of religious differences. They kill each other; they rape the women; they kill the children, because they choose to concentrate on the differences, not the common ground.

We are all God's children. We are. And let us not judge each other based on our differences. Let us all put aside differences that do not matter. And in this nomination let us stand behind the chairman of the Banking Committee and the 14 members who stood tall and said: Roberta Achtenberg, you are one of the best witnesses to ever come before this committee. You answered every question. You have the skill. You have the qualifications, and you have our support.

Let us not be diverted from that. Let us be proud when we vote for Roberta Achtenberg. I know I will be.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. AKAKA). The Senator from California yields the floor.

The Senator from Michigan is recognized.

Mr. RIEGLE. Mr. President, before entering a quorum call, it is now 6:25. There are other Members who wish to be heard this evening. I do not know of any, as I stand here now, but I will say that if anybody wants to participate in this debate, the floor is open for that purpose. And if no Senators should indicate a desire to do so, I hope perhaps within a short time we could indicate and then lay this subject over for this evening, because I have been told there will not be a vote today, and then take it up again presumably tomorrow morning.

But I say, again, if there is any Senator who wishes to participate in this debate, the floor is open. This would be an appropriate time.

Also, I wish to thank the Senator from California for her comments, her kind personal comments, for her leadership in what she has said that I have been able to hear. I had to step away to meet with a group of communications workers, who are in from Michigan, to chat with them about some of the issues of concern in their lives. So I did not hear all of her statement, but I appreciate very much the fact she has addressed some of the issues raised earlier in the day and has set the record straight in that regard.

I thank her for her leadership.

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

The PRESIDING OFFICER. The Senator from Michigan [Mr. RIEGLE] suggests the absence of a quorum. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that if cloture is filed on the nomination of Roberta Achtenberg on Thursday, May 20, that the vote on the motion to invoke cloture occur on Friday, May 21, at a time to be determined by the majority leader, following consultation with the Republican leader, and that the mandatory live quorum be waived with respect to this cloture motion.

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

U.S. ARMY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the following nominations reported today by the Committee on Armed Services, and that the Senate proceed to their immediate consideration:

Lt. Gen. Wayne A. Downing, to be general, U.S. Army;

Maj. Gen. James T. Scott, to be lieutenant general, U.S. Army; and

Gen. Carl W. Stiner, to be general, U.S. Army.

I further ask unanimous consent that the nominees be confirmed, en bloc, that any statements appear in the RECORD as if read, that the motions to reconsider be laid upon the table, en bloc, that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

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

So the nominations were considered and confirmed en bloc as follows:

IN THE ARMY

To be general

Lt. Gen. Wayne A. Downing, [redacted] U.S. Army.

To be lieutenant general

Maj. Gen. James T. Scott, USA, to be lieutenant general.

To be general

Gen. Carl W. Stiner, USA, to be placed on the retired list in the grade of general.

LEGISLATIVE SESSION

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

MORNING BUSINESS

APPOINTMENT BY THE REPUBLICAN LEADER

The PRESIDING OFFICER. The Chair, on behalf of the Republican leader, pursuant to Public Law 103-3, announces the appointment of the following individuals as members of the Commission on Leave:

The Senator from Idaho, Mr. CRAIG;

Leland B. Cross, Jr., of Indiana; and

Scottie Theresa Neese, of Oklahoma.

APPOINTMENT BY THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, after consultation with the Republican leader, pursuant to Public Law 93-415, as amended by Public Law 102-586, announces the appointment of the following individuals to the Coordinating Council on Juvenile Justice and Delinquency Prevention:

John Cahill, of Nevada, for a 2-year term; and

Ronald Costigan, of Maine, for a 3-year term.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a-1928d, as amended, appoints the following Senators as members of the Senate delegation to the North Atlantic Assembly spring meeting during the 1st session of the 103d Congress, to be held in Berlin, Germany, May 20-24, 1993:

The Senator from Mississippi [Mr. COCHRAN];

The Senator from South Dakota [Mr. PRESSLER];

The Senator from Pennsylvania [Mr. SPECTER];

The Senator from Alaska [Mr. MURKOWSKI]; and

The Senator from Utah [Mr. BENNETT].

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

MESSAGES FROM THE HOUSE

At 3:59 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1189. An act to entitle certain armored car crew members to lawfully carry a weapon in any State while protecting the security of valuable goods in interstate commerce in the service of an armored car company;

H.R. 1313. An act to amend the National Cooperative Research Act of 1984 with respect to joint ventures entered into for the purpose of producing a product, process, or service;

H.R. 1934. An act to authorize appropriations for fiscal year 1994 for the Federal Maritime Commission, and for other purposes; and

H.R. 2034. An act to amend title 38, United States Code, to revise and improve veterans' health programs, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 1189. An act to entitle certain armored car crew members to lawfully carry a weapon in any State while protecting the security of valuable goods in interstate commerce in the service of an armored car company; to the Committee on Commerce, Science, and Transportation.

H.R. 1313. An act to amend the National Cooperative Research Act of 1984 with respect to joint ventures entered into for the purpose of producing a product, process, or service; to the Committee on the Judiciary.

H.R. 1934. An act to authorize appropriations for fiscal year 1994 for the Federal Maritime Commission, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 2034. An act to amend title 38, United States Code, to revise and improve veterans' health programs, and for other purposes; to the Committee on Veterans' Affairs.

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-833. A communication from the President of the United States, transmitting, pursuant to law, a report on Soviet treaty compliance with respect to the Strategic Arms Reduction Treaty; to the Committee on Foreign Relations.

EC-834. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a draft of proposed legislation to amend the Social Security Act to reallocate a portion of the social security tax from the Federal Old-Age and Survivors Insurance Trust Fund to the Federal Disability Insurance Trust Fund; to the Committee on Finance.

EC-835. A communication from the Chief of Programs and Legislation Division (Office of Legislative Liaison) Department of the Air Force, transmitting, pursuant to law, a report relative to Cruise Missile development contracts; to the Committee on Armed Services.

EC-836. A communication from the Chairman of the Defense Base Closure and Realignment Commission, transmitting, pursuant to law, certain materials from the Commission; to the Committee on Armed Services.

EC-837. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the implementation of the Electric and Hybrid Research, Development, and Demonstration Act of 1976 for fiscal year 1992; to the Committee on Commerce, Science and Transportation.

EC-838. A communication from the Attorney General of the United States, transmitting, pursuant to law, a report relative to the private counsel debt collection project for fiscal year 1992.

EC-839. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report relative to unvouchered expenditures by the Executive Office of the President for fiscal year 1991; to the Committee on Governmental Affairs.

EC-840. A communication from the Chairman of the U.S. Merit Systems Protection Board, transmitting, pursuant to law, a draft of proposed legislation to authorize appropriations for the U.S. Merit Systems Protection Board; to the Committee on Governmental Affairs.

EC-841. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, a report relative to the Civil Service Retirement and Disability Fund for fiscal year 1992; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following report of committee was submitted:

By Mr. DECONCINI, from the Committee on Intelligence:

Special report entitled "Intelligence and Security Implications of the Treaty on Open Skies" (Rept. No. 103-44).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, without amendment:

S. 775. A bill to modify the requirements applicable to locatable minerals on public lands, consistent with the principles of self-initiation of mining claims, and for other purposes (Rept. No. 103-45).

By Mr. THURMOND, from the Committee on Armed Services, without amendment and with a preamble:

S. Con. Res. 14. A concurrent resolution welcoming the XLVI Congress of the Interallied Confederation of Reserve Officers (CIOR), commending the Department of Defense and the Reserve Officers Association of the United States for hosting the XLVI Congress of the CIOR, and urging other departments and agencies of the Federal Government to cooperate with and assist the XLVI Congress of the CIOR to carry out its activities and programs.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. JOHNSTON, from the Committee on the Energy and Natural Resources:

Daniel P. Beard, of Washington, to be Commissioner of Reclamation.

James John Hoecker, of Virginia, to be a Member of the Federal Energy Regulatory Commission.

William Lloyd Massey, of Arkansas, to be a Member of the Federal Energy Regulatory Commission.

William Lloyd Massey, of Arkansas, to be a Member of the Federal Energy Regulatory Commission. (Reappointment)

Donald Farley Santa, of Connecticut, to be a Member of the Federal Energy Regulatory Commission.

Vicky A. Bailey, of Indiana, to be a Member of the Federal Energy Regulatory Commission.

(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.)

By Mr. ROCKEFELLER, from the Committee on Veterans' Affairs:

Jerry W. Bowen, of Arkansas, to be Director of the National Cemetery System, Department of Veterans Affairs.

Mary Lou Keener, of Georgia, to be General Counsel, Department of Veterans Affairs.

Edward P. Scott, of New Jersey, to be an Assistant Secretary of Veterans Affairs (Congressional Affairs).

D. Mark Catlett, of Virginia, to be an Assistant Secretary of Veterans Affairs (Finance and Information Resources Management).

(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.)

By Mr. KENNEDY, from the Committee on Labor and Human Resources:

Thomas S. Williamson, Jr., of California, to be Solicitor for the Department of Labor.

Norma V. Cantu, of Texas, to be Assistant Secretary for Civil Rights, Department of Education.

Kay Casstevens, of Texas, to be Assistant Secretary for Legislation and Congressional Affairs, Department of Education.

Thomas P. Glynn, of Massachusetts, to be Deputy Secretary of Labor.

Geri D. Palast, of California, to be an Assistant Secretary of Labor.

(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.)

By Mr. NUNN, from the Committee on Armed Services:

Thomas P. Grumbly, of Virginia, to be an Assistant Secretary of Energy (Environmental Restoration and Management).

The following-named officer for appointment to the grade of general while assigned to a position of importance and responsibility under title 10, United States Code, section 601(a):

To be general

Lt. Gen. Gary E. Luck, [redacted] U.S. Army.

The following-named officer for appointment to the grade of vice admiral while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. David E. Frost, U.S. Navy, 477–40–8820.

The following-named officer for appointment to the grade of general while assigned to a position of importance and responsibility under title 10, United States Code, section 601(a):

To be general

Lt. Gen. Wayne A. Downing, [redacted], U.S. Army.

Mr. NUNN. Mr. President, from the Committee on Armed Services, I report favorably the attached listing of nominations.

Those identified with a single asterisk (*) are to be placed on the Executive Calendar. Those identified with a double asterisk (**) are to lie on the Secretary's desk for the information of any Senator since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again.

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

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of January 5, February 16, March 25, March 29, April 5, April 19, April 21, and April 29, 1993, at the end of the Senate proceedings.)

**In the Army Reserve there are 47 promotions to the grade of colonel and below (list begins with Henry C. Chapman). (Reference No. 25).

**In the Army Reserve there are 670 promotions to the grade of colonel (list begins with Ronald W. Adams). (Reference No. 38).

*In the Air Force there are 38 appointments to the grade of brigadier general (list begins with Maxwell C. Bailey). (Reference No. 48–2).

*In the Air Force there are 17 appointments to the grade of major general (list begins with George T. Babbitt, Jr.). (Reference No. 57).

*In the Army Reserve there are 24 appointments to the grade of major general and below (list begins with Stephen C. Bisset). (Reference No. 59).

*In the Navy there are five promotions to the grade of rear admiral (lower half) (list begins with James Howard Black). (Reference No. 64).

**In the Air Force there are 2,430 promotions to the grade of major (list begins with John T. Abbott, Jr.). (Reference No. 90).

*In the Marine Corps there are 14 promotions to the grade of brigadier general (list begins with Thomas A. Braaten). (Reference No. 114).

*In the Navy there are four promotions to the grade of rear admiral (list begins with Philip James Coady, Jr.). (Reference No. 115).

*Rear Admiral (lower half) Edward Stillman McGinley II, USN to be rear admiral. (Reference No. 129).

**In the Air Force there are 20 promotions to the grade of colonel and below (list begins with Carl P. Dennis). (Reference No. 129).

**In the Air Force there are three promotions to the grade of lieutenant colonel (list begins with Michael S. Houser). (Reference No. 130).

**In the Army Reserve there are nine appointments to the grade of colonel and below (list begins with Frank S. Pettyjohn). (Reference No. 131).

**In the Army Reserve there are 47 promotions to the grade of colonel and below (list begins with Richard W. Averitt). (Reference No. 132).

**In the Army Reserve there are 26 promotions to the grade of colonel and below (list begins with James J. Dougherty). (Reference No. 133).

**In the Army Reserve there are 25 promotions to the grade of colonel (list begins with Lonnie B. Byrd). (Reference No. 134).

**In the Army Reserve there are 37 promotions to the grade of lieutenant colonel (list begins with James M. Brown). (Reference No. 135).

**In the Army there are 50 promotions to the grade of lieutenant colonel (list begins with John M. Babcock). (Reference No. 136).

**In the Army Reserve there are 1,466 promotions to the grade of lieutenant colonel (list begins with Michael L. Abels). (Reference No. 137).

**In the Navy and Naval Reserve there are 627 appointments to the grade of captain and below (list begins with John Gordon Asch). (Reference No. 138).

*Lt. Gen. Joseph S. Laposata, USA to be placed on the retired list in the grade of lieutenant general. (Reference No. 144).

*Maj. Gen. Marvin L. Covault, USA to be lieutenant general. (Reference No. 145).

*Maj. Gen. Richard F. Keller, USA to be lieutenant general. (Reference No. 146).

**In the Air Force there are five promotions to the grade of lieutenant colonel and below (list begins with Roosevelt Green). (Reference No. 148).

**In the Air Force there are nine appointments to the grade of second lieutenant (list begins with Lori L. Brown). (Reference No. 149).

**In the Army there are six promotions to the grade of colonel and below (list begins with Gary D. Davis). (Reference No. 150).

**In the Air Force there are 1,044 promotions to the grade of colonel and below (list begins with Alan M. Akers). (Reference No. 152).

*Maj. Gen. John S. Fairfield, USAF to be lieutenant general. (Reference No. 163).

*Maj. Gen. Dale W. Thompson, Jr., USAF to be lieutenant general. (Reference No. 165).

*In the Army Reserve there are eight appointments to the grade of major general and below (list begins with Walter E. Katuzny, Jr.) (Reference No. 167).

**In the Air Force Reserve there are 16 appointments to the grade of lieutenant colonel (list begins with Ronald W. Hanrote). (Reference No. 173).

**In the Army there are five promotions to the grade of lieutenant colonel and below (list begins with Steven G. Brooks). (Reference No. 174).

**In the Army there are five promotions to the grade of lieutenant colonel (list begins with Patrick M. Holder). (Reference No. 175).

**In the Army there are six promotions to the grade of major (list begins with Raymond L. Capps). (Reference No. 176).

*Maj. Gen. John E. Miller, USA to be lieutenant general. (Reference No. 212).

*Col. Paul G. Gebhardt, ARNG to be brigadier general. (Reference No. 215).

*Rear Admiral (lower half) John Michael McConnell, USN to be rear admiral. (Reference No. 216).

*Real Admiral (lower half) Roger Wayne Triftshauser, USNR to be rear admiral. (Reference No. 217).

**In the Air Force Reserve there are 21 promotions to the grade of lieutenant colonel (list begins with Dana L. Alexander). (Reference No. 220).

**In the Army there are 14 promotions to the grade of colonel (list begins with Buris C. Dale). (Reference No. 221).

**In the Army there is one promotion to the grade of lieutenant colonel (Ronald E. McConnell). (Reference No. 222).

**In the Army Reserve there are 41 promotions to the grade of colonel and below (list begins with Elzey J. Arledge, Jr.). (Reference No. 223).

**In the Navy there are four promotions to the grade of captain (list begins with Brian Murray Calhoun). (Reference No. 224).

**In the Navy there are three promotions to the grade of commander (list begins with Robert Andrew Olshaker). (Reference No. 225).

**In the Navy there are eight promotions to the grade of commander (list begins with Martin Robert Allard). (Reference No. 226).

**In the Navy there are 17 promotions to the grade of lieutenant commander (list begins with Charles Lee Aley III). (Reference No. 227).

**In the Navy there are three promotions to the grade of lieutenant commander (list begins with Richard D. Baertlein). (Reference No. 228).

**In the Air Force there are 528 appointments to the grade of captain (list begins with James S. Adamski). (Reference No. 229).

**In the Air Force there are 2,066 appointments to the grade of captain (list begins with Mila D. Abalateo). (Reference No. 230).

**In the Navy there are 47 appointments to the grade of lieutenant and below (list begins with Matthew A. Allison). (Reference No. 244).

**In the Navy and Naval Reserve there are 37 appointments to the grade of commander and below (list begins with Karl E. Eimers). (Reference No. 245).

**In the Navy and Naval Reserve there are 48 appointments to the grade of commander and below (list begins with Roger D. Allenbaugh). (Reference No. 246).

**In the Navy there are 48 appointments to the grade of lieutenant and below (list begins with Charles J. Baker). (Reference No. 247).

**In the Marine Corps there are 182 appointments to the grade of major and below (list begins with Erik M. Wolf). (Reference No. 248).

*Vice Ad. William A. Dougherty, Jr., USN to be placed on the retired list in the grade of vice admiral. (Reference No. 257).

*Lt. Gen. Matthew T. Cooper, USMC to be placed on the retired list in the grade of lieutenant general. (Reference No. 259).

*Lt. Gen. Trevor A. Hammond, USAF to be placed on the retired list in the grade of lieutenant general. (Reference No. 296).

*Maj. Gen. John M. Nowak, USAF to be lieutenant general. (Reference No. 297).

**In the Army there are two promotions to the grade of colonel and below (list begins with John P. Scovill). (Reference No. 301).

**In the Army there are 1,791 appointments to the grade of second lieutenant (list begins with Erik J. Aasterud). (Reference No. 302).

*Lt. Gen. Thomas R. Ferguson, Jr., USAF to be placed on the retired list in the grade of lieutenant general. (Reference No. 320).

*Maj. Gen. James A. Fain, Jr., to be lieutenant general. (Reference No. 321).

*Gen. Robert W. RisCassi, USA to be placed on the retired list in the grade of general. (Reference No. 322).

*Gen. Carl W. Stiner, USA to be placed on the retired list in the grade of general. (Reference No. 323).

*Lt. Gen. James H. Johnson, Jr., USA to be placed on the retired list in the grade of lieutenant general. (Reference No. 326).

*Maj. Gen. James T. Scott, USA to be lieutenant general. (Reference No. 328).

*Maj. Gen. Henry H. Shelton, USA to be lieutenant general. (Reference No. 329).

Total: 11,545.

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. JOHNSTON (for himself and Mr. KRUEGER):

S. 983. A bill to amend the National Trails System Act to direct the Secretary of the Interior to study the El Camino Real Para Los Texas for potential addition to the National Trails System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SIMON:

S. 984. A bill to prevent abuses of electronic monitoring in the workplace, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. INOUYE (for himself, Mr. LUGAR, Mr. GORTON, Mr. GRAHAM, Mr. CAMPBELL, Mr. DORGAN, Mr. BOREN, Mr. MACK, Mr. CONRAD, Mr. SPECTER, Mr. COCHRAN, Mr. COATS, Mr. HATCH, Mr. CRAIG, Mr. HOLLINGS, Mr. MATHEWS, Mr. NICKLES, Mr. COHEN, Mr. HELMS, Mr. PACKWOOD, Mr. DOLE, Mr. GRASSLEY, Mr. MCCONNELL, Mr. BENNETT, Mrs. KASSEBAUM, Mr. HEFLIN, Mr. PRYOR, and Mr. DASCHLE):

S. 985. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act with respect to minor uses of pesticides, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LOTT:

S. 986. A bill to provide for an interpretive center at the Civil War Battlefield of Corinth, Mississippi, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DASCHLE:

S. 987. A bill to amend the Internal Revenue Code of 1986 with respect to discharge of indebtedness income from prepayment of loans under section 306B of the Rural Electrification Act of 1936; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. GORTON, and Mr. CHAFEE):

S. 988. A bill to amend the Internal Revenue Code of 1986 to clarify that conservation expenditures by electric and gas utilities are deductible for the year in which paid or incurred; to the Committee on Finance.

By Mr. GORTON (for himself, Mr. STEVENS, and Mr. PRESSLER):

S. 989. A bill to amend the Airport Noise and Capacity Act of 1990 to provide emergency relief to the United States airline industry by facilitating financing for investment in new aircraft and by encouraging the retirement of older, noisier, and less efficient aircraft; to the Committee on Commerce, Science, and Transportation.

By Mr. BREAUX (for himself, Ms. MIKULSKI, Mr. LOTT, Mr. MITCHELL, Mr. WARNER, Mrs. FEINSTEIN, Mr. COHEN, Mr. WOFFORD, Mr. ROCKEFELLER, Mr. LIEBERMAN, Mr. SARBANES, Mr. SPECTER, Mr. COCHRAN, Mr. ROBB, Mr. JOHNSTON, Mr. SIMON, Mr. RIEGLE, Mr. PELL, Mr. HEFLIN, and Mr. DODD):

S. 990. A bill to promote fair trade for the United States shipbuilding and repair industry; to the Committee on Finance.

By Mr. JOHNSTON (for himself, Mr. BUMPERS, Mr. FORD, and Mr. SHELBY):

S. 991. A bill to direct the Secretary of the Interior and the Secretary of Energy to undertake initiatives to address certain needs in the Lower Mississippi Delta Region, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN:

S. 992. A bill to amend title 10, United States Code, to revise the method for pricing tobacco products for sale in commissaries, exchanges, and ships' stores, and for other purposes; to the Committee on Armed Services.

By Mr. PELL (for himself, Mr. AKAKA, Mr. BIDEN, Mr. BOREN, Mr. COATS, Mr. COCHRAN, Mr. COHEN, Mr. DANFORTH, Mr. DECONCINI, Mr. DODD, Mr. DORGAN, Mrs. FEINSTEIN, Mr. FORD, Mr. GLENN, Mr. GRASSLEY, Mr. HATCH, Mr. INOUYE, Mr. LIEBERMAN, Mr. MACK, Mr. MATHEWS, Mr. MITCHELL, Mrs. MURRAY, Mr. SARBANES, Mr. SIMON, Mr. STEVENS, and Mr. WARNER):

S.J. Res. 95. A joint resolution to designate October 1993 as "National Breast Cancer Awareness Month"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. DOLE:

S. Res. 109. A resolution to constitute the minority party's membership on certain committees for the 103d Congress, or until their successors are chosen; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JOHNSTON (for himself and Mr. KRUEGER):

S. 983. A bill to amend the National Trails System Act to direct the Secretary of the Interior to study the El Camino Real Para Los Texas for potential addition to the National Trails System, and for other purposes; to the Committee on Energy and Natural Resources.

EL CAMINO REAL PARA LOS TEXAS STUDY ACT OF 1993

• Mr. JOHNSTON. Mr. President, I am pleased to introduce legislation today to direct the Secretary of the Interior to study the El Camino Real Para Los Texas for potential addition to the National Trails System.

One of the most historic routes in this country, El Camino Real Para Los Texas is more accurately described as a series or network of routes composed of Indian trails, natural crossings, and exploration trails that composed the communications system of northern Mexico during the Spanish colonial era. Later these routes were the basis

for the conquest and colonization of the Republic of Texas and for commerce during the Civil War.

There is no precise date for the beginning of this fascinating route, although archeological data and ancient maps clearly indicate that parts of it were used by the pre-European Indian Confederacy which inhabited the area. Nationally important Caddoan mounds such as those located southwest of Alto, TX have been preserved and findings have established that the inhabitants constructed dwellings there with stone age tools.

In the 17th century, early Spanish explorers traveled along parts of the route during expeditions of the inland areas of what is now the southwestern United States. Aggressive French explorations into the territory these early Spaniards had traversed, such as that led by Rene Robert Cavalier, Sieur de La Salle, in 1685 into Lavaca Bay, and the short-lived, ill-fated French outpost established by Garcitias Creek, Fort St. Louis, prompted Spanish authorities to return to this area for the purpose of stemming the French and establishing permanent settlements, or fortifications, of their own.

In 1690, the first official Spanish settlement, the mission of San Francisco de los Tejas, was established in east Texas and a series of defensive communities or outposts soon followed, stretching from the Presidio del Rio Grande to Los Adaes, located approximately 20 miles west of what was then the western most French fort, Fort St. Jean Baptiste de Natchitoches, in Louisiana, and some 300 miles from the capital.

From a role in exploration, the focus of these routes shifted to maintaining the international balance of power among the major European powers, France, Spain, and Britain, and later Mexico and the United States, a role which continued until Texas obtained independence from Mexico in the mid-1800's. During this time, the area was also a zone of defense against Indian threats to the Spanish empire from the north, particularly the Apaches and the Comanches, and a second, related role emerged: Conversion of these tribes to halt alliances with the French and for saving their souls. Thus, a number of Catholic missions were established by Franciscan friars along these routes, including the Alamo, Mission San Jose, and others in the San Antonio area. The U.S. International Committee on Monuments and Sites [ICOMOS] considers these missions so significant that nominations have been prepared for these structures to accord them recognition on the World Heritage List.

In addition, this network also served as a major commercial trading route, much of which was unlicensed or illicit, between the French and Spanish and later, between the Americans and Mexico. It was from such trade contacts that knowledge of the east Texas frontier improved, drawing American settlers to the Texas territory and the network served as a main immigration point into what is now the southwestern United States.

What had begun as a route designed for defensive purposes evolved into one of commercial cooperation, but later emerged as a conduit for resistance to Mexican domination as American settlements were established in east Texas along the routes. Many border clashes took place along these roads during the struggle for independence.

After independence, communications largely shifted to north-south routes in Texas as railroads developed and market systems expanded. However, during the Civil War portions of the older route, particularly the Camino Arriba, regained importance as a corridor for shipping cotton from east Texas and supplies and troops from San Antonio, Bastrop, Crockette, and Nacogdoches to Louisiana.

The changing history and roles of these routes are fascinating. My particular interest stems from the fact that many of the early struggles between the Spanish and the French as these European powers attempted to stretch their spheres of influence over the greatest possible area took place along portions of these routes in what is now Louisiana from the early 17th century to the end of the French and Indian War in 1763. Important outposts were established just 20 miles from each other in what is now Natchitoches Parish, with the Spanish establishing the Presidio Nuestra de Pilar de los Adaes as their eastern most defensive structure in 1721 in reaction to an attack on a small Spanish settlement, San Miguel de los Adaes, led by the French commandant of Fort St. Jean Baptiste de Natchitoches, a trading post and fort founded in 1714 to protect fur trade routes by France in what is now Natchitoches, LA. This fort served as the westernmost outpost of the French empire until France transferred its Louisiana territory to Spain in 1763 as part of the Treaty of Paris. During this era, Los Adaes and Fort St. Jean Baptiste became places of tacit cooperation and interchange among the Spanish and French empires and native Americans in the area, rather than confrontation, and Los Adaes was the hub of illicit trade among the three groups.

In the 18th century, segments of the Camino Real Para Los Texas, in what is now Louisiana, again became the focal point of the struggle for territory between rival international powers. By then, Louisiana had been purchased by the United States, and the United States inherited the unsettled French-Spanish dispute over what constituted the western boundary between Spanish and French holdings, a dispute which was not settled until 1819 when the Sabine River was agreed to as the westernmost boundary in the Treaty of Washington.

Shortly thereafter, the American Government under the leadership of then Col. Zachary Taylor and Maj. Gen. Edward Gaines selected and established Fort Jesup in what is now Sabine Parish as a military stronghold to protect its western borders in 1822. More than 20 years later, Zachary Taylor returned to Fort Jesup as a brigadier general to take command of the Army of Observation, stationed at Fort Jesup, as tensions mounted with Mexico. Traveling to Fort Jesup along portions of the historic San Antonio Historic Trace from Grand Ecore, Gen. Taylor began preparations for the invasion of Mexico and the liberation of Texas. It was from Fort Jesup that American troops were dispensed on July 1, 1845.

There are many more fascinating chapters in the history of the various portions and routes of El Camino Real Para Los Texas. Today, many segments of the trail have evolved into segments of modern State and Federal Highway Systems and play important roles in transportation.

El Camino Real Para Los Texas was one of several corridors highlighted last year at a conference on historic transportation corridors sponsored jointly by the Department of the Interior, Northwestern State University, and US/ICOMOS in Natchitoches, LA. That conference began important work in developing criteria for the nomination of transportation corridors to the World Heritage list. I hope that one day the Camino Real Para Los Texas from Los Adaes to Mexico will be accorded that status.

The study authorized by this legislation will be an important step in documenting the full importance of this historic network, and I hope this bill will be enacted in this Congress to get it underway.

Mr. President, I ask unanimous consent that the full text of this bill be printed in the RECORD.

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

S. 983

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "El Camino Real Para Los Texas Study Act of 1993".

SEC. 2. FINDINGS.

The Congress finds—

(1) El Camino Real Para Los Texas was the Spanish road established to connect a series of missions and posts extending from Monclova, Mexico to the mission and later Presidio Nuestra de Pilar de los Adaes which served as the Spanish capital of the province of Texas from 1722 to 1772;

(2) El Camino Real, over time, comprised an approximately 1,000-mile corridor of

changing routes from Saltillo through Monclova and Guerrero, Mexico; San Antonio and Nacogdoches, Texas and then easterly to the vicinity of Los Adaes in present day Louisiana; and constituted the only major overland route from the Rio Grande to the Red River Valley during the Spanish Colonial Period;

(3) the seventeenth, eighteenth, and early nineteenth century rivalries among the European colonial powers of Spain, France, and England and after their independence, Mexico and the United States, for dominion over lands fronting the Gulf of Mexico were played out along the evolving travel routes across this immense area; and, as well, the future of several American Indian nations were tied to these larger forces and events;

(4) El Camino Real and the subsequent San Antonio Road witnessed a competition that helped determine the United States' southern and western boundaries;

(5) the San Antonio Road, like El Camino Real, was a series of routes established over the same corridor but was not necessarily the same as El Camino Real; and that from the 1830's, waves of American immigrants, many using the Natchez Trace, traveled west to Texas via the San Antonio Road, as did Native Americans attempting to relocate away from the pressures of European settlement.

SEC. 3. STUDY OF TRAIL.

Section 5(c) of the National Trail System Act (16 U.S.C. 1244(c)) is amended by adding the following new paragraph at the end thereof:

(36)(A) El Camino Real Para Los Texas, the approximate series of routes from Saltillo, Monclova, and Guerrero, Mexico across Texas through San Antonio and Nacogdoches, to the vicinity of Los Adaes, Louisiana, together with the evolving routes later known as the San Antonio Road.

(B) The study shall—

(i) examine the changing roads within the historic corridor;

(ii) examine the major connecting branch routes;

(iii) determine the individual or combined suitability and feasibility of routes for potential national historic trail designation;

(iv) consider the preservation heritage plan developed by the Texas Department of Transportation entitled "A Texas Legacy: The Old San Antonio Road and the Caminos Reales", dated January, 1991; and

(v) make recommendations concerning the suitability and feasibility of establishing an international historical park where the trail crosses the United States-Mexico border at Maverick County, Texas, and Guerrero, Mexico.

(C) The Secretary of the Interior is authorized to work in cooperation with the government of Mexico (including, but not limited to providing technical assistance) to determine the suitability and feasibility of establishing an international historic trail along the El Camino Real Para Los Texas.

(D) The study shall be undertaken in consultation with the Louisiana Department of Transportation and Development and the Texas Department of Transportation.

(E) The study shall consider alternative name designations for the trail.

(F) The study shall be completed no later than 2 years after the date funds are made available for the study.".

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.•

By Mr. SIMON:

S. 984. A bill to prevent abuses of electronic monitoring in the workplace, and for other purposes; to the Committee on Labor and Human Resources.

PRIVACY FOR CONSUMERS AND WORKERS ACT

• Mr. SIMON. Mr. President, today I am introducing the Privacy for Consumers and Workers Act.

As technology advances, the Government has attempted to enact policy that protects the delicate balance between the demands for technological change and the need to protect an individual's right to privacy. As a Nation, we have supported laws that protect us from our neighbors and our Government spying on us and invading our privacy, everywhere but in the workplace. The United States stands alone with South Africa in failing to protect a workers' rights in this regard.

As I have said before, it is indeed a sad irony that while the Federal Bureau of Investigation is required by law to obtain a court order to wiretap a conversation, even in cases of national security, employers are permitted to spy at will on their employees and the public.

According to a 1987 U.S. Office of Technology Assessment report, a conservative estimate of 6 million employees were electronically monitored at that time. This figure, however, does not include professional, technical, and managerial workers, which would add approximately an additional 1 to 2 million electronically monitored employees. Moreover, as the workplace becomes more and more computerized and service oriented, the number of those electronically monitored is likely to increase. In fact, the National Institute for Occupational Safety and Health reports that as many as 26 million workers are monitored by computer surveillance in the United States.

In addition, current monitoring practices operate as a form of de facto discrimination. Women are disproportionately employed in the types of jobs that are subjected to electronic monitoring, such as clerical workers, telephone operators, and customer service representatives.

I would like to share with you and my colleagues some examples of why this legislation is needed.

CASE STUDIES

In 1987, female nurses at Holy Cross Hospital in Silver Spring, MD, discovered that a hidden video camera was broadcasting their locker room to an open in-house cable TV channel. A nurse discovered the broadcast when she turned on a television in the doctor's lounge next to the women's locker room during a dinner break. She saw the dressing area of the locker room being broadcast.

The camera was swiftly removed after the nurse and others complained. Hospital administrators told the nurses that the transmission they viewed was a fluke transmission caused by atmospheric conditions. Administrators further explained that the activities recorded by the camera were only supposed to be viewed on a private monitor by a male security guard.

In a similar case last September, female nurses at Southside Regional Hospital in Richmond, VA, discovered a hidden video camera in their locker room. The nurses are considering possible legal action.

On February 11, 1993, Boston Hotel Workers Local 26 filed a lawsuit against Sheraton Boston Hotel for secretly videotaping the male employee's changing room. The union was sent a copy of a videotape, which shows at least two men in various stages of undress. The secret videotaping has since been stopped. One of the men who was caught changing into his uniform was Mr. Franklin Etienne, a room service steward. Mr. Etienne emigrated to the United States from Haiti in 1986. When he saw the videotape he said,

> It was embarrassing. You think you are alone. Things like this used to happen in my country. My dream was to come to this country and be free to express myself. This is not the America I was thinking of.

Northern Telecom secretly bugged its employees for a 13-year period. The bugging was finally uncovered when an employee blew the whistle in 1990 by informing the Communication Workers of America [CWA]. Northern Telecom was bugging the phone calls made in the company's cafeteria, bugging the service center, and bugging employee's meetings held in the company's conference room. CWA brought a class action suit against Northern Telecom. Northern Telecom settled with CWA on February 27, 1992, and agreed to compensate workers and others who were subjected to the bugging.

Alana Shoars, former electronic mail [e-mail] administrator for the Epson Computer Co. in California, lost her job because she refused to spy on her fellow employees. Ms. Shoars was responsible for installing an e-mail system and training 700 employees on its use. Ms. Shoars had been informed by the company that the messages sent on the e-mail system would be totally private, therefore she relayed that information to the 700 employees. Later Ms. Shoars discovered that the e-mail messages were being received, stored, copied, and read by her supervisor. When she complained, she was fired. Ms. Shoars took Epson to court and filed a class action suit on behalf of the 700 employees whose e-mail had been read. The court dismissed both cases on the grounds that the State privacy statutes made no mention of either e-mail or the workplace, therefore lawmakers never intended the law to protect an employee's e-mail.

A telephone operator in New Jersey recently called 9to5, National Associa-

tion of Working Women's complaint hotline to tell her story and ask what protections she had against secret electronic monitoring. The employee had been out on sick leave after surgery. While on a break, a co-worker phoned her at home to inquire how she was doing. The employer was secretly monitoring the phone call and made the determination that if she was well enough to talk on the phone, she was well enough to come into work, and subsequently docked the pay of the woman on sick leave.

My colleagues on the Employment and Productivity Subcommittee may remember Renee Maurel, a reservationist with Northwest Airlines, testifying on this issue last Congress. Ms. Maurel has worked for Northwest Airlines for almost 30 years, and has been monitored at work every single day. She described how she was treated like a machine, something subhuman, by the increased use of electronic monitoring. She told the committee about the stress, anxiety, and the feeling that her privacy had been invaded. No thought or action was her own when she was on the job. Because of the focus of management on collecting statistics on key strokes, length of bathroom breaks, length of phone calls, and so on, the importance of selling airline tickets and the needs of the customer were secondary. When she thought she couldn't take it any more, the company was bought by Wings Holdings, Incorporated. At the hearing, Ms. Maurel testified that the new company reversed the abusive electronic monitoring practices, and employees were notified the day they were to be monitored. The company changed their focus from the strict monitoring of statistical data like how many bathroom breaks employees take and how long the breaks were, to more important considerations like employee productivity. It appeared as if things were improving.

The stress that these employees experience should not be overlooked. According to a report by the American Civil Liberties Union, workplace stress cost this country an estimated $50 billion dollars per year in health costs and lost productivity. This is a cost we cannot afford.

Mr. President, these stories are not unique. I agree with Mr. Etienne, this is not the America I think of.

In many ways, electronic monitoring acts as an electronic whip that drives the fast pace of today's workplace in the growing service industry. Electronically monitored employees, whether in telephone conversations with the public or in producing work with computers, must carry out repetitive duties that require rigorous attention to detail, executed under the stress of constant supervision and the demand for a faster output. Unrestrained surveillance of workers has turned many modern offices into electronic sweatshops.

Just over the horizon are more technology breakthroughs and refinements that we can't even envision today. Unless we begin now to define privacy—and in particular workplace privacy—as a value worth protecting, these new technologies will be upon us before we are ready for them. Weighing these issues will allow us to be the masters of the technology, instead of its slaves.

Mr. President, the legislation I am introducing today is basically a right-to-know bill. As you know, I have introduced similar bills since the 101st Congress, and today's legislation is the result of trying to find that delicate balance between the demand for technological change and the need to protect an individual's right to privacy.

My legislation does not say that electronic monitoring should never be used. What it does say is that electronic monitoring should not be abused. Employees should not be forced to give up their freedom, dignity, or sacrifice their health when they go to work.

In addition, consumers should not be forced to give up freedoms when calling a company or a Federal agency. Many consumers are not aware that the calls they think are private, are in fact secretly listened to by an intruder. Consumers are deprived of the right to make fundamental choices about what sensitive information they are willing to divulge.

Mr. President, the Privacy for Consumers and Workers Act is a step in the right direction toward ensuring the privacy rights of employees and consumers. I urge my colleagues to join me in supporting this legislation.

I ask unanimous consent that the text of the bill and its section-by-section analysis be printed in the RECORD.

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

S. 984

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 "Privacy for Consumers and Workers Act".

SEC. 2. DEFINITIONS.

As used in this Act:

(1) CONTINUOUS ELECTRONIC MONITORING.—The term "continuous electronic monitoring" includes activities in which electronic monitoring of employees occurs on a continuous basis and is not periodic or random in nature, and such term shall include the periodic inspection of continuous video monitoring from an off-site location, which is used to deter crime and to provide evidence to law enforcement personnel, as well as electronic identifiers or accessors such as electronic card or badge access systems.

(2) ELECTRONIC MONITORING.—

(A) IN GENERAL.—Except as provided in subparagraph (C), the term "electronic monitoring" means the collection, storage, analysis, or reporting of information concerning an individual's activities by means of a computer, electronic observation and supervision, telephone service observation, telephone call accounting, or other form of visual, auditory, or computer-based technology that is conducted by any method other than direct observation by another person, including the following methods: Transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature which are transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic, or photo-optical system.

(B) TELEPHONE CALL ACCOUNTING.—The term "telephone call accounting" means the practice of recording the telephone numbers called by a specific telephone or group of telephones, including—

(i) the telephone number from which a call is being made,

(ii) the telephone number which is being called,

(iii) the time when the telephone call was connected,

(iv) the time when the telephone call was completed, and

(v) identification of the operator, if any, who assisted in placing the telephone call,

for the purpose of individual employee evaluations or the setting of production quotas or work performance expectations.

(C) EXCLUSION.—The term "electronic monitoring" does not include—

(i) the interception of wire, electronic, or oral communications as described in chapter 119 of title 18, United States Code; and

(ii) the electronic transfer of—

(I) payroll data,

(II) insurance and other benefit data,

(III) employee job application data, or

(IV) other personnel-related data that an employer may collect,

for administrative purposes only.

(3) EMPLOYEE.—The term "employee" means any current, former, or leased employee of an employer.

(4) EMPLOYER.—The term "employer" means any person who—

(A) is engaged in commerce, and

(B) who employs employees,

and includes any individual, corporation, partnership, labor organization, unincorporated association, or any other legal business, the Federal Government, any State (or political subdivision thereof), and any agent of the employer.

(5) PERSONAL DATA.—The term "personal data" means any information concerning an employee which, because of name, identifying number, mark, or description, can be readily associated with a particular individual, and such term includes information contained in printouts, forms, or written analyses or evaluations.

(6) PROSPECTIVE EMPLOYEE.—The term "prospective employee" means an individual who has applied for a position of employment with an employer.

(7) TELEPHONE SERVICE OBSERVATION.—The term "telephone service observation" means the practice of listening to or recording telephone calls being made by, or received by, an employee in order to monitor the quality of service provided by the employee.

(8) SECRETARY.—The term "Secretary" means the Secretary of Labor.

SEC. 3. GENERAL REQUIREMENTS.

(a) ENGAGING IN ELECTRONIC MONITORING.—An employer may engage in electronic monitoring of the employer's employees only so long as the employer complies with the provisions of this Act and other applicable law, including section 15.

(b) REVIEW AND USE.—An employer may review data obtained by the electronic monitoring of the employer's employees only if the employer meets the requirements of section 6, and may use such data only if the employer meets the requirements of section 8.

SEC. 4. NOTICE REQUIREMENTS.

(a) SECRETARY'S NOTICE.—

(1) IN GENERAL.—The Secretary shall prepare, have printed, and distribute to employers a notice that will inform employees—

(A) that an employer engages in or may engage in electronic monitoring of employees and specifies the circumstances (including the electronic monitoring and exception described in section 5) under which an employee is or is not entitled to additional notice under this section; and

(B) of the rights and protections provided to employees by this Act.

(2) POSTING OF NOTICE.—Each employer who engages in electronic monitoring shall post and maintain the notice required in paragraph (1) in conspicuous places on its premises where notices to employees are customarily posted.

(b) EMPLOYER'S SPECIFIC NOTICE.—Each employer shall provide to each employee who will be electronically monitored, and the exclusive bargaining representative, if any, prior written notice describing the following regarding the electronic monitoring of such employees:

(1) The forms of electronic monitoring to be used.

(2) The personal data to be collected.

(3) The hours and days per calendar week that electronic monitoring will occur.

(4) The use to be made of personal data collected.

(5) Interpretation of printouts of statistics or other records of information collected through electronic monitoring if the interpretation or records may affect one or more of the employer's employees.

(6) Existing production standards and work performance expectations.

(7) Methods for determining production standards and work performance expectations based on electronic monitoring statistics if the methods affect the employees.

(8) A description of the electronic monitoring.

(9) A description of the exception that is authorized under section 5(c)(1) to be undertaken without notice.

(c) EMPLOYER'S NOTICE TO PROSPECTIVE EMPLOYEES.—

(1) IN GENERAL.—Each employer shall notify a prospective employee at the first personal interview of existing forms of electronic monitoring conducted by the employer which may affect the prospective employee if such employee is hired by the employer.

(2) SPECIFIC NOTICE.—Each employer, upon request by a prospective employee or when the employer offers employment to a prospective employee, shall provide the prospective employee with the written notice described in subsection (b).

(d) CUSTOMER NOTICE.—Employers who engage in telephone service observation shall inform customers who may be subject to such telephone service observation of this practice in any recorded message or automated attendant used in connection with customer telephone calls. If the employer does not use such a recorded message or automated attendant, the employer shall place in each of its customer bills a statement that the employer is engaging in such observation.

(e) PUBLIC NOTICE.—If an employer engages in electronic monitoring of members of the public who are not customers of the employer, the employer shall notify such individuals of such electronic monitoring. Such notice may take the form that is reasonably calculated to reach members of the public who may be affected.

(f) GOVERNMENT NOTICE.—If a Federal agency engages in telephone service observation, the agency shall provide the public, upon the public's telephone contact of the Federal agency, a reasonable opportunity to not be a part of or included in any such observation.

(g) RULE OF CONSTRUCTION.—Notice provided under this Act shall not be construed as constituting consent under chapter 119 of title 18, United States Code.

SEC. 5. PERIODIC OR RANDOM ELECTRONIC MONITORING.

(a) GENERAL RULE.—An employer may engage in electronic monitoring of any of the employer's employees on a periodic or random basis as authorized in subsection (b).

(b) AUTHORITY.—

(1) NEW EMPLOYEES.—An employer may engage in periodic or random electronic monitoring of an employer's employee if the cumulative total period of such employee's employment with the employer is not more than 60 working days.

(2) WORK GROUPS.—An employer may engage in electronic monitoring of a work group of employees on a periodic or random basis for not more than 2 hours in any calendar week. Except as otherwise provided in this subsection, the notice required under section 4(b) to each of the employees within such work group for such electronic monitoring shall be provided to each of the employees within the work group at least 24 hours but not more than 72 hours prior to engaging in such electronic monitoring. For purposes of this subsection, the term "work group" means a group of employees employed in a single facility and engaged in substantially similar work at a common time and in physical proximity to each other.

(3) OTHER EMPLOYEES.—An employer may not engage in periodic or random electronic monitoring of an employee with a cumulative employment period of at least 5 years with the employer.

(c) EXCEPTION TO NOTICE REQUIREMENT.—

(1) SPECIAL ELECTRONIC MONITORING.—Subject to paragraph (2), an employer, other than the Federal Government or State or political subdivision thereof, who has a reasonable suspicion that an employer's employee is engaged in or is about to engage in conduct which—

(A) violates criminal or civil law, or constitutes willful gross misconduct; and

(B) has a significant adverse effect involving economic loss or injury to the employer or the employer's employees,

the employer may engage, on the employer's worksite, in electronic monitoring of such employee or of an area in which the actions described in subparagraphs (A) and (B) occur without providing the notice required by section 4(b), 5(a) or 5(b), and without regard to sections 9, 10(a), and 11(2).

(2) STATEMENT.—Before engaging in the electronic monitoring described in paragraph (1), an employer shall execute a statement setting forth—

(A) with particularity the conduct that is being electronically monitored and the basis for the electronic monitoring;

(B) an identification of the specific economic loss or injury to the business of the employer or the employer's employees resulting from such conduct or the injury to the interests of such employer or employer's employees; and

(C) that the employer is in compliance with section 5(c)(1).

The employer shall sign the statement and retain it for 3 years from the date the electronic monitoring began or until judgment is rendered in an action brought under section 12(c) by an employee affected by such electronic monitoring, whichever is later.

SEC. 6. REVIEW OF CONTINUOUS ELECTRONIC MONITORING.

(a) REVIEW DURING ELECTRONIC MONITORING.—No employer may review data obtained by continuous electronic monitoring of the employer's employees on a periodic or random basis, unless the electronic data was obtained from the use of an electronic identifier or accessor, such as an electronic card or badge access system, telephone call accounting system, or the data is continuously monitored by an employer or appears simultaneously on multiple television screens or sequentially on a single screen.

(b) REVIEW AFTER ELECTRONIC MONITORING.—An employer may review data obtained by continuous electronic monitoring of the employer's employees after the electronic monitoring was completed only if review was limited to specific data that the employer has reason to believe contains information relevant to an employee's work.

SEC. 7. EMPLOYEE REVIEW OF RECORDS.

(a) IN GENERAL.—Except as provided in subsection (b), each employer shall provide the employer's employee (or the employee's authorized agent) and the exclusive bargaining representative, if any, with a reasonable opportunity to review and, upon request, a copy of all personal data obtained or maintained by electronic monitoring of the employee.

(b) EXCEPTION.—

(1) IN GENERAL.—Except as provided in paragraph (2), an employer is not required to provide the employer's employee (or the employee's authorized agent) or the exclusive bargaining representative, if any, a reasonable opportunity to review data that are obtained by electronic monitoring described in section 5(c)(1).

(2) REVIEW PERMITTED.—If—

(A) the investigation by an employer with respect to electronic monitoring described in section 5(c)(1) that was conducted on the employer's employee has been completed, or

(B) disciplinary action has been initiated by an employer against the employer's employee who was the subject of such electronic monitoring,

whichever occurs first, such employer shall promptly provide such employee (or the employee's authorized agent) and exclusive bargaining representative, if any, with a reasonable opportunity to review and upon request, obtain a copy of, the personal data, and any interpretation of such data obtained from such electronic monitoring.

SEC. 8. USE OF DATA COLLECTED BY ELECTRONIC MONITORING.

(a) EMPLOYER ACTIONS.—An employer shall not take any action against an employee on the basis of personal data obtained by electronic monitoring of such employee unless the employer has complied with all the requirements of this Act.

(b) DATA SHALL NOT BE USED AS SOLE BASIS FOR EVALUATION OR PRODUCTION QUOTAS.—An employer shall not use quantitative data on an employee that is obtained by electronic monitoring and that records the amount of work performed by such employee within a specific time as the sole basis for—

(1) individual employee performance evaluation; or

(2) setting production quotas or work performance expectations,

unless an employee is not working at a facility of an employer and transmits the employee's work to the employer electronically, and such data is the only basis available to such employer for such purposes.

SEC. 9. ACCESS TO DATA.

(a) IN GENERAL.—When an employer has an immediate business need for specific data and if the employer's employee who maintains such data is not available, the employer may access such data if—

(1) the data is alphanumeric data and does not include data obtained by the aural or visual monitoring of the employer's employees or the interception of the employer's employee communications;

(2) the data will not be used for the purpose of discipline or performance evaluation; and

(3) the employer notifies the employee who maintains such data that the employer has accessed such data and provides such notice within a reasonable time after the access has occurred.

(b) DEFINITION.—As used in subsection (a), the term "alphanumeric data" means data consisting entirely of letters, numbers, and other symbols. Such term does not include visual images, audio impressions or data that can be used to create visual or auditory information.

SEC. 10. PRIVACY PROTECTIONS.

(a) WORK RELATED.—No employer may intentionally collect personal data about an employee through electronic monitoring if the data are not confined to the employee's work, unless the employee is a customer of the employer at the time of the electronic monitoring.

(b) PRIVATE AREAS.—No employer may engage in electronic monitoring in—

(1) bathrooms;

(2) locker rooms; or

(3) dressing rooms.

(c) FIRST AMENDMENT RIGHTS.—

(1) IN GENERAL.—An employer shall not intentionally engage in electronic monitoring of an employee when the employee is exercising First Amendment rights, and an employer shall not intentionally use or disseminate personal data obtained by electronic monitoring of an employee when the employee is exercising First Amendment Rights.

(2) EXCEPTION.—Electronic monitoring by an employer whose purpose and principal effect is to collect data about the work of an employee of the employer is not prohibited by paragraph (1) because it collects some incidental data concerning the exercise of an employee's First Amendment rights.

(d) DISCLOSURE.—An employer shall not disclose personal data obtained by electronic monitoring to any person or other employer or business entity except to (or with the prior written consent of) the individual employee to whom the data pertain, unless the disclosure would be—

(1) to officers and employees of the employer who have a legitimate need for the information in the performance of their duties;

(2) to a law enforcement agency pursuant to a warrant issued under the Federal Rules of Criminal Procedure, an equivalent State warrant, a grand jury subpoena, or an administrative subpoena authorized by a Federal or State statute;

(3) to the public if the data contain evidence of illegal conduct by a public official or have a direct and substantial effect on public health or safety; or

(4) to the exclusive bargaining representative, if any.

(e) ISSUANCE OF COURT ORDER.—A court order for disclosure under subsection (b) or (c) shall issue only if the law enforcement agency demonstrates that there is reason to believe the contents of the data are relevant to a legitimate law enforcement inquiry. In the case of a State governmental authority, such a court order shall not issue if prohibited by the laws of such State. A court issuing an order pursuant to this section, on a motion made promptly by the service provider, may quash or modify such order, if the data requested are unusually voluminous in nature or compliance with such order would cause an undue burden on the employer.

(f) EXCEPTION.—Electronic monitoring, including security cameras, whose purpose and principal effect is to collect data permitted by this Act is not prohibited by subsection (a) because it collects some data that is not confined to such employee's work or because it collects some data concerning the exercise of an employee's First Amendment rights.

SEC. 11. PROHIBITIONS.

No employer may—

(1) violate any requirement of this Act,

(2) engage in video monitoring with a video camera that is not visible to the subject of the electronic monitoring, except in the case of electronic monitoring described in section 5(c)(1), 13(a), 13(b), or 13(c)(2),

(3) interfere with, or deny the exercise or the attempted exercise by, an employee of any right provided by section 10(c), or

(4) discharge, discipline, or in any manner discriminate against an employee with respect to the employee's compensation or terms, conditions, or privileges of employment because the employee (or any person acting pursuant to a request of the employee) has—

(A) instituted any proceeding relating to a violation of this Act,

(B) has testified or is about to testify in any such proceedings, or

(C) disclosed information that the employee reasonably believes evidences a violation of this Act.

SEC. 12. ENFORCEMENT PROVISIONS.

(a) CIVIL PENALTIES.—

(1) IN GENERAL.—Subject to paragraph (2), any employer who violates any provision of this Act may be assessed a civil penalty of not more than $10,000 for each such violation.

(2) CONSIDERATIONS.—In determining the amount of any penalty under paragraph (1), the Secretary shall take into account the previous record of the person in terms of compliance with this Act and the gravity of the violation.

(3) ASSESSMENT AND COLLECTION.—Any civil penalty under this subsection shall be assessed by the Secretary and shall be collected in the same manner as is required by subsections (b) through (e) of section 503 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1853) with respect to civil penalties assessed under subsection (a) of such section.

(b) ACTIONS BY THE SECRETARY.—The Secretary may bring an action under this section to restrain violations of this Act. The Solicitor of Labor may appear for and represent the Secretary in any litigation brought under this Act. In any action brought under this section, the district courts of the United States shall have jurisdiction, for cause shown, to issue temporary or permanent restraining orders and injunctions to require compliance with this Act, including such legal and equitable or declaratory relief incident thereto as may be appropriate, including employment, reinstatement, promotion, the payment of lost wages and benefits, and reasonable attorney fees and other litigation costs reasonably incurred.

(c) PRIVATE CIVIL ACTIONS.—

(1) IN GENERAL.—An employer who violates this Act shall be liable to the employee or prospective employee affected, or any other person aggrieved, by such violation. Such employer shall be liable for such legal and equitable or declaratory relief as may be appropriate, including employment, reinstatement, promotion, and the payment of lost wages and benefits.

(2) JURISDICTION.—An action to recover the liability prescribed in paragraph (1) may be maintained against the employer in any Federal or State court of competent jurisdiction by any person for or on behalf of an employee, prospective employee or other aggrieved person.

(3) LIMITATION.—No such action may be commenced more than 3 years after the date—

(A) the employee, prospective employee, or other aggrieved person knew of, or

(B) the employee, prospective employee, or other aggrieved person could reasonably be expected to know of,

the alleged violation.

(4) COSTS.—The court shall allow the prevailing party (other than the Federal Government) reasonable costs, including attorney's fees and expert witness fees.

(d) WAIVER OF RIGHTS PROHIBITED.—The rights and procedures provided by this Act may not be waived by contract or otherwise, unless such waiver is part of a written settlement agreed to and signed by the parties to a pending action or complaint under this Act.

SEC. 13. APPLICATION.

(a) LAW ENFORCEMENT.—This Act shall not apply to electronic monitoring administered by law enforcement agencies as may otherwise be lawfully permitted under criminal investigations.

(b) WORKMEN'S COMPENSATION.—This Act shall not apply to electronic monitoring conducted by employers in connection with the investigation of a workers compensation claim unless there is reasonable suspicion of fraud or the claim involves at least $25,000.

(c) REQUIRED ELECTRONIC MONITORING.—This Act (other than sections 4(a), 4(b)(1), 4(b)(2), 4(b)(4), 7, 8, 9, and 10) shall not apply to electronic monitoring—

(1) conducted by an employer pursuant to Federal law (including regulations) governing public safety or security for public transportation;

(2) conducted by or for—

(A) the intelligence community, as defined in Executive Order 12333 (or successor order); or

(B) intelligence community contractors with respect to contracts that bear upon national security information, as defined by Executive Order 12356 (or successor order);

(3) conducted by an employer registered under section 6, 15, 15A, 15B, 15C, or 17A of the Securities Exchange Act of 1934 (15 U.S.C. 78 et seq.), section 8(a) of the Investment Company Act of 1940 (15 U.S.C. 80a-1(a)), or sections 202(a)(11) and 203(a) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2(a)(11) and 80b-3(a)), conducted by an employer or a person associated with an employer registered or exempt from such registration under section 4d, 4e, 4k, or 4m of the Commodity Exchange Act (7 U.S.C. 6d, 6e, 6k, or 6m), conducted by a self-regulatory organization or its affiliated clearinghouse designated, registered, or exempt from registration under section 6 or 17 of such Act (7

U.S.C. 8, 21), or conducted by an employer who provides an electronic trading system or other facilities for one or more self-regulatory organizations designated, registered, or exempt from registration under section 6 or 17 of such Act (7 U.S.C. 8, 21), as long as such monitoring is confined to management or professional employees with significant financial responsibility that involves the use of independent judgment;

(4) conducted by an employer that is a financial institution, as defined in section 20 of title 18, United States Code or subparagraph (A), (B), (C), (D), or (F) of section 5312(a)(2) of title 31, United States Code, as long as such monitoring is confined to management or professional employees with significant financial responsibility that involves the use of independent judgment; or

(5) conducted only to the extent necessary to ensure an employee provides the notices required by the Truth in Lending Act and the regulation under such Act designated Regulation Z, the Equal Credit Opportunity Act and the regulation under such Act designated Regulation B, the Fair Credit Reporting Act, the Fair Credit Billing Act, the Fair Debt Collection Practices Act, the rule of the Federal Trade Commission on credit practices, the regulations and consent orders of the Federal Trade Commission on unfair acts and practices, the Telephone Consumer Protection Act of 1991 and regulations under such Act, and all corresponding State laws and regulations.

(d) THIRD PARTY.—

(1) MONITORING FOR ANOTHER PERSON.—A person who engages in electronic monitoring may not perform electronic monitoring for another person unless the requirements of this Act are complied with.

(2) USE OF DATA.—A person who contracts with or otherwise obtains the services of a third party to electronically monitor the employees of such person may not use the data obtained from such monitoring unless the requirements of this Act are complied with.

SEC. 14. REGULATIONS.

The Secretary shall, within 6 months after the date of the enactment of this Act, issue regulations to carry out this Act.

SEC. 15. PREEMPTION.

This Act shall not be construed to restrict, limit, or eliminate a requirement of the Federal Government, or a State or political subdivision of a State or of a collective bargaining agreement relating to privacy or electronic monitoring that is more stringent than any requirement of this Act.

SEC. 16. COVERAGE OF EMPLOYEES OF THE HOUSE OF REPRESENTATIVES AND SENATE.

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

(1) the term "employee" means any current, prospective, or former employee of an employing authority or any leased employee;

(2) the term "employing authority"—

(A) has the meaning given it in the Fair Employment Practices Resolution, except that with respect to a position on the minority staff of a committee, such term means the ranking minority member of such committee; and

(B) includes Senate employees as defined in section 301(c)(1) of the Civil Rights Act of 1991; and

(3) the term "Fair Employment Practices Resolution" means—

(A) House Resolution 558 of the One Hundredth Congress, as adopted October 4, 1988, and incorporated into Rule LI of the Rules of the House of Representatives of the One Hundred Second Congress; or

(B) any other provision that continues in effect the provisions of such resolution.

(b) APPLICATION.—With the exception of section 12, this Act (including the substantive requirements of implementing regulations issued under section 14) shall apply to employees and to employing authorities.

(c) ADMINISTRATION.—

(1) HOUSE OF REPRESENTATIVES.—The remedies and procedures of the Fair Employment Practices Resolution shall apply with respect to a violation of this Act as it is made applicable by subsection (b) to employees of the employing authorities described in subsection (a)(2)(A). The Office of Fair Employment Practices may, in addition to those remedies available under the Fair Employment Practices Resolution, assess such an employing authority a civil penalty of not more than $10,000 for each violation. In determining the amount, the Office shall take into account the previous record of the employing authority involved in terms of compliance with this section and the gravity of the violation. Any such penalty collected shall be paid into the Treasury of the United States.

(2) SENATE.—The remedies and procedures utilized by the Office of Senate Fair Employment Practices shall apply with respect to a violation of this Act as it is made applicable by subsection (b) to employees of the employing authorities described in subsection (a)(2)(B). The Office of Senate Fair Employment Practices may, in addition to those remedies otherwise available, assess such an employing authority a civil penalty of not more than $10,000 for each violation. In determining the amount, the Office shall take into account the previous record of the employing authority involved in terms of compliance with this section and the gravity of the violation. Any such penalty collected shall be paid into the Treasury of the United States.

(d) WAIVER OF RIGHTS PROHIBITED.—The rights and procedures provided by this Act may not be waived by contract or otherwise, unless such waiver is part of a written settlement agreed to and signed by the parties to a pending action or complaint under this Act.

(e) NOTICE.—Each employing authority shall post and keep posted in conspicuous places on its premises a notice that shall be—

(1) with respect to the employing authorities described in subsection (a)(2)(A), prepared by the Office of Fair Employment Practices; and

(1) with respect to the employing authorities described in subsection (a)(2)(B), prepared by the Office of Senate Fair Employment Practices;

setting forth such information as each such Office considers to be appropriate to carry out this section. Such notice, at a minimum, shall provide the same information as that required under section 4(a).

(f) RULEMAKING.—Subsection (c) is enacted as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, with full recognition of the right of the House of Representatives and the Senate to change its rules in the same manner, and to the same extent, as in any other rule of the House of Representatives and the Senate.

(g) ENFORCEMENT.—Notwithstanding any other provision of this Act, no officer or employee of the executive branch of the Federal Government shall have authority to administer, interpret, or enforce this section.

SEC. 17. EFFECTIVE DATE.

This Act shall take effect on 6 months after the date of the enactment of this Act, except that an employer who is engaged in electronic monitoring on the expiration of such 6 months shall have 60 calendar days after such expiration to provide each affected employee with the notice required by this Act.

SECTION-BY-SECTION ANALYSIS

SECTION 1—SHORT TITLE

Designates this Act as the Privacy for Consumers and Workers Act.

SECTION 2—DEFINITIONS

Defines certain terms for purposes of the Act. Such terms include:

Continuous Electronic Monitoring—includes activities in which electronic monitoring of employees occurs on a continuous basis and is not periodic or random in nature, and such term includes the periodic inspection of continuous video monitoring from an off-site location, which is used to deter crime and to provide evidence to law enforcement personnel, as well as electronic identifiers or accessors such as electronic card or badge access systems.

Electronic Monitoring—the collection, storage, analysis, or reporting of information concerning an individual's activities by means of a computer, electronic observation and supervision, telephone service observation, telephone call accounting, or other form of visual, auditory, or computer-based technology that is conducted by any method other than direct observation by another person. For this Act, telephone call accounting means the practice of recording the telephone numbers called by a specific telephone or group of telephones for the purpose of individual employee evaluations or the setting of production quotas or work performance expectations. Electronic monitoring does not include the interception of wire, electronic, or oral communication as detailed in the Omnibus Crime Act or the electronic transfer of data concerning payrolls, insurance and other related benefits, employee job applications, or other personnel-related data for administrative purposes only.

Employee—any current, former, or leased employee of an employer.

Employer—any person who is engaged in commerce and who employs employees, including any individual, corporation, partnership, labor organization, unincorporated association, or any other legal business, Federal or State government and any agent of the employer.

Personal Data—any information concerning an employee which can be readily associated with a particular individual.

Prospective Employee—an individual who has applied for a position of employment with an employer.

Telephone Service Observation—the practice of listening to or recording telephone calls being made by, or received by, an employee in order to monitor the quality of service provided by the employee.

Secretary—the Secretary of Labor.

SECTION 3—GENERAL REQUIREMENTS

An employer may engage in electronic monitoring of the employer's employees only so long as the employer complies with the provisions of this Act and other applicable law; including Section 15 (Preemption) of this Act. An employer may review data obtained by electronic monitoring only if the employer meets the requirements of sections 6 (the Review of Continuous Electronic Monitoring) and 8 (Use of Data Collected by Electronic Monitoring) of this Act.

SECTION 4—NOTICE REQUIREMENTS

The Secretary

The Secretary of Labor will prepare and distribute to employers a notice that will inform employees that an employer engages in or may engage in electronic monitoring, of the circumstances under which an employee is or is not entitled to additional notice, including the monitoring and exception described in section 5 (Periodic or Random Electronic Monitoring), and of the rights provided to employees by this Act.

Employers

Each employer who engages in electronic monitoring is to post the Secretary's notice in conspicuous locations on its premises.

Employers who engage in electronic monitoring are to provide each employee who will be electronically monitored, and the exclusive bargaining representative, if any, with prior written notice describing the forms of electronic monitoring to be used, the personal data to be collected, the hours and days per calendar week that the electronic monitoring will occur, the use to be made of the personal data collected, the interpretation of the information collected if the interpretation or records may affect one or more of the employer's employees, existing production standards and work performance expectations, methods for determining production standards and work performance expectations based on electronic monitoring if the methods affect the employee, a description of the electronic monitoring, and a description of the exception authorized in section 5(c)(1) (Exception to Notice Requirement regarding reasonable suspicion of conduct that violates criminal or civil law, or constitutes willful gross misconduct and has a significant adverse effect involving economic loss or injury to the employer). Employers must provide this notice to prospective employees upon request or when an offer of employment is made. Employers must notify prospective employees of existing forms of electronic monitoring that may affect them if hired at the first personal interview.

Employers who engage in telephone service observation are to inform customers who may be subject to telephone service observation of this practice in any recorded message or automated attendant used in connection with customer telephone calls. If the employer does not use a recorded message or automated attendant, the employer shall place in each of its customer bills a statement that the employer is engaging in such observation.

If an employer engages in electronic monitoring of members of the public who are not customers of the employer, the employer must notify those individuals in a manner that is reasonably calculated to reach those affected.

If a Federal agency engages in telephone service observation, the agency shall provide the public, upon the public's telephone contact of the Federal agency, a reasonable opportunity to not be a part of or included in any such observation.

Notice under this Act shall not be considered to constitute consent under the Omnibus Crime Act.

SECTION 5—PERIODIC OR RANDOM ELECTRONIC MONITORING

Employer's employees who have been employed less than 60 working days may be electronically monitored periodically or randomly by their employers without notice or limitation. Employers may also engage in periodic or random electronic monitoring of a work group of employees for up to two hours in any calendar week. Each employee must be notified of the time the electronic monitoring will occur at least 24 hours before the electronic monitoring begins, but not more than 72 hours in advance. A work group means a group of employees employed in a single facility and engaged in substantially similar work at a common time and in physical proximity to each other. Employers may not engage in periodic or random electronic monitoring of an employee who has been employed for a cumulative employment period of at least 5 years.

An employer, other than the federal government or state or political subdivision thereof, may engage in electronic monitoring without notice required by section 4(b) (Employer's Specific Notice), 5(a) (Periodic or Random Electronic Monitoring General Rule), 5(b) (Periodic or Random Electronic Monitoring Authority), and without regard to section 9 (Access to Data), 10(a) (Privacy Protections Work Related), and 11(2) (Prohibitions regarding video monitoring) when the employer has a reasonable suspicion that an employer's employee is engaged in or is about to engage in conduct that violates criminal or civil law, or constitutes willful gross misconduct; and has a significant adverse effect involving economic loss or injury to the employer or the employer's employees. Before doing so, the employer shall execute a statement containing the conduct that is being electronically monitored and the basis for the electronic monitoring, an identification of the specific economic loss or injury to the business of the employer or the employer's employees, and that the employer is in compliance with section 5(c)(1) (Exception to Notice Requirement regarding reasonable suspicion). This statement shall be signed and retained for three years from the date the electronic monitoring began or until judgment is rendered in an action brought under section 12(c) (Private Civil Action) by an employee affected by such electronic monitoring, whichever is later.

SECTION 6—REVIEW OF CONTINUOUS ELECTRONIC MONITORING

An employer may not review data obtained by continuous electronic monitoring on a periodic or random basis, unless the electronic data was obtained from the use of an electronic identifier, or accessor, such as an electronic card or badge access system, telephone call accounting system, or the data is continuously monitored by an employer or appears simultaneously on multiple television screens or sequentially on a single screen.

In addition, an employer may review such data if the review is limited to specific data that the employer has reason to believe contains information relevant to an employee's work.

SECTION 7—EMPLOYEE REVIEW OF RECORDS

Employer's employees (or their authorized agents) and the exclusive bargaining representative, if any, are entitled to a reasonable opportunity to review and upon request, a copy of, all personal data, and any interpretation of such data obtained by electronic monitoring of the employee, unless the electronic monitoring was conducted pursuant to a suspicion of illegal conduct by the employee. An employer's employee (or their authorized agent) and the exclusive bargaining representative, if any, may review such data only after an investigation as described in section 5(c)(1) (Exception to Notice Requirement regarding reasonable suspicion) has been completed or disciplinary action has been initiated against the employee.

SECTION 8—USE OF DATA COLLECTED BY ELECTRONIC MONITORING

An employer may take any action against an employee on the basis of personal data obtained through electronic monitoring, if the employer has complied with all the requirements of this Act.

An employer shall not use quantitative data obtained by electronic monitoring as the sole basis for individual employee performance evaluations or setting production quotas unless the employee is not working at a facility of the employer and this data is the only basis available to the employer.

SECTION 9—ACCESS TO DATA

When an employer has an immediate business need of specific data, in the absence of the employer's employee who maintains the data, the employer may access the data if it is restricted to alphanumeric data and does not include aural or visual monitoring of the employer's employees or the interception of the employer's employee communications; and the data obtained was not intended to be used for discipline or performance evaluation. The employer shall notify the employee of the monitoring within a reasonable amount of time after the monitoring has taken place.

The term alphanumeric means data consisting entirely of letters, numbers, and other symbols. It does not include visual images, audio impressions, or data that can be used to create auditory or visual information.

SECTION 10—PRIVACY PROTECTIONS

No employer may intentionally collect data about an employee through electronic monitoring if the data are not confined to the employee's work, unless the employee is a customer of the employer at the time of the electronic monitoring.

No employer may engage in electronic monitoring in bathrooms, locker rooms, or dressing rooms.

An employer shall not intentionally engage in electronic monitoring of an employee when the employee is exercising First Amendment Rights. In addition, an employer shall not intentionally use or disseminate personal data of employees gathered by electronic monitoring who are exercising First Amendment Rights. However, electronic monitoring whose principle effect and purpose is to collect data about an employee's work and that incidentally collects data concerning the exercise of an employee's First Amendment rights is not prohibited.

Employers are permitted to disclose personal data obtained by electronic monitoring to any person or other employer or business entity with the written consent of the employee. In addition, employers are permitted to disclose personal data without prior consent from the employee to officers and employees of the employer who have a legitimate job related need for the information; to law enforcement agencies pursuant to a warrant issued under the Federal Rules of Criminal Procedure, and equivalent State warrant, a grand jury subpoena, an administrative subpoena authorized by a Federal or State statue; to the public when the data contains evidence of illegal conduct by a public official or affects public safety; or to the exclusive bargaining representative, if any. In addition a court order for disclosure under subsection (b) or (c) of this section shall issue only if the law enforcement agency shows that there is reason to believe that contents of the data are relevant to a legitimate law enforcement inquiry and in the case of a state governmental authority such a court

order shall not issue if prohibited by the law of such state. A court issuing an order pursuant to this section on a motion made promptly by the service provider may quash or modify such order, if the data requested are unusually voluminous in nature or compliance with such order would cause an undue burden on the employer.

Electronic monitoring, including security cameras, whose purpose and principal effect is to collect work data or data on non-employees is not prohibited because it collects some non-work related data.

SECTION 11—PROHIBITIONS

Employers may not violate any requirements of this Act.

Employers may not use video cameras that are not visible to those being electronically monitored unless there is suspicion of illegal employee conduct or such electronic monitoring is legally required.

Employers may not interfere with any employee's exercise of rights under this Act or discriminate in any manner against an employee for initiating or testifying in a proceeding under this Act of disclosing information the employee reasonably believes evidences a violation of this Act.

SECTION 12—ENFORCEMENT PROVISIONS

An employer who violates any provision of the Act may be assessed a civil penalty of not more than $10,000 for each violation. The Secretary shall take into account the previous record of the employer and the gravity of the violation. Civil penalties shall be assessed and collected in the same manner as under Section 503 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1953).

The Secretary may bring an action under this section to restrain violation of this Act. United States District Courts shall have jurisdiction, for cause shown, to issue temporary or permanent restraining orders and injunctions requiring compliance with the Act, including appropriate legal and equitable or declaratory relief.

Employees, prospective employees, or any person aggrieved by a violation of this Act may bring private civil actions against employers in Federal or State court within 3 years of the time when they knew or could reasonably be expected to know the violation occurred. The employer shall be liable for such legal and equitable or declaratory relief as may be appropriate, including employment, reinstatement, promotion, and payment of lost wages and benefits. The prevailing party in such cases shall be entitled to reasonable costs, including attorneys fees and expert witness fees.

Rights under this Act may be waived only as part of a written settlement of an action or complaint under this Act.

SECTION 13—APPLICATION

The Act does not apply to electronic monitoring administered by law enforcement agencies as may otherwise by lawfully permitted under criminal investigations.

The Act does not apply to electronic monitoring conducted by employers in connection with the investigation of workers compensation claims involving at least $25,000.

Except for Section 4(a) (Secretary's notice), 4(b)(1) (Employer's Specific Notice regarding the forms of electronic monitoring to be used), 4(b)(2) (Employer's Specific Notice regarding the personal data to be collected), 4(b)(4) (Employer's Specific Notice regarding the use of the personal data collected, 7 (Employee Review of Records), 8 (Use of Data Collected by Electronic Monitoring), 9 (Access to Data), and 10 (Privacy Protections), this Act shall not apply to electronic monitoring;

Conducted by an employer pursuant to Federal law governing public safety or security for public transportation,

Conducted by or for the intelligence community as defined in Executive Order 12333 or intelligence community contractors with respect to contracts that bear upon national security as defined by Executive order 12356,

Conducted by an employer registered under section 6, 15, 15A, 15B, 15C, or 17A of the Securities Exchange Act of 1934, section 8(a) of the Investment Company Act of 1940, or sections 202(a)(11) and 203(a) of the Investment Advisors Act of 1940, or the Commodity Exchange Act,

Conducted by an employer or a person associated with an employer registered or exempt from such registration under sections 4d, 4e, 4k, or 4m of the Commodity Exchange Act,

Conducted by a self-regulatory organization or its affiliated clearing house designated, registered, or exempt from registration under section 6 or 17 of the Commodity Exchange Act,

Conducted by an employer who provides an electronic trading system or other facilities for one or more self-regulatory organizations designated, registered, or exempt from registration under section 6 or 17 of the Commodity Exchange Act, as long as such monitoring is confined to management or professional employees with significant financial responsibility that involves the use of independent judgement, or

Conducted by an employer that is a financial institution, as defined in section 20 of title 18, United States Code or subparagraph (A), (B), (C), (D), or (F) of section 5312(a)(2) of title 31, United States Code, as long as such monitoring is confined to management or professional employees with significant financial responsibility that involves the use of independent judgment, or

Conducted only to the extent necessary to ensure an employee provides the required notices under the Truth in Lending Act and the regulation under such Act designated Regulation Z, the Equal Credit Opportunity Act and the regulation under such Act designated as Regulation B, the Fair Credit Reporting Act, the Fair Credit Billing Act, the Fair Debt Collection Practices Act, the rule of the Federal Trade Commission on credit practices, the regulations and consent orders of the Federal Trade Commission on unfair acts and practices, and the Telephone Consumer Protection Act of 1991 and regulations under such Act, and all corresponding State laws and regulations.

Persons who engage in monitoring for another person must comply with the notice requirements the Act, and employers who contract with third parties for monitoring may not use the data obtained unless the requirements of this Act are complied with.

SECTION 14—REGULATIONS

The Secretary shall issue regulations to carry out this Act within 6 months after the date it is enacted.

SECTION 15—PREEMPTION

The Act shall not restrict, limit, or eliminate a requirement of the Federal Government, or a state or political subdivision of a State, or of a collective bargaining agreement relating to privacy or electronic monitoring, which is more stringent than any requirement of this Act.

SECTION 16—COVERAGE OF HOUSE AND SENATE EMPLOYEES

House and Senate employees are covered under this Act.

SECTION 17—EFFECTIVE DATE

The Act shall take effect 6 months after it is enacted, except that an employer who is engaged in electronic monitoring at the expiration of 6 months shall have an additional 60 days to provide its employees with the required notices of electronic monitoring.●

By Mr. INOUYE (for himself, Mr. LUGAR, Mr. GORTON, Mr. GRAHAM, Mr. CAMPBELL, Mr. DORGAN, Mr. BOREN, Mr. MACK, Mr. CONRAD, Mr. SPECTER, Mr. COCHRAN, Mr. COATS, Mr. HATCH, Mr. CRAIG, Mr. HOLLINGS, Mr. MATHEWS, Mr. NICKLES, Mr. COHEN, Mr. HELMS, Mr. PACKWOOD, Mr. DOLE, Mr. GRASSLEY, Mr. MCCONNELL, Mr. BENNETT, Mrs. KASSEBAUM, Mr. HEFLIN, Mr. PRYOR, and Mr. DASCHLE):

S. 985. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act with respect to minor uses of pesticides, and for other purposes.

MINOR CROP PESTICIDES ACT OF 1993

Mr. INOUYE. Mr. President, I rise to amend the Federal Insecticide, Fungicide, and Rodenticide Act with respect to minor use of pesticides. This measure seeks to remedy a pest control problem, but unlike most pesticide issues, this problem does not relate to health and environmental safety; it is clearly an economic issue.

As you know, U.S. growers produce a wide variety of fruits, vegetables, and specialty crops which are critical to a healthy diet. The continued production of many of these minor crops will be jeopardized if steps are not taken to stop the loss of the many safe pesticides that are not being registered or reregistered for purely economic reasons.

Ironically, the high cost of pesticide registration is also having an adverse effect on integrated pest management programs. Producers are being penalized for using smaller amounts of pesticides by having those pesticides discontinued by manufacturers since reduced use makes registration or reregistration economically infeasible.

Major crops such as corn, wheat, soybeans, and cotton are normally not considered minor crops. Yet, these crops may also be impacted by the high cost of registration when certain pesticides are needed to manage pests only on a regional or local basis.

In my State of Hawaii, the latest agricultural statistics list over 35 crops that are produced commercially. These figures do not include the many niche market crops that are of limited acreage and not presented in published agricultural statistics. Included also on the list of 35 reported crops are sugar and pineapple. While these are grown on relatively large acreages, the amount of pesticides used often cannot justify the cost of registration or reregistration. Thus, all crops grown in Hawaii fall into the category of minor

crops. The problem is further exacerbated by the year-round growing season, which does not offer a break in the pest cycle.

My concern for minor crop protection is not new. I have long supported the inter-regional research project referred to as IR-4 and was an original sponsor of the measure in the 1990 farm bill to establish this project on a more permanent basis. This latter provision required the Secretary of Agriculture to establish an IR-4 Program to assist in the collection of residue and efficacy data in support of the registration or reregistration of minor use chemicals. The bill I introduce today builds on this concept and provides the resources needed to ensure a continuation of a safe and abundant food supply for American consumers.

I note that my bill offers support for chemical as well as nonchemical pest control methods. I have long supported integrated pest management approaches which include judicious use of chemicals in concert with management practices and biological controls. Not only are such measures kinder to the environment but effectively address the increasingly prevalent pesticide resistance of insects and other organisms.

This bill has undergone numerous changes to make it clearer that public health and safety are paramount. The EPA Administrator would be able to deny the use of any of the incentives provided by the bill should health and safety be compromised.

I urge my colleagues to support this bill.

Mr. President, I ask 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. 985

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

SECTION 1. SHORT TITLE AND REFERENCE.

(a) SHORT TITLE.—This Act may be cited as the "Minor Crop Pesticides Act of 1993".

(b) REFERENCE.—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 the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.).

SEC. 2. MINOR USE OF PESTICIDES.

(a) DEFINITION.—Section 2 (7 U.S.C. 136) is amended by adding at the end the following new subsection:

"(hh) MINOR USE.—The term 'minor use' means the use of a pesticide on an animal, on a commercial agricultural crop or site, or for the protection of public health in any case in which—

"(1) the Administrator, in consultation with the Secretary of Agriculture, determines on the basis of information provided by an applicant, that the use does not provide sufficient economic incentive to support the initial registration or continued registration of a pesticide for the use; and

"(2) the Administrator has not determined on the basis of data available to the Administrator, that the use presents a risk of an unreasonable adverse effect on the environment.".

(b) EXCLUSIVE DATA USE.—Section 3(c)(1)(F) (7 U.S.C. 136a(c)(1)(F)) is amended—

(1) by redesignating clause (iii) as clause (iv); and

(2) by inserting after clause (ii) the following new clause:

"(iii)(I) With respect to data submitted after the date of enactment of this clause by an applicant or registrant to—

"(aa) support an amendment adding a new use to a registration in existence at the time the data is submitted;

"(bb) support or maintain in effect a registration referred to in item (aa);

"(cc) support a new application for a registration; or

"(dd) support a reregistration,

if the data relates solely to a minor use of a pesticide, the Administrator shall not, without the written permission of the person that initially submitted the data, consider the data to support an application for a minor use by another person during the 10-year period following the date of submission of the data.

"(II) If the minor use registration that is supported by data submitted pursuant to this subsection is voluntarily canceled or if the data are subsequently used to support a use that is not a minor use, the data shall—

"(aa) cease to be subject to the exclusive use provisions of this clause; and

"(bb) be considered by the Administrator in accordance with clause (i) or (ii).".

(c) TIME EXTENSIONS FOR DEVELOPMENT OF MINOR USE DATA.—

(1) DATA CALL-IN.—Section 3(c)(2)(B) (7 U.S.C. 136a(c)(2)(B)) is amended by adding at the end the following new clause:

"(vi)(I) On the request of a registrant, the Administrator shall, in the case of a minor use, extend the deadline for the production of residue chemistry data under this subsection for data required solely to support the minor use until the date that is 2 years after the final deadline for submission of data for the other uses of the pesticide if—

"(aa) the registrant provides data to support other uses of the pesticide;

"(bb) the registrant, in submitting a request for the extension, provides a schedule, including interim dates to measure progress, to ensure that the data production will be completed before the expiration of the extension period;

"(cc) the Administrator determines that the extension would not significantly delay the schedule of the Administrator for issuing a reregistration eligibility determination required under section 4; and

"(dd) the Administrator makes a written determination that, on the basis of data available to the Administrator, the extension would not significantly increase the risk of any unreasonable adverse effect on the environment.

"(II)(aa) If the Administrator grants an extension under this clause, the Administrator shall monitor the development of the data and shall ensure that the registrant meets the schedule for the production of the data.

"(bb) If the Administrator determines that the registrant has not met the schedule for the production of the data, the Administrator may proceed in accordance with clause (iv) concerning the continued registration of the minor use.

"(cc) The Administrator shall provide public notice of any action taken under this subclause.

"(III) If, during the extension period under this subparagraph, the registrant furnishes the Administrator data that are sufficient for the Administrator to make a determination of an unreasonable adverse effect involving the minor use of the pesticide, the Administrator shall provide written notice to the registrant to revoke the extension for submission of data. The registrant shall be required to submit the data not later than 30 days after receipt of the notice.

"(IV) Nothing in this clause is intended to preclude the Administrator from proceeding in accordance with section 6.".

(2) REREGISTRATION.—Subsections (d)(4)(B), (e)(2)(B), and (f)(2)(B) of section 4 (7 U.S.C. 136a-1) are each amended—

(A) by inserting "(i)" after "(B)"; and

(B) by adding at the end the following new clauses:

"(ii) Notwithstanding clause (i), on the request of a registrant, the Administrator shall, in the case of a minor use, extend the deadline for the production of residue chemistry data under this subsection for data required solely to support the minor use for a period of 2 years after the expiration of the period prescribed for submission of data for the other uses of the pesticide if—

"(I) the registrant provides the data to support other uses;

"(II) in submitting a request for the extension, the registrant provides a schedule, including interim dates to measure progress, to ensure that the data production will be completed before the expiration of the extension period;

"(III) the Administrator determines that the extension would not significantly delay the schedule of the Administrator for issuing a reregistration eligibility determination required under this section; and

"(IV) the Administrator makes a written determination that, on the basis of data available to the Administrator, the extension would not significantly increase the risk of any unreasonable adverse effect on the environment.

"(iii) If the Administrator determines that the registrant has not met the schedule for the production of the data, the Administrator may proceed in accordance with section 3(c)(2)(B)(iv) regarding the continued registration of the minor use, and shall inform the public of the action to proceed.

"(iv) If, during the extension period for a minor use under this subparagraph, the registrant furnishes the Administrator data that are sufficient for the Administrator to make a determination of an unreasonable adverse effect involving the minor use of the pesticide, the Administrator shall provide written notice to the registrant that the Administrator has revoked the extension for submission of data. The registrant shall be required to submit the data not later than 30 days after receipt of the notice.

"(v) Nothing in this subparagraph is intended to preclude the Administrator from proceeding in accordance with section 6.".

(d) MINOR USE WAIVER.—Section 3(c)(2) (7 U.S.C. 136a(c)(2)) is amended—

(1) in subparagraph (A), by inserting "IN GENERAL.—" after "(A)";

(2) in subparagraph (B), by inserting "ADDITIONAL DATA.—" after "(B)";

(3) in subparagraph (C), by inserting "SIMPLIFIED PROCEDURES.—" after "(C)"; and

(4) by adding at the end the following new subparagraph:

"(E) MINOR USE WAIVER.—With respect to a registration of a pesticide for a minor use, the Administrator may waive a data requirement that would otherwise apply if the Administrator determines that the waiver of the data requirement will not prevent the Administrator from determining—

"(i) any incremental risk presented by the minor use of the pesticide; and

"(ii) that the risk, if any, would not constitute an unreasonable adverse effect on the environment.".

(e) EXPEDITING MINOR USE REGISTRATIONS.—Section 3(c)(3) (7 U.S.C. 136a(c)(3)) is amended—

(1) in subparagraph (A), by inserting "IN GENERAL.—" after "(A)";

(2) in subparagraph (B), by inserting "IDENTICAL OR SUBSTANTIALLY SIMILAR.—" after "(B)"; and

(3) by adding at the end the following new subparagraph:

"(C) MINOR USE REGISTRATION.—(i) Not later than 180 days after the date of submission of the application, the Administrator shall complete a review and evaluation of all data submitted with an application, to the greatest extent practicable, and act on any application—

"(I) that proposes the initial registration of an active ingredient of a pesticide if the active ingredient is proposed to be registered solely for—

"(aa) a minor use;

"(bb) a use that is not a minor use and at least 3 minor uses; or

"(cc) a significant minor use; or

"(II) for an amendment to the registration that proposes a new minor use for a pesticide that has been registered for other uses.

"(ii) As used in this subparagraph, the term 'significant minor use' means a minor use that the Administrator determines would—

"(I) serve as a replacement for any use that has been canceled in the 5-year period preceding the receipt of the application; or

"(II) obviate the need for the reissuance of an emergency exemption under section 18 for the minor use.

"(D) ADEQUATE TIME FOR SUBMISSION OF MINOR USE DATA.—If—

"(i) a registrant makes a good faith request for a minor use waiver regarding data required by the Administrator pursuant to paragraph (2)(B); and

"(ii) the Administrator denies in whole or in part the request for the waiver referred to in clause (i),

the Administrator shall extend the period of time specified for submitting the data for a period equal to the initial period. The Administrator may not extend the time period if the Administrator determines that the registrant did not make a good faith request for the waiver. The Administrator shall provide written notice of any determination by the Administrator that a request for the waiver was not submitted in good faith. The Administrator shall provide a copy of the written determination to the registrant. The determination shall be subject to judicial review under the procedures prescribed by section 16(b).".

(f) CONDITIONAL REGISTRATION FOR MINOR USES.—Section 3(c)(7) (7 U.S.C. 136a(c)(7)) is amended—

(1) in subparagraph (A), by inserting "IN GENERAL.—" after "(A)";

(2) in subparagraph (B), by inserting "CONDITIONAL AMENDMENT.—" after "(B)";

(3) in subparagraph (C), by inserting "CONDITIONAL REGISTRATION.—" after "(C)"; and

(4) by adding at the end the following new subparagraph:

"(D) ADDITIONAL MINOR USES.—(i) The Administrator shall conditionally amend the registration of a pesticide to permit additional minor uses of the pesticide without regard to whether data concerning the pesticide are insufficient to support a registration amendment that is unconditional, if the Administrator determines that—

"(I) the applicant has submitted satisfactory data pertaining to the proposed additional minor use; and

"(II) amending the registration in the manner proposed by the applicant would not significantly increase the risk of any unreasonable adverse effect on the environment.

"(ii) Notwithstanding clause (i), no registration of a pesticide may be amended to permit an additional minor use of the pesticide if—

"(I) the Administrator has issued a notice stating that the pesticide, or any ingredient of the pesticide, meets or exceeds risk criteria associated in whole or in part with human dietary exposure as described in regulations issued under this Act; and

"(II) during the pendency of any risk-benefit evaluation initiated by the notice, at least 1 of the conditions described to in clause (iii) are met.

"(iii) The conditions described in this clause are as follows:

"(I) The additional minor use of the pesticide referred to in clause (ii) involves a major food or feed crop.

"(II) The additional minor use of the pesticide referred to in clause (ii) involves a minor food or feed crop and the Administrator determines, with the concurrence of the Secretary of Agriculture, that an effective alternative pesticide that does not meet or exceed the risk criteria is available.

"(iv) An applicant seeking an amendment to a registration under this subparagraph shall submit the data that would be required to be submitted to obtain a registration for a similar pesticide under paragraph (5). If the applicant is unable to submit an item of data (other than an item of data pertaining to the proposed additional minor use) because the item of data has not been generated, the Administrator shall amend the registration on the condition that the item of data will be submitted not later than the date the item of data is required to be submitted with respect to similar pesticides registered under this Act. The Administrator shall provide written notice of each determination under this clause to the registrant. The determination shall be subject to judicial review under the procedures prescribed by section 16(b).".

(g) EXPEDITED CONDITIONAL REGISTRATION TO REPLACE PREVIOUSLY CANCELED REGISTRATIONS OR DELETED USES ON A ONE-TIME BASIS.—Section 3(c)(7) (7 U.S.C. 136a(c)(7)), as amended by subsection (f), is further amended by adding at the end the following new subparagraph:

"(E) CONDITIONAL MINOR USE REGISTRATION.—(i) The Administrator may conditionally register or amend the registration of a pesticide for a minor use if the registrant establishes to the satisfaction of the Administrator that—

"(I) the active ingredient has been listed by the Administrator for reregistration, as required by section 4;

"(II) the minor use proposed for registration is a registered use of a product that, after December 24, 1988, has been canceled, proposed for cancellation, or deleted as a use under section 4 or 6; and

"(III) the use directly requires only data concerning residue chemistry for reregistration.

"(ii) The Administrator may not grant a conditional registration or amendment referred to in clause (i) unless the Administrator makes a determination that—

"(I) approval by the Administrator of the registration or amendment in the manner proposed by the applicant would not significantly increase the risk of an unreasonable adverse effect on the environment; and

"(II) there is a tolerance for the use at the time of the determination.

"(iii) In making the application, the applicant shall either—

"(I) make assurances that the applicant will submit the data required for reregistration of the pesticide or use by the final deadline, established by the Administrator, for the submission of all data to support registration of the active ingredient of the pesticide on the date of the approval of the application by the Administrator; or

"(II) agree to cease distribution and sale of the pesticide by the date specified in subclause (I).

"(iv) If the registrant provides assurances for the submission of data pursuant to clause (iii), the Administrator may extend the expiration date for the conditional registration to the date that is 6 months after the scheduled date for submission of the data (determined in accordance with the schedule established by the Administrator) to allow time for the Administrator to review the application.

"(v) Distribution and sale by the registrant of pesticides registered for the use that is the subject of the conditional registration referred to in clause (iv) shall cease on the date of termination of the extension referred to in clause (iv).

"(vi) The Administrator shall provide expedited review of each application under this section in accordance with paragraph (3).

"(vii) The Administrator may take action at any time prior to the date established under clause (iv) to order the deletion of a use approved under this subsection, if—

"(I) no registrant is fulfilling commitments for other uses; or

"(II) the Administrator determines that the delay may result in a risk of an unreasonable adverse effect on the environment.

"(viii) If the registrant does not voluntarily comply with an order requesting the deletion of use, the Administrator may cancel each registration of the registrant that includes the use by order without a hearing. Each application for a conditional registration or amendment under this subparagraph shall be submitted to the Administrator not later than 1 year after the date of enactment of this subparagraph.".

(h) TEMPORARY EXTENSION OF REGISTRATION FOR UNSUPPORTED MINOR USES.—

(1) REREGISTRATION.—

(A) IN GENERAL.—Subsections (d)(6) and (f)(3) of section 4 (7 U.S.C. 136a-1) are each amended by adding at the end the following new sentences: "If the registrant does not support a specific minor use of the pesticide, but supports, and provides data in a timely fashion to support, other food uses, at the written request of the registrant, the Administrator shall not take any action pursuant to this paragraph with regard to the unsupported minor use until the date specified for the submission of data for the supported uses under this paragraph. On receipt of the request from the registrant, the Administrator shall publish in the Federal Register a notice of the receipt of the request and the date by which the uses that the registrant does not support shall be voluntarily deleted from the registration. Notwithstanding the preceding sentences in this paragraph, the Administrator may cancel or suspend the minor use pursuant to section 6, if the Administrator determines that the continuation of the minor use may cause an unreasonable adverse effect on the environment.".

(B) REQUEST FOR DELAY.—Section 4(e)(3)(A) (7 U.S.C. 136a-1(e)(3)(A)) is amended by adding at the end the following new sentences: "If the registrant does not support a specific minor use of the pesticide, but supports and provides data in a timely fashion to support other uses, at the written request of the registrant, the Administrator shall not take any action pursuant to this subparagraph with regard to the unsupported minor use until the date specified for the submission of data for the supported uses under this subparagraph. On receipt of the request from the registrant, the Administrator shall publish in the Federal Register a notice of the receipt of the request and the date by which the uses that the registrant does not support shall be voluntarily deleted from the registration. Notwithstanding the preceding sentences of this subparagraph, the Administrator may cancel or suspend the minor use, pursuant to section 6, if the Administrator determines that the continuation of the minor use may cause an unreasonable adverse effect on the environment.".

(2) DATA.—Section 3(c)(2)(B) (7 U.S.C. 136a(c)(2)(B)), as amended by subsection (c)(1), is further amended by adding at the end the following new clause:

"(vii) If the registrant does not support a specific minor use of the pesticide, but supports and provides data in a timely fashion to support other uses, at the written request of the registrant, the Administrator shall not take any action pursuant to this subparagraph with regard to the unsupported minor use until the date specified for the submission of data for the supported uses under this paragraph. On receipt of the request from the registrant, the Administrator shall publish in the Federal Register a notice of the receipt of the request and the date by which the uses that the registrant does not support shall be voluntarily deleted from the registration. Notwithstanding the preceding sentences of this subparagraph, the Administrator may cancel or suspend such minor use, pursuant to section 6, if the Administrator determines that the continuation of the minor use would violate the criteria described in section 6.".

(i) UTILIZATION OF DATA FOR VOLUNTARILY CANCELED CHEMICALS.—Section 6(f) (7 U.S.C. 136d(f)) is amended by adding at the end the following new paragraph:

"(4) UTILIZATION OF DATA FOR VOLUNTARILY CANCELED CHEMICALS.—

"(A) Except as provided in subparagraph (B), if a registrant files an application with the Administrator for the registration of a pesticide for a minor use not later than 2 years after another registrant voluntarily cancels the registration for an identical or substantially similar pesticide for an identical or substantially similar use, the Administrator shall, for the purposes of using the data from the registrant that canceled a registration, process, review, and evaluate the pending application as if the voluntary cancellation had not yet taken place.

"(B) If the Administrator determines, on the basis of evidence available to the Administrator, that the minor use referred to in subparagraph (A) poses a risk of an unreasonable adverse effect on the environment, the Administrator may not apply subparagraph (A) with respect to an application for a registration.".

(j) MINOR USE PROGRAMS OF THE ENVIRONMENTAL PROTECTION AGENCY AND THE DEPARTMENT OF AGRICULTURE.—

(1) REDESIGNATION.—The Act is amended by redesignating sections 30 and 31 as sections 32 and 33, respectively.

(2) MINOR USE PROGRAMS.—The Act is amended by inserting after section 29 the following new sections:

"SEC. 30. ENVIRONMENTAL PROTECTION AGENCY MINOR USE PROGRAM.

"(a) IN GENERAL.—The Administrator shall establish a minor use program within the Office of Pesticide Programs (referred to in this section as the 'Office') to ensure the coordination of minor use issues.

"(b) DUTIES OF THE DIRECTOR.—The Director of the Office shall be responsible for coordinating the development of minor use programs and policies, consulting with growers regarding minor use issues and registrations, and tracking and expediting minor use registrations and amendments that are submitted to the Administrator.

"SEC. 31. DEPARTMENT OF AGRICULTURE MINOR USE PROGRAM.

"(a) IN GENERAL.—The Secretary of Agriculture (referred to in this section as the 'Secretary') shall ensure the coordination of the responsibilities of the Department of Agriculture related to minor uses of pesticides, including—

"(1) carrying out the Inter-Region Project Number 4 (IR-4) as described in section 2(e) of the Act entitled "An Act to facilitate the work of the Department of Agriculture, and for other purposes" (7 U.S.C. 450i(e)) and the national pesticide resistance monitoring program established under section 1651 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5882);

"(2) supporting integrated pest management research;

"(3) consulting with growers to develop data for minor uses; and

"(4) providing assistance for minor use registrations, tolerances, and reregistrations with the Environmental Protection Agency.

"(b) MATCHING FUND PROGRAM.—

"(1) ESTABLISHMENT.—The Secretary shall establish a minor use grant program to provide financial assistance to any person or entity that submits an application that is approved by the Secretary.

"(2) GRANTS.—The Secretary may award a grant pursuant to this subsection to ensure the continued availability of a minor use crop protection chemical. The grant shall be awarded to provide assistance for the development of data to support the registration or reregistration of a pesticide for a minor use.

"(3) PRIORITY FOR GRANT AWARDS.—In awarding grants under this subsection, the Secretary shall give priority to applicants that do not directly receive funds from the sale of products that are specified in the registration for a minor use.

"(4) CONDITIONS FOR GRANTS.—A grant under this subsection may be awarded only on the following conditions:

"(A) The grant recipient shall match, on a dollar for dollar basis, from non-Federal sources, the amount of the grant award.

"(B) Both the grant recipient and the Department of Agriculture shall share a property interest in the data generated pursuant to the grant.

"(5) USE OF DATA.—The data referred to in paragraph (4)(B) may be used by another person or entity that applies for a registration if the person or entity receives written permission from the Secretary and the grant recipient.

"(6) FEES.—The Secretary may assess a fee for the use of the data referred to in paragraph (5).

"(7) REVOLVING FUND.—The Secretary shall establish a revolving fund. The revolving fund shall consist of—

"(A) the amounts appropriated for deposit to the fund pursuant to the authorization under paragraph (8); and

"(B) the amounts received as fees under paragraph (6).

"(8) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Agriculture for deposit in the revolving fund referred in paragraph (7) an amount not to exceed $10,000,000 for fiscal year 1994, and each fiscal year thereafter.".

(k) CONFORMING AMENDMENTS TO FIFRA TABLE OF CONTENTS.—The table of contents in section 1(b) (7 U.S.C. prec. 121) is amended—

(1) by adding at the end of the items relating to section 2 the following new item:

"(hh) Minor use.";

(2) by adding at the end of the items relating to section 6(f) the following new item:

"(4) Utilization of data for voluntarily canceled chemicals.";

(3) in the item relating to section 30, by striking "30" and inserting "32";

(4) in the item relating to section 31, by striking "31" and inserting "33"; and

(5) by inserting after the item relating to section 29 the following new items:

"Sec. 30. Environmental Protection Agency minor use program.
"(a) In general.
"(b) Duties of the director.
"Sec. 31. Department of Agriculture minor use program.
"(a) In general.
"(b) Matching fund program.
"(1) Establishment.
"(2) Grants.
"(3) Priority for grant awards.
"(4) Conditions for grants.
"(5) Use of data.
"(6) Fees.
"(7) Revolving fund.
"(8) Authorization of appropriations.".

Mr. LUGAR. Mr. President, I am pleased to join Senator INOUYE today in introducing the Minor Crop Pesticides Act.

Americans have been favored with an abundance and a wide variety of food, and, as a consequence, the productivity of American agriculture is generally taken for granted. Part of the success of the American food production system stems from the natural fertility of the soils and from the ingenuity of the American farmer. But even the most fertile soil must be protected from erosion and in time must be replenished with nutrients. Mechanized farming depends upon abundant and economical sources of energy. Farming efficiency has increased with size and specialization. But concentrated and continuous production of a single crop increases the potential for outbreaks of insects, weeds, disease organisms, and other pests. To support crop production and marketing activities, a strong agribusiness is necessary to provide equipment, seeds, fertilizer, pesticides, fuel, markets, and transportation.

Production of crops and forest products is but one example of the interdependency among the several sectors of the American economy. Actions that

affect one small segment often may have an impact on the whole of American society. Thus, while pesticides constitute only a small fraction of the total agricultural and forest products enterprise, disruption of the supply of these agents without suitable replacements would severely impact on the total supply of agricultural and forest products, and even more so on the stability of the outputs.

Stability of production is a quality that is often overlooked. The security and welfare of all nations is heavily dependent upon the assurance of a steady, reliable source of food. Threats of pests and diseases constitute one of the most destabilizing influences on crop production worldwide. Pest control practices, including pesticides, are very important for the assurance of year-to-year stability of production.

Vegetables, fruits, nuts, herbs, ornamental, and turfgrass are often referred to as minor crops because the acreage and volume of production are much below that of corn, soybean, wheat, or any of the other major field crops. Minor crops, like major crops, must be protected from insects, weeds, and diseases. Pesticides developed for use on minor crops are referred to as minor use pesticides.

Historically, there has always been a problem with the availability of pesticides for minor uses. The chemical industry has traditionally sought the major markets for their products justified on the basis of economic returns. The significant time and expense required to develop the data needed to support registration of a new pesticide or to defend existing uses have left fewer resources for registration of minor uses.

This situation was intensified with enactment of the 1988 amendment to the Federal Insecticide, Fungicide, and Rodenticide Act [FIFRA], which required that all pesticides, and their uses, registered before November 1984, be reregistered. Experts estimate that about 25 percent of existing uses on crops will not be supported by manufacturers of pesticides.

Estimates indicate a decline of approximately 30 percent in yields with an attendant increase in food costs of approximately 50 percent without the use of pesticides. Growers who are denied appropriate pest control will not be competitive in domestic or foreign markets. Under these circumstances, consumers, too, would suffer. The average American family spends on 10 percent of their disposable income on food. For these families, a substantial increase in the costs of fruits and vegetables would not be popular, but could be absorbed without great hardship. However, some 30 million of the U.S. population spend at least 60 percent of their disposable income on food. For those of limited means, a substantial increase in the price of fruits and vegetables would impose a further serious economic burden. As fruits and vegetables become less affordable, this segment of the population would consume less at a time when health experts recommend an increased consumption of fresh fruits and vegetables.

Finally, the loss of minor use pesticides could have serious adverse environmental impacts. Ironically, pesticide usage may actually increase as more products disappear from the marketplace due to the need to apply less effective materials more frequently and at higher dosages to control pests. As the number of products dwindles, the likelihood for pest resistance to the remaining pesticides used on these commodities also increases. Studies clearly indicate that resistance is best managed through a program that uses a variety of pest control methods and incorporates a number of chemicals that differ in way they act on pests.

The bill we are introducing today is designed to help circumvent such consequences without impacting food safety or adversely affecting the environment. This bill simply offers several incentives to manufacturers to maintain and develop new safe and effective pest control agents for minor uses.

Mr. President, I urge my colleagues to lend their support of this important legislation.

Mr. GORTON. Mr. President, during the last few years there has been a great deal of discussion and publicity about reducing the use of agricultural chemicals. This movement is rooted in the misconception that all agricultural chemicals are detrimental to our health and have harmful effects on the environment. The unfounded allegations leveled at apple growers and their use of alar in 1989 illustrates this movement. Alar, a chemical important to apple production, was unnecessarily lost to producers. In this case, as in so many others, emotion rather than science determined policy and farmers lost an important production tool.

Since the enactment of a series of amendments to the Federal Insecticide, Fungicide, and Rodenticide Act in 1988, farmers have been losing safe, vital chemicals for another reason: economics. The 1988 FIFRA amendments required the Environmental Protection Agency to initiate a process to update the registration of pesticides that had been registered before November 1, 1984. For a chemical to remain on the market, a manufacturer had to resubmit new data, often supplemented by additional testing, by 1997.

This requirement sounded reasonable until one considered the costs of performing the tests needed to collect the required data. Developing and registering pesticides for crop protection is expensive. A comprehensive study that includes such information as the safety of the product, its potential effect on consumers and workers health, as well as its impact on the environment, can cost millions of dollars. The cost of residue data alone for a crop can run into the hundreds of thousands of dollars.

When the cost of developing this new data is measured against the potential profits from the sale of a product, some manufacturers have decided voluntarily to cancel a pesticide registration rather than seek renewal. In each such case the farmer lost another vital production tool.

While all of agriculture is impacted by the FIFRA '88 amendments, those producers who are hardest hit are minor crop farmers whose markets for pesticides are limited. Minor crops are fruits, vegetables, and other crops which are produced on less than 300,000 acres each year. Though these crops account for approximately 2 percent of all the acreage planted each year in this country, their collective value surpasses $35 billion; 5 billion dollars' worth of minor crops are exported each year.

As important to our Nation's economy as minor crops are, they are an equally significant part of our diets. The food pyramid guide released by the Department of Agriculture encourages Americans to eat from the five major food groups. Two of these major food groups are fruits and vegetables—minor crops. As such they are an essential and vital part of a healthy, balanced diet.

Many of the chemicals being lost have environmental benefits. Often overlooked is the fact that minor crop pesticides are critical components of many integrated pest management [IPM] systems. These programs control agricultural pests in an environmentally prudent manner. For example, phosphamidon, an insecticide used on apples, was used for the control of aphids. In addition, though, it provided the collateral benefit of controlling apple rust mite because it was not toxic to the apple rust mite's primary predator, predaceous mites. No suitable alternative to phosphamidon exists for controlling aphids and mites, and, therefore, several chemicals must be used simultaneously to render the same effect.

Finally, other important societal benefits are derived from the use of pest control products. Agencies at the Federal, State, and local level depend on the continued availability of pesticides to protect the public from over 50 human diseases, diseases which are transmitted by insects and other disease carrying organisms. The effective control of these pests helps to alleviate human suffering. Direct economic benefits are derived, such as a reduction in medical costs and absences from work.

To ensure the continued availability of crop protection chemicals for minor use crops, the Minor Crop Farmer Alliance was organized in 1991. The alliance's efforts led to the development of

the Minor Crop Protection Act of 1992, which I have the pleasure of reintroducing today on behalf of Senators INOUYE and LUGAR. I strongly support this legislation.

This proposal is designed to provide a number of options to the Environmental Protection Agency for registering existing pesticides and promoting new minor use registrations. These mechanisms would not be permitted if the EPA determined that the pesticide in question posed an unreasonable adverse risk to human health or the environment, or where the missing data were considered essential for making such a determination.

This legislation establishes a reasonable process for reregistering minor use pesticides that safeguard the environment and peoples' health, but does not remove essential and safe pesticides from the market. It is an important first step, but more can be done. For example, increased funding for IR-4 would greatly complement this legislation.

Mr. President, like many occupations, farming looks easy until you try it. Far more goes into agricultural production than simply planting and harvesting.

There are many intangibles with which a farmer must deal, weather being foremost. To the extent possible, and while continuing to guarantee the safety of the consumer and the health of the environment, government should make farming easier. This bill does that and ensures that the environment, the consumer and the farmer benefit. I commend Senators LUGAR and INOUYE and the Minor Crop Farmer Alliance for developing this legislation and encourage my colleagues to grant it their support.

By Mr. LOTT:

S. 986. A bill to provide for an interpretive center at the Civil War Battlefield of Corinth, MS, and for other purposes; to the Committee on Energy and Natural Resources.

CORINTH, MISSISSIPPI, BATTLEFIELD ACT OF 1993

Mr. LOTT. Mr. President, I rise today to offer legislation which will ensure the preservation of a special and historical site in my home State of Mississippi which was the scene of one of the greatest campaigns during the War Between the States. Corinth, Mississippi was the location of the Battle of Corinth which was the largest battle to take place in my State and the Siege of Corinth was, in terms of aggregate numbers of troops involved, one of the largest in the history of the Western Hemisphere.

Possession of Corinth was the key to victory during the war because of the railroads. Corinth was the Confederacy's only east-west link; the Memphis & Charleston Railroad crossed the critical Mobile & Ohio Railway. These were the two longest railroads in the South. This junction was referred to as the vertebrae of the Confederacy and eventually acquired the nickname "crossroads of the Confederacy." It is interesting to note that the famous Battle of Shiloh was fought solely for the possession of Corinth. A national military park is located at Shiloh in commemoration of this battle.

The strategical value of Corinth was tremendous. With Corinth in Union hands, the roads to Vicksburg and Atlanta were open for Federal armies. The Confederacy certainly realized the importance of Corinth.

Possession of Corinth was critical enough for the Confederacy to sacrifice New Orleans, the South's largest city and the coastal region from Mobile to Charleston. The Confederacy abandoned these cities in order to send the needed troops to protect the small village in northeast Mississippi, known as Corinth.

Of all the major Civil War crusades, the Battle of Corinth and the Corinth Siege are indisputably the least known and definitely the least recognized. The Battle of Corinth is deserving of long-overdue national recognition. The site at Corinth has already received national historic landmark designation. However, I am convinced that we must go one step further to ensure these notable sites' place in American history; therefore my reason for introducing relevant legislation.

Both of these sites at Corinth are ideal and appropriate for including in this proposed interpretive center. If we act expeditiously we may easily preserve many battle and siege sites which are still vacant tracts of land. Corinth's urban setting is advantageous for the purpose of cost minimization in development and maintenance. Furthermore, the proximity of the Shiloh National Military Park offers the possibility of a combined administration.

Corinth and the Corinth Siege were the only sites in my State of Mississippi included on former Secretary of the Interior Manuel LuJuan's list of priority Civil War Battlefields and 2 of only 25 nationwide. My proposal is also consistent with the Secretary of the Interior's American Battlefield Protection Program established in July 1990.

We must safeguard our national heritage and protect this significant battlefield upon which our ancestors lost life and limb in pursuit of their most fundamental ideals. I believe Corinth is a natural location for an interpretive center. The closeness of the Shiloh National Military Park, which is just 20 miles from Corinth, would be especially beneficial. The connection between the two battles, not to mention the convenience of location, convince me that construction of a center at Corinth is needed for proper interpretation of this important chapter in American history.

Mr. President, I ask my colleagues to support this important legislation and ask unanimous consent that the full text of this bill be printed in the RECORD.

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

S. 986

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 "Corinth, Mississippi, Battlefield Act of 1993".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the 14 sites located in the vicinity of Corinth, Mississippi, that were designated as a National Historic Landmark by the Secretary of the Interior in 1991 represent nationally significant events in the Siege and Battle of Corinth during the Civil War, and

(2) the Landmark sites should be preserved and interpreted for the benefit, inspiration, and education of the people of the United States.

(b) PURPOSE.—It is the purpose of this Act to provide for a center for the interpretation of the Siege and Battle of Corinth and other Civil War actions in the region and to enhance public understanding of the significance of the Corinth Campaign in the Civil War relative to the Western theater of operations, in cooperation with State or local governmental entities and private organizations and individuals.

SEC. 3. ACQUISITION OF PROPERTY AT CORINTH, MISSISSIPPI.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this Act as the "Secretary") shall acquire by donation, purchase with donated or appropriated funds, or exchange, such lands and interests in lands in the vicinity of the Corinth Battlefield, in the State of Mississippi, as the Secretary determines to be necessary for the construction of an interpretive center to commemorate and interpret the 1862 Civil War Siege and Battle of Corinth.

(b) PUBLICLY OWNED LANDS.—Lands and interests in lands owned by the State of Mississippi or a political subdivision of the State of Mississippi may be acquired only by donation.

SEC. 4. INTERPRETIVE CENTER AND MARKING.

(a) GENERAL AUTHORITY.—

(1) CONSTRUCTION OF CENTER.—The Secretary shall construct, operate, and maintain on the property acquired under section 3 a center for the interpretation of the Siege and Battle of Corinth and associated historical events for the benefit of the public.

(2) DESCRIPTION.—The center shall contain approximately 5,300 square feet, and include interpretive exhibits, an auditorium, a parking area, and other features appropriate to public appreciation and understanding of the site.

(b) MARKING.—The Secretary may mark sites associated with the Siege and Battle of Corinth National Historic Landmark, as designated on May 6, 1991, if such sites are determined by the Secretary to be protected by State or local governmental agencies.

(c) ADMINISTRATION.—The lands and interests in lands acquired, and the facilities constructed and maintained pursuant to this Act shall be administered by the Secretary as a part of Shiloh National Military Park, subject to the appropriate laws and regulations applicable to the park, the Act of Au-

gust 25, 1916 (39 Stat. 535, chapter 408; 16 U.S.C. 1 et seq.), and the Act of August 21, 1935 (49 Stat. 666, chapter 593; 16 U.S.C. 461 et seq.).

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Subject to subsection (b), there are authorized to be appropriated such sums as are necessary to carry out this Act.

(b) CONSTRUCTION.—Of the amounts made available to carry out this Act, not more than $6,000,000 may be used to carry out section 4(a).

By Mr. DASCHLE:

S. 987. A bill to amend the Internal Revenue Code of 1986 with respect to discharge of indebtedness income from prepayment of loans under section 306B of the Rural Electrification Act of 1936.

TAX TREATMENT OF REA LOAN PREPAYMENT

• Mr. DASCHLE. Mr. President, today I am introducing legislation that clarifies the tax treatment of prepayment of Rural Electrification Administration [REA] loans authorized last year in the Rural Electrification Administration Improvement Act of 1992.

Congress has always recognized that rural electric cooperatives are the cornerstone upon which community and economic development services are built and extended. As a result, Congress has consistently supported the partnership between the rural electric systems and REA, which provides loans to rural electric cooperatives so that they may continue bringing power, light, and jobs to rural America.

In 1992, Congress reauthorized the ability of rural electric distribution systems to prepay their outstanding debt with the Rural Electrification Administration [REA] at a discount based on the Government's current cost of money. In 1986, Congress had granted limited opportunity to buy back REA loans, but that provision expired in 1987. Pursuant to Internal Revenue Code section 61(a)(62), the interest rate reduction constitutes cancellation of indebtedness income and, as such, must be included in gross income. Thus, this entire buy-back scheme results in no loss to the Federal Treasury.

Unfortunately, the Internal Revenue Service's position regarding the tax treatment of this discount severely limits the benefit gained under the 1992 act.

Under I.R.C. section 501(c)(12), a rural electric cooperative qualifies for tax exemption only if at least 85 percent of its gross income consists of amounts collected from members for the sole purpose of meeting loses and expenses. Thus, the bulk of the cooperative's revenues must be related to providing services needed by members of the cooperative, that is, rural consumers. If nonmember income, such as investment income or property rentals, exceeds 15 percent of gross income, the cooperative loses its tax exempt status for the year. Under the IRS's interpretation of this formula, the income from a discount on an REA loan buyback is considered nonmember income, potentially causing many cooperatives to fail the test for tax exemption should they participate in the buyback program.

In 1988, Congress responded to this concern by approving legislation allowing electric cooperatives to exclude the REA loan buyback discount from the so-called "85–15" test. The Internal Revenue Service, however, has recently concluded that this provision was in effect only until January 1, 1990, and therefore does not apply to prepayment of REA loans pursuant to the most recent congressional authorization.

The legislation I am introducing today would merely reinstate the 1988 tax legislation and, thereby, clarify that prepayments accomplished under the 1992 act should be treated identically to those buybacks accomplished in 1986 and 1987. Congress did not intend to inadvertently damage the tax status of cooperatives when it passed the 1992 act. In fact, the intent of the rural electric prepayment legislation is precisely to allow cooperatives that are financially strong enough to prepay their REA loans and turn to private capital markets for long-term financing needs.

A similar measure was passed in the 102d Congress as part of H.R. 11, the Revenue Act of 1992. However, that legislation subsequently was vetoed by then-President Bush.

The intent of Congress was clear when prepayment of REA loans was authorized, both in 1986 and in 1992. Congress took the additional step in 1988 and clarified that income received from the prepayment of an REA loan would not be included in the "85–15" test. We should not allow the REA loan prepayment benefit granted to rural electric cooperatives to be eroded simply because the 1988 tax clarification has not been extended.

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. 987

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

SECTION 1. DISCHARGE OF INDEBTEDNESS INCOME FROM PREPAYMENT OF REA LOANS.

Subparagraph (C) of section 501(c)(12) of the Internal Revenue Code of 1986 is amended—

(1) by striking "or" at the end of clause (i),

(2) by striking ", 306B," in clause (ii),

(3) by striking the period at the end of clause (ii) and inserting ", or", and

(4) by adding at the end the following new clause:

"(iii) from the prepayment of a loan under section 306B of the Rural Electrification Act of 1936 (as in effect on January 1, 1993)."•

By Mr. DASCHLE (for himself, Mr. GORTON, and Mr. CHAFEE):

S. 988. A bill to amend the Internal Revenue Code of 1986 to clarify that conservation expenditures by electric and gas utilities are deductible for the year in which paid or incurred; to the Committee on Finance.

ENERGY EFFICIENCY AND CONSERVATION ACT OF 1993

• Mr. DASCHLE. Mr. President, since the 1960's, energy conservation and efficiency have become top national priorities for the United States. Across the country, energy conservation is a critical means of obtaining new energy resources and slowing down the depletion of the available energy supply.

Many utility companies, in an effort to promote this policy, have established energy conservation programs, which invest in products and services to enable their customers to reduce energy use. Examples of these conservation expenditures include: energy efficiency audits, education, and marketing programs to promote conservation and efficient use of energy; insulation and weatherization materials; and subsidies and rebates for the installation of efficient lighting and appliances, and other efficiency-related products.

Until recently, the tax law was clear that utilities could deduct the full cost of energy conservation expenditures as an ordinary and necessary cost of doing business. In fact, a 1991 technical advisory memorandum specifically addressed the tax treatment of these expenditures and concluded that the utilities were allowed to expense and recover the cost of energy expenditures in the year incurred.

Recently, however, certain Internal Revenue Service auditors, in a stretched interpretation of case law involving entirely different matters, are directing utilities to spread out their deductions for conservation expenditures over a period of years. This new interpretation directly contradicts the longstanding industry practice of taking these deductions in the year incurred.

If the IRS's current practice remains unchanged, the effect will be to dramatically increase the aftertax cost to utilities of their conservation programs, resulting in a substantial reduction in the resources allocated to these programs. It is estimated that utilities will reduce expenditures for conservation programs up to 10 percent. The net effect of the IRS's policy will be to discourage conservation at a time when environmental, energy, and cost considerations all argue for maximizing conservation.

I am introducing today legislation that would clarify that electric and gas utilities may deduct the full cost of conservation expenditures in the year in which they are incurred. I want to emphasize that this legislation does nothing more than reaffirm longstanding policy and does not change current industry practice. It reaffirms the in-

tent of Congress since the 1960's when these programs were first established to promote energy efficiency and conservation.

I am pleased that my distinguished colleagues Senators GORTON and CHAFEE are joining me in introducing this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

S. 988

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 "Energy Efficiency and Conservation Act of 1993".

SEC. 2. ENERGY CONSERVATION EXPENDITURES BY ELECTRIC AND GAS UTILITIES.

(a) IN GENERAL.—Part VI of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to itemized deductions for individuals and corporations) is amended by inserting after section 196 the following new section:

"SEC. 197. ENERGY CONSERVATION EXPENDITURES BY ELECTRIC AND GAS UTILITIES.

"(a) GENERAL RULE.—In the case of an electric or gas utility, there shall be allowed as a deduction for the taxable year an amount equal to the energy conservation expenditures paid or incurred by the taxpayer during such taxable year.

"(b) ENERGY CONSERVATION EXPENDITURES.—For purposes of this section, the term 'energy conservation expenditures' means expenditures for—

"(1) subsidies provided directly or indirectly to customers for the purchase, installation, or modification of—

"(A) any device or service primarily designed to reduce consumption of electricity, natural gas, or steam or to improve the management of energy demand, or

"(B) any specially defined energy property (as defined in section 136(c)(2)(A)),

"(2) energy use consulting and audits of commercial, residential, and industrial properties, or

"(3) administrative, promotional, and other costs associated with expenditures described in paragraph (1) or (2).

Such term shall not include any expenditure taken into account in determining the basis of any tangible property which is owned by the taxpayer and which is of a character subject to the allowance for depreciation.

"(c) ELECTRIC OR GAS UTILITY.—For purposes of this section, the term 'electric or gas utility' means any corporation engaged in the furnishing or sale of electric energy, natural gas, or steam if the rates for such furnishing or sale have been established or approved by a State or political subdivision thereof, by any agency or instrumentality of the United States, or by a public utility or public service commission or other similar body of any State or political subdivision thereof or of the District of Columbia."

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 263(a) of such Code is amended by striking "; or" at the end of subparagraph (F) and inserting a comma, by striking the period at the end of subparagraph (G) and inserting ", or", and by adding at the end thereof the following new subparagraph:

"(H) expenditures for which a deduction is allowed under section 197."

(2) The table of sections for part VI of subchapter B of chapter 1 of such Code is amended by adding at the end thereof the following new item:

"Sec. 197. Energy conservation expenditures by electric and gas utilities."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures paid or incurred in taxable years beginning after December 31, 1980.●

● Mr. GORTON. Mr. President, I am pleased to join today with my distinguished colleague from South Dakota, Senator DASCHLE, to introduce an important piece of tax legislation. Our bill will preserve a valuable tax incentive for energy conservation and allow power utilities throughout the country to continue to provide conservation assistance to businesses and residential customers.

The legislation prevents the Internal Revenue Service from changing its rules to require that the costs of conservation programs be capitalized and deducted. Currently, utilities are able to write off the program's entire cost for the year in which the expenditures are paid or incurred.

For the utility, the costs of these programs primarily consist of: The wages it pays its employees for the energy-saving consultations with its customers; the costs of installing more efficient lighting, windows, and appliances; and the costs of weatherizing older homes. Many utilities throughout the country provide a service which analyzes its customers' usage of power. The utility then can make cost-effective suggestions to the business or residential user which will reduce demand for the energy provided by the utility. Utilities often provide grants and offer low-cost loans to its customers to implement these changes.

Without our legislation, a change in the IRS rules will increase the after-tax cost of these conservation programs. If they cost the utilities more, then there will obviously be fewer instances where a utility will undertake valuable and needed conservation measures.

A change in the IRS rules to require the depreciation of these costs will effectively set up a situation wherein tax policy is completely at odds with sound environmental policy. On the one hand are the energy utilities, who are undertaking programs which promote energy conservation—a worthwhile environmental goal. On the other hand is the IRS, punishing the utility for providing these vital measures.

Mr. President, in this debate I come down squarely on the side of energy conservation.

Energy conservation by utilities is beneficial in many ways. First, conservation helps the environment by reducing overall power usage and cutting down the pollution created during power generation. Second, in the long run, the energy conservation measures reduce the number of new powerplants necessary to meet the needs of the energy users. And third, this legislation reinforces the trend of utility regulators toward rate setting for utilities which encourages them to assist their customers in reducing power needs.

These are all activities which the Federal Government must encourage—not punish. We must stand strong beside our commitment to energy conservation. The legislation introduced today is a small step in that direction.

Mr. President, I first learned about this problem in the last Congress from Puget Sound Power & Light Co., a utility in Washington State, and joined in crafting a bill similar to the one introduced today. Unfortunately, the Finance Committee took no action on the measure before Congress adjourned.

This Congress, I hope the Finance Committee will seriously consider this legislation. I urge my colleagues in the Senate to join us in cosponsoring this important environmentally sound and energy-saving legislation.●

By Mr. GORTON (for himself, Mr. STEVENS, and Mr. PRESSLER):

S. 989. A bill to amend the Airport Noise and Capacity Act of 1990 to provide emergency relief to the United States airline industry by facilitating financing for investment in new aircraft and by encouraging the retirement of older, noisier, and less efficient aircraft; to the Committee on Commerce, Science, and Transportation.

AVIATION INDUSTRY REVITALIZATION ACT

● Mr. GORTON. Mr. President, Several months ago, the Boeing Co. sent tremors across Washington State when it announced major cutbacks in the production of all four of its commercial jet airplane programs—737, 747, 757, and 767. The inevitable related job losses were later revealed and 28,000 people, 19,000 in Washington alone, learned that they would be laid off. Thousands more knew that their companies, too, would be impacted by Puget Sound's largest employer's announcement. My heart goes out to the families in Everett, in Renton, and all those who work at Boeing plants, as well as all the other people who will lose their jobs because of the impact on Boeing.

Boeing's announcement was directly attributable to the prolonged financial problems of many of the world's airlines. In our country, 3 years of record losses have taken a huge toll on all of our airlines. This has resulted in huge layoffs of airline personnel and the postponement of capital projects, including the acquisition of aircraft. Airline orders have been converted to options, and options have been stretched out over the remainder of the decade.

The bill that I am introducing today, with Senators PRESSLER and STEVENS the Aviation Industry Revitalization Act or the AIR Act will reverse this recent trend in the airline industry and will give these companies a strong in-

centive to accelerate the purchase of new, quieter, more fuel efficient, stage 3 aircraft. This legislation will provide federal loan guarantees for the purchase of new stage 3 aircraft. Not only will this greatly improve the airlines' ability to access capital, but it will decrease the cost of capital at virtually no risk to the Federal Government.

The bill will provide a Federal guarantee to lenders which make loans to airlines or airline leasing companies for up to 85 percent of the price of an aircraft. Under this plan, there is little financial risk to the Federal Government. In the unlikely event that the airline defaults on the loan, the aircraft will provide sufficient collateral and can readily be resold on the open market. The measure also envisions very little cost to the Government because after an initial appropriation to cover administrative costs is made, which will be paid back after 2 years, the participating airlines will pay fees sufficient to cover the annual costs of the program. These fees will vary depending upon the level of risk associated with the financial health of each airline.

Both passenger air carriers and cargo companies are eligible to participate in this program providing they agree to certain conditions regarding the modification or removal of aging aircraft or stage 2 aircraft from service. Based upon the number of stage 2 and aircraft more than 15 years old that the passenger carriers now have in their fleet, nearly 800 new aircraft could be purchased under this program. More will be purchased by cargo carriers.

This legislation gives the airlines the financial incentive to meet the 100 percent stage 3 requirements by the end of the century. It also tightens the Airport Noise and Capacity Act of 1990 by prohibiting any airline participating in interstate commerce which takes advantage of the program from receiving any waiver of the stage 3 noise rules after December 31, 1999.

The Aviation Industry Revitalization Act gives our U.S. carriers the boost they need right now to purchase new aircraft. It recognizes that American carriers need similar assistance to that which is currently available to foreign carriers which utilize federal loan guarantees under the Export-Import Bank.

I sought the advice and suggestions of many members of the aviation industry in writing this legislation. I believe it is an excellent proposal which will help greatly both the airlines and the aerospace manufacturers.

I am introducing the AIR Act at this time, not because of any expectation that the Congress will consider this exact bill, but because the National Commission to Ensure a Competitive Airline Industry begins its meetings on Monday. As a member of the commission, I plan personally to take the bill to the commission and present it, not as a final product, but as a talking paper. This bill may not be perfect, and it is far from a complete solution to the industry's troubles, but I believe it has great potential. I hope the commission will deem the concept of loan guarantees worthy for inclusion in its final report. I hope that Congress will then embrace the commission's recommendations, that a new bipartisan bill will be introduced, and that the new legislation will be enacted by the Congress.

When I speak to the commission, I will stress the following points:

The industry's severe financial troubles puts in doubt its ability to meet the requirements to have an all stage 3 fleet by December 31, 1999.

Congress needs to give U.S. carriers similar financial assistance as we give some foreign carriers which participate in the Export Import Bank's loan guarantee program for the purchase of aircraft. We can do so at minimal cost and risk to the Federal Government under this program.

While impossible to quantify precisely, this legislation will lessen the enormous employment loss expected at U.S. aircraft and engine manufacturing companies.

This legislation will greatly decrease noise in communities located near airports. It will also result in the use of less fuel which is not only good financially for the airlines, but also an environmental goal which we want to promote in all modes of transportation.

I believe the AIR Act has great potential and I plan to vigorously seek support for Federal loan guarantees both at the commission and in the Congress.●

By Mr. BREAUX (for himself, Ms. MIKULSKI, Mr. LOTT, Mr. MITCHELL, Mr. WARNER, Mrs. FEINSTEIN, Mr. COHEN, Mr. WOFFORD, Mr. ROCKEFELLER, Mr. LIEBERMAN, Mr. SARBANES, Mr. SPECTER, Mr. COCHRAN, Mr. ROBB, Mr. JOHNSTON, Mr. SIMON, Mr. RIEGLE, Mr. PELL, Mr. HEFLIN, and Mr. DODD):

S. 990. A bill to promote fair trade for the U.S. shipbuilding and repair industry; to the Committee on Finance.

SHIPBUILDING TRADE REFORM ACT OF 1993

Mr. BREAUX. Mr. President, the bill I am introducing today on behalf of my distinguished colleagues, Ms. MIKULSKI, Mr. LOTT, Mr. MITCHELL, Mr. WARNER, Mrs. FEINSTEIN, Mr. COHEN, Mr. WOFFORD, Mr. ROCKEFELLER, Mr. LIEBERMAN, Mr. SARBANES, Mr. SPECTER, Mr. COCHRAN, Mr. ROBB, Mr. JOHNSTON, Mr. SIMON, Mr. RIEGLE, Mr. PELL, Mr. DODD, and Mr. HEFLIN is intended to address the serious problem that foreign shipbuilding subsidies present for American shipbuilders. It is my hope that introduction of this bill will mark the beginning of the revitalization of our shipbuilding base in this country. And what better day could there be to initiate a revitalization of our maritime industry than today—National Maritime Day.

The U.S. shipbuilding industry is under a siege of unfair trading practices worldwide—a siege which threatens the very fiber of U.S. military and economic security. As chairman of the Merchant Marine Subcommittee, I have committed myself to working with the new administration and my colleagues in the House in pursuit of this effort to revitalize our maritime industry which lies at the very heart of our industrial and military base.

This bill is intended to address the precipitous decline in the U.S. shipbuilding and repair industry caused directly by the policies of foreign governments that provide massive subsidies to their shipbuilding and repair industries. These policies are designed by foreign governments to carve out a specific portion of the world shipbuilding market in order to secure an industrial base for their nation and guarantee jobs for their citizens. Essentially, these countries are using subsidies to purchase jobs from the United States. It is a blatant and egregious violation of the fundamental principles of free and fair trade.

Unfortunately, the United States has no specific policy to effectively address this violation. In 1981, the Reagan administration unilaterally terminated all direct assistance to the U.S. shipbuilding industry and in doing so essentially wrote off the U.S. shipbuilding industry. No U.S. policy has ever been adopted to replace that assistance or to specifically counter the anticompetitive policies of foreign governments that subsidize their shipbuilding industries. For 3 years the U.S. Trade Representative [USTR] diligently attempted to negotiate a resolution of the problem, but the negotiations were ultimately unsuccessful.

As a result, the last 10 or 12 years have been a veritable free-for-all for foreign governments to capture virtually the entire U.S. share of the commercial shipbuilding market. It has only been the substantial investment by the Department of Defense [DOD] during the 1980's which has kept at least a portion of the U.S. shipbuilding industry alive. But, the toll has been staggering. Since 1981, we have lost 40 shipyards and over 120,000 shipyard jobs to foreign nations which subsidize their shipbuilding industries. Also, because Navy construction programs have dwindled, the U.S. shipbuilding industry is left without access to a single significant market in which to compete. We are now facing the very real possibility of losing our entire U.S. shipbuilding and repair base forever.

While we wrestle with the many issues associated with how we can stimulate the U.S. economy, the U.S. ship-

building industry merely seeks the opportunity to invest and compete in a free and fair commercial shipbuilding market on its own. Not surprisingly, without access to a market in which to compete, private capital investment in shipbuilding technology and equipment has been stifled. In the business world, the only real incentive to private capital investment is the opportunity for profit, and that door has been effectively closed tight by foreign shipbuilding subsidies. The legislation I am introducing today will enable us to open that door for the U.S. shipbuilding industry, to provide a basis for investment in technological competitiveness, and to provide the opportunity to recapture our share of the international commercial shipbuilding market.

This bill represents a slightly modified version of the compromise legislation which I introduced at the end of the last Congress. Like that bill, this legislation would set the stage for resumption and successful conclusion of multilateral trade negotiations concerning the elimination of shipbuilding subsidies worldwide.

I believe the legislation is a fair approach to addressing the problem that, while still penalizing vesselowners, only penalizes a vesselowner that is either a citizen of a country that subsidizes shipbuilding or that owns a vessel that is registered in an offending country.

I think this approach hits the right target and provides the most effective means to bring those nations to the table and into agreement. And, if an agreement fails, we will not end up shooting ourselves in the foot by imposing penalties on every vessel that was ever built with a subsidy regardless of who owns and operates them today.

While the legislation correctly preserves the authority of USTR to pursue multilateral negotiations, it also creates new authority for the Secretary of Commerce: to investigate and identify which nations are providing subsidies; to monitor the compliance of nations with any agreements that are reached; and to impose penalties in the event that foreign governments continue to subsidize shipbuilding and fail to enter into an agreement within a reasonable timeframe.

Like any responsible trade legislation, the intent of the penalty provisions in this bill is to provide a credible enough threat to bring other nations to the table and into an agreement, while preserving a necessary degree of flexibility and discretion for our negotiators so they can achieve the desired result.

In this regard, the bill sets two standards for the imposition of penalties in the event a foreign government fails to enter into an agreement for the elimination of shipbuilding subsidies. For vessels already in existence, or for which their construction contracts were in existence prior to enactment, the bill would require a finding by the Secretary of Commerce that the foreign subsidies create conditions unfavorable to the ability of any U.S. shipbuilder to engage in the construction of vessels for international commerce. In other words, we must first make a clear finding that the foreign subsidies have actually contributed to the inability of U.S. shipyards to compete in the commercial vessel construction market before we can impose any penalties on an existing ship.

In contrast, vessels constructed after enactment are not subject to an injury test. The important distinction is that by enacting this legislation we are putting all nations on notice that, if they choose to continue to subsidize shipbuilding, we will move swiftly to impose penalties on vessels flying its flag or owned by its citizens.

The legislation also provides discretion to the Secretary of Commerce as to which penalty will be imposed in any given case. For existing vessels, if the Secretary makes the injury finding as described above, the Secretary can choose either to limit sailings of affected vessels to U.S. ports, or he can impose a monetary penalty of up to $1 million but not less than $500,000 per voyage. For new vessels, the Secretary has additional penalties to choose from. These penalties include both the limitation of sailings, and the imposition of monetary fines as for existing vessels, however, the Secretary may additionally either direct the Customs Service to refuse clearance of those vessels into the United States or direct the U.S. Coast Guard to deny entry of those vessels into any U.S. port. In any case, the Secretary must chose at least one of the penalties cited in the bill.

The bill contains provisions which provide protection for U.S. ports. In developing this legislation last year, several port authorities in the United States expressed concern that the legislation might result in the diversion of cargo destined for United States ports to ports in Canada or even Mexico. There the cargo would be off-loaded and transshipped by truck or rail to their final U.S. destinations. The concern—and I think it is a legitimate one—is that this cargo diversion would be pursued by foreign ship operators as a means of avoiding the penalties imposed by the bill. In this circumstance, of course, U.S. ports could be unfairly disadvantaged. The legislation addresses this potential problem by giving the Secretary of Commerce authority to direct the U.S. Customs Service to deny entry to the United States of any of such diverted cargo.

Finally, the bill contains extensive provisions ensuring a fair and open administrative procedure in identifying which countries are providing subsidies, in conducting negotiations with foreign governments, and in applying penalties against foreign ships. Furthermore, the bill sets firm, yet realistic, timeframes for all secretarial actions and negotiations in order to avoid the delays and postponements frequently encountered under trade law. Additionally, the bill provides protection through specific procedures for judicial review of determinations made under this legislation.

I am anxious to hold hearings and to receive testimony on this legislation—from the administration and from all affected segments of the maritime community. Additionally, I would like to commend my colleagues in the Senate who are original cosponsors of this important legislation for their leadership and recognition of the need to take action on this critical issue. I look forward to working with them and our colleagues in the House to see this legislation through to enactment.

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. 990

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

SCTION. 1. SHORT TITLE.

This Act may be cited as the "Shipbuilding Trade Reform Act of 1993".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) in 1981, the United States Government terminated funding for the construction-differential subsidy program, thereby ending direct subsidization of commercial shipbuilding in the United States;

(2) since 1981, the international market for ship construction has been distorted by a wide array of subsidies and other anticompetitive practices by foreign countries, including but not limited to the member countries of Working Party 6 of the Organization for Economic Cooperation and Development;

(3) such subsidies and anticompetitive practices include, but are not limited to, direct grants, preferential financing, equity infusions, research and development assistance, restructuring aid, special tax concessions, debt forgiveness, and other forms of direct and indirect assistance;

(4) foreign countries that directly or indirectly provide subsidies or other forms of anticompetitive assistance for the construction or repair of vessels are engaging in unjustifiable, unreasonable, and discriminatory trade practices which—

(A) burden and restrict United States commerce;

(B) materially injure the United States ship construction and repair industry; and

(C) create general or special conditions unfavorable to the ability of United States shipbuilders to engage in the construction of vessels for international commerce;

(5) foreign shipbuilding subsidies have caused, and threaten to cause, material injury to the United States shipbuilding and ship repair industry, as evidenced by—

(A) the closure of more than 40 major shipyards and the loss of over 120,000 jobs in shipyards and their supplier base since 1981;

(B) the potential loss of another 180,000 jobs by 1998 if foreign subsidies are not eliminated;

(C) the decline in the United States share of the international commercial vessel construction market from 7.9 percent in 1979 to less than 1 percent in 1991;

(E) the substantial reduction in shipyard profitability and the industry's difficulty in raising capital;

(F) the dramatic decline in the capacity utilization of United States shipyards and the lost opportunities for technological advancement; and

(G) the significant price underselling by foreign shipyards;

(6) existing United States trade laws and trade agreements provide limited redress to domestic producers of ships for the trade-distorting subsidies and dumping practices of foreign shipbuilders;

(7) a strong, effective multilateral agreement among shipbuilding nations to eliminate trade-distorting practices in the ship construction industry is the best means of providing for fair international competition; however, absent such an agreement, greater redress under United States law against unfair and unreasonable foreign trade practices in commercial ship construction is necessary;

(8) a viable United States ship construction and repair industry is necessary to achieve the national defense and economic security interests of the United States; and

(9) United States shipyards, which have become almost exclusive defense contractors, are positioning themselves to make those investments in commercial facilities, ship designs, manufacturing process, and structural reorganization that are necessary for their conversion to compete in the international commercial ship construction and repair market and thereby ensure a viable United States industry which can respond to the Nation's future national security requirements; however, this conversion to the commercial market cannot be achieved unless the massive subsidies provided by foreign governments for the construction and repair of commercial ships are eliminated.

(b) PURPOSE.—It is the purpose of this Act to ensure fair trade in the commercial shipbuilding and repair industry by providing for additional trade remedies against unfair foreign competition.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) the term "conditions unfavorable to the ability of any United States shipbuilder to engage in the construction or repair of vessels for international commerce" includes, but is not limited to, any conditions available to, and favorable for, foreign shipbuilders which are not reciprocally available to and favorable for United States shipbuilding and which—

(A) provide any disincentive to investment in facilities, equipment, and technology for the construction or repair of vessels in the United States;

(B) contribute to any reduction in the competitiveness of any United States shipbuilder to engage in the construction or repair of vessels for international commerce; or

(C) otherwise contribute to any distortion of the international market for the construction or repair of vessels.

(2) The term "construction" includes reconstruction.

(3) The "interested party" means—

(A) a person that engages in the construction or repair of vessels in the United States;

(B) a certified union or recognized union or group of workers which is representative of workers in an industry that engages in the construction or repair of vessels in the United States;

(C) a trade or business association whose members include firms, partnerships, or other entities, which engage in the construction or repair of vessels in the United States; and

(D) an association, a majority of whose members is composed of interested parties described in subparagraphs (A), (B), and (C) that, respectively, engage in vessel construction, represent workers in an industry that engages in vessel construction, and have members that engage in vessel construction.

(4) The term "Secretary" means the Secretary of Commerce.

(5) The term "subsidizing country list" and "list" mean the list established under section 4(a).

(6) The term "subsidy" includes, but is not limited to, any of the following:

(A) Officially supported export credits and development assistance.

(B) Direct official operating support to the vessel construction and repair industry, or to a related entity that favors the operation of vessel construction and repair, including—

(i) grants;

(ii) loans and loan guarantees other than those available on the commercial market;

(iii) forgiveness of debt;

(iv) equity infusions on terms inconsistent with commercially reasonable investment practices;

(v) preferential provision of goods and services; and

(vi) public sector ownership of commercial shipyards on terms inconsistent with commercially reasonable investment practices.

(C) Direct official support for investment in the vessel construction and repair industry, or to a related entity that favors the operation of vessel construction and repair, including the kinds of support listed in clauses (i) through (v) of subparagraph (B), and any restructuring support, except public support for social purposes directly and effectively linked to shipyard closures.

(D) Assistance in the form of grants, preferential loans, preferential tax treatment, or otherwise, that benefits or is directly related to vessel construction and repair for purposes of research and development that is not equally open to domestic and foreign enterprises.

(E) Tax policies and practices that favor the vessel construction and repair industry, directly or indirectly, such as tax credits, deductions, exemptions, and preferences, including accelerated depreciation, if the benefits are not generally available to persons or firms not engaged in vessel construction or repair.

(F) Any official regulation or practice that authorizes or encourages persons or firms engaged in vessel construction or repair to enter into anticompetitive arrangements.

(G) Any indirect support directly related, in law or in fact, to vessel construction and repair at national yards, including any public assistance favoring vessel owners with an indirect effect on vessel construction or repair activities, and any assistance provided to suppliers of significant inputs to vessel construction, which results in benefits to domestic shipbuilders.

(H) Any export subsidy identified in the Illustrative List of Export Subsidies in the Annex to the Agreement on Interpretation and Application of Articles VI, XVI, and XXIII of the General Agreement on Tariffs and Trade or any other export subsidy that may be prohibited as a result of the Uruguay Round of trade negotiations.

(7) The term "vessel" means any self-propelled, seagoing vessel—

(A) of not less than 100 gross tons, as measured under the International Convention on Tonnage Measurement of Ships, 1969; and

(B) not exempt from entry under section 441 of the Tariff Act of 1930 (19 U.S.C. 1441).

SEC. 4. LISTING OF SUBSIDIZING COUNTRIES.

(a) ESTABLISHMENT OF LIST.—The Secretary shall establish and maintain a subsidizing country list that shall contain the name of each foreign country that is placed on the list under subsection (b), subsection (d), or subsection (e) of this section, under section 5(a), or under section 6(c). The Secretary shall revise the list on the basis of the requirements of this Act and shall, on at least a biannual basis, publish in the Federal Register the most current list.

(b) STATUTORY LISTING.—

(1) IN GENERAL.—Unless the Secretary determines, based on clear and convincing evidence, that a foreign country that was a party to negotiating a multilateral agreement for the elimination of shipbuilding subsidies in Working Party 6 of the Organization for Economic Cooperation and Development on October 16, 1991, does not provide, directly or indirectly, any subsidy for the construction or repair of vessels, the Secretary shall, on the date of enactment of this Act—

(A) place the foreign country on the subsidizing country list;

(B) notify the foreign country of its inclusion on the list; and

(C) publish notice of the listing in the Federal Register.

(2) DURATION OF LISTING.—Each foreign country listed under subsection (a) as a result of this subsection shall remain on the subsidizing country list until such time as the foreign country signs a trade agreement with the United States that provides for the immediate elimination of subsidies for the construction and repair of vessels (including the elimination of continuing benefits from prior subsidy programs).

(c) INVESTIGATIONS.—

(1) INITIATION OF INVESTIGATIONS.—The Secretary shall initiate an investigation into the practices of any foreign country (other than a country listed under subsection (b)) within 20 days after receipt of a petition for such an investigation from an interested party or whenever the Secretary has reasonable cause to believe that such country provides, directly or indirectly, any subsidy for the construction or repair of vessels.

(2) ADMINISTRATIVE PROCEDURE FOR INVESTIGATIONS; PRELIMINARY DETERMINATIONS.—

(A) NOTICE.—Within 7 days after initiating an investigation under paragraph (1), the Secretary shall publish in the Federal Register a notice of such investigation, together with a request for public comments.

(B) PUBLIC COMMENTS.—The Secretary shall—

(i) receive public comments during the 30-day period that begins on the date on which notice is published under subparagraph (A); and

(ii) subject to section 7(a), make such comments available to the general public upon request.

(C) PRELIMINARY DETERMINATION.—Within 30 days after the close of the public comment period referred to in subparagraph (B), the Secretary, on the basis of the information contained in the record, shall make a preliminary determination regarding whether the foreign country provides, directly or indirectly, any subsidy for the construction or repair of vessels.

(D) NOTICE OF PRELIMINARY DETERMINATION.—Within 7 days after the date on which a preliminary determination is made under subparagraph (C), the Secretary shall publish in the Federal Register a notice of the preliminary determination, together with—

(i) an explanation of the determination, including the nature and extent of any subsidy identified as the basis for the preliminary determination; and

(ii) a request for public comment regarding the preliminary determination.

(E) PUBLIC COMMENTS ON PRELIMINARY DETERMINATION.—The Secretary shall—

(i) receive public comments on such preliminary determination, during the 30-day period that begins on the date on which notice is published under subparagraph (D); and

(ii) subject to section 7(a), make such comments available to the general public upon request.

(d) EMERGENCY LISTING.—If at any time the Secretary determines that information provided by any interested party presents a prima facie case that a foreign country is providing any subsidy for the construction or repair of vessels, the Secretary shall, within 7 days after receiving such evidence, place that country on the subsidizing country list. Within 7 days after making an emergency listing under this subsection, the Secretary shall—

(1) notify the affected foreign country thereof;

(2) publish in the Federal Register a notice of the determination and the emergency listing, together with a request for public comment and a schedule for an investigation into the alleged subsidy; and

(3) initiate an investigation into the alleged subsidy. An investigation initiated under paragraph (3) shall be concluded by the Secretary within 60 days after the date of initiation. Upon completion of the investigation, the Secretary shall make a final determination under subsection (e).

(e) FINAL DETERMINATION.—

(1) IN GENERAL.—Within—

(A) 30 days after the close of the public comment period referred to in subsection (c)(2)(E)(i), in case of an investigation initiated under subsection (c)(1); or

(B) 30 days after the completion of an investigation regarding an emergency listing under subsection (d);

the Secretary shall make a final determination regarding whether a foreign country provides, directly or indirectly, any subsidy for the construction or repair of vessels. Any determination made by the Secretary under this subsection shall be based solely upon information contained in the record, including that information which is otherwise treated as proprietary under section 7(a).

(2) NOTIFICATION AND PUBLICATION OF LISTING.—If the Secretary determines under paragraph (1) that a foreign country provides, directly or indirectly, any subsidy for the construction or repair of vessels, the Secretary shall, within 7 days after the date of the determination—

(A) place the foreign country on the subsidizing country list;

(B) notify the foreign country of its inclusion on the list; and

(C) publish in the Federal Register a notice of the determination and listing, together with a full explanation of the determination, including the nature and extent of any subsidy identified as the basis for the determination.

(f) RECONSIDERATION AND REMOVAL OF LISTINGS.—

(1) RECONSIDERATION.—A final determination under subsection (e) that results in the placement of a foreign country on the subsidizing country list may be reconsidered by the Secretary if—

(A) after receiving an application for reconsideration from such foreign country, the application alleges material error in the determination or alleges changed circumstances concerning the elimination by the foreign country of its subsidy practices and the Secretary considers the allegations sufficient to warrant a reconsideration; or

(B) the Secretary receives information concerning the signing of an agreement between the United States Government and such foreign country that provides for the immediate elimination by such country of construction and repair subsidies for vessels.

(2) RESTRICTION ON RECONSIDERATION.—A foreign country may not make more than one application for reconsideration under this subsection in any calendar year.

(3) BURDEN OF PERSUASION.—In any reconsideration under paragraph (1)(A), the burden of persuasion is on the applicant, regarding whether material error exists or whether there are changed circumstances sufficient to warrant a determination that the foreign country should be removed from the list.

(4) REMOVAL FROM LIST.—The Secretary may remove a foreign country from the list only if the Secretary determines—

(A) based solely on the information contained in the record, including that information which is otherwise treated as proprietary under section 7(a), that the foreign country does not provide any subsidy, directly or indirectly, for the construction or repair of vessels (including any continuing benefit from any prior subsidy program); or

(B) that there is a signed agreement between the United States Government and the foreign country that provides for the immediate elimination of subsidies for the construction and repair of vessels.

(5) ADMINISTRATIVE PROCEDURES FOR RECONSIDERATION.—

(A) NOTICE AND COMMENT.—After receiving an application for reconsideration under paragraph (1) from a foreign country, the Secretary shall—

(i) within 7 days publish in the Federal Register the text of the application, together with a request for public comments; and

(ii) receive comments from the public for a period of 60 days after the date of publication and, subject to section 7(a), make such comments available to the general public upon request.

(B) REVIEW AND DETERMINATION.—Within 90 days after receiving an application for reconsideration under paragraph (1), the Secretary shall—

(i) review the comments received under subparagraph (A) and issue a final affirmative or negative determination regarding the removal of the foreign country from the list; and

(ii) publish notice in the Federal Register of the determination, together with a full explanation thereof.

(g) JUDICIAL REVIEW.—

(1) REVIEW OF DETERMINATION.—Within 30 days after the date of publication in the Federal Register of a final determination of the Secretary made under subsection (e) or (f)(5)(B), any interested party may commence an action in the United States Court of International Trade by filing concurrently a summons and complaint, each with the content and in the form, manner and style prescribed by the rules of that court, contesting any factual findings or legal conclusions upon which the determination is based.

(2) PROCEDURES AND FEES.—The procedures and fees set forth in chapter 169 of title 28, United States Code, apply to an action under this subsection.

(3) STANDARD OF REVIEW.—The court shall hold unlawful any determination, finding, or conclusion found to be unsupported by substantial evidence on the record, or otherwise not in accordance with law.

(4) RECORD OF REVIEW.—The record for review shall consist of a copy of all information presented to or obtained by the Secretary during the course of the administrative proceeding, including all governmental memoranda pertaining to the case and the record of ex parte meetings, as well as a copy of the determination, all transcripts or records of conferences and hearings, and all notices published in the Federal Register.

(5) STANDING.—Any person who was a party to the administrative proceedings described in this section shall have the right to appear and be heard as a party in interest before the United States Court of International Trade under this subsection. The party filing the action shall notify all such persons of the filing of an action under this section, in the form and manner, and within the time, prescribed by the rules of the court.

(6) CONFORMING AMENDMENT.—Section 1581 of title 28, United States Code, is amended by adding the following subsection:

"(k) The Court of International Trade shall have exclusive jurisdiction of any civil action commenced under section 4(g) of the Shipbuilding Trade Reform Act of 1993.".

SEC. 5. PENALTIES.

(a) PENALTY FOR FALSE INFORMATION AND RENEWAL OF SUBSIDIES.—

(1) IN GENERAL.—The Secretary shall place a foreign country on the subsidizing country list for a period of not less than 5 years if the Secretary—

(A) determines that a foreign country provided the Secretary with false or misleading information during any investigation or reconsideration under section 4; or

(B) after making a final determination under section 4(e) or 4(f) that the foreign country is not providing a subsidy, determines that the foreign country provides, directly or indirectly, any new construction or repair subsidy (including the reinstatement of any benefit under any prior subsidy program).

A listing required by this subsection shall be made within 30 days after the date of the determination under subparagraph (A) or (B).

(2) TIME LIMITS FOR DETERMINATIONS.—The Secretary shall complete action on a determination under subparagraph (A) or (B) of paragraph (1) within 30 days after the date on which the Secretary receives information indicating a likelihood that the foreign country concerned acted in the manner described in that subparagraph.

(b) PENALTIES FOR FAILURE TO ELIMINATE SUBSIDIES.—

(1) BASIS FOR IMPOSITION OF PENALTIES.—The Secretary shall take action under paragraphs (2), (3), and (4) with respect to a foreign country if—

(A) the Secretary determines that the foreign country has been notified of its inclusion on the subsidizing country list and has failed, within 180 days after that notification, to eliminate subsidies for the construction and repair of vessels, or to enter into an agreement that requires the immediate elimination of such subsidies; or

(B) the Secretary places the foreign country on the subsidizing country list in accordance with section 6(c).

(2) PENALTIES FOR NEW AFFECTED VESSELS.—The Secretary shall take one or more of the following actions with respect to any new affected vessel of such foreign country:

(A) Limit the sailings of the vessel to or from the United States, or the amount of cargo carried, by the vessel to not less than 50 percent of the number of sailings, or the amount of cargo carried, by the vessel during the immediately preceding full calendar year.

(B) Impose on the vessel a fee of not less than $500,000 and not more than $1,000,000 per voyage.

(C) Direct the appropriate customs officer at any port or place of destination in the United States to refuse the clearance required by section 4197 of the Revised Statutes (46 App. U.S.C. 91) to the vessel.

(D) Direct the Secretary of the department in which the Coast Guard is operating to deny entry for purposes of oceanborne trade of the vessel to any port or place in the United States or the navigable waters of the United States.

(3) PENALTIES FOR EXISTING AFFECTED VESSELS.—The Secretary shall take either or both of the actions described in subparagraphs (A) and (B) of paragraph (2) with respect to an existing affected vessel of such foreign country, if the Secretary finds the existence of conditions unfavorable to the ability of any United States shipbuilder to engage in the construction or repair of vessels for international commerce which arise out of, or result from, a subsidy provided by such country.

(4) CARGO DIVERSION.—The Secretary shall direct the appropriate customs officer to deny entry of cargo into the United States that has been transported on an affected vessel of such foreign country, if that cargo has been transported to a port or place in the United States through a foreign port or place in a country contiguous to the United States.

(5) DURATION OF PENALTIES.—Any penalty imposed on a foreign country under the subsection shall remain in effect until such country is removed from the subsidizing country list in accordance with section 4(f).

(6) DEFINITIONS.—As used in this subsection—

(A) The term "affected vessel" means a vessel—

(i) that is documented under the laws of the foreign country concerned; or

(ii) the controlling interest in which is held by a citizen or national of, or a legal entity existing under the laws of, such foreign country, regardless of whether the vessel is documented under the laws of that country.

(B) The term "existing affected vessel" means an affected vessel that is not a new affected vessel.

(C) The term "new affected vessel" means an affected vessel that was constructed after the date of enactment of this Act, unless such construction was completed within 30 months after such date of enactment under a contract entered into before such date of enactment.

SEC. 6. TRADE AGREEMENTS.

(a) IN GENERAL.—Any negotiation, to which the United States is a party, for the elimination for the construction or repair of vessels by foreign countries shall be conducted by the United States Government in full consideration with the affected industries in the United States.

(b) MONITORING.—The Secretary shall monitor the compliance of each foreign country with any agreement, to which the United States and such country are parties, requiring the elimination of subsidies for the construction or repair of vessels. The Secretary shall publish annually in the Federal Register the findings made by the Secretary under this subsection, together with a request for public comments.

(c) PENALTY FOR NONCOMPLIANCE.—If, based on the findings made and the public comments received under subsection (b), the Secretary determines (within 90 days after the date of publication of the findings under subsection (b)) that a foreign country is not in compliance with the agreement being monitored, the Secretary shall, within 7 days after making such determination, place such foreign country on the subsidizing country list.

SEC. 7. GENERAL ADMINISTRATION PROVISIONS.

(A) PROPRIETARY INFORMATION.—The procedures set forth in section 777 of the Tariff Act of 1930 (19 U.S.C. 1677f) shall govern the rights of access to information obtained by the Secretary during the course of any investigation conducted under section 4.

(b) INFORMATION USED IN MAKING DETERMINATIONS.—The Secretary shall, before making any final determination under section 4, 5, or 6, verify all information that will be relied upon in making that determination. If the Secretary is unable to verify any information submitted, the Secretary shall use the best information available as the basis for action. Whenever a party refuses or is unable to produce the information requested in a timely manner and in the form provided, the Secretary shall use the best information otherwise available. All information presented to or obtained by the Secretary shall be part of the record of the proceeding.

(c) PUBLIC AVAILABILITY OF DETERMINATIONS.—The Secretary shall make available for public inspection the text of all determinations made under section 4, 5, or 6.

Ms. MIKULSKI. Mr. President, I, along with Senator BREAUX and Senator LOTT and 12 other Members of the Senate, am pleased to introduce the shipbuilding Trade Reform Act of 1993. This legislation will accomplish what 4 years of trade negotiations have failed to achieve—the elimination of foreign government subsidy practices in the construction and repair of commercial ships.

This bill helps the Department of Commerce identify and list countries that subsidize ship construction and repair. These listed countries that subsidize will have 180 days either to sign a trade agreement with the United States to end their subsidies and make a fair and level playing field for U.S. shipbuilders—or they will face sanctions.

The American shipyard worker is the only worker in America not protected by current trade laws to counter foreign subsidy and dumping practices. Cars, airplanes, trucks, steel, and other manufactured goods are covered. Only ships are not covered. Because of this loophole, American shipyards and their employees have no means—other than this legislation—to fight the subsidies that have rendered them noncompetitive in the commercial market.

American shipyard labor rates rank seventh in the world. The shipyards in Japan, Germany, France, Italy, Norway, Denmark, and the Netherlands all pay their workers more than the American shipyard can pay. Why? The shipyards in these foreign countries can afford to pay their workers more and still be competitive for one reason—and one reason only—because their governments subsidize their operations.

American companies can compete with foreign shipyards—but they cannot compete with foreign governments.

Two years ago, Senator LOTT and I introduced a similar bill that was cosponsored by 28 Members of this body. I introduced that legislation to send a very clear signal to foreign governments that if they were not prepared to willingly negotiate an end to their shipyard subsidy practices, then the American Congress was prepared to act.

Unfortunately, the Europeans and Asians did not heed that warning. In April of last year, they walked away from the negotiations. Those negotiations were started 4 years ago.

While foreign governments have given 4 years of lip service to an international shipbuilding and repair trade agreement, they continue to use massive subsidies to steal jobs away from American workers. During the negotiations, the governments of Japan, Korea, and Germany have budgeted, proposed, or disbursed $4.5 billion in subsidies to their shipyards and shipyard clients.

No one can question that American shipyards have been injured. No one can question why American shipyards cannot compete against such odds. And, so, no one can reasonably question that something stronger than mere talk is now needed.

It is time to say that enough is enough. It is time to stand up for American jobs. This Nation cannot afford to lose its capability to build and repair ships. This legislation will give our trade negotiators what they need to bring home a fair and good trade agreement. A fair and good trade agreement is essential if American shipyards are to have a commercial market where they can compete.

I urge my colleagues to join me, and the other Senators sponsoring this bill today, in recognizing the threat that foreign shipbuilding subsidies pose to this vital industry—and her workers—and to move quickly to enact the Shipbuilding Trade Reform Act of 1993.

Mr. LOTT. Mr. President, I rise today to join with Senator BREAUX to introduce the Shipbuilding Trade Reform Act of 1993. The purpose of this legislation is to end the pervasive subsidy practices of foreign governments in the commercial shipbuilding and repair market.

This issue is very important to me and to my constituents. My hometown is Pascagoula, MI—home of the finest private shipyards in the United States. I grew up within earshot of the shipyards that built the ships that made the United States the great economic

and military power it is today. My father was one of the shipyard workers. He was a pipefitter in that yard where all those great ships were built.

But, more importantly, this is an issue of vital importance to the Nation. The United States simply cannot afford to allow this industry to die because of unfair foreign competition through subsidies. An adequate shipbuilding base is absolutely essential to our national security and our future. In addition, these are exactly the types of jobs the United States needs to preserve and create, good-paying, high-skilled jobs that contribute to the economic prosperity of the Nation. Other nations are anxious to get these jobs. That should tell us something.

In the next few years, I understand there are going to be multibillions of dollars of shipbuilding contracts available for commercial ships around the world. United States shipyards need to be able to compete in that market but, because of unfair government subsidies, it is going to be very hard for our private yards to meet that competition.

An adequate shipbuilding base is necessary if we are going to have that commercial competition, but also if we are going to have the ships we need for our own national security.

We found during Desert Storm that we had to rely on foreign ships to carry some of the material and supplies we needed to get to our troops. So this is important to our Nation in terms of jobs and in terms of commercial contracts, but also in terms of our own national defense.

The need for this legislation is clear. Four years of international trade negotiations under the auspices of the Organization for Economic Cooperation and Development have failed to produce an agreement disciplining foreign subsidy practices. These foreign subsidy practices have inflicted serious injury on unsubsidized American shipyards. During the 1980's, these unfair trade practices led to the closure of over 40 American shipyards and the export of 120,000 American jobs. We must impress on foreign governments that it is in their best interest to compete fairly in the international market.

This legislation will provide our negotiators with the leverage they need. The bill is designed to break the gridlock in the negotiations by providing the Secretary of Commerce with the authority to select from a menu of sanctions which shall be imposed against those governments which continue to subsidize their industry to the detriment of American shipyards. The bill requires the Secretary to Commerce to investigate and identify those countries which continue to subsidize ship construction and repair after the date of enactment. Once offending countries have been identified, there will be a 180-day grace period before any sanction is imposed on the offending country. This grace period is provided so that subsidizing countries can reexamine their unfair trade practices, and sign an international agreement with the United States to eliminate them. If these governments refuse to negotiate an agreement during this time period, the Secretary of Commerce will be required to impose one of several sanctions. These sanctions include: a financial penalty of up to $1 million per vessel per voyage to the United States; a reduction in U.S. port calls by affected vessels, or; closure of U.S. ports to those vessels. An affected vessel is a ship which is owned or controlled by a citizen of the subsidizing country. For those countries which agree to enter a trade agreement with the United States, of course, no sanction will be levied against the ships of their citizens.

These are strong actions, but they do provide a menu of things that can be considered. We have been trying, as I have pointed out, for years to get serious negotiations. They have not worked. We are going to have to have the threat or the actual imposition of some sanctions to get results.

American shipyards can convert from being producers of the world's finest naval ships to producers of both naval and commercial vessels. The shipyard labor rate in the United States is well below that of our European competitors and on par with Japan. Increased demand for commercial ships is expected to rise dramatically in the later part of this decade and into the next. The increased demand for new ships is expected to exceed $356 billion by the year 2000. If American yards are allowed to participate in this market, we can stop the export of thousands of skilled shipyard jobs, reduce the Nation's trade and budget deficits, and lay the groundwork for sustained long-term economic growth in the shipyard and supply industry. Also, when the Nation once again needs to build up its naval fleet, the United States will have a shipyard industrial base to meet our future national security requirements.

This conversion to the commercial market, however, will not occur if privately-owned American shipyards are forced to compete against subsidies of foreign governments. To fully appreciate the magnitude of foreign subsidies, I want to point out some recent ship contracts.

In 1989, the Italian Government offered a 58-percent subsidy to Carnival Cruise Lines for the construction of three cruise ships to serve the United States passenger market—provided the ships were built in Italy's Government-owned Fincantieri shipyard and flagged Italian. The announced price for these ships was $800 million—which means that the Italian Government was willing to provide a subsidy of $464 million.

Just this month, a shipyard in my State lost a contract to the same Government-owned shipyard of Italy for the sale of an oceanographic research ship to the Government of Taiwan. Although there was only a $500,000 difference between the American shipyard's bid and that of Fincantieri, the contract went to the Italian Government yard because it was willing to assure the risk of only receiving 60 percent the payment for the ship upon its delivery to Taiwan. In other words, the Italian Government has assumed a $20 million risk for its shipyard, if Taiwan fails to make the final payment. The American yard could not afford such terms and conditions, and thus, lost a commercial export opportunity.

In 1990, the French Government provided a 40-percent subsidy equalling $175.7 million on a $440 million two-ship contract for Kloster Cruise Lines. These ships are being built in the French Chantiers d' Atlantique shipyard.

In the case of Germany, in October 1991, the Government agreed to provide a 25.3-percent subsidy for the construction of three container ships for the Chinese Government-owned China Ocean Shipping Line [COSCO]. These ships are under construction in Germany's Bremer Vulkan and Mathias-Thesan yards at a stated contract price of $360 million.

In response to the German subsidy to COSCO, the Japanese Government announced last year that it would also provide a 25-percent subsidy—or $94.4 million—on a $375 million contract with COSCO for three container ships.

In August 1989, the Government of South Korea announced a $747 million bailout package from 1990 through 1995 for its Daewoo shipyard. This bailout provides for interest-free loans, debt moratoriums, tax exemptions, and other special benefits to keep the yard afloat while it continues to sell ships at below their cost of production.

I stress these examples because all but the most recent subsidy packages were granted while the U.S. trade negotiators were at the negotiating table with these countries. It is clear that they have no intentions of willingly abandoning their subsidies.

Privately owned U.S. shipyards can not compete against such overwhelming advantages provided to their foreign competitors. Unless the Senate acts quickly to pass this legislation, shipyard after shipyard in the United States will close its gates while foreign governments give our trade negotiators lip service to their willingness to change their ways. We cannot afford to export any more manufacturing jobs, and I strongly believe that the Nation cannot afford to lose its ability to build and repair ships for its commerce and security.

I urge my colleagues to join me and the other sponsors of this bill in quickly passing the Shipbuilding Trade Reform Act of 1993.

Mr. MITCHELL. Mr. President, today, I join Senator BREAUX in introducing the Shipbuilding Trade Reform Act of 1993. This legislation is an important step to curb foreign government subsidies to their commercial shipbuilding and repair industries and bring fair competition to the international shipbuilding market.

Most of the world's shipbuilding nations subsidize their shipyards, including Japan, South Korea, Germany, Netherlands, Italy, and France to name a few. But the United States does not. In 1981, the U.S. Government terminated the construction differential subsidy program, ending direct subsidization of commercial ship construction in this country. As the other shipbuilding countries continued their wide array of subsidies, foreign shipyards reduced prices on their vessels to below cost levels. The domestic commercial shipbuilding industry collapsed, and thousands of U.S. shipbuilding jobs were lost.

Unable to compete fairly in the international shipbuilding market, domestic shipyards now depend on building military ships for the U.S. Government. With the end of the cold war and the downturn in demand for military vessels, the domestic industry is losing its principal customer. If these unfair trade practices are not stopped so U.S. shipyards can reenter commercial shipbuilding, this Nation risks losing its capability to build ships.

The United States has attempted unsuccessfully to eliminate government subsidies to foreign shipyards. In June 1989, the U.S. shipbuilding industry filed a section 301 petition to fight these unfair trade practices. In response to that petition, the Office of the U.S. Trade Representative entered into multilateral negotiations with the Organization for Economic Cooperation and Development [OECD]. After 3 years of negotiations, these talks collapsed last spring when the 13 countries involved, including Japan, European nations, and Korea refused to eliminate subsidies to their shipbuilding and ship repair industries.

The Shipbuilding Trade Reform Act is designed to provide our trade negotiators with the leverage to conclude a fair multilateral agreement. At this time, the domestic industry has no recourse under the U.S. countervailing duty or dumping trade laws because ships are not included within the definition of merchandise under these laws. This legislation establishes a procedure to redress these unfair trade practices.

The legislation requires the Department of Commerce to investigate and identify those countries which subsidize their shipbuilding and ship repair industries. If the subsidizing country fails to sign a trade agreement with the United States, new vessels owned or controlled by citizens of the subsidizing government will face sanctions. Those sanctions include a financial penalty of up to $1 million for each voyage to the United States, a reduction in the number of times a vessel may enter U.S. ports, or closure of U.S. ports to a vessel.

The ability of U.S. shipyards to convert to commercial shipbuilding depends upon a free and fair international market for commercial ships. As the world markets expand, the demand for commercial ships is increasing. But no U.S. shipyard can compete in a market disrupted by government intervention.

In a fair market, however, U.S. shipyards can compete. In its 109-year history, a Maine shipyard, Bath Iron Works, has built over 200 merchant vessels and over 200 naval vessels. But the shipyard delivered its last commercial vessel in 1984 when foreign government subsidies to their shipbuilding industries were escalating. Restoring free and fair trade to commercial shipbuilding will give our domestic shipyards an opportunity to build merchant vessels again.

I urge my colleagues to support the enactment of the Shipbuilding Trade Reform Act of 1993. Free and fair trade in the international commercial shipbuilding market is important to the survival of U.S. shipyards and thousands of shipbuilding jobs.

By Mr. JOHNSTON (for himself, Mr. BUMPERS, Mr. FORD, and Mr. SHELBY):

S. 991. A bill to direct the Secretary of the Interior and the Secretary of Energy to undertake initiatives to address certain needs in the Lower Mississippi Delta Region, and for other purposes; to the Committee on Energy and Natural Resources.

LOWER MISSISSIPPI DELTA INITIATIVES ACT OF 1993

Mr. JOHNSTON. Mr. President, in 1988, I was privileged to join the distinguished senior Senator from Arkansas [Mr. BUMPERS] in introducing legislation which he authored, S. 2246, which created the Lower Mississippi Delta Development Commission. The legislation, signed into law as part of Public Law 100-460, in October 1988, established this Commission to assess the economic development, infrastructure, employment, transportation, resource development, education, health care, housing, and recreation needs of the Lower Mississippi Delta. On the basis of the assessment, the Commission was directed to develop a 10-year plan for the region, which stretches roughly from southern Illinois south, along southeastern Missouri, western Kentucky, eastern Arkansas, western Tennessee, and through Mississippi and Louisiana to the Gulf of Mexico. The plan was required to contain specific recommendations to address the problems and take advantage of the opportunities of the area.

The legislation was developed in part as a response to a report issued by the Congressional Research Service [CRS] in February 1988 entitled "The Economic Health of the Lower Mississippi River Valley." In that report, CRS found that despite many efforts to alleviate poverty in this seven State region, the area has a larger percentage of families, households and individuals living in poverty than any other region of the Nation. Only 3 of the counties in the area were not well below the national average according to major, measurable indicators of poverty: Per capita income, unemployment, and the number of poor counties.

Statistical tables issued by the Commission further substantiated these findings. In 1980, the poverty rate for this area was 20.9 percent, compared to the U.S. average rate of 12.4 percent and the average rate of the Appalachian Regional Commission's target counties of 17 percent. For families the poverty rate for the Lower Mississippi Delta was 16.4 percent, compared to the U.S. average of 9.5 percent and the ARC's target counties' average of 13.7 percent.

Per capita personal income for the delta region has consistently lagged behind that of the Nation. In 1980, the delta region has a per capita personal income—1982 dollars—of $9,152, compared to the national average of $11,452. In 1988, the delta region's per capita personal income was $10,192; the Nation's average was $13,577.

Unemployment rates have been persistently high in too many areas of the delta, averaging 8 percent in the delta region in 1988 compared to the national average of 5.5 percent in that same year. In my own State, the average unemployment rate in the delta parishes was almost triple the national average—13.57 percent. Only 6 of the 14 parishes examined by the Commission had rates below 10 percent; every single parish had an unemployment rate above the national average. A similar story is told of other delta region counties in the Commission's analysis.

Paradoxically, the delta region is blessed with a wealth of natural and physical resources: Fertile soil and a long growing season; an abundance of mineral and timber resources; available and accessible water; significant archeological and historical sites and structures; rich cultural traditions; an abundance of wildlife; and many outstanding recreational areas. These blessings provide a solid basis for believing the economic future of this area can be strong if we can tap our resources wisely and use them productively.

To do so, we must provide skills and tools to the over 8.3 million Americans living in this area, many of whom lack the basics and thus have been and will continue to be left out. Since 1900, Louisiana and Mississippi have consist-

ently ranked at the top of the list in percent of illiteracy prevalent in their respective populations. Arkansas has persistently been in the top 10. High school drop out rates are far above the national average, above 25 percent for the delta region in 1980 compared to 20.6 percent for the Nation. Just over half of those between the ages of 25 and 64 graduated from high school, compared to the national county high school graduation rate of 65 percent. In almost one-fourth of the parishes analyzed in Louisiana fewer than half of the residents between the ages of 25 and 64 graduated from high school.

The Lower Mississippi Development Commission spent almost a year and a half studying and analyzing the economic needs, problems, and opportunities of the area. Public hearings were held in every State of the delta area from southern Illinois to Louisiana. Testimony was received from literally hundreds of citizens from the region who attended the hearings. Volumes of statistical data were compiled and analyzed, and over 30 research contracts were awarded for special studies on specific subjects of interest to the Commission and the people in the area.

On the basis of this impressive record, the Commission made over 400 specific recommendations to help meet the 68 stated goals for the area, developed to help all the people in the region become, in the words of the Commission Chairman, "full partners in America's exciting future, full participants in the changing global economy." These recommendations were set forth in the Commission's final report, "The Delta Initiatives: Realizing the Dream . . . Fulfilling the Potential," issued in May 1990.

Some of these recommendations require actions by State and local governments, some can only by implemented by the private sector. Other recommendations call for specific Federal actions. The strength of this package lies in the recognition that no one sector alone can solve the many problems facing this area. The difficulty is in seeking a coordinated strategy for implementing action by many different actors with different authorities and interests.

Some of the Federal recommendations have been implemented. Many have not. The legislation I am proposing today sets forth statutory language necessary to implement those recommendations which fall under the jurisdiction of the Committee on Energy and Natural Resources and which have not yet moved forward.

Specifically, title I contains a number of initiatives which will be implemented by the Department of the Interior. Section 102 authorizes and directs the Secretary of the Interior to undertake new programs in the fields of natural resources, the environment, science, and other technical areas to further education and training opportunities for children, college students, and adults in the region, consistent with the Commission's overall recommendations for basic skills and job opportunities in the delta. This section also directs the Secretary of the Interior to develop new partnerships with minority colleges and universities, including historically black colleges and universities, which have played and continue to play an important role in educating youth in the delta, particularly at risk minority students.

Sections 103 and 104 propose new studies and programs to preserve the rich historical, cultural, and natural heritage of the delta. Another directive requires the Secretary of the Interior to undertake a comprehensive survey to document and identify regional folklife and to develop a plan to help preserve these traditions and help the States of the delta region develop a regional marketing approach for crafts and folklife programs. These resources can and should provide the basis for growth of cultural tourism to this areas, creating new jobs and opportunities as the Commission recommended.

Title II contains a number of initiatives the Department of Energy will administer. Section 204 proposes a number of important energy related education initiatives, particularly for minority colleges and universities, including historically black colleges and universities, in the fields of mathematics, science and engineering. This section also contains important precollege enrichment activities in energy-related scientific, mathematical, engineering and technical disciplines for students in the Lower Mississippi Delta region. All these are consistent with the Commission's recommendations for helping develop human capital, and enabling the youth from the area obtain the skills necessary to participate and compete in the global economy.

Section 202 will establish a Delta Energy Technology and Business Development Center, to provide technical assistance to emerging small businesses throughout the region in key energy technology sectors. Other important energy development initiatives related to conservation and biomass are contained in sections 203, 205, and 206. These provisions will help the people of the delta diversify their heavily agricultural and extractive economy by developing new job opportunities and facilitating business participation in trade opportunities overseas. All these initiatives draw heavily on recommendations the Commission proposed for strengthening the delta's private sector, and are consistent with the recognition that private enterprise must and will play a strong role in the economy of the area if they are given the tools and technical assistance necessary to enter fully into the global economy and the market opportunities that offers.

The legislation I am introducing is not a comprehensive plan, nor does it offer a quick or easy fix. It does recommend some specific, coordinated actions which will take important steps in bringing tools to those who are locked out, and will help us make sure that all the people of the delta join the vanguard as our Nation enters the next century.

The chairman of the Commission put it well in his letter submitting the Delta Initiatives to the President in May 1980. He stated:

> If we do not implement a single recommendation made in this report, a lot of Americans who live in the Delta are going to do fine in the 1990's: Those who are well-educated, on the cutting edge of change, and able to take advantage of the emerging global economy. But millions of people will be left behind, and the region as a whole, including its successful residents, will not achieve its potential.

I submit that we cannot and should not turn away from those who are being left behind, many of whom are children under the age of 19. People in the delta can and want to contribute, but they need to be given a chance. Our country cannot afford to leave untapped the human and natural assets of the delta region as we confront the global challenges that lie ahead.

This is a jobs bill, a bill to help people help themselves. Enacting this legislation will be another step towards making the delta region self-sufficient. To not take action today could mean ever-increasing Federal expenditures in the region, rather than creating a productive region contributing to the national well-being.

I look forward to working with my colleagues and the administration in refining these proposals and seeking approval of them. I also sincerely hope this package will only be the first of several, and that further packages falling under the jurisdiction of other departments, agencies and committees will be proposed, developed and passed during this Congress.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

These being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 991

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That this Act may be referred to as the "Lower Mississippi Delta Initiatives Act of 1993".

SECTION 1. TABLE OF CONTENTS.

Sec. 1. Table of Contents.
Sec. 2. Findings.
Sec. 3. Definitions.

TITLE I—INITIATIVES WITHIN THE DEPARTMENT OF THE INTERIOR

Sec. 101. Definitions.
Sec. 102. Natural Resources and Environmental Education Initiatives.

Sec. 103. Lower Mississippi Delta Region Heritage Study.
Sec. 104. Delta Heritage Trails and Cultural Centers.
Sec. 105. Historic and Prehistoric Structures Survey.
TITLE II—INITIATIVES WITHIN THE DEPARTMENT OF ENERGY
Sec. 201. Definitions.
Sec. 202. Delta Energy Technology and Business Development Center.
Sec. 203. Institutional Conservation Program for the Lower Mississippi Delta Region.
Sec. 204. Energy Related Education Initiatives.
Sec. 205. Integrated Biomass Energy Systems.
Sec. 206. Weatherization Assistance Program for the Lower Mississippi Delta Region.

SEC. 2. FINDINGS.—(a) The Congress finds that—

(1) in 1988 Congress enacted Public Law 100-460, which established the Lower Mississippi Delta Development Commission to assess the needs, problems, and opportunities of people living in the Lower Mississippi Delta Region which includes 219 counties and parishes within the States of Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee;

(2) the Commission conducted a thorough investigation to assess these needs, problems, and opportunities, and held several public hearings throughout the Lower Mississippi Delta Region;

(3) on the basis of these investigations, the Commission issued the Delta Initiatives Report, which included recommendations on natural resource protection, historic preservation, and enhancing educational and other opportunities in the areas of math and science and technology for Delta residents;

(4) the Delta Initiatives Report recommended the implementation of pre-college enrichment programs in math and science as well as other initiatives to enhance the educational technical capabilities of the Delta Region's workforce;

(5) the Delta Initiatives Report recommended that States and local school systems seek ways of expanding the pool of qualified educators in math and sciences;

(6) the Delta Initiatives Report recommended that institutions of higher education in the Lower Mississippi Delta Region should work with local school districts to promote math and science education;

(7) the Delta Initiatives Report recommended that all Federal grant making agencies target more research and development monies in selected areas to institutions of higher education, including Historically Black Colleges and Universities, in the Lower Mississippi Delta Region;

(8) the Delta Initiatives Report recommended that institutions of higher education establish a regional consortium to provide technical assistance and training to increase international trade between businesses in the Delta Region and other countries;

(9) the Commission included recommendations for designation of the Great River Road as a scenic byway, and for the designation of other hiking and motorized trails throughout the Lower Mississippi Delta Region;

(10) the Delta Initiatives Report recommended that the Federal Government identify sites of historic and prehistoric importance throughout the Lower Mississippi Delta Region;

(11) the Delta Initiatives Report recommended the further study of potential new units of the National Park System within the Lower Mississippi Delta Region;

(12) the Delta Initiatives Report recommended that the Federal Government should create economic incentives to encourage the location of value-added facilities for processing agricultural products within the Lower Mississippi Delta Region; and

(13) the Delta Initiatives Report recommended that Congress provide practical incentives to encourage the construction of alternative fuel production facilities in the region.

SEC. 3. DEFINITIONS.—As used in this Act, the term—

(1) "Commission" means the Lower Mississippi Delta Development Commission established pursuant to Public Law 100-460;

(2) "Delta Initiatives Report" means the Final Report of the Commission entitled "The Delta Initiatives: Realizing the Dream * * * Fulfilling the Potential" and dated May 14, 1990;

(3) "Delta Region" means the Lower Mississippi Delta Region including 219 counties and parishes within the States of Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee, as defined in the "Final Report The Delta Initiatives: A Report by the Lower Mississippi Delta Development Commission" dated May 14, 1990, except that, for any State for which the Delta Region as defined in such report comprises more than half of the geographic area of such State, the entire State shall be considered as part of the Delta Region for purposes of this Act;

(4) "disadvantaged" has the same meaning as that term has in section 8(a)(5) and (6) of the Small Business Act (15 U.S.C. 637(a)(5) and (6));

(5) "Historically Black College or University" means a college or university that would be considered a 'part B institution' by section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)); and

(6) "minority college or university" means a historically black college or university that would be considered a "part B institution" by section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)) or any other institution of higher education where enrollment includes a substantial percentage of students who are disadvantaged.

TITLE I—INITIATIVES WITHIN THE DEPARTMENT OF THE INTERIOR

SEC. 101. DEFINITIONS.—As used in this title, the term—

(1) "Department" means the United States Department of the Interior, unless otherwise specifically stated; and

(2) "Secretary" means the Secretary of the Interior, unless otherwise specifically stated.

SEC. 102. NATURAL RESOURCES AND ENVIRONMENTAL EDUCATION INITIATIVES.—(a) MINORITY COLLEGES OR UNIVERSITY INITIATIVE.—(1) Within one year after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit to the Committee on Energy and Natural Resources of the United States Senate and to the United States House of Representatives a report addressing opportunities for minority colleges and universities to participate in programs and activities carried out by the Department. The Secretary shall consult with representatives of minority colleges or universities in preparing the report. Such report shall—

(A) describe current education and training programs carried out by the Department with respect to, or in conjunction with, minority colleges or universities in the areas of natural resources, the environment, the sciences, cultural resource management, historic preservation, archeology, and related subjects;

(B) describe current research, development or demonstration programs involving the Department and minority colleges or universities;

(C) describe funding levels for the programs referred to in subparagraphs (A) and (B);

(D) identify ways for the Department to assist minority colleges or universities in providing education and training in the fields of natural resources, the environment, the sciences, cultural resource management, historic preservation, archeology, and related subjects;

(E) make specific proposals and recommendations for providing assistance to minority colleges and universities to enter into memoranda of understanding and other appropriate forms of agreement with the Department in order to plan and develop programs to foster greater involvement of these schools in the contract, research, education, training, and recruitment activities of the Department;

(F) address the need for, and potential role of, the Department in providing minority colleges or universities with:

(i) increased research opportunities for faculty and students;

(ii) assistance in faculty development and recruitment;

(iii) curriculum enhancement and development; and

(iv) improved laboratory instrumentation and equipment, through purchase, loan, or other transfer mechanisms;

(G) address the need for and potential role of the Department in providing financial and technical assistance for the development of infrastructure, including buildings and laboratory facilities, at minority colleges and universities;

(H) make specific proposals and recommendations, together with estimates of necessary funding levels, for initiatives to be carried out by the Department in order to assist minority colleges and universities in providing education and training in the areas of natural resources, the environment, the sciences, cultural resource management, historic preservation, archeology, and related subjects, and in order to enter into memoranda of understanding and other appropriate forms of agreement with the Department as referred to in subparagraph (E).

(2) The Secretary shall encourage memoranda of understanding and other appropriate forms of agreement between the Department and minority colleges and universities directed at jointly planning and developing programs to foster greater involvement of minority colleges and universities in research, education, training, and recruitment activities of the Department.

(b) SCHOLARSHIP PROGRAM.—The Secretary shall establish a scholarship program for students pursuing degrees in natural resource and environmental related fields, including but not limited to: biology, wildlife biology, forestry, botany, horticulture, historic preservation, cultural resource management, archeology, anthropology, geology, petroleum engineering, the environment, the sciences, and ecology, at colleges and universities in the Delta Region. The scholarship program shall include tuition assistance. Recipients of such scholarships shall be students deemed by the Secretary to have demonstrated (1) a need for financial assistance and (2) academic potential in the particular area of study.

(C) PRE-COLLEGE ENRICHMENT.—The Secretary shall undertake activities to encourage pre-college enrichment programs in subjects relating to natural resources, the environment, the sciences, cultural resource management, historic preservation, archeology, and related subjects, for students in the Delta Region. Such activities shall include, but not be limited to the following:

(1) cooperation with, and assistance to, State departments of education and local school districts in the Delta Region to develop and carry out after school and summer enrichment programs for elementary, middle, and secondary school students in subjects relating to natural resources, the environment, the sciences, cultural resource management, historic preservation, archeology, and related subjects;

(2) cooperation with, and assistance to, institutions of higher education in the Delta Region to develop and carry out pre-college enrichment programs in subjects relating to natural resources, the environment, the sciences, cultural resource management, historic preservation, archeology, and related subjects, for middle and secondary students;

(3) cooperation with, and assistance to, State departments of education and local school districts in the Delta Region in the development and use of curriculum and educational materials in subjects relating to natural resources, the environment, the sciences, cultural resource management, historic preservation, archeology, and related subjects; and

(4) the establishment of enrichment programs in subjects relating to natural resources, the environment, the sciences, cultural resource management, historic preservation, archeology, and related subjects, for elementary, middle, and secondary school teachers in the Delta Region at research facilities of the Department.

(d) VOLUNTEER PROGRAM.—The Secretary shall establish and carry out a program to encourage the involvement on a voluntary basis of qualified employees of the Department in education enrichment programs relating to natural resources, the environment, the sciences, cultural resource management, historic preservation, archeology, and related subjects, in cooperation with State departments of education and local school districts in the Delta Region.

(e) WOMEN AND MINORITIES IN THE SCIENCES.—The Secretary shall establish and carry out a program to encourage women and minority students in the Delta Region to study and pursue careers in the sciences.

(f) COORDINATION WITH OTHER FEDERAL AGENCIES.—The Secretary shall ensure that the programs authorized in this section are coordinated with, and complimentary to, education assistance programs administered by other federal agencies in the Delta Region. These agencies include, but are not limited to, the Department of Energy, the Department of Agriculture, the Department of Education, the National Science Foundation, and the National Aeronautics and Space Administration.

(g) AUTHORIZATION OF APPROPRIATIONS.—(1) There is hereby authorized to be appropriated such sums as may be necessary to carry out the purpose of this section.

(2) There is hereby authorized to be appropriated for the purposes of carrying out the memoranda of understanding and other appropriate forms of agreement referred to in paragraph (a)(2) of section 102 and for related facilities and equipment, such sums as may be necessary.

SEC. 103. LOWER MISSISSIPPI DELTA REGION HERITAGE STUDY.—(a) IN GENERAL.—The Secretary is directed to prepare and transmit to the Congress a study of significant natural, recreational, historical or prehistorical, and cultural lands, waters, and structures located within the Delta Region.

(b) TRANSPORTATION ROUTES.—(1) The study shall include recommendations on appropriate designation and interpretation of historically significant roads, trails, byways, waterways, or other routes within the Delta Region.

(2) In order to provide for public appreciation, education, understanding, interpretation, and enjoyment of the nationally significant sites identified pursuant to subsection (a), which are accessible by public roads, the Secretary shall recommend in the study vehicular tour routes along existing public roads linking such sites within the Delta Region.

(3) Such recommendations shall include an analysis of designating the Great River Road (as depicted on the map entitled "Proposed Delta Transportation Network" on pages 102-103 of the Delta Initiatives Report) and other sections of the River Road between Baton Rouge and New Orleans, Louisiana and an analysis of designating that portion of El Camino Real which extends along Highway 84 from Vidalia, Louisiana, to Clarence, Louisiana, and Louisiana Highway 6 from Clarence, Louisiana, to the Toledo Bend Reservoir as a National Scenic Byway, or as a component of the National Trails System, or such other designation as the Secretary deems appropriate.

(4) The Secretary shall also recommend in the study an appropriate route along existing public roads to commemorate the importance of timber production and trade to the economic development of the region in the early twentieth century, including an analysis of designating that portion of US 165 which extends from Alexandria, Louisiana, to Monroe, Louisiana, as a National Scenic Byway, or as a component of the National Trails System, or such other designation as the Secretary deems appropriate.

(5) The Secretary shall also develop a comprehensive recreation, interpretive, and visitor use plan for the routes described in the above paragraphs, including bicycle and hiking paths, and make specific recommendations for the acquisition and construction of related interpretive and visitor information facilities at selected sites along such routes.

(6)(A) In furtherance of the purposes of this subsection, the Secretary is authorized to make grants to States for work necessary to stabilize, maintain, and widen such public roads to allow for adequate access to the nationally significant sites identified by the study, to allow for proper utilization of the vehicular tour route, trails, byways, or other public roads within the Lower Mississippi Delta Region and to implement the comprehensive recreation, interpretive, and visitor use plan required in paragraph (5).

(B) For the purposes of this paragraph, the term "Secretary" shall mean the Secretary of the Interior acting through the Secretary of Transportation.

(c) LISTING.—On the basis of the study, the Secretary shall prepare a list of the most appropriate sites, including an analysis of the suitability and feasibility of their inclusion in the National Park System, or for designation as a National Historic Landmark, or such other designation, as the Secretary deems appropriate.

(d) COMPLETION DATE.—The study shall be completed not later than three years after the date funds are made available for the study.

(e) AUTHORIZATION OF APPROPRIATIONS.—there is hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

SEC. 104. DELTA HERITAGE TRAILS AND CULTURAL CENTERS.—(a) FINDINGS.—The Congress finds that—

(1) in 1990, the Congress authorized the Institute of Museum Services to prepare a report assessing the needs of small, emerging, minority, and rural museums in order to identify the resources such museums needed to meet their educational mission, to identify the areas of museum operation in which the needs were greatest, and to make recommendations on how these needs could best be met;

(2) the Institute of Museum Services undertook a comprehensive eighteen-month study of such needs with the assistance of two advisory groups, surveyed 524 museums from throughout the Nation, held discussion groups in which representatives of 25 museum groups participated, and conducted case studies of 12 museum facilities around the Nation;

(3) on the basis of this assessment, the Institute of Museum Services issued a report entitled "National Needs Assessment of Small, Emerging, Minority and Rural Museums in the United States" in September, 1992, which found that small, emerging, minority, and rural museums provide valuable educational and cultural resources for their communities and contain a reservoir of the Nation's material, cultural, and scientific heritage, but due to inadequate resources are unable to meet their full potential or the demands of the surrounding communities;

(4) the needs of these institutions are not being met through existing Federal programs;

(5) fewer than half of the participants in the survey had applied for Federal assistance in the past two years and that many believe existing Federal programs do not meet their needs;

(6) based on the National Needs Assessment, that funding agencies should increase support available to small, emerging, minority, and rural museums and make specific recommendations for increasing technical assistance in order to identify such institutions and provide assistance to facilitate their participation in Federal programs;

(7) the May 1990 Delta Initiatives Report made specific recommendations for the creation and development of centers for the preservation of the cultural, historical, scientific and literary heritage of the Delta area, including recommendations for the establishment of a Native American Cultural Center and a Delta African American Cultural museum with additional satellite museums linked throughout the Delta; and

(8) the Delta Initiatives Report stated that new ways of coordinating, preserving, and promoting the Delta Region's literature, art, and music should be established including the creation of a network to promote the region's literary, artistic, and musical heritage.

(b) GENERAL.—(1) The Secretary is directed to prepare and transmit to the Congress, in consultation with the States of the Delta Region, a study outlining specific recommendations, including recommendations for necessary funding, for the establishment of a Native American Heritage Route and a Delta African American Heritage Trail in the Delta Region as identified on pages 148 and 149 of the Delta Initiative Report.

(2) The Secretary, in consultation with the Chairman of the National endowment for the

Arts, is further directed to prepare and transmit to the Congress a report outlining specific recommendations, including recommendations for necessary funding, for the establishment of a Native American Heritage Cultural Center, a Delta African American Heritage and Cultural Center with a network of satellite or cooperative units, and an appropriate arrangement to serve as a clearinghouse for providing incremental financial and technical assistance to small, emerging, rural or minority institutions seeking to preserve the Delta Region's literary, artistic, and musical heritage.

(c) NATIVE AMERICAN ROUTE AND CENTER.—(1) The study referred to in subsection (b) of this section shall include recommendations for establishing a network of archeological parks and museums in the Delta Region, including a master plan and ten year development strategy for such network.

(2) Such study shall include specific proposals for the development of a Native American Heritage and Cultural Center in the Delta Region, along with recommendations for the appropriate Federal role in such a center including matching grants, technical and interpretive assistance.

(3) Such study shall be conducted in consultation with tribal leaders.

(4) Such study shall also include specific proposals for educational and training assistance for Native Americans to carry out the recommendations provided in the study.

(d) DELTA REGION AFRICAN AMERICAN HERITAGE TRAIL AND CULTURAL CENTER.—(1) The study referred to in subsection (b) of this section shall include recommendations for establishing a heritage corridor or trail system, consisting of one or two major north-south routes and several east-west-spur loops to preserve, interpret and commemorate the rich African American heritage and culture in the Delta Region during all significant historical periods.

(2) Such study shall make specific recommendations for representing all forms of expressive culture including the musical, folklife, literary, artistic, scientific, historical, educational, and political contributions and accomplishments of African Americans in the Delta Region.

(3) Such study shall also include specific recommendations for providing assistance to strengthen existing institutions as well as the inclusion of sites of historical and cultural importance on the campuses of Historically Black Colleges and Universities in the Delta.

(4) Such study shall make specific recommendations for implementing the findings of the Delta Initiatives Report with respect to establishing an African American Heritage and Cultural Center and related satellite museums in the Delta Region, together with specific funding levels necessary to carry out these recommendations and shall also include recommendations for improving access of small, emerging, minority or rural museums to technical, incremental financial assistance.

(5) Such study shall be conducted in consultation with institutions of higher education in the Delta Region with expertise in African American studies, Southern studies, anthropology, history and other relevant fields.

(6) Such study shall make specific recommendations for improving educational programs offered by existing cultural facilities and museums as well as establishing new outreach programs for elementary, middle and secondary schools, including summer programs for youth in the Delta Region.

(7) Such study shall also include specific recommendations, together with specific funding levels necessary to implement such recommendations, for training museum professionals at small, emerging, minority, and rural museums, for upgrading exhibitions, and for any other steps necessary to assure the integrity of collections in these facilities.

(e) COMPREHENSIVE FOLKLIFE SURVEY.—(1) IN GENERAL.—The Secretary, in consultation with the Chairman of the National Endowment of the Arts and the States of the Delta Region, shall undertake a comprehensive regional survey to document and identify regional folklife within the Delta Region.

(2) Such survey shall include an assessment of existing marketing programs for folklife and crafts in the region as well as recommendations for developing an improved, regional approach to marketing crafts and folklife programs, including the development of a common logo for signs and materials as recommended in the Delta Initiatives Report.

(f) COMPLETION DATE.—The study, report, and survey authorized in subsections (b), (d), and (e) shall be completed not later than three years after the date funds are made available for such study, report, and survey.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

SEC. 105. HISTORIC AND PREHISTORIC STRUCTURES SURVEY.—(a) The Secretary shall provide technical and incremental financial assistance to Historically Black Colleges and Universities to undertake a comprehensive survey of historic and prehistoric structures located on their campuses, including recommendations as to the inclusion of appropriate structures on the National Register of Historic Places, designation as National Historic Landmarks, or other appropriate designation as determined by the Secretary. The Secretary shall further make specific proposals and recommendations, together with estimates of necessary funding levels, for a Comprehensive Plan to be carried out by the Department to assist Historically Black Colleges and Universities in the preservation and interpretation of such structures.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

TITLE II—INITIATIVES WITHIN THE DEPARTMENT OF ENERGY

SEC. 201. DEFINITIONS.—As used in this title, the term—

(1) "Center" means the Delta Energy Technology and Business Development Center;

(2) "Department" means the United States Department of Energy, unless otherwise specifically stated;

(3) "departmental laboratory" means a facility operated by or on behalf of the Department of Energy that would be considered a laboratory as that term is defined in section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(d)(2) or other laboratory or facility the Secretary designates;

(4) "partnership" means an arrangement under which the Secretary or one or more departmental laboratories undertakes research, development, demonstration, commercial application activities, or technical assistance for the mutual benefit of the partners in cooperation with one or more participants of which one or more is a non-Federal partner from among the following: an educational institution, private sector entity, or State or local governmental entity;

(5) "persons in the Delta Region" means an entity primarily located in the Delta Region, the controlling interest (as defined by the Secretary) of which is held by persons of the United States, including:

(1) a for-profit business;

(2) a private foundation;

(3) a non-profit organization such as a university;

(4) a trade or professional society;

(5) a tribal government; or

(6) a unit of State or local government; and

(6) "Secretary" means the Secretary of Energy, unless otherwise specifically stated.

SEC. 202. DELTA ENERGY TECHNOLOGY AND BUSINESS DEVELOPMENT CENTER.—(a) ESTABLISHMENT.—The Secretary shall establish at Louisiana State University in partnership with Southern University in Baton Rouge, Louisiana, and other institutions of higher education in the Delta Region, the Delta Energy Technology and Business Development Center.

(b) PURPOSE.—The purpose of the Center shall be to:

(1) retain and create energy manufacturing and related energy service jobs in the Delta Region;

(2) encourage the export of energy resources and technologies, including services related thereto, from the Delta Region;

(3) develop markets for energy resources and technologies from the Delta Region to be used in meeting the energy resource and technology needs of foreign countries;

(4) ensure the successful, long-term market penetration of energy resources and technologies from the Delta Region into foreign countries;

(5) better ensure that United States participation in energy-related projects in foreign countries includes the participation of persons in the Delta Region as well as the utilization of energy resources and technologies that have been developed, demonstrated, and manufactured in the Delta Region; and

(6) assist persons in the Delta Region to obtain opportunities to transfer energy technologies to, or undertake projects in, foreign countries.

(c) GENERAL.—The Center shall—

(1) identify and establish flexible manufacturing networks in consultation with the States of the Delta Region to promote the development of energy resources and technologies that have the potential to expand technology development, manufacturing, and exports in the Delta Region;

(2) provide technical, business, training, marketing, and other assistance to persons in the Delta Region;

(3) develop a comprehensive database and information dissemination system, that will provide information on the specific energy resources and technologies of the Delta Region, as well as opportunities for Delta Region firms in the domestic and international markets;

(4) establish a network of business and technology incubators to promote the design, manufacture, and sale of energy resources and technologies; and

(5) enter into contracts and cooperative agreements with persons in the Delta Region to carry out these objectives.

(d) ASSISTANCE FROM THE SECRETARY.—The Secretary is authorized to provide the Center assistance in obtaining such personnel, equipment, and facilities as may be needed by the Center to carry out its activities.

(e) GRANTS.—The Secretary is authorized to make grants to the Center to support the

creation of flexible manufacturing networks as identified in subsection (c) and to develop the comprehensive database described in paragraph (c)(3) in order to electronically link the Center with other institutions of higher education in the Delta Region, and to support the training, marketing, and other related activities of the Center.

(f) GENERAL PROVISIONS.—

(1) ACCEPTANCE OF GRANTS AND TRANSFERS.—The Center may accept—

(A) grants and donations from private individuals, groups, organizations, corporations, foundations, State and local governments, and other entities; and

(B) transfers of funds from other Federal agencies.

(2) CONTRACTS AND COOPERATIVE AGREEMENTS.—Subject to appropriations, the Center may enter into contracts and cooperative agreements with the Federal government or persons in the Delta Region to carry out the Center's responsibilities.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for the establishment, operation, construction, and maintenance of the Center.

SEC. 203. INSTITUTIONAL CONSERVATION PROGRAM FOR THE LOWER MISSISSIPPI DELTA REGION.—(a) IN GENERAL.—Title III of the Energy Policy and Conservation Act (P.L. 94-163 as amended) is amended—

(1) by adding a new section 400K as follows:

"INSTITUTIONAL CONSERVATION PROGRAM FOR THE LOWER MISSISSIPPI DELTA REGION

"SEC. 400K. (a) PURPOSE.—The purpose of this section is to encourage energy conservation measures in the schools and hospitals in the Lower Mississippi Delta Region.

"(b) GRANTS FOR ESTABLISHMENT OF PROGRAM.—Not later than 12 months after the date of the enactment of the Lower Mississippi Delta Initiatives Act of 1993, the Secretary shall make grants to schools or hospitals, or to consortiums consisting of a school or hospital and one or more of the following: State or local government; local education agency; State hospital facilities agency; or State schools facility agency; for purposes of conducting innovative energy conservation projects and providing supplemental Federal financing for energy conservation projects at schools and hospitals in the Lower Mississippi Delta Region.

"(c) APPLICATIONS.—(1) Applications of schools or hospitals for grants for energy conservation projects under this section shall be made not more than once for any fiscal year. Such applications shall be submitted to the State energy agency, in consultation with the Planning and Development Districts in the Lower Mississippi Delta Region, and the State energy agency shall make a single submittal to the Secretary containing all applications which comply with subsection (e).

"(2) Applications for grants for energy conservation projects shall contain, or be accompanied by, such information as the Secretary may reasonably require.

"(d) SELECTION OF PROPOSALS.—(1) Not later than one year after the date of the enactment of the Lower Mississippi Delta Initiatives Act of 1993, the Secretary shall select at least seven, but not more than 21, proposals from States to receive grants under subsection (b).

"(2) The Secretary may select more than 21 proposals under this subsection, if the Secretary determines that the total amount of available funds is not likely to be otherwise utilized.

"(3) No one State shall receive less than one, or more than four, grants under subsection (b).

"(4) Such grants shall be in addition to such grants as would otherwise be provided under Part G of this Act.

"(5) No one grant proposal under this section shall receive a consideration greater than $2,000,000.

"(e) SELECTION CRITERIA.—The Secretary shall select recipients of grants under this section on the basis of the following criteria:

"(1) the location of the grant recipient in the States of the Lower Mississippi Delta Region;

"(2) the demonstrated or potential resources available to the grant recipient for carrying out the purposes of this section; and

"(3) the demonstrated or potential ability of the grant recipient to improve energy efficiency in the designated school or hospital.

"(f) DEFINITION.—For purposes of this section, the term "Lower Mississippi Delta Region" means that region consisting of the 219 counties and parishes within the States of Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee, as defined in the "Final Report The Delta Initiatives: A Report by the Lower Mississippi Delta Development Commission" dated May 14, 1990, except that, for any State for which the Delta Region as defined in such report comprises more than half of the geographic area of such State, the entire State shall be considered as part of the Delta Region for purposes of this Act.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for purposes of carrying out this section, to remain available until expended, not more than $20,000,000 for each of fiscal years 1994, 1995, and 1996.".

SEC. 204. ENERGY RELATED EDUCATION INITIATIVES.—(a) MINORITY COLLEGE AND UNIVERSITY REPORT.—Within one year after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to the Committee on Energy and Natural Resources of the United States Senate and to the United States House of Representatives a report addressing opportunities for minority colleges and universities to participate in programs and activities being carried out by the Department or the departmental laboratories. The Secretary shall consult with representatives of minority colleges and universities in preparing the report. Such report shall—

(1) describe current education and training programs being carried out by the Department or the departmental laboratories with respect to or in conjunction with minority colleges and universities in the areas of mathematics, science, and engineering;

(2) describe current research, development or demonstration programs involving the Department or the departmental laboratories and minority colleges and universities;

(3) describe funding levels for the programs referred to in paragraphs (1) and (2);

(4) identify ways for the Department or the departmental laboratories to assist minority colleges and universities in providing education and training in the fields of math, science, and engineering;

(5) identify ways for the Department or the departmental laboratories to assist minority colleges and universities in entering into partnerships;

(6) address the need for and potential role of the Department or the departmental laboratories in providing minority colleges and universities;

(A) increased research opportunities for faculty and students;

(B) assistance in faculty development and recruitment and curriculum enhancement and development; and

(C) laboratory instrumentation and equipment, including computer equipment, through purchase, loan, or other transfer;

(7) address the need for and potential role of the Department or departmental laboratories in providing funding and technical assistance for the development of infrastructure facilities, including buildings and laboratory facilities at minority colleges and universities; and

(8) make specific proposals and recommendations, together with estimates of necessary funding levels, for initiatives to be carried out by the Department or the departmental laboratories to assist minority colleges and universities in providing education and training in the areas of mathematics, science, and engineering, and in entering into partnerships with the Department or departmental laboratories.

(b) PARTNERSHIPS.—The Secretary shall encourage partnerships that involve minority colleges or universities or private sector entities owned or controlled by disadvantaged individuals.

(c) SCHOLARSHIP PROGRAMS.—(1) MINORITY COLLEGES OR UNIVERSITIES.—The Secretary shall establish a scholarship program for students attending minority colleges or universities and pursuing a degree in energy-related scientific, mathematical, engineering, and technical disciplines. The program shall include tuition assistance. The program shall provide an opportunity for the scholarship recipient to participate in an applied work experience in a departmental laboratory. Recipients of such scholarships shall be students deemed by the Secretary to have demonstrated (1) a need for financial assistance and (2) academic potential in the particular area of study.

(2) DELTA REGION.— The Secretary shall establish a scholarship program for students pursuing degrees in energy-related scientific, mathematical, engineering, and technical disciplines at colleges and universities in the Delta Region. The scholarship program shall include tuition assistance. Recipients of such scholarships shall be students deemed by the Secretary to have demonstrated (1) a need for financial assistance and (2) potential in the particular area of study.

(d) PRE-COLLEGE ENRICHMENT.—The Secretary shall undertake activities to encourage pre-college enrichment programs in energy-related scientific, mathematical, engineering, and technical disciplines for students in the Delta Region. Such activities shall include, but not be limited to the following:

(1) cooperation with, and assistance to, State departments of education and local school districts in the Delta Region to develop and carry out after school and summer enrichment programs for elementary, middle, and secondary school students in energy-related scientific, mathematical, engineering, and technical disciplines;

(2) cooperation with, and assistance to, institutions of higher education in the Delta Region to develop and carry out pre-college enrichment programs in energy related scientific, mathematical, engineering, and technical disciplines for middle and secondary students;

(3) cooperation with, and assistance to, State departments of education and local school districts in the Delta Region in the development and use of curriculum and educational materials in energy-related scientific, mathematical, engineering, and technical disciplines for middle and secondary students; and

(4) the establishment of enrichment programs in subjects relating to energy-related

scientific, mathematical, engineering, and technical disciplines for elementary, middle, and secondary school teachers in the Delta Region at research facilities of the Department of Energy.

(e) VOLUNTEER PROGRAM.—The Secretary shall establish and carry out a program to encourage the involvement on a voluntary basis of qualified employees of the Department in education enrichment programs relating to energy-related scientific, mathematical, engineering, and technical disciplines, in cooperation with State departments of education and local school districts in the Delta Region.

(f) WOMEN AND MINORITIES IN THE SCIENCES.—The Secretary shall establish and carry out a program to encourage women and minority students in the Delta Region to study and pursue careers in the sciences, mathematics, engineering and technical disciplines.

(g) COORDINATION WITH OTHER FEDERAL AGENCIES.—The Secretary shall ensure that the programs authorized in this section are coordinated with, and complimentary to, education assistance programs administered by other Federal agencies in the Delta Region. These agencies include, but are not limited to, the Department of the Interior, the Department of Agriculture, the Department of Education, the National Science Foundation, and the National Aeronautics and Space Administration.

(h) AUTHORIZATION OF APPROPRIATIONS.—(1) There is hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

(2) There is hereby authorized to be appropriated for the purposes of carrying out the partnerships referred to in paragraph (b) and for related facilities and equipment, such sums as may be necessary.

SEC. 205. INTEGRATED BIOMASS ENERGY SYSTEMS.—(a) PROGRAM DIRECTION.—The Secretary, in consultation with the Secretary of Agriculture, shall conduct a research and demonstration program to determine the economic viability of integrated biomass energy systems within the Delta Region.

(b) PROGRAM PLAN.—Not later than six months after the date of enactment of this Act, the Secretary shall prepare and submit to the Congress a program plan to guide the activities under this section.

(c) SOLICITATION OF PROPOSALS.—Not later than one year after the date of enactment of this Act, the Secretary shall solicit proposals for conducting activities consistent with the program plan. Such activities shall include at least three demonstrations of integrated biomass energy systems that:

(1) shall involve the production of dedicated energy crops of not less than 25,000 acres per demonstration;

(2) shall include one demonstration of predominantly herbaceous energy crops and one demonstration of predominantly short-rotation woody crops;

(3) shall demonstrate cost-effective methods for growing, harvesting, storing, transporting, and preparing energy crops for conversion to electricity or transportation fuel; and

(4) shall result in the conversion of such crops to electricity or transportation fuel by a non-Federal energy producer or the Tennessee Valley Authority.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for purposes of carrying out this section, to remain available until expended, not more than $10,000,000 for each of fiscal years 1994, 1995, and 1996.

SEC. 206. WEATHERIZATION ASSISTANCE PROGRAM FOR THE LOWER MISSISSIPPI DELTA REGION.—Title IV of the Energy Conservation and Production Act (P.L. 94-385 as amended) is further amended by adding a new section 423 as follows:

"WEATHERIZATION ASSISTANCE PROGRAM FOR THE LOWER MISSISSIPPI DELTA REGION

"SEC. 423. (a). PURPOSE.—The purpose of this section is to encourage the weatherization of low-income dwelling units in the Lower Mississippi Delta Region.

"(b) GRANTS FOR ESTABLISHMENT OF PROGRAM.—Not later than 12 months after the date of the enactment of the Lower Mississippi Delta Initiatives Act of 1993, the Secretary shall make grants to (1) States, and (2) in accordance with the provisions of subsection (413)(d), to Indian tribal organizations to serve Native Americans in the Lower Mississippi Delta Region. Such grants shall be made for the purposes of providing financial assistance for weatherization of low-income dwelling units.

"(c) APPLICATIONS.—(1) Applications of States or Indian tribal organizations for grants under this section shall be made not more than once for any fiscal year. Such applications shall be submitted to the State energy agency, in consultation with Community Action Agencies and Planning and Development Districts in the Lower Mississippi Delta Region, and the State energy agency shall make a single submittal to the Secretary containing all applications which comply with subsection (e).

"(2) Applications for grants for energy conservation projects shall contain, or be accompanied by, such information as the Secretary may reasonably require.

"(d) SELECTION OF PROPOSALS.—(1) The Secretary shall select proposals from States to receive grants under subsection (b).

"(2) Such grants shall be in addition to such grants as would otherwise be provided under section 414 of this Act.

"(3) No one grant proposal under this section shall receive a consideration greater than $2,000,000.

"(e) SELECTION CRITERIA.—The Secretary shall select recipients of grants under this section in accordance with the requirements of sections 414(b) and 415 of this Act, and on the basis of the following criteria:

"(1) the location of the grant recipient in the States of the Lower Mississippi Delta Region;

"(2) the demonstrated or potential resources available to the grant recipient for carrying out the purposes of this section; and

"(3) the demonstrated or potential ability of the grant recipient to improve energy efficiency in low-income dwelling units.

"(f) DEFINITION.—For purposes of this section, the term "Lower Mississippi Delta Region" means that region consisting of the 219 counties and parishes within the State of Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee, as defined in the "Final Report The Delta Initiatives: A Report by the Lower Mississippi Delta Development Commission" dated May 14, 1990, except that, for any State for which the Delta Region as defined in such report comprises more than half of the geographic area of such State, the entire State shall be considered as part of the Delta Region for purposes of this Act.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for purposes of carrying out this section, to remain available until expended, not more than $20,000,000 for each of fiscal years 1994, 1995, and 1996.".

Mr. BUMPERS. Mr. President, I am pleased to join Senator JOHNSTON as an original cosponsor of the Lower Mississippi Delta Initiatives Act of 1993. I believe that the bill represents a significant step in the economic development of the least advantaged region in the entire United States, the Lower Mississippi Valley.

Located along one of the great rivers of the world, and including some of its finest farmland, this region has long surpassed every region of the country in terms of measurable poverty-numbers of poor counties, low per capita income, and unemployment. In short, Mr. President, there is more economic misery in the Mississippi Delta than any other region of the country.

The Lower Mississippi Delta Initiatives Act of 1993 will not, by itself, put an end to these conditions. However, this legislation will help the residents of the Delta region begin the long climb from poverty. The bill contains a number of provisions which emanate from recommendations made by the Lower Mississippi Delta Development Commission, which was chaired by President Clinton when he was the Governor of Arkansas.

I am particularly pleased that the Lower Mississippi Delta Initiatives Act of 1993 would substantially increase educational opportunities in the region. Education may be the most important factor that could help the residents in the area improve their lives as well as the lives of their children and grandchildren. Moreover, the bill would expand the Department of Energy's activities to promote energy efficiency in the Delta. People living in poverty can hardly afford to pay large energy bills because they live in dwellings that lack any semblance on insulation. DOE's weatherization program can play an important role in sharply reducing gas and electric costs in the area.

Mr. President, I look forward to working with Senator JOHNSTON, the distinguished chairman of the Energy and Natural Resources Committee, in getting this legislation enacted into law.

By Mr. BINGAMAN:

S. 992. A bill to amend title, United States, to revise the method for pricing tobacco products for sale in commissaries, exchanges, and ships' stores, and for other purposes; to the Committee on Armed Services.

MILITARY TOBACCO SALES ACT

• Mr. BINGAMAN. Mr. President, I rise today to reintroduce legislation aimed at ending the Department of Defense practice of underpricing cigarette sales in military commissaries, post exchanges, and ships' stores. This legislation is similar to measures I have sponsored with my good friend and distinguished colleague, Senator BOREN, in three previous Congresses. During the

several years we have worked on this issue, we have often felt the loneliness of the long-distance runner. But we are running a new race today, and for the first time in years, our goal is within reach.

The bill I am introducing today is very familiar to a number of my colleagues. This legislation states that tobacco products sold in military commissaries, post exchanges, and ships' stores are to be sold at prices competitive with the local marketplace. Overseas, tobacco products are to be sold at prices equal to the U.S. average price.

When this measure was last discussed on the Senate floor in 1991, it was in the form of an amendment, which Senator BOREN and I offered, to the fiscal years 1992 and 1993 Defense Authorization Act. Our amendment was tabled by a vote of 55–43. Since that time, however, two important changes have occurred.

First, the American people elected a President determined to achieve positive changes in our health care system. President Clinton, ably assisted by the First Lady, is committed to national health care reform, health promotion, and disease prevention. The President knows the tremendous costs cigarettes and chewing tobacco impose on our health care system and work force, and he understands the need to eliminate incentives to begin, and continue, smoking.

Second, our Nation, like our President, has become more aware of the hazards of tobacco use. We have become more sensitive to the slick tactics employed by the tobacco industry to entice minorities, women, and young people into the addictive habits of smoking and chewing tobacco. In the past, these tactics were largely focused on advertising; more recently, the tobacco industry has turned toward pricing.

These tactics are well known. They involve cleverly named and marketed products, such as Dakota, a cigarette intended to appeal to young women in the Western States; Uptown, a cigarette intended for young black men in northeastern cities; and perhaps most reprehensible, the widespread use of the cartoon figure Old Joe to market Camel cigarettes. A few weeks ago, the industry recently unveiled its latest tactic: lower prices on particular name brands. Whatever the strategy or tactic, the goal is the same: to attract and retain smokers in a declining market.

The military is one market in which the tobacco industry has met with longstanding success. Undoubtedly, many factors have contributed to this success and to the prevalence of smoking in the military. But a very important factor is the price differential that military personnel see when they purchase cigarettes in commissaries and exchanges. In the United States, cigarettes are approximately 35 percent cheaper in commissaries and up to 20 percent cheaper in exchanges than they are in civilian stores. Overseas, tobacco products have been found to be 40 to 60 percent cheaper than the average U.S. price. During Operation Desert Storm, for example, a carton of cigarettes cost $8.50 overseas, compared to an average U.S. price of $14.65.

It is time to equalize these prices. The costs of failing to take this step are high, and they will grow higher if, as many anticipate, national health care reform includes an increase in the Federal tax on cigarettes. If the price disparity grows between cigarettes sold off-base versus on-base, we could be inadvertently encouraging a black market for cigarette sales similar to the market that exists today in Canada. Canadian officials have acknowledged that the price difference between Canadian and United States cigarettes, several dollars per pack, has led to a tremendous growth in the illegal trafficking of cigarettes. Not only does this black market encourage smoking, but it deprives their nation of a significant amount of tax revenue.

Aside from the issues related to comprehensive health care reform, there are other compelling reasons to change current policy. The costs of the status quo, in terms of lost lives, lost productivity, and burden to the health care system, are tremendous. Tobacco use costs approximately $72 billion annually, based on 1990 data, in direct costs to the health care system and lost productivity. Last year, tobacco use killed more than 434,000 people. This year, at least one in six deaths in the country will be caused by tobacco.

More specific to the Department of Defense and my proposal to equalize the price of the tobacco products is the cost of smoking within the military. According to Department estimates, smoking in the military costs taxpayers at least $210 million annually in direct health care costs. In truth, this figure represents a significant underestimate because it does not include three key costs: First, the costs associated with morbidity; second, the indirect health care costs of family members; and third, the long-range costs incurred by CHAMPUS, the Veterans' Administration, and the Medicare Program due to tobacco use.

Mr. President, I believe the Department of Defense realizes these costs and understands the burden tobacco use places on our troops and their families. In 1986, then Deputy Secretary of Defense William H. Taft signed Directive 1010.10, which stated a goal of the Department was to "encourage military personnel, retirees, their families, and civilian employees to live healthy lives and * * * to create an environment that enhances the development of healthful lifestyles and high unit performance."

This legislation simply encourages the Department to enforce its directive. It does not ban the sale of tobacco products. Commissaries, exchanges, and ships' stores are free to continue selling cigarettes, if that is their wish. The bill does not rob veterans of a benefit guaranteed to them. Veterans can still buy cigarettes; they will just pay a price closer to the price paid by every other U.S. taxpayer. And as former U.S. Surgeon General C. Everett Koop has said, how can a lifetime of poor health and premature death be regarded as a benefit anyway?

This bill does not set a precedent for the removal of any product from commissary shelves, despite rumors to the contrary. I say this was confidence because in 1982—at the direction of the Secretary of Defense—the price of most alcoholic beverages sold in commissaries was increased to the prevailing local price minus 10 percent. Over the past 11 years, no product has been removed from commissary shelves because of the Secretary's action on alcohol pricing, and none will be removed as a result of this legislation.

Finally, Mr. President, this bill will not adversely impact the military commissary system, and it will not create a bookkeeping nightmare as some of my colleagues have argued in the past. Several years ago, most Navy commissaries stopped selling tobacco products, and they continue to survive. For the commissaries that do sell tobacco products, no separate accounting will be required because this measure does not require the Department to use the revenue generated for any particular program. The bill encourages the Department to invest the increased revenues in programs promoting health and fitness, but it does not make this a requirement.

Some of my colleagues will argue that legislation is unnecessary because of the great success of the Department's 7-year antismoking education campaign. To my colleagues, I must say that my bill is entirely consistent with the Department's anti-smoking campaign. I applaud the Department for its efforts, and I was one of the first to acknowledge the success of ongoing education efforts. Between 1986 and 1991, for example, commissary tobacco sales fell and the smoking rate in the military dropped a little more than 5 percent. That is good. The Department is to be congratulated. But a 5.3-percent reduction—from 46.2 to 40.9—was still more than 11 percent higher than the national average. It was—and continues to be—far too high.

Despite the Department's best efforts to discourage smoking through education, I am convinced that the military smoking rate will not be lowered significantly until the tobacco pricing policy is changed. And until that policy changes, tobacco products will remain among the top selling items at commissaries and post exchanges. In 1989, for example, tobacco sales ranked

fourth, surpassed only by sales of electronic, snack food, and uniforms. In 1990, tobacco sales at military exchanges and commissaries exceeded $700 million.

Mr. President, I must say: this is ludicrous. It is simply ludicrous for the Department of Defense, on one hand, to launch an aggressive antismoking education campaign and, on the other hand, to encourage smoking through a pricing policy that is the lowest in the county. Yet, this inconsistent and costly policy continues today.

As the administration finalizes its health care reform proposal and the Congress begins debating its merits, I urge the President and my colleagues to keep in mind the health and fiscal benefits of discouraging tobacco use. Cigarettes are our Nation's most powerful public health enemy. They are the No. 1 health enemy of the military. It simply does not make sense for the Federal Government—and the American taxpayers—to continue to subsidize their use. Instead of supporting the tobacco industry, we should be focusing our efforts on promoting positive, life-long lifestyle changes. That is the message this legislation sends to the Department of Defense.

I ask that the full text of this legislation be placed in the RECORD following my remarks.

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

S. 992

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

SECTION 1. SALE OF TOBACCO PRODUCTS IN COMMISSARIES, EXCHANGES, AND SHIPS' STORES.

(a) IN GENERAL.—Chapter 147 of title 10, United States Code, is amended by adding at the end thereof the following new section:

§2486. Sale of tobacco products in commissaries, exchanges, and ships' stores; use of proceeds

"(a) Tobacco products may be sold in commissary stores, military exchanges, or ships' stores subject to the requirements prescribed in subsections (b) and (c).

"(b)(1) In the case of a commissary store, military exchange, or ship's store located in the United States, the price charged for any tobacco product shall be the prevailing price charged by private commercial businesses for the retail sale of such tobacco product in the retail market area in which the commissary store, military exchange, or ship's store is located.

"(2) In the case of a commissary store, military exchange, or ship's store located outside the United States, the price charged for any tobacco product shall be the average amount charged by private commercial businesses for the retail sale of such product in the United States.

"(3)(A) In determining the prevailing price charged or the average price charged by a commercial business, applicable Federal, State and local taxes shall be included.

"(B) The prevailing price or the average price may be determined under an appropriate sampling procedure.

"(c)(1) The Secretary of a military department may use the profits from the sale of tobacco products by commissary stores, military exchanges, or ships' stores under the Secretary's jurisdiction to promote the health and fitness of members of the armed forces and their dependents.

"(2) Amounts made available under paragraph (1) shall remain available for obligation without fiscal year limitation.

"(d) The Secretary of Defense shall prescribe regulations to carry out this section.

"(f) In this section:

"(1) The term 'profits' means the amount which represents the difference between the price charged by commissary stores for the sale of tobacco products and the cost incurred by such commissary stores for the purchase and sale of such products (including appropriate amounts for overhead).

"(2) The term 'tobacco product' includes cigarettes, cigars, tobacco processed for cigarette or pipe smoking, and tobacco processed for oral use.

"(3) The term 'United States' includes the Commonwealth of Puerto Rico and the territories and possessions of the United States.".

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new section:

"2486. Sale of tobacco products in commissaries, exchanges, and ships' stores; use of proceeds.".

SEC. 2. EFFECTIVE DATE.

The amendments made by section 1 shall take effect on October 1, 1993.●

By Mr. PELL (for himself, Mr. AKAKA, Mr. BIDEN, Mr. BOREN, Mr. COATS, Mr. COCHRAN, Mr. COHEN, Mr. DANFORTH, Mr. DECONCINI, Mr. DODD, Mr. DORGAN, Mrs. FEINSTEIN, Mr. FORD, Mr. GLENN, Mr. GRASSLEY, Mr. HATCH, Mr. INOUYE, Mr. LIEBERMAN, Mr. MACK, Mr. MATHEWS, Mr. MITCHELL, Mrs. MURRAY, Mr. SARBANES, Mr. SIMON, Mr. STEVENS, and Mr. WARNER):

S.J. Res. 95. A joint resolution to designate October 1993 as "National Breast Cancer Awareness Month"; to the Committee on the Judiciary.

NATIONAL BREAST CANCER AWARENESS MONTH

Mr. PELL. Mr. President, I am today introducing a joint resolution to designate October 1993 as National Breast Cancer Awareness Month. I am very pleased that 25 of our colleagues have joined as original cosponsors of this important resolution.

This is the fourth year I have introduced this joint resolution, which has received the strong support of the Senate. And I believe it has helped to highlight the alarming statistics on breast cancer mortality, as well as the causes for hope.

The numbers are all too familiar: Breast cancer will strike an estimated 182,000 women and kill about 46,000 women in 1993. It is the second leading cause of cancer death among women, and is likely to increase further as the population ages, since a woman's risk of developing breast cancer increases as she ages.

Breast cancer is a disease that also strikes men. About 1,000 men will develop breast cancer in 1993; and 300 men will die from the disease. Male breast cancer, while largely a hidden disease, is very real and very tragic for those men and their families.

Mr. President, there has been much discussion about the accuracy of various statistics describing a woman's lifetime risk of developing breast cancer. But I believe it is not so important whether a woman's chances of developing breast cancer are 1 in 9, or 1 in 10, or less. What is important is that breast cancer is on the rise, that we do not know its cause, and that we don't know how to prevent it. And because of this, we are all at risk. Because we all have a spouse, mother, sister, daughter, or friend who is at risk, and we all know that when breast cancer touches someone we love, it isn't the statistics that matter.

Mr. President, in the past year, I think we have made some significant advances in the fight against breast cancer. Congress is close to giving its final approval to the NIH reauthorization bill (S. 1), which authorizes a $325 million increase in spending on breast cancer research. And last year, Congress appropriated more than $500 million for breast cancer research for fiscal year 1993.

Another reason for optimism is the increasing activism of the many breast cancer survivors and health providers who are calling greater attention to the disease. They are teaching us that we can significantly reduce breast cancer mortality through early detection, including self-examination, clinical examination by a qualified health care provider, and screening mammography. In fact, 50 years ago, the 5-year survival rate for localized breast cancer was only 78 percent; now it is over 90 percent. And the American Cancer Society estimates that the use of a combination of early detection procedures can boost the 5-year survival rate for localized breast cancer to nearly 100 percent.

In this connection, I am pleased to note that a coalition of health groups, including the American Cancer Society, the American Academy of Family Physicians, the American College of Radiology, the American Medical Women's Association, the American Society of Clinical Oncology, Cancer Care Inc., the National Alliance of Breast Cancer Organizations, the Susan G. Komen Foundation, the American College of Obstetricians and Gynecologists, Y-ME, and the Zeneca Pharmaceuticals Group, together with the National Cancer Institute and the Centers for Disease Control and Prevention, are designating Tuesday, October 19, 1993, as National Mammography Day. This day will be devoted to encouraging women to receive or sign up for a mammogram, and to otherwise increase awareness about the importance of early detection. I applaud

their initiative and hope that a successful National Breast Cancer Awareness Month will enhance their efforts on that important day.

Mr. President, despite the proven success of early detection and intervention, there remain many barriers to early care. Many women do not know how to self-examine, and some are afraid to do so. Some women do not seek a screening mammogram because they are afraid, either of the procedure itself, or of the diagnosis it might reveal. Still others do not seek a screening mammogram because of lack of access or cost, or because they simply don't know its vital importance.

National Breast Cancer Awareness Month will help educate women about early detection, address concerns about self-examination and mammography, and teach both women and their families how to live with and after breast cancer. But most importantly, it will help communicate the simple but crucial message that, while breast cancer can kill, it can also be conquered.

For the last 3 years, I have had the privilege of introducing similar joint resolutions which have become law. I hope that this year all of my colleagues will recognize and support the efforts of health advocates across the Nation to reduce breast cancer mortality by joining with us to designate October 1993 as National Breast Cancer Awareness Month. 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. 95

Whereas breast cancer will strike an estimated 182,000 women and 1,000 men in the United States in 1993;

Whereas the risk of developing breast cancer increases as a woman grows older;

Whereas breast cancer is the second leading cause of cancer death in women, and will kill an estimated 46,000 women and 300 men in 1993;

Whereas the 5-year survival rate for localized breast cancer has risen from 78 percent in the 1940's to over 90 percent today;

Whereas most breast cancers are detected by the woman herself;

Whereas educating both the public and health care providers about the importance of early detection will result in reducing breast cancer mortality;

Whereas appropriate use of screening mammography, in conjunction with clinical examination and breast self-examination, can result in the detection of many breast cancers early in their development and increase the survival rate to nearly 100 percent;

Whereas data from controlled trials clearly demonstrate that deaths from breast cancer are significantly reduced in women who have been screened by mammography;

Whereas many women are reluctant to have screening mammograms for a variety of reasons, such as the cost of testing, lack of information, or fear;

Whereas access to screening mammography is directly related to socioeconomic status;

Whereas increased awareness about the importance of screening mammography will result in the procedure being regularly requested by the patient and recommended by the health care provider; and

Whereas it is projected that more women will use this lifesaving test as it becomes increasingly available and affordable: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 1993 is designated as "National Breast Cancer Awareness Month" and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the month with appropriate programs and activities.

ADDITIONAL COSPONSORS

S. 21

At the request of Mrs. FEINSTEIN, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 21, a bill to designate certain lands in the California Desert as wilderness to establish Death Valley, Joshua Tree, and Mojave National Parks, and for other purposes.

S. 27

At the request of Mr. SARBANES, the name of the Senator from Missouri [Mr. DANFORTH] was added as a cosponsor of S. 27, a bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia.

S. 176

At the request of Mr. DASCHLE, his name 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. 412

At the request of Mr. EXON, the names of the Senator from Idaho [Mr. CRAIG], and the Senator from Oklahoma [Mr. BOREN] were added as cosponsors of S. 412, a bill to amend title 49, United States Code, regarding the collection of certain payments for shipments via motor common carriers of property and nonhousehold goods freight forwarders, and for other purposes.

S. 421

At the request of Mr. DASCHLE, the names of the Senator from Nevada [Mr. BRYAN], the Senator from Alabama [Mr. HEFLIN], and the Senator from Louisiana [Mr. JOHNSTON] were added as cosponsors of S. 421, a bill to amend title XVIII of the Social Security Act to provide coverage under such title for certain chiropractic services authorized to be performed under State law, and for other purposes.

S. 477

At the request of Mr. FEINGOLD, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 477, a bill to eliminate the price support program for wool and mohair, and for other purposes.

S. 575

At the request of Mr. KENNEDY, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 575, a bill to amend the Occupational Safety and Health Act of 1970 to improve the provisions of such Act with respect to the health and safety of employees, and for other purposes.

S. 618

At the request of Mr. RIEGLE, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 618, a bill to amend the Immigration and Nationality Act to permit the admission to the United States of nonimmigrant students and visitors who are the spouses and children of United States permanent resident aliens, and for other purposes.

S. 678

At the request of Mr. D'AMATO, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 678, a bill to amend the Internal Revenue Code of 1986 to make permanent the exclusion for amounts received under qualified group legal services plans.

S. 868

At the request of Mrs. MURRAY, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 868, a bill to amend the Internal Revenue Code of 1986 to increase the tax on handguns and assault weapons, to increase the license application fee for gun dealers, and to use the proceeds from those increases to pay for medical care for gunshot victims.

S. 916

At the request of Mr. CRAIG, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of S. 916, a bill to amend the Davis-Bacon Act and the Copeland Act to provide new job opportunities, effect significant cost savings by increasing efficiency and economy in Federal procurement, promote small and minority business participation in Federal contracting, increase competition for Federal construction contracts, reduce unnecessary paperwork and reporting requirements, clarify the definition of prevailing wage, and for other purposes.

S. 931

At the request of Mr. HATCH, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 931, a bill to amend the Harmonized Tariff Schedule of the United States to clarify the treatment of certain sports clothing.

S. 947

At the request of Mr. PRESSLER, the names of the Senator from Indiana [Mr. LUGAR], the Senator from New Hampshire [Mr. SMITH], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of S. 947, a bill to amend the Internal Revenue Code of 1986 to limit the tax rate for certain small businesses, and for other purposes.

SENATE JOINT RESOLUTION 73

At the request of Mr. CHAFEE, the names of the Senator from Wyoming [Mr. SIMPSON], the Senator from Alaska [Mr. MURKOWSKI], the Senator from New Mexico [Mr. DOMENICI], the Senator from Florida [Mr. MACK], the Senator from Virginia [Mr. WARNER], the Senator from Delaware [Mr. ROTH], the Senator from Vermont [Mr. JEFFORDS], and the Senator from Indiana [Mr. COATS] were added as cosponsors of Senate Joint Resolution 73, a joint resolution to designate July 5, 1993, through July 12, 1993, as "National Awareness Week for Life-Saving Techniques."

At the request of Mr. RIEGLE, the names of the Senator from Alabama [Mr. SHELBY], the Senator from North Dakota [Mr. CONRAD], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Ohio [Mr. GLENN], the Senator from Illinois [Mr. SIMON], and the Senator from Connecticut [Mr. DODD] were added as cosponsors of Senate Joint Resolution 73, supra.

SENATE JOINT RESOLUTION 83

At the request of Mr. DECONCINI, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of Senate Joint Resolution 83, a joint resolution designating the week beginning February 6, 1994, as "Lincoln Legacy Week."

SENATE RESOLUTION 35

At the request of Mr. LAUTENBERG, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of Senate Resolution 35, a resolution expressing the sense of the Senate concerning systematic rape in the conflict in the former Socialist Federal Republic of Yugoslavia.

SENATE RESOLUTION 79

At the request of Mr. LAUTENBERG, the name of the Senator from Colorado [Mr. BROWN] 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-Herzegovina, a nation's right to self-defense, and peace negotiations.

SENATE RESOLUTION 109—RELATING TO MINORITY MEMBERSHIP ON THE SELECT COMMITTEE ON ETHICS

Mr. DOLE submitted the following resolution; which was considered and agreed to:

S. RES. 109

Resolved, That the following shall constitute the minority party's membership on the following committee for the remainder of the 103d Congress, or until their successors are chosen:

Select Committee on Ethics: Mr. McConnell, Mr. Smith, and Mr. Craig.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for my colleagues and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The purpose of the hearing is to receive testimony on the Lower Mississippi Delta Initiative of 1993.

The hearing will take place on Thursday, May 27, 1993, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building, First and C Streets NE, Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510, Attention: Patricia Temple.

For further information, please contact Leslie Black Cordes or Lisa Vehmas of the committee's majority staff, or Gary Ellsworth of the committee's minority staff, at (202) 224-4971.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate Wednesday, May 19, 1993, at 10 a.m. to conduct a hearing on S. 924, the Homeownership and Equity Protection Act of 1993.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, May 19, 1993, at 10 a.m. on S. 419 on competitiveness of the aerospace industry.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. MITCHELL. 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 Wednesday, May 19, beginning at 10 a.m.

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

SUBCOMMITTEE ON FINANCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet on May 19, 1993, at 9:30 a.m. to hear testimony from nominees to positions in the Office of the U.S. Trade Representative, the Department of Health and Human Services, and the Department of the Treasury.

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

COMMITTEE ON THE JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, May 19, 1993, to hold a hearing on the nomination of Philip B. Heyman, to be Deputy Attorney General for the United States, Webster L. Hubbell, to be Associate Attorney General for the United States and Drew S. Days III, to be Solicitor General for the United States.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. MITCHELL. The Committee on Veteran's Affairs would like to request unanimous consent to hold a markup on Department of Veterans Affairs' nominations and other pending business, followed immediately by a hearing on the roles of the Department of Veterans Affairs in geriatrics and long-term care. The markup and the hearing will be held in room 418 of the Russell Senate Office Building at 9 a.m. on Wednesday, May 19, 1993.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, May 19, 1993 at 2:30 p.m. to hold a closed hearing on intelligence matters.

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

SUBCOMMITTEE ON INTERNATIONAL ECONOMIC POLICY, TRADE, OCEANS AND ENVIRONMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on International Economic Policy, Trade, Oceans and Environment of the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Wednesday, May 19, 1993, at 2 p.m. to hold a hearing on the fiscal year 1994 foreign assistance authorization: "The Role and Experience of PVO's and NGO's."

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

ADDITIONAL STATEMENTS

COMMENDING THE BLACK BEAR CONSERVATION COMMITTEE FOR RECEIVING THE CHEVRON CONSERVATION AWARD

• Mr. JOHNSTON. Mr. President, I rise today to praise an organization in Louisiana, the Black Bear Conservation Committee, or BBCC, that has done outstanding service in initiating and coordinating efforts to manage and restore the Louisiana black bear to suitable habitats in its historic range of Louisiana, Mississippi, and east Texas. The BBCC has been selected to receive the 1993 Chevron Conservation Award, and this is only the most recent of many such accolades, including the 1993 Group Achievement Award given by the Wildlife Society. I believe the BBCC provides a model for effective and realistic wildlife protection and restoration, and is precisely the kind of wildlife management initiative that Congress should be encouraging and supporting.

The Louisiana black bear is an imposing but shy animal that can grow to reach 6 feet from nose to tail and weigh over 400 pounds. The bottomland hardwood forests that are the bear's favored habitat once covered 24 million acres of the Lower Mississippi Valley, but have been reduced to only 5 million acres today. This habitat destruction, along with illegal hunting and other human disturbances, has reduced the number of Louisiana black bear to an estimated 350. In 1992, the bear was listed as threatened by the U.S. Fish and Wildlife Service.

Two years earlier, in 1990, the Black Bear Conservation Committee was formed to head off the conflicts that typically develop between developers and conservationists in the wake of such U.S. Fish and Wildlife listings. The bitter dispute over the fate of the spotted owl is the most recent example of such a controversy, and that case illustrates the strong emotional appeals that can divide communities which feel they must make an either/or decision between the environment and the local economy.

The timber and agricultural interests, conservation organizations, State and Federal agencies and academic experts who came together to form the BBCC were surprised at the common goals they shared, and they have been successful in building a foundation of working relationships upon which to develop their efforts at habitat restoration. By preempting the controversy and focusing on cooperation and compromise rather than confrontation, the Black Bear Conservation Committee has provided a blueprint for future wildlife and habitat restoration efforts. I commend them for their accomplishments, and congratulate them for their richly deserved recognition.•

(At the request of Mr. MITCHELL, the following statement was ordered to be printed in the RECORD at this point:)

HISTORY RECORDS ALABAMIAN'S VOTE

• Mr. HEFLIN. Mr. President, as with all Members of Congress, literally hundreds of requests pass through my office on a weekly basis. But recently, one was of particular interest. Charles Mauldin of Birmingham wrote that his mother, Mrs. Ardies Mauldin of Selma, was the first person registered to vote under the provisions of the 1965 Voting Rights Act. Charles was in the process of researching his family history and needed assistance with information regarding his mother's historical role in the civil rights movement.

As history records, Martin Luther King, Jr., traveled to Selma in 1965 to assist blacks seeking the right to vote. King led a march from Selma to Montgomery and demanded that blacks be given the right to vote without unjust restriction.

Largely as a result of the activities in Selma, Congress passed the Voting Rights Act of 1965. This banned the use of a poll tax as a requirement to vote and prevented changes in voting laws without approval of the Department of Justice. Also, this act provided Federal officials to supervise voter registration wherever the right to vote had been unjustly denied.

News articles report that Mrs. Mauldin, encouraged by her children, filled out the paperwork to register in a couple of minutes and was unaware that she was the first person to sign up to vote under the act until questioned by reporters.

In December of 1968, Supreme Court Justice Thurgood Marshall and other black Presidential appointees presented President Lyndon B. Johnson with a desk set fitted with a gold replica of Mrs. Mauldin's voter registration certificate. The honor was in recognition of President Johnson's work toward the passage of the Voting Rights Act. This item is now on display at the Lyndon Baines Johnson Library in Austin, TX.

Mrs. Mauldin, now 81 years old, had expressed an interest to her son Charles in getting information about these items. Charles contacted my office and we were able to have photos and a detailed description of the LBJ desk set forwarded to his mother. The voting certificate is now the property of the U.S. Civil Service Commission, but Mrs. Mauldin will receive a copy of the document.

Ardies Mauldin, mother of seven children and a former nurse, captured a place in history by registering to vote 28 years ago. I commend her for her individual courage and for the active role she took as a citizen.•

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 14, 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 11, 1993.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 18, 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 14, 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 11, 1993, there has been no action that affects the current level of budget authority, outlays, or revenues.

Sincerely,

ROBERT D. REISCHAUER,
Director.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONG., 1ST SESS. AS OF MAY 14, 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	4,151.1	−310.1
Off-budget:			
Social Security outlays:			
1993	260.0	260.0	.....

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONG., 1ST SESS. AS OF MAY 14, 1993—Continued

[In billions of dollars]

	Budget resolution (H. Con. Res. 287)	Current level[1]	Current level +/- resolution
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 CONG., 1ST SESS., SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1993 AS OF CLOSE OF BUSINESS MAY 14, 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
102–6	3,322	3,322
102–24	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.

Note:—Amounts in parentheses are negative. Detail may not add due to rounding.•

A WALK FOR A GREAT CAUSE

• Mr. D'AMATO. Mr. President, I rise today to honor a great American. Ron James exemplifies all things patriotic. He will walk for a great cause, to protect and defend the American flag. Ron intends to walk from New York City to the State capital in Albany, starting on Memorial Day, Sunday, May 30, 1993. He will do this as a symbolic gesture for the protection of the American flag. He will walk on the side of the road beginning in New York City up Route 9 carrying an American flag in support of the passage of a law in the New York State Assembly protecting our flag from desecration.

Ron James, a Marine veteran and resident of the Bronx, has the support of the American Legion. Many members of the New York State American Legion will accompany him on his walk. He will also be joined by many disabled veterans who will walk along with him over sections of the route.

Ron and his entourage will arrive in Albany at noon on June 14, 1993, Flag Day, in a tribute to those who have given their lives for this Nation. This tribute will include soldiers, law enforcement personnel, firefighters, and other heroes who have given their lives to keep America a free and safe place to live.

I congratulate Ron James and everyone who is involved in this truly historic event. The advancement of patriotism and respect for the flag of this great Nation are truly noble causes. I commend Ron James for his selfless dedication to the United States and its citizens.•

A HEALTH CARE REFORM PROPOSAL BY RANDOLPH M. FERLIC, M.D.

• Mr. DASCHLE. Mr. President, I would like to bring to your attention today a thoughtful proposal for health care reform authored by Dr. Randolph Ferlic, from Omaha, NE.

Dr. Ferlic is a well-known practicing thoracic and cardiovascular surgeon whose achievements reflect his love of medicine and his genuine concern for our health care system. While I cannot do justice to his many successes, I can tell you a few highlights.

Dr. Ferlic is president of the Surgical Services of the Great Plains, as well as professor of surgery at the University of Nebraska Medical Center, and a State commissioner for Nebraska postsecondary education. Dr. Ferlic is also an entrepreneur and businessman—he currently serves as a director and general partner of the Apache Corp., a major oil and gas company listed on the New York Stock Exchange, as well as the Key Petroleum Production Co. In the late 1960's, Dr. Ferlic served honorably in the U.S. Navy as a thoracic and general surgeon.

Aside from his numerous achievements in medicine and in business, Dr. Ferlic has taken the time to take a serious look at our health care system and consider some workable solutions. I believe all Senators interested in health care reform would benefit from the insights contained in Dr. Ferlic's proposal entitled, "A Responsible Health Care Plan," and I commend it to my colleagues' attention. Mr. President, I ask that his proposal be printed in the RECORD.

The proposal follows:

A RESPONSIBLE HEALTH CARE PLAN

(By Randolph M. Ferlic)

The single greatest advance for the provision of cost effective medical care would be a pop-up indicator for the near end of life—similar to the turkey indicators found at Thanksgiving. Almost all people desire humanitarian, efficacious, efficient, economical, and available care. There is a paradox growing in America about what is expressed as desirable and what is in reality needed. In essence, we desire a maternal, loving, empathic, intellectual, effective and generalist approach to our illnesses. However, we want the specialist and expert of our particular malady to reside next door. The best technology and facilities will be proximate to our time of need. Finally, no personal expenditures will be involved in our care. Everything will be available twenty-four hours of every day. All research would yield significant results that would rid the world of all debilitating problems, especially those that interfere with any person's preferential life style. The paradox is further amplified by the axiom that all advances known to mankind have been accomplished by focused activity—a specialization in the systems or mechanisms involved, and the application of solutions refined by these specialists. Judgments as to the efficacy of these machinations belong to the generalists. Now, that I have created the heat for this subject, I propose to shed light. No statement made should be interpreted personally or be construed as an insult or unappreciative utterance. However, polarization is sometimes necessary for an intellectual compass.

A major difficulty that conflicts with a suitable health plan is agreed upon definitions. What is basic coverage? Political motives often cloud the directions of definition and expenditures. Intense lobbies evolve and shape treatment and research directions without regard for demographics of our populations. How much should be spent upon "care?" Currently fourteen per cent of our gross domestic product goes for so-called "care." An equivalent of 40% of net corporation profits go to health "care."

There are those that believe magic instantaneous solutions exist in such systems that reside in Canada, Germany, Britain, Veteran's Administration, but any analysis would find similar costs with implicit rationing techniques that cannot compete with the technological edge available in our current U.S. system. For example, the Canadian System applied in a state such as California would reveal the inherent cost inefficiency and access, delivery, and quality problems immediately. We must develop an entirely new system built upon our strengths and destroy our weaknesses. The wastes within the current system would more than pay for basic "care" and guarantee access. Stop needless duplication of facilities and technologies, rid the system of advertising, employ horizontal management techniques, operate the system seven days a week, force construction competition, employ uniform fees, recognize transportation realities, utilizing drug and treatment protocols with elasticity for innovation and experimentations and ban political-economic credentialing are but a few of the areas that would generate massive savings immediately.

Current efforts to reduce specialization are incongruent with all known pursuits of truth and efficiency. Creativity emanates from random events within activity in a body of knowledge. Discovery comes from honed focus on the basic factors and mechanisms

involved in the event. Too much faith in the current state of knowledge has lead to an unconscious comfort with our present health care system.

Health care delivery needs a drastic structural reformation and restoration. The reformation must include a reality that balances economic, societal, and health needs. The restoration requires a return to professional behavior and charity. Finally, research must be enhanced with a concentration on creative solutions generated by molecular biology.

Reformation must begin with a revolution in primary care as we know it today. Primary care must be refined into a new specialty. The new primary care specialist will function as a chief operating officer. They will supervise the triage of patients and their problems to specialists. Their education will not only include general knowledge of medicine but will focus on the statistical and economic consequences of diagnosis and therapy. They will be the arbitrators between patients and the specialists in the application of medical, surgical and psychiatric therapies.

All initial evaluation of clinical problems will be performed by nurse practitioners and/or physician assistants who will refer patients to appropriate specialists. Supervision of groups of the nurse practitioners and/or physician assistants (P.A.s) will be by primary care physicians. Nurses, P.A.s and their supervising physicians would not be able to order diagnostic tests. They, along with pharmacists, would be able to order drugs that relieve mild distress, promote general well-being, vaccinations, and preventative health measures. Under this scenario there would be a marked reduction in the number of primary care physicians. Cost saving and efficiency would be achieved by utilization of lower priced personnel in initial medical encounters. The downstream saving would come from more uniform and intelligent application of diagnostic testing by specialists refined in the various genetic, developmental, traumatic, pathologic, psychiatric, infectious, and oncological challenges presented by patients. Monitoring of the therapeutic modalities employed by the specialists would be governed by primary care specialists who would measure outcomes and compare them to the resources utilized. They would provide us with practice patterns and help establish hierarchies of diagnostic paths and therapies. Fees would be uniform throughout the system and capped for individual encounters but not in a way that hinders productivity and intensity of effort. Malpractice and maloccurrence problems would be handled with a worker's compensation type insurance.

Capital expenditures would always have to inure to the benefit of patients and not to institution's bureaucracies. The current duplication of facilities and technologies is a national disgrace and robs our citizenry of current care at a lower cost and steals funds necessary for future research. Facilities must be open to all qualified specialists and not governed by the political-economic antitrust measures employed by some physicians and institutions.

The Oregon Plan must lead the debate and refinement of priorities with limited resources available for health care. General health measures must be separated from acute and chronic care measures to ensure a strict accounting of resources employed in each setting. This means that general health would include clean water, adequate shelter, good nutrition, safety practices, educational support, public health measures, and vaccinations. Acute and chronic care measures are those that occur after injury, pathologic, infectious, developmental, and/or genetic processes.

Finally, administrative control should remain a partnership between health care workers and local political systems functioning within general national guidelines to assure the merits that govern our democratic processes are preserved in the delivery of health care. The administration on health care is simply too important to be left solely in the hands of physicians, nurses, health care workers, hospitals and insurance companies.●

ORDER OF BUSINESS

The PRESIDING OFFICER. The majority leader is recognized.

NATIONAL OBSERVANCE OF THE 50TH ANNIVERSARY OF WORLD WAR II

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Joint Resolution 84, designating a week for the National Observance of the 50th Anniversary of World War II, and that the Senate then proceed to its immediate consideration; that the joint resolution be deemed read three times and passed, the preamble agreed to and the motion to reconsider laid upon the table; that any statements relating thereto appear in the RECORD at the appropriate place.

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

So the joint resolution (S.J. Res. 84) was deemed read three times and passed, as follows:

S.J. RES. 84

Whereas the brave men and women of the United States made tremendous sacrifices during World War II to save the world from tyranny and aggression;

Whereas the winds of freedom and democracy sweeping the globe today spring from the principles for which over four hundred thousand Americans gave their lives in World War II;

Whereas World War II and the events that led up to that war must be understood in order that we may better understand our own times, and more fully appreciate the reasons why eternal vigilance against any form of tyranny is so important;

Whereas the World War II era, as reflected in its family life, industry, and entertainment, was a unique period in American history, and epitomized our Nation's philosophy of hard work, courage, and tenacity in the face of adversity;

Whereas, between 1991 and 1995, over nine million United States veterans of World War II will be holding reunions and conferences and otherwise commemorating the fiftieth anniversary of various events relating to World War II; and

Whereas June 4, 1993, marks the anniversary of the beginning of the Battle of Midway, and June 6, 1993, marks the anniversary of D-Day: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of June 1, 1993, through June 7, 1993, is designated as a "Week for the National Observance of the Fiftieth Anniversary of World War II", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe the week with appropriate ceremonies and activities.

ORDERS FOR TOMORROW

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 10 a.m., Thursday, May 20; that following the prayer, the Journal of proceedings be approved to date, and the time for the two leaders reserved for their use later in the day; that there then be a period for morning business, not to extend beyond 11:15 a.m., with Senators permitted to speak therein for up to 5 minutes each, with the following Senators recognized with the time limits specified: Senators GRAMM of Texas, REID, and GORTON for up to 10 minutes; Senator KEMPTHORNE for up to 30 minutes, and Senator CAMPBELL for up to 5 minutes; and that, at 11:15 a.m., the Senate return to executive session to resume consideration of the nomination of Roberta Achtenberg.

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

RECESS UNTIL 10 A.M. TOMORROW

Mr. MITCHELL. Mr. 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 6:55 p.m., recessed until Thursday, May 20, 1993, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate May 19, 1993:

DEPARTMENT OF STATE

JOHN FRANCIS MAISTO, OF PENNSYLVANIA, 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 NICARAGUA.

DEPARTMENT OF DEFENSE

DEBORAH ROCHE LEE, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE STEPHEN M. DUNCAN, RESIGNED.

EMMETT PAIGE, JR., OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE DUANE PERRY ANDREWS, RESIGNED.

WALTER BECKER SLOCOMBE, OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY UNDER SECRETARY OF DEFENSE FOR POLICY, VICE I. LEWIS LIBBY, JR., RESIGNED.

CONFIRMATIONS

Executive Nominations Confirmed by the Senate May 19, 1993:

DEPARTMENT OF THE TREASURY

ALICIA HAYDOCK MUNNELL, OF MASSACHUSETTS, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

MICHAEL B. LEVY, OF TEXAS, TO BE A DEPUTY UNDER SECRETARY OF THE TREASURY.

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.

IN THE ARMY

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER

69-059 O—97 Vol. 139 (Pt. 7) 47

THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be general

GEN. CARL W. STINER [redacted] UNITED STATES ARMY.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be general

LT. GEN. WAYNE A. DOWNING, [redacted] UNITED STATES ARMY.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. JAMES T. SCOTT [redacted] UNITED STATES ARMY.

HOUSE OF REPRESENTATIVES—*Wednesday, May 19, 1993*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. MONTGOMERY].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 19, 1993.

I hereby designate the Honorable G.V. (SONNY) MONTGOMERY to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

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

We are heartened, O God, that among the difficulties of life there are also the great joys, that among the ashes of conflict there can be the new growth of understanding and cooperation. We know that in life there are the high moments of success and the times of disappointment and defeat. In all these seasons of our being, we are grateful, O loving God, that Your Word is ever with us to give us direction and forgiveness and hope. For these and all Your gifts, O God, we offer our gratitude and thanksgiving. Amen.

THE JOURNAL

The SPEAKER pro tempore. 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 pro tempore. Will the gentleman from Ohio [Mr. TRAFICANT] please lead the House in the Pledge of Allegiance.

Mr. TRAFICANT 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 a bill of the House of the following title:

H.R. 1378. An act 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.

NO TEETH IN GENDER EQUITY REPORT

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

Mrs. COLLINS of Illinois. Mr. Speaker, yesterday the NCAA task force on gender equity issued its preliminary report. It has been 21 years since the passage of title IX of the education amendments, which prohibited sex discrimination in education, including sports, and this is the first time that the NCAA has addressed the issue.

The report may have been a first step, but it was only a tentative one. It was clearly the path of least resistance.

The report endorsed gender equity, which of course, is the law of the land. However, the report contained no enforcement mechanisms to bring this about.

I find it strange that the NCAA would place a school on probation for driving an athlete to class, or providing a small loan, but would have no penalty for a school that violates title IX, a Federal law which mandates the equal treatment of men and women in sports.

The NCAA has hundreds of pages of specific rules governing matters such as recruiting, but when it comes to antigender discrimination, all the task force could agree upon is a fuzzy, broad, and unenforceable definition.

Too many college coaches and athletic directors still don't get it. Equal opportunities for women in sports is a right, and even more importantly, it is the law.

By avoiding the tough decisions, the NCAA has left the job to the courts and Congress. I have introduced a bill, H.R. 921—that's 21 years after title IX—to require schools to report data on their compliance with title IX. It now appears more than ever that Congress must act to ensure gender equity.

WHY THE PRESIDENT WAS HERE

(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, the Nation is restless, and the Democrat caucus is feeling the heat. That is why President Clinton was up here today. To try to convince his own party that we need to pass the largest tax increase in history.

But, Mr. Speaker, we do not need tax and spend again. We do not need an energy tax that will spur inflation, slow our economy, and kill jobs.

We do not need a Social Security tax that will hurt senior citizens.

We do not need these other taxes which will just go to more Federal spending.

What we really need is a vote to give responsible Republicans and Democrats the opportunity to strike these onerous and painful taxes.

Give us a vote to strike these taxes, Mr. Speaker. Let us work together to lift the President's planned tax burden off the shoulders of the American people.

AT&T JOBS TO MEXICO

(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, 10 years ago, AT&T built a high-technology electronics plant in New River Valley, WV. They paid $8 an hour.

In 1991, AT&T shut down the West Virginia plant and moved to Mexico.

Think about it. Even though the West Virginia workers were the top workers in the world in their field, AT&T said that alone could not match the economic advantage of relocating their plant to Mexico.

The economic advantage, Mr. Speaker? They pay $1 an hour in Mexico.

Think about it. The jobs go to Mexico. The people in West Virginia with their new so-called high-technology replacement jobs they are waiting for, move to Mexico and the taxpayers will pay welfare, food stamps, and unemployment benefits to workers in West Virginia who are now standing in a soupline.

Beam me up. The Constitution says Congress shall regulate commerce with foreign nations, not ship the damn jobs overseas.

HOCUS POCUS

(Mr. Thomas of Wyoming asked and was given permission to address the

House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of Wyoming. Mr. Speaker, President Clinton says his falling popularity is a result of a lack of focus at the White House. But that is not the half of it. His problem is not a lack of focus at the White House, but an abundance of focus by the American people. People are giving the President's program a long, hard look, and they do not like what they see.

They see that the President's proposal for billions in new investment is just old style Government spending. They see that candidate Clinton's promise to raise taxes on the rich has been transformed into a record-breaking $300 billion increase focused on every American who breathes.

And in the President's proposal to dedicate all these new taxes to a deficit reduction trust fund, they see a desperate White House resorting to a shell game.

The verdict of the people seems to be that they do not like the bad ideas on taxes, the largest tax increase in this Nation. That is not the result of a lack of focus. Actually, the President has 20–20 vision into the pockets of the American people.

What the opinion polls mean is that people want good ideas, substance rather than soft-shoe policy, rather than PR.

IN SUPPORT OF CLINTON ADMINISTRATION'S PROGRAM FOR REVITALIZATION OF AMERICA

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

Mr. FLAKE. Mr. Speaker, I stand on the floor today having looked over the last 25 years, as many of our American cities have deteriorated. In the midst of that deterioration, there does not seem to be much hope for any feeling that there would come the moment when we would be able to see them revived.

I am pleased this morning with the introduction of the Clinton administration's program for the revitalization of urban communities in America. These communities, if conglomerated, would represent for us a Third World community within our very borders.

I think that by getting the banking community and private industry involved in the process of making sure that loans are available, that credit can come into those communities, that investment is available, we make a statement not only to this Nation, but we make a statement to nations abroad that America can indeed be strong.

I believe by building our urban communities through the investment program that has been introduced by the Clinton administration we can indeed make a difference in the lives of other people. If we do not make the investments now, then we spend the money later on building more prisons, on building more social service programs. This is one way to work our way out of that.

Mr. Speaker, let us work together to make sure that this program works±.

□ 1210

PAYING THEIR FAIR SHARE

(Ms. PRYCE of Ohio asked and was given permission to address the House for 1 minute.)

Ms. PRYCE of Ohio. Mr. Speaker, candidate Bill Clinton pledged to working Americans that he would not raise their taxes. Candidate Clinton promised that he would only raise taxes upon the rich, whom he argued, must be forced to pay their fair share.

Well, the President's definition of rich is a little rich for me to swallow. President Clinton came to the Hill today to explain that retirees who make just $26,000 should appear on "Lifestyles of the Rich and Famous." They could costar with all Americans who drive cars or use electricity. A special guest appearance could be made by family farmers and workers in industry who will be thrown out of work by the President's Btu tax. Robin Leach will not know what to do.

Mr. Speaker, the President is not taxing the rich. President Clinton is asking middle-class, working Americans to assume a larger burden in order to pay their fair share. Well, middle-class Americans are already paying their fair share.

It is time to eliminate excessive Government spending and protect the interests of working Americans, not the interests of big government. We do not need a tax hike on working Americans. We need spending reductions and we need them now.

MEAN-SPIRITED ACCUSATIONS

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

Mr. BLACKWELL. Mr. Speaker, it amazes me how these people who ran this country for the last 12 years now take to this mike every day to belittle our President. The fact is that they created the problem where people are not working. They created the problem where little babies are not getting their shots. They created the problem where our people are not getting educated. They created the problem of Vietnam veterans sleeping in the streets. They created the problem where senior citizens are suffering.

Now, today, Mr. Speaker, they blame this on the President because he could not solve these problems in 100 days.

Well, we want to tell them that the people voted for change, they will get change, and we say to the President that they have a mean spirit, that it is not going to work, and I say to them, "If you're going to win, take your fight to the American people, and I guarantee you we will get change."

RECONCILIATION

(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, over the course of the next 2 weeks, the American public will hear a lot about something called reconciliation. It forces congressional committees to comply with the fiscal policy passed in a budget resolution.

Unfortunately, in this case, it is also the same painful process which all American taxpayers will go through next April, when they have to reconcile their income statements with their tax statements.

Because, Mr. Speaker, within the 1993 budget resolution, there lies a buffet of hidden taxes. There is a Btu or energy tax, a tax on Social Security benefits, and, of course, your standard income tax hike—or, in other words, there will be a grand total of $300 billion in new taxes over the next 5 years.

Mr. Speaker, the American people should not have to reconcile themselves to paying the largest tax bill in our Nation's history. And it is the Democratic leadership who will be forced to apologize for not having allowed separate votes on each and every one of these newfangled, poorly disguised, taxes.

A PRESIDENT WITH THE COURAGE TO MAKE THE TOUGH CHOICES

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

Mr. SKAGGS. Mr. Speaker, for 12 years we have had Presidents who have shunned tough choices. They have said: "Don't worry, everything's fine. Let's cut taxes for the rich and increase defense spending. No problem—this will reduce the deficit and spur the economy."

The result of doing it their way? A national debt that ballooned from $1 trillion in 1980 to over $4 trillion today, and millions of Americans standing in unemployment lines. Nice going.

Well, we have got a different President in the White House today, a President with the courage to make tough choices to get the deficit under control and our economy back on track, a President who has proposed a budget plan to repair the damage done by 12 years of trickledown economics, neglect, and indifference.

Because of this new President's work, the House will vote next week on the

largest deficit reduction plan in history. What is more, it is a plan based on real numbers that demands that the wealthy pay their fair share, and that makes tough choices about spending and entitlement cuts. For specifics, try cutting agricultural entitlements by $3 billion, cutting Federal salaries to save over $10 billion, cutting highway demonstration projects and special-purpose HUD grants, cutting $56 billion from Medicare and Medicaid, eliminating unnecessary commissions, and streamlining educational programs. And, if that is not enough of a measure of political courage, how about going after Social Security to the tune of $32 billion. In all, over $250 billion in spending cuts.

President Clinton did not create the problem. He is cleaning up a mess that was left for him—a $4 trillion mess that will not be straightened out without some very heavy lifting. I am glad we finally have a President who is willing to lift his share of the weight. It is our turn—and our responsibility—to do ours.

COALITION FOR REAL REFORM

(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, this morning I had breakfast with a gentleman named Ross Perot.

Along with a number of my freshmen Republican colleagues, we discussed the issues of the day and the need for real reform in this Chamber.

Like many of us on both sides of the aisle, he agrees that now is not the time for more tax-and-spend government that only raises taxes, raises prices, and puts people out of work.

Like many of us on both sides of the aisle, he endorsed a real line-item veto to allow a President to strip the pork out of spending bills.

And like many of us from States with strong open meeting laws, he wholeheartedly endorsed putting an end to closed-door committee meetings where votes are taken to raise taxes while the press and the public wait outside.

Mr. Speaker, I believe that on these issues, Mr. Perot is voicing the overwhelming opinion of the American people—more spending cuts, no more tax and spend, let the sun shine in.

I encourage friends on both sides of the aisle to continue giving voice to these concerns. America is counting on us.

TOUGH DECISIONS HAVE TO BE MADE

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

Mrs. KENNELLY. Mr. Speaker, I did not have breakfast with Ross Perot this morning. I kind of wish that I had had breakfast with Ross Perot this morning because it would have been easier than how I spent my morning.

Our President, who was elected President of the United States in November, Mr. Speaker, came to see the Democrat caucus this morning, and he came to talk about what we have in front of us, and what we have in front of us is reconciliation, a long word, a difficult subject, but what it means is we have to raise revenues, we have to have spending cuts, and we have to invest in the future of America. We talked about this, and everyone did not agree about everything. There are those in our caucus who are disappointed that we did not have a stimulus bill because it ended in the Senate, and there are those in our caucus who say maybe there are too many tax increases, and we should have more spending cuts, and we went back, and we went forth.

But the whole point, Mr. Speaker, is that our President, Mr. Clinton, has been elected President. He is willing to come over and talk about these hard decisions that have to be made.

But this country has to go forward, and it is so easy to criticize.

I have been on the Committee on Ways and Means for 10 years. Ronald Reagan, he hated taxes, but he signed 11 tax bills. Bill Clinton is saying, "Let's do investment, let's do spending cuts, let's do revenue increases, and let's rebuild America."

CALLING FOR UPDATE ON INVESTIGATION OF CONSPIRACY TO ASSASSINATE FORMER PRESIDENT BUSH

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

Mr. LAZIO. Mr. Speaker, I rise to express my concern regarding reports of an Iraqi-sponsored plot to assassinate former President Bush during his recent celebratory visit to Kuwait. The Kuwaiti Government has arrested 17 individuals—11 of them Iraqi—and charged them with conspiracy to assassinate our former President.

Little has been revealed by the Clinton administration regarding this alleged plot since the story broke in the media just over a week ago. In my view the Clinton administration should release the results of its investigation to Congress at the earliest possible time. We should not stand idly by in the face of a possible state-sponsored plot to kill a former U.S. President.

If the ongoing United States investigation proves that Iraq and, specifically, its leader Saddam Hussein, sanctioned an assassination of President Bush, I call on the Clinton administration to seek prompt and definitive retribution. A conspiracy to assassinate a former U.S. President is a grave issue, regardless of whether that plan reaches fruition.

MR. RODGERS' NEIGHBORHOOD—A LAND OF MAKE-BELIEVE

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

Mr. KLEIN. Mr. Speaker, throughout the consideration of the National Competitiveness Act, a number of my Republican colleagues have been falsely claiming that the private sector does not want this bill. They continue to cite the same individual, a Mr. T.J. Rodgers, CEO of Cypress Semiconductor, over and over again as an expert industrialist. Well, Mr. Speaker, let me tell you about what has been going on in Mr. Rodgers' neighborhood.

A few years ago, Mr. Rodgers thought he could build a microprocessor that would rival Intel. Mr. Rodgers, soon found out that the semiconductor industry is no land of make-believe. After his Ross Technology subsidiary lost $3 million before taxes in the first quarter of this year, the ever-resourceful Mr. Rodgers decided that the T.J. in his name stood for "Turning Japanese" and sold this subsidiary to rival Fujitsu for $23 million. Mr. Rodgers was quoted in Business Week as saying, "My patriotism does not exclude free-market transactions."

Well, Mr. Speaker, my commitment to capitalism does not include selling out. Anyone in this body who thinks Mr. Rodgers has anything constructive to offer on American competitiveness should go join him in the land of make-believe.

THE TAX BILL IS COMING

(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, the Clinton administration's big spenders are telling Americans they can't run and can't hide from their massive tax bill. Taxpayers are about to get hit with the single largest tax increase ever—families, seniors, workers will all pay more for just about everything. The big spenders label this sacrifice and tell us it is good for America. But read the fine print. This new tax-and-spend program is going to increase the Nation's debt by almost $1 trillion in the next 5 years.

Every man, woman, and child is already $17,000 in debt—today. How many children have piggy banks with $17,000 in them? And if any do would that money not be better spent on a college education than paying off more years of wasteful spending and abuse by Uncle Sam? As the big spending liberals in this House force almost $300 billion in new taxes down our throats,

it is time once again to remind ourselves that, "It's the spending, stupid." Americans won't run and won't hide—they will make themselves heard—and they are already saying: "Cut spending first."

DEFICIT REDUCTION TRUST FUND

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

Ms. SHEPHERD. Mr. Speaker, the American people are willing to share the burden of reducing the deficit to ensure a robust economic future for our children and our children's children. However, if this Congress decides to raise taxes to lower the deficit, we would be breaking faith with the people if we did not absolutely guarantee that all new revenue will go directly to deficit reduction. President Clinton supports the deficit reduction trust fund, I support it, and I urge this body to support it.

The deficit reduction trust fund which has been proposed is an airtight enforcement mechanism to guarantee that the deficit will shrink by $500 billion over the next 5 years. Some Members may argue that this will infringe on Congress' ability to make spending decisions in the future, but after 12 years of irresponsibility and skyrocketing deficits, Congress has lost that privilege. We need real deficit reduction, and we need to lock it in now.

Mr. Speaker, I urge my colleagues to join me in laying the groundwork for fiscal responsibility in Congress. The deficit reduction trust fund is an important first step.

THIS PATRIOT PAYS ENOUGH

(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, "This Patriot Pays Enough—No More Taxes." This slogan has been popping up on bumper stickers and buttons all over my district. This is not the sentiment of the Washington Beltway special interest groups that cozy up to President Clinton. This is the view of the average American taxpayer, the most special of special interest, the people that foot the bill. This sticker represents a grassroots movement started by my friends, Pat and John Cooksey, and I would dare to predict it will catch on like wildfire across the country.

The tax bill the Democrats have been drafting only contains more taxes and more spending, which will only lead to a bigger Government. This tax bill will impose the largest tax increase in history on the American people.

Well, Mr. Speaker, the patriots in my district have something to say: No more taxes. Leave our wallets alone.

CORRECTING 12 YEARS OF MISMANAGEMENT

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

Ms. DELAURO. Mr. Speaker, a number of my colleagues this morning have said they had breakfast with Ross Perot. I wonder if Ross Perot told them what the Wall Street Journal has said his plan is about. Let me quote from the Wall Street Journal. It says that he himself—that is, Ross Perot—has proposed tax increases even larger than what President Clinton has suggested so far, and that he would raise less from the wealthy and more from the lower and middle classes. That is what Ross Perot's program is about, so I wonder if he came clean with the House Republicans this morning.

Mr. Speaker, the current deficit was not created overnight. It took two Republican administrations 12 years to come up with the tax breaks and fiscal policies to create such a huge deficit. Yet there are some people who feel that President Clinton should be able to erase the results of those 12 years overnight.

He cannot do that. No one can do that. At the current rate, set by the last two administrations, the deficit would increase to $682 billion in the next decade. But President Clinton's plan sets the target at less than one-third of that amount. The President has given us a plan to reverse that trend.

We cannot afford to continue on the pathway of the past 12 years. The President's plan is fair and tough. It deserves our support.

Mr. Speaker, I ask my colleagues to give his plan a chance. We cannot afford not to do that.

THE GREAT WHALES VICTIMIZED BY JAPAN AND NORWAY

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

Mr. RAVENEL. Mr. Speaker, of all God's creatures, the greatest in size and gentleness that have ever lived are the great whales. For years now, the people of this world have labored to stop their wanton slaughter; all peoples, that is, except, principally, the Japanese, those notorious destroyers of our precious environment. Just last week, the International Whaling Commission reaffirmed their worldwide whaling ban.

However, yesterday, Norway announced that they will kill 296 whales in defiance of the ban. Who ever would have thought that Norway, whose concern for the environment has always been great, would join Japan in the killing of these harmless wonderful creatures. Norway's actions could lead to an unraveling of the International Whaling Commission, which would imperil all the whales of the world.

Shame on you Norway. Shame on you Norway.

INTRODUCTION OF A BILL TO PREVENT PRISONERS FROM RECEIVING SOCIAL SECURITY

(Mr. FRANKS of New Jersey asked and was given permission to address the House for 1 minute.)

Mr. FRANKS of New Jersey. Mr. Speaker, today I rise to introduce a bill that would close a loophole in the Social Security Act that allows certain prisoners to receive Social Security benefits.

My legislation would expand the current prohibition on sending Social Security benefits to convicted felons to include those who have been judged not guilty by reason of insanity and are currently being treated in a mental hospital.

In 1986, the inspector general of the Department of Health and Human Services estimated that approximately $1 million in Social Security benefits a year were being illegally distributed to prisoners. I believe this is a perversion of the Social Security system—these funds should go to the law-abiding beneficiaries of Social Security.

The inspiration for this bill was a recent case in New Jersey where a young man brutally attacked his parents and was judged not guilty by reason of insanity. This man was sent to the local mental hospital for incarceration. Unfortunately, he escaped earlier this year and used several thousand dollars that were issued to him by the Social Security Administration to pay for life outside of the State hospital. Luckily, this man was later apprehended. However, under current law this individual could still receive Social Security benefits.

Mr. Speaker, Social Security benefits should not go to prisoners. When the public hears of stories like the one above, a loss of confidence in the whole Social Security system results. I urge my colleagues to correct this loophole in the law and pass this legislation.

STOP THE PAY HIKE FOR $100,000 STAFF

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

Mr. TORKILDSEN. Mr. Speaker, 2 days ago, the House Finance Office—on your direction—began notifying Members that the maximum salary for House staff had been increased from $104,878 to $108,234.

That is right. At a time when President Clinton is asking the American people to pay more taxes, and Government civilian and military employees are being told they have a pay freeze, congressional staff who receive six-fig-

ure salaries will be eligible for a pay increase.

According to the Bureau of Labor Statistics, the average salary for someone working in the private sector is $24,000 per year. Yet by your action, you are saying that five times that amount is not enough for certain congressional employees.

Mr. Speaker, what is demanded of every other employee in Government should be fair for congressional employees as well, especially those making over $100,000 per year. Please rescind this increase immediately, and let the American people know you are not adding yet another double standard to the list.

□ 1230

CUT, MR. PRESIDENT, CUT

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

Mr. WALSH. Mr. Speaker, the President has been going around the country blaming former Republican Presidents for the national debt. He should realize that these deficits were rolled up by a Democrat-controlled Congress. The buck may stop at the White House, but it is spent in the Congress.

Mr. Speaker, we must move on. The lesson of the so-called budget deal of 1990 is that raising taxes does not reduce the deficit. In fact, the opposite is true. If you truly want to stop piling up debt, you have to stop piling up spending. Cut, Mr. President, cut.

TAXES AND TRUST

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

Mr. HUFFINGTON. Mr. Speaker, while campaigning for the White House last year, Governor Clinton solemnly pledged that he would reduce the tax burden faced by working-class Americans.

Now, President Clinton seeks to impose the largest tax increase in American history upon millions of working-class Americans. Despite his protests to the contrary, the President's taxes hit the middle class the hardest. Elderly citizens with an annual income of only $26,000 will face increased taxes. Working-class families will have to pay more to heat their homes, to drive their kids to school, and to cook their meals. Aside from costing the average middle-class family nearly $500 per year, the Btu tax is also expected to result in the loss of over 600,000 jobs because American firms will be at a competitive disadvantage, incurring higher energy costs than their foreign rivals.

Is this what President Clinton means by taxing the rich or asking the wealthy to pay their fair share? By violating his campaign promise for middle class tax relief and instead increasing taxes upon working class Americans, President Clinton will never reduce the Federal deficit, but more importantly, he is increasing his already large trust deficit with the American people.

WELFARE REFORM

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

Mr. CASTLE. Mr. Speaker, one of the most vigorous—and most bipartisan—rounds of applause during President Clinton's State of the Union Address came when he restated his campaign promise to "end welfare as we know it." During his campaign, President Clinton repeatedly said that welfare benefits should be time-limited, and that, after 2 years of job training and education, welfare recipients who can work should be required to do so. "We have to end welfare as a way of life," he told us, "and make it a path to independence and dignity."

The President's rhetoric taps into a feeling held by most of us that long-term welfare dependency is a serious and growing social problem. About half of all new recipients are off the rolls within 2 years. This is true—but only because of the high turnover among short-term recipients. At any one time, about 82 percent of all recipients are in the midst of spells that will last 5 years or more. And about 65 percent are caught up in spells of 8 years or more.

The best effort we have to date that addresses welfare reform is 1988's Family Support Act, which sought to move welfare recipients into jobs—first, by making the receipt of benefits contingent on participation in education and employment programs; second, by providing transitional health benefits and child care to those returning to work. Although mandatory education, job training and work programs are at the heart of the act, the obligations it places on receipents are actually quite modest. Strong consideration should be given to strengthening minimal requirements within the Family Support Act.

I look forward to making welfare reform a priority of mine during this Congress, and look forward to learning more about President Clinton's welfare reform package as it unfolds.

SPENDING CUTS INSTEAD OF TAX INCREASES

(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, this House next week will have a chance to substitute spending cuts for the energy tax increase. We will have a chance to substitute spending cuts for the tax increase on Social Security recipients. We will have a chance to substitute spending cuts for the tax increase on restaurants that is going to lead to layoffs for restaurants and hotel workers.

I would hope that Democrats who want to stop those tax increases will be willing on a bipartisan basis to work together with the House Republicans so that together, in a bipartisan fashion, we could shape a rule which would allow us to amend the tax bill to have spending cuts instead of tax increases, to protect the American people from the energy tax, to protect the American people from the increased tax on senior citizens, and to protect the American people from taxes on restaurants that are going to lead to increased unemployment.

I would hope that the Democrats who want to cut out those tax increases would work with us on a bipartisan effort to have a rule to make those amendments in order.

PAYROLL IRREGULARITIES AT THE WHITE HOUSE

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

Mr. WALKER. Mr. Speaker, recently the General Accounting Office was asked to investigate to determine whether or not there had been any problems in the areas of the ethics and conflict of interest as a result of alleged irregularities in the White House payroll. In particular, there was a question of whether or not payroll may have been backdated by as much as 3 months.

However, employees of the Defense Electronic Supply Center, which is a Pentagon agency assigned to process the White House payroll, were ordered by unidentified White House officials not to talk to representatives of the General Accounting Office. In other words, this whole situation is being covered up.

So far the White House has refused to comment on this reported effort to interfere with the probe of the GAO.

Mr. Speaker, I would hope that the President will order his people today to begin complying with the GAO and give us a chance to understand what has been happening at the White House with regard to payroll irregularities.

NATIONAL COMPETITIVENESS ACT OF 1993

The SPEAKER pro tempore (Mr. VALENTINE). Pursuant to House Resolution 164 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 820.

□ 1236

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 820) to amend the Stevenson-Wydler Technology Innovation Act of 1980 to enhance manufacturing technology development and transfer, to authorize appropriations for the Technology Administration of the Department of Commerce, including the National Institute of Standards and Technology, and for other purposes, with Mr. MONTGOMERY (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole House rose on Thursday, May 13, 1993, title III was open for amendment at any point.

Are there further amendments to title III?

If not, the Clerk will designate title IV.

The text of title IV is as follows:

TITLE IV—MISCELLANEOUS

SEC. 401. DEPARTMENT OF COMMERCE TECHNOLOGY ADVISORY BOARD.

(a) ESTABLISHMENT.—There is established a Department of Commerce Technology Advisory Board (in this section referred to as the "Advisory Board") to assist the Technology Administration in the performance of its functions.

(b) COMPOSITION.—The Advisory Board shall be composed of at least 17 members, appointed by the Under Secretary from among individuals who, because of their experience and accomplishments are exceptionally qualified to provide advice to the Under Secretary on the plans, programs, and policy of the Technology Administration. The Under Secretary shall make an effort to ensure the appointment of socially and economically disadvantaged individuals (within the meaning of section 8(a)(5) and (6) of the Small Business Act, and including women) to the Advisory Board. The Under Secretary shall designate 1 member to chair the Advisory Board. Membership of the Advisory Board shall include representatives of—

(1) United States small businesses;

(2) other United States manufacturers;

(3) research universities and independent research institutes;

(4) State and local government agencies involved in technology extension;

(5) national laboratories;

(6) industrial, worker, and professional organizations;

(7) financial organizations; and

(8) computing and communications equipment and services providers.

(c) DUTIES.—The duties of the Advisory Board shall include advising the Secretary, the Under Secretary, and the Director regarding—

(1) the development of policies and options for implementation that the Advisory Board considers essential to technology creation, development, and adoption, including policies that would benefit small businesses;

(2) the development and rapid application of critical and other advanced technologies, including advanced manufacturing technologies;

(3) the development of computer and communications support services for advanced manufacturing; and

(4) the planning, execution, and evaluation of programs under the authority of the Technology Administration.

(d) MEETINGS.—(1) The chairman shall call the first meeting of the Advisory Board not later than 90 days after the date of enactment of this Act.

(2) The Advisory Board shall meet at least once every 6 months, and at the call of the Under Secretary.

(e) TRAVEL EXPENSES.—Members of the Advisory Board, other than full-time employees of the United States, shall be allowed travel expenses in accordance with subchapter I of chapter 57 of title 5, United States Code, while engaged in the business of the Advisory Board.

(f) CONSULTATION.—In carrying out this section, the Under Secretary shall consult with other agencies, as appropriate.

(g) TERMINATION.—Section 14 of the Federal Advisory Committee Act shall not apply to the Advisory Board.

(h) SECRETARIAL DISCRETION.—Notwithstanding any other provision of this section, the Secretary shall have the discretion to decide whether to establish the Advisory Board or create a more cost-effective way to achieve the goal of closer cooperation with industry. If the Secretary exercises such discretion and establishes an alternative mechanism, the Under Secretary shall make an effort to ensure the participation of socially and economically disadvantaged individuals (within the meaning of section 8(a)(5) and (6) of the Small Business Act, and including women) in the alternative mechanism.

SEC. 402. INTERNATIONAL STANDARDIZATION.

(a) FINDINGS.—The Congress finds that—

(1) private sector consensus standards are essential to the timely development of competitive products;

(2) Federal Government contribution of resources and more active participation in the voluntary standards process in the United States can increase the quality of United States standards, increase their compatibility with the standards of other countries, and ease access of products manufactured by United States manufacturers to foreign markets; and

(3) the Federal Government, working in cooperation with private sector organizations including trade associations, engineering societies, and technical bodies, can effectively promote United States Government use of United States consensus standards and, where appropriate, the adoption and United States Government use of international standards.

(b) STANDARD PILOT PROGRAM.—Section 104(e) of the American Technology Preeminence Act of 1991 is amended—

(1) by inserting "(1)" before "Pursuant to the";

(2) by striking "matching funds" and inserting in lieu thereof "financial contributions deemed appropriate by the Secretary"; and

(3) by adding at the end the following new paragraph:

"(2) As necessary and appropriate, the Institute shall expand the program established under section 112 of the National Institute of Standards and Technology Authorization Act for Fiscal Year 1989 (15 U.S.C. 272 note) by extending the existing program to include other countries that request assistance with standards-related activities from official representatives of the United States Government. The Institute may enter into additional contracts with non-Federal organizations representing United States companies, as such term is defined in section 28(d)(9)(B) of the National Institute of Standards and Technology Act (15 U.S.C. 278n(d)(9)(B)) or with United States-based professional societies who participate in the development of standards. Such contracts shall require cost sharing between Federal and non-Federal sources for such purposes. In awarding such contracts, the Institute shall seek to promote and support the dissemination of United States technical standards to additional foreign countries and shall seek, as the Director deems appropriate, to promote the adoption of international standards supported by United States industry, and shall seek to assist private sector professional societies which participate in the development of standards in expediting the development of domestic standards which enable the introduction of technologies, products, or technology-based services which are being delayed due to the lack of available standards. The Institute and such contractors shall, in carrying out the preceding sentence, cooperate with governmental bodies, private organizations including standards setting organizations and industry, and multinational institutions that promote economic development. The organizations receiving such contracts may establish training programs to bring to the United States foreign standards experts for the purpose of receiving in-depth training in the United States standards system.".

(c) REPORT ON STANDARDS.—(1) Section 508(a) of the American Technology Preeminence Act of 1991 (15 U.S.C. 3701 note) is amended—

(A) by inserting "standards development and international" after "a thorough review of international";

(B) by redesignating paragraphs (1) through (5) as paragraphs (2) through (6), respectively; and

(C) by inserting before paragraph (2), as so redesignated by subparagraph (B) of this paragraph, the following new paragraph:

"(1) Current and potential future roles of the Federal Government in the development and promulgation of domestic and global product and process standards.".

(2) The Secretary, in consultation with the Institute and the Department of Commerce Technology Advisory Board established under section 401 of this Act and with, as appropriate, the active participation of the private sector, shall submit to the Congress a report describing the appropriate roles of the Department of Commerce in aid to United States companies in achieving conformity assessment and accreditation and otherwise qualifying their products in foreign markets, through the development and promulgation of domestic and global product and quality standards, and through the implementation of conformity assessment and accreditation procedures based upon such standards, including a discussion of the extent to which each of the policy options provided in the March 1992 Office of Technology Assessment report, entitled "Global Standards", contributes to meeting the goals of—

(A) increasing the international adoption of standards beneficial to United States industries; and

(B) improving the coordination of United States representation to international standards setting bodies.

(3) The report shall also describe emerging product and market areas which can be assisted by shortening the time required for the development of standards and make recommendations on contributions the Department of Commerce can make to improving the timeliness of standards development.

SEC. 403. MALCOLM BALDRIGE AWARD AMENDMENTS.

(a) Section 108(c)(3) of the Stevenson-Wydler Technology Innovation Act of 1980, as so redesignated by section 206(b)(3) of this Act, is amended to read as follows:

"(3) No award shall be made within any category or subcategory if there are no qualifying enterprises in that category or subcategory.".

(b)(1) Section 108(c)(1) of the Stevenson-Wydler Technology Innovation Act of 1980, as so redesignated by section 206(b)(3) of this Act, is amended by adding at the end the following new subparagraph:

"(D) Educational institutions.".

(2)(A) Within 1 year after the date of enactment of this Act, the Secretary shall submit to the Congress a report containing—

(i) criteria for qualification for a Malcolm Baldrige National Quality Award by various classes of educational institutions;

(ii) criteria for the evaluation of applications for such awards under section 108(d)(1) of the Stevenson-Wydler Technology Innovation Act of 1980, as so redesignated by section 206(b)(3) of this Act; and

(iii) a plan for funding awards described in clause (i).

(B) In preparing the report required under subparagraph (A), the Secretary shall consult with the National Science Foundation and other public and private entities with appropriate expertise, and shall provide for public notice and comment.

(C) The Secretary shall not accept applications for awards described in subparagraph (A)(i) until after the report required under subparagraph (A) is submitted to the Congress.

SEC. 404. COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS.

Section 202 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a), as redesignated by section 206(b)(5) of this Act, is amended—

(1) in subsection (d)(1), by inserting "(including both real and personal property)" after "or other resources" both places it appears; and

(2) in subsection (d)(2)(A), by inserting "including Federal test and evaluation facilities," after "by a Federal agency,".

SEC. 405. COMPETITIVENESS ASSESSMENTS AND EVALUATIONS.

Section 101(e) of the Stevenson-Wydler Technology Innovation Act of 1980, as so redesignated by section 206(b)(2) of this Act, is amended to read as follows:

"(e) COMPETITIVENESS ASSESSMENTS AND EVALUATIONS.—(1) The Secretary, through the Under Secretary, shall—

"(A) provide for the conduct of research and analyses to advance knowledge of the ways in which the economic competitiveness of United States companies can be enhanced through Federal programs established under the National Competitiveness Act of 1993 or the amendments made by that Act; and

"(B) as appropriate, provide for evaluations of Federal technology programs established or expanded under the National Competitiveness Act of 1993 or the amendments made by that Act in order to judge their effectiveness and make recommendations to improve their contribution to United States competitiveness.

"(2) All executive departments and agencies shall assist the Secretary in carrying out this section as appropriate.

"(3) Nothing in this section shall authorize the release of information to, or the use of information by, the Secretary or Under Secretary in a manner inconsistent with law or any procedure established pursuant thereto.

"(4) The head of any Federal agency may detail such personnel and may provide such services, with or without reimbursement, as the Secretary may request to assist in carrying out the activities required under this section.".

SEC. 406. STUDY OF SEMICONDUCTOR LITHOGRAPHY TECHNOLOGIES.

Within 9 months after the date of enactment of this Act, the Critical Technologies Institute (in this section referred to as the "Institute") established under section 822 of the National Defense Authorization Act for Fiscal Year 1991 shall, after consultation with the private sector and appropriate officials from other Federal agencies, submit to Congress a report on advanced lithography technologies for the production of semiconductor devices. The report shall include the Institute's evaluation of the likely technical and economic advantages and disadvantages of each such technology, an analysis of current private and Government research to develop each such technology, and any recommendations the Institute may have regarding future Federal support for research and development in advanced lithography.

SEC. 407. AMERICAN WORKFORCE QUALITY PARTNERSHIPS.

(a) AMENDMENT.—Title III of the Stevenson-Wydler Technology Innovation Act of 1980, as added by title II of this Act, is further amended by adding at the end the following new section:

"SEC. 305. AMERICAN WORKFORCE QUALITY PARTNERSHIPS.

"(a) PROGRAM AUTHORIZED.—The Secretary may make grants to establish and operate American workforce quality partnership programs in accordance with the provisions of this section. The Secretary shall award grants on a competitive basis to pay the Federal share for American workforce quality partnership programs to establish workforce training consortia between industry and institutions of higher education.

"(b) GRANT PERIOD.—Grants awarded under this section may be for a period of 5 years.

"(c) GENERAL AUTHORITY.—Each grant recipient shall use amounts provided under the grant to develop and operate an American workforce quality partnership program.

"(d) CONTENTS OF PROGRAM.—An American workforce quality partnership program shall establish partnerships among—

"(1) one or more United States manufacturers;

"(2) an organization or organizations representing the nonmanagerial employees of the manufacturers described in paragraph (1); and

"(3) a local community technical college or other appropriate institutions of higher education, a vocational training institution, a Regional Center for the Transfer of Manufacturing Technology, a Manufacturing Outreach Center, or any similar entity or consortium of such institutions,

to train the employees of the industrial partners through both workplace-based and classroom-based programs of training.

"(e) FEDERAL SHARE.—The Federal share of the cost of an American workforce quality partnership program may not exceed 50 percent of the total cost of the program. The non-Federal share of such costs may be provided in-cash or in-kind, fairly valued. The total contribution of the proposed partnership should reflect a substantial contribution on the part of the industrial partners and appropriate contributions of the education partners, local or State governments, and other appropriate entities.

"(f) APPLICATIONS.—

"(1) ELIGIBILITY.—Any consortium described in subsection (d) may apply for a grant under this section at such time and in such manner as the Secretary shall prescribe.

"(2) PLAN.—Each application submitted under this subsection shall contain a plan for the development and implementation of an American workforce quality partnership program under this section. Such plan shall—

"(A) show a demonstrated commitment, on the part of the industrial partners, to adopt total quality management strategies or other plausible strategies to renew its competitive edge;

"(B) demonstrate the need for Federal resources because of the long-term nature and risk of such an investment, the inability to finance such ventures because of the high cost of capitalization, intense competition from foreign industries, or such other appropriate reasons as may limit the industrial partners' ability to launch programs where worker training and development is a substantial component;

"(C) demonstrate long-term benefit for all partners and the local economy, through an enhanced competitive position of the industrial partners, substantial benefits for regional employment, and the ability of the education and labor participants to further their capabilities to educate and train other nonpartnership-affiliated individuals wishing to obtain or upgrade technical, technological, industrial management and leadership, or other industrial skills;

"(D) make full, appropriate, and innovative use of industrial and higher education resources and other local resources such as facilities, equipment, personnel exchanges, experts, or consultants;

"(E) provide for the establishment of an advisory board in accordance with subsection (h);

"(F) include an explanation of the industrial partners' plans to adopt new competitive strategies and how the training partnership aids that effort; and

"(G) include assurances that the eligible entity will maintain its aggregate expenditures from all sources for employee training, other than those provided under this section, at or above the average level of such expenditures in the 2 fiscal years preceding submission of an application for assistance under this section.

"(3) APPROVAL.—

"(A) IN GENERAL.—The Secretary shall approve applications based on their potential to create an effective American workforce quality partnership program in accordance with this section.

"(B) CRITERIA.—In reviewing grant applications, the Secretary shall give significant consideration to the following criteria:

"(i) Saliency of argument for requiring a Federal investment.

"(ii) Commitment of partnership to continue operation after the termination of Federal funding.

"(iii) The likelihood that the training will improve the long-term competitiveness of the industrial partners and contribute significantly to economic growth.

"(iv) The likelihood that the partnership will benefit the education mission of the education partners in ways outside of the scope of the partnership, such as developing the capability to train other nonpartnership-affiliated individuals in similar skills.

"(C) PRIORITY CONSIDERATION.—The Secretary shall give priority consideration to industries which are threatened by intense foreign competition important to the long-term national economic or military security of the United States and industries which are critical in enabling other United States industries to maintain a healthy competitive position. In addition, the Secretary shall give priority to applicants in areas of high poverty and unemployment.

"(g) USE OF FUNDS.—

"(1) APPROVED USES.—Federal funds may be used for—

"(A) the direct costs of workplace-based and classroom-based training in advanced technical, technological, and industrial management, skills, and training for the implementation of total quality management and technology management strategies, or other competitiveness strategies, contained in the applicant's plan submitted under subsection (f)(2)(F);

"(B) the purchase or lease of equipment or other materials for the purpose of instruction to aid in training;

"(C) the development of in-house curricula or coursework or other training-related programs, including the training of teachers and other eligible participants to utilize such curricula or coursework; and

"(D) reasonable administrative expenses and other indirect costs of operating the partnership which may not exceed 10 percent of the total cost of the program.

"(2) LIMITATIONS.—Federal funds may not be used for nontraining related costs of adopting

new competitive strategies including the replacement of manufacturing equipment, product redesign and manufacturing facility construction costs, or salary compensation of the partners' employees. Grants shall not be made under this section for programs that will impair any existing program, contract, or agreement without the written concurrence of the parties to such program, contract, or agreement.

"(h) ADVISORY BOARD.—

"(1) Each partnership shall establish an advisory board which shall include representation from each of the following categories:

"(A) Multiple organizational levels of the industrial partners, that shall include managerial employees.

"(B) The education partners.

"(C) Organizations representing nonmanagerial employees.

"(2) The advisory board shall—

"(A) advise the partnership on the general direction and policy of the partnership including training, instruction, and other related issues;

"(B) report to the Secretary after the second and fourth year of the program, on the progress and status of the partnership, including its strengths, weaknesses, and new directions, the number of individuals served, types of services provided, and an outline of how the program can be integrated into the existing training infrastructure in place in other Federal agencies and departments; and

"(C) assist in the revision of the plans (submitted with the application under subsection (f)(2)(F)) and include revised plans as necessary in the reports required under subparagraph (B).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1994.

SEC. 408. SEVERABILITY.

If any provision of this Act or the amendments made by this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of this Act and the amendments made by this Act, and the application thereof to other persons or circumstances, shall not be affected thereby.

SEC. 409. SUNSET.

(a) REPORT TO CONGRESS.—Before April 1, 1995, the Secretary shall submit to the Congress a report that evaluates the success of the programs established by this Act, and the amendments made by this Act, in achieving the purposes of this Act.

(b) LIMITATION ON APPROPRIATIONS.—Notwithstanding any other provision of this Act, no funds are authorized to be appropriated for any fiscal year after fiscal year 1995 for carrying out the programs for which funds are authorized by this Act, or the amendments made by this Act.

SEC. 410. USE OF DOMESTIC PRODUCTS.

(a) PROHIBITION AGAINST FRAUDULENT USE OF "MADE IN AMERICA" LABELS.—(1) A person shall not intentionally affix a label bearing the inscription of "Made in America", or any inscription with that meaning, to any product sold in or shipped to the United States, if that product is not a domestic product.

(2) A person who violates paragraph (1) shall not be eligible for any contract for a procurement carried out with amounts authorized under this Act, or under any amendment made by this Act, including any subcontract under such a contract pursuant to the debarment, suspension, and ineligibility procedures in subpart 9.4 of chapter 1 of title 48, Code of Federal Regulations, or any successor procedures thereto.

(b) COMPLIANCE WITH BUY AMERICAN ACT.—(1) Except as provided in paragraph (2), the head of each agency which conducts procurements shall ensure that such procurements are conducted in compliance with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a through 10c, popularly known as the "Buy American Act").

(2) This subsection shall apply only to procurements made for which—

(A) amounts are authorized by this Act, or by any amendment made by this Act, to be made available; and

(B) solicitations for bids are issued after the date of enactment of this Act.

(3) The Secretary, before January 1, 1995, shall report to the Congress on procurements covered under this subsection of products that are not domestic products.

(c) DEFINITIONS.—For the purposes of this section, the term "domestic product" means a product—

(1) that is manufactured or produced in the United States; and

(2) at least 50 percent of the cost of the articles, materials, or supplies of which are mined, produced, or manufactured in the United States.

SEC. 411. NATIONAL QUALITY PROGRAM.

(a) ESTABLISHMENT.—There is established, under the supervision of the Director, a National Quality Program (in this section referred to as the "Program"). The purpose of the Program shall be to enhance the Malcolm Baldrige National Quality Award, to disseminate information, and to promote and take part in educational and research activities regarding ways in which United States companies and organizations can improve their quality management practices and productivity.

(b) ACTIVITIES.—As part of the Program, the Director is authorized—

(1) to develop industry-led workshops, seminars, and other mechanisms to disseminate broadly to United States companies and organizations the best practices available in total quality management, including the practices and quality improvement strategies successfully employed by those firms that have won the Malcolm Baldrige National Quality Award, as well as best practices in lean production methods, market-driven product improvement, and customer-supplier relations;

(2) to work with industry leaders and others to develop both measures of quality and recommendations concerning what skills employees should have in order to participate effectively in company quality programs; and

(3) to explore, with private industry, other Federal agencies, and State and local government, innovative ways in which 2-year colleges and other educational institutions can teach quality assurance techniques and related background skills to industrial workers in both manufacturing and services.

The CHAIRMAN pro tempore. Are there any amendments to title IV?

Mr. WALKER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we are resuming debate on the question of the competitiveness bill and will presently be dealing with title IV, where it is my understanding that we have a couple of amendments. Those particular Members that had those amendments have not yet arrived on the floor. I would hope that they are going to be here in a couple of minutes.

Mr. Chairman, I do want to raise one point about an amendment that was adopted earlier that dealt with the manufacturing industry that was offered by the gentleman from Ohio. It is my understanding that while the majority has talked fairly consistently about the fact that the National Association of Manufacturers is in support of this piece of legislation, the National Association of Manufacturers has become very concerned about that amendment, and at one point even talked about withdrawing their support of this bill as a result of the adoption of the amendment, which turns out to be, in their analysis, very, very bad economic policy.

It turns out that it is going to literally undermine the ability of hundreds, and perhaps thousands, of businesses in this country to participate in the program that is involved here, and may dramatically undermine the whole realm of competitiveness of the bill.

This was, of course, an amendment that was accepted readily on the floor. It had very, very little discussion even. As a matter of fact, I think I am the only person that rose in opposition to it.

□ 1240

But it does turn out that as the manufacturing industry has focused on this particular amendment, that it is going to do a great deal of damage, not only to the bill but, if adopted, could do a great deal of damage economically to the country.

That is my concern about this legislation. We have included a number of items in the bill that have had detrimental impact on the economy as a whole.

We included some social policy items and some economic policy items that could very dramatically undermine our ability to compete in the future.

This whole bill was supposed to be about competitiveness. Yet we turned down amendments aimed at helping the middle class and small business to be more competitive. And we have adopted amendments that will undermine the ability of the manufacturing community to deal effectively with foreign competition.

So there are a number of concerns; several more concerns will be raised in amendments in the course of today. Hopefully, we can finish up this bill today. And as we are moving toward finishing the bill, one of the things we need to focus on is the economic impact of it.

A number of the amendments that will come up today will focus on that, how much are we willing to spend, how much money is going to be put into some of these programs that will be deficit money. And that is the real issue here, how much money are we willing to add to the deficit. How much money are we willing to add to the national debt in order to do some of these things that are regarded as good in the bill.

Since we are dealing with a piece of legislation aimed at competitiveness, those become very real issues, because our debt does drive down our ability to compete.

The CHAIRMAN pro tempore (Mr. MONTGOMERY). Are there other amendments to title IV?

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: Page 119, after line 10, insert the following new subsection:

(c) PURCHASE OF AMERICAN MADE EQUIPMENT AND PRODUCTS.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that any recipient of a grant under this Act, or under any amendment made by this Act, should purchase only American made equipment and products when expending grant monies.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In allocating grants under this Act, or under any amendment made by this Act, the Secretary shall provide to each recipient a notice describing the statement made in paragraph (1) by the Congress.

Page 119, line 11, strike "(c)" and insert in lieu thereof "(d)".

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, I am glad to see that we are talking about a competitiveness act that may lead to some jobs in manufacturing, although I still have my doubts. I do not think we have incentivized the workplace enough to keep jobs in America. But I appreciate the fact that this bill does attempt to address some of those issues.

I have had it included in the Buy American opportunity already. It deals with the extension of grants underneath this bill, and it says where any time there is a grant made under the act, when available, and cost effective, that American-made equipment and products should be the focus of the bill, and there should be a notice to all the people getting these grants that Congress wants to see American purchases, when possible—at least remind them.

I would just like to say that the new job dictionary, the dictionary of new job titles, a classification by the Department of Labor, came out. These are some of the new high-technology jobs that America now offers for its workers: bosom presser, sanitary napkin machine operator, brassiere cup molder cutter, panty hose crotch closer, nut roaster, jelly roller, hardness inspector, gizzard skin remover, corn cob pipe assemblers.

We are just really doing everything we can to create these new high-technology jobs.

The amendment is not fancy. It is consistent, though, and I appreciate the support that I have.

Mr. VALENTINE. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from North Carolina.

Mr. VALENTINE. Mr. Chairman, we believe that the gentleman's amendment improves the bill and are happy to accept it.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, we do not have any objection to the amendment that I know of. I have not seen a copy of the amendment, though, and would, if the gentleman would give me a moment to look at the amendment.

Mr. TRAFICANT. Mr. Chairman, there was a purpose to that.

Mr. WALKER. Mr. Chairman, if the gentleman will continue to yield, we have no objection.

Mr. TRAFICANT. Mr. Chairman, I appreciate the support of the minority as well as the majority on the issue.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title IV?

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER:

Page 120, after line 25, insert the following new section:

SEC. 412. FASTENER QUALITY ACT AMENDMENTS.

(a) REFERENCES.—Whenever in this section an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Fastener Quality Act (15 U.S.C. 5401 et seq.).

(b) TECHNICAL AMENDMENTS.—

(1) DEFINITIONS.—Section 3 (15 U.S.C. 5402) is amended—

(A) in paragraph (8), by striking "Standard" and inserting in lieu thereof "Standards"; and

(B) in paragraph (14), by striking "which defines or describes" and all that follows through "of any fastener".

(2) INSPECTION AND TESTING.—Section 5(b)(1) (15 U.S.C. 5404(b)(1)) is amended by striking "section 6; unless" and inserting in lieu thereof "section 6, unless".

(3) IMPORTERS AND PRIVATE LABEL DISTRIBUTORS.—Section 7(c)(2) (15 U.S.C. 5406(c)(2)) is amended by inserting "to the same" before "extent".

(c) CLARIFYING AMENDMENTS.—

(1) CHEMICAL TESTS.—(A) Section 5(a)(1)(B) (15 U.S.C. 5404(a)(1)(B)) is amended by striking "subsections (b) and (c)" and inserting in lieu thereof "subsections (b), (c), and (d)".

(B) Section 5(a)(2)(A)(i) (15 U.S.C. 5404(a)(2)(A)(i)) is amended by striking "subsections (b) and (c)" and inserting in lieu thereof "subsections (b), (c), and (d)".

(C) Section 5(c)(4) (15 U.S.C. 5404(c)(4)) is amended by inserting "except as provided in subsection (d)," before "state".

(D) Section 5 (15 U.S.C. 5404) is amended by inserting at the end the following new subsection:

"(d) ALTERNATIVE PROCEDURE FOR CHEMICAL CHARACTERISTICS.—Notwithstanding the requirements of subsections (b) and (c), a manufacturer shall be deemed to have demonstrated, for purposes of subsection (a)(1), that the chemical characteristics of a lot conform to the standards and specifications to which the manufacturer represents such lot has been manufactured if the following requirements are met:

"(1) The coil or heat number of metal from which such lot was fabricated has been inspected and tested with respect to its chemical characteristics by a laboratory accredited in accordance with the procedures and conditions specified by the Secretary under section 6.

"(2) Such laboratory has provided to the manufacturer, either directly or through the metal manufacturer, a written inspection and testing report, which shall be in a form prescribed by the Secretary by regulation, listing the chemical characteristics of such coil or heat number.

"(3) The report described in paragraph (2) indicates that the chemical characteristics of such coil or heat number conform to those required by the standards and specifications to which the manufacturer represents such lot has been manufactured.

"(4) The manufacturer demonstrates that such lot has been fabricated from the coil or heat number of metal to which the report described in paragraphs (2) and (3) relates.

In prescribing the form of report required by subsection (c), the Secretary shall provide for an alternative to the statement required by subsection (c)(4), insofar as such statement pertains to chemical characteristics, for cases in which a manufacturer elects to use the procedure permitted by this subsection.".

Amend the table of contents accordingly.

Mr. WALKER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALKER. Mr. Chairman, today, with this amendment, we have the opportunity to strike at the heart of overburdening Government relations and allowing industry to compete.

The Fastener Advisory Committee has just forwarded their study on the probable economic consequences of implementing final regulations without amending the Fastener Quality Act.

The advisory committee has reported that without their recommended changes, Congress could be placing an additional cost of almost $1 billion on the industrial fastener manufacturing industry.

The report states that:

If enacted without the recommendation changes, could have a devastating economic influence upon all facets of our industry, but especially to small businesses that manufacture, distribute specific fasteners that are covered by the Act.

Further, the report explains, "Congress believed the act would cover only 1 percent, or $60 million, of fasteners sold in commerce." Not the 55 percent of the market, as estimated by the fastener industry coalition, that would be affected.

I believe it is important to make clear that the intent of Congress was truly that 1 percent of those fasteners used in critical applications would be covered.

That 1 percent of the marketplace, should not be damaging to the small

business manufacturers trying to complete in the other 99 percent of the market.

My amendment, that is before us now, would allow for, first, allowance for chemistry certification from raw material vendors to be used.

The fastener manufacturer cannot change the chemistry of the raw material. Therefore, all testing of chemistry for finished fastener lots would be redundant, as long as lot traceability to the mill heat of the raw material has been maintained.

It is my understanding that NIST [the National Institute of Standards and Technology], has agreed to work out regulation language that will allow current inventories to be utilized as the NIST accreditation process takes place.

Failing to adopt this particular provision would have an estimated cost to the industry of between $100 million to $286 million.

Further, my amendment redefines the definition of the sale of fasteners with minor nonconformances.

Historically, the industry has allowed for the sale of minor nonconformances. This provision just allows fastener industry to maintain the industry standard.

This provision is intended to ensure that the Fastener Quality Act will not be interpreted to override the provisions of industry and Government standards. These standards provide procedures and safeguards for the sale or other accepted means of disposing of fasteners found to deviate from one or more of the physical specifications set out in such standards.

Failing to adopt this amendment, according to the Fastener Advisory Committee, will have an estimated cost to industry as high as $285 million.

I want to thank the gentleman from Michigan [Mr. DINGELL], chairman of the Committee on Energy and Commerce, for his willingness to find a compromise on the issues represented by this amendment.

The third recommendation of the Fastener Advisory Committee, and the one that has the largest negative impact on small business and distributers, deals with the issue of mixing like fasteners.

NIST has acknowledged the cost to be $375 million for all distributors to comply, with an estimated ongoing yearly cost to each distributor of $65,000.

Unfortunately, this was not something that we were able to get worked out in our negotiations, and we could not agree that this mixing of fasteners, or what is called commingling, should take place.

I personally have heard from the Fastener Industry Coalition, which represents over 2,500 U.S. fastener distributors and manufacturers and importers with over 60,000 employees in support of this particular commingling provision.

We have heard from the National Fastener Distributors Association. We have heard from the Industrial Fastener Institute. We have heard from the Specialty Tools and Fasteners Distribution Association, and so on and so forth.

□ 1250

I have a whole list of these people that I will put into the RECORD. However, the point is that while I regard that as something that needs to be looked at in the future, that is not a part of this amendment. It was not something that we could work out.

I think it is important to recognize that what Chairman DINGELL and I have been able to work out will be an important step forward that will save perhaps as much as one-half billion dollars a year to U.S. industry, and will enhance the competitiveness, therefore, of U.S. industry.

Therefore, if we want to help business, if we want to help provide jobs, if we want to help American competitiveness, we can do so by supporting this amendment. I feel strongly that the issue is one of improving law that has been passed in a way that the industry feels would be helpful.

Mr. Chairman, I ask unanimous consent to include for the RECORD at this point further clarifying, minor, nonconformance language submitted by the National Institute of Standards and Technology.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

DISPOSITION FASTENERS IN ACCORDANCE WITH ACCEPTED INDUSTRY AND GOVERNMENT STANDARDS

The Interpretive Problem Now Posed by the Act. Section 5 of the Fastener Quality Act, "Testing and Certification of Fasteners," forbids the sale of fasteners from lots which fail to conform "to the standards and specifications to which the manufacturer represents [they have] been manufactured." This language, coupled with the restrictive wording of the definition of "standards and specifications" in section 3(14) of the Act, could result in the Act's being interpreted to forbid any sale whatsoever of fasteners bearing head-markings associated with a standard which have any known non-conforming characteristics—even with complete disclosure to the buyer and in full compliance with the provisions for disposal of non-conforming items contained in the applicable standard. The National Institute of Standards and Technology believes that such an interpretation is probably required by the current wording of the applicable provisions. For this reason, I propose an amendment to make it clear that the Fastener Quality Act is not intended to nullify the carefully-drawn provisions of accepted industry and government standards governing the proper disposition of non-conforming items. The Fastener Quality Act was designed to stop the fraudulent sale into commerce of counterfeit or substandard fasteners—not the proper disposal of non-conforming fasteners according to the procedural provisions of recognized standards.

This problem was brought to light by a recent report of the Cost Effectiveness Task Group of the Fastener Advisory Committee entitled: "Economic Consequences of Implementing Final Regulations Without Amending the Act Consistent With The Recommended Statutory Changes." The Report, adopted by the full Committee at its March 3-4 meeting, recommended that the Fastener Quality Act be amended "to allow the sale of fasteners having minor nonconformances which will not affect the fit form and function of the fastener in its intended application."

The Advisory Committee Report noted that mechanical fasteners have always been manufactured and sold on the basis of "fit, form and function," with the technical specifications set out in the standard being the guide, but the user/installer being the ultimate judge of whether a particular nonconformance makes a fastener unfit for the intended use. For example, following is an extract from ASME Standard B18.182.2M through B18.18.4M which was quoted in the Advisory Committee Report:

2.9 Disposition of Nonconforming Materials or Parts Records of disposition shall be maintained in accordance with 2.4.

2.9.1 Manufacturer's Options. The manufacturer has the choice of the following options in the disposition of those materials or parts which have been found to contain discrepancies within his plant.

(a) They may be scrapped.

(b) They may be 100% sorted and all nonconforming parts removed.

(c) They may be reworked or reprocessed to correct the nonconforming characteristic(s).

(d) The customer may be informed of the rejectable items and his advice requested on their disposition. If the customer considers that the degree to which the characteristic(s) deviate from specified requirements will have no significant effect on the performance of the parts in their service application, the customer may authorize release of the parts or materials for completion of production or for shipment as applicable.

2.9.2. Customer's Options. The customer shall establish agreement with the manufacturer or one of the following options for the disposition of those materials or parts which have been rejected after receipt from the manufacturer.

(a) They may be scrapped.

(b) They may be 100% sorted and all nonconforming parts removed.

(c) They may be reworked or reprocessed to correct the nonconforming characteristic(s).

(d) If the customer considers that the degree to which the characteristic(s) deviate from specified requirements will have no significant effect on the performance of the parts in their service application, the customer may authorize release of the parts or materials for use and advise the manufacturer.

(e) They all may be returned.

The Advisory Committee report noted that numerous commercial and military documents provide for a cost effective disposition for nonconforming products when a minor nonconformance does not adversely affect the health and safety, performance, interchangeability, reliability, maintainability or effective use or operation of the product.

In my view, the sale of fasteners to fully informed customers under the above condi-

tions accords with the procedural portion of the applicable standard. the Fastener Quality Act was not intended to prohibit such proper, orderly, and fully-informed consensual dispositions as being sales of fasteners from lots "which fail to conform to the standards and specifications to which the manufacturer represents [they have] been manufactured."

The Amendment to Resolve This Problem. The amendment I offer today would resolve this problem by revising the Act's definition or "standards and specifications" to remove its restrictive references to specific physical fastener characteristics or limits which are described by standards. This will remove the implication that the concept of "standards and specifications" includes only the physical characteristics or limits required by fastener standards, and will thus ensure that the concept is interpreted as including the provisions of a standards document that establish procedures for the sale or other disposition of fasteners that deviate from one or more of such physical characteristics or limits.

I wish to make clear that this amendment will not permit the sale of any fastener in United States commerce that "fails to conform to the standards and specifications to which the manufacturer represents it has been manufactured." Rather, the amendment makes clear that the disposition of a technically non-conforming fastener, including by sale, may in certain circumstances be a procedure which conforms to the applicable standard. The sale of nonconforming fasteners will remain strictly prohibited by the Act.

Mr. VALENTINE. Mr. Chairman, this represents an agreement by the Committee on Energy and Commerce and the Committee on Science, Space, and Technology, and we are happy to adopt the gentleman's amendment. We have no problem with it. We support it.

Mr. DINGELL. Mr. Chairman, I am pleased to withdraw my initial objections to the amendment offered by my friend from Pennsylvania and to urge my colleagues to support the amendment. The technical and conforming changes made by this amendment are consistent with the original Fastener Quality Act.

Mr. WALKER was an original cosponsor of the Fastener Quality Act. He was a supporter of the legislation that was reported to the House by the Energy and Commerce Committee and the Science Committee. The amendment he is now offering conforms to the intent of the law we passed in 1990.

I have agreed to withdraw my opposition to the gentleman's amendment because he has taken out provisions that would undermine the law's requirements for commingling and traceability. The provisions of current law are clear. Manufacturers and distributors cannot sell fasteners unless they conspicuously mark the lot number on each container. The reason for this essential requirement was recommended after an extensive and thorough investigation by our Subcommittee on Oversight and Investigations that documented case after case of substandard and counterfeit fasteners. The reasons to require traceability are simple and compelling: to provide for accountability, to reward those who strive for quality and who play by the rules, and to protect the health and safety of the public and employees. In fact, Mr. WALKER noted the need for traceability when he spoke in favor of the bill during the 101st Congress.

Because the gentleman has deleted the offending portion, I will offer my support for the technical and conforming amendments offered by Mr. WALKER and urge my colleagues to do likewise. Let me repeat: I support the Walker amendment.

In closing, I remind my colleagues that the regulations to implement this law are now more than 2 years past due. It is high time that this law is implemented. And I caution those in industry, including those who want to eliminate traceability in the name of money, that any further delays in implementing this law will be duly noted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title IV of the bill?

The Clerk will designate title V.

The text of title V, as modified, is as follows:

TITLE V—AUTHORIZATIONS OF APPROPRIATIONS

SEC. 501. TECHNOLOGY ADMINISTRATION.

There are authorized to be appropriated to the Secretary, to carry out the activities of the Under Secretary and the Assistant Secretary of Commerce for Technology Policy, in addition to any other amounts authorized for such purposes, for the Office of the Under Secretary—

(1) $5,425,000 for fiscal year 1994; and

(2) $10,000,000 for fiscal year 1995, of which $2,000,000 are authorized for competitiveness assessments and evaluations under section 101(e) of the Stevenson-Wydler Technology Innovation Act of 1980, as so redesignated by section 206(b)(2) of this Act.

SEC. 502. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.

(a) INTRAMURAL SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES.—(1) There are authorized to be appropriated to the Secretary, to carry out the intramural scientific and technical research and services activities of the Institute, $240,988,000 for fiscal year 1994 and $300,000,000 for fiscal year 1995.

(2) Of the amounts authorized under paragraph (1)—

(A) $1,000,000 for fiscal year 1994 and $1,000,000 for fiscal year 1995 are authorized only for the evaluation of nonenergy-related inventions;

(B) $9,000,000 for fiscal year 1994 and $10,000,000 for fiscal year 1995 are authorized only for the technical competence fund; and

(C) $2,000,000 for fiscal year 1994 and $3,000,000 for fiscal year 1995 are authorized only for the standards pilot project established under section 104(e) of the American Technology Preeminence Act of 1991.

(b) TRANSFERS.—(1) Funds may be transferred among the line items listed in subsection (a), so long as—

(A) the net funds transferred to or from any line item do not exceed 10 percent of the amount authorized for that line item in such subsection;

(B) the aggregate amount authorized under subsection (a) is not changed; and

(C) the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives are notified in advance of any such transfer.

(2) The Secretary may propose transfers to or from any line item listed in subsection (a) exceeding 10 percent of the amount authorized for such line item, but such proposed transfer may not be made unless—

(A) a full and complete explanation of any such proposed transfer and the reason therefor are transmitted in writing to the Speaker of the House of Representatives, the President of the Senate, and the appropriate authorizing Committees of the House of Representatives and the Senate; and

(B) 30 days have passed following the transmission of such written explanation.

(c) EXTRAMURAL INDUSTRIAL TECHNOLOGY SERVICES.—In addition to the amounts authorized under subsection (a), there are authorized to be appropriated to the Secretary, to carry out the extramural industrial technology services activities of the Institute—

(1) for Regional Centers for the Transfer of Manufacturing Technology, for the National Technology Outreach Program established under section 303 of the Stevenson-Wydler Technology Innovation Act of 1980, and for the National Quality Program established under section 410 of this Act—

(A) for fiscal year 1994, $30,035,000; and

(B) for fiscal year 1995, $150,000,000, of which $50,000,000 are authorized for Regional Centers for the Transfer of Manufacturing Technology, and of which $97,000,000 are authorized for the National Technology Outreach Program;

(2) for the State Technology Extension Program, $3,000,000 for fiscal year 1994 and $3,000,000 for fiscal year 1995; and

(3) for the Advanced Technology Program—

(A) $197,489,000 for fiscal year 1994, of which $20,000,000 are authorized for the Advanced Manufacturing Technology Development Program established under section 304 of the Stevenson-Wydler Technology Innovation Act of 1980; and

(B) $450,000,000 for fiscal year 1995, of which $100,000,000 are authorized for carrying out section 322 of this Act, and of which $50,000,000 are authorized for the Advanced Manufacturing Technology Development Program established under section 304 of the Stevenson-Wydler Technology Innovation Act of 1980.

(d) FACILITIES CONSTRUCTION.—There are authorized to be appropriated to the Secretary, to carry out construction and modernization of Institute facilities, $61,686,000 for fiscal year 1994 and $106,000,000 for fiscal year 1995.

(e) LIMITATION.—Notwithstanding any other provision of this title, the total amount which may be appropriated to the Secretary pursuant to this title for fiscal year 1995 shall not exceed $950,000,000.

SEC. 503. ADDITIONAL ACTIVITIES OF THE TECHNOLOGY ADMINISTRATION.

In addition to the amounts authorized under sections 501 and 502, there are authorized to be appropriated to the Secretary—

(1) for the Civilian Technology Loan Program established under subtitle C of title III of this Act, $1,000,000 for fiscal year 1994 and $20,000,000 for the fiscal year 1995;

(2) for the Civilian Technologies Development Program established under subtitle D of title III of this Act, $1,000,000 for fiscal year 1994 and $50,000,000 for the fiscal year 1995;

(3) for carrying out the Benchmarking Program established under title IV of the Stevenson-Wydler Technology Innovation Act of 1980, $2,000,000 for fiscal year 1994 and $10,000,000 for fiscal year 1995; and

(4) for carrying out the American workforce quality partnership program established under section 305 of the Stevenson-Wydler Technology Innovation Act of 1980, $50,000,000 for fiscal year 1995.

Of the amounts made available under paragraph (1) for a fiscal year, not more than $2,000,000 or 10 percent, whichever is greater,

shall be available for administrative expenses. Of the amounts made available under paragraph (2) for a fiscal year, not more than $5,000,000 or 10 percent, whichever is greater, shall be available for administrative expenses. The Secretary shall ensure that audits are performed by independent auditors on the programs for which funds are appropriated pursuant to this section or section 502(c). The summary results of such audits shall be submitted to the Congress by the end of each of the fiscal years 1994 and 1995, and not more than $2,000,000, or 2 percent of the aggregate amount made available under such section and subsection, whichever is greater, shall be used in each such fiscal year for performing the audits.

SEC. 504. NATIONAL SCIENCE FOUNDATION.

In addition to such other sums as may be authorized by other Acts to be appropriated to the Director of the National Science Foundation, there are authorized to be appropriated to that Director—

(1) for carrying out section 212 of this Act, $20,000,000 for fiscal year 1995; and

(2) for carrying out section 213 of this Act, $30,000,000 for fiscal year 1995.

SEC. 505. AVAILABILITY OF APPROPRIATIONS.

Except as otherwise provided in this title, appropriations made under the authority provided in this title shall remain available for obligation until expended.

The CHAIRMAN. Are there amendments to title V of the bill?

AMENDMENT OFFERED BY MR. VALENTINE

Mr. VALENTINE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VALENTINE:

Page 121, line 21, strike "$240,988,000" and insert in lieu thereof "$242,988,000".

Page 123, line 11, through page 124, line 19, strike subsection (c).

Page 124, line 20, redesignate subsection (d) as subsection (c).

Page 124, line 24, through page 125, line 2, strike subsection (e).

Page 125, line 5, insert "(a) FISCAL YEAR 1994.—" before "In addition to".

Page 125, line 7, insert "for fiscal year 1994" after "the Secretary".

Page 125, after line 7, insert the following new paragraphs:

(1) for Regional Centers for the Transfer of Manufacturing Technology, for the National Technology Outreach Program established under section 303 of the Stevenson-Wydler Technology Innovation Act of 1980, and for the National Quality Program established under section 410 of this Act, $30,035,000;

(2) for the State Technology Extension Program, $3,000,000;

(3) for the Advanced Technology Program $193,489,000, of which $20,000,000 are authorized for the Advanced Manufacturing Technology Development Program established under section 304 of the Stevenson-Wydler Technology Innovation Act of 1980;

Page 125, lines 8, 12, and 16, redesignate paragraphs (1), (2), and (3) as paragraphs (4), (5), and (6), respectively.

Page 125, lines 10 and 11, strike "for fiscal year 1994 and $20,000 for the fiscal year 1995".

Page 125, lines 14 and 15 strike "for fiscal year 1994 and $50,000,000 for the fiscal year 1995;" and insert in lieu thereof "; and".

Page 125, lines 18 through 24, strike "for fiscal year 1994" and all that follows through "fiscal year 1995".

Page 125, after line 24, insert the following new subsection:

(b) FISCAL YEAR 1995.—In addition to the amounts authorized under subsection (a), there are authorized to be appropriated to the Secretary for fiscal year 1995, to carry out the other activities of the Technology Administration, including the extramural industrial technology services activities of the Institute and the Advanced Technology Program, $534,000,000, of which—

(1) not more than $150,000,000 shall be for the Regional Centers for the Transfer of Manufacturing Technology and the National Technology Outreach Program established under section 303 of the Stevenson-Wydler Technology Innovation Act of 1980;

(2) not more than $3,000,000 shall be for the National Quality Program established under section 410 of this Act;

(3) not more than $3,000,000 shall be for the State Technology Extension Program;

(4) not more than $50,000,000 shall be for the Advanced Manufacturing Technology Development Program established under section 304 of the Stevenson-Wydler Technology Innovation Act of 1980;

(5) not more than $20,000,000 shall be for the Civilian Technology Loan Program established under subtitle C of title III of this Act;

(6) not more than $50,000,000 shall be for the Civilian Technologies Development Program established under subtitle D of title III of this Act;

(7) not more than $10,000,000 shall be for carrying out the Benchmarking Program established under title IV of the Stevenson-Wydler Technology Innovation Act of 1980; and

(8) not more than $50,000,000 shall be for carrying out the American workforce quality partnership program established under section 305 of the Stevenson-Wydler Technology Innovation Act of 1980.

Page 126, lines 1, and 2, strike "Of the amounts made available under paragraph (1) for a fiscal year" and insert in lieu thereof "(c) ADMINISTRATIVE EXPENSES; AUDITS.—Of the amounts made available under subsection (a)(4)".

Page 126, lines 4 and 5, strike "paragraph (2) for a fiscal year" and insert in lieu thereof "subsection (b)(5)".

Page 126, lines 9 and 10, strike "or section 502(c)".

Mr. VALENTINE. Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. VALENTINE. Mr. Chairman, I rise to offer an amendment to make the authorization priorities of H.R. 820 clear and to remove the ambiguity as to the authorization limits which are being set by this bill.

H.R. 820 as reported from the Committee on Science, Space, and Technology contains authorizations for the Technology Administration of the Department of Commerce totaling approximately $1.2 billion and a cap of $950 million on authorizations for fiscal year 1995. We were attempting in committee to reconcile two conflicting goals. We wanted to exercise fiscal discipline by holding the total authorization for the Department of Commerce in this bill to the administration's planning total for fiscal year 1995. We also wanted to give the administration flexibility as it develops its fiscal year 1995 budget. In committee we realized that the cap on spending was an unsatisfactory solution to this problem, but it was the best solution available at the time.

My amendment, I believe, achieves what we could not achieve in committee.

First, under my amendment all numbers in the bill now add up. Funds for the Department of Commerce for fiscal year 1995 total the $950 million which the Clinton administration states is its planning number for these programs for fiscal year 1995. The amendment permits the administration's technology investment program to go forward, but it just as clearly states that these programs will not be given unlimited resources.

Second, the priorities under my amendment are clear. Specific portions of the $950 million are allocated to the Technology Administration, to the internal programs of NIST, to NIST construction activities, and to the external programs of NIST. This makes it clear that the committee expects growth in the external programs not to be at the expense of internal programs.

Finally, my amendment does not force the administration into making premature decisions as to which of the external programs it chooses to support within the $536 million authorized for these programs in fiscal year 1995. Such decisions would be premature since the fiscal year 1995 budget process is just beginning and since the bill requires study of several of the programs before a final decision is made on whether or not to support them.

Certain authorizations in the committee's reported version are changed into program ceilings for fiscal year 1995 which emphasizes the tradeoffs that must be made within overall budget limits if the administration does choose to request funding in fiscal year 1995 for some or all of the new initiatives contained in the bill.

Therefore, I urge my colleagues to support my amendment which I believe achieves the proper balance between investment and fiscal restraint that we will need as we take on the competitive challenges now facing our Nation.

Mr. WALKER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this amendment goes part of the way but not all of the way, and in a moment I will offer a substitute that, hopefully, will be accepted so we can correct the amendment and get it in the kind of shape that I think that everyone in the House should be able to support it.

The problem with the amendment that we have before us is that it still exceeds that which the administration has requested for the programs. This particular amendment proposes spending $1 billion in 1995. That is actually $88 million more than President Clinton has requested in his own planning

ceilings, and if we stick to those ceilings as a part of it, the amount of money would be more like $912 million. What I will offer in a couple of minutes is a substitute aimed at enacting what President Clinton wants to do.

It seems to me that if we want to support President Clinton's technology policy, then we ought not be playing at the edges with that technology policy. We ought to develop that on the floor which is the President's technology policy, and therefore, this amendment ought to be reflective of both the amounts of money that are anticipated to be spent for 1994 and the planning ceilings for 1995.

I think that this amendment is one that includes some things that President Clinton has not asked for, therefore raises the cost of the program, and in so doing, I think does go beyond that which President Clinton really wants to do.

□ 1300

Let us understand, President Clinton is, right now, out campaigning around the country, telling people that he is trying to save money, that he has adopted spending cuts. The fact is that one of the criticisms of him is that in addition to spending cuts he also proposed spending increases.

What happens in this particular amendment is that we not only take his spending increases and adopt them, we adopt about $88 million more than what the President wants to spend. Ultimately, it seems to me, this amendment ought to get back to the numbers that the President originally proposed, and that is what my substitute, which I will offer in a couple of minutes, will do.

AMENDMENT OFFERED BY MR. WALKER AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. VALENTINE

Mr. WALKER. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER as a substitute for the amendment offered by Mr. VALENTINE:

Page 121, line 8, insert ", including the Benchmarking Program established under title IV of the Stevenson-Wydler Technology Innovation Act of 1980" after "Under Secretary".

Page 121, line 10, strike "$10,000,000 for fiscal year 1995, of which $2,000,000 are authorized for" and insert in lieu thereof "$4,437,000 for fiscal year 1995, including".

Page 123, line 17, insert "for the State Technology Extension Program," after "Manufacturing Technology,".

Page 123, line 22, strike "$30,035,000" and insert in lieu thereof "$33,035,000".

Page 123, line 23, through page 124, line 2, strike "$150,000,000" and all that follows through "Outreach Program;" and insert in lieu thereof "$52,603,000; and".

Page 124, lines 3 through 5, strike paragraph (2).

Page 124, line 6, strike "(3)" and insert in lieu thereof "(2)".

Page 124, line 6, insert ", including the Advanced Manufacturing Technology Development Program established under section 304 of the Stevenson-Wydler Technology Innovation Act of 1980" after "Technology Program".

Page 124, lines 7 through 19, amend subparagraphs (A) and (B) to read as follows:

(A) $199,489,000 for fiscal year 1994; and

(B) $450,000,000 for fiscal year 1995.

Page 124, line 23, strike "$106,000,000" and insert in lieu thereof "$105,337,000".

Page 124, line 24, through page 126, line 7, strike "(e) LIMITATON.—" and all that follows through "administrative expenses." and insert in lieu thereof the following:

SEC. 503. LIMITATION.

No funds are authorized to be appropriated for fiscal year 1994 or 1995 for the Civilian Technology Loan Program established under subtitle C of title III of this Act, the Civilian Technologies Development Program established under subtitle D of title III of this Act, the American workforce quality partnership program established under section 305 of the Stevenson-Wydler Technology Innovation Act of 1980, or for activities carried out under sections 212, 213, or 322 of this Act.

Page 126, lines 16 through 24, strike section 504.

Page 127, line 1, redesignate section 505 as section 5094.

Amend the table of contents accordingly.

Mr. WALKER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment offered as a substitute for the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mr. VALENTINE. Mr. Chairman, reserving the right to object, I do not intend to object, but we would like to have a copy of the gentleman's amendment.

Mr. WALKER. If the gentleman will yield, I thought he had a copy. I am not attempting to hide anything here. I will explain the amendment if the unanimous-consent request is agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk continued the reading of the amendment offered as a substitute for the amendment.

The CHAIRMAN (during the reading). Does the gentleman from North Carolina [Mr. VALENTINE] continue to reserve his right to object to the reading of the amendment?

Mr. VALENTINE. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania.

There was no objection.

Mr. WALKER. Mr. Chairman, this is an amendment offered as a substitute, and let me explain in fairly brief detail what it is. This amendment saves $88 million by adopting President Clinton's own planning ceiling for 1995. By sticking to his ceiling we end up, it seems to me, assuring that we do not spend more money than what the President wants to spend in these areas.

The amendment does not authorize funding for six grant and loan programs in the bill that President Clinton has not requested, and Secretary of Commerce Ron Brown says that he does not want. So what we are doing in this amendment is we are taking the absolute administration position. We are saying we have programs here that the Secretary of Commerce says he does not want. We have six grant and loan programs in the bill that President Clinton has not requested. Let us cut those out, bring down the cost by $88 million within the amendment, and we end up with, instead of $1 billion of cost, we end up with $912.4 million in cost.

This is something which is really the Clinton budget amendment. All I have done here is taken precisely that which is reflected in the Clinton budget, and I am offering that on the floor. The President has been concerned, and some of the leadership in Congress has been concerned that we have a lot of gridlock going on in the Congress. Here is a case where a Republican is attempting to give the President precisely what the President has asked for. This should not be a cause for gridlock. This is an attempt to give the President exactly those numbers that he has requested in his budget document. I would ask support of Members to make H.R. 820 a more responsible bill by putting the President's own spending numbers into the legislation.

Mr. VALENTINE. Mr. Chairman, I rise in opposition to the amendment.

The funding authorized in H.R. 820 reflects the President's budget request for fiscal year 1994 and conforms to the fiscal year 1995 spending ceiling in the concurrent budget resolution that the House has already passed.

The amendment would prevent the Clinton administration from seeking and the Congress appropriating funds to carry out the President's technology investment initiative. The administration opposes the amendment.

The final budget and spending priorities for fiscal year 1995 will, of course, be set by the Congress next year in the budget and the appropriations process of fiscal year 1995. I fully recognize that funding for these programs will have to compete with other urgent priorities at that time.

Reducing further the authorization for these programs now would prejudice those priorities and preclude the Congress from even considering them. And I urge my colleagues to give President Clinton and the Congress options for making our businesses more competitive.

Mr. WALKER. Mr. Chairman, will the gentleman yield for just a moment to clarify a statement that he made?

Mr. VALENTINE. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding. He indicates that the amendment that is before us, that he offered on behalf of the

gentleman from Minnesota [Mr. MINGE], conforms with the budget documents as passed by the House for 1995. In 1995, function 370 under which these programs fall actually goes down. There is less money in account 370 in 1995 than there is this year.

I am wondering if the gentleman can tell me how this increase in spending conforms with the reduction in spending in budget account 370?

Mr. VALENTINE. If the gentleman from Pennsylvania will look at appendix page 66, the total Federal funds for the National Institute of Standards and Technology, the gentleman will find the answer to the question, which confirms the statement that I made.

Mr. WALKER. If the gentleman will yield further, the problem is I have looked at the document, and what I see is that despite whatever money might flow for NIST, the fact is that the amount of money in the overall account is being reduced in fiscal year 1995. We are adding money here.

The question is where this add-on spending indeed conforms with the budget resolution?

Mr. VALENTINE. I would suggest to the gentleman that the Appropriations Committee will have something to say about that, and I refer the gentleman again to appendix page 66. And I reiterate what I said in my statement.

Mr. WALKER. Will the gentleman yield further?

Mr. VALENTINE. I do not yield further.

Mr. MINGE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the bill we are looking at and the dollar figures that are in there are ones that have been reviewed by the White House, and I am pleased to report that a letter dated May 19, 1993, from President Clinton has been delivered to the Speaker of the House in which President Clinton fully supports H.R. 820 and the funding levels in that bill. I think that is probably the most recent and best evidence that we have in this Chamber, and I include that letter for the RECORD, as follows:

THE WHITE HOUSE,
Washington, DC, May 19, 1993.

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

DEAR MR. SPEAKER: The goal of H.R. 820, the National Competitiveness Act of 1993, is to ensure that the United States is the foremost advanced manufacturing nation in the world. This is a goal and a commitment I share. H.R. 820's vision of a new public-private partnership to build our nation's technology base, create jobs, and improve America's competitiveness is also my vision. I am proud to be your partner in making this vision a reality.

At the heart of my economic plan is the fundamental premise that the private sector is the engine of economic growth and that through innovative partnerships with private industry the federal government can jumpstart that powerful engine and get it running smoothly again. Increased cooperation between industry and government, particularly in the area of civilian technology development, is essential to that effort.

To compete effectively in a global economy our nation must invest in our technology base and in programs that forge strong links between the private sector and the government to strengthen that technology base. H.R. 820 will create those links, help us to build our technology base, and create jobs and opportunities for all Americans. It will thus implement key elements of my economic plan and my campaign to invest in America's future.

H.R. 820 is a wise investment in our nation's future. I urge the House to pass this legislation without further amendments.

Sincerely,

BILL CLINTON.

My larger concern is that we are dealing with a question about investment which transcends some of the investments which are perhaps more debatable, and from some of our perspectives more transparent. The investment that we are talking about in this bill is one that is designed to make American industry competitive in a world economy. We are talking about a computer information age in which Japan and Western European countries are anxious to develop their supercomputer manufacturing capabilities. They are anxious to get into telecommunications in a way that dwarfs their presence in that field today, and it is incumbent upon American industry to retain its leadership in these areas.

It is very easy for us to say this is just additional spending, and I have agonized over this bill quite a bit from that perspective. But I have concluded that at this point in our Nation's economic development that a modest investment in technology, research, development and application in this area is vital to America. We cannot afford to see the tens of thousands of jobs lost in our economy that have been lost in manufacturing of televisions and high-fidelity equipment and other consumer electronic goods.

□ 1310

This has happened over a period of over 20 years, and it is a trend with which all of us are familiar. It is virtually impossible for the normal or the average consumer to find American products or products manufactured in the United States on the shelves of supermarkets and video discount stores. We cannot afford to let the communications and the computer industry slip away from us in the same fashion.

We all know, I am sure, that in the rest of the world, the industrialized world, nations do have a development strategy. We, too, have had a development strategy in this country, and we have chosen, perhaps sometimes by indirection, to emphasize the manufacture and the development and the research with respect to certain segments of our economy, and we have done magnificently in the production of defense equipment. It is time for us to recognize that we need to redirect, refocus our Nation's efforts into the nondefense sector.

I am happy to say that this bill is an attempt to do that. It is not a bill which simply lays money out. It requires matching funds from industry, and I think that hasty or last-minute attempts to make dramatic reductions here and there in the bill with the cry that someplace in an 800-page document there is an ambiguity, that the other side of the aisle would like to exploit for this purpose, is ill-advised.

Since we have a letter from the White House today, I think it is clear that this body should go on record as supporting the funding levels as currently exist in the bill.

We have the appropriations process which is yet to come. There will be ample opportunity at that time to make yet further reductions if this body feels that it is in order as a part of reconciling the deficit that we face with the economy that this country has.

But at this time I urge the body to go forward with the legislation, to reject the amendment unless the gentleman from Pennsylvania or someone else in support of that amendment can produce something from the White House that is equally as current and persuasive as the letter that we have been furnished.

Mr. GRAMS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I am very disappointed that we cannot get a dialog going on some of these issues that the majority side will not continue to yield to work out some of these problems, because it is very clear to me that there are some real problems with the funny-money numbers that are being thrown around here.

I do not have the President's budget in front of me from which the gentleman from North Carolina quoted. What I have is a copy of the budget bill that was passed by the House that the gentleman from North Carolina claims that his amendment conforms to. I have got right here a copy of a conference report, and the conference report shows that in fiscal year 1994 we are supposed to spend $16.9 billion; in 1995, it is also $16.9 billion. That figure is $100 million lower than the spending for this year, and yet under the amendment offered by the gentleman from North Carolina, we would have spending in this particular program go up by about $400 million. It is about $370 million of increase in this one account despite the fact that the overall spending is being held down or actually dropped.

Now, that is a little confusing, and then the gentleman from Minnesota

comes along and says, "Oh, well, do not worry about it. We have got a letter from the President."

Is this the same President who has been campaigning around the country telling us how he is cutting spending? The gentleman from Minnesota said he has wrestled with this bill, and he has come to the conclusion that this is an investment we have to make. Well, that is fine. All of these investments just add up to more spending, and all this gentleman was attempting to do with his amendment was say, "Let us at least stick to the numbers that the President himself has sent to us." That is all my amendment does.

My amendment says precisely those things that came up in the President's budget we ought to stick to whether or not they conform with the House budget.

I mean, I think it is pretty clear we do not conform with the House budget, so the question is whether or not we are going to stick with the President's numbers. My amendment says let us stick precisely with the President's numbers; let us not fudge around at the edges and put on a whole bunch of additional spending programs that even the President has not requested and that Secretary Brown says he does not want.

There is something awfully odd about the majority who suggest that we want to do what the President wants to do, but then because the President has not requested exactly what we want him to request, we are going to add in some additional spending to give the President more options in the future despite the fact that the Secretary of Commerce says he really does not want it, but do not worry about that, because we now have newer letters from the Secretary of Commerce and now have a letter from the President saying the President wants this program, and he does not want it modified and so on and so forth.

I mean, it is a little hard to know who to believe and when to believe them in the process. But all we are attempting to do, in my amendment, is take the number that the President said that he wants for 1995 and write that into the bill.

When the majority party opposes this amendment, they are opposing the President's own budget number. They are saying, "We ought to spend more than the President wants to spend."

The President is already increasing spending by many times where we are, and the gentleman from Texas will soon offer a freeze amendment to allow us to stay within the spending limits that are presently in law, and we may want to take a look at that.

But this amendment of mine is very modest. It says, "Give the President his due, but let us not go any further." And it seems to me that at the very least we ought to take the big-spending budget of the President and at least not add to that, at least stay within the limits that the President has defined.

Mr. Chairman, I thank the gentleman very much for yielding so we could clarify this, because the gentleman from North Carolina would have us believe that this conforms with the budget bill. I have the budget bill in front of me, and there is no conformance at all.

Mr. GRAMS. Mr. Chairman, I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER] as a substitute for the amendment offered by the gentleman from North Carolina [Mr. VALENTINE].

The question was taken; and on a division (demanded by Mr. WALKER), there were ayes 8, noes 5.

Mr. VALENTINE. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. Pursuant to the provisions of clause 2 of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 164]

ANSWERED "PRESENT"—394

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (OH)
Bunning
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Castle
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Fowler
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Hastert
Hastings
Hayes
Hefley
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lancaster
Lantos
Laughlin
Lazio
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Mann
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCurdy
McDade
McDermott
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rostenkowski
Roth
Roukema
Roybal-Allard
Royce
Rush
Sanders
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velázquez
Vento
Visclosky
Vucanovich
Walker
Walsh
Waters
Watt
Weldon
Wheat
Williams
Wilson
Wise
Wolf
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

□ 1348

The CHAIRMAN. Three hundred ninety-four Members have answered to

their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from North Carolina [Mr. VALENTINE] for a recorded vote.

A recorded vote was ordered.

The Chair reminds Members that this is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 187, noes 222, not voting 28, as follows:

[Roll No. 165]

AYES—187

Allard
Andrews (TX)
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Callahan
Calvert
Camp
Canady
Castle
Clement
Clinger
Coble
Collins (GA)
Combest
Condit
Cox
Crane
Crapo
Cunningham
DeLay
Derrick
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hefley
Herger
Hoagland
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
Kyl
Laughlin
Lazio
Lehman
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Mann
Manzullo
McCandless
McCollum
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Murphy
Myers
Nussle
Oxley
Parker
Paxon
Penny
Petri
Pombo
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Sensenbrenner
Shays
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—222

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Applegate
Bacchus (FL)
Baesler
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Bentley
Berman
Bevill
Bishop
Blackwell
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Byrne
Cantwell
Cardin
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hilliard
Hinchey
Hochbrueckner
Holden
Hoyer
Hughes
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Moran
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Skaggs
Skelton
Slaughter
Smith (IA)
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velázquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—28

Bilbray
Brewster
Brooks
Bryant
Burton
Buyer
Carr
Chapman
Conyers
Faleomavaega (AS)
Ford (TN)
Hefner
Henry
LaRocco
Leach
Manton
McCrery
Packard
Pastor
Porter
Romero-Barceló (PR)
Rowland
Sangmeister
Shaw
Slattery
Underwood (GU)
Washington
Whitten

□ 1352

The Clerk announced the following pair:

On this vote:

Mr. Porter for, with Mr. Sangmeister against.

Mr. PARKER and Mr. LEHMAN changed their vote from "no" to "aye."

Mr. BARCIA changed his vote from "aye" to "no."

So the amendment offered as a substitute for the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. PASTOR. Mr. Chairman, during rollcall vote No. 165 on H.R. 820 I was unavoidably detained. Had I been present I would have voted "no".

AMENDMENT OFFERED BY MR. ARMEY AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. VALENTINE

Mr. ARMEY. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. ARMEY as a substitute for the amendment offered by Mr. VALENTINE:

Page 121, lines 8 through 14, strike "Under Secretary" and all that follows through "of this Act" and insert in lieu thereof "Under Secretary, $4,450,000 for each of the fiscal years 1994 and 1995".

Page 121, line 21, strike "$240,988,000" and insert in lieu thereof "$192,940,000".

Page 121, line 22, strike "$300,000,000" and insert in lieu thereof "$192,940,000".

Page 123, line 21, through page 124, line 2, strike "of this Act" and all that follows through "Outreach Program" and insert in lieu thereof "of this Act, $16,907,000 for each of the fiscal years 1994 and 1995".

Page 124, line 4, strike "$3,000,000" both places it appears and insert in lieu thereof "$1,280,000".

Page 124, lines 6 through 19, strike "Technology Program" and all that follows through "Act of 1980" and insert in lieu thereof "Technology Program, $67,880,000 for each of the fiscal years 1994 and 1995".

Page 124, line 23, strike "$106,000,000" and insert in lieu thereof "$105,000,000".

Page 124, line 24, through page 126, line 7, strike "(e) LIMITATION.—" and all that follows through "administrative expenses." and insert in lieu thereof the following:

SEC. 503. LIMITATION.

No funds are authorized to be appropriated for fiscal year 1994 or 1995 for the Civilian Technology Loan Program established under subtitle C of title III of this Act, the Civilian Technologies Development Program established under subtitle D of title III of this Act, the Advanced Manufacturing Technology Development Program established under section 304 of the Stevenson-Wydler Technology Innovation Act of 1980, the Benchmarking Program established under title IV of the Stevenson-Wydler Technology Innovation Act of 1980, competitiveness assessments and evaluations under section 101(e) of the Stevenson-Wydler Technology Innovation Act of 1980, as so redesignated by section 206(b)(2) of this Act, the American workforce quality partnership program established under section 305 of the Stevenson-Wydler Technology Innovation Act of 1980, or for activities carried out under sections 212, 213, or 322 of this Act.".

Page 126, lines 16 through 24, strike section 504.

Page 127, line 1, redesignate section 505 as section 504.

Amend the table of contents accordingly.

Mr. ARMEY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ARMEY. Mr. Chairman, my amendment is straightforward. It simply freezes spending for these programs at the current level. Under the Democrat bill, the spending would skyrocket from $388 million this year to $541 million in fiscal year 1994 and $1 billion in fiscal year 1995. My amendment would prevent this profligacy and save the taxpayers $800 million.

Mr. Chairman, it was just a few short weeks ago that the Democrats in this House passed a 5-year budget plan which included the largest tax increase in American history. We were told then, by the Democrat majority, that this hefty contribution on the part of hard working taxpayers was necessary to reduce the Federal budget deficit. And here they propose increasing spending on corporate giveaway programs by 158 percent.

And what does H.R. 820 do? Under this bill, the Federal Government is going to build an enormous network of technology centers so bureaucrats can show business men and women what machines to buy and how to run their businesses. And the same people who gripe about so-called junk bonds are putting Uncle Sam in the venture capital business. If you thought the S&L crisis was bad, wait until bureaucrats start making multimillion-dollar commercial loans. And finally, the Government is going to spend hundreds of millions each year picking winners and losers in the name of promoting technology.

Here is what we are saying to the taxpayers today, the Government that brought you Amtrak, the post office, the USDA, and $600 toilet seats at the Pentagon is going to teach real entrepreneurs how to beat international competition.

The reason this bill is on the floor, of course, is that the majority believes that committees here in Congress and the bureaucrats at the Commerce Department know how to run the economy. As George Will noted in a column 2 weeks ago, the liberals in Washington, DC, believe they know far more about competing in the marketplace than the undiscerning men and women who have risked their life savings to start a real business in the real world.

Well, let us take a look at what the Democrat majority has already done for business this year. It has heaped another mandate on workers and business in the form of mandated leave legislation. It has passed a budget resolution which promises business higher energy and corporate income taxes. The majority has promised the business community and the country another 5 years of huge budget deficits, which will deprive the private sector access to capital.

But we have only just begun. On the way is striker replacement and the rest of the big labor and trial lawyer agenda which will undermine America's competitiveness. The finest illustration of the economic illiteracy of the majority is this: The Democrat Party opposes indexing the capital gains tax—which lowers the cost of capital—yet supports indexing the minimum wage—which increases the cost of labor.

But the Democrats are here to help business today, they say. The party that beleaguers business with higher taxes and regulations at every opportunity now wants to help. The majority wants to promote economic growth and jobs through investment, sounding, ironically, like supply-side conservative Republicans. But as my friend Jude Wanniski says, the majority is operating on the dark side of the supply-side model—investing in government bureaucracies instead of the private sector.

So as Russia, Sweden, Mexico, France, Poland, and on and on—move away from state planning to emulate the American model of free enterprise, the majority—while paying lipservice to the market—seeks to move more and more resources from the productive private sector to the wasteful public sector.

Mr. Chairman, if my Democrat friends are genuinely interested in creating real jobs in the private sector they should consider this: Over the last 4 years, the tax and regulatory burden on small business has increased 34 percent. These small businesses create 75 percent of the new jobs in the economy. If you want to help the entrepreneur, lower his cost of capital, stop tying his hands with unnecessary red and green tape, do not raise his energy costs and corporate taxes, reform America's legal liability laws, amend antiquated antitrust laws. In short, get the government off the backs of small business.

But do not burden all businesses with massive new taxes and regulations and then give away a billion dollars to the politically well-connected. That will not make America more competitive. I would close with a quote from Adam Smith who warned us of politicians who were conceited enough to try to direct an economy. He wrote:

> The statesman who should attempt to direct private people in what manner they ought to employ their capitals, would not only load himself a most unnecessary attention, but assume an authority which could safely be trusted to no council and senate whatever, and which would nowhere be so dangerous as in the hands of a man who had folly and presumption enough to fancy himself fit to exercise it.

Support the Armey freeze amendment, heed the advice of Adam Smith, save the taxpayers over $800 million, and limit the damage that will be done by this pernicious public policy.

□ 1400

I will leave you, Mr. Chairman, with one final thought: At the time you consider voting on this amendment and on final passage of this bill, could I please ask you to remember ARMEY's axiom No. 1, the markets are rational; the Government is dumb.

Mr. VALENTINE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I will be brief. We oppose the amendment. The amendment proposes funding cuts. We suggest to Members simply to make cuts. It ignores the justification and benefits of programs which are authorized in the bill. It disregards the President's budget priorities and offsetting spending cuts which are made elsewhere. The amendment would deny the President the opportunity to carry out his mandate for progressive change in this country.

The bill will implement key elements of the President's economic plan and his campaign to invest in America's future. The amendment defeats the President's opportunity to carry out his program and to assist industry in becoming more competitive.

Mr. Chairman, we strenuously oppose the gentleman's amendment. I say again, we believe it to be cuts for the sake of cuts, without any regard to the merits of the programs which would be slashed.

Mr. WALKER. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, maybe it is time that we begin to cut some programs just for the sake of cutting them in order to get the budget in shape. But in this particular case the gentleman from Texas [Mr. ARMEY] offers us another alternative, and that is to simply freeze at the level that we are now spending.

The gentleman simply says go ahead and do the programs that you want to do, but let us do it within the budget that we presently have in place.

We cannot afford to spend millions of dollars more than what we are now projecting. The gentleman from Texas [Mr. ARMEY] would do more to help American competitiveness with his amendment than any program in this bill will do, because he will save the taxpayers $800 million.

Mr. Chairman, this is an $800 million amendment that essentially freezes spending in place. It does not do any damage, does not cut anything, but just freezes spending.

It seems to me that that is something that we might want to consider. I realize that the President had some ideas for spending, but we just rejected the President's program. Democrats overwhelmingly voted to turn down the President's program. That was the last vote. The Democratic Party decided that the President did not have the right program, and they wanted to exceed his spending. Now we are going to come back with the idea that maybe what we ought to look at is something that really will help business, and that is to freeze spending and save $800 million.

Are there people who believe that this is probably a pretty good idea? Yes, the National Taxpayers Union and the Citizens Against Government Waste both are going to rate this vote as a key vote. The National Taxpayers Union said they are opposed to spending increases included in the bill and support efforts to cut the spending levels.

That is what this does. It will be supported by the National Taxpayers Union. The same thing is true with the Citizens Against Government Waste, who are against the increased spending levels in the bill. They want this spending frozen.

So the gentleman from Texas [Mr. ARMEY] is in fact doing something that both the National Taxpayers Union and the Citizens Against Government Waste endorsed, and that is freezing the amount of money in the bill.

Mr. Chairman, I would urge support for this amendment.

Mr. LEWIS of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wish to thank the gentleman from North Carolina [Mr. VALENTINE] for his fairness and willingness to try to work out the areas in disagreement. One area in disagreement that we could not work out was that of funding.

Mr. Chairman, for the last year and a half, I have asked witness after witness, what is the lowest funding level that these programs can be operated—and still be effective?

The hearing record is silent. Some witnesses advocated funding levels for various programs—but not one indicated if this was a floor or a ceiling.

From the time this competitiveness bill was introduced in May 1992 the funding level has dropped from $2.2 billion to the current level of $1.5 billion.

I think it can be cut even further without harming the effectiveness of the programs. However, until we examine all options it is better to be fiscally sound and error on spending fewer tax dollars rather than wasting a single tax dollar.

Therefore, I support the gentleman's amendment to cut the fiscal year 1994 and 1995 funding to the fiscal year 1993 level of $389 million for each year. This would result in a saving of over 50 percent.

I urge my colleagues to support this fiscally responsible amendment.

Mr. Chairman, the House is considering the National Competitiveness Act of 1993, H.R. 820.

The legislation is directed toward enhancing manufacturing technology "that will contribute significantly to U.S. competitiveness, employment, and sustainable economic growth."

I support this goal. However, I do not believe the Department of Commerce can accomplish this goal. Only industry can improve its own competitiveness, not the Federal bureaucracy.

In fact, the citizens in the 16th Congressional District of Florida are asking for less Government bureaucracy and less Government spending.

I think that in these times of increasing deficit and decreasing funds, we need to determine funding priorities.

Is this legislation of a high enough priority to increase the national deficit by $1.5 billion?

Are the funding levels in H.R. 820, as low as possible or is there a built-in cushion that taxpayers are being asked to fund?

Will this legislation create new jobs in the private sector or will the jobs be in the Federal bureaucracy?

In answering these questions I have reached the conclusion that this legislation before us can be improved and it should be.

I think the American taxpayers demand that we cut out every extra dollar, that we strip all excess bureaucracy from programs, and that we make sure that the legislation will improve private sector competitiveness throughout the United States.

Until the legislation meets these standards, I cannot support it.

As I have said in the past, U.S. competitiveness is not a partisan issue. We should work together to develop legislation that will be supported by all sides.

I want to thank Chairman BROWN, Subcommittee Chairman VALENTINE for their willingness to work on the areas in disagreement.

I also want to thank Mr. WALKER for his interest and devotion to competitiveness solutions that could provide meaningful solutions.

Mr. BARTLETT of Maryland. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment. I think the No. 1 objective of all of the voters across America is control of our budget deficit. How in the world can we vote greatly increased funding here and keep faith with those voters who sent us here to control deficit spending, to get the debt under control?

We have enough money in this program from last year. It is going well. There is a role for the Federal Government to play, but that role is not to take more money out of the private sector, where we will lose jobs and lose wealth because of it.

The role of the Federal Government needs to play is a role where it creates a better tax environment so that there is more incentive for entrepreneurs to work. This is the wrong kind of a bill and the wrong incentive. Government should not be taking our money and trying to spend it for us. The average voter does not believe that the Government has the wisdom to do this.

Mr. COPPERSMITH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to speak against the amendment. I think it is important to point out that the issue is not the deficit, but what the deficit does to our economic future.

I would disagree with my colleague who spoke previously. I think the voters are not concerned so much about the deficit number as what the deficit means for our future and the future of the economy. We need to get the deficit under control because of what it does to our current budget, as well as what it does to our economic future.

This bill attempts to do this task. The attempt by this amendment to freeze our spending priorities with those set under the prior administration completely ignores the lesson of the prior election. I think the voters are looking to us to take action with respect to our economy, to restore vigor to American manufacturing, and to make sure that we have good jobs available for our citizens.

I think the amendment would freeze those priorities in amber, but the American people instead have asked us to reexamine our priorities.

Mr. Chairman, I think the speakers on the other side of the aisle are entirely correct with regard to much of the broad substance of their message. We need to attack the deficit. We need to do it by looking critically at programs. We especially need to look at existing programs that simply do not measure up.

We have heard testimony in committee and heard argument on the floor that this bill is exactly the sort of program we need to assure people that our economy will improve, that we will build for one future, and we will turn over to our children the kind of country and economy that they must have to compete in the 21st century.

Mr. Chairman, we should not freeze our priorities. We need to reorder those priorities and give the new administration flexibility to carry forward their economic initiatives. Then, I hope we will see similar vigor in cutting spending on a number of other appropriations packages that will be coming through.

Mr. Chairman, let me just remind Members that the budget resolution we passed calls for freezing all discretionary spending for the next 5 years. That is not a freeze over a baseline, that is freeze in absolute dollars.

With the budget resolution, we have done in the big picture what this amendment asks us to do in only one program. But this amendment is an attempt to micromanage this specific program, to tie the hands of the new administration with policies that I believe the voters have rejected. I urge my colleagues to vote against the amendment.

□ 1410

Mr. GRAMS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Armey amendment to freeze the spending levels in this bill at the fiscal 1993 levels, which would be a small step, again, in trying to control our fiscal deficit and put some money back into the pockets of the American taxpayers.

We always hear the good arguments about spending more money. Again, in this case, we hear the arguments of Washington feeling that it can best direct business and wants more money in order to do that.

As we know, however, this Nation is facing a record deficit in 1993. Yet here we are, today, ready to authorize an increase for fiscal 1995 spending that is nearly 158 percent of the spending levels for this year.

That is an increase in spending and programs that we do not even know will improve the competitiveness of our private sector and, again, Washington believing that it can best direct success better than the private sector.

In some instances, this bill authorizes money for programs that this administration does not even want.

Therefore, I urge my colleagues to support the amendment in the name of the American taxpayer and to try and keep Government from assuming more control over American business.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. ARMEY] as a substitute for the amendment offered by the gentleman from North Carolina [Mr. VALENTINE].

The question was taken; and on a division (demanded by Mr. ARMEY) there were—ayes 56, noes 29.

RECORDED VOTE

Mr. VALENTINE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to clause 2 of rule XXIII, the Chair may reduce to not less than 5 minutes the time for any recorded vote that may be ordered on the Valentine amendment, without intervening business or debate.

The vote was taken by electronic device, and there—ayes 199, noes 217, not voting 21, as follows:

[Roll No. 166]

AYES—199

Allard
Andrews (TX)
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clement
Clinger
Coble
Collins (GA)
Combest
Condit
Costello
Cox
Crane
Crapo
Cunningham
DeFazio
DeLay
Derrick
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Emerson
English (OK)
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hoagland
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Lehman
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Montgomery
Moorhead
Myers
Nussle
Oxley
Pallone
Parker
Paxon
Payne (VA)
Penny
Peterson (MN)
Petri
Pombo
Porter
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Sisisky
Skeen
Slattery
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wilson
Wolf
Young (FL)
Zeliff
Zimmer

NOES—217

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Applegate
Bacchus (FL)
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Boehlert
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Byrne
Cantwell
Cardin
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Cooper
Coppersmith
Coyne
Cramer
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Durbin
Edwards (CA)
Engel
English (AZ)
Eshoo
Evans
Faleomavaega (AS)
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hilliard
Hinchey
Hochbrueckner
Holden
Hoyer
Hughes
Inslee
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
Laughlin
Levin
Lewis (GA)
Lloyd
Long
Lowey
Maloney
Mann
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Moran
Morella
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pickett
Pickle
Pomeroy
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Romero-Barcelo (PR)
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sanders
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Skaggs
Skelton
Slaughter
Smith (IA)
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Williams
Wise
Woolsey
Wyden
Wynn

NOT VOTING—21

Bentley
Brewster
Brooks
Bryant
Carr
Chapman
Frank (MA)
Glickman
Hefner
Henry
LaRocco
Leach
Manton
McCurdy
Packard
Sabo
Sangmeister
Washington
Whitten
Yates
Young (AK)

□ 1434

The Clerk announced the following pair:

On this vote:

Mr. Packard for, with Mr. Sangmeister against.

Mr. ANDREWS of Texas changed his vote from "no" to "aye."

So the amendment offered as a substitute for the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. VALENTINE].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. DUNCAN

Mr. DUNCAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DUNCAN:

Page 121, line 9, strike "$5,425,000" and insert in lieu thereof "$4,882,500".

Page 121, line 10, strike "$10,000,000" and insert in lieu thereof "$9,000,000".

Page 121, line 11, strike "$2,000,000" and insert in lieu thereof "$1,800,000".

Page 121, line 21, strike "$240,988,000" and insert in lieu thereof "$216,889,200".

Page 121, line 22, strike "$300,000,000" and insert in lieu thereof "$270,000,000".

Page 122, line 1, strike "$1,000,000" and insert in lieu thereof "$900,000".

Page 122, line 2, strike "$1,000,000" and insert in lieu thereof "$900,000".

Page 122, line 4, strike "$9,000,000" and insert in lieu thereof "$8,100,000".

Page 122, line 5, strike "$10,000,000" and insert in lieu thereof "$9,000,000".

Page 122, line 7, strike "$2,000,000" and insert in lieu thereof "$1,800,000".

Page 122, line 8, strike "$3,000,000" and insert in lieu thereof "$2,700,000".

Page 123, line 22, strike "$30,035,000" and insert in lieu thereof "$27,031,500".

Page 123, line 23, strike "$150,000,000" and insert in lieu thereof "$135,000,000".

Page 123, line 24, strike "$50,000,000" and insert in lieu thereof "$45,000,000".

Page 124, line 1, strike "$97,000,000" and insert in lieu thereof "$87,300,000".

Page 124, line 4, strike "$3,000,000" and insert in lieu thereof "$2,700,000".

Page 124, line 7, strike "$197,489,0000" and insert in lieu thereof "$177,740,100".

Page 124, line 8, strike "$20,000,000" and insert in lieu thereof "$18,000,000".

Page 124, line 13, strike "$450,000,000" and insert in lieu thereof "$405,000,000".

Page 124, line 14, strike "$100,000,000" and insert in lieu thereof "$90,000,000".

Page 124, line 16, strike "$50,000,000" and insert in lieu thereof "$45,000,000".

Page 124, line 22, strike "$61,686,000" and insert in lieu thereof "$55,517,400".

Page 124, line 23, strike "$106,000,000" and insert in lieu thereof "$95,400,000".

Page 125, line 2, strike "$950,000,000" and insert in lieu thereof "$855,000,000".

Page 125, line 10, strike "$1,000,000" and insert in lieu thereof "$900,000".

Page 125, line 10, strike "$20,000,000" and insert in lieu thereof "$18,000,000".

Page 125, line 14, strike "$1,000,000" and insert in lieu thereof "$900,000".

Page 125, line 15, strike "$50,000,000" and insert in lieu thereof "$45,000,000".

Page 125, line 18, strike "$2,000,000" and insert in lieu thereof "$1,800,000".

Page 125, line 19, strike "$10,000,000" and insert in lieu thereof "$9,000,000".

Page 125, line 24, strike "$50,000,000" and insert in lieu thereof "$45,000,000".

Page 126, line 2, strike "$2,000,000" and insert in lieu thereof "$1,800,000".

Page 126, line 5, strike "$5,000,000" and insert in lieu thereof "$4,500,000".

Page 126, line 12, strike "$2,000,000" and insert in lieu thereof "$1,800,000".

Page 126, line 22, strike "$20,000,000" and insert in lieu thereof "$18,000,000".

Page 126, line 24, strike "$30,000,000" and insert in lieu thereof "$27,000,000".

Mr. DUNCAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. VALENTINE. Mr. Chairman, I reserve a point of order on the amendment.

Mr. DUNCAN. Mr. Chairman, I will be very brief since I have already spoken on the bill once before.

My amendment is a very simple one. It is a 10-percent across-the-board cut and it would save the American taxpayers $154.3 million over 2 years.

The last amendment we acted on just a moment ago was a freeze which would have knocked off over $800 million from the bill. This is a much lower cut. In fact, I want to emphasize that my amendment would allow for a 29.6 percent increase over current spending in fiscal year 1994.

If my 10-percent cut amendment is adopted, there will still be huge increases in this bill. This bill totals over the next 2 years, over the 2-year life of the bill a 158-percent increase as it presently stands. My amendment simply cuts 10 percent off of the bill as a whole, and that leaves a very large increase in spending in this bill.

□ 1440

But it would save $154 million. Over 2 years, this amendment allows for a 148-percent increase in spending for these programs.

This amendment is not a cut but, rather, a very, very small reduction in the authorization levels contained in this bill.

My amendment has been endorsed by the National Taxpayers' Union; in addition to that, the Citizens Against Government Waste have sent a letter endorsing the amendment and opposing the bill at its present level.

This amendment gives Members an opportunity to do more than just pay lip service to doing something about the deficit and the national debt. This gives them a chance to do something realistic.

We have been passing bill after bill that has contained huge increases. We have got to do something to bring Federal spending under control, or we are really going to hurt the poor and working people of this country.

This is a simple, straightforward amendment which would allow for a very modest decrease in overall spending on this bill of 10 percent.

I urge its adoption.

The CHAIRMAN pro tempore (Mr. TORRES). Does the gentleman from North Carolina [Mr. VALENTINE] insist on his point of order?

Mr. VALENTINE. Mr. Chairman, I withdraw my point of order.

The CHAIRMAN pro tempore. The gentleman withdraws his point of order.

Mr. VALENTINE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, my colleagues, let me say that this is at least the third bite at the apple. It is a question of philosophy. It is a question of whether or not the House wants to provide opportunities for the development of technology for America's so-called middle class.

The amendment would deny the President the opportunity to carry out his mandate, the same thing I said about the preceding amendment.

The bill will implement the elements of the President's economic plan and will help him to fulfill campaign commitments.

I again urge my colleagues to support the committee and oppose this amendment.

Mr. WALKER. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, this amendment represents a very modest cut in the program.

We just talked about an $800 million cut. This is about a $150 million cut.

It seems to me that this is a very, very modest amendment in an attempt to get our budget under control.

I would urge support of the amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Tennessee [Mr. DUNCAN].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. DUNCAN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 208, noes 213, not voting 16, as follows:

[Roll No. 167]

AYES—208

Allard	Goodlatte	Oxley
Andrews (TX)	Goodling	Pallone
Applegate	Goss	Parker
Archer	Grams	Paxon
Armey	Grandy	Penny
Bachus (AL)	Greenwood	Peterson (MN)
Baesler	Gunderson	Petri
Baker (CA)	Hall (OH)	Pombo
Baker (LA)	Hamilton	Porter
Ballenger	Hancock	Portman
Barrett (NE)	Hansen	Poshard
Bartlett	Hastert	Pryce (OH)
Barton	Hefley	Quillen
Bateman	Herger	Quinn
Bentley	Hoagland	Ramstad
Bereuter	Hobson	Ravenel
Bilirakis	Hoekstra	Regula
Bliley	Hoke	Richardson
Blute	Horn	Ridge
Boehlert	Houghton	Roberts
Boehner	Huffington	Roemer
Bonilla	Hughes	Rogers
Bunning	Hunter	Rohrabacher
Burton	Hutchinson	Ros-Lehtinen
Buyer	Hutto	Roth
Callahan	Hyde	Roukema
Calvert	Inglis	Rowland
Camp	Inhofe	Royce
Canady	Istook	Santorum
Castle	Jacobs	Sarpalius
Clement	Johnson (CT)	Saxton
Clinger	Johnson, Sam	Schaefer
Coble	Kasich	Schiff
Collins (GA)	Kim	Sensenbrenner
Combest	King	Shaw
Condit	Kingston	Shays
Cooper	Klug	Shuster
Costello	Knollenberg	Skeen
Cox	Kolbe	Slattery
Crane	Kyl	Smith (MI)
Crapo	Lambert	Smith (NJ)
Cunningham	Laughlin	Smith (OR)
DeLay	Lazio	Smith (TX)
Derrick	Lehman	Snowe
Diaz-Balart	Levy	Solomon
Dickey	Lewis (CA)	Spence
Dooley	Lewis (FL)	Spratt
Doolittle	Lightfoot	Stearns
Dornan	Linder	Stenholm
Dreier	Livingston	Stump
Duncan	Machtley	Sundquist
Dunn	Manzullo	Talent
Durbin	McCandless	Tauzin
Edwards (TX)	McCollum	Taylor (MS)
Emerson	McCrery	Taylor (NC)
Everett	McDade	Thomas (CA)
Ewing	McHugh	Thomas (WY)
Fawell	McInnis	Torkildsen
Fields (TX)	McKeon	Upton
Fish	McMillan	Vucanovich
Fowler	Meyers	Walker
Franks (CT)	Mica	Walsh
Franks (NJ)	Michel	Weldon
Gallegly	Miller (FL)	Wolf
Gallo	Molinari	Young (AK)
Gekas	Montgomery	Young (FL)
Gilchrest	Moorhead	Zeliff
Gillmor	Myers	Zimmer
Gilman	Nussle	
Gingrich	Orton	

NOES—213

Abercrombie	Bevill	Bryant
Ackerman	Bilbray	Byrne
Andrews (ME)	Bishop	Cantwell
Andrews (NJ)	Bonior	Cardin
Bacchus (FL)	Borski	Clay
Barcia	Boucher	Clayton
Barlow	Brooks	Clyburn
Barrett (WI)	Browder	Coleman
Becerra	Brown (CA)	Collins (IL)
Beilenson	Brown (FL)	Collins (MI)
Berman	Brown (OH)	Conyers

Coppersmith
Coyne
Cramer
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Edwards (CA)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Faleomavaega (AS)
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (TX)
Hamburg
Harman
Hastings
Hayes
Hilliard
Hinchey
Hochbrueckner
Holden
Hoyer
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lancaster
Lantos
LaRocco
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Moran
Morella
Murtha
Nadler
Natcher
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pickle
Pomeroy
Price (NC)
Rahall
Rangel
Reed
Reynolds
Romero-Barcelo (PR)
Rose
Rostenkowski
Roybal-Allard
Rush
Sanders
Sangmeister
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slaughter
Smith (IA)
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—16

Blackwell
Brewster
Carr
Chapman
Glickman
Hefner
Henry
Leach
Manton
McCurdy
Murphy
Neal (NC)
Norton (DC)
Packard
Sabo
Whitten

□ 1501

Mr. OBEY changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PARLIAMENTARY INQUIRIES

Mr. WALKER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore (Mr. TORRES). The gentleman may state his parliamentary inquiry.

Mr. WALKER. Mr. Chairman, the delegates have made a difference in the vote here. Does that result in an automatic revote of the issue?

The CHAIRMAN pro tempore. Four delegates voted no. It was not a decisive vote. Those votes would not have changed the result of the vote.

Mr. WALKER. Wait a minute.

The CHAIRMAN pro tempore. The Chair would advise that if the delegates had not voted, the vote would have been 208 to 209. The result would be the same. The amendment would be rejected. The amendment is rejected.

Mr. STEARNS. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman may state his parliamentary inquiry.

Mr. STEARNS. Under the rule that was passed, Mr. Chairman, it has to be closer before we revote, is that it? Because some of these people might have voted a little differently if the vote was just one or two, so I do not think we can speculate. That is why I think we should have another vote.

The CHAIRMAN pro tempore. The Chair can only base his ruling on the votes cast, and the Delegates' vote was not decisive.

Mr. STEARNS. Decisive is what, a difference of how much?

The CHAIRMAN pro tempore. But for the votes of the Delegates, the outcome would have been different.

Mr. STEARNS. So if we take the difference of the four, it is a separation of the two votes.

The CHAIRMAN pro tempore. Vote 208 to 209.

Mr. STEARNS. One vote, a separation of one vote is not worth another vote? It seems to me that is significant.

The CHAIRMAN pro tempore. The result would not have been different.

Mr. STEARNS. Well, it might have been different if everyone saw there was just one vote, and if their vote was the key vote——

The CHAIRMAN pro tempore. The Chair cannot speculate on that possibility.

Mr. STEARNS. Will the Chair allow me a further indulgence?

The CHAIRMAN pro tempore. The Chair will recognize the gentleman.

Mr. STEARNS. Mr. Speaker, if there is a difference of one vote on the House floor, we have seen many times it go up and down because Members feel a stronger compunction or a stronger conscience on an issue.

The CHAIRMAN pro tempore. The Chair again cannot speculate on that possibility.

Mr. STEARNS. Well, would the Chairman consider a revote on this matter, since there was just a difference of one vote?

The CHAIRMAN pro tempore. The vote cannot be reconsidered in the Committee of the Whole.

Mr. STEARNS. I thank the Chairman for his indulgence.

The CHAIRMAN pro tempore. Are there any other amendments to title V?

Mr. WALKER. Mr. Chairman, a further parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman may state his parliamentary inquiry.

Mr. WALKER. Has the Chair just ruled that we can get a separate vote on this matter in the whole House?

The CHAIRMAN pro tempore. The amendment was not adopted. The amendment will not be reported to the House. It was not adopted.

Mr. STEARNS. Mr. Chairman, may I propound a further parliamentary inquiry?

The CHAIRMAN pro tempore. The gentleman may state his parliamentary inquiry.

Mr. STEARNS. Mr. Chairman, can we move to rise to the full House and vote on this? Is it appropriate for me to move that we rise?

The CHAIRMAN pro tempore. The motion to rise is in order, but it does not provoke another vote in the House.

Mr. STEARNS. Well, I mean, with the consideration that we vote in the full House on this particular issue, because I think as it stands now there is only one vote that separates us.

The CHAIRMAN pro tempore. The Chair would state that would not be resolved in the House.

Mr. GINGRICH. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman may state his parliamentary inquiry.

Mr. GINGRICH. Mr. Chairman, if the gentleman from Tennessee were to offer exactly the same amendment, but with 9 percent instead of 10, that would be in order at this point, would it not, so that Members knowing how close it is would have an opportunity on a slightly smaller number actually to reconsider, is that not true?

The CHAIRMAN pro tempore. The Chair would rule that a different amendment could be offered.

Mr. GINGRICH. And those Members who now know how close it was would have an opportunity to look at voting on this much closer and a slightly smaller amendment?

The CHAIRMAN pro tempore. The Chair would state to the minority whip that that is not a parliamentary inquiry.

Mr. GINGRICH. I would simply ask the Chair to keep that section of the bill open for one additional moment.

The CHAIRMAN pro tempore. Are there any other amendments to title V?

AMENDMENT OFFERED BY MR. STEARNS

Mr. STEARNS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. Is this an amendment to title V?

Mr. STEARNS. This is an amendment to move it from the 9 percent. It is the same amendment, minus $100,000.

Mr. VALENTINE. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. STEARNS: Page 121, line 9, strike "$5,425,000" and insert in lieu thereof "$4,782,500".

Page 121, line 10, strike "$10,000,000" and insert in lieu thereof "$9,000,000".

Page 121, line 11, strike "$2,000,000" and insert in lieu thereof "$1,800,000".

Page 121, line 21, strike "$240,988,000" and insert in lieu thereof "$216,889,200".

Page 121, line 22, strike "$300,000,000" and insert in lieu thereof "$270,000,000".

Page 122, line 1, strike "$1,000,000" and insert in lieu thereof "$900,000".

Page 122, line 2, strike "$1,000,000" and insert in lieu thereof "$900,000".

Page 122, line 4, strike "$9,000,000" and insert in lieu thereof "$8,100,000".

Page 122, line 5, strike "$10,000,000" and insert in lieu thereof "$9,000,000".

Page 122, line 7, strike "$2,000,000" and insert in lieu thereof "$1,800,000".

Page 122, line 8, strike "$3,000,000" and insert in lieu thereof "$2,700,000".

Page 123, line 22, strike "$30,035,000" and insert in lieu thereof "$27,031,500".

Page 123, line 23, strike "$150,000,000" and insert in lieu thereof "$135,000,000".

Page 123, line 24, strike "$50,000,000" and insert in lieu thereof "$45,000,000".

Page 124, line 1, strike "$97,000,000" and insert in lieu thereof "$87,300,000".

Page 124, line 4, strike "$3,000,000" both places it appears and insert in lieu thereof "$2,700,000".

Page 124, line 7, strike "$197,489,000" and insert in lieu thereof "$177,740,100".

Page 124, line 8, strike "$20,000,000" and insert in lieu thereof "$18,000,000".

Page 124, line 13, strike "$450,000,000" and insert in lieu thereof "$405,000,000".

Page 124, line 14, strike "$100,000,000" and insert in lieu thereof "$90,000,000".

Page 124, line 16, strike "$50,000,000" and insert in lieu thereof "$45,000,000".

Page 124, line 22, strike "$61,686,000" and insert in lieu thereof "$55,517,400".

Page 124, line 23, strike "$106,000,000" and insert in lieu thereof "$95,400,000".

Page 125, line 2, strike "$950,000,000" and insert in lieu thereof "$855,000,000".

Page 125, line 10, strike "$1,000,000" and insert in lieu thereof "$900,000".

Page 125, line 10, strike "$20,000,000" and insert in lieu thereof "$18,000,000".

Page 125, line 14, strike "$1,000,000" and insert in lieu thereof "$900,000".

Page 125, line 15, strike "$50,000,000" and insert in lieu thereof "$45,000,000".

Page 125, line 18, strike "$2,000,000" and insert in lieu thereof "$1,800,000".

Page 125, line 19, strike "$10,000,000" and insert in lieu thereof "$9,000,000".

Page 125, line 24, strike "$50,000,000" and insert in lieu thereof "$45,000,000".

Page 126, line 2, strike "$2,000,000" and insert in lieu thereof "$1,800,000".

Page 126, line 5, strike "$5,000,000" and insert in lieu thereof "$4,500,000".

Page 126, line 12, strike "$2,000,000" and insert in lieu thereof "$1,800,000".

Page 126, line 22, strike "$20,000,000" and insert in lieu thereof "$18,000,000".

Page 126, line 24, strike "$30,000,000" and insert in lieu thereof "$27,000,000".

Mr. STEARNS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN pro tempore. Does the gentleman from North Carolina insist on his point of order?

Mr. VALENTINE. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN pro tempore. The point of order is withdrawn.

The gentleman from Florida [Mr. STEARNS] is recognized for 5 minutes.

Mr. STEARNS. Mr. Chairman, we saw on this particular vote a very, very close vote. Once you take the nonvoting delegates out, we are within one vote of passing.

My amendment is essentially the same identical amendment, but we have put a lower percentage in it. In fact, it is not so much a percentage, but a somewhat larger cut than the previous amendment.

So the folks that voted for the Duncan amendment certainly could vote for the Stearns amendment, and I ask on that side of the aisle that they consider this amendment more favorably than the Duncan amendment, because it cuts more money, $100,000 to be exact.

So I do not need the full 5 minutes, Mr. Chairman, other than to ask the House to respectfully consider this amendment and have another vote on this.

I would like to ask the gentleman from Tennessee [Mr. DUNCAN], on whose original amendment we voted, for his comments, too, and I yield to the gentleman from Tennessee [Mr. DUNCAN].

Mr. DUNCAN. Mr. Chairman, I thank the gentleman from Florida for yielding to me.

I appreciate the support of many Members on the other side of the aisle on my amendment. As I said earlier, my amendment was a simple, straightforward 10-percent cut that would still have left a 148-percent increase in spending on this bill under the 2-year life of this bill.

My amendment as it stood would have allowed a 30-percent increase the first year and an over-100-percent increase the second year, so it still would have left a tremendous increase in spending. It was a very modest amendment, a very straightforward amendment, a 10-percent cut that would have saved the taxpayers of this country $154,300,000.

□ 1510

Mr. Chairman, the gentleman from Florida [Mr. STEARNS] has altered my amendment by knocking $100,000 off the first portion of my amendment, which would still result in a savings of $154,200,000. So, essentially, it is the same amendment as I offered a minute ago with a slight reduction in the cut that was offered. It would be approximately a 9.9-percent cut.

Mr. Chairman, I think if the Members of this body want to do something besides pay lipservice to cutting the deficit and cutting the national debt, this is a tremendous opportunity that should be supported by both sides of the aisle, and I urge support for the amendment offered by the gentleman from Florida [Mr. STEARNS].

Mr. MICA. Mr. Chairman, will the gentleman yield?

Mr. STEARNS. I yield to the gentleman from Florida [Mr. MICA], my distinguished colleague.

Mr. MICA. Mr. Chairman, and also my colleague, the gentleman from Florida [Mr. STEARNS], I just have one question.

If this amendment passes, would it be the first time in the history of the 103d Congress that on the floor of the House of Representatives we actually voted to cut a program or reduce a program in spending?

Mr. Chairman, I was not clear on that matter.

Mr. STEARNS. Mr. Chairman, I say to my colleague from Florida that I do not think it is the first time, in all honesty, but I would say it would set a very good precedent.

Mr. MICA. If we voted on this individually though, it will be the first cut?

Mr. STEARNS. I think the gentleman is correct. In the 103d Congress it would be.

Mr. MICA. Mr. Chairman, I thank the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Chairman, I yield back the balance of my time.

Mr. VALENTINE. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Florida [Mr. STEARNS].

Mr. Chairman and my colleagues, we are debating here, I think, not only the amendment sent forward by the gentleman, which is the fourth bite at the apple, but I suggest to my colleagues that we are now talking about open rules.

Mr. Chairman, I want to say to my colleagues and especially to the leadership on the Committee on Rules: "For all of the things that I thought in my heart about you because you didn't allow open rules, forgive me. I was wrong."

Mr. Chairman, this is the fifth day that we have been here struggling with this modest attempt to open up some special avenues to middle-class, business America. This is the fifth day on a bill that will cost the taxpayers of the United States over a 2-year period less than it costs to blast off one rocket into space. And to accommodate the gentlemen we have an open rule which is, as I suggested, Mr. Chairman, not an open rule, but a rule in perpetuity. They can come back now and seek to reduce the spending by $100 and ask for a vote. I suggest that it somehow seems to me to belittle the process.

Mr. Chairman, we never heard all of these arguments in subcommittee. We never heard all of these statements by these gentlemen over the year and a half that we conducted the hearings on this legislation. We never heard all of these claims and arguments when we marked up this legislation in the committee.

So do we give them another bite? Do we stay here on into the evening on the fifth day, as I said? Do we suffer them to offer amendments reducing by $100, and if that fails, $50? Where does it end, Mr. Chairman?

I implore the membership to support this committee and vote against this bad amendment.

Mr. STEARNS. Mr. Chairman, will the gentleman yield for a question?

Mr. VALENTINE. I yield to the gentleman from Florida.

Mr. STEARNS. Mr. Chairman, we would not do this for $100. We would not do it for $50. All we are saying is that this was only separated by one vote, and we are saying the procedure—we could not get another vote.

Mr. VALENTINE. Mr. Chairman, is the gentleman asking a question or making another speech?

Mr. STEARNS. I am just saying that we are just trying to get another vote, something clear, and the gentleman can see from the minority standpoint that there is a possibility we might win this.

So, I respect what the gentleman is saying——

Mr. VALENTINE. If we have another vote, then it is two votes.

Mr. STEARNS. Well, I think we have got an opportunity here to make a point, and we are not just doing this for $100, but something that we think is important.

Mr. VALENTINE. Mr. Chairman, is the gentleman asking me a question or is he making a statement? I am trying to answer.

Mr. STEARNS. Mr. Chairman, I am just answering the gentleman's statement. That is what I am doing, and I thank the gentleman for the time.

Mr. WALKER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I find it very interesting that the gentleman from North Carolina [Mr. VALENTINE] tells us it is just a little bit of money; $100,000 is more than a little bit of money. It represents three or four families' incomes in this country, all of their earnings for all of a year. That is a lot of money; $100,000 in most communities is big money. Only on the floor of Congress is $100,000 not real money.

And so I would say to the gentleman that is a fairly appropriate statement to be made with regard to this bill because the gentleman also indicated that he heard none of these arguments in the committee. Has the gentleman not read his own report? The dissenting views in his own report make most of these arguments. Most of these arguments were made by members of the committee. Most of these amendments were offered in committee. There were amendments to cut; there were amendments to do all of these kinds of things. There is no doubt that the issues raised on this floor were, in fact, issues raised in the committee, too.

So, the gentleman is doing a little bit of revisionism of history to suggest that these issues were not raised in the committee. They were. There is no doubt.

Now the reason why we are here is because the majority party on the opening day of the Congress decided to do something fairly unique, and that was to give people who do not represent real States of the Union the opportunity to vote, and the gentleman has just had an amendment, or had a process that benefited from the fact that four people voted who do not represent States, and so now the minority is saying, "Having had that situation arise, we think it's important to refocus and decide whether or not the House wants to continue in that pattern, and so this vote will not only be all about whether or not you want to cut 10 percent across the board, but also whether or not it is a good practice to have this thing decided essentially by one vote when all of the people representing the States are counted in the last vote."

So, Mr. Chairman, this is an entirely appropriate amendment, and I congratulate the gentleman from Florida [Mr. STEARNS] and hope that the House will vote to cut 10 percent across the board.

Mr. MINGE. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Florida [Mr. STEARNS].

Mr. Chairman, I share the passion that the other side of the aisle has for balancing the budget, reducing the deficit, and all of these worthy goals. The question is: We have to decide what are the priorities and expenditures that we are making as a National Government, and that means weighing one program against another.

It is very difficult to sit here with an open rule and decide that this program is less deserving than the next, and the authorization process is not the point at which that weighing actually takes place. It is in the appropriations process, and I would suggest that that is the time, if my colleagues want to, so to speak, nickel and dime on percentages the amount that goes into competitiveness legislation and technology development in this country. Then they can make that point.

I think it is also interesting to note that the legislation, that is before us today, is not some type of new tax and spend concept. This is a concept, this is a bill, that has broad support in industry.

I had the privilege this afternoon of speaking with representatives of the American Electronic Association, and they described to me the benefit that this legislation provides to small- and medium-sized businesses who are trying to upgrade their technology to improve their manufacturing processes and compete in the world economy, and they indicate that this legislation has their full support. Similarly, Mr. Chairman, I am informed that the National Association of Manufacturers has endorsed this legislation, and it has their full support.

□ 1520

Now, I think if we are looking to industry for guidance as to what types of programs are going to be good for our economy, that we have an indication here. Rather than to be debating the nickel and dime efforts of the sorts that we now face, we should get on to the major issue.

I would ask the gentleman from Pennsylvania [Mr. WALKER], or the Members from the other States that have been speaking in support of this amendment, if this amendment passes, does that mean they will support the bill? Or is this a dilatory tactic? I have yet to see any consistent strong support for this type of legislation to make American industry strong in a global economy come from the other side of the aisle. Instead I expect that with any of the amendments that have been proposed, it would still be an unacceptable bill.

Mr. Chairman, I think that is a tragedy of the proceedings that we have had today and the previous days on H.R. 820.

Mr. BURTON of Indiana. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the gentleman from Minnesota [Mr. MINGE] mentioned previously that the place to start trying to cut these expenditures is in the appropriations process and not to worry about the authorization process.

The fact of the matter is, with all due respect, that much of the things authorized around this place end up being appropriated and it costs the taxpayers money.

Now, I have been informed that this piece of legislation is $200 million over last year and it is going to be $1 billion next year, and this amendment would save $150 million.

Now, most people in this country are very concerned about the deficit and the national debt. We are facing a $4.35 trillion national debt and the interest on that debt is one of the largest items in the budget, and we are facing a $350 billion to $400 billion deficit this year.

So when you have an authorization bill like this one that is increasing spending over the next 2, 3, or 4 years by $700 million, that causes a lot of consternation among American citizens and taxpayers.

Mr. Chairman, I understand that the gentleman said that the National Association of Manufacturers is for this bill. We understand that they are having second thoughts about some of the provisions in it.

The National Taxpayers Union, which rates all the votes in the Congress, is adamantly opposed to this and

it will be rated against those Members who vote in favor of it.

So let me just say to my colleagues, if you are really concerned about the people of this country, if you are really concerned about the debt, if you are really concerned about the deficit, then I think that you ought to start, even on authorization bills, voting for amendments that will cut spending, and not continue to raise the spending levels ever upward.

Mr. MINGE. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I will be happy to yield to the gentleman from Minnesota.

Mr. MINGE. Mr. Chairman, my comment with respect to the authorization versus the appropriations process, I would like to make sure is not misconstrued. I would like to emphasize to the gentleman from Indiana [Mr. BURTON] that I am not saying that we should act irresponsibly in the authorization process. But instead, we have to rank competing pieces of legislation and competing demands on the Federal treasury, and it is very difficult while we are examining one bill to rank its relevance compared to something else.

Mr. BURTON of Indiana. Mr. Chairman, if I may reclaim my time, this is a $700 million increase in spending authorization. It is too much. The American people do not want more spending. They do not want more taxes. We are talking about raising taxes and fees by $402 billion, and we are not even talking about spending cuts.

Mr. Chairman, this is a $700 million spending increase authorization, and it should be cut. Before we even talk about taxes and President Clinton's spending proposals around this place, we ought to cut spending. Not increase taxes; cut spending. Here is a good place to start.

Mr. BROWN of California. Mr. Chairman, I rise to strike the requisite number of words.

Mr. ACKERMAN. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from New York.

Mr. ACKERMAN. Mr. Chairman, I wish to engage in a brief dialogue with the sponsor of the amendment. Is it true that this bill saves the American taxpayers $100,000?

Mr. STEARNS. Mr. Chairman, if the gentleman from California [Mr. BROWN] will yield, no, that is not true. It saves $150 million.

Mr. ACKERMAN. Mr. Chairman, the cut before the last, this amendment over the last amendment.

Mr. STEARNS. Over the Duncan amendment. This is identical to the Duncan amendment, with that change.

Mr. ACKERMAN. Mr. Chairman, it saves the American taxpayers $100,000.

Mr. STEARNS. Mr. Chairman, $100,000 more is saved. It is still over $150 million in savings on this amendment.

Mr. ACKERMAN. Mr. Chairman, is the gentleman from Florida [Mr. STEARNS] aware that if we divided this sum by 240 million Americans, not all of whom are taxpayers, we are saving them one-half of one penny each, .005 cents, over the previous bill that was also defeated.

Mr. STEARNS. Mr. Chairman, if the gentleman will yield further, we are saving $154 million on this amendment.

Mr. ACKERMAN. As compared to the amendment that was previously defeated, the gentleman is saving the American taxpayer one-half of one penny per person in this country.

Mr. STEARNS. Mr. Chairman, the gentleman must understand the whole focus of this revote is because we lost by one. We think with the delegates voting that we should have an opportunity to have another vote, because some Members missed the vote on our side. They do not realize that we could have won this. So the Chair was very kind to consider this amendment, and we appreciate it.

The real question is, do we want to save $154 million here in the House today. The National Taxpayers Union and the Peter Grace Commission have all endorsed this amendment, and they are going to use it as part of their rating system. So they think it is important.

Mr. ACKERMAN. Mr. Chairman, I thank the gentleman for clarifying it. I was under the misconception the gentleman was trying to save the taxpayers $100,000. What the gentleman is trying to do is get a different count on the vote.

Mr. STEARNS. Mr. Chairman, if the gentleman will yield further, I think we are trying to win the vote for $154 million for the taxpayers. Yes, that is what we are trying to do.

Mr. ACKERMAN. The gentleman is trying to get a recount.

Mr. STEARNS. We are trying to save $154 million by winning this vote.

Mr. ACKERMAN. Mr. Chairman, I think the answer that the gentleman gave before is pretty obvious.

The CHAIRMAN pro tempore (Mr. TORRES). The gentleman from California [Mr. BROWN] has 2 minutes remaining.

(By unanimous consent, Mr. BROWN of California was allowed to proceed for three additional minutes.)

Mr. BROWN of California. Mr. Chairman, I am very reluctant to rise and speak on this because a part of our problem is we are speaking too much on amendments that are going to delay this to a time when the Members are going to be very unhappy, and I am contributing to it by speaking on it.

Mr. Chairman, I do wish to make some points that have already been made. I sought an open rule on this bill, and I now regret it. I do so because I think the principle of having an open rule is being deliberately flouted here and it is not going to be possible for me to continue to request open rules because I will not get them.

In addition to that, I think the gentleman on this side, in connection with this amendment, it verges on the dilatory. In other words, the gentleman is posing an amendment solely for the purpose of getting a second vote on an amendment that was just defeated. Of course, the gentleman feels very justified in doing this because of the situation with regard to the delegate votes. In other words, the gentleman has brought up another issue here, his objection to the rule that allows delegates to vote.

Mr. Chairman, we have had in addition amendments here that have brought up every other kind of extraneous specter to this bill. We have had suggestions that this bill verges on state planning, for example. That while those state planning countries, such as Russia and Poland, are moving back to free enterprise, we are moving back in the direction of state planning.

□ 1530

We have had suggestions here that this is picking winners and losers, arguments that we have gone over many times before. These are code words. These are words intended to imply that there is something un-American about this bill. And there are Members here who feel that it is un-American, despite the fact that the legislation here comes from recommendations made by every council in critical technologies, on competitiveness, appointed by the previous administration. And we are merely expanding upon programs which were laid by the Republican administration before.

I would venture to predict that if Bush had been reelected, he would have been recommending a bill very similar to this. But because it is a Democratic bill, it is the representation of a philosophy expressed by the Democratic President, when he was running, there are those of my colleagues on that side who will object to it under any circumstances.

I venture to predict that every one of those of my colleagues who have offered amendments, if those amendments had succeeded, they would still have voted against the bill. And I am beginning to resent their use of these tactics on this floor.

Mr. STEARNS. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from Florida.

Mr. STEARNS. Mr. Chairman, let me ask the gentleman a question.

Is it not true that basically when your party loses a vote in the Committee of the Whole, we vote again in the full House? That has happened many times. Is that not true?

Mr. BROWN of California. Mr. Chairman, our party on this side uses the

rules of the House, and they are enforced uniformly. If we want to have a second vote in the House, we ask for it under the rules. The gentleman can do the same thing, or he can put it in his motion to recommit. The rules do not prohibit him from doing that.

I say to the gentleman, you are engaging in dilatory tactics.

I would point out that when President Reagan was elected, he came in with a program which called for doubling the expenditures of the Defense Department. This was considered to be a matter of national defense, and we went along with that doubling, also with the tax reduction, which created a $3 trillion deficit in addition to what we already had.

We have today another type of security threat. It is an economic security threat.

This President proposes to meet that security threat by a very modest program, supported by industry, supported by every branch of the high technology industry in this country, which is aimed at making us economically competitive again.

You are nit-picking it to death. You are giving it the death of a thousand cuts.

I could think of more colorful adjectives, but I will not. But I think this is a prostitution of the rules of this House and the processes that we set up to protect the minority.

I urge you to think about that very carefully.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. STEARNS. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Florida.

Mr. STEARNS. Mr. Chairman, I thank the gentleman from California.

We appreciate the open rule. We do not think that this is abusing it in any way, and I have great respect for my colleague.

This is talking about a vote, again, in the Committee of the Whole, which we could not get in the full House. And I asked the chairman if we could get it.

He said we could not. The gentleman knows, his party, again and again, when they lose in the Committee of the Whole, they go to the full House and they have this vote again. So we are just asking for a chance, when there is only a separation of one vote, is it possible that we could get our Republican colleagues, who missed it, to come down and maybe we could, for the American taxpayers, save $154 million.

That is the issue. There is nothing else. Shall we save $154 million. It is not a question of the gentleman believing in industrial policy. The Republican Party, I believe, does not believe in solving the problem through a Government industrial process which decides winners. We can save money here.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from California.

Mr. BROWN of California. Mr. Chairman, the gentleman, first of all, apparently misunderstands the rules.

The rules did not allow him and would not allow me, as a member of the majority party, if I were unhappy with the vote in the Committee of the Whole, to ask that the Committee rise and then have another vote. The rules do not permit that for either party.

We could, however, when we complete the work in the Committee of the Whole, offer a motion to recommit. The Republicans have control of that, which they chose not to do that.

That is a problem that the gentleman should not raise because the rules apply to both of us equally in that regard.

His other point, that this is really highly significant because it proposes to save $154 million, his amendment does not save anything.

Mr. CUNNINGHAM. Mr. Chairman, reclaiming my time, I yield to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Chairman, I just say to my colleagues, the National Taxpayers and the Citizens Against Government Waste do not agree. They think it saves the taxpayers money. So instead of us discussing it, I think we should just move to a vote.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from California.

Mr. BROWN of California. Mr. Chairman, this is with regard to the gentleman's point about saving this amount of money. The reason that I said that this verges on the dilatory, first of all, it does not save any money. But if the gentleman is unhappy at any time with an amendment, for example, that loses and cuts 10 percent and he wants to come back with 9 percent and then 8 percent and then 7 percent, which is what this verges on doing, he is just being dilatory.

I hope that he will not get himself into that position.

Mr. CUNNINGHAM. Mr. Chairman, reclaiming my time, the issue to this Member is threefold: first, to cut spending; second, to eliminate the Delegate vote by bringing it to the whole House, which is unfair, they should not be voting in the first place on a bill like this; third, what is the priority? It is not nit picking to cut $700 million to save the taxpayers.

Mr. GINGRICH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not take all of my time. I think on my side there will not be any more talks on this particular amendment.

I would just say to the gentleman from California, chairman of the committee, a couple of observations.

First, I believe with the exception of this amendment, virtually every amendment has been a serious amendment that many, I think many of which have been raised in the committee. They were brought to the floor by serious Members.

I think almost half the amendments, in fact, have been brought by Democrats. And I believe nine have been accepted by the committee, if I remember correctly.

Second, I believe it has taken this long to deal with the bill because the leadership of the House pulled this bill in several days, when otherwise it might have been concluded. That was a function of the scheduling of the leadership, not of the committee or our side.

Third, I agree with the gentleman. This particular procedure is not something I would normally recommend. And I do not.

Certainly, on our side, we were grateful to the gentleman's leadership in being the first chairman to ask for an open rule. We thought it was the right thing to do for the House. We do not intend to abuse it, and I would not want the gentleman to leave the floor today without knowing that we appreciate the way he approached this bill and that we hope it is part of the future.

I would say to the gentleman, I do believe psychologically, when the Delegates get to cast votes that do not count and a Member walks on the floor of the House and we see a 4 or 5 extra vote margin instead of seeing a vote that is 197 to 196, we see a vote that is 202 to 196, there is a propensity for Members to not realize that their single vote could change the outcome.

And I think the only point we were trying to make by coming back with this essentially same amendment was to say to the Members of the House and the country that there is something inherently wrong with Delegates, who by law cannot have their vote count, and that was the, remember, the one binding decision of the judge was, he said, since they do not count, they can go ahead and let them vote.

But the fact is, psychologically, on a vote, they give the side they are on an appearance of being five votes stronger than it actually is.

So when we got down to the last minute and a half of this vote, I came back to the floor, because I suddenly realized by deducting four or five votes it was a much closer vote than I thought it was. And as the whip, I keep a pretty good count.

So I would beg the Chairman's understanding, but for those of us who do not have the five votes that are not real but that are real on the board, even though they are not real in counting, that we are trying to make the point to the House that there is something fundamentally wrong about looking up here at the board and seeing votes that

do not count be counted so that when a Member is making a decision it looks like the margin is wider than, in fact, it actually is.

When we get down to a one-vote margin, which might have changed had Members been a little more careful because they might have been the difference. And I would say that $150 million in authorization here and $150 million there is, in fact, a nontrivial decision for the House and is one which, in the past, we might well have wrestled over, depending on what the issue is.

□ 1540

I do appreciate the gentleman's statesmanship in asking for an open rule, and I would say, with the exception of this single amendment, I would hope that the gentleman would agree that that was a serious effort to offer serious amendments.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. GINGRICH. I am glad to yield to the gentleman from California.

Mr. BROWN of California. Mr. Chairman, I have a high respect for the gentleman from Georgia, as I do for the other colleagues there on the other side. I go out of my way to be accommodating to the Members in every case that I can. However, we all have limits. I am beginning to reach a limit here. I want the Members to understand that.

I try not to let this interfere with the cool, dispassionate way in which I usually deal with things, but it is getting to that point. If it were not for the honor of being the vehicle by which the gentleman is contesting the rules allowing Delegates to vote, I would wish it was on somebody else's bill rather than ours, but the gentleman has that right under the rules and I am not going to object to the procedures that he is using.

I am trying to point out, however, that there is a larger purpose involved here, and we verge on threatening the comity and the purpose of achieving legislative results when we go too far.

Mr. GINGRICH. Mr. Chairman, I would say to my dear friend that he does bear this with honor. I think we will finish this bill this afternoon. We appreciate his approach. Maybe at some point we could let Delegates vote at the end, instead of changing the appearance of the vote.

The CHAIRMAN pro tempore (Mr. TORRES). The question is on the amendment offered by the gentleman from Florida [Mr. STEARNS].

The question was taken; and on a division (demanded by Mr. STEARNS) there were—ayes 42, noes 48.

RECORDED VOTE

Mr. STEARNS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 203, noes 225, not voting 9, as follows:

[Roll No. 168]

AYES—203

Allard
Andrews (TX)
Applegate
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chapman
Clement
Clinger
Coble
Collins (GA)
Combest
Condit
Cooper
Costello
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (OH)
Hamilton
Hancock
Hansen
Hastert
Hefley
Herger
Hoagland
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lambert
Laughlin
Lazio
Lehman
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Montgomery
Moorhead
Myers
Nussle
Oxley
Pallone
Parker
Paxon
Penny
Peterson (FL)
Peterson (MN)
Petri
Pombo
Porter
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Royce
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Slattery
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—225

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Bacchus (FL)
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Bonior
Borski
Boucher
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coppersmith
Coyne
Cramer
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Faleomavaega (AS)
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (TX)
Hamburg
Harman
Hastings
Hayes
Hilliard
Hinchey
Hochbrueckner
Holden
Hoyer
Hughes
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lancaster
Lantos
LaRocco
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Moran
Morella
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Pickett
Pickle
Pomeroy
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Romero-Barcelo (PR)
Rose
Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slaughter
Smith (IA)
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—9

Blackwell
Brewster
Hefner
Henry
Leach
Manton
McCurdy
Packard
Synar

□ 1603

The Clerk announced the following pair:

On this vote:

Mr. Packard for, with Mr. Synar against.

Mr. SPRATT, Ms. KAPTUR, and Mr. ORTON changed their vote from "aye" to "no."

Messrs. MCMILLAN, HOAGLAND, and LAUGHLIN changed their vote from "no" to "aye."

So the amendment was rejected.

The results of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. SMITH OF MICHIGAN

Mr. SMITH of Michigan. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Michigan:

Page 127, after line 21, insert the following new section:

SEC. 507. COORDINATION WITH BUDGET PROCESS.

Amounts authorized under this Act may be appropriated only to the extent consistent with the levels established in a congression-

ally adopted concurrent resolution on the budget for the appropriate fiscal year.

Redesignate table of contents accordingly.

Mr. VALENTINE. Mr. Chairman, I ask unanimous consent that all debate on H.R. 820 and all amendments thereto conclude by 6 o'clock.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

Mr. WALKER. Mr. Chairman, reserving the right to object, and I shall not object, do I understand that we are going to permit two Members, who were skipped by in title III, to go back, by unanimous consent, and pick up those amendments as well, as a part of the time limitation? Is that correct? That would be titles III and IV.

Mr. VALENTINE. Mr. Chairman, will the gentleman yield?

Mr. WALKER. Further reserving the right to object, I yield to the gentleman from North Carolina.

Mr. VALENTINE. Mr. Chairman, the amendments offered by the gentleman from Texas [Mr. DELAY] and the gentleman from California [Mr. DORNAN], those amendments which we have copies of and which were amendments to title III?

Mr. WALKER. Title III and title IV.

Mr. VALENTINE. If the gentleman will yield further, those two, yes. If the gentleman will agree to my unanimous-consent request, then we will agree that those amendments may be offered by those gentlemen.

Mr. WALKER. Mr. Chairman, I thank the gentleman and I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. SMITH of Michigan. Mr. Chairman, would the gentleman also agree to support this amendment, and we could save another 15 minutes maybe?

Mr. VALENTINE. Mr. Chairman, if the gentleman will yield, I would like very much to accommodate the gentleman, but that is not included in the agreement.

Mr. SMITH of Michigan. Mr. Chairman, I rise today to offer an amendment to the National Competitiveness Act of 1993 to require appropriated funding for programs in this bill to be in compliance with the conference report of the concurrent resolution of the budget, as adopted by this Chamber.

As a member of both the Budget Committee and the Science, Space and Technology Committee, I find it disturbing that funding levels approved in the budget resolution are not binding throughout the budget process. Simply titled, "Coordination with Budget Process," my amendment would require amounts appropriated for programs under H.R. 820 to be consistent with amounts established under the budget resolution.

This amendment does not require reductions to H.R. 820; it requires appropriators to live within the function 370 allocation provided under the budget resolution.

H.R. 820 programs are funded under function 370, the Commerce and Housing Credit category. Discretionary budget authority for all commerce and housing credit programs is $3.3 billion under the budget resolution for fiscal year 1994. This is a reduction of $100 million from the fiscal year 1993 discretionary total of $3.4 billion for this function.

At the same time function 370 is reduced, H.R. 820 increases spending from $388 million in fiscal year 1993 to $540 million in fiscal year 1994. It also provides for funding of over $1 billion in fiscal year 1995.

The percentage of function 370 resources used for H.R. 820 programs would increase from 11 to 30 percent in just 2 years.

While the President has requested and the committee has provided increases for programs under H.R. 820, let's agree not to exceed budget resolution funding levels.

Mr. Speaker, while I do not agree with the budget resolution, and I believe the amounts authorized under H.R. 820 are in excess of what we can afford, I ask that this Chamber agree to limit appropriations for programs under H.R. 820 to the extent provided for under the budget resolution.

Mr. Speaker, when Congress passed the budget resolution, it claimed to be for deficit reduction.

This is a vote on whether Congress is willing to live within the budget resolution by making it part of this law.

Let's agree we will spend no more than the funding levels provided under the budget resolution.

Mr. Speaker, I ask that this House pass the coordination with budget process amendment.

Mr. DURBIN. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Michigan. I am happy to yield to the gentleman from Illinois.

Mr. DURBIN. Mr. Chairman, I have just finished serving my sentence on the Committee on the Budget for 6 years, and it was my experience on that committee that we rarely, if ever, in the budget resolution provided specific amounts for specific line items. The budget resolution was confined to functions, as the gentleman has acknowledged, and I am concerned that his amendment suggests otherwise and suggests that the budget resolution is somehow going to have to specify how much money will be for this program.

Would the gentleman answer that?

Mr. SMITH of Michigan. Yes, sir. The budget resolution appropriates money for the 370 function area. Eleven percent of the 370 function area goes within the parameters of the Committee on Science, Space and Technology in this particular amendment. All this amendment says is that we will live within the bounds of that 370 function. It does not specify, and the Committee on the Budget does not specify, how much goes to each separate committee. I think that is a change we need to consider in the budget process, because the propensity to overspend now, as we all know, is significant.

The fact is that all we are saying to the appropriators is that they live within the boundaries of what was passed by this Congress in the budget resolution.

Mr. DURBIN. If the gentleman will yield further, I do not quarrel with the gentleman's suggestion. It is worthy of debate and merit. I just wonder if this is the right place to be raising the issue. I think the gentleman is calling for a change in the budget resolution so there would be more specificity in allocation.

□ 1610

As it stands now, the Appropriations Committee that I serve on—and every other appropriations committee—is bound by the budget resolution in terms of how much we can spend in each function. That is already in the law.

Mr. SMITH of Michigan. Reclaiming my time, on both sides of the aisle, there is a yellow sheet of paper. The amendment is very simple. It simply states that the amounts authorized under this act may not exceed what is authorized in the budget resolution.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Michigan. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Mr. Chairman, the gentleman from Illinois is raising a very legitimate question. I think it deserves to be answered.

I do think what the gentleman from Michigan [Mr. SMITH] is proposing to do probably does fit here. It appears, our interpretation of this is that what the gentleman would do is give an additional point of order on the appropriation bill that exceeded the 370 account. As it is right now, if the gentleman's amendment were not adopted, a point of order might not exist should the subcommittee go over the 370 account based upon spending in this bill.

What the gentleman is doing is establishing a secondary point of order that would exist based upon this legislation on any appropriated amount that would go over the budget resolution, and as far as we know, that is entirely within the bounds—it does not require a change in the budget resolution.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. SMITH] has expired.

(By unanimous consent, Mr. SMITH of Michigan was allowed to proceed for 1½ additional minutes.)

Mr. SMITH of Michigan. Again let me remind my colleagues that we are

facing the situation where the recommendations of the President have been less for the 370 function area. So, for 1994, the actual budget as approved through the budget resolution process is $100 million less in 1994 than it was in 1993. This particular budget actually increases its share of the total 370 function authorization by $150 million. So, we are faced with a situation where this competitiveness bill is using a larger share of the 370 function budget, and this simply puts it into absolute law that what this body wants to do is hold the line at least within the parameters of the budget resolution.

When we passed that resolution, we all agreed we wanted some spending cuts. This simply would put it in law that we are going to at least, at the very least, live within the guidance of that budget resolution.

Mr. BROWDER. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Michigan [Mr. SMITH].

Mr. Chairman, the amendment would have the Budget Committee, on which I serve, set spending levels for specific programs, something it does not do now. I understand his desire to control spending and agree with the principle that Congress should stay within budget. But his amendment is misdirected.

The Budget Committee budgets by function. At best the committee makes only assumptions about where reductions may be made or new spending allocated. The amendment unnecessarily broadens the jurisdiction of the Budget Committee, and does so at the expense of the authorizing and appropriating committees.

Mr. Chairman, I support stronger budget enforcement and will gladly work with the gentleman on effective spending restraints. But this House should agree that good order dictates that the issue of committee jurisdictions should be taken up in measures on the organization of Congress and not in an amendment to a bill dealing with our Nation's industrial development. For that reason, if no other, I oppose the amendment and ask my colleagues to do so, as well.

Mr. COPPERSMITH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the amendment. I was hoping to engage the gentleman from Alabama [Mr. BROWDER], if I may.

Mr. Chairman, my understanding is that the budget resolution sets out broad categories, function 370 for example, which we are discussing, as well as function 250, which is involved in this bill as well, but that the individual programs are left up to the expertise of the authorizing committees. What this amendment would do would be to require the Budget Committee, it appears, to develop substantive expertise with respect to all these programs rather than letting the committees retain that expertise and make those individual program breakdowns.

Mr. BROWDER. Mr. Chairman, will the gentleman yield?.

Mr. COPPERSMITH. I yield to the gentleman from Alabama.

Mr. BROWDER. I thank the gentleman for yielding.

Mr. Chairman, I think the gentleman is absolutely right. There are a lot of us who think that we have that expertise, but I do not think we have that possibility under the current constraints. I believe what this would require us on the Budget Committee to do, since we have already passed the budget resolution, it would require us to come back and restate that.

Mr. COPPERSMITH. Reclaiming my time, that point is exactly what I was wondering about, how this amendment might work for fiscal 1994. The Budget Committee and the House have both concluded consideration of the budget resolution without dealing with the individual programs.

Mr. BROWDER. If the gentleman would yield further, the gentleman is right. The budget resolution does not specify how much funding these programs under this bill would get. It sets funding levels for broad budget functions, but does not deal with this particular set of activities. I do not know how we would come back, after having just passed the budget resolution, and redo this.

Mr. COPPERSMITH. Reclaiming my time for one final question: It appears, under current law and procedures, a point of order lies should the appropriation for any of these programs exceed the ceilings set in the budget resolution.

I heard the gentleman on the other side of the aisle say that all this would do would be to give an extra point of order. But a point of order already lies. What the amendment essentially would do in that case would be duplicative.

Mr. BROWDER. Mr. Chairman, I leave the gentleman from Arizona to answer his own question.

Mr. COPPERSMITH. A point of order already exists; I am not exactly sure what this amendment would do. A point of order already exists, and I fail to see how the legislation would help.

The point I would like to make is that this bill does fit within the ceilings set in function codes set by the Budget Committee. This bill attempts to reorder priorities within those functions set by the budget resolution. This bill takes the expertise of the authorizing committees to set priorities for the various programs. We should not expect the Budget Committee, particularly with the speed that it must deal with the budget each spring, to develop the expertise to go program by program setting individual program funding levels.

I think the amendment is offered in a good attempt toward a laudable goal, but the better idea is for us to keep within the broad budget caps and then have the individual programs fit within that overall cap. I think that is the intent of this bill, and I think the amendment truly does not serve that purpose.

Mr. BROWDER. If the gentleman would yield for one final comment: This bill is already consistent with the budget resolution, and this amendment is inconsistent with the budget process and would selectively alter that budget process.

Mr. COPPERSMITH. I thank the gentleman and yield back the balance of my time.

Mr. WALKER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think there has been an awful lot of overinterpretation of the amendment. The amendment does none of the things the gentleman just talked about, requiring the Budget Committee to go into specificity. There is nothing in the amendment that even presupposes that.

All the amendment does is fixes another point of order that could be raised on the floor in budget item 370 if it were exceeded. As it is right now, the Budget Act is routinely waived on the floor. So, the point of order to which the gentleman just referred are usually routinely waived on appropriation bills. So that is something which is not usually operative.

What this does is sets up another point of order that could be used should function 370 be exceeded. That is all it does. It does not say to the Budget Committee, "You have to get into specifics." it simply sets up one more point of order that could be waived with regard to function 370.

Why is that important in the bill? I simply have to disagree strongly with what the gentleman from Alabama [Mr. BROWDER] said, that this is inconsistent with the present Budget Act. If you take a look at what is being done in the Budget Act, what you find is that the Budget Act is dropping significantly in function 370. At the same time, this bill is taking a share of function 370 devoted to those programs from 11 percent to 30 percent in just 2 years.

Now, if in fact you are doing that, I do not see how the appropriators can possibly do their job.

I mean, you have given the appropriators almost an impossible task by suggesting to them that in the commerce and housing account they can in fact accommodate a massive increase in this one program in 2 years and at the same time fulfill all the needs we have in commerce and housing over the next couple of years.

□ 1620

That is inconsistent with the budget resolution. The budgeteers decided that this is an account that should actually

drop. This is a place where we are bringing down the spending, yet this bill proposes an increase from 11 to 30 percent. That is entirely inconsistent.

So what occurs to us is that appropriators caught in this bind may well have to exceed the budget numbers in function 370.

All the gentleman from Michigan is suggesting is should that happen, the House should have an additional point of order available to it. That is the only effect of this amendment is to ensure that there is one more point of order that lies against spending that may exceed the caps agreed to in the budget function.

I would suggest it is an entirely reasonable amendment and should be supported.

Mr. HOKE. Mr. Chairman, I move to strike the requisite number of words. I rise in favor of the amendment.

Mr. Chairman, I think it is important to recognize that all this particular amendment serves to do is to require that the bill, H.R. 820, will stay within the amount that was set up within function 370. Function 370 has been allocated $3.3 billion for fiscal year 1994. It is a reduction of $100 million from fiscal year 1993 which had a total discretionary amount in function 370 of $3.4 billion.

The purpose of the amendment of the gentleman from Michigan is to require that we do not go over the total amount that has been allocated in function 370.

The whole point of this is does the budget resolution have meaning or not? If it has meaning, then we ought to stay within function 370. We ought to stay at the $3.4 billion. We will hassle it out in the Appropriations Committee with respect to whether it goes to the Housing Credit Programs, the Commerce Programs, the Science, Space, and Technology H.R. 820 bill, but are we going to stay within that budget resolution or not? We voted for it. We passed it in this House. That is really what it boils down to.

If we are not going to do that, if we are going to waive the budget resolution when we come to appropriating the funds in this, then it really points up the sham of the whole budget resolution process.

I would suggest that if we are not willing to pass this simple amendment that would create a point of order later, then we really do not take seriously the budget process at all, and that is why I rise in support of the amendment.

Mr. BROWN of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, with great reluctance, I rise to oppose the amendment. I recognize, as others have, that the effort of the gentleman is again to provide fiscal restraint, but let me try to give you a perspective on this.

This amendment on this bill, unless it is applied to every bill, will in effect be a nonentity. This has to be done in such a way it applies to all authorizing legislation.

Second, I honestly do not think that this amendment can function. You already can raise a point of order on an appropriations bill if it exceeds the budget process, if it exceeds the budget resolution, or if it exceeds the allocation process within the authorizing committee.

In order to have an effective point of order against an authorization bill, it would require, as several of the previous members of the Budget Committee have indicated, that the Budget Committee put into their resolution a level of specificity below the present system of functions, like function 370. They would have to specify within section 370 the details that would coincide with the legislation, and that in effect means the Budget Committee not only would be constraining the Appropriations Committee process, which it does now, but it would be constraining the authorizing process and would in effect become an authorizing committee.

Mr. HOKE. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I am happy to yield to the gentleman from Ohio. Perhaps he can clarify what he intends to do with this amendment.

Mr. HOKE. What I think I hear the Honorable Chairman of the Committee on Science, Space, and Technology, saying is that this amendment might not do any good, but it does not do any harm. If we consider that it might bring us a little closer to fiscal responsibility by directing that we do not appropriate in function 370 to a greater extent than was authorized in the budget resolution, then it very well might do some good, and I hope we can move in that direction.

I am concerned, as I am sure the chairman is, that we have been somewhat fiscally irresponsible as we proceeded to increase spending and increase our deficit and debt in this country.

Mr. BROWN of California. Mr. Chairman, I thank the gentleman for his comments.

I note the presence of one of the distinguished subcommittee chairmen on appropriations. I would like to pose a question to the gentleman from Iowa [Mr. SMITH], if he does not mind. I think he probably minds.

The question that I would pose to any member of the Appropriations Committee is, Can you appropriate today in your appropriations bill an amount which exceeds the amount contained in the budget resolution?

Mr. Chairman, I yield to the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. If it exceeds the 602 allocation that we report to the House, then it is subject to a point of order on the floor.

Mr. BROWN of California. If it exceeds the 602 allocation?

Mr. SMITH of Iowa. That is right.

Mr. BROWN of California. If the gentleman's answer that you cannot exceed the amount in the budget resolution?

Mr. SMITH of Iowa. No. From the big pot in the budget resolution, we get an allocation under 602. Then we cannot only exceed the budget resolution, we also cannot exceed that our 602.

Mr. BROWN of California. So you have two checks within the committee.

Mr. SMITH of Iowa. That is right.

Mr. BROWN of California. The Appropriations Committee cannot appropriate more than is in the budget, nor can you appropriate more than is in your 602 allocation?

Mr. SMITH of Iowa. That is right.

Mr. BROWN of California. Mr. Chairman, I appreciate the gentleman's comments.

Mr. DELAY. Mr. Chairman, will the gentleman yield? I am also on the Appropriations Committee.

Mr. BROWN of California. Yes, I am happy to yield to the gentleman from Texas.

Mr. DELAY. Chairman SMITH is absolutely right, but as the chairman knows, and this House knows, we waive the budget resolution and points of order against what the chairman brings up all the time in this House, so that we can spend over what the budget allows.

Mr. BROWN of California. Yes. This gentleman is also aware of that, but let me point out that there is nothing in this language that would preclude this from being waived just as well.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. Yes, I am happy to yield to the gentleman from Pennsylvania.

Mr. WALKER. The one concern we have here is that when we start talking about violating the 602(b) allocation, the chairman of the subcommittee is absolutely right.

The problem is that 602(b)'s can be entirely different from the 602(a)'s, which merely reflect what the budget resolution says. The Appropriations Committee on its own can reallocate.

The gentleman's amendment would go to that question. In other words, if there were a change over the budget allocation——

The CHAIRMAN. The time of the gentleman from California has expired.

(By unanimous consent, Mr. BROWN of California was allowed to proceed for 1 additional minute.)

Mr. BROWN of California. Mr. Chairman, I yield further to the gentleman from Pennsylvania so that he may continue.

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding to me.

The point I am making is that it would enforce the budget resolution

from some dramatic changes over the budget resolution that might take place within the Appropriations Committee. That would be the real function of this point of order versus the 602(b) point of order.

Mr. BROWN of California. Mr. Chairman, I am sure the gentleman from Pennsylvania can conceive of a useful purpose for this amendment, as the author undoubtedly conceives it. Of course, their argument is, well, it is not harmful, so why do we not pass it.

Let me say that normally I can buy an argument like that, but this amendment really leaves me confused, because I do not think I would understand the relative position of our committee as an authorizing committee or the Appropriations Committee or the Budget Committee. I do not want to add to the confusion around this establishment. There is too much already.

Mr. Chairman, I ask that the amendment be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. SMITH).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SMITH of Michigan. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 192, noes 228, not voting 17, as follows:

[Roll No. 169]

AYES—192

Allard
Andrews (TX)
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clement
Clinger
Coble
Collins (GA)
Combest
Condit
Costello
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Glickman
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hoagland
Hobson
Hoekstra
Hoke
Horn
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Lehman
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meehan
Meyers
Mfume
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Myers
Nussle
Orton
Oxley
Parker
Paxon
Payne (VA)
Penny
Peterson (MN)
Petri
Pombo
Porter
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Sharp
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—228

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Applegate
Bacchus (FL)
Barcia
Barlow
Barrett (WI)
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Cooper
Coppersmith
Coyne
Cramer
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hilliard
Hinchey
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jefferson
Johnson (GA)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meek
Menendez
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pickett
Pickle
Pomeroy
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Romero-Barcelo (PR)
Rose
Rostenkowski
Rowland
Roybal-Allard
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Shepherd
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Wheat
Whitten
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—17

Becerra
Bentley
Brewster
English (OK)
Faleomavaega (AS)
Gingrich
Hefner
Henry
Houghton
Leach
Manton
Packard
Rush
Sisisky
Synar
Waxman
Wilson

□ 1650

The Clerk announced the following pair:

On this vote:

Mr. Packard for; with Mrs. Synar against.

Ms. MCKINNEY and Mr. KREIDLER changed their vote from "aye" to "no."

Messrs. BAESLER, JOHNSON of South Dakota, and HOAGLAND changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. RUSH. Mr. Chairman, during rollcall vote No. 169 on H.R. 820 I was unavoidably detained. Had I been present I would have voted "No."

AMENDMENTS OFFERED BY MR. DELAY

Mr. DELAY. Mr. Chairman, I offer 2 amendments.

The Clerk read as follows:

Amendments offered by Mr. DELAY:

Page 109, line 14, through page 117, line 10, strike section 407.

Page 117, lines 11 and 18, redesignate sections 408 and 409 as sections 407 and 408, respectively.

Page 118, line 4, redesignate section 401 as section 409.

Page 119, line 18, redesignate section 411 as section 410.

Page 3, strike the item in the table of contents relating to section 407.

Pages 3 and 4, in the table of contents, strike "408" and insert in lieu thereof "407"; strike "409" and insert in lieu thereof "408"; strike "410" and insert in lieu thereof "409"; and strike "411" and insert in lieu thereof "410".

Page 125, line 15, insert "and" after "fiscal year 1995;".

Page 125, lines 19 and 20, strike "; and" and insert in lieu thereof a period.

Page 125, lines 21 through 24, strike paragraph (4).

Mr. DELAY (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. DELAY. Mr. Chairman, I ask unanimous consent that the amendments be considered en bloc and that we reopen title IV so I may offer my amendments.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas that the amendments be considered en bloc?

There was no objection.

The CHAIRMAN. Without objection, title IV will be reopened for the offering of these amendments.

There was no objection.

Mr. DELAY. Mr. Chairman, H.R. 820 authorizes $50 million in fiscal year 1995 to fund a new grant program at the Department of Commerce for American work force quality partnerships—these would be partnerships between industry and higher education institutions to train and educate employees. My amendment would strike this program.

Before I begin, let me remind my colleagues that I am a businessman. It is no revelation to me that in a fast-paced, high-technology marketplace, employee training and education are critical to the success of any business. Not only does employee training and education improve the efficiency of the work force, and therefore, increase profits, it boosts employee moral.

That having been said, let me further remind my colleagues that noble intentions, while necessary, are seldom sufficient on their own to make a good law or to fashion programs that spend taxpayer dollars effectively. Private sector employers clearly recognize worker training as critical to their ability to compete. The private sector spends between $30 to $44 billion each year on worker training and education programs. A survey by the National Association of Manufacturers showed that virtually every business surveyed was doing something to improve the quality of its work force.

The program we are debating today would not make worker training more prevalent; it would simply provide a subsidy to a few of the businesses already engaged in it—a subsidy, I might add, that comes on top of the tax incentives we already provide.

Nevertheless, to the extent that some believe there may be a certain role for Government to play in worker retraining, there are several avenues other than creating yet another tax dollar spending program.

The General Accounting Office reports that there are already 125 Federal job training programs spread out through 14 Federal departments and agencies. These programs spent $16.3 billion on various forms of worker reeducation in 1991. These figures do not include State and local government programs. The GAO reports:

> This myriad of programs creates the potential for overlapping services and confusion on the part of local service providers and individuals seeking assistance. Although multiple programs are an acknowledged problem, many barriers exist to effective program coordination or the integration of program services, such as varying target group definitions, differing administrative rules, and competition between programs.

Surely, we don't need to create yet another new training program—through the Department of Commerce this time—that would be duplicative of existing training programs under the: Job Training Partnership Act, the Trade Adjustment Assistance Act, the Adult Education Act, the Carl D. Perkins Vocational and Applied Technology Education Act, the Even Start Program, and the Job Opportunity and Basic Skills Program.

More assistance is provided through the Department of Labor through the National Advisory Commission on Work-Based Learning and the Commission on Achieving Necessary Skills, not to mention subsidies through the tax system in the form of credits for employer training of workers.

Even in this time of budgetary crisis, the authors of this proposal would rather buy a brand new program, rather than going back into the closet and fixing one of the 125 programs we bought in the past.

Secretary of Commerce Ron Brown, testified in front of the Science Committee that while he agreed that the Department of Commerce has a substantial stake in the quality of the work force, he would like to study the situation further. He asked the committee to reserve judgment on this program pending further administration review.

Acting general counsel at the Department of Commerce, Carol Darr, followed up the Secretary's comments by rejecting outright the proposed training program. In a letter to the Science Committee she writes and I quote:

> Although the Administration supports the goals of section [407], we do not believe that establishing a new grant program for American workforce partnerships in FY 94 is appropriate, given fiscal constraints and the need to prioritize investments.

While the committee didn't fund the program in 1994, the fiscal situation for 1995 is no different; it should not be funded in 1995 either.

One of the biggest flaws of this program is the power it gives to Federal bureaucrats to determine which businesses have developed the best workforce quality partnership programs. My experience with bureaucracy is that they are not up to this task and shouldn't be in the business of picking winners and losers, and that's exactly what this grant program allows them to do.

Further, there is no question in my mind that this grant program will end up as so many Federal programs that dole out Federal dollars—opportunities for those who know the ropes to harness the pork. I fail to see how such a program will enhance the competitiveness of our Nation's businesses.

Mr. Chairman, this new Federal grant program adds needlessly to our burgeoning deficit and will not enhance the competitiveness of our Nation's businesses. Moreover, we already have 125 programs in place with a budget of $16.3 billion to which we can turn to accomplish any goal that we think too important to ignore. We don't need another program. If there's retraining to do it's on those Members of Congress who just can't say no to spending money when they like an idea.

I urge my colleagues to heed the recommendation of Secretary Brown and remove this program from the bill, voting "yes" on this amendment.

□ 1700

Mr. VALENTINE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, with respect to the battle of the letters, and concerning what Secretary Brown and what some general counsel or somebody else who purports to speak for the administration might say about the legislation, let me say to the gentleman on the other side, and to especially my good friend, the gentleman from Texas [Mr. DELAY], that I hold in my hand a letter dated today from the President of the United States wherein he states that H.R. 820, that is the bill we are talking about, the bill which the gentleman seeks to amend, he says;

> It is a wise investment in our Nation's future. I urge the House to pass the legislation without further amendments.

We have copies of these letters. We will be happy to make them available to the gentleman. They supersede anything that the gentleman might have read from in debate.

Mr. Chairman, this is yet another amendment which pretends that there is no problem or crisis, which pretends that America needs to do nothing else with respect to worker training. The amendment would strike provisions of the bill which establish a cost-sharing worker training program.

The Competitiveness Policy Council, in a recent report to the President and to the Congress entitled "A Competitiveness Strategy for America," stated, and I quote;

> Investment in American workers is central to restoring the Nation's competitive position.

The report, Mr. Chairman, goes on to say that—

> 20 percent of our adults are functionally illiterate, compared with only 1 percent in Japan. Four in ten business executives say that they cannot modernize their businesses, their equipment, because their workers do not have the appropriate skills. Only one in five firms believes that high school graduates can write adequately, while more than two-thirds consider their reading and arithmetic skills substandard.

The ability of some Japanese firms to introduce flexible manufacturing systems twice as fast as American firms may stem from their having four times as many workers trained on numerically controlled machines. All of our foreign competitors spend four to five times as much as the United States on worker training.

The rapid rise of Pacific rim exports is contributing to increased joblessness and lower wages in the United States. The bottom line is simple. If we want a higher standard of living, we will have to earn it by improving the education and training of our work force.

Mr. Chairman, this is what we have attempted to do, and this is what oth-

ers would attempt to tear down. I respect my colleague, the gentleman from Texas [Mr. DELAY]. We came here at the same time. He is filled with many good ideas, but this is not one of them. The Department of Commerce is uniquely qualified among Federal agencies to discharge the responsibilities which are placed upon them by this legislation.

I urge my colleagues to not at this late date eviscerate our handiwork, and to vote against the gentleman's amendment.

Mr. GUNDERSON. Mr. Chairman, I move to strike the last word.

Mr. Speaker, I rise in support of this amendment, and I plead with the Members on both sides of the aisle to understand exactly what we are doing. I happen to sit on the Committee on Education and Labor, and I agree with everything the gentleman from North Carolina [Mr. VALENTINE] just spoke about in terms of the importance of educating and training the American workers. We are in a high-technology lifelong society where we are going to need to train and retrain every American employee many times simply to keep their jobs, to say nothing of getting a new job.

The reality is, Mr. Chairman, that is the role of all of our programs presently existing primarily in the Department of Labor for training and retraining, some of them in the Department of Education when they deal with basic education, adult education, or higher education.

The fact is, according to the General Accounting Office, between these two departments we have over 125 different programs today involved in training and retraining the American worker. The fact is that we in the Committee on Education and Labor are looking at roughly, on an annual basis, something like $16 billion a year spent on training programs. We do not need, and as a matter of fact, it is a harm, to create a new program not in conjunction, not in consortium, not in connection with those already existing in the Department of Labor, but to create a program over in the Department of Commerce. That does not make any sense.

We are looking at, under the Clinton budget over the next 4 years, something like a $28 billion increase in function 500, which is education and training. Those are the programs, that is the area. If we have got problems, if we are not targeting the right people, then come to us.

Secretary of Labor Reich intends later this year to submit to the Congress a comprehensive one-stop shopping program for every American worker for assessment and training. Let us fix any problems we have there. Let us not make the Department of Commerce the education and training place. Let us not make the Department of Agriculture the next education and training department. Let us not make the Department of Defense the third education and training department.

At least the Pentagon, in all of their defense conversion dollars, contracted with the Department of Labor so that this would be done in conjunction with all of our other programs in terms of qualifying, in terms of consistency, in terms of deliverance. This does none of that. This program out of the blue says:

> We think that is an interesting area to be involved in, and so we in the Department of Commerce want to be involved as well.

I plead with the Members, whether they are Republican or Democrat, this amendment begs for consistency and efficiency in the implementation of our manpower, our employment policy programs in this country. I plead with the Members, support the amendment of the gentleman from Texas [Mr. DELAY]. It makes sense. It is the right thing to do. We solve these problems elsewhere in programs today.

Mr. DELAY. Mr. Chairman, will the gentleman yield?

Mr. GUNDERSON. I am happy to yield to the gentleman from Texas.

Mr. DELAY. Mr. Chairman, I appreciate the gentleman's statement. His eloquence is so much to the point. I just want to point out to the gentleman that I hold in my hand the letter from the President that does not say anything about being against my amendment, but it does say they support the bill without further amendments. So Members who are going to be voting on this amendment may be voting for a plan that the gentleman has described as unnecessary, and then let the Senate take care of it, because that is where they will take it out, or let the conference take it out over there, and be stuck with a vote that does not properly reflect their ideal or the Members' ideal of efficiency and good common sense.

I appreciate the gentleman's statement.

Mr. ROEMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I, too, would like to begin my remarks by saluting the gentleman from Texas [Mr. DELAY] for his efforts, his conscientious efforts to be concerned about the budget deficit, and have joined him in some of his efforts. People on this side, in a bipartisan manner, have also joined with the other side in efforts to be responsible in the funding levels of this bill. I just voted for a cut in the funding level of this bill at both the 10 percent level and the 9.9 percent level.

I am very concerned about the budget deficit. However, I think this program is both unique, it is needed, and it is important. The American Society for Training and Development has said that the American work force quality partnership's initiative is the only major Federal effort to support training for currently employed workers. I think we should in this country be concerned not just about dislocated workers and unemployed workers and workers that lost their jobs 5 years ago and 10 years ago or 2 months ago, but working in pro-active ways to work on new industrial techniques, on management techniques, on total quality management techniques, especially targeted to our small and medium-size businesses, which will help prevent the loss of that job, and which will, second, help us compete with other countries that are developing new areas to develop productivity, and third, to reach out with our small and medium size businesses that are having such difficulties getting access to this information because they do not have the budgets like a Motorola does to deploy total quality management techniques to develop this kind of a training program.

□ 1710

So I think this is a needed program. I think this is in the interest of the workers and of the management in this country.

Also I want to mention a couple of important statistics that further argue for the importance of defeating this amendment. Of the workers who will be employed in the year 2010, 70 percent are in their job today. We will be developing new quality improvement techniques, we will be developing new manufacturing processes, and we want to keep these people working in the defense sector, in the high-technology sector, and these people are going to have to upgrade their skills. In manufacturing alone more than 15 million jobs will require different skills than they require today, currently. We should keep up on the evolving techniques here.

Finally, more than 90 percent of manufacturers in the United States are small or medium-size and face significant financial and logistical obstacles to training. This helps them with those training techniques.

My last point would be that Motorola, using total quality management, has saved over the last 5 years $2 billion.

When we can forge matching grant programs such as this one that help solve problems and help get this information from bigger businesses to smaller businesses, to save money and to save jobs, I think that is a prudent investment in our work force and our own management in our small and medium-sized businesses.

Mr. KLEIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we all know that America is falling behind in the area of industrial competitiveness, and as we continued to lose manufacturing jobs to other parts of the world throughout the 1980's, the prior administration stood by and did nothing.

This party has now come forward with H.R. 820, which will give American industry the tools and incentives to regain its competitive edge, to develop new technologies and new products through research and development, and to build state-of-the-art plants and facilities, and create new high-paying jobs of the future.

Having failed to respond to the challenge in the past 12 years, my friends on the other side of the aisle now criticize this bill in their seemingly endless series of frivolous amendments. They say we should leave hands off. Well that party left hands off the savings and loan industry in the 1980's, and it cost the American taxpayer $200 billion.

They say we should follow their trickle-down economic theories by lowering the taxes for the wealthiest Americans. Well we did that in the 1980's, and business giants like Michael Milken and the CEO's of our largest companies made fortunes, but none of it trickled down. The average American is worse off and millions lost their jobs.

They say we should not give financial assistance to small or medium-sized businesses because it is a poor risk and the banks will not make these loans. But the banks would not loan money to help Chrysler, so the American Government did. And it not only turned out to be a great investment for the American taxpayer, but it put Chrysler back on the road to competitiveness and financial health, and it created good, high-paying jobs.

H.R. 820 will do the same for many other American companies and create jobs for American workers. But it is not enough to create jobs. We have to have workers who are trained and continue to be trained so that we have the best and the most skilled work force in the world. And to strike the training provisions of the bill, as this amendment does, is to gut the bill.

This is simply part of a pattern of frustrating and impeding this much-needed legislation. Having imposed failed policies and caused the worst recession since the 1930's, we are now faced with obstructive tactics to impede efforts to help this Nation's economy.

I say let us get back to work again. Let us make American industry competitive again. Let us give our workers the tools, and let us make "Made in the USA" once again a standard for quality throughout the world.

I urge the rejection of this amendment and the quick passage of H.R. 820.

Mr. WALKER. Mr. Chairman, I move to strike the requisite number of words and I rise in favor of the amendment.

Mr. Chairman, I had not intended to speak on this amendment until I heard the last speech, and it always strikes me as passing strange that the blame-America-first crowd always comes out, and so on, with the idea that the United States is the one that is failing here. The fact is that this country does pretty well in competing in the world. It is the world's largest exporting nation, and so on. We can improve, but that kind of rhetoric we just heard, suggesting that America is somehow in the doldrums, and we have no ability to fight, just strikes me as kind of outrageous.

But let us understand that the gentleman just referred to the amendment of the gentleman from Texas as another frivolous amendment. Well this frivolous amendment was adopted in the committee. It was adopted 10 to 9, until the majority hauled out their proxy votes to defeat it. But when we had the members there debating the bill, it in fact won, so it is not a frivolous amendment. It goes to the point.

Why does it go to the point? Because the Department of Commerce, when they really were speaking for themselves, before they got under political pressure and were really reviewing the subject matter, said flatly that they did not want this amendment. I quote again from the acting general counsel at the Department of Commerce who says, speaking for the Commerce Department:

> We do not believe that establishing a new grant program for American work force partnerships in FY '94 is appropriate, given fiscal constraints and the need to prioritize investments.

The Commerce Department said very clearly this is not a frivolous amendment. This goes to the heart of it, and the administration is in such disarray, and there are so many letters floating around the Hill that no one knows what any of them mean. The Clinton administration cannot get their act together even to tell us what their opinion is on some of these various amendments and some of the various bills. But we do know that when the Department itself reviewed it and came up here with their technical letter, the technical letter suggested that this is not a good idea.

Of course, we used this letter in committee, and they were very embarrassed in committee when on a real vote of the members actually sitting in the room this amendment won, largely based upon this language. But the gentleman's amendment is not frivolous. It is an extremely important amendment in that it is, I think, one that goes to the heart of the issue. And I would hope that the Members would approve the amendment.

Mr. FINGERHUT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise just to make one point in response to the point of the gentleman from Texas [Mr. DELAY], about the duplication of training programs, and also to respond to the eloquent statement by the gentleman from Wisconsin [Mr. GUNDERSON].

I am extraordinarily sensitive to the point the gentleman raises, and I think he is as committed to true quality training programs for our work force as is any Member in this body, certainly as is any Member on either side of the aisle, and I hope that the gentleman from Wisconsin [Mr. GUNDERSON], if he is still here, or the gentleman from Texas [Mr. DELAY], will be very active in sorting through all of these duplicative programs that exist, because I believe that it is a well-taken point. And certainly the Committee on Education and Labor ought to take that up, and encourage them to do it.

I support this program though and oppose the amendment because this is a unique program of the kind that I hope we will explore. As I visit businesses in my district, and particularly manufacturing businesses, what they have said to me is, of all of the training programs that are out there, they would like a training program that involves them directly, and that they are personally, the businesses are personally involved in designing the training program for their own workers.

So this program, first of all, I think, is located in the right department of our Government, in the Department of Commerce, which is where this critical issue of training current workers ought to be lodged. And second, it is a program that involves the Government through its support, but directly to business, and the community college system of our country, which I think is where the most effective job training is going on.

□ 1720

So to me this responds very specifically to the request from the manufacturing businesses that I have talked to for a target program that addresses their needs specifically.

I urge the defeat of the amendment, but I encourage the gentleman and his colleague, the gentleman from Wisconsin [Mr. GUNDERSON], to go after the duplication and the wasteful programs that exist in the other areas of the Government.

Mr. DELAY. Mr. Chairman, will the gentleman yield?

Mr. FINGERHUT. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Chairman, I appreciate the gentleman's statement, and it is so well taken.

The gentleman from Ohio is new to this body, and I just have to explain to him something that I know he is aware of. This comes up all the time. We have all of these duplicative programs. We could go in and take this $16 billion and rework it, but if we keep adding new ones on and just keep adding new ones on, each one of them gains its own constituency, and it makes it even more difficult to go in and actually do

something more efficiently and really reach down to those companies that both of us want to reach.

Mr. FINGERHUT. I appreciate the gentleman's statement.

Were this not the No. 1 concern, frankly, of manufacturing businesses throughout the country, their training of their workers, I would agree that we should wait until after we have cast away duplicative programs.

Just yesterday there was an initiative announced by the Northeast-Midwest Coalition, a bipartisan initiative, the gentleman from Connecticut [Mr. FRANKS], of your side, and the gentleman from Massachusetts [Mr. MEEHAN], on our side, cochairing the initiative on manufacturing, the chairman of the National Association of Manufacturers was there, and in his remarks he identified that this was the No. 1 issue.

I appreciate the gentleman's comments.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Texas [Mr. DELAY].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. DELAY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 188, noes 234, not voting 15, as follows:

[Roll No. 170]

AYES—188

Allard
Andrews (TX)
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Condit
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Laughlin
Lazio
Lehman
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Murphy
Myers
Nussle
Oxley
Parker
Paxon
Penny
Peterson (MN)
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—234

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Applegate
Bacchus (FL)
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bishop
Blackwell
Bonior
Borski
Boucher
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Durbin
Edwards (CA)
Engel
English (AZ)
Eshoo
Evans
Faleomavaega (AS)
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Peterson (FL)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Reed
Reynolds
Richardson
Roemer
Romero-Barcelo (PR)
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Valentine
Velázquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—15

Bentley
Brewster
de la Garza
English (OK)
Gingrich
Hefner
Henry
Leach
Manton
Nadler
Packard
Pelosi
Rangel
Swift
Synar

□ 1742

The Clerk announced the following pair:

On this vote:

Mr. Packard for, with Mr. Synar against.

Mrs. LLOYD changed her vote from "aye" to "no."

So the amendments were rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. DORNAN

Mr. DORNAN. Mr. Chairman, I ask unanimous consent to go back to subtitle C of title IV, section 336, and I offer an amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. DORNAN: Page 62, line 11, insert "Nothing in this section shall be considered to extend eligibility to individuals on the basis of sexual orientation." after "including women).".

Mr. DORNAN. Mr. Chairman, there is nothing controversial about this in my opinion. I understand the majority side will accept it.

It is merely to make sure that we do not get court decisions impacting upon anything involved in this bill that will be similar to decisions we are starting to get, bizarre decisions on section 8(a) and other sections for assistance under the Small Business Administration.

So I would ask all Members to please vote "yes" on a voice vote. I have no intention of asking for a recorded vote.

Mr. Chairman, I yield back the balance of my time.

Mr. VALENTINE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this amendment is unnecessary. It has absolutely no bearing on the issues of competitiveness we are considering today. This amendment diverts this body from our efforts to improve competitiveness, to assist small business and the middle class. It is specifically this type of amendment which give open rules a bad name.

Mr. Chairman, let me review where we are. The committee included in this bill a standard, boiler-plate provision, contained in many, many bills passed by the House and long enacted into Federal law which, simply requires the Secretary to the extent possible to set aside 10 percent of the loan guarantees under this bill to businesses owned by socially and economically disadvan-

taged individuals and women, as defined by the Small Business Act.

Congress has adopted this policy, time and time again, as a modest effort to remediate the decades of well-documented discrimination against racial and ethnic minorities that have prevented them from full participation in the U.S. economic mainstream.

Mr. Chairman, present law is very clear that these types of set-asides are aimed at individuals who have been disadvantaged because of race, ethnic origin, gender, and physical handicap—not sexual preference.

Mr. Chairman, there are no court cases construing the Small Business Act to include homosexuals as a socially and economically disadvantaged minority. The Small Business Administration is aware of no instances in which homosexuals have attempted to claim such status under their act. The SBA regulations are clear that discrimination is based on race, ethnic origin, gender, or physical handicap—not on sexual preference.

Mr. Chairman, at best; this amendment is a solution in search of a problem.

If the gentleman from California truly feels we are facing a problem, the appropriate place to address this issue is in the Small Business Act, where changes in the law would control numerous statutes which refer to this definition.

However, the aims of this bill are too important to be diverted by irrelevant issues. So that we can continue our efforts to improve the economy of this country and to improve the competitiveness of American business, we will accept the amendment on this side despite its irrelevance and lack of necessity.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. DORNAN].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to the bill?

□ 1750

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk read as follows:

Amendment offered by Mr. WALKER: Page 127, after line 4, insert the following new title:

TITLE VI.—SENSE OF THE CONGRESS.

SEC. 601. SENSE OF THE CONGRESS.—It is the sense of the Congress that the programs authorized by this Act are not sufficient to address the root cause of the competitiveness problems facing United States commerce and manufacturing. Further, it is the sense of the Congress that there exist fundamental competitiveness disadvantages imposed by Government on United States industry, and that the Congress should consider such additional provisions as are necessary to promote the competitiveness of American businesses.

Amend the table of contents accordingly.

Mr. WALKER. Mr. Chairman, this is an amendment that was accepted by the committee when we met in the committee, and then, because of fears of certain kinds of germaneness problems, it was taken out of the bill on the way to the floor. It has since been redrafted in a way to ensure that it meets the germaneness test, and it does not in any way interfere with the jurisdiction of any other committee.

All this amendment says is that this bill does not solve all the competitiveness problems, and other problems involving regulation, litigation, and taxation are also at the heart of America's competitiveness problems wherever they exist. All this language would do is suggest that we need to act in some other areas in order to ensure American competitiveness in the future, and I would ask the adoption of the amendment.

As I say, Mr. Chairman, it was something that the committee felt was reasonable to do. We have since redrafted it to get around any sensibilities that may be in the House, and I would be hopeful that the committee could accept the amendment and that we can get the final passage of the bill.

Mr. VALENTINE. Mr. Chairman, as we approach 6 o'clock, I want to say that I rise in opposition to this amendment.

I readily acknowledge, as we have frequently in the past said, that many other factors affect U.S. competitiveness. We have said this to the gentleman over, and over, and over again, but he knows the reason that we cannot address these other problems is because we do not have jurisdiction.

This bill does, admittedly, not address these issues, but it does address some of the issues and some of the problems.

Mr. Chairman, we think this amendment is unnecessary and would do damage and violence to the bill.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. VALENTINE. I yield to the distinguished chairman of the committee, the gentleman from California [Mr. BROWN], who, I might say, Mr. Chairman and my colleagues, is the one largely responsible for the fact that we have been here for the past 5 days. This is in a real sense the George Brown bill, and I am happy to yield to my teacher, mentor, and chairman.

Mr. BROWN of California. Mr. Chairman, I thank the distinguished gentleman from North Carolina [Mr. VALENTINE]—I think.

What I think he means is that this rule will be designated as the George Brown rule. Whether the bill is is another question.

I reluctantly rise to oppose the amendment offered by the gentleman from Pennsylvania [Mr. WALKER]. As he knows, Mr. Chairman, I agree with the thrust of his assertion contained in this amendment, that the problems of competitiveness are large and complex. They extend to many things, the jurisdictions of many committees. They even extend to the possibility that the Government tries to do too much for business and is counterproductive.

Unfortunately, Mr. Chairman, there are flaws in this bill, and I think it will be misconstrued.

Now the gentleman from Pennsylvania [Mr. WALKER] has not been at all reluctant to express his overall opposition to this bill. I do not think I am mischaracterizing this. He intends to vote against it. He finds that it is overly intrusive, that it moves us in the direction of State control of industries, that it has many other flaws which make it totally unacceptable. Despite that, Mr. Chairman, he has had a number of his own amendments accepted on the bill, and he is still going to vote against it.

Now I adopted the philosophy, and I think the gentleman from North Carolina [Mr. VALENTINE] expressed it a moment ago, that we cannot solve all of the problems in each of our little activities here in the Congress. I revert back to a line that I learned in Sunday school which is: "Try to brighten the corner where you are," and our effort in our little committee is to brighten the corner of our country where we can do some good; in this case, improve industrial competitiveness.

The gentleman from Pennsylvania [Mr. WALKER] does not feel that we are going to do any good. He wants to point out that this bill is not doing any good. He wants to lay on the other committees of the Congress a guilt trip because they are not doing any good. All of these committees are being controlled by the Democrats, of course, so he wants to use this vehicle, which he is going to oppose, even though it includes his handiwork, and he wants to use it to condemn the other committees in the Congress.

Now I do not mind doing that once in a while. I occasionally point out that they are not doing their work as well as I would like to have them do it. I hope they will forgive me when I say this because they have just as much right to condemn me and members of the committee that I chair for not doing everything we could do. We make mistakes.

I suggest to my colleagues that it is not in the interests of comity, of productivity, of efficiency, for the Members of Congress individually to load on bills that they have a voice in language which merely exacerbates the problems that we have with other committees. That is the basic objection to this amendment. This is the reason the Committee on Rules chose to take it out of the bill as it was originally presented, and I might say that I encouraged the committee to adopt it in the

interests of comity with the gentleman from Pennsylvania [Mr. WALKER].

I respect the gentleman from Pennsylvania [Mr. WALKER]. I want to cooperate with him as fully as possible. Yet, Mr. Chairman, I feel a little betrayed when he uses the opportunities that he has to in effect do everything he can to delay, destroy, damage, or otherwise adversely impact the legislation that we are acting on because it does not meet his particular standards of ideological purity.

Now that is not a criticism. We all should have standards of ideological purity and seek to achieve them. But it can be taken to extremes.

Mr. Chairman, I think this amendment takes the process to extremes, and I reluctantly oppose my good friend, the gentleman from Pennsylvania [Mr. WALKER].

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

The amendment was rejected.

The CHAIRMAN. Are there further amendments to the bill?

AMENDMENT OFFERED BY MR. COLLINS OF GEORGIA

Mr. COLLINS of Georgia. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COLLINS of Georgia: At the end of the bill, add the following new title:

TITLE VI

SEC. . None of the funds made available in this Act may be used to provide any direct Federal financial benefit to any person who is not (1) a citizen or national of the United States; (2) an alien lawfully admitted for permanent residence; or (3) an alien granted legal status as a parolee, asylee, or refugee.

POINT OF ORDER

Mr. VALENTINE. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. VALENTINE. Mr. Chairman, we do not have a copy of the amendment offered by the gentleman from Georgia [Mr. COLLINS], and I would like to reserve my point of order and ask the gentleman to explain his amendment, if I could do that.

The CHAIRMAN. That is permissible. We have only 3 minutes remaining.

The Chair recognizes the gentleman from Georgia [Mr. COLLINS] for 1½ minutes to explain his amendment. The gentleman from North Carolina [Mr. VALENTINE] will then be allowed a minute and a half to oppose or agree to the amendment.

The Chair recognizes the gentleman from Georgia [Mr. COLLINS].

Mr. COLLINS of Georgia. Mr. Chairman, this is a very simple amendment. It just simply states that, if we are going to expend this kind of money or these tax dollars, that we ought to expend them on people who are citizens of the United States of America.

Mr. Chairman, I yield back the balance of my time.

Mr. VALENTINE. Mr. Chairman, I withdraw my point of order.

The CHAIRMAN. Does the gentleman from North Carolina [Mr. VALENTINE] seek recognition for 1½ minutes to debate the amendment offered by the gentleman from Georgia [Mr. COLLINS]?

Mr. VALENTINE. Yes, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina [Mr. VALENTINE] for 1½ minutes.

Mr. VALENTINE. Mr. Chairman, this is an amendment which, if I understand it, gets us over into immigration policy of the United States. Had we had an opportunity to become familiar with this proposed change in our legislation before 1 minute before the end of the debate, we might have been able to reach some accommodation. But in view of the circumstances, Mr. Chairman, we oppose the amendment.

The CHAIRMAN. The time of the gentleman from North Carolina [Mr. VALENTINE] has expired.

PARLIAMENTARY INQUIRY

Mr. COLLINS of Georgia. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. COLLINS of Georgia. Mr. Chairman, may I ask the gentleman from North Carolina [Mr. VALENTINE] a question?

The CHAIRMAN. The gentleman from Georgia [Mr. COLLINS] has 30 seconds remaining to ask his question and get a response.

The Chair recognizes the gentleman from Georgia [Mr. COLLINS].

Mr. COLLINS of Georgia. Mr. Chairman, does the gentleman not understand the intent of the bill with the amendment?

Mr. VALENTINE. Mr. Chairman, if the gentleman would yield, no. Frankly, I see that I read here, but I do not understand its implication or impact on the legislation, and we oppose it.

□ 1800

Mr. COLLINS of Georgia. Mr. Chairman, my question was, Does the gentleman not understand the intent of the amendment?

Mr. VALENTINE. Mr. Chairman, we understand the amendment. We oppose it.

Mr. COLLINS of Georgia. Mr. Chairman, I understand that the gentleman opposes it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. COLLINS].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. COLLINS of Georgia. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 263, noes 156, not voting 18, as follows:

[Roll No. 171]

AYES—263

Ackerman	Goodling	Murphy
Allard	Gordon	Myers
Andrews (TX)	Goss	Neal (NC)
Applegate	Grams	Nussle
Archer	Green	Orton
Armey	Greenwood	Oxley
Bachus (AL)	Gunderson	Pallone
Baker (CA)	Hall (OH)	Parker
Baker (LA)	Hall (TX)	Paxon
Ballenger	Hancock	Payne (VA)
Barcia	Hansen	Penny
Barrett (NE)	Hastert	Peterson (MN)
Barrett (WI)	Hefley	Petri
Bartlett	Herger	Pickle
Barton	Hobson	Pombo
Bateman	Hoekstra	Pomeroy
Bereuter	Hoke	Porter
Bevill	Holden	Portman
Bilbray	Horn	Poshard
Bilirakis	Houghton	Pryce (OH)
Bishop	Hoyer	Quillen
Bliley	Huffington	Quinn
Blute	Hughes	Rahall
Boehlert	Hunter	Ramstad
Boehner	Hutchinson	Ravenel
Bonilla	Hutto	Regula
Borski	Hyde	Ridge
Brooks	Inglis	Roberts
Browder	Inhofe	Roemer
Brown (OH)	Inslee	Rogers
Bunning	Istook	Rohrabacher
Burton	Jacobs	Rose
Buyer	Johnson (CT)	Roth
Byrne	Johnson (GA)	Roukema
Callahan	Johnson, Sam	Rowland
Calvert	Kaptur	Royce
Camp	Kasich	Sangmeister
Canady	Kim	Santorum
Carr	King	Sarpalius
Castle	Kingston	Saxton
Chapman	Klein	Schaefer
Clement	Klug	Schroeder
Clinger	Knollenberg	Sensenbrenner
Coble	Kolbe	Sharp
Collins (GA)	Kreidler	Shaw
Combest	Kyl	Shays
Condit	Lambert	Shuster
Cooper	Lancaster	Sisisky
Costello	LaRocco	Skeen
Cox	Laughlin	Skelton
Cramer	Lazio	Slattery
Crane	Lehman	Smith (MI)
Crapo	Levy	Smith (NJ)
Cunningham	Lewis (CA)	Smith (OR)
Darden	Lewis (FL)	Smith (TX)
Deal	Lightfoot	Snowe
DeFazio	Linder	Solomon
DeLay	Lipinski	Spence
Derrick	Livingston	Spratt
Dickey	Lloyd	Stearns
Dooley	Long	Stenholm
Doolittle	Machtley	Strickland
Dornan	Maloney	Stump
Dreier	Manton	Sundquist
Duncan	Manzullo	Talent
Dunn	Margolies-Mezvinsky	Tauzin
Durbin	Mazzoli	Taylor (MS)
Edwards (TX)	McCandless	Taylor (NC)
Emerson	McCollum	Thomas (CA)
Everett	McCrery	Thomas (WY)
Ewing	McDade	Thornton
Fawell	McHugh	Thurman
Fields (TX)	McInnis	Torkildsen
Fish	McKeon	Torricelli
Fowler	McMillan	Traficant
Franks (CT)	Meehan	Upton
Franks (NJ)	Menendez	Volkmer
Gallegly	Meyers	Vucanovich
Gallo	Mica	Walker
Gejdenson	Michel	Walsh
Gekas	Miller (FL)	Weldon
Geren	Minge	Williams
Gilchrest	Molinari	Wilson
Gillmor	Mollohan	Wolf
Gilman	Montgomery	Young (AK)
Gingrich	Moorhead	Young (FL)
Glickman	Morella	Zeliff
Goodlatte		Zimmer

NOES—156

Abercrombie	Andrews (NJ)	Baesler
Andrews (ME)	Bacchus (FL)	Barlow

Becerra
Beilenson
Berman
Blackwell
Bonior
Boucher
Brown (CA)
Brown (FL)
Bryant
Cantwell
Cardin
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coppersmith
Coyne
Danner
de Lugo (VI)
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Edwards (CA)
Engel
English (AZ)
Eshoo
Evans
Faleomavaega (AS)
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gephardt
Gonzalez
Grandy
Gutierrez
Hamburg
Hamilton
Harman
Hastings
Hayes
Hilliard
Hinchey
Hoagland
Hochbrueckner
Jefferson
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kennedy
Kennelly
Kildee
Kleczka
Klink
Kopetski
LaFalce
Lantos
Levin
Lewis (GA)
Lowey
Mann
Markey
Martinez
Matsui
McCloskey
McDermott
McHale
McKinney
McNulty
Meek
Mfume
Miller (CA)
Mineta
Mink
Moakley
Moran
Murtha
Natcher
Neal (MA)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Owens
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pickett
Price (NC)
Rangel
Reed
Richardson
Romero-Barcelo (PR)
Ros-Lehtinen
Rostenkowski
Roybal-Allard
Rush
Sanders
Sawyer
Schenk
Schumer
Scott
Serrano
Shepherd
Skaggs
Slaughter
Smith (IA)
Stark
Stokes
Studds
Stupak
Swett
Swift
Tanner
Tejeda
Thompson
Torres
Towns
Tucker
Underwood (GU)
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Washington
Waters
Watt
Wheat
Woolsey
Wyden
Wynn
Yates

NOT VOTING—18

Bentley
Brewster
de la Garza
English (OK)
Gibbons
Hefner
Henry
Leach
McCurdy
Nadler
Packard
Reynolds
Sabo
Schiff
Synar
Waxman
Whitten
Wise

□ 1829

The Clerk announced the following pair:

On this vote:

Mr. Packard for, with Mr. Synar against.

Messrs. OBEY, McDERMOTT, HILLIARD, and PAYNE of New Jersey, and Ms. BROWN of Florida changed their vote from "aye" to "no."

Messrs. CRAMER, BROWDER, LANCASTER, SPRATT, and GORDON, Ms. KAPTUR, Messrs. DURBIN, POMEROY, BROWN of Ohio, INSLEE, JOHNSON of Georgia, ROWLAND, KLEIN, BISHOP, and SPENCE, Mrs. LLOYD, Messrs. ACKERMAN, HOLDEN, RAHALL, LAROCCO, ROEMER, KREIDLER, BORSKI, and PAYNE of Virginia, Ms. BYRNE, Mr. BARCIA, Mrs. SCHROEDER, Ms. LONG, Ms. MARGOLIES-MEZVINSKY, Mr. BARRETT of Wisconsin, Mr. SANGMEISTER, Ms. LAMBERT, Messrs. BROOKS, DERRICK, and STRICKLAND, Mrs. MALONEY, Mr. GEJDENSON, and Mr. HOYER changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. SKAGGS. Mr. Chairman, I want to give my wholehearted endorsement to the National Competitiveness Act of 1993.

This legislation will make an important contribution to the effort to nurture the businesses that are going to provide good-paying jobs in the next century. And it is an exciting reversal of form and economic policy.

It reverses years of neglect of American business by American Government. The Clinton administration has made a conscious decision to work with the business community—to try to overcome the traditional wariness that has existed between the Federal Government and corporate sector.

Bill Clinton and AL GORE and the supporters of H.R. 820 are taking an approach that is stark in its simplicity: We can't compete in a global market if Government and business don't cooperate.

What's the idea behind H.R. 820. To expand and revive our economic base by helping budding high-technology businesses, by improving our science and research infrastructure, by developing the attitude and the means to support lifetime learning, and by promoting a fiscal climate that encourages investment and reduces its cost.

We have to use our scientific and technical expertise—where we're second to none—to reinforce and enhance America's position as a source of technology for the rest of the world. Bill Clinton wants to apply the mighty resources of the Government's technological machine in that effort.

Where are the potential obstacles to making this novel idea work. The most serious, again, is the innate skepticism about anything that smacks of industrial policy. We have to overcome 12 years of having people in charge of the Government who didn't really think Government could, or should, do anything along these lines. But it's foolish, I think, to shun a modest collaboration between Government and business out of a desire to keep an ideology intact.

The details of H.R. 820 have been discussed in great detail over the past few days, so I will not add to the volume of that discourse.

I do, however, want to mention briefly one aspect of these new programs that I'm extremely concerned about. How do we pay for them?

As a former member of the Science, Space, and Technology Committee, and a current member of the appropriations subcommittee that's going to have to find the financing, I want to reiterate my support for this measure. But the Appropriations Subcommittee on Commerce, Justice, State, and the Judiciary has been given the task of paying in fiscal year 1994 for $488 million in outlays and $987 million in budget authority for these, and other investments proposed by the administration. If we are to finance these programs at the level they deserve, we will have to cut spending on other existing programs.

I stand ready to work to reorder priorities so we can move forward in this critical area.

Mr. HOYER. Mr. Chairman, today I rise in strong support of H.R. 820, the National Competitiveness Act of 1993. For too long, we have let the free market exercise its will, and will some of our country's best jobs and industries to overseas competitors. Now is the time for Congress and the executive branch to band together, and join in a partnership with our country's manufacturers and universities to provide good jobs for the future.

The actions we take today are not without precedence. The Japanese have been doing this for years. In fact, the Japanese manufacturing miracle is no miracle at all. Japanese manufacturing is the powerful international player it is today, in part, because of the tremendous investment the Japanese Government has made in manufacturing outreach. Government entities in Japan invest about $500 million each year in their manufacturing sector, compared to about $79 million by the United States.

Japanese universities, government agencies, and industry all work together to create jobs and opportunity for their citizens. We should expect the same from our country whose economy is twice the size of the Japanese economy. This bill is one more example of a concrete step we can take now to help provide good quality jobs for the future.

H.R. 820 will help identify those technologies which are most important for the future of our economy. This bill will require Government to cooperate with the private sector by: Helping remove impediments to technological development; improving manufacturing infrastructure; easing access to capital; improving training and education of workers; and promoting international standards favorable to American goods.

Between 1972 and 1987, my home State of Maryland lost approximately 40,000 manufacturing jobs which have had a significant impact on our economy. After all, manufacturing jobs provide the high pay which helps create the wealth necessary to drive consumption in our country.

Today we can act for a stronger American economy and for better paying jobs in the future. Support H.R. 820.

The CHAIRMAN. Are there further amendments to the bill? If not, the question is on the committee amendment in the nature of a substitute, as amended, as modified.

The committee amendment in the nature of a substitute, as amended, as modified, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. MCNULTY) having assumed the chair, Mr. LANCASTER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 820) to amend the Stevenson-Wydler Technology Innovation Act of 1980 to enhance manufacturing technology development and transfer, to authorize appropriations for the Technology Administration of the Department of Commerce, including the National Institute of Standards and Technology, and for other purposes, pursuant to House Resolution 164, he reported the bill back to the House with

an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole?

Mr. KOLBE. Mr. Speaker, I demand a separate vote on the so-called Collins of Georgia amendment.

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment?

The Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: At the end of the bill, add the following new title:

TITLE VI

SEC. . None of the funds made available in this Act may be used to provide any direct Federal financial benefit to any person who is not (1) a citizen or national of the United States; (2) an alien lawfully admitted for permanent residence; or (3) an alien granted legal status as a parolee, asylee, or refugee.

The SPEAKER pro tempore. The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 288, nays, 127, not voting 17, as follows:

[Roll No. 172]

YEAS—288

Ackerman
Allard
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Borski
Brooks
Browder
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clement
Clinger
Coble
Collins (GA)
Combest
Condit
Cooper
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Darden
Deal
DeFazio
DeLauro
DeLay
Derrick
Dickey
Dicks
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (TX)
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodlatte
Goodling
Gordon
Goss
Grams
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hobson
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Johnson (CT)
Johnson (GA)
Johnson, Sam
Kaptur
Kasich
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kreidler
Kyl
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Lehman
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Mazzoli
McCandless
McCollum
McCrery
McCurdy
McDade
McHugh
McInnis
McKeon
McMillan
McNulty
Meehan
Menendez
Meyers
Mica
Michel
Miller (FL)
Minge
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Myers
Neal (NC)
Nussle
Orton
Oxley
Pallone
Parker
Paxon
Payne (VA)
Penny
Peterson (MN)
Petri
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Regula
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Rose
Roth
Roukema
Rowland
Royce
Sangmeister
Santorum
Sarpalius
Saxton
Schaefer
Sensenbrenner
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skeen
Skelton
Slattery
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Sundquist
Swett
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Torricelli
Traficant
Upton
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Weldon
Williams
Wilson
Wise
Wolf
Woolsey
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—127

Abercrombie
Andrews (ME)
Bacchus (FL)
Barlow
Becerra
Beilenson
Berman
Blackwell
Bonior
Boucher
Brown (CA)
Brown (FL)
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coppersmith
Coyne
Dellums
Deutsch
Diaz-Balart
Dingell
Dixon
Edwards (CA)
Engel
English (AZ)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Furse
Gonzalez
Grandy
Green
Gutierrez
Hamburg
Hamilton
Harman
Hastings
Hilliard
Hoagland
Hochbrueckner
Jefferson
Johnson, E.B.
Johnston
Kanjorski
Kennedy
Kopetski
LaFalce
Levin
Lewis (GA)
Lowey
Markey
Martinez
Matsui
McCloskey
McDermott
McHale
McKinney
Meek
Mfume
Miller (CA)
Mineta
Mink
Moakley
Murtha
Natcher
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pickett
Price (NC)
Rangel
Reed
Reynolds
Richardson
Ros-Lehtinen
Rostenkowski
Roybal-Allard
Rush
Sanders
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Skaggs
Slaughter
Smith (IA)
Stark
Stokes
Studds
Stupak
Swift
Tanner
Tejeda
Thompson
Torres
Towns
Tucker
Unsoeld
Valentine
Velázquez
Washington
Waters
Watt
Waxman
Wheat
Wyden
Wynn
Yates

NOT VOTING—17

Bentley
Brewster
de la Garza
English (OK)
Gibbons
Hefner
Henry
Hinchey
Hunter
Johnson (SD)
Leach
Nadler
Packard
Sabo
Schiff
Synar
Whitten

□ 1849

The Clerk announced the following pair:

On this vote:

Mr. Packard for; with Mr. Synar against.

Messrs. GENE GREEN of Texas, McHALE, KENNEDY, COLEMAN, and DEUTSCH changed their vote from "yea" to "nay."

Mr. FRANK of Massachusetts changed his vote from "nay" to "yea."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. McNULTY). The question is on the committee amendment in the nature of a substitute, as amended, as modified.

The committee amendment in the nature of a substitute, as amended, as modified, was agreed to.

□ 1850

The SPEAKER pro tempore (Mr. McNULTY). the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. WALKER. I am, Mr. Speaker, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. WALKER moves to recommit the bill, H.R. 820, to the Committee on Science, Space, and Technology.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 243, nays 167, answered "present" 7, not voting 15, as follows:

[Roll No. 173]

YEAS—243

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Bacchus (FL)
Barcia
Barlow
Barrett (WI)
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Boehlert
Bonior
Borski
Boucher
Brooks
Browder
Brown (CA)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gilchrest
Gilman
Glickman
Gonzalez
Gordon
Green
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hilliard
Hinchey
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jefferson
Johnson (CT)
Johnson (GA)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Matsui
Mazzoli
McCloskey
McCurdy
McDade
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murtha
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Quinn
Rahall
Rangel
Reed
Regula
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shays
Shepherd
Sisisky
Skaggs
Skelton
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Valentine
Vento
Visclosky
Volkmer
Washington
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—167

Allard
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Gutierrez
Hancock
Hansen
Hastert
Hefley
Herger
Hoagland
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Manzullo
Martinez
McCandless
McCollum
McCrery
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Murphy
Myers
Nussle
Oxley
Pastor
Paxon
Penny
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Ramstad
Ravenel
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shuster
Skeen
Slattery
Smith (MI)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

ANSWERED "PRESENT"—7

Becerra
Brown (FL)
Roybal-Allard
Slaughter
Unsoeld
Velázquez
Waters

NOT VOTING—15

Applegate
Bentley
Brewster
de la Garza
English (OK)
Gekas
Gibbons
Hefner
Henry
Johnson (SD)
Leach
Nadler
Packard
Smith (NJ)
Synar

□ 1908

The Clerk announced the following pair:

On this vote:

Mr. Synar for; with Mr. Packard against.

Mr. SHAYS changed his vote from "nay" to "yea."

Ms. ROYBAL-ALLARD and Ms. VELÁZQUEZ changed their vote from "aye" to "present."

Mr. PASTOR and Mr. GUTIERREZ changed their vote from "present" to "nay."

Messrs. ORTIZ, TEJEDA, and McKINNEY changed their vote from "present" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GEKAS. Mr. Speaker, on rollcall 173, due to an apparent malfunction, my "nay" vote against H.R. 820, the National Competitiveness Act, was not properly recorded. I would request that this statement appear in the RECORD immediately following the rollcall vote to properly note my vote against this legislation.

REMOVAL OF NAME OF MEMBER AS SPONSOR OF H.R. 1914

Mr. SMITH of Michigan. Mr. Speaker, I ask unanimous consent that the name of the gentleman from Minnesota [Mr. GRAMS] be removed as a sponsor of my bill, H.R. 1914.

The SPEAKER pro tempore (Mr. McNULTY). Is there objection to the request of the gentleman from Michigan?

There was no objection.

GENERAL LEAVE

Mr. VALENTINE. 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. 820, the bill just passed.

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

There was no objection.

WEEK FOR THE NATIONAL OBSERVANCE OF THE 50TH ANNIVERSARY OF WORLD WAR II

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 80) designating June 1, 1993, through June 7, 1993, as the "Week for the National Observance of the Fiftieth Anniversary of World War II," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

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

Mr. MYERS of Indiana. Reserving the right to object, Mr. Speaker, and I certainly shall not object, I thank the Chair for bringing this legislation to the floor. It comes today with 225 cosponsors.

This is the third year that the Congress has recognized the first week of June in commemoration of the celebration of the end of World War II.

Now, of course, this particular week involves, first, June 4, 1942, when the Battle of Midway occurred, which was a turning point in the war in the Pacific Ocean, and also embraces June 6, 1944, which so many of us will remember as the D-Day Invasion of Europe.

□ 1910

Mr. Speaker, this idea first started in Indianapolis by the World War II National Commemorative Association chaired by Albert Watson, who was

really the idea man behind this. It is a good idea. Throughout the country people will be celebrating now through 1995, the 50th anniversary.

There are 9 million living Americans who served in the Armed Forces during this period of time in World War II, and many, many people, some of whom are still in Congress here, not only served in uniform, but also contributed to the success and the completion of World War II.

So, it is most appropriate, I think, that our Nation does recognize and commemorate this first week of June as a time to reflect, and to remember and to thank the veterans, many who have sacrificed, that we might live in freedom today.

Mr. GILMAN. Mr. Speaker as a World War II veteran, I am honored to rise in strong support of House Joint Resolution 80, to designate June 1 through June 7, 1993, as a week for the National Observance of the Fiftieth Anniversary of World War II. I commend our distinguished colleague from Indiana [Mr. MYERS] for introducing this important measure. It is crucial that, as a nation, we honor the courageous men and women who served during World War II.

Mr. Speaker, while there are those of us who have experienced the horrors of World War II firsthand, there are many Americans who are uninformed of the tremendous upheavals, the tragedies, the abominable atrocities, and the political factors that led to World War II. And, thee are those who would like to forget.

However, as the wave of democracy sweeps through the once oppressed countries, we must not forget. We must remember the combat, the destruction, the horrors of the Holocaust, and the devastating inhumanity of ruthless totalitarianism. Only by recalling the horrors of the past, we can ensure that future generations will never allow such monstrosities to happen again. I believe that our Nation must remain dedicated to supporting freedom, liberty, and democracy, for it is these ideals upon which our great Nation was founded.

The lessons of World War II are invaluable, and we must learn from them. By educating younger generations and by promoting equality and human rights we will ensure that this form of devastation does not occur again. Racism has an odd way of disguising its wicked purpose, however, an enlightened nation can combat its evil roots.

Mr. Speaker, it is my honor to support this measure. Many proud, dedicated soldiers fought, and sacrificed during World War II. In support of our freedoms and our democracy, I feel privileged to support this measure which designates, the week of June 1 through June 7, 1993, as the week of the National Observance of the Fiftieth Anniversary of World War II. This tribute is a fitting manner in which our Nation may honor our true heroes—the courageous fighters and survivors of World War II, while remembering the painful lessons of the past.

Mr. MYERS of Indiana. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 80

Whereas the brave men and women of the United States of America made tremendous sacrifices during World War II to save the world from tyranny and aggression;

Whereas the winds of freedom and democracy sweeping the globe today spring from the principles for which over four hundred thousand Americans gave their lives in World War II;

Whereas World War II and the events that led up to that war must be understood in order that we may better understand our own times, and more fully appreciate the reasons why eternal vigilance against any form of tyranny is so important;

Whereas the World War II era, as reflected in its family life, industry, and entertainment, was a unique period in American history, and epitomized our Nation's philosophy of hard work, courage, and tenacity in the face of adversity;

Whereas, between 1991 and 1995, over nine million American veterans of World War II will be holding reunions and conferences and otherwise commemorating the fiftieth anniversary of various events relating to World War II; and

Whereas June 4, 1993, marks the Battle of Midway, and June 6, 1993, marks the anniversary of D-Day: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That June 1, 1993, through June 7, 1993, is designated as a "Week for the National Observance of the Fiftieth Anniversary of World War II", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe the week with appropriate ceremonies and activities.

AMENDMENTS OFFERED BY MR. SAWYER

Mr. SAWYER. Mr. Speaker, I offer several amendments.

The Clerk read as follows:

Amendments offered by Mr. SAWYER:

Page 2, line 3, strike "June 1" and insert "May 30".

Page 2, line 4, strike "Week" and insert "Time".

Page 2, line 7, strike "the time" and insert "that period".

The SPEAKER pro tempore. The question is on the amendments offered by the gentleman from Ohio [Mr. SAWYER].

The amendments were agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

TITLE AMENDMENT OFFERED BY MR. SAWYER

Mr. SAWYER. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Title amendment offered by Mr. SAWYER: Amend the title so as to read: "Joint resolution designating May 30, 1993, through June 7, 1993, as a 'Time for the National Observance of the Fiftieth Anniversary of World War II'.".

The title amendment was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the joint resolution just passed.

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

There was no objection.

COMMUNICATION FROM THE DIRECTOR, NON-LEGISLATIVE AND FINANCIAL SERVICES

The SPEAKER pro tempore laid before the House the following communication from the Director, Non-Legislative and Financial Services:

OFFICE OF THE DIRECTOR, NON-LEGISLATIVE AND FINANCIAL SERVICES,

Washington, DC, May 17, 1993.

Hon. THOMAS S. FOLEY,

Speaker, House of Representatives, U.S. Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L(50) of the Rules of the House that the Office of the Postmaster has been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel to the House, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

LEONARD P. WISHART III,
Director.

VACATING OF SPECIAL ORDER AND REINSTATEMENT OF SPECIAL ORDER

Mr. PICKETT. Mr. Speaker, I ask unanimous consent to change the 5-minute special order on May 20, 1993, for the gentleman from Florida [Mr. BACCHUS] to a 60-minute special order.

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

There was no objection.

ORDER OF BUSINESS ON MAY 20, 1993

Mr. PICKETT. Mr. Speaker, I ask unanimous consent to transpose the name of the gentleman from Michigan [Mr. BONIOR] in the Special Order Calendar with the gentleman from New Jersey [Mr. MENENDEZ] on May 20, 1993, and I do this with the concurrence of my colleague, the gentleman from Michigan [Mr. BONIOR].

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

There was no objection.

NEGOTIATIONS IN OTTAWA COULD DOOM NAFTA

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from California [Mr. DREIER] is recognized for 5 minutes.

Mr. DREIER. Mr. Speaker, I take the well tonight to talk about an issue that has concerned me greatly over the past couple of days. I have very proudly been a strong proponent of the establishment of a North American Free-Trade Agreement. I happen to believe that, as the U.S. Trade Representative Mickey Kantor has said, there will be a net gain of 400,000 new jobs in the United States if we can diminish the barrier and create an opportunity for us to export more U.S. manufactured goods and services to Mexico. It is clear, from having looked at the changes which have taken place throughout the world, the establishment of EC 92, the reduction of trade barriers in the Pacific Rim and other parts of the world, that the wave is clearly toward the lowering of barriers. It is very beneficial to the U.S. consumer. Mr. Speaker, I happen to believe that I, as a Member of Congress, do not have the right to say to the American consumers that they cannot buy the best quality product at the lowest possible price without my imposing a penalty on them.

Well, the thing that I am disturbed about, Mr. Speaker, is the fact that developments which have just begun to take place in negotiations of the so-called side agreements in Ottawa, Canada, are jeopardizing the support that I provided throughout the entire debate of NAFTA and that I know a number of the rest of us who are in favor of the reduction of trade barriers have supported.

Why? Well, these so-called side agreements are moving dramatically in the direction of protectionist barriers rather than improving the trade picture and reducing barriers and creating more opportunities for consumers and workers alike.

Now what we have seen here is we have seen specific proposals which have been very, very disturbing to me, and I would like to outline a couple of them as they have been reported so far.

The Clinton administration proposes to create largely independent labor and environmental commissions with the authority to investigate the enforcement of all national and State environmental and labor laws. Well, clearly this is not a part of the goal that we have of reducing trade barriers. This is encroachment in an area which extends far beyond the scope of NAFTA. Trade sanctions, which will involve revoking NAFTA benefits, could be imposed by two of the three nations when one country is judged to be not enforcing a particular domestic labor or environmental law.

□ 1920

Again, two nations could gang up against another country because they have determined that local laws are not being established, again, going far beyond the scope of simply dealing with trade aspects.

Clearly in an outright surrender to the special interests, the administration's proposal does not require a link between the law which is not enforced and trade or the economy. The enforcement of any labor or environmental law will be fair game in this process. Even if there is no trade nor economic gain from not enforcing a particular law, the NAFTA-related dispute panels and NAFTA trade sanctions could be used to compel enforcement.

Again, what we are witnessing is a move not in the direction of free trade, but in the opposite direction, barriers which are going to jeopardize free trade.

Tragically, we have seen the Clinton administration, which has paid tremendous lip service. The President's speech at American University and the words that have come from my friend, also from Los Angeles, Mr. Kantor, the U.S. Trade Representative, have been very good. But when we look at this proposal, it is very distressing for those of us who have been fighting on behalf of freedom and free trade for the past several years.

We are moving, I believe, in a positive direction by trying to implement NAFTA. It is going to allow us to compete. It is going to allow us to create jobs in the United States of America. But, Madam Speaker, if we move toward these side agreements which are being discussed at this moment in Ottawa, Canada, it will clearly jeopardize the support of those of us in the Congress who have been traditional proponents of free trade, and I believe create the potential to doom the implementation of this very important North American Free-Trade Agreement.

Madam Speaker, I say to those who are at the negotiating table, do not jeopardize the support which so many of us desperately want to provide in behalf of what I believe is clearly the most important economic policy that the United States of America and this hemisphere will face in years.

BRINGING THE SUNSHINE TO THE DELIBERATION OF CONGRESS

The SPEAKER pro tempore (Mrs. MALONEY). Under a previous order of the House, the gentleman from Florida [Mr. BACCHUS] is recognized for 5 minutes.

Mr. BACCHUS of Florida. Madam Speaker, I rise to voice my disappointment and dismay over a recent action by a committee of this House. Last week in its deliberations on the tax bill the Committee on Ways and means voted to close its doors to the press and to the people. This action on that important bill was described as customary, business as usual, and I regret that it is, for it was also just plain wrong.

Madam Speaker, I have the very highest regard for my colleagues on the Committee on Ways and Means and especially for the committee's chairman. I understand their point of view, but I do not share it. This is the people's House, and the people's House should not be closed to the scrutiny of the people or the press.

I am from Florida. In Florida we conduct government in the sunshine. In fact, in Florida we invented government in the sunshine, and in Florida we know that governing in the sunshine works, and we should govern in the sunshine in Washington, too.

Madam Speaker, this is why my colleague, the gentleman from New Jersey [Mr. ZIMMER], and I have introduced H.R. 143, an open meetings bill to bring sunshine to the deliberations of our Congress.

This bill would mandate that all congressional meetings and hearings be open to the public and the press except for the following reasons: National security; if disclosure of matters to be considered would place an undue burden on the privacy rights of the private citizens; or if disclosure of matters to be considered would jeopardize an ongoing criminal investigation or confidential source of any criminal investigation.

A majority of the full committee of jurisdiction would have to vote to close the meeting or hearing rather than just a majority of those present, as is now the case, and it would have to be a recorded vote.

Madam Speaker, the public's right to know what we do here is fundamental. It overrides all those reasons that are customarily given for closing a meeting.

This is not a partisan issue. The gentleman from New Jersey [Mr. ZIMMER] is a Republican and I am a Democrat. There are Members on both sides of the aisle who share our point of view. Republicans and Democrats alike over the years have voted to close the doors of committees of this Congress.

Madam Speaker, I would submit that the people are weary of partisanship, and I urge my colleagues on both sides of the aisle to join me in supporting government in the sunshine. It is argued by those who support closing the doors that to do so is more efficient, that it makes the trains run on time. They would suggest that those of us who are privileged to represent the people do not have the guts to look a lobbyist in the eye and say no. Well, I do, and I would submit that my colleagues do, too.

It may be more efficient to close the doors, though I doubt it, but it is certainly not more democratic. I say open the doors and let the sun shine in.

FEDERAL REGULATION RUN AMOK

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from Illinois [Mr. EWING] is recognized for 5 minutes.

Mr. EWING. Mr. Speaker, I rise to run a lap for the regulatory relay team. Led by the gentleman from Texas [Mr. DELAY], the regulatory relay team has been coming to the floor of the House each week to discuss a different Federal regulation which is harmful to business and the economy.

Federal regulation of businesses costs hundreds of billions of dollars every year. When a business spends money to comply with Federal mandates, it is diverting money which could be spent on new plants or equipment and creating jobs or paying salaries.

Not all Federal regulation is bad. In fact, many Federal regulations are needed to protect the health and safety of workers or society at large. However, sometimes Federal agencies are overzealous and inflexible in their implementation of regulations. Many times they do not take into account the cost of regulations to businesses or look for ways to minimize the cost of compliance with regulations.

I want to give my colleagues an example of a well-intentioned regulation run amok. The Department of Labor has promulgated a regulation, called Hazardous Occupation Order 12, or H.O. 12, which prohibits anyone under 18 from operating machines used to manufacture paper. Included in the regulation is the operation of paper balers in grocery stores. Now this is a regulation which is necessary. After all, paper balers can be dangerous machines if operated improperly.

The regulation seeks to protect teenagers from baler accidents. However, it goes so far as to prohibit 16- or 17-year-olds from simply tossing a piece of paper, such as a piece of cardboard or even a candy wrapper, into a baling machine which is not even operating. The Department of Labor claims that this is "assisting in the operation" of the baler. This is similar to saying that when someone places a box inside a car when the engine is turned off, he is assisting in driving the car. Of course, this is ridiculous. Faced with this regulatory dilemma over paper balers, many grocers have stopped hiring 16- and 17-year-old employees.

Grocery industry representatives requested that the Labor Department review the regulation to see if it is justified and consider possible alternatives to the rule. The Department has refused to do this.

Enforcement of the regulation has been extremely aggressive. Grocers report that the Department acts as investigator, prosecutor, judge, and jury and is using the regulation to intimidate businesses by imposing hefty fines. Some report that the regulators are failing to take into consideration company policies against teenagers using balers and is basing fines on unsubstantiated statements by former employees. In addition, instead of working to prevent future injuries, the Department is going back in time looking for violations which may have occurred up to 2 years in the past.

A grocer in my own district in central Illinois tells me that the Labor Department used this regulation to question former employees about past use of balers and fined him $8,000 for a few alleged violations. To grocers, it seems that the Labor Department is more interested in collecting fines and harassing businesses than in protecting the health and welfare of teenage workers.

As I mentioned earlier, this inflexible regulation has caused grocers to avoid hiring teenagers. The President is currently seeking $320 million from Congress to create summer jobs, but this onerous regulation is killing jobs for teenagers. The administration could help create jobs for teenagers simply by improving this unreasonable regulation and enforcing it in a fair and rational manner. And the H.O. 12 regulation can be altered in a way which will not threaten the health or welfare of anyone.

This regulation is a good example of the regulatory overkill our Federal bureaucrats frequently use. It is about time the Federal Government got off the backs of businesses and let them do what they do best—create jobs.

HOUSE OF REPRESENTATIVES,
Washington, DC, June 10, 1992.

Hon. LYNN MARTIN,
Secretary, Department of Labor,
Washington, DC.

DEAR LYNN: To follow up on our recent meeting, I want to reiterate that the Department's vigorous enforcement of regulations prohibiting 16 and 17 year olds from placing paper into balers continues to concern me greatly.

I am enclosing a small sampling of documents that illustrate what I am talking about: the excessive, over zealous pursuit of "violations" in retail grocery stores. The experiences of Piggly Wiggly of Memphis and Sewell-Allen Big Star highlight my feeling that your investigators go back too far, rely too heavily on statements of ex-employees, and amass too many citations as to be punitive rather than to encourage corrective action by a store owner.

The experience of Mr. Scott Means seems to be typical for those owners choosing to exercise their right to appeal. The Department by law is investigator, prosecutor, judge and jury, but when the Department also encourages that a fine be paid or yet another citation will be issued is simply intimidation.

I would like you to read this material personally. I am sure you will be as annoyed as I am that the others show a pattern of an employee's statement being taken at face value, of not taking into consideration company policy against teenagers "operating" balers, basing fines on the unsubstantiated statement of former employees, and not-so-subtle intimidation. These are not isolated cases. It looks like a bureaucracy out of control.

Lynn, stepping back from the specifics of any one situation, I think there is an important larger picture. Here is a zealous, big-brother bureaucracy unreasonably hunting and punishing employers—many of them small businesses—to the point of discouraging them from hiring teenagers. I understand that more and more companies do not hire anyone under 18 as a mater of policy because of the regulatory nightmare DOL has created. Please see the enclosed letter from First National Supermarkets and the policy statement of Fleming Companies.

Here we are as a society with a major problem of teenage unemployment—willing to pay for very intensive and expensive job creating programs for inner city youths—yet, at the same time, systematically discouraging employers from hiring these youths. It's incredible, really. What is of particular concern to me is that this is happening during the watch of this administration! I believe it is symptomatic of why the level of support for our party is not as high as it ought to be from within the job-creating sector of our society. I think we are playing into the hands of those who want a bigger, more costly and heavy handed government.

Let me be so bold as to suggest four steps. One, the Department should reduce the zeal of what is now its overly aggressive, revenue-generating enforcement actions regarding the "operation" of balers by teenagers. Two, it should stop looking for violations that may have occurred before November 20, 1991, when the recent clarifying regulations pertaining to Hazardous Operations Order Number 12 were issued. Three, an open and impartial examination of the Hazardous Occupations Order Number 12 should take place. Four, you should work to rescind the 1990 budget agreement provisions that the Department generate revenues through its enforcement powers in order to help reduce the deficit. In regard to item four, I am prepared to be the House sponsor.

I believe this is a very serious matter that is much larger than the baler issue, and I look forward to working with you on a solution.

Sincerely,

DON SUNDQUIST, M.C.

FOOD MARKETING INSTITUTE,
Washington, DC, October 9, 1992.

Hon. LYNN MARTIN,
Secretary, Department of Labor,
Washington, DC.

DEAR SECRETARY MARTIN: The Food Marketing Institute (FMI) urges you to direct the Department of Labor (DOL) staff to undertake an expedited review of Hazardous Occupation Order 12 (H.O. 12) relating to the operation of paper balers in grocery stores. We further request that DOL discontinue its on-going harassment of our nation's food retailers through its unreasonable interpretation and enforcement of H.O. 12.

FMI is a nonprofit association conducting programs in research, education, industry relations and public affairs on behalf of its 1,500 members—food retailers and wholesalers and their customers in the United States and around the world. FMI's domestic member companies operate approximately 19,000 retail food stores with a combined annual sales volume of $190 billion—more than half of all grocery stores sales in the United States. FMI's retail membership is composed of large multi-store chains, small regional firms and independent supermarkets.

As you know, DOL's unfair methods of enforcing H.O. 12 have been the subject of much well-deserved criticism from individual companies, FMI, the National Grocers Association, other industry groups and congres-

sional leaders (see for example, the attached letter from Representative Don Sundquist). As a direct result of these enforcement methods, many grocers across the country have stopped hiring 16 and 17-year-olds. This significant reduction in teenage employment opportunities flies in the face of your avowed goal of "assisting youth in making the connection between school and the world of employment."

We reiterate our opposition to this relentless, unfair "guilty until proven innocent" enforcement approach. However, the underlying problem is with the department's irrational conclusion that by tossing a piece of paper (cardboard, candy wrapper, etc.) into a non-operating baling machine, a 16 or 17-year-old employee is "assisting in the operation" of that machine in violation of H.O. 12. There is no sound basis for this position. It is equivalent to stating that by placing something in a car a person is assisting in driving the car.

Most disturbingly, despite FMI's (and others) repeated entreaties DOL has failed to articulate its rationale for this position. No evidence has been presented, even gathered, by DOL that this activity of placing paper in a baler is hazardous; that this interpretation reduces injuries; or that other safety requirements might not be equally effective in preventing injuries.

In April of 1989 FMI raised these issues in a letter to the Administrator of the Employment Standards Administration for consideration by DOL's Child Labor Advisory Council (copy attached). Among other things, we said:

"We urge the Subcommittee to analyze thoroughly the baling process to pinpoint what, if any, hazards exist in the operation of balers, and to provide its insight on whether the operation of baling machines is "particularly hazardous" within the meaning of the law. As part of this review the Subcommittee should establish a complete and thorough record on the number and kind of injuries that have occurred involving balers. Accident rates involving scrap paper destined for remanufacture, covered by the rule, should be compared to those for balers used for waste disposal. The information should also reflect the number of injuries sustained by adults and, to the maximum extent possible, the injury rate should be placed in the context of the number of sixteen and seventeen year olds actually exposed to baling operations.

"During this review we urge that the Subcommittee also examine possible alternatives which would allow use of baling machines by 16 and 17 year olds who load and/or operate balers may be appropriate; the mechanical safety features and requirements on balers should be reviewed to see if safeguards can be enhanced to prevent the kinds of accidents that have been documented; and, each step in the baling operation should be isolated so that 16 and 17 year olds might be able to avoid hazardous operations, and perform only those functions in the operation of balers that are safe."

No such review was ever undertaken, no data developed, and no attempt was made to understand how modern balers work. No response was ever even provided to our letter.

In October of 1990, DOL proposed to revise H.O. 12 to "clarify" that the order covered all baling machines, no matter where located or for what purpose the paper was being baled. The notice of proposed rulemaking included no discussion of the dangers of baling machines nor a factual predicate for the proposed change in the rule (which is what it was—not a clarification).

FMI submitted a statement in response to the notice of proposed rulemaking and the request for comment (copy attached). Once again, we asked the Department to analyze the baler to see if this regulation was justified and to review possible alternatives to the proposed rule—e.g. training requirements, or new mechanical safety features.

Incredibly, DOL responded in this fashion:

"These commenters stated that the Department had not done an investigation of the actual operation of paper balers in retail establishments, the safety mechanisms and training methods in use, and the number and kind of injuries. However, because these clarifying revisions merely ensure that the regulation conforms to its intent, prohibiting the operation of paper products machines, regardless of the ultimate disposition of the product, an investigation is unnecessary."

In other words, DOL felt no obligation to justify its conclusion because the proposed revision was aimed "merely" at ensuring the regulation conformed to the intent of the regulation. To put it more simply "we know we are right so we don't have to explain why we are right."

DOL's only other effort to justify its position was that "all the H.O.'s traditionally have been construed broadly, to include any assistance in the operation of prohibited machinery, so as to reduce the likelihood that a young person may engage in a dangerous activity."

FMI and its members fully understand that the intent of the hazardous occupation orders is to protect children from injury. We also understand that the department traditionally interprets these orders broadly to protect children.

But in this case, with this order, DOL's position is wrong. It is unjustified. It is arbitrary and capricious, with no data, or analysis or even argument provided to justify it. And it is causing huge problems for the grocery industry. Problems that have repeatedly been brought to the Department's attention and that have been ignored.

Frankly, we are perplexed by DOL's total unwillingness to address the issues we have raised. Why is this order beyond review? Is the department simply unable to reconsider a regulation because it is labeled as promoting child safety?

We urge that a formal review of H.O. 12 be undertaken immediately. Such a review is long overdue. Interested parties should have the opportunity to provide all relevant data and information. Only then will DOL be able to meet its obligation to regulate in a fair and reasonable manner. We are confident that this review will show that there is no sound basis for DOL's current position.

We are all concerned about the safety of children and teenagers in the workplace. But that's only the beginning of the analysis. We should also all be concerned about teenage unemployment, harassment of employers and bureaucratic inertia. By working together we can ensure worker safety without the negative consequences of the current rule. That should be our common goal.

Thank you for your consideration.

Sincerely,

GEORGE GREEN,
Vice President,
Assistant General Counsel.

[Labor Information Service, June 1992, Vol. 62]

CHILD LABOR LAW—PAPER BAILERS ENFORCEMENT PRIORITY

(By William J. Rodgers, Collier, Shannon, Rill & Scott and George R. Green, Food Marketing Institute)

INTRODUCTION

Many readers know from first-hand experience that the Department of Labor (DOL) continues to place enforcement of the child labor laws at the top of its priority list. Secretary of Labor Lynn Martin has carried forward the "Operation Child Watch" program begun two years ago by then Secretary Elizabeth Dole.

Just last week the United States Department of Labor announced the results of an April/March two-week "blitz" by Wage and Hour investigators on smaller towns targeting businesses such as food retailers and restaurants. They investigated 4,700 businesses, found 5,000 minors working in violation of Federal laws, and assessed $3.2 million in civil penalties. Many grocers who believed themselves to be in full compliance with the law have found themselves among those cited. Therefore, it is important for all FMI members to review their child labor compliance programs generally and especially to make sure all stores employees are aware of the prohibitions concerning paper baling machines.

GENERAL LEGAL REQUIREMENTS

The Fair Labor Standards Act (FLSA) applies to retail enterprises with gross sales of $500,000 or more, so supermarket operators are covered. In addition to governing the federal minimum wage (currently $4.25 per hour, your State may have a higher minimum wage) and overtime (premium pay equal to one and a half times the regular rate of pay for all hours worked in excess of 40 hours in a workweek), the FLSA establishes restrictions on the use of child labor.

The May 1990 and December 1988 issues of this bulletin review the many aspects of the child labor laws with which food distributors must be familiar.

Most states also have child labor laws and they should be reviewed as well, as the state law applies if it as stricter than the federal law.

In a nutshell, under the FLSA: 14 and 15 year olds can work in non-hazardous occupations for not more than 40 hours in a week, or 8 hours in a day, when school is not in session and not more than 3 hours in a day or 18 hours in any week when school is in session; 14 and 15 year olds can work only between the hours of 7:00 a.m. and 7:00 p.m., except from June 1 through Labor Day they can work to 9:00 p.m.

In addition to the above, no employer shall use any "oppressive child labor" in commerce or the production of goods for commerce or "in any enterprise engaged in commerce."

"Oppressive child labor" includes employment of any person under 16 years of age except for certain specific jobs in retail stores as enumerated in the may 1990 issue of this bulletin. Also included is the employment of any person under age 18 in any occupation found by the Secretary of labor to be particularly hazardous.

There are several specific Hazardous Occupation Orders issued by the Secretary that affect grocers. Among them:

Order 10—provides that any work in meat processing, including the operation of an automatic slicing machine, like those found in store deli departments, is a hazardous op-

eration and off limits to those under 18. This includes the cleaning of meat slicers as well.

Order 11—provides that working with, cleaning or repairing power driven bakery machines is a hazardous operation. Example: dough mixers, dough sheeters, molding machines, bread slicing and wrapping machines, cake cutting band saws and more.

Order 12—provides that working with, cleaning or repairing any paper products machines is a hazardous operation. Example: sheeting machines, guillotine paper cutters or shears, arm type staplers—scrap-paper balers—and all power driven machines used to prepare paper for disposal.

PAPER BALERS

The operation of a paper-baler and assisting in the operation of a baler is considered by DOL to be a hazardous occupation covered by Order 12.

Last November 20, the Wage and Hour Division of DOL issued a final rule clarifying that the operation of paper balers by minors under 18 years of age is prohibited in all circumstances. DOL also reiterated its position that the placing of material into the baler is a violation of hazardous Occupation Order (HO 12). The Labor Department is aggressively enforcing this prohibition and we urge all members to review their policies and especially to communicate to all employees that minors may not place any material into paper balers. DOL will issue citations to retailers for violations based solely upon statements from minor employees or former employees that they have on a single occasion placed a piece of cardboard in a baler, even when the baler has signage prohibiting use by anyone under the age of 18. FMI has objected strongly to this interpretation and enforcement policy, but until DOL can be convinced to take a more reasonable position, it is essential that this prohibition be communicated strongly to store employees. Consideration should be given to the use of key locks or other safeguards to limit access and to control the operation of these machines±.

PENALTIES

What happens if DOL determines you are employing someone under 18 years of age in a hazardous operation? First, there are civil penalties of up to $10,000 for each employee and $1,000 for each separate violation. If it is held to be a "willful" violation, you are subject to a $10,000 fine and criminal liability of up to six months in jail. (You can go to jail only if you have been convicted of a prior offense. We are unaware of any criminal penalties having been imposed on retailers.) And "willful" doesn't mean that you knew that you were violating the law; it is "willful" if you were aware that the law possibly applied.

An employer who presents falsified records can be punished by a fine of $10,000 and six months in jail. Criminal prosecutions, while rare since they are based on "willful and flagrant" violations, can be triggered by submission of falsified records.

In determining the amount of civil penalty to be assessed, the Administrator looks at the seriousness of the violation, the size of the business, the number of employees involved, previous history of violations, the employer's explanation and whether the employer has made good faith efforts to comply with the law.

ENFORCEMENT

Inspections are made both on the Wage and Hour Administrator's own initiative or to investigate complaints. The name of the person making the complaint will not be revealed. Upon arrival on your premises, the Wage-Hour Division inspector will ask for "the person in authority" to whom they will show their credentials and explain that they are there to make an investigation in connection with the Wage-Hour Law. The Wage-Hour Division can subpoena the employer's records if necessary.

After the inspection, if the Wage and Hour Administration determines that there is a violation, it serves a formal notice of violation and the penalty, if any, to be imposed on the employer.

Generally, there will be an opportunity to discuss the results of the investigation with the compliance officer before a formal notice of violation is served. It is appropriate to request such an opportunity and it is appropriate for counsel to be present at this conference. At this point the investigator's conclusions should be checked for accuracy. Find out when the alleged activity occurred. Is the alleged violation based on physical records or on uncorroborated statements from employees or former employees? If it is a former employee, under what circumstances did the individual leave the company?

If differences still remain after discussion between the investigator and employer, you can request a conference with a supervisor at the regional office. As mentioned, in determining the level of fine, DOL will look at the employer's good faith efforts to comply with the law. It is certainly relevant to argue, if it is accurate, that the employee violated well-established company policy; that this policy is well-publicized; that signs are posted; that employees are disciplined when they violated the policy; that training is provided; that access to the baler is limited, etc. These mitigating factors could result in reduced penalties.

If you are hit with a formal notice of violation, you have 15 days to take exception to the determination and request an administrative hearing. This request should be sent to your local Wage and Hour office or the Administrator of the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor and must: be dated; be typewritten or legibly written; specify the issue(s) stated in the notice of determination, giving rise to such request; state the specific reason(s) why the person requesting the hearing believes such determination is in error; be signed by the employer or his representative; and include the address for receipt of further communications from the Administrator.

While you can do it yourself, if you decide to seek a hearing, it is probably wise to seek counsel familiar with the Wage-Hour Law. The administrative hearing is conducted by a DOL Administrative Law Judge whose decision will be limited to a determination of whether the employer has committed a violation of the act, and the appropriateness of the penalty.

The decision of the Administrative Law Judge constitutes the final order of the Administrator, unless an appeal is filed with the Secretary of Labor within 30 days of the date of the decision. The final order of the Secretary is appealable to the federal courts.

AGE CERTIFICATES

While you can't prevent the Wage and Hour Administration from conducting an inspection, you can immunize yourself from liability by obtaining a "certificate of age" for an employee 18 or older (so that he or she can preform hazardous duties) and for employees 16 years or older (so that they can perform non-hazardous duties).

The federal regulations regarding child labor suggest that a certificate of age should be obtained for each person who might be under age, or who gives his age as a year or two older than the minimum age. Certificates of age may be obtained by contacting the appropriate agency in your State, probably the Department of Labor or the Industrial Commissioner.

□ 1930

SAVE AMERICA'S MARITIME INDUSTRIES

The SPEAKER pro tempore (Mrs. MALONEY). Under a previous order of the House, the gentleman from Virginia [Mr. PICKETT] is recognized for 5 minutes.

Mr. PICKETT. Madam Speaker, a few days ago, I met with the Hampton Roads Maritime Association in my district and expressed optimism that the Clinton administration, with Secretary of Transportation Pena in the lead, would find a way to begin the revitalization of the U.S.-flag merchant fleet. Much to my dismay, I now find that I was wrong.

In what has to be one of the most disappointing actions taken thus far by the young administration, Secretary of Transportation Pena confirmed that the Department of Transportation will not seek an extension of the Operating Differential Subsidy [ODS] Program for our Nation's dwindling supply of privately owned, deep draft commercial ships.

The Clinton administration's decision represents bad transportation policy, bad economic policy, and even worse national security policy.

Ever since the end of World War II, when there were more than 5,000 privately owned, deep draft vessels in the U.S. commercial fleet, our nation's merchant marine has been in a precipitous decline.

Today, the Federal Maritime Administration reports that there are only 467 U.S.-flag commercial ships. There has been a corresponding decline in the number of skilled merchant seamen capable of manning these ships. And more than 100,000 shipbuilding and ship repair jobs have been lost since 1981.

Not coincidentally, Madam Speaker, 1981 was also the year in which the Reagan administration eliminated construction subsidies for American shipbuilding.

Now, 12 years later, the Clinton administration stands ready to scuttle the only other subsidy program designed to promote a strong U.S. merchant marine.

Faced with this prospect the Nation's only U.S. flag carriers have told Congress and the administration repeatedly that without legislation extending ODS subsidies, they will reflag their vessels under a foreign flag.

Even a Desert Storm size military operation will require our nation to charter foreign flag vessels to transport essential weapons, supplies, and troops.

What other risks and consequences may we expect from the abandonment of our merchant marine industries?

First, we will be ceding control of ocean-going trade and commerce to our competitor nations without a whimper, without any benefit from trade negotiations, and without any meaningful assessment of where this ruinous policy will lead us.

Second, while our military sealift will become increasingly dependent upon foreign-flagged ships, so also will the shipment of American made products shipped in international commerce. The consequent pricing and competitiveness of these American products may well suffer.

And third, there will be a shocking deficiency in our industrial base and a missed opportunity for trade, jobs, and world leadership in the maritime industries.

Madam Speaker, no one likes Government subsidies, particularly in today's fiscal and budget environment. But throughout American history, our Government has recognized the need for different subsidies to preserve, promote, and advance socially and economically beneficial programs that are essential to the domestic and economic objectives and standards of our Nation. Few would dispute, for example, that the billions of dollars paid to American farmers have helped to ensure that the American people receive a stable and reliable supply of food. We subsidize mass transit systems to provide more efficient and economical transportation for our people. Government underwrites the cost of some research for national security purposes and to protect against technological surprise. And now there is even discussion about subsidizing America's aerospace industry.

If we can afford these things, and we largely do, then surely we can continue to expend the modest amounts required to insure that our Nation has a merchant fleet that is worthy of our history as a maritime nation and that is deserving of our future as the world's economic leader. A healthy and competitive maritime industry for our Nation is not a luxury; it is an absolute necessity.

Madam Speaker, I urge my colleagues not to give up on America's maritime industries. We have recognized, supported, and profited from this industry in the past. We can and must do so in the future.

FORMATION OF THE MANUFACTURING TASK FORCE

The SPEAKER pro tempore. Under a previous order of the House. The gentleman from New Jersey [Mr. FRANKS] is recognized for 5 minutes.

Mr. FRANKS of New Jersey. Madam Speaker, since March 1991, my home State of New Jersey has seen more than 9 percent of its manufacturing jobs disappear. And although New Jersey's loss has been dramatic—in fact it's four times the national average—across the country we are steadily losing one of our Nation's great economic assets.

Over the past 2 years, 378,000 manufacturing jobs have been lost throughout the Nation. Last month alone, 65,000 jobs were wiped out. At the rate we are going, by the 21st century "Made in the USA" could be nothing more than a memory of a more prosperous era.

The loss of any job is a hardship. But the loss of our industrial base is a severe jolt to our Nation's economic stability. People employed in manufacturing are among our best paid workers, with wages averaging 15 percent higher than other workers. They have excellent benefit packages, with 98 percent of these workers having company-paid health coverage.

As we stand by and watch one factory after another close down, we see families' dreams of a better life fade away. The leading source of advances in technology and research are being shut down. And we are seeing our best hope for narrowing the trade deficit eroding away.

To use health care analogy, manufacturing is on the critical list. The time has come to take manufacturing off life supports and develop a national action plan that will make manufacturing healthy again.

To that end, yesterday my colleague and friend, a member of the other party, MARTY MEEHAN of Massachusetts, and I announced the formation of the first ever Congressional Task Force on Manufacturing. The goal of this bipartisan task force will be to develop specific recommendations that will enable the United States to build a stronger, more diverse manufacturing base that can tap into new markets both here at home and around the globe.

The Northeast-Midwest region has long been the center of our Nation's manufacturing. But over the past three decades, the South and the West have been experiencing a surge in manufacturing, while the Northeast-Midwest States have been suffering a hemorrhaging loss. Even though manufacturing still represents 18 percent of the total employment in the Northeast-Midwest region, the loss of jobs has been staggering—more than 2 million manufacturing jobs were lost in the last decade.

Before this task force can begin to develop a recovery plan, it must first find out what went wrong—why we as a nation turned our back on manufacturing while encouraging the development of service industries. Through briefings and hearings in Washington and in industrialized centers throughout the Northeast and Midwest, the manufacturing task force will be dissecting the manufacturing sector, looking at all the factors that have contributed to its decline.

The task force will be focusing on some key areas of concern.

The first is education. Due to the failure of America's education system, manufacturers now report that they reject five out of every six job applicants. The sad fact is they lack the basic education skills needed to do the job. Every year, manufacturers spend $30 billion just to train workers. The task force will be exploring ways to raise educational standards and improve training of workers to ensure a high performance, first-class work force.

Second, we must consider changes in national tax and regulatory policies that will stimulate business expansion and factory modernization. Tax increases and mounds of new bureaucratic regulations have made manufacturing a risky business venture. Manufacturers have seen their profit margin cut by one-third since the 1960's. Our major competitors in the world marketplace, Japan and Germany, enjoy the advantage of lower effective corporate tax rates and less oppressive regulatory climates.

Ask a manufacturer the biggest obstacle to progress, and chances are he'll tell you excessive Government regulation. National environmental laws alone are costing businesses more than $75 billion a year. The total cost of complying with regulations, by some estimates, now exceeds the aggregate after-tax profits of manufacturing.

No one can argue with the intent of the myriad of new environmental laws and regulations enacted over the past three decades. But there must be a more effective and efficient way of protecting the environment and the health and safety of workers without draining manufacturers of the capital they could otherwise be investing in plant modernization, the development of new products, and creating new jobs.

Third, manufacturing will never rebound unless it's prepared to face the challenges of a constantly changing marketplace. That requires a long-term investment in research and development of new technologies. Since the mid-1980's manufacturers, particularly small ones, have been so preoccupied with just staying afloat, they have been unable to plan ahead. While other industrialized nations, such as Germany and Japan, have been investing heavily in research and development, here in the United Sates we are lagging way behind. The United States, once the world leader in innovation and technological advances, is allowing its competitive edge to slip away.

In forming this manufacturing task force we are recognizing that our Nation cannot be as strong without a vibrant and diverse manufacturing base.

Although the challenges facing our economy are great, the next 20 years

hold the opportunity of being manufacturing's golden age. The end of the cold war has opened up a new world of opportunities for U.S. manufacturers to explore. We need to seize the moment. Opportunities like these may not come along again in our lifetime or even in our children's lifetime. The task force will be analyzing ways to strengthen our global competitiveness through greater market access, stronger trade laws, and a national campaign to increase exports of manufactured goods.

I've visited dozens of manufacturing facilities in my home State of New Jersey that are expanding and researching exciting new technologies. Nationally, manufacturing exports are on the rise and actually have doubled over the last decade. Manufacturing is down, but it's certainly not out.

Madam Speaker, we, as a nation, must begin to look at manufacturing in a whole new light. It's no longer smoke stacks clogging the air or chemicals spilling into our streams. Manufacturing today is robotics and computers manned by highly skilled workers. It's also a tremendous source of new jobs. Every new manufacturing job creates four new jobs elsewhere in the economy. We need a solid manufacturing base to have a strong and prosperous nation. Without it, the quality of life as we know it may never be the same.

□ 1940

DEATH OF DISTRICT OF COLUMBIA COUNCIL CHAIRMAN JOHN A. WILSON

The SPEAKER pro tempore (Mrs. MALONEY). Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

Mr. STARK. Madam Speaker, I have just learned that D.C. City Council Chairman John Wilson passed away suddenly this afternoon. Chairman Wilson has been a tireless fighter for the District of Columbia and in recent days has spent hours right in this Capitol, working with the D.C. Appropriations Subcommittee chairman, JULIAN DIXON, on the D.C. budget.

I would ask that all Members of this body pray for the Wilson family in this hour of great sadness.

A CLEAR MESSAGE: CUT SPENDING, DON'T RAISE TAXES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama [Mr. BACHUS] is recognized for 5 minutes.

Mr. BACHUS of Alabama. Madam Speaker, at an appearance in Birmingham, AL, on May 11, Energy Secretary Hazel O'Leary characterized President Clinton's $70 billion energy tax as a "piss-ant tax." Secretary O'Leary apparently used this vulgar term to indicate that this tax is insignificant, nominal, or unimportant. But it was not insignificant to the aluminum industry which has activated a huge and apparently successful effort to have itself exempted from this tax. And it is not significant to the steel industry or the plastics industry which successfully lobbied the Clinton administration for exemption from this tax.

I am delighted to hear that the administration and the Democrat leadership has realized how devastating this tax would be on the aluminum, steel, and plastics industries—all of which are energy intensive industries. But America's private citizens can't afford and don't have an army of lobbyists to protect them from what Secretary O'Leary believes is an insignificant tax. And the people I represent certainly don't think this tax is insignificant. The State of Alabama has a general fund budget of $827 million. That is what we operate our entire State Government on, excepting education, $827 million. This tax, if it had been enacted in Alabama would raise $550 million, enough money to operate our State general fund and State Government for a period of 7 months out of the year. If this tax which Secretary O'Leary calls insignificant passes in Alabama, Alabama drivers will pay almost $250 million a year in additional gasoline taxes. If this tax passes Alabama homeowners and households will pay $76 million in additional electricity costs, certainly not insignificant.

This tax will take $500 a year out of the pockets of every family in Alabama. That may not seem like much to Secretary O'Leary, but for a struggling family it's enough to buy a month's worth of groceries or to pay a month's rent. For a struggling family, $500 is enough to pay for necessary visits to the doctor; it's even enough to buy shoes and clothes needed for the children to start the school year. In short, this tax is significant—it's costly. And it hurts most those very people that Bill Clinton promised tax relief not so long ago—the now, judging from this tax proposal, forgotten middle class.

This tax is very damaging to businesses who are trying to compete with foreign companies. Its effect is anything but nominal. It will cripple companies who are fighting to protect their markets at home in tough competition against foreign companies who do not have to pay this tax in their production facilities.

This tax is certainly not inconsequential to our Nation's manufacturers and the 18 million people employed by them. They rely on energy to keep their assembly lines going and to transport their goods to the marketplace. The National Association of Manufacturers estimates that more than 600,000 jobs will be lost if it is implemented. Try to tell those American families that this tax is insignificant. This tax is also significant to American farmers who will pay an unfair burden due to their heavy reliance on fuel to work their fields and to travel the longer distances required of those who live in our rural communities.

Secretary O'Leary's insensitivity regarding this tax is only exceeded by the arrogance of the Democrat majority members of the Ways and Means Committee who met in secret to act on this and all the other tax increases. These Democrat members essentially locked out not only members of the press but the American people. They apparently had to huddle behind closed doors because they knew that the Clinton tax plan couldn't bear the light of day, or the scrutiny of the American people.

Madam Speaker, whenever people from my district in Alabama come to Washington, I take great pride in telling them that the Capitol is their building; Washington is their city; and they can visit the gallery or committee meetings at any time.

Well, I guess I was wrong. First it was Hillary Rodham Clinton's secret health care group—meeting in closed sessions—that felt it should be above the law. Now, it is the Democrat members of the powerful Ways and Means Committee. All of this because the Democrat majority can't bear to raise taxes in public.

Ordinary Americans and small businesses have a right to feel outraged by the arrogance of the Democrat members of the Ways and Means Committee for shutting them out.

Since they cannot hire lobbyists, ordinary, rank-and-file Americans and small businesses apparently are not being heard by the Clinton administration and the Democrat members of the Ways and Means Committee.

Madam Speaker, let me tell you: these ordinary, grassroots Americans contact me every day, and their message is clear—cut spending; don't raise taxes. My constituents in Alabama understand the effect of the energy tax far more clearly than Secretary O'Leary, and they do not consider the effects of a $70 billion tax costing $500 a family to be insignificant or nominal. The Ways and Means Committee as well as the Democrat leadership of this House would be well advised to listen to the peoples' good advice: cut spending first.

Madam Speaker, for the RECORD I include information on Alabama State funds:

STATE GENERAL FUND SUMMARY

[Fiscal Years 1988–89 through 1993–94]

	Fiscal year (actual)				Fiscal year (estimated)	
	1988–89	1989–90	1990–91	1991–92	1992–93	1993–94
Balance to begin year	32,666,489	18,694,446	30,957,400	609,782	23,365,616	
Receipts	[1] 713,463,977	[2] 750,230,918	797,383,173	808,334,687	788,000,000	818,046,526
Add agency transfers:						
ABC board						2,506,113
Public Service Commission						1,300,000
Total available	746,130,466	768,925,364	828,340,573	808,944,469	811,365,616	821,852,639
Less:						
Expenditures and encumbrances	727,436,020	737,967,964	827,730,791	[3] 785,578,853	[4] 807,668,781	821,852,639
Anticipated proration reduction					3,696,835	
Balance at end of year	18,694,446	30,957,400	609,782	23,365,616	0	0

[1] Revenue and fee increase measures passed in 1988 special sessions of $85,167,790.
[2] Hazardous waste fee increase. One-fourth year collection for FY90 $6,984,547 and full year for FY91 and thereafter.
[3] Reflects proration at 5.5%.
[4] Reflects proration at 3.2%.

ALABAMA SPECIAL EDUCATIONAL TRUST FUND SUMMARY

[Fiscal years 1988–89 through 1993–94]

	Fiscal year (actual)				Fiscal year (estimated)	
	1988–89	1989–90	1990–91	1991–92	1992–93	1993–94
Balance to begin year	143,833,170	34,254,022	34,082,483	415,885	2,523,903	32,137,027
Receipts	2,379,795,463	2,467,657,540	2,498,708,590	2,628,893,510	2,725,178,640	2,850,107,479
Add:						
Proration prevention transfer	0	21,000,000	33,314,779	0	0	0
Less:						
Trade school and junior college authority bonds	1,762,903	1,743,750	1,743,000	0	0	0
Revenue Departments—administrative costs	4,551,036	5,080,802	5,740,137	5,740,137	5,878,640	6,557,479
Net receipts	2,373,481,524	2,481,832,988	2,524,540,232	2,623,153,373	2,719,300,000	2,843,550,000
Total available	2,517,314,694	2,516,087,010	2,558,622,715	2,623,569,258	2,721,823,903	2,875,687,027
Less:						
Expenditures and encumbrances	2,483,672	2,482,004,527	[1] 2,558,206,830	2,621,045,355	2,700,052,066	2,875,687,027
Reversion from State board of education—local boards					(10,365,190)	
Balance at end of year	34,254,022	34,082,483	415,885	2,523,903	32,137,027	0

[1] Includes amounts for 8% teachers' and 7.5% employees' pay raises.

□ 1950

ANNOUNCEMENT OF AVAILABILITY OF WAYS AND MEANS COMMITTEE SECTIONS OF RECONCILIATION BILL

The SPEAKER pro tempore (Mrs. MALONEY). Under a previous order of the House, the gentleman from Illinois [Mr. ROSTENKOWSKI] is recognized for 5 minutes.

Mr. ROSTENKOWSKI. Madam Speaker, I rise to alert my colleagues that text of the Ways and Means Committee sections of the reconciliation bill are now available for their examination. I have introduced the two Ways and Means titles as H.R. 2141 for the sole purpose of making the text available for discussion. Of course, this bill will not be considered, but will be included in the reconciliation legislation that we will vote on next week. Report language is also available.

This means that Members will have more than a week to analyze and understand our package before it comes to a vote.

CONSIDERATION OF ROBERT CARTER RANDOLPH IV FOR U.S. ATTORNEY POSITION IN WASHINGTON STATE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 5 minutes.

Mr. DORNAN. Madam Speaker, I said on election night, November 3, 1992, that I would be willing to extend my own personal 6 months of so-called honeymoon period to the President to see what he could put together, and how he would maintain his promises and his constant emphasis upon the word change. And I expected my 6 months to run from election night itself, because in our great system, and with our great freedom of speech, and our news fascination with winners, and not with those who finish second, and that generally extends even to our great international Olympics, I knew that the President would command media focus all during the interim period of November, December, and up through January. Certainly leading up to the January 20 Inauguration they commanded all of the attention with bus rides, Monticello, and grandiose ringing of bells, and staged by Hollywood producers an exit from the Lincoln Memorial, and that was fine. It was all very euphoric, if you were a Democrat, and particularly if you were a liberal Democrat and you knew exactly that that is what this so-called new Democrat—not—really was.

So the countdown from November to December, January, February, March, April, May, and for me was up on April 30, and then here it is 2 weeks after that. I think it is time for me to fulfill the second half of that promise, that if the President fell far short of what he was talking about during the campaign that I would start to come to the well of this House again, whether there are four or five Members on the floor, which there are tonight, because we still know that the audience is now way over a million taxpaying citizens watching through the collectively funded services of all of our cable companies across America. They have all support voluntarily for C–SPAN I televising this Chamber and C–SPAN II.

Today I received a memo from one of my staffers about yet another Clinton appointment that I think flies in the face of decency, fairness, and brings back the revenge of the late 1960's and early 1970's where draft-dodging cowards are being put in high offices. In this case we are talking about a U.S. attorney's job in the State of Washington. That is supposed to be the main Federal man going after law breakers.

Listen to this story. Congressmen, we, my office, received a call today from a concerned citizen. He spent two tours in Vietnam as a marine officer, has two Silver Stars, two Purple Hearts, one of them earned during the Tet offensive. He called to bring attention to Robert Carter Randolph IV, one of his classmates from VMI, Virginia Military Institute, an excellent school giving this country a great percentage

of its officer corps for more than two centuries. Robert Carter Randolph IV is being proposed as U.S. attorney in Washington State, and he thought you might be interested in this story.

Robert Carter Randolph IV was a platoon leader with the Marine Corps ROTC program at VMI. He received a full scholarship for his final 3 years from the U.S. Marine Corps. He was selected class president on June 10, 1967. He was commissioned as an officer in the Marine Corps. By the way, President Johnson then used to talk about polls showing 80 percent support for the war against communism, Communist expansionism in Indo-China. On finishing Virginia Military Institute, he was awarded a Rhodes scholarship. Part of that was because he was an outstanding military student and was going into the Marine Corps.

While all of his classmates went off to Vietnam, many to die for their country and the cause of freedom from communism, Randolph left for Oxford, having been given a 2-year deferral of service from the Marine Corps. Nothing wrong with that. Some Oxford students, four of them from West Point, Annapolis, and the Air Force Academy did their 2 years and went to Vietnam and excelled brilliantly, and many of them received Purple Hearts and higher decorations for valor.

In 1969 Randolph returns from England and then he declares himself a conscientious objector, now that he has his masters from Oxford, and he tells the Marine Corps that he cannot serve. The Marines tell him that he must enter the Platoon Leaders Corps until his case is resolved. He is sent to Quantico, VA. There Randolph begins to organize enlisted recruits to protest against the war in Vietnam. I believe that is insidious. Randolph, in a Marine Corps officer's uniform, goes on national television to condemn the United States. You know, "ho, ho, Ho Chi Minh," aid and comfort to the Communist enemies slaughtering people and slitting the throats of village chieftans.

He then is discharged from the Marines. That is a given. Three months later he enters Harvard Law School where he very conscientiously applied at the same time that he had declared himself an objector, and on graduation from Harvard he accepts a position with a British firm in Singapore.

The President of Singapore, President Lee, told me that our young men died in Vietnam and saved his country from the Communist struggle, that he was a domino. He said this in front of 10 Congressmen, liberals and conservatives alike. He said that with me and with Brig. Gen. Ben Blaz, then Congressman Blaz from Guam, and I stayed behind with him, and General Blaz said, "I never met a better public servant in my life. Thank you, President Lee, for telling me what I always knew in my heart, that our children did not go and die in vain in Vietnam, but were saving Singapore, Malaysia, and Indonesia." And here Randolph finds himself drawing big dollars in Singapore as a Rhodes scholar and a VMI graduate.

Then he worked for a law firm in Seattle. In 1992, he was a big fund raiser for Clinton-Gore. Now he is being considered, or I should say moving through the process for U.S. Federal attorney in Washington State.

He could not serve his country in 1969, but he wants to now on the Federal payroll. Some scrutiny needs to be brought to this nomination, and 1 minute would be great, Congressman, "Clinton's idea of moral leadership."

Madam Speaker, I say thank you to this citizen for fighting communism and helping with the cold war, which our President did not do.

ANNIVERSARY OF INDEPENDENCE OF THE REPUBLIC OF CUBA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida, Ms. ROS-LEHTINEN, is recognized for 60 minutes.

Ms. ROS-LEHTINEN. Madam Speaker, tomorrow, May 20th, marks a special anniversary for all freedom loving people of the world for it is the anniversary of the independence of the Republic of Cuba. It is Cuba's Fourth of July.

Yet instead of a true celebration, there is nothing but sorrow this 20th of May for the Cuban people. For this date marks just another year of brutal repression, another year of tyrannical rule, another year of total lack of liberties, another year of suppression of democracy.

Just yesterday, the Miami Herald published this interesting one line article:

"Cuba—two Cuban dissidents, Paula Valiente and Juan Guarino, on Monday were given a 1-year suspended sentence for calling an alternative May Day rally in Havana, official sources said."

The mere announcement that you are calling for a rally is enough to get you arrested, tried, and convicted.

The freedom that we take so lightly here in the United States is a cause of criminal sanctions in Cuba.

How much further proof is needed that Cuba is a horrid police state?

There are dozens of reports from international human rights groups which have carefully documented the continued abuses of the Castro regime. There are dozens of studies which have proven that the repression of dissidents is increasing in Cuba.

I have here just three such reports:

First, the country reports on human rights practices for 1992, as prepared by the Department of State, second, the report by Amnesty International, and third, the Human Rights Watch World Report for 1992, written by Americas Watch.

All carefully analyze the totalitarian state of Cuba, dominated, as the State Department points out, by Fidel Castro, who is President, Chief of State, head of government, First Secretary of the Communist Party, and Commander-in-chief of the Armed Forces.

In every category, Castro's abysmal record stands out.

In the category of respect for human rights, the following are included in the State Department report: political and extrajudicial killing, torture and other cruel, inhuman or degrading treatment or punishment, arbitrary arrest, detention or exile, denial of fair public trial, and arbitrary interference with privacy, family, home, or correspondence.

In all of these areas, Fidel Castro's cruelty to the Cuban people seems to know no bounds.

In the next section of the State Department report labeled "Respect for Civil Liberties," the list of abuses is equally repugnant.

For there is no: Freedom of speech and press, no freedom of peaceful assembly and association—Remember what happened just on Monday? A conviction for trying to have a rally that was not sanctioned by the Castro regime—no freedom of religion and no freedom of movement within the county, foreign travel, immigration, or reparation.

In the other sections of the report, the tragic story of Cuban people is repeated: No respect for political rights, no right of citizens to change their government, and no right for international and non-governmental investigation of human rights violations.

Workers rights are also ignored: There are no independent unions, no collective bargaining exists, there is no prohibition on forced labor, and any child 11 years old and above is expected to work 8 hours a day in the summer in farm labor.

As every credible report points out, there are no basic civil and political rights and peaceful dissenters are routinely imprisoned for trumped up charges of incitement and rebellion. By law merely insulting Castro means a 3-year prison sentence.

But there are signs of hope in Cuba. The days of Castro's repression will soon be over and a new dawn of freedom, democracy, and respect for human rights will flourish once again.

I am honored that distinguished Members of Congress have joined me in this special order to highlight Castro's abuses and to call for a new beginning of democracy in my native homeland.

□ 2000

Joining us tonight will be the gentleman from New Jersey [Mr. SMITH], my dear colleague, the gentleman from Florida [Mr. DIAZ-BALART], of Miami, the gentleman from Florida [Mr. GOSS], the gentleman from Florida [Mr. DEUTSCH], a neighbor, of Miami, as well as, of course, the gentleman from California [Mr. DORNAN], who will join us to finish this special order.

I am now pleased to call upon and yield to the gentleman from New Jersey [Mr. SMITH], who will speak to us about the human-rights abuses in Cuba.

Mr. SMITH of New Jersey. Madam Speaker, I thank the gentlewoman for yielding to me. I want to thank her for

taking out this special order, and I especially want to thank her for her leadership on behalf of human rights in general and human rights in Central America and Cuba in particular.

As ranking member of the Western Hemisphere Subcommittee of the Committee on Foreign Affairs, I have been able to watch the gentlewoman from Florida [Ms. ROS-LEHTINEN]. She has done an outstanding job in advocating freedom and democratization for Cubans who have unfortunately suffered the tyranny of Castro since 1959.

Madam Speaker, just let me say that Cuban Independence Day celebrates the freedom of the Cuban people from the colonial rule of Spain on May 20, 1902. It is symbolized in the person of Jose Julian Marti. Marti organized and unified the Cuban independence movement and was killed on the battlefield fighting for independence 7 years before independence was realized. The United States assisted Cuba in its fight for independence in the Spanish-American War.

Cubans continue to fight for freedom from oppression which today takes the form of Castro and his Communist regime, in power since January 1, 1959. The human rights situation in Cuba is abysmal, prompting many to continue seeking ways to escape the repression and indignity of the Castro regime and to continue their struggle to free Cuba from dictatorial rule.

There are many restrictions, as the gentlewoman from Florida [Ms. ROS-LEHTINEN] pointed out a moment ago, on individual liberty and on freedom of expression, movement, and assembly. Actions are taken against human rights activists, free trade union leaders, and people seeking peaceful democratic change in Cuba. The arrest of free trade union leader Rafael Gutierrez and the physical attacks on human rights leaders such as Gustavo Arcos and Rodolfo Gonzalez and Jesus Yanes Pelletier are examples of the violence on the persons who opposed the Castro regime.

I remember, Madam Speaker, several years ago when I first had the privilege of meeting Amando Vallidares, and when I sat down and read this book, read it in two nights, could not put it down. It was a shocking expose of the kind of brutality that Castro visits upon his opponents, upon people who espouse democratic change and human rights in Cuba.

I am very happy to report that Amando Vallidares has served, as I think most of us, if not all of us, certainly all of us in this Chamber, know, with great distinction as our Ambassador to the United Nations Convention on Human Rights, and when I served as the congressional delegate to the United Nations, I had the distinct privilege of working with him in Geneva and seeing him firsthand working with other ambassadors to bring fact-finding missions to Cuba to investigate these many abuses.

The U.N. Human Rights Commission until then had been pretty much of a paper tiger issuing reports, doing very little of substance. Amando Vallidares changed all of that, and a very substantive report and series of reports resulted from that.

Regrettably, many of those people who came forward to speak out to the U.N. factfinders were harassed and beaten and incarcerated by the thugs in Cuba, but, nevertheless, with the continued pressure for reform, the information got out, and the pressure for reform was at least heightened.

Madam Speaker, Amnesty International has issued many reports on the beatings and arrests of several leaders of human rights organizations and democratic organizations. For example, the president of the Cuban Commission for Human Rights and National Reconciliation was arrested in December 1992 and beaten until nearly unconscious. His house was ransacked, and much of the contents destroyed. His family was subject to harassment by pro-government crowds. He was released later in the month but a trial is still pending. He is charged with disrespect toward the Castro regime.

A member of the Cuban Committee for Human Rights, Rodolfo Gonzalez, was arrested in December 1992, as well, following a search of his home in Havana. He is being detained and charged with enemy propaganda. Amnesty International reports that he is being detained at the headquarters of the Department of State Security.

In a recent report Amnesty International also lists at least 10 short-term, 22 long-term, and 38 probable prisoners of conscience, along with several hundred who are currently in prison for trying to leave Cuba without permission. Those who manage to avoid the long-term prison sentences are subject to other forms of harassment which include frequent questioning by the police, fines, threats against them and their families, loss of employment, and physical attacks.

Madam Speaker, as was pointed out, there is continued harassment in the area of religious freedom. Catholics and Protestants are victims. They experience discrimination in education and employment, lack of access to the media, and the imposition of atheistic teachings in the schools upon their children.

Free speech is curtailed, very much curtailed, by the state-owned media, and all other press and broadcasting is illegal.

Let me just finally say, Madam Speaker, that a recent appeal by 40 human rights and prodemocracy organizations in Cuba to Members of this Congress says, "We, the people of Cuba, remain enslaved under Castro's dictatorship, persecuted each day for our beliefs, denied our most fundamental and natural rights. This week, May 20, Cuba will pass one more Independence Day as a captive people under Castro's tyranny. On that day, who knows how many more of our brothers and sisters will be beaten and arrested or how many will die trying to flee the island on rafts in search of liberty. We have not given up hope, and our hope rests in international solidarity with our desire for freedom."

Madam Speaker, with the leadership of the gentlewoman from Florida [Ms. ROS-LEHTINEN] and the gentleman from Florida [Mr. DIAZ-BALART] and the gentleman from Florida [Mr. GOSS] and others, I just want to say that we are in solidarity with the suffering people of Cuba. We will remain so until that island nation is free.

Even family members of prisoners are victims of abuse. Xiomara Gonzalez Figueroa, a wife of a prisoner of conscience, Fernando Velazquez Medina, was reportedly dismissed from her job at a magazine where she had worked for 23 years. They terminated her job because they said that she was no longer suitable to work for a publication of a political organization.

PRISON CONDITIONS

Amnesty International also reports that conditions in Cuban prisons continue to deteriorate. The amount and quality of food is extremely poor. Prisoners suffer from a variety of diseases because of poor food, poor sanitary conditions, and lack of medical attention. Reports say that many prisoners are sleeping on the floors with no mattresses. Many political prisoners have been transferred to prisons far from their families, limiting visitations. Amnesty International: Cuba, Silencing the Voices of Dissent, December 1992.

ELECTION LAWS

Americas Watch cites restrictive election laws where only candidates who are acceptable to the government can be elected. The law also forbids campaigning. The only information about candidates which is given to voters is biographical data, which is state distributed.

FREEDOM OF SPEECH

Free speech is curtailed by the state-owned media, all other press and broadcasting is illegal. There are also laws which prohibit enemy propaganda, clandestine printing, defamation of public institutions. And 3-year prison terms for insulting Castro. Americas Watch report on Cuba "Perfecting" the System of Control, Human Rights Violations in Castro's 34th Year, February 25, 1993.

RELIGIOUS REPRESSION

Catholics and Protestants are also victims. They experience discrimination in education and employment, lack of access to the media and the imposition of atheistic teaching in the

schools. Maj. Orestes Lorenzo, the pilot who bravely rescued his family so dramatically last year, said that the forced atheistic indoctrination of the children was one of the main reasons he wanted to remove them from Cuba.

The Catholic bishops have pointed out that there are plainclothes security agents with guns and blunt instruments in the churches during religious services. The bishops have said that "Far from contributing to good order, this behavior generates anxiety and aggressiveness that threatens to explode in any situation of this kind." The bishops have condemned the violence that people experience for expressing themselves within the church.

ECONOMIC CONDITIONS

The worsening economic conditions, brought on not only by the collapse of the Soviet Union, but also by Castro's economic policies has led to a crisis which is officially termed "A Special Period in Times of Peace." This special period includes food rationing, which has led to increased activity in black market trading, and scheduled power outages. A report from the Stanley Foundation Courier says "When an outage occurs, Cubans will just point to the dark light bulb and say 'special period.' No other explanation is needed." Spring 1993 Courier.

CUBANS FLEEING CUBA

The desperation of the Cuban people to flee the repression of the Castro regime was focused on in a recent Associated Press article. A 28-year-old woman, Raiza Teresa Santana and her 10-year-old son, Frank survived an 11-day raft trip from Cuba hoping to join relatives in Florida. Two other companions were lost when they left the raft and floated out of reach. When the mother and son were found the mother was in a coma, suffering from respiratory failure, kidney failure, and a swollen brain. They, like 2,500 Cubans last year, and 771 already this year, risk the winds and currents of the Gulf Stream to escape Cuba. AP News report 5/18/93.

CONCLUSION

A recent appeal by 40 human rights and pro-democracy organizations in Cuba to Members of Congress says "(W)e the people of Cuba remain enslaved under Castro's dictatorship, persecuted each day for our beliefs, denied our most fundamental and natural rights. . . . This week, May 20th, Cuba will pass one more Independence Day as a captive people under Castro's tyranny. On that day, who knows how many more of our brothers and sisters will be beaten and arrested, or how many will die trying to flee the island on rafts in search of liberty. But we have not given up hope, and our hope rests in international solidarity with our desire for freedom."

As the people of Cuba once again commemorate Cuban Independence Day, these human rights abuses remind us that Cubans have not yet attained the freedom that they fought for earlier this century.

Ms. ROS-LEHTINEN. Madam Speaker, I thank the gentleman so much. We are so gifted and privileged to have him as the ranking member of the Western Hemisphere Subcommittee. As all of us can see, he has been a longtime outspoken opponent of human rights abuses in Cuba, and we thank him for his strong leadership.

Tonight we are joined by some freshman Members of the House, but the two of them I had the privilege of serving with in the house and in the senate in the State legislature, and before we get to the fine orator, who is the gentleman from Florida [Mr. DIAZ-BALART], I would like to introduce a person who also brings some fine oratory skills to our Chamber with a great deal of passion and intellect that he brings to issues especially when it comes to the subject of a free and democratic Cuba, and that is our dear Congressman, the gentleman from Florida [Mr. DEUTSCH].

□ 2010

Mr. DEUTSCH. I thank the gentlewoman for yielding to me.

I will tell you that as the Member of Congress who literally has the district closest to Cuba, where Cuba is literally 90 miles from the shore and many of those that make their way from the shores of Cuba on rafts that are as small as toy things that we throw into pools, it is a special honor to be with you today.

Also, as someone who was recently in the Cuban base of Guantanamo Bay, the last bastion of freedom on that island, and had the opportunity while I was there to meet some true heroes, several people who had literally walked through minefields or who had swam in shark-infested waters to make their way to Guantanamo Bay and to freedom, to talk to people who have traveled that road is an experience that I wish all Americans could have because it would give us a sense of what really truly we take for granted, unfortunately, too often in this country, because the numbers that are used add up to less than 50 percent of those that cross the minefields or try to swim out of the waters of Castro's terror die in that process.

To think of what it takes for a person to literally be willing to risk their lives in such conditions is clearly beyond our imagination.

Tomorrow, Cuban's around the world will remember the 91st anniversary of Cuba's independence from Spain. Sadly, this event acts as a reminder that these same people are no longer enjoying the freedoms for which they struggled and perished. It is ironic that my colleagues and I rise today to celebrate Cuban independence 1 day prior to its actual commemoration.

It is today that we mark the 98th anniversary of Jose Marti's death, Cuba's best loved patriot and the symbol of Cuba's struggle for independence from Spain. Under his leadership, the Cuban independence movement was conceived. On April 11, 1895, Marti led Cuban troops in an invasion of the island. And, it was during these early days of the invasion that he died on the battlefield.

The death of Jose Marti has today become the most appropriate symbol for the people of Cuba. The same hopes and dreams that he embodied for the Cuba people have died under the Castro regime. The system that exists under the Castro regime is one of systematic repression, humanitarian abuse, and poverty. This was not the vision for which the Cuban people struggled, committing their lives and souls.

This year, as in years past, the United Nations has condemned the human rights situation in Cuba under Castro. The Castro government continues to bar the entry of U.N. human rights investigators and refuses to ratify the main U.N. human rights accord. The silencing of dissidents through incarceration and physical violence is a common practice of which the world is well aware.

But perhaps the best testament to the unbearable situation on the island is the willingness of thousands of Cubans to risk their lives in order to live in freedom in the United States. As I mentioned many Cubans have made the journey to the United States on rafts barely suitable as pool toys. They take to these rafts, known as balsas, risking death from dehydration, starvation, and exposure. We know of thousands of Cuban refugees who have made it to United States shores this way and can only guess at how many have perished on their journey.

I notice it has been reported in the papers, unfortunately, a mother who is dying in Miami right now, is dying because she drank saltwater during her trip on the raft because she had given her bottle of fresh water to her 10-year-old son, who was also traveling toward the shores of freedom.

There are other Cuban immigrants, as well, who have traded their privileged lives for lives of freedom that their wealth could not buy in Cuba. These individuals have left behind careers as doctors, engineers, professors, and journalists in order to live freely as manual laborers and street sweepers. Not only have all of these brave individuals taken risks to make the trip to the United States, their very intentions placed them and their families at risk of persecution should these intentions have been discovered.

It appears that years of Castro's attempts to stifle free thought have not been able to squelch the Cuban people's commitment to democracy and freedom. The tactic of consistent humani-

tarian abuse has not been sufficient to break the will and the spirit of the Cuban people. And it is in honor of Cuban Independence Day that I take this opportunity to celebrate the unwavering spirit of the Cuban people.

Today, I stand with my colleagues in solidarity with the people of Cuba. As we celebrate their will and strength, we recall the legacy of Jose Marti and his commitment to the principle of personal liberty. And, as Americans we remember our own struggle for sovereignty and the belief that this was, and is, our fundamental right. I sincerely hope that soon the Cuban people will share my feelings of freedom and have the ability to live without fear.

And I will tell you that when I ran for Congress, there was no greater desire, and hope, and expectation that in my term in the United States Congress I expect to be part of the Congress that sees the day when the Cuban people are free.

Ms. ROS-LEHTINEN. Amen.

I thank the gentleman for his very eloquent statement on the dismal conditions in Cuba.

Next I would like to present to you Congressman LINCOLN DIAZ-BALART.

While in the State legislature, LINCOLN and I served together, and LINCOLN was rated highly in all of the polls for being effective, intelligent, forceful, and, as we will find out tonight, a great debater and a person who uses words wisely and very effectively.

Mr. DIAZ-BALART. I thank the gentlewoman for yielding to me.

I commend the gentlewoman for having thought of and moved forward with this important commemoration of the 91st anniversary of the birth of the Cuban Republic.

All of us, all of us pray and work with the hope that tonight is not only the eve of the 91st anniversary of the Cuban Republic but that we are really on the eve of the birth of a new Cuba, and we feel it.

We know it is coming, we know that it requires, however, consistent work, prayer, much dedication, with passion and commitment. And I know that the gentlewoman is passionately committed to this cause, as are all of the colleagues who have spoken and who will speak this evening. The people of Cuba are very grateful for that, in addition to the people of the United States, because the people of the United States have shown throughout their history great solidarity for the Cuban people.

And today, after 34 years of the most brutal dictatorship in the history of this hemisphere, it is the people of the United States, through the Congress of the United States, who maintain the only sanction in the world, the only sanction in the world existing against the brutality and the inhumanity which has been described and Congressman SMITH and Congressman DEUTSCH have described and which the gentlewoman, Congresswoman ROS-LEHTINEN, know very well, because we spent our weekend, the gentlewoman and I, in Miami, taking time from our families and our constituents last weekend, when we heard about Raiza Teresa Santana, the Cuban mother, 28 years old, about whom Congressman DEUTSCH, spoke, who left on a makeshift raft with her 10-year-old son and gave all of her drinking water and her food to her son. She then lost consciousness. Her son later sighted one of those large cruise ships and was rescued. By that time, the mother was unconscious, had slipped, in fact, into a coma. We worked diligently, and we express our gratitude through this means to the Immigration and Naturalization Service for having heeded our call and permitted Raiza Santana to be brought to the United States for treatment. Yet we have heard today that she passed away.

Madam Speaker, I dedicate my words this evening to that 28-year-old mother who demonstrated many things, but among the many things that she demonstrated was that Cuba is alive and that after 34 years of the most brutal dictatorship in the history of this hemisphere, the Cuban people are alive and the best interests and the best feelings of those people, the best traditions of those people are alive and are being manifested in glorious ways day in and day out despite the indifference of the world and the media that all too often simply ignores or certainly makes no effort to find the constant examples of heroism.

□ 2020

How many people who are listening to us on C-SPAN this evening have heard about Raisa Santana and her 10-year-old son, Frank, who tonight is fine with family members in Hialeah, my district?

How many people in the United States have heard that story, one of the most glorious, heroic stories that I certainly have ever heard about?

I think it is indicative of the indifference of the world at large that everyone in the world has not been informed of that example of heroism, and yet we see a massive campaign by the dictatorship. Here this week in the Congress there is a group of people who call themselves religious leaders from Cuba. They are lobbying Congress this week. They get exit visas. They are let in by the State Department and they come to lobby against our policy. They come to lobby against the only sanction that exists in the entire world against the brutality of the Castro regime, and they are here.

That delegation is composed, among the reverends in that delegation is a Rev. Luis Suarez, a member of parliament from Castro's Cuba, who has sworn allegiance to the socialist and atheist constitution and who ends his sermon with—you all know how Castro ends his speeches, "Patria o Muerte, Venceremos."

"Fatherland, or death. We shall triumph."

He ends with "Patria o Muerte, Amen."

That is a pastor here. I have a letter from the Inter-religious Foundation for Community Organization, and the Pastors for Peace, talking about how these people are in Congress lobbying this week.

Last week there was a so-called dissident who was lobbying Congress and the administration, gets an exit visa, gets a visa from our Government to come here and lobby against our policy, against the only sanction in the world against the barbarian, against the torture of the Castro regime.

We asked if Raisa Santana could have gotten an exit visa, or if Rafael Gutierrez Santos, who was mentioned by Congressman SMITH, could have gotten an exit visa. Well, he is in prison. He is head of the Independent Labor Movement.

Or Maria Celina Rodriguez, who is head of Liberty and Faith, a Christian organization, who has been in prison. Her son, 5 years old, the youngest political prisoner in the world, spent time in Villa Marista, the Interior Ministry Building, when she was sent for psychiatric treatment. I wonder if Maria Celina or her son could get an exit visa to come and lobby Congress.

Or Oswaldo Paya Sardinas, coordinator of the Christian Liberation Movement, in prison. I wonder if he would have gotten an exit visa, or even permission from the Government to come and lobby our Congress against our policy.

No, they do not get permission, but the Government is desperate because they know that history has passed them by and that the rope is at the neck of the dictator and that it is only a matter of time, because of the heroism that people are demonstrating on a day-in and day-out basis, despite the indifference and the ignorance of an all too different world, except for the people of the United States; except for the people of the United States who in another demonstration of generosity and solidarity toward an oppressed people, as I have stated before, but I think it cannot be repeated too often, have supported and continue to support the only sanction in the world against the horror of that regime.

I think it is time, however, that others join us. It is time for our allies to join us. It is time for the Russian Government to join us. They are seeking another $2 billion in our assistance.

And by the way, we all support President Yeltsin. I think he is the best friend we have there in Russia and I think it is great for freedom and democracy that he is in power; but he must maintain a strong position and he

should not be providing oil anymore to the Castro dictatorship. That is simply an intolerable reality.

We certainly cannot be providing more aid to Russia if Russia continues to provide assistance and especially oil, which is the lifeblood of the Castro regime to Havana.

As the debate comes on Russian aid, the gentlewoman from Florida [Ms. ROS-LEHTINEN] and I have spoken about this often.

Madam Speaker, as the debate approaches and intensifies on aid to Russia, this will be heard more, because it is simply unacceptable and it has to stop. The lifeblood to the dictatorship has got to stop.

Our prayers and our intense efforts are dedicated to accelerating the arrival of the day that the Cuban nightmare of today will be but a memory of the dreadful past.

This last weekend a classroom full of small children in France, that had been kidnapped by a crazed madman, was freed by the French police. The French Security Minister addressed the nation on television and he declared, "Fellow countrymen, the nightmare is over. The madman is dead."

As we commemorate this, the 91st anniversary of Cuban independence in 1902, we hope and we pray and we intensely work so that soon those words of the French Security Minister will be applicable to the Cuban people as well.

Ms. ROS-LEHTINEN. I thank the gentleman from Florida [Mr. DIAZ-BALART] so much. He is such a wonderful addition to the U.S. Congress. His eloquence is breathtaking and his passion is so strong that I hope it is contagious to all the other Members in our body. Congressman DIAZ-BALART and I have a warm positive working relationship and it has been such a joy for me, and the members of my staff, to have worked closely with the gentleman, and the members of his staff, on the important task of liberating our native homeland.

I say thank you to Congressman DIAZ-BALART.

Madam Speaker, I would now like to yield to my mentor on foreign affairs before he became a big shot on the Rules Committee. That is Congressman PORTER GOSS whose guidance and leadership I miss so much, but I know he is representing our views very well in that committee. Congressman GOSS has a great deal of experience on the issues of foreign affairs, especially as it relates to seeking democracy in Cuba. I thank Congressman GOSS, as always, for joining us every time that the discussion lends itself to establishing freedom and democracy in Cuba.

Madam Speaker, I yield to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Madam Speaker, I thank the gentlewoman for yielding to me. I want very much to thank her especially for the opportunity to speak on this subject.

I would also like to say, this is an observation of Independence Day in Cuba. I think it is very appropriate that Florida's voice has always been loud, and in the forefront, when the subject of Cuban independence has been raised, but this is not a Florida issue. This is truly a national issue and it deserves the attention of every American.

I want to say congratulations and thank you not only to my colleague, the gentlewoman from Florida [Ms. ROS-LEHTINEN] but my other colleagues as well, the gentleman from Florida [Mr. LINCOLN DIAZ-BALART] who has spoken so eloquently, and the gentleman from Florida [Mr. PETER DEUTSCH] who has spoken so factually about what is going on; the gentleman from New Jersey [Mr. CHRIS SMITH] who has talked about the human rights aspects, and the gentleman from California [Mr. DORNAN] who is unique in his own way in bringing his experience and passion to his statement that we have heard before and I am sure we will hear at this most appropriate time of independence.

It is critical that we keep this on the national radar scope. I think that is what this effort is about.

Tomorrow I know will be a day of celebration, the 91st anniversary of the ascension to power of the first elected President of the New Republic of Cuba.

For most Americans, when we talk about Independence Day it is a time of celebration for the rewards that we gained from our own struggle for freedom, for the right to speak our minds, the right to make our own decisions, the opportunity to build a safe and secure life for ourselves and our families and our children, regardless of whatever political or religious beliefs we may hold.

Regrettably, as we are on the eve of Cuban Independence Day, the Cuban people do not enjoy the rights and privileges that we associate with independence in this country; things, frankly, that we take for granted.

For 34 years now under the tyranny of Fidel Castro and communism and his cronies, the realization of these freedoms have been denied. They have been denied to the Cuban people. They have been quashed by organized civilian goon squads, plainclothes police, and the Brigadas Accion Rapidas, that the gentleman from Florida [Mr. LINCOLN DIAZ-BALART] will tell us more about when we get in a colloquy about how the reaction in Fidel's Cuba took place to persecute the surviving family members of indeed the lady that we tragically learned died today, giving her life to save her son and escaping from Fidel's Cuba.

These brigades go out and seek and crush any political dissent or any attempts to improve human rights in that country. These are things that we will not tolerate for even an instant in this country, and yet just a few miles off our shores they are going on, and somehow our media are not picking up on it.

Very simply put, I think Fidel Castro has it exactly backwards. Instead of governing for the people, he enforces his will at the expense of the Cuban people.

□ 2030

Instead of independence, Madam Speaker, Castro has given the Cuban people a lose/lose choice of socialism or death. True independence is, sadly, still a dream that most Cubans do not have. Cuba lives, I think, for a tomorrow that has yet to come. Lives there continue to be dominated by a repressive dictator and a political and economic system that, almost everywhere else on the globe where it has been tried, has failed. It has gone the way of the dinosaur. It has crashed into a black tar pit of oblivion, never to be seen again. It is called socialism, and it does not work.

Castro and Cuba are isolated, not because of policies of the United States Government, not because of things that we have done here, but because Castro's Cuba has chosen to identify itself with the criminals of the world, the Libyas, the Iraqs, the people who are in business for themselves, not for their people. The economic philosophy in Castro's Cuba truly has bankrupted the country and truly has jeopardized the future of the Cuban people.

One thing is very clear, Madam Speaker, and it may give us hope: Time is not on Fidel's side. As the tide of democracy and capitalism continues to sweep over the Western Hemisphere, we see Castro is alone; he is barely keeping his head above water. The glare of international attention is shining on the human rights abuses and political repression. Other people know about it, and they care. Cuba's economy is in free fall. In fact, many believe Castro would be gone now except for the fear he has been able to introduce into society. Maybe there is some naivete there in the younger generation. Maybe there is some residue of some ideological faith of those who do not understand. But it is mostly fear that prevents Cubans from imagining anything other than life under Castro.

But just because this is today's Cuba does not mean it has to be that way tomorrow. In fact, under the leadership of many who have spoken here tonight, and again I congratulate particularly my colleagues who understand this so well, personally and passionately, being from Cuba, as the gentlewoman from Florida [Ms. ROS-LEHTINEN] and the gentleman from Florida [Mr. DIAZ-BALART]. Under their leadership we see the spirit of the Cuban people and their struggle for freedom, and we want to support and encourage that, and I think perhaps the embodiment of that spirit is well shown in the tragic death

of the mother who died today in her effort to escape with her son. I am delighted to hear that her son lives, and I hope, when we do get into a colloquy, that we can have a little talk on what the brigades have done.

The United States, as their neighbors to the north, obviously, have got to do what we can to help the Cuban people achieve their dream, but we must not forget, and I know the Cuban people do not forget, the change in Cuba will ultimately depend on the Cuban people themselves. Throughout Cuba we know there are educated, motivated, patriotic individuals who see how the Castro revolution has failed, has betrayed the country, and devastated its people.

So, today it is our sincere hope that the combined efforts of the people of Cuba will soon, and I say very soon, enjoy peaceful transition to the free democratic future that their grandparents envisioned 91 years ago. I say, "Happy anniversary. Viva Cuba Libra."

Ms. ROS-LEHTINEN. Madam Speaker, I thank the gentleman from Florida [Mr. GOSS] so much. We pray that day will soon come, and I say to the gentleman, "You're always a reliable ally, always ready to denounce the human rights abuses in Cuba even at this late hour of the night, and now all of the viewers of C-SPAN know why we miss you so much on the Foreign Affairs Committee. Thank you so much, Congressman GOSS."

Now I would like to hear the words of the gentleman from California [Mr. DORNAN], a U.S. veteran, a patriot, a man who knows what freedom is all about, a man who knows that repression must be condemned, and the gentleman from California will speak to us, I hope, tonight about a very important issue, and that is of the plantados, the Cuban political prisoners who will not bend, who will not cooperate with their captors, and for that they live, if that can be the word, under very special rules that are even more repressive than the normal prisons in Cuba.

Mr. DORNAN. Madam Speaker, I thank my colleague, the gentlewoman from Florida [Ms. LEHTINEN], and all of my other colleagues from Florida, and the gentleman from New Jersey [Mr. SMITH]. Each of us brings to this Congress the full measure of all of our background and experience, and each of us can contribute in a unique way, coming from all of our 50 States and territories.

Madam Speaker, the Representatives from Florida are 90 miles away from a Communist tyranny, and they bring a special vision, a special message, to this House that I, frankly, find exhilarating. I say to the gentlewoman from Florida, "ILEANA, when you were a young girl coming to this country, fleeing political oppression, about first-grade age I would imagine, I was a 28-year-old Air Force pilot qualified to fight for freedom. It was the last months of my combat readiness in 1961, when the Bay of Pigs invasion failed." And I know the gentleman from Florida [Mr. DIAZ-BALART] was in knee pants, possibly standing on a stool raiding in his kitchen. He is here, also newly arrived at age 4 in the United States.

But I remember that period vividly, and when I was asked in the well earlier if I would participate, I realized that once again—it has been 4 or 5 years—I could pull out of my wallet something that I have carried for over three decades that refreshes my memory about those who first died in great numbers facing the terror that Castro had brought to Cuba. It is the words of the beach commander of the Bay of Pigs, the noble, but failed, effort, and it begins at 5 a.m. in the morning. To young people in that million-plus audience that watches us on C-SPAN, I would like them to understand how tragic it was that a young President, only 43 years of age, 3 years younger than President Clinton, who had had combat experience in the South Pacific in his early twenties, that he had signed off on a plan to liberate Cuba from Castro's evil. The plan was signed off on by a five-star-general who had driven Hitler to suicide only 6 years before, President Eisenhower. He signed off on the plan, and the plan was key—if it had air power, and at the last minute, because of bad advice, the young combat naval officer John F. Kennedy pulled the air power, and it caused hundreds to die and others to live in captivity until they were released for hard cash, tractors, and medicine through the good offices of Robert F. Kennedy, Attorney General.

Here is the way Pepe—it was his code name on the beach—and let me read the close, and some of the sentences are obliterated from being crushed around in my wallet for decades. The end says:

"Through all the chaos and despair of defeat Pepe retained the calm that was his hallmark. Even his anger was quiet. He was not a pounder or a shouter. Those who heard him * * *" and it trails off there, but I remember that there was not a dry eye on the deck of the U.S.S. *Boxer* off the coast of Cuba where North American Fury jet aircraft had had their stars removed. They were painted in a stealthy way. It is all bizarre now that I think back as covert air cover for these men in our uniforms, with our weapons, young Cubans, some not so young in their forties and fifties. During the campaign I met with the Venceremos Brigade, 2506. These men were absolutely as full of passion now as they were when they were younger men willing to die on the beaches there for freedom. But they still speak well of Pepe, the commander.

Here is just his last sentence to teach young Americans how fully committed we were and then how we jerked the key component of air power and left these men to die.

Pepe says: "Do you realize how desperate the situation is?"

This was being pumped over the public address system of the U.S.S. *Boxer* and other U.S. naval support ships who were unable to help.

We are unable to implement the plan to establish the beachhead. Do you realize how desperate the situation is? Do you back us or quit? All I want is low jet air cover. The enemy has this support. I need it badly or cannot survive.

An hour and 13 minutes later, 6:13 a.m.: "Blue Beach under attack by a B-26, a Communist Castro B-26 invader. Where is the promised air cover, Pepe?"

Six forty-two: "A C-54 drops supplies on Blue Beach. All went into the sea. Send more, Pepe."

Seven twelve: "Enemy on trucks coming from Red Beach, and I am sorry." The next line is obliterated.

Seven fifty: "We are fighting in the west flank of Blue Beach against tanks, Pepe. Situation critical, left flank, west Blue Beach. Need urgently air support, Pepe."

Eight forty: "Blue Beach is under air attack, Pepe.

"Nine fourteen, men dying all during these hours. Blue Beach under attack by two T-33 jets and artillery. Where the hell is jet cover, Pepe?"

□ 2040

9:25 a.m.: "2,000 militia attacking Blue Beach from east and west. Need close air support immediately, Pepe."

9:55: "Can you throw something into this vital point in the battle? Anything? Just let the jet pilots loose, Pepe."

At this moment Navy pilots are pounding on the side of their Fury jets, tears streaming down their face. These guys are dying. We promised we would help them. They are unable to fly, because our commander in chief said no.

And that was the end. Let the jet pilots loose, and they wanted to help.

I will combine that with the last words out of Radio Free Hungary 5 years earlier, and Russian fighters talking among themselves as they killed 17 people on the crew of a C-130 over what used to be called Yugoslavia.

Now, I cannot add to the beautiful, articulated cries for decency and freedom and human rights that all of my colleagues from Florida and that Chris, one of our leaders in human rights, has said, but let me see if I can put in perspective for a lot of Americans who see Castro with Diane Sawyer, who I know in her heart had to be of some conservative philosophy. She worked for Richard Nixon.

But Diane Sawyer, as is her job, treats Castro with the respect that a mass killer does not deserve.

You mentioned the prontotos. These are people that if we find respect for

SAM JOHNSON of Texas here because he spent 7 years in a Communist, hellish situation, four of those years in solitary confinement, what do we make of Armando Viaderes, who spent 23 years, most of it in solitary confinement? Some of it stark naked in a totally blackened cell where you get a horrible pain of disorientation, where you do not know whether you are up or down, and you are begging for a little sliver, a crack of light, under a door, or through a solid rock wall to orientate yourself. Living in a cell where your own waste matter is not evacuated from the cell for weeks and weeks on end.

What struck me most about this evil, rotten human being, Fidel Castro, watching with Barbara Walters, showing off and exercising his Jesuit education, this avowed atheist pretending to be such a charming man, is the following story. And I had this confirmed from Armando Viaderes himself.

Castro would let years and years go by, never forgetting one of the prontotos that he had left to rot or still being tortured in some dungeon somewhere on that beautiful little island, and he would say to one of his Communist thugs, one of his bootlicking associates, and I will use Viaderes' name, "Armando, Armando Viaderes, what is he doing?"

"Listen, he is still in prison."

Now, considering again our Vietnam experience of 9 years, our longest prisoner, 1 week short of 9 years, this is in year 10, 15, 20.

"Where is he?"

"Oh, he is in solitary confinement."

"Good. Good. Keep him there."

And then another 4 or 5 years would go by, the entire length of World War II and the Korean war put together, and he would suddenly remember this person again.

This reminds you of some sort of sadist who would set fire to cats, or pull the wings off of little flying creatures. This is a man torturing human beings, knowing that the families are going to bed every night praying for their loved ones, wondering as they are trying to enjoy a meal or live a normal life out or raise children or enjoy grandchildren, that their loved one, maybe the patriarch in a family who moved from young father to grandfather in Castro's dungeons, how could anybody live a normal life wondering what the fate is of this person, that he thinks of every 4 or 5 years and says, "Good, let him suffer. Leave him there until I next think of him."

That is the experience of these heroes, some of them associates of his, who said to him during the euphoric period of throwing over the Batista corrupt regime, "Fidel, this is not what we had in mind, to sell out to Soviet communism."

"What did you say?"

I remember Jova Montos said, "Just let me go." This man was not only a teacher, but a C–47 pilot bringing supplies up to the Sierra Meistermass.

He said, "Fidel, I am gone. Do what you want, but I am going."

He would not let him leave. He would not let him leave. He threw him in jail for most of his life. His number one associate, his intellectual companion. It would be like Thomas Jefferson to George Washington. I feel embarrassed putting the names of great heroes of liberty in the same sentence, not with Jova Montos, but with this thug Castro.

I cannot believe that there are people in college, and a handful must be in this House, I hope not. Maybe they realize after they have been elected to represent people in the name of freedom and dignity and human rights they would give up these twisted views of their college days.

But there are people out there in America who developed an affection for this mass killer Castro in their youth, and they have not given up on him. Even though they have witnessed the collapse of the Soviet evil empire. All of the evil secrets of the gulags have been spilled forth to equal the horror of Hitler's concentration camps. We know what they have done, from despoiling the environment, to keeping people locked up, including maybe American air crews, until they died old men in captivity, lost to their nation and their relatives, those horrible words "Fate unknown." And they sill are pulling for this guy and coming up and lobbying around the country and giving acceptance to these Communist stooges that he sends up here.

What is this group called, the Cuban Ecumenical Council. How is that for twisting a word that has religious roots? A Cuban Communist-sanctioned government body that does not represent the views of the Cuban people.

I am reading from an ad in our inhouse published organ here, the Roll Call, in which there is a quarter-page ad here that lists all these groups that Lincoln told me are groups inside Cuba. A lot of these founders and organizers are in prison. There are at least 3, 10, 15, about 45 or 50 groups here, all of them inside Cuba, lending their name to this ad, tiny little ad to American Congressmen saying that this week, tomorrow, Cuba will pass yet one more independence day, independence from European colonialism, still a captive people, still under Castro's tyranny.

On that day, tomorrow, how many more of our brothers and sisters will be beaten, arrested, these action brigades that sound like the action commandos that followed Hitler's troops into the Ukraine, and the people welcomed them, applauding, because they were getting away from Stalin's tyranny, and then they find themselves being beaten and tortured, and their churches and synagogues burned. So he uses the same name. Action brigades all right. As Lincoln was just telling me, beating on houses, breaking windows, graffiti, beating older people. A grandmother's little 10-year-old that is now an orphan from his mother, so they terrorize the grandmother.

Well, how many more are going to die fleeing that island on rafts in search of liberty.

I think of my Vietnamese friends, that my daughter went to work in their camp for a year in 1980, and their little signs, "Death on the high seas or liberty."

Then the signs from the camps in Indochina apply also to the great Cuban people fleeing for freedom. It was one of the little hand-carved things my daughter Robin brought back, "Some of us are here; the rest are with God."

Literally, this line we use so freely, "Only God knows." I will say it slowly, Only God knows, our Creator, how many Cuban men, women, children, and babies have been ripped apart by sharks or died of dehydration even at the moment of salvation like this 28-year-old mother, how many died fleeing this mass killer's tyranny.

We have not given up hope, and our hope rests in international solidarity with our desire for freedom.

They want solidarity with us. And the closing line is please remain united with us in our struggle for a free and democratic Cuba.

From the time I was 28 to my 60th birthday a few weeks ago, I watched this man live through and terrorize through eight, eight United States Presidents, who have seen this guy around. And it will be a sorry day for this American and this Congressman if somehow or other we do not listen to the Americans of Cuban descent who treasure their dual citizenship in Florida, and like my doctor friend Tirso del Junco, chairman of the Republican Party in California, we must listen. Our State Department and the young people in the White House must listen to the Cuban-Americans and all lovers of freedom in this country as to what to do about Castro, and not come up with innovative ideas to be the first administration that lets him off the hook.

□ 2050

So I stand by the sanctions, and the day you want to release the sanctions is the day I follow your lead and LINC and all the other great Members that the great State of Florida sends to this House.

Ms. ROS-LEHTINEN. Madam Speaker, I thank the gentleman from California [Mr. DORNAN] for a very eloquent description of the abuses going on in Cuba and for all of our hope for a free and democratic Cuba one day.

We have just a few minutes left tonight, and I would like to see if the

gentleman from New Jersey [Mr. SMITH] could join us, the gentleman from Florida [Mr. DEUTSCH], the gentleman from Florida [Mr. GOSS], and the gentleman from Florida [Mr. DIAZ-BALART], and we can make some final remarks on this, another sad but yet at the same time hopeful anniversary that one day soon Cuba will once again be free.

Madam Speaker, I yield to the gentleman from Florida [Mr. DEUTSCH].

Mr. DEUTSCH. Madam Speaker, I have a followup on what the gentleman from California [Mr. DORNAN] said, because for those of us who have met freedom fighters, and I would put the gentlewoman from Florida [Ms. ROS-LEHTINEN] and the gentleman from Florida [Mr. DIAZ-BALART] and the gentleman from New Jersey [Mr. MENENDEZ] in that category, because when you hear the personal stories, as I have, from living in south Florida and from knowing so many people whose lives, when you meet them, you have no sense of what they have gone through on a very personal level. Homes and families that have been separated for scores of years.

I look at people my own age, my own friends who might never have seen their grandparents ever because they were lucky enough to leave Cuba. And literally, you never knew them, when they passed away. It is an opportunity that we have as American people and as this Congress. The gentleman from Florida [Mr. DIAZ-BALART] has introduced legislation that I am proud to be an original cosponsor of, which would extend the Torricelli bill to our neighbors and our allies through the other governments in the Western Alliance.

That is the method that will be part of the efforts that I think all of us are hoping for and expecting, when the Cuban people will be free again and next year and, hopefully, very shortly next year, even before the celebration of independence, we will have that meeting.

Ms. ROS-LEHTINEN. Madam Speaker, I thank the gentleman so much. You certainly see that human tragedy exposed every day as the Congressman of the Florida Keys. You see the desperate Cubans washing ashore, sometimes those rafts, unfortunately, have no one onboard. So you live that tragedy every day.

Madam Speaker, I yield to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Madam Speaker, I wanted to thank the gentlewoman for yielding to me.

I want to pose two questions, because I am not sure we have underscored the point well enough. I was commenting with the gentleman from Florida [Mr. DIAZ-BALART] about this.

The action brigades, what they do. Perhaps you could describe what they did to this woman's family in Cuba, and then I wanted to ask you whether Fidel Castro knew about this.

Mr. DIAZ-BALART. Madam Speaker, if the gentlewoman will continue to yield, their action brigades were a creation, they are a creation of Castro. They are an enforcer institution.

Whenever someone obtains publicity in the outside world or is heard of in terms of opposition, the action brigades immediately go into action.

They are dressed like civilians. In other words, they are not identifiable as military people. And they simply go to your home. And the word "harass" is certainly not strong enough.

They brutalize you. They brutalize your family. They destroy your home. They insult you, break your windows, your doors, spit on you, chant insults for hours after hours, disconnect the electricity. It is a form of physical and psychological torture, which Castro has sought to perfect and to utilize as part of the machinery of repression.

Mr. GOSS. Does he know about this?

Mr. DIAZ-BALART. He created them. He knows about them and obtains pleasure from their action.

This is something that is very important for people to know. Castro, as the gentleman from California [Mr. DORNAN] pointed out, personally obtains pleasure from the effects of his oppression and his repression. And just as charming as he can be one moment, with Diane Sawyer, who made a fool of herself in that interview, I had respect for her before, just as he can be quite charming in one moment in that interview, in the next instant, he could be listening to the details of, like the gentleman from California [Mr. DORNAN] said, of continued solitary confinement of an opponent or of the brutality on a grandmother because her grandson or daughter has received publicity that he does not like out of the world.

I would like to, if I may, because I think it is an obligation for those who are in prison and who overcome somehow the fear inherent in the totalitarian system, for example, Gustavo Arcos, perhaps among the most respected of the dissidents or the opposition leaders in Cuba, in a recent interview he said,

> You can tell them, and I think it is our obligation to speak out and say what he wants the world to be told, you can tell them that we say here not one drop of economic or political oxygen should be given to Fidel Castro's regime.

Just a few sentences before, Gustavo Arcos in Cuba, speaking to a journalist who visited him said,

> Castro has no pity or compassion for the people such that he might find an honorable way out, so that all the hatred built up in this country might not slip its bonds and explode in violence and bloodshed. He reminds me of Louis XV of France at the end of his life, when the foreign wars had been lost and with the great differences between the mass of the people and those who governed them, who said: "After me the deluge." One can see no pity, no commiseration with the people.

This is Arcos speaking. He is in prison.

We owe it to the Arcoses and to that grandmother, who was harassed and brutalized. We owe it to them to let their message be heard and to maintain our solidarity with them.

Ms. ROS-LEHTINEN. The gentleman from New Jersey [Mr. SMITH], one of the House's human rights activists.

Mr. SMITH of New Jersey. Madam Speaker, I think it is important that Castro know that the opposition to any economic changes, as a matter of fact, we are in favor of additional pressures and sanctions, that this is bipartisan, there is a sense that both Democrats, Republicans are fighting this with a unified voice. And we stand opposed to this kind of tyranny in Cuba.

We stand with the oppressed, against the oppressor. And no one will be fooled, except the most gullible of gullibles, by this group that is coming up, the so-called clergymen, to try to get people to go the other way with regard to sanctions and with regard to the Torricelli bill.

I think the message that goes out from this Chamber tonight, we are united, we stand in solidarity with those suffering in prison as well as with their loved ones and that we hope and we pray, and I mean pray hard, that the day for the liberation of Cuba is not far in the future.

Ms. ROS-LEHTINEN. Madam Speaker, I thank the gentleman from New Jersey so much. I thank all of my colleagues for presenting the points of view that are so important for us to discuss every day in the Halls of Congress.

We touched upon important subjects: the rafters, the Cuban political prisoners, the rapid response brigades.

I thank my colleagues, each and every one.

DEFICIT SPENDING AND TAXES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado [Mr. MCINNIS] is recognized for 60 minutes.

Mr. MCINNIS. Madam Speaker, this evening I wanted to take an opportunity to talk about deficit spending and taxes. I know that a lot of my colleagues, in the last several weeks and months, as the budget and the economic package has come to the forefront, we have heard a lot of different language or lingo, as one might put it.

Let me start this evening by saying that I am approaching my comments on a bipartisan manner to the extent that I can do that. Let me say that some of the lingo that we have heard, such as the lingo of gridlock around here, if you object to a tax, if you question a tax, if you question anything, then all of a sudden the other side, the special interests, start to say, "You are guilty of gridlock."

Let us ignore that for my comments this evening. Let us ignore the com-

ments of shared sacrifice, the comments of investment, and the comments of contributions and let us call things what they are.

□ 2100

Let us call a tax increase a tax increase, and let us call spending spending.

Let me say at the beginning of our remarks that George Washington, our first President, was the first President and the last President not to blame a previous administration for problems. I think that the most significant problem that faces our country today, without question, is the Federal deficit.

The Federal deficit is a problem that accumulates at a rate of about $44 million an hour, so as you watch TV tonight, if you have an opportunity, just think that from hour to hour that your Government is spending $44 million an hour more than it brings in. There is not a family in this country in proportion that could outspend that amount of money over their income as compared to the Federal Government.

Fifteen percent of the budget—15 percent of the money that this Government will spend this year—will have to go just to pay interest on that $44 million an hour accrual in regards to the deficit.

When you ask about the deficit, you need to look historically at what has brought that deficit onto us. Is it a lack of revenue? In fact, it is not a lack of revenue. Government receipts have doubled in a decade, yet the national debt continues to rise. There is no way that anyone—there is no way that anyone can raise more money than Congress can spend, no matter what kind of taxes you charge.

Let me repeat that. There is no way anyone can raise more money than Congress can spend, no matter what tax rates or what amount of tax you charge to the people.

The question is, then, what can we do? What is the solution? First we have to redefine the problem. Again, as I say, the problem is not tax revenues or lack of revenues, the problem is simply spending. Let us talk about spending for a few minutes. Since 1947, Federal spending has gone up $1.50 or more for every $1 of additional revenue.

We are never going to reduce the deficit by raising taxes. Raising taxes is like spinning a dog faster so that the hopes of him catching his tail increase by the velocity of the speed. It does not happen. You need to cut spending.

Yesterday I noticed on the TV, on the national TV, that a comment was made in response to a heckler, "The free lunch is over." It has not been a free lunch for the working stiff. What about the working individual out there? How many people in this country are saying that they are tired of taking money from people that work and giving money to people who do not?

What is probably the most frustrating thing that we see when we come into the fine Halls of the U.S. Congress is the tendency of political establishments to pay lip service to management reform while doing little to curb inefficiency and waste.

Let me give the Members an excellent example that has just occurred in the last couple of days. I sit on the Committee on Small Business, and I have had an opportunity to review the Small Business Administration budget. I know that many of my colleagues here on the House floor have had some of their constituents call up and say, "Gee, we are trying to get a small business loan. The money is tied up. There is not money there. Help us out."

I entered into this budget hearing or the markup of the Small Business Administration bill with a very open mind. One of the first items that I see in that budget is $17 million in the Small Business Administration budget to plant trees, $17 million to plant trees.

I asked the Administrator of the Small Business Administration—who, by the way, has only been on the job for a week—I asked the Administrator if "for every $1 million in your budget, what are you able to leverage in additional loans to small businesses throughout this country, for every $1 million?"

The response to that, "$20 million under program 78." So, in other words, for every $1 million we could find of excess money in the Small Business Administration budget, we can raise $20 million more, leverage $20 million more for small businesses in this country.

I simply applied that equation to the $17 million in tree planting, and lo and behold, you come up with a figure somewhere around $340 million of additional leverage for small business in this country that is being sacrificed under the guise of efficiency for the planting of trees.

Mr. DOOLITTLE. Madam Speaker, will the gentleman yield?

Mr. McINNIS. I yield to the gentleman from California.

Mr. DOOLITTLE. Madam Speaker, I would ask the gentleman, is it his opinion that were the Government to have to live under the same standards as private business in a recession, whereby they are laying off people, reducing overhead, doing everything they can—and yet here we have the Government with a projected annual deficit this year of $320 billion, and a cumulative national debt of $4 trillion—is the gentleman saying by citing these statistics that were the Government to have to live by the same standards as private business, that perhaps they would not be spending this money on trees?

Mr. McINNIS. Madam Speaker, to my respected colleague I would reply, absolutely. What I am saying is that the Government does not live by the standards that we expect of our constituents or expect of our own citizens of this country. In fact, the citizens of this country, if they overran their checking account like this Federal Government overruns its budget or the trust funds and so on and so forth, our citizens are required that they face civil penalties or criminal penalties.

The gentleman is absolutely on point, and I think the only way to introduce discipline in this process is not to continue to feed the process more money, but that we demand that the process cut its spending, that we do not spend $17 million to plant trees.

Mr. DOOLITTLE. If the gentleman will continue to yield, I commend the gentleman, because he makes a very, very valid point. It is fascinating to me to really think of what this Government is doing. It does not seem to matter what the state of the economy is. Private business can cut back all it is forced to do so by economic conditions, and we keep employing more people, legislating more costly regulations which raise the cost of doing business, and put even more people out of work. That is just fine as far as the Government is concerned, because that is what it is supposed to be doing.

When the gentleman cites the example of planting trees, we could talk about the outrages that have occurred under the Endangered Species Act or under the Forest Lands Management Practices Act, or any number of Federal acts that are absolutely becoming a millstone around the necks of businesses in this economy, and it is not businesses that are ultimately being hurt, it is men and women who work for a living and who depend upon having a vibrant economy in order to get ahead in this life.

Mr. McINNIS. Madam Speaker, I thank the gentleman. His point is very valid.

Let me go on and visit just for a few moments about taxes in this country. Really, what is a tax? I think the easiest way to say this is: It is money that comes out of your pocket, out of the constituents' pockets that you represent, and that money is not kept in your local economy, at least for a Federal tax, that money is transferred to Washington, DC, to be put into the hands of the bureaucracy to refilter that money, or the trickle theory, to retrickle that money back through the system.

I have to ask, does the tax make more sense than letting that person keep that money and recirculating that money within his own community?

Mr. DOOLITTLE. If the gentleman will yield further, I have seen studies that suggest that when we take that dollar out of the taxpayer's pocket and run it through the Washington bureaucracy and back out through the

State bureaucracy and trickle it down to the intended recipients, those studies show that we lose about two-thirds of the purchasing power of that tax dollar, so it is ludicrous that we keep raising taxes to fund more and more programs for the further impoverishment of Americans.

The solution would clearly seem to be: Don't take the money in the first place, because you will vastly increase the purchasing power of that dollar if you don't squander it on the Federal bureaucracy, which has to have employees to work in that bureaucracy, and counterpart employees in some State or local bureaucracy to administer this.

Mr. McINNIS. To my respected colleague, I would say he is absolutely correct. Last week I was in Craig, CO, a small town in northwestern Colorado, a very small town of no significance politically, if you looked from a broad perspective as to political power in this country, but a lot of hard-working people, a lot of very hard-working people.

These are people that are willing to pay taxes for a strong defense, that are willing to pay taxes for a social program that, really, where they are getting a bang for the buck, and where the dollar that they pay in taxes really goes to the needy people and not to the people who have just chosen not to work. Those people are willing to stand up on the front line and pay those taxes, but they are not willing to pay taxes on a system of which they have no accountability.

The only accountability that comes up shows that dollar is not getting a bang for the buck, that there is an extreme amount of waste that goes on there. That is where the concern is.

The American people, in my opinion, are saying, and the people of Colorado are saying, "Hey, before we have any more taxes, cut spending first. Prove to us, prove to us, the people of Colorado, prove to us, the people of America, that the Government in fact can run its budget in an efficient manner just like we are expected to balance our budget as a family on a monthly basis."

In 1948 the average family in this country paid 2.3 percent of its annual earnings in Federal taxes. Can you guess today what that percentage is? From 2.3 percent in 1948 to over 30 percent of its income in Federal taxes today. Total taxes today consume more than 40 percent of our constituents' family income.

□ 2110

And we talk about families in this country and the need to enhance families.

Let me go further. The average family will work, the average American working stiff in our country, who sometimes I think is being forgotten, will work the first 123 days of the year, the first 123 days, 8 hours a day devoted totally to pay Federal, State, and local taxes.

The average American worker spends the first 2 hours and 41 minutes, and I say the first 2 hours and 41 minutes because the Government always gets its money first, spends the first 2 hours and 41 minutes of his or her 8-hour workday working just to meet their tax obligation, Federal taxes taking the biggest mouthful, accounting for an hour and 43 minutes. So for the first hour and 43 minutes, to my respected colleague who has just commented, the first hour and 43 minutes of every working person in this country is devoted to send money to Washington, DC, to this fine Chamber, and the Senate Chamber, and the administration down the street to redistribute back into society.

They expect to get a bang for their dollar.

Let me say that the typical American family pays more in Federal taxes, pays more in Federal taxes than it spends on food, clothing, transportation, insurance premiums, and recreation combined.

Mr. DOOLITTLE. If the gentleman will yield, I might just observe that you are talking about the direct taxes that these good people in this country pay. We are not really even in this discussion considering the enormous cost to individuals of overregulation in this country, which I believe is extremely significant, I would say even more so than the deficit, which I think is an enormous problem in this country. I think overregulation is even more detrimental to the welfare of individuals who are seeking to better themselves in the workplace.

We are slowing down the growth of the economy. It has been going on since 1970, even during the relatively good years under President Ronald Reagan when every income group improved in this country, and even then the rate of economic growth was still about half what it had been between the years following World War II and 1970 when regulation really began to kick in at all levels of government. And we are just slowly being asphyxiated. We do not even truly realize what is going on.

But I am reminded of an article that was in Fortune magazine last year that said people in the so-called baby boom generation today, when they retire, they will on the average have only half the wealth accumulated that their parents had. And why is that? Because of the slow growing economy. It is just invisible. We do not really stop to think of the cumulative impact.

But you take regulation, you take the massive taxes that we have got, and you take the President of the United States who says he is going to give us all of these new taxes, and all of this new regulation, and what is the purpose of that, as revealed in the Washington Post last Friday, right on the front page, so we can spend more.

Now that is the last thing that the Government needs to do, is spend more. They need to spend less so that we as individuals can spend more.

Mr. McINNIS. I thank the gentleman for his comments. I think they are very prudent and on point.

Let me say that the people in America are soon to experience the largest tax increase in the history of the world, not just in the history of this country, but in the history of the world. In fact, it will be twice the size, it is the next largest tax increase in history. And all I am asking is that the American people take a moment to sit down and ask are we getting a bang for our dollar.

For example, if you went to the local car dealership and bought a car, the first question you would ask, first, is the car what I wanted. Second, is the car necessary, and third, did I get a good buy. Did I get a good buy down at the dealership? Those exact same questions I am urging for all Americans to ask when they consider what this huge tax increase is and the kind of impact it is going to have on them.

I understand that CNN did a poll about 6 weeks ago, and in that poll they said that four out of every five Americans believe that somebody else is going to pay these taxes. Ladies and gentlemen, citizens of America, it is you who is going to be paying those taxes, and it is you who has the absolute right to demand accountability from the U.S. Congress. It is you who has the absolute right to say cut spending first.

Let me just conclude by saying that the answer is clearly not raising taxes. The answer is to cut spending.

Not long ago I had a rancher come up and he summed it all up very well for me in one sentence. He said, "Before you put more water in the bucket, plug the hole."

GUAM EXCESS LANDS ACT

The SPEAKER pro tempore (Mrs. MALONEY). Under a previous order of the House, the gentleman from Guam [Mr. UNDERWOOD] is recognized for 60 minutes.

Mr. UNDERWOOD. Madam Speaker, today I am introducing legislation to provide a method of returning excess lands no longer needed for military purposes on Guam. By the end of World War II, the Department of Defense had seized and controlled nearly one-half of the land on the island. Today, approximately one-third of Guam is owned by the military, one-third by the government of Guam, and the remaining one-third is owned by private citizens.

The district I represent is nearly 10,000 miles from Washington, DC. Covering an area of approximately 225

square miles, Guam is about 30 miles long and 4 to 9 miles wide.

Though limited in size, Guam is of vital importance to America because of the island's strategic location in the Asian-Pacific region. As you may know Madam Speaker, Guam was occupied by the imperial forces of Japan during World War II, but was recaptured by American forces in 1944. However, the people of Guam suffered 2½ years of terror under enemy occupation, including deplorable living conditions in concentration camps. Following the recapture of Guam, the indigenous people of Guam—the Chamorros—started to return to their original homes and farms, only to find that the U.S. military had confiscated their lands for national security reasons.

The people of Guam were originally told that the land was needed to build bases to defeat the Japanese. The people were all too happy to be of assistance. In the years after the conclusion of the war, the land remained in military hands. The land was taken through misrepresentation and deception from hundreds of families. And no family on Guam remained unaffected. This is not a commonly known story of how the military became a major landowner, a land baron on Guam.

Here, for example, are how some people lost or were underpaid for their lands after the war:

FRANCISCO ANDERSON

Mr. Anderson, a first class petty officer in the United States Navy, and a small group of other Chamorros, organized a resistance party which fought the Japanese and gathered information about Japanese activities on Guam. In July, 1944, the Japanese executed this group, and Frank Anderson was one of the few survivors. Although seriously wounded, he managed to find a boat and row to a United States warship about a mile off Guam's coast. There he gave his information to Navy Intelligence officers. When the Navy condemned his land, Mr. Anderson was dissatisfied with the amount of compensation offered, but he was too patriotic to deny the Navy the right to take the land. He received $1,065 for his land—1,500 square meters—in Sumay; this sum represented payment for his two houses, also. He set value at $10,000 on one of the houses.

JUAN CRUZ

After the war, Juan Cruz was notified by the Land Claims Commission office that the military was condemning his property and that he had 20 days to file a complaint regarding the condemnation; otherwise, the property would be taken without compensation. Juan Cruz listed his complaints, and appraised his property's worth at $72,000. He was offered $940 by the Land Claims Commission. When he refused this, a representative of the Land Claims Commission told him that the $940 was only for rental of his property by the military. He was given rental papers to sign. Mr. Cruz signed them; he could not read English, so he had only the representative's word to go on. He later found out that he had signed transfer papers, not rental papers. When he discovered this, Mr. Cruz submitted an application to acquire another piece of land from the Naval government. There was no response to his request. Mr. Cruz received $940 for his land.

JESUS CRISOSTOMO GARRIDO

Maria C. Guerrero was 89 years old when Joaquin Perez, a military representative, told her that her land had been condemned. She could neither read, speak, nor understand English. Mrs. Guerrero's son, Jesus Crisostomo Garrido, advised her not to sell when Perez first visited her, so Perez visited again when Jesus was not there. This time, he persuaded Tan Maria to sign transfer papers. She received $1,485 for 12 hectares.

MARTINA SABLAN LIMTIACO

After the war, Jose Cruz and Mr. Balser, Navy representatives, told Mrs. Martina Sablan Limtiaco that her property had been condemned by the Navy for defense purposes. They told her that she couldn't refuse to sell because the Navy was already using the property and would take her land without compensation unless she signed transfer papers. Mrs. Limitaco signed the papers and received $420 for her property in Piti—584 square meters. This land was beach property and is now being used for USO.

JOSE TORRE PANGELINAN

In June 1944, a group of Japanese soldiers came to the Pangelinan farm in Dededo and arrested Juan Pangelinan, the owner of the property. They accused him of being an American spy because he had been in the U.S. Navy, and because he was hiding George Tweed, an American sailor, on his property. The Japanese interrogated Mr. Pangelinan, but he did not give them any information. He was then taken to Sinajana and beheaded. Mr. Pangelinan's family was forced to stay in hiding until the American forces arrived. After the war, they found that they could not return to their property because the U.S. military had restricted the area. The military promised that the property would be returned to them. Shortly after this, however, three military representatives visited Maria Pangelinan—Juan's widow—and told her that her property had been condemned and she would have to sell it to the military. Maria signed transfer papers and received $4,100 for 150 hectares of good farmland. In or around 1946, a Navy chief petty officer asked Maria Pangelinan for the Spanish grant document for the Pangelinan property. He promised her he would return the document; however, Maria never saw it again.

FRANCISCO U. VILLAGOMEZ

After the war, Seabees occupied Mr. Villagomez's property in Barrigada without his consent. They cleared the land with a bulldozer. In 1946, Jose Bitanga, a military representative, told Mr. Villagomez that his land was being condemned. Bitanga explained that the owner had no choice but to sell since the Seabees were already on the land. Also, if Mr. Villagomez did not sign perpetual easement papers, his property would be taken for nothing. Mr. Villagomez signed the papers; he received $139.90 for 7 hectares.

For decades after the war, the United States was pressured to reassess its needs for land holdings on Guam. Over these years, there was a consensus among the local citizens that some military property was unused, underutilized, and unnecessarily in Federal lands.

In the early 1970's, at the request of the late Congressman Antonio Borja Won Pat, a study of the military land use on Guam was initiated by the U.S. Department of Defense. That military land use study revealed excess properties which no longer served the operational needs of the armed services on the island. In 1986, the Secretary of Defense signed off on the transfer of approximately 3,500 acres of land back to Guam. Succeeding Secretaries of Defense have endorsed this policy. I have been advised by high levels at the Defense Department that the current DOD officials do not object to this transfer of excess lands.

While we applaud the DOD's decision on this matter, we disagree with their terminology, because on an island of only 215 square miles, there is no such thing as excess lands. In fact the only thing that is excessive is the manner in which the lands were originally taken.

The legislation I am introducing today will bring a closure to this issue and will begin the process of addressing historical injustices in land takings experienced by the indigenous people of Guam.

First came the Spaniards in the 1500's who made Guam a colony of Spain for approximately 300 years. As a result of the Spanish-American War, Guam became a possession of the United States in 1898. Then came the Japanese occupation of Guam for about 2½ years during World War II. Finally, the people of Guam experienced the postwar land condemnations and land takings by the United States.

The significance of land ownership for the people of Guam and for the government of Guam cannot be underestimated. The lack of real estate hinders economic growth and development on this tiny island territory.

For individuals and families, having adequate land properties translate into access to affordable housing. Because there tend to be large families on Guam, adequate housing is a signifi-

cant and potentially explosive problem.

The return of excess lands to the government of Guam will help stimulate the local economy. As required in the legislation, the local government will decide, by developing a local land use plan, how best to utilize the properties returned by the Federal Government. We know that there are significant needs for affordable housing, parks and recreation, public utilities projects, public safety projects, and for the expansion of health care facilities on the island. The return of excess lands will produce jobs in construction and in service industries. Likewise, the return of excess lands will assist the local economy which was affected by the damages of last year's typhoons as well as by Japan's economic downturn.

As major Southeast Asian economies continue to generate a solid outbound tourist industry, Guam's geographic location will continue to benefit. Guam is close to the Asian and Pacific markets which have the most rapid growth, and potential future growth, in the world today.

The military presence on Guam has been, and continues to be, an important aspect of Guam's economic development. We recognize that the defense activities on the island create a multiplier effect on the community—from housing military families to providing them with recreational outlets.

While the legislation before us today addresses the return of identified excess lands no longer needed by the U.S. military on Guam, there remains outstanding a number of unresolved land disputes between individual landowners and the Government. As I speak today, there are increasing numbers of families on Guam who claim that the U.S. Government unlawfully condemned and seized private lands following World War II. These individuals are demanding that their ancestral lands be returned immediately. We cannot afford to ignore their pleas for redress, regardless of their legal status.

In order to adequately address these disputes and address the issue of land planning in Guam, I am convening a Federal/territorial land conference on Guam later this year. Representatives from the Federal Government, the government of Guam, the local legislature, and individual landowners will have a common venue to air their concerns and to identify possible solutions to the problem of land takings on Guam. My office will be the facilitator in these proceedings.

In addition, I will work closely with the leadership of the Natural Resources Committee and the Armed Services Committee, as well as with the representatives of the Department of Defense and with Secretary Babbitt of the Interior Department to move this important legislation on a fast track.

Many people in my district lost their lands after World War II. The U.S. Government has an obligation to rectify these land takings by returning to Guam those properties no longer determined to be necessary for military purposes. We paid dearly for our loyalty to America during World War II. We made our contribution to America and as we can see by some of the experiences I have outlined, some of the greatest contributors suffered the greatest wrongs subsequent to World War II.

Returning Federal excess lands on Guam to the people of Guam is not just a good thing to do, it is the right thing to do, the just thing to do. The economic vitality of this star in the Pacific depends on it.

I strongly urge my colleagues to vote for this legislation when being considered by the appropriate committees and on the floor of the U.S. Congress. The people of Guam and I thank you for your support.

□ 2130

IMPORTANT ISSUES FACING THE AMERICAN FAMILY

The SPEAKER pro tempore. (Mrs. MALONEY). Under a previous order of the House, the gentleman from California, [Mr. DOOLITTLE] is recognized for 60 minutes.

Mr. DOOLITTLE. Madam Speaker, I would observe in these special orders, and I would say to those who have agreed to participate, that now is the time to come forth, that it is 9:30 eastern time.

I also make the point for these who are viewing this over C-SPAN, we are in an empty Chamber, but the fact of the matter is we are here to discuss some very important issues facing the American family. Although our numbers are not large, I think the ideas we have to discuss are very significant. It is an opportunity to have a frank exchange of views on issues that we consider to be absolutely vital to our Republic.

Dr. James Dobson observed in his "Focus on the Family" newsletter, the March 1993 issue:

> What is occurring in our country today is the moral equivalent to war. We are, as Gary Bauer and I wrote in our book, 'Children at Risk,' engaged in a civil war of ideas that will be won or lost in the next few years.

Madam Speaker, the American family is under attack from all sides. During he course of this special order I anticipate that a variety of subjects will be touched on, dealing with perhaps abortion, the promotion of special rights for homosexuals, including their admission into the military, the issue of women in combat, which has now just been greatly advanced by action of the Clinton administration, and we will continue to talk about, as has already been referenced by the gentleman from Colorado, the impact of the economy, the state of the economy upon family.

I would like to introduce and yield to the gentleman from New Jersey, [Mr. SMITH] at this point.

Mr. SMITH of New Jersey. I thank the gentleman for yielding. I very much appreciate the gentleman taking this time today to address these very, very important issues which face our country.

Madam Speaker, the supreme irony of the Clinton-Gore administration is that while purporting to embrace the disenfranchised and forgotten, especially children, the Clintonites have begun to systematically wage war against unborn children.

Mr. Clinton promised Americans he would have his economic plan on the table the day he was inaugurated; it was not. The transition team apparently focused on other things.

In a revelation of priorities, the abortion President began pushing his antichild agenda just 2 days after his inauguration. Despite his repeated claim that he wanted to make abortions rare, Mr. Clinton's new pro-abortion policies, many of which were promulgated on January 22, will inevitably yield to more dead babies and more wounded mothers.

Presidential orders promoting abortions for teenagers and military personnel, speeding up the importation of the new baby poison from France called RU-46, promoting abortion as birth control in developing countries by repeal of the Mexico City policy, and using baby brains and body parts for transplantation undermine the carefully orchestrated illusion of Mr. Clinton and Mr. GORE as child advocates.

You do not protect children, Madam Speaker, by killing some of them.

Mr. Clinton's deeds thus far smack of Orwellian double-speak. The rhetoric of choice, to be sure, is slick, but it cannot mask the violence and the cruelty of abortion.

Madam Speaker, the so-called Freedom of Choice Act marked up in the Committee on the Judiciary earlier today, which has been embraced by Mr. Clinton, is the most radical, extreme antichild legislation ever proposed in the U.S. Congress. The co-called Freedom of Choice Act dehumanizes unborn baby girls and boys; it reduces children to the status of objects, of throwaways; it turns them into chattel and recklessly abandons them to the abortionists in our land.

Even modest restrictions that Mr. Clinton claims to support will be nullified by this antichild legislation. For example, on February 19 of this year, in Ohio, the President said, and I quote:

> Very few Americans believe that all abortions all the time are all right. Almost all Americans believe that abortion should be illegal when the children can live without the mother's assistance, when the children could live outside the mother's womb.

The President is correct in his assessment of public opinion regarding late-

term abortions and in his description of the unborn as "children." Despite this fine-sounding rhetroic, the President's support for the so-called Freedom of Choice Act would nullify the very protections he claims to support. With a straight face he says one thing and he does another.

Madam Speaker, the sponsors of the Freedom of Choice Act have made it clear that it is totally within the discretion of the abortionist to determine viability; that is to say, that time when the baby can live outside the mother's womb.

Post-viability abortions are also permitted if the abortionsit determines tht the procedure will enhance the woman's so-called health. Again, the committee report makes very clear that health includes all factors, "physical, emotional, psychological, familial, and the woman's age relative to the well-being of the patient." Under that sweeping definition of "health," even a mild headache, or mild distress, frankly anything at all, would justify the abortion.

Clearly, it is a sham, and for anyone to claim that they support restrictions on late-term abortions if they support the so-called Freedom of Choice Act.

The number of children killed in second- and third-trimester abortions is staggering. Estimates exceed 188,000 babies butchered each year after the 12th week of gestation.

Then of course there is the 1.4 million to 1.5 million unlucky kids who are killed during the first trimester.

Since 1973, more than 30 million children have been exterminated.

I recall seeing a billboard not so long ago that said in a very poignant way, "This toy won't have anyone to play with anymore." We have the toy but not the baby. Multiply that, Madam Speaker, by 30 million times. That is a lot of empty classrooms, a lot of kids who will nvever visit Toys-R-Us or go to Bob's Big Boy. Madam Speaker, on the issue of parental notice, Mr. Clinton again says one thing and does another.

In an October 25, 1992, interview with the Catholic News Service, Presidential nominee Bill Clinton expressed the opinion that, "States should absolutely have the freedom to have parental notice."

□ 2140

Despite this rhetoric, Mr. Clinton endorsed a version of the Freedom of Choice Act which would allow any responsible adult to circumvent the right of a parent or legal guardian to guide their daughter in this wrenching decision; that is to say the abortionist himself or herself, a clinic counselor, or a neighbor, qualifies as a responsible adult, this person could prevent the parent from ever knowing that the child was about to undergo abortion. That is what their version of parental involvement is.

The Freedom of Choice Act would also invalidate laws in the 49 States which limit the practice of abortions to licensed physicians.

The radical legislation would also nullify the 24-hour waiting periods and women's right-to-know laws, which are currently on the books in many, many States.

Why I ask, Madam Speaker, do the abortionists object to women being fully informed and fully briefed prior to that irreversible decision?

Members should be aware that as we move through this process, there is likely to be a number of phony amendments to be offered to this bill in an effort to finesse these ramifications of the bill, and to provide political cover, but nobody will be fooled by yet another effort to disguise the true effect of this legislation.

Madam Speaker, I am also saddened to say that the abortion President proposed in his budget for the fiscal year 1994 Health and Human Services Budget the repeal of the federal Hyde amendment. The Hyde amendment, as we all know, stops most abortions under the Medicaid program. Prior to its enactment in 1977, the Government paid for nearly 300,000 abortions annually through the Medicaid program.

Incredibly, the abortion President also proposes to include abortion on demand as a mandated provision in his National Health Care Plan. If he succeeds in this wrong-headed antichild policy, every American taxpayer will be forced to subsidize millions of abortions at any stage of pregnancy for any reason.

In fact, abortion will be treated as just another method of birth control, the unborn child as a disease like a tumor to be killed.

Of course, we all know if the Government subsidizes something and begins promoting it, we get more of it, and once again the President's stated desire to make abortions rare is contradicted by a course of action and a series of actions that will cause abortions to occur more frequently.

Madam Speaker, a review of the President's record shows that he has abandoned his previously-stated beliefs and capitulated to the most extreme elements of the pro-abortion lobby.

In his September 26, 1986, letter to an Arkansas constituent, then-Governor Clinton wrote:

> I am opposed to abortion and to government funding of abortions. We should not spend state funds on abortions because so many people believe abortion is wrong.

As recently as July 16, 1991, Mr. Clinton told the Arkansas Gazette, "I have also supported parental notification and restrictions on public funding for abortions."

Vice President AL GORE also had a pretty consistent record of supporting limitations on abortion funding when he was a Member of the House and the Senate.

"During my 11 years," he wrote to a constituent on May 26, 1987, "I have consistently opposed Federal funding of abortions. In my opinion," Vice President GORE wrote, "it is wrong to spend Federal funds for what is arguably the taking of human life. Let me assure you that I share your belief that innocent human life must be protected and I am committed to furthering this goal."

Sadly, Mr. GORE now supports Mr. Clinton's efforts to mandate nationwide funding of abortion on demand.

Mr. DOOLITTLE. Madam Speaker, if I may reclaim my time, if the gentleman will permit, I would just like to show the gentleman this chart on which the moving target keeps changing in its details. This is roughly accurate still, the impact of the Clinton so-called economic plan.

After we have over $300 billion in new taxes over 5 years and $140 billion in net spending increases, we are going to end up at the end of 5 years with a $228½ billion annual deficit. We will have added in this time over $1 trillion in new cumulative debt.

Is the gentleman telling us that with the crisis of the deficit which the President likes to talk about and posture on, is the gentleman telling us that we are about ready now to receive his proposal to repeal the Hyde language, which I think goes back into the late 1970's and has been our Federal policy for years so that we can have taxpayer paid-for abortions?

Mr. SMITH of New Jersey. Absolutely, that is exactly what we are talking about. The policy has been in effect since 1977. I think it is amazing that with all the crises we are facing from Bosnia on the foreign policy front to the domestic problems of the budget as the gentleman is speaking to now, we are talking about sidetracking that agenda for a very extreme narrow agenda, even national health reform. Some like it, some do not. We do not know exactly what is going to be in it, but to inject abortion into the center of that and force each and every one of us who conscientiously oppose the taking of human life just demonstrates to all of us that that is his real priority, and I say that with sadness.

Mr. DOOLITTLE. So I am to understand then that we are going to pass a Btu tax, an energy tax on all Americans, a $70 billion tax that will cost the average household about $475 a year, we are going to hit senior citizens with a tax now taking up to 85 percent of their benefits for those individuals who make more than $25,000 or couples more than $32,000 a year, we are going to raise the corporate and personal income tax rates, and for what, so we can spend more on taxpayer paid-for abortions?

Mr. SMITH of New Jersey. That is exactly it.

Mr. DOOLITTLE. Well, Madam Speaker, I thank the gentleman.

Mr. SMITH of New Jersey. Madam Speaker, I would just conclude because I know there are others waiting to speak.

But just let me add, one of the things that we very often in this Chamber and really in America at large do not do is focus on at least what some of the methods do to the unborn child, whether it be literal dismemberment by way of a D&C abortion, that a child is killed with a high-powered suction device that literally rips the unsuspecting baby to pieces, or the injection of high-concentrated salt solutions that poison the child. The baby breathes in the amniotic fluid, often does that to develop the organs of respiration, in this case takes in this salt saline solution which poisons the baby in between a 2 to 3-hour period, and then the mother delivers a very dead, obviously badly burned baby.

But there is a new breakthrough, an absolutely horrific breakthrough on the abortion front that was recently announced by a doctor by the name of Martin Haskell, an Ohio abortionist, who recently at a National Abortion Federal symposium delivered a paper on what he is calling the D&X method of dilation and extraction. This method, and I will put some of the details into the RECORD, but it is for later-term abortions, this is Dr. Haskell. This is what Mr. Clinton is asking us to subsidize in national health insurance, repeal of the Hyde amendment and to give further credence and legality to under the so-called Freedom of Choice Act.

Dr. Haskell, an abortionist in good standing, describes how a surgical assistant uses an ultrasound probe to identify what is called in his words the "fetal lower extremities." That is to say, Madam Speaker, the baby's legs.

"The surgeon then applies firm traction to the instrument, and pulls the extremity out of the woman."

He then goes on to say, "The surgeon uses his fingers," and this is him talking, the abortionist, and we are being told we should pay for it, "the surgeon uses his fingers to deliver the opposite lower extremity," the other leg, then the torso, the shoulders and the upper extremities."

"The skull lodges at the internal cervical os. Usually there is not enough dilation for it to pass through."

"At this point, the right-handed surgeon slides the fingers of the left hand along the back of the fetus and hooks the shoulders of the fetus with the index and ring fingers. Next he slides the tip of the middle finger along the spine toward the skull while applying tension to the shoulders and lower extremities."

This abortionist then goes on to say, "The surgeon takes a pair of blunt curved scissors in his right hand, advances the tip curved down, along the spine."

Reassessing the proper placement, he makes a hole in the base of the skull and then aspirates, or vacuums out the brain tissue.

This is the kind of thing, dilation and extraction, that the Members of this body, you know, as HENRY HYDE says so eloquently very often, the procedure that dares not say its name, we are being asked to subsidize it, pay for it, deny parents their ability to know that their daughters are engaged or perhaps contemplating an abortion, and now we are being asked to subsidize and to give legality to that kind of child abuse where the child has his or her brain destroyed in such a way and the rest of their bodies.

□ 2150

Madam Speaker, I would hope, I would hope, that even the most so-called pro-choice Member in this body and in America would take a second look at exactly what is involved in abortion, that there are positive, nonviolent alternatives to abortion, loving and compassionate alternatives that we need to be promoting, not the killing and the demise of these helpless, unborn baby girls and baby boys.

Mr. DOOLITTLE. Madam Speaker, I yield to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Madam Speaker, I just wanted to shed some light on another fact. The worst fear of an abortionist, which is to me not even a medical specialty, it is just killing—an abortionist's worst fear is—and they call it a botched abortion. The child comes out alive. I mean it is alive to begin with, but it comes out still alive like little Rosa whose arm was ripped off, and that guy is going to prison in New York, and what is so obvious and never said enough about on the floor in this once-august Chamber is that, if he had killed little Rosa, who is now about what? About 2 years old, CHRIS? If he had killed her, that is it, just another day on the job, another abortion out of a dozen a day. But because she is alive and has been on even the Phil Donahue show minus her little arm, and I do not know what point Phil was making in his anti-Christian confusion, but it was something along the lines: "Well, I guess we need better abortions, and better hospitals and a safer procedure," and he was completely forgetting how stupid that is, that here is a live child.

Now this removal of the brain by the doctor while the child is still in the birth canal precludes ever again them having the nightmare of the child fighting for its life, maintaining its life, and coming out where the doctor, like the one, Kenneth Edelman was his name, the one up in Massachusetts, and he is now one of the main mouthpieces for NARAL, and Planned Parenthood and everybody, says to the nurses, "Look, what are we going to do about it," and I forget in this case because there is one in my own Orange County where the doctor said, "I can't kill this little son-of-a-bitch." The nurses all cried on the stand, and he got away with a hung jury, 11 to 1, and then 9 to 3, and then the State said, "We have no more interest," but obviously the jury believed that he said, "I can't kill this little baby, this S.O.B."

I think with Dr. Kim up in Massachusetts, he was found guilty of manslaughter, stripped of his M.D. status, just went to another State, and I forget whether he left the baby in a closet. Was that the routine?

Mr. SMITH of New Jersey. They found the baby in a morgue, a little black child, and they could not determine how that child got there, and they backtracked and found out that this was the result of one of his abortions.

Mr. DORNAN. Ah, but it had survived, fought for its life, taken down on some gurney in some bag or something, and put in the morgue where it starved to death or just passed away from exposure.

So, I just wanted to point out—was the gentleman reading from the medical paper submitted at their seminar?

Mr. SMITH of New Jersey. That was right from the doctor's words, and they are even more gruesome to behold if one wants to read the entire report. He speaks as one in the Nazi era would have spoken about cruel experimentation on Jewish people and other unfortunate people who were caught as guinea pigs. Here we are talking about this child in a way where legs are pulled out with impunity, and then, as the gentleman has pointed out and as I pointed out as well, the brain is aspirated as the brain content or the skull contents. The brain is sucked out.

If I could just make one additional point, the Philadelphia Inquirer, a Pulitzer Prize-winning newspaper in Philadelphia, some years ago did an expose on the abortion industry, and the headline of their particular article was: "The Dreaded Complication," and the dreaded complication was those many hundreds of children who each year were surviving these later terms abortions, and the abortion industry felt it had a marketing problem on its hands, not caring one whit about those children who were being flushed down the toilet, but they had a marketing P.R. problem on their hands, and what they finally did was come up with more lethal means of killing these babies of which D&E is foolproof. No child survives when his or her brain——

Mr. DORNAN. Well, let us discuss this again when the health bill comes up and we are being asked to pay for the D&X, the taking out of the brains while the baby is still inside the mother so they do not run the risk of a public relations problem.

Mr. DOOLITTLE. Madam Speaker, I thank the gentleman. Although I have

addressed here the absurd budgetary consequences of this, let it be said clearly that this is ethically wrong, abortion. It is morally wrong. And it is not legally wrong only because by an unprecedented raw grab of judicial power by the Supreme Court of the United States 20 years ago they gave to the abortion advocates what no legislative body in this country, including the U.S. Congress, was willing to give them, and now, 20 years later, they think they have softened up the legislators enough where they can ram through this Freedom of Choice Act which is an abomination, and I thank the gentlemen for commenting in such stark terms upon what the realities really are here.

Madam Speaker, I would like to yield now to my friend, the gentleman from North Carolina [Mr. TAYLOR].

Mr. TAYLOR of North Carolina. Madam Speaker, I thank the gentleman from California [Mr. DOOLITTLE]. I certainly appreciate his putting together this family address, and I would like to speak in the area of jobs. There is no more important item for the family than employment.

Madam Speaker, in my district we have areas with as high as 30-percent unemployment. I know my colleagues in California have parts where there is extremely high unemployment. The strength of the economy undergirds every other section of the family: education, health care, housing. They all depend upon that family having a strong job and a job that can take care of those valuable needs.

And most people who supported President Clinton a year ago thought that was the concentration that this administration would have, that it would concentrate on building jobs, not increasing taxes, not talking about homosexuals in the military, not talking about the other litany of things that the President has strayed into, but working toward creating jobs. That has not been the case.

Madam Speaker, I serve on the Committee on Appropriations on the Commerce Subcommittee, and we recently had given to us a report from the National Policy Council on the economy. It was a bipartisan group that was put together 2 years ago by Congress, asked to study how we can strengthen the economy and our competitiveness in this country. It was bipartisan in the sense that the Speaker made appointments, the President of the Senate made appointments, the President of the United States made appointments. They had to be appointments made up of labor, management, general public, and governmental leaders. Those four areas were represented. There were some 200 subcouncils picked from all branches of business, and industry and public life.

Madam Speaker, These councils came together, and met for periods of time, and then came to us with its final report just a few weeks ago. They have made substantial recommendations on what to do to strengthen the economy in this country, to make ourselves more efficient, more competitive. There is no question that this is a thorough, national presentation of what needs to be done. This has been given to the President of the United States.

Madam Speaker, what it pointed out to us in the committee is—these very specific recommendations—that the Clinton administration is heading this way, and the council, the bipartisan council made up of many elements of our country, recommends that we go this way. The President is just contrary to what all of the national leaders have been talking about, and I will give my colleagues some specifics.

First of all, Madam Speaker, they pointed out in the area of labor that we need to learn to stop national labor strife as much as possible, to learn to work together better, to use the team approach for high-efficiency employment. Now that is being done in plants all over this country where the workers come together, work with management in a team approach. They become more efficient, they learn a multitude of jobs, and they work on a productive unit inside the plant, and they are rewarded on that basis. They are working toward creating a working environment that is efficient and competitive, not working toward labor strife, and yet the first bill the President has endorsed, striker replacement, the sponsor of that bill said it was designed, and I am quoting, "to create more labor strife." That is what he thinks would be good.

Madam Speaker, that is entirely contrary to what the Council on Competitiveness was talking about and entirely contrary to what is in the best interest of this country.

The second area they talked about was in the area of regulations. They point out that the rapidity of growth in regulations in this country is bringing about hundreds and billions of dollars of needless cost to small business and to our economy and that ultimately it is going to greatly stifle our competitiveness and the ability of our families and our economy to succeed. That recommendation was made by the council. The President, on the other hand, has, through his administration, endorsed numerous new regulations coming in the area of OSHA, numerous new regulations coming in the area of the environment, on top of regulations that are just now being promulgated.

Madam Speaker, I appreciate the fact that the gentleman from California [Mr. DOOLITTLE] and several other Members of Congress joined in a piece of legislation that we have introduced that would state that no regulations promulgated by the bureaucracy, often years after the original legislation has been passed, could take effect until both Houses of Congress have an opportunity to approve, review, and then they must approve that legislation and it be signed by the President before it can take effect.

□ 2200

We have got to get on top of these regulations. As this report shows, it is putting hundreds of billions of dollars of extra costs into the area. Here again, the report recommends we go this way, and the President is going just the opposite way.

Then finally it talks about tort reform.

Mr. DOOLITTLE. If the gentleman will yield, I think this is so critical and it is not often focused upon in this way. That regulation the gentleman is talking about is hurting families. It is denying people the right to advance in their jobs and in what they can save. It is making it so that families can barely keep pace with inflation because it is directly resulting in a slowdown of economic growth.

This has been going on for years and years. I think the gentleman's bill is long overdue, because finally it is going to place back in the hands of the people's elected representatives the ability to get some real handle on this.

I think if the whole membership of the House and the Senate had to decide whether the Valley Longhorn's elderberry beetle should go on the endangered species list, costing thousands of jobs and millions of dollars to the economy, I think we might have a more reasonable approach to this type of thing.

Mr. TAYLOR of North Carolina. The gentleman points out quite correctly that our small businesses are made up of families, that our working men and women are usually made up of families. It is not some obscure makeup of the economy we are talking about, it is family members, individual members, that must suffer when the economy fails.

The third area we are talking about, and the council pointed out, was the area of tort reform. They pointed out that we need substantial reform in this area.

The recommendations were very specific. Here again they made recommendations in this direction, and we see the administration going another way.

Now, it is true that the President is an attorney, his wife is an attorney, the Vice President is an attorney, and 14 out of 16 members of the Cabinet are attorneys. But we must, as the report pointed out, have tort reform in this area.

Twenty-two percent of our health care costs are tied to medical malpractice. This is an area that was not touched upon by the President or by Mrs. Clinton.

The President, when he spoke here, criticized the drug companies. He criticized health care givers, doctors, and others, but he never once mentioned the need for malpractice reform in his State of the Union Message to people in this area.

Product liability was another area they pointed out that we are causing ourselves to reverse much of our progress in many areas out of the fear of product liability and the great cost of product liability.

Even in the area of drugs where the President made his criticism earlier on the floor, out of the $250 million that it takes to develop a new drug, almost $100 million of that, 40 percent, is tied to tort actions.

So if we are to make real progress in this country in many areas, we must reassess our litigious nature and have tort reform in many, many areas.

So I am saying to you that these are three areas, and there are other parts of the report that I will not go into tonight, where they made specific recommendations and directions that the economy needs to go in to be competitive, to produce more jobs, and to strengthen the economy itself, that the President's recommendations almost exclusively have been going in the opposite direction. That is why I think in order to strengthen the economy, for this Nation and our families, the President must remove himself from the wrong direction he is taking and go back to the basic ideas of strengthening the economy.

Madam Speaker, I appreciate the gentleman yielding.

Mr. DOOLITTLE. Madam Speaker, I thank the gentleman.

Madam Speaker, I would like to recognize the gentleman from Arkansas [Mr. HUTCHINSON].

Mr. HUTCHINSON. Madam Speaker, I wish to thank the gentleman for yielding. I appreciate his efforts in organizing this special order on the family.

I also want to thank the gentleman from New Jersey [Mr. SMITH] for the great leadership he has provided the pro-life and pro-family cause in the Congress of the United States.

Madam Speaker, I think this is very sadly an appropriate day for this special order to occur, a day in which the Judiciary Committee of the U.S. Congress has marked up and recommended out the so-called Freedom of Choice Act, a bill that we will soon be debating and voting upon here on the floor of the House.

Madam Speaker, the administration has now lifted the Federal restrictions on abortion and is now eyeing the Hyde amendment as its next victim. In spite of the number of abortions already being performed, the President would like to make abortion available on demand at the expense of the American taxpayer. This is ironic, and it is ironic for a number of reasons.

The Alan Guttmacher Institute records that in 1972, a year before the tragic Roe versus Wade decision and before Washington began to pay for abortions, there were only 12.9 percent of pregnancies ending in abortion. By 1976 that percentage had doubled to 23.1 percent.

The Hyde amendment, when it was enacted, leveled the number of pregnancies ending with abortions at roughly 25 percent. And yet what level can we expect to reach if the Hyde amendment, the commonsense Hyde amendment, supported by millions of Americans and the vast majority of Americans, if that amendment is repealed?

A 1992 survey conducted by the Reader's Digest revealed some very interesting facts with regard to public funding of abortions.

Among those earning less than $15,000 a year, opposition to publicly funded abortions ran at 63 percent to 32 percent for that funding, while those making over $60,000 favored it by 57 to 41 percent.

I think the lesson from that is that the vast majority of mainstream America, middle income, low income Americans, they do not support abortion on demand, and in fact they strongly oppose Federal funding for abortion.

Madam Speaker, even with restrictions on Federal funding of abortion, there are 4,400 abortions that are performed every day in the United States of America. That adds up to 1.6 million abortions every year.

Since Roe versus Wade in 1973, more than 26 million abortions have occurred in the United States. Tragically, the United States leads and surpasses all Western nations in the number of abortions performed per 1,000 women of childbearing age.

It is hard to imagine the number of abortions that would occur should the administration prevail in including abortions in their upcoming health care reform plan. It is unconscionable, as the gentleman from New Jersey [Mr. SMITH] pointed out, it is absolutely unconscionable to ask good people, taxpaying Americans who happen to regard abortion as the deliberate taking of a human life, to pay for a procedure that to them is morally offensive and morally wrong.

The distinguished Governor of Pennsylvania, Robert D. Casey, testified before the Judiciary Subcommittee on Civil and Constitutional Rights against the so-called Freedom of Choice Act.

Our friend's name, which is so recognizable to most of us, was named in the Planned Parenthood lawsuit challenging Pennsylvania's moderate regulations on abortion, which included things like parental consent with judicial bypass. Incidentally, President Clinton, who was then Governor of the State of Arkansas when I was serving in the State legislature, supported parental notification, and in fact signed parental notification laws into law in the State of Arkansas.

Well, that is part of what was in the Pennsylvania case. Also prohibition of third trimester abortions, 25 weeks to birth. No State funding of abortions was in the Pennsylvania law.

Informed consent, the requirement that a doctor provide a woman considering abortion information on the dangers of abortion, alternatives to abortion, and it included a 24-hour waiting period for a woman to consider that information provided to her by her physician. All of those very commonsense restrictions that are supported by the vast majority of Americans would suddenly be stricken if the Freedom of Choice Act becomes law.

That is what the Governor of Pennsylvania testified. None of these very reasonable limitations would even survive. They would fall like dominoes should the Freedom of Choice Act pass.

President Clinton said when he was a candidate campaigning he thought abortions ought to be safe, legal, and they ought to be rare. Unfortunately, he is fulfilling two-thirds of that promise. But the part about it being rare he is not fulfilling. In fact, Federal funding of abortion will not make it more rare. Including it in a health care plan is not going to make it more rare. Applying and making abortions available at military installations is not going to make abortion more rate. In fact, it is going to have just the opposite impact.

□ 2210

Let me add, while I have the floor, that the attack on my family, and I so appreciate this order dealing with the family, the attack upon my family is very broad-based. And it is not just in the area of abortion, as critically important as that is. But the attack on the family goes to our very tax laws and our Tax Code.

In recent years, the Federal Government has waged a veritable war on the American family. Policies have been formulated and legislation has been enacted that run in direct opposition to the best interests of the family.

This turn of events is especially tragic in light of the fact that the family is the very basic unit upon which our Nation was built and through which our greatest achievements have been realized.

During the past four decades there has been a steady erosion, an erosion of the personal tax exemption for families with children.

The income tax burden on a median income family of four has risen 150 percent, the tax burden upon the median income family has risen 150 percent since the mid-1950's. If the personal exemption had kept pace with inflation and per capita income since 1948, it would now be over $8,000 instead of the current level, only $2,300.

It is this type of tax inequity that indicates the Federal Government's bias against children and hostility toward the traditional American family. So I want to urge my colleagues this evening and in this Chamber to support the Family and Economic Recovery Act of 1993.

My distinguished colleague, the gentleman from Virginia [FRANK WOLF], has authored a bold new bill to afford middle income American families the opportunity to better provide for their own family and invest in their own future.

Under the Family and Economic Recovery Act, families would be allowed a $600 per child tax credit to offset the high costs of raising a child.

In addition, an adoption tax credit would be implemented to promote the choice of adoption and to encourage this option for young women who are unable to care for their child.

Then on another front, the administration is currently fighting to reclassify multipurpose passenger vehicles, more commonly referred to as minivans or, in many families, as mom's taxi.

They want to reclassify these as cargo vehicles. This unsound trade policy can only tighten the financial vise squeezing the American family. So while the Federal Government, as the gentleman pointed out, raises taxes, increases its own revenues, starts new spending programs, middle-class families have to tighten their belts even more.

An average increase of $3,700 will be added to the price of imported minivans, and Detroit will not be far behind in raising their prices as well.

By virtually eliminating competition in the minivan market, we are ensuring dramatically higher prices upon middle-income families. In addition, thousands of working men and women are going to be jobless at American dealerships. And then the Federal Tax Code and public policy reward, amazingly enough, reward cohabitation over marriage and penalize the marriage relationship, as we provide a greater benefit for those who might live together as opposed to those who get married and file a joint return. So our whole Tax Code has a bias and a tilt against the family.

Mr. DOOLITTLE. Supposing this proposed law took effect, related to the imported vans, and it throws people out of work. What do you suppose would be the response of the Federal Government to that result?

Mr. HUTCHINSON. I suppose we would, among other things, we would probably have another supplemental appropriation to expand unemployment benefits.

Mr. DOOLITTLE. It would seem reasonable, since we have had four of those now. Probably it would be done also under the emergency exception to the disastrous 1990 budget summit agreement and, therefore, we would simply pile on more and more debt without having to meet the pay-as-you-go requirements. Would that not be a reasonable supposition?

Mr. HUTCHINSON. I think that is not only reasonable, I think it is that which we could expect. So the deficit gets worse, the debt continues to grow, and the American family continues to be penalized.

Mr. DOOLITTLE. And we may get a new Federal program along with it, something to do with retraining of displaced workers, import companies deal in vans and then perhaps a new cadre of bureaucrats to oversee that program and new taxes to fund it.

Mr. HUTCHINSON. Exactly.

Let me make one additional point. The Federal Tax Code cheers the policies that really created latchkey kids and shuns parents who choose to work at home. No one would argue that a woman does not have the right to go out and work in the American work force. In fact, they make great contributions and every opportunity should be afforded them. But there are mothers who make that choice to stay at home, and our current Tax Code penalizes the mother who makes that choice by providing tax credits for the mother who puts their child in a daycare center but penalizes the mother who stays at home and takes care of her own children.

So in short, the Federal Tax Code and our public policy in general is hostile toward the family and says, in effect, that children were more valuable to America four decades ago than they are now. I disagree with that.

The family is a resource more precious than oil, more precious than gold. It has survived, despite the fact that it is paying more today in Federal taxes than it spends on food, more in Federal taxes than it spends on clothing, more in Federal taxes than it spends on transportation, on insurance, on recreation, in fact, all of those combined.

And so it is imperative that we enact measures that support the family. In the war that is being waged against the family, we must maintain and defend the position that preservation and protection of the family are central components to our national defense.

I look around this great parliamentary building, and I see above the exits in the balcony profiles of great lawmakers of the past, everything from Moses to Thomas Jefferson.

I think of all of those great lawmakers. There is at least one thing that they all had in common. That was a recognition of the centrality of the family to the future of any society. That is what we are talking about tonight.

We are talking about the future of our society and the future of our Nation, those things that many would say, would relegate to the least important and that are deserving of the least amount of time are, in fact, the most critical to the future of our Nation.

Therefore, I applaud the gentleman from California [Mr. DOOLITTLE] for arranging this special order this evening and an opportunity for us to address some of those issues that affect the American family in this 20th century, as we approach a new century.

Mr. DOOLITTLE. Madam Speaker, I thank my friend from Arkansas.

I yield to the gentleman from Illinois [Mr. MANZULLO].

Mr. MANZULLO. Madam Speaker, I thank the gentleman very much.

I am a little bit miffed over the emphasis that this country places on the integrity of maintaining the American family and yet, at the same time, there is a very insidious tax that will begin to rip thread by thread small businesses, large businesses and, yes, impact on eventually the small family, the American family.

I was raised in a small business. My dad had a grocery store right after World War II. The store was located in Rockford, IL.

At that time Dad extended on credit people coming in from the captive nations after World War II and people, incidentally, coming from Arkansas and other areas of the South because of tremendous crop failures.

And Pop had a policy of extending credit to people who simply could not make it. And after a period of time, they got on their feet.

And there were times when Pop would take old Blue Star potato chip boxes, which were an inch thick, and I would see him go to the homes where these people lived, many of them lived in tents in the middle of the wintertime in Rockford, IL, and he would put those potato chip boxes on the walls and insulate their homes because of a well-founded fear that these people would starve to death and would die from the elements.

Now comes the Btu tax. Madam Speaker, exactly what would this do?

Well, if a small business, let us say my brother's restaurant business, is impacted by this tax, which it will, what is going to happen?

First of all, his heating bill is going to go up dramatically.

□ 2220

He is going to have to charge higher prices for the food that he sells at the restaurant because all of his various suppliers, including the pasta supplier, the meat supplier, the vegetable supplier, all of these people deliver groceries at night to his restaurant, and all his wholesalers in turn have deliveries made to them in vehicles, and then the farmer who is actually producing these vegetables has to pay more for the production, not only because of the cost of

fuel but because of the cost of the petroleum-based chemicals that he uses as fertilizer and also to control pests.

This is a ball that gathers up all kinds of mud as it goes down a slippery slope, and by the time all these costs get passed on to my brother Frankie at his restaurant, he has to do one thing. He has to charge higher prices. Therefore, the Btu tax not only costs people more but it fuels inflation, which is the greatest robber baron of the American family. Of course, the people that travel to his restaurant travel by automobile, and they have to pay more.

If we listen to the testimony of Tim Wirth, a former member of the other body who is a special counsel to the President, he stated in the meeting before the Committee on Foreign Affairs that one of the purposes of the gasoline Btu tax would be to conserve energy, and energy is being conserved because gasoline costs so much that people cannot afford to drive.

I live in Ogle County, which is part of the 16th Congressional District, and practiced law in a little bitty town there for 22 years. Madam Speaker, there are people that drive 25 and 30 miles each way for a job that pays $5 to $6 an hour, and they are proud of that. Many times it is the best job that they can get under the circumstances.

To hit those people with higher costs for gasoline——

Mr. HUTCHINSON. Madam Speaker, will the gentleman yield?

Mr. MANZULLO. I yield to the gentleman from Arkansas.

Mr. HUTCHINSON. Madam Speaker, I would ask the gentleman, is he saying to us that the people who are going to get hurt the most by the Btu tax are the hard-working middle-income families who happen to live in rural areas where they use a lot of fuel?

Mr. MANZULLO. The gentleman is correct.

Mr. HUTCHINSON. Have we ever had a tax, I would ask the gentleman, quite like this energy tax?

Mr. MANZULLO. There has never been one, but the gentleman will recall back in the 1970's when gasoline skyrocketed, I know of people who quit their jobs because they could not afford to drive. It was cheaper for them to go on welfare. They simply could not afford to put gasoline in their automobiles.

Mr. HUTCHINSON. If the gentleman will continue to yield, I have seen today estimates by the proponents of this energy tax that it is only going to be a few dollars a month is all it is going to impact the average American.

Mr. MANZULLO. That does not add up to $70 billion over 5 years. The economics are faulty.

Mr. HUTCHINSON. I have seen everything from 8 cents to 20 cents a gallon on gasoline, plus what it costs for utility bills, plus all of the other costs, the petrochemicals involved. It is hard for me to believe there is any way that that tax could be held to only a few dollars each month.

Mr. MANZULLO. It certainly could not be. There is something else that happens. I shared my experience in the rural areas, but again, in the county where we live now, we have an incredible proportion of senior citizens. One estimate is that out of 45,000 people there are 6,000 senior citizens that live alone. Many of those senior citizens heat with oil, which is the highest costing energy there is.

For Mr. Wirth to state that the Btu tax would conserve energy means that many of these seniors will not have enough money in order to pay their fuel bills so they can stay warm.

Mr. HUTCHINSON. Madam Speaker, will the gentleman yield for one more question?

Mr. MANZULLO. I yield to the gentleman.

Mr. HUTCHINSON. If this tax, as it seems, will ripple through the economy at every level from time of production right through processing right on through transportation and delivery to the retailer, if it ripples through at every level, hits utility bills, hits the home heating and propane, natural gas, the gasoline in the automobiles, if it hits at all those levels, doesn't that kind of tax have to be inflationary?

Mr. MANZULLO. Absolutely.

Mr. HUTCHINSON. And if it is inflationary, doesn't that hit the retired people, the older homeowner on a fixed income, harder than anybody else?

Mr. MANZULLO. Inflation does that.

Mr. HUTCHINSON. This is an antifamily kind of tax, isn't it?

Mr. MANZULLO. It is an anti everybody kind of tax, because not only does it impact the family unit as we know it, but the costs of production in factories—in one of our other counties, Winnebago County, it has close to 1,000 factories. Half of the exports from Illinois come from Winnebago County.

I talked to industrialists who talked about electrical bills being raised by hundreds of thousands of dollars, hundreds of thousands of dollars in additional energy costs to keep open their factories. What is that going to do? That is going to drive up the cost of production, and if the cost of production becomes so high, they may end up, and they probably will end up, selling less manufactured goods. That means that people will become unemployed.

The Btu tax, Madam Speaker, should be known as Bill's Taxes Unlimited.

Mr. DOOLITTLE. Madam Speaker, will the gentleman yield on this point?

Mr. MANZULLO. I yield to the gentleman from California.

Mr. DOOLITTLE. I learned in the Committee on Agriculture, on which I sit, an interesting piece of information. This tax is going to raise $70 billion, this Btu tax, over the next 5 years.

What I do not think people realize, however, is that under the Clinton plan they are going to turn right around and give $40 billion of the tax in earned income tax credits, and billions of dollars of new food stamp handouts that we are going to be giving. So what it is really going to mean is that the good old middle class, once again, is going to be hit for really the $70 billion, the poor people are going to get $40 billion back, so we can see once again the brunt of this, here we are with a $70 billion tax that is only a net revenue increase of $30 billion, because they are giving away $40 billion back to a certain group that they want to benefit. That is how we get this $40 billion in spending increases right here.

What an inefficient tax that is going to burden everybody in this fashion. It is a disaster. The idea should be killed. They ought to cut $30 billion in spending. That would accomplish the same result, and no one would have to pay this ridiculous Btu tax.

Mr. MANZULLO. The gentleman is correct. The big problem with the Btu tax is that it is not practical, for people like us that sit down and think about these taxes. It is people who are theorists, people who have jobs, well-paying jobs, that don't even estimate the impact.

In fact in the hearing yesterday I said,

> Counselor, as a representative of the Clinton administration, I appreciate the fact and commend you that we have environmental impact statements whenever something is done to nature. That is good. That is good for the environment. But the Clinton administration fails consistently to come up with an impact statement on how taxes will actually affect the people, regardless of income brackets.

The ones that are most hurt are the millions of families, the millions of families in this country that are barely hanging on financially, that have no savings. In fact, Madam Speaker, this country's savings rate is at an all time low, seven times less than the country of Japan. Why is that? Because the American family simply has no more money to give by way of taxes.

I would urge the President, out of compassion for saving small businesses, out of compassion for keeping seniors from spending what little money they have on more energy, out of compassion for allowing industries not to increase their cost of production, which could result in a net loss of work, I would urge the administration to deep six, to scuttle, to ditch, to burn once and for all any notion that the deficit of this country would be narrowed in any manner whatsoever by the passing of a Btu tax.

□ 2130

I thank the gentleman for arranging this forum.

Mr. DOOLITTLE. Madam Speaker, I thank the gentleman for his remarks.

Madam Speaker, I yield to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Madam Speaker, I thank the gentleman. We are obviously going to have an extension of this family order of yours and my good colleague from California with a focus on what is happening to the American family by Government excess taxation, and taxation without hesitation is the motto of the current administration. And also the moral impact on our families from unlimited abortion on demand for any reason or no reason, and then making all taxpayers pay for it.

The SPEAKER pro tempore (Mrs. MALONEY). The time of the gentleman from California [Mr. DOOLITTLE] has expired.

SUPPORT FOR THE AMERICAN HEALTH SECURITY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California [Ms. WOOLSEY] is recognized for 60 minutes.

Ms. WOOLSEY. Madam Speaker. I am here today to show my strong support for the American Health Security Act, H.R. 1200. As a new Member of Congress, I consider this bill the most important, far-reaching legislation I have had the opportunity to cosponsor.

I campaigned in favor of the single-payer health care system, and believe that my endorsement for the concept was a factor in my election. One main sentiment came across during my campaign and since then at town halls and meetings with constituents, physicians, and hospital administrators. That is that the American people are ready for total reform.

They don't want a Band-Aid. They want a health care system that encompasses all five principles for real health care reform. Those principles are: Universal coverage, regardless of employment, income, or health status; comprehensive benefits, including the full range of reproductive services; consumer choice of providers; affordability; and public accountability.

Of the many health care reform proposals that are being talked about, only one accomplishes all of these goals. That plan is the American Health Security Act.

The Congressional Budget Office agrees that the single payer is the most effective way to provide universal access and contain health care costs and that it is the most fiscally conservative plan under consideration.

How can my colleagues and the public assess health care reform plans to be certain that they are fair and equitable? There are 12 questions to ask about each plan. These questions, prepared by my distinguished colleague who himself is a physician, JIM MCDERMOTT, are useful because they explain the most important features of any plan in simple terms—a feat that is difficult on such a complex issue. To assist my colleagues, Madam Speaker, I will review the questions and point out how the single-payer system addresses the question more completely than any other plan.

First, does the plan provide insurance coverage to every American?

As you know, today, nearly 40 million Americans are living without health insurance coverage. That total has been increasing by about 100,000 each month, and another 40 million people are dangerously under-insured. Any health care reform must extend adequate coverage to these Americans.

The American Health Security Act guarantees coverage to every citizen. Under this plan, everyone could be given a card—looking like a simple credit card—entitling the bearer to full quality medical care.

Second, is the coverage portable, stable, and continuous?

One major problem for people who do have insurance is the fear that they will lose it if they move to another job or if they have a pre-existing condition which wouldn't be covered under their new employer's plan.

Because the American Health Security Act is in no way tied to employment, the coverage is completely portable and stable.

Third, is the standard benefit package comprehensive enough to prevent the need for a large secondary insurance market?

In this country, it is essential to have a quality health care system available to everyone. If the standard benefit package provided to all citizens guarantees only minimal benefits, many people will look for better programs. If we have a system where people buy out of the national program, or buy supplemental private insurance, we will have a two-tiered, or possibly three-tiered program, and continued uncontrollable costs.

The single-payer plan offers a comprehensive, generous package of benefits, so people will stay in the system preserving the ability to control costs while providing the necessary services.

Fourth, does it allow individuals or families to choose their own physician or other health care providers?

Many Americans cite the ability to select their own doctor as the single most important aspect of any health care plan, even over cost and convenience. One of the fundamental elements of getting well and staying well is the relationship between the healer and the patient. If the patient has no choice of provider, an essential component of the health process is removed.

The single-payer approach solves this problem by allowing all patients to see the medical professional of their choice. All healers will be accessible since there will be one uniform system of payment.

Fifth, does it guarantee coverage regardless of physical condition or the presence of a preexisting condition?

Increasingly, insurance in this country is available only when you do not need it. For example, if you have cancer, insurance companies will cover every illness but cancer. If you are HIV positive, they will either refuse to cover you or cover you for the first $500 and that's it.

The American Health Security Act corrects this current problem by covering all preexisting illnesses.

Sixth, does the plan provide for effective and measurable cost-containment?

Today, the American health care system has no cost controls. That is why the United States pays 14 percent of the gross domestic product in health care costs today, and why costs continue to spiral out of control.

The single-payer system includes verifiable cost-containing measures basing payments on geographics, demographics, and similar factors.

Seventh, does cost containment apply to the entire health care delivery system without loopholes or exemptions for the secondary insurance market or self-insured entities?

It is impossible to control costs and put an end to wasteful spending when large numbers of people are outside the system. To be effective, cost-containment measures must be applied to the entire health care delivery system.

The American Health Security Act eliminates this problem by covering everyone, and providing a comprehensive benefit package, thus eliminating the need for any secondary market.

Eighth, is there one simplified administrative system that applies to all Americans?

A primary function of any health care reform plan must enable us to identify and reduce waste. Overlapping layers of private and Federal health care bureaucracies needlessly waste billions of health care dollars every year.

According to the General Accounting Office, Americans incur nearly $60 billion a year in unnecessary health care costs because of the numbers and variety of forms and paperwork required by over 1,500 private insurance companies.

The single-payer system streamlines the paperwork and will have one standard form to file which will save billions of dollars.

Ninth, does the health care delivery system enhance access to health care in rural areas and inner cities?

Over a third of all Americans who live in rural areas or inner cities have been severely underserved by the current health care system. A health care plan must address this demographic spread, and health insurance collectives cannot do so.

H.R. 1200 would correct this inadequacy in two ways. First, it doubles the funding to community health centers which serve primarily inner-city and rural areas. More importantly, however, the single-payer system

equalizes the profit of medical practitioners. Currently, there is a huge dearth of medical personnel in these two areas because people there have a harder time affording physicians. It is much more profitable for doctors to practice in the suburbs since payment rates are far higher there.

Under the single-payer system, medical service providers are compensated equally. They will no longer have to worry about surviving economically in rural or inner-city regions.

Tenth, does the plan enhance the quality of health care and eliminate interference by insurance companies who second guess medical decisions?

The current system positions insurance companies between the patient and the health care provider through precertification requirements for hospital admissions, length of hospital stays, and for certain medical procedures. This practice, which was intended to reduce health care costs by eliminating unnecessary medical procedures by doctors had hospitals, has been ineffective.

We need a system that allows doctors to make their own medical decisions concerning their patients and encourages them to become better practitioners.

The American Health Security Act eliminates interference and profit-driven medical decisions by eliminating the need for insurance companies. There will no longer be a third party making medical decisions.

Eleventh, does the plan provide for continuity of care?

When consumers are constantly being forced to switch plans because of expense or coverage options, care becomes sporadic. Having consistent, thorough, high quality care is essential for long-term prevention and patient recovery.

The single-payer system provides complete continuity of care by allowing everyone to choose his or her provider. You may switch as often or as little as you care to.

Twelfth, finally, does the system significantly reduce administrative costs of the health care budget?

About one-fourth of all health care dollars in America are thrown away by administrative expenses. To find the savings necessary to finance comprehensive health care coverage for all Americans, this incredible waste must be reduced. Nearly 25 percent of the U.S. health care costs relate directly to administration.

The single-payer system cuts administrative costs. Canada's single-payer system uses less than 3 percent of all health care dollars to administer it's program.

Madam Speaker, as a newly elected Member of Congress who focused on health care reform as a campaign issue, I know that the people I represent in Marin and Sonoma Counties, in California except me to have the courage to fight for the best possible health care system. Their hopes are high, and they expect effective solutions. We must move ahead with a proven solution. Our Nation, our families, and our businesses, cannot wait for additional years of experimentation and tiny fixes. The time is right for change. The American Health Security Act is the answer.

I yield back the remainder of my time.

□ 2240

A PRESIDENT'S EFFECTIVE YEARS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. MANZULLO] is recognized for 60 minutes.

Mr. MANZULLO. Madam Speaker, I thank you.

I would yield to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Madam Speaker, I wanted to say that I was up in New Hampshire over the weekend. I wanted to tell my colleagues something that I used. It was not on the spur of the moment but hours before this luncheon, I sat down and was thinking about economics, and I was writing down in order all of the things that I thought would go up or down in the next 800 or so days of this administration.

The reason I am not using the 1,461 days of a 4-year Presidency is that 119 days are already gone. Whoever gets elected President in November 1996 will dominate the news, as Clinton did after November 3, and the losing President, as was President Bush's fate, moves to the back page, and that interregnum period, we call it, of November, December, and January belongs to the President-elect, not the President.

So if this current President is defeated, those days in November-December of 1996 and January of 1997 are not going to be his days.

So if you take the days from today to November 1996, let us look at another period, the entire election period from late 1995 through 1996, I would ask anybody out there in the country, did President-want-to-be Clinton dominate the news as much as incumbent President George Bush? Of course he did, whether it was negative domination on Jennifer Flowers, or dodging the draft, or the suppression of other stories or Bobbie Ann Williams, or Miss Arkansas, Sally Purdue, all of those stories that the news media either deliberately through conspiracy or unconscious conspiracy suppressed, whether it was negative news or his dazzling bus trip, his 54-minute speech at the convention, the Gunga Dan Rather or Peter Perfect or Tom Terrific opening up every news shows actually giving out false and bad information that the recession was deepening, that it was the worst economic situation since the Depression of Hoover's time, I mean, whatever it was, the race was on, and the news was dominated by all of the challengers early on, my fellow Californian in his white turtleneck holding up the 800 phone number card, Jerry Brown, whoever it was, HARKIN yelling he was going to kick George Bush right in the you-know-what, all of that agony going on for President Bush in 1992, which means that a President's best years are the first 3 years.

So I took a real hard count and came up with not 1,461 days but 866 days from tomorrow. That is what Mr. Clinton has to make his mark on the economy and on our Nation's history.

Let us face it, my colleagues, he came within a whisker of destroying his Presidency by sending American air crews into Bosnia to choose sides and start killing either Bosnian Serbs, Bosnian Croatians, or Bosnian Moslems.

□ 2050

He was getting ready to choose sides. How that thing unraveled, one of the news magazines called it, a squishy way, we will not know. But here is what I did at a Rotary luncheon up in New Hampshire 2 days ago, Monday.

I took these following letters, wrote them down in a column.

Mr. MANZULLO. If the gentleman would yield, before the gentleman gets into those letters, I wonder if the gentleman would yield to the gentleman from South Carolina [Mr. INGLIS] for a few remarks so that he could catch up.

Mr. DORNAN. Yes.

Mr. MANZULLO. That was my fault.

Mr. DORNAN. We got off the beaten path with the fine remarks of our colleague from the other side of the aisle.

Mr. MANZULLO. Yes.

Mr. DORNAN. I will tell you what I will do, I will do this real fast. Let me get this out of the way, and you just think in your minds that these people answered from the audience audibly when I had not really expected it, to the question: What do you think about the following, will they go up or down? Now, I have 10 ups, 5 downs, and 1 big up at the end.

Here is what we know is going to go up: Taxes, that is a given; spending, that is a given; regulations, givens; deficit—he says it is coming down—it is going up. The debt, both personal and the big Government debt, where Ed Rollins said on TV and Carville did not gainsay him, that a trillion dollars will be added in the next 3 or 4 years. Capital flight, Europe does not come here politically as the most stable regime in the world; capital flight is going to go up and out. Unemployment, up. Bankruptcies, up.

Look at some downs: Productivity will go down, taxes will see to that; investment, down, crushed by taxes; savings, down. Taxes go up, savings go down. That is a given.

Job creation, down. Economic growth, down; revenues, down. When taxes go up, revenues go down. Then comes crime, which always grows out of political instability, people without jobs, people angry, festering inner-city problems. Crime is going up under the Clinton administration. That is a given. There is not much inspiration coming out of that bloody pulpit.

I yield back.

Mr. MANZULLO. I yield to the gentleman from South Carolina [Mr. INGLIS].

Mr. INGLIS. I thank the gentleman for yielding.

I want to return to something that was said earlier by my colleague from California, the other colleague, [Mr. DOOLITTLE], about how surprising it was that the things that would not have ever been considered in this body are suddenly now considered, including, I think, specifically you are talking about the Freedom of Choice Act, and that sort of thing. It is very important to note, I think, that ideas have consequences. That is really what we are about here tonight, as we are having the opportunity to talk here among Members of Congress about some ideas and have others listen in on that and understand that truly ideas do have tremendous consequences.

Some of the consequences that I am concerned about in this current administration have to do with some of those ideas. The other day, Monday, I guess it was, I was in my district, and a stockbroker gave me a report from Prudential Securities. You would not think of Prudential Securities as an outfit that worry too much about the moral condition of the current administration. But they are worried.

It comes as a big surprise to me that Wall Street would worry about the moral condition of the Clinton administration. But apparently they are worried.

I will explain that in a second.

This is a very well-written piece by Mark Melcher of Prudential Securities. Mr. Melcher lists some of the very interesting and, as he calls them, nontraditional views of members of the Clinton administration. One of them, probably one of the most interesting since we are dealing here with the family and with the impact of taxes and the economy on the family, has to do with the chairman of the President's Council of Economic Advisers, Laura D'Andrea Tyson. Ms. Tyson has proposed as "elementary economic principle," the fact that, "There is no relationship between the level of taxes a nation pays and its economic performance."

She also argues, the article goes on, "Free market frenzy in the United States during the past decade," demonstrates why we should have "collective ownership of firms by groups of workers."

Then we have Donna Shalala, Secretary of the Department of Health and Human Services, who is described by Newsweek as "the high priestess of political correctness." She once described in a speech how Thanksgiving would be for a typical 4-year-old kindergarten student in 2004, "If only the United States would make it a top priority in our communities and in our Congress to make this child think of herself as being part of the world—not just her town or the United States." Now, Mark Melcher assumes that she would say or write a description of what the Secretary would say about Thanksgiving: The teacher would tell the little girl a story about how "people from Europe came to the United States, where the Indians lived. She will say, 'It was just the same as if someone had come into your yard and taken all your toys and told you that they weren't yours anymore.'"

Then Shalala said:

> The little girl will feel sad, but she will be glad to have a day off to play at home and get together with her neighbors. Her favorate story about holidays at school will be a Chinese New Year, when Chang's mother brings a dragon puppet to school.

Of course, Mark Melcher again the adviser, the investment adviser for Prudential Securities, writes that this truly is part of an ongoing cultural war in this country. That is what this is all about.

He writes:

> Many Americans are proud of Thanksgiving and believe that schools might remind students that we honor that day because Congress specifically asked George Washington to establish a "day of public thanksgiving and prayer, to be observed by acknowledging with grateful hearts, the many and signal favors of Almighty God." Furthermore, many people believe that schools might consider following Washington's advice that on Thanksgiving day, citizens should "offer our prayer and supplications to the great Lord and Ruler of nations, and beseech Him to pardon our national and other transgressions."

This is not someone on the street corner preaching; this is George Washington. This is what he saw as the future of this country.

But the conclusion of what I point out here about this piece from Predential Securities, Mark Melcher, is something that I think really is where the cultural war boils down to: He says:

> Regardless of one's views of religion and patriotism, there is widespread sociological agreement that any society's ability to establish justice and ensure tranquility depends to a great extent on a commonality of beliefs among its citizens. And no matter how badly some people wish to deny it, most historians agree that America's Judaeo-Christian heritage and the widespread belief among its citizens that the United States is "the best country in the world" are the principal glues that have held this unique "melting pot" social together since its founding.

That is where we are. Right now there is a cultural war in this country to determine whose set of values rule in this country. Unfortunately, we have a number of people at the White House who apparently have rather nontraditional views and views that really do shake the confidence of the American family and truly remake what we think of as the family. Unfortunately, my options, there are people there that believe that the basic unit of society is not the family, it is the social worker and his or her client.

I do not think that is what the American people think. I do no think that is what mainstream America thinks. I think mainstream America thinks that the family is the basic unit of society, not a social worker and his or her client.

So that is what we are about here. I appreciate the work of the gentleman from California [Mr. DOOLITTLE] in putting together this special order on the family. The family is the basic unit of society, and in order for it to survive we have got to lean against this cultural war that is being waged in the White House itself, and to reestablish the principle that the family is the basic unit of society that needs to be strengthened.

□ 2300

Mr. DOOLITTLE. I do not control the time.

I would like to ask the gentleman from Illinois if he will yield?

Mr. MANZULLO. I yield to the gentleman from California.

Mr. DOOLITTLE. Madam Speaker, I thank the gentleman from South Carolina. I would like to get a copy of what the gentleman is quoting from, the account of Donna Shalala's view of Thanksgiving is truly amazing. It illustrates perfectly the war on culture that the gentleman has discussed.

Our President campaigned that he was reinventing government, that he was going to do something for the middle class.

What we are seeing of the Clinton administration is a radicalism perhaps never even dreamed of when Michael Dukakis was campaigning for the Presidency. I mean, it is unbelievable the sorts of dangerous ideas hat are actually being advocated right out of the White House.

I just would like to touch on another one that I did not hear the gentleman mention. That is the nomination of Roberta Achtenberg to be the Deputy Secretary of Housing and Urban Development to oversee the fair employment laws and so forth.

Achtenberg is a radical lesbian activist who directed the National Center for Lesbian Rights.

She lives with Mary Morgan, or did live, I do not know if she still does, but she did, the presiding judge of the San Francisco Municipal Court. Neither women reportedly reveal which of the two is the birth mother of their child.

I can see where we are going to have to have another special order to get

into what really is happening to the disaster that is facing the family, the nonsense that we hear promoted by the left about family diversity is actually destroying our institution of the two biological parent family. It is under tremendous stress.

Ms. Achtenberg, by the way, I should point out claims as one of her accomplishments expelling the Boy Scouts of America from public facilities in the Bay Area. That cost the Boy Scouts about $848,000.

I just think it is important to know, our President who again claims by his rhetoric and associations with the town halls to be one of us is actually appointing people to office who are making war on the Boy Scouts of America, on traditional family values, and it is just something that everybody in this country ought to be aware of. It is truly bizarre to read the sorts of things that are coming out of this administration. It is almost unbelievable, except indeed these things are true.

Mr. DORNAN. May I ask the gentleman from California [Mr. DOOLITTLE], was the gentleman aware that Achtenberg brought Mary Morgan with her to the Senate confirmation hearing, introduced her as her partner, lover, or some such thing. It was fascinating, this last parade, or circus, with about 300,000 people out here on the Mall, the signs were a new title indicating a new high level for the word bi or bisexual.

Now, can we look forward on the second go-around of appointees when some of these people resign to go back to San Francisco or other places of someone coming in as a prominent bi and having two people with them and saying, "This is Mary over here and this is Freddie over here. These are the two people I live with in a very satisfying, loving menage à trois."

I mean, the gentleman is right. There is a deterioration of values going on here at warp speed.

I looked at some of her background on, for example, this committee that she formed under the Agriculture Department that she was appointed to on coming up with these new definitions of what is a family. It can include a group of golfing buddies, for Pete's sake. All it requires is the fuzzy qualification of strong emotional bonds.

What I thought was offensive, absolutely offensive, was she has had intense activity in this Boy Scout battle as a director of United Way right up until December of last year, just a few months ago, 5 or 6 months ago, and when she was asked the direct question by one of the minority members in her confirmation hearing, she looked steely eyed at the entire panel and said, "I don't remember the case," the case being the whole controversy over defunding the Boy Scouts and then demanding that the Boy Scouts succumb to having homosexual Scoutmasters or Scout leaders.

I thought, well, is someone going to challenge her on that?

If she had a scrapbook of press clippings on her entire life, a third to two-thirds would be totally consumed by press stories and clippings on Roberta Achtenberg's battle with the Boy Scouts of America, and to say in one simple statement, just flagrantly untrue on its face, "I don't remember the case," and to have our colleagues, Republican colleagues and Democratic colleagues of principle dismiss that and have her only now held up by the hold of one courageous Senator from North Carolina is stunning to me. I do not know where the courage is of even our Members on the other side on this advice-and-consent process to the White House, but her case history, the gentleman is correct, is worthy of 1 solid hour all on its own.

Americans are still in a state of shock at the rapidity with which this administration is dumping this self-description of new kind of Democrat and presenting us not only with the old style of tax and spend and regulating Democrat only, but presenting us with new ground that would not have even been thought of in this Chamber or the other body just years ago, not to talk about our forefathers.

I would recommend that the remaining Members on the floor avail themselves of what I stumbled on, because inspiring is not the right word, the opening of the stunning and inspiring Holocaust Museum. In one of the brochures it said there was an exhibit of a Heinrich Himmler speech before 100 S.S. Nazi generals. That must have been a fine demonic gathering, where he first used the word specifically Aus Rottung, the rooting up or the extermination or the final extermination of slaughtering all Europe's Jewry.

I went over to see it and I said, "Well, come over early and see the Constitution and the Declaration of Independence at 9:30, come up out of the vaults, protected, from I guess even nuclear blasts. It takes a long time to come up from these metal walls and then rotate forward into their frames for public display.

The curator came down and asked me if I would like to go upstairs and see some very special documents. One of them, and the gentleman made me think of this, was Lincoln's first inaugural address. He opened up a manila folder that came out of a long drawer and showed it to me.

Again I was reminded of something that I took note of on the 200th anniversary in George Bush's first year, April 30, 1989, up in Wall Street, New York, in front of where the wooden Federal Building had been. It has been replaced with a big concrete edifice, a pillared edifice. I looked at this document and there again were George Washington's words. He used a word that we do not use very much around here, indissoluble. He said there is an indissoluble link between virtue and happiness. He is making reference to the economy. That word, economy, and other aspects of American life, he said in the economy and other things, I am going to bring it on the floor tomorrow, there was an indissoluble link between virtue and happiness.

How many people talk about virtue? Where was the discussion of virtue in this battle between Achtenberg and the Boy Scouts of America?

This Nation will never again know true happiness until we stop this assault upon the nuclear American family and its values and trying to say that the next step, and I say as shocking as this might sound now, if you look at the rapid speed we have deteriorated in just 4 years, the next step would be in the second term, thinking of Patrick Henry at this point, God forbid it, to say, well, we have to reanalyze pedolphilia. This is an orientation. People cannot help it if they like 15- and 16-year-olds, if they are attracted toward innocence and newness, so we have got to like Numblu and North American Man-Boy Love Association who marches in every so-called un-gay parade I have ever seen.

How are we going to differentiate? Where do we draw the line in the country and what mischief will a Roberta Achtenberg utilize in this important HUD agency that Jack Kemp took so many pains to make a real outreach to people to determine the course of their own lives.

So I recommend that you go over there and watch that Declaration of Independence come up which closes with a firm reliance upon divine providence.

"We mutually pledge our lives, our fortune, and our sacred honor."

Where is the sacred honor in this Chamber and the sacred honor of the U.S. Senate to not challenge some of the bizarre appointments that are coming up before us in this peculiar period in American history?

Mr. DOOLITTLE. Madam Speaker, if the gentleman will yield, I think the gentleman from California makes a very key point. I think the answer lies, how does this country get back on track? It gets back on track by strengthening its families, and there is a way to do that and the way begins—well, before I get into that, just let me call to the attention of the body a very key magazine article that appeared in the April 1993, issue of Atlantic Monthly, "Dan Quayle Was Right." It is a great article. I commend it to every American interested in seeing what confronts us relative to the family. I would just like to quote briefly from this.

□ 2310

Mr. DORNAN. Before the gentleman does so, Madam Speaker, I ask him,

"Did you catch Mario Cuomo on Larry King's show last week—Governor Cuomo?" He said Dan Quayle was right. He quoted the article.

"I saw that; of course he was right," he said.

He did not pull it off very well, and he got sidetracked talking about a fictitious character, Murphy Brown. He said, "But Dan Quayle was right. Family values are key, important, and we've got to address this problem."

Mr. DOOLITTLE. Madam Speaker, let me just quote from this, and this is just kind of—well, it is a lifted-out quote just above the headline of the article.

"The social science evidence is in. Though it may benefit the adults involved, the dissolution of intact, two-parent families is harmful to large numbers of children. Moreover," the author argues, "family diversity in the form of increasing numbers of single-parent and step-parent families does not strengthen the social fabric, but rather dramatically weakens and undermines society."

And that is exactly what we are talking about. The idea that two lesbians are going to raise a child is outrageous, and Americans need to stand up and confront these issues directly, and I hope in this special order we have been able to, at least, scratch the surface and give us an opportunity in subsequent discussions to come back and revisit this issue because this is so fundamental.

We have had preached for some many years that, oh, divorce, it is good sometimes for the people, and children bounce back quickly. Well, here we have an article by an expert in the field who basically has analyzed the data, and, as my colleagues know, the basic social science research now is showing what devastating impacts these situations have on single-parent families, divorces, children born out of wedlock, what devastating impacts these situations are having on the children themselves.

We heard earlier the very poignant testimony of the gentleman from New Jersey explaining what we are doing to our children. We refuse to call them children. We call them fetuses, or we call them some other term to try and deny the inhumanity that is going on here, over 27 million lives taken in abortions since the infamous Roe versus Wade decision when an act of Congress is now pending that seeks to legitimize through a statute, and it just—we have Dr. Death running around the country just rearrested once again for helping kill elderly people.

Mr. DORNAN. Kevorkian.

Mr. DOOLITTLE. The gentleman from California [Mr. DORNAN] mentioned Nazi Germany. These things are right out of Nazi Germany, and they are here in this country, and they are being actively promoted, and they are having a new banner placed upon them that makes them seem good, and noble, and just, when in reality it is the worst form of evil, and we must bring to the attention of the Nation what we are doing to our children, both born and unborn.

As my colleagues know, I do not think time permits to get into the other charts tonight. I would like to show——

Mr. DORNAN. Madam Speaker, if the gentleman would yield, I have an idea here because I think it is going to end up to be an important series of special orders. I ask the gentleman, "Why don't you just headline the charts? Go through each one quickly, and we will elaborate on these in depth in future nights."

Mr. DOOLITTLE. All right; I will do that because I think these charts are very interesting. They come out of, in large part—by the way, I want to give credit to the Heritage Foundation which has supplied us with many of these charts. They are based on information coming out of this very important publication by William Bennett entitled "The Index of Leading Cultural Indicators," developed as a counterpart to the Index of Leading Economic Indicators.

Let me just cite for my colleagues some interesting statistics out of here, and I will show my colleagues the charts.

Since 1960 the population has increased 41 percent. Gross domestic product has nearly tripled, and social spending by all levels of Government measured in inflation-adjusted constant dollars, 1990 dollars—social spending has increased from $143.73 billion to $787 billion, more than a five-fold increase. So, population went up 41 percent. We had over a 500 percent increase in Government spending. I wonder how we got the $4 trillion cumulative national debt that we have today. It is because of all that spending.

Inflation-adjusted spending on welfare—quoting again—inflation-adjusted welfare has increased 630 percent, and inflation-adjusted spending on education has increased 225 percent.

Now let us go to education for a minute.

Mr. DORNAN. Madam Speaker, while the gentleman is doing that, may I point out that one of the traps that the media tried to put my former classmate and fine Vice President, Dan Quayle, into was to try and twist his observation about the importance of a nuclear family into conveying to all single mothers across the country that there was something wrong with them. In all of the 1960's and 1970's my wife and I drew very close to single mothers by war, by force, the wives of all the missing-in-action Americans, POW Americans, who raised families like Jeremiah Denton, the great former U.S. Senator—seven children raised by his wife alone for 7 years. What about every police officer who dies in the line of duty, his wife raising children alone? That is not what we are talking about. There are almost 50,000 automobile fatalities every year. Let us say half are breadwinners, mothers or fathers. That leaves a father along with children, a mother, young mother, gone; a young father gone, with children.

Bill Clinton's own natural father died coming home late at night, working as a salesman, leaving Virgnia alone with her new little son, Bill Jefferson Blythe.

Madam Speaker, we are not saying that these women are not courageous frontier women. Men are killed by natural elements, lost out in the snow, dying from the elements, killed in Indian native American battles.

What we are talking about is what I saw during the height of the Quayle debate in May, and that was two intelligent-looking, trained women, psychologists, appeared on the "Today Show" with Katie Couric and said the following statement: "Evidence is coming in that families with only a mother seem to be producing stronger children who are higher achievers, and more emotionally stable." What? That means fathers are worthless. We are rewriting world history here, civilization. Who needs a father then if the children come out as higher achievers, and more emotionally stable, and more independent, more self-reliant—self-reliance and higher achievers; that is it.

I looked at this. I was frozen in my bedroom looking at this TV. I said to my wife, "Look at this. What are we doing to our children?"

And here they were, two female psychologists, both of African-American descent, which is an ethnic group in this country hit severely hard by single-mother families, because of a tragedy of welfarism causing some fathers to pretend to leave, and then, once gone from the house, staying away.

No, I admire, as does every person in this Chamber, a mother or a dad trying to work and to raise children alone, and what is surprising to me is that so many of them do do it when it is not by choice, do do it well, and of course some families are better rid of a drunk, or a gambler, or of an abusive or sexually molesting father. Of course it is better to have that animal out of the house.

But that is not what Mr. Quayle meant when he said it was not good for television shows to act like what those psychologists were saying: "You don't need a father. It's an optional call."

Mr. DOOLITTLE. Well, the gentleman from California [Mr. DORNAN] is absolutely right, and let me say that what we need to do is to strengthen the family ethic and to try and keep more families together so that the added

burden is not thrust upon one parent to try and raise the children because I mean those are heroic efforts. It is hard enough with two parents raising children.

Mr. MANZULLO. Madam Speaker, if the gentleman would yield, I would suggest the gentleman from California flip through those charts very rapidly, and then perhaps we can wind this up.

Mr. DOOLITTLE. Let me just go through them quickly, Madam Speaker.

This shows—I told my colleagues the things about the 30-year period from 1960 to 1990, how the population increased 41 percent, and spending by all levels of Government increased fivefold, spending in education increased 225 percent.

Look at what this chart shows. We had an 80-point drop in SAT scores, so we increased funding by 225 percent, and the SAT scores over this period have dropped 80 points.

□ 2320

Mr. DORNAN. That looks like taxes up, revenues down.

Mr. DOOLITTLE. This one to me speaks volumes about where we are as a society. It is unbelievable to realize that during the same 30-year period, violent crime has gone up 560 percent. The FBI tells us, and I find this unbelievable, but I do believe it because it is their figures and they are based on their analysis, that during the life of an individual, 8 out of 10 Americans will be the victim of a violent crime. That is truly shocking, but we all know it, do we not? Look at what is happening in our communities.

This next one is fascinating. We just heard how during the 30-year period that spending at all levels of Government has gone up fivefold and welfare spending has 630 percent.

This next chart tells us about the miserable failure of liberalism in this country. This chart shows, starting back here you can see in the 50's, here is the poverty rate. The poverty rate is falling, falling, falling, falling, and falling.

Look when it levels off and goes back up. This happens when LBJ comes into power and launches the war on poverty. Look at the dramatic increases in spending. The more spending goes up, look what is happening to this line. The line is level, it goes down, it goes up a little bit. Then here we are in 1990 where it starts heading up.

Of course, these are the last years we have figures for, so I cannot tell you more recently. But the fact of the matter is we have spent in this 30-year period, I believe, $3.5 trillion that put us deeply in debt. To alleviate poverty we have created a dependent culture that just saps up more and more of out taxpayer dollars. This is resulting in broken homes and more violent crime of enormous proportions. This is why we have got to have further time to really talk about this on another occasion.

Next is births to unmarried women. Look at this line right here. In 1960 it was about 5 percent of unmarried women who gave birth. Look over here in 1990. We are almost at 28 percent, a fivefold increase.

What is happening to these children? These children are emotionally deprived for the most part. You saw that statistic on the 560-percent increase in violent crime. The fastest growing component of those violent crimes is juvenile crimes. That is what we are creating by the social policies that are entirely misplaced.

Here is the chart that illustrates the increase in welfare spending. Madam Speaker, it is never enough. All these trillions of dollars, and we still have people in power in the Federal Government, from the President on down, who tell us, "Oh, we have got to spend more."

That is what President Clinton was quoted as saying on the front page of the Washington Post last Friday. "We have got to raise some more revenues and get this economy going," which is totally inconsistent.

Why? So that we can "spend more." This is completely unbelievable.

Then he has given us a plan, and let us go back to this chart for a minute, a plan which is going to add $1 trillion to the national debt, cumulatively, and which is going to end us up after the largest tax increase in history at the end of the Clinton 5-year plan with an annual budget deficit of $228.5 billion. Some plan.

The family, we see Federal taxes. Look at this increase in the average family with median income. A family of four in 1948 paid about 2 percent of its total income to the U.S. Government in taxes. The same family in 1986 paid 24 percent of its income to the U.S. Government in taxes. And that figure went up where by 1990 it looks like over 25 percent.

Now, from 2 to 25 percent is a twelvefold increase, a 1,200-percent increase in taxes to the Federal Government. That is truly dramatic.

This last chart, which I think is very illustrative, and maybe we can end on this note, represents the Federal budget deficit, the annual deficit going clear back to the 1940's. These are inflation adjusted now.

Of course, look at what we have during the World War II years. We have annual budget deficits, one of them here looks like about 1943 we have an annual budget deficit inflation adjusted, of about $580 billion.

This is truly staggering. But look at what happens here. Of course, during the war years this goes on. Then we get right to here, which appears to be about 1947, you can see what it is, it is about $180 billion, a dramatic reduction.

Just by way of comparison, our budget deficit this year is $320 billion for the fiscal year ending September 30.

We are not in World War II. Under the Clinton plan in 5 years we are going to go from $320 to $228.5 billion.

Look at what happened here. You go in 5 years from an enormous budget deficit, here at over $500 billion, and, my word, you are up to here where you have nearly $100 billion in surplus.

Now, can you see the change there? It is a $600 billion change. We went from deep deficit to surplus.

We are not in World War II right now. Why can we not act more quickly? Why can we not eliminate these tax increases, cut the spending, bring the economy back up by reducing the deficit, reducing the regulation, reducing the burdens on the family, strengthening our families, provide incentives for people to help themselves in the inner cities and in the suburbs, and pull these families back together, transmit family values, make us stronger and better and make us grow faster economically?

That is the American dream. And that, Madam Speaker, is what I submit we need to examine in general detail to see just exactly how we can do it so that we can better serve the citizens of this republic whom we are elected to represent.

Mr. MANZULLO. Madam Speaker, I thank the gentlemen from California. We most of all want to thank the people who have the opportunity to listen in depth and examine the charts as to the impact of taxes on the American family.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. BENTLEY (at the request of Mr. MICHEL) for today from 4 p.m., on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. EWING) to revise and extend their remarks and include extraneous material:)

Mr. DELAY, for 60 minutes, today, in lieu of 5 minutes previously ordered.

Mr. FRANKS of New Jersey, for 5 minutes, today.

Mr. MCINNIS, for 25 minutes, today.

Mr. DOOLITTLE, for 60 minutes, today.

Mr. GOSS, for 5 minutes each day, on May 24 and 25.

Mr. DREIER, for 60 minutes each day, on May 24 and 25.

Mr. WALKER, for 5 minutes each day, on May 24 and 25.

Mr. BACHUS of Alabama, for 5 minutes each day, today and May 20.

Mr. DORNAN, for 5 minutes, today.

Mr. DORNAN, for 60 minutes each day, on May 20 and 26, June 8, 9, 10, 15, 16, 17, 22, 23, and 24.

Mr. KIM, for 5 minutes each day, on June 10, 17, and 24.

Mr. THOMAS of Wyoming, for 5 minutes, on May 20.

Mr. ARCHER, for 60 minutes each day, on May 24, 25, and 26.

(The following Members (at the request of Mr. PICKETT) to revise and extend their remarks and include extraneous material:)

Mr. PICKETT, for 5 minutes, today.

Mr. ROSTENKOWSKI, for 5 minutes, today.

Mr. STARK, for 5 minutes, today.

Ms. WOOLSEY, for 60 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. BACHUS of Alabama, for 5 minutes, today.

(The following Member (at the request of Mr. DOOLITTLE) to revise and extend his remarks and include extraneous material:)

Mr. MANZULLO, for 60 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. EWING) and to include extraneous matter:)

Mr. FIELDS.

Mr. COX.

Mr. DUNCAN.

Mr. SOLOMON in three instances.

Mr. GALLEGLY.

Mr. SMITH of Oregon.

Mr. WOLF in two instances.

Mr. BEREUTER.

Mr. BLILEY.

Mr. ROHRABACHER.

Mr. BAKER of Louisiana in two instances.

Mr. SAM JOHNSON of Texas.

Mr. CRAPO.

Mr. SUNDQUIST in two instances.

Mr. GILMAN in two instances.

Mr. GINGRICH.

Mr. TALENT.

Mr. PORTER.

Mr. GILLMOR.

Mrs. FOWLER.

(The following Members (at the request of Mr. PICKETT) and to include extraneous matter:)

Mr. TRAFICANT in seven instances.

Mr. WYDEN.

Mr. SCHUMER in two instances.

Mr. LIPINSKI.

Mr. WILLIAMS.

Mr. ACKERMAN.

Mr. KLECZKA.

Mr. DE LA GARZA.

Mr. HAMILTON in two instances.

Mr. DURBIN.

Mr. HALL of Ohio.

Mr. MENENDEZ.

Mr. KLEIN in seven instances.

Mr. JACOBS.

Mr. COSTELLO in two instances.

Mrs. SCHROEDER.

Mr. COPPERSMITH.

Mr. DELLUMS in two instances.

Mr. LEHMAN.

Mr. PASTOR.

Mr. ROWLAND.

Mr. FOGLIETTA.

Mr. HOLDEN.

Mr. SLATTERY.

Mr. CRAMER.

Mr. FORD of Michigan.

Mr. STUDDS.

Mr. BARCIA.

Mr. BROWN of California.

Mr. RAHALL.

Mr. MORAN.

ADJOURNMENT

Mr. DORNAN. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 29 minutes p.m.) the House adjourned until tomorrow, Thursday, May 20, 1993, at 10 a.m.

OATH OF OFFICE MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 State.22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> "I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 103d Congress, pursuant to the provisions of 2 U.S.C. 25:

Honorable ROBERT J. PORTMAN, Second District Ohio.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1242. A letter from the Administrator, Environmental Protection Agency, transmitting a draft of proposed legislation to amend and extend the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, for 2 years; to the Committee on Agriculture.

1243. A letter from the Principal Deputy for Production and Logistics, Assistant Secretary of Defense, transmitting the 1993 National Defense Stockpile [NDS] Requirements Report, pursuant to 50 U.S.C. 98h-2(b); to the Committee on Armed Services.

1244. A letter from the Chairman, Defense Science Board, transmitting the report of the Defense Science Board Task Force on fiscal year 1994-99 Future Years Defense Plan; to the Committee on Armed Services.

1245. A letter from the Acting Assistant Secretary of State for Legislative Affairs, transmitting Presidential Determination No. 93-19 regarding the Export-Import Bank of the United States and the People's Republic of China, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

1246. A letter from the Administrator, Environmental Protection Agency, transmitting a draft of proposed legislation to amend and extend certain provisions of the Safe Drinking Water Act, as amended, for 2 years; to the Committee on Energy and Commerce.

1247. A letter from the Administrator, Environmental Protection Agency, transmitting a draft of proposed legislation to amend and extend the Toxic Substances Control Act, as amended, for 2 years; to the Committee on Energy and Commerce.

1248. A letter from the Administrator, Environmental Protection Agency, transmitting a draft of proposed legislation to extend the Solid Waste Disposal Act; to the Committee on Energy and Commerce.

1249. A letter from the Assistant Secretary of State for Congressional Relations, transmitting notice that the President has authorized the transfer of funds in fiscal year 1993 foreign military financing to the peacekeeping operations account to provide assistance for enforcement or sanctions against Serbia and Montenegro (Presidential Determination 93-20), pursuant to 22 U.S.C. 2364(a)(2); to the Committee on Foreign Affairs.

1250. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Natural Resources.

1251. A letter from the Administrator, Environmental Protection Agency, transmitting a draft of proposed legislation to authorize appropriations for environmental research, development, and demonstration for fiscal years 1994 and 1995, pursuant to 31 U.S.C. 1110; to the Committee on Science, Space, and Technology.

1252. A letter from the Secretary of Health and Human Services, transmitting a report on the cost effectiveness of extending Medicare coverage for therapeutic shoes to beneficiaries with severe diabetic foot disease, pursuant to 42 U.S.C. 1395x note; jointly, to the Committees on Energy and Commerce and Ways and Means.

1253. A letter from the Secretary of Health and Human Services, transmitting a report on the effects of the use of clinical practice guidelines developed and determine the effects of the use of the guidelines on the quality, appropriateness, effectiveness, and cost of medical care; jointly, to the Committees on Energy and Commerce and Ways and Means.

1254. A letter from the Secretary of Health and Human Services, transmitting a study of the effectiveness of influenza vaccine in averting hospital admissions caused by pneumonia; jointly to the Committees on Energy and Commerce and Ways and Means.

1255. A letter from the Chairman, Physician Payment Review Commission, transmitting a report on "Fee Update and Medicare Volume Performance Standards for 1994"; jointly, to the Committees on Ways and Means and Energy and Commerce.

1256. A letter from the Secretary of Health and Human Services, transmitting the 1994 Medicare physician fee schedule update and fiscal year 1994 Medicare volume performance standing [MVPS] recommendations; jointly, to the Committees on Ways and Means and Energy and Commerce.

1257. A letter from the Administrator, Environmental Protection Agency, transmitting a draft of proposed legislation to amend and extend the Federal Water Pollution Control Act, as amended, for 2 years; jointly, to the Committees on Public Works and Transportation, Merchant Marine and Fisheries, and Science, Space, and Technology.

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. MONTGOMERY: Committee on Veterans' Affairs. H.R. 996. A bill to amend title 38, United States Code, to establish a veterans education certification and outreach program; with an amendment (Rept. 103-98). Referred to the Committee of the Whole House on the State of the Union.

Mr. STUDDS: Committee on Merchant Marine and Fisheries. H.R. 1159. A bill to revise, clarify, and improve certain marine safety laws of the United States, and for other purposes; with amendments (Rept. 103-99). 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. BARLOW:

H.R. 2149. A bill to modify the project for replacement of Locks and Dams 52 and 53, Lower Ohio River, Illinois and Kentucky, to provide a local resident hiring preference; to the Committee on Public Works and Transportation.

By Mr. TAUZIN (for himself, Mr. STUDDS, Mr. COBLE, and Mr. FIELDS of Texas):

H.R. 2150. A bill to authorize appropriations for fiscal year 1994 for the U.S. Coast Guard, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. STUDDS (for himself, Mr. LIPINSKI, Mr. FIELDS of Texas, Mr. BATEMAN, Mr. YOUNG of Alaska, Mr. HUGHES, Mr. HUTTO, Mr. TAUZIN, Mr. ORTIZ, Mr. MANTON, Mr. PICKETT, Mrs. UNSOELD, Mr. REED, Mr. LANCASTER, Mr. ANDREWS of Maine, Ms. FURSE, Ms. SCHENK, Mr. GENE GREEN, Mr. HASTINGS, Mr. BARLOW, Mr. THOMPSON, Mr. ACKERMAN, Mr. KING, and Mrs. BENTLEY):

H.R. 2151. A bill to amend the Merchant Marine Act, 1936, to establish the Maritime Security Fleet Program, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. STUDDS (for himself, Mr. LIPINSKI, Mr. FIELDS of Texas, Mr. BATEMAN, Mr. YOUNG of Alaska, Mr. HUGHES, Mr. HUTTO, Mr. TAUZIN, Mr. ORTIZ, Mr. MANTON, Mr. PICKETT, Mr. HOCHBRUECKNER, Mr. PALLONE, Mrs. UNSOELD, Mr. LANCASTER, Mr. ANDREWS of Maine, Mr. GENE GREEN, Mr. HASTINGS, Mr. HAMBURG, Mr. STUPAK, Mr. THOMPSON, Mr. ACKERMAN, and Mr. KING):

H.R. 2152. A bill to amend the Merchant Marine Act, 1936, to encourage merchant marine investment, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries and Ways and Means.

By Mr. BROWN of California (for himself, Mr. BEILENSON, Mr. HINCHEY, Mr. WAXMAN, Mr. DELLUMS, Ms. SCHENK, Mr. EDWARDS of California, Mr. BERMAN, Mr. STARK, and Ms. ESHOO):

H.R. 2153. A bill to designate the Giant Sequoia National Forest Preserve in the State of California, and for other purposes; jointly, to the Committees on Natural Resources and Agriculture.

By Mr. BROWN of Ohio (for himself, Mr. INSLEE, Ms. SHEPHERD, Mr. STUPAK, Mrs. CLAYTON, Mr. POMEROY, Mr. HOLDEN, and Mr. BROWDER):

H.R. 2154. A bill to amend the Federal Election Campaign Act of 1971 to provide for separate limitations on contributions to qualifying and nonqualifying House of Representatives candidates; to the Committee on House Administration.

By Mr. LANTOS (for himself and Mr. BERMAN):

H.R. 2155. A bill to improve the negotiation and implementation of arms control treaties; to the Committee on Foreign Affairs.

By Mr. BUNNING (by request):

H.R. 2156. A bill to amend the Harmonized Tariff Schedule of the United States to restore the rate of duty applicable to manmade fiber felt fabric for technical uses that was in effect under the Tariff Schedules of the United States; to the Committee on Ways and Means.

By Mr. COX:

H.R. 2157. A bill to amend title II of the Social Security Act to eliminate work disincentives for individuals who are blind; to the Committee on Ways and Means.

By Ms. DELAURO (for herself and Ms. SNOWE):

H.R. 2158. A bill to amend the Public Health Service Act to provide for women an increase in the availability of preventive health services from certain grantees under such act; to the Committee on Energy and Commerce.

By Mr. DURBIN:

H.R. 2159. A bill to require the Federal Communications Commission to evaluate and publicly report on the violence contained in television programs, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WILSON:

H.R. 2160. A bill to amend the National Trails System Act to provide for a study of El Camino Real Para Los Texas [the Royal Road for the Texas], and for other purposes; to the Committee on National Resources.

By Mr. FRANKS of New Jersey:

H.R. 2161. A bill to amend title II of the Social Security Act to expand current restrictions on payment of benefits to prisoners by clarifying the types of offenses with respect to which such restrictions are applied, by including under such restrictions payments to individuals confined for substantial periods to public institutions pursuant to court order based on a verdict that the individual is not guilty of a criminal offense by reason of insanity or a similar finding, and by eliminating the rehabilitation exemption; to the Committee on Ways and Means.

By Mr. GRANDY (for himself and Mr. CASTLE):

H.R. 2162. A bill to suspend until January 1, 1997, the duty on diquat dibromide; to the Committee on Ways and Means.

H.R. 2163. A bill to reduce the column 1-general rate of duty on piperonyl butoxide [PBO]; to the Committee on Ways and Means.

H.R. 2164. A bill to suspend until January 1, 1997, the duty on lambdacyhalothrin; to the Committee on Ways and Means.

H.R. 2165. A bill to suspend until January 1, 1997, the duty on Tefluthrin; to the Committee on Ways and Means.

H.R. 2166. A bill to extend until January 1, 1995, the existing suspension of duty on fluazifop-p-butyl; to the Committee on Ways and Means.

H.R. 2167. A bill to suspend until January 1, 1997, the duty on Fomesafen; to the Committee on Ways and Means.

H.R. 2168. A bill to reduce the column 1-general rate of duty on piperonyl butoxide [PBO]; to the Committee on Ways and Means.

By Mr. KLECZKA:

H.R. 2169. A bill to amend the Federal Food, Drug, and Cosmetic Act to require that foods derived from plant varieties developed by methods of genetic modification be labeled to identify their derivation; to the Committee on Energy and Commerce.

By Mr. LEHMAN (by request):

H.R. 2170. A bill to amend the Energy Reorganization Act of 1974 and the Atomic Energy Act of 1954 to enhance the safety and security of nuclear power facilities, and for other purposes; jointly, to the Committees on Energy and Commerce, Natural Resources, and the Judiciary.

By Mr. LEWIS of Georgia:

H.R. 2171. A bill to amend the Internal Revenue Code of 1986 to increase the amount of bonds eligible for financial institution purchase under small issuer exception; to the Committee on Ways and Means.

By Mr. MCMILLAN (for himself, Mr. KASICH, Mr. HOBSON, Mr. KOLBE, Mr. SHAYS, and Mr. SMITH of Michigan):

H.R. 2172. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 and the Balanced Budget and Emergency Deficit Control Act of 1985 to establish categorical spending targets and sequestration against those targets to balance the Federal budget by fiscal year 2000, and for other purposes; jointly, to the Committees on Government Operations and Rules.

By Mr. MENENDEZ (for himself and Mr. FRANKS of New Jersey):

H.R. 2173. A bill relating to the procedures and criteria for the issuance of permits authorizing the ocean dumping of dredged material; jointly, to the Committees on Merchant Marine and Fisheries and Public Works and Transportation.

By Mrs. MEYERS of Kansas (for herself, Mr. HORN, Mr. RAVENEL, Mrs. ROUKEMA, Mr. DORNAN, Mr. OXLEY, Mr. PETRI, Mr. LIPINSKI, Mr. BILBRAY, Mrs. JOHNSON of Connecticut, Mr. SOLOMON, Mr. FALEOMAVAEGA, Mr. RAMSTAD, Ms. MOLINARI, Mr. ACKERMAN, Mr. PARKER, Mr. PICKETT, Mr. BRYANT, Mr. GORDON, and Ms. ROYBAL-ALLARD):

H.R. 2174. A bill to amend chapter 110 of title 18, United States Code, to create remedies for children and other victims of por-

nography, and for other purposes; to the Committee on the Judiciary.

By Mr. MORAN (for himself, Mr. FRANK of Massachusetts, and Mr. BOUCHER):

H.R. 2175. A bill to amend the Truth in Lending Act to prohibit issuers of credit cards from limiting the ability of governmental agencies to charge fees for honoring credit cards; to the Committee on Banking, Finance and Urban Affairs.

By Ms. NORTON (by request):

H.R. 2176. A bill to amend the District of Columbia Stadium Act of 1957 to authorize the construction, maintenance, and operation of a new stadium in the District of Columbia, and for other purposes; jointly, to the Committees on the District of Columbia and Natural Resources.

By Mr. OBERSTAR (for himself and Mr. CLINGER):

H.R. 2177. A bill to amend the Federal Aviation Act of 1958 relating to advance notice of changes of rates, fares, and charges for air transportation; to the Committee on Public Works and Transportation.

By Mr. RAHALL (for himself, Mr. MINETA, Mr. SHUSTER, Mr. PETRI, Mr. DINGELL, Mr. MOORHEAD, Mr. SWIFT, and Mr. OXLEY):

H.R. 2178. A bill to amend the Hazardous Materials Transportation Act to authorize appropriations for fiscal years 1994, 1995, 1996, and 1997; jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

By Mr. RAVENEL:

H.R. 2179. A bill to extend until January 1, 1996, the previously existing suspension of duty on anthraquinone; to the Committee on Ways and Means.

H.R. 2180. A bill to extend until January 1, 1996, the previously existing suspension of duty on Paramine Acid; to the Committee on Ways and Means.

H.R. 2181. A bill to extend until January 1, 1996, the previously existing suspension of duty on Trimethyl Base; to the Committee on Ways and Means.

H.R. 2182. A bill to extend until January 1, 1996, the previously existing suspensions of duty on certain chemicals; to the Committee on Ways and Means.

H.R. 2183. A bill to extend until January 1, 1996, the previously existing suspension of duty on naphthalic acid anhydride; to the Committee on Ways and Means.

H.R. 2184. A bill to suspend until January 1, 1995, the duty on chromotropic acid; to the Committee on Ways and Means.

H.R. 2185. A bill to suspend until January 1, 1996, the duty on Resolin Red F3BS Components I and II; to the Committee on Ways and Means.

H.R. 2186. A bill to suspend until January 1, 1996, the duty on dimethl succinyl succinate; to the Committee on Ways and Means.

By Mr. SARPALIUS:

H.R. 2187. A bill to amend the Helium Act to cancel the accrued and unpaid interest on all notes issued for the purchase of helium and the net capital and retained earnings debt and interest related to the helium production fund, and for other purposes; to the Committee on Natural Resources.

By Mrs. SCHROEDER:

H.R. 2188. A bill to allow certain individuals seeking part-time employment to be eligible to receive unemployment compensation, to require the Secretary of Labor to establish and carry out an annual survey relating to temporary workers, and to protect part-time and temporary workers relating to pension and group health plans; jointly, to the Committees on Ways and Means and Education and Labor.

By Mr. SLATTERY:

H.R. 2189. A bill to provide for a delay in the effective date of certain regulations applicable to municipal solid waste landfills under the Solid Waste Disposal Act; to the Committee on Energy and Commerce.

By Mr. SMITH of Texas:

H.R. 2190. A bill to amend the Federal Election Campaign Act of 1971 to provide that multicandidate political committee contributions to a candidate in a Senate or House of Representatives election may constitute only one-third of the total of contributions accepted by the candidate; to the Committee on House Administration.

By Mr. TRAFICANT (for himself, Mr. APPLEGATE, Mr. FRANK of Massachusetts, Mr. MCCLOSKEY, Mr. STRICKLAND, Mr. FILNER, and Mr. BLACKWELL):

H.R. 2191. A bill to authorize the Secretary of Housing and Urban Development to carry out a demonstration program to make grants to community development corporations for reducing interest rates on loans for economic development activities in five federally designated enterprise zones; to the Committee on Banking, Finance and Urban Affairs.

By Mr. TRAFICANT:

H.R. 2192. A bill to amend the FREEDOM Support Act to establish a program to provide loans for joint ventures between United States small businesses and small businesses or entrepreneurs in the independent states of the former Soviet Union; jointly, to the Committees on Foreign Affairs, Ways and Means, and Banking, Finance and Urban Affairs.

By Mr. VALENTINE (for himself and Mr. LEWIS of Florida):

H.R. 2193. A bill to authorize appropriations to the National Aeronautics and Space Administration for fiscal years 1994 and 1995 for aeronautical research and technology, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. CAMP (for himself, Mr. COBLE, Mr. BREWSTER, Ms. SNOWE, Mr. MCNULTY, Mr. LAROCCO, Mr. GINGRICH, Mr. SOLOMON, Mr. FROST, Mr. PARKER, and Mr. WALSH):

H.J. Res. 198. Joint resolution designating the week of November 15 through 22, 1993, as the "National Sportsmen's Instruction Week"; to the Committee on Post Office and Civil Service.

By Mr. TORRES (for himself, Mr. BERMAN, Mr. BROWN of California, Mr. LANTOS, Mr. LEACH, and Mr. MILLER of California):

H. Con. Res. 103. Concurrent resolution expressing the sense of the Congress that the President should develop a strategy to bring the United States back into active and full membership in the United Nations Educational, Scientific, and Cultural Organization; to the Committee on Foreign Affairs.

By Mr. CANADY:

H. Res. 174. Resolution impeaching Robert F. Collins, judge of the U.S. District Court for the Eastern District of Louisiana, for bribery and high crimes and misdemeanors; to the Committee on the Judiciary.

By Ms. DUNN (for herself, Mr. POMBO, Mr. BACHUS of Alabama, Mr. BAKER of California, Mr. BARTLETT, Mr. BLUTE, Mr. BONILLA, Mr. BUYER, Mr. CALVERT, Mr. CANADY, Mr. CASTLE, Mr. COLLINS of Georgia, Mr. CRAPO, Mr. DIAZ-BALART, Mr. DICKEY, Mr. EVERETT, Ms. FOWLER, Mr. FRANKS of New Jersey, Mr. GOODLATTE, Mr. GRAMS, Mr. GREENWOOD, Mr. HOEKSTRA, Mr. HOKE, Mr. HORN, Mr. HUFFINGTON, Mr. HUTCHINSON, Mr. INGLIS, Mr. ISTOOK, Mr. KIM, Mr. KING, Mr. KINGSTON, Mr. KNOLLENBERG, Mr. LAZIO, Mr. LEVY, Mr. LINDER, Mr. MANZULLO, Mr. MCINNIS, Mr. MCKEON, Mr. MICA, Mr. MILLER of Florida, Ms. PRYCE of Ohio, Mr. QUINN, Mr. ROYCE, Mr. SMITH of Michigan, Mr. TALENT, Mr. TORKILDSEN, Mr. PORTMAN, and Mr. MCHUGH):

H. Res. 175. Resolution amending the Rules of the House of Representatives to require open committee meetings and to allow the broadcasting and still photography of any committee meetings or hearings that are open to the public; to the Committee on Rules.

By Mr. SENSENBRENNER:

H. Res. 176. Resolution impeaching Robert F. Collins, a judge of the U.S. District Court for the Eastern District of Louisiana, of high crimes and misdemeanors; to the Committee on the Judiciary.

H. Res. 177. Resolution impeaching Robert P. Aguilar, a judge of the U.S. District Court for the Northern District of California, of high crimes and misdemeanors; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

143. By the SPEAKER: Memorial of the House of Representatives of the State of Hawaii, relative to federally mandated programs; to the Committee on Government Operations.

144. Also, memorial of the House of Representatives of the State of Hawaii, relative to Rights of Hawaii's; to the Committee on Natural Resources.

145. Also, memorial of the House of Representatives of the State of Hawaii, relative to the Hawaiian Home Lands Program; to the Committee on Natural Resources.

146. Also, memorial of the House of Representatives of the State of Hawaii, relative to Federal trust obligations to native Hawaiians; to the Committee on Natural Resources.

147. Also, memorial of the House of Representatives of the State of Hawaii, relative to violence against women; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROWDER:

H.R. 2194. A bill for the relief of Merrill Lannen; to the Committee on the Judiciary.

By Mr. DEFAZIO:

H.R. 2195. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade of the United States for the vessel *Ariel*; to the Committee on Merchant Marine and Fisheries.

By Mr. DUNCAN:

H.R. 2196. A bill for the relief of John W. Ruth, Sr.; to the Committee on the Judiciary.

By Mr. HEFLEY:

H.R. 2197. A bill for the relief of Gorsha Michaelovich Sur; to the Committee on the Judiciary.

By Mr. DUNCAN:

H. Res. 178. Resolution referring the bill (H.R. 2196) for the relief of John W. Ruth, Sr., to the Chief Judge of the U.S. Court of Federal Claims; 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. 5: Ms. CANTWELL.

H.R. 11: Ms. ROYBAL-ALLARD.

H.R. 18: Mr. KNOLLENBERG, Mr. LANCASTER, Ms. SLAUGHTER, Mr. KANJORSKI, Mr. LAZIO, Mr. MCHUGH, Mr. FINGERHUT, Mr. GILCHREST, Mr. BISHOP, Mr. BONIOR, Ms. MARGOLIES-MEZVINSKY, and Mr. ENGEL.

H.R. 21: Mr. PICKETT, Ms. SHEPHERD, and Mr. CLINGER.

H.R. 27: Mr. WYNN.

H.R. 59: Mr. SHUSTER.

H.R. 65: Mr. HOLDEN, Mr. GALLEGLY, Mr. FALEOMAVAEGA, Mr. SENSENBRENNER, Mr. KOPETSKI, Mr. KASICH, and Mr. LEWIS of California.

H.R. 115: Mr. FOGLIETTA, Mr. LAFALCE, Mr. CONYERS, and Ms. VELÁZQUEZ.

H.R. 123: Mr. COBLE, Mr. ARMEY, and Mr. BUNNING.

H.R. 124: Mr. DIAZ-BALART, Mr. BUNNING, and Mr. SPENCE.

H.R. 163: Mr. COBLE.

H.R. 212: Mr. MICA, Mr. KIM, and Mr. ANDREWS of New Jersey.

H.R. 214: Mr. PETRI, Mr. CRANE, Ms. SLAUGHTER, Mr. LAFALCE, Mr. HYDE, and Mr. CASTLE.

H.R. 242: Mr. OBERSTAR.

H.R. 280: Mr. DURBIN.

H.R. 299: Mr. TOWNS.

H.R. 303: Mr. FALEOMAVAEGA, Mr. SENSENBRENNER, Mr. KOPETSKI, and Ms. LOWEY.

H.R. 322: Mr. STARK, Mr. REED, and Mr. GILCHREST.

H.R. 325: Mr. TANNER, Mr. FROST, Mr. OLVER, Mr. PRICE of North Carolina, Mr. HANCOCK, and Ms. ESHOO.

H.R. 349: Mr. DEUTSCH and Mr. DARDEN.

H.R. 393: Mr. MENENDEZ.

H.R. 429: Mr. GREENWOOD and Mr. MCKEON.

H.R. 466: Mr. BEILENSON, Mr. PETERSON of Minnesota, Mr. BARRETT of Wisconsin, Mr. SOLOMON, Mr. NEAL of North Carolina, Mr. PETRI, Mr. FRANK of Massachusetts, Mrs. VUCANOVICH, and Mr. STUDDS.

H.R. 468: Ms. THURMAN, Mr. DELLUMS, Mr. RAHALL, Mr. BORSKI, and Mr. BONIOR.

H.R. 501: Mr. KLINK and Mr. ROWLAND.

H.R. 521: Mr. HEFNER, Mr. STARK, Mr. MACHTLEY, Ms. WOOLSEY, Mr. HILLIARD, Mr. JEFFERSON, Mr. SCHIFF, Mr. WYNN, Mr. RAHALL, Mr. KREIDLER, Mr. ABERCROMBIE, Mr. CARDIN, and Mr. PETERSON of Florida.

H.R. 522: Mr. VENTO and Ms. ROYBAL-ALLARD.

H.R. 561: Mr. SCHAEFER, Mr. KYL, Mr. PACKARD, Mr. THOMAS of California, Mr. GALLEGLY, Mr. PAXON, Mr. SHUSTER, Mr. RIDGE, and Mr. TALENT.

H.R. 591: Mr. HOUGHTON, Mr. VENTO, Mr. PRICE of North Carolina, Mr. SABO, and Mr. PAYNE of Virginia.

H.R. 643: Mr. KLECZKA, Mr. GILCHREST, and Ms. DELAURO.

H.R. 647: Mr. CRAMER.

H.R. 649: Mr. JOHNSTON of Florida, Mr. FOGLIETTA, and Mr. ENGEL.

H.R. 688: Mr. LINDER.

H.R. 710: Mr. WAXMAN, Mr. ANDREWS of New Jersey, and Ms. ROYBAL-ALLARD.

H.R. 715: Mr. BONILLA.

H.R. 723: Mr. JOHNSTON of Florida.

H.R. 726: Ms. MEEK.

H.R. 799: Mr. SCHIFF.

H.R. 806: Mr. FRANKS of New Jersey.

H.R. 827: Mr. WELDON, Mr. DICKEY, Mr. MARKEY, Mr. GINGRICH, Mr. NUSSLE, Mr. RIDGE, Mr. FOGLIETTA, Mr. MCHALE, Mr. STRICKLAND, Mr. KING, Mr. MURTHA, Mr. BORSKI, Ms. PRYCE of Ohio, Mr. GOODLING, Mr. HAYES of Louisiana, Mr. KREIDLER, Mr. DICKS, Mr. BISHOP, Mr. BATEMAN, Mrs. BENTLEY, Mr. KYL, Mr. ANDREWS of Maine, and Mr. COLLINS of Georgia.

H.R. 840: Mr. THOMPSON.

H.R. 847: Mr. BATEMAN.

H.R. 962: Mr. BOEHNER, Mr. SANGMEISTER, Mr. YOUNG of Alaska, Mr. GALLEGLY, Mr. APPLEGATE, Mr. SCHIFF, Ms. BYRNE, Mr. MYERS of Indiana, Mr. HUNTER, Mr. GOODLATTE, Mr. FIELDS of Louisiana, Mr. FAZIO, Mr. SCHAEFER, MR. MARTINEZ, Mr. SUNDQUIST, Mr. HEFLEY, Mr. BATEMAN, Mr. ROWLAND, Mr. HORN, and Mr. SHARP.

H.R. 963: Ms. FURSE.

H.R. 967: Ms. THURMAN and Mr. TRAFICANT.

H.R. 977: Mr. PENNY and Mr. GOODLING.

H.R. 1009: Mr. KLUG.

H.R. 1017: Mr. SHAYS.

H.R. 1026: Ms. LOWEY and Mr. PALLONE.

H.R. 1036: Mr. KING, Mr. EVANS, Ms. DELAURO, Mr. FRANK of Massachusetts, Ms. VELÁZQUEZ, and Mr. NADLER.

H.R. 1080: Mr. BOEHNER and Mr. KLUG.

H.R. 1086: Mr. FISH.

H.R. 1088: Mr. ZELIFF, Mr. DELAY, and Mr. BOEHNER.

H.R. 1146: Mr. KLUG, Ms. NORTON, Mr. PETERSON of Minnesota, Mr. MCHUGH, Mr. BARRETT of Wisconsin, Mr. FILNER, Mr. KREIDLER, Ms. FURSE, Mr. MORAN, and Mr. CLYBURN.

H.R. 1151: Mr. HILLIARD, Mr. FISH, Mr. MAZZOLI, Mr. VENTO, Mr. ENGLISH of Oklahoma, and Mr. GEJDENSON.

H.R. 1172: Mr. GEJDENSON, Mr. STRICKLAND, Mr. HILLIARD, and Ms. BROWN of Florida.

H.R. 1173: Mr. DELLUMS.

H.R. 1174: Mrs. MORELLA.

H.R. 1181: Ms. ENGLISH of Arizona and Mr. BROWN of California.

H.R. 1200: Mr. DE LUGO.

H.R. 1214: Mr. FROST.

H.R. 1231: Mr. FISH, Mr. EVANS, Mr. OWENS, Ms. VELÁZQUEZ, and Mr. FILNER.

H.R. 1270: Ms. MOLINARI.

H.R. 1278: Mr. BEREUTER, Mr. BLACKWELL, Mr. MOLLOHAN, and Mr. FISH.

H.R. 1295: Mr. JACOBS and Mr. DARDEN.

H.R. 1309: Mr. LEWIS of Florida.

H.R. 1312: Mr. GUNDERSON and Mr. MCMILLAN.

H.R. 1431: Mr. BILBRAY, Mr. SAXTON, Ms. MALONEY, Mrs. VUCANOVICH, Mr. LEVY, Mr. SUNDQUIST, and Mr. BAKER of Louisiana.

H.R. 1442: Mr. GEJDENSON.

H.R. 1455: Mr. FISH, Mr. STARK, Mrs. SCHROEDER, and Mr. LANTOS.

H.R. 1464: Mr. WATT, Ms. FURSE, Mr. PAYNE of New Jersey, Mr. FOGLIETTA, Mr. TOWNS, Mr. VENTO, Ms. WOOLSEY, Ms. ROYBAL-ALLARD, and Ms. KAPTUR.

H.R. 1470: Mr. EMERSON.

H.R. 1504: Mr. QUILLEN, Mr. HOUGHTON, Mr. WALSH, Mr. LAFALCE, Mr. BUNNING, Mr. SOLOMON, Mr. MACHTLEY, Mr. ENGEL, and Mr. HOCHBRUECKNER.

H.R. 1517: Mr. MILLER of California.

H.R. 1526: Mr. WYNN.

H.R. 1538: Mr. BLACKWELL, Mr. BONIOR, Mrs. CLAYTON, Mr. DIXON, Mr. FILNER, Mr. HASTINGS, Mr. KENNEDY, Mr. MATSUI, Ms. MEEK, Mr. MFUME, Mr. MILLER of California, Mr. PAYNE of New Jersey, Mr. RANGEL, Ms. ROYBAL-ALLARD, Mr. SCOTT, Mr. STARK, Mr. MINETA, and Mr. GEJDENSON.

H.R. 1539: Mr. JEFFERSON, and Mr. SKEEN.

H.R. 1559: Mr. ZIMMER, Mr. LIPINSKI, Mrs. KENNELLY, Mr. DE LUGO, Mr. LEVY, Mr. HUGHES, Mr. PETERSON of Minnesota, Mr. FILNER, Mr. FROST, Mr. FISH, Mr. ENGEL, Mr. PARKER, and Ms. FURSE.

H.R. 1563: Mr. LAZIO, Mr. PETERSON of Minnesota, and Ms. FURSE.

H.R. 1566: Mr. FROST.

H.R. 1580: Mr. MCDERMOTT.

H.R. 1600: Mr. ZIMMER, Mr. WYNN, Mr. HINCHEY, Ms. ROYBAL-ALLARD, and Mr. LIPINSKI.

H.R. 1608: Mr. BARCIA, Mr. BEVILL, Mr. BERMAN, Mr. CARDIN, Mr. CLINGER, Mr. ENGLISH of Oklahoma, Mr. GALLEGLY, Mr. HAMBURG, Mr. KLEIN, Ms. MALONEY, Mr. MARTINEZ, Mr. MATSUI, Mr. MURPHY, Mr. TRAFICANT, Mrs. UNSOELD, and Mr. WHITTEN.

H.R. 1638: Mr. FILNER, Mr. LIPINSKI, and Ms. EDDIE BERNICE JOHNSON.

H.R. 1670: Mr. KYL.

H.R. 1687: Mr. EVANS and Mrs. UNSOELD.

H.R. 1697: Mr. GIBBONS, Mr. SARPALIUS, Mrs. LLOYD, Mr. TANNER, Mr. LEWIS of Georgia, Mr. MCCLOSKEY, and Mr. VALENTINE.

H.R. 1709: Mr. BURTON of Indiana, Mr. HOCHBRUECKNER, Mr. PARKER, Mr. SENSENBRENNER, Mr. SPENCE, and Ms. VELÁZQUEZ.

H.R. 1738: Ms. THURMAN.

H.R. 1744: Mr. FOGLIETTA, Mr. SCOTT, Mr. COLEMAN, and Ms. MCKINNEY.

H.R. 1747: Mr. BAKER of Louisiana, Mr. CLINGER, and Mr. WALSH.

H.R. 1761: Mr. CLINGER.

H.R. 1762: Mr. CLINGER.

H.R. 1763: Mr. CLINGER.

H.R. 1764: Mr. CLINGER.

H.R. 1766: Mr. BEREUTER.

H.R. 1768: Mr. CLINGER.

H.R. 1769: Mr. CLINGER and Mr. SPRATT.

H.R. 1772: Mr. CLINGER.

H.R. 1773: Mr. CLINGER.

H.R. 1774: Mr. BEREUTER and Mr. KYL.

H.R. 1778: Mr. BATEMAN.

H.R. 1783: Mr. FIELDS of Texas.

H.R. 1793: Mr. CONYERS, Mr. BLACKWELL, Mr. DEFAZIO, Mr. INSLEE, Mr. OLVER, Mr. VENTO, Mr. LAFALCE, and Mr. PAYNE of New Jersey.

H.R. 1794: Mr. ORTON.

H.R. 1800: Mr. BLACKWELL, Ms. PELOSI, Mr. TOWNS, Mr. PETERSON of Minnesota, Ms. VELÁZQUEZ, and Mrs. COLLINS of Illinois.

H.R. 1840: Mr. GREENWOOD, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SCHIFF, Mr. LEWIS of Florida, Mr. KING, Mr. BEILENSON, Mr. EWING, Mr. YATES, Mr. FRANKS of New Jersey, Mr. PARKER, and Mr. GOSS.

H.R. 1865: Mr. FALEOMAVAEGA.

H.R. 1883: Mr. SENSENBRENNER, Mr. ROTH, Mr. LEHMAN, Mr. LEACH, Mr. KLINK, Mr. DEUTSCH, Mr. SHAW, and Mr. KILDEE.

H.R. 1890: Mr. EDWARDS of California, Mr. WELDON, Mr. HOCHBRUECKNER, Ms. LONG, Mr. HALL of Ohio, Mr. WHEAT, Mrs. COLLINS of Illinois, Mrs. MORELLA, Mr. LAROCCO, Mr. CLYBURN, Mr. STUPAK, and Mr. LANCASTER.

H.R. 1900: Mr. MINETA, Mr. SPRATT, Mr. SANGMEISTER, Mr. BONIOR, Mr. TRAFICANT, Mr. MATSUI, Mr. RAVENEL, Mr. STUPAK, Mr. SPENCE, Mr. PARKER, Mr. SLATTERY, Mr. DERRICK, Mr. BOEHLERT, and Mr. VOLKMER.

H.R. 1944: Mr. PASTOR, Mr. LIPINSKI, Mr. TEJEDA, Mr. BEREUTER, and Mr. FROST.

H.R. 1950: Mr. HUTCHINSON, Mr. BARTLETT, Mr. HYDE, Mr. KING, Mr. PAXON, Mr. TAYLOR of North Carolina, Mr. DORNAN, Mr. LIGHTFOOT, and Mr. CRAPO.

H.R. 1957: Mr. PENNY, Mr. GALLEGLY, Mr. LIPINSKI, Mr. SANTORUM, Mr. KLUG, Mr. WELDON, Mr. HOAGLAND, Mr. PETE GEREN, Mr. ZIMMER, Mr. DOOLITTLE, and Mr. WALSH.

H.R. 1966: Mr. SYNAR, Mr. FRANK of Massachusetts, and Mr. LIPINSKI.

69-059 O—97 Vol. 139 (Pt. 7) 50

H.R. 1967: Mr. BREWSTER, Mr. WALSH, Mr. RAVENEL, and Mr. GILLMOR.

H.R. 1969: Mr. SYNAR and Mr. FRANK of Massachusetts.

H.R. 1970: Mr. BREWSTER, Mr. WALSH, Mr. RAVENEL, and Mr. GILLMOR.

H.R. 1986: Mr. TOWNS, Ms. MALONEY, Mr. WALSH, Mr. FROST, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1987: Mr. EVANS and Mrs. LLOYD.

H.R. 1996: Mr. WALSH.

H.R. 1999: Mr. RAVENEL, Mr. INSLEE, Mr. CLYBURN, Mr. COOPER, Mr. BATEMAN, and Mr. BARLOW.

H.R. 2010: Mr. BARCIA, Mr. BONIOR, Mr. CARDIN, Mr. CONYERS, Mr. DELLUMS, Mr. DINGELL, Mr. DIXON, Mr. EDWARDS of California, Mr. FORD of Tennessee, Mr. GEPHARDT, Mr. GIBBONS, Mr. KANJORSKI, Ms. KAPTUR, Mr. KLECZKA, Mr. LEHMAN, Mr. LEVIN, Mr. MCCLOSKEY, Mr. MARKEY, Mr. MEEHAN, Mr. MOAKLEY, Mr. NATCHER, Mr. NEAL of Massachusetts, Mr. OLVER, Mr. POMEROY, Ms. ROYBAL-ALLARD, Mr. SABO, Mr. SCHUMER, Mr. SMITH of Iowa, Mr. TORRICELLI, Mr. TUCKER, Mr. WYDEN, Mr. YATES, Mr. FINGERHUT, Mr. FROST, Mr. DEFAZIO, Mr. KOPETSKI, Miss COLLINS of Michigan, and Mr. DURBIN.

H.R. 2025: Mr. HERGER.

H.R. 2113: Mr. KIM, Mr. EWING, Mr. HOBSON, and Mr. PETERSON of Minnesota.

H.R. 2127: Mr. MCHUGH, Ms. BYRNE, Mr. GREENWOOD, Mr. STRICKLAND, and Ms. THURMAN.

H.J. Res. 20: Mr. ROSTENKOWSKI, Mr. SWIFT, Mr. ROSE, Mr. JACOBS, Mr. START, Mr. COLEMAN, Mr. SANDERS, Mr. POSHARD, Mr. POMEROY, Mrs. UNSOELD, and Mr. WYDEN.

H.J. Res. 44: Mr. HUTTO.

H.J. Res. 59: Mr. HEFLEY.

H.J. Res. 67: Mr. DE LUGO.

H.J. Res. 75: Mrs. VUCANOVICH, Ms. THURMAN, Mr. PETE GEREN, and Mr. FIELDS of Louisiana.

H.J. Res. 78: Mr. BARLOW Mr. BILIRAKIS, Mr. BROWDER, Mr. CLEMENT, Mr. CLINGER, Mr. DINGELL, Mr. HANSEN, Ms. KAPTUR, Mr. LAROCCO, Mr. LEACH, Mr. MARKEY, Mr. MFUME, Mr. NEAL of North Carolina, Mr. OBERSTAR, Mr. REED, Mr. SCHENK, Mr. UNDERWOOD, and Ms. VELÁZQUEZ.

H.J. Res. 80: Mr. CASTLE, Mr. COBLE, Mr. COX, Mrs. COLLINS of Illinois, Mr. DIAZ-BALART, Mr. EVERETT, Mr. FAZIO, Mr. FORD of Michigan, Mr. KINGSTON, Mr. LEWIS of Florida, Mr. MARTINEZ, Mr. MCDADE, Mr. OXLEY, Mr. RICHARDSON, Mr. ROGERS, Mr. ROWLAND, Mr. ROYCE, Mr. SAXTON, Mr. SKEEN, Mr. SMITH of New Jersey, Ms. SNOWE, Mr. SOLOMON, Mr. VOLKMER, Mr. BAKER of California, Mr. CONYERS, Mr. CRANE, Mr. DEFAZIO, Mr. GREENWOOD, Mr. HEFNER, Mr. HILLIARD, Mrs. KENNELLY, Mr. LEVIN, Mr. LIVINGSTON, Ms. LOWEY, Mr. OWENS, Mr. REGULA, Mr. SCHIFF, Mr. DREIER, Mr. DELAY, Mr. LAZIO, Mr. HOYER, Mr. FRANKS of New Jersey, Ms. FOWLER, Ms. DUNN, Mr. SHUSTER, Mr. SMITH of Texas, Mr. EWING, Mr. FIELDS of Texas, Mr. GILLMOR, Mr. GOODLING, Mr. GRANDY, Mr. HERGER, Mr. MCCANDLESS, Mr. POMBO, Mr. SUNDQUIST, Mr. DUNCAN, Mr. GEKAS, Mr. GUNDERSON, Mr. SHAW, Mr. PAXON, Mr. HUNTER, Mrs. JOHNSON of Connecticut, Mr. KASICH, Ms. MOLINARI, Mr. YOUNG of Florida, Mr. RAHALL, Mr. THOMAS of Wyoming, Mr. LEVY, Mr. STEARNS, and Mr. DORNAN.

H.J. Res. 84: Mr. HAYES.

H.J. Res. 86: Mr. MAZZOLI and Mr. MYERS of Indiana.

H.J. Res. 139: Mrs. ROUKEMA.

H.J. Res. 142: Mr. FALEOMAVAEGA.

H.J. Res. 162: Mr. DOOLITTLE, Mrs. ROUKEMA, Mr. SLATTERY, Mr. COBLE, Mr. TRAFICANT, Mr. WALSH, Mr. NEAL of Massachusetts, Mr. MURPHY, Mr. PAYNE of New Jersey, Mr. JEFFERSON, Mr. HUTTO, Mr. OLVER, Mr. STUMP, Mr. PARKER, Mr. MURTHA, Mr. PICKETT, Mr. HALL of Texas, Mr. GINGRICH, Mr. BLILEY, Mr. BONIOR, Mr. GENE GREEN, Mr. FAWELL, Mr. BAESLER, Mr. LIVINGSTON, Mr. KILDEE, Mr. MCCLOSKEY, Mrs. MINK, Mr. LIGHTFOOT, Mrs. MORELLA, Mr. THOMPSON, Mr. TOWNS, Mr. APPLEGATE, Mr. RICHARDSON, Mr. LEACH, Mr. MONTGOMERY, Mr. ANDREWS of New Jersey, Mr. BATEMAN, Mr. REED, Mr. HEFNER, Mrs. MEYERS of Kansas, Mr. BREWSTER, Mr. INHOFE, Mr. DEUTSCH, Mr. HUGHES, Mr. GREENWOOD, Mrs. UNSOELD, Mr. BARCIA, Mr. YOUNG of Florida, Mr. QUINN, Mr. COLEMAN, Mr. HOBSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. EVANS, Mr. MANTON, and Mr. FISH.

H.J. Res. 165: Mr. SISISKY, Mr. EMERSON, Mr. TRAFICANT, Mr. DEUTSCH, Mr. FALEOMAVAEGA, Mr. MYERS of Indiana, and Mr. MCDADE.

H.J. Res. 166: Mr. PETERSON of Minnesota, Mrs. CLAYTON, Mr. ANDREWS of New Jersey, Mr. MARTINEZ, and Mr. FISH.

H.J. Res. 188: Mr. LEWIS of Florida, Mr. ROSE, Mr. LAFALCE, Mr. SAWYER, Mr. WAXMAN, Mr. HUGHES, Mr. TAYLOR of Mississippi, Mr. PRICE of North Carolina, Mr. BEVILL, Mr. VENTO, Mr. TEJEDA, Mr. BILIRAKIS, Mr. COSTELLO, Mr. BACHUS of Alabama, Ms. MCKINNEY, Mrs. MEEK, Mr. FALEOMAVAEGA, and Mr. ENGEL.

H.J. Res. 193: Mr. PARKER, Mr. CARDIN, Mr. SLATTERY, Mr. PAYNE of New Jersey, Mr. ANDREWS of Maine, Mr. MANN, Mr. OBERSTAR, Mr. CARR, and Mr. HILLIARD.

H.J. Res. 194: Mr. DE LUGO, Mr. NEAL of Massachusetts, Mr. BROWDER, Mr. COYNE, Mr. CLYBURN, Mr. GINGRICH, Mr. HEFNER, Mr. WOLF, Mr. LIPINSKI, Ms. BROWN of Florida, Mr. TOWNS, Mr. VALENTINE, and Ms. PELOSI.

H. Con. Res. 26: Mr. MOAKLEY.

H. Con. Res. 52: Mr. BROWN of Ohio, Mr. DARDEN, Ms. MALONEY, Mr. KINGSTON, Mr. JOHNSON of Georgia, Ms. MOLINARI, Mr. BECERRA, Mr. MURTHA, Mr. OLVER, Mr. SYNAR, Mr. GREENWOOD, and Mr. SKAGGS.

H. Con. Res. 70: Mr. WILLIAMS.

H. Con. Res. 95: Mr. SANGMEISTER, Ms. MEEK, Mr. HAMBURG, Ms. PELOSI, Mr. COLEMAN, Mr. DELLUMS, Ms. ESHOO, Mr. POSHARD, Mr. WALSH, and Mr. FROST.

H. Con. Res. 99: Mr. WILLIAMS, Mr. HALL of Ohio, Mr. LIPINSKI, Ms. MALONEY, Mr. REED, Mr. EVANS, Mr. SPENCE, and Mr. BILBRAY.

H. Con. Res. 100: Mr. HYDE, Mr. KOPETSKI, Mr. RICHARDSON, and Mrs. ROUKEMA.

H. Con. Res. 102: Mr. OBERSTAR and Mr. SPENCE.

H. Res. 22: Mr. SHAYS, Mr. LIVINGSTON, Mr. BARRETT of Nebraska, Mr. BOEHNER, Mr. JACOBS, Mr. BALLENGER, Mr. POSHARD, and Mr. FRANK of Massachusetts.

H. Res. 38: Mr. GEJDENSON.

H. Res. 99: Mr. PAXON.

H. Res. 100: Mr. PAXON.

H. Res. 127: Mr. SANGMEISTER.

H. Res. 135: Ms. LONG.

H. Res. 165: Mr. HYDE, Mr. ENGEL, Mrs. KENNELLY, Mr. BATEMAN, and Mr. ZIMMER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1914: Mr. GRAMS.

EXTENSIONS OF REMARKS

TRIBUTE TO KATHY LOGAN

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. TRAFICANT. Mr. Speaker, I rise today in honor of a heroine in my district. I rise in tribute to Kathy Logan.

Mr. Speaker, Mrs. Logan is a well-respected busdriver for the Joseph Badger Local School District in Ohio. On March 11, 1993, while finishing her first bus run of the afternoon, Mrs. Logan waved to her friend, Mr. Bill Wood. As usual, Mr. Wood returned her greeting. His wave, however, was different, this time, she thought. This time, he appeared desperate.

Mrs. Logan pulled her bus into his driveway and found him trapped under a piece of heavy equipment. Realizing that she would be unable to free him herself, she used the bus phone to dial the local emergency ambulance as well as her son and husband.

While waiting for help to arrive, Mrs. Logan fired up a skid steer and attempted to lift the equipment with the pronged vehicle. To her chagrin, the hydraulic fluid in the machine was cold and her efforts to free her friend were unsuccessful. Her husband and son eventually arrived, but by then the fluid warmed and, as a child watched from the bus, the equipment was lifted off Mr. Wood.

Mr. Speaker, it is acts of courage like these that reassure all of us that there is still a caring heart beating in society. I commend Mrs. Logan on her selfless act of heroism.

TOWN OF GREENVILLE, NY, HONORS RETIRING HIGHWAY SUPERINTENDENT GEORGE H. ALLEN

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. SOLOMON. Mr. Speaker, I'd like to say a few words about a really special person, a man I'm proud to call a friend.

George H. Allen is retiring after 18 years of outstanding service to the town of Greenville, the last 16 years as superintendent of highways.

What I consider special about George Allen is the fact that his contribution to his community has gone far beyond his role as highway superintendent.

His outstanding record as superintendent would be enough, but George Allen has done more.

He's a life-long resident of Greene County and attended Greenville Central School. He's a member of the Greenville Congregational Church and longtime member of the Greenville Republican Club. George Allen, if I may say so, is one of the reasons the Republican Party is so respected in Greenville.

Last but not least is his service with the Freehold Volunteer Fire Co. I've spent more than 20 years in the volunteer fire company of my own hometown, and I can appreciate the sacrifices of every single volunteer firefighter in the district.

On top of everything else Mr. Allen has been a solid family man. His retirement will give him more time to spend with his son, his two daughters, and his two grandchildren. And we can expect him to do a little more hunting and fishing.

Mr. Speaker, this Saturday a retirement party will be held, but I would like this House to pay its own special tribute to an outstanding public servant. And so I ask all Members to join me in honoring George H. Allen, and in wishing him many enjoyable years of retirement after a job well done.

RURAL ECONOMIC DEVELOPMENT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, May 19, 1993, into the CONGRESSIONAL RECORD:

RURAL ECONOMIC DEVELOPMENT

There is much concern today, both in Washington and around the country, about the economic health of rural communities in the United States. During the past decade, rural areas were hit hard by many of the problems that hurt the national economy as well as by some that were unique—high interest rates and debt burdens, factory closings and competition from low-cost foreign manufacturing, a strong dollar that hurt U.S. exports, the recent credit crunch and bank closings, budget stresses that eroded government investment in infrastructure and education, and low prices of farm products and farm land.

I travel around rural Indiana probably as much as any other government official and I have a great appreciation of the strengths of rural life. Small towns in southern Indiana can be excellent places to make a home, to earn a living, to raise children, to enjoy the countryside, to build close personal and family ties, and to escape urban pressures. But I am also well aware of the problems that need to be addressed—economic development, job creation, schools, poverty, roads, water and sewer systems, health care, among others. The 1980s were difficult for rural communities. They had more unemployment than urban areas, lower incomes, and higher poverty rates. In only three counties of southern Indiana do workers earn more than the state average. I talk to too many people wanting better paying jobs and see too many vacant shops and plants not to be concerned.

I recently held a Joint Economic Committee field hearing on the state of the economy and the prospects for economic development in rural communities of southern Indiana. The testimony of the witnesses raised some concerns but also gave reasons to be optimistic about the future.

Rural Outlook: The U.S. Department of Agriculture (USDA) thinks certain trends will dampen rural development and job creation in the 1990s. One is the long-term decline in traditional rural industries, which means fewer jobs in agriculture, forestry, fishing, and mining. More rural counties today depend on manufacturing than farming as their major source of income. Of the fifteen rural counties in the 9th District, only one is classified by USDA as farming (Union), compared to eight classified as manufacturing (Bartholomew, Dubois, Fayette, Jackson, Perry, Ripley, Switzerland, Washington). But rural manufacturing is being hurt by foreign competition. Many of these jobs are lower-wage and lower-skill and we have been losing them in recent years to foreign factories. Rural wages and incomes will keep falling behind unless rural factories adopt new technologies and become more competitive. Rural areas will also have to find some way to attract service jobs, since much job growth in the 1990s will be in high-tech service industries. USDA says that the outlook is brightest for rural areas adjacent to large, growing metropolitan areas and those with natural amenities attractive for recreation, tourism, or retirement.

Federal Efforts: The federal government can do several things to help rural economic development. It can improve the general climate for development by increasing investments in training and infrastructure—not just improving roads, sewers, and bridges but also investing in new communications technologies that will help link rural communities to urban centers. It should expand "manufacturing extension" efforts, which, like the successful agricultural extension program, would help bring the latest manufacturing techniques to smaller firms. The federal government should also reduce the budget deficit, since that will lower interest rates and thus encourage greater investment. And it should ensure that world trade is fair and that markets remain open to our products. The federal government could also expand its traditional rural development programs. President Clinton and his new Secretary of Agriculture, Mike Espy, have both expressed their interest in giving higher priority to rural economic development and are expected to put together and initiative this year.

Although such steps can help, I have come to the view that legislation at the federal level generally has a limited impact on rural development. Federal assistance is not the key to rural economic growth. The federal government can improve the overall climate for economic growth and can be a partner in many ways, but far more important are an entrepreneurial spirit and the role of state and local leaders. People in a particular community have the best sense of what will work for them. Rural development efforts must be based upon an area's economic, so-

cial, cultural, organizational, and political realities. What works well in one area might not in another.

State Efforts: The State of Indiana is making serious efforts to support rural economic development. Governor Bayh has developed a number of initiatives that will strengthen rural communities, including better education and job training opportunities, state incentives for new business and support for local development organizations, programs to improve local infrastructure, and better access to health care in rural areas. Indiana's commitment to rural development is evidenced by its being one of the few states to have a Rural Development Council and Rural Economic Development Review Board, which bring together government officials at all levels with private organizations to coordinate economic development efforts.

Local Leadership: In the end, the initiative for change and the commitment to carry it out must come from local communities. I am increasingly impressed by how one community can succeed while one next to it, with similar resources, struggles. The success of a community will only be as great as the energy and skills of its members. The key is often old-fashioned initiative and entrepreneurship. And often the best strategy for a community is to build upon its economic activities in recent years—a farming community, for example, not trying to attract a major new industry but looking into the opportunities offered by value-added agricultural products.

We are fortunate to have a major rural development undertaking going on in southern Indiana, the Southern Indiana Rural Development Project. Some thirty local business and community leaders have volunteered to develop a strategy to promote long-term economic growth and development. They will first assess the region and make comparisons to similar areas in order to identify the best job opportunities, and then will recommend appropriate policies and strategies. The project will take time, but it is an encouraging development and will involve many Hoosiers from our area.

Conclusion: There is no simple solution to rural economic development. It takes the involvement of many people on a variety of levels—federal, state, and local; public and private—and a lot of hard work. There is no universal "right" way to organize a sound rural development program. While there are common lessons that apply, each area must find its own appropriate way.

A TRIBUTE TO CARMELA "MILLIE" GATTO

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. KLEIN. Mr. Speaker, I rise today to pay tribute to an outstanding citizen of the Eighth District of New Jersey, Ms. Millie Gatto. This hard-working and dedicated woman has served the community of Passaic with distinction for more than 35 years.

Millie was a member of the Passaic City Democratic Club from 1958 through 1986. During that time, Millie served as treasurer, vice president, and president of this organization. While fulfilling her term as treasurer, she also served as treasurer of the Passaic County Democratic Women's Division, of which she later became second vice president.

Today, Millie continues her exemplary work for the people of Passaic. She is currently the municipal leader of the city of Passaic, as well as the vice chairperson of the Passaic County Democratic Committee. Millie is also presently the Passaic County Democratic Commission secretary. Millie has been a virtue to the Democratic Party of New Jersey, but her service to our community extends far beyond her party loyalties.

Born and raised in Passaic, NJ, Millie has taken pride in the preservation of the history of Passaic as a former member of the Aquackanonk Landing and Historical Development Commission and a former member of the Passaic Historical Commission. Millie has also reached out to help those less fortunate in all of Passaic County as a former member of the senior advisory council on aging, a former member of the Passaic Human Relations Commission and a former commissioner of Camp Hope. Millie is currently a member of the Passaic Heart Foundation, fervently trying to raise funds to cure all heart-related diseases.

Mr. Speaker, I am honored to have such a wonderful woman dedicating so much time to the betterment of our community. I would like to thank Ms. Millie Gatto for representing the Democratic Party of Passaic, as well as for her selfless contributions to those in need in our community. I hope my colleagues will join me in congratulating Millie for her accomplishments and wishing her the best for the future.

TRIBUTE TO BELLEVILLE SHOE MANUFACTURING COMPANY

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. COSTELLO. Mr. Speaker, I rise today in honor of Small Business Week. Small businesses across our Nation deserve to be recognized and honored for their contributions to the economy. Small companies create 2 of every 3 new jobs, produce 40 percent of the gross national product and invent more than half of all our country's technological innovations.

I would like to call my colleagues' attention to a company in my congressional district in Illinois, Belleville Shoe Manufacturing Co. Belleville Shoe was recently named Prime Contractor of the Year for 1993. They were also the recipient of the Defense Quality Excellence Award in 1991.

Belleville Shoe is a family-owned Illinois manufacturing company that was founded in 1904. The company's principal product is U.S. specification combat boots and in fact is this country's oldest continual manufacturer of military footwear. During the gulf war, the company shipped newly designed desert footwear to U.S. forces faster than any other manufacturer. In the post-cold war era, safety footwear is Belleville Shoe's newest product line.

I would like to congratulate Eric Weidmann and all employees of Belleville Shoe on their hard work and dedication. I hope my colleagues will join me in recognizing their accomplishments and the achievements of small businesses nationwide.

RELIGIOUS FREEDOM RESTORATION ACT

HON. SAM COPPERSMITH

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. COPPERSMITH. Mr. Speaker, I rise today to speak in favor of passage of the Religious Freedom Restoration Act.

This law will protect America's most fundamental liberty, the first of our freedoms articulated in the Bill of Rights: the free exercise of religion.

In Employment Division versus Smith, the U.S. Supreme Court abandoned 30 years of precedent that required the Government to demonstrate a compelling interest before it could restrict the free exercise of religion. The Religious Freedom Restoration Act restores the compelling state interest test to free exercise jurisprudence.

The Court's startling rereading of the free exercise clause in Employment Division versus Smith disregarded the importance in our society of religion and our primary need for freedom to practice one's faith. The first amendment to the Constitution provides that every citizen can believe and practice his or her beliefs without fear of casual or unnecessary governmental interference. The new doctrine, recently announced by a divided Court, makes the exercise of religious belief subject to reasonable regulation. Rights so personal and fundamental should not be subject to the whim of the majority—which is exactly the reason why the Framers protected these rights in the Constitution.

The Framers recognized that religious freedom means more than the freedom to believe. It also means the freedom to act upon one's faith as well. This act ensures that neutral laws of general applicability cannot become direct or indirect vehicles to suppress the expression of religious belief.

This act restores the longstanding comprehensive and robust reading to the free exercise clause, which we need now more than ever to protect citizens from the power of the modern state. Many Federal, State, and local laws and regulations that can affect religion, such as zoning, historical landmarking, prisons, mandatory autopsies, discrimination, and minority rights, which can become pervasive. Such laws can burden not only small minorities but also many so-called mainline denominations. With this act, laws that burden religious freedom must meet a higher standard, the strict scrutiny test.

With this legislation, the Congress will take an important step to restore our first freedom, the free exercise of religion. After Smith, not only was our first freedom no longer first, it was scarcely a true and full freedom. This act brings renewed life to the promise of religious freedom of the first amendment.

TRIBUTE TO WILBUR AND MARY WIRE

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. TRAFICANT. Mr. Speaker, I rise today in tribute to Mr. and Mrs. Wilbur E. Wire who recently celebrated their 50th wedding anniversary.

Mr. Speaker, last Christmas Eve marked the couple's golden anniversary. It was celebrated by their three children, Jimmy Wire, John and Carole Wire, and Barbara Stacy. The couple's four grandchildren, Keith Wire, Brooke Wire, Gary L. Stacy, and James H. Stacy also joined in the festivities.

Mr. Speaker, I am proud of how Wilbur and Mary Wire perservered through 50 years of ups and downs, including World War II. I believe it is faithful couples like the Wires that provide a paradigm for their future generations. I would like to take this special opportunity to congratulate them on their anniversary.

MIKE LACROSS HAS MADE A DIFFERENCE IN HUDSON FALLS

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. SOLOMON. Mr. Speaker, as you know, I like to single out people who should get a lot more recognition than they do. In fact, they don't really seek recognition. They simply do their job and do it well without a great deal of fanfare. And they add something to the communities in which they live.

Such an individual is Mike LaCross of Hudson Falls, NY.

Mike lived for 10 years in New Mexico but returned to his hometown. He's spent the last decade authoring children's fiction, much of which is set in our area. One of his biggest contributions is his role in founding the Feeder Canal Alliance in 1987, a group dedicated to preserving the canal as a park.

Several years ago Mike came to Washington to interview me for the Moreau Sun, for whom he worked as a reporter. I was impressed with the way he conducted himself and with his grasp of the issues. The resulting story was fair and thorough. It was rather typical of his work for the Sun. It was Mike who broke the story of the Washington County Board of Supervisors revising its weighted voting system in 1992.

Those of us who have looked forward to his articles in the Sun were sorry to hear that health problems will force Mike to leave the Sun and return to New Mexico. We all hope his health improves enough to allow Mike to return home once again.

Mr. Speaker, I ask you and all Members to join me in wishing Mike LaCross good health, a speedy recovery, and best wishes in whatever he dedicates himself to in the future.

JOHN BRADEMAS, NEW CHAIRMAN OF NATIONAL ENDOWMENT FOR DEMOCRACY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. HAMILTON. Mr. Speaker, I rise today to draw the attention of my colleagues to the appointment of a fellow Hoosier, and a distinguished former colleague, John Brademas, to the chairmanship of the National Endowment for Democracy [NED].

The Endowment is a very important institution for U.S. foreign policy in the post-cold war era, and John Brademas is an excellent choice to be its chairman.

John Brademas, most recently the president emeritus of New York University, served as president of the university from 1981 to 1992. Before going to New York, Brademas was a member of the House for 22 years, from 1959 to 1981, as the representative of Indiana's Third Congressional District. For the last 4 years of his House career, Brademas was House majority whip. Many of us in Congress remember John Brademas for his strong leadership on education issues, services to older persons and the handicapped, and support for the arts and humanities.

Brademas takes on new challenges at the Endowment, a private nonprofit organization created by Congress in 1983 under the leadership of another of our former colleagues, Dante Fascell. NED has established itself around the world in the field of democracy building. It has projects operating not only in the former Soviet Union, Eastern and Central Europe, but it also is helping to build the foundations of democratic institutions in Africa, Asia, and the Middle East.

The spread of democracy is a key component of American foreign policy, and the Endowment is playing a pivotal role in that effort. With the leadership of John Brademas, who brings with him a wealth of experience in politics and education, the Endowment's efforts are sure to be even more successful.

A TRIBUTE TO THOMAS ELECTRONICS, INC.

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. KLEIN. Mr. Speaker, I rise today to pay special tribute to the 1993 recipient of the Small Business Administration's Subcontractor of the Year Award, Thomas Electronics, Inc., and its chief executive officer, Harold A. Ketchum. Headquartered in Wayne, NJ, Thomas Electronics has been working for the district, State, and the entire country for over 40 years.

Thomas Electronics has truly led the way as a pioneer of cathode ray tube [CRT] design and manufacture. The military, commercial, and industrial communities have all used CRT's and related assemblies from Thomas Electronics. An example of their recent innovation is the incorporation of backlighting for liquid crystal displays into their product line.

CRT's developed by Thomas Electronics are vital in maintaining the safe and speedy flow of travel at the world's busiest airports. The cockpit displays they light up enable modern aircraft to take off and land only minutes apart.

America's manned space program has also benefited from innovation by Thomas Electronics. CRT's furnished by Thomas Electronics have been used as part of the Gemini and Skylab projects, as well as in the space shuttle orbiter.

Each year, the Small Business Administration honors a select few small businesses who supply the Federal Government with goods and services. Subcontractors are nominated by larger prime contractors.

To win this award, Thomas Electronics was rated on many different facets of its organization. These criteria include: management, financial stamina and controls, labor relations, customer interface, technical capabilities, resource utilization, cost performance, delivery performance, quality performance, and an overall evaluation of special achievements and exceptional results.

Since becoming the director of Thomas Electronics in 1960, Harold Ketchum has sought excellence in all facets of the company. In 1967 he purchased the company and has guided its operation.

Congratulations to Thomas Electronics and Harold Ketchum for being named the Small Business Administration's Subcontractor of the Year. I hope that this company's success continues for years to come.

SALUTE TO JOHN MARINO

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. SCHUMER. Mr. Speaker, a friend to all New Yorkers, John Marino, is resigning his post as chairman of the New York State Democratic Committee. John's departure will leave a void in the State's political landscape that will be hard to fill. He's been an effective leader over the past 4 years in helping to cultivate and shape New York State's Democratic Party into a formidable force and advocate for change.

Under John's guidance last November, the State's voters gave President Clinton one of his largest winning margins.

As an advisor, John helped steer Mario Cuomo's campaign to the statehouse in Albany and hoist the Governor into the national political spotlight.

John may have risen to top of the State's Democratic Party, but his roots are humble and firmly planted in the State and city in which he was born: New York. After graduating from Fordham University in 1970, John earned an M.S. from Iona College 3 years later and then an M.B.A. from New York University in 1981.

Service has always been a big part of John's life. For 5 years, from 1970 to 1975, he taught social studies and reading to students

in the New York City public schools before moving into the political world working for Gov. Hugh Carey and the Governor Cuomo.

Perhaps most importantly of all, John has handled his job with a unique blend of dedication and humor. At times he yelled at us, at times he joked with us, but we always knew he was doing what was best for the Democrats of New York.

After doing so much for the people of his home State, John is moving on to the private sector. We wish John, his wife Donna, and young daughter Sara all the best, because the best is what John gave to the people of his home State. Democrats from Suffolk County to Erie County, from Clinton County to Richmond County will miss you.

TRIBUTE TO CHARLIE WILLIAMS

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. DURBIN. Mr. Speaker, I would like to take a moment to recognize the distinguished career of Mr. Charlie Williams who is retiring after 38 years as a dedicated member of the Machinists Union.

Charlie, Grand Lodge representative and Midwest States political director of the Machinists Union, was born in Arbyrd, MO, on May 24, 1931. He and his wife Joan have 10 children and 10 grandchildren.

After serving 4 years in the U.S. Navy as an aircraft mechanic in the Korean war, Charlie joined the Machinists Union. He went on to become very active in union organizing and served in many distinguished positions such as officer of the Legislative and MNPL Committee, sentinel, and assistant head steward.

Charlie also became active in politics working for "Draft Kennedy" in 1980 and serving as Illinois State labor chairman of the Democratic Party. In 1988, Charlie worked to get 63 union representatives to the Democratic National Convention—three times more union delegates than ever before.

Charlie has dedicated his life to the union organization, serving on numerous committees, attending many union conventions, and working hard to improve the union. Charlie is a good friend and a man of tremendous integrity. I admire the commitment he has demonstrated through his years of union service.

TRIBUTE TO THREE VOLUNTEER FIREFIGHTERS

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. COSTELLO. Mr. Speaker, I rise today to bring to the attention of my colleagues the exemplary service of three volunteer firefighters in my congressional district. Jeff Kaiser, Alan Render, and Dale Barschak are volunteer firefighters for the Signal Hill Fire Department in my hometown of Belleville, IL.

These brave individuals will be awarded the Medal of Valor in a presentation at the Signal Hill Fire Department on Sunday, May 23, 1993. They are being honored in recognition of their daring rescue of three residents from a burning home.

As a member of the congressional fire services caucus, I recognize the importance of fire departments nationwide. Formed in 1987, the caucus addresses issues relating to fire, life safety and emergency response. The Congress and fire service are united behind a single agenda of concentration on the fundamental goal of a fire-safe America.

I ask my colleagues to join me as I applaud these fine individuals who have proudly and valiantly provided emergency services to the Belleville community.

RECOGNITION OF SUSAN DANYELLE KNIGHT, NATIONAL WINNER OF 1993 VOICE OF DEMOCRACY PROGRAM

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. BAKER. Mr. Speaker, it is my privilege to recognize and congratulate a constituent, Ms. Susan Danyelle Knight for placing 10th out of over 136,000 high school students in the Voice of Democracy Broadcast Scriptwriting Program sponsored by the Veterans of Foreign Wars of the United States and its Ladies Auxiliary. Ms Knight is a senior at Scotlandville Magnet School in Baton Rouge. She was required to write and record a 3 to 5 minute script on this year's theme: "My Voice in America's Future." She was awarded the Joseph O. Hansen Memorial Scholarship for her extraordinary work. It is my great pleasure to submit her award winning speech, as follows:

MY VOICE IN AMERICA'S FUTURE

So many voices have sounded their echo throughout the pages of our nation's history. Men and women of vision—unafraid to speak the truth, have molded a great sculpture from the clay of our resources, a sculpture of unity within diversity, of courage despite hardship, of freedom above all else. Now we exist ever changing in form, a nation unlike all others, created from the loving breath of God and our forefathers and fostered by generations of freedom-living people.

I have grown as an individual among the benefits of our democratic America. A youth in a land of opportunities, I have enjoyed an education which will allow me to experience the height of my aspirations. I will draw out the best our nation has to offer with determination and perseverance but will not hoard this country's wealth with a selfish spirit of personal gain. For we Americans have been called to a higher aim, and I will not deny this calling. In a country of abundance, so many lack physically, mentally, economically, and spiritually, the stability which I have always known. As in the earliest days of America's development, there are evils yet to fight. Poverty inflicts its pain into the hearts of our people. Crime is born from the midst of America's forgotten souls. Starvation is no unknown peril, but real in the lives of too many. And ignorance fuels the cycle of degradation, hopelessness, and death.

My voice is only a whisper in the clamor of our big cities. My voice is only one sound but will not be muffled by complacency. My voice will project its cry in memory of those now silent voices of the past who unafraid sparked boldly the fire of democracy.

I wish to transcend the differences of race, sex, and political preference to reach the heart of America's problems. During my lifetime I will speak of change and act on change. I will dedicate myself to helping the common men who built this nation out of wilderness and for generations have kept America vibrant and strong. I want to speak out for a greater emphasis on education, which can free the hopeless from their bonds of poverty. I will teach the children of America that life, liberty, and the pursuit of happiness are not goals out of their reach, but all within grasp of their yearning hands. I want to be the social worker that builds playgrounds out of inner city alley-ways, the politician that speaks truth from our government podiums, and the parent that raises her children to love and care for the liberty of America.

I will also wish to use my voice to inspire a closer kinship between the U.S. and the other countries of the world. We must learn from the nations around us and grow from interaction and friendly communication with their governments. As we have always been a beacon of light for the "tempest tossed" America must remain a land of golden opportunities nurturing freedom for all people and willing to see the common good done for all mankind.

My voice is young and full of hope for the future. Listen America to the song of youth which rises today within your bosom. This generation has a chance to help your people, to strengthen your structure, to proclaim your name throughout the world. I will be a voice in the chorus calling for an end to discrimination, suffering, poverty, and ignorance—all that keep us from fulfilling our noble calling. We will elevate the souls of all mankind both here and abroad with the sounds of peace and freedom:

These things shall be—a loftier race
Than e'er the world hath known shall rise
With flame of freedom in their souls,
And light of knowledge in their eyes.

The poet John Addington Symonds wrote these words that speak of the hope that I see ahead for America. My voice in America's future will be the one that proclaims the glory of this great nation, that speaks too clearly to be muffled, that sings in harmony with the comm on man for true freedom everlasting.

ERNIE RANSHAW HONORED

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. TRAFICANT. Mr. Speaker, I rise today in honor of Mr. Ernie Ranshaw, the guiding force behind the Alcoholism Programs of Mahoning County, Inc. [APMC] of my district.

Mr. Speaker, Ernie will retire this year after 19 years of service to APMC. In his first year guiding the fledging program, his modest operating budget for two facilities was $69,000. When he retires this year from his position as executive director, Ernie will leave APMC op-

erating out of five facilities and running six different programs. The APMC's operating budget now stands at $1.3 million, a staggering 1,800 percent increase even after inflation is factored.

Ernie spearheaded the incredible expansion of a program desperately needed by the Mahoning Valley community. As a sour economy ravaged my district, hopelessness set in a dramatic increase in alcohol-related problems began to tear families apart. Under the direction of Ernie, APMC not only treated 5,000 clients, but employed 80 individuals in full time positions, hired over 300 clients and/or former clients and served for and worked with 40 different board members.

Mr. Speaker, I hope that what I have just related to my colleagues will serve as an inspiration for all of us. This type of selfless dedication to those who need help the most is as rare as it is imperative. I would like to thank Ernie for his relentless efforts, and wish him a joyous and relaxing retirement.

CAMBRIDGE, NY, DEDICATES FIELD TO OUTSTANDING SON, BRIG. GEN. FRANK SHERMAN HENRY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. SOLOMON. Mr. Speaker, patriotism is very strong in the 22d District of New York, and this Memorial Day will see a variety of observances and ceremonies.

One of them will be the parade of Captain Maxson Post 634, American Legion, in Cambridge. Making this year's ceremonies even more special is the scheduled dedication of the youth athletic field to the memory of its donor, the late Brig. Gen. Frank Sherman Henry, one of the area's most distinguished sons. I'd like to say a few words about him today.

The life of Frank Sherman Henry gives a typical example of greatness being nurtured in one of the America's small towns. He was born in Cambridge in 1909, the worthy heir of great American families. His mother was descended from Gov. William Bradford of the *Mayflower*. Young Frank may have inherited his military spirit from his paternal grandfather, James Alexander Henry, who served as an enlisted man in the 123d New York Volunteer Infantry in the Civil War.

Sherm, as he was called, was too light to be more than a sub on the outstanding Cambridge football teams of the 1920's. He played well when called upon, but football was not his first sport. His first loyalty was to riding horses, a passion he inherited from his father. That passion included an ambition to become a cavalry officer, an ambition realized when he was appointed to the U.S. Military Academy at West Point in 1929.

He graduated in 1933, and when duties with the 3d Cavalry Regiment in Fort Myer, VA permitted, he participated in numerous equestrian events. It was obvious that Henry had a special talent.

Plans to compete in the 1940 Olympics were canceled by the coming of World War II. Henry graduated from the Command and General Staff School, and taught there for a period before assignment to the Joint Chiefs of Staff War Plans Committee. In 1945, he served in the headquarters of Gen. Douglas MacArthur.

The war over, Henry made the U.S. Equestrian Team, and in the 1948 Olympic games in England, finally earned the recognition denied him by the war 8 years earlier.

He won one gold and two silver medals. His record of three equestrian medals has been equaled only once.

After the Olympics, Henry had many staff, command, and diplomatic assignments before retiring as chief of staff, III Corps at Fort Hood, TX in 1963. His decorations included the Legion of Merit with Oak Leaf cluster and the Korean Order of Service Merit, 3d Class.

His retirement years were spent as a judge for the American Horse Show Association and work with disadvantaged children. In 1989, Gen. Henry died, and his body was laid to rest in Woodlands Cemetery, on a hill overlooking East Main Street in Cambridge.

When General Henry was a boy in Cambridge, recreation consisted of B–B gun fights in an old barn. That's one of the reasons he wanted to give future generations of Cambridge youths a more appropriate facility. His generosity, his own athletic exploits and his service to his country are good reasons to dedicate the athletic field to him as a lasting memorial.

And so, Mr. Speaker, I ask Members of this House to join me in tribute to Brig. Gen. Frank Sherman Henry, patriot, equestrian, and outstanding son of Cambridge, NY.

THE FUTURE OF HEALTH CARE: HOFFMANN-LA ROCHE

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. KLEIN. Mr. Speaker, I rise today to recognize a leader in the U.S. health care industry. Hoffmann-La Roche, headquartered in Nutley, NJ, is setting the standard for the future of the industry.

I wish to recognize the contribution of Hoffmann-La Roche because the health care industry is of special importance to New Jersey. This is true for two reasons: First, health products manufacturing is New Jersey's No. 1 manufacturing industry; second, New Jersey is the Nation's No. 1 health products manufacturing State, as 6 of the 14 pharmaceutical companies in the Fortune 500 are headquartered there.

Mr. Speaker, Hoffmann-La Roche embodies the dedicated and innovative spirit associated with these New Jersey success stories. As one of the world's leading research-intensive health care companies, Roche has discovered, developed, and introduced numerous important prescription pharmaceuticals. Roche also has distinguished itself as a leading provider of diagnostic products and clinical testing services, home infusion therapy services, vitamins and fine chemicals for human animal nutrition, as well as animal feed additive and veterinary products. Recognized for excellence in both biotechnology and traditional chemistry, Roche is also pioneering the commercial development of polymerase chain reaction [PCR] technology, a revolutionary advance in diagnostics that promises to enhance the early detection of AIDS, cancer, and a host of genetic diseases.

Unfortunately, I must note that this revolutionary technology is having to be utilized to fight a battle long thought to have been won in this country. I am referring to TB. I know that every member in this chamber is aware of the return of this scourge. What every member may not be aware of is the efforts of Mr. Irwin Lerner, chairman of the board of Hoffmann-La Roche, to combat this dreaded disease.

Working with the New York Public Health Research Institute [PHRI], Mr. Lerner recently announced the establishment in New York of the PHRI TB Center. This unique facility is dedicated to containing the spread of tuberculosis, particularly the multidrug resistant strains that are making the recent resurgence on the disease so disturbing. Roche is uniquely qualified to help and did not hesitate to do so. Roche is a leading funder of this project and is also pursuing the principal goal of applying the PCR technology to the development of rapid and accurate tests to detect TB. I ask that Mr. Lerner's entire statement at the press conference announcing the new TB center be inserted in the RECORD at the end of my statement. Please note that Mr. Lerner was president and CEO of Hoffmann-La Roche in December of last year and now serves as the company's chairman of the board.

Mr. Speaker, I hope that those looking toward the future of health care in the United States will recognize the service and dedication demonstrated by both Mr. Lerner and Hoffmann-La Roche's new president and CEO, Mr. Patrick J. Zenner. We must invest in extensive research and development in order to succeed. Hoffmann-La Roche deserves praise for its investment of $1 billion a year in continuing to search for cures as well as improved methods of prevention, diagnosis, and treatment.

Hoffmann-La Roche has also addressed its corporate responsibility to the well-being of the community it serves. Their initiatives include the "Roche Indigent Patient Programs", which provides products free to physicians treating people who lack medical insurance or other financial means; their "Corporate Initiatives for a Drug Free Workplace," motivating corporate leaders to implement practical drug abuse policies and programs; and their "Parenting Premier," a new community health initiative which provides education and support for parents with premature infants, Hoffman-La Roche deserves our recognition for their commitment to their slogan, "Working Today for a Healthier Tomorrow."

REUNIFICATION OF JERUSALEM

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. SCHUMER. Mr. Speaker, I rise today on the occasion of the 26th anniversary of the re-

unification of Jerusalem. In this time when enemies of Israel have tried to persuade the American public that Israel is an occupier of Arab land, I would like to take this opportunity to set the record straight.

Jerusalem was the ancient capital of Israel, and Jews have always lived there. Indeed, it was more than 3,000 years ago that King David made Jerusalem the capital of Israel. The Western Wall in Jerusalem, standing more than 2,000 years, has been the object of Jewish veneration and the focus of Jewish prayer throughout history. Only in 1948, when the once thriving Jewish majority of the old city of Jerusalem was driven out of the city by Jordanian forces during the 1948 Arab-Israeli war, did Jerusalem become a divided city.

Once Jordan had control of Jerusalem, it denied access to the Western Wall and other holy sites to Israeli citizens of all faiths as well as Jews from anywhere in the world. It was only 1967, when responding to the attack of four of its Arab neighbors, that Israel reunified the city of Jerusalem and opened its historic capital to people of all countries and all faiths.

Today I congratulate the residents of Jerusalem and the people of Israel and have introduced a resolution that declares that Jerusalem must remain an undivided city—in which the rights of every ethnic and religious group are protected as they have been by Israel during the past 26 years.

A TRIBUTE TO JAMES M. SMITH

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. KLEIN. Mr. Speaker, I rise today to pay special tribute to the exalted ruler of the Clifton Elks for 1992–93, James M. Smith. His leadership has bettered both his organization and his community.

As we are all aware, the Elks are very dedicated to service in their community. Many groups benefit from their tenant of service. These groups include crippled children, veterans, and community youth and seniors.

This past year, Mr. Smith has brought his Elks chapter to previously unattained levels. As exalted ruler, he has sought to involve the Clifton Elks in a broader spectrum of community outreach. Under his guidance, the Clifton Elks have reached record levels of chapter membership. He has truly established the Clifton Elks as a vanguard chapter in this national organization.

My colleagues, I am proud to be able to present this tribute honoring such a dedicated individual. This past year, Mr. Smith has truly been a leader among his peers and an outstanding source of admiration within his community. Please join me as I pay tribute to the exalted ruler of the Elks, Clifton Lodge, 1992–93, Mr. James M. Smith.

GENE CHEATHAM SALUTED

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. SUNDQUIST. Mr. Speaker, I want to share with my colleagues a genuine American success story. In 1978, a constituent of mine, Gene Cheatham of Columbia, TN, took out a loan against his home to start a computer systems integrator company. In its first year, the company, Advanced Integrated Technology, had sales of $10,000. Last year, the company had sales of more than $15 million, and Gene Cheatham's company was listed in the Greater Nashville 100, the first minority-owned business to do so.

Gene Cheatham's achievement is an example of the sort of entrepreneurial spirit we ought to be encouraging, and I am pleased to bring his accomplishment to the attention of my colleagues.

I ask that the accompanying article from the Daily Herald in Columbia, TN be reprinted in the CONGRESSIONAL RECORD.

AIT PRESIDENT NAMED EXECUTIVE OF YEAR

(By Don Hinkle)

The president and trifounder of Columbia's spectacularly successful Advanced Integrated Technology, has been named Middle Tennessee's "Business Executive of the Year" by The Nashville Business Journal.

Gene Cheatham, who convinced a banker in 1978 to extend a personal equity loan of $25,000 against his house to help start AIT, was presented the award at a special banquet earlier this week at the Stouffer Nashville Hotel.

"I was as surprised as anyone at winning the award," said Cheatham, who has built AIT's annual sales from $10,000 the first year to more than $15 million in 1992.

AIT, whose headquarters is just off Nashville Highway north of State Highway 246, is a computer systems integrator, a company that adapts hardware and software to meet the specific needs of industry.

Since AIT was founded, the company has opened offices in seven other states and has seen employment grow to more than 100. It was the first minority-owned business to be included in the Greater Nashville 100, a list of the region's most successful businesses.

"I think the award reflects the quality of people who work at AIT and the quality of service they provide," Cheatham said Thursday afternoon. "We've been fortunate to have won some type of an award almost every year. But I figured someone else would win this one."

Cheatham has steadily built the company through his uncanny knack of working through government red tape to secure contracts with federal agencies like the Departments of Defense and Housing and Urban Development.

But lately, Cheatham has made headway in the private sector, securing a licensing agreement in December with Florida-based Encore Computer Corp., that could generate $50 million in sales and service for AIT over the next two years.

That accomplishment underscored AIT's growth potential, drawing it acclaim in the business sector—both on the state and national levels.

Last year AIT was one of only four companies in Tennessee to be named a "Blue Chip Enterprise," a national award sponsored by Connecticut Mutual Life Insurance Co., the U.S. Chamber of Commerce and Nation's Business magazine.

On Jan. 14, AIT was featured on First Business, a 30-minute business show telecast nationally on the USA cable network.

Cheatham serves on the board of directors for Nations Bank, Tennessee and Vanderbilt Children's Hospital. He also serves on the Nashville Area Chamber of Commerce's board of governors and is on the advisory board for the Jack C. Massey Graduate School of Business at Belmont College.

GOD OUT OF SCHOOL

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. DUNCAN. Mr. Speaker, two of the finest people I know are Gene and Virginia Rickett. They have been longtime friends of mine and my family. They are both very patriotic citizens and are extremely active in the community. Our country would be well served if we had more people like the Ricketts.

Unfortunately, Colonel Rickett has just discovered that he has a tumor in his esophagus and must have an operation to have it removed. I know everyone who knows this fine man is certainly hoping for a successful and speedy recovery.

Colonel Rickett recently wrote a poem entitled, "God Out of School." This poem certainly makes an important point about the removal of prayer and bible reading from our schools, and I would like very much to call this to the attention of my colleagues and other readers of the RECORD.

GOD OUT OF SCHOOL

(By Gene Rickett)

The Supreme Court made a decision today
To put God out of the schools in the U.S.A.
And now the problem that we have to face,
Is what will become of the human race.

Are we better today than we were long ago
Or have we just reached an all-time low?
And "We the People" could be a lot worse
When we face the Maker of this great universe.

And these justices, who claim they stand tall,
Who took an oath, under God, to serve us all,
And did they really have so little to rule,
Than to pick on God, to put Him out of school?

Can we send our children to an atheist school,
Where they can't even mention the golden rule?
Where God isn't welcome, He was expelled!
By this decision that was straight out of Hell.

Is it freedom of religion, or freedom of speech,
When the government tells us what we cannot teach?
Is it justice, or just tribulation
And doesn't it warrant some new legislation?

TRIBUTE TO TIFFANY ANNA BAKER

HON. TILLIE K. FOWLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mrs. FOWLER. Mr. Speaker, as much as we may hear the term "hero," once in a while an act of true heroism will remind us how rare a commodity heroism is. It is far more impressive when the source of such an act is a mere 11 years of age. With this in mind, I rise today in tribute to my constituent, Tiffany Anne Baker of Jacksonville, FL, the girl-hero from Loretto Elementary School, who recently received the American Automobile Association [AAA] School Safety Patrol Lifesaving Medal Citation.

On February 18, 1993, Tiffany Baker was on duty next to Loretto Elementary, holding back students waiting to cross heavily traveled Loretto Road. One of the students, a first-grader playing with his brother, was accidentally pushed down the steep slope between the sidewalk and the roadway. He tumbled into the path of an approaching car. Tiffany, alert to the danger, immediately jumped down into the road and extended her flag in front of the car. The driver slammed on the brakes and came to a stop touching the flag next to the fallen first-grader, who was not hurt.

The School Safety Patrol Program is an excellent idea which provides badly needed service to the community. It helps in ensuring the safety of younger children, while teaching responsibility to the older children.

Mr. Speaker, perhaps the most remarkable thing about this is that Tiffany, while participating in a program designed to teach her responsibility, has taught all of us a great deal about courage and heroism. Accordingly, I ask my colleagues to join me in saluting Tiffany Anne Baker and all of the other recipients of the AAA School Safety Patrol Lifesaving Medal Citation.

ECONOMIC DEVELOPMENT LOAN ASSISTANCE DEMONSTRATION PROGRAM

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. TRAFICANT. Mr. Speaker, I reintroduced legislation providing an incentive for businesses and nonprofit organizations to invest in economically depressed communities that have been designated as "federal enterprise zones." Specifically, my legislation authorizes the Secretary of Housing and Urban Development [HUD] to make grants to bank Community Development Corporations [CDC's] that have targeted certain Federal enterprise zones for revitalization. CDC's are then authorized to use such grant moneys to buy down interest rates on loans to businesses and nonprofit organizations that engage in economic redevelopment activities in the CDC's targeted zone. The reduced interest rate on the loan cannot exceed 60 percent the market rate of interest on the loan.

I realize that money for new programs is scarce. Therefore, my legislation specifies that the program be established in only five Federal enterprise zone, when such zones are created. The Secretary of HUD is required to choose the zones for participation in the demonstration program. The legislation requires that the zones chosen are in both rural and urban communities.

The legislation also requires a review of the entire program in a report to Congress to determine whether the program should be reauthorized and expanded to other enterprise zone areas. Under the legislation, the program is authorized from fiscal year 1994 to fiscal year 1996 at a level of approximately $33 million each year.

Under the bill, economic development activities are defined as the construction and rehabilitation of housing, downtown and neighborhood commercial revitalization, industrial development and redevelopment, small and minority business assistance, neighborhood marketing, training and technical assistance, research and planning for nonprofit development groups, and other activities that create permanent private sector jobs.

I have introduced this legislation in the past two Congresses. In fact, I offered a similar proposal to the Cranston-Gonzalez National Affordable Housing Act—Public Law 101-625—when it was considered on the floor of the House of Representatives. My amendment passed at the time, but was stricken in conference.

I believe that it is very important to get banks involved in the revitalization of depressed communities. It is essential that the private sector help tackle the problem of revitalizing depressed communities. The Federal Government cannot do it alone. This program is especially significant and has great merit because it merges two community development tools, CDC's and enterprise zones, into one. On their own, these tools have had limited success.

As you know, in the past, Congress passed legislation authorizing the establishment of 100 Federal enterprise zones. The Secretary of HUD was supposed to designate those zones before January of 1991. However, Jack Kemp, who as the Secretary of HUD at the time, refused to name zones since Congress had passed no legislation providing incentives for investment in those zones. Last year's omnibus tax bill included limited incentives for private investment in 50 enterprise zones, but it was vetoed by President Bush. Congress extended the Secretary of HUD's authority to designate Federal zones during the 2-year period beginning November 1, 1992 as part of last year's HUD authorization bill. Yet, we still have the same problem—no incentives. My legislation provides an incentive for investment when zones are designated and it does not involve tax incentives or tax breaks that cause so much controversy. It provides grants to reduce interest rates on loans and it utilizes private sector institutions that have targeted communities for redevelopment, CDC's, to do so.

It is time to take advantage of these community development tools. We all know that State enterprise zones have been extremely successful. Federal enterprise zones will also be successful if Congress can approve some incentives. The Clinton administration is a proponent of utilizing both community development banks and enterprise zones as redevelopment tools. The administration supports a 50-enterprise-zone proposal to increase investment, business formation and employment in depressed communities. Moreover, the administration is working on a proposal that would set up a network of community development banks that would be responsible for impelling economic revitalization of depressed communities.

I urge my colleagues to support this very important legislation. It is time to put people back to work in our Nation's once thriving communities.

MUNICIPAL SOLID WASTE LANDFILL RELIEF ACT OF 1993

HON. JIM SLATTERY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. SLATTERY. Mr. Speaker, I rise today to introduce legislation which will allow additional time for municipal solid waste landfills to comply with the EPA's rules and regulations currently scheduled to take effect on October 9, 1993.

Having heard from a number of county commissioners in my district about the difficulties they are experiencing in meeting the EPA's October 9 deadline, I began to study this issue further. I quickly learned that the problems were not limited to my district, nor to the State of Kansas, but that many counties in States across the country are largely unprepared for dealing with their solid waste after the October deadline.

I am convinced that counties need more time to thoughtfully conclude long-term plans for managing their solid waste disposal. For a variety of reasons, many counties do not yet have solid waste management plans in place, and I am concerned that maintaining the October deadline will result in hasty decisions creating new long-term economic and environmental costs. This outcome would clearly be contrary to the original goals of the 1984 amendments to the Resource Conservation and Recovery Act passed by this body.

Mr. Speaker, Sylvia Lowrance, Director of the EPA's Office of Solid Waste, announced that the EPA is attempting to delay the October 9 deadline administratively through a proposed rule change. I commend Ms. Lowrance and the EPA for this decision, and believe that this would prove the best remedy if it is possible.

Under the EPA's proposal, the October deadline for the subtitle D requirements for landfills would be delayed 6 months until April 1994. Additionally, States would be able to apply for a further extension if they can demonstrate a good faith effort to comply with the new regulations.

I introduce this bill as part of a two-pronged approach in order to increase the chances of providing counties the needed relief from the impending deadline. This bill would essentially accomplish legislatively what the EPA has pro-

posed to do administratively. I believe it is important to have this bill ready should the EPA's efforts fail.

I am concerned that a blanket extension without conditions will be used by counties to simply continue disposal in substandard landfills in order to avoid higher costs. My proposed legislation is sensitive to this argument, while also taking into consideration the unique problems faced by rural counties. The bill grants all counties 6 months reprieve from the October deadline. Beyond that, counties with landfills receiving on average 100 tons of waste per day, or less, could apply for an additional 1 year extension. To be granted the additional delay, the States and counties would have to demonstrate a good faith effort in complying with the new EPA landfill standards.

I believe this is a responsible approach, as well as one which is sensitive to the many divergent interests effected by this issue.

NATIONAL WRITE YOUR CONGRESSMAN, INC., HONORED

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. SAM JOHNSON of Texas. Mr. Speaker, I was pleased during the last election to see that so many Americans took the opportunity to become involved in our Government. This involvement is reflected in the high volume of letters from my constituents regarding issues and events that affect their lives. I encourage and welcome this type of participation.

Today, I would like to recognize an organization that helps the people of this country send their thoughts and opinions to their Representatives in Washington, DC. National Write Your Congressman, Inc., founded in 1958 and headquartered in Dallas, TX, is a unique organization. It is different because it is not a lobbying organization and does not show partiality toward candidates running for office. National Write Your Congressman, Inc., researches legislation, presents both sides of national issues, and allows its members to develop their own opinions.

Once a month, this organization sends its members an opinion ballot outlining both sides of a controversial issue. They also conduct frequent national polls among their members and advise Representatives of these results. Finally, National Write Your Congressman keeps it members abreast of their Representatives' voting records on national issues.

David N. Adamson, the founder and chairman of the board, spent 23 years in chamber of commerce work prior to 1961. I am proud to see this organization's leader is a businessman with Christian roots who actively encourages busy Americans to voice their opinions on national issues.

I commend National Write Your Congressman on its efforts to keep the American people in touch with their Representatives in Washington.

A TRIBUTE TO THE HEROES OF EDISON/FAREIRA HIGH SCHOOL

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. FOGLIETTA. Mr. Speaker, I rise today to pay tribute to the heroes of Thomas Alva Edison/John C. Fareira High School. Fifty-four young men from this school gave their lives in service to America during the Vietnam war. No other high school in the country made such a great sacrifice.

Despite this profound loss, succeeding generations of students have taken great pride in knowing former members of the student body gave their lives to support the ideals of democracy and help sustain the American dream. I join with their families and all past and present students of Edison/Fareira High School in honoring the following students for their patriotism and sacrifice: James J. Allen, Jr., Charles J. Antonelly, William B. Blackmon, Jr., Laurel L. Blevins, Zacharia Brookins, Hector Bryant, Samuel Burton, Glenn Carter, Richard A. Carter, William Chapman, Louis A. Cobarrubia, Milton G. Clayborne, Deighton A. Danielles, Wayne T. Dillman, Harold Doman, Charles J. Glenn, Roscoe Glover, Jr., Irvin Hopkins, Rocco Isaac, Randolph Jefferson, Joe Thomas Johnson, Jr., Joseph Johnson, Dennis Kuzer, Kenneth Lassiter, Joseph Lodise, Gerald Maguire, Richard McNichols, Adolfo Martinez, Joseph Mieczowski, John Miller, William Miller, Leroy Peagler, Kenneth Pettus, Alfred Purvis, Lawrence J. Rieckert, Jr., Samuel Rodriguez, Angelo C. Santiago, Harry B. Seedes, George F. Seiger, Nelly J. Singletary, James T. Swift, Jr., Aaron L. Thomas, Henry Thomas, John J. Thomas, Robert Torres, Gerald J. Whalen, Nathaniel Washington, Joseph A. Weber, Roosevelt Whitaker, General White, Michael M. White, Duane G. Williams, Bernard R. Woehlcke, Francis Zerggen.

A TRIBUTE TO LT. JOHN NIEHAUS

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. DELLUMS. Mr. Speaker, I rise to recognize Lt. John Niehaus, U.S. Navy, who is completing his tour of duty as liaison officer at the Department of the Navy's Office of Legislative Affairs. It is a privilege for me to recognize just a few of his most outstanding accomplishments.

John hails from Grand Rapids, MI, and received his bachelor of science degree from the University of Michigan. After his commissioning, he was designated a naval flight officer. As an E–2C *Hawkeye* mission commander assigned to Carrier Airborne Early Warning Squadron 122, he controlled carrier-based aircraft and detected and evaluated potential threats. John gained additional operational experience as a strike warfare watch team captain and as a liaison officer with the Israeli Air Force, while assigned to Carrier Air Wing Six, on USS *Forrestal* (CV–59). He was handpicked to attend the Navy's elite Fighter Weapons School, "Top Gun," where he polished his combat skills.

During his tenure in the U.S. House of Representatives, John was instrumental in planning and flawlessly executing numerous congressional delegations which observed naval operations around the world and increased the Congress' knowledge of critical Navy programs. John has been a vital link in maintaining the flow of information between the Navy and Congress. He has promptly resolved thousands of sensitive congressional inquiries. His impressive technical knowledge and honesty are to be commended.

It is my hope that you and my colleagues will join me in saluting Lt. John Niehaus and wishing him "Fair Winds and Following Seas."

OUTSTANDING PRINCIPAL HONORED

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. SUNDQUIST. Mr. Speaker, I ask that my colleagues join me in extending the congratulations and good wishes of the House to an outstanding educator from my district, Penny Eilert of Bartlett, TN.

Penny is principal of Bartlett elementary School. She recently won Honorable Mention for the National PTA's Phoebe Apperson Hearst Award, for which she will be honored at the 1993 PTA National Convention in Cincinnati. In addition, she was Tennessee's Outstanding Elementary School Principal in 1992.

In her 5 years at Bartlett Elementary, she has won the respect and admiration of students, parents and community leaders. I have visited the school and seen first hand the difference a committed educator can have. I think it important, especially when one hears so much about what is wrong with our schools, that we take time to recognize and encourage the many who are doing well.

Penny Eilert is a wonderful principal, a dedicated educator, an example of caring and commitment to young people. We are very proud of her, and I am pleased to bring her accomplishment to the attention of the House.

ANGELA TAYLOR WINS ESSAY CONTEST

HON. MICHAEL D. CRAPO

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. CRAPO. Mr. Speaker, I wish to submit for the RECORD, the winning essay from Idaho for the 1992–93 VFW Voice of Democracy Scholarship Program. The essay was written by Angela Taylor of Kimberly, ID.

MY VOICE IN AMERICA'S FUTURE

I hear a faint voice then see a tattered, bedraggled woman on the side of the road. A raspy whisper emerges from grubby garbage stashed in the corner of a park. Not far away

a shrill cry of a barefooted, scrawny child sets my emotions afire. And finally I am excited by the subtle movement of a child in my friend's womb and it gives my voice sound. There is the destruction of land, water, families, and America's moral structure. The homeless population creeps among us like silent soldiers reminding us of the humanitarian sins we've committed. Garbage and hazardous waste seep into our streams, parks, oceans and suburbs rather than into recycling bins. Children are abandoned by working parents and left to swing from rusty chains. The nation is plagued by monumental problems. The only way to guarantee our survival is to advocate, address, and activate the issues and the energy in each spirit and become a voice in America's future. Thousands upon thousands of men and women have willingly picked up their courage and their guns to fight for this country abroad. Now each one of us must be just as willing to fight for a better quality of life here, within our own borders. We are not restrained by military code or enlistment policies; instead, it is our unwillingness to make commitment which restricts our actions.

Few people realize that this is the same Earth where their great grandchildren will live. Few understand that their voice can and will make a difference if they only shout or whisper to the decision makers.

As for me, I am lucky. I have conducted research about the Earth's present condition and I am committed to doing my part. Our Environmental Club adopted a highway and I have established a recycling operation at home. I am lucky. My parents make sure I eat three meals a day an am warm when I go to bed at night. I am lucky. I live in a state where one can still breathe fresh air. I am lucky because I know that others do not enjoy the same quality of life as I do and therefore, I must help improve the lives of those who are less fortunate. I will be a doctor who soothes sore throats with cough syrup and heals battered hearts with reassuring words about an ideal future that we can all obtain if only we find our voice in America's future. My voice will echo the sobs of pain from children who die in gang fights and it will bark fiercely at an administration for not neutralizing such groups. My voice will mature and my knowledge expand during twelve years of education while I listen to professors lecture about various issues. Then it will burst into joyous cries as I share with all willing to listen the truth about life and the value of every single person's opinion. My voice will be one hundred times stronger if I convince others to seek change and better conditions. Our time on Earth is short but one must realize that he or she can and must make a difference. It is our obligation as citizens to give sound to our voice in America by voting, teaching, learning, and even protesting. What we cannot do is compromise our values and succumb to the mediocre stereo-types that foreign countries often try to impose. I will not waiver under such a yoke, instead I will push and tug on any size burden because I owe it to myself, my country, and the future. My voice is strong already and with more knowledge it will blossom into a beautiful song that will lead others to an understanding of justice. I am not afraid to scream at the top of my lungs for change, but are you afraid to follow? I encourage each and every person living in this phenomenal country to listen for the voice of the future, whether it be the voice of a President or a grandchild, because we all have the power to improve and make decisions which guarantee our voice is heard in America's future. My voice—your voice—our voice is America's future.

TRIBUTE TO THE UNITED PRESBYTERIAN CHURCH IN POTTSVILLE, PA

HON. TIM HOLDEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. HOLDEN. Mr. Speaker, June 30, 1993, marks the 25th anniversary of the formation of the United Presbyterian Church located in historic Pottsville, PA.

United Presbyterian Church was formed by the merger of the First Presbyterian Church and Second Presbyterian Church on June 30, 1968. The First Presbyterian Church was founded in 1832. The Rev. Joseph McCool was its first pastor and the Rev. Elmer Davis was its pastor at the time of the merger. The Second Presbyterian Church was founded in 1857. The Rev. Fisher Colt was its first pastor and Rev. Henry Riesdorph was the pastor at the time of the merger.

Since the merger the following pastors have served at United Presbyterian Church: First, Rev. Elmer Davis, June 1968 through December 1986, second, Rev. James Bell, January 1987 through January 1988, third, Rev. Richard Wright, April 1988 through November 1990, fourth, Rev. Dr. Matthew Whong, January 1991 through April 1993, and fifth, Rev. Henry Clark, May 1993 through present.

The members of the United Presbyterian Church will celebrate their 25th anniversary in a growing tradition of faith and community. Many in Pottsville have been touched by the good works of United Presbyterian Church. Many more have been touched by its spirit of neighborly love and caring. United Presbyterian Church is a shining example whose spiritual strength has made it a cornerstone of the Pottsville community.

Mr. Speaker, I am honored to pay tribute and congratulate United Presbyterian Church on its 25th anniversary, and extend my warmest wishes for its continued growth and success.

BEST WISHES TO PRESIDENT LEE TENG-HUI OF THE REPUBLIC OF CHINA ON TAIWAN

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. GILMAN. Mr. Speaker, I am pleased to rise today to congratulate President Lee Teng-hui of the Republic of China on Taiwan on the occasion of his third anniversary in office. Since his swearing in on May 20, 1990, President Lee has maintained his country as a model of democracy and free market ideals. Last December, Taiwan held its first island-wide free elections for its Parliament and it currently is in the first phase of a $303 billion 6-year national development plan. This endeavor has created many new jobs and spurred on economic growth.

Mr. Speaker, I invite my colleagues to join me in expressing heartfelt congratulations to President Lee Teng-hui for his past successes and future goals.

REPEAL THE EARNINGS TEST FOR BLIND AMERICANS

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. COX. Mr. Speaker, today I rise to introduce the Social Security Disability Benefits for the Blind Act, which will bring into the work force many blind Social Security disability beneficiaries who are presently prevented from working because of economic disincentives built into the Social Security System.

Current law punishes blind individuals who are gainfully employed by withholding their Social Security disability benefits. Worse, if a blind beneficiary earns more than a meager $880 per month—that's $10,560 per year—he or she loses all Social Security benefits and, after a period of time, Medicare coverage as well. With disincentives such as these, it's no wonder that nearly three out of every four blind persons are not employed—despite the fact that many are able bodied and willing to work.

The Social Security Disability Benefits for the Blind Act will eliminate this counterproductive tax on disability benefits for blind Social Security disability beneficiaries. In so doing, this legislation will boost the economy by increasing economic productivity and producing new tax revenues for the U.S. Treasury and the Social Security and Medicare trust funds. Most importantly, though, this legislation will afford many visually impaired Americans the opportunity to seek employment—and to fulfill their aspirations.

The Social Security Disability Benefits for the Blind Act has been endorsed by the Affiliated Leadership League of and for the Blind, the American Council of the Blind, the American Foundation for the Blind, the Association for Education and Rehabilitation of the Blind and Visually Impaired, the Blinded Veterans Association, the California Council of the Blind, the National Federation of the Blind, the National Industries for the Blind, and the National Committee to Preserve Social Security and Medicare.

I invite my colleagues to cosponsor this important bill, so that we may finally bring to an end this unconscionable policy of discouraging work.

NATIONAL MARITIME DAY

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. FIELDS of Texas. Mr. Speaker, I would like to bring to the attention of the Members of the House of Representatives the fact that

today is National Maritime Day, the day set aside each year to pay tribute to the American merchant marine. Throughout the Nation interested Government officials and representatives of the maritime industry will gather to recognize those American merchant mariners who have given their lives in the service of their country.

There can be no greater recognition of the heroism of our Nation's merchant mariners than to guarantee that their service, and more importantly their lives, represent an important contribution to our Nation.

During World War II, 733 American merchant ships were sunk, with 6,507 American seamen killed in action and 4,780 missing and presumed dead. More than 600 merchant seamen were taken prisoners of war. American merchant ships, manned by American citizens, were involved in every major invasion in World War II and provided the very lifeline for our military forces, supplying the troops with virtually everything needed for the successful war effort.

Our Nation's great military hero, Gen. Douglas MacArthur, said, "I hold no branch in higher esteem than the merchant marine services."

The valiant efforts of our merchant seamen continued after World War II, providing the necessary support for the Korean war and the war in Vietnam. This service continues to this day. American merchant mariners manned both active and reserve vessels to supply our military services in the recent war effort in the Persian Gulf known as Operation Desert Shield and Operation Desert Storm.

Today, however, our merchant marine is in danger of being defeated, not by hostile forces, but by indifferences and lack of support from our own Government.

According to U.S. Government figures, in 1960, there were more than 100,000 people employed in the domestic and foreign deep sea trades. In 1992, only 22,000 individuals were active seafarers. In 1960 there were over 950 active U.S.-flag merchant ships in these trades. Last year, there were 400. Since ship construction subsidies were ended in 1981, the United States has lost one-third of its shipyards, 50,000 American jobs in shipyards, and 100,000 jobs in shipyards supplier companies. By 1995, another 20,000 layoffs are expected. All of this decline was brought about not as a result of any enemy action but by adverse economic conditions and unfair foreign competition.

As Americans gather today to honor our merchant mariners, our Government must answer a basic threshold question—do we want and need an American merchant marine?

If the answer to this question is in the affirmative, which I fervently believe it should be, then the Government must commit itself to the revitalization of all segments of the industry by establishing a comprehensive maritime policy. Last year, former Department of Transportation Secretary, Andrew Card, initiated, for the first time in years, a serious executive branch review of maritime policy. This year, the new Secretary of Transportation, Fedrico Peña, has initiated a similar review. He has conducted a series of meetings with all affected parties in the maritime industry and has indicated his intent to submit to Congress a maritime revitalization program. This legislative package will be critical to the future of this industry.

Decisions have to be made and backed by congressional and executive branch action. We must treat the maritime industry as one entity and we must develop policies and programs that promote the American merchant marine through a combination of direct funding; elimination of barriers to investment; vigorous enforcement of the cargo preference laws; recognition by the military of the importance of the merchant marine; sound energy and trade policies; and promotion of a strong shipbuilding base.

Since Federal funding obviously will be limited, we must create a program that will encourage private investment in the U.S.-flag merchant marine. Private investment creates jobs. The Congress must finally recognize this and take the necessary steps to craft legislation to eliminate barriers to private investment so that this industry can grow on its own.

American ingenuity and American technology have led the way in the design and operations of ships and intermodal transportation systems. However, this industry is now being stifled by outdated Federal regulations and unfair trade practices supported by foreign governments. If it were given the opportunity to compete fairly in the world shipping market, the American merchant marine would outperform any other shipping industry.

As we honor our fallen heroes of the merchant marine, we should also honor our living seamen by giving them the opportunity to continue to serve in their chosen profession. We can do this by assuring that there will be American merchant vessels plying the world's oceans. But they must be given the opportunity to procure cargo both in the United States and throughout the world. As U.S. shipping companies have access to cargo, whether it is through Government foreign aid programs or through private commercial transactions, more American ships will be built and that means more American jobs on those ships.

All segments of the Federal Government must come together with a common goal of supporting the maritime industry. The affected parties from the private sector must sit down and work out their different views on legislative solutions. Only then will the U.S. maritime industry be rejuvenated and restored to its former glory.

IN MEMORY OF CHARLES "GENE" PAPENHAUSEN

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. LEHMAN. Mr. Speaker, I rise before my colleagues today to memorialize one of my district's greatest civil leaders, Charles "Gene" Papenhausen of Wishon, who passed away on April 15, 1993, at age 68.

Gene was a contract sales manager for Sears for 21 years, and whose public service to his community will never be forgotten.

He served on the Clovis Planning Commission for nearly 5 years and won his first term on the Clovis City Council in 1972. Gene was reelected in 1976 and 1980.

His dedication to the betterment of his community began even before Gene was formally appointed to the planning commission and elected to the city council. On many nights Gene could be found sitting in the council chambers, a concerned citizen watching and listening to the debate before him.

Gene gained an invaluable lesson from that experience and he was no newcomer when he took the oath of office.

Gene was elected mayor by his fellow council members in 1978 and 1980. He retired from the city council in 1984.

He was also a trustee with the Clovis Cemetery District, president of Fresno County Junior Achievement, a member of the National Rifle Association, and a past member of the Fresno-Madera Area Agency on Aging, the Clovis Lions Club, the Clovis Elks Club, and the Fresno Breakfast Lions Club.

Gene will not be forgotten and he will always live in the hearts of those people who are blessed by having the privilege of knowing him.

TRIBUTE TO THE MAHONING VALLEY'S LAW ENFORCEMENT HEROES

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. TRAFICANT. Mr. Speaker, last week communities across the country paid tribute to the more than 13,000 law enforcement officers who have died in the line of duty in our Nation's history. On Friday, May 14, 1993, I was honored to participate in the Mahoning Valley Peace Officers memorial ceremony in Warren, OH. This moving ceremony was sponsored by the Fraternal Order of Police, Warren Lodge No. 34, the Warren Police Department, and the Mahoning Valley Chiefs of Police.

Mr. Speaker, from 1981 to 1985 I had the honor of serving as Sheriff of Mahoning Valley, OH. As a former law enforcement officer I know all too well the dangers and risks facing American's police officers. I also know the heartache and pain of losing an officer in the line of duty. When I was sheriff one of my deputies, Sonny Litch, was brutally gunned down while transporting a prisoner. As I stated last week, I am gratified that Sonny's name is on the "Wall of Remembrance" of the National Law Enforcement Officers Memorial here in Washington, DC. Sonny's sacrifice and devotion to duty will be permanently remembered by his family, friends, colleagues, and a grateful nation.

Today, Mr. Speaker, I'd like to pay tribute to all the brave law enforcement heroes from the Mahoning Valley who have died in the line of duty. They are a special group of dedicated public servants who made the ultimate sacrifice to uphold the law and protect their communities. From the Campbell, OH, Police Department: Officer Albert Masi, who was killed on February 12, 1973; and Officer John Constintino who was killed on May 11, 1920. From the Mahoning County, OH, Sheriff's De-

partment: Deputy Sonny Litch, who was killed on October 1, 1981. From the Niles, OH, Police Department: Officer John Utlak, who was killed on December 8, 1982. From the Poland Township, OH, Police Department: Officer Richard Becker, who was killed on November 6, 1983. From the Struthers, OH, Police Department: Officer Raymond Darwich, who was killed on November 16, 1952; Officer John Harkins, who was killed on January 1, 1952, and Officer Joe Ruby, who was killed on November 11, 1923. From the Warren, OH, Police Department: Officer Irving Baker, who was killed on January 6, 1933; and Chief Frank Flowers, who was killed on April 3, 1919. From the Youngstown, OH, Police Department: Officer Millard Williams, who was killed on April 14, 1992; Officer Paul Durkin, who was killed on September 29, 1987; Officer Ralph DeSalle, who was killed on June 13, 1984; Officer Cihon, who was killed on December 23, 1963; Officer Tim Learnard, who was killed in 1927; Officer Henry Clemens, who was killed in 1926, Officer Ben Yeaden, who was killed in 1925; Officer John Williams, who was killed in 1924; Officer Alexander Warren, who killed on May 3, 1921; Officer Samuel Banks, who killed on October 6, 1919; Officer Alfred Evans, who was killed on November 5, 1911, and Officer John Freed, who was killed on May 15, 1891.

The sacrifice, devotion to duty, dedication, and courage of these real life heroes will always be remembered and cherished by those in the Mahoning Valley. Mr. Speaker, I urge my colleagues and all Americans to not take for granted the tremendous job our law enforcement officers do each and every day, and the important role they play in protecting our Nation. While it is important and fitting that we honor those law enforcement officers who have fallen and those who serve with a week of special events; it is even more important for all Americans to respect and support our law enforcement officers every day of the year.

A TRIBUTE TO COL. CONWAY B. JONES, JR.

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. DELLUMS. Mr. Speaker, I rise to recognize Col. Conway B. Jones, Jr., who is retiring from the U.S. Air Force after 30 years of exemplary service, including 22 years as an Air Force reservist.

In Vietnam, Mr. Jones performed over 6,600 flying hours in 87 combat missions. His many awards and decorations serve as testament to his dedication, commitment, contributions, and sacrifice. I have known Colonel Jones for the entirety of my 23 years in Congress. He epitomizes the citizen-soldier. I can speak personally to his unswerving integrity and high moral principles.

It is my hope that you and my colleagues will join me in saluting Col. Conway Jones on the occasion of his retirement and wishing him continued high flight.

CONGRATULATIONS TO PRESIDENT LEE TENG-HUI

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. ROHRABACHER. Mr. Speaker, on the occasion of the President of the Republic of China's third anniversary in office on May 20, 1993, I wish to extend my best wishes to President Lee Teng-hui.

I met with President Lee just last month and he shared with me his vision of Taiwan playing a major role in supporting democracy in the world. His leadership has bestowed on Taiwan new freedom and prosperity on the Taiwanese people. Since May 20, 1990, he has led his country through constitutional reform, embarked upon a most ambitious national development plan, widened people to people contacts with mainland China, and improved relations with most countries in the world. Taiwan is now a model of democratic reform not only for Asia, but for the entire world.

On behalf of my colleagues, I would like to take this opportunity to wish President Lee much luck in his efforts to bring about a better tomorrow for his countrymen and his neighbors in the Far East.

COMMENDATION FOR OUTSTANDING ACHIEVEMENT BY THE ZWOLLE HAWKS

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. BAKER. Mr. Speaker, I rise today to congratulate the Zwolle High School Hawks of Zwolle, LA, on their outstanding achievement in high school basketball. The Hawks have won six consecutive State championships and have made record-setting scoring accomplishments. The Hawks are the first Louisiana high school basketball team to score more than 5,000 points in one season, the first team in history to score 100 or more points in eight consecutive State playoff games, and the first Louisiana team to average 90 points or more per game for a season for five consecutive seasons.

In addition, a Zwolle student has received Louisiana State Champions Class B most valuable player status five out of the past six seasons. Tony Cutright received this honor for three of his high school years, Lamar Laroux received it for the 1991–92 season, and Phil Carhee was this year's recipient with his record for 19 assists in the State tournament.

The Zwolle community is extremely proud of the Zwolle High School Boys' basketball team's performance over the years, and as the Representative of Zwolle, I am honored to share in the Hawks' outstanding achievements.

A TRIBUTE TO REV. LOUIS BIHR

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. KLEIN. Mr. Speaker, I rise today to pay tribute to an outstanding citizen of northern New Jersey, Rev. Louis Bihr. It is an honor to have such a hard-working and dedicated man serving the people of Paterson, NJ. On May 23, 1993, Rev. Louis Bihr will be recognized by St. Gerard R.C. Church for his accomplishments on his 25th anniversary of ordination in the Diocese of Paterson.

Reverend Bihr has guided and advised our entire community for more than 25 years. Since the children of our district are going to be our future leaders, I think it is important to highlight the work Reverend Bihr has done for the youth of our community. He is a former member of the board of directors of the YMCA and passport awarded for staying in school. Reverend Bihr has also served on many associations including the Mayor's Youth Month Council and the Mayor's Alliance Against Drugs. With all of the pressures our children face today, it is important to keep our kids in school, keep them away from drugs, and keep them doing things that are meaningful and productive. I want to commend Reverend Bihr for leading the children of our community in the right direction to a better future.

Reverend Bihr has also dedicated much of his time to those less fortunate members of our community. He has helped with Paterson's Habitat for Humanity and he is the vice president of Eva's Kitchen and Sheltering programs. If there is an emergency in the district, Reverend Bihr can often be counted on to lend his assistance. He is the chaplain for the fire department and for the Office of Emergency Management for the city of Paterson. The entire community can depend on Reverend Bihr in times of trouble, when he is needed most.

Mr. Speaker, I would like to thank Reverend Bihr for all of the time and energy he has spent working for the people of my district. He has been a special inspiration to us all, giving us hope and encouragement for the past 25 years. I want to extend my congratulations to Reverend Bihr for all of his exemplary achievements.

THE PART-TIME AND TEMPORARY WORKERS PROTECTION ACT INTRODUCED

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mrs. SCHROEDER. Mr. Speaker, I am pleased to reintroduce the Part-Time and Temporary Workers Protection Act.

If you look at employment trends you will be startled at what is happening. The work force is migrating from full-time employment to part-time and temporary employment. This trend is as historic as the gold rush of 1849. But instead of "Go West young man, go West" we

are hearing "Go temp young lady, go temp." And rather than finding opportunity, workers find low-paying jobs with few benefits.

Time reports that "America has entered the age of the contingent or temporary worker, of the consultant and subcontractor, of the just-in-time work force—fluid, flexible, disposable. This is the future."

Temporary employment grew 10 times faster than overall employment between 1982 and 1990.

In 1982 contingent workers—part-time, temporary, contract, and leased employees—were about a quarter of the labor force. By 2000, they will be half of it.

Two-thirds of contingent workers are women and most contingent workers earn significantly less per hour than full-time workers.

What is driving the movement to contingent employment? Cost. Employers don't want to pay health insurance, pension benefits, unemployment insurance, and vacation and sick leave. But the reality is we are just shifting costs.

We all pay higher health cost when uninsured workers receive expensive emergency room treatment rather than preventative medicine. We all pay when employees have no retirement and must live on public assistance. We all pay when families are unable to put money in the bank, which would be reinvested back into the economy. We all pay when fewer dollars are spent on goods and services that provide jobs and stimulate the economy.

And we pay a human cost by severing an important connection between employees and their jobs. Employers that make a commitment to employees by investing in their future, their education, and their health, get a similar commitment in return.

What kind of loyalty and performance can we expect from an employee who is considered disposable? Thousands of tellers at Bank of America recently lost their full-time jobs and were offered part-time work without health or other benefits. You can bank on the fact that these tellers are not happy. And you can be equally certain it will affect their work.

The Part-Time and Temporary Workers Protection Act addresses some of these problems. It provides partial health and pension benefits to contingent employees.

All employees working 500 hours or more per year would receive a prorated share of health benefits under the employer-sponsored group health plan based on the amount of time they work. An employee's participation in the health plan is optional.

In addition, employees working 500 hours or more per year could participate in an employer-provided pension plan.

I urge my colleagues to join with me in supporting 25 percent of our labor force.

OPPOSITION TO THE PRESIDENT'S CAMPAIGN FINANCE REFORM PLAN

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. BLILEY. Mr. Speaker, I rise in opposition to President Clinton's campaign finance reform plan for several reasons, the most important being that tax payer moneys should not be used to subsidize politicians. At a time when Congress' approval rating is at an all time low, and our President is asking American families to sacrifice their hard earned money to address the Government's mounting deficit, I do not think it appropriate to establish what amounts to an entitlement program for politicians.

President Clinton is trying to assure the public that the money he will use to finance his reform package will come from an elimination of the tax deduction for lobbying expenses, and an increase in the checkoff amount on tax returns to 5 percent. Unfortunately, this will not work. First, only 17 percent of the population actually use this checkoff. And, second, and more importantly, the President has failed to acknowledge that the revenue expected from eliminating lobbying tax deduction has already been accounted for in the tax proposal that just passed the Ways and Means Committee. As Representative ROSTENKOWSKI'S spokesman said, "that money is gone. It is contained in the reconciliation bill."

The President wants to use this money to pay for communications vouchers, and I applaud him for his acknowledgment that free broadcast time is the best way to level the campaign playing field, cut down on campaign costs, and improve the quality of elections. I have been advocating this idea for years and have introduced legislation in the past three Congress' to do just this. But rather than ask my constituents to help finance my campaign, I believe that broadcast time of this nature should qualify as public service.

CHURCH GROUPS ARE HAWKISH WHEN RESTRAINT IS CALLED FOR

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. BEREUTER. Mr. Speaker, I urge my colleagues to consider the excellent advice given in the following editorial of the Omaha World-Herald edition of May 19, 1993.

[From the Omaha World-Herald, May 19, 1993]

CHURCH GROUPS ARE HAWKISH WHEN RESTRAINT IS CALLED FOR

Just as the United States seems to be pulling back from taking military action in the bloody Balkan conflict, American church groups are beginning to call for this country to intervene.

Intervention in Bosnia is receiving the support of some of the same church groups that condemned the U.S. government and its allies for using force to liberate Kuwait. Both the National Council of Churches and the nation's Roman Catholic bishops have called for U.S. troops to move in.

"We can no longer stand by as human rights are violated in a wholesale manner," the National Council of Churches said. The Catholic bishops said there is "just cause to use force to defend largely helpless people in Bosnia against aggression and barbarism." These same organizations were among those in opposition when U.S. leaders pursued a policy of nuclear deterrence against the Soviet Union and attempted to prevent a communist takeover of South Vietnam.

The picture painted by the council and the bishops is full of hypocrisy. Why didn't the Muslims of Kuwait deserve similar consideration when Saddam Hussein was carrying out his version of ethnic cleansing?

It is unclear that military intervention by U.S.- or U.N.-led forces would be successful. Experts ranging from the Joint Chiefs of Staff to Lord Owen to Arthur Schlesinger Jr. have said that using force to bring a successful outcome in the Balkans is, at best, unlikely to be successful. It's one thing to order an air strike against a Scud missile silo in the desert. It's quite another to drop bombs on a Serbian mortar emplacement near a school and a hospital in a densely populated suburb.

And if air strikes didn't work, what next? The establishment of military enclaves, guarded by peacekeeping forces, to keep civilians away from the fighting? Armored operations in forests and mountains? Building-to-building infantry assaults in Serbian-held towns? Naval bombardments?

The peace plan that was worked out with such difficulty by U.N. negotiator Cyrus Vance and Lord David Owen of the European Community was dead on arriving in Bosnia, where the Serb population rejected it in a referendum Sunday. Secretary of State Warren Christopher plans to begin "a new round of conversations with our allies," he told reporters Monday.

The United States had threatened military action if the Serbs failed to sign the peace agreement, but Christopher's conversations were all the action in sight. The Clinton administration is also skipping a foreign ministers' meeting Friday on U.N. peacekeeping. Clinton has no plans to send observers to monitor the borders between Bosnia and Serbia. And no plans have been announced to ask the U.N. Security Council for further action to protect the remaining Bosnian Muslim enclaves.

The apparent reticence by U.S. officials to leap to the rescue of Bosnia from itself is a healthy sign of restraint. Far better for the Europeans and Russians to pursue a solution before U.S. forces become involved.

ST. JOSEPH'S PARISH IN FORT EDWARD, NY, RESTORES MEMORIAL TO WORLD WAR II SERVICE

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. SOLOMON. Mr. Speaker, there are two bedrocks of tradition in American life, and they are the military and our churches.

Our greatest patriots have often been our most religious citizens. Our families have spent countless Sundays in prayer for the well-being of our brave men and women in uniform, and have been comforted in their sorrow for the loss of loved ones.

This connection between patriotism and piety in America makes me especially happy for the good people of St. Joseph's Parish in Fort Edward, NY, in the heart of the 22d District.

In 1947 they erected a monument in honor of the 325 parishioners who served in World War II, including the 14 individuals who gave their lives for their country.

The years have taken a toll on the memorial. But this past winter the memorial, including the bronze plaque commemorating the 14 war dead, was restored to its original beauty. On April 7, 1993, the memorial was placed where it can be seen by passersby.

At this time I'd like to commend the Rev. Michael J. Polewzak, pastor of St. Joseph's and parishioner Nicholas Ruotolo, a World War II veteran who is coordinating rededication of the memorial. And of course, praise should go to to the entire parish for their patriotism and their support for this project.

Mr. Speaker, we are reminded so often that every day, everywhere in America, people are still promoting and protecting the values and virtues that have made America the greatest and freest nation on Earth. I ask every member to join me in saluting the people of St. Joseph's Church in Fort Edward, NY, as they honor those parishioners who served in the Armed Forces of the United States of America during World War II.

NINETY-SEVEN YEARS YOUNG

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. JACOBS. Mr. Speaker, the following is a letter written by Ernest G. Claassen, a Kansas farmer who was born before the beginning of this 20th century which is a few years away from concluding. Mr. Claassen is 97 years old, 97 years wise and, as can be seen by the eloquence of his prose, 97 years young.

R.R. 1, BOX 107,
WHITEWATER, KS,
March 1993.

DEAR SENATOR, No vote of mine will ever affect you in any way. But almost every vote you cast in Congress will reach me, will affect me in one way or another. What I wish to discuss is strictly a matter of principle, has nothing to do with politics.

As you may be aware, a hearing was recently held before a Ways & Means sub-committee on the Peace Tax Fund Bill, lead cosponsor Rep. Andrew Jacobs, Jr. This bill was presented to the Senate by Senator Mark Hatfield.

Many people are concerned that the money they pay in taxes should be used for truly constructive purposes.

As of now immense sums are being spent to create deadly instruments of destruction. If war does not follow, all this money, in all nations has been wasted. If war does come, all this money, in all nations, will be used to destroy life and property. There must be a better way.

The U.S. Peace Tax Fund Bill is a move in that direction. A notable example of constructive action is the disaster relief extensively practiced by those seeking a better way, such as the Quakers and Mennonites.

Pacifists are not passive. As an example:

There is utter confusion and devastation following a powerful windstorm. As one relief worker expressed it, "I would never have believed that 80 men and boys could work a day on one farm and do little more than gather and pile wreckage, pull apart fragments of walls and pull nails. The buildings that were designed to shelter man, his animals and machines are now reduced to senseless litter scattered far and wide over the crop land and must be painstakingly gathered up from the fields.

Flood relief is even more frustrating. In 1951 there was an extreme flood in Central Kansas. One hundred and thirty men from a local religious group came to offer their help. The water level in some of the houses had exceeded five feet. The muddy slime covering everything below that level cannot merely be hosed off; it has to be scrubbed off thoroughly, walls and floors. Much of the furniture is so damaged that it has to be discarded. A double mattress is hard to handle at any time. After a flood such a mattress is saturated and covered with slippery slime. Getting it outside is a dirty and difficult task and took no less than six men.

Work such as I have described is carried out on temporary and long term projects, in and outside the country. Mennonites and Amish cooperate through an agency called Mennonite Central Committee. This small religious body keeps 1,000 well-trained volunteers working in 50 countries doing chiefly hunger relief, but also meeting other basic needs.

As an example in 1991 the Committee shipped to 22 countries 43,200,000 pounds of material resources. Of this, 98.5% were foodstuffs. Yet even the 1.5% was no small amount as you will see from this example: 362 sewing kits, 28,802 blankets, 14,454 layettes, 3,046 sheets, 6,237 towels, 8,201 health kits, 26,123 school kits, 61,362 pounds medical supplies, 35,000 yards fabric, 108,126 pounds soap, and 186,083 pounds clothing.

This is what we are doing now, and is an example of what we have in mind when we ask that our income tax money be used positively and constructively. It is not a question of willingness to pay the tax, but of what the money will accomplish.

Men can prepare for war, and present a mailed fist to the world. We would rather work for peace and present a helping hand!

Respectfully,

ERNEST G. CLAASSEN.

JAYNE HONEA LOWRY HONORED

HON. ROBERT E. "BUD" CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. CRAMER. Mr. Speaker, I rise today to pay tribute to a resident of the Fifth Congressional District of the State of Alabama who has made significant contributions to the arts.

Mrs. Jayne Honea Lowry has been a Huntsville, AL, resident for more than 30 years. She was married to the late Samuel Hickman Lowry, a Huntsville native, for 38 years. Two grown daughters and nine grandchildren exist from this union.

Mrs. Lowry's name is synonymous with community service, particularly in promoting, sustaining, and advancing the arts. She has been active for the entire 30-year period in the cultural, civic, educational, historical preservation, and the basics—in fact the entire spectrum—but the arts have been the recipient of her most outstanding contributions. She brings success, primarily financial, to all her endeavors; in fact, she has chaired most of the fundraising projects within the city of Huntsville. She is a recognized and respected leader, and in 1983 was awarded the Virginia Hammill Simms Memorial Award for the greatest contribution to the cultural life of the city through volunteer work.

As a member of the Huntsville Symphony Orchestra Guild for 22 years, her efforts have been constant and intense, thereby helping raise one-third of the entire budget of the Huntsville Symphony Orchestra. She was one of the founding members of the Crescen-Dough Auction, now in its 20th year, and served as chairman of the Symphony Ball, now in its 29th year. These are the two major fundraising projects of the guild. For many years, she was high ticketseller of season concert subscriptions, and was the recipient of the Hall of Fame Award in 1985 for this feat. She hosted the Silver Tea, a fundraiser for the Huntsville Youth Orchestra, in her home for 2 years.

As a member of the Women's Guild of the Huntsville Museum of Art for 25 years, Mrs. Lowry has served on nearly every committee, and in most instances in leadership roles, known to the guild. Her efforts helped significantly in enabling the museum to become accredited in December 1980 by the American Association of Museums, the second in Alabama, and 1 of 500 accredited museums out of 2,500. She has served as vice president of the guild, museum membership chairman of the 1981 Decorators Showhouse, on the guild board for 9 years, and in many other capacities.

Mrs. Lowry was the originator and charter member of the Huntsville Pilgrimage Association and served as president and organizer of the Pilgrimage of Homes in 1985. The seventh successful Pilgramage of Homes was completed in April 1992, which attracted visitors from 17 States. Other entities that have been the recipient of Mrs. Lowry's efforts have been: Friends of the Symphony, Community Ballet Association, Historic Preservation District Association, the Huntsville Literary Association, the Opera Association of Huntsville, and many others.

As owner of Huntsville Heritage Tours, she has continued to bring people and the arts together not only at the local and State levels but on an international level by conducting group tours to Europe and the Far East.

A very strong cultural environment has been created and nurtured in the Huntsville-Madison County area which is used in the attraction of new industry to this area, particularly the symphony and museum. Mrs. Jayne Honea Lowry must be credited for extraordinary efforts in making this a reality. In a very significant way, directly or indirectly, she has helped generate approximately $5 million to the arts. This lovely lady has impacted the high quality of life that exists in the city of Huntsville. That intangible effect and influence will be felt for many years and generations to come.

Mr. Speaker, for these and many other reasons, she received the 1993 Governors Arts Award sponsored by the Alabama State Council on the Arts in Montgomery, AL, on May 11, 1993. It is an honor for me to take this opportunity to make a matter of public record my admiration and gratitude to Mrs. Jayne Honea Lowry.

TOURISM WORKS FOR VIRGINIA

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. WOLF. Mr. Speaker, it is a pleasure for me to recognize the Commonwealth of Virginia and the importance of tourism to Virginia and our national economy.

Last week, Virginia celebrated Heritage Tourism Week, an outstanding program to highlight the many historical points of interest in Virginia and share with visitors information about the Commonwealth. Last week, the Virginia Department of Economic Development and Division of Tourism announced that tourism spending in Virginia reached a record $8.6 billion in 1992. Direct employment in Virginia travel-related industries increased 2.1 percent during 1992, and almost half a million Virginians are employed in the tourism-related field. Their paychecks collectively totaled over $2 billion last year.

Tourism is important not only to Virginia but our Nation as a whole. The largest U.S. export is international travel services, and the travel and tourism industry is the Nation's second largest employer. In 1991, domestic and international travel expenditures in the United States were over $344 billion, and the tourism industry has continued to grow rapidly despite the economic downturn in other industries.

On Monday May 17, I hosted a tourism conference in my congressional district, a district which is the home to many historical landmarks and beautiful attractions such as the Shenandoah National Park, Skyline Drive, the Manassas and New Market Civil War battlefields, historic Winchester, Front Royal, and Manassas, the famous Endless, Luray, Shenandoah, and Skyline Caverns, the Appalachian Trail, Sully Plantation, and charming Leesburg, Warrenton, Berryville, and little Washington. We are all continuing to work to promote our beautiful region, which will not only introduce more visitors to the part of Virginia we are pleased to call home, but also stimulate economic growth.

Tourism works for Virginia as well as America, and it is important that we continue to support this growing industry and look for new ways to increase tourism nationwide.

LET'S PRESERVE OUR MERCHANT MARINE

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. STUDDS. Mr. Speaker, today I am joined by several of our colleagues in introducing two bills designed to revitalize the U.S. merchant marine, H.R. 2151, the Maritime Security and Competitiveness Act of 1993, and H.R. 2152, the Merchant Marine Investment Act of 1993.

U.S.-flag vessel owners are proven leaders and innovators in improving the efficiency of our international intermodal transportation system. Yet, despite its technological skills and innovations, our American fleet dwindles and is teetering on the brink of extinction.

This historic industry needs our help to survive and it is in our Nation's best economic interests to respond. If we do not, and the American merchant marine slips away, the foreign commerce of this country would be subject to the total control of foreign-flag carriers. Our shippers and consumers would be inescapably dependent on foreign shipowners who could set the price for importing products to, and exporting products from, the United States.

The first of the two bills that I have introduced, the Maritime Security and Competitiveness Act, is designed to decrease needless Government regulation of U.S.-flag carriers and encourage them to invest in new, efficient, and economical ships.

In recognition of the enormous Federal deficit and the scaled-back spending all programs must live with, this legislation proposes a significant cut in the Government subsidies currently granted to U.S.-flag operators under the operating-differential subsidy [ODS] program.

A subsidy program is necessary because if it goes away, so will the U.S.-flag fleet which could simply register its ships in a foreign country. United States operators cannot go head-to-head with foreign-flag vessels that pay their seamen Third World wage rates. To help U.S.-flag owners pay for federally required U.S. crews, the Maritime Security and Competitiveness Act provides a payment of $2.3 million for each vessel in fiscal year 1996 and $2.1 million for each vessel in the subsequent years of a 10-year contract. This is significantly less than the $3–$4.5 million that vessel owners receive under the current subsidy program and will provide an incentive for them to replace their old vessels with more efficient ships.

The bill also offers carriers greater operating flexibility by eliminating the antiquated trade-route system used in the operating-differential subsidy system. Under the bill, U.S.-flag carriers would be allowed to move their vessels to any trade without the prior permission of the Secretary of Transportation.

The second bill I have introduced today is the Merchant Marine Investment Act of 1993. The purpose of this legislation is to make U.S. tax policies that affect the maritime community comparable to those commonly adopted by foreign governments. The bill also gives incentives to owners of U.S.-flag vessels operating in our domestic commerce to build new passenger vessels and environmentally safer double-hulled tankers.

Specifically, this bill would:

Permit depreciation of U.S.-flag vessels over 3 years (rather than 10 years);

Make moneys in tax-deferred Capital Construction Funds [CCF] available to construct vessels for the coastwise trades, other than inland waterway tugs and barges;

Tax investment income from CCF in the year earned;

Allow CCF withdrawals to be used to acquire vessels by lease;

Remove CCF deposits from the computation of the alternative minimum tax;

Retain the current requirement that CCF withdrawals must be used for work in U.S. shipyards only; and

Make no changes in the current CCF and depreciation policies for fishing vessels.

A large part of the competitiveness problems faced by U.S. carriers are due to the financial and tax incentives that foreign governments grant to their flag operators to promote their merchant marine.

For example, foreign-flag competitors can depreciate their vessels over a 3-year—or sometimes shorter—period. If the U.S. Government fails to match this tax benefit, U.S.-flag vessel owners can simply reflag to foreign registries and avail themselves of shorter depreciation schedules. Those concerned about how much U.S. tax revenue would be lost by giving U.S.-flag vessel owners a 3-year depreciation schedule for new vessels, should instead ponder the amount of tax revenue forfeited if these same owners go foreign and are exempt from U.S. taxation.

Vessel owners are in business and must be able to compete with operating costs, capital costs, and tax costs equal to those of their foreign competition. In 1986, in an ill-fated attempt to raise revenue and remove an incentive to place a U.S.-owned vessel under a foreign flag, Congress eliminated the subpart F tax exemption for U.S.-owned foreign-flag vessels. It has not worked; and has simply caused many companies to change their corporate structure to be totally foreign owned. The same thing will happen if Congress fails to provide tax incentives to stay under the U.S. flag.

In 1990, Congress passed legislation to require double hulls on tankers entering the United States. In 1992, we enacted a new law that allows gambling on U.S.-flag vessels. In theory, these statutes should have spurred American shipbuilding. However, it requires a tremendous amount of capital to buy a vessel built in a U.S. shipyard. A double-hulled tanker may cost $80 million with the owner able to finance only 75 percent of that amount. The other $20 million must come in the form of equity investment.

The changes we propose to the CCF will expand its coverage to allow vessels engaged in our coastal trades to make deposits and qualified withdrawals to build vessels in U.S. shipyards. The CCF Program works much like an Individual Retirement Account [IRA], allowing a vessel owner to make contributions that are tax deferred if the money is subsequently used to build a U.S.-flag vessel in a U.S. shipyard. Extension of this program will help stimulate our economy and create jobs in our shipyards.

One problem that U.S.-flag vessels owners face in making an investment decision concerning the use of the CCF Program is the Alternative Minimum Tax [AMT]. CCF contributions cannot reduce a vessel owner's tax liability below the AMT amount. Therefore, it is often not worthwhile to make a contribution to a CCF. This legislation removes CCF contributions from the list of preference items used to compute AMT. However, one must remember that CCF is only a tax-deferral program. The depreciable basis of a vessel is reduced by the amount of CCF used to buy that vessel. Therefore, this money will be recaptured later.

To pay for these tax incentives, this legislation provides that the income on deposits in CCF accounts would be taxable at the highest

tax rate applicable. We are awaiting an official estimate by the Joint Committee on Taxation and I am hopeful that this will more than offset any revenue losses.

Mr. Speaker, these are two elements of my maritime reform proposal. In the coming weeks, I will submit legislation to stimulate the development and expansion of our U.S. shipbuilding industry by helping shipbuilders convert from the construction of U.S. Navy vessels to building commercial ships for the international market.

If Congress fails to enact these or other incentives for U.S.-flag vessel owners and American shipyards, we can say good night to the U.S.-flag fleet and so long to our shipbuilding industrial base.

TRIBUTE TO VALENT W. GRANCHIE

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. TRAFICANT. Mr. Speaker, I rise here today to pay tribute to a man who has given much of his life to public service and has gone out of his way to help citizens. I want to recognize and congratulate Valent William Granchie, retiring after 29 years with the Struthers Police Department, 10 of those years as chief of police.

Mr. Speaker, Valent Granchie was born in Youngstown, OH, in my 17th Congressional District. He attended Woodrow Wilson High School, graduating in 1950. After graduation he served in the U.S. Air Force, receiving an honorable discharge with the rank of staff sergeant.

In 1955, Valent and his wife, Louise, who is also of Youngstown, moved to Struthers where he took a job in the carpenters shop of the Briar Hill Works of Youngstown Sheet & Tube Co. until April of 1964.

On April 29, 1964, Valent was sworn in as a patrolman for the Struthers Police by former Mayor Joseph Opsitnik. As a Patrolman, Valent was named Law Enforcement Officer of the Month in April of 1972 for his quick and efficient apprehension of four heavily armed members of a motorcycle gang after they attempted to murder a Struthers man. He was promoted to the rank of captain in April of 1977 and was named chief of police on July 29, 1983.

As chief of police, Valent Granchie made the officers of the Struthers Police Department his No. 1 priority and instituted mandatory in-service training for all personnel. Chief Granchie was instrumental in the creation of the Struthers Police Department Canine Unit which was the first such unit in the area. Chief Granchie also restructured the Struthers Police Reserves bringing the organization to full strength of fully trained and certified police officers who donated their time to the city of Struthers saving taxpayers thousands of dollars.

Mr. Speaker, I know I join with Valent's wife, Louise, and his son, Thomas, also a Struthers police officer, and his daughter, Barbara, in proudly congratulating him on his retirement. I know that this will allow him to spend more time with his grandchildren, Christopher, Melinda, and Bryan. I wish him well in the future and may God bless him.

IN RECOGNITION OF SISTER MAJELLA BERG, RSHM, MARYMOUNT UNIVERSITY PRESIDENT FOR 33 YEARS

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. WOLF. Mr. Speaker, I want to bring to the attention of my colleagues in the House of Representatives one of the Nation's exemplary leaders in higher education: Sister M. Majella Berg, RSHM, president of Marymount University in Arlington, VA.

Since 1960, she has dedicated her life to the advancement of value-centered education for thousands of students from throughout the United States and around the world. Effective this September 1, Sister Majella, the Nation's longest-tenured university president, will step down after 33 years as president of Marymount University to become its chancellor.

During her tenure, she has transformed a small college for women into a major coeducational university with an enrollment of 3,800 students. Although Marymount has changed dramatically through the decades, there has been one theme that Sister Majella has consistently promoted: A campus environment that is conducive to spiritual and emotional as well as intellectual growth. While the school works to prepare students to be intelligent, successful adults, it also endeavors to help them remember to be compassionate human beings, regardless of religious persuasion.

Sister Majella believes that her institution has a unique mission in Virginia's educational system. "Marymount serves to provide a choice," she says, "and to bring a dimension that's not possible in many other universities. We endeavor to provide a value-centered environment to give students some stability in a rapidly changing world."

She has been the driving force behind the development of Marymount's academic programs in arts and sciences, business, education, human services, and nursing. Through a unique curriculum that combines a liberal education with career development, Marymount students are prepared to contribute to society as well-rounded professionals.

Through Sister Majella's efforts, Marymount's influence has expanded to encompass the entire State. Courses are taught onsite in northern Virginia hospitals and corporations, and the university recently opened an academic center in Loudoun County to meet the educational needs of that area's growing population. In the 1980's, Sister Majella spearheaded the effort of Marymount's School of Nursing to extend its program to the Shenandoah Valley through a cooperative venture with Shenandoah University.

In addition, Sister Majella has promoted lifelong learning in the Commonwealth of Virginia with the university's continuing education programs, including courses taught at local retirement homes to senior citizens. She has also played a vital role in the civic life of the community as the founder of Project Discovery in 1968 in Arlington County providing summer enrichment programs for able but underachieving youth. Over 500 students have regained an interest in education by participating in the program.

Sister Majella is well known for her significant contributions to education and to the community. Her indefatigable efforts on behalf of higher education have earned her the respect of her peers, who have elected Sister Majella to such positions as president of the Consortium for Continuing Higher Education in Northern Virginia and president of the Virginia Foundation of Independent Colleges.

In addition, Sister Majella received the 1990 Washingtonian of the Year award, was an inductee in 1991 into the Virginia Hall of Fame, and in 1992 was a Notable Women of Arlington inductee. She serves on the boards of HOPE, International Hospice, the advisory board of the Junior League of Northern Virginia, Arlington County Chairman's Council, and a director of the Ballston Partnership.

Mr. Speaker, on behalf of the citizens of Virginia's 10th Congressional District, we thank Sister Majella Berg for her distinguished leadership in higher education and the support and guidance she has given to countless students. We wish her continued success in her role as chancellor of Marymount University.

CONGRATULATIONS TO OUR FRIENDS ON TAIWAN

HON. ROBERT F. (BOB) SMITH

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. SMITH of Oregon. Mr. Speaker, best wishes and congratulations to President Lee Teng-Hui and Vice President Li Yuan-Zu of the Republic of China on Taiwan on their third anniversary in office on May 20, 1993.

In the last few years, Taiwan has continued to prosper, it being our sixth largest trading partner and the world's 13th largest economic entity. Its per capita income of $10,000 U.S. dollars is certainly one of the highest in Asia.

Alongside its economic success, Taiwan has embarked upon a course of democratization, including political pluralism, press liberalization, island-wide elections, and full constitutional reform.

Congratulations to our friends on Taiwan.

TRIBUTE TO THE BAY CITY BULLDOGS AND THE MINSK ZURBS

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. BARCIA. Mr. Speaker, I would like to take this opportunity to commend the union of old adversaries on a new playing field. For many years the United States and the former Soviet Union were adversaries in many dif-

ferent athletic arenas. Now they will meet playing a new game, American football.

On May 21, the Minsk Zurbs of Byelorus will face the Bay City Bulldogs who are members of the Commonwealth of Independent States Football League as part of a 10-day good will tour. The playing field will be in Bay City, MI. This location was chosen by the organizers for the spirit and the enthusiasm of the team and the area.

I am extremely proud of this honor not only because it is a part of the Fifth District of Michigan, but also because it is the city where I was born and raised. Bay City, MI, is definitely a city where great spirit can be found. I cannot think of a more suitable place to celebrate a new relationship with citizens of the former Soviet Union.

The importance of this game does not lie within the win-loss column, but in the relationships that are forged. The better understanding our two cultures have of each other will allow us to move forward in our new role of ally.

I welcome the Minsk Zurbs and look forward to many rematches.

THE FAIR ACT

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. MORAN. Mr. Speaker, on March 10, Representative GOODLING and I introduced the Fiscal Accountability and Intergovernmental Reform [FAIR] Act to help State and local governments ameliorate their most crushing financial burden: Unfunded Federal mandates.

We feel this legislation is necessary to safeguard against a tendency within our institution and among Federal agencies to resort to more and more Federal requirements without providing the funds to implement them.

Like the National Environmental Policy Act, this measure will require Federal agencies to analyze the economic costs of new regulations before they are adopted.

And, like the 1974 Budget Reform Act, our bill will require that legislation cannot be considered by the full House or Senate without an analysis by the Congressional Budget Office of the costs of compliance to State and local governments and the private sector.

News of this legislation is spreading among those it will help most: Our cities' mayors. Mayors from every State and territory have been writing in support of the FAIR Act and urge swift congressional action.

Support for mandate relief is building on numerous fronts. The New York Times recently ran a series of articles focusing on how our Nation's regulatory policies have strayed from their original purpose.

Mayors from 114 cities in 49 States wrote President Clinton urging the White House to focus on how policymaking has gone awry. And finally, the National League of Cities has made unfunded Federal mandates one of its top five political priorities in Washington.

In the next several weeks representative GOODLING and I will be inserting into the CONGRESSIONAL RECORD the names of hundreds of mayors from both parties and each State who have agreed to be citizen cosponsors of our FAIR initiative.

The time has come to make the Federal Government accountable for the actions it takes on behalf of our cities and States.

Today I am beginning this process by inserting in the RECORD the names of 20 citizen cosponsors who are urging us to take meaningful Federal mandate reform action.

CITIZEN COSPONSORS OF THE FAIR ACT, MAY 4, 1993

Name, title, city and State:

1. Bill Duke, mayor, Decatur, AL.
2. Tom Fink, mayor, Anchorage, AK.
3. George Miller, mayor, Tucson, AZ.
4. Phil Sansone, mayor, Newport Beach, CA.
5. Charles A. Witt, council president, Norwich, CT.
6. Daniel S. Frawley, mayor, Wilmington, DE.
7. Frank Portusach, mayor, Agana Heights, Guam.
8. Richard A. Brauer, mayor, Belleville, IL.
9. James P. Perron, mayor, Elkhart, IN.
10. Jon Crews, mayor, Cedar Falls, IA.
11. Aaron Brousssard, mayor, Kenner, LA.
12. Charles Harlow, mayor, Portland, ME.
13. Michael A. Guido, mayor, Dearborn, MI.
14. Pat D'Arco, mayor, Rio Rancho, NM.
15. James D. Griffin, mayor, Buffalo, NY.
16. Norman L. Grey, mayor, Enid, OK.
17. William J. Allthaus, mayor, York, PA.
18. Gary L. Drewes, mayor, Pierre, SD.
19. Barbara K. Crews, mayor, Galveston, TX.
20. Patrick Zielke, mayor, La Crosse, WI.

DECLARATION OF 1993 AS SENIOR CENTER YEAR

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. KLEIN. Mr. Speaker, I rise today to pay a tribute to a very special institution within many of our communities, senior centers. Senior citizens play important roles in our society. They are our parents, our grandparents, our friends, our teachers, our mentors, and ourselves. Every American benefits from the contributions of the generation that has preceded them. Local senior centers act to focus these bountiful contributions made by seniors within the community. Let us respect gray hairs, especially our own and recognize 1993 as senior center year. 1993 commemorates the 50th anniversary of senior centers in our great country.

As our population ages, we as a country are experiencing some dramatic changes. Every segment of our society will be influenced by the needs, resources, and expertise of America's seniors. As this occurs, senior centers will continue their vital role in the ongoing relationship between the general American public and its seniors.

Senior centers benefit the community in many different ways. They bring seniors together so that they may gain easier access to community services when needed. They install a sense of dignity, self-worth, and independence by facilitating seniors decisions and actions. They tap seniors experiences, skills, and knowledge so that the entire population may progress. Most of all, they enable seniors to help themselves and each other as an active and unified community.

May has been declared "Older Americans Month." Communities across America have been encouraged to give seniors the recognition they so richly deserve and honor the centers which act to bring them together. Mr. Speaker, it is my wish that my colleagues will join me as I declare 1993 as senior center year. By taking this action, I hope to strengthen the bonds between all the ages and acknowledge the need for increasing support of senior centers to create a bright vision for the future.

HONORING MANAGEMENT WEEK

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. GALLEGLY. Mr. Speaker, it is a privilege to rise today to once again recognize the talented and dedicated professionals who help our American businesses meet the challenges of global competition, America's managers, as we observe Management Week in America.

Management Week is sponsored every year by the National Management Association, an organization dedicated to making our managers even more productive through professional development. The group understands that there is no substitute for attaining the highest level of professionalism in each of the many fields of management.

Management Week in America has grown in recognition and activities each year since it was first commemorated in 1978. Every year, leaders of our Nation proclaim the first week in June as a time to recognize the profession of management and to appreciate the contribution and dedication that millions of managers offer in support of our free enterprise system.

I would also like to call to my colleagues' attention the fine work performed by the Rockwell Valley Chapter of the NMA. The chapter is a nonprofit organization of some 1,100 members from Rockwell International's various facilities in the San Fernando Valley and Ventura County, located in Canoga Park, Chatsworth, Westlake Village, Thousand Oaks, and Newbury Park. Many of my constituents are managers at these facilities, and I especially would like to salute them for their hard work and dedication.

Mr. Speaker, professional managers make critical contributions to Government, business, and industry, and I urge my colleagues to join me in saluting Management Week in America—a time to honor managers, salute them for their accomplishments and to encourage everyone in leadership positions to further improve their management skills.

TRIBUTE TO BARBARA LENTZ

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. GILLMOR. Mr. Speaker, I rise today to pay tribute to Mrs. Barbara Lentz, of Port Clinton, OH, who has just completed 23 years of loyal service to the Ottawa County Board of Elections.

Barbara has served the board of elections under four secretary of state administrations and four directors. From an assistant clerk to office manager, she has observed many changes in her 23 years. She has seen the number of precincts grow from 50 to 78 and today the office oversees 23,000-plus registered voters. She has also been present as hand-counting of ballots gave way to electronic scanning equipment.

It takes a special person to handle the constant array of questions which arise in a board of elections office, and Barbara has handled her work with good humor and quiet efficiency. I join with many other friends and colleagues in wishing Barbara and her husband Clyde all the very best as they begin this exciting new period in their lives. Thank you, Barbara, for a job well done.

TRUTH IN SAVINGS LAW INTRODUCED

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. MORAN. Mr. Speaker, today, I am introducing legislation that will amend the truth in saving law to make Government agencies more accessible to the public.

In recent years State and local governments, along with the Federal Government, have made a conscientious effort to improve the quality and efficiency of their customer services.

Public expectations now focus on convenience, quickness, and completeness when receiving public services.

Given the option, many people would prefer to register their car, pay their real estate and property taxes, or register for college courses over the telephone with a credit card.

It's quick, convenient and spares people the time and expense of visiting the motor vehicle, tax office or the college campus, and spend their time waiting in long lines.

Payment of taxes with credit cards has the added benefit of enabling taxpayers to avoid the stigma and added expense of late tax payments, since the cardholder can avoid the late penalty fee and stretch their payments out over several months.

This legislation is necessary because the major credit card companies insist that public agencies be treated the same as department stores and restaurants who are prohibited by the credit card companies from passing the cost of credit card transactions directly onto the customer.

Merchants must swallow this cost or spread it out to every cash paying customer through higher prices. Few merchants complain because they can raise their prices and encourage their customers to buy more on credit than they could pay with cash.

Public agencies are different.

The Government should not raise everyone's taxes to pay for credit card user fees.

Moreover, State and local law may prohibit or restrict public agencies from absorbing or spreading this cost.

If the Internal Revenue Service were to allow the public to pay taxes with a credit card, it could not absorb the 2-percent service charge per credit card transaction.

Under Mastercard and Visa's policy, the IRS would have to absorb the $200 million in service charges the two companies would collect on 10 billion dollars' worth of credit card tax payments. State and local government agencies face a similar obstacle.

The legislation I am introducing will remove this obstacle and provide the public a convenient option for conducting their business with public agencies at a minimum of expense.

I urge my colleagues to support this legislation.

IN RECOGNITION OF FOSTER AND ADOPTIVE PARENT DAY

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. BARCIA. Mr. Speaker, as many of our colleagues know, violence and abuse in families is one of the most serious problems facing our Nation today. The increasing pressures of today's society leads to family turmoil, too often making children the helpless victims of their parents' frustration and despair. Child maltreatment occurs at all levels of society, and is not limited to any racial, ethnic, or socioeconomic group. Abuse comes in many forms—physical, emotional, and even educational neglect. Statistics show the number of reported cases of child abuse and neglect has doubled in the past decade, with reports of child abuse increasing dramatically from 670,000 in 1976 to 2.2 million in 1987.

Although Congress has passed legislation to prevent and treat child abuse, I feel that among the true heroes for these abused children have been the foster and adoptive parents who generously share their lives with children who are in need. As trends in our society are growing toward more violence and abuse, foster parents are playing a key role in providing a caring, loving, and healthy environment for innocent children who are suffering. A society that cares about children must care about the environment in which they are raised. Parents must both accept their responsibility and exercise their authority to instill in children the values, attitudes, and habits they will need to become competent adults. This is so important to the future of our country.

Foster and adoptive parents who provide the cornerstone for abused and neglected children's intellectual, moral, and social development are truly individuals to be respected and admired. I certainly have the highest regard for these individuals who are "Our Unsung Heroes". It is through their unrelentless giving that these children in need are provided with a chance to become leaders of our society. In recognition and appreciation of foster and adoptive parents, I would like to dedicate this day as Foster and Adoptive Parent Day.

TRIBUTE TO ROBERT J. VASQUEZ

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. TRAFICANT. Mr. Speaker, I rise in honor of a man who dedicated his life to the working people of my district. Mr. Speaker, I rise in tribute to Robert J. Vasquez.

Mr. Speaker, Robert passed away this year at the age of 45 after battling a 12-year illness. His service to community and country began when he moved to Germany and served in the Army and the Reserves from 1964 to 1970. He returned to the United States and, for the next 14 years, gained experience as a mobile equipment mechanic for U.S. Steel Corp.'s Ohio works. He was also a personnel manager for Hunt Steel Co. and was in labor management at LTV Steel. He became deeply involved in labor relations and served as a grievance man and, eventually, president of United Steelworkers [USW] of America Local No. 1330.

But, Mr. Speaker, Mr. Vasquez's contributions to the working man went well beyond his professional life. He was the founder and trustee of Sam Camens Center National Steelworkers Oldtimers Foundation, a labor board member of United Way campaigns, active in the Alcoholic Clinic of Youngstown and involved in the Greater Youngstown AFL–CIO Council.

Mr. Speaker, I would like to take this opportunity to extend my deepest sympathy to his wife, Rosemarie, and to his family and friends. Robert was a personal friend of mine, and I join the people of the Mahoning Valley in grieving the loss of this fine individual.

TRIBUTE TO NJROTC UNIT HIGH SCHOOL DISTRICT 214

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. PORTER. Mr. Speaker, I rise today to recognize NJROTC United High School District 214. This battalion has been designated the outstanding Naval JROTC in the Nation and will be recognized at a banquet on June 4, 1993. It serves students from six high schools in the northwest suburbs of Chicago: Bullalo Grove High School, Elk Grove High School, John Hersey High School, Prospect High School, Rolling Meadows High School, and Wheeling High School where the NJROTC is based. The battalion has been in existence for 24 years and currently has a strength of 150 cadets. It enjoys strong parental support, and each year, 30 to 40 of its cadets receive appointment to U.S. service

academies or acceptance into college ROTC programs. I am indeed proud to represent the 10th Congressional District of Illinois, as its residents have the commitment and dedication to service to provide the environment for this NJROTC to exist and excel.

In addition, I would like to recognize the retirement of the naval science instructor of NJROTC Unit High School District 214, Lt. Comdr. John A. Helley, Sr., U.S. Navy. Ret., who came to the school to fill in for 1 year and has stayed 9. Under his leadership, the cadets have earned millions of dollars worth of college scholarships, worked with local veterans organizations, spent time at the local U.S. Department of Veterans Affairs' Medical Centers, contributed efforts for community affairs and assisted whenever the communities needed volunteers for emergencies. Because of his personal commitment to and concern for the cadets, the NJROTC as a whole and his Nation, I wish to commend and thank Lt. Comdr. Helley for his efforts in the past and wish him success in his future endeavors.

ILLINOIS SMALL BUSINESS PERSON OF THE YEAR

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. LIPINSKI. Mr. Speaker, it gives me great pleasure to bring to the attention of my colleagues an outstanding businesswoman from the Third Congressional District of Illinois. Caroline Sanchez Crozier of Summit, IL was recently named Small Business Person of the Year for the State of Illinois by the Small Business Administration.

Ms. Crozier began her professional career in 1979 as a financial analyst and auditor for such corporations as McDonalds, Continental Bank, Kraft and Deloitte, and Touche. In 1988, she founded the Computer Service and Consulting, Inc. of which she is currently president and CEO.

I salute Ms. Crozier and other small business owners throughout the country, for they embody the entrepreneurial spirit of America. Their companies make up the backbone of American industry and enterprise, and we must continue to support such healthy commercial and industrial activity in our Nation's communities.

I am sure my colleagues will join me in expressing congratulations to Ms. Crozier for her well-deserved honor.

SUPPORT FOR THE PRODUCTION JOINT VENTURES ACT

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. WYDEN. Mr. Speaker, I want to congratulate the chairman of the Judiciary Committee, Mr. BROOKS, and the ranking minority member, Mr. FISH, for hammering out this important piece of legislation, H.R. 1313, the Production Joint Ventures Act, and for working so diligently over the last few years to realize these necessary, pro-economy reforms in our antitrust laws. I believe adding this kind of flexibility to our regulation of business activity will be a boon to small entrepreneurs, especially, allowing them to gain important marketplace advantages against larger competitors by pooling their resources in both manufacturing and technology development.

These are the keys to the competitive kingdom in our current global economy. We need to give our small manufacturers the tools not only to survive, but to prevail. Allowing cooperative ventures through this regulatory reform is not only sensible in the face of what our overseas rivals are up to. It's absolutely a requirement.

The Small Business Subcommittee on Regulation, Business Opportunities and Technology, which I chair, has held several hearings on the emergence of manufacturing networks in Europe and Asia, and the role such cooperation plays in increasing industrial competitiveness. I think this bill is a giant step in the right direction, allowing our small businesses to freely enter into network opportunities of this type. It gives a certain, sure and relatively bureaucracy-free solution to those partners without jeopardizing the regulators' ability to fight price-fixing and other abusive practices clearly targeted by law.

Mr. Speaker, this Nation suffers from not one, but two deficit problems. One is budgetary, and well-known. The other is a deficit in technology development, technology transfer and technology application—the process of inventing appropriate, more efficient manufacturing techniques, and making sure those innovations flow down to the end-user.

I believe this bill moves our country into the forefront of globally competitive manufacturing by allowing businesses to share technology, manufacturing shopfloors, and even workers. It's a deficit-cutter, Mr. Chairman, because it strikes hard against the barriers we face in making our manufacturers the most efficient and competitive in the world.

Finally, the inclusion of a notification procedure detrebling disclosed activities will be especially helpful to small businesses which can't afford a lot of high-priced legal advice. This legislation also addresses the need for pooling resources to more reasonably acquire the prohibitively expensive new plants and machines which are now unattainable for many small and capital-intensive companies.

If we could make one major improvement in this bill it would be to allow at least the smaller ventures joint marketing and distribution activity. The basis of this request is well-documented in testimony before my subcommittee in 1988 and 1989. I do not believe that such an extension would be anticompetitive. And I would hope that a provision of this sort would be given scrutiny by my distinguished colleagues on the Judiciary Committee at a later date.

ERNEST W. DEMPSEY HONORED

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. TALENT. Mr. Speaker, I rise today to honor Mr. Ernest W. Dempsey from Missouri's Second Congressional District. Mr. Dempsey was recently awarded the 1993 Business Person of the Year by the St. Charles Chamber of Commerce. This award recognizes small business owners and operators for their personal achievements and contributions to the community.

Mr. Dempsey is the owner of Pio's, Inc.; Column, Inc.; and the Opera House St. Charles, MO. In 1966, he began as an assistant at Pio's with various jobs, and by 1979 was fully integrated into the business. Mr. Dempsey eventually purchased and expanded the business.

Through business contacts and the Optimist Club, Mr. Dempsey became involved in city business and civic projects. He has served as past president of the Optimist Club, board of director of the Boys Club and United Services for the Handicapped, president of the board of public works, chairman of the March of Dimes and has facilitated acquisition of land which allowed St. Joseph's Hospital to expand its crisis center.

I commend Mr. Dempsey on his achievements, and am grateful for his service. I wish him luck in his future endeavors. Mr. Speaker, it is an honor to represent such a distinguished person.

TRIBUTE TO M.SGT. CHARLES DANIEL GERY, JR.

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. TRAFICANT. Mr. Speaker, I rise today in honor of M.Sgt. Charles Daniel Gery, Jr., a respected member of the Armed Forces who resides in my district.

Mr. Speaker, Charles retired this year after 26 distinguished years with the U.S. Army, Army Reserves, and the Ohio National Guard. He began his career in 1958 and 4 years in Germany and 13 months in Korea. He eventually joined the Army Reserves in 1975 and the National Guard as a recruiter in 1981. He became the noncommissioned officer in charge [NCOIC] of the Youngstown/Cleveland area the following year and remained the NCOIC until his retirement this year.

Mr. Speaker, it is my pleasure to commend him on his 26 years of service to his country. I also commend him for his intention to continue to serve the people of this great Nation after retirement. I wish him, his wife, Mitzi, and son, Charles III, a very pleasant and rewarding retirement.

HAZARDOUS MATERIALS TRANSPORTATION ACT OF 1993

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. RAHALL. Mr. Speaker, today I am introducing legislation to amend the Hazardous Materials Transportation Act to authorize appropriations for fiscal years 1994, 1995, 1996, and 1997.

Joining me as original cosponsors are the distinguished chair of the Committee on Public Works and Transportation, NORM MINETA, the ranking Republican member, BUD SHUSTER, and the ranking Republican member of the Subcommittee on Surface Transportation, TOM PETRI. Also joining in the introduction of this measure are the esteemed chairman of the Committee on Energy and Commerce, JOHN DINGELL, that committee's ranking Republican member, CARLOS MOORHEAD, the chairman of the Subcommittee on Transportation and Hazardous Materials, AL SWIFT, and that panel's ranking Republican Member, MICHAEL OXLEY.

By way of background, the Hazardous Materials Transportation Act affords the public protection against the risks connected with the transportation of hazardous materials by regulating these materials in commerce.

In 1990, the Congress made the first major amendments to the Hazardous Materials Transportation Act with enactment of the Hazardous Materials Transportation Uniform Safety Act of 1990 [HMTUSA]. HMTUSA improved protection for the public and emergency responders against the risks presented by the transportation of hazardous materials and was a joint product of the Committee on Public Works and Transportation and the Committee on Energy and Commerce after a great deal of work and public comment.

One controversial issue not resolved by the HMTUSA involved whether or not a centralized computer tracking system for all hazardous materials in transportation should be required. Under such a system, shippers would enter information about each hazardous material shipment into a central computerized data center at both the commencement and completion of a shipment.

The HMTUSA called on the National Academy of Sciences [NAS] to study the feasibility and necessity of a central reporting system and telecommunications data center. The HMTUSA also required the Department of Transportation [DOT] to open a rulemaking on improving the current system of placarding vehicles transporting hazardous materials and on methods for establishing and operating a central reporting system. DOT was also required to review the NAS study on the centralized computer tracking system and report to Congress on the review and the results of the rulemaking.

The NAS study, released in late April 1993, did not recommend the establishment of a central reporting system and telecommunications data center. It did, however, recommend that DOT test prototype automated information systems and proposed that a system for rail shipments would be a practical starting point. The NAS also advanced the recommendation that the existing system used to provide information about hazardous cargoes should be improved, to include more effective enforcement and greater support for improved training of emergency responders and inspectors.

As a result of the NAS study, DOT is not expected to proceed with regulations requiring a centralized computer tracking system for all hazardous materials in transportation. However, I expect debate over pilot projects, their number, and whether they should be limited to examining rail shipments alone or also include motor-carrier transportation, and the means to finance the projects.

In the near future, the Subcommittee on Surface Transportation will hold hearings on this bill, the status of hazardous materials transportation safety, and the implementation of HMTUSA. I look forward to working with all interested parties in this matter.

CONGRATULATIONS TO THE REPUBLIC OF CHINA

HON. J. ROY ROWLAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. ROWLAND. Mr. Speaker, I wish to convey my best wishes and congratulations to President Lee Teng-hui of the Republic of China. The Chinese people of Taiwan will be celebrating President Lee's third anniversary in office on May 20, 1993. May President Lee and his people flourish and prosper in 1993 and beyond. I look forward to continual warm relations between our countries.

A TRIBUTE TO REV. JOHN W. BARDSLEY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. ACKERMAN. Mr. Speaker, I rise today to recognize the outstanding achievements of Rev. John W. Bardsley, who will be celebrating the 40th anniversary of his ordination on June 26.

Mrs. Bardsley is hosting a surprise affair for her husband, Dr. John Bardsley, to celebrate the anniversary of the 40th year since his ordination as a Methodist minister. During the past four decades, Reverend Bardsley has blessed a myriad of people with his kindness and wisdom. The Reverend has always been easily accessible to each and every one of his congregants for warmth, support, and advice.

Dr. John Bardsley ministered to a plethora of people in Valley Stream, Smithtown, and Huntington, NY. He is currently the spiritual leader of the Jonesville United Methodist Church in Jonesville, VA. He reached out to these people, and touched their lives in a very special way.

Mr. Speaker, the reverend is an extraordinary man, who has dedicated his life to religion and to his community. He is highly active in community service and has inaugurated many organizations and projects over the years. He is a remarkable man with high morals and values, and truly lives by what he preaches in his church.

Dr. Bardsley is a dynamic speaker, who mesmerizes his congregation during his weekly sermons. He teaches his congregants about the importance of religion, and the values they should learn and practice in their daily lives. Each sermon given by Dr. Bardsley is well thought out, and provides his congregants with praiseworthy insight.

Mr. Speaker, Reverend Bardsley has put forth a great deal of time and energy in remaining absolutely devoted to both his wife and his church. Mrs. Bardsley has been ill with Parkinson's disease, as well as TMT for approximately 35 years. She is an amazing woman who is still vibrant and full of life. Mrs. Bardsley has been an incredible inspiration to her husband during his years in the ministry.

Together, Dr. and Mrs. Bardsley established the Parkinson Center in Smithtown. The medical center has already helped many people battle this disease, and has provided individuals who came to the center with care and support. They have embraced others who share the illness of Mrs. Bardsley, and have filled their lives with hope and happiness. I would like to applaud the exceptional and selfless efforts of the reverend and his wife.

Mr. Speaker, Rev. John W. Bardsley should be commended for his loyalty and dedication to his religion and invaluable service to his community.

INTRODUCTION OF FOOD LABELING LEGISLATION

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. KLECZKA. Mr. Speaker, today I am introducing legislation to require that genetically modified foods be labeled to identify their derivation. This bill is identical to the legislation I introduced last year—and more urgent.

The Food and Drug Administration [FDA] announced in May 1992, that it will allow the sale of new foods designed with the help of advanced genetic engineering methods, such as gene splicing and cell fusion. As a result, it is expected that exotic, transgenic foods such as potatoes with wax moth genes and tomatoes with flounder genes will be available for purchase in the near future.

Well the future may be closer than we thought. As soon as this summer, the Calgene Flavr Savr tomato may be on supermarket shelves. This high-tech tomato contains a synthetic gene fragment that blocks a natural gene that makes the fruit soften rapidly once ripe. Another gene was also added—one that gives the tomato cell resistance to the antibiotic kanamycin. Originally used as a marker to implant the original gene segment, this gene is expressed in every cell of the plant.

Some scientists are concerned that there may a significant health hazard of consuming this genetic material that is resistent to common antibiotics. Fresh fruits and vegetables altered in this fashion may not be dangerous,

but we don't really know this for sure. Consumers are not guinea pigs—they deserve to know if there is any scientific debate.

The FDA policy published last year denies consumers the right to know what is in their tomato by failing to require that these unique foods be labeled to identify their derivation. In response to this oversight, the FDA received over 2,500 letters demanding that the agency rethink this omission.

An addition to safety reasons, it would be helpful and reassuring to know what has been added to the genetically modified groceries in the supermarket of the future. If the tomato hits the market under the current regulations, consumers will have no way of knowing which whole and processed foods are genetically engineered. Vegetarians and members of religions with dietary restrictions will be unable to discern if fruits and vegetables contain genetic material from insects, fish, fowl, and other animals.

My bill would correct the flawed FDA policy by mandating the new, modified foods be labeled as such. By supplying the buying public up front with this information—as required by my bill—consumers can more easily make their own decisions about the benefits or risks of genetically engineered foods.

The measure is consistent with the Federal Food, Drug, and Cosmetic Act, which requires a producer to inform consumers of food properties by an appropriate label. Although such labels generally have never before contained information on a food's production method, genetic engineering is an exception. Cell fusion, gene splicing, and other new methods enable scientists for the first time to completely alter food and even food properties with great precision. This ability directly affects food nutrition, texture, shelf life, taste, and a host of other traits.

Accordingly, we cannot divorce the production method from the finished product, as with foods long used that occur in nature or are modified by traditional breeding techniques. For the new foods, my bill simply clarifies the labels must state the derivation method—that is, the label must inform consumers whether food is genetically engineered. In this way the bill empowers consumers to decide for themselves whether it is safe to buy a genetically altered food. I urge my colleagues to cosponsor this legislation before another policy is introduced—in our grocery stores.

KEITH PIPER RETIRES FROM THE BIG RED

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. HALL of Ohio. Mr. Speaker, I rise to pay tribute to Denison University football head coach Keith Piper, who is retiring after guiding the Big Red for 39 seasons.

Denison is unique among colleges for Keith's use of the single wing formation, an offensive set that had all but disappeared from collegiate and professional football in the early 1950's. Keith tapped me to be tailback when he instituted the formation in the 1962 season. Keith was everything that makes up a great coach. He was a leader, an adviser, and source of inspiration. And he was more. He was a friend.

Keith started with Denison as an assistant football coach in 1951 and in 1954 he was named the Big Red's head grid coach. Since then, he has scored 200 victories—a record achieved by only 23 other coaches in the history of college football. Even more impressive, only 13 other coaches won more games at the same institution. In his head coaching career at Denison, Keith posted an overall record of 200 wins, 142 losses, and 19 ties, for a .580 winning percentage.

Through the years, Keith has racked up numerous honors. In 1985, the Columbus Touchdown Club selected Piper as its Ohio College Coach of the Year. The coaches in the North Coast Athletic Conference voted him as NCAC Coach of the Year in both 1985 and 1986. In 1986, the Ohio House and Senate each passed proclamations hailing his achievements. The Senate again recognized him on the occasion of his 200th victory.

However, the greatest signs of his achievements are his legions of friends and supporters, among which I count myself. I have cherished his friendship long after I graduated from Denison and I wish him happiness and good health in retirement.

THE DANGERS OF BOSNIA

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. GINGRICH. Mr. Speaker, I commend the following articles to my colleagues as a reminder to us of the potential danger of getting deeply involved in Bosnia.

[From the Wall Street Journal, May 4, 1993]

THE NEW MASTERS OF THE UNIVERSE

(By Karen Elliott House)

With the ship of state adrift at home, President Clinton is preparing to set sail on a chimerical crusade toward that distant graveyard of good intentions—the Balkans.

Flapping about the young president as he plots this course are a flock of squawking "dawks"—deeply committed doves on every recent foreign intervention from Grenada to the Persian Gulf who suddenly have assumed the plumage and cry of Balkan hawks. But one Mr. Clinton has set sail onto a lonely sea, these same dawks are all too likely to emerge as his albatrosses. Ultimately, these birds will re-emerge as vultures, picking over the remains of a halfhearted American adventure abroad.

The chorus calling for military intervention in the Balkans gets odder the more you think about it. Here we have a president who ducked the draft in Vietnam, ostensibly believing it was immoral to use American power to combat aggression halfway around the world. The political advisers who people his administration mostly opposed the 1991 Gulf War on grounds ranging from the alleged absence of a U.S. national interest to the risk of becoming bogged down in ancient, internecine Arab conflicts. Mr. Clinton, moreover, was elected pledging to devote full attention to America's domestic agenda.

NO DOMESTIC RECORD

Indeed, it is worth recalling candidate Clinton's waffle on the Gulf War. "I guess I would have voted with the majority [for war] if it was a close vote," he said. Even after Congress authorized war, Mr. Clinton voiced faith in sanctions: "I agree with the arguments of the people in the minority of the resolution that we should give sanctions more time and maybe even explore a full-scale embargo * * * before we go to war."

So, here is the president, with hardly a domestic achievement to date, being hustled toward intervening in a centuries old ethnic conflict abroad by a circle of dawk advisers and their media megaphones for reasons totally at odds with their pacifist principles. In short, Mr. Clinton is getting the wrong advice from the wrong people in the wrong place at the wrong time.

Think back to the chorus of alarms raised when George Bush moved to confront a case of overt aggression in the Persian Gulf. The doves then argued there was no clear American interest, despite the fact that U.S. oil supplies were directly at stake. The war wasn't winnable, they argued, despite the fact that American weaponry and military tactics proved precisely suited to that war's terrain. Sanctions could force Saddam out of Kuwait, they argued, though sanctions had no effect. America would not be able to mobilize United Nations, congressional or international support, though Mr. Bush mobilized each. Thousands of body bags would be shipped home, they worried, though it was a victorious American army that soon marched home to popular parades.

That same chorus of critics now claim that "limited" American military intervention in Bosnia can affect the political outcome of an ethnic conflict without front lines or even borders, with no clear American political or economic interests at stakes, and with no international or U.S. public consensus for intervening. Our European allies have closer ties to Yugoslavia. But they are openly fearful of military action because Europe has experienced countless Balkan crises and a world war whose origins lay in these ethnic hatreds and political rivalries.

What then motivates the hawks?

Naivete is the most charitable answer. Americans of all political persuasions understandably abhor the cruelty of Serbian ethnic cleansing in Bosnia. All Americans have been affected by the TV footage of death camps and tortures, rape victims and orphans. But this adds up to humanitarianism of the best sort (sympathy with victims) making foreign policy of the worst sort (ill-defined military missions against villains).

Part of the problem with this motivation is that it logically leads America to intervene in myriad other human nightmares, from the jungles of Cambodia to the deserts of southern Sudan. Yet prioritizing victims often leads to the conclusion that Western lives are more precious than blacker and browner ones.

Another problem with humanitarian-inspired military intervention is that violence often begets more violence—including on our TV screens. At the sight of flattened Serbian villages, the first American reaction will be to blame our Air Force for imprecise bombing; the second to blame ourselves for escalating violence. The first photos of American aid workers held hostage by Serbian irregulars are likely to weaken American resolve. "Doing the right thing" in such situations involves violence. And few humanitarian interventionists have the stomach for it.

A second explanation for what may motivate the dawks lies in the common rooms of Oxford where Mr. Clinton and his fellow

Rhodes scholars congregated. In that era, in such privileged places, there developed the attitude that bright minds can experiment with good ideas without taking responsibility for the consequences. Foreign policy becomes a brain game, where policy makers can prove their intellectual superiority while lesser mortals must prove their courage.

These masters of the universe reserve the right to walk away if things don't work out as intended. It's precisely this mentality that led the "best and brightest" of a generation ago to push two presidents into the violence of the Vietnam War and then to turn on the very violence they had set in motion, leaving 500,000 military men trapped in a war.

It's this strain, above all, that is worrisome in Mr. Clinton's Washington—all these bright intellects experimenting with grand policy initiatives to "save" our health care system, "save" American industry and "save" Bosnia when so very few of them have ever cured a patient, met a payroll or worn a military uniform.

Before engaging his Air Force and his administration in Bosnia, Mr. Clinton would be well advised to sit down with former Secretary of State Dean Rusk, virtually the only Vietnam-era hawk who never reneged and recanted his advice to presidents, to ask him where were the "best and brightest" when the going got toughest. The president also ought to demand a roll-call vote in Congress to support all military means (not just limited force) available to achieve his Balkan objectives, whatever they are. If advisers have a habit of cutting and running, the ones they trample en route to the exits are certain to be the fleeing lawmakers.

A third and much less charitable explanation for dawk motivation is that, consciously or unwittingly, they are setting about discrediting the use of American military force for another decade or more.

It's this view that leads prominent dawks to say that the Gulf War was a historical anachronism and military aberration precisely because it worked. And it's this view that leads them to support intervention in the Balkans as a kind of experiment in "new world" moralism—whether it works or not. After all, their reasoning runs, it will make us "feel better" for having "done something."

Moreover, they can also win by losing. If "limited" military intervention fails to achieve their ill-defined objectives, as almost surely it will, they can find satisfaction in having demonstrated how useless military power is and justify further dismemberment of the American military. This is a cynical thought, but one that must have crossed many a Pentagon mind. If it isn't the motivation for present policy making, it's very likely to be the result of the advice President Clinton is getting.

There is in fact an entirely credible set of arguments for exerting American military power in Bosnia and beyond. But they rest on far more than guilt and schoolboy experimentation. Indeed, they assume that America is and must remain the world's primary political and military power and that this nation has both the obligation and the opportunity to shape the future of those parts of the world currently in chaos as a consequence of our remarkable victory over communism.

NO SANTA CLAUS

Surely America didn't defend Europe from communism for nearly 50 years to abandon it to chaos. The logical corollary is that America must continue to pay a price for peace and stability—to play world leader. This is not America as Santa Claus passing out food to the starving, but America in its historic role of political and military leadership to preserve its interest in global peace and prosperity. In short, the only credible argument for intervention in this new crisis is that oldest one.

But this role of America as world leader is not one the Clinton administration buys. What the rest of us are going to be sold is a supposedly painless experiment in supposedly limited military action for nebulous goals against an enemy that has largely achieved its aims already. Down this road lies another Lebanon—the one military intervention of the 1980s that ended in failure.

[From the Wall Street Journal, May 6, 1993]

MILITARY REALITY IN YUGOSLAVIA

(By Mark Helprin)

The fourth Balkan war of this century is now to be internationalized, as were its three predecessors. Driving the intervention are not the thrice-bitten and understandably shy Europeans but the United States, fresh from half a victory in the Persian Gulf and led by a young president with a pathological faith in the power of his own touch.

The president's confidence notwithstanding, his policy fails to account for the motivations of the warring parties, mistakes general outcomes for strategic aims, ignores military reality, slights history, and blithely disregards the danger of a world war.

Should the Bosnian Serb Parliament reject the peace plan, the administration's intent is to arm the Bosnian Muslims and deploy American airpower against dispersed artillery. Should the Parliament accept the plan, the administration intends to send tens of thousands of soldiers to enforce a cease-fire. But acceptance is no guarantee of peace.

WHAT THE SERBS WANT

Like the Vance-Owen Plan, the administration's conception is conditioned upon the wrong answer to the oft-asked question, "What do the Serbs want?" the Serbs say they want to protect themselves, a response that seems grotesquely inadequate as an explanation for their relentless prosecution of a war largely against innocent civilians. So inadequate, in fact, that it encourages the conventional wisdom, which is that the peoples of the Balkans are entrapped in a mystical hatred that renders them incapable of living with one another.

Stopping at the conventional wisdom, the Vance-Owen Plan and Washington would halt the fighting and divide Bosnia into a checkerboard of ethnic enclaves. This, however, would ensure eventual resumption of the war, because what the Serbs really want is to consolidate their own areas into a territory that would embrace most of their compatriots while remaining contiguous with Serbia. If one lays a map of those sections of Bosnia that have come under Serbian control over an ethnographic chart showing where the Serbs live in Bosnia, one will see roughly an 85% correspondence. The remaining 15% are why the Serbs have kept on fighting.

When Yugoslavia broke up, the Serbs' memories of the Second World War made them rush to the premature rescue of Serbs left outside the fold. Though one cannot dismiss their motivations, it is a great deal more than ironic that they have been meting out to others the treatment that they so fear. Nonetheless, whatever the Serbs' moral standing, the Vance checkerboard and as many American divisions as are required to impose it will succeed only in postponing a new round of fighting. Like the first United Nations partition in Palestine, it is an ephemeral construction that will give way to the realities of power.

Complementing the failure to divine why the Serbs have been in the field is the failure to enunciate a military purpose. The cessation of hostilities between the warring parties may be achieved as a result of—but cannot itself be—the American strategic aim. This is the same mistake the U.S. made in Lebanon, and, to some extent, in Vietnam. Civilian leaders without military experience are forever mistaking their soldiers for police. A modern army that does not move is bound to fail, for it is a machine that has been constructed for maneuver and nothing else. Keeping it still is the best way to kill it.

As far as maneuver is concerned, there is no doubt that NATO or even the U.S. alone could conquer the heart of Serbia in the kind of operation for which their armies are formed and trained—landing tranquilly at Rijeka and staging in northern Italy, and then driving from Zagreb in a blitzkrieg on well-developed arteries of transportation through virtually indefensible plains finally to Belgrade. The heart of Yugoslav defense, however, is in the mountains. Tito never intended to hold the plain against the Soviets. The idea was to adjourn to the uplands, where the fighting is today, and where successive mountain ranges, rivers running through steep gorges, precipitous defiles, thick forests, and an arcane system of logistics-stuffed caves and redoubts would rob opposing forces of their greatest strengths. The country is impossible for armor and it greatly reduces the effectiveness of airpower.

It is in these mountains that current U.S. proposals will unfold. Terrain is not the only obstacle. Of the 24 million people in what was once Yugoslavia, four million live in 20,000 villages of less than 500 people. This means that the territory in question is about 10 times more fragmented than the U.S. Coupled with lesser communications and the more difficult terrain, it is a nightmare. Not only could the largest of the proposed forces not control something like this, they could not conquer it and they could not even keep track of it.

The 60,000 troops nominated to keep the peace would be able to garrison the area successfully, assuming that they encountered no resistance. This assumption is untenable given that it is likely that peacekeeping forces would have to suppress scattered internecine violence beyond the control of Belgrade, Zagreb or Sarajevo. If such actions were perceived as aggression, woe to them.

A new factor could come into play, the affection of the Serbs for advancing against impossible odds, or what has been politely called their "national tradition of heroic outlawry against the Turks." In this century alone the Serbs have been willing to commit national suicide no less than twice, and they have somehow lived to tell the tale. The Iraqis blustered about such a thing; the Serbs have it on their resume. In World War II Yugoslavia suffered up to 1.75 million dead in a population of 15 million.

The much discussed option of demonstrative air strikes will not discourage but rather will galvanize the Serbs. Bombing is usually deemed by those who accomplish it as a way to break enemy morale, and, by the enemy, to build it. Bombing Belgrade has been rejected in a flash of temporary sanity. Instead, American planes will be used to si-

lence artillery. A homely but salient military truth is that the purpose of using tactical airpower against artillery is to clear the way for armor and infantry. With nothing to follow air strikes, the artillery positions will immediately be re-established. This, as T.E. Lawrence said, is like cutting soup with a knife, and this is the most definitive mission yet mentioned for American forces.

Time and again, European diplomacy has founded in the Balkans, but it is not merely caution that dictates European policy. The British and French cannot say so publicly, but they know that the Serbian conquest is drawing to a close, and they do not want to arm the Bosnian Muslims for fear that it would prolong the war indefinitely should the Muslims attempt to regain what they have lost. On the one hand, given what is happening to these people, this may seem to be Realpolitik at its cruelest, but on the other the imperative of this exercise has never been territorial justice for Bosnian Muslims at the expense of their lives.

The determination to contain rather than internationalize the war is the result of a most important consideration about which one hears very little. Europe is at the height of its postwar instability, and it is hardly unimaginable that its fragmented and confused system of states and alliances could be drawn into yet another world war. Not because the Balkans have been the reason for this before, but because of specific conditions, from the rapid growth of facism to economic crisis to a necklace of small wars burning around the former Soviet Union.

A RUSSIAN REVANCHE

If, for example, the Serbs will not quit the field, and the U.S. slips into war with Serbia, life will become extraordinarly difficult for Boris Yeltsin (if it is not already). Hopeful statements about the Russian economy may or may not be justified, but, even if they are, social decline will continue on if its own momentum for a very long time. And the Russian military has a well-established habit of closing the barn door after the horse has left. A Russian revanche cannot be responsibly discounted. Were it to occur, two or three Russian airborne divisions and several regiments of aircraft could easily arrive overnight in Belgrade. It is false comfort to point to the diminished former Soviet order of battle, for NATO's order of the battle has been diminished in roughly equal measure, and Russia, the historical patron of the Serbs, is still a nuclear superpower.

Though it is not possible to deal with the murder of children and other innocents as a matter of politico-military analysis rather than as a moral question, the first requirement of morality is that the war be contained. The second is that American lives not be sacrificed for the sake of grand gesture that may either reap the benefits of a conflict ending of its own accord, or, far worse, reignite it.

DIRECT LOANS

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. WILLIAMS. Mr. Speaker, the issue of phasing out the current guaranteed student loan program and replacing it with a direct loan program has been debated with great vigor for the last 2 years. Last week the Education and Labor Committee, pursuant to the instructions contained in the fiscal year 1994 budget resolution, favorably reported legislation providing for the phase in of a new direct loan program as recommended by the President. In his opening statement at the markup on reconciliation, Congressman BILL FORD, the chairman of the Education and Labor Committee, provided a clear and direct explanation of many of the issues surrounding direct loans. I would like to include his statement in the RECORD for the benefit of my colleagues. In addition, I would like to include letters, which the chairman has received from the major higher education associations in support of direct loans.

STATEMENT OF CHAIRMAN WILLIAM D. FORD

Good Morning.

Today, the Committee on Education and Labor meets to consider its reconciliation recommendations for fiscal years 1994 through 1998. The conference report on the fiscal year 1994 budge resolution calls upon the Committee to report legislation to reduce direct spending for programs within its jurisdiction by $5.817 billion over the five-year period.

To fulfill our obligation under reconciliation, the Committee must meet its savings target in its submission. If we do not do our job, our job will be done for us. The Budget Act specifically provides that the House Rules Committee may make in order amendments needed to meet the reconciliation targets of Committees that fail to comply with their directives.

According to preliminary estimates from the Congressional Budget Office, the package of proposed recommendations before the Members achieves the savings directed in our instructions. It does so by embracing three proposals submitted by the President.

The proposed recommendations include a new direct loan program, State-shared responsibility for default rates, and ERISA amendments to clarify third-party liability in health plans.

The largest and most important of the recommendations is the creation of the direct loan program. Direct lending is based on the current direct student loan pilot program, and by eliminating subsidies to private lenders and making loans directly to students, we will save taxpayers billions of dollars, reduce interest rates and fees for students, and simplify the financial aid system.

The new direct loan program will provide all students with a range of flexible repayment options, including income contingent repayment. Under the program, students who choose to take low-paying community service jobs, whether as part of the President's national service program or not, will be able to repay their loans as a small percentage of their income so that they will not be overburdened by debt.

The direct loan proposal in the Committee's recommendations builds upon existing law and experience. Absent a change in current law, the Department of Education is required to establish a direct loan pilot program beginning in the 1994–95 school year.

I know many Committee members have been strongly lobbied on this issue by those who want to preserve the status quo. I am familiar with at least some of the arguments that opponents have raised.

First, they charge that schools are not prepared to originate student loans. The fact is, three out of four students have all of their loan paperwork handled by the institutions of higher learning. They never see the inside of a bank.

Second, opponents like to argue that the Department of Education is incapable of administering this program. That is a point familiar to those of us who watched the Reagan administration attempt to destroy government agencies to support their argument that government was the problem. One of Ronald Reagan's campaign pledges was to abolish the Department of Education. The Bush administration continued to starve the Department of adequate resources to execute its responsibilities and to us it as a dumping ground for political patronage.

Despite this dubious record, the Department, as demoralized as it was, successfully administered a direct loan program—the Perkins loan program, with a portfolio of nearly $19 billion.

More importantly, we have a new President, a new Secretary, and a revitalized Department of Education, all committed to the success of the direct loan program as well as the other education initiatives this country so sorely needs.

Then there is the cold turkey argument—that the advent of direct loans will mean the immediate end of guaranteed student loans. This is not true either. According to the Congressional Budget Office, even after the direct loan program is fully phased in, in 1998, an outstanding portfolio in excess of $90 billion will yield profits to lenders well past the year 2010.

The costs of continuing the existing program simply cannot be justified particularly when, according to CBO, student loans are more profitable to banks and lending institutions than anything else in their portfolios, except credit cards.

I want to say to my colleagues, these arguments are a diversion. This issue is not about banks, guaranty agencies, and secondary markets. It is about students and families and the best deal we can give them to help pay for their educations.

The change we will consider, and I hope approve, will reduce interest rates for students by a half-percent when fully phased-in. It will reduce the fee charged students for loans from as much as 8 percent to 3.65 percent.

Everyone in this town is talking about the need to cut spending and reduce the deficit. Under this proposal, we will do that, and we will reduce the cost of getting an education for millions of young Americans. Increasing opportunity and making college affordable is the purpose of the student loan program. It is one of the reasons why many of us were attracted to this Committee. We are not necessarily here to help the banking industry continue a profitable line of business.

I urge my colleagues to support these changes.

AMERICAN COUNCIL ON EDUCATION,
Washington, DC, May 11, 1993.

Hon. WILLIAM D. FORD,
House of Representatives, Committee on Education and Labor, Washington, DC.

DEAR MR. CHAIRMAN: The higher education associations listed below believe that the Student Loan Reform Act of 1993 deserves your support. It appears to us that this legislation would result in a student loan program that is simpler and more comprehensible for students and institutions than the current Family Federal Education Loan Program.

Student loans have become a more prominent feature in the financing of higher education than even was expected. Loans have begun to replace grants as the vehicle for

providing access to postsecondary education—even for the most financially disadvantaged students. We regard this as deplorable public policy, and do not intend to abandon our attempt to restore grant funding to the position it was meant to occupy. In the meantime, a compelling obligation exists to ensure that student loans carry the most favorable terms and conditions for borrowers.

The Student Loan Reform Act represents a prudent approach to replacing the Federal Family Education Loan Program with one that will yield much greater benefits to our students. We are pleased that it would: provide continuous federal capital availability to students on an entitlement basis; not impose unrealistic or unmanageable administrative or financial burdens on our institutions; simplify the delivery and repayment system for borrowers; provide alternative origination procedures for institutions that do not elect to originate loans; provide servicing and collection for all student loans, regardless of who originates them; and reduce interest rates to students when full implementation occurs in 1997.

While we support the bill, we believe it can and should be improved in several important areas. First, the bill would let the Secretary charge borrowers an administrative fee of between 5 and 6.5 percent. If the need for such a fee can be demonstrated, we believe it should be capped at 5 percent, the origination fee students currently face.

Second, we have reservations about waiving the General Education Provisions Act requirements that govern rulemaking in the first year of the program. We believe that the smoothest, most trouble-free implementation will occur if all participants have a full opportunity to take part in the development of regulations that will govern the program.

An additional area of concern is that the bill is far too vague with respect to critical provisions, such as terms and conditions of income-contingent repayment. We believe that borrowers who select income-contingent repayment should not incur negative amortization, should not pay back more than the principal and interest owed, and should not have payments stretched out over too lengthy a period of time, such as the 40 years envisioned under this bill.

In this regard, we have been examining the Income-Dependent Education Assistance Act of 1993 sponsored by Representative Petri, and believe it provides a promising avenue for further exploration. Although we are not prepared to endorse IDEA at this point, we would urge further analysis of its costs and effects, with a view toward using it as the basis for the income-contingent repayment provisions if it proves beneficial to students.

The associations listed below believe this legislation will improve the student loan program significantly, and we urge you to support it.

Sincerely,

ROBERT H. ATWELL,
President.

On behalf of:

American Council on Education.

American Association of Community Colleges.

American Association of State Colleges and Universities.

Association of Community College Trustees.

Association of Catholic Colleges and Universities.

Association of Governing Boards.

Association of Jesuit Colleges and Universities.

Council of Independent Colleges.

Hispanic Association of Colleges and Universities.

National Association of College and University Business Officers.

National Association of State Universities and Land-Grant Colleges.

National Association of Independent Colleges and Universities.

NATIONAL ASSOCIATION OF INDEPENDENT COLLEGES AND UNIVERSITIES,

Washington, DC, May 11, 1993.

Hon. WILLIAM D. FORD,
Chairman, Committee on Education and Labor, House of Representatives, Washington, DC.

DEAR BILL: I am writing on behalf of the National Association of Independent Colleges and Universities (NAICU) with regard to the Student Loan Reform Act of 1993. This bill brings about the most significant changes in the federal student financial aid programs since the passage of the Higher Education Act twenty-eight years ago. The changes you make are of vital importance to the one million students who attend independent institutions with loan assistance. We believe the bill is a solid one that deserves your support.

We realize that keeping the present loan delivery system is not possible. The mandated $4.3 billion savings over five years from educational entitlement spending realistically can only come from an overhaul of the federal student loan program. Toward this end, the NAICU Board of Directors adopted a set of priorities to use in evaluating loan program proposals. We have used these criteria to analyze the administration's bill; and we will also apply it to any other loan reform proposal that may come forward.

We are pleased that the proposed legislation meets many of our highest priorities.

The loan program will continue to operate as an entitlement. Students will have continuous access to capital during the transition from the current program to direct lending. This is assured by a provision for contingency arrangements, including a revised role for Sallie Mae to serve as a loan originator and lender of last resort.

Income-contingent repayment options would be available for all borrowers. Borrowers in repayment could move from one kind of repayment to another if their income changed.

Institutions that have the administrative capacity to originate loans, but choose not to do so, would have their loans originated by an outside agency under contract with the Department of Education. Likewise, institutions that do not have the administrative capacity to originate loans, as measured by the department, would use outside contractors. The costs for these options would be paid by the department.

Institutions that originate loans would be reimbursed for the "marginal" costs of direct lending, although the specific fee structure must still be negotiated. The bill would provide higher reimbursement for small institutions that would have higher administrative costs per loan.

Institutions would have no responsibility for servicing or collecting the loans. This function would be performed by entities operating under contract to the department, at no cost to the institutions.

However, there are a number of student concerns with the president's bill, and we request that the committee consider changes in the following areas:

Student origination fees should be reduced or eliminated.

Savings from direct lending should go toward reducing the interest paid by borrowers.

There is no limit to the number of years a student can remain in repayment. The details of income-contingent repayments and the potential role of the Internal Revenue Service should be clarified.

Excessive administrative authority on a number of provisions is left to the Department of Education. We believe these issues are of sufficient importance on a policy basis that more should be in statute: criteria for determining institutional participation and reimbursement of institutions for costs; the selection criteria for contractors and alternative originators; and the evaluation process.

We believe the Student Loan Reform Act of 1993 is fundamentally sound and can be made to work. We also believe it can be improved with amendments. We look forward to working with you as you continue to develop plans for a restructured loan program.

Sincerely,

RICHARD F. ROSSER,
President.

AMERICAN ASSOCIATION OF STATE COLLEGES AND UNIVERSITIES,

DEAR REPRESENTATIVE: We write to strongly encourage your support of the Student Loan Reform Act of 1993, to replace the Federal Family Educational Loan Program, formerly known as the guaranteed student loan program. The House Education and Labor Committee will mark-up this legislation on May 12.

The National Association of State Universities and Land Grant Colleges (NASULGC) and the American Association of State Colleges and Universities (AASCU) represent 500 state universities that enroll over 5.6 million students. NASULGC and AASCU have a longstanding commitment to making the student loan program more "user friendly" for students. We believe the President's proposed direct lending program satisfies the essential criteria for a simplied, efficient direct loan program with tremendous savings to students, higher education institutions and the federal government. The President's proposal includes the following elements that are necessary to make a direct lending program a success:

It will make federal loan capital available to all students, rather than entitlements to lenders and guaranty agencies.

It will assure availability of loans to all students during the transition period to full direct lending.

It will better serve students and parents by making the loan application and repayment process easier to understand.

It will generate considerable savings which can be used to provide additional funding for other underfunded federal student aid programs, and towards deficit reduction.

It will provide institutions of higher education with the option of originating loans. No institution will be required to originate loans. Those initiating loans will receive a small administrative fee established by the Secretary of Education.

It will provide borrowers with various repayment options including income contingent repayment, and borrowers are allowed to change their choice of repayment option.

The Congressional Budget Resolution that passed several weeks ago requires the House and Senate education committees to achieve

$4.2 billion in savings. We are adamant about maintaining and strengthening the Pell Grant and campus-based programs, and cutting the current guaranteed loan programs is unlikely to achieve that level of savings in a satisfactory manner. Therefore, a thoughtful phase-in of a full direct lending program, as proposed by the President, will help make major improvements in student loans, will help reduce the deficit, and perhaps, will make more funding available for the Pell Grant program.

We are aware that advocates for the current lending system have been conducting an extensive lobbying campaign against direct lending. Opposition to direct lending comes predominantly from 7,800 commercial lenders, 46 guaranty agencies and 35 secondary marketers that make billions annually on the backs of students and taxpayers. These advocates for the status quo have a significant financial stake in the current system. We believe that the advocates for the status quo have not been completely forthright in their presentations in the media and in other forums, and have been misleading about the impact of the legislation and the ability of institutions of higher education to administer the direct loan program. The core issue of this highly polished and well-financed campaign is about the loss of $2 billion annually to lending agencies. It is about retaining the second-most-profitable market in the student loan industry. It is about profits derived largely from federal subsidies. Given the stakes, it appears as if the banking industry has decided that no expense is too great to defeat this important legislation.

We recognize the importance of supporting a simplified, efficient, consolidated low-cost, nonprofit direct loan program for the students of this nation. It is crucial that you support a direct lending program that makes student loans work for students.

Again, we urge you to vote in favor of the Student Loan Reform Act of 1993 at the Education and Labor Committee mark-up scheduled for May 12. We believe that direct lending is in the best interest of the 14 million students in the nation's colleges and universities, the institutions of higher education, the federal government and the American taxpayers.

There is no question about our support for this bill. Understandably, in legislation this complex, there inevitably are items that require perfecting. For example, the 6.5 percent origination fee exacts too much from students and should be reduced below 5 percent of eliminated.

AASCU and NASULGC look forward to working with the Committee as the Student Loan Reform Act of 1993 makes its way through Congress.

Cordially,

C. PETER MAGRATH,
President, National Association of State Universities and Land-Grant Colleges.

JAMES B. APPLEBERRY,
President, American Association of State Colleges and Universities.

HARBOR ENVIRONMENTAL DREDGING AND MANAGEMENT ACT OF 1993 INTRODUCED

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. MENENDEZ. Mr. Speaker, today I rise to introduce the Harbor Environmental Dredging and Management Act of 1993. This legislation will streamline the ocean disposal permitting process by imposing reasonable time limits, establishing uniform standards, and requiring that efforts be made to develop cost-effective alternatives to ocean dumping.

This legislation will help untangle a process that has become a bureaucratic mess for our Nation's maritime industry and has placed an unnecessary strain on our fragile economy. There are currently hundreds of permits pending before the Army Corps of Engineers without any end in sight. In my district alone, there are over 30 permits awaiting action—one dating back to 1986.

More than 3 years ago, the Port Authority of New York and New Jersey filed an application for routine maintenance dredging of the berths at Port Newark/Elizabeth. This application has been turned into a national test case, subjected to intense scrutiny by dueling Government agencies and unending tests. The EPA standards for the disposal of dioxin-contaminated sediments changed several times though out the process. Each time a decision was expected, the standards changed, and a new battery of tests were required. When one Government agency approved of issuing the permit, another agency decided to enter the process and raise new objections.

As a result of the 3-year delay, the port has become a hazard and cannot accommodate fully loaded vessels. Recently, the port's second largest customer moved it's east coast deepwater port to Canada, and several other users have pulled out of lease negotiations. Ships that continue to use the port have been forced to reduce their loads. The port generates $20 billion annually and provides 180,000 jobs. Each day the dredging permit is unnecessarily and unreasonably delayed, we are putting the livelihood and security of these people and their families at risk.

By preventing maintenance dredging of the berths, we are also unnecessarily harming the environment. Each day the contaminated silt is left in the bay, this poison is spread throughout the area and dragged out to sea by ships. In fact, 1993 tests results have shown that dioxin concentrations in the areas to be dredged are significantly less than when originally sampled in 1990. Dredging the berths, removing the contaminated soil, and placing it in an open ocean disposal site where it can be capped and monitored is the most environmentally sound action at this time. How can allowing a harmful chemical to move freely be the best course of action for the environment? Each day ships containing toxic materials are in danger of rupturing their hulls, causing a major environmental disaster.

This legislation establishes a time limit on the entire process of 165 days. This is ample time, considering many dredging applications have a turnaround of approximately 90 days. We are simply assuring that this process can not go on forever. Nor does the bill take any authority away from the EPA or any agency, rather it requires them to confer at the beginning of the process. In addition, the bill would establish a national standard for the disposal of dioxin and require that alternatives to ocean dumping, such as containment islands, be developed.

The Environmental Dredging and Management Act of 1993 does not pit jobs against the environment. We don't have to choose one at the expense of the other. This legislation will protect our jobs now and protect our environment for the future.

SUPPORT FOR H.R. 2034

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. DE LA GARZA. Mr. Speaker, this is to express my support for H.R. 2034, the Veterans' Health Programs Amendments of 1993. I want to commend the Veterans' Affairs Committee for preparing this legislation which is before us today as this evidences our continued commitment here in Congress to making certain that the needs of America's veterans are met.

Among the provisions of the legislation is language requiring the VA to review its methodology for prioritizing major construction projects to give additional weight, as necessary given the needs of VA's aging veteran populations, to projects intended to expand extended care and ambulatory care programs. It is my hope that such study could include looking at the possibility of expanding the VA health care facility in south Texas.

The establishment of such a facility is something I, and my fellow south Texas Congressman SOLOMON ORTIZ, have been working on for a number of years now. Improving access to health care for veterans who currently must travel distances of approximately 200 miles to reach the closest VA hospital is indeed a priority concern. The situation at present is intolerable and one which has gone on far too long. It is something which no ailing veteran should have to do nor one which family members who are on fixed incomes and who want to visit a loved one should have to experience.

Our veterans have been staunch defenders of our freedoms, and our very existence as a nation. That is why I feel this occasion presents an excellent opportunity to bring the need for such a facility to the attention of my colleagues.

The legislation on the floor is an excellent vehicle to address this concern. It affords us the opportunity to demonstrate just how we will go about providing quality medical service.

The key words when talking about quality medical care are accessibility and affordability.

As Americans I feel we must never forget the sacrifices made for our country, and for the sake of democracy, by the men and women who served in our Armed Forces. Almost 2 million veterans currently live in Texas. The numbers will only continue to grow in coming years. What this evidence is that the needs that exist are urgent.

To me I feel we have made a promise to some of our Nation's veterans that we are not keeping. The legislation before us today will help us to keep those promises, I am happy to say, and again it is my hope that a way can be found through this measure to look at the needs that exist in south Texas and to address them.

THE SINGERS FROM JOHN GLENN HIGH SCHOOL

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. FORD of Michigan. Mr. Speaker, I would like to take this opportunity to recognize and congratulate a group of singers, both students and alumni, from John Glenn High School, located in Westland, MI. This dedicated and hardworking group will be performing in New York City at the world-renowned Carnegie Hall on May 30, 1993. The concert will feature the best high school and university ensembles in the Nation.

Last fall, Judith Premin, the choral director of John Glenn High School, was notified that the members and graduates of the school's Choral Music Department were selected to participate in the event. Since the announcement, the group of 45 singers have been practicing two nights a week after school on their own time. Along with support of family and friends, the students have raised over $43,000 to finance the trip. In addition to selling candy bars, washing cars, collecting returnable cans and bottles, and selling raffle tickets, the group received donations from private business people and organizations.

The John Glenn students will be joined by 135 other singers from across the country to perform Mozart's Requiem in D Minor and Mendelssohn's Psalm 42 in German. The 13th Congressional District will also be represented by Dr. Jerry Blackstone of the University of Michigan, who will be making his Carnegie Hall conducting debut.

This is a great honor and opportunity for the group and for Dr. Blackstone, and I wish them the best of luck on this special day.

SAVING THE GIANT SEQUOIAS FROM DESTRUCTION BY MANAGEMENT

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. BROWN of California. Mr. Speaker, I am today introducing legislation to assure that the wondrous giant sequoias, found only in a small area of the southern Sierra Nevada of California, are maintained forever for all of humanity. This bill puts the giant sequoia ecosystem off limits to timber cutting for commercial purposes by the Forest Service.

People may be familiar with these magnificent tress from visits to either Sequoia National Park or Kings Canyon National Park. However, most groves of giant sequoias are not found in these two parks, but rather are located in the Sequoia National Forest. These giants of the plant world, the most majestic of all living things, can live for 4,000 years.

The giant sequoias are to be maintained under this legislation in a national forest preserve, which is defined in this act as forested public land dedicated in perpetuity for scientific study, recreational activity, and environmental protection. This bill creates the first national forest preserve, in which the U.S. Forest Service will guard the sequoias, rather than destroy them, either through misguided actions to manage the forest, or through sacrificing them to the chainsaw.

Some of these trees, without any help or hindrance from humans, have lived for over 4,000 years. They can attain a height of 275 feet. Among the trees, they are second only in height to their relatives, the coastal redwoods of California. But the giant sequoias are larger than the redwoods. The giant sequoias can reach a diameter of 38 feet, and a circumference of 120 feet. The weight of one of these giants can reach 12,000,000 pounds. They are the world's largest trees and among the greatest living things on earth.

Despite their size and age, these trees when felled suffer severe breakage because of their great weight and the brittle nature of their wood. This fact and the size of their logs mitigate against felling these trees to saw them into lumber in our sawmills. Cutting the younger trees, those only a few hundred years old, dooms this spectacular tree species to eventual extinction.

The greatest contribution to our world that the 442,000 acres of national forest land specified in this bill can make is to serve as an ecological preserve for the giant sequoia. They must become part of the natural legacy for all human beings to enjoy.

The Forest Service has had a propensity for "managing" these lands, logging some of these great trees, and logging around these trees, under the theory that chainsaw activity is somehow improvement. Not only has the Forest Service contributed to a serious degradation of the sequoia ecosystem by felling trees in and around the groves, but the timber program on these forests has required a massive taxpayer-supported subsidy.

A CASE WHERE SAVING TREES ALSO SAVES TAX DOLLARS

The Sierra National Forest was created in February 1893 and initially embraced 4,100,000 acres. The Sequoia National Forest was partially created from the Sierra in 1908. Today these two forests cover some 2,450,000 acres. There have been 100 years, a century, for the Forest Service to demonstrate that it can manage these forests on a sustained-yield basis and that they can break even. Gifford Pinchot, when he assumed management of these lands in 1905, pledged that they would have the best kind of stewardship and that they would pay their own way.

Today the Sequoia National Forest is laced with roads. It currently has over 1,600 miles servicing its 1,140,000 acres. The Sierra National Forest has almost 2,500 miles of roads woven throughout its 1,310,000 acres. These 4,100 miles are the roads on the active roster of roads. After a century of cutting, these well-roaded forests should be in a managed, sustainable condition. However, in the last decade alone these two forests have logged over 190,000 acres of the 934,000 acres they have declared "suitable for timber production." This is 20 percent of their timber base. Twenty percent in 10 years? Is this what the Forest Service means by sustainable? Sustained destruction, yes, Sustainable forestry, no.

Moreover, the financial record demonstrates that these two forests need massive infusions of tax dollars to run their subsidized timber program.

Over the past decade, 1983–1992, the Forest Service logging of the Sequoia and Sierra National Forests has been costly to the taxpayers. We have subsidized these timber sales. In this past decade logging an estimated 193,000 acres on these two forests has cost the taxpayers $84,000,000. On average, that is more than $8 million per year.

Logging on these forests also has significant impacts on the other important natural resources that tax dollars must be used to repair, including eroded slopes, silt-laden streams, polluted water, and displaced and killed wildlife.

The Sequoia National Forest, created in 1908, has needed the larger subsidy. It has had 85 years to demonstrate profitable, environmentally effective land management. What has been the result of logging over the 10 years, 1983–1992? The Forest Service allowed the cutting of 762,137,000 board feet [MBF], over three-fourths of a billion board feet, from 80,000 acres. This surely is an amount sufficient to demonstrate the financial viability of logging these lands, especially after all of these years. What are the results? Here is a balance sheet: Timber receipts, $41,847,000.

From this amount the Forest Service earmarked $4,864,000 as timber grants to loggers to build logging roads; $21,562,000 to reforest logged lands—Knutson-Vandenberg Act; $6,341,000 to make salvage timber sales;[1] $10,642,000 to make 25 percent payments to counties; $43,228,000 total earmarked; −$1,381,000 deficit before counting appropriations.

The net financial outcome is that the Sequoia Forest ate up 103 percent of its timber receipts in logging, road building, reforestation, salvage sales, and county payments. These four obligations consumed $1,381,000 more than the forest took in from timber cutting. This is before counting an even greater cost in appropriated funds dedicated solely to abetting this logging-at-a-loss. Overall the Sequoia Forest lost at least $45,000,000—$60.00 per thousand board feet—on a subsidized 80,000 acre timber cutting program for the decade.

The Sierra Forest, while it fares somewhat better financially, still fails to generate enough receipts to cover appropriations needed solely to promote logging. The Forest Service allowed cutting of 1.296 billion board feet from some 93,000 acres. This also is an amount sufficient to test the financial viability of logging these lands. What are the results? Were timber receipts, $117,591,000.

From this amount, the Forest Service earmarked $13,488,000 as timber grants to loggers to build logging roads; $31,987,000 to reforest logged lands—K.V.; $9,260,000 to make salvage timber sales;[2] $29,398,000 to make 25 percent payments to counties;

[1] In 1988 only $395,000 was consumed in the salvage fund but in 1992 $4,005,000 of timber receipts went into this endeavor. A tenfold increase in 5 years. Counts salvage fund only since 1988.

[2] In 1988 only $400,000 was consumed in the salvage fund, $23,000 in 1989 but in 1992 $4,034,000 of timber receipts went into this endeavor, a 10-fold increase in 5 years. Counts salvage fund only since 1988.

$84,133,000 total earmarked; $33,458,000 left before counting appropriations.

While the Sierra Forest had $33,458,000 left after earmarking to treat as an offset to needed appropriated funds, the equivalent of $25.83/mbf cut, this amount still fell at least −$39,000,000—$30.00 per mbf—short of covering the appropriated costs needed to run its timber program.

On both forests, with a need for $84,000,000 more than receipts to conduct a timber program that cut over almost 200,000 acres, logging clearly is a subsidized industry. While in some situations a subsidized industry may be justified, it has no justification when 1 cent of that subsidy is used to destroy a priceless heritage such as the unique giant sequoias.

CREATIVE ACCOUNTING

The Forest Service will no doubt dispute the accounting I have just given. In response to rising protests about below-cost timber sales beginning in the 1970's and continuing well into the 1980's, the Forest Service responded not by changing its bankrupt policies that are helping to bankrupt the Nation, but rather by changing its accounting system. Essentially it began to keep two sets of books.

The Forest Service began using the Timber Sale Program Information Reporting System—TSPIRS, known as "Tee-Spurs"—in the last years of the Reagan administration. If ever there were a creative accounting system, it is this one. This accounting system presents an inaccurate picture of the financial results of the Forest Service's timber sale program. If ordinary citizens tried to use the same system in their dealings with the IRS, it would land them in jail. The system is even out of the norm with regard to accounting methods used by any other governmental agency, especially in depreciation and asset use to cover its losses. Instead of providing a balance sheet of real receipts and expenditures, TSPIRS resorts to trying to justify its losses by presenting illusory benefits to the economy and to employees in its economic account and employment, income, and program level account.

Many of us have waited with great anticipation for the Forest Service to issue its own plan to eliminate below-cost timber sales. Well, the report finally was issued recently. The report is truly amazing in that it finds that there are very few National Forests losing money. Creative accounting strikes again. For example, the Forest Service states that the only National Forest losing money in California is adjacent to the district I represent, the San Bernardino National Forest. That the San Bernardino has been losing money on its timber sales is no surprise to me. I am at least grateful that the Forest Service has finally recognized what we in southern California have know for years: namely that the recreational and scenic values of the forest far outweigh the value of cut timber and wasted landscapes.

CONSERVATION, NOT DESTRUCTION

The bill I am introducing is designed to assure that conservation and environmental consciousness become the centerpiece of national forest policy—not logging and losing money.

This bill places 442,425 acres in the Giant Sequoia National Forest Preserve. This is only 18 percent of the 2,450,587 acres in these two forests. It will, however, remove almost 50 percent of the lands now being subsidized from further chainsaw management. The Sequoia has 458,000 acres rated as "suitable for timber production," while the Sierra counts 476,000 acres as suitable for logging. This Forest Service classification obviously does not encompass the idea that suitability needs to meet any financial or ecological standards. I hope that this bill will change this short-sighted approach.

THE GIANT SEQUOIA PRESERVATION ACT

Let me then summarize the provisions of this legislation.

First, the bill assures that the entire ecosystem of the giant sequoias will be protected in National Parks, Wilderness Areas, and this National Forest Preserve. Commercial timber cutting on these 442,000 acres administered by the Forest Service must stop. There can be no mining or geothermal development within the preserve. Cattle grazing is allowed to continue for 10 years. As well, the Forest Service must turn its attention to restoration of the damaged parts of the ecosystem within the preserve. The ecosystem of the giant sequoias will be protected forever.

Second, the act defines what is meant by a National Forest Preserve. This new designation provides a concrete application of the Clinton administration's declared intent to end below-cost timber sales and to protect critical forest habitats. As I stated above, a National Forest Preserve is "forested land or land in close association with forests within existing National Forests or on other United States public land dedicated in perpetuity for scientific study, recreational activity, and/or environmental protection." This new type of unit within the National Forest System will give the Forest Service a new charge, something else to do besides the promotion of commercial logging. As well, this act requires the Secretary of Agriculture to report to Congress and the President to make recommendations on the establishment of other National Forest Preserves.

Third, the bill calls for scientific study in the preserve, a provision especially important to me as chairman of the House Science Committee. A scientific advisory board consisting of forest specialists, wildlife specialists, soil and water specialists, and a lay person is established to advise the Secretary of Agriculture on management and preservation of the lands within the preserve. A very limited amount of timber cutting is allowed for scientific purposes. The preserve will provide a living laboratory for use by scientists from the Forest Service and other organizations. Through these efforts, we must come to understand why it is that the giant sequoias are found only in this small area.

Fourth, this bill promotes the recreational use of the preserve. It allows roads for vehicle use, including that of four-wheel drive vehicles, snowmobiles, and dirt bikes. Trails are set aside for hiking, horseback riding, mountain bike use. The bill calls for special trails for enjoyment by the disabled. Camping is promoted, and hunting and fishing are allowed.

Fifth, the act allows for limited timber cutting for fire protection and allows for other activities designed to protect life and property.

Sixth, my legislation provides for payments to local communities and other political subdivisions. These payments are designed to replace money—in the amount of 25 percent of timber receipts—paid by the Forest Service for use on public schools and roads. The Federal Government would instead pay an amount equivalent to what taxes would be if the parcels were privately held timberlands. The amounts would be less than these political units have received for timber sales in many cases in recent years. However, there are several advantages to this new approach for the communities. Under this proposal, payments would be both permanent and reliable. Under present conditions, payments vary from year to year and would eventually decrease as viable timberlands are harvested.

Finally, the bill provides for assistance to local communities that are adversely affected by the establishment of the preserve. I know that eventually some people will lose jobs in the timber-cutting and milling industry because of this act. I would, however, like to point out that not all the timberlands of the two national forests are removed from consideration for timber harvesting. There still will be timber to cut. Nevertheless, the loss of jobs and the real human problems this may mean are important to me. That is why funds are authorized for job training, counseling, and placement. A task force is established to help the communities and the individuals affected work these problems through. I am confident that the creation of this preserve will ultimately produce many more new jobs in this area of California, one that has seen job growth in recent years. There will be new jobs available to take advantage of the recreational opportunities opened up by the establishment of the preserve, and there will be jobs in restoration of the ecosystem, of areas of previous timber cuts. I am convinced that these new opportunities will make up for any loss of employment in the area.

Ultimately, however, the central purpose of this legislation must be remembered. The preservation of the ecosystem of these tremendous trees is a goal that must be pursued. We must at all times be mindful of the legacy we will leave our children. It is for this reason that today I ask support from you, my colleagues in the House of Representatives. Please help me in this attempt to protect and preserve the giant sequoias, so that these marvelous trees will be forever a gift from our generation to theirs, for their enjoyment and for their utter amazement.

THE U.S. CAPITOL POLICE NEEDS A FAIR LABOR RELATIONS PROGRAM

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1993

Mr. TRAFICANT. Mr. Speaker, last month I introduced legislation, House Concurrent Resolution 84, to establish an ad hoc joint congressional committee to formulate a labor relations policy for the U.S. Capitol Police Department. During the 8 years that I have been a

Member of Congress I have grown to admire and appreciate the U.S. Capitol Police Department. They are one of the premier law enforcement agencies in the country and they deserve the full support of the Congress.

During the past 20 years the U.S. Capitol Police force has undergone a dramatic transformation from a largely patronage operation to a highly sophisticated and professional law enforcement agency. A shining example of the professionalism of the U.S. Capitol Police is U.S. Capitol Police Sergeant Larry G. Lockhart. Sergeant Lockhart is currently the commanding officer of the U.S. Capitol Police's identification section, crime scene search and fingerprint units. Sergeant Lockhart is considered one of the country's leading experts on latent fingerprint identification, handwriting identification, show impression identification, tool mark identification, ballistics, and crime evidence collection and preservation. As a fingerprint technician for the U.S. Capitol Police in 1975 he established the first fingerprint file for the department. Sergeant Lockhart established and teaches at the U.S. Capitol Police Department's Crime Scene Search School, which is certified by the U.S. attorney for the District of Columbia. Most impressive is the fact that this state-of-the-art school is attended by a number of local law enforcement agencies including the U.S. Park Police, the D.C. Metropolitan Police Department, the Metro Transit Police Department, the Prince George's County [MD] Police Department, the Takoma Park [MD] Police Department and the Vienna City [VA] Police Department. Sergeant Lockhart frequently appears as an expert witness at both Federal and State criminal trials.

Mr. Speaker, Sergeant Lockhart is typical of the dedicated and talented men and women who serve on the U.S. Capitol Police force. The U.S. Capitol Police Department is a high profile law enforcement agency that does its job in a highly professional manner.

The only component that the U.S. Capitol Police Department lacks is a formal labor relations policy. Unlike every other major law enforcement agency in the country, the U.S. Capitol Police Department does not have a formal, clearly defined labor relations policy—one specifically tailored to meet the unique needs and demands of a professional law enforcement agency. I believe that the fine men and women who serve on the U.S. Capital force deserve the opportunity to present to the Congress their concerns and their proposals for a rationale an fair labor relations policy.

That's exactly what my legislation would do, Mr. Speaker, House Concurrent Resolution 84, would establish an Ad Hoc Committee on Labor Relations for the Capitol Police composed of: First, three Senators appointed by the President pro tempore of the Senate, second, two Senators appointed by the minority leader of the Senate, third, three Members of the House of Representatives appointed by the Speaker of the House, and fourth, two Members of the House of Representatives appointed by the House minority leader. The ad hoc committee's goal would be to formulate a labor relations program for the Capitol Police that is: Based on progressive principles and practices of labor relations in the public and private sectors; sensitive to the needs of the Congress; and designed to promote the efficient and effective operation of the Capitol Police.

Under my bill, the ad hoc committee would have 180 days after approval of the bill by the House and Senate to submit a proposed labor relations program to both legislative bodies. The report of the ad hoc committee would be submitted in the form of recommended amendments to the rules of the House and Senate. The recommended amendments shall take effect within 30 days of their submission unless they are rejected or amended by the House or Senate. The ad hoc committee will be disbanded 30 days following the submission of its report.

The current grievance procedure in place for the Capitol Police requires that officers file grievances at each step of the command structure. Unfortunately, many officers with a grievance give up out of sheer frustration with the process. In addition, in areas such as pay, overtime compensation, and basic benefits, the Capitol Police trails other law enforcement agencies at both the Federal and local level.

Mr. Speaker, the bottom line is, the system needs to be improved. My legislation would provide for the establishment of a program that is fair, reasonable, and in line with the labor policies at most major law enforcement agencies. I urge all of my colleagues to support this legislation.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 20, 1993, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 21

9:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Housing and Urban Affairs, and certain independent agencies.
SD-138

9:30 a.m.
Environment and Public Works
To hold hearings on S. 978, to establish programs to promote environmental technology.
SD-406

10:00 a.m.
Judiciary
Constitution Subcommittee
To hold oversight hearings to examine violence in television programming.
SD-226

MAY 24

1:30 p.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Public Health Service, Department of Health and Human Services.
SD-192

2:00 p.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for Market and Inspection Services, the Animal and Plant Health Inspection Service, Food Safety, and Agricultural Marketing Service, all of the Department of Agriculture.
SD-138

Armed Services
Military Readiness and Defense Infrastructure Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1994 for the Department of Defense, and to review the 1994-1996 future years defense program, focusing on logistics programs.
SR-222

MAY 25

9:00 a.m.
Armed Services
Force Requirements and Personnel Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal year 1994 for the Department of Defense and the future years defense program, focusing on personnel compensation and benefits programs.
SH-216

9:30 a.m.
Energy and Natural Resources
To hold hearings on S. 544, to protect consumers of multistate utility systems, and an amendment to S. 544, to transfer responsibility for administering the Public Utility Holding Company Act of 1935 from the Securities and Exchange Commission to the Federal Energy Regulatory Commission.
SD-366

Environment and Public Works
Business meeting, to consider the nominations of David Gardiner, of Virginia, to be Assistant Administrator for Policy, Planning and Evaluation, and Steven A. Herman, of New York, to be Assistant Administrator for Enforcement, both of the Environmental Protection Agency, George T. Frampton, Jr., of the District of Columbia, to be Assistant Secretary of the Interior for Fish and Wildlife and Parks, and Rodney E. Slater, of Arkansas, to be Federal Highway Administrator, Department of Transportation.
SD-406

Special on Aging
To hold hearings to examine the security of retirement plans, focusing on investments, planning and fraud.
SD-628

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Bureau of Land Management, Department of the Interior.
SD-116

Environment and Public Works
Clean Air and Nuclear Regulation Subcommittee
To hold hearings on S. 656, to provide for indoor air pollution abatement, including indoor radon abatement, and S. 657, to authorize funds for indoor radon abatement programs.
SD-406

Indian Affairs
To hold hearings on the President's proposed budget request for fiscal year 1994 for Indian programs within the Department of Education, and the Administration for Native Americans.
SR-485

2:00 p.m.
Joint Organization of Congress
To resume hearings to examine congressional reform proposals, focusing on floor deliberation and scheduling.
H-5, Capitol

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for foreign assistance programs.
SD-138

Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 273, to remove certain restrictions from a parcel of land owned by the city of North Charleston, S.C., to permit a land exchange, S. 472, to improve the administration and management of public lands, national forests, units of the National Park System, and related areas, S. 548, to provide for the appointment of the Director of the National Park Service, S. 742, to establish the Friends of Kaloko-Honokohau, S. 752, to modify the boundary of Hot Springs National Park, S.J. Res. 78, to designate a segment of beach on Hog Island in Alabama as Arkasas Beach in commemoration of the 206th Regiment of the National Guard, who served during the Japanese attack on Dutch Harbor, Unalaska on June 3 and 4, 1942, S. 851, to establish the Carl Garner Federal Lands Cleanup Day, and S. 971, to increase the authorizations for the War in the Pacific National Historical Park, Guam, and the American Memorial Park, Saipan.
SD-366

3:30 p.m.
Agriculture, Nutrition, and Forestry
To hold joint hearings with the Committee on Indian Affairs to examine barriers to participation in the Food Stamp and other nutrition programs of the Department of Agriculture by persons residing on Indian lands.
SR-332

Indian Affairs
To hold joint hearings with the Committee on Agriculture, Nutrition, and Forestry to examine barriers to participation in the Food Stamp and other nutrition programs of the Department of Agriculture by persons residing on Indian lands.
SR-332

MAY 26

9:30 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the National Institutes of Health, Department of Health and Human Services.
SD-116

Armed Services
Nuclear Deterrence, Arms Control and Defense Intelligence Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1994 for the Department of Defense, and the future years defense program, focusing on chemical demilitarization and chemical defense programs.
SR-222

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

2:00 p.m.
Commerce, Science, and Transportation
To hold hearings on S. 738, to promote the implementation of programs to improve the traffic safety performance of high risk drivers.
SR-253

2:30 p.m.
Select on Intelligence
To resume closed hearings on proposed legislation authorizing funds for fiscal year 1994 for activities of the intelligence community.
SH-219

MAY 27

9:30 a.m.
Energy and Natural Resources
To hold hearings on the proposed Lower Mississippi Delta Initiative of 1993.
SD-366

Indian Affairs
To hold hearings on the proposed "Native American Grave Protection and Repatriation Act."
SR-485

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Veterans Affairs.
SD-106

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the National Highway Traffic Safety Administration, focusing on drunk driving.
SD-138

Environment and Public Works
To hold hearings to examine environmental issues associated with closing military bases.
SD-406

Foreign Relations
To hold hearings on the nominations of Marilyn McAfee, of Florida, to be Ambassador to the Republic of Guatemala, and William Thornton Pryce, of Pennsylvania, to be Ambassador to the Republic of Honduras.
SD-419

Joint Organization of Congress
To resume hearings to examine congressional reform proposals, focusing on floor deliberation and scheduling.
S-5, Capitol

2:00 p.m.
Indian Affairs
To hold hearings on the President's proposed budget request for fiscal year 1994 for Indian programs within the Indian Health Service and Environmental Protection Agency.
SR-485

2:30 p.m.
Armed Services
Defense Technology, Acquisition, and Industrial Base Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1994 for the Department of Defense, and to review the 1994-1996 future years defense program, focusing on the Advanced Research Projects Agency (ARPA) program and science and technology programs.
SD-562

Select on Intelligence
To continue closed hearings on proposed legislation authorizing funds for fiscal year 1994 for activities of the intelligence community.
SH-219

MAY 28

10:00 a.m.
Judiciary
Immigration and Refugee Affairs Subcommittee
To hold hearings on S. 667, to revise the Immigration and Nationality Act to improve the procedures for the exclusion of aliens seeking to enter the United States by fraud, and on other proposed legislation on asylum issues, and to examine the implementation of immigration laws on preventing terrorism.
SD-226

JUNE 9

9:30 a.m.
Armed Services
To resume hearings on proposed legislation authorizing funds for fiscal year 1994 for the Department of Defense and the future years defense program, focusing on the defense conversion and reinvestment program.
SH-216

2:00 p.m.
Armed Services
Nuclear Deterrence, Arms Control and Defense Intelligence Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal year 1994 for the Department of Defense and the future years defense program, focusing on the Strategic Defense Initiative program.
SR-222

JUNE 10

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the National Aeronautics and Space Administration.
SH-216

JUNE 11

2:00 p.m.
Indian Affairs
To hold hearings on the President's proposed budget request for fiscal year 1994 for the Bureau of Indian Affairs.
SR–485

JUNE 16

9:30 a.m.
Indian Affairs
To hold hearings on the proposed "Indian Fish and Wildlife Enhancement Act."
SR–485

JUNE 18

9:30 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings to examine waste, fraud, and abuse in the Government, and ways of streamlining Government.
SD–192

JUNE 21

9:30 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Departments of Labor, Health and Human Services, and Education, and related agencies.
SD–192

1:30 p.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1994 for the Departments of Labor, Health and Human Services, and Education, and related agencies.
SD–192

JUNE 22

9:30 a.m.
Indian Affairs
To hold hearings on S. 925, to reform the accounting and management processes of the Native American Trust Fund.
SR–485

JUNE 24

9:30 a.m.
Indian Affairs
To hold hearings on the proposed "American Indian Religious Freedom Act."
SR–485

POSTPONEMENTS

MAY 20

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Small Business Administration and the International Trade Commission.
S–146, Capitol