

HOUSE OF REPRESENTATIVES—Tuesday, April 27, 1993

The House met at 12 noon.

The Very Reverend John A. Simpson, dean of Canterbury Cathedral, Canterbury, England, offered the following prayer:

Almighty God, we give You thanks for the blessings of community in this Nation, and for those who have used Your gifts to strengthen and enrich its life.

We pray:

In all government, for insight, integrity and courage.

In the framing and administration of law, for justice and humility, fairness and compassion.

In industry and commerce, for care, cooperation and concern for the good of all.

In all that is done for those in need, a community that cares.

We pray also for the peoples of other countries, for those called to lead in the crises of these times, that they may seek the ways which lead to peace.

We pray, finally, for the work of this House, that pursuit of righteousness and justice may be our aim.

In Your mercy, O God, hear these prayers. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. FRANKS of Connecticut 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.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 23, 1993.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in clause 5 of rule III of the Rules of the U.S. House of Representatives,

the Clerk received the following message from the Secretary of the Senate on Thursday, April 22, 1993, at 6:41 p.m., that the Senate agreed to the amendment of the House to S.J. Res. 66.

With great respect, I am
Sincerely yours,

DONNALD K. ANDERSON,
Clerk, House of Representatives.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

BILL CLINTON'S FIRST 100 DAYS

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

Mr. DERRICK. Mr. Speaker, for 12 years Presidents Reagan and Bush promoted a domestic agenda of cutting taxes, streamlining government, and eliminating the deficit. Those Presidents and their administrations failed on all three fronts.

The Republican wreckage of the eighties paved the way for Bill Clinton's election.

After the Reagan-Bush era of the "Three Ds": Decline, debt, and disinvestment—President Clinton took office 100 days ago determined to fight for all Americans.

He has embarked on an ambitious program of job creation, making Government work, and reforming the health care system.

Already President Clinton has won congressional approval of a 5-year budget that cuts the deficit by \$514 billion. He broke the gridlock and he signed into law the Family and Medical Leave Act to help families.

He extended unemployment benefits for jobless Americans who want to work. The President has put into place a new system for worker retraining to help Americans get back to work. He has set into motion affordable health care for the Nation.

Mr. Speaker, during his first 100 days President Clinton has connected with the American people like no other Chief Executive in modern times.

From his open house on the first day of his administration to his open-minded approach in handling the health care crisis, this President is a winner.

President Clinton will succeed because he understands the American people and they support him.

BROKEN PROMISES

(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 week will mark the 100 days of the Clinton administration's beginning, and sadly, it is 100 days of broken promises. Broken promises to provide a middle-class tax cut, broken promises to have no tax increase on people below \$200,000, as Ross Perot pointed out Sunday night. Broken promises on real cuts in Government spending, broken promises on workfare, broken promises to focus on the economy.

Two weeks ago in Italy the people rejected a government that broke its promises. On Sunday, the people of Russia voted and called for reforms and for the politicians to keep their promises.

In America, 7 percent of the American people prefer term limitations because they are tired of politicians who break their promises.

My advice to the President at the end of his first 100 days is make his promises very carefully and then keep his promises. It is sad that in the first 100 days so many promises to so many people have been broken, and in so many ways.

□ 1210

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1013

Mr. STENHOLM. Mr. Speaker, I ask unanimous consent that the name of the gentlewoman from Arizona [Ms. ENGLISH] be removed from the list of cosponsors of H.R. 1013.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

THE FIRST 100 DAYS

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

Mr. BALLENGER. Mr. Speaker, when he was running for President, Bill Clinton said on the Larry King show: "I know I can pass a sweeping package of legislation during the first 100 days of my administration."

The Nation would rather sweep these first days under the rug of history.

The President has broken the record for the highest disapproval rating in

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

modern history because his proposals are like a broken record of higher taxes and more Government spending.

He has proposed taxes on beer, taxes on energy, taxes on consumer goods, and who knows what else.

He has tried to spend money on pork barrel programs, things like swimming pools and parking garages, all in the name of investment and he would have succeeded had Republicans not worked together to stop him.

After the first 100 days of Bill Clinton, only one clear image of this President emerges: He is quite simply a tax and spend Democrat. It is not a pretty picture.

UNITED STATES TAX DOLLARS WILL NOT SAVE RUSSIA

(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, I am glad that Boris Yeltsin was successful at the polls. No one denies that Russia needs help.

But why is it, Mr. Speaker, that stimulus money to help depressed American cities is called pork, but money for Russia is called strategic aid? I have some problems with that. In fact, I say if we can find money to line the pockets of these former card-carrying Communists in the Russian Parliament, we could find some money to invest in American cities and help put Americans back to work. A very simple program.

Mr. Speaker, money is not going to save Russia. The Russian people, not the American taxpayers, will save Russia, and it is time to teach Russia how to fish so Russia can fish and eat and will not need American taxpayers' dollars.

The United States taxpayers do not need to send any pork to the former Soviet Union.

THE RAW DEAL

(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 years, different phrases have characterized a President's first 100 days in office. We have had FDR's New Deal, LBJ's Great Society, and Harry Truman's Fair Deal.

Now we have Bill Clinton's Raw Deal.

The Clinton Raw Deal started when the President decided to break his promise to the middle class. Calling it shared sacrifice, he said he would not cut taxes on the middle class after all—surprise, surprise.

Now, the President is considering several tax proposals that will hit all income levels. These include a Btu tax, a Social Security tax, and a VAT tax

on hard-working, middle-income American families.

Candidate Clinton said:

I intend to have a legislative program ready on the desk of Congress the day after I'm inaugurated. It will be the most productive period in modern history.

The President promised us all this and more. Unfortunately, all we got was the raw deal.

THE TRUTH ABOUT THE FIRST 100 DAYS

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

Mrs. SCHROEDER. Mr. Speaker, it is time we have a truth squad on President Clinton's 100 days.

He came to town, and from this very well down here, he explained to people the real truth about the budget, no rosy scenarios, no more borrow and spend, and that he was going to really put it down where we could do it and do it right. And he did. He got his budget through here. He lifted the gag rule on family planning clinics for women, he got family leave through here, he did all sorts of things.

Then his 100 days got undermined by 100 Senators. I think it is time that we point out that what they killed were some very important programs for America's children, investment in Head Start, investment in immunizations, investment in the WIC Program, investment in teen jobs for the summer in our urban core.

It is going to cost us way more not to have funded those programs than it would to have funded those programs.

So I would not brag if I tried to derail that program. I would have been ashamed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MONTGOMERY). The Chair would like to caution that visitors in the gallery are not able to participate by applauding any of the debate.

BLUFF, BLUSTER, AND BLARNEY

(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, President Clinton promised the American people a sweeping package of legislation during his first 100 days.

Instead, we have received 100 days of bluff, bluster, and blarney.

In his State of the Union Address, the President challenged Republicans to come up with specific spending cuts. When Republicans, led by JOHN KASICH, did just that, the Nation discovered

that the President was bluffing. The Clinton proposal was never as specific or detailed as the Republican plan.

Later, the President blustered about Republicans holding up his spending package. He said his pork bill would create jobs, and he ranted and raved about Republican gridlock. He did not say that his jobs bill would cost \$90,000 a job, and that it was a payoff to his political cronies.

Finally, we will consider the Clinton version of enhanced rescission, which is nothing more than a bunch of blarney when it comes to real spending reform.

A hundred days of bluff, bluster, and blarney. The President must do better.

BUY LEGITIMATE AMERICAN PRODUCTS

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

Mr. APPELEGATE. Mr. Speaker, the North American Free-Trade Agreement is dead for now. So says Leon Panetta in the Washington Post. I say it should be buried.

America is losing its industries and jobs without it, and we do not need a bad trade agreement to compound it. What we need to do is to restrict trade to countries like Mexico and China which abuse their people. Do not reward them for manufacturing products made by people who earn 40 cents an hour, slave labor, child labor, no safety, no health, no pension benefits, no environmental protection.

This is against everything that Americans believe in and have fought for. Greed by American industrialists and entrepreneurs who take their business there undermine the American spirit and the marketplace. It is bucks in the pocket, and it is time that America woke up and stopped buying from these perpetrators of human rights.

I say buy legitimate American products. Think about it.

□ 1220

WE'RE HERE TO HELP YOU WITH YOUR TRUST DEFICIT, MR. PRESIDENT

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

Mr. HEFLEY. Mr. Speaker, the polls this morning tell us that 48 percent of the American people believe that President Clinton has failed to keep his promises during these first 100 days. I am here this afternoon to offer the help of my party. We Republicans are willing to assist the President with his trust deficit.

Mr. President, when you told the American people that "I am not going to raise taxes on the middle class to

pay for these programs," many Americans took you at your word. Now, your administration talks almost daily about new taxes—energy taxes, VAT taxes, sin taxes, higher taxes for Social Security recipients, higher income tax bills for the middle class. All to pay for more pork barrel deficit spending programs that the American people don't want.

Like I say, Mr. President, we are here to help. If you want to put a dent in the budget deficit, let's talk. We will help you get it done. If you want to forgo all of your new tax ideas, we are with you. Just let us know.

Mr. Speaker, Republicans in this House are willing to help you and the President with your trust deficit. Just say the word.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MONTGOMERY). The Chair would remind Members, again, that they cannot directly address the President of the United States; it should come through the Chair or the Speaker.

A PRESIDENT OF ACTION, NOT RHETORIC

(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, finally we have a President of action instead of rhetoric. In his first 100 days of office President Clinton has shown us that he is a doer, not a talker.

Instead of merely talking about family values he has broken the gridlock and signed the Family and Medical Leave Act, enabling family members to keep their jobs while caring for their sick and/or newborn.

Instead of theorizing over solutions to the high cost of today's nonuniversal health care, but more importantly, to underscore his dedication to the proposition that all Americans must have basic health care, he has formed a task force chaired by the First Lady, Hillary Rodham Clinton, to research and draft a comprehensive health care bill.

Instead of pontificating on how the economic policies of the Reagan/Bush administrations caused a mere bump instead of the desired increase on the economic charts, President Clinton has drafted and won congressional approval for a 5-year budget that will reduce the deficit and increase investments in order to improve our economy.

Instead of merely saying that there was no recession, President Clinton extended and reformed the unemployment insurance systems, by providing benefits to jobless workers and a new system of worker counseling and re-

training so that they can find jobs and return to work quicker.

Mr. Speaker, as we look back on this first 100 days of his Presidency, finally, ordinary working and poor Americans can point to a President who actually is trying to solve America's problems. His actions speak louder than words.

NATIONAL VICTIMS WEEK

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

Mr. RAMSTAD. Mr. Speaker, yesterday was the beginning of National Victims Week.

What a tragic irony that yesterday was also the day the mother of three dear friends—and former wife of a good friend who is also a Minneapolis police officer—was stabbed to death by a burglar.

Yesterday, like every other day in America, 288 women were raped—one rape victim every 5 minutes. Over 100,000 rape victims last year in America.

And children fare no better. The average child sex offender convicted last year molested 117 young victims.

No other civilized society tolerates this level of violence against innocent victims.

Mr. Speaker, nothing can bring back my friends' mother nor ease the pain and suffering of all the crime victims. But we can put politics aside and pass an omnibus crime bill. It's time to put politics aside and pass the Violence Against Women Act.

It is time to put politics aside and pass the Jacob Wetterling child protection bill and the Assaults Against Children Act I have introduced.

Mr. Speaker, it is time to put victims' rights ahead of criminals' rights. The victims of America deserve nothing less.

PRESIDENT CLINTON'S FIRST 100 DAYS

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

Mr. CLYBURN. Mr. Speaker, the first 100 days of President Clinton's administration have been significant ones.

They have brought about a sense of renewal to a government once looked upon as lethargic.

They have restored hope to a nation of people who had lost faith in their country's leadership.

They have sent a clear message that this administration is of, for, and by the people.

On day 17 President Clinton signed the Family and Medical Leave Act of 1993.

On day 50 President Clinton announced an initiative to alleviate the

credit crunch and generate jobs in the private sector by assisting small businesses with fair lending, equal opportunity and credit availability.

And on day 71 Congress agreed to a budget resolution which included most of the President's comprehensive economic plan: A Vision of Change for America.

Mr. Speaker, interest rates are down, consumer confidence is up, and the country is moving in the right direction.

The Clinton administration has clearly defined itself as courageous enough to take bold initiatives, compassionate enough to put people first, and competent enough to steer our Nation back to soundness and security.

MR. PEROT WAS RIGHT

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

Mr. CANADY. Madam Speaker, for millions of Americans. H. Ross Perot personifies the movement to change Washington for the better.

Sunday night Mr. Perot went on television to explain what's wrong with President Clinton's economic plan.

He said Mr. Clinton's plan is in trouble because it's more of the same.

And Mr. Perot was right.

The President's plan gives us: more Government, more wasteful spending, and more taxes.

Ross Perot said it and the American people know it's true:

The President has proposed nothing to address the basic causes of the problems we are facing.

If we are to solve those problems, there must be fundamental change in the way Washington works.

We must give the President a real line-item veto.

We must send to the States a balanced budget amendment.

And, we must enact term limits for the Members of Congress.

Mr. Speaker, to fix the problem we must deal with the causes of the problem.

It's as simple as that.

PRESIDENT CLINTON HAS GIVEN US A NEW VISION OF WHAT WE CAN DO

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

Mr. FAZIO. Madam Speaker, the media and our friends on the Republican side are enjoying trying to define our new President at the end of his first 100 days in office. I think he is most definable by the fact that he has given this country a new vision of what we can do to fight for opportunity for our people and put them back to work.

Madam Speaker, we have been frustrated. There have been efforts to defeat and derail his economic package. But the fact remains that he passed his budget resolution within record time; we have broken the gridlock on family and medical leave, something the American people overwhelmingly wanted and were deprived of by the last two Republican Presidents; we have begun to reform the unemployment system and help keep people whose benefits have been exhausted from going without; and, most of all, taken on our major deficit problem by addressing the health care crisis in this country.

Not a bad accomplishment for the first 100 days.

But the real judgment, of course, will occur at the end of this President's first term in office. I think it is fair to say he is off to a good start, one that this Congress can aid and abet, or frustrate. I hope that the vision of the future from Congress will be as elevating and successful as the President's.

SPENDING CUTS

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

Mr. GOSS. Madam Speaker, the Clinton economic plan is at risk of dying the death of a thousand cuts, precisely because it does not cut enough. As the American people digest the details of the plan, particularly the ratio of 24-to-1 tax increases to spending cuts next year, confidence in the plan is eroding fast.

According to the President's own numbers, his plan adds almost \$1 trillion to the deficit, and that is after 5 years of the largest tax increase in our history. The American people are smart—and they know that "it's the spending, stupid" that causes our national budget to be so out of whack. Let us focus on spending cuts, not higher taxes—on cuts, not new spending.

Whether they be the 50 specific spending cuts I have introduced, the Republican Budget Committee's plan, or the suggestions offered by many independent organizations, and knowledgeable individuals such as Ross Perot the ideas for chopping waste are there for the taking.

It's time to sentence the budget deficit-national debt to death by a thousand cuts.

A FOUNDATION FOR BUILDING FOR THE FUTURE

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

Mr. GEJDENSON. Madam Speaker, the Congress and the country face the

beginning of a new era; a President who wants to build for the future, not simply with short-term economic fixes, but long-term economic policies that will rebuild America and start a new direction for our children and our grandchildren.

For 12 years, Republican economic policies have passed and have quadrupled the national debt and changed us from a creditor nation to a debtor nation. We battled for years trying to get family medical leave; in the first days of the Clinton administration, that was signed into law.

Each time we needed an unemployment extension, we had battles with the previous administrations; month after month we would fight with the President trying to convince him that those people were in need. In the Clinton administration, the unemployment provisions were signed into law immediately.

Madam Speaker, there are yet challenges. A minority in the Senate holding up America, precluding us from the kind of investment package that we need to really convert this economy. But we have a President committed to the long haul, and we have a great foundation that we have begun to build.

□ 1230

NERVOUS OVER PRESIDENT'S ECONOMIC PLAN

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

Mr. ROTH. Madam Speaker, the gentleman on the other side of the aisle said that the Republicans and the media are having a field day defining Mr. Clinton's first 100 days.

Well, I do not know. I think Mr. Panetta, the Director of the Office of Management and Budget, did a pretty good job this morning on the front page of the paper.

He said that he is very nervous about the national picture.

Well, my response would be, "Well, who isn't?"

With the Democrats in charge of the White House and in total disarray, with the Senate Democrat controlled 57 to only 43 Republicans, with the House of Representatives that has been in Democrat total control for 40 years now, with the Democrats having 256 Members in this House and we only 175; but the thing that caught my eye, my fellow colleagues, was on aid to Russia. Mr. Panetta said he is still searching for ways to finance the additional \$1.8 billion that was promised to Boris Yeltsin in Tokyo.

Then someone at the White House jokingly said, "Now that he is elected, do we have to give him the money?"

Is that the mind set in the White House? We make campaign promises

and after the votes are counted, we say, "Well, now it is all over."

By the way, I say to Mr. Panetta, who was that man that jokingly said, "Do we have to pay him now?"

BUILDING A GOOD ECONOMIC PROGRAM

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

Mr. DURBIN. Madam Speaker, our colleagues on the Republican side of the aisle are getting dangerously close to gloating over the fact that a Republican filibuster stopped the President's effort to pass a jobs bill to put hundreds, if not thousands of Americans, back to work.

It reminds me of an old saying attributed to Harry Truman in the Midwest. I would like to modify it. His saying was, "Any jackass can knock down a barn door. It takes a carpenter to build one."

Putting it in a modern context, you might say, "Any elephant can knock down a President's program, but it takes a bipartisan majority to build one."

Just a few short weeks ago, the President stood right here and said, "Let's put an end to the blame game and work together."

He was not just speaking for Bill Clinton and the Democratic Party. He was speaking for the American people. They voted last November for change.

Now we have my colleagues on the Republican side of the aisle, barely 3 months into this Presidency, coming to proclaim the failed Clinton Presidency. The American people want this President to have a chance to succeed and Members of good will on both sides of the aisle can work to make that happen.

PARLIAMENTARY INQUIRY

Mr. WALKER. Madam Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mrs. SCHROEDER). The gentleman will state his parliamentary inquiry.

Mr. WALKER. Madam Speaker, is it not against the rules of the House to characterize actions of the other body?

The SPEAKER pro tempore. The Chair thinks that is true.

Mr. WALKER. Madam Speaker, the Chair is not calling people into account for their failure to obey those rules.

My parliamentary inquiry is, Is the Chair going to exercise its rights in that regard?

The SPEAKER pro tempore. Well, the gentleman from Pennsylvania did call them into account, and the Chair will listen more intently.

Mr. WALKER. I thank the Chair.

INTRODUCTION OF PRIVATE SECTOR JOBS CREATION AND ECONOMIC STIMULUS BILL

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

Mr. DREIER. Madam Speaker, my friend, the gentleman from Illinois [Mr. DURBIN] is absolutely right. We Republicans do take credit for having blocked the President's pork barrel so-called jobs and stimulus bill.

We can use that as a great accomplishment in his first 100 days; but Mr. Speaker, I do not believe that we Republicans can sit by and simply gloat about having filibustered that program to death.

That is why today I am introducing the private sector jobs creation and economic stimulus bill. It has four basic points to it. And how many were included in President Clinton's campaign?

First of all, the capital gains tax differential which Mr. Clinton talked about last fall.

Second, expanded individual retirement accounts.

Third, a freeze on Federal spending.

Fourth, a moratorium on new regulations for the private business sector of our economy.

These four items clearly can do what my friend, the gentleman from Illinois [Mr. DURBIN], has talked about, create jobs in the private sector.

REPUBLICANS HAVE NO MORAL RIGHT TO PREVENT VOTE ON PRESIDENT'S STIMULUS PACKAGE

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

Mr. OBEY. Mr. Speaker, I am somewhat amused at the hyperventilation which is occurring on the minority side of the aisle in reaction to the comments of Leon Panetta, the Budget Director, in the paper today. I do not blame Mr. Panetta one bit.

I would be nervous, too, if I thought that an elected minority, rather than having the courage to simply vote up or down on the President's package, chose the refuge of arcane rules simply to prevent that package from coming to a vote. That is the critical distinction that needs to be made.

Our friends on the Republican side of the aisle, be they in this body or the other body, have a perfect right, and in fact an obligation, to vote against the President's package if they disagree with it, but they have absolutely no moral right to prevent that package from coming to a final vote. That is the disgrace that took place last week in the other body.

Mr. WALKER. Regular order, Madam Speaker.

The SPEAKER pro tempore (Mrs. SCHROEDER). The Chair will again make the statement. The gentleman from Pennsylvania is correct. Members should not characterize the actions of the other body.

NURSING HOME CARE FOR VETERANS IN NEW JERSEY

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

Mr. SMITH of New Jersey. Mr. Speaker, today I am introducing a bill to direct the VA to report to Congress on long-term health care needs of veterans in my State and to conduct a feasibility study on constructing a veterans' nursing home in central New Jersey.

The VA more than any other health care delivery system, will be serving a rapidly aging population. Today 7 million veterans are age 65 or older. By the year 2000, that number will grow to 9 million, with 1.5 million over the age of 85.

Madam Speaker, as anyone in medicine will tell you, the utilization of health care significantly increases with age. Veterans older than age 85 need health care services 30 times as often as those under the age of 65. By the same token, the need for nursing home care also vastly increases as the pool of potential users ages and expands.

Madam Speaker, my State has done an initial analysis on this. We have found that the numbers of veterans will grow by 15 percent by the year 2000 in New Jersey.

The need for nursing home care in Central New Jersey is unmistakable. Nevertheless, Madam Speaker, I believe it is critical for the VA to also conduct comprehensive assessments and mission planning. These findings will aid the VA in prioritizing new construction projects and in supporting State grant applications for new nursing home facilities.

America's veterans have earned the right to dignified, long-term nursing home care. This is one of the finest measures of respect that can be provided by a grateful Nation.

Now, is the time to plan and act for tomorrow.

DIRECT CONNECTION BETWEEN HEALTH AND WELL-BEING AND THE ENVIRONMENT

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

Ms. SHEPHERD. Madam Speaker, there is a direct connection between our health and well-being and the environment.

In 1951, the U.S. Government began its relentless bombing of the Nevada

desert with above-ground nuclear testing for 11 straight years. We Utahns came to be known as down-winders: we felt the tremors and we heard the blasts. Today, 40 years and countless bombs later, our mothers and sisters—Utah's mothers and sisters—are suffering from breast cancer. Our fathers and brothers have died of leukemia and cancers of the pancreas and colon.

We have only recently begun to understand the impact of these lethal actions on our environment. Perhaps in the very near future, we will begin to understand the impact of these actions on world health.

Madam Speaker, our health and our environment are woven together in such a way that we as policymakers must always take that into account. We must understand that the Pacific yew tree is part of the environment and that the Pacific yew tree gives us taxol, a life-saving drug which sends ovarian breast cancers into remission. Taxol offers only one example of the possibilities nature offers us. There are many more. And in the coming days, we the women, we the down-winders, are the ones who will lose health and vitality if the environment is not protected and that we begin an historic route toward preservation.

□ 1240

IN OPPOSITION TO CARGO PREFERENCE

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

Mr. BARRETT of Nebraska. Madam Speaker, I direct my colleague's attention to the Journal of Commerce article explaining the difference between United States and foreign ocean shipping rates, and how the much higher United States rates will diminish the aid promised to Russia.

If we need evidence that cargo preference requirements should be waived, we need only to look at the recent bids submitted to the USDA by U.S.-flag shipping companies to carry the grain donated under the package.

These bids came in at \$138 per ton, \$102 per ton, \$75 per ton or, to put them in perspective, at three to five times the current rate being charged by foreign flag vessels.

And of note, the higher bid was double what that company was charging just a month ago, right before the Vancouver summit. Clearly there are those in the maritime industry willing to profit, and profit big, from shipping humanitarian aid.

To his credit, USDA Secretary Espy rejected the higher bid, but, according to reports, the USDA will accept the \$75 per ton bid. At this rate, one-third or more of the food aid promised to Russia will be needlessly lost to transportation costs.

Russian officials are scheduled to arrive this week in Washington to seek relief from cargo preference requirements and maximize the food aid that can be delivered. There is an immediate solution available for them: The President could use his authority under existing law to waive cargo preference.

I have introduced House Concurrent Resolution 85 to urge them to do so, and I urge my colleague to join me by cosponsoring this resolution.

The Russian's have overcome one hurdle by giving President Yeltsin a strong vote of confidence; let's help them overcome the cargo preference hurdle.

THE SUCCESSES OF PRESIDENT CLINTON'S FIRST 100 DAYS

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

Ms. PELOSI. Madam Speaker, some of our colleagues are trying to mischaracterize the first 100 days of the Clinton administration for their own partisan gain, but what the American people should know about is the successes of the Clinton administration.

In the first 100 days, in record time the Clinton administration won passage of a bold plan to fix the economy, create jobs, and produce higher income by getting this budget through, as I said, in record time. He also signed the Family and Medical Leave Act and set the environmental policy on a new course, reversing Bush administration policies by getting the United States to sign a biodiversity treaty and to reduce the emissions of greenhouse gases.

The President has worked to spur economic growth through his meetings with foreign leaders and his enterprise oriented aid initiative to save the Russian democracy and open markets to American products.

If the President made any mistake in his first 100 days, it was in thinking that everyone in this Congress cared about working people in our country, especially those without jobs.

Madam Speaker, I hope the President will sign a new jobs program soon, and that it will be substantial so that this House will once again have the opportunity to vote for jobs for working Americans.

THE LATEST IN LIP READING— MORE NEW TAXES

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

Mr. SAM JOHNSON of Texas. Madam Speaker, President Clinton has almost reached the 100-day threshold of his new Presidency, and the day of reckoning is here.

We have heard of the New Deal, we have heard of the Fair Deal, these are not the right labels.

President Clinton's first 100 days can only be characterized as the raw deal. The one thing the American people can hear coming from the President is new taxes.

Raise income taxes, raise business taxes, raise energy taxes, raise excise taxes, tax banks, and try a new value added tax.

Madam Speaker, there is no deal like a raw deal, read President Clinton's lips: More new taxes.

PRESIDENT CLINTON'S STIMULUS PACKAGE

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

Mr. REYNOLDS. Madam speaker, I rise today to say that the American people lost when the President's stimulus package failed last week. The price of playing partisan politics with jobs will be much higher than the monetary cost of the package.

In the city of Chicago alone, the package would have provided 18,000 summer jobs for youth. That means for Chicago the result of partisan politics is that 18,000 young people will be denied the opportunity to get essential work experience.

Madam Speaker, if we are actually experiencing an economic recovery, then it is clearly a jobless recovery. On April 7, I held a job fair in my district; 4,000 qualified, mostly college educated job seekers lined up—eager to find work. Somehow these people had fallen through the cracks of the so-called recovery. How would those playing partisan politics with the stimulus package explain to those waiting in line that a bill to stimulate job growth is just too expensive.

Thus, the result of trying to make the President lose or look bad means that America will lose.

THE TAILHOOK REPORT

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

Ms. SNOWE. Madam Speaker, last Friday the inspector general presented a detailed and shockingly descriptive report on the 1991 Tailhook incident. The events outlined in this report are a scathing indictment of an archaic culture and attitude toward women in the Navy.

But it took 19 months for this investigation to be completed. Now that we have in our possession its findings, it is my hope that it will not take 19 more months for justice to be served. The evidence has been presented, and now justice and discipline must be rendered.

It is also my hope that the leaders of the U.S. Navy have learned their lesson, unfortunately, 90 women paid the price for their lack of leadership and for their lack of commitment to the most basic principles of conduct. Let us hope that there will be no more Tailhooks. Let us hope that it will not take another Tailhook incident for our Nation's Armed Forces to understand that women's dignity is not to be toyed with, not to be bartered, and to understand that women are not property.

Now we must move forward expeditiously, and take the necessary actions to bring these men to justice. And I say this to the Navy leadership—we in Congress will continue to watch and ensure that the Navy not only adheres, but is committed to the programs and changes it has implemented to eradicate all forms of sexual harassment in the Armed Forces. The time for the Navy to act is now.

CALLING FOR AN END TO GRIDLOCK

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

Mr. POMEROY. Madam Speaker, President Clinton was elected by this Nation's voters to provide leadership on the terribly important issues facing this country. In his first 100 days he has advanced a plan to promote economic recovery, has proposed the most significant deficit-reduction plan in history, and has launched an impressive effort to address the health-care crisis we are presently mired in.

By my reckoning, the President has lived up to his end of the bargain. He has provided strong leadership on our toughest, most intractable problems.

But in addition, last fall Americans asked this body to put aside partisan warfare and political rhetoric and work together, Republicans as well as Democrats, to address these problems. There has been precious little evidence, unfortunately, that the minority party in this body wants to play a constructive role in Government.

Madam Speaker, their shrill denunciations of our President and their efforts to prevent line-item rescission from even coming to the floor are only the latest examples that the old ways die hard for this body's Republicans.

A REAL LINE-ITEM VETO

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

Mr. TALENT. Madam Speaker, there is a positive development which needs to be discussed. Pending before the House right now is a real line-item veto. The Castle-Solomon amendment is a real line-item veto which would

permit the President to veto out particular pieces of waste or pork barrel and require a two-thirds vote of both Houses in order to override that veto.

It is a line-item veto that more than 40 Governors have. It is a line-item veto the President endorsed in his campaign. It is a line-item veto that the people want.

Last week, Madam Speaker, the Republican freshmen sent a letter to the President asking him to support that line-item veto, telling him it was pending before the House, and asking him for a meeting to discuss strategy to get it passed. We can pass that line-item veto with a minimal amount of support of the majority side of the aisle.

Madam Speaker, I urge the President to meet right now. This is an important part of his package. It is something that the people want. It is something that the independent voters of this country want, and we can actually deliver a real change in the way the Congress budgets out of the House and create massive bipartisan support for the President's leadership at this crucial time.

TRIBUTE TO THE LATE CESAR CHAVEZ

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

Mr. BECERRA. Madam Speaker, words simply cannot express my profound sadness over the passing of Cesar Chavez.

Cesar Chavez was a man of immense dignity, humanity, and integrity.

Few individuals will ever touch as many lives as did this great man.

Millions have benefited from his work as a civil rights activist, and millions will mourn his death.

For decades, Cesar Chavez undertook one of life's most difficult callings: organizing the masses to fight injustice.

His fierce determination and strong spirit turned failed struggles into unprecedented successes.

As the founder and president of the United Farm Workers of America, Cesar Chavez dedicated his life to educating farmworkers about their basic human rights and how to effectively demand and receive a better quality of life.

His achievements transcended the plight of the farmworker.

Cesar Chavez' historic struggles for justice changed our world.

We can all learn and live by the values that guided Mr. Chavez' work: "Love triumphs over hate, nonviolence over violence, courage over fear, and human dignity over belittlement and abuse."

Mr. Chavez will also be fondly remembered for saying: "Hay mas tiempo que vida."—"We have more time than life." Oh, how true.

Although this great leader is no longer here to guide us, his work on behalf of working men and women and consumers—but most importantly farmworkers who even today often live and work in harsh conditions—must and will move forward.

Cesar Chavez was a man who kindled our spirits; and he is, in spirit, forever with us.

Si se puede.

□ 1250

GIVE PRESIDENT A REAL LINE-ITEM VETO

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

Mr. BAKER of California. Madam Speaker, if President Clinton really wants to reduce the bloated spending recommendations of Congress, he will need a line-item veto to cut the pork and irresponsible spending.

This Congress has proposed a politically correct, watered down version of the line-item veto called enhanced rescission.

In this line-item veto, the President could recommend a list of spending reductions, but both Houses of Congress must hold hearings on the cuts and vote to approve these cuts. In other words, Congress, not the President, controls the enhanced rescission process.

The 47 Republican freshmen stand united to give President Clinton a real line-item veto which could only be defeated by two-thirds vote of both Houses of Congress. The gridlock on the line-item veto issue is purely the Democratic Party's. We freshmen Republicans stand ready to fulfill at least one of President Clinton's promises. Give us a real line-item veto.

REGULATORY BURDEN RELIEF FOR FINANCIAL INSTITUTIONS

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

Mr. ISTOOK. Madam Speaker, I rise to speak today about a subject that was a recurring theme during my campaign and continues to be a theme in Washington—regulatory burden relief for financial institutions.

Bankers tell me, "We are afraid to make what used to be a straightforward loan." Savings and loans officials say, "We do not have anyone educated enough to make a simple home loan any more because it has become so complicated." An example I am given is it took 6 months to get a respected dentist's paperwork done so he could serve as a director, and, out of frustration, they almost lost him.

I hear that bankers and savings and loans make more profit out of invest-

ing in T-bills and T-notes than in loaning money to businesses.

Madam Speaker, I have heard enough. Historically, I am told when the Banking Committee moves on legislation designed to reduce unnecessary redtape, they usually end up with a bill that adds twice as much instead.

I know many bankers fear additional action would make matters worse, but I hope we will fix that with bills we have introduced during this Congress, H.R. 59 and H.R. 962. I encourage us to move forward with those and provide true relief for bankers which will aid jobs in America.

I have just cosponsored legislation, H.R. 59, the Depository Institution Burden Relief Act of 1993, and H.R. 962, the Economic Growth and Financial Institutions Regulatory Paperwork Reduction Act of 1993. These bills would make inroads into some of these problems. Frankly, I wish they went further. I urge the House Banking Committee to work speedily on this legislation and to reverse the trend of crushing the financial institutions with more well-intentioned, nice sounding, but counterproductive regulations.

PRESIDENT MUST TALK STRAIGHT WITH THE AMERICAN PEOPLE

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

Mr. ROHRBACHER. Madam Speaker, we have had 100 days of doublespeak, 100 days of calling taxes contributions, 100 days of calling Federal spending investment, 100 days when a \$28 billion tax hike on Social Security recipients is being called a spending cut.

Now, we hear complaints that the jobs bill, the stimulus package, has gone down to defeat. Well, that is because it was not a jobs bill and it was not a stimulus package any more than taxes are a contribution and Federal spending is an investment.

It was a political payoff bill, not a jobs bill. We had a massive hike in Federal spending for social welfare programs to pay off a political debt. We had hundreds of millions of dollars more in Federal spending on AIDS research to pay off a political debt, and hundreds of millions for childhood inoculations.

Madam Speaker, this was not a jobs bill or a stimulus. It was a political payoff bill, and the President is not going to be any more successful in the rest of his administration than he has been in his last 100 days until he starts talking straight with the American people.

GAY RIGHTS MARCH AN IGNOBLE EVENT

(Mr. DORNAN asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. DORNAN. Madam Speaker, Sunday I had the occasion to drive into my office here on the Hill, so I drove up Independence Avenue and down Constitution Avenue observing the 300,000 people who were gathered here in celebration of homosexuality. I noted later on C-SPAN television that you and four other Members of this House and one U.S. Senator spoke at this bizarre rally demanding special rights for abnormal sexual orientation.

I rise today to point out that 30 years ago this August, when I was 30, I marched with Rev. Martin Luther King on that same Mall and, probably against military regulations, I proudly wore my Air Force captain's uniform. Some fools try to compare August 28, 1963, with April 25, 1993. To compare these two marches is not only odious and offensive, it turns history on its head.

That 1963 event led by Reverend King was so respectful of families and children and Judeo-Christian values and so decent in every aspect and the speeches so noble in character and so inspirational that they have been taught to our children ever since. To view C-SPAN's coverage from gavel to gavel of that odd circus last Sunday was to fear for the survival of our civilization as we know it.

To watch and listen to the obscenities on the Lord's day was to witness the deterioration of our country's national discourse. The filthy speech movement at the University of California at Berkeley one-half year after Reverend King's civil rights march started this degrading decline in public morality.

What could possibly be taught in our schools from that Sodom scene in our beautiful Federal Capital city? The loss of innocence is truly the greatest loss of all.

WELCOME TO CYPRIOT DELEGATION

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

Mr. GILMAN. Madam Speaker, I take this opportunity today to welcome a distinguished delegation of members of the Cypriot Parliament. That delegation is being led by the president of the Parliament, the Honorable Alexis Ghalanos. Our House Foreign Affairs Committee looks forward to meeting with the Cypriot delegation later today.

The United States supports the Cyprus peace talks, and we hope that they will resume on May 24 as scheduled. We further hope that the talks can reconcile the ongoing differences between the island's Greek Cypriot and Turkish Cypriot populations, and that

such a resolution will bring about the removal of Turkish troops from the shores of Cyprus. I know my colleagues join me in extending our warmest wishes to this Cypriot delegation, with the hope that one day the two Cypriot communities will be able to live together in peace.

PRESIDENT CLINTON'S TAX PROPOSALS WILL WORSEN THE MARRIAGE PENALTY

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

Mr. STEARNS. Madam Speaker, I would like to bring to the attention of the Members of this House an article in the Chicago Tribune about the effect of the Clinton tax proposals on married couples.

During the Presidential campaign, President Clinton promised the American people more family friendly tax policies. We have seen the middle-class tax cut go by the boards, we have seen proposals for a broad-based energy tax, and we have seen a lack of real spending cuts that makes any middle-class tax relief difficult to foresee.

I am sure these questions will be fought out in the months to come, but I'd like to alert my colleagues that the Clinton tax proposals also will worsen the existing marriage penalty for American families.

I do not believe anyone wants this to happen and I hope Republicans and Democrats can work with the administration to correct what must be an unintentional increase in the marriage penalty.

According to the Tribune article, an upper middle-class family with two wage earners will pay quite a bit more in taxes than if they were unmarried. This proposal would almost double their existing marriage penalty.

If President Clinton would like to demonstrate that he is ready for true bipartisan cooperation, fixing the marriage penalty would be a good place to start.

□ 1300

THE DEMOCRATIC PARTY AND BALANCED BUDGETS

Mr. WALKER. Madam Speaker, a few minutes ago we had a fascinating declaration on the floor by one Member, who said that the leadership of the Democratic Party was going to produce balanced budgets. That was a fascinating statement, given the fact that the Democratic Party has controlled this House exclusively for the last 40 years.

One time during that 40-year period have they balanced the budget. They have had both Democratic Presidents and Republican Presidents, and have not managed to balance the budget or get our accounts straight.

And then we have the Clinton administration's budget before us, and what that tells us is that in the first term of President Clinton's administration, if, in fact, he ever gets a second term, but in his one term that he has been elected to now, he is going to raise the debt of the country by just about \$1 trillion. And so the same pattern that we have seen for the last 12 years, of \$1 trillion every 4 years, is going to be matched by this President.

I do not think Democrats are coming anywhere close to balancing budgets.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

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

VETERANS' COMPENSATION RATES CODIFICATION ACT OF 1993

Mr. MONTGOMERY. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 798) to amend title 38, United States Code, to codify the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans as such rates took effect on December 1, 1992, as amended.

The Clerk read as follows:

H.R. 798

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

SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) SHORT TITLE.—This Act may be cited as the "Veterans' Compensation Rates Codification Act of 1993".

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. DISABILITY COMPENSATION.

Section 1114 is amended—

- (1) by striking out "\$83" in subsection (a) and inserting in lieu thereof "\$85";
- (2) by striking out "\$157" in subsection (b) and inserting in lieu thereof "\$162";
- (3) by striking out "\$240" in subsection (c) and inserting in lieu thereof "\$247";
- (4) by striking out "\$342" in subsection (d) and inserting in lieu thereof "\$352";
- (5) by striking out "\$487" in subsection (e) and inserting in lieu thereof "\$502";
- (6) by striking out "\$614" in subsection (f) and inserting in lieu thereof "\$632";
- (7) by striking out "\$776" in subsection (g) and inserting in lieu thereof "\$799";

(8) by striking out "\$897" in subsection (h) and inserting in lieu thereof "\$924";

(9) by striking out "\$1,010" in subsection (i) and inserting in lieu thereof "\$1,040";

(10) by striking out "\$1,680" in subsection (j) and inserting in lieu thereof "\$1,730";

(11) in subsection (k)—

(A) by striking out "\$68" both places it appears and inserting in lieu thereof "\$70"; and
 (B) by striking out "\$2,089" and "\$2,927" and inserting in lieu thereof "\$2,152" and "\$3,015", respectively;

(12) by striking out "\$2,089" in subsection (l) and inserting in lieu thereof "\$2,152";

(13) by striking out "\$2,302" in subsection (m) and inserting in lieu thereof "\$2,371";

(14) by striking out "\$2,619" in subsection (n) and inserting in lieu thereof "\$2,698";

(15) by striking out "\$2,927" each place it appears in subsections (o) and (p) and inserting in lieu thereof "\$3,015";

(16) by striking out "\$1,257" and "\$1,872" in subsection (r) and inserting in lieu thereof "\$1,295" and "\$1,928", respectively; and

(17) by striking out "\$1,879" in subsection (s) and inserting in lieu thereof "\$1,935".

SEC. 3. ADDITIONAL COMPENSATION FOR DEPENDENTS.

Section 1115(1) is amended—

(1) by striking out "\$100" in clause (A) and inserting in lieu thereof "\$103";

(2) by striking out "\$169" and "\$52" in clause (B) and inserting in lieu thereof "\$174" and "\$54", respectively;

(3) by striking out "\$69" and "\$52" in clause (C) and inserting in lieu thereof "\$71" and "\$54", respectively;

(4) by striking out "\$80" in clause (D) and inserting in lieu thereof "\$82";

(5) by striking out "\$185" in clause (E) and inserting in lieu thereof "\$191"; and

(6) by striking out "\$155" in clause (F) and inserting in lieu thereof "\$160".

SEC. 4. CLOTHING ALLOWANCE FOR CERTAIN DISABLED VETERANS.

Section 1162 is amended by striking out "\$452" and inserting in lieu thereof "\$466."

SEC. 5. DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES.

Section 1311 is amended—

(1) by striking out the table in subsection (a) and inserting in lieu thereof the following:

| "Pay grade | Monthly rate | Pay grade | Monthly rate |
|------------|--------------|-----------|--------------|
| E-1 | \$634 | W-4 | \$911 |
| E-2 | 654 | O-1 | 803 |
| E-3 | 672 | O-2 | 829 |
| E-4 | 714 | O-3 | 888 |
| E-5 | 732 | O-4 | 939 |
| E-6 | 749 | O-5 | 1,035 |
| E-7 | 785 | O-6 | 1,168 |
| E-8 | 829 | O-7 | 1,262 |
| E-9 | 1,866 | O-8 | 1,383 |
| W-1 | 803 | O-9 | 1,483 |
| W-2 | 835 | O-10 | 21,627 |
| W-3 | 860 | | |

"If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be \$934.

"If the veteran served as Chairman or Vice-Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be \$1,744."

(2) by striking out "\$71" in subsection (b) and inserting in lieu thereof "\$73";

(3) by striking out "\$185" in subsection (c) and inserting in lieu thereof "\$191"; and

(4) by striking out "\$90" in subsection (d) and inserting in lieu thereof "\$93".

SEC. 6. DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN.

(a) DIC FOR ORPHAN CHILDREN.—Section 1313(a) is amended—

(1) by striking out "\$310" in clause (1) and inserting in lieu thereof "\$319";

(2) by striking out "\$447" in clause (2) and inserting in lieu thereof "\$460";

(3) by striking out "\$578" in clause (3) and inserting in lieu thereof "\$595"; and

(4) by striking out "\$578" and "\$114" in clause (4) and inserting in lieu thereof "\$595" and "\$117", respectively.

(b) SUPPLEMENTAL DIC FOR DISABLED ADULT CHILDREN.—Section 1314 is amended—

(1) by striking out "\$185" in subsection (a) and inserting in lieu thereof "\$191";

(2) by striking out "\$310" in subsection (b) and inserting in lieu thereof "\$319"; and

(3) by striking out "\$157" in subsection (c) and inserting in lieu thereof "\$162".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 20 minutes, and the gentleman from Arizona [Mr. STUMP] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

(Mr. MONTGOMERY asked and was given permission to revise and extend his remarks.)

GENERAL LEAVE

Mr. MONTGOMERY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H.R. 798 and H.R. 1032, the veterans bills now under consideration.

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

There was no objection.

Mr. MONTGOMERY. Madam Speaker, I yield such time as he may consume to the gentleman from Kansas [Mr. SLATTERY], chairman of our Subcommittee on Compensation, Pension, and Insurance.

Mr. SLATTERY. Madam Speaker, H.R. 798 would make technical amendments to the rates of service-connected disability compensation and to the old rates of dependency and indemnity compensation [DIC] set forth in chapters 11 and 13, respectively, of title 38, United States Code. The amendments codify rates of payment under these benefit programs to reflect the 3 percent cost-of-living adjustment which was authorized by Public Law 102-510, effective December 1, 1992.

This is a very straightforward bill. There will be no cost associated with its enactment since it makes only technical amendments and since the cost of the COLA was already included in the fiscal year 1993 baseline.

Last year, we authorized the Secretary of Veterans Affairs to adminis-

tratively increase the appropriate rates of compensation and DIC by an amount equal to the cost-of-living adjustment provided for Social Security benefits and VA pension. This was done, and the new rates went into effect on December 1.

Normally, we prefer to adjust the rates in the statute itself. However, because of the early adjournment of the 102d Congress, this was the only way we could insure that the compensation and DIC rates would receive an appropriate increase equal to that given to Social Security recipients. What we are now doing is essentially house-keeping to make sure that the provisions in title 38 continue to reflect accurate rates.

The following tables reflect the new statutory rates in title 38, United States Code, commensurate with the increases already effectuated by the Department of Veterans Affairs:

Compensation and DIC rates which became effective December 1, 1992 to be codified in Title 38, United States Code

| Percentage of disability or subsection under which payment is authorized: | |
|---|-------|
| (a) 10 percent | \$85 |
| (b) 20 percent | 162 |
| (c) 30 percent | 247 |
| (d) 40 percent | 352 |
| (e) 50 percent | 502 |
| (f) 60 percent | 632 |
| (g) 70 percent | 790 |
| (h) 80 percent | 924 |
| (i) 90 percent | 1,040 |
| (j) 100 percent | 1,730 |

Higher statutory awards for certain multiple disabilities:

(k)(1) Additional monthly payment for anatomical loss, or loss of use of, any of the following: one foot, one hand, blindness in one eye (having light perception only), one or more creative organs, both buttocks, organic aphoria (with constant inability to communicate by speech), deafness of both ears (having absence of air and bone conduction)—for each loss

(k)(2) Limit for veterans receiving payments under (a) to (j) above ... 2,152

(k)(3) Limit for veterans receiving benefits under (l) to (n) below 3,015

(l) Anatomical loss or loss of use of both feet, one foot and one hand, blindness in both eyes (5/200) visual acuity or less, permanently bedridden or so helpless as to require aid and attendance 2,152

(m) Anatomical loss or loss of use of both hands, or of both legs, at a level preventing natural knee action with prosthesis in place or of 1 arm and 1 leg at a level preventing natural knee or elbow action with prosthesis in place or blind in both eyes, either with light perception only or rendering veteran so helpless as to require aid and attendance 2,371

Percentage of disability or subsection under which payment is authorized:

- (n) Anatomical loss of both eyes or blindness with no light perception or loss of use of both arms at a level preventing natural elbow action with prosthesis in place or anatomical loss of both legs so near hip as to prevent use of prosthesis, or anatomical loss of 1 arm and 1 leg so near shoulder and hip to prevent use of prosthesis 2,696
- (o) Disability under conditions entitling veterans to two or more of the rates provided in (l) through (n), no condition being considered twice in the determination, or deafness rated at 60 percent or more (impairment of either or both ears service-connected) in combination with total blindness (5/200 visual acuity or less) or deafness rated at 40 percent or total deafness in one ear (impairment of either or both ears service-connected) in combination with blindness having light perception only or anatomical loss of both arms so near the shoulder as to prevent use of prosthesis 3,015
- (p)(1) If disabilities exceed requirements of any rates prescribed, Secretary of Veterans Affairs may allow next higher rate or an intermediate rate, but in no case may compensation exceed 3,015
- (p)(2) Blindness in both eyes (with 5/200 visual acuity or less) together with (a) bilateral deafness rated at 30 percent or more disabling (impairment of either or both ears service-connected) next higher rate is payable, or (b) service-connected total deafness of one ear or service-connected loss or loss of use of an extremity the next intermediate rate is payable, but in no event may compensation exceed 3,015
- (p)(3) Blindness with only light perception or less with bilateral deafness (hearing impairment in either one or both ears is service-connected) rated at 10 or 20 percent disabling, the next intermediate rate is payable, but in no event may compensation exceed .. 3,015
- (p)(4) Anatomical loss or loss of use of three extremities, the next higher rate in paragraphs (l) to (n) but in no event in excess of 3,015
- (q) [This subsection repealed by Public Law 90-493.]
- (r)(1) If veteran entitled to compensation under (o) or to the maximum rate under (p); or at the rate between subsections (n) and (o) and under subsection (k), and is in need of regular aid and attendance, he shall receive a special allowance of the amount indicated at right for aid and attendance in addition to such rates 1,295
- (r)(2) If the veteran, in addition to need for regular aid and attendance is in need of a higher level of care, a special allowance of the amount indicated at right is payable in addition to (o) or (p) rate 1,928
- (s) Disability rated as total, plus additional disability independently ratable at 60 percent or over, or permanently housebound 1,935

(t) [This subsection repealed by Public Law 90-576.]

In addition to basic compensation rates and/or statutory awards to which the veteran may be entitled, dependency allowances are payable to veterans who are rated at not less than 30 percent disabled. The rates which follow are those payable to veterans while rated totally disabled. If the veteran is rated 30, 40, 50, 60, 70, 80 or 90 percent disabled, dependency allowances are payable in an amount bearing the same ratio to the amount specified below as the degree of disability bears to total disability. For example, a veteran who is 50 percent disabled receives 50 percent of the amounts which appear below.

If and while veteran is rated totally disabled and—

| | |
|---|-------|
| Has a spouse | \$103 |
| Has a spouse and child | 174 |
| Has no spouse, 1 child | 71 |
| For each additional child | 54 |
| For each dependent parent | 82 |
| For each child age 18-22 attending school | 160 |
| Has a spouse in nursing home or severely disabled | 191 |
| Has disabled, dependent adult child | 191 |

The following rates apply to surviving spouses of deceased veterans whose deaths occurred as the result of service-connected disabilities or while on active military duty before January 1, 1993. (Several of these rates have been superseded by the enactment of Public Law 102-568, which provides a minimum payment of \$750 per month).

Pay grade

| | |
|------------|-------|
| E-1 | 634 |
| E-2 | 664 |
| E-3 | 672 |
| E-4 | 714 |
| E-5 | 732 |
| E-6 | 749 |
| E-7 | 785 |
| E-8 | 829 |
| E-9 | 1,866 |
| W-1 | 803 |
| W-2 | 835 |
| W-3 | 860 |
| W-4 | 911 |
| O-1 | 803 |
| O-2 | 829 |
| O-3 | 866 |
| O-4 | 930 |
| O-5 | 1,035 |
| O-6 | 1,168 |
| O-7 | 1,282 |
| O-8 | 1,383 |
| O-9 | 1,483 |
| O-10 | 1,627 |

¹If the veteran served as Sergeant Major of the Army, Senior Enlisted Advisor of the Navy, Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, or Master Chief Petty Officer of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be \$834.

²If the veteran served as Chairman or Vice-Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps or Commandant of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be \$1,744.

When there is no surviving spouse receiving dependency and indemnity compensation, payment is made in equal shares to the children of the deceased veteran. These rates are increased as follows:

| | |
|-----------------------------|-------|
| One child | \$319 |
| Two children | 480 |
| Three children | 506 |
| Each additional child | 117 |

I urge favorable consideration of the bill by the House.

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

Madam Speaker, I rise in support of the Veterans' Compensation Rate Codification Act of 1993, H.R. 798. As explained by the gentleman from Kansas, Mr. SLATTERY, this measure simply makes technical changes in title 38. It places in law the current rates of compensation for service-connected veterans, and DIC for their widows and children which were enacted last fall in separate cost-of-living legislation. I recommend passage of this bill.

Madam Speaker, I yield 2 minutes to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Madam Speaker, I am honored to rise in support of H.R. 798, the Veteran's Compensation Rate Codification Act. I wish to thank my distinguished colleague from Kansas, Mr. SLATTERY, for introducing this bill. I am pleased to note the outstanding work that is conducted by the Veterans' Affairs Committee under the strong leadership of its distinguished chairman, the gentleman from Mississippi [Mr. MONTGOMERY], and its ranking minority member, the gentleman from Arizona [Mr. STUMP].

Madam Speaker, the Veteran's Compensation Rate Codification Act makes a technical change to title 38 of the United States Code, which provides disability compensation to our Nation's veterans. This noncontroversial measure will complement Public Law 102-510, legislation that was passed during the 102d Congress.

This legislation provides a rate chart which will detail the amount of compensation due to a veteran in each category of disability and will reflect the cost-of-living allowance that had been approved according to Public Law 102-510. For the record, I would like to add that estimates done by the Congressional Budget Office have stated that H.R. 798 will not cause any additional cost increases, since the COLA had been previously authorized.

Madam Speaker, I am pleased to support H.R. 798. It is a necessary measure that will aid our Nation's veterans and I urge my colleagues to approve this measure.

Mr. STUMP. Madam Speaker, I would like to commend the gentleman from Florida [Mr. BILIRAKIS], the ranking member on the Subcommittee on Compensation, Pension, and Insurance, for all the hard work he has done.

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

Mr. MONTGOMERY. Madam Speaker, I yield myself 1 minute.

We are very proud that the gentleman from Kansas [Mr. SLATTERY] is

the new chairman of the Subcommittee on Compensation, Pension, and Insurance. It has been a pleasure to work with him.

I would also like to thank the ranking minority member, the gentleman from Arizona [Mr. STUMP] for his support. This is a necessary bill, mainly a technical bill.

I urge the adoption of H.R. 798.

Mr. KENNEDY. Madam Speaker, I rise in support of H.R. 798, the Veterans' Compensation Rate Codification Act of 1993. It is vital that we incorporate desperately needed cost-of-living increases in the compensation provided to our veterans who have so honorably served our Nation.

H.R. 798 codifies a 3-percent cost-of-living increase in veterans' compensation rates for service-connected disability compensation and dependency and indemnity compensation [DIC]. I am pleased to lend my support to this very modest way we can support our Nation's veterans. This provides us with a good starting ground from which Congress can take a serious, careful look at ways we can continue to improve veterans benefits and services. I would like to give particular thanks to Chairman MONTGOMERY and Representative JIM SLATTERY, chairman of the Subcommittee on Compensation, Pension, and Insurance, for their diligent efforts on this legislation.

Madam Speaker, supporting benefits for our veterans is one important way we can carry out our national responsibility in compensating veterans for their courageous service to our country.

Mr. TEJEDA. Madam Speaker, I rise today in support of H.R. 798, a bill which recognizes—by specifying a 3-percent cost-of-living adjustment for veterans disability compensation—the important sacrifices made by our disabled veterans and veterans' survivors. I am proud to support this legislation and those deserving persons it will benefit. While this particular bill is only completing the work accomplished last Congress, the underlying principles are fundamental.

Compensation for veterans with service-connected disabilities and survivors of veterans who died of combat-related injuries is one of America's fundamental obligations. As Charles Jackson, president/CEO of the Non Commissioned Officers Association, recently testified,

Veterans benefits are not designed to enrich veterans, but to make them whole. Veterans benefits are designed to restore education and economic opportunities lost due to military service. They are designed to treat the physical and psychological maladies of service.

Mr. Speaker, we owe a tremendous debt to those disabled veterans who stood the long watches and sacrificed for our Nation's defense. We similarly owe an incredible debt to the survivors of veterans who endured the long separations from their loved ones imposed by military service. The 3-percent COLA enacted last year and the President's budget request for a COLA in fiscal year 1994 will help compensate these disabled veterans and survivors for their unflinching commitment and will halt the erosion of benefits by inflation.

Mr. Speaker, it is important for us to remember that, from 1985 to 1991, veterans com-

penensation benefits have risen on an annual rate of only 2.4 percent while other social entitlement programs grew at an annual rate of 9 to 15 percent over the same period. At the same time, our financial commitment to our veterans has, in relative terms, been cut in half. While VA benefits represented 5 cents of each tax dollar in 1975, today, that figure stands at 2.4 cents. We cannot forget the debt we owe to our veterans, and I will continue to fight for the protection of necessary veterans benefits.

I urge my colleagues to vote for H.R. 798 to reaffirm our commitment to our Nation's veterans.

Mr. BILIRAKIS. Madam Speaker, I rise in support of H.R. 798, the Veterans' Compensation Rate Codification Act of 1993. This bill simply makes technical changes to title 38, placing into law the current rates of compensation for disabled veterans and the rate of dependency and indemnity compensation [DIC] for their widows and children.

As my colleague from Kansas, Mr. SLATTERY, has explained, we authorized these increases during the 102d Congress. However, due to our early adjournment, the rate increases were not codified into law. H.R. 798 amends provisions in title 38 to accurately reflect the new rates of compensation.

I strongly urge my colleagues to support passage of H.R. 798 in the House.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the bill, H.R. 798, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

DEPARTMENT OF VETERANS AFFAIRS EMPLOYMENT DISCRIMINATION ACT

Mr. MONTGOMERY. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1032) to amend title 38, United States Code, to provide for improved and expedited procedures for resolving complaints of unlawful employment discrimination arising within the Department of Veterans Affairs, as amended.

The Clerk read as follows:

H.R. 1032

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 "Department of Veterans Affairs Employment Discrimination Act".

SEC. 2. DEPARTMENT OF VETERANS AFFAIRS EMPLOYMENT DISCRIMINATION RESOLUTION PROCEDURES.

(a) IN GENERAL.—Title 38, United States Code, is amended by inserting after chapter 7 the following new chapter:

"CHAPTER 8—EMPLOYMENT DISCRIMINATION

"Sec.

"801. Scope of chapter.

"802. Office of Employment Discrimination Complaints Resolution.

"803. Informal complaint resolution.

"804. Investigation of complaints.

"805. Final agency decision; hearings.

"806. Review of final agency decisions.

"807. Unlawful employment discrimination defined.

"§ 801. Scope of chapter

"(a) The procedures established in this chapter shall be implemented in a manner consistent with procedures applicable under regulations prescribed by the Equal Employment Opportunity Commission.

"(b) In the case of an employee of the Department who alleges that the employee has been subjected to unlawful employment discrimination (as defined in section 807 of this title), the allegation shall be considered under the procedures applicable to the Merit Systems Protection Board under title 5 (rather than under the procedures set forth in this chapter) if the action (or failure to act) of which the employee complains is an employment action or practice that is otherwise appealable to the Merit System Protection Board.

"(c) Nothing in this chapter supersedes—

"(1) the rights and remedies available to employees under title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), including the rights and remedies provided in section 1977A of the Revised Statutes (42 U.S.C. 1981a); or

"(2) any right or obligation of an employee to elect (in lieu of procedures under this chapter) to raise an allegation of unlawful employment discrimination under grievance procedures established under a collective bargaining agreement.

"§ 802. Office of Employment Discrimination Complaints Resolution

"(a)(1) There is in the Department an Office of Employment Discrimination Complaints Resolution (hereinafter in this chapter referred to as the 'Office'), which shall be headed by a Director. The Director shall report only to the Secretary and Deputy Secretary.

"(2) Subject to the direction of the Secretary, the Director shall have sole responsibility within the Department for administering the procedures under this chapter for resolving complaints of unlawful employment discrimination arising within the Department.

"(3) In addition to the functions of the Director under paragraph (2), the Director shall perform such other functions as the Secretary may prescribe consistent with the functions of the Director under paragraph (2).

"(b) The Secretary shall employ within the Office administrative law judges appointed in accordance with section 3105 of title 5 for the purposes of this chapter and such other personnel as the Office may require. In appointing administrative law judges, the Secretary should consider the composition of the persons appointed, taken as a group, in terms of race, sex, and veterans status, compared with the composition of the total Department workforce in terms of race, sex, and veterans status.

"(c) The Secretary shall ensure that the Director is furnished sufficient resources to enable the Director to carry out the functions of the Office under this chapter in a timely manner.

"(d) The Secretary shall include in the documents submitted to Congress by the Secretary in support of the President's budget for each fiscal year—

"(1) detailed information on the budget for the Office;

"(2) the Secretary's opinion as to whether the resources (including the number of employees) proposed in the budget for that fiscal year are adequate to enable the Secretary to comply with statutory and regulatory deadlines for the administration of the procedures under this chapter and other provisions of law relating to the resolution of complaints of unlawful employment discrimination involving the Department; and

"(3) a report on the activities of the Office during the preceding fiscal year, including (A) a statement of the number and nature of complaints of unlawful employment discrimination received and the number and nature of complaints resolved, and the results of any appellate review, during the year, (B) a description of the timeliness of the resolution of complaints during the year, and (C) a statement of significant decisions and trends affecting the work of the Office.

"(e)(1) The Director shall prescribe—

"(A) standards of timeliness for the expeditious resolution of complaints of unlawful employment discrimination under this chapter;

"(B) the qualifications and training requirements for employees of the Office;

"(C) requirements for record-keeping pertaining to counseling and investigations by employees of the Office; and

"(D) standards for the conduct of investigations under section 804 of this title.

"(2) Regulations under paragraph (1) shall be consistent with regulations prescribed by the Equal Employment Opportunity Commission, except that, in the interest of the expeditious resolution of complaints, the Director may prescribe shorter time periods with respect to any deadline or administrative period that is applicable only to the time within which the Government may (or is required to) act.

"§ 803. Informal complaint resolution

"Employees of the Office shall counsel employees of the Department and applicants for employment with the Department, who allege that they have been subject to unlawful employment discrimination by an officer or employee of the Department. The Office shall seek to resolve such complaints in an expeditious and impartial manner through informal investigation and conciliation using procedures prescribed by the Director.

§ 804. Investigation of complaints

"(a) If a complaint of unlawful employment discrimination is filed with the Department and the complaint is not resolved through the informal resolution process under section 803 of this title, the Director shall assign the complaint to an administrative law judge, who shall determine whether the complaint shall be accepted for investigation.

"(b)(1) The administrative law judge assigned to a complaint shall make such determination in accordance with regulations of the Equal Employment Opportunity Commission, except that if the administrative law judge determines that the complaint is without merit, the administrative law judge may determine that the complaint is not to be accepted for investigation.

"(2) A decision that a complaint is not to be accepted for investigation is a final agency decision of the matter.

"(c)(1) If the administrative law judge determines that the complaint is to be accept-

ed, the Director shall promptly provide for an investigation of the complaint, which shall be carried out by employees of the Office (or by contract personnel acquired by the Director). The employee (or contractor) conducting the investigation shall submit to the Director a complete written report of the results if the investigation.

"(2) If a portion of a complaint is accepted for investigation and a portion is not accepted, the individual filing the complaint or the Department may request the administrative law judge to direct the suspension of the investigation of the portion of the complaint accepted for investigation pending the results of any review of the decision not to accept the other portion.

"(3) The Director shall furnish a copy of the investigative report (including a copy of the investigative file) to the administrative law judge, the individual who filed the complaint, and the Secretary. The administrative law judge may direct that an additional investigation be made if the administrative law judge determines that an additional investigation is warranted.

§ 805. Final agency decision; hearings

"(a) The final agency decision on a complaint of unlawful employment discrimination, in a case not resolved through informal procedures under section 803 of this title, shall be made by an administrative law judge.

"(b) The individual filing the complaint may request a hearing on the matter. Any such request shall be made in such time and manner as may be prescribed by the Director. The administrative law judge shall grant a request for a hearing unless, after giving appropriate notice and allowing an opportunity to respond to such notice, the administrative law judge determines that there is no genuine dispute as to a material fact.

"(c) If the administrative law judge grants a request of the individual filing the complaint for a hearing, the administrative law judge—

"(1) may conduct the hearing on the matter; or

"(2) may refer the matter for a hearing by a hearing examiner.

"(d) In any hearing under this section, the administrative law judge or hearing examiner presiding at the hearing shall have the authorities set forth in section 556(c) of title 5.

"§ 806. Review of final agency decisions

"(a) If the final agency decision in a case complaining of unlawful employment discrimination by an officer or employee of the Department is adverse to the individual filing the complaint, the individual may appeal the decision to the Equal Employment Opportunity Commission or may institute an action on the case in the appropriate United States district court, as provided by law.

"(b) If the final agency decision in such a case is adverse to the Department, the Secretary may appeal the decision to the Equal Employment Opportunity Commission. Any such appeal shall be made within 30 days after the date of the receipt by the Secretary of the decision. The Equal Employment Opportunity Commission may act on such an appeal in the same manner as in the case of an appeal by an individual against a final agency decision.

"§ 807. Unlawful employment discrimination defined

"For purposes of this chapter, the term 'unlawful employment discrimination' means any action, or failure to act, that is a violation of any of the following:

"(1) Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.).

"(2) The Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.).

"(3) Section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206).

"(4) Section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791)."

"(b) CLERICAL AMENDMENT.—The tables of chapters at the beginning of title 38, United States Code, and at the beginning of part I of such title, are amended by inserting after the item relating to chapter 7 the following new item:

"8. Employment Discrimination 801".

SEC. 3. TRANSITION.

Chapter 8 of title 38, United States Code, as added by section 2, shall apply with respect to complaints of unlawful employment discrimination that are filed after the end of the six-month period beginning on the date of the enactment of this Act. Any complaint filed before the end of such period shall be resolved in accordance with the procedures in effect on the date of the enactment of this Act.

SEC. 4. WHISTLEBLOWER PROTECTION FOR TITLE 38 EMPLOYEES.

(a) IN GENERAL.—(1) Chapter 74 of title 38, United States Code, is amended by inserting at the end of subchapter V the following new section:

"§ 7465. Disclosures of violations of law, gross mismanagement, and certain other matters: protection of employees

"(a) The provision of section 2302(b)(8) of title 5 shall apply with respect to an employee, or applicant for employment, in a position covered by this chapter in the same manner as if that position were a 'covered position' within the meaning of section 2302(a)(2)(B) of title 5.

"(b) Subsection (a) shall apply for purposes of applying the provisions of subchapters II and III of chapter 12 of title 5 which relate to any authority to conduct investigations, or to seek or administer any corrective action, disciplinary action, or other remedy in connection with a prohibited personnel practice described in section 2302(b)(8) of such title."

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7464 the following new item:

"7465. Disclosures of violations of law, gross mismanagement, and certain other matters: protection of employees."

(b) EFFECTIVE DATE.—(1) Subject to paragraph (2), section 7465 of title 38, United States Code, as added by subsection (a), shall apply with respect to personnel actions occurring before, on, or after the date of the enactment of this Act, but subject to any deadline for commencing any action for relief.

(2) Such section shall not affect any administrative proceeding pending on the date of the enactment of this Act, and order shall be issued in any such proceeding, and appeals shall be taken therefrom, as if such section had not been enacted.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 20 minutes, and the gentleman from Arizona [Mr. STUMP] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

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

Madam Speaker, H.R. 1032, the Department of Veterans Affairs Employment Discrimination Act, is an important first step in dealing with sexual harassment and other kinds of illegal employment discrimination in the Department of Veterans Affairs. The bill is cosponsored by almost all of the members of our committee and was ordered reported by a vote of 32-0.

This bill was introduced as a result of abuses uncovered at a hearing held last year by LANE EVANS and our Subcommittee on Oversight and Investigations. That hearing clearly established conflicts of interest in the current process. Another hearing was held by the full committee on March 30 and confirmed the deficiencies in the current system. H.R. 1032 is designed to correct these deficiencies.

I want to thank the gentleman from Illinois for conducting the first hearing and for his help in developing the bill now before the House.

I also want to thank the gentleman from Florida [Mr. BILIRAKIS] for his leadership and assistance.

Mr. EVANS will explain the bill more fully but, briefly, H.R. 1032 would:

First, establish an independent office in the Department of Veterans Affairs to handle all complaints of discrimination, including complaints of sexual harassment;

Second, assign a permanent staff of trained EEO counselors to the new Office of Employment Discrimination Complaints Resolution;

Third, assign a permanent staff of trained investigators to handle formal complaints; and

Fourth, assign independent and unbiased administrative law judges to, among other things, make final decisions on complaints, and allow a review of such decisions by the EEOC's Office of Federal Operations or by an appropriate Federal district court.

Madam Speaker, I yield 10 minutes to the gentleman from Illinois [Mr. EVANS], chairman of the Subcommittee on Oversight and Investigations of the Committee on Veterans' Affairs, to explain this splendid bill.

□ 1310

Mr. EVANS. Madam Speaker, I thank the gentleman for yielding me this time.

Madam Speaker, last September, the Subcommittee on Oversight and Investigations, which I am privileged to chair, conducted a hearing which examined sexual harassment in the VA workplace and VA's equal employment opportunity process.

I would like to thank both the distinguished gentlewoman from Indiana, JILL LONG, for requesting September's hearing and the distinguished gentleman from Colorado, PAT SCHROEDER, for her assistance and continued interest in this important issue.

During September's hearing, a number of very courageous VA employees,

including victims of sexual harassment, testified before the subcommittee. The subcommittee learned about the problems they had experienced in the workplace and the flaws inherent in the EEO process. VA's EEO process not only failed to assist employees who had experienced employment discrimination, it worked against the victims while aiding the offenders.

Based in part on the record compiled by the subcommittee, H.R. 1032 was introduced by the distinguished gentleman from Mississippi, SONNY MONTGOMERY. This measure received the bipartisan support of the committee and was approved on April 1 by a unanimous vote. Accordingly, I would like to thank the gentleman from Arizona, BOB STUMP, and his colleagues on the other side of the aisle for their support of this measure.

As reported, this measure provides needed statutory reform of the EEO procedures used in the Department of Veterans Affairs.

H.R. 1032, the Department of Veterans Affairs Employment Discrimination Act, amends title 38, United States Code, to provide improved and expedited procedures for resolving complaints of unlawful employment discrimination arising within the Department. The bill adds a new chapter, chapter 8 employment discrimination, in title 38 United States Code to carry out the purpose of this legislation.

In summary, this legislation establishes an Office of Employment Discrimination Complaints Resolution within VA which is headed by a Director, appointed by the Secretary, who reports only to the Secretary and Deputy Secretary.

Currently EEO Program responsibility is scattered throughout VA; there is no meaningful VA EEO Program accountability. Under the bill, as reported, both the responsibility and accountability for resolving formal and informal employment discrimination complaints is centralized in the newly created Office.

The bill requires this Office to provide counseling to employees and job applicants who allege that they have been subject to unlawful employment discrimination—by an officer or employee of the Department. The Office is also directed to informally investigate and impartially and promptly attempt to informally resolve complaints of unlawful employment discrimination.

If a complaint cannot be resolved informally, it could be investigated formally by the Office in accordance with regulations of the U.S. Equal Employment Opportunity Commission.

A written report of the results of each formal investigation is required to be furnished to the Director, the complainant, the final agency decision-maker, and the Secretary.

A complainant may also request a hearing. When this happens, a hearing

will be conducted unless it is determined—by an administrative law judge—that there is no genuine issue in dispute.

Under this legislation, an administrative law judge employed by the Office will issue the final agency decision for formal complaints.

In appointing administrative law judges, the bill provides that the Secretary should consider the composition of those appointed, taken as a group, in terms of race, sex, and veteran status, compared with the composition of the total Department work force in terms of race, sex, and veteran status.

Complainants may appeal adverse final agency decisions to the U.S. Equal Employment Opportunity Commission or to a U.S. district court. Similarly, a final agency decision adverse to VA may be appealed by VA to the EEOC.

Under this bill, VA is also required to provide the Congress information on agency employment discrimination complaints, their resolution, and related matters.

As reported, H.R. 1032 requires that procedures established by VA under this act are to be implemented in a manner consistent with procedures applicable under regulations prescribed by the EEOC.

The bill further provides that nothing in the act supersedes the rights and remedies available to employees under title VII of the Civil Rights Act of 1964.

Section 4 of the bill extends to VA employees appointed under the authority of title 38, all whistleblower protections which have been provided to other Federal employees.

Because of the many serious flaws in VA's current EEO process, we cannot know the full extent or cost of VA employment discrimination, including workplace sexual harassment. We do know, however, that employment discrimination can be enormously costly to both dedicated VA employees and the VA as an employer. In addition, unlawful employment discrimination can jeopardize and seriously impair the timely provision of quality benefits and services to our Nation's veterans and their dependents.

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

Madam Speaker, I rise in support of H.R. 1032, a bipartisan bill which would provide for improved and expedited procedures for resolving complaints of unlawful employment discrimination at the Department of Veterans Affairs [VA].

In the past year, serious incidents involving sexual harassment in the workplace at VA hospitals have come to light. Some have involved supervisors and one involved a senior manager. Last September oversight hearings probed specific incidents and revealed a lack of employee confidence in the fairness and timeliness of VA's EEO sys-

tem, as well as fears of reprisal. Although these cases have arisen at only a few hospitals, they have served to identify systemic weaknesses in the VA's EEO Program.

Chairman MONTGOMERY saw the need for an overhaul of VA's EEO system. Consequently, he developed and introduced H.R. 1032 in full consultation with the minority. I commend his early leadership on this important issue. While this legislation only pertains to EEO at the VA, the new approach which Chairman MONTGOMERY has outlined in his remarks could well become the model for the entire Federal Government.

The VA has already begun an effort to combat sexual harassment. To his credit, VA Secretary Jesse Brown has made a fine start in this respect, but it surprised me that the administration is opposed to H.R. 1032. At a recent committee hearing on the bill, Secretary Brown's explanations of the administration's reasons for opposition struck me as unpersuasive, and they appeared to perplex members on both sides of the aisle. He said the bill was unnecessary, but it goes considerably beyond the administrative actions taken at the VA. He said the bill would treat VA employees differently than other Federal employees, but in fact all Federal departments and agencies have considerable latitude today under law and regulation in establishing their own internal EEO mechanisms. And in fact, the bill has some features similar to the existing Department of Defense EEO system. Hopefully, the administration will reconsider its opposition to this well thought out approach.

H.R. 1032 is modest in cost at \$3 million in fiscal year 1994 and at \$4 million in the outyears. The funds would be drawn from existing funding for VA's general operating expenses. While normally the committee avoids placing new mandates on the VA without providing additional funding, these EEO problems must be addressed as soon as possible and we should not wait until new funding can be found.

Madam Speaker, the VA does good work for veterans and is a good place to work. If enacted, H.R. 1032 would help to make the VA an even better place to work. I urge my colleagues to support this bill.

Madam Speaker, I yield 2 minutes to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Madam Speaker, I thank the gentleman for yielding me this time.

Madam Speaker, I am pleased to rise in support of H.R. 1023, the Department of Veterans Affairs Employment Discrimination Act. I would like to commend the distinguished chairman of the Veterans' Affairs Committee, the gentleman from Mississippi [Mr. MONTGOMERY], for introducing this fine legislation. I would also like to commend

the ranking minority member of the committee, the gentleman from Arizona [Mr. STUMP], and the ranking subcommittee chairman, the gentleman from New Jersey [Mr. SMITH].

Madam Speaker, I am pleased to speak in support of H.R. 1032, legislation which establishes the Office of Employment Discrimination Complaints Resolution, within the Department of Veterans Affairs.

This independent Office will be charged with investigating and resolving complaints of employment discrimination, including accusations of sexual harassment. I believe this worthwhile legislation is a significant attempt to address a serious issue that challenges our Nation's workplace.

While the VA has taken appropriate steps to confront employment discrimination, more needs to be done. And, I believe that the Office of Employment Discrimination Complaints Resolution will do just that. Staffed with trained counselors and investigators, the Office will be able to provide prompt resolution and adjudication for each unique case. Specific provisions of H.R. 1032 include: Providing counseling to the victims of discrimination; requiring the appropriate investigation of all complaints. The Office will also be required to provide the complainant and the Secretary of the VA with a copy of the conclusions and the final decision of the investigation; and, will permit complainants the opportunity to request a hearing before an administrative law judge.

The Congressional Budget Office has estimated that the enactment of this legislation will cost \$3 million in fiscal year 1994 and \$4 million in each of fiscal years 1996-98. Since the funding for the Office will come from the Department's general operating expenses account, it will not affect direct spending.

Madam Speaker, I am pleased to support the Department of Veterans Affairs Employment Discrimination Act. And, I commend the fine work of the Veterans' Affairs Committee in confronting the challenges that face our Nation's veterans.

□ 1320

Mr. MONTGOMERY. Madam Speaker, I yield 2 minutes to the gentleman from Indiana [Ms. LONG], a member of our committee.

Ms. LONG. Madam Speaker, I rise today in support of H.R. 1032, the Department of Veterans Affairs Employment Discrimination Act. Last September, the Subcommittee on Oversight and Investigations conducted a hearing which examined the issue of sexual harassment in the DVA workplace. In some of the most powerful testimony which I have ever heard, a number of DVA employees graphically depicted a pattern of sexual harassment and abuse which they were forced

to endure. It became apparent to everyone who heard this moving testimony that the DVA had a problem which needed to be addressed. I believe that H.R. 1032, introduced by Chairman MONTGOMERY, represents a constructive effort to confront this serious problem.

Department of Veterans Affairs Secretary Jesse Brown, to his credit, forcefully addressed the problem of sexual harassment and discrimination in the DVA workplace from the moment he assumed his post. In reviewing the entire Equal Employment Opportunity Program at the Department, Secretary Brown has taken important steps to decentralize the processing of discrimination complaints and establish a requirement for a higher level review of all sexual harassment complaints. While I do not doubt Secretary Brown's commitment to eliminating sexual harassment and employment discrimination in the DVA workplace, I believe that the changes outlined in H.R. 1032 will only compliment Secretary Brown's initiatives.

H.R. 1032 would establish an independent office in the DVA to handle all complaints of discrimination, including complaints of sexual harassment. This legislation would also assign a permanent staff of trained equal employment opportunity counselors and investigators to the Office of Employment Discrimination Complaints Resolution to assist in the resolution of formal and informal discrimination complaints brought against the DVA. Third, H.R. 1032 would assign independent and unbiased administrative law judges to determine whether a complaint should be investigated, review the adequacy of investigations, conduct hearings, and make final decisions on complaints.

I have no illusions that the steps taken in this bill will entirely eliminate sexual harassment and employment discrimination in the DVA workplace. However, I am confident that without addressing this issue with tough-minded and serious legislation, these unacceptable attitudes will never change.

Mr. STUMP. Madam Speaker, I yield 3 minutes to the gentleman from New Jersey [Mr. SMITH], the ranking member on the Subcommittee on Hospitals and Health Care.

Mr. SMITH of New Jersey. Madam Speaker, I rise today in strong and enthusiastic support of H.R. 1032, the Department of Veterans Affairs Employment Discrimination Act.

H.R. 1032 reflects the belated recognition by society at large of the corrosive effects of sexual harassment on the victim. Fortunately, H.R. 1032 also demonstrates the commitment of the House, and especially the Veterans' Affairs Committee, to take decisive action to eradicate this abusive behavior and its demoralizing consequences

within the Department of Veterans Affairs.

As our committee examined the record of sexual harassment and employment discrimination in the VA, it became painfully clear that the VA's settlement procedures are inadequate and in need of a decisive legislative fix.

H.R. 1032 would: Create an independent office—Office of Employment Discrimination Complaints Resolution [OEDCR] in the VA to manage all employment discrimination and sexual harassment complaints; establish a specially trained staff of dedicated counselors to help resolve informal complaints; assign permanent investigators to OEDCR who will prepare reports on formal discrimination cases; appoint impartial administrative law judges who will conduct hearings and pass judgment on complaints; and provide for case review by the Equal Employment Opportunity Commission [EEOC] or Federal court.

Madam Speaker, I was deeply moved by the testimony of Donna Grabarczyk, a full-time health employee at Lyons Medical Center in New Jersey who appeared before the Veterans' Committee last September.

Ms. Grabarczyk testified that she was sexually harassed both physically and verbally by the chief of fiscal services, C.W. Lewis. The abuse, she said, led to a "feeling of revulsion, violation, and helplessness." She said, "neither my immediate supervisor, Mr. Metaxas, nor the next level of supervision, Mr. Kidd, expressed any insight or concern about me." She was told that Mr. Lewis could not be fired even though other women testified that they too were harassed by this man. Her testimony is a disturbing insight into a flawed process that begs correction.

Mr. Joe Spencer Norris, the most recent investigator, advised me that I should just accept the fact that I was the scapegoat, "that's the system" and I should "give it up."

I can't believe that Mr. Norris's advice is in the best interest of the women throughout the VA who have been victims of sexual harassment. The VA's transfer of habitual harassers from station to station promotes their aberrant behavior. It also provides the harasser an opportunity to continue illegal actions in a new climate among unsuspecting women. Stringent remedies are needed to modify this behavior. Rewarding harassers with disability retirements instead of removal sends out the message of a VA-wide practice of condoning this behavior.

Adding injury to injury, both Ms. Grabarczyk and her coworker who helped collaborate her allegations say they were further victimized by retaliations and reprisals.

In testimony describing those reprisals, Donna Grabarczyk outlined the most basic and compelling justification for this legislation and in particular the witness protection provisions which we added to this measure in committee.

Relating the reprisals I have received over the past two years would take far more space than I am allowed in this statement. They include: denial of leave requests and education, exclusion from meetings I had previously attended, reduction in duties, change in title and position description, lowering of performance evaluations, restrictions on how I performed my duties, detailing to Nursing Service, placement of newspaper ads for my job, [and] moving my office out of the Director's suite into a basement with only a desk, phone, and broken chair. These are just some of the actions that have been taken to subtly and systematically destroy my career.

Madam Speaker, I coauthored an amendment with Mr. EVANS at the full committee to ensure that VA employees are protected from retaliation by extension of the authority of title VII of the Civil Rights Act, which defines reprisals as an unlawful employment practice.

Our amendment declared that nothing in H.R. 1032 supersedes the rights and remedies available to employees under title VII of the Civil Rights Act of 1964. Section 2000e-3 offers protection for those who "made a charge, testified, assisted, or participated in any manner in an investigation, proceeding or hearing * * *."

Protection against reprisals was particularly necessary given the striking testimony of Mary Cavanaugh, a witness for Donna Grabarczyk at Lyons. She gave this chilling summation of her experience:

I believe I was reassigned as an act of retaliation for the testimony I gave in an EEO investigation concerning the sexual harassment of my friend and coworker, Donna Grabarczyk * * *. I was told categorically that I was not to participate in any of my previous functions, and I was taken off all hospital functions. I was also informed I would not be attending a training conference I had already been scheduled to attend * * *. To me, the reassignment to Nursing was nothing but pure revenge for any testifying on behalf of Donna Grabarczyk.

Madam Speaker, concrete protection against reprisals is absolutely necessary to the sound operation of any dispute resolution procedure. I believe my amendment improved this bill by enhancing the confidence of those VA employees who may someday need the services provided by H.R. 1032. I am pleased that the amendment was unanimously endorsed by the committee.

I urge the House to approve H.R. 1032 without delay and to take this bold step toward rooting out sexual harassment in the Federal Government.

Madam Speaker, I do hope the Veterans' Administration, which has embarked upon some very necessary internal reforms, will reverse itself with regard to this specific legislation. Just so the membership knows very clearly, the administration is on record as opposed to this legislation.

I am persuaded, however, that as it passes today and as it passes overwhelmingly over on the Senate side, they will reconsider and the President will sign this bill.

Mr. STUMP. Madam Speaker, I yield 5 minutes of my time to the gentleman from Mississippi [Mr. MONTGOMERY], the chairman of the committee, and I ask unanimous consent that he be allowed to control that time.

The SPEAKER pro tempore (Mrs. SCHROEDER). Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. MONTGOMERY. Madam Speaker, I yield 3 minutes to the gentleman from Massachusetts [Mr. KENNEDY], who is a member of our committee.

Mr. KENNEDY. Madam Speaker, I thank the gentleman very much for yielding me this time.

Madam Speaker, I rise today in strong support of H.R. 1032, the Department of Veterans Affairs Employment and Discrimination Act of 1993.

First, I would like to thank the chairman, the gentleman from Mississippi [Mr. MONTGOMERY], and the chairman, the gentleman from Illinois [Mr. EVANS], for the hard and diligent work they have done to get to the root cause of this important and very disturbing issue.

Madam Speaker, the American people have been outraged by the recent sexual-harassment cases uncovered by the Department of Veterans Affairs, and rightfully so. As a member of the Committee on Veterans' Affairs, I have read and heard the painful and compelling accounts of the many women and many men who are employees who have been victimized by sexual harassment.

The testimony that we have heard before our committee has been some of the most compelling and, indeed, I think heartfelt and also harmful that we have ever heard before our committee. Not a single Federal employee or any employee, for that matter, should have to go through this terrible discrimination in the workplace.

Employees at the Department of Veterans Affairs provide an invaluable service to the veterans who have so honorably served this country, and each and every person on the VA staff is well deserving of the dignity that they have earned in the workplace.

I would like to take this opportunity to commend Secretary of Veterans Affairs Jesse Brown for the leadership he has shown in resolving sexual harassment within the VA. He has taken quick steps to address the problem in announcing a new policy of zero tolerance of sexual harassment and requiring that all VA employees attend 4 hours of sexual harassment lectures.

H.R. 1032 goes a step further by making this a formal VA policy enacting into law a badly needed procedure for improving and expediting employment discrimination claims which arise within the Department of Veterans Affairs by establishing an independent Office of Employment Discrimination

Complaints Resolution in the VA. The office is to be headed by a director who reports only to the Secretary and Deputy Secretary of Veterans Affairs. Through this independent office, VA employees and applicants for employment at the VA can seek fair, impartial resolution of employment distribution complaints.

Madam Speaker, sexual harassment cannot be tolerated anywhere, especially within our own Federal Government. Recent reports of the Tailhook incident in conjunction with those unveiled by the Department of Veterans Affairs are disturbing and unsettling, to say the least. These incidents only underscore the fact that sexual harassment is a serious, pervasive problem.

The Federal Government must set an example. We are taking a step in the right direction through the Department of Veterans Affairs Employment Discrimination Act, and I urge my colleagues to set the record straight for our Federal employees who provide such valuable services to our veterans by supporting this bill.

Again, I want to thank the chairman, the gentleman from Mississippi [Mr. MONTGOMERY], and the chairman, the gentleman from Illinois [Mr. EVANS], for their leadership and look forward to continuing to work with them.

Mr. MONTGOMERY. Madam Speaker, I yield 3 minutes to the gentleman from California [Mr. FILNER], another member of our committee.

Mr. FILNER. Madam Speaker, the House of Representatives will vote today on H.R. 1032, legislation introduced by my distinguished colleague and esteemed chairman of the Committee on Veterans' Affairs, the gentleman from Mississippi—legislation to establish an independent office in the Department of Veterans Affairs to handle all complaints of discrimination, including complaints of sexual harassment. The efforts to pass this legislation are bipartisan.

I am most appreciative of the steps being taken by our new Secretary Jesse Brown toward his goal of totally eliminating discrimination and sexual harassment in the Department of Veterans Affairs.

This legislation will assist the Department in expediting complaints of unlawful employment discrimination and sexual harassment—by assigning a permanent staff of formally trained counselors, investigators, and unbiased administrative law judges to ferret out and deal with any problem situations that do occur. In addition, H.R. 1032 will remedy conflicts of interest that occur in the current process being used to resolve these complaints.

Testimony last year in a public hearing before the Subcommittee on Oversight and Investigations of the Committee on Veterans' Affairs, chaired by the distinguished gentleman from Illinois [Mr. EVANS] established a need for

this fundamental reform. The subcommittee heard that “* * * in too many cases, a woman who complains of sexual harassment finds herself presenting a complaint to the * * * officer who is the very harasser of which she has complained.”

Further, a review conducted by the VA Office of Inspector General reported that 25 percent of randomly selected employees were reluctant to file a complaint for fear of reprisal.

Yes, H.R. 1032 is needed. Employment discrimination can be very costly to the employee and employer. Employee victims of discrimination are likely to have higher rates of absenteeism, lower worker productivity, and increased turnover rates. Conscientious and dedicated employees who are victims of sexual harassment can become fearful and, in some cases, unable to work at all. The existence of any discrimination and harassment in the Department of Veterans Affairs reduces its effectiveness in accomplishing its mission of service to the Nation's veterans.

By raising to consciousness the zero-tolerance expectation of Secretary Brown and by putting into place a strong and effective system to deal with any violations of that expectation, the Department of Veterans Affairs could well become a model for the rest of our governmental departments in this regard.

I join with my colleagues of the Committee on Veterans' Affairs in asking for the support of the House of Representatives in the swift passage of this legislation.

□ 1330

Mr. MONTGOMERY. Madam Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. GUTIERREZ] a member of the Committee on Veterans' Affairs.

Mr. GUTIERREZ. Madam Speaker, I thank the chairman for yielding time to me.

Madam Speaker, it is a privilege to speak on behalf of legislation that makes sense and makes a difference.

In rising today in support of H.R. 1032, I am able to do just that.

As a newcomer to Washington, I am pleased to see that we can reinvent government. I am proud to see that Congress—when it chooses—can bring change to a country that desperately needs and desires change.

I would like to first thank and commend those who have enabled us to bring this important bill to the floor today: The chairman of the Veterans' Affairs Committee, SONNY MONTGOMERY, who focused the attention and energy of the members of our committee on this work. My thanks go to him and to my colleague and friend from Illinois, LANE EVANS, who brought this urgent subject to light through hearings conducted by the Subcommittee on

Oversight and Investigations—a panel on which I am pleased to serve in this Congress under his direction.

It is through their leadership that this bill enjoys not simply approval by our committee, but indeed bipartisan support.

With H.R. 1032, we have the unique opportunity to bring a Department of the Government into the present and prepare it for the future, after a long period where the status quo kept us from even imagining that such reform could be signed into law. We have the chance to place the VA at the forefront of an important issue and, therefore, to make the Department of Veterans Affairs a role-model for the Government and the Nation.

Perhaps there is a need for such reform throughout the Government as a whole. But for now, I am aware of no other committee—besides the Veterans' Committee—which can boast of such results on this crucial issue. So, for those who hope to give wider attention to this concern, let us begin here.

Let us remember—H.R. 1032 sends an important message. But, it does more than that, it brings about real change.

Whenever a new program is proposed, whenever change comes about, one inevitable question is the cost.

Yes, it will cost money to develop a program that will insure that employees' complaints receive the attention that they deserve. Fortunately, it is a small cost.

On the other hand, it is my belief and it is fact, that if nothing is done, it would be far more costly—because the VA will be forced to replace experienced, knowledgeable, dedicated employees who leave the Department if their complaints go unanswered and unresolved.

In fact, I would refer my colleagues to a recent survey of Fortune 500 companies. The survey found that sexual harassment costs our largest companies over \$6 million per year in absenteeism, lower productivity, and employee turnover.

But, when measuring costs, let us not stop there. Let us always remember that the ultimate cost is the impact that such problems bring to bear on the quality of care that our veterans receive. Our veterans have earned the right to expect the best services that we give them. So why not enact legislation that improves the care that they deserve? Voting for H.R. 1032 will accomplish that.

And, if we should worry about any other kind of cost, let us worry about this one: The price that all Americans pay when any one of us feels that we count for less than any other person. That is the true and terrible cost of discrimination. And it is something—with the help of H.R. 1032—that we may be taking steps to finally eliminate.

As our President has reminded us: Our challenges are great. We need ev-

everyone's help. We cannot afford to leave out anyone who has the vision and energy to help us succeed.

Madam Speaker, I chose to become a member of the Committee on Veterans' Affairs with the hope that I could help honor the brave men and women who have honored all Americans with their courage.

I wish to honor those who returned home after service, and those who never returned.

In passing H.R. 1032, I believe that we all give honor to those brave men and women. Because this bill reminds us why they fought and served—because they believed in the idea of America: a country where individuals are valued based on their character, their work, and their thoughts, not on their gender, or race, or nationality.

They defended America because it is a free land—where people are free to become what they want—not what someone else says they are. Where a person is limited only by the scope of his or her goals, and not by the constraints that others impose through prejudice.

That is why they served us.

That is why I serve them today.

And that is why passage of H.R. 1032 will serve us all.

Mr. MONTGOMERY. Madam Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. MCCLOSKEY], a former member of the Committee on Veterans' Affairs and who now chairs a subcommittee of the Committee on Post Office and Civil Service.

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

Madam Speaker, I would like to commend Mr. MONTGOMERY and the Committee on Veterans' Affairs for their swift action to address egregious problems at the Department of Veterans Affairs. Their efforts on behalf of the employees of the Veterans' Administration are outstanding. The reports of sexual harassment at Veterans hospitals are alarming and disturbing. As chairman of the Subcommittee on Civil Service, it is my intention to address these problems throughout the Federal work force.

It is extremely important that all Federal employees receive the same rights and fair treatment regardless of which Agency employs them and I would hope that all in Congress agree. Piecemeal reform is not good public policy. The Subcommittee on Civil Service has legislation pending that would reform the Federal equal employment opportunity process. In the 102d Congress, the Federal Employee Fairness Act, H.R. 3613 was the subject of numerous hearings and was ultimately reported by the Post Office and Civil Service Committee.

Federal EEO reform is of the highest priority and I want to stress my commitment to working to correct problems in the system. I would like to as-

sure you that I plan to conduct hearings on legislation to reform the Federal EEO process shortly, and I fully intend to address the needs of Veterans' employees. In all likelihood, any legislation that will be reported from my subcommittee will supersede the provisions of H.R. 1032. I welcome the veterans' committee's input into omnibus Federal EEO reform legislation.

Again, I commend Mr. MONTGOMERY and the Veterans' Committee for their hard work on this issue. It is a first step toward Federal EEO reform. I appreciate their thoughtful consideration of my concerns and work on behalf of Federal employees, and I look forward to working together.

Mr. MONTGOMERY. Madam Speaker, I thank the gentleman from Indiana for his remarks, and I thank the other Members who have spoken on this legislation also.

Madam Speaker, I yield 1 minute to the gentleman from South Carolina [Mr. CLYBURN], who is also a member of the Committee on Veterans' Affairs.

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

I am pleased to stand in support of H.R. 1032 and wish to thank Chairman MONTGOMERY, the subcommittee chairman, Mr. EVANS, and Mr. STUMP for the hard work they have put forth on this legislation.

It is probably known to most Members of this body that I spent the last 18 years of my life implementing rules and regulations in the State of South Carolina having to do with sexual harassment and other ancillary issues. I believe that this legislation offers the Department of Veterans Affairs a tremendous opportunity to be a guiding light in the Federal service, in trying to remedy a problem that all of us wish we did not have.

I am pleased that we are doing this, and I hope that we can look forward to a future where all employees in the Federal sector will look to the Veterans' Administration with thanks for its guidance in dealing with these issues.

Mr. MONTGOMERY. Madam Speaker, I yield myself the balance of our time.

Madam Speaker, as a result of an important hearing conducted last September by our Subcommittee on Oversight and Investigations, which examined sexual harassment in the VA workplace, the Veterans' Affairs Committee learned that real and potential conflicts of interest exist at every level of the process used today by VA to resolve complaints of unlawful employment discrimination.

The reforms provided in the legislation which is being considered today are intended to eliminate these conflicts-of-interest and provide fairness, objectivity and impartiality in the procedures used by the Department of Veterans Affairs to resolve employment discrimination complaints. Since the

procedures used by other Federal agencies are not within the jurisdiction of the Committee on Veterans' Affairs, the legislation reported by our committee addresses only the procedures used by VA to resolve employment discrimination complaints.

Under current procedures, a VA employee or an applicant for VA employment who believes she or he has been subject to unlawful employment discrimination is required to seek out and consult with a VA equal employment opportunity counselor within prescribed time limits prior to filing a formal complaint of discrimination. After being contacted, the VA equal employment opportunity counselor is expected to inquire into the facts of the matter and attempt to foster an informal resolution of the perceived discrimination. In theory, through this process, acts of alleged employment discrimination may be brought for the first time to the attention of local facility managers who can aid in the informal resolution of alleged incidents of employment discrimination, including sexual harassment.

In VA, equal employment opportunity counselors are appointed by and serve at the pleasure of the local facility director, who also serves as the principal equal employment opportunity officer of the facility. In VA the responsibilities associated with being an equal employment opportunity counselor are collateral duties; they are in addition to the primary job responsibilities of the employee/counselor who is ordinarily a full-time VA employee.

Unfortunately, according to the testimony presented to the Committee by VA employees who were victims of sexual harassment in the VA workplace and information subsequently provided by the VA Office of Inspector General, at some facilities VA equal employment opportunity counselors—who are the initial point of contact for the persons who have experienced unlawful employment discrimination—have not been available to provide necessary counseling to discrimination victims, have not attempted to informally resolve alleged acts of discrimination, have discouraged employees from making a formal complaint of employment discrimination, and have not received adequate training in equal employment opportunity counseling.

By virtue of being appointed by and serving at the pleasure of local management, counselors are perceived by some employees as lacking objectivity, impartiality and needed independence. As a result of this perception and employee fear of subtle or pronounced retaliation or reprisal by management if an informal or formal employee who may have experienced employment discrimination, including sexual harassment, have failed to contact an EEO counselor and report the alleged dis-

crimination. Unfortunately, because employees have been scared silent in some cases and have taken no action to stop or prevent the unlawful employment discrimination which they experienced, other VA employees have subsequently been sexually harassed by the same offender.

While VA officials note that relatively few formal complaints of sexual harassment are actually made by employees, testimony given before the Veterans' Affairs Committee strongly suggests a serious problem which may be substantially underreported and underrecorded. In fact, VA today does not systematically maintain information on informal complaints of sexual harassment and recordkeeping on informal complaints is haphazard at best.

When a complaint of unlawful employment discrimination cannot be resolved to the satisfaction of the complainant, a formal complaint may be made to the Department. Again, in theory, formal complaints are expected to be rigorously and fairly investigated and the facts of the matter determined. But like VA EEO counselors, VA equal employment opportunity investigators, according to information presented to the Committee, have not received adequate training in the conduct of equal employment opportunity investigations, may not have acted with independence, objectivity and impartiality and may have discouraged complainants from continuing to pursue resolution of alleged employment discrimination.

Sexual harassment can be extremely costly to both the employee victim and the employer. Sexual harassment creates a hostile work environment and results in increased absenteeism, lower productivity and higher employee turnover. As a direct result of sexual harassment, conscientious, highly skilled, committed and capable employees can become fearful of the workplace and unable to perform their customary duties, and in some cases, may become unable to work at all.

Madam Speaker, in hearings on this legislation, the Secretary of Veterans Affairs advised us of the many things he is doing to combat illegal harassment and discrimination. Under his leadership, the agency is continuing a comprehensive program of employee education and awareness so that all VA employees are fully informed of the Department's standards of conduct, the unacceptability of behavior which constitutes sexual harassment and the consequences of this type of discrimination. In addition, internal reforms have been directed to make the complaints process more professional. But these changes, as welcome as they are, do not dispel the long-held belief of employees that voicing complaints will only lead to reprisal and retaliation.

All VA employees must be made aware of the opportunity to report and

seek resolution of perceived unlawful employment discrimination. Only when employees are made fully aware of the opportunity for recourse and have confidence that fair, objective and impartial resolution is available to them, will they make full use of these procedures.

Sexual harassment must not be tolerated in the VA or any other department or agency of the Federal Government. With 260,000 employees, 57 percent of whom are women, VA is the Federal Government's second largest employer. It should be a model for other agencies and departments to emulate.

The goal of this legislation is to restore employee confidence in the integrity of the process used in VA to resolve complaints of unlawful employment discrimination. In my opinion, this is the needed medicine to effectively treat what appears to be a serious illness in the American workplace.

Madam Speaker, some have expressed concern that the bill only applies to the VA, and that there should be a national policy that applies to all departments and agencies. I would like to see a uniform national policy as well. But no one knows when the administration will propose such a policy or when this policy might become law.

We should not wait for a national policy to be implemented when we know something should be done now to make the process more fair for people who experience sexual harassment or other unlawful employment discrimination in the VA. As the sponsor of the bill, my position is, and I believe other members of the committee share this view, that we should proceed with this bill until a national policy is established. H.R. 1032 is supported by the Nurses Organization of Veterans Affairs, the DAV and the Vietnam Veterans of America. In addition, we have recently been advised that Federally Employed Women, the National Federation of Federal Employees, the National Treasury Employees Union, and the Washington Lawyers' Committee for Civil Rights Under Law are in favor of this measure.

Finally, I would like to thank the chairman of the Committee on Education and Labor, Mr. FORD, and the ranking minority member, Mr. GOODLING, and the chairman of the Committee on the Judiciary, Mr. BROOKS, and the ranking minority member, Mr. FISH, for their cooperation in assuring that the House could consider this measure in a timely manner.

I also want to thank the chairman of the Committee on Post Office and Civil Service, Mr. CLAY, and the ranking minority member, Mr. MYERS of Indiana, for their cooperation on this measure.

I think H.R. 1032 will strengthen the current process and I urge adoption of the bill.

□ 1340

Madam Speaker, we also have the blue sheets that fully explain this legislation. It is on the desk here. They will be here for the rest of the afternoon.

I think we have a wonderful bill here. This is a great first step, and I urge adoption of this bill.

Mr. STUMP. Madam Speaker, once more I would like to thank the chairman for his work, and that of the gentleman from Illinois [Mr. EVANS], the gentleman from South Carolina [Mr. CLYBURN], as well as the gentleman from New Jersey [Mr. SMITH] on my side of the aisle.

Ms. NORTON. Madam Speaker, the Department of Veterans Affairs Employment Discrimination Act, introduced by Chairman SONNY MONTGOMERY, is commendably directed at the well-documented problem of sexual discrimination at Veterans hospitals across the Nation. H.R. 1032, however, is only a first step. Discrimination in the Federal workplace exists not only at the Department of Veterans Affairs, but throughout the Federal Government and at all levels. The evidence shows that sexual harassment is especially widespread. However, discrimination in the Federal workplace affects not only female employees, but also reaches to race, religion, and ethnicity. Therefore, I am currently working closely with Congressman MATTHEW MARTINEZ on the Federal Employees Fairness Act, already introduced in the Senate by Senator JOHN GLENN. The Federal Employees Fairness Act will provide a Government-wide approach to addressing the problem of employment discrimination in the Federal workplace, including sexual harassment at the Department of Veterans Affairs, and it will also address all the other forms of employment discrimination.

As a former chair of the Equal Employment Opportunity Commission, I know well that H.R. 1032 strikes a much needed blow against employment discrimination. I know that this bill is intended only as a beginning. May I therefore also encourage all of this bill's supporters to join Congressman MARTINEZ and me in sponsoring the Federal Employees Fairness Act, which will address the problem of employment discrimination in the Federal workplace in a comprehensive fashion.

Mr. BILIRAKIS. Madam Speaker, first, let me take a moment to commend Chairman MONTGOMERY for his diligent work on this legislation. Harassment in the workplace is a serious matter which needs to be addressed.

The Department of Veterans Affairs is the second largest Federal agency with approximately 260,000 employees. Additionally, the VA's work force includes a large number of women and minorities. Given this diversity, it is important that all VA employees are treated fairly and with sensitivity in the workplace.

During the 102d Congress, the Veterans' Affairs Oversight and Investigations Subcommittee, on which I served as the ranking minority member, held a hearing on sexual harassment charges at the VA. Our hearing revealed among other things that the process in place at the VA for investigating sexual harassment complaints was seriously flawed.

Sexual harassment is a very serious matter. As we move toward greater equity in the work-

place and in society, sexual harassment must be confronted and conquered. Everyone has the right to live and go to work without the fear of sexual harassment.

We owe female veterans and all female VA employees the assurance that we will not tolerate sexual harassment at any level and we will do everything within our power to help create an atmosphere where human beings are respected for their work and contributions to our system. We will tolerate nothing less.

As Members of Congress with oversight authority over VA programs, we must ensure that all discrimination and sexual harassment complaints filed with the VA are handled in an appropriate and expeditious manner.

I urge my colleagues to support H.R. 1032.

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

Mr. MONTGOMERY. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. SCHROEDER). The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the bill, H.R. 1032, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

REPORT UNDER IEEPA COVERING 6-MONTH PERIOD FROM OCTOBER 1, 1992, TO MARCH 31, 1993—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 103-80)

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

To the Congress of the United States:

1. On September 30, 1990, in Executive Order No. 12730, President Bush declared a national emergency under the International Emergency Economic Powers Act ("IEEPA") (50 U.S.C. 1701 *et seq.*) to deal with the threat to the national security and foreign policy of the United States caused by the lapse of the Export Administration Act of 1979, as amended (50 U.S.C. App. 2401 *et seq.*), and the system of controls maintained under that Act. In that order, the President continued in effect, to the extent permitted by law, the provisions of the Export Administration Act of 1979, as amended, the Export Administration Regulations (15 C.F.R. 768 *et seq.*), and the delegations of authority set forth in Executive Order No. 12002 of July 7, 1977, Executive Order No. 12214 of May 2, 1980, and Executive Order No. 12131 of May 4, 1979, as

amended by Executive Order No. 12551 of February 21, 1986.

2. President Bush issued Executive Order No. 12730 pursuant to the authority vested in him as President by the Constitution and laws of the United States, including IEEPA, the National Emergencies Act (NEA) (50 U.S.C. 1601 *et seq.*), and section 301 of title 3 of the United States Code. At that time, the President also submitted a report to the Congress pursuant to section 204(b) of IEEPA (50 U.S.C. 1703(b)). Section 204 of IEEPA requires follow-up reports, with respect to actions or changes, to be submitted every 6 months. Additionally, section 401(c) of the NEA requires that the President, within 90 days after the end of each 6-month period following a declaration of a national emergency, report to the Congress on the total expenditures directly attributable to that declaration. This report, covering the 6-month period from October 1, 1992, to March 31, 1993, is submitted in compliance with these requirements.

3. Since the issuance of Executive Order No. 12730, the Department of Commerce has continued to administer and enforce the system of export controls, including antiboycott provisions, contained in the Export Administration Regulations. In administering these controls, the Department has acted under a policy of conforming actions under Executive Order No. 12730 to those required under the Export Administration Act, insofar as appropriate.

4. Since the last report to the Congress, there have been several significant developments in the area of export controls:

—United States Government experts have continued their efforts to implement and strengthen export control systems, including pre-license inspections and post-shipment verifications, in the nations of Central Europe and the former Soviet Union—notably Belarus, Bulgaria, the Czech Republic, Hungary, Kazakhstan, Poland, Romania, Russia, the Slovak Republic, and Ukraine, as they continue their progress towards democracy and market economies. We anticipate that these developments will facilitate enhanced trade in high-technology items and other commodities in the region, while helping to prevent unauthorized shipments or uses of such items. A key element of these efforts continues to be the prevention of proliferation of weapons of mass destruction and corresponding technology.

—Working diligently with our Coordinating Committee (COCOM) partners to expand export control cooperation with the newly developing democracies of Central Europe and the former Soviet Union and to streamline multilateral na-

tional security controls, we are pleased to report the following important developments:

—In their November 1992 High-Level Meeting, the COCOM partners took action to significantly liberalize export controls on certain telecommunications exports to the newly independent states (NIS) of the former Soviet Union and other Central European nations, which should facilitate rapid and reliable telecommunications between these nations and the West, as well as modern, cost-effective domestic telecommunications systems. This action was soon thereafter reflected in corresponding amendments to the Export Administration Regulation. (57 F.R. 61259, December 24, 1992.)

—Also in November, at the first High-Level "COCOM Cooperation Forum" (CCF) Meeting, which included the 17 members of COCOM, most of the newly independent states of the former Soviet Union (NIS), and other Central European nations, the United States announced an \$11 million technical assistance package to assist in the elimination of nuclear arms, enhanced nonproliferation efforts, and export control development. The United States, in cooperation with the CCF, hopes to engage these nations in further establishing controls for trade in sensitive goods and technologies, and to provide an impetus for wider access by those countries to controlled items.

—In the first 2 months of 1993, as a result of Bulgarian and Romanian commitments to undertake the establishment of effective export control systems, COCOM agreed to provide favorable consideration treatment for exports of strategic items to those countries. The Commerce Department is amending its regulations to reflect this development.

—We are also continuing our efforts to address the threat to the national security and foreign policy interests of the United States posed by the spread of weapons of mass destruction and missile delivery systems. As such, we continue to work with our major trading partners to strengthen export controls over goods, technology, and other forms of assistance that can contribute to the spread of nuclear, chemical, and biological weapons and missile systems;

—As of December 1992, the Australia Group (AG), a consortium of nations that seeks to prevent the proliferation of chemical and biological weapons (CBW), increased its membership to 24, with the admission of Iceland and Sweden in 1991 and Argentina and Hungary in 1992. In addition, the delegates agreed to increase from 50 to 54 the number

of precursor chemicals subject to control and to adopt a common list of controlled biological items. The Commerce Department published a rule implementing these measures. (57 F.R. 60122, December 18, 1992.) As of December 1992, the delegates also agreed to a refined common control list of dual-use biological equipment. The Commerce Department is in the process of publishing a rule reflecting the changes to conform the U.S. list to the AG list.

—The United States was also a key participant in the Chemical Weapons Convention (CWC) negotiations in Geneva, Switzerland. On September 3, 1992, the Conference on Disarmament, which drafted the CWC, forwarded to the United Nations General Assembly a draft CWC, which includes a prohibition on the development, production, acquisition, stockpiling, use, or transfer of chemical weapons, as well as provides for destruction of chemical weapons production facilities and stockpiles. The Convention opened for signing in January of this year. The United States strongly supports these provisions and is working to implement them in harmony with our laws.

—In December 1992, the 27-nation Nuclear Suppliers Group (NSG), in which the United States participates, continued its discussions on nuclear-related dual-use controls. The NSG list is similar to the nuclear referral list currently administered by the Department of Commerce. The Department is working to publish a rule to conform the U.S. list with the NSG list. Also in December 1992, the NSG members agreed to procedures intended to standardize and improve the exchange of information among members.

—At the March plenary session in Canberra, the Missile Technology Control Regime (MTCR) members welcomed Iceland as the newest partner, bringing the total membership to 23 nations. Argentina and Hungary were also accepted as members, subject to final arrangements agreed to by the MTCR partners. A licensing and enforcement officers conference will be held in June 1993 to provide an information exchange forum for all partners on implementation of the new extended Guidelines, which now cover missiles capable of delivering all weapons of mass destruction. Previously, the regime covered only missiles capable of delivering nuclear weapons. The future of the MTCR is likely to be a main agenda item for the next plenary session to be held in November 1993.

—In the area of supercomputers, in 1991 the United States established a

supercomputer safeguard regime with Japan. Since that time both countries have negotiated with European suppliers to expand this regime. Issues discussed at the March 1993 London meeting include the development of a common licensing policy and security safeguards.

—Finally, we continue to enforce export controls vigorously. The export control provisions of the Export Administration Regulations are enforced jointly by the Commerce Department's Office of Export Enforcement and the U.S. Customs Service. Both of these agencies investigate allegations and, where appropriate, refer them for criminal prosecution by the Justice Department. Additionally, the Commerce Department has continued its practice of imposing significant administrative sanctions for violations, including civil penalties and denial of export privileges.

—Commerce's Office of Export Enforcement (OEE) has continued its vital preventive programs such as pre-license checks and post-shipment verifications, export license review, and on-site verification visits by teams of enforcement officers in many countries. The OEE has also continued its outreach to the business community to assist exporters with their compliance programs and to solicit their help in OEE's enforcement effort. The OEE further continued its well-received Business Executive Enforcement Team (BEET) to enhance interaction between the regulators and the regulated.

—During this 6-month reporting period, OEE has continued its new program—the Strategic and Non-proliferation Enforcement Program (SNEP)—which targets critical enforcement resources on exports to countries of concern in the Middle East and elsewhere.

—Two particularly important enforcement efforts during the past 6 months in which OEE was involved resulted in the arrest and indictment of several individuals, including several foreign nationals. In one case, OEE special agents arrested an Iranian national, Reza Zandian, and an American citizen, Charles Regar, on charges that they conspired and attempted to export a computer to Iran without the required validated license. The computer, valued in excess of \$2 million, was seized by the Commerce Department. The Department of Justice will seek forfeiture of the computer to the United States. In another case, a British citizen doing business in South Africa, David Brownhill, was arrested and charged with attempting to export polygraph and thermal imaging system equipment to South Af-

rica without authorization. Both of these cases are currently pending trial.

—In the last 6 months, the Commerce Department has also continued to enforce the antiboycott law vigorously. The Office of Antiboycott Compliance (OAC) maintains 30 full-time staff positions, and OAC has doubled the level of civil penalties it seeks to impose within the statutory \$10,000 per violation maximum. The total dollar amount of civil penalties imposed in fiscal year 1992 approaches \$2,109,000, the second largest amount in the history of the program. This amount includes a civil penalty of \$444,000 imposed in the first case alleging both antiboycott and export control violations.

—One particularly significant antiboycott compliance case was recently concluded by an order of February 11, 1993. Under that order, William Hardimon was assessed a civil penalty of \$54,000, and his export privileges were denied for 6 months. Hardimon allegedly refused to do business with another person in order to comply with an illegal Saudi Arabian requirement, complied with an illegal Kuwaiti boycott request, and failed to report the receipt of the boycott requests.

5. The expenses incurred by the Federal Government in the 6-month period from October 1, 1992, to March 31, 1993, that are directly attributable to the exercise of authorities conferred by the declaration of a national emergency with respect to export controls were largely centered in the Department of Commerce, Bureau of Export Administration. Expenditures by the Department of Commerce are anticipated to be \$17,897,000, most of which represents program operating costs, wage and salary costs for Federal personnel, and overhead expenses.

WILLIAM J. CLINTON.

The WHITE HOUSE, April 27, 1993.

BIPARTISAN HERITAGE OF EXPEDITED RESCISSION LEGISLATION

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

Mr. STENHOLM. Madam Speaker, I am surprised and truly disheartened by the partisan nature of the recent debate over expedited rescission legislation because this issue has a long history of bipartisan support. I am baffled by Members on the other side of the aisle who for years have actively promoted legislation weaker than our current H.R. 1578 but now are opposing this more fiscally responsible and politically feasible bill.

Starting in 1985 with Senator Dan Quayle, continuing with a Dick Arney

amendment in 1987, and followed by the Arney-Johnson Current Level Rescission Act, Republicans have been involved from the earliest days in expedited rescission legislation requiring a majority vote in Congress to override the rescissions. In 1989, a bipartisan group including DICK ARMEY, Tom Carper, TIM JOHNSON, Lynn Martin, Bill Frenzel, and DAN GLICKMAN came together in search of a constructive approach with improved odds for enactment. After input from GERALD SOLOMON, HARRIS FAWELL, and others, that bill passed the House late last year with nearly unanimous support from Republicans.

After the Senate's failure to act, this year we in the House again made changes in the bill to address concerns of Members on both sides of the aisle. Any objective observer would conclude that these refinements have strengthened the bill.

Some claim that expedited rescission is a partisan plot by Democrats to weaken and steal the issue of line-item veto from Republicans. An honest look at history proves that this initiative has always relied on bipartisan support for its success and only this year has either side attempted to play games with this far-too-rare opportunity to enact real change.

I submit for the RECORD a more complete history of expedited rescission legislation.

I urge my colleagues on both sides of the aisle to give the American people a reason to feel good about their Government by refusing to engage in petty partisanship and by passing expedited rescission legislation.

SELECTED QUOTES ON EXPEDITED RESCISSION

Senator Dan Quayle in an opinion editorial in the Wall Street Journal on January 29, 1985, regarding expedited rescission legislation that he had introduced:

"I have introduced an initiative (to) allow a rescission of spending authority to be enacted should the President and a majority of both houses agree to it. Without making any changes in the constitutional balance of powers, my proposal would guarantee congressional action on presidential proposals to reduce or eliminate spending . . . (it is) a common sense tool that the president and Congress should have at their disposal to restrain unnecessary and excessive federal spending."

Rep. Dick Arney in a "Dear Colleague" letter dated November 2, 1987 asking for support of his amendment that would allow the President to rescind items in the Continuing Resolution, subject to majority override:

"Enhanced rescission legislation will involve the Administration and the Congress in a meaningful deficit reduction process in a manner that ensures both institution's prerogatives are protected."

Rep. Gerald Solomon during a debate on the House floor on July 30, 1992, in support of his effort to make in order an amendment to grant the President expedited rescission authority:

"If we defeat the previous question, I will offer the Carper line-item rescission amendment that simply requires Congress to vote up or down on the President's request not to

spend the money. This requires only a simple majority vote . . . For those of you who really believe in the line-item veto, we have reached a tremendous compromise here that you can vote for. It should be something that this House can support overwhelmingly."

Rep. Harris Fawell during debate on the House floor (October 2, 1992) on H.R. 2164, expedited rescission legislation passed by the House:

"This bill is at least the first step of a 1,000 mile journey toward hopefully someday being able to balance the federal budget."

Statement of (Bush) Administration Policy issued by the Office of Management and Budget on October 2, 1992 regarding H.R. 2164:

"Enactment of H.R. 2164 would temporarily increase congressional accountability for 'pork barrel' spending in the appropriations process."

REPUBLICAN SUPPORT FOR EXPEDITED RESCISSION

99TH CONGRESS

Bills introduced

S. Con. Res. 65—The Porkbusters Resolution of 1985. Introduced by Senator Dan Quayle (R-IN) on September 17, 1985. Required Congress to vote on resolutions approving Presidential rescissions by a majority vote within fifteen days after the rescission was submitted.

H.R. 3675—a bill providing the President with modified rescission authority while preserving the authority of Congress in the budget process. Introduced by Rep. Ralph Regula (R-OH) on November 1, 1985. Required Congressional votes on Presidential rescissions within 45 days.

Floor consideration

On September 19, 1985, Senator Quayle offered the text of S. Con. Res. 65 as an amendment to the Omnibus Reconciliation Act of 1986. The amendment was ruled non-germane and defeated on a procedural motion of 34-62.

100TH CONGRESS

Bills introduced

S. Con. Res. 16—a bill providing for expedited consideration of a bill or joint resolution approving a Presidential rescission. Introduced by Senator Quayle on February 5, 1987. The bill was cosponsored by two Republicans. (See attached statement in Congressional Record)

H. Con. Res. 119—similar to S. Con. Res. 16. Introduced by Rep. Lynn Martin (R-NY) on May 8, 1987. Cosponsored by 15 Republicans.

H.R. 3129—Line-item Rescission Act of 1987. Introduced by Rep. Tim Johnson (D-SD) on August 6, 1987. Cosponsored by 20 Republicans, including Rep. Gerald Solomon (R-NY) and Rep. Dan Coats (R-IN). (See attached Dear Colleague signed by Johnson, Solomon and others)

Floor consideration

Rep. Dick Arney (R-TX) attempted to add on amendment to the FY88 Long-term Continuing Resolution granting the President enhanced rescission authority over funds included in the CR. Under the amendment, a simple majority of Congress could overturn the rescission. The effort was unsuccessful. (See attached Dear Colleagues and floor statement).

Notable quotes

Senator Dan Quayle (February 5, 1987, S3136 Congressional Record):

"The Pork-Buster Resolution is based on a simple, fundamental premise. Before the taxpayers' money can be spent, the President

and a majority of both the Senate and the House of Representatives should be required to agree those funds should be spent. Congress should be made—and held—accountable to the American people on rescissions that a President believes are appropriate. By using the rulemaking power of each House, the Pork-Buster Resolution would require expedited consideration of Presidential rescission messages."

Rep. Dick Arney (Dear Colleague dated November 2, 1987):

"Enhanced rescission authority will involve the Administration and the Congress in a meaningful deficit reduction process in a manner that ensures both institution's prerogatives are protected."

Rep. Dick Arney (November 5, 1987, H30961 Congressional Record):

"I will go to the Rules Committee and I will request a rule that will allow me to amend that long-term continuing resolution to include in it enhanced rescission authority that would allow the President to examine that large omnibus spending bill line item by line item and make line-item vetoes, as it were, with a simple majority override capacity remaining for the House."

101ST CONGRESS

Bills introduced

H.R. 235—Line-item Rescission Act of 1989. Introduced by Rep. Tim Johnson (D-SD) on January 3, 1989. Cosponsored by 9 Republicans.

H.R. 962—Current Level Rescission Act of 1989. Introduced by Rep. Dick Arney on February 9, 1989 and cosponsored by 105 Republicans. Provided for expedited consideration of Presidential rescissions if the rescission did not reduce any program below its prior-year level. (See attached opinion editorial authored by Arney and Johnson)

H.R. 3800—a bill providing for expedited consideration of certain Presidential rescission. Introduced by Rep. Tom Carper (D-DE) along with Reps. Arney, Johnson, Martin, Dan Glickman (D-KN), Bill Frenzel (R-MN) and others as a bi-partisan consensus expedited rescission bill on November 21, 1987. Cosponsored by 65 Republicans. (See attached Dear Colleague signed by 8 Democrats and 7 Republicans)

Notable quotes

Rep. Dick Arney and Rep. Tim Johnson (Dear Colleague dated March 1, 1989):

"The Current Level Enhanced Rescission Act is a realistic, rational proposal that protects Congress' own spending priorities and restores the President's role in fighting the deficit."

102D CONGRESS

Bills introduced

H.R. 2164—a bill providing for expedited consideration of certain Presidential rescissions. Introduced by Rep. Carper on May 1, 1991. Cosponsored by 108 Republicans. Required votes in Congress on Presidential rescissions within ten days of their submission. Limited the amount that the President could rescind authorized programs to 25%. Established the new procedure for two years. (See attached Dear Colleague)

H.R. 5700—Expedited Consideration of Proposed Rescissions Act of 1992. Introduced by Rep. Solomon on July 28, 1992. Identical to H.R. 2164 except that it eliminated the distinction between authorized and unauthorized programs included in H.R. 2164.

Floor consideration

July 30, 1992—Rep. Solomon attempted to defeat the previous question on the Commerce, Justice and State Appropriations bill

so that he could offer a motion to make in order what he described as "a slightly different line-item veto rescission amendment" which consisted of the text of his expedited rescission bill. Reps. Bob McEwan (R-OH), David Drier (R-CA), John Duncan (R-TN) and Bob Walker (R-PA) spoke in support of Solomon's motion. The effort failed on a vote of 240-176.

October 3, 1992—The House passed H.R. 2164, the expedited rescission bill introduced by Rep. Tom Carper, by a vote of 312-197. It was supported by 154 of 159 Republicans voting.

Notable quotes

Rep. Dick Arney (May 5, Rules Committee Hearing on H.R. 4990):

"I think the President's authority should be enhanced, perhaps enhanced in the way Mr. Solomon suggests, but even enhancing it a little bit in the way Mr. Carper will later recommend. That would be an improvement."

Rep. Harris Fawell (R-IL) (May 5, Rules Committee Hearing):

"When Tom Carper comes up in reference to his enhanced rescission bill, it isn't everything I would want, but I could support it. It does valuable things. It moves us down the road."

Rep. Jerry Solomon (May 7, 1992, H3029 Congressional Record):

"We moved to make in order an amendment by Mr. Carper, a Democrat, and Mr. Stenholm, a Democrat, to provide for expedited rescission procedures for the next two years, similar in concept to my line item veto bill, but watered down considerably. Still, it is a strong step in the right direction."

Rep. Bob McEwan (July 30, 1992, H6988 Congressional Record):

"The Solomon amendment would mandate that Congress consider legislation approving the President's rescissions within twenty days. If either House fails to pass the bill, then the money would be obligated. Mr. Speaker, in the name of fiscal responsibility, the House must be given the opportunity to at least consider the Solomon amendment."

Rep. Jerry Solomon (July 30, 1992, H6992 Congressional Record):

"If we defeat the previous question, I will offer the Carper line-item rescission amendment that simply requires Congress to vote up or down on the President's request not to spend the money. This requires only a simple majority vote."

Rep. Jerry Solomon (July 30, 1992, H6992 Congressional Record):

"For those of you who really believe in the line-item veto, we have reached a tremendous compromise here that you can vote for. It should be something that this House can support overwhelmingly on both sides of the aisle."

Rep. Harris Fawell (October 2, 1992, H10811 Congressional Record):

"(H.R. 2164) is at least the first step of a 1,000 mile journey toward hopefully someday being able to balance the federal budget."

Rep. Jerry Solomon (October 2, 1992 H10813 Congressional Record):

"I favor the bill before us today (H.R. 2164) because it is an improvement over the current rescission process * * *. It is a step in the right direction."

DEMOCRATS WILL REDUCE THE NATIONAL DEBT

(Mr. BARLOW asked and was given permission to address the House for 1

minute and to revise and extend his remarks and to include therein extraneous material.)

Mr. BARLOW. Madam Speaker, in the last election the American people voted against gridlock: specifically, gridlock of a Republican Party; more specifically, gridlock of a Republican Party when it is in the Presidency.

Now, do not say to me, "Well, the gridlock was because we had a Republican President and a Democratic Congress, and he couldn't move his program through a Democratic Congress."

Madam Speaker, here is the record of what Republicans in the last 12 years sent to the Hill: deficits every year, and the documents they sent to the Hill that have increased our national debt by over \$3 trillion.

Madam Speaker, the first big economic improvement that President Clinton delivered has been a drop in interest rates because he has focused us on the problems of our budget and our national debt. For each 1-percent drop in interest rates, \$50 billion is being delivered in improvements to the American people.

The Democratic Party is going to lead us to a balanced budget, and then it is going to reduce our national debt.

Madam Speaker, for the RECORD I include the figures I referred to earlier.

(In billions of dollars)

| | Budget sent to Hill by Reagan/Bush | 1st budget resolution reported by Senate/House conference | Actual annual deficit total |
|------|------------------------------------|---|-----------------------------|
| 1981 | 2.2 | 0.2 | 79.0 |
| 1982 | 61.7 | 37.6 | 128.0 |
| 1983 | 107.2 | 103.9 | 207.8 |
| 1984 | 202.8 | 171.6 | 185.4 |
| 1985 | 195.2 | 181.2 | 212.3 |
| 1986 | 180.0 | 171.9 | 221.2 |
| 1987 | 143.6 | 142.6 | 149.8 |
| 1988 | 107.8 | 108.0 | 155.2 |
| 1989 | 129.5 | 135.3 | 152.5 |
| 1990 | 91.1 | 99.7 | 221.4 |
| 1991 | 63.1 | 64.0 | 269.5 |
| 1992 | 280.9 | 278.8 | 290.2 |
| 1993 | 349.9 | 326.6 | 310.0 |

Note.—Numbers verified by Congressional Budget Office and the Congressional Research Service.

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 Member (at the request of Mr. STUMP) to revise and extend his remarks and include extraneous material:)

Mr. HUNTER, for 60 minutes, on April 29.

(The following Members (at the request of Mr. McNULTY) to revise and extend his remarks and include extraneous material:)

Mr. HOAGLAND, for 5 minutes, today.

Mr. REYNOLDS, for 5 minutes, on April 28.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. STUMP) and to include extraneous matter:)

- Mr. PORTER.
- Mr. SCHAEFER.
- Mr. HUNTER.
- Mr. BEREUTER.
- Mr. HYDE.
- Mrs. MORELLA.
- Mr. THOMAS of Wyoming.

(The following Members (at the request of Mr. McNULTY) and to include extraneous matter:)

- Mr. LEVIN.
- Mr. LANTOS in two instances.
- Mr. WAXMAN in two instances.
- Miss COLLINS of Michigan.
- Mr. RICHARDSON.
- Mr. TORRES.
- Mrs. KENNELLY.
- Mr. BONIOR.
- Mr. VENTO.
- Mr. BRYANT.
- Mr. DOOLEY.

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. ROSE, from the Committee on House Administration, reported that that committee did on the following days present to the President, for his approval, bills and joint resolutions of the House of the following titles:

On February 5, 1993:

H.R. 1. An act to grant family and temporary medical leave under certain circumstances.

On February 18, 1993:

H.J. Res. 101. A joint resolution to designate February 21 through February 27, 1993, as "National FFA Organization Awareness Week".

On March 4, 1993:

H.R. 920. An act to extend the emergency unemployment program, and for other purposes.

On March 17, 1993:

H.R. 750. An act to extend the Export Administration Act of 1979 and to authorize appropriations under that act for fiscal years 1993 and 1994.

On March 26, 1993:

H.R. 904. An act to amend the Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992 with respect to the establishment of the national Commission to ensure a strong competitive airline industry.

On March 31, 1993:

H.J. Res. 150. A joint resolution designating April 2, 1993, as "Education and Sharing Day, U.S.A.".

On April 5, 1993:

H.J. Res. 156: A joint resolution concerning the dedication of the United States Holocaust Memorial Museum.

H.R. 239: An act to amend the Stock Raising Homestead Act to resolve certain problems regarding subsurface estates, and for other purposes.

On April 6, 1993:

H.R. 1430: An act to provide for a temporary increase in the public debt limit.

On April 22, 1993:

H.R. 1335: An act making emergency supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes.

ADJOURNMENT

Mr. MCNULTY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 46 minutes p.m.), the House adjourned until tomorrow, Wednesday, April 28, 1993, at 2 p.m.

EXECUTIVE COMMUNICATIONS,
ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1107. A communication from the President of the United States, transmitting an amendment to the fiscal year 1994 request for appropriations for the Department of the Interior, pursuant to 31 U.S.C. 1107 (H. Doc. No. 103-78); to the Committee on Appropriations and ordered to be printed.

1108. A letter from the Comptroller General, the General Accounting Office, transmitting a review of the President's fourth special impoundment message for fiscal year 1993, pursuant to 2 U.S.C. 685 (H. Doc. No. 103-79); to the Committee on Appropriations and ordered to be printed.

1109. A letter from the Secretary, Department of Labor, transmitting a report on the impact of section 6 of the Fair Labor Standards Amendments of 1989, pursuant to Public Law 101-157, section 6(i) (103 Stat. 944); to the Committee on Education and Labor.

1110. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to Argentina for defense articles and services (Transmittal No. 93-11), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1111. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions of Pamela Harriman, of Virginia, to be Ambassador to France, and members of her family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1112. A letter from the President, Inter-American Foundation, transmitting a draft of proposed legislation to amend the Foreign Assistance Act of 1969 to authorize appropriations for fiscal years 1994 and 1995 for the Inter-American Foundation; to the Committee on Foreign Affairs.

1113. A letter from the Executive Director, Neighborhood Reinvestment Corporation, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1992, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

1114. A letter from the Director, Office of Government Ethics, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

1115. A letter from the Executive Director, Pension Benefit Guaranty Corporation, transmitting the PBGC's second management report, pursuant to Public Law 101-576, section 306(a) (104 Stat. 2854); to the Committee on Government Operations.

1116. A letter from the Solicitor, United States Commission on Civil Rights, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(e); to the Committee on Government Operations.

1117. A letter from the Chairman, Federal Election Commission, transmitting the Commission's report on the Presidential Public Funding Program; to the Committee on House Administration.

1118. A letter from the Assistant Secretary of the Interior, transmitting the "High Plains States Groundwater Demonstration Program 1992 Interim Report," pursuant to 43 U.S.C. 390g-2(c)(2); to the Committee on Natural Resources.

1119. A letter from the United States Trade Representative, transmitting a draft of proposed legislation to authorize appropriations for fiscal years 1994 and 1995 for the Office of the United States Trade Representative; to the Committee on Ways and Means.

1120. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on proliferation of missiles and essential components of nuclear, biological, and chemical weapons, pursuant to 22 U.S.C. 2751 note; jointly, to the Committee on Armed Services and Foreign Affairs.

1121. A letter from the Director of Defense Research and Engineering, Department of Defense, transmitting a report on the Strategic Environmental Research and Development Program, pursuant to Public Law 101-510, section 1801(a) (104 Stat. 1755); jointly, to the Committee on Armed Services and Science, Space, and Technology.

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. ARMEY (for himself, Mr. COX, Mr. KYL, Mr. GALLO, and Mr. BOUCHER):

H.R. 1863. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for contributions to education savings accounts and to provide that amounts paid from such an account for educational expenses shall never be subject to income tax; to the Committee on Ways and Means.

By Mr. BUNNING (for himself, Mr. HASTERT, Mr. WISE, Mr. SMITH of New Jersey, Mr. McHUGH, Mr. SHAW, Mr. HANCOCK, Mr. BALLENGER, Mr. FAWELL, Mr. SPENCE, Mr. BOEHNER, Mr. SENSENBRENNER, Mr. GINGRICH, Mr. SOLOMON, Ms. FOWLER, and Mr. MOLLOHAN):

H.R. 1864. A bill to establish the Social Security Administration as an independent agency; to the Committee on Ways and Means.

By Mr. MINETA (for himself, Mr. SHUSTER, Mr. APPELEGATE, and Mr. BOEHLERT):

H.R. 1865. A bill to direct the Administrator of the Environmental Protection Agency to make grants to States for the purposes of financing the construction, rehabilitation, and improvement of water supply systems, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. DE LUGO:

H.R. 1866. A bill to amend the Harmonized Tariff Schedule of the United States to make permanent certain provisions relating to verification of wages and issuance of duty refund certificates to insure producers in the U.S. Virgin Islands, Guam, and American Samoa; to the Committee on Ways and Means.

By Mr. DOOLEY (for himself, Mr. CONDIT, Mr. SMITH of Oregon, Ms.

LONG, Mr. BOEHNER, Mr. EMERSON, Mr. EWING, Mr. DOOLITTLE, Mr. CANADY, Mr. LEWIS of Florida, and Mr. GUNDERSON):

H.R. 1867. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act with respect to public health pesticides; to the Committee on Agriculture.

By Mr. HUNTER:

H.R. 1868. A bill to prohibit the lifting of the United States embargo of Vietnam; to the Committee on Foreign Affairs.

By Mrs. KENNELLY:

H.R. 1869. A bill relating to the tariff treatment of paintings imported for the use of any public library, and other public institution, or any nonprofit institution established for educational, scientific, literary, or philosophical purposes, or for the encouragement of the fine arts; to the Committee on Ways and Means.

By Mr. LEVIN:

H.R. 1870. A bill to strengthen the competitiveness of the U.S. motor vehicle sector by creating a Motor Vehicle Industry Competitiveness Commission; jointly, to the Committees on Ways and Means, Energy and Commerce, Foreign Affairs, and Judiciary.

By Mr. SMITH of New Jersey:

H.R. 1871. A bill to direct the Secretary of Veterans Affairs to report to Congress on the long-term needs of veterans in the state of New Jersey for nursing home care and on the feasibility of providing a State home construction grant to that State to assist in the construction of a new nursing home in central New Jersey to meet the nursing home needs of veterans; to the Committee on Veterans' Affairs.

By Mr. THOMAS of Wyoming:

H.R. 1872. A bill to provide flexibility in education; to the Committee on Education and Labor.

By Mr. WAXMAN (for himself, Mr. BERMAN, Mr. FRANK of Massachusetts, Mr. SCHUMER, and Mr. GILMAN):

H.R. 1873. A bill to require certain payments made to victims of Nazi persecution to be disregarded in determining eligibility for and the amount of benefits or services based on need; to the Committee on Government Operations.

By Mr. SCHAEFER (for himself and Mr. VENTO):

H.J. Res. 186. Joint resolution to designate June 5, 1993, as "National Trails Day"; to the Committee on Post Office and Civil Service.

By Mr. HUNTER:

H. Con. Res. 87. Concurrent resolution concerning economic sanctions against and diplomatic resolutions with the Government of the Socialist Republic of Vietnam; to the Committee on Foreign Affairs.

By Mr. MONTGOMERY:

H. Con. Res. 88. Concurrent resolution recognizing and commending American airmen held as prisoners of war at the Buchenwald concentration camp during World War II for their service, bravery, and fortitude; to the Committee on Post Office and Civil Service.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

98. By the SPEAKER: Memorial of the Legislature of the State of California, relative to California military bases; to the Committee on Armed Services.

99. Also, memorial of the Legislature of the State of California, relative to March Air Force Base; to the Committee on Armed Services.

100. Also memorial of the Legislature of the State of California, relative to Los Angeles Air Force Base; to the Committee on Armed Services.

101. Also, memorial of the House of Representatives of the State of Arkansas, relative to Federal banking laws; to the Committee on Banking, Finance and Urban Affairs.

102. Also, memorial of the Senate of the State of Michigan, relative to K-12 education; to the Committee on Education and Labor.

103. Also, memorial of the Legislature of the State of Idaho, relative to the Delaney Clause; to the Committee on Energy and Commerce.

104. Also, memorial of the Legislature of the State of Idaho, relative to Federal mandates upon the States; to the Committee on Government Operations.

105. Also, memorial of the Legislature of the State of Idaho, relative to the Endangered Species Act listings; to the Committee on Natural Resources.

106. Also, memorial of the Legislature of the State of Idaho, relative to the business of insurance; to the Committee on the Judiciary.

107. Also, memorial of the Legislature of the State of Idaho, relative to the Federal budget deficit; to the Committee on the Judiciary.

108. Also, memorial of the Legislature of the State of Idaho, relative to the American flag; to the Committee on the Judiciary.

109. Also, memorial of the Legislature of the State of Idaho, relative to the Bruneau Hot Springs snail; to the Committee on Merchant Marine and Fisheries.

110. Also, memorial of the Legislature of the State of Idaho, relative to the operation of the Endangered Species Act; to the Committee on Merchant Marine and Fisheries.

111. Also, memorial of the Legislature of the State of Idaho, relative to the Argonne National Laboratory; to the Committee on Science, Space, and Technology.

112. Also, memorial of the Legislature of the State of Florida, relative to the Social Security Act; to the Committee on Ways and Means.

113. Also, memorial of the Legislature of the State of North Dakota, relative to a national energy tax; to the Committee on Ways and Means.

114. Also, memorial of the Legislature of the State of Idaho, relative to western national forests; jointly, to the Committees on Agriculture and Natural Resources.

115. Also, memorial of the Legislature of the State of California, relative to Operation Restore Hope; jointly, to the Committees on Armed Services and Foreign Affairs.

116. Also, memorial of the Legislature of the State of Idaho, relative to foreign imports of petroleum; jointly, to the Committees on Science, Space, and Technology and Energy and Commerce.

117. Also, memorial of the Legislature of the State of Idaho, relative to governmental oversight; jointly, to the Committees on Natural Resources, Agriculture, and Merchant Marine and Fisheries.

118. Also, memorial of the Legislature of the State of California, relative to immigrants; jointly, to the Committees on Ways and Means, Energy and Commerce, and Education and Labor.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 82: Mr. HAYES of Louisiana.
 H.R. 259: Mr. VALENTINE.
 H.R. 393: Mr. PAYNE of New Jersey, Mr. ANDREWS of New Jersey, Mr. ZIMMER, Mr. FRANKS of New Jersey, Mr. SMITH of New Jersey, and Mr. TORRICELLI.
 H.R. 410: Mr. FIELDS of Texas.
 H.R. 411: Mr. HASTERT.
 H.R. 415: Mr. KYL.
 H.R. 519: Ms. MEEK, Ms. EDDIE BERNICE JOHNSON, Mr. ENGEL, Mrs. MEYERS of Kansas, Mrs. COLLINS of Illinois, Ms. SCHENK, and Mr. ABERCROMBIE.
 H.R. 546: Mr. HAMBURG, Mrs. MINK, and Mr. BACCHUS of Florida.
 H.R. 567: Mr. BARTON of Texas.
 H.R. 684: Mr. STUPAK.
 H.R. 715: Mr. DELAY, Mr. RAMSTAD, and Mr. DOOLITTLE.
 H.R. 784: Ms. CANTWELL.
 H.R. 903: Mr. MOLLOHAN.
 H.R. 929: Mr. SHAYS.
 H.R. 995: Mr. BISHOP.
 H.R. 1036: Mrs. CLAYTON, Mr. SABO, Mr. MOAKLEY, Ms. WOOLSEY, Mrs. UNSOELD, Mr. LAFALCE, and Mr. MINGE.
 H.R. 1076: Mr. MCHALE, Mr. GLICKMAN, and Mr. POMEROY.
 H.R. 1200: Mr. GUTIERREZ and Mr. MARKEY.
 H.R. 1404: Mr. HASTINGS, Mr. FROST, Mr. SARPALIUS, and Mr. SERRANO.
 H.R. 1405: Mr. TOWNS, Mr. FROST, Mr. BLACKWELL, Mr. SERRANO, Mr. DICKS, and Mr. STUPAK.
 H.R. 1492: Mr. BLACKWELL and Ms. WOOLSEY.
 H.R. 1513: Mrs. JOHNSON of Connecticut, Mr. McMILLAN, Mr. FROST, Mr. HASTINGS, and Mr. SARPALIUS.
 H.R. 1565: Mr. PICKETT and Mr. SPENCE.
 H.R. 1697: Mrs. MINK, Mr. SMITH of New Jersey, Mr. NEAL of Massachusetts, Mr.

KREIDLER, Mr. COOPER, Mr. MORAN, Mr. MINETA, and Mr. BACCHUS of Florida.

H.R. 1753: Mr. HILLIARD, Mr. FLAKE, Mr. BLACKWELL, and Mr. TOWNS.

H.R. 1754: Mr. HILLIARD, Mr. FLAKE, Mr. BLACKWELL, and Mr. TOWNS.

H.R. 1755: Mr. FLAKE, Mr. BLACKWELL, and Mr. TOWNS.

H.J. Res. 44: Mr. STUMP and Mr. SPENCE.

H.J. Res. 108: Mr. RICHARDSON, Mr. PETERSON of Florida, Mr. SANDERS, Mr. NADLER, Mr. SERRANO, Mr. HASTINGS, Mr. WAXMAN, Mr. CALLAHAN, Mr. COLEMAN, Mr. SAXTON, Mr. WYNN, Mr. MFUME, Mr. MATSUI, Mr. KREIDLER, Mr. QUILLEN, Mr. LIVINGSTON, Mr. BONIOR, Mr. MANN, Mrs. BENTLEY, Mr. BLILEY, Mr. ENGEL, Mr. LAFALCE, Mr. SHAYS, Mrs. VUCANOVICH, Mr. DIXON, Mr. FORD of Tennessee, Mr. GILMAN, Mr. SWETT, Mr. COYNE, Mr. SLATTERY, Mr. HUTTO, Mrs. MEYERS of Kansas, Mr. MURPHY, Mr. WILSON, Mr. BORSKI, and Mr. DINGELL.

H.J. Res. 139: Mr. CALLAHAN, Mr. BEVILL, Mr. LEWIS of Georgia, and Mr. BLACKWELL.

H.J. Res. 145: Mr. ZELIFF, Mr. LAZIO, and Mr. BATEMAN.

H.J. Res. 148: Mr. HASTINGS, Mr. COX, Mr. GREENWOOD, Mr. BATEMAN, Mr. SLATTERY, Mr. EVANS, Mr. HOCHBRUECKNER, Mr. DEFAZIO, Mr. STOKES, Mr. PARKER, Mrs. CLAYTON, Mrs. MALONEY, and Ms. BYRNE.

H. Con. Res. 24: Mr. OLVER, Mr. KLINK, Mrs. UNSOELD, Mr. TORRES, Mr. SOLOMON, Mr. KLUG, Mr. POMEROY, and Ms. SHEPHERD.

H. Con. Res. 46: Mr. FROST, Mrs. SCHROEDER, and Mr. ORTIZ.

H. Res. 123: Mr. INGLIS and Mr. ZELIFF.

H. Res. 124: Mr. INGLIS and Mr. ZELIFF.

H. Res. 127: Mr. KILDEE and Mr. ZELIFF.

H. Res. 154: Mr. RAMSTAD.

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. 1013: Ms. ENGLISH of Arizona.

PETITIONS, ETC.

Under clause 1 of rule XXII,

31. The SPEAKER presented a petition of the Association of the Bar of the City of New York, NY, relative to a proposal to simplify interest deductions for individuals; which was referred to the Committee on Ways and Means.

SENATE—Tuesday, April 27, 1993

(Legislative day of Monday, April 19, 1993)

The Senate met at 10:30 a.m., on the expiration of the recess, and was called to order by the Honorable CHARLES S. ROBB, a Senator from the State of Virginia.

PRAYER

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

Let us pray: *The earth is the Lord's, and the fulness thereof; the world, and they that dwell therein.*—Psalm 24:1.

Eternal God, omnipotent, omniscient, and omnipresent, because this is Your world it cannot be what it ought to be when we reject You—militantly or with indifference. The greatness of our Nation from its conception has been built on faith in God, in spiritual and moral reality. Recovery of our disintegrating culture requires a renaissance of the faith of our fathers.

That faith was clearly proclaimed by Gen. Robert E. Lee who “* * * issued orders to the army, directing the observance of April 8, 1864, ‘as a day of fasting, humiliation, and prayer,’ in accordance with a proclamation by Confederate President Davis. He concluded: ‘Soldiers! Let us humble ourselves before the Lord, our God, asking through Christ, the forgiveness of our sins, beseeching the aid of the God of our forefathers in the defense of our homes and our liberties, thanking Him for His past blessings, and imploring their continuance upon our cause and our people.’”

Gracious Father, awaken us to this need. Grant grace that we may repent as a nation and be restored to our spiritual roots.

In the name of Jesus. 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, April 27, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHARLES S. ROBB, a Senator from the State of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Washington [Mr. GORTON].

TIME OF ROLLCALL VOTES TODAY

Mr. GORTON. Mr. President, on behalf of the majority leader, I ask unanimous consent that no rollcall votes occur prior to 3:30 p.m. today and that the vote on or in relation to the Roth amendment occur at that time.

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

RESERVATION OF LEADER TIME

Mr. GORTON. Mr. President, I now ask unanimous consent that the time for the two leaders be reserved for their use later on in the day.

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

MORNING BUSINESS

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

Who seeks recognition?

Mr. GORTON addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Washington [Mr. GORTON].

THE NORTH AMERICAN FREE-TRADE AGREEMENT

Mr. GORTON. Mr. President, one of the fastest growing sectors of the American economy is exports, and the fastest growing single market in the world for American goods is Mexico.

For that reason, this Senator was particularly disturbed to read this morning the comments of the President's Budget Director to the effect that, for the time being at least, the North American Free-Trade Agreement is dead.

That free-trade agreement almost certainly will produce a net gain of 175,000 jobs for the United States in the course of the first 5 years after its implementation. It will take an American trade surplus with Mexico and make that surplus larger than it is today while it increases trade on both sides of the border.

The agreement will also, not at all incidentally, be perhaps the single most effective control over illegal immigration which could be devised by this administration or by the Congress. And it will also give our consumers cheaper and better goods and services.

It's likely that the total increase in exports to Mexico as a result of the passage of NAFTA will be some \$17 billion 5 years down the road. Mexico's exports to the United States will likely increase some \$8 billion in that same period of time.

During the course of the campaign, President Clinton asserted his support for the North American Free-Trade Agreement, after listening to intense debate and affording the issue careful study.

Since he has been inaugurated, however, he has done nothing to advance its cause. Little has been accomplished with respect to the side agreements about which he spoke during and after the campaign. We have slid into the situation in which the opponents of that agreement seem to be gaining the great bulk of its publicity.

If the President's Budget Director is correct, it is a true indictment of Presidential leadership that we cannot pass an agreement that will create real, tangible good-paying private sector jobs, that will reduce our trade deficit, and that will help ensure prosperity for two nations.

Mr. President, this Senator does not believe that the President's Budget Director is correct. This Senator can assert with confidence that the great majority of the Members of the Senate on this side of the aisle will support the President of the United States when he submits the North American Free-Trade Agreement to us for our ratification. This Senator also chooses to believe that a significant majority of the Members on the other side of the aisle will follow the President's leadership, whatever their private reservations, should he exercise that leadership on behalf of the North American Free-Trade Agreement.

It is the view of this Senator that that agreement should be submitted to the Congress for ratification promptly and enthusiastically and should be given at least a portion of the leadership which the President has devoted toward an economic program which has been regarded dubiously by Members on this side of the aisle and by most economists throughout the country.

Mr. President, it is encouraging, of course, to see now that Members on

this side of the aisle are to be consulted on important questions. On this question, that consultation will without question result in very, very strong support.

It will be a disaster for the United States and, I am afraid a disaster for this administration, if the President does not step forward, show leadership, and ask for the ratification of an agreement which is very much in the interest of this country, very much in the interest of his administration, and very much one on which bipartisan consultation and debate will be of great help in moving this country forward.

CONSULTATION ON HEALTH CARE

Mr. GORTON. Mr. President, this Senator has noted with some interest that that consultation is supposedly taking place at the present time or will in the immediate future with respect to health care. So far, this Senator would have to say that consultation has not been visible to the naked eye. Republican Members, under the leadership of the distinguished Senator from Rhode Island [Mr. CHAFEE] have been working in this connection in this most complicated area literally for years. So far, "the consultation," and I put that word in quotation marks, has consisted of one short get-acquainted meeting between Mrs. Clinton and the Republican leader and one approximately 1 hour of questions and answers in his office between Mrs. Clinton and any Republican Senator who wished to attend.

That, Mr. President, is not the kind of consultation which is likely to lead to a successful and bipartisan effort to solve perhaps the most complicated and most serious domestic problem facing this country.

I hope that what we read in the news will soon become reality on the ground. It is clear that it has not done so to this point during the course of this Congress and this administration.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

THANKING CARL ROWAN, OF GAMER'S CONFECTIONERY

Mr. BAUCUS. Mr. President, Butte, MT, is a can-do city. There is not a tough time that this community cannot get through. And the people of Butte have proven themselves to be among the best, most innovative, and resourceful small business people in

our country. One of the toughest small businessmen I have ever met is Mr. Carl Rowan from Butte. Carl owns and operates Gamer's Confectionery in historic downtown Butte, where he serves up some of the best Cornish pastries, chicken pies, and coffee west of the Mississippi River. Gamer's Confectionery has been in business since 1905, and Carl took over the restaurant in 1944. Not only did Carl's business survive some of the toughest times Montana has ever known; his restaurant's good food and good company helped other Montanans make it through the tough times as well. And I am sure it will continue to do so.

Most people do not think of Carl as a successful small businessman, they think of him as one of the most caring, genuine people in the world. Whether you are a first time guest, or an old time customer, you are a friend of Carl's, because Carl loves people, all people. That is why he trusts people to pay their own bills and make their own change. And that is why people love Carl from Boston to San Diego, Miami to Seattle.

Now that Carl has decided to retire at age 83, I hope that he takes some time to celebrate the wonderful life he leads. We will miss you Carl, and we will remember your warm smile and wonderful food forever.

RUNAWAY SPENDING MAKING UNITED STATES A SLAVE TO DEBT

Mr. HELMS. Mr. President, I have at hand the text of an address by a former colleague whom I consider to be one of the finest Senators ever to be a Member of this body, Harry F. Byrd, Jr., was, like his father, a Senator's Senator, meaning that he earned the total admiration of his fellow Senators because of his wisdom, courage, and integrity.

Senator Harry F. Byrd, Jr., spoke on April 21 to the board of directors of the Virginia State Chamber of Commerce. I believe all Senators should take note of Senator Byrd's comments because they are both eloquent and accurate.

I therefore ask unanimous consent, Mr. President, that the text of Senator Harry F. Byrd's address be printed in the RECORD at the conclusion of my remarks.

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

RUNAWAY SPENDING MAKING THE NATION A SLAVE TO DEBT

(By Harry F. Byrd, Jr.)

Your chairman thought it might be of interest for me to give my view of President Clinton and his new program.

I must say frankly that during the campaign last fall I found it difficult to put much confidence in Gov. Clinton. It was nothing specific, but rather a feeling, an instinct.

Following the election, however, I warmed to him. His speeches seemed more reasonable. He is an attractive political personality. He is highly articulate.

I began to feel that he just might tackle the nation's basic problem with the enthusiasm and energy that comes with the youthful age of 46. The question mark in my mind was: Does he have the depth, the courage, the judgment, or even the desire to tackle this nation's number-one problem?

To me, our basic problem, the one that overrides all others, is unrestrained federal spending leading to such huge deficits that today the interest cost on the national debt—just the interest cost—is greater than was the total cost of government 20 years ago.

I had some hope that President Clinton just might have the determination to get this country off its spendaholic binge.

Then two events occurred. President Clinton began to appoint the key people around him—and began to shape his economic program. I lost some of my newly acquired hope.

Seeking diversity, he established a quota system—and appointed mostly academics and activists for various causes. Only a woman could be nominated attorney general; the Cabinet must be 25 percent black; Hispanics must be put in key positions; Diversity replaced qualification as the major criteria for appointment.

There is nothing wrong with diversity. Find me a woman with the qualifications of Margaret Thatcher, for example, and I will support her for president with great enthusiasm. Incidentally, I feel confident we will have a woman president before two decades pass.

The Clinton program needs careful examination.

The news media make much of the fact that the Congress passed so quickly the Congressional Budget Resolution. But what is not generally recognized is that the Budget Resolution merely outlines a concept. It was sold as one that would reduce the deficit by reducing spending and increasing taxes on the wealthy.

This rhetoric has appeal. As Mr. Clinton defined wealthy, he was not risking much politically, as relatively few would feel the impact of an increase in taxes. That feeling is what he conveyed; that was before details became available and his definition of wealthy reached far down the economic scale.

Sooner or later, spending must be paid for through taxes. For more than 25 years our government has been mortgaging the future of our young people.

So, my quarrel with the Clinton program is not so much with taxes but rather with spending. In presenting his 1994 budget on April 9, the administration acknowledged that domestic spending under Clinton's plan would exceed the limits that Congress set in 1990 and reaffirmed this year. In just six weeks—from February to April—Mr. Clinton's own projection for the deficit over five years has grown by \$31 billion.

For every dollar of increase in taxes, he proposes a \$3 increase in spending.

In preparing for these comments tonight, I refreshed my memory on past budget history and found that President Clinton offers more of the same.

In six years of the past 12, beginning in 1982, the budget proposals have promised spending reductions in exchange for tax increases. Yet the deficit, which was considered huge and dangerous in 1982, something over \$100 billion, has now grown to \$300 billion. The national debt has increased from \$1

trillion to \$4 trillion. In each of the six years that taxes have been increased, the deficit has grown greater.

Mr. Clinton acknowledges that under his own figures, the debt will grow by an additional trillion dollars by the end of his four-year term, averaging \$250 billion per year, and this does not include the cost of whatever his health program may be.

If our nation's spending problem is not effectively tackled this year—this year 1993—it will be a long time, in my judgment, before another opportunity presents itself.

Ross Perot rendered the American people an important service when he forced both candidates, President Bush and Gov. Clinton, to focus on spending, something neither wanted to do. President Clinton himself, in selling his budget, focused on the need to reduce spending. But the facts are that spending is being increased. Increased taxes are being used not to reduce the deficit but rather to increase spending.

The fact is that the legislation now before the Senate, the first piece of legislation specifically dealing with his budget concept, is legislation which itself adds new spending programs.

Opponents of this new \$16 billion spending package proposed a compromise which would approve his proposed new spending provided that increase was offset by a reduction elsewhere. It was defeated by a straight party-line vote with only one Democrat—Sen. Richard Shelby of Alabama—voting to reduce spending.

This is not a very good beginning in the effort to control spending.

Ladies and gentleman, let me at this point cite the first of the high-level budget deals that have taken place over the last decade. I cite this as I myself was a conferee and because it dramatizes, I believe, why our nation finds itself in its unenviable position.

In October of 1982, because of the impending deficit of \$127 billion, President Reagan made a deal with the Democratic leaders in which he would agree to a \$1 tax increase for every \$3 of spending reductions.

I thought that reasonable, and I voted for it when it passed the Senate.

Since the Republican Senate and the Democratic House of Representatives were not in agreement on the total program, the proposed legislation went to a Committee of Conference between House and Senate. I was a Senate conferee.

After days and nights of wrangling, Republican conferees for the Senate gave in to House Democrats. The final version was the exact opposite to what President Reagan had originally agreed. It provided \$1 spending reduction for every \$3 of tax increases. I refused to sign the conference report.

Later when the Senate was voting whether to accept the conference report, President Reagan called me off the Senate floor saying he knew I was not happy about what the conferees had done, but he hoped I would vote for it anyway.

I said, Mr. President, let me see whether I understand your position:

You agreed to accept \$1 of tax increases for every \$3 of spending cuts. He responded that my understanding was correct.

I told him the proposal he was now asking me to vote for did just the opposite—\$3 of tax increases for every \$1 of spending cuts. I told him I could not vote for such a proposal, and five minutes later voted against it, that being the last vote I cast during my 18 years in the Senate. I feel I was right, as the next year the deficit increased by \$80 billion to \$208 billion. That set the tone for future budgets.

To get back to the present, let me say this. Although I was elected to public office seven times as a Democrat (and two additional terms as an Independent), I must say that in this year 1993 the nation's best hope in bringing some fiscal sanity to the federal government lies with the 43 Republicans in the Senate.

The only way Mr. Clinton's new spending programs can be enacted is by the Democratic majority voting cloture, namely, shutting off debate. That requires 60 votes; there are 57 Democrats. To date, the 43 Republicans have held firm in demanding that any new spending be paid for—not added to debt.

Sen. (Robert) Dole, the Republican leader, is a legislator of much ability. He is more important in this fight for fiscal sanity than is the President, the Secretary of the Treasury or the Senate Majority Leader. The Dole proposal is reasonable, understandable, sound. It would require that the \$16 billion of new spending be matched by reductions elsewhere. It is important that this principle be held. The \$16 billion fight is just the first of many—and it will set the tone for subsequent spending votes.

Just as an alcoholic cannot drink himself sober, our spendaholic nation cannot solve its problems by more spending. Overspending in my judgment has put this nation in crisis.

You may think "crisis" is too strong a word but I use it advisedly: (a) this nation has balanced its budget only three times in the past 40 years, and not once during the past 25 years; (b) the nation's debt has grown from \$1 trillion to \$4 trillion during the past 11 years; (c) a study of Clinton's 1,478-page budget shows that of every income tax dollar paid into the federal treasury, 57 cents of that tax dollar goes to pay the interest on the debt—which debt Mr. Clinton himself acknowledges will increase by 25 percent over the next four years.

Having spend a few days in Washington, talking individually with many of my colleagues, I came away with these observations:

1. Reliable reports indicate the White House is in confusion. Its inexperience but enthusiastic young staff, under age 24, are going in various directions, seemingly without focus.

2. The Secretary of Labor, in an effort to help sell the President's new spending program, admitted giving the public "inappropriate" figures—a polite way of saying he falsified the February job report.

3. I find there is more quiet opposition to the Clinton program than appears on the surface. Already his creditability has been damaged. His tactics and his strategy, during his first 100 days in office, have not been to his benefit. He is likely to suffer further in public support as he finds it impossible to fulfill his many promises to a multitude of diverse groups.

4. Yet, when I left the Senate Monday afternoon, I was optimistic that Republicans would stand firm in demanding that the cost of any new spending program be offset by an equal amount elsewhere. I am convinced too, that as the days go by a few Democrats will come to realize the dangers of additional spending.

I end with this thought:

One hundred million Americans pay income taxes—and 57 cents of every tax dollar goes to pay the interest cost on the nation's debt—a debt that is increasing daily. Now—not later—is the time to reverse course. To paraphrase Patrick Henry, I would hope that every person voting on this vital issue will ask himself or herself:

Is party politics so dear
And political reward so sweet
As to be purchased
At the price of slavery to an everincreasing
debt?

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 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 \$4,228,120,864,442.92 as of the close of business on Thursday, April 22. Averaged out, every man, woman, and child in America owes a share of this massive debt, and that per capita share is \$16,460.86.

CLINTON ADMINISTRATION TO RESTORE UNITED STATES' ACTIVE ROLE ON LAW OF THE SEA

Mr. PELL. Mr. President, I am delighted to report to my colleagues the announcement in New York today by Ambassador Madeleine Albright that the Clinton administration will take an active role in law of the sea negotiations.

I enthusiastically support this decision and welcome the announcement that the United States is prepared to work with other governments toward the solution of the problems that have prevented agreement on the deep seabed mining provisions of the Law of the Sea Convention.

The result of this decision is that the United States will participate fully in the 10th round of informal consultations convened by the Secretary General in New York.

As Ambassador Albright said, "The time has come to reaffirm our commitment to the objective of a widely accepted Convention."

My support for a Law of the Sea Treaty began in 1967 when I introduced the first Senate resolution calling on the President to negotiate a Law of the Sea Convention.

That resolution and a draft treaty that I proposed in 1969 led to the Seabed Arms Control Treaty which was ratified by the Senate in 1972. That treaty has permanently removed nuclear weapons and other weapons of mass destruction from the seabed floor, which is 70 percent of the Earth's surface.

Just 11 years ago, on May 6, 1982, I reported to the Senate with much regret that after 9 years of negotiations, the United States was not able to support the Law of the Sea Treaty that had been agreed to by 130 nations.

The Clinton administration's decision to resume an active role in the consultations in New York restores the promise of U.S. adherence to a Law of the Sea Treaty that supports American national interests and the common interest of all mankind.

U.S. participation will be on the basis of a realistic assessment of the issues that have long held up agreement, and I have no doubt that changes will be required in the language worked out in the past.

But I am heartened by the announcement that the United States looks forward to playing a constructive role in the negotiations.

I ask unanimous consent that the text of Ambassador Albright's statement at the United Nations, April 27, 1993, on this subject be printed in the RECORD at this point.

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

STATEMENT BY AMBASSADOR MADELEINE K. ALBRIGHT, U.S. PERMANENT REPRESENTATIVE TO THE UNITED NATIONS, AT THE SECRETARY-GENERAL'S CONSULTATIONS ON THE DEEP SEABED MINING PROVISIONS ON THE U.N. CONVENTION ON THE LAW OF THE SEA, APRIL 27, 1993

Mr. Secretary-General, I am particularly pleased to have the opportunity to participate in this the 10th round of informal consultations on the problems of the Deep Seabed Mining Provisions of the Law of the Sea Convention. When last the United States was actively engaged in the search for a widely acceptable convention, I was a participant in the Public Advisory Committee that assisted the government in developing its positions. It has long disappointed me that the unsatisfactory provisions on Deep Seabed Mining have prevented us from achieving the goal of a generally accepted convention. Therefore, I take special pleasure in informing you and the participants in the consultations of the Clinton administration's intention to take a more active role in the search for a solution that can open the way to achievement of that goal.

The Law of the Sea Convention is an historic document and the balance it succeeded in achieving between the interests of Coastal States in controlling activities occurring in adjacent offshore areas and those of Maritime States in freedom of commercial and military navigation is of critical importance in an increasingly interdependent world. As a state which possesses both sets of interests, the United States has a special appreciation of the significance of this balance and the difficulty of maintaining it in the face of competing demands. We owe a great debt of gratitude to those who labored long and hard at the Third UN Conference on the Law of the Sea to produce the Convention, some of whom are present among us today.

Mr. Secretary-General the time has come to reaffirm our commitment to the objective of a widely accepted convention. Although this objective has been a consistent element of U.S. oceans policy throughout the past

two decades, it was not until your predecessor initiated these consultations that it appeared that achievement of a widely accepted convention might be possible in the near term. Mr. Secretary-General, you and your predecessor have spoken eloquently of the changing political and economic circumstances that have produced this opportunity to reevaluate the Seabed Mining Provisions. Most significant among these in our view has been increasing awareness of the importance of free market principles in promoting economic development. This recognition is evident in a number of approaches to solving the problems of the Seabed Mining provisions that are under consideration and has been a major factor in our assessment that more active U.S. involvement is justified.

On the other hand we need to be realistic. Our shared hopes for a generally agreed solution should not obscure the real difficulties before us. Some may be tempted to see in the change of U.S. administrations a fundamental shift in the policy regarding the specific objections we have with the Convention's Seabed Mining provisions. Such an assessment would be incorrect. The United States continues to believe that there are serious problems with those provisions. To successfully resolve these problems, substantial changes will be required. Regardless of whether all these changes are accomplished now or some issues are addressed on the basis of general principles that would be further elaborated later, a legally binding instrument that alters the present Seabed Mining provisions of the Convention in important respects will be necessary.

Mr. Secretary-General, my delegation looks forward to playing a constructive role in the consultations. We have begun a thorough evaluation of the substantive proposals reflected in your information note. Although our basic objections to the Seabed Mining provisions remain unchanged, we will need time to consider the merits of these proposals. We are mindful as well that, the information note for the first time outlines various procedural approaches for embodying any substantive understandings we may reach in an agreement that meets the needs of all the parties. My Delegation looks forward to the next two days of consultations and is prepared to explore these proposals as well as those on the substantive issues on the basis of longstanding U.S. concerns. Based on the results of our discussions at this meeting we intend to prepare more detailed positions for the next round of consultations.

Again I would like to thank you and the members of your staff for their efforts and to assure you of our cooperation.

Thank you, Mr. Secretary-General.

TRIBUTE TO DEAN GEORGE PACKARD

Mr. SARBANES. Mr. President, on June 30, 1993, Dr. George Packard will be stepping down after well over a decade as dean of the Paul H. Nitze School of Advanced International Studies [SAIS] of the Johns Hopkins University. As a member of the SAIS Advisory Council, I have worked with Dr. Packard for many years and witnessed his remarkable achievements as dean. His 14 years of distinguished service in that capacity will always be remembered as an era of sustained academic

excellence and growing international prestige.

In July 1979, Dr. Packard became the fourth dean of SAIS, later renamed the Nitze School. He immediately began his concentration on strengthening the school's faculty and expanding its international exchange and studies programs. He recruited nationally known lecturers and professors, giving greater depth to the faculty. He initiated exchange programs with Senegal, Jordan, France, and Japan. He founded the Johns Hopkins Foreign Policy Institute, revived the SAIS Review, and established the Edwin O. Reischauer Center for East Asian Studies. One of his boldest initiatives was the successful effort to establish in 1986 the Hopkins-Nanjing Center for Chinese and American Studies at Nanjing University, China.

During his tenure as dean of SAIS, Dr. Packard undertook a \$40 million fundraising campaign, expanded the school's physical plant by purchasing the Benjamin T. Rome Building on Massachusetts Avenue, and raised the funds to endow four new faculty chairs. Student applications to SAIS have been rising steadily under his stewardship, reaching an all-time high in 1992 at 1,409 applications. SAIS has produced leaders in government, business, journalism, and nonprofit organizations, both in this country and abroad. Its faculty is drawn from among the Nation's best known experts in public policy, foreign affairs and international relations. Dean Packard's leadership has made possible the outstanding contributions of SAIS faculty and graduates not only to academia, but to our country's conduct of foreign policy across the board.

On announcing Dean Packard's retirement, Johns Hopkins President William C. Richardson attributed the outstanding reputation of SAIS to Dr. Packard's hard work and dedication, stating, "Clearly, the preeminence enjoyed by SAIS in the field of international studies is a direct result of Dean Packard's energy, creativity and superb leadership." Fortunately, Dr. Packard's talents will not be lost to SAIS. After a year's sabbatical, he will rejoin the SAIS faculty as professor of East Asian studies and director of the Edwin O. Reischauer Center for East Asian Studies. In addition, he will serve as chairman of the Johns Hopkins Foreign Policy Institute.

Let me once again express my deep appreciation for all Dr. Packard has done to make SAIS one of the world's preeminent centers for the study of international relations. I congratulate him on his achievements as dean and wish him a long and fruitful continuing association with SAIS.

TRIBUTE TO THE CATHOLIC WORKERS

Mr. DURENBERGER. Mr. President, I would like to recognize Dorothy Day and the organization she founded, the Catholic Workers. In 1933, Dorothy Day, an American journalist, together with Peter Maurin founded their movement which supports social reform. As a result, today there are over a hundred houses of hospitality across the United States that reach out to those who are suffering.

One of these houses, the Dorothy Day Center in St. Paul, MN, was opened in 1981, the year after her death. Located near St. Joseph's Hospital, the center is open for others to drop in for coffee and company. Among numerous services they offer food, medical, and drug rehabilitation services.

What makes the Catholic Workers different from other social agencies is the philosophy behind their work. It's nothing elaborate or difficult to understand. In fact, it's rather basic. It's called caring. The Catholic Workers are sincerely committed to others. Those who come to the Catholic Workers' houses are treated as people and not as forms and numbers to be processed. They are concerned with the person's whole welfare—simply satisfying their needs does not solve their problem nor does it satisfy the conscience of the Catholic Workers.

The successful effect of the Catholic Workers' presence makes a statement. It tells us that our focus needs to return to the community; a community—that means all of us together, that is based on caring.

Perhaps what each of us needs to do is become a Dorothy Day. Give up what we don't have in order to become a better person and "be doers of the word and not hearers only." (James 1:22-24)

Mr. President, at this point I ask unanimous consent that the inspiration of this statement, Colman McCarthy's column from the Washington Post dated April 17, be included in its entirety.

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

[From the Washington Post, Apr. 17, 1993]

THE CATHOLIC WORKER'S LONG MISSION (By Colman McCarthy)

Bloomington, Ill.—Before homelessness moved from America's skid rows to its downtowns and neighborhoods, which was around 1975, few groups had as deep a commitment to serving people who were broke or broken, or consistently offered them more solace, than members of the Catholic Worker movement.

Instead of homeless shelters—a phrase akin to animal shelters—they sprung for houses of hospitality. These were homes where the vision of Dorothy Day, co-founder of the Catholic Worker, was carried out quietly and emphatically: "The best is none too good for the poor."

The first house of hospitality in the Bowery of New York opened in 1933. Now, 60

years and a few million meals later, some 100 houses are handing out clothes, supplying beds and taking up the slack wherever it's found, which is everywhere. Some are in the large cities—Los Angeles, Chicago—and others are in such towns as out-of-the-way Bloomington, a mid-state community of 50,000 that would have seemed, if any place did, to be fortified against the usual urban blights. Jobs have been plentiful here—State Farm, Mitsubishi and Illinois State University are major employers—and the local paper, the Pantagraph, a fortress of prickly conservatism founded by the family of Adlai Stevenson, is doing well in both ad revenue and circulation.

In a residential neighborhood in Bloomington, the Catholic Worker's Clare House has been a center of mutual aid for 15 years. It opened as a home for battered women, but too many abusive and deranged husbands came around enraged that their wives had escaped and were hiding inside. After three years of chaos—men banging on the front door at all hours, women cowering in closets or hiding under beds and one wild man setting fire to the place—the focus shifted from battered women to homeless women or families.

During a break the other evening at Clare House, Tina Sipula, who took in the first guest in 1978, said that as many as 60 families come twice a week for food, double the number five years ago. Between 40 and 50 people—more and more of them younger—are served meals daily.

Sipula isn't much for dispensing theories on why the homeless population is growing. She is into solutions to the problem, not more useless descriptions of it. The solution? she is asked. "If every church, synagogue or mosque in America had a house of hospitality, we could begin to eliminate welfare."

This ethic of personal responsibility has been at the core of Clare House and all the other Worker houses since the beginning. Dorothy Day, who died in 1980 on the lower East Side of New York after a long and radical life of voluntary poverty, spelled it out in "Loaves and Fishes," a book that Sipula gives to visitors in need of spiritual nourishment: "The greatest challenge of the day is how to bring about a revolution of the heart, a revolution which has a start with each one of us. When we begin to take the lowest place, to wash the feet of others, to love our brothers and sisters with that burning love, that passion, which led to the cross, then we can truly say, 'Now I have begun.'"

Peter Maurin, the street philosopher who with Day founded the Catholic Worker and who believed in "personal responsibility, not state responsibility," is on record with the same thought: "The world would be better off if people tried to become better, and people would become better if they stopped trying to become better off. For when everyone tries to become better off, nobody is better off. But when everyone tries to become better, everybody is better off."

Clare House, which is named for St. Clare of Assisi, the 13th century soul mate of St. Francis, is a Bloomington fixture. Thirty volunteers serve every week, and when people need to get rid of some money—and want to be sure it will be used well—they dispatch a check to Tina Sipula. The most recent newsletter from Clare House, sent from 703 E. Washington Street, Bloomington, Ill., 61701, is adorned by a rabbinical saying: "The rich will throw coins over a wall to the poor but will not pay to have the wall torn down."

That's another longstanding mission of the Catholic Worker: When they see a wall, they take out a brick.

IN REMEMBRANCE OF MARIAN ANDERSON

Mr. HATFIELD. Mr. President, the world lost a treasure recently with the passing of Marian Anderson. Her spell-binding voice has known few equals in our time.

She began her singing in the Union Baptist Church in Philadelphia. From these modest roots, she later achieved worldwide acclaim as a singer, touring Europe and the United States. Toscanini once commented that her voice was one "heard once in a hundred years." I had the privilege of hearing Ms. Anderson perform during my student days. I was transfixed listening.

Few do not know her story, but let me remind my colleagues of the barriers Ms. Anderson faced in pursuit of her career. In 1939, she, as a black woman, was prohibited from singing in Constitution Hall here in Washington, DC. Yet 75,000 people attended the concert she gave instead at the Lincoln Memorial. Her talents were not limited to music, however. In 1958, she served as the U.S. Ambassador to the United Nations. In 1977, she was awarded the United Nations Peace Prize.

Her musical gift blossomed also in her nephew, Mr. James DePreist, now the music director of the Oregon Symphony Orchestra. I would like to enter into the RECORD today the remarks of Mr. DePreist which appeared in the New York Times in honor of his aunt. Her determination to pursue her dreams in the face of obstructive racial discrimination inspires us all. Her story and her music will live on for generations.

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

[From the New York Times, Apr. 18, 1993]

GROUNDING IN FAITH, FREE TO FLY

(By James DePreist)

(The music world and the world at large became poorer places on April 8, when Marian Anderson, the great alto from Philadelphia, died at 96. In 1939, Miss Anderson was refused permission to perform at Constitution Hall in Washington because of her race; backed by Eleanor Roosevelt and others, she sang instead at the Lincoln Memorial to an audience of 75,000. In innumerable other ways as well, she helped pave a career path for later generations of black musicians, including her nephew James DePreist, who is the music director of the Oregon Symphony Orchestra and a poet. Ms. Anderson spent her last months at Mr. DePreist's home in Portland. Here, Mr. DePreist shares memories of his aunt.)

There is not necessarily a correlation between an artist's character and his or her work, but in the case of Marian Anderson, the way she seemed derived from the way she actually was. Even silent, she was a powerful presence; charismatic, simple, radiating grace and compassion. Her character was the inevitable consequence of being the daughter of Anna Delilah Anderson, my grandmother. I had the singular fortune to grow up in that loving home in which the power of prayer and faith in God were axioms for a lifetime.

Faith was the ultimate source of my aunt's power and the reason for her humility. When she was asked why she often referred to herself as "we," her response was for her as obvious as it was genuine: "I don't feel that we ever do anything alone, rather always with the help of Him above. When viewed in this way, the I involved is very small indeed."

It is hard for me to convey fully the unself-conscious power of that humble household. Indeed, gratitude and humility seem most unlikely progenitors of confidence and strength of character. My grandmother could scarcely have dreamed how celebrated, admired and universally loved her first child would become. She could only be certain that Marian was grounded enough to fly without fear.

My first memories of Marian Anderson were as my aunt, my mother Ethel's sister. When she came to Philadelphia to visit or when the family spent summers with her in Danbury, Conn., she did aunt things: ordinary, domestic, familial chores. She spoiled all of us by providing a life of more than adequate comfort. It had not always been like this.

Anna Anderson, a widow, placed God and family first. No job was to menial if it helped provide for her family; her young daughters were mindful of this sacrifice. That is why Aunt Marian, decades of honors later, still regarded as her happiest moment the day she called her mother's employer to say that Mrs. Anderson would not be coming back to work that day or any day. She had liberated her mother, and she became the provider for the family. The correspondence between Aunt Marian and her mother constitutes one of the most poignant and illuminating records of love, devotion and faith one could imagine.

So many memories: a summer's Sunday morning, and through the open windows of the Union Baptist Church across the street the sounds of the choir singing a spiritual—this was the choir of my aunt's beginnings. Those beginnings were a source of wonderful reminiscences in which my mother and Aunt Marian would indulge each summer we were together in Danbury, as recently as 1988. The two sisters laughed until they cried. The memories were fond, warm and indelible.

I owe Aunt Marian so much. Long before I ever imagined becoming a conductor, she gave me my first scores and recordings of Beethoven's Symphonies Nos. 4 and 7 and the Schubert "Unfinished."

When she sang in Philadelphia, she would stay at home with the family. One day, she returned from a rehearsal with the Philadelphia Orchestra and a guest conductor, who seemed intent on dictating her performance rather than accompanying it. She would need all of her serene professionalism that evening. The limousine arrived, and my aunt and I entered. Seated across from me was the conductor: George Szell I'll never forget those eyes.

As a graduation present, she took me with her to the Casals Festival in Puerto Rico. Lunch in the Casalses' home was like eavesdropping on the gods at play.

One of the last trips on which I accompanied my aunt was not that unusual for her—singing for the inauguration of a President of the United States. One sensed, however, that John F. Kennedy's inaugural in 1961 was special to her. Twenty-four at the time, I was her rehearsal accompanist as she went over "The Star-Spangled Banner." Hearing her, one wept.

Aunt Marian was approaching the end of her career as I was beginning mine. It was a

time of multiple transitions. My grandmother died in 1964. Her 89 years allowed her to experience the blossoming of her flower Marian. Aunt Marian's sister Alyce died in 1965. Her first concert in Philadelphia after her mother's and sister's deaths was her farewell appearance with the Philadelphia Orchestra. Asked for her choice of conductor, Marian Anderson said that she would very much like to work with the young man who had just won first prize in the Mitropoulos Competition and was about to become Leonard Bernstein's assistant with the New York Philharmonic.

I was overwhelmed. It was my debut with the Philadelphia Orchestra, and the program was an Anderson lover's dream. It included "Ave Maria," Ulrica's scene from "A Masked Ball," Brahms songs, "Mon coeur" from "Samson and Delilah" and a group of spirituals. Onstage, together for the first time, that voice was right beside me.

Some years later, I made my debut with the National Symphony in Washington, and as fate would have it, it was the orchestra's last season in its old home, Constitution Hall. I entered the stage door, conducted my rehearsal and returned to the hotel—three simple, normal acts denied to my aunt in 1939. I called her to tell her how outraged, hurt, sorry and grateful I was. "It is inconceivable that you were not allowed to do what I've now so easily done," I said. "These concerts surely are as much yours as mine." Her response was typical: "Times have changed, and I am very, very happy for you."

A last recollection of Marian Anderson haunts this day without her. She called home one afternoon with a voice that ached from loss. Eleanor Roosevelt had died: the woman whose act of conscience and courage touched my aunt so profoundly. Fate had their extraordinary paths converge and, as a consequence, the social history of this nation was nudged toward justice. "We have lost the great lady," Aunt Marian said. We have, auntie, we have.

PETER KINZLER

Mr. DODD. Mr. President, it is with mixed emotions that I rise today to speak about my friend and former staff member, Peter Kinzler.

On the one hand, I am happy for Peter because his new job as staff director of the House Subcommittee on Financial Institutions is a well-deserved reward for his years of outstanding work in Washington. But I am also saddened because I will miss Peter's wise counsel, his sense of humor, and even his unique taste in neckwear.

After graduating from Trinity College in Connecticut, and receiving his law degree from Columbia University, Peter came to Washington in 1967 as an attorney for the National Labor Relations Board. From 1969 to 1974, he served as a legislative assistant to Representative Lud Ashley.

After a brief stint with the Federal Trade Commission, Peter returned to Capitol Hill as a counsel to the House Interstate and Foreign Commerce Committee in 1975. There he developed an impressive portfolio of expertise on Federal Trade Commission legislation, no-fault insurance, and the Superfund.

Peter came to work for me in 1981 as a minority counsel to the Senate Bank-

ing Committee. When Democrats became the majority party in the Senate in 1987, Peter became staff director of the Consumer Affairs Subcommittee, which I was privileged to chair. Peter subsequently served as my legislative director for 3 years.

Mr. President, if there is one guiding principle to Peter's career, it has been his deep commitment to sound policymaking, and to this Nation. Some people come to work in Washington seeking power. But Peter has always been motivated by a desire to better the lives of his fellow Americans. He has labored long and hard on Federal laws governing banking, commerce, and insurance because he knows we can improve our country if we are willing to make the effort.

Peter has made the effort, and has made a real difference. He was in no small measure responsible for the important legislation the Consumer Affairs Subcommittee enacted during the late 1980's, including expedited check clearing and mandated disclosure of credit card and home equity loan terms. Peter has also been instrumental in the progress the Senate has made in recent years on interstate banking, product liability, and financial modernization.

Peter has had such an impact because he is so creative, and is so adept at bringing adversaries together in search of common ground. Time and time again, Peter has seen a problem and has worked to devise an innovative approach to address it. And time and time again, Peter has worked to narrow the gap between people on opposite sides of an issue—which is never an easy task, particularly on contentious financial services issues.

Yet, Peter's most shining trait has long been his kindness toward others. When his fellow staffers seek his counsel on legislative strategy and other policy matters, he is generous with his time and advice.

Peter has always made a special effort to help his younger colleagues. Through the years, he has spent considerable time helping young staffers learn the ropes and avoid Capitol Hill's pitfalls. He has offered support and guidance to numbers too numerous to mention, and has continued to follow their careers with interest, even after they have left Capitol Hill.

Mr. President, no tribute to Peter Kinzler would be complete without mentioning his taste in neckties. Long before the fashion world rediscovered the styles of the 1960's, Peter was sporting neckwear that looked like haute couture a la Peter Max. They always elicited comment, and much though I hate to admit it, I will miss Peter's assaults on fashion sensibilities.

Mr. President, I must admit in closing that Peter is choosing an odd way to begin the second half of his life. He

turned 50 recently, and few sane people I know would choose to mark that milestone by jumping into the battle for Resolution Trust Corporation funding. Still, there is no better person for the job, and it is evidence of Representative NEAL's good judgment that he has chosen Peter for the task.

Mr. President, I am deeply grateful to Peter for all his hard work for me over the past 12 years, and I shall miss him. I wish him great success in all his future endeavors, and I wish health and happiness to his family—his wife Ginny, and his children Samantha, Valerie, Jason, and Kit.

HEALTH CARE

Mr. BREAUX. Madam President, I take this time to share with my colleagues some of my thoughts on what I think is one of the more pressing issues facing this Congress and indeed facing every American citizen.

There is no question in my mind that the issue of health care is one of the major priorities that we in this Senate and in the House are going to be dealing with both this year and, I think, probably next year. It is an issue that affects every American, whether they be young or old, a small child or a senior citizen. Everyone is affected by health care and everybody is going to be affected very directly in a very personal way by what we do or what we do not do on the question of health care.

It is clear that is on the minds of all of my constituents. I have just completed a series of six separate hearings in my State of Louisiana in six separate cities on the question of health care and what we should do about it. We had some really interesting conversations and testimony by people who have problems, by hospitals who feel that it is not working. Many medical professionals are uncomfortable with the bureaucracy that dictates that 20 to 30 percent of their costs are not costs they incur in delivering health services but are costs that they have to incur just filling out forms. They think that is time they should be spending on helping people get better.

In 1970, we in this country spent about the same on health care as we spent on all of education. In 1992, just last year, we spent the same amount on health care, both public and private, as we spent on all of education plus all of national defense plus all of the cost of running all of the prisons in all America plus all the money we spent on food stamps, farm programs, plus all of the money we spent on foreign aid combined.

I think that is a frightening realization and factual statement of how much more we are spending on health care in America, and many people feel they still do not have adequate access to quality health care at a price they can afford. While we are spending all of

that money we still have 37 million Americans who do not have any health insurance at all, that have to rely on emergency rooms in order to get treatment.

One of the interesting questions people ask at my hearings—it was asked in more than one forum—is: "Well, Senator, or hospital administrator, why does an aspirin cost \$2 in a hospital? I could buy a bottle and bring it with me and save myself a lot of money." I think many Americans are beginning to question the cost of the services and are now starting to find out that many of those costs are because people do not have insurance. The \$2 aspirin is helping to pay for the hospital's 30 or 40 people they might have seen in the emergency room the night before who have no health care insurance at all. So the point is that we are all paying for a system that in many cases is not working very well.

The point I want to make this morning in the few minutes is this: The administration, under the leadership of Mrs. Clinton and the work that she has done in chairing the Commission on Health Care, I think is right on target. That Commission has had days, hours, weeks, and now indeed months of private meetings and public meetings with medical professionals, with consumers, with just interested citizens who say, "I want to contribute to making our health care system work better than it is working now."

And we are going to be receiving, on May 15, from that Commission and from this President a recommendation. I want to commend the Commission and the work that they have done so far. Some say, well, we do not have enough consumers on the Commission. Some way, well, we do not have enough doctors or enough hospitals on the Commission; we do not have enough of this type of doctor or this type of medical supplier on the Commission.

I emphasize that, while we have 60 medical doctors on the Commission, we have literally hundreds of people serving who represent Members of Congress, who represent our constituents on that Commission. The Commission is just the beginning; it is not the finish. It is just the start; it is not the end of the process. The process just begins with the Commission submitting to the Congress the recommendation. Then we start our public hearings where everybody will be able to come and be represented and have their voices heard as to what they think is right with that recommendation, what they think is wrong with it, whether they like it as it is, or whether they think it can be modified. We will have adequate public hearings where everyone will have a chance to be heard.

The second point I make is that I think the Commission is doing something that should be followed in other legislative efforts. That is advance con-

sultation with Members of Congress, whether they be liberal or whether they be moderate or whether they be conservative, yes, whether they be Democrat or whether they be our colleagues on the Republican side. I want to commend Mrs. Clinton in particular for having the private meetings with Republican Senators, private meetings with Democratic Senators, and private meetings with both Republicans and Democratic Senators sitting together to say, what do you think we should do? And telling them what they have done and what their recommendations are starting to look like and asking for a response.

I suggest that people may not like what this Commission is going to recommend, and I will say something I think needs to be heard, that no one will be able to oppose this recommendation because they have not been consulted. People are being consulted on a daily basis. Meetings are continuing to occur. Members are being asked for their advice regardless of which party or what political perspective they happen to have, to get their input into this process which affects every American. I think that is the right procedure. I think they are right on target. I do not think anyone will be able to say, as a member of our Finance Committee in the Senate who is going to hear this legislation and have our public hearings, that, "I do not want to be part of this plan because I have not been consulted," because they have been consulted.

Everybody has been consulted. I have read in the press, as recently as today, that there have been comments like, "Here is what we are not going to be able to do: We are not going to be able to do NAFTA or health care, and we are not sure about whether we will be able to do a tax proposal."

But I am more optimistic than that. I think that if there is one issue that Americans want Congress to do something about, it is health care. If there is one issue that people think is not right with America, it is the availability of health care that we all need. In a country that is as rich and as strong as the United States, people question why everybody does not have access to quality health care.

I know that when you have a situation, as I perceive it, where doctors, hospitals, and medical professionals, and all of the people involved in this job as suppliers, think that it needs to be changed, when all of the consumers say that, yes, I would like some changes, when they all say the same thing with regard to preserving quality and a value, I think we are developing a consensus. I think that is great news, and I think we are going to have a health plan that will not be necessarily a Democratic plan or a Republican plan. But I suggest that we will be able to write a health plan that will be an

American plan, that will affect us all in a very positive way.

So I wanted to share with my colleagues my feeling as a Member of this body and as a member of the committee that is going to be looking at it directly, the Finance Committee. I am optimistic about it.

We all realize it is not going to be easy. I think it was easy getting in this mess. During the Reagan administration, it was easy and fun being in Congress. President Reagan asked us to do two things: cut taxes, which was easy—everybody in Congress loves to cut taxes—and he asked us to spend more money. That was easy, too. Most Members said, that is a great idea. So we did both of those and now we have the mess we have.

While it was easy getting into the mess, I suggest that it will be very hard getting out of it. Health care is one thing on which it is not going to be easy to bring about a consensus. But I think we are making progress. I am very optimistic, and I feel very positive about the ability of us to come up with a plan that will be adopted in a bipartisan fashion, that will be sent to the President and will be signed. I think we can do it in this Congress—maybe not this year, but certainly in this Congress—which is this year and next year combined. I think when it is finally written about what Congress did, hopefully they will be able to say that we did what was best for America, and we did it in a bipartisan fashion. And guess what? Everybody won. I think Americans want that, and I think we can do that.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. BREAUX. Madam President, I ask unanimous consent that I may speak as in morning business for not to exceed 5 minutes.

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

The Senator from Louisiana is recognized.

Mr. BREAUX. I thank the Chair.

(The remarks of Mr. BREAUX pertaining to the introduction of S. 822 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

DEPARTMENT OF THE ENVIRONMENT ACT OF 1993

The PRESIDING OFFICER. The Senate will resume consideration of S. 171, which the clerk will report.

The bill clerk read as follows:

A bill (S. 171) to establish the Department of the Environment, provide for a Bureau of Environmental Statistics and a Presidential Commission on Improving Environmental Protection, and for other purposes.

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. Under the previous order, the Senator from Delaware [Mr. ROTH] is recognized to offer a substitute amendment.

Mr. ROTH. Madam President, am I correct in understanding the parliamentary position that we have a full hour to be equally divided, 30 minutes both sides?

The PRESIDING OFFICER. The time until 12:30 will now be equally divided.

Mr. ROTH. Madam President, since it is 11:40, and since we have several speakers that want to speak, I ask unanimous consent that we be given the full hour, if that is satisfactory to the chairman.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 324

(Purpose: To establish a Department of Environmental Protection, and for other purposes)

Mr. ROTH. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Delaware [Mr. ROTH] proposes an amendment numbered 324.

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

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

The amendment is as follows:

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Department of Environmental Protection Act".

TITLE I—REDESIGNATION OF ENVIRONMENTAL PROTECTION AGENCY AS DEPARTMENT OF ENVIRONMENTAL PROTECTION

SEC. 101. REDESIGNATION OF ENVIRONMENTAL PROTECTION AGENCY AS DEPARTMENT OF ENVIRONMENTAL PROTECTION.

(a) REDESIGNATION.—The Environmental Protection Agency is redesignated as the Department of Environmental Protection (hereinafter in this Act referred to as the "Department"), and shall be an executive department in the executive branch of the Government. The Department shall be headquartered at the seat of Government. The official acronym of the Department shall be "D.E.P."

(b) SECRETARY OF THE ENVIRONMENT.—(1) There shall be at the head of the Department a Secretary of Environmental Protection

(hereinafter in this Act referred to as the "Secretary") who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) OFFICE OF THE SECRETARY.—The Office of the Secretary shall consist of the Secretary and the Deputy Secretary appointed under subsection (d), and may include an Executive Secretary.

(c) TRANSFER.—The functions, powers, and duties of the Administrator, other officers and employees of the Environmental Protection Agency, and the various offices and agencies of the Environmental Protection Agency are transferred to and vested in the Secretary.

(d) DEPUTY SECRETARY.—There shall be in the Department a Deputy Secretary of Environmental Protection, who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Secretary shall perform such functions as the Secretary shall prescribe, and shall act as the Secretary during the absence or disability of the Secretary or in the event of a vacancy in the Office of the Secretary.

(e) DELEGATION OF AUTHORITY.—Except as provided in this Act and other existing laws, the Secretary may delegate any functions, including the making of regulations, to such officers and employees of the Department as the Secretary may designate, and may authorize such successive redelegations of such functions within the Department as the Secretary considers to be necessary or appropriate.

SEC. 102. ASSISTANT SECRETARIES.

(a) ESTABLISHMENT OF POSITIONS.—There shall be in the Department such number of Assistant Secretaries, not to exceed 10, as the Secretary shall determine, each of whom—

(1) shall be appointed by the President, by and with the advice and consent of the Senate; and

(2) shall perform such functions as the Secretary shall prescribe.

(b) FUNCTIONS.—The Secretary shall assign to each Assistant Secretary of the Department such functions as the Secretary considers appropriate.

(c) DESIGNATION OF FUNCTIONS PRIOR TO CONFIRMATION.—Whenever the President submits the name of an individual to the Senate for confirmation as an Assistant Secretary under this section, the President shall state the particular functions of the Department (as assigned by the Secretary under subsection (b)) such individual will exercise upon taking office.

SEC. 103. DEPUTY ASSISTANT SECRETARIES.

(a) ESTABLISHMENT OF POSITIONS.—There shall be in the Department 20 Deputy Assistant Secretaries, or such number as the Secretary determines is appropriate.

(b) APPOINTMENTS.—Each Deputy Assistant Secretary—

(1) shall be appointed by the Secretary; and

(2) shall perform such functions as the Secretary shall prescribe.

(c) FUNCTIONS.—Functions assigned to an Assistant Secretary under section 102(b) may be performed by one or more Deputy Assistant Secretaries appointed to assist such Assistant Secretary.

SEC. 104. OFFICE OF THE GENERAL COUNSEL.

(a) GENERAL COUNSEL.—There shall be in the Department the Office of the General Counsel. There shall be at the head of such office a General Counsel who shall be appointed by the President, by and with the advice and consent of the Senate. The General Counsel shall be the chief legal officer of the Department and shall provide legal assist-

ance to the Secretary concerning the programs and policies of the Department.

SEC. 105. OFFICE OF INSPECTOR GENERAL.

The Office of Inspector General of the Environmental Protection Agency, established in accordance with the Inspector General Act of 1978 (5 U.S.C. App.), is redesignated as the Office of Inspector General of the Department of Environmental Protection.

SEC. 106. REGIONAL OFFICES.

The Secretary is authorized to establish, alter, discontinue, or maintain such regional or other field offices as he may determine necessary to carry out the functions vested in him or other officials of the Department.

SEC. 107. CONTINUING PERFORMANCE OF FUNCTIONS.

(a) **REDESIGNATION OF POSITIONS.**—(1) The Administrator of the Environmental Protection Agency is redesignated as the Secretary of the Department of Environmental Protection.

(2) The Deputy Administrator of such agency is redesignated as the Deputy Secretary of the Department of Environmental Protection.

(3) Each Assistant Administrator of such agency is redesignated as an Assistant Secretary of the Department.

(4) The General Counsel of such agency is redesignated as the General Counsel of the Department.

(5) The Inspector General of such agency is redesignated as the Inspector General of the Department.

(b) **NOT SUBJECT TO RENOMINATION OR RECONFIRMATION.**—An individual serving at the pleasure of the President in a position that is redesignated by subsection (a) may continue to serve in and perform functions of that position after the date of the enactment of this Act without renomination by the President or reconfirmation by the Senate.

SEC. 108. REFERENCES.

Reference in any other Federal law, Executive order, rule, regulation, reorganization plan, or delegation of authority, or in any document—

(1) to the Environmental Protection Agency is deemed to refer to the Department of Environmental Protection;

(2) to the Administrator of the Environmental Protection Agency is deemed to refer to the Secretary of Environmental Protection;

(3) to the Deputy Administrator of the Environmental Protection Agency is deemed to refer to the Deputy Secretary of Environmental Protection; and

(4) to an Assistant Administrator of the Environmental Protection Agency is deemed to refer to the corresponding Assistant Secretary of the Department of Environmental Protection who is assigned the functions of that Assistant Administrator.

SEC. 109. SAVINGS PROVISIONS.

(a) **CONTINUING EFFECT OF LEGAL DOCUMENTS.**—All orders, determinations, rules, regulations, permits, grants, contracts, certificates, licenses, privileges, and other administrative actions—

(1) which have been issued, made, granted or allowed to become effective by the President, the Administrator or other authorized official of the Environmental Protection Agency, or by a court of competent jurisdiction, which relate to functions of the Administrator or any other officer or agent of the Environmental Protection Agency actions; and

(2) which are in effect at the time this Act takes effect;

shall continue in effect according to their terms until modified, terminated, super-

seded, set aside, or revoked in accordance with law by the President, the Secretary, or other authorized official, by a court of competent jurisdiction, or by operation of law.

(b) **PROCEEDINGS NOT AFFECTED.**—This Act shall not affect any proceeding, proposed rule, or application for any license, permit, certificate, or financial assistance pending before the Environmental Protection Agency at the time this Act takes effect, and such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection prohibits the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(c) **SUITS NOT AFFECTED.**—This Act shall not affect suits commenced before the effective date of this Act, and in all such suits proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted.

(d) **NONABATEMENT OF ACTIONS.**—No suit, action, or other proceeding commenced by or against the Environmental Protection Agency, or by or against any individual in the official capacity of such individual as an officer of the Environmental Protection Agency, shall be abated by reason of the enactment of this Act.

(e) **PROPERTY AND RESOURCES.**—The contracts, liabilities, records, property, and other assets and interests of the Environmental Protection Agency shall, after the effective date of this Act, be considered to be contracts, liabilities, records, property, and other assets and interests of the Department.

SEC. 110. CONFORMING AMENDMENTS.

(a) **PRESIDENTIAL SUCCESSION.**—Section 19(d)(1) of title 3, United States Code, is amended by inserting before the period at the end thereof the following: “, Secretary of Environmental Protection”.

(b) **DEFINITION OF DEPARTMENT IN CIVIL SERVICE LAWS.**—Section 101 of title 5, United States Code, is amended by adding at the end thereof the following:

“The Department of Environmental Protection.”.

(c) **COMPENSATION, LEVEL I.**—Section 5312 of title 5, United States Code, is amended by adding at the end thereof the following:

“Secretary of Environmental Protection.”.

(d) **COMPENSATION, LEVEL II.**—Section 5313 of title 5, United States Code, is amended by striking “Administrator of Environmental Protection Agency” and inserting in lieu thereof “Deputy Secretary of Environmental Protection”.

(e) **COMPENSATION, LEVEL IV.**—Section 5315 of title 5, United States Code, is amended—

(1) by striking “Inspector General, Environmental Protection Agency” and inserting in lieu thereof “Inspector General, Department of Environmental Protection”;

(2) by striking each reference to an Assistant Administrator, or Assistant Administrators, of the Environmental Protection Agency; and

(3) by adding at the end thereof the following:

“Assistant Secretaries, Department of Environmental Protection.”.

“General Counsel, Department of Environmental Protection.”.

(f) **INSPECTOR GENERAL ACT.**—The Inspector General Act of 1978 is amended—

(1) in section 11(1)—

(A) by inserting “Environmental Protection,” after “Energy,”; and

(B) by striking “Environmental Protection,”; and

(2) in section 11(2)—

(A) by inserting “Environmental Protection,” after “Energy,”; and

(B) by striking “the Environmental Protection Agency.”.

SEC. 111. ADDITIONAL CONFORMING AMENDMENTS.

After consultation with the Committee on Government Operations of the House of Representatives, the Committee on Governmental Affairs of the Senate, and other appropriate committees of the Congress, the Secretary shall prepare and submit to the Congress proposed legislation containing technical and conforming amendments to the laws of the United States, to reflect the changes made by this Act. Such proposed legislation shall be submitted not later than 1 year after the effective date of this Act.

TITLE II—ADMINISTRATIVE PROVISIONS

SEC. 201. ACQUISITION OF COPYRIGHTS AND PATENTS.

The Secretary may acquire any of the following rights if the property acquired thereby is for use by or for, or useful to, the Department:

(1) Copyrights, patents, and applications for patents, designs, processes, and manufacturing data.

(2) Licenses under copyrights, patents, and applications for patents.

(3) Releases, before suit is brought, for past infringement of patents or copyrights.

SEC. 202. GIFTS AND BEQUESTS.

The Secretary may accept, hold, administer, and utilize gifts, bequests, and devises of real or personal property for the purpose of aiding or facilitating the work of the Department. Gifts, bequests, and devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be deposited in the Treasury and shall be available for disbursement upon the order of the Secretary.

SEC. 203. OFFICIAL SEAL OF DEPARTMENT.

On and after the effective date of this Act, the seal of the Environmental Protection Agency, with appropriate changes, shall be the official seal of the Department, until such time as the Secretary may cause an official seal to be made for the Department of such design as the Secretary shall approve.

SEC. 204. USE OF LIKENESS OF OFFICIAL SEAL OF DEPARTMENT.

(a) **DISPLAY OF SEAL.**—Whoever knowingly displays any printed or other likeness of the official seal of the Department, or any facsimile thereof, in or in connection with, any advertisement, poster, circular, book, pamphlet, or other publication, public meeting, play, motion picture, telecast, or other production, or on any building, monument, or stationery, for the purpose of conveying, or in a manner reasonably calculated to convey, a false impression of sponsorship or approval by the Government of the United States or by any department, agency, or instrumentality thereof, shall be fined not more than \$250 or imprisoned not more than 6 months, or both.

(b) **MANUFACTURE, REPRODUCTION, SALE, OR PURCHASES FOR RESALE.**—Except as authorized under regulations promulgated by the Secretary and published in the Federal Reg-

ister, whoever knowingly manufactures, reproduces, sells, or purchases for resale, either separately or appended to any article manufactured or sold, any likeness of the official seal of the Department or any substantial part thereof (except for manufacture or sale of the article for the official use of the Government of the United States), shall be fined not more than \$250 or imprisoned not more than 6 months, or both.

(c) INJUNCTIONS.—A violation of subsection (a) or (b) may be enjoined by an action brought by the Attorney General in the appropriate district court of the United States. The Attorney General shall file such an action upon request of the Secretary or any authorized representative of the Secretary.

SEC. 205. USE OF STATIONERY, PRINTED FORMS, AND SUPPLIES OF ENVIRONMENTAL PROTECTION AGENCY.

The Secretary shall ensure that, to the extent practicable, existing stationery, printed forms, and other supplies of the Environmental Protection Agency are used to carry out functions of the Department before procuring new stationery, printed forms, and other supplies for the Department.

Mr. ROTH. Madam President, reflecting upon our previous failures to pass the forerunners of S. 171, I and several of our colleagues suggested that the committee initiate a clean bill strategy, a strategy limited only to elevating the EPA, and that we all band together to resist any and all amendments to a clean bill. I had previously introduced a clean EPA elevation bill (S. 380) with Senators WELLSTONE, CHAFEE, and DURENBERGER. During markup, I offered this approach as a substitute for S. 171. Unfortunately, the committee rejected this proposal, and, instead, accepted the amendment offered by my distinguished chairman which included, in addition to the traditional package of extraneous provisions, a new controversial request to terminate the Council on Environmental Quality.

Why do we suggest the adoption of a clean bill strategy and why is last year's bill not good enough today? To answer that question, I note that our past efforts contained essentially two distinct parts. The first part was elevation of the EPA to cabinet level status. The second part was a series of extraneous environmental proposals such as the creation of a Bureau of Environmental Statistics, a National Academy of Sciences study on data collection, and the establishment of a commission to study our environmental laws.

It is true that I have not opposed these extraneous bureaus, commissions, studies and conferences in the past, although they were of some concern to me. However, during the last two Congresses it was the second part that prevented the first part from achieving enactment into law. Issues extraneous to elevating EPA encourage other amendments to be offered. Then those amendments generate controversy and sink the bill.

In the last Congress, we followed the committee's approval with the result that a controversial amendment was

added on the Senate floor. The amendment then served as an impediment to action by the House of Representatives. It is not unreasonable, at least in my judgment, to worry that past may be prologue, as there are all sorts of amendments in waiting both in the Senate and the House, and I fear it will not take a lot of controversy to sink our efforts.

So I believe it is time that we learned from our mistakes in strategy and initiate and pursue a clean bill strategy—one restricted only to elevating EPA. If we do not do this, we will have no objective basis on which to oppose Senate amendments and House amendments as bad extraneous amendments.

It should be noted in considering this bill's extra baggage that the EPA, like every other Government agency, is under Presidential orders to pare down. The extraneous provisions of S. 171, as amended cost extra money. I appreciate the fact that the chairman has attempted to reduce the costs, both in fact and in appearance, of S. 171, as amended. But the additional costs are still there and according to the CBO are \$8 million per year and \$39 million during the period 1993 to 1998.

The Bureau of Environmental Statistics will cost about \$5.5 million annually.

The National Academy of Sciences study on the adequacy of environmental data would cost one-half million dollars.

Grants to the State for data collection would cost about \$250,000 annually.

The bill also establishes a 13-member commission to examine and make recommendations on measures to improve the ability to protect the environment which would cost \$2 million a year for 2 years.

In addition, according to the Committee on Environment and Public Works, the administration's estimate that eliminating the CEQ saves \$2.6 million and 31 staff positions are inflated because they do not account for the costs associated with the newly created White House Office of Environmental Policy which is estimated to have 10 staff positions. CBO rightly points out that the CEQ costs are merely transferred, not cut. So the new White House positions produce a net increase in costs.

While each of these extraneous provisions may seem like only small steps in the wrong direction, they are in the wrong direction. The American people want us to trim Government's girth not add to its weight. But these provisions are ill-advised not only for creating more Government jobs but for generating controversies that jeopardize the efforts to elevate the EPA.

Madam President, my amendment is the bill that most people think the Senate is acting on. There is very little knowledge or interest in these other provisions that load down S. 171. We

can, by adopting my amendment, elevate the EPA at a cost of less than \$30,000 a year, and with a minimum of controversy. My amendment is a cheaper and safer alternative. What I seek to emphasize is like the chairman—we both want to see this agency elevated into Cabinet status, and again the reason I am offering my proposal is that I believe it offers the best chance of accomplishing that objective.

Madam President, I urge the adoption of my amendment.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Madam President, I yield myself such time as I may use.

Madam President, I oppose the Roth amendment for several reasons which I would like to briefly outline.

First, what the Roth proposal does is simply change the name of the EPA, it does not address any of the very serious and fundamental management issues which this committee itself, the Governmental Affairs Committee, has identified as very important problems demanding attention. For example, our provisions on inherently governmental functions and conflict of interest grow directly from work that Senator PRYOR has done on this committee over the years. The Governmental Affairs Committee has also identified great areas of weakness, and my distinguished colleague from Delaware, the ranking minority Member, has been in the hearings, where we have gone into some of the EPA problems with contracting and problems with their own internal organization.

I think we would be derelict in our duty if we took no action in this elevation bill to address these concerns, and we are not addressing them if we just go to the Roth substitute.

Second, our Bureau of Environmental Statistics is an integral part of this elevation. Good data management and organization is critical to the success of both better identifying environmental problems and measuring performance of environmental programs and policies. A centralized bureau will play a very important role in accomplishing these objectives. Moreover, EPA has told us that they can fund the bureau out of current resources. I repeat, that EPA has told us they can fund the bureau out of current resources so that additional authorization of appropriations for this purpose is unneeded.

The study on data needs S. 171 calls for will also be very useful in determining how to even further improve the new Department's data management. With regard to the bureau of statistics, I need only refer Senators back to some debate we had here on clear air, on clean water, the environment. You can prove anything you wanted to prove on the floor of the U.S. Senate depending on which expert you call as one you want to rely on for their figures. You can get a study for anything.

What we are proposing with the Bureau of Environmental Statistics is to make one place like the Bureau of Labor Statistics is with regard to employment and business matters. The Bureau of Labor Statistics we look at as authoritative and we base a lot of Government programs on that, and yet in the environment, which is an ever-expanding interest to Government, and will continue to be so, we are talking here about trying to get some group that can put expertise on this to decide what is reliable in environmental statistics and what is not.

That is the reason we think this is so important.

Third, the Roth substitute does not include a provision on CEQ. That is one of first things this new administration said. They wanted to do away with CEQ, because it was not really accomplishing what it was intended to do, and they put that requirement in their report, their annual report, to EPA. It makes sense.

And they asked us to include that in this legislation, which I have done. The Roth substitute does not include that in his amendment.

So my provision would abolish CEQ and distribute its functions to the new department and the President. Elevating EPA without addressing the issue of CEQ creates, in my view, organizational illogic and imbalance in the executive branch.

Finally, the Commission on Improving Environmental Protection has been created in order to examine how various environmental programs and activities, as well as the internal structure of the new department, can be improved.

Madam President, in that regard, back some years ago when we were going to propose elevating EPA, we thought OK, EPA functions, environmental interests and functions, are literally spread all over Government—the Departments of Defense, Agriculture, and on down the list. Almost every department or agency of Government has something to do with the environment and in their own areas of jurisdiction. And many of these overlap things that EPA does.

We started trying to put together a bill that would literally take these functions and combine them under EPA for more efficient administration and to save money and still have environmental law carried out more efficiently than it is now.

I will tell you what happened on that and why we were not able to do it. It got to be so complex in trying to figure out all these things that it was beyond the capability of our staff to be able to do that.

So what we did, we said, OK, this is important enough that it should be done and we know that in the long term it will save money; we know it will strengthen environmental protection over the long haul.

So much as I dislike—and I am the first one to say that I abhor the establishment of any new commission, committee, advisory council; we have too many of them now. But in this regard and with all the internal problems EPA has had with their own management, I very reluctantly agreed that we need a commission. We terminate them at the end of 2 years. We sunset them. And I think the couple of million dollars we spend on them, if that does not come back many, many, many times over, I will be extremely surprised, because they are to advise us on internal management problems that have been pointed out on this floor recently, and also to say where, in Government, we can take functions out of other agencies and departments and bring them back under the EPA umbrella for more efficient administration.

There is no better nor more appropriate time to undertake such an examination than when we elevate an agency to Cabinet-level status. The commission's interim and final reports will serve as critical guides to making the improvements in the structure and operation of departmentwide programs, thus reducing costs and saving money.

We are talking about streamlining Government. We all love to make speeches on streamlining Government and cutting costs down. That is what this commission will do. That is their mandate.

So, in short, I oppose the Roth amendment because it does not do some of these very important things which, far from being extraneous to this effort, are integral parts of it.

Now we talk about the costs. Senator ROTH mentioned costs and that his bill would be cheaper. It is a question of cost.

I already addressed part of that, but let me address the rest of it.

The argument against the establishment of the Bureau of Environmental Statistics, for instance, rests on CBO figures regarding its cost—\$5.5 million per year. That is about one-tenth of 1 percent, one-tenth of 1 percent, 1/1000 of EPA's current budget. We need to understand that CBO's cost estimates on a bill or portion of a bill proceed on the basis of rules that do not necessarily take into account the actual managerial decisions made by a department Secretary.

Now, EPA has been authorized a certain level of expenditures for next year, and there is no reason to assume they were not planning to spend their full complement of appropriated funds for next year.

But the department has informed us that, perhaps out of necessity, considering the pressure to work more efficiently in Government, they believe they can find efficiencies that will allow them to carry out the functions of the bureau without additional authorization of appropriations. And I ap-

plaud them for that. They say they can absorb a cost of one-tenth of 1 percent of their budget "without breaking a sweat." I would agree with them on that.

What is more, my substitute eliminates the Council on Environmental Quality, as I mentioned, something the Roth amendment does not do. And CEQ is an agency that has under 31 full-time employees, FTEs. EPA is adding only eight new positions under my bill the first year, and the bureau will take over CEQ's responsibility for producing the required annual report on environmental quality. Additional positions may be required in the future, but EPA's commitment to do more within its current base level of resources suggests that they will be able to do CEQ's function with considerably less than the 31 FTEs previously authorized for that agency.

CBO does not take that into account in their figures. Here is an agency wanting to do better, and I think we should be encouraging them.

I am not saying that CBO should change their rules, but I think we should use some common sense. Here we have an agency that is committing to absorb the cost of establishing and running this bureau within its current base level of resources. With the abolition of CEQ, those 31 FTE's, we are coming out with a net saving to the taxpayer, while establishing a function within the EPA that desperately needs to be done; namely, how can they more efficiently organize what has been admittedly a management nightmare over there and how do we draw back in all of these different functions of Government, also, so that we make more efficient administration of all of our EPA law.

As for the Commission, it will only operate for 2 years. We have already heard on this floor from Senator MURKOWSKI, for one, and others some of the horror stories regarding EPA's implementation of environmental laws. And I agree with that. I can add more to what they already said, because we have had hearings on this and it has been pointed out in our committee reports some of the difficulties EPA has had.

We have heard about inefficiency, overlap, illogical regulations. EPA is now over 20 years old and there has never been a comprehensive look at whether there should be a national environmental strategy, whether the internal organization of EPA programs is sensible, what management reforms need to be done, whether we have been doing environmental regulation in a sensible and logical way, whether we have been following a risk-based strategy of protection, and whether the interagency overlaps are costing the taxpayers unnecessary expenditures of their hard-earned money.

Madam President, I just do not think that \$2 million a year for 2 years is too

much to pay in order to address these very fundamental issues. I just think it is money well spent. Because if the Commission does its job, then we will end up saving billions, and I mean billions.

In short, Madam President, the Roth amendment eliminates some very important functions which I strongly believe are critical elements of this elevation proposal, and I urge every Senator to oppose the Roth amendment.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. GLENN. Madam President, I ask unanimous consent, if there is nobody else wanting to speak at this time that the time be charged equally against both sides.

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

Mr. GLENN. I ask unanimous consent that such time as I use on this be charged against my time.

The PRESIDING OFFICER (Mr. BREAU). Without objection, it is so ordered. The Senator from Ohio is recognized.

Mr. GLENN. Mr. President, I rise to put in two bits of information, here, two things that the administration sent us.

I ask unanimous consent that they be printed in the RECORD.

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

I. BUREAU COSTS AND JUSTIFICATIONS

The Bureau will help, and would have helped us, do all of the following:

Address Federal facility environmental problems—The Bureau would have helped us know more and begin to get a handle on this problem. Environmental problems at U.S. government agency facilities are the largest, most expensive, and most problematic environmental cleanup problems in the nation.

Determining consistency of approach and measurement of performance of environmental statutes and regulations across the country.

Monitoring for ozone in rural areas—In this area the Bureau would have identified this as a missing information need and coordinated with the relevant agency to see if such data could be collected or if we were doing adequate collection.

Improve the monitoring of water quality, pesticides, and exposure to toxic substances.

Improve the monitoring of airborne concentrations of lead. A few years ago, only 53 monitors were in place for the whole country to perform such measurements.

Increase the efficiency of use of environmental data bases. Currently such data compilation is done in over a dozen different federal agencies. This dispersion is inefficient and potentially redundant. The Council of Economic Advisers is an excellent example of how data compilation and reporting can and should be done. The Economic Report of the President includes over 100 tables many of which show statistics going back to 1929. This report makes it possible to assess a number of important economic measures. There is no analog to this in the world of environmental statistics—no single source of information that allows us to measure performance. The Bureau will provide this.

Improve the management of available environmental data at EPA. EPA has three data bases for regulating disinfections, yet EPA officials have told the GAO that as much as 60 percent of the data on disinfectant product claims are inaccurate or incomplete. In another case, EPA maintains nine separate database management systems to track information about pesticides awaiting reregistration, including the results of health and environmental studies. Yet, when, in 1991, a trainload of metam sodium spilled into the Sacramento River, EPA was unaware of information in its files indicating that metam sodium can cause birth defects. As a result the agency could not warn pregnant women and workers of the pesticide's hazards.

II. COMMISSION COSTS AND JUSTIFICATIONS

What exactly will the Commission buy us? Why should we spend \$2 million next year on this effort? I believe this question is easily answered.

Small business and small community compliance assistance programs—the Commission can do much in the way of making recommendations to aid these entities with environmental compliance. The Commission's review of this matter will be critical.

EPA regulation of radionuclides under the Clean Air Act—the Commission may examine the possible overlap between EPA and the Nuclear Regulatory Commission and make recommendations about this problem.

The Commission also will look at the lack of coordination in federal environmental programs administered by the Department, such as the regulation of major toxic chemicals where the Environmental Protection Agency, the U.S. Food and Drug Administration, and the Department of Health and Human Services all have regulatory responsibility.

Regulation of mixed waste, in which the responsibilities of EPA and the Department of Energy overlap. Once again, the Commission's review of EPA's management and organization of these programs could make a critical difference in improving their effectiveness and efficiency.

The Commission's mission to enhance the organization of Departmental program will finally yield recommendations about ways to address cross-media concerns—the interplay and interconnections among and between air, land and water, and how one medium is ultimately affected by others. The organization of the Department must be examined carefully in this area.

The Office of Research and Development's mission cuts across many different offices in EPA. How efficiently is its mission integrated and how well does it work with other program offices? Has this affected EPA's ability to lead on such critical issues as the radon gas problem, ozone depletion, global warming and so on?

The Office of Enforcement generally doesn't have inspection and compliance functions but instead these have been parcelled out to the various program offices. Thus when the Enforcement Office asserts certain priorities in terms of inspections and compliance, these may not be the same priorities of the program offices or vice versa.

Pollution Prevention is another area which cuts across many program offices. How should this be handled? What is the most effective way to incorporate this concern into all program areas?

How will the new Bureau of Environmental Statistics, or even simply the agency's current statistics efforts mesh with the Office of Research and Development?

There is conflict between the Clean Water Act and RCRA (the Resources Conservation and Recovery Act) with respect to coordination of water permitting and hazardous waste disposal permitting (the "mixture and derived from" controversy). Which statute governs with respect to release of water which has been in contact with hazardous waste but which may be "clean" under the Clean Water Act?

The same is true of permitting under the Clean Air Act with respect to incinerators and the ash they produce.

WHY DOES EPA NEED A BUREAU OF ENVIRONMENTAL STATISTICS?

A number of studies, including the recent EPA Science Advisory Board Report entitled "Reducing Risk: Setting Priorities and Strategies for Environmental Protection", have stressed that we lack the information needed to assess the current state of the environment, the magnitude of various environmental problems, and the effectiveness of our environmental programs. The BES is an important step in strengthening the Agency's capacity to provide accessible environmental statistics to meet the growing needs of decision makers and the public for credible environmental information.

1. The BES will provide a broad array of environmental statistics and information. Today there is no program that provides statistical information on the environment as a whole. Requests from EPA customers for statistical information are met mainly by dozens of individual program offices. For a State environmental program official, finding the sources of statistical information you want can be a frustrating experience; for the average citizen, it can be practically impossible. In many cases the BES will be able to provide environmental statistics directly to the requester. In all other cases a BES will serve as a clearinghouse by directing requesters to the right source, whether they be inside EPA, in other federal or state agencies.

2. The BES will provide environmental statistics at EPA with a strong internal advocate and customer. Most people agree on the need to strengthen EPA's base of environmental statistics. As budgetary pressures increase, however, there will be a tendency to focus Agency resources away from information collection and ever more narrowly on strict statutory obligations (e.g., regulations, permits, enforcement actions). Within the budgetary decisions of individual programs, investments in environmental statistics and information will be treated as a luxury. By clearly articulating Agency-wide information collection and statistical needs, as well as the roles of individual programs in meeting those needs, the BES will maintain the visibility of environmental information in the Agency's planning and budgeting process.

3. As the environment is viewed as more central to discussions in other areas of public policy (e.g., the economy and investments in transportation and other infrastructure) EPA must develop a capacity to respond to requests for relevant, cross-cutting environmental statistics to inform these discussions. The BES will provide such a capacity to respond to requests for:

Environmental statistics related to more than one program, (e.g., a compilation of environmental statistics for a region of the country) and

A compilation of statistical information on environmental issues for which no individual program has specific responsibility e.g., the environmental impact of NAFTA.

Mr. GLENN. Mr. President, one is Bureau costs and justifications: "The Bureau helped, and would have helped us, do all of the following: Federal facility environmental problems; consistency of approach and measurement"—and on and on, with the number of things that make the Bureau of Statistics a very valuable tool for the future.

A second part of this is Commission costs, the Commission we proposed, their costs and justifications and what the administration's views on this are and how they plan to use this. I have already had it printed in the RECORD here.

I reserve the remainder of my time and ask unanimous consent the time again be charged equally on both sides.

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

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. GLENN. Mr. President, I yield 5 minutes to the distinguished Senator.

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

Mr. BINGAMAN. I thank the Senator from Ohio, the distinguished chairman of the committee.

Mr. President, I rise to very briefly indicate my support for the substitute which Senator GLENN has put before the body, and urge my colleagues to defeat the proposed amendment of the Senator from Delaware and go forward with the Glenn substitute amendment which was reported out of the committee of jurisdiction.

The legislation contains several elements that will reorder the EPA and foster a better environmental policy. First, the elevation to Cabinet status recognizes the strategic importance of the environment to the future of the country and to the world. It provides that, in decisionmaking at the highest level of our Government, environmental issues and environmental concerns will be adequately considered.

S. 171 also addresses the need for better data management analysis in solving critical environmental problems through the creation of a Bureau of Environmental Statistics. We cannot credibly produce sound environmental policies unless we have strong analytical underpinning for those policies. This Bureau is sorely needed. Moreover, I understand that it would be funded out of current EPA resources.

Senator GLENN's amendment also addresses the contracting problems that have plagued the Environmental Protection Agency, as well as making changes that will rationalize the formulation and execution of environmental policy. In particular, the Glenn amendment establishes a commission on improving environmental protection, which will conduct a thorough review of Federal policy and regulatory activities. A reformulated U.S. Department of the Environment, as proposed

in Senator GLENN's amendment, would prepare our country to face the challenges ahead and to do so in a cost-effective and responsible manner.

Mr. President, I have had constituents raise questions with me about whether additional funding is required as a result of this amendment. I am persuaded that additional funding is not required. This can be done out of the resources now available to the EPA. I have been asked whether additional regulation and duplication of regulation would result. And, again, I have satisfied myself that that is not the case and that, in fact, the amendment that the Senator from Ohio has proposed will help us to eliminate duplication of regulation, eliminate the overlapping of regulatory jurisdiction which has existed in the past, and help us to streamline that Department and make it more usable and more understandable by the American citizens.

So I strongly support Senator GLENN's proposal in this regard. I urge my colleagues to support it as well. I hope that later today we can see a successful adoption of Senator GLENN's substitute amendment.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator yields the floor. Who yields time?

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio controls the time.

Mr. GLENN. I yield the Senator from Arizona—how much time does he need?

Mr. DECONCINI. Three or four minutes.

Mr. GLENN. Three or four minutes.

The PRESIDING OFFICER. The Senator is recognized for 4 minutes.

Mr. DECONCINI. Mr. President, I want to compliment the Senator from Ohio, Chairman GLENN, and the Governmental Affairs Committee for having done a tremendous job of creating a bill that finally gives environmental concerns the priority and the status that it so badly needs.

The EPA has come under much criticism, but it also has come under much praise. I think by elevating this to a Cabinet-level position in the manner of the substitute offered by the Senator from Ohio will indeed make it a better organization and capitalize on the positive things that the EPA has been involved in. We all have had problems—I have had them in my State—where the EPA has, we believe, gone outside the scope of what was intended when it was created. But we also have seen the benefits of the Environmental Protection Agency enforcement of laws that we in Congress have put on the books to ensure that the environment is improved. And it is better; it is better today than it was, and much of that goes to the Environmental Protection Agency.

I disagree with the amendment of the Senator from Delaware, who I have the greatest respect for and have worked

with many times before, because, in my judgment, it will do little more than simply change the name of the Environmental Protection Agency to the Department of the Environment. Elevating the EPA to a Cabinet-level department is just one aspect of really focusing on the environmental problems we face, domestically and internationally. Yes, I say internationally. We have to be able to deal with the international problem. Two years ago an amendment was adopted on a bill that authorized the EPA to deal directly internationally with the Mexican Government for problems along the border of Mexico and the United States, because with NAFTA coming before us as a possible fast track, which we approved, there were environmental problems. And to deal with the State Department and the Commerce Department was too cumbersome. EPA had that authority, has it now, it is my recollection, to go ahead and deal internationally. Obviously, it has to be in concert with the State Department, but they no longer have to wait for the State Department to say, yes, you can deal internationally. So we have an expanded role for the EPA.

We need to do more. We need to give this new department the tools to gather information that will really put teeth into environmental protection and arm it with some responsible decisions on environmental regulations.

Mr. President, I firmly believe that the Bureau of Environmental Statistics and the Commission on Improving the Environment are integral parts of truly elevating the status of the EPA. They will provide a sound basis of environmental data and improve and streamline the management practices of the new department. As has been indicated here, which is most encouraging, it is estimated that it is not going to cost more money to do this. Through reorganization and reallocation of the present resources, these things can be done. They are extremely valuable information that need to be put together.

So, again, I want to emphasize how important this bill is to really dealing with environmental regulations and protections in our country. It has the support of most of the major environmental groups. The administration strongly supports it.

Again, I compliment the Senator from Ohio for his leadership and thank him for yielding the time.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from Ohio controls 5 minutes. The Senator from Delaware controls 16 minutes. Who yields time? Time will be charged equally to both sides.

Mr. ROTH. Mr. President, I make a point of order a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The PRESIDING OFFICER. Who yields time?

Mr. GLENN. How much time does the Senator need? Senator BAUCUS is here also. Can the Senator use 2 minutes?

The PRESIDING OFFICER. The Senator is recognized for 2 minutes.

Mr. AKAKA. Mr. President, I rise in strong opposition to the amendment offered by my colleague from Delaware. I believe the amendment is ill-advised, for several reasons:

First, the Roth proposal would simply change the name of the EPA—it does not address any of the fundamental management issues which the Governmental Affairs Committee has identified as demanding attention. For example, our provisions on inherently governmental functions and conflict of interest grow directly out of Senator PRYOR's work on the committee. The committee has also identified great weaknesses in the agency in the area of contracting. We would be irresponsible if we took no action in this elevation bill to address these concerns.

Second, our Bureau of Environmental Statistics is an integral part of this elevation. Good data management and organization is critical to the success of both better identifying environmental programs and policies. A centralized Bureau will play a crucial role in accomplishing these objectives. EPA has told us that they can fund the Bureau out of current resources; thus, additional authorization of appropriations for this purpose is unnecessary.

Third, the Roth substitute does not include a provision addressing the Council for Environmental Quality, something the administration has requested and which is accomplished in the Glenn substitute amendment. The provision would abolish CEQ and distribute its functions to the new department and the President. To elevate EPA without addressing this issue would result in organizational imbalance in the executive branch.

Finally, Mr. President, the Commission on Improving Environmental Protection has been created in order to examine how various environmental programs and activities, as well as the internal structure, of the new department can be improved. There is no better or more appropriate time to undertake such an examination than when we elevate the agency to Cabinet-level status. The commission's interim and final reports will serve as critical guides to making improvements in the structure and operation of department-wide programs, thus reducing costs and saving money.

In conclusion, Mr. President, my colleagues should oppose the Roth amendment because it does not make those

improvements that are integral to the entire effort to raise EPA to department status. Congress is not a cipher. It is our job to enact the best legislation possible: whereas the Glenn substitute attempts to do this, the Roth amendment merely enshrines the status quo.

As to the question of cost, it is true that the Roth alternative would cost less. But the Glenn substitute amendment will also result in significant savings over the original bill—and the relatively small cost of the substitute amendment will soon pay for itself, by improving the efficiency and effectiveness of EPA's operations. The same cannot be said for the Roth amendment, which simply calls for business as usual.

Thank you, Mr. President, I urge my colleagues to oppose the Roth amendment and to support the Glenn substitute.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. GLENN. I yield 2 minutes to the Senator from Montana.

The PRESIDING OFFICER. The Senator is recognized for 2 minutes.

Mr. GLENN. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 2 minutes 20 seconds.

The Senator is recognized for 2 minutes.

Mr. BAUCUS. Mr. President, I thank the chairman of the committee.

With the short time remaining, let me make two very simple points. One, I oppose the amendment for this reason: It is very shortsighted.

It is critical to have a commission, Mr. President, to evaluate the rules and regulations that the EPA has promulgated in the past so that they are much better coordinated and are more integrated into a whole. Our committee, the Environment and Public Works Committee, has held many hearings. We constantly hear the complaint of people across the country, from businesses; state officials, about the complexity and the array of regulations; we absolutely need coordination.

This Commission contained in the underlying bill is essential. I am appalled, frankly, that the Senator from Delaware is not in favor of the Commission so we can better coordinate the rules and regulations that now exist.

Second, we need better data. We need much better data. We desperately need much better data. Our committee's hearings make it equally clear that our environmental laws are not tailored to the problems as well as they should be. That is, the laws tend to be stronger in some areas and weaker in others. Why? Because we do not have the data. We do not know what we are doing half the time.

Sure, there are some private data. Yes, different agencies have some data.

Some States do, too. It is not well coordinated. It is not well targeted. We desperately need a way for our country to better align the environmental problems that we have with the remedies. And the best way to do that is to have better data of what is occurring.

So for those reasons, I very strongly urge the Senate to not adopt the Roth amendment because in so doing we deprive ourselves both of data and the Commission to organize the rules and regulations.

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

Who yields time?

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. I yield myself such time as I use.

The PRESIDING OFFICER. The Senator is recognized.

Mr. ROTH. Mr. President, first let me emphasize what I think is critically important, that the purpose of this legislation is and should be the elevation of EPA to Cabinet status. I think it is critically important from the internal domestic point of view; I think it is important from the standpoint of international stature.

We all know that those departments with Cabinet status are more influential than other agencies. So that as we move ahead and try to get a consistent pattern in these rules and regulations affecting the environment, it seems to me of first importance that the environmental agency have Cabinet status because in many of its dealings, whether it is the Department of State, the Department of Energy, or whatever, it is dealing with departments of that status.

Second, I think it is critically important from the international standpoint that EPA be given Cabinet status.

In the committee report, the majority statement quotes Russell Train, former EPA Administrator, who says, "I can personally attest to the fact that in dealing with representatives of foreign states, rank and status are important."

So I think it is important that when the EPA Administrator represents this country in seeking international agreements and understandings that ensure all countries are going to live by the same rules and regulations, our chief spokesman have Cabinet status. For that reason, I urge we have a clean bill.

There is no difference between the chairman and myself as to our goal of giving the Environmental Protection Agency Cabinet status. We both think that is important. I want to emphasize that in doing so we are not just upgrading its name; we are giving it the prestige and authority it needs in dealing with other domestic agencies, as well as other spokespersons from other countries.

My concern is that twice already we have enacted legislation in the Senate

to give this status to our EPA. But when it came to final enactment, nothing ever happened because the legislation had extraneous amendments added to it. What we are proposing today is to go down that same road if we do not adopt my amendment. My concern is that if my amendment is defeated, if we do not have a clean bill, then other Senators are going to try to add extraneous amendments.

I am concerned that the same thing is going to happen on the House side as has happened in the past. And there are some very controversial propositions being discussed there. So what will happen is that once more we will end up with no legislation enacted into law that makes EPA a Cabinet-level department.

Now, I am not really here to try to argue the individual proposals. As I mentioned, I have considerable concern about them. They do increase the cost somewhat. These are times in which a principal purpose of this Government, according to the President on the executive side, and certainly from what one hears in the Congress, is to reduce the deficit, to reduce Government. What concerns me is that these extraneous amendments, while they may have some legitimate purpose, nevertheless add costs. It is for that reason I hope we would not insist upon them being part of this legislation.

I would point out the Congressional Budget Office cost estimate of the legislation pointed out that the Bureau of Environmental Statistics would cost about \$5.5 million annually when fully implemented. So what we are doing is creating a new bureaucracy there.

In the case of the Council on Environmental Quality, the same thing is happening, because what will happen is that those responsibilities will be transferred to the environmental agency but then in the White House we are adding an additional 10 positions. So once again we are creating additional bureaucracy at the very time in which the President himself has talked about downsizing Government and about reducing costs.

Mr. President, the principal point I want to make—at least what I have always thought—is that the real purpose of this legislation is to give Cabinet status to EPA because of the importance we attach to environmental protection. I greatly fear that if my amendment is defeated, we will see what happened in the last 2 years, that the legislation will go nowhere, and 2 years from now we will be here once again making the same proposal. Mr. President, I urge adoption of my amendment.

I yield the floor.

The PRESIDING OFFICER. There are 7 minutes, 21 seconds remaining. The Senator from Ohio controls 30 seconds.

Mr. PELL. Mr. President, I wish to add my voice to those supporting the

excellent work of the chairman of the Governmental Affairs Committee. I am pleased to be a cosponsor of the chairman's bill.

Under the leadership of the senior Senator from Ohio [Mr. GLENN], the committee has reported an eagerly awaited bill to elevate the Environmental Protection Agency to the Cabinet.

The Department of the Environment, as created by this legislation, would be launched with the addition of a Bureau of Environmental Statistics and the elimination of the Council on Environmental Quality.

In addition, the new Department of the Environment would be required to seek more accountability by reducing its outside contracting for what are inherently governmental functions.

The new Department also will benefit from the creation of the Commission on Improving Environmental Protection. This 13-member Commission will focus on how best to improve the management and implementation of environmental laws and programs.

Mr. President, it's about time we elevated the issue of environmental protection. Now, at last, we will have an institutional voice for the environment in the President's Cabinet.

I strongly support the chairman's legislation and hope my colleagues will join in passing a clean bill that will get this new Department off on a sound footing.

Mr. LEVIN. Mr. President, as an original cosponsor of S. 171, I am pleased that the Senate is considering this legislation to elevate the Environmental Protection Agency to a Cabinet-level department. EPA's elevation to the Cabinet reinforces the significance of the mission of this agency and sends an important message to the world about Americans' priorities. It is appropriate that we began consideration of this legislation on Earth Day and I hope the Senate and, subsequently, the House act quickly to pass S. 171.

I join Chairman GLENN in opposing the Roth amendment and other amendments that seek to change the bill that we have reported from the Governmental Affairs Committee, and was later reported by the Environment and Public Works Committee. The Roth amendment would strip S. 171 of two provisions which I believe are important and will help the EPA perform more efficiently in the long run. One is the Bureau of Environmental Statistics and the other is the Commission on Improving Environmental Protection.

The General Accounting Office has recommended that EPA establish a central unit for collecting, analyzing, and disseminating environmental data, and that is exactly the Bureau's role. The Nation's desire and ability to collect environmental data increases al-

most daily, such that the volume of information has become unmanageable and unfocusable. At the same time, the need is ever more pressing to better understand the intricacies of the national and global environment. We need this Bureau to channel and make useful the data we collect so that we can make wise policy decisions on every issue from Great Lakes water quality to global climate change.

The Commission on Improving Environmental Protection will also make the new Department more efficient. The Commission will take up to 2 years to review the EPA's existing structure and programs and make recommendations on how to improve their implementation and management. This Commission complements President Clinton's desire to reinvent government and promises to significantly enhance EPA's past performance.

Mr. President, I would like to mention briefly an issue which I think is integral to the success or failure of our environmental policies; an issue which has historically received too little attention—the burden of mandates placed on small, local communities to comply with environmental regulations and standards.

We are not talking about a small sector of our society, but Federal agencies often regulate as if we are. Over 70 percent of the general purpose governments in the United States have populations of less than 3,000 and half are under 1,000. Moreover, only 3 percent of localities in this country have more than 50,000 inhabitants. However, it is apparent that when these communities are faced with costly regulatory requirements, they do not have a very big tax base upon which to draw.

Federal agencies often forget that small, local governments are frequently comprised of individuals who serve their communities on a volunteer, part-time or low-salary basis. These dedicated individuals are not experts in waste water treatment or air pollution or infrastructure repairs. Moreover, oftentimes these local officials have very limited access to technical experts, legal counsel, or even computers. Given these realities, we are obligated to pay particular attention to the burdens our Federal regulations can place on small communities. This burden can result in exactly what we do not want—noncompliance.

That is in part why we passed the Regulatory Flexibility Act—to force Federal agencies to take the limitations of small entities like small local governments into account in issuing regulations. In the fall of 1988, the Governmental Affairs Committee, of which I am a member, held a hearing on the effectiveness of this legislation in easing the regulatory burden on small entities. Unfortunately, we discovered that the act had not been consistently implemented and compliance by many

agencies has been inadequate, particularly with regard to small communities.

As a result of the problems uncovered at that hearing, Chairman GLENN and myself, along with other members of the committee, introduced the Small Government's Regulatory Partnership Act to gain more effective compliance with the Regulatory Flexibility Act. Due to certain concerns raised regarding the structure of the Small Governments Act, we have continued to wrestle with the issue of how to sufficiently strengthen the Regulatory Flexibility Act to ensure compliance.

I am once again working with the full committee to put some teeth back into this important law. As part of this effort, I recently signed a letter, along with Chairman GLENN and Senator DORGAN, to President Clinton regarding more effective implementation of the Regulatory Flexibility Act.

Obviously, the EPA is at the forefront of the agencies which promulgate regulations affecting small communities and, therefore, has a significant need for heightened sensitivity in this area. The EPA has already undertaken certain initiatives in recognition of the need to address the concerns of small governments. One of those initiatives was the creation, in 1989, of the Small Community Coordinator Program. This office is headed by the Small Community Coordinator, who is charged with integrating the concerns and special needs of small communities into the regulatory process. I and other members of the Governmental Affairs Committee strongly supported the establishment of that office.

Therefore, as the committee prepared to act on the legislation to elevate the EPA to a Cabinet-level agency, I wrote to EPA Administrator Carol Browner to follow up on the status of this important office and to inquire as to her commitment to ensuring a meaningful role for the Small Community Coordinator Program within the agency. Depending on her response, I had planned to move to offer an amendment to codify this office and, therefore, seek to ensure a meaningful and permanent role for this office.

I am pleased to report that the response from Administrator Browner reflects a strong and active commitment on her part to not only the continued existence of the Office of the Small Community Coordinator, but to putting in place new initiatives and enhancing current programs to address the special needs of small communities. The letter lists six ongoing and/or planned initiatives directed toward small community issues such as the establishment of a small community task force headed by the Small Communities Coordinator and the completion of a "Guide to Federal Environmental Requirements for Small Governments".

I did, however, offer and get accepted a separate but related amendment during the committee consideration of S. 171 to the section which establishes the Commission on Improving Environmental Protection. My amendment requires this new Commission to review and make recommendations on the specific concerns and problems faced by small governments in complying with EPA regulations. A similar provision was included for small businesses by my good friend Senator LIEBERMAN, and I supported that effort. When we enacted the Regulatory Flexibility Act, we recognized that small businesses and small governments face similar problems with regulatory compliance. It is only logical to require the Commission to address both these important matters.

It is wrong for agencies to continue to promulgate regulations that significantly affect small communities without addressing their needs and understanding the capacities of these governments to do what we ask of them. It unfairly burdens these communities, and it is an ineffective means to achieve our environmental ends. It appears that Administrator Browner recognizes this and is willing to take steps to integrate these concerns into the policy process within the EPA. I look forward to working with her and her staff on this and other issues.

Mr. President, the Senate has spoken before in favor of elevating EPA to the Cabinet. S. 171 is a good bill and deserves swift passage. Any effort to strip it of useful components or reduce its effectiveness should be opposed. I urge my colleagues to support S. 171 as reported.

I would also like to compliment my chairman, Senator GLENN, and his staff, for extraordinary efforts on behalf of this legislation and environmental protection, in general.

I ask unanimous consent to have Administrator Browner's letter, which I referred to previously, be printed in the RECORD.

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

ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC, April 21, 1993.

Hon. CARL LEVIN,
Chairman, Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN LEVIN: Thank you for your interest in the Agency's Small Community Coordinator (SCC) program. I, too, believe in the importance and benefit of a prominent small community program, and am committed to ensuring that small communities issues are considered in Agency rulemaking and policy development.

As you requested, we are happy to provide you with the following information.

1. An organizational chart which shows the placement of the program within the structure of the EPA is enclosed. As noted, the SCC officially reports to the Associate Ad-

ministrator of the Office of Regional Operations and State/Local Relations (OROSLR) in the Office of the Administrator. Its activities are closely coordinated with overall Agency activities relative to local governments in general.

2. The SCC program is officially staffed with five small community specialists, including the Small Community Coordinator and an economist-statistician in charge of a Small Community Information and Data Program. This data function has recently been enlarged to make possible a more general development of information on local governments as well as small communities.

There are a number of important activities scheduled for the small community program in 1993-94. These include:

A. Establishment of a Small Town Task Force (STTF). It is envisioned that the STTF will become a work group of a larger Local Government Advisory Committee, which is currently being established, I am currently reviewing nominations for participation in the STTF. We anticipate the group will conduct its first meeting within the next few months. The Agency's Small Community Coordinator will have principal responsibility for coordination of the activities of this Task Force.

B. Listing Environmental Requirements Applicable to Small Towns. We are in the final stages of preparing a "Guide to Federal Environmental Requirements for Small Governments." This publication features plain language explanations of major EPA rules that affect small communities and provides relevant Agency contacts. The Guide will be distributed through national and state municipal, county, and township associations, and EPA regional offices. We will also be forwarding copies to Congressional offices.

C. Implementing a Program to Notify Small Communities of Regulations Listed Above, as Well as Future Regulatory Activity. This program is currently in the planning stages. It will be coordinated by the Small Community Coordinator working closely with EPA headquarters and regional offices.

D. Advocacy/Ombudsman Functions. These activities are an ongoing responsibility of the SCC program. These activities are carried out in close cooperation with Small Community Contacts in each Region and each headquarters program office.

E. Data Program. In the next year, the Small Community Information and Data Program will satisfy several major needs of the Agency. First, it will establish a databank of environmentally related information about the 3,300 smallest communities in the United States (with populations less than 10,000) and their governments. Second, the Program will undertake a major initiative to measure and assess the cumulative impact and associated benefits of EPA regulations on small communities.

F. Regulatory Involvement. The Agency, through its Regulation Development Improvement Initiative and other Agency management vehicles, will intensify efforts to insure the needs and concerns of local governments are addressed in the regulatory development process through procedural changes. The Local Government/Small Community Cluster looks for ways to consider and address these needs across the Agency's programs. The Local Government Advisory Committee and its subcommittee, the Small Town Task Force, will also look at the regulatory process and advise the Agency regarding ways to make it more sensitive to the needs of local governments. The Advisory

Committee is chartered to conduct pilot projects and it is anticipated that these pilots will address procedural changes in regulatory development, changes in the analytic bases for regulatory development, and needed changes in legislation.

3. Support of the small community program is found in numerous elements of the Agency's budget. Included are staff time and support commitments in all regions and program offices. Centrally, in the Office of Regional Operations and State/Local Relations, funding includes approximately \$350,000 in personnel compensation and benefit costs, \$300,000 in contract support resources for the data development program, and travel and support funding for the five specialist positions noted above.

4. Enclosed for your information is a listing of SCC program accomplishments.

As you can see, we have an active small community program within the Agency. It is our intention to continue these activities in conjunction with a much strengthened general local government involvement policy, thereby focusing upon the building of a strong, responsible and effective working relationship between EPA and local government. I look forward to working with you in this effort.

Sincerely,

CAROL M. BROWNER.

EPA SMALL COMMUNITY COORDINATOR OFFICE
ACCOMPLISHMENTS

Initiated and published HELPI!—the EPA's first cross-media directory of services for small communities. Distributed to over 20,000 governments and all Members of Congress.

Compiled a cross-media list of rules for local governments.

Established the Small Community Cluster to focus on small community capacity issues.

Regions VII, VIII, and X developed and sponsored small community networks and forums, and published regionally oriented, cross-media handbooks of rules for small governments.

Made presentations to State-EPA Committee and others to get support for EPA cumulative impact agenda. As a result, over 19 public interest groups are ready to team up with EPA to address cumulative impact issues.

Initiated high-level EPA staff meetings with Public Interest Groups and local officials to provide opportunities for dialogue on the cumulative impact problems.

Meetings provided the impetus for an ongoing EPA-local government process to address the capacity issue, and for expansion of the Small Community Cluster into the Small and Local Government Capacity Cluster.

Small Community Information and Data Program initiated, established, staffed, and funded. Activities include: an agreement which has been reached with the Office of Underground Storage Tanks (OUST) to do a study on the impact of the UST rule on small communities; and a number of agreements are in development to do Regulatory Flexibility Act (RFA) analyses for programs.

Conducted pilot project during which over 90 comment letters were received from small communities on the EPA rules which have the most impact on them.

Agency RFA guidelines have been revised to include small communities, due to continued encouragement, monitoring, and participation since 1988.

Agency agreement to improve management of the Semi-annual Regulatory Agenda

process, so that entries from programs will comply with the Regulatory Flexibility Act and contain information that is useful to small governments.

Improved management of, and attention to, the regulatory flexibility process. The Office of General Counsel has focused on Regulatory Flexibility Act requirements, and now has a special counsel assigned to the RFA.

The Office of General Counsel now has a special office which focuses on small community and local government capacity issues.

Intervention points have been identified for participating in EPA's rule-making process, and small communities issues have been successfully addressed in a number of instances. Working together with other interested parties, we have been able to achieve results such as these: the Office of Underground Storage Tanks modified a pending proposed rule to consider the impact on small communities, and has revised its process accordingly; the Sludge rule, currently under consideration, will have a Regulatory Flexibility Act; an air permitting proposal considered small community issues and was able to provide some increased flexibility; and Subtitle D Landfill rule was specifically designed to provide small governments with needed flexibility.

Mr. DURENBERGER. Mr. President, I support the amendment by the Senator from Delaware. There is one provision in the committee reported bill, section 112, that abolishes the Council on Environmental Quality. That provision is not in the Roth amendment. That is a very good reason to support this amendment.

CEQ, the Council on Environmental Quality, was created by the Congress to oversee implementation of the National Environmental Policy Act and to advise the President and the Nation on the broad environmental issues. CEQ was to perform an integrating function taking all of the views of the departments and agencies of the Government and weaving them together to form one effective environmental policy.

I am very pleased that we are moving this bill to make the Environmental Protection Agency a Cabinet department. That will surely elevate the attention that environmental issues are given in the councils of our Government. Nevertheless, we must recognize that even as a Cabinet department, EPA's mission will not include all of the environmental interests of our Nation.

EPA is a pollution control agency. Land management is not an EPA function that is over in the Department of the Interior, unless the land is a national forest, then it is the Department of Agriculture. Wildlife preservation is over in the Department of the Interior, unless it is marine fisheries, then it is in the Department of Commerce. The Department of Energy is charged with developing our energy resources. NASA and NOAA work on preserving our climate.

The point is that the environmental interests of our Nation are still spread broadly across the whole government.

CEQ was the one place that all those interests were brought together and programs coordinated for the most effective policy.

President Clinton has proposed that CEQ be abolished and replaced with a White House Office of Environmental Policy. CEQ will no longer be a group of Senate-confirmed, Presidential appointees. This must necessarily reduce the stature of the coordinating function and diminish the long-term effectiveness of the Nation's environmental policy.

Now, Mr. President, let me shift from the general role of CEQ to its most specific charge. The National Environmental Policy Act requires each agency to prepare an environmental impact statement when it takes a major action that affects the environment. The EIS is a fundamental mechanism of government process intended to protect our natural resources from careless development. CEQ is the agency charged with assuring full implementation of NEPA and assuring that the EIS requirement was carried out by each Federal department and agency.

That function is to be transferred to the new Department of the Environment. I do not believe that EPA, even as a department, can do this job nearly as well. For one thing, EPA has not always fully complied with NEPA requirements itself. Second, EPA is not in a position to oversee decisions of other Federal agencies that are not within its own expertise. For instance, how is EPA to argue with Interior about the impacts of a Bureau of Land Management project on wildlife under the jurisdiction of another part of that agency?

And finally, Mr. President, it is not clear to me that EPA has the resources and management systems in place to assume new functions. I worry that NEPA and its EIS requirement will get lost in the shuffle over at EPA. That would be most unfortunate. I have seen nothing in the public record clearly spelling out how EPA would fulfill its new NEPA responsibilities.

Mr. President, I believe that the decision to abolish CEQ and transfer its functions to EPA is ill-advised. The Roth amendment does not include this provision and it is one of the most important reasons that I am pleased to support the Senator's amendment.

ENVIRONMENTAL PROTECTION AGENCY ALASKA
REGION 11

Mr. MURKOWSKI. Again, let me remind my colleagues of the great need for an EPA Region 11 office in Alaska. Presently, the Environmental Protection Agency is making decisions vital to Alaska's continued well-being from the Region 10 headquarters in Seattle. Region 10 solutions to the myriad of environmental laws within EPA jurisdiction are designed mostly for the Pacific Northwest and do not best address circumstances in Alaska.

Alaska is one-fifth the size of the contiguous United States—365 million acres—with a population of just 500,000. The Federal Government controls two-thirds of our land. Essentially, they are our landlords. Not even 5 percent of the state is in private hands.

Mr. President, let me share with my colleagues some specific instances where we need greater EPA involvement. The arctic and subarctic conditions which exist in Alaska create unique air quality problems, particularly in areas determined to be non-attainment areas under the Clean Air Act. Over 200 million acres of national parks, forests, wildlife refuges, and wilderness may also present unusual problems under the Clean Air Act as the State continues to grow and it is necessary to increase our electric generating capacity or build facilities to diversify our economy.

Continued utilization of Alaska's mineral and oil wealth will require new and innovative methods of dealing with waste disposal and environmental mitigation. The oil industry continues to make great strides in developing techniques to produce oil in arctic conditions in an environmentally sound manner and close cooperation with the proposed Department of the Environment will play an important role. Hardrock mining operations require environmental impact statements. High transportation costs, remote locations, unusual climactic and geological considerations are all unique Alaskan factors that must be considered.

Hazardous and solid waste disposal are becoming critical issues in Alaska. Relatively small quantities of hazardous waste have precluded building a hazardous waste facility in Alaska in the past, yet, as disposal in the lower 48 becomes more problematic, as transportation costs continue to climb and as contaminated sites in remote areas of Alaska are discovered, we will need to provide facilities in State. Solid waste presents similar problems. Recycling measures which work in areas well connected by roads will not be practical in Alaska.

Non-point-source pollution, total daily maximum loads, and surface water treatment are areas where the proposed Department of the Environment assistance will also be critical. Many communities in Alaska do not have safe water or adequate sewage disposal. These communities are also small, remote, and without the economic base to shoulder the high costs of typical facilities.

Alaska has 170 million acres of wetlands. We have only developed one-half of 1 percent of the wetlands in Alaska. A broad Federal no-net-loss program does not work in Alaska where 45 percent of the State is classified as wetlands. EPA decisionmakers in the State could assist the State in getting a rational wetlands policy.

Eleven other Federal agencies have already seen the need to have fully staffed regional offices in Alaska. They include the Coast Guard, the Federal Aviation Administration, the Bureau of Land Management, the Mineral Management Service, the Bureau of Mines, the Fish and Wildlife Service, the National Park Service, the Bureau of Indian Affairs, the Forest Service, the Geological Survey, and the Army Corps of Engineers.

I am convinced that we can staff and fund region 11 in Alaska at reasonable costs. Preliminary estimates indicate that increasing Alaska staff and support and possibly sharing some technical and support services with region 10 may represent only a slight increase in what was budgeted for region 10 last year.

Mr. President, I would ask my colleague, Senator ROTH, about the unfunded region 11. Last January, after over a year of analysis, President Bush directed former EPA Administrator Reilly to sign an administrative order authorizing the creation of the EPA region 11 office in Alaska. Mr. Reilly signed the order. All that remains is the necessary transfer of funding and staff changes to get region 11 up and running.

Does the Roth substitute as introduced today take into account the new region which is awaiting only funding and organization to begin functioning?

Mr. ROTH. I am aware of and I appreciate the Senator's efforts on behalf of Alaskans. Yes, the legislation, S. 171, does not prohibit the full implementation of the administrative order creating region 11 of Alaska.

Mr. MURKOWSKI. Region 11 is intended to be a small but effective force for environmental regulation located and managed in Alaska. By simply transferring 24 FTE's from Seattle to join the 24 already in the Alaska office, the EPA can better protect the Alaskan environment at no added cost by simply transferring \$3.1 million out of region 10's \$32.1 million budget. By getting the region 11 office up and running, the EPA will be following in the steps of 11 other Federal agencies which have separate regional headquarters in Alaska.

Would rapid implementation of region 11 be consistent with the goals and duties of a Department of the Environment?

Mr. ROTH. Yes, there is no inconsistency with this provision.

Mr. MURKOWSKI. Thank you, Mr. President.

Mr. COCHRAN. Mr. President, it is interesting to me that while the American people want to see less government, rather than more, the Senate is considering a bill that will add new agencies to the executive branch.

The Roth substitute is more attractive to me than the committee bill because it does not add to the size of the

Government. The Roth substitute is related solely to changing the agency from an agency to a department. This includes changing the titles of EPA personnel to reflect their roles as officials of a department rather than an agency. It also includes changing current statutory references to EPA to that of a Cabinet-level department. And, it includes provisions ensuring that no EPA legal or regulatory actions will be invalidated or adversely affected by reason of the change in its name.

That is it. That is all this streamlined version seeks to accomplish. And that is all that should be done in this bill. No enlarged bureaucracy, no new agencies.

The committee bill, however, would establish a Bureau of Environmental Statistics, which is estimated to cost \$5 million per year to operate. The purpose of this bureau is also a bit disturbing to me. While I understand the need to have accurate statistics on which to base certain decisions, I am always concerned when a Government agency is given virtually unlimited authority to collect information from the private sector.

The bill does include a provision, which I am pleased to see, that prohibits the new bureau from requiring the collection of data, and I quote, "by any other department, State or local government, or to establish observation or monitoring programs," end quote. However, what is not in that provision is what disturbs me. While this new bureau cannot require any data from any other Government agencies, it can and will collect information from small businesses and individuals and any other entity it deems necessary to provide the appropriate information the bureau wants.

I am sure a good argument can be made for the need for this data. What concerns me is the fact that this will be yet another Government agency burdening private businesses with regulations and information requirements that may be of questionable value. This is just another way that Big Brother can stick his hand in the pockets and private records of the people and the businesses that provide jobs in our economy. There are many additional burdens this agency could place on private businesses and individuals.

Another part of the bill which worries me is a provision to establish a Commission on Improving Environmental Protection. The members of the commission will be appointed by the President, Speaker of the House, and the Senate majority leader. This probably means there will be no Republicans appointed. I hope this deficiency in the legislation will be corrected.

Moreover, this Commission, according to the committee bill, "shall be responsible for examining and making recommendations on the management

and implementation of the environmental laws and programs," within the department, including ways to enhance cooperation among agencies and reduce overlap in responsibilities. I agree that agencies should have the counsel of objective observers to provide insight into how the responsibilities of the agencies could better serve the people of the country. But, I disagree with the need to establish a commission that will do a one-time evaluation at a cost of \$4 million to make these recommendations, when an informal advisory committee could be formed to perform this function at a much lower cost.

One sidenote is interesting as well. This Commission is supposed to be an advisory committee, yet the committee bill includes a requirement that the commission have at least one advisory committee to advise it on matters to come before the commission. This is another example of a good idea carried to an extreme.

Mr. President, I hope the Senate will take the advice of Senator ROTH to make this a clean bill and approve his substitute amendment.

Mr. PRYOR. Mr. President, I rise to oppose this amendment from my good friend Senator ROTH. Perhaps unintentionally, his amendment will continue the runaway use of consultants and contractors at EPA.

Mr. President, before addressing the specific reasons this amendment should be defeated, I want to commend my colleague, Senator JOHN GLENN, who is the chairman of the Governmental Affairs Committee for his diligent and persistent effort to elevate the EPA to Cabinet level. Despite the odds against such a proposal, Senator GLENN has persevered in his determination to not just elevate EPA, but to improve it.

Mr. President, I also want to express my support for the present Administrator of EPA, Ms. Carol Browner. She is an excellent choice to head the EPA and will make a fine Secretary of the new department as well. I especially want to commend her for her prompt attention to the issue of EPA's use of contractors. That is an issue to which I have devoted much time and energy to reforming and it is refreshing to have the head of an agency take an active interest in correcting the abuses that occur.

The reason that Ms. Browner will have to devote time and energy to improving the use of contractors is that EPA now spends over a billion dollars a year on contractors. EPA's contractor work force, although much harder to count than the official work force at EPA, must number nearly as high as the 17,000 Federal employees at this agency. So to manage EPA, means to a very large extent, to manage EPA's contractors.

Mr. President, a key reason that I oppose Senator ROTH's amendment is

that his amendment would delete two provisions that I think will greatly improve the new department's use of contractors. First, the legislation contains a prohibition against using private contractors to perform inherently governmental functions. This means that contractors will not be writing congressional testimony or making the policy decisions at the department. This is important to ensure that directly accountable officials are actually making the policy decisions for the Federal Government.

Second, the legislation has a better system to address the potential conflicts of interest that occur when private contractors work at the same time for EPA and for regulated industries. Basically, this legislation requires EPA to seek all relevant information from its contractors to seek to determine if any potential conflict of interest exists. This system is similar to the one in place at the Department of Energy. At the present time, EPA has a system of self-policing by its contractors which I think is unacceptable. The taxpayers pay for these contracts and they deserve to know if contractors have any potential conflict of interest that could affect the work of the Federal Government.

Mr. President, I again commend Senator GLENN for his efforts and I hope that as we raise EPA to Cabinet-level we not only elevate it, but that we improve it. The amendment before us would reverse planned improvements at EPA and it should therefore be defeated.

Mr. SASSER. Mr. President, I am proud to be an original cosponsor of S. 171 and I rise today in support of this important legislation. As a Member of the Governmental Affairs Committee, I have worked with Chairman GLENN for several years on this issue and I hope my colleagues will join me in voting for passage of the Department of the Environment Act of 1993.

This legislation reflects the need to move environmental issues to the forefront in our Government's policy making councils. The environment has increased in prominence among those issues of concern to the American public and has taken on a global dimension. A position in the President's Cabinet is essential to ensure that the Secretary of the Department of Environment has equal standing during interagency discussions and comparable status in dealing with foreign governments. S. 171 accomplishes the elevation of the Environmental Protection Agency and, at the same time, strengthens the agency's management effectiveness.

I would first like to point out that both the Congressional Budget Office [CBO] and the Office of Management and Budget [OMB] have indicated this bill has no pay-as-you-go effect. In fact, because S. 171 includes provisions that create a commission to improve

the internal structure and streamline the operation of the new department, this legislation may actually save Federal dollars and reduce costs to taxpayers.

I expect the Commission on Improving Environmental Protection will uncover a great many Environmental Protection Agency activities and programs in need of improvement. Increasingly, we have come to recognize that the environmental problems we face now are multifarious and far more complex than we had originally imagined. These issues have global dimensions and they cut across the traditional jurisdictions of the various Cabinet departments. We cannot continue trying to address the environmental problems of today with an institutional organization established decade ago. I believe the Commission on Improving Environmental Protection will enable us to more effectively respond to the environmental issues we face today. It is now necessary to have institutional permanence at the highest level in developing an environmental policy.

I would also note that the Bureau of Environmental Statistics which would be established under the Department of the Environment Act of 1993 is a sorely needed element of the new department. I believe that once this bureau is formed, it will become an invaluable tool for policy creation environmental decisionmaking.

The lack of reliable data has often hampered our ability to measure the performance of environmental programs that Congress has established and the paucity of dependable environmental statistics has made it difficult at times to evaluate the severity of some environmental problems. Let me add that this much-needed Bureau of Environmental Statistics will require no additional funding authorization. The Environmental Protection Agency has assured us it will designate funds from current resources to establish the Bureau.

Unfortunately, the Roth amendment before us today includes no provisions for either the Bureau of Environmental Statistics or the Commission on Improving Environmental Protection. It does little more than change the name of the agency. We should not squander this opportunity to address the very important management issues that the Governmental Affairs Committee has identified through a great deal of study and evaluation.

The President has already made it clear that he considers the EPA Administrator a member of his Cabinet and it is high time for Congress to formalize that commitment and elevate the Environmental Protection Agency to its rightful status.

Mr. ROTH. Mr. President, I will yield the remainder of my time, and I understand the other side will also.

The PRESIDING OFFICER. Does the Senator from Ohio yield his time?

Mr. GLENN. If I have any time to yield back, I yield.

RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. All time has been yielded.

Under the previous order, the Senate will now stand in recess until 2:15 p.m.

Thereupon, the Senate, at 12:31 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. CONRAD].

ORDER OF PROCEDURE

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, are we in morning business at the present time?

The PRESIDING OFFICER. No. But the Senator may seek consent.

MORNING BUSINESS

Mr. METZENBAUM. Mr. President, I ask unanimous consent that we go in morning business at this time for a period not to exceed 15 minutes.

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

PRESIDENT CLINTON'S FIRST 100 DAYS

Mr. METZENBAUM. Mr. President, this Thursday will mark the completion of President Clinton's first 100 days in office. It will mark a traditional watershed, the point at which journalists, politicians, and members of the public step back and take stock of the new President.

It marks the end of the traditional honeymoon, although in this case the Republicans in Congress ended President Clinton's honeymoon about 90 days ago.

Despite all the myths about the Presidential honeymoon, I have always believed that the first 100 days are fraught with peril. Each little success and each little defeat are magnified by the pundits and the media usually way out of proportion to their long-term importance.

It is a time of great exaggeration. Each accomplishment bodes greatness for the new President. Each defeat portends doom and failure.

Let us take a look at President Clinton's first 3 months.

On January 20, the President was inaugurated, accompanied by what I believe was a national tide of optimism and enthusiasm. His vision for America—his commitment to change, and giving the people back their Government—contrasted sharply with the stale ethos of his predecessor, George Bush.

But it was only a few days later that the President became embroiled in a

controversy over whether homosexuals should be permitted to serve in the military. He had promised during the campaign to end Government discrimination against homosexuals. He attempted to keep his promise, and I commend him for that. It took courage, I salute him for his effort. Nevertheless, critics and pundits belittled the effort as unworthy of Presidential attention. Sensing disarray, they pronounced the Clinton administration on the ropes after a scant week on the job. Of course, those pronouncements were absolutely ludicrous.

Two weeks later, the President produced his economic plan. It was an excellent plan to reduce the deficit, create new jobs, and to finally put an end to 12 years of Government favoring the rich over the middle class. The public liked it, too.

President Clinton hit the campaign trail, the polls came in, the media made it official. Americans overwhelmingly supported the new President. They wanted his jobs bill, his economic stimulus bill.

Scarcely 6 weeks later, Congress passed the budget resolution, putting in place—nearly unchanged—the broad framework of the President's economic plan.

It was the first time in 17 years that Congress passed the budget resolution before the legal deadline. We were giving an indication that this Congress wants to work with the President and indeed we do.

The President had hit his zenith. He began to look unstoppable.

But within the space of a few weeks, the Sun disappeared, the sky darkened and it began to pour.

The President's jobs bill, after being pushed through the House, hit quicksand in the Senate—not really quicksand. That is an overstatement of the word. The President time after time evidenced there were a majority of Members of this Senate that wanted the bill to be passed. But it was bogged down in a Republican filibuster. And after several weeks of delay and attempts on the President's part to accommodate the Republicans in their ever-changing demands, the bill was defeated.

Even the President had to admit he had had a bad week. He had a bad week, because the minority had prevailed, the majority had not prevailed, the polls are in, his numbers are down, and anonymous sources are pronouncing the administration almost doomed.

What is the lesson here, Mr. President? That President Clinton is a failure? Of course not, it is not.

The lesson is that politics is a fickle business. There are no absolutes. Sometimes the minority can defeat the will of the majority.

The reality of the matter is, we have a President who has shown tremendous

courage and compassion. He stood up and fought for what he believed. He did not back down. He attempted to compromise. And he has shown consistency.

He has had the courage to push controversial issues, such as universal health care, during this period, something we all agree that each American should have but we all know would be very difficult to achieve. And he has had, standing at his side in that fight for universal health care, his wife, who, this Senator believes, is doing a magnificent job in attempting to bring all the diverse elements together to pass a national health care bill.

Not 1 day in the last 12 years of the previous administrations was there any effort made to bring about a universal health care plan so that the 37 million Americans who have no health care at all could have an opportunity to be protected when they became sick and ill.

But this President is putting a full court press on it, and his wife, standing by his side, is spending untold numbers of hours doing so.

Candidate Clinton promised active Government. He promised change, and as President, he is making an honest effort to deliver.

He is the first President in memory with the integrity to deal honestly with the American public on the nightmare of the deficit.

He has faced tough issues and he has spoken out candidly. He has not ducked. He has not equivocated.

He stood up and said: "This is what I believe. Even if you disagree with me, at least you know where I stand." That is refreshing. We have not had that in the last 12 years.

This President has been creative. President Clinton has advanced more ideas in 100 days—health care reform, national service, campaign finance overhaul, environmental protection—among others—that did George Bush in his entire 4 years.

But the President cannot do it all himself. He does not make the laws. He can only propose them.

Passing laws is the job of the Senate and the House of Representatives. If the Republicans in Congress decide to play politics and bog the President's plan down in gridlock, there is not a whole lot the President can do about it.

But I believe the public cares. I know the public cares.

On November 3, 1992, they elected Bill Clinton as President. They were sick and tired of divided, gridlocked Government. They voted for the change that he represented.

If they had wanted more of the same gridlock, they would have re-elected George Bush.

Now let me digress for just a moment Mr. President.

In 1981, newly elected President Reagan proposed a plan of sweeping

economic change; so sweeping, in fact, it was considered revolutionary.

It contained the largest cut in Federal revenues ever proposed—something like \$800 billion over 5 years. Even members of the President's own party had concerns about it.

The Republican majority leader of the Senate at that time called it a Riverboat Gamble.

But the Republicans said, "Give the President a chance. After all, he was elected."

So we gave him his chance. And when the dice were rolled and the Reagan budget was passed, it set the stage for 12 years of Republican deficit spending—spending that quadrupled the national debt to \$3.3 trillion, and mortgaged the future of every one of our children, and each of their children's children.

But Mr. Reagan got his chance.

Now, today, the very same Republican Party—the one that so forcefully argued that their man be given his opportunity—wants to deny that very same opportunity to the Democrat who has been elected President.

The fact is, Mr. President, the Republicans do not want to see the country move forward. They do not want the President to succeed in cleaning up the mess that they, themselves, created.

They just want to play politics. They just want to embarrass the President. And they did embarrass him when they killed his jobs bill with the votes of a minority of the Members of this body.

But I would say he was bothered by it for about 24 hours. And then he moved on to the next project.

His budget is on track. His other initiatives are moving forward.

So I would say to those who jump on every minor event to count the President out: Do not be mistaken. This President has what it takes. He is here for the long haul. He is going to get a lot more done. And I say, Mr. President, I will be there to help him.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. 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.

DEPARTMENT OF THE ENVIRONMENT ACT OF 1993

The Senate continued with the consideration of the bill.

Mr. SPECTER. Mr. President, after consultation with the distinguished chairman and after having advised the ranking Republican of my intent to offer an amendment, I ask unanimous

consent that the pending amendment be set aside so that I may offer an amendment, with the understanding that the vote, as scheduled for 3:30, will proceed in accordance with the prior unanimous-consent agreement.

The PRESIDING OFFICER. Is there objection?

Mr. GLENN. Mr. President, reserving the right to object, this would mean that at 3:30, after the vote, as I understand it, then the pending business would be, what, the Specter amendment to the underlying bill?

Mr. SPECTER. Mr. President, that is my understanding. It would be, in effect, title IV of the pending legislation offered by the distinguished chairman.

Mr. GLENN. I will not object.

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

AMENDMENT NO. 325

(Purpose: To contain health care costs and increase access to affordable health care, and for other purposes)

Mr. SPECTER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [for himself, Mr. PRESSLER, Mr. D'AMATO, Mr. BROWN, and Mr. SPECTER], proposes an amendment numbered 325.

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

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

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. SPECTER. At this time, I yield to my distinguished colleague from North Dakota for 5 minutes.

Mr. DORGAN. Mr. President, I ask unanimous consent that my remarks appear as in morning business.

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

CHILDHOOD IMMUNIZATION IS THE FIRST STEP TOWARD EFFECTIVE HEALTH CARE REFORM

Mr. DORGAN. Mr. President, the United States spends more on health care than any other country in the world. In 1990, we spent more than \$2,500 per person trying to develop a strong, effective network of health care delivery.

But we failed miserably. While we may have developed the most advanced life-saving technologies the world has ever seen, we were unable to provide even the most basic health care to millions of Americans. Our failures are highlighted by that fact that fewer than half of the pre-school age children in this country are fully immunized against preventable but deadly childhood diseases. In some inner-city areas

of the country, the rate is as low as 10 percent.

This week is "National Preschool Immunization Week." It is the week when we, as Americans, have to own up to our failures in providing basic and preventive health care to our kids. And our failures are dramatic.

The United States is the only industrialized country that does not guarantee immunization for all children 2 years old. In the Western Hemisphere, only Haiti and Bolivia have worse records for immunizing its children than we do. In fact, no other country in this hemisphere has an immunization rate lower than 80 percent.

Many childhood diseases were once almost nonexistent in this country because of aggressive immunization policies and programs. In the past several years, however, our lack of attention to this important problem has resulted in a resurgence of these dread diseases. In 1990, nearly 28,000 cases of measles and 89 deaths resulting from the disease were reported. This is a dramatic increase from 1983, when fewer than 1,500 cases were reported.

Through "Every Child By Two," Betty Bumpers and Rosalynn Carter have been trying to focus our attention on this vital issue for the last 2 years. We can no longer afford to ignore a serious health problem that has the potential of reaching epidemic proportions. My wife, Kim, and the spouses of many of our colleagues have been actively working on behalf of universal immunization with this important organization.

President Clinton has announced his plan for a universal immunization program that represents a real commitment to resolving this critical issue. The President is proposing that the Federal Government purchase all the vaccines necessary to immunize all of our Nation's 2-year-olds. I wholeheartedly support these efforts, and urge the Senate to work closely with the President to realize this goal of universal immunization.

The President recognizes that we can no longer accept an immunization rate lower than many of the poorest nations in the world. We can no longer accept immunization rates of 50 percent, 60 percent, or even 70 percent. The recent reemergence of preventable childhood diseases is ample evidence that an immunization program is successful only when it includes 100 percent of our children.

In my own State of North Dakota, as many as 32 percent of 2-year-olds may not be fully immunized. Although this represents an immunization rate far higher than the national average, it still leaves more than 5,500 2-year-olds—and probably thousands of other pre-school-age kids—at risk of contracting serious—and sometimes fatal—preventable diseases.

To those who say we simply cannot afford another social spending pro-

gram, let me make clear that this is a saving program. Every \$1 that we spend on immunization today is expected to save \$10 in future health costs. Few investments can promise such a generous return. For that reason alone, universal immunization should be the first step in any health reform or health care cost containment proposal.

The President's proposal recognizes that the cost of vaccines has been a critical barrier to universal access and must be addressed. Over the last 10 years, the cost of immunizing children has increased more than 10 times, even in public clinics, because of the rising price of vaccines. The cost of the vaccine to fully vaccinate a 2-year-old in 1982 cost \$7 in the public sector and \$23 in the private sector. By 1992, those costs had risen to \$122 and \$244.

The prescription drug companies quickly point out that these cost increases were caused by recommendations for new vaccines and additional doses of existing vaccines, and an excise tax used to fund the vaccine compensation program. But these excuses only partially explain the dramatic increase in the cost of vaccinating our children.

In testimony before a joint session of Senate and House committees last week, Secretary for Health and Human Services Donna Shalala pointed out that, in 1982, the diphtheria, tetanus, and pertussis vaccine—the DTP—cost about 37 cents in the private sector. In 1992, the same dose cost more than \$10. Even if you take out the \$4.56 excise tax, the price increased more than 14 times in those 10 years. Using similar calculations, the price of the measles, mumps and rubella shot—the MMR vaccine—more than doubled during that timeframe.

The tired defenses of the pharmaceutical companies simply will not wash anymore. The fact is that drug companies collected profits more than 3 times higher as a percentage of their sales than other manufacturing industries throughout the 1980's. To insist that vaccine prices on vaccines remain high in order to subsidize high profits amounts to little less than price gouging, and I hope that we can work quickly to put an end to this practice.

Of course, the cost of immunizations is not the only reason that too many kids are not immunized. Any attempt to achieve universal immunization must include outreach programs designed to get the vaccines to the children who need them. This is especially important in rural areas, where many people simply do not have access to the health care that they need. It is also important in families where working parents cannot get their kids to public health clinics during regular clinic hours, or where parents do not understand the need for early immunization or downplay its importance.

By expanding the network of providers that can participate in the immuni-

zation effort to include private doctors and clinics, the President's proposal will make vaccinations more accessible for thousands of American families. In addition, by developing a national immunization tracking system, the administration's plan would identify and track those kids that have not yet received their vaccinations. These are key elements in any effective proposal to expand access and make immunization programs more convenient and user-friendly.

However, I would suggest that the Senate consider going even further with this effort. States participating in the national immunization program should demonstrate that they are taking all appropriate steps to improve that State's immunization rate. Some health experts have suggested such measures as using mobile clinics to enhance rural access to immunization; extending public health clinic hours to evenings and Saturdays when working parents are better able to take their children to be immunized; and expanding education outreach programs to emphasize the importance of immunizing children at an early age.

In the case of health care, an ounce of prevention really is worth a pound of cure. I hope that we will be able to work with the President toward the realistic goal of universal immunization.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

DEPARTMENT OF THE ENVIRONMENT ACT OF 1993

The Senate continued with the consideration of the bill.

AMENDMENT NO. 325

Mr. SPECTER. Mr. President, the amendment which I have offered is being offered on behalf of Senator PRESSLER, Senator D'AMATO, Senator BROWN, and myself.

It is an amendment which contains the substance of Senate bill 631 which was introduced in the U.S. Senate on March 23, and it follows a long line of legislation which this Senator has introduced since 1985.

It had been next on the list for consideration after the Domenici amendment was considered on April 1, when the distinguished majority leader put the Senate into morning business and the business of the Senate was thereafter arranged on the emergency supplemental so that no further amendments would be considered.

In offering this bill, Mr. President, it is not something that I have developed today, yesterday, last week, last month, or last year, but something which this Senator has been working on for a very long period of time. I am offering the amendment at this time because I consider it vital that the American people be advised, first, that it is imperative that the Federal Gov-

ernment act on health care reform now; second, that Congress can act now; and, third, that there are increasing signs that health care reform legislation will not be enacted this year unless we proceed to move on it at the present time.

For the past 12¼ years, I have served on the Appropriations Subcommittee for Health and Human Services and in connection with those duties have been deeply involved in the health care issue. I noted in 1985 that Pittsburgh, PA, had a unique problem with low-birthweight babies among African-American children and in fact had the highest infant mortality rate of any city in the country.

Because of that on November 21, 1985, I offered Senate bill 1873 which was the Community Based Disease Prevention and Health Promotion Projects Act of 1985. Thereafter, in 1991 in the 102d Congress, on May 22 I offered Senate bill 1122 designated the Long-Term Care Incentives Act of 1991. And on November 20, 1991, I introduced Senate bill 1995, designated as the Health Care Access and Affordability Act of 1991. On August 12, 1992, I introduced Senate bill 3176 entitled the Health Care Affordability and Quality Improvement Act of 1992.

For more than 2 years, Mr. President, I have worked with the distinguished Senator from Rhode Island, Senator JOHN CHAFEE, who has been the chairman of the Republican health care task force, and cosponsored on November 7, 1991, Senate bill 1936 which was designated as the Health Equity and Access Improvement Act of 1991.

During the recess, after we adjourned last November for the 1992 elections, my staff and I worked over November, December, and January in order to pull all of these materials together to be ready on the first legislative day to introduce a comprehensive health care bill which this Senator did on the first legislative day which was January 21, 1993.

At that time, in my floor statement I congratulated the President for his inaugural address the day before, on January 20, and expressed my concern or my hope that he would have been more specific on what the new President intended to do with respect to an economic recovery and with respect to health care.

Thereafter, the President appointed the First Lady, Mrs. Hillary Clinton, to chair a task force to try to bring forth comprehensive health legislation.

Mr. President, I ask unanimous consent that a summary of Senate bill 18, which this Senator introduced on January 21, 1993, be printed in the RECORD at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, it is ordered.

(See exhibit 1.)

Mr. SPECTER. Mr. President, the next day, on January 22, 1993, I wrote

to the distinguished majority leader, Senator MITCHELL, and said:

On the first date of the session, January 21, I introduced S. 18, the Comprehensive Health Care Act of 1993. As you may recall, in the last session, I pressed to have the health care issue brought to the floor at the earliest possible date. I invite you and/or your staff to review my bill which is the product of many years' work. Whether it is my bill or some other legislative proposal, I urge you to bring this important issue to the Floor at the earliest possible time—hopefully no later than this spring.

Sincerely,

ARLEN SPECTER.

When I was referring to the activity of the prior Congress, Mr. President, I was referring to an amendment which this Senator offered on July 29, 1992, where I sought to have the Senate take up important considerations on the health care issue. I had offered an amendment at that time to the energy bill.

The distinguished majority leader came to the floor on that day, July 29, 1992, and stated that he thought the amendment did not belong on an energy bill. I stated at that time, as the RECORD will show, that I agreed with the distinguished majority leader and that I was prepared to take the amendment down if the distinguished majority leader would give this Senator a date certain on when the health care issue would come up.

Senator MITCHELL made this comment, as reflected at page 20098 of the CONGRESSIONAL RECORD:

As I have stated many times publicly, from the very place that I am standing now, as well as others, comprehensive health care reform is one of my highest legislative priorities, and it is my hope and intention to bring to the Senate this year, if at all possible, such legislation.

This Senator then pressed the majority leader to make a commitment as to a date certain. The majority leader then said, again on page 20098: "Mr. President, I am not able to make a commitment," and then he continues to make some other statements.

I commented to the distinguished majority leader that a commitment had been made for a date certain on product liability, which was the first day after the Labor Day recess, September 8, 1992. Notwithstanding my efforts to have a date certain established to take up health care, the majority leader declined to undertake it at that time.

The distinguished Senator from Montana [Mr. BAUCUS] made the following statement in the same debate, at S10767: "We also know—at least I have been told—that we will be considering health care legislation this fall in September."

Notwithstanding the importance of health care legislation, Mr. President, as it is well known, health care legislation did not come before the Senate last year. And that is why this Senator, on the first legislative day, introduced S. 18.

In addition to writing to Senator MITCHELL on the same day, January 22, 1993, this Senator wrote to the chairman of the Senate Committee on Labor and Human Resources, the Honorable TED KENNEDY, as follows:

I believe it is important that the Senate take up the issue of health care reform at the earliest possible time. Last year I pressed Senator Mitchell to take up the issue, but without success. On January 21, the first day of our legislative session, I introduced S. 18, the Comprehensive Health Care Act of 1993, which is a work product of many years of activity on my part. I request a hearing by the Labor and Human Resources Committee at the earliest possible date. Whether it is my bill or someone else's legislative proposal, I ask for your help in bringing this issue to the Floor at the earliest possible time—hopefully no later than the spring of 1993.

Sincerely,

ARLEN SPECTER.

I wrote a virtually identical letter, substantially the same, to Senator MOYNIHAN, in his capacity as chairman of the Finance Committee, asking Senator MOYNIHAN to take up consideration of S. 18 and S. 19, which was an economic recovery program.

I then, Mr. President, received a letter from Senator KENNEDY, dated March 11, 1993, as follows:

DEAR ARLEN: I apologize for the delay in responding to you about S. 18, the Comprehensive Health Care Act of 1993, and your request for hearings on it. I have been working closely with the White House on preparation of the Administration bill, and I have not yet made a decision on whether hearings will be held prior to the introduction of the Administration plan. My current expectation is, however, that any hearings before the introduction of the Administration bill will be directed at broad health issues, rather than specific legislative proposals for reform.

I commend you for the thought and ability you have put into your legislation and I look forward to working with you to make comprehensive health legislation reform a reality this year.

With my respect and warm regards,

Sincerely,

TED.

I have not received a reply to my letter to Senator MOYNIHAN. And, as yet, no hearings have been scheduled by any of the relevant committees on S. 18.

Mr. President, at this time, I ask unanimous consent that the text of these four letters, three dated January 22, 1993, and the reply from Senator KENNEDY, dated March 11, 1993, be printed in the CONGRESSIONAL RECORD at the conclusion of my comments.

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

(See exhibit 2.)

Mr. SPECTER. Mr. President, I then wrote to First Lady Hillary Clinton, by letter dated January 26, 1993, as follows:

Congratulations on your designation by the President to lead the executive group on preparing health care legislation. I am taking the liberty of sending on to you my floor statement and the text of S. 18, the Com-

prehensive Health Care Act of 1993, which represents many years of my work on this issue in connection with my position as ranking Republican on the Appropriations subcommittee dealing with health care expenditures.

This bill has been drafted in consultation with former Surgeon General C. Everett Koop, the American Nurses Association, the People's Medical Society, the National League for Nursing, and the American Academy of Family Physicians. The two objectives of this bill are to extend health insurance coverage to 37 million Americans now not covered and to reduce costs for those who are covered.

Key points of the bill are:

One, incentives for young pregnant women, especially teenagers, to secure prenatal and postnatal care to avoid the human tragedies of low birth weight babies and the attendant billion dollar cost;

Second, provide federal guidelines for terminally ill patients who exercise their option not to have unwanted and useless medical care;

Third, utilization of nurses and other non-physician providers to deliver primary care services, including home care, to improve access, increase efficiency, and provide cost savings.

Mr. President, while I have concluded my reading of this letter, I note that it is approaching 3:30, the time fixed for the vote. If it is in accordance with the rules of the Senate, I would cease reading the letter at this point and yield the floor so that the vote may occur, with the unanimous consent agreement that I may be recognized to resume this presentation immediately at the conclusion of the vote.

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

EXHIBIT 1

COMPREHENSIVE HEALTH CARE ACT OF 1993 (S. 18), SENATOR SPECTER

KEY POINTS OF THE BILL

(1) Provides incentives for young pregnant women, especially teenagers, to secure prenatal and postnatal care to avoid the human tragedies of low birthweight babies with the attendant billion dollar cost;

(2) Establishes federal guidelines for terminally ill patients who exercise their option not to have unwanted medical care;

(3) Encourages the utilization of nurses and other non-physician providers to deliver primary care services, including home care, improve access, increase efficiency, and provide cost savings;

(4) Authorizes funds for a comprehensive health education and prevention initiative for toddlers, elementary, and secondary students to teach children, at every stage of their development, a range of health related subjects;

(5) Institutes incentives to increase the supply of generalist physicians to enhance access to primary and preventive health services;

(6) Expands funding for outcomes research for the development of medical practice guidelines and increasing consumers' access to information in order to reduce the delivery of unnecessary care.

BILL SUMMARY

Title I: Implements a series of small business insurance market reforms and extend 100 percent deductibility for health the cost

of health insurance to self-employed individuals and their families (\$1.7 billion in FY'94, \$8.6 billion over 5 years). The market reforms are consistent with those included in the Republican Health Care Task Force bill of the last Congress and include:

(1) Establishing a basic health benefits plan for small employers and setting minimum standards for insurers offering insurance to small businesses;

(2) Authorizing federal grants for the support of small business health insurance purchasing groups (such sums); and

(3) Fostering the development of efficient managed care plans by exempting plans which meet federal standards from state mandates.

Titles II-VII focus on expanding primary and preventive health services and providers and enhancing the management of health care costs. These titles would implement the following reforms:

Title II: Expand primary and preventive health services by authorizing two new grant programs. The first would increase the availability of comprehensive prenatal care services to women at risk for low birthweight births (FY'94, \$100 million). The second, would assist local education agencies and pre-school programs in providing comprehensive health education (FY '94, \$90 million). Title II also increases the authorization of several existing preventive health programs, such as Breast and Cervical Cancer Prevention, Childhood Immunizations, and Community Health Centers (\$1.4 billion over existing authorizations);

Title III: Enhance consumer decision-making by requiring that health care institutions and providers make certain information available to patients;

Title IV: Reduce the delivery of unwanted and unnecessary care in the last months of life by strengthening the federal law regarding patient self-determination and establishing uniform federal forms with regard to self-determination;

Title V: Improves efficiency in health care delivery by permitting access to the most appropriate providers by increasing primary care providers, including generalist physicians, nurse practitioners and physician assistants;

Title VI: Expand access to Medicare beneficiaries to managed care programs through the formation of innovative managed care plans; and

Title VII: Foster the development of medical practice guidelines by implementing a surcharge of one tenth of one cent on health insurance contracts to expand research on effective medical treatments.

Title VIII: Increases access to long-term care by: 1) creating tax credits for the purchase of long term care insurance and tax deductions for amounts paid towards long-term care services of family members; 2) excluding life insurance and IRA savings used to pay for long-term care from income tax; 3) implementing an "extraordinary cost protection provision" by expanding Medicaid to include coverage of any individual, excluding the wealthiest Americans, who has been confined to a nursing home for at least 30 months; and 4) setting standards that require long-term care to eliminate the current bias that favors institutional care over community and home-based alternatives.

EXHIBIT 2

U.S. SENATE,

Washington, DC, January 22, 1993.

Hon. GEORGE MITCHELL,
Majority Leader, U.S. Senate, Washington, DC.

DEAR GEORGE: On the first date of the session, January 21, I introduced S. 18, the Comprehensive Health Care Act of 1993.

As you may recall, in the last session I pressed to have the health care issue brought to the Floor at the earliest possible date. I invite you and/or your staff to review my bill which is the product of many years' work.

Whether it is my bill or some other legislative proposal, I urge you to bring this important issue to the Floor at the earliest possible time—hopefully no later than this spring.

Sincerely,

ARLEN SPECTER.

U.S. SENATE,

Washington, DC, January 22, 1993.

Hon. TED KENNEDY,
Chairman, Senate Committee on Labor and Human Resources, U.S. Senate, Washington, DC.

DEAR TED: I believe it is important that the Senate take up the issue of health care reform at the earliest possible time. Last year I pressed Senator Mitchell to take up the issue, but without success.

On January 21, the first day of our legislative session, I introduced S. 18, the Comprehensive Health Care Act of 1993, which is a work product of many years of activity on my part.

I request a hearing by the Labor and Human Resources Committee at the earliest possible date.

Whether it is my bill or someone else's legislative proposal, I ask for your help in bringing this issue to the Floor at the earliest possible time—hopefully no later than the spring of 1993.

Sincerely,

ARLEN SPECTER.

U.S. SENATE,

Washington, DC, January 22, 1993.

Hon. DANIEL PATRICK MOYNIHAN,
Chairman, Senate Finance Committee, U.S. Senate, Washington, DC.

DEAR PAT: With this letter I am enclosing my Floor statements on S. 18 on health care and S. 19 on an economic recovery program.

I believe it is important that the Senate take up these two subjects at the earliest possible time—hopefully no later than the spring of 1993.

I urge you to schedule hearings on S. 19 in the Finance Committee as promptly as possible.

As you will note, there are aspects of S. 19 which come within the jurisdiction of the Finance Committee. I ask that you hold hearings on those issues as promptly as possible

Sincerely,

ARLEN SPECTER.

U.S. SENATE,

Washington, DC, March 11, 1993.

Hon. ARLEN SPECTER,
U.S. Senate, Washington, DC.

DEAR ARLEN: I apologize for the delay in responding to you about S. 18, the Comprehensive Health Care Act of 1993, and your request for hearings on it. I have been working closely with the White House on preparation of the Administration bill, and I have not yet made a decision on whether hearings will be held prior to the introduction of the Administration plan.

My current expectation is, however, that any hearings before the introduction of the

Administration bill will be directed at broad health issues, rather than specific legislative proposals for reform.

I commend you for the thought and ability you have put into your legislation, and I look forward to working with you to make comprehensive health reform a reality this year.

With my respect and warm regards,

Sincerely,

TED.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the Roth substitute, amendment numbered 324.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. GLENN. May we have the regular order and I move to table.

VOTE ON AMENDMENT NO. 324

The PRESIDING OFFICER. The question is on the motion to table.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment (No. 324) of the Senator from Delaware.

The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY], the Senator from Hawaii [Mr. INOUE], and the Senator from Texas [Mr. KRUEGER], are necessarily absent.

Mr. NICKLES. I announce that the Senator from Wyoming [Mr. SIMPSON], is necessarily absent.

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

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

The result was announced—yeas 54, nays 42, as follows:

[Rollcall Vote No. 106 Leg.]

YEAS—54

| | | |
|-----------|------------|---------------|
| Akaka | Feingold | Lieberman |
| Baucus | Feinstein | Mathews |
| Biden | Ford | Metzenbaum |
| Bingaman | Glenn | Mikulski |
| Boren | Graham | Mitchell |
| Boxer | Harkin | Moseley-Braun |
| Breaux | Heflin | Moynihan |
| Bryan | Hollings | Murray |
| Bumpers | Jeffords | Nunn |
| Byrd | Johnston | Pell |
| Campbell | Kennedy | Pryor |
| Conrad | Kerrey | Reid |
| Daschle | Kerry | Riegle |
| DeConcini | Kohl | Robb |
| Dodd | Lautenberg | |
| Dorgan | Leahy | |
| Exon | Levin | |

| | | |
|-------------|--------|-----------|
| Rockefeller | Sasser | Wellstone |
| Sarbanes | Simon | Wofford |

NAYS—42

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

NOT VOTING—4

| | |
|---------|---------|
| Bradley | Krueger |
| Inouye | Simpson |

Koop, the American Nurses Association, People's Medical Society, The National League for Nursing and the American Academy of Family Physicians.

The two objectives of the bill are to extend health insurance coverage to the 37 million Americans now not covered and to reduce costs for those who are covered. Key points of the bill are:

- (1) Incentives for young pregnant women, especially teenagers, to secure prenatal and postnatal care to avoid the human tragedies of low birth weight babies with the attendant billion dollar cost;
- (2) Provide federal guidelines for terminally ill patients who exercise their option not to have unwanted and useless medical care;
- (3) Utilization of nurses and other non-physician providers to deliver primary care services, including home care, to improve access, increasing efficiency and provide cost savings;
- (4) Authorizes funds for a comprehensive health education and prevention initiative for toddlers and elementary and secondary students to teach children at every stage of their development a range of health related subjects;
- (5) Incentives to increase the supply of generalist physicians to enhance access to primary and preventive health services;
- (6) An expansion of funding for outcomes research for the development of medical practice guidelines and increasing consumers' access to information in order to reduce the delivery of unnecessary care.

Last year I pressed Senator Mitchell, the Majority Leader, to bring health care to the Senate floor and again last week I wrote him on the same subject with a view to having such legislation considered at the earliest possible time in the session.

I would be pleased to work with you on this important subject.

Sincerely,

ARLEN SPECTER.

Mr. SPECTER. Mr. President, after introducing S. 18 and pressing to have the hearings and corresponding with First Lady Hillary Clinton—and I should note parenthetically that I received no response to that letter—I then continued working with the Republican health care task force, chaired by the distinguished Senator from Rhode Island [Mr. CHAFEE] and it was my hope that we might have had a bill from the Republican task force reported out and presented as an amendment on pending legislation so that the Senate would have an alternative health care proposal to consider.

When that was not deemed practical, I then took a look at legislation which had been introduced by a number of other Republican Senators and amalgamated that legislation into S. 631, which is a combination of legislation which I had introduced, and legislation introduced by Senator KASSEBAUM, Senator COHEN, Senator MCCAIN, and Senator BOND. On March 23, I introduced S. 631. In introducing S. 631, I had said, Mr. President, that it was not a perfect bill and that I did not necessarily prefer all of the provisions of S. 631 but it constituted a critical mass, and what I thought we needed to do was to have a critical mass to come to the floor.

On March 29, 1993, Senator D'AMATO, Senator PRESSLER, Senator BROWN, and I circulated a letter, a "Dear Colleague" letter, which read as follows:

Dear COLLEAGUE: We intend to offer health care legislation as an amendment when the debt ceiling bill comes to the Senate floor later this week.

Parenthetically, I should add, Mr. President, that the debt ceiling was scheduled for later that week.

The letter goes on:

The debt ceiling bill will be the first legislative measure to be considered by the Senate this year which would permit amendments with tax provisions such as health care reform; and we have further awaited the work of the Republican Health Care Task Force, chaired by Senator John Chafee, to determine if that group would produce legislation which could be offered at this time. Despite considerable work by that Task Force, that legislation is not now ready.

The amendment which we intend to offer will be the text of S. 631, which is a combination of proposals extracted from legislation previously offered by Senator Kassebaum, Senator Cohen, Senator McCain, Senator Bond, and Senator Specter. We intend to offer this measure to make the point, as emphatically as we can, that the time has long been ripe for the Congress to move ahead with such a legislative effort.

We also note: 1. The likelihood that the Senate will reject such an amendment citing the group being chaired by the First Lady, Mrs. Hillary Clinton;

2. For years the Congress has had numerous bills on health care reform which could have provided the basis for such legislative action;

3. Recent statements by House Majority Leader Richard A. Gephardt, and Chairman of the House Ways and Means Committee Dan D. Rostenkowski that it is unlikely that health care legislation will be enacted this year;

4. Action by the states, such as New York Governor Cuomo's announcement, as reported in the New York Times on March 28, that his "state could not wait for federal solutions."

The letter then goes on to say:

We believe that the Senate is equipped now to legislate as we did on the Clean Air Act in 1990 when a bill was brought to the floor. The bill was divided among task forces, amendments were offered and legislation was enacted. We do not suggest that S. 631 is a perfect bill, but we do not want to wait weeks or months for a bill to be proposed and then to undertake lengthy hearings, et cetera, which may produce no action at all. The summary of S. 631 (a copy enclosed) shows on its face the many subjects where the Senate is in a position to act at this time. We urge your support of this measure.

Sincerely,

LARRY PRESSLER.
AL D'AMATO.
HANK BROWN.
ARLEN SPECTER.

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

So the motion to lay on the table the amendment (No. 324) was agreed to.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, immediately before the 3:30 vote, I was in the process of reading from a letter which I had sent to First Lady Hillary Clinton concerning S. 18 and I was down to point 4 on the items provided for by my bill.

Four was:

Authorizes funds for a comprehensive health education and prevention initiative for toddlers and elementary and secondary students to teach children at every stage of their development a range of health related subjects.

5. Incentives to increase the supply of generalist physicians to enhance access to primary and preventive health services.

6. An expansion of funding for outcomes research for the development of medical practice guidelines and increasing consumers' access to information in order to reduce the delivery of unnecessary care.

The letter continues:

Last year, I pressed Senator Mitchell, the Majority Leader, to bring health care to the Senate floor, and again last week I wrote to him on the same subject with a view to having such legislation considered at the earliest possible time in the session. I would be pleased to work with you on this important subject.

Sincerely,

ARLEN SPECTER.

Mr. President, I ask unanimous consent that the text of that letter be printed in the RECORD in full.

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

U.S. SENATE,

Washington, DC, January 26, 1993.

HILLARY CLINTON, Esq., First Lady,
The White House, Washington, DC.

DEAR HILLARY: Congratulations on your designation by the President to lead the executive group on preparing health care legislation.

I am taking the liberty of sending on to you my floor statement and the text of S. 18, the Comprehensive Health Care Act of 1993, which represents many years of my work on this issue in connection with my position as ranking Republican on the Appropriations subcommittee dealing with health care expenditures.

This bill has been drafted in consultation with former Surgeon General C. Everett

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

Mr. SPECTER. Mr. President, as time passed this year there were a number of impediments which arose to make it unlikely that health care legislation would be acted upon. The New York Times, on March 4, 1993, contained a headline: "Passage of Health Care Bill Seen as Unlikely This Year." The first paragraph says:

On March 3, Representative Dan Rostenkowski, chairman of the House Ways and Means Committee, said today that Congress was unlikely to pass a comprehensive health bill this year despite urging by President Clinton and the Senate majority leader.

Then a similar story appeared in the New York Times' national division on April 2, 1993, with the headline: "Clinton May Not Meet Deadline on Health Plan," and it says:

On Sunday the House majority leader Representative Richard A. Gephardt of Missouri, voiced uncertainty about whether Congress could meet Mr. Clinton's goals of passing such legislation this year. The health care bill "will be the toughest bill since the Social Security Act [was passed] in 1936" and "it would be just as important" said Mr. Gephardt on NBC news program Meet the Press.

Mr. President, the New York Times for this past Sunday, had an extensive article with the headline: As U.S. Policymakers Debate, States Move Ahead On Health Care Overhaul. It starts off:

WASHINGTON, April 24.—The Governors and legislatures of the 50 States are not waiting for the Clinton Administration to find a fresh approach to health care. Squeezed between rising demands for care and soaring costs, and fearful the Congress will act too slowly or wrongheadedly on whatever the President finally recommends next month, States are determined to go ahead on their own to improve matters. "The health-care crisis out in the States is so pressing that we can't wait any longer to see what the Federal Government is going to do, if anything," said Delegate Casper R. Taylor Jr., the leading advocate for an overhaul of the health-care system in the Maryland legislature. "A lot of individuals can't afford care. The cost of providing care to workers is breaking some of our businesses. Other state needs are being neglected because of the health-care budget. The heat is on."

All of that was being said by Mr. Taylor. Without reading the full text, it comments about activities saying:

Hawaii has already made insurance available to almost all of its residents. Several of the States including Minnesota, Oregon, Vermont, and most recently Florida, have enacted varying programs designed to improve universal coverage. And just Friday, the Washington State Legislature approved a plan that would phase in basic coverage for all residents by 1997.

Then the article goes on to mention a number of other programs in a number of other States.

Mr. President, I see we are joined by my colleague from South Dakota, Senator PRESSLER. So at this time I yield to Senator PRESSLER, if I may have the

understanding that I would have the floor when he concludes.

Mr. GLENN. Might I pose a question? Are there copies of the Senator's amendment available, or a section-by-section analysis of it?

Mr. SPECTER. If I may respond, Mr. President, there are copies available, and I have a section-by-section analysis; I will make them available at this time.

Mr. PRESSLER. Mr. President, today I join Senators SPECTER, BROWN, and D'AMATO in offering this amendment which expresses our sincere desire to make health care available and affordable to all Americans. I do not come to the floor pretending to be an expert on health care, nor do I suggest this amendment is a perfect proposal.

There are provisions in this amendment I do not fully support. But let me say that I think it is time we take action on health care. There has been much talk in this Chamber. The date keeps getting delayed. I think there are many Americans out there who are not covered by health insurance. There are problems in our system.

I believe it is time for the Senate to begin action, and I commend the Senator from Pennsylvania for his leadership in finally getting us a vote on this. We have had all of these studies and all this talk.

Also, let me say that I am very eager that there should be proposals from the Republican side of the aisle, because, before health care reform is enacted, our side of the aisle will have major input, especially in the Senate of the United States. I think that this amendment is a good starting point. I hope it is not rejected here on the Senate floor.

The time has come for the U.S. Senate to show the American people that we are serious about health care reform. Indeed, it is time President Clinton knows of the type of health care reform we support. I believe the elements in this plan would result in reduced medical costs and increased access—the principal pillars of any true health care reform plan. From 1980 to 1992, health care costs have increased 106 percent; prescription drug prices have increased 123 percent. During this same time period, inflation rose 68 percent.

There are an estimated 37 million uninsured Americans.

In my State of South Dakota, nearly 56,000 individuals are without health insurance; 5,000 South Dakotans are considered uninsurable.

A recent study of health care costs reveals that the average South Dakotan spends 13.1 percent of his or her income on health insurance or health-related costs. This is the fourth highest rate in the Nation.

The Medicaid and Medicare budgets are increasing 10 to 15 percent each year. Those funding increases are eating up the limited resources of State

and Federal Governments. Ultimately, many other worthwhile programs, ranging from education to law enforcement, are cut or sacrificed to make room for higher health care costs.

In South Dakota, there are 8,000 nursing home beds. Nearly 50 percent of these individuals are dependent upon Medicaid for their long-term care needs. This represents about one-third of South Dakota's total Medicaid budget.

This year, Medicaid expenditures are expected to total \$126 billion. This represents 15 percent of all health care expenditures. Between 1980 and 1992, Medicare costs soared 272 percent. Medicaid costs increased 384 percent.

A day does not go by that I do not hear from South Dakotans saying they do not have the means to obtain health care. They may have been unable to obtain insurance because of a preexisting condition, or may have lost their benefits when changing jobs. Others simply can no longer afford to pay the insurance premiums or the direct medical costs.

The reasons for the inflated health care costs are numerous. There is no quick fix or easy solution. However, there are steps we can take to contain costs and secure medical benefits for all Americans.

Some argue that doctors and other health care providers are being greedy and are lining their own pockets. Others contend that the fear of frivolous lawsuits forces physicians to perform unnecessary tests in an effort to avoid lawsuits.

Let me say, Mr. President, that I hope we hear more from the White House in terms of tort reform regarding health insurance. That is a subject that has not been adequately covered, as far as I know. The mysterious thing about the planning of the health care reform going on is that we do not really know what is going on, and time is slipping by.

My colleague from Pennsylvania, earlier in one of the appropriations bills, had a September date by which this Congress should act on a health care plan. Now there is talk of it slipping over into next year. I believe that it is time to act. I think we have the information. I think we should move forward. But that is certainly an area we should address—tort reform.

Others argue that excessive Federal regulation is causing the increased rates. Some blame the insurance industry. Finally, others argue that the consumer is demanding excessive medical care. The doctors blame the lawyers, and the lawyers blame the insurance companies. The insurance companies blame consumers, and everybody blames the Federal Government. The American citizen is the loser. It is time to stop the blame game and start the process of reform.

It is my feeling that health care reform must be market based. We should