# SENATE—*Monday, March 14, 1988*

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

## PRAYER

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

Let us pray:

*Then the Lord answered Job out of the whirlwind, and said, Who is this that darkeneth counsel by words without knowledge? . . . I will demand of thee, and answer thou me. Where wast thou when I laid the foundations of the earth? Whereupon are the foundations thereof fastened?*—Job 38:1-2, 3-4, 6.

Creator God, eternal and infinite in being and attributes—omnipotent—all powerful—omnipresent—everywhere at once—omniscient—all wise and all knowing—in this quiet moment at the beginning of the week, we come to You. You know all things—infinite and infinitesimal—the future is as plain to You as the past. You know the path America is taking—where it leads and where it ends. You know our lives in microscopic detail: our hearts—our secret thoughts—our motives, desires, and ambitions. Gracious Father in heaven, lead us, individually and corporately, in Your way. Your will be done on Earth as it is in heaven. In Jesus' name. 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. STENNIS].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, March 14, 1988.*

*To the Senate:*

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

JOHN C. STENNIS,
*President pro tempore.*

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

## RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

## THE JOURNAL

Mr. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

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

## THE CHAPLAIN'S PRAYER

Mr. BYRD. Mr. President, I thank the Chaplain for his great prayer this morning. It was instructive, it was reflective, and it was infusive.

He quoted from that great old Book of Job. We might spend our time no better than to think about his prayer. I thank him for the daily sustenance and comfort that he gives us in his quotations of the Scriptures and the thought that he gives to this daily moment that is so good for all of us, a moment of prayer.

Mr. President, I yield the floor.

## RECOGNITION OF THE ACTING REPUBLICAN LEADER

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

## THE CHAPLAIN'S PRAYER

Mr. SIMPSON. Mr. President, I, too, join in the remarks of the majority leader with regard to our Chaplain, who is always most topical and piercing in his remarks and so sensitive to the way we live and move and have our being in this place. He knows what it is, and not many do.

We do not have complaints. We are very privileged to serve this United States in this body, but it is a little different than it appears sometimes. We thank him for his recognition of that which, in itself, is a ministry to us, as he deals with us and shares with us so much. So I thank him, too.

## VISIT TO THE SOVIET UNION

Mr. SIMPSON. Mr. President, I greet the majority leader and say that we are ready to go forward and do business on this side of the aisle. We have much to do. I hope it has been a constructive recess period for people as they have gone back to their districts and now returned here.

For me it was—and I will just touch upon it lightly, not lightly in the sense of what we accomplished, but in terms of my brief time this morning—a most fascinating visit to the Soviet Union for Senators CRANSTON, NUNN, LEVIN, COHEN, and myself, not as part of an offical Government delegation but as members of a delegation under the auspices of the Carnegie Corp. and the Aspen Institute. It was the five Senators and renowned physicists Sidney Drell and Charles Townes, and a most noted Kremlinologist, Bob Legvold, and a truly remarkable humanitarian, Dr. David Hamburg, and our former colleague from Iowa, Richard Clark.

It was a most stimulating time in which we had access to, and a visit with, General Secretary Gorbachev for nearly 3 hours and 15 minutes of his time, and in which we visited with Foreign Minister Shevardnadze for some 3½ hours on a separate day. We met with Marshal Akhroneev, and heard his spirited discussion of the defense posture and the military mission of the Soviet Union; and a most touching, inspirational and memorable time with Andrei Sakharov and his amazing spouse, Yelena Bonner. We spent more than 2 hours with them in their apartment in Moscow and were treated to their hospitality and their unique philosophy of freedom—academic and personal and religious freedom.

There really was not much that we did not cover with the members of the Soviet Union—the high officialdom, the party people, the Politburo members. We were privileged to meet with many of those persons also.

It was a superb presentation. I was very proud to be a member of the delegation. We talked with the leaders of the Soviet Union about conventional arms and all our concerns there; NATO; strategic arms; START talks; reduction of arms. We met with the U.S.S.R. Academy of Sciences personnel, Academician Sagdeev and Academician Velikov. We talked with officials and leaders about defense systems, intrusive verification, things that are very much of interest to us all, particularly what kind of verification we will have on INF and the need for ever-increased and different types of verification on the strategic arms reduction.

We talked about emigration. We talked about immigration. We talked about "refuseniks." Senator LEVIN, in his remarkably compassionate way that he has, as a very caring man, submitted a list of "refuseniks" to Ambassador Dobrynin. I think you will see some results there. All of us hope for that.

We talked of Afghanistan. I know the great interest of the majority leader in Afghanistan.

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

We talked of Central America. I do not remember that we skipped anything in our review with both the General Secretary and the Foreign Minister, a full range of expressions of five rather diverse Senators from the United States of America.

I want to commend our Ambassador, Jack Matlock, for his marvelous command of the Russian language and his ability to communicate with all members of the Soviet Union. He makes us very proud. I was obviously very impressed by Jack Matlock, especially with his command of the language and knowledge of the people, which is always a critically important thing in dealing with another country.

There are many more who I could speak of. Deana Arsenian, who was with our group, and who speaks fluent Russian; she is a very able member of the Carnegie Corp. staff. And it was a very extraordinary visit where, perhaps, we even had a bit more freedom than would have been the case if we had been part of an official government delegation.

So, I was very proud to be part of it, very proud of the members, Senator CRANSTON, Senator NUNN, Senator LEVIN, and Senator COHEN; and it was very much something that I think will prove to be very worthwhile. At least in terms not only of action but in their understanding of how we feel on issues.

I know the majority leader has just had his tour of NATO and we will combine together and talk about things, and the two delegations will share their views and their information. But it was an excellent opportunity and hopefully will bear fruit in the form of suitable treaties, ratification, important verification measures, interpretations, linkage, all the things that are so vital to us as legislators in the United States.

Again, it was a fine opportunity and I hope, a productive and fruitful one.

Mr. BYRD. Mr. President, will the distinguished Senator yield?

Mr. SIMPSON. I yield.

Mr. BYRD. Mr. President, I have been listening to the distinguished acting Republican leader. It sounds like the trip was a very interesting and useful one. The delegation with which he traveled certainly was an alignment of excellent minds and personages. I will be looking forward to hearing more about the trip. I have no doubt that this delegation, made up as it was, certainly contributed much to the discussions that were had. And I have equally no doubt that those discussions will contribute to our better understanding of many issues that were discussed.

I am thankful for the safe journey that was made and we are certainly happy to welcome back the assistant Republican leader and those of his delegation today.

As I say, I, for one, look forward to hearing more about the discussions that were had.

Mr. SIMPSON. I thank the majority leader and I, too, look forward to that. I inadvertently omitted a very fine and effective member of the delegation, Don Rice, president of the Rand Corp. He was also present at all of the activities. And I thank the majority leader and look forward to the coming work period.

## MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order there will now be a period for the transaction of morning business for not to exceed 10 minutes with Senators permitted to speak therein for not to exceed 5 minutes each.

The Senator from Wisconsin.

## HAS NUCLEAR DETERRENCE BROUGHT AN AGE OF PEACE?

Mr. PROXMIRE. Mr. President, without proclaiming it, this generation may be moving into the birth of the age of peace. Is this a blind idealistic hope for an era of living together in harmony and love without violence and incidents of armed conflict? No indeed. This is not idealistic. It is not a hope. It is not an expectation of a new harmony or love. Violence will continue. There will be armed conflict. But the era of large-scale major war between the Earth's great powers has passed. It has passed without even a murmur to mention its passing. Just think of it. We now know that the era of major war ended in August 1945. It ended with the advent of those explosions from American bombers in Hiroshima and Nagasaki. What has happened in the more than 40 years since nuclear explosions ended World War II? What happened is that both the United States and the Soviet Union have built phenomenal stockpiles of nuclear weapons. Each side now has more than 10,000 strategic nuclear weapons. Each side has enough nuclear weapons to obliterate the other literally 100 times over.

What does that mean? That means that a nuclear war would surely end civilization. In a major war today we are absolutely certain that both sides would be totally destroyed. Both would lose. Both would lose utterly. They would lose everything. President Reagan, the most hawkish, anti-Communist President in this century, has said exactly this. So has Communist Secretary Gorbachev. These leaders have said that major war has ended. But the meaning just has not sunk in even with them. Here is the most remarkable message of the last 2,000 years. But we pay no attention to it. We move along as we have for the two centuries that we have been a Republic as if nothing has happened. Indeed, we are now pouring more money into building a military force for the next major war than we ever have in peacetime before. It is as if no one ever tapped us on the shoulder to wake us up and tell us: It is all over. There will not be another major war because if there is we will all be dead, or wish we were dead.

This is not to say that violence is gone from the face of the Earth. It is not. Terrorism is here for a long run, too. So are savage wars among developing nations. And cruel invasions of smaller nations by the big bully nations will also be around. Drugs, corruption, sleaze, theft, exploitation will also plague mankind. But the nightmare of major wars is over. Of course, that leaves plenty of misery in the world. For the great majority of people the world has not changed since the English sage, Thomas Hobbes, observed in 1641 that for most of mankind life is "nasty, brutish, and short." It still is. The only real difference is that today there is more of mankind to suffer.

So what does the elimination of major superpower war signify? It signifies that we have the strongest kind of basis for an agreement between the two superpowers to maintain the nuclear deterrent on both sides. This is critical. That deterrent is what has brought the assurance of peace. In 1972, the United States and the Soviet Union agreed to an Antiballistic Missile Treaty [ABM] that did precisely this. That treaty recognized that both sides should be allowed to maintain the credibility of their nuclear deterrent. That ABM Treaty guaranteed the credibility of each deterrent by prohibiting either side from building a defensive system—a strategic defense initiative or SDI designed to destroy the credibility of the other side's deterrent. It is the very acceptance by both sides of the willingness to preserve the credibility of the other side's deterrent that constitutes the heart of our faith that there will not be another major war involving the superpowers. As long as both sides follow policies that will assure the other that its deterrent is not threatened, both sides know that a nuclear war would be an insane act of mutual suicide. Both sides can be confident that a nuclear war will not be fought.

Once the nuclear deterrent is firmly established, then both sides can begin to enter negotiations to reduce the enormous burden of conventional arms on both sides. Would such a reduction risk the possibility of a conventional war? No. It would not. Because both sides recognize that a conventional war between the United States and the U.S.S.R. could and almost surely would lead to a nuclear war—starting at a low level of nuclear

weapons and swiftly escalating into the terrible double tragedy of a full-scale nuclear war with two total losers.

The upcoming long era of superpower peace will enable the world's developed countries to bring a vast improvement in the standard of living to the developing nations with the food, the improved health, the family planning for a far better life.

All of this is based on the practical logic that fear of the horrible consequences of nuclear war has done what the love, the kindness, the heroic appeal to mankind's better nature by great religious leaders have failed to achieve in all the years man has dwelt on this planet. So there is a great day a "comin." It is not coming wrapped in gentleness and love. It has come packaged in fear and infinite lethal power. But it is here. So let us welcome this new era of peace and use it to build a better world.

## WE NEED MORE GOVERNMENT AUDITS OF DEFENSE PROCUREMENT

Mr. PROXMIRE. Mr. President, from time to time, Defense Department officials and defense contractors complain about the number of Government audits of defense programs. The General Accounting Office has been singled out for much of the criticism. It is argued that the General Accounting Office has become a tool of those Members of Congress who want to "micro-manage" defense procurement, and who are more interested in seeking publicity than solving problems.

An article in the current issue of the magazine Government Executive examines the controversy. The title of the article is self-explanatory: "Pentagon Growls at Congressional Watchdog." The subtitle captures the essence of the Pentagon's complaint: "Defense Officials Are Finding General Account Office Audits Increasingly Troublesome and Irritating." I have no doubt that to some officials GAO audits, as well as audits by the Pentagon's own auditors, are troublesome, irritating, and also embarrassing.

Attacks against the General Accounting Office and charges of congressional micro-management of defense procurement are thinly veiled attempts to apply pressure on Congress to ease up on congressional oversight. The fact is, Congress spends a great deal of effort, and requires the General Accounting Office to devote much of its resources, to investigations of defense procurement for two reasons: First, because so much of taxpayers' money is spent on defense procurement; and, second, because so much taxpayers' money is wasted on defense procurement through inefficiency, mismanagement, and fraud.

In just the past week, several new cases of procurement foul-ups were reported in the news media.

In the March, 7, 1988, edition of Defense News, an editorial raises questions about several Navy and Air Force aircraft programs whose costs are rising sharply. Defense News points out that the Navy is paying significantly higher unit prices for F-14 interceptors and SH-60F helicopters, although the volume of purchases in the same this year as it was last year. In addition, 100 F-16 fighters will cost $1 billion more next year than the 180 F-16's ordered in 1988. Defense News concludes that an explanation for these price increases is necessary.

On the same day, March 7, 1988, the Washington Times reported that an audit by the Defense Department's inspector general found that Martin-Marietta overcharged the Army $11 million, and Rockwell overcharged the Army $9.3 million on contracts to build the Hellfire antitank missile. According to the inspector general, the two contractors provided the Army with defective price information for about one-third of the parts used to build the Hellfire and charged the Army more than it would have had to pay elsewhere.

On March 8, 1988, the Washington Post reported a new cost overrun on the Navy's 688-class attack submarine program. The Post reports cost overruns of $1.2 billion and construction delays up to 18 months for the construction of 23 submarines being built by General Dynamics and Newport News Shipbuilding & Drydock Co. These cost overruns are the latest in a long series of problems in the 688-class submarine program. What is especially disconcerting about them is that Navy Secretary John Lehman and other Navy officials assured Congress several years ago that the problems in that program had been solved and there would be no further cost overruns.

Also on March 8, 1988, the Los Angeles Times reported that two subcontractors pleaded guilty to conspiracy, tax fraud, and false claims charges concerning the B-1 bomber program. The subcontractors were involved in an illegal check-cashing and fraudulent overbilling scheme.

Finally, on March 10, 1988, it was revealed in the Washington Post that Bell Helicopter Textron, Inc., has agreed to pay back $90 million for overcharges on Army helicopter spare parts. The Post story states that the overbilling was detected by Pentagon and GAO auditors.

These disclosures of cases involving cost overruns and overcharging demonstrate the need for stepping up Government audits and congressional oversight of defense procurement. Congress appropriates funds for procurement in the hope that weapons programs will be well managed and taxpayers will get a decent return on the investment. But given the history of waste and abuse in this area, it would be foolish not to require strict accountability. Government audits are an essential part of congressional oversight and an adequate system of accountability. I fully support the work that has been done by the General Accounting Office in response to congressional requests for audits and investigations of defense programs. The General Accounting Office should be commended for the work that it has done and encouraged to strengthen its efforts.

I request unanimous consent to have printed in the RECORD at the close of my remarks the articles I referred to: "Pentagon Growls at Congressional Watchdogs," by David C. Morrison, Government Executive, March 1988; "An Explanation Is Necessary," Defense News, March 7, 1988; "Pentagon Accuses Two Contractors of $20 Million Overcharge on Arms," by Paul Bedard, Washington Times, March 7, 1988; "Navy Says Nuclear Subs Over Budget," by George C. Wilson, Washington Post, March 8, 1988; "B-1 Subcontractors Plead Guilty to Fraud Charges," Kim Murphy, Los Angeles Times; "Helicopter Maker Will Repay U.S.," by Michael Isikoff, Washington Post.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Government Executive, March 1988]

### PENTAGON GROWLS AT CONGRESSIONAL WATCHDOGS

(By David C. Morrison)

As Congress' perennial furor over the fate of the U.S. binary chemical weapons program was reaching its climax in July 1986, the Defense Department's top expert on the issue, Deputy Assistant Secretary Thomas J. Welch, met with this reporter to discuss the merits of the program and its congressional prospects. What Welch really wanted to talk about, it turned out, was the General Accounting Office (GAO).

Just two weeks before, the GAO's Program Evaluation and Methodology Division had published a highly critical, 125-page study of the technical performance of the Bigeye nerve gas bomb. After a half-decade of legislative skirmishing to forestall the resumption of chemical weapons production, nerve gas foes on Capitol Hill felt confident that they were now armed with the silver bullet to finish off Bigeye once and for all.

"Congress should not fund weapons systems which do not work," House Foreign Affairs Committee chairman Dante B. Fascell, D-Fla., asserted in releasing the devastating study. "The only reliable bombshell we have today is this report by the GAO."

As is so often the case, the GAO's findings and congressional commentary on them resonated powerfully in the press. "Gas Bomb is Flawed, GAO Says," a *Washington Post* headline trumpeted the next day; "Study Disputes Pentagon on Readiness of New Chemical Weapons," announced *The New York Times.*

"Chemical weapons opponents have sponsored more GAO man-years of effort to criticize the program than we have expended here to set up and manage it," groused Welch. "The GAO team that looked at the Bigeye were methodologists and statisticians and auditors," ill-suited to address technical problems, which, in any case, had cropped up earlier in the testing program and had since been ironed out. The GAO, Welch complains, has "put the requirement back on us now to put the word out on the Hill that these are non-problems."

There isn't any question that the GAO report swung some votes into the anti-Bigeye camp, though in the end, Congress gave its grudging assent to begin production of the weapon. The Pentagon's victory, however, hardly assuaged Welch and other defense officials who have drawn an angry bead in recent years on a congressional agency that increasingly functions, in their view, as a goon squad for Capitol Hill Pentagon-bashers. Rushed by its congressional masters to produce quick reports, the GAO no longer performs as thoroughly and dispassionately as it once did, they say.

In the defense community, feelings about the accounting office often run high. A GAO auditor, a contractor complained bitterly in a 1986 *Military Logistics Forum* article, is "someone who comes out at night after the battle's been fought and bayonets the dead and wounded."

If there is a bayonet brigade at the GAO, it leader is Frank C. Conahan, assistant comptroller general for national security and international affairs. He takes such charges in easy stride. As a product of GAO's experimental audit methodology group, the 1986 Bigeye report may have sparked some Pentagon resentment and misunderstanding, he conceded in a recent interview. "But we'll stand by that report. And that's one of many, many GAO products, so I can't get terribly concerned about [it] being of that kind of concern to the folks in the agency."

While congressional demand for GAO defense audits undeniably has grown dramatically in recent years, he observed, so, too, has the defense budget. The 1,200 greeneyeshaders in Conahan's defense and international affairs division alone produced about 200 reports in fiscal 1981, but he expects that staff, which has not grown significantly, to generate approximately 250 reports and 50 committee testimonies during the current fiscal year.

MICROMANAGEMENT

Defense officials' rising resentment of the GAO comes in the context of widespread concern both inside and outside government about Congress' increasing proclivity to oversee the most intimate details of executive branch activity. Attacks on congressional "micromanagement" are regularly heard from government and industry officials at defense procurement conferences, for example.

Even Paul Volcker, the recently retired chairman of the Federal Reserve Board who is now heading the National Commission on the Public Service, recently attacked "the enormous proliferation of congressional committee and personal staff [which] dilutes the ability of any administration to initiate and control the policy agenda." Volcker complained that bright young staffers on Capitol Hill are wasting agency executives' time with huge numbers of inquiries, "including a great many that are either substantively frivolous or more relevant to a staffer's concerns than that of his congressional boss. . . . The result seems to me questionable in terms of coherency and consistency of government."

Inquiries funneled through the GAO, of course, have more weight than others, for they are sure to result in a printed report that is made available to the public and the press.

Along with its workload, the GAO's auditing function has also expanded dramatically over the years. Established in 1921, the agency served solely as a fiscal audit organization until the late 1940s, when that role was transferred to the executive branch agencies. The accounting office then began its transformation into today's comprehensive audit and evaluation outfit; it serves, essentially, as Congress' bureau of investigation. Today, the agency employs about 5,000 people.

Another significant change resulted from the decision a few years back by Charles A. Bowsher, who has served as Comptroller General since 1981, to channel the GAO's energies more narrowly into satisfying mounting congressional demand for audits and investigations. Consequently, at least 85 percent of the GAO's defense work—up from 66 percent in 1985—now flows directly from congressional requests, instead of from the agency's own audit agenda. Some of the national security division's nine subdivisions, including the three focusing on the Army, Navy and Air Force, derive 100 percent of their caseload from congressional requests.

"I see that as a good sign," says Conahan. "I see it as the Congress getting around to using a tool that it's had at its disposal for years better than it has in the past." In fact, a broader cross section of Congress seems interested than in the past. The queries come not only from the House and Senate Armed Services and Appropriations committees, but also, increasingly, from other committees and even individual Members of Congress.

The complaint of a Department of Defense (DoD) executive that the GAO "never turns down congressional requests for a job," however, is not quite on the mark. Although the GAO must by law respond to and consider every request, it does not always agree to follow through. Last year, for instance, 15 House Republicans wanted the GAO to review the prospects for closing 28 military bases—all of which happened to be in Democratic districts. Arguing that the Pentagon already had a methodology for evaluating base closures, Conahan respectfully declined the request.

Nor does the GAO, as also been charged, invariably produce the findings that legislators obviously hoped for in asking for an audit. Rep. Ted Weiss, D-N.Y., strongly objected to a 1985 GAO study he says didn't adequately address the risks of homeporting nuclear-capable Navy ships on Staten Island. "I am particularly dismayed that the report failed to meet my request," he complained in a statement issued at the time. Senate Majority Leader Robert Dole, R-Kan., was similarly disappointed when the GAO reported favorably in 1986 on Fairchild Industries' management of the T-46A Air Force trainer contract. Dole hoped the contract would be terminated (as it eventually was), with the work going instead to continued production of the T-37 by the Kansas-based Cessna Manufacturing Co.

Further, it must be noted that the relationship between the Pentagon and the GAO has not always been one of fear and loathing. Within the department, people's views of the accounting office vary according to whose programmatic ox has been gored. But Jack Montgomery, deputy assistant Defense inspector general for GAO reports analysis, says, "we've gotten to a point where DoD management generally views GAO's work as an effective management tool." In recent years, the department has been concurring with more than 95 percent of GAO's recommendations—in the process, says Montgomery, saving (or avoiding spending) some $12 billion from 1979–87.

Montgomery also praised Conahan and his aides as being "honest, reasonable, [and striving] for the best quality work possible."

DECLINING RAPPORT

For these very reasons, Montgomery continues, "it's sort of painful to me to see the relationship declining, as it seems to be." The biggest contributor to that decline, he says, is the severe deadline pressures imposed on the GAO by congressional requesters. "What that means in practical terms is that the duration of a job gets reduced," says Montgomery, "which means that they correspondingly reduce the scope of the work to fit it in."

Depending on the complexity of the issue at hand, a GAO audit can take from 30 days to, rarely, 18 months. Generally, "we do have very tight time frames around here," says Conahan. "And that's good. It means that people want our stuff, and they're going to use it." Conhan disagrees, however, with the suggestion that the quality of his division's work has suffered in the process.

Montgomery takes the other view, arguing that time constraints have hurt the GAO review process. In the past, nearly every draft report was circulated to defense officials for formal comments, and the comments were included in GAO's final report. This is seldom done any more, and that, says Montgomery, "in my perspective, hurts both the quality and the value of the GAO's work."

The diminishing opportunities for formal comments on reports could also affect the process by which GAO recommendations are acted upon by the agency. "The law requires resolution of audit and management disputes," says Montgomery. But lacking a formal comment process, "GAO cannot refute DoD positions with facts and evidence, and we cannot respond to their final comments. When we lose the draft comment, we lose half of the opportunity to profit from GAO work."

Congress' growing practice of dispensing with the formal comment process has been driven in part, says Conahan, "by a view that we overreacted to agency comments, watered down our findings in reaction to agency comments. I don't share that view, but nonetheless that perception was out there."

VIEW FROM CONGRESS

Some defense specialists on Capitol Hill see little need for the back-and-forth of comment and response. Says Rep. Bill Nichols, D-Ala., chairman of the House Armed Services Subcommittee on Investigations, "There's been a lot of criticisms of GAO reports, that it takes GAO too long to get out a report by circulating it to all the DoD echelons for review and getting comments."

Nichols thinks the GAO's expertise is deep enough to obviate the need for formal agency comment on its reports. "Maybe everybody doesn't have the confidence that I have in the GAO," says Nichols. "But when a GAO stamp is put on something, to me its

sort of like John 3:16 in the Bible. I really believe that."

The current climate of investigatory zeal on Capitol Hill, and of distrust between the legislative and executive branches, is epitomized by Nichols' own subcommittee. His oversight caseload has burgeoned to the point that he has had a half-dozen GAO auditors detailed to his subcommittee staff on a semipermanent basis. They are looking into such issues as problems with the Bradley Fighting Vehicle, the issuance of security clearances to aliens and the proliferation of ultrasecret "black" procurement programs.

Leading the charge on Capitol Hill to do away with the formal comment process has been House Government Operations Committee Chairman Jack Brooks, D-Texas. "I expect GAO to verify with the appropriate office all of the facts it has gathered on the program it is reviewing and then arrive at its findings and conclusions and make its recommendations and issue its report," says Brooks. "Then the committee will ask the agency for comments. This allows me to obtain a better and fuller understanding of what problems exist. In addition, the report is not delayed by having to wait for the agencies' comments and GAO's subsequent evaluation of them. I do not believe that this policy has a negative impact on agency compliance."

PRESS DISTORTION?

But the lack of a pre-publication review by agencies probably does have an impact on how GAO findings are reported by the press. Members of Congress often release GAO reports they have requested with a Monday embargo so as to hit the newspapers with a maximum splash on the day of the week that news editors are most hungry for copy. If the Pentagon has not had the opportunity to formally review and comment on the report, Defense officials usually have nothing more to offer the inquiring reporter than a bland "no comment."

"Sometimes newspaper articles are based on interim GAO briefings at the staff level and totally surprise DoD," says Montgomery. "There's nothing worse for an institution that surprises—when it is surprised, it tends to react emotionally." Many Defense officials feel, too, that GAO's finding can become distorted or oversimplified in the transition from its often lengthy and complex blue-bound reports to the pages of the nation's newspapers. "We routinely call the GAO," says Montgomery, "and they say, 'We had all the appropriate caveats in the report, but neither the Congress nor the media were interested in studying that.' "

But Conaham, a 33-year GAO veteran, believes press distortion of GAO's products is less of a problem now than it was during the early 1970s. "I think our stuff gets reported pretty accurately and better than it used to," he says, in part because more reporters these days come to the GAO for explication of particularly complex audits before writing their stories.

The decline of formal commentary shouldn't affect report quality or the value of GAO recommendations, adds Conahan—but, he conceded, it might. He stresses, however, that even in the absence of a formal comment process, GAO findings are always discussed at a "close-out conference" with base commanders of program managers. "We sit down and say this is what we found," he says. "Then all that gets wrapped into a draft report. Not only are the comments incorporated into the report, that's an integral part of the audit."

In any event, the accounting office's chief task is to meet the needs of Congress, Conahan argues, no matter how fast and furious the audit requests may fly."When the folks on the Hill believes that they are being dealt with fairly by the agencies, you'll see a decrease in requests to GAO for audits and ivnestigations," he concludes. "But that's not the mood of the day."

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[From the Defense News, Mar. 7, 1988]

AN EXPLANATION IS NECESSARY

While the public spotlight was directed last week at the NATO summit meeting in Brussels, Belguim, Congress heard some worrisome statements from Acting Navy Secretary Lawrence Garrett and Adm. Carlisle Trost, chief of naval operations. Testifying before the House Appropriations defense subcommittee, the Navy's two most senior officials said they could not explain why the costs of several of the Navy's frontline aircraft have risen sharply.

In some instances, the Navy is paying significantly higher unit prices for airplanes and helicopters even though the volume of purchases has not changed. A dozen F-14 interceptors cost $987 million in 1988 and $1.07 billion in 1989. The 1988 program unit price—for the plane, research costs, initial spares, training, support and construction—was $82 million. That is a bargain relative to the 1989 figure of $89.7 million. The Navy will buy 18 SH-60F subhunter helicopters a year in 1988 and 1989, but the unit price rises by $2.6 million the second year.

At $59.7 million the 1989 price of the EA-6B Prowler electronic warfare plane soars above the present figure of $43.6 million. Twelve planes were ordered in 1988, compared to nine in 1989, partly explaining the cost increase of 36 percent. The 72 F/A-18 Hornet tactical aircraft on the Navy's order books for next year each will cost $33 million, up from $28.7 million per unit for the 84 aircraft ordered in 1988.

Other services are struggling with similar figures. The 180 F-16 Falcon fighter planes to be purchased next year will cost $3.7 billion, or almost $1 billion more than the 180 ordered in 1988. The difference of about $5 million per plane is partly attributable to modernization of the F-16.

Admirals and service secretaries are not expected to perform like cost accountants. But some of these figures are troubling in a year when air wings are being deactivated to save money. A complete explanation will bolster public confidence in the military.

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[From the Washington Times, Mar. 7, 1988]

PENTAGON ACCUSES 2 CONTRACTORS OF $20 MILLION OVERCHARGE ON ARMS

(By Paul Bedard)

Martin Marietta Corp. and Rockwell International Corp. overcharged the Army more than $20 million on contracts to build the helicopter-launched Hellfire anti-tank missile, according to a confidential Pentagon investigation.

A Defense Department inspector general's audit found that Martin Marietta overcharged the Army $11 million while Rockwell filed excessive bills totaling $9.31 million.

The total alleged overcharge is $20,351,450.

"The primary cause for the defectively priced items was that both Rockwell International and Martin Marietta Aerospace applied inadequate purchasing, estimating and record keeping procedures with preparing their final" prices, said the report provided to The Washington Times.

Pentagon Assistant Inspector General Richard W. Townley, who prepared the report, wrote that the companies "did not disclose to the government negotitator current, accurate and complete cost or pricing data during negotiations. The disclosure of these data would have shown that lower prices were available than those certified to the government."

Mr. Townley recommended that the Army's missile command, which buys the Hellfires for the Army and Marine Corps, recover the $20 million from the companies. The Army will decide how to seek a refund on the contracts in the next few weeks, a spokesman said.

Martin Marietta refused to comment while Rockwell spokesman Neil Linkon said the company, which builds the missiles at its Duluth, Ga., missile sytems division, disagrees with the findings of the audit.

Army spokesman Don McClow said both companies denied the allegations in the audit, "stating they did not believe they had overpriced the Hellfire. . . ."

The audit reviewed four years of contracts held by each company. Martin Marietta's contracts audited covered $398 million worth of work from 1983 to 1986. The auditor found defective prices were filed for 35 percent of the parts—most supplied by subcontractors—used to build the Hellfire.

In one example, Martin Marietta added $86.94 to the price of 2,095 missile fuses, for a total overcharge of $182,139, according to the audit. In another example, the company, which manufactures the Hellfire in Orlando, Fla., overcharged the Army $364.14 for an equal number of missile warheads, adding $726,873 to the price of those parts.

The audit, which called on the Army to recover the overcharges, faulted the huge arms suppliers for submitting "defective" prices of goods used to build the $32,000 laser-guided air-to-surface missile.

In Rockwell's case, the Pentagon audited $358 million in contracts covering 1982 and 1984 to 1986. The inspector general said defective prices were submitted on 29 percent of 401 parts used to build that company's version of the Hellfire.

The Hellfire is carried on the Army's chief attack helicopter, the AH-64 Apache, and the Marine Corps' Cobra. The armor-penetrating missile is also being considered for use on Army and Marine vehicles, the Pentagon said.

The Army and Marines plan to buy 60,532 missiles for a total of $2.85 billion.

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[From the Washington Post, Mar. 8, 1988]

NAVY SAYS NUCLEAR SUBS OVER BUDGET

(By George C. Wilson)

The latest versions of the Navy's Los Angeles-class attack submarines are costing a total of $1.2 billion more than projected and are running as much as 18 months behind their delivery schedule, Navy officials said yesterday.

The Navy's top shipbuilding official vowed the overruns would not become a repeat of the 1970s clash between the Navy and its shipbuilders over who owed how much to whom in building earlier versions of the nuclear-powered sub.

"I'm not going through that again," said Everett Pyatt, assistant secretary of shipbuilding. This time around, said Pyatt, the Navy admits it is liable for at least half the cost of the $1.2 billion above the target prices on 23 submarines, 11 under contract

to the Electric Boat Division of General Dynamics and 12 to Newport News Shipbuilding and Dry Dock Co.

There are two types of overruns. One is the amount above the so-called "target" price for the ship agreed upon by the Navy and the shipbuilder. The overrun on this target price is split between the Navy and shipbuilder. The second type of overrun is how much the cost exceeds the maximum allowed in the contract. The builder pays all of that overrun under a fixed price contract.

Industry executives who requested anonymity claimed the Navy during Pyatt's tenure has insisted on artifically low target prices in shipbuilding contracts, setting the stage for the target cost overruns.

Pyatt countered in an interview that he and his colleagues have saved taxpayer money by negotiating low target prices that contractors strive to achieve to avoid paying half the overrun. He estimated Navy pressure has saved $100 million on Los Angeles-class submarines.

The Los Angeles class is designed to sink enemy submarines, and modern versions can also hit shore targets with Tomahawk cruise missiles. The sub's fiscal 1989 price is $758,564,000.

One Navy document circulating within the Pentagon attributes part of the overruns in target prices to the shipbuilders' agreeing to artificially low amounts as part of a desperate effort to find new business in a declining market, a version of the "buy in" approach assailed by Congress in the past.

Although Pyatt said the Navy is liable for half the overrun, shipbuilding executives blamed the Navy for some of the overruns by ordering extra work beyond that covered in the contracts, and said the service should pay for them. Negotiations are underway on this point, Navy and industry officials said.

The Navy has ordered many improvements in the sub's later versions, including launching boxes for Tomahawk cruise missile submarines, reinforcement of the hull so it can punch through arctic ice, noise reduction, and better electronics. How some of these costs should be apportioned is part of the argument.

Four Newport News boats will be delivered 14 months to 18 months late, according to the Navy, with delivery of the USS Albany estimated to move from this May to November 1989; USS Scranton from May 1989 to July 1990; USS Ashevill from September 1989 to November 1990, and another, not yet named, from January 1990 to March 1991. Delivery of seven of Electric Boat's subs is now expected to be from seven to nine months late.

In the 1970s, congressional investigators accused General Dynamics of fraudulent contracting practices by keeping one set of books for itself on the cost of constructing Los Angeles subs and a second, for the Navy, that hid cost overruns and delays. The company and the Navy had a long, bitter fight over who was responsible for cost overruns. Former Navy Secretary Edward Hidalgo settled the claims in 1978, awarding General Dynamics $634 million.

A 1985 staff report by a subcommittee of the Joint Economic Committee assailed the settlement, arguing that the company had deliberately bid low to win the contracts and thus should not be reimbursed for the overruns. The Justice Department investigated allegations of fraud by General Dynamics but no indictments were returned.

Vice Adm. William H. Rowden, commander of the Naval Sea Systems Command, in testimony before the House Armed Services Committee last week, expressed deep concern about a "dramatic decline" of U.S. shipbuilding.

"[This] jeopardizes our ability to meet future Navy peacetime and surge mobilization needs for ship work," Rowden said. "We see no easy solution to these problems but encourage steps aimed at bolstering our sagging industries."

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[From the Los Angeles Times, Mar. 8, 1988]

B-1 SUBCONTRACTORS PLEAD GUILTY TO FRAUD CHARGES

(By Kim Murphy)

The former president of Butler Industries Inc. and the company's general manager pleaded guilty Monday to conspiracy, tax and false claims charges stemming from an illegal check-cashing scheme and fraudulent overbilling for construction of parts on the B-1 Bomber.

Robert F. Butler, former owner of both Butler Industries and Purkey Co. Inc., and Steven Wooten, former general manager, entered guilty pleas under a provision of law that allows them to continue to proclaim their innocence.

The two men admitted that the government could prove many of the allegations against the Valencia-based aerospace company but claimed they never intended to violate the law, said Butler's attorney, Gerson S. Horn. The specially structured guilty pleas allow the two men to present their defense in any civil litigation stemming from the allegations.

The first of three federal grand jury indictments charged the two men with cashing 18 company checks made out to fictitious payees. The checks, valued at more than $144,000, were then fraudulently claimed on corporate tax returns as a deduction as a cost of goods sold, according to Assistant U.S. Atty. J. Stephen Czuleger.

A second indictment accused Butler of a similar check-cashing scheme totaling more than $259,000 involving Purkey Co. Inc.

A third indictment accused the two men of overbilling Rockwell Inc., contractor on the U.S. Air Force's B-1 Bomber project, for the cost of change orders on parts that Butler was making as a subcontractor.

According to Assistant U.S. Atty. William Price, Butler overcharged Rockwell by $200,000, inflating estimates of the amount of time the change orders required by up to eight times the actual time spent.

Butler entered the provisional guilty plea to charges of conspiracy, presenting false claims to the United States, subscribing to a false corporate income tax return and assisting in the preparation of a false tax return.

Wooten pleaded guilty to similar charges in two of the three indictments.

But Horn said the two men still claim they were writing the phony checks in order to obtain cash for legitimate business expenses. The company was habitually overdrawn and would otherwise have been unable to obtain the money, he said.

Butler Industries has been sold, and the current company management has no connection to any of the alleged wrongdoing.

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[From the Washington Post, Mar. 10, 1988]

HELICOPTER MAKER WILL REPAY U.S.

(By Michael Isikoff)

Bell Helicopter Textron Inc. has agreed to return $90 million to the U.S. government to resolve a Justice Department investigation into allegations it fraudulently overcharged the Army on helicopter spare parts, sources said yesterday.

The agreement was described by a Pentagon official yesterday as the largest settlement of a defense contracting fraud case to date. It is scheduled to be announced by U.S. Attorney Marvin L. Collins in Fort Worth soon, possibly as early as Friday, sources said yesterday.

The settlement marks the end to a four-year dispute between Bell Helicopter and the Army that grew out of findings by Pentagon auditors of numerous accounting and inventory irregularities at the Forth Worth company. During the investigation, there also were allegations that Bell Helicopter officials shredded documents, altered computer entries and covered up evidence of deliberate overbillings to the government.

But federal prosecutors decided that the accounting issues that underlay the alleged coverups were so complex that it would have been difficult to successfully explain them to a jury, sources said yesterday.

As part of the settlement, Bell Helicopter will write a check for $69 million to the U.S. Treasury, sources said.

In addition, it will turn over to the Army about $11 million worth of its inventory and agree not to charge the service for several allowable costs, including about $3.5 million of its legal defense fees.

Much of that amount went to the Washington firm of McKenna Conner & Cuneo, which has specialized in representing defense contractors under investigation by the government.

Also offsetting the $90 million will be about $5 million in interest the company is due on monthly progress payments the Army improperly withheld in 1984.

As part of the settlement, prosecutors have agreed to drop any potential criminal or civil charges against the company.

Bell Helicopter will not acknowledge any wrongdoing, according to sources.

But the investigations subcommittee of the House Energy and Commerce Committee is continuing its own review of the case and plans hearings sometime this spring, a staff member said yesterday.

Among the issues the panel is exploring is why the Army continued to award contracts to the company after the Defense Contract Audit Agency and the General Accounting Office had identified the overbilling, the staffer said.

The panel also has identified several instances of what it calls "possible undue influence," including one in which the Army plant representative who approved the contracts later was hired as the company's manager for government marketing.

Assistant U.S. Attorney Ronald C.H. Eddins in Forth Worth said he could not comment on the resolution of the case. Carl Harris, a spokesman for Bell Helicopter, confirmed that "a settlement is in the offing," but added the company could not comment "until a final agreement is reached."

Harris also said the terms under discussion "will not have a material effect on Bell Helicopter Textron in 1988."

Bell Helicopter is a wholly owned subsidiary of Textron Inc., a diversified conglomerate based in Providence, R.I. In fiscal 1986, the parent company ranked as the Pentagon's 14th largest contractor, with $1.6 billion in defense work.

Bell Helicopter holds contracts from the Army for such major helicopter programs as the AH-1 Cobra attack helicopter, the UH-1 Iroquois utility helicopter and the OH-58D Kiowa light helicopter.

According to sources familiar with it, the $90 million settlement covers most of the $107 million in overcharges that the Defense Contract Audit Agency had identified at Bell Helicopter between the years 1982 and 1986. The largest part of the settlement, about $46 million, involves alleged violations of so-called "savings clause contracts" that the Army required be attached to Bell Helicopter contracts to limit overcharges by the company in early 1984.

While the savings clauses limited profit rates to 12 to 13 percent, Bell Helicopter was actually receiving substantially more than that, sources said.

That happened because it frequently billed the Army for supposedly newly made spare parts, such as helicopter blades, when it actually supplied blades that already were in its inventory.

Auditors also found that the company commingled its government and commercial manufacturing operations in such a way that it may have been charging the Army for parts that had already been paid for by commercial contractors.

This alleged violation, which accounts for about $9.1 million of the settlement, was described by an auditor as "potential double billing."

"They simply had a flawed accounting system and they could not justify the costs they were charging to the Army," said one source.

When Army auditors began to challenge the company's costs, however, they discovered that hard copies of some of its manufacturing records had been destroyed, the source said.

Company officials said that all the inventory information on the destroyed records had been entered into its computer system.

But according to sources, government auditors found that hundreds of entries into the computers had been altered, making it impossible for them to trace back the original entries.

One focus of the House subcommittee investigation will be the role of Bell Helicopter's outside auditors, Arthur Young & Co., which never objected to the firm's accounting controls.

A spokesman for Arthur Young said yesterday the firm would have no comment.

Mr. BYRD. 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.

## ORDER OF PROCEDURE

TREATY DOCUMENT NO. 100-10

Mr. BYRD. Mr. President, around 1 o'clock, I would anticipate that there would be a rollcall vote on going into executive session to take up the Montreal protocol. I had indicated last week that there would be a rollcall vote around 1 p.m. today. I had also hoped that there would be an agreement reached on a time limitation on the Montreal protocol. As of the moment, we have not been able to lock that time agreement in.

So there will be a rollcall vote on proceeding to the protocol at around 1 p.m. Hopefully, once the Senate is on the treaty, that treaty could be disposed of without a great deal of discussion.

IMMIGRATION AND NATIONALITY ACT

Mr. BYRD. Afterward, the Senate will go to the immigration bill. There could very well be several rollcall votes this afternoon on all of these measures, including amendments to the immigration bill.

FILING OF AMENDMENTS

Mr. BYRD. For now, inasmuch as that vote will not occur until about 1 o'clock, I shall ask that the Senate stand in recess.

I ask unanimous consent that notwithstanding the recess, Senators may file amendments under the cloture rule until 1 p.m.

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

## RECESS UNTIL 1 P.M.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess until 1 p.m. today.

There being no objection, the Senate, at 12:30 p.m., recessed until 1 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. GRAHAM].

The PRESIDING OFFICER. The majority leader.

## EXECUTIVE SESSION

Mr. BYRD. Mr. President, I move that the Senate go into executive session to consider Calendar Order No. 81, Montreal protocol, and I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that the call for the regular order be automatic at the close of 15 minutes.

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

Mr. BYRD. Mr. President, I suggest the absence of a quorum and I suggest that our respective cloakrooms alert Senators that a rollcall is imminent.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia for the Senate to go into executive session.

On this question, the yeas and nays were ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Oklahoma [Mr. BOREN], the Senator from Louisiana [Mr. BREAUX], the Senator from Florida [Mr. CHILES], the Senator from Illinois [Mr. DIXON], the Senator from Nebraska [Mr. EXON], the Senator from Tennessee [Mr. GORE], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Maryland [Mr. SARBANES], and the Senator from Illinois [Mr. SIMON] are necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Kansas [Mr. DOLE], the Senator from Utah [Mr. GARN], the Senator from New Hampshire [Mr. HUMPHREY], the Senator from Nebraska [Mr. KARNES], the Senator from Kansas [Mrs. KASSEBAUM], and the Senator from New Hampshire [Mr. RUDMAN] are necessarily absent.

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

The result was announced—yeas 82, nays 1, as follows:

[Rollcall Vote No. 46 Leg.]

YEAS—82

| | | |
|---|---|---|
| Adams | Gramm | Packwood |
| Armstrong | Grassley | Pell |
| Baucus | Harkin | Pressler |
| Bentsen | Hatch | Proxmire |
| Bingaman | Hatfield | Pryor |
| Bond | Hecht | Quayle |
| Boschwitz | Heflin | Reid |
| Bradley | Heinz | Riegle |
| Bumpers | Hollings | Rockefeller |
| Burdick | Inouye | Roth |
| Byrd | Kasten | Sanford |
| Chafee | Kennedy | Sasser |
| Cochran | Kerry | Shelby |
| Cohen | Lautenberg | Simpson |
| Conrad | Leahy | Specter |
| Cranston | Levin | Stafford |
| D'Amato | Lugar | Stennis |
| Danforth | McCain | Stevens |
| Daschle | McClure | Symms |
| DeConcini | McConnell | Thurmond |
| Dodd | Melcher | Trible |
| Domenici | Metzenbaum | Wallop |
| Durenberger | Mikulski | Warner |
| Evans | Mitchell | Weicker |
| Ford | Moynihan | Wilson |
| Fowler | Murkowski | Wirth |
| Glenn | Nickles | |
| Graham | Nunn | |

NAYS—1

Helms

NOT VOTING—17

| | | |
|---|---|---|
| Biden | Exon | Kassebaum |
| Boren | Garn | Matsunaga |
| Breaux | Gore | Rudman |
| Chiles | Humphrey | Sarbanes |
| Dixon | Johnston | Simon |
| Dole | Karnes | |

So the motion was agreed to, and the Senate proceeded to executive session.

MONTREAL PROTOCOL ON SUBSTANCES THAT DEPLETE THE OZONE LAYER

The PRESIDING OFFICER. The clerk will report the protocol.

The legislative clerk read as follows:

Treaty Document No. 100-10, Montreal Protocol on Substances that Deplete the Ozone Layer.

The PRESIDING OFFICER. Without objection, the protocol will be considered as having passed through its various parliamentary stages up to and including the presentation of the resolution of ratification, which the clerk will state.

The legislative clerk read as follows:

*Resolved, (two-thirds of the Senators present concurring therein),* That the Senate advise and consent to the ratification of the Montreal Protocol on Substances that Deplete the Ozone Layer, done at Montreal on September 16, 1987, to the Vienna Convention for the Protection of the Ozone Layer.

Mr. BYRD. Mr. President, I ask unanimous consent that there be a 2-minute time limitation on the protocol to be equally divided so Senators may put their statements in the RECORD.

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

Mr. BYRD. Mr. President, I ask for the yeas and nays on the protocol.

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

The yeas and nays were ordered.

The PRESIDING OFFICER. Who controls time? The Senator from North Carolina and the Senator from Rhode Island.

The Senator from Rhode Island.

Mr. PELL. Mr. President, how much time is there on this?

The PRESIDING OFFICER. Two minutes, equally divided.

The Senator from Rhode Island.

MONTREAL PROTOCOL ON SUBSTANCES THAT DEPLETE THE OZONE LAYER

Mr. PELL. Nearly 2 years ago, the Senate was called upon to consider whether to recommend Senate advise and consent to the ratification of the Vienna Convention for the Protection of the Ozone Layer. As I said at that time, the Vienna Convention, while clearly evidence of progress on a critical environmental issue of global proportions, was far from enough.

Today, the Senate takes up the Montreal protocol on substances that deplete the ozone layer. I am very pleased that there are now binding international commitments requiring coordinated reductions in emissions of man-made chemicals that imperil our stratospheric ozone. I am also very concerned that the reduction schedule in the protocol is not sufficient to protect public health and the environment from a problem of staggering proportions.

The protocol is a first step toward a true international solution to the threat of ozone depletion. The Environmental Protection Agency and the State Department deserve a good deal of credit for taking an early and strong stand calling for large reductions in chlorofluorocarbons and other ozone depleting chemicals. This position of leadership in the negotiations, as well as an accompanying behind-the-scenes diplomatic initiative, was plainly decisive in alerting other countries to the urgency of the environmental threat from these dangerous chemicals.

There is no doubt that ratification of the protocol is in the interest of the United States. EPA has compiled a record of scientific evidence that conclusively establishes the environmental danger from continued emissions of the CFC's and halons covered by the protocol. Because these chemicals survive for a century or more in the atmosphere, major reductions in their emissions are necessary merely to arrest ozone depletion that may already be occurring. These same chemicals, moreover, contribute to the impending global warming that will cause substantial rises in sea level and potentially severe disruption of agricultural patterns.

International cooperation is obviously in our interest, as emissions of ozone-depleting chemicals from other countries harm us just as surely as emissions from the United States can injure the environments of other countries. The United States, which continues to be the largest user and producer of CFC's on both a national and per capita basis, has an obvious responsibility to accept its share of the reductions required to protect public health and the environment. The protocol equitably distributes this burden among the countries of the world. The Senate should recommend the rapid ratification of this protocol. I also encourage EPA and the State Department to undertake a renewed diplomatic initiative to assure that the requisite number of ratifications are obtained from other countries for the protocol to enter into force as scheduled on January 1 of next year.

At the same time, I am quite concerned that the protocol's reduction schedule is neither sufficiently rapid nor sufficiently large in magnitude. Negotiation of the protocol was complete before the availability of recent scientific evidence that virtually conclusively links the ozone "Hole" over Antarctica to CFC's. New evidence shows unexpectedly large losses of ozone at other latitudes as well. I was disturbed to discover that EPA's current rulemaking on CFC's and halons puposely fails to acknowledge these and other compelling arguments for faster and larger reductions than the minimum required by the protocol. Indeed, these new scientific data demonstrate that the only acceptable solution to the problem of stratospheric ozone depletion is the near-total phaseout of CFC's and halons originally proposed by the United States in the protocol negotiations.

Several nations, such as Canada, West Germany, and the Scandinavian countries, are now considering augmenting the protocol reduction schedule by requiring further reductions domestically. The United States should be prepared to do so as well. By using the leverage of our country's huge international market, we can strongly encourage other countries, and particularly our allies, to take similar steps. I firmly encourage EPA and the State Deparmtment to seek a rapid multilateral review of the protocol reduction schedule. I am concerned, however, that international action on this pressing issue may be intolerably slow. Instead of waiting for consensus multilaterally, the United States should continue to lead by example by requiring larger and faster reductions.

Mr. BAUCUS. Mr. President, I rise in strong support the Montreal protocol to protect the ozone layer. This protocol to the Vienna Convention is a historical first in environmental agreements.

For the first time, the nations of the world have agreed to a worldwide environmental regulation. The step we are about to take in adopting the Montreal protocol will reexert the United States as a world leader in protecting the environment.

Each one of us should recognize the historical step this vote represents. When this treaty takes effect, we will have entered a new phase in worldwide cooperation to protect the global environment. It is my hope that this agreement will be unanimously adopted.

HISTORY OF OZONE DEPLETION

The United States has led the battle to protect Earth's stratospheric ozone from damaging chlorofluorocarbons.

In June 1975—over a decade ago—a Federal Task Force on Inadvertent Modification of the Stratosphere issued a report on chlorofluorocarbons and the environment.

The report stated, and I quote:

The Task Force has concluded that fluorocarbons released to the environment are a legitimate cause for concern. It has also concluded that unless new scientific evidence is found to remove the cause for concern, it would seem necessary to restrict use of fluorocarbons −11 and −12 to replacement of fluids in existing refrigeration and air-conditioning equipment and to closed recycled systems or other uses not involving release to the atmosphere.

That was a strong statement 13 years ago. And as some of you may recall, this was not a study by a single government agency or environmental group. It was a major interdepartmental effort to examine the effects of CFC's on the environment.

Their report stirred interest in a new environmental problem. Its findings, while criticized, have never been refuted.

In 1978, the United States, Canada and a few Scandinavian countries that took the problem seriously finally took action. The use of CFC's as a propellant in aerosol cans was banned.

That action gave the world a brief respite from the problem—breathing time to become educated on the seriousness of this emerging environmental crisis.

Today we know what we are facing. It is this understanding that leads us to the Montreal protocol.

I, for one, am becoming increasingly concerned that the protocol may be too little, too late. The Montreal protocol may not do enough to help avert serious environmental damage.

But, it is also clear that if there is any hope of lessening the damage to our atmosphere, the protocol must be ratified, and soon.

THREE OBJECTIVES

The protocol really accomplishes three objectives.

First, it caps production of CFC's and calls for phased-reductions in emissions. This will provide the incentives industry needs to develop substitutes.

Second, the protocol entices lesser developed countries to join the agreement. It promises that substitutes will be available for their use. This is critical if meaningful worldwide reductions are to be achieved, for without the participation of the lesser developed countries of the world, any controls we implement will be meaningless.

And third, the protocol provides for the use of trade sanctions against nonparticipants. In short, the agreement has some teeth.

Last week, Mexico became the first nation to ratify the protocol. Eleven countries, representing two-thirds of the world's CFC production, must agree to the protocol for it to take effect.

I believe it is vital to the success of this agreement for the United States to take a leadership role in making the protocol become reality. We are viewed by our global neighbors as a world leader in the protection of the environment.

And we are a major producer of the offending chemical. Thus, it is the United States that holds the ultimate key to the success of the Montreal protocol.

We need to move quickly. We need to ratify the protocol and then actively seek participation by the rest of the world.

Last fall the world was confronted with new evidence supporting immediate action. An expedition to investigate the Antarctic ozone hole conclusively linked CFC's to ozone depletion.

This finding is a significant scientific discovery.

But more important to today's discussion, this finding is significant because the protocol specifically excludes consideration of the Antarctic ozone hole.

This situation raises questions about the adequacy of the protocol for a number of reasons.

What does the hole mean for the rest of the world? What does it mean for the southern oceans?

To answer these questions, we must look beyond the fall expedition to the behavior of the ozone hole at the beginning of December.

Each year the hole began to dissipate and disappear in early November. That is, until last year.

For the first time the ozone hole lasted until the first week of December. If the hole persists a few more weeks into the Antarctic summer—the only time in the past when the hole has disappeared—we could find ourselves with an ozone hole that is permanent.

I am troubled by the fact that the Earth's protective shield has been destroyed for a few months each year. The possibility of having a permanent hole caused by a manmade luxury chemical is intolerable.

A second phenomenon that occurred last December which also raises "red flags" is that the hole moved from its perch over Antractica to over the southern ocean.

This raises serious concerns about what effect increased untraviolet radiation will have on living organisms in the ocean.

An ozone hole over the darkened icesheet of Antarctica when the Sun is low presents a much different threat than unrestrained ultraviolet radiation pounding on the surface of the ocean when the Sun is high in the sky.

In short, we may have reached the point where CFC's are directly affecting the food source for a major portion of the fisheries of the southern oceans.

While this scenario is just conjecture, it is plausible. And I raise the issue because it's likely that we may find a need for even greater reductions of CFC emissions than are now called for in the Montreal protocol.

A major international scientific panel is expected to determine this spring how much worldwide ozone depletion has already occurred. This month an expedition to the Arctic is investigating whether ozone depletion is occurring over the northern pole. These investigations may shed a new, chilling light on the problem we—as a planet—now face.

Mr. President, today's action represents an important first step. I am concerned that this step is not enough to solve the problem, but it is clearly the first step that must be taken if we are to protect the Earth's ozone shield.

Mr. MITCHELL. Last September, 24 nations agreed to the Montreal protocol to protect the stratospheric ozone layer. This is an important first step in protection of the ozone layer which protects all biological life on Earth. Such a depletion of the ozone layer presents a serious threat to human health due to skin cancer, depression of the immune system, and other adverse health effects. The Environmental Protection Agency and the State Department are to be commended for this accomplishment.

It must become the highest priority of this administration to urge that this treaty be ratified by other nations so that the agreement goes into effect at the earliest possible date. The European Community and the Japanese Government should be encouraged to ratify this treaty. When this occurs, we will have ratification by a sufficient number of parties that the protocols will be in effect. If this has not occurred by the time of the June economic summit in Canada, the President should emphasize to our trading partners the importance of this agreement and encourage them to ratify it as soon as possible.

Since the Montreal protocol was signed, new scientific data demonstrates that the primary cause of the ozone hole over the antarctic is chlorofluorocarbons [CFC's]. The protocol, therefore, does not fully reflect the implications of this potentially catastrophic event.

Even under the terms of the protocol, if fully implemented, the concentrations of chlorine will continue to rise in the atmosphere for years, posing increasing risk to the ozone layer. This risk is significantly greater to the extent the ozone layer could be depleted over more populous, midlatitude areas. The best path is to move to a full phase out of CFC's at the earliest possible date.

A phaseout should also occur because CFC's are a greenhouse gas, contributing a significant amount of total global warming that will occur as a result of the greenhouse effect. Already the planet is committed to a significant warming. Such warming can cause a rise in the sea level, shift our existing weather patterns and cause great disruptions in our agricultural areas. We increase trace gases, such as CFC's, in the atmosphere at our peril.

The United States must lead the effort to phase out CFC's in order to fully protect the ozone layer and we must lead the world away from the risks posed by ever-increasing greenhouse gases. The most effective way to accomplish these goals is to place greater effort into phase out of CFC's.

I am pleased that all affected parties support this treaty, as I do, and I hope

that all will cooperate in a full-scale effort to find substitutes as quickly as possible.

Mr. WIRTH. Mr. President, I join my colleagues who have spoken in support of ratification of the Montreal protocol. As we have in the past, the United States must continue to exercise leadership to protect the Earth's stratospheric ozone layer. And I commend the distinguished Senator from Vermont, Senator STAFFORD, for his leadership on this issue, as well as many other environmental issues of the day.

In just 14 years, the issue of ozone depletion has evolved from a scientific hypothesis to an urgent global concern. We now know that the composition of the Earth's atmosphere is being changed by human activities. During the relatively short span of 14 years, the scientific community has reached a consensus that continued worldwide emissions of chlorofluorocarbons [CFC's] and halon compounds threaten to break down the stratospheric ozone layer.

That is an environmental threat of unprecedented magnitude. The ozone layer shields the earth, and all living things, from exposure to the Sun's damaging ultraviolet radiation and plays a key role in regulating global temperature levels.

In the absence of purposeful multilateral action to half depletion of the ozone layer, the incidence of skin cancer and eye cataracts could increase dramatically. Scientific modeling also suggests that ozone depletion could trigger significant changes in agricultural production and fish and wildlife populations.

The United States has shown great leadership in working with other nations to curb the production and use of these CFC's. In 1977, unilateral action by the United States banning the use of CFC's as aerosol propellants cut back CFC emissions significantly. And industry has demonstrated its ability to lead the world in developing substitutes for CFC's.

The United States cannot solve this problem by itself, however. In the last decade, the worldwide production and use of CFC's has steadily increased, as new uses for these chemicals were developed. By ratifying the Montreal protocol, the United States will reaffirm its leadership position in protecting the ozone layer. This agreement freezes CFC production at 1986 levels and calls for a 50-percent reduction in both the production and use of ozone-depleting CFC's by 1999.

Support for making these reductions is overwhelming within the United States and among other nations. At home, this agreement has the support of industry officials, the Environmental Protection Agency, and the scientific community. And it was signed last fall by 24 nations and the European Economic Community, and subsequently by the Soviet Union and six other nations.

Implementation of this agreement will lead to significant reductions in CFC emissions around the world. Along with the United States, signatory nations account for well more than two-thirds of the world's production of CFC's. The implications of continued ozone depletion will require that we continue to monitor ozone levels—and we must leave open the possibility that further reductions will be needed. Prudently, the Montreal protocol includes a safeguard that would allow for renegotiation of deeper reductions in production as they are needed.

Ozone depletion and the related concern of the gradual warming of the Earth's atmosphere are distinct threats to life on this planet as we know it. All nations must work together to address these threats and preserve the delicate balance on Earth between man and the environment. The Montreal protocol is an outstanding example of the enormous advantages of international cooperation in these efforts.

Mr. President, the Montreal protocol is a positive step forward toward improved environmental protection and international cooperation. I urge my colleagues to join me in supporting ratification of this treaty.

### TIME TO RATIFY THE CONVENTION AGAINST TORTURE

Mr. KENNEDY. Despite universal abhorrence of torture, the practice continues unchecked in many parts of the world today and is all too often condoned by those in power. Political or governmental authority should not be a license to assault human dignity. Such abuses must not be tolerated. As victims are unable to escape their torturers, we must assure that the torturers are unable to escape justice.

As part of a cooperative global effort to combat torture, I urge President Reagan to sign the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment which was adopted by the U.N. General Assembly on December 10, 1984.

The convention, already signed by 66 countries, serves to codify international law with regard to torture. It provides for jurisdiction over, and universal extradition of, torturers. It also offers protection for the victims of torture. In addition, the convention establishes a committee against torture as a means of enforcement and provides for dispute settlement.

In September 1984, the Congress passed a joint resolution regarding the implementation of the policy of the U.S. Government in opposition to the practice of torture by any foreign government. That resolution requested the President to continue to involve the U.S. Government in the formulation of international standards and effective implementing mechanisms, particularly what was then the draft Convention Against Torture. The United States was an active and supportive participant in the drafting of the convention and the administration has had more than 3 years to review it. It is time for the President to sign and transmit the convention to the Senate for ratification.

At a time when we are all giving special attention to the INF Treaty, it is important to remember that relations between nations involve more than political and military power—as important as it is to meet the challenges that are posed by such power. Nations must also be concerned about fundamental human rights and individual human beings. As an expression of that concern, the United States should sign and ratify the Convention Against Torture, and demonstrate to the community of nations that we remain staunch defenders of human dignity not only at home, but around the world.

Mr. ADAMS. Mr. President, I rise today to declare my support for ratification of the Montreal protocol. This international agreement will prescribe limits on the use of chlorofluorocarbons and other ozone-depleting substances in an effort to protect public health and the environment from the potential adverse effects of stratospheric ozone depletion.

The layer of stratospheric ozone surrounding the Earth constitutes our sole protection against harmful ultraviolet rays. Yet current evidence suggests that this band of protection may be endangered by our heedless use of chemicals. I have watched with growing concern as the ozone "hole" over Antarctica has increased in size and duration in recent years. Scientists investigating this situation last fall noted that this depletion of ozone extended farther north, to the tip of South America, and was deeper than in previous years. Scientists claim that the chlorofluorocarbon molecules are broken apart by ultraviolet light in the stratosphere, sending the free chlorine molecule to attack ozone. The presence of huge amounts of chlorine monoxide in the stratosphere above Antarctica constitutes the end product of this chemical process.

This protocol constitutes the beginning of what must become an international effort to ban the use of harmful chlorofluorocarbons. CFC's are currently used in air-conditioners, refrigerators, for cleaning microchips, and in the foam containers of our fast food industry. While they serve useful purposes here on Earth, these CFC's eventually find their way to the sky and into the ozone layer. Without its protective shield, it is estimated that an additional 40 million cases of skin

cancer and 12 million cataract cases will attack humans in the next century. While the Environmental Protection Agency has already proposed new domestic regulations which would implement the terms of the protocol in the United States, we can't do it alone. Our ratification of this protocol will prove an example of our commitment to this cause to the rest of the world. I urge my colleagues to grant it a swift ratification.

Mr. KERRY. Mr. President, I rise in support of the pending treaty on the Montreal Protocol on Substances That Deplete the Ozone Layer. This treaty is noncontroversial and is essential to our Earth's future environmental protection. Over 24 nations have signed and agreed to the provisions in the treaty. While we would all agree that certainly more still needs to be done to curb the threat to our ozone layer, this treaty is a good beginning and I strongly support it.

A few months ago, this administration came out with one of the most absurd proposals in a long time. Former Interior Secretary Donald Hodel proposed what has come to be known as the Ray-Ban Plan, as an alternative to this treaty. He proposed that, rather than attempting to preserve our ozone layer, Americans should adopt a "personal protection" program of sunglasses, hats, and sunscreen lotion, to protect ourselves from ultraviolet radiation caused by damage to the ozone layer. This proposal was widely and justly ridiculed.

I am glad that the administration has taken a more realistic approach and relinquished the Hodel proposal, and has instead entered into this treaty. But I am still concerned by the fact that the administration has backed away from its own original proposal for a 95-percent reduction in chlorofluorocarbons, or CFC's. Instead, we are now accepting a 50-percent reduction in CFC's.

Cutting CFC's in half is a good start, but it is not enough. Any damage to our ozone layer is too much, and we must take further steps to make greater reductions in CFC's, and provide greater protections for the ozone layer.

This treaty should be ratified promptly by the United States and by other nations as well. It faces major time constraints if we are to accomplish all that it sets out to do, by the year 1989. For example the protocol requires global controls on eight potent ozone-depleting chemicals to be established by July 1989. To that end I strongly urge that we pass the treaty today. But let me be clear, if something boggs down the treaty process and it is not ratified by other nations as planned, we must move ahead to implement its provisions on our own. We should not make our reductions in CFC's contingent on ratification by the EEC countries and all the other countries which are parties to the treaty. This problem is too urgent to wait any longer for action.

For 14 years now, scientists have been warning us that releases of CFC's into the atmosphere will deplete the delicate balance of ozone levels in the stratosphere. The ozone layer acts as a filter for damaging ultraviolet rays from the Sun. We know what the consequences of damage to the ozone layer can be—they include increased incidence of skin cancer, cataracts, harm to marine life, and worldwide damage to agricultural crops. In addition, depletion of the ozone layer causes a warning effect that results in serious consequences to our oceans and atmosphere.

I am concerned by the scientific evidence which links CFC's not only to damage to the ozone layer, but to the greenhouse effect as well. And I am deeply concerned by the alarming evidence of the Antartica Ozone Hole, which is already a serious problem.

We must move ahead with the implementation of this treaty's provisions, but we must also go further in making greater reductions, and in providing incentives for other nations who are our trading partners to do likewise.

This treaty is a good example of how differing interests and nations can come together in an effort to preserve our most precious resource—our environment. It is a model of international cooperation to solve a common problem, which should be emulated in other fields.

I hope that this administration will not attempt to undermine this treaty by coming back to us later with a "broad interpretation" which would scuttle the meaning of the treaty, as they have done in the case of the ABM Treaty. This is a good treaty, and a good foundation for further efforts to preserve our environment. I urge my colleagues today to promptly ratify the treaty.

Mr. PELL. I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Rhode Island has yielded back the remainder of his time. The Senator from North Carolina.

MONTREAL PROTOCOL ON OZONE DEPLETION

Mr. HELMS. Mr. President, the protocol now before us has the overwhelming support of both sides of the aisle. It is the result of an agreement signed on September 17 of last year by 24 countries plus the members of the European Economic Community [EEC]. The protocol seeks to control and diminish the release of hazardous chemicals and gasses into the atmosphere causing the serious reduction of the ozone layer and creating serious health risks to everyone.

This is an environmental issue which affects all Americans. It is an issue requiring the full cooperation of both government and industry in order to combat the injurious effects of ozone depletion. That depletion carries within it major environmental risks for all countries.

Business and industry have been supportive of governmental efforts to deal with this problem. A coordinated international approach to this global problem makes a lot of sense. A major conference on the threat of ozone depletion is to be held in Nairobi, Kenya, next week. Senate approval of this treaty will enhance the American position and will contribute to the improvement of world health conditions.

Mr. President, I support this protocol as a way of making possible the development of new and safer technologies and chemicals which will benefit rather than jeopardize mankind. On an issue such as this, it is important to be realistic rather than idealistic. Business and industry must be heard, and their corporation is essential to bring about a meaningful result. This protocol is realistic. It takes into account the interest of all parties. That is why I support the agreement, and why I urge my colleagues to do likewise.

THE MONTREAL PROTOCOL ON SUBSTANCES THAT DEPLETE THE OZONE LAYER

Mr. CHAFEE. Mr. President, I am pleased to rise in strong support of the Montreal protocol on Substances That Deplete the Ozone Layer.

When I testified before the Foreign Relations Committee several weeks ago, I announced that I would be putting together a resolution that the Senate could consider in connection with this protocol. We are continuing to work on that and are circulating a draft resolution. Unfortunately, the resolution is not yet ready to be presented to the Senate.

Since the first priority is ratification of the protocol, we have decided to take this opportunity to address the protocol today and will return to the resolution at a later date, after more people have had a chance to review it and comment on the proposed language.

As I have said before, any discussion about the Montreal protocol to protect the ozone layer undoubtedly will reveal a fair amount of disagreement. But the common theme—the message that should be heard loud and clear—is this: The United States should ratify this agreement, we should ratify it as soon as possible, and we should press the rest of the world to do the same.

The disagreement focuses on a simple question: Does the protocol go far enough? Does it adequately protect the environment?

Unfortunately, it does not. This became painfully obvious at a hearing we held in the Environment Committee last October. The evidence we

heard from a distinguished panel of scientists convinced me that we must move quickly and forcefully to eliminate, not just reduce, chemicals that are destroying the Earth's protective ozone shield. The primary culprits are a class of chemicals known as chlorofluorocarbons or CFC's.

Mr. President, those who argue that the protocol adequately protects the environment are assuming that the agreement's reduction schedule will provide a sufficient stimulus for the creation of safe substitutes. They tell us that a 50 percent cut is enough to trigger a market-induced elimination of those harmful chemicals.

Well, put me down as a skeptic and one who is not willing to entrust the survival of our planet to an economic theory. It is not enough to "hope" that the economists are right.

After the October hearing, several of us wrote to Dr. Tolba, UNEP's Executive Director, and urged him to call an emergency meeting of the parties to review and respond to the most recent evidence on the "Hole" over Antarctica. That evidence tells us it is not enough to simply reduce our use of these chemicals.

Mr. President, in the interest of having a complete legislative history as part of today's consideration of the protocol, I ask unanimous consent that several items be printed in the RECORD immediately following my statement. They are: copies of our November 17 letter to Dr. Tolba; his response of November 30; and two recently passed Senate resolutions on this subject. The first, Senate Resolution 226, was passed while negotiations on this protocol were underway. The second, Senate Resolution 312, was approved after the agreement was signed in Montreal and before it was transmitted to the Senate.

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

[See Exhibit 1.]

Mr. CHAFEE. Throughout this discussion, it is important to keep in mind that CFC's and halons—the other group of chemicals covered by the protocol—are not only responsible for destruction of our ozone shield, they are also "greenhouse gases." They are significant contributions to the enormous problem of global climate change.

Mr. President, as noted earlier, it is my intention to build on our earlier work in this area, including legislation that Senator BAUCUS and I introduced last year. We need to work on several fronts to achieve the "ultimate objective" of the protocol, namely: elimination of these harmful chemicals.

The resolution that I am working on will make several points:

First, the United States must contribute to be a world leader in this area;

Second, we need to convince the rest of the world to ratify the agreement as quickly as possible;

Third, we need to work through the international process to speed up the agreement's reduction schedule and to go beyond the reductions already agreed to; and

Fourth, if the international process won't move far enough, or if it won't move fast enough, we have to be ready to impose new, more stringent requirements in this country.

Unilateral controls are a tough pill to swallow but, when combined with stringent trade restrictions, they can be a powerful tool to bring other countries around.

In conclusion, Mr. President, as an environmental regulation, the Montreal protocol has its flaws. Fortunately, it can be fixed.

As an international environmental agreement, it is an historic document and a significant achievement. We owe a great deal to those who made it happen—Dr. Tolba, Lee Thomas, Ambassador Richard Benedick, and a host of dedicated staff who worked long and hard on this matter. This protocol deserves to be ratified by this country and by the rest of the world as soon as possible.

EXHIBIT 1

U.S. SENATE,
COMMITTEE ON ENVIRONMENT
AND PUBLIC WORKS,
*Washington, DC, November 17, 1987.*

Dr. MOSTAFA TOLBA,
*Executive Director, United Nations Environmental Programme, Nairobi, Kenya.*

DEAR DR. TOLBA: We are writing to you at this time for several reasons. First, to formally congratulate you and your entire organization for the outstanding work that led to the historic Montreal Protocol To Control Ozone Depleting Substances. The success of that effort is a real tribute to your leadership and commitment to forging a solution to this global environmental problem.

Second, to urge you to take whatever steps are appropriate to encourage all countries to ratify both the Vienna Convention and the Montreal protocol as quickly as possible. In the United States, we are pressing the President and Secretary of State to transmit the protocol to the Senate for immediate consideration and approval. A copy of a recently approved Senate Resolution on this subject is enclosed. It is important that similar, prompt action is taken in other countries to bring the protocol into effect as quickly as possible.

Finally, based upon a recent Senate hearing on the Antarctic ozone "Hole" and the new data that has emerged from scientific expeditions to that region, we recommend that you seriously consider the scheduling of two emergency meetings.

The first meeting should bring together scientific experts to review the most recent data from Antarctica and elsewhere. This scientific review should occur within the next six months. The availability and potentially devasting implications of this new data have convinced us that there is no rational reason to delay. The provision of the protocol calling for a 1989 scientific review did not anticipate that such shocking new evidence would appear less than two months after the signing of the protocol.

The second meeting should bring together all interested countries to consider what steps may be needed to protect the Antarctic ecosystem and the entire Southern Hemisphere. This meeting should occur as soon as possible. As with the scientific review, the fact that the protocol provides for such a meeting in 1990 is not a sufficient reason to delay.

The recent, preliminary evidence from Antarctica serves to highlight the need for early ratification of the Convention and the protocol. The loss of ozone over the region in 1987 was greater than any previous year and chlorine from man-made chemicals has been identified as a major cause of such loss. Unfortunately, this evidence also calls into question the adequacy of the control measures that are included in the protocol. Wholly apart from the implications that such data has for future ozone depletion on a global scale, the potentially devasting effect of the "Hole" on the Antarctic ecosystem, the Southern Hemisphere and the world's food chain warrant emergency action.

In the sessions leading up to Montreal, all of the parties understood that the Antarctic "Hole" was not the basis for the agreement. It is our understanding that, as early as the Geneva session in December 1986, you made an explicit pledge to call an emergency session to reopen the agreement if it turns out that the "Hole" is caused by chlorofluorocarbons (CFC's).

That condition now appears to be satisfied. As stated at our hearing of October 27, 1987, by Dr. Michael B. McElroy, Chairman of Harvard University's Department of Earth and Planetary Sciences, a well-respected atmospheric chemist: There is little doubt in my mind that industrial sources of chlorine and bromine contribute in a major way to the loss of ozone observed in recent years in spring over Antarctica. The need for a policy response is urgent and immediate.

We thank you in advance for your personal attention to this important matter, look forward to your response, and pledge to work with you to address this environmental threat.

Sincerely, Senators:
JOHN H. CHAFEE,
MAX BAUCUS,
QUENTIN N. BURDICK,
GEORGE J. MITCHELL,
ROBERT T. STAFFORD,
DAVE DURENBERGER,

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UNITED NATIONS ENVIRONMENT PROGRAMME, PROGRAMME DES NATIONS UNIES POUR L'ENVIRONNEMENT,
*November 30, 1987.*

Hon. JOHN H. CHAFEE,
*U.S. Senator, U.S. Senate, Washington, DC.*

DEAR SENATOR CHAFEE, Thank you for the letter of 17 November concerning UNEP's achievements on The Montreal Protocol on Substances that Deplete the Ozone Layer and proposals for early measures needed to ratify the protocol and further address the ozone depletion issue.

I am very grateful for your complimentary comments on UNEP's leadership and success in helping governments to reach agreement on the Protocol. I share your view that it is a historic agreement with far-reaching consequences and we are proud to have been able to play an important role in its accomplishment. I know as well that a great deal

of effort lies ahead in implementing the protocol, and UNEP is already moving to bring together the information and agreement among governments to that end.

We have already taken steps to encourage governments to move ahead rapidly to ratify the Convention and protocol. On October 27 I wrote to selected governments and international organizations drawing their attention to the need for early ratification, for participation in an early workshop to exchange information on technologies and administrative strategies for reducing emissions of substances controlled under the protocol and for developing alternatives and identifying areas in which further research and technical development are required. I also indicated that in accordance with Resolution 3 of the Final Act at Montreal, I would be convening a method of governmental and international organization experts to recommend ways to harmonize data on production, imports and exports to ensure consistency and comparability of data on controlled substances.

Likewise, I share your concern about the need to decide if there is a need to hold emergency meetings on ozone depletion based upon latest scientific evidence. I did, as you note, pledge to call for additional urgent measures if it is clear that the ozone "hole" is CFC induced.

For several reasons I believe that it would be important to make a comprehensive convincing scientific evaluation of this issue. Despite new findings from the Antarctic studies, the scientific assessment of these findings is still being conducted. While I agree with the urgency of the action, I feel it is very important that whatever steps we decide to undertake be based on firm scientific evidence and that the evidence be considered fully at the international level. Without reasonably broad agreement on the nature and seriousness of the depletion, we will not achieve the collective action we need.

I am, therefore, willing to convene a scientific meeting as soon as we have adequate scientific information. Much of that evidence is available in the United States, particularly through NASA, and I would be willing to consider views of NASA and other scientists about whether we have adequate information to proceed. Based on these views it might well be possible to convene a meeting of select internationally recognized scientists, possibly in May or June 1988, to review the evidence and make recommendations to UNEP.

Since most of the information would be based on the U.S. scientific mission, it would be natural to see the United States hosting such a scientific meeting in the United States.

Based upon the scientific meeting I could then decide whether it would be necessary to convene a meeting of governmental officials to consider the scientific recommendations and decide upon the necessity of further control measures. This could be accomplished later in 1988.

This, I believe is a reasonable and deliberate approach that would allow us to consider fully the available knowledge and bring the international agreement we will need to take further action.

Again, thank you for your letter and your strong interest in one of our most serious global environmental issues.

Sincerely,

MOSTAFA K. TOLBA,
*Executive Director.*

S. RES. 226

Whereas, the United States is participating as world leader in ongoing international negotiations sponsored by the United Nations Environmental Programme to protect the ozone layer (the Earth's natural shield against harmful ultraviolet radiation) and to control manufactured ozone depleting chemicals;

Whereas, the United States' position calling for a freeze on production of certain ozone depleting chemicals at 1986 levels to be followed by the virtual elimination of such chemicals is a sound policy response to a global environmental threat;

Whereas, the potential human health effects of increased ultraviolet radiation including increased skin cancer, suppression of the immune system, and increased cataracts and other eye disorders;

Whereas, the potential environmental and welfare effects of stratospheric ozone depletion include global climate change, increased "smog" from ground-level ozone, crop and vegetation damage, marine and aquatic ecosystem impacts, and deterioration of man-made materials;

Whereas, suggestions that simply changes in lifestyle can offset these adverse health and environmental effects of ozone depletion are misstatements of fact;

Whereas, considering these health and environmental effects, there is no safe or acceptable level of ozone depletion;

Whereas, even a 50 per centum reduction in the production and use of certain ozone depleting chemicals by the year 1996 is predicted to result in approximately 9 per centum depletion of the ozone layer within the next seventy-five years; and

Whereas any international agreement negotiated by the United States should accomplish two important goals—the protection of the public health and the environmental and the protection of American jobs through adequate trade provisions: Now, therefore, be it

*Resolved,* That it is the sense of the Senate, that the President of the United States should be urged to strongly endorse the United States' original position in ongoing international negotiations to protect the Earth's ozone layer and the United States should continue to seek aggressively an international agreement which will provide for an immediate freeze in the production of the major ozone depleting chemicals at 1986 levels, a prompt automatic reduction of not less than 50 per centum in the production of such chemicals and, as set forth in the United States' original position, the virtual elimination of such chemicals; such agreement shall provide for regularly scheduled assessments of scientific, economic, and technological factors.

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S. RES. 312

Whereas, the United States, in cooperation with other nations, has and is continuing to sponsor major scientific expeditions to investigate the dramatic loss of ozone that occurs over Antarctica each Spring;

Whereas, the loss of ozone over Antarctica and significant portions of the southern hemisphere in the Spring of 1987 was greater than any previous year, measurements showing an almost total loss of ozone at certain altitudes over a portion of the region;

Whereas, the atmosphere's protective ozone layer is so depleted over Antarctica in the Springtime that sponsors of the scientific expeditions are concerned about the safety of scientists in the region as well as the impact that the resulting increased ultra-violet radiation may have on the biota of the region, including the base of the world's aquatic food chain;

Whereas, the continued seasonal expansion of this ozone depletion phenomenon could have serious environmental consequences for the inhabitants of Southern South America;

Whereas, there is growing concern over the potential for chemical reactions occurring in the atmosphere over Antarctica to occur in other areas throughout the world;

Whereas, measurements made from the ground in Switzerland, North Dakota and Maine appear to show significant ozone depletion in Spring or late winter;

Whereas, man-made chemicals are the primary source of the chlorine that is a major cause of the annual ozone loss over Antarctica;

Whereas, the continued build-up of chlorine in the atmosphere that is caused by the use of chlorofluorocarbons and other ozone depleting substances will have detrimental impacts on stratospheric ozone levels over Antarctica and the entire globe throughout the entire next century;

Whereas, the United States is responsible for approximately one-third of the world's production and consumption of ozone depleting substances;

Whereas, United States industries have made a major commitment to the phase-out of certain chlorofluorocarbons and the development of safe substitutes;

Whereas, on September 16, 1987, the United States, together with some twenty-five nations, signed the Montreal Protocol to Control Ozone Depleting Substances, a protocol to the Vienna Convention for the Protection of the Ozone Layer;

Whereas, the Montreal protocol has not been transmitted to the Senate for advice and consent to ratify: Now, therefore, be it

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

(a) Wholly apart from its implications for global ozone depletion, the ozone "hole" that forms over Antarctica poses a threat to public health and the environment in the southern hemisphere and the entire globe;

(b) The United States should take a leadership role and set an example for the rest of the world to protect the environment by taking steps toward ratification of the Montreal Protocol To Control Ozone Depleting Substances as quickly as possible;

(c) The President should immediately transmit the Montreal Protocol To Control Ozone Depleting Substances to the Senate for advice and consent to ratify said protocol as early as possible in the 100th Congress;

(d) The President should immediately call upon a sufficient number of countries to move toward ratification of the Montreal Protocol To Control Ozone Depleting Substances so that the protocol will enter into force as soon as possible.

Mr. STAFFORD. Mr. President, there are few agreements brought before the U.S. Senate that are more important than this.

This agreement is simple and straightforward. The world is called upon to reduce reduction and sale of chlorofluorcarbons, often called freons, by 50 percent within a set period of time. Some projections suggest the treaty may not result in that much of a reduction because of options that are permitted.

Nevertheless, this treaty deserves to be approved by the Senate.

Whatever this agreement's faults, it is vastly preferable to maintenance of the status quo. The world should cease production and use of these chemicals as quickly as is feasible in quest of our urgent need to end depletion of the ozone layer in our stratosphere.

This agreement will set us on the road toward that objective and I urge the Senate to approve that beginning step.

Mr. HELMS. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The remainder of time have been yielded back, the question is on agreeing to the resolution of ratification. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Oklahoma [Mr. BOREN], the Senator from Louisiana [Mr. BREAUX], the Senator from Florida [Mr. CHILES], the Senator from Illinois [Mr. DIXON], the Senator from Nebraska [Mr. EXON], the Senator from Tennessee [Mr. GORE], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Maryland [Mr. SARBANES], and the Senator from Illinois [Mr. SIMON] are necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

I further announce that, if present and voting, the Senator from Illinois [Mr. DIXON] and the Senator from Tennessee [Mr. GORE] would each vote yea.

Mr. SIMPSON I announce that the Senator from Kansas [Mr. DOLE], the Senator from Utah [Mr. GARN], the Senator from Nebraska [Mr. KARNES], the Senator from Kansas [Mrs. KASSEBAUM], and the Senator from New Hampshire [Mr. RUDMAN] are necessarily absent.

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

The yeas and nays resulted—83 yeas, 0 nays, as follows:

[Rollcall Vote No. 47 Ex.]

YEAS—83

| | | |
|---|---|---|
| Adams | Dodd | Kasten |
| Armstrong | Domenici | Kennedy |
| Baucus | Durenberger | Kerry |
| Bentsen | Evans | Lautenberg |
| Bingaman | Ford | Leahy |
| Bond | Fowler | Levin |
| Boschwitz | Glenn | Lugar |
| Bradley | Graham | McCain |
| Bumpers | Gramm | McClure |
| Burdick | Grassley | McConnell |
| Byrd | Harkin | Melcher |
| Chafee | Hatch | Metzenbaum |
| Cochran | Hatfield | Mikulski |
| Cohen | Hecht | Mitchell |
| Conrad | Heflin | Moynihan |
| Cranston | Heinz | Murkowski |
| D'Amato | Helms | Nickles |
| Danforth | Hollings | Nunn |
| Daschle | Humphrey | Packwood |
| DeConcini | Inouye | Pell |
| Pressler | Sasser | Thurmond |
| Proxmire | Shelby | Trible |
| Pryor | Simpson | Wallop |
| Quayle | Specter | Warner |
| Reid | Stafford | Weicker |
| Riegle | Stennis | Wilson |
| Rockefeller | Stevens | Wirth |
| Roth | Symms | |

NAYS—0

NOT VOTING—17

| | | |
|---|---|---|
| Biden | Exon | Matsunaga |
| Boren | Garn | Rudman |
| Breaux | Gore | Sanford |
| Chiles | Johnston | Sarbanes |
| Dixon | Karnes | Simon |
| Dole | Kassebaum | |

The PRESIDING OFFICER. Two-thirds of the Senators voting having voted in the affirmative, the resolution of ratification is agreed to.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

## LEGISLATIVE SESSION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

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

## SECOND READING—S. 2117 AND H.R. 4063

Mr. BYRD. Mr. President, is there further morning business?

The PRESIDING OFFICER. The Chair informs the majority leader there are two bills which have been read the first time.

Mr. BYRD. Mr. President, I object en bloc to any further proceedings on those two bills.

The PRESIDING OFFICER. Without objection, the bills will be considered as having been read a second time prior to the objection. Without objection, it is so ordered. The bills will be placed upon the calendar.

## EXTENSION OF MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there be an extension of the period for morning business not to exceed 5 minutes and that Senators may speak therein for not to exceed 2 minutes each.

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

(The remarks of Mr. DECONCINI appear later in today's RECORD under Statements on Introduced Bills and Joint Resolutions.)

## THE LIFE OF NANCY CHANDLER

Mr. HATFIELD. Mr. President, our final words about those among us who die are all too often about their death. Bob Chandler's final words about his wife are about her life and the strength of their life together.

Nancy Chandler died last month after fighting Lou Gehrig's disease for the past 6 years. An Oregonian, Nancy was among the bravest people I have had the honor of knowing. More than 3 years ago, she had a tracheostomy put in place to help her breathe. For the past 2 years, she could communicate only by tapping words out on a computer. But Nancy never gave up—and her husband was beside her all the way. We grieve for his loss, but also for our own: Her death leaves a void in the lives of everyone who knew her strength and her spirit.

Bob Chandler's essay on his life with his wife, "Wife/Nancy of 15,111 Days," is among the most beautiful testaments to love and devotion I have ever read. Her disease lasted 6 years, but their life together lasted more than 41 years. Six children and ten grandchildren later, they were as happy together as they were when the young World War II veteran first married the lovely young woman in 1946.

Mr. President, I ask unanimous consent that Bob Chandler's essay be inserted in the RECORD immediately following my remarks. And I ask that my colleagues join me, not only in grieving for her death but also in celebrating the strength of their life.

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

WIFE/NANCY OF 15,111 Days

(By Robert W. Chandler)

Nancy Chandler, my wife of 41 years, four months and 15 days—15,111 days in all—died at our home Monday morning. The obituary notice in Tuesday's Bulletin gave a few details of her life, but none about our full and rich life together.

I used to say she was the first attractive American woman I saw when I got off the boat which returned me home from Army service in World War II. And I used to kid her a little bit, saying that her doting mother had laid a trap for me in our rural Northern California area. I admitted that I fell into it happily. I proposed on our second date; she accepted within five seconds and we were happy ever after.

We even were happy most of the past six-plus years, since she first began to show signs of amyotrophic lateral sclerosis, Lou Gehrig's Disease. The last few months were bad ones, but so long as she could speak, or for the last years tap out messages on her computer, the time together was good time for both of us.

We promised to love, honor and hold ourselves for each other on Sept. 7, 1946, and neither of us ever broke that vow. We became the parents of six wonderful children, all now adults, and they produced 10 lovely grandchildren who brightened our lives in recent years.

And we had hundreds, perhaps thousands, of friends, the major portion of whom were friends more because of Nancy's warm personality than because of mine.

I was surprised once again after her death at how fast news travels. Within a few minutes Frank Gilchrist had called from Gilchrist. Within a few hours an editor friend had called from North Carolina. I had known earlier how rapidly little bits of information make their way around the P.E.O. and Bend Study Club circles, but there are no connections there that I know of with North Carolina. And I heard from people in Boston and New York and Washington and other places too numerous to mention.

Almost seven years ago Nancy and I were in Madrid, Spain. We went for a morning walk. She complained of tiredness, and we cut it short. A couple of weeks later we were in London, and had to take a taxicab back to our hotel after another short walk. When we returned home she went to see Dr. Bud McCusker, her physician.

He tried a couple of things which didn't work. In November of 1982 she and I and our longtime friend Bill Hornby, then editor of The Denver Post, went to Japan to see how that country operated. She had trouble going up the stairs at the train stations; Bill and I had to help her after she had climbed a half-dozen steps.

When we returned home Bud told her she ought to see a neurologist, and tests confirmed what obviously he suspected by that time.

The average ALS patient, we were told lives about three years after diagnosis. Nancy made up her mind that she would do better than that.

Then her heart began to act up. A triple bypass in July 1983, solved that problem. In the summer and fall of 1983 she began to have trouble breathing. The diaphragm, that big muscle which pushes the air out of your lungs then relaxes so the atmospheric pressure can fill the lungs once more, was not doing its job well. Like all her muscles the diaphragm was affected by the disease. The motor nerves deteriorated to the point they no longer could send signals to the muscles, which atrophied rather rapidly.

Dr. Keith Harless told her she would need a tracheostomy, a device which allows air to be pumped to the lungs at regular intervals, in order to live. So it was put in place, and to the surprise of everyone but herself she lived for nearly three and a half years longer.

That she did so was due to a lot of people. Keith, who became a caring friend as well as her skilled physician, was a major factor. A succession of good nurses, three shifts a day after late October of 1983, kept her healthy excepting for the ALS. She never even had a cold for the rest of her life, and occasional infections were halted quickly. Liz Douville, who did the things Nancy no longer could do, did everything from caring for our regular needs to shopping for Christmas presents.

And our wonderful children helped. When Nancy no longer could hold a book Janet Stevens, our eldest daughter, came to the house five days a week and read to her mother. Peggy Cushman, often accompanied by one or more of the members of her family, was on hand almost every day. Cookie Jean (Jordan) and Patsy Moss and Bob, Jr., came home for visits regularly. Betsy McCool was at the house frequently, during the last few months letting her mother see little Alex begin to develop.

On occasion I reflected on how Nancy's illness had been so confining, for me as well as for her. She was not comfortable if she was alone in the house with only a nurse. Liz was there during the daytime. I was there each evening and all weekend excepting for a couple of hours at the office Saturday mornings while she still slept. On the very rare occasions I was gone overnight one of our children or Chris Newton, one of the nurses, stayed to keep Nancy company.

I thought we were losing track of a lot of friends because many of them we never saw for four years.

I was mistaken. The telephone rang constantly this week. There were calls from friends from Oregon, from the East Coast, from California from Hawaii and a number of other places. I really should not have been surprised; her life and our lives had touched a number of others, and they remembered her.

Nancy and I signed on for life together on a typically warm Sacramento Valley early September day not long after World War II. That lovely chapter in my life now has ended, but our fine family has pulled together even closer now. Life will go on.

## A BUSINESSMAN'S VIEW OF TODAY'S DRUG CRISIS

Mr. HELMS. Mr. President, driving back to Washington this past weekend following a few days in North Carolina, I heard a talk show on the car radio. The subject was the drug crisis in the United States—and what can be done about it.

Many callers blamed the Government for not doing enough to curb the deluge of drugs flowing into the United States. One lady said: "Why doesn't the Government do something?

Of course, Mr. President, the Government is trying to do something. A lot of money is being spent, and a great many lives of Government drug enforcement officers have already been lost. But the obvious truth is emerging that the Government can't do it all. Unless and until every citizen pitches in and plays a role, the flow of drugs is unlikely to be stemmed.

We owe a debt of gratitude to the enormous number of private citizens who are participating in the war against drugs. Many more are needed, of course, but we have not yet reached the point that enough citizens are making an effort.

My purpose today is to pay my respects to a longtime friend in North Carolina who is doing things that need to be done. His name is J.C.D. Bailey. We call him Jack Bailey. He lives in Rocky Mount, NC, and is a successful executive with a nationally known fast food chain.

Typical of what Jack Bailey is doing is an editorial he personally wrote recently for his company's employee publication. It was entitled, "National Dilemma: Drugs in the Work Place." It was addressed to his employees, and it began by quoting William James who said in 1911, "The deadliest enemies of nations are not their foreign foes: they always dwell within their own borders."

Jack Bailey is right about that. It is a reminder that all of us need to ponder constantly.

In any event, Mr. President, I ask unanimous consent that Jack Bailey's editorial be printed in the RECORD.

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

NATIONAL DILEMMA: DRUGS IN THE WORK PLACE

(By J.C.D. (Jack) Bailey)

"The deadliest enemies of nations are not their foreign foes: they always dwell within their own borders". William James, 1911

American industry has a problem. We—our industry—have a problem. It is costing us customers, costing us employees, and dollar amounts that are staggering.

The problem is substance abuse. The cost to American society is around $120 billion ($120,000,000,000.00) annually. Industry's tab is $70-$80 billion ($70,000,000,000.00-$80,000,000,000.00) of that.

According to a recent survey conducted by the National Institute on Drug Abuse: 20 million Americans are currently using marijuana/hashish. Four million Americans are currently using cocaine. Two million Americans are using other stimulants. One million Americans are currently using non-prescribed sedatives. One hundred million Americans are currently using alcohol. Current use is defined as within the last 30 days.

Federal experts estimate that between 10% and 23% of all U.S. workers use dangerous drugs on the job.

Equally as alarming is the high percentage of illicit drug use in individuals 18-25 years of age since it is this group that is entering the work force. In this age group, according to the National Institute on Drug Abuse: 65% have experimented with illicit substances: Forty one percent have tried marijuana. Twenty percent have used marijuana daily for at least one month. Eighty four percent use alcohol (Bureau of National Affairs, Daily Labor Report No. 234 p. D-1 (12/5/85).

Furthermore, experts are predicting that the percentage of users will increase. In part, this is based on the fact that the number of Americans addicted to cocaine has increased from 1.5 million to 7 to 8 million in the last 10 years and that the average age of first users dropped below 13 years of age as early as 1981.

According to a report prepared in 1982 by the Employment and Productivity Sub-Committee of the U.S. Senate Committee on Labor and Human Resources, alcohol and drug abuse in the workplace cost business $70 billion. While staggering, this figure is probably low in light of findings that a drug abusing employee:

Is 3.6 times as likely to be involved in an accident.

Has 2.8 times as many absences lasting 8 days or longer.

Receives 3 times the average level of sick benefits.

Is 5 times as likely to file a worker's compensation claim.

Functions at about 67% of his or her work potential.

The following is from the Daily Labor Report, p. D-3, citing Thomas M. Nolan, 1962 Industry Week "Pushers on the Payroll".

A profile compiled by the Associated Building Contractors additionally finds that the typical drug abusing employee:

Was born between 1948–1964.

Is late 3 times more often than other employees.

Request early dismissal or time off 2.2 times more than other employees.

Is more likely to be involved in theft of company property.

Other consequences of drug abuse are lower quality of work, increased turnover, increased training costs, low morale, increased insurance costs, and reduced efficiency in other employees.

Illegal drugs have become so common in the workplace that they are used in almost every industry. Drugs are draining the energy, honesty, and reliability of America's labor force.

I believe drug trafficking is the most serious organized crime problem in the world today, and as more and more companies require job applicants to prove that they are drug free, it will become increasingly difficult to use drugs and make a living. Thus, the economic deterrent may succeed where the legal deterrent has failed.

We are an ethical Company. In this increasingly competitive world, ethics is not a luxury. It is a necessity. It is the key to driving down costs and enhancing the quality of our products and services. It is the key to our survival.

Reporting a pusher/user, or someone drunk on the job, is an expression of your ethics and of pride in your Company. It is a statement of outrage that you, as a concerned citizen, feel when misconduct occurs because it may jeopardize the reputation of our Company and undermine the integrity of our employees.

Identifying misconduct is everyone's responsibility because of our shared values, our reputation, and that our jobs may eventually be on the line.

Substance abuse will stop only with refusal to participate and encouraging others not to participate. Each and every employee must do his or her part to eliminate the use of drugs in our Company. It could make the difference of life or death (yours) in a case of National Defense. We could not win a war, if war came, with 20% of 18 to 25 year olds on drugs.

Turn in the pushers and users and help cleanse your area of these individuals who are poisoning our society and destroying our system of "Free Enterprise". Substance abusers are just as much the enemy as the communists who are exporting drugs into this country.

Help defend our American Flag, which we so proudly fly at each of our Hardee's restaurants. It's up to you.

Your efforts will pay dividends to FEI, to other businesses, to our country, and to society that cannot be measured in dollars and cents.

## SOUTH AFRICA REPRESSION: FROM BAD TO WORSE

Mr. KENNEDY. Mr. President, yesterday was Sunday in Cape Town, South Africa. Being Sunday, the people were permitted to gather in their churches to worship. They took this opportunity to show once again their opposition to apartheid—and only because it was Sunday, and only because they were in church did the South African shock troops not cart them all off to jail.

Despite the most recent round of arrests and detentions, the bannings and the beatings, the people turned out in the thousands yesterday to show their continued opposition to apartheid. According to the New York Times, more than 2,000 citizens of South Africa attended the service at St. George's Anglican Church in Cape Town and pledged their support for civil disobedience in the struggle peacefully to rid their country of apartheid.

They heard the words of their church leaders, some of the most eloquent and courageous opponents of apartheid: the Anglican archbishop of Cape Town, Desmond Tutu; the president of the World Alliance of Reformed Churches, Rev. Allan A. Boesak; the Roman Catholic archbishop of Cape Town, Stephen Naidoo; and the rector of the University of the Western Cape, Jakes Gerwel.

In the South Africa of today, it is possible for such a meeting to take place only if it happens in a church as part of a regularly scheduled Sunday service. The repression has gone from bad to terrible; it cannot get much worse.

Today, there is an op-ed piece by Archbishop Tutu printed in the New York Times. This article deserves the attention of every Senator—as well as every American. Archbishop Tutu presents a history of recent events in South Africa and explains the many ways over many years that South African blacks have worked—at such great cost and sacrifice to themselves—to achieve a peaceful, nonviolent end to apartheid. And he shows how—in each and every instance—the racist authorities have responded with repression. Archbishop Tutu quotes from a recent statement issued by himself and other church leaders responding to the most recent crackdown:

The authorities are deliberately obstructing peace in our country and encouraging violence among our people. Their purpose is to use surrogate forces to smash effective opposition to their heretical policy of apartheid, and to insure as far as possible that it is the blood of black people, and not of white people that is spilled in pursuance of their aim.

Archbishop Tutu concludes, that if the authorities' suppression of the nonviolent antiapartheid forces continues, "the deliberate incitement of violence in our country will turn it into a Lebanon-like wasteland."

Those of us who have admired and respected Desmond Tutu for so many years, those of us who look to him as a powerful and principled moral voice against racial injustice in South Africa must take pause at his words:

As one who believes that one ought never to resort to violence under any circumstances, I also believe there can come a time—as when the Nazis invaded Europe—when it is justified to take up arms to overthrow an unjust system. I can therefore sympathize with those South Africans who have already decided that violence is justified.

In his concluding words, Archbishop Tutu issues "a challenge to the American, British and West German Governments. He writes: "You say you are against apartheid. If you are, then make three demands of the South African Government:

First, the state of emergency must be lifted.

Second, last months' restrictions against our people's organizations and leaders must be lifted.

Third, detainees, particularly children, must be tried in open courts or released.

Mr. President, I urge my fellow Senators to read Archbishop Tutu's words and to contemplate our responsibility—as the moral and political leader of the Western World—to support the cause of freedom in South Africa.

I ask unanimous consent that Archbishop Tutu's article be reprinted in its entirety at this point in the RECORD along with the New York Times report of yesterday's meetings in South Africa.

I also ask unanimous consent to include the text of a letter to South African President P.W. Botha signed by 52 Senators urging the release of Zwalakhe Sisulu, a young and brave South African journalist who has been held in jail since December 1986 without bail, without charges, and without a trial.

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

SOUTH AFRICA—A LEBANON?

(By Desmond M. Tutu)

CAPE TOWN.—Black South Africans have exercised the most remarkable patience in pressing for their human rights.

In the 1950's, they launched a nonviolent defiance campaign. In 1960, their peaceful protests were met with the bullets of Sharpeville and the banning of the African National Congress and the Pan-African Congress. With nothing to show for half a century of pleading, the black leadership went underground or into exile to begin an armed struggle.

But the peaceful campaigning went on, with Steve Biko and other young black intellectuals forging a new philosophy of black consciousness that helped people assert their humanity and self-respect. The uprisings of 1976 began as peaceful protests by our children against their fifth-rate education and turned violent only in reaction to police bullets.

In the 1980's, the pattern has continued. While increasing numbers, the young in particular, have chosen violence as a last resort, many of us still explore every last possible peaceful avenue for change. We have developed a range of organizations (the largest of which is the United Democratic Front, a coalition of about 600 antiapartheid groups) whose purpose is to resist a Government that in 1984 went so far as to incorporate apartheid into the Constitution by creating separate chambers of Parliament for different races.

We have used in many nonviolent ways of trying to bring change, such as strikes, rent strikes and consumer boycotts. The authorities have responded by declaring states of emergency and tightening emergency regulations. They ban peaceful protest, they detain our children and they ban our leaders. Step by step, since 1985, President P.W. Botha's Government has closed off avenue after avenue of peaceful political change—most recently, last week's ban on the newly formed Committee for the Defense of Democracy.

At the same time, Mr. Botha isn't even delivering the "reforms" he promised us. A few years ago, many claimed that the Government's "final solution"—its policy of uprooting people from their homes and dumping them to starve in the bantustans in pursuance of its aim of segregation—had been abandoned. Now we hear otherwise. In Mr. Botha's old parliamentary seat, the authorities want to remove the people of a small place called Lawaaikamp. When the people appealed, he told them he was opposed to forced removal "unless it is accompanied by the provision of better living standards."

Just over a fortnight ago, the Government removed nearly all effective means of working for true change by peaceful means when it prohibited political activity by 18 organizations and banned 18 leaders.

What other church leaders and I found particularly horrifying were the restrictions placed on two leaders of the United Democratic Front who had been advocates of peace in two of the most desperate crisis areas of our land—at a squatter camp in Cape Town and the townships around Pietermaritzburg in Natal province.

In an unusually strong statement, we argued that when we saw the banning of these leaders, the harassment of peacemakers, the Government's failure to arrest people against whom there is clear evidence of murder and assault, we could only conclude that "the authorities are deliverately obstructing peace in our country and encouraging violence among our people."

"Their purpose," we said, "is to use surrogate forces to smash effective opposition to their heretical policy of apartheid, and to insure as far as possible that it is the blood of black people, and not of white people, that is spilled in pursuance of their aim."

If allowed to continue, the deliberate incitement of violence in our country will turn it into a Lebanon-like wasteland.

We felt so strongly about this that on Feb. 29 we tried to proceed to Parliament to present a petition calling on the Government to turn from the path it had choosen. The most creative response to a peaceful act of Christian witness that the Government could come up with was to arrest us all.

It has become abundantly clear that the present Government has chosen a military option for the future. The Law and Order Minister, Adriaan J. Vlok, has spoken openly of the need to "eliminate radicals and revolutionaries."

Not only does the Government threaten the security and lives of the people of South Africa, it is destabilizing the whole of Southern Africa and threatening the interests in the region of its major trading partners, including the United States, Britain and West Germany. Even if its most extragavant claims of offering a power sharing deal with blacks were to be delivered, they offer nothing more than token black faces in the Cabinet. The Government has no intention of relinquishing control.

As one who believes that one ought never to resort to violence under any circumstances, I also believe there can come a time—as when the Nazis invaded Europe—when it is justified to take up arms to overthrow an unjust system. I can therefore sympathize with those South Africans who have already decided that violence is justified.

For myself, though, I agree with Dr. Allan Boesak, head of the Dutch Reformed Mission Church and a patron of the United Democratic Front, when he says that we must not descend to the Government's level in responding to its latest actions with violence. That is the reason that a number of us in Cape Town formed the Committee for the Defense of Democracy to fight peacefully against the Government's suppression of its opponents. And now, the Government has chosen to ban even this group.

It should come as no surprise, therefore, that those of us who ask desperate people to take nonviolent action are filled with despair when they learn that the U.S. and Britain have once again vetoed international attempts to do the same. The American and British decisions to veto sanctions in the U.N. Security Council were all the more staggering in the light of the South African representative's arrogant challenge to the Security Council to "do your damndest."

I want to issue a challenge to the American, British and West German Governments. You say you are against apartheid. If you are, then make three demands of the South African Government:

First, the state of emergency must be lifted.

Second, last month's restrictions against our peoples' organizations and leaders must be lifted.

Third, detainees, particularly children, must be tried in open courts or released.

If the Government does not meet these demands, you must cut diplomatic ties. That would not be a radical step to take in the circumstances. It's not going to cost jobs and lives. It would be a gesture, but a dramatic one with profound psychological consequences for those who wield power in South Africa.

Or do you want another Lebanon?

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TUTU AND BOESAK URGE RESISTANCE DESPITE SOUTH AFRICAN REPRESSION

(By John D. Battersby)

CAPE TOWN, March 13.—Striking a new note of militancy, South African church leaders today dismissed the latest Government threats to silence them and held defiant and well-attended protest services around the country to reiterate their support for civil disobedience.

"The South African Government has signed its own death warrant," said the Rev. Allan A. Boesak, the president of the World Alliance of Reformed Churches. "No government can take on the living God and survive."

During Mr. Boesak's address, many of the more than 2,000 supporters packing St. George's Anglican Cathedral here cheered and chanted, "Amandla," the Zulu word for power.

IMPASSIONED SPEECH BY TUTU

The Anglican Archbishop, Desmond M. Tutu, in one of his most impassioned addresses, told the same meeting that it was immoral to obey laws that were themselves immoral and un-Christian.

The 1984 Nobel peace laureate said that if it is revolutionary to work for racial equality and democracy in South Africa, then he was a revolutionary.

"I am not going to be told how the Gospel of our Lord Jesus must be preached," Archbishop Tutu said. With arms outstretched above his head, he repeatedly declared, "We shall be free."

PROTESTING GOVERNMENT BAN

Today's services marked National Detainees Day, which remembers those detained under the 21-month-old state of emergency, but they also were a protest against a Government decree last month banning political activities by the United Democratic Front and 16 other anti-apartheid groups, as well as the Congress of South Africa Trade Unions.

A new Government decree Saturday extended the prohibitions to include a new church-sponsored group against apartheid called the Committee for the Defense of Democracy, which was formally begun here today at the mixed-race University of the Western Cape.

In addition to the cathedral service here, four other smaller church services were held in Soweto near Johannesburg, in Port Elizabeth in the Eastern Cape and in Durban and Pietermaritzburg in Natal Province.

Under the state of emergency, church services for all practical purposes are the only public gatherings where anti-apartheid dissent can legally be expressed.

Despite roadblocks set up by security forces around Cape Town, busloads of black and mixed-race supporters wearing T-shirts with political slogans arrived at the cathedral today.

POLICE DON'T INTERVENE

Mr. Boesak and Archbishop Tutu had been among 150 clerics arrested and briefly held here two weeks ago as they tried to carry a petition to President P.W. Botha at his parliamentary office.

But the authorities did not intervene at the cathedral today, although plainclothes police and policemen with video cameras kept a close watch on the crowd before and after the service. Uniformed riot police were deployed a few blocks away with a large water cannon.

Archbishop Tutu reaffirmed support for the political objectives of the outlawed African National Congress, but not its violent methods. Mr. Boesak warned the Government that the church would not tolerate any interference in the financing it receives from overseas.

NO TURNING BACK

South Africa's Law and Order Minister, Adriaan Vlok, had warned Saturday that the Government would not hesitate to take "necessary action" against members of the clergy who followed the path of confrontation. Today, to loud applause and cheers in the cathedral, Mr. Boesak rhetorically responded to Mr. Vlok, "Where do you get the arrogance to tell the church of God that we must toe the line?" Mr. Boesak asked.

"We are entering a new phase of persecution of the church, but there can be no turning back," Mr. Boesak said at another point.

Also speaking at today's service were the Roman Catholic Archbishop of Cape Town, Stephen Naidoo; Jakes Gerwel, the rector of the University of the Western Cape, and Dullah Omar, a lawyer and regional chairman of the United Democratic Front.

Mr. Omar said Western governments, including the United States, Britain, France and West Germany, "had the blood of the oppressed people of South Africa on their

hands" because of their support for the South African Government.

He said, however, that the Government's efforts to ban the activities of apartheid's opponents show that it is increasingly isolated.

"Even though we face the awesome might of the state, we are morally superior and stronger than this regime," Mr. Omar said.

The service, which lasted two and a half hours, included the singing of the American civil rights anthem "We Shall Overcome" and the African antiapartheid anthem, "Nkosi Sikelele Afrika," which means "God Bless Africa."

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U.S. SENATE,
*Washington, DC, March 7, 1988.*

Hon. P.W. BOTHA,
*State President,*
*The Republic of South Africa.*

DEAR MR. STATE PRESIDENT: We are writing to express our deep personal concern at the continued incarceration of Mr. Zwalakhe Sisulu in South Africa. Mr. Sisulu is well-known and widely respected in the United States, having been a Nieman Fellow at Harvard University in 1984-1985.

Mr. Sisulu has been detained for over a year, and he has not yet been charged with any crime. During the period of his incarceration, his newspaper, *The New Nation*, has been the object of systematic harrassment by South African government authorities.

We know Mr. Sisulu to be dedicated to non-violence and committed to building a genuinely non-racial society in South Africa. Rather than strengthening the role of responsible and moderate black leaders inside South Africa, Mr. Sisulu's continued imprisonment strengthens the cause of those who pursue a radical agenda and who seek a violent solution to South Africa's problems. It is our opinion that Mr. Sisulu's continued detention does great damage to the cause of racial harmony inside South Africa.

For all these reasons, we are writing to urge you, consistent with South African legal procedures, to work for Mr. Sisulu's immediate release. There are many people inside South African jails whom we believe are no less deserving of their freedom, and by focusing our attention on Mr. Sisulu's case, we do not mean to suggest that these other individuals should not also be released. But we have the hope that, at least in Mr. Sisulu's case, you might be willing to consider our request favorably.

Thank you for your assistance in this matter.

Sincerely yours,

Edward M. Kennedy, Lowell P. Weicker, Jr., Claiborne Pell, Nancy Landon Kassebaum, Paul Simon, Mitch McConnell, Alan Cranston, Daniel J. Evans, Brock Adams, Dave Durenberger, Tom Harkin, Barbara A. Mikulski, John F. Kerry, Timothy E. Wirth, George J. Mitchell, Rudy Boschwitz, Patrick J. Leahy, Paul S. Sarbanes, William Proxmire, Jeff Bingaman, Spark M. Matsunaga, Frank R. Lautenberg, Thomas A. Daschle, Dennis DeConcini, Alfonse M. D'Amato, Dale Bumpers, John H. Chafee, David Pryor.

Albert Gore, Jr., Howard M. Metzenbaum, Daniel K. Inouye, David L. Boren, Christopher J. Dodd, Carl M. Levin, Donald W. Riegle, Jr., Joseph R. Biden, Jr., J. James Exon, Bob Graham, John Melcher, Terry Sanford, John H. Glenn, Jr., Bill Bradley, William S. Cohen, Ted Stevens, Arlen Specter, Wyche Fowler, Jr., Mark O. Hatfield, John Heinz, Daniel P. Moynihan, Lloyd Bentsen, Alan J. Dixon, John C. Stennis.

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## CONCLUSION OF MORNING BUSINESS

Mr. BYRD. Mr. President, I ask that morning business be closed.

The PRESIDING OFFICER. Without objection, morning business is closed.

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## IMMIGRATION ACT OF 1988

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 2104. The clerk will report.

The legislative clerk read as follows:

A bill (S. 2104) to amend the Immigration and Nationality Act to change the level and preference system for admission of immigrants to the United States.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, we begin debate today on a bill to bring long needed reform to our immigration laws. I am pleased to be joined in this effort by my colleague from Wyoming, Senator AL SIMPSON, whose longstanding leadership on immigration reform culminated in the landmark legislation enacted in 1986, "The Immigration Reform and Control Act."

Senator SIMPSON and I have worked closely together to fashion the pending legislation, which builds on the reforms contained in the 1986 act, and which reflects key provisions recommended in 1981 by the Select Commission on Immigration and Refugee Policy—a commission upon which we both served.

The 1986 act, based on the commission's recommendations, was debated for several years and finally adopted in the last Congress, but it dealt only with the complex issue of illegal immigration. Left for the future was the other half of the Commission's recommendations, the proposals for legal immigration reform. This is the issue before the Senate today, and the proposals have been extensively debated and reviewed. The essential provisions of the pending bill have been adopted twice by the U.S. Senate—in 1982 and 1983. As we note in our committee report:

Few legislative proposals have had greater scrutiny or consideration that the immigration reforms contained in the pending bill. For more than a decade, reforming the system by which we select and admit immigrants has been the subject of interagency task forces, special commissions, and lengthy debate in Congress.

The bill before us reflects these years of study and deliberation, and it represents a consensus on what needs to be done.

Both Senator SIMPSON and I made it clear during the committee deliberations that our goal is to make the immigration system a more accurate reflection of the national interest, more flexible, and also, more open to immigrants from nations which are shortchanged by current law. Our bill accomplishes these objectives while fully maintaining the traditional priority we have given to those in other lands with family ties to the United States, and while preserving the fundamental principles of equity and fairness established in the 1965 reforms.

The bill creates two separate immigrant-visa "preference systems:" one for family members, and another for "independent" immigrants; 55,000 visas will be added to the new independent category; these visas will be available to most users of the present immigration system as well as to earlier sources of immigration to the United States. Because the largest share of all visas will still be reserved for family members of recent immigrants, the intent of the 1965 reforms is maintained.

By redressing the imbalances in immigration which have inadvertently developed in recent years, America will open its doors again to those who no longer have immediate family ties in the United States. For example, in 1986, because of the family restrictions, only 1,852 applicants from Ireland qualified for immigrant visas even though the statutory ceiling is 20,000 for Ireland and for every other country. Similar statistics could be cited for many other nations that have sent large numbers of immigrants to the United States in the past.

By placing more emphasis on the skills and qualities that independent immigrants possess, immigration policy will be more closely coordinated with the national interest. Under this bill, many countries which currently send only a few hundred immigrants per year to the United States may eventually receive a fairer share of our available immigrant visas. The overall benefit to this country will also increase, because a larger proportion of immigrants will have labor market skills.

In short, the bill we are proposing sustains the current emphasis on family reunification, while at the same time opening opportunities for "new seed" immigrants without family ties. And we do this not by restricting "family" visas but by providing additional visas for an independent category of immigrants. We have maintained our traditional priority for family reunification, while alleviating the

unfair discrimination that current law imposes on other immigrants.

This bill also sets a national ceiling on immigration within which all immigrants will be counted, except refugees and asylees, whose admission will still be controlled by the Refugee Act of 1980. The level is set at 590,000 for the first 3 years—100,000 higher than the current level.

Within the overall level, we adjust the family preference system to give greater priority to the closest of family members. An additional 30,000 visas are provided to reduce the existing backlog in the current preference category for brothers and sisters of U.S. citizens.

The new category for "independent immigrants" is created for those with skills in short supply in the United States, and those in nations who have been unable to obtain visas under the current system because they have no family connections in this country.

We also assure a regular review of the immigration laws by requiring the administration to report every year on the effects of immigration, by requiring the administration to recommend changes in the level of immigration every 3 years, and by adoption of expedited parliamentary procedures for Congress to implement these recommendations.

These reforms are long overdue, and I urge the Senate to accept them. I am grateful to Senator SIMPSON for his bipartisan cooperation and support in developing this legislation. From the earliest days of our history, America has been a beacon of hope and opportunity to peoples in other lands. We are proud of our immigrant heritage, and we must do all we can to preserve that heritage, to build upon it, and to strengthen it for the future.

Mr. SIMPSON. Mr. President, it is a great pleasure to assist in the floor managing of an immigration bill with my fine friend from Massachusetts. The last time I served as chairman of the Subcommittee on Immigration and Refugee Policy, Senator KENNEDY was the ranking member. This time we switch roles as we deal with the new issue of legal immigration.

I want to say that my friend from Massachusetts, who now serves as chairman of the Immigration Subcommittee, was more than extraordinarily helpful to me in dealing with the issue of illegal immigration. He has proven to me to be a remarkable colleague. It was a very difficult issue for him, representing the State of Massachusetts; that issue of illegal immigration. Remember that the only times in the history of the Senate when we have ever dealt with immigration, illegal immigration, comes from when some Senator rides in from the West like a McCarran or SIMPSON, where the pressures are not as heavy on the colleagues who live in great conflicted resources, with conflicts among ethnic groups. That is not to say that we do not have those problems in the sparser populated States. We do. We have a great many Hispanics in my State, and illegal immigration needed to be corrected to protect them. That job is done.

And in the course of that the Senator from Massachusetts shared his long experience. He has been the central player in the issue of immigration and refugee matters in the Senate. He and his staff person, Jerry Tinker, has been at the task for 20 years in the U.S. Senate. They were always available to me for counsel and discussion, and we grappled with that issue for over 6 years. I think we have reached a good result there with regard to illegal immigration.

The legalization period will draw to a close on May 5, 1988. People are coming forward. Discrimination is nowhere to be seen. Some 70 cases were presented to the special counsels. Those things are pleasing to the sponsor, and to the sponsors in the House, to Democrats and Republicans alike because immigration reform, whether legal or illegal, is not a partisan issue. It never has been, it never will be and certainly it never should be.

So I am very pleased to join with my friend in this one in beginning a floor debate on this bill to reform the Nation's legal immigration system. This legislation is now the very important second step that was directed as our job by the Select Commission. It is a giant step toward what was described as "* * * the sound, coherent, responsible policy which serves the interests of the United States and is true to the deepest and best values and traditions of its citizens." That is the language of the Select Commission on Immigration and Refugee Policy.

As the Senator from Massachusetts has stated, both Senator KENNEDY and I served on the Select Commission along with two other Members of the Senate, one still in our presence, Senator DECONCINI, one absent from us now, Senator Mathias. We served there, and this bill followed very closely the Commission's final recommendations.

Much of what we will address here today was addressed by the original version of the Immigration Reform and Control Act which was introduced back in 1982. The need for immigration reform was great then, legal immigration reform, and is even more pronounced now for our legal immigration system is not now serving the national interest as well as it should or could.

Today, more than 90 percent—this is a rather startling figure—of all immigrants enter this country without any screening at all of their impact on the U.S. labor market and without any determination of what our labor needs are. Rather, they enter solely because they have family connection in the United States of America. Further, there is an apparent growth in our immigration system which has been driven—the engines that drive it are a foreign demand for visas, rather than by what our Government and the public believe is the appropriate level of immigration. This bill will retain our present very generous acceptance of aliens who are the immediate family members of U.S. citizens and permanent resident aliens, while also recognizing the need this country has for many immigrants with particular skills or qualities which are indeed in the national interest. That is our history.

So this legislation indeed, No. 1, sets a national level of immigration. It restructures the family immigration system to give preference to the very closest family members. That is what we should be doing, giving the preference to the closest family members. It creates a new preference category for independent or new-seed immigrants. It was Father Ted Hesburgh, or genial and remarkable friend of tremendous integrity, authority, and knowledge of this area who was so always seeking this issue of new seed, the new-seed immigrants referred to also as the classic immigrants, those who bring special skills, abilities, and substance to the fore.

So this legislation obviously represents a compromise. I put in a bill; Senator KENNEDY put in a bill. We went to work on that; our staffs went to work on that. And we have reached a compromise which has now come through the Judiciary Committee to the floor. We have reached that in order to address both of our serious concerns on immigration policy. We had some serious discussions about the national level of immigration, the necessity of bringing together and keeping together immediate families. Family reunification, yes, but certainly not recognizing as we have before nieces and nephews of persons who are authorized to petition under the preference system. Those were important things.

So this is the compromise. I think it is a compromise that will ensure that, indeed, the national interests will be served.

I have certain reservations about our retention of some aspects of the present family interconnection system. I am also aware that we have increased legal immigration. That is what we have done in this bill. We have increased legal immigration even though policies indicate that the American public generally is opposed to any increase.

However, I am convinced that since we have already witnessed a decrease in illegal immigration, we surely have,

the INS apprehensions along our borders have decreased by 30 percent, except for one particular station since we passed the immigration control bill in 1986. The increase in legal immigration should therefore, I think, have no perceptible effect on the Nation other than to make immigration to this country "more legal" than it has been for many years.

Mr. President, finally during the autumn and early winter the committee held these hearings on reforms at which we received testimony from many of the respective immigration experts in this country as well as representatives from the Justice Department and the State Department. The testimony was overwhelmingly favorable and supportive. Changes were made in the legislation in response to what little critical testimony was received. So these reforms of our legal immigration system should be much less contentious than the 6 years of debate that we had on the illegal immigration legislation.

So I urge my colleagues to participate, to assist us in adopting the provisions of this compromise measure, the Kennedy-Simpson bill. I believe they are truly in the national interest and very consistent with our longstanding tradition of a very fair and very generous immigration policy for indeed that is our heritage. And we are now in this legislation revisiting that heritage with very authentic and honest approaches toward correcting an imbalance which was allowed to take place because we just do not revisit our laws often enough. Under this measure it will be revisited every 3 years. We will look at it closely.

We are here to do the oversight regardless of what party is in the majority. The players are here. With this measure the 3-year ability to review that from time to time we can look at what group might be squeezed and what group may not. All of these things can come to pass.

I am very proud to be part of this measure and will work very hard to see that it is passed. I thank the Chair.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, let me begin by commending the Senator from Wyoming and the Senator from Massachusetts for their work on this bill.

Immigration policy is a vital policy to a nation that is made up of immigrants. Obviously, we always are in the process of changing the mix of our laws that bring immigrants to our shores; but with all our concerns and with all the difficulties of existing law, I could not help but be struck by the fact that of the 10 outstanding high school science students recognized by Westinghouse, four were the children of immigrants who came into this country under the old law.

America has benefited greatly over the years by being the haven for people who sought opportunity, and I believe it is vitally important that that continue to be the case. I think it is vitally important that we have doors open to people who can come, who can contribute, and who can help expand the American dream in this Nation and everywhere in the world.

Obviously, for millions of people who go to bed every night, they go to bed dreaming the American dream. The reality is that, given the constraints we face in our Nation, not all of them can come here. But it is vitally important, when we set out a law which defines who can come and who cannot, that we look at that law very carefully; because, in a real sense, we are choosing the future of America in that law.

I long for the day when people do not have to come to America for the American dream. I long for the day when we can promote free enterprise and capitalism and private property and economic growth and democracy all over the world. Until that day comes—and I am confident that it will one day come—not just to the parts of the world which are free today but to Central Europe and, ultimately, to the people of the Soviet Union, we have to be very concerned about immigration policy.

There are several things, in this bill that I think should be looked at, and I would like to basically go through three of them, in the hope that maybe our two distinguished floor leaders might be swayed by the logic of my concerns and might decide to accept all three of these amendments, or at least some of them.

Let me first talk about user fees. This bill introduces, in a formal sense, a user fee for people who come into the country under what are now called special immigrant programs. These are people who have a combination of talents that we feel we need in our country, and the State Department is given the ability to impose a user fee. I thought my colleagues might be interested in what the current fees are and how close we are coming in terms of collecting a fee that is equal to the actual cost to the American taxpayer of processing the paper.

While I am one of the Members of this body who believes that we should not tear down the Statue of Liberty, that we should continue to let people into the country, I am not one who is hesitant to ask the people who are coming to America, who are having the opportunity to share with us all the bounties that dream brings, to pay the cost of processing their papers. In fact, it is the best buy going, anywhere on the face of this Earth today, to pay the processing cost to come to America.

Currently, we have the following fees in effect: If you are going to apply to come to the United States, it costs you $35 for a petition that is filed on behalf of the immigrant; $125 is paid by the immigrant for a visa application; $25 is paid by the immigrant for the issuance of the visa. That is a grand total of $185. That is currently what is being paid.

I have contacted Immigration and Naturalization, and they tell me that the $35 fee currently being paid covers their cost. The State Department says, however, that the existing $150 of fees does not cover their cost, that their current estimate, based on a study in 1985 and 1986, is that their cost is $187.50.

This means that, currently, the fee structure is short, based on estimates in 1985 and 1986, by $37.50 of covering the full cost of people who are applying to come to the United States and who, therefore, are using services that have to be paid for by the taxpayers.

If you look all the way down to the fifth preference, which are brothers and sisters of people who are U.S. citizens, we have 1,210,610 people who are waiting for fifth preference. So I have no doubt about the fact that we have plenty of people who are willing to reimburse the taxpayer totally for the cost incurred in simply processing their papers. Frankly, in the era of tight budgets, I think this is an eminently reasonable proposal, and I hope it will be adopted.

The second issue I want to look at is the issue related to the subject matter on page 22, and that is the so-called investor provision.

Mr. President, the logic of this bill, as I understand it—and I certainly am not an expert, as are our two colleagues—is that we have so many people who want to come to America that we are now in a position where all of them obviously cannot come, so what we are trying to do is to pick and choose and try to be sure we can get people who can come in and immediately be contributing members of our society.

As a result, we set up these new provisions related to select immigration, to try to make it possible for more people who have specific skills that we need to come to America. I think that is a reasonable proposal.

Comparing our immigration, which in the early days basically entailed taking anybody who wanted to come, with the immigration policies of other nations which have taken only people highly educated and highly talented, and looking at the result, I am not sure that our process did not work better.

In any case, obviously there was a logic in the investor provision, in that

if you are going to take people who have skills, who have college degrees, who have scientific training, because scientifically trained labor is a factor of production and that will continue to help all our society, then the idea is that people who have capital that they want to invest are people who have something to contribute to the factor of production and that, therefore, that should be one of the facts—not the only one, not even a major one—but one of the facts whereby people can come to America.

In this bill that level of capital is set at $2 million.

Now, I submit, Mr. President, that $2 million is a lot of money, and I think $2 million would substitute for a couple of Ph.D.'s, depending on the subject matter, and I agree with the logic of it. If people can contribute coming to America with scientific ability, they can contribute coming to America with the ability to invest and start a business and to actually employ people. That is the logic on page 22 of this investor provision.

I think, however, Mr. President, that that figure is too high. I think that figure is too high, and one of the figures that I would like to ask our distinguished leaders to look at is a figure of $250,000. I pick $250,000 because basically that is the rough sum of investment capital that is required to acquire a franchise in most of our franchised companies in this country. It is a figure that is clearly sufficient to set up a grocery store or a laundry or any other small independent business. If we are trying to assure that we have special access to people who can bring new skills and new talents, I think the ability to show that you are capable of setting up a small business is of equal value to showing that you possess some advanced degree. In fact as one of our great Presidents. Calvin Coolidge, once said, "The business of America is business."

I agree with the logic of the existing bill. I just think the figure is so high as to exclude a lot of small entrepreneurs who would like an opportunity to put their talent and their money to work in the one place on Earth where there has always been fertile soil for entrepreneurship.

So I hope that we can do something in adjusting that figure downward because I think quite frankly, it is too high.

Again, I want to be sure that people understand that we are not saying that you have to have capital to come to America. Nor are we saying you have to have some advanced scientific training to come to America.

But clearly part of this bill is to give some degree of preference or at least set up some categories where people who have advanced training, people who have capital and want to invest it can come to America and bring their skills and bring their capital.

I think the figure we have set here is so high as to exclude everybody except people who of all people on Earth are less in need of the fertile soil for American capitalism than most others. And it is the people who would like to see their life's savings grow to those figures that I would like to see come to America along with those who have already made it.

Finally, I would like to just throw something out for discussion that I am a little bit concerned about and that has to do with the provision dealing with fifth preference.

Now I remind my colleagues that fifth preference has to do with brothers and sisters. Last year we had under current law, as I read the numbers, about 64,800 people who came to America under the fifth preference.

I thought I would look up and see how many people are waiting to come to America under fifth preference, and again fifth preference is made up of people who are brothers and sisters of American citizens. As of January 1986 there were 1,210,610 people waiting to come to America as brothers and sisters of American citizens.

Now obviously that is a lot of people. Realistically under the kind of restraint that we have most of those people are never going to make it to America.

I submit, however, that the change in this bill which excludes fifth preference brothers and sisters who are married and simply limits it to those who are not married is not fair. I think this is especially harmful to a lot of Americans who come from Old World cultures that are family oriented that have extended families. I think the net result of this is that it forever slams the door on the possibility that their brothers and sisters who are married would ever have an opportunity to come to America.

I quite frankly am concerned about this. I think it is an arbitrary distinction. If some limit were set in terms of age, that might be logical. But simply setting the limit based on whether you are married or not does not make any sense to me, if the objective is to set out a clear preference that will allow siblings to come into the country.

So I hope that we can at least look at this problem as we consider the bill. Again we are talking about a severe limitation under this bill on fifth preference. Obviously, if you are looking at 1.2 million people waiting to come, a lot of them are not going to make it, but quite frankly I just for the life of me cannot understand the logic of slamming the door on 1.2 million people who would like to come to America by simply saying those who are married we are not even going to consider and those who are not married we are going to consider. That just seems to me to be an arbitrary distinction, and I am not sure that we want to make it.

I quite frankly would be willing to apply almost any other kind of objective criteria to trying to make the distinction. If you wanted to apply these technical proficiency provisions, I could not object to that. But simply on the one criterion of whether people are married or not, I do not think that is fair and I think that is something that ought to be considered.

So, while there are three areas of the bill that I think we ought to look at and we ought to talk about, I would have to say to my colleagues that overall I would have to say that this is a good bill.

I feel sensitive about this issue because I happen to be one of the people who believes that new Americans are often the best and that we have benefitted greatly by having people come into this country and not only share the fruits of America's greatness but contribute to the creation of those fruits. I want to be sure that that continues, and I think this bill goes a long way toward doing it.

So having raised those three points, to give me an opportunity to visit with the floor managers of the bill, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I welcome the general support that has been given to the legislation by the Senator from Texas and would like to address some of the points that have been raised and then perhaps pursue the discussion further with him and with my colleague, the Senator from Wyoming.

As I correctly pointed out when we established the independent category, we did not want to provide additional financial burdens on the American taxpayer. So we consulted with the Immigration Service and also with the State Department to provide sufficient authority to those agencies to ensure that there would not be additional financial burden upon those individuals who by nature, description and purpose will have some additional skills a good opportunity for employment here in the United States, that they would be able to pay their fair share of the load which is the filing, the review, and the finalization of any kind of a visa program. The Senator has correctly explained what was in the current legislation and now, as I understand it, he wants to extend that logic over to the other provisions of the legislation as well.

I have no objection to that, Mr. President, and basically in terms of the concept of user fees I have some sympathy with the concept. I am not going to get into what I think could be done in terms of new drug applications

and the financing of the FDA and other issues which I have explored at other times.

But just on this issue, in principle, I have no objection to extending that concept. I only had the briefest opportunity to explore that with the Senator from Wyoming, but perhaps we will have a chance to do that.

On the second point that the Senator has made in terms of the investor provisions, he goes back to a previous condition that existed in the old legislation. Whether he does so by purpose of design, the figures that he has quoted are virtually identical to the older investor provisions of the old legislation.

This particular aspect of the legislation that has been developed now I think has advantages over the older provision. This particular approach has been advanced by the Senator from Wyoming and it is a provision which I support. And the idea is not that we are going to just effectively permit people to buy their way into the United States of America. We do not want to—I do not, quite frankly—have that feature a part of an immigration bill.

We still have significant unemployment, and if we have investors who want to invest in the United States and it appeared with consultation with various financial firms and investing groups and the review of current investment practices, if they invest some $2 million and, most importantly, employ 10 individuals for a period of 2 years, they are given some consideration. They are given the opportunity to be able to invest in the country some significant amount, actually employ American citizens and I think that there is perhaps a role for that limited program. We are just talking about virtually a handful of individuals that we expect to pursue that.

The point that the Senator from Texas makes, if you want to invest in a restaurant, if you want to invest in a laundry, you can do that now. You can get a nonimmigrant visa. There are many who do that in many parts of the country. They can come on over, invest in the United States, have their restaurant, go back and forth in terms of managing it, but they have a nonimmigrant visa.

I think that that distinction is a useful one, to make a distinction for those that, by their design and by a significant investment and by actually employing Americans, showed a different mood or atmosphere than just investing in the stock market or buying some franchise. I think there is some distinction there.

So I hope that the membership would understand that these particular provisions have been reviewed. We have tried to consider some of the points that have been made in previous debates. I believe we will probably face this issue again by amendment perhaps later in the afternoon.

But I want to give the assurance to the membership that the figure that was included in this has been carefully considered. The idea of being able to ensure that you are going to be employing individuals who have been considered and the implications of the ability for smaller investors to come here and invest in these franchises and in smaller businesses still is readily available under this bill as it is under the past bill. So I hope that this provision would be sustained.

The final provision deals with the fifth preference. I point out to the Senator from Texas that those 1,200,000 people are basically grandfathered in at the present time under the bill, so that those who are on the list, so to speak, will remain on the list. I think a part of the advantages of this bill will be sort of truth in legislation. It is virtually unrealistic for hundreds or thousands of those individuals ever to expect they are going to get to the United States during their lifetime because of the list. And it has been trying to recognize the balance between the numbers and what will be acceptable and agreeable both to the American people and in terms of the particular relationships and families that we have tried to make some adjustments in here to be both realistic and to bring those elements of the family, which are generally perceived to be members of the family who are unmarried, with the concept of people who have got married and started their own families or are in a different life cycle, but not completely, though.

So we ensure that the 1,200,000 will be grandfathered. And if I could have the attention of the Senator for 1 minute, what we do provide in this legislation is, even though under our provisions preference is given to the unmarried, that if the parents are alive, they can make application for their children, even if they are not going to be squeezed out of the fifth preference, they will be able to come in under the fourth preference. So we are dealing with a backlog, we are adding numbers to reduce the backlog, and we are still permitting those who are married to come in under other provisions. What we are doing is providing a much greater degree of certainty to the closer members of the family of actually being able to be united with their families.

Mr. GRAMM. Will the distinguished Senator yield? There just may be a confusion here that maybe he could explain. It was my understanding that we were going to have a grandfathering for 3 years and that we were going to take 30,000 people for 3 years or a total of 90,000; is that right?

Mr. KENNEDY. We are doing, effectively, both.

Mr. GRAMM. So the 1,200,000 will remain on the list and will be qualified, given the availability of a slot?

Mr. KENNEDY. The Senator is correct.

I am glad the Senator brought that up because there has been a considerable amount of misinformation about exactly what we are doing here. I think what we are doing is important in this area. I think it is going to be much more realistic. There is going to be a much greater degree of certainty and families will know realistically whether they eventually will be unified or if they will not. And yet there are still provisions that will permit those who may be married and have brothers and sisters here and have their own families—we are not excluding the possibility that they can come under other provisions. But that, as I described it, is my understanding of the legislation.

I welcome the comments of my colleague about the various approaches that the Senator from Texas has made with regard to the financing of the various applications and also on the investor provisions, to see whether the representations made is the understanding the Senator from Wyoming has with regard to why those provisions, in terms of investor, were included in the legislation.

Mr. SIMPSON. Mr. President, I thank the Senator from Massachusetts.

I particularly thank the Senator from Texas. He has been an extraordinary student of this issue. He comes from a State that is most heavily affected and impacted by illegal immigration. He became a player when he came to the Senate from the House. He has been a superb counsel to me because he stays with the total reality of the situation at all times, even though he has a professional bent which is known to us in this Chamber. But he has a remarkable ability to blend that professorial bent with some good old pungent English and you can hear exactly what he says on issues. So he has been very helpful on the illegal immigration issue and I think, obviously, the questions he is asking here are going to be very helpful.

So let me, if I may, briefly try to summarize and dovetail in with Senator KENNEDY's remarks. The user fee issue, I think, is something acceptable; I certainly think it would be to the floor manager of the majority. I think it would be good to include that same user fee as we clear the backlog and place that user fee on those 30,000. I think that is only appropriate. I think that is just a minor technical correction. So I think that that—and, of course, I have not counseled formally with my colleague from Massachusetts—but I think that that would

work quite well. I think we can do that.

Just a quick reference to the investment amount, that was originally a provision in the original immigration bill. It was called the investor preference. Now, of course, it is referred to as the employment creation portion of this bill.

The $250,000 investment amount was set by the original 1982 bill. But there has been, I think, a great deal of inflationary activity since then. Unfortunately an investment level as low as $250,000 would allow someone who wanted to misuse this provision which is, we think, a fine provision for creating jobs and creating investment opportunity. To get it too low you would allow someone to come with just enough to build a house and hire people to care for the house and pay them as U.S. citizens or permanent resident aliens; you could do that and then receive an immigrant visa for this rather low investment.

I think, in addition, there appears to be a sufficient number of people who are willing to immigrate and invest the full $2 million.

We tried to check and see how many there might be. We think that is quite a sizable number. But I think if we lowered the investment amount to this figure of $250,000, I think it would act only to deprive the United States of the potential job-creating capital. The figure, I guess, of $2 million is certainly high but it is certainly not what it used to be. I would certainly be glad to visit with the Senator from Texas before he comes to the formal part of submitting an amendment, and maybe we could talk about another figure. I am willing to discuss that. I do not know whether the chairman of the subcommittee is willing to do that but I am certainly ready to discuss a figure which would be less than $2 million but not as low as $250,000. We would be glad to visit with the Senator from Texas concerning that.

Then, finally, with regard to the fifth preference, that is a tough issue; you are in a tough area. But anything to restore the visa numbers or classes of people to the fifth preference category I do not think is appropriate. And here is why: It is a very simple reason. It is not to make it tough on people, although we have one person in New York who has brought in 64 derivative relatives on one U.S. citizenship and I do not think that is what we had in mind when we were talking about "immediate family" and "family reunification."

I do not think anyone envisioned that someone would bring in 64 derivative relatives on one U.S. citizenship. And when they come they come under the fifth preference. So we make a mistake, I think, of granting this extraordinary preference to brothers-in-law, sisters-in-law, and nieces and nephews of U.S. citizens.

Please hear what is happening. They are taking away numbers from others who have a closer family connection. That is what is happening. This is what we are trying to correct.

We made this modest change in the fifth preference and agreed to clear the backlog and I do not know how many are in the backlog. Your figures are absolutely correct, 1,210,000; but we do not know how many became legalized or are being legalized under the present legalization. We do not know how many are deceased or not on the rolls anymore.

One of the State Department persons that we have worked with said it might be 20 or 30 percent that might actually be in that backlog. And if we are going to clear them on the basis of 30,000 per year plus 10 percent moving up into the other preference category, we are going to reach them all and I just do not think it is sense for us to grant visas to the distant relatives when the immediate family of permanent resident aliens are required to wait 3, 4, 5, 6, 10 years to come to the United States for visas. Now should we allocate visas to the category of people when they could be going to our new independent immigrants instead.

That is something I would share with the Senator from Texas, and I think it is an important one. What happens, if you leave it there, once a married brother-in-law or married sister-in-law immigrates, he or she may eventually apply for his or her married brothers and sisters and their family and, as you can see, the increase in the visa demand in that category is simply geometric.

So, in hearings before the Immigration Subcommittee, Senator KENNEDY and I heard one immigration expert, very well known for his clear conception of this, and for his advocacy also of higher levels of immigration, state that current fifth preference is a very poor allocation of valuable "scarce goods," which is a U.S. visa for permanent residents. So we are crushing in on those in the permanent residency when we do that.

I guess the consensus came to us in the last years of dealing with it that the fifth preference is really more of a mirage than a visa category and if we leave it in it prolongs that myth. The Senate, twice, has rejected the fifth preference. We rejected that in the original bill; the 1982 immigration bill eliminated the fifth preference entirely. That was before the Senator from Texas joined us and that passed by a vote of 80 to 19. The 1983 immigration bill removed married brothers and sisters from the fifth preference and that passed by a vote of 76 to 18.

So I would hope that that would not arise and we try to deal with it thoughtfully. I had reserved the right to offer an amendment to eliminate the fifth preference altogether in this measure. In my bill I completely eliminated the fifth preference but I had almost decided to hold the amendment, stay with the compromise. It comes to a choice between the fifth preference as it now stands, brothers, sisters, brothers-in-law, sisters-in-law, nieces, nephews; and I certainly would prefer to go to eliminate it entirely if we were going to do that; but I think we have a balance here. I am ready to hear it out. In the debate we will come to that. But the fifth preference and with the clearing of the backlogs and 20 or 30 percent of the people actually showing up, I think that is very logical, that we will take care of that quite well.

But they impinge on the people we are really trying to join, the immediate family and family reunification and I thank the Senator.

The PRESIDING OFFICER (Mr. CONRAD). The Senator from Texas.

Mr. GRAMM. Mr. President, first of all, since we, apparently, have agreement on the user fee provision and since it is an opportunity to see that we pay the bills and we protect the people that are already here trying to pull this heavy wagon from having another cost imposed, I would like to go ahead and offer that amendment.

AMENDMENT NO. 1644

(Purpose: To provide for a user fee)

Mr. GRAMM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. GRAMM] proposes an amendment numbered 1644.

Mr. GRAMM. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 45 strike all on lines 15 through 21, and insert in lieu thereof:

"(a) VISA FEES FOR IMMIGRANTS.—The Secretary of State shall provide for a schedule of fees to be charged for the filing of a petition for any and all immigrant categories under section 201(a)(3), 203(a) and (b). The fees established under this subsection shall be sufficient to cover administrative and other expenses incurred in connection with the processing of petitions for any and all immigrant categories filed under sections 201(a)(3) 203(a) and (b)"

Mr. GRAMM. Mr. President, this amendment is a simple amendment. It just says that when people apply to come to America that the Secretary of State will have the ability to set a user fee that covers the full paperwork costs. I want my colleagues who might be concerned that this might exclude somebody to realize that, in most cases, except for the State Depart-

ment, we are coming very close to collecting the actual costs of providing the visas; that this will simply give the ability to cover that extra part of the costs and thereby protect the taxpayer. It will also give the ability to the State Department, as costs rise in the future, to look at the option of asking that they be recovered. I think that this is prudent policy in an era of tight budgets. When we clearly are talking about giving somebody perhaps one of the greatest earthly gifts, and that is the opportunity to be an American, I think asking people to pay the full cost of processing the papers is eminently reasonable.

As I understood the comments of the distinguished chairman and ranking member of the committee, they would find this acceptable.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. KENNEDY. Mr. President, I have no objection. I think it empowers, as the Senator from Texas correctly stated, the Secretary of State to establish that fee and as he correctly pointed out, the fee that is charged now is really quite close to it and it follows what we had recommended in other provisions of the bill. So it is completely consistent with the spirit of the bill and I think it is a useful amendment. I would hope that it will be accepted.

The PRESIDING OFFICER. Is there further debate on the amendment?

The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I do have an inquiry. The State Department now, I believe, sets the fees on immediate relatives. I would just want to be certain that the fees that are set here for user fees would be, I hope, the same for the persons that the amendment of the Senator from Texas is intending to reach plus the people that we clear in the backlog plus immediate relatives; is that the intent of the activity?

Mr. GRAMM. Mr. President, the clear intent of the amendment, and I made a change to reflect that, is to ensure that anybody who applies will have to pay the user fee set by the Secretary of State, and that that user fee would be sufficient to cover the full cost.

Mr. President, I send a modification to the desk.

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

The amendment, as modified is as follows:

On page 45 strike all on lines 15 through 21, and insert in lieu thereof:

"(a) VISA FEES FOR IMMIGRANTS.—The Secretary of State shall provide for a schedule of fees to be charged for the filing of a petition for any and all immigrant categories under sections 201(a)(3), 201(b)(2)(A)(i), 203(a) and (b). The fees established under this subsection shall be sufficient to cover administrative and other expenses incurred in connection with the processing of petitions for any and all immigrant categories filed under sections 201(a)(3), 201(b)(2)(A)(i), 203(a) and (b)".

Mr. GRAMM. Mr. President, this modification simply assures that each applicant, whether they are in the backlog or whether they will be prospective in nature, will pay the full cost of doing the paper work to make application to come to this country.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. SIMPSON. Mr. President, I thank the Senator from Texas for modifying that amendment which now covers the immediate relatives and the people reached under the original amendment and those in the backlog. I thank the Senator for his cooperation. It is a good amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment, as modified.

The amendment (No. 1644), as modified, was agreed to.

Mr. GRAMM, Mr. President, I move to reconsider the vote by which the amendment, as modified, was agreed to.

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1645

(Purpose: To eliminate the allocation of visas based on investment in commercial enterprises)

Mr. BUMPERS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas, Mr. BUMPERS, proposes an amendment numbered 1645.

Mr. BUMPERS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

Beginning on page 21, strike out line 24 and all that follows through line 16 on page 22.

On page 22, line 17, strike out "(5)" and insert in lieu thereof "(4)".

On page 22, line 20, strike out "(3), and (4)" and insert in lieu thereof "and (3)".

On page 25, line 10, strike out "(5)" and insert in lieu thereof "(4)".

On page 25, line 16, strike out "(5)" and insert in lieu thereof "(4)".

On page 25, line 22, strike out "(5)" and insert in lieu thereof "(4)".

On page 26, line 2, strike out "(b)(5)(B)" and insert in lieu thereof "(b)(4)(B)".

On page 29, strike out lines 10 through 12.

On page 29, line 13, strike out "(G)(i)" and insert in lieu thereof "(F)(i)".

On page 29, line 14, strike out "(5)" and insert in lieu thereof "(4)".

On page 30, line 1, strike out "(5)" and insert in lieu thereof "(4)".

On page 30, line 4, strike out "(5)" and insert in lieu thereof "(4)".

Beginning on page 33, strike out line 8 and all that follows through the item between lines 20 and 21 on page 42.

On page 42, line 21, strike out "SEC. 5." and insert in lieu thereof "SEC. 4."

On page 43, line 15, strike out "(5)" and insert in lieu thereof "(4)".

On page 43, line 19, strike out "(5)" and insert in lieu thereof "(4)".

On page 44, line 16, strike out "(5)" and insert in lieu thereof "(4)".

On page 45, line 2, strike out "(5)" and insert in lieu thereof "(4)".

Mr. BUMPERS. Mr. President, I think the floor managers are well versed in this amendment, and we have discussed it. I sent out a Dear Colleague letter to all of my colleagues last week.

We fought the battle on this very same provision in May 1983. It was objectionable in the original immigration bill, and it is even more objectionable to me now. The Senate voted in 1983 by a vote of 51 to 46 in favor of my amendment and 44 of those 51 Senators are still here. I trust that all those 44 will have the same objection to the provision in this bill now that they had then.

Mr. President, it is this: There is a provision in this bill which the floor managers and the distinguished Senator from Texas have already discussed. In 1983, they called it the investor preference provision. In 1988, they call it the employment creating investors provision. The correct name is the fat cat provision. The fat cat provision, very simply stated, is if you have $2 million, and you want to come to the United States, and you will promise to take that $2 million, invest it here, and employ 10 people in the process, you can get on the track to being a full-fledged citizen of the United States.

Mr. President, that is not what America is all about. We have never allowed people to buy their freedom into this country. It violates the very marrow of the moral values of this country. Our character is better than that. In 1983, the provision was if you had $250,000 and would employ 4 people; now it is $2 million and 10 people.

If this amendment stays in the bill, the President ought to pardon every single person that was convicted in the Abscam case. What was the discussion

around the table in the Abscam case? The FBI sheiks saying to politicians, "Members of Congress, I may get in a little trouble and I may need to come to the United States. But I will have $20, $40, $50 million to invest." That was all filmed by the FBI. It was a violation of the law, and they were convicted and went to prison for it.

What they went to prison for was taking or agreeing to take money under the table in exchange for allowing these people and handling their immigration rights here in the U.S. Senate and the House of Representatives. Here we are brazenly doing the very same thing on top of the table. The difference is nobody here will benefit out of this. But I know at least one of the Abscam defendants when he was propositioned on this very same thing said, "No, I can't do that," when they offered him money in exchange for citizenship. He said, "I am a United States Senator," if I recall seeing that FBI television show. He said, "That is not the way I operate." But he was convicted anyway.

Here you have a provision that was adopted on a very overwhelming vote by the Select Commission on Immigration who studied this and voted 16 to 1 in favor of this provision. I will never understand that. But you know who the one was?

It sort of reminds me of when Abraham Lincoln took a vote of his Cabinet and about nine Cabinet Members voted "yes" and Lincoln said, "No. The vote is nine to one in favor; you lose."

In this case, so far as I am concerned, the 16-to-1 vote was similar because they lost. Fr. Theodore Hesburgh was the dissenting vote. Father Hesburgh chaired the 1981 commission. He made precisely the same arguments that I am here to make this afternoon.

Let me quote precisely what Father Hesburgh said. "There is nothing wrong with persons who wish to invest, and investment is good for the U.S.A. But the rich should not be able to buy their way into this country."

I can talk longer than that. But I cannot say it any better. How many fathers and grandfathers and great-grandfathers of Members of the U.S. Senate would be here today if there had been such an economic test for their immigration?

The issue I want to make is that why on Earth would we allow somebody to come into this country because he can produce $2 million while over 60,000 deserving brothers and sisters are on a waiting list, and cannot get in?

Mr. President, I have a list of all those who voted in 1983 on this. The Senator from Massachusetts may have changed his mind since then. He voted for it and made a very eloquent speech in favor of the same proposition. I trust that he will do the same thing today.

The arrangement is that if you have $2 million, we have room for 4,800 of you, 4,800 people. If we have room for 4,800 people in this country, it ought not be because they can come up with $2 million. It ought to be because they are deserving and because our national character dictates that they have a right to be reunited with their families.

The argument will be made that we are going to very carefully and zealously guard who comes in, to make sure they do not defraud us.

Mr. President, I was a trial lawyer before I was a politician. The law says that fraud is always a matter of intent, and the Attorney General will have to make a decision that only a jury can make. If they say, "You can't get in because we don't quite trust you," how are you going to prove that this man intends to defraud the Government?

What kind of investment? You have a drug dealer from Panama, and he knows he is about to be caught. He is not likely to be caught in Panama; but, just for the sake of argument, let us assume that we have a drug dealer in Panama who is trying to get out of there. It would not take him a New York minute to come up here and offer $2 million if his life were at stake. There are a lot of drug killings. Maybe his life is on the line. We do not know he is a drug dealer. He has never been convicted of dealing in drugs. He wants to get out of Panama to save his life and get to the United States; and if he has $2 million and if this provision stays in the bill, he can do it.

The provision does not even require him to manage his investment. At least, the 1983 provision said that if you come here and you invest $250,000 and you employ four people, you have to stay here and manage it.

Why would we let somebody in because he had $2 million unless he also had a skill? What if he wants to start a casino? Is that permissible? There is nothing in the law to say that he cannot open a casino. There is nothing in the law that says he cannot establish a house of ill repute.

What if he decides to declare bankruptcy, which was his original intent, anyway? He invests $2 million in some kind of business, and 3 weeks later he decides to declare bankruptcy. What do you do with him? Deport him? Deportation proceedings are not easy. If somebody has $2 million when he comes here, there is a very good chance that he has another $2 million that he is not investing, and that will buy a lot of legal advice and will buy a lot of time in a deportation proceeding.

Mr. President, there is no study showing the economic impact of this provision. Nobody can tell you how many people will come. Nobody can tell you what kind of investment we can expect out of it.

The argument will be made by the floor managers of this bill that Canada and Australia have similar provisions. Do you know what Australia uses theirs for? To try to build population. Australia needs more people. They need more labor, and they use theirs for that reason—to build their population. I do not care. I could not care less what Canada and Australia do. Maybe their national character is not the same as ours.

We have a bill moving through both Houses of Congress now—and this is an interesting contradiction, it seems to me—that says that in the future, people who invest in this country will have to reveal themselves, the size of their investment, and where their investment is going. If you read the New York Times this morning, you saw that some of the lobbyists for some of the biggest corporations in America are objecting to that bill. The biggest corporations in America have lobbyists swarming the Halls of Congress saying, "You can't do this. It is going to be a disincentive for investment."

Do you know why those bills were introduced? To stop the selling off of America. It is not to try to get people to invest more. We do not have these bills floating around here to make the Japanese and the Germans and all the drug dealers of South America identify themselves as an encouragement to more incentive for investment. We have those bills floating around here because we are trying to stop it. We do not want them to own all our banks. We do not want them to own everything in America—land, banks, corporations, and so on.

While I understand why some of these lobbyists are exercised about that, is it not a contradiction that there seems to be a feeling in this country that we have to stop those massive investments in this country and then come in here with a provision in the law that states just the opposite.

As for the argument that very few will use the provision, who knows? I do not know how many people will use it. I suppose the managers of the bill can give you some kind of example of a case that would be an exception rather than the rule as to how and when such provision might have some merit. So far as I know, GAO has not given them an opinion. I do not know of any study by any group on the effects of this provision.

All I know is that I agree with Father Ted Hesburgh when he says it is immoral and it violates what we stand for in this country. I hope my colleagues will join me in striking this from the bill.

I yield the floor, Mr. President.

The PRESIDING OFFICER. Who seeks recognition?

Mr. SIMPSON. Mr. President, I think all of us in this body know—at least I know I do, after being here 9 years—that when our colleague from Arkansas speaks, he speaks with great sincerity and great passion and great strength, and powerfully so. He has done that once again. I have the greatest admiration for him—and that is not so that what is coming next should unravel him. I enjoy his friendship and his good humor and his counsel. He has been very generous with that, especially with me—his good counsel.

He has said some powerful things, dramatic things. But I assure my colleagues who are listening or watching that this is not Abscam. This does not have a thing to do with Abscam—nothing. This is not "fat cat." That is not what this is.

A select commission voted, 15 to 1, to restore and keep this preference—not for the purpose of rewarding people or allowing people to buy their way into America, or that America is for sale. That is an inflammatory series of comments that do not fit what we are up to.

We have room for millions more, not thousands. We have room for millions more in the United States of America.

That is what we are doing here. We are going to legalize over 1 million, and, under the illegal immigration bill, I hope more. We do not know how many are here. We are going to raise our numbers here by 80,000. We are never going to put a limit on immediate relatives. We are going to revisit the issue annually and every 3 years. That is what we are going to be doing.

We have in our law right today a preference for investors. Please do not anyone be lead astray as to what is happening. This is not just some new novel thing that we have proposed, and 15 of us proposed it out of the 16 members of the Select Commission. We have a preference right now for $40,000, to invest that much, and hire—I cannot recall the figure. No, there is no restriction on how many would be hired.

But here is what I want you all to hear. There is a nonimmigrant category right now in the E visa series called treaty investors, and there are 30,000 of them in that right now. There are people who have homes in Brussels who invest in Florida and who bring jack to the United States, real piles of it, and they are called treaty investors and they are nonimmigrant visas, and there are 30,000 of them in the pipeline. They are here. They are not immigrants. They do not qualify. They are nonimmigrant visas and the only requirement, I think, is that they hire one person and a $150,000 investment, and they are called treaty investors, and they are here and this will not reach them at all. You can knock this provision out. It will not even touch them. I do not know why you would want to touch them. Why would you want to get rid of those who are here as treaty investors, bringing in at least $150,000, and there are 30,000, and they at least create one job and many create more.

So I think we have to keep that in context here. It is not the high drama that is expressed.

I oppose this amendment to delete this employment creation preference in the bill before us and at an appropriate time will move to table the amendment when all the debate has been completed and with complete deference to my friend from Arkansas.

We are talking here about allocation of only 5,000 visas per year to persons who create 10 jobs in the United States of America.

If you want to talk about the little guy, talk about the little guy who is going to get knocked out of the bushes because his investor cannot come in and so if you throw this out, you have denied 10 U.S. citizens or people with permanent resident alien status or people with work status in the United States, under whatever various categories we come up with, new jobs.

What is the purpose of that? I do not understand that. With 5,000 visas you can hire 50,000 American citizens or permanent resident aliens or those authorized to work in the United States. We should not just shuffle them off to Buffalo on this one. That is not what we should do. Fifty thousand people will be involved, little guys, guys maybe who are permanent resident aliens and been waiting for their spouse or minor children for 4, 5, 10, 15 years—some of them wait that long—and now with a job or a person is willing to invest $2 million to create 10 jobs, and those are new jobs in the United States. They must be created through the investment of at least the $2 million in the United States in a new commercial enterprise of which the alien must be the principal manager.

We are not talking about drug dealers who are coming to set up shop just because they have $2 million. We are talking about a new commercial enterprise of which the alien must be the principal manager of the business and then go hire 10 people in this country who I am sure would be very delighted to work. The aliens who create the new jobs and invest the required money will receive a conditional status. They cannot run in and run out. They cannot just hook on and distort and defraud our systems. Under this, they are going to receive a conditional status for 2 years, so that we are then able to ensure that their investments and their job creating activities were not entered into merely to evade the U.S. immigration laws. It is a very key part to remember here, a conditional status.

I cannot imagine anything more in the national interest and that is the whole attempt of the Senator from Massachusetts and the Senator from Wyoming, to get back to the national interest on legal immigration, classic immigrants, people who have certain skills and labor qualifications that add a great dimension to our country; people, only a very limited number under a point system, 50,000 in this bill, with special attributes that apply to age and minimum competency in English and skills, and those are important things. That is a pretty low figure to select out of the number of legal immigrants. But this is less than 1 percent. You can knock it out, but it is only less than 1 percent of the entire national level of immigration to those persons who wish to create new jobs in our country.

And I do seriously and vigorously reject the argument that this is some fat cat preference that will allow people to buy their way past the Statue of Liberty. Let us be quite honest with each other in this debate. Many of the present requirements of the U.S. immigration law are solely economic in nature. They really are. You look at them. They always have been.

We were looking for people to build the dams in the West. So we selected the Italians to come to Wyoming in 1910 to build the first reclamation project. We selected people to do the work. That was economic. And they came and they did the work. There are mothers, there are grandparents and grandmothers and grandfathers. I can tell my story. My middle name is Kooi. My grandfather came from Holland and worked on the railroad in Chicago. He was orphaned early, and he went to Wyoming and eventually ended up running a coal mine.

Not one of us cannot tell those stories. Maybe we can all just admit and take judicial notice of those.

What we are talking about here is something totally different than anything that has to do with buying your way into the United States of America.

The educational and occupational preferences that are in our law, and they are all through the law, educational and occupational requirements in our law simply that a person must have spent money to acquire these skills. We often deny visas to persons who would likely become public charges. We do not even let them in. Talk about discrimination. Who is more ragged than a person who would be a public charge, and yet they cannot come to the United States under our present laws if they are to be admitted as immigrants.

And as I say, in addition, this amendment does not allow anyone to

do the nefarious act of buying their way past the Statue of Liberty.

It does require them to create some jobs for the lesser people in the United States who are U.S. citizens and permanent resident aliens and create opportunities for U.S. workers if they wish to receive visas.

I think that it is puzzling to me to speak of this provision which somehow betrayed our concern for the less fortunate, when in fact this provision will create jobs for the less fortunate in our society. The effect is just the opposite as that claimed by the sponsors of the amendment.

So I would say, Mr. President, that I find job creation a goal that is clearly in the national interest.

I believe the Judiciary Committee report sums it up very well. It says:

This preference is intended to create new employment for U.S. workers and to infuse new capital into our economy, not to provide immigrant visas to wealthy individuals.

And I think this amendment—respectively, I say—completely misrepresents the employment creation preference, and I urge my colleagues to reject it.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, in 1982, when the Senator from Arkansas offered an amendment to the then immigration legislation that was before the Senate, it was targeted to a provision in that legislation that effectively stated that if you had $250,000 you could get past the Statue of Liberty and enter the whole process by which you could become an American citizen. This provision is an entirely different provision. And I, for one, find that the relationship and the references to the Abscam scandal are completely inappropriate.

I have been on the Judiciary Committee for a period of some 25 years. Both in the House and the Senate we had too many instances—and perhaps the Senator from Arkansas can remember when we had individuals, even individual Members of Congress and the Senate that were involved in introducing private bills, tragically, for money. And for too long a period of time there was a sweetheart arrangement between the House and the Senate Judiciary Committees for the passage of that type legislation.

I believe that was really part of the impetus for addressing some of the more basic and fundamental issues which we began in the early 1960's and culminated in the 1965 act which eliminated the national origin quota system in the Asian-Pacific Triangle.

In consideration of this amendment which has been proposed by the Senator from Wyoming and which I support now, the Senator was quite correct in indicating that there has been as part of our whole immigration law different types of financial considerations in terms of both visas and in terms of investment in the past and now in terms of investment for job creation. We have the treaty investors. We have several thousands of those treaty investors that have invested in the United States in restaurants, primarily in small businesses. They have a nonimmigration visa and they have added to our economy.

The idea that we have all of these kinds of drug dealers flooding into the United States as quick as they would like or to try and fashion houses of prostitution, Mr. President, is hogwash. The record does not show it. The record does not show it. It has not demonstrated that. We have not had those kinds of abuses. We have not had treaty investors who have come in and then try to jump ship and avoid deportation on this. Maybe that has happened in certain circumstances. I am not here this afternoon to say that it has not. But that is not the kind of a situation that exists today where we have the treaty investors.

And it is interesting. You cannot have treaty investors here in the United States unless Americans can invest in those countries, Americans investing abroad. You know, before we shake down the American flag here in order to keep the investors out—and I will leave that issue up to other committees about the revelations and how much we are going to invest and who is going to invest and where we are going to invest; that argument was made by the Senator from Arkansas. That has nothing to do with this.

We have treaty investors. That has been worked out and negotiated. Foreigners want to invest here, we want to invest there. We established a process and procedure and it meant jobs and it has meant jobs here.

We take the concept, not the one that was $250,000 on the barrelhead, but this one that says it has to be new jobs. And does that get Mr. Noriega over here? Of course it does not, because there are provisions in the legislation that provide flexibility to consular offices to keep out individuals which have been described by the Senator from Arkansas, and should be kept out. They do not have to be tried. They do not have to be convicted. All there has to be is reason to believe about that activity. And a good deal of flexibility is provided to the consular offices for that type of individual.

Now, they come here and they are still not ready to go all the way through the process. They are here conditionally for 2 years. You have to help create the new jobs, not replace old jobs. Not being able to buy in and say, "I am employing 10 people"—new jobs. And at the end of the 2-year period, if they are able to demonstrate that they have stayed there for that period of time and have the 10 new jobs, and hopefully other jobs, then they begin the long 5-year process for permanent resident alien.

Mr. President, this is a great deal different from what was considered by the special commission and what was considered in the last legislation. We are talking virtually about a drop in the bucket in this. We are talking about 4,000 of 490,000.

Now, people will say that it is the principle involved in this issue and in this question. But I want to give assurance to those, since I voted the last time in support of the Bumpers amendment, that that actually reduced the numbers. The provision in the legislation in 1982, if it was taken advantage of, it actually reduced the numbers of the kind of extended family that would be able to come in here. That particular aspect of the amendment has been corrected, as well.

So, Mr. President, I do not come to the conclusion of the Senator from Arkansas. I know what his concerns are. I believe that the argument he made very eloquently this afternoon did apply to the 1982 provision. I think we have addressed those concerns, quite frankly. I know they were certainly of concern to me and other members of the Judiciary Committee and to the Senator from Wyoming.

This has represented a compromise in terms of trying to deal with some of the kinds of issues that the Senator has described and I have commented on, as well. I hope that this particular provision would not be struck from the legislation.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, first of all, the Senator from Wyoming said a moment ago, as I understood it, that we have room for millions more. Well, in a technical sense, that is certainly true. And this bill let in up to 590,000 people a year.

I like to think that I am a humanitarian and I have a great empathy for people from other countries who are fighting and scratching and clawing to get to this country. They swim. They come any way they can get here. I do not know how many people you can admit into this country before you sink the ship and everybody goes down, both those who came here for the most altruistic reasons as well as those who are already here. But that is not really a part of this debate.

Right now there is a regulation that says if you come to this country and you bring $40,000 and you employ one person, you can get citizenship if you qualify in other ways. The Senator from Massachusetts has said that what I said a moment ago is hogwash; it just has not happened. I do not know whether he is right about that or not.

Mr. KENNEDY. Will the Senator yield for a question?

Mr. BUMPERS. I will in just a moment. Let me make this point and then I will yield to the Senator.

The reason it has not happened is because not one single person has been admitted to this country under that provision. So we do not know what is going to happen. I am telling you some of the things that can happen with this provision. But not one soul has been admitted under that regulation since 1977.

Now I yield.

Mr. KENNEDY. Well, the Senator is quite correct, and that is because of the flow from one category to another. Those provisions have not been implemented. There has not really been an issue or question raised in terms of our consideration, quite frankly. I think it is unrelated to what we are talking about here.

It used to be around here that we were concerned about jobs and unemployment, much more, apparently, than some are here at this point in this debate and this discussion. But the Senator is correct. That provision has not been utilized because of the way of the various triggering. And there is no suggestion to believe that the way it will continue to flow in terms of moving from preference to preference, that that will be addressed either. It is basically excess on the bill. But that is not what we are debating here today.

Mr. BUMPERS. Mr. President, if we are going to talk about jobs, let us talk about education. If we are going to talk about jobs, let us talk about restoring the U.S. competitive edge. If we are going to talk about jobs, let us talk about the Job Training Partnership Act. Let us talk about investment and, above all, let us talk about getting the deficit down.

But let us not try to create jobs by allowing ourselves to be bribed, in violation of what I assume every person in this body believes about this country.

You can call it hogwash. You can put the best face on it you want to, but this is a sample case of saying you can bribe us for $2 million and become a citizen of this country.

It is that simple. You can talk sophisticatedly about jobs and how people come here and so on, and the Senator from Massachusetts says this is an entirely different provision than the one in 1983, and he is right. It is much worse than the one in 1983.

In 1983 the provision was that you had to manage that investment when you came here. That provision is not in this bill. Here it is, it is English. Anybody ought to be able to understand it:

> Visas shall be made available next, in a number not to exceed 4 percent of such worldwide level or 5,000, whichever is greater, to any qualified immigrant who is seeking to enter the United States for the purpose of engaging in a new commercial enterprise which the alien has established and in which such alien has invested, or, is actively in the process of investing, capital, in an amount of not less than $2 million.

English is the mother tongue. There it is. Nothing about management. Nothing about supervision.

Mr. President, you do not have to have this bill to get people to invest $2 million in this country. They can invest now. If there is somebody who wants to invest $2 million in this country right now, there is no prohibition against it.

The thing that makes this unbearably odious is the fact that they get citizenship. How would you like to be sitting over in Greece waiting to be reunited with your family and you are one of those approximately 60,000 brothers and sisters who cannot get in? That is the backlog. And you want to come to the United States, the land of the free and the home of the brave. And they say: "You have got 2 million bucks?" You say: "I ain't got $2,000." Well, it's too bad.

If we are going to let 5,000 more people in, for God's sake, let us let people in who deserve to be here; not because they inherited wealth in their home countries.

Mr. President, the Senator from Wyoming brought up the question about treaty traders and treaty investors. And he is right. We have a treaty with 29 other countries where they can come here and invest. But I will tell you one thing, they have to be engaged in supervisory, technical, as well as managerial functions if they are going to do that.

You think it is hogwash to assume that some drug dealer is going to take advantage of this? Why is that hogwash? This is a drug dealer's paradise. And some countries allow dual citizenship. They can grow it in Colombia and come up here and distribute it.

Why would they do that? Well, they want to put in a $2 million laundry? They would probably keep some shirts and pants hanging out front. And in the back, they would be laundering, all right. They will be laundering drugs and money. And one of the things about this, when they say: Well, they have got 2 years, they can be deported. Did you know that if they are in violation of any of the provisions and the Attorney General decides they are in violation, who do you think the burden of proof is on? It is on the Attorney General. It is on the United States. It is not on the person who comes here and makes the investment; no matter how flagrantly he may violate the regulations, the Attorney General has the burden of proving that he is in violation. And my guess is that none of these people who do come here under this, if they in fact do, are going to be without considerable resources to defend themselves.

The Senator from Wyoming makes the point about: You cannot allow people into this country who are going to become a public charge. My only response to that is being a public charge and being a multimillionaire are two different things.

It is true, we do not want people coming into this country here who are going to be a public charge. But we do not want to allow ourselves to be bought because some foreign fat cat has fallen into disrepute or disgrace with the royal family and needs citizenship here.

Mr. President, there is not point in belaboring this. The point is simple. Father Hesburgh said it as well or better than anybody in this body could say it: It is immoral. It violates our national character. You cannot gloss that over and you cannot use any kind of sophistry to get around that point.

Mr. President, I ask for the yeas and nays on my amendment.

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

The yeas and nays were ordered.

The PRESIDING OFFICER. The acting Republican leader.

Mr. SIMPSON. Mr. President, I would move to table the amendment. But I do not want to cut off debate. I indicated that previously and I will do that.

But may I share with the Senator from Arkansas—I think this is important; it has been a good debate—something that is being missed? Well, maybe it is not, but it sure should not be missed, if we do our work correctly.

For years we have given preference to immigrants who are professionals who are persons of exceptional merit or ability; holders of Ph.D.'s and otherwise. These immigrants can, and actually in effect are really "buying their way in," if you want to put it on that basis, by using their money to earn their degrees and thus qualifying for immigration preference. They come in under the third preference. So it could be said that they are buying their way in. They are buying their advanced education but they bring no investment with them. They add greatly to our country but they bring no U.S. workers into the work force. This provision is not seeking some kind of foreign investment, but new investment by a person who wants to become as American.

This is not some foreigner. This is a person, like so many that want to be a U.S. citizen. They want to become American. Is that not preferable to a "foreigner," a nonimmigrant treaty visa holder investing here but having his citizenship and all his allegiance abroad? Thirty thousand of them?

This is better than that. You will not get anybody to believe that this is not better than that.

These people are going to be U.S. citizens instead of somebody, as I say, who lives in France or England or Germany or Japan or Mexico or wherever, who is simply bringing their jack to the United States of America, keeping their citizenship in their own nation, and not contributing to this country or its pluralism or its uniqueness.

That does not sound like sense to me. As I say, I will not go on into Abscam, but there they were just toadying up to the bar and saying: Here's $25,000; I would like a private bill. At least in this one, we are trying to create 10 new jobs for American workers by a new immigrant who is willing to make a substantial investment in a new enterprise in the United States, and that is quite different.

But the mother tongue, the mother tongue—let me refer the Senator from Arkansas to page 18 of the committee report on this bill. On page 18, it says, and I quote:

> Finally, the committee intends that processing of an individual visa not continue under this section if it becomes known to the government that the money invested was obtained by the alien through other than legal means (such as money received through the sale of illegal drugs.)

I would hope that that would put that to rest. And I quote, also on page 18, and this is key. The sentence, and I quote it:

> The committee endorses the present investor requirements as described in 22 CFR 40.7(a)(14), Note 1.3.

That is the provision that ships you right back into our existing law that has to do with just exactly what we have been talking about, and that is what we are doing. They have to meet every single test of eventual citizenship. That is the people in this category, without question. Under this section I just read to you, it requires that they be the principal manager of the business. I can get the language for you of 22 CFR in the mother tongue, and it says clearly what it is that is required.

That is in this report. That is what we have done in this bill.

When we say, "Let's not worry about bringing in these people because there are 67,000 people," and that was a figure the Senator from Arkansas used, I only say to you, how about the 50,000 U.S. citizens who are going to benefit under this bill; the 50,000 U.S. citizens and permanent resident aliens of the United States who are already here?

I will join with you in not worrying about those "foreigners" who are not here, and you join with me in worrying about the 50,000 people of the United States of America and permanent resident aliens who are already here who are going to benefit tremendously under this provision, like going to work and getting a job.

I practiced law in a little old town in Cody, WY, like the Senator from Arkansas practiced in Jonesboro. It was not quiet there. I can assure you, he is not a country lawyer. He is one of the sharpest men in the U.S. Senate.

I remember a great opportunity that came when one of the lawyers in a case in the Park County Courthouse said: "If that's the law, I'll eat the statute book." To which the opposing lawyer said: "And if you do, you'll have more law in your gut than you have in your head." Of course, that was the end of that case.

I say to the Senator from Arkansas, I know his record in humanitariansim and job creating in these United States. I do not follow the argument. It is the first time in 9 years, I must say, I am unable to pick up the threat of the Senator from Arkansas as to why this would be a bad thing for the people of the United States, the people who are already here.

Mr. BUMPERS. Would the Senator yield for a question? Is there any law that the Senator knows of which prohibits people from investing $2 million in this country right now, anybody who wants to?

Mr. SIMPSON. Mr. President, we have people who come to the United States who we do not know what they bring in the way of money.

Mr. BUMPERS. I am not talking about people who come to the United States. I am talking about some fat cat in Paris, France. Is there any reason why he cannot invest $2 million in a business here?

Mr. SIMPSON. No. He can come in under the treaty investor status and invest in the United States.

Mr. BUMPERS. He does not even have to come in under the treaty investor status, does he? Anybody in the world can invest money in the United States all they want; is that not true?

Mr. SIMPSON. Mr. President, maybe if we can get less oblique and more direct. Why not drive in with that question?

Mr. BUMPERS. Getting back to the mother tongue, I do not know how much clearer I can make it. Is it not true anybody who wants to invest money in the United States can do so?

Mr. SIMPSON. Certainly, and they do so as treaty investors if they are nonimmigrants of the United States, noncitizens. That is what they do. But what happened with our investor preference in the United States? It is in there. It is $40,000, but the reason we never got to it is because the fifth preference crowded it out, and when the fourth preference and the fifth preference crushed it out, no one is obviously going to use it. You cannot use it. It is gone. All the numbers disappeared because of the backlogs and the preference. That is what happened to it.

Mr. BUMPERS. Senator, you pointed out correctly that we have treaties with 29 countries. Saudi Arabia is not one of them. Thay have billions of dollars invested in this country, and they are not a part of any treaty.

My question again is, cannot anybody invest in this country who wants to?

Mr. SIMPSON. Mr President, that may be so, but they cannot bring themselves here with their money.

Mr. BUMPERS. That is precisely the point. That is exactly what I wanted the Senator to say.

Mr. SIMPSON. We want them to not only bring their money, but bring themselves and hire 50,000 U.S. citizens or permanent residents under 5,000 visas.

Mr. BUMPERS. That brings me to my next point. I made the point earlier that anybody can invest in this country who wants to. If you want to put $2 million in the stock market or put $2 million in a piece of property in Arkansas, you have a right to do that today. The difference is, this law says that if you are not so inclined to make such an investment, but you would like to become a citizen of the United States, we will let you. It is an incentive to people who would not otherwise invest but who want divinely to become a citizen of the United States. We say the difference is, "Mr. Fat Cat," or whoever, "you can bring your body here and become a full-fledged United States citizen with $2 million." But there is no prohibition now against anybody investing in this country.

The second point I want to make is: It is true that if 5,000 people took advantage of the provision of this bill and if each one of them employed 10 people, it would indeed create 50,000 jobs.

Another point of this provision that is objectionable is, we do not have a GAO study; we do not have an OTA study; we do not have any kind of a study that shows what, if any, economic impact this provision would have.

All we are doing is selling every principle that I believe in for maybe some benefit and maybe none.

Does the Senator have any information he can share with the Senate? Any study? Since nobody has chosen to come here under the $40,000 provision, under the current regulations, not one single living soul, why does the Senator think the people are going to come here for $2 million?

Mr. SIMPSON. Mr. President, I really do not think I need to find that kind of data. We have a Labor Department which tells us what a job is. Jobs are described in America. They are called jobs, and they have a certain

salary or wage. People pay in their social security and their unemployment compensation, and there are lots of statistics about those things. They have one word. It is called a job, and under this particular measure, there will be 50,000 new ones.

I really do not think I would want to insult anyone's intelligence to just describe what a job is. That is what this entails: jobs for U.S. citizens and permanent resident aliens of the United States. We do not need any statistics. There are no great white papers to drag out on this one. It is very clear what a job is, especially to a person who does not have one.

So we are not talking about foreigners or fat cats. We are talking about jobs, how you eat in the United States of America.

I cannot understand, with the extraordinary track record of the Senator from Arkansas, how there can possibly be a single objection to that kind of activity in the United States when we are talking about 1 percent of all the visas in this bill. A most extraordinary departure, from my knowledge of the Senator.

In this bill, this investor is not getting citizenship for $2 million. That is an incorrect and erroneous statement. If he does all these things, he may become a U.S. citizen: If he makes the investment in a new enterprise; if he meets the test of the CFR; if he is the principal manager; if he hires at least 10 American workers, United States or permanent residents; if he gets the money legally; if he maintains the investments in the business at least for 2 years; if he maintains the employment of the American workers for at least 2 years; if he has committed no serious crimes and otherwise passes all our examinations and all our conditions; if he resides in the United States for 5 years; and if he speaks English and understands our system of Government, then he may come into the fabric of the United States as a citizen.

So all the things the Senator from Arkansas is proposing about Saudis, and all the rest of it, does not have a thing to do with this because you could get all the money you want to and put it in the United States, but you cannot hire 10 U.S. citizens or 10 permanent resident aliens. That is the difference. You can play around with that all you want to, but it just will not wash as to what they can do and what they can bring in.

The issue is they cannot, under these other policies and under the investor treaties, hire people who would like to work for U.S. citizens and permanent resident aliens in the United States. There are no studies or reports, except the annual reports which will be done under this bill to determine the impact, completely, in the United States.

We held hearings. The testimony was supportive of the provision, and there is not anything I can add to the record as to what 50,000 jobs are in the United States of America by people bringing capital to the United States of America when we have a deficit of 150 billion bucks.

Mr. BUMPERS. I am not going to belabor the debate. I will just take a minute or two more.

I was a trial lawyer for 18 years before I was a Governor or a Senator. I used to have a pretty good feel for what a jury was going to do before they came in with a verdict. I called two or three wrong. Sometimes a jury will fool you. But I tell you what—I would stake my seat in the Senate—if we had a chance, just the two of us, to debate this before the American people, the American people would overwhelmingly repudiate this provision. Do you know why? Because they love their country. They love it because they are free, and they think that anybody else coming here ought to love it the same way and they ought to be coming here because they want to be free or because they want to be reunited with their family. If somebody is coming here simply because he needs to get out of his country and he happens to have $2 million in his pocket, I do not want him as a citizen. And yet he can become one under this provision.

Mr. President, this provision is wrong. I do not care if the Commission voted 100 to 1 or 100 to zip. This is wrong and I hope my colleagues will agree with me on it.

Mr. President, I am prepared to vote.

Mr. SIMPSON. Mr. President, I think the Senator from Texas has a comment. I will just conclude that it is true about what the American people would say they wanted. I practiced law, too, for 18 years, interestingly enough. I tell you what—there is another thing they love, aside from their freedom. They love work and they love jobs. You knock this one out and they lose 50,000 of them.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I would like to begin by saying that if the distinguished Senator from Arkansas had come over to attack the entire bill and had expressed moral outrage that we were picking and choosing among the tens of millions of people every night who go to bed dreaming of coming to America and we were doing it in a discriminatory fashion and that was wrong, that moral outrage would be right on the bull's eye.

But that is not what the distinguished Senator from Arkanas is doing. The distinguished Senator from Arkansas is not outraged at the fact that we say because somebody has a Ph.D. in political science, we are going to let them in America and because somebody else does not, we will not let them into America. He is not saying that is wrong. He is not saying because somebody grew up in a rich family and could go off to graduate school and could learn the English language, that somehow it is wrong for them to come to America when someone who isn't rich, has no Ph.D., and does not speak English cannot come to America. Now, that argument has moral content.

In my opinion, this argument does not. Let us say you have a father in Hong Kong who has two sons. His clever son he puts into business and the son who is not quite so clever he sends to graduate school and he gets a Ph.D. But Hong Kong's lease is ending and the Communists are about to take over, so the two sons decide they want to come to America. The Senator from Arkansas asks, well, the one who has money, does he love freedom? He has this money but does he love freedom? He is not asking the guy who has the Ph.D. if he loves freedom.

You see, Mr. President, this is a discriminatory bill. I do not care how you cut it, it is discriminatory. In fact, I came over here to amend this very provision because I thought the $2 million threshold was too high. The plain truth is that more people want to come to America than we can take. That is the reality. More people want to come to American than we can take. And so as a result the immigration policy of America was designed to bring in the people that were needed.

My wife's grandfather came to this country as indentured labor to the Waialua Sugar Plantation because they needed people to cut sugarcane.

We set the quota to benefit America, not to benefit the people who were coming, because in reality more of them wanted to come than we could possibly take. So this bill sets up all kinds of provisions to look at the talents people have. It says America could benefit by having more civil engineers, more mathematicians, more people who are majoring and getting Ph.D.'s in the pure sciences. And so what this bill says is that we need those talents and if they want to come to America, since we cannot take everybody, we are going to give them preference.

Now, the Senator from Arkansas did not come over here and say that is an outrage.

What he is saying is that we are going to let one son right on in. He must love freedom because he has a Ph.D. But the son who went into the family business, the son who is a practitioner of the business of America, we are not going to let that son in. If he is a businessman, he does not necessarily love freedom.

Now, that makes no sense. The greatness of America basically was

that a lot of people came here for various reasons and a lot of them got here because we needed them to come build the railroads and dig the mines and harvest the sugarcane, but they got here and then their children and grandchildren went off and became Ph.D.'s, became doctors and lawyers, and they built America.

Quite frankly, I do not feel too comfortable with the approach of this bill because America was not built with highly educated immigrants. But I can understand the logic of it.

My point is a simple point. If we are going to differentiate and we are going to let people in who are doctors or lawyers or engineers, why not let business people in? What is wrong with the practice of the business of America?

Now, I had an amendment here which, despite the fact that we will have addressed this issue—I hope I have an opportunity to offer it if the Bumpers' amendment fails—would have lowered the threshold. But I ask my colleagues on this amendment to answer the following question. Forget the $2 million. I would like to see that changed. But if we have somebody in another country who has gone out and worked and developed a little business and they build up a nest egg of money and they say, "I would like to plant this seed in the most fertile soil on Earth, I would like to come to America and open up a business, and I can prove I am a good businessman, I built up this nest egg of money," why should this person be excluded when we let some person with a Ph.D. in political science come to America? If you are going to exclude one, exclude both. What is the logic of discriminating against people who have been successful? In fact, the reason for letting the Ph.D.'s in is that we think they are going to contribute. We think they are going to make money; they are going to pay taxes; they are going to be contributing citizens; they are going to create jobs. That is the whole logic for letting them in first.

Well, why not let somebody in who has already proven they can do those things? Why not let somebody in who has built up a nest egg somewhere else and who wants to put that to work in America?

So if you want to be against setting any kind of standards for admission, then that is a logical and a moral position. But do not set it just based on the fact of excluding people who have been in business, and who have built up a nest egg and who want to invest it in America. That is basically what we get down to.

So I think the figure is too high. I think it is unreasonable. I think a lot of people would like to come here, invest their life savings, help America grow, and provide entrepreneurship that we need. This figure is probably too high a cutoff. But to say somebody is buying their way into America because they made some money, and then to say somebody is not buying their way into America because their parents went out and invested for them to get a Ph.D., that just simply does not make any sense.

One set of criteria as a group is no more restrictive than the other. The bottom line is this bill is written to help America because they have more people who want to come than we can take. You can object to that principle, but you cannot pick and choose among those principles.

So I hope my colleagues will reject this amendment but I do hope they will come back and set a more realistic figure in trying to identify the people who may not have advanced degrees but they may have entrepreneurship, and after all that is what built America in the first place. That is what I think will continue to make America the greatest Nation on Earth.

So that is why I am opposed to this amendment. I am opposed to this amendment because it picks out an arbitrary criteria and it says you can benefit from your wealth or success in all of these other ways, but in this one way, we will not let you benefit. I just do not think that argument will hold water. I am not sure how a jury would respond to it because it is a good emotional pitch. But I just do not think it makes sense. If you are going to take somebody because of education, because with that education you think they will be more successful in America and pay more taxes and create more jobs, why exclude someone who has already been successful and who is going to create those jobs the moment they come here?

Both those criteria may be wrong. But one cannot be right and the other be wrong. You either have to accept them both or reject them both. I am not positive which one I want to do. But I do not think we ought to split them. I do not think it is right.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER (Mr. ADAMS). The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I will be very brief.

I want to say to the Senator from Texas, first, I am only slightly offended that we allow Ph.D's into this country under the preference. But there is one thing about a Ph.D. The chances are about 99 to 1 that he is going to make a contribution. He may not be coming here because we are free and because we have a great Constitution. But if he is that kind of scholar, or she is that kind of scholar, the chances are they are going to make a real contribution.

But under this provision, Mr. President, you may or may not love the country and you may be coming here for the most nefarious of reasons. It only requires $2 million. And therein is the difference. One is a crass violation of everything I believe in. It violates everything I believe in right to the marrow of my bone.

I am prepared to vote, Mr. President.

Mr. SIMPSON. Mr. President, I would renew the motion to table.

The PRESIDING OFFICER. There has been a motion to table.

Mr. SIMPSON. I ask for the yeas and nays.

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

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Wyoming to lay on the table the amendment of the Senator from Arkansas. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Oklahoma [Mr. BOREN], the Senator from Louisiana [Mr. BREAUX], the Senator from Florida [Mr. CHILES], the Senator from Nebraska [Mr. EXON], the Senator from Tennessee [Mr. GORE], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Arkansas [Mr. PRYOR], the Senator from North Carolina [Mr. SANFORD], and the Senator from Illinois [Mr. SIMON] are necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Kansas [Mr. DOLE], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Utah [Mr. GARN], the Senator from Nebraska [Mr. KARNES], and the Senator from Kansas [Mrs. KASSEBAUM] are necessarily absent.

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

The result was announced—yeas 51, nays 33, as follows:

[Rollcall Vote No. 48 Leg.]

YEAS—51

| | | |
|---|---|---|
| Armstrong | Gramm | Packwood |
| Baucus | Grassley | Pell |
| Bentsen | Hatch | Pressler |
| Bond | Hatfield | Quayle |
| Byrd | Hecht | Roth |
| Chafee | Heflin | Shelby |
| Cochran | Heinz | Simpson |
| Cohen | Helms | Stafford |
| D'Amato | Hollings | Stennis |
| Danforth | Kasten | Stevens |
| DeConcini | Kennedy | Symms |
| Dixon | Lugar | Thurmond |
| Dodd | McCain | Trible |
| Domenici | McClure | Wallop |
| Evans | McConnell | Warner |
| Fowler | Murkowski | Wilson |
| Graham | Nickles | Wirth |

NAYS—33

| | | |
|---|---|---|
| Adams | Conrad | Harkin |
| Bingaman | Cranston | Humphrey |
| Bradley | Daschle | Inouye |
| Bumpers | Ford | Kerry |
| Burdick | Glenn | Lautenberg |

| | | |
|---|---|---|
| Leahy | Mitchell | Rockefeller |
| Levin | Moynihan | Rudman |
| Matsunaga | Nunn | Sarbanes |
| Melcher | Proxmire | Sasser |
| Metzenbaum | Reid | Specter |
| Mikulski | Riegle | Weicker |

NOT VOTING—16

| | | |
|---|---|---|
| Biden | Durenberger | Kassebaum |
| Boren | Exon | Pryor |
| Boschwitz | Garn | Sanford |
| Breaux | Gore | Simon |
| Chiles | Johnston | |
| Dole | Karnes | |

So the motion to table was agreed to.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 1646

(Purpose: To enhance employment creation)

Mr. GRAMM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. GRAMM] proposes an amendment numbered 1646:

On page 22, line 7, strike "$2,000,000" and insert in lieu thereof, "$1,000,000.00."

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, this dollar amount is the result of a compromise. Quite frankly, I think it is way too high. The idea behind this provision is to let business people who can create jobs, generate growth, and opportunity into our country on an annual basis, along with intellectuals who bring great talent, as part of building America and extending our prosperity into the future.

The bill, however, has such a high dollar amount that people must already be successful before they get here. I would like to see us have a number that would allow people to come in and build up a nest egg and establish a laundry or restaurant or whatever kind of industry they want to go into, and with that nest egg build jobs for Americans and build a future for themselves.

I recognize where the votes are, Mr. President. We have reached a compromise to lower this total from $2 million to $1 million. I think it is a good compromise. It is moving in the right direction. I hope that it will be adopted.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I do not object to the amendment of the Senator from Texas. We are not changing the numbers. The basic figures were established initially. As a result, after study, we believed that it would take $2 million to create 10 jobs. If they are able to get those 10 jobs, which we are preserving, with $1 million, I do not have any objection.

We are not changing the total numbers that will be eligible under this provision.

So it will be satisfactory to me, Mr. President.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, let me share with our colleagues that in doing this we take the level from $2 million down to $1 million, but I call to your attention, and this is acceptable, that the number of visas remain the same, 5,000, not more than. But in the bill it says very clearly that the Attorney General in consultation with the Secretary of Labor and the Secretary of State may prescribe regulations increasing the dollar amount of the investment necessary for the issuance of a visa under this paragraph.

With that, we should be able to reach all the investor category or the economic questions that we would have.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, is this to lower the figure now to $1 million?

Mr. GRAMM. It is.

Mr. SARBANES. So, in other words, if you can pay $1 million you can get a visa; is that correct?

Mr. KENNEDY. Could I answer the Senator?

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Massachusetts for a question?

Mr. SARBANES. I do.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. The initial $2 million was established for the creation of the jobs. This changes the figure. If they can create the jobs with $1 million, the 10 new jobs, then that would be the result. We are not changing anything else. We are not going down to $1 million and 5 jobs or a lower number of jobs.

Mr. SARBANES. Is it lower-paying jobs?

Mr. KENNEDY. No. Where they create the jobs, as established in the other provisions of the bill, is untouched. So if they create those jobs with $1 million, so be it.

I think the basic problem that we saw earlier is that to create the new jobs it was going to take $2 million to do so.

He wants to say they believe they can create the 10 new jobs with $1 million.

Mr. SARBANES. And we presume they are going to have to create lower-paying jobs.

Mr. KENNEDY. Not necessarily.

But we took what was considered to be a ballpark figure to create these new jobs, as defined in the legislation.

Mr. SARBANES. Mr. President, I voted against the provision and this colloquy only underscores why the whole provision is not palatable.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. I would not want that imagery left. Any job created under this bill under the preference is going to have to meet all the standards of any job in the United States of America. There is not any extra provision here. This is not slave labor. It is not that type of thing.

What I hope that everyone will understand is that this investor here does not get his citizenship for $1 million only. He has to make his investment in a new enterprise. He has to be the principal manager of the enterprise. He has to hire at least 10 U.S. workers or permanent resident aliens. He has to have obtained the money legally. He has to maintain the investment in the business for at least 2 years. That is in this provision. If he maintains the employment of the American workers, he has to do that for 2 years. He may not have committed any serious crimes, and he must pass all the exclusions under our present law. He has to reside in the United States for 5 years. Then he has to have the minimum competency in English and the understanding of our Government, and only then does he even begin to get to be a U.S. citizen.

So it is not right to indicate that somehow these are lesser jobs that are created, and there are 50,000 jobs created here, in this visa category if all 5,000 of them are issued, but I certainly would not think it appropriate in any way to indicate that these are somehow lesser jobs.

Mr. SARBANES. The only standard he would have to meet on the wage front is a minimum wage standard, is it not? Does the provision have any standard higher than the minimum wage?

Mr. SIMPSON. Mr. President, there are no other standards in here except that they are jobs, American jobs for American people, American U.S. citizens, permanent resident aliens, and that description goes from the lower wage rates to the highest.

Mr. SARBANES. Is this the provision that Father Hesburgh spoke so eloquently against when he was a member of the commission studying the immigration laws?

Mr. SIMPSON. He spoke vigorously about it, Mr. President, and the vote was 15 to 1. Father Hesburgh voted against us. The other 15 of us on the commission voted to keep this type of category because we thought it generated new jobs in the United States of America, and we still think that.

Mr. SARBANES. It does allow a wealthy person, in effect, to come in and get his citizenship through the use of his money, does it not?

Mr. SIMPSON. Mr. President, it does not do that. The wealthy person

has to then meet all the tests I have just said.

Mr. SARBANES. Assuming he meets all the tests, then he can get his citizenship; is that correct?

Mr. SIMPSON. What, Mr. President?

The PRESIDING OFFICER. The Senator from Maryland has the floor. He has been recognized. The Senator from Wyoming is responding.

Mr. SARBANES. Assuming he meets the test, he would get his citizenship; is that correct?

Mr. SIMPSON. I cannot hear.

Mr. SARBANES. Assuming he meets the test, he can then get his citizenship; is that correct?

Mr. SIMPSON. After 5 years.

Mr. SARBANES. The threshold he has to get off was $2 million and now is $1 million. Then the $1 million is producing these results, but he has to come in with $1 million assuming this amendment is agreed to; is that correct?

Mr. SIMPSON. That is correct.

Mr. SARBANES. That is my point, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I do not want to beat a dead horse or carry on with an issue that has already been debated and voted on, but I never cease to be struck by the fact that everybody freely goes through and supports a bill that says if you have a Ph.D. in political science, we are going to knock the door down and we are going to rush you right into America and we are going to give you preference over everybody else. And that is wonderful.

But if you happen to be a business person and you have spent a lifetime building up a nest egg and you want to come to America and create jobs, somehow something is wrong with it. Quite frankly, I do not see it. It does not make any sense. And I rejoice that it did not make any sense to a majority of the Members of this body.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Texas.

The amendment (No. 1646) was agreed to.

Mr. GRAMM. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1647

Mr. D'AMATO. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. D'AMATO] proposes an amendment numbered 1647.

Mr. D'AMATO. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert:

SECTION 1. PERMITTING LEGALIZATION OF CERTAIN ALIENS.

(a) IN GENERAL.—Subject to subsection (b), the Attorney General shall adjust the status of an alien to that of an alien lawfully admitted for permanent residence if the alien—

(1) applies for such adjustment during the 12-month period beginning on the date of the enactment of this Act;

(2) would meet the requirements of section 245A(a) of the Immigration and Nationality Act, other than paragraphs (1)(A) relating to timely application, (2) (A) or (B) relating to continuous unlawful residence, and (3)(A) relating to continous physical presence; and

(3) establishes that he or she would meet the requirements of subparagraphs (A) and (B) of section 245A(a) of such Act if "October 1, 1988" were substituted for "January 1, 1982" each place it appears in such provision.

(b) UNITS OF ASSESSMENT.—Each alien applying for adjustment of status under subsection (a) shall be accorded units of assessment based on eligibility criteria as follows:

(A) For aliens having successfully completed grade school through high school or its educational equivalent, 10 units.

(B) For aliens who were awarded bachelors' degrees or their equivalent, 10 units.

(C) For aliens who were awarded graduate degrees, a number of units up to 5 units to be determined by the Secretary of Education based on the level of the degree.

(D) To the extent that the aliens have vocational preparation, the number of units for such preparation to be determined by the Secretary of Labor, 10 or 20 units.

(E) For aliens not less than 21 years of age or more than 35 years of age, 10 units, or not less than 36 years of age or more than 44 years of age, 5 units.

(F) To the extent that the aliens have skills determined by the Secretary of Labor to be needed in the United States, 10 units.

(G) To the extent that the aliens have work experience relating to the skills where there is a present or where there will be a future shortage of individuals, 5 or 10 units.

(H) For aliens who demonstrate an understanding of the English language and the ability to communicate in such language, 20 points.

(c) NUMERICAL LIMITATIONS; ISSUANCE OF VISAS.—(1) Nothwithstanding any other provision of law, 100,000 permanent residence visas shall be made available annually for five years pursuant to subsection (b).

(2)(A) 20 percent of such numbers shall be issued to qualified immigrants described in subsection (a) (and persons described in paragraph (3)) who attain a score of at least 80 points with respect to petitions filed for the fiscal year involved, to be chosen in a random order established (by regulation) by the Secretary of State for the fiscal year involved.

(B) 80 percent of such numbers shall be issued to qualified immigrants described in subsection (a) (and persons described in paragraph (3)) with a qualifying score of 40 in such system, to be chosen in random order, as described under subparagraph (A).

(3) A spouse or child (as defined in section 101 (A), (B), (C), (D), or (E) of the Immigration and Nationality Act) shall, if not otherwise entitled to an immigrant status and the immediate issuance of a visa, be entitled to the same order of consideration as his spouse or parent, if accompanying or following to join his spouse or parent.

(d) EFFECTIVE DATE.—This Act shall take effect 90 days after the date of its enactment.

Mr. D'AMATO. Mr. President, I rise today to offer an amendment designed to fill in a gap left between the 1986 Immigration Act and the bill being debated here today.

ADDS TO S. 2104

Let me first say what this amendment does not do. It does not attempt to change or rewrite S. 2104, nor to undo the compromise achieved in the Judiciary Committee in reporting out this bill. That compromise addresses only legal immigration. This amendment is intended to affect a limited group of undocumented aliens not reached by prior legislation—and to do so using the eligibility standards set forth in the pending bill. In that sense, my amendment in effect adds to the Kennedy-Simpson bill by making it a complete immigration measure.

I support the Kennedy-Simpson bill. I was an original cosponsor of S. 1611, Senator Kennedy's bill from which this committee compromise was fashioned.

That bill sought to at least partially correct a longstanding imbalance in the immigration laws, an imbalance reflected in the dramatic decline in the number of immigrants admitted from Ireland, Italy, Poland, and Germany since passage of the 1965 Immigration Act.

PRIOR DISCRIMINATION

That act gave preference to the sons and daughters of U.S. citizens, and to immediate family members of permanent residents. That goal of family unification is one that all of us continue to support, Mr. President.

Unfortunately, that bill also created painful, and in some cases tragic problems for Irish, Germans, Italians, Poles, and others without immediate family members in the United States. Many such individuals had to watch their dreams of becoming American citizens fade, and eventually die, because the years of large-scale immigration—when my own grandparents, Mr. President, came through the great hall of Ellis Island—are long past. Consequently, they do not have the immediate family members residing in this country.

I commend my colleague, Senator KENNEDY, for working so hard to help rectify this imbalance. S. 2104 is an important step forward. It recognizes that these people have been left out,

in fact, inadvertently discriminated against, by our laws.

My amendment would take that step all the way forward, Mr. President, holding out hope to those in this category who would not otherwise be covered—those who might qualify under the bill's eligibility criteria, but cannot, simply because they are already here.

This amendment offers an opportunity of legalization to a small but significant number of aliens who entered the United States after January 1, 1982—the cutoff date for the amnesty provided in the 1986 immigration bill.

NOT A BLANKET AMNESTY

This is not a blanket amnesty, Mr. President. It is not an extension or expansion of the amnesty so carefully and, as I recall, painstakingly agreed upon in the 1986 bill.

Instead, it is a reaching-back of the Kennedy-Simpson bill, to provide some hope to those who Kennedy-Simpson recognizes have been discriminated against but who it does not reach.

Not every such person, and certainly not every illegal alien, is legalized under this amendment. Instead, each applicant must meet the eligibility criteria established under S. 2104, the "point system" for priority within the new "independent" category. The difference between my amendment and the committee bill is only that S. 2104 makes visas available to a new category of immigrants, effective after the bill becomes law; my amendment is intended to extend that limited but important remedy to those already here who would otherwise qualify under the bill.

AN ESPECIALLY DESERVING GROUP

Finally, Mr. President, I believe this amendment is worthy for the same reasons I endorsed Senator KENNEDY's original bill: those who would benefit are particularly deserving.

The point system for visa priority set forth in the Kennedy-Simpson bill places heavy emphasis on education, english-language skills, needed labor skills, and youth. Those who would thus be accorded priority under these standards are clearly well-equipped to make immediate and meaningful contributions as American citizens.

This is even truer of those—so qualified—who are already here and working, even if without benefit of legal documents. Many have already proven to be dedicated and hardworking contributors to the Nation's economy. The loss is clearly ours if we fail to find a way to open the gates of citizenship to these people.

Mr. President, I hope that we will at least create a chance, a hope of getting through the door to these people. They seek to be Americans for the same reason our own forebears did: To live in freedom, and make their contribution to the American dream. This amendment is intended to make that opportunity available to those who have shown they can and will make good use of it.

For that reason, Mr. President, I urge its adoption.

I ask for the yeas and nays.

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

The yeas and nays were ordered.

Mr. KENNEDY. Mr. President, we share the concerns that the Senator has documented here today and regret the hardship that will fall on many, but the record shows we were very lucky a few years ago to get any amnesty at all. I repeatedly offered amendments to move the amnesty date forward so that the largest number could qualify. Regrettably, those amendments were not adopted by the Senate. In fact, the Senator from New York actually voted against them the two times I offered them.

I happen to believe very deeply that in addressing the illegal immigration issue we ought to deal with the subterranean economy that we have in our society, which exists and which is growing and I think is a source of enormous exploitation in our country today. It was my hope that we could come to grips with that issue. But we were able, through the legislative process, to come to grips with that only to a limited extent—although an important extent under the current legalization program. We have now seen about 1½ million people make their application for amnesty. And I think the best judgment is probably there is another half million out there that would be eligible for it. I think all of us hope that they would make application and gain legalization so that they would not be outside the whole American economic system. But we were unable to do that as we addressed that issue time in and time out over the past 6 years.

In the compromise bill Senator SIMPSON and I have fashioned, we tried to address some of these concerns. We have added 100,000 new numbers to go to our immigration system; 55,000, over half, go to the new point system. Many of the persons who are in the United States and unable to qualify for the amnesty can apply to use these numbers. These numbers may not be enough, but they never are and never will be. However, we can only add so many numbers at one time or the legislation simply will not fly.

Senator D'AMATO's amendment loads this bill, I believe, to the point where it will break the significant compromise that has been fashioned to move it forward.

I would like to support the amendment. I would like to have a whole loaf, but I know it would mean we would not even get the numbers we acceded to in order to secure the compromise bill.

Finally, the D'Amato amendments would have an adverse effect on the protections for U.S. labor and workers that are in our laws the way they are fashioned currently. This has been strongly noted by the AFL-CIO in a letter they sent to all Senators, and I ask that the letter be printed at this point in the RECORD.

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

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,
*Washington, DC, March 11, 1988.*

Hon. EDWARD M. KENNEDY,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR KENNEDY: On behalf of the AFL-CIO, I wish to express support for S. 2104, the Immigration Act of 1988, which amends the present "preference" system regulating immigration to the United States.

In our view S. 2104 takes a constructive approach to the continuing task of adapting the immigration laws to present needs and realities. The bill sets the immigration flow at a reasonable level, while wisely excluding both the spouses and children of citizens and refugees and asylees from any numerical limit. The adjustments made in the preference categories give highest priority to the closest family members while at the same time opening up new opportunities for "independent immigrants". We believe that the legislation is soundly balanced and that the preference categories as revised preserve the principle of family unification, while also admitting as immigrants, rather than nonimmigrant aliens, additional persons whose skills meet America's economic needs.

It is our understanding that Senator D'Amato will offer amendments to S. 2104 designed to grant legal status under a variety of newly-created programs to aliens who arrive without authority at any time up to October 1, 1988 (under one of the D'Amato proposals), who are illegally employed in the United States before that date (under a second), or who arrive here illegally *at any time* (under a third). The AFL-CIO opposes these amendments and urges that each one, if offered, be rejected. The D'Amato amendments run contrary both to last year's Immigration Reform and Control Act and to long-standing principles of our immigration laws. The essence of the two amendments is that they would explicitly encourage *new* waves of illegal immigration. The amendment which would authorize up to 40,000 persons (including those who arrive illegally) to become legal temporary residents with five-year visas on no more than the promise of *eight weeks* of employment—and with the right to convert to permanent status at any time—is also contrary to one of the most basic principles of our immigration laws: that immigration is not to undermine the jobs, wages and working conditions of Americans.

For all of the foregoing reasons the AFL-CIO urges prompt Senate passage of S. 2104 without amendment.

Sincerely,

ROBERT M. MCGLOTTEN,
*Director, Department of Legislation.*

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I have the deepest respect for the Senator from New York. He has worked with me and with Senator KENNEDY on illegal immigration matters. He was a spirited participant in the debate as we did that important thing. He, too, comes from a State heavily impacted by not only illegal immigration, but also this particular bill with regard to legal immigration.

But this amendment would actually, in a sense and in reality, too, grant amnesty to illegal aliens who qualify under what is here a modified version of the bill's point selection system. It is a rather unique departure.

I just swiftly tell you that in my mind—and I speak against the amendment—that I join with my colleague from Massachusetts. There are four major defects in the amendment.

No. 1, it expands the Amnesty Program created by the immigration bill of the last Congress. That is what it does. It then also lowers the standards in the legislation that we have presented here for qualification under the point system. We tried to keep that quite realistic and quite stable.

It encourages new illegal immigration. That is not what we had in mind, certainly with the illegal immigration bill of 1986; nor under this measure.

It adds an additional 100,000 visas each year to the national level of immigration. The amendment grants an amnesty to illegal aliens who enter the United States after the date the Congress set for eligibility, January 1, 1982, and I think it would be quite disruptive. If you consider what would happen in each year, you are going to end up with about 500,000 additional illegals in the United States.

This status is for some illegals who have not even come here yet. That should not be, but that is what is provided here. Some illegals would be covered here who have not even come to this country yet, and that is what we spent 6 years doing, was to prevent or at least lessen the impact on the entry of illegals.

The issues has been debated thoroughly for 5 years and I do not believe we should, in effect, rehash the amnesty debate nor expand the scope of that program. The amendment applies this point selection system to this class of illegal aliens but, as I say, it lowers the standard of the legislation so that anyone from an English-speaking country with a high school degree, between the ages of 21 and 35, would qualify. I do not believe that that ensures selection of an immigrant who would likely serve the national interest. I am not saying that in any spirit of ethnicity or xenophobia or anything of that nature: just reality. That is what this does, and I do not think that is what we have in mind.

It applies to illegal aliens who enter the United States before October 1988, 7 months from today. So, obviously, it would only encourage increased illegal immigrants from particular countries during the next 7 months.

Finally, the amendments, as I say, would add these visas to the legal immigration system, an action every public opinion poll has demonstrated to date the American public is strongly opposed to.

With those four serious flaws, I would urge my colleagues to join in the motion I think the Senator from Massachusetts is going to move to table the amendment.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, I do not intend to enter into a long debate on this matter. Let me just respond to several points that were raised.

No. 1, we talk about illegal immigrants. If we had not had the historic Simpson-Kennedy legislation, all those people who are here in this country who do qualify would still be illegals. Let us not kid ourselves. We have millions of illegals who are here and the problem is not going to go away. It is going to continue to grow.

As far as we moved, we did not move far enough. The fact is that in my city of New York, in the city of Boston and, I imagine, in every large urban center, there are many who came since 1982 who are not covered.

I want to talk specifically now about the Irish situation in New York where we have tens and tens of thousands of young Irish men and women who came to this country since 1982 who were not covered. They are working illegally. They are going without many of the protections that they should have. They are being deprived. They suffer cruelly as a result of their inability, ever, to come into this country.

We tried to address it by way of amendment to the original legislation, but we were not able to get the preferences changed. There is no fault for anyone. It was a tough bill to get passed. But there are millions of so-called illegals who are here. At least it would give to them a glimmer of opportunity, particularly those that have special skills, whether it be language, whether it be education, whether it be occupation, et cetera, pursuant to that very enlightened provision of that law, the point system.

Let me say this to you. We talk about lowering the system? Make it tougher. Make it harder. Make it a standard that goes beyond.

This Senator has no pride of authorship. I am saying to you we have this problem. Maybe I have a certain degree of passion in it, as I see many of my own constituents in New York who are afflicted in this manner, particularly from the Irish community.

There are some from the Italian-American community and some from the German community. But it is there. And there is a growing number from the Polish community.

Do you want this disregarded? Fine. We will wait until the problem gets worse and worse and worse, and the churches of America and others begin to demonstrate. If that is what is necessary and that is what it is going to take to pass it, fine. But let us understand it. It is a problem, it is there.

I do not think this legislation is a perfect remedy. Certainly, October 1988 is a date, and if we were to say "as of today," or "as of the passage of this legislation" or "as of some other date, 1987, 1986,"—fine.

We have attempted to address it in a way by saying: Look, there is tremendous room. If we look at the bill that was initially passed, it was established that instead of the 1.3 million people who are going to receive amnesty, I think we expected 3.5 million applicants. You only had 1.3 million. By anyone's standard as to who would apply to become legalized, we are well below that which was anticipated in the bill.

So it does provide some room, both intellectually, morally, et cetera, to justify this without smashing to bits the compromise that was crafted; without opening up the floodgates.

We carefully said 100,000 visas. By the way, that is open to compromise. But give some of these people an opportunity, those that came in after 1982, particularly if they have certain skills.

If someone wants to modify it, to make it stronger, to make it more difficult, that is fine.

We have attempted, our staff has attempted, as it relates to this, to work to see if there is any room for compromise. We have just been told, basically: No. And I understand. I understand it took a lot to get the bill to this point.

About this so-called letter from the unions that oppose it, I wonder if they even know what they wrote about. The American Federation of Labor and Congress of Industrial Organizations, as it relates to this, they will be telling the cardinals and the bishops a whole different story. But I am certain that we could rectify their situation. I am certain that the unions of America do not want people who are here in this country who are working already, in many cases working at substandard, certainly below union level, wages, to be doing that. That is not in their best interests.

I cannot really believe that we cannot handle this situation as it relates to the union opposition, and if the legislation has to be crafted somewhat differently, I am willing to do that.

Mr. President, I ask that we go forward on this and I ask for a vote because I think it is important. We all have to come back here next year or the year after or the year after that. I would hope at some point in time we would be able to develop the kind of consensus to deal with the problem that exists.

It is not going to go away. It is going to continue to grow larger and this Senator is certainly open to suggestions how to deal with that in the most enlightened way possible.

We do not want to open up the floodgates, but to recognize the moral dilemma that we find ourselves in and the practical dilemma that we find ourselves in and that millions find themselves in.

What I am attempting to do is craft a manner by which to give hope to some of those who are here.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER (Mr. REID). The Senator from Texas.

Mr. GRAMM. Mr. President, I rise in opposition to the amendment for two reasons: No. 1, it is unfair and, No. 2, it is dangerous. First, it is unfair because millions of people all over the world have applied to come to America legally are sitting at the end of these long lists that are set out in our immigration laws. They are going to bed every night dreaming about coming to America, and they are waiting for their number to come up.

In fact, a person comes to this country legally from Mexico and then applies to bring a spouse here, may wait for years for their spouse's number to come up. That is the system which exists all over the world. Nobody likes it, but that is the system.

The distinguished Senator from New York says, "Let's come in and change the law and say to the people who violated the law who are here illegally that we are going to put you in front of the millions of people who have applied to come to the United States of America legally." That is not right.

If the distinguished Senator wants to change this bill and raise the number of people who can come in legally, or wants to join me in helping to eliminate discrimination in the fifth preference by excluding married people, then I think that makes sense, and that is something I would rejoice in.

But to come back now, when we have millions of people who are waiting to come, when this very bill is going to say that brothers and sisters of our own citizens, who happen to be married now, do not qualify for fifth preference to come here legally, and then all of a sudden out of the clear blue sky we have a proposal to change the amnesty date for people who are here illegally from January 1, 1982, to October 1, 1988, in essence saying that if you are not here illegally, hurry up and get here before October 1 and violate the law, and we are going to put you in front of the list. That is so grossly unfair that I cannot believe that it would be seriously considered.

The second point is that it is dangerous. When we gave blanket amnesty to those who had been here prior to January 1 of 1982, that was the extraordinary action, but the point was made over and over that this was to correct an historic problem, and that this was a once-and-for-all action that there would be no change in the amnesty date and there would be no amnesty given in the future. I did not vote for that bill, but it is the law of the land.

If we come back here before all of the provisions of the old law ever go into effect, before the date for applying for amnesty even expires, and we change the date to the future urging people, in essence, to come here illegally, we are literally going to be drowned in a sea of humanity as people enter the country illegally, hoping to get through illegal action what they are not able to get through the legal process. And that is very dangerous, indeed.

So do we want to raise the limits on the number of people who are coming legally? We ought to debate that. If we think the preference system is wrong, we ought to debate that. But to come in at this late date and say that anybody who violates the law prior to October 1 of this year is going to be given preference over people who have obeyed the law and who have waited 10 and 15 years to come to America is an absurd proposal, and one that I absolutely oppose. I urge my colleagues, when a motion is made to table the amendment, to vote for that motion to table.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I do not want to interfere with any further discussion by the Senator from New York but I think we have had a good debate and discussion. I think the issues are quite clear. For the reasons I outlined in my own statement, and for the reasons the Senator from Wyoming outlined, I hope the amendment will be tabled. I make such a motion now.

Mr. D'AMATO. I ask if my colleagues would withhold from making the motion? I am going to ask to be permitted to withdraw the amendment. I indicated I was going to introduce it. I think it is important. I hope that we will be able to get some action to deal with the gross inequity which exists today.

Let me also state, there was nothing magic in October, January 1, 1988, or any date that would certainly give a better opportunity. It certainly was not intended to suggest, nor do I agree with the contention that the millions who flock here would come under a provision that, at best, would guarantee 100,000 additional citizens.

I have no illusions as to what will take place. I think it is important this matter be placed in the RECORD. I would hope Senator KENNEDY, and others, who worked so laboriously on this would look to rectify a situation which exists, and it is a deplorable situation and continues to grow.

I hope that our committees, staff, et certera, could work to attempt to craft legislation to deal with the injustice which exists today.

I would ask to be permitted to withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

The Senator from Massachusetts.

Mr. KENNEDY. I just want to give assurances to the Senator from New York. We are going to continue to monitor those special preferences carefully. As the Senator understands, we have a Presidential review annually. And this is only a 3-year authorization. You have a commitment from both the Senator from Wyoming and myself that we are going to review those provisions carefully. We are hopeful those new categories will be successful, both in terms of the contributions made to our own country and to rectify some of the recent historical imbalances. I believe at that time, from the success of this experience, we may very well be able to build on our findings in a significant way.

I want to give assurances to the Senator from New York, I think there is much to support in expanding the numbers the way we have done in the legislation. In any event, we will carry forward the Senator's concerns. I give him the assurance of working with him in the months and years ahead.

Mr. D'AMATO. I thank the Senator from Massachusetts for his willingness to come up with a system which will give recognition to a problem that does exist.

Mr. KENNEDY. Mr. President, I just want to say, we have tried on our side to find out whether there are additional amendments. We had hoped that any Senators who do have them would have come before now. I only know of one other Senator who has spoken to me, or the Senator from Wyoming, indicating a concern about possibly offering an amendment. I will take the time now to notify that Senator. I hope we could continue to make good progress as we have this afternoon.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. GRAMM. Mr. President, I had thought of offering an amendment related to the H-2A program of the immigration bill. I have decided not to do it. I did want to raise a concern, however, today to put Members on notice that there are those who believe that there is a serious problem with our guest worker program.

I think, Mr. President, it is important to note that when the immigration bill was passed which granted amnesty and imposed employer sanctions, an important part of that bill was a safety valve program called the H-2A program. The idea behind this program is that farmers and ranchers who were unable to hire labor in their markets, often isolated and in very rural areas of the Nation, could go through a procedure of certification and in the process get temporary permits for foreign nationals to come into the country to work in agriculture during specific periods and under specific circumstances.

One of the problems that has arisen in this program is that the term "temporary or seasonal" has been interpreted to exclude the livestock industry. This imposes a very heavy burden on livestock producers. It has created problems in American agriculture.

We are trying to get good data on the existence of this problem. If the data indicates that there clearly is a labor shortage in the area of livestock management, an area that is critically important to the living standards of the American people and important to our foreign trade, it will be my intention at some point in the future to propose an amendment that we clarify the interpretation of "temporary or seasonal" to include the livestock industry. I think this may be vital to the health and well being of that industry and to the American economy. I hope when all those facts are put together our colleagues will look at them very closely and decide that this is something we should do.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. GRAMM. Mr. President, I wanted to just discuss one point with our two floor leaders, and it has to do with the fifth preference. Let me try to review, if I may, where we are now and what this bill does.

Where we are now is that the fifth preference, under current immigration law, affects brothers and sisters of American citizens and their immediate relatives. Last year 64,800 people came to America under this fifth preference. American citizens were able to bring their brothers and their sisters and then their immediate kinfolk, their spouses and their children, to America under the fifth preference.

Now, under this bill, the level of entry under the fifth preference is going to be lowered to 22,000 people as a long-term level of entry. But because there is a backlog, there will be 30,000 additional people who can come in under the fifth preference for 3 years. So that for 3 years, we are going to have 52,000. Of course, the 22,000 could be affected by the level of entry under the immediate relative preference and the other preferences.

In essence, what I would like is to get some assurance regarding the 1,210,610 people who have already requested to come into the United States under the fifth preference; that is, regarding those whose cases are actually pending right now.

We are trying to deal with this backlog by granting a special 3-year period where 30,000 additional people can come to the United States. Granted, some of these people may have died waiting, some of these people may have decided they do not want to come anymore, some of them may have come legally, some of them may have come illegally. So I am not trying to give any great sanctity to the actual number of people, but the reality is that even if that number has eroded substantially, there are a lot of people whose applications are backlogged.

I would like to get some assurance that—before we reach the end of the third year under this law, where we are going to terminate this 30,000 guaranteed entry that is aimed at trying to reduce this backlog of people, many of whom have waited for years to come to America, that within this 3-year period we will look at this problem and we will try to get a better measure of how many people are actually waiting under the fifth preference. And if, in fact, we find there is a huge number of people out there, that we will have an opportunity to come back and address this question within the 3 years which would be before the 30,000 special quota expires.

I think if we could get that, then we would at least have the ability to get some more facts. We would be guaranteed that we would have the 52,000 for the next 3 years, obviously within the contraints of the overall immigration policy. And I think at that point we could, if we see that there are still a million people waiting who had applied before this bill became law, we might want to go back and look at extending the 30,000.

I would just like to get assurances that we will look at it and try to get the facts and, if there are a large number of people that have been waiting for years to come into the United States and if this 30,000 quota for 3 years does not eliminate that backlog as it is intended to do, that we will at least give them an opportunity.

Mr. KENNEDY. Mr. President, I think the points that have been raised by the Senator in terms of the size of the backlog, even the growth of the backlog—I am just drawing now on memory—but I believe at the time the Senator from Wyoming and I were on the Select Commission the backlog might have been 250,000 to 300,000, and now it is 1.2 million and growing. And part of the suggested changes were the reasons that have been outlined by the Senator from Wyoming and others—and that is to try and ensure the priority of the closest members of the family. But we provided a limited number of the 30,000 visas to begin to go and deal with a backlog. But when this becomes law, we are going to have a smaller pool that actually will be available to use this particular provision. Therefore, if you add both of those together, because we will be moving, effectively, a good part of those visas up into the second preference and then doubling that number, then there will be less that will be eligible under the fifth preference.

I think we are going to have the responsibility to monitor that very closely and find out what exactly has happened as a result of this change, what we are going to be facing in terms of a backlog, how realistic those backlogs are, whether they are related to an unfair distribution to different groups or people. In think all of those things we would want to take a hard look at.

I think it is exceedingly difficult today to be able to predict with a great accuracy what those numbers will look like. As the Senator from Wyoming has pointed out, we are going to say we have got an important increase—the total numbers do not sound enormous in terms of 30,000, but we have got an increase—to try and deal with the backlog. And as a result of this action, we are going to provide real opportunities for the more immediate family members to be reunited.

I certainly welcome the opportunity to work with the Senator from Texas to make sure and monitor very closely what the results of this kind of action will be to those that otherwise might have been effected to some extent by the fifth preference, either by very, very long delays or by earlier reunification with their families.

Mr. GRAMM. I thank the distinguished Senator.

Mr. SIMPSON. Mr. President, I certainly agree with my friend from Massachusetts. Our job here is oversight. For the first time in any immigration bill on legal immigration we have built in here annual reports, and in every 3 years a rather thorough review.

Knowing the chairman as I have come to know him, I think a request at some time for a hearing on this subject—where we are to have the administration come forward to give the extent of the fifth preference backlog and what recommendations to address it, the formula, and all those things—I know would be received well by the chairman and certainly I would lend my efforts to that also.

Mr. BOSCHWITZ. Mr. President, I am very pleased to hear the Senator from Wyoming talk about the availability of hearings. I might say that this immigration bill descended on us rather rapidly without hearings; that there was a very brief hearing—would the Senator from Wyoming wish to respond? I think there was a very brief hearing.

Mr. SIMPSON. If the Senator will yield, yes, I would respond. There were hearings on this. This has been very detailed. We had hearings in October and December; one lasted the entire day. So this is not one of those things that just dropped out of the sky on the Senate floor. That is what they used to say about the illegal immigration bill, and yet we worked on that for 6 years. So this, indeed, has had hearings.

Mr. BOSCHWITZ. I would ask my colleague, in that case, if there was a hearing after you and the chairman reached the agreement?

Mr. SIMPSON. Mr. President, it was all clearly done. There was never any attempt at subterfuge or hiding anything.

We had a Judiciary Committee hearing where the chairman heard his bill and it was sent up and he was gracious enough in the subcommittee to say that when my bill was entered, it would go on to this full committee level and he would hold a hearing on my bill; and that was held. We had some of the most unique, responsible people on immigration in the United States, both for and against.

Then, when the Senator from Massachusetts and I came up with our compromise measure, it was distributed, the report was distributed. It has been available. There has been discussion of the point system, independent immigrants—I am a little surprised that there is a belief that somehow this thing has just been created or not had a thorough airing.

Mr. BOSCHWITZ. I would say to my friend from Wyoming, that the date of the report is February 26. I understand that after he and the chairman agreed on the compromise bill, that it was reported out with a very, very short hearing on February 26. I understand in the development of the bill that hearings were held. However, after the compromise bill was reported on February 26 there was very little time for Senators not on the committee, I would say to my friend from Wyoming, to give this bill very much consideration.

The 26th was a Friday; then we were in the following week and then we were in recess the past week. So I must tell him it was, as I have told him before, informally, difficult for the Senator from Minnesota to focus on this bill together with the other responsibilities that I have.

Mr. SIMPSON. Mr. President, if the Senator would yield?

Mr. BOSCHWITZ. I yield to my colleague.

Mr. SIMPSON. Let me say this to my lovely friend from Minnesota, a man who came here when I did, the same year, and still holds one seniority rank above me, he refers to me as old No. 50 or something—I refer to him as No. 49.

He is so attentive and interested in this issue, and I understand that. But we had hearings in 1982 on all of these issues on legal immigration. All of those were presented. We addressed all the issues that are included here, every single one of them.

Then we had a hearing on my bill, at which there were very few objections or comments. Then we had a hearing on Senator KENNEDY's bill, about which there were very few comments or observations. Then we melded the two. We simply took the two bills, about which there were some comments, but almost no criticisms of any merit—and those that were given we corrected; and then we melded the bills into their present form.

So, there is nothing that is not addressed or was not addressed or could not have been later addressed with regard to this piece of compromise legislation.

Mr. BOSCHWITZ. I thank the Senator from Wyoming. However, I would again point out that between the time when the agreement was made between himself and the distinguished senior chairman from Massachusetts, and the present time, there have been very few days indeed; it is a very complicated piece of legislation, hearings have gone on all the way back to 1982.

I know my colleague well knows when Senators are not on the committee they are not always abreast of matters to the same degree as people who have that assignment.

Does the Senator from Wyoming wish to comment further?

Mr. SIMPSON. Mr. President, I must do that because I have been involved for so many years in this. I have always argued that we have a duty to establish a national level of immigration. That is what this bill does. The people of America have a right to know how many immigrants we will admit each year. It is not the issue of how many other countries will let people go, whether they are Communist countries or authoritarian countries. The issue is how many are we ready to take? We should take them under our own circumstances.

I would remind my friend from Minnesota that this body, in 1982 and 1983, while the Senator from Minnesota was present, passed legislation which set a national level of immigration at 425,000. That is 165,000 less than the level set in this bill. It is an extraordinary departure from fact, to say that somehow that did not occur. This legislation was passed by the Senate by votes of 80 to 19; and by 76 to 18. This bill right here is 165,000 more than the level that was set in that. And I think that, you know, at that time there was no spirited debate; no activity. So it puzzles me. I would leave it at that.

Mr. BOSCHWITZ. Mr. President, I certainly do not disagree with the distinguished Senator from Wyoming that this bill is indeed an improvement. Nobody would argue that it is not. It is an improvement, not only in numbers, but in the whole concept of immigration. I congratulate my friend, the senior Senator from Massachusetts and also my friend, No. 50, the Senator from Wyoming, for their achievements in the field of immigration, which as I have heard so many times from the Senator from Wyoming, is not an easy area in which to deal.

While I congratulate him on the basis of this bill, let me make some comments in general about immigration. They will not be too extended because I do not want to keep the Senate at too great a length. I do have an amendment that I will, perhaps, Mr. President.

I believe that an immigration cap of 590,000 people must be viewed in a different light. I suppose, first of all, it should be understood that it does not include refugees so that, perhaps, together with refugees the number is closer to 650,000, 700,000 people. But even with that number it is still about one-quarter of 1 percent of the population of the United States.

Many people say that if you allow immigrants to come in they take jobs from Americans; that they are a burden on the system. Well, it is important to note that immigrants are, by and large, not a burden on the system. Some immigrants are on welfare, for example, but to a lesser extent than are Americans as a whole. Indeed, immigrants, are part of the energy that have made this country great.

If you look back in the history of our country, and look over the period when we had the fastest and most aggressive economic development in this country, you will see that the fastest and most aggressive economic development took place at a time when immigration was the greatest. At this time

immigration numbers were far greater than the number of 650,000.

But if you look back into the 1880's and the 1890's, when many immigrants came here, I am sure some Americans were saying at that time: they are going to take jobs. And, indeed, they did take jobs. But they created more jobs than they took because when an immigrant arrives, he is the ultimate consumer. An immigrant comes in here without much and with a need for just about everything. So, just as they work, they create jobs at the same time. Again, I must point out that our economy expanded at its fastest rate when the immigration numbers were the highest; highest in actual numbers, and far, far higher in percentages.

If you look at the decade beginning in 1880, immigrants came to this country, they represented about 10.5 percent of the population. If you look at the figure that we are going to get in the 10-year period, about one-quarter of 1 percent a year, that would be about 2.5 percent of the population of the country over a 10-year period, assuming the population remains more or less stable.

Let's look at the decade of 1900 to 1910; at the beginning of the decade our population was 76 million, and 8.8 million people came in the succeeding decade, which is 11.5 percent of the population that existed at the beginning of the decade. Yet that was a period of great economic growth. That was a period that people look back to with great warmth, and that was a period when many of the Americans, who now object to immigrants and refugees, I might say, fathers, grandfathers and grandmothers came to this country.

And so it continues, the decade of 1910 to 1920, in the succeeding decade, immigration figures went down, and they went down during the great depression to where there were very few, indeed.

People who want to keep immigrants out of this country, I think, do a disservice to this country. Immigrants create a great amount of energy. Perhaps because of my own immigrant status, I have some stronger feelings than perhaps some Americans.

Nevertheless, there is no question, when you look at the graduating seniors of high school and college classes and just look at their faces, you will see that they are the sons and daughters of immigrants, or immigrants themselves. They reach out, they work harder, they are more driven, and they create some of the energy and upward mobility that our society has always had.

So, while I think this bill has many good aspects to it, I am concerned about one specific point and I have spoken with the chairman earlier about this matter; again I would address these remarks to the chairman. In the event that family reunification grows, perhaps because of the amnesty provisions of other bills or perhaps for other reasons, the 590,000 visa cap this bill could all be consumed by immediate relatives and all the other reforms, and all the other forward steps he foresees in this bill would be for naught.

There has never been a cap on immediate relatives, as I understand the immigration law. Although this bill has very many forward-looking features, this bill, for the first time, puts a cap on family reunification.

I would ask my friend from Wyoming, or the senior Senator from Massachusetts, what happens in the event the expected number of 220,000 in family reunification goes higher than that?

Mr. KENNEDY. Mr. President, as the Senator knows, under the family preferences, the immediate relatives, which are the spouses, minor children, and parents of U.S. citizens, have been outside the preference system under this legislation. They would be included in the total of 590,000, but unrestricted.

The best estimate that we had made had been some 220,000. It was 220,000 in 1987. It actually dropped from the year before when it was higher, and it was about a level of 210,000 the year before.

So we had, I think, built in there about 6 to 8 percent as part of our total raising of the numbers. It is estimated it is probably 6 or 8 percent. It is difficult to be able to reach that precisely in terms of what has been the demography in the past, but that is the best judgment. It may be a few thousand one way or the other, but we have increased the total pool. We do not believe that there will be any real impact in terms of the other provisions.

But the point I think the Senator makes is that it is exceedingly difficult to anticipate now what we are going to face in terms of the immediate families for those who have taken advantage of the amnesty provision. As we had expected 2 million would take advantage, and it is about 1.2 million now, or 1.3 million. Look at the Canadian experience. A lot showed up at the end, just before the expiration of the date itself. And maybe the immediate families, wives and children will come on in. It is exceedingly difficult for us to predict. We are sensitive to it. The Senator from Wyoming is sensitive to it. That is why we have required there be an annual report on every year and why this is a short-term bill of 3 years and why we are quite prepared to come back and at least see if we cannot make any necessary changes.

But to specifically respond to what happens if there are additional immediate relatives, the way this legislation is drafted, even though we estimate it will be 220,000 if it is 240,000 they get in. If it is 300,000 they get in. If it is 400,000 they get in, because that is the first preference. It goes all the way up to the 590,000.

Mr. BOSCHWITZ. If the Senator would yield for a question, the immediate family reunification cannot go above 590,000?

Mr. KENNEDY. I did not say it would.

Mr. BOSCHWITZ. Under the terms of the bill, there is a cap.

Mr. KENNEDY. That is right.

Mr. BOSCHWITZ. In writing this bill, it is assumed that immediate relative visas will be about 220,000, give or take 6 or 8 percent, as you said. And let us say that the entirety of the number 590,000 is subsumed by immediate relatives, and/or those people who come in under amnesty, can the numbers be made larger as a result of the annual review that is called for in this bill?

Mr. KENNEDY. The answer would be it would take legislative action. The best way to respond, over the period of years where we have not had precise figures and where we have required consultation, for example, on refugees, we have made recommendations with the administration which we have worked out over a period of years, and also when the chairman of the committee was the Senator from Wyoming, which I think has reflected the best judgment of the Members of the Senate. No one has suggested, but I know it is of concern to the Senator from Minnesota, that it would exceed the 590,000. I would not hesitate to make the recommendation that those numbers be expanded. I hope and I expect that we will be able to work out a common recommendation on it, but I certainly give the assurance to the Senator that we will have a hearing on it. I cannot believe that we will not take some kind of action, but I want to make it clear, how these numbers have been established and set.

Mr. BYRD. Would the distinguished Senator yield?

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

Mr. BYRD. Would it be possible to reach an agreement as to time limits on this amendment?

Mr. BOSCHWITZ. I will say to the leader I will not offer an amendment and I will not be more than 8 or 10 minutes more.

Mr. BYRD. I thank the distinguished Senator. Could we reach an agreement on a time for a final vote so Senators will know? Will the Senator allow me to inquire?

Mr. SHELBY. Will the majority leader yield?

Mr. BYRD. The distinguished Senator from Minnesota has the floor. I am

just trying to get some idea as to when the Senate will be voting on passage of the bill.

Mr. BOSCHWITZ. Let me say to the distinguished majority leader I will not be more than 8 or 10 minutes more. I yield the floor to the majority leader.

Mr. BYRD. Please, do not yield the floor to me.

Let me just ascertain this. Does the Senator have an amendment?

Mr. SHELBY. If the majority leader will yield, I have an amendment I plan to offer.

Mr. KENNEDY. I inquired of the staff previously. I had not even seen the amendment submitted nor had it been drawn to my attention.

Mr. Leader, I would hope that, if I might suggest, we could finish with the Senator's interrogatories. He has talked about these matters with the Senator from Wyoming and myself in the early hours of both this morning and during the course of the afternoon. I think we have had an exchange, but there are one or two other areas he wants to explore. I would like to see if we can do that.

During that time, we can have a chance to study the amendment of the Senator from Alabama. That really is the last of the amendments that I know about. I think perhaps by the time we have the exchange with the Senator from Minnesota we would at least be able to recommend to the joint leadership what the membership might expect and I think we might be able to do that within 10 minutes.

Mr. BYRD. I thank the Senator from Minnesota for yielding.

Mr. SPECTER. If the majority leader will yield.

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

Mr. SPECTER. If the majority leader is looking for a time agreement, I would like to speak for about 5 minutes.

Mr. BYRD. I thank the distinguished Senator. I am sure that he can be accommodated.

Mr. BOSCHWITZ. Mr. President, as the Senator from Massachusetts has pointed out, I have pretty well concluded my comments. I have talked with him during the course of the day and also with the Senator from Wyoming. I will talk to them privately about this bill and the implementation of the bill. What is clear is that there is an upper limit and there has never before been an upper limit on immediate relatives. However, I am pleased to hear the Senator from Massachusetts say that if the immediate relative visas number becomes so large that it begins to push out other possible immigrants, he will look at the bill once again and we will open it to new legislation. But, as he said, if the number is to be changed, it has to be changed legislatively.

It is important to point out the difference between refugees and immigrants. In the case of refugees there is no upper limit. The number of refugees is only 10 or 15 percent of the number of immigrants. The refugees, of course, are people we accept to our shores who have had to leave their own country because of personal safety reasons. This was my case when I came to this country in the 1930's, during the period of very, very small immigration.

Referring to the new nonpreference portion of the Immigration Act of 1988, I think that is a good aspect of the bill. I also agree that the elements of the bill that would open up immigration to individuals with skills, academics, and entreprenurial talents, is an improvement, as well.

I will reserve the remainder of my comments and take them up with the Senator from Wyoming personally, and I will also talk to the Senator from Massachusetts as well.

In closing, I would just like to say that those who feel that immigrants should be kept from our shores should remember that during the period of the greatest immigration to this country, which occurred in the 1870's, 1880's, and 1890's, the number was much greater than the 590,000.

When you also look at the economic growth that occurred during the period of our largest immigration, you have to conclude that there are indeed some relationships and that the energy, vitality, and intellect that came to this country with our grandfathers and great grandfathers is really what gave the greatness to America.

I compliment the Senator from Wyoming and also the Senator from Massachusetts for this bill and I will work with them to see that immigration to our shores remains open and that the numbers increase.

Mr. SIMPSON. Mr. President, that is an act of typical grace by my friend from Minnesota. It is like him. He is perhaps one of the ones I know best in this place. He speaks from a depth of feeling that none of us will ever match because he was born in Germany. He is the only Member of this body who was born in a foreign country. Some were born outside the United States, but they were U.S. citizens. He and his family were driven from their country. The doors closed on his people, his family, his relatives. So he speaks with a conviction with regard to refugees and immigrants which none of us could ever match under any circumstances.

I do appreciate very much what he is saying. I pledge that I will work with him. It is so typical of him. He is one of the busiest persons here. I have never seen a person who can keep more things in context and work on them so well all at the same time. I pledge, as long as I am involved in immigration, that we will conduct the oversight. It is so important to watch what happens with the amnestied aliens who will not be eligible to apply for immediate relatives for about 7 years. They will have 18 months in temporary status and 5 years in permanent residence. So we will have at least two 3-year studies before we get to that.

I assure you we will review them. It is a sensitive balance in terms of the refugees, the aliens, and the needs of the American people. Under the bill, we will get to at least two of the three studies before that occurs, before the amnesty begins to act there.

We should remember that our heritage is very clear, especially in these last years. I will join in supporting a generous immigration system, which right now is one of the most generous on Earth. We already take more immigrants than the rest of the world combined before we add another 580,000 in this bill. We will look at that number in 3 years. It will not be 30 years as in the past. It will be now, annually, and every 3 years. I pledge to work with my colleague from Minnesota, who speaks with a conviction that none of us will ever measure.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I came to the floor to support the amendment of the distinguished Senator from Minnesota. But now that he has decided not to offer it, I will associate myself with his comments. I question whether the immigration laws of this country are as generous as they should be. While I do not have quite the intensity of feeling which the Senator from Minnesota has expressed, I do feel strongly about the matter.

I tend to disagree with one comment of his concerning the decade of the 1900's when my mother came to this country as a child of 5 with her parents; 1911 was the year my father came to this country by himself, without any formal education.

I would associate myself with Senator BOSCHWITZ' comments notably when he talked about the energy, the vitality and the intellect of those who came to this country. During that era of greatest immigration there was the greatest expansion of economic development. I believe that the success of America turns on the immigrants who came to this country because, after all, we are a country of immigrants. We should never lose sight of that fact and never lose sight of the importance of a generous immigration policy.

But is the absence of an amendment being offered, I want to make these comments and associate myself with the references by the distinguished Senator from Minnesota.

I thank the Chair and yield the floor.

Mr. BYRD. Mr. President, I ask for the yeas and nays on final passage.

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

The yeas and nays were ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1650

(Purpose: To make technical corrections)

Mr. KENNEDY. Mr. President, on behalf of myself and the Senator from Wyoming [Mr. SIMPSON], I send to the desk a technical amendment to correct various drafting errors in the bill and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for himself and Mr. SIMPSON, proposes an amendment numbered 1650.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 2, line 9, strike out "(b)(1)" and insert in lieu thereof "(b)".

On page 4, line 5, strike out "resident" and insert in lieu thereof "residence".

On page 6, lines 21 and 22, strike out "consideration" and insert in lieu thereof "considerations".

On page 9, lines 16 and 17, strike out "a fiscal year or years" and insert in lieu thereof "the fiscal years of a 3-fiscal year period".

On page 9, line 18, insert "(i)" immediately after "(3)(A)".

On page 9, line 21, insert "(i)" immediately after "(e)(3)(A)".

On page 9, lines 24 and 25, strike out "fiscal year (or years)" and insert in lieu thereof "the three fiscal years".

On page 10, line 3, strike out "(3)(B)" and insert in lieu thereof "(3)(A)(ii)".

On page 10, line 6, strike out "(e)(3)(B)" and insert in lieu thereof "(e)(3)(A)(ii)".

On page 10, lines 9 and 10, strike out "fiscal year (or years)" and insert in lieu thereof "the three fiscal years".

On page 14, line 22, strike out "in".

On page 16, line 16, insert after "other than" the following: "a special immigrant, as defined in section 101(a)(27), or".

On page 16, line 23, strike out "(a)" and insert in lieu thereof "(a)(2)".

On page 18, line 5, strike out "(ii)" and insert in lieu thereof "(ii)(I)".

On page 18, line 10, insert "and" after "approved,".

On page 18, between lines 10 and 11, insert the following:

"(II) continue to qualify under the terms of this Act as in effect on the day before such date,

On page 18, between lines 23 and 24, insert the following:

Qualified immigrants—

On page 18, line 24, strike out "qualified immigrants".

On page 19, line 3, strike out "qualified immigrants".

On page 19, line 14, after "visas" insert the following: ", in addition to visas otherwise allocated under section 201(a)(3),".

On page 19, line 18, strike out the double quotation marks each place they appear and insert in lieu thereof single quotation marks.

On page 19, line 21, strike out the quotation marks and the second period.

On page 23, line 5, strike out "first day of the fiscal year involved" and insert in lieu thereof "date of filing a petition".

On page 23, strike out lines 6 through 9 and insert in lieu thereof the following:

"(I) at least 21 years of age but has not attained 36 years of age, 10 points; or

"(II) at least 36 years of age, but has not attained 45 years of age, 5 points.

On page 23, lines 11 and 12, strike out "first day of the first year involved" and insert in lieu thereof "date of filing a petition".

On page 24, beginning on line 2, strike out "For" and all that follows through "language" on line 5 and insert in lieu thereof "For an alien who certifies, upon the date of filing a petition, subject to verification by examination after the date of selection, that he has an understanding of the English language and the ability to communicate in such language, 20 points".

On page 24, line 12, strike out "succeeding".

On page 24, line 17, strike out "succeeding".

On page 24, line 21, strike out "training, work experience, or both," and insert in lieu thereof "additional training, work experience, or both, as determined by the Secretary of Labor,".

On page 30, line 15, strike out "self-administered oath by which the petitioner shall certify" and insert in lieu thereof "a certification".

On page 30, line 18, strike out "and that" and insert in lieu thereof ", and".

On page 31, line 24, strike out "by" and insert in lieu thereof "in clause (A) of".

On page 32, line 20, after "203(b)" insert the following: ", except that this paragraph shall not apply to any alien for whom a waiver has been made under section 203(b)(2)(B)".

On page 32, line 23, insert "of the Immigration and Nationality Act" after "212(a)(14)".

On page 45, between lines 14 and 15, insert the following:

Section 286 (8 U.S.C. 1356) is amended by adding at the end thereof the following new subsections:

On page 45, line 15, strike out "(a)" and insert in lieu thereof quotation marks and "(m)".

On page 45, line 22, strike out "(b)" and insert in lieu thereof quotation marks and "(n)".

On page 46, line 9, after the period insert quotation marks and a period.

On page 47, line 2, after "effect" insert the following: ", except that petitions filed before such date for preference status on the basis of unskilled labor under section 203(a)(6) of such Act (as in effect before such date) shall be deemed as of such date to be petitions for the status described in section 203(b)(3) of such Act (as amended by this Act)".

Mr. KENNEDY. Mr. President, as I mentioned before, they are strictly technical amendments and I urge the Senate to accept them.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 1650) was agreed to.

Mr. BYRD. Mr. President, there will be no more rollcall votes tonight.

The PRESIDING OFFICER. The Senator from Massachusetts.

ADMINISTRATIVE NATURALIZATION AMENDMENT

Mr. KENNEDY. Mr. President, the respected chairman of the House Judiciary Committee, PETER RODINO, has introduced and passed through the House a very responsible bill—to deal with some of the extreme backlogs in naturalizations. The delays—some for over a year—are robbing eligible applicants of their rightful access to certain jobs. And—more important to our democratic form of government—they are deprived of the right to vote.

I am offering his bill as an amendment today to help expedite its passage.

The problem, Mr. President, arises from the fact that currently naturalizations are performed only by courts. Judges often have their calendars filled with pressing criminal and other cases, and have little time remaining for naturalization.

Chairman RODINO's commendable bill would permit administrative, rather than judicial, naturalizations. This could limit the demands being placed upon our already overburdened judiciary, and allow for timely naturalizations at the same time.

Furthermore, the Congressional Budget Office Estimates that this proposal would save the Federal Government at least $1.5 million.

Mr. President, there is much to be said for the sense of decorum and patriotism of a naturalization proceeding in a court chamber. Naturalized Americans for many years have testified to the role that ceremony plays in emphasizing the high privileges and obligations of American citizenship.

Let there be no doubt that it is our clear intent that administrative naturalization ceremonies will continue the high traditions of the courts, with majesty fully befitting the great moment of being granted citizenship. And under the terms of this provision, current applicants can still opt for a court-administered naturalization ceremony if they desire one.

Mr. President, this amendment also contains two minor changes to strengthen H.R. 735. The first would require the Immigration Service to promote naturalization among immi-

grants. It is important to reverse declining naturalization application rates among eligible immigrants. So we intend that the Immigration Service handle applications expeditiously, conduct an effective media-based and community-based public education campaign, as well as contract with community groups who are able to reach out to immigrant communities.

The second would permit appropriate judicial review of administrative denials. While this amendment gives authority to the executive branch to naturalize, we still need judicial oversight of this immensely important function.

Finally, Mr. President, this amendment contains an extremely important naturalization provision proposed by my good friend from Hawaii, Senator INOUYE. Senator INOUYE introduced this as S. 109. Some adjustments have been made to that original language to accommodate Justice Department concerns, all of which are part of this amendment.

Senator INOUYE's provision would rectify a grievous omission in our naturalization history from the 1940's related to Filipinos who served in our Armed Forces during the Second World War. It was—and remains—our clear intent to offer U.S. citizenship to Filipinos who risked their lives with us in our military.

Unfortunately, these war veterans have been unintentionally deprived of this possibility due to gaps in naturalization statutes and in their actual administration. Senator INOUYE's provision commendably bridges these gaps.

Mr. President, this amendment has been cleared on both sides of the aisle, and I urge its adoption.

Mr. INOUYE. Mr. President, I would like to commend Chairman KENNEDY and Senator SIMPSON for their efforts in reforming our current system for admitting immigrants. I admire the noble intentions of S. 2104, the Immigration Act of 1988, to increase flexibility and the opportunity for persons to immigrate from nations which are shortchanged by current law.

It is my pleasure to introduce my bill, S. 109, as an amendment to the Immigration Act of 1988. My measure faithfully serves the same noble goal that Chairman KENNEDY and Senator SIMPSON wish to achieve in their bill. This amendment will enable Filipino war veterans, who served valiantly in the U.S. Armed Forces during the Second World War, to be naturalized as U.S. citizens.

Congress previously recognized the contributions made by the Filipino veterans during World War II. In March 1942, Congress amended the Nationality Act of 1940 allowing the naturalization of Filipino noncitizens who served honorably in our armed services during World War II. The law expired on December 31, 1946. Many veterans, however, were precluded from taking advantage of the naturalization process for 9 months as a result of a decision made by the Attorney General to remove the naturalization examiner from the Philippines. This action was taken at the request of the Philippine Government, based on its concern over the large numbers of Filipinos emigrating to the United States.

This 9-month absence of a naturalization examiner, during the filing period, initiated numerous litigations by Filipino war veterans. The common claim raised in these cases is naturalization eligibility under the terms of the 1942 act. The courts have disagreed and continued to disagree over the legal and constitutional validity of the executive decision to remove the naturalization examiner from the Philippines. The issue of Government conduct in the administration of the 1942 act is now being litigated on a case-by-case basis. Meanwhile, it must be noted that many of these veterans are old and frail, and may not live long enough to see the outcome of their cases.

The Department of Justice supports the naturalization of all eligible Filipino war veterans, even those who have not been admitted to the United States as lawful permanent residents. The Department recommends a 1-year application period so no eligible veteran misses the opportunity to file an application with the Immigration and Naturalization Service. My bill is consistent with the recommendations expressed by the Department of Justice.

Presently, there are approximately 6,000 pending petitions before the Immigration and Naturalization Service. Half of these petitions were filed by Filipino war veterans who currently reside in the United States. The majority of these petitions have been held in abeyance for more than 30 years. The passage of my legislation will be a major step forward in ensuring naturalization for these patient, brave veterans who so willingly risked their lives for our country in World War II.

I ask unanimous consent that a letter dated December 15, 1987, from Assistant Attorney General John R. Bolton be printed at this point in the RECORD.

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

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
*Washington, DC, December 15, 1987.*

Hon. DANIEL K. INOUYE,
*U.S. Senate, Washington, DC.*

DEAR SENATOR INOUYE: This responds to your request for the views of the Department of Justice on the legislation which would permit the naturalization of certain Filipino war veterans (S. 109). The Department of Justice recommends enactment of this legislation with the recommendations below.

This bill would allow Filipino national veterans within the United States present both on the date of enactment and on the date of filing of the application for naturalization, to become naturalized citizens. The veteran must have been eligible for naturalization under the Nationality Act of 1940, as amended, but have failed to file a petition for naturalization before January 1, 1947. The application must be filed no later than 90 days after enactment of the bill.

The provisions of Title III of the Nationality Act of 1940, as in effect before December 24, 1952, allowed qualifying nationals of the Philippines to naturalize if a petition was filed no later than December 31, 1946. Under sections 701 and 702 of that Act, noncitizens who were then serving or had served honorably in the Armed Forces of the United States during World War II could petition for naturalization. Section 701 required that the serviceman at time of enlistment or induction be lawfully admitted for permanent residence into the U.S. or have entered the U.S. prior to September 1, 1943. Section 701 dealt with persons in the U.S. and 702 provided for overseas naturalization of non-citizen military personnel. The provisions required that military service be proven by authentic records of military service or sworn affidavits of two U.S. citizens who were noncommissioned or warrant officers or higher rank and two U.S. citizen credible witnesses who attest to petitioners good moral character.

Following the expiration of the time limit established by Congress, numerous lawsuits were filed on various theories, all claiming the Philippine veterans previously eligible under the terms of the Act of 1940 were entitled to naturalization. The Department recognizes that Filipinos who served so valiantly with United States Armed Forces in the Far East during the Second World War are deserving of the chance to naturalize as United States citizens. Additionally, Congress previously recognized the contribution made by these veterans during World War II, and is clearly free once more to provide the privilege of naturalization in recognition of that service.

The Department suggests, instead of creating eligibility under the terminated 1940 Act, that this group be entitled to naturalization under section 329 of the Immigration and Nationality Act [8 U.S.C. 1440(d)], and that the requirement of presence in the United States on the date of filing of the application be eliminated. We recommend that several requirements of section 329 be amended for this group only, the requirements of lawful permanent residence status and the enlistment (or reenlistment) within qualifying geographic areas [§§ 329(a)(1) and (2)]. This would allow the Filipino war veterans, who enlisted outside of the United States, the Canal Zone, American Samoa, the Swain Islands and who have not been admitted to the United States as lawful permanent residents, to qualify for naturalization under this section. We also see no reason to restrict an application for naturalization to those veterans present in the United States and would prefer a provision that allows an applicant to apply overseas. Applications can be accepted from veterans abroad under section 329. Additionally, eligibilty under this section would remove the witness requirements which seems unnecessary for these applicants. (The witness requirement for all naturalization applicants

was eliminated with enactment of Pub. L. 97-116).

Not only would the bill's reference to a terminated law create confusion, but also the administration of two nationality laws simultaneously would be cumbersome and inefficient. The Immigration and Nationality Act should apply to all petitioners for naturalization.

The final issue is the restriction of the filing period to 90 days. The Department sees no particular need for restricting the application time period to 90 days, and suggests instead at least a six-month or one year application period. This will ensure that no eligible veteran misses the opportunity to file an application and would lessen the impact of a sudden onslaught of applications upon the Immigration and Naturalization Service.

The Office of Management and Budget has advised this Department that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

JOHN R. BOLTON,
*Assistant Attorney General.*

AMENDMENT NO. 1651

Mr. KENNEDY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] for himself and Senator SIMPSON proposes an amendment numbered 1651.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

(The text of the amendment is printed later in today's RECORD under Amendments Submitted.)

The PRESIDING OFFICER (Mr. ADAMS). Is there any further debate on this amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 1651) was agreed to.

AMENDMENT NO. 1652

(Purpose: to amend S. 2104, the Immigration Act of 1988, to require a report on Cuban entry to the United States)

Mr. KENNEDY. Mr. President, I send an amendment on behalf of the Senator from Florida, Senator CHILES, to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], on behalf of the Senator from Florida [Mr. CHILES], offers an amendment numbered 1652.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

To be inserted in the appropriate place in the bill add the following:

Congress recognizes that resumption of the 1984 Mariel Agreement between the United States and Cuba will have a disproportionate impact on particular regions of the United States, notably South Florida. In anticipation of this impact and the increase in demand for certain services, Congress directs the Attorney General, in conjunction with the Secretary of State, to prepare and transmit to the appropriate committees of Congress a report detailing the number of Cubans granted preference visas.

(a) STUDY AND REPORT—The Attorney General and the Secretary of State shall—

(1) prepare and transmit a detailed projection of the number of Cubans who have applied or have been granted preference immigration visas for entry into the United States; and

(2) such information including the age, occupation, number of dependents, and special medical needs of those Cubans who have applied or have been granted preference immigration visas for entry into the United States.

REPORT DATE—The Attorney General, in conjunction with the Secretary of State, shall submit the report—

(1) during the first quarter of the fiscal year following enactment of this Act; and

(2) thereafter on a quarterly basis.

(c) In preparing these quarterly reports, the Attorney General and the Secretary of State shall cooperate and consult with state and local officials. Such cooperation should include—

(1) adequate notice as to the number of Cubans who have applied or have been granted preference immigration visas; and

(2) the relevant information required in the quarterly reports which would permit state and local entities to prepare for the increased demand for certain services.

Mr. KENNEDY. Mr. President, all this amendment does is require a report on immigration from Cuba.

I would ask unanimous consent that a statement of the Senator from Florida be included in the RECORD.

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

REPORT ON CUBAN IMMIGRANTS

● Mr. CHILES. Mr. President, I am pleased today to submit an amendment to S. 2104, the Immigration Act of 1988 revising our legal immigration process. My amendment also addresses legal immigration, but originates out of the agreement concluded in November of last year by the State Department and the Government of Cuba.

On November 20, 1987, representatives of the United States and Cuba agreed to immediately resume implementation of the 1984 Mariel Migration Agreement. Resumption of this agreement has been heralded as a return to normalcy between the United States and Cuba but it is most certain to have an impact on south Florida. As many are already aware, in 1985 Cuba unilaterally suspended the 1984 Mariel Agreement under which it was obligated to accept the return of certain Cuban nationals who entered the United States in 1980 via the Port of Mariel. The United States responded by suspending its processing of visa applications in the U.S. interests section in Havana. Now that normal immigration relations have been resumed, south Florida can expect a new stream of Cuban immigrants. That is an important point—a new stream of immigrants. I am hopeful that this controlled, monitored processing of Cuban immigrants will minimize the chances of another uncontrolled as influx, like the Mariel boatlift.

The amendment I offer today requires the Attorney General and the Secretary of State to prepare and transmit to Congress a report projecting the number of Cubans expected to enter the United States as a result of the resumption of the Mariel Agreement. Most will agree that this agreement will primarily affect south Florida, although other areas of the country will be affected as well. Under the terms of the agreement, up to 20,000 Cubans may enter each year. Although we can expect an orderly, controlled processing of Cubans, the impact will put a strain on services provided by State and local governments. The amendment I offer will put Congress, as well as State and local entities, on notice as to the number and demographic makeup of Cubans entering the United States.

Past experience teaches that we must be prepared for any increase in legal immigration. South Florida is especially sensitive to the possibility of being caught off guard as it has been in the past. Even with a host of Federal financial resources available, metro-Dade County can demonstrate a disastrous strain on its resources associated with past surges in immigration flow. My amendment allows the Federal Government in consultation with State and local entities to adjust its programs to accommodate the needs of Cuban entrants.●

The PRESIDING OFFICER. Is there any further debate on this amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 1652) was agreed to.

EXON AMENDMENT ON ALIEN ELIGIBILITY FOR FEDERAL BENEFITS

Mr. EXON. Mr. President, I am prepared to offer an amendment which would prohibit illegal aliens from receiving Federal benefits unless those benefits were authorized by the Immigration and Nationality Act. Over the years, the Congress has crafted AD HOC qualifications in Federal benefit statutes.

At times, due to congressional inaccuracy or expansive court interpretations, these statutes have been used to provide Federal financial benefits to illegal aliens. This situation has led to the payment of unemployment benefits, Social Security benefits, health care benefits, and housing benefits to individuals who have no legal right to even be in the United States.

The Federal Government must insure that limited Federal funds go to

their intended beneficiaries. The Congress made good progress in requiring verification of status for certain entitlement programs and in authorizing the systematic alien verification for entitlement program better known as the Save Program.

However, these steps contained in the Immigration Reform and Control Act of 1986 can only be as effective as the interpretations of the various underlying benefit statutes. The Save Program only verifies "satisfactory immigration status," In an era when our Nation is facing $200 billion annual budget deficits and the constraints of the Gramm-Rudman law, Federal dollars paid to illegal aliens are literally dollars taken away from one of our own citizens or someone who has a legal right to be in the United States.

Mr. KENNEDY. I appreciate the concerns of the senior Senator from Nebraska. He has identified a potential problem which is worthy of serious consideration. I strongly encourage the Senator to withhold his amendment and give the Senate Judiciary Committee an opportunity to consider the Senator's legislation.

Mr. EXON. Mr. President, I will agree to withhold my amendment with the assurance from the distinguished senior Senator from Massachusetts that his committee will hold hearings on this measure this spring.

Mr. KENNEDY. I thank the Senator from Nebraska and give him that assurance.

Mr. EXON. Mr. President, I will not offer my amendment on this legislation. I, of course, reserve the right to pursue it on another legislative vehicle. I look forward to hearings this spring and will be working with my colleagues who serve on the Senate Judiciary Committee in enact this legislation. I appreciate the assistance from the Senator from Massachusetts and the Senator from Wyoming on this matter.

Mr. President, I ask unanimous consent that the text of my amendment be printed in the RECORD for the information of my colleagues. Thank you, Mr. President.

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

At the appropriate place in the bill, insert:

SEC. (a) DIRECT FEDERAL FINANCIAL BENEFITS.—That on or after the date of enactment of this Act, notwithstanding any other provision of law, no direct Federal financial benefit or Social Insurance benefit may be paid or otherwise given to any person not lawfully present within the United States except pursuant to a provision of the Immigration and Nationality Act as amended.

(b) UNEMPLOYMENT BENEFITS.—No alien who has not been granted employment authorization pursuant to federal law shall be eligible for unemployment benefits.

(c) DEFINITION.—For the purposes of this Act, the term "person not lawfully within the United States" shall be any person who at the time he or she applies for, receives, or attempts to receive such federal financial benefit is not a United States citizen, a permanent resident alien, an asylee, a refugee, a parolee, or a non immigrant in status.

Mr. MOYNIHAN. On August 6, 1987, I was pleased to join Senator KENNEDY in introducing the Immigration Act of 1987, S. 1611. The bill we consider today, S. 2104, is a compromise version and has emerged as a result of much cooperation between Senator KENNEDY and Senator SIMPSON.

This bill creates two separate immigrant visa preference systems: one for family members; another for independent immigrants. Although the legislation continues to stress family reunification and in fact does much to streamline the existing system, it also recognizes that the United States requires skilled immigrants. To accomplish both these goals, overall immigration is increased by approximately 80,000, with 120,000 visas reserved for independent immigrants, that is, for persons of exceptional merit or with needed skills. Of these 120,000 visas, 55,000 will be distributed according to a point system which will award points for levels of education, occupational demand, occupational experience, and English language proficiency. The cumbersome individual labor certification requirement is eliminated for these visas.

At present, existing preference categories fill up virtually the entire 270,000 visa quota. Indeed, over 90 percent of the visas issued today are family related. Those seeking visas under the nonpreference category have little chance. However, this legislation changes that, and the new category established is expected to benefit individuals from Western European countries such as Ireland, Italy, and others that were earlier sources of immigration to this country, but which have been effectively shut out due to the strict preference system currently in place.

WHY REFORM IS NEEDED

This legislation seeks to inject fairness into our immigration laws. Traditionally, apart from the Chinese Exclusion Acts of the late 19th century, we did little to regulate immigration to this country at all. That is, until 1924 when we enacted the National Origins law that had in mind keeping the United States exactly as it once had been. It set national origin quotas on the basis of the 1890 census, was pro-Northern European, pro-Western Europe, and openly so. This was nativist legislation, though some of the natives were not very welcome when they arrived.

The 1965 Immigration and Nationality Act Amendments were a direct response to this nativist legislation and attempted to undo that earlier bias. The 1965 amendments accomplished this, but overdid in the process. Stressing family unification and family ties, the 1965 law clogged the system and cut off access to this country for the people and nations where immigration took place three or four generations ago. The 1981 report of the Select Commission on Immigration and Refugee Policy—a distinguished panel headed by Father Theodore Hesburgh and counting among its members our two lead sponsors today, Senators KENNEDY and SIMPSON—summed it up well. The report stated that:

> The low priority accorded nonfamily immigrants and a cumbersome labor certification process for clearing them for admission has made it difficult for persons without previous family ties in the United States or extensive training and skills to immigrate.

The effort to limit immigration in 1924 to some groups, to prefer them over others, was not well-received. It was not right, not fair. Now we have moved too far in the other direction. The system now disadvantages individuals from countries which sent the first waves of immigrants to America. Since most European immigrants arrived in this country long before 1965, they do not have any close relatives to bring them in. Clearly, a mid-course correction is in order.

The legislation now before us accomplishes such a correction. It restores fairness and balance to our immigration laws to ensure that certain individuals and nations are not penalized because of their long heritage in this country. Certainly, the interests of family reunification are great and our immigration policies should not hamper such. However, we also need to help the descendants of our forefathers, to open the doors to opportunity for them as well.

It is also worth noting that this is not an overpopulated country. In fact, at some point in the next century the American population will actually start to decline. There is room for some more people in this country; there always has been and should be. I urge my colleagues to support the Immigration Act of 1988.

The chronology of immigration policy follows:

CHRONOLOGY OF U.S. IMMIGRATION POLICY

1875: First federal restriction on immigration prohibits prostitutes and convicts.

1882: First general immigration law enacted which curbs Chinese immigration. Congress excludes convicts, lunatics, idiots and persons likely to become public charges, and places a head tax on each immigrant.

1891: Ellis Island opens as immigrant processing center.

1903: List of excluded immigrants expands to include polygamists and political radicals such as anarchists.

1917: Congress requires literacy in some language for immigrants and virtually bans all immigration from Asia.

1921: Quotas are established limiting number of immigrants of each nationality.

1924: National Origins Law (Johnson-Reed Act) sets temporary annual quotas at two

percent of the country's U.S. population based on 1890 Census and sets immigration limit of 150,000 in any one year from non-Western Hemisphere countries.

1943: Chinese Exclusion Laws repealed.

1952: Immigration and Nationality Act of 1952 (McCarran-Walter) Reaffirms national origins system and sets immigration limits.

1965: Immigration and Nationality Act Amendments of 1965 abolish national origins system, and establish preference system and annual ceilings for countries.

1976; 1978: Additional amendments to Immigration and Nationality Act.

1986: Immigration Reform and Control Act imposes sanctions on employers who hire illegal aliens and grants amnesty to illegal aliens in this country since 1982.

Mr. CHAFEE. Mr. President, Senator HATFIELD and I have drawn up an amendment to address the so-called family unity question raised by the amnesty provisions in the Immigration Reform and Control Act of 1986. It is our understanding that the managers of the bill are discouraging the offering of our amendment because of the delicate negotiations which have allowed them to bring the pending bill to the floor. I would like to ask the senior Senator from Massachusetts if this is the case.

Mr. KENNEDY. That is correct. We are presently operating under an agreement that is contingent on not allowing any amendments that pertain to the amnesty provisions of IRCA. I would like to let the Senator know, however, that I support the intent of his amendment.

Mr. CHAFEE. I appreciate the Senator's support of this approach to ensuring the unity of our immigrant families under IRCA. Knowing of the Senator's desire to see substantive action on the pending bill of which he is the sponsor, we will abide by his request to withhold our amendment at this time. We would, however, like to explain the situation and why action is needed to correct our country's current policy, and I yield to my colleague from Oregon for that purpose.

Mr. HATFIELD. Mr. President, the Immigration Reform and Control Act of 1986 contains provisions that allow illegal aliens who have lived in this country since January 1, 1982 to be eligible for legal resident status. The year-long application period for this amnesty is set to expire on May 4 of this year. Unfortunately, many who are eligible for this amnesty are not coming forward because their children and spouses do not qualify and could be subject to deportation, is that not correct, I ask of my colleague from Rhode Island.

Mr. CHAFEE. Yes, the Senator is correct. The amendment that the Senator from Oregon and I are prepared to introduce would prohibit the deportation of the spouse and children of individuals who qualify for legalization. The provisions of our amendment would only benefit those spouses and children who were already in the United States by November 6, 1986, and who meet all the other eligibility requirements of the legalization program.

Mr. HATFIELD. Mr. President, I would like to ask the chairman of the Subcommittee on Immigration, Senator KENNEDY, to express his thoughts on the effects of our current policy and whether he support our efforts to change that policy.

Mr. KENNEDY. I recognize that the problem you have outlined is indeed troubling. I support the thrust of the amendment that my colleagues from Oregon and Rhode Island have drafted. In fact, when Senator CHAFEE introduced a similar amendment on the floor last October, I supported and voted for that effort to change the present situation. You are correct that we cannot address this injustice by amending the pending bill. However, I do wish to continue to help facilitate a resolution to this problem. The lack of a broad and uniform statute to protect family members from being forcibly separated must be corrected if the immigration service insists on deporting close family members.

Mr. HATFIELD. I thank the Senator. Mr. President, a similar amendment was approved by the House in December as an amendment to the continuing resolution. The Senator from Massachusetts wrote a letter to the conferees on the that bill urging their support of that amendment, did he not?

Mr. KENNEDY. That is correct. I was joined by the chairman of the Committee on the Judiciary, and I ask, Mr. President, that that letter be included in the RECORD.

Mr. CHAFEE. If the Senator would yield, I would like to thank the chairman of the Subcommittee on Immigration for being so forthright in his support of our efforts. I know he is aware of the problem we seek to address and that he, too, has been working for a solution. I understand that the Senator is planning to hold hearings on his amnesty extension bill and other related matters in late March or early April. I would ask the Senator if he intends to bring up the subject of family unity during those hearings. In addition, I would like to know the Senator's time schedule for floor action on that bill and whether at that time this amendment will be in order.

Mr. KENNEDY. As my colleagues have pointed out, the lack of protection for family members has been a factor in the lower than expected turnout for the initial amnesty and I am pushing for an extension of the application period. Therefore, it is my intention to address the family unity issue during the hearings on extending the amnesty application period. When the extension bill comes to the floor, hopefully during mid-April, I will see that this amendment is treated fairly if the Senators wish to pursue it at that time.

Mr. HATFIELD. I would like to thank the Senator from Massachusetts for his help on this matter. As the Senator knows, the Immigration and Naturalization Service currently has in place an administrative policy regarding the families of amnesty-eligible aliens known as the "Family Fairness" policy. It is our concern that discretionary application of this policy has not helped to reassure amnesty-eligible aliens that their families' status will be adjudicated fairly and consistently by the INS. In fact, I am aware of three recent cases in Chicago where family members seeking to qualify under this policy were denied and then, even though they came to the INS in good faith, were given 30-day deportation orders. Clearly, in a set of circumstances where something like this could happen, cooperating with the INS represents a roll of the dice for families hoping to make use of the policy. Unfortunately, the stakes for losing are brutally high.

Mr. CHAFEE. I, too, would like to thank Senator KENNEDY for his concern about family unity. I am aware that he has been tireless in his efforts to work out a solution administratively with the Commissioner of the INS. I have also communicated my deep concerns to the Commissioner. In addition, Senator HATFIELD and I have written to President Reagan to urge that he work with the INS to bring about a fair and humanitarian family unity policy. I ask that both the letter to the Commissioner and the President be included in the RECORD. Such a policy, as embodied in the amendment that Senator HATFIELD and I have drafted, is not at all inconsistent with the administration's avowed emphasis on strengthening the family unit. It does appear, however, that congressional action is necessary.

Mr. KENNEDY. I appreciate the information on the cases to which the Senator from Oregon refers. I agree that the current policy relying on the discretionary power of INS District Directors represents an uncertain situation for those hoping to keep their families together. I agree with both of my colleagues that there exists a need not only for a liberal usage of the family fairness policy, but also for additional action to clarify that it is not the intent of Congress that individuals must choose between citizenship and their families.

Mr. CHAFEE. Mr. President, I would like to thank the Senator from Massachusetts for engaging in this exchange. We set out to provide a clear record not only that this problem exists, but that the chairman and other members are intent on solving it in a humanitarian way this year. I believe we have achieved both goals and

can at this time, in good conscience, refrain from offering the amendment that the Senator from Oregon and I had planned to introduce.

The letters follow:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
*Washington, DC, October 14, 1987.*

Hon. ALAN C. NELSON,
*Commissioner, Immigration and Naturalization Service, Washington, DC*

DEAR COMMISSIONER NELSON: As you know, the issue of providing an interim legal status to immediate family members of persons qualifying for the legalization program is one which has been raised with you in oversight hearings by the Subcommittee. We understand this is currently under review within the Immigration and Naturalization Service. While we know that it is not your intent that immediate family members who are disqualified for legalization be deported, we would nonetheless encourage INS to develop a Service-wide policy which would—on a case-by-case basis and to avoid unnecessary hardship—permit such family members to remain in the United States through a number of available interim legal statuses.

We believe these administrative actions in no way contradict the Senate's legislative history in the Immigration Reform and Control Act of 1986, which states:

"It is the intent of the Committee that the families for legalized aliens will obtain no special petitioning rights by virtue of the legalization. They will be required to "wait in line" in the same manner as immediate family members of other new resident aliens." (S. Rpt. 99-132, p. 16)

A policy which permits certain immediate family members an interim legal status would not alter the requirement that they "wait in line" like all other immigrants for their permanent legal status until their legalized relatives can petition for them.

It is our view that a policy directive should be issued which will permit District Directors, on a case-by-case basis, to use any of a number of authorities already available to provide an interim legal status to those immediate family members of legalized aliens who qualify.

We think that such a policy clarification should be made as soon as possible, and the Subcommittee staff is at your disposal for consultation on this matter, as well as any further assistance you might need from us in developing such a directive.

Best wishes, and many thanks for your consideration.

Sincerely,

PAUL SIMON,
EDWARD M. KENNEDY,
*Chairman.*

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U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
*Washington, DC, December 17, 1987.*

DEAR CONFEREE: The Conference Committee on the Continuing Resolution may be deciding today on a provision in the House version related to certain unqualified spouses and children of persons legalized under the immigration amnesty—the so-called "family fairness" issue. This provision would, under specified conditions, stay the deportation of those family members. It has our unequivocal support.

The crux of the issue is this: An applicant for the immigration amnesty must have been in the U.S. since before January 1, 1982 to qualify. But many applicants have spouses or children who came here after that cut-off date. Their legalized family member qualifies them for eventual permanent residence here. In the meantime, what do we do with them?

Before the Congress passed the amnesty, the Immigration Service would consider status for undocumented family members in only the most extraordinary of cases. However, in enacting the legalization program last year, we were admitting that the lawful system had not worked, and that the normal rules of the game should be put aside for a brief period while we put our immigration house in order.

In our recent experience with the legalization program, we have concluded that most immigration officers in the field reflect this spirit and will not deport these unqualified family members. However the prospect of such deportation still exists for these families, creating a life of fear and furtiveness for them, until such time as they can eventually receive permanent residence.

Current law provides the Immigration Service with ample authority to provide any of a number of interim legal statuses to such persons. Because of the adequacy of current law in this area, we did not feel legislation to be necessary. Rather, the Immigration Service could have solved this administratively.

However, it has become abundantly clear in recent weeks that the Immigration Service leadership would prefer to stifle, rather than unleash, the humane instincts toward this issue which we have witnessed among immigration officials in the field. INS will act to protect children where *both* parents have qualified for legalization. But statements from INS headquarters suggests that it will be the rare case that spouses or children will receive favorable consideration beyond that.

Unfortunately, this makes Congressional action necessary.

This is a difficult issue—one which under ideal circumstances would be thoroughly considered and debated in the Judiciary Committee. But time is running out. The legalization program ends in May, and these families need the security that Congressman Roybal's provision would offer.

Thank you for your assistance on this important matter.

Sincerely,

EDWARD M. KENNEDY,
*Chairman, Subcommittee on Immigration and Refugee Affairs.*
JOSEPH R. BIDEN, Jr.,
*Chairman.*

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U.S. SENATE,
*Washington, DC, February 19, 1988.*

The PRESIDENT,
*The White House,*
*Washington, DC.*

DEAR MR. PRESIDENT: We would like to take this opportunity to congratulate you on your recent State of the Union address. Of particular note was your intent not to rest on the many accomplishments of your administration but, rather, to provide continued leadership in confronting the problems and challenges ahead.

One such problem continues to be of great concern to us. It is an issue that reaches to the very core of our country's values and beliefs. A problem that you, in your speech, acknowledged and pledged to help correct. That problem is the impact of government on the family unit.

You proclaimed in your speech that we must "make certain that the family is always at the center of the public policy process, not just in this administration but in all future administrations." You alluded to the Executive Order you signed on September 2, 1987 which states that Executive departments and agencies must ask whether their actions "strengthen or erode the stability of the family and, particularly, the marital commitment." In addition, it asks them to question what federal policies represent "to the public concerning the status of the family" and "to young people concerning the relationship between their behavior, their personal responsibility, and the norms of our society."

We applaud you for this renewed emphasis on the stability of the family. Sadly, however, the spirit of this message is not being adhered to by the Immigration and Naturalization Service in its treatment of amnesty-eligible aliens. As you know, the provisions of the Immigration and Control Act of 1986 enact a broad amnesty for illegal aliens that have resided in this country since January 1, 1982. Unfortunately, many of these aliens are not coming forward because non-qualifying spouses and children of eligible aliens could be subject to deportation.

The immigration bill allows illegal aliens to emerge from the shadows of life as outsiders; it opens the road to U.S. citizenship and offers them a chance to become legal participants in the affairs of this country. We are afraid, however, that while those amnesty-eligible aliens are able to benefit from this country's government and economy, they are excluded from exercising their commitment to the most basic of American institutions—the family.

Commissioner Nelson has announced that the INS will review each case with "humanitarian concerns," especially regarding children. However, the absence of a broad and uniform policy to protect spouses from being torn away from their families has had a severe impact upon the success of the initial amnesty. In addition, it has seriously damaged the ability of these aliens to maintain cohesive family units. We are sure that Congress did not intend the immigration bill to be anti-family in practice, but that is currently the case.

We urge you to reverse this situation. By ordering the promulgation of INS regulations that would extend amnesty to immediate family members of eligible aliens, you have the opportunity to demonstrate your administration's regard for the family. We are not suggesting a new admissions program, but rather a compassionate response to those family members that are already here. Without amnesty, they will continue to live here as second-class citizens in constant fear of deportation and separation from their families.

Respectfully yours,

MARK O. HATFIELD,
U.S. Senator.
JOHN CHAFEE,
U.S. Senator.

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U.S. SENATE,
*Washington, DC, October 27, 1987.*

Hon. ALAN C. NELSON,
*Commissioner, Immigration and Naturalization Service, Washington, DC.*

DEAR ALAN: We are writing to express our concerns regarding your recent announcement of a "Family Fairness" policy, which is meant to guide Immigration and Naturalization officials as they confront families in

which not all members qualify for amnesty under the Immigration Reform and Control Act (IRCA).

First of all, this policy fails to address the humanitarian concerns arising from the possibility of family separation. Ineligible spouses will be granted voluntary departure status based on a demonstration of "compelling or humanitarian factors." In your testimony before the House Subcommittee on Immigration, Refugees and International Law on October 21, 1987, you clearly pointed out that "compelling or humanitarian factors" could include serious medical problems or the presence of a handicap, but would not encompass marriage or immediate family relationship.

As a result, a large number of potential legalization applicants will continue to find themselves in the unfortunate position of having to choose between staying with their families or pursuing the benefit of legalization. The premise on which your policy is based, that family relationships and hardships caused by separation do not alone constitute "compelling" reasons to grant voluntary departure status to ineligible family members, is ill-founded.

The new guidelines governing children cause us even greater concern. While they are ostensibly more generous than those applying to spouses, they could put families in even more cruel situations. For instance, those children whose parents do not both qualify for legalization may have to choose which parent they will live with. An ineligible parent may choose to divorce and return to his country of origin, so that the children will be legally able to remain in the U.S. with the eligible parent. We believe that the fear of family separation will be increased, rather than decreased, by allowing children to stay only if both parents qualify for legalization.

Since "Family Fairness" provides that most issues will still be left to the discretion of INS District Directors, and since the policy offers no guidance concerning the definition of "compelling or humanitarian factors," different applications of this policy are still likely to occur in different parts of the country. The fact that decisions rendered by local District Directors will be reviewed does not address our concerns about uneven enforcement, because the policy does not specify the criteria upon which the reviews will be made.

In addition, such a case-by-case approach is likely to add to the confusion that already exists in the workplace. Because "Family Fairness" does not clearly indicate the grounds on which INS will allow spouses to remain in the U.S., and because it does not provide for any expedited procedures for those individuals to obtain work authorization, both employers and employees remain uncertain about who is qualified for employment. It may be that employers will be vulnerable to sanctions for employing individuals they believed had "compelling" reasons to remain in the United States. Many employers, both agricultural and non-agricultural, are already confronted with the scarcity of legal workers to perform labor traditionally done by an undocumented workforce. INS's new policy creates even greater burdens.

Failure to set a uniform, national family unity policy threatens to undermine the purpose of the entire legalization program. If illegal aliens cannot be certain that their families will not be separated, they will refrain from applying for legalization. The numbers, as well as reports from Qualified Designated Entities, indicate that a large number of potential applicants are not coming forward. And so long as families hold back, we will continue to have an exploitable shadow population in our midst, that will continue to drain the enforcement resources of the INS. It is clearly to the advantage of all that we ensure that the success of the legalization program.

Your announcement of a "Family Fairness" policy is encouraging to the extent that, in its treatment of children under this policy, the INS recognizes its authority under IRCA to keep families together. We urge you to exercise that authority to allow those families already in the U.S. to remain together, based on the "compelling, humanitarian factor" of family relationship. We are confident that the humanitarian purpose of your current policy can be greatly broadened while at the same time addressing your concerns about a "second amnesty," and the possibility that a more generous program will act as a "magnet for others to enter the United States in an illegal manner, marry a qualified legalization applicant, and attempt to gain benefits."

Many of us have expressed deep concern to you regarding the need for a clear policy supporting family unity in the legalization program. We do so again today, as "Family Fairness" falls far short of our expectations for such a policy. We urge you to reconsider, and develop a policy that is truly practical and, above all, humanitarian.

We look forward to your prompt response regarding this matter.

Sincerely,

SENATORS ALAN CRANSTON, JOHN H. CHAFEE, CLAIBORNE PELL, ROBERT T. STAFFORD, BARBARA A. MIKULSKI, DANIEL P. MOYNIHAN, SPARK M. MATSUNAGA, ALBERT GORE, JR., BROCK ADAMS.

(By request of Mr. KENNEDY, the following statement was ordered to be printed in the RECORD:)

● Mr. SIMON. Mr. President, as a member of the Subcommittee on Immigration and Refugee Affairs, I have closely followed the progress of the legislative reforms that are before us today. A number of the changes are positive and I am pleased to have had a role in shaping them. Some are not so beneficial and I am disappointed they remain in the bill today.

S. 2104 does improve our immigration policy in significant areas. Mindful that there are those in the other body who may be willing to carry on with the efforts I commenced to restore the fifth immigration preference, I can register my qualified support for this bill today.

S. 2104 is very different from the legal immigration reform bill introduced by Senator KENNEDY last summer and considered by the subcommittee last fall. In contrast to the original bill which treated prospective immigrants differently depending upon the country from which they applied, visas under S. 2104 are to be allocated on an even-handed basis.

These independent—not family-related—visas are granted under S. 2104 primarily on objective criteria which will benefit the national interest. While the visas are limited to those we expect to be the most quickly economically viable, applicants from every country can apply on equal footing. That is an important improvement over earlier versions of this legislation which effectively barred applications from India, Korea, China, Hong Kong, the Philippines, Mexico, and the Dominican Republic. I am also pleased that the double penalty for applicants over age 40 has been removed from this bill.

I had been concerned that the legal immigration bill could relinquish to the executive branch too much authority to set and change visa allocations to the detriment of our national immigration policy. The original version of this bill would have allowed for vast changes in family preference visas, for example, and Congress would have been left with the ineffective prospect of undoing those changes by legislative veto. S. 2104 specifies that any change in visa numbers greater than 5 percent requires affirmative approval by both Houses of Congress.

Congress owes it to the Nation—our immigrant origins and our pluralistic future—to give careful scrutiny to changes in our immigration policy. Too often in our history public fervor has ignited immigration exclusion laws which more careful and dispassionate analysis and thought could have prevented. S. 2104 requires triannual review of our immigration policy by the executive branch, including the Departments of State, Labor, Justice, and Health and Human Services, and Congress. This reform makes sense.

One aspect of S. 2104 which I cannot support is its limitations on the fifth immigration preference. The fifth preference enables the brothers and sisters of U.S. citizens to be reunited with their families. It is the most widely requested visa type and its continued availability is of particularly strong importance to Americans of Asian, Hispanic, and Italian ancestry.

S. 2104 unwisely and unnecessarily reduces the number of visas available under fifth preference by 20 percent in the first 3 years of enactment and by 67 percent thereafter. S. 2104 places a new requirement for future applicants for the fifth preference. For the first time, brothers and sisters of U.S. citizens will have to remain "never married" at the time they apply and throughout the waiting period for a visa. Because S. 2104 cuts the number of available visas and makes the now decade-long wait that much longer, the changes to fifth preference before us today will force prospective immigrants with the awful choice of forgoing marriage for 20 to 25 years or losing their chance to be reunited with their U.S. citizen brother or sister.

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The changes made to the fifth preference run contrary to the long study and recommendations of the 1981 Select Commission on Immigration and Refugee Policy, considerable expert testimony at the Immigration Subcommittee's hearing, and the observations contained in the subcommittee's own staff report, "Legal Immigration to the United States: A Demographic Analysis of 5th Preference Visa Admissions" (S. Prt. 100-34, U.S. Senate Committee on the Judiciary, April 1987).

As Gary Rubin of the American Jewish Committee told the subcommittee:

> One of the glories of our immigration system is that it responds to family values. Elimination of preferences for married brothers and sisters would detract from this commitment. It would indeed be ironic if at a time when Congress is struggling to reintroduce family values into the Nation's social welfare system, it at the same time cut these same values from the immigration laws, which are built on family concepts. We don't need to do this. (Testimony of Rubin, Subcommittee on Immigration and Refugee Affairs, October 23, 1987.)

Others who have contacted me in support of efforts to retain the fifth preference include the Federation of Korean Associations, National Democratic Council of Asian and Pacific Americans, Chicago Japanese American Citizens League, Chicago Committee for Immigrant Protection, Organization of Chinese Americans, Mexican American Legal Defense and Educational Fund, and the Asian American Legal Defense Fund.

The cuts to the fifth preference are not required for the rest of the bill to go forward. The positive reforms of S. 2104 can be achieved without making these detrimental cuts in eligibility for and number of fifth preference visas. As this bill works its way through the legislative process, fifth preference should be restored.●

### LEGAL IMMIGRATION REFORM

Mr. CRANSTON. Mr. President, I rise to express my concerns regarding S. 2104's proposed reduction in the number of visas available to brothers and sisters of U.S. citizens and its limitation on future eligibility for those visas to siblings who have never been married. I believe these changes to the fifth preference category of visas are unnecessary to achieve the overall purposes of the bill and are inconsistent with the traditional priority given to family reunification.

Mr. President, the bill before us represents a significant effort to implement the recommendations of the Select Commission on Immigration and Refugee Policy. The bill seeks to improve the flexibility of the system by which immigrants are admitted to this country and to address the substantial backlog of visa applications for family reunification.

However, as I pointed out to the members of the Judiciary Committee in a letter dated February 16, 1988, the particular changes to the fifth preference category of visas do not serve these purposes. In fact, the proposed changes directly contradict the recommendation made by the Select Commission that "the present policy admitting all brothers and sisters of adult U.S. citizens within the numerical limitations be continued."

I ask that a copy of my February 16, 1988, letter be printed in the RECORD at the conclusion of my remarks.

Mr. President, the other reforms proposed by this bill can be accomplished without curtailing the availability of fifth preference visas. Given the bill's objectives to make the system of admitting immigrants more flexible and to address the substantial backlog of visa applications, the changes to the fifth preference category of visas are unnecessary and counterproductive.

The combination of reducing the number of visas available for siblings to come to the United States, and limiting eligibility to those siblings who have never been married, will have two very negative results.

First, the reduction in the number of visas available for siblings will actually increase the backlog of applications and cause applicants from certain countries to wait even longer to come to the United States. The bill's proposed change will have an especially negative impact on those countries—mainly the Philippines, Mexico, China, Hong Kong, Korea, India, and the Dominican Republic—which already have substantial backlogs of applications for fifth preference visas.

Second, because of the significant wait caused by the backlogs, the effect of these changes may be to force individuals to remain unmarried for a significant period of time—in some cases close to 20 years or more—in order to be reunited with a brother or sister in the United States. Forcing individuals to make this choice is cruel, especially in light of the fact that in many cultures sibling relationships are as important as those relationships in a so-called nuclear family unit.

### NEED TO ACT ON LEGISLATION DEALING WITH THE LEGALIZATION PROGRAM

Mr. President, as a number of Senators have observed during the debate on this measure, the Subcommittee on Immigration and Refugee Affairs and the Judiciary Committee moved forward very rapidly with its efforts to deal with reforms in the system of admitting immigrants into this country.

Similar priority attention now needs to be given to making sure that the legalization program for those individuals residing in this country works fairly and effectively.

I am pleased that the chairman of the subcommittee, the Senator from Massachusetts [Mr. KENNEDY], has made a commitment to convening hearings later this month on the legislation, S. 2015, to extend the application process for the legalization program and to seek to bring that measure before the Senate by mid-April.

On February 23, 1988, I along with several other Senators, urged that the subcommittee give expedited attention to this legislation. I ask that a copy of that letter be printed in the RECORD at the conclusion of my remarks.

I am also pleased that the problem of family unity will also be considered at this hearing. The failure of INS to develop a clear statement of policy protecting families from being broken apart as a result of some members qualifying for legalization while others do not has clearly resulted in many individuals failing to submit applications. I hope that we can take swift and humane action to deal with this problem.

### CONCLUSION

Mr. President, although I have very strong reservations about the provisions of this legislation which will unnecessarily limit the availability of fifth preference visa numbers to extended family members, I recognize that other provisions of the bill are desirable. I hope that the objectionable provisions will be removed from the final version enacted into law.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
*Washington, DC, February 16, 1988.*

Hon. JOSEPH R. BIDEN, Jr.,
*Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.*

DEAR JOE: I am writing to apprise you of my concerns regarding S. 1611, a bill effecting changes in the numerical limitation and preference system for the admission of immigrants, which will come before the Judiciary Committee this week. Specifically, I am concerned about the negative impact this bill will have on the family reunification efforts in the Hispanic and Asian communities.

The most troubling provision in the bill is its change regarding the eligibility requirements for fifth preference visas. Under current law, any brother or sister of a U.S. citizen, regardless of marital status, is eligible for a fifth preference visa. S. 1611 limits eligibility for a fifth preference visa to unmarried brothers and sisters of U.S. citizens.

I strongly oppose this change. While the proposed change making married brothers and sisters ineligible for fifth preference visas is intended to reduce the substantial backlog of applicants, the total impact of the bill would in fact increase the backlog by making less visas available for this category. Furthermore, because of the significant waiting period caused by the backlog, the change would effectively force individuals to choose between getting married or coming to the United States.

I agree that our system of admitting immigrants to this country is in need of reform. However, I do not believe that the proposed change to the fifth preference cat-

egory of visas is necessary to achieve a more equitable immigration system. This change is especially unwarranted in light of the hardship that will be caused for older brothers and sisters (and their children) who desire to have their brothers and sisters (and uncles and aunts) join them in the United States.

In 1952, with the establishment of the current fifth preference category of visas, the importance of sibling relationships and uncle/aunt relationships was recognized. In many cultures, these relationships are as important as those relationships in a so-called "nuclear family" unit. The importance of these relationships was again recognized in 1981 when the Select Commission on Immigration and Refugee Policy recommended "that the present policy admitting all brothers and sisters of adult U.S. citizens within the numerical limitations be continued."

In light of the traditional priority given to family reunification, I urge you to consider alternative means of addressing the backlog of visa applications.

Cordially,

ALAN CRANSTON.

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U.S. SENATE,
*Washington, DC, February 23, 1988.*

Hon. EDWARD M. KENNEDY,
*Chairman, Subcommittee on Immigration and Refugee Affairs, Committee on the Judiciary, U.S. Senate.*

DEAR TED: We are writing to urge that the Subcommittee on Immigration and Refugee Affairs proceed to consider S. 2015 as soon as possible. We are aware that the Subcommittee has recently completed work on S. 1611 which would reform the system of admitting immigrants into this country, and we believe that it is imperative that the Subcommittee now turn its attention to the need to extend the application process for legalization effort for those already in this country.

We have cosponsored your bill to extend the application process by one year because we agree that many undocumented individuals who may be eligible for legalization have—for a variety of reasons—failed to apply. It is clear that the extension of the application process is needed if we are to meet the goals we set when we passed the Immigration Reform and Control Act of 1986.

In this regard, we would like to clarify our position that legislation extending the application process by one year is the only way we will be able to assure the success of the legalization program. Given the number of applications which, INS has received to date, and the fact that certain communities—such as the Asian community—have hardly participated in the legalization program, a full one year extension of the program is absolutely necessary. We do not believe that a last minute media campaign by INS will solve the problem, nor do we believe that it can be resolved by an administrative effort on the part of INS to expedite the processing of applications.

Given that the application process is due to terminate in approximately two months, we feel that the extension bill must be considered by the Senate as soon as possible. For this reason, we urge the Subcommittee to convene hearings on the bill in the very near future and to see that the bill comes to the floor expeditiously.

Ted, we know that you share our concern regarding this issue, and we look forward to hearing from you soon regarding expedition of the Senate's consideration of S. 2015.

Cordially,

ALAN CRANSTON.
JOHN MELCHER.
JOHN CHAFEE.
DANIEL P. MOYNIHAN.
BARBARA A. MIKULSKI.

Mr. ADAMS. Mr. President, in the 99th Congress, after many hours of debate, hearings and negotiations, we passed the Immigration Reform and Control Act of 1986 to deal with the problems of illegal immigration. We are now considering a bill designed to deal with problems which have developed in our system of legal immigration. It too deserves to be fully debated. While that may not happen in the U.S. Senate today, I am convinced that it will happen before this bill moves through the House and then comes back to the Senate in the form of a conference report.

I believe we ought to spend time on this issue because immigration is a complex field which in many ways reflects—and shapes—the image we have of our society. In some ways, I think this legislation makes a positive contribution to that image and to our society. But there are also elements of this bill which are deeply troubling. Let me identify a few of the bright and the dark spots in this proposal.

This bill makes three particularly helpful modifications in current law. First, it increases the total level of immigration into this country while, at the same time, providing for annual review of our immigration policies. On the basis of that review, every 3 years the President will recommend changes to the number of visas allocated. As a result, I believe that we will be better able to revise our immigration quotas in response to shifting realities in a timely fashion.

Second, the bill increases the number of visas available under the second preference category, for spouses and children of permanent residents. Hopefully, this increase will help alleviate a backlog of eligible applications that now results in applications waiting up to 10 years in some countries.

Third, the bill expands the opportunity for "independent" immigrants who have no family ties in this country to immigrate to the United States. And, we are told, it does so without significantly reducing the immigration opportunities available to those with family ties.

In addition to these three changes, an amendment offered by Senator INOUYE has been accepted by the sponsors of the bill that would rectify an injustice done to certain Filipino World War II veterans. In March 1942, Congress amended the Nationality Act of 1940 to allow for the naturalization of Filipino veterans who served honorably in our Armed Forces in World War II. Unfortunately, due to administrative decisions made at that time, many of these veterans were unable to take advantage of the naturalization process. Over 1,600 of these veterans are residing in the United States, most of whom have reached retirement age. This bill would allow the naturalization of these veterans if they currently reside in the United States and if they meet the requirements for naturalization as set forth in the Nationality Act of 1940.

While these provisions are quite worthwhile, I believe that other provisions of the bill require more study and analysis. In particular, I am concerned about the limitations placed on the family unification provisions of the law and the number of fifth preference visas. There is currently a backlog of over 1 million eligible applicants for fifth preference visas—visas for brothers and sisters of U.S. citizens. Under present law, 64,800 visas are allocated annually to brothers and sisters of U.S. citizens. This bill would reduce that number to 52,000 for the next 3 years and then to 22,000 thereafter. Clearly, reducing the number of fifth preference visas available is no way to alleviate the backlog of fifth preference applicants.

I am also disturbed by the fact that many people fear that this bill may end up treating different ethnic groups unfairly and unequally. Many people suggest that one effect of this bill would be to shift immigration away from Asia and Latin America and toward European immigration. As I said earlier, I believe the bill's provisions to expand independent immigration are helpful. We must ensure, however, that these provisions are implemented in a way that does not disadvantage immigrants from any particular country or region. The point system, and the weight given to English language skills in particular, raise the fear of discrimination in administering the independent immigration provisions.

In conclusion, the bill makes positive reforms in many areas of immigration. I am uncomfortable with other provisions that I believe are unsound and require far more attention than they have received in the Senate so far. The debate on this bill will continue, however, here in the Senate and in the House and I am hopeful that there will be an opportunity to mitigate the problems that I have identified with the legislation.

Let me make my position very clear. While I will vote for this bill today, I do so because I believe it will be improved as it continues to move through the legislative process. I will work with my colleagues in the House and the Senate in an effort to make sure that this bill is changed and improved in the weeks and months ahead. If, however, the final legisla-

tion which emerges from a conference committee is identical to the legislation now before us, I am not sure that I would support it.

CORRECTION OF THE COMMITTEE REPORT

Mr. KENNEDY. Mr. President, I would like to clarify for the record an error in the committee report on S. 2104. On page 17, paragraph five, the first sentence should begin: "The Committee has taken note of . . ." and the rest of the sentence remains as it appears in the committee report.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, the distinguished Senator from Alabama [Mr. SHELBY] has discussed with the managers of the bill a possible amendment that the Senator from Alabama might offer. He is not sure.

I ask unanimous consent that final passage of the bill occur tomorrow at 2 o'clock p.m., paragraph 4 of rule XII be waived; the final passage occur at 2 p.m., provided that the amendment by Mr. SHELBY is disposed of prior to that time if such an amendment is offered; provided further that no other amendments be in order.

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

Mr. BYRD. No other amendments, that is all inclusive, first- and second-degree amendments.

The PRESIDING OFFICER. That is the Chair's understanding, and that is what the Chair understands was ordered by the Chair in response to the unanimous-consent request of the majority leader.

Mr. BYRD. I thank the Chair.

Mr. President, I have a parliamentary inquiry.

The PRESIDING OFFICER. Will the majority leader state the parliamentary inquiry?

Mr. BYRD. In the event that an amendment by Mr. SHELBY is offered, under the order that has been entered, unless that amendment is disposed of, the order for a vote at 2 p.m. tomorrow on final passage of the bill would not be executed; am I correct?

The PRESIDING OFFICER. That is correct.

Mr. BYRD. With such an order in place, there is nothing within that order that requires the Senate ever to reach a final vote on this bill until such time as the amendment by Mr. SHELBY is disposed of, and that would have to occur prior to 2 p.m.; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. BYRD. In the event the majority leader wished, for some reason or other, to take down the bill—let us say the amendment by Mr. SHELBY is pending at 2 p.m. tomorrow, what happens?

The PRESIDING OFFICER. The order that was entered by the Chair, if the amendment was still pending at that time, there would not be a vote at 2 p.m. because the amendment would still be pending.

Mr. BYRD. But what happens? The amendment just remains before the Senate?

The PRESIDING OFFICER. Until such time as the amendment is disposed of, disposed of either by tabling motion or by vote or otherwise disposed of. Whatever——

Mr. BYRD. All right. Let us say the amendment is pending at 2 p.m. tomorrow under the order that has been entered and has not been disposed of. What happens?

The PRESIDING OFFICER. There is not a vote at 2 p.m. The amendment remains pending.

Mr. BYRD. So what the Chair is saying is, as I understand the Chair, the Senate has to take action on that amendment in some way to dispose of it at 2 p.m. tomorrow?

The PRESIDING OFFICER. That is correct, in order to have a vote at 2 p.m. If the Senate disposes of the amendment in whatever fashion prior to 2 p.m., the final passage vote will occur at 2 p.m. tomorrow.

Mr. BYRD. Mr. President, I ask unanimous consent that the order be vitiated.

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

Mr. BYRD. Now, Mr. President, I ask unanimous consent that no other amendments be in order to this bill, no amendments other than a possible amendment by Mr. SHELBY.

The PRESIDING OFFICER. Is there objection? Hearing no objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that no motion to recommit the bill with instructions be in order.

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

The majority leader.

Mr. BYRD. Mr. President, I ask unanimous consent that the vote on the motion to invoke cloture tomorrow on S. 1721 occur at 11:30 a.m.; that the mandatory quorum be waived.

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

## GEORGE McGOVERN ON THE FOREIGN POLICY CHALLENGES FACING AMERICA

Mr. KENNEDY. Mr. President, I would like to call the attention of the Senate to our former colleague George McGovern's timely, perceptive, and persuasive article in the current issue of Foreign Affairs. The article "The 1988 Election: U.S. Foreign Policy at a Watershed," is a clear and cogent analysis of the profound foreign policy challenges confronting the Nation on United States-Soviet relations and many other issues.

In his thoughtful discussion, Senator McGovern sets forth six propositions which are consistent with, and demanded by, the realities of our time. He concludes his compelling argument with a word of caution to the 1988 Presidential contenders, admonishing them not to make "hasty pledges under campaign pressure that might hamper their capacity to make unfettered decisions in the White House."

Senator McGovern's eloquent voice is still widely heard and greatly respected in the Halls of Congress and throughout the Nation and the world, and he continues to serve the public interest in many ways. I believe his timely analysis of the challenges facing us in foreign policy will be of interest to all of us, and I ask unanimous consent that it may be printed in the RECORD.

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

[From Foreign Affairs, Vol. 66, No. 3]

THE 1988 ELECTION: U.S. FOREIGN POLICY AT A WATERSHED

(By George McGovern)

As we approach the 1988 election, we may be at the end of an era in American foreign policy. Since World War II the driving force behind our policy has been anticommunism, accompanied by containment of the Soviet Union with an ever more costly arms outlay. For more than four decades this policy has rested on the assumption of a bipolar world dominated by Washington and Moscow. New realities now demand fundamentally different policies if the United States is to remain an effective power.

This is not to suggest that communism is more acceptable today than it was forty years ago. Indeed, even the major communist states—the Soviet Union and China—are turning away from once accepted practices of communism. Without argument, the United States must maintain a sound national defense. But so clearly is communism neither the wave of the future nor the major challenge to American security that our anticommunist orientation has become irrelevant and obsolete. The two major powers—Washington and Moscow—are alike in this regard: they share an urgent need for new policies and priorities at home and abroad. Both must understand that the criteria of power and influence in the world are changing.

Ronald Reagan may represent the end of the line for the bipartisan cold war policy. The president seems to have taken, at least until recently, the most anachronistic aspects of that policy—an excessive reliance on arms, an obsessive anticommunism and an imperial, unilateral behavior at odds with our constitutional democracy—and carried them to the breaking point. However inadvertently, the Reagan Administration has dramatized the inadequacy of policies no longer relevant to the real world. Mr. Reagan has believed he was presiding over "morning in America"; we are about to experience the "morning after."

Unfortunately, the Reagan presidency has taken its toll also on the intellectual and political acuity of the party in opposition. If the ambivalent foreign policy actions of Congress and early presidential campaign performances are indicative, the Administration's obsession with the rhetoric, symbols and trappings of military power has, with some notable exceptions, suffused even a Democratic Party which has traditionally brought a broader perspective to the concept of American national security. In what some have labeled the "geo-economic era," this focus is dangerously outmoded.

Jacques Attali, an economic historian and top adviser to French President François Mitterrand, wrote:

A great transfer of power is taking place in the world economy. The center of economic power is shifting away from America. When the core nation loses economic hegemony, it has to adjust the global security responsibilities it assumed at the height of its dominance. This is what finally happened to Great Britain in 1967, but it took 20 years from the end of World War II for them to finally conclude that they couldn't afford troops east of Aden.

II

In this crucial election period and beyond, do we have the will and the wisdom to develop a more realistic foreign policy, backed by better management of our economy to avert the further weakening of our position in the world? Will we face the need to shift from an excessive reliance on military power to the political, economic and moral sources of power in an interdependent global economy? Do we understand that even a great and powerful nation can no longer function unilaterally without regard to friend or foe? In this bicentennial of our constitutional democracy, can we profit from the lessons of the Iran-contra scandal and recognize anew the time-tested wisdom of the Founders?

The current economic difficulties of the supposed superpowers serve only to underscore a long-standing truth. Since the late 1940s both powers have overemphasized military and ideological factors and underplayed economic and political opportunities. The painful paradox that now confronts both Washington and Moscow is that the more they spend on armaments, the weaker and more insecure they become. The larger the number of nuclear weapons each side targets on the other, the more certain it is that in the event of war, Americans and Russians would be the first to disappear from the planet. Meanwhile, heavy arms spending deprives the two countries of the resources needed to strengthen their economies, particpate competitively in the international economy and enhance their leadership in the developing world.

The economic costs of a permanent war economy and an interventionist foreign policy have for years been a focus of "liberal" concern. But even the most ardent of American conservatives must now recognize that the dangerous decline of U.S. industries owes much to a major portion of our business and scientific talent having been absorbed in war production for a single buyer—the Pentagon—instead of meeting the growing economic competitiveness of the modern world.

Japan and Germany, the defeated military powers of World War II, are challenging the preeminent status of the erstwhile victors, not by competing with them militarily, but by recognizing that the real arena of world power is not war games but hardheaded business leadership. The most serious enemy of America is not Russian tanks and rockets, or the Nicaraguan government or Cuban leader Fidel Castro. Our enemies are the bankrupting arms race, our mounting foreign debt (after years as the world's greatest creditor), the unpayable debts of the Third World held by U.S. banks, our lack of competitiveness in world trade and our consequent inability to play a more influential and constructive role in Third World development.

Power in the future will be determined increasingly by economic, political and moral factors. The arms race and an excessively interventionist, unilateral foreign policy have weakened those fundamental sources of American power.

It is possible that American military might prevented a Russian takeover of Western Europe in the wake of World War II. At that time an American-led containment strategy seemed logical. But if a Soviet move across Europe was ever imminent, it was in the years when Europe was still devastated by war. That is when the Marshall Plan's economic help and the military power of the NATO shield made the most sense.

Today conditions in Europe, the United States, the Soviet Union and the rest of the world have changed drastically. Western Europe is now strong and prosperous. Its population, material resources, productivity and industrial strength all exceed that of the Soviet Union.

Not since the 1961 Berlin crisis has Moscow engaged in any serious provocation against Western Europe, and even that was an act of political and economic weakness. Paradoxically, the Soviets followed the most belligerent line in those years when the United States either had a nuclear monopoly or at least overwhelming superiority. But as Moscow has moved toward nuclear parity with Washington and increased its dealings on arms control, trade and cultural exchange, it has intended to favor a policy of accommodation with the West.

This tendency has reached an apex in the person of Mikhail Gorbachev, who now emphasizes that in the future Soviet foreign policy will be driven by domestic economic needs. He and other realists in the Kremlin seem far more interested in trading with Europe, encouraging joint economic ventures with European firms and mutually reducing nuclear weapons than in fighting Europeans on the battlefield or exchanging bombs and missiles with them from the skies.

Russians may be notoriously averse to admitting mistakes to the outside world, but it takes little reading between the lines of Mr. Gorbachev's domestic and international speeches to discern his recognition that the Soviet economy has been so warped by its focus on arms production that it is incapable of meeting the needs of its people for modern housing, industrial goods, productive agriculture and scientific-technical break-throughs for its future development. Gorbachev has left little doubt that he knows his country cannot lift its standard of living so long as it is bogged down in an ever-escalating arms race with the United States and Europe.

The Soviet leader has also signaled his belief that big-power interventionism in the emerging Third World is a hazardous and self-defeating policy. The bitter and frustrating experience of the Russians for the last decade in Afghanistan was doubtless in Gorbachev's mind at the Communist Party Congress in February 1986, when he forcefully contended that "encouraging revolution from outside, and doubly so by military means, is futile and inadmissible." It does not take an expert Kremlinologist to see that Gorbachev is saying something new.

On the arms control front, Moscow seized the initiative in 1985 by announcing and implementing a unilateral ban on all nuclear weapons testing. At the arms control discussions in Reykyavik with President Reagan, the Soviet leader seemed willing to make or accept even the most sweeping proposals for the reduction or elimination of nuclear weapons. More recently, in signing with President Reagan the treaty that would eliminate intermediate-range nuclear weapons from Europe, Gorbachev agreed to unprecedented access to Soviet military production and basing facilities for on-site inspection. Arms control offers can be propaganda, but a breakthrough verification regime to monitor the total dismantlement of Soviet SS-20s means there is extraordinary substance here as well.

As we move to shape the American election issues of 1988, the key question is whether we can begin to define foreign and defense policies that are more relevant to the realities of today's world. Can we meet the energetic and forceful challenge of Mikhail Gorbachev's Russia with intelligence, courage and realism? Can we muster the will and wisdom to see that the issues of the future cannot be resolved by a bigger arms race and more military interventions in Central America, Africa or Asia? Can we put forward a new range of policies to end the waste of an obsolete arms race, reduce the shameful deficit that is weakening our economy and our position in the world, safeguard the physical environment that sustains life on our planet and invest our resources more wisely in strengthening our families and educating our children?

We cannot analyze with certainty the motivations and tendencies of the Russian leaders, nor can we anticipate every development in other parts of the globe. But I offer the following propositions for debate in the 1988 election campaign. They are, I believe, consistent with the realities of our time.

III

First, we should replace our obsolete cold-war policy with a concerted effort to identify mutual interests with the Russians—trade, arms reduction, joint environmental efforts, shared exploration of outer space and cooperative efforts in the fields of health, education and cultural exchange. In such trouble spots as the Iran-Iraq war, the Arab-Israeli conflict, Afghanistan and Nicaragua, we should seek out the possibilities of Soviet and American initiatives for settlement.

The current shipping problem in the Persian Gulf stemming from the Iran-Iraq war represents an ideal example of a challenge the two superpowers should meet cooperatively rather than confrontationally. Both Moscow and Washington have an interest in ending the war between Iran and Iraq. Neither Washington nor Moscow has any interest in disrupting the shipping of the Persian Gulf or spreading the Iran-Iraq war further into that area.

The Reagan Administration naively committed our flag and our fleet to the Kuwaitis as a knee-jerk reaction to information that the Russians had responded in a very limited way to Kuwait's request for protection of tankers. Clearly, the Administration was also moved by a desire to regain credibility squandered mindlessly through arms

sales to Iran. It would have been far wiser, however, to make our policy judgment on this matter only after careful consultation with all of the Gulf states, with our NATO allies and Japan and, most important, after full consultation with Congress. Then, if all signs indicated the need to protect shipping, the United States might have joined in a multinational escort force in concert with our allies, the Russians and some of the Arab states—perhaps under the aegis of the United Nations.

The Arab-Israel-Palestinian conflict is another prime candidate for energetic and sustained cooperation by the United States and the Soviet Union in seeking a practical and just solution. such other regional problem areas as Central America, Afghanistan and Southeast Asia could also be appropriate matters for Soviet-American consultation. Serious initiatives to cooperate with Mr. Gorbachev might prove more productive than we have accustomed ourselves to expect.

Second, we should join the Soviets in a complete ban on all nuclear testing, press ahead on the mutual elimination of medium-range nuclear weapons from Europe as provided for by the recently signed treaty, and agree to continued compliance with the anti-Ballistic Missile Treaty—which means confining the Strategic Defense Initiative to research—in return for a mutual reduction of 50 percent in strategic nuclear weapons. Gorbachev has signaled his willingness to negotiate such a formula.

The major sticking point on this promising agenda for arms reduction is Mr. Reagan's insistence on the right to engage not only in research, but also testing and development of the SDI system—a position Mr. Gorbachev rejects. Most members of Congress and most arms control authorities, including those who negotiated the 1972 ABM treaty—as well as the Russians—believe that the 1972 treaty precludes anything beyond research and laboratory testing of missile defense systems. A major portion of the scientific and arms control community also believes that Mr. Reagan's concept of a kind of protective astrodome to make America invulnerable to nuclear attack is a destabilizing, frightfully costly fantasy. Former Under Secretary of State George Ball—a man of considerable experience in international affairs and arms issues—has described the socalled Star Wars system as "a fraud," but a very costly fraud that could consume upward of a trillion dollars.

SDI would depend almost entirely on computers and would require, by some estimates, ten million lines of computerized programming to make the system operable. Given the inevitable margin of error and malfunctioning in such an elaborate system, the danger is enormous that it might involve us in a nuclear exchange by mistakes in programming or interpretation. Given these concerns, would it not be better to move ahead on an agreement that will eliminate half of the missiles that Moscow now has targeted on us rather than living with Mr. Reagan's "dream" that we can some day build a shield that will make us safe in the event of nuclear war? I would urge that we confine work on SDI to research alone for a period of years while we proceed now with arms negotiations. As a practical matter, many technical questions must be resolved by research over the next few years before we can even speculate intelligently on whether it makes sense to go forward with SDI.

It has been argued by former Secretary of State Henry Kissinger and others that we are endangering the United States and Europe by eliminating intermediate-range nuclear weapons and cutting strategic nuclear weapons in half before dealing with conventional forces, where the Soviets are said to be relatively stronger. I would agree that we need to get the issue of conventional forces on the negotiating table, but this need not delay the next proposed step to reduce nuclear weapons as envisioned by Reagan and Gorbachev. Even with the 50-percent cuts called for in the tentative outline, each side would retain some 6,000 strategic nuclear weapons, including 4,900 ballistic missiles, with an average destructive capacity of 300,000 tons of TNT in each warhead. Since the only practical purpose of such weapons is to deter the other side from attacking, 6,000 nuclear monsters will serve the purpose as well as 12,000. Either force level is capable of eliminating most if not all of the life on our planet. Certainly we are no safer today with double the number of weapons targeted on our cities than we would be after the proposed second-stage agreement on strategic arms reductions.

Reagan and Gorbachev have both indicated their awareness of the need to move more purposefully on conventional force negotiations. Over the next decade, in close consultation with our allies, we should seek to negotiate with the Soviets mutual reductions in conventional forces that would enable us to draw down on our 300,000 troops in Europe as well as the 40,000 now in South Korea. Obviously, the timetable for these withdrawals should depend on the scale and timing of Soviet reductions in troops, tanks and conventional units. Careful mutual arms control reductions, both nuclear and conventional, with proper verification can lessen tensions and fears. In turn, these steps also reduce the risk of war—which, of course, is the best defense of all in the nuclear age.

Third, if we can improve relations with the Soviets, reduce nuclear arms and draw down our forces abroad, we will have set the stage for a major reduction in U.S. military spending. We are now devoting 60 percent of our military budget to the projection of our power abroad and the defense of other countries, most notably our NATO allies and Japan, against a supposed Soviet or Chinese threat. But the countries we are defending are prosperous and moving steadily into a stronger economic and political relationship with the Russians and the Chinese. Does it make sense for the United States to pay over half the cost of NATO when the European states are as prosperous as we are and engage in more trade and joint ventures with the Soviets than we do?

It is now costing the United States approximately $150 billion annually to provide for the defense of Western Europe and Japan. This is roughly the dimension of our current annual fiscal deficit. For many years we have devoted a much higher percentage of our budget and our GNP to defense than have Japan and the nations of Western Europe. These countries are now pressing us hard to reduce our deficit in the interest of a more stable world economy. One way to do that is for us to cease carrying such a disproportionate share of the collective defense burden. We would be a stronger and a more prosperous nation with greater influence in the world if we shifted over the next ten years at least 30 percent of our military spending into deficit reduction, education, family support, environmental protection, rebuilding our public infrastructure and our railways, assisting our family farmers, upgrading the training and productivity of our industrial workers and strengthening the development of the Third World.

Fourth, while standing clear of Third World military struggles, unless conditions virtually demand our military involvement, we should support in every other reasonable manner democratic centrist forces in developing countries that are caught in power struggles between the hard right and the hard left. American political party professionals, labor union organizers, social activists, religious and public interest groups—all of these and more are needed to train, advise and organize those in the developing countries who seek democracy and justice. We should not hesitate to affirm abroad our active commitment to human rights and democratic ideals. Our 200-year-old experiment with constitutional democracy is the kind of good news we need to proclaim in the developing world.

The time is long overdue for us to recognize that even those countries in the Third World which happen to displease us ideologically are not beyond constructive American influence if we exercise that influence intelligently. We seriously negate that possibility, however, by following too rigidly a policy of economic and diplomatic boycott. It has long seemed to me that our policy of trying to isolate Cuba (to say nothing of earlier covert hit-and-run attacks and assassination attempts against Castro) has been ineffective and self-defeating. The quick decision in the opening stage of the Castro revolution to apply an economic and diplomatic embargo has inadvertently paralyzed American influence in Cuba and maximized Soviet power and influence there.

The same arguments can be made with reference to Vietnam and Angola. More than a decade has passed since the end of our bitter involvement in Vietnam. If that long and costly intervention was a mistake, is it not also a mistake to delay further the process of reconciliation and reconstruction of the country where we not only suffered such grievous losses, but where our arms took such a frightful toll of Vietnamese life and property? In a lengthy conversation with Premier Pham Van Dong in 1976, I was told that Hanoi desperately wanted American diplomatic recognition plus economic, medical and food assistance. The Vietnamese leader also made clear an eagerness to trade with the United States and even to open offshore oil resources to American development.

I found much the same kind of eagerness for U.S. recognition and cooperation in Angola during a visit there in 1978.

Why is it considered prudent and wise for us to carry on diplomatic and trade relations with the communist giants, China and the Soviet Union, while we boycott the little communist states—Cuba, Vietnam and Angola? Has the time not come to end this curious double standard?

There may be instances where it makes sense to employ economic and diplomatic boycotts, but on the record those methods no longer serve our best interests in dealing with the small revolutionary communist states. We have followed a much wiser and more productive course with communist Yugoslavia, notwithstanding the fact that it is in closer proximity to Soviet power than Angola, Vietnam or Cuba. Obviously there are other factors and differences involved, but our long-term approach to Yugoslavia

may suggest a more productive approach to other communist states than the one we are now pursuing.

We are also not without influence in some of the Third World countries that are ruled by rightist governments. However belatedly, the Reagan Administration demonstrated that such right-wing leaders as Ferdinand Marcos in the Philippines and Jean-Claude Duvalier in Haiti were subject to local political action combined with American support and encouragement. The Pinochet regime in Chile is a classic example of a rightist government with a bad record on human rights that ought to feel constant diplomatic, moral and economic pressure from the United States.

In the Middle East, the United States understandably feels a special obligation to back the state of Israel, which we helped to create in the wake of the terrifying holocaust of Adolf Hitler's Nazi regime. But here as elsewhere we would be well advised to heed George Washington's warning against "inveterate antipathies" and "passionate attachments." The Arabs after all did not create the holocaust. They are not our enemies. Indeed, they actively seek our friendship and cooperation. Nor does it follow that Israeli objectives are synonymous with ours, including their 1982 invasion of Lebanon, their preference for Iran over Iraq, their support for the South African government and their hostility to the concept of a Palestinian homeland. We should continue to support Israel, but the time is long overdue for America to stand for self-determination for Palestinians as well as Israelis. Instead of closing the Palestinian Information Office in Washington, we should be talking to the Palestinians. Instead of foot-dragging on the proposal for an international conference on Middle East issues, we should be leading the way for such a conference.

It is possible that we may be faced with circumstances that leave us no honorable course except military intervention. I believe that during the genocidal campaign of the crazed Pol Pot against his own Cambodian people in the late 1970s the United States should have taken the lead at the United Nations in promoting a strong multilateral intervention. Perhaps as many as two million innocent Cambodians were slaughthered in this totally irrational and barbarous orgy. Ironically, it was the unilateral intervention of the hated Vietnamese that finally halted the mass killing of Cambodians by their own government.

The bankruptcy of a policy that continues to view the Third World through the prism of an East-West cold war competition is dramatized by the current U.S. stance on Cambodia. The United States now recognizes and supports at the United Nations Pol Pot and his allies, instead of the Vietnamese-backed regime in Phnom Penh—certainly not on the merits, but on the basis of our opposition to Hanoi and Moscow.

There may be other instances in the Third World where we have no acceptable alternative except armed intervention. But for the most part, our power can best be demonstrated with nonmilitary means. We should think of armed intervention as a costly and high-risk measure of last resort and one that we should make every effort to carry out in concert with other nations—not unilaterally.

Improved relations with the Soviet Union and other communist states and substantial mutual arms reductions would not only help in getting our budget and trade deficits under control; they would also enable us to cooperate better with our standing partners in stabilizing the world trade system. We would be in a much stronger position to work with nations such as Mexico, Argentina, Brazil, Egypt and Israel in getting their debts under control and their economies in better shape. Instead of being the major supplier of arms to the Third World, we should seek to strengthen its economic health, not only because this is morally right but because a healthy Third World will be our major market in the future.

Fifth, there are two additional global concerns that lend themselves especially to American political, scientific and technical leadership: halting the degradation of the physical environment and ending human hunger. In concert with other nations and the U.N. system, we should lead the way in halting the pollution of the oceans and waterways, the erosion of the soil, the loss of forests, the contamination of the air and the disruption of the life-preserving ozone. The alarming destruction of our planet by environmental deterioration may constitute a more serious threat to humanity than nuclear weapons. An international effort led by the United States to protect the world's environment could well be our first line of defense and national security.

Closely related to environmental concerns is the urgent need to win the struggle against hunger. Here again the United States is the best-endowed nation on earth to lead the effort to end starvation and malnutrition. We have the technical capability, the agricultural abundance and the shipping to lead the way to a world free from hunger. A more imaginative use of our surplus food in the short term and a greater effort to improve the agriculture of the developing world in the long term is the kind of internationalism that will give new force and respect to America's role in the world.

These environmental and hunger concerns present opportunities for closer cooperation with our allies, the Soviet Union and the developing world.

Sixth, it seems increasingly clear that our national and international concerns are deeply intertwined. There is, for example, little hope of ending or huge annual deficits unless we can bring the arms race under control. Nor can we correct the alarming U.S. trade deficit and the decline of some of our industries, including agriculture, that are dependent on exports unless the Third World, as the largest potential market for American goods, is able to improve its economic health. A further illustration of our inextricable involvement with Third World problems is the scourge of destructive drugs flowing into the United States. The peasants in such poor countries as Bolivia, Peru, Mexico and Colombia survive in considerable part by selling cocaine and marijuana to the American market. Equally poor farmers in Southeast Asia and Turkey supply us with heroin. In short, the poverty, underdevelopment and desperation measures of the Third World spill over into America to feed the most destructive social evil in our society.

The economic, political, environmental and military challenges around the globe demand international cooperation rather than unilateral action by single nations. For all practical purposes, isolationism and unilateralism are inadequate foreign policies in the world of today and tomorrow.

This means, I believe, that we must make increasing use of the United Nations system as a vital foreign policy vehicle. No American adminstration since World War II has given the United Nations the preeminent position it should have in the policies of a major world power. The Reagan Administration has been especially weak if not outright hostile in its attitude toward the United Nations. It is embarrassing that the current delinquency of the United States in paying its assessed contributions to the United Nations has made it necessary for smaller countries including Canada to pay their future assessments in advance so that the United Nations can meet its payroll obligations.

In our efforts to build better relationships with the Soviet Union and China, to address the massive problems of debt, development and hunger in the Third World, to meet the dangers of terrorism and the conflicts of the Middle East, to respond to the new scourge of AIDS—all of these and numerous other concerns challenge us to make greater use of the forum and the machinery of the United Nations. The U.N. Development Program and the U.N. World Health Organization have mounted a global effort against AIDS that is deserving of full U.S. support and participation. It should be noted that it was under the direction of the World Health Organization that smallpox was virtually ended worldwide.

IV

If bringing our relationship with the global community including Moscow up to date in the light of today's realities is the most urgent foreign policy challenge of 1988, the second and equally important challenge is squaring the conduct and substance of American policy with or historical national values. In the bicentennial of or Constitution, it is important that we renew our commitment to the vision of the Framers who drafted the Declaration of Independence and the Constitution.

We have painfully learned again from the Iran-contra fiasco that secretive, illegal or antidemocratic operations abroad are not compatible with the values and needs of our democracy. If I were permitted just one line of advice to the president elected in 1988 it would be: "Heed the Constitution." The only oath we require of our president is that he "preserve, protect and defend the Constitution of the United States" and "take care that the laws be faithfully executed."

Unfortunately, several of our presidents since the end of World War II have violated their inaugural oath. These violations were invariably defended in the name of national security. Most were schemes hatched in secret by a handful of people around the president. Most were not only illegal, but also mistaken ideas that embarrassed the nation.

Congress should act to do what former President Harry Truman recommended in his later years—limit the CIA and other intelligence or security agencies of the United States strictly to the gathering of intelligence. Setting up mercenary armies, mining international harbors, assassinating local officials, overturning governments, using arms dealers to circumvent the laws and our announced foreign policy—all such activities should be terminated by law. This will not, of course, stop a president determined to break the law, but it will, at least, make such actions plainly illegal. That is a step toward constitutional government and a revival of credibility and respect for our standing in the world.

Behind our covert activities of the past four decades has been the worship of "na-

tional security" and "the power of the presidency"—notions used to justify an interventionist foreign policy and a permanent war economy. But these concepts have an authoritarian quality that is alien to the founding ideals of our constitutional democracy.

At the heart of our Constitution is the separation of powers—the system of checks and balances. The president is the commander-in-chief of the armed forces and the conductor of foreign policy. But he carries out these activities under definite constitutional checks that give the Congress a strong role in the authorization and shaping of both military and foreign policy. It is the Congress which controls the granting of funds that determine the scope and substance of foreign policy and the size and mission of the armed forces. It is the Congress which declares war and determines whether and how American forces become involved abroad, and how long and under what conditions such interventions are continued. The Senate has a special responsibility to "advise and consent" on American treaty obligations and the confirmation of diplomatic officials, which means that its role in shaping our international obligations and our diplomacy was meant not to be ancillary but integral. The Framers of the Constitution sought to avoid an imperial presidency that would be free to direct the foreign policy and the armed forces unchecked by the people's elected representatives in the Congress.

It was not simply that the Framers distrusted unchecked power, which they clearly did; they also feared an interventionist foreign policy and large, permanent military forces. Washington, Jefferson and Madison were all willing to use military power when they saw no other reasonable alternative. But they all opposed the creation of standing military forces that went beyond emergency requirements, and they all despised an interventionist foreign policy that needlessly embroiled the United States abroad. Jefferson called for "peace, commerce, and honest friendship with all nations, entangling alliances with none." Washington, I repeat, warned against either "inveterate antipathies" or "passionate attachments" to other nations.

The Constitution that was hammered out in Philadelphia in 1787 sought to prevent reckless interventionism and rampant militarism by deliberately tying the hands of the president so that he could not raise huge military forces or involve the nation in foreign expeditions without congressional approval and close executive-legislative cooperation. Today, the postwar results of failing to heed the noninterventionist precepts of the Founders are painfully on view in the fields of white crosses in Arlington Cemetery and on the black marble wall of the Vietnam Memorial. As a former World War II bomber pilot, I lament that many of my countrymen were dispatched in causes far less worthy.

If we are to "intervene" abroad, let us do so primarily with our political, economic and moral strength. A prominent example is the case of South Africa, where the American position should be clear and unequivocal. There is no place for apartheid in the modern world. We should follow a policy of steadily tightening diplomatic and economic pressure on South Africa in concert with other nations which share our rejection of national racism.

For most of our 200-year course as a nation we have been well served by the wisdom of the constitutional Framers. We have seen that document as both a body of principles and a living experiment that has enabled us to meet new and changing circumstances. But especially since World War II we have drifted far from the essential wisdom of the Founders and the constitutional process they bequeathed. This has led us into a series of ill-advised, bloody interventions abroad, a self-defeating arms race, disruptive economic costs at home, and a steady decline of real security and international influence. We are at a watershed, requiring a change in direction. In 1988, as at the beginning of the American nation, we need to build a foreign policy that is consistent with both the procedures and the substance of a genuine constitutional democracy.

V

If I may add a note of personal advice to the presidential contenders, I would warn them against making hasty pledges under campaign pressures that might hamper their capacity to make unfettered decisions in the White House. I blush when I think of a few of the commitments I made as the Democratic nominee in 1972, including a promise that if elected I would move the American embassy in Israel from Tel Aviv to Jerusalem. This might have pleased a few Israelis and a handful of American voters, but it would have been disastrous to our standing in the Arab world, seriously eroding our ability to serve as an "honest broker" of the Middle East conflict.

In 1960 Democratic nominee John Kennedy chided the incumbent Eisenhower Administration for not moving forcefully against Castro. Perhaps in this militant campaign rhetoric Kennedy, the candidate, was helping to set the trap for the Bay of Pigs fiasco that a few months later embarrassed Kennedy, the president. In 1968 candidate Richard Nixon implied that he had a plan to end the war in Vietnam. When the war dragged on for four more years, it produced a sense of betrayal that disillusioned millions of Americans. President Lyndon Johnson's pledge four years earlier that he was "not going to send American boys to do the job that Asian boys should be doing" was an earlier source of presidential credibility problems.

It is not necessary for presidential candidates to take a rigid stand on every one of the world's problems—especially those which carry domestic political lobbies demanding candidate commitments that are tempting to grasp but difficult to live with after the election. Indeed, a president's freedom of action is limited by the Constitution, by acts of Congress, by American public opinion and by the changing complexity of the global scene. Rather than glibly promising a neat solution to each of the foreign policy issues facing the country, a prudent presidential contender should pledge to seek basic policy objectives in consultation with the Congress and our allies, sometimes after negotiations with our rivals but always within the spirit and the laws of our constitutional democracy. It is also still wise, I think, for an American president to form his final judgments and course of action "with a decent respect to the opinions of mankind."

## REQUEST TO CONSIDER RESCISSION OF CERTAIN SPENDING AUTHORIZED FOR FISCAL YEAR 1988—MESSAGE FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT—PM 121

Under the authority of the order of the Senate of February 3, 1987, the Secretary of the Senate, on March 10, 1988, during the adjournment of the Senate, received the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Appropriations:

*To the Congress of the United States:*

I ask the Congress to consider the rescission or repeal of the wasteful, unnecessary, or low priority spending projects that were included in the full-year fiscal 1988 Continuing Resolution (P.L. 100-202). These are the projects that, if I were able to exercise line item veto authority, I would delete. They consist of Congressional directives and amendments concerning activities which are unnecessary and for which my Administration has not requested funds. It is my hope that the funds appropriated for these projects will not be spent as directed and can instead be spent on worthwhile projects or retained by the Treasury to lower the deficit. Accordingly, I am informally asking that the Congress review these projects, appropriations, and other provisions line by line and either rescind or repeal them as soon as possible. I reserve the option of transmitting at a later date either formal rescission proposals or language that would make the funds available for more worthwhile purposes, for any or all of these items.

Since I assumed this office, the Congress has appropriated billions of dollars for questionable purposes, much of it in the context of massive spending bills passed in great haste that not even Congress had an adequate chance to evaluate. Because current law so severely restricts my ability to impound or not spend appropriated funds, I again appeal to the Congress to provide the Chief Executive with permanent line item veto authority. In the meantime, I urge your prompt attention to this request for legislative action in order to avoid these unnecessary expenditures of taxpayer dollars.

The details of these projects are set forth in the attached letter from the Director of the Office of Management and Budget.

RONALD REAGAN.

THE WHITE HOUSE, *March 10, 1988.*

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to

the Senate by Ms. Emery, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## ANNUAL REPORT ON INTERNATIONAL ACTIVITIES IN SCIENCE AND TECHNOLOGY—MESSAGE FROM THE PRESIDENT—PM 119

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

*To the Congress of the United States:*

In accordance with Title V of the Foreign Relations Authorizations Act for Fiscal Year 1979 (Public Law 95-426), I am transmitting the Administration's annual report on international activities in science and technology (S&T) for Fiscal Year 1987. The report reflects a U.S. commitment to international scientific and technological cooperation of impressive range and depth.

New breakthroughs in 1987 demonstrated the increasing importance of international cooperation in science and technology. The discovery of superconductivity at high temperatures has the potential to revolutionalize the way we work and live; international agreement on a protocol concerning protection of the ozone layer was a major accomplishment which will benefit future generations.

Official, government-to-government science and technology cooperation, such as our highly successful cooperative programs with India and China, supports our foreign policy objectives, as well as the mission objectives of the domestic agencies involved. Through the space sciences and environmental agreements we engaged in practical cooperation with the Soviet Union, while the signing of an S&T agreement during the Vice President's September 1987 visit to Warsaw provided a visible signal of our desire to improve relations with Poland. Such international cooperation should provide positive science and technology benefits to involved domestic U.S. agencies commensurate with their cost.

United States preeminence in science and technology has been a major force in our leadership of the free world since World War II. Today we are putting new emphasis on assuring continued U.S. strength in science and technology in the years ahead. Employing science and technology to improve American industry's competitiveness is a major objective of this Administration. On April 10, 1987, I issued an Executive order to facilitate industry access to federally funded research and development and to assure more effective access by American researchers to developments in science and technology abroad. In negotiating new S&T agreements, we are seeking equitable access by American researchers to foreign research facilities, balance in the contributions and benefits for countries participating in the agreements, and assurance of protection for intellectual property rights.

We are working with our economic partners and allies to ensure that all industrialized countries make equitable contributions to the world scientific enterprise. We are negotiating with Japan to restructure our Head of State-level S&T agreement to reflect new realities, including Japan's prowess in science and technology.

In numerous developing countries, science and technology are instrumental in furthering U.S. foreign policy objectives. Agency for International Development-funded programs continue to produce major advances in the health sciences and increased global stability through improved agricultural output, while facilitating the entry of American vendors into overseas markets.

To implement the United States-Brazil Presidential S&T initiative announced in September 1986, a distinguished binational panel of scientific experts met twice during 1987 and identified priority areas of research for cooperative projects. The recommendations of that eminent panel will be considered by the United States-Brazil Joint Commission for an expanded program of cooperation, as envisioned in the 1986 initiative.

Impressive gains were made in Fiscal Year 1987 in utilizing our S&T relations to enhance America's defensive capabilities through increased foreign participation in the Strategic Defense Initiative and through other cooperative S&T activities, such as those carried out under NATO auspices. At the same time we have negotiated several agreements that significantly strengthen free-world efforts to control illicit transfer of advanced technology to potential adversaries.

Participation in international science and technology activities is vital to U.S. national security in the broadest sense. Science and technology can be a powerful force to enrich cooperative relations with friends and adversaries, as well as to strengthen our Nation's competitive posture in the economic arena. International cooperation can accelerate the rate of scientific discovery and the development of new technologies to meet the needs and challenges of the future. In many cases, the benefits of such cooperation accrue first to the partners in the joint effort, and such returns make it feasible to sustain a long-term commitment to cooperation. Ultimately, however, all the world's people are beneficiaries. I remain committed to the belief that international cooperation in S&T is vital to the future prosperity and security of our Nation and of the earth.

RONALD REAGAN.

THE WHITE HOUSE, March 14, 1988.

## ANNUAL REPORT OF THE ACTION AGENCY—MESSAGE FROM THE PRESIDENT—PM 120

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources:

*To the Congress of the United States:*

In accordance with Section 407 of the Domestic Volunteer Service Act of 1973, as amended (42 U.S.C. 5047), I transmit herewith the Annual Report of the ACTION Agency for Fiscal Year 1987.

RONALD REAGAN.

THE WHITE HOUSE, *March 14, 1988.*

## PRESIDENTIAL APPROVALS

A message from the President of the United States announced that he had approved and signed the following bill and joint resolutions:

On February 29, 1988:

S. 2022. A act to amend title 38, United States Code, to authorize reductions under certain circumstances in the downpayments required for loans made by the Veterans' Administration to finance the sales of properties acquired by the Veterans' Administration as the result of foreclosures and to clarify the calculation of available guaranty entitlement and make other technical and conforming amendments; and

S.J. Res. 122. Joint Resolution to designate the week beginning October 16, 1988, as "Gaucher's Disease Awareness Week."

On March 8, 1988:

S.J. Res. 251. Joint resolution designating March 4, 1988, as "Department of Commerce Day"; and

S.J. Res. 262. Joint resolution to designate the month of March 1988, as "Women's History Month."

## MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of February 3, 1987, the Secretary of the Senate, on March 8, 1988, received a message from the House of Representatives announcing that pursuant to the provisions of section 9355 of title 10, United States

Code, the Speaker appoints Mr. DELAY to the Board of Visitors to the U.S. Air Force Academy on the part of the House, vice, Mr. LEWIS of California, resigned.

Under the authority of the order of the Senate of February 3, 1987, the Secretary of the Senate, on March 9, 1988, received a message from the House of Representatives announcing that pursuant to the provisions of section 1139 of the Social Security Act, as amended by section 9136 of Public Law 100-203, the Speaker appoints on the part of the House the following as members of the National Commission on Children:

(a) Individuals providing services, activities, or research for children: Mr. Gerald W. McEntee, Washington, DC, Dr. T. Berry Brazelton, Cambridge, MA, Dr. Donald J. Cohen, New Haven, CT, and Mrs. Mary Hatwood Futrell, Washington, DC.

(b) Individuals who are elected or appointed public officials: Representative MILLER of California, Mrs. Ruth W. Massinga, Silver Spring, MD, and Mrs. Martha Griffiths, Lansing, MI.

(c) Individuals who are parents or represent parent organizations: Mrs. Nancy M. Daly, Los Angeles, CA, Ms. Sarah C. Shuptrine, Columbia, SC, Mrs. Bernice Weissbourd, Evanston, IL, and Mr. A. Sidney Johnson III, Bethesda, MD.

## MESSAGES FROM THE HOUSE

At 1:00 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1430. An act to authorize decorations, medals, and other recognition for service in the U.S. merchant marine, and for other purposes; and

H.R. 2032. An act to authorize the conveyance of the vessel, Lane Victory.

At 1:32 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the amendments of the Senate to the bill (H.R. 2631) to authorize appropriations for the Bureau of the Mint for fiscal year 1988, and for other purposes.

The message also announced that the House has passed the following joint resolutions, without amendment:

S.J. Res. 125. Joint resolution to designate the period commencing on May 9, 1988, and ending on May 15, 1988, as "National Stuttering Awareness Week";

S.J. Res. 218. Joint resolution to designate March 25, 1988, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy"; and

S.J. Res. 252. Joint resolution designating June 5-11, 1988, as "National NHS-NeighborWorks Week."

The message further announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3967. An act to amend the Department of Defense Authorization Act, 1985, to extend medical benefits for certain former spouses.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 259. A concurrent resolution marking the fourth anniversary of the closing of ABC Color, the only independent newspaper of Paraguay; condemning the refusal of the Government of Paraguay to permit the reopening of ABC Color; and urging the Government of Paraguay to guarantee freedom of the press.

## MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 1430. An act to authorize decorations, medals, and other recognition for service in the United States merchant marine, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 2032. An act to authorize the conveyance of the vessel, *Lane Victory*, to the Committee on Commerce, Science, and Transportation.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 259. A concurrent resolution marking the fourth anniversary of the closing of ABC Color, the only independent newspaper of Paraguay; condemning the refusal of the Government of Paraguay to permit the reopening of ABC Color; and urging the Government of Paraguay to guarantee freedom of the press; to the Committee on Foreign Relations.

## MEASURES PLACED ON THE CALENDAR

Pursuant to 42 U.S.C. 2159(i)(4), the Committee on Foreign Relations was discharged from further consideration of the following joint resolution; which was placed on the calendar:

S.J. Res. 241. Joint resolution to disapprove the proposed Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Peaceful Uses of Nuclear Energy, transmitted to the Congress by the President on November 9, 1987.

The following bills were read the second time, and placed on the calendar:

S. 2117. A bill to extend the statute of limitations applicable to certain claims under the Age Discrimination in Employment Act of 1967 that were filed with the Equal Employment Opportunity Commission before the date of enactment of this act; and

H.R. 4063. An act to require the Secretary of Labor to permit North Carolina and South Carolina to continue to employ 17-year-old school bus drivers under certain conditions until June 15, 1988.

## EXECUTIVE AND OTHER COMMUNICATIONS

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

EC-2727. A communication from the Assistant Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to a supplemental contract award; to the Committee on Armed Services.

EC-2728. A communication from the Executive Director, Neighborhood Reinvestment Corporation, transmitting a draft of proposed legislation to amend the Neighborhood Reinvestment Corporation Act; to the Committee on Banking, Housing, and Urban Affairs.

EC-2729. A communication from the Secretary of Transportation, transmitting a draft of proposed legislation "To direct the Secretary of the department in which the Coast Guard is operating to require alerting and locating equipment, including emergency position indicating radio beacons, on United States uninspected vessels and for other purposes;" to the Committee on Commerce, Science, and Transportation.

EC-2730. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, a report on "EPA Activities and Accomplishments Under the Resource Conservation and Recovery Act"; to the Committee on Environment and Public Works.

EC-2731. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, a report on a lease-purchase prospectus for Foley Square in New York City; to the Committee on Environment and Public Works.

EC-2732. A communication from the Chairman, National Research Council, transmitting, pursuant to law, a report entitled "From Quality Control to Quality Improvement in AFDC and Medicaid;" to the Committee on Finance.

EC-2733. A communication from the Assistant Secretary (Legislative Affairs), Department of State, transmitting, pursuant to law, a report relative to displaced Tibetans; to the Committee on Foreign Relations.

EC-2734. A communication from the Assistant Secretary (Indian Affairs), Department of the Interior, transmitting, pursuant to law, a report concerning the use of the Navajo Tribe's judgment funds in Dockets 69 and 299, 256-69 and 377-70, and 588-83L before the United States Claims Court; to the Committee on Indian Affairs.

EC-2735. A communication from the Chief Immigration Judge, Department of Justice, transmitting, pursuant to law, a report concerning certain cases involving aliens whose deportation has been suspended; to the Committee on the Judiciary.

EC-2736. A communication from the Chairman, Consumer Product Safety Commission, transmitting, pursuant to law, a report of the Consumer Product Safety Commission on its activities during calendar year 1987 in administering the Freedom of Information Act; to the Committee on the Judiciary.

EC-2737. A communication from the President of the Export-Import Bank of the United States, transmitting, pursuant to law, a report of the Export-Import Bank on the Freedom of Information Act for calendar year 1987; to the Committee on the Judiciary.

EC-2738. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, a report of the Federal Energy Regulatory Commission on the Freedom of Information Act during the calendar year 1987; to the Committee on the Judiciary.

EC-2739. A communication from the Chairman for the Federal Election Commission, transmitting, pursuant to law, a report of the Federal Election Commission with respect to the Freedom of Information Act during 1987; to the Committee on the Judiciary.

EC-2740. A communication from the Executive Director for the International Association of Chiefs of Police, transmitting, pursuant to law, a report on effective firearms management; to the Committee on the Judiciary.

EC-2741. A communication from the Attorney General of the United States, transmitting, pursuant to law, a report of litigation challenging the constitutionality of the Sentencing Reform Act of 1984; to the Committee on the Judiciary.

EC-2742. A communication from the Chairman for the National Endowment for the Arts, transmitting, pursuant to law, a report of the National Endowment for the Arts on the Freedom of Information Act for 1987; to the Committee on the Judiciary.

EC-2743. A communication from the Acting Secretary, Department of Agriculture, transmitting, a draft of proposed legislation entitled "To amend section 353 of the Consolidated Farm and Rural Development Act;" to the Committee on Agriculture, Nutrition, and Forestry.

EC-2744. A communication from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting, pursuant to law, a report on converting to contract by performance the maintenance, utilities, and motor transportation services at the Marine Corps Recruit Depot, Parris Island, South Carolina; to the Committee on Armed Services.

EC-2745. A communication from the Acting Director, Defense Security Assistance Agency, transmitting, pursuant to law, a report on the Co-Production or Co-Assembly of the M1 or the M1A1 Tank; to the Committee on Armed Services.

EC-2746. A communication from the Deputy Assistant Secretary of Defense, transmitting, pursuant to law, a report on multinational agreements entered into by each Military Department during fiscal year 1987 and the total dollar value of purchases and sales from each agreement; to the Committee on Armed Services.

EC-2747. A communication from the General Counsel, Department of Defense, transmitting, a draft of proposed legislation "To provide greater flexibility in military officer personnel management during officer force reductions;" to the Committee on Armed Services.

EC-2748. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, the second report of the General Services Administration to the Congress and the Interagency Council on the Homeless; to the Committee on Banking, Housing and Urban Affairs.

EC-2749. A communication from the Administrator of the Federal Home Loan Bank System Pension Portability Plan, transmitting, pursuant to law, the Actuarial Valuation Report for the Federal Home Loan Banks Pension Portability Plan, for the plan years ending December 31, 1986 and 1985; to the Committee on Banking, Housing, and Urban Affairs.

EC-2750. A communication from the Acting General Counsel, Department of the Treasury, transmitting, a draft of proposed legislation entitled "Federal Banking Enforcement Amendments Act of 1988;" to the Committee on Banking, Housing, and Urban Affairs.

EC-2751. A communication from the Administrator, National Aeronautics and Space Administration, transmitting, a draft of proposed legislation "To authorize appropriations to the National Aeronautics and Space Administration for research and development; space flight, control and data communications; construction of facilities; and research and program management; and for other purposes;" to the Committee on Commerce, Science, and Transportation.

## REPORTS OF COMMITTEES SUBMITTED DURING ADJOURNMENT

Under the authority of the order of the Senate of March 4, 1988, the following reports of committees were submitted on March 10, 1988, during the adjournment of the Senate:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

S. 1493. A bill to clarify the authority of the Secretary of the Interior to make land exchanges within the Arctic National Wildlife Refuge (Rept. No. 100-296).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment on the nature of a substitute:

H.R. 1495. An act to designate certain lands in Great Smoky Mountains National Park as wilderness, to provide for settlement of all claims of Swain County, NC, against the United States under the agreement dated July 30, 1943, and for other purposes (with minority views) (Rept. No. 100-297).

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. BURDICK:

S. 2158. A bill to amend the authority of the Corps of Engineers with respect to bank stabilization and shoreline erosion along the Missouri River; to the Committee on Environment and Public Works.

By Mr. NICKLES:

S. 2159. A bill to amend the Commercial Motor Vehicle Safety Act of 1986 to provide that the requirements for the operation of commercial motor vehicles will not apply to the operation of certain farm vehicles; to the Committee on Commerce, Science, and Transportation.

By Mr. KASTEN:

S. 2160. A bill to amend the Internal Revenue Code of 1986 to remove certain limitations on charitable contributions of certain items; to the Committee on Finance.

By Mr. BENTSEN:

S. 2161. A bill to exclude certain farmout agreements from property of the estate; to the Committee on the Judiciary.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

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

S. Con. Res. 103. A concurrent resolution expressing the sense of the Congress that the President should award the Presidential Medal of Freedom to Charles E. Thornton, Lee Shapiro, and Jim Lindelof, citizens of the United States who were killed in Afghanistan; to the Committee on the Judiciary.

## STATEMENTS OF INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BURDICK:

S. 2158. A bill to amend the authority of the Corps of Engineers with respect to bank stabilization and shoreline erosion along the Missouri River; to the Committee on Environment and Public Works.

### MISSOURI RIVER BANK STABILIZATION AND SHORELINE EROSION

Mr. BURDICK. Mr. President, a little over a year ago I conducted a hearing in the capital city of my home State. We held that hearing in a small hotel conference room which was soon literally packed with citizens of North Dakota who had come to tell me of the seriousness of bank erosion on the Missouri River. Mr. President, these farmers and ranchers had a different story to tell than is normally the case when river bank erosion is discussed, because as we all know bank and soil erosion generally is a widespread problem in the Western States. What these farmers said was that the erosion pattern on the Missouri River had changed. Before the Corps of Engineers built the mainstem Missouri River Reservoirs, there had been erosion along the river bank, but there had also been land aggression along the Missouri, land "creation" by the river which no longer occurred.

Farmer after farmer testified in vivid detail of the problem, and of the widespread belief that the hundreds of acres of land lost each year was a direct result of the way in which the Army Corps of Engineers operated and maintained the Missouri River reservoirs for their authorized purposes of navigation, flood control, hydroelectric power, et cetera.

At this same hearing the Corps of Engineers testified. The principle witness was General Dominey, whose father inspired much of the water resource development in the West. While he was emphatic that the Corps of Engineers was not responsible for the bank erosion, he would not categorically rule out the possibility that corps operations were responsible for the property loss.

I felt it was necessary to have had an independent assessment of the prob-

lem performed, Mr. President. I wrote to the Comptroller General and asked him to determine whether the corps had ever examined the potential erosion problems which would be created by the operation of the Missouri mainstem dams, whether the character of the erosion which now occurs is different than before the dams were built, what responsibility the corps may have for the erosion which has occurred, and what authority the corps has to conduct stabilization measures as a maintenance responsibility under its responsibilities to operate and maintain the Missouri River system.

Mr. President, GAO has completed its investigation, and I am today making their findings public and am introducing legislation in response to those findings to correct the deficiencies in the corps authority which GAO found to exist.

The conclusions of the GAO are very straightforward, and I would ask that the summary pages from the GAO report be included at this point in the RECORD.

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

GENERAL ACCOUNTING OFFICE,
*Washington, DC, March 7, 1988.*

HON. QUENTIN N. BURDICK,
*Chairman, Committee on Environment and Public Works, U.S. Senate.*

DEAR MR. CHAIRMAN: In response to your March 3, 1987, letter and subsequent discussions with your office, this report discusses streambank erosion problems concerning the Corps of Engineers' six dams and lakes located on the upper Missouri River in Montana, North Dakota, South Dakota, and Nebraska. As requested, emphasis is given to the 87 miles of the river between Garrison Dam and Lake Oahe in North Dakota. We address (1) whether the Corps evaluated streambank erosion problems when the dams were planned, and if the planning was deficient; (2) the extent of bank erosion problems between Garrison Dam and Lake Oahe that are caused by the Corps' dam operations; (3) whether the Corps ever examined mitigation measures for bank erosion; (4) whether the Corps ever evaluated the environmental impact of bank erosion; (5) the economic consequences of letting bank erosion continue; (6) whether legal authority exists to enable the Corps to correct streambank erosion problems; and (7) whether the Corps is liable for erosion damages. Also, as agreed with your office, we have identified options the Congress could consider in dealing with streambank erosion involving federal dams.

In summary:

The Corps did not evaluate streambank erosion problems when the dams were planned and, in our opinion, had a reasonable basis for not doing so. The laws that authorized the projects in the 1930s and 1940s did not include bank stabilization measures as part of the projects on the upper Missouri River. At that time the concerns were flood control, hydropower, irrigation, and navigation. Accordingly, the Corps was not required to study, before construction, streambank erosion problems that the projects might create. Additionally, the earliest empirical methods for estimating degradation below dams were developed in the early 1960s, long after the dams were planned. (See sec. 2.)

Corps studies of the Missouri River between Garrison Dam and Lake Oahe show that bank erosion is less now than before the dam was built—reduced from an average annual loss of 222 acres to 71 acres. However, in the period before the Garrison Dam, the 222 acres lost to erosion were offset by a like amount of soil being deposited at other places along the river during floods, a process called "accretion." Since the construction of the dam, both the Corps and North Dakota State Water Commission officials agree that the accretion process has been altered and that now there is a continuous net loss of lands. Past Corps studies of the river have not given consideration to the alteration in the accretion process. However, Corps officials in Omaha plan to review the change in the accretion process as part of their current study on the upper Missouri River. (See sec. 3.)

The Corps did not examine mitigation measures for streambank erosion on the upper Missouri River before construction of the dams. After the dams were constructed, however, the Congress authorized streambank erosion control structures in 1963, 1968, 1974, and 1976. Some of these structures were installed between Garrison Dam and Lake Oahe. In 1987, the Corps identified a total of 192 erosion sites of varying severity that would require an estimated $103.6 million to protect against streambank erosion on the upper Missouri River. Forty-one of these sites, estimated to cost $28.2 million to protect, are between Garrison Dam and Lake Oahe. (See sec. 4.)

Until the National Environmental Policy Act of 1969, the Corps had no requirement to evaluate the environmental impacts of proposed dam construction. The last of the Corps dams and lakes on the upper Missouri River was completed in 1965. While the Corps has not evaluated the environmental impacts of erosion in general, after the construction of the dams, the Corps completed environmental impact statements in 1973 and 1978 for bank protection structures installed between Garrison Dam and Lake Oahe. The U.S. Fish and Wildlife Service also made an environmental evaluation in 1981 for these protection structures. Overall, these statements and the evaluation noted only minor environmental effects. (See sec. 5.)

Our analysis of relevant scientific and engineering data and reports indicated that the river banks will continue to erode, but at a lesser rate than in the past, between Garrison Dam and Lake Oahe. Further, it appears that the worst bank erosion may already have taken place on this stretch of the river. However, the primary economic consequence from the erosion will be borne by landowners who build, farm, or timber on lands adjacent to the river. The Corps has estimated that the annual costs of the protective structures needed between Garrison Dam and Lake Oahe would be $2.3 million, whereas the annual benefits would be only $270,000. (See secs. 4 and 5.)

The Corps has no legal authority to construct bank protection structures using maintenance funds. However, the Corps has authority to provide erosion protection structures under the Water Resources Development Act of 1986; such structures have to be economically justified and environmentally acceptable. The Corps has estimated that the protective structures needed on the upper Missouri River—192 sites estimated to cost $103.6 million—are not economically justified. (See secs. 4 and 6.)

A property owner might make a claim against the United States for bank erosion on the Missouri River alleging a taking of property under the Fifth Amendment of the U.S. Constitution or the government's negligence under the Federal Tort Claims Act. On the basis of past court rulings, we believe there is little chance of anyone obtaining compensation for bank erosion in either instance. (See sec. 6.)

We identified two options that the Congress could consider in dealing with streambank erosion involving federal dams. Both would require legislation and commitments of large amounts of federal funds—$103.6 million for the upper Missouri River and billions nationwide. One option would be to fully or partially fund the cost of erosion control whether economically justified or not. Under this option the federal taxpayer and/or a nonfederal entity would pay for the protection. The other would be to allocate the costs of erosion control, whether economically justified or not, to a project purpose or purposes. Under this option the hydroelectric consumers, other beneficiaries, and federal taxpayers would pay varying portions of the cost of the erosion control structures. Neither of these options may be feasible at this time, however, because of the budget deficits and the efforts of the Congress to reduce federal spending. (See sec. 7.)

Our work was performed between April and December 1987 in accordance with generally accepted government auditing standards. We obtained legal opinions from the Corps' Chief Counsel and our Office of General Counsel on Corps authority to construct and maintain erosion control structures, and on the Corps' liability for erosion on the upper Missouri River. We interviewed Corps officials in Washington, D.C., and in Omaha, Nebraska. We reviewed various documents relating to the construction of the dams and lakes, streambank erosion problems, completed erosion control works, and the laws authorizing construction of bank stabilization works. We also interviewed the State engineer, North Dakota Water Commission, and his staff; the chairman of a five-county board in North Dakota whose counties are affected by the river (this person was also the Chairman of the Upper Missouri River Basin Bank Protection Task Force); the owners of land along the river; and a U.S. Fish and Wildlife Service officials. Additionally, we toured the Missouri River between Garrison Dam and Bismarck, North Dakota. Our staff geologist reviewed and analyzed geological, hydraulics, and engineering data with regard to the character and extent of erosion on the Missouri River.

In its official agency comments (see app. II), the Department of Defense fully agreed with our report. The Department said that the report presents a full and fair explanation of the Army Corps of Engineers' actions, applicable authorities, and responsibilities pertinent to bank erosion on the upper Missouri River.

As arranged with your office, unless you publicly announce its contents earlier, we will not distribute this report until 10 days after the date of this letter. At that time copies will be made available to appropriate congressional committees; the Secretaries of Defense and the Army; and other interested parties.

If you have any questions regarding this report, please call me at (202) 275-7756.

Major contributions to this report are listed in appendix III.

Sincerely yours,

JAMES DUFFUS III,
*Associate Director.*

Mr. BURDICK. Mr. President, these findings are very significant to the people of North Dakota. GAO found clear evidence that the existing pattern of erosion is related to the operation and maintenance of the Missouri River reservoirs; they have made clear what many of my constituents have known in their heart for a long time, but no one in the Federal Government would ever come out and tell them that the corps is not legally responsible for these damages because there was no way for them to have incorporated these effects into the plans, designs, and costs of the mainstem reservoirs 40 years ago.

The report makes clear that the corps would have to examine this problem if it were building the mainstem dams today, Mr. President. Today they would have to know these effects, and they would have to account for them.

Mr. President, GAO found that the only authorities which the corps has to conduct measures to stabilize the Missouri River banks downstream of the mainstem dams are the basic authorities to conduct erosion control projects. But as I have pointed out, Mr. President, the bank erosion which is occurring in the area examined by GAO does not warrant a "project." It occurs in its current devastating pattern because of the operation of the reservoirs. Bank stabilization is therefore a cost of doing business which is currently not being paid for, and as GAO points out, one of the options available to the Congress to remedy the problems on the river is to make bank stabilization a maintenance responsibility of the corps under its responsibilities to maintain the Missouri River system.

Before I outline my proposed legislation, Mr. President, I want to make one further comment about the GAO report which is very significant. Perhaps it is the most significant aspect of the entire report. That is the fact the Department of Defense, in the person of the Assistant Secretary of the Army, concurred completely in the findings of the GAO report. There was not one question. Not one if, and, or but. They agreed. They agreed that erosion on the Missouri is categorically different than before the dams existed. They agreed the corps had nothing other than project authorities and emergency authorities to meet the need for action. They agreed that the options which were open to the Congress to resolve this problem included the prospect of giving authority to the Corps of Engineers to conduct bank stabilization work as a maintenance duty under its authority to operate and maintain the Missouri River system.

Mr. President, this is very simply what I have done. The bill I am introducing here today takes but one page of text. It simply amends the existing authority of the Corps of Engineers to operate and maintain the Missouri River system to include bank stabilization measures, or where appropriate, and with willing sellers, to purchase an easement from the affected landowner in lieu of such measures. The reasons for this legislation are obvious all along the Missouri River and are now finally objectively outlined for everyone to see.

Mr. President, I would ask that a copy of this legislation be inserted at this point in the RECORD.

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

S. 2158

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

Public Law 534, 78th Congress, second session, section 9 is hereby amended by adding the following new subsection (f): The Secretary of the Army is directed to undertake such measures, including the maintenance and rehabilitation of existing structures, that the Secretary determines are needed to alleviate bank erosion and related problems associated with reservoir releases along the Missouri River between Fort Peck Dam, Montana, and Gavins Point Dam, South Dakota and Nebraska. Notwithstanding any other provision of law, the costs of these measures, including the costs of necessary real estate interests and structural features, shall be apportioned among project purposes as a joint-use operation and maintenance expense. In lieu of structural measures, the Secretary may acquire interests in affected areas, as he deems appropriate, from willing sellers.

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By Mr. NICKLES:

S. 2159. A bill to amend the Commercial Motor Vehicle Safety Act of 1986 to provide that the requirements for the operation of commercial motor vehicles will not apply to the operation of certain farm vehicles; to the Committee on Commerce, Science, and Transportation.

COMMERCIAL MOTOR VEHICLES SAFETY ACT AMENDMENTS

● Mr. NICKLES. Mr. President, today I am introducing a bill to amend the Commercial Motor Vehicle Safety Act of 1986 to specify that certain farm vehicles not be considered commercial motor vehicles. I urge my colleagues to bring their support to this bill and eliminate a major problem before it is allowed to occur.

The Commercial Motor Vehicle Safety Act was passed in the 99th Congress as an amendment to an omnibus drug bill, H.R. 5484. Congressional hearing records show the purpose of the act was to improve driver quality, to remove problem drivers from the highways, and to establish a system which would prevent truck and bus drivers from holding more than one license. The focus of the law was on drivers of large interstate trucks and buses.

Unfortunately, the law may also adversely affect a large number of farmers. The problem stems from a provision in the law and regulations published in the Federal Register on December 11, 1987. Under the new rules, any vehicle with a gross vehicle weight rating—weight of truck loaded to its maximum capacity—of 26,001 pounds or more, including many farm trucks, will be classified as a commercial motor vehicle. In addition, vehicles carrying hazardous substances, such as some liquid fertilizers, will also be forced to comply with these regulations.

A farmer's profession is production of commerce, not its transportation. The American Farm Bureau Federation estimates that 90 percent of the farmers in this country will be affected by these regulations. The commissioner of Oklahoma's Department of Public Safety has informed me that accidents involving farm vehicles are few in number and not considered a problem. In many States, the age limit alone will eliminate a substantial portion of the work force and increase the cost of hiring qualified drivers.

Mr. President, I am in no way trying to undermine the Commercial Motor Vehicle Safety Act and its goal to increase the safety of our Nation's highways. I am, however, against the unnecessary burden these regulations will impose on farmers transporting their crops to market. During harvest, farmers must be able to utilize all their resources in order to make their operations profitable. By passing this bill, we can continue to make our Nation's highways safer while allowing our farmers to operate in a safe and practical manner.●

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By Mr. KASTEN:

S. 2160. A bill to amend the Internal Revenue Code of 1986 to remove certain limitations on charitable contributions of certain items; to the Committee on Finance.

CHARITABLE CONTRIBUTIONS ON WORKS OF ART

● Mr. KASTEN. Mr. President, I rise today to introduce legislation which will remedy a gross inequity in today's Tax Code.

Under present law, an owner of a work of art may donate that work to charity and claim the full market value as a tax deduction. But if the artist himself donates the same work to a charitable organization, he or she cannot deduct the full value of the work for tax purposes. The artist can only deduct the value of the raw materials used in the creation of the work of art.

In effect, Mr. President, our Tax Code is discouraging artists from contributing their works to charity. We are providing a disincentive for artists to cooperate in charitable endeavors.

Let me give an example of just how unfair this element of the Tax Code really is in certain instances. An artist who chooses to donate one of his paintings to charity can deduct only the cost of the paint, canvas, and frame he used in creating the painting. The Tax Code is blind to the market value of the painting. But if the artist dies and leaves the painting to his children, they have to pay estate taxes on the full market value of the painting.

Mr. President, that's patently unfair. If we want to encourage the involvement of America's artists, our creative people, in community initiatives, we'll have to take this unfair provision out of the Tax Code. That is what the legislation I am introducing today seeks to accomplish.

Once the Tax Code is relieved of this unjust provision, I think we'll see a flood of contributions of artworks to our charitable organizations, libraries, and museums. When these organizations auction off the works to private buyers at the market rate, the cashflow to the charities will increase, and so will the benefit to the community at large.

My legislation differs from other bills on the subject of artists' rights in actually allowing charitable organizations to sell donated artworks and use the proceeds for charitable purposes. As the law currently stands, a charitable organization must use a donated artwork for a very specific purpose, the same purpose for which it is allowed a charitable exemption. For example, a painting cannot be donated to the YMCA in order to be resold to help fund the YMCA's charitable work.

Mr. President, I'm sure that my colleagues will agree we need to start tapping the important national resource we have in our artists.

We need to encourage them to keep on creating, and to contribute some of their creations for the good of the community. The bill I am introducing today is a step in the right direction.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at the conclusion of my remarks.

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

S. 2160

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

SECTION 1. CHARITABLE CONTRIBUTIONS OF CERTAIN ITEMS CREATED BY THE TAXPAYER.

Subsection (e) of section 170 of the Internal Revenue Code of 1986 (relating to certain contributions of ordinary income and capital gain property) is amended by adding at the end thereof the following new paragraph:

"(6) SPECIAL RULE FOR CERTAIN CONTRIBUTIONS OF LITERARY, MUSICAL, OR ARTISTIC COMPOSITIONS.—

"(A) IN GENERAL.—In the case of a qualified artistic charitable contribution—

"(i) the amount of such contribution shall be the fair market value of the property contributed (determined at the time of such contribution), and

"(ii) no reduction in the amount of such contribution shall be made under subparagraph (A) or (B) of paragraph (1).

"(B) QUALIFIED ARTISTIC CHARITABLE CONTRIBUTION.—For purposes of this paragraph, the term 'qualified artistic charitable contribution' means a charitable contribution of any literary, music, artistic or scholarly composition, any letter or memorandum, or similar property, but only if—

"(i) such property was created by the personal efforts of the taxpayer making such contribution no less than 1 year prior to such contribution,

"(ii) the taxpayer—

"(I) has received a written appraisal of the fair market value of such property by a person qualified to make such appraisal (other than the taxpayer, donee, or any related person (within the meaning of section 465(b)(3)(C)) which is made within 1 year of the date of such contribution,

"(II) attaches to the taxpayer's income tax return for the taxable year in which such contribution was made a copy of such appraisal, and

"(III) the appraisal takes into account but is not limited to the factors described in clause (vi),

"(iii) the donee is an organization described in subparagraph (A) of subsection (b)(1),

"(iv) the use of such property by the donee is related to the purpose or function constituting the basis for the donee's exemption under section 501 (or, in the case of a governmental unit, to any purpose or function described under subsection (c)),

"(v) the taxpayer receives from the donee a written statement representing that the donee's use of the property will be in accordance with the provisions of clause (iv), and

"(vi) the written appraisal referred to in clause (ii) includes evidence of the extent to which property created by the personal efforts of the taxpayer is or has been—

"(I) owned, maintained, and displayed by organizations described in subparagraph (A) of subsection (b)(1), and

"(II) sold to or exchanged by persons other than the taxpayer, donee, or any related person (within the meaning of section 465(b)(3)(C)).

"(C) MAXIMUM DOLLAR LIMITATION.—The aggregate amount of qualified artistic charitable contributions allowable to any taxpayer as a deduction under subsection (a) for any taxable year shall not exceed the artistic adjusted gross income of the taxpayer for such taxable year.

"(D) ARTISTIC ADJUSTED GROSS INCOME.—For purposes of this paragraph, the term 'artistic adjusted gross income' means that portion of the adjusted gross income of the taxpayer for the taxable year attributable to—

"(i) income with respect to the type of property described in subparagraph (B) that is created by the taxpayer, and

"(ii) income from teaching, lecturing, performing, or similar activity with respect to such property or to similar property created by individuals other than the taxpayer.

"(E) PARAGRAPH NOT TO APPLY TO CERTAIN CONTRIBUTIONS BY PUBLIC OFFICIALS.—Subparagraph (A) shall not apply in the case of any charitable contribution of any letter, memorandum, or similar property which was written, prepared, or produced by or for an individual while such individual was an officer or employee of the United States or of any State (or political subdivision thereof) if the writing, preparation, or production of such property was related to, or arose out of, the performance of such individual's duties as such an officer or employee.

"(F) SALE OF PROPERTY BY DONEE.—For purposes of clause (iv) of subparagraph (B), the sale by a donee of property contributed to it shall be treated as a use related to a purpose or function described in such clause if the proceeds of such sale are used for such purpose or function."

SEC. 2. TREATMENT OF EXCESS DEDUCTION FOR PURPOSES OF MINIMUM TAX.

Paragraph (1) of section 56(b) of the Internal Revenue Code of 1986 (relating to adjustments applicable to individuals) is amended by adding at the end thereof the following new subparagraph:

"(F) DEDUCTION FOR CHARITABLE CONTRIBUTION OF ART, ETC. CREATED BY TAXPAYER NOT ALLOWED.—In determining the amount allowable as a deduction under section 170, subsection (e)(6) shall not apply."

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall apply to contributions made after December 31, 1986, in taxable years ending after such date.●

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By Mr. BENTSEN:

S. 2161. A bill to exclude certain farm-out agreements from property of the estate; to the Committee on Finance.

EXCLUSION OF CERTAIN FARM-OUT AGREEMENTS

● Mr. BENTSEN. Mr. President, the financial crisis in this Nation's oil and gas industry has forced a number of oil-related businesses and oilmen to seek protection under the Bankruptcy Code. That situation itself is unfortunate, and this misfortune is compounded by the failure of the Code to recognize longstanding oil industry practices under farm-out agreements. There is an inherent conflict between the Code and real-world oil industry practices, a conflict that the legislation I am introducing today will eliminate.

A little background on common practices in the oil and gas industry is useful prior to a discussion of my bill. Industry practice has been to follow the efficient process of leaving full legal title to oil and gas leases in one individual or entity even though interests in those leases are held by others through a number of unrecorded agreements related to development of the leases.

Apart from the obvious simplicity of leaving record title unamended though other incidents of ownership have been transferred, industry practice facilitates the transfer of oil and gas production rights and avoids un-

necessary filings since many transfers are contingent upon actual production of oil and gas. And not to be understated is the fact that industry practice preserves confidentiality as to exploration activities, preserving an important development incentive.

These practical benefits have been traditionally reflected in the types of contractual arrangements used in the industry to allow persons to purchase or earn interests in oil and gas leases as they are developed. There are a number of different types of such agreements, and their usage greatly enhances the generation of capital needed to develop oil and gas reserves. As a legislator who has again and again taken steps to reduce our dependence on foreign oil and increase our domestic production, I know that the last thing that we want to do is allow a condition to persist that inhibits the generation of capital for domestic oil and gas development.

And we will inhibit the generation of capital if we do not take steps to reassert the viability of "farm-out agreements" and other agreements used in connection with the development of oil and gas. Under farm-out agreements, an operator will agree to drill wells on leased property in exchange for an interest in the underlying oil and gas lease. The actual terms of farm-out agreements vary widely, but the typical agreement does not call for an actual transfer of record title until the requirements of the farm-out have been satisfied. Farm-out agreements are also the basis upon which the operator will often provide percentage interests to the geologists, landmen, engineers, and others whose services he retains to assist in the development of the lease.

Because of the inherent uncertainty of oil and gas development, the true extent of the assignment from the leasehold owner to the operator—and from the operator to the geologists, landmen, et cetera—is not discernible until the drilling has been completed, the well is producing and the depth of the well is known. Only at that point will the interests of the operator and his subcontractors be determinable, and only at that point are formal assignments actually executed and recorded.

Yet it is often the case that an oil and gas operator has conducted substantial drilling activity under a farm out, has earned both an equitable and beneficial interest in the well, but will not have received a recorded assignment because the precise percentages and depths are not determinable since his ultimate interest may change through subsequent activity—if they drill deeper and discover additional reserves, his interest and that of his subcontractors grows. So we simply do not know the actual extent of the interest until all further development activity is ceased and the entire focus is shifted to production.

A serious problem arises when any of the parties to a farm-out or similar agreement files for protection under the code prior to the time the interests are made of record. Because of the manner in which the courts have interpreted sections 365 and 544 of the Bankruptcy Code, the interests of an operator are in jeopardy if the leasehold owner files for protection, even though the operator has performed valuable services under the farm-out agreement that led to production of oil and gas. Under the terms of the farm-out agreement, the operator has delivered his consideration and earned an interest in the reserves, but the formalities of recordation have not occurred since the ultimate extent of his interest has not been fixed. Similarly, the interests earned by geologists, landmen, et cetera are in jeopardy if the leasehold owner or the operator file for protection.

Our courts are treating these operators and their subcontractors as simple creditors, leaving them among the class of general unsecured creditors. This is unfair treatment. The transaction is complete in all meaningful respects and the code should recognize the ownership interests of the operator and his derivatives rather than putting them on a plane with persons who have general claims against the debtor totally unrelated to the developed mineral interest.

My bill would remedy this situation in a straightforward manner. It creates a new section 541(b)(3) of the Bankruptcy Code. Section 541 defines the "estate" or property of the debtor in bankruptcy, and my new section 541(b)(3) would expressly provide that the estate of the debtor does not include oil and gas interests that have been earned and the debtor has obligated itself to transfer under a farm-out or related agreement.

The current bankruptcy treatment of oil and gas development agreements threatens the development of energy resources in this country. It makes little sense to undertake the costs and risks associated with oil and gas development if there is no assurance that the interests earned will be protected against the claims of creditors arising in wholly unrelated transactions.

This legislation constitutes a simple, straightforward solution to a real problem in our domestic oil and gas industry. I urge my colleagues to support this legislation and eliminate the inequitable treatment of oil and gas interests that currently exists under our Bankruptcy Code.●

## ADDITIONAL COSPONSORS

S. 109

At the request of Mr. INOUYE, the name of the Senator from California [Mr. WILSON] was added as a cosponsor of S. 109, a bill to permit the naturalization of certain Filipino war veterans.

S. 430

At the request of Mr. METZENBAUM, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 430, a bill to amend the Sherman Act regarding retail competition.

S. 628

At the request of Mr. GRASSLEY, the name of the Senator from Idaho [Mr. SYMMS] was added as a cosponsor of S. 628, a bill to amend the Internal Revenue Code of 1986 to restore the deduction for interest on educational loans.

S. 714

At the request of Mr. SPECTER, the name of the Senator from Hawaii [Mr. MATSUNAGA] was added as a cosponsor of S. 714, a bill to recognize the organization known as the Montford Point Marine Association, Inc.

S. 1052

At the request of Mr. SPECTER, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 1052, a bill to establish a national center for the U.S. Constitution within the Independence National Historical Park in Philadelphia, PA.

S. 1250

At the request of Mr. ROCKEFELLER, his name was added as a cosponsor of S. 1250, a bill to strengthen the criminal justice partnership between the States and the Federal Government.

S. 1381

At the request of Mr. SASSER, the name of the Senator from Maine [Mr. MITCHELL] was added as a cosponsor of S. 1381, a bill to improve cash management by executive agencies, and for other purposes.

S. 1429

At the request of Mr. LAUTENBERG, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 1429, a bill to improve the Environmental Protection Agency data collection and dissemination regarding reduction of toxic chemical emissions across all media, to assist States in providing information and technical assistance about waste reduction, and for other purposes.

S. 1469

At the request of Mr. BOSCHWITZ, the names of the Senator from Wyoming [Mr. WALLOP], the Senator from Minnesota [Mr. DURENBERGER], and the Senator from New Hampshire [Mr. RUDMAN] were added as cosponsors of S. 1469, a bill to amend title VII of the Social Security Act to restrict the use of "Social Security" or "Social Security Administration" on goods not connected with such Administration.

S. 1594

At the request of Mr. GRAHAM, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 1594, a bill to improve the operation of the Caribbean Basin Economic Recovery Act.

S. 1839

At the request of Mr. MELCHER, the names of the Senator from Hawaii [Mr. MATSUNAGA], the Senator from North Dakota [Mr. BURDICK], and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of S. 1839, a bill to amend title XVIII of the Social Security Act to provide for coverage of adult day health care under the Medicare Program, and for other purposes.

S. 1856

At the request of Mr. SASSER, the name of the Senator from Maine [Mr. MITCHELL] was added as a cosponsor of S. 1856, a bill to amend chapter 25 of title 44, United States Code, to provide an authorization for the National Historical Publications and Records Commission Programs, and for other purposes.

S. 1868

At the request of Mr. MOYNIHAN, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 1868, a bill to promote nondiscrimination in State medical licensure and medical reciprocity standards, and to amend title XIX of the Social Security Act.

S. 1993

At the request of Mr. BUMPERS, the name of the Senator from Minnesota [Mr. BOSCHWITZ] was added as a cosponsor of S. 1993, a bill to amend the Small Business Act to improve the growth and development of small business concerns owned and controlled by socially and economically disadvantaged individuals, especially through participation in the Federal procurement process, and for other purposes.

S. 2015

At the request of Mr. KENNEDY, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 2015, a bill to amend the Immigration and Nationality Act to extend for 1 year the application period under the Legalization Program.

S. 2024

At the request of Mr. BAUCUS, the names of the Senator from Iowa [Mr. HARKIN], the Senator from Indiana [Mr. LUGAR], and the Senator from Indiana [Mr. QUAYLE] were added as cosponsors of S. 2024, a bill to amend the Asbestos Hazard Emergency Response Act of 1986, Public Law 99-519, to extend certain deadlines.

S. 2025

At the request of Mr. MELCHER, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 2025, a bill to amend title II of the Toxic Substances Control Act.

S. 2036

At the request of Mr. THURMOND, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 2036, a bill to redefine "extortion" for purposes of the Hobbs Act.

S. 2042

At the request of Mr. DURENBERGER, the name of the Senator from California [Mr. WILSON] was added as a cosponsor of S. 2042, a bill to authorize the Vietnam Women's Memorial Project, Inc., to construct a statute at the Vietnam Veterans Memorial in honor and recognition of the women of the United States who served in the Vietnam conflict.

S. 2046

At the request of Mr. DURENBERGER, the name of the Senator from Missouri [Mr. DANFORTH] was added as a cosponsor of S. 2046, a bill to amend title XIX of the Social Security Act to provide mandatory coverage for certain low-income pregnant women and infants.

S. 2047

At the request of Mr. THURMOND, the names of the Senator from Utah [Mr. HATCH], the Senator from Ohio [Mr. GLENN], and the Senator from Hawaii [Mr. MATSUNAGA] were added as cosponsors of S. 2047, a bill to require a health warning on the labels of all alcoholic beverage containers.

S. 2062

At the request of Mr. NICKLES, the name of the Senator from Utah [Mr. GARN] was added as a cosponsor of S. 2062, a bill to amend the Internal Revenue Code of 1986 to restore to State and local governments the right to purchase gasoline without payment of the Federal gasoline excise tax.

S. 2065

At the request of Mr. HEINZ, the names of the Senator from Mississippi [Mr. COCHRAN] and the Senator from Kansas [Mr. DOLE] were added as cosponsors of S. 2065, a bill to recognize the organization known as Veterans of the Vietnam War, Inc.

S. 2072

At the request of Mr. MOYNIHAN, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 2072, a bill to amend title 23, United States Code, to authorize the use of rights-of-way along Federal-aid highways for the construction of transportation systems that will be part of the Federal-aid highway system.

S. 2098

At the request of Mr. HOLLINGS, the names of the Senator from Alabama [Mr. SHELBY], and the Senator from New Mexico [Mr. BINGAMAN] were added as cosponsors of S. 2098, a bill to amend the Federal Aviation Act of 1958 to prohibit discrimination against blind individuals in air travel.

2109

At the request of Mr. KERRY, the name of the Senator from Washington [Mr. ADAMS] was added as a cosponsor of S. 2109, a bill to amend title 18, United States Code, to protect the civil rights of individuals from discrimination on the basis of affectional or sexual orientation.

S. 2116

At the request of Mr. KARNES, the names of the Senator from South Dakota [Mr. PRESSLER], the Senator from South Dakota [Mr. DASCHLE], and the Senator from Oklahoma [Mr. BOREN] were added as cosponsors of S. 2116, a bill to amend the Commercial Motor Vehicle Safety Act of 1986 to provide that the requirements for the operation of commercial motor vehicles will not apply to the operation of certain farm and firefighting vehicles.

S. 2122

At the request of Mr. BRADLEY, the name of the Senator from Missouri [Mr. DANFORTH] was added as a cosponsor of S. 2122, a bill to amend title XIX of the Social Security Act to reduce infant mortality through improvement of coverage of services to pregnant women and infants under the Medical Program, and for other purposes.

S. 2123

At the request of Mr. KENNEDY, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 2123, a bill to provide hunger relief, and for other purposes.

S. 2128

At the request of Mr. WARNER, the names of the Senator from North Carolina [Mr. SANFORD] and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of S. 2128, a bill to amend the Internal Revenue Code of 1986 to permit tax-free sales of diesel fuel for use by fishery vessels.

S. 2129

At the request of Mr. BAUCUS, the names of the Senator from Arkansas [Mr. BUMPERS] and the Senator from Colorado [Mr. WIRTH] were added as cosponsors of S. 2129, a bill to amend the Internal Revenue Code of 1986 to repeal the application of the uniform capitalization rules with respect to animals produced in a farming business.

S. 2152

At the request of Mr. NICKLES, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 2152, a bill to increase the authority to transfer unobligated balances between certain accounts of the Department of Defense in order to meet increased military personnel costs resulting from fluctuations in foreign currency exchange rates, and for other purposes.

SENATE JOINT RESOLUTION 141

At the request of Mr. NICKLES, the names of the Senator from Kansas [Mrs. KASSEBAUM] and the Senator from Massachusetts [Mr. KENNEDY] were added as cosponsors of Senate Joint Resolution 141, a joint resolution designating August 29, 1988, as "National China-Burma-India Veterans Appreciation Day."

SENATE JOINT RESOLUTION 197

At the request of Mr. DOLE, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of Senate Joint Resolution 197, a bill to designate the month of April 1988, as "Prevent-A-Litter Month."

SENATE JOINT RESOLUTION 245

At the request of Mr. CRANSTON, the name of the Senator from Hawaii [Mr. MATSUNAGA] was added as a cosponsor of Senate Joint Resolution 245, a joint resolution to designate April 21, 1988, as "John Muir Day."

SENATE RESOLUTION 270

At the request of Mr. LAUTENBERG, the name of the Senator from Massachusetts [Mr. KERRY] and the Senator from California [Mr. CRANSTON] were added as cosponsors of Senate Resolution 270, a resolution paying special tribute to Portuguese diplomat Dr. de Sousa Mendes for his extraordinary acts of mercy and justice during World War II.

SENATE RESOLUTION 383

At the request of Mr. LAUTENBERG, the names of the Senator from Connecticut [Mr. DODD], the Senator from Nebraska, [Mr. EXON], and the Senator from Ohio [Mr. METZENBAUM] were added as cosponsors of Senate Resolution 383, a resolution to express the sense of the Senate regarding future funding of Amtrak.

SENATE RESOLUTION 384

At the request of Mr. MCCONNELL, the names of the Senator from Washington [Mr. EVANS], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Connecticut [Mr. DODD], the Senator from Washington [Mr. ADAMS], the Senator from California [Mr. CRANSTON], the Senator from Massachusetts [Mr. KERRY], the Senator from Maryland [Ms. MIKULSKI], the Senator from North Carolina [Mr. SANFORD], and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of Senate Resolution 384, a resolution regarding the banning of political activity in South Africa.

SENATE RESOLUTION 389

At the request of Mr. LAUTENBERG, the name of the Senator for New Mexico [Mr. BINGAMAN] was added as a cosponsor of Senate Resolution 389, a resolution to express the sense of the Senate regarding future funding of the Construction Grants Program of the Clean Water Act.

## SENATE CONCURRENT RESOLUTION 103—SENSE OF THE CONGRESS REGARDING AWARD OF PRESIDENTIAL MEDAL OF FREEDOM TO CHARLES E. THORNTON, LEE SHAPIRO, AND JIM LINDELOF

Mr. DECONCINI (for himself and Mr. WILSON) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 103

Whereas the armed forces of the Soviet Union have waged a brutal war of conquest against the people of Afghanistan for 8 years;

Whereas foreign correspondents attempting to cover the war in Afghanistan have always been subject to extreme danger;

Whereas the danger to foreign correspondents became even greater in 1984 when the Soviet Ambassador to Pakistan explicitly threatened foreign journalists entering Afghanistan in the company of the Afghan resistance, known as the mujahidin;

Whereas, on September 19, 1985, Charles E. Thornton, a medical reporter for the Arizona Republic, was killed by Soviet troops while preparing a story about volunteer doctors in Afghanistan;

Whereas, on October 9, 1987, Lee Shapiro, of North Bergen New Jersey, and Jim Lindelof, of California, were ambushed and murdered by Soviet troops while filming a documentary on the war in Afghanistan;

Whereas the statements of Abdul Malik, the Afghan interpreter and guide who accompanied Lee Shapiro and Jim Lindelof and who witnessed their deaths, demonstrate that the Americans were strafed by helicopter gunships of the Soviet Union and shot by Soviet soldiers who then confiscated their equipment and film; and

Whereas Charles E. Thornton, Lee Shapiro, and Jim Lindelof displayed great courage by facing the perils of war and the lethal threat directed against correspondents and ultimately gave their lives to inform the world of the struggle for liberty taking place in Afghanistan: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* That it is the sense of the Congress that—

(1) the President should posthumously award the Presidential Medal of Freedom to Charles E. Thornton, Lee Shapiro, and Jim Lindelof in honor of their brave efforts to document the Afghan struggle for freedom; and

(2) the President should present the award to the families of Charles E. Thornton, Lee Shapiro, and Jim Lindelof at the White House on March 21, 1988, which the people of Afghanistan celebrate as the start of the new year and which date in 1987 was designated as Afghanistan Day in the United States.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President.

Mr. DECONCINI. Mr. President, I am proud to have Senator WILSON join me in expressing the sense of Congress that the President should award the Presidential Medal of Freedom to Charles Thornton, Lee Shapiro, and Jim Lindelof, citizens of the United States who were killed in Afghanistan. Congressmen COURTER, STUMP, and MATSUI introduced a similar resolution in the House of Representatives last Wednesday.

On December 24, 1979, the Soviet Union invaded Afghanistan and has waged a war in that country for 8 years and they have persistently tried to prevent the details of this conflict from reaching the free world. It took 4 days to invade this country. It has been 8 years and Moscow has not yet agreed to Afghan self-determination.

The Soviet Ambassador to Pakistan, Mr. Smirnoft, admonished French journalists:

I warn you, and, through you all of your fellow journalists: Do not try to enter Afghanistan with the so-called Mujahidin any longer. * * * In the future, the bandits and so-called journalists accompanying them will be killed.

Charles Thorton, a journalist with the Arizona Republic, was undaunted by this threat.

In September 1985 another reporter Peter Schuleter accompanied Mr. Thornton to cover an American medical team helping the Mujahidin. He later wrote the following:

For the trip out, Charles and Maugnum, myself and 13 Mujahidin crammed ourselves into a Dodge Ram pickup. We were traveling by night to escape detection by Soviet helicopters that patrol the area.

It was about 10 o'clock. We were headed southwest on a dirt road seven miles northwest of Kandahar.

It was cramped and things were tense. There were rumors of Soviet ground troops in the area. But such reports had been common during the trip, and this was a Mujahidin stronghold, so we didn't place much stock in them. Nevertheless, Mujahidin had scouted the route ahead of us. * * *

Something pinned my legs. I wriggled free, then crawled Army-style 15 yards down a shallow ravine as bullets continued to fly overhead.

Ten seconds before, there had been 16 people in the truck. Now I could see no one.

Here I am in a ambush, I thought, and I'm not scared.

I was too busy to be scared. All I could think was, What do I do now? Where are Charles and John?

I was alone, and Soviet tracer bullets were spattering everywhere. For a while there, I didn't dare move.

The soldiers shot at the truck for several hours, until if finally bust into flames. I saw the red glow of the fire and I could hear the rounds exploding. Mujahidin from the surrounding area gathered forces and began shooting back.

In the morning, I moved with Rahim into a cave. I stayed there a day and a half until some Mujahidin arrived and said they had discovered Charles' body. It was behind the truck near the rear wheel. He had been shot in the neck and the chest. I assumed he was knocked out of the truck by the force of the bullets.

Two years later, on October 9, 1987, Lee Shapiro of North Bergen, NJ, and Jim Lindelof of Los Angeles, CA, were ambushed by Soviet troops while filming a documentary on the war. An eyewitnees account by Abdul Malik, their interpreter-guide, states that

they were strafed by Soviet helicopter gunships. Soviet soldiers then confiscated their equipment and film.

Mr. President, George Mason said that—

The freedom of the press is one of the great bulwarks of liberty, and can never be restrained but by despotic governments.

This despotic government in Afghanistan has tried to restrain the press. These three men have proven that the freedom of the press must be fought for everyone and sometimes for an extremely high price. These three men are heroes. Each one sacrificed his life to document the struggle of democratic resistance against oppression.

This concurrent resolution is about the Presidential Medal of Freedom. The medal was established by President Truman in 1945 to reward superior, war-connected acts or services, and was revised by President Kennedy to include those who should be honored for special contributions to security or the national interests of the United States, world peace, cultural or other significant public or private endeavors.

Mr. President, these three reporters, who gave their lives to preserve the principle of freedom of the press and to provide the free world with an accurate accounting of events as they were unfolding under the illegal Soviet occupation of Afghanistan, certainly meet the criteria for receiving the Medal of Freedom. I am particularly proud that the Arizona press can point to a hero among its corps in the person of Charles Thorton. Charles Thornton, Lee Shapiro, and Jim Lindelof are the unsung heroes of the Afghan war.

I urge all of my colleagues to join me in supporting this current resolution. Enactment of this concurrent resolution will send the Soviet Government a strong message that the free world press will not be deterred by the Soviet threats—even at the risk of their lives.

## AMENDMENTS SUBMITTED

### INTELLIGENCE OVERSIGHT ACT

### HELMS AMENDMENTS NOS. 1630 THROUGH 1633

(Ordered to lie on the table.)

Mr. HELMS submitted four amendments intended to be proposed by him to the bill (S. 1721) to improve the congressional oversight of certain intelligence activities, and to strengthen the process by which such activities are approved within the executive branch, and for other purposes; as follows:

AMENDMENT No. 1630

Add at the end of the committee substitute amendment the following new section:

"SEC. . Nothing in this Act shall be construed as authorizing any action contrary to the determination that, inasmuch as General Manuel Noriega has been indicted by the United States for drug trafficking, unless and until the Republic of Panama (1) promptly removes General Manuel Noriega from all public offices and authority, and (2) has installed a freely elected government, within 30 days of the enactment of this Section the President of the United States, using existing authority, should notify the Government of Panama the intention of the United States to suspend, should it prove to be required by the supreme national security interests of the United States, the operation of any provision of the Panama Canal Treaties of 1978 mandating the withdrawal of United States military personnel or the closure of any United States military base protecting the Panama Canal.".

AMENDMENT No. 1631

On page 9 strike out lines 13 and 14.

AMENDMENT No. 1632

Add at the end of the committee substitute the following new section:

"SEC. . Nothing in this Act shall be construed as granting authority to take any action in derogation of the treaty making power of the United States Senate.".

AMENDMENT No. 1633

Add at the end of the bill the following new section:

"SEC. . Nothing in this Act shall be construed as granting authority to take any action in derogation of the treaty making power of the United States Senate.".

### WALLOP AMENDMENTS NOS. 1634 THROUGH 1639

(Ordered to lie on the table.)

Mr. WALLOP submitted six amendments intended to be proposed by him to the bill S. 1721, supra; as follows:

AMENDMENT No. 1634

Add at the end the following new section:

"SEC. . Nothing in this Act shall be construed as authorizing any action contrary to the determination that (a) substantial discrepancy may exist between various United States intelligence estimates of the number of SS-20 missiles possessed by the Soviet Union and the number of missiles reported by the Soviet Union to the United States pursuant to the Memorandum of Understanding to the proposed Treaty Between the United States of America and the Union of Soviet Socialist Republics Concerning Intermediate-Range Nuclear Forces (hereinafter the "INF Treaty") and such discrepancy may indicate a covert Soviet SS-20 missile force of 300 to 550 SS-20 missiles carrying 900 to 1650 high-yield nuclear warheads; (b) unless such apparent discrepancy is satisfactorily clarified, the United States could put at jeopardy its supreme national interest, its 30,000 troops stationed in Europe, and the security of NATO by ratifying the proposed Treaty and thereafter, pursuant to such Treaty, eliminating its own deterrent INF forces based in Western Europe; and (c) taking account of the foregoing, it shall not be in order for the Senate to consider the proposed INF Treaty in Executive Session unless and until the President of the United States, using existing authority, has certified to the Senate that the Senate can rely with confidence on the accuracy of the number of SS-20 missiles reported to the United States by the Soviet Union."

AMENDMENT No. 1635

At the end, add the following new section:

SEC. 5. Nothing in this Act shall be construed as contradicting the practice that before the beginning of each fiscal year, the President shall prepare and transmit to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate a classified report setting forth a budget for existing and prospective special activities to be conducted during that fiscal year.

AMENDMENT No. 1636

On page 10, line 1, strike "nothing contained in".

AMENDMENT No. 1637

On page 10, strike out lines 8 through 11.

AMENDMENT No. 1638

On page 14, strike out "; and" on line 3 and all the language through lines 4 and 5.

AMENDMENT No. 1639

Add at the end the following new section:

"SEC. . Nothing in this Act shall be construed as authorizing any action contrary to the determination that a) a substantial discrepancy may exist between various United States intelligence estimates of the number of SS-20 missiles possessed by the Soviet Union and the number of missiles reported by the Soviet Union to the United States pursuant to the Memorandum of Understanding to the proposed Treaty Between the United States of America and the Union of Soviet Socialist Republics Concerning Intermediate-Range Nuclear Forces (hereinafter the "INF Treaty") and such discrepancy may indicate a covert Soviet SS-20 missile force of 300 to 550 SS-20 missiles carrying 900 to 1650 high-yield nuclear warheads; b) unless such apparent discrepancy is satisfactorily clarified, the United States could put at jeopardy its supreme national interest, its 300,000 troops stationed in Europe, and the security of NATO by ratifying the proposed Treaty and thereafter, pursuant to such Treaty eliminating its own deterrent INF forces based in Western Europe; and c) taking account of the foregoing the President of the United States, using existing authority, should certify to the Senate before Senate consideration of the proposed treaty in Executive session, that the Senate can rely with confidence on the accuracy of the number of SS-20 missiles reported to the United States by the Soviet Union.".

### HELMS AMENDMENT NO. 1640

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill S. 1721, supra; as follows:

Add at the end of the Committee Substitute amendment the following new section:

"SEC. . Nothing in this Act shall be construed as authorizing any action contrary to the view that, inasmuch as General Manuel Noriega has been indicted by the United States for drug trafficking, unless and until the Republic of Panama (1) promptly removes General Manuel Noriega from all public offices and authority, and (2) has installed a freely elected government, within 30 days of the enactment of this Section the

President of the United States, using existing authority, should notify the Government of Panama of the intention of the United States to suspend, should it prove to be required by the supreme national security interests of the United States, the operation of any provision of the Panama Canal Treaties of 1978 mandating the withdrawal of United States military personnel or the closure of any United States military base protecting the Panama Canal.".

## WALLOP AMENDMENT NO. 1641

(Ordered to lie on the table.)

Mr. WALLOP submitted an amendment intended to be proposed by him to the bill S. 1721, surpra; as follows:

On page 13 at the end add: Nothing in this Act shall be construed as requiring the executive branch to identify 3d parties involved in special activities to the Congress.

## CHAFEE AMENDMENTS NOS. 1642 AND 1643

(Ordered to lie on the table.)

Mr. CHAFEE submitted two amendments intended to be proposed by him to the bill S. 1721, supra; as follows:

AMENDMENT NO. 1642

In section 503, subsection (c)(1) delete "forty-eight hours" and in its place substitute "ten days."

AMENDMENT NO. 1643

In section 503, subsection (c)(2) delete "forty-eight hours" and in its place substitute "ten days."

## IMMIGRATION ACT OF 1988

## GRAMM AMENDMENT NO. 1644

Mr. GRAMM proposed an amendment to the bill (S. 2104) to amend the Immigration and Nationality Act to change the level, and preference system for admission, of immigrants to the United States; as follows:

On page 45 strike all on lines 15 through 21, and insert in lieu thereof:

"(a) VISA FEES FOR IMMIGRANTS.—The Secretary of State shall provide for a schedule of fees to be charged for the filing of a petition for any and all immigrant categories under sections 201(a)(3), 201(b)(2)(A)(i), 203(a) and (b). The fees established under this subsection shall be sufficient to cover administrative and other expenses incurred in connection with the processing of petitions for any and all immigrant categories filed under sections 201(a)(3), 201(b)(2)(A)(i), 203(a) and (b)".

## BUMPERS AMENDMENT NO. 1645

Mr. BUMPERS proposed an amendment to the bill S. 2104, supra; as follows:

Beginning on page 21, strike out line 24 and all that follows through line 16 on page 22.

On page 22, line 17, strike out "(5)" and insert in lieu thereof "(4)".

On page 22, line 20, strike out "(3), and (4)" and insert in lieu thereof "and (3)".

On page 25, line 10, strike out "(5)" and insert in lieu thereof "(4)".

On page 25, line 16, strike out "(5)" and insert in lieu thereof "(4)".

On page 25, line 22, strike out "(5)" and insert in lieu thereof "(4)".

On page 26, line 2, strike out "(b)(5)(B)" and insert in lieu thereof "(b)(4)(B)".

On page 29, strike out lines 10 through 12.

On page 29, line 13, strike out "(G)(i)" and insert in lieu thereof "(F)(i)".

On page 29, line 14, strike out "(5)" and insert in lieu thereof "(4)".

On page 30, line 1, strike out "(5)" and insert in lieu thereof "(4)".

On page 30, line 4, strike out "(5)" and insert in lieu thereof "(4)".

Beginning on page 33, strike out line 8 and all that follows through the item between lines 20 and 21 on page 42.

On page 42, line 21, strike out "SEC. 5." and insert in lieu thereof "SEC. 4."

On page 43, line 15, strike out "(5)" and insert in lieu thereof "(4)".

On page 43, line 19, strike out "(5)" and insert in lieu thereof "(4)".

On page 44, line 16, strike out "(5)" and insert in lieu thereof "(4)".

On page 45, line 2, strike out "(5)" and insert in lieu thereof "(4)".

## GRAMM AMENDMENT NO. 1646

Mr. GRAMM proposed an amendment to the bill S. 2104, supra; as follows:

On page 22, line 7, strike "$2,000,000" and insert in lieu thereof, $1,000,000.00

## D'AMATO AMENDMENT NO. 1647

Mr. D'AMATO proposed an amendment to the bill S. 2104, supra; as follows:

At the appropriate place, insert:

SECTION 1. PERMITTING LEGALIZATION OF CERTAIN ALIENS.

(a) IN GENERAL.—Subject to subsection (b), the Attorney General shall adjust the status of an alien to that of an alien lawfully admitted for permanent residence if the alien—

(1) applies for such adjustment during the 12-month period beginning on the date of the enactment of this Act;

(2) would meet the requirements of section 245A(a) of the Immigration and Nationality Act, other than paragraphs (1)(A) relating to timely application, (2) (A) or (B) relating to continuous unlawful residence, and (3)(A) relating to continuous physical presence; and

(3) establishes that he or she would meet the requirements of subparagraphs (A) and (B) of section 245A(a)(2) of such Act if "October 1, 1988" were substituted for "January 1, 1982" each place it appears in such provision.

(b) UNITS OF ASSESSMENT.—Each alien applying for adjustment of status under subsection (a) shall be accorded units of assessment based on eligibility criteria as follows:

(A) For aliens having successfully completed grade school through high school or its educational equivalent, 10 units.

(B) For aliens who were awarded bachelors' degrees or their equivalent, 10 units.

(C) For aliens who were awarded graduate degrees, a number of units up to 5 units to be determined by the Secretary of Education based on the level of the degree.

(D) To the extent that the aliens have vocational preparation, the number of units for such preparation to be determined by the Secretary of Labor, 10 or 20 units.

(E) For aliens not less than 21 years of age or more than 35 years of age, 10 units, or not less than 36 years of age or more than 44 years of age, 5 units.

(F) To the extent that the aliens have skills determined by the Secretary of Labor to be needed in the United States, 10 units.

(G) To the extent that the aliens have work experience relating to the skills where there is a present or where there will be a future shortage of individuals, 5 or 10 units.

(H) For aliens who demonstrate an understanding of the English language and the ability to communicate in such language, 20 points.

(c) NUMERICAL LIMITATIONS; ISSUANCE OF VISAS.—(1) Notwithstanding any other provision of law, 100,000 permanent residence visas shall be made available annually for five years pursuant to subsection (b).

(2)(A) 20 percent of such numbers shall be issued to qualified immigrants described in subsection (a) (and persons described in paragraph (3)) who attain a score of at least 80 points with respect to petitions filed for the fiscal year involved, to be chosen in a random order established (by regulation) by the Secretary of State for the fiscal year involved.

(B) 80 percent of such numbers shall be issued to qualified immigrants described in subsection (a) (and persons described in paragraph (3)) with a qualifying score of 40 in such system, to be chosen in a random order, as described under subparagraph (A).

(3) A spouse or child (as defined in section 101(A), (B), (C), (D), or (E) of the Immigration and Nationality Act) shall, if not otherwise entitled to an immigrant status and the immediate issuance of a visa, be entitled to the same order of consideration as his spouse or parent, if accompanying or following to join his spouse or parent.

(d) EFFECTIVE DATE.—This Act shall take effect 90 days after the date of its enactment.

## INTELLIGENCE OVERSIGHT ACT

## BOREN (AND BYRD) AMENDMENT NO. 1648

(Ordered to lie on the table.)

Mr. BYRD (for Mr. BOREN, for himself and Mr. BYRD) submitted an amendment intended to be proposed by them to amendment No. 1630 intended to be proposed by Mr. HELMS to the bill S. 1721, supra; as follows:

Strike all after "Nothing in this Act shall be construed as authorizing any action contrary to the determination that", and insert in lieu thereof the following: "inasmuch as President Eric Arturo Delvalle is the duly constituted head of the Government of Panama, and, as such, on February 25, 1988, announced the dismissal of General Manuel Antonio Noriega as commander of the Panamanian Defense Forces, and inasmuch as the Panamanian people enthusiastically support the order dismissing Noriega and yet to date General Noriega has not obeyed President Delvalle's lawful order and gives every indication that he will continue to defy that order, the President of the United States, using existing authority, shall (1) provide the full political and diplomatic support of the United States to the efforts of President Delvalle to restore civilian control over the Government of Panama; (2) terminate any and all official Government con-

tacts with General Noriega since he is no longer lawful commander of the Panamanian Defense Forces; (3) consider further measures, including additional economic sanctions, in the event General Noriega continues to defy President Delvalle's order; and (4) prepare a plan providing for economic aid and financial assistance for Panama in the event that progress toward genuine democracy is achieved."

## BOREN (AND BYRD) AMENDMENT NO. 1649

(Ordered to lie on the table.)

Mr. BYRD (for Mr. BOREN, for himself and Mr. BYRD) submitted an amendment intended to be proposed by them to amendment No. 1640 intended to be proposed by Mr. HELMS to the bill S. 1721, supra; as follows:

Strike all after "Nothing in this Act shall be construed as authorizing any action contrary to the view that", and insert in lieu thereof the following: "inasmuch as President Eric Arturo Delvalle is the duly constituted head of the Government of Panama, and, as such, on February 25, 1988, announced the dismissal of General Manuel Antonio Noriega as commander of the Panamanian Defense Forces, and inasmuch as the Panamanian people enthusiastically support the order dismissing Noriega and yet to date General Noriega has not obeyed President Delvalle's lawful order and gives every indication that he will continue to defy that order, the President of the United States, using existing authority, shall (1) provide the full political and diplomatic support of the United States to the efforts of President Delvalle to restore of civilian control over the Government of Panama; (2) terminate any and all official Government contacts with General Noriega since he is no longer lawful commander of the Panamanian Defense Forces; (3) consider further measures, including additional economic sanctions, in the event General Noriega continues to defy President Delvalle's order; and (4) prepare a plan providing for econmic aid and financial assistance for Panama in the event that progress toward genuine democracy is achieved."

# IMMIGRATION ACT OF 1988

## KENNEDY (AND SIMPSON) AMENDMENT NO. 1650

Mr. KENNEDY (for himself and Mr. SIMPSON) proposed an amendment to the bill S. 2104, supra; as follows:

On page 2, line 9, strike out "(b)(1)" and insert in lieu thereof "(b)".

On page 4, line 5, strike out "resident" and insert in lieu thereof "residence".

On page 6, lines 21 and 22, strike out "consideration" and insert in lieu thereof "considerations".

On page 9, lines 16 and 17, strike out "a fiscal year or years" and insert in lieu thereof "the fiscal years of a 3-fiscal year period".

On page 9, line 18, insert "(i)" immediately after "(3)(A)".

On page 9, line 21, insert "(i)" immediately after "(e)(3)(A)".

On page 9, lines 24 and 25, strike out "fiscal year (or years)" and insert in lieu thereof "the three fiscal years".

On page 10, line 3, strike out "(3)(B)" and insert in lieu thereof "(3)(A)(ii)".

On page 10, line 6, strike out "(e)(3)(B)" and insert in lieu thereof "(e)(3)(A)(ii)".

On page 10, lines 9 and 10, strike out "fiscal year (or years)" and insert in lieu thereof "the three fiscal years".

On page 14, line 22, strike out "in".

On page 16, line 16, insert after "other than" the following: "a special immigrant, as defined in section 101(a)(27), or".

On page 16, line 23, strike out "(a)" and insert in lieu thereof "(a)(2)".

On page 18, line 5, strike out "(ii)" and insert in lieu thereof "(ii)(I)".

On page 18, line 10, insert "and" after "approved,".

On page 18, between lines 10 and 11, insert the following:

"(II) continue to qualify under the terms of this Act as in effect on the day before such date,

On page 18, between lines 23 and 24, insert the following:

Qualified immigrants—

On page 18, line 24, strike out "qualified immigrants".

On page 19, line 3, strike out "qualified immigrants".

On page 19, line 14, after "visas" insert the following: ", in addition to visas otherwise allocated under section 201(a)(3),".

On page 19, line 18, strike out the double quotation marks each place they appear and insert in lieu thereof single quotation marks.

On page 19, line 21, strike out the quotation marks and the second period.

On page 23, line 5, strike out "first day of the fiscal year involved" and insert in lieu thereof "date of filing a petition".

On page 23, strike out lines 6 through 9 and insert in lieu thereof the following:

"(I) at least 21 years of age but has not attained 36 years of age, 10 points; or

"(II) at least 36 years of age, but has not attained 45 years of age, 5 points.

On page 23, lines 11 and 12, strike out "first day of the first year involved" and insert in lieu thereof "date of filing a petition".

On page 24, beginning on line 2, strike out "For" and all that follows through "language" on line 5 and insert in lieu thereof "For an alien who certifies, upon the date of filing a petition, subject to verification by examination after the date of selection, that he has an understanding of the English language and the ability to communicate in such language, 20 points".

On page 24, line 12, strike out "succeeding".

On page 24, line 17, strike out "succeeding".

On page 24, line 21, strike out "training, work experience, or both," and insert in lieu thereof "additional training, work experience, or both, as determined by the Secretary of Labor,".

On page 30, line 15, strike out "self-administered oath by which the petitioner shall certify" and insert in lieu thereof "a certification".

On page 30, line 18, strike out "and that" and insert in lieu thereof ", and".

On page 31, line 24, strike out "by" and insert in lieu thereof "in clause (A) of".

On page 32, line 20, after "203(b)" insert the following: ", except that this paragraph shall not apply to any alien for whom a waiver has been made under section 203(b)(2)(B)".

On page 32, line 23, insert "of the Immigration and Nationality Act" after "212(a)(14)".

On page 45, between lines 14 and 15, insert the following:

Section 286 (8 U.S.C. 1356) is amended by adding at the end thereof the following new subsections:

On page 45, line 15, strike out "(a)" and insert in lieu thereof quotation marks and "(m)".

On page 45, line 22, strike out "(b)" and insert in lieu thereof quotation marks and "(n)".

On page 46, line 9, after the period insert quotation marks and a period.

On page 47, line 2, after "effect" insert the following: ", except that petitions filed before such date for preference status on the basis of unskilled labor under section 203(a)(6) of such Act (as in effect before such date) shall be deemed as of such date to be petitions for the status described in section 203(b)(3) of such Act (as amended by this Act)".

## KENNEDY (AND SIMPSON) AMENDMENT NO. 1651

Mr. KENNEDY (for himself and Mr. SIMPSON) proposed an amendment to the bill S. 2104, supra; as follows:

On page 47, after line 13, add the following new title:

### TITLE II—NATURALIZATION AMENDMENTS OF 1988

SEC. 201. SHORT TITLE; REFERENCES IN TITLE.

(a) SHORT TITLE.—This title may be cited as the "Naturalization Amendments of 1988".

(b) AMENDMENTS TO IMMIGRATION AND NATIONALITY ACT.—Except as otherwise specifically provided in this title, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Immigration and Nationality Act.

SEC. 202. ADMINISTRATIVE NATURALIZATION.

Section 310 (8 U.S.C. 1421) is amended to read as follows:

"NATURALIZATION AUTHORITY

"SEC. 310. (a) AUTHORITY IN ATTORNEY GENERAL.—The original authority to naturalize persons as citizens of the United States is conferred solely upon the Attorney General.

"(b) ADMINISTRATION OF OATHS.—An applicant for naturalization may choose to have the oath of allegiance under section 337(a) administered by the Attorney General or by any district court of the United States for any State or by any court of record in any State having a seal, a clerk, and jurisdiction in actions in law or equity, or law and equity, in which the amount in controversy is unlimited. The jurisdiction of all courts specified in this subsection to administer the oath of allegiance shall extend only to persons resident within the respective jurisdiction of such courts.

"(c) APPEAL TO BIA; JUDICIAL REVIEW.—(1) A person whose application for naturalization under this title is denied, after a hearing before an immigration officer under section 336(a), may seek review of such denial before the Board of Immigration Appeals (established by the Attorney General under part 3 of title 8, Code of Federal Regulations). The decision of such Board is reviewable by the United States district court for the district in which such person resides. Such review of the district court shall be de novo, and the district court shall make its own findings of fact and conclusions of law and shall, at the request of the petitioner,

conduct a hearing de novo on the application.

"(2) The district court shall issue an order authorizing the naturalization of a person in accordance with this title only after determining, upon review of the denial of that person's application for naturalization, that such denial was wrongfully made as a matter of fact or of law.

"(d) SOLE PROCEDURE.—A person may only be naturalized as a citizen of the United States in the manner and under the conditions prescribed in this title and not otherwise.".

SEC. 203. SUBSTITUTING 3 MONTHS RESIDENCE IN THE DISTRICT OR STATE FOR 6 MONTHS RESIDENCE IN A STATE.

Section 316(a)(1) (8 U.S.C. 1427(a)(1)) is amended by striking "and who has resided within the State in which the petitioner filed the petition for at least six months" and inserting "and who has resided within the State or within the district of the Service in the United States in which the applicant filed the application for at least three months".

SEC. 204. PUBLIC EDUCATION REGARDING NATURALIZATION BENEFITS.

(a) IN GENERAL.—Section 332 (8 U.S.C. 1443) is amended by adding at the end thereof the following new subsection:

"(h) The Attorney General shall broadly disseminate information respecting the benefits which persons may receive under this title and the requirements to obtain such benefits. In carrying out this subsection, the Attorney General shall seek the assistance of appropriate community groups, private voluntary agencies, and other relevant organizations, and the Attorney General is authorized to make grants to, and enter into contracts with, such organizations for such purposes.".

(b) ALLOCATION OF FUNDS.—(1) Section 404 (8 U.S.C. 1101, note) is amended by adding at the end thereof the following new subsection:

"(c) Of the amounts authorized to be appropriated by section 404 to carry out this Act for a fiscal year, $1,000,000 shall be available only to carry out section 332(h) for such fiscal year.".

(2) The amendment made by paragraph (1) shall take effect on October 1, 1988.

SEC. 205. NATURALIZATION OF NATIVES OF THE PHILIPPINES THROUGH ACTIVE-DUTY SERVICE IN THE ARMED FORCES DURING WORLD WAR II.

Section 329 (8 U.S.C. 1440) is amended—

(1) in subsection (a), by striking "Any" and inserting "except as provided in subsection (c), and"; and

(2) by adding at the end thereof the following new subsection:

"(e) Paragraphs (1) and (2) of subsection (a) shall not apply to the naturalization of any person—

"(1) who was born in the Philippines or who was otherwise a noncitizen national of the United States residing in the Philippines before the service described in paragraph (2);

"(2) who served honorably in an active-duty status in the military, air, or naval forces of the United States at any time during the period beginning September 1, 1939, and ending December 31, 1946;

"(3) who is otherwise eligible for naturalization under this section; and

"(4) who applies for naturalization not later than one year after the date of enactment of the Naturalization Amendments of 1988.".

SEC. 206. CONFORMING AMENDMENTS.

(a) CONFORMING AMENDMENTS TO SECTION 310 REVISION.—(1) The item in the table of contents relating to section 310 is amended to read as follows:

"Sec. 310. Naturalization authority.".

(2) Section 101(a)(36) (8 U.S.C. 1101(a)(36)) is amended by striking "(except as used in section 310(a) of title III)".

(b) CONFORMING AMENDMENTS TO CHANGE IN RESIDENCE REQUIREMENT.—(1) Section 319 (8 U.S.C. 1430) is amended—

(A) in subsection (a), by striking "has resided within the State in which he filed his petition for at least six months" and inserting "has resided within the State or the district of the Service in the United States in which the applicant filed his application for at least three months",

(B) in subsections (b) and (d), by striking "within the jurisdiction of the naturalization court" and inserting "within a State or a district of the Service in the United States", and

(C) in subsection (c), is amended by striking "within the jurisdiction of the court" and inserting "district of the Service in the United States".

(2) Section 322(c) (8 U.S.C. 1433(c)) is amended by striking "any State or within the jurisdiction of the naturalization court" and inserting "within a State or a district of the Service in the United States".

(3) Section 324(a)(1) (8 U.S.C. 1435(a)(1)) is amended by inserting "or district of the Service in the United States" after "State".

(4) Section 328 (8 U.S.C. 1439) is amended—

(A) in subsection (a)—

(i) by inserting "or district of the Service in the United States" after "State", and

(ii) by striking "for at least six months" and inserting "for at least three months";

(B) in subsection (b)(1), by striking "within the jurisdiction of the court" and inserting "within a State or district of the Service in the United States"; and

(C) in subsection (c), by inserting "or district of the Service in the United States" after "State".

(5) Section 329(b) (8 U.S.C. 1440(b)) is amended—

(A) in paragraph (2)—

(i) by inserting "or district of the Service in the United States" after "State", and

(ii) by inserting "and" at the end of paragraph (2);

(B) by striking paragraph (3), and

(C) by redesignating paragraph (4) as paragraph (3).

(c) SUBSTITUTION OF APPLICATION FOR NATURALIZATION FOR PETITION FOR NATURALIZATION.—The text of the following provisions is amended by striking "a petition", "petition", "petitions", "a petitioner", "petitioner", "petitioner's", "petitioning", and "petitioned" each place it appears and inserting "an application", "application", "applications" or "applies" (as the case may be), "an applicant", "applicant", "applicant's", "applying", and "applied", respectively:

(1) Section 313(c) (8 U.S.C. 1424(c)).

(2) Section 316 (8 U.S.C. 1427).

(3) Section 317 (8 U.S.C. 1428).

(4) Section 318 (8 U.S.C. 1429).

(5) Section 319 (a) and (c) (8 U.S.C. 1430 (a), (c)).

(6) Section 322(a) (8 U.S.C. 1433).

(7) Section 324 (8 U.S.C. 324(a)).

(8) Section 325 (8 U.S.C. 1436).

(9) Section 326 (8 U.S.C. 1437).

(10) Section 328 (8 U.S.C. 1439).

(11) Section 329 (8 U.S.C. 1440), other than subsection (d).

(12) Section 330(a)(1) (8 U.S.C. 1441(a)(1)).

(13) Section 331 (8 U.S.C. 1442), other than subsection (d).

(14) Section 333(a) (8 U.S.C. 1444(a)).

(15) Section 334 (8 U.S.C. 1445).

(16) Section 335 (8 U.S.C. 1446).

(17) Section 336 (8 U.S.C. 1447).

(18) Section 337 (8 U.S.C. 1448).

(19) Section 338 (8 U.S.C. 1449).

(20) Section 344 (8 U.S.C. 1455).

(21) Section 1429 of title 18, United States Code.

(d) SUBSTITUTING APPROPRIATE ADMINISTRATIVE AUTHORITY FOR NATURALIZATION COURT.—(1) Section 316 (8 U.S.C. 1427) is amended—

(A) in subsection (b), by striking "court" each place it appears and inserting "or the Attorney General",

(B) in subsection (b), by striking "date of final hearing" and inserting "date of any hearing under section 336(a)",

(C) in subsection (e), by striking "the court" and inserting "the Attorney General",

(D) in subsection (g)(1), by striking "within the jurisdiction of the court" and inserting "within a particular State or district of the Service in the United States", and

(E) in subsection (g)(2), by amending the first sentence to read as follows: "An applicant for naturalization under this subsection may be administered the oath of allegiance under section 337(a) by any district court of the United States, without regard to the residence of the applicant.".

(2) The second sentence of section 317 (8 U.S.C. 1428) is amended by striking "and the naturalization court".

(3) The third sentence of section 318 (8 U.S.C. 1429) is amended—

(A) by striking "finally heard by a naturalization court" and inserting "considered by the Attorney General", and

(B) by striking "upon the naturalization court" and inserting "upon the Attorney General" .

(4) Section 319 (8 U.S.C. 1430) is amended—

(A) in subsection (b)(3), by striking "naturalization court" and inserting "Attorney General", and

(B) in subsection (c)(5), by striking "naturalization court" and inserting "Attorney General".

(5) Section 322(c)(2)(C) (8 U.S.C. 1433(c)(2)(C)) is amended by striking "naturalization court" the first place it appears and inserting "the Attorney General".

(6) Section 324 (8 U.S.C. 1435) is amended—

(A) in subsection (a)—

(i) by inserting "and" at the end of paragraph (1),

(ii) by striking the semicolon at the end of paragraph (2) and inserting a period, and

(iii) by striking paragraphs (3) and (4);

(B) in subsection (b), by striking "naturalization court" and inserting "Attorney General"; and

(C) in subsection (c)—

(i) in paragraph (2), by striking "the judge or clerk of a naturalization court" and inserting "the Attorney General or the judge or clerk of a court described in section 310(b)", and

(ii) in paragraph (3), by striking "or naturalization court" each place it appears and inserting "court, or the Attorney General".

(7) Section 327(a) (8 U.S.C. 1438(a)) is amended—

(A) by striking "any naturalization court specified in section 310(a) of this title" and inserting "the Attorney General or before a court described in section 310(b)"; and

(B) by inserting "and by the Attorney General to the Secretary of State" after "Department of Justice".

(8) Section 328(c) (8 U.S.C. 1439(c)) is amended by striking "the final hearing" and inserting "any hearing".

(9) Section 331(b) (8 U.S.C. 1442(b)) is amended by striking "called for a hearing" and all that follows through "to be continued" and inserting "considered or heard except after 90 days' notice to the Attorney General regarding the application, and the Attorney General's objection to such consideration shall cause the application to be continued".

(10) Section 332(a) (8 U.S.C. 1443(a)) is amended—

(A) by striking "for the purpose" and all that follows through "naturalization courts" in the first sentence, and

(B) by striking the second sentence.

(11) Section 333(a) (8 U.S.C. 1444(a)) is amended by striking "clerk of the court" and inserting "Attorney General".

(12) Section 334 (8 U.S.C. 1445) is amended—

(A) by amending the heading to read as follows:

"APPLICATION FOR NATURALIZATION; DECLARATION OF INTENTION";

(B) in subsection (a)—

(i) by striking "in the office of the clerk of a naturalization court" and inserting "with the Attorney General",

(ii) by striking "upon the hearing of such petition" and inserting "under this title";

(C) in subsection (b)—

(i) by striking "(1)",

(ii) by striking "and (2)" and all that follows through "Attorney General", and

(iii) by striking "petition for";

(D) by amending subsections (c) through (e) to read as follows:

"(c) Hearings under section 336(a) on applications for naturalization shall be held at regular intervals, to be fixed by the Attorney General.

"(d) Except as provided in subsection (e), an application for naturalization shall be filed in person in an office of the Attorney General.

"(e) A person may file an application for naturalization other than in an office of the Attorney General, and an oath of allegiance may be administered other than in a public ceremony before the Attorney General or a court, if the Attorney General determines that the person has an illness or other disability which—

"(1) is of a permanent nature and is sufficiently serious to prevent the person's personal appearance, or

"(2) is of a nature which so incapacitates the person as to prevent him from personally appearing."; and

(E) by striking the first sentence of subsection (f) and inserting the following: "An alien who has attained the age of 18 years of age and who is residing in the United States pursuant to a lawful admission for permanent residence may file with the Attorney General a declaration of intention to become a citizen of the United States. Such a declaration shall be filed in duplicate and in a form prescribed by the Attorney General and shall be accompanied by an application prescribed and approved by the Attorney General.".

(13) Section 335 (8 U.S.C. 1146) is amended—

(A) by amending the heading to read as follows:

"INVESTIGATION OF APPLICANTS; EXAMINATION OF APPLICATIONS";

(B) in subsection (a), by striking "At any time" and all that follows through "336(a)" and inserting "Before a person may be naturalized";

(C) in subsection (b)—

(i) by striking "preliminary" each place it appears,

(ii) in the first sentence, by striking "to any naturalization court" and all that follows through "to such court",

(iii) by striking "any court exercising naturalization jurisdiction as specified in section 310 of this title" in the second sentence and inserting "any district court of the United States"; and

(iv) by striking "final hearing conducted by a naturalization court designated in section 310 of this title" in the third sentence and inserting "hearing conducted by an immigration officer under section 336(a)";

(D) in subsection (c)—

(i) by striking "preliminary" each place it appears, and

(ii) by striking "recommendation" and inserting "determination"; and

(E) by amending subsections (d) through (f) to read as follows:

"(d) The employee designated to conduct any such examination shall submit to the Attorney General a determination as to whether the application be granted, denied, or continued, with reasons therefor.

"(e) After an application for naturalization has been filed with the Attorney General, the applicant shall not be permitted to withdraw his application, except with the consent of the Attorney General. In cases where the Attorney General does not consent to the withdrawal of the application, the application shall be determined on its merits and a final determination made accordingly. In cases where the applicant fails to prosecute his application, the application shall be decided on the merits unless the Attorney General dismisses it for lack of prosecution.

"(f) An applicant for naturalization who moves from the district of the Service in the United States in which the application is pending may, at any time thereafter, request the Service to transfer the application to any district of the Service in the United States which may act on the application. The transfer shall not be made without the consent of the Attorney General. In the case of such a transfer, the proceedings on the application shall continue as though the application had originally been filed in the district of the Service to which the application is transferred.".

(14) Section 336 (8 U.S.C. 1447) is amended—

(A) by amending the heading to read as follows:

"HEARINGS ON DENIALS OF APPLICATIONS FOR NATURALIZATION";

(B) by amending subsections (a) and (b) to read as follows:

"(a) If, after an examination under section 335, an application for naturalization is denied or continued, the applicant may request a hearing before an immigration officer.

"(b) Where there has been a failure to make a determination under section 335 on an application or a failure to have a hearing under subsection (a) on a denial or continuance of an application, the Board of Immigration Appeals (established by the Attorney General under part 3 of title 8, Code of Federal Regulations) may, in its discretion, and shall, at the request of the applicant in extraordinary circumstances, require such a determination or hearing.";

(C) in subsection (c), by striking "court" and inserting "immigration officer";

(D) in subsection (d)—

(i) by striking "clerk of the court" and all that follows through "naturalization" and inserting "immigration officer shall, if the applicant requests it at the time of filing the request for the hearing",

(ii) by striking "final" each place it appears, and

(iii) by adding at the end the following: "Such subpoenas may be enforced in the same manner as subpoenas under section 335(b) may be enforced."; and

(E) in subsection (e)—

(i) by striking "naturalization of any person," and inserting "administration by a court of the oath of allegiance under section 337(a)", and

(ii) by striking "included in the petition for naturalization of such persons" and inserting "included in an appropriate petition to the court".

(15) Section 337 (8 U.S.C. 1448) is amended—

(A) in subsection (a)—

(i) in the first sentence, by striking "in open court" and inserting "in a public ceremony before the Attorney General or a court with jurisdiction under section 310(b)",

(ii) in the second and fourth sentences, by striking "naturalization court" each place it appears and inserting "Attorney General", and

(iii) in the fourth sentence, by striking "the court" and inserting "the Attorney General";

(B) in subsection (b)—

(i) by striking "in open court in the court in which the petition for naturalization is made" and inserting "in the same public ceremony in which the oath of allegiance is administered", and

(ii) by striking "in the court" after "recorded";

(C) in subsection (c)—

(i) by striking "being in open court" and inserting "attending a public ceremony", and

(ii) by striking "a judge of the court at such place as may be designated by the court" and inserting "at such place as the Attorney General may designate under section 334(e)"; and

(D) by adding at the end the following new subsection:

"(d) The Attorney General shall prescribe rules and procedures to ensure that the public ceremonies conducted by the Attorney General for the administration of oaths of allegiance under this section are in keeping with the dignity of the occasion.".

(16) Section 338 (8 U.S.C. 1449) is amended—

(A) by striking "by a naturalization court",

(B) by striking "the clerk of such court" and inserting "the Attorney General",

(C) by striking "title, venue, and location of the naturalization court" and inserting "location of the district office of the Service in which the application was filed and the title, authority, and location of the official or court administering the oath of allegiance",

(D) by striking "the court" and inserting "the Attorney General", and

(E) by striking "of the clerk of the naturalization court; and seal of the court" and inserting "of an immigration officer; and the seal of the Department of Justice".

(17) Section 339 (8 U.S.C. 1450) is amended to read as follows:

"FUNCTIONS AND DUTIES OF CLERKS AND RECORDS OF DECLARATIONS OF INTENTION AND APPLICATIONS FOR NATURALIZATION

"SEC. 339. (a) The clerk of each court that administers oaths of allegiance under section 337 shall—

"(1) issue to each person to whom such an oath is administered a document evidencing that such an oath was administered,

"(2) forward to the Attorney General information concerning each person to whom such an oath is administered by the court, within 30 days after the close of the month in which the oath was administered,

"(3) make and keep on file evidence for each such document issued, and

"(4) forward to the Attorney General certified copies of such other proceedings and orders instituted in or issued out of the court affecting or relating to the naturalization of persons as may be required from time to time by the Attorney General.

"(b) Each district office of the Service in the United States shall maintain, in chronological order, indexed, and consecutively numbered, as part of its permanent records, all declarations of intention and applications for naturalization filed with the office.".

(18) Section 340 (8 U.S.C. 1451) is amended—

(A) in the first sentence of subsection (a), by striking "in any court specified in subsection (a) of section 310 of this title" and inserting "in any district court of the United States",

(B) by amending the second sentence of subsection (h) to read as follows: "The clerk of the court shall transmit a copy of such order and judgment to the Attorney General.",

(C) by striking the third sentence of subsection (h), and

(D) in subsection (j), by striking "any naturalization court" and all that follows through "to take such action" and inserting the following: "the Attorney General to correct, reopen, alter, modify, or vacate an order naturalizing the person".

(19) Section 344 (8 U.S.C. 1455) is amended—

(A) in subsection (a)—

(i) by striking "The clerk of the court" and inserting "The Attorney General",

(ii) in paragraph (1), by striking "final", and

(iii) in paragraph (1), by striking "the naturalization court" and inserting "the Attorney General";

(B) by striking subsections (c), (d), (e), and (f);

(C) in subsection (g)—

(i) by striking ", and all fees paid over to the Attorney General by clerks of courts under the provisions of this title,", and

(ii) by striking "or by the clerks of the courts";

(D) in subsection (h)—

(i) by striking "no clerk of a United States court shall" and inserting "the Attorney General may not",

(ii) by striking ", and no clerk of any State court" and all that follows through "charged or collected", and

(iii) by striking the second sentence;

(E) in subsection (i), by striking "clerk of court", "from the clerk,", "such clerk", and "by the clerk" and inserting "Attorney General", "from the Attorney General,", "the Attorney General", and "by the Attorney General", respectively; and

(F) by redesignating subsections (g), (h), and (i) as subsections (c), (d), and (e), respectively.

(20) Section 348 (8 U.S.C. 1459) is amended—

(A) by striking subsections (b) and (c); and

(B) by striking "(a)" in subsection (a).

(e) STRIKING MISCELLANEOUS MATERIAL.—(1) Section 311 (8 U.S.C. 1422) is amended by striking the second sentence.

(2) Section 316 (8 U.S.C. 1427) is amended—

(A) by striking subsection (f); and

(B) by redesignating subsection (g) as subsection (f).

(3) Section 329 (8 U.S.C. 1440) is amended by striking subsection (d).

(4) Section 330 (8 U.S.C. 1441(a)) is amended—

(A) by striking paragraphs (2) and (3) of subsection (a) and by striking "(a)(1)" in subsection (a), and

(B) by striking subsection (b).

(5) Section 331 (8 U.S.C. 1442) is amended by striking the second sentence of subsection (d).

(f) CORRECTIONS OF TABLE OF CONTENTS.—(1) The items in the table of contents relating to sections 334 through 336 are amended to read as follows:

"Sec. 334. Application for naturalization; declaration of intention.

"Sec. 335. Investigation of applicants; examination of applications.

"Sec. 336. Hearings on denials of applications for naturalization.".

(2) The item in the table of contents relating to section 339 is amended to read as follows:

"Sec. 339. Functions and duties of clerks and records of declarations of intention and applications for naturalization.".

SEC. 207. EFFECTIVE DATES AND SAVINGS PROVISIONS.

(a) EFFECTIVE DATE.—

(1) NO NEW COURT PETITIONS AFTER EFFECTIVE DATE.—No court shall have jurisdiction, under section 310(a) of the Immigration and Nationality Act, to naturalize a person unless a petition for naturalization with respect to that person has been filed with the court before the effective date (as defined in paragraph (3)).

(2) TREATMENT OF CURRENT COURT PETITIONS.—

(A) CONTINUATION OF CURRENT RULES.—Except as provided in subparagraph (B), any petition for naturalization which may be pending in a court on the effective date shall be heard and determined in accordance with the requirements of law in effect when the petition was filed.

(B) PERMITTING WITHDRAWAL AND CONSIDERATION OF APPLICATION UNDER NEW RULES.—In the case of any petition for naturalization which may be pending in any court on the date of the enactment of this Act, the petitioner may withdraw such petition and have the petitioner's application for naturalization considered under the amendments made by this title.

(3) EFFECTIVE DATE DEFINED.—As used in this section, the term "effective date" means the first day of the fourth month beginning after the date of the enactment of this Act.

(4) GENERAL EFFECTIVE DATE.—Except as otherwise provided in this section, the amendments made by this title are effective as of the date of the enactment of this Act.

(b) INTERIM, FINAL REGULATIONS.—The Attorney General shall prescribe regulations (on an interim, final basis or otherwise) to implement, on a timely basis, the amendments made by this title.

(c) CONTINUING DUTIES.—The amendments to section 339 of the Immigration and Nationality Act (relating to functions and duties of clerks) shall not apply to functions and duties respecting petitions filed before the effective date.

(d) GENERAL SAVINGS PROVISIONS.—(1) Nothing contained in this title, unless otherwise specifically provided, shall be construed to affect the validity of any declaration of intention, petition for naturalization, certificate of naturalization, certification of citizenship, or other document or proceeding which is valid as of the effective date; or to affect any prosecution, suit, action, or proceedings, civil or criminal, brought, or any status, condition, right in process of acquisition, act, thing, liability, obligation, or matter, civil or criminal, done or existing, as of the effective date.

(2) As to all such prosecutions, suits, actions, proceedings, statutes, conditions, rights, acts, things, liabilities, obligations, or matters, the provisions of law repealed by this title are, unless otherwise specifically provided, hereby continued in force and effect.

On page 1, between lines 2 and 3, insert the following:

TITLE I—IMMIGRATION ACT OF 1988

On page 1, strike out line 3 and insert in lieu thereof "section 101. short title; references in title".

On page 1, line 4, strike out "Act" and insert in lieu thereof "title".

On page 1, line 7, strike out "Act, whenever in this Act" and insert in lieu thereof "title, whenever in this title".

On page 2, line 4, strike out "sec. 2." and insert in lieu thereof "sec. 102.".

On page 17, line 6, strike out "sec. 3." and insert in lieu thereof "sec. 103.".

On page 32, line 24, strike out "Act" and insert in lieu thereof "title".

On page 33, line 8, strike out "sec. 4." and insert in lieu thereof "sec. 104.".

On page 42, line 21, strike out "sec. 5." and insert in lieu thereof "sec. 105.".

On page 45, line 14, strike out "sec. 6." and insert in lieu thereof "sec. 106.".

On page 46, line 10, strike out "sec. 7." and insert in lieu thereof "sec. 107.".

On page 46, line 11, strike out "Act" and insert in lieu thereof "title".

On page 46, line 25, strike out "Act" and insert in lieu thereof "title".

On page 47, line 10, strike out "Act" and insert in lieu thereof "title".

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## CHILES AMENDMENT NO. 1652

Mr. KENNEDY (for Mr. CHILES) proposed an amendment to the bill S. 2104, supra; as follows:

To be inserted in the appropriate place in the bill add the following:

Congress recognizes that resumption of the 1984 Mariel Agreement between the United States and Cuba will have a disproportionate impact on particular regions of the United States, notably South Flordia. In anticipation of this impact and the increase in demand for certain services, Congress directs the Attorney General, in conjunction with the Secretary of State, to prepare and transmit to the appropriate committees of Congress a report detailing the number of Cubans granted preference visas.

(a) STUDY AND REPORT.—The Attorney General and the Secretary of State shall—

(1) prepare and transmit a detailed projection of the number of Cubans who have applied or have been granted preference immigration visas for entry into the United States; and

(2) such information including the age, occupation, number of dependants, and special medical needs of those Cubans who have applied or have been granted preference immigration visas for entry into the United States.

Report Date—The Attorney General, in conjunction with the Secretary of State, shall submit the report—

(1) during the first quarter of the fiscal year following enactment of this Act; and

(2) thereafter on a quarterly basis.

(c) In preparing these quarterly reports, the Attorney General and the Secretary of State shall cooperate and consult with state and local officials. Such cooperation should include—

(1) adequate notice as to the number of Cubans who have applied or have been granted preference immigration visas; and

(2) the relevant information required in the quarterly reports which would permit state and local entities to prepare for the increased demand for certain services.

## NOTICES OF HEARINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mr. FORD. Mr. President, I wish to announce that the Committee on Rules and Administration will hold a hearing at 1 p.m. on Tuesday, March 15, in SR-301, Russell Senate Office Building. The committee will be receiving testimony on Senate Resolution 260, introduced by Senators KASSEBAUM and INOUYE, to amend Standing Rule XXV of the Senate to improve legislative efficiency, and for other purposes; and S. 1835, introduced by Senator EVANS, the Individual Appropriations Act, to provide that each title of any bill or joint resolution making continuing appropriations that is reported by a committee of conference and is agreed to by both Houses of the Congress in the same form during a 2-year period shall be presented as a separate joint resolution to the President.

Senators who wish to testify or submit a statement for the hearing record are requested to have their staffs contact Carole Blessington of the Rules Committee staff on extension 40278. Interested individuals and organizations who wish to submit a statement for the hearing record are also requested to contact Ms. Blessington.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Select Committee on Indian Affairs will be holding the following:

Tuesday, March 15, 1988, beginning at 2:30 p.m., in Senate Russell 485, a hearing on the Pueblo de Cochiti Corps of Engineers' Dam Project; and,

Thursday, March 24, 1988, beginning at 9:30 a.m., in 1324 Longworth House Office Building, a joint hearing with the House Interior Committee on the Salt River Water Settlement Act.

Those wishing additional information should contact the Indian Affairs Committee at 224-2251.

SUBCOMMITTEE ON FEDERAL SERVICES, POST OFFICE, AND CIVIL SERVICE

Mr. PRYOR. Mr. President, I would like to announce that the Subcommittee on Federal Services, Post Office, and Civil Service of the Committee on Governmental Affairs will hold a hearing on Friday, March 18, 1988. The subcommittee will hear testimony on Federal employee leave sharing proposal.

The hearing is scheduled for 2 p.m., in room SD-342, Senate Dirksen Office Building. For further information, please call Ed Gleiman, subcommittee staff director, on 224-2254.

## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Monday, March 14, 1988, in open session to receive testimony in review of the amended fiscal year 1989 defense authorization request and the 5-year defense plan.

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

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands, National Parks and Forests be authorized to meet during the session of the Senate on Monday, March 14, 1988, to receive testimony concerning H.R. 1860, a bill entitled the Federal Land Exchange Facilitation Act of 1987.

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

## ADDITIONAL STATEMENTS

### JOHNNY FLANNERY—A SPECIAL OLYMPIAN MAKES A SPECIAL TRIP TO CALGARY

● Mr. HARKIN. Mr. President, I rise today to pay tribute to a very special Iowan and a good friend—Johnny Flannery. Johnny is a 23-year-old Marshalltown resident who has participated in the Special Olympics since grade school. This year Johnny won the gold medal at the international level for his high jumping efforts.

In past years, Johnny has competed in the high jump, the 200-meter race, and the 400-meter relay. According to his coach, Anne Hendrickson, last year at the district level Johnny qualified to participate internationally in any of those three events. However, as participants may compete in only one event at the International Special Olympic Games held at the University of Notre Dame and Saint Mary's College, Johnny chose the high jump.

Although Coach Hendrickson was unable to accompany Johnny to the International Special Olympics, Johnny's parents, John and Suzie Flannery of Grinnel, Iowa, were able to attend. With two of his biggest fans watching, Johnny cleared 5'6" and took home the gold medal for his age group.

To honor his accomplishments at the Special Olympics, Blue Cross and Blue Shield of Iowa presented Johnny and his parents with a free trip to Calgary for the winter Olympic games. Blue Cross and Blue Shield is the only health insurance sponsor of the games.

Included in the Flannerys' trip to Calgary, besides tickets to skating, skiing, and hockey, were celebrity visits and a behind-the-scenes look at the competition.

I commend Johnny for all his efforts in the Special Olympic Program and applaud Blue Cross and Blue Shield for their sponsorship of the Flannerys' trip. And I ask that an article on Johnny which appeared in Scope, the Blue Cross and Blue Shield newsletter, be placed in the RECORD.

The article follows:

A TRIP TO THE OLYMPICS FOR A SPECIAL OLYMPIAN

Johnny Flannery, a 23-year-old Marshalltown resident, is a high jumper extraordinaire. He jumped so high at the International Special Olympic Games last summer that he earned a gold medal and the number one ranking (for his age and sex) in the world!

This month, Johnny and his parents enjoyed a free trip to the Winter Olympic Games in Calgary, Canada, courtesy of Blue Cross and Blue Shield of Iowa. As the exclusive health insurance sponsor of the Olympic Games, Blue Cross and Blue Shield Plans across the country were given the opportunity to purchase tickets to the events in Canada. Blue Cross and Blue Shield of Iowa's tickets were awarded to Johnny and his parents in honor of his achievements at the International Special Olympic Games.

Johnny competed in his first Special Olympics back in grade school, and since that time he's competed every year that he wasn't involved in school athletics. Last year, at the district level, Johnny competed in the high jump, the 200 meter race, and the 400 meter relay. His performance in all three events was so good that, according to his coach Anne Hendrickson, "He could have competed in any of the three events at International." Athletes can compete in only one event at the International Special Olympics, however, and Johnny chose the high jump.

After he'd qualified for International, Johnny settled into a serious practice routine . . . every afternoon and then again in the evenings. Practice sessions had to be scheduled around Johnny's full-time job (Johnny's a route helper on a Mid-Iowa Workshops can and bottle redemption route), and often, there wasn't much energy left for evening high jumping.

But Johnny stuck with it, and when it was time to head for the International competition, Johnny was in peak form. He could clear 5'4" regularly, and come close to clearing the bar at 5'6". Just before he left for the University of Notre Dame and Saint Mary's College (where the International Games were held), Johnny held a final practice in front of his friends in Marshalltown. He cleared 5'4" several times, then, with considerable encouragement from the group, cleared 5'6".

Then it was off to the International Special Olympic Games! Coach Hendrickson couldn't attend the Games (she works in personnel for Central Iowa Residential Services, Inc., when she isn't coaching Special Olympians), but Johnny was accompanied by two of his biggest fans, parents John and Suzie Flannery of Grinnell.

Johnny jumped in several preliminary trials and cleared 5'4" each time. Then in the finals he jumped 5'4" again—and tied for first place with one other competitor. Because of the tie, a special jump-off was held. In his final jump, Johnny cleared 5'6" to take home the gold!

Not one to rest of his laurels, Johnny is already involved in 1988 Special Olympics events. He is competing in basketball and track & field, and has already qualified for the district games in bowling. In his spare time, Johnny likes to participate in other sports, too. Skiing, swimming, roller skating, golf, and fishing are some of his favorites.

Probably because he enjoys participating in so many sports, Johnny is an enthusiastic spectator, too. At the International Special Olympic Games last summer, Johnny was almost as excited a spectator as he was a competitor, and he was looking forward to cheering on the American athletes in Calgary with the same enthusiasm. The Flannerys had tickets to such Olympic events as figure skating, ice hockey, speed skating, and skiing. Their itinerary also included celebrity visits and a behind-the-scenes look at Olympic competition.

We at Blue Cross and Blue Shield of Iowa were thrilled to be able to send an accomplished athlete like Johnny to Calgary. Plans President Sibery said Johnny Flannery represents the best of the Olympic spirit in this country. "We truly are proud of Johnny's athletic achievements," he said, "and we were delighted to send such a special young man and his parents to the Winter Olympic Games."●

## BICENTENNIAL MINUTE

MARCH 14, 1876: SENATE CUTS PRESIDENT'S SALARY

(By request of Mr. SIMPSON, the following statement was ordered to be printed in the RECORD.)

● Mr. DOLE. Mr. President, 112 years ago today, on March 14, 1876, the Senate took the unprecedented step of voting for a 50-percent cut in the President's salary. According to one press account, this action was not to be construed as any sort of reflection on the current President. It was rather a "measure of retrenchment and economy, likely to command the approval of the country."

The story was not that simple. By 1876 the administration of President Ulysses Grant lay mired in scandal and the Presidency, as an institution, enjoyed little popular esteem. To complicate matters, Congress was in a particularly touchy mood on the subject of Federal salaries.

Three years earlier the Senate and House had passed a salary act that doubled the President's compensation, which had remained at the $25,000 level established by the First Congress in 1789. At the same time, Members voted to raise their own annual salaries from $5,000 to $7,500. President Grant gladly signed the measure on the final day of the March 1873 session. In the months before Congress reconvened in December, however, a firestorm of criticism swept the Nation, directed at the allegedly venal Members who sought to raid the Treasury for their own benefit.

Early in 1874, Members of the Senate and House voted to rescind their own pay raise. However, as the Constitution prohibited a similar action for the President during his current term of office, Members had little choice but to delay action until early in 1876 for the next Presidential term.

On April 18, 1876, the President sent the Senate a veto message. In it he calculated that congressional salaries had increased by 500 percent since 1789, whereas the President's salary had only doubled. Considering the increased cost of living over the past nine decades, Grant concluded that his predecessor would be more than entitled to the raise, and the $50,000 rate continued for the next 33 years.●

## MINNESOTA MINING AND MANUFACTURING: AN AMERICAN INNOVATOR

● Mr. BOSCHWITZ. Mr. President, I rise today to share with my fellow Senators a story of innovation in the true American spirit from an article in the March 28 issue of Fortune magazine. American industry has recently been the whipping boy of many who blame our trade imbalance on the "shoddy" quality and "narrow" vision of our manufacturing companies. The story of Minnesota Mining & Manufacturing—better known as 3M—is, I believe, ample evidence of the hollowness of such arguments.

While American industry is blamed for a lack of innovation, 3M's 6,000 scientists and engineers continue to develop new products at a rate of more than 200 a year from such ordinary items as masking tape and sandpaper. The company promotes research and development by taking a team approach—researchers and marketers share in the development effort—and stays in touch with the changing times and changing needs of industries and consumers through constant improvement of the product line.

With strong guidance from Allen F. Jacobson, 3M's chairman, 3M has weathered the export-dampening results of the strong dollar, and continues to manufacture 60,000 products and maintain an extremely strong growth record.

3M's success is based on two simple buzzwords—"quality" and "innovation." In my mind, there is no substitute for these traits if American industry is to continue as a world leader. No Federal legislation, no additional rules and regulations, in fact, no speechs here on the Senate floor, can replace the dedication to quality and innovation in American industry exemplified by 3M.

At this time, Mr. President, I ask that a copy of the article on 3M's achievements be inserted in the RECORD.

The article follows:

KEEPING THE FIRES LIT UNDER THE INNOVATORS

Around this time of year, the noonday temperature in St. Paul, Minnesota, is three degrees below freezing, so it seems an unlikely spot for a caldron of innovation. Nonetheless, new products bubble up at a rate of more than 200 a year from the research labs that crowd Minnesota Mining & Manufacturing's 435-acre St. Paul campus. Many of 3M's innovations are modest variations of such ordinary but ubiquitous industrial and consumer items as masking tape, coatings for highway reflectors, and sandpaper.

Some 6,000 scientists and engineers are continually stirring the pot, primarily in chemistry and applied science. In all, the company makes some 60,000 products that last year produced revenues of $9.4 billion, up 10% from the year before. Operations in 50 other countries accounted for 40% of those sales. Assisted by the ailing dollar, earnings rose 18% to $918 million. In Fortune's annual survey of America's most admired corporations, 3M most recently ranked No. 6—out of 306 entries. The company is often cited for its ability to keep innovation alive in a large, necessarily bureaucratic organization.

The man responsible for seeing that the fires don't go out is Allen F. Jacobson, 61, known as Jake, who joined 3M as a chemical engineer straight out of Iowa State University in 1947. In contrast with his popular predecessor, Lewis Lehr, Jacobson is strict and a little cold. He once rebuked the minister at his Presbyterian church for preaching that one person's profit is another's loss. Collaring the young man after the service, Jacobson informed him tersely that his remarks were "not in line with our country's best economic thinking."

While hardly the type to encourage the entrepreneurial whims of 3M's researchers, this Calvin has a dash of the Good Shepherd. To be sure that his flock of innovators share their ideas, Jacobson keeps his organization relatively decentralized. Information flows to the top from clearly defined reporting relationships and lots of shoptalk. He says, "You can't make too many of the decisions on the executive floor. You have to depend on the people who are close to the market and the technology."

Under Jacobson, 3M continues to codify many of the practices that preserve the innovative spirit of its scientists and engineers. Researchers are encouraged to spend 15% of their time pursuing pet projects that might have a payoff for the company down

the road—a pastime they call "bootlegging." The stick behind that carrot is that 25% of each division's annual sales are expected to come from products developed in the prior five years.

Small groups staffed with a researcher and a marketer push inventions through the design and development stage. It takes an average of seven years from a product's invention to its successful introduction, although the trek can be made in less. Though Post-it notes took six years, some tapes take only one. Ultimately, 60% of the ideas wind up on the lab floor, but Jacobson wryly notes, "Outsiders say we are very lenient in rewarding failure."

One superior product fresh from the labs is the first videocassette tape for the Super VHS video recorder. The tape, which 3M hopes will be the industry standard by the 1990s, improves picture resolution by capturing 400 lines of broadcast information vs. the standard 230.

Besides coming up with new products, the labs are also supposed to protect and extend the product line against the encroachments of competitors. A case in point: In 1980, 3M developed the first water-activated synthetic casting tape used to set broken bones, but by 1982 eight other companies had brought out copycat products. When 3M researchers discovered that some of these tapes were actually easier to apply than 3M's, they retreated to their labs to develop and test 140 new versions in a variety of fabrics, before introducing the next year an improved product that was stronger and easier to use.

In 1985, 3M's earnings declined 9.5% when the lofty dollar pummeled sales. Though Jacobson responded by cutting costs 35%, he spared R&D spending. Through this period, it actually rose from 4.5% of sales in 1980 to 6.6% today, a figure roughly twice the U.S. average for manufacturers. Now the company is reaping the benefits of that investment.

Every so often the caldron produces a witch instead of a winner. Recently a line of air ionizers used to remove dust from the air in factory production facilities began leaking radiation. Though 3M maintains that the ionizers pose no serious health threat, it recalled them, fearing they would taint the company's reputation. When asked about that reputation, Jacobson dismisses all the business buzzwords and phrases save innovation and the pursuit of quality. "These are the tools for staying ahead in our increasingly competitive society," he says. For a man who goes one on one with God's anointed, he practices what he preaches.●

## A HEALTH WARNING ON THE LABELS OF BOTTLES CONTAINING ALCOHOLIC BEVERAGES

● Mr. GLENN. Mr. President, I am pleased to join Senator THURMOND in sponsoring legislation to require health warning labels on alcoholic beverages. This legislation is needed to initiate a coordinated national campaign to educate the American public about the dangers of alcohol consumption.

Alcohol abuse currently accounts for over 100,000 to 200,000 deaths each year. Almost 10 million Americans are classified as alcoholics, that is, persons who experience symptoms of alcohol dependence such as loss of memory, inability to stop drinking until intoxication, and binge drinking. Eight million more Americans are problem drinkers.

Alcohol's adverse effects are not just confined to the adult population in our country—the unborn are also at risk for alcohol related death and disability. Over 3,000 babies are born each year with the fetal alcohol syndrome, a range of behavioral and structural birth defects associated with maternal alcohol consumption during pregnancy. Equally frightening, teenagers today begin drinking at younger ages than did their predecessors, while alcohol-related highway deaths are the No. 1 killer of young adults between the ages of 16 to 24 years.

The magnitude of the economic costs associated with alcohol abuse and alcoholism is staggering, totaling almost $120 billion each year.

Despite these alarming figures, this subject has not received adequate attention from Congress. The seriousness of the alcohol abuse threat both to the public health and to the future of American youth has been largely overshadowed by our national preoccupation with the use of illicit drugs such as marijuana, crack, cocaine, and heroin. Yet, in 1987 alcohol—not marijuana, cocaine, or heroin—was the most widely used and abused drug among adolescents and teenagers in this country. Nearly all high school seniors—92 percent—have had experience with alcohol, and two-thirds have used alcohol in the past 30 days. More importantly, 5 percent are daily drinkers and almost 40 percent report at least one occasion of heavy drinking in the past 2 weeks.

More resources are spent on alcohol advertising campaigns designed to encourage increased consumption of alcoholic beverages than on campaigns to publicize the health hazards and social costs of alcohol abuse. Each year the alcohol industry spends $1.5 billion on advertising to promote beer, wine, and liquor use, while the Federal Government only targets $18 million for alcohol abuse prevention activities.

The bill I am cosponsoring today would begin to balance this consumer education bias by requiring a health warning label on all beer, wine, and distilled spirits containers.

Enactment of this legislation will provide individuals with basic information about the dangerous effects of alcohol intake. A recent study by the Public Health Service concluded that well-designed labels can not only increase consumer knowledge, but can also initiate positive behavior change. These labels, which will be prominently placed on beverage containers, will educate our young people about the adverse effects of alcohol consumption. Now, many young people believe that there is something special about drinking, that drinking alcoholic beverages will make them more popular, sophisticated, and attractive. Health warning labels on beer, wine, and distilled spirits will show them the darker side of alcohol use.

I have supported, and continue to support, legislation that would wage a national war on alcohol abuse. Clearly, a large part of this war must involve increased public awareness about the dangers of alcohol consumption. This bill would initiate this war by ensuring that consumers have access to information alerting them to the serious consequences of alcohol abuse.

I urge my colleagues to support this bill requiring health warning labels on alcoholic beverage containers. In doing so, we shall begin a much needed educational campaign for the American people.●

## ON THE 100 BEST PRODUCTS MADE IN AMERICA

● Mr. DURENBERGER. Mr. President, over the last 10 years, we have been hearing endless stories of how American companies cannot compete in the global marketplace; how foreign companies manufacture products with far higher quality; how our leadership in high technology has seriously diminished; and how our economy is eroding into an endless array of dead-end "hamburger-flipping" service jobs.

Mr. President, the facts belie these myths. American business is taking up the challenge of foreign competition and meeting, and beating, the foreign competition on a variety of fronts. From agricultural and aerospace equipment, to computers and pharmaceuticals, U.S. companies are setting the standards that the rest of the world seeks to emulate.

Just last week, the cover story in Fortune magazine was entitled, "What America Makes Best." I am pleased to note that two of the three companies featured in the article are based in Minnesota: 3M Corp., the diversified manufacturer of thousands of industrial and consumer items; and Tennant Co., a manufacturer of industrial and commercial floor sweepers and scrubbers. The other company featured in the article was Crane & Co. of Dalton, MA, a leading supplier of high quality stationery and paper.

Mr. President, the article identifies the 100 best products manufactured in the United States. The listing reflects the dynamic diversity of our economy and the commitment to excellence that more and more American companies are seeking to achieve. Included in the list of the top 100 are pacemakers manufactured by Medtronic of Minneapolis; supercomputers manufactured by Cray of Minneapolis; heating controls from Honeywell; biotechnology drugs synthesized by Genentech; F-16 aircraft manufactured by

General Dynamics, and commercial airliners manufactured by Boeing; jet engines manufactured by GE; and satellites manufactured by Hughes Aircraft.

It is not just visible high technology products that American companies make best. Sheets and towels produced by Burlington Industries, Dan River, and a host of other U.S. companies; cotton denim from Cone Mills; crystal from Steuben Glass; and ball point pens made by A.T. Cross are just a sample of other products that the United States makes best.

Mr. President, I believe that competition from abroad has spurred an industrial renaissance in America. What we have learned in the 1980's is that no company can rest on its laurels, that an emphasis on quality, cost consciousness, innovation, and long-term commitment to product and market are the only ways that American companies can continue to maintain their leadership in world markets.

There is certainly more that American business can do to regain leadership in other industries. That is a continuing challenge that American business must meet in the next decade. I am confident that we will meet that challenge and that the label "Made in U.S.A." will once again stand for the best product, with the best service, at the best price.

Mr. President, I ask that the article from Fortune be printed in the RECORD.

The article follows:

[From Fortune magazine, Mar. 28, 1988]

WHAT AMERICA MAKES BEST

(By Christopher Knowlton)

It's been a long time coming, but American manufacturers finally have reasons to be optimistic. Profits are rising and so are exports. With the engines of many industries revved up to capacity, the makers of the nation's merchandise predict further dips in the trade deficit. The weak dollar is doing its bit, of course, but so is the high caliber of U.S. manufacturing output. That's right, the quality of U.S. goods—so often deplored as fit only for the throwaway society that produced them—is improving. Says Dana Cound, chairman of the American Society for Quality Control, an international organization devoted to the quality-related sciences: "On virtually every front the quality of American products is better than it has ever been on an absolute scale."

The image of American products is still that summed up by the common European attitude: You Americans don't make anything we want to buy. Or by the Japanese repairman who, when asked what was wrong with a garbage disposal machine he was fixing replied, "It's American." Last year a Roper poll of West Germans found that only 6% of them considered the tag line Made in America indicative of quality. Then the newspaper *Frankfurter Allgemeine Zeitung* salted the wound in an April editorial that asked, "Which American products can a sensible European buy? * * * American industry really ought to get more innovative to interest our consumers."

Unfortunately, the pursuit of quality has rarely ranked high among U.S. manufacturing objectives. Tom Peters, in *Thriving on Chaos*, quotes quality consultant W. Edwards Deming: "Henry Ford made great contributions, but his Model T was not a quality car." In the years after World War II, there was so much pent-up demand for goods and services that U.S. consumers were often glad to take what they could get. Says Alexander Trowbridge, president of the National Association of Manufacturers and a former Secretary of Commerce: "We were operating to some degree on a philosophy of planned obsolescence. In that sort of world, quality takes a back seat. Ultimately we got hurt by it."

Today, with quality at the crux of global competitiveness, Fortune set out to determine which American products can be considered the finest of their kind. Examples exist in reassuring abundance, and a partial list is on page 54. Products were selected after consulting with quality experts, management consultants such as Arthur D. Little Inc., security analysts, academics, industry association representatives, Consumers Union, major customers, and other knowledgeable observers of the global manufacturing scene.

To be included, an item had to be state of the art—that is, at the height of innovation and technological advancement. It also had to be the most durable of its kind and provide good to great value for the price. In the cases of commodity items, where quality is tougher to judge, or of ties between competing products, the final selection was based on market share. The list turned out to be as heterogeneous as the society that manufactures the products: It is a mix of high and low tech, basic industrial and consumer goods.

Making distinctions between U.S. and foreign goods is often hard. The global marketplace is characterized by out-sourcing, joint ventures, and foreign subsidiaries (see Competition). Caterpiller and Xerox have joint ventures in Japan, and Toyota builds cars in California arm in arm with General Motors. Steinway & Sons makes pianos in Hamburg, West Germany, and in Astoria, New York. By Fortune's definition, a Made-in-America product is assembled in the U.S. by a U.S. company and fabricated from at least 50% domestic parts.

The glossiest pages in the catalogue of America's best should be devoted to agricultural equipment, aerospace products, computers, and pharmaceuticals. The U.S. is the global leader in these industries, with many goods exemplary for their technological innovation and quality, and all four are big exporters.

American know-how also knows how to manufacture excellent medical instruments. The magnetic resonance imaging (MRI) scanner looks for diseased tissue without surgery, and the laser angioplasty catheter heads upriver like an icebreaker, clearing a path through plaque-obstructed veins. In a less high-tech area, Minnesota Mining & Manufacturing conceives of an endless array of tapes, coatings, and abrasives (see box, page 45). The U.S. also gets A's for craftsmanship in luxury items as diverse as leather handbags, fly-fishing rods, and mink coats.

Among the many products that restore the definition of quality to the words Made in America:

F-16 aircraft. Wolfgang Demisch, director of research for UBS Securities and an aerospace analyst, describes General Dynamic's plane as "the standard setter for combat aircraft * * * It keeps the peace and we sell a lot of them." F-16s are powered by General Electric or Pratt & Whitney jet engines, which are standard setters in their own right. They also come packed with the most advanced gadgetry, including guidance radar from Westinghouse. Now 14 years old and selling for $18 million, in its class the plane is still top gun in a dogfight.

Computer workstations. Sun Microsystems makes what quality consultant A. Blanton Godfrey calls "definitely the best workstations in the world. Even the Japanese use them." Engineers, scientists, and other technicians employ the machines for computer-aided design and desktop publishing, the development of artificial intelligence, securities trading, and scientific research.

Biotechnological drugs. At the heart of this industry is the ability to synthesize in the lab substances that are normally manufactured by the body to fight disease. Genentech's t-PA, a clone of one of the body's own enzymes, dissolves blood clots in the treatment of severe heart attacks. Last December, t-PA broke first-month sales records throughout the world for the launch of a pharmaceutical product. Says Peter Drake, director of equity research at Vector Securities International: "Here is an industry where we are long on brains, money, and implementation."

Pacemakers. The device made by Medtronic of Minneapolis leads in world market share. Says Dr. Mark Sherrid, a cardiologist at St. Luke's-Roosevelt Hospital Center in New York: "We use Medtronic's pacemakers because we think they're at the leading edge of the technology. The company has a wide variety of pacemakers that enable a physician to choose one suitable for each patient. The physician can program them from the outside and adjust them to the patient's needs."

Satellites. Of the 345 satellites in space, 148 belong to the Soviets, 136 to the U.S. The rest are distributed among 13 other countries and international organizations. American-made satellites have longer operational lives than satellites built in other countries. In 1989, Hughes Aircraft will finish building *Intelsat VI*, commissioned by a 114-country consortium for international usage. *Intelsat VI* will be the largest telecommunications satellite ever, capable of carrying 120,000 telephone calls and three television broadcast signals simultaneously. It will have greater coverage of eastern North America and wider communication with Europe.

Stereo speakers. The best-selling speakers are medium-priced products that cost $400 to $600 a pair. Of all the mid-range speakers sold in America and ranked by *Consumer Reports*, the Advent, Allision, and Infinity brands take top honors, scoring 92% in fidelity of sound out of a perfect 100%.

Towels and bed sheets. Take it from Stanley Marcus, former head of Neiman-Marcus: "The Italians make beautiful linen bed sheets for the luxury market, and silk bed sheets that are even fancier, but in the broad category of cotton percales, nobody does it as well as the Americans." The U.S. advantages lie in design, color coordination, and the quality of this tightly woven cotton—still grown better in California and Texas than anywhere else in the world.

The manufacturers of these products have created goods that meet or even exceed worldwide standards of excellence; more than that, these standards are maintained year after year. No one holds a monopoly on quality. It is an attainable goal for every

manufacturer. Says Stephen Cohen, co-director of the Berkeley Roundtable on the International Economy and co-author of *Manufacturing Matters:* "I don't believe quality is any cultural secret. I think there are learnable things to do to achieve it."

The best products are designed not so much to meet specifications and fulfill customer *requirements* as they are to match or surpass customer *expectations.* Steinway & Sons likes to say it builds pianos to a standard, not to a price. The company refuses to skimp on materials, labor, and effort in the construction of a musical instrument that is as close to perfection as the hand and cunning of man can make it. Though the Hamburg factory puts mahogany and red beech in its piano rims, the New York factory uses the denser maple to give the American Steinway a brighter, more powerful tone. Says Larry Fine, author of *The Piano Book:* "To put it simply, either one buys a piano or one buys a Steinway."

The form of an excellent product suits its function, and its innovation is evident. Last year Cameron Iron Works of Houston, Texas, won an engineering innovation award for an economical new piece of oil field equipment. The company created a pipeline connector that allows offshore tankers to cap a well temporarily in the event of a hurricane or other severe weather conditions. Cameron is betting there will be growing demand for the connector as oil companies move farther offshore in the search for new oil fields.

Processed-food companies have always been extremely innovative about packaging, not only to attract the consumer who wants convenience but also to win the fight for shelf space. Now that two-thirds of American households have microwave ovens, both Hormel and General Foods are bringing out new microwavable meals—called, respectively, Top Shelf and Impromptu. By virtue of packaging processes that pressurize, seal, and steam the meal in a plastic container, the food requires no refrigeration and can sit on a shelf without spoilage for up to 18 months.

Innovation can occur by serendipity: In fact, it usually does. Engineers from 3M and Boeing, looking for aerospace applications for a new drag-reduction coating, tested the material for the fun of it on rowing shells in Puget Sound. The results were so impressive that last year the coating, inscribed with tiny grooves that replicate sharkskin, was used on the hull of *Stars & Stripes* in its successful bid for the America's Cup. Crew members credited the coating with increasing the yacht's speed two-tenths of a knot and cutting ten seconds off its finishing time. 3M now sells the coating to sailors.

Among the world's best-selling drugs are a pair of billion-dollar-a-year U.S. entries for high blood pressure: Capoten from Squibb and Vasotec from Merck. Capoten resulted from the research of Squibb scientists who noticed that the venom of the Brazilian pit viper killed its victim by lowering its blood pressure. They found a way to synthesize the venom free of its terminal side effects.

The U.S. is world renowned in medicine and the applied sciences in part because industry recruits the top international scientists, and many go on to develop new products. American companies have historically led the world in the number of drugs introduced each year, and are especially good at converting research into prescription products. They maintain their edge because they are willing to finance research and because they can raise capital for R&D from venture entrepreneurs and the public market and, like Merck, from the sales of successful drugs.

Between innovation and production comes product design. That's where the engineer is supposed to build in ease of use and aesthetics. Historically, that's also the place where American manufacturers have cut corners to save money. Companies that do design products properly consult the consumer to find out how he uses the item before contriving the design. For example, Apple Computer organizes focus groups of five to ten users to get customer comments before and during the design stage. Apple calls the procedure a "reality check." In the design process engineers also try to minimize the number of parts required to make the item. The fewer the parts, the smoother the assembly process and the more reliable the final product.

Once the item is ready to move onto the assembly line, the quality effort takes on a different complexion. The hunt has already begun for the best raw materials and the most dependable suppliers. Take the example of fly-fishing rods: Walt Carpenter, an artisan in Chester, New York, spends 30 to 100 hours making superb rods that sell for up to $1,500. Carpenter uses a bamboo called Tonkin cane (*Arundinaria amabilis*) from Southern Asia. As Peter Passell writes in *The Best,* "Tonkin cane is not as light as graphite, but it is stronger * * * [It] imparts a very consistent, predictable feel that makes it the material of choice for expert flycasters." Levi Strauss continues to produce 80% of its jeans from 100% cotton denim, a lightweight durable fabric. Cone Mills, Levi's exclusive supplier of denim for the basic 501 jeans, can weave the fabric with only four or five defects per 100 square yards—a ratio Cone's foreign competitors cannot match.

Upgrading quality on the factory floor requires that manufacturers ride herd on their suppliers to improve the parts they deliver. Faced with competition from Toyota, Tennant Co. (see box, page 48), which makes industrial floor sweepers and scrubbers, enlisted the help of its suppliers to upgrade the parts. The company's purveyor of hydraulic cylinders reduced the number of defective cylinders from 6.4% of each shipment to 0.8%, and a supplier of small motors decreased his defect rate from 8.8% to 2.3%.

Once the parts are on hand, the assembly process must be done correctly from start to finish, with little or no tolerance for the post-assembly repairs known as "rework." Boeing employs a humdrum concept called "system integration" to build 747s that should last about 20 years. Computer bar coding helps the company keep track of 500,000 types of parts, ranging in size from a 3/16-inch rivet to a 103-foot-long wing section, that arrive from some 1,600 subcontractors in 44 states and 13 countries. Then workers aided by sophisticated software make sure that all the parts fit together to form one 747 in a mammoth factory in Everett, Washington.

A.T. Cross urges production workers to toss off the assembly line any pens or mechanical pencils they suspect are flawed. The company unconditionally guarantees its products against defects and does repairs free for the life of the pen or pencil. Fewer than 2% of Cross writing instruments have ever been returned for repairs.

At other companies, like Xerox and Tennant, line employees chart their defect rates and set goals for the workers to reduce them. At Tennant, one assembly worker has been so successful eliminating problems in the floor sweeper he puts together that the company stopped regular inspections of his machines three years ago. Quality-oriented manufacturers understand that it costs less to make the product right the first time. Says Philip Crosby, an independent quality consultant: "I see few companies where the pretax profit is as big as the price of not conforming to specifications."

A tradition of craftsmanship endures in many smaller businesses. At Crane & Co. (see box, page 52) the borders on the sheets of stationery are hand-etched, and the bows that hold the writing paper and envelopes in the box are still hand-tied. The world's best tailored mink coats have traditionally come from Manhattan's Seventh Avenue. The furriers, many of them immigrants from Southern and Eastern Europe, use a secret solution for dressing the skins. Then in a process known as "letting out" they cut, stitch, and stretch the pelts before sewing the long strips together into a coat. Jill Vander Putten, head of fur design at the Fashion Institute of Technology, explains that it takes years of apprenticeship to learn these techniques. Says she: "In Asia and Europe they don't have the necessary experience, but they are improving."

New standards of quality keep surfacing in manufacturing. What leads today risks obsolescence tomorrow. Author and consultant Tom Peters calls this sad pattern the "champ to chump syndrome." The color television, the video recorder, the computer memory chip, textile machinery—all are regrettable examples of products the U.S. created only to let the competitive advantage slip offshore. Xerox, once the uncontested leader in photocopiers, saw its world market share drop from 82% to 41% in six years as a result of Japanese inroads into the copier business.

The achievement of quality, the experts will tell you, must be an ongoing process. Says Blanton Godfrey: "Look how fast products are improving, both in technology and quality. There is no just maintaining the lead. You have to be on a fast track, constantly improving at a good rate, or you will be overtaken." To avoid that fate in the midsize part of the copier market where it still leads, Xerox today makes a habit of competitive benchmarking. Company engineers pull apart competing products to see how they are made and then estimate the costs of production in a search for new, cheaper, and better ways to make their own copiers.

Even a product as basic as Levi's jeans has been adapted and improved to stay competitive since its invention in 1853 by a Bavarian immigrant for the miners in the California gold rush. "Over the years we have made in excess of 20 fundamental changes in our basic jeans," says Peter Thigpen, president of the Jeans Co., a division of Levi Strauss. "And I don't mean fashion changes. I mean changes like increasing the overlap of the fly from ⅜ of an inch to ⅝ of an inch. There is constant drive around here for self-renewal."

Boeing, too, renews itself. Since the 747's introduction in 1970, its flying range has increased from 5,200 miles to 8,500. In January the company introduced the 747-400: sticker price $120 million. By slashing the number of lights, gauges, and switches on the instrument panel from 971 to 365 and by using digital electronics, Boeing was able to reduce from three to two the number of pilots needed to fly the plane. The company also made the 747-400 some 13% more fuel

efficient and added a six-foot winglet at the tip of each wing to help eke out an extra thousand miles.

Factory automation is a popular response to the competitive pressures of staying ahead, but by itself it does little to solve the quality problem. You just get the same quality articles more quickly. Says quality authority Armand Feigenbaum of General Systems Co.: "The notion of trying to achieve quality leadership by managing through robots rather than through people is specious." Maintaining excellence boils down to managing—managing the technology, the labor force, the managers themselves.

The commitment of the senior people to the quality process is unquestioned at the companies that make the best products. Executives field customer complaints on hot lines, personally test the products, and meet at least weekly to address quality issues. Quality becomes, in Feigenbaum's words, "an ethic."

The last ingredient for maintaining quality—and the single most important one—is that sales-force bromide: Know your customer. There is a better-educated, more cynical buyer out there with little patience for poor quality. He wants products that work the first time and is willing to pay for them. To respond to customers' changing needs and expectations, the manufacturer must be nimble. Flexible manufacturing helps. Companies like Deere and Tennant can customize a product to a buyer's specifications. Even a venerable producer of commodity items like Levi Strauss knows it must keep up with its customers. The story of the copper crotch rivet on the 501 jeans is a case in point.

According to company lore, copper rivets were added to the Levi jeans pockets and seams in 1873 to protect the pants from ripping under the weight of a miner's tools or, in the words of a Virginia City prospector, "nuggets bigger than your thumb." But when jeans became fashionable in the 1930s, the denim-clad smart set discovered that the rivets on the back pockets scratched chair backs, the paint on the hood of a car, and anything else the wearer sat on. The back-pocket rivets were removed, but despite occasional complaints from cowboys, the crotch rivet remained. In the late 1930s, Walter Haas Sr., the company president, went on a fly-fishing trip wearing a pair of 501s. One night he squatted close to the campfire, which heated the rivet. In the whooping war dance that followed, Haas the president met Haas the customer. A week later the board of directors abolished the copper crotch rivet by unanimous vote.

As the copper rivet anecdote suggests, the achievement and preservation of product excellence take common sense, diligence, and attention to details—as they always have. What is different today is that the pursuit of quality, whether in planes, pacemakers, percales, or pianos, is no longer voluntary. If U.S. industry expects to win still more customers and market share, it has no choice but to improve its products. For the customer, quality is irresistible. For industry, it is essential.

100 PRODUCTS THAT AMERICA MAKES BEST

All-electric Plastics injection-molding machine—Cincinnati Milacron.

Aluminum—Reynolds Metals.

Atomic clock—Frequency Electronics, Hewlett-Packard.

Ball point pens—A.T. Cross.

Balloon and laser angioplasty catheters—C.R. Bard, Eli Lilly, Trimedyne.

Bamboo fly-fishing rods—Walt Carpenter.

Bed sheets and towels—Burlington Industries, Dan River, Dundee Mills, Fieldcrest Cannon, J.P. Stevens, Springs Industries, West Point-Peperell.

Biotech drugs: t-PA—Genentech.

Bobcat skid-steer loaders—Melroe.

Boots and hunting shoes—Timberland, L.L. Bean.

Brain electrical activity mapping system—Nicolet Instrument.

Camera film (color)—Eastman Kodak.

Central office switching equipment—AT&T.

Charcoal briquettes—Kingsford Products.

Charge couple device image sensor—Eastman Kodak.

Clothes dryers—Whirlpool.

Combines—Case IH, Deere.

Computer operating systems software: MS-DOS, Unix, VM, VMS—Microsoft, AT&T, IBM, Digital Equipment.

Copiers—Eastman Kodak, Xerox.

Cotton denim—Cone Mills.

Cruising sailboats, 37 feet and under—Pacific Seacraft.

Crystal—Steuben Glass.

Data parallel supercomputers—Thinking Machines.

Digital plotters—Hewlett-Packard.

Dishwashers—General Electric.

Distributed database management technology—Tandem Computers.

Ditch Witch trenchers—Charles Machine Works.

Drugs: Capoten and Vasotec—Squibb, Merck.

Dustbuster Plus hand-held cordless vacuum cleaners—Black & Decker.

Electrodeposition primers—PPG Industries.

Electrohydraulic servo valves—Moog.

F-16 jet fighters—General Dynamics.

Fast food: hamburgers—McDonald's.

Financial, engineering, and scientific hand-held calculators—Hewlett-Packard.

501 jeans—Levi Strauss.

Flashlights—Mag Instrument.

Flutes—Wm. S. Haynes.

FM two-way radios—Motorola.

Frequency and time interval analyzers—Hewlett-Packard.

Fur coats—Peter Dion, Goldin-Feldman, Ben Kahn, Maximilian, Louis Milona.

Glass fiber for communications—Corning Glass Works.

Gore-Tex waterproof breathable fabric—W.L. Gore.

Handbags—Coach Leatherware.

Hay and forage equipment—Ford New Holland.

Heating controls—Honeywell.

Heavy earthmoving equipment—Caterpillar.

Ice cream and sorbet—New York Fruit Ice.

Industrial and commercial floor sweepers and scrubbers—Tennant.

Instant camera films—Polaroid.

Integrated voice and data communications systems (T-1 multiplexers)—Network Equipment Technologies.

Intelsat VI satellite—Hughes Aircraft.

Ion chromatographs—Dionex.

Jazz music.

Jet aircraft: 747 family of planes—Boeing.

Jet engines—General Electric.

Kevlar fiber—Du Pont.

Loader/backhoe—Case IH.

Locomotives—General Electric.

Longwall mining systems—Joy Technologies.

Lycra spandex fiber—Du Pont.

Magnetic resonance imaging scanners—General Electric.

Marlboro cigarettes—Philip Morris.

Mass spectrometers—Finnigan.

Men's ready-to-wear suits—Oxford Clothes.

Micro-precision machine and measuring tools—Moore Special Tool.

Microprocessors: Motorola 68000 family, Intel 80X86 family—Motorola, Intel.

Microwavable food in shelf-stable packaging: Impromptu, Top Shelf—General Foods, Geo. A. Hormel & Continental Can.

Microwave ovens—Litton Industries.

Minicomputers—Digital Equipment, Hewlett-Packard, IBM.

Minisupercomputers—Alliant Computer Systems, Convex Computer.

Multimeters—Hewlett-Packard, John Fluke Mfg.

Offshore drilling equipment—Cameron Iron Works.

Oscilloscopes—Tektronix.

Pacemakers—Medtronic.

Paper towels—Procter & Gamble, Scott Paper.

Personal computer applications software—Lotus Development, Microsoft, WordPerfect.

Personal computers—Apple Computer.

Pianos—Steinway & Sons.

Post-it note pads—3M.

Powerboats—Cigarette Racing Team, Donzi marine.

Pressure transmitters for industrial process plants—Rosemount.

Row-crop planters—Case IH.

Scotch S-VHS videotape—3M.

Scotchcal drag reduction tape—3M.

Sheet and strip stainless steel—Allegheny Ludlum.

Soft drinks—Coca-Cola.

Stationery—Crane.

Stereo loudspeakers—International Jensen, Allison Acoustics, Infinity Systems.

Sunglass lens—Corning Glass Works.

Supercomputers—Cray Research.

Symbion J-7 and Thoratec artificial hearts—Symbion, Thoratec Medical.

Tampax—Tambrands.

Technical workstations—Apollo, Silicon Graphics, Sun.

Teflon—Du Pont.

Telephone sets—AT&T.

Thermos vacuum containers—Halsey Taylor/Thermos.

Thin film hard disks—Komag, Seagate Technology.

Tillage equipment—Krause Plow.

Tractors, 100 hp and over—Deere.

Washing machines—Maytag, Whirlpool.

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KEEPING THE FIRES LIT UNDER THE INNOVATORS

Around this time of year, the noonday temperature in St. Paul, Minnesota, is three degrees below freezing, so it seems an unlikely spot for a caldron of innovation. Nonetheless, new products bubble up at a rate of more than 200 a year from the research labs that crowd Minnesota Mining & Manufacturing's 435-acre St. Paul campus. Many of 3M's innovations are modest variations of such ordinary but ubiquitous industrial and consumer items as masking tape, coatings for highway reflectors, and sandpaper.

Some 6,000 scientists and engineers are continually stirring the pot, primarily in chemistry and applied science. In all, the company makes some 60,000 products that last year produced revenues of $9.4 billion, up 10% from the year before. Operations in 50 other countries accounted for 40% of those sales. Assisted by the ailing dollar,

earnings rose 18% to $918 million. In Fortune's annual survey of America's most admired corporations, 3M most recently ranked No. 6—out of 306 entries. The company is often cited for its ability to keep innovation alive in a large, necessarily bureaucratic organization.

The man responsible for seeing that the fires don't go out is Allen F. Jacobson, 61, known as Jake, who joined 3M as a chemical engineer straight out of Iowa State University in 1947. In contrast with his popular predecessor, Lewis Lehr, Jacobson is strict and a little cold. He once rebuked the minister at his Presbyterian church for preaching that one person's profit is another's loss. Collaring the young man after the service, Jacobson informed him tersely that his remarks were "not in line with our country's best economic thinking."

While hardly the type to encourage the entrepreneurial whims of 3M's researchers, this Calivn has a dash of the Good Shepherd. To be sure that his flock of innovators share their ideas, Jacobson keeps his organization relatively decentralized. Information flows to the top from clearly defined reporting relationships and lots of shoptalk. He says, "You can't make too many of the decisions on the executive floor. You have to depend on the people who are close to the market and the technology."

Under Jacobson, 3M continues to codify many of the practices that preserve the innovative spirit of its scientists and engineers. Researchers are encouraged to spend 15% of their time pursuing pet projects that might have a payoff for the company down the road—a pastime they call "bootlegging." The stick behind that carrot is that 25% of each division's annual sales are expected to come from products developed in the prior five years.

Small groups staffed with a researcher and a marketer push inventions through the design and development stage. It takes an average of seven years from a product's invention to its successful introduction, although the trek can be made in less. Though Post-it notes took six years, some tapes take only one. Ultimately, 60% of the ideas wind up on the lab floor, but Jacobson wryly notes, "Outsiders say we are very lenient in rewarding failure."

One superior product fresh from the labs is the first videocassette tape for the Super VHS video recorder. The tape, which 3M hopes will be the industry standard by the 1990s, improves picture resolution by capturing 400 lines of broadcast information vs. the standard 230.

Besides coming up with new products, the labs are also supposed to protect and extend the product line against the encroachments of competitors. A case in point: In 1980, 3M developed the first water-activated synthetic casting tape used to set broken bones, but by 1982 eight other companies had brought out copycat products. When 3M researchers discovered that some of these tapes were acutally easier to apply than 3M's, they retreated to their labs to develop and test 140 new versions in a variety of fabrics, before introducing the next year and improved product that was stronger and easier to use.

In 1985, 3M's earnings declined 9.5% when the lofty dollar pummeled sales. Though Jacobson responded by cutting costs 35%, he spared R&D spending. Through this period, it actually rose from 4.5% of sales in 1980 to 6.6% today, a figure roughly twice the U.S. average for manufacturers. Now the company is reaping the benefits of that investment.

Every so often the caldron produces a witch instead of a winner. Recently a line of air ionizers used to remove dust from the air in factory production facilities began leaking radiation. Though 3M maintains that the ionizers pose no serious health threat, it recalled them fearing they would taint the company's reputation. When asked about that reputation, Jacobson dismisses all the business buzzwords and phrases save innovation and the pursuit of quality. "These are the tools for staying ahead in our increasingly competitive society," he says. For a man who goes one on one with God's anointed, he practices what he preaches.

### Making It Right the First Time

In 1979, Tennant Co. received two pieces of life-threatening news. Word arrived at Minneapolis headquarters that a potentially fatal defect had appeared in the motorized factory floor sweepers that it was exporting to Japan. The sweepers were chronically dripping oil. The second piece of news was Toyota's announcement that it was bringing out a competing product. In an all-out effort to save its 40% North American market share, Tennant, the world's biggest manfacturer of floor maintenance equipment, embarked on an ambitious, by-the-book quality improvement program that over the next few years upgraded its sweepers and scrubbers from good to great. Today the company has 60% of the North American market and 40% of the world market; sales grew from $98 million in 1979 to $167 million last year.

President Roger Hale started the process of upgrading the company's goods by consulting quality expert Phillip Crosby. Arguing that the product had to be made right the first time, Crosby recommended that the company eliminate its rework area, where 18 of the most experienced mechanics fixed mistakes made during the assembly process. The repercussions of Crosby's reform were enormous: Workers had to make fewer blunders and catch those they did make. In order to eliminate errors, management and workers, brainstorming in small groups, developed scores of new assembly procedures that changed the shape of assembly lines and rerouted the delivery of parts. Employees were taught statistical process control, a method of monitoring defects and setting goals to reduce them.

The group that looked into the oil leaks discovered that the company's engineers had ignored the latest hydraulics technology, and a number of the assembly workers has been improperly trained to put together the hose joints. Worse, 16 different suppliers were delivering fittings and hoses made to varying specifications. As a result, the parts didn't go together properly. Once the workers had been retrained and the number of suppliers reduced, leaks—which averaged two per machine in 1979—occurred in fewer than one of every 18 machines by 1986. Says Roger Hale proudly: "The leadership on the quality program has come from the factory floor."

Tennant succeeded in protecting its leading market share and enhancing its reputation within the industry. Better yet, says Robert Maples, a security analyst with Piper Jaffray, "improved product quality is largely credited with forestalling Toyota's expansion into the U.S. market." Morale has soared. Murals of paddling loons, grouse, and jumping bass adorn what were once bare factory walls. The floors shine, and the workers gladly show off their handiwork to visitors while chatting knowledgeably about quality control. Employees award each other teddy bears—known as Koala T. Bears—for taking the initiative on problem solving and achieving quality goals.

Every 18 months, to keep things in sharp focus, the company celebrates Zero Defect Day with a magic show and other live entertainment. At the end of the all-day fete, the workers renew their pledge to do their work correctly. "It sounds corny," says Maples, "but the corniness works."

### A Real Tiger in the Paper Trade

In the weathered redbrick mills of Crane & Co. in Dalton, Massachusetts, cotton pulp flows like watery scrambled eggs through tiled vats on its way to becoming fine stationery and paper so durable the currency of the U.S. is printed on it. Since 1801, Crane's 100 percent cotton rag paper has offered a combination of strength, durability, and surface texture that is unsurpassed by other mass-produced papers.

Crane letterhead is used in the White House, and supplied to Tiffany & Co. where it is sold as their stationery. The company makes and sells tracing paper for engineers and architects, the paper for passports, and the high-tech glass-fiber paper used in materials such as formica. Crane is also the U.S. Mint's sole supplier of currency paper. Last year the privately owned firm has revenues just over $100 million.

The company has had some advantages in its effort to preserve the competiveness of its products over its long history. Seven generations of Crane family ownership have provided a consistent management philosophy—one that vigorously pursues quality. A strong work ethic endures in the western part of Massachusetts, and Crane reinforces it with a generous profit-sharing program that distributes 25 percent of pretax profits to the employees. Many of the 730 workers are third- or fourth-generation employees of the company.

Excellence takes effort. Unlike most makers of rag paper, Crane controls the manufacturing process from the purchase of raw materials to the final engraving. The company buys two kinds of cotton: Raw cotton from Texas and California, where the best is grown, and cutting scraps from men's underwear, also among the softest and finest weavable cotton. Why cotton? Says Wayne Cronnell, director of quality control: "It is a long, clean, stable fiber that produces an extremely durable sheet of paper."

The papermaking machinery is imported from West Germany or made by two local companies, Sandy Hill and the Jones division of Beloit. "We buy the Mercedes of the industry when we buy equipment," says Tom Sedgwick, superintendent of the stationery division. Only the finest water-soluble pigments are used for the inks and dyes.

Finishing touches are done by hand. When it comes to painting the borders of the cards and stationery, 12 women workers gently spread out a stack of papers, making sure an even width of border shows on all the sheets before sponging on the ink. Says Sedgwick: "You try and find me a machine to do this. Nothing can match the accuracy of the human hand and eye."

## CUT THE CAPITAL GAINS TAX

● Mr. KASTEN. Mr. President, I call to the attention of my colleagues two excellent articles that appeared in the

Wall Street Journal on the issue of capital gains taxation.

The Journal's March 8 editorial makes a strong case for the capital formation and deficit reduction aspects of a capital gains tax rate cut. But the editorial's most important point is that many of the industrialized countries don't tax capital gains at all. In this increasingly competitive world marketplace, it doesn't make much sense to saddle American investors, entrepreneurs, and small businessmen with the heaviest capital gains tax rates in the industrialized world.

Michael S. Malone's op-ed "Not Just for Pin-Striped Fat Cats" explodes the myth that a capital gains tax cut is a giveaway to the rich. Malone argues that "the capital gains is the driving force behind employee stock option plans." If a new start up company becomes successful, thrives, and goes public, that stock will make everyone from the CEO to the assembly-line worker wealthier. Malone points out that "it has been estimated that Apple made dozens of employees into millionaires on the day it went public. Arguably, the stock option programs at new high-technology companies are the most efficient—and fairest—means of wealth creation and redistribution that this country has ever developed."

Mr. President, the 1986 Tax Reform Act's lower marginal tax rates benefit the economy by reducing the overall tax bias against work, savings, and investment. But the tax rate on investment in newly emerging companies and risky ventures remains as much as 65 percent higher than the rate on income. This combination of lower rates on ordinary income and higher rates on capital gains encourages individuals to shift their portfolios from high-risk investments—whose returns come in the form of capital gains—to conservative investments—whose returns come in the form of dividends, interest and rents.

Tax reform is discouraging the kind of investment in high-growth, higher risk small businesses that sparks the most economic growth and job creation. I believe that it's time for Congress to reexamine the taxation of capital gains. I've introduced legislation—S. 1789—to reduce the maximum tax rate on long-term capital gains to 15 percent. The President has called for a restoration of the capital gains differential. Several capital gains bills have been introduced in both Houses of Congress and by members of both political parties. Cutting the capital gains tax rate would restore economic growth as a priority of tax reform policy.

I ask that the Wall Street Journal articles be placed in the RECORD.

The articles follow:

[From the Wall Street Journal, Mar. 8, 1988]

A CAPITAL IDEA

If the presidential primary season has established anything it is that the 1980s' lowered tax rates are untouchable. But prior to passage of the 1986 tax act, there was a lot of rhetoric about how these efforts were a "giveaway to the rich." To counter this tax demagogy, the lawmakers raised the 20% tax rate on capital gains to match the new personal rate of 28% on highest incomes.

That was surely a mistake. Past experience with capital-gains rates suggests that running them up not only hobbles growth industries but also causes the rich to pay smaller, not larger, share of the Treasury's tax revenue.

President Reagan has asked Congress to reduce capital-gains taxes. He pointed out that the higher rates encourage investors to hold on to stocks and other assets rather than sell them and realize taxable gains. The result is likely to be a decline in federal revenue.

The historical evidence that higher capital-gains taxes yield lower revenues is compelling. The maximum rate on long-term gains was doubled in 1969. Revenues plummeted. Five years later they were still below their 1969 levels.

In the face of this kind of historical experience, Congress's Joint Committee on Taxation now calculates that a cut in capital-gains rates would cost the Treasury money. Under the "static revenue" models still in use by the committee, revenue supposedly moves up or down in virtual lock step with rising or falling tax rates; affected taxpayers presumably makes no effort to modify the tax status of their income.

In fact, everyone knows that people notice changes in tax incentives and respond accordingly. Back during the 1978 debate over reducing maximum effective capital-gains taxes to 28% from 49%, the Treasury Department, using static analysis, predicted "the measure would cost more than $2 billion annually." The actual result: Revenues from capital gains jumped from $8.1 billion to $11.7 billion between 1977 and 1979. And the bulk of those new revenues was paid by the rich.

The nearby table offers a thought-provoking look at how other industrialized nations tax capital gains. They have either *lowered* capital-gains taxes in the past few years or they never imposed them at all. The U.S. is the sole exception, indeed, recent data suggest that U.S. venture-capital firms already are redirecting investments away from new ventures and into mature firms.

CAPITAL GAINS TAX RATES

| | Maximum long-term rate | Maximum short-term rate |
|---|---|---|
| United States | 33 percent | 33 percent. |
| United Kingdom | 30 percent | 30 percent. |
| Sweden | 18 percent | 45 percent. |
| Canada | 17.51 percent | 17.51 percent. |
| France | 16 percent | 16 percent. |
| West Germany | Exempt | 56 percent. |
| Belgium | do | Exempt. |
| Italy | do | do. |
| Japan | do | do. |
| Netherlands | do | do. |
| Hong Kong | do | do. |
| Singapore | do | do. |
| South Korea | do | do. |
| Taiwan | do | do. |
| Malaysia | do | do. |

*Source: Arthur Anderson and Company.*

There is bipartisan support for changing the capital-gains tax. At least five Democrats on the House Ways and Means Committee want to cut the maximum rate to 15%. They observe that five recent academic and government studies indicate that with the higher capital-gains rates now in effect, the Treasury will lose between $27 billion and $105 billion in revenue between fiscal 1987 and 1991. All but one study implies that the tax rate that would maximize revenue falls somewhere between 9% and 21%.

Senator Bill Bradley believes that any attempt to reduce capital-gains taxes could "unravel" the coalition that passed tax reform, and lead a revenue-hungry Congress to consider a third, higher income-tax bracket. We recognize that danger. We also recognize that Congress' treatment of tax matters is barely rational and mostly political.

By what economic logic, for instance, do you raise taxes on capital gains but disallow deductions for capital losses? And surely Senator Bradley recognizes that the greatest threat to the new tax law will be Congress' compulsion to create new revenue enhancements. The tax-increase crowd should understand that if it wants to start that game, a proven revenue-raiser, the capital-gains cut, also will be on the table.

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[From the *Wall Street Journal*, Mar. 11, 1988]

NOT JUST FOR PIN-STRIPED FAT CATS

(By Michael S. Malone)

President Reagan has joined the electronics industry's call for a restoration of the old capital-gains tax break, the differential lost during the tax reform of 1986. It wasn't a particularly loud call, however, and it didn't receive much attention.

Talking about cutting taxes, any taxes, in 1988, is like yelling into a hurricane. And cutting capital gains, for heaven's sake! Maybe a lame-duck president can dare mention the idea, but among the candidates only Vice President George Bush and Rep. Jack Kemp—who dropped out yesterday—had the courage to come out for a tax break that, to the man in the street, seems to benefit just pin-striped fat cats.

But that perception isn't true; particularly not in the rough-and-tumble world of electronics. In 1986, Congress increased the capital-gains tax rate. The result was a precipitous drop in the formation of high-technology companies. Consider that while the next three years did see the founding of present-day billion-dollar giant Advanced Micro Devices, that company almost wasn't started because of founder Jerry Sanders's difficulty finding enough venture capital. What other major corporations might have been created during that period had the investment money been available?

The capital drought during that period also kept existing U.S. computer-chip companies from expanding their production capacities. Then, in 1973-74 the computer and video-game markets boomed, and the demand for 16K bit RAM Chips skyrocketed. The American firms couldn't meet the demand, and the Japanese moved in to fill the void.

THE STEIGER AMENDMENT

By the mid-'70s the number of U.S. companies being founded had dropped almost to zero. This was the era of Atari and Amdahl, the latter having to go to Japan's Fujitsu for its seed money. It was during this era, with few U.S. firms to fight them, that the

Japanese made their first great inroads into the world consumer electronics industry.

Only in 1978, after a lobbying effort by the American Electronics Association (under electronics executive and soon-to-be Rep. Ed Zschau), did Congress pass the Steiger Amendment, which cut the maximum capital-gains tax rate to 28% from 49%. Two years later, the maximum rate was cut again to 20%. The result was an explosion of new companies. These are some of the most important American high-tech firms of the 1980s: Apple Computer, Sun, Microsystems, LSI Logic, Cypress Semiconductor, Microsoft, Compaq, etc. They are the companies that are not only holding ground, but actually beating the Japanese.

Created at the same time as these superstars were several thousand little hightech companies. Some have thrived; some have disappeared through mergers, acquisitions or bankruptcies. In the process, they have generated thousands of patents, employed and trained ten of thousands of people, and made electronics the largest manufacturing employer in the U.S.

Needless to say, other factors were at work here as well, including economic ups and downs (though recessions, because of the lack of competition, are traditionally the best time to start new electronics companies) interest rates and the always important magnet of a hot product breakthrough. But beneath everything, there remains the unmistakable driving force of the improved capital formation unleashed by the cuts in the capital-gains tax rate.

Why this should be so is straightforward, Kenneth C.O. Hagerty of Public Affairs Services Inc., who was on the AEA/Zschau team, says: "To compete and succeed in their intensely competitive markets your high-tech firms have to grow at a pace well beyond their capacity to finance through retained earnings alone. They continually must go to the capital market to obtain new infusions of risk capital. The people who put up that capital know they will receive no dividends, because the companies need those dividends to grow. Rather, these investors are seeking capital appreciation and capital gains. So, when the tax on capital gains goes up substantially, so does the risk-to-reward ratio for these investors. They back away and money for new companies dries up."

Between the Steiger Amendment and the Tax Reform of 1986, an estimated one million new jobs were created by the U.S. electronics industry—three times the total employment of the U.S. steel industry. And this took place in the teeth of growing foreign competition enjoying comparative advantages in the cost of labor, materials and capital.

In early 1986, as the tax-reform movement was gaining momentum, Gina Despres, tax counsel to Sen. Bill Bradley, suggested that the AEA types holding out against eliminating the capital-gains tax differential were selfish, and "asking to be singled out for special treatment." The overall tax cut, she argued, would result in increased stock values. And that, Ms. Despres said, would more than make up for any losses due to the increased rate on capital gains. "There is no persuasive evidence," she said. "for the proposition that eliminating the capital gains differential will result in a diminution of venture capital investment."

Some anecdotal evidence is in.

While the roller-coaster stock market is masking what is going on in the venture-capital industry overall, those in the midst of it are sensing a change. Says Jim Swartz, president of the National Venture Capital Association, "In 1974 no one talked about venture capital. It was dead. Likewise today there is a lot less talk about venture capital among people with discretionary money to spend. They are putting their money somewhere else."

Among individual investors, who as a group represent $5 billion to $10 billion in potential venture money, says Mr. Swartz, "a lot of people are waking up right now to the effects of the tax change." Among venture capital firms the trend now, says Mr. Swartz, is to move from high-tech ventures into leveraged buyouts and retail investments.

One senses that underlying the opposition to capital gains tax breaks is a skewed congressional perception of what capital-gains tax breaks are all about.

The capital-gains tax differential is the driving force behind employee stock option plans, which are pervasive in the electronics industry. Joining a start-up company is an enormous risk compared with remaining with an established firm. Typically, the pay is much less, the hours are longer and job security is a memory. What attracts these adventures, from CEO to assembly-line worker, is founder's stock. When and if the company survives, thrives and goes public that stock will make all that risk and time worthwhile.

WEALTH REDISTRIBUTION

It has been estimated that Apple made dozens of employees into millionaires on the day it went public. Similar, but smaller, miracles occurred at Microsoft, Lotus, Campaq and scores of other. Arguably, the stock option programs at new high-technology companies are the most efficient—and fairest—means of wealth creation and redistribution that this country has ever developed.

Yet, as the U.S. electronics industry lobbies the federal government for relief on the capital-gains tax, it will find some of its greatest resistance from people who should know better. Consider presidential candidate and Massachusetts Gov. Michael Dukakis. To date he has been against restoring tax differential that may have done more than anything else to create the state-wide economic "miracle" on which his campaign rests. Reacting to Mr. Reagan's proposal to restore the capital-gains preference, he said: "I think it's preposterous. I can't imagine anything worse. . . . Cutting the capital-gains tax is about the last thing I would do."

Perhaps he should have listened to another Democrat, his own state's former U.S. Sen. Paul Tsongas. As Mr. Tsongas explained to Washington Post columnist William Raspberry in 1984, he voted against the 1978 Steiger Amendment "because I was a Democrat. I considered the ethic in the House among my fellow colleagues that this was pro-business, and therefore, we are against it. That bill, which I did not support, did more for the economy of my state than anything I did as a congressman."●

## TENNANT CO.: SUCCESS IS DEDICATION TO QUALITY

● Mr. BOSCHWITZ. Mr. President, I rise today to share a story of American dedication to quality from the March 28 issue of Fortune magazine. American industry has frequently been the whipping boy of many who blame our trade imbalance on the "shoddy" quality of our manufacturing companies. The story of the Tennant Co., the world's leading manufacturer of floor maintenance equipment, is ample evidence of the hollowness of this argument.

While American products are often accused of being of poor quality, the Tennant Co. has made quality its No. 1 priority. Led by President Roger Hale, employees on every level have contributed to improved assembly procedures and quality control.

The effort has certainly paid off. Dedication to quality control has allowed Tennant to retain its leading market share, enhanced its industry reputation, and even played a significant role in halting Japanese expansion into the United States market. Today, Tennant controls 60 percent of the U.S. market, and 40 percent of the world market in floor maintenance equipment.

This story of success—celebrated by Tennant employees on "Zero Defect Day"—is a reminder that no legislation, no additional rules and regulations, in fact, no speeches here on the Senate floor, can replace the dedication to quality in American industry exemplified by the Tennant Co.

At this time, Mr. President, I ask that a copy of the article on the Tennant Co.'s achievements be inserted in the RECORD.

The article follows:

MAKING IT RIGHT THE FIRST TIME

In 1979, Tennant Co. received two pieces of life-threatening news. Word arrived at Minneapolis headquarters that a potentially fatal defect had appeared in the motorized factory floor sweepers that it was exporting to Japan. The sweepers were chronically dripping oil. The second piece of news was Toyota's announcement that it was bringing out a competing product. In an all-out effort to save its 40% North American market share, Tennant, the world's biggest manufacturer of floor maintenance equipment, embarked on an ambitious, by-the-book quality improvement program that over the next few years upgraded its sweepers and scrubbers from good to great. Today the company has 60% of the North American market and 40% of the world market; sales grew from $98 million in 1979 to $167 million last year.

President Roger Hale started the process of upgrading the company's goods by consulting quality expert Philip Crosby. Arguing that the product had to be made right the first time, Crosby recommended that the company eliminate its rework area, where 18 of the most experienced mechanics fixed mistakes made during the assembly process. The repercussions of Crosby's reform were enormous: Workers had to make fewer blunders and catch those they did make. In order to eliminate errors, management and workers, brainstorming in small groups, developed scores of new assembly procedures that changed the shape of assembly lines and rerouted the delivery of parts. Employees were taught statistical process control, a method of monitoring defects and setting goals to reduce them.

The group that looked into the oil leaks discovered that the company's engineers had ignored the latest hydraulics technology, and a number of the assembly workers had been improperly trained to put together the hose joints. Worse, 16 different suppliers were delivering fittings and hoses made to varying specifications. As a result, the parts didn't go together properly. Once the workers had been retrained and the number of suppliers reduced, leaks—which averaged two per machine in 1979—occurred in fewer than one of every 18 machines by 1986. Says Roger Hale proudly: "The leadership on the quality program has come from the factory floor."

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## TARAS SHEVCHENKO DAY

● Mr. DIXON. Mr. President, March 9, 1988, marks the 174th birthday of the Ukraine's greatest poet laureate and national hero, Taras Shevchenko.

Born into serfdom, the humanist Shevchenko was a revolutionary democrat. In his writings, he exposed the thoughts and sentiments of the Ukrainian people who were oppressed nationally and socially.

Shevchenko's dreams later evolved into an uncanny grasp of the need to unify all the national groups inhabiting Russia against the tyranny of the Russian empire, and indeed, the world's underclasses and masses. He was truly a people's poet in the folk oral tradition. His poems became the programs and battle cries of peasants and serf longing for freedom.

In our generation, Shevchenko has come to be known as the "Father of the modern Ukrainian Nation." His sense of spirit and struggle from his life and writings are infused in the will of the Ukrainian people and all dissidents.

The people of the Ukraine, and their relatives worldwide, many of whom reside in Illinois, have been peacefully resisting Soviet occupation of their land, deportation of their peoples and Russification of their culture. Shevchenko is indeed the Urkaine's national prophet in this struggle.

I am completely committed to self-determination and freedom for the Ukraine. We must never forget the Ukrainian struggle. For, when we support the people of the Ukraine, we support the pursuance of liberty in the United States and everywhere. And when we continue our support of the Ukraine, we know that one day freedom will come to the Ukraine. As Shevchenko wrote, the Ukraine awaits its own General Washington!

## FORMATION OF CAPITAL GAINS COALITION

● Mr. BOSCHWITZ. Mr. President, I rise today to announce the formation of a capital gains coalition whose membership includes Senators and Representatives interested in capital gains reform to encourage long-term savings and investment. The first meeting of the coalition, as yet unnamed, was March 1, 1988. I am very pleased to report that there is bipartisan support for capital gains reform. Charter members in the coalition include Senator EVANS, Senator WALLOP, Senator KASTEN, Representative DREIER, Representative MORRISON, and Representative AUCOIN. Not a bad start for an initial meeting.

Few people realize that broad support for reduced capital gains rates exists on both sides of the aisle, Republicans and Democrats. Indeed, if capital gains reform is ever to have a chance it must have the support of the Members in both parties. The coalition will attempt to organize that support so that we speak with one voice about the need for legislative action.

The objectives of the coalition are very simple: Increase bipartisan support for capital gains reform; educate Members of the House and Senate on the merits of reduced capital gains rates; and provide a forum for the discussion of alternative approaches to capital gains.

As I have said many times before, the 1986 Tax Reform Act will do a great deal to encourage entrepreneurial activity. But I strongly disagreed with the elimination of the capital gains exclusion. Indeed, Senator ALAN CRANSTON and I led the fight in the Senate to preserve the exclusion. It can't help but have a serious detrimental effect on capital formation and investment in this country. Not only that, because most of our international competitors enjoy a complete exemption from tax on capital gains, you begin to understand how it is those countries have come so far so quickly in developing their economies.

The first priority of this coalition is to attract Members who support capital gains reform. Therefore, I invite my colleagues, both Republican and Democrat, to become members. Broad participation will ensure that all aspects of the issue are considered. In this way we all will be in a better position to represent our constituents when we are asked to vote on this issue in the future.

Mr. President, I am very encouraged by the support for capital gains reform that is building in Congress. I am convinced this is an issue we can resolve in a constructive and positive manner. I am certain that the capital gains coalition will contribute positively to the debate.●

## SISTER MAURICE CROWLEY

● Mr. DASCHLE. Mr. President, St. Patrick's Day this year will have special meaning to thousands of people whose lives have been affected by one special person. Her name is Sr. Maurice Crowley. For the Student Senate at Presentation College in Aberdeen, SD has officially proclaimed it as "Sr. Maurice Day."

I commend the student senate for having done so. They have very good reason. In all my years, I have never met a more memorable or unique person than Sr. Maurice Crowley.

The first line of an old Irish song goes: "When Irish eyes are smiling, all the world is bright and gay!" Sr. Maurice epitomizes that song. Her smile, her laughter, her wit, and her warmth is like sunshine on a gray day. Never have I met someone who so radiated good and who so capably lifts life's burdens when one is around her. For four decades, she has devoted her life to education. Over that time, her laughter and lifelong philosophy of joy has permeated the minds and hearts of countless students, audiences, and colleagues. With a charm only afforded the Irish, yet even more uniquely to her, she has touched the lives of every person with whom she has come into contact. As one of her first grade students more than 30 years ago, I am but only one.

With characteristic humor, Sr. Maurice tells friends that when she was young she wanted to be a temple of the Holy Spirit. She then says that God made her "a basilica, instead!"

Temple or basilica, there is no doubt that God created someone wonderfully unique and broke the mold immediately afterward. Ever since, those of us whose lives she has touched have never been the same.

Therefore, I join with all of those who know and love her in celebrating March 17, 1988 as "Sr. Maurice Day!"●

## COMMUNITY DEVELOPMENT BLOCK GRANTS

(By request of Mr. BYRD, the following statement was ordered to be printed in the RECORD.)

● Mr. GORE. Mr. President, the Community Development Block Grant (CDBG) program has a solid record of benefits for cities and communities across the country, as well as for the

Nation as a whole. Funds made available through CDBG have been used for a variety of purposes, most notably housing rehabilitation and neighborhood and community improvements for low-income citizens. In many rural areas, CDBG is the only possible source of funding for infrastructure projects needed for job creation or better housing.

But CDBG is much more than a "bricks and mortar" program. As the American Planning Association points out, it funds an array of critically needed social services for low-income persons, including day care centers, health care and emergency food distribution programs, job training and placement services, drug abuse prevention centers, delinquency prevention programs, maintenance assistance to elderly homeowners, and minority economic development initiatives.

In recent years, CDBG, like so many other economic and community development programs, has faced severe cuts. Once again this year, the Reagan administration has pursued its acknowledged policy of cutting the Federal Government's investment in cities, towns, and counties. In the administration's budget proposal for 1989, the CDBG program is scheduled for another cut. Funded at $2.88 billion in 1988, CDBG would be cut to $2.6 billion under this plan, including a transfer of $145 million from the section 312 Rehabilitation Loan Fund, which would be terminated.

Mr. President, I have been a staunch supporter of CDBG since my first year in Congress. Because of the benefits of this program, I cosponsored legislation in the last two Congresses to reject the administration's proposed recissions of CDBG funding. I urge my colleagues once again this year to reject unnecessary cuts in this program. CDBG is an investment, and a wise one, in the Nation's cities, towns and counties.

To demonstrate the value of CDBG to Tennessee and other parts of the Nation, I ask that a letter I received from the county executive of Roane County, TN, be printed in the RECORD at this point.

The letter follows:

OFFICE OF THE COUNTY EXECUTIVE,
*Kingston, TN, February 26, 1988.*

Senator ALBERT GORE, Jr.,
*Washington, DC.*

Re: Community Development Block Grant Funds

DEAR SENATOR GORE: As a recipient of CDBG funds, we want to let you know the enormous benefits that our County receives from this program and let you know how much we support this program.

Within the last several years we have seen direct benefits to our low and moderate income citizens through the following CDBG grants for jobs, services and infrastructure:

| | |
|---|---|
| Emory Gap Housing Rehabilitation project | $1,348,000 |
| Great Lakes Carbon loan | 333,650 |
| Midtown Sewer project | 324,000 |
| Michael Dunn Center | 225,000 |

Indirect benefits have been received by all the citizens of Roane County. The infrastructure, housing rehabilitation and Revolving Loan Fund programs have been our key to reversing economic disasters caused by the closing of several large companies in Roane County and most of the high paying jobs went down with them.

With the absence of Revenue Sharing Funds, such badly needed projects as listed above could not be funded locally. Predominantly rural counties such as Roane County could not fund projects such as these on our existing tax base. With so many avenues for revenue closing to local governments, competition between the counties and cities for CDBG funds has become fierce. These funds have helped us reverse the high unemployment caused by plant closings. However, we continue to be plagued with a high level of underemployment of our citizens in Roane County.

Since 1981, the federal budget has reduced CDBG funding from $4 million to $2.88 million, at the very time these funds should have been increased.

The Tennessee Department of Economic and Community Development is doing an excellent job administering these funds. Their professionalism and positive attitude is admired by us and industries from all over the country who are interested in doing business in Tennessee.

We need your help and support. Any effort on your part to prevent budget cuts on the CDBG program will be greatly appreciated.

Yours truly,

KEN YAGER,
*County Executive.* ●

## NATIONAL LABORATORIES

Mr. DOMENICI. Mr. President, Members of the Senate, I have come to the floor a number of times to praise the work going on in our system of national laboratories. I have spoken of the national laboratories as America's secret weapon in the world economic competition.

I have suggested to my colleagues that we unlock this resource, that we use these national laboratories for more and more scientific challenges. Once again, these national laboratories—in particular, I will speak of one tonight—have proved me right. Sandia National Laboratory in Albuquerque, NM, one of our three so-called nuclear laboratories, has just announced a breakthrough in computer technology that may well be the most exciting and important advance in decades. This advance, which is discussed in detail on page 1 of the Washington Post today, provides far faster computer times than scientists dared to believe.

These scientists have created a method for doing in 1 hour what would take 1,000 hours, over 40 days, on the best computers available today, the super computers of today. Let me repeat that. The scientists in Albuquerque, NM, at one of our national laboratories, have created a method for doing in 1 hour what would take 1,000 hours, over 40 days and nights, on the best super computers available today.

I doubt that we even have the capacity to guess here this evening the importance of such an advance, such a leap forward in the technology and essentially in the technology of knowledge. And it happened, of course, as I indicated in one of our great national laboratories.

The problem, Mr. President, will be in taking that knowledge, that breakthrough and building American-made products with it. That is why I am excited about the prospects for a bill which many have helped me with, called S. 1480. I have introduced it heretofore, and I have recently considered comprehensive amendments by way of a substitute. This legislation not only will accelerate scientific advances but will get those breakthroughs onto the production line in the United States by enhancing and increasing the cooperation between the national laboratories, the private sector, and the universities of this great country.

The intent of this legislation is to make ideas conceived in the minds of our engineers and scientists quickly turn into products that consumers need and want. The national laboratories, one of our Nation's great but underutilized resources, can help do this.

I believe these laboratories are profoundly qualified to serve as the catalyst that brings a new era of cooperation in engineering and science between our universities, our private sector, and our industries.

The citizens of our great Nation will benefit through the number of jobs that will ultimately be created in industry by products developed in this effort. We believe that our economy will benefit because we expect this action will help produce new products which will in turn reduce our trade deficit by making us more competitive in the international marketplace.

This amendment which I briefly discussed has four titles, ones that emphasize superconductors, mapping the human genome, semiconductors, and, of course, the idea of technology transfer between the national laboratories, the universities, and essentially our private sector.

Each has great potential. I want to speak for just a few moments now on semiconductors.

Semiconductors are already the basic building block of a $300 billion annual business. Conservative estimates conclude that electronic sales will grow by another $600 billion in the next 12 years.

Computers are a major component of electronics sales. Much of the $600 billion growth will be in computer sales.

Much of the research called for in this bill will advance computer technology. Another area that is also having dramatic impact on computers is called parallel processing. In parallel processing the computer performs several parts of a problem at the same time rather than each step waiting on completion of a previous step. This is the area in which Sandia has made their breakthrough.

What is so exciting is that this advancement has increased computing speed by 1,000 times; most of the experts believed that no more than a factor of 100 would ever be possible.

This advancement makes practical the solution of important problems that would require years to analyze on ordinary computers.

I would like to personally congratulate my close friend Irwin Welber, president of Sandia National Laboratories, and all the scientists and engineers who contributed to this important advancement. I want to encourage the DOE and Sandia National Laboratories to transfer this technolgoy to U.S. private industry where it can help in the competition for international markets.

America is the Nation of scientific achievement. This new computer advance proves that. We must make certain that it also is the Nation of engineering achievement.

I ask unanimous consent that the article, "New Computer Works 1,000 Times Faster," published on the front page of today's Washington Post, be printed in the RECORD.

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

[From the Washington Post, Mar. 14, 1988]

NEW COMPUTER WORKS 1,000 TIMES FASTER

(By Boyce Rensberger)

Scientists at Sandia National Laboratory in New Mexico announced yesterday that they have developed a supercomputer that can solve complex scientific problems 1,000 times faster than a normal computer a rate far faster than scientists believed possible.

The new "hypercube massively parallel supercomputer" consists of 1,024 processors—each the micro-chip equivalent of a single, ordinary computer—linked so that they work simultaneously, or "in parallel," on separate parts of one massive problem, Sandia scientists said in a report embargoed until last night.

The advance opens the way for scientists to tackle some of the most intricate practical problems they face, such as weather prediction. Accurate long-range forecasts must take into account thousands of detailed, continually changing phenomena.

The new supercomputer could also deal with other practical problems such as how pollutants are dispersed in the atmosphere or coolants are circulated in a nuclear power plant.

"We think it's a very exciting result," Bill Gear, head of the department of computer science at the University of Illinois, told the Associated Press. Gear, president of the Society for Industrial and Applied Mathematics and managing editor of its journal, said he has read the paper Sandia scientists submitted to the journal on the break-through last week.

Normally it takes two years from submission of an article to its publication, he said. However, he said, he will try to publish the supercomputer paper by July.

Parallel computers are envisioned as the centerpiece of the next stage of progress in supercomputing. A top-of-the-line Cray supercomputer, often considered the most powerful model on the commercial market, contains four parallel processors. Cray has designed a 16-processor model but it not yet being sold.

Experimental computers with up to 256 processors have been developed at various research centers but none has achieved speedups in proportion to the number of processors, which is what the Sandia scientists said they have done with the computer they call "massively parallel."

The Sandia computer can solve a large problem more than a 1,000 times faster than could an ordinary computer. The feat demolishes a long-accepted belief that there is a limit to how much speedup was possible with parallel computers. It had been thought that improvements of 50- to 100-fold were about the best that could be achieved, no matter how many processors were linked.

The new computer was asked to calculate the detailed stresses and strains throughout a solid metal beam under a load, a standard type of problem used to test supercomputers. The Sandia machine completed the test after running for a week, 1,019 times faster than the 20 years it would have taken an ordinary computer.

"We have achieved results that most computer scientists thought impossible a couple of years ago," said John L. Gustafson, a Sandia computer scientist involved in the project. Others involved included Robert E. Benner, Gary R. Montry and David Womble.

Although technically sophisticated for computers, the idea behind parallel processing is simple. Ordinary computers have one processor—usually a single microchip, or integrated circuit—that can work on a problem only one step at a time. Parallel computers divided the problem into smaller parts and assign each part to one of many processors working simultaneously.

Many factories and businesses routinely break down an overall task into many separate, simultaneous steps in the same way a parallel process computer does. The construction of a house is an example. If only one worker were involved, he or she would have to do one thing at a time—bricklaying, plumbing, wiring, roofing and so on. Since almost none of these jobs depends on another being done first, the house could be finished sooner if each job were done at the same time by separate workers—as it generally is.

The trick to parallel processing in a computer, according to Edwin H. Barsis, director of computer sciences at Sandia, is developing the programming that can break a scientific problem into pieces that can be worked on simultaneously. The software identifies all the steps that need to be done to solve a problem, assigns the relevant data and programming to each processor and then assembles the results into a final product.

The belief that there was a limit to the speedup that could be gained by parallel processing came from the fact that there would always be some part of the work that could not be subdivided and which took longer than any other part. The computer could be no faster than it took to process its largest unit of work. Speedups of 50 to 100 were thought to be near the theoretical maximum, no matter how many processors were used.

Barsis said Sandia exceeded this limit both through clever programming and by tackling much larger problems than had been envisioned before. Bigger problems have more pieces that can usefully be assigned to individual processors.

"Hypercube" refers to the way the processors are linked in Sandia's computer. The ideal is to have a direct line from each processor to every other one, so that all can "talk" directly to one another. That complete a link, however, poses an unwieldy wiring problem and the hypercube is an optimal compromise.

In an ordinary cube there would be one processor at each of the eight corners, linked by lines along each edge. A hypercube consists of any number of cubes inside of cubes. Each corner of an inside cube is linked to the nearest corner of the next cube out.

## ORDERS FOR TUESDAY

RECESS UNTIL 10:30 A.M.

Mr. BYRD. I ask unanimous consent, Mr. President, that the Senate, when it completes its business today, stand in recess until the hour of 10:30 a.m. tomorrow.

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

ORDER OF PROCEDURE PRIOR TO VOTE ON CLOTURE MOTION

Mr. BYRD. Mr. President, under the order that has been entered, could Senators offer second-degree amendments up to the time the vote on cloture begins, to wit, 11:30 a.m. tomorrow?

The PRESIDING OFFICER. One hour before the vote.

Mr. BYRD. Then I ask unanimous consent, Mr. President, that Senators may be permitted to file amendments in the second degree to the amendments which have already been filed in the first degree at any time during the 1 hour preceding the vote on cloture tomorrow up to and including the point where the vote begins.

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

Mr. BYRD. Mr. President, I ask unanimous consent that the time under the rule, 1 hour tomorrow, be equally divided and controlled between and by the two leaders or their designees.

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

Mr. BYRD. Mr. President, I ask unanimous consent that during the time tomorrow, prior to the vote on cloture, no motion, no amendment, no action of any kind be in order, other than debate, which is not action. No action be in order, but only debate be in order during that 1 hour.

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

Mr. BYRD. The reason I make that request is the leadership will be at the White House, it is my understanding, tomorrow, and I think it best the leadership protect the Senate against unforeseen motions or other actions which might occur while the leadership is away.

So have I adequately protected the leadership against all motions or any other actions?

The PRESIDING OFFICER. The leader has.

Mr. BYRD. I thank the Chair.

Mr. SIMPSON. Mr. President, we have effectively protected ourselves against ourselves. I want to thank the majority leader for his efforts today on behalf of Senator KENNEDY and myself. I hope it will be resolved, and if not, it surely will be resolved by the will of the Senate at some point.

Without his steady patience and geniality, that situation would not come to pass as it did today. Tomorrow is another story. But I thank the majority leader very much for his assistance to the floor manager, to Senator KENNEDY, and to myself. It was very helpful in a difficult situation.

Mr. BYRD. Mr. President, I thank the distinguished acting Republican leader. I also wish to thank the Chair, the distinguished Senator, Mr. ADAMS, who is presiding. I compliment him concerning his responses to my parliamentary inquiries.

## PROGRAM

Mr. BYRD. Mr. President, the Senate will convene tomorrow at 10:30 a.m. following a recess. There will be 1 hour of debate on the motion to invoke cloture on S. 1721, the intelligence oversight bill. That time will be equally divided between the two leaders or their designees. No motions or actions of any kind will be in order during that 1 hour. The 1 hour will be limited to debate only.

At 11:30 a.m. tomorrow, the Senate will vote on the motion to invoke cloture. The mandatory quorum has been waived, but a unanimous-consent request has been entered and agreed to that will allow Senators to offer second-degree amendments to the first-degree amendments that have been already appropriately filed. In the event cloture is invoked, then those second-degree amendments will be in order. If cloture is invoked, the Senate will continue action on the intelligence oversight bill to the exclusion of all other business until action on that bill has been completed.

Upon the disposition of that bill, then the Senate will return to the consideration of the immigration legislation that will have been temporarily held in abeyance by virtue of the cloture vote. At that time, no amendments other than—am I accurate in saying one amendment?

The PRESIDING OFFICER. That is correct. The majority leader has made in order the one amendment by the Senator from Alabama, Mr. SHELBY.

Mr. BYRD. Yes. No other amendments other than the one amendment by Mr. SHELBY will be in order, and no motions to recommit with instructions will be in order.

The PRESIDING OFFICER. The majority leader is correct.

Mr. BYRD. Which means that no amendments to a motion to recommit with instructions would be in order, because the motion to recommit with instructions is made out of order by virtue of the request granted. Hopefully final passage on that bill will occur tomorrow.

In the event, Mr. President, that the Senate proceeds tomorrow to vote on final passage of the immigration bill, I ask unanimous consent that debate thereon be limited to not to exceed 30 minutes, the time to be equally divided between Mr. KENNEDY and Mr. SIMPSON.

The PRESIDING OFFICER. Is there objection? Hearing no objection, it is so ordered.

Mr. BYRD. Mr. President, anent the order that was just entered providing for no more than 30 minutes debate on final passage of the immigration bill in the event the Senate goes to a final vote tomorrow, I ask unanimous consent that that time limitation obtain whether or not the Senate goes to a vote tomorrow. At such time as the Senate does go to a vote on the immigration bill, I ask unanimous consent that the time for debate thereon be limited to 30 minutes to be equally divided between Mr. KENNEDY and Mr. SIMPSON.

The PRESIDING OFFICER (Mr. ROCKEFELLER). Is there objection? Without objection, it is so ordered.

## RECESS UNTIL 10:30 A.M. TOMORROW

Mr. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in recess until the hour of 10:30 tomorrow morning.

The motion was agreed to; and at 7:38 p.m. the Senate recessed until tomorrow, Tuesday, March 15, 1988, at 10:30 a.m.

## NOMINATIONS

Executive nominations received by the Senate March 14, 1988:

### DEPARTMENT OF STATE

GEORGE ARTHUR TRAIL III, OF PENNSYLVANIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALAWI.

### INTER-AMERICAN FOUNDATION

M. ALAN WOODS, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 1992, VICE M. PETER MCPHERSON.

### DEPARTMENT OF DEFENSE

GORDON A. SMITH, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE DONALD C. LATHAM, RESIGNED.

WILLIAM LOCKHART BALL III, OF SOUTH CAROLINA, TO BE SECRETARY OF THE NAVY, VICE JAMES H. WEBB, JR., RESIGNED.

### THE JUDICIARY

JAMES R. MCGREGOR, OF PENNSYLVANIA, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF PENNSYLVANIA, VICE HUBERT I. TEITELBAUM, RETIRED.

### DEPARTMENT OF JUSTICE

STANLEY J. GLOD, OF VIRGINIA, TO BE CHAIRMAN OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES FOR THE REMAINDER OF THE TERM EXPIRING SEPTEMBER 30, 1988, VICE BOHDAN J. FUTEY, RESIGNED.

### DEPARTMENT OF TRANSPORTATION

EDWARD R. HAMBERGER, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION, VICE REBECCA GERNHARDT RANGE.

### BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION

BARRY M. GOLDWATER, JR., OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM OF 6 YEARS, NEW POSITION.

### FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

RICHARD V. BACKLEY, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM OF 6 YEARS EXPIRING AUGUST 30, 1994, REAPPOINTMENT.

### HARRY S TRUMAN SCHOLARSHIP FOUNDATION

THE FOLLOWING-NAMED PERSONS TO BE MEMBERS OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR TERMS EXPIRING DECEMBER 10, 1993:

MARGARET TRUMAN DANIEL, OF NEW YORK (REAPPOINTMENT).

GARY EUGENE WOOD, OF TEXAS: VICE GLORIA ANN HAY, TERM EXPIRED.

### NATIONAL MEDIATION BOARD

WALTER C. WALLACE, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR THE TERM EXPIRING JULY 1, 1990 (REAPPOINTMENT).

### INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

THE FOLLOWING-NAMED PERSONS TO BE MEMBERS OF THE BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR A TERM OF YEARS PRESCRIBED BY PUBLIC LAW 99-498 OF OCTOBER 17, 1986 (NEW POSITIONS):

GAIL BIRD, OF NEW MEXICO
EDITH COLVARD CRUTCHER, OF KANSAS
ROY M. HUHNDORF, OF ALASKA
JAMES COURTNEY JENNINGS, OF VIRGINIA
WILLIAM STEWART JOHNSON, OF THE DISTRICT OF COLUMBIA
DUANE H. KING, OF OKLAHOMA
ALFRED H. QÖYAWAYMA, OF ARIZONA
BEATRICE RIVAS SANCHEZ, OF MICHIGAN
JAMES D. SANTINI, OF NEVADA
IRVING JAMES TODDY, OF ARIZONA

### NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

THE FOLLOWING-NAMED PERSONS TO BE MEMBERS OF THE NATIONAL MUSEUM SERVICES BOARD FOR THE TERMS INDICATED;

FOR A TERM EXPIRING DECEMBER 6, 1991:

ARTHUR C. BEALE, OF MASSACHUSETTS, VICE ANN DUNCAN HAFFNER, TERM EXPIRED.

FOR A TERM EXPIRING DECEMBER 6, 1992:

WILLARD L. BOYD, OF ILLINOIS, VICE PETER H. RAVEN, TERM EXPIRED.

### DEPARTMENT OF JUSTICE

DAVID E. BALDELLI, OF TEXAS, TO BE U.S. MARSHAL FOR THE NORTHERN DISTRICT OF TEXAS FOR THE TERM OF 4 YEARS VICE CLINTON T. PEOPLES, TERM EXPIRED.

### IN THE COAST GUARD

THE FOLLOWING RESERVE OFFICERS OF THE UNITED STATES COAST GUARD RESERVE FOR PROMOTION TO THE GRADE OF CAPTAIN:

JOHN M. JACOBS III
WILLIAM L. GILES
EDWARD R. WILLIAMS

THE FOLLOWING RESERVE OFFICERS OF THE U.S. COAST GUARD RESERVE FOR PROMOTION TO THE GRADE OF COMMANDER:

| | |
|---|---|
| EUGENE S. ALTENA | ROBERT W. MCELMOYLE |
| GEORGE R. MCNIFF, JR. | GEORGE J. SANTACRUZ |
| DANIEL V. RILEY, JR. | |

THE FOLLOWING REGULAR OFFICERS OF THE U.S. COAST GUARD FOR PROMOTION TO THE GRADE OF LIEUTENANT:

PERRY J. COLBURN

THE FOLLOWING REGULAR OFFICERS OF THE U.S. COAST GUARD FOR PROMOTION TO THE GRADE OF LIEUTENANT (JUNIOR GRADE):

| | |
|---|---|
| CHRISTOPHER N. ZENDAN | WILLIAM J. MILNE |
| GLENN F. GRAHL, JR. | GREGORY W. BLANDFORD |
| ROBERT A. HILDIE | WILLIAM E. THOMPSON |
| ANNE L. BURKHARDT | DOUGLAS C. LOWE |
| THOMAS M. MIELE | ALLEN B. CLEVELAND |
| EDDIE JACKSON III | |

PURSUANT TO THE PROVISIONS OF 14 USC 729, THE FOLLOWING NAMED LIEUTENANT COMMANDERS OF THE COAST GUARD RESERVE TO BE PERMANENT COMMISSIONED OFFICERS IN THE COAST GUARD RESERVE IN THE GRADE OF COMMANDER.

| | |
|---|---|
| VINCENT J. SPAGNOLO | ALLEN R. SHOAFF |
| THOMAS E. BREI | ROBERT G. MOST |
| JOSEPH H. FIELD | STEPHEN T. BURCH |
| THOMAS W. BARTO | JOHN T. MILLER |
| RONALD L. FOSTER | ROBERT E. HAGLUND |
| SETH J. HUDAK | MELVIN H. DEMMITT |
| KENNETH D. PALMER | CHARLES T. BARRETT, JR. |
| ANDREW J. MCDONOUGH | DENNIS J. GILLESPIE |
| NORBERT J. NORMAN | JERRY D. DAVIS |
| TIMOTHY C. FARLEY | STEVEN M. BERGERON |
| ANTHONY J. ARTINO | MARY P. O'DONNELL |
| DAVID R. STRAETEN | WILLIAM F. BAITY |
| RAYMOND G. MAGNO | EVELYN M. SHEPARD |
| DAVID S. SMITH | DAVID V. EDLING |
| MICHAEL J. PERPER | RONALD L. MURRAY |
| CHARLES L. CARTER | ROBERT K. ANDERSON |
| HOKE S. THOMAS | JAMES M. BEGIS |
| MARK E. GOLDMAN | DANNY E. LEMON |
| EDWARD D. BROPHY | THOMAS E. GALLAGHER |
| ARCHIE T. SMITH | STEPHEN J. BUKOWY |
| ROBERT J. PAPP, SR. | GREGORY S. CHAPMAN |
| EDDIE L. WALKER | MICHAEL D. ELLIOTT |
| MICHAEL J. RAUWORTH | BRUCE P. AUSTIN |
| RALPH S. VOORHIES | ROBERT S. GUDKNECHT |
| BRUCE BELOUSOFSKY | KENNETH M. NORRIS |
| THOMAS J. JOHNSON | HARRY F. GWYNNE |
| KATIE D. TUCKER | |

### IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

*To be lieutenant general*

LT. GEN. JAMES R. BROWN, [redacted]FR, U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

*To be lieutenant general*

LT. GEN. MURPHY A. CHESNEY, [redacted]FR, U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

*To be lieutenant general*

LT. GEN. DAVID L. NICHOLS, [redacted]FR, U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, TO BE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

*To be lieutenant general*

MAJ. GEN. JIMMIE V. ADAMS, [redacted]FR, U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, TO BE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

*To be lieutenant general*

LT. GEN. THOMAS G. MCINERNEY, 336-30-8725FR, U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 8036, TO BE SURGEON GENERAL OF THE AIR FORCE:

*To be surgeon general, USAF*

MAJ. GEN. MONTE B. MILLER, [redacted]FR, U.S. AIR FORCE.

THE FOLLOWING OFFICER FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTION 531, TITLE 10, UNITED STATES CODE, WITH GRADE AND DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE PROVIDED THAT IN NO CASE SHALL THE OFFICER BE APPOINTED IN A GRADE HIGHER THEN LIEUTENANT COLONEL:

### LINE OF THE AIR FORCE

ALLAN L. SWAIN, JR., [redacted]

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTIONS 531, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM THE DUTIES INDICATED, PROVIDED THAT IN NO CASE SHALL ANY OF THE FOLLOWING OFFICERS BE APPOINTED IN A GRADE HIGHER THAN LIEUTENANT COLONEL:

### CHAPLAIN

BERNARD J. GROCHOWSKI, [redacted]

### NURSE CORPS

PATRICIA C. STRADLEIGH, [redacted]
ANGELA L. WATWOOD, [redacted]

### MEDICAL SERVICE CORPS

THOMAS A. PETERS, [redacted]

### BIOMEDICAL SCIENCES CORPS

ERNEST H. OERTLI III, [redacted]

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10 FOR THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE (EFFECTIVE DATES FOLLOW SERIAL NUMBERS).

### LINE OF THE AIR FORCE

*To be lieutenant colonel*

MAJ. WILLIAM R. ALBAIR, [redacted] 10/4/87
MAJ. MICHAEL J. BEBON, [redacted] 10/17/87
MAJ. CHARLES C. BETTS JR., [redacted] 9/20/87
MAJ. JOHN V. BEYER, [redacted] 10/4/87
MAJ. ERNEST W. BROUGH, [redacted] 11/10/87
MAJ. ARTHUR H. BRYAN III, [redacted] 10/23/87
MAJ. DONALD E. CAIN, [redacted] 9/16/87
MAJ. JOHN J. CONTI, [redacted] 9/12/87
MAJ. BRIAN R. CRANSTON, [redacted] 11/7/87
MAJ. BRENT L. DANNER, [redacted] 10/28/87
MAJ. HENRY C. FRISBY, [redacted] 10/13/87
MAJ. CHARLES L. HARRISON, [redacted] 11/7/87
MAJ. WILLIAM E. HAYMES, JR., [redacted] 11/8/87
MAJ. GARY T. HEDSTROM, [redacted] 10/4/87
MAJ. VICTOR H. HORTON, [redacted] 8/27/87
MAJ. ERIC L. JOHNSON, [redacted] 9/25/87
MAJ. DONALD S. LOVISONE, [redacted] 11/4/87
MAJ. JOHNNY P. MARCEAU, [redacted] 10/23/87
MAJ. JOSEPH J. POLITO, [redacted] 11/19/87
MAJ. MARVIN L. RIDDLE, [redacted] 11/18/87
MAJ. HARRY J. ROUYER, JR., [redacted] 11/19/87
MAJ. ROY J. SHETKA, [redacted] 10/21/87
MAJ. WILLIAM L. SIBLY, [redacted] 11/8/87
MAJ. PAUL E. VLIEK, [redacted] 11/2/87
MAJ. LAWRENCE H. WOODBURY, [redacted] 10/17/87
MAJ. JAMES R. WYNNE, [redacted] 10/22/87
MAJ. KENNETH G. YEAGER, JR., [redacted] 11/7/87

### BIOMEDICAL SCIENCE CORPS

MAJ. KENNETH VANDERZEYDE, [redacted] 10/4/87

### IN THE ARMY

THE FOLLOWING-NAMED INDIVIDUALS FOR APPOINTMENT IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 3353 AND 593:

### MEDICAL CORPS

*To be colonel*

ROBERT C. ANDERSON, [redacted]
ROBERT L. CORN, [redacted]
RAMON E. GUSTILO, [redacted]
ERNEST L. MAZZAFERRI, [redacted]
FRANCIS N. MORTENSON, [redacted]
WILLIAM D. YOUNG, [redacted]

*To be lieutenant colonel*

JAMES I. ABBENHAUS, [redacted]
GARY R. ALBERTSON, [redacted]
ERDOGAN Y. BAYSAL, [redacted]
RONALD E. BURNAM, [redacted]
ROBERT T. GUELCHER, [redacted]
DELBERT L. HESKETT, [redacted]
WILLIAM H.B. HOWARD, [redacted]
JOHN M. JOHNSON, [redacted]
JAMES A. LEE, [redacted]
MONTE S. MELTZER, [redacted]
RICHARD S. PANUSH, [redacted]
THOMAS S. PARVIN, [redacted]
EDWARD M. PORTMAN, [redacted]
JOHN E. QUAST, [redacted]
SALVADOR M. RAMIREZ, [redacted]
JAMES R. SCHUFT, [redacted]
FRANCISCO H. SUAREZ, [redacted]
HUGH D. THORFINNSON, [redacted]
CARLOS A. TRONCOSO, [redacted]
KENNETH G. TORRINGTON, [redacted]
ROBESPIERRE T. TUMBOKON, [redacted]
SIDNEY A. VINALL, [redacted]
PAUL A. WEHRUM, [redacted]
HERBERT M. WEINMAN, [redacted]
ROBERT M. WILSON, [redacted]

THE FOLLOWING-NAMED OFFICERS FOR PERMANENT PROMOTION IN THE UNITED STATES ARMY IN ACCORDANCE WITH THE APPROPRIATE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 624 AND 628:

### ARMY

*To be lieutenant colonel*

THOMAS M. LONGAZEL, [redacted]

*To be major*

DWIGHT B. VARLEY, [redacted]

### IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICER OF THE MARINE CORPS FOR PERMANENT APPOINTMENT TO THE GRADE OF MAJOR, UNDER TITLE 10, UNITED STATES CODE, SECTIONS 624 AND 628:

FREDERICK C. JENKS

### IN THE NAVY

THE FOLLOWING NAMED EX-U.S. NAVY OFFICERS TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593.

| | |
|---|---|
| WILLIAM M. ASHER | CARL G. BUSH |

THE FOLLOWING NAMED EX-U.S. NAVY OFFICER TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593.

ROBERT D. WALKER

THE FOLLOWING MEDICAL COLLEGE GRADUATE TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593.

DANIEL W. NIXON

THE FOLLOWING NAMED NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT IN THE MEDICAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

| | |
|---|---|
| RICHARD D. BALK | ANDREW K. PARSONS |
| DONALD R. BEBB | JOSEPH F. PASTERNAK |
| COLIN BERRY | MICHAEL J. PESQUEIRA |
| BARBARA A. BURR | DENNIS C. PRATT |
| DAVID M. CASTELLAN | DAVID A. RANDALL |
| RICHARD S. DOHODA | BILLY G. REDMOND |
| PAUL S. HAMMER | KEVIN J. REED |
| JEFFREY M. HARDIN | STEVEN C. SCHALLHORN |
| BRETT B. HART | RAYMOND E. SCHMIDT |
| ERIC B. HERBERT | ROBERT B. SIMPSON |
| DANIEL E. HUHN | STEVEN D. SMITH |
| MOORE H. JAN | THOMAS S. STONUM |
| KAREN B. JOHANSEN | FAY Y. SUNADA |
| DAVID W. LEONARD | DAVID A TAM |
| PAUL B. MITCHELL | HEIDI A. TERRIO |
| ASA D. MORTON | GLENN F. THIBAULT |
| MICHAEL P. MULDOON | LEE P. TOCCHI |
| DUANE J. NELSON | GAVIN S. YOUNG |
| YVES NEPOMUCENO | JAMES W. ZACOVIC |

THE FOLLOWING-NAMED NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

| | |
|---|---|
| SHERMAN BALDWIN | PETER A. ROGERS |
| CHRISTOPHER A. BLOW | CHARLES R. SELLMAN |
| DAVID S. GILMER | EVAN A. SMITH |
| BRADFORD S. NEFF | KELLY B. WILLIAMS |
| MARCUS A. PRITCHARD | |

THE FOLLOWING-NAMED U.S. NAVY OFFICERS TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593:

| | |
|---|---|
| DAVID C. BARTON | COLEMAN A. MOSLEY, JR. |

THE FOLLOWING-NAMED NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531.

| | |
|---|---|
| GEORGE R. ADAMS | JOHN F. HUBBARD |
| JEFFREY E. ANDREWS | JOSEPH H. KIM |
| LAYNE M. ARAKI | JEFFREY H. KIRBY |
| THOMAS M. BACON | KENNETH R. KRUCIAK |
| JOHN J. BENOIT | MICHAEL W. LEWIS |
| JEFFREY R. BIER | EVERT T. LINDBERG |
| RICHARD G. BRANTLEY | WILLIAM K. MCALLISTER |
| RONALD E. BRITZIUS | JEFFREY S. MEYER |
| FREDRICH A. CLARK, JR. | MICHAEL G. MORROW |
| RAYMOND L. COOPER | DAVID E. O'DONNELL |
| R. CRAIG COURTNEY | SHARON M. ORLANDO |
| JOE M. CROSSETT | DEXTER PHILLIPS |
| KARL V. DAMBROSIO | TIMOTHY B. ROONEY |
| JAMES E. DUFFY | KEVIN H. ROSS |
| SCOTT C. DYSERT | WILLIAM A. SCHWALM |
| ANTONIO M. EDMONDS | CHRISTOPHER J. SCORSE |
| CAMERON R. ELLIOT | EUGENE P. SIEVERS |
| CRAIG D. FRASER | FRED S. STIVERS |
| JEFF A. GREEN | JEFFEREY L. SWAYNE |
| SCOTT L. HAWKINS | MIKEL H. THOMPSON |
| DAVID W. HEGLAR | LISA A. WILDES |
| MICHAEL P. HOLLAND | ANDREW C. WOOD |
| JOHN W. HOLSHOUSER | GREGORY S. YOUNG |

THE FOLLOWING-NAMED NAVAL RESERVE OFFICERS TRAINING CORPS PROGRAM CANDIDATE TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531.

RICHARD J. WAGONER

THE FOLLOWING-NAMED NAVY ENLISTED COMMISSIONING PROGRAM CANDIDATE TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531.

KATHRYN K. RANNO

THE FOLLOWING-NAMED NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531;

BARRY W. ANDERSON
BRADLEY A. BERGAN
CHRISTOPHER A. BIGDEN
JOSEPH C. BLAKE
KENNETH E. CALLEN
MICHAEL P. CARTER
WILLIAM A. KELLEY
JEFFREY M. KINSEY
KENT A. MORIOKA
SEAN P. MURRY
WILLIAM L. STEVENS
ERIC K. WRIGHT
RICHARD K. WOOD II

THE FOLLOWING-NAMED EX-NAVAL RESERVE OFFICER TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593.

KENNETH E. HOLSTEN

THE FOLLOWING-NAMED U.S. NAVY OFFICER TO BE APPOINTED PERMANENT CAPTAIN IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593.

BRUCE D. CARLSON

THE FOLLOWING-NAMED U.S. NAVY OFFICERS TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593:

EDGAR L. ALLPORT
PETER J. LUKOWSKI

IN THE AIR FORCE

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTION 531, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM DUTIES INDICATED WITH GRADE AND DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE PROVIDED THAT IN NO CASE SHALL THE FOLLOWING OFFICERS BE APPOINTED IN A GRADE HIGHER THAN THAT INDICATED.

MEDICAL CORPS

*To be lieutenant colonel*

JOSE B. BUENO, xxx-xx-xxxx
WILLIAM K. BUTLER, xxx-xx-xxxx
DENNIS W. FRANKS, xxx-xx-xxxx
THEODORE P. YURKOSKY, xxx-xx-xxxx

*To be major*

CHARLES T. MORTON, xxx-xx-xxxx
PETER J. SPOHN, xxx-xx-xxxx
RICHARD B. ZELLMER, xxx-xx-xxxx

*To be captain*

JAMES D. COLLIER, xxx-xx-xxxx
CLARENCE E. COTTON, JR., xxx-xx-xxxx

DENTAL CORPS

*To be lieutenant colonel*

ROBERT J. ACHTERBERG, xxx-xx-xxxx
MARVIN D. BELL, xxx-xx-xxxx
ROBERT K. GOODE, xxx-xx-xxxx
THOMAS E. LONG, xxx-xx-xxxx
JAMES E. MARR, xxx-xx-xxxx
JAMES G. MCCARTNEY, xxx-xx-xxxx
MICHAEL A. MIKITKA, xxx-xx-xxxx
DAVID T. MOHS, xxx-xx-xxxx
FREDERICK F. NOLAN, JR., xxx-xx-xxxx

*To be major*

DANIEL R. BOWMAN, xxx-xx-xxxx
DAVID B. BROOM, xxx-xx-xxxx
SCOTT C. DILORENZO, xxx-xx-xxxx
PAUL D. ENDTER, xxx-xx-xxxx
MITCHELL A. GOODIS, xxx-xx-xxxx
STEVEN R. HANSEN, xxx-xx-xxxx
THOMAS J. HILTON, xxx-xx-xxxx
KENNETH A. LEVIN, xxx-xx-xxxx
WILLIAM F. MESSNER, xxx-xx-xxxx
DAVID P. MJOS, xxx-xx-xxxx
IVAN E. NATION, xxx-xx-xxxx
CHARLES M. OLINGER, xxx-xx-xxxx
JASON M. RAMPTON, xxx-xx-xxxx
JOHN J. RICHTER, III, xxx-xx-xxxx
DOUGLAS P. ROCKWOOD, xxx-xx-xxxx
ROBERT L. RYLES, xxx-xx-xxxx
VALERIE SCHILLER, xxx-xx-xxxx
DANIEL A. SHALKEY, xxx-xx-xxxx
LESLIE M. SHIGETANI, xxx-xx-xxxx
MONTY R. THOMSON, xxx-xx-xxxx
PHILLIPS B. TRAUTMAN, xxx-xx-xxxx
MAURICE G. WOODARD, xxx-xx-xxxx

*To be captain*

ERIC J. BRENDLINGER, xxx-xx-xxxx
JOHN N. KUHRE, xxx-xx-xxxx
JAMES A. LOE, xxx-xx-xxxx
RICHARD W. MORGAN, xxx-xx-xxxx
BRENT E. NIKOLAUS, xxx-xx-xxxx
DAVID A. RENTON, xxx-xx-xxxx

THE FOLLOWING OFFICER FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTION 531, TITLE 10, UNITED STATES CODE, WITH GRADE AND DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE PROVIDED THAT IN NO CASE SHALL THE OFFICER BE APPOINTED IN A GRADE HIGHER THAN THAT INDICATED.

LINE OF THE AIR FORCE

*To be major*

WILLOUGHBY G. BURNS III, xxx-xx-xxxx

THE FOLLOWING INDIVIDUALS FOR APPOINTMENT AS RESERVE OF THE AIR FORCE, IN THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTION 593, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM THE DUTIES INDICATED.

MEDICAL CORPS

*To be lieutenant colonel*

HARRY A. GUZMAN, xxx-xx-xxxx
JOHN E. HARVEY, xxx-xx-xxxx
YOUNG S. KHO, xxx-xx-xxxx
PAUL H. LILLY, JR., xxx-xx-xxxx
WILLIAM I. LUNDBERG, xxx-xx-xxxx
NORBERTO SILVA, xxx-xx-xxxx
JAMES C. THOMAS, xxx-xx-xxxx

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE ACTIVE DUTY LIST OF THE REGULAR AIR FORCE IN THE GRADE INDICATED UNDER THE PROVISIONS OF SECTIONS 1210 AND 1211, TITLE 10, UNITED STATES CODE:

LINE OF THE AIR FORCE

*To be colonel*

JACKIE L. COPELAND, xxx-xx-xxxx

THE FOLLOWING AIR FORCE OFFICERS FOR PERMANENT PROMOTION IN THE UNITED STATES AIR FORCE, IN ACCORDANCE WITH SECTION 624, TITLE 10, UNITED STATES CODE, WITH DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

LINE OF THE AIR FORCE

*To be major*

WILLOUGHBY G. BURNS, xxx-xx-xxxx
DONALD J. CARRICO, xxx-xx-xxxx

THE FOLLOWING AIR FORCE OFFICER FOR APPOINTMENT AS PERMANENT PROFESSOR, UNITED STATES AIR FORCE ACADEMY, UNDER THE PROVISIONS OF SECTION 9333(B), TITLE 10, UNITED STATES CODE.

*To be specified later*

ALAN R. KLAYTON, xxx-xx-xxxx

IN THE ARMY

THE FOLLOWING-NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTION 3385:

ARMY PROMOTION LIST

*To be colonel*

HARVEY L. BELL, xxx-xx-xxxx
TONY E. BOYLE, xxx-xx-xxxx
MICHAEL W. BRENNAN, xxx-xx-xxxx
CHARLES B. CALLAWAY, JR., xxx-xx-xxxx
CHARLES E. CLIFTON, xxx-xx-xxxx
STEPHEN J. DANGERFIELD, xxx-xx-xxxx
MYRON W. DERBAUM, xxx-xx-xxxx
CHARLES G. DOUGLAS, III, xxx-xx-xxxx
RENE J. FERLAND, xxx-xx-xxxx
LOREN W. FRANKE, xxx-xx-xxxx
THOMAS E. GILBERTZ, xxx-xx-xxxx
EDWARD C. GRUETZEMACHER, xxx-xx-xxxx
WILLIAM J. HODNETT, xxx-xx-xxxx
DENNIS M. KENNEALLY, xxx-xx-xxxx
FRANCIS A. LADEN, xxx-xx-xxxx
GARY E. LEBLANC, xxx-xx-xxxx
WILLIAM G. LOWER, xxx-xx-xxxx
WILLIAM C. MC ADAMS, xxx-xx-xxxx
OWEN W. MOON, xxx-xx-xxxx
TIMOTHY E. NEEL, xxx-xx-xxxx
JAMES R. OLSON, xxx-xx-xxxx
JAMES L. PRUITT, xxx-xx-xxxx
ARTHUR W. RIES, III, xxx-xx-xxxx
STEPHEN R. ROBINSON, xxx-xx-xxxx
JOHN C. ROWLAND, xxx-xx-xxxx
STEVEN A. STRAWDER, xxx-xx-xxxx
KARL J. SWINDULL, xxx-xx-xxxx
WESLEY D. TLUSTOS, xxx-xx-xxxx
ALBERT J. TURNAGE, JR., xxx-xx-xxxx
WILLIAM A. WESTERDAHL, xxx-xx-xxxx

MEDICAL CORPS

*To be colonel*

JOHN D. FERGUSON, xxx-xx-xxxx

MEDICAL SERVICE CORPS

*To be colonel*

ENNISS E. BERRETT, xxx-xx-xxxx

ARMY PROMOTION LIST

*To be lieutenant colonel*

STEVEN E. ABEL, xxx-xx-xxxx
RAYMOND E. BECK, SR., xxx-xx-xxxx
WILLIAM T. BIGGERS, xxx-xx-xxxx
RODNEY N. BOUFFARD, xxx-xx-xxxx
FRANK A. BROWN, xxx-xx-xxxx
ALEXANDER H. BURGIN, xxx-xx-xxxx
ROGER B. BURROWS, xxx-xx-xxxx
JAMES B. CICHANSKI, xxx-xx-xxxx
PAUL M. COX, xxx-xx-xxxx
EMILIO DIAZCOLON, xxx-xx-xxxx
ARNOLD D. DROKE, xxx-xx-xxxx
GARY B. EDWARDS, xxx-xx-xxxx
BRENT S. EICHERS, xxx-xx-xxxx
FRIENDLY R. GEDDINGS, xxx-xx-xxxx
FREDRICK G. HARRISON, xxx-xx-xxxx
DENNIS J. HATFIELD, xxx-xx-xxxx
KENNETH R. HESTER, xxx-xx-xxxx
GEORGE HOLDEN, JR., xxx-xx-xxxx
PETER HOLMBERG, xxx-xx-xxxx
JACK L. HOWELL, xxx-xx-xxxx
ANDREW JOHNSON, JR., xxx-xx-xxxx
DENNIS A. KAMIMURA, xxx-xx-xxxx
WILLIAM A. KEEBLER, xxx-xx-xxxx
RICHARD L. KEMMING, xxx-xx-xxxx
WAYNE C. KOPPA, xxx-xx-xxxx
HUBERT H. LOGAN, xxx-xx-xxxx
JAMES R. LOWHAM, xxx-xx-xxxx
CARL R. LUNDEN, xxx-xx-xxxx
ROBERT W. MARTINSON, xxx-xx-xxxx
VERN T. MIYAGI, xxx-xx-xxxx
JAMES M. MOENCH, xxx-xx-xxxx
STANLEY D. PARKER, xxx-xx-xxxx
ARTHUR W. PERLEBERG, JR., xxx-xx-xxxx
LARRY G. POWELL, xxx-xx-xxxx
DOUGLAS A. PRITT, xxx-xx-xxxx
RONALD J. RENDE, xxx-xx-xxxx
LARRY W. SHELLITO, xxx-xx-xxxx
HENRY E. TINLEY, xxx-xx-xxxx
RONALD N. TOMAS, xxx-xx-xxxx
JERRY L. TROUT, xxx-xx-xxxx
ROGER R. TURCOTTE, xxx-xx-xxxx
ROY M. UMBARGER, xxx-xx-xxxx
DAVID M. WILSON, xxx-xx-xxxx
PAUL E. WILSON, xxx-xx-xxxx
RICHARD P. WOLFE, xxx-xx-xxxx
ROBERT F. WOOLLARD, xxx-xx-xxxx
JAMES L. YARRISON, xxx-xx-xxxx

CHAPLAIN

*To be lieutenant colonel*

DONALD W. BECKER, xxx-xx-xxxx
DEAN E. JOHNSON, xxx-xx-xxxx
RICHARD B. THOMPSON, xxx-xx-xxxx

MEDICAL CORPS

*To be lieutenant colonel*

RICHARD L. RUBIN, xxx-xx-xxxx

MEDICAL SERVICE CORPS

*To be lieutenant colonel*

KENT A. KAUTZER, xxx-xx-xxxx
RICHARD L. LAUER, xxx-xx-xxxx
ALVIN L. LIEVSAY, xxx-xx-xxxx
JOHN J. WEEDEN, xxx-xx-xxxx

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTION 3383:

ARMY PROMOTION LIST

*To be colonel*

WILLIAM M. BOST, xxx-xx-xxxx
WILLIAM CASTRO, xxx-xx-xxxx
DANIEL J. DUFFY, xxx-xx-xxxx
ROBERT J. FISHMAN, xxx-xx-xxxx
RONALD D. GARRISON, xxx-xx-xxxx
JOHN C. HAWKINS, xxx-xx-xxxx
WARREN M. F. HO, xxx-xx-xxxx
MICHAEL W. HODGE, xxx-xx-xxxx
LEE E. KLEINMAIER, xxx-xx-xxxx
GARY A. LANGE, xxx-xx-xxxx
MICHAEL V. MARENGO, xxx-xx-xxxx
LAWRENCE L. SEMRAU, xxx-xx-xxxx
LAWRENCE A. SINKEWICH, xxx-xx-xxxx
KELLEY C. SMITH, xxx-xx-xxxx
JON M. VAN DYCK, xxx-xx-xxxx

MEDICAL CORPS

*To be colonel*

ABRAHAM M. PHILLIPS, xxx-xx-xxxx

ARMY PROMOTION LIST

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THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTION 3359:

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IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTION 3366:

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PETER J. TILTON, xxx-xx-xxxx
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VICTOR E. TUOHY, xxx-xx-xxxx
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OWEN L. WALTMAN, xxx-xx-xxxx
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JOHN P. WARREN, xxx-xx-xxxx
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RICHARD E. WATKINS, xxx-xx-xxxx
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EDWARD D. WEBB, xxx-xx-xxxx
CHRIS T. WEBER, xxx-xx-xxxx
DENNIS H. WEBSTER, xxx-xx-xxxx
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HAYWOOD L. WEST, xxx-xx-xxxx
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PAUL V. WHITE, xxx-xx-xxxx
ROBERT S. WHITE, xxx-xx-xxxx
SIDNEY S. WHITE, xxx-xx-xxxx
WILLIAM V. WHITE, xxx-xx-xxxx
CLAUDE WHITEHURST, xxx-xx-xxxx
GERALD R. WHITFIELD, xxx-xx-xxxx
RICHARD WHITFIELD, xxx-xx-xxxx
JOHN E. WILES, xxx-xx-xxxx
STEVEN J. WILFING, xxx-xx-xxxx
WILLIAM WILKINSON, xxx-xx-xxxx
ALVIN R. WILLIAMS, xxx-xx-xxxx
BYRON J. WILLIAMS, xxx-xx-xxxx
CHARLES N. WILLIAMS, xxx-xx-xxxx
DONALD G. WILLIAMS, xxx-xx-xxxx
JERRY B. WILLIAMS, xxx-xx-xxxx
KEN C. WILLIAMS, xxx-xx-xxxx
ROGER L. WILLIAMS, xxx-xx-xxxx
THERON M. WILLIAMS, xxx-xx-xxxx
THOMAS L. WILLIAMS, xxx-xx-xxxx
DONALD WILLOUGHBY, xxx-xx-xxxx
DANIEL H. WILSON, xxx-xx-xxxx
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KARSTEN G. WINGER, xxx-xx-xxxx
KENNETH N. WINKLER, xxx-xx-xxxx
PHILIP A. WINN, xxx-xx-xxxx
WAYNE A. WINTER, xxx-xx-xxxx
MICHAEL C. WINTON, xxx-xx-xxxx
WILLIAM A. WISDON, xxx-xx-xxxx
DENNIS M. WOLF, xxx-xx-xxxx
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WILLIAM J. WOLSKI, xxx-xx-xxxx
NELSON O. WOOD, xxx-xx-xxxx
DREW H. WOODALL, xxx-xx-xxxx
JAMES S. WOODARD, xxx-xx-xxxx
PAUL J. WOODROW, xxx-xx-xxxx
MICHAEL W. WOODS, xxx-xx-xxxx
LARRY W. WOOTEN, xxx-xx-xxxx
JOHN R. WORREL, xxx-xx-xxxx
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CLARENCE A. WRIGHT, xxx-xx-xxxx
FLOYD D. WRIGHT, xxx-xx-xxxx
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BARBARA WUNDERLICH, xxx-xx-xxxx
JAMES A. WUNDERLY, xxx-xx-xxxx
JAMES D. WYATT, xxx-xx-xxxx
MARVIN M. WYATT, xxx-xx-xxxx
COLLINS E. WYNN, xxx-xx-xxxx
ANDREW S. WYSOR, xxx-xx-xxxx
LINCOLN YAMASHITA, xxx-xx-xxxx
FRANK K. L. YAP, JR., xxx-xx-xxxx
JAMES L. YARRISON, xxx-xx-xxxx
ROBERT E. YOHE, xxx-xx-xxxx
RICHARD P. YOOD, xxx-xx-xxxx
JOHN M. YORK, xxx-xx-xxxx
HARRY M. YOSTE, xxx-xx-xxxx
BENNETT H. YOUNG, xxx-xx-xxxx
DONALD D. YOUNG, xxx-xx-xxxx
JACK R. YOUNGER, JR., xxx-xx-xxxx
GEORGE YOUNGWIRTH, xxx-xx-xxxx
TADASHI G. YUGUCHI, xxx-xx-xxxx
ELIZABETH M. YULL, xxx-xx-xxxx
BRONISLAW ZAMOJDA, xxx-xx-xxxx
ERIC L. ZANCANELLA, xxx-xx-xxxx
WALTER T. ZDUNOWSKI, xxx-xx-xxxx
BRUCE P. ZELLIS, xxx-xx-xxxx
EARL D. ZERBACH, xxx-xx-xxxx
KENNETH L. ZEUTZIUS, xxx-xx-xxxx
EDWARD ZGLENSKI, xxx-xx-xxxx
LEE F. ZIEGENBALG, xxx-xx-xxxx
MICHAEL ZIMMERMAN, xxx-xx-xxxx
JAMES P. ZOELLER, xxx-xx-xxxx

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTION 3359:

DENTAL CORPS

*To be lieutenant colonel*

ELADIO DELEON, JR., xxx-xx-xxxx

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN ACCORDANCE WITH SECTION 624, TITLE 10, UNITED STATES CODE. THE OFFICERS INDICATED BY ASTERISK ARE ALSO NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE:

MEDICAL SERVICE CORPS

*To be lieutenant colonel*

ROBERT E. ABODEELY, xxx-xx-xxxx
TIMOTHY P. ALLEN, xxx-xx-xxxx
BRADLEY K. ARTHUR, xxx-xx-xxxx
ALONZO M. ATKINSON, JR., xxx-xx-xxxx
GEORGE R. BACKMAN, xxx-xx-xxxx
STEPHEN M. BAILEY, JR., xxx-xx-xxxx
WILLIAM F. BARKO, xxx-xx-xxxx
PETER A. BASLER, JR., xxx-xx-xxxx
PAUL S. BEATY, xxx-xx-xxxx
FRANK J. BERLINGIS, xxx-xx-xxxx
TODD W. BESSETTE, xxx-xx-xxxx
DANIEL E. BLUM, xxx-xx-xxxx
PAUL E. BLUTEAU, xxx-xx-xxxx
FREDERICK M. BOCK, xxx-xx-xxxx
JAMES C. BOLTON, xxx-xx-xxxx
JOHN W. BONGARD, JR., xxx-xx-xxxx
CHARLES R. BOTTOMS, xxx-xx-xxxx
WILLIAM A. BOZO, xxx-xx-xxxx
RAY G. BRUELAND, xxx-xx-xxxx
RUSSELL R. BURDETTE, II, xxx-xx-xxxx
LLOYD R. BURTON, xxx-xx-xxxx
WILLIAM A. BUTKOVICH, xxx-xx-xxxx
JESSIE B. CABELLON, xxx-xx-xxxx
JAMES J. CANELLA, xxx-xx-xxxx
JAMES W. CARROLL, xxx-xx-xxxx
WILLIAM R. CHAMBERS, xxx-xx-xxxx
RUFUS B. CHAPMAN, JR., xxx-xx-xxxx
HAROLD J. CHRISTOPHER, xxx-xx-xxxx
JAMES M. CHURCHMAN, JR., xxx-xx-xxxx
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DANIEL W. CZUPRYNA, xxx-xx-xxxx
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WILLIAM A. DEBLOIS, xxx-xx-xxxx
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EDDIE D. EVANS, xxx-xx-xxxx
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CHARLES F. FEHRING, xxx-xx-xxxx
DARWIN E. FINE, xxx-xx-xxxx
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PAUL H. HATKOFF, xxx-xx-xxxx
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BERNARD J. HORAK, xxx-xx-xxxx
GERARD S. INDRISANO, xxx-xx-xxxx
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JOHN H. JARRETT, JR., xxx-xx-xxxx
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PETER D. MADEO, xxx-xx-xxxx
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ROBERT J. MARTIG, xxx-xx-xxxx
FERNANDO MARTINEZ, xxx-xx-xxxx
CARLENE M. MCCLINTON, xxx-xx-xxxx
PATRICK B. MCGREEVY, xxx-xx-xxxx
DOUGLAS W. MILLER, xxx-xx-xxxx
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GEORGE R. MURNYAK, xxx-xx-xxxx
EDGAR B. MURPHY, JR., xxx-xx-xxxx
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JAY H. NIEMEYER, xxx-xx-xxxx
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JOHN D. RICHARDS, xxx-xx-xxxx
ROY S. RICKARD, xxx-xx-xxxx
RODGER R. SEXTON, xxx-xx-xxxx
KEITH O. SHAFER, xxx-xx-xxxx
LEONARD J. SLY, xxx-xx-xxxx
JOHN H. SMITH, xxx-xx-xxxx
MICHAEL L. SMITH, xxx-xx-xxxx
STEPHEN R. SPEIGHTS, xxx-xx-xxxx
JAMES E. SUTTON, xxx-xx-xxxx
FEDERICO M. TAMAYO, xxx-xx-xxxx
WALTER W. WAKEFIELD, II, xxx-xx-xxxx
IRA F. WALTON, III, xxx-xx-xxxx
DAVID J. WESTHUIS, xxx-xx-xxxx
GRAHAM L. WILDE, xxx-xx-xxxx
HERSHELL E. WOLFE, xxx-xx-xxxx
ROBERT L. WOOD, JR., xxx-xx-xxxx
WILLIAM J. YEARTA, xxx-xx-xxxx
EDWARD J. ZAYAC, JR., xxx-xx-xxxx

ARMY MED SPEC CORPS

*To be lieutenant colonel*

ROBERT W. DENNIS, xxx-xx-xxxx
DEE C. LEGGETT, xxx-xx-xxxx
MOLLY S. MAGUIRE, xxx-xx-xxxx
SCOTT D. MCPHEE, xxx-xx-xxxx
THERESA M. NEMMERS, xxx-xx-xxxx
MARGARET J. SATTERFIELD, xxx-xx-xxxx
DAVID R. STOEHR, xxx-xx-xxxx
JAMES H. SWAIN, xxx-xx-xxxx
KATHLEEN P. WADDELL, xxx-xx-xxxx
LAWRENCE L. WOOD, xxx-xx-xxxx

VETERINARY

*To be lieutenant colonel*

CARL BERRYMAN, III, xxx-xx-xxxx
AL T. BURRS, SR., xxx-xx-xxxx
JOHN S. FOURNIER, xxx-xx-xxxx
JOHN R. LATENDRESSE, II, xxx-xx-xxxx
GEORGE P. MIXON, xxx-xx-xxxx
RAY MOBLEY, xxx-xx-xxxx
MICHAEL V. SLAYTER, xxx-xx-xxxx
RICHARD P. SOLANA, xxx-xx-xxxx
THOMAS G. TECEC, xxx-xx-xxxx
RONALD W. TROTTER, xxx-xx-xxxx

ARMY NURSE CORPS

*To be lieutenant colonel*

CANDACE P. ACKERMAN, xxx-xx-xxxx
MARY C. AKERS, xxx-xx-xxxx
DENNIS C. ALLISON, xxx-xx-xxxx
FRANCES D. ANDERSON, xxx-xx-xxxx

JAMES A. ANDRESEN, xxx-xx-xxxx
GAIL E. ANGLE, xxx-xx-xxxx
MARY A. BALDY, xxx-xx-xxxx
ELIZABETH A. BARTZ, xxx-xx-xxxx
EILEEN K. BERLIN, xxx-xx-xxxx
WILLIAM T. BESTER, xxx-xx-xxxx
MARY B. BLACKBURN, xxx-xx-xxxx
PATRICIA A. BORUP, xxx-xx-xxxx
ANN D. BOTTOMS, xxx-xx-xxxx
WESLEY V. * BRANSTITER, xxx-xx-xxxx
DOROTHY A. BRINK, xxx-xx-xxxx
HOLLY K. BUCHANAN, xxx-xx-xxxx
SHELIA D. * BUNTON, xxx-xx-xxxx
CATHERINE A. CALL, xxx-xx-xxxx
REBECCA S. CARLSON, xxx-xx-xxxx
MARYANN * CARR, xxx-xx-xxxx
NAOMI E. CARROLL, xxx-xx-xxxx
CHRISTINE L. CASH, xxx-xx-xxxx
JANET E. CHISOLM, xxx-xx-xxxx
JEANNE H. CHUDY, xxx-xx-xxxx
RICHARD L. CLINCH, xxx-xx-xxxx
SHIRLEY J. COLLINS, xxx-xx-xxxx
LESLIE A. CORMIER, xxx-xx-xxxx
MARY R. COX, xxx-xx-xxxx
DELOIS DANIELS, xxx-xx-xxxx
BRIDGET W. DAVIS, xxx-xx-xxxx
ELAINE F. DAVIS, xxx-xx-xxxx
MARY C. DAVIS, xxx-xx-xxxx
FRANCES E. DAVISON, xxx-xx-xxxx
SHERYL V. DEXTER, xxx-xx-xxxx
DALE A. DOUGLASS, xxx-xx-xxxx
MARY A. DUNN, xxx-xx-xxxx
CAROL D. DURHAM, xxx-xx-xxxx
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DENNIS J. * FARRELL, xxx-xx-xxxx
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PATRICK M. * GARVIN, xxx-xx-xxxx
MARY E. * GRANT, xxx-xx-xxxx
RHONDA L. GRAVES, xxx-xx-xxxx
DEBORAH A. GUSTKE, xxx-xx-xxxx
MARY L. * HAGAN, xxx-xx-xxxx
SUSAN A. HALAVIN, xxx-xx-xxxx
JANET L. HARPER, xxx-xx-xxxx
DIANE M. HENDERSON, xxx-xx-xxxx
MOZETTIA H. HENLEY, xxx-xx-xxxx
BARBARA A. HIRSCHINGER, xxx-xx-xxxx
CAROL A. * HODGES, xxx-xx-xxxx
CLARA M. HUFF, xxx-xx-xxxx
NANCY E. HUNT, xxx-xx-xxxx
LORNA R. IMBRUGLIO, xxx-xx-xxxx
RICHARD G. JENSEN, xxx-xx-xxxx
CATHERINE JOHNSON, xxx-xx-xxxx
DORIS S. * JOHNSON, xxx-xx-xxxx
JACQUELINE D. * JOHNSON, xxx-xx-xxxx
LINDA C. KIRK, xxx-xx-xxxx
WONNEY R. * KOTT, xxx-xx-xxxx
STEPHANY M. LaVALLEE, xxx-xx-xxxx
NANCY J. LESTER, xxx-xx-xxxx
JANICE K. * LEVINE, xxx-xx-xxxx
MARGARET M. LONG, xxx-xx-xxxx
DEAN R. LOSS, xxx-xx-xxxx
PATRICIA K. LOVAAS, xxx-xx-xxxx
BONNIE MACGHEE, xxx-xx-xxxx
GAIL M. * MAESTAS, xxx-xx-xxxx
PATSY L. MALONEY, xxx-xx-xxxx
RAYMOND E. MARTIN, xxx-xx-xxxx
DIANE E. MATHEWS, xxx-xx-xxxx
ELAINE D. * MAYO, xxx-xx-xxxx
CLAIRE M. MCCORMACK, xxx-xx-xxxx
CHRISTINE P. MILLER, xxx-xx-xxxx
PATRICIA L. MUSSNUG, xxx-xx-xxxx
CHERYL L. NEMETSKY, xxx-xx-xxxx
CHERYL L. * NORMAN, xxx-xx-xxxx
MELISSA N. OPIO, xxx-xx-xxxx
MARCIA R. PATRICK, xxx-xx-xxxx
AIDA R. * PEREZ, xxx-xx-xxxx
LEE A. PERRY, xxx-xx-xxxx
JEFFREY B. * PETERSON, xxx-xx-xxxx
LESLEY A. PETRIK, xxx-xx-xxxx
MARTHA C. * POHL, xxx-xx-xxxx
MICHELLE T. RENAUD, xxx-xx-xxxx
JUDITH A. REYNOLDS, xxx-xx-xxxx
LEE W. RICHARD, xxx-xx-xxxx
JOYCE RICHARDSON, xxx-xx-xxxx
LINDA A. ROBERTSHAW, xxx-xx-xxxx
MARYLOU V. ROBINSON, xxx-xx-xxxx
MARY J. ROMANO, xxx-xx-xxxx
ROBIN M. ROMPRE, xxx-xx-xxxx
CAROL J. RUBBELKE, xxx-xx-xxxx
WADE T. RUTT, xxx-xx-xxxx
DEBRA L. SAVINSKE, xxx-xx-xxxx
JACKIE W. SAYE, xxx-xx-xxxx
DONALD C. SCHAEBERLE, xxx-xx-xxxx
JOY E. SCHANK, xxx-xx-xxxx
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TIM C. SELDEN, xxx-xx-xxxx
ELIZABETH S. SENESAC, xxx-xx-xxxx
KATHERINE C. SHINNERS, xxx-xx-xxxx
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SUSAN A. SPAULDING, xxx-xx-xxxx
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NANCY L. STAGGERS, xxx-xx-xxxx
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CHARLENE H. WALKER, xxx-xx-xxxx
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IRIS J. * WEST, xxx-xx-xxxx
CLAUDIA M. WHITLATCH, xxx-xx-xxxx
CAROLYN R. WIER, xxx-xx-xxxx
JULIA B. WILLIAMS, xxx-xx-xxxx
TIMOTHY P. WILLIAMS, xxx-xx-xxxx
CAROLYN V. WIRTH, xxx-xx-xxxx
PATRICIA B. WISE, xxx-xx-xxxx
ROBERTA E. WOLFE, xxx-xx-xxxx
SYLVIA H. WOOD, xxx-xx-xxxx
TERREE L. WOZNY, xxx-xx-xxxx
DONNA M. * WRIGHT, xxx-xx-xxxx

**IN THE NAVY**

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

**U.S. NAVAL RESERVE, LINE, LIEUTENANT**

*To be lieutenant, line, USN, permanent*

EMIL C. CASCIANO
RALPH D. CRISTIANI
JEROME DYCK
CHARLES M. GAOUETTE
MARK S. GLAZE
JEFFREY P. MARQUARDT
DANNY R. POWELL
CHARLES A. RICHARD
ROBERT D. SCHMIDT

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

**U.S. NAVAL RESERVE, LINE, LIEUTENANT (JUNIOR GRADE)**

*To be lieutenant (junior grade), line, USN, permanent*

JUAN ALVAREZ
JAMES D. ATKINSON, IV
DARYL L. CAUDLE
CHARLES H. HAMILTON, II
LOYDE E. HAWKI
KENNETH J. KARWOSKI
RANDALL L. KEEFER
VANCE E. KEMEGE
WILLIAM S. SAUNDERS
SCOTT B. TORVIK
NELSON C. TUBBS, II

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

**U.S. NAVAL RESERVE, LINE, ENSIGN**

*To be ensign, line, USN, permanent*

MICHAEL J. BONTATIBUS
ERNEST E. BOOTH, JR.
KENNETH D. BREWER
HERBERT R. BRUCE
CRAIG P. BUROW
CLAYTON H. CHA
JAMES A. DAUB
DION C. DEPAOLIS
JEFFREY J. ENGLEBERT
GERALD A. GROSS
JAY L. HALL
JAMES J. HAMELL
KENNETH J. HOUSH
MARTIN W. HUKLE
MICHAEL S. JOHNSON, JR.
CHRISTOPHER J. KELLY
JOHN P. LARKIN, II
MELVIN E. LEE
JOSEPH E. MALLOY
MICHAEL W. MIDDLETON
GLAYDE A. MYERS
MARTIN J. NEWSHAN
CHAD L. PAINTER
DAVID D. SAUDER
MARK A. SHERADEN
GARY A. SIPE
JEFFREY L. SOPATA
RANDALL C. SYKORA
VICTOR D. THOMAS
MARK A. THURMON
THOMAS E. WALTON, IV
JEFFREY S. WILSON
CHRISTOPHER A. WRATE

THE FOLLOWING-NAMED REGULAR OFFICERS, TO BE REAPPOINTED PERMANENT LIEUTENANT IN THE SUPPLY CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

**LINE, LIEUTENANT**

*To be lieutenant, Supply Corps*

JOEL WILLIAM KERNEN
ROSA VICTORIA RUIZ
EDWARD TULENKO

THE FOLLOWING-NAMED REGULAR OFFICERS, TO BE REAPPOINTED PERMANENT LIEUTENANT IN THE CIVIL ENGINEER CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

**LINE, LIEUTENANT**

*To be lieutenant, Civil Engineer Corps*

THOMAS WILLIAM CUNNINGHAM
HARRY H. KEITH, III

THE FOLLOWING-NAMED REGULAR OFFICERS, TO BE REAPPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE CIVIL ENGINEER CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

**LINE, LIEUTENANT (JUNIOR GRADE)**

*To be lieutenant (junior grade), Civil Engineer Corps*

HOWARD HOMER HAYNES, JR.
JEFFREY DAVID LAMBERSON
DAVID MICHAEL SCHMODE
GEORGE EDWYN TAYLOR, II

THE FOLLOWING-NAMED REGULAR OFFICERS, TO BE REAPPOINTED PERMANENT LIEUTENANT IN THE SUPPLY CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

**LINE, LIEUTENANT**

*To be lieutenant, Supply Corps*

JOEL WILLIAM KERNEN
ROSA VICTORIA RUIZ
EDWARD TULENKO

THE FOLLOWING-NAMED REGULAR OFFICERS, TO BE REAPPOINTED PERMANENT LIEUTENANT IN THE CIVIL ENGINEER CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

**LINE, LIEUTENANT**

*To be lieutenant, Civil Engineer Corps*

THOMAS WILLIAM CUNNINGHAM
HARRY H. KEITH, III

THE FOLLOWING-NAMED REGULAR OFFICERS, TO BE REAPPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE CIVIL ENGINEER CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

**LINE, LIEUTENANT (JUNIOR GRADE)**

*To be lieutenant (junior grade), Civil Engineer Corps*

HOWARD HOMER HAYNES, JR.
DAVID MICHAEL SCHMODE
JEFFREY DAVID LAMBERSON
GEORGE EDWYN TAYLOR, II

THE FOLLOWING-NAMED REGULAR OFFICER, TO BE REAPPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE MEDICAL SERVICE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582:

**LINE, LIEUTENANT (JUNIOR GRADE)**

*To be lieutenant (junior grade), Medical Service Corps, USN, permanent*

LARRY ALAN MCFARLAND

THE FOLLOWING-NAMED LIMITED DUTY OFFICERS, TO BE REAPPOINTED PERMANENT LIEUTENANT AS REGULAR OFFICERS IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5589(A):

**LIMITED DUTY OFFICERS, LINE, LIEUTENANT**

*To be lieutenant, line, USN, permanent*

WILLIAM CALDERWOOD
LARRY D. CLINE
ANDREW VERNON COLE
EDWARD WALTER EVERETT
RANDALL HERMAN FORREST
DALE EUGENE LITTLE
DOUGLAS F. MCGOWAN, JR.
RICHARD STANLEY SEELEY, JR.

THE FOLLOWING- NAMED LIMITED DUTY OFFICER, TO BE REAPPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) AS A REGULAR OFFICER IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5589(A):

**LIMITED DUTY OFFICER, LINE, LIEUTENANT (JUNIOR GRADE)**

*To be lieutenant (junior grade), line, USN, permanent*

MICHAEL LEE NAUS

THE FOLLOWING-NAMED LIMITED DUTY OFFICER, TO BE REAPPOINTED PERMANENT LIEUTENANT COMMANDER AS A REGULAR OFFICER IN THE SUPPLY CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5589(A):

**LIMITED DUTY OFFICER, SUPPLY CORPS, LIEUTENANT COMMANDER**

*To be lieutenant commander, Supply Corps, USN, permanent*

CLIFFORD JAMES ALLIGOOD

THE FOLLOWING-NAMED TEMPORARY LIMITED DUTY OFFICER, TO BE APPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5589(E):

**LIMITED DUTY OFFICER, LINE, LIEUTENANT (JUNIOR GRADE)**

*To be lieutenant (junior grade), line, USN, permanent*

RHONDA LOUISE BUCKNER

THE FOLLOWING-NAMED TEMPORARY LIMITED DUTY OFFICER, TO BE APPOINTED PERMANENT LIEUTENANT AS A LIMITED DUTY OFFICER IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5589(A):

PERMANENT LIMITED DUTY OFFICER, LINE, LIEUTENANT

*To be lieutenant, limited duty officer, line, USN, permanent*

CLOYCE W. OUTRAM

THE FOLLOWING-NAMED TEMPORARY LIMITED DUTY OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT AS LIMITED DUTY OFFICERS IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5589(A):

TEMPORARY LIMITED DUTY OFFICERS, LINE, LIEUTENANT

*To be lieutenant, limited duty officers, line, USN, permanent*

CHARLES A. COLE LARRY N. PETERS

IN THE NAVY

THE FOLLOWING-NAMED NAVAL ACADEMY MIDSHIPMEN TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

NAVAL ACADEMY MIDSHIPMEN

*To be ensign; permanent*

MATTHEW BRADFORD AARON
CHRISTOPHER LEON ABBOTT
ELENA LODRONIO ABUYEN
RICK JAMES ACHESON
GREGORY LEE ACTON
JEFFREY DAVID ADAMS
TAMMY MICHELLE ADAMS
LOUIS GERARD ADISSI
JEFFREY JACKSON AKIN
ALBERTO REY ALBERTO
DAVID JEROME ALBRITTON
BRIAN THOMAS ALEXANDER
EDWARD EUGENE ALEXANDER III
PETER DIETZ ALEXANDER
STEPHEN THOMAS ALEXANDER
BRYANT DAVID ALLAM
GLENN ROBERT ALLEN
MELINDA WALDO ALLEN
RONALD DUANE ALLEN, JR.
JULIENNE EMILY CREDO ALMONTE
MARK DANIEL ALTOBELLO
DANIEL THOMAS ALTOMARE
NICHOLAS JOHN AMATUCCIO
PAUL ALFRED AMBROGI
VAN ANTHONY ANDERSON
TIMOTHY ANDREWS
ALAN ANDROSKI
JAMES PATRICK ARGUELLES
KEVIN SCOTT ARNOLD
THOMAS EUGENE ARNOLD, JR.
KENNON ANTHONY ARTIS
DARREN WAYNE AULT
CURTIS DUNCAN AVERY
JOHN FRANCIS AVERY
WILLIAM LANCE BACH
DANIEL KEITH BACON, JR.
ROBERT TODD BADEER
JOHN KARL BAILEY
CHARLES MACKIN BAILLEY, JR.
DEADRICK DAVID BAKER
KRISTIN ANN BAKKEGARD
JUAN RAMON BALBOA
FRANCISCO MARTIN BALL
MATTHEW LEE BALTERS
ROBERT EDWARDS BANKER, JR.
JAMES DOUGLAS BARBER
ANDREW BOWMAN BARKER
KEVIN ROBERT BARNETT
PHILIP LEE BARNETT
BRIAN STEPHEN BARTHOLF
JAMES ERNEST BARTLETT
JOSEPH GABRIEL BARTON
THOMAS EDWARD BASE
DAVID CARL BASS, JR.
DONALD ROBERT BATES
WALTER THOMAS BAUGH
PETER BRIAN BAUMGARTEN
MICHAEL CHRISTOPHER BAYESA
CABELL WEBSTER BAYNES
KEITH ALBERT BEALS
MARTIN RONALD BEAULIEU
THOMAS HOBART BECK
CHERYL ANN BEDDICK
DANIEL LOUIS BEGEMAN
ALAN ROBERT BEHNING
BRIAN EDWARD BELL
ROBERT JOHN BELLO
CRAIG STANLEY BENDER
BRUCE SCOTT BENNETT
DAWN LOUISE BENNETT
MICHAEL LAWRENCE BENO
JEFFREY SCOTT BENSING
GREGORY CHRISTOPHER BERNARD
PAUL FRANCIS CHENE BERTHOLF
MARK WILLIAM BIBLE
TODD RONALD BIBZA
TERRY MICHAEL BICKHAM
THEODORE ALBERT BIGGIE, III
MATTHEW HOWARD BILLS
CHARLES RICHARD BINGHAM, II
MICHAEL KENNETH BINNIX
ROGER WAYNE BIVANS
WILLIAM JOHN BLACKSTONE
MATTHEW BLAKE BLACKWELL
ERIC SCHUYLER BLOCK
JAMES PIUS BOLAND
RICHARD LEE BOMHOLD, JR.
DAVID ANDREW BONDURA
BRAD ALLEN BOOKWALTER
VANDER LEONARD BOUDREAU
KIMBERLEY FRANCES BOYER
MICHAEL LEE BRAMBLE
WILLLIAM RICHARD BRAY
JOSEPH PATRICK BRENNAN
KATHLEEN MARY BRENNAN
JOSEPH REYNER BRENNER, JR.
JOSEPH MATEO BRINKMAN
GEORGE ALLEN BRISBIN
WAYNE PAUL BRISSON
KEVIN ARNOLD BROOKS
MARGARET MARY BROUNK
CURTIS LEO BROWN
MICHAEL THOMAS BROWN
PATRICK WINSTON BROWN
WILLIAM MATTHEW BROWN
TIMOTHY JAMES BRUNN
RICHARD DAVID BRUNS, JR.
RICHARD RENARD BRYANT
ERIC JAMES BUCH
THOMAS MICHAEL BUEHNER
PHILLIP GREGORY BUNCE
ALFRED ANTON BUNGE
JON DAVID BUNN
EUGENE ANDREW BURCHER
KEITH NELSON BURGESS
KENNETH BRUCE BURGETT, JR.
JAMES MONTGOMERY BURGUM
JASON BYRON BURKE
WILLIAM WYLIE BURKHART
RICHARD ALLEN BURR
BRYAN PATRICK BURT
CHRISTOPHER JOHN BUSHNELL
ERIC KENDALL BUSKO
JAMES MICHAEL BUTLER
MARK ANDREW BUTLER
ROBIN DALE BUXTON
MICHAEL RAY BYNUM
MARTIN MARSHALL CADE
ANTHONY THOMAS CALANDRA
ANDREW LAWRENCE CALDERA
MATTHEW ALAN CALDWELL
PETER JOSEPH CALLAGHAN
DERIC ALVIN CAMARIGG
MICHAEL TERRENCE CAMILLERI
JAMES ROBERT CAMPBELL
PHILIP EARL CAMPBELL, JR.
MARJORIE FRICKE CANBY
RICHARD CANEDO
KENNETH WILLIAM CARAVEO
ROBERT STEVEN CARLISLE
MARK SHANNON CARLTON
FRANK THORWALD CARR
MICHAEL CARSLEY
HELGE FRANK CARSON
CHARLES LOUIS CASH
STEPHEN THOMAS CASSETTA
JEFFREY ALLEN CASSIDY
AUGUSTO GISBERT CATA
ROBERT ANTHONY CECCHINI
STEVEN EDWARD CEDRUN
DAVID CELA
GINO CELIA, JR.
RENE LUIS CERDA
JULIE STEELE CHALFANT
DAVID CARL CHAPATES
TIMOTHY BRUCE CHERRY
MICHAEL FRANCIS CHESIRE
EDWARD CHAO HSIUNG CHOW
PAUL HAYES CHRISMAN
SCOTT JAY CHRISTOPHER
JOHN CARL CHURCH, JR.
DOMINICK ANTHONY CIPOLLA
MICHAEL JOSEPH CIVELLO
BRIAN PATRICK CLANCY
RICHARD MELVIN CLARK, JR.
ROGER CHARLES OTTO CLARK
DAVID ALLEN CLAUSELL
DAVID GERARD CLEARY
THOMAS MYLES CLEARY
EUGENE WILLIAM COBEY
CHRISTINE ANN COETZEE
STEPHEN CONWAY COKER
HANK ALAN COLBURN
CRAIG ALAN COLBY
GORDON EDWARD COLE
MICHAEL GLENN COLEMAN
BRIAN ALLAN COLLEY
WILLIAM MICHAEL COLLIER
JANE MARIE COLLINS
SHAWN ERIC COLSON
DANIEL BRENDON CONLEY
LEE MICHAEL CONLEY
WILLIAM PATRICK CONLEY
TIMOTHY WALTON CONWAY, IV
JOHN DUFFY COODE
CHRISTOPHER MARVIN COOK
DANA WYNNE COOK
WILLIAM GREGORY COOK
KENNETH CHARLES COOPER
ROBERT WILLIAM COOPER
RONALD CURT COPLEY
BRENT MONTENEGRO CORNELL
CHESSLEY DION CORNETT
EUGENE GERARD CORRAO
MICHAEL ANTHONY CORRIERE
CLAYTON CULVER COSBY
STEPHEN JAMES COUGHLIN
JAMES LENDON COX
JIMMY DEAN COX
JOHN STEWART COX
MARTIN BRADFORD COX
MICHAEL JAY COX
ROBERT RIDER COX
DEAN EDWARD CRAFT
TROYE CARRIE CRICKETTE
STEVEN DONALD CRONQUIST
CURRIE PATRICK CROOKSTON
BARRY WAYNE CROSBY, JR.
ARTHUR GERALD CROWE
RICHARD CHARLES CULP
MARY LOUISE CUMMINGS
ROBERT EDWARD CURRAN
ALEXANDER CHARLES CUTLER
ALAN DONALD CZESZYNSKI
RHODEL FELIX DACANAY
JONATHAN BRETT DACHOS
WILLIAM EARL DAISLEY, JR.
PAUL MICHAEL DALESSANDRO
MICHELE ANN DALEY
WILLIAM JOHN DALY
MARK DANIEL DAMISCH
MICHAEL SCOTT DANFORD
JAMES JOSEPH DARCY
CHRIS DAUGHERTY
CHRISTOPHER JAMES DAVID
LANCE GREGORY DAVIDSON
BRIAN TIMOTHY DAVIS
GEORGE WALTON DAVIS, II
MICHAEL BRENT DAVIS
SCOTT RICHARD DAVIS
DAVID PAUL DAWSON
PHILLIP ELWOOD DAWSON, III
DANFORD ROGERS DEAKIN
LEO LOUIS DEBANDI, JR.
MICHAEL JAMES DEE
RICHARD WILLIAM DEHN
ARTHUR DELEON
NELSON JOSE DELGADO
KIRK ANTHONY DELMAS
FRANK JOHN DEMBIA
HARRY CHRIS DEMIRIS, JR.
ALBERT EDWARD DEMPSEY, III
JAMES CHRISTOPHER DEMPSEY
RALPH ALBERT DENGLER
LYDIA KAY DERRINGTON
JOHN MARTIN DEVINE
TIMOTHY JAMES DEVLIN
ANTHONY THOMAS DIAZ
SCOTT RODRIGUEZ DIAZ
JERRY ALLEN DICKERSON
WILLIAM SCOTT DICKSON
DAVID GUY DIEUGENIO, JR.
MICHAEL WILLIAM DINARDO
SALVATORE ALBERT DIPAOLA
CHRISTOPHER JON DIRKS
JERRY BENNETT DISMUKE
RANDALL VERNON DOANE
JOHN FITZPATRICK DOBBINS
CHRISTIAN PATRICK DOBLEMAN
PAUL ANDREW DOLAN
WILLIAM ARTHUR DONEY, JR.
DAVID MICHAEL DONNELLY
JOSEPH FRANCIS DONNELLY
SHAUN HAYDEN DONNELLY
STEPHEN HAROLD DONNELLY
CHAD OWEN DORR
JAMES ROBERT DOWNS, III
HENRY VONHOFF STOEV DOYLE
DONALD IRWIN DRACON
SHRI JERRENE DRAKE
ARTHUR PAUL DRENNAN, III
CHRISTOPHER SCOTT DREWELLO
THOMAS MATTHEW DUDDY
CRAIG ROBERT DUDLEY
JOSEPH RAYMOND DUNDAS
MARK BLAIR DUNLEAVY
PETER GREGORY DUNPHY
JOHN CALVIN DUPREE, JR.
ROBERT THOMAS DURAND
JAMES ERNEST DYER
ANTHONY WAYNE EATON
DAVID MICHAEL EDGECOMB
GINA REA EDISON
JAMES STEPHEN EGAN
JOHN WARREN EICHELBERGER, III
MOHAMED RODDY EL AFANDI
JAMES FELTON ELDERS, III
STEPHEN CHARLES ELLIS
RASHEED ELMOSLIMANY
JON MARSHALL ELSTON
TERENCE GORDON EMMERT
SEAN TYLER EPPERSON
ROGER CHARLES ERICKSON, JR.
STEVEN JAMES ERICKSON
JOSE ROBERT ESCOBAR, JR.
SCOTT HAYDEN EVANS
BRIAN GERALD FALKE
TRISTRAM EVAN FARMER
FREDERICK FARHAD FARZANEGAN
RICHARD HENRY FATZINGER
BRUCE CHARLES FAUVER
JOHN RUSSELL FELDKAMP
MATTHEW JOSEPH FELT
THOMAS JOSEPH FERGUSON, JR.
STEPHEN JOSEPH FERNANDEZ

MATTHEW JOSEPH FERRIER
ALBERT LOUIS FERRO
STEPHEN ALFRED FERRO
LEANNE KAY FIELDING
DAMON ERIK FIELDS
WILLIAM EVAN FIERY
DAVID EARL FINLEY
PAMELA SUE FINLEY
JOSEPH FISCHER, III
WILLIAM RONALD FISHER, JR.
GAVIN JOHNSON FITE
ALLEN RICHARD FLANAGAN
PAUL JOSEPH FLETCHER, JR.
DAVID KENNETH FLICK
MICHAEL WALTER FLOOD
GREGORY JAMES FLORENCE
CARLOS RAFAEL FLORES
KEITH EDWARD FOLKERTS
JAMES JOSEPH FONTANELLA
DWIGHT DEANE FONTILLA
GARY LEE FORMET, JR.
JEFFREY EDWARD FORTE
JUDITH MARIE FORTIER
MICHAEL JOSEPH FOURNIER
MARK ERNEST FRANKE
JOSEPH PAUL FRANSON, JR.
DAVID MICHAEL FRAVOR
JOHN MICHAEL FREESE
PENN DAVID FREY
ANDREW JAMES FRIE
ERNEST PAUL FUCHS, JR.
SCOT ALAN FUHRMAN
KEVIN MICHAEL FURR
THOMAS JOSEPH GAFFNEY
STEVEN EUGENE GALL
DANIEL LAWRENCE GARCIA
JOHN ROBERT GARCIA
RUBEN MARTIAS GARCIA
EPHRAIM SPENCER GARRETT, IV
STUART SCOTT GAUDET
GLENN ROBERT GAY
DAVID MARK GEBHARDT
DOUGLAS KEITH GELBACH
DAVID VINCENT GENTILE
MICHAEL WAYNE GEORGE
THOMAS FERVIER GEORGE
NICOLAS JOHN GERACE
MICHAEL JOSEPH GIEDRAITIS
CORNELIUS WARD GILES
LAWRENCE EDWARD GLOSS
CURTIS HENRY GOETSCH
KEITH ALLEN GOETZ
EDWARD AARON GOMEZ
THOMAS CHRISTOPHER GOMEZ
KEVIN GREGORY GONTER
RICARDO MIGUEL GONZALEZ
MARK WILLARD GOODWIN
FREDERICK JOHN GOSEBRINK, III
DONALD EUGENE GRADY, JR.
BRYAN PAUL GRAHAM
SCOTT FRANKLIN GRANGER
MAXIMILIAN ANTONY GRANT
ROBERT RAY GRASSE
JAMES DANIEL GRASSEY
CARL DAVID GRAVES
STEVEN MITCHELL GRAVES
JAMES LEE GRAY, JR.
ROBERT KENDRICK GRAY
ROGER SHERALD GRAYSON, IV
EDGAR ALEXANDER GREEN, III
ANDREW JON GREENE
MICHAEL RODNEY GREENE
ALAN MORGAN GREENWOOD
DAVID ANTHONY GREER
LISA RENE GREGORY
ERIC JOSEPH GRESIA
SEAN DESMOND GRIFFIN
EDWARD CLYDE GRINNELL
WILLIAM MAYFIELD GROSS
MICHAEL HIRO GUERRERA
THOMAS KEVIN GUERRERO
MARK BENNETT GUEVARRA
BRIAN KENT GUMMIN
STEPHEN GUTOSKY
MILTON KENNETH GUZMAN
DANIEL JAMES HAAS
MARK ALAN HADEN
MARK LENZ HAGENLOCHER
JEFFREY JOSEPH HAHN
MARK GERARD HAKUN
FRANCIS XAVIER HALL
FREDRICK SPENCER HALL, III
MYRON LOUIS HALL
JOHN SCOTT HALLENBERG, JR.
DAVID DANIEL HALLISEY
ROBERT CURTIS HAMILTON
SEAN MICHAEL HAMILTON
STUART EMERSON HAMILTON
MICHAEL JAMES HAMMOND
BRIAN MICHAEL HARE
CHRISTOPHER LEE HARKINS
JAMES ELIOT HARLAN
WENENA KERR HARMAN
ROBERT SCOTT HARRILL
CORDEL WENDELL HARRIS
STEPHEN CHARLES HASSELL
KURT BLAIR HAUER
JAMES DAVID HAWKINS, II
JOHN FRANCIS HAWLEY
CHARLES KEVIN HEAD
TIMOTHY BEARD HEATHERINGTON
DANIEL JAMES HEBERT
ANDREW JOHN HEINO
DONALD RAY HENSLEY, JR.
BRADLEY GERARD HERMSEN
MARK ANTHONY HERNANDEZ
RICHARD JOSEPH HERNANDEZ
FRED KARL HERRMANN
LAWRENCE JOSEPH HERTZOG
TODD WILLIAM HANSO HICKERSON
ANDREW LEONARD HICKS
TODD EDWARD HIETT
DANIEL JOSEPH HIGGINS
JAMES WAHID HIKMAT, JR.
LESLIE MARIE HILL
SANDRA MARIE HILL
PAMELA LEE HILTON
WILLIAM WARFIELD HISCOCK
GREGORY DAVID HITCHAN
DAVID MICHAEL HITCHCOCK
TUCKER SLOCUM HITE
DAVID ALEXANDER HITT
WILLIAM RUSSELL HITTINGER
WILLIAM WALTER HOBAN
MICHAEL PATRICK HODGES
CHRISTOPHER EARL HODSDEN
DAVID JOHN HOFF
MICHAEL JOSEPH HOGAN
TIMOTHY EDWARD HOKE
THOMAS ANDREW HOLE
DONALD GEORGE HOLL, JR.
ROBERT W. HONEYCUTT, JR.
CYNTHIA JOELLEN HOOKER
JON STEVEN HOOPER
ROBERT WILLIAM HOOPER
JAMES EDWIN HORTEN
MICHAEL JOHN HOSKEN
ANDREW GERARD HOWELL
CHARLES ROBERT HOWSARE
DONALD SCOTT HUGHES
DOUGLAS CLARK HULL
TREVOR CLAY HUNLEY
JERRY PAUL HUPP
JONATHAN RICHARD HUPP
DANIEL JOHN HURDLE
CURTIS MICHAEL IRBY
ROGER GEROME ISOM
MARY MARCELLA JACKSON
ROBERT CHRISTOPHER JACKSON
MICHAEL THEODORE JAMES
RUDOLPH MICHAEL JANICZEK
WARREN HAMILTON JERNIGAN, II
BRUCE ALAN JOBE
MARGARET MAVOURNEEN JOCKEL
ANDREW SCOTT JOHNSON
JAMES LAWRENCE JOHNSON
JONATHAN EDWARD JOHNSON
LELAND BARRY JOHNSON
DOUGLAS ALAN JONES
EARL FRANKLIN JONES, III
GREGORY ALLAN JONES
JAMES ALAN JONES, JR.
MARK WILSON JONES
MICHAEL CHRISTOPHER JONES
KURT WILLIAM JUENGLING
NEIL RICHARD JURKOVIC
RICHARD WILLIAM KAMMANN, JR.
COLIN PATRICK KANE
KEITH RANDOLPH KANS
CHRISTOPHER KARP
JOHN MICHAEL KASUDA
HOPE KATCHARIAN
DAVID LAWRENCE KAUFMAN
WESLEY BRENT KAUFMAN
SHANNON EDWIN KAWANE
TIMOTHY PATRICK KEEFE
COREY EARL KEEHN
JOHN JOSEPH KEELING
ROBERT WAYNE KELLOGG
ANASTASIA KELLY
DALE AVRIL KELLY
SCOTT KERR KELLY
JUDY LYNN KEMPISTY
JEFFERY ALAN KENDRICK
CHRISTOPHER XAVIER KENNEDY
PIERRE ROBERT KENNEDY
JOHN ERIC KENNINGTON
JOSEPH PATRICK KERSTIENS
TODD ALAN KIEFER
STEPHEN GENE KIM
CHRISTOPHER MICHAEL KING
RONALD JOHN KINN
SCOTT LAWRENCE KISCH
THOMAS KOLOMAN KISS
KEVIN KERMIT KITTS
MAURICE JOHN KLEIN, III
KYLE DUANE KLIEWER
SCOTT JOHN KNOX
ERIK JOHN KNUTILA
DANIEL JOHN KOERSCHNER
GREGORY JENNINGS KOLCUM
CARL JOHN KOLEK
RICHARD ATSUHIKO KONDO
CHRISTOPHER ALLEN KORN
ERNEST PETER KOTSOS
LINDSAY THOMAS KOUGH
MICHAEL JUDGE KRAFT
DANIEL LYMAN KRAMER
KENNETH JAMES KRISTENSEN
JOHN KROPCHO, III
KATHLEEN ANN KUBISKE
ERIC GREGORY KUKANICH
TIMOTHY MICHAEL KUNKEL
MARK ERIC KUTSCHER
ERIC ARMSTRONG LAING, II
JAMES PALMER LAINGEN
JAMES ARTHUR LAKES
GREGORY CHESTER LAMB
MARK ANTHONY LAMCZYK
STEVE WADE LANDESS
JAMES JOSEPH LANDON
JAMES EDWARD LANOUE
MICHAEL MEARNS LANTERMAN
CHRISTOPHER JOHN LAPENNA
JOSEPH FRANK LASALA
SUSAN MARY LAUFENBERG
MICHELLE JOAN LAURENZANO
MICHAEL SEAN LEARY
SEAN DENNIS LEARY
MATTHEW WALTER LECLAIR
PAUL CLINTON LEHMAN, JR.
GREGG DANIEL LEHOCKY
MICHAEL JAMES LEIDINGER
JOHN STEPHEN LEMMON
WILLIAM TREVOR LENNARD
MARK ARTHUR LEVETT
PAUL LEO LHOTE
JACK CAGLE LIKENS, JR.
JEFFERY LEWIS LIMLE
PETER THOMAS LIMOGE
TODD MATTHEW LIPANI
PATRICIA ANN LIPOMA
CHARLES EVAN LITCHFIELD
CHARLES WILLIAM LOCHARD, JR.
REBECCA ELLEN LONIGAN
DAVID MICHAEL LOPEZ
CHRISTOPHER JOHN LORD
STEPHEN EDWARD LORENTZEN
MARK PAUL LOTZE
MICHAEL ROBERT LOWE
SCOTT FOSTER LOWRY
DAVID JAMES LUCCHESI
RODNEY KEVIN LUCK
ANTHONY JOHN LUDOVICI
MARK ANDREW LUTA
DAVID CHARLES LYLE
JOSEPH FRANCIS LYONS
MICHAEL JOHN MA
WILLIAM ANTHONY MACCHIONE
TODD J. MACDONALD
DAVID BRIAN MADIGAN
WILLIAM GRANT MAGER
MARK PRESCOTT MAGLIN
JAMES RICHARD MAGUIRE
JOSEPH ROBERT MAGUIRE
MICHAEL DAVID MAHANEY
MICHAEL FRANCIS MAJEWSKI
LUIS AHMAD MALDONADO
FREDERIC WILLIAM MALEK
DENNIS ANDREW MALONEY
CHARISSE MARIA MANN
SCOTT FLETCHER MANNING
THOMAS CRELLIN MANNING
GREGORY BEN MARBACH
ENRIQUE FRANCISCO MARCHESE, JR.
MICHAEL JOHN MARCHILDON
JOHN MICHAEL MARES
JEFFREY ALLEN MARGRAF
CHARLES BAREND MARKS, III
CHRISTOPHER TIMOTHY MARR
PAUL GERALD MARTEL
ERIN EILEEN MARTIN
GREGG WILLIAM MARTIN
RANDALL HAROLD MARTIN
HENRY NICHOLAS MARXEN, III
KEITH ANDREW MASTERSON
SANJAY DAYAL MATHUR
JASON RICHARD MATIC
JAMES ALLEN MATTHEWS
TIMOTHY EDMUND MATTISON
DAVID WAYNE MAXWELL
FRANK EDWIN MAYS
ANTHONY JOSEPH MAZZEO
GEORGE ALBERT MAZZOLI
SEAN PATRICK MCBRIDE
CRAIG ARTHUR MCCARTER
LINI MCCARTHY
THOMAS RAYMOND MCCARTHY, JR.
ANDREW PATRICK MCCARTIN
SCOTT ALAN MCCLURE
MICHAEL PATRICK MCCONNELL
LAWRENCE OWEN MCDONNELL
PERRY LEWIS MCDOWELL
PAUL RAYMOND MCGOWAN
TIMOTHY MICHAEL MCGOWAN
JAMES FRANCIS MCGRATH
RICHARD BRIAN MCGRATH
JOHN KEVIN MCINERNEY
DONALD CLOPTON MCKAY, III
THOMAS EDWARD MCKEAN
DENNIS JAMES MCKELVEY
JAMES FREDERICK MCKENNA, JR.
ROBERT TIGNER MCKENNEY, JR.
JOHN ELUWENE MCKEON
MATTHEW MCKIERNAN, JR.
ROBERT ADALBERT MCLAUCHLAN, III
MICHAEL VINCENT MCMAHON
TAURIA BETH MCMILLAN
GEORGE DANIEL MEEHAN
JOHN MICHAEL MEIGHAN, III
THOMAS JOHN MELNICK
DARRYL COREY MELTON
MARK EUGENE MERCER
MICHELLE LYNN MERIA
LIAM PATRICK MERRICK
DANIEL OBRIEN MERRILL

SARAH MARY MICHAEL
THERESA CATHERINE MICHAL
DOMENICK MICILLO, JR.
ALAN ROBERT MILLER, JR.
CRAIG MARTIN MILLER
KEITH EDWARD MILLER
KURT FREDERICK MILLER
MARK ALAN MILLER
ROBERT JONATHAN MILLER
RUTH ANN MILLER
WILLIAM CHARLES MILLER, JR.
MARSHALL GEARY MILLETT
RODNEY ALAN MILLS
MICHAEL GEORGE MILO
SCOTT ANTHONY MINIUM
ALLEN ORMOND MITCHELL
DOUGLAS JOHN MOBERG
HARRY MONROE, IV
BRYAN GREGORY MONTEITH
RICHARD THOMAS MONTGOMERY
JAMISON CURRIER MOORE
JOHN ERIC MOORE
FREDERICO ORLANDO MORALES
JOSEPH MARK MORALEZ
MICHAEL FRANCIS MORAN
TERENCE BREFFNI MORAN
BRUCE JAMES MORRIS
MICHAEL CHRISTIAN MORRIS
SCOTT DAVID MORRISSEY
ADRIAEN MEREDITH MORSE, JR.
CHRISTOPHER SCOTT MOSHER
MARK JON MOURISKI
ANDREW BERNHARD MUECK
KENT KELLY MUILENBURG
TOAALE SUIAVA MULITAUAOPELE, JR.
BRADLEY SCOTT MULLEN
JEFFREY SCOTT MULLER
PAUL LAWRENCE MULLER
DANIEL WILLIAM MULLIGAN
MICHAEL JOAQUIN MUNOZ, JR.
YOSHIYUKI CHARLIE MURAKI
DONNA PATRICIA MURPHY
DOUGLAS MATTHEW MURPHY
PATRICK JOSEPH MURRAY
MICHAEL ANDREW MUSSER
KEVIN MICHEAL MYERS
ERIK ARVID MYHRE
GREGG MUSASHI NAKANO
JEFFREY THOMAS NAPOLIELLO
GALEN ROBERT NEGAARD
CHRISTOPHER NOEL NEUGEBAUER
MICHAEL STONE NEWMAN
DAVID HARWOOD NEWTON
JOHN JOSEPH NOBERS
JEREMY JAY NOONAN
TIMOTHY RAYMOND NOONAN
CHRISTIAN JENS NORDLIE
JAMES PATRICK OBRIEN
JOHN FRANCIS OBRIEN
KERRY MAUREEN OCONNOR
ROBERT DANIEL OCONNOR
TODD MICHAEL ODEGAARD
JACK ERWIN ODONNEL, JR.
BRIAN PATRICK ODONNELL
EDWARD CHARLES OLSHAW
DARREN MONTGOMERY OLSON
LYNN GERISE ONEIL
PEGEEN MARIE ONEIL
DEAN HERBERT ORVIS
JUAN CARLOS OSORNO
MICHAEL FRANCIS OTT, JR.
JAMES KENT OWENS
DONALD HENRY PACKARD, III
GEORGE BRUCE PALMER, IV
JEFFREY KENNETH PALMER
MICHAEL SHELTON PARISH, II
WILLIAM DAVID PARK
KENNETH MICHAEL PASCAL
LORENE EILEEN PAULSEN
CHRISTOPHER JOHN PAYTON
HOWARD PAYTON, JR.
MARIA LIBUSE PECHACEK
THEODORE ALLEN PECK
BENJAMIN BRAMAN PEET
GLENN WILLIAM PENDRICK
BLAINE STANLEY PENNYPACKER
SHAWN LEE PENROD
PAUL ANTHONY PENSABENE
ALBERT DAN PERPUSE
ROBERT ALFRED PESCATORE
GARY CHARLES PETERS
CARL WILLIAM PETERSON, JR.
SCOTT THOMAS PETERSON
NEIL ARNOLD PETTIGREW
TIMOTHY LLOYD PFEIFER
BARRY JAY PHILLIPS
CHRISTOPHER THOMAS PHILLIPS
JOSEPH PHIL PHILLIPS
THOMAS FREDERICK PIETKIEWICZ
SEAN PATRICK PLANKEY
WILLIAM H. PLEMENOS
WILLIAM GEORGE PLOTT
JOHN EDWARD PODOLAK, JR.
ROBERT PATRICK POELLNITZ
BRANDEE LORRAINE POLOWY
ILYA ALEXEY POLUEKTOV
STEVEN ELIOT PONTELL
PATRICK JAMES PORTER
MARILOU POTENZA
KAREN BETH POVLOCK
KEEHLN BAIN POWELL
CASSONDRA LASHA PREER
BRITAIN TALBOT PRICE
ROBERT DURWARD PRIDGEN
JAMES ALBERT PROTIN
GEORGE GERARD PUKACH
PAUL EDWARD PULLIN
CYNTHIA LYNN PUTZBACK
MICHAEL PAUL QUALEY, JR.
GRETCHEN ANNE QUASEBARTH
DESMOND PAUL QUIGLEY
MICHAEL JOHN QUILTY
JON CHRISTOPHER QUIMPO
TIMOTHY WILLIAM QUINN
WARD VINCENT QUINN
RICHARD CAREY QUINTAL
CHRISTOPHER JOHN RACKOW
RAMON ROXAS RAMIL
ANDREW GEORGE RANDER
STEVEN ROSS RASMUSSEN
BRIAN ALBERT RATHJEN
JEFFREY MICHAEL REAGAN
CLIFF DUANE REES
TIMOTHY WILLIAM REICHER
SEAN FREDERICK REID
SCOTT EDWARD REIN
ERIC JOHN REINHOLD
AUSTIN EUGENE RENFORTH
MARK JOHN RETZLOFF
JOHN HENRY REUTER
VINCENT LUIS REYES
CLAUDE EDWARD RICHARDSON
ROSALIND JEANETTE RICHMOND
STEPHEN CHARLES RIFE
JUAN PEDRO RIVERA
DAVID JOHN ROBILLARD
CHRISTOPHER STEVEN ROBINSON
ROBBY LEE ROBINSON
PAUL JOSEPH ROCK, JR.
RICHARD ANTHONY RODRIGUEZ
DAVID JAMES ROGERS
NANCY LORRAINE ROGERS
SCOTT WILLIAM ROGERS
THOMAS EUGENE ROGERS
DAVID DOMENICK ROMBERGER
KERRY ELIZABETH ROMIG
JOHN ANTHONY ROMINES
RICHARD THOMPSON ROMO
MICHAEL JEFFREY ROSE
JASON JAMES ROSS
JOHN RILEY ROSS, III
KEVIN JOSEPH ROSS
DANIEL MARK ROSSER
JAMES MICHAEL ROSSI
JOSE ELOY ROSSY
GREGORY WILLIAM ROUILLARD
DENISE MARIE RUPP
ERIC CHRISTOPHER RUTTENBERG
DEAN ALBERT SACERDOTE
SARA MAGDALENA SALAS
TIMOTHY MATTHEW SALMON
JACK DENE SALYERS, II
MICHAEL DAVID SAMUELSON
EDUARDO SANDOVAL
STEPHEN GREGORY SANDOVAL
JOHN THOMAS SANTOSALVO
JAMES CARL SARFERT
TROY SAUNDERS
GREGORY PAUL SAUTER
ERIC JOHN SAVAGE
PAUL EDWARD SAVAGE
SAMUEL THOMAS SCAFFO
MARK FRANCIS SCANLON
COLLIN WILLIAM SCHAFFER
CHRISTOPHER FRANCIS SCHAIER
ROBERT DONALD SCHASEL
DANIEL JOHN SCHEBLER
TIMOTHY RICHARD SCHICK
FREDERICK ANTHONY SCHLUETER
ANNETTE DEL CARMEN SCHLUTERMANN
WILLIAM JOSEPH SCHMITT, JR.
THOMAS MICHAEL SCHRANTZ
DOUGLAS RHEA SCHUELER
JOHN CARL SCHULTE
MICHAEL BRUCE SCHULTZ
JAMES STEVEN SCHWAB
RICHARD SCHWARZ
RICHARD EARL SCOTT
ZACHARY MICHAEL SCRUTON
WILLIAM BEN SEAMAN, JR.
JUAN IGNACIO SEGOVIA
RONALD GEORGE SEITS
FRED JOHN SEVERSON
ELIZABETH JANE SHAFFER
DAVID BRIAN SHANES
JOHN JOSEPH SHANLEY, III
ERIC JOSEPH SHARPE
ANDREW LOUIS SHAW
JEFFREY STEPHEN SHEEDY
BARRY KENNETH SHELTON
DAVID ALLEN SHELTON
DAVID MARSHALL SHELVER
GREGORY ROBERT SHIMP
SCOTT ROBERT SHIRE
ROBIN DEXTER SHOOP, III
PETER ELDON SHUMWAY
RICHARD PAUL SILVA
JON CHARLES SILVEY
ROBERT FRANCIS SIMI, JR.
GREGORY LANIER SIMMONS
DAVID UDELL SIMON
CHRISTOPHER JAMES SIMONES
PAUL GLENN SIMPSON
ALAN TODD SITLINGER
WILLIAM THOMAS SKINNER
STEPHEN DOUGLAS SKLENKA
STEVEN DAVID SLADKY
RUSSELL EDWARD SLOOP
CHARLES MAHSELL SMITH
DARRYL LEVERNE SMITH
DESMOND NOEL SMITH, JR.
JED CHARLES SMITH
JESSE DEREK SMITH, JR.
JON ARTHUR SMITH
JOSEPH ERIC SMITH
RONALD ANDREW SMITH
THOMAS ANDREW SMITH
THOMAS PETER SMITH, JR.
MICHAEL WILLIAM SNEATH
CHRISTOPHER BRADFORD SNYDER
FRANK ALEXANDER SNYDER
DOMINIQUE EMILIO SOAVE
STEPHEN PHILLIP SOBIESKI
MARK HOIN SONG
LORI LYNN SOROKATCH
ROBERT CURTIS SPARROCK
JOSEPH BRIAN SPEGELE
JAMES HUGH SPENCE, IV
WESLEY WILLIAM SPENCE
JOHN GALLAGHER SPRENGER
KENNETH REACE SPURLOCK
PAUL ANTHONY STADER
GRETCHEN CAROL STAGE
BRUCE ALLEN STANFILL
DOUGLAS ORA HOWARD STANFORD
RONALD FREEMAN STARTZEL, JR.
ROBERT ALLEN STATEN
PATRICK RICHARD STEELE
MICHAEL BRENT STEINBACH
TRUMAN STEPHENS, JR.
GRANT BOEHLER STEPHENSON
JAMES CLIFFORD STEWART
JAMES JAY STEWART
WILLIAM JAMES STITES, JR.
ANDRE EDWARD STOKES
JERRY KENNETH STOKES
EDWARD JOHN STRASSER, III
GREGORY WAYNE STRAUSER
BRIAN EDWARD STREET
LARRY WAYNE STRIMPLE, II
LAURA SUZANNE STROMAN
ROBERT WILLIAM STRONG
STEVEN DOUGLAS STUCK
DAVID PATRICK STUDER, JR.
WILLIAM HAROLD SUGGS, JR.
BERNARD ANTHONY SULLIVAN
WESLEY INNES SUMMERS
ROBERT LEE SUNDERLAND
JON ERIK SWANSON
DAVID NEIL SWEEN
TIMOTHY SCHUYLER SWEET
WILLIAM BENJAMEN SWENT
MARSHALL LLOYD SWOR
JAMES STEPHEN SZERBA
MICHAEL ELDRIDGE TABB
ROBERT WYNNE TAMARO
HAMPTON HOLLIS TANNER
MICHAEL DAVID TANNER
WHITNEY GORDON TANTLEFF
WILLIAM DAVID TAYLOR
THOMAS WILLIAM TEMPLE
JAMES LAWRENCE THIEN
ANTHONY L. THOME
JEREMY STEWART THOMPSON
JACK JOSEPH THOMSEN
JOHN DANE THORLEIFSON
STEVEN CRAIG THORNE
ROBERT FRANCIS THORNHILL, JR.
PAUL LEONARD TIEDE
STEVEN LEE TIEDEMANN
THOMAS ANDREW TIPPETT
WILLIAM EDWARD TOBIN, JR.
ROBERT BRIAN TOMIAK
MAUREEN KATHERINE TOOHEY
KATHLEEN MARY TOOMEY
ROBERT PARRIS TORTORA
STEVEN CHARLES TOWNSEND
JAMES FRANCIS TRAA
JOHN MICHAEL TRAMONT
NHUT QUANG TRAN
OWEN MACPHERSON TRAVIS
BRADDOCK WILLIAM TREADWAY
MATTHEW THOMAS TREASTER
STEVEN EUGENE TRENT
JOHN CARL TREUTLER
CHRISTOPHER FRANKLIN TRIGG
THOMAS GEORGE TROTTER
DOUGLAS ALLEN TUCKER
TIMOTHY PATRICK TUMELTY
DEAN WLADISLAW TURCZYN
GEORGE WASHINGTON TURNER
THOMAS EDWARD TURNER
PATRICIA ANNE TURNEY
JOHN JAY TWIBELL
KEVIN ROBERT UMBAUGH
CRAIG DAVID UNION
RICHARD CURTIS VAILL
DAVID RAY VALADEZ, III
MICHAEL JOHN VALAIK
BENEDICT JOSE BUSTOS VALECRUZ
DEAN FRANCIS VALENTINE
GORDON SCOTT VALENTINE
KURT ANDREW VANETTEN
ALAN WILFORD VANLOON
BRIAN MATTHEW VANNORMAN
GEORGE JOHN VASSILAKIS

TODD CARLTON VAUPEL
EDWIN GALANTIN VEAZEY
ERIC MICHAEL VEIT
MICHAEL HARRISON VELTRE
CHRISTOPHER JAMES VERDONI
THOMAS JAMES VICTORY
ANTHONY ASTILERO VILLANUEVA
DAVID ELIAS VILLARREAL
JAMES ALEXANDER VOHR
LAWRENCE AUSTIN WADFORD
ERICH JOSEPH WAHL
SCOTT JACOB WAIDELICH
COLLEEN MICHIKO WALKER
VERNON LAVELL WALLACE
DENNIS JOSEPH WALSH, JR.
ANDREW DRYDEN WANNAMAKER
THOMAS EMIL WARNER, JR.
CHRISTOPHER DEAN WARREN
SCOTT WILLIAM WASSEL
ANDREW THOMAS WATERS
CHADWICK KINGSLEY WATSON
JOHN STEPHEN MCRAE WATSON
ANNE ELIZABETH WATT
DONALD MARION WAYMIRE, JR.
ROBERT EARL WEBB, JR.
ERIC FIRDAUS WEILENMAN
ALEXANDER MILES WEINER
MICHAEL WEINSTEIN
ERIC WERNER WEISEL
DAVID PATRICK WELLS
BERNARD RAYMOND WERNER
MARK MEADORS WESLEY
BRIAN KEITH WEST
JEFFREY RAYMOND WEST
KEVIN JOSEPH WHEARTY
MALCOLM SCOTT WHEATLEY
DAVID MICHAEL WHEELER
WILLIAM WANDLE WHEELER, III
JOSEPH SCOTT WHITAKER
THOMAS EDWARD WHITE
WENDI LEE WHITE
GERALD ANDREW WHITMAN, JR.
DANIEL RICHARD WHITNEY
ANDREW FARLLING WICKARD
DANIEL BRENT WIDDIS
STEVEN JEROME WIEMAN
MARK STEVEN WIERMAN
DIANE RAE WIGGINS
GREGORY JOHN WILD
FORD ALAN WILLIAMS
GLENN NEIL WILLIAMS
GREGORY SCOTT WILLIAMS
JEFFREY ROBERT WILLIAMS
KIRK ANDREW WILLIAMS
THOMAS MAYO WILLIAMS
VARANDA KELITA WILLIAMS
JON ALBERT WILLS
MICHAEL JAMES WILMOT, JR.
ERIN AYLIFFE WILSON
SCOTT ERIC WILSON
RONNIE CRAIG WINCE
HENRY HOLMES WINGATE
HARRY MATTHEW WINGO, JR.
LOREN LOIS WISNIEWSKI
CURTIS ALAN WOLD
LESTER MARION WOLF
JAMES AARON WOLTERS, II
DAVID LYNN WOODBURY
CLARKE MICHAEL WOODFIN
CHET HILBURN WOOLLEY
SHANNON LEE WORKMAN
ANTHONE RAYNELL WRIGHT
DONALD ALEXANDER WRIGHT, IV
ERIK CHARLES WRIGHT
MATICE JEANEAN WRIGHT
ERIC RE WYATT
MICHAEL MASON YANCEY
PETER JOHN YANNAKAKIS
TIMOTHY PATRICK YANUCIL
JOHN TY YANVARY
JAMES HENRY YEE
HAROLD STEPHFON YELDELL
JOHN DAVIS YORK
TRAVIS DANE ZACH
KEVIN MICHAEL ZACHERY
JOHN EDWARD ZEBERLEIN
JOSEPH ANTHONY ZEBROWSKI, JR.
KENNETH ZIELECK
JOHN DAVID ZIMMERMAN
MICHAEL TONE ZIMMERMAN, II
JAMES ANTHONY ZITO
THOMAS JOHN ZOHLEN
THOMAS ANDREW ZWOLFER

IN THE NAVY

THE FOLLOWING-NAMED NAVAL RESERVE OFFICERS TRAINING CORPS CANDIDATES TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

NAVAL RESERVE OFFICERS TRAINING CORPS, USN

*To be ensign; permanent*

TODD A. ABLER
CRAIG J. ABOUCHAR
KARLA M. ABREU
GEORGE H. ACEVEDO
PAUL W. ACKER
LYNN M. ADAM
CHRISTOPHER A. ADAMS
DANIEL L. ADAMS
WILLIAM H. ADAMS
PETER W. AGUILAR
HUGH D. AHN
WILLIAM H. AHRENS
WAYNE M. AIELLO
KACY W. AINSWORTH
THOMAS C. ALAKSA
ANGELA D. ALBERGOTTIE
GREGORY M. ALBERTSON
DENNIS M. ALBRECHT
GREGORY J. ALCORN
MARLON R. ALDRIDGE
KELLY P. ALEXANDER
RICHARD D. ALEXANDER
JOHN T. ALFORD, JR.
TOMAS A. ALKSNINIS
STEPHEN F. ALLARD
JOHN M. ALLEN
JOSEF D. ALLEN
STEVEN B. ALLEN
WAYNE L. ALLEN
LEE K. ALLRED
JOHN M. ALMER
KEVIN L. ALVIS
ROBERT A. AMANN, JR.
TONY L. AMMONS, JR.
PAUL S. AMONS
BRIAN L. ANDERSON
DOUGLAS J. ANDERSON
MARK K. ANDERSON
ROBERT J. ANDERSON
VINCENT D. ANDERSON
FRANCIS D. ANDRES, JR.
MARK D. ANDRESS
ALLAN D. ANDREW
DARRELL S. ANDREWS
MICHELE R. ANDREWS
LAWRENCE A. ANGEL
RODERICK R. ANNET
BRYAN H. ANSCHUETZ
PAUL M. AOKI
PETER E. APERLO
GREGORY A. ARCHIBALD
JOSEPH P. ARELLANO
BRYAN E. AREMAN
JOHN C. ARMERDING
SCOTT E. ARNOLD
TIMOTHY ARRINGTON
SAMUEL W. ASBURY
MICHAEL D. ATKINSON
NILS P. AULISIO
GARY R. AUSTIN
MARK T. AVALLONE
ROGER A. AVATS
ALAN J. AVERHOFF
LAWRENCE P. AVERSANO
BRIAN H. AVERYT
DWIGHT A. AYLES
TERRENCE W. AYLESWORTH
CHARLES J. BABCOCK
GEORGE L. BABKA
BRUCE G. BACHAND
EDWARD S. BACON
EMMANUEL S. BAGNAS
BRADLEY W. BAILEY
SCOTT M. BAILEY
STEWART J. BAILY
ANDREW P. BAKER
JOHN C. BAKER
LYNN R. BAKER, III
TIMOTHY H. BAKER
ANDREW W. BALCH
LORENZO G. BALDWIN
ERIK L. BALLINGER
THOMAS P. BALLINGER
ERIC E. BALOW
DANIEL T. BANGS
CRAIG P. BARDEN
MAURICE D. BARKER
ALAN R. BARKMAN
ANDREW P. BARLOW
DANIEL J. BARNABA
DANNY T. BARNES
MICHAEL S. BARNOVITZ
MICHAEL F. BARR
JEFFERY S. BARRATT
MICHAEL R. BARRETT
JEFFREY B. BARRON
JEFFREY B. BARTA
MANUEL C. BARTHELEMY
BRETT M. BARTHOLOMAUS
NILES E. BARTHOLOMEW
STUART A. BARTOSH
JOSEPH J. BASISTA
DAVID J. BASLER
EDWARD BASQUILL
KENNETH D. BASSLER
BENJAMIN G. BATES
JEFFREY R. BATSON
MICKEY S. BATSON
CHARLES J. BATTLE
THOMAS BAU
MATTHEW W. BAUER
MATTHEW C. BAUGHER
BRIAN G. BAULIER
GLENN E. BAUTISTA
JOSEPH L. BAXTER
BENITO E. BAYLOSIS
STEPHEN M. BAYSE
DOUGLAS R. BEACH
MERLIN E. BEATTY, JR.
CRAIG A. BEAUDOIN
WILLIAM J. BECKER
KYLE B. BECKMAN
SCOTT L. BEDGOOD
ROBERT W. BELCHER
JOSUE M. BELLINGER
JOSEPH C. BELTON
AUGUSTUS P. BENNETT
DANIEL E. BENNETT
SCOTT A. BENNETT
MICHAEL L. BENTON
WILLIAM D. BERGER
JOHN D. BERGIN
KENNETH G. BERGMAN
CHARLES L. BERRY, III
KIMBERLY A. BERRY
CHRISTIAN A. BESSEY
MATTHEW A. BEST
HUGH J. BETTENDORF
MICHAEL BEVACQUA
AVERY A. BEVIN
MARK A. BEYER
ANDREW D. BIANCA
GEOFFREY B. BICKFORD
TIMOTHY D. BIENLIEN
GREGORY A. BIERSACK
JOHN A. BINGER
MICHAEL L. BINNING
MATTHEW R. BIONDI
STEVEN J. BIOREN
ERIKA C. BIRG
JAMES P. BIRT
SCOTT R. BISCHOFF
GEOFFREY J. BISSELL
TODD D. BJORKLUND
JONATHAN D. BLACKER
RENELL D. BLACKWELL
DAVID A. BLACKWOOD
CHARLES R. BLAIR
DAVID I. BLAIR
DONALD L. BLAIR, JR.
DONOVON F. BLAKE
SCOTT R. BLAKE
LEE A. BLAKELY
PHILLIP H. BLANK
KIRBY W. BOCK
NOEL R. BOEKE
CAROLYN R. BOGGS
ROGER F. BOISSE
CHARLES D. BOLAR
KEVIN G. BOLES
WAYNE D. BOLL
DAVID A. BOLTON
MICHAEL W. BOND
TODD W. BONE
COREY K. BONNELL
DWAYNE M. BOONE
KAREL H. BOONZAAYER
ANDREW J. BOOTH
WILLIAM N. BOOTH
CHRISTOPHER J. BOOVA
ALISTAIR BORCHERT
JOHN K. BORDELON
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