in commemoration of this 76th anniversary, we offer encouragement to Armenians everywhere that acts of violent suppression committed against them in the past will not be allowed to continue in the future. We must commit ourselves to a future course that will prevent the terrible atrocities perpetrated against the Armenian people from ever happening again.

Mr. LEHMAN of California. Mr. Speaker, I thank my colleague, the gentleman from California, for those remarks.

I yield to the gentleman from California [Mr. CONDIT].

Mr. CONDIT. Mr. Speaker, I rise today to join my colleagues in strong support of designating April 24 as a day of remembrance of the Armenian genocide.

The Armenian people have suffered not one, but two injustices. First, they were senselessly slaughtered by the Ottoman Turkish Government. Second, this same Government denied that the slaughter took place.

Some have said this designation of a day in memory of this genocide is a sensitive political issue. But this isn't a political issue, it's a humanitarian issue.

By setting aside April 24 as a day of remembrance, we will not only remember the genocide of more than 1 million Armenian people, but we will declare to the world that our country will not tolerate or forget such violations of human rights anywhere in the world, at any time, past or present.

I am proud to have a significant Armenian community in my district, and I honor them for their courage and for the positive contributions they have made to our society and to our world.

The children of this generation and of future generations should have the opportunity to truly see the events of the past, as well as our conscious efforts to ensure that history doesn't repeat itself. I urge you to join me in support of this day of remembrance.

Mr. LEHMAN of California. Mr. Speaker, I thank my colleagues for those words.

I yield to the gentleman from Indiana [Mr. VISCLOSKY].

Mr. VISCLOSKY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise today to commemorate the 76th anniversary of the Armenian genocide. While this anniversary may evoke painful memories, it would be worse if we did not remember the terrible atrocities perpetrated against the Armenian people. April 24 is an important date because it was on this day in 1915 that over 200 religious, political, and intellectual leaders of the Armenian community in Istanbul were executed. Sadly, April 24, 1915 marked only the beginning of a systematic policy of deportation and extermination of Armenians by the governments of the Ottoman Empire. Between 1915 and 1923, over half of the world's Armenian population, an estimated 1.5 million men, women, and children, were killed.

The Armenians are an ancient and proud people. In the fourth century, they became the first nation to embrace Christianity. In 1915, Christian Russia invaded the Moslem Ottoman Empire, which was allied with Germany in World War I. Amid fighting in the Ottoman Empire's eastern Anatolian provinces, the historic heartland of the Christian Armenians, Ottoman authorities ordered the deportation of all Armenians in the region. By the end of 1923, virtually the entire Armenian population of Anatolia and western Armenia had been either killed or deported.

Today, it is important to remember this horrible fact of history to comfort the survivors, as well as remain vigilant to prevent future calamities. Only a fraction of the Armenian population escaped this calculated attempt to destroy them and their culture. Approximately 500,000 Armenian refugees fled north across the Russian border, south into Arab countries, or to Europe and the United States. Currently, it is estimated that fewer than 100,000 declared Armenians remain in present-day Turkey.

I am proud to say that a strong and vibrant Armenian-American community is flourishing in northwest Indiana. In fact, my predecessor in the House of Representatives, the late Adam Benjamin, was of Armenian heritage. There are still strong ties to the Armenian homeland among Armenian-Americans. Mrs. Vicki Hovanessian, a resident of Indiana's First Congressional District, helped to raise over $1 million for victims of the devastating Armenian earthquake in December 1988. However, despite substantial international relief efforts, 500,000 Soviet Armenians are still homeless.

The Armenian genocide is a well-documented fact. The U.S. National Archives contain numerous reports detailing the process by which the Armenian population of the Ottoman Empire was systematically decimated. However, there is an unsettling tendency among both individuals and governments to forget or blot out past atrocities. Less than 20 years after the Armenian genocide, Adolf Hitler embarked upon a similar extermination of European Jews. While the Jewish holocaust is certainly as terrible an event as the Armenian genocide, at least the Jews have had the catharsis of the world's recognition of what happened to their people. In search of acknowledgement of what happened to their families and ancestors between 1915 and 1923, regretfully, Armenians too often hear that their claims of genocide are lies or exaggerations.

Unfortunately, there is still a concerted effort to deny the existence of the Armenian genocide. Responding to political pressure, in January of this year, the National Park Service removed a photograph depicting the victims of the Armenian genocide from the Ellis Island Centennial Photo Exhibit in New York. The captioned photograph had been previously vandalized, but was removed following an intensive political campaign targeted at Ellis Island officials. Representatives of the Armenian National Committee have contacted Ellis Island authorities to protest the removal of the exhibit, but have been told that the exhibit was removed to alleviate concerns, avoid controversy, protect the photo from further vandalism, and review the photo's authenticity. The removed photograph should be reinstated where it rightfully belongs, and attempts at historical revisionism must be condemned, whether done in ignorance or simply to avoid controversy.

In closing, I would like to commend my colleague from California, Mr. LEHMAN, for organizing this special order to commemorate the 76th anniversary of the Armenian genocide. It is my sincere hope that this remembrance will not only console the survivors and their families, but also serve to avert future atrocities.

Mr. LEHMAN of California. Mr. Speaker, I thank the gentleman from Indiana [Mr. VISCLOSKY].

Mr. Speaker, I yield to the distinguished gentleman from Michigan [Mr. BONIOR], one of the great leaders in this Chamber on the Armenian cause.

Mr. BONIOR. Mr. Speaker, I thank my colleague, the gentleman from California [Mr. LEHMAN] for yielding and for taking out this special order to revisit this most important historical event.

Mr. Speaker, April 24, 1915 marked the beginning of one of history's darkest periods. On that day literally hundreds of Armenian religious, political, and intellectual leaders were rounded up, and they were exiled and eventually murdered in remote places throughout Anatolia. Within months a quarter of a million Armenians serving in the Ottoman Army were disarmed, and later they were starved or executed.

□ 1810

Hundreds of thousands of Armenians were then uprooted from their villages. Women and children were forced to march through the Syrian desert for weeks on end, and, of course, most of them did not survive that ordeal.

From 1915 through 1922 1.5 million Armenians lost their lives. American Ambassador Henry Morgenthau wrote:

When the Turkish authorities gave the orders for these deportations, they were merely giving the death warrant to a whole race. I understood this well, and in their conversations with me, they made no particular attempt to conceal this fact.

They made no attempt to conceal this fact.

Mr. Speaker, for years many people have tried to make the world forget about the Armenian genocide. However, generations of Armenians have struggled to keep the memory alive, in their churches, in their communities, in their schools, in their daily lives, and through their advocacy to their political leaders.

In gathering at such events as this, we remind people around the world of man's inhumanity to man. Remembering the genocide is much more than a matter of setting the historical record straight or correct. By remembering the genocide, we help prevent it from ever happening again.

As the gentleman from California quoted in his statement, Adolf Hitler asked who remembers the Armenians, before launching his plan to annihilate the Jews. Today we are seeing the brutality of another dictator, Saddam Hussein, who has ruthlessly persecuted the Kurdish people. Sadly, the suffering of the Kurdish refugees is amplified by the intransigence of neighboring Turkey.

I was proud, in fact, is one of the more proud moments of my legislative career, to introduce legislation commemorating the Armenian genocide last year. I remember very well during the Presidential campaign, President Bush, then candidate Bush, giving his commitment during the last election to support the genocide resolution. What great joy I took in that, because for 8 years, Ronald Reagan abandoned the Armenians throughout this world and in this country on this most basic, basic of human and fundamental freedom issues.

Frankly, I was thrilled that the President's endorsement. Unfortunately, the President and his administration did not carry through on this pledge, and the resolution did not have the support necessary for passage in the Senate and in the House.

It was a shameless abandonment of a very proud people. But it was not the first time. We saw a similar instance occur during the whole situation in China, when the President and his administration capitulated to the leadership of a regime in China that persecuted and killed its own people. We saw the same type of shameless abandonment of the Kurdish people to the hands of the treacherous Saddam Hussein.

Mr. Speaker, by gathering here tonight, and in many similar events around the world, we acknowledge the genocide, we mourn its victims, and we renew our cry, never again. As long as people come together in events like this, we will not forget those who have tried to cover up the Armenian genocide have not succeeded, and, Mr. Speaker, they never will.

Mr. LEHMAN of California. Mr. Speaker, I thank the gentleman from Michigan [Mr. BONIOR] for his stirring remarks, and for all he has done over the years in the cause of justice.

Mr. Speaker, I yield to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, I also want to take note once again of the 76th anniversary of the genocide committed by the Ottoman Turks against the Armenian people. I join my fellow Americans of Armenian descent to pay homage to those countless Armenians, men, women, and children, who fell victim to the first genocide this century. The genocide, as has been mentioned here today, was not only a crime against the Armenian people, but also an unforgettable crime against humanity.

Presently there is an unconscionable and callous effort by the Turkish Government to distort or even deny outright the truth about the premeditated genocide of the Armenians. To justify such a denial, Turkish Government espouses the untenable argument that, although some Armenians were killed, this killing did not constitute a genocide, that the issue of genocide is debatable.

The fact of the matter is that the Armenian genocide is perhaps better documented than most such historical events. There are literally thousands of documents in the official archives of all major governments, including our own and Turkey's own ally at the time, Germany, as well as the testimony of many neutral observers.

We really do not have to go any further than read the diplomatic notes and memoirs of our own Ambassador to Turkey at that time, Henry Morgenthau, to establish that the Turkish treatment of Armenians was part of a deliberate plan of total extermination.

I want to reiterate again that the Armenian genocide is an undeniable fact. Political arguments cannot and must not outweigh our moral values and beliefs in justice and freedom. Those things are really truly the things that are in our national interest.

Mr. Speaker, I just want to invite Members to join me on this day to acknowledge that a genocide was committed against the Armenian people, and to pay respect to the martyrs of this courageous people.

Mr. Speaker, I would like to commend the gentleman from California [Mr. LEHMAN] for putting this special order together this evening.

Mr. LEHMAN of California. Mr. Speaker, in conclusion, there are a few remarks that I believe need to be made. One is that I and many others are personally outraged by the decision by the U.S. Park Service to remove a photograph at Ellis Island depicting the murder, the outright murder, of Armenians during the genocide. It carried a caption underneath it that in no way even referenced genocide, but only said these people were victims of massacres and left for the United States to Ellis Island.

After repeated attempts by the Turkish Government to have that removed, the Park Service complied. I think that is an outrage. Many Members are working very hard to see that it is undone.

□ 1820

This is a day of remembrance for all of us who care about human values and for all of us who care about the truth.

I can only remark how sad it is that the official leadership of this Government has not seen fit to make this an official day of remembrance, but as the Congressman from Michigan said, we will continue that fight.

I thank all of the Members who spoke, Mr. Speaker.

Mr. PORTER. Mr. Speaker, today we commemorate the 76th anniversary of the genocide of the Armenian people and their widespread dispersion from the ancestral homelands they inhabited for over 3,000 years. From 1915 to 1922, 1,500,000 Armenians were killed through starvation and execution and more than 500,000 were exiled from their homes in the Ottoman Empire. Many of those Armenians came to the United States and they and their children and grandchildren now make up the proud Armenian-American community here today. As painful as these memories of genocide may be, we join the Armenian-American community and Armenians all over the world in remembering the massacre of 1915–22.

To fail to acknowledge the genocide of the Armenians would be to do an incredible disservice to those who died and to those who endured the horror and lived to tell the world. In the 1930's, Adolph Hitler used the lack of world outrage over the Armenian genocide as an indication that he could get away with the extermination of Jews in Eastern Europe. He said, "Who today remembers the Armenians?" We must remember the Armenians. We must hear the tale of the Armenian genocide and amplify it. Only when the world becomes fully aware of the magnitude of the genocide in Armenia, as well as of the Holocaust in Europe two decades later, can we hope to end these types of atrocities.

While it is important that we remember the lessons of the Armenian genocide, we must not let the transgressions of bygone days poison the future for ourselves and our children. We must use this memory as a launchpad for improving our relations with our fellow men and for building trust and brotherhood. Only then will the type of thinking that fueled the genocide against the Armenian people shrivel and die and become a memory of yesterday rather than a reality of today.

Mr. OWENS of Utah. Mr. Speaker, I join my colleagues in honoring Armenian-Americans and those around the world as they mourn the genocide of their ancestors by the Ottoman Empire. During this tragic period, during and after World War I, over 1.5 million Armenians were systematically eliminated. The survivors of this genocidal campaign were forced from

the homeland they had inhabited for the past 3,000 years.

The attempted annihilation of the Armenian people by the Ottoman government set the stage for what has tragically become an age of genocide. The systematic plan to eradicate all traces of the Armenian people and their culture set murderous precedent for future regimes in this century. One need only look at the Nazi Holocaust of 6 million Jews and countless gypsies, Russians, Poles, and others; the killing fields of the Khmer Rouges in Cambodia; as well as the campaign of annihilation which Iraq has undertaken against its Kurdish minority.

The crime of genocide is a crime against humanity. It is a crime also by humanity, Mr. Speaker, for its indifference. If such tragedies are to be averted in the future, those committed in the past must first be recognized.

Mr. Speaker, no words of outrage or tragic loss can describe the events of 1915 through 1923, which claimed the lives of 1.5 million Armenians. We haven't the vocabulary to capture the suffering or conjure the anguish. We haven't the capacity to give such words meaning.

The term "genocide" was coined in the aftermath of the Second World War to define in an academic, almost clinical way a phenomenon of the 20th century—the deliberate and systematic destruction of an entire people. It has no precedent in the barbaric annals of human history. It requires all of the organization and technology of our time.

I rise today along with my colleagues to remember the atrocities of 1915–1923. We join together to register an unspeakable loss, recognizing it as a singular event in history, a genocide. No manner of justice or atonement can be offered for the deaths of two out of every three Armenians living in their homeland. Mr. Speaker, the most we can offer, and the least, is our remembrance.

Mr. DINGELL. Mr. Speaker, I rise today to reaffirm my indignation at the events of 76 years ago, when the falling Ottoman Empire sought to eliminate through mass murder the Armenian people.

The fact that over a 25-year period a government could commit such an inhumane act stands as testament to the crimes that can surface when a totalitarian government is allowed to stand.

On April 24, 1915, hundreds of Armenian religious, political, and intellectual leaders were rounded up, exiled, tortured, and murdered in remote places in Anatolia. Over a million others would also soon perish. Despite these mass murders, almost half a million Armenians escaped north across the Russian border, south into Arab countries, on west toward Europe and the United States.

Unfortunately, the world has not learned completely how to reverse this dark side of human conduct. With the Holocaust in Germany only 20 years later, Cambodia three decades after World War II, and the brutality the world has so recently witnessed from Saddam Hussein, it is clear that the battle for human rights and basic individual dignity is not yet won.

To question the authenticity of the tragic events of 76 years ago is a pathetic attempt to alter the records of history. American presidents and statesmen from our Nation and from across the world have stated assuredly that these crimes against humanity truly occurred. It is time that all members of the world community acknowledge the truth.

Mr. Speaker, I join my colleagues today to pay tribute to those Americans of Armenian descent who have worked so hard to contribute their talents to this Nation, while working to ensure that the world never forgets the atrocious fate met by their ancestors.

Mr. MOAKLEY. Mr. Speaker, I am honored, as I am every year, to join my colleagues in the April 24 special order commemorating the Armenian genocide.

I say I am honored because I sincerely appreciate that we are able to gather and remember this tragic event in human history, but I must confess that I also find it a little disconcerting. Every year we join the grieving of the Armenian people around the world and discuss openly the cruelty that the Armenians suffered, but somehow the word just doesn't get out.

These past few weeks much of our attention has been focused on the brutal suppression of the Kurds in Iraq and on the exodus and suffering which has followed. This event, which from the beginning has been closely compared to events in Nazi Germany, will occupy a prominent space in our minds whenever we consider the list of man's atrocities through history. But the Holocaust in Germany and the exodus in Iraq are just two examples. Others include, the Killing Fields of Cambodia, the horrible famine forced on the Ukraine by Stalin, the periodic pogroms against Jews in Tsarist Russia and, of course, the Armenian genocide.

The extermination of Armenians at the hands of the Ottoman regime in Turkey occupies a strange place in our consciousness. Very few such events are so well-documented, and very few received such wide acknowledgement at the time when they occur. Ambassadors from all over the world wrote to their governments and families about the tragedy. The United States Senate formally recognized the nature of the massacres in 1920. And every year we commemorate this event. But it is seldom talked about or studied elsewhere. Because of this, it seems vague and unimportant sometimes, almost as if it were just some nightmare—someone else's nightmare.

But make no mistake, the massacre of Armenians between 1915 and 1923 is solid fact; 1.5 million Armenians died during those years—about 500 per day; 1.5 million out of a population of 2 million. The existence of Armenian society and culture was wiped completely clean from the area that had supported it for thousands of years. The extermination was systematic. Like Hitler's final solution, the Armenian genocide was thought out and discussed. It was not some vague occurrence; it was concrete and constructed. In fact, according to Hitler's own writings it may have served as blueprint for the Holocaust.

Refering the impunity of the Ottoman regime and the short memory of the world as it headed toward war, an encouraged Adolph Hitler once asked, "who still talks nowadays about the extermination of the Armenians?" Well, thank God, we do here.

Mrs. MORELLA. Mr. Speaker, I am pleased today to join with my colleagues in commemorating the 76th anniversary of the Armenian genocide. Remembrances like these are important because they help to prevent the occurrence of similar tragedies in the future, and I want to thank my colleague, the gentleman from California, for calling this special order today.

The Ottoman Empire's effort to eliminate its Armenian population, coupled with the world's indifference to that crime, set an example that has been emulated many times in the following decades. Around the world today, governments commit atrocities against their own citizens yet escape the consequences of their crimes for reasons of political expediency. Even when the evidence is clear and compelling, as it is in the case of the Armenian genocide, there are still those who would sacrifice the truth for political gain.

If we are ever to witness a respect for human rights, we must begin by acknowledging the truth. On human rights issues ranging from the detention and torture of political prisoners to the Armenian genocide to the genocide of the Kurds by the forces of Saddam Hussein, we must speak unambiguously. There is no place in the family of nations for governments that commit atrocities against their own citizens.

Both individuals and nations, if they are to realize their potential, must be able to make their own decisions. The Armenian people, after centuries of oppressive Ottoman rule culminating in the 1915–1923 genocide, followed by 70 years of Stalinist domination, have the right to shape their own destiny. Both in Armenia and in Karabagh, their right to autonomy must be affirmed.

Mr. Speaker, the lesson of the Armenian genocide is clear. To prevent such crime against humanity in the future, we must act now by fostering respect for the truth, countering efforts to deny human rights violations in the interest of expediency, and speaking out against all instances of man's inhumanity to man.

Mr. MORAN. Mr. Speaker, I rise today to lend my voice to the memory of those 1.5 million Armenians massacred in one of this century's cruelest atrocities.

On this day in 1915, Turkey began a program of rounding up Armenian religious, intellectual, and political leaders and deporting them to Anatolia where they were systematically executed. In a single night, the leadership of Armenia was destroyed and the flame of the Armenian culture extinguished.

In the months following, over 250,000 Armenian soldiers serving in the Ottoman army were disarmed and placed in forced labor battalions. Those that did not succumb to the ravages of famine, disease, and exhaustion were executed by the Ottoman army.

The Armenian civilian's remaining, the women, seniors, and children left behind, were deported from the cities and towns. The men and older boys were separated from the groups, never again to be seen, and those remaining were forced on death marches into the desert of Syria. In all, over 1.5 million Armenians were massacred during the 7 years of genocide and more than 500,000 exiled from their homeland in the Ottoman Empire.

History tells us that those who do not study the past are doomed to repeat its mistakes. Nowhere in modern history is this lesson more poignant than in the case of the Armenian genocide. While we closed our eyes and let the painful memory of this atrocity slip from our collective memory, Adolf Hitler remembered the effectiveness of this systematic destruction of the Armenian people and rested secure in the belief that the Western Powers would not intervene in his Holocaust.

Let us not again forget the atrocities of the past.

Mr. Lehman, I thank you for hosting this special order on the Armenian genocide that began 76 years ago today. It is important that the memory of the Armenian genocide and its relevance be kept alive.

Mrs. LOWEY of New York. Mr. Speaker, I rise today to join my colleagues in a very important special order which commemorates the 76th anniversary of the Armenian genocide.

Commemorating the Armenian genocide is a matter of utmost importance to all prople who believe that the horror of genocide must not be allowed to happen again. If we permit genocide and inhumanity to go unacknowledged and unmourned, we leave open the possibility that this could happen again.

When Adolph Hitler planned the genocide against the Jews, he was quoted in a German newspaper as saying:

. . . and remember the extermination of the Armenians. One eventually reaches the conclusion that masses of men are mere biological plasticine . . .

Later he asked:

. . . and who still talks nowadays about the extermination of the Armenians?

The lack of a public outcry about the Armenian genocide contributed to Hitler's belief that his policies would go unpunished.

The facts surrounding the Armenian massacres are undeniable. On April 24, 1915, over 200 Armenian intellectual leaders were taken from their homes and executed. Armenian men in the Ottoman army were disarmed and placed in work battalions from which they were gradually removed and executed. The remaining women and children and the elderly were forced to participate in long marches through the desert with little hope of survival. By 1923, 1.5 million Armenians, over half of the world's Armenian population, had been slaughtered. It is a tragedy that we cannot allow to be forgotten and we absolutely must refute those who persist in trying to deny that the bloody massacres ever took place. The most recent example of this denial involved the removal of an important photo exhibit that had been displayed on Ellis Island. The photo exhibit depicted Armenians being excuted by Turkish authorities. The Armenian genocide, as the primary cause of Armenian immigration to the United States during and after World War I, is an integral part of the story of Ellis Island. The exhibit was totally appropriate and should not have been removed. However, the exhibit, which had previously been vandalized, was removed by the National Park Service because of political pressure. That was a grave mistake.

As Members of the United States House of Representatives we have a responsibility to speak up against injustice. Is the mere acknowledgement of the deaths of 1.5 million people too much to ask for? The answer should be a resounding no. I thank my colleagues for joining me today to show that the United States does understand what really happened to the Armenians.

Mr. WAXMAN. Mr. Speaker, it is with profound sadness that I join my colleagues in rising to commemorate the Armenians who perished in this century's first genocide.

I am very proud of the fact that I represent the largest and most politically vibrant Armenian community outside of the Middle East. Throughout my 20 years in public office I have met repeatedly with survivors of the Armenian genocide. I do not see how any just and rational person can fail to accept their horrible eyewitness accounts. Indeed, many are still tormented by memories of the death marches of 1915.

The significance of this day is not simply a day of sadness and remembrance for the Armenian people. This single day serves as an expression of our commitment to historical truth and to universal principles of human rights. Indeed, the line from Armenia to Auschwitz to Cambodia is a direct one. Hitler, during an early meeting to map out the extermination of the Jewish people, was asked whether world opinion would not prevent such a plan from being carried out. Hitler laughed, "World opinion. A joke. Who ever cared about the Armenians?"

Mr. Speaker, because the world did not respond adequately to the needs of the Armenians this does not mean that we should not acknowledge and remember what happened to the Armenian people now. In fact, it is even more important that we never forget the story of the Armenian genocide. Despite attempts to revise history, even going so far as to declare that this tragedy never happened, we must not allow our moral outrage to be diminished by the voices of historical revision or denial.

The Armenian people, though scattered all over the Earth, have remarkably kept their culture, langauge, and religion intact. I salute their tenacity and spirit, and I join them in mourning those who lost their lives in the slaughter.

Mr. KENNEDY. Mr. Speaker, today marks the anniversary of a tragic period in European history. From 1915 to 1923, over 1½ million Armenian men, women, and children became victims of a massive genocide perpetrated by governments of the Ottoman Empire. By the end of the period, nearly 2 million Armenian citizens were systematically exterminated or deported.

The modern world now witnesses another genocide in northern Iraq, and it is appropriate that we take this time to revisit the horrors of the Armenian travesty in the hopes that our children will be prepared to prevent any similar acts in the future.

On the night of April 24, 1915, over 200 religious, political, and intellectual leaders were executed by the Turkish administration. This event marked the beginning of an 8-year policy of deportation and extermination of an entire minority population. Since that time, April 24 has been considered the symbolic date to remember the Armenian genocide.

The Armenian people remain a persecuted group. As I speak, the residents of Nagorno-Karabagh are surrounded by a hostile Azerbaijani state and remain vulnerable to the prejudices and hatred that is still pervasive in the region. Nagorno-Karabagh was split from Soviet Armenia during the Stalin regime, and while Armenians represent 75 percent of the population today, they are still forced to bear the repressive yoke of the Azerbaijani government.

These citizens could be protected by incorporating Karabagh within Soviet Armenia, but the Soviet Government has refused to consider such an option. President Gorbachev himself has stated a commitment to reform and correcting past injustices. Yet he has also rejected any correction to the miscarriage in Karabagh. Instead, the Kremlin has acceded to the will of the Turkish Government and maintained the status quo. The result has been violence, death, and destruction in the southern region of the U.S.S.R.

In Massachusetts, we remember this day as "Martyrs Day." It is a day when more than 40,000 Armenian Boston area residents, many in Watertown, MA, pay tribute to the brave men and women who gave their lives to protect what was rightly their own. It is a day when Armenian businesses and schools close in deference to their ancestors. And it is a day when American-Armenians everywhere are reminded that they live in a society where their fundamental rights as citizens are protected under law.

April 24 is an appropriate day to send a signal to the Kremlin that the people of Karabagh are Soviet citizens and should be afforded the same rights that any other citizen enjoys. The U.S.S.R. is signatory to several international human rights accords that stress this right, and therefore the world must insist that the self-determination for Soviet Armenians must be addressed.

The Persian Gulf has strengthened the international community's capacity to work toward a moral cause. And to this end, we have an opportunity to pressure the U.S.S.R. to do what is morally right and politically sound. I hope the world will adopt the worthy challenge in Karabagh; it would be a good start for the new world order. Thank you.

Mrs. JOHNSON of Connecticut. Mr. Speaker, there are some crimes against humanity which are so heinous that we may be tempted to disbelieve them. We want to believe that such atrocities couldn't possibly happen in our century, that somehow they belong to an era less enlightened than ours.

Yet, as hundreds of thousands of Kurds suffer in northern Iraq, we are reminded that man's capacity for evil is not bound by time. That is why it is so important for us to gather today in remembrance of the Armenian genocide.

In commemorating the 76th anniversary of the Armenian genocide, we not only honor and remember the victims and survivors but recommit ourselves to preventing such inhumanities in the future. To remember is to defend against a recurrence; to forget is to condone.

Three-quarters of a century ago, the government of the Ottoman Empire rounded up and executed the leadership of the Armenian com-

munity in Istanbul. During the next 7 years, the Ottoman leadership was responsible for the deaths of over 1.5 million Armenians and exiling the remaining Armenian population from its homeland of 3,000 years. It was the first genocide of the 20th century.

Only a few hundred thousand Armenians escaped this attempt to erase the Armenian people and their culture from this Earth. I am honored to represent a district and State that has been enriched by Armenian-Americans. I am proud to stand with them today in commemorating this inhumanity visited upon the Armenian people, who continue to struggle against oppression. I salute their courage and perseverance in remembering this dark event so that others may never have to face such tragedy.

Mr. TRAFICANT. Mr. Speaker, today we recall the tragic events of 76 years ago when the government of Ottoman Turkey, in an effort to rid the empire of its Armenian population, initiated a systematic and purposeful plan of genocide.

It is on this day, April 24, that Armenians from all over the world pause to pay tribute to the memories of the 1.5 million Armenians who lost their lives in this terrible atrocity. It was on this day, in 1915, that, as the first step of their genocidal plans, Ottoman authorities ordered the arrest of over 200 Armenian intellectual leaders in Constantinople and throughout the empire, taking them from their homes and summarily executing them.

The United States Ambassador to Turkey from 1913 to 1916, Henry Morgenthau, described the slaughter of the Armenians in his autobiography, "The Ambassador Morgenthau Story." "When the Turkish authorities gave the orders for these deportations, they were merely giving the death warrant to a whole race; they understood this well, and in their conversations with me, they made no particular attempt to conceal the fact."

Despite the fact that the United States National Archives holds innumerable reports by Consuls and Ambassadors detailing the process by which the Armenian population of the Ottoman Empire was decimated, there are still those who choose to ignore the tragedy that befell the Armenians.

Just recently, I learned of an unfortunate situation at the Ellis Island National Park. A photo display at the Ellis Island centennial exhibit depicting the execution of Armenians by Turkish forces, as part of an exhibit on immigration to the United States, was removed in late January by the park's superintendent following a pressure campaign by the Turkish Embassy.

I urge my colleagues to pause today and remember those Armenians that were uprooted from their homeland of 3,000 years and eliminated through massacre and exile during the late 19th and early 20th centuries.

Mr. YATRON. Mr. Speaker, I rise to join my colleagues in remembrance of a very dark day in 20th century human history. On April 24, 1915, the government of Ottoman Turkey set into motion a chain of events that would eventually lead to the deaths of over 1.5 million Armenians, and the exile of a nation from its homeland of 3,000 years.

As chairman of the Subcommittee on Human Rights and International Organizations, I firmly believe that in order to prevent genocides and other human atrocities in the future, we cannot forget those egregious occurrences of the past.

Respect for human rights is now a prominent issue in international relations, and it is a core component of American foreign policy. It is the concern for human rights which I believe is responsible for the international effort on behalf of the suffering Kurdish people.

Public exposure of human rights abuses might have been able to spare the Armenian population from one of the most brutal and systematic campaigns in recent history. That is why it is absolutely essential that this Chamber continues to view April 24 as a day of rememberance. Certainly, we do so out of respect for the Armenian people. But we also want to remind ourselves that we have a very critical role to play in preventing future atrocities and promoting respect for internationally recognized human rights.

Mr. ATKINS. Mr. Speaker, I rise today to commemorate the 76th anniversary of the Armenian genocide, and to mourn man's inhumanity to man. Throughout their history, Armenians have been subjected to many tragedies, most recently the earthquake of 1988. But no tragedy has been more profound than the premeditated crime against the Armenian people at the hands of the Ottoman Empire. During the period between 1915 and 1922 approximately 1,500,000 Armenians were killed, and more than 500,000 were exiled from the Empire.

On April 24, 1915, hundreds of religious, political, and intellectual leaders of the Armenian community were rounded up and eventually murdered in remote regions of Anatolia. The remaining Armenian population was then deported from their towns and forced to go on death marches. Most of the men and older boys were quickly executed. Those women who didn't die from forced starvation, disease, or outright murder were subjected to rape or forced into harems.

In 1918, Henry Morgenthau, the United States Ambassador to the Ottoman Empire, said that the forced deportations were a "death warrant to the whole race," and that the Turkish authorities "made no particular attempt to conceal the fact" of this massacre. Before World War I, there were 2,500,000 Armenians living in the Ottoman Empire. Because of this tragedy, there are fewer than 100,000 declared Armenians living in Turkey today, mostly in eastern Turkey far from their homeland in the western part of the nation.

Mr. Speaker, recalling Adolf Hitler's statement, "Who remembers the Armenians?" Elie Wiesel once said, "He was right. No one remembered them, as no one remembered the Jews. Rejected by everyone, they felt expelled from history." We must not let this expulsion from history persevere.

Mr. BROOMFIELD. Mr. Speaker, ongoing events in Iraq cause us to pause and remember another terrible tragedy, the unforgettable Armenian genocide of 1915. The world has much to learn from a careful study of that first genocide against the innocent, and the Armenians of Greater Detroit are commemorating that horrible event today, April 24.

The history of the Armenian people is indeed a sad one. The mass killings of this modern age got their start when Ottoman Turks decided to rid themselves of what they considered their "Armenian problem." From 1915 to 1923, the Ottoman Empire undertook the incomprehensible task of erasing any trace of the Armenian people. This atrocity opened the doors for the horrible genocide committed against the Jews during the Second World War. The concentration camps of Hitler had their seeds in Anatolia. The brutal massacres of Stalin, the killing fields of Cambodia, and the ongoing slaughter of the Kurds in Iraq—all the great terrors of the 20th century—grew out of the horrible holocaust in Anatolia.

We must pay tribute to those heroic Armenians who struggled against the well-armed Turkish forces. Over 1.5 million brave Armenians perished in the massacre. It is regrettable that many in Turkey still deny that this barbaric murder of the innocent ever happened. While ample evidence exists to document the events of those years, many Turks still claim that the Armenian genocide never happened. This should come as no surprise to those of us familiar with Turkish history. The Turkish Government still refuses to account for the whereabouts of over 1,500 innocent Greek Cypriots, including a number of American citizens, who disappeared after the Turkish invasion of Cyprus in 1974.

As we recall the terrible events that befell the Armenian people in the early years of this century, and mark the 76th anniversary of those dark days, we must all remember that respect for the rights of individuals and the groups which they comprise—whether religious, racial, ethnic, or national—must lie at the foundation of the relationship between a government and its people. We can and should ask for no less.

Mr. FORD of Michigan. Mr. Speaker, April 24 is once again upon us and still we have no congressional resolution commemorating the horrendous Armenian genocide of 1915–23. April 24, 1991, marks the 76th anniversary of the beginning of the starvation, disease, and violence resulting from the Armenians' forced relocation. Sadly, our refusal to acknowledge this event perpetuates the myth that this genocide never occurred and trivializes the survivors' suffering.

We ought not to continue to succumb to modern Turkey's pressure to deny the massacre. International politics should have no bearing on exposing the truth. The Congress of the United States must do its duty by rejecting pressures to avoid conflict. As a freedom-loving Nation, our responsibility lies in ensuring that atrocities such as these not be hidden or forgotten but instead should serve as a reminder to the world that, unless we learn from the past, we will be doomed to repeat it.

We acknowledge that these violations of human rights in no way were the works of the present Government of Turkey, but rather were carried out by the governments of the Ottoman Empire. Turkey, with whom we have excellent relations, is not blamed.

Many of those who fled death came to the United States. These survivors and their descendants have become an integral part of America. Armenian-Americans are entitled to have their pain and suffering recognized. The victims of the Armenian genocide have suf-

fered in vain if the world has learned nothing. They are to be victims once again.

Mr. ACKERMAN. Mr. Speaker, I rise today to commemorate the 76th anniversary of the Armenian genocide. On the night of April 24, 1915, over 200 Armenian religious, political, and intellectual leaders of the Armenian community in Constantinople were arrested, exiled from the capital city, and executed. The representatives of the Armenian nation in the Ottoman Empire were silenced in a single night. This tragic event began the systematic policy of deportation and extermination of the Armenian community by the Ottoman Empire.

Prior to 1914, over 2 million Armenians lived in the region. Between 1915, and 1923, a million and a half Armenian men, women, and children were murdered by the government of the Ottoman Empire. By the end of 1923, the entire Armenian population of Anatolia and western Armenia had either been killed or deported.

Today the Armenian people continue to face hardship. The effects of the tragic 1988 earthquake which left half a million people homeless are still being felt, and the ethnic civil war with neighboring Azerbaijan in January, 1990, was quelled by Soviet troops. Many Armenians long for independence from the Soviet Union and desire freedom and democracy.

I hope that on this, the 76th anniversary of the Armenian genocide, we can all take a moment to realize the importance of this historic day, and give serious consideration to the plight of the Armenian people.

Mr. ASPIN. Mr. Speaker, today we gather to mark the 76th anniversary of the Armenian genocide. Each year, when I speak here about the genocide, I try to make a new point or strike a new theme. But each year I also come back to two constant themes.

The first is to memorialize those who died under Ottoman rule, to say they have not died unmourned and unnoticed, to shout that millions of us, Armenians and non-Armenians alike, will never forget.

The second theme is to declare that they shall not have died in vain, that the deaths of 1½ million people must serve as a giant warning flag to the world, alerting us to the threat of evil and uniting us to combat anyone who might again think of committing wholesale murder.

One only has to look at the film on the evening news these past weeks to despair, however. A million and a half Armenians died 76 years ago; an equal number of kurds have fled their homes this month because they fear they too will become a statistic.

And in the intervening 76 years, we have had Hitler's genocide of the Jews and the gypsies. We have had the Cambodian Khmer Rouge genocide of their own people. And we have had the unnoticed and unremembered genocide of the 1970's in Equatorial Guinea in Africa where a madman dictator executed hundreds of thousands for the crime of being literate.

The world did nothing to stop the Ottoman crimes against the Armenians. We gasped when we learned about it. We wrote editorials. We pontificated. But we did not stop it.

The same can be said of the Nazi and Khmer Rouge crimes. Equatorial Guinea, on the other hand, was—and is—such a backwater that we didn't even notice the murders of hundreds of thousands of innocents. We didn't even bother to editorialize. We didn't even raise our voices to pontificate.

Now we meet again on the floor of the House of Representatives, as we do each year at this time. But as we meet this year, we see the fear on the faces of the Kurds, and we hear the wails as they mourn their dead. And we know that once again we did not intercede to save a people from possible extinction. They had only their feet to protect them.

Has the world really learned anything from the genocide of the Armenians? Are we destined every decade or so to repeat the error of 1915—the kind of error that inflicts unspeakable horrors on innocents—the scale of error that leads us to round the death toll to the nearest hundred thousand?

Kurds and Shiites alike—Saddam Hussein and his minions machinegunned them in the streets. Helicopter gunships strafed them from the air. Artillery shelled them in their homes. Saddam's goal was to solve his problem by obliterating it. Only the problem was people.

How did this differ from 1915 when the Ottomans decided they would solve their perceived Armenian problem by obliterating the Armenian people—by driving them like cattle into the desert to die like animals?

One has to ask whether the horrors of 1915 have taught the world anything. I emphasize: the world. The Untied States cannot solve the world's problems unilaterally. But we can do a lot in concert with others—as we saw in World War II and most recently in Operation Desert Storm.

I fear—I despair—that we will see more 1915's in Armenia, more 1940's in Europe, more 1970's in Cambodia. We will see more 1991's in Kurdistan. We will see them until the responsible governments of the world wake up and decide to act responsibly. We will see them until the civilized world is prepared to face down murderous Ottoman rulers and other bloodthirsty autocrats. We will see them so long as human standards are a spotty occurrence. We will see them until the rule of law girds the world.

And so, in all honesty, I cannot stand here and say the men and women and children who died so horribly in 1915 and the following years did not die in vain. We meet today to memorialize them. And we will meet next year to memorialize them. And we will meet each year on this day to remind the world of what it did not do to save them from death. And we will continue to push and shout and cry out and remind those who would rather not remember, until some day—some day—the world will come to its senses and say: This must not be repeated again.

And then—only then—we can gather on this day and truly tell those who passed from the world under the boots of the Ottomans that, yes, they did not die in vain. They served as a beacon for the world—however, reluctant and slow that world was to see the light.

And I know that day will come.

Mr. MARTINEZ. Mr. Speaker, today marks the 76th Anniversary of the Armenian Genocide. On April 24, 1915, the rulers of the Ottoman Empire began the systematic extermination of the Armenian people. Never before 1915 had a government been so committed towards eliminating a culture, a language, and an entire race of people from the face of the Earth.

The extent and depth of the human tragedy and horror that unfolded, from 1915 until 1923, can be gauged by the sheer magnitude of the slaughter of over one million Armenians by the Ottoman government. As the conflagration of World War I engulfed Europe, the marches of forced starvation, disease, and massacres consumed the lives of the Armenian people.

In preparation for the Jewish Holocaust, Adolph Hitler was reputed to have asked, "Who remembers the Armenians?" Mr. Speaker, the American people remember the Armenians, victims of a deliberate, calculated campaign of mass extermination. The 20th century has borne witness to far too many such atrocities, crimes against humanity which will never be washed away by the passage of time.

As the leading democracy in the world, it is our solemn duty, our moral responsibility to remember the victims of this genocide. We must observe this anniversary to keep the memory and the truth about this catastrophic event in the annals of history. We owe it not only to ourselves and the Armenian-American community, but to the silent, fallen victims of the Armenian genocide.

Mr. LIPINSKI. Mr. Speaker, at a time when the world's attention is focused on the destruction of the Iraqi Kurds, I commend Congressman LEHMAN for calling attention to another oppressed people. Like the Kurds. Armenians are a long suffering people who were driven from their homeland and ruthlessly murdered. I am gratified the world has awakened to the slaughter of the Kurds, and it is time—on this day, the 76th anniversary of the beginning of the Armenian genocide at the hands of the Ottoman Empire—for the world to wake up to the persecution of Armenians during and following the First World War.

The Armenian genocide was a tragedy only matched by the depravity of Hitler and Pol Pot. Like the Jews of Europe and Cambodians that followed them, the Armenian community saw its people massacred in numbers that are inconceivable: 1.5 million murdered and 500,000 driven from their homes. In their attempt to eliminate any evidence of the proud Armenian heritage and culture, the Ottomans also destroyed thousands of churches and monuments.

Despite these incredible atrocities, the world knows nothing about it. Less than two decades after the genocide, Hitler himself noted that nobody talked about the extermination of the Armenians. The absence of attention in the 1930's may have convinced him the world would pay little attention to his even larger scheme.

Mr. Speaker, with more than 70 percent of the Armenian community of the Ottoman Empire killed between 1915 and 1923, it is shocking that doubts remain about the genocide. The genocide is a fact. Nobody can deny the photos and historical references, and nobody can deny the long memory of the Armenian community. Memories of the public hangings and destroyed churches haunt them. They look at their homeland of 3,000 years and see their community dead. There were 2.1 million Armenians in Turkey before 1915, now there

are only 100,000, and Armenia itself is nearly empty of Armenians.

It is our responsibility, our moral duty to keep the memories of 1915 alive. A world that forgets these tragedies is a world that will see them repeated again and again. The story of this and other genocides must be known by all, for only then is there hope to stop them.

We must also honor the victims who perished so brutally in the desert. We cannot right the terrible injustice inflicted upon the Armenian community between 1915 and 1923 and we can never heal the wounds. But by properly commemorating this tragedy, Armenians will at least know the world has not forgotten their misery. Only then will Armenians begin to receive the justice they deserve.

Mr. DURBIN. Mr. Speaker, this body commemorates today the 76th anniversary of the Armenian genocide. We are joined in this observance by Armenians throughout the world who pause on this day to honor the memories of the 1.5 million Armenians killed by the Ottoman government in the years 1915 to 1923.

I am saddened that there are those who would forget this tragedy. To ignore the Armenian genocide is to desecrate the memory of those who lost their lives. Even worse, such denial sends the message that genocide is an acceptable form of behavior that will be tolerated by the world community.

The United States is a Nation which stands for the recognition of human rights, both within its borders, and for all peoples. To deny the genocide of the Armenians, or any atrocity of this scale, is to forsake the value we place on human life and the principles of liberty upon which this country is based. Those who turn a deaf ear to the Armenian genocide, knowingly or unknowingly, abet the future of genocide by failing to raise public consciousness about this tragic reality.

The surest way to honor the memory of the fallen Armenians and all crimes against humanity is to recognize their suffering and ensure that these acts are never repeated. Thus, as we pause to reflect upon this grievous example of man's inhumanity to man, let us strengthen our conviction that such atrocities never be repeated.

Mr. FAZIO. Mr. Speaker, I rise today to join my colleagues in memory of the 1.5 million Armenians massacred during and immediately after the First World War. We remember this crime against humanity to understand the event, and thereby preclude its repetition against anyone anywhere in the world.

The 24th of April represents for Armenians the symbolic beginning date of the Armenian genocide because on that date, in 1915, over 200 Armenian religious, political, and intellectual leaders of the Armenian community in Constantinople, and other centers of Armenian life throughout the Ottoman Empire, were arrested and systematically executed. In a single night, the voice of the representatives of the Armenian nation in Turkey was silenced.

Armenian men, who had been conscripted in the Ottoman Empire, were then disarmed and placed in work battalions from which they were gradually removed and executed. The remaining men, women, children, and elderly were forced on long marches through the desert, with little hope of survival. By 1923, when the slaughter finally ended, over half the world's Armenian population had been murdered on the soil that they considered home for more than 3,000 years.

As we recognize today, I would like to share with you a statement made in 1918 by Henry Morganthau, then U.S. Ambassador to the Ottoman Empire.

When the Turkish authorities gave the orders for these deportations, they were merely giving the death warrant to a whole race; they understood this well, and, in their conversations with me, they made no particular attempt to conceal the fact. I am confident that the whole history of the human race contains no such horrible episode as this. The great massacres of the past seem almost insignificant when compared to the suffering of the Armenian race in 1915.

These were the observations not of a revisionist historian but the thoughts of the official representative of the United States on the scene in Turkey at the time.

While, in the past, the genocide was officially recognized by the United States Government, since 1982, the Reagan and Bush administrations, bowing to pressure from the Turkish Government, have failed to officially recognize it. This both saddens and frightens me. I am saddened because the survivors of this tragedy, and their families, many of whom live in my district, are denied the legitimacy of their suffering. And I am deeply concerned because I see a world in which crimes against humanity are deliberately forgotten.

Mr. Speaker, let us honor the victims of the Armenian genocide by countering all such attempts to tamper with the truth, and strengthen our continued commitment to prevent such horrors in the future.

Mr. WOLF. Mr. Speaker, on April 24, 1915, a terrible 7-year period began for the Armenian people in Ottoman ruled Turkey. It was on that night that the Armenian leaders in Instanbul were rounded up and killed.

Over the course of the next 7 years, well over 1 million Armenians—including women and children—were killed. Between 1915 and 1923, many Armenians tried to escape to neighboring countries.

This wave of persecution began when the Ottoman leaders decided to disarm Armenian members of the military, then Armenian civilians and civic leaders. After that, Ottoman authorities began deporting Armenian leaders who could have formed an effective opposition against this Government plot. Their destination was the Syrian desert, where those on this journey either died or were killed.

Once the Ottoman Empire sided with Germany against the Allies in World War I, crimes against the Armenians increased, during which time an estimated 1.5 million Armenians lost their lives.

At the end of the War, the United States did make some effort to help evacuate Armenians from Turkey. At least one United States ship was dispatched to evaculate civilians from one of Turkey's port cities.

It is my hope that we have learned from this experience that genocide is not simply an internal matter for a country. It is a matter which should concern the entire world. I have been pleased that in our day, indeed, this month, our President has helped to provide military protection and humanitarian assistance to the Kurdish people fleeing from Saddam Hussein's tyranny in Iraq. The Congress must make sure that events like those which cost the Armenians so much are never allowed to happen again.

Mr. GREEN of New York. Mr. Speaker, I join my colleagues in solemnly observing today as "National Day of Remembrance of the Armenian Genocide of 1915–23." On April 24, 1915, hundreds of Armenian intellectual, political, and religious leaders were gathered up and brutally murdered. In the months that followed, the genocide of the Armenians living in the Ottoman Empire was put into execution. Today, of the more than 2,500,000 Armenians living in the Ottoman Empire before World War I, fewer than 100,000 Armenians remain in Turkey.

I have long been a vocal proponent of the need to commemorate the 1.5 million Armenians who lost their lives in the first genocide of the 20th century. We must not rewrite history by forgetting the 1.5 million Armenian men, women, and children who were massacred earlier this century. The proof and magnitude of the Armenian tragedy was established at the time by the records of this Congress and by our own Ambassador to the Ottoman Empire in 1915, Henry Morgenthau, who served as the United States Ambassador from 1913 to 1916. Henry Morgenthau stated, "I am confident that the whole history of the human race contains no such horrible episode as this. The great massacres and persecutions of the past seem almost insignificant when compared to the sufferings of the Armenian race in 1915."

We observe this day of rememberance so that the truth survives the eyewitnesses. It was Hitler who cynically asked in 1939, "Who today remembers the Armenian exterminations?"

Fifty years later, it must be we who remember. To do otherwise brings shame to our great democracy. We must remember that many of the Armenians-Americans we represent are themselves survivors of the horrible massacres. Many others are the children of those who witnessed massacres. Many others are the children of those who witnessed the atrocity. Today we must pause and pay tribute to the memory of these Armenians who senselessly lost their lives in 1915.

Mr. HERTEL. Mr. Speaker, we commemorate the 76th anniversary of the genocide of the Armenian people perpetrated by the governments of the Ottoman Empire.

Between 1915 and 1923, 1.5 million people of Armenian heritage died in the first genocide of the 20th century. This fact cannot be disputed any more than the virtual absence of Armenians from the eastern part of present day Turkey can be explained. This was the national homeland of the Armenian people, a people whose traditions and culture had survived for thousands of years.

Today the peaceful and freedom loving Armenian people are scattered throughout the world. Here in the United States, we embraced the refugees of persecution and invited them to join with us as Americans. Over 1 million Armenian-Americans—survivors and descendants of survivors—today contribute to the richness of our cultural heritage and the betterment of our country in many fields of endeavor.

Mr. Speaker, if remembrance of the horrible fate that befell 1.5 million Armenian people between 1915 and 1923 will prevent such a crime from happening again, we must remember the Armenian genocide. Especially today, with the fears of genocide again in the news and again being faced by a minority people under domination by a hostile government, we must not let the memory of Armenian martyrs fade into the abyss of history.

Mr. EARLY. Mr. Speaker, I rise with my colleague today to join Representative LEHMAN and all Armenian-Americans in commemorating the 76th anniversary of the Armenian genocide. We commemorate the victims of this horrible crime on April 24, because on that day in 1915, the Armenian intellectual leadership, in the capital city of Istanbul, and other Armenian centers of the Ottoman Empire were rounded up by the Ottoman authorities, taken to isolated areas and summarily executed.

Then United States Ambassador to Turkey, Henry Morgenthau, a witness to the genocide, described these deportations with the following words, "When the Turkish authorities gave the orders for these deportations, they were giving the death warrant to a whole race; they understood this well, and in their conversations with me, they made no particular attempt to conceal the fact."

We must recognize these crimes against humanity if we are ever to put a stop to the cycle of genocide that has plagued the 20th century. Silence, in the face of such inhumanity, only encourages those who commit such atrocities. We can see today, in the plight of the Kurds, the terrible cost, in lives, of sacrificing fundamental human rights in the name of short-term political gain. Violations of human rights, whether past or present, must never be swept under the rug for the sake of expendiency.

I am proud to know many Armenian-Americans as friends, colleagues, and copatriots; I have nothing but admiration for their strong faith, character, and cultural values. I am proud to join my colleagues today in remembering the Armenian genocide. Let us never forget the victims of all instances of man's inhumanity to man, in the hopes that such tragedies will never again be repeated.

Mr. CARDIN. Mr. Speaker, I join my colleague from California, Congressman RICHARD LEHMAN, in commemorating the tragic Armenian genocide which occurred 76 years ago today.

April 24, 1915 marked the beginning of a deliberate persecution and execution of Armenians which claimed over a million and a half lives in just 8 years. These responsible citizens of the Armenian nation in Turkey were sought out and murdered because they were guilty of sharing a specific ethnic heritage. The Ottoman Empire attempted to completely erase this ethnic group. A healthy culture of over 2 million Armenians living in Turkey was completely destroyed by the end of 1923—the few Armenians lucky enough to escape death were deported from their homes.

This deliberate and premeditated maelstrom resembles the Jewish persecution of the Holocaust which occurred only a few years later. Because these evil events are so similar, I feel not only sympathy for the Armenians, but a profound empathy.

When we commemorate the anniversary of a tragedy, we do so to remember the individual lives which were directly affected. But we also do so to educate generations to come—for those who have not learned the lesson of history are "doomed to repeat it."

On this solemn occasion, I extend my empathy to the Armenian people around the world and invite my colleages and constituents to do the same.

Ms. PELOSI. Mr. Speaker, today, I join my colleagues in recognizing the 76th anniversary of the Armenian genocide, and to pay tribute to the survivors. I thank Congressman LEHMAN for his work in coordinating this special order.

Seventy-six years ago, on the night of April 24, 1915, tragedy struck the capital city of Turkey. Over 200 religious, political, and intellectual leaders of the Armenian community in Istanbul were arrested, exiled from Istanbul, and eventually executed. The voice of the Armenian community was brutally silenced. However, this was only the beginning of what was to come.

Within several months of the initial executions, approximately 250,000 Armenians serving in the Ottoman army during World War I were systematically disarmed and removed to forced labor battalions. These men were sentenced to death by either starvation or execution.

In total, during the years 1915–22, 1.5 million Armenians were killed, and more than 500,000 were exiled from the Ottoman Empire. Deportations were carried out from every city, town, and village of Asia Minor and Turkish Armenia. The atrocities that took place during the death marches are unspeakable. With only a few remarkable exceptions, death and destruction prevailed.

The United States shares a special relationshp with the Armenian people. The Armenian-American community now numbers nearly 1 million. I am proud to note that California has an Armenian population of nearly 300,000—the largest single population outside of the Armenian homeland. Armenian immigrants and their descendants have contributed and continue to contribute to the unique fabric of American life.

Today, it is fitting that we pay tribute to those people sacrificed in the Armenian genocide and to survivors whose legacy has made it possible for the Armenian people to prosper and thrive.

Mr. LEVINE of California. Mr. Speaker, I am pleased to join with my colleagues to mark the 76th anniversary of the Armenian genocide, the first genocide of this century. We commemorate this tragedy on the 24th of April because on this day in 1915 the Government of Ottoman Turkey arrested over 200 leaders of the Armenian community in Istanbul and executed them in the first step of a premediated campaign that eventually took 1.5 million lives and exiled the Armenian people from their historic lands.

More than half of the world's Armenian population was destroyed in the years from 1915 to 1923. Those that escaped this attempt to erase forever the Armenian people and their culture, fled to the four corners of the Earth. These Armenians and their children and grandchildren who settled in the United States while maintaining their heritage have enriched our society in every field of endeavor and have become part of the fabric of America. I join with these proud Armenian-Americans, and with all Americans in honoring the memories of the victims of this crime.

Unfortunately, there are those, even within our own Government who either ignore or choose to deny the Armenian genocide, despite the fact that it is thoroughly documented in the American, French, British, and German archives. There are those that will sacrifice the truth for short-term political gain. We must speak clearly on the issue of genocide. If we do not, we will only encourage those who would commit such crimes in the future. Less than two decades after the Armenian genocide, Adolf Hitler, seeing the world's indifference to the Armenians, determined that he could kill millions of Jews and escape the judgment of the world, because, as he said, "who still talks nowadays about the extermination of the Armenians."

The most recent example of denial of the Armenian genocide took place at no less a historic shrine than Ellis Island. Responding to a campaign orchestrated by the Turkish Embassy, the National Park Service has removed a photo depicting victims of the Armenian genocide from the Ellis Island Centennial Photo Exhibit. This act of historical revisionism, whether done in ignorance or simply to avoid controversy, must be condemned. The Ellis Island authorities must reject the heavy handed tactics the Turkish Embassy has used to rewrite the history of American immigration. The Armenian genocide, as the primary cause of Armenian immigration to the United States during and after World War I, is an integral part of the story of Ellis Island. The removed photograph should be reinstated where it rightfully belongs.

Mr. GUARINI. Mr. Speaker, I rise today to speak about the Armenian Genocide, an event which must never be forgotten by the citizens of America or the peoples of the world. A little less than a century ago, Armenian citizens of the Ottoman Empire became the target of murder and persecution by their rulers. While it is important to avoid equating the Ottoman Government with the present day Republic of Turkey, it is, nevertheless, our responsibility to remember this tragic crime perpetrated against the Armenians in order to prevent others like it from ever happening.

The number of victims of this murderous campaign is staggering. Between the years of 1894 and 1896, during the reign of the Sultan Abdu-Hamid II, approximately 300,000 Armenians were massacred. Later, in the year of 1909, 30,000 Armenians in the area of Cilicia were murdered. And between the years of 1915 and 1922, when the genocide reached its bloody peak, approximately 1,500,000 Armenian men, women, and children were killed and more than 500,000 others were exiled from the Ottoman Empire.

Numerical figures will never adequately impart a sense of the pain and loss suffered by the Armenians. I ask my distinguished colleagues to attempt for a moment to consider the awesome scope of a genocide: the attempt to systematically murder an entire people. Genocide means the murder of families,

the extermination of a people's culture, tradition, and way of life. Genocide destroys a people's paintings and songs, their stories and myths. It is an attempt to erase from the pages of history the wisdom and accomplishments of past generations and the promise and potential of those of the future.

To ignore or forget events like the Armenian genocide is to aid those who would repeat such crimes. Unfortunately, many forms of genocide still continue around the world. To preserve the memory of the Armenian genocide is to thwart the perpetrators of these crimes and to remind present and future generations that only they can prevent genocides from happening again.

On April 24, Armenians all over the world will mourn the Armenian genocide. Let us join them on this day of remembrance. Let us also pledge our efforts to never again allow the crime of genocide to destroy the lives and culture of any group of people.

Mr. BLILEY. Mr. Speaker, each night we turn on the television to see horrorifying scenes of the plight of the Kurds. We are able to sit in our living rooms and see the death and destruction of government gone mad; a government intent on annihilating an entire people. The suffering of the people, especially the innocent children, has caused an outpouring of compassion which has forced the international community to put aside geopolitics and to concentrate on humanity. My hopes and prayers are with the men and women who are now battling the odds to struggle and save the lives of the Kurd refugees.

Just as importantly, it is my hope that the effort on behalf of the Kurds will truly spell a new world order, one in which the governments of the world act together to prevent such atrocities from ever happening again. Let this be a symbol that no longer will the world stand by while a government attempts to destroy a people.

Unfortunately, the world has not always reacted so compassionately to the plight of a small race of people facing destruction at the hands of the ruling government. Those who ignore history are condemned to repeat it.

In the shadow of World War I, the Ottoman Turk Government embarked on a plan to systematically eliminate the Armenian people from their ancestral homeland.

The Armenian men who had answered the call to join their country's armed forces were isolated and shot. On orders from the central government, Turkish soldiers rampaged from town to town, brutalizing and butchering the remaining Armenian population. Women and children were then forced on a death march into the Syrian desert. By the end of the war, the Ottoman Turks had been successful in exterminating two out of every three Armenians. A million and a half Armenians had perished at the hands of the Ottoman Turks.

Henry Morgenthau, Sr., then United States Ambassador to Turkey, wrote: "I am confident that the whole history of the human race contains no such horrible episode as this. The great massacres and persecutions of the past seem almost insignificant when compared to the sufferings of the Armenian race in 1915."

Only 20 years later, Adolf Hitler asked rhetorically, "Who remembers the Armenians?" as he began his master plan to annihilate the Jews. Those who fail to remember history are condemned to repeat it.

Over the last 3 years the Armenian people have suffered once again at the hands of a larger nation only for the world to turn a blind eye. In Sumgait and Baku, organized pogroms were unleashed on the Armenians. Over 300,000 Armenians were forced to flee their homes in terror.

I have had the privilege of serving in Congress for the past 10 years and each year I have risen on the floor of the House to urge my colleagues to recognize the atrocities suffered by the Armenians at the hands of the Ottoman Turks. The facts do not change; my words do not change. Each year, those efforts have failed. I ask my colleagues, "How many more Bakus; how many more Sumgaits must we witness before we tell the truth?"

The years cannot mute the voice of those Armenian survivors whose individual accounts of savagery combine to form a bedrock of irrefutable evidence. Despite the attempts to hide the records and to distort the facts; despite the world's preoccupation with politics and strategy, the truth of the Armenian genocide remains.

We commemorate April 24 as the National Day of Remembrance of the Armenian Genocide of 1915–23, and pledge that their deaths were not in vain, that their suffering will not be forgotten. We must use the truth of the Armenian genocide to help prevent such a tragic event from ever occurring again.

But we also use this day to rejoice in the continued survival of the Armenian people, for while the Turks crushed the fruit, the seed remained. I am reminded of a passage that William Saroyan wrote:

> I should like to see any power in this world destroy this race, this small tribe of unimportant people whose history has ended, whose wars have been fought and lost, whose structures have crumbled, whose literature is unread, and whose prayers are no more answered. Go ahead, destroy this race! Destroy Armenia! See if you can do it. Send them from their homes into the desert. Let them have neither bread nor water. Burn their home and churches. Then, see if they will not laugh again, see if they will not sing and pray again. For, when two of them meet anywhere in the world, see if they will not create a New Armenia.

Mr. Speaker, thank you for allowing me the opportunity to honor both the victims and the survivors of the Armenian genocide.

Mr. ANNUNZIO. Mr. Speaker, Mrs. Anneg Srabian's life was saved by a branch protruding from a well.

In 1915, 15-year-old Anneg, her family members, and all of the other villagers were forced by Ottoman officials to leave their homes in Havav, a town in the northeastern part of the Ottoman Empire. Some were taken away never to be heard from again. Others were forced to march for hundreds of miles with little food and water to an unknown destination. Many of those who could not keep up with the march were brutally murdered by the Turkish soldiers overseeing the exodus.

Anneg, who just celebrated her 90th birthday, is a resident of the University Nursing Home in Wheaton, MD, and recently recalled in vivid detail the events of that fateful spring 76 years ago. She told of the night the villagers were lined up in front of a well and the Turkish soldiers began beheading their victims and systematically throwing their bodies and heads into the well. When her turn came, the soldiers were tired, and merely pushed her into the well. As she fell, her dress caught on the branch protruding from the side of the well, and there she hung until the slaughter was over.

Then, through one of those strange quirks of fate, one of the Turkish soldiers peered down into the well, saw her hanging there, and took pity on her. He pulled Anneg up out of the well and let her go free, saying that it was "the will of Allah." And so young Anneg's life was spared, although all of her family members perished.

It was through countless episodes of such sheer luck that many other Armenians survived the marches and massacres that killed hundreds of thousands of their countrymen. It is estimated that 1.5 million people of Armenian ancestry were victims of the genocide perpetrated by the Ottoman Empire from 1915 to 1923.

There are more than 30,000 pages of documents deposited in our National Archives, in the Department of State, and in other Government agencies which describe in detail the entire process by which the Armenian people were made the object of systematic murder now known as genocide. Our own U.S. Ambassador to the Ottoman Empire at that time, Henry Morgenthau, sent home urgent cables providing graphic descriptions of the forcible evacuation of Armenians and the physical abuse of those who were being deported.

In the face of this overwhelming evidence, I was deeply concerned to learn that the National Park Service has removed a photograph depicting the victims of the Armenian genocide from the Ellis Island Centennial Photo Exhibit in New York. There is an old expression which says photographs don't lie, and the caption under this particular photograph stated: Armenians hung during massacre of 1915. By 1921, nearly 100,000 Armenians had come to the United States, fleeing periodic Turkish massacres in which over 1 million Armenians lost their lives.

As the chief sponsor in the Congress of legislation which established the Statue of Liberty Coin Program and raised about $75 million to repair the Statue of Liberty and to restore Ellis Island, I urge Ann Belkov, the Superintendent of the Statue of Liberty-Ellis Island National Park, to reconsider and to restore this photograph to its rightful place in the Centennial Photo Exhibit. Removal of this photo constitutes a deliberate and possibly illegal censorship of the official history of immigration to the United States. Such censorship has no place in America.

For this very reason, so that attempts at historical distortion may be suppressed immediately, it is important that we focus attention each year on this anniversary. It is also important, because as the years pass by, so, too, do the survivors of the Armenian genocide pass away. Fewer and fewer Armenians are alive today who actually suffered through those terrible times, and can relate personally the events of the genocide to succeeding generations, as Mrs. Anneg Srabian has done. Only by continuing to remember the disastrous

events of 1915 can we hope to prevent a tragedy of this magnitude from occurring again.

Mr. Speaker, as we mourn the loss of the Armenian martyrs earlier in this century, so, too, do we now pledge ourselves to continue to remember those martyrs and to continue to fight against abuse of human rights, violence and destruction so that humanity may survive in a world free from the fear of genocide.

Mr. RINALDO. Mr. Speaker, I join my colleagues in commemorating the 76th anniversary of the start of the Armenian genocide. This concerted effort to wipe out an entire people and their culture must never be forgotten.

On April 24, 1915, the Ottoman Empire rounded up hundreds of Armenian religious, political, and intellectual leaders. They were sent into exile in remote areas, where they were later murdered. Within a few months, the 250,000 Armenians serving in the Ottoman army were transferred to forced labor units. Virtually all of them were either worked to death or executed.

With no leadership, it was a simple matter to exile the rest of the Armenian nation from their cities and villages. In most cases, the men and older boys were killed, and the women and younger children were marched into the Syrian desert. Thousands of them died there.

At the time, Secretaries of State William Jennings Bryan and Robert Lansing led an international protest of the murders and then organized humanitarian relief for the survivors. Between 1913 and 1930, the American people contributed $113 million toward this effort and 132,000 orphans became foster children.

The murderers of the Armenian people are now all dead, and the Ottoman Empire no longer exists, but we must never forget the brutal depths to which nations can sink. I find an eerie parallel between the massacre of the Armenian people in 1915, and the plight of the Kurdish people today. The well-known quote from George Santayana that "those who cannot remember the past are condemned to repeat it" rings all too true.

Mr. HOYER. Mr. Speaker, I rise today to join those marking the 76th anniversary of the National Day of Remembrance of the Armenian Genocide of 1915–23. We continue to remember and we will never forget the atrocities committed against the people of Armenia and the 1.5 million Armenians who perished.

Although the exact events of this period remain somewhat difficult to definitively ascertain, we are certain of the enormous scope of the suffering faced by all inhabitants of the region. Seventy-six years later, Armenians around the world still have reason to be concerned about the conditions in their homeland. In Soviet Armenia, pollution has become a serious and deadly threat to the well-being of the population. Political unrest and conflict in the region continue, forcing tens of thousands to flee. The result is a refugee crisis in Moscow and other Soviet cities. We cannot forget the tragic earthquake which claimed thousands of lives, effects of which are still readily apparent today.

The lessons of the Armenian genocide must not be lost on the world. Unfortunately, humanity doesn't learn these types of lessons well. The horrors of 1915–23 were perpetrated again by Nazi Germany against European Jewry, Gypsies, and others, and again by the Khmer Rouge against the Cambodian people. Today, we are witnessing a mass exodus of almost unprecedented scope by an ethnic group attempting to flee extermination by the Iraqi regime. We must remember these brutal occurrences and we must continue to speak out against these atrocities. Respect for the rights of individuals and the groups they comprise—whether ethnic, racial, religious, or national—must be the critical building block of international relations and the relations between a government and its citizens.

Mr. Speaker, in this era of unprecedented change, it is more important than ever that the lessons of this tragedy be remembered so that we never again relive the horrors of mass destruction.

Mr. SCHEUER. Mr. Speaker, today, hundreds of thousands of Kurdish refugees are fleeing their homeland in order to escape slaughter by the forces of Iraqi President Saddam Hussein. We sympathize with their plight, having to flee hundreds of miles through frozen, muddy mountain passes in order to reach safety and only to be met with misery. The Kurds are suffering from hunger, exposure, and disease and as many as a thousand are estimated to be dying daily.

Seventy-six years ago this April, another group of people, the Armenians, were also uprooted from their homeland. The Armenians were not only uprooted from their homeland of 3,000 years, but were massacred by the barbaric rulers of the Ottoman Empire, or driven into exile.

Today—April 24—is marked as a day of remembrance for over a million Armenian victims.

At the hands of the Ottomans, the Armenians were systematically murdered, starved, or herded into the Syrian desert, where they died from exposure and starvation.

The Armenian genocide—like the Holocaust—must be remembered, their tragic lessons preserved.

The Armenian genocide carries a universal message. It is that we cannot permit genocide, oppression, and violence to be perpetrated in the name of nationalism, racism, or any other ism.

From the Armenian genocide to the Holocaust to the present day deplorable situation of the Kurds, we must speak out, we must condemn, and we must act. That is our obligation.

The Armenian people were put to death for no reason other than that they were Christians. Prejudice of any kind against anyone, at anytime cannot be tolerated. Silence and apathy are the enemies. They not only tolerate hate and bigotry, they nurture them and permit them to proliferate.

We cannot wipe the slate clean of human experience. Rather, we must learn from it, or condemn ourselves to suffer the fate of the 1 million Armenians and 6 million Jews.

Today, we join the Armenians and all people in remembering—ever vigilant—the more than a million victims of the Armenian genocide.

Mrs. BOXER. Mr. Speaker, it is with deep sorrow and anger that I join my colleagues in commemorating the 76th anniversary of the Armenian genocide.

On this day we recall the tragic events which began on April 24, 1915, when the government of the Ottoman Empire rounded up the leadership of the Armenian community and executed them in the first step of a premeditated campaign that eventually took 1.5 million lives.

It is not only the horror of this crime that we remember on this dark anniversary, but also the scandal of continued lies and attempts by the State of Turkey to deny the truth of this shameful atrocity.

Earlier this year, under pressure from the Turkish consul in New York, officials of the National Park Service removed a photo of the Armenian genocide from an exhibit at Ellis Island. This photo, which depicts Armenian victims of the genocide, contained a caption explaining the Armenian genocide as a major cause of Armenian immigration to America.

It seems that the Turkish Government has once again chosen to contradict the thousands of documents in the official archives of all major governments, including our own and Turkey's, testifying to this holocaust. We must not allow the Turkish Government to rewrite history, especially when it also impinges on our own history.

The Armenian genocide, as the primary cause of Armenian immigration to the United States during and after World War I, is an integral part of the story of Ellis Island. The removed photograph should be immediately reinstated where it rightfully belongs.

We must never forget this horrible crime against humanity and its many victims. It is a responsibility to our children and to ourselves never to allow the memory of this genocide to fade. Only by looking this awful period in history straight in the eye can we fully comprehend its ugliness and hatred, and ensure that it will never happen again.

Mr. CARR. Mr. Speaker, the history of humanity is rife with examples of man's inhumanity to man. From our earliest forebears, who massacred other bands for rights to a watering hole, to today's complex national and religious conflicts, humans unable to dominate their neighbors have all too often turned to the solution of eliminating their neighbors.

Every April 24, people from all over the world pause to recall one particular tragedy, notable not just for its scope and horror, but because all too many of us have never heard of it, and others would choose to forget.

The genocidal deportation and massacre of the peaceful Armenian people between 1915 and 1923, as part of a program to deport the entire Armenian population from the homeland of the Ottoman Empire, led to the death of more than 1.5 million people, either directly at the hand of Ottoman authorities or by starvation.

The remaining survivors of this atrocity still live with horrors that few people in the world can appreciate. Only those persecuted to death by such infamous tyrants as Hitler or Pol Pot in Cambodia can truly understand their agony.

Only a few hundred thousand Armenians escaped death at the hand of the Ottoman Empire, or starvation in the deserts to which the Empire expelled them. Among those are

the many Armenians who have made their home in Michigan. It is they who must continue to suffer the indignity of those past events. And they do continue to suffer.

Only recently, a photograph in an interpretive exhibit at Ellis Island—which explained that thousands of Armenians fled to America to escape certain death at the hands of the Ottomans—this photograph was removed from the exhibit at the request of Turkish authorities.

Other nations have committed atrocities in this century. But the people of these countries have confronted their histories, tried to learn from them, and have made apologies and reparations to those who suffered.

Turkey would rather forget its Ottoman history, rather than learn from it. But the people of the world must never be allowed to forget this, or any other such atrocity. As the sage once said, those who forget their history are doomed to repeat it. And all civilized nations should work together to eliminate such behavior of man toward fellow man from the face of the Earth.

We should all pause on April 24 to offer comfort to those who suffered so terribly in the past, to commiserate with their descendants who suffer the continued indignity, and to recall to all who have forgotten the terrible crimes of the past.

Mrs. ROUKEMA. Mr. Speaker, 2 short days ago, I returned to the United States of America from a heart-wrenching weekend journey into what I call no man's land. I was joined by four of my colleagues as we toured the crude, makeshift refugee camps that have sprung up along the Turkish-Iraqi border, camps where hundreds of thousands of Kurds are taking whatever refuge they can from the forces of Saddam Hussein.

The conditions we saw were nothing short of horrendous: a lack of food and clean water; no sanitary facilities; nonexistent medicine; rampant disease; frigid temperatures, and no shelter. And always the fear that their enemy was just over the next ridge waiting to continue its campaign of murder and terror.

It is not an exaggeration to say that the Kurds are prisoners in no man's land, thrust into this hell on Earth by a systematic campaign of terror by Saddam Hussein.

We should all be proud that the United States is leading the worldwide humanitarian effort to provide life support for the Kurdish people.

However, we should also be mindful that the ethnic terrorism that transformed these Kurds into pathetic refugees is not a new phenomenon. Just as we must stop Saddam's attack on the Kurds and just as we must never forget Hitler's genocide of the Jews, we must also remember the unspeakable tragedy that befell the Armenian people 70 years ago.

From 1915 to 1923, 1.5 million Armenians living in Turkey under the Ottoman Empire were systematically and purposely massacred. Hundreds of thousands of Armenians were uprooted from their homes and either killed outright, worked to death in a labor camp, or sent into exile.

There should be no doubt about the extent and terrible nature of the crimes that were committed against the Armenian people during the rule of the Ottoman Empire. The historical record is full of appalling details of the cruel genocide that was waged against Armenians. In fact, the cables of our own diplomats who were there bear grim testimony to the tragedy.

As the scale of the suffering became known, the American people responded with genuine sympathy and support for the Armenian people. We made every effort to stop the killing and opened our country as a refuge from persecution. Thousands of Armenians came to the United States in search of a new life. They and their children are now successful, contributing members of our society.

I am pleased that my congressional district in northern New Jersey is home to one of the largest Armenian communities in America. I am honored to represent them. They exemplify the highest standards of family life, educational performance and American patriotism.

Indeed, America in 1991 owes a great deal to the contributions of the Armenian people. But, what the Armenians want most of all is that America and the world never forget the tragedy that befell them over 70 years ago. Only then can we be certain that history will never repeat itself and efforts at historical revisionism will fail.

I thank the gentleman from California. By reminding the House and the Nation of the Armenian genocide, you promote respect for human rights of all peoples.

Mr. MAVROULES. Mr. Speaker, I rise today, the 76th anniversary of the tragic Armenian genocide, to pay tribute to the millions of Armenians who were persecuted during the 8 years of genocide.

On April 24, 1915, a genocide began in Turkey that took the lives of 1.5 million Armenians. On that day alone, about 200 Armenian religious, political, and intellectual leaders were either arrested, exiled or murdered. For 8 long years, from 1915 to 1923, Armenians lived in fear of torture and death. Some were fortunate enough to flee the mass executions, but all Armenians suffered. More than 500,000 Armenians were exiled from their homes, and many witnessed the death and imprisonment of loved ones. The memories of such atrocities can never be forgotten by the Armenian people, and are passed on from generation to generation. The rest of the world must also reflect on the inhumanity of what happened 76 years ago with passionate intolerance.

Remembrance of the Armenian genocide is imperative to preclude men from successfully repeating Hitler's statement "Who today remembers the Armenian extermination?" Perhaps the executions of the Stalin era and the Cambodian killing fields could have been preempted had global recognition of the Armenian genocide evolved earlier.

Like many of my colleagues, I am the offspring of southeastern European immigrants. As a Greek descendent I share a feeling of national tragedy with the people of Armenia. For this reason, I have always felt a certain empathy for Americans of Armenian descent. Unfortunately, many people today would rather forget the grim reality of what happened 76 years ago today.

On this, the anniversary of the Armenian genocide, I urge my fellow colleagues along with members of the international community, to join me in taking a moment to remember the horrible tragedy that occurred in Armenia so that it will not be repeated again.

BNL SUBPOENA RENEWAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. ESPY], is recognized for 60 minutes.

[Mr. ESPY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 30 minutes.

Mr. GONZALEZ. Mr. Speaker, I would like to report to the House of Representatives about the quest of the Committee on Banking, Housing and Urban Affairs for certain subpoenaed documents. As the House is aware, the Banking Committee has been vigorously investigating, in the last Congress and in this one, the secret and unauthorized loans to Iraq by an Italian bank, Banca Nazionale del Lavoro, known as BNL, through its offices in the United States.

Loans now estimated at over $4 billion went from that bank to assist Saddam Hussein. A substantial portion may have gone into Iraq's secret network of companies and individuals for obtaining Western technology. The subject of BNL, and the examination system for BNL, continues to be of the greatest interest as we watch the consequences of the conflict with Iraq, and draw lessons from the circumstances leading up to that conflict, which included those loans to Iraq and Iraq's use of them. No one should doubt the Banking Committee's strong and unflagging determination to investigate fully this matter of the highest oversight and legislative importance.

In November 1990, the Banking Committee voted to subpoena the Federal Reserve System for the reports of State-prepared examinations of BNL in its files. The Federal Reserve System explains that it regularly uses these examination reports in its umbrella review system for foreign banks like BNL. For four of BNL's five offices—those in Georgia, Florida, New York, and California—the Federal Reserve was able and willing, upon receipt of the subpoena, to provide the reports. However, the banking agency for the fifth State, Illinois, filed suit to enjoin our obtaining the reports of BNL examinations it conducted. The State agency argued in part that a standard form confidentiality agreement between Federal and State banking agencies barred our obtaining those reports from the Federal Reserve. Rejecting the Banking Committee's motion to dismiss the case, a Federal judge in Chicago granted the State agency the injunction which it sought, and the case is now on appeal.

The committee issued the subpoena for BNL's examination reports last year during the 101st Congress. That subpoena expired with the beginning of the current 102d Congress in January. Accordingly, as part of the committee's continuing BNL investigation, the committee met on April 11 regarding a renewal of the subpoena in this 102d Congress to avoid delays or side-disputes about the expiration of the last Congress. Additional subpoenas, not

involved in the court case, were authorized as a result of the widening of the investigation.

The committee can now report to the House that it voted—by a unanimous vote of 40 to 0—to renew that subpoena, on the same basis as in the last Congress. As in that Congress, the committee will defer the subpoena, as to the Illinois reports, in light of the pending proceeding, and will give the Federal Reserve formal notice when it sets a return date. This vote should send a strong signal to those who would file lawsuits to frustrate congressional investigations. A congressional committee will not be distracted or intimidated by such lawsuits.

The chief problem faced by the committee regarding this lawsuit has been that the State agency, by invoking the slow workings of the judicial system, threatens by delay to frustrate the investigation of the loans to Saddam Hussein, and the consideration of legislative reform. Through the House counsel which represents the Banking Committee in this case, the committee has asked the court of appeals to do what it can, in a proper way, to prevent the decision regarding dismissal of the case from being delayed through remands or other extended proceedings. In February, the investigation made the same request of the court of appeals to avoid such delaying proceedings in a formal report.

Now, again, this committee vote of 40 to 0 asks the court of appeals to prevent delays from remands or other extended proceedings. As the BNL report said in February, there may be court cases in which more rounds of district court proceedings help through allowing more study or more settlement talks, but this is not one of them. With further delays, this would truly become a case, as the Supreme Court once said, where "protracted delay has frustrated a valid congressional inquiry." The committee's hearings and reports all emphasize the timeliness of the Iraq loan investigation. Further delays in this matter would be a serious interference with the Banking Committee's forceful determination to press vigorously with this investigation.

I want to take this opportunity to mention some of my own efforts, and the staff's, on the issue of these particular State examination reports. In November 1990, after the committee issued its subpoena to Chairman Greenspan of the Federal Reserve, I personally discussed the subpoena issues with him on November 28 in what proved to be a successful effort at working them out. This was a serious discussion between the principals, of the kind which, instead of lawsuits, should resolve such matters. Immediately thereafter, on December 4, Chairman Greenspan carried out his side of our discussion, writing me that he would provide those State-prepared reports, as he did for the four BNL States that did not attempt to delay us by lawsuit.

Out of an abundance of care for all interest involved, the committee has had its staff and House counsel go back to inquire into the official records that would shed light on the standard form confidentiality agreement relied upon by the State. It has appeared from these inquiries that under the umbrella system established pursuant to the International Banking Act of 1978, the Federal Reserve has received the State-prepared reports of examinations of foreign banks, long before there was any such agreement. The Federal Reserve's general counsel described to my committee counsel on April 4 what the official records for BNL reflect. BNL opened its Chicago office in 1982. The first Illinois State-prepared examination report of BNL was completed on June 10, 1983. That report was transmitted to the Federal Reserve Bank of Chicago by cover letter dated August 23, 1983. Not until 1987, years later, did this agreement come into existence, resulting from a history entirely separate from the umbrella supervision system.

Apparently, the Federal Financial Institutions Examination Council, or FFIEC, drafted the standard form agreement. By act of Congress, the FFIEC promotes vigilance and uniformity in the examination reports relied upon by Federal financial regulators, including both the Federal Reserve and the Federal Home Loan Bank Board which supervised savings and loans until succeeded by the Office of Thrift Supervision. The statute creating the FFIEC also empowers a State liaison committee [SLC] to work with the council, recognizing that Federal supervision has relied in the past upon State examinations of even quality.

According to public reports and records, in the mid-1980's, the FFIEC and its SLC worked toward a policy for sharing of examination reports for domestic banks between Federal and State regulators. There was already sharing of examination reports for foreign bank offices pursuant to the International Banking Act of 1978—as reflected by Illinois providing its BNL examinations to the Federal Reserve from the inception in 1983 of its examinations of BNL—and the problem at issue was thus with State-chartered domestic banks, particularly those which are part of an interstate bank holding company. The timing, sequence, and drafting clearly shows that the agreement is tied to examination reports of domestic banks, which sometimes were not being shared, rather than those for foreign banks, which were under the umbrella system pursuant to the International Banking Act.

Although the agreement thus was not aimed at examination reports like BNL's, our inquiries have continued because we wished to know what the agreement means when it does apply. It appears that the policy leading to the standard form confidentiality agreement was approved at the FFIEC meeting on March 14, 1986. Of particular interest, the official minutes of that meeting describe the explanation of Edwin J. Gray, then chairman of the Federal Home Loan Bank Board which supervised savings and loans, who was at that time also chairman of the FFIEC itself. These minutes record that:

> Chairman Gray said that he wasn't sure how the various state legislatures worked but that he was not sure how the state agencies could protect the confidentiality of the information in all circumstances. He noted that not even the federal agencies could make such a representation.

The committee has been quite familiar with Chairman Gray, and can very safely say that he knew as well or better than any Federal regulator that Federal agencies cannot withhold from the Banking Committee documents that are needed for oversight of how bank supervision is working. Chairman Gray's statement that "not even the Federal agencies could make such a representation" as to what would happen with "the information in all circumstances" reflects the universal understandings that Federal banking agencies must, as part of their duties, provide evidence to Congress and the Federal courts for them to perform their constitutional functions, and that no policies or agreements would curtail that duty. Other FFIEC discussions make plain, as those familiar with this context will recognize, that confidentiality policies and agreements have a much more mundane focus, namely the noninvestigative access accorded by State freedom of information acts, requests by regulated banks for parts of exports normally withheld from them, and the like.

Pursuant to the policy approved in April 1986, the FFIEC and its SLC devised their model agreement for confidentiality between Federal and State regulators, which was promulgated in January 1987. The Federal Reserve adapted that agreement to incorporate its regulations on release of examination reports in response to subpoenas, and also adapted the agreement explicitly to apply to examination reports of domestic banks, not foreign banks. Illinois has noted that it began providing the pertinent domestic bank examination reports to the Federal Reserve starting in January 1987, and it signed the model agreement with the Federal Reserve in March 1987. Plainly, the Illinois agreement was bound up with providing those domestic reports, not with the foreign bank reports which it had been providing for years pursuant to the umbrella supervision system.

As for the other four BNL States, identical agreements were signed by Florida, Georgia, and New York, while California has a parallel arrangement. The Illinois State banking agency has complained that States would be injured or rendered uncooperative by the Federal Reserve's compliance with the committee's subpoena. Unlikely as that seems, those four States have been checked with by the House counsel's office, to see whether as a result of the committee's demand in its Iraq loan investigation, and the Federal Reserve's providing of the BNL report they prepared, they ceased sharing examination reports with the Federal Reserve. As one would expect, all of the four BNL States of Florida, Georgia, California, and New York have confirmed that they have continued to share examination reports with the Federal Reserve.

What all this shows only too clearly are the consequences if congressional oversight were to be frustrated by lawsuits like this one. The standard form agreement is on interagency scope and nationwide application, used by a number of Federal agencies in dealings with the 50 States. Thus, the agreement covers large parts of the national financial regulatory system, and even larger parts if it were construed, through "oral modifications" or otherwise, to cover parts of the system, like foreign banks, which its terms do not cover. It is not all that different from agreements or understanding that Federal regulators have with regulated businesses which number in the thousands.

The February report noted how quickly the notion spread of withholding documents from the committee on the argument that the com-

mittee should obtain them, not from the files of the Federal Reserve which had them and used them in the umbrella system the committee sought to oversee, but with the permission, and pursuant to the conditions, of the multifarious original preparers. As the committee sees how vast are the subject areas covered by such agreements or understandings, it stands more resolutely than ever, by its unanimous vote renewing the subpoena, on its right not to have lawsuits bring disputes over how it conducts its investigations into Federal court. If the Federal courts were to judicialize this third-party complaint about Congress obtaining agency files, they would do so for other examples of that aspect of congressional investigations. If the Federal courts were to judicialize this aspect of congressional investigations, they would do so for the other aspects. Those considering the route of delaying congressional investigations will have a complete roadmap, a gold-plated invitation and a guarantee of hospitality.

Every Member of this House is familiar with the enormous bills to the taxpayer for the savings and loan scandal and the necessity for vigorous oversight of the banking supervision system. Yet, if the committee's Iraq loan investigation can be interfered with by lawsuit, the same arguments about the same standard form agreement would be raised against oversight for savings and loans, and in fact for much of the banking system. Similar arguments would be raised throughout Congressional oversight of departments and agencies. The Banking Committee has resolutely refused to let oversight be frustrated in that fashion.

I will briefly note another development in the BNL matter. On February 28, it was announced that a grand jury indicted 10 defendants on 347 counts of fraud and related charges concerning more than $4 billion loans and credit extension to Iraq. Together with the connections between BNL and the network of Iraq's front companies, this will be illuminated in the committee's hearings. At this time, that is noted just for its confirmation of the vital need for the Banking Committee's BNL Inquiry, which is the only way that major questions about systemic matters and needs for legislation will be answered to which such a huge fraud points, but which will not be answered in a trial narrowly focused on the allegations about the defendants. Thus, the House of Representatives understands why the Banking Committee declares, as it strongly believes, that the injunction blocking its BNL inquiry is against the national interest.

FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL

To: Federal Financial Institutions Examination Council.

Subject: Minutes of the March 14, 1986 FFIEC Meeting.

Chairman Gray convened the meeting at 9:10 a.m. in the conference room of the Comptroller of the Currency on Friday, March 14, 1986. Representing their agencies were:

Robert L. Clarke, Comptroller of the Currency.

Edwin J. Gray, Chairman, FHLBB.

Roger W. Jepsen, Chairman, NCUA.

Preston Martin, Board Member, FRB.

L. William Seidman, Chairman, FDIC.

Representing the State Liaison Committee were:

Sidney A. Bailey, Commissioner of Financial Institutions, Virginia.

Charles W. Burge, Deputy Commissioner of Thrift Institutions, Georgia.

Tom D. McEldowney, Director, Department of Finance, Idaho.

PROPOSED POLICY ON THE EXCHANGE OF SUPERVISORY INFORMATION AMONG THE FEDERAL AND STATE SUPERVISORY AGENCIES

James Houpt, FRB, stated that this policy was being proposed to the Council because of the growth in interstate banking activities and the growing need for federal and state agencies to cooperate in their supervisory efforts. Mr. Houpt summarized the proposed policy for the Council. Mr. Bailey, SLC Chairman, said that the policy as drafted seemed to focus on examination data but that information pertaining to applications was also important and that it should be made clear that such information was also covered by the proposed policy. He said that the primary concern is with safety and soundness and that the purpose of the policy should be to provide for the soundness and that the purpose of the policy should be to provide for the rountine sharing of information. Mr. Bailey questioned the definition of "legally able" used in term #2. Mr. Houpt stated that this wording was only intended to protect the confidentiality of information obtained from the federal agencies from disclosure under state freedom of information laws and was not intended to imply that states would have to have specific laws providing an absolute guarantee that such information could never be disclosed. Chairman Gray said that he wasn't sure how the various state legislatures worked but that he was not sure how the state agencies could protect the confidentiality of the information in all circumstances. He noted that not even the federal agencies could make such a representation. (Council Member Martin, FRB, entered the meeting at this point, 9:30 a.m.) Mr. Bailey suggested that if expanded access to the FDIC's existing data base could be arranged on a need-to-know basis that it would provide most of the data that are needed by the states. About 30 states are already linked into this data base for information on state chartered banks in their own states. Mr. Houpt said the FDIC applies its own examination ratings to state member and national banks and might have examination ratings different from those of the principal agency. Mr. Bailey said the FDIC rating is not what the states are interested in: the states want the information on which the rating is based. Mr. Selby, OCC, said the Office of the Comptroller of the Currency would want to release its own information and not have it released from the FDIC. (Mr. Clarke left the meeting at 9:50 a.m.)

Council Member Martin made a motion to approve the policy, with the suggested changes by Mr. Bailey and Council Member Jepsen. The motion was seconded by Mr. Selby (acting for Council Member Clarke) and unanimously approved.

PRESS RELEASE

The Examination Council announced today its approval of a Model Agreement on Sharing of Confidential Supervisory Information. The Model Agreement was developed because of the increased importance of interstate banking and thrift operations and the growing need for federal and state agencies to cooperate in their supervisory efforts.

The Model Agreement was developd in cooperation with the Examination Council's State Liaison Committee, a group of five state supervisors of depository institutions that advises the Council on matters affecting the supervision of state-chartered depository institutions. The Model Agreement is an extension of the General Policy Statement on the Exchange of Supervisory Information Among the Federal and State Supervisory Agencies that was adopted by the Council on March 14, 1986.

The Council is recommending to the Federal Reserve Board, Federal Deposit Insurance Corporation, Federal Home Loan Bank Board, National Credit Union Administration, and Office of the Comptroller of the Currency that they consider this Model Agreement when they develop their own agreements for the exchange of confidential supervisory information with state supervisory agencies. Also, the Council's State Liaison Committee plans to recommend to the states that they give consideration to the Model Agreement in developing agreements with the federal supervisory agencies and the supervisory agencies of other states.

A copy of the Model Agreement is attached.

AGREEMENT ON SHARING OF CONFIDENTIAL SUPERVISORY INFORMATION

The ——— ("Requesting Agency") and the ——— ("Responding Agency") hereby agree ("Agreement") to exchange confidential supervisory information including reports of examination relating to depository institutions which are related to an organization for which the Requesting Agency has supervisory jurisdiction or which have submitted an application to the Requesting Agency. Under this Agreement, either the Federal or the State Agency may request information as the Requesting Agency subject to the conditions, obligations, responsibilities of this Agreement. In submitting a request, the Requesting Agency shall provide a specific description of the information desired and its need for the information. The Responding Agency will make all reasonable efforts to reply to the request within twenty (20) working days of its receipt.

The Requesting Agency specifically agrees to be bound by the same standards of confidentiality and other limitations and conditions respecting the use of any such data received from the Responding Agency as specified in the Joint Statement of Policy on Interagency Exchange of Supervisory Information and dated August 23, 1984, adopted by the Board of Governors of the Federal Reserve System, Office of Comptroller of the Currency, the Federal Home Loan Bank Board, and the Federal Deposit Insurance Corporation.

The Requesting Agency expressly agrees further to limit its use of any such information it receives under this Agreement to functions related to the exercise of its appropriate supervisory authority.

The Requesting Agency acknowledges that all confidential supervisory information, in whatever form, furnished by the Responding Agency remains the property of the Responding Agency and agrees that no further disclosure of any information obtained from the Responding Agency under this Agreement shall be made to any other state, local, or federal agency, court or legislative body, or any other agency, instrumentality, entity, or person without the express written permission of the Responding Agency.

By this Agreement, the Requesting Agency gives express assurance that under the applicable laws, regulations, and judicial rulings it has the authority to comply fully with the

use and disclosure limitations and conditions of this Agreement; that it will provide written notification to the Responding Agency within ten days of any material change to this authority or any violation of this Agreement; and that any such change or violation shall automatically terminate this Agreement unless the Responding Agency waives termination in writing within thirty days of learning of the event constituting the change or violation.

In event of termination of this Agreement, all information received hereunder by the Requesting Agency shall be immediately returned to the Responding Agency with the express agreement that no copies or derivative information will be retained by the Requesting Agency. In addition, and without terminating the Agreement, the Responding Agency may, in its sole discretion, require the return of all documents and derivative information previously supplied on a particular depository institution.

This Agreement shall in no way limit the discretion of the Responding Agency to deny future requests for confidential supervisory information, in whole or part, for any reason consistent with the Council's General Policy for sharing such information, adopted at its meeting March 14, 1986, and with Responding Agency's own supervisory interests and obligations.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

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

Mrs. BENTLEY, for 60 minutes each day, on April 30, May 1, 2, 7, 8, 9, 14, 15, and 16.

Mr. GILCHREST, for 5 minutes, today.

Mr. SOLOMON, for 60 minutes, today.

Mr. BEREUTER, for 5 minutes, on April 25.

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

Mr. BONIOR, for 5 minutes, today.

Mr. HOYER, for 5 minutes, today.

Mr. DONNELLY, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Mr. DARDEN, for 5 minutes, today.

Mrs. LOWEY of New York, for 5 minutes, today.

Mr. THORNTON, for 5 minutes, today.

Mr. ALEXANDER, for 60 minutes, today.

Mr. ESPY, for 60 minutes, today.

Mr. GONZALEZ, for 30 minutes, today.

Mr. OBEY, for 60 minutes, on May 8.

EXTENSION OF REMARKS

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

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

Mr. DOOLITTLE.

Mr. COX of California.

Mr. DUNCAN.

Mr. GEKAS in four instances.

Mr. BEREUTER.

Mr. SCHAEFER.

Ms. ROS-LEHTINEN in five instances.

Mr. MCDADE.

Mr. PORTER.

Mr. HYDE.

Mr. LIGHTFOOT.

Mr. PURSELL.

Mr. LAGOMARSINO.

Mr. KYL.

Mr. LENT.

Mr. WYLIE.

Mr. CUNNINGHAM.

Mr. RAMSTAD.

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

Mr. EDWARDS of California.

Mr. LANTOS.

Mrs. KENNELLY.

Mr. TRAFICANT.

Mr. ROE.

Mr. PALLONE.

Mr. BONIOR.

Mr. STARK, in three instances.

Mr. DONNELLY, in three instances.

Mr. YATRON.

Mr. REED, in two instances.

Mr. KOSTMAYER.

Mr. DOWNEY.

Mr. VENTO, in two instances.

Mr. FOGLIETTA.

Mr. SOLARZ.

Mr. ROEMER.

Mr. WILLIAMS.

Mr. ANDREWS of Texas.

ENROLLED JOINT RESOLUTION SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the speaker:

H.J. Res. 218. Joint resolution to designate the week beginning April 21, 1991, and the week beginning April 19, 1992, each as "National Organ and Tissue Donor Awareness Week."

BILLS PRESENTED TO THE PRESIDENT

Mr. ROSE, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a joint resolution of the House of the following title:

H.J. Res. 218. An act to designate the week beginning April 21, 1991, and the week beginning April 19, 1992, each as "National Organ and Tissue Donor Awareness Week."

ADJOURNMENT

Mr. LEHMAN of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 21 minutes p.m.) the House adjourned until tomorrow, Thursday, April 25, 1991, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

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

1139. A letter from the Director, Administrative Office of the United States Courts, transmitting the twelfth report on applications for delays of notice and customer challenges under provisions of the Right to Financial Privacy Act of 1978, pursuant to 12 U.S.C. 3421; to the Committee on Banking, Finance and Urban Affairs.

1140. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the Department of the Army's proposed Letter(s) of Offer and Acceptance (LOA) to Turkey for defense articles and services (Transmittal No. 92-20), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1141. A letter from the Acting Secretary, Department of State, transmitting certification that the furnishing of assistance as requested in the proposed International Cooperation Act of 1991 for Greece and Turkey will be consistent with the principles set forth in section 620C(b) of that Act, pursuant to 22 U.S.C. 2373(d); to the Committee on Foreign Affairs.

1142. A letter from the Commissioner, Immigration and Naturalization Service, transmitting a copy of the decision granting defector status in the case of a certain alien who has been found admissible to the United States under law, pursuant to 8 U.S.C. 1182(a)(28)(1); to the Committee on the Judiciary.

1143. A letter from the Director, Administrative Office of the U.S. Courts, transmitting the annual report on applications for court orders made to Federal and state courts to permit the interception of wire, oral, or electronic communications during calendar year 1990, pursuant to 18 U.S.C. 2519(3); to the Committee on the Judiciary.

1144. A letter from the Acting Chairman, United States International Trade Commission, transmitting the Commission's sixty-fifth quarterly report on trade between the United States and the nonmarket economy countries, pursuant to 19 U.S.C. 2441(c); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FORD of Michigan. Committee on Education and Labor. H.R. 1. A bill to amend the Civil Rights Act of 1964 to restore and strengthen civil rights laws that ban discrimination in employment, and for other purposes; with an amendment (Report No. 102-40, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

[Omitted from the Record of April 17, 1991]

By Mr. ANDERSON (for himself, Mr. HORTON, Mr. RAHALL, Mr. ROYBAL, Mr. MURPHY, Mr. KILDEE, Mr. NEAL of Massachusetts, Mr. WOLF, Mr. MACHTLEY, Mr. LENT, Mr. WELDON, Mr. JONTZ, Mr. TORRES, Mr. POSHARD, Mr. DORNAN of California, Mr. LAGOMARSINO, Mr. KOLTER, Mr. HUTTO, Mr. STOKES, Mr. GONZALEZ, Mr. ROE, Mr. MCCANDLESS, Mr. LEHMAN of Florida, Mr. DE LUGO, Mr. BUSTAMANTE, Mrs. BENTLEY, Mr. BILIRAKIS, Mr. STAGGERS, Mr. OBERSTAR, Mr. JONES of North Carolina, and Mr. DELLUMS):

H.R. 1918. A bill to amend title 38, United States Code, to provide a service pension of $100 per month for veterans of World War I; to the Committee on Veterans' Affairs.

[Submitted April 24, 1991]

By Mr. HAMMERSCHMIDT:

H.R. 2037. A bill to amend the Federal Aviation Act of 1958 to enhance air carrier competition and improve air carrier passenger services, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. MCCURDY:

H.R. 2038. A bill to authorize appropriations for fiscal year 1992 for intelligence activities of the U.S. Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; to the Committee on Intelligence (Permanent Select).

By Mr. FRANK of Massachusetts:

H.R. 2039. A bill to authorize appropriations for the Legal Service Corporation, and for other purposes; to the Committee on the Judiciary.

By Mr. ARMEY:

H.R. 2040. A bill to establish certain programs regarding adoption, and for other purposes; jointly, to the Committees on Energy and Commerce, Ways and Means, Education and Labor, and Armed Services.

By Mr. BENNETT (for himself, Mr. FASCELL, Mr. PETERSON of Florida, Mr. BACCHUS, Mr. JOHNSTON of Florida, Ms. ROS-LEHTINEN, Mr. SHAW, Mr. LEWIS of Florida, Mr. LEHMAN of Florida, Mr. GOSS, Mr. IRELAND, and Mr. MCCOLLUM):

H.R. 2041. A bill to direct the Secretary of the department in which the Coast Guard is operating to conduct a study to develop methods and devices to protect manatees, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. BOUCHER (for himself, Mr. BROWN, Mr. WALKER, Mr. BRUCE, Mr. KOPETSKI, Mr. VALENTINE, Mr. PERKINS, Mr. NAGLE, Mr. BROWDER, Mr. THORNTON, Mrs. COLLINS of Michigan, Mr. BACCHUS, Mr. PACKARD, Mr. BOEHLERT, Mr. SCHIFF, and Mr. GILCHREST):

HR. 2042. A bill to authorize appropriations for activities under the Federal Fire Prevention and Control Act of 1974, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. BRYANT:

H.R. 2043. A bill to amend the copyright laws to provide compulsory licenses only to those cable service providers who provide adequate carriage of local broadcast signals, and for other purposes; jointly, to the Committees on the Judiciary and Energy and Commerce.

By Mr. COBLE:

H.R. 2044. A bill to extend until January 1, 1995, the existing suspension of duty on m-Toluic acid; to the Committee on Ways and Means.

By Mr. CONYERS:

H.R. 2045. A bill to safeguard individual privacy of genetic information from the misuse of records maintained by agencies or their contractors or grantees for the purpose of research, diagnosis, treatment, or identification of genetic disorders, and to provide to individuals access to records concerning their genome which are maintained by agencies for any purpose; to the Committee on Government Operations.

By Mr. DARDEN (for himself and Mr. LEWIS of Georgia):

H.R. 2046. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain expenses of State legislators; to the Committee on Ways and Means.

By Mr. DONNELLY:

H.R. 2047. A bill to amend the Internal Revenue Code of 1986 to provide for the abatement or waiver of interest on certain tax deficiencies; to the Committee on Ways and Means.

By Mr. DONNELLY (for himself and Mr. STUDDS):

H.R. 2048. A bill to amend the Internal Revenue Code of 1986 and the Social Security Act to clarify the employment tax status of certain fishermen; to the Committee on Ways and Means.

By Mr. DUNCAN (for himself, Mr. COBLE, Mr. STUMP, Mr. SENSENBRENNER, Mr. SKELTON, Mr. MILLER of Ohio, Mr. ARCHER, Mr. DICKINSON, Mr. CHAPMAN, Mr. ROHRABACHER, Mr. HAMMERSCHMIDT, Mr. COMBEST, Mr. DORNAN of California, Mr. DOOLITTLE, Mr. LAGOMARSINO, Mr. BAKER, Mr. WEBER, Mr. SUNDQUIST, Mr. CXLEY, Mr. HOLLOWAY, Mr. ZELIFF, Mr. ARMEY, Mr. LEWIS of Florida, Mr. HYDE, Mr. HERGER, Mr. BURTON of Indiana, Mr. DELAY, Mr. HANSEN, Mr. GALLEGLY, Mr. LIGHTFOOT, and Mr. BARTON of Texas):

H.R. 2049. A bill to amend the Immigration and Nationality Act to provide for the exclusion of immigrants infected with the HIV virus; to the Committee on the Judiciary.

By Mr. DWYER of New Jersey:

H.R. 2050. A bill to suspend for a 3-year period the duty on ofloxacin; to the Committee on Ways and Means.

By Mr. ECKART (for himself, Mr. SCHAEFER, Mr. PEASE, and Mr. SAWYER):

H.R. 2051. A bill to ensure that tourism activities in Antarctica do not have an adverse impact on the Antarctic environment, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FAZIO:

H.R. 2052. A bill to authorize the Secretary of the Interior, upon payment of a specified sum, to transfer title to certain water supply facilities of the Solano Project to an organization composed of the users of water from the Solano Project, to enhance Putah Creek, to authorize use of the proceeds of the sale to fund selected environmental enhancement measures, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. FRANK of Massachusetts (for himself, Mr. EARLY, and Mr. MOAKLEY):

H.R. 2053. A bill to authorize the Massachusetts Water Resources Authority to use a facility for the treatment of residual waste located outside of the State of Massachusetts; to the Committee on Public Works and Transportation.

By Mr. FUSTER:

H.R. 2054. A bill to amend the Food, Agriculture, Conservation, and Trade Act of 1990 to prohibit the Secretary of Agriculture from prescribing or collecting fees to cover the cost of providing certain agricultural quarantine and inspection services at a site within the Commonwealth of Puerto Rico and the State of Hawaii, and for other purposes; to the Committee on Agriculture.

By Mr. GEKAS (for himself, Mr. SCHUMER, Mr. SAXTON, and Mr. HUGHES):

H.R. 2055. A bill to amend title 18, United States Code, to provide penalties for international parental kidnaping of children, and for other purposes; to the Committee on the Judiciary.

By Mr. GIBBONS (for himself, Mr. CARDIN, Mr. MCGRATH, Mr. ANDERSON, Mr. ANNUNZIO, Mr. CUNNINGHAM, Mr. DELLUMS, Mr. DWYER of New Jersey, and Mr. STUDDS):

H.R. 2056. A bill to amend the Tariff Act of 1930 to require that subsidy information regarding vessels be provided upon entry within customs collection districts and to provide effective trade remedies under the countervailing and antidumping duty laws against foreign-built ships that are subsidized or dumped; to the Committee on Ways and Means.

By Mr. GRANDY:

H.R. 2057. A bill to suspend temporarily the duty on zinc powder; to the Committee on Ways and Means.

By Mr. HANSEN:

H.R. 2058. A bill to amend the Import Milk Act to require that dairy products offered for importation into the United States meet the same standards applied to dairy products produced in the United States; to the Committee on Agriculture.

H.R. 2059. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to conduct a pilot project using foreclosed properties to provide shelter for homeless veterans; to the Committee on Veterans' Affairs.

By Mr. KENNEDY:

H.R. 2060. A bill to suspend temporarily the duties on certain chemicals; to the Committee on Ways and Means.

H.R. 2061. A bill to suspend temporarily the duties on certain instant print cameras; to the Committee on Ways and Means.

By Mr. LANTOS (for himself and Mr. CAMPBELL of California):

H.R. 2062. A bill to provide for the addition of certain lands to the Golden Gate National Recreation Area, San Mateo County, CA; to the Committee on Interior and Insular Affairs.

By Mr. LIGHTFOOT (for himself, Mr. ROE, Mr. CLINGER, Mr. DE LUGO, Mr. SHAYS, Mr. TOWNS, Mr. EVANS, Mr. HORTON, Mr. LAGOMARSINO, Mr. GOODLING, Mr. HUNTER, Mr. STUDDS, Mr. SABO, Mr. HAYES of Illinois, Mrs. COLLINS of Illinois, Mr. BILBRAY, Mr. DWYER of New Jersey, Mr. FEIGHAN, Mr. LEWIS of Georgia, Mr. JACOBS, Mr. MCDERMOTT, Mr. SERRANO, Mr. ENGEL, Mr. SMITH of New Jersey, Mr. GEJDENSON, and Mr. FISH):

H.R. 2063. A bill to amend the Federal Aviation Act of 1958 to require the use of child safety restraint systems approved by the Secretary of Transportation on commer-

cial aircraft; to the Committee on Public Works and Transportation.

By Mr. LIPINSKI:

H.R. 2064. A bill to amend title 23, United States Code, to establish a strategic urbanized program for providing additional assistance for the Federal-aid highway systems and for mass transit projects in urbanized areas with populations of 50,000 or more, and for other purposes; to the Committee on Public Works and Transportation.

By Mrs. LOWEY of New York:

H.R. 2065. A bill to amend the Higher Education Act of 1965 to require institutions of higher education to disclose foreign gifts; to the Committee on Education and Labor.

By Mr. MCGRATH:

H.R. 2066. A bill to suspend temporarily the duty on imported baseball and softball gloves and mitts; to the Committee on Ways and Means.

H.R. 2067. A bill to suspend temporarily the duty on certain radio-tape player combinations; to the Committee on Ways and Means.

By Mr. MCGRATH (for himself, Mr. BOEHLERT, and Mr. SHAYS):

H.R. 2068. A bill to suspend temporarily the duty on digital processing units for automatic data processing machines, and for other purposes; to the Committee on Ways and Means.

H.R. 2069. A bill to amend the Harmonized Tariff of the United States regarding certain parts for automatic data processing machines; to the Committee on Ways and Means.

By Mr. MONTGOMERY (for himself and Mr. STUMP):

H.R. 2070. A bill to grant a Federal charter to the Fleet Reserve Association; to the Committee on the Judiciary.

By Mr. MOORHEAD (for himself, Mr. LOWERY of California, Mr. PACKARD, and Mr. GALLEGLY):

H.R. 2071. A bill to authorize additional appropriations to increase border patrol personnel to 6,600 by the end of fiscal year 1994 and to make available amounts in the Department of Justice Assets Forfeiture Fund for the additional border patrol personnel; to the Committee on the Judiciary.

By Mr. MYERS of Indiana (for himself, Mr. BEVILL, Mr. BURTON of Indiana, Mr. JACOBS, Mr. JONTZ, Ms. LONG, Mr. MCCLOSKEY, Mr. PURSELL, Mr. ROEMER, Mr. SHARP, Mr. SKEEN, and Mr. VISCLOSKY):

H.R. 2072. A bill to authorize States to regulate certain solid waste; to the Committee on Energy and Commerce.

By Mr. NEAL of North Carolina:

H.R. 2073. A bill to amend the Internal Revenue Code of 1986 to index the basis of certain assets for purposes of determining gain or loss and to exclude from gross income all dividends from domestic corporations; to the Committee on Ways and Means.

By Mr. OBERSTAR (for himself, Mr. ROE, Mr. HAMMERSCHMIDT, and Mr. CLINGER):

H.R. 2074. A bill to amend the Federal Aviation Act of 1958 for the purpose of enhancing competition among air carriers, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. PANETTA:

H.R. 2075. A bill to amend title XIX of the Social Security Act to prohibit discrimination in the provision of home and community-based services under a waiver based on whether an individual has received institutional services; to the Committee on Energy and Commerce.

By Mr. PEASE (for himself, Mr. SCHUMER, and Mr. LANTOS):

H.R. 2076. A bill to amend the Fair Labor Standards Act of 1938 to reform the provisions relating to child labor; to the Committee on Education and Labor.

By Mr. RAMSTAD:

H.R. 2077. A bill to encourage the reporting of sexual assaults by protecting the privacy rights of victims; to the Committee on the Judiciary.

H.R. 2078. A bill to include photoreceptors and assemblies containing photoreceptors within the temporary suspension of duty on parts of certain electrostatic copying machines, and to extend the suspension of duty until January 1, 1995; to the Committee on Ways and Means.

By Mr. ROBERTS:

H.R. 2079. A bill to allow the Resolution Trust Corporation to acquire property for its own use from an institution for which it has been appointed conservator or receiver only if the property has been offered for sale or lease to the public; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SMITH of Oregon (for himself, Mr. YOUNG of Alaska, Mr. LAGOMARSINO, Mr. MARLENEE, Mr. HANSEN, Mr. THOMAS of Wyoming, Mr. KYL, Mr. STUMP, Mr. KOLBE, and Mr. DUNCAN):

H.R. 2080. A bill to provide for the designation and conservation of certain lands in the State of Oregon, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SPENCE:

H.R. 2081. A bill to amend title 32, United States Code, to authorize Federal support of State defense forces; to the Committee on Armed Services.

By Mr. STUDDS (for himself, Mr. SCHEUER, Mr. HUGHES, Mr. HOCHBRUECKNER, Mr. JEFFERSON, Mr. RAVENEL, Mr. LIPINSKI, Mr. ROE, Mr. COSTELLO, Mr. TOWNS, Mr. MCMILLEN of Maryland, Mr. VALENTINE, Mr. DWYER of New Jersey, Mr. JONTZ, and Mr. PORTER):

H.R. 2082. A bill to conserve the diversity of fish, wildlife, and biological systems of the United States; jointly, to the Committees on Merchant Marine and Fisheries and Science, Space, and Technology.

By Mr. SYNAR (for himself, Mr. PANETTA, Mr. GLICKMAN, Mr. ANNUNZIO, Mrs. MORELLA, Mr. RUSSO, Mrs. SCHROEDER, Mr. SHAYS, Mr. STARK, Mr. STUDDS, Mr. MILLER of California, Mr. LANTOS, Mr. MCDERMOTT, Mr. RAVENEL, Mr. SLATTERY, Mr. FASCELL, Mr. JOHNSON of South Dakota, Mr. JOHNSTON of Florida, Mr. ENGLISH, Mr. STOKES, Mr. JONTZ, Mr. LEHMAN of California, Mr. PENNY, Mr. LEVINE of California, and Mr. SANDERS):

H.R. 2083. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to improve the safety of exported pesticides, and for other purposes; jointly, to the Committees on Agriculture, Energy and Commerce, and Foreign Affairs.

By Mr. TALLON:

H.R. 2084. A bill to establish a minimum requirement for the water quality criteria for dioxin published pursuant to section 304(a) of the Federal Water Pollution Control Act, to require each State to adopt a water quality standard for dioxin which is at least as stringent as that criteria, and to direct the United States Fish and Wildlife Service, in consultation with National Oceanic and Atmospheric Administration, to conduct a study on the effects of dioxin on wildlife, aquatic life, and the entire aquatic environment; jointly, to the Committees on Public Works and Transportation and Merchant Marine and Fisheries.

By Mr. THOMAS of Wyoming:

H.R. 2085. A bill to authorize the Secretary of the Interior and the Secretary of Agriculture to undertake interpretive and other programs on public lands and lands withdrawn from the public domain under their jurisdiction, and for other purposes; jointly, to the Committees on Post Office and Civil Service, Agriculture, and Interior and Insular Affairs.

By Mr. VENTO:

H.R. 2086. A bill to amend the Internal Revenue Code of 1986 to provide an exclusion from gross income for that portion of a governmental pension received by an individual which does not exceed the maximum benefits payable under title II of the Social Security Act which could have been excluded from income for the taxable year; to the Committee on Ways and Means.

By Mr. VOLKMER (for himself, Mr. SKELTON, and Mr. COLEMAN of Missouri):

H.R. 2087. A bill to authorize funds for the construction of highways and to authorize activities under chapters 1 and 2 of title 23, United States Code; to the Committee on Public Works and Transportation.

By Mr. WALKER:

H.R. 2088. A bill to provide that the U.S. District Court for the Eastern District of Pennsylvania shall be held at Lancaster, PA, in addition to those other places currently provided by law; to the Committee on the Judiciary.

By Mr. WALSH:

H.R. 2089. A bill to require hearing loss testing for all newborns in the United States; to the Committee on Energy and Commerce.

By Mr. WASHINGTON:

H.R. 2090. A bill to amend title 18, United States Code, to provide the penalty of life in prison for bankers laundering drug money; to the Committee on the Judiciary.

By Mr. WILLIAMS:

H.R. 2091. A bill to amend the Internal Revenue Code of 1986 to repeal recent increases in Social Security taxes; to the Committee on Ways and Means.

By Mr. YATRON:

H.R. 2092. A bill to carry out obligations of the United States under the United Nations Charter and other international agreements pertaining to the protection of human rights by establishing a civil action for recovery of damages from an individual who engages in torture or extrajudicial killing; to the Committee on Foreign Affairs.

By Mr. CAMP (for himself, Mr. MARTIN, Mr. DOOLITTLE, Mr. DAVIS, Mr. MCGRATH, Mr. CLEMENT, Mr. SCHUMER, Mr. BLILEY, Mr. HORTON, Mr. RANGEL, Mr. APPLEGATE, Mr. RIGGS, Mr. BEVILL, Mr. LEVIN of Michigan, Mr. BILBRAY, Mr. DEFAZIO, Mr. LEACH, Mr. PAXON, Mr. ASPIN, Mr. MANTON, Mr. MCNULTY, Mr. GEKAS, Mr. COBLE, Mr. DICKS, Mr. DONNELLY, Mr. DORNAN of California, Mr. DYMALLY, Mr. GRANDY, Mr. HYDE, Mr. INHOFE, Mr. JONES of North Carolina, Mr. KOLTER, Mr. BRYANT, Mr. DARDEN, Mr. QUILLEN, Mr. MARTINEZ, Mr. HASTERT, Mr. LEWIS of Florida, Mr. RAMSTAD, Mr. LEVINE of California, Mr. TRAXLER, Mr. LAGOMARSINO, Mr. FORD of Michigan, Mr. MACHTLEY, Mr. WAXMAN, and Mr. LEHMAN of Florida):

H.J Res. 232. Joint resolution designating the week beginning May 5, 1991, as "National Correctional Officers Week"; to the Committee on Post Office and Civil Service.

By Mr. LAGOMARSINO (for himself, Mr. SOLARZ, Mr. MICHEL, and Mr. GILMAN):

H.J. Res. 233. Joint resolution designating September 20, 1991, as "National POW/MIA Recognition Day," and authorizing display of the National League of Families POW/MIA flag; jointly, to the Committees on Post Office and Civil Service and Veterans' Affairs.

By Mr. LIPINSKI:

H.J. Res. 234. Joint resolution commending Solidarity for bringing democracy to Poland and proclaiming Lech Walesa as an honorary citizen of the United States; jointly, to the Committees on Foreign Affairs and the Judiciary.

By Mr. RUSSO (for himself, Mr. ANNUNZIO, Mr. DOWNEY, Mr. MILLER of California, Mr. PANETTA, Mr. FOGLIETTA, Mr. FAZIO, Ms. PELOSI, Mr. GUARINI, Mr. DEFAZIO, Mr. COSTELLO, Mr. SCHUMER, Mrs. BOXER, Mr. POSHARD, Mr. DURBIN, Mr. WYDEN, Mr. KOPETSKI, Mr. ROHRABACHER, Mr. CLEMENT, Mr. MCDERMOTT, Mr. OBERSTAR, Mr. WILSON, Mr. COLEMAN of Texas, Mr. DELLUMS, Mr. MCGRATH, Mr. MARTINEZ, Mr. DE LUGO, Mr. ABERCROMBIE, Mr. TORRICELLI, Mr. BILBRAY, Mr. HORTON, Mr. TRAFICANT, Mr. SERRANO, Mr. FEIGHAN, Mr. SKEEN, Mrs. MORELLA, Mr. HERTEL, Mr. LIPINSKI, Mr. MCNULTY, Mr. LEVINE of California, Mr. LAGOMARSINO, Mr. BUSTAMANTE, Mr. FAWELL, Mr. SUNDQUIST, Mr. ROE, Mr. QUILLEN, Mr. BONIOR, Mr. MACHTLEY, Mr. MCEWEN, Mr. ENGEL, Mr. SOLARZ, Mr. EMERSON, Mr. DWYER of New Jersey, Mr. JEFFERSON, Mr. RAHALL, Mr. LANCASTER, Mr. MCDADE, Mr. MURPHY, Mr. LENT, and Mr. APPLEGATE):

H.J. Res. 235. Joint resolution designating May 15, 1991, as "Joe DiMaggio Day"; to the Committee on Post Office and Civil Service.

By Mr. STEARNS (for himself, Mr. HANCOCK, Mr. GILLMOR, and Mr. DUNCAN):

H. Con. Res. 137. Concurrent resolution expressing the sense of Congress that the Resolution Trust Corporation should follow asset disposition procedures which provide incentives for the prompt and efficient disposition of assets; to the Committee on Banking, Finance and Urban Affairs.

By Mr. HOYER:

H. Res. 132. Resolution electing Congressman LEVIN of Michigan to the Committee on the District of Columbia; considered and agreed to.

By Mr. MINETA (for himself, Mr. GEPHARDT, Mr. EDWARDS of California, Mr. RITTER, Mr. MATSUI, Mr. GORDON, Mr. DE LUGO, Mr. WYDEN, Mr. LEVIN of Michigan, Mr. RIGGS, Mr. REGULA, Mr. HENRY, Mr. SHARP, Mr. DEFAZIO, Mr. HOUGHTON, Mr. APPLEGATE, Mr. DELLUMS, Mr. BACCHUS, Mr. DWYER of New Jersey, Mr. MCNULTY, Ms. KAPTUR, and Mr. VALENTINE):

H. Res. 133. Resolution to express the sense of the House of Representatives regarding agreements between the United States and Japan with respect to trade in semiconductors; to the Committee on Ways and Means.

By Mr. SHARP (for himself, Mr. GEPHARDT, Mr. BROWN, Mr. DINGELL, Mr. FASCELL, Mr. PANETTA, Mr. BEILENSON, Mr. COOPER, Mr. DE LUGO, Mr. GEJDENSON, Mr. JONTZ, Mr. LEHMAN of California, Mr. MCDERMOTT, Mr. MCMILLEN of Maryland, Mr. MARKEY, Mr. POSHARD, Mr. RAVENEL, Mr. SCHEUER, Mr. STUDDS, Mr. SWIFT, Mr. SYNAR, Mr. TOWNS, Mr. WHEAT, and Mr. WILSON):

H. Res. 134. Resolution expressing the sense of the House of Representatives that the United States implement promptly the recommendations the National Academy of Sciences issued in its report "Policy Implications of Greenhouse Warming"; jointly, to the Committees on Energy and Commerce, Science, Space, and Technology, Agriculture, and Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

90. The SPEAKER presented a memorial of the Senate of the Commonwealth of Massachusetts, relative to a constitutional amendment to protect the American flag from desecration; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

[Omitted from the Record of April 23, 1991]

By Mr. MCCOLLUM:

H.R. 1991. A bill for the relief of Maj. Ralph Edwards; to the Committee on the Judiciary.

[Submitted April 24, 1991]

By Mr. LIGHTFOOT:

H.R. 2093. A bill for the relief of Trevor Henderson; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

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

H.R. 7: Mr. ANDERSON.

H.R. 32: Mr. ZIMMER.

H.R. 43: Mr. CAMP, Mr. LIVINGSTON, and Mr. RANGEL.

H.R. 62: Mr. POSHARD.

H.R. 77: Mr. MILLER of Washington.

H.R. 78: Mr. SAXTON and Mr. MILLER of Washington.

H.R. 118: Mr. DORNAN of California, Mr. RAHALL, Mr. STUMP, Mr. DWYER of New Jersey, Mr. DANNEMEYER, Mr. LIGHTFOOT, Mrs. JOHNSON of Connecticut, and Mr. MARTINEZ.

H.R. 134: Mr. GRANDY and Mr. PALLONE.

H.R. 150: Mr. CARDIN and Mr. JONES of North Carolina.

H.R. 187: Mr. BILBRAY, Mr. ACKERMAN, Mr. DWYER of New Jersey, Mr. JEFFERSON, and Mr. SCHEUER.

H.R. 252: Mr. LEVINE of California, Mr. PALLONE, Mr. ABERCROMBIE, Mr. BILBRAY, Mr. ENGEL, Ms. MOLINARI, Mr. MOLLOHAN, Mr. RANGEL, Mr. SCHEUER, Mr. STARK, Mr. DANNEMEYER, Mr. ROYBAL, Mr. SERRANO, and Mr. STOKES.

H.R. 256: Mr. OWENS of Utah, Mr. STALLINGS, and Mr. COMBEST.

H.R. 303: Mr. KASICH and Mr. DOOLITTLE.

H.R. 304: Mr. GOSS and Mr. DICKINSON.

H.R. 330: Mrs. BOXER, Mr. FISH, and Mr. LANTOS.

H.R. 351: Mr. RIGGS.

H.R. 352: Mr. COBLE.

H.R. 386: Mr. YATES, Mr. ROSE, Ms. KAPTUR, Mr. MILLER of Washington, Ms. SLAUGHTER of New York, Mr. DE LUGO, and Mr. TRAFICANT.

H.R. 413: Mr. MARKEY, Mr. ENGEL, and Mr. PALLONE.

H.R. 418: Mr. FIELDS and Mr. REGULA.

H.R. 467: Mr. JAMES, Mr. RAVENEL, Mr. OBERSTAR, Mr. DELLUMS, Mr. STAGGERS, and Mr. MORAN.

H.R. 479: Mr. HUNTER and Mr. OWENS of Utah.

H.R. 504: Mr. ENGEL.

H.R. 525: Mr. ENGEL.

H.R. 550: Mr. VALENTINE.

H.R. 565: Mr. BUNNING, Mr. CHANDLER, Mr. INHOFE, Mr. RAVENEL, and Mr. BERMAN.

H.R. 583: Mr. MOLLOHAN.

H.R. 592: Mr. LAROCCO, Mrs. MEYERS of Kansas, Mr. FISH, Mr. OWENS of Utah, Mr. NUSSLE, and Mr. STALLINGS.

H.R. 652: Mr. MARTINEZ, Mr. BRYANT, Mr. SERRANO, Mr. FOGLIETTA, and Mr. APPLEGATE.

H.R. 656: Mr. BOUCHER, Mr. BRUCE, Mr. KOPETSKI, Mr. PERKINS, Mr. NAGLE, Mr. COSTELLO, Mr. THORNTON, Mr. ROEMER, Mrs. COLLINS of Michigan, Mr. BACCHUS, Mr. SCHIFF, Mr. GILCHREST, Mr. LANTOS, Mrs. UNSOELD, and Mr. SWIFT.

H.R. 670: Mr. HERTEL and Mr. BUSTAMANTE.

H.R. 702: Mr. DUNCAN.

H.R. 710: Mr. GAYDOS, Mr. LEWIS of Florida, Mr. SENSENBRENNER, and Mr. MCCRERY.

H.R. 713: Mr. TAYLOR of North Carolina, Mr. EMERSON, Mr. PRICE, and Mr. DARDEN.

H.R. 744: Mr. TORRICELLI.

H.R. 745: Mr. PALLONE.

H.R. 747: Mr. VALENTINE, Mr. SANTORUM, Mr. BACCHUS, Mr. MAVROULES, Mr. BOUCHER, Mr. ENGEL, Ms. OAKAR, Ms. DELAURO, Mr. STAGGERS, Mr. MARTINEZ, Mr. BUNNING, Ms. SNOWE, and Mr. CALLAHAN.

H.R. 763: Mr. WEISS and Mr. SANDERS.

H.R. 776: Ms. SLAUGHTER of New York, Mr. SIKORSKI, and Mr. NOWAK.

H.R. 784: Mr. MILLER of Washington and Mr. GILLMOR.

H.R. 793: Mr. ABERCROMBIE, Mr. ANDREWS of New Jersey, Ms. DELAURO, Mr. HOLLOWAY, Mr. HUGHES, Mr. LAGOMARSINO, Mr. LIGHTFOOT, Mr. MOAKLEY, Mr. SCHUMER, Mr. SIKORSKI, Mr. SWETT, Mr. JONTZ, and Ms. SNOWE.

H.R. 809: Mr. ENGEL.

H.R. 842: Mr. FLAKE, Ms. MOLINARI, and Mr. MARKEY.

H.R. 865: Mr. ENGEL.

H.R. 866: Mr. ENGEL.

H.R. 916: Mr. MOLLOHAN.

H.R. 919: Mr. HOLLOWAY.

H.R. 939: Mr. JONES of Georgia, Mr. PICKETT, and Mr. STEARNS.

H.R. 972: Mr. ZELIFF.

H.R. 993: Mr. JONTZ, Mr. WEISS, Mr. PORTER, Mr. ENGEL, Mr. LEVINE of California, and Mr. STEARNS.

H.R. 1076: Mr. RAMSTAD, Mr. WILSON, Mr. ABERCROMBIE, Mr. ROE, Mr. GUARINI, Mr. ACKERMAN, and Mr. HANSEN.

H.R. 1079: Ms. KAPTUR.

H.R. 1081: Mr. BRYANT.

H.R. 1113: Mr. BEREUTER.

H.R. 1114: Mr. SCHAEFER and Mr. BEREUTER.

H.R. 1118: Mr. GORDON, Mr. OWENS of Utah, Mr. ROHRABACHER, and Mr. SANTORUM.

H.R. 1124: Mr. ENGEL, Mr. GONZALEZ, Mr. WISE, and Mr. DEFAZIO.

H.R. 1130: Mrs. BOXER, Mr. ROE, Mr. SCHIFF, and Mr. LIPINSKI.

H.R. 1141: Mr. STARK.

H.R. 1145: Mr. FRANK of Massachusetts, Mr. GREEN of New York, Mr. PRICE, and Mrs. BYRON.

H.R. 1147: Mr. CAMP, Mr. SMITH of Texas, Mr. POSHARD, Mr. SUNDQUIST, Mr. GUARINI,

Mr. BATEMAN, Mr. ROE, Mr. MACHTLEY, Mr. ROSE, Mr. COSTELLO, Mr. HANCOCK, Mrs. JOHNSON of Connecticut, Mr. TRAFICANT, Mr. PAXON, Mr. RAVENEL, Mrs. UNSOELD, Mr. CARR, Mr. SCHEUER, Mr. HERTEL, Mr. PURSELL, Ms. MOLINARI, Mr. HAYES of Louisiana, Mr. KOLBE, Mr. KLECZKA, and Mr. VANDER JAGT.

H.R. 1149: Mr. ENGEL.

H.R. 1168: Mr. CLEMENT.

H.R. 1177: Mr. JOHNSON of South Dakota, Mr. RICHARDSON, Mr. LEHMAN of Florida, Mr. SHAYS, Mr. COOPER, Mr. VENTO, and Mr. RAVENEL.

H.R. 1178: Mr. RAHALL, Mr. ANNUNZIO, Mr. BERMAN, Mr. BORSKI, Mr. PALLONE, Mr. KENNEDY, and Mr. NEAL of Massachusetts.

H.R. 1184: Mr. BALLENGER, Mr. MCCRERY, and Mr. LIVINGSTON.

H.R. 1189: Mr. LANCASTER, Mr. NEAL of Massachusetts, Mr. FORD of Tennessee, Mr. PAYNE of New Jersey, Mr. WASHINGTON, Mr. WOLPE, Mr. DE LUGO, Ms. DELAURO, Mr. HAYES of Illinois, Mr. EVANS, Mrs. LOWEY of New York, Mr. SANDERS, Mr. GONZALEZ, Ms. SLAUGHTER of New York, and Mrs. SCHROEDER.

H.R. 1197: Mr. BEILENSON, Mr. DEFAZIO, Mr. ECKART, Mr. LANCASTER, and Mrs. SCHROEDER.

H.R. 1200: Mr. LAGOMARSINO, Ms. DELAURO, Mr. BENNETT, Mrs. LOWEY of New York, Mr. EVANS, Mr. MCGRATH, Mr. HYDE, Mr. HARRIS, Mr. GONZALEZ, Mr. DICKINSON, Mr. APPLEGATE, and Mr. ABERCROMBIE.

H.R. 1239: Mr. MACHTLEY, Mr. HENRY, Mr. BONIOR, Mr. CARPER, Mr. RANGEL, Mr. BEILENSON, Mr. SCHUMER, Mr. RIGGS, Mr. LANTOS, Mr. PORTER, and Mr. MAVROULES.

H.R. 1245: Mr. SHAYS, Mr. GILCHREST, Mr. GILLMOR, Mr. YOUNG of Alaska, Mr. IRELAND, Mr. FAWELL, Mr. HANCOCK, Mr. ZELIFF, Mr. QUILLEN, Mr. ZIMMER, Mr. DERRICK, Mr. MILLER of Washington, Mr. SABO, Mr. SCHEUER, Mr. CALLAHAN, Mr. PARKER, Mr. STALLINGS, Mr. BONIOR, Mr. HYDE, Mr. LAFALCE, Mr. NATCHER, Mr. COSTELLO, Mr. BOUCHER, Mr. CARDIN, Mr. DWYER of New Jersey, Mr. VALENTINE, Mr. EMERSON, Mr. OXLEY, Mr. BALLENGER, Mr. SOLOMON, Mr. GALLO, Mr. PORTER, Mr. POSHARD, Mr. SUNDQUIST, Mr. JAMES, Mr. MCHUGH, Mr. ENGEL, Mr. JACOBS, Mr. KOSTMAYER, Mr. JEFFERSON, Mr. MCMILLAN of North Carolina, Mr. JOHNSON of South Dakota, Mr. CRANE, and Mr. MARKEY.

H.R. 1250: Mr. BRYANT.

H.R. 1257: Mr. RANGEL, Mr. BILBRAY, Mr. LEWIS of Florida, and Mr. DANNEMEYER.

H.R. 1288: Mr. BONIOR, Ms. DELAURO, and Mr. GONZALEZ.

H.R. 1326: Mr. ECKART.

H.R. 1339: Mr. DIXON, Mr. HOCHBRUECKNER, Mr. FORD of Michigan, Mr. BENNETT, Mr. JOHNSON of South Dakota, Mr. LIPINSKI, and Mr. ENGEL.

H.R. 1348: Mrs. BOXER, Mr. SMITH of New Jersey, Mrs. VUCANOVICH, Mr. YATES, Mr. LEWIS of Florida, Mr. MOLLOHAN, Mr. UPTON, Mr. DANNEMEYER, Mr. ERDREICH, and Mr. KLUG.

H.R. 1352: Mrs. VUCANOVICH.

H.R. 1361: Mr. FRANK of Massachusetts, Mr. FROST, Mrs. SCHROEDER, and Mr. SANGMEISTER.

H.R. 1412: Mr. RAVENEL, Mr. QUILLEN, Mr. SHAW, Mr. SCHAEFER, Mr. WEBER, Mr. HANSEN, Mr. BOEHNER, Mr. RICHARDSON, Mr. ARMEY, Mr. POSHARD, Mr. DELAY, Mr. ROGERS, Mr. KOLBE, Mr. WALSH, Mr. SUNDQUIST, and Mr. HASTERT.

H.R. 1460: Mr. AUCOIN, Mr. BRUCE, Ms. DELAURO, Mr. HEFNER, and Mr. HERTEL.

H.R. 1469: Mr. BONIOR, Mr. BRYANT, and Mr. TOWNS.

H.R. 1472: Mr. DORNAN of California, Mr. RIGGS, Mr. LANCASTER, Mr. LIVINGSTON, Mr. ORTON, and Mrs. BYRON.

H.R. 1473: Mr. KOPETSKI.

H.R. 1497: Mr. HORTON, Mr. SCHEUER, Mr. LANCASTER, Mr. VALENTINE, and Mr. PICKLE.

H.R. 1504: Mr. JEFFERSON, Mr. BRUCE, and Mr. LANCASTER.

H.R. 1508: Mr. PACKARD, Mr. MCCANDLESS, and Mr. SMITH of Oregon.

H.R. 1516: Mr. JENKINS, Mr. ROTH, Mr. BOEHNER, Mr. BURTON of Indiana, Mr. LEACH, Mr. BRUCE, Mr. HATCHER, Mr. STALLINGS, Mr. JOHNSON of South Dakota, and Mr. KYL.

H.R. 1527: Mr. PAYNE of Virginia, Mr. JACOBS, Ms. LONG, Mr. STALLINGS, Mr. SWETT, Mr. RAHALL, Mr. OLIN, and Mr. CLAY.

H.R. 1528: Mr. BERGER, Mr. HUTTO, and Mr. STEARNS.

H.R. 1545: Mr. MCMILLEN of Maryland, Mr. HARRIS, Mr. THORNTON, Mr. QUILLEN, Mr. BREWSTER, and Mr. ROSE.

H.R. 1551: Mr. ENGEL and Mr. GOODLING.

H.R. 1570: Mr. DORGAN of North Dakota, Mrs. COLLINS of Illinois, Mr. FROST, Mr. HUGHES, Mr. ANDREWS of Texas, Mr. FIELDS, and Mr. GUARINI.

H.R. 1571: Mr. RITTER.

H.R. 1579: Mr. SOLOMON.

H.R. 1601: Mr. ANDREWS of Texas, Mr. BROWN, Mr. RANGEL, Mr. PAYNE of New Jersey, and Mr. LANCASTER.

H.R. 1611: Mr. VALENTINE and Mr. JEFFERSON.

H.R. 1633: Mr. SKAGGS, Mr. AUCOIN, Mr. BOEHLERT, Mr. DELLUMS, Mr. WYDEN, Mr. MCNULTY, Mr. MCCLOSKEY, Mrs. UNSOELD, Mr. MCDERMOTT, Mr. RANGEL, Mr. PENNY, Mr. FUSTER, Mr. DICKS, Mr. WEISS, Ms. MOLINARI, Mr. RIGGS, Mrs. MINK, Mr. GEJDENSON, Mr. SERRANO, Mr. MARTINEZ, Mr. DIXON, Mrs. KENNELLY, Mr. SIKORSKI, Mr. FRANK of Massachusetts, Mrs. SCHROEDER, Mr. HENRY, Mr. HORTON, Mr. SCHIFF, Mr. MRAZEK, Mr. COLEMAN of Texas, and Mr. WALSH.

H.R. 1635: Mr. HUGHES and Mr. STARK.

H.R. 1649: Mr. LAFALCE and Mr. STALLINGS.

H.R. 1663: Mr. JACOBS and Mr. TOWNS.

H.R. 1669: Mr. LIPINSKI, Mr. FRANK of Massachusetts, and Mr. ABERCROMBIE.

H.R. 1682: Mr. SYNAR.

H.R. 1711: Ms. KAPTUR, Mr. JEFFERSON, and Mr. LANCASTER.

H.R. 1723: Mr. RANGEL, Mr. WEISS, Mr. BROWN, Mr. LAFALCE, Mr. SERRANO, Mr. SCHUMER, Mr. VISCLOSKY, Mr. ECKART, Mr. BONIOR, Ms. SLAUGHTER of New York, and Mr. OWENS of New York.

H.R. 1727: Mr. LANCASTER.

H.R. 1738: Mr. HUNTER and Mr. CUNNINGHAM.

H.R. 1770: Mr. ACKERMAN, Ms. DELAURO, Mr. DWYER of New Jersey, Mr. EDWARDS of California, Mr. ENGEL, Mr. GUARINI, Mrs. MORELLA, Mr. RANGEL, and Mr. STUDDS.

H.R. 1860: Mr. SLATTERY, Mr. RICHARDSON, Mr. TALLON, Mr. MARLENEE, Mr. DURBIN, Mr. BEREUTER, Mr. BURTON of Indiana, Mr. SMITH of Texas, and Mr. SKEEN.

H.R. 1920: Mr. SCHAEFER and Mr. SAXTON.

H.R. 1921: Mr. SCHAEFER and Mr. SAXTON.

H.R. 1969: Mr. RAVENEL and Mr. DANNEMEYER.

H.J. Res. 2: Mr. CAMPBELL of California, and Mr. TAYLOR of North Carolina.

H.J. Res. 84: Mr. MCMILLEN of Maryland, Mr. CONDIT, and Mr. KANJORSKI.

H.J. Res. 91: Mr. MAVROULES, Mr. GEKAS, Mr. YATES, Mr. GONZALEZ, Mr. BUSTAMANTE, Mr. DE LA GARZA, Mr. RICHARDSON, Mr. BATEMAN, Mr. HAMMERSCHMIDT, Mr. HUBBARD, Mr. DONNELLY, Mr. FUSTER, Mr. DICKINSON, Mr. RITTER, Mr. FALEOMAVAEGA, Mr. ATKINS, Mr. CARR, Mr. LENT, and Mr. GREEN of New York.

H.J. Res. 102: Mr. IRELAND, Mr. LEWIS of Georgia, Mr. ABERCROMBIE, Mr. WELDON, Mr. BRYANT, and Mr. LEWIS of California.

H.J. Res. 103: Mr. MURTHA, Mr. LEWIS of California, Mr. LEACH, Mr. COBLE, Mr. DYMALLY, Mr. ROYBAL, Mr. ROSE, Mr. RHODES, Mr. DORNAN of California, Mr. WOLPE, Mr. TOWNS, Mr. EVANS, Mr. HAYES of Louisiana, Mr. COLEMAN of Texas, Mr. TRAXLER, Mr. STENHOLM, Mr. GLICKMAN, Mr. TAYLOR of North Carolina, Mr. LEVIN of Michigan, Mr. BERMAN, Mr. HENRY, Mr. PURSELL, Mr. SCHAEFER, Mr. KILDEE, Mrs. BYRON, Mr. GREEN of New York, Mr. PAYNE of New Jersey, Mr. FASCELL, Mr. SARPALIUS, Mrs. MINK, and Mr. STALLINGS.

H.J. Res. 140: Mr. FISH, Mr. INHOFE, Mr. ENGEL, Mr. LAGOMARSINO, Mr. HUTTO, Mr. DICKINSON, Mr. GOODLING, Mr. OBERSTAR, Mr. LEHMAN of Florida, and Mr. FASCELL.

H.J. Res. 141: Mr. BONIOR and Mr. SWIFT.

H.J. Res. 142: Mr. SMITH of Florida, Mr. PAXON, Mr. MILLER of California, Mr. RAHALL, Mrs. UNSOELD, Mr. PRICE, Mr. HYDE, Mr. CLEMENT, Mr. FRANKS of Connecticut, Mr. MARTINEZ, Mr. JEFFERSON, Mr. GINGRICH, Mr. RAMSTAD, Mr. LANCASTER, and Mr. PAYNE of New Jersey.

H.J. Res. 143: Mr. CLINGER, Mrs. MEYERS of Kansas, Mr. PALLONE, Mr. RIGGS, Mr. SANTORUM, and Mr. WALSH.

H.J. Res. 154: Mr. VANDER JAGT and Mr. STEARNS.

H.J. Res. 171: Mr. MILLER of California, Mr. PANETTA, Mr. JEFFERSON, Mr. OBERSTAR, and Ms. DELAURO.

H.J. Res. 173: Mr. ALEXANDER, Mr. APPLEGATE, Mr. ATKINS, Mr. BARNARD, Mrs. BENTLEY, Mr. BEVILL, Mr. BLILEY, Mr. CHAPMAN, Mr. CLEMENT, Mr. CRANE, Mr. DELLUMS, Mr. DIXON, Mr. ESPY, Mr. FRANK of Massachusetts, Mr. GAYDOS, Mr. GRAY, Mr. HANSEN, Mr. HAYES of Illinois, Mr. HAYES of Louisiana, Mr. INHOFE, Mr. LANTOS, Mr. LEACH, Mr. LEHMAN of Florida, Mrs. LOWEY of New York, Mr. MCCOLLUM, Mr. MCHUGH, Mr. MCMILLEN of Maryland, Mr. MARTIN, Mr. MONTGOMERY, Mr. MORAN, Mr. MRAZEK, Mr. NEAL of North Carolina, Mr. OWENS of New York, Mr. OWENS of Utah, Mr. PAYNE of Virginia, Mr. PETERSON of Minnesota, Mr. PICKETT, Mr. RANGEL, Mr. RINALDO, Mr. ROYBAL, Mr. SLATTERY, Mr. SISISKY, Mr. SOLARZ, Mr. SOLOMON, Mr. TORRES, Mr. VALENTINE, Mr. VANDER JAGT, Mr. WOLPE, Mr. YATES, Mr. HYDE, Mr. MANTON, Mr. RAHALL, Mr. LOWERY of California, Mr. ANDERSON, Mr. SABO, Mrs. VUCANOVICH, Mr. ROHRABACHER, Mr. STUDDS, Mr. DURBIN, Mr. WELDON, Mr. BOUCHER, Mr. DOWNEY, Mr. SMITH of Oregon, Mr. PALLONE, Mr. NATCHER, Mr. ZELIFF, Mr. WASHINGTON, Mr. HEFNER, Mr. HOYER, Mr. FLAKE, Mr. SARPALIUS, Mr. FORD of Michigan, Mr. LAUGHLIN, Mr. EDWARDS of California, Mr. NEAL of Massachusetts, Mr. LIPINSKI, Mr. ROSE, Mr. PARKER, Mr. HUBBARD, Mrs. UNSOELD, Mr. MAZZOLI, Mr. LIVINGSTON, Mr. MCDADE, Mr. ERDREICH, Mr. FORD of Tennessee, Mr. SAWYER, Mr. CLINGER, Mr. RIDGE, Mr. RICHARDSON, Mr. MAVROULES, Mr. MICHEL, Mr. DUNCAN, Mr. SUNDQUIST, Mr. GUNDERSON, Mr. WEBER, Mr. BORSKI, Mr. BREWSTER, Mr. MORRISON, Mr. BRYANT, Mr. STEARNS, Mr. OXLEY, Mr. BRUCE, Mr. BROWN, Mr. SPENCE, Mrs. SCHROEDER, Mr. YOUNG of Alaska, Mr. COOPER, and Mr. BATEMAN.

H.J. Res. 191: Mr. SMITH of Florida, Mr. HORTON, Mr. ABERCROMBIE, Mr. CAMP, Mr. HARRIS, Mr. DEFAZIO, Mr. MCNULTY, Mr. HASTERT, Mr. PAYNE of New Jersey, Mr. QUILLEN, Mr. WALSH, Ms. KAPTUR, and Mr. RANGEL.

H.J. Res. 194: Mr. CLEMENT, Mr. CLINGER, Mr. DINGELL, Mr. COSTELLO, Mr. STUDDS, Mr.

EMERSON, Mr. CONYERS, Mr. DEFAZIO, Mr. WALSH, Mr. KENNEDY, Mr. DIXON, Ms. SLAUGHTER of New York, Mr. SPRATT, Mr. STAGGERS, Mr. TALLON, Mrs. MORELLA, Mr. RHODES, Mr. POSHARD, Mr. SHARP, Mr. FISH, Mr. FORD of Michigan, Mr. JONES of Georgia, Mr. ENGEL, Mr. ANDERSON, Mr. DONNELLY, Mr. FRANK of Massachusetts, Mr. HAMMERSCHMIDT, Mr. HAYES of Illinois, Mr. HERGER, Mr. LEWIS of Georgia, Mr. MAZZOLI, Mr. MCEWEN, Mr. SARPALIUS, Mr. SOLOMON, Mr. TRAFICANT, Mr. WHEAT, Mr. WYDEN, Mr. BAKER, Mr. FIELDS, Mr. NEAL of Massachusetts, Mr. SANDERS, Mr. FALEOMAVAEGA, Mr. MURTHA, Mr. EVANS, Mr. RITTER, Mr. EARLY, Mr. HUBBARD, and Mr. HOAGLAND.

H.J. Res. 195: Mr. LEVINE of California, Mr. RINALDO, Mr. SIKORSKI, Mr. CHANDLER, Mr. PANETTA, Mr. JOHNSTON of Florida, Mr. FAWELL, Ms. DELAURO, Mr. LAGOMARSINO, Mrs. LOWEY of New York, Mr. WALSH, Mr. SANTORUM, and Mr. BRUCE.

H.J. Res. 198: Mr. MAZZOLI, Mr. WILSON, Mr. LEVINE of California, Mr. MATSUI, Mr. STARK, Mr. CARPER, Mr. PALLONE, Mr. CLEMENT, Mr. HORTON, Mr. TALLON, Mr. LENT, Mr. ROHRABACHER, Mr. COUGHLIN, Mr. SOLARZ, Mr. DORNAN of California, Mr. LEHMAN of Florida, Mr. JEFFERSON, Mr. ESPY, Mr. MANTON, Mrs. ROUKEMA, Mr. HOCHBRUECKNER, Mr. QUILLEN, Mr. SANGMEISTER, Mr. PICKETT, Mr. COLEMAN of Texas, Mr. LAGOMARSINO, Mr. BORSKI, Mr. PANETTA, Mr. DWYER of New Jersey, Mr. JONTZ, Mr. WOLF, Mr. DEFAZIO, Mr. MCCOLLUM, and Mr. LEWIS of California.

H.J. Res. 219: Mr. LIPINSKI, Mr. ANNUNZIO, Mr. MCNULTY, Mr. LEVINE of California, Mrs. BOXER, Mr. MARTINEZ, Ms. KAPTUR, Mr. ANDREWS of New Jersey, Mr. DERRICK, Mr. BRYANT, Mr. LOWERY of California, Mr. MAVROULES, Mr. PAYNE of New Jersey, Mr. GALLO, Mr. DONNELLY, Mrs. UNSOELD, Mr. KOLTER, Mr. MANTON, Mr. DE LUGO, Mr. ESPY, and Mr. VANDER JAGT.

H. Con. Res. 8: Mr. SAXTON and Mr. BRYANT.

H. Con. Res. 18: Mr. BUSTAMANTE and Mr. OWENS of New York.

H. Con. Res. 95: Mr. LEVINE, of California, Mr. LEWIS of Georgia, Mr. GEREN of Texas, Mr. RANGEL, Mr. RHODES, Mrs. LOWEY of New York, Mr. VALENTINE, Mr. KLUG, Mr. BRUCE, Mrs. VUCANOVICH, Mr. SUNDQUIST, Ms. SLAUGHTER of New York, Ms. KAPTUR, Mr. WILSON, Mr. JEFFERSON, Mr. FRANK of Massachusetts, Mr. JOHNSON of South Dakota, Mr. BATEMAN, Mr. SIKORSKI, Mr. PETERSON, of Florida, Mr. HUCKABY, Mr. HUGHES, Mr. BOUCHER, and Mr. BEREUTER.

H. Con. Res. 120: Mr. HORTON, Mr. BALLENGER, and Mr. MACHTLEY

H. Res. 33: Mr. GRANDY.

H. Res. 101: Mr. SPENCE, Mr. HEFNER, Mr. LEWIS of Georgia, Mr. STALLINGS, Mr. ROWLAND, Mr. OWENS of New York, Mr. DARDEN, Mr. VOLKMER, Mr. TRAXLER, Mrs. BENTLEY, Mr. VALENTINE, and Mr. SPRATT.

H. Res. 121: Mr. PAYNE of Virginia, Mr. HORTON, Mr. GUARINI, Mr. BILBRAY, Mr. ECKART, and Mr. ABERCROMBIE.

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. 524: Mr. INHOFE.

H.R. 1344: Ms. PELOSI.

SENATE—*Wednesday, April 24, 1991*

(Legislative day of Tuesday, April 9, 1991)

The Senate met at 9:20 a.m., on the expiration of the recess, and was called to order by the Honorable DANIEL K. AKAKA, a Senator from the State of Hawaii.

PRAYER

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

Let us pray:

*Husbands, love your wives, even as Christ also loved the church, and gave himself for it. * * * Honour thy father and mother; which is the first commandment with promise.*—Ephesians 5:25, 6:2.

Mighty God who "setteth the solitary in families," we pray for our families. Where there is brokenness, healing; where there is alienation, reconciliation; where there is capitulation to failure, give encouragement and hope.

Our Father who art in Heaven, we know that the family is the indispensable nucleus of the social order. When family life is strong, the culture is strong. When families are dysfunctional, society suffers immeasurably. Forgive us when we fail to give priorities to our families as we should, when we treat other matters as more important.

Gracious Father, the Senate is very demanding on the time and energy of those who labor here. Often the family suffers. Grant to the Senators and the staffs determination to put the family first, not only for the sake of themselves and their own families, but for the sake of our declining culture and the Nation.

We pray in Jesus' name who is love incarnate. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 24, 1991.

To the Senate:

Under the provisions of Rule I, Section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DANIEL K. AKAKA, a Senator from the State of Hawaii, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 9:35 a.m., with Senators permitted to speak therein.

In my capacity as a Senator from Hawaii, I suggest the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, I understand morning business is to be concluded at 9:35?

The PRESIDING OFFICER (Mr. BRYAN). The Senator is correct.

Mr. GRAHAM. Mr. President, I ask unanimous consent if that could be extended until 9:40 for a statement and introduction of legislation.

The PRESIDING OFFICER. Is there objection?

Mr. BENTSEN. Mr. President, the request was for a maximum of 5 minutes? My problem is I have to chair a committee at 10. I have no objection.

Mr. GRAHAM. Yes, until 9:40.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized for not to exceed 5 minutes.

(The remarks of Mr. GRAHAM pertaining to the introduction of S. 910 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

RECOGNIZING THE 76TH ANNIVERSARY OF ARMENIAN GENOCIDE

Mr. KERRY. Mr. President, today, April 24, marks the 76th anniversary of the Armenian genocide launched by the leaders of the Ottoman Empire. By recognizing this important day, we send a message to the world that such slaughters must never be forgotten and can never become mere footnotes in history.

Accounts of the Armenian genocide have a frighteningly familiar ring to all of us today. On April 24, 1915, hundreds of Armenian political, intellectual, and spiritual leaders were seized by Ottoman authorities, only to be executed or exiled. For the next 8 years, Ottoman Armenians were forced from their lands into exile in America, Russia, Europe, and the Arab countries. Between 1915 and 1923, it is estimated that 1.5 million of the 2.3 million Ottoman Armenians had either died or had been deported from their homeland, a land which they inhabited for over three millenia.

Unfortunately, there have been repeated attempts to hide this dark moment in history and to deny that it ever happened. We must not let this happen. There is a mountain of evidence proving that the horrors of the Armenian genocide are all too true. The U.S. Ambassador to the Ottoman Empire, Henry Morganthau, Sr., repeatedly protested the treatment of Armenians while the British Viscount James Bryce compiled a 684-page report on the massacre with the help of Arnold Toynbee. Even the allies of the Ottoman Empire were horrified by this brutality. Otto Liman van Sanders, the German military adviser to the Ottoman Empire, personally intervened to prevent the deportation of Armenians from Smyrna in November 1916. Yet, perhaps the most convincing evidence of this tragedy is the trials for war crimes held by a liberal Ottoman government which took power in the aftermath of this massacre. The leaders of the Young Turk government were convicted in absentia for ordering this genocide.

Unfortunately, even in the United States, there has been a willingness to gloss over the entire affair, a willingness to look the other way when acknowledging the truth is inconvenient. Recently, a photograph depicting Armenians hung by Ottoman soldiers was removed from the Ellis Island centennial photo exhibit when a controversy arose. We have to recognize this tragic event for what it truly was, the genocide of the Ottoman Armenians.

Ignoring the Armenian genocide, extraordinary evidence of man's capacity for inhumanity, can open a Pandora's box of selective morality a virtual guarantee that similar tragedy will touch other people in the future. Selective morality only leads to selective genocide. We must never ignore the persecution and slaughter of any people. We now see the tragedy of the Armenians being replayed in Iraq as millions of Kurds flee the reign of terror

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

and as Kurdish refugees die at a rate of 1,000 a day. That is why, with renewed vigor at this time, I urge every Member of the Senate and every individual to set aside time today to reflect on the tragedy of the Armenian and Kurdish people and to make a solemn vow that we must prevent genocide from ever happening again, to anyone, anywhere, anytime.

BETTIE-JULIA CERTAIN

Mr. LEAHY. Mr. President, I rise to note the departure of a valued official from the congressional relations staff of the Defense Security Assistance Agency. Bettie-Julia Certain, formerly DSAA's director of congressional relations with special responsibility for liaison with the Senate, has worked hard to improve the relationship between DSAA and the Foreign Operations Subcommittee. She has worked with the staff and members of this committee in a straightforward and responsive fashion, frankly communicating our concerns to her organization as well as their concerns to us.

Ms. Certain worked on security assistance within the Defense Department since 1977, moving her way up from security assistance analyst to House liaison officer and finally to director of the congressional relations office. She received outstanding performance awards during the last 6 years.

On behalf of the members and staff of the Foreign Operations Subcommittee, I want to thank her for the fine job she has done as director of congressional relations. It is my hope that the good relationship she has established on behalf of DSAA with this subcommittee will continue to flourish in the future.

RECOGNIZING CORPORATIONS IN THE FIGHT AGAINST CANCER BY PROMOTING EARLY DETECTION AND SCREENING PROGRAMS

Mr. MACK. Mr. President, in his inaugural address, President Bush called for an affirmation and a renewed spirit of voluntarism. He called upon all Americans to take stock and responsibility for themselves, their families, and communities. This call went out to not only each citizen, but also to institutions of government, business, and community. Cooperative efforts of public and private institutions are an essential element in promotion and improvement of the quality of life for every American. Mr. President, nothing could be more elemental, more basic to the promotion of the quality of life than the physical health and well-being of every American.

Mr. President, I rise today to acknowledge and commend the efforts of a number of private corporations which have made a lifesaving difference by establishing model cancer screening programs for their employees. With the assistance of organizations that include the National Cancer Institute, the Komen Foundation, and the American Cancer Society, they have answered President Bush's call.

One only needs to look at the grim statistics to understand the threat cancer poses to the health of Americans. The American Cancer Society's latest data estimates that 1 in 9 American women will develop breast cancer this year, resulting in 44,550 deaths. Thirty percent of which are preventable with regular mammogram screening.

The threat of cancer is so great that Senator BREAUX and I have today introduced the Cancer Screening Incentive Act of 1991. This bill will provide a refundable tax credit to taxpayers for various types of cancer screening procedures. And, as cancer knows no socioeconomic bounds, the bill provides a credit to medical providers who extend their services to those underserved Americans who simply cannot afford the out-of-pocket expense.

I read, with great satisfaction, a recent article in USA today describing model programs established by companies like Florida Power, Adolph Coors, Sara Lee Corp., Regis Corp., and ICI Pharmaceuticals. The programs included free or subsidized mammograms, classes and educational materials, and video cassettes for self-examinations.

These, and an increasing number of corporations have made the health of their employees a regular part of business. They understand that they have a stake in the welfare of their most important asset—the people who produce and sell their products. From the board room to the assembly line, these corporations are making lifesaving, documented differences. They provide a shining and exciting example to others and I commend them. Mr. President, I also ask that the article and an accompanying list of participating corporations be included in the RECORD.

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

AMERICAN BUSINESSES MAKING A LIFE SAVING DIFFERENCE

Allen Bradley Company, Inc.
AT&T.
Badger Meter, Inc.
Bear Archery.
Beloit Corporation.
Concept, Inc.
Coors Brewing Company.
Coulter Electronics.
E.I. du Pont de Nemours & Company.
E-Systems, Inc.
Employers Health Insurance.
Florida Power.
Florida Power and Light.
General Mills.
Georgia Pacific Corporation.
Honeywell, Inc.
ICI Pharmaceuticals Group.
Kimberly-Clark Corporation.
Levi Strauss & Company.
M&M/Mars Incorporated.
Manufacturers Hanover Trust.
Martin Marietta.
Martin Marietta Energy Systems, Inc.
Metropolitan Life.
Milwaukee Public Schools.
Nationwide Insurance.
NCNB.
Pratt Whitney-United Technologies.
Procter & Gamble.
Progressive American Insurance, Co.
Regis Corporation.
Ryder Systems, Inc.
S.C. Johnson & Son, Inc.
Sara Lee Corporation.
Southern Bell.
Upjohn Company.
USAA Insurance.
Wisconsin Bell, Inc.

[From USA Today, Feb. 4, 1991]

EMPLOYERS MAKE CANCER DETECTION THEIR BUSINESS

Employers have begun rewriting their job descriptions to include fighting breast cancer.

By promoting cancer education and mammograms, companies can reduce health risks to women employees and cut employee health benefit costs.

"What do corporations get out of it? A simple operation usually can cure the early cases," says Dr. Charles R. Smart, chief of the National Cancer Institute's early detection branch. "The cost would be greatly reduced and you'd have a longtime employee.

"All these women may not be going to a doctor regularly at all. Somebody has to suggest to them it's a good thing to do."

The need for women to be informed about breast cancer and screening has never been greater. Two weeks ago, the American Cancer Society revised its estimate of a woman's chance of getting breast cancer to 1 in 9 from 1 in 10. About 175,000 new cases and 44,500 deaths will be reported this year, the society says.

Thirty percent of deaths are preventable with regular mammograms, says the National Cancer Institute, which estimates that two-thirds of women over 40 do not understand the need for regular testing. The Institute advises women to get a mammogram by age 40; from ages 40 to 50, they should get a test every 1 to 2 years; from 50 on, annually.

Since the mid-1980s, about 30 U.S. companies have started model programs, says NCI's Cori Vanchieri. "By corporations getting involved, we'll reach women at all ranks . . . from the executives to assembly-line workers."

Since 1984, Colorado brewer Adolph Coors Co. has given about 6,100 mammograms, at a reduced price of $5 to $15, to current and retired employees and spouses at sites nationwide. Mammograms can cost $40 to $250.

They've found 12 malignancies; 11 were early detections. Treatment and lost productivity for Coors employees whose cancer was detected early runs about $18,000; when detected later, it can cost $60,000 or "possibly a life," says Coors' Sharon Taylor.

By promoting mammograms, employers also show concern for their employees.

"I really feel indebted," says Val Dingel, 57, a General Mills telecommunications assistant in Minneapolis.

The company's paid mammography and in-house classes on breast self-examination may have saved her life, Dingel says. She began regular self-exams and mammograms 3½ years ago. In 1989, malignant cancer was found in both breasts. It was discovered early; she had a double mastectomy with immediate breast reconstruction.

Prior to participating in the company's plan, Dingel had mammograms sporadically. "Sometimes the cost may be a deterrent. If they hadn't offered it, I don't think I would have gotten involved."

Not every company "has the same dollars to spend, but there are small things and big things they can do," says Nancy Brinker, who wrote about her recovery from breast cancer in "The Race Is Run One Step at a Time" (Simon & Schuster, $18.95) and founded the Susan H. Komen Foundation. The research foundation and National Cancer Institute recently held a women's leadership summit on breast cancer in Washington, D.C. Some of the corporate education programs presented:

The Sara Lee Corp., Chicago, has designed a package with a videocassette and a life like model of a breast for its Women's Wellness Program. The company's 44,000 women employees nationwide are being taught self-exams and they practice on the model, which has lumps they must find.

Regis Corp. hair salons nationwide will inform its 30,000 employees about the importance of self-exams and mammograms. Then in October stylists will pass the word to their customers, says Regis' Anita Kunin.

ICI Pharmaceuticals, Wilmington, Del., bought a mammography unit in 1989 and offers employees free exams after they complete a self-examination class.

"One employee said she does her (self-exam) every month when she gets her paycheck," ICI's Steve Lambert says.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,230th day that Terry Anderson has been held captive in Lebanon.

As you know, 1991 is the bicentennial of the Bill of Rights. I call my colleagues' attention to this fact today because on April 12, the American Society of Newspaper Editors honored Terry Anderson and former Justice William J. Brennan with First Amendment Awards for their exceptional contributions to—and in Terry Anderson's case, sacrifices for—the freedoms of speech and the press. Mr. President, I add my voice to theirs in honoring these men.

COMMEMORATING THE 76TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

Mr. KENNEDY. Mr. President, today we honor the memory of the 1½ million Armenians who were massacred between 1915 and 1923 during the reign of the Ottoman Empire.

In these tragic years, the Armenian people were the victims of violent repression, cultural persecution, and forced exile. The crimes perpetrated against the Armenians were one of the worst atrocities of the 20th century, and each year we rededicate ourselves to the cause of preventing another such crime against humanity.

The world must never forget the horrors and bloodshed suffered by the Armenians. Few peoples throughout history have endured such heinous prosecution for their faith, or borne their tragic fate with such great courage. To ignore the lessons of history would further dishonor the victims of the massacre, and invite future crimes of the same magnitude.

The United States must stand up against injustice whenver and wherever it occurs. In recent weeks, the world has witnessed the massive human tragedy of the Kurds in Iraq, a present day example of a people suffering from systematic cultural persecution, who have fled their homes in Iraq to escape a cruel and repressive government.

America has always stood for human rights and human dignity—for its own citizens and for the citizens of the world. We recall today the tragic suffering the Armenian people so that public leaders and private citizens the world over will remember that mankind has a collective responsibility to insure that such abuses never again occur.

"RACE NORMING" AND THE CIVIL RIGHTS BILL

Mr. SIMPSON. Mr. President, I rise to discuss an important new issue in this year's debate on civil rights legislation. That new issue is whether neutral, nondiscriminatory employment tests should be race normed in order to benefit certain racial or ethnic groups.

I strongly believe that any employment preference based on race, color, religion, sex, or national origin is improper, and therefore that race norming should be prohibited. The moral center of our civil rights laws is to ensure that no one—on matter what their race, color, religion, sex, or national origin—is treated differently because of that status. As Dr. Martin Luther King so eloquently stated, we should judge people by the "content of their character," not by the color of their skin. The practice of race norming job performance tests expressly violates the American ideals of fairness and equal opportunity.

Much to my surprise, I have discovered that Equal Employment Opportunity Commission [EEOC] staff and some state employment services were recommending that employers adjust the scores of job applicants who take employment-performance tests, in order that candidates from certain racial or ethnic groups would receive higher scores. Therefore, section 5 of my bill, S. 478, the Civil Rights Amendments of 1991, would prohibit the race norming of neutral, nondiscriminatory employment tests.

There is also strong evidence that the American public rejects the concept of race norming. In a March 1991, public opinion poll by Market Opinion Research [MOR], 77 percent of those polled opposed the practice of race norming, 16 percent supported it, and 6 percent had no opinion. MOR commented that: Although it would appear this is a highly complex question on the issue of "race norming," with only 6 percent answering "don't know," it appears the voters understood both the question and the practice, and totally reject the latter. I agree with MOR's assessment that most voters totally reject the practice of race norming.

Finally, R. Gaull Silberman, Vice Chairman of the Equal Employment Opportunity Commission [EEOC], also agrees that race norming is a bad practice. She vividly states that " * * * the practice of race norming is the oil which greases the quota engine. * * * " I strongly concur with her criticism of race norming, and I ask unanimous consent to insert in the RECORD a transcript of her recent remarks on this topic.

Mr. President, race norming is an important issue which I vigorously plan to pursue as the Senate deals with civil rights legislation this year.

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

[Excerpts of comments before the Equal Employment Advisory Council, Feb. 28, 1991.]

R. GAULL SILBERMAN, VICE CHAIRMAN, EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

This is an exciting and challenging time for those of us involved in civil rights policy and enforcement. We have come to the end of one era and are poised at the beginning of another. I believe that when the domestic history of our time is written, 1989, 1990, and 1991 will be seen as crucial years.

The year 1989, fortuitously the 25th anniversary of the landmark 1964 Civil Rights Act, was marked by a spate of Supreme Court decisions in the area of employment discrimination law. These decisions were seen by some as "turning back the clock on civil rights" or "taking us back to a time of signs which say Negroes need not apply".

With that rhetoric as a political backdrop it is not surprising that the decisions prompted legislative efforts at wholesale revision to our civil rights laws. When the 1990 Civil Rights Bill was finally introduced it reflected the drafters' attempt to codify the regulatory and judicial activity of the last 25 years.

Ironically, the very breadth of those revisions sparked a policy debate of astonishing vigor and some candor (not to mention a Presidential veto). And that debate has raised issues in 1991 which I believe merit vigorous and candid discussion: Issues like the discriminatory race- and gender-norming of test scores.

When Senator Alan Simpson introduced S. 478, he stated that one of the objectives of his bill is to avoid enacting civil rights laws which will encourage employers to play it safe by hiring by quotas. In explaining that aspect of his bill dealing with the adjustment of test scores in a discriminatory fashion, the Senator stated:

"My bill would not allow an employer to use a neutral, nondiscriminatory ability test if the employer were to adjust the results of the test based on the employee's race, color, religion, sex, or national origin. My bill would also prohibit a civil rights plaintiff from attempting to require an employer to adjust the scores from ability tests based on

the employee's race, color, religion, sex, or national origin. If a test is neutral and nondiscriminatory, it would be discriminatory to subsequently adjust the scores of someone merely because that person was a racial or religious minority, or a woman. The EEOC is reportedly considering a proposal to require test score adjustment, and my bill would prohibit such a discriminatory policy from being implemented."

When I read the Congressional Record I wrote Senator Simpson that Chairman Kemp and I have been particularly concerned with the issue of the adjustment of test scores on the basis of race and sex and were pleased to see that his bill would address this discriminatory practice. I continued, and I quote, "We are *not* considering any proposal to require test score adjustment."

Now let me quickly add that unlike the police chief in Casablanca who professed to be shocked to learn about gambling at Rick's (or the piano player in the house of ill-repute) we do know that race-norming or the discriminatory use of test scores is going on. Indeed, the very practice of preferential treatment in the form of race-norming has been institutionalized resulting in de facto quotas as illustrated in the following examples.

State Employment Service offices funded by the Department of Labor screen job-seeking candidates for over 12,000 jobs. Since 1981, under Department of Labor direction, 400 State Employment Service offices have been implementing a policy of preferential treatment in the form of "race norming" the General Aptitude Test Battery (GATB), the most widely used employment test in the country.

Using what they call "within-group" scoring to implement the GATB, blacks are compared only to other blacks, Hispanics compared only to other Hispanics and "others" (including whites and Asians) are compared only to "others." An individual's relative standing compared only to one's own race is then the test score reported to an employer in the form of a "within group" percentile.

Employers being held accountable for "underutilization" have been more than willing to have the Employment Service refer the relatively best qualified individuals within each group as a pragmatic means of achieving their numbers. When an individual's race determines the likelihood of being referred for a job, as is the case with the "race-normed" implementation of the General Aptitude Test Battery, the result is a de facto quota system.

The Department of State waives employment test results for minorities while requiring competitive examining for non-minorities. Each year there are upwards of fifteen thousand applicants for several hundred Foreign Service Officer (FSO) openings. The FSOs had traditionally been viewed as the pinnacle of merit employment because of the rigorous written exams required of all candidates. When the Carter Administration pressured State to come up with more minority FSOs, the decision was made to waive competitive written exam results for minority candidates calling these individuals "near passers" while continuing to rank-order the exam results of non-minorities.

When the likelihood of being judged on a competitive basis depends on an individual's race, as is the case with the race-conscious implementation of the Foreign Service Officer exam, the result is a de facto quota system. No matter how exceptional a minority FSO performed thereafter, the stigma of having been hired by a lesser standard remained.

It has recently come to my attention that the EEOC has been advising district offices to insist on race- and gender-norming tests as a less discriminatory alternative method of implementing otherwise neutral, job-related employment tests.

One instance dealt with an employment test which was a sample of the actual job. The employer's validation study showed that those who took less time to complete the test were more productive workers. Women took longer to complete the test. The Commission's staff advised that the employer set separate cutoff scores for women to reduce the "disparate impact" of the standard. In effect, the Commission's position was that in order to reduce "disparate impact," the employer had to hire less qualified, less productive applicants.

Paradoxically, some of the same employers who have legitimately and understandably objected most strongly to EEOC staff proposals for adjusting tests to eliminate adverse impact have, at the same time, overwhelmingly responded that the Labor Department should continue its race-norming with respect to the GATB.

Nor do these same employers wish to see the issue of race-norming of test scores addressed in legislation. That's not really surprising because if government regulatory policy requires hiring by the numbers in order to minimize "disparate impact" liability or to overcome "underutilization," employers will, of course, want to hire the relatively best qualified of the required group and race-norming allows them to do that.

That's why I believe Senator Simpson has identified an enormously important issue. I would not have put it under the heading of noncontroversial, but rather under the controversial anti-quota heading. For the practice of race-norming is the oil which greases the quota engine which drives much of employment policy today under the guise of government required contract compliance.

But there ought not to be controversy. If you go back to the debates over the Civil Rights Bill of 1964, it is quite clear that the drafters never anticipated, never would have countenanced race-norming. To the contrary, the non-discriminatory use of tests was expressly protected. In this as in many other issues Title VII has been turned on its head and this most discriminatory practice is passed off as at least discriminatory.

In 1964 this country made a commitment to all of its people to ensure equal employment opportunity. During the last 25 years we have been engaged in a valiant struggle to do just that. We've fought some pretty impressive battles. 1991 presents a probably never to be repeated opportunity to look at where we've been, what we've done, and where we need to go. New civil rights legislation will set out the rules of engagement for the battles against employment discrimination which lie ahead. A great deal is at stake.

REMEMBERING THE ARMENIAN GENOCIDE

Mr. PELL. Mr. President, today we commemorate the 76th anniversary of the genocide which took the lives of an estimated 1.5 million Armenians from 1915 through 1923. On this day in 1915, the Ottoman campaign against the Armenian people began in earnest when hundreds of Armenian community leaders were arrested and killed in Istanbul.

For the ensuing 8 years, the Ottoman Empire's rulers singled out the Armenian people for their religious, political, and cultural differences, and sought to eliminate them through deportation and death. Accordingly, the Armenian people were the victims of the first genocide of the 20th century. These crimes against humanity must not be forgotten. Unfortunately, we have not always learned the lessons of history. Witnessing the world's indifference to the Armenian genocide, the Nazis, only 20 years later, initiated their own "final solution" against the Jewish people.

Today, as we see the horrifying images of Kurds fleeing the threat of extermination at the hands of Saddam Hussein, we again are reminded of the price of indifference, and in that context, we are compelled to reflect on the Armenian genocide and the Jewish Holocaust. By remembering such tragedies and rejecting attempts to ignore or deny them, we affairm to the world and to future generations that we stand firmly against the policy of genocide.

Regrettably, despite the preponderence of historical evidence, there are still those who would deny that the Armenian genocide occurred. Just last month, in response to intense lobbying efforts, the National Park Service removed a photo depicting the victims of the Armenian genocide from the Ellis Island centennial photo exhibit in New York. The photograph, which previously had been vandalized, shows Armenians being executed by Ottoman authorities. The caption reads:

> Armenians Hung during Massacre of 1915. By 1921, nearly 100,000 Armenians had come to the United States fleeing periodic Turkish massacres in which over one million Armenians lost their lives.

Mr. President, in commemorating the Armenian genocide, we are not criticizing modern Turkey, our NATO ally and coalition partner in the gulf war. We do not hold the present Turkish Government responsible for Ottoman crimes, just as we do not blame modern Germany for Nazi atrocities. Rather, by keeping the memory of the Armenian genocide alive, we reaffirm our commitment to human life and dignity.

The Armenian people have suffered greatly during the years, and they continue to face great challenges. They still are rebuilding after the 1988 earthquake that killed and injured thousands; tension with neighboring Azerbeijan runs high, and has led to violence and death; and indeed, Armenia, like the other Soviet republics, is questioning whether the key to its future should be found within or outside of the Soviet Union.

The Armenian people have shown great resilience in the face of tragedy, and accordingly I join with those today who choose to keep the memory of the

Armenian genocide alive. In so doing, we come a step closer to ensuring that such a tragedy never again will confront Armenians or any other people.

THE POINTS OF LIGHT FOUNDATION—CELEBRATION OF SERVICE AND SERVICE AMBASSADOR AWARDS

Mr. KENNEDY. Mr. President, I commend the Points of Light Foundation for its efforts to encourage all Americans to participate in community service. The foundation is a private nonprofit organization whose board is composed of 24 Americans from business, industry, the academic world, and voluntary service groups. The foundation's mission is to help make community service a greater part of the lives of every American, and thereby contribute to the ongoing struggle against illiteracy, poverty, homelessness, alcohol and drug abuse, delinquency, and the plight of the elderly.

On Monday, April 15, the foundation launched their 12-day Celebration of Service to honor Americans who have been trailblazers in community service, to enhance public awareness of the problems facing society and the need for personal involvement to alleviate them, and to identify worthwhile programs that can be used in all parts of the country to challenge others to become involved.

Each day during their Celebration of Service, the Points of Light Foundation will recognize one or two Americans as service ambassadors, people who have made a difference by participating in service programs. Today, I join with the Points of Light Foundation and Senator SPECTER in commending Manford Sales of Pittsburgh, PA, an exemplary American who has made a significant contribution to his community and his country.

It is a privilege to work with the foundation, and I ask unanimous consent that appropriate background information on its good works may be printed in the RECORD.

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

THE POINTS OF LIGHT FOUNDATION—BACKGROUND

The Points of Light Foundation is a private non-profit, non-partisan umbrella organization whose board is comprised of 24 Americans drawn from business, industry, academia and voluntary service groups. The Foundation's mission is to help make direct and consequential community service aimed at serious social problems central to the life of every American and to increase the opportunities people have for that kind of service through their workplace, schools, churches and civic organizations. We also will serve as a catalyst in the creation of new voluntary service initiatives.

The Foundation and its board recognize the crucial role government programs must play in this struggle but believe these approaches cannot be the only ray of hope on the horizon. Illiteracy, poverty, homelessness, alcohol and drug abuse, delinquency and the plight of the elderly are problems that continue to defy government's best efforts. This void can only be filled by a redoubled effort from the private sector, by the profound and personal commitment of individuals to helping others.

Beginning Apr. 15, the Foundation is launching a 12-day Points of Light Celebration that is designed to honor those people who have been trailblazers in the community service effort; to sharpen public awareness of the problems facing society and the need for personal involvement to help alleviate them; and to identify worthwhile programs that can be replicated in other parts of the country and challenge others to get involved. Literally thousands of disparate groups and individuals have already been mobilized as part of this effort.

In conjunction with the Celebration, the Foundation will unveil a nationwide advertising campaign, created *pro bono* by Saatchi & Saatchi and the Advertising Council, that will bring the message of service into the home of every American. The slogan, "Do Something Good, Feel Something Real," stresses the sense of personal accomplishment that volunteers get from their work. The campaign will seek that help and cooperation of the media, businesses, schools, unions, religious groups and individuals. In addition, a toll-free 800 number will act as a national center for providing key information for community service efforts.

The Foundation is assisting or has helped to establish numerous successful service programs. These include:

One-to-One, a mentoring program for disadvantaged youth.

StarServe, a school-based community service effort.

Into the Streets, a college-based community service program operated by the Campus Outreach Opportunity League.

Naming of individual Points of Light Representatives, Leadership Companies and Partnerships.

The Foundation's mandate is long-term. After the Celebration of Service is over, we will pursue our mission on several fronts. First, we will evaluate our advertising campaign and toll-free telephone service in an effort to improve the response; and second, we will continue and improve our efforts to serve as a broker and coordinator for new programs. There are no easy answers. We are engaged in a day-to-day struggle that requires day-to-day commitment and energy.

THE POINTS OF LIGHT FOUNDATION HONORS MANFORD SALES

Mr. SPECTER. Mr. President, today I am pleased to join the Points of Light Foundation and Senator KENNEDY in honoring a truly remarkable individual, Manford Sales, of Pittsburgh, PA.

The foundation is a private, nonprofit organization designed to enhance public awareness of the broad array of volunteer service programs providing help to children, the elderly, the homeless, in fact, anyone in need. Each day, beginning on Monday, April 15, the foundation has recognized Americans as service ambassadors, individuals who have made a profound difference by their participation in service programs. The ambassadors are ordinary people, our neighbors and friends, who have become role models by giving of themselves—their time and energy—to serve others.

On Wednesday, April 24, the foundation honors Manford Sales. In my mind, no wiser choice could be made.

Mr. Sales has been a member of Boy Scout Troop 59 in the Hill District of Pittsburgh since its founding in 1929. For 58 years, Mr. Sales served as the Scoutmaster of the troop, guiding generations of young men in his community. Many of those whom he assisted are now leaders in their own right.

Mr. President, I take this opportunity to commend Manford Sales, express my admiration for his selfless dedication to his community, and extend to him my best wishes.

WOMEN'S EQUAL OPPORTUNITY ACT OF 1991

Mr. DOLE. Mr. President, earlier today, I received a letter from W. Lee Rawls, Assistant Attorney General for Legislative Affairs. The letter outlines the Justice Department's strong support for the criminal reforms proposed in title II of S. 472, the Women's Equal Opportunity Act of 1991, which I introduced earlier this year along with 14 of Senate Republican colleagues.

S. 472 proposes a wide array of crime-fighting initiatives, aimed specifically at those criminals who prey on women. It imposes tougher penalties for Federal sex offenders, and expands the Federal death penalty for murders committed in connection with sexual assaults and child molestations. It reforms the Federal rules of evidence to make absolutely clear that past acts of sexual abuse and child molestation are admissible in court. It doubles jail sentences for illegal drug dealers who sell to pregnant women. It offers several model rules of professional conduct that would prohibit lawyers from harassing or embarrassing persons who allege sexual assault. And it increases funding for programs aimed at assisting the estimated 3 million women who are victims of domestic violence each year.

I am pleased with the Justice Department's endorsement of these proposals, which are described as "an important step forward in enhancing the security of the public against sexual violence, child molestation, and other violent crimes." I look forward to working with the Justice Department and with my Senate colleagues to enact these much-needed reforms later this year.

Mr. President, I ask unanimous consent that the Justice Department's letter be printed in the RECORD immediately after my remarks.

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

DEPARTMENT OF JUSTICE, OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, April 24, 1991.

Hon. ROBERT DOLE,
Minority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR DOLE: This letter presents the views of the Department of Justice on the criminal justice provision of the "Women's Equal Opportunity Act of 1991," S. 472, comprising subtitles B–E of title II of that bill. The Department of Justice strongly supports subtitles B–D of title II of S. 472 and urges their prompt enactment by Congress. The Department also believes that the proposal in subtitle E of title II of S. 472 for a National Task Force on Violence Against Women is preferable to the corresponding proposal in subtitle D of title I of S. 15, the "Violence Against Women Act of 1991."

Title II of S. 472 proposes a wide-ranging program of reforms that would greatly enhance the effectiveness of the criminal justice system in preventing, prosecuting, and punishing sexual violence and child abuse, and in safeguarding victims of rape, child molestation, and other violent crimes from gratuitous abuse and traumatization. Subtitle B increases penalties for federal sex crimes, including authorization of the death penalty for rape-murders and child molestation-murders in the course of federal offenses. Subtitle C proposes measures to strengthen compensation and restitution in relation to victims of sex crimes.

Subtitle D contains provisions that would establish a general rule of admissibility for "similar crimes" evidence in sexual assault and child molestation cases; strengthen protections against efforts by defense lawyers to secure juries that are biased against rape victims or other crime victims; establish new standards of attorney conduct directed against abuses that cause gratuitous suffering to victims and witnesses and thwart the search for truth in sex offense cases and other cases; encourage the states to protect children from a home environment involving domestic violence in child custody decisions; provide for nationwide enforcement of protective orders; require HIV testing of federal sex offenders with disclosure of the test results to the victims; provide enhanced penalties for HIV-infected federal sex offenders who risk infection of their victims; and provide for defraying the cost of HIV testing for victims of federal sex offenses.

Our specific comments on the provisions of the proposal are as follows:

SUBTITLE B: STRONGER PENALTIES FOR FEDERAL SEX OFFENSES

Section 211 would authorize the death penalty for murders committed in connection with sexual assaults and child molestations. The section defines a general murder offense, proposed 18 U.S.C. 1118, with federal jurisdiction to prosecute the offense if the fatal conduct occurs in the course of another federal crime. The death penalty could be considered if the killing was committed in the course of a sex crime defined in chapters 109A, 110, or 117 of the criminal code; if a crime of sexual assault or child molestation was also committed in the course of the underlying crime on which federal jurisdiction is based; or if the offender had a prior conviction for a crime of sexual assault or child molestation.

For example, there is frequently federal jurisdiction over kidnappings under the provisions of 18 U.S.C. 1201. If the perpetrator of such a kidnapping raped and murdered the victim, then the death penalty would be available under proposed 18 U.S.C. 1118.

The procedures specified for imposing and carrying out the death penalty in proposed 18 U.S.C. 1118 are substantially the same as the death penalty procedures in title I of President Bush's proposed Comprehensive Violent Crime Control Act of 1991 (S. 635). Most of the procedural provisions in 18 U.S.C. 1118 are also the same in substance as the corresponding provisions in the death penalty proposals passed by the Senate in title XIV of S. 1970 in the 101st Congress and section 605 of S. 320 in the current Congress.

Optimally, the absence of an enforceable death penalty for the most heinous federal crimes should be corrected through the enactment of general federal death penalty provisions as proposed in the President's violent crime bill (S. 635). However, if the comprehensive legislation proposed by the President is not enacted, enactment of proposed 18 U.S.C. 1118 will be an important measure to provide the death penalty for one category of highly aggravated murders within federal jurisdiction.

Sections 212–14 double the maximum penalties authorized for recidivist federal sex offenders, change a definition in the federal sex offense statutes so as to make offenders who commit such crimes against victims below the age of 16 more frequently subject to the higher penalties for crimes involving "sexual acts," and make the enhanced penalties of 21 U.S.C. 859 (former 21 U.S.C. 845) applicable to drug distribution to pregnant women. These provisions are the same as sections 802–04 of the President's violent crime bill (S. 635). Sections 212 and 213 are also the same as provisions passed by the Senate last year in section 2425 of S. 1970.

The Department of Justice strongly supports the enactment of sections 212–14. The rationale and background of these reforms are discussed at greater length in the analysis accompanying S. 472, Cong. Rec. S2205 (Feb. 21, 1991), and in the analysis accompanying the President's violent crime bill, Cong. Rec. S3242 (March 13, 1991).

SUBTITLE C: ENHANCED COMPENSATION AND RESTITUTION FOR VICTIMS OF SEX CRIMES

Sections 221–24 create a new cause of action by which victims of sex crimes could recover damages from producers and distributors of pornography, where it is shown that the pornographic material incited the commission of the sex crime. The Department of Justice supports enactment of this proposal. It would provide recovery for victims of sex crimes in some instances from a responsible party that is more likely than the offender to be able to pay a judgment. It would also serve to make the point that the production and distribution of violent pornography and child pornography are not "victimless crimes."

We have a few comments concerning the formulation of the proposal:

First, section 223(a) states that suit may be brought "in an appropriate United States district court," which could be construed to foreclose suit in state court. However, the state courts currently have concurrent jurisdiction over many federal causes of action, and the normal presumption is in favor of concurrent state and federal court jurisdiction unless there is some special reason to provide an exclusive federal forum.

We accordingly recommend amending section 223(a) so as to permit suit in state court as well. This change would benefit plaintiffs by providing the option of suing in the more numerous and frequently more accessible state courts. It would also reduce any resulting caseload burden on the federal courts through sharing of the caseload with the state judiciaries.

Second, section 223(b)(2) permits suits predicated on three types of material that may incite the commission of sex crimes: (A) legally obscene material, (B) child pornography, and (C) material that is sexually explicit and violent. The first two categories are unproblematic. The third category, however, includes some material that qualifies as constitutionally protected speech, and its inclusion would expose this aspect of the proposal to constitutional challenge.

Third, the defintion of "child pornography" in section 224(1) is presumably meant to refer to depictions, rather than descriptions, of sexually explicit conduct involving minors.

Section 225 broadens the availability of restitution in federal sex offense cases. The changes proposed in this section are encompassed in substance in amendments to the restitution statute proposed in sections 805 and 1101(a) of the President's violent crime bill (S. 635).

Currently, 18 U.S.C. 3663(b)(2) authorizes restitution of medical and therapeutic costs and lost income in cases involving "bodily injury" to the victim. However, serious sex crimes do not necessarily involve physical damage to the body of the victim—for example, where rape against an adult victim is committed through the threat of force but without the actual use of force, or where a child molestation or exploitation offense is committed without physically injurious violence.

Proposed 18 U.S.C. 3663(b)(5)(A)–(C) in section 225 would make it clear that restitution for such costs and losses is authorized in all federal sex offense cases, whether or not they involve "bodily injury" on a narrow interpretation of that phrase. The same change is made in substance through an amendment to the lead-in language in 18 U.S.C. 3663(b)(2) proposed in section 805 of the President's violent crime bill (S. 635). (To be consistent with current 18 U.S.C. 3663(b)(2)(A), proposed section 3663(b)(5)(A) in section 225 of S. 472 should refer to "professional services and devices," rather than just to "professional services"; this omission presumably reflects a minor oversight in drafting.)

Proposed 18 U.S.C. 3663(b)(5)(D) in section 225 authorizes restitution for costs and losses related to any disease transmitted to the victim through the commission of a sex crime. Costs and losses of this type are covered under a proper interpretation of the restitution statute's general authorization for restitution of medical and therapeutic costs and lost income. As the analysis for S. 472 notes, Cong. Rec. S2206 (Feb. 21, 1991), the explicit amendment on this point in section 225 forecloses any contrary argument that such costs and losses related to a resulting disease "are too remote a result of the offense to be included in an order of restitution."

Finally, proposed 18 U.S.C. 3663(b)(5)(E) in section 225 authorizes restitution for necessary child care, transportation, and other expenses related to participation in the investigation or attendance at proceedings in sex offense cases. These costs to the victim are part of the losses occasioned by the crime, and the offender may properly be held liable for them through restitution. Authorizing restitution for these types of expenses is not only warranted in sex offense cases, but in all cases. An amendment authorizing restitution for such expenses in all cases appears in section 1101(a) of the President's violent crime bill (S. 635).

SUBTITLE D: REFORM OF PROCEDURE AND EVIDENTIARY REQUIREMENTS IN SEX OFFENSE AND OTHER CASES

Sec. 231. Admissibility of Evidence of Similar Crimes in Sexual Assault and Child Molestation Cases

Section 231 would add new Rules 413-15 to the Federal Rules of Evidence. In essence, proposed Rules 413 and 414 would establish general rules of admissibility, in sexual assault and child molestation cases, for evidence that the defendant has committed offenses of the same type on other occasions. Proposed Rule 415 establishes a comparable rule for civil cases in which a claim for damages or other relief is predicated on alleged conduct constituting a crime of sexual assault or child molestation. The same rules are proposed in section 801 of the President's violent crime bill (S. 635).

These new rules are responsive to deficiencies in the existing rules of evidence, and the Department of Justice strongly supports their enactment. An explanation of the background and rationale of the proposed rules appears in the analysis accompanying S. 472, Cong. Rec. S2206-07 (Feb. 21, 1991). A lengthier explanatory statement appears in the analysis accompanying the President's violent crime bill (S. 635), Cong. Rec. S3238-42 (March 13, 1991). These statements may be consulted for a detailed explanation of the proposal, and for response to various objections that might be offered against it. In this context, we would emphasize briefly the following points:

Rules of admissibility along the lines proposed in section 231 have the strong support of experience. While the common law has traditionally limited the admission at trial of evidence of offenses by the defendant with which he has not been formally charged in the proceedings, this rule has never been absolute. Exceptions have traditionally been recognized which admit such evidence for a variety of purposes. This point is reflected in current Rule 404(b) of the Federal Rules of Evidence. Rule 404(b) provides that evidence of other crimes, wrongs, or acts by the defendant is not admissible to prove "character," but that such evidence may be admissible for any other purpose, "such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident."

In addition to the exception categories noted in Rule 404(b), there has traditionally been widespread judicial support for an exception admitting, in sex offense cases, evidence of the defendant's commission of other sex crimes to show his proclivity or disposition to commit such offenses. In recent times, a substantial number of states have continued to recognize an exception of this sort in some form. *See, e.g., State* v. *Spence*, 704 P. 2d 272 (Ariz. App. 1985) (propensity evidence admissible in sex offense prosecutions, subject to certain conditions); *Grey* v. *State*, 404 N.E. 2d 1348, 1352 (Ind. 1980) (evidence of other crimes by defendant admissible to show depraved sexual instinct); *State* v. *Maestas*, 224 N.W. 2d 248 (Iowa 1974) (evidence of other crimes admissible under certain conditions in child molestation cases to show defendant's lewd disposition); *Speagle* v. *State*, 390 So. 2d 990 (Miss. 1980) (evidence of other sex offenses in relation to victim of charged offense admissible to show defendant's disposition to commit the crime); *see also Bracey* v. *United States*, 142 F. 2d 85, 88-89 (D.C. App. 1944) (approving discussion in dictum of general admissibility of evidence of other sex offenses by defendant to show disposition).

Moreover, even where an expressd exception for sex offense cases is not recognized, courts frequently strive to allow such evidence before the jury by fitting it within some other exception to the rules limiting prior crimes evidence. The contemporary edition of Wigmore's *Evidence* has described this tendency as follows:

[T]here is a strong tendency in prosecutions for sex offenses to admit evidence of the accused's sexual proclivities. Do such decisions show that the general rule against the use of propensity evidence against an accused is not honored in sex offense prosecutions? We think so.

[S]ome states and courts have forthrightly and expressly recognized a "lustful disposition" or sexual proclivity exception to the general rule barring the use of character evidence against an accused. . . . [J]urisdictions that do not expressly recognize a lustful disposition exception may effectively recognize such an exception by expansively interpreting in prosecutions for sex offenses various well-established exceptions to the character evidence rule. The exception for common scheme or design is frequently used, but other exceptions are also used.

IA Wigmore's *Evidence* §62.2 (Tillers rev. 1983). *See also Elliot* v. *State*, 600 P. 2d 1044, 1047-48 (1979) ("in recent years a preponderance of the courts have sustained the admissibility of the testimony of third persons as to prior wrongs or acts in cases involving sexual offenses. . . .").

However, notwithstanding this tendency of the courts, the current state of the law in this area is unsatisfactory. F.R.E. 404(b) makes no express allowance for admitting similar crimes evidence in sex offense cases, and the Federal Rules of Evidence have clearly been the predominant influence on the formulation of state rules of evidence in recent years. Many states have accordingly adopted evidence rules that deprive the courts of their former latitude to overtly adopt special rules of admission for similar crimes evidence in sex offense cases.

As the sources cited above indicate, judges are still disposed to admit such evidence by one means or another. This reflects their entirely sound perception that evidence of this type is frequently of critical importance in establishing the guilt of a rapist or child molester, and that concealing it from the jury often carries a grave risk that such a criminal will be turned loose to claim other victims. However, if an exception admitting such evidence cannot be avowed openly and honestly, then the temptation is strong to achieve admission by manipulating other exception categories, and by applying evidentiary rules in a manner that is not consistent with their interpretation and application in non-sex offense cases. This state of affairs is undesirable, because judges should not have to bend or break the law to do the right thing.

Moreover, there is no assurance that any particular judge or court will see its way clear to admit such evidence in the face of restrictive evidentiary rules. While evidence of this type is often admitted, there are also innumerable cases in which sex offense convictions have been overturned under state rules that are the same as or similar to F.R.E. 404 because of the admission of similar crimes evidence, although such evidence seems highly relevant and probative from a common sense perspective. *See, e.g., Velez v. State*, 762 P.2d 1297 (Alas. App. 1988) (reversing conviction because use of evidence of other sexual assaults to rebut a consent defense is irreconcilable with state Rules 403 and 404, but endorsing prosecution argument that special exception should be created to Rule 404 because of resulting problems of proof in "date rape" cases); *People v. Key*, 153 Cal. App. 3d 888 (1984) (in prosecution of defendant for twice raping and forcing oral sex with victim, evidence of defendant's prior convictions for sexual assaults against three other women was excluded at trial, and conviction was reversed on appeal because of admission of testimony by another woman that defendant had raped and forced oral sex with her); *People v. Ogunmola*, 701 P.2d 1173 (Cal. 1985) (in prosecution of gynecologist for raping patients during examinations, evidence of same conduct towards other patients inadmissible; conviction reversed); *People v. Hansen*, 708 P.2d 468 (Colo. App. 1985) (conviction for attempted inducement of child prostitution and attempted sexual assault on a child reversed because of admission of evidence of similar efforts in relation to other girls); *Getz v. State*, 538 A.2d 726 (Del. 1988) (reversing conviction of defendant for raping his 11-year-old daughter on basis of state Rule 404 because of admission of evidence that he had also molested her on other occasions, despite acknowledgment by court that exception to rule limiting prior crimes evidence is "almost universally" recognized in cases involving prior acts of incest between defendant and victim of charged offense); *Frieson v. State*, 512 So.2d 1092 (Fla. App. 1987) (testimony of another woman that defendant had attempted to rape her within a few hours of charged sexual battery inadmissible; conviction reversed); *People v. McMillan*, 407 N.E.2D 207 (Ill. App. 1980) (conviction of defendant for molesting his 13-year-old daughter reversed because of admission of evidence of prior similar occurrences with his 15-year-old daughter); *People v. Bost*, 309 N.W.2d 620 (Mich. App. 1981) (in prosecution of defendant for raping victim by exploiting his position as director of Human Relations Department, testimony of co-worker that defendant had also raped her was inadmissible; conviction reversed); *State v. Hansen*, 608 P.2d 1083 (Mont. 1980) (in prosecution of defendant for rape, testimony of another woman that defendant had also raped her—for which he was convicted of aggravated assault—was inadmissible; conviction reversed); *People v. Sanza*, 509 N.Y.S.2d 311 (1986) (reversing defendant's conviction for rape and murder because of admission of evidence concerning three other rapes for which he had previously been convicted); *State v. Pace*, 275 S.E.2d 254 (N.C. App. 1981) (in prosecution of defendant for repeatedly raping pregnant woman, testimony of another woman that defendant had raped her about two months earlier was inadmissible; conviction reversed); *Hall v. State*, 615 P.2d 1020 (Okla. Crim. App. 1980) (in prosecution of defendant for forcing 12-year-old girl into his car and raping her, testimony by two other young girls that defendant had raped them in automobiles in the same county was inadmissible; conviction reversed); *Commonweath v. Patterson*, 399 A.2d 123 (Pa. 1979) (testimony of another woman that defendant had raped her within five days of charged offense in same two-block area inadmissible; conviction reversed); *State v. Saltarelli*, 655 P.2d 697 (Wash. 1982) (testimony of another woman that defendant attempted to rape her inadmissible under state Rule 404; conviction reversed).

We would emphasize that the foregoing list is only a few examples drawn from a large body of decisions of this type. Moreover, reported appellate decisions reversing convictions are only the tip of the iceberg. The

principal cost of the current standards is unreported decisions by trial judges to exclude such evidence, and decisions by prosecutors not to offer similar crimes evidence when they know that it will not be admitted under restrictive evidentiary rules.

The rules proposed in section 231 will guard against the future occurrence of such cases. They would apply directly in federal cases, and would have broader import as a model for state reforms.

Beyond the support of traditional practice and the observable problems in current reported decisions, there are a number of fairly obvious policy considerations that make sex offense prosecutions a particularly appropriate area for adoption of clear, general rules of admissibility for similar crimes evidence. These include the strong public interest in admitting all relevant and probative evidence of guilt in such cases because of the typically secretive nature of such crimes—and the resulting lack of neutral witnesses in most instances—and because of the grave risk to the public if a rapist or child molester remains at large.

In cases involving adult victims, the issue of consent is a further reason. In violent crimes other than sexual assaults, there is rarely any colorable defense that the defendant's conduct was not criminal because of consent by the victim. The accused mugger, as a general proposition, does not claim that the victim freely handed over his wallet as a gift. In contrast, claims are regularly heard in rape cases that the victim engaged in consensual sex with the defendant and then falsely accused him. In such instances, knowledge that the defendant has committed rapes on other occasions is frequently of critical importance in assessing the relative plausibility of the victim's accusation and the defense's express or implicit claim of fabrication. *Cf. Velez v. State*, 762 P.2d 1297, 1302, 1306-07 (Alas. App. 1988) (recommending creation of exception to Rule 404 because of difficulty of resolving credibility conflicts in certain rape cases).

In child molestation cases, the importance of admitting similar crimes evidence is still greater. Such cases regularly present the need to rely on the testimony of child victim-witnesses whose credibility can readily be attacked in the absence of substantial corroboration. In such cases, the public interest in admitting all significant evidence that will illumine the credibility of the charge and any denial by the defense is truly compelling.

We also see little force in the objections that have typically been raised to rules like those proposed in section 231. The most common—and most fatuous—objection is that the type of evidence that would be admitted under these rules is merely evidence of the defendant's "character," and that such evidence is of such limited probative value that it is typically outweighed by a risk of prejudice to the defendant.

However, the proposed rules would not indiscriminately admit evidence which merely indicates in a general way that the defendant is a bad person, or the type of individual who is disposed to commit crimes. Rather, the admissible evidence would be limited to the defendant's commission of other offenses of the same type as the offense with which the defendant is charged (acts of sexual assault and child molestation). Under the sexual assault rule (proposed Rule 413), the evidence would be of other acts which indicate that the defendant has the unusual combination of aggressive and sexual impulses that motivate the commission of such crimes, and a lack of effective inhibitions against acting on such impulses. Under the child molestation rule (proposed Rule 414), the evidence would be of other acts which indicate that the defendant has a sexual or sado-sexual interest in children—a highly unusual type of desire or impulse that simply does not exist in ordinary people.

Where there is evidence that the defendant has such impulses—and has acted on them in the past—a charge of sexual assault or child molestation has far greater plausibility than if there were no evidence of such a disposition on the part of the defendant. The probative value of such evidence concerning the defendant's motivation or disposition is one ground supporting the proposed general rules of admission. *See generally The Admission of Criminal Histories at Trial*, 22 U. Mich. J. L. Ref. 707, 725-26 (1989); Cong. Rec. S3240-41 (March 13, 1991) (additional discussion of motivation rationale in analysis for President's violent crime bill).

Another ground is considerations of probability. For example, consider a rape case in which the defense attacks the victim's assertion that she did not consent, or represents that the whole incident was made up by the victim. If there is conclusive evidence that the defendant has previously engaged in similar acts—such as a prior conviction of the defendant for rape—then the defense's claim of consent or fabrication would normally amount to a contention that the victim made up a false charge of rape against a person who just happened to be a rapist. The inherent improbability of such a coincidence gives similar crimes evidence a high degree of probative value, and supports its admission in such a case.

As a second example, consider a case in which another woman testifies that the defendant raped her on a different occasion, though the defendant has not been prosecuted or convicted for that crime. If the defense concedes that the earlier offense occurred, then the case is essentially the same as the preceding one. If the defense disputes both the charged offense and the uncharged offense, this typically amounts to a claim that not just one but two women have made false charges of rape against the defendant. Here as well, the improbability of multiple false charges normally gives similar crimes evidence a high degree of probative value and supports its admission. *See generally* Cong. Rec. S3240-41 (March 13, 1991) (additional discussion of probability rationale in analysis for President's violent crime bill).

Finally, we reject as specious the argument that broad rules of admissibility for evidence of similar crimes by the defendant in sex offense cases are inappropriate or unfair because evidence of other sexual activity by the victim is usually inadmissible in such cases under the rape victim shield law (F.R.E. 412). In the ordinary case, inquiry by the defense into the past sexual behavior of the victim would show at most that she has engaged in some sexual activity prior to or outside of marriage—a circumstance that does not distinguish her from most of the rest of the population, and that normally has little probative value on the question whether she consented to the sexual acts involved in the charged offense. In contrast, evidence showing that the defendant has committed rapes on other occasions places him in a small class of depraved criminals, and is likely to be highly probative in relation to the pending charge. The difference in typical probative value alone is sufficient to refute facile equations between evidence of other sexual behavior by the victim and evidence of other violent sex crimes by the defendant.

Moreover, the rape victim shield law furthers two important policies: encouraging victims to report rapes and cooperate in prosecution by not requiring them to undergo public exposure of their sexual histories as a consequence of doing so, and safeguarding the privacy of rape victims. These policies are not implicated by rules concerning disclosure of past misconduct by the defendant. The defendant's cooperation is not necessary for prosecution. Moreover, violent sex crimes are not private acts, and the defendant can claim no legitimate interest in surpressing evidence that he has engaged in such acts when it is relevant to the determination of a later criminal charge. *See generally* Cong. Rec. S3241 (March 13, 1991) (additional discussion of same points relating to rape victim shield law in analysis for President's violent crime bill).

SEC. 232. RIGHT OF THE VICTIM TO AN IMPARTIAL JURY

Section 232 contains amendments that would safeguard the victim's right to an impartial jury in sexual violence cases and other cases. The Department of Justice supports enactment of these provisions.

Subsection (a) of section 232 amends Rule 24(b) of the Federal Rules of Criminal Procedure to equalize at six the number of peremptory challenges accorded to the prosecution and the defense in the selection of juries in felony cases. Currently, Rule 24(b) gives the prosecution and the defense equal numbers of peremptories in misdemeanor cases (3 each) and capital cases (20 each). However, in felony cases—including rape cases and other felony cases involving violence against women)—the defense is given 10 peremptory challenges and the prosecution is only given 6.

This means that the selection process in felony cases "is skewed in the direction of enabling the defense to select a jury that is biased in favor of the defendant and against the victim." Cong. Rec. S2207 (Feb. 21, 1991) (analysis for S. 472). Subsection (a) of section 232 would correct this imbalance.

Last year, the Senate passed a provision equalizing the number of prosecution and defense peremptories in S. 1970. Subsequently, the Advisory Committee on the Federal Rules of Criminal Procedure proposed such an amendment and, following the receipt of public comment, submitted the amendment to the Standing Committee on Rules of Practice and Procedure with a recommendation to forward it to the Judicial Conference and, if approved by that body, to the Supreme Court for adoption. However, that recommendation was rejected by the Standing Committee. There is accordingly a clear need for action by Congress to secure the enactment of this reform.

Subsection (b) of section 232 would redress another imbalance by providing that the defense lawyer in a federal criminal case cannot exercise peremptory challenges to exclude potential jurors on grounds that are prohibited to the prosecutor. In *Batson* v. *Kentucky*, 476 U.S. 79 (1986), the Supreme Court held that prosecutors cannot use peremptory challenges to exclude jurors on the basis of race. Decisions in some lower courts have extended this prohibition to exclusion based on certain other classifications, such as gender.

It is a controverted matter, however, whether like restrictions will be imposed on defense lawyers, either in relation to race or other classifications. A one-sided application of the *Batson* rule to exclusion based on gender, for example, would mean that a defense lawyer might be able to use his peremptories

to secure an all-male jury in a rape case, but the prosecutor would potentially be barred from using his peremptories to strike male jurors in order to obtain a more balanced jury.

The *United States* v. *DeGross*, 913 F.2d 1417 (1990), the Ninth Circuit Court of Appeals foreclosed this type of inequity in that circuit by holding that defense lawyers, as well as prosecutors, cannot use peremptory challenges to exclude potential jurors on the basis of gender. The provision proposed in section 232(b) would similarly provide, on a nationwide basis, that a defense lawyer cannot engage in discrimination that is prohibited to the prosecutor. It does not pre-judge what classifications, beyond race, are impermissible grounds for the exercise of peremptory challenges, but does ensure that any limitations that are recognized will apply evenhandedly to the defense and the prosecution.

SEC. 233. RULES OF PROFESSIONAL CONDUCT FOR LAWYERS IN FEDERAL PRACTICE

Section 233 proposes new standards of professional conduct for lawyers in federal practice. The analysis for S. 472 explains, Cong. Rec. S2207-09 (Feb. 21, 1991), that the proposed rules are not meant to be a comprehensive code of professional conduct. Rather, they focus on particular areas where there is a clear need for reform. The proposed rules are designed to provide an alternative in these areas to existing standards of professional responsibility, which are usually based on the American Bar Association (ABA) Model Rules of Professional Conduct.

The new rules would prohibit various common abuses by lawyers that thwart the search for truth, and that result in abuse, humiliation, and traumatization for victims and witnesses in sexual violence cases and other cases, without any offsetting justification in terms of the legitimate functions of advocacy. The rules would apply directly to the representation of clients in relation to federal proceedings, and would have broader import as a model for reform in state standards of professional conduct for lawyers. The Department of Justice supports the enactment of these important reforms.

Our comments on the particular standards proposed in section 233 are as follows:

Proposed Rule 2(a) generally prohibits lawyers from engaging in conduct for the purpose of increasing the expense of litigation for any person. This rule is responsive to the abuse of attempting to force an adverse party to concede, or to secure a more favorable outcome, by running up the other side's expenses. While legitimate conduct by lawyers in representing their clients incidentally has the effect of causing litigation expenses for adverse parties, it does not follow that lawyers should be free to seek tactical advantage by pursuing increased expense for others as an objective.

Rather, the proper principle, reflected in proposed Rule 2(a), is that "the fact that proceeding in a particular manner will make litigation more costly for an adversary cannot count as a positive consideration in a lawyer's decision whether to proceed in that manner." Cong. Rec. S2208 (Feb. 21, 1991) (analysis for S. 472). In other words, a lawyer should not engage in conduct that will make litigation more expensive for another unless he would have taken the same action, for legitimate independent reasons, in the absence of any hope or expectation that it would have such an effect.

Rule 2(a) properly includes a proviso that a lawyer may seek increased expense for another in the form of "a liability under an order or judgment of a tribunal." This makes it clear that the rule does not bar a lawyer from seeking a judgment for damages or other recovery on behalf of a client, or from seeking an order of a tribunal imposing monetary penalties on another person or party for misconduct or litigation abuse, such as a motion for sanctions under Fed. R. Civ. P. 11.

Proposed Rule 2(b) prohibits conduct that has no substantial purpose other than to distress, harass, embarrass, burden, or inconvenience another person. The analysis accompanying S. 472 explains this generally prohibits "malicious or petty acts whose only substantial purpose is to hurt others or make life more difficult for them. It is partially comparable to ABA Model Rule 4.4's strictures against acts having no substantial purpose other than to embarrass or burden a third person, but it adds explicit strictures against pointlessly distressing, harassing, and inconveniencing others." Cong. Rec. S2208 (Feb. 21, 1991).

Proposed Rule 2(c) prohibits a lawyer from offering evidence that he knows to be false or attempting to discredit evidence that he knows to be true. The prohibition of knowingly offering false evidence appears in existing standards of professional conduct, *see* ABA Model Rule 3.3(a)4). The prohibition of knowingly attempting to discredit truthful evidence is new. However the American Bar Association endorsed the same principle in the original version of its Standards for Criminal Justice, which provided that a defense lawyer or prosecutor "should not misuse the power of cross-examinaton of impeachment by employing it to discredit or undermine a witness if he knows the witness is testifying truthfully." ABA Standards, The Defense Function §7.6(b) (1974); ABA Standards, The Prosecution Function §5.7(b) (1974).

Rule 2(c) is responsive to the lack of standards under the current rules concerning efforts by lawyers to discredit or impeach truthful witnesses. The legitimate functions of advocacy including marshaling the evidence and arguments supporting a client's side of the case, and exposing weakness in the evidence and arguments of an adverse party. However, as the Supreme Court stated in *Nix* v. *Whiteside*, 475 U.S. 157, 166 (1986), the duty to advocate the client's cause "is limited to legitimate, lawful conduct compatible with the very nature of a trial as a search for truth." The principle that advocacy must be an aid to—and not an enemy of—the search for truth is most severely compromised when a lawyer engages in deliberate efforts to make a tribunal regard the true as false or the false as true. Such conduct raises Macaulay's question "whether it be right that a man should, with a wig on his head, and a band round his neck, do for a guinea what, without those appendages, he would think it wicked and infamous to do for an empire; whether it be right that, not merely believing but knowing a statement to be true, he should do all that can be done by sophistry, by rhetoric, by solemn asseveration, by indignant exclamation, by gesture, by play of features, by terrifying one honest witness, by perplexing another, to cause a jury to think that statement false.

The existing standards of professional conduct for lawyers effectively answer this question in the affirmative. They do prohibit a lawyer from offering evidence he or she knows is false, but they contain no corresponding prohibition of attempting to discredit evidence that the lawyer know to be true. In other words, the current rules countenance deliberate efforts by a lawyer to deceive a tribunal by making it appear that a witness is lying or mistaken, when the lawyer knows that the witness is telling the truth.

As the analysis statement for S. 472 notes, the concerns raised by this practice "go beyond its inconsistence with 'the very nature of a trial as a search for truth.' . . . Victims of rape and other highly serious crimes frequently report that the traumatic effect of their abuse by the criminal justice system is comparable to the traumatic effect of the crime committed against them. The efforts of defense counsel to portray the victim as a liar and perjuring criminal figure prominently in the accounts of why this is so." Cong. Rec. S2207 (Feb. 21, 1991).

Where there is a genuine issue concerning the veracity of the victim's accusations, the stress of having one's word called into question may be an unavoidable incident of the effort to discover the truth. No comparable justification exists, however, where the lawyer knows that the victim is telling the truth because his client has admitted to him that the allegatious are true, and the lawyer's investigation of the case shows no grounds to doubt the veracity of the client's admissions. In such a case, the lawyer's effort to discredit the victim is a cruel charade that is calculated to thwart the search for truth, and that gratuitously visits further suffering on the victim.

Proposed Rule 2(c) in section 233 would bar this abuse by prohibiting efforts to discredit evidence that the lawyer knows to be true, as well as perpetuating the existing prohibition of offering evidence that the lawyer knows to be false. The effect and rationale of the proposed rule are aptly described in the analysis accompanying the bill (Cong. Rec. S2208 (Feb. 21, 1991):

[Rule 2(c)] bars . . . efforts to discredit particular assertions in adverse testimony that the lawyer knows to be true, and efforts at general impeachment of the credibility of an adverse witness who the lawyer knows is telling the truth.

Standards of this type have sometimes been opposed on the view that a lawyer cannot assess or pass judgment on the truth or falsity of matters affecting the interest of his client, and should simply present the best case in favor of the client's position. However, this view, if valid, would be equally fatal to the current prohibition of presenting testimony or other evidence that the lawyer knows to be false. This existing prohibition also presupposes that a lawyer may know matters to be true or false, and may be ethically constrained on the basis of that knowledge.

Realistically, a lawyer often does know facts that implicate the standards of this rule. The client may admit facts adverse to his interest to the lawyer, and the lawyer's investigation of the case may show no grounds to doubt the veracity of the client's admissions. Or prior consultation with the client and the lawyer's investigation may foreclose any genuine doubt that certain damaging facts exist, and show that the client's contrary assertions represent an effort to fabricate a [false] claim or defense. *See, e.g., Nix v. Whiteside*, 475 U.S. 157 (1986).

In such circumstances, presenting evidence that denies these known facts, or attempting to discredit evidence that confirms them, would constitute a deliberate effort to deceive the tribunal. Conduct of this type by a lawyer impedes the search for truth without furthering any legitimate function of advocacy, and frequently involves gratuitous def-

amation and traumatization of truthful witnesses, particularly in sex offense cases. Paragraph (c) prohibits such actions by lawyers as unprofessional conduct.

The ABA has taken inconsistent positions at different times concerning the propriety of attempting to discredit evidence that a lawyer knows to be true. The original ABA Standards Relating to the Defense Function (section 7.6(b)) and the Prosecution Function (section 5.7(b)), which were adopted by the ABA House of Delegates in 1971, stated that a lawyer should not misuse the power of cross-examination "to discredit or undermine a witness if he knows that the witness is testifying truthfully." However, the revised ABA Criminal Justice Standard[s], adopted by the House of Delegates in 1979, retained this standard for prosecutors, but declined to state a corresponding standard for defense lawyers. Paragraph (c) reflect[s] the view that justice is due to victims and the public as well as defendants, and even-handledly prohibits this abuse by all lawyers.

An examination of the reasons underlying the ABA's endorsement of the principle of proposed Rule 2(c) in 1971, and the inadequacies of the reasons given for the ABA's change of position on this issue in 1979, substantiates the soundness of the proposed rule. The comment accompanying the 1971 version of Prosecution Standard 5.7(b) noted that this question was a subject of disagreement among lawyers, but that there was strong support for the position taken in the standard:

Essentially an "invention" of the common law system, the power to cross-examine adverse witnesses is a monopoly of lawyers and ought not be misused for destroying known truth . . . . Strong arguments were advanced by highly skilled and experienced trial advocates that if the cross-examiner knows that the testimony of a particular witness is true, he may not properly use this "monopoly power" he possesses as an officer of the court for a purpose alien to its avowed objective by using it to destroy or undermine truth. This is the view shared widely by most British barristers and judges.

The commentary accompanying the 1971 version of the corresponding standard for defense lawyers (Defense Standard 7.6(b)) included the following explanation:

Cross-examination and impeachment are legal tools which are a monopoly of licensed lawyers, given for the high purpose of exposing falsehood, not to destroy truth or the reputation of a known truthful witness. . . . A prosecution witness, for example, may testify in a manner which confirms precisely what the defense lawyer has learned from his own client and has substantiated by investigation. But defense counsel may believe that the temperament, personality or inexperience of the witness provide an opportunity, by adroit cross-examination, to confuse the witness and undermine his testimony in the eyes of the jury. A number of leading American and British trial lawyers consulted by the Committee believed that because lawyers are afforded a monopoly of the tools of cross-examination and impeachment in order to expose falsehood it is not proper to use those tools to destroy truth, or to seek to confuse or embarrass the witness under these circumstances.

Another example of a situation where restraint is called for would be where a witness whose testimony the lawyer believes to be truthful is subject to impeachment by revealing to the jury that the witness was convicted of a crime many years earlier. It was agreed that the use of conventional methods of impeachment against a witness who had testified truthfully so undermine the administration of justice that it should be avoided. . . .

There is added a public policy factor underlying restraint in use of impeachment powers vested in a lawyer. The policy of the law is to encourage witnesses to come forward and given evidence in litigation. If witnesses are subjected to needless humiliation when they testify, the existing human tendency to avoid "becoming involved" will be increased. . . .

When the ABA in 1979 repudiated this standard in relation to defense lawyers, while keeping it for prosecutors, the comment accompanying the standard for prosecutors (§3-5.7(b)) offered the following explanation:

Where the prosecutor knows that the testimony of the witness is accurate, paragraph (b) adopts the view that the power of cross-examination may not be invoked to destroy or undermine the truth. In this regard, it is believed that the duty of the prosecutor differs from that of the defense lawyer, who on occasion may be required to challenge known truthful witnesses of the prosecution in order to put the state to its proof.

However, this rationale for the change from the original defense function standards may be quickly disposed of, because it is untrue. Whenever the defendant declines to plead guilty, the government is automatically required to produce evidence at trial that persuades the tribunal of the defendant's guilt in order to obtain a conviction. The defense lawyer does not have to try to discredit prosecution witnesses who he knows are telling the truth in order to "put the state of its proof."

The historical note accompanying the revised standard for defense lawyers (§4-7.6) involved a more extended effort at justification:

Original paragraph (b) provided that defense counsel "should not misuse the power of cross-examination or impeachment by employing it to discredit or undermine a witness if he knows the witness is testifying truthfully." This standard has been changed to make clear that it is permissible, if necessary, for defense counsel to cross-examine vigorously witnesses who are believed or known to be testifying truthfully. There are some cases where, unless counsel challenges the prosecution's known truthful witnesses, there will be no opposition to the prosecution's evidence and the defendant will be denied an effective defense . . . .

Taken in the most obvious sense, this rationale is question-begging, because it presupposes that the notion of an "effective defense" includes deliberate efforts to make a tribunal disbelieve what a lawyer knows to be true. Any prohibited abuse—such as knowingly using false evidence, bribing the judge, or threatening jurors—might hold out the only realistic possibility of a successful defense in a particular case. Under any set of rules, there will be some cases that the defense cannot possibly win through conduct consistent with the rules. This is unobjectionable, since the object of the system is not to provide some possibility of the defense's winning in every case, but to achieve justice.

In essence, the stated rationale appears to be a version of what Bentham referred to in another context as the "fox hunter's reason"—the idea that the game must be played out and the defendant given a "fair chance" of beating the rap, even if nothing is legitimately in dispute:

The fox-hunter's reason . . . consists in introducing upon the carpet of legal procedure the idea of "fairness," in the sense in which the word is used by sportsmen. The fox is to have a fair chance for his life: he must have (so close is the analogy) what is called "law"—leave to run a certain length of way for the express purpose of giving him a chance for escape. . . . In the sporting code, these laws are rational, being obviously conducive to the professed end [of amusement]. . . . [T]o different persons, both a fox and a criminal have their use; the use of a fox is to be hunted; the use of a criminal is to be tried. . . .

The response to this point is that a criminal trial is not a game and that adversarial testing of evidence is not an end in itself. Rather, its purpose is to promote accurate fact-finding by the tribunal by exposing weaknesses in the evidence supporting a proposition whose truth is open to question. When the lawyer knows that the evidence is true, this purpose is not served, and efforts to discredit the evidence can only thwart the search for truth.

It might be objected nevertheless that efforts to discredit prosecution witnesses should always be allowed because adversarial testing of the government's evidence may disclose against all expectations that it is false, even if the client's admissions and the lawyer's investigation unequivocally support its truth. However, one could argue equally well that a lawyer should always be allowed to present any evidence—even where he knows that it is false, in his estimation—because it might turn out against all expectations to be true. In either case, this objection rejects the notion that the rules of advocacy should be rationally designed to promote the discovery of truth, and instead proposes to base them on the possibility of freak cases in which a generally bad practice may fortuitously have a good effect. It does not realistically point to any benefit that would offset the harm of routinely allowing deliberate efforts to thwart the truth-finding process, and pointless humiliation and traumatization of truthful witnesses.

Another objection might be based on the possibility of a case in which a defendant is caught in a web of suspicious—but misleading—circumstances such that a truthful defense would not be believed. In such a case, one could argue, the only recourse to prevent an unjust conviction might be an effort to discredit truthful prosecution witnesses.

The same point, however, could be used equally well to justify any other misconduct. In relation to any other prohibited abuse—such as fabricating false evidence, bribing an adverse witness not to testify, or stealing and destroying adverse evidence—cases might be imagined in which doing so would be the only effective means of getting off a factually innocent defendant for whom an honest defense would not work. The general response to this type of objection is that practices whose natural and normal tendency is to thwart the search for truth and defeat justice should not be permitted on the basis of the possibility that in a rare case they may have the opposite effect.

Another possible objection to proposed Rule 2(c) is that a lawyer may not be able to do anything to provide a defense in some cases if knowing discreditation of truthful witnesses is forclosed. This notion appears in the commentary to the revised ABA defense function standard concerning this issue (§4-7.6):

[T]here unquestionably are many cases where defense counsel cannot provide the ac-

cused with a defense at all if counsel is precluded from engaging in vigorous cross-examination of witnesses either believed or known to have testified truthfully. For example, where the defendant has admitted guilt to the lawyer and does not plan to testify, and the lawyer simply intends to put the state to its proof and raise a reasonable doubt, skillful cross-examination of the prosecution's witnesses is essential. Indeed, were counsel in this circumstance to forgo vigorous cross-examination of the prosecution's witnesses, counsel would violate the clear duty of zealous representation that is owed to the client.

The question raised by this rationale is why a lawyer should be trying to raise doubt in the minds of the members of a tribunal concerning matters that he knows to be true. The effort to deceive or mislead is not desirable in itself. As noted above, the government is automatically required to present evidence that persuades the tribunal of the defendant's guilt whenever the defendant elects to go to trial; the defense lawyer does not have to try to fool, confuse, or mislead the tribunal by discrediting truthful witnesses to enforce this requirement.

The reference in the quoted statement to the duty of "zealous representation" is also not germane in considering the reforms proposed in S. 472. Representation must be carried out within the boundaries established by the rules of professional conduct, and the question here is what those rules should be. Demanding "vigorous cross-examination" of witnesses who are known to be testifying truthfully transforms adversarial testing from a truth-finding device into an end in itself. An unwillingness to forego such gratuitous attacks on the credibility and intergrity of people who are telling the truth must depend on a strong addiction to "the fox hunter's reason."

Moreover, as noted above, cases will arise under any set of rules where there is little or nothing that a lawyer can do to avoid conviction of his client. The point is illustrated by the following facts: The future defendant-client enters a bank and points a gun at a teller and demands money. The crime is committed in full view of several witnesses and is recorded on the bank's video cameras. Police officers arrive on the scene and apprehend the robber in the act.

Even in such a case, a lawyer may find grounds for challenging or defending against the prosecution, such as a double jeopardy bar based on an earlier prosecution, or a defense of insanity. If no such grounds appear, however, the lawyer's likely course—under the current rules no less than those proposed in S. 472—is to advise the defendant to plead guilty, and to inform him candidly that there is little or nothing that the lawyer will be able to do for him if he chooses to go to trial. The objection that the defense lawyer would have "nothing to do" at trial in such a case has no force, because it is not an objective of the system to ensure that the defense lawyer will have "something to do" in that sense in every case.

A further objection would seek to distinguish the current rule barring knowing use of perjury from the proposed new prohibition of Rule 2(c) on the ground that perjury is a crime, and a lawyer who colludes in it commits the crime of subornation of perjury. In contrast, attempting to discredit evidence that is known to be true is not a crime.

However, the rules of professional conduct may properly impose higher standards than the minimum set by the criminal law. Moreover, there is an underlying reason why the law prohibits perjury: because it impairs the truth-finding process and increases the risk of unjnst results. Deliberate discreditation of truthful evidence threatens the same evils, and should be prohibited for the same reasons. The absence of other legal prohibition of this abuse makes it particularly important that such a provision be included in the new standards of professional conduct proposed in S. 472.

Finally, we would note that legitimate defense advocacy encompasses a wide range of essential functions that are unrelated to the abuses prohibited by Rule 2(c). These include counseling the defendant concerning his legal rights and options; advising the defendant concerning the advisability of a guilty plea, and ensuring that any plea that is given adequately reflects the defendant's interests; challenging departures from legal requirements in the processes of investigation and prosecution; bringing out any real weaknessca, gaps, or ambiguities in the government's evidence; marshaling and presenting evidence supporting affirmative defenses; arguing inferences from the evidence and the formulation of jury charges; similarly advocating the defendant's case in relation to the penalty in case of conviction; and pursuing claims of error on appeal. Excising the abuses prohibited by Rule 2(c) would not impair the rule of defense counsel, but would enhance that role by focnsing it more consistently on its legitimate functions.

While we see no reasonable objection to the standard of Rule 2(c), we would suggest including an additional rule that would further enhance the value of the proposed reform. Under the current rules, lawyers may circumvent the prohibition of presenting false testimony by refraining from questioning the client concerning the circumstances of the alleged offense. By this means, a lawyer may tell himelf that he is not in a position to "know" whether testimony that will be given by the defendant or other apparently exculpatory evidence is false, and hence is not ethically constrained in presenting it.

The same practice of willful ignorance might be used by some lawyers to circumvent the obligations under proposed Rule 2(c). Moreover, this practice is unacceptable from the standpoint of the defense lawyer's essential function of protecting the innocent, since a lawyer who does not ask his client what happened may fail to discover legitimate grounds of defense or mitigation. *See* ABA Standards for Criminal Jnstice §4-3.2 and Comment.

Hence, we would suggest including in the standards proposed in section 233 of S. 472 a rule establishing a duty of inquiry in relation to the client. In essence, such a rule could provide that a lawyer shall attempt to elicit from the client a truthful account of the material facts concerning the matters in issue. We would be pleased to work with interested Members of Congress in formulating such a provision.

Proposed Rule 3 in section 233, entitled "Expediting Litigation," is responsive to the dilatory tactics of lawyers which are commonplace under the current rules. The underlying rationale is aptly stated in the analysis for S. 472 (Cong. Rec. S2208 (Feb. 21, 1991)):

> In rape cases and other criminal cases, for example, lawyers can and do make efforts to slow down the progress of litigation in the hope that witnesses favorable to the other side will become unavailable, that the memories of such witnesses will become less certain or more subject to impeachment by the time of trial, or that the victim will be sufficiently frustrated and traumatized by repeated delays that the case will be dropped.
>
> These abuses are antithetical to the search for truth. Their impact on the lives of victims, particularly sex crime victims, are an equally grave concern: "victims . . . are burdened by irresolution and the realization that they will be called upon to relive their victimization when the case is finally tried. The healing process cannot truly begin until the case can be put behind them. This is especially so for children and victims of sexual assault or any other case involving violence." *Report of the President's Task Force on Victims of Crime* 75 (1982).
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> The rules proposed in this section . . . make it unequivocally clear that a lawyer is not permitted to pursue such objectives as . . . bringing about the loss or deterioration of another party's evidence through delay, or gaining some other advantage over another party as a result of the distress or hardship caused by prolonged proceedings.
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> Paragraph (a) in proposed Rule 3 states the general principle that a lawyer shall seek to bring about the expeditions conduct and conclusion of litigation. This may be compared to ABA Model Rule 3.2, which similarly states a general obligation to attempt to expedite litigation. However, proposed Rule 3 also spells out more definite obligations in paragraph (b). The analysis for S. 472 provides the following explanation (Cong. Rec. S2208 (Feb. 21, 1991)):
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> Paragraph (b) of Rule 3 specifically prohibits efforts to delay or prolong litigation for illegitimate purposes. Subparagraphs (1) and (2) preclude such efforts where, for example, they are motivated by the hope or expectation that witnesses helpful to an adverse party will become unavailable, or that such witnesses' memories will become less certain or more subject to impeachment if proceedings are delayed. Subparagraph (3) prohibits efforts to secure other advantages arising from the expense, frustration, distress, or other hardship that is caused by prolonged or delayed proceedings—for example, trying to win by depleting an adverse party's financial resources for litigation, or attempting to wear down an adverse party or secure a favorable settlement through the distress or hardship caused by prolonged litigation.
>
> The underlying principle of this Rule's stricture against delaying or prolonging proceedings for illegitimate purposes is analogons to that of proposed Rule 2(a)'s general stricture against seeking to increase another party's litigation expenses: While legitimate conduct by lawyers in representing their clients may incidentally have the effect of delaying or prolonging proceedings, it does not follow that lawyers should be free to seek tactical advantages by pursuing the delay or prolongation of proceedings.
>
> Rather, the proper principle is that the objectives prohibited by proposed Rule 3(b) cannot count as a positive factor in a lawyer's decision whether he will take some action that will delay or prolong litigation. A lawyer should not engage in conduct that will delay or prolong litigation unless he would have done the same thing, for independent legitimate reasons, in the absence of any hope or expectation that it would result in the loss or deterioration of another party's evidence, or produce some other advantage because of resulting expense, frustration, distress, or hardship.

Proposed Rule 4 concerns a lawyer's duty to prevent the commission of crime, where doing so requires disclosure of information received from the client. The ABA Model

Code of Professional Responsibility, which preceded the current ABA Model Rules of Professional Conduct, provided that a lawyer could disclose the client's intention to commit any crime, and other information necessary to prevent the commission of the crime.

However, the current ABA Model Rules (Rule 1.6(b)(1)) provide only that a lawyer may reveal information "to prevent the client from committing a criminal act that the lawyer believes is likely to result in imminent death or substantial bodily harm." In other words, a lawyer "is not permitted under the current ABA standards to make disclosures necessary to prevent the commission of such crimes as child molestation, arson, espionage, blackmail, or defrauding a person of his life's savings, so long as the lawyer does not believe that the offense threatens imminent death or bodily injury. Moreover, under [the current ABA] standards a lawyer is never *required* to make such a disclosure to prevent the commission of a crime, regardless of its seriousness—even such crimes as rape or murder." Cong. Rec. S2208 (Feb. 21, 1991) (analysis for S. 472).

The bar disciplinary codes in most states reject the narrow approach of the ABA Model Rules, and provide much broader or unrestricted authorizations of disclosure to prevent the commission of crimes. A number of states go further and *mandate* disclosure where necessary to prevent serious unlawful conduct. *See, e.g.*, Fla. Rule 4-1.6(b)(1) (lawyer shall reveal information to extent necessary to prevent client's commission of a crime); N.J. Rule 1.6(b)(1) lawyer shall reveal information to extent necessary to prevent client's commission of criminal, illegal, or fraudulent act likely to result in death or substantial bodily harm or substantial injury to the financial interest or property of another).

Proposed Rule 4 in section 233 of S. 472, like the rules of most states, strikes a better balance than the ABA Model Rules between the interest in confidentiality and countervailing considerations of fidelity to the law and respect for the rights of others. It authorizes disclosure to the extent necessary to prevent criminal or unlawful acts, and requires disclosure as required by law and as necessary to prevent violent crimes or crimes of sexual assault or child molestation.

SEC. 234. STATUTORY PRESUMPTION AGAINST CHILD CUSTODY

Section 234 of S. 472 contains a non-binding resolution expressing the sense of Congress that states should recognize a presumption that awarding custody of a child to a parent who engages in physical abuse of his spouse is detrimental to the child. The supporting policy considerations are set out as findings in the section. The Department of Justice supports this resolution.

SEC. 235. FULL FAITH AND CREDIT FOR PROTECTIVE ORDERS

Section 235 concerns full faith and credit for protective orders. The section states that protective orders are to be accorded the same full faith and credit in the courts of any state that they would have in the courts of the issuing state, and are to be enforced in any state as if issued in that state. "Protective order" is defined to include any order prohibiting or limiting violence against, harassment of, contact or communication with, or physical proximity to another person. "State" is defined by cross-reference to 18 U.S.C. 513(c)(5), and accordingly includes states, the District of Columbia, and all territories and possessions. The Department of Justice supports enactment of this provision.

SEC. 236. HIV TESTING AND PENALTY ENHANCEMENT IN SEXUAL ABUSE CASES

Section 236, concerning HIV testing for sex offenders and penalty enhancement for certain HIV-infected sex offenders, is virtually the same as section 806 of the President's violent crime bill (S. 635). The Department of Justice strongly supports the enactment of this provision.

The trauma of victims of sex crimes may be greatly magnified by the fear of contracting AIDS as a result of the attack. In section 1804 of the Crime Control Act of 1990, Congress created a funding incentive for the states to require HIV testing of sex offenders and disclosure of the test results to the victim, but did not enact any comparable requirement for federal sex offense cases. Proposed 18 U.S.C. 2247(a)-(d) in section 236 of S. 472 would correct this omission by requiring HIV testing, and appropriate disclosure of test results, in federal sex offense cases involving a risk of HIV transmission. A more detailed explanation of the proposed provision appears in the analysis for the President's violent crime bill (S. 635), Cong. Rec. S3242-43 (March 13, 1991).

The formulation of proposed 18 U.S.C. 2247(d) in S. 472 is different in one respect from the corresponding provision in S. 635. The President's bill provides that the results of HIV tests on the defendant are to be disclosed by the judicial officer or court to the victim (or victim's parent or guardian), the prosecutor, and the person tested. S. 472 provides that test results are to be disclosed *only* to such persons. The formulation in S. 472 is unduly restrictive, since disclosure to other persons may be warranted, including disclosure to the victims of other rapes or child molestations committed by the defendant, but for which he has not been formally charged; disclosure to the probation officer who prepares the presentence report and to the sentencing judge as relevant to sentencing, *see* proposed 18 U.S.C. 2247(e) in section 236 of S. 472; disclosure to jail or prison authorities who may need to make arrangements for medical treatment of the offender; and disclosure to administrative personnel for the purpose of compiling criminal justice statistics concerning the incidence of HIV infection among charged sex offenders. We accordingly recommend deleting the word "only" in proposed 18 U.S.C. 2247(d).

Proposed 18 U.S.C. 2247(e) in section 236 directs the Sentencing Commission to provide enhanced penalties for offenders who know or have reason to know that they are HIV-positive and who engage or attempt to engage in criminal conduct that creates a risk of transmission of the virus to the victim. This requirement reflects the higher degree of reprehensibility and depravity involved in the commission of a crime when it risks transmission of a lethal illness to the victim, and the exceptional dangerousness of sex offenders who create such a risk to the victims of their crimes. In such cases, increased penalties are warranted for incapacitative, deterrent, and retributive purposes.

SEC. 237. PAYMENT OF COST OF HIV TESTING FOR VICTIM

Section 503(c)(7) of the Victims' Rights and Restitution Act of 1990, enacted as part of the Crime Control Act of 1990, currently provides that a federal government agency investigating a sexual assault shall pay the costs of a physical examination of the victim, if the examination is necessary or useful for investigative purposes. Section 237 of S. 472 extends this provision to require payment for up to two HIV tests and related counseling for the victim. A similar amendment appears in section 807 of the President's violent crime bill (S. 635). The Department of Justice supports enactment of this provision.

SUBTITLE E: NATIONAL TASK FORCE ON VIOLENCE AGAINST WOMEN

Subtitle E of S. 472 would establish a National Task Force on Violence against Women. The Task Force would consist of up to ten members appointed by the Attorney General, and would be chaired by the Attorney General or his designee. It would include representatives of state and local law enforcement, the state and local judiciaries, and groups concerned with the protection of the rights of victims. Its general mandate would be to recommend law enforcement strategies for protecting women against violent crime, prosecuting and punishing persons who commit such crimes, and enhancing the rights of victims of such crimes. The Task Force would issue a report and terminate after a year, but the Attorney General would have the option of extending its existence for up to an additional year.

Within the past ten years, there have been a number of national advisory or study groups that have addressed important aspects of the issue, including the President's Task Force on Victims of Crime, the Attorney General's Task Force on Family Violence, the Attorney General's Commission on Pornography, and the Attorney General's Task Force on Violent Crime. There are also task forces or commissions in a large number of states concerned with this area or related issues. Moreover, the subject of violence against women is currently receiving intensive consideration in Congress, and important reforms in this area are proposed in S. 472 itself and in the President's violent crime bill (S. 635). We accordingly have doubts whether the creation of the proposed task force is warranted at this time.

If such a body were created, however, we believe that S. 472's provisions take a sound approach in specifying its composition and defining its mission. As a body concerned with a violent crime problem, the proposed task force is properly placed within the responsibility of the Attorney General. Its operation would be similar to various earlier national bodies, concerned with related issues, that were convened by the Attorney General or operated with the support of the Department of Justice. In defining the Task Force's mission, S. 472 properly specifies that it is to build on the work of earlier national commissions and task forces and the corresponding bodies at the state level. The proposal also properly indicates that the Task Force is to focus primarily on more effective law enforcement measures in dealing with this violent crime problem.

We also believe that this proposal is strongly preferable to the corresponding proposal in subtitle D of title I of S. 15 for the creation of a "National Commission on Violent Crime Against Women." The Department's objections to the Commission proposed in S. 15 are more fully set out in our separate letter on that bill.

* * *

In sum, the Department of Justice regards the criminal law reform provisions of S. 472 as an important step forward in enhancing the security of the public against sexual violence, child molestation, and other violent crimes. A number of these provisions would bring about fundamental improvements in

the efficacy of law enforcement and the criminal justice process. The Department of Justice strongly recommends favorable action on these provisions by Congress.

The Office of Management and Budget advises that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

W. LEE RAWLS,
Assistant Attorney General.

THE ABM TREATY IS OBSOLETE

Mr. HELMS. Mr. President, the ABM Treaty was signed on May 26, 1972, almost 19 years ago. But the world today is far different from the world of 1972.

The United States, Europe, the Soviet Union, and Japan are now all threatened by intermediate range ballistic missiles carrying chemical, biological, or even nuclear weapons of mass destruction.

As the world witnessed during Desert Storm, when an aggressor nation, Iraq, began firing Soviet-supplied, intermediate range, modified Scud missiles with conventional warheads at its neighbors, Israel and Saudi Arabia, every nation feels threatened. Saddam Hussein launched about 85 of his Soviet-supplied Scud missiles at his Israeli and Saudi neighbors, and at American and allied forces in Saudi Arabia.

Mr. President, if it had not been for the Patriot air defense missile, we would have had no defense against Saddam's Scuds, and he had the capability to launch Scuds carrying chemical and even biological weapons of mass destruction. Without the Patriot, we could easily have lost tens of thousands of American fighting men, and tens of thousands of Israeli and Saudi innocent civilians.

But, thank the Lord, the Patriots intercepted, deflected, or destroyed most of these Iraqi Scuds.

We must remember, however, that the Patriot was never intended, nor developed, to shoot down ballistic missiles such as the Scud. The Patriot was designed to shoot down aircraft. That the Patriot was able to do such an effective job in intercepting the Iraqi Scud is a tribute to American technological ingenuity.

Why was the Patriot not designed to intercept ballistic missiles? Because the ABM Treaty was interpreted by the United States as prohibiting the development of air defense missiles capable of intercepting ballistic missiles.

In contrast, Mr. President, the Soviets gave their SAM-5, SAM-10, and SAM-12 surface-to-air missiles the capability to intercept ballistic missiles, in violation of the ABM Treaty. The Soviets also have the Moscow antiballistic missile system, the only ABM system in the world, are mass-producing ABM interceptor missiles, ABM-capable SAMs, and their radars, and are deploying an emerging illegal nationwide ABM defense.

Moreover, the Soviet Krasnoyarsk radar, which, by the way, the Soviets are trying to keep unless the United States makes further concessions in START negotiations, has finally been admitted by even the Soviet foreign minister to be a clear violation of the ABM Treaty.

But the world of 1972, when the ABM Treaty was signed, did not envision that a host of Third World nations would one day possess both of these weapons of mass destruction—and the means to deliver them at intermediate ranges. Now such rogue nations as Libya, Syria, Iran, and North Korea have enormous numbers of Scuds, plus the chemical and biological weapons of mass destruction they can deliver. These same nations, as well as others, are also developing nuclear warheads.

Mr. President, how many people realize that during the past 2 years, the Soviet-backed Nadjibullah regime in Kabul, Afghanistan, has fired thousands—yes, thousands—of Soviet-supplied Scuds at the Mujahidin freedmon fighters in Afghanistan, and even at targets well inside Pakistan? I wish that, in addition to supplying Stinger antiaircraft missiles to the Afghan freedom fighters, we could equip them with Patriots.

Mr. President, the Senate Foreign Relations Committee conducted a hearing this morning on the Global Protection Against Limited Strikes [GPALS] system being designed to defend the United States and its allies from intermediate range Scud missile attacks carrying warheads of mass destruction from rogue nations. GPALS is intended to be the first phase of the President's strategic defense initiative.

Some members of the committee and some witnesses argue that for the United States to develop, test, and deploy GPALS would violate their narrow interpretation of the ABM Treaty—just as many of these same people used the ABM Treaty in the 1970's, successfully, to hamstring and limit the capabilities of the Patriot against ballistic missiles. Their narrow interpretation of the ABM Treaty has never been the correct interpretation of the treaty, despite what their propagandists in the media assert.

But the ABM Treaty has been severely violated by the Soviets. Just look at their Krasnoyarsk radar. Moreover, the world today is a far more dangerous place than it was in 1972, because many more nations today have the ability to threaten to use weapons of mass destruction at intermediate ranges.

America vitally needs to develop, test and deploy GPALS, not only to defend our homeland and our troops stationed abroad to defend our interests, but also to defend our allies. If the ABM Treaty is allowed to prevent us again from providing for "the common defense," as the U.S. Constitution directs us to do, then we are in serious danger. The Soviets have not allowed the ABM Treaty to stand in the way of their own development, testing, and deployment of illegal nationwide ABM defenses, and we should not either.

If deploying GPALS requires that we negotiate with the Soviets to modify the ABM Treaty, or replace it with a brandnew nuclear and space treaty, then so be it.

But our future safety, and the safety of our children and grandchildren, require that we have GPALS.

TRIBUTE TO HAROLD ROSENN, ESQ.

Mr. SPECTER. Mr. President, on Thursday, May 2, 1991, the Greater Wilkes-Barre Society of Fellows, Anti-Defamation League of B'nai B'rith, will present its Distinguished Community Service Award to Harold Rosenn. It will not be the first such award Mr. Rosenn has received, nor is it likely to be the last. In a life dedicated to improving the lot of his fellow human beings, he has received many such awards.

Mr. Rosenn is one of those persons who all too rarely are gifted upon a community, a selfless individual who finds true satisfaction in life in helping others. Again and again, he has given of his time, his energy, and his considerable talent toward this noblest of all ends.

For more than four decades, he has labored assiduously on behalf of a wide range of organizations within his community, his State and the Nation.

He has served as a member of the Pennsylvania Crime Commission and the Governor's Justice Commission; as both president and member of the Pennsylvania Council of the National Council on Crime and Delinquency; and as a board member of the National Council on Crime and Delinquency.

Mr. Rosenn has served as president and board member of the United Way of Wyoming Valley and currently serves as chairman of the Endowment Committee.

He has served on the board of College Misericordia, Dallas, PA, and is currently a director emeritus. He is chapter chairman of the Wyoming Valley Chapter of the American Red Cross and a 10-gallon blood donor.

These reference to his service represent but a small portion of the effort Mr. Rosenn has expended over the years. He truly epitomizes the spirit of altruism, the desire to serve others and not one's self.

It is fitting, then, that the U.S. Senate take note of Mr. Rosenn's contributions to his community and to congratulate him as he receives this prestigious award.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The Chair now informs Senators that morning business is closed.

CONCURRENT RESOLUTION OF THE BUDGET FOR FISCAL YEARS 1992, 1993, 1994, 1995, AND 1996

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 29) setting forth the congressional budget for the United States Government for fiscal years 1992, 1993, 1994, 1995, and 1996.

The Senate resumed consideration of the concurrent resolution.

Pending:

Moynihan Amendment No. 74, to reduce the current Social Security contribution rates and place Social Security on a pay-as-you-go basis.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. SASSER. Mr. President, the distinguished ranking member of the Budget Committee, Senator DOMENICI, is necessarily absent for a few moments this morning. I have been advised by his staff that it would be proper for me to yield time to Senator BENTSEN to speak against the Moynihan amendment and have the time charged against the minority.

So at this time, I ask unanimous consent that such time as Senator BENTSEN may consume be yielded to him and charged against the minority.

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

The Senator from Texas is recognized.

Mr. BENTSEN. Mr. President, I believe this vote, which will be cast today on the Moynihan amendment, is one of the most important votes the Members of this body will cast this year. It is going to have profound implications, on the safety and the security of the trust funds for some 40 million disabled and retired beneficiaries and their families, and for all American workers and businesses because if this amendment is adopted, the Senate will have laid the groundwork for a reduction in the Social Security trust fund reserves that I believe is going to seriously undermine the faith of the American public in the Social Security system and the strength of the national economy that supports that system.

Mr. President, one of the points that has been made by my distinguished colleague from New York was the fact that he was giving a tax cut to lower income people and that he was going to raise the taxes on higher income people. But as I understand it, he has now changed his amendment. The change is that it now does not raise the wage base that will be subjected to the additional taxes. When he makes that change, I think he loses the thrust of his argument that the amendment achieves something that might give us a better balance in our taxes.

The CBO tells me that there would be at least a $20 billion increase in the deficit under that procedure. It also tells me that 23 percent of the tax savings go to the top 10 percent of the income class; that 40 percent of it would go to the top 20 percent of the income class. I think that makes a profound difference in the type of an amendment that he is proposing.

Mr. President, if you will excuse me a moment, I would like to go over to some charts and explain a graphic presentation of what is happening in this proposal.

Mr. President, what we are looking at here is what has happened to those reserves from 1970 to 1990. And we will see that there was a drastic reduction in the reserves taking place from 1970 to 1977, 1980, and then finally in 1983.

In 1983, we ended up with a situation that really terrified a lot of people who were on Social Security, many of the people whose only income was a Social Security payment. That was the only thing they were living on in retirement. At that point, we saw the reserves get down to where we had only 1 month of reserves. That is when we had a bipartisan effort on the part of the Congress and the administration to turn that situation around. That is when we began to build back adequate reserves to try to prevent that kind of situation.

At the present time, we have built the fund back up to a 10-month reserve, and most of the people who have testified before our committee have felt that we ought to have something that approaches a year-and-a-half in reserves.

Let me show my colleagues what would happen insofar as the implementation of S. 11 as it was originally proposed. Now that it has been changed, the Social Security fund would be somewhat in more danger than is shown here.

This is a conservative estimate done by the Social Security actuaries as to what would happen with this kind of a cut in collection for the Social Security funds. Here is the type of increase in reserves that you would have under the present law. But if you had a recession that was comparable to the present recession, and another that is milder than the recession that preceded this one, we would see a bankruptcy of the reserves for Social Security that would take place by the year 2005. As we now understand the modifier amendment that has been presented by the Senator from New York, that would move that bankruptcy 2 years sooner. It would happen in the year 2003.

Let us look at the tax cut that the Senator is talking about. If we are talking about the tax cut for the next 3 years to an average income person making between $20,000 and $30,000 a year, this is what it amounts to, something between $2 and $3 a week in his weekly paycheck. It means that he will be able to buy probably three cups of coffee a week. He might be able to get it on Monday, Wednesday, and Friday. The facts are that the wage earner is not very impressed with that kind of a cut or that kind of an increase in his weekly wage, but he is deeply concerned about what that may mean for the stability and the security of the trust fund for Social Security.

On CBO figures, this chart shows what happens on interest rates. It shows that if S. 11 went into effect—and once again let me say that it is going to be worse than these numbers by reason of the new change which the Senator from New York has made to S. 11—it shows interest rates going up. Under the current law, this is what happens to interest rates. If we use his amendment, then interest rates go up to this kind of a number, a dramatic increase in interest rates which obviously slows down growth in the economy.

The effect on gross national product, and the increase in that gross national product, under current law, would be at this level shown by the blue line on the chart.

Under S. 11 you would see the GNP increase cut almost in half. And let me emphasize what gives the best security of all to Social Security is having a growing national economy. This amendment would be an impediment to that.

Let us look at what it does to the GNP per capita growth per year, again under the CBO estimates.

Here is what it would be under the current law. This is what happens to GNP per capita growth under the CBO estimate in the enactment of S. 11. It drops to about 20 percent of the per capita GNP growth that we can expect under present law.

Mr. President, let me emphasize again what we are talking about here is a prudent, a conservative approach to what could happen to the economy. These are plausible things that could happen because, once again, we are talking about a recession that is comparable to the one we are in and one that would be even milder than the one we had preceding this last one, and that happening in the next 10 years.

I think it ends up as a disaster for the Social Security fund.

Mr. President, last year the Finance Committee held three hearings on the proposal to cut the Social Security payroll tax. The most important message I took away from those hearings was an overwhelming concern for the building and maintenance of an adequate level of reserves in the Social Security fund.

We heard from the National Council of Senior Citizens which told the committee that Social Security should have a reserve level of 125 to 150 percent, which means a reserve equal to at least 15 to 18 months' benefits.

Robert Ball, the Commissioner of Social Security under three Presidents—Kennedy, Johnson, and Nixon—told the committee that for complete safety, and to be sure you do not have to raise taxes when you do not want to, you need those reserves up to 150 percent.

Let me quote the testimony of the American Association of Retired Persons. AARP called it "imperative" to protect benefits from cyclical economic fluctuations and called for a reserve level of 150 to 200 percent of annual outlays or reserves equal to 1½ to 2 years' of benefits.

This level of reserves, they said, "is the minimal level necessary to protect benefits in the event of serious economic downturn similar to those experienced in the early 1980's."

That position was reiterated in a statement issued just recently when the AARP stressed that:

> The reserve in the OSDI trust funds is not now at a level sufficient to protect the system and its beneficiaries from short-term cyclical economic conditions.

In my view, the amendment we are now considering would fail to protect Social Security from the kinds of short-term economic downturns we have seen time and time again in the past. If we are going to err in the situation, let us err on the prudent side, that is, err on the side that we want to be sure these savings do not turn to dust when a person reaches retirement age.

Mr. President, it is not just those already retired. It is not just the 40 million now receiving Social Security benefits. It is young people who are putting in their tax money and wanting some assurance that when they reach retirement the money is going to be there.

What you are going to see, of course, is a situation where, as the years go by, you are going to have a higher percentage of people on retirement and a lower percentage of people paying that tax which goes into those funds to secure them. We have to look forward to that day and not cop out at a time like this in meeting our obligations by trying to pass it on to future generations.

When we look at what the amendment would do to Social Security using those conservative assumptions, we see the trust fund reserves topping out at 94 percent in 1993 and then heading downhill fast. By the year 2000, the Social Security trust funds would only have 5 months' benefits in reserve. The combined assets of the retirement and disability trust funds would be exhausted in the year 2003. So I believe the amendment is simply deficient in what it is seeking to do.

I would remind Senators of the very dark period in the history of Social Security which the American people experienced less than a decade ago. At that time it was with Social Security deficits, not surpluses, that we were concerned to the point we agreed to the 1983 amendments, turning the situation around and seeing that those trust funds would build up.

Not surprisingly, at that time the American public began to lose faith in the system, and it is not an exaggeration to say the system was in a state of severe crisis. The situation is better today, but the full faith of the American worker has not been restored. Polls tell us, after decades of expressing a very high level of confidence in the safety of the system, the public lost that confidence in the 1970's and the early 1980's, and only in the mid-1980's did that confidence begin to return.

But after these years of building reserves, nearly half of today's workers still do not believe the Social Security system will be able to pay them a benefit when they retire. Let us not now take an action that will devastate the building of confidence that is taking place.

Is this a time to cut those kinds of revenues when nearly half of working Americans are still concerned about the future of the system? I think the answer is an obvious no.

Proponents of the tax cut seem to believe the American public is clamoring for a Social Security tax cut, but the weight of evidence is on the other side. If they are talking about a tax cut, the tax cut they are talking about is in income tax, not the Social Security tax.

A Peter Hart poll found that by a 53- to 39-percent majority, the public opposed a rollback of the Social Security tax increase that took effect in January 1990. A similar Yankelovich finding showed the margin of opposition was more than 2 to 1.

In answer to a question about these tax cut preferences, once again they preferred an income tax cut to a Social Security payroll tax cut by a margin of 78 to 14, and that was a CBS/New York Times poll.

Let us talk a little more about this payroll tax and what it would do to the income of the American worker. When you look at those macroeconomic studies done by CBO, the Congressional Research Service, or the Brookings Institution, you find much the same outcome: the payroll tax may provide a very slight stimulus in the short term, but then it begins to fade very rapidly. The long-term effects are unequivocally harmful to the American economy. Any short-term stimulus will be quickly overwhelmed by a strong force of falling savings, rising interest rates, and declining investment put in motion by deeper deficits.

Mr. President, we spent four of the most arduous and difficult months I have ever experienced in the negotiations that took place on the budget last year, and when we finally finished we figured we had cut that budget deficit for the future, for the next 5 years, by some $500 billion. To do that, we did some things that were very painful. We cut Medicare by $45 billion over the next 5 years. Now, after going through all of that arduous process, do we then turn around with this kind of a measure and blow away over $200 billion of those savings? That is what we are talking about—adding that much more to that deficit we worked so hard to try to cut down.

Given all these reasons why not to enact this change in the payroll tax, what is the strongest argument of the proponents? Social Security tax, they say, is regressive. If you separate Social Security taxes from the benefits, then I think that argument has some validity. For most workers, the tax is proportional to earnings. However, the 6 percent or so of earners who are above the Social Security maximum pay the same tax as those who are at the maximum.

But to be fair, the system should be looked at as a whole. When you look at the taxes and the benefits together, you see that under Social Security, with its weighted IRS benefit formula, lower paid workers get considerably more protection in relation to their contributions than those with higher earnings.

The proportion of families who pay more in Social Security than income taxes is, moreover, nowhere near the three-quarters the proponents of the tax cut have claimed. That number included taxes businesses pay. They do not tell you that, but that includes taxes businesses pay, and the percentage is overstated even so.

The Social Security Research Office has estimated that 21 percent of all families pay more in Social Security than they do in income taxes; 21 percent. Even that statistic is somewhat misleading.

The reason these families pay more in Social Security than in income taxes is that the income tax laws attempt to offset the regressivity of Social Security. We worked on that last year by cutting the taxes for those people earning under $21,000, and we increased the taxes on the higher earners in the country. We did it to help offset the regressivity of Social Security by such things as lower rates, the standard deduction, the personal exemption, and the earned income tax credit.

Every time we change the tax laws to make the income tax more progressive, we automatically increase the number of people who pay less income tax than Social Security. That is not a bad thing; that is a good thing. That is

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what we set out to do last summer. We accomplished it.

Let us look at the arguments that Social Security funds are being stolen to meet needs that should be financed by the income tax. Social Security trust funds are not being stolen. Every dollar collected in Social Security tax is deposited to those trust funds, where it earns interest until Social Security needs it.

If we put the reserves in Government securities, are we to say that those Government securities are valueless? We are talking about the safest securities in the world today. Are we going to say to the Japanese: Do not buy our securities anymore; they are not worth anything? Are we going to say to the Germans: Do not buy the kind of securities we are putting in the trust fund for Social Security because they have no value? Of course they do.

If they had no value, our whole system goes down. CBO has done a comprehensive cost estimate showing that it is the tax cut which will steal from Social Security. S. 11 will take $216 billion out of the trust funds over the next 5 years. Of that total, only $91 billion represents a tax cut for workers. An additional $91 billion is a tax cut for corporations, and $33 billion is the amount of interest that would have been lost to the Social Security trust fund.

The working man and women can be assured their Social Security contribution is going into the safest investment this Nation has. Those U.S. Treasury notes have the full faith and credit of the United States behind them. When the money is needed to pay the benefits, the American workers should have no doubt that it is going to be there.

I think it is vitally important that we continue to build up the Social Security trust fund reserves. In my view, the Congress should not even consider a measure to reduce reserves before it actually reaches a reserve level of 150 percent. That will occur by 1995, under current intermediate assumptions, or the year 2000, under more conservative assumptions.

All of us in this body share the responsibility to maintain a Social Security system as one of our most valued national institutions; building and sustaining the faith of the American public in the integrity and the security of that Social Security system is a fundamental part of that responsibility.

We can do that, Mr. President, by building reserves to a level that the public will view as being adequate to assure that the checks will go out to all who are entitled to them on time now and far into the future.

I urge my colleagues to oppose this amendment.

Mr. DOMENICI. Mr. President, Senator BENTSEN just made what the Senator from New Mexico thinks is an excellent defense of the system in the taxes going into that fund. Before he has to leave, I ask unanimous consent that the editorial page comment from the Wall Street Journal of 2 days ago, entitled "Don't Cut That Social Security Tax," be made a part of the RECORD at the conclusion of his remarks.

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

DON'T CUT THAT SOCIAL SECURITY TAX
(By Lloyd Bentsen)

This week the Senate may be called upon to decide whether or not to commit itself to cutting the Social Security tax rate later this year. It is always attractive to support a tax cut, but members of the Senate will need to ask themselves whether this tax cut is really in the national interest. The Social Security tax is what undergirds confidence in the program which for more than 50 years has been the bulwark of lifetime economic security for the working men and women of America and their families. A vote to cut it can be justified only if it poses no substantial risk to that program. As chairman of the committee to which the Senate has entrusted the duty of overseeing the Social Security program, I have felt a particular responsibility to undertake a thorough evaluation of the proposal. After careful study and after obtaining the best economic and actuarial analysis available, I have concluded that it would not be in the interest of the Social Security program, the national economy or the working men and women of America to reduce the program's financing at this time.

In each of the last two decades, the Social Security program ran up to the brink of insolvency. Older citizens with grim memories of the Depression and nothing but Social Security to rely on for their economic security were subjected to a barrage of reports about the imminent demise of Social Security. In 1983, at the very last minute and with only one month's benefits remaining in the trust funds, Congress and the president reached agreement on a rescue package that would not only meet the immediate crisis but would build up reserves sufficient to prevent a similar crisis from arising again. Just how much of a reserve is required can be debated, but the experience of the 1970s and 1980s should have taught us to err on the side of safety. Testimony before the Finance Committee by the General Accounting Office, organizations interested in the program and other experts indicated that a reserve sufficient to cover 18 months of benefits obligations is about right as a truly safe margin. We currently have only about 10 months benefits in reserve—far short of the 18 months that should be there before we consider any reduction in Social Security taxes.

The Social Security actuaries look at the status of the program under three alternatives: a mid-range path, a somewhat more optimistic path and a somewhat more conservative path. For safety's sake, you want the program to at least get by under each of these alternatives. If Social Security taxes are cut now, it does not get by—the program would be unable to pay benefits by the year 2005 under the conservative path. That is not a "worst case" path; it is not a depression scenario. It is what a prudent steward of the program ought to be planning for just in case—a little higher unemployment, a little higher inflation, the current recession plus one additional, moderate recession over the next 10 years.

And what about the economy? Last year, we were sufficiently worried about the adverse economic impact of deficit spending to reach a difficult budget agreement reducing the deficit by some $500 billion over the next five years. We had to make deep budget cuts in important national programs like Medicare to reach this agreement, but we did so in the national interest. A Social Security tax cut would simply blow away a third or more of that hard-won deficit reduction. And the result would be damaging to our economy. Economic analysis by the Congressional Budget Office shows that the result would be lower national savings and investment, higher inflation and interest rates and slower economic growth. Just what America's wage earners don't need and just what the Social Security system does not need—the tax cut itself would tend to bring on the less favorable conditions that the actuaries are concerned about. In the last analysis, the best guarantee of a strong Social Security system is a healthy, growing economy.

Moreover, we would be cutting taxes that the program really needs. In addition to the need for a stronger safety reserve right now, the contributions that today's workers make to the program will be required to pay their benefits in retirement. We have a rapidly changing population. Instead of the situation today where there are only three recipients of Social Security for every 10 workers, there will be five pensioners for every 10 workers by the year 2030. Some of that additional burden will have to be borne by the children of today's workers, but I don't think the parents in the work force of this country expect to pass all that burden on to their children and grandchildren. What's more, the proposal provides only minimal tax relief. An average worker—in the $20,000 to $30,000 earning range—would in the next three years see an increase in his or her weekly paycheck of $2 to $3. An increase is welcome, of course, but not if it risks the economic security and peace of mind of that worker's elderly parents. But that is just what the tax cut that the Senate is expected to consider would do.

On all accounts then I find myself unable to justify a Social Security tax cut—the short-range safety of the Social Security program, the longer-range equities between this generation and the next and the impact on the national economy.

When the Senate considers this proposal, I will be voting against it.

Mr. DOMENICI. I thank the Chair. I thank Senator BENTSEN for all of the work he has done with reference to this, and I am sure, when we are finished, it will pay dividends to the seniors of this country.

Mr. DOMENICI. Mr. President, I understand the Senator from New Jersey needs 15 minutes. I yield from the opposition 15 minutes to the Senator from New Jersey.

The PRESIDING OFFICER (Mr. WELLSTONE). The Senator from New Jersey is recognized.

Mr. BRADLEY. Mr. President, it is with a certain amount of regret that I rise to oppose the amendment offered by the distinguished Senator from New York. I know of his deep commitment to the Social Security system and his lifetime of service in the public sector directed at attempting to secure the best possible life for all American peo-

ple. So it is with some regret that I rise to oppose this amendment.

I think the Senator from New York makes two very important points. The first point is we have not had an honest budget process over the last several years. We have been using the Social Security trust fund to hide the true size of the budget deficit. The use of the trust fund as a part of the budget, of course, ended last year when we took the trust fund off the budget. And now the deficit that we see of $370 billion is, in fact, the deficit without the use of the trust fund.

Yet, in economic terms, we are continuing to use the trust fund because the trust fund surplus is invested in Government securities that are used to fund other functions of Government.

So in one sense, we are not using it. The deficit reflects what is the true deficit. But in another sense, we are using it because we are using the trust fund surplus to invest in Government securities.

Mr. President, I would state that is the case whether the Social Security tax rate is 5.5 or 6.5 percent. We continue to use a surplus to finance the non-Social-Security expenditures as long as we run an operating deficit.

So, Mr. President, the Senator from New York raised the question of trust yesterday, which was spending money for other things. It is my impression that we would be spending money for other things under the amendment of the Senator as long as we continued to use and have an operating deficit. We continue to be accumulating a surplus that will be invested in Government securities that will be used to spend on other functions of Government.

So I think that tc be candid, we have to be clear that under the Senator's amendment, as well as under the current system, as long as we are running an operating deficit, we are using the surplus to finance other functions in Government.

But the Senator's point is well taken that for a decade we have been irresponsible in trying to hide that fact from the American people. And we now have a deficit number out there that is clear, and the challenge is before us to reduce the operating deficit.

Mr. President, the second point that the distinguished Senator from New York makes that is right on target is that working people in America have not seen their real wages go up much since 1960. Indeed, I believe working people in America need tax relief. They need more money in their pockets to spend on things that they see fit to spend their money on.

There are a number of ways that wages and after-tax dollars can go up. One way is if we have productivity growth and productivity increases. Another way would be if wage settlements in the nineties are not the wage settlements in the eighties, and working Americans get better wages through a negotiated process, through collective bargaining. Mr. President, the third way, of course, is tax relief for working Americans.

The prospect of tax relief for working Americans is a real possiblity. One way to do it is, of course, to cut the Social Security taxes envisioned in the distinguished Senator's amendment. Another way to do it might be to provide a targeted income tax cut for working Americans. Another way might be to provide a targeted tax credit for working Americans.

So from this Senator the distinguished Senator from New York will get no argument on either of the two central points that he has made in his argument; and that is, one, that the use of the surplus in the Social Security fund to mask the true size of the budget deficit has been reprehensible, and it has to be changed; second, that working Americans deserve tax relief, deserve to have more money in their pockets, which they can spend in any way they choose.

But, Mr. President, the solution to these problems, in my opinion, is not to cut out the reserves and return Social Security to pay-as-you-go. If the concern underlying the proposal is that the Federal Government is borrowing Social Security reserves to finance deficit spending, then that is an issue that should be dealt with directly, not by eliminating the reserves.

I believe that returning to a pay-as-you-go system might indeed threaten long-term prospects, not necessarily solvency, but prospects for our most important domestic program. I continue to believe that we need to build sizable reserves over the next 30 years to pay out benefits to the baby boomers when we retire. Reducing income to the trust funds now would simply make Social Security more vulnerable in the future, in my opinion.

Mr. President, I will also have to be quite candid in saying that one of my foremost concerns with the proposal is its effect on future generations. One way to look at the proposal is to say this is a debate between capital and labor. This is a debate between coupon clippers and blue collar wage earners, and that is a perfectly appropriate way to look at this debate.

Another way to look at this debate, however, is that this is a battle between those people who are now working, or their children and grandchildren, between short-term relief and long-term problems. In fact, Mr. President, cutting the Social Security tax now would provide immediate relief to today's workers, but, according to some preliminary estimates by a number of economists, in particular Alan Auerbach and Larry Kotlikoff, the average baby boomer would receive in present value terms about a 2-percent reduction in lifetime net tax burden. That is good news. But the bad news is that someone in the future is going to have to make up this loss in revenues when the baby boomers start to retire, and, again, according to Auerbach and Kotlikoff, to maintain the Social Security system, we will have to raise net taxes on future workers, who are our children and our grandchildren, by 8 percent over a lifetime. That is a short-term gain for a longer term major loss. To me, that is not acceptable.

Mr. President, we are already burdening future generations with enormous deficits that we all know how we got to, with a profligate tax cut in 1981, with so-called Gramm-Rudman fixes that never really reduced the budget deficit. We all know how we got to these deficits, and that is now a burden that we have put on our children. In addition to the dramatically lowered savings as a result of this deficit, I am not prepared to say that now I am going to put out in our children's future a tax time bomb. So, Mr. President, one of my foremost concerns is its effect on future generations.

Next, and I think that the distinguished Senator from Texas covered this in some detail with charts, but according to the CBO, returning Social Security to a pay-as-you-go system piles on an extra $200 billion between now and 1996 to the true economic deficit—not the fictitious economic deficit, but the true economic deficit, which is how much more Government spends than it takes in.

That has serious repercussions for our economy. These increased deficits will provide some short-term stimulus. These trends will be overwhelmed in the long run. As CBO says, real interest rates, inflation, foreign investment, and the trade deficit will be higher, while GNP, savings investment, and capital stock will be lower. There is virtual unanimity in the economic circles that lower deficits will improve our long-term economic prospects. And this proposal takes us in the wrong direction with higher deficits and lower growth. I think this is another example of the tradeoff between short-term gain and the longer term major loss; again, another reason why I cannot support the amendment.

Mr. President, it is my belief—and I say this with great respect for the Senator from New York—that the decisions we made in 1983, decisions in which the Senator from New York played a pivotal role, in which he was not only eloquent in talking about Social Security as the best expression of community we have in America, but in terms of thinking through how we deal with Social Security damands in the long run, that those decisions were not without pain. But I continue to assert that they were correct.

And they should be adhered to in order to ensure that the Social Security system remains strong and viable

for our children and for their children. Maybe this is a slight dream, but I do hold out hope that, if we manage to keep the reserves and eliminate the operating deficit, the impact on the economy will be overwhelmingly positive.

We had Alan Greenspan in the Finance Committee one day to testify and was asked the question: Mr. Greenspan, if we allow the surplus to continue to grow and eliminate the operating deficit, what happens to interest rates? He said interest rates would be about 3 percent. Mr. President, can you imagine what 3-percent interest rates would mean for our economy?

So, I hold out the hope that we will live up to the original concept of 1983 and we will reduce the operating deficit with all of the tremendous economic gains from that action.

Mr. President, I want to conclude with a promise to my distinguished friend from New York and to everyone who is participating in and watching the debate. I believe that we will find a way to provide meaningful tax relief for working families. I hope that all my colleagues who are voting for this amendment, and all those who are voting against it for whatever reason, will join me in making a commitment to achieving the goals of the Moynihan amendment by the end of the 102d Congress; in other words, real tax relief for working families.

We must not do it by jeopardizing the hard-earned security of generations that depend on Social Security, or by raising taxes on future generations that have not begun to work or to vote. I see today's vote, frankly, as a beginning of a process that will not end until we have found the right way to achieve what I think are proper goals.

So in summary, we need an honest budget process, we need tax relief for working Americans, we need to cut the deficit for increased growth. And I am not prepared to further burden our children and grandchildren who already suffer under the burden of the horrendous deficits of the last decade.

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

Mr. MOYNIHAN. Mr. President, before I yield to the distinguished, remarkably eloquent Senator from South Carolina, may I thank my neighbor, colleague, and friend, Senator BRADLEY, for the tone of his remarks, for the thoughtfulness and for the accuracy with respect to one Auerbach judgment. Everything he said is so and at least I understand it the same way he does. We could come out differently, but we do not have to make up the facts or invent new terrors of the kind we have heard.

I am so regretful to say that the President wrote yesterday to the majority leader, that Senator MOYNIHAN's proposal "would return Social Security to the same financing scheme that drove the system to the brink of insolvency in 1982."

The arrangement we have today was put in place in 1977 and it is the staff director of our 1983 commission, Robert J. Myers who proposed that we return to pay-as-you-go, saying the 1977 arrangement has not worked because we have entered a period of structural deficits.

Finally, he mentioned Dr. Alan Greenspan, who was chairman of our commission. In hearings of the Finance Committee, I asked Dr. Greenspan, "If we continue to use the Social Security surplus as if it were general revenue and spend it on current consumption of Government, or if we just take away that surplus by cutting back the tax vote, would there be any real economic difference to our situation in the year 2030?" And he, with admirable brevity, said "none."

I think the Senator would agree with that. He wants to see changes made that would indeed increase savings. So did I. It did not happen. But there we are.

I thank Senator BRADLEY.

Mr. President, I yield 20 minutes to the able and learned Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, I thank our distinguished leader on Social Security matters, the distinguished Senator from New York. He has labored in the vineyards for years in defense of the integrity of the Social Security system. He is acknowledged by every Senator on both sides of the aisle as the authority in this field.

When the President writes as he did yesterday, that Senator MOYNIHAN'S proposal would return Social Security to the same financing scheme that drove the system to the brink of insolvency in 1982, that is outright blasphemy. It is simply not true. I do not know who is writing these letters and speeches for our distinguished President, but he or she should hew to a higher standard of truth and accuracy. I listened to President Bush in his State of the Union Address claiming that we are reducing the deficit by over $500 billion in the next 5 years, meanwhile, in part 2, page 294, of his budget submission be proposed increasing the national debt by $1 trillion, from $3.1 to $4.1 trillion to get us through the 1992 election. One trillion, not in 5 years, but in 18 months, all to get us by the 1992 election. That is the same kind of monkeyshine that we have here this morning again. And the media conspires with us in committing this terrible charade and fraud.

The distinguished Senator from New Jersey claims that the Moynihan amendment would create a tax time bomb. You know we live in a bizarre society indeed. That is exactly what the Senator from New York is trying to prevent, he is trying to eliminate a tax time bomb. Incidentally, of course, we could not have a tax time bomb now if the people didn't agree to it. Oh no, not as long as the people stay asleep and reelect us. Read our lips.

And then our distinguished colleague from New Mexico ended his peroration yesterday claiming that Senator MOYNIHAN and his allies are raiding the Social Security fund. The truth is that 100 percent are agreeing right this minute to raid that fund. It is exactly this raiding of the Social Security kitty that the Senator from New York is trying to stop.

I am an admirer of Vaclar Havel, the President of Czechoslovakia. Twelve years ago the late Senator Scoop Jackson, myself, and others were in Prague and we made attempts to meet with dissident leaders. We found out the Prague police were following us. We were headed back to the airport when all of a sudden our car detoured into the mountains. We came into a private home, sat in a room, and I turned to Scoop, after minutes and said we were wasting time, there were no dissidents there.

When our hosts determined that we had not been followed, the door of the closet opened and out stepped Vaclav. He sat down with us and we started talking. We were trying to encourage him and express our admiration for what he was doing.

I can see Senator Jackson now. He said, "but, Mr. Havel, do you understand that we have Jackson-Vanik that brings economic pressure on the Communists here so that we can get the dissidents out?" Havel looked him in the eye and said, "Senator, we are not a bit interested in leaving."

You could have thrown a dish rag in Scoop's face. It was a shock to me, too. Havel continued. He said, "You know Czechoslovakia was raped in 1938 and 1948 and in 1968." He said, "If I and my generation do not see it through and stick it out, if we do not stay here, the world will never again know a free Czechoslovakia."

Riding to the airport, I turned to Senator Jackson and I said, "That fellow has got a lot of courage, but he will never see a free Czechoslovakia in his day, and you and I will never see it." Of course I was wrong, despite the fact that Havel was arrested soon afterward. But the point is that when Havel took the Presidency, almost verbatim, he told the people of Czechoslovakia that we have been lied to for 40 years. We Czechs have been saying one thing and believing another. He said Czechoslovakia has many problems but only Czechs can solve them.

And in a similar fashion, Mr. President, we in the United States have been systematically lied to for 10 years by our government. We have been saying one thing and believing another. And, yes, with all the problems we

have, only we can solve them. Now the distinguished Senator from New York has an initiative here to help solve one problem and bring us one step back toward reality. We have been lying to the American people that there is a free lunch. Read our lips, just reelect us, it does not cost anything.

They have a graphic reminder in Times Square, in Senator MOYNIHAN'S backyard, that spins along like a speedometer. I saw it the other morning on TV. It clocks the increase in the national debt. The national debt had soared to $3.4 trillion.

So what are we going to do? We all know that spending will continue to go up, up, and away, on a bipartisan basis. Oh, 100 Senators will run over here knocking over the desks to give speeches about how we have to stop spending. But we shamelesly continue this lying to the American people, promising a free lunch, as the debt soars and interest costs skyrocket, increasing in increments of some $30 billion a year, for absolutely nothing.

Each year we go up and up. We cut a little here on Medicaid, and we cut a little there on something else. Then when the Senator wants to bring us back into reality and to stop what he calls thievery, what our distinguished former colleague, Senator Heinz, called embezzlement, his opponents turn the facts inside out. Senator MOYNIHAN'S initiative would bring truth in budgeting, but the Senator from New York is accused of raiding Social Security. He seeks to protect against the double taxation of future generations, yet he is accused of creating a tax time bomb.

The truth is that the Social Security trust fund has already been stripped bare. There is no trust and no fund.

It is like the S&L's. The saving and loans had a lot of real estate on the books, a lot of property, a lot of shopping centers, a lot of deposits, and everything else, until you looked inside and found out there was nothing there. The assets were strictly on paper. Livewise, when this generation comes along and they look inside the Social Security vault in the year 2010, they will find it is empty, stacked high with IOU's. That, Mr. President, is the true tax time bomb.

Because to make good on those IOU's, those liabilities, we will have to raise trillion of dollars in new taxes in the next century.

Mr. President, Congress and the American public supported hefty new Social Security taxes in 1983 in exchange for a promise that the resulting huge revenue surpluses would be safeguarded in a Social Security trust fund to provide for baby-boomer retirees in the next century. The Social Security surplus will be $60 billion in 1991 alone. The cumulative surplus by 1994 will be over $500 billion.

The problem is that the administration is using every dollar of the trust fund surpluses—more than $1 billion a week—to meet the ongoing daily expenses of the Government. So, as I said, concerning the trust fund, there is no trust and no fund.

The administration seeks to continue the current practice because it creates an appearance that the deficit is lower than it actually is. For example, for fiscal year 1991, the actual deficit will be approximately $378 billion, but by spending the $60 billion trust fund surplus the administration gets to claim that the deficit is only $318 billion. Meanwhile, the Social Security cupboard is bare.

Can the people of America not understand this? Yes, the people of the National Committee to Preserve Social Security and Medicare, they understand it. I read from an NCPSSM communication:

> Earlier this past week our members overwhelmingly opposed the continuing use of Social Security surpluses, expected this year alone to total more than $70 billion, to finance the day-to-day operations of the Federal Government.

They understand the Moynihan amendment. But we in this body are not thinking of future generations. We are worried about the next election. The credo here is, if posterity can do nothing for us, then why should we do anything for posterity? So let's forget posterity and look to the next election.

It is a dirty shame. It is an embarrassment. I have expressed my pride in being a professional politician, but in 40 years this is the worst display of the worst kind of politics I have ever seen. When up is down and black is white. When you try to stop a raid, they call it a raid. When you try to defuse a time bomb, they say you are creating a time bomb.

How, after all this lying, are we going to make ourselves honest? When I tried to get some measure of truth in budgeting last year by taking Social Security off budget, the junior Senator from Texas [Mr. GRAMM] was leading the fight to keep it on budget.

The original Gramm-Rudman, before Hollings got his name on it, permitted the sequester of Social Security and forbade sequestering defense. I will give you the original draft bill. I argued to protect Social Security. The distinguished Senator from Texas argued against that view. I insisted that we were not going to allow the raiding of the trust fund. That is how we got, on 14 up-or-down votes, a majority of the Democrats to vote for Gramm-Rudman-Hollings. They were not about to vote for a raid on those funds.

But that is what the Senator from Texas had in his original paper, that we would sequester Social Security and not defense. He knew what he had in mind. I knew what I had in mind.

So, they are not looking at safeguarding the future, Mr. President. They are looking at the juicy, skyrocketing trust funds we are going to spend today to hide the deficit. They are not looking at the year 2010 or 2020. They are looking at today, now, here, and how we get reelected by saying "read my lips." They are thinking, let us bust the trust fund, make it a slush fund, and by next year it will generate revenue of $191 million a day. That is the size of the daily Social Security surplus—$161 million—and we are spending every dime of it on day-to-day Government expenses.

As the distinguished Senator from New York says, by the year 2000, surplus Social Security revenues will be $4 billion a week, amounting to $571 million a day. This is the full-scale raid they want to continue. All in the name of trust. All in the name of preventing a tax time bomb. They come and say, "Let us keep it up. People will never catch on."

By the year 2000 we will be spending, under the current scheme, $571 million a day, over a half-billion a day out of the Social Security trust fund. When all those accumulated IOU's come due in the next century, they will have to raise taxes. That is exactly the tax time bomb the Senator from New York is trying to prevent.

I opposed Reaganomics, the free lunch approach to tax cuts. Tax cuts were going to give us growth, growth, growth. That is all I could hear around this blooming place. Growth. It was like a magical incantation.

Now, they finally got old Hollings talking about growth. He wants to cut taxes. But now the supply side crowd is changing its tune. I have been around here trying to raise taxes to pay the bills. I tried for 4 years with the distinguished majority leader, Senator Baker, to freeze spending. We could not get that.

I tried Gramm-Rudman-Hollings. Yes, we did cut the deficit from $221 billion down to $150 billion in the first full year. We complied. But then for the past 3 years we have finessed it with these budget summits. It has been a total fraud.

So I said, all right, let us join with the supply siders on this tax cut so we will expose the fraud and the people will wake up. But, no, they do not want anybody to understand and see what is going on up here. As long as we can continue spending the trust funds and getting ourselves elected, as long as we can tell you folks out there that there's a free lunch and call for relief on taxes, then politics will prevail and the country will go down, down, down. That worries me.

We do not have a fiscal policy. We do not have a trade policy. We do not have an energy policy. We do not have a housing policy. And the education policy says give up on public education and let us switch to the private schools. What kind of leadership is this up here?

I thank the Senator for the time. What the Senator from New York is trying to do—and I admire him for it—is get truth in budgeting so the American people, who do not understand all these things about Gramm-Rudman-Hollings and sequester and summit agreements and everything else, let them just see where the money is going. And the money is going down the tube today at the rate of $164 million a day out of that Social Security trust fund. And that is what the Senator is trying to stop, and I hope the Senator can succeed here. I hope we can get a majority to speak sense and truth to the American people.

Finally, Mr. President, it is important to note that the tax rollback embodied in this amendment will not eliminate the annual Social Security surpluses. Far from it. Even with this tax cut, significant Social Security surpluses will continue to be generated, though not at the current excessive pace. For instance, without the payroll tax cut, there will be a Social Security surplus of $129 billion in 1996. Under the Moynihan amendment, the 1996 surplus will be reduced to $78 billion. This will still ensure a healthy and growing Social Security reserve equal to 18 months' worth of Social Security benefits by 1997. Indeed, current Social Security beneficiaries strongly support the Moynihan amendment precisely because of the protection provided by this huge reserve fund.

Mr. President, our colleague PAT MOYNIHAN is renowned for his scholarship and erudition, but the issue here is not exactly the political equivalent of nuclear physics. Are you for or against cutting regressive payroll taxes on working Americans? Are you for or against masking the Federal budget by massively and systematically siphoning off insurance contribution revenues from the Social Security trust fund? Every Senator should be able to answer those questions in the blink of an eye.

Mr. MOYNIHAN. Mr. President, many times in 15 years I have had an occasion to thank the Senator from South Carolina. And never more than for his remark, in effect, that one of the corrupting processes involved here is that we are corrupting the language. If ever we learned anything from George Orwell and his generation, it is that corrupting the language of politics is a profoundly serious thing. People who could fairly be characterized as raiding the trust funds, charged that those who oppose this are raiding the trust funds.

That is the sort of inversion of language that Orwell wrote about. And we are not immune to it.

I was just deeply disappointed that someone gave the President of the United States a letter on this subject which does not stand scrutiny. It is not so. And it is painful. But we will vote. In the end, whatever happens, we will vote. That remains to us.

I see my very good friend, and cosponsor, the Senator from Wisconsin [Mr. KASTEN] and I yield 15 minutes. Is that adaquate for his purpose?

Mr. KASTEN. I thank the Senator.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. KASTEN. Mr. President I would like to associate myself with the comments of the Senator from South Carolina because a very important part of this overall effort is, in fact, as he has just stated: truth in budgeting; rather than the idea that we can somehow mask the size of the deficit by using Social Security revenues.

I want to congratulate the Senator from New York also. I am happy to be a cosponsor and to work with him in offering this payroll tax cut amendment to the budget resolution today.

It is important to point out a vote in favor of this amendment will be a vote to strengthen Social Security, not weaken it, by returning to pay-as-you-go financing, as a Senator was talking about earlier.

A vote against this amendment will be a vote to continue what effectively is a charade, the charade of overtaxing working Americans and small businesses to generate huge payroll tax surpluses that are immediately spent on non-Social Security spending programs.

The program that Franklin Roosevelt created to help provide a retirement for America's elderly is today being carelessly used to subsidize spending on programs that are totally unrelated to Social Security. America's senior citizens are fed up. They are sick and tired of this. And so am I and so are many of our colleagues. Both the National Committee to Preserve Social Security and Medicare and Seniors Coalition support pay-as-you-go financing and support the Moynihan-Kasten amendment.

In a desperate attempt to defeat our proposal, charges will be made that it threatens benefits. That is wrong. It does not threaten benefits. That is nonsense.

The Social Security actuary confirms that a 100-percent reserve is safe level, and our proposal reaches 150 percent. Our proposal then provides the payroll tax necessary to ensure the soundness of Social Security for 75 years and beyond. By definition, pay-as-you-go financing guarantees benefits. And it restores integrity to the Social Security system.

In fact, the Moynihan-Kasten amendment protects the Social Security system much longer than current law does.

The reason some of our opponents dislike it so much is it exposes the means by which the payroll tax is presently used to subsidize unrelated Government spending.

Restoring pay-as-you-go financing to Social Security is the first reason to support the Moynihan-Kasten proposal. And the second reason, and equally important, is tax relief for working men and women, for the blue-collar men and women across this country.

Apparently, some of my colleagues, unfortunately, have been persuaded to vote against this proposal on the grounds that the CBO, the Congressional Budget Office, has declared that cutting taxes will lead to lower and slower economic growth.

While there is nothing new about CBO declaring that reduced taxes lead to slower growth, it is certainly new for Republicans to start believing that. I did not believe CBO a decade ago when they argued tax cuts would slow economic growth, and I do not believe them today.

The Congressional Budget Office, CBO, arbitrarily dismisses the direct impact of taxes on the cost of labor and the resulting effect on employment. In contrast, a number of economists, particularly Gary and Aldona Robbins and Steve Entin have produced studies showing that the Moynihan-Kasten proposal will increase economic growth and create hundreds of thousands of new jobs in this decade.

In the 1980's, America enjoyed a record-breaking economic expansion in large part because we cut taxes, giving American families and businesses more freedom over their economic decisions. This freedom sparked a historic recovery, creating over 21 million new jobs, raising family incomes and increasing business profits.

Unfortunately, the economic expansion of the 1980's has now ground to a halt. In March, unemployment rose to 6.8 percent. I hope this is sufficient to convince my colleagues that inaction is no longer tolerable. This recession has now cost 2 million Americans their jobs. How much longer is Congress going to do nothing?

A progrowth economic program is needed to pull the economy out of the recession and sustain a high level of economic growth throughout the 1990's. One of the first steps of this program must be a decision that we must make to reduce payroll taxes.

FICA taxes were increased six times during the 1980's, from 5.1 to 7.65 percent. The tax is now so high it is costing jobs and closing small businesses.

This legislation, our legislation, would reduce payroll taxes from 7.65 to 6.65 percent on both the employer and the employee, and this cut would be fully phased in by 1996. This would constitute a tax cut of $160 billion over the next 6 years.

As my colleagues can see from the chart, our proposal would put up to $693 annually back into the pockets of working Americans and the businesses that employ them.

The $160 billion tax cut would merely reduce taxes by the amount they were raised this fall in the budget summit. It is now clear the budget summit tax hikes have greatly contributed to the severity of the recession and the job loss I stated earlier. I note this with irony, that the so-called deficit reduction package has now brought some of the largest deficits in U.S. history.

A number of my colleagues have expressed concern that while the Moynihan-Kasten payroll tax proposal is a substantial tax cut, it does increase the taxable wage base. Although this wage base increase offsets only a fraction of the tax cut, it is an undesirable precedent.

In response to this concern—and I want to point this out particularly to my Republican colleagues—Senator MOYNIHAN and I have revised the amendment we are offering today. Our revision lowers the Social Security revenue number enough to accommodate a 2-percentage point payroll tax cut with no wage base increase.

As my colleagues can see from the chart behind me now, chart No. 2, a payroll tax cut with no wage base increase would double the job creation and the gross national product growth from the proposal.

As the ranking member of the Small Business Committee, I am particularly concerned about the negative impact of FICA taxes on small business. The payroll tax is the highest tax that most small businesses pay, and increasingly large numbers of workers now pay more in payroll tax than in income tax. It is a particularly heavy burden on the millions of self-employed Americans who must pay both the employer and employee portion of that tax.

Our plan would save an employer earning $30,000 a year, with 10 employees each earning $18,000 a year, $2,400 in FICA taxes. A small business with a payroll of $1 million would save $10,000 in taxes per year. That goes a long way toward hiring another employee.

What we are trying to work with here is jobs and job creation, working outselves out of this economic recession that we find ourselves in.

The Dallas-based Policy for Innovation concludes in their recent study by Gary and Aldona Robbins that by reducing the payroll tax now and creating jobs and expanding the economy, we actually strengthen the Social Security system in the decades to come.

Only by creating jobs now can we ensure there will be enough wage earners in 20 years paying into the Social Security to guarantee an adequate tax base.

The American dream still eludes too many American working families. They are finding it harder to achieve the same standard of living their parents enjoyed. And the chief cause is the skyrocketing of Federal taxes. Today's median-income families face an effective tax rate—talking about income and payroll taxes combined—more than double what their parents faced in the 1950's.

Throughout the 1980's, Republicans worked to reduce that tax burden. The 1981 Reagan tax cut bill slashed income taxes 25 percent for middle-income Americans, and the 1986 Tax Reform Act removed nearly 4 million poor Americans from the tax rolls altogether. The people responded by giving three consecutive landslide victories to our party.

However, at the same time the income tax burden was reduced, the payroll tax increases legislated in 1977 kept middle class tax burdens too high. So a reduction in the payroll tax will give a well-deserved tax cut to 132 working Americans and millions of small businesses; it will create jobs and boost economic growth and, most important, it will restore integrity to the Social Security financing system.

I have received overwhelming support for this proposal from constituents in Wisconsin.

I ask unanimous consent, Mr. President, to print letters from constituents in Wisconsin in the RECORD immediately following my remarks.

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

(See exhibit 1.)

Mr. KASTEN. Mr. President, I also ask unanimous consent that letters supporting pay-as-you-go financing from the National Federation of Independent Business, the Seniors Coalition, the National Committee to Preserve Social Security and Medicare, the U.S. Chamber of Commerce, the National Restaurant Association, and the National Association of the Remodeling Industry be printed in the RECORD immediately following my remarks.

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

(See exhibit 2.)

Mr. KASTEN. Mr. President, this is a very significant and very important vote.

I agree with the Senator from New Jersey, the Senator from South Carolina, and others; the question we are faced with is: Are we going to sit back and let this recession continue or are we going to directly involve ourselves in a way to help working men and women, or are we going to directly involve ourselves in helping put them back to work by reducing the FICA tax and, at the same time, are we going to restore integrity to the overall Social Security system, but even more important, to the overall budgeting system?

A vote in favor of the Moynihan amendment will serve to not only strengthen the Social Security system, but also to restore integrity to our overall budgeting system.

EXHIBIT 1

APPLETON, WI, *March 18, 1991.*

DEAR SENATOR KASTEN: The answer is obvious. Yes, I support you and your efforts on Social Security tax reform.

Please keep up the good work and don't back down. Our country needs realistic thinking leaders such as yourself.

Thank you and keep up the good work.

Sincerely,

ROBERT SMITH.

MINOCQUA, WI, *March 18, 1991.*

DEAR SENATOR KASTEN: Louise and I are retired and we both object to the excess Social Security monies withheld from the current income of working families. Hopefully the "Moynihan-Kasten" bill can be passed. We don't need foolish partisan spending. What's wrong with a surplus!? And getting back to balancing the budget! If my business had been managed like our Government's we would have been closed almost before we started.

Good Luck,

HANS & LOUISE HOUTREMAN.

P.S.—Louise manages your mothers shop Town & Country.

PLAINFIELD, WI, *March 15, 1991.*

Senator ROBERT KASTEN,
U.S. Senate, Washington, DC.

DEAR SENATOR KASTEN: I am writing to you in regards to your bill to restrict the use of Social Security funds for uses other than they were intended. I feel this is totally wrong. It is time that the Congress begin to take the budget seriously.

The nation and its Government has to live within it's means. If the answer is that it is to big to manage then it is time to reduce the size of government so that it can be controlled. The federal government cannot be all things to all people.

I feel that not only the Social Security Trust fund should be removed from the budget and treated and used for it's intended purpose, but that other trust funds also be placed out side the regular budget (e.g., the Aviation trust fund and others) so that their positive balances are not used to offset the budget deficit.

The problem is not with the taxes we pay, it is with the amount of money that the Congress spends!

I'm willing to support you and work with you to reduce the budget deficit by reducing spending, not by increasing Taxes!

Sincerely yours,

STUART H. CLARK.

SEYMOUR, WI.

DEAR SENATOR KASTEN: I am retired and it hurts me to think that I am receiving Social Security dollars that my children and grandchildren are paying.

If the government is spending the excess on other things, there is no way that they will ever receive anything for their hard earned money.

Things must change.

THOMAS LANDWEHR.

CARL'S BARBER SHOP,
Juneau, WI, March 27, 1991.

DEAR SENATOR KASTEN: I am a self-employed businessman and feel I am excessively taxed for FICA.

I too am disappointed with what Congress is spending my money out of Social Security funds for purposes they were not intended for.

Although I have to be pessimistic about taxes ever going down, I hope you keep up

your fight and good luck to your legislation to reduce FICA taxes.

Sincerely,

CARL J. BOUSHLEGEL.

APPLETON, WI, *March 19, 1991.*

SENATOR KASTEN: We find the misuse of our retirement dollars totally irresponsible for people who are elected to represent our best interest. We feel trying to hide overspending by misuse of our future and our children will only add fuel to the fire.

I know as voters, we are watching the ethics of those in office in future elections.

Sincerely,

BILL VANDER HEYDEN.

MILWAUKEE, WI, *March 24, 1991.*

Senator BOB KASTEN,
Hart Senate Office Building, U.S. Senate, Washington, DC.

DEAR SENATOR KASTEN: We just read your message about FICA taxes and agree with what you are trying to do. We would like to see your legislation put an end to FICA abuses. It has always been our feeling that the money we and our employees pay into FICA should be kept in a personal account (much like an IRA) and we, not the government, should be able to determine how that money is invested.

We don't believe the government press releases that say there is plenty of money to keep social security going into the next century. As you said, the FICA money is being spent as fast as, if not faster than, it is received.

The Social Security abuses that are going to make the S&L bailout look like a misdemeanor.

Best regards,

MARK WOOLLEY,
DARCI SHOOK-WOOLEY.

MARCH 16, 1991.

ROBERT KASTEN,
Hart Senate Office Building, U.S. Senate, Washington, DC.

DEAR MR. KASTEN: Yes, continue to fight for reform of our Social Security taxes. They are much, much too high. And how ridiculous when even baby sitters get taxed. I'm a grandmother so this does not apply to me. And my grand children, working their way through college, have to pay on their meager wages. And so on, and so on——

Sincerely,

JEAN HANSON.

ELEVA, WI, *March 17, 1991.*

DEAR SENATOR KASTEN: Although I am not a worker, as I am now retired, but felt had to write you, and let you know I agree with you and Senator Moynihan to cut pay roll taxes. If this is not stopped, the workers won't have any checks. It will all be taken out. Congress should be ashamed of its self spending every thing they get a hold of, that is of no benefit to our nation.

Sincerely,

EDWIN JOHNSON.

EXHIBIT 2

MOYNIHAN PAYROLL TAX PLAN BACKED IF BILL INCLUDES TAX RATE STABILIZER

WASHINGTON.—The National Committee to Preserve Social Security and Medicare today reiterated its support of a plan by Sen. Daniel Patrick Moynihan to reduce payroll taxes if this bill contains an automatic tax rate stabilizer to protect the Social Security Trust Fund.

Martha A. McSteen, president of the 5-million member grassroots organization, said the automatic tax rate stabilizer would remove payroll tax increases and decreases from the political process and guarantee a reserve of at least 12 months worth of Social Security benefits:

"The stabilizer would trigger automatic annual adjustments to payroll tax rates to keep reserves at financially sound levels and guarantee benefit payment while maintaining public confidence in the Social Security system," Mrs. McSteen said.

The Congressional Budget Office has reported that the Social Security Trust Fund will have almost 12 months of benefits in reserve by the beginning of fiscal year 1992, which begins Oct. 1.

"Opponents of the payroll tax cut plan want to continue the buildup of a large Social Security surplus so those funds can be used to pay for the day-to-day operations of the federal government. That's wrong," Mrs. McSteen said.

"Funds paid into the Social Security Trust Fund should be used for one purpose only—and that is to pay Social Security benefits, not disguise the federal deficit.

"By a substantial margin, National Committee members support a return to the pay-as-you-go financing system, but only if benefits are adequately protected," Mrs. McSteen said. "These protections for beneficiaries must be an integral component of any legislation to reduce the payroll tax rate.

"Failure to include a provision to protect reserve levels in legislation to reduce payroll taxes would unjustly subject beneficiaries to renewed threats of benefit cuts whenever economic conditions reduce trust fund reserves to an unacceptable level.

"Traditional pay-as-you-go financing provides a basis for stable financing of Social Security that is fair to both taxpayers and beneficiaries. Our members overwhelmingly oppose the continuing use of Social Security surpluses, expected this year alone to total more than $70 billion, to finance the day-to-day operations of the federal government."

THE SENIORS COALITION,
Washington, DC, April 15, 1991.

Senator ROBERT W. KASTEN, Jr.,
U.S. Senate,
Washington, DC.

DEAR SENATOR: The Seniors Coalition, representing more than half a million members across the country strongly supports S. 11, the Moynihan-Kasten Bill.

America's senior citizens have worked hard and have long placed their faith in the integrity of the Social Security system; but payroll tax dollars placed in the Social Security Trust Fund are being "borrowed" for wholly unrelated government spending projects in exchange for "IOUs." In short, the Social Security Trust Fund exists only in fiction.

The Seniors Coalition supports S. 11 because it *restores* the integrity of the Social Security system. The Seniors Coalition has received 421,000 petitions favoring a payroll tax cut. If the majority of seniors are again ignored as they were during the catastrophic health care debacle, it will be at the risk of eroding the faith America's senior citizens and future recipients have in the Social Security system as a whole.

As the accompanying issue paper points out, returning Social Security to an honest pay-as-you-go financing system would allow tax dollars to remain in workers' pockets thus strengthening the economy and benefitting all Americans, especially senior citizens living on fixed incomes.

Your support for S. 11 is most appreciated. Your thoughts regarding this issue paper are also very valuable to me and I would like to hear your comments.

Sincerely,

JAKE HANSEN,
Executive Director.

NATIONAL FEDERATION OF INDEPENDENT BUSINESS,
Washington, DC, January 28, 1991.

Hon. BOB KASTEN,
U.S. Senate,
Washington, DC.

DEAR SENATOR KASTEN: On behalf of the over 500,000 members of the National Federation of Independent Business (NFIB), I applaud you for introducing, along with Senator Moynihan, S. 11, legislation to reduce FICA taxes and return the Social Security system to pay-as-you-go financing.

Typically, small business owners pay more in payroll taxes than they pay in all other taxes combined, and payroll taxes must be paid whether or not the business is making any profit.

The FICA tax negatively impacts small businesses for the following reasons:

Start-up Businesses. The FICA tax effectively adds to the fixed costs of a firm and therefore increases start-up costs of new businesses, reducing the number of small businesses that will be viable.

Growth. FICA taxes hinder small business owners from hiring workers and creating new jobs. This tax seriously limits the ability of labor-intensive businesses to add to their payroll.

Survivability. FICA taxes can be the "last straw" for those small businesses in trouble and struggling to keep their doors open since the tax must be paid regardless of profitability.

As a tax cut for both small business owners and the workers they employ, this legislation is perfectly timed to help bring our nation out of recession.

Sincerely,

JOHN J. MOTLEY III,
Vice President,
Federal Governmental Relations.

U.S. CHAMBER OF COMMERCE,
Washington, DC, April 22, 1991.

Members of the United States Senate:

During floor debate on the budget resolution, you will be asked to consider an amendment by Senator Moynihan to reduce projected Social Security revenues for 1992, thus paving the way for later consideration of S. 11, the Moynihan-Kasten bill to cut Social Security taxes.

As you know, the U.S. Chamber of Commerce was one of the earliest supporters of cutting the Social Security payroll tax and returning the system to a pay-as-you-go basis. At this time, reducing the Social Security tax burden is all the more important because of the current recession. Far from imperiling the economy, a reduction in this tax will create much-needed new jobs and substantially boost economic growth. Future Social Security benefits will not be threatened. In essence, a Social Security payroll tax cut will return to productive economic use monies that would otherwise swell current federal spending.

You also are aware that the Chamber opposes raising the Social Security taxable wage base, a provision still contained in S. 11. Increasing the wage base (already near an all-time high) would cut in half the number of new jobs created by the tax reduction.

Should the opportunity arise during floor debate, the Chamber urges you to express your support for a straight Social Security

tax cut—one which does not raise the taxable wage base—such as is contained in legislation sponsored by Senator Wallop (S. 381).

A budget resolution amendment is the requisite first step to any further discussion of a payroll tax cut, even though the optimum form of such a cut has yet to be agreed upon. For this reason, the Chamber also urges you to support the Moynihan amendment.

Sincerely,

DONALD J. KROES.

NATIONAL ASSOCIATION OF THE REMODELING INDUSTRY,
Arlington, VA, April 19, 1991.

Hon. ROBERT W. KASTEN, Jr.,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR KASTEN: On behalf of the nearly 6,000 members of the National Association of the Remodeling Industry (NARI), I am writing to respectfully encourage you to support an amendment to the upcoming budget resolution that will be offered by Senators Moynihan and Kasten.

This amendment is intended to revise downward the Social Security trust fund reserves. Currently, the reserves are much higher than necessary and are being used for purposes other than originally intended. Lowering the reserve requirement will allow legislation to be considered that will gradually reduce the Social Security payroll tax.

Small businesses everywhere, including home improvement contractors, and every wage earner will benefit tremendously from such a reduction. More importantly, lower payroll taxes will help our nation's economy by allowing more employers to hire more employees thereby generating more income tax revenues.

NARI urges you to act favorably on the Moynihan/Kasten amendment to the budget resolution and to oppose any efforts to require a super-majority vote for any change to the Social Security trust fund balance. Thank you for your consideration in this matter. A response regarding your position on this issue would be greatly appreciated.

Sincerely,

PATTI KNOFF,
Director, Government Affairs.

NATIONAL RESTAURANT ASSOCIATION,
Washington, DC, April 22, 1991.

DEAR SENATOR: On behalf of the National Restaurant Association, I urge you to vote in favor of Senator Moynihan's amendment to the Senate Budget Resolution.

The Moynihan amendment would provide for the open and fair consideration of legislation to return Social Security to pay-as-you-go financing. It would do so by adjusting the Social Security revenue projection for Fiscal Year 1992 to reflect a return to pay-as-you-go financing, thus enabling the subsequent enactment of actual legislation by a simple majority vote.

The National Restaurant Association feels that the current financing system is in the best interests of neither the Social Security program nor the nation as a whole. Huge annual Social Security surpluses serve only to finance excessive federal spending and suppress economic growth. These surpluses do nothing to ensure the future benefits of today's workers. In contrast, removing a portion of the payroll tax burden from millions of American workers and businesses would reduce the cost of labor, increase employment, increase GNP, and provide for a healthier economy. A strong economy and a broad tax base are the most important factors to ensuring adequate funding for Social Security.

Moreover, in addition to providing for a total Trust Fund balance far in excess of that which exists today, the Moynihan payroll tax legislation would provide a financing structure which would guarantee the solvency of the Trust Fund in the future. Current law, unfortunately, does not. According to the Social Security Administration, under current law the Social Security system would be bankrupt in 50 years, whereas under the Moynihan legislation the system would continue to maintain a full year's reserve of benefits even 75 years from now.

In short, the National Restaurant Association feels that a return to pay-as-you-go financing is in the best interests of workers, businesses, and current and future retirees. We urge you to support the Moynihan amendment.

Sincerely,

MARK GORMAN,
Senior Director, Government Affairs.

CITY DEVELOPMENT CO.,
San Jose, CA, April 12, 1991.

Senator KASTEN,
House of Representatives, Washington, DC.

DEAR SENATOR KASTEN: As a small business owner and member of the NFIB, I greatly appreciate your efforts to reduce the burden of FICA taxes on small business.

Keep up the good work.

Cordially,

LESLIE W. HAMILTON,
General Partner.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, I yield to the junior Senator from Texas who requests 10 minutes in opposition to the Moynihan amendment.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, we heard a lot of good speeches this morning and heard a lot of good speeches from people yesterday who feel strongly about their position, people who disagree, people who make different claims about their positions. I do not doubt the sincerity of anybody. But the bottom line is only one side can be right in this argument. As I have looked at it, I have concluded that those who oppose the pending amendment are correct.

Mr. President, I think it is important we look back at the recent history of Social Security, its solvency and its financial health. Let me begin on December 20, 1977.

In fact, there are still many in this body who were present when President Carter signed the Social Security bill on December 20, 1977, and said: "I am happy to be here today to sign legislation which will reassure the 33 million people who are receiving benefits and the 104 million workers now making contributions that the Social Security system will be financially sound well into the next century."

That was President Carter speaking based on the best information that was available, with the best of intentions, with all sincerity, on December 20, 1977.

Let me now remind my colleagues that for the 9 years prior to 1976, we ran surpluses in the Social Security trust funds. In 1976, we ran a deficit of $1.6 billion, and beginning on that date we set about trying to reform the system.

I think it is instructive to remember that for the 7 years following Jimmy Carter's signing of that bill, in each and every one of those years, we ran deficits in the Social Security trust funds. That deficit grew from $1.6 billion a year in 1977 to $11.3 billion a year in 1983.

From the day Jimmy Carter signed that bill until we reformed Social Security again, it got deeper and deeper and deeper into the red until finally, with 1 month left before the Social Security checks could not be mailed, we reformed the system again.

In 1983, we restructured the system and in doing so we created what is being portrayed here today as a problem, as an inequity, as a fraud. What did we do? We took action to put Social Security back in the black, and for the first time in 7 years, we ran a surplus where more money was coming into Social Security than was being paid out.

Let me tell my colleagues, there may be those here who think and who thought then that was a problem. There may be those here who thought it was deceptive practice to run a surplus in Social Security. But let me tell my colleagues, my mama is not one of those people. My mama is reassured every time the newspaper comes out and shows that Social Security is in the black and that her check is going to be there on the 4th of the month.

Mr. President, I think it is important to note that while we are in the black, while we are building up a trust fund, I rejoice in it. I do not apologize for it. Only in American Government do people call being in the black a problem and building up a surplus a fraud and present the idea of cutting the amount of money going into a program without cutting the benefits as a way to eliminate a fraud and to promote integrity.

Mr. President, people would laugh in your face anywhere else on the face of the Earth except on the floor of the U.S. Senate and the U.S. House of Representatives to talk about how we are strengthening the integrity of a system by cutting revenues without doing anything about spending.

Mr. President, I think it is important we remember—it is very instructive—that the strength of Social Security depends critically on what happens in the American economy. In 1989, CBO projected that this year, fiscal year 1992, we would have a $90 million surplus. In January, when CBO made the projection for this coming fiscal year, that surplus was down to $70 million. That is a 22-percent swing.

I remind my colleagues, with all of this talk about surpluses, that as the distinguished senior Senator from

Texas, the chairman of the Finance Committee, pointed out, we are operating only with a cushion of about 10 months. If we did not have any money coming into the system, we could pay benefits only for about 10 months.

I submit if we are going to err, let us err on the side of caution when we are talking about the lives and the retirement of millions of our fellow citizens.

Our distinguished colleague from South Carolina has given us a rousing speech this morning about taking Social Security off budget and protecting it. I remember 3 years ago we started to hear these speeches about how it was fraudulent that we were counting Social Security as part of the budget and Social Security was running a surplus. Mr. President, prior to 1983, we did not have that problem because Social Security was running a deficit.

I listened to all these calls about how we had to protect Social Security, how we had to have a freestanding trust fund, how we had to take Social Security out of the budget so it would not be spent.

Mr. President, I was suspicious, and I admit it. And last year, those voices became so loud that I finally decided maybe they were right and, I, along with a vast majority of Members of the Senate, supported taking Social Security off budget to establish a freestanding trust fund with the agreement that we were going to have a firewall so that Congress could not raid the trust fund.

Now, paradoxically, the year before last, it would have taken 60 votes to have raided the trust fund because of the Gramm-Rudman law. Now, by taking Social Security off budget, it is afforded less protection than any other trust fund in the Federal system. Having taken it off budget last year to protect it, it can now be raided by 50 votes.

What are we voting on today? What we are voting on today is to allow the Social Security tax to be cut without making any reduction in the benefits that we are going to pay today and in the future.

Mr. President, I hear our colleagues talking about the fact that the burden of a 12.4-percent payroll tax is too high. I am not for a 12.4-percent payroll tax. I wish it could be zero. I wish we could have a rebate. But I remind my colleagues that we have guaranteed our fellow citizens a stream of benefits, where my mother today draws from Social Security more in 1 year than she ever paid into the system in her lifetime.

We do not have a proposal here to change that system. We have a proposal which says we are going to give you all the same benefits we promised, and we are going to have you pay in less. Does that have a familiar ring? Does that sound like the proverbial free lunch which has always been firmly rooted in the American governmental system? I submit it does.

Mr. President, if 12.4 percent as a payroll tax is too burdensome today, I ask my colleagues how burdensome is 16.2 percent going to be? If 12.4 percent is too high for us, how is 16.2 percent—which this bill would require in the future—how is that not too high for our children and for our grandchildren? Mr. President, do we promote fairness by lowering taxes on us and by raising taxes by over 50 percent on our children and grandchildren? I submit we do not.

How can we take an action that is going to impose costs on the future and still claim that we are going to lower the amount being paid into the system without lowering benefits? I submit we cannot.

If this bill is adopted, the Federal Government, when looked at as a joint entity, will be borrowing more money, the Social Security system will not be building up a trust fund to pay future benefits, interest rates will rise, and in all probability GNP will fall.

I agree with the proponents of this amendment about one fundamental point, and that is we ought to be talking about cutting taxes. But we have chosen the wrong tax to talk about cutting. Social Security is not broken and should not be fixed, and in the famous words of our great President, which produced a standing ovation of all of the Members of Congress present at the joint session 2 years ago, "Do not mess with Social Security." Let us build up a trust fund. Let us guarantee benefits not just for our parents but for our children.

What private insurance fund in America would find itself in a position—may I have 2 additional minutes?

Mr. DOMENICI. I yield the Senator 2 additional minutes, Mr. President.

Mr. GRAMM. Mr. President, what private insurance fund in America could enter into the debate we are conducting today?

No one is arguing that the Social Security system is solvent. No one is arguing that the Social Security system is actuarially sound. It is not. What is happening is we are beginning to build up a trust fund. After 7 years of deficits we are doing something positive by running surpluses in the last 8 years.

Now the proposal says if we are building up a trust fund, something must be wrong. It would be equivalent to an insurance company saying: We are selling more policies than we are paying benefits; what do we need these reserves for? If a private insurance company was run as we run Social Security, it would be shut down. There would be financial fines imposed on its officers, and in all probability they would go to jail.

So I urge my colleagues to reject this amendment. Do not mess with Social Security. Let us go back and cut the capital gains tax rate, provide incentives for people to invest, to create jobs. Let us institute IRA's that encourage people to save to buy a new home or to send their children to college. Let us have incentives for saving through the President's savings plan. Let us provide incentives for people to work, and while we are doing it let us reduce the growth of spending of free resources to go into the private sector.

But, Mr. President, to argue that because we are building up a surplus fund invested in the holding of Government bonds which can be sold to the private sector, to argue that this 10 months of reserve is too much and that it is burning a hole in our pocket, I say that argument will not hold water.

The PRESIDING OFFICER (Mr. ROBB). The Senator's 2 minutes has expired. Who yields time?

Mr. GRASSLEY and Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I am using my own time in opposition at this point, as much as I use, and I will yield to the Senator from Iowa very shortly.

I wonder if the Senator from Texas, who just, in the opinion of the Senator from New Mexico, made an eloquent speech which should convince most Senators we are busy today trying to raid the trust fund, agrees that you can talk about how it is not raiding, but when you take the revenue flow out of a trust fund it is raiding under anybody's use of the English language.

Mr. GRAMM. By conventional definition of the word, I think taking money out of a trust fund would be called raiding. Only here would one say you are promoting integrity by reducing the size of the trust fund. I am not aware of anywhere else in the world that those words would have that meaning.

Mr. DOMENICI. Just so we will set the record straight on how we have trivialized this trust fund by requiring only a simple majority to raid it, I wonder if the Senator knew that there are 165 trust funds of one size or another led by this one—this is the giant of them all—and all those that are on budget, on budget, to either reduce the size, receipts or taxes, or spend the money differently than under existing law, 60 votes is needed to get permission to do that. Does the Senator know that?

Mr. GRAMM. I am aware of that, and I think it is very instructive that we have structured the rules by making final, last-minute adjustments to agreements that were made that make this particular trust fund vulnerable.

Mr. DOMENICI. I have said before that I am going to try to correct that. And I do not raise the issue in terms of how it was done but merely to make a point. I would like to suggest to the

Senator and to the Senate that we have a trust fund—I am sure the Senator never knew this—called Smokey the Bear and Woodsy the Owl trust fund. Has the Senator ever heard of that?

Mr. GRAMM. No, Mr. President, I have not heard of it, but I am not surprised.

Mr. DOMENICI. Frankly, that money is supposed to be used to promote Smokey the Bear, who is a great champion of putting out forest fires and not starting them. We are supposed to use that money only for that purpose, and we have to have 60 votes even though that fund is only $100,000.

It seems to this Senator that this makes the point that we want to protect trust funds from being raided, even if they are for Smokey the Bear and Woodsy the Owl.

Mr. GRAMM. Mr. President, if I may respond, maybe there are those who think that Smokey the Bear and Woodsy the Owl are more important and more deserving of protection than the people who have earned Social Security benefits.

I do not, and I will therefore be supporting the amendment of the distinguished Senator from New Mexico.

Mr. DOMENICI. Mr. President, I thank the Senator from Texas. The Senator from Iowa wanted to speak in opposition to the Moynihan amendment. I yield him 10 minutes for that purpose.

Mr. SASSER. Mr. President, will the Senator yield to me for just a moment on my own time?

Mr. DOMENICI. Of course.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Mr. President, I think it would be appropriate at this time to remind our colleagues that by unanimous consent a vote has been ordered on the Moynihan amendment at 12:30. So all of our colleagues can be on notice of that order.

Mr. DOMENICI. I thank the chairman.

The PRESIDING OFFICER. Under the previous request, the Senator from Iowa is recognized for up to 10 minutes of the time chargeable to the Senator from New Mexico.

Mr. GRASSLEY. Mr. President, I am opposed to the Moynihan amendment. I think, if you look back over the history of Social Security, you find that soon after Congress either increased benefits or, in as would be the case here, reduced taxes because some people think we have too much money in the fund, pretty soon you have a crisis environment for Social Security, and then Congress has to fix what it should not have broken in the first place.

I remember when I was in the House of Representatives in 1977 when we passed the Social Security Act amendments that year. Those amendments, as I am sure many of my colleagues will remember, among other things, were supposed to fix some of the mistakes that we made when we passed the Social Security Act Amendments of 1972.

The 1972 amendments so generously raised benefits that we could not afford to pay for them. By 1977 this had become very obvious. The system was running out of money. So then we had the 1977 amendments. These amendments raised the payroll taxes. They were supposed to fix the financing problems of the Social Security System, at least through the early 1980's after which we would begin to develop large reserves in the trust funds. Then the system would be secure once and for all, or so we were led to believe.

Well, guess what, Mr. President? They did no such thing. By 1980 it was clear again that the system was running out of money. These amendments in 1977 were also wonderfully well done, so wonderfully well done, let me emphasize, that they gave us the notch problem which has been with us ever since and which we will probably also be reconsidering sometime soon.

In any case, by then, by 1980, it was clear that the payroll tax increases of 1977 were not going to get us through the stagnation of the late seventies and the recession of the early eighties. And by 1981 and 1982, it is not too much to say that we had a national crisis on our hands, at least a national crisis as far as people waiting for their Social Security checks were concerned because we were borrowing large amounts of money from the health insurance trust funds, and we were reallocating some of the disability fund tax receipts to the retirement program—all in order to make sure Social Security benefits were going to continue. It boils down to the fact that we were robbing Peter to pay Paul.

Mr. President, many of my colleagues will remember that it took an unprecedented national effort, in the form of a National Commission on Social Security Reform, to deal with this problem. And we in the Congress could not even do it on our own. It involved Presidential participation to put this system once again on a sound financial footing.

The national commission recommended a schedule of payroll tax increases over the next several years, and these were quickly put in place through these Social Security amendments of 1983. And we finally accomplished this with just 1 month's benefits remaining in the trust fund. That was what the chairman of the Finance Committee said in a recent article in the Washington Post. Those amendments put the funds on a secure financial footing. And we have had, at least compared to the late seventies and early eighties, a period, up until now at least, of relative tranquillity as far as the viability of the funds is concerned and as far as stress on our senior citizens is concerned.

Mr. President, I want to keep it that way. I do not want to go back to the time when we politicians in Congress had to keep messing around with Social Security with quick fixes to repair hemorrhaging finances. I do not want to again borrow from the hospital insurance fund or reallocate tax revenues from the disability fund. I do not want to have to come right back here in the event, for instance, that this current recession turns out to be longer and deeper than prognosticators have told us it might be, to raise payroll taxes again.

Mr. President, I have resisted raising taxes in the past and as a general rule have been on the side of lowering taxes whenever possible. But with respect to the Social Security payroll tax, it seems to me that it is very important to keep in mind that we must leave a sufficient level of contingency reserves to pay benefits in the event of some unpredictable severe economic downturn. Only then can we consider lowering the tax rate.

What this really means is that we have to set the payroll tax at a level which is sufficient to bring in enough steady income to pay benefits in the event of an economic downturn in which the Social Security payout might go up because of inflation and its income way down because the wage base shrinks.

There are some differences of opinion about what constitutes a sufficient level of reserves for the fund. As I understand it, the Social Security Advisory Council recommends 125 percent. Some believe that we ought to set the level at at least 150 percent. Others think it should even be higher.

I agree with the chairman of the Finance Committee, who said this morning that we need to err on the side of caution. Therefore, I think we probably ought to be thinking in terms of about 150 percent of benefits. According to the most recent estimates of the Social Security Administration's actuaries this 150 percent, under current law, will not occur until at least 1995, and these estimates assume a short and shallow recession.

Why should we take the risk with Social Security? The very best that can be said about the proposal under consideration is that it is premature. I do not see how, in good conscience, we can do this until we are sure we have that contingency reserve that we need.

I yield the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. MOYNIHAN. Mr. President, I would like to yield 10 minutes to the distinguished Senator from North Carolina, former Governor of North Carolina, Senator SANFORD.

The PRESIDING OFFICER. The Senator from North Carolina is recognized for up to 10 minutes.

Mr. SANFORD. I thank my friend.

Mr. DOMENICI. Will the Senator yield on my time for a parliamentary issue?

Mr. President, I have spoken to Chairman SASSER, and we have Senators GORTON, DURENBERGER, DOLE, and I understand Senator SASSER wants to speak on our side. I would like a few minutes so we can line ourselves up and be on time. I wonder if it would be agreeable, and I ask unanimous consent, that the remaining time be divided equally between the distinguished Senator from New York, the proponent, and I understand I manage the time in opposition.

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

Mr. SANFORD. Mr. President, there has already been a wonderful explanation of this amendment by the distinguished Senator from New York, whom we all agree, I believe, is the Senate's most noteworthy expert on Social Security, having participated and followed and worked with this great program now for many, many years. We have heard arguments on the other side that no doubt are sincere. But, Mr. President, I want to make one point in the debate on Senator MOYNIHAN'S amendment that I find compelling.

Opponents to phased-in reduction of the Social Security payroll tax argue that we need to build big Social Security reserves to assure that the money will be on hand for the "baby boomers" when it is needed to pay for their retirement. That is a very fine thought, but it also is a false assumption.

The Social Security reserve is nothing but a debt owed to the Social Security trust funds for money that was borrowed by our Government and is being spent by our Government to run our Government. To put it another way, the payroll tax is being spent as general revenue for general government purposes. And as long as it is, and as long as it is available, we are not going to face squarely and honestly this rising national debt. We are covering it up. We have these funds available, and we do not need to face this added burden that we are putting on our children and grandchildren.

To explain it yet another way, the debt owed to the Social Security trust funds is not backed by gold, or real estate, or any other collateral. When the Social Security payments come due—and they will come due—the only value standing behind the debt owed to the Social Security trust funds is the Federal Government's right to tax. So there is nothing there to build up. There is no reserve there to be reached into when the payments come due.

Senator MOYNIHAN'S proposition is simply that if we must pay a tax in the future, to pay back the Social Security reserves now being spent as general revenue, why pay a high payroll tax now? Well, there is a clear answer to that, I think. Why should working men and women in this country, many who pay more in Social Security taxes than any other tax, pay a higher payroll tax now, only to pay an additional tax later on to replace the money that the Government is using to run the Government, to replace the money that the Government will already have spent?

So it seems to me—and the point is compelling—that the Social Security taxes are based on a cruel tax policy that declares, pay now, pay again later. Senator MOYNIHAN simply wants to build up no more than a reasonable Social Security reserve or cushion, so that the Government will not continue to misappropriate such vast sums of the people's money.

That is my one point, Mr. President. I think it is immoral to collect taxes from working men and women, spend the money to run the Government, and in the end tax again to pay that money back. That is not a fair deal for our Social Security retirees.

I thank the chair, and I yield back my time.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, I yield 5 minutes to Senator DURENBERGER.

The PRESIDING OFFICER. The Senator is recognized for up to 5 minutes.

Mr. DURENBERGER. Mr. President, I rise to oppose the legislation offered by the Senator from New York. I do so with some reluctance, because nobody in this body is more committed to the idea of preserving the integrity of the intergenerational bond of the Social Security system.

Eight years ago when the Social Security system was in crises, and things were so bad the Government was borrowing from the Medicare hospital insurance trust fund to send out Social Security checks, it was the Senator from New York, along with our colleague from Kansas, Senator DOLE, who engineered the compromise that saved Social Security.

It is important to remember that the 1983 accord was premised on the idea of intergenerational equity and fairness. We made a decision 8 years ago that we would not shift onto future generations the enormous cost of financing the retirement security of the baby boom generation. We decided that the boomers would pay a higher payroll tax in order to build surpluses that would help finance their own retirement needs.

The demographic realities underlying the 1983 compromise have not changed. Today there are 3.4 workers per Social Security recipient; by 2020, it is projected that there will be 2.4 workers per Social Security recipient; by 2040, there will be 1.9.

On the surface, and in the short term, my colleague's proposal is very appealing. It would phase in a cut in the Social Security tax from 6.2 to 5.2 percent. But the kicker in the plan that goes to the heart of the issue of intergenerational equity is that in less than 30 years our children and grandchildren's payroll taxes will be nearly 30 percent higher than they would have been had we maintained the 1983 compromise.

That is just not fair to those future generations of workers, our kids, and grandkids, who not only have to finance our retirement, but who will also be forced to pay off the even larger national debt that will result from this proposal.

On page 4, Mr. President, of the budget resolution, the projected level of national debt for the next 5 years is spelled out in black and white. It is projected at $4.9813 trillion, a staggering legacy of fiscal neglect. And we all owe a debt of gratitude to our colleague from New York and our late distinguished colleague from Pennsylvania, Jack Heinz, for forcing us to face up to the fact that Social Security trust funds were, for years, used to mask the size of that deficit.

Mr. President, that is not a reason to increase the national debt by another $179 billion. That is what will happen if this proposal is adopted. Surplus Social Security funds are automatically invested in special Treasury securities with the result that the Treasury has to auction less debt to the public. Unless we in this body are willing to raise other taxes to pay for this cut in Social Security taxes, all we will do is increase the amount of our debt by nearly $180 billion. I ask my colleagues, can any of us, in good conscience, vote to raise the projected national debt to $5.2 trillion in order to satisfy our desire to continue current consumption?

Mr. President, the Social Security check that comes in the mail promptly every month, however, represents only one pillar of the Government's commitment to retirement income security. The other, and the very basic one, is freedom from fear that a retiree will not be able to be treated by a hospital or doctor for catastrophic illness because he lacks health insurance. We adopted Medicare in 1965 to end that fear.

Mr. President, I believe that the biggest potential financial drain on every American's security today is medical and long-term care. Yesterday, it was reported that spending on health care in America rose to $671 billion last year—more than $2,700 for every American. It will go to $753 billion next year. And it will be at $1.3 trillion in 3 or 4 short years. And Government spending on health care is climbing at the rate of 15 percent of Government

revenues. How we finance those costs for persons on fixed or low income is another generational problem, and we had better address it soon.

Mr. President, the Medicare hospital insurance trust fund is in real trouble. Last year, OMB Director Richard Darman estimated the unfunded liabilities in the hospital insurance program at more than $250 billion. The financial crisis facing Medicare is not decades away, but just a few short years away—conceivably beginning as early as 1995 or as late as 1999. But, whichever date is selected, nearly everyone agrees that the Medicare hospital insurance trust fund will be bankrupt within 15 years—before a single member of the baby boom enters retirement.

In my view, before we start talking about cutting the payroll tax, we have the responsibility to ensure the financial integrity of the Medicare hospital insurance trust fund. I will vote against the Moynihan amendment today. I will vote to maintain the current payroll tax formula. I will do so because I believe we inevitably have to either raise the hospital insurance tax rate or preferably reapportion the mix of OASDI and hospital insurance taxes to ensure that both trust funds are sound. If we adopt the pending amendment, we will surely foreclose the possibility of reapportioning the payroll tax mix to cover the shortfall certain to come in Medicare. And in that case, any of the payroll tax savings that are projected under this proposal will disappear as employers and employees are forced to pay higher Medicare payroll taxes.

Mr. President, I urge my colleagues to resist the urge to adopt this tax cut proposal.

The PRESIDING OFFICER. The time allotted to the Senator has expired.

Who yields time?

The Chair recognizes the Senator from Tennessee.

Mr. SASSER. Mr. President, I request the distinguished minority member of the committee to yield me such time as I may consume here.

Mr. DOMENICI. I am pleased to yield.

The PRESIDING OFFICER. The Senator is recognized accordingly.

Mr. SASSER. Mr. President, let me begin by expresing my thanks to the senior Senator from New York [Mr. MOYNIHAN]. He has been an intellectual catalyst not only for the Senate but for the country on this issue as well as so many other issues. He has been one of the strongest champions of the Social Security system in the years that he has served in this body, and even before coming to the U.S. Senate. The distinguished senior Senator from New York is perhaps the most knowledgeable Member of this body on the question of the Social Security system—how it works, how it functions, and what should be done with regard to it.

The senior Senator from New York would be the last, I think, to take any action which he felt would be detrimental to the long-term well-being of the Social Security system or to the retirees who depend upon it. I felt very strongly that his proposal deserved a fair debate. I fought hard for that debate. I think the Senate needed it. And I think the country has benefited from it, no matter what the outcome of the vote on the Moynihan amendment is today.

During the course of this discussion we have heard a lot about whether we are raiding the Social Security trust fund or destroying the Social Security trust system. I strongly suspect that press releases are going out claiming credit for saving the Social Security trust fund. I think it is most unfortunate that the President would send a letter to the leadership of the U.S. Senate and indicate that the Moynihan proposal would drive the Social Security fund to the brink of bankruptcy because that, Mr. President, is totally inaccurate.

I am not sure that the changes and counterchanges are very useful. No one, to my knowledge, wants to harm the Social Security trust fund. I certainly know that I do not want to harm the Social Security trust fund. And frankly we are reduced on that side of the issue to deciding whether the trust fund's surplus is safer being misused as it is today or is it safer just reducing it so that it cannot be misused. To me that is the issue that appears to be before us.

In my judgment, the real issue here is the context that gave birth to the Moynihan proposal, and I am talking about the shameful state the Tax Code was allowed to deteriorate during the past decade.

I do not for one moment believe that we would be debating a Social Security payroll tax cut if the Tax Code of 1980, with its level of fairness, were still in place today. In fact, if we still had the 1980 Tax Code, we would not be using the Social Security surplus to offset the massive deficits created by the so-called supply side experiment. Instead, that surplus might be part of a great savings pool that would be fueling the capital formation, investment, and growth of this country.

Unfortunately, we do not have a Tax Code like we had in 1980. The supply side revolution came and wiped it away. The tax cut of 1981 dramatically slashed taxes for the wealthiest of our population, and working men and women have been paying through the nose ever since.

That, Mr. President, is the reason that a payroll tax cut is so attractive to so many of us, including this Senator. Working men and women were the forgotten Americans of the 1980's, and Senator MOYNIHAN recognizes that fact and attempts to deal with it with the amendment he brings to the Senate today.

I would submit that American social policy has gone through a kind of de-evolution during the last decade. We have regressed. In the thirties we had the New Deal, which gave birth to the Social Security system and an income supplement for those in their retiring years. In the 1940's and 1950's, we had the Fair Deal and Square Deal. It appears to me that during the 1980's we gave middle-income Americans a raw deal.

The 1981 tax cut cost the U.S. Treasury $2 trillion—$2 trillion by the end of this year, according to the figures of the Office of Management and Budget. Those are not my figures. Those are the figures of the administration.

And who picked up the $2 trillion bill? The working men and women of this country. In the 1980's, working Americans saw their payroll taxes steadily increased, while those who were more affluent were taxed less and less.

I think Senator MOYNIHAN's proposal illuminates the disparity of the tax burden during the decade of the 1980's. In 1980, Social Security payroll taxes accounted for 30.5 percent of all revenues. By 1990, a scant 10 years later, that share had jumped to 36.8 percent, over a 6-percent jump in just 10 years.

During the same time the combined income tax of both corporations and individuals declined from 60 percent of revenues to 54 percent of revenues. What was filling that 6-point gap? The payroll tax from Social Security.

Now, Mr. President, the statistical basis for the proposal that Senator MOYNIHAN brings to us today is the frustration of American working families. A payroll tax is collected only up to $52,000 in income, and it has significantly replaced the once progressive income tax as the prime source for funding the operations of the U.S. Government.

As a result of the shift to a payroll tax, we had a predictable outcome. With respect to the overall distribution of the tax burden in the 1980's, the bottom 60 percent of Americans saw their tax rates increased. The effective tax rate on the richest 1 percent fell by 14 percent during the decade of the eighties.

And perhaps the sorriest part of the whole unhappy episode is that the tax abuses were just salt in the wound of most middle-income working Americans. A stagnant standard of living has exacerbated the shift in the tax burden and the working men and women. The middle class of this country are getting a double whammy.

During the eighties the real income of the richest 1 percent of our population surged by 75 percent while the real income of the poorest fifth of Americans fell by 4 percent. The mid-

dle 20 percent experienced just a 3-percent increase over the entire decade.

Mr. President, there are going to be efforts to question the methodology according to which the data that I have offered was gathered. But these objections will not be very effective because the middle-class men and women of this country know instinctively what happened to them in the 1980's. And they are furious.

During the economic summit last year, we did our best to redress the balance. Unfortunately, we were resisted at every turn by the administration, but some positive changes were made. But the Tax Code is still less fair than it was in the 1980's. A serious recession is drowning some of the very families that struggled so hard to stay afloat in the 1980's.

We need a change in this country. Middle America needs tax relief and we need a real, not a phony, tax revolution on behalf of the working men and women of this country.

Perhaps now it is true that the option Senator MOYNIHAN brings to us today regarding the payroll tax cut is not a direct answer to the problem. I must say, it appears to this Senator that the Social Security trust fund has been drawn into the central tax equity question primarily by accident. Perhaps we should not do anything that alters the so-called trust fund surplus, as has been urged upon us today.

Still, Mr. President, the vigorous opponents of the payroll tax cut must reckon with the fact that the status quo is simply unacceptable. If the Moynihan proposal is defeated today, a similar proposal will come again and again until public pressure forces its passage. If you make the case that the Social Security tax is too sensitive to withstand change, you are then obliged to come up with some alternative way to put fairness back into the Tax Code. If not the Moynihan approach, then what?

Frankly, Mr. President, this makes a very, very difficult vote for me. I have deep sympathy for the Moynihan proposal brought to us today by the distinguished senior Senator from New York because it is rooted in the tax equity problem. But I must confess that I am equally concerned about the condition of the Federal deficit and its impact on the economic well-being of this country.

I am especially sensitive to the case made by by chairman of the Finance Committee about our need to build up national savings. My own conviction is that we need a frontal assault on the inequities that are now in our Tax Code and not a flanking manuever that some claim might threaten Social Security.

For all of these reasons, and with much reluctance, I will vote against the procedural amendment that will allow the payroll tax to be cut at this time.

But I want to make my position clear. Something must be done to change our overall tax system and to restore its equity for the overwhelming majority of Americans.

I say that knowing that there will be controversy about any change in the Tax Code. But I believe we must overcome that controversy. I am convinced that middle-income American families are entitled to some measure of tax fairness, and that we can, somehow, achieve a bipartisan consensus about ways for reducing taxes on the great working middle class in this country.

I strongly suspect, Mr. President, that, if the Moynihan initiative is not successful today, the distinguished Senator from New York will again be in the vanguard of those who seek to redress what is a basic and continuing inequity in the Tax Code of this country.

I thank the Senator for yielding to me.

The PRESIDING OFFICER. Who yields time?

Mr. MOYNIHAN. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator is recognized for 2 minutes.

Mr. MOYNIHAN. Mr. President, I rise to thank the chairman of the Budget Committee in terms for which the formal designations "distinguished," and "learned," and "able" are inadequate. That was a statement from the heart. And it so illustrates what I would hope would be the tone of our debate.

I said earlier that the problem here is that we are corrupting language. And how refreshing it was to hear the chairman of the Budget Committee say the question is whether the trust funds are safer being misused as they are today.

And how much I regret that he had to say what is so—that the letter that was given to the President to sign is totally inaccurate. You must not allow a President to say something to the Senate that the chairman of the Budget Committee would describe as totally inaccurate.

Let us at least recognize that there is no more precious thing than the integrity of our statements as we go forward in this debate.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, I understand Senator GORTON would like to speak in opposition. I yield to the Senator 5 minutes.

The PRESIDING OFFICER. The Senator from Washington, Senator GORTON, is recognized for up to 5 minutes.

Mr. GORTON. Mr. President, I add my name to the list of Senators opposing efforts of the Senator from New York, to raid the Social Security trust fund in the name of providing a tax break for the working people of this country.

The distinguished Senator from New York professes only to be interested in returning the Social Security system to a pay-as-you-go system of financing. The Senator makes two arguments. First, we should return the Social Security system to its historical pay-as-you-go method of financing because the high Social Security taxes of the last 8 years have restored the fund to solvency, so that higher taxes are no longer needed. Second, by lowering the Social Security tax working men and women of America will receive a much needed shot in the financial arm during these troubled economic times.

It is important to understand why we first abandoned the pay-as-you-go system of financing before deciding whether or not we should now return to this method of financing. As I remember, we abandoned the pay-as-you-go system for two important reasons.

First, back-to-back recessions almost bankrupted the Social Security system. The pay-as-you-go system of financing Social Security was clearly incapable of providing the system with financial stability. With the Social Security system subject to a constant threat of collapse, it became the conventional wisdom in the country that the Social Security system was anything but secure. Report after report pointed out that the entire country had lost faith in the Social Security system because of this ever present threat of bankruptcy. Few under 40 believed that Social Security would be there for them when they retired.

Second, Mr. President, everyone who objectively analyzed the future strains on the Social Security system came to the conclusion that the pending retirement bubble of babyboomers would overwhelm the pay-as-you-go method of financing Social Security. All agreed, we needed to plan for the future bubble of retiring babyboomers to forestall either huge increases in payroll taxes on a smaller working population or a significant cut in benefits to those babyboomers once they retired.

As was so brilliantly pointed out yesterday by my distinguished colleague from New Mexico, one of the strongest and clearest voices for raising Social Security taxes was the senior Senator from New York. Not only did he agree that a future fund surplus was necessary to anticipate future demands which would burden the system, he even predicted there would be proposed raids on those attendant surpluses. And, as the Senator from New Mexico reminded the Senator from New York, in his own words he admonished the Senate to repel these raids on the security and stability of the Social Security system.

At least the Senator from New York is candid enough to admit higher pay-

roll taxes will eventually be necessary. His proposal would reduce the tax to a minimum of 5.2 percent by 1996. But by 2015 the tax would return to its present level. Of course, these higher taxes will be necessary because there will be a large number of babyboomers retiring at the very time our working population becomes smaller. That is why we have rates at their present levels.

By the year 2030, even under the amendment, the rate will be 1.6 percent higher than it currently is. By the year 2050, it will be higher than that.

Basically, Mr. President, the Social Security tax cut proposed by the Senator from New York continues Congress' bias toward never doing today what could be put off until tomorrow. He offers us a vote which will give our constituents, the voters of our States, a tax break today. At the same time the Senator from New York can claim his proposal is fiscally sound by including in his package the specific tax rate increases which will have to be paid in the future to keep the fund solvent.

Mr. President, the senior Senator from New York is asking us to cut our Social Security taxes and our children's Social Security taxes so our grandchildren and their children can pay higher taxes in the future. The Senator knows in most cases our grandchildren and their children will not be voting in our elections. But our colleagues should know if they vote for this cut today they will be imposing an additional burden of an average of $1,300 per year per worker in the year 2020. These are our grandchildren and their children who we are voting to tax now.

Mr. President, the Senator from New York knows we will not have to suffer the political consequences of the higher tax rates we would mandate by his proposal for years in the future.

I hope 51 Members of this body will demonstrate a proper sense of the fact that what we do here matters to future generations. But, just as importantly, I hope 51 Members of this body realize exactly how this proposal will impact our economy today.

A CBO study has estimated that the economic impact of this proposal will be a reduction in GNP of 1 percent, Mr. President. The CBO points out that this reduction will occur because of the required higher Federal borrowing, 190 billion dollars' worth, will lead to higher interest rates and lower investment in the Nation's factories and infrastructure.

If any positive results come from this Social Security tax proposed by my distinguished colleague, they will, to quote the CBO study, be "relatively modest and short-lived." We can't afford to sacrifice our Nation's factories and infrastructure for possible modest and short-lived gains. I hope enough of my colleagues will agree to defeat this proposal.

In summary, Mr. President, here are the results to be expected from this amendment. First, every worker in this country will receive an average of $2 to $3 dollars per pay check because of this tax cut. Second, our Government will have to raise even more money on the capital markets, driving up interest rates. Third, because of the higher interest rates, we will have a smaller gross national product, possibly a 1-percent reduction in our Nation's GNP. Fourth, we may be undermining the long-term integrity of the Social Security system if the Senator from New York's economic assumptions are not perfect. And finally, Mr. President, our grandchildren will have to pay $1,300 more a year to maintain the Social Security System's solvency and benefit levels to finance today's tax cut.

I propose that we in the Senate reject the Senator's proposal. It will do us no good today, endanger the solvency and stability of the Social Security System and pick the pockets of our grandchildren tomorrow.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. I thank the Senator for his remarks.

The PRESIDING OFFICER. Who yields time?

Mr. MOYNIHAN. I yield myself 1 minute.

The PRESIDING OFFICER. The Senator From New York is recognized for 1 minute.

Mr. MOYNIHAN. Mr. President, at this moment the statement is being made in telephone calls to Senators that the amendment we are about to vote upon precludes, drops, eliminates the provision in S. 11 that would increase the maximum wage subject to the Social Security tax.

This is not so. I support returning the taxable maximum wage base to its traditional level. Which is to say, to set the maximum wage level such that it covers about 90 percent of wages in the economy. Currently only 86 percent of wages in the economy are covered. The amendment I am now offering does not eliminate this provision in S. 11. Rather, it permits an alternative view to be offered when S. 11 comes to the floor. At that time we will have to decide by a majority vote which alternative we want. But we retain the option.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. MOYNIHAN. Mr. President, I see the distinguished Senator from Rhode Island on the floor. He would like to speak in opposition. I have some time.

The majority leader has not arrived. I yield 3 minutes to the Senator from Rhode Island, if he is gentle in his comments.

The PRESIDING OFFICER. The Senator from Rhode Island [Mr. CHAFEE] is recognized for up to 3 minutes.

Mr. CHAFEE. Mr. President, first of all, I want to thank my distinguished colleague for letting me speak in opposition to his amendment. That is really going the full distance, is it not? I will be very gentle and I will leave out some of the sterner remarks my script has prepared.

As I understand it, approval of this amendment would pave the way for a simple majority vote on a future amendment to reduce the Social Security tax. In addition, the effect of the amendment would be to eliminate the requirement to offset the revenue loss when you reduce the tax rate. In other words, the way the situation is now you have to make up any loss of revenue some other place. My colleague has eliminated that, as I understand it, in the future.

In my judgment, if enacted, this proposal would harm our economy and leave a crippled economic legacy for our children. Under current law employers and employees each pay 6.2 percent of their wages in Social Security taxes into the trust fund. Any annual surpluses are invested in Treasury securities.

The underlying proposal of the distinguished Senator from New York on whch this amendment is based would return Social Security to a pay-as-you-go system by reducing the tax rate to 5.7 percent in the first year and 5 years from now cut it back to 5.2 percent. That is nice. How nice. We cut the tax.

However, if we look to the future, the tax has to go up. This is a pay-as-you-go system. It is not an insurance system anymore. The tax would go up to 7.8 percent, and 50 years from now it could be as high as 8.1 percent.

Is that really what we want to do to our children? I do not think so.

Mr. President, the distinguished Senator from New York says this proposal would not jeopardize the trust fund. Well, maybe so. I notice the largest association of retired citizens in our country, the American Association of Retired Persons, is opposed to this Moynihan amendment for that very reason, that it would jeopardize the trust fund for Social Security.

A recent report issued by the Congressional Budget Office warns that a reduction in the Social Security tax "would have a severe impact on the economy and would result in a slower economic growth and higher inflation and interest rates."

Is that really what we want when we are trying to come out of a recession? I do not think so, Mr. President.

The General Accounting Office has stated a safe margin of reserve in the Social Security trust fund should be for 18 months of benefits. In other words, there is enough in there to pay for 18 months. Do we have a surplus? Well, let us look and see.

There is enough in there currently to pay not for 18 months but for only 10 months.

Mr. President, like all of my colleagues in Congress, I would like very much to help working Americans. However, I do not believe we should place a large burden on the backs of future workers in order to provide a small benefit to our current workers. Instead, we should diligently pursue measures that reduce the deficit, stimulate the economy, and provide jobs for the millions of unemployed Americans. This is the only honest way to help both current and future American workers.

I hope this amendment will be defeated.

Mr. MOYNIHAN. Mr. President, I yield 20 minutes to the distinguished majority leader.

The VICE PRESIDENT. The majority leader is recognized for 20 minutes.

Mr. MITCHELL. Mr. President, I will attempt to use less than 20 minutes so others will have a chance to take time to address the Senate on this important subject.

Mr. President, and Members of the Senate, since Senator MOYNIHAN introduced his proposal to cut Social Security taxes, there has been circulated a tremendous amount of misinformation about what it would do to Social Security. An effort has been made to construct a politically powerful argument against the Moynihan amendment, but the argument is without merit. I would like to state a few simple truths about what this amendment really does.

First, the Moynihan amendment does not in any way undermine the financial strength of the Social Security System or put anyone's Social Security benefits at risk. Instead, it will strengthen the fiscal and political integrity of the Social Security system.

By restoring the current cost financing of the program, it will make the American people secure again that their Social Security taxes are being used exclusively to fund Social Security benefits, which is what they are supposed to be used for; not to fund general Government spending, which is what they are being used for.

Second, the Moynihan amendment is a tax cut intended to help middle-income, working families. It is fair to American taxpayers, and particularly to the broad middle class of working families who already shoulder most of the tax burden in this country.

Third, the Moynihan amendment will begin to make up for at least a decade of tax policies tilted to favor the wealthy in this country at the expense of the middle class.

Fourth, and simply most important, the Moynihan amendment is the right thing to do for our country. The Moynihan amendment provides for a 15-percentage point reduction in the Social Security tax paid by workers and by employers. This is, in effect, a 16-percent cut in Social Security payroll taxes. The cut is phased in to ensure that a safe reserve, amounting to about a year and a half of benefit liabilities, is maintained in the trust funds to deal with any economic downturns that may occur in the future.

Although that is the way Social Security has operated for years, and that is the preferable financing method of many retirement policy experts, in this debate we have heard opposition to that policy. The opponents' argument is aimed at the Nation's senior citizens, and is intended to persuade them that the Moynihan amendment will endanger their benefits or otherwise undermine the Social Security System. That argument is without merit.

There is a misconception today that American taxpayers are paying higher Social Security taxes to prefund entirely the retirement benefits of the baby boom generation. But they are not. In fact, they cannot, because it is impossible to fully prefund a retirement system for the entire Nation.

The current Social Security tax rates simply enable the collection of huge amounts of money which, if kept in reserve, would postpone for a few years the higher level of taxes that will ultimately be necessary to fund the retirement of the baby boom generation. And I emphasize the words "if kept in reserve."

Eventually, Social Security taxes will be raised to fund the retirement benefits of the generation born after World War II. The Moynihan amendment will in no way affect the level of taxes that will eventually be necessary to fund those benefits. It simply affects the timing of those taxes.

Social Security taxes are higher today than necessary to fund current benefits. The only reason for these higher taxes is to delay for a few years in the next century the point at which taxes will ultimately have to be raised. That policy might be appropriate if the money were saved for the future in a trust fund separated from the Government. But it is not being saved and it will not be saved.

Instead, these surplus Social Security taxes are being used to fund general Government expenses—to purchase defense equipment, to pay interest on the national debt, to pay for law enforcement, and the many other functions of Government. We are, in effect, funding the operations of Government with a very regressive tax, a tax that is a flat rate, a tax that only applies to salary income, a tax that only applies against income up to $53,400 a year.

I ask my colleagues to think about that. Does anyone believe that to fund a new Government program, any program, there would be any political support now for enacting a new tax that would exempt all investment income that is assessed at a flat rate, that leaves untouched all income above $53,400? How many Senators would vote for that new tax?

That is what we have today with Social Security taxes. Those taxes fund the very same programs as are funded by the Federal income tax and most other Federal taxes. The Social Security System is collecting far more in taxes today than is necessary to fund current Social Security benefits. The preferable course might be to save the extra Social Security revenues to create a surplus in the budget in order to lay the foundation for future economic growth.

I know Senator MOYNIHAN supports that proposition. But if one thing is certain, it is that the money will not be saved. As we have learned in the past decade, that just will not happen. If the future in any way resembles the past, this Nation will continue to run huge budget deficits in the non-Social Security budget, the size of which will be masked by the huge surpluses from the Social Security tax on wages. We will continue to burden American workers with a highly regressive tax to pay for the overall cost of Government.

We have heard from the administration that these extra taxes on working Americans are necessary to protect the Social Security System. That is not true. It simply is not true. We should heed the view of Robert Myers, the former chief actuary of the Social Security Administration and the executive director of the 1983 Greenspan Commission. Robert Myers has been working on Social Security issues from the very beginning. He served on the staff that put the original legislation together in 1935 that established the Social Security System. There is no individual in this Nation who has been more intimately involved with or who knows more about the Social Security system than Robert Myers, and he supports the Moynihan amendment.

In his testimony before the Finance Committee last year, Mr. Myers laid out the argument very well for a cut in Social Security taxes. He said the current system, and I quote him, "does not make sense." Current-cost financing, he said, would "increase public confidence in the program. Now longer would there be confusion and fear of 'thievery and embezzlement' in connection with the use of trust funds money to balance the Federal budget."

He advocated the Moynihan amendment because he said it would "rationalize and stabilize" Social Security and would not in any way "endanger the benefit rights of either current beneficiaries or those who have will come on the rolls in the future."

At the hearing, Mr. Myers cited the views of J. Douglas Brown, of Princeton University, who was one of the original designers of the Social Security System, and who has written extensively on the philosophy of this Na-

tion's retirement system. Douglas Brown believes strongly that Social Security should not be distorted by making it an instrument of fiscal policy. He believed the size of the reserve funds should be kept as close as possible to 1 year's benefits so that the precious confidence of the American people would not be undermined by using Social Security to influence fiscal policy.

Mr. Brown's concerns about manipulating Social Security for fiscal policy purposes were never more appropriate than they are today, because that is exactly what is now being done and, in effect, that is what the opponents of this amendment advocate They say they are concerned about the effect of this tax cut on the Federal budget deficit and on this Nation's fiscal policy.

That is not an unreasonable position. Those are important concerns. But it is, if not an unreasonable position, an unfair position. It is unfair to the millions of middle-income American families who are being asked to pay higher taxes on their wages because the Government refuses to rely on a more fair means of collecting revenue to pay for the operations of Government.

We are all concerned about the deficit. It is a serious national problem that has consumed the attention of the Congress for at least a decade. The effect of the Moynihan amendment on the deficit cannot be ignored, but the longer we depend on the current system, the more dependent we will be on this unfair taxing system.

In the next fiscal year, the Social Security system is expected to run a $70 billion surplus. By the year 2000, just a little more than 8 years from now, the Social Security system is expected to run a $200 billion surplus. The Federal Government will be collecting $4 billion a week in excess Social Security taxes to fund general Government operations.

To understand why this amendment is necessary, it is useful to review the direction that tax policy has taken in the United States over the last decade. During that period, taxes on capital income have been drastically reduced, and the top marginal income tax rate has been cut by more than half. Our Nation has come to rely to a much lesser extent on corporate taxes and on individual taxes on the very wealthy.

Corporate taxes are down and individual taxes on the very wealthy are down. What have they been replaced by? They have been replaced by increased payroll taxes, taken in a flat amount, only on labor income, and only on the first $50,000 in wages.

As a result, over the last 15 years, the means by which the Federal Government collects revenues to fund its operations have become much less fair. The middle class now bears the overwhelming burden of taxation in our society. Middle-income families have seen their effective tax burdens rise relative to higher income families.

Unfortunately, that has occurred at the same time that the distribution of income in the Nation has become more concentrated at the highest income levels than at any time since such measurements have been taken. The Congressional Budget Office has documented the changes in the distribution of Federal income tax burdens between 1977 and 1992. According to information just released by CBO, the bottom 90 percent of all households, 90 percent of all households—and that is obviously most Americans—with only one exception will pay higher Federal taxes in 1992 than they did in 1977. The one exception is the second lowest decile of earners, who will benefit from an increase in the earned income credit last year. Meanwhile, the top 10 percent in income will enjoy a tax cut in their liability. So taxes have gone up for 90 percent of Americans at the bottom, taxes have gone down for the 10 percent at the top, and most of that tax reduction of the top 10 percent is in fact concentrated in the very wealthiest, so that the top 1 percent has an 18 percent reduction in their tax burden.

So what we have done over the past 15 years is we have had a tremendous cut in taxes for the very wealthiest Americans, and in order to make up for it we have had higher taxes for working and middle-class Americans. I ask all Members of the Senate, is that fair? The answer obviously is no. This was the result of a combination of a cut in individual income taxes only for the highest income families and an increase in Social Security taxes which have disproportionately burdened middle-class families. According to CBO figures, the share of total Federal revenues coming from Social Security taxes has risen by more than 20 percent since 1980 while the share of revenues coming from the income tax has declined by almost 10 percent.

There are those who say this is not unfair. There is an argument to be made on the other side. They say that Social Security benefits are progressive so it is fair to fund them with a regressive tax even if it means a higher relative tax burden on middle-income families. I respectfully disagree. The problem is that payroll taxes on working Americans are higher than is necessary to fund the progressive benefits. The middle-class taxes went up in the last 15 years, not to fund increased Social Security benefits but to fund general Government spending. That is wrong. The Moynihan amendment would correct this inequity. It would provide a meaningful tax cut to middle-income working families who have been overburdened for the last 10 years, the middle class, whose taxes are going up while the taxes for the very wealthy have gone down. Senator MOYNIHAN will do this while preserving the financial strength of the Social Security System.

In conclusion, Mr. President, Senator MOYNIHAN is the chairman of the Subcommittee on Social Security and Family Policy of the Senate Finance Committee. He is perhaps the foremost expert on Social Security in the entire U.S. Congress. He served on the 1983 Greenspan Commission, which was responsible for recommending legislation to preserve the financial solvency of Social Security, and Senator MOYNIHAN is and has always been regarded as a tireless advocate of the elderly and a vigorous protector of Social Security. He advocates cutting Social Security taxes to put the Social Security System back on a current-cost-financing basis. He knows that it is best for the long-term viability of the Social Security System and best for the Nation.

The Moynihan amendment is good retirement policy, and it is good tax policy. Most of all, it is fair. For 15 years, middle-income families have seen their taxes go up while the taxes of the very wealthy have gone down. All Senator MOYNIHAN has said is let us make it fair by reducing taxes on the middle-income people as well. It deserves to pass this Senate.

Mr. President, I thank my colleague for his time, and I yield back whatever of my time I have not used to Senator MOYNIHAN for the use of the majority manager.

The VICE PRESIDENT. Who yields time?

Mr. DOMENICI addressed the Chair.

The VICE PRESIDENT. The Senator from New Mexico.

Mr. DOMENICI. I understand that I have some time remaining in opposition. I understand that is 15 minutes.

The VICE PRESIDENT. The Senator has 9 minutes and 56 seconds remaining.

Mr. DOMENICI. I understood that Senator MITCHELL wanted to yield the rest of his time to——

Mr. MOYNIHAN. Mr. President, might I ask how much time I have?

The VICE PRESIDENT. The Senator from New York has 6 minutes 8 seconds remaining.

Mr. MOYNIHAN. In that case, I will be happy to yield 5 minutes to the Senator from New Mexico, and I retain the remaining.

The VICE PRESIDENT. Without objection, it is so ordered. Who yields time?

Mr. DOMENICI. I yield 6 minutes then to the Senator, 5 plus I will yield him an additional minute.

The VICE PRESIDENT. The Republican leader is recognized for 6 minutes.

Mr. DOLE. Mr. President, we are going to have a very important vote, I understand, at about 12:30. There has been a lot of talk and a lot of confusion about the so-called Moynihan Social Security plan, the so-called tax cut. I think as this vote approaches in the