SENATE RESOLUTION 20—TO MAKE MAJORITY PARTY APPOINTMENTS TO SENATE COMMITTEES

Mr. LOTT (for Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 20

Resolved, That the following shall constitute the majority party's membership on the following standing committees for the 104th Congress, or until their successors are chosen:

Committee on Agriculture, Nutrition, and Forestry: Mr. Lugar, Mr. Dole, Mr. Helms, Mr. Cochran, Mr. McConnell, Mr. Craig, Mr. Coverdell, Mr. Santorum, and Mr. Warner.

Committee on Appropriations: Mr. Hatfield, Mr. Stevens, Mr. Cochran, Mr. Specter, Mr. Domenici, Mr. Gramm, Mr. Bond, Mr. Gorton, Mr. McConnell, Mr. Mack, Mr. Burns, Mr. Shelby, Mr. Jeffords, Mr. Gregg, and Mr. Bennett.

SENATE RESOLUTION 21—TO AMEND SENATE RESOLUTION 338 RELATING TO THE MEMBERSHIP OF THE SELECT COMMITTEE ON ETHICS

Mr. HELMS submitted the following resolution; which was ordered to be placed on the Calendar:

S. RES. 21

Resolved, That (a) subsection (a) of the first section of Senate Resolution 338, agreed to July 23, 1964 (88th Congress, 2d session), is amended to read as follows: ''(a)(1) there is hereby established a permanent select committee of the Senate to be known as the Select Committee on Ethics (referred to in this resolution as the 'Select Committee') consisting of 6 members all of whom shall be private citizens. Three members of the Select Committee shall be selected by the Majority Leader and 3 shall be selected by the Minority Leader. Each member of the Select Committee shall serve 6 years except that the Majority Leader and the Minority Leader when making their initial appointments shall each designate 1 member to serve only 2 years and 1 member to serve only 4 years. At least 2 members of the Select Committee shall be retired Federal judges, and at least 2 members of the Select Committee shall be former members of the Senate. Members of the Select Committee may be reappointed.

''(2) The Select Committee shall select a chairman and a vice chairman from among its members.

''(3) Members of the Select Committee shall serve without compensation buy shall be entitled to travel and per diem expenses in accordance with the rules and regulations of the Senate.''.

(b) Subsection (e) of the first section of Senate Resolution 338 (as referred to in subsection (a)) is repealed.

Mr. HELMS. Mr. President, during the last Congress neither the Senate nor the news media gave serious consideration toward making overdue changes in the Senate Ethics Committee.

However, it's a safe assumption that when the next heated allegation comes before the Ethics Committee, a great deal will be heard about how the committee's structure renders it incapable of conducting its business with the public's full confidence. That criticism will be justified—unless the Senate takes steps now to correct the situation.

Therefore, Mr. President, the purpose of the Senate resolution I am offering today is to avoid such criticism in the future by beginning now earnest consideration of plans to restructure the Ethics Committee.

Mr. President, there must never again be a repeat of the Keating Five scenario which dragged on for months on end and ultimately cost the Senate a great deal in terms of public confidence. Having been a member of the Ethics Committee during the ordeal, I certainly imply no criticism of anyone who participated in the Keating Five proceedings; the fault was in the system—not in those who were trying to make the system work.

The bottom line is that it took the Senate Ethics Committee almost 2 years to consider the Keating matter—it voted to commence its preliminary inquiry on December 21, 1989, and transmitted its report to the Senate on November 19, 1991. At that time, there was a chorus—from all across the political spectrum—demanding a reform of the Ethics Committee and its procedures.

The Senate resolution which I am offering today, is certainly no end-all be-all—it is merely a starting point for discussion. The resolution proposes that the work of the current Ethics Committee be done by a committee of six private citizens—not Senators. At least two members should be retired Federal judges; and another two should be former members of the Senate.

Three of the six members will be selected by the majority leader and three by the minority leader. Each member will serve 6 years—except when initial appointments are made, at which time the terms will be staggered. Members of the committee will serve without compensation—but will be entitled to reimbursement for travel and per diem expenses in accordance with the rules and regulations of the Senate.

I should emphasize again for the purpose of emphasis that this proposal is only a starting point. It is important, however, that we get started in reforming the Ethics Committee before the Senate is faced with another ethical dilemma on the front pages of the Nation's newspapers.

Mr. President, some discussion was given to reforming the Senate Ethics Committee in the last Congress by the Joint Committee on the Organization of Congress. A proposal similar to the one outlined in my resolution was discussed at hearings held by the Joint Committee—but was not included in committee's final proposal—even though it was endorsed by Senator BRYAN, the then-chairman of the Ethics Committee. The only changes the Joint Committee in fact approved regarding the Ethics Committee were new standards on disciplinary sanctions.

The Senate too often has been found lagging in proposals to reform itself—thus becoming targets for media accusations of indifference and institutional arrogance. We have an opportunity with the proposed resolution, on the other hand, to start a process by which a strong signal may be sent to the American people that we are in fact willing to change with regards to the manner in which this institution polices its own members.

Mr. President, the American people expect the power entrusted Senators to be used for the public good and never for our own benefit or the benefit of the few. Likewise, the American people have a right to expect that Senators who abuse their power and the public trust to be held accountable for their actions—swiftly and justly.

I fully expect, and welcome, suggestion for accomplishing this goal. There will be, and should be, other ideas for reforming the Ethics Committee, ideas that no doubt will enhance and improve the suggestions I am making in my resolution. I reiterate: The time to begin is now, not when the Senate finds itself—again—in the midst of another institutional crisis.

SENATE RESOLUTION 22—RELATING TO CARGO PREFERENCE POLICY

Mr. INOUYE submitted the following resolution, which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 22

Whereas the maritime policy of the United States expressly provides that the United States have a Merchant Marine sufficient to carry a substantial portion of the international waterborne commerce of the United States;

Whereas the maritime policy of the United States expressly provides that the United States have a Merchant Marine sufficient to serve as a fourth arm of defense in time of war and national emergency;

Whereas the Federal Government has expressly recognized the vital role of the United States Merchant Marine during Operation Desert Shield and Operation Desert Storm;

Whereas cargo reservation programs of Federal agencies are intended to support the privately owned and operated United States-flag Merchant Marine by requiring a certain percentage of government-impelled cargo to be carried on United States-flag vessels;

Whereas when Congress enacted Federal cargo reservation laws Congress contemplated that Federal agencies would incur higher program costs to use the United States-flag vessels required under such laws;

Whereas section 2631 of title 10, United States Code, requires that all United States military cargo be carried on United States-flag vessels;

Whereas Federal law requires that cargo purchased with loan funds and guarantees from the Export-Import Bank of the United States established under section 635 of title 12, United States Code, be carried on United States-flag vessels;

Whereas section 901b of the Merchant Marine Act, 1936 (46 U.S.C. App. 1241f) requires that 75 percent of the gross tonnage of certain agricultural exports that are the subject of an export activity of the Commodity Credit Corporation or the Secretary of Agriculture be carried on United States-flag vessels;

Whereas section 901(b) of such Act (46 U.S.C. App. 1241(b)) requires that at least 50 percent of the gross tonnage of other ocean borne cargo generated directly or indirectly by the Federal Government be carried on United States-flag vessels;

Whereas cargo reservation programs are very important for the shipowners of the United States who require compensation for maintaining a United States-flag fleet;

Whereas the United States-flag vessels that carry reserved cargo provide quality jobs for seafarers of the United States;

Whereas, according to the most recent statistics from the Maritime Administration, in 1990, cargo reservation programs generated $2,400,000,000 in revenue to the United States fleet and accounted for one-third of all revenue from United States-flag foreign trade cargo;

Whereas the Maritime Administration has indicated that the total volume of cargoes moving under the programs subject to Federal cargo reservation laws is declining and will continue to decline;

Whereas, in 1970, Congress found that the degree of compliance by Federal agencies with the requirements of the cargo reservation laws was chaotic, uneven, and varied from agency to agency;

Whereas, to ensure maximum compliance by all agencies with Federal cargo reservation laws, Congress enacted the Merchant Marine Act of 1970 (Public Law 91–469) to centralize monitoring and compliance authority for all cargo reservation programs in the Maritime Administration;

Whereas, notwithstanding section 901(b) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1241(b)), and the purpose and policy of the Federal cargo reservation programs, compliance by Federal agencies with Federal cargo reservation laws continues to be uneven;

Whereas the Maritime Administrator cited the limited enforcement powers of the Maritime Administration with respect to Federal agencies that fail to comply with section 901(b) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1241(b)) and other Federal cargo reservation laws; and

Whereas the Maritime Administrator recommended that Congress grant the Maritime Administration the authority to settle any cargo reservation disputes that may arise between a ship operator and a Federal agency: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) each Federal agency should administer programs of the Federal agency that are subject to Federal cargo reservation laws (including regulations of the Maritime Administration) to ensure that such programs are, to the maximum extent practicable, in compliance with the intent and purpose of such cargo reservation laws; and

(2) the Maritime Administration should closely and strictly monitor any cargo that is subject to such cargo reservation laws.

Mr. INOUYE. Mr. President, the law of the land, specifically section 1 of the Merchant Marine Act of 1936, declares that the United States shall have a merchant marine sufficient, among other things, to:

Carry a substantial portion of our international waterborne Commerce; and to serve as a fourth arm of defense in time of war and national emergency.

The importance of these requirements has been dramatically illustrated by the vital role of our merchant marine in World War II, Korea, Vietnam, during Operations Desert Shield and Desert Storm, and most recently in Haiti.

While the privately owned and operated U.S. flag merchant marine has performed so magnificently and effectively in times of crisis, it has also made extraordinary efforts to ensure that a substantial portion of commercial cargo bound to and from the United States moves on U.S. bottoms. Given the chronic overtonnaging in international shipping, cut-throat competition, and the competitive edge our trading partners give their national flags, this has not been easy. Nevertheless, if our commercial fleet is to continue to be an effective auxiliary in times of war or national emergency, it must first be commercially viable in times of peace. Otherwise, there will be no merchant fleet when the need arises.

I think we all would agree that there is a substantial national interest in promoting our merchant fleet. Indeed, several laws of our land recognize that national interest and spell out specifically how the U.S. Government is to go about promoting it. Federal laws require that all U.S. military cargo, cargo purchased with all loan funds and guarantees from the Eximbank, 75 percent of concessionary agricultural, and at least 50 percent of all other international ocean borne cargo generated directly or indirectly by the Federal Government, be carried on U.S. flag vessels. According to the latest statistics of the Maritime Administration [MarAd], in 1993 these cargo reservation programs generated $1.58 billion in revenue to the U.S. fleet and accounted for one-third of all revenue from the U.S. flag foreign trade cargo. The alarming news is that according to MarAd the total volume of cargo moving under these programs is declining and will continue to do so.

According to a soon to be published report by Nathan Associates Inc., the 1992 economic impacts of cargo preference for the United States were 40,000 direct, indirect and induced jobs, $2.2 billion in direct, indirect and induced household earnings, $354 million in direct, indirect and induced Federal personal and business income tax revenues—$1.20 for every dollar of government outlay on cargo preference, and $1.2 billion in foreign exchange.

It is, therefore, imperative that U.S. flag vessels carry every ton of cargo which these programs and the law intend them to carry. This brings me to the reason for the resolution I am introducing today. There are two substantial problems which threaten the viability of these programs and, therefore, the viability of our merchant fleet.

Several agencies administering cargo reservation programs continue to do their almighty best to evade the spirit and letter of the reservation laws, that is, find the law inapplicable to a particular program, or employ other loopholes.

Because of this problem of evasion and uneven confidence, the Congress amended the Merchant Marine Act of 1970 to centralize monitoring and compliance authority for all cargo reservation programs in MarAd. Nevertheless, the problem remains. Critics of MarAd maintain the agency is too timid, and does not discharge its obligation aggressively. MarAd, on the other hand, says it has limited enforcement powers over those Government agencies which are not in compliance.

As the Secretary of Transportation recently announced the administration's intent to consolidate the Department of Transportation's operating divisions, I believe it is more important than ever for the Congress to reiterate its support for our cargo reservation laws, so that their administration and enforcement will not suffer from any Departmental reorganization.

Mr. President, the resolution I am introducing today merely expresses the sense of the Senate that all of these Federal agencies do what they are supposed to be doing now, under existing law.

SENATE RESOLUTION 23—RELATIVE TO THE OREGON OPTION

Mr. HATFIELD submitted the following resolution; which was referred to the Committee on Governmental Affairs.

S. RES. 23

Whereas Federal, State and local governments are dealing with increasingly complex problems which require the delivery of many kinds of social services at all levels of government;

Whereas historically, Federal programs have addressed the Nation's problems by providing categorical assistance with detailed requirements relating to the use of funds which are often delivered by State and local governments;

Whereas although the current approach is one method of service delivery, a number of problems exist in the current intergovernmental structure that impede effective delivery of vital services by State and local governments;

Whereas it is more important than ever to provide programs that respond flexibly to the needs of the Nation's States and communities, reduce the barriers between programs that impede Federal, State and local governments' ability to effectively deliver services, encourage the Nation's Federal, State and local governments to be innovative in creating programs that meet the unique needs of the people in their communities while continuing to address national goals, and improve the accountability of all levels of government by better measuring government performance and better meeting the needs of service recipients;

Whereas the State and local governments of Oregon have proposed a pilot project, called the Oregon Option, that would utilize strategic planning and performance-based management that may provide the new models for intergovernmental social service delivery;

Whereas the Oregon Option is a prototype of a new intergovernmental relations system, and it has the potential to completely transform the relationships among Federal, State and local governments by creating a